The interview in this matter was held at the Senate Dirksen Building, Hearing Room 226, commencing at 10:04 a.m.
APPEARANCES:

SENATE JUDICIARY COMMITTEE:

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ARTHUR RADFORD BAKER, ESQ.
Senior Investigative Counsel

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Committee Chairman

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Chief Counsel to Chairman Graham

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Staff Director & Chief Counsel

FOR THE WITNESS:

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On behalf of the Department of Justice:

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EXHIBITS

OHR EXHIBIT NO. MARKED

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MR. SOMERS: Good morning. This is a transcribed interview of Bruce Ohr. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee into matters related to the Justice Department's and the Federal Bureau of Investigation's handling of the Crossfire Hurricane investigation, including applications for and renewals of the Foreign Intelligence Surveillance Act warrant on Carter Page.

Would the witness please state your name and current position at the Justice Department for the record.

THE WITNESS: Good morning. Bruce Ohr. I am senior counsel with the Office of International Affairs, Criminal Division, Department of Justice.

MR. SOMERS: Thank you.

On behalf of Chairman Graham, I want to thank you for appearing today and we appreciate your willingness to appear voluntarily.

My name is Zachary Somers. I'm the Majority chief investigative counsel to the Committee. I would now like to ask everyone that's here in the room, other than your personal counsel, to introduce themselves for the record.

MR. BAKER: Arthur Baker, senior investigative counsel for the Majority staff and Senator Graham, chairman.
MR. HASKELL: Alex Haskell, counsel for the Minority staff and Ranking Member Feinstein.

MS. ZDEB: Sara Zdeb, senior counsel for the Minority staff, and we're also expecting Heather Sawyer, Senator Feinstein's chief counsel.

MR. HOLMES: I'm Lee Holmes, Chairman Graham's chief counsel.

MS. HEKMAN: Rebecca Hekman for Bruce Ohr.

MR. FINDLAY: Patrick Findlay, U.S. Department of Justice.

MR. BERMAN: Josh Berman, counsel for Bruce Ohr.

[Redacted]: [Redacted], assistant general counsel, Federal Bureau of Investigation.

[Redacted]: [Redacted], senior counsel, U.S. Department of Justice.

[Redacted]: [Redacted], counsel for Department of Justice Legislative Affairs.

MR. SOMERS: Thank you.

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

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

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

As I noted earlier, you are appearing voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that you decline to answer our questions or counsel instructs you not to answer, we will consider whether a subpoena is necessary.

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

Do you understand that?

THE WITNESS: Yes.

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

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

Would counsel please state his name for the record.

MR. BERMAN: Joshua Berman for the Clifford,
Thank you for the opportunity to be here. Thank you for the accommodation with my personal situation last Thursday to allow for us to be here this morning. I want to say thank you for that.

MR. SOMERS: No problem.

MR. BERMAN: Mr. Ohr is here to be 100 percent fully cooperative.

MR. SOMERS: Thank you.

We want you to answer our questions in the most complete and truthful manner as possible. So we will take our time. If you have any questions or if you don't understand one of our questions, please let us know.

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

You should also understand, although this interview is not under oath, you are required by law to answers questions of Congress truthfully. Do you understand that?
THE WITNESS: Yes.

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

THE WITNESS: Yes.

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

THE WITNESS: Yes.

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

THE WITNESS: No.

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

That is the end of my preamble. Do you have any questions before we begin?

THE WITNESS: No.

MR. SOMERS: It's now 10:08. We'll begin our first round of questioning.

EXAMINATION BY COUNSEL FOR THE MAJORITY

BY MR. SOMERS:

Q. Mr. Ohr, have you had a chance to review all or
some of the IG's December 2019 report on the Crossfire
Hurricane investigation?

A. Yes.

Q. Other than your attorney and counsel for
the Department, have you consulted or spoken with anyone in
preparation for today's interview?

A. No.

Q. For the record, what was your position at
the Department from, roughly, July 30, 2016 until December
of 2017?

A. I was the director of OCDETF, the
Organized Crime Drug Enforcement Task Forces, and associate
deputy attorney general.

Q. Just in general, what were your
responsibilities for both of those positions?

A. Primarily, the oversight of all aspects of
the OCDETF program, so all the different things that OCDETF
does. It would take a lot to list them all.

As a ADAE in the AG's office, I, obviously, reported
on OCDETF and also served as a member of the Capital Case
Committee and I was, you know, director of the Attorney
General's Organized Crime Task Force.

Q. Did you have any responsibility for
counterintelligence in that position?

A. I did not, no.
BY MR. BAKER:

Q. I think we'll probably get to this in a second, but in any of those jobs that you have just listed, were you involved in any travel, foreign travel, on behalf of the Department of Justice?

A. Yes, I was.

Q. Would that have involved any -- my term -- police training or facilitating training seminars, meetings, seminars, for foreign law enforcement officials?

A. I don't recall if I did any training during that period. I had done so previously, certainly.

Q. What would the nature of your official travel with the Department have been?

A. Meetings with other foreign law enforcement officials, not necessarily training meetings. That's sort of in general.

Q. Just as a rough estimate, in the capacity that you occupied when you were doing travel, how much of your official work time would have been spent doing overseas travel?

A. Maybe 10 percent or something. It wasn't that frequent.

MR. BAKER: Okay. Thank you.

BY MR. SOMERS:

Q. So I take it you had some, obviously,
responsibility for crime, at least with OCDETF. You didn't have general responsibility within ODAG for the Criminal Division, crime in general; is that correct?

A. That's correct.

Q. Was there an associate in ODAG that had sort of the general criminal responsibility?

A. Yes, there was.

Q. Who was that?

A. I don't recall at during that time. I think it changed at times.

Q. Do you recall who in the Office of the Deputy Attorney General responsible for national security during this time period?

A. Tash Gauhar was responsible for national security at the time I was there.

Q. So part of your regular responsibilities in ODAG and with OCDETF, did you have regular contact with the FBI?

A. Yes, I did.

Q. How often was your contact with the FBI?

A. It's hard to say, probably a few times a week.

Q. And what did that -- what did that contact generally consist of?

A. It usually had to do with OCDETF matters,
issues with different strike forces, funding for particular investigations. I'm sure there were other things.

Q. Was this a combination of in person, on the phone, E-mail, etc.?
A. Yeah.

BY MR. BAKER:
Q. But the primary entity for the FBI that you were in official contact with was their OCDETF counterparts?
A. Yes, and their organized crime section.
Q. And would that have been OCDETF -- and I think I know where the organized crime section is. Where would OCDETF have in the FBI's organizational chart?
A. Most of the folks dealing with OCDETF matters at the FBI were in their what they call Transnational Organized Crime West section as opposed to Transnational Organized Crime East, which handled generally drug enforcement.
Q. Is that under their criminal division?
A. Yes.

MR. BAKER: Okay. Thank you.

BY MR. SOMERS:
Q. Is that what's referred to as the TOC East and West; Transnational Organized Crime was the abbreviation for those?
A. Yes.

Q. And you said you had more contact with TOC West than East?

A. During the time I was at OCDETF, probably more contact with TOC West, but I had contact with both.

Q. Was there one person in particular that you had the most contact who was like your counterpart at FBI or was it a diverse group of people?

A. Different people. I would talk with different people in those sections.

BY MR. BAKER:

Q. Is there any one person that you had a, well, friendship relationship with or that you had dealt with the longest that would be your go-to person if you needed to reach out to somebody over there?

A. The section chief of TOC East was someone who had been there a long time.

Q. And who was that?

A. Max Marker.

Q. Do you say Matt?

A. Max, Maxwell.

MR. BAKER: Okay.

BY MR. SOMERS:

Q. Now, apart from you, did ODAG have a usual contact at the FBI, someone that was kind of their liaison
to the FBI?

A. I'm sure there were several. Yes.

Q. But is there anyone in particular that was like, Hey, if I need to call DOJ, I call this person? Is there a person at ODAG or a particular section at ODAG?

A. From ODAG, they often would deal with the director and the deputy director's office. You know, there's all the different matters that came into the office. They would talk to different people.

Q. Now, during this time period, did you have contact with anyone in the National Security Branch just in general, not related to Crossfire Hurricane, during the time that you were in ODAG?

A. For the most part, no, not that I can remember.

Q. When was the last time you spoke or had any contact with Christopher Steele?

A. Fall of 2017, I believe. I don't remember the exact date.

Q. So he hasn't tried to reach out to you since then about anything?

A. No.

Q. You've sort of cut off all contact?

A. I haven't heard from him since then.
Q. What about anyone from his firm, Orbis?
A. No.
Q. Same question for Glenn Simpson, when was the last time you --
A. For who?
Q. Glenn Simpson. When was the last time you had contact with Glenn Simpson?
A. Oh, maybe before that, maybe January or February of 2017.
Q. So prior to the fall of 2017, it's pretty clear that you reported that you had regular contact with Christopher Steele over a number of years.
A. Yes.
Q. How frequent were those contacts?
A. For most of the time, it was maybe once a year or so. Obviously, there were more contacts in 2016 and 2017.
Q. Obviously, we all have ideas. Do you know why it is that Christopher Steele in particular cut off contact with you in the fall of 2017?
A. Beyond the obvious ones, I can't speculate.
Q. He never told you I'm not talking to you anymore?
A. Yeah.
Q. Glenn Simpson, prior to him cutting off contact with you in the beginning of 2017, did you have pretty regular contact with him as well?
A. No, not so much.
Q. How frequent was the contact with him?
A. A few times over the preceding 10 years or so.
Q. Have you spoken with anyone else or emailed or had any contact with anyone else from Fusion GPS since Glenn Simpson cut off contact with you?
A. I have not.
Q. Did you have regular contact with anyone at Fusion GPS before Glenn Simpson cut off contact with you?
A. No. I mean, my wife worked there as a contractor, but I didn't.
Q. Did anyone else from Fusion GPS contact you about Russia election reporting in particular or Russian interference in the 2016 election?
A. I don't believe so, no.
Q. So just Glenn Simpson?
A. I believe so.
Q. Have you ever spoken with Daniel Jones?
A. No. The name is not familiar.
Q. Anyone from the Penn Quarter Group?
A. That's not familiar either.
Q. I believe they picked up some of the opposition research, shall we say, for the -- against Trump after the DNC dropped and may have had contact with Glenn Simpson.

A. Yeah, but I have not.

Q. I spoke about this a little bit a second ago: So you had contact with Steele other than Crossfire Hurricane prior to and during the time he was contacting you about -- I shouldn't say Crossfire Hurricane -- about the possible Russian interference in the 2016 election; you had contact with him in other matters. Correct?

A. Yes.

BY MR. BAKER:

Q. Could you explain, just briefly, how you came to know Mr. Steele in the first place, how that relationship came to be --

A. Yes.

Q. -- initially.

A. I met him over 10 years ago. I don't remember the exact year. At that time, he was working for the FBI. I met him in London as part of a meeting that had been arranged by the assistant legal attache, the FBI's legal attache in London.

We talked about Russian organized crime. It was held at the headquarters. There were representatives there from...
maybe a half-dozen governmental bodies, and they talked generally about the dangers of Russian organized crime was under-appreciated, and Mr. Steele sort of took the lead on that.

Q. Were you or Mr. Steele a presenter at this seminar?

A. Well, it was informal. I wouldn't call it a seminar. It was just a meeting, but I would say Mr. Steele probably did most of the talking from the side.

Q. And was there somebody that spoke from the U.S. side?

A. I was there. ALAT was there. I'm not sure there was anybody else from the U.S. side. We were mainly listening. We wanted to hear the kind of stuff they were working on.

I'm sure we said something about how we appreciated there was Russian organized crime and were concerned about it.

Q. You said this about 10 years ago?

A. Yeah, maybe more at this point.

Q. And this was the first time you made contact with Mr. Steele?

A. Yes.

Q. And would you say subsequent to that time,
you maintained a friendly relationship with Mr. Steele?

A. Yes.

Q. You've mentioned the term "LEGAT" and "ALAF". Just for the record, that's the Legal Attache and the Assistant Legal Attache?

A. That's correct.

Q. And they are FBI agents?

A. That's correct.

Q. Who were they at the time that you first met Mr. Steele?

A. I do not recall the names.

Q. Okay. And you kind of alluded to this, but would it be fair to say to say that after this initial meeting that you did maintain a relationship with Mr. Steele?

A. Yes.

Q. And how often immediately following the seminar did you and Mr. Steele speak and communicate?

A. I think the next time I saw him was a few months later. There was some kind of a seminar that some British institute or something had put on, and I was there. I recall at least 40, 50 people there. I was there and he happened to be there as well. I didn't know he was going to be there.

Q. In addition to the official capacity that
you both occupied for different governments, would you say
your relationship was a friendship also?

A. I would say it was professional, but it
was friendly.

Q. Did it evolve to a friendship as time went
along?

A. It's hard to say. I mean, I only saw him
once a year or so. So we would exchange friendly greetings,
ask about family and stuff like that. I'm not sure I would
characterize it as a friendship.

MR. BAKER: Thank you.

BY MR. SOMERS:

Q. Have you reviewed, looked at, read, the
set of election reports that are commonly referred to as the
Steele dossier?

A. Yes, I have.

Q. And that sort of general format, has
Steele given you documents like that before about other
things?

A. Occasionally, yes, maybe once or twice.

Q. And he gave you other information over the
years, obviously?

A. [Gestures.]

Q. Who at the FBI generally were you giving
this information to?
A. I would share it with somebody generally in TOC East and also there was an agent from New York that I worked with who worked on the organized crime squad, and I talked with him about it as well.

BY MR. BAKER:

Q. What's his name?

A. [Redacted].

BY MR. SOMERS:

Q. I assume, just for the record, Russia is in the jurisdiction of TOC East.

A. Yes.

Q. Did you ever share any of this non-Russia-related election reporting with Steele; did you ever share any of that information that he had given you in the past with anyone at Main Justice?

A. I may have mentioned -- I may have shared it. I can't recall exactly.

Q. But you may have shared information? How about the U.S. Attorney's Office?

A. Probably the Criminal Division would have been most likely, but I can't recall any specifics.

Q. Was all of the information he had given you in the past related to Russia in some way?

A. Yes, except for he mentioned some stuff about the FIFA corruption, which I don't think was Russia
Q. And this information he was giving you, what was your understanding of why he was gathering it?
A. Well, once he left the government, he had a private firm, and my understanding was he would gather this information on behalf of clients of the firm, but that if there was something he thought would be of interest to the DOJ and the FBI, he would give me some of that.

BY MR. BAKER:
Q. Do you know the name of his firm?
A. His firm is, I believe, Orbis.

BY MR. SOMERS:
Q. Did you ever do anything to vet any of the information Steele gave you?
A. I'm sorry?

Q. Did you ever do anything to vet any of the information?
A. No. I would just pass it along.

Q. Did you ever not pass information along that he gave you?
A. Probably, if it didn't seem to be important.

Q. Did you have any concern -- I mean, you said he was gathering this information on behalf of private clients -- that by giving it to you, he was trying to do it
for the benefit of his private clients?

A. He almost -- no. For the most part, he didn't -- it didn't seem like information that would help his clients.

Q. What type of caveats or description or however you want phrase it -- you'd get a piece of information from Steele. You'd give it to somebody at the FBI. What message did you generally send along with that in terms of like what this is, where it's coming from?

A. I'd explain the source of the information, and the people I was dealing with know very well that any source information has to be treated with care and Russian source information particularly.

Q. Generally, what you would say if you decided this piece of Steele information is worth giving to somebody at the FBI, you would have some sort of general admonition like that associated with it?

A. Yeah. I don't know if I would repeat that every time. I think the people who work on this stuff very well understood.

Q. Were the people that you passed this information from Steele on regularly enough prior to the election report, they knew or had some information who Steele was?

A. At some point, yes, because the FBI signed
up Mr. Steele as a source.

Q. Did Glenn Simpson prior to the events of 2016 ever provide you with information that you then provided to the FBI?

A. I don't recall ever doing so, no.

BY MR. BAKER:

Q. When you would hand information off to the FBI, in addition to the things that Mr. Somers was asking that you might have sent with it, did you do any kind of analysis or sort of a rough read-through and make any notes to alert the FBI as to what your assessment or initial thoughts on it would be, or would you just hand the materials off as you received them?

A. I don't recall doing any threat analysis or anything significant like that, no.

Q. You had said something in response to a question Mr. Somers just asked you that, eventually, Mr. Steele was signed up as a source?

A. Yes.

Q. What does that mean?

A. It means he had a relationship with the FBI where he would provide information to them, and I think they were paying him.

Q. And was that a formal relationship?

A. I believe so, yes.
BY MR. SOMERS:

Q. You said they would pay him. That implies that the information he was giving to you, you never provided any form of compensation through the Department to Steele for his reporting?

A. I did not.

Q. And just to get back to Glenn Simpson just for one moment, you said you had contact with him in some form prior to the election in 2016 that didn't involve him passing information to you, just more social, or what was your contact with Glenn Simpson prior to that?

A. I remember meeting him on a couple of occasions. One, he may still have been a reporter with "The Wall Street Journal" at that time. I'm not sure, or had left recently, and I believe he did talk about Russian organized crime matters. I don't recall who else was there, whether there were FBI people there or other DOJ people. I don't remember doing anything with that further beyond that. At one time, I met him again at some kind of a seminar where he spoke and I spoke and we talked, but I don't remember any more than social. Our interaction was more social.

Q. So you were surprised the first time he gave you information related to Russia in 2016?

A. Well, no, because Chris Steele had
indicated that he was meeting with Glenn Simpson and Glenn
had more information. So then I heard from Glenn.

Q. You mentioned a few times that Steele was
signed up as a confidential human source formally at the
FBI. Did you introduce Steele to his handling agent?

A. Yes. I believe I did.

Q. And that's

A. Yes.

BY MR. BAKER:

Q. How were you made aware that he had, in
fact, Mr. Steele had, in fact, been officially signed up as
a source? Did that come from the FBI or did it come from
Mr. Steele or both?

A. Probably from the FBI, but I can't recall.

BY MR. SOMERS:

Q. So on July 30, 2016, that's when you had
that meeting with Steele where he first told you, according
to your previous testimony, about this Russia election
interference project. So on July 30, 2016, to your
knowledge, was still Steele's Steele handler?

A. Yes.

Q. What was your impression of

A. Good agent, professional, and I had a lot
of respect for him.

Q. Why in particular did you pass
Steele off to or introduce him too?

A. I don't remember what his exact position was at the time.

Can we off the record for a minute?

[Discussion held off the record.]

THE WITNESS: I don't remember what his exact position was when I first introduced him to Steele, but he was an Agent 14 in organized crime matters. At some point, I believe he became the supervisor of a squad which was responsible for these matters. I don't remember if he was the supervisor at the time of the introduction.

BY MR. BAKER:

Q. What office was he physically at during this time?

A. The New York Field Division.

Q. And had he been on an overseas assignment prior to that?

A. He did an overseas assignment later, I believe.

Q. And what was his position?

A. He was one of the assistant legal attaches.

MR. BAKER: Thank you.

BY MR. SOMERS:

Q. Did you have contact with over the
years as well after your introduction of Steele and

A. Yes.

Q. What did that contact exist of?

A. Occasional conversations. We did meet up in one time to talk to different people, including Mr. Steele, and generally talked about what I'm hearing about organized crime and what he's working on.

Q. So you had contact with him both related and unrelated to Steele and information Steele was providing to you?

A. That's correct.

Q. So when Steele contacts you on July 30th with this election information that he had been gathering, why didn't you tell him, Hey, why aren't you taking this to

A. I believe he told me he had given it to or at least some of it to

Q. Why did he say he was coming to you?

A. He didn't. He just sometimes told me what he was working on and I was not expecting that kind of information.

Q. So who was the first person at the FBI who you contacted after your July 30th meeting?

A. I can't recall. It may have been It may have been Mr. Marker. I'm not sure.
Q. What was that name? I'm sorry.

A. Max Marker. The person I mentioned earlier.

Q. Oh, I'm sorry. I misheard his name earlier.

So why did you reach out to either of them after you received the reporting from Steele?

A. I can't recall the exact conversation as to why. I'm sure I wanted to check in and make sure they were aware.

BY MR. BAKER:

Q. Were you still running into Mr. Steele, for lack of a better word, in any overseas travel you were doing for the Department?

A. Not aside from that one time, no. I don't recall at that point.

BY MR. SOMERS:

Q. And I don't know if this will refresh your recollection at all, but according to the IG report, you reached out to [redacted] on August 3, 2016. During that conversation, [redacted] told -- this is what [redacted] told OIG. I don't know if you will recall him telling you, but [redacted] told OIG that he advised Ohr that news of the reports had reached an EAD level at FBI Headquarters and that executive management at the New York Field Office was aware of the
A. I don't recall the specifics, but that sounds right.

Q. So I guess my question is why didn't you leave it at that? The EAD level, what did you take that to mean? Is that Executive Assistant Director?

A. Yes.

Q. Why wasn't that a sufficient answer to you in terms of, Okay, the report is in the system?

A. I think for while, it was. I don't think I reached out to the FBI until some months later. We reached out to Mr. McCabe, Deputy Director McCabe, some months later.

Q. So what happened between the assurances you get from [redacted] on August 3rd that it's reached the EAD level and the next time you reach out to the FBI?

A. Unfortunately, I can't recall the specifics, but I remember being concerned that the information might be getting siloed within the FBI and that I wasn't sure whether the criminal side and the national security side were discussing the information.

Q. Why would you have those concerns?

A. I can't remember the specific things I was told, but it must have been from conversations I was having
with some people at the FBI, probably Mr. Marker or [REDACTED] I can't recall.

BY MR. BAKER:

Q. Was Mr. Steele frustrated that things seemed to be moving slow within the FBI or that his information didn't seem to be acted on?

Was he pinging you, for lack of a better word, to maybe look under the hood to see what the holdup was?

A. I don't believe so, no.

BY MR. SOMERS:

Q. The IG report also indicates on October 13, 2016, you received an E-mail from, I guess, the Transnational Organized Crime East section chief. I guess that's Mr. --

A. Mr. Marker.

Q. Saying that: "Counterintelligence agents had traveled to [REDACTED] and spoken to Handling Agent 1 and said they were examining Steele's allegations."

Do you recall that E-mail or a conversation related to that?

A. I don't recall that E-mail, no.

Q. Do you recall reaching out to the TOC East section chief?

A. I mean, I'm sure I spoke with them. I don't recall specifically at this time reaching out to him,
Q. Okay. So I think you get the reports from Steele on -- not the reports. You didn't actually get anything from Steele on July 30th; is that correct?
A. Correct.

Q. When did you actually -- did he send you something?
A. He never sent me anything. I was given a thumb drive later, maybe in December -- it's in the report, I think -- from Glenn Simpson.

Q. So you didn't have the actual reports prior to Glenn Simpson giving them to you?
A. Correct.

Q. So you meet with Steele on July 30th. He contacts you again after that July 30th meeting about this?
A. Mr. Steele?
Q. Mr. Steele, yes.
A. He did at some point. I don't remember exactly when, but yes.

Q. The IG report indicates you confirmed that you reached out to [redacted] and he gave you the information about the information getting to the EAD level at FBI. The IG report indicates that on October 13th, the TOC East section chief told you that counterintelligence analysts had traveled to [redacted], spoke with Handling Agent 1, and they were
BY MR. BAKER:

Q. For the record, counterintelligence agents had traveled, not analysts. Right?
A. I don't know.

BY MR. SOMERS:

Q. Then on October 18th, according to the IG report, you reach out to Andy McCabe. Why did you reach out to Andy McCabe?
A. As I said before, I was concerned that somehow the information wasn't being fully shared. I don't recall what prompted that or what specifically I heard, but that was my concern.

Q. But why Andy McCabe in particular versus somebody else at the FBI versus Bill Priestap?
A. I didn't know Mr. Priestap. I did know Mr. McCabe. He and I worked together on Russian organized crime matters over the years. He had been the head of the Russian organized crime squad in New York.

So we knew each other from that and, also, his position was -- given his position, he had visibility into whatever the criminal side and the national security side was doing at the FBI.

Q. How often did you speak with Mr. McCabe aside -- or prior to October 18th?
A. Fairly rarely, certainly as he became deputy director. It may have been a couple of years before that that I had spoken with him. I used to call him when he was the head of Russian organized crime unit.

BY MR. BAKER:

Q. Your relationship with him went way back when he was a street agent, case agent?

A. Yeah. I don't think I worked with him so much when I was an AUSA, but certainly when he took over the Russian organized crime squad, I think I was probably in Washington at this point. So I'm sure I dealt with him from that point forward, maybe earlier, but I can't recall.

Q. So he would have been a logical person for you to reach out to at the Bureau if you were trying to get somebody with some rank?

A. Yes.

Q. It was a good likelihood he would take a call from you?

A. Yes.

BY MR. SOMERS:

Q. So the IG report indicates, I think, you first called him and asked for a meeting. What did you tell him you wanted to meet about?

A. I don't recall exactly. I'm sure I said something about I had information that I wanted to talk with
Q. And he took the meeting with you, according to the IG report, the same day you requested it?
A. I don't recall, but I'm sure if it's in there --
Q. Do you think it had anything to do with the fact that you were an associate deputy attorney general?
A. I would like to think that it was because we worked together for many years.
Q. Did you in your meeting with McCabe on -- well, first, in this meeting with McCabe on October 18, who else was in that meeting? Was Lisa Page?
A. Lisa Page was there. There may have been other people. I don't recall.
Q. You don't recall if anyone else was there?
A. I don't.
Q. What did you tell him like why you were there, why you, Bruce Ohr, associate deputy attorney general, was there at the meeting with him about this material?
A. I gave him the whole background, explained who Chris Steele was and how I knew him and that this is the kind of relationship we had and this was the information I received from him.
I remember also explaining that my wife worked at
Fusion GPS and I had not realized that Chris had anything to do with them prior to the July 30th meeting. So I mentioned that as well and I gave him the information.

Q. Did you say, imply in any way, that this was part of your official role at the Department?

A. I don't recall discussing that.

Q. Do you think he would have assumed that from the circumstances?

A. I mean, from our prior relationship, I think he wouldn't be surprised to hear that I had gotten some information, but I don't recall.

Q. Okay. So we have We have the TOC -- I'm sorry. I can't remember his last name.

A. Marker.

Q. The TOC East section chief.

Did you contact anyone else at the FBI between July 30th, 2016 and this October 18th meeting with McCabe?

A. I don't recall doing so, no.

Q. How many times did you meet with McCabe, just the one meeting about this --

A. Yes.

Q. -- particular subject?

BY MR. BAKER:

Q. You said Lisa Page was in the room when you went to visit Mr. McCabe. Had you worked with her
prior?

A. Yes. Before going to the FBI, she had
been a trial attorney in my office, organized crime and
racketeering section.

Q. How long did you -- you were her direct
supervisor?

A. Well, second-level supervisor, yes.

Q. And how long was she there?

A. Several years. I don't recall exactly.

Q. And then she left there to go to the FBI?

A. I think so. I'm not sure.

Q. You mentioned that your wife worked at
Fusion GPS. Your wife is who?

A. She's an analyst, a Russia-related
analyst.

Q. And she has a particular expertise in
that?

A. Yes.

Q. And her name is?

A. Nellie.

Q. I think we talked about this a little bit
earlier, but Fusion GPS, in your understanding, what kind of
work do they do?

A. A general understanding, they are a
consulting or intel firm. They gather information for
Q. So she worked there based on her expertise as a Russian analyst?
A. Yes.
Q. Do you know what particular things she did?
A. No.
Q. Or did you know?
A. No.

MR. BAKER: Thank you.

BY MR. SOMERS:

Q. I think we spoke, obviously, about the FBI side of the house at the Department. Let's go to the Department side of the house at the Department. Who was the first person you reached out to at DOJ about the Steele info?
A. I believe it was Bruce Schwartz.
Q. And that, according to -- what was his position? He was deputy --
A. Deputy assistant attorney general in the Criminal Division.
Q. Did he have a particular specialization within the Criminal Division?
A. International Affairs.
Q. And the IG report indicated that you
reached to him on August 4, 2016. Why? Why Bruce Schwartz?

A. He's also an expert in all things international. I worked for him for a couple of years directly. I worked with him for many years, and so he's kind of sort of a mentor to me and I would seek his advice on many things strange or weird like this.

Q. Did you -- were you expecting him to do anything professionally in his role at the Department with this information or were you just seeking advice from him?

A. I don't know that I expected him to do anything specific, but if it needed to be done, I assumed he would.

Q. But you were alerting him to the information as part of, in your mind, his job duties?

A. Yes. Yes.

Q. Did you see something criminal in the information that Steele had given you?

A. I'm not sure criminal, but, certainly, it had national security implications.

Q. If it had national security implications, then why didn't you go to the National Security Division with the information?

A. I knew Bruce Schwartz better and I thought it was easier to go to him and he has contacts in the different parts of the Department.
Q. What about Tash Gauhar; why didn't you go to Tash with your information?
A. I wanted to keep it initially at the lowest possible level and just because it was very raw, and so I didn't feel it was something that I could just bring up to the higher level.
Q. She's a career official or she was a career official?
A. I believe she is.
Q. I'm sorry. I spoke over you. Can you just answer again.
A. Yes.

BY MR. BAKER:
Q. So you sort of alluded that you had a preference for not alerting higher-level people. Did you have the same preference for career people, that you felt more comfortable alerting them to any of your information as opposed to the politicales?
A. I wanted to get it to people that are used to handling that kind of raw intel, particular Russian-related raw intel.
Q. And would that have been more likely career people?
A. Probably, yeah.
Q. Who else did you take this information to
at the Department?

A. Well, I know I discussed this with Mr. Schwartz more than once, and at some of those meetings, there were a couple people that worked with him who were present. Zainab Ahmad was there at least once or twice and Andrew Weissmann was there at least once or twice.

Q. And why -- again, the same question. You probably know why I'm asking these questions, but why Weissmann and Ms. Ahmad?

A. That wasn't -- I didn't reach out to them. They were present when I was speaking with Schwartz.

Q. Did you ever discuss taking this information to someone in the Public Integrity Section of the Criminal Division?

A. I don't recall, no.

Q. Did you ever discuss these meetings with -- we'll just leave it at the meeting with Schwartz where others may have attended, including Weissmann and Ms. Ahmad. Did you ever discuss taking the information to the NSD?

A. I don't recall.

Q. Did you ever ask for a contact for NSD?

A. I don't recall doing so.

BY MR. BAKER:
Q. What was the reaction from these people that you did visit? Were they interested in your information? Not interested? Indifferent? What was your takeaway from impressions?

A. I think my takeaway was they were alarmed, as I was, but, again, cautious, because we didn't know if it was real or not.

Q. Did they indicate that they had anything that they were going to do, next steps that they were going to take or guidance to you for next steps?

A. There was some discussion about some of the other things that they were either working on or knew about, such as the Manafort investigation, which was already out there, but beyond that, I don't recall.

Q. Do you recall any of them saying, Well, you really need to let blank know about this?

A. I don't recall.

MR. BAKER: Okay.

BY MR. SOMERS:

Q. So what did you discuss? About how many meetings are we talking about here?

A. I don't recall. Maybe -- I don't recall -- a few times.

Q. A few times. What did you discuss at these meetings?
A. I think, generally, I would tell them whatever the latest I had heard was from Steele or any information from Simpson. I don't recall the exact timing, and they were talking more among themselves about what was happening with Manafort or others on the criminal side.

Q. Did they indicate that the had some responsibility for the investigation of Manafort?

A. I believe that was in the money laundering section.

Q. And neither of those three are in the money laundering section?

A. That's correct.

Q. Just quickly switching back to the FBI for a second, Michael Steinbach, you didn't know him?

A. I don't know him.

Q. Bill Priestap?

A. No.

Q. Before all of this, Peter Strzok?

A. I did not know him before all of this.

Q. Jen Boone?

A. No.

Q. Stephen Laycock?

A. No.

Q. Jon Moffa?

A. No.
Q. Then at some point, the IG report indicates that the meeting we just talked about with Schwartz, Weissmann, and Ahmad included at some point Peter Strzok and Lisa Page as well; is that correct?

A. I believe there was one meeting. I think it was one meeting where they were there. Yes.

Q. And how did they come to have a meeting with your group, your group at the Department and these two individuals at the FBI?

A. I'm not sure, but my recollection is Bruce had them invited.

Q. What was discussed at this meeting?

A. The same thing, this is what I'm hearing, are they pursuing this, are they aware of the Manafort investigation, that sort of thing.

Q. Okay. Did they have -- what information were they providing?

I'm sorry. By "they", I should be more specific. What information was Strzok and Page, did they provide at this meeting?

A. I don't recall the specifics.

Q. Did they mention that this in any way related to an investigation that they were aware of?

A. I think at least in general terms, they were working on something about this, but I don't think I
remember details like that.

Q. I was probably pretty vague in my question. I'll never know what I was asking when I go back and look at the transcript when I say "about this".

About the Steele reporting, did they -- let me ask my question again.

Did they indicate in any way that they had an investigation going that was related to the Steele reporting?

A. I don't recall the specifics. As I said, I was aware that were interested in the information. I think I asked at one point whether they had an AUSA and they said no, but I don't know, you know, whether it was focused on Steele information or other information.

Q. Why did you ask that question, about whether they had an AUSA?

A. I was curious.

Q. So did you just -- I know it's a long time ago -- have a general characterization that they were in listening mode or just --

A. Probably, although, again, I can't recall the specifics of the conversation.

BY MR. BAKER:

Q. What would it have meant to you if they would have answered your question about the AUSA that, yes,
they had an AUSA?

A. You know, if an AUSA is involved, then generally a couple things. One is the investigation is probably further along; and, secondly, you know, prosecutors generally like to hear there's an AUSA involved.

Q. So it would have meant, basically, to you that there was something that was a little more down the road than just you giving them some information and them taking notes or listening?

A. Yes.

BY MR. SOMERS:

Q. Do you think they would have told you if there was an AUSA involved? Is it possible there was an AUSA involved and, because the investigation was sensitive, they didn't answer your question?

A. I guess that is possible.

Q. Did you have some indication there may have been?

I think the quote you used, actually, was, least in the IG report, there was a prosecutor involved or some indication that there may have been a prosecutor involved at that point in time. So I'm wondering if maybe they didn't give you information because the case was sensitive.

A. I don't know.

Q. I think you -- so you had that meeting and
then you also on November 21, 2016 had a broader meeting with people from FBI, including Strzok, Moffa, [REDACTED], and [REDACTED], and this meeting appears to be the first meeting you had with the FBI that was memorialized in a 302. So I want to get, again, sort of a sense -- I cut you off before at October 18th as being the day that you met with McCabe. So in between meeting with McCabe and Lisa Page on October 18th and this -- it seems to be a large meeting or larger meeting you had on November 21st -- did you have any contact with anyone else at the FBI in this time period?

A. I don't recall having, but I can't say for this period of time.

Q. On December 10, 2016, switching subjects slightly, I'm just trying to get a sense as to the timing of everything. You met with Glenn Simpson, and during this meeting, according to the IG report, Simpson gave you a thumb drive.

On page 282 of the IG report, Simpson told the IG that: "Ohr requested that he provide information regarding Steele's election reporting."

Do you remember making a request of Simpson for information?

A. I don't recall exactly how that happened. I think I remember Steele telling me that Simpson had more
information. I don't remember if I reached out for Simpson or whether he reached for Simpson. I'm sure it was somehow conveyed to Simpson that I was interested in getting more information.

Q. And then on December 20th, again, just timeline stuff, you provided [REDACTED] with another thumb drive. This one contained your wife's research that she did for Fusion GPS. This is also on page 282 of the IG report. Why didn't you give [REDACTED] that thumb drive when you met with him on December 10th?

A. I was trying to provide information that might be helpful.

Q. I think my question is why the multiple meetings within a week to give him information that the IG report, at least according to your wife, said you already had for some time?

A. I don't recall. I called and gave information whenever I got it.

Q. You weren't in any way trying to meet with [REDACTED] more often --

A. No.

Q. -- to try and -- did you discuss the case? Did you get information from [REDACTED]?

You met with [REDACTED], according to the IG report, I believe the first meeting and 12 additional times. During
these meetings with [REDACTED], did he provide you with information or were you only providing him with information?

A. My recollection is I was providing him with information.

BY MR. BAKER:

Q. Did you look at the thumb drives at all before you passed them to [REDACTED]?

A. No, I did not.

Q. Why didn't you look at them?

A. There was no particular reason for me to look at them. I was just providing the information.

BY MR. SOMERS:

Q. So you never asked him, Hey, [REDACTED], how's the case going?

A. What I think I did ask [REDACTED] was if that was the dossier, could I get a copy, and he did provide it.

BY MR. BAKER:

Q. Why did you think it might be the dossier?

A. I think something that Steele had said, that he had provided more information to Simpson. So I think I assumed at that point, it was probably the dossier.

Q. So it was a conversation you heard or something you were told that made you think it; you didn't look at it?
A. Right.

Q. Then you asked for a copy and you got a copy of it?

A. Yes.

BY MR. SOMERS:

Q. Did you ever sign chain of custody forms for any thumb drives?

A. No.

Q. What was your awareness or are you aware that there was a FISA application on Carter Page during this time period?

A. No. I don't believe so.

Q. You were aware that they were investigating Paul Manafort?

A. Yes. There was an investigation on Manafort that preceded all of this.

Q. What was your awareness of that investigation?

Well, first, where did your awareness come from of that?

A. I must have learned it from the FBI, but I don't recall specifics.

Q. But you said it predated all of this. What did you mean by that?

A. I believe it had to do with the money
laundering allegations, but I don't know. I'm pretty sure I knew about that long before any of this happened.

Q. So just to kind of rephrase what you said, you were aware that there was an investigation of Manafort that didn't have anything to do with the Trump campaign; it was a separate money laundering investigation?

A. I think that's right, yes.

BY MR. BAKER:

Q. Is this something you would have learned in an official capacity by attending a meeting or a briefing?

A. Yes. I think so. I would probably have heard it from agents working on it.

I had encountered Manafort's name earlier when I was in Kiev in the fall with President Yanukovych, but I don't remember hearing about an investigation at this point.

Q. But you initially hear of the name in the course of your official duties, meetings and briefings and travel or whatever?

A. Yes.

BY MR. SOMERS:

Q. So throughout, you were providing information from Steele to the FBI. Your initial contact is

In January 2017, with Crossfire Hurricane, who did you
THE WITNESS: I don't recall who the next agent was.

BY MR. SOMERS:

Q. Was it at the same level as [REDACTED]?

A. As far as I know.

Q. How did that handoff occur? Did he say I'm out of here; this is going to be the new guy to contact?

A. Yeah. Again, I don't recall the specific conversation. I think it was pretty matter of fact, here's your new contact.

Q. What type of -- we talked about two thumb drives that you provided in December of 2016. What type of information were you providing from Steele to the FBI after those thumb drives?

A. Whenever he would call and say something, I would provide whatever it was he said, just tell the agent, Hey, I got the call from him.

Q. So in May of 2017, a special counsel was appointed to investigate these allegations. Did you have any particular point of contact in the FBI or -- I'm sorry -- on the special counsel's team the same way you did with the FBI to pass Steele information?
A. No.

Q. Did you have a point of contact with special counsel?

A. I did not.

Q. Were you interviewed by the special counsel's team?

A. I was not.

Q. What do you think Steele was trying to accomplish with you?

A. Well, my sense was he just very alarmed by the information, thought it posed a threat to the United States, and wanted to make sure he was getting it to somebody.

Q. Did you become aware at some point in time that Steele had been terminated as a confidential human source?

A. Yes.

Q. Did you get that information from Mr.

A. I don't recall exactly, but I saw it in the IG's report.
Q. Did you -- I'll just read from the IG report here and see if you recall this conversation.

According to Handling Agent 1 -- that's [redacted] -- "as a courtesy, he told Ohr that he was not engaging with Steele anymore, warned Ohr to be careful in dealing with Steele and said that Steele could not be trusted."

Do you recall that?

A. I don't recall those words, no.

Q. Not those specific words. Do you recall any warning from [redacted] about future dealings with Steele?

A. No, I don't.

Q. The IG report, same page, 278, also said that Ohr apologized to [redacted]

"Ohr apologized for introducing him to Steele."

Do you recall apologizing to [redacted]

A. I don't recall my specific words, but -- I don't recall specifically, no.

BY MR. BAKER:

Q. It's been reported and it's in the IG report a couple of times, I believe, that Steele was, quote, desperate that Donald Trump not get elected. What did "desperate", mean?

What was it that made him desperate? What was his behavior? What was his attitude? What was his want?

A. Yeah. I saw that word in the 302. I
don't remember saying that specific word to the Bureau, but I might have.

My impression at the time was he was very alarmed at the information that the Russians had some kind of connection or possible hold over Donald Trump and that he was very concerned that if Donald Trump was elected President, then that would mean the Russians had influence.

MR. BAKER: Okay.

BY MR. SOMERS:

Q. Did Steele mention anything to you about his being terminated as a confidential human source?

A. I don't recall him saying that, no.

Q. So he never mentioned to you that, according to the IG report, he was terminated and he was admonished.

"Additionally, the Handling Agent advised that the CHS was not to operate, to obtain any intelligence whatsoever on behalf of the FBI."

So Steele never mentioned to you any instruction, Yeah, I'm not supposed to be doing this anymore?

A. I don't believe he did, no.

BY MR. BAKER:

Q. You mentioned earlier that Steele was signed up as a confidential source. Did Steele in conversations you had with him, was it his understanding...
that he was a confidential source for the FBI?

A. I don't recall exactly. I mean, he certainly acknowledged that he had a relationship with the FBI. At some point, I remember him saying that he wanted his company, rather than him, to have the relationship with the FBI, but I don't recall anything, any discussions with him beyond those facts.

Q. Did he explain what the distinction would be for him wanting his company rather than himself personally having a relationship with the Bureau?

A. I don't recall an explanation.

BY MR. SOMERS:

Q. Was there any -- you talked to a lot of people in the -- not a lot. You talked to a group of people at the FBI. You talked to a group of people at DOJ. I assume over the years, you talked to other people about Christopher Steele.

Did he have any concern about like his identity, that he was a confidential human source? Was there sort of an identity concern that, Hey, this guy is giving me information that I'm giving to the FBI? Did you have any concerns along those lines?

A. I don't recall saying anything like that, no.

Q. Did you have any -- did take any caution
when telling anyone about Steele over the years, not just
with regards to this?

A. I think I tried to keep it to the few
people that needed to know, but yeah.

Q. According to the IG report in 2017, your
communications with Steele changed from using your DOJ
E-mail account to using a commercially-available encrypted
communication apps, like What's App, I believe. Do you know
why there was a change in the communication method?

A. I think he asked for that.

Q. But you didn't tell him to stop
communicating with your department?

A. Correct.

BY MR. BAKER:

Q. Do you know why he asked for that change?

A. I think he was concerned about keeping
communications secure.

Q. Just a general concern or was something
happening that made him specifically concerned that his
communications were being intercepted or monitored?

A. I think it was more a general concern.

BY MR. SOMERS:

Q. I think this is the last question for this
round.

In May of 2017, I think the FBI reached out to you
to -- or at least in one of your conversations with the FBI to try and see if Steele would reengage with the FBI. Did you get any explanation from whoever it was you were speaking to you as to why they wanted to reengage with Christopher Steele?

A. I don't believe so, no.

Q. And he was willing to reengage; is that correct?

A. Yes, he was.

MR. SOMERS: I think we're --

BY MR. BAKER:

Q. What was your understanding, real quick, of what "reengage" meant? Was it just to establish a dialogue communication or was it to sign him up again?

A. I didn't know.

MR. BAKER: Thank you.

MR. SOMERS: I think that's our time for this round. We'll turn it over to the Minority.

MS. ZDEB: We'll take a quick break, say five minutes.

[Recess.]

EXAMINATION BY COUNSEL FOR THE MINORITY

BY MR. HASKELL:

Q. Mr. Ohr, again, I'm Alex Haskell from Senate Feinstein's staff, the Minority staff of the
Committee with Sara Zdeb and Heather Sawyer, my colleagues. Thank you for being here today and, of course, for your multiple decades of service at the Department of Justice.

As you know, the DOJ Inspector General issued a 400-plus page report in December of last year titled "Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation". The report detailed the results of the two-year investigation into the same topics we're addressing here today.

According to that report, the IG examined more than one million documents and interviewed more than a hundred witnesses, including Christopher Steele and numerous current and former government employees. There's an entire chapter of the IG report, which is 36 pages long, titled "Department Attorney Bruce Ohr's Activities During the Crossfire Hurricane Investigation" that details your involvement in, again, the exact issues you were brought here to discuss again today.

Did you cooperate with that IG investigation?

A. Yes.

Q. And were you interviewed?

A. Yes.

Q. One time? How many times?

A. I believe it was three times.

Q. Three times, and if you could just give a
1 ballpark number of how many total number hours did you
2 spending interviewing with the IG?
3 A. Probably, eight or nine hours altogether.
4 Q. Did you provide complete and truthful
5 answers to the IG's questions during the course of those
6 three interviews?
7 A. Yes.
8 Q. And did you or the Justice Department
9 provide the IG with documents related to your involvement
10 with Crossfire Hurricane as part of that investigation?
11 A. I believe the Department did, yes.
12 Q. Okay. Did the IG ever complain that they
13 needed more information from you that they didn't have?
14 A. No.
15 Q. Do you recall if the IG ever complained
16 that they didn't get documents that they wanted from you or
17 related to you?
18 A. I'm not aware of that.
19 Q. Did you have an opportunity to review the
20 IG report, at least the portions you were involved in,
21 before it was finalized or published or --
22 A. Yes.
23 Q. -- did you review a draft?
24 A. Yes.
25 Q. And did you provide any comments on that
draft?

A. I believe we did, yes.

Q. Can you please characterize those comments?

A. I can't recall the specifics of the comments. I'm sorry.

Q. Okay. That's all right.

Can you recall whether the IG addressed the comments that you provided in the final draft?

A. I believe they did, yes.

Q. So, in other words, to the extent you identify errors in the draft that you reviewed, the IG's final report addressed those errors?

A. I believe it does.

Q. The IG report painstakingly details your contacts with Christopher Steele, Glenn Simpson, and other members of the U.S. Government. Recognizing that different witnesses may have differing recollections or interpretations of certain events, does the IG report accurately reflect the testimony that you provided to the IG about your contacts with Christopher Steele?

A. I believe it does, yes.

Q. And how about your contacts with Glenn Simpson?

A. Yes.
Q. FBI personnel?
A. Yes.

Q. And what about DOJ personnel?
A. Yes.

Q. What about State Department personnel?
A. Yes.

Q. And does the IG report accurately reflect why you passed the information, passed certain information, on to the FBI?
A. Yes.

Q. And I understand that there are also 302s that memorialize meetings you had with the FBI.
A. Yes.

Q. And that the report also addresses those same meetings that the 302s memorialized?
A. Yes.

Q. Now, the IG's investigation isn't the only information related to these matters that you've been interviewed for. You were interviewed for around eight hours on August 28, 2018 as part of an investigation by the House Judiciary and Oversight Committee; is that right?
A. Yes.

Q. And as is true today, did you appear and answer questions voluntarily as part of that House investigation?
A. Yes.

Q. So House Republicans didn't seek to subpoena or hold you in contempt for failing to cooperate with that investigation?

A. No.

Q. Have you been interviewed by any other congressional committees about your interactions with Christopher Steele?

A. Yes.

Q. And did you provide those committees with truthful and complete answers when asked questions?

A. Yes.

Q. And, again, you cooperated voluntarily with all of those, whichever committees those were?

A. Yes.

Q. No subpoenas were issued to require --

A. That's correct.

Q. So in total, several congressional investigations, three interviews with the IG. How many hours or days would you estimate that you've spent providing testimony in connection with this particular matter?

A. Several. I don't know.

Q. And any way you can be more specific? If you can't, no problem.

A. Five or six days maybe.
Q. Thank you.

Our committee, the Judiciary Committee, held a six-hour hearing with Inspector General Horowitz following the release of the 484-page IG report. A number of unproven or disproven allegations were made during that hearing and some of those allegations have been subsequently repeated at other hearings and meetings of this committee. We believe those allegations were investigated and answered by the IG, but I'm going to ask you a series of questions about them because we continue to hear them from people who don't have firsthand knowledge about the Crossfire Hurricane investigation.

Now, I understand that your firsthand knowledge of Crossfire Hurricane is very limited, but I ask that you answer these questions based on that limited knowledge. The IG found that there was no documentary or testimonial evidence of bias impacting the FBI's work in the Crossfire Hurricane investigation, but, nonetheless, there have been allegations that there were tons of evidence of bias, and that's a quote. Did political bias impact any of your actions in connection with the Crossfire Hurricane investigation?

A. No.

Q. And I should say, more broadly, the investigation into Russian interference?
A. That's right. Yes. The answer is still no.

Q. You interacted with several members of the FBI in connection with the Russian interference Crossfire Hurricane investigation. Do you have any evidence that political bias impacted any of their work?

A. Nothing that I saw, no.

Q. President Trump repeatedly has stated that the Crossfire Hurricane investigation and Russia investigation, more broadly, was a witch hunt, including in tweets that accuse you and your wife of illegally conspiring to hurt him politically.

Did you conspire to hurt Trump politically?

A. No.

Q. Do you have any evidence that the Russian investigation was part of a, quote, deep state effort to take down President Trump?

A. No.

Q. And there's also been allegations that the purpose of that investigation was to, quote, change or nullify the results of the 2016 election. Have you ever done anything with the intent of changing or nullifying the results of the 2016 election?

A. No.

Q. Do you have any evidence that the goal of
the Russian investigation was to change or nullify the
results of the 2016 election?

A. No.

Q. I want to turn quickly to some testimony
with Mr. Baker and Mr. Somers earlier about Christopher
Steele and why he was closed as a source. It was mentioned
that one individual had remarked that he could not be
trusted.

FBI Assistant Director Bill Priestap told the IG that,
quote: He decided that Steele had to closed immediately
upon learning that Steele had disclosed his interactions
with the FBI to a reporter. Peter Strzok reiterated to the
IG that it was Steele's disclosure to the reporter that led
to his termination as a source."

He said, Strzok said, quote: We did not close him
because we thought he was a fabricator."

And all of that is on page 173 of the IG report. Do
you have any evidence to contradict Priestap's and Strzok's
statement that Steele was closed as an FBI source because of
his disclosure to a reporter?

A. I do not.

Q. In other words, to your knowledge,
Steele's closure or the termination of the relationship,
whatever exactly the contours of that relationship was with
the FBI, that the termination of that had nothing to do with
any allegation that he had fabricated evidence; is that correct?

A. That's correct.

Q. In fact, Steele has been a source of useful and important information in the past. Former Acting Attorney General Sally Yates told the IG that Steele was, quote, credible, very knowledgeable of Russia, and not just somebody out of the blue, quote, someone with whom the FBI had worked for many years.

That's on page 153. Do you agree with Yates' assessment of Steele?

A. Yes.

Q. And Steele's handling agent testified during this investigation that, quote: He had no indication that Steele was anything other than professional and productive."

And that's on page 36 of the transcript of that interview.

So quote: He had no indication that Steele was anything other than professional and productive.

Do agree with that statement?

A. Yes.

BY MS. ZDEB:

Q. One other quick follow up about one the other questions that Mr. Baker asked you regarding Mr.
Steele: He asked you about your characterization in one of the 302s that Mr. Steele was, quote, desperate that Trump not be elected.

Recognizing that you don't necessarily recall using that specific word, could you elaborate a bit on what you understood Mr. Steele's concerns at that to be?

A. I think my impression at the time was he was very alarmed by the information. So if it were true, that would be a serious threat to the American national security, and that was my -- that was what my impression was of his reason.

MS. ZDEB: Thank you.

BY MS. SAWYER:

Q. Before we move off that topic, I just want to drill down a little more on that. Did he ever indicate to you that he was opposed to any Republican being in the White House?

A. No. I never heard anything like that, no.

Q. Did he ever express to you a strong desire that Hillary Clinton win the election?

A. No.

Q. So from where you sat, were the concerns he was raising unique to Donald Trump?

A. Yes. He had specific information that he had obtained that he was passing on regarding Mr. Trump.
Q. I think, as you characterized it earlier, was his concern that Donald Trump in particular might be vulnerable to undue influence from Russia?  
A. Correct.  
MS. SAWYER: Okay.  
MR. HASKELL: I think that's all we have for now.  
That's all I have for now.  
BY MS. SAWYER:  
Q. I just wanted to just clarify a couple of more timing points than anything else.  
On a few occasions, you were asked by our colleagues about Mr. -- the handling agent's remark that the handling agent believed that news of the report had reached the, quote, EAD level at FBI Headquarters. Do you recall at all the timing of when the handling agent believed those reports had reached the, quote, EAD level?  
A. I'm afraid I don't.  
Q. Who would the EAD have been at that point in time?  
A. I don't know the name of the person. It would have been at Headquarters.  
Q. Is it possible it was Michael Steinbach?  
A. I don't know.  
Q. And in the IG report at page 100, it says:  
"On September 19, 2016, the Crossfire Hurricane team
received a Steele reporting for the first time when the handling agent E-mails SSA 1, six reports for SSA 1 to upload the sub file."

Do you have any information that would contradict or call into question the finding that it was September of 2016 when the Crossfire Hurricane team first learned about the Steele reporting?

A. I don't have any information on that.

Q. During the conversation that you were having with our colleagues as well, there was some conversation about Christopher Steele at times having been paid for some of the source reporting he provided to the FBI. The Committee, and I believe it's also in the Inspector General's report, also has other information confirming that with regard to Mr. Steele's Russian election reporting, he was never paid by the FBI.

Is that your understanding as well?

A. I don't know. I don't know if he was paid or not.

Q. So you wouldn't have any information that would contradict --

A. Correct.

Q. -- the receive information that we received?

A. Correct.
MR. HASKELL: I think that's all we have for now.

MR. SOMERS: Are you good to keep going?

THE WITNESS: Yes.

MR. SOMERS: It's 11:40. We can go back on the record.

FURTHER EXAMINATION BY COUNSEL FOR THE MAJORITY

BY MR. SOMERS:

Q. In the previous round, we spoke a little about your meetings with Mr. Schwartz, Ms. Ahmad, and Mr. Weissmann. I'll read you a quote from page 292 of the IG report:

"The meetings between Schwartz, Ahmad, and Weissmann focused on the shared concern that MLARS was not moving quickly enough on the Manafort criminal investigation and whether there were steps they could take to move the investigation forward."

First, what's MLARS, just for the record?

A. Money Laundering Asset Recovery Section.

Q. Do you recall what the concerns were with the pace of the Manafort criminal investigation?

A. I don't beyond what you just said.

Q. Did you have any formal involvement in the Manafort criminal investigation?

A. No.

Q. Did Mr. Schwartz, Ms. Ahmad, or Mr.
Weissmann work in the MLARS section?

A. I don't believe they did.

Q. And your responsibility in ODAG did not include the supervision of MLARS; is that correct?

A. Mine did not, no, except maybe with OCDETF.

Q. Again, so we talked about these meetings between Schwartz, Ahmad, and Weissmann, and the IG report indicates that some of the meetings -- I think we discussed this last round. Some of the meetings included Page and Strzok and, quote, focused primarily on whether the FBI could assess the cases relevant, if any, to the FBI's Russia interference investigation.

For context, the case is the Manafort case. Do you recall discussions about how -- having discussions or being in the meetings where it was discussed how Manafort related to the Russia interference investigation?

A. I don't recall the specifics.

Q. Do you recall anything?

A. Just what you said.

Q. Do you know why MLARS was never included in any of these meetings?

A. I don't, no.

Q. Did you ever ask like, Hey --

A. I don't recall.
Q. -- should we invite MLARS up?
A. I don't recall.

Q. Had you ever contacted MLARS?
A. Not at this time. I don't believe so.

Q. You said there was some overlap between OCDETF, I think, and MLARS a moment ago. There was no one at MLARS you could reach out to to discuss this with directly?
A. I didn't have a particular person to call, no.

Q. Was there an individual in ODAG that had responsibility over MLARS?
A. I don't know if there was a particular person for MLARS. I'm sure there was someone from the Criminal Division. I can't remember who that is right now or who that was.

Q. And again, you didn't consult that person?
A. No.

Q. For what reason?
A. I don't recall. I mean beyond what I said earlier.

Q. Why did you choose not to inform Sally Yates of your work in this area?
A. I wanted to keep this raw intelligence at the level of people who were working with that sort of
thing. I didn't see it as part of a case or, you know, it wasn't reliable enough to be considered, in my opinion, as part of a case at that point.

It was just raw intel. So I wanted to keep it to the people who would be able to analyze it and work with it.

Q. Is that lower-level people?
A. In general, yes.

Q. Was there any aversion to telling political appointees about this information?
A. Only in that they would not be as used to dealing with this kind of information.

Q. But not anything to do with the fact that they were politically appointed?
A. I mean, there's always some concern about political issues, but in this case, it was just information.

Q. Did you recall any conversations with Bruce Schwartz where he may have expressed concerns about sharing information about politics?
A. He may have, but I don't recall the exact conversation. I saw it was in the report.

Q. But that wasn't your concern; that was his concern?
A. If there was a concern, it was not your concern; it was his concern that politics not be involved with the investigation; is that an accurate statement?
A. It's hard to know, looking back on it now.

Q. So you don't recall that you were concerns --

A. Right.

Q. -- with politicals?

A. Right.

Q. Do you have any reason to think that Sally Yates would somehow allow political influence or politics to influence an investigation?

A. No. I think the leadership of the Department would do its best to try to be political about things. So, obviously politics, affects some of their work. They do their best not to let it influence.

Q. That would apply to Dana Boente as well?

A. Yes.

Q. Rob Rosenstein?

A. Yes.

Q. It would apply to him as well?

A. Yes.

Q. And you also did not Dana Boente?

A. Correct.

Q. And you provided some information to Rod Rosenstein about your involvement; is that correct?

A. Yes.

Q. Other issues in the IG report
discusses -- the IG report indicates that you never sought ethics advice about whether your wife's employment by Fusion GPS presented a conflict of interest; is that correct?

A. Correct.

Q. You told the IG that you may not have sought ethics advice because you did not want to spread the information around the Department before it was evaluated; is that correct?

A. Yes.

Q. Is the ethics advice not confidential?

I'm not familiar with the ethics process at DOJ.

A. I believe they try to keep it confidential. I was trying to keep the number of people involved limited.

Q. But you said you didn't spread the information around the Department. By that, you did not mean that you were concerned that if you sought ethics advice that the information would get more broadly; is that not what you meant by that?

A. I'm not sure exactly. No.

Q. You still work at the Department. Do you have concerns now if you went to the Department for ethics advice about something that the information you shared would be spread throughout the Department?

A. Well, I think now, I would more likely to
Q. But you wouldn't have concerns about it being spread throughout the Department if an issue was shared?

A. Not particularly. I mean, there's always some risk.

Q. Who would you have sought ethics advice from at that time?

It doesn't have to be a person. A particular office.

A. Yeah. The Office of Professional Responsibility.

Q. Would you have had to go to Scott Schools at that point in time to get ethics or was there someone else you could have gone to to get the advice?

A. There are probably other people as well. Scott would have been certainly one place to go.

Q. What was Scott Schools' position at the time?

A. He was kind of the senior career person in ODAG.

Q. Was he at the same level that you were?

A. Yeah, but he was more senior.

Q. He was also, technically, an assistant deputy attorney general?

A. Assistant associate deputy attorney
Q. Scott Schools was also associate deputy attorney general?
A. That is correct.
Q. Did the fact that he was in the ethics chain in any way affect your decision to seek or not seek ethics advice on your wife's employment by Fusion GPS?
A. I don't believe so.
Q. I would like to sort of switch agencies once again to outside the Department and switch to the State Department.

According to the IG report: "In the morning of November 21, 2016, at the State Department's request, Ohr met with Deputy Assistant Secretary Katherine Kavalec and several other senior State Department officials regarding State Department efforts to investigate Russian influence in foreign elections and how the Department of Justice might assist those efforts. During a break in this, Ohr and Kavalec discussed together Kavalec's interaction with Steele."

Do you recall this conversation?
A. I recall speaking with Kavalec about Steele. I don't recall that specific conversation.
Q. But you recall an initial conversation with her?
A. Yes.
Q. About Steele?
A. There was an initial conversation, yes.
Q. Stepping back, other than Kavalec, did you discuss Steele or Russian election interference in the 2016 election with anyone else at the State Department?
A. I don't recall. I don't think so.
Q. Victoria Nuland?
A. No.
Q. Jonathan Winer?
A. No.
Q. What was the meeting about? Do you recall the gist not the meeting with Kavalec, but more the general meeting -- it says with State Department official regarding State Department efforts to investigate Russian influence in foreign election and how the Department of Justice might assist those efforts.
Can you speak more broadly about this meeting?
A. I'm happy to tell you my recollection of the meeting. I do believe it was probably classified at the time. So I don't know whether there's a problem. If not, I can certainly --
Q. Well, I don't need the specific efforts. I'm just trying to understand if you can say anything more broadly about it.
A. I think they were primarily interested in talking with other countries that felt like they were being threatened with election interference from Russian and sharing lessons from our experience.

Q. Was there any discussion about Russian interference in the United States election in 2016 at that meeting?

A. I don't recall specifically any discussion about that.

Q. Do you recall why you were invited to the meeting?

A. I generally was the person dealing with -- no, I don't. I don't know.

Q. Was there anyone else from DOJ at the meetings?

A. I don't recall.

Q. I mean, would that seem an obvious topic for you to be the DOJ representative at?

A. I mean, I dealt with Russia matters generally, but, you know, I don't know. I don't recall if there were other people there from DOJ or not.

Q. You didn't say that -- did you ever express to Kavalec or someone else at the State Department that they have the wrong guy to attend this meeting?

A. I don't recall doing that, no.
Q. I guess what I'm asking is this would also seem to -- this meeting would seem to fall outside of your portfolio, as you explained it earlier, as either ADAG or OCDETF.

A. If I recall, what I talked about at the meeting was more of we support criminal investigation into Russian organized crime activity and that some of the same actors might be involved.

Q. Let's go back. We talked more broadly about the bigger meeting. Let's talk about the smaller between you and Kavalec that was -- you said that it was during a break from this larger meeting. Do you remember how she approached you?

A. I don't, no.

Q. How did she know that you knew Steele?

A. I don't recall how that came up.

Q. You knew her, Ms. Kavalec, prior to this meeting; is that correct?

A. I may have met her once before, but, generally, that was my first meeting with her.

Q. You didn't generally have contact with her?

A. I don't believe so.

Q. Did you confirm to her that you knew Steele in the conversation?
A. I believe I did. I don't recall the specifics.

Q. Did you tell her Steele was also telling you the same or similar information?

A. I don't recall. Again, I don't recall.

Q. And, again, I asked you about this earlier: You had no concern talking about Steele with her even though he was a confidential human source?

A. No, because it was clear to me she had had conversations with Steele. So I was curious what she had heard.

Q. And what did she tell you she heard?

A. I don't recall the specifics.

Q. Was it similar to what you already heard?

Do you recall that?

A. I believe generally, yeah.

Q. What contacts did you have with her after the initial meeting about either Steele or Russian interference in the 2016 U.S. election?

A. I saw her at least a couple of times. So I don't recall exactly how many.

Q. Did you correspond with her by E-mail regarding these topics?

A. I know we sent E-mails back and forth. I don't know if they were specifically about this topic.
Q. Did Kavalec tell you that she had separately reached out to the FBI about Steele and the information he provided?
A. I don't recall that.
Q. Did you indicate to her that you were also having conversation with FBI about Steele?
A. I don't know. I don't recall.
Q. According to the IG report on page 279, she, Ms. Kavalec: "She told us that Ohr responded that Steele's information was, quote, kind of crazy, kind of wild, quite a tale. She told us that she provided this information to Ohr believing that he would pass it along to whoever needed it."
I guess my first question would was that your take on Christopher Steele's information, that it was kind of crazy, kind of wild, and quite a tale? Does that sound like the feeling you had about it?
A. I don't recall the -- I don't recall saying that specifically. I mean, I think it was pretty wild information, but he had provided good information in the past.
Q. Did you tell you would pass the information along to the FBI that she had told you?
A. I don't recall.
BY MR. BAKER:
Q. Do you know if there was any follow up with her? Did you circle back and say you did pass it along or did she affirmatively reach out to you to verify that you did, in fact, pass it?

A. I know we spoke more than once. I don't remember exactly what we said. So I'm not sure.

Q. You don't recall a specific discussion about whether you, in fact, passed it along and who you passed it to?

A. I don't recall anything.

BY MR. SOMERS:

Q. Did you pass -- I'm sorry. If he asked this. Did you pass Kavalec's information to the FBI?

A. I believe I did.

Q. Who did you pass it to?

A. Whoever was the agent that I was talking with at the time.

Q. Did she -- do you recall her raising an issue with you about whether Russia had a consulate in Miami?

A. I don't recall that.

Q. Did she tell you she had done any digging into the Steele information herself?

A. I don't recall.

Q. Whether she had may have found something
inaccurate, do you recall that?

A. I don't recall, no.

Q. Any discussion about outcomes with her?

Do you recall?

A. No. I can't -- no. I don't recall.

Q. One of the people I asked you about earlier was Jonathan Winer. The 302 of your November 21, 2016 meeting with the FBI, it notes that: "Ohr knew that Steele's reporting was going to, among other Jon Winer at State."

How did you know that?

A. You know, I don't recall now.

Q. Do you know Jon Winer?

A. A little bit yes.

Q. Did you -- what were your contacts with -- what's relationship with Jon Winer?

A. I dealt with him a little bit when he was in the government back in the early 2000s and I think I saw him once the hall passing during the Obama Administration, but I don't think we ever spoke about anything substantive.

BY MR. BAKER:

Q. What was his position at State?

A. Back when I knew him in the early 2000s, I think he was a deputy assistant secretary for INL, and I don't know what his position was in 2016.
Q. You said INL?
A. Yeah. It's the Bureau of International Narcotics and Law Enforcement. I may be getting that wrong.

MR. BAKER: Okay. Thank you.

BY MR. SOMERS:
Q. So during the post-July 30, 2016 through, say, December 2017 time -- well, I guess he left the State Department. Well, let's keep it broad.
In December 2017, what was your relationship with Winer in that particular time? Did you have contact with him?
A. I don't believe I did.

Q. Did you discuss Winer with Steele?
A. I think Steele mentioned Winer, but I don't know.

Q. Could that be how you, quote, knew that Steele's reporting was going to, among others, Jonathan Winer? Could it have been Steele who told you that?
A. It could be, yes.

Q. Did Winer ever share information with you about the Trump campaign or Russia in the 2016 election?
A. No.

Q. In one of your 302s, the May 8, 2017 302, at the end there is a statement, quote: "Jonathan Winer was bringing over a letter separately" and, in parentheses, "NFI".

Do you have any recollection of what that letter is?
A. I can't recall anything as I sit here, no.
Q. There must have been -- you told the FBI.
So you must have had some awareness of this at some point in time.
Did you communicate with him after he left the State Department in January of 2017?
A. No.
Q. Did you ever receive information from Jonathan Winer?
A. No.
Q. Your November 21, 2016 302, similar to my questions about Winer: Ohr, quote, knew Simpson and others were talking to Victoria Nuland at State."
How did you know this?
A. I think Steele told me.
Q. Simpson and others. Do you recall who the others were?
"Ohr knew Simpson and others were talking to Victoria Nuland at State."
Do you know the others were?
A. No.
Q. Could it have been the intelligence community?
A. I don't know.
BY MR. BAKER:
Q. What position did Ms. Nuland occupy at State?
A. She was -- I'm not sure. It may have been assistant secretary for their Europe Bureau. I don't recall.

BY MR. SOMERS:
Q. Could the others have been Steele? Did Steele talk to you about Victoria Nuland?
A. I'm sorry?
Q. "Ohr knew Simpson and others were talking to Victoria Nuland at State. I'm asking about the others and whether Steele may have mentioned to you that he was speaking to Victoria Nuland at the State Department.
A. I think so. I'm not sure. I'm not sure.
Q. Do you know what they were talking to her about, Simpson and the others?
A. No.
Q. Presumably, since it's in that 302, it had something to do with elections interference.
A. Yeah, but I don't know.
Q. Okay. Did you ever communicate with Victoria Nuland?
A. No.
Q. About anything?
A. No.

MR. SOMERS: Let's go off the record for a second.

[Discussion held off the record.]

MR. SOMERS: I would like to mark this entire set of documents Exhibit 1 for the court reporter.

[Ohr Exhibit No. 1 was marked for identification.]

BY MR. SOMERS:

Q. If you could, these are Bates numbered at the bottom. They're in order, but I only printed out the documents from the complete set that were of interest to me rather than giving you a large set of documents.

Go to page 25.

A. Twenty-five.

Q. At a little further than halfway down the page, January 31st of 2017 at 5:48 p.m., you respond to Christopher Steele. This is a series of messages, text messages, of some sort between you and Christopher Steele, and it says -- this is from you:

"Bruce: Understood. I can certainly give you an FBI contact if it becomes necessary."

Do you know why you were at the point in time discussing giving Christopher Steele an FBI contact?

A. I don't recall the conversation, but looking at the prior message from Christopher to me, he
says: If you end up out though, I really need another, Bureau, question mark, contact point/number who is briefed. We can't allow our guy to be forced to go back home. It would be disastrous all around, though his position right now looks stable. A million thanks.

Q. Do you recall who "our guy" is?
A. I believe that's his primary source.

Q. And I'm not going to ask you to reveal his name, but did you know who his primary source was?
A. I did not.

Q. What was his concern at the time about the primary source?
A. I think that the primary source would be forced to go back home. I don't know exactly where home is.

Q. Could you go to the next page, Bates 26 on March 16, 2017 at 7:52 p.m.

A. Yes.

Q. It says: Hi. Apparently Laura Perkins is the DOJ official responsible for overseeing the Foreign Corrupt Practices Act, slash DPA, Deferred Prosecution Agreement applied to Bilfinger, our non-paying German engineering company client. Best."

A. Yeah.

Q. Do you know why Mr. Steele was raising
this issue with you?
A. I think he had some information about other wrongdoing by Bilfinger.
Q. Was he asking you to take any action about Bilfinger on behalf of or to intervene with Laura Perkins on something?
A. It looks like he's asking me to call Laura Perkins.
Q. Did you call Laura Perkins?
A. I did not.
Q. If you go a little further down the page, did you tell him it wouldn't have been appropriate for you to call Laura Perkins about --
A. I wouldn't have.
Q. Because it would have been inappropriate?
A. I think -- yeah. I would not have felt comfortable doing that.
Q. Did you convey that to Steele?
A. I don't remember if I did or not.
Q. Had you ever gotten a request like this from Steele before or after, to intervene in -- "intervene" is not the right word -- the contact someone at the Justice Department about a client of his?
A. I don't recall any other time, no.
Q. A little further down the page, at March
24, 2017 at 7:15 a.m., skipping into the middle of that text: "Otherwise, we understand an approach from Senate Intelligence Committee to us is imminent. I would like to discuss this and our response with you in the next couple of days, if possible."

Do you recall discussing the Senate Intelligence Committee their request with Steele?

A. I believe we did. I don't recall the specific one, but I'm sure we did or I believe we did at some point.

Q. What did you discuss?

A. I think, again, he was worried about his source's safety, is my recollection.

Q. Did you provide him with any advice on how to deal with that request?

A. No. I don't recall doing so.

Q. If you could go -- sorry -- back to Bates 25 for a second.

Toward the bottom on March 7, 2017 at 4:53 a.m., this is from Steele to you: "Would it be possible to speak later today? We're very concerned about the Grassley letter and its possible implications for us, our operations, and our sources. We need some reassurances. Many thanks."

Did you discuss a Grassley oversight letter with Christopher Steele?
A. I believe we did.

Q. Do you recall -- sorry. You said "we did?"

A. I believe I did.

Q. Is that you and Steele?

A. Yes.

Q. What did you discuss?

A. Again, I remember him being concerned about his source becoming exposed.

Q. Then this is kind of a general question. I think it occurs in a lot of these texts, but we'll just take this one, for example, the same as I just asked you about Grassley.

"We're very concerned about the Grassley letter." Do you know who the "we're" is? Were you talking to anyone else with Steele? Is that how he spoke generally?

A. I don't know.

Q. So you were not in contact with anybody else from Orbis?

A. That's correct.

Q. If you can you turn to Bates 27, the top of the page, the very first text, March 30, 2017 at 9:07 a.m.

"Hi, Bruce. Any news? The Senate Intel Committee is leaking like a sieve, which is giving us pause for thought on engagement."
Then you respond at 9:15 a.m.: "Bruce: Chris, no news on this end aside from what I'm reading in the papers."

Did you make an inquiry of somebody?

A. I don't recall making any inquiry, no.

Q. Did you ever talk to anybody on the Intelligence Committee about the requests they were making of Christopher Steele?

A. No.

Q. On the bottom of that page, July 16, 2017, 5:47 p.m., it's from Steele to you again and the second sentence there says: "I spoke to my old colleague last week and they assured me they would not stand in the way of our reengagement with the Bureau."

Do you know who he was referring to by his old colleague?

A. I think he means people in British intelligence.

Q. Do you have any sense of why they would stand in the way of his reengagement with the Bureau? Was that a concern then?

A. My understanding was he needed to check with them before talking with the Bureau because it was a former employee.

Q. Do you know if he checked with them before he spoke with the Bureau in the -- this text message is sent
in the summer of 2017. So in the summer of 2016, did you
ever have any conversation with him about whether he engaged
with his old colleagues to see if it was okay to talk with
either you or the FBI?

A. I don't recall any conversations along
those lines.

Q. The next is -- your response to this is
the next text on that page at 5:49 p.m.: "Bruce: Hi,
Chris. It's good to hear from you. Hope all is well. I
will pass this along to my colleagues."

Who did you pass that along to?

A. The FBI.

Q. So would that be -- do you know who at the
FBI?

A. Either [REDACTED] or his successor.

BY MR. BAKER:

Q. Do you know the successor's name?

A. I don't recall it as I sit here.

BY MR. SOMERS:

Q. Do you recall if they're at Headquarters
or a field office?

A. I don't.

Q. Where did you meet with -- first, where
did meet with [REDACTED] when you met with him, generally?

A. I believe I generally met with [REDACTED]
at Headquarters.

Q. And then he had two successors, I believe is indicated in the IG report. Did you meet with them at Headquarters as well?

A. At some point, I met with -- started meeting with one of them in the Washington Field Office, but I don't recall exactly when that transition occurred.

Q. Did you ever meet with them at Main Justice?

A. Your offices is at Main Justice. Correct?

A. No.

Q. Your office is at Main Justice?

A. Right. I was at Main Justice.

Q. I gave you that question in reverse order. Did you ever meet with him at Main Justice?

A. I don't believe.

BY MR. BAKER:

Q. How would a handoff have been done? is leaving. Did he set up an introduction with whoever was taking his place with you?

A. I don't recall.

BY MR. SOMERS:

Q. We're were still on Bates 28, the next text there. This is August 6, 2018 at 12:28 p.m.

"Hi, Bruce. Hope you're well and getting some holiday
with the family. Whenever convenient, I would like to chat. There's a lot going on and we are frustrated at how long this reengagement with the Bureau and Mueller is taking. Anything you could do to accelerate the process would be much appreciated."

What was he expecting you to do to accelerate the process with the Bureau and with Mueller?

A. I don't know.

Q. Did you ever engage with the special counsel on behalf of Christopher Steele?

A. Not that I was aware of. I just kept going to the same agent they told me to talk to.

Q. Did you ever go back to the FBI and express Steele's frustration about not being reengaged?

A. I'm sure I passed this along to whoever the agent was I was talking to.

Q. Did they ever give any explanation as to why things were going slow or whether they were able to deal with it?

A. I don't recall any explanation.

Q. The next last sentence of that text message says: "There are some new, perishable, operational opportunities which we do not want to miss out on."

Do you know anything about that?

A. I don't know if it was this occasion, but
it may have been this occasion. He had some other people, I think, who he thought might be able to provide information to the FBI.

Q. Regarding?
A. Some Russian interference in general.

Q. But you don't know whether those opportunities were ever taken? Did you ever facilitate it?
A. Well, I passed this information back to the FBI. I don't recall what they did with it.

Q. Did you ever facilitate the FBI meeting with anybody else related to this Russia interference investigation?
A. I mentioned Kathleen Kavalec to them.

Q. But no -- Steele didn't give you -- did Steele ever give you anyone else's name and then you provided that name, slash, person to the FBI to give further reporting to FBI?
A. I don't recall anything like that happening.

Q. Would you turn to Bates 29, the next page there, November 18, 2017 at 4:22 p.m. It's kind of towards the bottom of the page, the long text there.
This is again from Steele to you. I'm going to skip to the third sentence: "I am presuming you've heard nothing from your SC colleagues on the issues you kindly put to them
Would you agree with me that SC is probably Special Counsel?

A. I think that's who he's referring to.

Q. Is that who you understood him to be referring to?

A. Yes.

Q. It says: "On the issues that you kindly put to them from me."

What issues did you put to the special counsel colleagues?

A. Whatever the other things he mentioned, I guess as reported to the agents that I was dealing with.

Q. Did you ever talk to Andrew Weissman, not the meeting we talked about earlier, but Andrew Weissman once he was on the special counsel team, did you ever talk with him about Christopher Steele?

A. No.

Q. Same question for Ms. Ahmad.

A. No.

Q. Did you know -- I mean, other than them, did you know anyone else on the special counsel's team?

A. I was acquainted with one of the agents.

Q. And that agent was not the same person that was your handler --
A. Correct.

Q. -- for passing off Steele information?

A. Correct.

BY MR. BAKER:

Q. What was the agent's name?

A. [redacted].

BY MR. SOMERS:

Q. Had you ever spoken to him about --

A. I spoke with him, but I did not pass on information.

Q. I'm sorry. I didn't hear your response.

A. I spoke with [redacted] at one point, but I did not -- it was purely social. I did not pass on any information.

Q. So nothing about Russian interference?

A. Correct.

Q. They weren't Russian interference conversations?

A. Correct.

Q. At the bottom of that page 29 and it continues onto 30, it says -- you response to Chris. This is November 18, 2017 5:22 p.m.

"I understand the difficulties and uncertainty you are experiencing. I haven't heard anything back, but I'll reach out again and ask for an update."
Who would you have reached out to again?
A. The same agent.

If you could turn to the next document there, this is about the Senate Intel -- it's Bates No. 47 about the Senate Intel letter that we discussed a few minutes ago. I think these are -- are these your handwritten notes, your handwriting?
A. Yes.

This refers to a call we were talking about earlier, your call with Chris.

"Got letter from the Senate Intel Committee."
I'm reading the second sentence.
"Got letter from Senate Intel Committee."
Asked, something, three questions. Is that roughly how you read it?
A. Yes.

Do you know what that word is?

"Them three questions."
Can you read the last sentence on that note?
A. The last sentence?
Q. Yes. "Also", something.
A. "Also, Don Jones still in the picture, his own channel."

Could that be Dan Jones and not Don Jones,
1 possibly?
2 A. It might be.
3 Q. I asked you earlier about Dan Jones, and you don't know who Dan Jones is?
4 A. No.
5 Q. The Penn Quarter Group?
6 A. No.
7 Q. And you don't know whether at some point, Dan Jones or the Penn Quarter Group took over paying for research from Christopher Steele?
8 A. No, I don't.
9 Q. Let's go to Bates 49, the next page. Again, I think it's:
10 "Dan Jones, former FBI, was staff to Senate Intel Committee."
11 Is that what that says there?
12 A. Yes.
13 Q. Do you know what the next three words are there?
14 A. "During water boarding."
15 Q. A little further down -- these are your handwritten notes?
16 A. I believe so, yes.
17 Q. There's a sentence that looks like: "He has talked."
Can you read that sentence?

A. "He has talked with current FBI, trying to help discreetly."

Q. Do you think this relates to Russia?

A. I don't know. I don't think -- as I said, I don't think I'm familiar with Dan Jones.

Q. Whatever these notes are, do you believe this is your notes on the phone call or some other, Skype call or whatever, with Christopher Steele?

A. Yes.

Q. So this information you have here is from Christopher Steele?

A. Yes.

Q. Then if we go to the next page here, relates back to the question I asked you earlier about Jon Winer and the letter. The second sentence there, I think I can read this one.

"Jon Winer bringing over a letter separately. They are trying to keep a low profile as much as possible."

Did I read those two sentences correctly?

A. I believe so, yes.

Q. Does this refresh your recollection at all about Jon Winer and that letter I asked you about earlier?

A. Yeah. I don't know what was in the letter. I don't know what that was about.
Q. Again, this is information from Christopher Steele, though, to you?
A. I believe so, yes.

Q. Turn to the next page, Bates 57. It's got the date of November 8, 2017. There's a one, two, three in the column, and then a little bit further down the page, it looks like it says Mifsud. Do you see that?
A. Yes.

Q. Can you -- there's an arrow through some other words. I can't read those words. Can you -- I can read some of them, but could you read the words that are arrowed to there?

Again, these are your notes. Correct?
A. Yes. I have to admit I'm having a little trouble here. I don't know what the first -- I'm not sure what that first word is. Underneath, it says "con last year", so conversation last year, and then Mifsud, maybe "to Scotty", Mifsud, something Scotty, former battalion foreign minister.

Q. Do you know who Scotty is?
A. No.

Q. You don't know who that is?
A. No.

Q. Do you know Joseph Mifsud is?
A. The name rings a bell, I think from the
newspapers, but I don't know who he is. I didn't have any contact or any knowledge about it him.

Q. Again, I keep asking this question, I guess, but these notes here are based on, to the best of your knowledge, a conversation you would have had with Christopher Steele?

A. Yes.

Q. So he was telling you something about Joseph Mifsud, but you don't recall who Joseph Mifsud is?

A. No.

Q. Can you turn to the next page, page 58, and again there is a Mifsud and some words after that. Could you read that to us? I can't make that out.

A. I'm not sure. It looks like instru -- it could instrumental, but I'm not sure. I think that's "R", slash, "Saudi" relationship.

Q. What does "R", slash, "Saudi" mean?

A. I think Russia-Saudi relationship.

Q. So Mifsud is something, maybe instrumental, in Russia, slash, Saudi relationship?

A. That's how I read that, yes.

Q. Do you know who Alison Saunders is?

A. Yes. Yes.

Q. Did you go serve her a dinner at her house in 2016?
A. I believe I did, yes.

Q. Who is that?

A. She at that time may have been the chief or the head of prosecution services.

Q. So you can save me a reading of George Papadopolous' book, let me just read you this tweet from George Papadopolous: "The person who introduced me to western intelligence asset Joseph Mifsud also introduced Alison Saunders, UK's top prosecutor to Bruce Ohr four days before the Trump Tower meeting. I exposed this person in my book. UK is the epicenter of a coup attempt from the last two years."

Who introduced you to Alison Saunders, if you recall?

This is your saving me from having to look at George Papadopolous' book.

A. Okay. I knew Alison Saunders for many years. She was previously the head of their organized crime branch in the criminal prosecution service, and I started dealing with her -- I don't know -- five, ten years before this.

Q. So you've known her for a long time?

A. Yes.

Q. Did you ever discuss Russian interference in the election with her?

A. No.
Q. Did you ever discuss Joseph Mifsud with her?
A. No.
Q. Are you familiar with Link Campus in Italy?
A. I'm sorry?
Q. Link Campus in Italy?
A. No. I don't think so.
Q. That will be my last Mifsud-related question.
A. Okay.
Q. If we could go to the beginning of those documents.

Bates No. 1, down towards the bottom is an E-mail from Christopher Steele to Bruce Ohr: "I heard from Adam Waldman yesterday that OD is applying for another official U.S. visa ICE APEC business at the end of February. Apparently, he is being encouraged in this by the Agency guys who told Adam that the U.S. Government stance on him is softening, a positive development, it seems."

Who do you take OD to be in that sentence?
A. I believe he's referring to Oleg Deripaska.
Q. And who is Oleg Deripaska?
A. He is a criminally-connected oligarch in
Q. And what would -- why would Christopher Steele being talking about Oleg Deripaska?

A. I think he had some kind of connection with Deripaska.

Q. What would your interest is Oleg Deripaska be?

A. Because he's a criminally-connected Russian oligarch. That's my interest.

Q. Had you discussed Deripaska with Steele over the years?

A. We did have an ongoing conversation. I don't know if it predates this E-mail.

Q. Who is Adam Waldman?

A. A lawyer.

Q. A private lawyer?

A. Yes.

Q. For Deripaska, presumably?

A. I believe so.

Q. "The U.S. Government stance on him is softening, a positive development, it seems."

What would be positive about the U.S. Government's
stance on this guy, who you said was a criminal, softening?

A. I think, as I said, Chris Steele had some sort of a relationship with Oleg Deripaska. So I think he thought Oleg Deripaska could be harmful.

BY MR. BAKER:

Q. What was your understanding of why the U.S. Government's stance would be softening?

A. I don't believe it was. I may be wrong about that.

Q. Do you know why he thought it was? Was there anything specific that he --

A. He says he was encouraged in this by agency guys. So he may heard something.

Q. But you don't know what specifically?

A. I mean, I think that it's just what it says here. He was told by agency guys it was softening.

BY MR. SOMERS:

Q. Would you agree that it was a positive development that the relationship was softening or the stance was softening?

A. No, I would not.

Q. And, to your knowledge, Steele had some sort of client relationship with Deripaska?

A. I don't know exactly what their relationship was.
Q. Turn to Bates 2. This is an E-mail from you back to Steele on February 9, 2016.

The one sentence there says: "I was aware of OD's travel, and to the extent, I'll keep an eye on the situation."

A. Yes.

Q. What would you have done to keep an eye on the situation?

A. Listen for any reports from the FBI or anywhere.

Q. Do you have any concern that Steele corresponding to you on your, I assume, unsecured account at Justice about the agency guys claim to have a hand in this and there was another reference to agency folks in the previous E-mail we read? Do you have any concern about that, related to discussing the agency?

A. Yeah. I -- yeah. Yes, I do have concerns.

Q. Did you ever speak to him about the means of communication not being appropriate?

A. Well, I think at some point, we switched to encrypted communication, but I still wouldn't want discussions, these kind of discussions, over E-mail.

Q. Turn to Bates 6. This is one that we asked about a few times, but at the bottom there, you
probably know which sentence I'm going to ask you about, the one with the exclamation point there: "It concerns our favorite business tycoon."

A. Yes.

Q. I think you testified you believe that's Deripaska?

A. Yes.

Q. That's your recollection?

A. Yes.

Q. And you do not think it could have been Donald Trump?

A. No.

Q. Page 8 -- sorry -- Bates No. 8, at the top of page, Chris Steele to Bruce Ohr on July 30th. This would have been after the meeting you had with him in person on July 30th.

"Great to see you and Nellie this morning, Bruce. Let's keep in touch on the substantive issues. Glenn is happy to speak with you on this if it would help."

I assume the substantive issues, you would take that to mean the election reporting --

A. Yes.

Q. -- he told you about earlier?

BY MR. BAKER:

Q. Did he bring up anything else in that
conversation that would have been of interest to the
Department, slash, FBI that had nothing to do with --
A. I don't recall.
Q. -- Russia?

BY MR. SOMERS:
Q. Why would Glenn have been of help on this?
I assume Glenn means Glenn Simpson.
"Glenn is happy to speak with you on this if it would
help."
Do you know why he thought Glenn Simpson could have
been of help?
A. No.
Q. Turn to Bates 14. It should be the next
in the packet there. There's not much information there. I
just want to focus on the subject line here. It's from
Chris Steele to Bruce Ohr.
"GOU Kraine", is that the government of Ukraine?
A. I believe so.
Q. "RUSAL". What's RUSAL?
A. Rusal is the Russian aluminum. That's
Deripaska's company.
Q. What was the dispute?
A. I don't recall.
Q. Do you recall discussing a Rusal dispute
with Christopher Steele around that time?
A. Based on this, yes.

Q. Did he ask you to take any action?

A. I don't think so. I don't believe so, no.

Q. Did Rusal have any issues with the Department of Justice or the FBI, criminal issues, legal issues?

A. I don't know about legal issues.

Q. Criminal issues?

A. There was concern about Rusal activities as part of Deripaska's area of operations.

Q. But do you have -- it wasn't your understanding that Christopher Steele through a lawyer -- do you know Paul Hauser is?

A. Another lawyer.

Q. Do you know if Christopher Steele was a client of his?

A. I don't know.

Q. Do you know that he Oleg Deripaska's attorney?

A. Yes. I did know he had a connection to Deripaska.

Q. I'm just trying to -- I sort of asked this earlier, but I'm just trying to understand whether you realized that Christopher Steele had been hired either directly or indirectly by Oleg Deripaska to do some sort of
work for him.

A. Yeah. Again, I don't know the specific nature of relationship, but I think it was clear to me that he had some sort of relationship with Deripaska.

Q. Did he ask you to take any action that was a favor -- any action with the U.S. Government, Department of Justice, Department of state, whoever you had contact with, did he ask you take any action that would benefit Deripaska?

A. I don't believe -- I don't recall him doing that, no.

Q. Let's switch agencies again, back to the State Department here. Look at Bates No. 22. Bruce Ohr to Kathleen Kavalec, November 21, 2016. You say to Kathleen: "Kathy, thanks for taking the time to meet with us. I really hope we can get something going here."

Do you know what that sentence, "I really hope we can get something here -- I'll give you a chance to read the E-mail, but my question is going to be, "I really hope we can get something going here", what that refers to.

A. I think, just generally, the information that she had provided. So I was trying to encourage her to continue providing information.

Q. And that was information from Steele?

A. Oh, well, information she was providing,
some of it was from Steele.

Q. Why did you really hope to get something going?

A. I think I was trying to encourage her to give more information. It was just along the same lines as information Steele had provided, because it could be important. I was encouraging her to give me information to pass along.

Q. Turn to Bates 24.

On 24, if you could just look at the article that was linked here. I didn't pull the article. I think it's pretty clear -- I think it was also attached to your 302. So I believe you provided this document to the FBI at some point in time.

It looks the subject of the article is about Kremlin and GOP share a new friend and boy does she love guns. Do you recall what -- this is on February 23, 2017 from -- it's unclear, but it does look like on February 23, 2017 at 10:05 a.m., Glenn Simpson wrote and he attached this article.

Do you recall what they were wanting to do, if anything, having to do with the Kremlin, NRA, and guns?

A. I remember he wanted me to have the information. I don't recall if they asked us to do anything with it specifically.

Q. I do think you provided that information
to the FBI. I believe that article is attached to your 302s.

BY MR. BAKER:

Q. Go back to Bates No. 2 for just a second, the long E-mail at the bottom from Mr. Steele to you on February 8, 2016, and about five sentences down, he has in the sentence: "Our old friend OD apparently has been granted another official visa to come to the U.S. later this month."

He has "official" in italics. What meaning did that have for you? Why would he have "official" in italics?

A. My understanding at the time was he could not -- he was on a visa ban list or something like that. He could not apply for a normal visa, but if the Russian Government put him on a list official representatives or something, then the State Department would issue a visa. I think that's what he meant by official.

MR. BAKER: Thank you.

BY MR. SOMERS:

Q. We're almost out of time. Let me see. I didn't, unfortunately, print out this particular exchange, but it looks like you had a meeting with Christopher Steele at the Capitol Hilton in Washington, D.C. on Friday, September 23, 2016. Do you recall that?

A. Not the specific date, no.
Q. And he stated he was there on a client-related program. Do you know what he meant by that?
A. No.
Q. You don't recall why he was in the United States around that time, September 23rd?
A. No.
Q. Did he ever talk to you about his contacts with the press?
A. I think he mentioned he was in contact with the press.
Q. Do you know, roughly, when he would have told you?
A. I don't.
Q. You didn't bring it up in the first meeting in July?
A. I don't recall.
Q. Do you recall whether he mentioned in this meeting or sometime between the July meeting and this meeting on September 23rd that he was also speaking to the press?
A. I don't recall.
Q. But you definitely knew that he was speaking to the press?
A. I think I remember him saying that, yes.
MR. SOMERS: I think that's all the time we have
this round.

    MS. SAWYER: In term of logistics, it's now
12:40. I'm just trying to get a sense of how long, how many
more rounds you guys think you have. Is now a good time to
take a break to get a little bit of food?

    MR. SOMERS: I don't think we have any more than
one more round, I don't believe. I mean, we can take a
break now. It's up to you. I don't know how much more you
guys have.

    MS. SAWYER: I'm guesstimating that we will have
questions for not more than an hour, but that would take us
to 1:40.

    MR. SOMERS: I'm happy to take a break.

    MS. SAWYER: We can take a half-hour.

    THE WITNESS: Okay.

    MR. SOMERS: Let's just make it 1:15.

[Whereupon, at 12:42 p.m., a lunch recess was
taken, to reconvene at 1:15 p.m. this same day.]
MR. HASKELL: It's 1:20. We are returning from the lunch break.

FURTHER EXAMINATION BY COUNSEL FOR THE MINORITY

BY MR. HASKELL:

Q. So, Mr. Ohr, I want to follow up on some of my colleagues' questions about Oleg Deripaska, who you characterized before the break as a criminally-connected Russian oligarch. Would you mind, given your extensive experience and expertise dealing with Russian organized crime, just tell us a little bit more about Deripaska.

MR. FINDLAY: Just before you answer, just one thing there. I don't think we want to go into other investigations or earlier investigations, so a general overview.

BY MR. HASKELL:

Q. Absolutely. Just your general knowledge.

A. His is a figure that controls a large portion of the Russian aluminum industry. The Russian aluminum industry, the control of that industry famous subject of a series of violent organized crime battle back in the nineties.

He's been pretty notorious as having connections with different criminal groups out there. He is also very well connected with the Kremlin and, obviously, is the head of
one of the biggest, if not the biggest, aluminum company in
the world right now.

He has a great deal of influence not just in Russia,
but in many other countries. This is the kind of organized
crime thing that I think the Justice Department and the FBI
needs to pay attention to.

Q. Thank you. And just to pick up on one
thing you said, that he was connected with the Kremlin.

That aligns with how the Mueller Report characterized him,
as closely aligned with Vladimir Putin, and that's on page
131 of Volume 1 of the Mueller Report.

That also aligns with testimony you gave to the House
that, quote: The line between government business and
organized crime in Russia is gray, nonexistent. Russian
criminals, businessman, government officials often use the
government for their own private end and, conversely, the
Russian State often uses oligarchs and criminals for
government ends.

You provided quite a bit there, but can you just
elaborate a little bit on that, on the connection between
oligarchs, such as Deripaska, the government, and crime?

A. Well, Russia is not the place where the
rule of law prevails in most instances, unfortunately,
and they have had a legacy from the communist era where
criminals and the -- where a lot of the actual economic
activity was illegal under their law.

So, unfortunately, what we've seen over the last 30 years since the fall of communism is that there are very few rules in Russia and that people who have power in one sphere tend to use that to gain power in a different sphere. The government is often -- they're often in the position of working directly with criminals.

Also, I think businessman feel that their property is not safe from the government or from criminals. So they tend to strike deals with both of them.

So the same figures tend to be prominent in more than one sphere. So any time you look at something -- it could be hostile state operation -- you have to look for other criminal angles to it, criminals involved in that and vice versa.

Q. Okay. Thank you.

With acknowledgment to the previous remark about not commenting on any cases, could you tell us generally about -- generally what you know with that limitation in mind about Deripaska's relationship with Trump's former campaign manager, Paul Manafort?

A. They had some business together, from my understanding, and that was part of the information that I passed to the FBI, was some information from that relationship.
Q. Okay. And I assume you have some familiarity with the Mueller Report. I hope, for your benefit, it's not something you read frequently or have been required to read the entirety of, but I want to ask you a few questions about the report's discussion of the Manafort-Deripaska relationship.

The report details how Manafort funneled internal campaign data and strategy, including the campaign's plan for winning in battle ground States like Michigan, Wisconsin, Pennsylvania, and Minnesota to Konstantin Kilimnik, who the FIB assesses has ties to Russian intelligence.

For one example, Manafort personally briefed Kilimnik on, quote, the state of the Trump campaign and Manafort's plan to win the election, on page 140 of Volume 1, and Manafort instructed Rick Gates, who was his deputy on the campaign, quote, to send Kilimnik internal polling data and other updates, and that was with the expectation that it would be provided to Deripaska. Gates did, in fact, send that type of information to Kilimnik.

Based on your experience, could information that was transferred to Deripaska, a Russian oligarch also aligned with Putin in a country with, as you said, nonexistent lines between government and business, have ended up in the hand of the Russian Government?
A. It could have.

Q. And given Deripaska's ties to Russian organized crime, is it also possible that information was directed to transferred or was -- that if it was transferred to Deripaska, it could have ended up in the hands of other Russians organized criminals?

A. It could have.

Q. Now, Special Counsel Mueller could not reliably determine what happened to the internal Trump campaign information after Manafort, through Gates, provided it to Kilimnik, and Mueller couldn't do that because evidence wasn't sufficiently available. That's in part, as the Mueller Report explains, because Manafort and Gates deleted and encrypted communications with Kilimnik and because Manafort lied several times to the Mueller team about, among other things, his interactions with Kilimnik.

So we don't know exactly what happened with that campaign information, but given that we do know what we do know with certainty, do you find it is concerning as an expert in Russian organized crime that internal U.S. campaign information was being directed to someone with connections to organized crime and the Kremlin?

A. In general, yes.

Q. And would that raise national security or counterintelligence concerns?
A. It probably would.

Q. Would you mind elaborating on what sort of concerns that might raise?

A. Well, I think pretty much what I've said earlier, that information that was being passed to -- sensitive U.S. information was being passed to a criminally-connected oligarch could end up in the hands of what we regard as a hostile foreign power who could use it to undermine the security of the United States.

Q. And would that concern be heightened if that hostile foreign power was at the time actively engaging in sweeping systematic interference in U.S. elections?

A. It would.

Q. Special Counsel Mueller also revealed that Manafort had his deputy, again, Rick Gates, prepare a memo for Deripaska and several Ukrainian oligarchs that details Manafort's role on the campaign. That's on page 135 of the report.

Manafort said that his role on Trump's campaign would be, quote, good for business. He asked Kilimnik how, quote, do we use my campaign position to get whole, and that ws get whole with Deripaska who had a pending lawsuit against Manafort seeking millions of dollars.

Mueller also revealed that Manafort fully expected that, and again I'm quoting from the report, if Trump won
Deripaska would want to use Manafort to advance whatever interest Deripaska has in the United States and elsewhere, page 137, Volume 1.

Given Deripaska's ties to organized crime in Russian, is it fair to say that, quote, whatever interest Deripaska has could include advancement of interests of Russian organized criminals?

A. Yes.

Q. And do Russian organized criminals have interests in the United States?

A. Sure.

Q. A similar question: Given Deripaska's close ties to Putin, is it fair to say that, quote, whatever interest Deripaska had could include advancing of Putin's and, more broadly, Russia's interests?

A. It could.

Q. And do Putin and Russia have interests in the United States?

A. Yes.

Q. I'll switch gears now, returning to the Steele dossier.

You told the Inspector General that you viewed Steele's reporting as raw and unfinished Russian source information that the FBI needed to evaluate. You similarly told House investigators when you were interviewed there in 2018 that
you viewed Steele's reporting as information that the FBI collects, quote, not to present in court, but to see if different sources corroborate each other and that you just passed to the FBI for whatever it was worth.

Can you expand upon that?

A. I think as I said before, the FBI collects a lot of information from many different sources and not all of it pans out in terms of leading to a particular crime or other basis for an investigation, but it's extremely important for the FBI to get that information so they can see potential threats, criminal threats or national security threats to the country.

So I thought this information fell into the category of information that could be very important, but that could not be -- should not be relied on by itself. So it would go to the FBI, the people who would no doubt have access to many other sources of information so they that could evaluate it properly.

Q. In fact, Steele wasn't the only person outside the U.S. Government that you, over the years, had received information from and passed along to the FBI; you testified during your House interview that you've met people over the years who would have information that they wanted to tell somebody in U.S. law enforcement.

You said that because you had been working in this
area, meaning organized crime, transnational organized crime, for many years: "Many people know me know, but might not know an FBI agent. They would me things. I would pass it to the FBI."

So is it correct that Steele was not the only person that you would pass the information on from and, in fact, it was something that happened with some degree of frequency?

A. Yes.

Q. And you explained during your House interview that you viewed this as, quote, part of your job to gather as much information or introduce the FBI to possible sources of information whatever ways to further the Department's and the Bureau's goals.

So I take it that it wasn't just that you thought this information might be useful to the FBI, but you viewed it as your job to get that information to them if you thought it may be useful.

A. Yes.

Q. Returning to the Steele information specifically and what you had said about it being raw and unfinished source information, notes of FBI personnel about meetings with you state that intelligence Steele collected, quote, may be exaggerated or conspiracy theory talk and that even Steele doesn't know if all this reporting is true.

Again, that's on page 280 of the IG, notes from -- FBI
personnel notes from meetings with you.

Did you take any steps to conceal the nature of 
Steele's reporting from the FBI?

A. No.

Q. And it's fair to say -- and I think you've 
touched on this, but I'll ask again. Is it fair to say that 
you assumed the FBI would take steps to corroborate Steele's 
reporting?

A. Yes.

Q. And it is also accurate to say that 
Steele, himself, indicated that this information would need 
corroboration?

A. I believe so.

Q. Okay. Since you have been questioned so 
extensively today by the Inspector General and other 
congressional committees because of your interactions with 
Steele, it would seem that Steele and his reports must have 
played a major role in all aspects of the government's 
Russian interference investigation. So I would like to ask 
you a little bit about that.

The Crossfire Hurricane investigation was opened on 
July 31, 2016. The Inspector General in his nearly 500-page 
report determined that Crossfire Hurricane team did not 
become aware of Steele's reporting until September 19, 2016. 
The IG confirmed that, quote, the Steele dossier played no
role in the opening of Crossfire Hurricane.
Are you aware of any evidence that disputes that finding?
A. No, I'm not.
Q. This committee recently had a hearing with former Deputy Attorney General Rod Rosenstein who supervised the Mueller investigation. At that hearing Senator Feinstein asked him to identify which finding in Special Counsel Mueller's report relied on information from the Steele dossier.
Mr. Rosenstein testified, quote: I don't believe there is any such information.
Do you have any evidence that contradicts Rosenstein's testimony that no findings in the Mueller Report rely on the Steele dossier?
A. I have nothing to contradict that.
Q. Rosenstein also testified at that same hearing that none of the 199 criminal counts resulting from Special Counsel Mueller's investigation relied on the information obtained from Steele. Do you have any reason to dispute or any evidence that disputes that statement by Rosenstein?
A. No.
Q. So, in other words, you don't have any evidence or reason to believe that Special Counsel Mueller
and his team relied on the Steele dossier for any of those
criminal counts that his office charged?

A. That is correct.

Q. Thank you.

Despite the Steele dossier's minimal role in the
Crossfire Hurricane and Mueller investigation, as we just
discussed, the President's allies continue to suggest
otherwise. They've also suggested that none of the
information that Steele provided, meaning none of the
information in the so-called Steele dossier, proved true. I
wanted to just ask you a few questions about that.

In June-July 2016, Steele reported that, quote: Russia
has an extensive program of state-sponsored offensive cyber
operation, targeting, among other things, quote, political
opponents abroad.

That's in Memo 86 on July 26, 2016.

In fact, Russia did conduct cyber attacks on U.S.
computer systems, specifically, the systems of U.S.
political parties and members of political campaigns, stole
information and then used it to interfere in the 2016
election.

So Steele's reporting about Russia's, quote, program of
state-sponsored cyber operation that targeted foreign
political opponents proved true, did it not?

A. It appears that it did.
Q. In June 2016, Steele reported that Putin, quote, supported and directed pro-Trump interference efforts.

That's Memo 2016, June 20, 2016.

In January of 2017, which was six months after Steele had reported that, the U.S. intelligence community assessed that, quote: Putin ordered an influence campaign aimed at the U.S. presidential election.

So Steele's reporting about Putin, himself, supporting and directing Russian influence efforts also proved true, did it not?

A. It appears so, yes.

Q. Also in June 2016, Steele reported that Russia's interference efforts intended to, quote, show discord and disunity both within the U.S. and the Transatlantic Alliance, Memo 80, June 20th.

The intelligence community in that same January 2017 assessment said that Russia aimed, quote, to undermine public faith in the U.S. democratic process and, quote, the U.S.-led democratic order.

Special Counsel Mueller similarly found in his report that Russia's goal was, quote, to provoke and amplify political and social discord in the United States.

So Steele's reporting that Russia aimed, quote, to show discord and is disunity both within the U.S. and the
Transatlantic Alliance also proved true; is that correct?

A. Yes.

Q. In July 2016, Steele reported that Trump and Russia had, quote, a mutual interest in defeating Secretary Clinton, whom President Putin apparently both hated and feared. That's Memo 95, July 2016.

Again, many months later, January 2017, the U.S. intelligence community wrote, quote, Putin and the Russian Government had a clear preference for Trump, and they added that Putin long had disliked Clinton.

Special Counsel Mueller similarly found that Russia, quote, favored Candidate Trump and disparaged Candidate Clinton and perceived it would benefit from the Trump presidency.

So Steele's reporting about Russia and Trump's, quote, mutual interest in defeating Clinton and his reporting that Putin had a long-held dislike for Clinton also proved true; is that correct?

A. Yes.

Q. I've got one last one for you, in August 2016.

So in August to 2016, Steele reported that, quote, the aim of leaking the DNC E-mails to Wikileaks during the Democratic Convention had been to swing supporters of Bernie Sanders away from Hillary Clinton and across to Trump, Memo
The Mueller investigation found substantial evidence that that was true, including internal Russian intelligence documents directing officers to, quote, post content that focused on politics in the USA and to use any opportunity to criticize Hillary and the test except Sanders and Trump. We support them.

Russian Government-run Twitter accounts, quote, posted pro-Sanders and anti-Clinton material. Russian Facebook ad purchases pushed material to Sanders supporters that criticized Clinton. This is evidence from our Committee's investigation into Russian interference, the Mueller report, and an indictment of the IRA.

So Steele's reporting about Russia's efforts to swing supporters of Sanders away from Clinton also proved true; is that correct?

A. Yes. It appears so.

Q. So just summarizing, as I said, the Steele dossier played a limited role and confirmed that Steele's dossier played limited role in the Russian investigation and no role in the findings of the Mueller Report and no role in any of the counts charged by Special Counsel Mueller, but that is not to say that critical pieces of the dossier did not prove true?

A. Yes.
BY MS. SAWYER:

Q. I have one or two, I think, questions.

You were asked -- I think you still have the documents in front of you that my colleague had had you review about some of the conversations that you had with Christopher Steele --

A. Yes.

Q. -- that were spanning a few months period, and I'm talking about the documents that have the Bates numbers -- in particular, I'll have you take a look at Bates No. 29 where it appeared that Mr. Steele had been reaching out to you over a period of months or at least at one period of time and that you talked some of the communications, but at top of that page, there is an entry, 10-26-17 at 7:12:47. It appears that it's Mr. Steele reaching out to you and wanting to speak about a story in the media about the Bureau handing over docs to Congress in relation -- about the work in relation -- and then it goes "with them". I assume that's the Bureau.

It says, quote, very concerned about the people's lives may be in danger, end quote.

You had indicated earlier you thought that he had raised some concerns about safety. Does that help remind you about some of his specific concerns regarding people being in danger?
A. Yes. He was concerned about the safety particularly of one source and he raised that on multiple occasions, which if the source was somehow revealed, that could put the source's life in danger.

Q. And one of the concerns was that some of the materials that could be turned over could have identified or put that source at risk?

A. Yes.

Q. And that is sometimes something that the Department itself is concerned about, protecting sources and methods or at least sensitive information from public disclosure?

A. Yes, and the physical safety of the source.

Q. So would you have deemed his concern about potential exposure that would put someone's life at risk as a reasonable concern?

A. Yes.

Q. Would it have been reasonable for him to reach out to you to discuss that with you and try to find a way to mitigate that danger?

A. Yes.

Q. Did he ask you to do anything inappropriate to try to help protect sources or methods or him or his work?
A. I don't believe so, no.

MR. HASKELL: I think that's all we have for this round. Thank you.

THE WITNESS: Thank you.

[Chairman Graham enters the proceeding.]

FURTHER EXAMINATION BY THE MAJORITY

CHAIRMAN GRAHAM: Thank you. How many times have you done this?

THE WITNESS: Many.

CHAIRMAN GRAHAM: Okay. This won't take long.

MR. SOMERS: I'll note the time for the record is 1:48.

BY CHAIRMAN GRAHAM:

Q. All right. Mr. Ohr, you were not part of Crossfire Hurricane; is that correct?

A. That is correct.

Q. Okay. And the way you knew Mr. Steele was from prior engagements; is that right?

A. That's correct.

Q. What were those?

A. I had met him originally when he was working for British intelligence and we had shared or he had shared with me information about Russian organized crime, and once he left the British Government and set up his own firm, he continued to provide information from time to time.
Q. And when did he -- and he provided you with what's now called the dossier, some excerpts from that; is that correct?
A. Yes.
Q. Okay. Do you remember the first time you got one from him?
A. Well, he provided information orally, and the first one, I don't remember the date as I sit here, but I am told it was July 30th, around that time.
Q. 2016?
A. 2016, yes.
Q. When did first become suspicious that this was raw intelligence and you might want to check a little bit further?
A. I think from the very beginning, it was clear it was raw intelligence.
Q. Well, I think you did the right thing, for what it's worth, to say, Hey, there's some accusations here, but somebody needs to check it out.
Who did you tell you should be concerned about this intel?
A. I spoke with various people at the FBI and some people at Criminal Division.
Q. Did you ever talk with Strzok about it, Peter Strzok?
A. At some point in the fall, I was introduced to Peter Strzok and I believe I conveyed the same information to him that I had conveyed to others.

Q. In your House testimony on November 21st, you testified to the House Judiciary Committee that you have to be clear that this is source information. "I don't know how reliable it is. We're going to have to check it out and be aware."

Does this sound familiar with what you said in the past?

A. Yes.

Q. And that was sort of what you were trying to convey?

A. Yes.

Q. To be careful here?

A. Yes.

Q. So on November 21st, you previously testified you had meeting with Peter Strzok, Lisa Page, and several other members of Crossfire Hurricane during which you provided information about the knowledge of Steele and Steele's election reporting. Does that sound right?

A. Again, I don't remember the specific date, but yes.

Q. That's what you said to the House?

A. Yes.
All right. Did you report to them that
Steele appeared to be desperate that Trump not get elected?

Again, as I just mentioned to these folks earlier today, I don't remember using that specific word, but I certainly conveyed --

That he had a bias?

Well, I wouldn't say bias. He was very alarmed by the information, and if it were true, then he was afraid that --

Did he ever suggest to you that he wasn't sure if it was true or not, Mr. Steele?

I think he found it -- I think he believed it was credible, but as a professional, he knew as well as I did that you can't trust everything. Anything like this, you have to be careful with.

Yeah. You previously said that reporting of criminal activities may be exaggerated or conspiracy theory talk. That's what Steele told you, saying you can't know whether all the reporting is true. Does that sound right?

Yes.

So even Steele had questions about it?

I don't recall specifically, but that sounds right.

All right. Have you ever obtained a FISA
warrant?

A. No.

Q. Were you ever -- have you ever been involved in obtaining a warrant at all?

A. Criminal search warrants, not FISA.

Q. Okay. Would you have used this information to get a warrant based on your past behavior?

A. I would want to have it corroborated.

Q. That's fair enough.

Do you know what was done to corroborate the dossier before it was used?

A. I do not.

Q. Okay. Are you aware that the dossier was the primary source for obtaining the warrant against -- the primary document for obtaining the warrant against Carter Page?

A. I have seen press reports about it.

Q. Did you ever talk with Mr. McCabe about this?

A. I conveyed the information I heard to Mr. McCabe on the one meeting we had in the fall of 2016.

Q. In the fall of 2016, you put McCabe on notice, Hey, you need to watch this, you need to verify?

A. I certainly gave him the same caveats.

Q. Yes. Your concerns?
A. Yes.

Q. Okay. Do you know when Mr. McCabe first became aware of the Steele dossier?

A. I do not.

Q. Okay. Do you know how people in New York became aware, the FBI in New York became aware, of the Steele dossier?

A. At that first meeting with Chris Steele, he mentioned to me that he had provided information to the agent in New York.

Q. Okay. And how many times do you -- did you ever talk to Director Comey about this?

A. I did not.

Q. But you did talk to McCabe.

All right. Were you aware that the FBI interviewed the primary Russian sub-source in January 2017?

A. No. I don't think so.

Q. Okay. Did you ever hear any chatter from anybody that they found the primary sub-source who provided Steele with all the information and it was not adding up?

A. I did not.

Q. Okay. So in the normal course of business, if you have exculpatory information or information that challenges the reliability of a document presented to the court, what should happen?
A. You should inform the court.

Q. Okay. And you should inform your superiors?

A. Yes.

Q. Okay. Do you know why that didn't happen here?

A. I do not.

Q. Okay. So but you heard nothing at all about multiple interviews with the primary sub-source questioning the reliability of the dossier?

A. That's correct.

Q. Did you keep talking to Page and Strzok after November 2016?

A. I don't believe so, no.

Q. When is the last conversation you can remember with anybody related to Crossfire Hurricane?

A. Well, I didn't know who was working on Crossfire Hurricane. So I continued to report what I heard from Chris Steele to an agent from the FBI.

Q. When did you pick this group?

First, when you go to Strzok and Page and that group and talk to them about your concerns, what made you pick them?

A. I picked Andy McCabe and I went to him because I knew him. We had worked together on Russian
criminal matters over the years.

Q. What did he say when you told him that you were concerned about you need to be careful, for lack of a better term?

A. I think he understood, because he also worked on Russian criminal matters.

Q. But he acknowledged to you that we should be careful?

A. I don't remember what he said.

Q. So on November the 21st, you previously testified you met at length with Peter Strzok and Lisa Page and several other members. How did you know to talk to them?

A. I think they called me and asked me to come in.

Q. Did you then know they were working on Crossfire Hurricane?

A. I did not.

Q. Okay. They called you?

A. Well, after I spoke with Mr. McCabe, I think that he said that they would follow up with me and they did.

Q. So McCabe, your understanding is that McCabe called Strzok and Page and they wanted to hear what you had to say?
A. Something like that. I'm not sure.

Q. You don't know for sure --

A. Right, exactly.

Q. -- but you talked to McCabe first. Then you talked to Strzok and Page, and your previous testimony is pretty clear that this is raw intelligence, you need to check it out and be aware.

A. Yes.

Q. What was their reaction?

A. I don't remember any disagreement.

Q. Did they say we'll do it?

A. I don't remember what they said.

Q. All right. So did you have any more conversations with anybody about Mr. Steele after the fall of 2016?

A. Well, I continued to report to an FBI agent what I had heard from Mr. Steele.

Q. Who was that agent?

A. Initially, it was [REDACTED] and then other agents were substituted in as time went on.

Q. How often did you talk to this person?

A. I would call him whenever I got a call from Chris Steele.

Q. Did you get calls from Mr. Steele after November 21, 2016?
A. After 2016, yes.

Q. Okay. Can you tell us the nature of those calls with Mr. Steele?

A. He provided additional information that he had learned. In one series of calls, he was very concerned about the safety of his source, who he believed might be exposed and in danger.

Q. When did he acknowledge to you that some of this may be not reliable? Was that before or after 2017?

A. I don't recall.

Q. But he did mention to you some of this may be exaggerated?

A. Yeah. I don't remember when he said it.

Q. Okay. But you previously said that. Is there anything that would make you change your mind now?

A. I don't think so.

Q. So in 2017, were you talking to Mr. Steele in January of 2017?
A. I believe I was, yes.

Q. Were you talking to him in February of 2017?

A. I don't recall exactly when the calls were.

Q. When was the last time you talked to Mr. Steele that you recall?

A. I believe it was in November of 2017.

Q. Okay. So, basically, you stayed in contact with Mr. Steele all the way through November of 2017?

A. Yes.

Q. Okay. Did he ever mention to you about the Russian sub-source being interviewed by the FBI?

A. No.

Q. Why was he calling you? What was the purpose?

A. Well, he was passing some additional information, what he had learned.

Q. Why would he pick you and not -- I mean, you weren't working on the case. Why did he pick you?

A. Because we had known each other for some time.

Q. Did you ever tell him you need to hand this to the people running the operation, not me?
A. They weren't speaking with him. At some point, they terminated him as a source.

Q. I think in October of 2016, he was terminated, but you kept talking with him. Did you know he had been terminated as a source?

A. I became aware of that at some point, yes.

Q. Why did you keep talking to me?

A. Well, when he called and offered information, I figured I would want to hear what he had to say.

Q. Well, but the FBI said -- the people running the operation had closed him out. Right?

A. That's correct.

Q. Why did you keep talking to him?

A. I was afraid that the information could be important.

Q. Okay. Did you tell your superiors you were still talking to him?

A. I did not.

Q. Okay. Interesting.

So you never heard of an interview by the FBI with what is now called the primary sub-source?

A. I think it came out -- I saw it in the press or the IG report or something like that.

Q. Before that, on your own, you never heard
anybody --

A. I don't think so, no.

Q. Did you tell Strzok and Page that you were still talking to Steele?

A. Not directly, but I told the FBI agent I was.

Q. What did the FBI agent say? Did he encourage you to keep talking to him?

A. They just take the information.

Q. Do you know what the system did with your concerns about the reliability of the information?

A. I do not.

Q. What did you expect to happen? What were your hoping to happen?

A. That they would analyze it and compare it to other information that they had received.

Q. That's right, and is it fair to say that you did not know it had already been used to obtain a warrant in October of 2016? Did you know that?

A. I did not know that.

CHAIRMAN GRAHAM: Well, thank you very much.

THE WITNESS: Thank you.

BY MR. SOMERS:

Q. You used the term earlier, and it's your term, "source information". Could you just explain exactly
what "source information" is?
A. Information that has been offered to law enforcement that comes from somebody who may or may not be willing to testify and that it's information that law enforcement can use for leads or other purposes, which generally is not the same thing as testimony or evidence.
Q. So source information is information that has been verified generally?
A. Yes.
Q. If you want to use it?
A. Yes. You have to verify source information.
Q. And as we discussed length earlier, you had, obviously, a number of conversations with the FBI over the relevant period of time. Did the FBI ever ask you to help through Steele verify any of the information in the dossier?
A. The only thing they asked me was at one point to ask him whether he would be willing to talk with them again.
Q. And you also talked about how Steele had provided you information on all sorts of things over the years. Had you ever met a source of Steele's before?
A. No.
Q. In the 302, the November 21st 302 of your
November 21, 2016 interview with the FBI, the 302 says that:

"Ohr met with Steele in July and September 2016 during which Steele advised Ohr of Steele's election reporting and who had hired him."

Does that sound right?

A. Yes.

Q. And by "who had hired him", what did you know about who had hired Steele?

A. He mentioned to me a name of the person that had hired him, but I did not recognize the name and, frankly, I couldn't remember.

Q. Obviously, Glenn Simpson directly hired him. He mentioned who, basically, hired Simpson; is that what you're saying?

A. I think that's my understanding, yes.

Q. Do you remember if that name was an attorney?

A. I don't recall.

Q. You don't recall if it was Michael Sussman, that name?

A. No. I wouldn't recognize it now.

Q. But the bottom line is Steele was willing to tell you who the ultimate client was?

A. He did, I believe.

Q. Did you have an understanding that this
ultimate client, whose name you can't remember, was somehow associated with the Democratic Party?

A. I don't recall, but I guess it had something to do with the Clinton campaign. I didn't know.

Q. What was your understanding of what Steele and Simpson were doing with Sussman in that way?

A. My general impression is they were looking into the possibility that there was some of collusion between the Russian Government and the Donald Trump.

Q. But it was for -- this wasn't for their own, you know, curiosity; this opposition research; is that your understanding?

A. Yes.

Q. So it was to be used against Trump or the Trump campaign?

A. Yes.

Q. And Steele didn't say to you, you know, Oh, I can't tell you what this is for; he was forthcoming? If you asked -- you would know right now if you could remember who the ultimate client was; there was no hiding this information by Steele from you?

A. Right.

BY MR. BAKER:

Q. You had previously indicated that he indicated that it needed to be validated or vetted or
sourced when he gave it to you?

A. Yeah. Again, I can't remember exactly when he said that, but yes.

Q. Did he ever add a caveat to any of the information he passed to you that he, himself, questioned a particular document or a particular reporting?

A. I can't remember that. He might have, but I don't remember. I can't recall.

BY MR. SOMERS:

Q. But you weren't speculating this was opposition research; you knew this was opposition research?

A. Yes.

Q. So if could just read -- I'm only going to ask you about the last sentence in this, but I'm going to read the entire footnote. This is Footnote 8 from the Carter Page FISA application. I'm reading from the version that appears in page 143 of the IG report.

"Steele, who now owns a foreign business/financial intelligence firm, was approached by an identified U.S. person who indicated to Steele that a U.S.-based law firm had hired the identified U.S. person to conduct research regarding Candidate 1's ties to Russia. He identified the U.S. person and Steele had a longstanding business relationship.

The identified U.S. person hired Steele to conduct this
research. The identified U.S. person never advised Steele as to the motivation behind the research into Candidate 1's ties to Russia."

And this is the sentence: "The FBI speculated that the identified U.S. person was likely looking for information that could be used to discredit Candidate 1's campaign."

But as far as you knew, that wasn't speculation; you knew it was opposition research?

A. Yes.

Q. And you conveyed at one or more meetings with the FBI this was opposition research?

A. I think they knew it.

Q. So this wasn't a big topic of conversation, because everyone was aware it was opposition research? Would you characterize it that way, my characterization?

A. I can't remember the exact words, but somehow I thought that.

BY MR. BAKER:

Q. Did you ever follow up to see what either Andy McCabe, Pete Strzok, or Lisa Page did with any of the info that you provided to them?

A. No. No.

Q. Did they have any followup for you based on information that you passed to them?
A. No. They just said to keep telling them the information that I got.

Q. They said to keep telling them information as you were getting it?

A. Yes. They probably put me in touch with [redacted].

Q. Okay. So did you have any additional followup or information to pass to Strzok, McCabe, or Page that then went to [redacted]?

A. I didn't have specifically for Strzok, Page, or McCabe. I continued to pass on whatever I heard from Chris Steele to [redacted].

Q. So after that passing of information to McCabe, Strzok, and Page, that was sort of the end of the conversations with them?

A. Right.

Q. There wasn't a followup from you to them or them to you?

A. I'm sorry?

Q. There wasn't a followup from you to see if they did anything with it and there wasn't a followup from them to you for clarification or additional information or to let you know what they did with this?

A. That's right.

MR. BAKER: Thank you.
BY MR. SOMERS:

Q. Back to the point on opposition research, that same 302 that I cited earlier goes on to say later -- this is the November 21st 302 of your interview -- I'm sorry -- the 302 of your November 21st interview with the FBI:

"Ohr advised the FBI of the follow: Simpson, who hired Steele, was himself hired by the lawyer who, quote, does opposition research and Steele's reporting was going to Hillary Clinton's presidential campaign, an identified State Department official, and the FBI."

So you knew that the reporting was going to Hillary Clinton's presidential campaign?

A. As I indicated before, yeah.

Q. So it wasn't like it was going there; you knew it was going there?

A. Yea. I didn't know the exact who, but yes.

Q. And you conveyed that, obviously, according to the notes in 302 to the FBI.

I think that the chairman sort of broached this earlier, but also in this meeting -- this is a note from the IG -- you must have conveyed to the FBI Steele may have some doubts about his source network.

The IG report on page 286 says: The reporting of
Kremlin activities may be exaggerated or conspiracy theory talk. So Steele could not know whether all the reporting is true."

Could you elaborate on that comment a little bit?

A. I mean, that's certainly my understanding. When you hear information from a Russian source, it's often speculation, conspiracy, everything mixed in. So you have to be very careful with any information you get that's related to Russian criminal activity, Russian operations, that sort of thing.

Q. So any information that comes from Russia, you always should look at with a skeptical eye; is that fair?

A. That's correct.

Q. And is that something that you, in particular, know as a Russia expert or do counterintelligence people generally know that you don't trust Russian information and you have to take it at face value?

A. I would assume they know it well.

Q. Also, in this November 21 meeting, you told the FBI that, quote: "Steele's reporting was shared by Simpson with a lot of people."

This is in the IG report at page 280.

I think I asked you this earlier, but did you
acknowledge that included the press?

A. I believe so.

Q. A lot of people?

A. Yeah.

Q. I talked over you.

A. I said I believe so, yes.

Q. According to the IG report, again on page 280: "Ohr told the FBI that Steele wrote well-sourced reports, using a variety of sub-sources."

What's your basis for saying they were well-sourced?

A. I think he had -- I understand he had multiple sources over the years that provided information. I think he said that to me and the reporting he provided seemed to reflect pretty -- not a single point of view, different points of view of what was going on in Russia.

Q. But you had never met any of his sources?

A. That's correct.

Q. Did anyone else vouch for Steele's reputation with you before you started your relationship with him or as you had a relationship with him?

A. I think the FBI found his information useful. So at least in some circumstances, the information was substantiated.

BY MR. BAKER:

Q. Was it your understanding that Mr. Steele
would deal with the primary sub-source himself or did have an employee who would deal with the sub-sources?

A. I don't know.

BY MR. SOMERS:

Q. We spoke about the Manafort case earlier. So at the November 21st meeting, I think it's in the IG report that you were asked a question about whether there was a prosecutor assigned to the investigation, and then the IG report on page 280 indicates he, as you, Ohr: "He also said that no one at the meeting told him about the Crossfire Hurricane investigation, but that he was advised that the FBI was pushing ahead on the Manafort case."

So were aware of the Manafort case before that November 21st meeting?

A. I believe I was.

Q. Did you share this Manafort case information with Steele, about the Manafort case?

A. No.

Q. Getting back to what I asked you about earlier, I just found the quote I was looking for that I didn't have earlier.

This is about "Ohr said he introduced Steele to -- this is page 269, I believe, of the IG report. "Ohr said he introduced Steele to Handling Agent 1 -- who was -- "so that Steele could provide
information directly to FBI in approximately the spring of 2010. He told us that he pushed to make Steele an FBI confidential human source because Steele's information was valuable. Ohr also said that it was not efficient for him to pass Steele's information to the FBI and he preferred having Steele work directly with an FBI agent."

I mean, that seems to be in contrast with what you did with election reporting.

"Ohr also said that it was not efficient for him to pass Steele's information to the FBI and he preferred having Steele work directly with an FBI agent."

What changed from that, you pushing for him to signed up as a CHS, to the summer or fall of 2016?

A. Nothing changed. It was still better that he was talking with them directly, but if he provided information to me and the information seemed important, I would pass it along to the FBI.

Q. But that wasn't the ideal setup?

A. Right.

Q. So you still agree with that.

Had you ever passed Steele information to McCabe prior to the October 18th meeting?

A. I don't believe so.

Q. Then you said, I believe you said during our first round, that when you got information from Steele
in the past that you would use your normal point of contact. Not always, but your normal point of contact would be the TOC East or West; is that accurate?

A. TOC East and the handling agent.

Q. And the handling agent. So in normal course, not involving Crossfire Hurricane, you receive information from Steele. You pass it to, let's say, TOC East. Did you usually follow up on the information after you passed it to TOC East?

A. I can't recall specific episodes, but generally, I think when I passed information, I just gave them the information. I don't recall following up.

Q. You don't recall following up? 

A. [Gestures.]

BY MR. BAKER:

Q. Did you ever get any -- sort of like the question we asked earlier about McCabe, did you ever get any follow up on that information; Hey, is this really good; we'd like keep this dialogue going?

A. I don't recall anything like that, no.

BY MR. SOMERS:

Q. I may have asked you about this in the last round when I was going through the documents. Footnote 436 of the IG report: "Ohr said he understood Steele was, quote, angling for Ohr to assist him with the client issues."
For example, Ohr stated that Steele was hoping that Ohr would intercede on his behalf with a Department attorney handling a matter involving a European company. Ohr denied providing any assistance to Steele in this regard and we found no evidence that he did. The attorney handling the matter involving the European company told us that Ohr never spoke with her about the matter. Steele told us that he asked Ohr about the Department attorney involved in the case because he was considering contacting the attorney about an issue involving his client."

The long thing I just read, though, was prefaced by "for example". So "Ohr said he understood Steele was angling for Ohr to assist him with his client's issues."

Can you comment on what you meant by that?

A. Just that Bilfinger instance.

Q. There weren't other instances? I mean, the lead-in says "for example".

A. I don't recall any other things.

Q. What about election reporting?

A. No. I think my impression on that is he was giving us information because he thought it was important, not that he thought it would help him in any way.

Q. What about Glenn Simpson?

A. Same thing. I don't think they were
particularly expecting anything from the government on that.

Q. If they weren't expecting anything from the government, why did they follow up with you so many times?

A. I think Chris Steele was concerned that the government was involved, but I don't think it was any personal gain.

Q. But he must have been expecting the government to do something?

A. I think he hoped we would look into it.

Q. Did he ever express frustration with you that the information hadn't come out publicly that there was investigation into the Trump campaign?

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

Q. Did he ever express frustration that Comey had made, Director Comey had made, announcements about the midyear exam investigation around the time of the 2016 election?

A. I don't recall whether he talked about that or not.

Q. So you don't recall having a conversation with him about frustration about derogatory -- I'll strike "derogatory" -- about information about an investigation into Hillary Clinton's E-mail server coming out at the time of the 2016 election, but similar about investigation into
Candidate Trump not coming out?

A. I don't think so. I don't recall that, sitting here, anything like that.

Q. And you don't think that his contacts with you about Oleg Deripaska fit this angling situation that you described?

A. He never really asked me to do anything with respect to Oleg Deripaska. So no.

MR. BAKER: I guess this is more appropriately directed to Mr. Berman.

We talked about this before in the past, but a different day, a different forum. I was wondering if we might be able to -- I think you represent Ms. Ohr -- that we might be able to get copies of her research she did at Fusion that was turned over to some of the other authorities by Mr. Ohr, if this committee could get a copy of that.

MR. BERMAN: If you want to reach out to me about Mrs. Ohr to get a copy of that, I'll be happy to take your call.

MR. BAKER: Thank you very much.

MR. SOMERS: I think that's all we have unless you guys have questions. Do you have another round?

MS. SAWYER: I don't think we have a lot.

[Pause.]

We'll go back on the record. It's 2:25.
FURTHER EXAMINATION BY COUNSEL FOR THE MINORITY

BY MS. SAWYER:

Q. I just had a couple of questions for you. You were asked by my colleagues and also the chairman about your outreach directly to Deputy Director Andy McCabe and you were also asked whether or not it was usual for you to follow up once you had passed information over to the FBI, and from what I understood, you indicated it was not your usual practice to then follow up again.

So to me, it's sound like you did behave in this instance differently than you might in others. I wondered if that was accurate.

A. I'm not sure what you mean.

Q. Well, in this instance, it does seem like you did follow up. You first reached out to the handling agent in July and then, as far as I can tell, you also later, in October, reached out at a higher level to Deputy Director McCabe.

A. Okay. Yes.

Q. So there was that followup?

A. Yes.

Q. So it did seem different to me and I just wondered if that was true and, if true, why that would be the case here, why you felt the need to reach out?

A. Because of the potential importance of the
Q. And do you recall contextually what you were also seeing or hearing or, you know, even if it was through public reporting about what Russia might be doing, what Wikileaks might be doing, what generally going on with regard to Russia and the election?

A. Very broadly, I remember there were articles in the press about potential Russian interference and -- yes.

Q. Do you remember whether you were aware at the time that Wikileaks had started releasing information that had been hacked from the computer systems of a U.S. political party?

A. I think that was happening around that time. I certainly read it in the papers, yes.

Q. So my recollection was, certainly, in July, around the time of the Democratic National Convention, Wikileaks had published some 20,000 E-mails that had been stolen from the DNC. So that would have been two weeks before reached to the handling agent.

A. Yes. I don't remember the dates, but yes.

Q. At it would have been about two weeks before Christopher Steele first reached out to you and reported to you, at least verbally, some concerns about Russian interference and potential involvement in the Trump
A. Yes.  Going from your timeline, yes.

Q. Do you recall whether or not you were aware or heard then Candidate Trump on the campaign trail around July 26th making the statement, Russia, if you're listening, in essence, inviting Russia to hack his opponent, Hillary Clinton?

Do you remember whether you were aware of that?

A. I'm sure I was aware of it at the time.

Q. So just looking at a calendar, that statement on the campaign trail would have come some four days before Mr. Steele had first reached out to you and said he had concerns or had gotten a reporting that Russia might be interference and that the Trump campaign may know or be involved?

A. Yes.

Q. So did that heighten your concern and your desire to make sure that the FBI was aware of this information?

A. I'm sure it did.

Q. And was that -- throughout that fall, Wikileaks continued to release information that had been hacked from the DNC.  Do you recall that?

A. In broad terms.

Q. And do you recall the campaign, the Trump
campaign specifically, what I would term "weaponized", but certainly tried to amplify the message of Wikileaks by, for example, then Candidate Trump declaring on the campaign trail, I love Wikileaks; Wikileaks just released information; I encourage all of you to go and read the information that Wikileaks just released"?

A. I remember something like that.

Q. Did that kind of behavior by a U.S. presidential campaign, U.S. presidential candidate, have heightened your concern about the reporting you had heard from Mr. Steele?

A. I'm sure it did.

Q. So even though it was what we referred to or described as raw intelligence, you felt it was something that the FBI should certainly be looking into?

A. Yes. It potentially could be extremely important.

Q. Certainly, it posed, potentially, a extremely important national security risk to our country?

A. Yes. As I said before, yes.

Q. So when you took the -- when you had these conversations with Mr. McCabe, in addition to noting that it was raw intelligence that should be followed up on, certainly, the underlying themes of the report that Russia was seeking to interfere in our election and that there
could be potential knowledge of that and even the potential assistance, whether witting or unwitting, from the Trump campaign is something that you felt was important that he know about?

A. Yes.

Q. Once you had conveyed it at that level, did you seek then to recommend or follow up or suggest any particular investigative steps?

A. I did not.

Q. At any point in either the Crossfire Hurricane investigation or what then became the Mueller investigation, did you recommend that anyone take any particular investigative steps?

A. I did not.

BY MR. HASKELL:

Q. I first just want to clarify one point. There's been -- both myself and my colleagues and Chairman Graham mentioned a quote. I'll just read the quote, "may be exaggerated or conspiracy theory talk", pertaining to Steele reporting and there's been some mention that that was your testimony in the House and I think there's also been just some confusion about who that quote is ascribed to.

Just for the record, I want to make clear that that is on page 280 of the IG report and it is a quote that is under the heading "Notes Taken by Meeting Participants, FBI" and
indicates that "Ohr shared the following information", and then it says:

Among other things, Kremlin activities, quote, may be exaggerated or conspiracy talk, end quote, so Steele cannot know whether all reporting is true.

So I just want to clarify that those are the words from notes of FBI personnel, not the words of Mr. Ohr and not the words of Mr. Steele.

Turning to page 270 of the IG report, and you do not yourself need to turn there, although, you're welcome to. It says that: "Ohr's contact with Steele did not end after Steele formalized his relationship with Handling Agent 1 and the FBI. Ohr told us that he viewed meeting with Steele as part of his job -- as you again reiterated today -- "because he needed to maintain an awareness of Russian organized crime activities and Steele knew Russian organized crime trends better than anyone else. Handling Agent 1, Steele's handling agent, told the IG that he knew Steele and Ohr were in contact after that relationship had been formalized."

So I think the report speaks for itself on that point, but to be clear, you did not cease talking to Steele once he had a formal relationship with FBI and then pick up talking to him when that relationship changed; is that correct?

A. You're correct.

Q. You consistently spoke with him; is that
A. Yes.

Q. You were asked questions by our colleagues about your knowledge of the primary sub-source and the U.S. Government's interactions with the primary sub-source and you said that you were not aware of that, and that's not surprising because of the limited nature of your role vis-a-vis the Crossfire Hurricane investigation. We talked about that throughout the day, but I'm just going to ask you a couple of questions just to make sure we're absolutely clear.

You were not a member of Crossfire Hurricane team; is that correct?

A. Correct.

Q. You played no role in the decision by FBI Assistant Director Priestap to open the Crossfire Hurricane investigation in July of 2016; is that correct?

A. That's correct.

Q. And you played no role in the decision to open the individual investigations into Michael Flynn, Paul Manafort, George Papadopolous, and Carter Page; is that correct?

A. That's correct.

Q. You also played no role in the decision seek a FISA warrant on Carter Page in October of 2016; is
A. That's correct.

Q. And you played no role in the preparation, the drafting, or the reviewing of the October 2016 FISA application; is that correct?

A. That's correct.

Q. No role in the approval process for that FISA application?

A. That's correct.

Q. And is the same true, that you played no role in the decisionmaking, preparation, or approval for the three subsequent renewals of that Page FISA application?

A. That's correct.

Q. I believe you already confirmed this, but just for the sake of the record, were you even aware in the fall and winter of 2016 that the FBI was seeking or had obtained a FISA warrant on Carter Page?

A. I don't believe I was.

Q. You also weren't a member of Special Counsel Mueller's team; is that correct?

A. That's correct.

Q. And because of what we discussed about your position on Crossfire Hurricane and what you just said about your position on the Mueller team, am I right that you weren't privacy to the internal deliberations or decisions
of the Crossfire Hurricane and Mueller teams?

A. That's correct.

Q. And, in fact, the IG reports states that, quote: The FBI personnel we interviewed generally told us that Ohr did not make any requests of the FBI, nor did he inquire about any ongoing cases, or make any recommendations about potential investigative steps."

Do you share the recollections of the FBI personnel, the ones that you interacted with, that you didn't make any requests, inquire about ongoing cases, or recommend investigation steps?

A. I think that's right.

Q. The President has tweeted about your family more than 30 times. You've also been singled out and accused of various things, including of having, quote, worked on behalf of the Clinton campaign by members of Congress.

You didn't work for the Clinton campaign; is that correct?

A. That is correct.

Q. You worked and you continue to work at the Department of Justice. Why is it that you have elected to dedicate your career over the last almost 30 years, I believe, to the Department's
mission and I think it's a worthy goal to try to investigate
and prosecute criminal activity against the people of the
United States and I still believe it, obviously.

Q. And I apologize for asking this, but you, obviously, continue to work there notwithstanding the attacks I just mentioned. Why is it that you continue to work there in light of the public targeting of you and your family?

A. Well, the mission hasn't changed and the need to keep trying to seek for justice is still present and I still feel it and so I will continue doing it.

Q. That's extremely admirable and you may be a rare bird in that regard. Do you ever have concerns that public attacks like that make it difficult for the Justice Department to maintain and recruit people like you to join its ranks?

A. Yes.

BY MS. SAWYER:

Q. If I could just follow up on that for a minute, I often hear people describe what the Justice Department and the FBI do as investigating that is warranted and necessary prosecuting in the interest of the United States, and I often hear people use the phrase "without fear or favor".

From your perspective, what does that mean?
A. It means that you shouldn't be swayed by anything aside from the facts of the case.

Q. And do you believe that with regard to, certainly, your behavior and the handling of the information that Christopher Steele alerted you to and then you then passed along, did you feel that you were behaving in accord with that mission?

A. Yes. I certainly did my best to.

Q. I know this is a difficult question since you're employed at the Department, but do you believe that any of the efforts that have been undertaken to target individuals have been an effort to diminish people's ability to follow the facts where they lead, to engage in the mission of the Department without fear or favor?

A. I can't speak to anyone's motives, but I think some people, obviously, feel like they are being discouraged, but I can't talk about or I can't say why people are doing that. I wouldn't guess.

Q. Would you agree, at least, that there is a risk that people are being discouraged to follow the facts where they lead and to engage in the mission of the Department without fear or favor?

A. Yes. I think there's always that risk.

So within the Department, we try to keep people encouraged.

Q. Understanding that there is always that
risk, do you feel that there's a risk when the President of
the United States is using a social media platform to target
people individually who work for the Department or the FBI?
And not speaking of you in particular.

A. I generally hear from people that they are
discouraged.

MS. SAWYER: I think that is all that we had. Our
colleagues may have some more questions, but we appreciate
your time today as well as your cooperation in the
investigation to date.

THE WITNESS: Thank you.

MR. SOMERS: We don't have any further questions.
I think we can conclude the interview, and I just want to
thank Mr. Ohr and counsel for coming here today and putting
up with us for a little while.

Thank you.

THE WITNESS: Thank you.

#: I do have one statement for the

record.

The FBI and/or DOJ will provide a list of names
to the staff for redaction from the transcript.

MS. SAWYER: I guess while we're still on the
record, one of the questions that has come up, and I wasn't
here in the beginning, I just wanted to clarify. I mean, I
assume that we are providing the witnesses and including
this witness the opportunity to review the transcript, like we usually do.

MR. SOMERS: Yes. We will provide the witness the opportunity to review the transcript here.

MR. BERMAN: I would like to just thank the Majority and Minority for their professionalism and their civility all day today. Thank you so much.

THE WITNESS: Likewise, thank you.

MR. SOMERS: Thank you.

[Whereupon, at 2:41 p.m., the interview concluded.]
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SENATE JUDICIARY COMMITTEE
UNITED STATES SENATE
WASHINGTON, D.C.

INTERVIEW OF:

CASE AGENT 1

FRIDAY, SEPTEMBER 25, 2020

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

SENATE JUDICIARY COMMITTEE:

For the Majority:

ZACHARY N. SOMERS, ESQ.
Chief Investigative Counsel

ARTHUR RADFORD BAKER, ESQ.
Senior Investigative Counsel

For the Minority:

ALEX T. HASKELL, ESQ.
SARA ZDEB, ESQ., Senior Counsel
ANDREW FAUSSETT, ESQ.

FOR THE WITNESS:

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Office of General Counsel

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

, ESQ.
Senior Counsel,
U.S. Department of Justice

, ESQ.
Counsel, U.S. Department of Justice,
Legislative Affairs
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EXAMINATION BY:

COUNSEL FOR THE MAJORITY:

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

COUNSEL FOR THE MINORITY:

    By Mr. Haskell: 62, 123, 199
    By Ms. Zdeb: 62
MR. SOMERS: This is a transcribed interview of [redacted]. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee in matters related to the Justice Department's and the Federal Bureau of Investigation's handling of the Crossfire Hurricane Investigation, including the applications for or renewal of Foreign Intelligence Surveillance Act warrants on Carter Page.

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

THE WITNESS: [redacted], supervisory special agent.

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

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

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

MR. HASKELL: Alex Haskell, Ranking Member
Feinstein, Minority staff of the Judiciary Committee.

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

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

MR. SOMERS: Thank you.

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

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

Typically, we take a short break at each hour of
questioning. If you want to take a break apart from
that, please let us know.

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

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

Do you understand that?

THE WITNESS: I do.

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

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

Could your counsel please state their names for
the record.

MS. ARGENTIERI: Nicole Argentieri, O'Melveny &
Myers.
MR. HEISS: Howard Heiss, O'Melveny & Myers.

MR. SWICK: Richard Swick, Swick & Shapiro.

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

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

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

THE WITNESS: I do.

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

THE WITNESS: I do.

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

THE WITNESS: I do.

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

THE WITNESS: No.

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

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

THE WITNESS: Not at this moment.

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

MR. SOMERS: That is correct.

[redacted]: You understand that. Correct?

THE WITNESS: I do, yes.

MR. SOMERS: It is now 11 after 10. We will begin our first round of questioning.
EXAMINATION BY THE MAJORITY

BY MR. SOMERS:

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

A. I have, yes.

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

A. I am.

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

A. I did not.

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

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

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

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

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

A. That was, yes.

BY MR. BAKER:

Q. And you said you were assigned where?


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

A. I did, yes.

Q. What was the nature of that relationship?

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

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

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

Q. When you say a program manager, what is that?
A program manager is GS-14 that comes to Headquarters typically on a 18-month TDY to work in a specific unit. That unit has an SSA. The program manager is a supervisory special agent that reports to a unit chief at Headquarters. You oversee a specific program at FBI Headquarters.

Q. What type of squad were you on?
A. At FBI Headquarters?
Q. Yes.
A. It was a [redacted] Unit.

Q. And this was your first tour?
A. This was my first tour, yes.

MR. BAKER: Thank you.

BY MR. SOMERS:

Q. I'm sorry if I missed it. When was that Headquarters program manager assignment?
A. I came down to FBI Headquarters in November 2014, finished up my assignment at the end of June 2016.

Q. So you weren't gone for long then?
A. I was gone for a month.

BY MR. BAKER:

Q. But that is -- your first tour is where you met SSA 1?
A. I knew of him. I was in the Russian Counterintelligence Program for about 10 years prior to the Headquarters tour. I knew SSA 1 just through rotation.

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

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

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

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

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

A. That's correct.

Q. You switched the country?

A. Correct.

MR. BAKER: Okay. Thank you.

BY MR. SOMERS:

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

A. Roughly, February 2017. I competed for and received a supervisory special agent job in the New York Office in Chinese counterintelligence. I was named to that position in February of 2017. At that point, I
1 started to unwind my work to get up to speed in my new
2 squad.
3 Q. Did you have a -- that's when you
4 formally broke with Crossfire Hurricane? Did you have
5 any involvement after February of 2017?
6 A. I did to a limited degree. I
7 participated in the interviews of Carter Page when they
8 occurred. I believe the first was one was in March
9 2017.
10 BY MR. BAKER:
11 Q. So did you finish your complete TDY
12 before you reported to your new assignment or you left
13 earlier?
14 A. Yeah. I did. To clarify, I went to FBI
15 Headquarters to work Crossfire Hurricane in August 2016.
16 I got back to New York in November. I think it was the
17 3rd of November of 2016. I continued to work --
18 BY MR. SOMERS:
19 Q. So you were only in -- you were at
20 Headquarters -- I just want to make sure I'm following
21 this correctly.
22 A. Sure.
23 Q. You were at Headquarters from August 3rd
24 to November of 2016?
25 A. That's correct.
Q. You remained on the case, investigation, from November to February 2017 like a formal -- that was an assignment role?

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

Q. Then you had some involvement after February?

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

Q. Any other involvement than those Carter Page interviews?

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

Q. Did you sign the Woods form on that?

A. Yes.

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

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

Q. I mean did you -- so as I understand the Woods process, shortly before a -- and it's, obviously, a long Woods process that goes on, but what I was referring to, and I should have been more specific, was
my understanding is shortly before a FISA is submitted
for final reads by everybody, the case agents and a
supervisor go over the file, whether it's physical or on
a computer, and make sure that the allegations in the
FISA line up with the allegations in the Woods file.

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

A. The third renewal, no.

Q. But you did for the --

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

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

A. Correct.

BY MR. BAKER:

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

A. Correct.

Q. How exactly is that?

A. As a case agent, you're responsible for
taking what we call a cert copy of the FISA application
going to the court, going through that FISA essentially
line by line absent some of the rote language and whatnot, but marking down each
factual assertion and then the case agent provides
documentation to back up the factual assertion and the
assessment or each statement and to mark those off so
each factual assertion has the backup documentation.

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

BY MR. SOMERS:

Q. In this process, does it ever
occur -- I'm just asking a general question, not a
specific. In that process, does it ever occur that a supervisor comes back to the case agent and says this allegation is not supported by the Woods file? Have you ever experienced that?

A. Not necessarily, not in my experience.

Q. So more minor errors might occur?

A. Correct.

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

A. Yes.

Q. Is that --

A. Yes.

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

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

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

A. Right. Right.

Q. So I'm asking while you were a program
manager, had you ever served a similar role?

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

BY MR. BAKER:

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

A. Yes, sir.

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

A. Yeah. That goes in all, _______________

________________________. That's the language that's typically kept at Headquarters. That's something that the field is not expected to provide Woods documentation for.

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

A. Should.

Q. -- the appropriate place?

A. Yes. Does it exist, yes. _______________

________________________ Yes.

BY MR. SOMERS:

Q. So in terms of the Woods process, what role does the Headquarters program manager play?
A. The program manager --

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

A. They played the role of the affiant.

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

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

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

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

THE WITNESS: Correct. I was not the program
manager. This is just what an affiant does. That is the program manager portion.

BY MR. BAKER:

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

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

BY MR. BAKER:

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

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

Q. Helping with what?

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

Q. Would they, this program manager, would they go to meetings about the case or, I mean, do they
do anything other than just receive this package at some point?

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

MR. BAKER: Yes, generally speaking.

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

BY MR. BAKER:

Q. You worked at WFO or with WFO?

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

MR. BAKER: Okay.

BY MR. SOMERS:

Q. In this case, as I understand it from the IG report, the Headquarters program managers, I don't
know who it was for the three FISAs you were involved in because it's not broken down that specifically, but SSA 2 and SSA 3 were with the Headquarters program managers or the affiants on the four FISA applications.

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

MS. ARGENTIERI: If you know.

THE WITNESS: Yeah. SSA 2, if we're going to refer to SSA 2 as the affiant of the first FISA, I recall him sitting in on a few meetings with the team.

SSA 3 -- it's hard to assign any titles to individuals -- he was aware of day-to-day activities of the investigation.

BY MR. SOMERS:

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

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

A. I don't want to confuse the matter,
but -- are you referring to that?

MS. RIDI: Can we know where you are?

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

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

MR. SOMERS: Absolutely.

What's your question?

BY MR. SOMERS:

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

MR. HEISS: If you know.

[Counsel confer with the witness.]

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

BY MR. SOMERS:

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

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

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

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

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

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

    A.     No. I don't recall.

BY MR. BAKER:

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

    [Long Answer]

    BY MR. BAKER:

    Q.     Yeah, as far as you know.

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

    MR. BAKER: Thank you.
BY MR. SOMERS:

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

A. As a case agent or as a supervisor?

Q. As a case agent.

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

Q. So there was no specific training for it?

A. No, there was not.

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

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

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

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

Q. As a case agent.

A. As a case agent including initiations or renewals?

Q. Renewals and initiation.

A. Approximately, 10.

Q. How many of those were prior to Carter Page?

A. Most of them, almost all of them.

Q. Did you receive training on the FISA
Q. Did you work on investigations that involve FISA coverage prior to -- you described circumstances where you were the case agent on a FISA application. Had you worked on other investigations where there was FISA coverage prior to that?
A. Could you clarify?
Q. I'm trying to understand. You said you received no training, correct, on the FISA process?
A. Nothing formalized. There's some, you know, minor training, but nothing formal.
Q. So prior to the first time you were case agent on a FISA application, had you worked on other investigations that involved FISA coverage?
A. Yes.

BY MR. BAKER:
Q. When you came out of Quantico, did you have a training agent that you shadowed for a certain period of time?
A. I did, yes.
Q. My understanding of that process would be to sort of put some real life practical training to what you just got at the FBI academy.
A. That's correct.

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

A. That was, yes.

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

A. It was, yes.

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

A. I believe when CI agents do additional training down at Quantico at the Counterintelligence Training Center, or I forget the whole term for it. When I went, it was roughly month down at Quantico. If I recall correctly, there was probably some discussion of FISA, probably national security related.
Q. Any -- my understanding is the FBI has something called Virtual Academy or some online training, for whatever name it might be. Did you ever do any online trainings that went towards best practices for FISA or anything like that?

A. I can't recall right now.

MR. BAKER: Okay. Thank you.

BY MR. SOMERS:

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

A. As a case agent?

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

A. To --

Q. Let's start as a case agent.

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

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

A. To provide facts of the case. When -- to provide facts of case as the case -- when you are working on the FISA itself. So the question, if I understand the question, the duties of a case agent for
a FISA request form is to lay out the facts of the case as they are OI, but it goes to several chains within FBI Headquarters and then it's passed over to OI, DOJ OI, and OI makes a determination if there's probable cause for that FISA on the individual or on the entity.

Q. So have you ever heard the phrase "duty of candor" in relation to a FISA?
A. After the fact, but I think that's implied by the work we do on FISAs.

Q. I don't understand.
A. I think the -- okay.

[Ms. Argentieri confers with the witness.]

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

BY MR. SOMERS:

Q. What about fulsome information to the court; is that something that --
A. Yes.

Q. What about exculpatory information?
A. Yes.

Q. What about information that contradicts if you have -- if you make an allegation in a FISA application -- I'm just asking generally -- but you also have information that contradicts that allegation; is there a duty to provide that contradictory information
at least in some cases to the court?

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

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

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

A. Yes.

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

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

A. Is to provide all the proper information.

BY MR. BAKER:

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

BY MR. SOMERS:

Q. Were there any discussions of these types
of duties for the Carter Page FISA application, a duty
of candor, starting with the first application?
A. Could you repeat the question? I'm
sorry.

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

THE WITNESS: Specifically the first application.

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

BY MR. SOMERS:

Q. Yes.

A. Not that I recall.

Q. Do you recall any conversations with
either OI -- let's start with OI -- about, Hey, we have
all the facts in here in the first Carter Page FISA
application?
A. I'm sorry. Are you asking me if OI asked me for all the facts in the Carter Page FISA application?

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

[Hold on one second.]

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

BY MR. SOMERS:

Q. Okay. What was that ongoing discussion?

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

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

A. I'm sorry. Yeah. It was a "he". Did he ask about specific allegations?

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

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

Q. What about the Office of General Counsel; did they have questions about any of the facts?
A. The Office of General Counsel participated in discussions with the team and with OI throughout the course of the investigation.

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

A. Yes.

BY MR. BAKER:

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

A. Office of Intelligence.

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

A. They're at Main DOJ.

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

A. Right.

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

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

MR. BAKER: Thank you.

BY MR. SOMERS:

Q. We'll get into a lot more specifics, but in general, were there discussions -- did you have a discussion on the Crossfire Hurricane team about whether
certain information needed or didn't need to be included -- and give me a second to finish the question -- either needed or didn't need to be included in a FISA application, but I'm asking specifically with regard to like a duty of candor or some duty owed to the court?

[Witness confers with counsel.]

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

BY MR. SOMERS:

Q. Okay.

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

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

A. It's always in the front of our mind to provide to the court. When we draft the request form, it goes to OI, which is approved up the chain through FBI Headquarters. OI receives that request form, makes the determination if they want to move forward with the FISA.
Once OI makes that determination, OI assigns an attorney to that. I'm just talking specifics. You can get into the detail.

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

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

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

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

Q. Did the OI attorneys have access to the confidential human source transcripts Source 2 and
George Papadopolous, for instance?

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

BY MR. BAKER:

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

A. I absolutely would have provided it.

BY MR. SOMERS:

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

[He said in general.]

BY MR. SOMERS:

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

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

[Can we go off for a second?]

MR. SOMERS: Yes.

[Counsel confer with the witness.]

[Thank you.]

THE WITNESS: Could you repeat the question, please?

BY MR. SOMERS:
Q. I want to know whether it was likely that
the OI attorneys had access to the confidential human
source transcripts in the Carter Page FISA or in the
Crossfire Hurricane investigation.

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

Q. If they ask for it?

A. Yes.

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

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

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

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

Q. No. I'm not asking about with OI. I'm
asking about internally on the Crossfire Hurricane team
at the agent level, did you have discussions about whether this fact should or should not go into the FISA application?

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

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

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

Q. Or not providing or providing?

A. Not providing or providing facts to the court?

Q. Yes.

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

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

BY MR. BAKER:

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

A. That's correct, yes.

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

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

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

I'm trying to figure out the continuity on the
Bureau side.

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

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

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

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

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

Q. Do you know that it ever did occur factually?
A. I can't recall a specific incident.

Q. You indicated you were deployed on another matter while --
A. The same -- I'm sorry. I don't want to talk over you.

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

Q. Unrelated to --
A. Related to Crossfire Hurricane.

MR. BAVER: Related to Crossfire, okay.

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

[Confers with the witness.]

Hold on one seconds.

Okay. I'm sorry.
BY MR. SOMERS:

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

A. I don't recall.

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

A. I do not.

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

A. I do not.

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

A. No.

BY MR. BAKER:

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

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

Q. And he didn't give any reason why your skill set or your profile was desired?
A. Given the conversations we had, it was over an open line. So there was no discussion. There was no further discussion as to why I was -- after I arrived.

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

A. No.

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

A. That's correct.

BY MR. SOMERS:

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

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

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

A. I was, yes.

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

A. I was not.
Q. So you didn't work on it?
A. I did not.

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

[Mr. Somers peruses notes.] 

BY MR. SOMERS:

Q. You indicated earlier that you took part in the March 2016 -- I'm sorry -- March 2017 interview of Carter Page?
A. I did, yes.

Q. Did you write the 302s of those interviews?
A. No. I believe they were written by Case Agent 6.

Q. Did you do the questioning during those interviews?

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

A. The initial interview?

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

A. If I recall, there were three.

Q. Okay. And how many agents were in those interviews?
A. The initial interview, there were -- agents, there were two, myself and Case Agent 6.

Q. Was an analyst there?

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

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

A. I believe so, yes.

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

A. Typically, yes.

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

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

Q. Okay. That's fine.

A. That's an accurate assessment.

BY MR. BAKER:

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

A. He was time-wise, yes. Yes.
Q. Time-wise indicates something else. Was he not junior to you?

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

BY MR. SOMERS:

Q. Had you worked with him before?

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

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

A. He was in the New York Field Office.

Q. He was not assigned to Headquarters?

A. He was not.

BY MR. BAKER:

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

A. So I needed a connect in New York, because we were running this Headquarters out of -- excuse me -- running this investigation out of
Headquarters. So I needed a contact out of New York. He was somebody I view as mature enough to handle some minor tasks. I mean, he didn't do a ton when I was down at Headquarters, but if we needed some assistance, he helped out.

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

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

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

BY MR. SOMERS:

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

A. That would be a fair assessment.

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

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

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

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

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

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

A. Correct.

Q. -- on August 3rd?

A. Yes.

Q. Saying you wouldn't disclose what?

A. Information regarding the case to others.

Q. Even in the Bureau?

A. I don't know.

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

A. I believe I have.

Q. I guess what I'm asking is is that standard?
A. It depends on the investigation. It depends on the sensitivity of the investigation.

Q. But it's not unheard of?

A. It's not unheard of.

BY MR. BAKER:

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

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

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

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

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

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

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

Q. So am I correct in understanding that time few individuals had access to the case file?
A. That's correct.

Q. Is that intentionally restricted?
A. Yes.

Q. And that's done why?
A. If I recall --

[Witness confers with ___.]

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

BY MR. BAKER:

Q. I'm sorry. Prohibited?
A. Prohibited. Regular cases -- there are several levels. There's an open investigation,
restricted case, and prohibited. So it's hidden even further from others in the FBI for the sake of various reasons, given political sensitivity to an investigation. That's why it was a prohibited case by levels above me. I think there's a rule required for that.

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

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

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

You know, it's assigned in the roles or if you want to keep it even further restricted, you either assign by roles or by specific names so that SSA
would only have access to the case as opposed to up in some field offices or branch. You could say all branch SSAs would see it, but if could be further restricted by name. I believe in this case, everything was restricted by name.

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

Q. And that would be -- who would be the assistant director during this time?
A. At the time, it was Bill Priestap.

Q. And do you know if it would have gone above the A.D.? Would an EAD have had access to it?
A. I don't recall if the EAD or anybody above the A.D. specifically? I don't know how it works above the A.D. level. It may have been, but I can't answer that question.

Q. Do you as the case agent, can you see who has queried that case from the authorized list of people or the access list, whatever it's called, when you log on?
A. No. You can't see it. If I recall, I think you can request an audit trail, but you wouldn't normally sign in every day and see who had accessed the case.
Q. But if you requested a audit, you could see who and when from the authorized list? And I'm guessing, but correct me if I'm wrong, if some authorized person tried to get in, you'd you get some notification of that. Right?

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

MR. BAKER: All right. Thank you.

BY MR. SOMERS:

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

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

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

A. What page?

Q. I think 59. I can just ask the question.

Did you draft any of the opening ECs?

A. I don't recall specifically.
Q. I'm just reading the IG report. The opening ECs for all four investigations were drafted by either of the two special agents assigned to serve as the case agents for the investigation, Case Agent 1 and 2, and were approved by Strzok as required.

A. Okay.

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

A. Yes.

Q. Do you recall drafting any of the ECs?

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

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

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

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

A. Not really, no.

Q. Same question for Manafort?

A. Not really, no.

Q. General Flynn?

A. Not really.

Q. But were you aware that those other three individuals other than Carter Page were being
investigated?

A. I was aware, yes.

BY MR. BAKER:

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

A. I am.

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

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

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

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

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

A. These are the Crossfire, yes.

Q. And who would normally attend these?

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

I just want to --

[The witness confers with [REDACTED].]

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

BY MR. BAKER:

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

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

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

A. I attended one meeting -- two meetings where it was a general meeting with Mr. Priestap, but he wouldn't come into our squad room, so to speak, or investigative team room for any discussion that I
Q. Did anybody higher than Mr. Priestap ever stop by?

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

BY MR. SOMERS:

Q. What about Lisa Page?

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

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

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

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

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

Q. Was it broken down that way? Was there a
case agent assigned to each of the four investigations?

A. Generally, yes.

BY MR. SOMERS:

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

A. That's correct.

Q. And you said they were how frequent?

A. Several times a week.

Q. Several times?

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

BY MR. BAKER:

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

A. I think SSA 1 would call them as needed, but we had a standing meeting, if I recall correctly, two or three days a week. That's the time when we just all sat around. It made it easier for individuals not in the room, i.e., Pete Strzok and the senior
intelligence analyst, not the SIA, but I don't know at the time the individual. They would be aware of the meetings and they could attend the meetings. We would have ad hoc meetings.

BY MR. SOMERS:

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

A. That's correct.

BY MR. BAKER:

Q. Did you say SSA 1 coordinated these meetings?

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

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

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

BY MR. SOMERS:

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

Did you ever talk to Director Comey about Crossfire Hurricane?

A. No.
Q. Andrew McCabe?
A. Just when he came in that one room, but there were no specific conversations.
Q. Jim Baker?
A. I interviewed Jim Baker in, I think, November 2016 or December 2016 regarding the "Mother Jones" article. That was my only interaction.
Q. That was a specific interview with him, no case-related interaction?
A. No case related.
Q. Patricia Anderson?
A. No.
Q. Bill Priestap?
A. Again, I attended a few meeting where I represented the team if the SSA wasn't around, but it didn't come to the room specifically, not that I recall.
Q. And what were you interactions with Lisa Page in Crossfire Hurricane?
A. I had zero interactions with Lisa Page.
Q. And just OI staff and DOJ. Anyone outside the Office of Intelligence that you interacted with?
A. No.

MR. SOMERS: Our time is slightly past expired. So I'll turn it over.
I would like to ask one clarifying question, actually.

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

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

THE WITNESS: No.

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

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

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

EXAMINATION BY THE MINORITY

BY MS. ZDEB:

Q. [blank], thank you for being here. We're going to tag team a bit on our side. Before Mr. Haskell jumps in, I'm going to follow up on a couple of questions that our colleagues on the Majority side were asking you during the last round.

In particular, you were asked a number of questions about whether you recall having specific conversations within the Crossfire Hurricane team about the duty of candor to the FISA Court, and the
implication of those questions seemed to be that conversations along those lines were necessary in order for you, specifically, and the Crossfire Hurricane team, generally, to be sure that it was compliant with the FBI's duty of candor. I also heard you to say that it was always on the front of our minds to provide everything to the court.

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

A. That's correct, yes.

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

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

Q. So, in other words, the fact that it was always implied and that you didn't have specific conversations about that duty on an ongoing basis, it
wasn't unique to the Crossfire Hurricane investigation in any way?

A. That's correct.

BY MR. HASKELL:

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

A. I did, yes.

Q. Were you interviewed as part of that investigation?

A. I was.

Q. How many times, if you recall?

A. I believe it was four times.

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

A. I did.
Q. Did you or the Justice Department provide the IG with documents related to your involvement in Crossfire Hurricane, to your knowledge?

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

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

A. I was, yes.

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

A. No.

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

A. No.

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

A. I was given one day to review it. I was asked to come down a second day where I was given another roughly four hours to review and another four hours to rebut, and I was offered an opportunity to meet
with Inspector General Horowitz for about an hour after
that.

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

A. I did, yes.

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

A. It does.

Q. And --

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

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

A. That's correct.

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

A. That's correct.

Q. And the decisions and the actions that
you were involved in during the course of that
investigation?

A. Yes.

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

A. Yes.

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

A. I have not.

Q. You have not?

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

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

Q. I apologize. Being interviewed?

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

Q. Thank you.

The OIG's 400-page report details the errors that IG identified in the Carter Page FISA applications. The report comprehensively lays out the circumstances surrounding every one of those errors and includes -- or at least what the IG has characterized as errors and includes the testimony of numerous individuals,
including yourself, about them. Horowitz came before
the Judiciary Committee and testified about those errors
during a six-hour public hearing last December.

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

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

A. Absolutely not.

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

A. None whatsoever.

Q. It's been alleged that the FBI engaged in
a, quote, massive criminal conspiracy over time to
defraud the FISA Court. Do you have any evidence that
the FBI engaged in, quote, a massive criminal conspiracy
over time to defraud the FISA Court?
A. None whatsoever.
Q. It's also been alleged that the FBI, quote, purposely used the power of the Federal
Government to wage a political court war against a
presidential candidate they despised. Do you have any
evidence of that allegation?
A. None whatsoever.
Q. Do you have any evidence that the
Crossfire Hurricane investigation was a, quote, hoax or
witch hunt intended to hurt President Trump, then
Candidate Trump, politically?
A. Not at all.
Q. Was your personal goal to hurt Trump
politically?
A. Not at all.
Q. Do you have any evidence that Crossfire
Hurricane was part of a, quote, deep state effort to
take down Trump?
A. None whatsoever.
Q. Finally, there have been allegations that
the true intention of Crossfire Hurricane was to, quote,
change or nullify the results of the 2016 election. Was
that your goal personally?

A. It was not.

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

A. No.

Q. Thank you.

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

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

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

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

Q. And that's because if even the fact of the investigation was known, setting aside sort of particular allegations, if the fact of this investigation was known, it could have potentially
affected the election in some way?

A. Absolutely, yes.

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

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

A. It was, yes.

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

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

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

A. Right. Yes.

Q. And would you agree that if a member of the Crossfire Hurricane team was conspiring to prevent Trump from being elected or wanted to change the
results, was out to get him as this many of these allegations have argued, they could have publicized the existence of the investigation?

A. Correct. Yes.

Q. But, again, that did not happen?

A. It did not happen.

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

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

A. Our investigation, mandated investigation, was very narrowly focused on foreign -- our investigation was not on the campaign at all. If Source 2 joined the campaign, he was then inside of a political campaign which we were not investigating. He would have to access to others and he would have the ability to meet with others, but that's
not what we wanted, and we wouldn't have used
whatsoever.

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

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

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

Q. Even if there might have been an
investigative step that you could have taken that might
have benefitted, theoretically benefitted, the
investigation in some way, if there was that political
risk that we just discussed, that's not something that
you would taken?
A. No.

MR. HASKELL: I think that's all we have for
THE WITNESS: Okay.

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

MR. SOMERS: Do you need a break?

THE WITNESS: Sure.

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

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

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

FURTHER EXAMINATION BY THE MAJORITY

BY MR. SOMERS:

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

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

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

Q. If you had concerns, could you raise them? Did you feel you comfortable -- not only that you could raise it, did you feel comfortable raising any
Q. How did you interact with the supervisory intel analyst?
A. I have known him for almost my entire career. He's professional. He was one of the foremost experts in what he does.

Q. Russia?
A. Yes.

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

He was professional.

Q. So you reported to -- I'm just trying to understand the sort of ranking structure there. You reported to SSA 1 and the SIA sort of not directly, but he was a superior to you?
A. No. There are two lines in the FBI. There's special agents and there's the intelligence cadre. The SSAs have -- they oversee special agents. Agents for the most don't report to intel analysts.

They have their reporting structure.
Below SIA, there would be intelligence analysts and SOSes. He wouldn't be superior to me.

Q. Not on this investigation?
A. Not on this investigation.

BY MR. BAKER:
Q. Would the SIA, would he kind of be equivalent to the SSA on the agent structure?
A. Essentially, yes, sir.

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

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

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

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

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

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

Q. I'm sorry?

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

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

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

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

A. I believe so, yes.

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

A. I don't recall.

Q. Do you recall if there were
discussions -- you indicated these weren't your investigations, but do you recall whether there was discussion seeking FISA coverage on George Papadopolous?

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

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

A. No.

Q. Paul Manafort?

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

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

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

Q. Same question for Michael Flynn?

A. I don't recall.

BY MR. BAKER:

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

You identify a subject that you believe is
worthy of investigating. Let's assume you've done the administrative steps that you have to do. What are the very first investigative steps?

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

A. In a counterintelligence setting?

Q. Yes.

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

We would then take normal investigative steps in issuing NSLs, as that's the world we live in for the most part. We would -- depending on the investigation, for the most part, we would seek FISA coverage related to the individual. That is a tool whereby it helps us understand the individual we're investigating to either prove or disprove either the allegations or the information we have about that individual.
The FISA would also help us if it's an intelligence officer to identify the abilities or ways we can recruit that intelligence officer to work for the United States Government or possibly identify others that that intelligence officer is in contact with. It may show the FISA -- if that intelligence officer is trying to evade our surveillance, either electronic or physical. We also assign physical surveillance on the individual, as needed, to see who that individual is in contact with, again, all to either prove or disprove what we have for the investigation.

BY MR. SOMERS:

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

A. Yes.

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

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

Q. I'm not asking you to speculate. I'm asking like if the New York Field has an ongoing investigation of Carter Page and you want to open one up
with Headquarters, it makes sense to me that you would somehow be able to tell that New York Field had an open investigation of the same person you want to investigate.

BY MR. BAKER:

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

A. Sure.

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

A. Right. We would run checks in our databases. Now, I'll caveat that to your question. There are code name investigations on individuals as well. So that's to protect the individual under investigation or protect the individual who we may be looking to recruit.

So that's where our Headquarters component comes in. The Headquarters component is aware of almost full field investigations that going on in a given discipline, in this case Russian counterintelligence. So because counterintelligence investigations are compartmentalized, I don't have a need to know about that investigation on a regular basis, but if I had
started the investigation, we would have reached out to
our Headquarters component and they would have said,
Hey, Steve needs to know this investigation, about it,
and they would have reached to the supervisor in New
York who then would give me access to that file.

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

A. That's correct.

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

A. That's right.

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

Correct?

BY MR. BAKER:

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

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

Q. And these would be other intelligence
agencies?
A. Correct.

Q. And what --

A. In my experience.

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

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

[The witness confers with [REDACTED].]

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

BY MR. BAKER:

Q. Sure.

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

Q. Then would you be able to follow up? If you get a summary that's interesting to you on the subject you're looking at investigating, would you have a means to contact the agency that's reporting back information in the initial name trace to get more detail?
A. I believe so, yes.

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

A. A name trace was done.

Q. And did you get information back?

A. We did.

Q. And was there followup to the information?

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

Q. Did anybody follow up with information received back?

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

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

A. Yes.

Q. And it would be another intelligence agency?

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

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

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

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

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

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

BY MR. SOMERS:

Q. Did you request the name trace?

A. I don't know how that name trace went.

It could have been requested through the SIA, because we
had contacts at the OGA who was -- I knew the name at
the time who was, I believe, our liaison at the other
agency.

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

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

A. I believe I did, yes.

BY MR. BAKER:

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

A. It would have been -- the way it's
transmitted, we get a hard copy transmitted to us. I
don't believe that at that level, it could be emailed
due to classification issues, if I recall correctly.
The SA, the SSA, a number of people would have
had access to that document. It wasn't something that
was sent specifically to me and locked in a drawer
somewhere. It was available to the entire team.
Q. So the team would have been aware of whatever --
A. That's correct.
Q. Would Mr. Strzok have been aware?
A. I wasn't in any meetings that I recall where he was briefed, but that's -- I don't want to speculate.

BY MR. SOMERS:
Q. Well, at some point, Carter Page went public and said he had contact with the CIA and other intelligence -- members of the intelligence community, including the FBI. Do you recall any discussions after Carter Page went public about whether he, in fact, was just making stuff up or whether this, in fact, was a truthful statement about Carter Page?
A. I don't recall the timing when he went public on that. So I can't specifically answer that question.
Q. Do you recall ever discussing in group meetings whether -- in the meetings you described in our first round of questioning, do you recall any discussion in those meetings as to whether Carter Page was associated in any way with members of the U.S. intelligence community, member agencies of the U.S. intelligence community?
A. Can you repeat that? Sorry.

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

A. Yeah.

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

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

Q. You said "but it could have"?

A. Yes.

BY MR. BAKER:

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

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

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

A. I don't recall when the actual name trace was sent. So I can't answer that question. I'm sorry.
MR. BAKER: Okay.

BY MR. SOMERS:

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

A. I do.

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

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

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

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

Q. Did you inform anyone of the overlap?

A. I think everyone on the -- if I recall correctly, everyone on the team was aware of his contacts. Everyone had access to the ECs or the
analytical cadre of his interactions with the FBI in the past.

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

A. I don't recall specifically.

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

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

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

BY MR. SOMERS:

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

THE WITNESS: It's page 366?

BY MR. SOMERS:

Q. Page 366.

A. Yeah. And your question?

Q. I believe the information you provided the OI attorney would have been the information
regarding Carter Page was out of scope of the FISA. Do you recall when you drew that conclusion?

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

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

A. I do.

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

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

I think what was not accurately reflected in the OIG report was that I offered the OI attorney to see that memo. That was offered for him to see and review himself.
There was a FISC ruling on March 5, 2020 whereby the FISC Court said that the OI attorney should have come and reviewed that documentation.

BY MR. BAKER:

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

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

Q. What was your mode of communicating the offer?

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

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

MS. ARGENTIERI: Sorry.

MR. BAKER: Sure.

[Ms. Argentieri confers with the witness.]

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

I never denied his involvement with the OGA. I made a good faith effort to share that document with the
OI attorney, and I made a call based on my experience, my discussions with OGC and others that it was outside the scope, but others sought out communication. It wasn't a communication just between myself and the OI attorney.

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

BY MR. BAKER:

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

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

Q. Okay.

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

Q. Separate from that, was there any
communication to OI or making them aware of this other government agency information separate and apart from anything else you're doing with the affidavit, they, Hey, we got this back; we got this information in; this is pretty important? Was there anything to highlight it to OI?

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

MR. BAKER: Correct.

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

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

BY MR. BAKER:

Q. In any way, shape, or form?

A. As far as I know --
Q. It was not?
A. -- it was not followed up on?

BY MR. SOMERS:
Q. Do you still, sitting here today, believe it was outside the scope?

[Witness confers with counsel.]
THE WITNESS: Can you repeat the question?

BY MR. SOMERS:
Q. Do you still believe the information is outside the scope?
A. I believe I accurately flagged it for OI for their review and they didn't follow up on it.

MR. SOMERS: Okay.

BY MR. BAKER:
Q. Would there have been any harm or violation of protocol, in addition to just flagging it, to really marquee that this might contradict what is going into the FISA, look at this, please?
A. OI is the ultimate arbiter of what goes to the court. By notifying OI that he did speak with the OGA and by making that available, that was their decision to make. It was not mine.

Q. Do you think that the way this what ultimately becomes a very significant issue, do you think it's adequately communicated to OI by putting it
where you put it with no priority assigned to it?

A. Just one second.

[Witness confers with counsel.]

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

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

BY MR. SOMERS:

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

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

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

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

A. I provided information that he did have contact with OGA. I made the argument, as a case agent, it was outside the scope. It was offered -- I also
offered for him to keep that language in the FISA and I offered for them to come see the memo.

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

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

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

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

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

I expect -- my expectation for OI is that they'd
follow up if they had any additional questions.

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

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

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

A. Correct.

Q. -- classification?

A. Correct.

BY MR. BAKER:

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

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

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

A. I don't recall.

BY MR. SOMERS:

Q. Do you recall if anyone else read the
August 17 memo?

[Witness confers with counsel.]

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

BY MR. SOMERS:

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

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

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

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

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

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

Q. I think I picked up in reading the IG
report that you believed that you had probable cause for
FISA coverage on Carter Page without or prior to
receiving the Steele reporting; is that correct?

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

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

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

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

Q. That's the analyst, you mean?

A. That's the analyst.

The agent cadre then reached to the Handling Agent 1 to speak to that agent about and his source, who he was, how long has he been working with us, if we had contact with him, things along those lines. The agent
cadre of an investigation like this is operationally focused.

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

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

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

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

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

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

A. I think I was focused on the FISA. I think there was a couple of other things going on at the
same time. We had a small team doing this investigation. So we were always stretched a little bit as far as who could do what.

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

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

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

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

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

A. I don't recall that, no.

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

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

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

A. As far as his source network?
Q. Yeah. I mean what was your understanding of how it was that he'd get these reports? What was your understanding of how he collected the information that was in these reports?

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

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

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

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

A. Correct.

Q. Did you further understand that he had a primary subsource?

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

Q. When did you learn that he had a primary subsource?

A. I can't recall when I knew he had a primary subsource.

Q. Do you recall if you learned before -- you eventually interviewed the primary subsource. You took part in an interview in January of
2017 with the primary subsource; is that correct?

A. That's correct.

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

A. That's correct, yes.

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

A. No. I can't recall specifically.

BY MR. BAKER:

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

A. I have.

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

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

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

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

Q. Had any of the cases you worked where you
utilized confidential human sources, did you encounter a
subsource network like Christopher Steele had?

    A. Not like this.

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

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

    [Witness confers with Ms. Argentieri.]

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

BY MR. BAKER:

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

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

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

A. That's right.

MR. BAKER: Thank you.

BY MR. SOMERS:

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

Do you have an answer to that question?
A. Are you asking the question that was raised by the OI attorney?

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

[Witness confers with counsel.]

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

BY MR. SOMERS;

Q. So why was the information reliable?

A. Sorry?

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

A. Well, I think --

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

A. I think if you read further on, the team eventually briefed them on the subsource information they learned from Steele in early October. He also received the written summary of this information that
the SIA prepared shortly after the October meeting.

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

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

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

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

A. Subsources, the network he had?

Q. Yes.

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

Q. So it says on page 133 also, it says that: "The supervisory intel analyst sits as a case agent and providing information on the subsources and reviewed the footnotes for accuracy."
I assume that means the footnotes in the FISA.

A. That's right.

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

THE WITNESS: If you recall.

BY MR. BAKER:

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

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

Q. Describing the subsources?

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

Q. Did he provide you enough information to
identify the subsources?

A. I believe we identified two of the subsources.

Q. From the information Steele provided?

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

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

A. I don't recall.

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

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

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

A. I don't.

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

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

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

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

[Witness confers with counsel.]

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

BY MR. SOMERS:

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

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

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

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

[Witness confers with counsel.]

BY MR. SOMERS:

Q. We can keep it to the country.

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

Q. What did you learn after you learned the
identify of the primary subsource? What did you and/or
the team do once you learned the identity of the primary
subsource?

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

BY MR. BAKER:

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

A. I don't remember on the primary
subsource. I can't recall.

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

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

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

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

Q. Yes.

A. Yes. We would do checks.

Q. So if you do identify subsources of a
source, would you do something similar to establish the credibility of who they are, what they know, why they would know it?

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

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

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

Q. But if you're taking information from the source that is opened or whatever you call it, but you subsequently learn that that source is really not the collector of the information that they are providing you, that they're getting it from this network of sources and then you also identify some or all of this network of sources, wouldn't you also check whatever you
could to see their credibility since they're really the
ones providing the information you're ultimately using?

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

BY MR. SOMERS:

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

   A.   I don't.

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

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

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

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

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

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

MR. HEISS: No.

BY MR. BAKER:

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

[Witness confers with counsel.]

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

BY MR. BAKER:

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

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

BY MR. BAKER:

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

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

MR. BAKER: Okay.

MS. ARGENTIERI: I think --

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

MS. ARGENTIERI: Right.

BY MR. BAKER:

Q. I think it's a simple concept. If you have someone that you are going to do -- or you're going to use their information to facilitate the use of sophisticated investigative techniques, some of the most
intrusive there are, wouldn't there be at a basic level
some sort of inquiry into who is this person?

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

    [Witness confers with counsel.]

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

  MR. BAKER: The prior, your first question.

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

  MR. BAKER: Correct.

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

  THE WITNESS: Yes.

  : But to be clear, was the individual
clearly identified at that point? Did you have ae clear
identity on the subsource at that point?

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

BY MR. BAKER:

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

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

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

MR. SOMERS: Or is it not?

MR. BAKER: Yeah. Or is there something here that's complicating what seems to me to be a simple task.
I think there is something here that's complicating it. Number one, the timeline of when they learned there was a subsource, when they started to develop information about who that subsource might be, when that information became confirmed to the extent that it did.

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

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

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

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

MR. BAKER: I want to clarify something with [BLANK]. I think I understand something you're saying.
Is it possible, hypothetically, that an inquiry is made and no results or nothing comes back, but that might not be the real answer, that might not be the real result?

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

BY MR. BAKER:

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

A. I can't answer that.

MR. BAKER: Okay. Thank you.

BY MR. SOMERS:

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

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

A. Yes. Well, I'm sorry. We believed he was the primary subsource based on the information that the analytical cadre put together.
Q. And you had his name?
A. We did.

Q. Did you run a criminal background check?
A. I don't recall what I did at the time.

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

Q. I think the question we're ultimately trying to ask here is you identify the primary subsource. One of the step you could have taken --
A. We identified who we believed --
Q. Who you believed to be the primary subsource. You had a name. All we're really asking is once you had that name or the name of someone you care about in any investigation, is it possible for you to query FBI databases? I'm not asking whether you did or you didn't or whether you got any hits back or anything else. I'm asking whether it's possible to query FBI databases for that name to see if anything comes back.
A. It is, yes.

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

[Whereupon, at 12:55 p.m., a lunch recess was
taken, to reconvene at 1:45 p.m. this same day.]

AFTERNOON SESSION

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

FURTHER EXAMINATION BY THE MINORITY

BY MR. HASKELL:

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

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

Why would that trip to Moscow and those comments by Page be concerning to a counterintelligence
investigation into ties between the Trump Campaign and Russia?

[Witness confers with counsel.]

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

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

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

So when I joined investigation, it kind of was in our calculus of possibilities of what would occur
when we went there. I know it's a hypothetical, but that's how counterintelligence professionals work and how we understood the cycle.

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

BY MR. HASKELL:

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

A. Right. Yeah. I'm using that in the -- . The FBI would most likely approach that individual.

Q. Okay.

A. If we had an established relationships with them.

Q. And you told the OIG that in seeking the FISA warrant on Page, you, quote, had hoped that emails and other communications obtained through FISA electronic surveillance will help provide valuable information about what Page did in Moscow in July 2016 and the Russian officials with whom he may have spoken.
Again, in the context of a counterintelligence investigation and specifically to the extent that you can talking about the counterintelligence investigation in Crossfire Hurricane, why would those types of communication be so valuable?

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

Q. Right.

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

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

A. Ideally, yes.

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

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

A. Yeah. I would assume so, yes.

Q. Based on the Mueller report?

A. Based on the Mueller report, yes.

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

A. I am not aware of that finding.

Q. The recent report?

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

Q. In addition in Page's July 2016 trip to Russia, which is the trip we've talking about, you told OIG that by October 2016, you, quote, had learned through travel records that Page was planning another trip to Russia and, quote, the Crossfire Hurricane team
wanted to find out what he was going to do, who he was
going to be in contact with, and why he was going,
because it just seemed very odd.

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

A. Because given what we knew at the time
and him being asked, essentially, to separate from the
campaign in September, why do you continue to travel
back to Russia? If your concern is did he make contact
when he was in Moscow in July, is he going back to
continue that contact?

Now, a lot of this is supposition based on what
we knew at the time, but it seemed unusual for us that
he would go back soon thereafter and it was a concern
for us as while he was separated from the campaign at
the time, did he have access to -- in my personal
opinion -- I can't speak for the team -- it would be is
this a continuation of his recruitment cycle or is he
reporting to that individual, so he can't report to the
United States?

    And reporting meaning if he was -- now, again, 
as I said earlier, this is supposition, but it just
doesn't -- it just seemed odd to us as a team.

Q.     Right, and the fact that he had been
formally separated from the campaign at that point did
not mean that he could not have been continuing
activities that he was doing when he was formally a
member of the campaign?

    A.     That's correct. He still had contacts
within the campaign that he might be able to report on.
A lot of what we do in counterintelligence is to gather
assessment information on others as well. So even if he
was separated from the campaign, he may be able to
provide information, assessment information on others to
individual associates with the campaign, not campaign
itself.

Q.     Also related to Carter Page, you were
asked a number of questions about the errors in the Page
FISA application that the Inspector General identified.
I had mentioned earlier that the allegation that has
been disproven by the Inspector General that those
errors were intentional errors to take down Trump
because of some sort of bias, and we had talked about
the bias part earlier, but to turn to the intention
part, the OIG in its report found no documentary or testimonial evidence of the pattern of errors that OIG you committed, quote, was intentional.

Did you commit any of the acts that the OIG identified as errors intentionally, meaning that you knew it was the wrong thing to do, but you did it anyway for some reason?

A. No. In fact, in some of those errors that the IG purportedly found, I made good faith efforts to share the information with OI, to include the information about the OGA, information -- to include information whereby a subsourse of Steele was -- that information was provided to OI. OI claims it was too long. It was not. It was a paragraph.

I go back to my original point that everything I passed to OI, I expected them to read.

I additionally included a transcript between CHS 2 and Carter Page where I think the report says he denied meeting with Sechin and Diveykin. I did -- we, I, or whoever provided that information to OI in transcripts and the IG reported that I didn't flag it specifically for OI to read. So I would take issue with some of the findings that found as errors; but to your point, there were no intentional omissions. I had full transparency. I acted in good faith for everything
throughout the entire process.

Q. Now, I heard you talk today a little bit about the tempo of the investigation, and one point, you said that, you know, the team was stretched. The IG noted that -- and this is page 378, Note 49 -- 499. I apologize.

"After reviewing the report, members of the Crossfire Hurricane team told us that their performance should be assessed in light of the full scope of responsibilities they had in 2016 in connection with the FBI's counterintelligence investigation and that the Carter Page FISA was a narrow aspect of their overall responsibilities."

Now, you've also talked about a handful of different operations that you were involved in, including, you know, some of which had travel associated with them over the course of the investigation.

Is there any additional context about your responsibilities during Crossfire Hurricane that you think would be important to a full understanding of what the Inspector General has identified as errors?

A. Yes. So, holistically, if I may, in retrospect, given the scope of investigation, we made -- there was a tradeoff made institutionally between keeping this investigation quiet so it doesn't
interrupt or interfere with the electoral process of the United States of America and protect those being investigated at the expense of staffing the investigation properly. We had multiple operations, counterintelligence operations, on top of working on FISA and other factors.

The scope and pace of that investigation, in my opinion, and I won't speak for others involved, but deemed a much larger investigative team, to include more special agents, to include more intelligence analysts and other support staff. Additionally, we were hampered by running this investigation out of Headquarters, because every operation we did, we had to rely on another field office to process information, either electronic or whatnot.

That, to me, in retrospect is a decision that's made way above my pay grade, but I believe given the pace, given the pressure I think we felt internally, we needed more help. If you're going to run a proper investigation and you're going to do your investigation well, to minimize errors and minimize overwork and minimize anything that may have found in this report, we would have been better served to have a larger investigative team.

Q. And, in your experience as an agent, do
you think in a different circumstance where you did not have the issue that you said is motivating keeping the team small, making sure the fact of the investigation was kept to as small a number of people as possible, if that didn't exist, would the team have been double the size or triple the size or a handful more agents? Can you give me a ballpark?

A. The phrase I like and it was described by somebody else on the team when we were working the case is we were given a thousand-piece puzzle. We were slowing getting it together. In the midst of it, we're thrown another thousand pieces.

I think to answer your specific question, I don't know what the proper resources would have been. I don't know the number of agents that were assigned to the Special Counsel's Office, but I know it was far greater than what we had originally in the Crossfire Hurricane team and that as far as I know, their team was much larger and they had pretty much the same mandate that we had, and I think that it was not a failure, but it was something that I imagine it should have just upgraded the investigative staff as needed.

We sometimes have a problem of putting 100 agents on a case that we only need four, but I think that as we garnered more information, garnered more
leads, garnered just more investigative activity, we
should have slowly upped the staff so we had a proper
staffing level.

Q. And you had said earlier when we were
talking about the bias allegations that the Crossfire
Hurricane team took steps to ensure that their work did
not affect the election and also would not be perceived
at some point down the line as being political. Just
for clarity, this seems like one of the -- and I
apologize.

You also said that you pursued those and even if
it meant doing something that might be -- not doing
something that could help the investigation or doing
something that might be contrary to the success of the
investigation.

To me, this seems like one of those decisions on
a very high level to keep the team small that absolutely
affected the investigation, in your words, adversely,
but it was a decision made for the sake of ensuring that
the investigation did not affect the election. Is that
correct?

A. That's correct.

Q. Okay. And just to take one piece out of
the answer you provided, you talked about the
thousand-piece puzzle. The Mueller investigation,
which, you know, took two years, ultimately identified something in the range after 120 different contacts between the Trump Campaign and Russia. Some people have the count higher, but at least 120.

When you say different puzzles are being -- a thousand-piece puzzle and another thousand-piece puzzle, can you elaborate on that? Is that new contacts between -- or new potential contacts between members of the campaign and Russian? What do those puzzle pieces look like?

A. I think it was a combination of information we had at the outset of the investigation. The Steele information was that other piece.

I think we started to get a firm footing on that first part of the investigation. I think the Steele reporting, that's where we needed more help to, "A", start really drilling into that, because at the same time, we were receiving that information, we were running operation overseas. We were trying to get in front of Carter Page specifically. We were handling sources. We were trying to make determinations if there were other sources that could help us with the investigation. There were some meetings partners.

So we were stretched thin. At one point, I know that I had to travel up to New York. I had mentioned
when I first heard of the Steele Dossier, I was up in New York because we were chasing another lead of an individual who was of interest of us in New York. So took me, basically, offline for roughly a week. Out of four -- an investigation where we only had four main case agents, that's a quarter of your staff gone.

That's just -- it was difficult to be away, because we had everything going on. That's where I go back to what's the proper staffing level. I guess the answer to that is it should have been more than we had.

Q. Thank you.

Stepping away from the greater context and to the FISA errors themselves and actually put them in context, only 14 pages of the 448-page Mueller report addressed Carter Page, and in December of last year when Inspector General Horowitz testified before the Judiciary Committee about the report, he stated that the errors do no call into question, quote, any part of the Special Counsel's report.

Do you have any evidence that the FISA errors call into question any part of the Mueller report?

A. I can't answer that specific -- I'm sorry. Can you rephrase that?

Q. Do you have any evidence that any of the individual errors identified by Inspector General
Horowitz call into question the ultimate findings of Special Counsel Mueller?

    A. I don't think I can answer that. I'm sorry.

    Q. I'll take just one more run at it. The question is do you any evidence that that is the case, any affirmative evidence that this errors means that this finding in the Mueller report is incorrect?

    A. No.

    Q. The Inspector General recommended a number of corrective actions, include changes to Woods forms and the FISA request form that are designed to ensure that OI receives all relevant information. Director Wray accepted and agreed to implement all of the IG's recommended corrective actions.

    Do have any reason to believe that the FBI isn't taking appropriate steps in response to the IG report?

    A. No. Having gone through the FISA training, I think what the OIG report did do is indicate there was an institutional issue with FISAs with the FBI. Having gone through the training, I feel that it's -- as of now, it's good sufficient training for everybody within the organization.

    I'm sure it will be tweaked in the future and it's something I think the organization needed.
Q. And so you have -- it seems like you have confidence that the corrective actions taken and that will continue to be taken will adequately address some of the issues the IG report highlighted?

A. Within the FBI, yes. I think -- yeah. I think there could be changes more amongst not just the FBI, but from DOJ as well; but I think we'll get there, but I think that the initial changes that were made are sufficient enough at this point.

Q. Okay. Do you have additional recommendations, whether on the DOJ front or the FBI front, that you would like to share with us?

A. Not at this time.

Q. Okay. I'm also going to follow up on some questions you were asked about the Steele Dossier and the role that it played in the Page FISA applications. Crossfire Hurricane was open on July 31, 2016. The IG determined that the Crossfire Hurricane team didn't even become aware of Steele's reporting until September 19th and that, quote, Steele Dossier played no role in the opening of Crossfire Hurricane. Are you aware of evidence that disputes that finding?

A. No.

Q. Horowitz testified before our committee
that the Carter Page FISA errors related to Christopher Steele did not call into question, quote, any part of the Special Counsel's report. You answered this earlier. Now that I've laid out the testimony that Horowitz gave, do you have any reason to dispute the testimony that Horowitz gave?

A. I do not.

Q. Former Deputy Attorney General Rod Rosenstein, who supervised the Mueller investigation, also testified before the committee as part of its investigation, and my boss, Senator Feinstein, asked him to identify which finding in Mueller's report relied on information from the Steele Dossier. Ms. Rosenstein said, and I quote, I don't believe that there is any such information.

Do you have any evidence to dispute that statement by former Deputy Attorney General Rosenstein?

A. I do not.

Q. Rosenstein also testified that none of the 199 criminal counts that resulted from the Special Counsel investigation relied on information that was obtained from Steele. Do you have any basis to disagree with that statement by Mr. Rosenstein?

A. I do not, no.

Q. Now I'll turn to the questions you were
asked about the primary subsource. You participated in
an interview of the primary subsource in January 2017
and helped memorialize it in a memo that Chairman Graham
recently released publicly. I would like to ask you a
few questions based on both your attendance at that
interview, but also, more broadly, your expertise as an
FBI agent about some of the allegations that have been
made about the CSS.

In your experience as an agent, can information
a source obtains from someone else be reliable?
A. It can, yes.
Q. So, in other words, the fact that the
source obtained information from someone else doesn't,
standing alone, make the information unreliable?
A. No.
Q. And is it true that where a source has
obtained information from other sources, it's important
for the FBI to understand where the information came
from or, in other words, that source's source network?
A. Absolutely.
Q. And I know you talked a little bit about
this earlier, but if you wouldn't mind elaborating. Why
is that an important step for the FBI to take?
A. It help us understand the placement and
access that subsource would have or does have and it
helps determine where that information is coming from as
opposed to it's something who hears something while
they're walking down the street as opposed to somebody
who is working in an office where they can observe a
meeting occurring. That's of value to us. Right?
We'll place more value on that over somebody overhearing
something on the street.

It's all about placement and access, and to my
point earlier, by identifying those individuals and then
making a determination if we can then go back to those
individuals as FBI agents to try and recruit that
individual to work with us, thereby, you know,
eliminating the middle man and getting the information
from the source.

Q. And we've heard a handful of different
allegations that are intended to discredit Steele's
primary subsource. The first is that because the
primary subsource was not a well-connected current or
former Russian official and wasn't based in Russia, the
information he provided to Steele was unreliable. Some
members referred to it as, quote, second- and third-hand
information and rumor at best; but, as you said, the
fact that a source, like the primary subsource, obtained
information from others doesn't, standing alone, make
the information that individual obtain unreliable.
Correct?

A. That's correct.

Q. It doesn't make it rumor at best?

A. That is correct since we had a fairly good understanding of who was in that source network.

Q. But in a more general sense, just because somebody obtained it from somebody else doesn't make it rumor at best?

A. Right.

Q. And the FBI, in your words earlier, just needed to, quote, drill down on the who the sources are; that's how you determine whether it's rumor or reliable information; is that right?

A. That's right.

Q. And is that among the reasons why, if not the principal reason why, you went and interviewed the primary subsource?

A. Who we believed was the primary subsource at the time.

Q. Who you believed was the primary subsource, and the main reason or one of the main reasons, I would imagine, why you asked the individual that you believed was the primary subsource about his or her source network?

A. That's correct, because at the meeting
with Steele, he was reluctant to give us specific names. So if we got to that primary subsource, we would be able to determine where precisely all the information was coming from.

Q. And if you read the memo that you worked on after that meeting, you see that there is information about one of the things you said was very important, which is access of the primary subsource's sources. For example, Source 5 is said to, quote, have ties to the Russian Intelligence and Security Service.

Would someone with that background who has access to the Russian Intelligence and Security Service be well-positioned to provide information relevant to connections between an American political campaign and a government that is actively interfering in the election?

A. [Redacted]

Q. Have the sort or access that would make him reliable?

A. That's correct.

Q. The memo identifies another of the primary subsource's sources, Source 3, as having, quote, direct and indirect contact with a deputy or multiples deputies in -- redacted. The redaction, presumably,
refers to a foreign government or a foreign government agency.

Would someone with that sort of background also be in a position to have the access to provide reliable information?

A. Yes.

Q. Switching to a different allegation that we've heard to the discredit the primary subsourc, that the information provided was unreliable -- sorry -- the individual who you believed to be the primary subsourc was not reliable because he was paid by Christopher Steele. Does the fact that a source has been paid in connection with providing information, as a general matter, mean that that information is unreliable?

A. No.

Q. In fact, doesn't the FBI routinely compensate sources who provide the Bureau with information?

A. We do, yes.

Q. Executive Assistant Director Michael Steinbach told us -- former Executive Assistant Director of the FBI, Michael Steinbach, told us that the source in almost all cases is doing it for some ulterior motive, get himself out of a jam, for money. Is that your experience, that sources often have an ulterior
motive?

A. Yes. Yes. They do. Ulterior motive, depending on national security or criminal, but there's sometimes a motivation for that.

Q. And if there is an ulterior motive, sometimes that motivation is getting paid money?

A. Absolutely.

Q. And the fact that they, in your view with your many years of experience as a agent, does the fact that they're getting paid mean that that information is not reliable?

A. No.

Q. Steinbach also told us that with all sources, you take a look at it. You apply healthy skepticism. A lot of times, source information is only partially correct. So you need to investigate to try and develop more information to run down those leads. Is that how you approached Christopher Steele and the primary subsourse, with a healthy skepticism?

A. We always do. We always want to be on guard with the information that's being passed to us. There could be an agenda, but that's why, in this case, another reason why we want to get to the source of the original information.

Q. A third allegation we heard about the
primary subsourse is a more recent one and I will do my
best to avoid any questions that you can't answer.
Please let me know if I don't do that successfully.

The claim is that the CSS had ties to Russian
intelligence, was a Russian agent providing Russian
disinformation to harm Trump. Speaking generally, if a
source has ties to a foreign government or an
intelligence agency, I imagine that can pose risks that
make, that can make, the information they provide less
reliable, that it can; it's not only the only option,
but that's one of the possibilities?

A. It's possible, yes.

Q. And as we discussed, the FBI has methods
of drilling down on sources and figuring out whether the
information they are providing is reliable?

A. We always do.

Q. On the other hand, a source has ties to a
foreign government or intelligence agency could provide
benefit; the information that they provide could be more
reliable given the access that they have; is that
correct?

A. Yes. In my role as a counterintelligence
professional has been to tend to recruit intelligence
officers who are foreign agents to work on behalf of the
United States Government, and that's part and parcel of
what we do in the counterintelligence realm.

Q. And you also said earlier that one of the things that -- one of the reasons you like to meet with subsources and someone's source network is to make them a source?

A. Yes.

Q. So you said that, you know, one of the reasons you get FISA coverage on a foreign intelligence office in part of your work in counterintelligence is to recruit foreign intelligence officers to be sources?

A. That's right.

Q. You've also said that part of your work is recruiting the source of the source to be a direct source?

A. Yes.

MR. HASKELL: I think that is all I have on that topic. I think that is all we have for this round.

MR. SOMERS: Do you want to take a quick break?

THE WITNESS: Yes.

[Whereupon, at 2:27 p.m., a recess was taken, resuming at 2:35 p.m.]

MR. SOMERS: All right. It's now 2:35.

FURTHER EXAMINATION BY THE MAJORITY

BY MR. SOMERS:

Q. When we were last talking, we were
talking about the primary subsource interview that occurred in January of 2017 that you took part in. Did you take part in arranging for the interview to occur prior to it occurring?

A. I believe the planning was done by DOJ, which was represented by an attorney.

Q. But the FBI tried to reach out to the primary subsource directly before --

A. So we reached out to him on a Friday evening and we made contact with him. Myself and SSA 1 went to his attorney's office at, I believe, 2 a.m., whereby we discussed his client. He had retained counsel. So then we -- if I recall correctly, we set up the meeting with the primary subsource and his attorney.

Q. Do you recall where the interviews took place?

A. They took place in the Washington Field Office. I don't know the address.

Q. Is it possible the interview took place in the attorney's office?

A. The first meeting we had with his attorney -- I don't recall that the primary subsource was there -- was in the attorney's office. The meetings that I took place on, that -- excuse me -- I took part in in January, I believe they took place in the
Washington Field Office.

Q. You believe or you --

A. To the best of my knowledge, I recall sitting in the Washington Field Office, conducting a few
days of interview.

Q. I'll just say why I'm asking is the
electronic communication that combines all the 302s of
the interview indicate that it did, in fact, occur in
the Washington Field Office. We had another witness who
took part of an interview come in and testify that the
attorney from the DOJ that was in most of interview, he
believed the interview took place in the primary
subsource's attorney's office.

A. Without knowing who the DOJ attorney was,
there may have been a DOJ attorney -- I don't recall who
was in that meeting at the 2:30 in the morning call, you
know, the meeting we had. So without knowing who that
attorney was, I can't answer.

Q. [Name] testified before this
committee last week, [Name], and he, to his
recollecion, he took part in the three-day interview or
at least the second two days and possibly part of the
first day of the three-day January interview of the
primary subsource. To his recollection, that interview
occurred at the primary subsource's attorney's office.
I'm just trying to clear up what the discrepancies are.

A. Yeah. I don't know. The way I remember it is we were in the Washington Field Office in an interview room on the first floor.

Q. Okay. Who was the primary questioner or the lead? I guess you refer to it as a lead.

A. Yeah.

Q. Who was the lead on the primary subsource interview?

A. So there were DOJ attorneys present. There was myself and the SIA. On an interview like that, I don't think anybody took a lead. I think the SIA, who is well-versed in, you know, Russian counterintelligence and other Russian matters, he and I kind of collated. I don't think at that point, there was a lead.

This was just like a -- it was just a sit down and get him to talk. The first time you're sitting down with a source is to build a rapport with that individual. So whoever kind of fits the mold during the course of that interview, that's who -- you know, no one really took the lead.

Q. It is unusual to have an analyst sort of share the lead role with an agent?
A. Not in the way I've done my work. I view the SIAs and IAs as counterparts. They're experts in their field.

Q. Who was the primary drafter of the 302s?
A. The SIA.

Q. Did you have any role in those?
A. I reviewed them. I reviewed to make sure it was accurate.

   It was an EC, not a 302, just for the record, the write-up. So he drafted it. I just read through it to ensure that it was accurate.

   Q. My understanding is -- maybe this refreshes your recollection. Maybe it does not. Maybe my understanding is wrong -- that there were three 302s that were then eventually combined in an EC.
   A. Yeah. I just know it was a lengthy document. The iterative process that occurred, I can't recall.

   Q. Okay. That's fine.

   Now, eventually, in the FISA applications that occurred, the two FISA applications that occurred after the primary subsource interview, the interview was characterized -- the primary subsource was characterized as being truthful and cooperative. After your three-day interview with the primary subsource, would you
characterize him as being truthful and cooperative?

I'm not saying that's your word. I'm asking if you would --

A. I think he was cooperative with us. It was the first time we sat down with him. So I felt when asked questions, he answered them to the best of his ability.

So that was the only time I sat down with that individual.

Q. So you can't speak to truthful?

A. No. I'm not saying that. I'm saying that he answered the questions that we asked. I didn't think he was -- I'm sorry. He or she -- was deceptive or not, but I felt at the time, the individual was cooperative and truthful.

Q. Do you recall ever describing -- obviously, these words, truthful and cooperative, made it into the FISA. Do you recall --

A. I don't recall. I mean, that's not how we speak. I just thought when I got back and spoke to the individuals about the investigation, I thought we got information from him and we going to analyze all that information that we received.

Keep in mind that I transferred all responsibilities in that case soon thereafter, after
that interview. So I don't know where that language
came from.

Q. So we had the 2 a.m. meeting at the
attorney's office and the three-day interview.

A. Yeah.

Q. Are those your only interactions with the
primary subsource?

A. Yes.

BY MR. BAKER:

Q. Did you say earlier that it was an FBI
analyst that identified who the primary subsource was?

A. I believe it was an analysis. It was
produced by the intel cadre. So I don't know who
specifically identified him. If I recall, thinking back
on a few years ago, I believe that came from an
analytical cadre.

Q. Would that analytical product also have
had information that where the primary subsource most
likely lived or other information besides the name?

A. I can't speak to the specific product.

Q. Were you or anyone on the interview team
or even the broader Crossfire Hurricane team surprised
where the primary subsource lived once he was
identified?

A. Yes. Yes.
MR. BAKER: Okay.

BY MR. SOMERS:

Q. The IG report goes on, goes over on page 186 and 187, the bottom of 186 and the top of 187. This is in reference to this interview: "In particular, the FBI's interview with Steele's primary subsource in January 2017, shortly after the FBI filed Carter Page FISA Renewal Application No. 1 and months prior to Renewal Application No. 2 raises doubt about the reliability of Steele's description of information in his election reports."

I'll just read the last clause again: "Raised doubts about the reliability of Steele's description of information in his election reports."

Was that your impression of the primary subsource interview?

[Witness peruses document.]

THE WITNESS: I can't recall. I can't recall that specific instance.

BY MR. SOMERS:

Q. Not the specific instance, but --

A. Or not that comment. I can't recall if I felt that there was doubts about the reliability of his information.

Q. You didn't come out of the interview with
that impression?

A. No. Not that I recall. Sorry.

Q. Now, this is not an interview you took part in, but I want to see any of these same type of comments occurred in an interview you did take part in.

In March, the primary subsource was re-interviewed by the FBI. In that interview, the primary subsource said that -- this is from an Washington Field Office agent. His comment is that the information he was giving Steele was based on conversations with friends over beers, that the primary subsource characterized the information he gave Steele as word of mouth and hearsay, that the primary subsource told the FBI the information was intended to be taken with, quote, a grain of salt and that the corroboration was zero.

Were any comments along those lines made during the January interview?

A. No.

Q. Had you ever seen -- go ahead.

A. I'm just trying to recall.

He described the network to us. He described who these individuals were. He described meeting these individuals at various times and various locales where he got the information from, but he identified each
individual, for the most part. He identified
individuals with whom he spoke with and provided
information, and my role was, I believe my role was, to
identify those individuals get in front of those
individuals.

Q. But did the -- is it correct to say that
the primary subsource took exception to do what he
referred to more as a group of friends as being referred
to as a network?

A. That's not -- that wasn't expressed
during the course of the interview. He said they were
friends of his in the network, but --

Q. I think the lawyers took exception to
them being described as a source network and wanted them
characterized more as a group of friends. Do you recall
that?

A. I don't recall that.

Q. Did you speak with the agent before -- we
don't have a name, a Washington Field Office agent. Did
you discuss your interviews with the primary subsource
with the agent? I can't give you his name.

A. Not that I recall. As the case I was
working was so close hold and the case agent had no real
need to know, I don't recall any specific conversations
with him about that.
Q. And vice versa, he didn't come to you after he interviewed the primary subsource in March and tell you what he learned?

A. No, no, no. To the best of my recollection, no. I had transitioned off the case. I wasn't read into anything else that was going on.

Q. Was there a level of importance placed on this interview within the Crossfire Hurricane team before it happened?

A. Yes.

Q. Okay. What about -- so members of the team thought the interview was important; is that a fair characterization?

A. That's fair.

Q. Did Peter Strzok know about the interview that occurred before it happened?

A. I don't know.

Q. Bill Priestap?

A. I don't know.

Q. But, certainly, the supervisor of intelligence was in the meeting. Did SSA 1, was he aware of the interview before -- well, he helped set it up.

A. I believe so, yes.

Q. So you go interview the primary
subsource.

A. To your point, the individual overseeing the Crossfire Hurricane case was -- Peter Strzok moved up, I think, and they moved another section chief into that role and she was aware of the interview. I think that was the highest executive management discussion I had.

BY MR. BAKER:

Q. Who was that?

A. Jen Boone.

BY MR. SOMERS:

Q. So you did discuss the primary subsource interview with Jen Boone?

A. I don't know if she was aware the interview was taking place. Again, I was not in the -- I was not part of the Headquarters component. I was back in New York. I flew in for it. I forget how it actually transpired, but I just remember her making a comment about it prior to the interview. That was about it. I can't recall any specific discussions that I had with her.

Q. She was the -- not ultimate, but let's say the ultimate supervisor at that point?

A. She was the section chief at the time.

Q. So you interview the primary subsource.
People thought the interview was important prior to it occurring.

Was there a meeting about it afterward, a briefing?

A. I don't recall a specific debriefing. I know when you take part these types of interviews -- I don't recall if we maybe had a quick debriefing after the fact. I can't recall any specific meeting that we had.

Q. Did it come up in the regularly-scheduled meeting?

A. I was no longer down in Headquarters. The SIA was. When I traveled back to the Bureau, that was the last interview that we did. Whether or not the SA brought it up at the regularly-scheduled meeting, I can't answer that.

Q. Did you discuss any inconsistencies between the Steele reporting and what the primary subsource said in the interview with the SIA?

A. So we had a lot of information in the span of three days. So I don't recall any discussions soon thereafter. I don't recall -- again, I left the case soon thereafter. I don't recall having any discussions about any inconsistencies that really stood out in my mind.
The one thing I do recall is mentioning of the meeting we were having in New York with a certain individual. So that was a thread for me to follow when I came back to New York, meeting with the individual. So I looked to see if I could track that individual down.

Q. So the 57-page summary -- did you see the 57-page summary at the time?
A. Yeah. I must have.
Q. Do you know where that 57-page summary was sent?
A. It was put into the case file for Crossfire Hurricane, I believe.
Q. And who had access to the case file?
A. Anybody that worked the case.
Q. Would Pete Strzok have had access to it?
A. Yes.
Q. What about Bill Priestap?
A. I believe so. I don't know who was on the case access list, but it would be normal practice for anybody, as I mentioned earlier, anybody who was working on the investigation all the way up through the chain to have access to that.
Q. Does the Justice Department have access to that?
A. No.

Q. OGC at FBI?

[Witness confers with counsel.]

THE WITNESS: Yeah. I believe so, yes. I think OGC would have. I believe OGC attorneys would have access to it.

BY MR. BAKER:

Q. So Justice wouldn't have access to it?

A. I'm sorry. I didn't hear you.

Q. DOJ wouldn't have had access to it, but like you did with some other stuff to OI, did you let them know that there was this document that had been produced if they wanted to see it?

A. I was pretty much transferred off the case at that point. As it was finalized, I was in the process rolling off that case. How, if, and when OI was informed about that, I don't believe I took part in any conversation.

Q. Is that something they should have been informed about?

A. In the course of business, I think that it would have brought up, but I don't want to put myself in their shoes.

Q. I understand you don't know if it was or wasn't. I'm just asking in the course of the craft of
counterintelligence and the way that FISA work with DOJ and FBI, is that something that should have been shared?

If it wasn't, I don't know. I'm just saying is that something that you would share?

A. It would be something we would share. As I've said all along, we're transparent with OI. I think that helped, you know, described the source network and the primary subsourse. So it's something that I would have shared.

Q. In the three days of interviews that resulted in that document, do you recall either prior to the first interview or after each day of interview, was there any kind of group or team huddle to figure out what ground you covered, what you want to do, make sure you're moving forward in each day of interviewing?

A. No. As I said earlier, I can't recall any specifics. I think the first time you meet a source or potential source, I should say, it's a bit of a feeling-out process, spending some time getting to know the individual, where the individual is from, background, things along those lines.

I think we had some areas we wanted to cover, but we had to go where the interview led us. It's kind of a -- it depends on the situation, but I think we had an idea of some questions we wanted to ask and I think
we got some information that we didn't ask as we talked to the source.

I can't remember specifics, but that's where I feel, to my point earlier, he was open with us, and when we asked questions, there didn't seem to be a lot of hemming and hawing to get information from him. Now, he had an attorney with him. So I don't know if there a comfort there as opposed to talking to a source off the street, but that's what I found. I don't recall any specific meetings that we had prior to or after any meeting with the primary subsource.

Q. Was there any discussion, maybe not a formal meeting, but did anybody raise a concern that based on the totality of information known or what you knew at the time that this primary subsource could not only be maybe shading or minimizing reporting, but he could actually be, he or she actually be, part of a disinformation campaign in what they were funneling to Christopher Steele?

A. Well, I think you're asking two different questions. Right?

I think you're asking if the source could minimize activity and then the next question is was he providing disinformation to us.

Q. I don't know that I'm asking if he was.
Was there a discussion that he could be based on the
totality of what was known about him at the time?

A. Could he minimize or could he be
providing disinformation?

Q. Both. I would assume that any source
could minimize, especially if it's something that
dirties them, but I'm more interested in was there a
discussion that he could be doing something far more
serious than minimizing, i.e., intentionally giving some
false information through some disinformation campaign
and not just having some allegiance to some other
entity, but actually working on behalf of another
entity?

MR. HEISS: I'm going to ask the witness not to
answer the latter part of that question. You can answer
whether or not you thought in your interview with the
subsource whether he was minimizing, but I think that
the second part of that question goes directly to this
new allegation that arose last night, and the witness is
not going to answer that question.

BY MR. BAKER:

Q. I'm not interested in any allegation that
rose last night. As a general proposition, was there
that concern?

Because I'm assuming in counterintelligence,
when you're dealing with sources, there's always some
issue -- because of what they're reporting on, there is
always some issue as to what their true allegiance is.
I'm just curious was there a general concern going into
it since this was a primary subsourc and a lot of that
information was used for sophisticated investigative
techniques.

Was there concern that this person could have an
allegiance that was not to Christopher Steele?

MR. HEISS: If you want him to answer the
question in general, whether or not when you're
interviewing a source, there is a concern or potential
concern that either the source is minimizing or may have
ulterior motives for the information provided, you can
answer that. We covered that, I think, before, but I
think the more specific question does raise this issue
which has only recently emerged and we're not prepared
to deal with it now.

THE WITNESS: Could sources minimize,
especially the first time they meet with us, there could
be pieces of information they have, from my experience.
The reason we had -- I brought the SIA with me is to
take the information and then whatever information we're
given, to check the veracity of the information given
what we knew at the time.
MR. BAKER: Okay.

BY MR. SOMERS:

Q. Did you believe he was minimizing his -- I think it's indicated in this 57-page summary -- that you thought he might be minimizing or not fully explaining his contacts with Russian intelligence?

A. I wasn't sure what specifically he was minimizing, but it's been my experience that the first time you get in front of a source, especially the way we approach the source, there's always the chance that that individual is holding back some information from us. That's where the source handling relationship comes in.

Q. Did he reveal a relationship with Russian intelligence officers during the -- suspected Russian intelligence officers during the interview?

A. I can't recall specifics. Can you rephrase that question? I just want to make sure I answer.

Q. I don't want to pull the whole 57-page summary out there. I thought in the 57-page summary of the interview that as you were discussing the different sources of people he knew in Russia, I got the impression that you all had the impression that he was not being forthcoming about his contacts with Russian
intelligence, individual associated with Russian intelligence?

A. One of his sources was a former intelligence officer through contacts he had back home. I can't recall any of the specifics.

Q. Okay. Did you understand coming out of the interview, after the interview was over, that the primary subsource was actually sort of a contract employee of Orbis Business Intelligence?

A. Yeah. That came up in the discussion, that he worked for Orbis in the past. That was part or the -- I think when we were getting to know him a little bit.

Q. Did it become apparent that the primary subsource was in the United States?

A. I'm sorry?

Q. Did it become apparent that the primary subsource lived in the United States?

A. Yes.

BY MR. BAKER:

Q. You had said earlier with a similar question I asked that it was a surprise where this individual ended up living. Why was it a surprise?

A. I don't know if we want get into where he lives, where the primary subsource lives. It was closer
than I thought, not because of the information primary subsource was providing, just because we were scouring -- we weren't -- we wanted to get in front of him and he was closer than we thought.

BY MR. SOMERS:

Q. Prior to learning who the subsource was and where he lived, did you believe he lived in Russia?

A. I don't think I was aware. I don't think I had an opinion or a thought of where he lived. Him living the United States doesn't make a huge -- it's not -- I was just -- it's not a surprise. It was just more of a humorous surprise, more of an investigative surprise.

Q. So if the FISA application said the primary subsource was Russia based, you did not put those words in there?

THE WITNESS: Repeat the question, please.

BY MR. SOMERS:

Q. If the FISA said that the primary subsource was Russian based, are you testifying that you wouldn't have put those words in there because you didn't think he was Russia based?

A. If it says that, I don't recall providing
Q. You don't recall providing that?
A. I don't recall that.
Q. You talked in the last round with the Minority about whether money could be a motivation for a source and you said you wouldn't necessarily discount a source if money was the motive. Could spreading foreign disinformation be a motive?
A. So I think anything the FBI receives from an individual can be motivated by various factor. The role of the FBI is to take that information and vet it and run it through out -- you know, to track it down and to make a determination if it's false, it's true, or disinformation. Our role is to take in the information and vet it all out.
Q. Are motives more important to take into consideration than others?
A. I think it depends on the motive. I think it depends on --
MS. ARGENTIERI: I'm unclear on the question.
To him or to the person giving the information?
BY MR. SOMERS:
Q. To how you take the information, how you receive the information. You receive information. You said money may not matter. I'm asking
whether -- there's got to be a whole host of factors of things you want to take into consideration as you receive information. I'm trying to understand whether some of those motives, you just don't discount?

A. The motives of the source?

Q. Of the source in providing FBI with the information.

A. I think it depends on the source. I think it depends on the situation. We recruit intelligence officers who we pay to provide information. Although we pay them, they may be motivated by ego, but we will still take the information and we take whatever information we have. As I said earlier, we'll always accept the information, and then our role as investigators and the intelligence cadre is to go through it, to vet it, to ensure it's accurate and to report on it.

Q. Did you --

A. If we find a problem with it, then we determine if we want to continue the relationship with that source.

Q. Did you get leads -- so in the interview, I can kind of tell, although there's a lot of redactions from the 57-page summary, that you were probing the primary subsource on his sources.
A. Yes.

Q. I'm trying to get "subs" out of here. Did you develop leads out of the interview with the primary subsource as to who his sources were?

A. We did. Again, I don't know whether or not -- if you read the version that I have seen -- it's been a few years since then -- once identified, I asked about if that individual would be amenable to be in contact by the FBI, if that individual would be -- so the way I envisioned my role in that interview is to get the subsource or whoever. Once those are identified, to figure out where those individuals reside or how we could safely get in touch with those individuals so that the FBI, USITC, or whoever could get in front of those individuals, albeit the United States or a third country, then, as I mentioned throughout the course of this day, to get from the primary source information.

Q. Did the primary source -- I'm not asking you the actual name. Did he provide you with the names of his subsources?

A. He gave some names.

Q. Do you recall any discussion within the Crossfire Hurricane team, first, about then trying to go into interview these individuals?

A. I remember I was -- even though I was
transitioning off, there was an individual I think I wanted to get in contact him, because this individual came to the United States on a fairly regular basis or somewhat regular basis.

Q. What about going overseas to speak to these people?

A. I think I remember one individual that was standing out that I wanted to go see if we could get in front of.

Q. Do you recall any disagreements about whether resources should be spent on going overseas to interview sources?

A. At that point, I think I was not affiliated with the investigation.

Q. How about prior to the primary subsource interview? You guys had some idea of who some of the subsources were. Correct?

A. Only through the October meeting that occurred with Steele, I think, but I can't recall any discussion about any disagreement about funding and trying to get overseas. Again, this goes to the resource issue. We were focused on some other things at the time. So the individuals whom were identified in that October meeting, we weren't sure how we would be able to get in contact with them.
Q. I want to clear something up. You said a few times and you just clarified that the person -- I think you said you had some reason to believe it was the primary subsource. It was clarified in earlier rounds.

You had no reason to believe the person you interview was not the primary subsource; is that correct?

A. I wasn't involved in trying to identify and locate the primary subsource. That was a role that was, if I recall correctly, done by the intelligence analyst.

Q. So you were just clarifying that you're not the one that identified the primary subsource; you relied on the analyst to tell you?

A. Yes, which is what we do.

BY MR. BAKER:

Q. On that point, generally speaking, once the primary subsource or a subsource or any information is gleaned as far as an identity of somebody that you're trying to find, it would be just normal investigative procedure to sort of verify that that person could have provided the information they provided; they could have traveled to place they said they traveled?

You just wouldn't come up with a name and assume it's the right person; there would be some sort of
puzzle fitting of pieces to see that this guy is
probably who he says he is or who he's purported to be?

A. Yeah. I mean, there would be steps taken
to try. It wouldn't be just pulling a name out of a
hat. It would be based on certain matrices that are
developed by whomever is trying to identify individual.

BY MR. SOMERS:

Q. You answered this, but I just want to put
a fine point on it. You don't recall, after the primary
subsource interview, anyone saying, Hey, we have a
problem with the FISA as a result of the primary
subsource interview?

A. Not that I recall, no.

Q. Did you see -- we don't have access to
the document. There's the 57-page summary that we've
discussed. There's also, according to the IG report, a
two-page shorter summary, essentially, of the 57-page
summary.

Do you recall that document?

A. I don't. With the passage of time, I
don't recall.

Q. Do you recall any role in drafting that
document?

A. I don't believe I did, no.

Q. And just to be clear, you don't recall
taking part or as part of a regular meeting or any group meeting of the Crossfire Hurricane team -- this is the last one I'll ask you on this, but I do want to ask this question: You do not recall a meeting during which a larger group of the Crossfire Hurricane team where your three-day interview with the primary subsource was discussed?

A. I participated in numerous meetings even when I came down from New York for a specific meeting. I can't recall. There may have been, but again, I don't recall a specific meeting.

Q. Okay.

A. I'm sorry. It's been years. So I apologize.

Q. You don't have to apologize. It's been a while. I'm just asking for your recollection.

In terms of sources -- getting back to Christopher Steele himself, getting away from the primary subsource and getting back to the FISA itself, on page 131 of the FISA, this exchange seems to have occurred: "The OGC unit chief advised Case Agent 1 on September 22nd during the drafting of the FISA request form, she said, quote: One last thing, we probably need a little bit more on the source -- redacted."

It says: "This is essentially a single-source
FISA. We have to give a fulsome description of the source."

So you were -- were you aware that the source characterization was important in this particular FISA application?

A. I was aware of the importance because everything we put in a FISA is important.

Q. Were you aware prior to receiving that -- you've worked on, you said, around 10 FISAs -- that a source characterization statement, when you're relying on a confidential human source for information in a FISA, is important?

A. I have provided it in the past, yes.

Q. I mean did you realize it was important?

A. Yes. I understood it was something to include in the FISA, yes.

Q. So then: "Handling Agent 1 also told that FBI email instant messages reflect that he had provided language on September 23rd."

This is on page 160. I'm sorry.

"Handling Agent 1 also told that FBI email instant messages reflect had he had provided language on September 23rd to Case Agent 1 that the source characterization statement that was substantively different from the final language used in the FISA
application."

So what Handling Agent1, according to the IG report, provided you with is the following statement. I think the statement is on 161 if you want to look at it while I'm reading it into the record.

"CHS had been signed up for over three years and reliable. CHS responds to taskings and obtaining information from network or subsource. Some of the CHS's info has been corroborated, when possible."

Do you recall receiving a source characterization statement from the handling agent?

A. I recall the back and forth between myself and him.

Q. About the source characterization statement?

A. [Gestures.]

Q. Then it goes on to say the characterization statement that you provided OI -- it says: "Case Agent 1 provided OI with the following characterization of Steele for inclusion in the FISA application. This information comes from a sensitive FBI source whose reporting has been corroborated and used in the criminal proceeding and who obtained information from a number of sensitive well-placed subsources. Several of the source's reporting is from
June 2016 through August 2016."

Within that, there's some other variations, but there's two variations that I would like to point out between what Handling 1 provided you and what he provided to OI. One is the clause "has been corroborated and used in criminal proceedings".

Do you recall where you got that phrase?

A. Yeah. I received that phrase from the intelligence memo that was drafted by the SIA.

Q. That's FBI product, the intelligence memo?

A. That's FBI product that we regularly use in FISA applications.

Q. Okay. And there's another clause in there that says "who obtained information from a number of ostensibly well-placed subsources". Where did you get the impression that his subsources were ostensibly well-positioned?

A. I believe that also taken from -- as stated the IG report, I took it from the intel memo from the SIA.

Q. Why did you take a source characterization statement from the intel memo and not from the handling agent?

A. We typically take information from intel
memos. I believe they're vetted products and approved at I forget how many levels, but they are normally incorporated into our FISA applications. My understanding in reading the intel memo, the SIA did dive into information that was provided by Steele to the FBI. That language was incorporated into the intelligence memo and, as I mentioned in the IG report, I think I -- I'd need to find the exact quote, but I used that language.

Q. Did you provide these two sentence to the handling agent before you sent it to OI?

A. I did not, no.

Q. Did you realize at the time that there was a Woods requirement that you did so?

A. No, I was not.

Q. And according to the IG report on page 183 at Footnote 329: "According to IG report, SSA 1 requested a human source validation review on Steele in November of 2016."

Did you speak with SSA 1 about getting a human source validation?

A. We talked about doing an asset validation review.

Q. Is that an enhanced validation?

A. I forget if it was enhanced or not.
Q. Did you agree that it would be good thing to do?

A. It's always a good thing to do.

BY MR. BAKER:

Q. Why is it always a good thing to do?

A. We use sources all the time. I wasn't familiar with who this individual was aside from the meetings. There is harm in it that I thought.

Again, we had nothing to hide. It was just doing an asset validation review.

BY MR. SOMERS:

Q. Do you recall that validation review getting shut down?

A. I recall discussions, but nothing -- I was not part of it. So all I can recall are discussion that I had heard.

Q. Did SSA 1 come back to you at some point and tell you, Hey, we got turned?

I think he actually started the source validation review. Did he come to you and say, Hey, the source validation -- I'm sorry -- the enhanced validation was shut down?

A. If I recall correctly, yes. We met briefly, maybe one day, and I remember, to the best of
my knowledge, the SSA saying it was -- I don't know if "shut down" was the language that was used, but it was put on hold.

Q. But it was -- I used the words "shut down" or the term "shut down". My understanding is it was started and stopped versus never started.

A. Right, and I can't speak to that. I know that -- I recall -- again, this is the best of my recollection from a few years ago -- that there was a discussion where I heard from the SSA that it was on hold or whatever language you want to use, but I don't remember the exact language.

Q. Do you recall if he was frustrated by this, upset by it in some way?

A. That would be supposition on my part.

BY MR. BAKER:

Q. Did you have any understanding of why it was stopped or shut down?

A. No. No.

BY MR. SOMERS:

Q. Had you ever done an enhanced or any sort of -- have you ever requested a source validation review?

A. I have had source validation reviews on other sources in the past, I think once or twice.
Q. Is that unit at the FBI known for leaking information to the press?

A. I can't speak to that.

Q. As an agent, you've never heard that they were known for leaking information?

A. No. I've never heard that. This is the first time I'm hearing that.

Q. Have you heard that they leak information around the Bureau itself?

A. I have not heard anything along those lines except for today.

Q. Have you heard anything negative about the validation unit in terms of them letting information slip out?

A. I have never heard anything negative about them leaking information until today.

BY MR. BAKER:

Q. You said you've done enhanced validation on other sources, I think you said.

A. Again, I don't want to get stuck in enhanced or asset validation review.

Q. Sure.

A. I've had a review done on one or two sources.

Q. This is my lame kind of term for this.
Is it like a deep dive into the source?

A. They take a look at the source. They have access to the file, whatever source files, whatever closely-held things. They get access to it and they sometimes speak with case agents. Sometimes they don't, or the handling agent, I should say, and then they provide a report.

Q. So they might have access to things that a case agent might have not access to if you wanted to do, as a case agent, a preliminary search or something? This enhanced validation unit, it sounds like they have an ability to go deeper.

A. I can't speak to what access they have and don't have. Like I said, I've done it once or twice, but I never had a very good understanding about how they go about what they do.

Q. Is it your understanding that they would find things that you, as a case agent, might be interested in knowing about your source?

A. Yeah. I think -- well, yeah. They may call attention to some things the case agent may know, but given the relationship, the case agent, obviously, there are different types of relationships with sources. So it just calls attention to it, and sometimes they ask for updated records, things like that.
So it depends on the report.

Q. In your experience for the few that you've done, are they able to find things or have they found things that you didn't know about the source?

A. I don't recall, honestly. I can't answer that specifically.

Q. And you don't recall if SSA 1 was frustrated or upset that this enhanced validation was slowed down or stopped?

A. That would be me putting emotion to a comment I heard. So I can't speak to that.

Q. But it was, in fact, slowed down or stopped?

A. From what I heard, it was either slowed or stopped. I don't know what language you want to use, but I recall a conversation. It was maybe a one- or two-off conversation, but I can't recall specifics. I don't want to put any emotion to a conversation that we had, but it was a conversation we had.

Q. Do you know of anybody on the Crossfire Hurricane team that was frustrated beyond what a normal frustration between investigators would be?

My understanding is a normal difference of opinion amongst investigators ultimately or many times very helpful. You play off of each other and come up
with a road forward that is beneficial to the overall
goal of the case.

Was anybody so upset over something on the team,
so upset over something that they couldn't do or weren't
allowed to do that they left the team or --

A. No. Nobody left the team out of
frustration. Nobody -- as you said, there is normal
give and take between the investigative team members. I
don't recall any -- it was a small team. We had some
analysts join us here and there, but I don't recall any
major frustration aside from the day-to-day and some
people feeling they should be included in some things,
you know, investigative steps.

Aside from that, that's just normal, but nobody
left the team as far as I recall because they were
frustrated about the pace or because of the
investigative work.

Q. I think I understood you in dialogue with
our Minority colleagues that you, maybe others, did a
general frustration with maybe the resources that you
had or the task that you had. Is that correct?

A. That would be a fair assessment.

Q. And how --

A. Well -- I'm sorry. Looking back on it, I
think in the midst of we felt we were stretched thin,
but we understood management's decision to keep it lean
in order to prevent leaks and in order to, as I've said
all along, protect the integrity of the process and
those being investigated; but in retrospect, we could
have used bodies.

Now, is there an email or instant message where
I complained? Maybe, but that's -- again, that's mostly
in retrospect that, looking back on it, we should have
had way more people for this investigation.

Q. Do you know if you did raise concern to
anybody that this is really a lot to do, that it would
be better served by having a few more bodies?

A. We probably had a discussion at that
point, but, again, we were trying to strike a balance
and we did the best we could given the resources we had,
but I don't recall having a conversation with anybody
asking for more -- that's not my role as a case agent.
I may have complained about it or said something about
it, like I said, but my role as a case agent is to
investigate.

Q. Did SSA 1 or anybody, I mean, hear your
general concerns or see your general frustration and
say, Well, I'm going to bring this up at a meeting with
the section chief or whoever?

A. Not that I recall anything specific.
Q. As far as you know, it stayed at the worker bee level?

A. Yes, as far as I remember.

MR. BAKER: Okay.

BY MR. SOMERS:

Q. Do you recall on September 23, 2016, Yahoo News published an article titled "U.S. Intel Officials Probe Ties Between Trump Advisor and Kremlin"? The article described efforts by the U.S. Government to --

MS. ARGENTIERI: I'm sorry. I want to just talk to him for one second.

MR. SOMERS: Okay.

[Ms. Argentieri confers with the witness.]

MS. ARGENTIERI: I'm so sorry.

MR. SOMERS: No. I was just reading.

MS. ARGENTIERI: That's okay.

BY MR. SOMERS:

Q. I don't know where we got cut off, but on September 23, 2016, Yahoo News published an article titled "U.S. Intel Officials Probe Ties Between Trump Advisor and Kremlin". The article describes efforts by U.S. Government intelligence agencies to determine whether Carter Page opened communication channels with Kremlin officials.
Do you recall this article?

A. I do, yes.

Q. Okay. Page 106 of the Horowitz report states: "In contrast, Case 1 sent instant messages indicating his belief that Steele was the, quote, western intelligence source mentioned in the Yahoo News article and Steele was, quote, selling his stuff to others. Case Agent 1 told us that the Crossfire Hurricane team later said Simpson or someone else who had the Steele information rather than Steele himself was responsible for furnishing the information to Yahoo News."

Why did you initially assess that it was Steele himself?

A. I believed the information in the news article lined up with some of the reporting that we had or recently received, I guess four days earlier.

Q. So was it your assessment or was it the team's assessment that it was Simpson or somebody else, not Steele?

A. We had a team assessment. I believe that -- so here's where my issue with the IG report comes out. I don't know when that IM was dated, if it was my instantaneous reaction to reading that article.

That's a contemporaneous note I made to another
individual on the investigative team.

When we met as a team, first, we were concerned
in that there was a leak in the investigation. Then we
made an assessment that the information most likely came
from the U.S.-based entities that had the information,
that was based on after the meeting that we had
with -- "we" being the team -- I'm sorry -- with Steele
in October whereby he complained to Case Agent 2 and the
SIA about the leaks in the investigation where he, I
think, was worried about his source and his source
network drying because of the leaks in the
investigation.

This was discussed with the IG and you can see
it here. He was not asking if was the source of that
article by the team. I can't put myself in their shoes
as to why he wasn't asked. My best guess is because he
complained about leaks and these were, you know,
individuals who he was -- Steele, as we know, is a
foreign intelligence professional who would divulge
information to the public.

After that meeting, I think we assess that this
was opposition research and my best guess as to why we
decided -- made the assessment was because the
individuals in the U.S. who were getting the information
from Steele were asking opposition research. So,
therefore, that would a natural avenue.

So I'm sorry. I just lost -- I apologize.

[Witness confers with counsel.]

THE WITNESS: I believe if you read the IG report, Stu Evans -- I'm sorry. I don't know if I can use his name or not.

BY MR. SOMERS:

Q. Yeah. I can.

A. I believe he said that they didn't hide the information, that most of it came from Steele, but we made an assessment given the information at the time as a team that it was most likely the U.S.-based entities that receiving the Steele reporting.

Q. A couple of questions: One, you mentioned he was concerned about leaks. It's my impression that the leaks that Steele was concerned about were leaks about were leaks of Mid-Year Exam investigation of Hillary Clinton's email serves, is my recollection.

A. Actually, sorry. I think when he first met with Case Agent -- I don't have the page. When he first met with Case Agent 2, he complained about leaks and he complained specifically, if I recall correctly -- I don't have the page. I'd have to find it where he specifically mentioned his sources. As far as
I know, he was not a source of the Mid-Year Exam.

Q. Okay.

A. So that's -- so I think, if I recall correctly, as is stated in here, the assessment of the people in the field, being me and those in front of him, assessed that to be him complaining about the Yahoo News article, because at that point, that was the only thing came out about anything revealing an investigation.

Q. But your concern with the -- I mean, the Steele ultimately gets terminated or whatever the proper terminology is as a source because of it was confirmed later in the October and November, October 31st and November 1, he gets terminated as a source because of a leak to the media.

A. Right.

Q. So it was relatively serious, was it not? If this was Steele leaking to Yahoo News, that would be a rather serious breach, would it not?

A. He was closed for talking to the press, but it began -- I'll point you to the report. I can't refer to the exact page, but Stu Evans also indicated that in the next FISA, we mentioned that Steele was closed for cause for speaking to the media.

Q. I was just asking whether speaking to the media was serious.
A. It is serious.

Q. On page 107 of the FISA report, it indicates that drafts of the Carter Page FISA application stated on October 14, 2016, Steele was responsible for the leaks that led to the September 23rd Yahoo News article. One draft specifically stated that Steele was acting on his/her own volition and had since been admonished by the FBI.

Did you have any responsibility in the drafting that, whatever the prior statement was in the FISA?

A. So I'll point your attention to the report again, the page where I believe OI said they included the Yahoo News article in the FISA. That's something I remember too as a case agent, because OI drafts the FISA application.

Q. But you --

A. Sorry. And the OI attorney couldn't recall how the footnote was put in there and that the OI, I believe, said he may have put it in there as a placeholder.

Q. Okay. I was just asking whether -- I understand the OI actually physically drafts it, but does take input or a lot of input from the FBI.

A. Right.

Q. All I'm asking you is whether you had any
input to OI in --

A. I don't recall that and I'll just point you back to that report where I believe the OI attorney said he thinks he may have put it in as a placeholder where he then asked us questions.

Q. Okay.

BY MR. BAKER:

Q. What was your relationship with the OI attorney? I sense a little bit -- you alluded earlier that there might be for another day, another forum suggestions to improve the process or whatnot. I thought you had a carveout of something that might be more appropriate for DOJ, and then I think we've heard today there were some things you sent that weren't put in.

Did you have a good working relationship with this attorney? Was it frustrating?

A. We had a very good working relationship. I liked him a great deal. I thought that we got along professionally. I think that we were open and honest with him with what we were doing.

He was receptive when I had calls or questions. I think they understood the import of this. I knew his boss as well over the years.

So I think we -- it's not cast in stone that
it's this individual. It was a good working relationship.

MR. BAKER: Thank you.

BY MR. SOMERS:

Q. While you were working on Crossfire Hurricane, did you ever learn that the DNC was the ultimate client for the Steele Dossier?

A. I can't recall when I learned that. I can't recall if it was from after the fact or not. This is so engrained in, you know, various media reports. I can't recall.

Q. Just one thing: I'll mention this to you and maybe it will refresh your recollection. Maybe it won't.

"[REDACTED] and the supervisory intel analyst told OIG and email communications reflect that by no later than January 11, 2017, [REDACTED] and the supervisory intel analyst understood that Fusion GPS had been hired by the DNC and another unidentified entity to research Candidate Trump's ties to Russia."

MS. RIDI: What page is that?

MR. SOMERS: I don't have a page. I'm just asking if it refreshes his recollection or not. I mentioned that I don't know if it would.

THE WITNESS: I don't recall.
MR. SOMERS: I think it's on page 98. Sorry.

THE WITNESS: Yeah. So that's not a question.

BY MR. SOMERS:

Q. I asked if that helped --

A. I don't recall.

Q. -- if you thought that in January of 2017 --

A. I don't recall.

Q. The IG report indicates that on October 20, 2016 -- I've got to change the name back -- SSA 1 and Case Agent 1 signed the FISA verification form or Woods form affirming the verification documentation for each factual assertion in the application.

You indicated in one of my first questions that you had read or review the Horowitz report. Looking back on the Horowitz report, do you stand by your signature on the October 20, 2016 Woods form?

A. I do.

Q. Did you read the -- are you familiar with the 17 significant errors and omission that Horowitz identified?

A. Yes.

Q. Do you agree that they were significant?

Do you agree that there are errors and omissions? Let's start there.
A. I don't think there were any intentional omissions. I think that we acted in good faith with OI and provided any information requested or any information we thought for the investigation to move forward. Again, as I discussed, the OGA issue, we've discussed at length. The information about the transcripts between myself -- excuse me -- between the CHS and Carter Page was presented to OI. The email describing an individual was provided to OI.

There were a number of things provided and that just weren't either read or acted on, including the source statement whereby the OI attorney states that he -- there's no clear interpretation that he cooperating in criminal proceedings. He felt that this -- again, there is no clear definition of it. We said -- it could mean the spirit in using criminal proceedings. So nobody really understood that as a definition.

Again, we were as transparent as we possibly could be with OI during a dynamic fast-moving investigation.

Q. Do you think it's a problem with the FISA process?

A. As a --

Q. Between FBI -- I'm asking specifically
about the interaction between OI and the people working
the case at the FBI?

A. I think this indicates there's a
systematic problem.

Q. That's what I'm asking.

A. I think, as I spoke earlier, I think that
the changes that are being implemented hopefully will
resolve those issues. I think there are other
things -- as I mentioned to Inspector General Horowitz
when I met with him in December, there are other changes
that could be made.

I am a GS-14 currently. I don't have a lot of
say on how this is done.

Q. I understand.

A. Having to live through this and having
had this affect me personally, things can be changed to
make it better so that nobody is called in question
again on issues like this.

BY MR. BAKER:

Q. I think you said during your round with
the Minority --

MS. ZDEB: I'm sorry. Before you go on, you're
now over by a bit at this point, but depending on how
much longer you have overall, we may be fine with you
just finishing up, but if you have --
MR. BAKER: I have just one quick question.

BY MR. BAKER:

Q. You said during the last round that institutional issues existed with FISA. Did you mean the actual process of so many moving parts, it would seem to me in the FISA process, or is it a cultural issue with people in the FBI?

A. No. I think it's institutional as far as a process. I think that we investigate. FISA is a useful and valuable tool for us to use. We take FISA as seriously as we do any other product, even more so because of the access it gives and what it means to us.

There are always ways to improve the process and, again, as I stated just before, you know, I'm not the -- I have been made the number one person for a failure of FISA. I'm not. If this leads to institutional changes that codifies things and makes things better for case agents, so be it and that's a good thing here; but I think that the changes that are being made are probably long overdue and probably much needed, as evidenced by me sitting here.

I think that we're better than we were a year ago for FISAs and with the errors and omissions, however you want to phrase what was found here, I think we're on a path to a better process.
MR. BAKER: Thank you.

MR. SOMERS: We can take a break now.

[Whereupon, at 3:40 p.m., a recess was taken, resuming at 3:50 p.m.]

MR. HASKELL: It's 3:50 p.m. and we're going back on.

FURTHER EXAMINATION BY THE MINORITY

BY MR. HASKELL:

Q. We talked quite a bit today about confidential human sources, and one of the individuals that the Crossfire Hurricane team used as a CHS was Source 2 that you had handled since 2011. Among the things that Source 2 did was he met with Carter Page in August 2016, and you told OIG that as a result of that meeting: "We now had a successful contact between the established FBI source and one of our targets, which gave the Crossfire Hurricane team confidence that they could find out investigatively what we'd been charged to do."

Is it fair to say that the purpose of your use of Source 2 and other CHSes on Crossfire Hurricane was either to corroborate or to dispel allegations that the Trump Campaign was involved in Russia's ongoing election interference effort?

A. Yes, and to get assessment information
out of those individuals.

Q. And the information that would allow you
to either corroborate it or dispel it and close the
case?
A. Yes.

Q. More broadly, have you found CHSes to be
a valuable tool for corroborating or dispelling
allegations during the course of your time with the FBI?
A. Yes.

Q. And is it fair to say that, in your
experience, CHSes have played an important role in
investigating national security threats?
A. Yes.

Q. I've always understood that sources and
methods, including CHSes, are things that the FBI
vigorously protect. Is that correct in your experience?
A. They're some of our most valuable asset.
Q. In general, why is it important for the
FBI to protect its sources?
A. "A", for their for personal safety; "B",
to protect the integrity of investigations and allows us
to continue potential other operations in the use that
CHS throughout the course of the CHS's working
relationship with the FBI.

Q. You mentioned public safety and, in
general, what are the risks to the source of them not being protected, their identity being disclosed?

A. Anywhere from death to harassment.

Q. And you worked on Russia issues for years. Are those risks, the personal safety risks, to a source amplified when Russia is involved?

A. Yes.

Q. Setting the public safety aside, does exposing a source's identity impact the FBI's ability to recruit other sources?

A. Absolutely.

Q. Can you elaborate a bit on that?

A. We tell the sources, typically, we'll do our best to protect their identity, and I'll speak to national security issues, not on the criminal side because I'm not experienced and I can't speak to that; but depending on that source, the source could be used in various investigations. They're invaluable to us on a national security side. If their names and their identities or anything that can identify becomes public, that puts not only
that individual's safety at risk, but ongoing and past FBI USITC operations at risk.

Q. And following on that, is it fair to say that it puts our national security at risk?

A. It absolutely does, yes. It would prevent us from recruiting other individuals who want to work with the FBI.

Q. We've discussed quite a bit today the EC documenting the interview with the primary subsource. That document was declassified, and shortly after it was posted on our committee's website, shortly after that, a blogger deduced and widely publicized that individual's identity. Are you aware of that?

A. I have heard of it.

Q. And do you recall that during the interview, and this is reflected in the EC, that: The primary subsource as recorded in the EC said unless his name goes public, he is fine when it comes to his source network. He doesn't believe he can travel -- redacted. He feels that he would be in danger and, as put it -- and then redacted again.

Would the risk, including the risk to public safety, including the risk of death that you mentioned, apply potentially to the revealing of the identity of the individual you believed to be the primary subsource?
A. The Russian Intelligence Service has shown that they will spare nothing to get back at individual who provide information about the Russian Government or the actions of the Russian Government. It wouldn't surprise me.

Yes. There is a potential for safety for the individual and the families.

Q. And in this case as well, not only the risk to the safety of the individual, but also the risk to our national security?

A. Yes.

BY MS. ZDEB:

Q. If I could just jump in with a couple of additional questions while we're still on the topic of sources and the primary subsource.

You just talked about risk to the safety of the source when their identity is exposed as well as the deterrent effect that will have on the ability to recruit sources in the future. Is there also a deterrent or a chilling effect if the source whose identity is exposed is still a current source for the Bureau?

In other words, does the exposure of that individual's identity make it less likely, perhaps, that that source would continue cooperating with the FBI?
A. It essentially would nullify that relationship. Yes.

Q. Turning back to the disinformation theory that our colleagues in the Majority were asking you about in the last round, and I'll again try to keep it at a pretty high level in generality, without getting into the specifics of the primary subsource or any other source, it seemed to me that Mr. Baker was somewhat conflating the concept of disinformation, on the other hand, and then on the other hand, the concept of someone having tied to or even being a member of a foreign intelligence service.

So to just put a finer point on this issue, does the fact that a source has ties to a foreign intelligence service or is, perhaps, even associated with a foreign intelligence service necessarily mean that everything that the FBI receives from the source is disinformation?

A. No. Some of your best sources are some of those individuals.

Q. And so I would imagine, as I think you indicated in response to one of Mr. Haskell's questions earlier, there certainly could be a risk of disinformation and that is why or that is one reason why, in your words, the role of the FBI is to vet
information from the source; is that correct?

A. That's correct, yes.

Q. But the mere fact that someone had ties to a foreign intelligence service or is even associated or a member of a foreign intelligence service, that standing alone does not disqualify that person from being a source of the FBI?

A. No.

Q. And, in fact, as you said previously, the FBI recruits and pays members of foreign intelligence services and, as you indicated just a moment ago, those can be some of the Bureau's best sources; is that correct?

A. That's correct.

MS. ZDEB: Thank you.

BY MR. HASKELL:

Q. Mr. Somers mentioned earlier in the interview a statement that George Papadopolous had made that, you know, certain actions would be illegal and denying participation in them. I know that you didn't do much work on the Papadopolous case. I have just a few questions that you may able to answer about it. You told the IG -- I think this is page 332 of the IG report -- that the Crossfire Hurricane team's assessment was that Papadopolous's denial and, to be
more specific there, he denied that anyone in the Trump Campaign was collaborating with Russia or outside groups like WikiLeaks or had any involvement in the DNC's email hack, and you explained that the team -- that the Crossfire Hurricane's team assessment was that Papadopolous' denial to the CHS was a rehearsed response. You also explained the team discussed for several days whether Papadopolous had, quote, been coached by a legal team to deny any involvement.

Was it important for the FBI to assess whether Papadopolous had been coached by a legal team and, if so, why would that be important?

A. Give me one second.

MR. HASKELL: Take your time.

[Witness peruses document and confers with Ms. Argentieri.]

THE WITNESS: Could you just repeat that?

BY MR. HASKELL:

Q. Yes, of course.

Was it important for the FBI to assess whether Papadopolous, quote, had been coached by a legal team and, if so, why would that be important, to determine whether or not he had been coached to respond to those questions with those denials?

A. We were evaluating his credibility and
want to see if he was being honest.

Q. So determining if he was giving a reversed response and dishonesty?

A. Yeah.

Q. Understood. And do you recall whether the Crossfire Hurricane team ever came to a conclusion one way or another about whether those were rehearsed responses?

A. No. I don't recall specifically.

I'm sorry. Could you just repeat that? I want to make sure I answer your question. I'm trying to listen to read and listen at the same time. I shouldn't do that.

Q. Of course. Do you recall -- you had talked about how the team discussed the issue for several days, that it was a topic of conversation. Do you recall whether the team or you, personally, ever came to a firm belief as to whether or not that was a coached response or he was being honest?

A. I think we -- I personally thought it was a coached statement because the way -- as I mentioned in this report, that it was -- what is not reflected in the transcript is the change in tenor and the way he -- as I state here, from a free-flowing conversation to what I thought was a -- I can't say how I want to phrase it.
It just stood out to myself and I think -- I don't want
to speak for the team.

Q. There's been some claims that because
Papadopolous denied the campaign's participation in
these things, you know, that should have had a
significant bearing on the direction of the
investigation, which is why it's important to understand
how the FBI interpreted those statements at the time.

More generally, in your experience as an agent,
do those who have engaged in criminal conduct sometimes
deny that they engage in criminal conduct?

A. Yes, especially the first time we're
meeting with a source. This was the first time
Papadopolous was meeting with agents. They don't
necessarily admit to criminal activity.

Q. And, in your experience and your opinion,
should the FBI stop an investigation because a target
denies having committed a crime?

A. No. We wouldn't have many cases to
investigate.

Q. In an October of 2016 conversation with
the CHS, Papadopolous said that he did not think Russia
was playing with the election or had any interest in it.
So Papadopolous said he did not think Russia playing
with the election or had any interest in it.
A. What page is that? Sorry.

Q. I believe it's around 332, but I apologize. I do not have that.

A. Okay. I think I --

Q. I'm happy to repeat it.

A. Is this related to Source No. 3?

Q. I believe so, and I'm happy to repeat the language. I promise, it's a verbatim quote. I'll try to get the page number.

A. Okay.

Q. So Papadopolous said this months after it had been widely reported that Russia hacked the DNC and the Clinton Campaign and was behind WikiLeaks' release emails damaging the Clintons. Would that statement at that time, that Russia had no interest in the election, undermine Papadopolous' credibility and potentially the trustworthiness of his denials, his earlier denials?

A. Would it undermine his credibility?

Q. Would the statement that Russia had no interest in the election months after it was widely known that Russia hacked the DNC and the Clinton Campaign and was behind WikiLeaks' release of emails, would that statement undermine his credibility?

A. Yes.

Q. The FBI didn't learn until July 2016 that
Papadopolous had told a foreign government official about Russia's offer to help the Trump Campaign by releasing hacked email on the Clintons. That was the FFG report that came in late July that I know you're familiar with, but Papadopolous had learned about Russia offer sometime around or before April 2016. That's when he had the conversation with the FFG official.

To your knowledge, did Papadopolous report Russia's apparent offer of election assistance to the FBI when he learned of it in April, in or before April 2016?

A. Not to my knowledge, no.

Q. And did he come forward to the FBI in July 2016 when WikiLeaks began doing what Papadopolous had been told the Russian Government was going to do, release thousands of emails of Candidate Hillary Clinton?

A. Not to my knowledge.

Q. And to your knowledge, did Papadopolous ever, at any point, come forward to proactively report what he had been told about Russia's willingness to help the Trump Campaign?

A. No.

Q. Would that sequence of events we just went over also undermine his credibility?
A. Yes.

Q. We spoke about the dangers of publicly identifying confidential human sources. It strikes me that there are also harms to disclosing the identity of FBI agents, and your name, unfortunately, as you know, has been out there in the public in connection with the matters this investigation is continuing to focus on. What have the effects of that been on you?

A. I have had people post my home address on Twitter. I have had people put nooses next to my name on Twitter. I have had people try and scour the internet to look for photos of myself to put on line.

As of yet, I have had no physical threat to myself or my safety; however, given the current environment, I am currently constantly aware of my surroundings and looking out for potential threats to myself, the safety of my family. I had to take the -- something as simple as I had to take my name off the mailbox of my apartment in Brooklyn for fear that somebody came to my home and identify me. That's just publicly.

Professionally -- well, publicly also -- I have been described as incompetent. I have been described in numerous ways, which is contrary to how I've conducted myself as an FBI agent for almost 16 years.
Professionally, I was removed from my squad and I was given a new assignment. I have had things said about me internally on FBI systems, which I've had to have them taken down where they have identified other sources that I work with.

It's been a difficult nine, ten months.

Q. I'm sorry, and I'm especially sorry given your many years of service to this country, trying to maintain our national security. Nothing like that should happen to anyone, let alone someone in your position.

It strikes that, in addition to having an effect on you, it also can potentially have effects on the FBI morale generally or recruiting of new FBI agents. Am I correct there?

A. I think there's a chilling effect to, "A", recruit new agents to work with the FBI and for other government agencies. I think it also hurts the FBI in the event that a case like this happens again. Nobody is going to want to work this case, because they've seen what's happened to me and it's not a secret what's happened to me within the FBI.

I don't know why I was asked to work this investigation, but in the future, if an investigation like this ever occurs again, you're not going to get the
best people of the FBI volunteering to do this work
because of what they're seeing happen to me. It's a
chilling effect for the work we do. There's a chilling
effect for, most likely, the number of FISAs that are
being sought, and it continues down the line.

I think it hurts us as an organization and,
thereby, hurts the national security of the United
States. I'm a small cog in this and I recognize that,
but it's easy to dismiss a small co and it's -- but I
feel the weight of all of this on my shoulders, because
it's cast the FBI in a bad light. That's not the way
our organization is. Our organization does the best we
possibly can given the circumstances.

We're asked to work difficult cases. We're
asked to make sacrifices and we do that and there are
repercussions, obviously, in doing that, but some of
added repercussions because of this, because of the
nature of this investigation, some of these
investigations, I think it hurts the agency as a whole.

MR. HASKELL: Thank you.

That's all.

MR. SOMERS: I have a little more. Do you want
to take a break?

THE WITNESS: I'm fine.

MR. SOMERS: Hopefully we can get through this
and be done for the day. I'll note the time is 4:13.

FURTHER EXAMINATION BY THE MAJORITY

BY MR. SOMERS:

Q. You know the source, the person who has been identified as Source 2 in the OI FISA report? Do you know who that person is?
A. I do, yes.

Q. Were you Source 2's handler?
A. I was, yes.

Q. The OIG FISA report notes on page 313 that Source 2 was closed by the FBI in 2011 for aggressiveness towards handling agents as a result of what Source 2 perceived as a -- conversation and questionable allegiance to intelligence targets. Did you experience any problems with Source 2?

It says you handled him from -- sorry -- 2011 through 2016. Did you have any issues with Source 2?
A. I did not.

Q. Do you have any explanation why the demeanor changed from other handlers?
A. Yes. I made a determination that he would be an individual who might be able to help further advance counterintelligence investigations. I reached out to one of his original handling agents who had retired -- he was a contractor at the time -- and an
intelligence analyst who I had worked with over the
years who knew the source for a number of years.

We met with the source and we were honest with
him and we told him -- sorry. We told the source that,
_essentially_, this was the source's last opportunity to
work with the FBI given the issues this person had in
the past, and at the time, I relied some of the senior
people I had brought with me.

Through that time, I developed a source-handler
relationship with that source over the years, and, for
whatever reason, you know, there's an art to
source-handler relationships. Sometimes it's just a
_personality conflict_. We just didn't have any
_personality conflicts_.

Q. I notice here that it says the -- this is
also on 313 -- the FBI conducted a human source
validation reviews on Source 2 in 2011, 2013, and 2017.
Were you aware they conducted those validation reviews?

A. Yes.

Q. Did you look for human source validation
reviews of Christopher Steele during the time you were
on Crossfire Hurricane?

A. Christopher Steele was not my source.

Q. I was asking did you check the files to
see if there were any?
A. I know case agents -- handling agents had access to the sources' files. Again, I did not have access to our --

Q. Delta?

A. Yeah. Delta, our source handling system. I do not have access to the file.

Q. Did you ask the handling agent for his human source validation file?

A. Not that I recall, no.

Q. Do you recall if anyone on the team asked for it?

A. I don't know.

Q. Would it surprise you if there were not human source validation reports in the Delta system for Steele?

A. Not necessarily.

Q. Do you know why your source was validated three times during that --

A. So now we're talking about my source? We're switching back to mine?

Q. Yeah. We're switching back to your source, Source 2.

A. I don't know if I can answer that in this setting.

Q. Is it standard or no?
A. I don't know if I answer the setting.

Q. Did anyone on the Crossfire Hurricane team know you were Source 2's handler before you joined the investigation?

A. Yes.

Q. Who?

A. The SOS, I believe SSA 1.

Q. Do you think that played any part in your being asked to join Crossfire Hurricane team?

A. No.

Q. Eventually, you --

A. I don't know, but I don't believe so.

Q. Eventually, Source 2, I think it's fair to say, was tasked with operations involving Page, Papadopolous in order to gather information. Why did you go to Source 2 in particular?

He also talked to another high-level unnamed Trump Campaign official. Why did you go to Source 2 for these tasks?

A. I know given the sensitivity of the source and this unclassified setting, the source was an individual who was very familiar with the machinations of a political campaign and political workings, that the source was based in the United States. I initially went to the CHS with -- just to talk about generalities.
What's misrepresented in the IG report is I didn't know what a foreign policy advisor. I do know what that is. I just wanted to understand the role of a foreign policy advisor as it relates to a campaign.

We sat down with that source just given his expertise, for lack of a better word, in this realm. Through the course of our first meeting, we found out he had met Carter Page earlier in July. I was unaware of who Carter Page was prior to this investigation, as we were initially tasked with seeing if he knew anything about Papadopolous, but he brought up Carter Page's name to us.

We weren't clear to discuss with the source if Carter Page was, you know, somebody we could talk to about. So that was the first meeting. I believe it was within a few days of starting that investigation.

Q. Did you bring up Manafort with him or did he raise that?

A. I think he -- I can't get to far in the weeds, even though he's --

Q. Yeah.

A. -- been outed. Given his professional experiences, I had heard of him.

Q. I'm just asking whether he said I know Paul Manafort.
A. Well, his name has come up just over the years, just because given the source, but as far as --

Q. You knew he knew Paul Manafort?
A. I don't think I knew it. I'm sorry. Let me step back.

He may have mentioned it. I may not have known who it was.

I don't recall if he brought up Manafort's name or we brought it up to him. We had to get cleared to bring up any names to the source. That is per normal.

Q. But you brought up George Papadopolous?
A. I did and we were approved to do that.

Q. So what I'm trying to understand the sequence of the events here.
A. Sure.

Q. So let's just back up to the sequence of events.

You bring up George Papadopolous. He said I don't know George Papadopolous, and he offers, then, that I know Carter Page; did you have any interest in him. So.

I'm asking -- that seems clear on the report, but what is not clear is whether -- it says Source 2 had known Trump's then campaign manager, Manafort, for a number of years and he was previously acquainted with
Michael Flynn. I guess I'm just asking whether you all raised Manafort.

I'm going to then ask the same question about Flynn.

A.  Sure. So I think as it relates to Manafort, I think Manafort just came up because he was the campaign -- he was running the campaign for Trump at the time. I think he said I've known him, and he gave some details on how he knew him. So's that how.

Q.     Same thing with Flynn?

A.     So Flynn has come up, had come up, with the source in the past. He had -- he met Flynn at a professional event and he called me about an individual who he thought was suspicious to kind of be in front of.

Q.     Was it relevant to the investigation?

A.     This was prior.

Q.     I'm just asking --

A.     I know. It gets confusing.

Aside from that, that was the only -- I had a conversation with about that. That was probably circa the 2012 or 2013 timeframe, roughly. Then I didn't hear Flynn until we spoke to him, but he just he knew the circle of individuals as we had that discussion the first time with him of who was in the campaign's orbit as foreign policy advisors.
BY MR. BAKER:

Q. Was Source 2 someone you cultivated or someone you inherited?

A. Well, he was closed for cause. He didn't have contact with the FBI, and then I reached out to him through -- for lack of a better term, we cultivated him, if you will.

MR. BAKER: Okay.

BY MR. SOMERS:

Q. Now, I think there's been -- there's a discussion in the IG report about him joining the Trump Campaign and him not doing that. Did he have some sort of informal role with the Trump Campaign?

A. No. I believe, if I recall correctly, Carter Page was trying to get him to join the campaign, which we advised he could what we wanted, but that was not our intent and we're not tasking him to join the campaign at our behest.

Q. Did he tell you why he didn't want to join the campaign?

A. His age, various other factors.

Q. What was his opinion about Trump?

A. I don't know. I think he was -- I can't recall a specific discussion. So I don't want to --

Q. That's fine.
Do you know how he was able to get the meeting
with the high-level campaign official? Was that
official trying to recruit him to the campaign?

A. Carter Page was trying to arrange a
meeting between him and that individual. He had been
trying, and it was -- I think he gave me the email
address at one point of that individual. I forget how
that actually transpired, but we sought the proper
approvals with FBI Headquarters.

Q. Did the high-level campaign official
think that the meeting was about Source 2 joining the
campaign?

A. I can't recall the specifics for that,
the reason, how they tabled that meeting.

Q. That meeting, it says here on page 327 of
the IG report: "Case Agent 1 told the OIG that the
plans for this meeting was for Source 2 to ask the
high-level campaign official about Papadopolous and
Carter Page because they were unknowns and the Crossfire
Hurricane team was trying to find out how these two
individuals, who are not known in political circles, got
introduced to the campaign, including whether the person
responsible for those introductions had ties to the
Russian Intelligence Services."

Do you learn anything about how these two
individuals that were not known in political circles got introduced to the campaign?

A. From -- can you just repeat it without reading -- I see what you're reading, but what's the actual question?

Q. I'm saying, apparently, the purpose of sending Source 2 to meet with the high-level campaign official was to, in part at least, answer the question of how these two individuals who were not known in political circles got introduced to the campaign, including whether it was by RIS, and I guess my question is did you learn anything about how either Page or Papadopolous -- I think the word you used were "got introduced to him"?

A. No. We didn't receive anything that was -- I don't recall receiving anything that was related to the investigation.

Q. Do you recall if the operations described in part on page -- I think you discussed it a little bit the last round -- on page 329: "Case Agent 1 said that by taking Papadopolous to another country, Papadopolous might feel a little freer to talk outside the confines of the United States and repeat that conversation he had with the FFG officials."

But then I believe in the last round, you said
that, basically, his response seemed like a canned response. I'm trying to -- it seems like you went through a plan that had some costs to it in order to get Papadopolous overseas to be comfortable and, yet, your reaction to his comment that this would be illegal seemed like a canned response. So are you saying that the plan didn't work to get him overseas and have him be comfortable?

A. Did the plan not work?

Q. Yeah, since you discounted his answer.

[Witness confers with counsel.]

THE WITNESS: I would say he just didn't restate the comment he made to the FFG.

BY MR. SOMERS:

Q. But you put him in a situation where he was supposed to be comfortable and, yet, you discounted his comment that this would be illegal. I'm trying to -- what I'm getting at is I'm still trying to get back to all this multiple pieces of exculpatory information and I'm trying to understand how it didn't make into the FISA, and so I'm trying to understand.

You've represented confidential human sources' conversations are considered valuable, correct, to the FBI?

A. They are. You have to take many factors
into consideration during that source work as well.

Q. In this particular one, at the United States' Government expense, you sent Papadopolous overseas to meet with Source No. 2?

A. Well, I don't understand what the point of government expense is. The FBI has expenses, operational expenses, in furtherance of investigations.

Q. I'm saying you set the circumstances for this.

A. Which that's something the community does a whole across the board.

Q. I'm not questioning the expense. I'm questioning the fact that you set the circumstances for a meeting that you thought that he would feel a little freer to talk outside of the confines of the United States. Then you get your derogatory or exculpatory information from George Papadopolous and then you discount the information.

I'm trying to understand why you discounted the information in that context.

A. As I stated earlier, I thought and the team thought it was a caned response to a conversation Papadopolous was having the first time with an individual he had just met.

Q. So of the exculpatory information, what
I'll characterize as exculpatory information -- I'm just going to characterize it that way, but it appears that Horowitz mentioned it in his report. He says it didn't make it into the FISA. They identified the fact that Carter Page worked for the intelligence. That didn't make it in the FISA. He didn't know Manafort. That conversation was -- and that Manafort wouldn't even return his email. That doesn't make it in.

He doesn't know Sechin or Diveykin, wasn't involved in the RNC platform change. Papadopolous denied his involvement with taking information from Russia, which was a predicate for the whole investigation.

How does none of that make it into the FISA application?

A. So if you go one by one, can I address each one?

Q. Sure. You can address each, but, also, if you can -- you don't to -- can you give me a global response at the end?

A. So without going one by one, as I mentioned earlier, Page had worked with OGA was offered to the Office of Intelligence at DOJ. They denial of knowing the meeting with Sechin and Diveykin, that transcript was provided to the Office of Intelligence.
Q. The entire transcript or the --
A. The entire transcript, if I recall correctly, was provided to the Office of Intelligence.
Q. Are you positive?
A. That's stated in the IG report. It's started in the March 5th ruling from the FISC report, saying that they had access to it.

Papadopolous denials was, as I had mentioned, something we discussed amongst the team and we shared as needed.

What are the other ones?
Q. The RNC platform change.
A. The RNC platform change occurred, if I recall correctly, during an interview of Page.
Q. The RNC platform change, I believe so.
A. I was no longer the case agent in the investigation at that point.
Q. I don't have the page.
A. We also included in the FISA a letter written to Director Comey whereby Carter Page denied knowing Sechin and Diveykin to have any ties to Russian Intelligence Service and the offer to take a polygraph examination. We also included the "Washington Post" article where he was interviewed and denied knowing anybody associated with Russian or the Government
Russian. We also included the September 23rd news article -- "we", being myself, OI, the U.S. Government to the court the September 23rd Yahoo News article whereby Page denied knowing Sechin and Diveykin.

To your point of exculpatory information, we did provide into the FISA quite a bit of exculpatory information.

Q. You mentioned a letter Page sent to Director Comey. Why did not take Page up on his offer for an interview, at least?

A. That was not my decision to make.

Q. Okay.

BY MR. BAKER:

Q. Did anybody affirmatively make the decision not to pursue that?

A. We used it as the first approach for him in March. I don't know why the decision. It was above my pay grade.

Q. Do you know who made the decision?

A. I don't recall. No.

Q. Do you remember Mr. Strzok expressing any concerns that CHSes were being used too much and that they were going to get burned or cause suspicion?

A. I know there was concern about using CHSes too, too much, but I think we allayed any concerns
he had.

Q. That was not a big source of contention?
A. There is -- there may have been some discussions. If we go back to the earlier sessions, the frustrations, I think that he was overseeing the investigation. I think that he wanted to avoid supposition, maybe tunnel vision of using the same source for multiple, but we were able to justify that it was a logical step in the investigation to use the source.

Q. And you were allowed to proceed with that --
A. Yes.

Q. -- course of action?
A. Yes.

MR. BAKER: Yes.

BY MR. SOMERS:

Q. Is FISA an important tool for the FBI?
A. FISA is one of the most important tools we have FBI.

Q. Would it hurt national security if we lost -- the national security of the United States if we lost FISA?
A. Immeasurably, yes.

Q. Would it hurt the country as a whole?
A. Yes, it would.

Q. So you talked about the chilling effect that lot of this has had on recruitment to the FBI and how that can hurt national security of the United States, hurt the FBI; but, conversely, you would agree that losing FISA would also hurt the FBI, hurt the national security of the United States, and hurt the country as a whole?

A. Yes, sir.

Q. You also were asked about derogatory statements made by Carter Page -- I'm sorry -- George Papadopolous. You said they undermined his credibility in the last round.

Text messages criticizing Candidate Trump, do they undermine the credibility of Peter Strzok?

A. That's not for me to answer.

Q. But you can answer if it undermines Papadopolous' credibility?

A. I don't think I understand the question.

Q. In the last round, you said that certain statements made by George Papadopolous undermined his credibility. I'm asking you if text messages regarding Candidate Trump would undermine the credibility of the deputy assistant director overseeing the Crossfire Hurricane investigation.
A. I saw no evidence of any bias from D.A. Strzok during the course of the investigation.

Q. Do those text messages cast the FBI in a bad light?

A. That's not for me to say.

Q. But our investigation, you can say casts the FBI in a bad light?

A. I'm sorry?

Q. But you were able to say that our investigation of this casts the FBI in a bad light?

MR. HEISS: When did he say that?

THE WITNESS: I never said that. I said that -- I never said our investigation cast the FBI in a bad light. I said purported actions, I think, that were attributed to me in IG report cast the Bureau in a bad light.

BY MR. SOMERS:

Q. You said the IG report? I'm not following. I'm sorry. I thought you were saying the investigation --

A. The investigation, the Crossfire Hurricane investigation, did not cast the FBI in a bad light.

Q. The Horowitz report casts the FBI in a bad light?
A. Casted me in a bad light or, in turn, it casted the FBI in a bad light, because they -- sorry.

Q. And you can answer that question because it relates to you. You can't answer my question about Peter Strzok because it doesn't relate to you? I'm trying to understand the difference.

MS. ARGENTIERI: I think he asked and answered this question. He said it's not for him to say.

MR. SOMERS: He'll answer one question, but not the other.

Do you have anything else?

BY MR. SOMERS:

Q. I have one more. I think we covered this very early on, but can you just confirm that in December and January, December of 2016 and January of 2017, that you did work on the investigation of Michael Flynn?

A. I was not a case agent on Michael Flynn. I was aware of the investigation of Michael Flynn.

Q. But you were just aware of it; you didn't do any actual work on the investigation?

A. I recall an email that was talking about closing the case, an email I received from Peter Strzok saying I closed the case. That's all I can recall.

Q. You were cc'd on the email, but it wasn't you -- you had responsibility for closing the case; you
could not --

A. I can't confirm the answer to that. I forget my actual role, but I remember getting an email about it.

Q. You did not have authority to close the case?

A. Sorry?

Q. You did not have the authority to close General Flynn's case?

A. Case agents do ask for the closure of cases, but they have to be approved.

Q. I'm saying, for the record, you were not the agent that drafted that closing memo.

A. I don't recall.

Q. I'm saying you were not.

A. Okay. I'm sorry. It's been a long day.

MR. SOMERS: I was just putting that on the record.

THE WITNESS: Thank you.

MR. BAKER: I guess I would just put on the record that it's not the intention of the Senate Judiciary Committee to cause hardship on anybody that we interview or any investigation that we conduct. It's actually to the contrary.

We have oversight responsibility not only to
find out what happened in this particular case, but
to -- and you've sort of alluded to this -- to make
changes where changes need to be made in the process.
It's a different process, a lot of moving pieces, and
that's certainly something that the Senate Judiciary
Committee wants to make sure that the FBI has a tool,
the FISA process, and we do whatever we can do to do
that.

Personally, I have a very long association with
the FBI and an even longer admiration for the FBI, and I
know this is, certainly, one slice of your career and I
commend and salute you for your service and other things
you've done for the Bureau and all the men and women
that have served. Today is actually the anniversary of
the passing of a very well-known FBI counterintelligence
agent. Steve Carr succumbed to complications from his
leukemia diagnosis for responding to the Pentagon when
the 9–11 attacks occurred.

I just want to underscore the committee as a
whole and me, personally, are motivated only to make the
FBI better and the FBI stronger, and I salute you for
what you've done in your career and I salute you
for -- you've alluded a couple of times today to having
some suggestions to improve the process. I hope that
Director Wray gives you an opportunity and any of the
agents that have or analysts that have some suggestions
to make in the process, I hope you're given, afforded,
the opportunity to express those so they can be debated
and implemented where appropriate.

So thank you for coming out today.

THE WITNESS: Thank you.

MR. SOMERS: Yes. I didn't mean to minimize in
any of my questions what you've been through. That's
unfortunate. We did at one point have your name in a
subpoena authorization because, legally, we had to. We
didn't identify who you were. Unfortunately, your name
has gone out in the press.

I don't think -- and all the other things you
mentioned that have happened to you in and outside of
the Bureau, that's unfortunate.

I don't think we have any further questions. I
don't know if the Minority has anything to follow up on.

I would just note we did get that document
yesterday at around 12:30 that refers to a May 2009
investigation being opened into the primary subsource.
I understand you're not prepared to answer any questions
about that today. I haven't looked at any of the
documents that back this up. You're the first person
that's been in here since we've gotten the document.

I would just say as you're not able to answer
any questions on it, there is a chance that we would have to, on that limited subject, bring you back because you can't answer any questions today. I don't know.

As I said, we haven't investigated it either. That may not be something we need to do, but sitting here today, I do think it's possible, depending on where this goes; but because you can't answer any questions about it today, we may have to bring you back for that limited purpose.

I think the Minority has a few more.

MR. HASKELL: Following up on what Mr. Baker said, we just want to put on the record that Senator Feinstein and I think I can say every member of the -- every Democratic member of the Judiciary Committee would welcome a FISA reform investigation, but Chairman Graham has explicitly said in a public hearing of this committee that this is not a FISA reform investigation, and it's important that we are honest on the record about what we are doing.

MS. ZDEB: If I could just add, thank you for being here. This has been a long day. We appreciate your cooperation.

If I could also add for the record, because you indicated earlier that you are a GS-14, we would like to acknowledge that your presence here is somewhat
extraordinary, because as we understand it, it is a longstanding policy and practice of the Department and the Bureau to not make available personnel who are below the SES level. For that reason in particular, we are appreciative of the time you have given in connection with this investigation.

Now, of course, we certainly want the Bureau and the Department to cooperate with legitimate congressional oversight requests. So I don't intend in any way to minimize that, but I do think it's notable the very fact of this interview and other interviews that have been conducted to date mark such a significant departure from what the Department's typical practice is in these sorts of investigations.

It is also notable that the Department at the highest levels continue to selectively declassify and produce documents in connection with the Chairman's investigation in apparent concert with investigative steps that this committee has taken.

So Mr. Somers alluded to the production of the document yesterday. It is not lost on us that that document was declassified and produced to this committee a day before you came in for this interview, [redacted]. So those are certainly not, you know, issues that we take with you. What I want to convey to you is thank
you for being here, but I did want to put those
observations on the record before we concluded for
today.

MR. SOMERS: Given those observations, I don't
want to get into a tit-for-tat here all afternoon, but I
don't control, Chairman Graham does not control when the
Department or the FBI choose to provide us with
documents. We've been requesting documents from the
Department since -- I think our first letter went out in
March of 2019. We've gotten very little document
production in this investigation, much less document
production than I've gotten in any congressional
investigation that I have conducted in my career on
Capitol Hill.

Further, I can't keep up with every statement my
boss has made about his intent for this investigation.
I can only say that I've been in hearings, hours' worth
of meetings with him. He is not -- he is doing this
investigation because, and he's expressed it several
times, he is afraid that what happened in Crossfire
Hurricane threatens the very existence of FISA, and
Chairman Graham is a huge proponent of FISA and is
having us conduct this investigation because he believes
that if we don't get to the bottom of this, if reforms
are not made, that when FISA comes up or aspects of FISA
come up for reauthorization, they will not be reauthorized.

He's made statements that can be taken to be contrary to that. That is not my understanding, having sat through hearings, more meetings with him than I can even recall about this. His goal is to save FISA.

I thank the witness for appearing today. I thank him for appearing voluntarily. Sorry that we kept you here for most of the day, but I do thank you.

MR. SOMERS: Mr. Somers, one thing for the record: This is the second non-SES employee that the FBI HAS provided for the committee's investigation. This witness has particularly expressed concerns for himself and that of his family. We would request that any release of information by the committee, to include transcripts, would redact the names of those witnesses and seek to protect their identities.

MR. SOMERS: We have no intention of releasing name in the transcript or otherwise.

MR. SOMERS: Thank you.

[Whereupon, at 4:46 p.m., the interview concluded.]
SENATE JUDICIARY COMMITTEE

U.S. SENATE

WASHINGTON, D.C.

INTERVIEW OF: DANA J. BOENTE

MONDAY, JUNE 22, 2020

WASHINGTON, D.C.

The interview in this matter was held at the Dirksen Senate Office Building, Room SD-226, commencing at 10:00 a.m.
APPEARANCES:

Zachary N. Somers, Chief Investigative Counsel (Majority)
Arthur Radford Baker, Senior Investigative Counsel (Majority)
Heather Sawyer, Staff Director & Chief Counsel (Minority)
Sara Zdeb, Senior Counsel (Minority)
Joseph Charlet, Counsel (Minority)
Bradley Weinsheimer, Associate Deputy Attorney General DOJ
Patrick Findlay, Special Counsel, DOJ NSD

[Name], FBI Office of the General Counsel, Assistant General Counsel
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[Name], US DOJ FBI Supervisory Special Agent, Office of Congressional Affairs
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Desirae S. Jura, Court Reporter
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EXHIBITS
(No Exhibits were marked.)
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Mr. Somers: This is a transcribed interview of Dan Boente. Chairman Graham requested this interview as part of the investigation by the Senate Judiciary Committee in the matters related to the Justice Department's and the FBI's handling of the Crossfire Hurricane investigation, including the applications for and renewals of the Foreign Intelligence Surveillance Act Warrant on Carter Page.

EXAMINATION

BY MR. SOMERS:

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

A. My name is Dana Boente, and I'm the General Counsel.

Q. On behalf of Chairman Graham, I want to thank you for appearing today, and we appreciate your willingness to appear voluntarily.

My name is Zachary Somers. I'm the Majority Chief Investigative Counsel for the Senate Judiciary Committee. I would now like to ask everyone else here in the room to identify themselves for the record.

Mr. Baker: Arthur Baker, senior investigative counsel, Senate Judiciary Committee, majority staff,

Chairman Graham.

Ms. Zdeb: Sara Zdeb, senior counsel with the
committee's minority staff. We're also expecting Heather Sawyer, who is Senator Feinstein's staff director and chief counsel.

Mr. Charlet: Jeremy Charlet, with the minority staff.

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

Mr. Weinsheimer: Brad Weinsheimer, with the Department of Justice.

BY MR. SOMERS:

Q. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I would like to go over.

Our questioning will proceeding in rounds. The majority will ask questions for the first hour, and then the minority will have an opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more questions and the interview is over.
Typically we take a short break at the end of each hour of questions, but let us know if you would like to take a break prior to that.

As I noted earlier, you're appearing voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that you decline to answer our questions or if counsel instructs you not to answer, we will consider whether a subpoena is necessary.

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

Do you understand that?

A. Yes, sir.

Q. So that the reporter can take down a clear record, it is important that we don't talk over one another or interrupt each other if we can help it. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time.

If you have any questions or if you do not understand one of our questions, please let us know. If you honestly don't know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection; and it is okay to tell us if you learned
the information through someone else. If there are things
you don't know or can't remember, just say so, and please
inform us who, to the best of your knowledge, might be able
to provide a more complete answer to the question.

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

Do you understand that?

A. Yes, sir.

Q. This also applies to questions posed by
congressional staff in the interview.

A. Yes, sir.

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

Do you understand this?

A. Yes, sir.

Q. Is there any reason you are unable to provide
truthful answers to today's questions?

A. No, sir.

Q. Finally, we ask that you not speak to anyone
about what we discuss in this interview outside of who is
in this hearing room today in order to preserve the
integrity of our investigation.

That is the end of my preamble. We will now
begin our first round of questioning. It is about 10:08.

Have you read the IG's December 2018 report into the Carter Page FISA application in Crossfire Hurricane?

A. Yes, sir.

Q. Other than the attorneys from DOJ and FBI, did you speak with anyone in preparation for today's interview?

A. I did not.

Q. Could you please give us a brief rundown of the positions you've held since you became U.S. District Attorney for the Eastern District of Virginia in 2013.

A. Since 2013, I was U.S. Attorney up until January of 2018. I have held interim or acting positions as the Attorney General, as the Deputy Attorney General, and as the Assistant Attorney General for the National Security Division.

Q. While you were Acting Deputy Attorney General, during that whole time period, you were also the Acting Attorney General for Crossfire Hurricane?

A. Yes, sir.

Q. What all was covered as the Acting Attorney General?

A. Technically, probably not for the entire period. It's a little bit more nuanced. I don't think that the Attorney General recused himself. I don't have a
precise date for you, sir, but I believe it was the end of February or sometime in March. So technically he would have been the Attorney General.

I'm not aware that he took any action or that he didn't, but I seem to recall his recusal was sometime later.

Q. It wasn't immediate, to your recollection.
A. Yes, sir.

Q. And what was, I guess, either covered by his recusal -- or what was your responsibility as the Acting Attorney General for Crossfire Hurricane?
A. As the Acting Attorney General, I would have been responsible, for the Department, for anything the Attorney General would have done with the Crossfire Hurricane investigation.

Q. Did it cover Russia more broadly than that, or was it simply limited to Crossfire Hurricane; do you recall?
A. Well, I'm not sure how much more broadly the Department had with matters concerning Russian attempts at influencing the election at that time. I just don't know if there were other matters concerning Russia that he would not have been recused from.

Q. In your career, approximately how many FISA applications have you worked on?
A. It's a hard question. I always tell people it's a little different, because when you say "worked on them," I was an Assistant U.S. Attorney for many years, and you're a consumer of FISA information. So you receive the collections and things like that, but you don't actually work on the applications.

So if I can limit my answer to January of 2017 forward, I would say somewhere between 60 and 100, maybe. So it's a very rough estimate, because I would get -- when you say work on things, I would certainly get information as the Assistant Attorney General of the National Security Division, but I did not look at every FISA application.

I will say that as the Deputy -- as the Acting Deputy from February through April, whatever the date was when Mr. Rosenstein took over, I would almost always be with Attorney General Sessions when he was presented with an application.

Q. Did you sign other applications other than the --

A. Yes.

Q. -- second Carter Page renewal?

A. Yes.

Q. As --

A. There was a ten-day period from the time Mrs. Yates left the Department until Attorney General Sessions
was confirmed. I think I was the only one at that time who
had the ability to sign the FISA. So I signed all the
applications in that ten-day gap. Then there were
occasions when Attorney General Sessions was gone, and I
would sign the applications during that period.

Q. During those two periods as Acting Attorney
General -- well, as Acting Attorney General and Acting
Deputy Attorney General, leaving aside the Carter Page FISA
application, what was your typical review before you signed
your signature on a FISA application?

A. I would be briefed on the application. There
would be a cover page that summarizes the application and
provides certain other information. Then I would look at
portions of the application, but probably not read the
entire application.

Q. So you looked at portions of all the
applications that you signed?

A. I think so. It would depend on what the cover
sheet said, and if there was anything that kind of caught
my attention that I thought I needed to drill down on
further, or perhaps if someone said something to me that I
thought I needed to drill down on further.

Q. Were some of these renewals and some were new
applications?

A. Yes, sir.
Q. Did you pay more attention to the new applications than the -- pay attention is my word.

A. Yeah.

Q. -- than to the renewals?

A. I don't -- no. The renewals always gave me some interest because they would outline what, if anything, had not been reviewed in the collection. It would give you a little summary. And I was usually concerned about collections where we had been reviewing things. So, you know, for various reasons. It might be in my mind, is there a risk involved? It might be in my mind, why aren't we doing collection if we aren't reviewing things? So kind of a difference.

Q. You're saying you were reviewing things?

A. There's a section on the summary page that tells how many products have been collected and what has not been reviewed, if I recall correctly. So that's what I'm going by. Like, you know, thousands collected, but very few reviewed or not reviewed yet, That usually gave me some concerns.

Q. On the summary, was there also -- when you say what was new, was it renewals of the summary page that, say, we collected -- is it all the information collected under this FISA, or is there a breakdown of what's new since the last renewal?
A. Well, I want to make sure we're not talking about two different things. One would just be numerics, and the other would be a narrative body, which might explain something that was specifically of interest to the investigative agency or the attorneys. Am I not helping you?

Q. I'm just trying to understand. In the Carter Page -- I not asking specifically about Carter Page -- but in the Carter Page instance, you were signing the second renewal.

A. Yes, sir.

Q. So there would have been two previous FISAs prior to that?

A. Yes, sir.

Q. So when you get the summary page, for instance, on Carter Page and it says we collected A, B, and C, could A, B, and C all have been collected from the first FISA warrant and nothing collected from the renewal? Or does it say this is the new stuff we collected?

A. Well, that certainly could be the case. Just generically, on a FISA collection, you could have collected from the first application and not the second. Typically, that is not what happened. Typically what happens is you don't get collection early, and then you start to get collection.
Q. What other types of things are on the summary page?
A. A little bit of personal information on the person. You know, parts of the collection. Perhaps what they're looking at. It varies from summary to summary, depending on who prepared it.

Q. But there's a description certainly of the investigation?
A. You understand the investigation, or the broad outlines of it.

BY MR. BAKER:
Q. And you have people that are there that have briefed you on it before you sign it.
A. Yes.

Q. And there's, I'm guessing, certainly resources within the Department or at the FBI that you or staff could reach out to if there's something that needs clarification?
A. Yes, sir.

Q. There's no expectation that you read every single page of every application that you're going to sign?
A. No, sir.

Q. And those have been in a lot of different places in both the FBI or the DOJ before they get to you in either of the capacities that you signed?
A. There's a very extensive review process.
Q. And a lot of back and forth to clarify things long before it gets up to you in an acting capacity as the AG?

A. Yes, sir.

BY MR. SOMERS:

Q. Who briefed you on the FISAs?

A. Normally, it would have been Stu Evans and Tashina Gauhar. That does not mean there might not have been others, but they would have been the primary individuals.

Q. Was it the same people in that ten-day window when you were the Acting Attorney General for everything and the window when you were acting Deputy Attorney General?

Was it the same people briefing you?

A. Yes, sir.

BY MR. BAKER:

Q. As part of their briefing, would they highlight things they thought maybe you need to look at, and maybe offer opinions on things that you might need clarification on before you even go into it?

A. In some applications, certainly.

BY MR. SOMERS:

Q. Are you familiar with the Woods Procedures?

A. I am.
I: I just want to clarify an administrative thing, because you may have said it and I just missed it. We are in an unclassified setting today, right?

Mr. Somers: That's correct. I'm sorry.

BY MR. SOMERS:

Q. How did you gain familiarity with the Woods Procedures?

A. Well, the vast majority of it, after I became General Counsel.

Q. At FBI?

A. Yes, sir.

Q. So what was your knowledge prior to becoming -- for instance, what was your knowledge when you were the acting Deputy Attorney General of the Woods Procedures?

A. That they existed and what their basic purpose is.

Q. But you didn't know the specific requirements?

A. I did not have anywhere near the information at that time that I do now.

Q. Have you ever looked at a Woods file?

A. I beg your pardon?

Q. Have you ever reviewed a Woods file?

A. I have not.
Q. You have not.

BY MR. BAKER:

Q. To be clear, a Woods file is a mechanism that the FBI has instituted?

A. It's also referred to as an accuracy subfile. And I've seen portions of Woods files before for a specific matter concerning a FISA application.

BY MR. SOMERS:

Q. You mean while over at DOJ?

A. No, sir.

Q. Oh.

A. While I was General Counsel.

Q. You mean information that was in the Woods file, or you were told to look at specific pages?

A. No. Someone would provide me with something that was in the Woods file.

BY MR. BAKER:

Q. So the Woods file isn't something that anybody at DOJ that's involved in the FISA process would be looking at. It's a mechanism that the FBI uses to ensure accuracy. As the FISA moves through the FBI, certifications are made that it's accurate, and that's an underlying mechanism for those certifications?

A. Well, it's certainly an FBI document. It is my understanding that those documents are available to the
Office of Intelligence attorneys on request. And, indeed, that happens.

Q. But it's nothing they would have to look at as part of their review process. If they had questions, they could. It seems to me it's more of an FBI mechanism to ensure accuracy before the package goes across the street.

A. I don't know if I feel I can answer what they have to look at. I think everyone involved in the process should have enough information that they feel the application is accurate.

BY MR. SOMERS:

Q. You said that attorneys within the Office of Intelligence at NSD have the ability to review a Woods file if they want?

A. Certainly.

Q. What's a sensitive investigative matter?

A. It deals with certain categories of investigations. A cleric, for instance, would be in, I think, in a SIM. It is defined in the DIOG. So maybe I shouldn't -- but it's certain categories of investigation that perhaps have higher profile or higher sensitivities.

Q. How many SIMs have you worked on in your career?

A. Not that many.

Q. Did you work on any out of the Eastern District
of Virginia?

A. Not that I recall. But if I might expand on that. I don't have the DIOG in front of me. So, for instance, the Bureau would have the capacity to designate something as a SIM that I might not even know about as the U.S. Attorney or the first assistant. I have a couple of examples.

Jeffrey Sterling, who we prosecuted, and John Kiriakou, who we prosecuted, were both CIA case officers. By the time it got to me, the fact that it was a SIM or not was not terribly important. The Bureau could have very well made those SIMs.

BY MR. BAKER:

Q. Would it be fair to say that if a case is opened as a SIM, there's administrative consequences with the Bureau --

A. Yes.

Q. -- and heightened signature levels or approvals that are higher for certain techniques. By the time it got to you, as the AUSA or U.S. Attorney, it's an open case that you're looking at for prosecutorial reasons?

A. Yes, sir.

BY MR. SOMERS:

Q. Were you aware that Midyear Exam was a SIM?

A. I don't think so. But it's difficult to
imagine that it was not.

Q. Your office had some involvement in the Midyear Exam, correct?

A. Pretty minor. I had a couple of attorneys that worked on it.

Q. When they were working on it, they were under your supervision? Or they were under the supervision of the Main Justice?

A. They were really under the Main Justice supervision; and it was made clear to me when they went on it that it was a Main Justice case.

Q. Are you familiar with the FBI term "Headquarter Special"?

A. I wouldn't say familiar with it. It sounds as though I may have heard of it.

Q. But it's not something you're familiar with?

A. Only to the extent that I have heard it. I don't know that it has an official definition within the Bureau or whether it's slang. I can't tell you the difference. I do know that we have instituted policies after Midyear Exam to limit and correct that, have heightened standards, to anything that's going to be run out of headquarters.

Q. Is the FBI still running investigations out of headquarters? Or instead of saying Headquarter Special.
Not that they have anything active. I guess I'm wondering what the policy is as to whether FBI can still do a Headquarters Special.

A. I don't have the policy in my head. I think that there are very limited examples where they could run something out of headquarters.

Q. Is that a policy change since the Midyear Exam?

A. It's my understanding that that is a distinct policy change since Midyear Exam.

BY MR. BAKER:

Q. I want to ask a couple of questions, separate and apart from Midyear Exam or Crossfire Hurricane, but about your tenure as the General Counsel.

When you went over to the FBI -- and we've heard some testimony about this, I think, on the House side. We also have had individuals privately speak about it. Were you given any kind of mandate or request in your new role as General Counsel to address morale in the General Counsel's Office?

It's our understanding that there was a morale issue. There were a large number of EEO complaints that had been filed, and we were told that there were so many complaints coming from the General Counsel's Office regarding EEO matters that Main Justice told maybe a predecessor that settle some of these things. There's way
too many coming out of the FBI. And then, sort of along
with that, my understanding is there's something called a
climate survey that the FBI does to sort of take the
temperature, a pulse check, of the various divisions to see
if there's problems with morale and maybe retention issues
or whatnot.

I'd like you to address that to the extent that
you know. I'm really interested in if you were told there
was an issue for you to address on the administrative side
of the things.

Mr. Baker: Mr. Baker, just to be aware, I think
you're bordering in a deliberative process -- issues you're
talking about whether or not Mr. Boente was directed by the
Department or anyone at the Bureau to settle or address
cases or do other things to address potential employee
morale.

I do understand also that prior to starting
today's interview, we sort of discussed caveating most of
his session in his role at the Department, serving and
talking about his role as the General Counsel of the FBI.
I would ask to get back to his role at the Department and
to avoid his role as General Counsel of the FBI.

Mr. Baker: Well, I would ask that, to the
extent that he has a thought of -- and any deliberation is
fine. I don't necessarily need to know that. But I think
as our role as an oversight entity of the FBI, and we have a case where the Inspector General has found 17 significant errors and there's some other allegations about misconduct in the General Counsel's Office, I would just be curious if there's an administrative issue or a nonlegal issue going on over there that maybe needs to be addressed.

You can put whatever caveat you want on it, but I would just be curious if, as a newcomer to the FBI and a top legal officer of the FBI, if once he got situated at his desk and opened the drapes, there's a problem in General Counsel-land that doesn't relate to legalese; it just relates to personnel issues that maybe had been festering for a long time.

The Witness: I was not told anything about morale that I recall. I think I would recall if I had been told that. It might have had a bearing on whether I took the job or not.

But, Mr. Baker, I can say that I've been a supervisor since 2005 in various capacities at the Department of Justice. People will frequently ask you how morale is in the U.S. Attorney's Office. I was a U.S. Attorney for a long time in Virginia and for almost a year in New Orleans, and I've consistently said this to people: If you're at the top, you're the last person to be told. Nobody comes up and says it really sucks around here. They
just don't say that to the U.S. Attorney. So I had no indication that there was a problem.

BY MR. BAKER:

Q. Were you told anything at the Bureau about climate surveys, that your division is all in the red or trending red, or whatever they do?

A. No. I don't recall anybody telling me about climate surveys before I got there. I'm obviously aware that they do such a thing, and they do the same thing at U.S. Attorney's Offices. They don't call it a climate survey.

Q. So you're not aware that there was a problem climate survey in the General Counsel's Office?

A. I was not. I have seen the climate surveys since I've been there. As supervisor, it's always your goal to improve them. I think if you think that they're good enough, you're wrong. So it's always your goal to try to improve.

Q. What was your impression of the climate surveys that you saw?

A. Well, I don't know that I had an impression. I mean, my impression -- and this bears on my recollection, because the climate surveys of my predecessor were not a big deal to me. I would rather be concerned about the ones when I was running the office -- was that they could have
been better. They probably could have been worse, also.

Q. Do you recall seeing a lot of red?

A. Not really. I mean, they all have red on them in some aspects. But I can't say I recall specifically that there was anything that struck me as something that -- well, actually, we get poor marks every year for technology, you know, from our employees. And that has struck me. I mean, that kind of goes across the board that it does not change as much as I would like to change it.

Q. And that's more of an FBI-wide thing, I would think. But you were never called in by the Director and said, "We've got to get morale up"?

A. No, sir.

Q. Okay.

A. No, sir.

Q. Thank you.

BY MR. SOMERS:

Q. How many attorneys are there in OGC?

A. I think there are 194 FSLs.

Q. And how many of them would have any responsibility for FISA applications or involvement in a FISA application?

A. Yeah. In a FISA application, maybe 65. It depends, when you consider the review process and everything through it. You know, they can come out of
counterintelligence or counterterrorism. So attorneys are
doing a lot of things besides FISA applications. But my
point is they don't have 60 people working on FISA
applications full time.

Q. But there's about 60 or so that could
potentially?

A. That could touch the process. It's a rough
estimate. The people sitting behind me could probably give
you a better answer. I know they aren't the witness.

Q. On a typical FISA application, how many
attorneys and general counsel would be involved in a
typical single FISA application?

A. Four or five.

Q. And would the general counsel see all FISA
applications?

A. No.

Q. When did you become aware of the Crossfire
Hurricane investigation?

A. Well, I became aware of it, I believe, in
February of '17. But I'm not entirely certain when I knew
it by name.

Q. Does that mean, did you have knowledge of it
before February of 2017 without knowing it by name you're
saying?

A. No. I think that's when I learned of it. I
don't know when I learned the actual name of Crossfire Hurricane. At the Department, we don't use code names nearly as much as they do at the Bureau.

Q. So in February '17, what were you doing when you learned of Crossfire Hurricane?

A. At some point after I became the Acting Attorney General, I read the ICA, and knew there were allegations of Russian interference in the 2016 election. And I somehow learned there was an investigation and asked to be briefed on it.

Q. And -- this is hard. You were the acting. When you were actually the Acting Attorney General for the whole Department, you were informed about Crossfire Hurricane or while you were acting Deputy Attorney General?

A. Probably acting Deputy Attorney General.

Q. So it's not something you were told about the day you stepped in as Acting Attorney General?

A. To provide a little context, my first two weeks were almost exclusively dealing with immigration.

Q. So who told you about Crossfire Hurricane?

A. "Guess" is a bad word to use. I'm presuming it was Tash Gauhar.

Q. But you went out and asked for the briefing. It wasn't offered to you. Is that what you're saying?

A. Yeah. After I learned about different things,
I said, well -- as the Deputy, you always have that option in any investigation. I felt that it was important to know something about it.

Q. What were you told when you were first briefed on it?

A. Well, you're testing my memory.

Q. I understand. Not the first time. But when you were first made aware of the general timeframe.

A. Well, it's almost three years ago. I think --

Q. I just want to understand, you had this investigation. What was the investigation when you were first told about it?

A. Well, it was Russian attempts to influence the 2016 election.

Q. Were you told about possible Trump campaign involvement in those efforts?

A. I don't know if and when I was told that. I think -- I recall being told at some point -- maybe not February -- between February and April, because thankfully my involvement ended in April, that there was no evidence of collusion with the Trump campaign.

Q. Were you told about any of the individual people that were being investigated, Carter Page, George Papadopoulos?

A. I believe that the main targets were told to
Q. So you were told the main targets. Some of them you would know probably just from the news were associated, like Manafort and Flynn, for a while the National Security Advisor. But were you told that Carter Page and George Papadopoulos were associated with the Trump campaign?

A. I think -- Mr. Page's association with the Trump campaign had long ended by February. So I believe I was told he was previously associated with the campaign.

Q. And you were told about George Papadopoulos?

A. I was told about Mr. Papadopoulos. I'm a little less certain -- I knew he had at one time been associated with the campaign. I'm a little bit less certain about his exit from his association with the Trump campaign.

Q. Were you told that Paul Manafort was under investigation as part of the Crossfire Hurricane?

A. I was told that there was -- there was a separate investigation in Virginia at that time.

Q. But you were briefed on as part of the Crossfire Hurricane as well?

A. Well, it had always been kept separate; and I think that, for whatever reason, the Bureau wanted it kept separate at that time.
Q. What about General Flynn? Were you briefed on General Flynn?

Mr. Weinsheimer: Mr. Somers, he has already indicated that he was told about Mr. Flynn. I just wanted to indicate that Flynn obviously is a case that's pending litigation in two courts. So we would object to any questions specifically about what he knew about the Flynn investigation or its case because of the pending investigations.

Mr. Somers: You object to any question we'd ask him what he knew about Flynn in February to April of 2017?

Mr. Weinsheimer: Correct.

BY MR. SOMERS:

Q. What was your general understanding of what was being investigated for Papadopoulos and Page and Manafort to the extent that it related to the campaign, leaving aside whatever other investigation there was of Manafort?

A. I thought that they were primarily -- it may have been something else. But -- so leaving it to the other three -- Papadopoulos, Page, and Manafort -- I thought that they were fair violations. Mr. Papadopoulos may have been a thousand and one. I'm not sure.

Q. How many briefings did you receive the time you took over as Acting Attorney General to the time that Rod
Rosenstein was confirmed? How many briefings did you receive on Crossfire Hurricane?

A. Estimating?

Q. Yeah.

A. Five or six.

Q. And who generally -- what's the universe, that you can recall, of people that briefed you on Crossfire?

A. Generally, people within NSD who had more knowledge of the case.

Q. And was Ms. Gauhar involved in the briefing?

A. Yes, she would have been involved.

Q. Anyone else from Deputy Attorney General?

A. Well, James Crowell certainly would have been there for some of them.

Q. How frequent were these briefings?

A. Well, I think we tried to do them every two weeks. But that could have been interrupted by schedule.

Q. What was being covered? Is this the progress of the case, or is this all to get you up to speed on the --

A. Both.

Q. -- background of the case?

A. Both.

BY MR. BAKER:

Q. Would any FBI people have ever been as part of
those briefings or this is all DOJ?

A. I think that there may have been some FBI people for one or two of the briefings. I seem to recall that there was a -- at least at one at them there was a unit chief who attended because the Bureau was going to stand up a special unit to do the investigation. And the man's first name was Paul. That's --

Q. First name Paul. And he was a unit chief?

A. I seem to recall that's the case.

BY MR. SOMERS:

Q. What do you mean? I don't understand that, stand up. Stand up a unit?

A. Have a dedicated unit who would just work on the Russian investigation.

Q. So the FBI briefed you on that?

A. Briefed or told me those were their plans might be a better way to put it.

Q. Did that happen?

A. I seem to think that it did not.

Q. Did you have any input on whether it --

A. I did not and didn't expect to have any.

BY MR. BAKER:

Q. Why would that have been something the FBI felt it needed to brief someone of your level on, that they would be opening or standing up a new unit? It seems so
administrative.

A. I can't answer that question.

Q. Okay.

BY MR. SOMERS:

Q. Did you ever talk to Jim Comey about Crossfire Hurricane?

A. I discussed his testimony before SSIC.

Q. What did you discuss? This is while you were acting Deputy Attorney General?

A. Yes, sir.

Q. And what did you discuss with him?

A. Just kind of the parameters of his testimony, what he planned to testify about.

Q. Did he ask you about revealing the fact that there was an investigation?

A. We discussed that.

Q. What was your opinion on whether he should -- or could -- should or could reveal if there was an investigation?

A. Well, I certainly felt that he could. Should is a much more difficult question; but I ceded to his request to brief on it.

Q. So you did not tell him not to brief?

A. That is correct.

Q. Why did he feel he needed to, if you recall,
mention the investigation in his testimony?

A. I think he said -- again, it's been three years -- that the Intelligence Committee should know about or understand that a maligned foreign power had attempted to affect our presidential election.

Q. You had some reasons you thought maybe he should not do that?

A. No. It's difficult. We don't like to brief on pending criminal investigations as a matter of policy. But the argument is not without force that the Intelligence Committees should know about what could be described as an attack on democracy by a foreign power.

Q. Did you ever talk to Andy McCabe about Crossfire?

A. I could have. I have no recollection of discussing it specifically with him in the absence of the Director. Whether he had a conversation with the Director, I can't specifically recall.

Q. Was this meeting with Comey in person or was it over the phone?

A. That I can't -- my recollection -- again, three years ago. I think it was over the phone, but it could have been -- we meet with them on a regular basis to discuss national security issues. So it could have been after one of those meetings.
Q. But they were not specific. You talked a few minutes ago about briefings you received on Crossfire Hurricane. Either Comey or McCabe were in those briefings?
A. Not to my recollection. If they were, it was a one-off for some reason that I don't recall. But it was not that they regularly attended those briefings.

Q. Did you ever talk to Jim Baker about Crossfire?
A. Not that I recall.

Q. Did he directly precede you as general counsel or was there a --
A. There was an interim.

Q. Did you ever talk to Bill Priestap about Crossfire Hurricane?
A. I feel certain I did after I got to the Bureau as General Counsel. Perhaps before, but I know I did after I was at the Bureau.

Q. The same question, with Peter Strzok?
A. I don't think -- well, I didn't talk to Peter Strzok about Crossfire Hurricane after I got to the Bureau. I'm pretty solid on that.

Q. Did you talk to him while you were at DOJ or NSD or as acting?
A. There may have been, again, some contact with him. I don't believe he was part of any regular briefing, and I cannot recall anything specific Pete would have said.
Q. So other than -- you mentioned the unit chief earlier that was possibly at a prior briefing talking about standing up a unit to specifically investigate Crossfire Hurricane. Do you recall anyone from the FBI that was in your briefings while you were the acting Deputy Attorney General or --

A. I don't recall anyone. I'm not saying there wasn't. I just don't recall anyone.

Q. What was your role in Crossfire Hurricane as the acting head of NSD?

A. Much less than it had been as Deputy Attorney General. I don't have much recollection of dealing with it after I became the AAG of NSD or the acting AAG. I understand that I had a meeting on April 26. I think that was the day after Mr. Rosenstein was appointed and confirmed. I know I discussed the case with Mr. Rosenstein as kind of a handoff. I don't know whether he was at that meeting or not, but it strikes me that -- I would have thought he would have been, but I just don't know.

Q. Did you have any role of the third and final -- I want to say -- Carter Page FISA application in your role at NSD?

A. I can't help you anything more than the IG report says, which is I was given a copy of the application. But I don't recall receiving it.
Q. So you don't recall if you did anything with it?

A. No, sir.

Q. The IG report mentions on page 73 that you had concerns that the Crossfire Hurricane investigation lacked cohesion. Do you recall those concerns?

A. Yes, sir.

Q. And what were they? Or what --

A. It was my understanding that it was being run out of three different offices, the Washington Field Office, the New York Field Office, and the Chicago Field Office. I just felt it should be pulled together.

Q. But you didn't take any action to get it pulled together?

A. No. I did say I wanted it run out of the Eastern District of Virginia.

Q. So that may have been why you got the briefing on the standing up a unit, or briefing or whatever it was, had the conversation about standing up a unit?

A. It could have been. But as Mr. Baker indicated, we aren't normally consulted on staffing issues on any case unless -- as U.S. Attorney unless I had a complaint about something.

Q. Do you mean lack of cohesion at the FBI, or do
you mean lack of cohesion at the Department generally?

A. Probably more at the Department, which was something I actually had the responsibility for at that time.

Q. What was the lack of cohesion at the Department?

A. As I said, it was being run out of three different U.S. Attorneys Offices.

Q. At the field offices of the FBI. So we have what we have, which is what's in the IG report, indicates that -- we can see that it was being run out of different field offices at the FBI. You're saying as it's being run out of the different field offices of the FBI, it's also being run out of different U.S. Attorneys offices?

A. Yes, sir.

Q. So would those correspond with the particular field office location by looking at the -- so in here, for instance, it says the Carter Page investigation was being run out of the -- and I'm looking at page 82 of the IG report -- was being run out of New York Field Office. Does that mean that a U.S. Attorney's Office in New York correspondingly was working on the case?

A. It wouldn't have to, but that would generally be the case.

Q. You don't recall which U.S. Attorney's Office
was working on Carter Page?

   A. I believe it was the Southern District of New York.

Q. And it says that Washington field was running the Michael Flynn investigation; it says the Chicago Field Office was running the George Papadopoulos investigation. So you presume, per the Papadopoulos investigation, that the Illinois U.S. Attorney's Office was --

   A. Northern District of Illinois is my understanding.

Q. And Paul Manafort was being run out of the Washington field. I guess there were two prosecutions of Paul Manafort, so it's split between two U.S. Attorney's Offices?

   A. (Nodding head.)

Q. But mainly, the lack of cohesion that I just referred to on page 73 was a Department issue, not an FBI issue as you recall?

   A. Well, that's what I recall was my concern at that time.

Q. Was there supervision from the Department over these various U.S. Attorney's Offices that were working on Crossfire Hurricane? Was there a central place for the Department they were reporting to?

   A. I didn't get the sense that there was.
Q. So as far as the Department was concerned, the top was kind of the individual U.S. Attorney's Offices?
A. Yes, sir.
Q. So it wasn't somebody at NSD that had visibility on these four investigations?
A. Not that I recall.

BY MR. BAKER:
Q. I want to go back. Just a couple minutes ago you had indicated conversations that you had had at some time or another with Mr. Comey, Mr. McCabe, Mr. Priestap, and Strzok, not all together, but at different times.

You, I think without question, have had a very long and distinguished career at the Department of Justice in a lot of different capacities, a lot of high-level capacities. And when I read some of your concerns that were articulated in the IG report and some of the things you say, you seem very able to look -- when we talked about FISAs earlier, to look at things that need to be looked at, maybe not get into the weeds on things you don't need to look at.

I'm curious, did you have a relationship with Mr. Comey before he was the director, when he was in other capacities at the Department?
A. I've known Mr. Comey since he was an Assistant U.S. Attorney in Richmond, Virginia in 2001.
Q. And working with him, is that something that you have confidence in his abilities, or you did?

A. Well, when you say worked with him, he was in Richmond; I was in Alexandria. So we didn't work together, but I knew him. I would describe us as personal acquaintances as opposed to friends. I've never socialized with him or worked on a case with him or been supervised or supervised him.

So -- I'm not sure what your question is. I want to correct it, though. I don't have a clear recollection of having -- the list of names you read off, Mr. Baker, I don't think I ever talked to Strzok. I mean, I may have, but nothing jumps out to me about the Crossfire Hurricane investigation.

I only talked to Mr. Priestap about -- well, again, nothing stands out. I certainly had substantive discussions about Crossfire Hurricane with Mr. Priestap after I became General Counsel in January of '18.

I could have talked to Mr. McCabe about Crossfire Hurricane when I was at the Department of Justice, but don't recall. Mr. McCabe left his position as deputy director the day I started at the Bureau. So I had no discussions with him over there, if that helps.

Q. It does. So did any of these people -- I get the impression that -- I understand that you didn't
necessarily work directly with Mr. Comey prior. But if you
did have conversations with any of these individuals, were
any of them people that you wanted other people in the room
with you while you were talking to them or with them on the
phone? Or these are people that you felt were competent
individuals and you had no reason to question their
abilities?

A. Yeah. I had no reason to question their
abilities or wanted to have people in the room. I think
sometimes other people wanted to be in the room on things,
but that was not necessarily at my insistence.

Q. And not because these other people thought that
you would be better served by having people in the room to
hear what these FBI individuals might be saying, because
these associates of yours had concerns about them?

A. You'd have to speak to them about what their
concerns might have been. I think some people -- there had
been a disagreement with the Bureau on issuing a public
statement.

Q. Okay.

A. So that might have left people concerned.

Q. Thank you.

BY MR. SOMERS:

Q. Back to what we were discussing before. So
what was, as you understood it, NSD's role in Crossfire
Hurricane?

A. Well, they had at least one attorney assigned to it. And, you know, it wasn't terribly robust, the investigation. I guess their role is that of a program manager. You understand, the Department is structured in that U.S. Attorneys report to the deputy, not to the National Security Division.

So to the extent they're running their investigations, they rely upon NSD for certain things, FISA and resources, expertise. But if it comes down to opening an investigation, closing an investigation, prosecuting someone, that is between the U.S. Attorney's Office and the Deputy Attorney General's Office.

Q. Who was the one U.S. Attorney who was assigned Crossfire Hurricane?

A. [Redacted], while I was there.

Q. And his role would have been, if one of the U.S. Attorney's Offices needed something from NSD, they would come to him?

A. Well, he was actually working on the investigation for a time with an attorney in the U.S. Attorney's Office in Virginia. But it was a brief time, because by the time we started it up, I had left my role as the acting Deputy Attorney General and then shortly thereafter there became a special counsel.
Q. And this is a separate chain that he's on. As you said, he was assigned to Crossfire Hurricane. And then if they needed a FISA renewal, NSD's role in a FISA renewal?

A. I don't know as I sit here without documents. I would be very surprised if [redacted] had anything to do with FISA renewal because he wasn't in the Office of Intelligence.

Q. And he was permanently at NSD?

A. Yes, sir.

Q. Page 73 of the IG report says, Boente said that he had the impression that the investigation had not been moving with a sense of urgency, an impression that was based at least in part on not a lot of criminal proceedings being used.

Do you recall what you meant by "not a lot of criminal proceedings being used"?

A. I don't. Is that proceedings or process?

Q. It says proceedings.

A. Well, I would have thought maybe a lot of process. You know, not a lot of subpoenas, not a lot of 2703(d) orders, preservation letters, email search warrants, things like that, is what -- I've actually read that. I always thought it said process. But it could be --
Q. Well --

A. No, no. I'm not questioning what it says as we sit here today and I don't --

Q. Your impression is fine, either way.

Mr. Baker: It says process?

Mr. Somers: It says process.

Mr. Baker: I'm sorry, I must have copied it wrong.

BY MR. BAKER:

Q. So you would have expected to see more criminal process in a --

A. In a robust investigation, yes.

Q. Against whom? Do you recall? The four targets or --

A. Well, in any investigation, as I said, you know, preservation letters to internet service providers. I'm just going about the normal things you would expect to see in an investigation. An email search warrant, you know, search warrants for travel records. The various things that you would look for in any kind of counterintelligence investigation.

Q. Do you recall --

A. Financial records, for instance, if you're concerned about payments.

Q. For all four individuals?
A. It was a general sense that there had not been -- it had not been very robust.

Q. Did you raise this concern with anyone?

A. I am sure I discussed it with people in the Deputy Attorney General's Office and the National Security Division.

Q. Did you get answers to why there wasn't a lot of criminal process?

A. I don't recall.

Q. But you didn't ask specifically for an answer, like, hey, what's going on here? I want to be briefed on why there's no criminal process being used in this matter?

A. No. I may have. I just don't recall.

BY MR. BAKER:

Q. Are these things, in your view, the FBI should have been doing?

A. Well, in conjunction with the U.S. Attorney's Office. The Bureau cannot get a 2703(d) order on their own. They can't issue subpoenas for records on their own. They can't -- well, they normally would not be the people to --

Q. Well, in your thought, it would be the FBI in conjunction with the U.S. Attorney's Office that they're working with?

A. Yes, sir.
Q. At a much more fundamental level.

A. That's how every investigation works, is it's a joint process between the U.S. Attorney's Office and the FBI, or whatever investigative agency it is.

BY MR. SOMERS:

Q. Do you know who you would have expressed these concerns to about criminal process?

A. I would think, without being certain, I would have discussed it with Mary McCord, who was running NSD at that time.

Q. Do you recall --

A. As I sit here, I can't tell you why I knew that. Because you don't all of a sudden get to ODputy Attorney General and have a file and pick up and say, here's the investigation, this is not happening. I had made inquiries about what was going on. I'm presuming, and my recollection is, not all that much.

Q. So this is something, though, that would have come up in the briefings we discussed earlier, and might have been a question you would have asked on a briefing? Or this is a separate inquiry?

A. I would think so.

Q. But you don't recall getting an answer as to why there wasn't much criminal process going on?

A. I do not.
Q. We're running a little low on time. According to the IG report, you provided Rod Rosenstein with the first briefing you received a day or two after being sworn in.

Do you recall what that briefing consisted of?

A. I do not. I recall, I think, two. The first one I wouldn't call a briefing.

So I recall having a list of about 35 things to talk to Mr. Rosenstein about, just various matters that needed to be done. I have to believe with certainty that the Crossfire Hurricane investigation was one of those 35 matters, and so I discussed it with him.

And then there was a briefing shortly thereafter. And I thought it might have been on the 26th, but maybe not, which is the day after I think he was sworn in. That would have been a more substantive investigation given by the folks at NSD. Again, I don't have a specific recollection of it.

Q. Did you have regular conversations with Rosenstein after, while you were the head of NSD, about Crossfire Hurricane?

A. I don't recall if there were about Crossfire Hurricane. I'm not saying that there weren't discussions, but it was not on a regular basis something that was scheduled. I have known Rod for probably getting close to
20 years. So we could have had what I would describe as a sidebar conversation, but I don't recall that we were meeting on a regular basis on those as we were leak investigations.

Mr. Somers: I think our hour is up. So we can take a short break now and turn it over to the minority.

(Recess.)

Mr. Charlet: The time is 11:21, and we can go back on the record.

EXAMINATION

BY MR. CHARLET:

Q. Good morning, Mr. Boente. Thank you for being here. As we discussed earlier, my colleagues, Ms. Sawyer and Ms. Zdeb and I will be asking you a series of questions, but I'll go first.

As you know, the DOJ Inspector General issued a 400-page report in December of last year entitled "Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation."

The report detailed the results of a two-year investigation into the same topics we're discussing today. According to the report, the IG examined more than one million documents and interviewed more than 100 witnesses, including Christopher Steele and numerous current and former government employees.
Did you cooperate with the OIG investigation?

A. I did.

Q. Thank you. Were you interviewed as part of that investigation?

A. I was.

Q. Once? More than once?

A. Just once.

Q. Okay. For approximately how long?

A. I would estimate somewhere between three and four hours.

Q. Did you provide complete and truthful answers to the questions OIG asked during the course of the interview?

A. To the best of my ability.

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

A. I did.

Q. Did OIG ever complain that it needed more information from you?

A. They did not.

Q. Did OIG ever complain that they didn't get the documents they needed related to your involvement?

A. They did not.

Q. Did you have the opportunity to review the OIG
questioned, at least the portions involved here?

A. Yes. I reviewed the OIG report.

Q. Did you provide any comments on the draft?

A. I believe I did provide a comment.

Q. Can you please characterize those comments.

A. Excuse me. I apologize. I don't think I provided any on the Crossfire Hurricane. I provided one on the Midyear Exam.

Q. I see.

A. So my apologies.

Q. In that case, would you have submitted comments to OIG if you believed their draft contained errors?

A. Certainly.

Q. In other words, you didn't identify any errors when you reviewed the draft report?

A. I did not. Not that I recall.

Q. Our committee held a six-hour hearing with Inspector General Horowitz following the release of this report. A number of allegations were made against the FBI during that hearing and subsequently repeated at other hearings and meetings of the committee.

We believe the allegations were investigated and answered by the Inspector General, but I'm going to ask you a series of questions about them because we continue to hear these allegations from people who do not have
firsthand knowledge or evidence about what happened during Crossfire Hurricane.

The Inspector General found that there was no documentary or testimonial evidence of bias impacting the FBI's work in the Crossfire Hurricane investigation. Nonetheless, there have been allegations that there was tons of evidence of bias.

Did political bias impact any of your actions in connection with Crossfire Hurricane?

A. It did not.

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

A. I have no information that wasn't available to Mr. Horowitz.

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

A. I do not.

Q. It has been alleged that the FBI purposefully used the power of the federal government to wage a political war against a presidential candidate they despised. Do you have any evidence that the FBI agents purposefully used that power to wage a political war?
A. I do not have anything other than what Mr. Horowitz has.

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

A. I do not.

Q. Do you have any evidence that the Crossfire Hurricane investigation was a hoax or a witch hunt intended to hurt Trump politically?

A. I do not.

Q. Was your goal to hurt Trump politically?

A. It was not.

Q. If not, what was your goal?

A. To determine if there was a maligned foreign power -- Russians -- had attempted to interfere in the election.

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

A. I do not have anything like that.

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

A. I do not.
Q. There have also been allegations that Crossfire Hurricane was composed of people who hated Trump and who had an agenda to destroy him before he was elected and after he was elected. You were appointed by Trump to be Acting Attorney General after Trump fired Sally Yates for refusing to defend the travel ban.

Upon being sworn in as Acting Attorney General, did an agenda to destroy the President prevent you from immediately instructing Department of Justice lawyers to defend the Executive Orders of the President?

A. It did not.

Q. You subsequently held two other roles at the Department of Justice under President Trump appointees Sessions and Rubenstein. Did an agenda to destroy the President prevent you from executing and defending the lawful orders of the President and individuals?

A. Did not.

Q. FBI Director Christopher Wray, also appointed by President Trump, named you as FBI General Counsel in January 2018. Did an agenda to destroy the President impact any decisions you have made in this role?

A. It did not.

Q. Do you have any evidence that an agenda to destroy the President has impacted any decisions by Director Wray specifically?
A. I am not aware of any such information.

Q. Did you personally have an agenda to destroy President Trump at any point, either as a candidate or since election?

A. I did not.

Q. Do you have any evidence that the goal of Crossfire Hurricane was to destroy President Trump either as a candidate or since election?

A. I do not.

Q. Thank you.

BY MS. ZDEB:

Q. Mr. Boente, I wanted to start with just a couple of very general questions about counterintelligence and criminal investigations, drawing on your experience as a seasoned prosecutor and FBI general counsel.

For starters, does the FBI require agents to have an expectation that they will find criminal wrongdoing in order to open a counterintelligence investigation?

A. They do not.

Q. And what impact would imposing a requirement along those lines have on the Bureau's ability to investigate counterintelligence and national security threats?

A. It would be harmful to national security, because many times the goal is just to find out what the
foreign power knows or what they're trying to find out, and
various other things that really are completely unrelated
to criminal investigations.

Q. Does the FBI require agents or does the
Department require prosecutors to have certainty that they
will be able to prove criminal wrongdoing in order to open
a criminal investigation?

A. They do not.

Q. And can you speak to what the impact of
imposing a requirement along those lines would be on the
Bureau's and the Department's efforts to investigate and
prosecute crime?

A. Well, there, I think, are good reasons why you
don't want the predication for a criminal investigation to
be too high, because sometimes it just begins with an
allegation, and you have to acquire information to see if
indeed there was a criminal violation.

So there would be many, many cases that warrant
investigation and prosecution that you would miss if you
set that bar too high.

Q. So, in other words, the mere fact that
prosecutors may not ultimately charge a crime or obtain a
conviction does not, standing alone, mean that the
investigation was unwarranted in the first place?

A. It does not.
Q. I would like to ask you a couple of questions about that period of time when you were acting -- or the two periods of time during which you were acting AG, first in general and then second for purposes of Crossfire Hurricane.

As you know, because you've reviewed the IG report, Mr. Horowitz found that the FBI opened Crossfire Hurricane following Russia's hack of the DNC and after receiving information from a friendly foreign government suggesting that the Trump campaign may have had advanced notice of Russia's plans to publish stolen emails. He then went on to conclude that this information gave the FBI an adequate predicate to open the investigation.

On page 73 of the OIG report, it notes that, and as we've discussed a bit today, when you became Acting Deputy Attorney General you were briefed on the predication for the investigation; and I believe you told OIG that you, quote, "did not question the predication for the investigation."

Is that correct?

A. That's correct. I don't have a specific recollection of it, but that is correct what I told the IG.

Q. And I believe you also told OIG -- and this is also on pages 73 to 74 of the report -- that you did not have any concerns about the decision to open Crossfire
Hurricane; is that correct?

A. That's correct.

Q. In fact, I believe you told OIG that the regular briefings that you were discussing with Mr. Somers and Mr. Baker, that you sought those briefings because you believed it was extraordinarily important to the Department and its reputation that allegations of Russian interference in the 2016 election be investigated; is that correct?

A. That is correct.

Q. So it's fair to say that you thought there was a sufficient basis, or a "there there" so to speak to open the investigation?

A. Yes, ma'am.

Q. And when you were discussing with Mr. Somers a little bit before the break the question of your concern that there had not been sufficient criminal process used at that point in the investigation, is it fair to say that had you believed that there was not a sufficient basis for the Crossfire Hurricane investigation in the first place or had otherwise believed that there was no there there, so to speak, that you would not have made the pitch for additional criminal process?

A. That is correct.

Q. You spoke a little bit before the break about the transition between yourself and Mr. Rosenstein when he
was sworn in as acting Deputy Attorney General in April of
2017. At some point before that transition when you handed
off the case to Mr. Rosenstein -- and you had spoken a bit
before about discussions with Director Comey. At some
point during this time, when you were still acting AG for
purposes of Crossfire Hurricane, Director Comey made you
aware that the President had asked him to, quote, "lift the
cloud of the Russia investigation," and that this direct
contact from the President had made him uncomfortable; is
that correct?

A. That's correct.

Q. I believe you told then-White House Counsel
McGahn that direct outreach from the President to Director
Comey was a problem?

A. Yes. To make sure the record is correct, there
were two calls from Mr. Comey. I think they were
approximately a week apart. I didn't call Mr. McGahn until
the second call.

Q. Can you describe what it was that Mr. Comey
conveyed to you in each of those calls? In other words,
was it the first call or the second call during which he
conveyed the discussion in which the President had asked
him to lift the cloud of the investigation?

A. I'm not certain I can distinguish the content
between the two as I sit here. But they were both calls
Mr. Comey had received from the President: It was a
pending investigation, and it made him feel a little
uncomfortable.

Mr. Comey made a point of saying he did not
view it as obstructive, but he just thought that discussing
pending investigations with the White House was something
that shouldn't be done.

Q. As a general matter, would you agree that
direct outreach from any President to a sitting FBI
director about a specific criminal investigation is unwise,
because it could at the very least create the appearance of
political interference?

A. I would agree with that.

Q. So is it also fair to say that the appearance
of political interference is heightened when the specific
pending investigations may relate to the President or his
associates?

A. I think so.

Q. I believe that you told the Special Counsel's
Office when you spoke to them that when Mr. McGahn asked
whether the Russia investigation could be speeded up or
ended as soon as possible, you responded to the effect of
attempting to shorten the investigation could erode
confidence in the investigation's conclusions.

Could you speak to why maintaining public
confidence in the Russia investigation was important?

A. Well, yes. You've had an allegation that the election had been affected by a foreign power to the benefit of the current administration. So I believed it was important to have a full robust and fair investigation so that we would understand what happened. And if consequences were warranted, people would have -- the public would have confidence that the case had been thoroughly investigated. And if there are not charges, it's important for the public to have confidence that there was a full investigation.

It really cuts both ways. In fact, it may be even more important in the latter case where you don't have charges that there was a thorough investigation.

Q. Of course, at a certain point, as we've discussed, Mr. Rosenstein was sworn in as Deputy Attorney General. At some point shortly after he became Deputy Attorney General, Director Comey testified before our committee; and in a similar way as you described him doing before the Senate Intelligence Committee, he confirmed to our committee the existence of an investigation, but he declined to answer further questions about the specifics of that investigation or to rule out that specific people were being investigated. Of course, about a week after that, Director Comey was fired by the President.
When Mr. Rosenstein appointed Robert Mueller as Special Counsel the following week, he said, quote, "Based on the unique circumstances, the public interest requires me to place this investigation under the authority of a person who exercises a degree of independence from the normal chain of command." He also said that a special counsel is necessary in order for the American people to have full confidence in the outcome of the Russia investigation.

Did Mr. Rosenstein consult you, either during one of the sidebar discussions that you mentioned earlier or during one of the two meetings that you have described with him during the handoff, about the decision or the potential to appoint a special counsel?

A. Not that I recall.

Q. Do you have an understanding of what he meant when he was indicating that unique circumstances required him to place the investigation in the hands of someone who exercised a degree of independence from the usual chain of command?

A. No more than what his words would imply to any of us, that to avoid the appearance of a conflict of interest or that somehow there was anything but a completely independent investigation; but just taking it from Mr. Rosenstein's words. I never had a conversation
with him about those matters, that I recall.

BY MS. SAWYER:

Q. I just had a couple questions.

When my colleague asked what the goal was of the investigation, I think you said that the goal was to determine whether a maligned foreign power interfered in the 2016 election.

Does that sound right?

A. That was my understanding.

Q. And, specifically, that maligned foreign power was Russia; is that correct?

A. Yes, ma'am.

Q. From your perspective, is there any question as to whether or not Russia interfered in the 2016 election?

A. There is not.

Q. So it's clear that they did indeed?

A. Yes, ma'am.

Q. And Special Counsel Mueller specifically found that they had indeed engaged in a sweeping and systematic campaign to interfere in our elections in 2016?

A. That's my understanding of what he wrote.

Q. And that is one part of it. But also, another part was to determine, was it not, whether or not, either wittingly or unwittingly, any U.S. persons were involved in that Russian interference effort?
A. Correct.

Q. So witting assistance would have been assisting, knowing you are assisting Russia in its interference efforts, correct?

A. Yes.

Q. And you can wittingly assist and not commit a crime. Is that also accurate?

A. I think so.

Q. And if you're wittingly assisting a foreign government in its efforts to interfere in our election, does that pose a counterintelligence or a national security risk?

A. Yes, it would.

Q. In what ways?

A. Well, depending upon what the person has access to or how they're helping, it is something we would want to know from a counterintelligence perspective.

Q. So even if he weren't investigating necessarily to determine crimes, as my colleague says, there could be a strong counterintelligence and national security reason to investigate?

A. That is frequently the case in counterintelligence investigations.

Q. And if one person who potentially is assisting is a campaign manager and has access to internal campaign
strategy and internal campaign data, might you possibly
want to know their connections with Russian individuals?

A. Taking your hypothetical as correct, yes.

Q. So taking it from the hypothetical to the real, Paul Manafort had connections with an associate by the name of Konstantin Kilimnik.

Are you familiar with Mr. Kilimnik?

A. I am now. I don't believe I was at that time.

Q. And what is your familiarity with him based on?

A. Information that I have learned since I've been General Counsel in providing information to various congressional oversights.

Q. So you briefed Congress?

A. This has been my only briefing of Congress.

Q. I'm sorry, today?

A. Today is my only briefing.

Q. So just keeping it at a level that doesn't get into or run the risk of getting into classified information, Special Counsel Mueller, on page 133 of his report, says that Mr. Kilimnik has ties to Russian intelligence.

Do you have any reason to doubt that assertion or conclusion?

A. I think my answer might kind of get into classified information.
Q. Fair enough. What is your understanding of Mr. Manafort, when he was campaign manager, of his interactions with Mr. Kilimnik?

A. Again, I think that might get into something that would be difficult for me to answer in this forum.

Q. Does that information go beyond what is in the Mueller report?

A. I would have to look at the Mueller report and kind of separately consider that fact.

Q. Do you know when and who discovered that Mr. Manafort was meeting and having meetings with Mr. Kilimnik in August of 2016 while he was campaign manager? Do you know when that fact was discovered?

A. I don't recall, as I sit here, if I know. I don't recall.

Q. Do you think it was before you became the Acting Deputy on February 9, 2017?

A. Again, I just don't know as I sit here.

Q. Do you know whether you were briefed on that in the five or six -- I think you indicated that you thought it was about five or six times that you were briefed --

A. Yeah.

Q. -- when you were the Acting Deputy Attorney General. Do you recall being briefed on that at that time?

A. I'm a little uncertain. I seem to recall that
gentleman's name was mentioned, but I'm uncertain.

Q. Certainly if you were briefed at that time about interactions between the campaign manager and an individual that Special Counsel Mueller determined had ties to Russian interference, do you believe there would have been a counterintelligence reason to continue that investigation?

A. Yes.

Q. I just want to make sure I understand. I know, when you were talking to my colleagues -- I want to make sure I understand the universe of your involvement. My understanding of what you had told us was that in the period of time that you were the Acting Deputy Attorney General -- which I think was from around February 9th to April 26th -- you were briefed maybe five or six times by the Justice Department lawyers?

A. That's a rough estimate. And there could have been an FBI agent at some of those briefings, but I don't recall specifically other than I think the one instance that I spoke of.

Q. Then after Deputy Attorney General Rosenstein got appointed, at that point in time, it sounded like you had a meeting, whether it was a handoff, but then you were no longer directly involved in briefings on Crossfire Hurricane or the appointment of the special counsel or then
the special counsel's investigation?

   A. Well, that is certainly my recollection. The time was fairly brief to the appointment of special counsel. I think it would run from April 26th to May 16th, '17.

   So I do not recall any discussions of an appointment of special counsel. I recall there was a meeting with Deputy Attorney General Rosenstein to hand off the case, and I had, I believe, two meetings with Mr. Mueller again to hand off matters.

   Q. So you met with Special Counsel Mueller shortly after his appointment a couple of times, as best you recall?

   A. As best I recall, there were two meetings. One was in the Justice Command Center, and the other was in some space in the Patrick Henry Building.

   Q. What was your understanding of the scope of what Special Counsel Mueller was being asked to look into when you were handing off information?

   A. I really didn't understand the scope, because I don't think that was ever made public and it wasn't necessarily disclosed to me.

   The second meeting was a briefing of the separate Manafort investigation, I recall that pretty specifically, as to whether he wanted to bring it into his
umbrella, but I did not understand what his umbrella was.
The first meeting in the JCC was just more generally where
the investigation was. I would note that I was not the
primary briefer in either case.

Q. Who was the primary briefer?
A. It's easier for me on the second one in Patrick
Henry, which was a combination of MLARS and -- I don't
remember the person's name -- and I believe an NSD/CES
attorney.

Q. And that was the separate investigation?
A. That was the separate. Yeah, that was the one
concerning the separate prior investigation of
Mr. Manafort, whether the special counsel would assume
responsibility for that investigation.

The first one was a more general briefing. It
was given by people at NSD. I think, but I'm not
absolutely certain, that it was [REDACTED].

Q. And understanding that you don't remember a lot
of the specifics, do you remember at any point anyone
indicating that there really was no need to investigate;
that there really was nothing for Special Counsel Mueller
to look at?
A. I do not remember that.

Q. Do you remember whether there's any sense that
there actually was matters that he should be looking at,
and even just a general sense of what that included?

A. Not the general sense more than I've already stated, in that the broad picture of Russian interference in the election. But as I said when I spoke with your colleagues when they were asking questions, I felt it was important to establish what had happened; not completely with the focus of someone needed to be prosecuted, but kind of a larger thought there that a prosecutor should never open up a case saying someone has to be prosecuted, but keep your mind open to see where your evidence falls once you open up a case. But I thought this was the kind of case that definitely needed an investigation.

Q. Over the last few years, we have often heard the term "collusion." What is your understanding as a legal matter what that term means?

A. It's -- legally, it's not -- it doesn't have a legal meaning. We investigate conspiracies to commit crimes. So I always thought it was perhaps someone else's shorthand version of a conspiracy investigation, but that's me kind of doing my thought of what someone else thought. Collusion is just not a term of art in the law, to my understanding.

Q. And I think we a little while ago were asking you about witting assistance, and whether or not witting assistance can exist without there being -- and I think
you've now indicated -- criminal conspiracy to commit a
crime, and you've indicated that that was true. Is that
correct?

A. Yes.

Q. And that could be if, for example, conduct that
was being engaged in was determined -- for example, and
I'll make it concrete. With regard to WikiLeaks, there was
a determination that what WikiLeaks did could not be
charged under our current laws. Whether or not we agree
with it as something that morally or ethically should have
been done, the determination was there was not a crime.

So if there was witting assistance with
WikiLeaks, that wouldn't be criminal necessarily, would it,
but would you say that could be ethical or moral?

A. Well, again, I don't have all the facts of the
WikiLeaks breach. But normally, if there's an unauthorized
intrusion, we can prosecute that. We do with some
frequency under 1031. So I'm not sure I understand the
premise that the WikiLeaks could not be --

Q. That's a fair point. So certainly worth
investigating to whether or not it rose to the level of
being criminal activity.

A. Well -- and in the case of computer intrusions
by foreign powers -- which, unfortunately, attempted
computer intrusions by foreign powers are not necessarily
rare. We investigate those frequently for both criminal purposes and counterintelligence purposes.

Q. So, again, investigating whether or not what WikiLeaks had done rose to the level of criminal activity was a worthwhile endeavor?

A. Yes.

Q. And then determining who, in terms of U.S. persons, might have been working with WikiLeaks also might have been a worthwhile endeavor?

A. It would have been within the scope of an investigation.

Q. You noted something there. You said attempted intrusions by foreign powers are not that unusual. If a U.S. candidate for office openly and publicly invites a foreign entity to hack his or her opponent, is that something that the law can or should reach?

A. I don't know if it currently "can" reach it. And I would leave the "should" to you folks.

Q. Should it make a difference in that assessment whether or not the foreign government actually takes a U.S. candidate up on their offer? In your view, does that legally make a difference?

For example, the fact that Russia did for the first time try to intrude on Hillary Clinton's email server five hours after then-Candidate Trump invited them to do
so, should that make a difference?

    A. I don't know. And I wasn't aware of your timeline, either. I'm not disputing what you said. I wasn't aware.

Q. I understand. I did have one more question, maybe two or three.

With regard to -- you had indicated that once you became FBI General Counsel, you did have conversations with Bill Priestap.

    A. Yes, I did.

    Q. And were those conversations about Crossfire Hurricane? What was the content of them? When did they occur? Why did they occur?

    A. I was the FBI representative when Mr. Priestap went to provide testimony to the House, so I certainly discussed it with him then. We sat next to each other at many, many meetings. It's a little bit like, at least my family dining table, maybe not yours. We all sit in the same spot every day. And so he and I would talk about many things, and I'm sure sometimes investigations, sometimes about family, different things.

    Q. During that time period, was that the only time in your career you had worked with Mr. Priestap, the time period that you became FBI General Counsel?

    A. No. I had some contact with him when I was
over at the Department as the Acting Deputy. It was not
extensive, but -- there were less than a handful, I would
say. I certainly knew who he was.

Q. How did you know who he was?
A. Just because he was the A.D. for the
counterintelligence division, and we -- I had people who
worked with that division all the time.

Q. In the time you worked with him -- it looks
like you worked directly with him for a little under a
year?
A. I would think -- I went to the Bureau in
January of 2018, and it seems as though Mr. Priestap left
in, December; is that correct? That's my vague
recollection. If you said it was a different date, I could
agree to that. Except for the start date I know is
correct.

Q. Fair enough. A little under a year.

Did you get a sense of him, just reputationally
as someone who is heading that division? Can you give us a
sense of him and his work and your assessment of him?
A. I thought he was very solid, and I thought he
had a lot of integrity.

Q. Then one last question. There is a reference
in the Mueller report, it's on page 13, and it just
references that for more than the past year -- so I think
just the last year, at least the last year of the Special Counsel's investigation, the FBI and also embedded personnel at the office who did not work on the Special Counsel's investigation, but whose purpose was to review the results of the investigation and to send in writing summaries of foreign intelligence and counterintelligence information to FBI headquarters and FBI field offices.

Were you aware of that information? Did you receive that information?

A. I did not receive that information. I became aware of it at some point. But it was -- it may have even been after the Special Counsel's office shut down or when they were getting ready to. So it wasn't realtime, and it was a little bit in regards to how to deal with the records -- how to deal with the records that had been created. You know, whose were they? Were they Special Counsel's? Were they the Bureau's?

So when I learned about it, it was kind of surprising to me. I don't know why. It's not that it didn't make sense. It's just that I had not known about it until that time. And then, oh, yeah.

Q. Did you actually review those records?

A. I did not. At least not to my knowledge. I might have gotten something on a one-off, but I had no regular reviewing of those documents.
Q. Do you know where those records now reside?
A. If -- I don't. If they came over as part of the Bureau's materials, they would be at the Information Management Division out in Winchester.

Ms. Zdeb: It's about 12:02. We can go off the record.

(Recess.)

Mr. Somers: It's now 10 after 12:00. We'll go back on the record.

EXAMINATION

BY MR. SOMERS:

Q. I would like to turn to the actual FISA application that you signed, the renewal application Number 2. According to the IG report, it's on page 216 on April 2nd, 2017, Tashina Gauhar, you, and Jim Crowell. The draft page FISA application.

At this time, you were already briefed on Crossfire Hurricane generally?

A. Yes, sir.

Q. Had you read a previous copy of the Carter Page FISA application? Was this the first time you were seeing the application?

A. I believe it's the first time I had seen the application.

Q. Did you read the application?
A. I did.

Q. And you also had one of these summary cover memos as well?

A. Yes, sir.

Q. Did you have a more extensive memo than the traditional or usual one-pager?

A. I don't recall it. But Ms. Gauhar's told the IG that she prepared a memorandum on it.

Q. Separate from the standard --

A. Yes, separate.

Q. -- one-pager? Your report says you wanted to "ensure that you had good visibility into the application."

What did you mean by good visibility?

A. Just understood where we were, what the application said, what our claims were in the application.

Q. Was the application consistent with what you knew already about Crossfire Hurricane from your previous briefings? Was there anything surprising in there?

A. Not that I recall. I think it probably brought together maybe some things that had been told, and maybe there were some things in there that had not been brought to my attention. Not that I can tell you today what they were, that they were astounding, just it was a summary of some of the things I knew.

Q. The IG report indicates that, as I said, you
got the draft -- I guess a draft of the read copy I assume is what you got on April 2nd?

A. Yes, sir.

Q. It says, the IG report indicates that you signed off on the read copy of the FISA being sent to the FISA court the next day on April 3rd. Does that sound correct?

A. I don't have an independent recollection of that fact.

Q. And I believe FISA was actually filed on the 7th or 8th of April. Do you recall, did you stop working on that particular FISA once you gave that signoff of the read copy to go to the court?

A. I have no recollection one way or the other. I'm pausing and I'm hesitating because I can't recall whether we actually considered the Office of the Attorney General to be a SCIF and left top secret matters out of it. The reason I'm pausing is if I had access to it, I might have picked it up and read it. But if I had been taken and placed in a SCIF, in which I wouldn't have it, then -- if that all makes sense.

Q. Did you have any input into the application after you read it?

A. I don't recall that I did.

Q. So you don't recall asking for any changes?
A. I don't recall that.

Q. Do you recall asking any questions about anything in particular in the application?

A. Not anything in particular. But I seem to recall that I had questions. I just can't recall what they were.

Q. I think one -- I don't think you characterized it as a question, but according to the IG report, it's on page 216 of the IG report, Ms. Gauhar recalled that you were very engaged on the issue of Steele's potential bias and that you and she had multiple discussions on that specific issue.

Would you put that in the category of questions you had?

A. I would.

Q. What was your concern about this potential bias?

A. Well, I think as Assistant U.S. Attorney and someone who's presented many, many affidavits to courts, if you have a witness that's got bias, things that would question that witness' credibility, a record, kind of a financial loss to the target or something, all those things, you want to be explained so that the court understands, well, this witness says X, but they may have an axe to grind.
Q. Is it more than you want the court to understand? Are there duties to provide?

A. Well, absolutely. It's both. You want to, as somebody presents things to the courts. But you have an ethical obligation under 3.3. Every attorney has a duty of candor to the court.

Q. Did you have a specific concern about Steele, or you just had a concern because he was a witness and you're always concerned about bias?

A. I did not have a specific concern about Mr. Steele, who -- I think it's important to understand, I'm not even sure I understood Mr. Steele's actual given name at that time.

Q. What did you understand about who he was?

A. Well, I understood he was a former employee of a foreign intelligence service. I understood that a lot of what is in my FISA in footnote 10 -- footnote 8 in the original FISA -- that he had been hired to do, what I'll use as shorthand, as opposition research against Mr. Trump.

So there were -- I mean, that's the broad narrative of what I understood, that he had a potential bias and that needed to be noticed to the court.

Q. Did you ask for anything to be done? Did you ask for further briefings on the bias?

A. I don't think so. I discussed it with
Ms. Gauhar and perhaps Stuart Evans. I don't recall specifically, but he would have been another person I would have asked about.

But a witness can have a bias, and you can use that witness, and we do frequently in cases. But the court needs to be fully apprised of the bias, and particularly in an ex parte situation where they're not going to be probed by cross-examination.

Q. Did either Ms. Gauhar or Mr. Evans tell you something to assuage your concerns on bias? Point you to something in the application?

A. They may have. They may have talked about prior applications and prior communications with the court. But I don't recall specifically.

Q. Did Mr. Evans, if you remember -- you don't recall you spoke to him about bias. Do you recall any discussion at any point in time that he previously himself had concerns about Steele and potential bias?

A. I came to understand that. When, I don't know.

Q. So you don't recall if it was before --

A. Or after.

BY MR. BAKER:

Q. Do you recall either Evans or Ms. Gauhar indicating, on the topic of potential bias by Steele, that anyone at the FBI had weighed in on that and sort of
addressed or pushed back on any of the Department's concerns about bias?

A. I don't know if I knew it at that time, Mr. Baker. I later learned, and it may be through the IG report itself or at least during the preparation of the IG report, that Mr. McCabe had called over to Ms. Yates to either complain or -- I don't know how to characterize it, but his concern.

And, again, I think this is all -- I don't have an independent recollection. I believe it's from the report. Ms. Yates spoke to Mr. Evans and however they resolved it. But I think that I do have this recollection that Mr. Evans had that concern, and that was the events that occurred.

Q. Do you have a recollection of what Mr. McCabe's concern was from the FBI's perspective about --

A. I don't think that I knew then or know now, if it's not in the report.

Q. Okay.

A. And I don't think I learned it until -- at least I don't have a recollection of understanding that at the time I signed the FISA.

Mr. Baker: Thank you.

BY MR. SOMERS:

Q. But you do recall Stu Evans raising with you
that he had had some concerns at one point in time about bias?

A. I do. But I just don't know when that was.

Q. It seems like that Stu Evans raised concerns, you seemed to have concerns. After your IG report, it seems like those concerns were valid. You don't recall, though, why you, for lack of a better term, dropped your concerns about bias. And I say drop, because you did sign off on the read copy.

A. Yeah. No, that I was somehow satisfied. But the IG report opens up a whole new window of information that should have been provided that wasn't. So when you say the IG report, it's completely different after you read it.

Q. I was just saying that you and Stu Evans seemed to be on the right track and, for whatever reason, independently both of you backed off at different times of your concerns.

A. Yeah.

Q. And I'm just wondering if you know why you backed off.

A. I will say this. I have no recollection of receiving any reach-outs from the FBI about an event time.

Q. You said earlier, and I think it's also in the IG report, you said you understood that Steele's reporting
1 was opposition research. What does that mean to you? What did that mean to you, that was opposition research?

2 A. Well, it means he had been hired by a political opponent.

3 Q. So you understood that he was hired by a political opponent?

4 A. I did.

5 Q. Did you understand that it was the DNC?

6 A. I think I did.

7 Q. Do you recall where you got that understanding from?

8 A. I do.

9 Q. Could you tell us from where you got that understanding?

10 A. From some FBI materials. But they're classified. I know them to be classified.

11 Q. But you were aware, then, that the FBI was aware that Steele was paid for by the DNC?

12 A. I believe so.

13 Q. You had mentioned --

14 A. I think I understood at some point -- and the timing is a little tough -- that Mr. Simpson, Glenn Simpson had done the paying to Mr. Steele.

15 Q. But Mr. Simpson was paid for -- or Fusion GPS was paid for by the DNC?
A. Whether I had that connection at that time or not, I don't know. But I did have information from the Bureau that it was opposition research. I believe it was the DNC.

Q. And you're recalling a specific document that we can't talk about in this setting?

A. Yes, sir.

Q. And you're calling that you saw that document prior to April 3rd --

A. I believe so.

Q. -- 2016. Do you recall why you --

A. All the timings are a little tough.

Q. Do you recall why you were given that document?

A. I do.

Q. Were you given other -- I don't know what the document is, but could we characterize it as evidence?

A. I would not characterize it as evidence.

Q. Was it a document generated by the FBI?

A. Yes.

Q. Were you given other documents before April 3rd that were generated by the FBI?

A. I don't know. I would like to help you out more. I just don't want to get in trouble.

Q. I understand.

A. Because I don't really -- I don't know if
there's some way that counsel can communicate with you afterwards in a more classified forum. It's an easy answer.

Q. Was this a document that would have been part of this file?

A. No.

Q. You had mentioned a minute ago -- I think it's footnote 10 in the FISA you reviewed; it's footnote 8 I believe in the original FISA. This is the footnote that I think explains at least to some extent the Steele footnote on page 143 of the IG report. It's also on the original page application.

"Steele, who now owns a foreign business/financial intelligence firm, was approached by an identified U.S. person, communicated to Steele that a U.S.-based law firm had hired the identified U.S. person to conduct research regarding Candidate One's ties to Russia. He identified the U.S. person and Steele had a longstanding business relationship. He identified the U.S. person hired Steele to conduct this research. He identified the U.S. person never advised Steele as to the motivation behind the research of Candidate One's ties to Russia. The FBI speculates that the identified U.S. person was likely looking for information that could be used to discredit Candidate One's campaign."
I believe in the IG report you found that footnote to be very clear?

A. To me, it is. And perhaps I can help you as to why I say that. I have been a prosecutor for more than half of my life. Kind of sad, but I have been. We always anonymize victims, witnesses, coconspirators. The footnote would be much clearer and easier to understand if we used everyone's name, but by Department policy we never do that.

I have thought for many years, in drafting indictments or search warrants, if I could say Witness Smith or Victim Jones because it's much easier to follow. So when we anonymize the names, as we've done in that footnote, it is not as clear as it could be as if you used the words DNC. But we don't ever do that.

Q. Doesn't that take something away from the court's understanding? To me, that goes beyond anonymizing.

A. I just think that's the Department policy. It's the best you can do. I would note that Judge Boasberg, in his March 4th public opinion, commented on the footnote and said, I believe, something along the lines of it was opposition research. So it appears the court understood what it was and they certainly had, if they didn't, the opportunity to ask a question. All of which may not be satisfying to your question, but I -- just
that's the system we work in. We put those things in anonymously for everyone, to protect victims, witnesses, coconspirators if they aren't indicted.

Q. What about the sentence: "The FBI speculates that the identified U.S. person was likely looking for information that could be used to discredit Candidate One's campaign"?

A. As I sit here today, I think that should be stronger.

Q. That should be stronger, you say?

A. Yes, sir.

Q. Because you at least, from whatever document you saw, indicated the DNC --

A. I think it could be assesses, it could be concludes. That word is not as good as it should be.

Q. The IG report also indicates, on page 218, that you knew at the time that you signed this second renewal of the FISA application that two different judges had previously found probable cause.

Did that factor into your decision to whether to sign or not, whether it raised questions?

A. No. I think it factored into my decision. I hope that I made an independent conclusion and didn't rely solely on that. But it's not the same as a judge had previously rejected the affidavit.
Q. I think I kind of asked this question in our first round early on. Had it been the initial application versus a renewal, then would you have looked at it harder?
A. I don't think so in this case, because I looked at this one pretty good.

Q. But you do have a duty, apart from the fact that two judges signed off on a FISA?
A. Absolutely you have a duty, because things can change. You know, there's -- and in fact, as Inspector General Horowitz said, things had changed and should have been included in the application and were not. So whatever the facts were in January, the second renewal, should have been updated -- excuse me. The first renewal should have been updated for the second renewal. So of course you're required to do an independent evaluation, because the judge is going to look at a different application.

Q. Do you recall -- I'm sorry, I can't remember the term you used. But you said on the summary page that you were speaking generally the first time --
A. Yes, sir.

Q. -- in the first hour.

In the summary page, you talked about what was done with the information that has been collected through a FISA. You said that's summarized in terms of number of hits or something like that?
A. Number of collections and number of collections reviewed --

Q. Do you recall --

A. -- I believe is what it says.

Q. Do you recall, not the exact numbers, but whether those were in line on the Carter Page FISA application you signed?

A. I don't recall. But it would surprise me if they had not been reviewed, because I don't think this was an application that was generating a lot.

Q. Did you question whether it was worthwhile to renew the application again at that point in time?

A. I don't believe I did, because the -- my recollection is -- and I do not have the application in front of me, or even the declassified portion that you have. But my recollection is that the application that I signed had some collection in it.

Q. What was your role in the final page FISA application renewal? On page 227 of the IG report, Rod Rosenstein also said he had a conversation with Boente about the application.

Do you recall what that would have been?

A. I recall a discussion with Deputy Attorney General Rosenstein about the application in general or writ large. As I said to the Inspector General, I have no
recollection of reading the third renewal, although I'm not
denying the fact that the IG still concluded that I had a
copy.

Q. I have one quote here that I can read. My
general question is what views you expressed to Deputy
Attorney General Rosenstein about the third and final
renewal.

The quote from the IG report on 227 is:
"Boente expressed the view that a Deputy Attorney General
should not refuse to sign a FISA application to establish
probable cause and where there's a legitimate basis for
conducting an investigation just because it could end up
becoming politically embarrassing at some later point."

I'd ask you about that in particular, and also
what discussions you were having with Rosenstein.

A. Yeah. Well, I don't recall the specific
discussions, but I believe that then and I believe it today
that just because something is politically sensitive,
you -- if probable cause is established as an appropriate
basis for the investigation, I think you have really a duty
or an obligation to sign it. I mean, that's a little bit
of the oath we take as prosecutors.

Q. Do you recall why you would have expressed
that -- had to express that view?

A. Only if he had asked me a question. I
think -- and there are two things that get a little bit lost in the overall narrative. One is that Mr. Page had publicly disassociated with the campaign in September of 2016. So by the time I signed the application, we're seven months out. You can add a couple of more by the time Deputy Attorney General Rosenstein signs the application. So I don't think that anybody at the Bureau or the Department is looking for collection on the Trump campaign. It just strikes me as unlikely given the timing.

Q. Did Rosenstein ask you your opinion as to whether you should sign the renewal?
A. I don't recall.

Q. Do you recall any discussions, kind of what you were just saying, at this point, are we collecting any information on the Trump campaign? Do you recall any discussion whether it was worthwhile to seek this final FISA that far out from the events of 2016?
A. I don't. I don't recall. I learned, I think -- well, I know if I learned it at all, it was subsequently -- that like my application, the third renewal also had collection in it. But I'm a little less clear about that.

Q. Did you see the summary sheet?
A. I don't know that I saw anything then. Since then, I've been involved in the declassification process of
all these. So that's where my basis for the fourth would come from.

Q. But your recollection is, whenever you saw it, there was some level of collection in the file?
A. But I learned that since then over at the Bureau. Yes, sir.

Q. The IG report, page 74, says, March, April briefings -- I think it also goes in with your signing of the FISA. During these March and April briefings you received on Crossfire Hurricane, presumably on the FISA you signed, Boente's handwritten notes of the meetings focused on, among other things, the FBI's efforts to corroborate information contained in the Steele dossier.

What was your understanding of the FBI's efforts to corroborate the Steele reporting?
A. In part, that they were working on identifying the subsources, and that they had identified the subsource one.

Q. So you were aware that they had a subsource?
A. Not by name.

Q. Yeah. But, I mean, you --
A. Yeah. That they were attempting to identify the subsources, and that they had identified subsource one.

Q. The person the IG report calls the primary subsource?
A. I couldn't recall whether we used that term.

But yes.

Q. One and the same though?

A. Yes. We were going back and forth on that during the declassification process.

Q. And then at the time -- not subsequently. But were you aware when you signed, for instance, the FISA on April 3rd that the Steele dossier -- were you aware that Steele had a primary subsource? That he wasn't the originator of his information that was included in his --

A. I believe -- well, I understood he had a primary subsource. I'm not sure that I completely understood he didn't have other independent sources of information and perhaps things he might have been collecting generally. But I certainly understood he had a primary subsource.

Q. Do you recall whether that came up in your kind of initial briefings on Crossfire Hurricane, or was this specific to the --

A. I think it came up -- I believe it came up in briefings, not something specific to the FISA application.

Q. Do you recall who told you?

A. I do not.

Q. But it would have been a DOJ official?

A. I believe so.
Q. Most likely?
A. Most likely. It could have been -- like I said, I'm not saying that there was never FBI personnel there. But my recollection is it was primarily DOJ briefings.

Q. To be clear, so you're aware Steele had a primary subsource. You also became aware that the FBI located and interviewed the primary subsource?
A. Well, I certainly became aware of that later. I believe I knew it at that time.

Q. By April 3rd, when you signed?
A. I think I did. Again, three years ago, the timing of when I learned that.

Q. How about before Attorney General Rosenstein signed. Not that you would have talked to him, but were you aware by the time the final FISA application was filed?
A. See, again, I don't -- well, to that question, yes, because my briefings ended. I wasn't getting briefings by June 24th, or whatever it was, when he signed.

Q. So you were aware. As acting Deputy Attorney General, you were aware that the FBI had located and interviewed Steele's primary subsource, although you didn't call him the primary subsource?
A. Well, I don't know what I called him. During
the declassification was why I was confused by the primary subsource time. They had located him -- again, it's all very confusing to me because now I know when. As I sit here today, I know precisely when they interviewed him because I learned that in 2019.

Q. But before you left --
A. See, that's what I don't --
Q. -- In your position as acting Deputy Attorney General, you're aware that they had located him?
A. I was aware they located him. I may have been aware that they interviewed him. I don't know. I don't know that I knew the date.
Q. So then this question is probably obvious from your last answer. Were you aware of the results of the interview?
A. I absolutely was not aware of the results of the interview.
Q. Either positive or negative, you didn't hear?
A. No, sir.
Q. Let's back up. Described in the IG report, there were two memos written about the primary subsource interview. One is a very extensive memo that outlines I think the information. It's all shocking that the FBI knew this derogatory information. There's also a shorter memo that did not seem to include most of that information.
You weren't aware of the sort of positive information on the primary subsource?

A. I do not think that I was.

Q. Were you aware -- there's a mention in the FISA application that they had located the primary subsource, and that they found him to be truthful and cooperative. Were you told that the primary subsource was truthful and cooperative?

A. If it's in a FISA application that I signed, I relied upon that.

Q. I can't recall if it's in an application you signed or not.

A. Yeah.

Q. I don't recall if you were told separately.

A. I don't recall there being any separate communication on positive or negative findings on the primary subsource.

Q. I take it from something you said earlier, but if you had known about the information that's in the IG report about the primary subsource, would you have signed the Carter Page FISA application that you signed?

A. Not without it being in there.

BY MR. BAKER:

Q. Based on what you know now or based on what you
knew then, in the totality of your knowledge and expertise for what you've done for all these years, do you think, what was in the Steele information, was that absolutely critical to get a FISA over the finish line? Or was there enough investigative materials unrelated to anything Steele ever said to establish probable cause for the FISAs?

A. I don't know, Mr. Baker. I would have to go back through the application and strike the references to the Steele materials. And then -- well, you strike everything in the Steele materials, then the second part becomes unnecessary to put all the contradictions or derogatory information about Mr. Steele's bias in there. But I've never done that to see.

There's other information about Mr. Page, about he had many, many contacts with the Russians. He had contacts with ___ in the United States and different things. So it's difficult for me to answer as I sit here to answer.

Q. Do you recall any of the legal minds at the Department, either then or now, having a discussion about that, just an intellectual discussion that Steele's information really wasn't needed or it was needed?

A. I recall some information that there was a staleness issue, and that the Steele information got them over that requirement.
Q. Just for the record, when you say "a staleness issue," the issues of the information they had was old and not --

A. Was older.

Q. -- and not recent. And Steele sort of revitalized that?

A. In their opinion.

BY MR. SOMERS:

Q. What was your understanding of how much the FBI had done to corroborate any of the material in the applications that you signed? Are you saying it's all corroborated? Are you saying there's a proper Woods file for it?

A. I certainly assumed there was a proper Woods file. And when you say corroborated, it was properly supported by the Woods file information.

Q. But you had no discussions about corroboration?

A. I don't believe I did.

Q. So you would assume that everything was done, and you were handed an application that fully complied with FBI procedures?

A. Oh, it's a vigorous, robust review on both sides of the street. Or it's certainly supposed to be, and that's our obligation to do that. So, yes, I presumed that had been done in this case.
Q. Although the Inspector General has a more recent report out that would question whether it happens in other cases, a Woods file is actually generated.

A. Well, the Bureau has reviewed about half of those cases and has filed its response. I don't know if any of that is public. But we thought that a lot of those applications had been properly supported.

Q. On July 12 -- I'm sorry.

A. There was something -- I should have written it down -- that I wanted to tell you about the application. Maybe it will come to me. I'm sorry, I should have written a note.

BY MR. BAKER:

Q. On the topic of Woods, real quick separate and apart from Crossfire Hurricane. It's my understanding, and I think we've heard testimony from other witnesses, the Woods file gets reviewed separate and apart from any problem with a case, correct?

My understanding is there's some randomly pulled files. There's OGC attorneys, there's FBI inspectors, maybe some DOJ people, and many go around the country to audit some of the FISAs, and part of those audits include a Woods file check. Is that your understanding?

A. Yes. There are two separate types of audits.
One are done by OI with OGC attorneys who go out to the field. Then there's kind of a second stream, I'll say, of accuracy reviews done by the CDCs.

Q. CDCs, for the record, is what?
A. Chief Division Counsel, who is the FBI counsel in the office.

Q. In the field office?
A. Field office. Yes, sir.

Q. So they answer in some way, shape, or form to the legal folks back at FBI headquarters?
A. Not really. They answer to the FAC, but OGC is the program manager. If that makes sense to you as a former FBI employee.

Q. Okay. So as a FISA application is moving through the field office, it at some point gets standard transmitted to FBI headquarters so that it continues?
A. Well, there's -- most of it goes to the Department of Justice.

Q. Okay.
A. But it is reviewed at the FBI, also. But I thought your question was -- and I apologize if I misunderstood it -- concerned Mr. Somers' inquiry into audits.

So there are two separate streams of audits. One is done by OI, and then there's a second stream done by
CDCs. And they're somewhat random -- I would not describe them as random in the way that a CPA firm would do an audit -- and so the Bureau is looking into that process right now to see how it can be improved.

Q. So when you say it's not random, like a --
A. Well, it's not random in that -- a bad choice of words probably, Mr. Baker.

You're an agent in the field. A year later or something they'll call up and they'll say we're going to look at this docket number. Get it ready. So you have a chance to actually go to the case file and make sure that the Woods file is in proper shape. As opposed to a CPA audit, they would come out and knock on your door Monday morning and say let's see the file. It probably should be more the latter than the former if you want to make it the most robust process.

Q. But it's still random in the sense that the cases are chosen.
A. Yes, sir.

Q. The field office doesn't get to pick what they put on the table for you look at.
A. Correct, sir.

Q. Okay. And in your opinion, in your experience on either side of the street, had there historically been issues with Woods files?
A. Not that I'm aware of.

Q. Okay.

A. I mean, the management review that we referred to which was done by Mr. Horowitz's team subsequent to the Crossfire Hurricane file, I think through that process, although we feel that the support for at least half of those is there, we can improve the process. So just because you were able to find everything, there needs to be a better way to maintain the Woods file.

Q. When you say the support for half of those were there, are you saying that there is support for things he didn't find support for?

A. We haven't done the other half yet. We haven't been able to get to those.

Q. Okay.

A. We've only been through 14 of the 29.

Q. Okay.

A. But the Woods file, we could keep it in Sentinel. There's a lot of different things that we could do. There's just many systemic improvements that can be made.

Q. Do you know -- and, again, totally I would be interested in hearing your opinion.

A. Well, you know in a week it's not going to matter.
Q.    Fair. Does the Bureau move case agents around too much? If you've got all these files and you've had some case agent that's with the case for a while, they know what's in the files, they know what needs to be added. Somebody coming in and inheriting a very complicated FISA that they have to catch up on all that, that seems to me that would be an opportunity for stuff to fall through the cracks. I would just be interested in your opinion.

A.    Probably. It's the same way with cases. When someone's promoted, they lose cases. I don't want to get way out of my lane, because I am. As the U.S. Attorney, I always liked to have my SACs for a little bit longer.

One of my field offices was a WFO. Tends to be a little bit of turnover there more than other offices. So, yeah, I like the stability. But the Bureau has its own requirements. You probably know more about that than I do.

BY MR. SOMERS:

Q.    On July 12 of 2018, I know you were at FBI by this point in time. But on July 12, 2018, NSD sent a letter to the FISA court advising the court that certain factual admissions in the Page FISA application that came to NSD's attention after the last renewal application was filed.

Did you have any role in drafting this letter?

A.    We're usually able to review those and make
comments. We, OGC.

Q. FBI OGC?

A. Yeah. So we don't draft it and we don't even get the final say-so. But we're able to say, well, what about this? And, of course, NSD/OI can say, no, we're not going to do that, but have some input.

Q. Were you consulted on this particular letter? Consulted is my word. Whatever word you would use.

A. I think -- although mine's at a pretty high level. It's only when they don't iron out differences at a level below me. Which brings me to the thing I wanted to say that I couldn't --

Q. Go ahead.

A. -- before. When either you or Mr. Baker asked me about the absence of the Steele materials, which, as I said, we always referred to as [deleted], the Bureau did. That's why I never knew his name until I got across the street. They withdrew support from renewals 2 and 3. It may be the letter you're referring to, I don't know, but they actually filed a letter with this. So they had done their own analysis, and I am not familiar with the --

Q. It wasn't this particular letter. This one said, I believe, something along the lines of nonmaterial, this July 12, 2018 letter.

A. I do recall that.
Q. And you saw it before it was sent?
A. I don't have it in front of me, but I'm pretty sure that I did.

Q. So this letter goes out. Obviously, there's some realization -- or as the letter is going out or after it goes out, there has to be some realization there's problems with the Carter Page FISA application and the letter never goes out.

Was there any discussion about maybe taking a look at the Carter Page process?

A. Not that I recall. I think at that time we're squarely in the middle of the IG's review. If I'm --

Q. The IG has announced his review of March 18 of 2018.

A. Yeah.

Q. We talked earlier about duties at the Department as a lawyer.

A. Absolutely.

Q. And the FBI held a course. I don't know if there was any discussion about --

A. Not that I recall.

Q. Not that you recall?

A. But certainly there is that concern, and that's why -- we file a lot of -- or the Department files a lot of Rule 13 letters. But usually they're not -- just to make
sure that the court's accurate, but they're not major. You know, there might be a date wrong, there might be a time wrong, something like that. But I think they take their obligation very seriously, those who actually file those documents with the court.

BY MR. BAKER:

Q. So even the most minor discrepancy would result in a letter going to the --

A. I won't say even the most minor, but some of them seem pretty ticky-tacky.

Q. The ultimate goal is candor to the court.

A. Absolutely. All attorneys have that duty.

BY MR. SOMERS:

Q. Let's include candor. If you had exculpatory evidence that cuts against the probable cause that's presented in the FISA, do you have a duty to present your pro-probable cause information as well as your con against probable cause information?

A. No. Your duty would be the derogatory or the -- that questions your probable cause. That is -- so to answer your question, if you've got 100 facts, but you can establish probable cause with 60, there's no obligation to pile on with the other 40. But every contradictory fact, every fact that questions the credibility of a witness should be included in your application.
Q. Is that well-known to -- well, we'll start with Department attorneys?

A. It is known, I think, to every Assistant U.S. Attorney that files search warrant affidavits and arrest warrant affidavits with the court.

Q. What about to attorneys in those 65 or so attorneys that we mentioned earlier in the General Counsel's Office of the FBI that are involved in FISA applications. Are they aware of the duty, to the best of your knowledge?

A. To the best of my knowledge, they are, and should be. It's really difficult to pass the bar without -- there's a separate ethics test.

Q. I think we touched on this a little bit.

A. Even back when I took the bar.

BY MR. BAKER:

Q. Do you know, does the Bureau educate their non-attorney agents on that sort of duty?

A. Yes, sir. And we've recently done additional and enhanced training on that fact in response to Mr. Horowitz.

BY MR. SOMERS:

Q. I don't know if you would know this. Do you know if attorneys inquired of the Agency? You've got a FISA application or you have a regular warrant application.
1 Do they inquire, hey, is there any exculpatory information?
2 Is there anything that undercuts this? Is that a normal
3 part of the agent's case?
4 A. Yeah. It's on a checklist.
5 Q. It's on an actual checklist? For FISA or for
6 warrants?
7 A. For FISA, now.
8 Q. How about then?
9 A. I can't recall what the prior checklist was.
10 Q. But let's back up then. So you're saying that
11 within the Office of General Counsel, there's some sort of
12 checklist for attorneys before --
13 A. For agents.
14 Mr. Somers: Mr. Somers, I think we're again
15 getting a bit afield of what the scope of this interview is
16 supposed to be for talking about Mr. Boente's role at the
17 Department. Now we're talking about specific actions the
18 FBI either has taken or is implementing as a result of the
19 IG report.
20 You've had FBI agents not tell FBI attorneys about
21 exculpatory information, which is what I'm asking about.
22 And I'm asking whether they had a duty to tell the FBI
23 attorneys about exculpatory information. I don't think
24 that's in the least bit far afield.
I'm not objecting to your questions about his opinions about duty for candor. I'm objecting to the line of questioning about actions the FBI may have taken or current processes or policies that he may have been involved in as the General Counsel of the FBI.

Mr. Somers: He told me about a current process. And I was asking if he knew whether that current process existed in 2016. He can say I don't know or I know it did. That's all I'm looking for. I'm not looking to go much further than that. I just want to know.

BY MR. SOMERS:

Q. So you described some sort of form or procedures.

A. I believe there were forms. What they contained, I'm not absolutely certain.

Q. This is a form for your attorneys, or this is a form for FBI agents?

A. For agents.

Q. And it's what they have to tell attorneys?

A. OI, Office of Investigation.

Q. OI and Justice?

A. Yes, sir.

Q. And on that form, there's stuff that would go to the duty of candor that we spoke about when we were speaking about exculpatory information?
A. I believe so.

Q. But you don't recall whether the form was different in 2016?

A. That's exactly right.

Q. We talked about a little bit these 17 significant inaccuracies and omissions, the Inspector General's words, in the Carter Page FISA application based on information that was known to the FBI either before the first application was filed or there were ten more before the renewals were filed. One does relate to the information about the DNC. It has some knowledge about that. But leaving that aside, were you aware of any of these other inaccuracies or omissions?

A. I would not have signed an application with an inaccuracy or omission that I knew about.

Q. You mentioned earlier that an FBI attorney -- I think this is what you said, so correct me if I'm repeating your testimony wrong -- an FBI attorney can and OGC can look at the Woods file if they want to. Do you know how often that occurs?

A. I do not.

Q. Do you think they should look at a Woods file?

A. Probably not. But I want to kind of handicap that answer a little bit.

A lot of times on a FISA application you're
under a lot of time pressure for various different reasons. Some are quite obvious in counterterrorism cases. I don't think in this forum we can get into what makes them time sensitive in counterintelligence, but they do get quite time sensitive. So you can really slow down the process a lot.

Which is different from saying that if any attorney has a question about something within the application, they should -- and I think do -- have the ability to ask for the support for that, which is essentially what the Woods file is. I've got a question about paragraph 38. What is your support for that? Can I see the 302? I think that ability was there in 2016, and it's there today.

Q. Did you say the Woods file resides in the Sentinel system?
A. No. Some do. Maybe there should be a requirement they should.

Q. So not all of them?
A. It's not a requirement.

Q. Do OGC attorneys have access to the Sentinel system?
A. They do.

Q. So if it happened to be an application for which a Woods file existed in the Sentinel system, they
1. Could you look at it?

   A. Yes, sir.

2. Do you know whether this was filed?

   A. I do not.

3. You don't know whether it was in Sentinel?

   A. I do not, sir. I don't think most of them are in Sentinel, but I don't know. As I sit here, I can't give you all a percentage of how many are. I think it's a little bit up to individual agents as to how well they keep records and whether they want to do that.

BY MR. BAKER:

4. Is there any pressure put on an AUSA by the U.S. Attorney or by a case agent, by the SAC to keep a sophisticated technique like a FISA or a Title III up and running, and pressure to make sure it doesn't go down? Not necessarily because of the valuable information that's being obtained to address national security or criminal concerns, but because it makes the field office more productive by having sophisticated techniques being utilized.

   The FBI, I'm well aware, is very metric centric. They measure risks, they measure search warrants, they measure everything as a matter of agent productivity, as a matter of field office productivity. And if you have the sophisticated techniques up and running, you're viewed
as a productive agent, you're viewed as a productive field officer.

Is there any pressure put on the field office agent, the AUSA, to make sure that those techniques stay up and running?

A. Well, I can speak to you at least from my experiences, you know, six years or so as a U.S. Attorney. I never did that. I was never aware of it. We don't necessarily care about metrics for the FBI.

Now, it's easy for me to imagine a case where the FBI and the U.S. Attorney are conducting a specific investigation and them saying, why can't we get a FISA on this? But I would think it would be more focused on getting information on the specific individual. But generally -- I don't know, Mr. Baker, that in my many years as the first assistant or as the U.S. Attorney that I ever had a discussion about someone doing a FISA. I'm not saying it didn't happen at some level below me, but never with me.

BY MR. SOMERS:

Q. We're almost out of time in our hour, but I do have some questions about Bruce Orr I would just like to briefly run through.

Mr. Somers: And just for the record, if I ask anything about General Flynn, I'm going to get an objection
from the Department. Is that correct?

Mr. Weinsheimer: That's correct.

BY MR. SOMERS:

Q. While you were the Acting Deputy Attorney General, what was Bruce Orr's position/role within your office? He was within your office, correct?

A. He was. He ran the OCDETF program as an associate Deputy Attorney General.

Q. And that program didn't have anything to do with Crossfire Hurricane; is that correct?

A. It did not.

Q. Anything to do with counterintelligence?

A. It did not.

Q. So he had no responsibility over Crossfire Hurricane or involvement based on his position?

A. He did not.

Q. When did you become aware that he had contact with Mr. Steele?

A. Well, that's -- I think it might have been mentioned in a meeting that they knew one another. But that he really had contact with him involving the case, I'm not sure I learned until I got to the Bureau.

Q. And that mention didn't cause you to just walk down the hall and say, Bruce, what do you know about Christopher Steele?
A. No.

Q. Did he ever indicate to you that he had any involvement with the Paul Manafort investigation?

A. No. I mean, if you're referring to the portion in the Inspector General's report -- I think there's at least something in there about that -- I'm completely surprised by that.

Q. Did he have any responsibilities or supervisory role over the money laundering asset recovery session at DOJ?

A. No, sir.

Q. In the Crossfire Hurricane investigation, there's a quote from Deputy Attorney General Yates on 299 of the Inspector General's report. "Yates told us the Russia interference investigation in general was well-known in ODeputy Attorney General by the time Orr met with McCabe in October of 2016." That's on page 299 of the IG report. Would you agree with that, that the Crossfire Hurricane investigation was sort of well-known in the office? What I'm getting at is, Bruce Orr should have come to you and said, hey, I'm talking to this guy?

A. Well, two different answers. I don't know whether it was well-known or not well-known In ODeputy Attorney General. But Department of Justice attorneys and assistant U.S. attorneys do not deal with witnesses, so he
should have told someone. What he should have done is hand off Mr. Steele to an agent. That's what you should do.

As an assistant U.S. attorney, I've had any number of people call me up and say, hey, I've got a guy who wants to report a crime. Fine. Let me call over to the Bureau. I'll have somebody contact you. That's what you do.

Q. And he should have done that well earlier?
A. Yes. That's what you do immediately; otherwise, you become a witness, and that's the last thing in this world you want to do.

Q. Just for the record, he should have at least told you or Deputy Attorney General Yates. Were you a direct supervisor?
A. Yes, I was.

Q. Should he have told you that he had contact with Christopher Steele?
A. I think so. Again, I don't think he should have had contact with Christopher Steele in this case.

BY MR. BAKER:

Q. As a practical matter, was he ever noticed missing from his desk? He seems to be out and about doing a lot of different things, not whatever he was supposed to be doing.

A. No. I never got -- don't recall getting a
report of that, and I certainly wasn't checking on him at
his desk.

BY MR. SOMERS:

Q. But certainly, whether he spent time during
business hours being interviewed by the FBI about
Christopher Steele, that was not part of his official
duties?

A. It was not, and it appears that way.

Mr. Somers: I think that's all we have, unless
we have any follow-up.

Mr. Baker: In case we don't get any rebuttal,
you had said earlier -- I think you were joking; I know you
were joking -- that it's kind of sad you had spent half
your life as a prosecutor.

I just want to say for the record I think
you've pursued a very noble calling. I dealt with you on
the House side and you were very helpful. You were very
cooperative coming in today. You've been very helpful. I
know for a fact you occupied many different positions in
your long career at the Department. You did many difficult
jobs very well. I thank you for coming in today, and I
wish you well.

The Witness: Thank you. And it was a joke.

It was just more a reference to my age than anything else.
I've been very fortunate and had a career that I loved.
There's no better job than being an AUSA.

Mr. Baker: Thank you for coming in today.

(Recess.)

Ms. Sawyer: Back on the record.

EXAMINATION

BY MS. SAWYER:

Q. I just want to clarify on a range of things related to Mr. Flynn, General Flynn.

Ms. Sawyer: Can the witness speak to at all the calls with Ambassador Kislyak?

Mr. Weinsheimer: No.

Ms. Sawyer: Can the witness speak today about any discussions the witness may have been involved in while acting Deputy Attorney General about Mr. Flynn?

Mr. Weinsheimer: No.

Ms. Sawyer: Can he speak to the issue of whether any National Security Advisor having conversations with the Russian ambassador and potentially misleading the White House officials about that? Can he speak to that generally?

Mr. Weinsheimer: No. Because the only relevance would be as to Flynn.

Ms. Sawyer: Can he speak to assertions that have been made that there was entrapment with regards to Lieutenant General Flynn?
Mr. Weinsheimer: No.

Ms. Sawyer: So those are issues that I think are of importance to the committee, at least to the members on the Democratic side of the committee.

Mr. Boente, I understand that you're not able to answer those because of the ongoing matter, but it may be that we ask you to return at some point.

The Witness: I would be happy to accommodate the committee.

Ms. Sawyer: Thank you.

BY MS. SAWYER:

Q. I'm curious. We talked a lot about Carter Page and the Carter Page FISA application. I understand and I appreciate your answers.

Have you ever gone to look at the section of the Mueller report that dealt with Carter Page?

A. I have not.

Q. I'm going to give you a copy of this report and just ask you a few questions.

I'm just going to direct your attention to page 101 of Volume I. Part of what was in the FISA application that you signed was an assertion that, based on public source information, Mr. Page had been in Moscow in July of 2016 while he was working on the campaign. So I'm just going to direct your attention to page 101.
A. Yes, ma'am.

Q. So that second paragraph that says: "On July 8, 2016, while he was in Moscow, Page emailed several campaign officials and stated he would send 'a readout soon regarding some incredible insights and outreach I perceived from a few Russian legislators and senior members of the presidential administration here.'" Do you see that?

A. Yes, ma'am.

Q. Then there's a little more information, and then there's a large swath of this that is redacted as grand jury information. Have you ever seen that grand jury information?

A. I don't believe I have.

Q. Then after the redacted portion, it says the following: "The office was unable to obtain additional evidence or testimony about who Page may have met or communicated with in Moscow. Thus, Page's activities in Russia as described in his emails with the campaign were not fully explained."

Do you have any additional information that might shed light on what Mr. Page was doing in Moscow and who he was meeting with?

A. I'm not certain. I might, but I think it would probably be classified if I did.
Q. Beyond relying on the reporting from Christopher Steele in the Page FISA applications, are you aware of any other place where any of the Crossfire Hurricane investigation relied on information from Christopher Steele?

A. Excuse me? I'm not sure I understand your question.

Q. Other than what we've discussed -- and we have discussed the Carter Page FISA applications, one of which renewals you had signed or had reviewed. Other than relying on reporting from Christopher Steele in those Page FISA applications, are you aware of any other instance where the Crossfire Hurricane investigation relied on reporting from Christopher Steele?

A. I don't know the answer to that question.

Q. So sitting here today, we can't cite you to another example where they relied on reporting from Christopher Steele?

A. I cannot. But I cannot also say that I know they didn't.

Q. Can you tell me whether or not you know where in Special Counsel Mueller's 448-page report there's any citation to the Steele dossier?

A. No. I'm not that familiar with Mr. Mueller's report.
Q. Can you identify which, if any, of 199 criminal counts filed by Special Counsel Mueller rely on any reporting from Christopher Steele?

A. I do not. I seem to recall a conversation with Mr. Mueller's staff where they said they weren't relying on Mr. Steele.

Q. Just on this broader question, you've described what Mr. Steele had and did his opposition research. And I think the natural understanding, if it was opposition research on Donald Trump, would be that it was someone who was against his candidacy.

Is that a fair assumption?

A. I think that's the case. And as I mentioned, I think Judge Boasberg indicated his understanding as well.

Q. With regard to this notion of whether it was proper in any way, shape, or form for the FBI to even look at the information that Christopher Steele brought to them, it was also given to them by a number of other people, including Senator John McCain.

Was it inherently improper for the FBI to even look at or consider Mr. Steele's information?

A. I don't think so.

Q. Why not?

A. I think that if Mr. Steele acquired information that might have counterintelligence value protecting the
United States, I think you're obligated to at least look at it.

Q. You were also asked some questions about Bruce Orr and his involvement and interactions with Christopher Steele. And what I heard you saying is that you were not aware at the time.

Have you ever spoken to Mr. Orr about those interactions directly?

A. I have not.

Q. So he hasn't explained to you the degree to which he was interacting and who initiated the interactions?

A. He has not. I have some understanding of the degree because I had the 302s.

Q. So you've reviewed his interviews, Mr. Orr's interviews?

A. To say I reviewed them might be a little bit -- I probably read them very quickly.

Q. Fair enough. Was Mr. Orr involved in any way in the decision to seek a FISA warrant on Carter Page?

A. Not to my knowledge. And I have no reason to believe that he was.

Ms. Sawyer: If you would give us a second.

Ms. Zdeb: That concludes our questioning, Mr. Boente. Thanks for being here.
It is 1:25. We can go off the record.

The Witness: Thank you.

Mr. Somers: We don't have anything else left. We just want to thank you for coming in and giving us your time of day.

The Witness: Thank you.

(Whereupon, the proceedings were adjourned at 1:25 p.m.)
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Notice Date:

Deposition Date: **June 22, 2020**

Deponent: **Dana J. Boente**

Case Name: **Senate Judiciary Committee**

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UNITED STATES SENATE

COMMITTEE ON THE JUDICIARY

WASHINGTON, D.C.

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

FRIDAY, SEPTEMBER 18, 2020

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Poe. Very good.

Mr. Somers. Got a little bit -- a little bit more to read here into the record. Okay. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I'd like to go over. Our questioning will proceed in rounds. The majority will ask questions first for an hour, and then the minority will have an opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more questions and the interview is over. Typically, we take a short break at the end of each hour of questioning, but if you need a break apart from that, [redacted], or if you need to consult with your attorney in this remote setting, however we're going to make that work, please let us know.

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

[REDACTED] I do.

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

Yes.

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

Yes.

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

[No response.]

[Audio malfunction in the interview room.]

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

[No response.]

[Audio malfunction in the interview room.]

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

[Audio malfunction in the interview room.]

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

VOICE: I think you're on mute.

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

[Brief pause.]

[Audio malfunction in the interview room.]

Hello?

Court Reporter: There we go.

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

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

Ms. Sawyer. Okay. Great.

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

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

That's a "yes."

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

No.

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

Mr. Findlay. Sure. Thanks.

Mr. Poe. Thank you.

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

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

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

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

Mr. Findlay. Great.

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

    Mr. Findlay. Sounds good.

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

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

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

    Mr. Poe. Thank you.

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

[No response.]

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


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

[redacted] I'm head of global investigations [redacted],

Mr. Somers. Okay. Have you had a chance to read or review all or any portions of the Inspector General's December 2019 report on Crossfire Hurricane and the Carter Page FISA applications?

[redacted] Portions.

Mr. Somers. Portions. And for the record, do you know if you are the individual identified as the deputy section chief in NSD's Counterintelligence and Export Control Section in the IG's FISA report?

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

No.

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

Yes.

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

Deputy Chief, the same role we just discussed.

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

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

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

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

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

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

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

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

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

Mr. Somers. Okay.

Mr. Poe. Thanks.

Court Reporter. Going off the record or --

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

[Pause.]

Mr. Poe. Mr. Somers?

Mr. Somers. Yes?

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

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

I remember it.

Mr. Somers. Okay.

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

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

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

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

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

In July of 2016? Yes.

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

Correct.

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

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

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

Mr. Somers. Did you have any?

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

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

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

Correct.

Mr. Baker. Thank you very much.

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

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

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

Yes.

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

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

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

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

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

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

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

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

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

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

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

Correct.

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

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

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

I think just a general --

Mr. Somers. Yeah.

Yeah, just a general description of the matter.

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

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

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

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

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

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

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

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

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

To the best of my recollection.

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

I do recall him being there.

Mr. Somers. Bill Priestap?

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

Mr. Somers. Lisa Page?

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

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

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

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

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

I think that's fair.

Mr. Somers. Bill Priestap, regular attendee?

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

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

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

Mr. Somers. ?

Yes.

Mr. Somers. ?

I don't remember seeing him there.

Mr. Somers. Do you know who he is?

Yes.

Mr. Somers. ?

Yes, I remember seeing him there.

Mr. Somers. Jim Baker?

I'm not sure I remember seeing Jim Baker
Mr. Somers. Patricia Anderson?

[Redacted] I think maybe I recall seeing her there, but I'm not sure if she was a regular attendee.

Mr. Somers. Sally Moyer?

[Redacted] Yes.

Mr. Somers. Kevin Clinesmith?

[Redacted] Yes.

Mr. Somers. And then on NSD side, I'm -- would Stu Evans have ever attended these meetings?

[Redacted] Yes, though I don't know if he was there every time.

Mr. Somers. George Toscas?

[Redacted] Yes.

Mr. Somers. David Laufman?

[Redacted] Yes.

Mr. Somers. Tash Gauhar?

[Redacted] I don't remember seeing Tash there.

Mr. Somers. Was there, and I don't know the name, but was there a line attorney that may have directly been from OI that may have directly been working on the -- on the FISA? Was there an attorney like that in attendance in these meetings?

[Redacted] I don't recall a line OI person being there.
Mr. Somers. Was there anyone else from, other than Stu Evans, from the Office of Intelligence in these meetings?

I can't remember anyone right now.

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

I think that's fair.

Mr. Somers. Okay. What about Mary McCord?

I don't remember Mary being there.

Okay. Anybody?

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

Not that I recall.

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

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

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

Yes.

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

I recall it more as an update meeting.

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

I don't actually know specifically if
there were discussions about that that happened when I
wasn't there. Obviously I wasn't there -- I should say,
these meetings went -- were going on before I started
attending.

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

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

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

I don't actually -- I don't remember.

Mr. Somers. All right. But you didn't have -- so
they started -- these meetings started in the fall of 2016. Would you say in that time period that was your main -- kind of your main role on Crossfire Hurricane was to attend these meetings, or were there other things you were doing? So I don't know when the meetings started. I started attending in the fall of 2016, just to clarify that, and the main -- yeah, there was not much of an active role for our section in -- as far as I understand it.

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

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

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

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

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

Correct.

Mr. Somers. What was he doing that was more active? What was he doing for FBI or as part of the investigation? I think he was meeting with them, and I think there were subpoenas going out, things like that.
Mr. Somers. This is somebody that -- was he in your direct chain of command, or was it just somebody else from CES?

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

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

That's correct.

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

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

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

Not that I remember.

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

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

Mr. Somers. Yeah.

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

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

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

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

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

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

Not that I recall.

Mr. Somers. George Papadopoulos?

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

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

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

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

That was the only unit as far as I know.

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

No.

Mr. Somers. Okay.

Mr. Poe. I'm sorry. Mr. Somers, this is Greg Poe.

responded "no," but I think that answer could be
taken as ambiguous.

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

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

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

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

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

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

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

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

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

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

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

At a law firm conference room at a law firm called .

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

Not to my recollection.

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

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

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

[REDACTED] Mr. Laufman.

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

Can I answer that, Patrick?

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

Mr. Somers. We'll take it out.

Okay.

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

That's correct.

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

Yes.

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

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

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

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

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

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

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

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

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

I don't know how to answer that.

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

Yes.

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

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

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

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

No, I met them there.

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

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

I don't recall any discussions.

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

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

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

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

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

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

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

I don't remember any.

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

I recall him answering everything he was asked.

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

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

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

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

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

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

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

Mr. Somers. Yes.

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

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

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

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

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

Mr. Baker. Did you brief Mr. Laufman or anyone else at DOJ about what had attended at this meeting once you
I think I probably in the normal course would have done so. I don't remember specifically doing so. And to the extent I did, I think it would've been whether there were any issues that arose that I had to deal with in his absence.

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

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

I don't remember doing that.

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

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

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

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

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

Mr. Baker. Well, what was --

Mr. Findlay. -- his own impression.

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

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

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

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

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

Mr. Baker. Did --

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

Mr. Baker. Yes. Yes. Did he learn anything that was contrary to what you believed about this case that you'd previously learned by these meetings at FBI headquarters? Did this interview change or cause concern in your mind about things you had already learned?

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

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

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

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

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

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

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

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

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

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

Mr. Somers. Absolutely. Absolutely.

Brief pause.]

I'm sorry about that. That's probably not
Mr. Somers. No, no, no, that's fine.

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

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

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

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

I don't believe I did.

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

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

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

Sorry. Say that one more time?

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

No.

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

At the time?

Mr. Somers. At the time.

No.

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

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

I don't recall seeing it.

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

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

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

Correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

[REDACTED] Yes.

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

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

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

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

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

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

Mr. Somers. Okay.

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

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

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

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

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

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

No.

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

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

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

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

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

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

I'll tell you, the only thing I really remember was the reporting on the hotel-related stuff in
Moscow.

Mr. Somers. And what do you remember about that?

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

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

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

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

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

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

Mr. Findlay. Again, any details that he gained from
that interview are either in the 302 or they're not, and
we're going to have to go through that because I don't
think any of us have sort of total recall of what it --

Mr. Somers. It's not in -- I don't understand. It's
not his 302.

Mr. Findlay. If it's not unredacted in the 302, then
we would object. So if it is, he could possibly shed some
light on unredacted portions of it, but if it's not --

Mr. Somers. I don't understand why I care what he
knows about what's in the 302. I want to know if he
sitting there realized whether the primary sub-source lived
in the United States or not.

Mr. Findlay. And I understand that the general rule,
what he learned in that interview, is off limits. If it's
unredacted from the --

Mr. Somers. Why were we not told that the general
rule going into this interview is that I can't ask the
witness what he learned in the interview?

Mr. Findlay. You can. If it was an unredacted part
of the 302, the Department has allowed it to go out. If
it's either redacted or not in the 302, the Department
hasn't, and he can't testify about it. So there's quite a
bit unredacted that he could go through and confirm or,
again, possibly with limitations, sort of shed more light
on. But if it's redacted in there, he can't talk about it,
and if it's not in there, that privilege hasn't been
waived.

Mr. Somers. Are you -- are you objecting to it being
classified?

Mr. Findlay. It might be. I mean, that -- again, if
it's unredacted in the 302, it's perfectly fine for him to
reiterate. If it's redacted, it could be classified. It
could be privileged. I don't know what else to say. If
you -- if you can't point to it in the 302, he can't talk
about it.

Mr. Somers. All right. Well, I'll go back and look
at the -- at the 302 during the -- during the break and see
what we can ask him about that, although he has never seen
the 302 as part of his -- well, it's not even a 302 -- the
1057 as part of his -- I don't know what's in the 302
because the Bureau has not provided us with the 302.
Instead they provided us with this 57-page summary, which
may or may not reflect what's in the 302, but --

Mr. Findlay. And that's fair. That's the document
I'm referring to, the document --

Mr. Somers. Yeah, I know. I'm just -- I just want to
make that -- put that on the record as well. I think the
best thing to do probably now -- I don't have a whole heck
of a lot more to ask you, [redacted] but I think our hour
has expired or is quickly about to expire. I think we can
circle back on a few of these questions in a later round, and I have just a few more questions for you. But I think we'll probably take a short break and then turn it over to --

Mr. Baker. -- 30 seconds.

Mr. Somers. -- the minority. I think Mr. Baker does have one question for you.

Mr. Baker. The FBI's DIOG, Domestic Investigative Operation Guidelines, that sort of is the rulebook for what they do investigation-wise -- openings, closings, techniques, whatever -- for a sensitive investigative matter, their DIOG requires that there be a notification to NSD. And I think there's -- it's even more formal where it has to be at least emailed. I think, according to the IG, NSD has an email account set up to receive these notifications. But in this instance, because I think things were moving quickly, or maybe because of the heightened sensitivity of the investigation, there was an oral briefing or an oral notification made to CES. Were you aware of that, and who was that briefing made to at CES?

I'm not aware of that, and I don't want to guess, so I'll just say I don't know.

Mr. Baker. Thank you.

Mr. Somers. Yeah, I think we can take a 5-minute --
how long do you guys need?

Ms. Zdeb. I think at this point we would be comfortable if you two wanted to just keep going. We have very little, at least for the time being, and so for the sake of efficiency, it may make the most sense for you to conclude your questioning, and then we can just jump in once you're done.

Mr. Somers. All right. I will need a few minutes just to go back and see if I can find something in the 1057 to ask about the location of the -- where the -- where primary sub-source lived. But I can -- I can continue on then with the last set of questions I wanted to --


Mr. Somers. Okay. So we're going to stay on then, for a few more -- a few more minutes here, and I will try and follow up with you briefly then after the -- after the minority goes, then hopefully we can then let you go. So I think you are nearing, at least from the minority's description of their -- the amount of their questions, I think you are nearing the end.

I'm going to read something from the IG's report and ask you if you're familiar with the document that's discussed here. On page 266 of the IG report, it says, "We observed among the NSD's Counterintelligence and Export Control Section, CES, records an April 2017 version of an
investigative" -- I'm sorry -- "an investigation outline
CES prepared and periodically updated reflecting that
Carter Page received an email from Gordon in July 2016
about the Platform change, and the -- that the email
'suggests Page was not involved in' the decision. Also
included in the CES outline were Page's denials to the
FBI." The document I want to ask you if you're familiar
with is, are you familiar with a CES outline that was
prepared and periodically updated, and it's -- according to
the IG report, the last version of it was in April of 2017.

So what was the date again, April 2017?

Mr. Somers. Well, that's the -- it seems to me
there's multiple versions. I guess that's the last
version. That's around the time that the Special Counsel's
Office was formed.

Mm-hmm.

Mr. Somers. So I assume that might be why it was last
modified, I would take that to mean. It just says that
it's -- it was in the records in CES, and it was -- they
characterized it as an investigation outline that CES
prepared and periodically updated. And one of the updates
in there appears to be that Carter Page received an email
from Gordon regarding the Republican Platform change.
That's not the part I'm asking about. I'm just asking if
you're familiar with the document.
Yeah, so I'm not familiar with that specific part you mentioned about Carter Page. But as to the outline, I think I feel comfortable saying that when I told you earlier that there was more active work going on in 2017, I think that outline document, or whatever you want to call it, was something that the line attorney at CES would've been working on and updating.

Mr. Somers. Was this a CES-created document?

I don't -- I don't know who originally created it. I just remember that there was sort of a document that was updated and used to understand what was going on.

Mr. Somers. Could you elaborate on that a little bit more, "understand what was going" -- I'm just trying to understand what the purpose of the document was.

I guess what I would say was that the -- I think the line attorney at CES was working with the FBI on different -- like, the -- not the -- we don't talk about the umbrella case. We talk about the sub -- the sub-cases, different people. He would've been tracking that and sort of keeping track of what's going on in those matters. I think this document kind of tracked what was going on investigatively in those matters. I don't know who created it originally.

Mr. Somers. So it was created in anticipation that
CES might -- it allowed CES to keep track of what was going on in all four cases, or were you saying it was just one of the cases?

I don't know how many cases, but I believe the line attorney was working on different -- I don't know what they call it, sub-parts, different individuals.

Mr. Somers. And I assume this was a classified document. I mean, it seems to have raw FISA data in it. If that -- I would -- I would assume that's the case, and it's also a counterintelligence matter, so they're generally kept on classified systems.

Mr. Somers. So I'm just trying to -- this was -- this was a document keeping track of the case versus a document meant to catalog verification of Steele's allegations? The former, not the latter, as I understand it.

Mr. Somers. Do you know if FBI had input into this document or is this wholly a CES product? I understood it to be something that the DOJ line attorney was using to track what was going on in the matter.

Mr. Somers. So it definitely, from the description in the IG report, had information about Carter Page. Do you recall for that information about the other three cases in it?
Not a specific reference --

Mr. Somers. I shouldn't say "cases." I should say "investigations."

Investigations, yeah. Not specifically, but I do recall that the line attorney was working on multiple investigations.

Mr. Somers. Now, you don't know when this document -- did you ever input anything into this document, edit the document?

I don't believe so.

Mr. Somers. Was it something you had access to, or was it something just that the line attorney was preparing?

I think it was his document. I'm not sure we had the ability to share anything like that anyway.

Mr. Somers. All right. I think that's all I have on -- if you could just give me one second here.

[Brief pause.]

Mr. Somers. Just another mention here, and I think this is -- this is from the -- I know this is from the IG's report, and I just want to make sure that you concur with this statement from the IG report. I think you and Mr. Laufman -- you're the "they" in this.

What page is this?

Mr. Somers. I don't happen to have the page with me, but -- I'm sorry I didn't write that down, but there's a
"they" and an "us." The "they" is -- well, I can start it earlier than that. "NSD's Counterintelligence Export Control Section representatives attended the primary sub-source January 2017 interview. Section Chief David Laufman and his deputy section chief told us that they did not recall discussing the interview with OI officials afterwards. They told us they did not have knowledge of the information in the Carter Page FISA applications at the time, and that they were not sufficiently familiar with the Steele reports to have understood there were inconsistencies between the primary sub-source and Steele."

Accurate characterization by the IG?

Yes.

Mr. Poe. (Off audio.)

Oops, sorry. I cut someone off.

Mr. Poe. You cut off your lawyer, but that's okay.

You've answered the question.

[Laughter.]

Mr. Somers. I'm sorry. I think we just got cut off there, and we didn't hear it in the room at least. Do you believe that's an accurate characterization by the Inspector General?

Greg, did you want to say something? I'm sorry.

Mr. Poe. No, I don't. Go ahead.
Back to your question, yes, I think that's accurate.

Mr. Somers. Okay. Now, it does say in that quote, it says, "at the time." At a later time, did you realize that there were inconsistencies between the Steele reporting and what you learned during the primary sub-source interview?

Mr. Poe. This is -- this is Greg Poe. Mr. Somers, I mean, the reason I was going to interject before was just that it would be useful if you're quoting from a report, that have access to see what you're quoting from.

Mr. Somers. Yeah, it's in the -- if you could give me a moment.

Mr. Poe. Sure.

Mr. Somers. It's in the IG report. I just am looking at two documents, and so I don't have the -- it's on page 247 of the IG report.

Is it the second full paragraph? No, sorry.

Mr. Somers. Yeah, second full.

Yeah. Second full paragraph, yeah.

Mr. Somers. Yeah, that's what I was --

Let me just look at that quickly.

Mr. Somers. Yeah, yeah, please go ahead.

[Brief pause.]
Okay. I just looked at that paragraph.

Mr. Somers. So I guess what I was looking at is the quote there, or I guess it's not a quote, but the IG report says at the time, you did not have sufficient knowledge of the Carter Page FISA applications and were not sufficiently familiar with the Steele reports to identify inconsistencies between what you learned at the primary sub-source interview and what was in the Steele reporting. I guess what my question is, is after the time, at a later time when you maybe became more familiar with the Carter Page FISA applications or -- and/or the Steele reporting, did you come to the realization that you learned things in the primary sub-source interview that there were -- could've been understood to be inconsistencies between the primary sub-source and Steele?

Mr. Poe. Mr. Somers, let me just interject one second. I just want to make sure we're talking about -- you're identifying the time frame, you know. Are you talking about up through, you know, for example, up through April of 2017, or are you talking about up to the present date, and that could -- that could obviously affect the -- what an appropriate answer would be.

Mr. Somers. No, I think what the IG is getting at here, what I understand it to say, is that when [REDACTED] was in the primary sub-source interview, he had neither the
knowledge of the Carter Page FISA application or
Christopher Steele's reporting to know that there were --
there possibly could be inconsistencies between what the
primary sub-source was telling the FBI and what was in
either the Carter Page FISA application itself or the
Steele reporting. So he wouldn't have realized at the time
of that interview that there were inconsistencies. And I'm
asking him, looking back on it, knowing what he learned in
that interview and knowing what he may or may not know now,
whether he realizes that there were inconsistencies based
on his present knowledge of --

Mr. Poe. Well --

Mr. Findlay. You're asking him his knowledge up
through today where he could've read the IG reports and
that -- I mean --

Mr. Somers. I'm asking his -- yeah.

Mr. Findlay. It seems like the back end of April, to
Mr. Poe's point --

Mr. Somers. We could --

Mr. Findlay. -- would be more appropriate. I mean, if you want to know whether he's read the IG report where
the IG talks about those inconsistencies, that just seems
like a --

Mr. Somers. Well, he was in --

Ms. Sawyer. Yeah, I --
Mr. Poe. Also, Mr. Somers, I don't want to step on
Mr. Findlay. But Mr. Somers, that -- this interview is
limited by agreements to historical facts, not views that
that he may have retrospectively based on after acquired
knowledge through the press or other sources.

Mr. Somers. Yeah, I'm asking him about the historical
interview, and -- we can -- we can limit it. Let's limit
it to by April 2017. Would that statement still -- would
"at the time" in that statement also cover all the way to
April of 2017?

May I answer that one?

Mr. Findlay. I think that's fine. So you're asking
for the delta between January and April.

Mr. Somers. Yeah, I'm asking from -- so when you were
in the interview, you didn't have enough knowledge, and I'm
-- what I'm asking you is, did you gain enough knowledge by
April of 2017 to know that there were inconsistencies.

Ms. Sawyer. If I might. Sorry. I just want to raise
a point, Zach, not -- just to make clear on the record
that, vis-a-vis the document that reflects the January
interview, I think it's fair to say that the majority and
the minority do not share the same view as to whether or
not that document exposed any inconsistencies between what
the primary sub-source -- at least the version that we have
does not expose inconsistencies in what the primary sub-
source may have said in that interview and the Steele reporting. So I just want to make that clear on the record.

Mr. Somers. Yeah, I'm not -- I'm not -- I'm sorry. I'm not trying to characterize my view of the document. I'm trying to look at Inspector General Horowitz's view of the document.

Ms. Sawyer. Yeah.

So the question is, is there -- was there any change between January when the interview took place and April of 2017 as to my understanding of inconsistencies between what was said in that interview and the FISA application? Is that right?

Mr. Somers. Or the -- or the Steele reporting, yeah.

Or the Steele report. My answer to that is, no, I don't have any -- I can't draw any distinction between January and April on that point.

Mr. Somers. Okay. I think that's all I have, and we'll see if there's a further -- any further follow-up questions after the minority. Do you all want a break or --

Ms. Zdeb. Why don't we take a quick break?

Mr. Somers. Let's take 5 minutes.

Court Reporter. Off the record.

[Off the record at 11:36 a.m.]
[On the record at 11:49 a.m.]

Mr. Charlet. And Heather?

Ms. Sawyer. Yeah, sorry. I am here. I had it on mute so the -- I wouldn't disturb with any background noise, but I'll go ahead and unmute it just in case.

Mr. Charlet. Okay. Well, the time is 11:49, and we can go back on the record. Good morning, and thank you for being here. We just have a few questions, and I'm going to start a little bit more generally.

As you know, from the DOJ Inspector General's report issued -- or -- I'm sorry -- the DOJ Inspector General issued a 400-page report in December of last year titled, "Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation." The report detailed the results of a 2-year investigation into the same topics that we're addressing today. According to the report, the IG examined more than 1 million documents and interviewed more than 100 witnesses, including Christopher Steele and numerous current and former government employees. Did you cooperate with the Office of Inspector General investigation?

[Redacted] Yes.

Mr. Charlet. Were you interviewed as part of that investigation?

[Redacted] Yes.
Mr. Charlet. How many times? Once? More than once?

Once.

Mr. Charlet. And for how long approximately?

No more than 2 hours.

Mr. Charlet. Did you provide complete, truthful answers to the questions OIG asked during the course of your interview?

Yes.

Mr. Charlet. Did you or did the Justice Department provide OIG with documents related to your involvement with the Crossfire Hurricane investigation?

I had already left the Department, so I think the Department provided documents to the IG.

Mr. Charlet. Okay. Did you personally then ever hear OIG complain that it needed more information from you?

No.

Mr. Charlet. And did you ever hear OIG complain that it didn't get the documents it needed related to your involvement?

No.

Mr. Charlet. Okay. Did you have an opportunity to review the OIG report before they finalized and published it, at least the portions that involved you?

No.

Mr. Charlet. And when did you first see the portions
that involved you in the OIG reports?

Mr. Charlet. And you were not part of the Crossfire Hurricane investigative team, correct?

I don't know. I don't believe -- I don't know if there was ever such a formal designation, but I don't -- I don't believe I was on the team, so to speak.

Mr. Charlet. Okay. More specifically, you played no role in the investigations of Paul Manafort, Michael Flynn, Carter Page, or George Papadopoulos.

No role. I was aware of what the FBI was doing. They were briefing on the case, so you might have to be more specific.

Mr. Charlet. Sure. To clarify, you did not have active involvement, other than attending the January 2017 primary sub-source interview and sitting in meetings where you received updates. Is that correct?

I think that's correct, and on the updates, I would include the questions I was answering most recently about the line attorney in our office in the spring of 2017, who was working more actively on the matter and getting briefings there as well.

Mr. Charlet. Okay. Okay. Our committee held a 6-hour hearing with Inspector General Horowitz following the
release of his 484-page report. A number of allegations were made against the FBI during that hearing and subsequently repeated at other hearings and meetings of the committee. We believe the allegations were investigated and answered by the Inspector General, but I'm going to ask you a series of questions about them because we continue to hear these allegations from people who do not have firsthand knowledge or evidence about what happened during Crossfire Hurricane.

The Inspector General found that there was no documentary or testimonial evidence of bias impacting the FBI's work in Crossfire Hurricane. Nonetheless, there have been allegations that there was "tons of evidence of bias." Aside from attending some general briefings and obtaining some updates, your involvement in Crossfire Hurricane was limited to attending a portion of the FBI's January 2017 interview of Christopher Steele's primary sub-source, correct?

Yes.

Mr. Charlet. Okay. Did political bias impact any of your actions in connection with this interview?

No.

Mr. Charlet. Did political bias ever impact any of your other actions during your time at the Department of Justice?
No.

Mr. Charlet. Do you have any evidence that political bias otherwise impacted the FBI or DOJ's work in Crossfire Hurricane?

No.

Mr. Charlet. It has been alleged that the FBI engaged in a "massive criminal conspiracy over time to defraud the FISA Court." Do you have any evidence that the FBI engaged in a massive criminal conspiracy over time to defraud the FISA Court?

No.

Mr. Charlet. It has been alleged that the FBI "purposely used the power of the Federal Government to wage a political war against a presidential candidate they despised." Do you have any evidence that the FBI agents purposely used the power of the Federal Government to wage a political war against then candidate Donald Trump?

No.

Mr. Charlet. Do you have any evidence that the FBI was attempting a coup against President Trump?

No.

Mr. Charlet. Do you have any evidence that the Crossfire Hurricane investigation was a "hoax" or a "witch hunt" intended to hurt Trump politically?

No.
Mr. Charlet. Was your goal to hurt Trump politically?

No.

Mr. Charlet. What was your goal?

To support the FBI and its investigative activities as we did in any case.

Mr. Charlet. Do you have any evidence that Crossfire Hurricane was part of a "deep state effort" to take down President Trump?

No.

Mr. Charlet. There have also been allegations that the purpose of the Crossfire Hurricane investigation was to change or nullify the results of the 2016 election. Do you have any evidence that the goal of Crossfire Hurricane was to change or nullify the results of the 2016 election?

No.

Mr. Charlet. There have also been allegations that Crossfire Hurricane was composed of people who hated Trump and who had "an agenda to destroy him before he was elected and after he was elected." Did you personally have an agenda to destroy Trump at any point either before or after he was elected?

No.

Mr. Charlet. Do you have any evidence that the goal of Crossfire Hurricane was to destroy Trump before or after he was elected?
Mr. Charlet. Do you have any questions?

[Brief aside.]

Mr. Charlet. Does Ms. Sawyer have any questions?

Ms. Sawyer. Yes, I just have a couple, and I think I'm on. Can you guys hear me okay?

Mr. Charlet. Yes.

Mr. Somers. Yep.

Ms. Sawyer. Great. Well, thank you for your patience for dealing with this Webex. I think you -- everyone has done an admirable job navigating the video, and, Bentley, thank you for all your work with that. Just a couple questions to put a slightly finer point on it. Just to be clear, did you ever personally recommend any investigative steps with regard to the Crossfire Hurricane investigation?

I don't think so, no.

Ms. Sawyer. And did you ever launch an objection about any investigative steps that were taken by the FBI or DOJ related to the Crossfire Hurricane investigation?

No.

Ms. Sawyer. And during the interview portions of which you sat in on, did you ever suggest or recommend any questions that were posed to the primary sub-source?

No, I don't think so. I don't recall asking anything.
Ms. Sawyer. And did you recommend to either the FBI agent or analysts that they ask any particular questions?

No, they were -- they were leading the questioning and handling it.

Ms. Sawyer. And that's really all I had, and thank you again for your time and for working through the logistics of this interview with us.

Of course.

Mr. Charlet. That's all for the minority's questions.

Mr. Somers. Are you able to see me up here, this camera up here? You can hear me, though.

Yeah, I can hear you, and it's zooming in on you now.

Mr. Somers. All right. Sorry. I just have a -- just a quick question. I'm not able to find any declassified information to ask you the question I was asking you earlier about where the primary sub-source lived. I would note that other people we've interviewed have been able to answer, or at least one other individual we've interviewed has been able to answer that question, but I will leave it alone. I do have -- in searching through that, and I'm not trying to trip you up or anything. I'm just trying to understand what I'm looking at on a document versus what you said earlier.

The document I'm looking at here, which is a 57-page
summary of the -- now, this is only question I have for you, unless Art has something. It's an FD-1057, and I believe it's a compilation of three 302s. This document indicates that the interview that you took part in or attended took place in the Washington Field Office interview room. You had indicated earlier that it took place at the lawyer's office. I'm just trying to sort out the confusion or the difference.

I have no recollection of that interview occurring at that FBI -- at the Washington Field Office. I recall it being in a conference room at this sub-source's attorney's offices near Dupont Circle.

Mr. Somers. So you have -- you have no recollection of it occurring at the Washington Field Office. I mean, the only thing that would occur to me of why it would occur at the Washington Field Office is just because they would have a SCIF at the Washington Field Office. But your recollection is -- and I'm not -- I have no reason, other than I'm looking at the document, that notes that it occurred in the -- I believe this is what this means to say, is that occurred in the FBI Washington Field Office interview room. That occurs on page 22 and page -- my copy is really bad -- it looks like 40 -- for January 25th and January 26th of 2017, but --
Mr. Somers. Go ahead. I'm sorry.

Twenty-two and 40?

Mr. Somers. Yeah, 22. It says -- I think that's 22.

Yeah, I see it. I can just tell you I don't think that's accurate, but you can -- you could correct me if I'm -- if I'm wrong on that.

Mr. Somers. Yeah, I'm just asking for your recollection, and that's a -- do you have anything?

Mr. Baker. No, I was just going to say thank you for appearing today, and thank you for your service at DOJ, and thank your counsel, Mr. Poe, for coordinating your appearance with the committee. Thank you.

Mr. Poe. Thank you.

Mr. Somers. Yeah, that's a -- you guys are -- I think that's all. Thank you for coming -- well, for getting in front of your computer and speaking with us this morning. I think this worked out relatively well, although I don't know I'd want to do it with a much longer interview. So thank you, and thank you, Mr. Poe, for making your client available.

Mr. Poe. Thank you, Mr. Somers. Thank you, Mr. Baker. Thanks all.

Appreciate it. Bye bye.

[Whereupon, at 12:02 p.m., the interview was concluded.]
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Notice Date:
Deposition Date: **September 18, 2020**
Deponent: **Deputy Section Chief, CES**
Case Name: **Senate Judiciary Committee**

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Tuesday, March 3, 2020

Washington, DC

The interview in the above-entitled matter was held in 224 Dirkson Senate Office Building, commencing at 10:10 a.m.
APPEARANCES:

For the SENATE JUDICIARY COMMITTEE:

MAJORITY STAFF:
ARTHUR RADFORD BAKER, Senior Investigative Counsel
ZACHARY N. SOMERS, Chief Investigative Counsel
LEE HOLMES, Chief Counsel and Staff Director
GABRIELLE M. MICHALAK, Investigative Counsel

MINORITY STAFF:
SARA ZDEB, Senior Counsel
HEATHER SAWYER, Staff Director & Chief Counsel
CHRISTINA CALCE, Counsel
ALEX HASKELL, Counsel
APPEARANCES (Continued):

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APPEARANCES (Continued):

FOR THE U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

, Assistant General Counsel

, Assistant General Counsel

, Counterintelligence Law Unit Chief

, Section Chief, Litigation Section
P R O C E E D I N G S

Mr. Somers. Good morning. This is a transcribed interview of [redacted]. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee into matters related to the Justice Department and the Federal Bureau of Investigation's handling of the Crossfire Hurricane investigation, including the applications for and removals of a Foreign Intelligence Surveillance Act warrant on Carter Page.

Would the witness please state his name for the record?

The Witness. [redacted].

Mr. Somers. On behalf of Chairman Graham, I want to thank you for appearing today and we appreciate your willingness to appear voluntarily.

My name is Zachary Somers. I'm a majority chief investigative counsel for the Judiciary Committee. I will now ask everyone else who is here in the room to introduce themselves for the record, except for [redacted] personal counsel who we'll get to in a few moments.

I will start to my right with Art Baker.

Mr. Baker. Arthur Baker, senior investigative counsel, Senate Judiciary Committee,
majority staff.

Mr. Holmes. Lee Holmes, Chairman Graham's chief counsel.

Mr. Ventura. Christopher Ventura, associate counsel, Senate Judiciary Committee.

Ms. Waldon. Elliott Waldon, investigative counsel, Senate Judiciary Committee.


Ms. Zdeb. Sara Zdeb, senior counsel, Senate Judiciary, minority staff.

Mr. Haskell. Alex Haskell, counsel, Senate Judiciary, minority staff.

Ms. Calce. Christina Calce, counsel, Senate Judiciary, minority staff.

Ms. Sawyer. Heather Sawyer, Senator Feinstein's chief counsel.

EXAMINATION BY MAJORITY STAFF

BY MR. SOMERS:

Q. The Federal Rules of Civil Procedure do not
apply in this setting, but there are some guidelines that we follow that I'd like to go over.

Our questioning will proceed in rounds. The majority will ask questions for the first hour, and then the minority will have the opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more questions and the interview is over.

Typically, we take a short break at the end of each hour of questioning, but if you would like to take a break apart from that, please let me know. We will also break for lunch at the appropriate point.

As I noted earlier, you are appearing today voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that you decline to answer our questions or if counsel instructs you not to answer, we will consider whether a subpoena is necessary.

As you can see, there's an official reporter taking down everything that is said to make a written record. So we ask that you give verbal response to all questions.

Do you understand that?

A. I do.

Q. So that the reporter can take down a clear
record, it is important that we don't talk over one another or interrupt each other if we can help it.

The committee encourages witnesses to appear for transcribed interviews to freely consult with counsel if they so choose. And you are appearing today with counsel.

Mr. Somers. Would counsel please state your name for the record.

Mr. Berger. Lawrence Berger, counsel for Mr. Gruenstein. Benjamin Gruenstein, also counsel for

BY MR. SOMERS:

Q. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time. If you have any questions or if you do not understand one of our questions, please let us know.

If you honestly don't know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection and it is okay to tell us if you learned the information from someone else. If there are things you don't know or can't remember, just say so and please inform us who, to the best of your knowledge, might be able to provide
a more complete answer to the question.

You should understand that although this interview is not under oath, you are required by law to answer questions from Congress truthfully.

Do you understand that?

A. Yes, I do.

Q. This also applies to questions posed by congressional staff in interview.

Do you understand this?

A. Yes, I do.

Q. Witnesses who normally provide false testimony could be subject to criminal prosecution for perjury or for making false statements.

Do you understand this?

A. Yes, I do.

Q. Is there any reason you are unable to provide truthful answers to today's questions?

A. No.

Q. Finally, we ask that you not speak about what we discuss in this interview today with anyone who is outside the room in order to preserve the integrity of our investigation.

That is the end of my preamble. Do you have any questions before we begin?

Mr. Berger. His answers will be to the
best of his knowledge.

Mr. Somers. Yes.

Mr. Berger. Okay.

BY MR. SOMERS:

Q. It's now about 10:15 and we will get started with our first round of questions.

Have you read or reviewed the IG's report on the Crossfire Hurricane investigation?

A. I have.

Q. Just for the record, in that report you're identified as handling agent 1?

A. Correct.

Q. Other than your attorney and the attorneys for the FBI that are present in the room here today, did you speak with anyone in preparation for today's interview?

A. No.

Q. When did you retire from the FBI?

A. August of 2019.

Q. What was your position when you retired?

A. Supervisor -- supervisory special agent -- acting supervisory special agent out of the New York office.

Q. New York Field Office?

A. Yes.
Q. Did you have any particular section you supervised?

A. I ran the money laundering investigation.

Q. Okay. Then I think we kind of want to start this, you met Christopher Steele in 2010; is that correct?

A. Yes.

Q. What was your position at the FBI when you met Christopher Steele?

A. At that point, I was the supervisor of the Russian organized crime out of New York Field Office.

Q. Could you walk us through briefly, so from when you met Christopher Steele until you retired in 2019, what positions you held at the FBI.

A. So I was the supervisor of the Russian organized crime in New York from 2009 until late -- late 2009 until May of 2014, at which point I transferred to assistant legal attache in our office in the embassy in .

After that, I returned to the New York Field Office where I became a supervisory special agent of the money laundering investigation.

Q. And when was that?
A. That was August of 2017. And then I remained in that position until I retired in August of 2019.

Q. Could you tell us a little bit more about your position in [redacted]? What were you responsible for in that position?

A. So I was responsible for, as were the other ALATs -- there were two or three ALATs and LEGAT -- responsible for representing the FBI to authorities' criminal national security and also private sector in terms of all the programs that the FBI engages in, which in [redacted] were most of the programs from criminal to national security. My primary focus was criminal. However, all of us took part in various aspects of what the entire office did. At one point I supervised -- for about six months -- supervised the office.

Mr. Baker. What is the area of responsibility for the [redacted]?

The Witness. It is [redacted], [redacted], and that is it.

Mr. Baker. Thank you.

BY MR. SOMERS:

Q. And could you tell us -- so the IG report indicates that you signed Christopher Steele up as
a -- formerly as a confidential human source when you
switched over to your position as ALAT in [redacted]. What
necessitated you having Christopher Steele as a CHS in
the ALAT position?

A. So when I actually received the position, I
was told by the assistant director at the time that his
goal was to have the attaches act as agents overseas
and that they were promoting the development and
handling of sources internationally, done obviously
within policy and where we could do so. But to do that
and proactively seek to handle sources.

Being that Christopher Steele, who was
opened as a source originally while I was the
supervisor of [redacted] the Russian organized crime
New York, being that he was in London and I was
going to [redacted], it would make sense from a logistical
standpoint to open up him as a source while I was in
Rome.

And let me just add. In addition, knowing
that an important part of the mission [redacted] was
Russian organized crime, for [redacted], it was a
primary focus on their transnational organized crime
program from their [redacted] with whom we
had a very good relationship [redacted]. And
then for us as well, transnational organized crime
primarily [redacted], was a priority within the organized crime program for the FBI. [redacted] provided us an opportunity to engage with [redacted] very proactively in addressing that mission.

Q. Was there any pushback from like, say, the ALAT or the legal attache in London for you handling a source that was in -- not in country?

A. The answer is no.

BY MR. BAKER:

Q. Who was the assistant director that put that into motion?

A. It was -- [redacted] was the assistant director at the time of IOD and his -- the IOD --

Q. IOD stands for what?

A. International operations division. Depending on the assistant director, the way they addressed the threats in the mission, you know, may go one way or another. And [redacted] motivation was to be proactive in addressing the threat.

Q. Is it IOD that supports, for lack of a better word, the Legat program? What does IOD --

A. So the Legat program falls underneath IOD. IOD runs all of the LEGATs overseas.

Q. So you would report to someone in IOD in your responsibilities?
A. As an attache?
Q. As an attache?
A. I reported to the LEGAT, who was physically present and then there was the IOD chain, that supervisor in -- country supervisor, unit chief, section chief, so on.
Q. So what would you report to the LEGAT and what would you report through the IOD chain?
A. My day-to-day business was reported through the LEGAT.
Q. Okay.
A. So the LEGAT, for all intents and purposes, the supervisor of the office. He was my direct supervisor. So everything I did went through the LEGAT.
Q. But would you also report certain things back to IOD that related to programs that the bureau would be interested in? Like you said Russian organized crime was big in your area of responsibility. Would that be reported back?
A. So the LEGAT was aware of what we were doing. And then, yes, there were desks here in Washington in IOD that would, I guess, work with their desks in other programs, whether it be national security or criminal in headquarters.
Q. Okay. I just to elaborate on the very last part there.

So if you funneled or reported some programmatic information back to IOD, then they could look at it, digest it, and figure out what division in the FBI it might be more appropriate to also see what you've reported back to IOD?

A. They could. But I also, and we also, dealt directly with the substantive desks of the actual program. So we dealt with -- for example, I dealt with criminal desks in transnational organized crime. The men and the women who were doing CT or CI were dealing directly with the CT or CI desks in the substantive units here in headquarters.

Q. So you as a legal attache or ALAT, you could directly call the counterintelligence desk or --

A. We could and we did regularly.

Q. Okay. And that would not be breaking the chain with IOD.

A. No, no.

Q. That would be encouraged to hotline the information?

A. Yes.

Q. Okay. When you would deal with IOD, did
you, at the ALAT level, deal with __________ or did you deal with someone at a lower level --

A. No.

Q. -- or did it depend on what the topic was?
A. I dealt with whoever the desk supervisor or unit chief would have been at the time.

Q. Do you recall who that was?
A. I don't. They changed relatively often.

Q. And that would be like a unit chief level?
A. Supervisory or unit chief level.

Q. Okay. So supervisory special agent or --
A. Yes.

Q. Unit chief. Okay. Thank you.

BY MR. SOMERS:

Q. Did you ever -- I'm not asking who they are -- but did you have other confidential human sources while you were at ALAT?
A. Yes.

Q. How many approximately?
A. I think a total of three, including Steele, I think at one point.

Q. What does it mean to be the handler of a confidential human source?
A. You are responsible for the administrative handling of the source, the paperwork. Doing all the
appropriate checks, opening the source, doing the paperwork to open, and then dealing with the source and tasking the source and receiving information from the source. And then ensuring all the guidelines, AG guidelines are followed and that bureau policy is followed.

Q. When you receive information from a source, what do you do? How do you -- if you're not the guy that's going to investigate the information received from a source, how do you transmit that out?

A. So it depends. You may receive information that you know there might be an active investigation ongoing at that point and you will deal directly with the case agents possibly in the field office or the squad, wherever that may be.

Or if you don't know -- at times you'll receive information that -- source information varies from useful to completely unuseful and everywhere in between. It's your job to take the information in and get it into the system. If you are aware of an investigation, obviously, get it to that investigation and then push it through to the pipe -- through the pipeline.

Q. And how does it typically go? Is it more the source is coming to you with stuff or you're
reaching out? What's the typical --

A. Again, it depends. If I have a requirement or a request say that I know that a certain source is involved in a certain sector that I need information on, I will ask the source can you find out information about this? This is very general. So tasking the source. In which case the source may come back I found something or I don't have something or somewhere in between. Or at times sources will often show up and say I've got this for you.

Q. So a source comes to you with information, let's say, and you did -- it's someone in the New York Field Office, for instance, that would be the person that would want to investigate the source's information. What's your relationship and what's the relationship of the source to that agent in the New York Field Office?

A. So I am the -- as the source handler, I'm the go-between. If an agent -- if the source is providing useful information to the agent, first you have to determine what type of source is this. Is this source a witness in that investigation? If so, the source will no longer be a confidential human source. The source will become a witness and that agent -- case agent or case agents will deal directly with the source
and that confidential relationship is gone just by
nature of the criminal organization. And I say
criminal because I don't have much experience with the
national security side.

    Or, if that source is not a witness, but
just in a position where he or she can provide
information that is of value to the investigation, lead
value, can answer some questions that -- you know, this
source will not be a firsthand witness put on a witness
stand, then the case agents will go through the source
handler and say, hey, we have some questions. Can you
get these to your source? Or they may say can we meet
your source and sit down with your source and flesh out
some questions.

    Q. So you had -- and I don't want to get too
in detail -- but you did have a meeting in October with
case agents and Christopher Steele directly. Had you
had -- had he had meetings previous to that meeting on
other cases with -- directly with agents?

    A. Not --

    Mr. Gruenstein. October '16.

    BY MR. SOMERS:

    Q. October of '16.

    A. October of '16, we had a meeting with the
Crossfire Hurricane agents?
Q. Yes.
A. Not before with the Crossfire Hurricane --
Q. Just in general.
A. He had met other agents [REDACTED]. And other agents in the LEGAT's office to talk about other matters unrelated.

Q. Was that typical for other sources you handled as well?
A. Yes. It was also -- I was fully aware that depending on the source, depending on the information, depending on the investigation, there was always a possibility that if the source's information was that good or direct, the actual case agents who were running that investigation would need to then handle the source. And that relationship then would be established.

Particularly on a very -- on a large or important or sensitive investigation, if the source has particularly useful information, the handler who is just the handler, not involved in the investigation, is then, for lack of a better term, cut out and that source then has a relationship with that team.

Q. For that investigation. You could still handle him for --
A. At that point then, it would just be -- you
know, once they're with that team, then that's it.

BY MR. BAKER:

Q. Would they be officially transferred over administratively to the new agent?

A. So in my experience, yes. And, again, in those instances, more often than not, it was the source who would then become a witness in the investigation. So then the natural course of investigation and a witness would just take place and that would be it.

BY MR. SOMERS:

Q. Is that more -- is that common or is that more not the norm?

A. It's not that it's not the norm. It's normal, but it's not common. Because that generally happens if you've got a source with really good information who's very well placed and at the same time a very important investigation that's going on.

Q. Would you ever, as a case agent or -- I'm sorry, a handling agent -- let me back up.

Are you required as an investigator, as a special agent, are you required as part of your evaluations, your considerations for promotions or whatever, are you required to have sources?

A. In terms of promotions, no. In terms of evaluations, this is one of the things where, you know,
it depends -- in 24 years at the bureau, that question was up and down. One year, yeah, everybody has to have a source. Next year, it's not about the quantity of sources, it's the quality of sources.

So objectively, they didn't use your source base to determine promotional opportunities.

Q. Would there ever be a reluctance from a handling agent, if you had a really good source, one of these ones that you're talking about that is spot on for somebody else's case --

A. Right.

Q. -- but you have taken the effort to cultivate and do the administration and you've got a really good source.

A. Right.

Q. Is there ever a reluctance to do that transfer over?

A. Well, there's always --

[Redacted]. Mr. Speaker, if you're asking him about his personal knowledge of it? Sure. If you're asking about --

Mr. Baker. Personal knowledge.

[Redacted]. -- general reluctance from the other agent population?

Mr. Baker. No.
Mr. Baker. He's indicated he has 24 years experience. I'd like to tap into that. Your experience.

The Witness. So my personal experience as a source handler, personally, if you're developing a good source, you've done just that. You've done a lot of work to get that to that point, we're now running a good source who provides good information. And that's what it's about as an agent or the source handler is getting quality intelligence and information so the bureau can do what it's supposed to do.

You don't want to give up a good source. However, I always recognized that there would be that opportunity or possibility if it arose. And so be it. That's just the way it goes. You know, that's my personal attitude about it is if it is -- the source is that good, there may be someone out there that has something going on that is important enough where that source now becomes somebody else's source. I recognize that and, you know, my attitude was if it happens, it happens.

BY MR. BAKER:

Q. Would it be fair to say during the course of your career you open and close a lot of sources that
don't really pan out when you initially open them to really provide much of anything and that's more common than the one that we've just talked about that you really want to keep because they're really providing information that's of interest to the FBI?

A. You open more sources that you wish you never opened than you do ones you hope you never have to give up.

Q. And is it fair to say there's a lot of administrative work that is time consuming managing a portfolio of sources of whatever quality?

A. 100 percent yes.

Q. Thank you.

BY MR. SOMERS:

Q. You mentioned a few moments ago that you didn't have much experience in national security cases, I think. Had you ever worked on a case before where a FISA was involved?

A. The only time before this was after 9/11, I had an informant who had information that was utilized to support a FISA out of one of the field offices. I was in New York at the time. I think the FISA was -- and I'd be guessing if I told you where I was. But that was the only other time. And all that was was dealing with the case agent to get some questions
answered, provide some information, and get it to the case agent.

Q. You said informant. Just to be clear, was it that a confidential human source or was that less than a confidential --

A. At that point, it was CI or CW. CHS, confidential human source, is -- it's not relatively new, but it was a different designation. I forget what year they changed it.

Q. But equivalent of Christopher Steele?

A. Same thing.

Q. And did you review information in that FISA application?

A. No.

Q. Did you provide a source description?

A. Yes.

Q. Characterization statement?

A. Yes.

Q. Did you review that before it was submitted?

A. I reviewed it before I sent it out to Arizona -- not Arizona. I forget where it was again. But, yes. Wherever -- they ask, tell us about your source. And what's the information. We get the information and then give us a general statement about
the source.

Mr. Baker. When you say they ask --

The Witness. When I say "they," the case agents who were preparing the FISA. Now, I don't -- I never reviewed a FISA. I don't know if they actually used that information in the FISA. I have no idea. But that was the only time I have any kind of experience with another FISA.

BY MR. SOMERS:

Q. Did you understand that to be a requirement when you submitted that source --

A. The source characterization --

Q. -- source characterization statement?

A. Yes. I say that because I have experience doing them as wiretaps and utilizing source information wiretaps and understanding that the application process requires when you're talking about and using source information characterizing your source. You have to.

BY MR. BAKER:

Q. The people you provided the source characterization to, did they use what you provided verbatim or did you subsequently learn that it was changed?

A. This is back in 2001?

Q. Yes.
A. I don't know what they did with it. And that's what I'm saying, I don't know ultimately if they used it or not. I had some initial conversations about the information, getting them the information, a little bit about the source. Okay. And that was it. So I don't know what happened after that. I couldn't tell you.

Q. And later in time --

A. Later in time, I never learned what had happened.

Q. Okay.

BY MR. SOMERS:

Q. You don't even know if they used the source information in the FISA?

A. I don't.

Q. Have you ever been involved -- the Crossfire Hurricane case was designated as a sensitive investigative matters. Have you been involved in any other SIMs in your career?

A. Only involved -- well, personally as a case agent? No.

Q. As an ALAT?

A. As an ALAT, no. As a supervisor prior to retiring, we -- and I won't get into the case, but it was completely unrelated. The case was designated as a
SIM off of my squad.

BY MR. BAKER:

Q. And for the record, SIM stands for what?
A. Sensitive investigative matter. There are particular categories of cases or subjects that fall under the DOJ DIOG policy that they have to be characterized.

Q. So there's something about the case that makes it sensitive?
A. Something about the case or the subject.

Q. And DIOG is what for the record?
A. Well, that's the DOJ guidelines as to running investigations.

BY MR. SOMERS:

Q. So according to the IG report, and I think you've acknowledged you met Christopher Steele in 2010, and then you opened him formally as a confidential human source in 2013?
A. Right.

Q. What was the relationship between 2010 and 2013?
A. It was informal. We spoke a couple of times, met a couple of times. During that time after -- in 2009, I was assigned to the Russian OC with the intent of engaging and developing higher
level cases more, sophisticated cases that Eurasian organized crime groups were involved in. Transnational money laundering fraud, much more sophisticated frauds than at the time had been doing.

With that was developing sources to tap into the levels of criminals who were doing that. Russian and Eurasian oligarchs, businessmen, international businessmen who worked with these individuals. And so I met Christopher Steele, I was introduced to him by Bruce Ohr, who at the time was here at was at DOJ as the transnational organized crime -- I forget what his exact title was. But he was the czar, for lack of a better word, for transnational organized crime. And he contacted and said I have an individual who you should meet who can probably tap into some information that you guys are hoping to develop or could develop.

So I met him in, I think, April of 2010. That was the first time. Before -- from 2010 to 2013, I spoke to him a couple of times. I traveled to London a number of times with agents on the squad and sometimes prosecutors for other invest -- for investigations. And then at times, not every time, but a couple of times when I was there we would meet, talk. He provided information voluntarily to us once in a
while without being tasked.

In 2013 -- he had also in 2010, one of the times we were there, introduced myself and another agent and Bruce Ohr to at least one, possibly two individuals who provided information regarding the FIFA investigation, which was not -- there was no investigation at that point. But provided information regarding corruption within the highest levels of FIFA, including an individual who was based in New York City. That -- those introductions were the precursor and actually for us gave us the information that we needed to start the FIFA investigation.

Q. Is there a -- I'm just trying to probe a little bit the difference between him -- kind of the informal relationship, the formal relationship. For instance, could you task him while he was in the informal relationship or he did he have to be a CHS to be tasked?

A. Well, you can ask questions of anybody, but he was not being officially tasked. He knew what our interests were. His motivation was twofold. You know, he had started recently -- and I'm not sure exactly when -- a corporate intelligence firm, which he -- which was focused on Eurasian businessmen and companies. And in the course of that, he had
information regarding Eurasian organized crime that, as he related to me, his prior service wasn't interested in it. He didn't want to engage with the agency. And it was useful and he wanted to have somebody see it and if they could use it, great.

The second motivation to engage with us was financial, hoping to get paid for information that we would task him to try and find out about.

Q. Was there any motivation that the relationship with the FBI could help his private business?

A. That was not discussed. No.

Q. So you never got the impression that he was -- you know, wanted to be an FBI CHS or have a relationship with the FBI in order to drum up business in any way for Orbis?

A. I never got the impression or understanding or belief that he would use the relationship with the FBI to help his private side of business. And that was never related to me. If it was a motivation, he kept it quiet.

My understanding -- and this is what I believed -- was, again, twofold motivation. One was to give information to a group that would actually use the information because it was good information, and then
two, to get paid for information.

Q. Did he ever request that you connect him with anybody that might help his private business?

A. No.

Q. To the best of your knowledge, was -- do you know whether any Christopher Steele information was used in a FISA prior to the Crossfire Hurricane investigation?

A. If it was, I have no idea.

Q. Do you have any idea whether any of this information was used in a court filing prior to --

A. It was not.

Q. It was not? When was the last time you had contact with Christopher Steele?

A. It would have been November 1st or 2nd of 2016. Or 3rd.

Q. What was the form of that contact? Was that phone, e-mail?

A. It was phone, over the phone. I received an e-mail early in the morning one of those days. I was in -- this was '16 -- I was [redacted] and there was an e-mail from one of the agents involved in the Crossfire Hurricane case who had a link to an article saying did you see this? So I had not. It was the Mother Jones article that was published, again, that
weekend, whenever -- right after -- it was either October 31st, November 1st whatever that was. So I read it.

In that article it was an individual talking about the very information that was contained in the reports and that this information was provided to the FBI in support of their investigation.

It didn't name Christopher Steele, but it was obvious that that was Christopher Steele. I read that. My first reaction was to reach out to Christopher Steele. And I don't know if I spoke to him that day. If not, it was the very next day. And I got him on the phone and I said did you see this article? Yes. My first question was, was that you? Meaning were you the source for that article? Yes, I was. At which point then it just -- everything changed. And that was the last conversation I ever had.

Q. Did you determine or close him or whatever word we want to use on that phone call?

A. So on that phone call, I said this changes everything. I said we're not going to be able to go forward from here on out. And I told him specifically you're not to collect any information on behalf of the FBI.

So in terms of the relationship, my
dealings with him, that was the last I've ever dealt with him, that's the last I ever spoke to him. He was closed administratively, meaning with the paperwork, maybe -- I want to say two weeks later, possibly.

Q. But there was no follow-up, yeah, you are closed? That was it?

A. That's the last time I spoke to him.

Q. Has he tried to reach out to you since then?

A. No, he has not.

BY MR. BAKER:

Q. I want to back up just one second. Your opinion, your experience, you indicated you have 24 years in the FBI. My guess, I could be totally wrong on this, my guess is you don't just raise your hand to be an ALAT or a LEGAT and they send you on your way. I'm guessing you have broad-based program experience, you're a self-starter, you're motivated, you're all the things that they're going to want to put somebody over in a foreign country representing the FBI. Do you speak [redacted]?

A. I do now, yeah.

Q. Okay. What was your opinion on Steele as a source before we get to IG reports and metrics from headquarters and measurements and all that. Just your
street sense, source to keep around?

A. Without a doubt. Productive, providing high-level information that we did not -- you know, for us, in terms of Russian organized crime, tied in with oligarchs, tied in with international businessmen, we did not have many sources who could provide information in that field, in that universe. He did.

Some of his information was corroborated by other sources. The FIFA information he provided and some of the specifics was corroborated by two or three other sources unrelated to him whatsoever. Some of the other information -- you know, the information I received from him I would send primarily to either the New York Field Office and/or the transnational organized crime desk in headquarters. And analysts would review it and at times I would get feedback, some other agency said this is very good information, can you follow up. Once we got an e-mail about -- I forget what the subject matter was -- but, hey, this is corroborated by other stuff.

So, in terms of source, up until this all happened in the summer and fall of 2016, I viewed him as a productive professional source. In handling him, easier than most because he is a former intelligence professional who had done this himself. And if you've
handled sources, you understand that a lot of it can be aggravating on an interpersonal level. This was not. Up until that summer and fall, I had no indication that he was anything other than professional and productive.

Q. And I'm assuming -- correct me if I'm wrong -- that a subset of being productive is you never had occasion to think he embellished, he was false reporting. Again, without regards to any metrics downstream --

A. Right.

Q. -- you, as the handling agent, had no reason to question any of his reporting?

A. None whatsoever. Now, you take a source's information, it doesn't matter who it is, always with more than a grain of salt because it's source information. Unless it's corroborated, it's just that. It's source information.

You know, my background is criminal investigations. To use a source's information, it's great lead and it's good reading, great lead value. But to use it criminally in an investigation it has to be corroborated by other independent means; Otherwise it's just that, it's just a reading and that's it.

So at times, you know, any source, you understand that the source is providing information.
You do not take it for face value, ever. It's just
a -- you know, that's just a basic source handling
tenet. But with him again, nothing up until this whole
thing went bad in 2016 was there any reason to believe
that he was anything other than professional and
productive.

Q. Thank you.

BY MR. SOMERS:

Q. In the 2016 election material, Steele had
the primary subsourse and lots of subsources beyond
that. In -- leaving that investigation aside for a
second, in previous dealings with him, was that a
typical arrangement where he had a primary source and
other subsources?

A. Well, it was known from the beginning. And
when we first met, he had a prior network of sources
and subsources back in Russia and wherever else.
That's where he -- he wasn't getting the information
firsthand. He had his former network of sources and
subsources who -- some of whom were still in place that
he relied upon. That's where the information was
coming from.

BY MR. BAKER:

Q. Is that common when handling a source, that
a source might have subsources?
A. Right.

BY MR. SOMERS:

Q. Did you ever speak to anyone else, for instance, from the British government about Steele's subsource network?

A. Me personally? No.

Q. Did you speak with anyone in the British government about Steele's reliability, his work ethic, anything along those lines?

A. I've never spoken with anyone in the British government about Steele.

Q. What type of feedback did you get from people about Steele, about his work ethic, about who he was?

A. In terms of?

Q. From like former clients maybe.

A. So -- well, Bruce Ohr was the first to introduce us. Bruce had known him and met him a couple of years before at a conference somewhere. You know, his background in terms of where he came from and what his prior activities were, you know, provides a certain level of kind of credibility to the individual before you engage. Particularly in that you're talking with this service, the British services and their closeness to us and obviously their competence, level of
competence. Going in, it's not like developing a guy off the street. There's a different level you start off at.

Q. Did you have any verification like that he wasn't fired from the British government or anything like that?

. I think that gets pretty close to the line of something that's still officially classified, talking about Mr. Steele's actual relationship with any foreign service. We can just stay away from the actual country of origin, please.

Mr. Somers. Okay.

. Thank you.

The Witness. So, again, I've never spoken to --

Mr. Berger. Well, hold on. Let him rephrase the question.

BY MR. SOMERS:

Q. As you read the IG report and you get the impression that a lot of people thought that Steele was reliable, credible, had a position in a foreign -- friendly foreign government. I'm just wondering what sort of verification you had in terms of his -- what his relationship, how his relationship ended with that government.
A. My understanding, as related to me by him and by Bruce Ohr, is that he retired in very good standing and at a very high level and that he opened his own corporate intelligence firm.

I met one of his clients. He at one point had been engaged to do work -- before he was opened -- with the **[redacted]**. And their lead there -- I had a conversation with him about Steele, who said he was -- the work he provided was top notch, that it was reliable and competent and professional.

Q. What was Bruce Ohr's relationship with Steele after you officially opened him as a confidential human source?

A. So he continued the relationship. Steele had relationships I know here in Washington in Department of State and DOJ with Bruce or DOJ with Jonathan Wiener -- I'm not sure who else -- on a policy level. And it was understood that he would continue to speak with them and that their conversations were on a higher policy level as opposed to providing specific information.

BY MR. BAKER:

Q. So that didn't create any problems for you that you're now handling an agent, but you have somebody else also?
A. It's because of the uniqueness of the individual, the information we were getting and his access and also relationships that he still had, it was understood.

At a certain point after he was opened, he was advised that, you know, information that the FBI was paying for, that we tasked him for and that he returned a product for to us was not to be provided to anybody else, and that we would process it and filter it through the IC, however else.

Q. Is this the pipeline one, pipeline two?
A. No.

BY MR. SOMERS:

Q. When you say it wasn't to be provided to anyone else, does that include Bruce Ohr?
A. Yes.

Q. If you paid him for information --
A. Yes.

Q. -- and Jonathan Wiener in the State Department --
A. Sorry.

Q. So if you tasked him and paid for information, that was to go through you?
A. Yes.

Q. Did you have any concerns about his ongoing
relationship with Ohr or Wiener?

   A. I did not. Just because of the nature of -- first of all, I was introduced to him by Ohr and I know they had a relationship, and it didn't affect what we were doing in terms of what we were tasking him to do. It was, you know, kind of a different -- I don't want to say different animal, but at a much different level.

   Q. And so tasking is when a payment would go to Christopher Steele; is that correct?

   A. Not every time. No.

   Q. Not every time. So you tasked --

   A. Not at all. So the agreement was we would pay him for information that was deemed of value and it was never guaranteed. But it would be in response to if we tasked him to go into motion and collect information, then we would see if we could get him compensated.

   Q. If he came to you with valuable information that he wasn't tasked with, could he be paid for that?

   A. He was actually. The example, the FIFA introductions that he made. You know, because of the introductions he made, we opened the investigation. Because of that investigation by December of 2013, we had charged and pled out four cooperating witnesses
under seal who had agreed to, I think, probably an aggregate of 10 to 15 million in forfeiture before anybody even knew what was going on.

Q. And Steele was never paid for his work on Crossfire Hurricane?

A. No. Definitely not.

Q. He expected to be paid though?

A. The only expectation that was -- or the only offer that was given to him was given by the Crossfire Hurricane team of $15,000 for his time to come to meet with the team on October 3rd. He was offered, if the relationship continues and he agreed to the framework of an agreement that the Crossfire Hurricane team defined, he was then offered payments in the future. But he was never paid anything for any work he did on that investigation.

And the $15,000, that was another thing in that last conversation that I had with him, I said you're not getting paid. So he didn't get paid.

Q. Just back to this a minute. Kind of what I was asking you before. Did you do anything to validate Steele? Any run through the validation management unit?

A. Well, the process is you have to run the record checks, you run through LSHA, you run through
criminal histories and that's what I did.

Q. Do you think you did less to validate Steele because of who he was than you might have some of your other confidential human sources?

A. Absolutely not.

BY MR. BAKER:

Q. How was the value of what a source provides calculated for terms of compensation?

A. It's a very subjective thing. There's no set -- if it's changed since I left, I don't know. But as long as I was there, it was never a set kind of matrix to go by. If the information was valuable to me, you know, 

There are metrics to judge the success of a source or the quality of a source. The case is opened, dissemination is made, affidavit are prepared, complaints and arrests. But there's no monetary value tied to any of that. It's all very subjective.

Mr. Berger. Can I go off the record for a moment?

(Recess.)

The Witness. So just one clarification. You bring up validation? The validation process is
different than the opening process. The validation process --

Mr. Berger. Hold on.

The source validation techniques are classified. I don't want to get into that.

The Witness. I'm just trying to distinguish between opening a source and what we did.

Mr. Berger. Speaking generally about the process? He's not going to talk about techniques. We'll keep an eye on that.

The Witness. In terms of opening Steele as a source, everything is followed to the book. And I don't want that confused with validation of Steele, which is something completely different.

BY MR. SOMERS:

Q. Is validation an ongoing process or ongoing as you have a confidential human source open, you continue to validate?

A. Validate.

Mr. Berger. I think you're using validation as a term of art and so we have to be careful about and have an understanding -- a common understanding of what we mean by validation. I don't want to trespass any boundaries, but validation is -- is a coherent integral process that is separate
from anything that this gentleman is talking about.

So we have to make that clear and clarify that for the record to make sure, because that's an issue that goes to the very heart of this matter. So let's be clear about definitions about what we mean by the validation process. Maybe we can define that so that we have a sense of common understanding.

Mr. Somers. Yeah. I don't mean to get technical. I just want to understand that you continually evaluate the reliability, credibility, work ethic of your sources as the relationship goes on.

The Witness. Yes.

Mr. Berger. Which is separate from the validation component of the bureau.

BY MR. SOMERS:

Q. Did you ever have any discussions with Steele about any of his other clients, who they were?

A. I knew he had done work for [REDACTED]. But in terms of other specific clients, no, I didn't ask him and he didn't provide --

Q. He didn't provide information on that. In the IG report, it says, "Handling agent 1" --

A. I'm sorry, let me interrupt. I take that back. I do know that he did work for the London 2012, the big committee for FIFA to try and get the World Cup
to London. I know he did work for them.

Q. Let me just read you this quote. "From handling agent 1 said he expected Steele to alert him if any of the clients were 'bad actors' such as organized crime figures or others that would be a concern to the FBI. Handling agent 1 stated Steele never provided any such notification to him."

So you did have some conversation with him about, hey, what are you doing? Did that refer to his private business?

A. Correct.

Q. And you wanted to make sure that he wasn't providing -- let me back up a second. Steele also provided you with information that he gained from his private business?

A. Correct.

Q. And that question went to the quote I just read you, whether he had a criminal, for instance, as a private client and you wanted to ensure that information gained from a criminal and funneled into the FBI, is that the genesis of that comment?

A. Can you read that again?

Q. "Handling agent 1 said he expected Steele to alert him if any other clients were 'bad actors' such as organized crime figures or others that would be
of concern to the FBI. Handling agent 1 stated that Steele never provided any such notification to him."

A. That was in terms of evaluating the source and the source's information to understand where it was coming from. Particularly in situations if he was providing information from a client who was, say, in a criminal -- in an investigation of the FBI. That's a problem. So it was in regards to just having a full understanding or attempting to have an understanding of where the information was coming from, who was providing it.

Q. Did you ever discuss Oleg Deripaska with Steele?

A. Yes.

BY MR. SOMERS:

Q. What was the discussion about Oleg Deripaska?

A. He was endeavoring to try and get us to meet with Oleg Deripaska. Part of what we did, we, the
bureau, was meeting with or setting up meetings and
conducting meetings with oligarchs to try and see if
they would be cooperative, provide information, help
with ongoing investigations or provide any type of
intelligence.

So that was an ongoing effort within the

And one of the individuals he was trying to set
up a meeting with was Deripaska.

Q. Was Deripaska a client of Steele's?
A. Not as far as I know. I knew that Steele
had a relationship from, I think, a prior case or prior
business deal with Deripaska's attorney. I forget his
name.

Q. Why exactly did you close Steele as a
source? I know the Mother Jones article, but what
about that?
A. It told me that he was completely
untrustworthy at that point as a source and could not
be handled and would not be reliable. Not that his
information or the intelligence he provided was bad.
But that as a source, I wasn't going to handle him.

Q. Who alerted you to the Mother Jones article
again?
A. It was the supervisor special agent in
headquarters.

Q. Is that SSA-1?
A. I'm not sure. I don't know who SSA-1 --
Q. Was it [REDACTED]?
Mr. Somers. Which is not -- it's actually not
[REDACTED]. He's not going to be able to --

Mr. Somers. Is there a way you can inform
him who SSA-1 is so I can ask him if SSA-1 is who gave
him the -- or maybe it's an adjure point. I don't need
to ask the question. I'm just trying to --

[REDACTED]. Let me step back for one second.

Mr. Somers. Yeah. Can you just tell him
who SSA-1 is and I can ask him if SSA-1 is who provided
him the Mother Jones article?

[REDACTED]. Yeah. Let's step back and have a
collection.

Mr. Somers. Okay.

(Pause in the proceedings.)

BY MR. SOMERS:

Q. Did SSA-1 provide you with the Mother Jones
article?
A. Yes.

Q. What was Steele's reaction to you closing
him as a source or letting him know you were probably
going to close him as a source?
A. He was frankly more upset. And his explanation as to why he went to the press was really what was driving him at that point. So I asked him was this you? He said, yes, it was. And I said why would you do this? His response was, and -- it's quoted in the report that I did to the file. I just -- I'm paraphrasing, so if it's not exactly correct --

Q. Yeah.

A. I'm very upset with what your organization did last week, something like that. And, again, basically referring to Director Comey coming out publicly on that prior Friday or Thursday stating that he was reopening the server investigation going on.

Q. Was he upset that he was not going to be a confidential human source anymore?

A. He wasn't upset about that. He was more upset that that action by Director Comey and, in his eyes, the FBI in general would then sway the election.

BY MR. BAKER:

Q. Is part of that that he thought Director Comey was getting attention and that he felt his reporting was not getting appropriate attention?

A. I don't know. But all I can say is I asked him, look, are you upset because you haven't gotten the 15,000, they money yet? He said no, that isn't it.
It's because of what your organization or what Director Comey did on Friday, which was coming out publicly and it was about the fact that that would sway things one way or the other.

He was not upset about when -- when I said we're not going to be forward after this, he didn't respond to that.

BY MR. SOMERS:

Q. Were you aware that Bruce Ohr was still talking to Steele after you closed him as a source?

A. I didn't become aware until months later in the press. I didn't know personally, no.

Q. In terms of what it means to close someone as a source, do you think it was problematic that Bruce Ohr was continuing to engage with him?

A. There are very specific rules and guidelines to follow to recontact a closed source. What Bruce and others did to do to speak to him or didn't do, I have no idea.

Me personally, I know that if I needed to contact Steele again, there was a whole list of things and people's approvals I would need to go through to get before I could even recontact him. I had no intention of doing that and I don't know what they did or didn't do.
BY MR. BAKER:

Q. So when he's closed -- and back up just a step -- he is actually fully opened as a source the way -- without getting into the individual steps, he's open as a source the way anybody else would be.

A. You mean up until the point when he's closed.

Q. Up until the point when he's closed.

A. Yes.

Q. There's no question in your mind that he's open as a source.

A. Hundred percent.

Q. All the I's are dotted, the Ts are crossed. Everything that's done with the source was done with Christopher Steele.

A. Hundred percent.

BY MR. SOMERS:

Q. What was your understanding of Bruce Ohr's role in Crossfire Hurricane?

A. I don't have one. I don't know.

Q. I mean, Bruce Ohr contacted you how many times about Crossfire Hurricane or about Steele's election reporting?

A. So I received the reporting from Steele on July 5th. I get a phone call from Bruce Ohr at some
point early to mid August of 2016. I had not spoken to Bruce about this. I -- Bruce -- I didn't tell Bruce I was going to London. It was not my -- whenever I visited Steele, I didn't tell Bruce. That was not a process. I didn't talk to him about it.

I get a call from Bruce early to mid-August and he says, hey, did you see this stuff from Chris? I had no idea that -- at that point obviously -- now I know Steele and Bruce had spoken about this, but I had no inkling from Steele or from anybody that they had met and talked about it.

I was not going to engage in a phone call about this information with Bruce Ohr. There were efforts ongoing to get that information or the information was at FBI headquarters as far as I knew and then to get it to where it had to go. I wasn't going to talk to Bruce Ohr about it. In addition, on a cell phone overseas I'm certainly not going to talk to Bruce Ohr about it.

But he says me and my boss or me and my bosses want to make sure that this is being handled. So at that point, obviously, it's Bruce and his boss or somebody higher are aware of this information that Steele reported. My response was, and this is what I had been told at that point, is that there is a team at
headquarters looking into it. And I said, Bruce, as far as I understand, there's a team or a group at headquarters who are looking into this. And that was it. That's all I said. And then that was the extent of the phone call. Because it was something like, okay, good. And that was it.

And then -- so I spoke to him. That was the only time I spoke to him about this. Other than after I spoke to Christopher Steele in early November to tell him we wouldn't be going forward, I called Bruce, knowing that Bruce has a relationship, not knowing that Bruce is involved in terms of any Crossfire Hurricane or anything regarding this information. But just knowing he had a relationship, I said, Bruce, this article in Mother Jones, have you seen it? And he goes no. I either sent it to him or I told him to look it up. And I said you need to know going forward we're not going -- we're not working with him. I'm not going to talk to him again and you have to be careful when you talk to him. And that was it.

Q. Backing up. Based on that August conversation, did it or would it surprise you to learn that Bruce Ohr didn't inform his bosses about Crossfire Hurricane and his involvement in it?

A. At this point -- yes, it would surprise me.
He told me, me and my boss or me and my bosses. So I assumed at the time that his boss or bosses were aware.

Q. And then based on your -- backing up to your second conversation with Ohr. Are you surprised that Ohr kept speaking with Steele after you had that conversation with him?

A. Personally, yes, I'm surprised. I spoke to him again the last -- one additional time. It was the day after the election here in Washington. I was here in Washington with an [redacted]. But I saw Bruce somewhere close to FBI headquarters after work. And he had come in and he said something to the effect of I didn't realize -- you know, at this point, this is when everything had started to, I guess, break bad. He goes I didn't realize that when you called me about the article, I didn't realize the extent of it. And then he apologizes for introducing me to Christopher Steele.

Q. When was that?

A. The day after the election. November 2016, whatever that was. 8th, 9th. Maybe earlier.

Q. Any impression as to why he apologized to you?

A. Well, no. I was -- he said that -- I go -- I looked at him. I said first -- well, because I think he -- he finally -- it's my opinion -- understood
the gravity of the whole situation, I guess, at that point. I don't know.

BY MR. BAKER:

Q. So a fair read of that apology would be apologizing for all the headaches it probably caused you, not apologizing that he regretted giving it to you, because somebody else would have handled him better?

A. No, no. Exactly. Apologizing because of all the headaches that were about to happen and had happened to that point.

Q. Thank you.

BY MR. SOMERS:

Q. I'll just try and read this to you. On page 291 of IG report, it states that on November 23rd, 2016 Crossfire Hurricane update meeting, there was a discussion concerning a 'strategy' for engagement with handling agent 1 and Ohr.

Were you ever consulted after you closed Steele by others at the FBI about continuing to engage with Steele?

A. Not once.

Q. No one on the Crossfire Hurricane team reached back out to you and said, hey, can you --

A. No.
Q. -- engage with Steele again?
A. Nope.

Mr. Berger. Just let him finish.
The Witness. Sorry.

BY MR. SOMERS:

Q. Do you happen to know Bruce Ohr's wife Nellie?
A. No.

Q. Okay. When did you become aware that the FBI had opened a formal investigation, Crossfire Hurricane?
A. So in August at some point I was told by people out of the New York office that there might be a group of people who needed to see or wanted to see the information this reporting that I had received in July. I didn't officially learn of this until the middle of September when I received word from SSA-1 to send him the reporting that I had received from Steele.

Q. What was -- what caused you to travel to London on July 5th to meet with Steele versus just talking to him on the phone or saying, hey, e-mail me what you want to give me?
A. Right. So he was not prone to -- I don't want to say panic, but to being hurried or rushed or trying to meet immediately as many sources do, saying
we have to meet now, we have to meet now. He was not
that type.

I received a call from him, it was either
the 3rd or the 4th of July just out of the blue saying
we need to meet. Okay. It's 4th of July. Everybody's
out. No, it has to be now. He had never said that
before, ever. I said okay. Taking him seriously, I
traveled up there.

Q. Did you need anyone's permission to do that
or were you able to just get on a plane?
A. Just needed LEGAT's permission. That's it.
Q. Did you need to talk to anyone in London
before you were able to --
A. And then advise the ALAT that I was going
to be in the AOR.
Q. Just because there's some reporting in the
press about this, did you have to consult Victoria
Nuland?
A. I don't even know -- I know who she is.
I've never spoken to her.
Q. Never spoken to her about Steele?
A. No.
Q. So Steele gives you one report at the July
5th meeting?
A. I think it was -- I think it was two, if I
recall correctly.

Q. Two -- according to the IG report, I believe he gave you one report about Crossfire Hurricane. He may have given you some reports about something else at that July 5th meeting?

A. I recall two physical reports. In terms of the election reporting, it was just the one, the first initial that he had developed.

Q. Did that report, format-wise, the way it was written, whatever, did that look like something Steele had given to you in the past? Was this a typical Steele report?

A. Yes.

Q. Did it have any warning about it being raw intelligence?

A. Without seeing the actual report in front of me?

Q. Yeah.

A. It wouldn't -- I mean, I've seen that before.

Q. The one that's publicly available, it doesn't say -- I don't know if you have one that's different than that. The one that BuzzFeed published does not say that.

A. I don't know. I know I have seen the term
Q. Leaving that aside, would you treat it as raw intelligence?

A. Without a doubt.

Q. What does that mean to you?

A. That it is just that, uncorroborated, unverified reporting coming from unsubstantiated sources. And when we spoke about it at that meeting, we talked about that, how it was unverified and for this to have any value, it's got to be corroborated.

Q. So that would be consistent with -- on page 381 of the IG report said, "Steele told us that it was his hope and expectation that the FBI would have used its resources to investigate the report" -- "the report information."

I mean, is that your impression that this needed to be further investigated?

A. Without a doubt.

Q. So my time is almost up here. You wouldn't have used the -- that report or any information in it in a FISA application without doing any further verification?

A. Me personally?

Q. Yeah.

A. You can't use one source's reporting as the
basis for an application, I mean, in this case, a FISA court. But in my experience, wiretap, you can't use one single source. It has to be corroborated.

Mr. Somers. Our hour is up. So we'll turn it over to the minority. Thank you.

We can take a five-minute break if you want to. Up to you.

Mr. Berger. No. I think that we'd like to work through all the way.

Mr. Somers: It's up to them.

(Recess.)

Ms. Zdeb. So it is 11:36 and we are back on the record.

EXAMINATION BY MINORITY STAFF

BY MS. ZDEB:

Q. I'm Sara Zdeb with the minority staff. You've met my colleagues, Ms. Sawyer, Mr. Haskell, Ms. Calce. We are going to ask you some additional questions. The same basic ground rules that Mr. Somers explained at the outset apply to our questions.

So as you know very well by now, please speak up so the court reporter can hear. If you don't understand one of my questions, just ask me to clarify it.
A. Okay.

Q. So you indicated at the outset that you had reviewed the Inspector General's report; is that correct?

A. Yes.

Q. And so you know that the Inspector General took approximately two years to conduct an investigation. He interviewed approximately 100 witnesses, reviewed over a million documents in the course of his investigation. He interviewed Christopher Steele as well as other former employees, current employees of the FBI.

Did you cooperate with the Inspector General's investigation?

A. Yes, I did.

Q. Were you interviewed by the Inspector General?

A. Not by the Inspector General himself, but by his team.

Q. So if I use the term "Office of Inspector General" or "OIG," you'll understand what I'm talking about?

A. Yes.

Q. So you were interviewed by OIG how many times? Was it once? More than once?
A. Two to three times, I think.

Q. And do you happen to recall how long each of those interviews was?

A. A few hours each time.

Q. And I imagine you provided complete, truthful testimony to OIG when you spoke to them?

A. Yes.

Q. Do you know whether the FBI, the Justice Department, or you yourself provided any -- or were asked to provide any documents to OIG in connection with your interviews?

A. I can just speak for myself. And, yes, I was asked to provide whatever I had in relation to Christopher Steele.

Q. Did the OIG, to your knowledge, ever complain that they didn't receive certain information that they had wanted from you related to your involvement or to Christopher Steele?

A. From me? No. I don't believe so.

Q. Did OIG ever complain that they needed more information from you?

A. In terms of documents or --

Q. Documents or testimony.

A. They didn't complain about needing more.

They stated they'd like to meet with you again and I
Q. And you did meet with them again?
A. Yes.
Q. From your perspective, is there anything related to your involvement in the events addressed in the OIG report, your involvement with Christopher Steele that you didn't tell the Office of Inspector General when you were interviewed by them a couple of times for multiple hours apiece?

Mr. Berger. Are you talking about did he respond forthrightly to the questions that were proffered to him?

Ms. Zdeb. That's right.

Mr. Berger. Okay. So do you understand?
The Witness. Yes.

BY MS. ZDEB:

Q. When the Office of Inspector General completed a draft of their report, were you provided an opportunity to review the draft or at least to review the portions of the draft that pertained to you?
A. To review the portions that pertained to me. Yes.
Q. And did you?
A. Yes.
Q. Did you provide any comments to OIG on
those portions?

A. Yes, I did.

Q. And can you give us a sense of what those comments were?

A. There weren't many. Whatever notes I took after reading they kept, they have. Some may have been, I think, grammatical, non-substantive. In terms of any substantive issues, I recall -- I don't know if it was anything that I had stated to them, but maybe issues with something that's -- another witness may have stated to them about an interaction with me.

Q. From where you sit, did OIG address your comments, whether grammatical or substantive in the final report?

A. I believe they did.

Q. So in other words, to the extent you identified any errors, in particular, any substantive errors, the final report would have addressed those?

A. I believe it did. There may have been -- there may still be in the report changes that were not made that I might still have an issue with in terms of what I remember happened in terms of the interaction as opposed to a different witness.

Q. But sitting here today, you can't recall sort of specific examples of things that you pointed
out to OIG as being incorrect with respect to your testimony that they didn't address in their final report?

A. No. Everything was addressed, I'll put it that way.

Q. Okay. Thank you.

So turning back to the discussion about your relationship with Christopher Steele that we just spent some time discussing before the break. Mr. Somers asked you about the July 2016 meeting with Mr. Steele and in particular about some of the other reporting that he provided to you during the course of that meeting in addition to report AD, which is the election reporting.

So in -- as noted in the Inspector General's report, you provided records indicating that Steele had given reporting on Russian interference in European political affairs; is that correct?

A. Correct. I don't know if that was at that meeting, but he had provided that at some point. It may have been -- I don't recall exactly --

Q. Okay.

A. -- in terms of the nonelection related material, I don't recall as I sit here what was in that other report.
Q. Okay.
A. But I do recall he had provided information of that nature at some point.
Q. And if you testified truthfully and accurately to OIG during your interviews, that among the things Christopher Steele provided to you during that July meeting was reporting on Russian interference in European political affairs, you have no reason to dispute OIG's characterization of that sitting here today?
A. No, I do not.
Q. And according to the OIG report, you also provided records indicating that Mr. Steele had provided reporting on Russian athletics -- doping in Russian athletics.
A. Correct.
Q. Is that correct?
A. Yes.
Q. And then your records have also indicated that Steele provided general -- reporting that reported generally on Russian cyber activities; is that correct?
A. Again, I know he had. As I sit here right now, I don't recall if it was exactly at that meeting or some other point, but I'm not going to dispute what was in the OIG report.
Q. Do you recall whether these were all written reports? I know you said earlier that you generally recall being given two written reports in the meeting. One was the election reporting.

So were the three different topics that we just covered, were those also addressed in this separate written report that you would have received?

A. Anything I received on that day was contained in two documents, two reports that he provided to me.

Q. Do you recall any specifics about the Russian cyber activities reporting that he provided to you?

A. I don't want to say I'd be guessing, but if it was at that meeting, I do recall, I think, [redacted]. [redacted], I believe. If I'm incorrect, then I'm confusing it with a different report.

BY MS. SAWYER:

Q. And could you just clarify, when you refer [redacted], who are you referring to?

A. [redacted].

Q. So to the best of your recollection, it was
a report on Russian Security Services compromising a
U.S. citizen's --

Again, I don't -- we're talking
about -- unless we get the report, we're talking about
something that could be potentially classified and also
something that could be part of an ongoing
investigation or part of an investigation that could be
charged in.

I don't think it's appropriate for him to
be getting into details of what that report added.
Something that's already revealed in the IG report,
that's fair game.

BY MS. SAWYER:

Q.    It's described in the IG report, and we can
certainly read the footnote. And this is on page 96 of
the report. It follows a sentence, "Handling agent 1
said Steele had become concerned about the
possibilities of Russians compromising Trump in the
event Trump became president."

And then the footnote says, "Handling agent
1's records indicate that during this meeting, Steele
also provided handling agent 1 with reporting on
Russian doping in athletics, Russian cyber activities
and Russian interference in European political
affairs."
Understood I don't want to get into classified information in an unclassified setting. I just want, for the record, it to be reflected we did ask for the opportunity to go into a classified setting as needed. So we'll try to elevate it and not get into details. But do you have a recollection of whether or not any other reporting had to do with Russian cyber intrusion into elections?

A. Any other reporting.

Q. From Christopher Steele.

A. From Christopher Steele on a different day? Or do you mean that day when I met him on July 5th.

Q. Well, right now we're talking about through July 5th.

A. So I do recall generally something about cyber. What I'd mentioned prior is what I think it was, but --

BY MS. ZDEB:

Q. So to put a final point on it. Cyber as it relates and not cyber as it relates to the intrusions that we would later find out that Russia was responsible for in the course of its election interference?

A. So, again, right now in terms of whatever was in those two reports, which is well documented,
that's what he provided me. You know, in terms of my memory as far as specifics regarding cyber, regarding election interference or cyber regarding something else, a compromise of an individual, I might be confusing that right now. But, again, I'll just refer to those two reports, whatever is in there is what we talked about at that meeting.

Q. With respect to election interference, you spoke earlier about your extensive 24-year history at the bureau and all of the time that you spent in New York and focused on Eurasian and Russian organized crime specifically.

I think you also said that you had less experience with the national security side of the house. Before Christopher Steele approached you with his election reporting and before the Crossfire Hurricane team asked you to facilitate a meeting with him, had you been at all involved in any work having to do with Russian election interference or was this the first occasion on which that happened?

A. This was the first occasion I was involved in anything in terms of Russian election interference of U.S. elections. There may have been a report, and all of the reports that were contained and that are contained in the delta file, the reports that I
prepared or that he provided after talking or meeting in person, there was one, I believe, regarding -- and this was not around this time period, it was at some other time period -- interference, Russian interference in European, western European elections, I believe. Or at least with European political parties.

Q. Switching gears to some of the discussion you were having about Bruce Ohr prior to the break. You relayed a conversation with him in which he made some reference to his boss or his bosses and, based on your recollection, said something to the effect of my boss or my bosses want to know what's happening with this reporting.

Did Mr. Ohr ever name that boss or those bosses by name?

A. He did not.

Q. Do you know one way or the other whether he eventually -- whether he had previously had a conversation with some boss or bosses or whether he subsequently had a conversation with --

A. I have no idea.

Q. In the OIG report, on page 273, Mr. Ohr told the Office of Inspector General that in August of 2016, he contacted a criminal division deputy attorney general about Steele's reporting because it was, quote,
"scary" and he was quote, "unsure what to do with it."

Do you, sitting here today, have any evidence to dispute the fact that Ohr spoke to a criminal division deputy attorney general about Steele's reporting?

A. I don't have any evidence that he spoke to anybody other than taking him for his word at the time that he and his boss or bosses wanted to know if the FBI was doing anything with the information. Other than that, I have no idea.

Q. So do you have any evidence to dispute Ohr's stated reasoning to the Inspector General that the reason he contacted a criminal division deputy attorney general about the reporting was because it was scary and he was unsure what to do about it?

A. I have no evidence about that either way.

Ms. Zdeb. Could we go off the record for a quick second?

(Discussion off the record.)

Ms. Zdeb. We can go back on the record.

BY MS. ZDEB:

Q. Turning back, I think, to the summer of 2016. I'm curious if you recall when you first started hearing anything having to do with Russian election interference. Was it at the July 5th meeting with
Christopher Steele?

    A. Yes.

Q. So we obviously know, based on the extensive work that Special Counsel Mueller did, that Russia in fact did interfere in sweeping in systematic fashion in the 2016 election.

    Mr. Berger. Just so you understand, when you're incorporating a lot of hearsay statements from a report, so it doesn't mean that he's accepted all the conclusions of the report or that he's read the report. So you have to understand that he's not accepting some of the premises of the question.

    Ms. Zdeb. So I --

    Mr. Berger. You seem to be including a lot of facts that he may not be aware of in your question. That's all.

    Ms. Sawyer. I don't think he's been asked a question yet.

    Ms. Zdeb. So in the way that Mr. Somers made reference to various excerpts from the OIG report, I have also done the same. The question that I'm in the process of asking right now makes reference to the special counsel's report.

    Well, hang on a second. If your client takes issue with the characterization that I,
Mr. Somers, or anyone else around this table is making something that the OIG wrote, we're happy to provide him with a copy of the excerpt we're talking about. And obviously, _____, you're free to take issue with it yourself. Is that fair?

Mr. Berger. Right. It seems to be a premise of your question. It's not the import of your question. That's the concern that I have.

Why don't you try to repeat your thought and your question. Let's see how it lays out.

BY MS. ZDEB:

Q. Do you recall when you first learned or started hearing specifically about Russian intrusions into the DNC, the DCCC or Hillary Clinton's server?

A. If it was contained in one of the reports that I received on July 5th, that would have been the first time. Subsequent to that, probably not until -- and I'm guessing, because I was not engaged or involved with any of the investigations that were going on -- would have been in September, I guess, or early October in terms of my meetings with the Crossfire Hurricane team.

Q. So when you started having those meetings with the Crossfire Hurricane team, what was your understanding as to why they were specifically
interested in receiving additional reporting on
election -- on election interference from Mr. Steele?

A. So I first spoke to the Crossfire Hurricane
team supervisor in the middle of September. I didn't
meet with them until October when they came [REDACTED]. I
provided the reports directly to -- I provided the
reports to FBI executive management prior. But in
September, provided the reports directly to the
Crossfire Hurricane team. And then didn't hear
anything.

And shortly thereafter, I think I heard
something in terms of -- from the team saying that this
information corroborates other information that we've
developed. That was really it. And then I didn't talk
to them until they came [REDACTED].

Q. And then did you develop some understanding
in the course of their trip [REDACTED] as to why they were
particularly interested in receiving more reporting
from him?

A. Well, again, the reporting -- according to
them, they told me that it corroborated other
information that they had developed in the
investigation. I wasn't involved in the investigation,
wasn't about to get into details with them. That
wasn't my place. And they said they wanted to
facilitate -- wanted me to facilitate a meeting with the source, which I did 

And so that was my understanding is that they were hoping to meet with him personally to assess for themselves the information and his activities.

Q. Okay. Switching gears again.

After the Inspector General released his report in December, our committee held a hearing where Inspector General Horowitz testified for several hours on the conclusions of his report.

During the course of that hearing, there were a number of allegations made about the FBI, about the individuals involved in Crossfire Hurricane, and the events addressed in the Inspector General's report. From our perspective, those allegations were addressed in the Inspector General's report, but I'm going to ask you a series of questions about some of those allegations because we continue to this day to hear those allegations made in many cases by individuals who have no firsthand knowledge of the events addressed in the IG report or about Crossfire Hurricane.

So for starters, the Inspector General found that there was no documentary or testimonial evidence of bias impacting the FBI's work in Crossfire Hurricane. Nonetheless, we've heard allegations that
there was tons of evidence of bias.

    Did political bias impact any of your
decisions related to Mr. Steele or the connections you
made between him and the Crossfire Hurricane team?
    A. In no way, shape, or form.
    Q. Do you personally have any evidence that
political bias otherwise impacted Crossfire Hurricane?
    A. I do not.
    Q. It has also been alleged that the FBI
engaged in a massive criminal conspiracy over time to
defraud the FISA court. Do you have any evidence that
the FBI engaged in a massive criminal conspiracy to
defraud the FISA court?
    A. I wasn't involved in the FISA application
other than in terms of Steele and talking to them about
his characterization. I have no idea in terms of the
application process and thereafter for the original or
any of them. I wasn't involved. So I can't speak as
to that.

    Anything I was involved in, it was -- I was
personally not involved in any conspiracy and I did not
observe any evidence of any conspiracy in terms of my
interactions personally with any of the people involved
in that investigation.
    Q. It has also been alleged that the FBI
purposefully used the power of the federal government
to wage a political war against a presidential
candidate they despised.

Do you -- and, again, recognizing your role
in all of this may have been somewhat limited. So do
you personally have any evidence that FBI agents
personally used the power of the federal government to
wage a political war against then candidate Donald
Trump or President Trump?

A. To the extent of my involvement and
personal knowledge, no.

Q. Do you have any -- again, based on your
personal knowledge -- do you have any evidence that the
FBI waged a coup against President Trump?

A. Again, to the extent of my personal
knowledge and involvement, no.

Q. Do you personally have any evidence that
the Crossfire Hurricane investigation was intended to
hurt Trump politically?

A. I can't speak to the purpose of the
investigation.

Q. Was your goal to hurt Trump politically?

A. Not in any way.

Q. What was your goal?

A. To be professional and to disseminate
information that a source provided to a group of individuals who needed to see it.

Q. Do you personally have any evidence that Crossfire Hurricane was part of a deep state effort to take down President Trump?

A. I don't have any evidence of that.

Q. Finally, there have also been allegations that the purpose of Crossfire Hurricane was to either change or to nullify the results of the 2016 election. Do you have any evidence that the goal of Crossfire Hurricane was in fact to change or to nullify the results of the 2016 election?

A. Again, I have no awareness of the goals of the investigation and no knowledge or evidence of anything that you just mentioned.

Q. Sorry, you just said you have no --

A. Knowledge of the original goals of the investigation. I wasn't involved in opening the investigation, continuing the investigation. I wasn't part of the case team, so I couldn't testify as to the goals of the investigation.

BY MS. SAWYER:

Q. With regard to your role, which you've described as disseminating information to the group of people who needed to see it --
A. Right.

Q. -- with regard to that role in particular, was your goal to quote, "change" or "nullify" the results of the 2016 election?

A. In no way, shape, or form at all. No.

Q. And in terms of just our understanding of your kind of role in the overall picture, the way I just describe that is disseminating information to a group of people who needed to see it.

Were you otherwise involved in the Crossfire Hurricane investigation?

A. No.

Q. Do you know who specifically was involved in that investigation at headquarters?

A. I know two of the individuals.

[REDACTED]. Again, so long as we're not naming --

THE WITNESS: So I dealt personally with supervisor SSA-1 and I dealt personally with, I think, case agent 1.

BY MS. SAWYER:

Q. And did either of them ever express to you --

A. Also -- I apologize -- the individuals who came [REDACTED] who were not SSA-1 or case agent 1, but...
other individuals.

Q. And did either of them ever express to you what they were investigating and why?
A. Generally, yes.

Q. And what did they tell you generally?
A. It was -- and we didn't get into specifics, but that they had information that Steele corroborated regarding possible compromised individuals in the Trump campaign.

Q. Did they indicate anything about Russian election interference?
A. I think that was the overall, in a very general sense, but certainly not in specifics. And I didn't ask them for specifics about their investigation.

Q. And why was that that you did not ask about the specifics of the investigation?
A. That was not my role. I was not a part of the investigation. My role was to facilitate the passage of information and to facilitate meetings with Steele.

Q. Did you have any involvement at all in Special Counsel Mueller's investigation?
A. No.

Mr. Berger. Can I take a moment?
Ms. Sawyer. Sure.

Mr. Berger. Just be right back.

(Pause in the proceedings.)

Mr. Berger. He just wants to clarify an answer.

The Witness. Just to clarify one point.

In terms of what I was told by the supervisor in headquarters as to Steele's information, it was that Steele's information corroborated other information that they had developed to begin the investigation. BY MS. SAWYER:

Q. And you weren't given any specifics as to what that information was?

A. No.

Q. And you didn't ask?

A. No.

Mr. Berger. You used the phrase "Steele corroborated."

The Witness. Right.

Mr. Berger. So you meant what you just said.

The Witness. Right. I just wanted to clarify that point. It was Steele's information that he had provided to me that I gave to the Crossfire Hurricane team that I was told corroborated information
they had prior from some other source.

Ms. Sawyer. I think those are all the questions we have at this point. We may have more after our colleagues have a few more questions. But we appreciate your time.

Mr. Berger. Thank you very much.

Ms. Zdeb. Off the record.

(Brief pause in the proceedings.)

EXAMINATION BY MAJORITY STAFF

BY MR. SOMERS:

Q. Just to clarify, I think, in the last set of questions you were answering in the last round you referred to supervisor. Is that SSA-1?

A. Yes.

Q. And then I think -- I'm sorry, I just couldn't hear -- I think you may have answered this, but you were talking about Steele's information corroborated information that they had otherwise received.

Did they tell you what of Steele's information corroborated?

A. No.

Q. Okay. Just to back up. So Steele's given you intelligence reports over the years, I think, you testified to the first time we were speaking.
What do you usually do with those reports Steele gives you, an intelligence report? What's the --

A. So then the procedure is -- the process is you write it up and send the information to -- into the delta file, the source file. And if there are any other interested parties, for example, just as an example, if it has to do with Russian organized crime, I would send it to either or to the . If it had to do with something regarding cyber, I would send it to the cyber desk. If it had to do with whatever the program. So that people, the subject matter experts, could have eyes on it.

At the same time it was put in the file, and then possibly at times it would be reviewed by -- my understanding of the system -- by an analyst somewhere in headquarters and then possibly developed for, to be produced as an intel product. To be sent to the community.

Q. So when you say -- just to go off topic a little bit here -- the delta file, that's an electronic system?

A. Yes.
Q. And you were able to enter information into the system?
A. Yes.

Q. What -- generally, what types of things are in the delta system about a CHS?
A. It's all the administrative paperwork, the opening, the closing, all the admonishments, payments and then the reporting.

Q. So I asked you what you usually do with Christopher Steele intelligence reports. What did you do with the July 5th -- the report you received at the July 5th meeting?
A. So this information struck me as different because of the nature of the reporting in that it was, even though unverified, not corroborated, sensational. I don't want to say the word "explosive," but had to be treated -- at least in my judgment -- had to be treated with a little more -- just had to be treated differently.

I took a few days to try and figure out how to handle this. I spoke to the LEGAT, my direct supervisor and advised them what I wanted to do was to reach out to an experienced and trusted colleague in New York to get some advice as to how to deal with this information even though it's not technically sensitive
and, again, unverified/uncorroborated. But I wanted to be discreet with it, because once it goes in the system, you don't know who sees it and it's not controlled and you don't know where it goes.

And particularly at that time in July of 2016, it was -- the environment was heated and I didn't want to add to it not knowing who would see it and not knowing what was going to happen to it. My idea was to get it to somebody, if that somebody existed, and put it in their hands so that they had it directly.

BY MR. BAKER:

Q. Why would New York be the one that would help you sort through where it would go? It seems like earlier you had a pretty good relationship and ability to send stuff directly to places in the headquarter building or to IOD.

A. IOD was not going to have the answer as to what to do with it. This information was something unique in terms of the information I had gotten in the past. I reached out to the ASAC of the political corruption section in New York because I know that that individual had dealt with some very sensitive issues over the last couple of years and may be able to provide some very sound advice as to how to handle information of this type. So that's what I decided to
do, got the signoff from the LEGAT and contacted the
ASAC in New York.

Q. Why would IOD not have the answer to it, in
your opinion?

A. They don't have the subject matter
expertise. The individuals who are staffing the desks
there were not subject matter experts in any of this.
You know, they were not there for an operational
purpose. They were there for an administrative purpose
self-admittedly.

You know, when it came time to deal with
things operationally, it wouldn't be with IOD. It was
with the substantive desk, wherever that may be.

Q. I'm just curious. IOD, I think you
indicated earlier, had at the helm an assistant
director rank. So that's somebody, even though they're
not necessarily operational, somebody that's probably
is interfacing with executive management at the FBI
that I think would have seen the same priorities,
sensational flavor that you saw and being right at
headquarters might be able to get it to somebody higher
than them, an EAD or somebody that would be able to --

A. An AD probably definitely has that access
and interaction. However, I wouldn't be calling the AD
directly. At that point, the AD had left -- the prior
AD had left. I had no conversations with that AD.

And to get it into the IOD chain between supervisor, unit chief, section chief, my opinion, based on my professional experience and judgment at the time was to get an operational answer from an operational executive as to how to handle it. The goal was to get it into whoever needed to see it, get it there in a discreet way so it wasn't blasted everywhere. That was my goal.

Q. Okay. Take IOD out of the equation. You seem to have -- as an ALAT or a LEGAT could hotline the information to one of the substantive desks at headquarters. If it was counterintelligence, it sounds like you had the ability to send it right to CD. If it was criminal, you had the ability to send it right to the criminal division. You still felt that your comfort level would be satisfied taking it to New York to the people you had a history with?

A. The idea was not to take it to New York. The idea was to get advice from an experienced executive in New York who had experience dealing with very sensitive matters as to how to deal with the information. My goal was not to send it to New York and be done with it.

Q. Right.
A. It had to get to headquarters. If there were somebody dealing with is this, they would be in headquarters. That's, I think, part of the reason why it took so long to get this information to the supervisor in September. But the point being, again, it wasn't to have it reside in New York. That wasn't my goal.

Q. I understand that. But you had a comfort level that you would get an answer from New York based on a history you have with some of the executives there?

A. Based on not just my history with those executives, but based on the level of investigations that those executives are involved in on a daily and regular basis knowing the matters that they engage and deal with knowing I would get a solid answer from New York. That's why I went to New York.

Q. Was there any subsequent blow-back or complaint from either IOD or substantive desk that the information went to New York first rather than them?

A. No.
Q. Okay. And you indicated that the AD, I think you earlier said Mike Welch. You just indicated that he had left and a new AD had come in?

A. He had left a while before, and this was either the second or third AD since I had gotten on.

Q. And what was their name?

A. I can't remember who it was at that point.

Q. Thank you.

BY MR. SOMERS:

Q. And you're referring to the -- you didn't know the AD for counter-intel or for national security?

A. No, for IOD. I can't tell you who the AD for IOD was.

Q. All right. So usually you would have taken the report, if it wasn't explosive, sensational, whatever word you would you want to use, you would have just put it into the delta system?

A. Right.

Q. So you didn't put it in the delta system. Where was the first place you transmitted it?

A. So I wrote it up. The report of the meeting and those reports were ultimately put into the delta system. I'm not sure if it was a week later, two weeks later. But the first transmission would have been to somebody else was July 28th, 29th.
So July 5th, I received the information.

July 12th I called the ASAC in New York to seek his advice. He says sit tight. Let me look into this and figure it out and I'll get back to you. He gets back to me July 28th, 29th, and says send me the reports and we're going to get them -- we'll do what we need to do.

A day or two later, he contacts me and says New York executive management is aware of the reports as is an EAD at headquarters -- EAD level at headquarters. So executive assistant director. So this is the very end of July, very beginning of August. It's my understanding as told to him -- told by him to me that those individuals had the reports.

BY MR. BAKER:

Q. So your understanding at this point, the highest level at headquarters, highest level at the FBI that has seen this reporting is an EAD?

A. Yes. So you've got ASAC and an ADIC in New York and then EAD, of which is only six in the bureau, have seen the reports as of the end of July. That's what I'm being told.

BY MR. SOMERS:

Q. Excuse me. By the ASAC.

A. By the ASAC.

BY MR. BAKER:
Q. Do you know who the EAD was? Which EAD it went to?

A. I don't. I don't know who it was.

Q. Do you know which program that EAD would have had?

A. Still don't.

BY MR. SOMERS:

Q. And Sweeney was the ADIC at the time?

A. He was not. I believe he showed up maybe a few weeks later. It would have been, before him, Diego Rodriguez, but I don't know if Diego was still there at that point, or if there was an acting ADIC. I just don't recall right now. The SAC -- the SAC was Mike Harpster in New York at that time.

Q. Backing up to the -- so the meeting with Steele on the 5th. So your understanding at the meeting -- you're coming out of the meeting was that this was developed for -- the election report was developed for a private client?

A. Yes.

Q. On page 96 of the IG report, the report mentioned Steele's notes of his July 5th meeting with you.

A. Okay.

Q. And according to those notes, Steele told
you that quote "Democratic party associates were pinged for Fusion GPS's research. The ultimate client was the leadership of the Clinton presidential campaign and the candidate was aware of Steele's reporting."

Do you have any reason to doubt that Steele told you this?

A. I don't recall that. When I left there, there was not an understanding as to which party was actually paying for this information. It was clear that a party was paying for this information and that this information was going to be used by a party somehow. I was told that GPS Fusion hired Steele to collect information on Trump's business activities in Russia.

Who hired GPS I asked him. And he said a law firm. He did not know the name. And I knew that if we had the name, we might be able to figure out, okay, who. I had no understanding as I left that meeting that it was for one party or the other, but knowing clearly that it was a political party.

Q. When you say party, you mean political party?

A. Yes.

Q. So Steele -- in your mind, Steele's notes of the meeting are incorrect?
A. Yes.

Q. It further states on page 96 that Steele told us that he was quote, "pretty candid with handling agent 1." He also said it was clear that Fusion GPS was backed by Clinton supporters and senior Democrats who were supporting her.

Again, you don't have any recollection of that?

A. No. And, again, my recollection leaving that meeting is I did not know which party was behind this. And that is obviously something we needed to figure out.

Q. But it was definitely political in your mind.

A. Without a doubt. Not even a question.

Q. And was that something you were conveying to -- let's start with the ASAC in the New York Field Office?

A. Yeah. I mean, it was obvious.

Q. Okay.

A. And it was something I spoke about with Steele and it's something that the ASAC and I spoke about as well, that it was completely obvious that this was information intended to be used by one of the parties against the other.
Q. Was that obvious to the ASAC as well?
A. Yeah.

Q. What about, did you convey that the first -- I think the SSA-1, did you convey that to SSA-1 the first time you talked to him about the information?
A. I'm sure I did.

Q. Did he agree, to your recollection, that impression that it was politically motivated?
A. To my recollection, it was a matter of trying to figure out who was behind it. And it was completely obvious to all of us whoever was involved in these conversations what the purpose was of the information was to be used by one political party or another.

And that was -- one of the goals was trying to identify the law firm, which would then hopefully help in identifying who was behind it.

Q. Why not just ask Steele?
A. I did.

Q. You did?
A. Yeah. Of course I did. He didn't know.

Q. He didn't know?
A. He didn't know the name of the firm. He just knew GPS and Glen Simpson. That was the first
question I asked him.

BY MR. BAKER:

Q. They're the ones that tasked him; they're the ones that paid him?

A. Yes.

Q. That was his universe as far as --

A. Yes. He said -- and that's what I said, who was behind Simpson and he said there's a law firm. What's the name of the firm? I don't know. We need to know the name of the firm.

BY MR. SOMERS:

Q. So other than the ASAC in New York and then eventually the Crossfire Hurricane team, did you talk to anyone else about Steele's reporting and your boss, the LEGAT?

A. So the LEGAT, the ASAC in New York, Bruce Ohr, he talked when he called in August. Then the -- there were two individuals in New York. What the ASAC said was in terms of getting this -- the physical reports to be put somewhere in addition to the delta file for now, the New York -- the legal office in New York was going to set up a subfile that I would send the physical reports to so they would have it in their subfile.

So I had spoken to the assistant division
counsel in New York and then at some point, just in
terms of -- not about the substance of the reports, but
just getting the reports to him. And then at some
point in August, he advised me and I spoke to the ASAC
of counter-intel in New York, who then advised that
there is a team in headquarters that will need to see
these reports.

That was the extent of the conversation I
had with the ASAC and counter-intel. And then the next
conversation I had is with SSA-1 when I received an
e-mail saying, you know, here's who I am. Send us the
reports. And I sent them the reports.

Q. And that's who your contact was for the
remainder of your involvement in Crossfire Hurricane?

A. For the next month and a half, I spoke to
SSA-1, I spoke to case agent 1, and then the
individuals who came [REDACTED] on October 3rd.

Q. Did you know SSA-1 previous to this --

A. I knew who he was. He was from New York as
well. I never worked with him. He was on the national
security side.

Q. Did you know case agent 1 before Crossfire
Hurricane --

A. I'm sorry, I was talking about case agent
1. I apologize. Supervisor SSA-1 I did not know.
Q. Did not know. Case agent 1 --

A. Case agent 1, I knew who he was. We had never worked together, but he had been in New York for a while.

Q. What was his reputation in New York?

A. His reputation was as a solid agent.

Q. Not someone who would shade facts?

A. No. Again, I never worked with him, but he did not have that reputation.

Q. Getting back to the July 5th meeting. On page 96 of the IG report, it notes that you advised Steele that Steele was not working on behalf of the FBI to collect the information from Fusion GPS -- that Fusion GPS was seeking. I said we are not asking you to do it and I am not asking you to do it.

Why did you give him this instruction?

A. I wanted to be very clear from the beginning that this information -- he was also continuing on behalf of GPS to collect more information. I wanted to be very clear so some day when somebody asks me, I did not task him to collect this information in any way, shape, or form.

And that any further information he collected, until somebody who had the authority to make that decision was not being done on behalf of [redacted]
Q. Is that why you further -- but I can give you the quote, but I think you recall -- is that why you further asked him not to send you any more reports, information until you got back to him?

A. There were a couple of issues. One was that, yes. We were not tasking him and I did not want to create the appearance that he was being tasked by us to do that.

In addition, because of the law firm and that he was doing this on behalf of the firm, there may have been an attorney-client privilege that I did not want to get in the middle of. As a criminal investigator, that's something that we're hyper concerned about. So my thought was let's figure out how this is going to go and then we'll go from there.

Q. Was there any discussions at this July 5th meeting about what he was going to do with this information in terms -- from the private perspective, the private client's perspective?

A. Other than I brought it up and again was part of the discussion, but it was an obvious part that somebody was going to use this information in a negative way. That's why their contract report.

Q. Did press come up?
A. That did not. Specifics did not. He didn't say anything as to any plan about what would happen. He did not know. He was at that point just collecting the information.

Q. So you tell him don't send anything more until I get back to you. Yet, according to the IG report, he sends you another report on July 19th. Did that concern you that he had just sent you another report even though you instructed him not to?

A. If it was a report, I guess it was the follow-up report he was preparing, I don't think I was concerned at that point because at that point, I had spoken to the ASAC in New York in terms of trying to figure out how to flow the information.

Q. But you weren't concerned that Steele -- did you specifically instruct him not to send you something and then he sent it to you?

A. At that point, it was not an indication that he was doing something he shouldn't have been doing, to me.

BY MR. BAKER:

Q. When you were on the phone or otherwise communicating with SSA-1 or case agent 1, I mean, I'm guessing that this information that is now going to this team at headquarters similar to what I think you
indicated your initial assessment was pretty interesting stuff, did you ever get a sense from them that this had been elevated up in the headquarter building to a very high level?

    A. So when we -- I sent him the information and I'm not sure if it was a couple days or a week later, I sent an e-mail to SSA-1 saying doing what I would normally do with a source to say -- to get an answer from somebody who might know, is the information good or is it just off the wall?

    He responds with an e-mail, this corroborates what we had from something else that started the investigation, and then proceeded to list all of the people who were read into the investigation. Maybe 20, 25 names.

BY MR. SOMERS:

    Q. If you recall, what would the highest ranking person have been? Did the director know?

    A. McCabe.

    Q. So it would have been the deputy director, at least your understanding?

    A. From what I recall on that e-mail, which I know OIG has.

    Q. It had been elevated to the deputy director level?
A. From that e-mail, I couldn't -- as I recall, it wasn't specific that these reports have gone to these people. It's that these people are read into this investigation.

Q. What was the purpose in him telling you that?

A. I have no idea. I didn't ask him to.

Q. So McCabe was on the list you recall?

A. (Nodding head.)

Q. Mike Steinbach?

A. I don't recall.

Q. Bill Priestap?

A. Yes.

Q. Peter Strzok?

A. Yes.

Q. Jonathan Moffa?

A. I don't know. I don't recall.

Q. Do you know Jonathan Moffa?

A. I think I met him once, maybe.

Q. In connection with this or in connection with something else?

A. If it is the same individual, it would have been in my first time I prepared to appear before the Senate Intelligence Subcommittee.

Q. At the July 5th meeting, did you read the
election report while you were meeting with Steele?

A. Yes.

Q. Did you ask him anything about his subsources?

A. What I told him was -- because it was understood that he didn't want to ever identify his subsources. But what I told him at that meeting was, look, first we have to figure out if there's somebody in headquarters who will look at this and do something with it. And I said the only way they'll do something with it is if it's corroborated. And I said at that point, they're going to want to meet with you personally. This is before I knew that there was anybody. I said they're going to want to meet with you personally and you're going to have to tell them who your sources are. I said that's the only way it's going to go down for it to go anywhere, just so you know. Now -- and so that was the conversation.

Q. Now, in the FIFA investigation, if I'm recalling correctly from the IG report, Steele was basically a conduit to a source. Is that generally correct?

A. He was -- he introduced us to individuals provided information
regarding an individual in New York who was on the FIFA executive committee who -- that initially gave us the impetus to really start the case.

So he made introductions and then provided a piece of intelligence that was corroborated by a number of other sources. That was his role in the FIFA investigation. And I will say this. But for the introductions, the FBI would not have started its investigation.

Q. Was there any discussion at any point in time using more of that model with this election reporting? You have the same situation here as I understand it. You have Steele. You've got a primary subsource who has sources.

Was there any discussion of basically cutting -- for lack of a better term -- cutting Steele out and getting to the primary subsource?

A. Not with me.

Q. Not with you?

A. No.

Q. Were you aware who the primary subsource was?

A. No.

Q. So you would have no knowledge of whether Steele had used his primary subsource in other reports
he'd given you about other matters?

A. I knew there were one or two main sources that he used in the information he provided over time. I don't know if that was the same individual who was described as primary subsource in this case. And at that point at that day I didn't ask him to identify, knowing that he wasn't going to, but just told him in terms of this -- if this went further with the team who might be investigating, he would have to for them to actually do something with this information.

Q. Had he, in other Russia related matters that he had worked with you on in the past, had he divulged the name of sources? Had you ever met a Steele source, subsource?

A. I've never met any of his sources or subsources. There may have been one who died who I learned of early on. But he did not want to divulge his sources and source network. That was his -- that's his business.

Q. So in-person meetings with Steele in this time frame, you have the July 5th in-person meeting, you have the October 3rd meeting with the larger team. Any other meetings?

A. That was it.

Q. Phone calls?
A. Then we had -- so in August, after I speak to the ASAC, I get back to him. I said -- or at some point I said, look, I'm going to get back to you and we'll move forward.

A number of weeks in August I don't think we spoke and then at a certain point once I learned that -- or he may have provided a report unrelated to any of this in August, the end of August maybe. I think it was regarding [REDACTED]. I don't recall anything else.

There was discussions -- and this was not in person -- regarding repayment of an expense that he was owed legitimately by the FBI for meetings he had tried to set up a couple of years before that we spoke about and that I think he received a payment for during that time. August, I think. But again, completely unrelated to the election reporting. And then we spoke -- it was either -- it was either by Skype, so at some point going forward for the planning of the October meeting.

Q. Did he ever press you for like, hey, what's going on with my information? Was he asking you questions like that?

A. Yeah. But I wouldn't call it pressing. He definitely asked, you know, what's going on? What's
happening? And I said, you know, I'm trying to figure it out.

Q. Did he ever express concern that he didn't see any news reporting of the fact that the Trump campaign was under investigation?

A. No.

Q. I think you've sort of answered this, but just to be clear. Other than handling Steele, did you have any other involvement in Crossfire Hurricane?

A. No.

Q. I think you answered that you did not do any work for Special Counsel Mueller's team. Were you interviewed by Special Counsel Mueller's team?

A. No. I was contacted once by somebody on the special counsel's team asking me about Steele, because they were thinking about interviewing him. This was in late winter of 2017, I think, early spring maybe. And so they wanted to get my opinion.

Q. About whether that was possible?

A. No. About just in general, you know, whether he would be receptive. My response was I hadn't spoken to him for months and that they would have to -- if they were going to do it, they should be very careful because I didn't know what his angle would be.
Q. That was your only interaction with the special counsel?
A. Yes.
Q. I jumped around here a little bit. Do you know who Joseph Mifsud is?
A. Only from reading his name in the press.
Q. So you had no interactions with him?
A. Never met him. Don't know him.
Q. Are you familiar with University?
A. I am.
Q. What is University?
A. So it's a -- it's a University in that they service law enforcement and intelligence professionals from the authorities.
I was asked on two occasions by one of the professors to provide a lecture on organized crime. That was my background. I never did. I couldn't make it for one reason or the other. And I think on two occasions two different ALATs came to speak to the class. One might have been about CT, the other might have been about cyber. But I wasn't there, and that was irrelevant.
Q. So it's definitely connected to western law enforcement?
A. It's connected to law enforcement and they have had speakers from the FBI there. It is very much similar to a John Jay College in New York, which is a very law enforcement-based institution.

BY MR. BAKER:

Q. It's a degree-granting institution?

A. I don't know. My understanding is it was graduate level and that the officers who go there from the authorities receive credit. In terms of a degree, I don't know, but it benefits their career and it's career enhancing.

BY MR. SOMERS:

Q. But you would say it's very similar to John Jay?

A. Yes.

Q. I asked you some of this when we were going through the list, but not exactly in this form. Do you know Bill Priestap?

A. I do not.

Q. You've worked with him?

A. No. I know him from not -- from New York when he was a supervisor and then an ASAC just from some very minimal interactions.

Q. No interactions on Crossfire Hurricane?

A. No.
Q. Peter Strzok?
A. Never met him. Never spoke to him.
Q. Do you know who [redacted] is?
A. I do know [redacted].
Q. Did you work for [redacted] at all on Crossfire Hurricane?
A. On Crossfire, no. We worked together in Rome. He was assigned to our [redacted] --
Q. Assigned to ALAT [redacted]?
A. (Nodding head.)
Q. Is case agent 1, so we can avoid all this, is he the only case agent you had involvement with?
A. So case agent 1 --
Q. Only SA?
A. Supervisor 1 and then the agent who came to [redacted] to debrief Steele. So there were three agents who came to [redacted] from headquarters. One was a case agent, one was a unit chief, I believe, and the other one was an IA.
Q. Had you ever worked -- with any of the

[redacted]
people that came to [REDACTED], had you ever worked with any of them before?

A. Never.

Q. Did you speak to them after the meeting in Rome?

A. The IA I think I spoke to once or twice.

Q. About the [REDACTED] meeting?

A. May have traded some e-mails, but then not -- this was after, I think, everything went south in November. Not in advance. I had received -- every once in a while I would get an IM from an IA on behalf of Bill Priestap asking for answers regarding something that happened regarding Steele or whatever.

BY MR. BAKER:

Q. Was there an occasion earlier than the so-called [REDACTED] meeting where FBI representatives did not show up for something that had been arranged?

A. That is what Steele was paid the expenses for. On two occasions, there were meetings set up in another country. There was another individual that was being -- who would meet with us regarding some -- what numerous people believed to be very interesting information that Steele was facilitating the meeting. And on two occasions at the 11th hour, the people who were supposed to come from headquarters just didn't
Q. Do you have any sense of the reason that they didn't show?
A. It was -- it's documented in the file. It's certainly in there. I don't know if I can get into it here because of the subject matter of it. But, you know, if you ask me, it was -- they were not good reasons.

[Redacted] We can consult.

[Redacted] The witness. No, I'm fine. That's the answer. Thank you.

BY MR. SOMERS:
Q. All right. So moving up to the October 3rd meeting. Where did that occur?
A. That was in [Redacted].
Q. Did it occur -- was it in a skiff?
A. No. It was an offsite location.
Q. Offsite?
A. Not classified scenario.
Q. Anyone -- so who's in the meeting? You've got Steele. You've got --
A. Steele, myself, and then the three individuals. IA, unit chief, and case agent.
Q. No one else with Steele?
A. No. He was by himself.
Q. What was the -- from the FBI's perspective, what was the purpose of the meeting?

A. As it was told to me and as I told the guys there, I said, listen, have at him, ask whatever questions you need to ask, do whatever you need to do. I was there solely to facilitate it.

My understanding was that they wanted to go through the reporting, assess what he said. But then also, as I learned later in the meeting because there was more coming out through the meeting from the case agent as to the purpose of the meeting ultimately, to try and engage exclusively Steele with this reporting for the FBI and for the Crossfire Hurricane team.

Q. You learned of that in the meeting?

A. Yeah.

Q. So --

A. Maybe immediately prior to the meeting that day when I met with the guys or the day before when they landed.

Q. What was your opinion of that as being a realistic possibility of him being exclusive to the FBI on this?

A. On this subject? My feeling was that it was -- you know, when they said it, I didn't think it was impossible and I thought, you know, it was
possible.

My feeling with Steele at that point was that, you know, he was -- at that point, my understanding, my belief was that he was motivated by the right reasons to try and get information of this nature to the authorities in the United States for the right seasons. So I thought it was possible.

Q. What did you tell Steele the purpose of the meeting was?

A. Just that they wanted to meet him, talk to him. They would want ask him about his sources and subsources and see if he would identify them. That's what I told him.

Q. Did he express any hesitancy about the meeting?

A. No. He came. He was actually responsive and happy to be meeting with these individuals because I think it was -- you know, he had asked throughout a number of times, although I'm not pushing, but. You know, is anybody looking at this? Is anybody seeing? And when he's called for a meeting in October, he recognizes that there are people looking at it.

Q. So he was to be paid $15,000 just for this meeting?

A. So at the meeting, the case agent then
offers up, and I had no idea he was going to do this. I don't know if the other guys did as well. You know, I'd like to thank you for -- telling Mr. Steele -- for your time and appreciate you coming to meet with us and so we'd like to compensate you $15,000 to come to the meeting -- for coming --

Q. So he didn't know about that ahead of time?
A. I didn't know about it. I had no idea until it was mentioned.

Q. I'm sure I can form this in a question some way, but that seems like a lot of money for a two-and-a-half hour meeting.
A. I mean, you know, it's not based on the time. You know, the counter-intel side, I'm -- my background is criminal. That's a lot of money for a meeting. Counter-intel side is a different animal, so I can't qualify. It raised my eyebrows just because I was surprised to hear it. And yes, in my experience on the criminal side, that's a lot of money.

BY MR. BAKER:

Q. So it's a lot of money for a criminal case meeting?
A. Yeah. Oh yeah.

Q. But maybe not for a --
A. Maybe not. And I can't say that it is
because this was the first such meeting that I've ever been involved of that nature.

BY MR. SOMERS:

Q. Okay. Let's just back up a little bit. Before the meeting, how much was the Crossfire Team asking you about Steele prior to the October 3rd meeting?

A. So we had spoken either by IM. I don't know if there was a secure video conference call, maybe one, just in terms of they wanted to get an idea of what Steele was about. Which completely makes sense. And I said here's his history, here's what he's done, here's the type of information he's provided. We talked about the FIFA investigation because it was big at that time. And then -- and what he had done and where he had came from in his prior career.

BY MR. BAKER:

Q. You had previously indicated that based on a communication you received, that the deputy director level seemed to be maybe the highest level that some of the information -- or at least an awareness of the information had gotten. On any of these calls, was such a person on the other end?

A. Not that I recall. And in terms of that
communication, again, it was a list of individuals who
were read into the Crossfire Hurricane investigation.
I don't believe it said these people have seen the
reports.

Q.    Right. I'm clear on that. Thank you.
BY MR. SOMERS:

Q.    In terms of things that came up during the
October 3rd meeting, did the Crossfire Hurricane team
probe Steele at all on the chances that the information
in the election reporting was Russian disinformation?
A.    I don't want to say no. It was -- the
meeting itself lasted a couple of hours and pretty
in-depth. The agent who was there and the analyst were
pretty much subject matter experts and they were going
through it all. I just can't recall yes or no as I sit
her right now.

Q.    Was there some reason the meeting was only
two and a half, three hours long? Could it have gone
longer?
A.    No. I mean, the meeting finished in its
natural course.

Q.    But there was no hard stop on it?
A.    No, there was no hard stop.

Q.    What did they ask him about his sources?
A.    They said we need to know your source base.
We've got to verify this. And ultimately, if we're going to go forward, we're going to have to know your sources. And he said, look, I'm very leery to divulge my sources and made a point of saying that.

Q. Did he say he wouldn't?

A. At that point, he said I'm not going to right now, but it's something I have to think about.

BY MR. BAKER:

Q. Based on his background, that would not be suspicious to you?

A. No. In fact, that's the way he had been from day one.

BY MR. SOMERS:

Q. And then prior to the meeting, there was an article on Yahoo News -- September 23rd Yahoo News article. Was that asked about?

A. So when they landed in the pre-meet when it was just FBI, they bring up this article. I had not seen it. I had not heard about it. I hadn't read it. I didn't know anything about it. And they asked about it and I said I don't know, but ask whatever you can ask, you know, feel free.

In terms of at the meeting, I don't recall if they did or didn't at this point. As I sit here now, I can't recall if they did or didn't bring that
up.

Q. Do you think Steele would have answered it if they asked him the question, were you the source for the September 23rd Yahoo News article?

A. I mean, it's easy to say now what I think. I think he -- I mean --

Q. Well, did he deny when you called him on November -- early November, did he deny he was the source of the Mother Jones article?

A. No, he didn't then. So -- you know, I don't recall him -- I don't recall him being asked that question. But, again, I don't recall it either way right now. You know, if you're asking me to guess if he would tell the truth --

Q. Well, let's ask you a different way. Did he say before the meeting -- you spoke with Steele before the meeting?

A. Right.

Q. Did he say I'm not going to speak about --

A. No.

Q. -- anything?

A. No. In fact, he mentioned that he had provided information to Jonathan Wiener at State. And this was just -- this was maybe a day or two before the meeting or maybe a couple days before the meeting. He
said I just want to let you know I've provided some information to Jonathan Wiener at State. I said okay. And so when the other FBI representative showed up, that is one of the first things I told them, I said you guys need to know he also provided some information. They responded good. We're glad he told you that because we were going to ask him that. They found out somehow. But their response was okay. Good. We're glad he told you.

Q. Just continuing on that subject of what about discussions of who his client was at the October 3rd meeting?

A. Again, as I sit here, I can't recall exactly what was said, what wasn't said. I'm -- I don't see how it could not have been discussed. As far as -- as far as I recall, I never learned the identity and I just don't -- and I just don't recall. Again, at that meeting, I wasn't asking questions. I wasn't involved other than just to facilitate it.

BY MR. BAKER:

Q. Stepping back just a second. You had indicated earlier, when we were going through sources and how they're opened and managed, you mentioned the term "admonishments."
A. Right.

Q. What does that mean in the world of sources?

A. So source admonishments are basically the rules that a confidential human source has to -- they agree to follow. They don't always follow, certainly. But it is under the Attorney General guidelines. You have to communicate to the source this is the nature of the relationship. These are the boundaries, these are the way it works. This is the way it works. Do you acknowledge what we're telling you? So that the source says, okay, I understand. And so that is -- that's -- those are the acknowledgements.

Q. And your source, Christopher Steele, understood?

A. Every time he was read the acknowledgements, yes.

Q. Can you give an example of what some of the admonishments might be?

A. You can't commit -- well --

Go ahead.

A. For example, you can't commit criminal activity. There's a whole list of them. If you get paid, you cannot expect payment in the future. It's not guaranteed. You know, this nature is -- the
relationship of this nature is confidential. Things of that nature.

Q. Okay. And he signed and agreed to all that?
A. He agreed. So yeah, he was read and those have to be done once a year. So however many are in the file, I would say two or three, you know, he was read them and verbally acknowledged and understood what was told to him.

Q. When he's paid, does he sign something?
A. Yes. So he signs the source payment receipt, which again talks about in terms of specifically the payment obligations that he has as receiving the money. And he signs -- and signs it.

Q. You, as an ALAT, I know we're kind of one riot, one ranger. There's not a lot of FBI people in your universe. Are those payments witnessed?
A. Yes.

Q. The admonishments, are they witnessed, too?
A. Every payment is witnessed and the admonishment are acknowledged by the source and signed off on by two agents.

Q. Thank you.
BY MR. SOMERS:

Q. Page 111 of the report indicates that the IG was told -- so we, the IG. "We were also told by case agent 2 that Steele did not disclose information about the identity of Fusion GPS's client, a law firm which was funding Steele's work due to a confidentiality agreement that prevented him from sharing that information."

Did Steele ever raise a confidentiality agreement with you?

A. Not a confidentiality agreement per se. But just there was -- that he was tied to this relationship and was taking -- you know, was responsible to his client, GPS, in terms of going forward and in terms of providing this information.

Q. But you don't recall Steele in the October 3rd meeting saying I'm not telling you. I've got a confidentiality agreement?

A. I'm not saying it didn't happen. I just don't recall that right now.

The Witness. Can I take a two-minute restroom break?

Mr. Somers. Absolutely.

(RECESS.)

BY MR. SOMERS:
Q. All right. Getting back to the October 3rd meeting. There was also a discussion, was there not, during the October 3rd meeting about three buckets of information that the case agent 2 asked Steele if he could provide information on.

The three buckets seemed to be additional intelligence/reporting on specific named individuals such as Page or Flynn involved in facilitating the Trump campaign Russian relationship.

Two, physical evidence of specific individuals involved in facilitating the Trump campaign relationship.

And three, any individuals or subsources who Steele could identify who could serve as cooperating witnesses to assist in identifying persons involved in the Trump campaign-Russia relationship?

Do you recall discussion of the three buckets?

A. Yes.

Q. I think the IG report indicates other than some limited information on -- well, first, that would be tasking? The three buckets, would you consider that tasking?

A. Those would be taskings. Yes.

Q. What did Steele say in reaction to that
tasking?

A. I recall that he said he had to think about it. He did not agree to do it. Part of the condition going forward, if he were to do that and engage, would be to do it exclusively for the FBI and no longer work for GPS or whomever else he may have been working for in terms of those buckets of information.

Q. Did Steele provide you with information for the -- satisfying any of the three buckets?

A. He provided additional reporting over the course of the next couple of weeks. But I don't know if he -- without seeing the reports, I couldn't say if they specifically addressed those three buckets as the case agent described.

Q. Is a tasking, is that a source validation method?

A. Tasking --

Q. Giving -- is it a way you would validate a source giving a source a task?

[Redacted]. I'd say source validation methods are classified.

The Witness. Okay.

BY MR. SOMERS:

Q. Did anyone on the Crossfire Hurricane team come back to you and ask you about, hey, where's this
information from the three buckets? Did they ask you
to go ask Steele for information about the three
buckets? Information that fell within the three
buckets?

A. I don't recall. I don't think so. I just
remember receiving some reports from Steele and getting
them directly to the guys on Crossfire Hurricane. I
don't recall any discussion -- any further discussion,
because I think they were waiting to hear from Steele
in terms of whether he agreed to this arrangement. But
I don't recall any further discussion as to Steele
agreeing to the arrangement or the Crossfire team
trying to drill down to get an answer.

Q. And we spoke about this, I think, in our
first segment. But in terms of being the handler and
how the handler-CHS relationship works, were you always
the intermediary or could the Crossfire team directly
contact Steele?

A. One of the agreements made at that meeting
on October 3rd was that if they had questions, they
would go through me to ask Christopher Steele.

My belief and understanding was that at a
certain point, if they were going to continue with him,
they would end up going directly with him and I would
be cut out.
Q. Did they come back to you with questions after that meeting to take to Steele?

A. I don't recall. I don't think so. As I sit here right now, I don't think so.

Q. You said earlier in my first round of questions you had looked over the IG report or read it. In the IG report, there's an appendix that goes through the Woods process, that's the verification process for the FISA.

I think I can just represent that they had some trouble verifying some of the allegations in the -- or not allegations -- some of the facts in the Steele dossier. Did the Crossfire team ever approach Steele about helping verify any of the --

A. If they did, I didn't know about it. So -- through me, no. If they did it independently, I have no idea.

Q. Did they ask about verification during the October 3rd meeting? Hey, can you verify any of this?

A. Yes. That was definitely discussed. That was definitely discussed.

Q. And could Steele offer anything verification-wise?

A. That he would work to do it.

Q. But nothing came back to you?
A. Nothing that I saw.

Q. I know -- before, during, after, I'm sure there were discussions all surrounding that October 3rd meeting with the team and you. Was it pretty clear to everyone that the motivations were political for the Steele reporting?

A. That the reporting -- could you clarify that?

Q. Well, let me ask it another way.

The Crossfire Hurricane team, according to the IG report, page 142 of the IG report, the Crossfire Hurricane team told NSD, the National Security Division, that they did not know Simpson's motivations -- that being Glenn Simpson's motivations -- in collecting this information.

In your mind, given all the calls you had, the October 3rd meeting, your interactions with the Crossfire Hurricane team, did anyone have any questions as to what the motivations were?

A. What the --

BY MR. SOMERS:

Q. Prior to October 21st, 2016.

A. The motivations -- you mean the purpose of hiring Steele to get the information?
Q. Yes.
A. I don't recall any specific conversations other than when we spoke generally about Steele and this information how it came about. I mean, it was completely obvious to me and I don't think -- you know, I don't recall any specific conversations other than generally up front he was contracted by a private entity, third party, to obtain this information that ultimately would be used for some political gain by somebody.

After that, I mean, again, to me it was completely obvious. In terms of what the Hurricane team spoke about themselves, I don't recall. I don't know. And in terms of me, I don't recall any other specific conversations about that.

Q. And Steele never mentioned DNC, Clinton campaign to you?

Mr. Gruenstein. Just for the record, you should --

BY MR. SOMERS:
Q. Oh, yeah. Sorry.
A. No. No, at no point -- maybe at some point, but in terms of Steele, I didn't learn that it was ultimately the DNC.
Q. Okay. You didn't do any work for the
Crossfire Hurricane team on verifying anything in the dossier trying to identify who subsources were?

   A. No.

Q. Trying to identify who the primary subsource was?

   A. No.

Q. Were you asked by them --

   A. To do that?

   Q. -- to do that?

   A. No.

Q. Did you -- I assume all of Steele subsources are overseas. Did you ever work on any logistics of trying to set up contact for the Crossfire Hurricane team with any sources or subsources?

   A. No.

Q. Are you aware that the FBI did interview Steele's primary subsource in January 2017?

   A. Only from newspapers.

Q. Are you aware -- did you read that section of the FISA report?

   A. The IG report?

   Q. I'm sorry, the IG's FISA report?

   A. I'm sure I did. I don't recall as we sit here.

   Q. Are you aware that there were
inconsistencies between what Steele reported and what
the primary subsource revealed to the FBI --

A. I'm aware --

Q. -- during the interview?

A. -- that's what's reported.

BY MR. BAKER:

Q. You say you're aware that's what's
reported. Do you have reason to believe it's other
than what's reported?

A. No. I only say that because I only know
from newspaper reports.

Q. Okay. Do you as a handling agent -- you
indicated earlier that once you figured out where to
send some of this stuff, that at some point you learn
that the Crossfire Hurricane team is looking at this
stuff.

Would you get any feedback or reporting
from headquarters as the handling agent that a
particular piece of information was in fact being used
for some purpose to open another case, to go into a
FISA?

A. Right. So generally, yes. Because as I
mentioned at the beginning, that's how you kind of
quantify and qualify --

Q. The value of the source.
A. -- the value of the source.

In this case, I was told that his information was being used for a FISA application.

Q. Okay. Did you ever see what the verbiage that was going into an application was to be able to know what it was as reported?

A. I never reviewed the FISA application. I was never asked to review it. I was never provided a copy for a review. I had a conversation and it's in an e-mail regarding a characterization of the source. And whatever I put in that e-mail is what it was for Steele. But I never reviewed any FISA application, or applications.

Q. Is that normally the way it's done or is that different from the way it's normally done with a handling agent?

A. Again, based on my experience on the criminal side relating it to wiretap applications, the source handler is the one who should be reviewing the characterization of the source, is the one who knows the source and the value of the source or the lack of value of the source and the type of information the source is providing.

So that in terms of that small piece, the source handler generally has input as to that part of
the application. Again, this is wiretap applications
that I'm explaining.

Q. Right. So while it could be different
between the criminal world and the national security
world, it was different in this case from what you were
used to?

A. Right. Yes.

Q. And then while we're -- if I could just ask
another question while we're on the idea of being in
the criminal world. What does it mean to you when the
phrase -- in characterizing a source's
reporting -- what does the phrase "used in criminal
proceedings" mean to you?

A. It means either testifying in court,
testifying before a grand jury, information used in an
affidavit to support a search warrant, a wiretap, a
complaint. A criminal proceeding to me is more than
just a general investigation, it is an actual matter
that is being addressed by an actual judge. That's my
experience.

Q. So something that's really before a forum
that's adversarial, maybe?

A. Or formal. It doesn't have to be
adversarial. It could be one party. But, you know,
something that is more than just a general idea of the
case.

Q. And are you aware that phrase apparently meant different things to different people?

A. As used here?

Q. Yes.

A. I mean, I'm aware that that -- in terms of how -- could you explain that a little more?

Q. That according to the IG report -- and I don't have an exact cite for it -- it sounds like that phrase, "used in criminal proceedings," did not always mean what it meant to you, that it meant different things to different people.

A. Now I understand the question.

If you asked somebody -- you ask a prosecutor or you ask a criminal investigator what that means, I think you will get the same answer every time. In fact, I think in the report, they asked the prosecutors in the Eastern District and they said this information was never used in a criminal proceeding.

Q. Thank you.

BY MR. SOMERS:

Q. , I forgot to ask you one thing about the October 3rd meeting. Page 114 of the IG report states that, "Handling agent 1 agreed that it was peculiar that the case agent 2 gave Steele an
overview of the Crossfire Hurricane investigation, including providing names of persons related to the investigation."

Why did you find that peculiar?

A. As a -- in dealing with sources, it's not our responsibility as the handling agents or case agents to provide information to the source. Sometimes by the nature of the questions we're asking, the source can figure out what's going on. But it's not for us to tell them what's happening.

In my course in dealing with sources, in 24 years, that was not my practice. There are times when you need to provide some type of information for a very specific reason. But in my experience, generally, it is not -- that is not the way you go about doing things.

Q. Could it influence the source's reporting to reveal information like that?

A. Well, again, the idea is you're obtaining information that's unverified, uncorroborated. A source is a source and you don't know -- I mean, you have an idea or believe what their motivations are. But at the end of the day if their source is a source and there could be some agenda that you have no idea what's going on.
And so the more you provide to them, that can color things one way or the other and influence responses that we may get.

Q. So if you gave a source a name and all of a sudden you get a report back that has that name in it, that could be because you gave the source the name.

A. That's an obvious one. Yes. There are times when if I need information on somebody here, I've got to tell them the name. But, you know, in this instance, again, I wasn't a part of the planning for it. It just seemed a little bit much to me.

Q. I think you may have just answered this, but I'm going to ask it again because I don't recall. So were you aware going into the October 3rd meeting that Steele's information was possibly going to be used in a FISA application?

A. I don't recall if I knew it at that point.

Q. You did know it at some point in time?

A. Yes. I definitely knew that it was going to be used to support the first application.

Q. Did you know who the target was?

A. I did not.

Q. When did you become aware that they were going to seek a FISA?

A. It was either shortly before. I can't -- I
can't tell you if it was just before that meeting or at some point in October, early/mid October.

Q. And then -- we're running a little over time here. But in the FISA application, page 132, it says, "Steele is a former redacted and has been an FBI source since in or about October 2013. Steele's reporting has been corroborated and used in criminal proceedings and the FBI assesses Steele to be reliable. Steele has been compensated approximately $95,000 by the FBI and the FBI is unaware of any derogatory information pertaining to Steele."

Do you agree with that description?

A. Not all of it. No.

Q. What parts do you disagree with?

A. It was never have been used in a criminal proceeding.

Q. Would you have signed off on that description had you been shown ahead of time?

A. No. I'm sorry. The first time I read that information was in front of the IG's investigation when they showed it to me.

Q. That's in a footnote in the FISA report. That footnote goes on to say, "The identified U.S. person never advised Steele as to the motivation behind the research into candidate 1's ties to Russia."
We talked a lot about whether Steele revealed it was the DNC or the Clinton campaign that was his client. And you said he never revealed that.

A. Right.

Q. Did he also say that he didn't know what the motivation was of his client?

A. No, he did not.

Q. Did he tell you he didn't know who the ultimate client was?

A. He told -- again, at that meeting, the first meeting in July, as you know, he didn't know the name of the law firm. And I brought up the fact and we discussed that this information was going to be used as -- by whomever was doing --

Q. At the October 3rd meeting, did he say he didn't know who the ultimate client was?

A. I don't recall learning after that meeting or during that meeting who it was.

Mr. Somers. I think our hour is up. I don't know if we want to take a longer break now?

Mr. Berger. No, I think we're good. We'll work through it if you're willing to. 15-minute break and we'll try, between the two of us, not to use more than maybe an hour and a half. I don't want to represent what you're going to use and I don't know
exactly what I'm going to use, but I don't think I have another hour, but I do need to take 15 minutes now.

(Recess.)

BY MS. MICHALAK:

Q. Good afternoon.
A. Good afternoon.

Q. Earlier you testified that you received an e-mail with a list of people that were read into the invest -- or read into the reports.

What was the date of that e-mail?
A. Read into the investigation.

Q. Right. Read into the investigation.
A. That had to be around September 21st, September 22nd. Give or take a day or two. Maybe a week. Within a week. But I don't know exactly. But it's that meeting the third week of September.

Q. The third week of September? Thank you.

BY MR. SOMERS:

Q. In any of your discussions throughout your involvement in Crossfire Hurricane, how high were you told this information was flowing? What type of conversations were you having from people on the team about where this investigation was being supervised from?

A. My understanding was from that e-mail where
I saw the 20, 25 individuals listed were aware of the investigation. In terms of -- I was not -- we had no discussions in terms of, you know, on a day-to-day basis what was happening, who was seeing what, who was making decisions. I wasn't informed. I wasn't brought into conversations like that.

Q. We'll probably jump around a little bit here. We're just trying to finish up some different threads.

The IG report goes into what the primary subsource said about what the information he gave Steele. A few of the things the IG report says, "The primary subsource also stated that he/she never expected Steele to put the primary subsource's statements in reports or present them as facts. His or her information came from word of mouth and hearsay, conversation that he/she had with friends over beers and that some of the information such as allegations about Trump's sexual activities were statements he/she heard made in jest. The primary subsource also told WFO agent 1 that he/she believed that other subsources exaggerated their access to information and the relevance of that information to his/her request. The primary subsource told WFO agent that he/she takes what subsources tell him/her with a grain of salt."
If you had known this information when you received the reports from Steele, would you have done the same thing with them?

A. Again --

Mr. Berger. You mean transmitting it to New York and --

Mr. Somers. Yes. I'm sorry.

The Witness. I don't think I would have done anything different. My assumption, when I received the reports and reviewed them the very first time at that meeting in London, was that it was just that, source reporting that was unverified and uncorroborated.

However it had to be processed and dealt with and put somewhere. And, you know, I don't think even if I had known that, it probably wouldn't have surprised me because that's the nature of source reporting. I don't think I would have changed what I did.

BY MR. SOMERS:

Q. Do you think the others in the Crossfire -- you said that's the nature of source reporting.

A. (Nodding head.)

Q. The others on the Crossfire Hurricane team
at least that you were dealing with, did they have that
understanding, that that's the nature of source
reporting?

A. I never had that conversation with them. Anybody who's handled sources and dealt with source
information has that understanding. It is the case
team's responsibility to then corroborate and verify
that information and assess it, which is what I assumed
they would be doing with this information or others at
the bureau.

So in terms of what they thought or what
they would have thought if they had known that, you
know, I can't say just as -- you know, I just couldn't
give my perspective.

Q. Just -- and you may not know the answer to
this, but do you know from case agent 1, do you know if
he handled sources before?

A. I never had that conversation with him.

He -- at the time, he had been around for a while, so I
assumed he had and he had a reputation as being one of
the senior agents in New York in that program. I just
assumed anybody with that length of time, regardless of
program, has experience handling sources.

Q. The same question for SSA-1?

A. I didn't know him, so I didn't know his
reputation. So that I wouldn't have immediately assumed.

Q. As I said, I'm going to jump around a little bit here. We talked earlier about Steele's reaction to being terminated on that phone call and you discussed what his reaction was. Did you do anything with that information with what he said to you?

A. Yes. I documented it and sent it to the file.

Q. And when you say you sent it to the file, you mean it's in his delta file?

A. It's in a delta file.

Q. Just to be clear for the record, people on the Crossfire Hurricane team had access to Steele's delta file, correct?

A. I assume so. In terms of -- you know, I don't know -- they never told me they were looking at the file, but I would certainly believe that they would have been looking at the file. That's part of what you do, a file review, in terms of looking at that information if you're going to use the source for an application, for something. So I assumed that that's what was going on. I didn't have any conversations about it.

Q. I think you told the IG that you would have
expected them to, quote, "turn the file upside down."

Is that --

A. Yes, I said that. And I believe that.

Q. We spoke earlier just briefly about Russian disinformation and the chances that what was in the Steele dossier could have been Russian disinformation. Was that a concern?

A. That's always a concern, particularly dealing in that universe. I don't recall any long conversations about it with either Steele or the Crossfire Hurricane team. You know, but at a certain level, you have an understanding of the universe you're dealing in and that is certainly a part of it.

Q. And the case agent that was in the October 3rd meeting with Steele was -- I'm better with names that I am with case agent identifiers. But am I correct that he was a Russia expert?

A. He was definitely an expert.

Q. So he would have been aware of the possibility of disinformation slipping in?

A. I would assume he would be.

Q. I think I asked, I want to ask this a little bit more specifically, but I think I basically asked you earlier.

Did you reach out to anyone in the
intelligence community about Steele's reporting?

A. No.

Q. Do you know whether anyone on the team, did that discussion come up where they reached out to say we checked this with the intelligence community?

A. They didn't ask me or talk to me about that.

Q. Did you have any knowledge of how the Crossfire Hurricane team was corroborating any of the Steele information?

A. No.

Q. And they never asked you to help corroborate?

A. No.

Mr. Somers. That's all I've got.

BY MR. BAKER:

Q. We had discussed briefly a little earlier, I think it was -- the first time we talked about it was in the context of Director Comey being in the media, reopening an investigation, that Mr. Steele might have been concerned that -- or he had questions about whether his information was being seriously considered by the United States government.

Do you have any idea whether his dissatisfaction was relayed to the bureau and at what
levels?

A. At that point, prior to my conversation in early November with him, unless he had conversations with the Crossfire Hurricane team or with Bruce Ohr or Jonathan Wiener, I don't know about that if that happened.

In terms of conversations with me, it was not a matter of -- it was not a matter that would raise an alarm to me in terms of anything he said about it. In terms of not -- he was not asking what are you doing with it? Are they looking at it? Is anything happening? It was very more general with the understanding that, you know, we're trying to see what's going on and we'll get there. But from coming from him, I don't recall any type of statements or actions that would raise a flag to me.

Q. That would have you generate some official communication.

A. Exactly.

Q. Okay. But you can't speak to what he might have separate and independently done communicating his dissatisfaction to others?

A. Right. No, I can't.

Q. And then I know initially you went to New York Field Office for guidance, sounding on what should
be the next step. And I know New York Field Office has
an -- I think a special relationship with headquarters,
special relationship in the bureau.

Did you ever hear unofficial discussions,
communications, gossip through bureau channels that the
subsource -- the primary subsource was disavowing some
of the reporting that Steele had done?

A. I did not hear anything about the primary
subsource until months later, anything that came out in
the news.

Q. Okay. So officially or unofficially you
heard nothing --

A. Nothing.

Q. -- until it came out publicly.

A. Nothing. And just to clarify your prior
question. The conversations that we had in October,
Steele and myself, were really focused on, after that
meeting, the money that he was offered, the 15,000. It
was about getting the money. That I specifically
recall. More than once. Numerous times.

Q. Thank you.

BY MR. SOMERS:

Q. Just one question on that. I think this is
addressed in the IG report, but did you ever have a
discussion with him about the Hatch Act?
1 A. The --
2 Q. The Hatch Act and how that might apply?
3 A. I don't recall that at all. Frankly, I'm not expert enough on the Hatch Act to even proffer an answer to it. But I don't recall that coming up. I mean, we spoke about numerous things. I just don't recall that one specifically.

BY MS. MICHALAK:

4 Q. Just a few more follow-up. What triggered this read-in e-mailing that was received the third week of September?
5 A. So I reached out to SSA-1 to say, hey, look. Is the source's information useful, good, garbage? You know, because I wanted to put that in the file just so there's a record. Again, going back to how you kind of evaluate the source.

6 And the response I got was the e-mail in which SSA-1 states is information corroborated, unrelated information that we used to predicate the investigation. And then below was a list of 20, 25 people who I think it says read into the investigation. I don't know why that was included in the e-mail. I didn't ask for it. I have no idea why it was put there.

7 Q. And was Jim Baker one of the names listed
in that read-in?

A. I can't recall right now.

MR. SOMERS: That's all we have.

EXAMINATION BY MINORITY STAFF

BY MS. ZDEB:

Q. I think we will be brief.

As you know, the Inspector General identified a variety of what he characterized as significant errors in the FISA applications under review and his report. And the reason that we're all here is presumably to talk about how to address those sorts of errors going forward.

We haven't really gotten into that yet today and so we wanted to ask you just a couple of questions about some of his specific recommendations.

A. Okay.

Q. In particular, we have spent some time talking about the source characterizations statement in the FISA application. Among other things, it said that Steele's reporting "has been corroborated and used in criminal proceedings." We've talked about that a bit thus far. And according to the Inspector General, that statement overstated the significance of Steele's past reporting and was not approved by Steele's handling agent as required by the Woods procedures.
In response to that situation, the Inspector General recommended revising the Woods form in a variety of different ways, but primarily to emphasize the obligation to obtain written approval from CHS handling agents for all CHS source characterization statements. This is on page 415 of the IG report. Director Wray accepted this recommendation and has identified several steps that the bureau is taking to address it.

Did you review Director Wray's response to the IG report?

A. I believe I read it, but I didn't spend time really reviewing it or going over it.

Q. So on -- and this is on page 428 of the IG report, which is where his response is contained. He responded to the IG's specific recommendation on getting written verification on source characterization statements by saying that the bureau is, quote, "improving the FISA verification form, otherwise known as the Woods form, by adding a section devoted to confidential human sources, including a new certification related to the confidential human source originated content in the FISA application by the CHS handler and CHS related information that requires confirmation by the CHS handler, which will be
maintained in the confidential human sources file."

So do you believe that these steps, namely, adding an explicit section in the Woods form to remind whoever is completing the Woods form of the obligation to confer and receive approval from the handling agent will help address the error that we've been -- the error that the Inspector General identified and that we have been discussing pertaining to the source characterization statement?

A. I mean, just based on my experience, it's reminding somebody to do something that they're supposed to do already, that they should be well aware of. I mean, it can't hurt, I guess, but you know. It's -- you know, it's in a document, it's a reminder, it's an extra requirement, which again can't hurt. You know, if you're not experienced in handling these kind of situations as investigative tools, then certainly you can use it as a roadmap to assist in what you need to do. But hopefully you're being guided by others who have experience and can mentor you as to what you need to do.

Q. To the extent you haven't filled out one of these forms before, do you think it would be helpful to have that written reminder on the form itself as Director Wray has indicated?
A. I've never done the Woods process. Wiretaps have something of a similar process. It's an extra step that if it ensures the integrity of the information going into the affidavit or the application, then it certainly can't hurt and would help.

Q. According to Director Wray, the FBI is also adding a checklist to the Woods form that in his words walks through the new and existing steps for the supervisor who is affirming the case agent's accuracy review prior to his or her signature. And that is meant to affirm the completeness of supervisors' accuracy review.

Is that sort of checklist in your view an additional step that will be helpful in ensuring that errors like the ones we've -- the one we've been discussing --

A. I think for supervisors who lack the experience of the process, it certainly helps.

Q. And do you have any other recommendations regarding the involvement of case handlers in reviewing information about the sources that they handle for purposes of making sure that those sources are described accurately in FISA applications?

A. Again, from my perspective as the source
handler, you know, anything that can be done to ensure that the case team is going to be using the source information or characterization has to run it by the source handler, get the okay, and these steps certainly can help.

You know, to me, it's steps that are obvious to someone who has done this before or mentoring somebody as to how to do it, but it cannot hurt. It certainly can help.

Ms. Zdeb. I think that concludes our questioning. We can go off the record.

[Redacted]. For the record, we, the FBI and [Redacted] will have an opportunity -- we request to review the transcript at some point, but I assume here.

Mr. Somers. Yes, here. Yes. At any point if you want or the investigator's attorney want to review it, you can come here to review.

Mr. Berger. Thank you very much. I appreciate your hospitality.

(Whereupon, at 1:59 p.m., the instant proceedings were ceased.)
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Deposition Date: **March 3, 2020**
Defendant: **Handling Agent 1**
Case Name: **Senate Judiciary Committee**

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STAFF INTERVIEW OF JONATHAN MOFFA

September 9, 2020

United States Senate
Judiciary Committee
Washington, D.C.

The interview commenced at 9:39 a.m. in Room SVC-212-10, Senate Visitors Center.

Present: Arthur Radford Baker, Alex T. Haskell, Lee Holmes, Heather Sawyer, Zachary N. Somers, and Sara Zdeb, Committee Professional Staff; Christopher R. Landrigan, on behalf of the witness; [redacted] and [redacted], U.S. Department of Justice; and [redacted], [redacted], [redacted], and [redacted], Federal Bureau of Investigation.
Mr. Somers. This is the transcribed interview of Jonathan Moffa. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee into matters related to the Justice Department’s and the Federal Bureau of Investigation’s handling of the Crossfire Hurricane investigation, including the applications for and the renewals of the Foreign Intelligence Surveillance Act warrant on Carter Page.

Would the witness please state his name and current position at the FBI for the record?

Mr. Moffa. My name is Jonathan Moffa. I’m a Deputy Assistant Director at the FBI.

Mr. Somers. On behalf of Chairman Graham, I want to thank you for appearing today and we appreciate your willingness to appear voluntarily.

My name’s Zachary Somers. I’m the Chief Investigative Counsel for the majority staff on the Senate Judiciary Committee. I’d now like to ask everyone else other than your personal attorney, who I’ll get to in a few moments, to introduce themselves for the record.

Mr. Ventura. Christopher Ventura, Senate Judiciary, Majority.

Mr. Baker. Arthur Baker, Senate Judiciary Majority, Senior Investigative Counsel, Chairman Lindsey Graham.
Mr. Haskell. Alex Haskell, Counsel for Ranking Member Feinstein on the Judiciary Committee.

Ms. Zdeb. Sarah Zdeb, Senior Counsel for Ranking Member Feinstein on the Judiciary Committee.

[Redacted]. Department of Justice Office of Legislative Affairs.

[Redacted]. Department of Justice, Office of Legislative Affairs, Department of Justice.

[Redacted]. Office of Congressional Affairs, FBI.

[Redacted]. Office of Legislative Affairs.

[Redacted]. Office of General Counsel, FBI.

[Redacted]. FBI OGC.

[Redacted]. FBI OGC.

Mr. Somers. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I’d like to go over. Our questioning will proceed in rounds. The majority will ask questions first for an hour and then the minority will have the opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more questions and the interview is over.

Typically, we take a short break at the end of each
hour of questioning, but please let us know if you need a break apart from that.

As I noted earlier, you are appearing today voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that you decline to answer our questions or counsel instructs you not to answer, we will consider whether a subpoena is necessary.

As you can see, there is an official reporter taking down everything that is said to make a written record. So we ask that you give verbal responses to all questions. Do you understand that?

Mr. Moffa. I do.

Mr. Somers. So that the reporter can take down a clear record, it is important that we don’t talk over one another or interrupt each other if we can help it.

The committee encourages witnesses who appear for transcribed interviews to freely consult with counsel if they so choose, and you are appearing today with counsel. Could counsel please state his name for the record?

Mr. Landrigan. Yes. Christopher Landrigan.

Mr. Somers. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time. If you have any questions or if you do not understand one of our questions, please let us know. If you honestly don’t know the answer to a question or do not
remember it, it is best not to guess. Please give us your
best recollection. It is okay to tell us if you learned the
information from someone else.

If there are things you don’t know or can’t remember,
just say so and please inform us who, to the best of your
knowledge, might be able to provide a more complete answer
to the question.

You should also understand that, although this
interview is not under oath, you are required by law to
answer questions from Congress truthfully. Do you
understand that?

    Mr. Moffa. I do.

Mr. Somers. This also applies to questions posed by
Congressional staff in an interview. Do you understand
this?

    Mr. Moffa. I do.

Mr. Somers. Witnesses who knowingly provide false
testimony could be subject criminal prosecution for perjury
or for making false statements. Do you understand this?

    Mr. Moffa. I do.

Mr. Somers. Is there any reason you’re unable to
provide truthful answers to today’s questions?

    Mr. Moffa. No.

Mr. Somers. Finally, we ask that you not speak about
what we discuss in this interview with anyone outside of who
is here in the room today, in order to preserve the
integrity of our investigation.

That is the end of my preamble. Do you have any
questions before we begin?

Mr. Moffa. No.

Mr. Somers. It’s now 9:45 and we’ll begin our first
round of questioning.

Mr. Moffa, have you had a chance to read or review the
IGG’s December 20, ’19, report on the Crossfire Hurricane
investigation and the Carter Page FISA applications?

Mr. Moffa. I haven’t read it since December 20, ’19,
but when it came out I read it.

Mr. Somers. For the record, do you know if you’re the
person identified as either the section chief of CD’s
Counterintelligence and Analysis Section 1 and-or the intel
section chief in the IGG’s FISA report?

Mr. Moffa. If you say that’s the exact language used,
then yes. I don’t remember the exact language.

Mr. Somers. Other than your personal attorney and the
attorneys here for FBI and DOJ, did you speak with anybody
in preparation for today’s interview?

Mr. Moffa. No.

Mr. Somers. The FBI’s Crossfire Hurricane
investigation officially began on July 31, 2016, with the
opening EC. What was your position at the FBI on July 31
of 2016?

Mr. Moffa. I was section chief of the Counterintelligence Analysis Section 1.

Mr. Somers. During the time you were assigned to Crossfire Hurricane, did that position change or was it constant throughout?

Mr. Moffa. During the time I was assigned to Crossfire Hurricane that position was constant.

Mr. Somers. What’s your current position at the FBI?

Mr. Moffa. Currently I’m the Deputy Assistant Director of our Office of the Chief Information Officer.

Mr. Somers. When did you assume that role?

Mr. Moffa. I assumed that role -- I don't know the exact month, in 2018.

Mr. Somers. So you were Intel Section Chief up until you took that role, or was there another?

Mr. Moffa. No, there was a job in between that.

Mr. Somers. What was that?

Mr. Moffa. The Deputy Assistant Director over our Digital Transformation Office, in between.

Mr. Somers. And about what time period did you hold that position?

Mr. Moffa. Again, don’t know the exact month, but it was the spring of 2017 until roughly the summer of 2018, when I assumed my current position.
Mr. Baker. So up until 2017 when you transitioned to that Digital --

Mr. Moffa. Transformation Office.

Mr. Baker. -- your entire career up to that point had been doing what?

Mr. Moffa. It was as a counterintelligence analyst or manage of analysts.

Mr. Baker. So it had been counterintelligence work. And if I recall correctly, is it correct that your entire work history was predominantly at the FBI?

Mr. Moffa. Correct, absolutely.

Mr. Baker. You came to the Bureau initially how?

Mr. Moffa. I began in 1997 under a scholarship program as a student trainee. So I essentially went straight from high school into the FBI.

Mr. Baker. So the bulk of your work with the Bureau has been in the counterintelligence world --

Mr. Moffa. That’s right.

Mr. Baker. -- and the predominant part of that has been in some sort of analysis?

Mr. Moffa. Yes, absolutely. My entire career was as an intelligence analyst and my subject matter expertise is in counterintelligence throughout that whole period.

Mr. Baker. How or why the transition to Chief Information Officer?
Mr. Moffa. The transition was to the Digital
Transformation Office. I became aware of a promotional
opportunity. I applied for and interviewed for it and was
selected.

Mr. Baker. So it was for promotion, career development
purposes?

Mr. Moffa. That’s correct.

Mr. Baker. Thank you.

Mr. Somers. I understand from reading the IGG’s
report you were pretty much on Crossfire Hurricane from its
inception and then -- so I assume when you took the job at
the Digital Transformation Office, that’s when your
involvement in Crossfire Hurricane ended; is that correct?

Mr. Moffa. That’s correct.

Mr. Somers. Did you have any involvement in Crossfire
Hurricane after that transition?

Mr. Moffa. No.

Mr. Somers. Did you have any involvement with Special
Counsel Mueller’s team?

Mr. Moffa. I didn’t, other than an initial briefing to
the team, because Mueller’s team was starting right as I was
transitioning off. I was never on the team or otherwise a
part of their team.

Mr. Somers. So there wasn’t much of a gap, if any,
between when you rotated off Crossfire Hurricane and when
Special Counsel Mueller basically took over the
investigation?

Mr. Moffa. Again, I couldn’t speculate as to the exact
dates, but I conducted an initial briefing for the Mueller
team and that was one of the final involvements I had in
anything to do with Crossfire Hurricane. So whatever that
timing is, that’s when that occurred.

Mr. Somers. Do you know why you were assigned to the
Crossfire Hurricane?

Mr. Moffa. Yes. It falls directly within the
responsibilities of the position that I was in, the Section
Chief of the Counterintelligence Analysis Section. That
executive analyst leader would lead a team that would work
an investigation like that from an analytic perspective.

Mr. Somers. What were those responsibilities?

Mr. Moffa. Of that position?

Mr. Somers. Yes.

Mr. Moffa. Essentially --

Mr. Somers. As they relate to why you would have been
on Crossfire Hurricane?

Mr. Moffa. That section chief position is responsible
for a series of analytical units that cover a variety of
country threats from a counterintelligence perspective, to
include Russia.

Mr. Baker. You said something to the effect that you
were supervising or working from, I think, an analysis perspective. What other perspective would other team members be working from?

Mr. Moffa. The other half of the Crossfire Hurricane team was working from an operational and investigative perspective, so making operational and investigative decisions and conducting those operations, versus the analytic team supporting those operations.

Mr. Baker. In rank, I think you were a section chief. Is your counterpart doing these operations and investigation things, are they took a section chief?

Mr. Moffa. Up the chain of command, yes, there was an operational section chief who was assigned as well as a counterpart, and then there were lower-ranking managers on both of our teams who were on a more day-to-day working level basis on the team.

Mr. Baker. So the intelligence operational section chiefs or managers would have, I’m guessing, special agents or supervisory special agents beneath them, and then you from the analytical side would have analysts or supervisory analysts or both below you?

Mr. Moffa. In a general sense, that’s right. I wouldn’t call it intelligence operations. The operational side had agent managers of those operational investigative personnel. And I had a supervisory intelligence analyst
underneath me as part of the analytic half of this.

Mr. Baker. As far as rank and, for lack of a better word, power, you’re equals, the section chief over the operations and you as section chief over analysts? You’re equals in contributing to the mission, the goal, whatever that is or was, and you’re equal in the eyes of whoever’s above you?

Mr. Moffa. Correct. In terms of rank we’re the same. Our responsibilities are different.

Mr. Baker. Okay, but you’re coming together for a common goal?

Mr. Moffa. Correct.

Mr. Baker. You’re providing expertise and information from one part and the agents are doing another part, and it’s being funneled to the people that look at that and make other decisions?

Mr. Moffa. We had very distinct functions, but those functions worked together to facilitate the investigation.

Mr. Baker. And you’re both reporting to whom?

Mr. Moffa. For purposes of Crossfire Hurricane I was reporting directly to AD Bill Priestap.

Mr. Baker. Thank you.

Mr. Somers. Who would you usually report to?

Mr. Moffa. A Deputy Assistant Director over the Intelligence Branch within Counterintelligence Division.
Mr. Somers. Then you said -- I just want to make sure I have this correctly or at least a correct understanding of it -- that it’s because this investigation involved Russia and Russia was in your section’s analytical responsibility, that’s why essentially you were assigned to Crossfire Hurricane?

Mr. Moffa. Correct. My section on a normal day-to-day basis had [redacted] fully dedicated to [redacted], [redacted], and I was the executive manager of them before Crossfire Hurricane and after.

Mr. Baker. So you would be in that particular specialty a subject matter expert for that country?

Mr. Moffa. I wouldn’t consider myself that. As an executive manager, my job is to manage teams of analyst subject matter experts. So I would not expect anyone sitting in that chair then or now to have full-blown subject matter expertise in every one of those country programs. We’re talking the entirety of the world other than China was the responsibility of that section from a counterintelligence analysis perspective.

Mr. Baker. But the entity that you’re supervising would have subject matter experts --

Mr. Moffa. That’s correct.

Mr. Baker. -- that you could draw upon --
Mr. Moffa. Absolutely.

Mr. Baker. - and report or produce whatever their product is to your chain of command --

Mr. Moffa. That’s correct.

Mr. Baker. -- or the intelligence community at large if it’s something that’s a bigger, broader issue?

Mr. Moffa. That’s exactly right. There’s teams of subject matter expert analysts within the units and I’m managing them at an executive level.

Mr. Baker. Thank you.

Mr. Somers. On the operational side of things, so there was a section -- was there an equivalent operational section that supplied the agents for the investigation?

Mr. Moffa. In Counterintelligence at the time, there was the counterintelligence operational threat program, so it’s the Russian operational program, and then there’s the counter-espionage program. There were two different operational groups with those focuses, both of which would work elements of Russia.

Mr. Somers. To your knowledge, were the agents on the investigation drawn from the Russia counterintelligence operations side?

Mr. Moffa. To my knowledge the agents at the working level came from field offices and did have that background in Russian counterintelligence. I believe my executive
counterpart came from the counter-espionage side as the manager.

Mr. Somers. Did you help select the analysts or any other team members for the Crossfire Hurricane investigation?

Mr. Moffa. I don’t have a specific recollection of picking the names out, but I was involved in the selection process for the analysts. I was not involved in the selection of the operational personnel.

Mr. Somers. Did the analysts that were on the investigation, did they come from the section you headed or did they come from elsewhere, or was it a combination?

Mr. Moffa. They came from -- no, they came from my Russia unit.

Mr. Baker. When you say you were involved in the selection process for the analysts, what exactly was the process? Was there just a huddle between managers -- this guy’s good, that gal’s good? Or was there a formal posting? Did you query databases for expertise?

Mr. Moffa. There was no formal posting. I don't recall the specific details of the conversations I had with whom. It was a discussion amongst the management, my normal management team of Russia analysis. We were also simultaneously having to support the broader Russian election threat investigations and threats. So we had this
like a subset of my Russian analytic team to support
Crossfire Hurricane while the other Russian analysts
supported the broader counterintelligence and Russia
program.

So the conversations surrounded who had the right
capacity and availability to do that.

Mr. Somers. Do you recall how many analysts you
assigned?

Mr. Moffa. I couldn’t give you exact number. I just
don’t remember.

Mr. Somers. Like a handful or more than that? Are we
talking four or five, ten? Any ballpark you can give us?

Mr. Moffa. Less than ten, but I don’t remember the
exact number.

Mr. Somers. When they were assigned, was that
basically their task? They may have done some minor things,
but I mean was that their job, was to do Crossfire
Hurricane?

Mr. Moffa. Yes, for at least that initial period pre-
election, those analysts were fully dedicated to that team.

Mr. Baker. This selection was, I think I heard you
say, based on an expertise that these people had. So is it
fair to say that the people that were selected for this were
viewed as top performers, top people in their subject
matter? I think I’m familiar in some Bureau selections
where there are some special projects, some special case, where a supervisor gets a call. Hey, you’ve got to give us a body for this special that we’re doing or whatever, and you kind of get whatever comes out of the gumball machine. You don’t have, as the person standing up this special thing, you don’t have much input as to who you get. You get something. Was that the case in this? Or you got who you wanted, more or less?

Mr. Moffa. no, I wouldn’t describe it as that at all. I think it was a deliberate conversation amongst the management team about who had certainly the skills and ability and talent to do the job, but also understanding that we couldn’t take every subject matter expert off of the broader Russian program at the same time and dedicate it to this.

So it was striking that balance and picking the right team who we felt had those skills and abilities. So I would absolutely say it was us deliberately picking people we thought were successful. The supervisory intelligence analyst I picked is a true absolute subject matter expert in Russia, the best qualified person I could think of who worked for me, who could lead that team.

Mr. Baker. When it’s all said and done and the selections are made, I guess really I mean on both the agent side and the analyst side, but you’re going to be more
knowledgeable about the analyst side, were you able to kind of sit back, look at the team you’ve assembled, and have confidence that when the analytical work, when the investigation really kicked into high gear, you had a team of performers?

Mr. Moffa. I do. I can’t speak to the operational side because they didn’t work for me, but I felt good about the analytic team we had dedicated to it, yes.

Mr. Baker. Thank you.

Mr. Somers. This is pretty well laid out in the IG report, but I want to make sure you have the same understanding as what the IG report lays out. So as I understand it, there were analysts, there was a supervisory intel analyst, and then there was you sort of on the analyst side of the chain; is that roughly correct?

Mr. Moffa. That’s roughly correct, yes.

Mr. Somers. On the operational side, there was an SSA that was basically at the equivalent level of the supervisory intel analysts, and then he would have had agents under him; is that your general understanding?

Mr. Moffa. That’s correct.

Mr. Somers. And that SSA then reported to Pete Strzok, is that your understanding?

Mr. Moffa. That’s correct.

Mr. Somers. And a supervisory intel analyst obviously
reported to you. So were you and Pete Strzok on the same level in this investigation?

Mr. Moffa. We were initially. I believe Pete was promoted sometime in the fall. I don't know the exact date. And at that point he outranked me as a Deputy Assistant Director. In the initial period, I believe he was a section chief, so we would have been of equal rank.

Mr. Somers. But when he took over, I think it was September 4th of 2016 when he took over as a DAD. I’m just wondering, chain of command-wise, does that put him above you? Or was there a different DAD that was above you?

Mr. Moffa. He would not be above me from a managerial control aspect. I reported directly to Bill Priestap and my normal Deputy Assistant Director. I didn’t report to Pete. He did outrank me in terms of just executive rank in the FBI.

Mr. Baker. Who was your normal Deputy Assistant Director?

Mr. Moffa. Dina Corsi.

Mr. Somers. What was Dina Corsi’s involvement in Crossfire Hurricane?

Mr. Moffa. She had minimal involvement in Crossfire Hurricane, but she was -- I essentially reported to her directly for that broader analytic support to the Russia program and to the Russian election issue that was under way
Mr. Somers. But for Crossfire Hurricane you reported to Bill Priestap?

Mr. Moffa. That’s the most accurate way of describing it. I reported directly to Bill Priestap.

Mr. Baker. You’ve indicated you were around working in the FBI’s counterintelligence apparatus for a good part of your Bureau career. Did you know Mr. Strzok before this particular case?

Mr. Moffa. I did, especially working counter-espionage cases. He had been a counter-espionage agent, a manager of counter-espionage cases at WFO. So we had definitely interacted before.

Mr. Baker. So you knew him from Washington Field Office?

Mr. Moffa. I knew him from Washington Field Office and we worked together in a counter-espionage unit at headquarters at one point as well.

Mr. Baker. Was the relationship more professional or -

Mr. Moffa. Yes, I think it was certainly professional. I’d consider us work friends. We would talk outside of work occasionally. But the classic kind of work friend relationship.

Mr. Baker. And how about Mr. Priestap? You knew him at the time.
Mr. Moffa. I knew him very little before he became the AD of Counterintelligence Division. I knew of him and I had met him a few times, but really my relationship with AD Priestap was once he began as the AD of the division.

Mr. Baker. And once he was the AD of the division, is he someone you had frequent contact with?

Mr. Moffa. Yes.

Mr. Baker. More so than Mr. Strzok during the case?

Mr. Moffa. No, I would say it’s about equal. I mean, every day, just about every day, we were talking -- I was talking to both of them about some aspect of whether it was Crossfire Hurricane or the broader Russian issue during this period.

Mr. Somers. In terms of -- I’m trying to understand the reporting chain. Another individual we’ve interviewed, his name is Steven Laycock. He was also a section chief, is that correct?

Mr. Moffa. That’s correct.

Mr. Somers. And he handled -- his section had Russia specifically in it, correct?

Mr. Moffa. Correct. That’s my section chief counterpart for Russia operations, the broader Russia operations.

Mr. Somers. I have --
want to clarify. We are in an unclassified setting?

Mr. Somers. That’s correct.

Generally, I’m just trying to understand. Apart from Crossfire Hurricane, the section that Steven Laycock headed had Russia the country specifically in it. The section that Pete Strzok handled, what did that cover?

Mr. Moffa. They managed counter-espionage cases specifically.

Mr. Somers. So how much involvement did Steven Laycock’s section have in Crossfire Hurricane specifically?

Mr. Moffa. Again, very little involvement in Crossfire Hurricane. But they were the main operational section for the broader Russian election counterintelligence issue.

Mr. Somers. Just generally, what was -- I don’t want to get into anything classified, but if you could just give a general characterization of what the broader Russia investigation you referred to a few times was?

Mr. Moffa. Sure. Really, in an election the Counterintelligence Division takes a look at what our foreign adversaries from a counterintelligence perspective are going to do to target the election. In this particular election, following the DNC hack and all that was coming out publicly, obviously there was some heightened awareness of the Russian election threat. So it was looking at the activities of Russian intelligence actors and the broader
threat as it pertained to their targeting of the election.

Mr. Somers. Just to switch tracks briefly here, how many FISA applications have you worked on in your career?

Mr. Moffa. I couldn’t give you the number.

Mr. Somers. Because it’s high or --

Mr. Moffa. I’ve worked on a number of them. I have absolutely no idea what that number would be. To be clear, I worked on them as an analyst, not as an analyst manager.

Mr. Somers. What does that consist of, that working on? What has generally been your involvement in FISA applications?

Mr. Moffa. On FISA applications it would be, if I’m providing analytic support to a case, meaning I’m conducting research in support of the investigators who are looking at a subject, I would generally be aware they were seeking a FISA. Intel products that I authored or facts that I would analyze could potentially go to those investigators for their evaluation and their work with OGC and the lawyers at DOJ for inclusion.

So that would really be my involvement. It would be if there’s analytic information or research that could help the investigators apply for a package in consultation with the legal side.

Mr. Somers. Did you in that capacity review the actual application, the actual words that were in the
application?

Mr. Moffa. In that capacity, it would be much more likely I would read at least parts of them. I can’t say I would read every single page, all the legalese especially. But there were times where, sure, you would potentially read those sections that related to a threat actor that you are a subject matter expert on, for example, and render an opinion.

Mr. Baker. You or your analysts, your involvement in the FISA process, does it come after the FISA application or the package starts its movement through headquarters, or can an agent in the field reach out to an analytical component and nail down some facts that early on?

Mr. Moffa. It can really happen at any one of those stages. It could be before the decision to formally go for a FISA has been made. It could be conversations happening between analysts and investigators about the nature of the threat that we’re seeing in the investigation. And then later on, it could be that back and forth as they try to nail down certain facts or information that’s included, sure.

As a working-level analyst, that would be the kind of range of their involvement.

Mr. Baker. So the fact nailing down I guess is what I’m really interested in. That could happen at either
stage, too?

Mr. Moffa.  Sure, I think so.

Mr. Baker.  Okay.  Thank you.

Mr. Somers.  You served as an analyst?

Mr. Moffa.  Yes.

Mr. Somers.  You served as a supervisory intel analyst?

Mr. Moffa.  I served as -- it’s supervisory intel analyst unit chief.  That’s the official position.

Mr. Somers.  Unit chief.  And then as a section chief during Crossfire Hurricane.  What was your role in FISAs generally as the section chief, as that section chief?

Mr. Moffa.  No role whatsoever.  I wasn’t involved in the drafting.  I wasn’t involved in the approval.  I was generally aware if FISAs were being sought, and for me that’s more for my situational awareness in the sense of, if a FISA goes live there’s intel coming in and I have to be able to resource review of that kind of intelligence from an analytic perspective and understand to some degree the intelligence gaps the FISA’s answering.

But in terms of the process of generating it, I’m not involved.

Mr. Somers.  Just backing up to your previous life as an analyst, if you were an analyst, as you described the work you had on a FISA, would you also be looking at the
data or whatever that’s coming in as a result of the FISA?

Or do you kind of shift off once the FISAs been applied for?

Mr. Moffa. No, it’s entirely possible that the proceeds of the FISA, any kind of captured communications for example, the analysts could absolutely be going through those, in fact most often would be.

Mr. Somers. Are you familiar with the Woods procedures?

Mr. Moffa. I’m generally familiar with them, but again I’m not responsible for production of FISAs, so I can’t tell you I’m intimately familiar with all of the policies and actions of it.

Mr. Somers. What was your role as an analyst -- I’m just trying to understand FBI analyst’s roles more generally. What’s the role of an analyst in the Woods procedure?

Mr. Moffa. There’s really no role, other than if an analyst’s product is going to be included a copy of it needs to be in the Woods file.

Mr. Baker. So an analyst’s product could be the basis for an assertion in a FISA and therefore that product created by the analytical component should be in the Woods file?

Mr. Moffa. With factual research contained within an analytic product. Maybe not their judgment as much as a
salient fact that’s used. If they’re citing an analytic product as a source of that, that should be in the Woods file, correct.

Mr. Baker. And would analysts be available for, for lack of a better word, a consultation with an agent trying to put something together? The agent’s trying to nail down a fact. Can they come to an analytical part of the FBI and say, Hey, I myself am not aware of this; there’s some vague reporting on whatever it is; do you, with your analytical skills and a more broader perspective -- can you help me nail down this fact? Is that something you’d do or your people do?

Mr. Moffa. I wouldn’t do that as an executive or manager of analysts. But certainly a working-level analyst would be able to answer some of those questions for the investigators, sure.

Mr. Baker. Would you say that that ability to answer those types of questions, it’s not just a nicety that exists in the FBI if somebody wants to use that? In the modern FBI, my understanding is post-9-11 Director Mueller really raised the profile of the analytical component of the FBI, career enhancement things for career tracking.

Would it be fair to say that it’s not just a nicety that there is this analytical component; people are using that for the things we’ve discussed here, to nail down
facts, to document things that they’re asserting in FISA or just regular Title 3 affidavits, that your expertise and the people that have that expertise in the Bureau, they’re truly a part of the sophisticated techniques and it’s a vital resource, not just something that sits somewhere in a room somewhere and is somewhere on a directory?

Mr. Moffa. Yes. Not having been at that working level for a while, I couldn’t tell you exactly to the degree that happened. But generally, it’s a merged operational intelligence team working together. Operators, agents who are applying for FISA, absolutely know who their analytic counterparts are. They could go to them at any time if they have questions about facts or research or an analytic product they’re looking at. I think they’re absolutely available for that and it would certainly be something that wouldn’t be out of the ordinary if they were to reach out to do that as they prepared a FISA.

Mr. Baker. It’s my understanding, my belief, that there’s such an importance put on the analytical component that the integration, for lack of a better word, between or with the agents and the analysts starts very early in both of their careers, like at Quantico, the basic training for both, begins together at the FBI Academy; is that correct?

Mr. Moffa. That is correct.

Mr. Baker. And in your opinion, does that importance
of working together, sharing information, and again back to putting an emphasis on what you do, does that in your opinion exist after training and throughout the investigative process as an agent, a new analyst, progresses through their career?

Mr. Moffa. Again, I can’t speak to the entire Bureau, but what I saw in Counterintelligence, the analytic personnel are very much embedded directly with our operational counterparts, for that reason, whether it’s on a squad in a field office or even at headquarters. My teams were physically seated with their operational counterparts, so that interaction could happen on a day to day basis.

Mr. Baker. Thank you.

Mr. Somers. Was that true for Crossfire Hurricane?

Mr. Moffa. It was.

Mr. Somers. Just on the -- obviously they had different reporting chains, but just to look at Crossfire Hurricane, could a case agent, for instance, go just task an analyst with, Hey, I need some more on X, and that’s how it would work? Or would the agent have to go to the supervisory intel analyst and have him task? Do you know how that day to day basis worked?

Mr. Moffa. I wasn’t sitting with that team on a day to day basis, so I can’t tell you how that happened. But in a general sense, it depends on the ask. If it’s a reasonable
working-level ask, that’s the reason we’re embedding them
together, so that those teams could work together seamlessly
in exactly the way you described.

If the ask is for substantial portions of that
analyst’s time, like in terms of expenditure of the resource
of that analyst, we would expect him to come through the
analyst’s manager. So that applies to every team, and I
would say to include Crossfire Hurricane, although I wasn’t
sitting with them, so I couldn’t tell you precisely.

Mr. Somers. This is something that hasn’t occurred to
me that much prior to this. Maybe you don’t know the
answer, but you talked about sitting with. If you could
give me kind of a picture, like a physical picture? You had
agents, obviously, come from the field to headquarters, is
my understanding. So they were all sitting in Hoover.

But your analysts were application headquarters
analysts, is that correct?

Mr. Moffa. Yes.

Mr. Somers. So did they -- where were they all
physically sitting in Hoover?

Mr. Moffa. We -- and I’m using the royal “we” here.
The division acquired a space, a single space, and my
analysts moved from their normal desks into that space and
the agents from the field sat in that same space. They were
physically in one room.
Mr. Somers. Including the supervisors?

Mr. Moffa. Including the supervisors.

Mr. Somers. So the SSA --

Mr. Moffa. And the SIA.

Mr. Somers. -- and the SIA both moved to that physical space?

Mr. Moffa. With the teams, yes.

Mr. Somers. But you and Mr. Strzok did not? You stayed elsewhere.

Mr. Moffa. Again just to describe my job, I have over a hundred personnel assigned to me, working really a global set of threat actors. My full-time job was not to manage Crossfire Hurricane.

Mr. Somers. I’m just trying to get a picture.

Mr. Moffa. So I sat separately from the team.

Mr. Baker. I just want to be clear, because we’ve talked mostly about agents coming to analysts or agents being helped by analysts, supporting facts or assertions. I think you alluded to in terms of products that analysts can produce. The analysts can generate information that maybe the Bureau wasn’t focused on before and that could in turn initiate an investigation to be opened totally based on the analytical product that highlighted something that maybe wasn’t known to the Bureau?

Mr. Moffa. Correct. That happened.
Mr. Baker. Thank you.

Mr. Somers. As I understand it from reading the IGG’s report, you were involved in Crossfire Hurricane from the inception; is that correct?

Mr. Moffa. It’s hard to define what that exactly means, but I was aware of it and I was staffing it with my analytic teams from the beginning.

Mr. Somers. From the beginning. The IG report indicates that from July -- this is on page 52, for instance; I’m sure this appears more than once in the IGG’s report. From July 28th to July 31st of 2016, officials of the FBI headquarters discussed the friendly foreign government information and whether it warranted opening a counterintelligence investigation.

My understanding from the IG report is you were involved in those discussions in that time period; is that correct?

Mr. Moffa. I was present for the discussions.

Mr. Somers. How did you become aware of this friendly foreign government information?

Mr. Moffa. I received it via email along with a few others from the division. It literally came to me in my email.

Mr. Somers. The information that you got, is that like -- I don't know how familiar -- you were certainly
familiar with it at some point in time. But there’s the opening EC in the Crossfire Hurricane investigation that’s been declassified. And it largely seems to be to me -- you can recharacterize what I’m saying, but from my read of it -- it largely is an email embedded within an opening communication.

Is that what you received, an email basically with the factual scenario from the friendly foreign government?

Mr. Moffa. That’s right. I received an email that contained essentially that reporting, which then served as the basis for the opening of the case, that’s right.

Mr. Somers. Do you recall who sent you that email?

Mr. Moffa. I received it from --

[Redacted]. If you have to give names --

Mr. Moffa. No, this was a section chief name. Charles McGonigal, who was in the division at the time.

Mr. Somers. I’m sorry. He was where?

Mr. Moffa. He was a section chief within Counterintelligence Division, on the operational side.

Mr. Somers. Do you know where he got it from?

Mr. Moffa. I believe -- I don't know. I couldn’t speculate without looking at the chain of emails.

Mr. Somers. Did his responsibilities include Russia?

Mr. Moffa. I also couldn’t speculate to that. I believe he ran our cyber coordination section, and I don't
know if they had Russian responsibilities or not.

Mr. Somers. Do you recall sort of the lead-in? Like, Hey, we got this information? Why were you being -- do you recall why you were being alerted to this information?

Mr. Moffa. It would make sense to come to me, again, because I’m in charge of the Russian counterintelligence analysis program and it dealt with the Russian threat. He sent it to essentially the ops and intel halves of that equation, the operational counterpart, Steve Laycock, and me. That’s my recollection.

Mr. Somers. Do you recall if Pete Strzok was on that initial email?

Mr. Moffa. I don't recall that.

Mr. Somers. You don’t recall whether he was?

Mr. Moffa. I don't recall.

Mr. Somers. How did it then broaden out, to the best of your recollection, from coming to you and Steve Laycock, and then it obviously broadened out? From the IG report, there were numerous people involved in those discussions over that three or four-day window there.

Do you recall how --

Mr. Moffa. I don't recall specifically. I know I forwarded it up my chain of command. I don’t remember who I sent it to specifically.

Mr. Somers. Were there meetings over that four-day
window, July 28th to July 31st?

Mr. Moffa. Again, I couldn’t tell you specifically how many or what day. But I recall being part of the conversations about that email and what it contained over generally that period.

Mr. Somers. What generally were those conversations?

Mr. Moffa. The conversations, although I have to clarify -- they’re not asking my opinion as the analyst manager necessarily. But I was around conversations about whether to open a case, how to open a case, and how to proceed with that information going forward.

Mr. Somers. What’s your -- ultimately, obviously, a case is decided to be opened. It’s opened on July 31st. I think the IG report indicates that you had some input on the -- or if not, we have emails that indicate you had some input on the opening of the EC. Do you recall what your input was?

Mr. Moffa. I don't recall that.

Mr. Somers. Do you recall having input on the actual document?

Mr. Moffa. No, I don't recall that.

Mr. Baker. Who picked the codename of the case?

Mr. Moffa. Who picked the codename? I don't recall that either.

Mr. Baker. Is there a system for codenames?
Mr. Moffa. There is a system or there was a system, I should say. In the earlier days of my career, I remember there was a way you could actually query a system and you’d get back a set of codenames that were generated, that case agents, the operational side, could choose from.

I don't know how this one was generated, other than what I’ve read.

Mr. Baker. So the process you described, it was randomly generated. Maybe you got a few choices and then the case agent could select from those choices?

Mr. Moffa. Correct. I couldn’t tell you at what era of the Bureau that may have stopped. But earlier in my career that’s exactly the way it would work. You’d get a list of three or four codenames and those were available and you could choose from them.

Mr. Baker. But you think that process stopped and some other process came to be?

Mr. Moffa. I couldn’t even tell you that. It could still be in place. I wouldn’t know. I just haven’t worked at that level or on cases like that for a long time.

Mr. Baker. Do you recall, with the process you’re describing, the randomly generated choices, could a case agent come up with a codename on their own that they wanted and do some administrative thing to override the selections that the computer made?
Mr. Moffa. My memory, again going back more than a
decade, generally was you could, but you had to determine
first positively if there was another case with that exact
same codename. That makes sense. You wouldn’t want to have
two cases codenamed the exact same thing because it could
create lack of clarity.

Mr. Baker. So if someone picks their own codename,
assuming it’s with whatever the Bureau protocol for doing
that is, do you know if it’s habit or more often than not
that there’s some meaning to the codename relative to the
case, or not necessarily?

Mr. Moffa. I couldn’t tell you how prevalent that is.
I’m sure it happens.

Mr. Baker. I’m told or I’ve read somewhere that this
particular codename was chosen by one of the Crossfire teams
and it comes from a Rolling Stones song. Have you heard
that?

Mr. Moffa. I read the same thing. I don’t recall
there being conversations that I was a party to about that
at the time, though.

Mr. Baker. So there wasn’t a big discussion that you
are aware of of what to name the case?

Mr. Moffa. I don’t remember being a part of any
discussion about what the codename is.

Mr. Baker. What’s the purpose of a codename?
Mr. Moffa. The purpose of the codename I think in a rough sense is to be able to refer to an investigation or series of investigations in a way that doesn’t directly identify the subject or purpose of that investigation.

Mr. Moffa. So if you were to pass somebody in the hallway in a non-SCIF setting and they were involved in some of the cases you’re involved in, but you needed to see them about a particular matter, you could reference the codename and then they would know what it is you’re talking about, as opposed to five other cases that you both might be working on?

Mr. Moffa. That’s correct. It’s essentially an operational security measure. It adds obfuscation to those who are not read into the case for what the purpose of the case is.

Mr. Baker. Thank you.

Mr. Somers. What was your understanding at the beginning of what the predication was for opening Crossfire Hurricane?

Mr. Moffa. My understanding of what the predication was?

Mr. Somers. Yes.

Mr. Moffa. I believe the predication was based largely on that information received from the friendly foreign government about the fact that a member of the Trump
organization -- and that term was used -- that may not be
the exact wording used, but it wasn’t a specific named
individual -- may have received information from Russia
helpful to the campaign and harmful to the opponent.

Mr. Somers. How did your previous -- you had been
working on Russian election interference generally in the
2016 election prior to receiving this friendly foreign
government information; is that correct?

Mr. Moffa. Sure. In the run-up to the election, we
began earlier in the year starting to look at that sort of
issue, yes.

Mr. Somers. How did that play into opening Crossfire
Hurricane?

Mr. Moffa. I think the context of that moment in July
was a really important one. This was after the events
involving the DNC and separate intelligence we were starting
to review related to what the Russians were doing to target
the election. So this to me fits into the background of all
of that at the time.

So my impression of the predating material is
informed by what’s happening in the broader Russian election
threat context at the time.

Mr. Somers. What do you recall -- what were you
looking for generally as you opened Crossfire Hurricane?

What were you going to investigate?
Mr. Moffa. Again, I have to clarify. I’m not involved in the opening. Part of why I’m clarifying that is there may be a set of operational considerations my counterparts had that I’m not privy to.

To me, from my personal perspective at the moment, understanding the context of the broader threat happening around it and the nature of that information, in my personal opinion it made sense to open a case. But to clarify again, I’m not being asked for my formal opinion. It’s not within my responsibility, authority, expertise to really make a judgment on that.

Mr. Somers. What was your understanding of what the team was going to -- you launched this investigation, Crossfire Hurricane. You’re starting to put together, I assume, in these early days a team for Crossfire Hurricane. What were they to investigate?

Mr. Moffa. It was to identify the potential unknown actor, and I’m using that word deliberately, “potential unknown actor,” who may have received this information from the Russian government. Because that person was unknown, the team was opening a series of cases on individuals what could fit the description, essentially, someone who could have received that information from the Russians.

Mr. Somers. I think in the IG report it indicates that, on page 59, it says. “Strzok, the intel section
chief” -- that’s you -- “the supervisory intel analyst, and

case agent 2 told the Office of Inspector General that,
based on this information” -- “this information” being the
friendly foreign government information -- “the initial
investigative objective of Crossfire Hurricane was to
determine which individuals associated with the Trump
campaign may have been in a position to have received the
alleged offer of assistance from Russia.”

So that’s what you were looking at, to see who was in
position?

Mr. Moffa. That’s right, somebody that would have had
the access or opportunity to receive that sort of suggestion
for Russia.

Mr. Somers. Why look specifically at that, versus
just someone who had the access to the campaign to carry
out? Did you need -- I guess what I’m asking is, did you
need a preexisting relationship with Russia in order to get
this information to the campaign?

Mr. Moffa. Again, you’d have to ask -- in terms of the
actual legal sufficiency of opening cases, you’d have to ask
somebody else. To me --

Mr. Somers. I’m just asking what you were looking
for.

Mr. Moffa. To me, from a personal reasonableness
there were individuals who had preexisting ties to Russia or
the kind of opportunity that would make that sort of
suggestion being made possible. So I think that’s where the
team focused initially, on identifying people who fit into
that category.

Mr. Somers. You settled on -- not you. The team, the
FBI, settled on four individuals that seemed to fit that?
Is that what they were? They were in the position to have
received information; is that a fair characterization?

Mr. Moffa. I think it’s a fair characterization, based
on their background and their connections, preexisting ties
to Russia, and their association with the campaign. That’s
my understanding of the reason our operational team chose to
open the cases on them.

Mr. Somers. Obviously, George Papadopoulos is named
in the opening EC. So he obviously would be -- would seem
to be an obvious target. How did you arrive at the others?
What type of -- in terms of investigative methods, not in
terms of the specific individuals? Like what did you do
between -- I think the other cases were opened -- three
others were opened on August 10th of 2016 and then the case
against General Flynn was opened on August 16th.

I’m trying to understand between, let’s say, July 31st
and August 16th what went on investigatively to identify
those four individuals.
Mr. Moffa. Because I’m not sitting there at the working level with the team, I couldn’t tell you exactly what was done. I can speak a little bit to the fact that my analysts are doing research on who are the sort of named, known members of the Trump campaign at the time and then looking in our indices, for example, for preexisting cases or information that might suggest the sort of Russia ties that I’ve been talking about, the context that might make one person a more likely candidate for this investigation than someone else.

So from our half of it in terms of the analytic side, we were starting to just pull together that kind of information and research.

Mr. Baker. Where is that information and research going once your team is pulling it?

Mr. Moffa. My time was writing a series of documents to capture that, and those were being provided to the operational team.

Mr. Baker. That’s the agent --

Mr. Moffa. The agent side, right. And that informs their choices about which cases they chose to open.

Mr. Baker. It’s my understanding that with the choice that they could make about which cases to open and I think by extension which techniques or investigative methods to apply, that was pretty much in their domain to decide at the
SSA level, I think. Is that your understanding?

Mr. Moffa. It is. That’s my understanding, too. In conjunction with conversation and review by our Office of General Counsel.

Mr. Baker. That’s a good point, the Office of General Counsel. You indicated a minute ago, to a question Mr. Somers asked, that it wouldn’t be your role to say the legal sufficiency of it.

Mr. Moffa. That’s right.

Mr. Baker. So whose job is it to determine if there’s legal sufficiency to do whatever is being considered?

Mr. Moffa. There are essentially support units within our Office of General Counsel who have lawyers focused on national security threats and cases, and they work really closely, hand in hand really, with our operational teams to give that exact sort of judgment about do we have that legal sufficiency for a case and, if so, what kind of case should be opened and what other administrative stipulations need to be implemented related to it based on those facts.

That’s something that our OGC works directly with the operational side. And in the field, the chief division counsel, essentially the OGC equivalent in the field, would do the same.

Mr. Baker. These OGC people that would be providing guidance on opening techniques or whatever, would this be
where the operational people that would be the ones most
likely needing that service -- would they just call over to
the general counsel’s office and somebody picks up the phone
and they say, hey, I need some legal advice? Or is there
somebody specifically assigned to this Crossfire Hurricane
team as the legal liaison?

Mr. Moffa. There was an Office of General Counsel unit
chief who was essentially assigned from the beginning, in
the same kind of way I’d describe other managers. It’s not
that they’re necessarily doing just that all day, but
associated really from the beginning. It was the same
general counsel unit chief who really supported at least
half of the counterintelligence programs on a normal basis.
It wasn’t a new or different general counsel attorney. It
was essentially the attorney -- one of the attorneys that
regularly supported Counterintelligence Division.

Mr. Baker. I would think -- correct me if I’m wrong --
that you would need continuity just because of the nature of
assembling. Just in a FISA alone, you’ve got information
coming in, I understand, from a lot of different places.
You couldn’t get legal advice randomly from ten different
lawyers every time you needed something. You would have to
have somebody assigned to it.

Mr. Moffa. Well, yes, I think having continuity is
helpful. But there are a lot of attorneys, so it isn’t just
one attorney for all cases in the division. Obviously, there’s a number of attorneys supporting the division.

But the general counsel is a foreground part of opening cases and then pursuing advanced techniques. They’re very much involved and engaged directly with our operational teams.

Mr. Baker. Who primarily liaised with the operational team from the general counsel’s office for this case?

Mr. Moffa. The person is at the GS-15 level. My understanding is I’m not supposed to discuss their names.

Mr. Somers. Are you referring to the OGC unit chief?

Mr. Moffa. I wouldn’t be able to -- that’s one of the hardest parts of people asking questions about the IG report, is the whole nomenclature of their numbering. But I know that person is referenced in the IG report, yes.

Mr. Somers. It is a unit chief?

Mr. Moffa. Unit chief, correct.

Mr. Somers. And is that unit chief someone you worked with, would you characterize it as regularly?

Mr. Moffa. Yes.

Mr. Somers. Apart from Crossfire Hurricane?

Mr. Moffa. Again, in a different capacity. As an analyst, I’m working with them in a different way than the operational counterparts are. But certainly somebody I’m very familiar with who is very much a fixture really in the
division and supporting the division’s investigation.

Mr. Baker. You say “very much a fixture.” Is that person a fixture or their prevalence in counterintelligence matters in your opinion, is it based on their expertise in that particular area?

Mr. Moffa. Absolutely, years and years of expertise in national security investigations, but specifically counterintelligence investigations. A really valued adviser in that regard.

Mr. Baker. Your verbal response underscored “absolutely.” It’s your opinion that this person’s top of their game?

Mr. Moffa. Yes. I continue to think really highly of that person.

Mr. Baker. Thank you.

Mr. Somers. And that unit chief had a, for lack of a better term, a line attorney below her that primarily, at least from the IG report, worked on the case. Do you know that -- I’m not asking for the name, but do you know who I’m referring to?

Mr. Moffa. I believe I do, yes.

Mr. Somers. Was that someone you’d worked with previously?

Mr. Moffa. Much less so. Maybe a few investigations, a handful that I was aware of. But again, that person I
would have become aware of when I was an analyst manager;
and as an analyst manager I’m much less involved in the day
to day workings of these cases. But I was certainly
familiar with that person, but much less so than the unit
chief.

Mr. Somers. Getting back to what I was asking you
about a moment ago, I’ll just read you this from the IG
report. “The Department was first notified about the
opening of Crossfire Hurricane on August 2nd” — “the
Department” being the Department of Justice — “on August
2nd, 2016, when Priestap and the intel section chief” —
that’s you — “briefed several representatives from NSD.”
Do you recall that briefing?

Mr. Moffa. I recall —

Mr. Somers. Or a very early briefing?

Mr. Moffa. I recall an early briefing and it was a
regular set of briefings of DOJ executive management that
involved conversations about Crossfire Hurricane and the
broader Russia election context.

Mr. Somers. Do you recall that David Loffman was in
that briefing?

Mr. Moffa. I recall that, yes.

Mr. Somers. According to Loffman and his
contemporaneous notes of the briefing, FBI officials
described FFG information and the four individuals the FBI
had identified through its initial investigative work who were members of the campaign and had ties to Russia.

I guess -- and I don't know if you’d know this because you weren’t a hands-on analyst in this, but you did do the briefing. So you opened the case on July 31st and on August 2nd you’ve already identified four individuals. To me that seems kind of quick. But could you --

Mr. Moffa. I wouldn’t necessarily agree with that characterization. The purpose of the investigation is to determine if there is a threat. So I think what the team did there was identify some initial candidates for investigation and, again, having been evaluated for legal sufficiency and all that goes into the administrative side of opening a case, it was I think the Bureau in an immediate way getting into that phase of determining whether you could rule in or out any of those candidates.

So to me waiting doesn’t necessarily help you answer that question any faster. So I wouldn’t find it strange or odd or a problem that cases were opened quickly. So that’s my opinion of the opening of those four.

As far as the briefing to DOJ, I can’t tell you who actually spoke during the briefing to provide it. I just don’t recall that.

Mr. Somers. Of course, not asking you for any names or anything like that. These four individuals are
identified on August 2nd, which I would characterize as quick, you would disagree with. That’s fine. At any time were other -- and I’m not asking you for names or anything. These four were identified on August 2nd. They’re also the four that seemed to carry through the entire investigation.

Were cases considered to be opened or other people investigated other than these four? Again, I’m not asking to say “John Smith.”

Mr. Moffa. I can say generally yes. I wouldn’t want to get into the specifics.

Mr. Somers. That’s fine.

Mr. Baker. Were any cases opened that were closed quickly, that didn’t survive like the ones that are more commonly --

Mr. Moffa. I just don’t recall that. I’m sorry, I just don’t remember.

Mr. Baker. Mr. Somers asked about the quickness of cases being opened. It could be closed quickly --

Mr. Moffa. Absolutely.

Mr. Baker. -- if resources were put to them and it turned out to be a dead end?

Mr. Moffa. Or if you quickly determined that the predication for that case, the allegation essentially you’re looking into, you could substantiate that it’s not true and that person’s not a good candidate for investigation, you
can close it quickly, absolutely.

Mr. Baker. But you don’t recall in this case if there were any opened and then quickly closed?

Mr. Moffa. Yes, I just don’t recall it. It doesn’t mean that there weren’t.

Mr. Somers. Then of the four individuals, I think General Flynn and Paul Manafort had pretty clear connections to the Trump campaign. What was your understanding, though, at the time of who George Papadopoulos was, for instance?

Mr. Moffa. All I can tell you is what I personally remember in those early days was some initial information that he was in some way associated with the Trump foreign policy team. I don't know more really than that. Subsequently I learned a few biographical details about him. But I believe there was open source reporting where he was openly being identified by the campaign as a member of that team.

Mr. Somers. The same question for Carter Page. What was your early understanding of who Carter Page was?

Mr. Moffa. Carter Page, again I learned about him once this case began. same kind of identification publicly as a member of the Trump campaign team in that time frame. But then I subsequently became aware of additional information within the Bureau’s own holdings about Carter Page.

Mr. Baker. What do you mean when you say “within the
Bureau’s own holdings”?  

Mr. Moffa. I just don’t know what the classification part of that is.

Mr. Baker. In general terms, it sounds like --

Mr. Moffa. Other investigative information.

Mr. Baker. That’s housed somewhere in the FBI?

Mr. Moffa. Correct.

Mr. Baker. Maybe previous contacts, previous dealings, previous cases?

Mr. Moffa. Sure, that type of thing, yes.

Mr. Somers. What was your early understanding of how either -- well, let’s take them individually -- how George Papadopoulos could possibly influence the campaign? You said you were investigating -- you had friendly foreign government information that Russia may try to influence or help the Trump campaign. What was your understanding of how George Papadopoulos could facilitate that?

Mr. Moffa. Especially early on, it was very unclear who played what role in the campaign and what connection they might have. So at that time -- I think it’s important to contextualize in the time period -- just again my own personal recollection, there was just a lot of unknown about it.

So back then I couldn’t have told you anything about the level of threat or involvement I thought any one of
those subjects posed. We just hadn’t collected enough
information yet for me to be able to say.

Mr. Somers. So what did you do to collect information
on George Papadopoulos or Carter Page?

Mr. Moffa. Again, I can only speak to what my analysts
did. They did the kind of research that I’ve been talking
about, whether it’s research in U.S. intelligence community
information, FBI information, or open source information,
trying to collect as many known facts as we have, and then
to help define intelligence gaps that the operational team
could use to shape their operations and investigations to
try to answer.

Mr. Baker. Some of that research would be done from
these FBI holdings that we’ve briefly talked about?

Mr. Moffa. Correct. So within our own case file
system, doing research, or looking at reporting coming from
U.S. intelligence community sources. I’m not saying here
definitively one way or the other about any of these
subjects whether there was or wasn’t anything there, but
that’s the sort of research my team was doing.

Mr. Baker. I’m just curious. In the in-house
research, for lack of a better term, these FBI holdings, in
your experience -- and it doesn’t have to be related to this
case -- in your long time doing analytical work, is there an
issue, has there ever been an issue, with there being
holdings in the FBI that are hard to fine? One part of the FBI has information that the other part needs, but it’s not really known to that part. I’d just be curious, your comment on that?

Mr. Moffa. Certainly that’s happened before. And as the volume of data increases, the challenges of that have increased for the Bureau. But sometimes it’s deliberate in the sense of there’s exceptionally sensitive information that’s not populated in a searchable system, for example, that’s required by the U.S. intelligence community to be held separately or in hard copy. That information by default of its nature is harder to identify and then connect.

That’s why to the greatest extent possible the Bureau has really put an emphasis on trying to increase information sharing across, so that those exceptions are minimized to the greatest degree possible.

Mr. Baker. Just at a very high, high, high level, what is put in place to assure -- I understand what you’re saying about information that by its nature has to be compartmented. But aside from that, what has the Bureau done to make sure that the guy sitting on the left that needs information that the guy on the right has doesn’t miss that he’s got it because it’s not recorded somewhere in between?
Mr. Moffa. Again, it wouldn’t be within my lane of responsibility to do this, but there has been emphasis, just in my opinion and what I’ve seen, on unrestricting cases, for example. So instead of opening a case that’s restricted to a very small subset of people, the Bureau has tried to minimize the number of times that happens, so that that case information is available in our case system for analysts to see across.

So it can still happen, but it needs some level of additional approval for that to happen.

Mr. Somers. Sticking on Page and Papadopoulos, the IG report indicates that, obviously, we did get the FISA coverage on Carter Page. It also indicates, though, that FISA coverage was considered for George Papadopoulos; is that correct?

Mr. Moffa. My recollection is it was discussed, yes.

Mr. Somers. It was discussed. And I think on page 128 of the IG report it indicates that. “The intel section chief and Strzok” -- you being the “intel section chief” -- agreed that there was not sufficient basis for FISA surveillance targeting Page” -- I’m sorry -- “targeting Papadopoulos.”

Is that your recollection?

Mr. Moffa. I don’t remember that. I remember reading that in the IG report.
Mr. Somers. It says -- this is the same page, 128.

"Instant Messages also show that the intel section chief and Strzok were much more interested in pursuing the request for FISA coverage targeting Page." Do you recall that?

Mr. Moffa. Again, I remember reading that in the IG report.

Mr. Somers. So your recollection -- you don’t have a recollection of thinking that there wasn’t a sufficient basis for seeking FISA coverage on Papadopoulos?

Mr. Moffa. I don’t recall that specifically, no.

Mr. Somers. What was your level of interest in getting FISA coverage on Carter Page?

Mr. Moffa. Again -- and I had sort of a luxury here again as an analyst manager.

Mr. Moffa. Let me clarify the question. On Carter Page?

Mr. Somers. Yes.

Mr. Moffa. On Carter Page, got it. As an analyst manager, really our job is to define intel gaps for an investigation or a threat question and then to seek those answers. It is not to define, again, legal sufficiency or operational wisdom of pursuing any certain technique.

So when I say that I have greater interest in Carter Page, I believe there is a greater chance that intelligence flowing from a FISA on Carter Page could answer our key
intelligence questions than a FISA on, for the example given in the IG report, Papadopoulos.

Mr. Somers. Why is that?

Mr. Moffa. Given, again, some of the preexisting ties and other information I was aware of at the time related to his history.

Mr. Somers. So it wasn’t just that it would be that probable cause was clearer on Carter Page. You actually thought there was a better intelligence-gathering opportunity?

Mr. Moffa. I’m not qualified, nor was I ever or ever have been asked, to rule on probable cause. My interest and involvement and that of my team is to say. Where are the most beneficial avenues to collect information that answered those intelligence gaps. And if the key question here was is someone receiving information from the Russians about the campaign, what are those avenues where that question could be answered, where that intelligence flowing across could answer that question?

If you’re doing a comparative between a Papadopoulos and a Page, for example, Page is a more fruitful potential source for that information than Papadopoulos.

Mr. Somers. Why?

Mr. Moffa. Given the background and history of both people.
Mr. Baker. You’re looking at a holistic approach to person A and person B cause and you’re making an informed decision more likely than not, based on things you’ve looked at -- maybe this person’s traveling more, or this person has known contacts with people as opposed to this person -- you’re making an educated and informed guess that probably the resources are better spent on person A?

Mr. Moffa. Yes, to the extent I’m making that judgment in that moment, it is exactly that. It is understanding which of these people potentially -- which of these people, if an advanced technique is used, could potentially generate intelligence that would better answer the intelligence questions that my team is interested in having answered.

It is not the legal sufficiency, appropriateness, operational benefit. That’s the call of others. Analysts, like I said, have this privileged opinion -- privileged position in a way of saying. In a perfect world, if we could get this, this, and this, that would be great, because we think there is potential intelligence of value there. It doesn’t mean that we can, and that’s the judgment of the operational side and the legal side.

Mr. Somers. I understand what you’re saying about Papadopoulos. I’m just trying to reconcile that with the fact that, the opening EC, the information was given -- I’m sorry. I understand what you were saying about Page in
terms of why you wanted to get the FISA on Page. I’m just
not understanding why, when the opening EC, for instance,
involves communications with Papadopoulos, why he’s not of
equal interest for FISA coverage, when it seems like the
investigation’s predicated on information given to him.

Mr. Moffa. It doesn’t say that, though. If you read
the words in that predication, he’s relaying that somebody
received information from Russia. He doesn’t say that he
did. So to me you’re still then back to who are these
type people, what are their connections, what’s their history.

Again, my personal opinion from the moment and the
thinking, Papadopoulos doesn’t say “I received it.” He says
“We received it,” royal “we.” So to me, that’s a judgment
that you have to factor in when you look at somebody’s
background. Is this person more likely to have received it
personally or is this person, and why?

I think there are facts you can look at that might
suggest one is more likely than the other.

Mr. Somers. Do you recall if you investigated Joseph
Mifsud in terms of that? That’s the person that allegedly
gave the information to Papadopoulos.

Mr. Moffa. Well, I don’t investigate anything.

Mr. Somers. I’m sorry.

Mr. Moffa. I want to be really clear about my role in
it. I defer to --
Mr. Somers. I mean the team. You will catch me several times probably throughout this saying “you” when what I really mean to say is the Crossfire Hurricane team. I probably used the wrong term by saying “investigate.” I guess what I’m asking was if they looked into who Joseph Mifsud was, examined Joseph Mifsud, since he was the one that allegedly gave Papadopoulos the information that launched the investigation.

(Witness confers with counsel.)

Mr. Somers. Could you rephrase that question so that he does not have to answer who is the subject of an investigation.

Mr. Somers. The opening EC in this case says that Papadopoulos received some information regarding efforts to -- for Russia to influence in some way or help the Trump campaign. He obviously received that information from somewhere. There’s been an allegation that it was from a particular individual, and I’m just trying to generally understand whether the FBI, the Crossfire Hurricane team, looked into that individual who allegedly provided Papadopoulos with information.

Mr. Moffa. What I’ll say is, as individuals who potentially could have played a role in either the receipt or use of that kind of information became known to us, we looked into them. That’s the best way of saying it. So
without confirming anybody specifically, as people became identified to the team the team would look into them.

Mr. Somers. I think we’re at a time for our hour, so we’ll take a short break now before we turn it over to the Minority.

(Recess from 11:47 a.m. to 11:57 a.m.)

Mr. Haskell. Mr. Moffa, are you ready to begin?

Mr. Moffa. I’m ready.

Mr. Haskell. Thank you for being here and for your many years of service to the FBI. Again, I’m Alex Haskell with Ranking Member Feinstein’s staff. My colleagues Sara Zdeb and Heather Sawyer are with me and may ask you some questions as well.

As you know, the Inspector General issued a 400-plus page report in December of last year titled “Review of Four FISA Applications and Other Aspects of the FBI’s Crossfire Hurricane Investigation.” The report detailed the results of the IGG’s two-year investigation into the same topics that we’re addressing here today.

According to the report, the IG examined more than a million documents and interviewed more than a hundred witnesses, including Christopher Steele and numerous current and former government employees in that process.

Did you cooperate with the IG investigation?

Mr. Moffa. I did.
Mr. Haskell. Were you interviewed as part of that investigation?

Mr. Moffa. I was.

Mr. Haskell. Once, twice? How many times were you interviewed?

Mr. Moffa. I believe twice.

Mr. Haskell. Twice. During your interviews did you provide complete, truthful answers to the questions that the IG asked you?

Mr. Moffa. I did.

Mr. Haskell. Did you or the Justice Department, the FBI, provide the IG with documents related to your involvement with Crossfire Hurricane?

Mr. Moffa. I don’t remember if I provided them directly, but I know the FBI provided documents to them, yes.

Mr. Haskell. Did the IG ever complain that it needed more information from you?

Mr. Moffa. I’m not aware of that, no.

Mr. Haskell. Did the IG ever complaint that it didn’t get documents pertaining to your involvement with Crossfire Hurricane?

Mr. Moffa. No.

Mr. Haskell. Did you have the opportunity to review the IG report or at least the portions that you were -- that
your name or your moniker appears in, before it was
finalized and published?

Mr. Moffa. I did.

Mr. Haskell. Did you provide any comments on that
draft?

Mr. Moffa. I don't recall providing any comments
specific to -- well, that’s not true. I don't recall, is
the answer, specifically what comments I provided.

Mr. Haskell. Okay. Recognizing that different
witnesses may have different recollections or
interpretations of certain events that are covered in the
report, does the report accurately reflect the testimony
that you provided to the IGG?

Mr. Moffa. I would have to re-review each section
where “intel section chief” is mentioned to really be able
to answer that. The word choice sometimes in those reports
doesn’t to me accurately reflect kind of the nuance, and so
I’d have to review each and comment to be able to say.

Mr. Haskell. To be I guess a little bit more
specific, you interviewed with the IGG, you provided your
own words characterizing certain events. Did the report --
do you recall whether the report misrepresented in any way
your words, your testimony?

Mr. Moffa. I wouldn’t go so far as to say that it
misrepresented any of my testimony.
Mr. Haskell. Now, your interactions with the IG were not your only interactions on this set of issues. With regard to being interviewed, you were also interviewed for around six hours in August of 2018 as part of an investigation by the House Judiciary and Oversight Committees; is that correct?

Mr. Moffa. I don’t remember the exact time frame, but the amount of time seems right, and I was interviewed by the House, yes.

Mr. Haskell. As is true today, did you appear and answer questions voluntarily at that House interview?

Mr. Moffa. I did.

Mr. Haskell. Did you provide the House committees with truthful, complete answers to the questions asked?

Mr. Moffa. I did.

Mr. Haskell. Just to put a slightly finer point on it, House Republicans didn’t seek to subpoena or hold you in contempt for failing to cooperate with them, did they?

Mr. Moffa. They did not.

Mr. Haskell. Have you been interviewed by any other Congressional committees in connection with the Crossfire Hurricane investigation?

Mr. Moffa. I don’t believe so, no.

Mr. Haskell. In total between the IG testimony and the House testimony, which I believe was on August 24, 2018,
approximately how many hours, days, have you spent providing testimony on these issues?

Mr. Moffa. I don't know that I could tally it all up, but it’s tens of hours.

Mr. Haskell. Turning to the Crossfire Hurricane investigation itself, you told the IG that after the FBI learned from a friendly foreign government, FFG, that George Papadopoulos had told a foreign official about this Russian offer to help the Trump campaign by releasing hacked emails damaging to Hillary Clinton, in your words in the IG report on page 54, quote, “No one disagreed with opening a counterintelligence investigation.”

You also said that, quote, “In the context, what was occurring with the DNC hacks and the release of the DNC emails, there was a possibility that the Russians reached out to a campaign to offer their assistance, and the FBI needed to investigate the allegation.”

I know you’ve discussed this a little bit with my colleagues, but can you elaborate on that? Why did the FBI have a need or, in legal terms, a predicate to investigate that allegation?

Mr. Moffa. Well, again, I can’t speak to predicate. That’s not my expertise. But what I can speak to is my personal judgment of the time, which is an allegation of that sort, in the environmental context of what was
happening after the DNC hack, my personal belief is it would have been irresponsible not to investigate it as the FBI, given the credibility of the friendly foreign government threat it.

Mr. Haskell. Bill Priestap, who was the one who opened the Crossfire Hurricane investigation -- as you told my colleagues, you were involved in early discussions, but you did not open it and it was he who made the decision to open it -- Priestap told the IG that, quote, "The combination of FFG information and the FBI’s ongoing cyber intrusion investigation of the DNC hacks created a counterintelligence concern that the FBI was obligated to investigate."

Do you have any reason to dispute Priestap’s explanation for why he chose to open the investigation?

Mr. Moffa. No.

Mr. Haskell. As I said, Priestap said that this situation created a, quote, “counterintelligence concern that the FBI was obligated to investigate.” Do you understand what Priestap meant when he said, quote, "counterintelligence concern"?

Mr. Moffa. I do.

Mr. Haskell. What’s your understanding of what he meant?

Mr. Moffa. I don’t think I can speculate as to what
Bill Priestap would say. I can tell you what I believe the counterintelligence concern was.

Mr. Haskell. Yes.

Mr. Moffa. I believe it’s raising the specter of a foreign power interfering in an important American democratic process, which is a counterintelligence concern.

Mr. Haskell. To circle back to what you said earlier, you had this greater Russian interference investigation that was ongoing, and I believe you said that that heightened the concern when you received this information from an FFG. To talk about some specific events that were part of the greater Russian interference operation in advance of you receiving, the FBI receiving FFG information, in March and May 2016 FBI field offices identified a spear phishing campaign by the GRU targeting email addresses associated with the DNC and the Clinton campaign, along with efforts to place malware on DNC and DCCC computer networks.

Did that create a counterintelligence concern?

Mr. Moffa. Yes. I don’t remember the specifics of any of that here five years later, so I couldn’t tell you that. But again, a foreign power actively interfering in U.S. political process to me is a counterintelligence concern.

Mr. Haskell. Are there any further specifics that you could offer about why a foreign power putting malware on an American political party’s technology infrastructure and
attempting to hack their emails, why that would create a counterintelligence concern specifically?

Mr. Moffa. Classic counterintelligence concern involves a foreign power collecting information, information they may be able to use to their benefit, to the detriment of the United States. In past times going back decades, they may collect information one way, from people, spies, tapping telephone calls. In the modern context, that includes cyber intrusion as a vector for collecting intelligence information.

So the type of activity you’re describing, conducted by a foreign power, could provide that vector for intelligence collection by that foreign power.

Mr. Haskell. Specifically, that sort of operation as to the technological infrastructure of an American political party could provide -- would provide a counterintelligence concern vis a vis an election of what sort specifically in that circumstance?

Mr. Moffa. Again, not knowing the specifics of that circumstance, but in general if a foreign power were to conduct that sort of collection on a political actor and then use that information to in any way influence or disrupt that political process, that’s the counterintelligence concern in my view.

Mr. Haskell. And in fact that is what happened. On
July 22, 2016, WikiLeaks published 20,000 emails that had been stolen from the DNC by Russia. This was six days before the FBI learned the FFG information that the Trump campaign may have had advanced knowledge of Russia’s plan to release stolen emails.

Now, when those emails were released, I know you’ve talked about it generally, but can you provide a little bit more detail on why that would present a counterintelligence concern?

Mr. Moffa. I don't know a different way to phrase it, but any sort of collected intelligence information by a foreign power that’s publicly released to have an effect on an American process to me is a counterintelligence concern, and I would put that sort of release in that same category.

Mr. Haskell. A few days after that July 22nd release, on July 27th, then-candidate Trump said at a press conference, quote. “Russia, if you’re listening, I hope you’re able to find Hillary Clinton’s emails.” Special Counsel Mueller later on uncovered that Russia attempted to hack Clinton’s server for the first time that same day, later that same day, after this call from President Trump.

Does that statement, in the context that we’ve been discussing, five days after WikiLeaks published 20,000 emails believed to be stolen by Russia, confirmed to be stolen by Russia, does that statement by a candidate in and
of itself raise counterintelligence concerns?

Mr. Haskell. I’d be less concerned with the statement and more concerned with the action of a foreign power to do exactly that. Any foreign power attempting to collect information from U.S. entities or political parties for their benefit and the detriment of the United States is a counterintelligence concern.

Mr. Haskell. Another aspect of the Russian operations included attacks on state election systems that the FBI became aware of in March and August 2016. Now, recognizing, as with the other statements, you might not recall the exact circumstances of the FBI receiving that information, the Mueller report, pages 49 and 50, confirmed that the FBI became aware of such actions in March and August 2016.

Now, the actions included confirmed access into elements of multiple state or local electoral boards using, quote, “tactics, techniques, and procedures associated with the Russian state-sponsored actors.”

Now, we talked about actions targeting an American political party. How about actions targeting election infrastructure. Can you outline the counterintelligence concern there?

Mr. Moffa. Certainly. It’s very similar. I don’t think the target has to be federal or a political party to potentially pose a great threat to the U.S. political
processes, and certainly state election boards would fit that category where, if a foreign power were to be targeting them via cyber or any other means, it poses a counterintelligence concern for what they would do with that information and any impact it might have.

Mr. Haskell. Thank you.

Turning back to the information that the FBI received about what George Papadopoulos had told a foreign official, as I said before, that information has been described as having come from an FFG, a friendly foreign government. What does that term signify as a general matter, “FFG”?

Mr. Moffa. A friendly foreign government would be a foreign government that works in partnership with the United States more broadly, but in the Bureau’s context supports the FBI in its investigations and is a partner in some of them even. So a friendly foreign government would be a government who is sharing information or cooperating with the FBI in advance of its investigations and operations.

Mr. Haskell. Would it be fair to describe one quality of an FFG being an ally, that there’s some level of trust between our government and their government?

Mr. Moffa. Yes, I would say that.

Mr. Haskell. Is it fair to say that an FFG and the officials that are members of an FFG, as was the case here with the individuals who provided the information, what
Papadopoulos had said, is it fair to say that that type of individual would not be suspected of fabricating information to harm the U.S.?

Mr. Moffa. I come from a -- as a counterintelligence professional and an analyst, I always come from a skeptical place no matter who’s providing information. I think it is less likely that a friendly foreign government would be deliberately providing information to the detriment of the United States. I think it can be viewed as less detrimental. I think I would certainly not trust on face value any information coming from an outside source.

Mr. Haskell. Understood. But the fact that this information came from an FFG, from an FFG official, you would regard that the FBI’s need to take the information seriously, that was a factor?

Mr. Moffa. I think it’s a factor. It lends it additional credibility, given that it’s coming from a friendly foreign government, that’s right.

Mr. Haskell. Although the FBI didn’t learn of that information until late July 2016, Papadopoulos had been told in April 2016 of Russia’s willingness to release dirt on Hillary Clinton in the form of thousands of emails, confirmed by the Mueller investigation. That’s on page 81 of the Mueller report.

Did Papadopoulos report Russia’s apparent offer of help
to the FBI when he received it in April 2016, to your
knowledge?

Mr. Moffa. Not to my knowledge.

Mr. Haskell. Did he come forward to the FBI in July
2016 after WikiLeaks began doing what Papadopoulos had been
told the Russian government would do, release thousands of
emails damaging to Clinton?

Mr. Moffa. I don’t believe he came to the FBI in July
2016, no.

Mr. Haskell. To your knowledge, did Papadopoulos ever
come forward proactively to report what he had been told
about Russia’s willingness to help the Trump campaign and
harm Hillary Clinton?

Mr. Moffa. Not to my personal knowledge, no.

Mr. Haskell. Would you agree that the fact that
Papadopoulos learned of Russia’s willingness to harm Clinton
by releasing thousands of emails, saw that release happen,
and still didn’t come forward, itself raises any sort of
counterintelligence concern that would weigh in on whether
the FIB should investigate?

Mr. Moffa. I would refer to that context I was
discussing earlier, where the events that were occurring in
July and then receiving that information that seemingly
described a similar potential situation that was received
much earlier in April, to me adds to that context that made
investigation and predication important.

Mr. Haskell. So the fact that the information had been received in April months earlier and it was just coming to the FBI’s attention at this point was a factor?

Mr. Moffa. To me, the fact that information suggesting what then appears to have later started to happen in July had been received in April, that to me played into my personal belief that the context around the predication, plus the predication itself, predication information itself, required us to investigate.

Mr. Haskell. In fact, FBI Director Wray has testified before the Judiciary Committee that, quote, “Any threat or effort to interfere with our election from any nation-state or any non-state actor is the kind of thing the FBI would want to know.” I assume you agree with Director Wray that people should inform the FBI if they learn of information suggesting that a foreign government may be attempting to interfere in our election?

Mr. Moffa. I agree.

Mr. Haskell. Is that because it would -- it helps the FBI investigate, potentially stop, election interference?

Mr. Moffa. Yes.

Mr. Haskell. According to the IG report, the foreign official who reported what Papadopoulos had told him was not aware of who else Papadopoulos had informed about Russia’s
offer to the Trump campaign. So we know that Papadopoulos was aware of it, but it wasn’t clear who else in the Trump campaign had that information as well.

This was one of the primary goals of the initial stages of Crossfire Hurricane, as you said, to determine who else on the campaign, if anyone, knew of Russia’s offer to assist the Trump campaign; is that correct?

Mr. Moffa. Yes.

Mr. Haskell. After a three-year investigation, the Senate Intelligence Committee recently issued a bipartisan report, and one of the findings in that bipartisan report, although they weren’t able to confirm exactly who Papadopoulos spoke with, the committee concluded, quote.

“It is implausible that Papadopoulos did not share the offer with other members of the Trump campaign.”

Do you have any evidence to dispute that finding?

Mr. Moffa. I don’t know of any information and I can’t speculate. I have no idea if he shared it with others.

Mr. Haskell. Despite everything that we’ve just discussed in terms of the ongoing Russian interference operation and then receiving information from the FFG and everything around that, some have continued to express the view that there was no there there, meaning no basis to investigate the Trump campaign’s ties to Russia. They make that argument relying in part on the fact that Special
Counsel Mueller did not ultimately charge anyone affiliated with the Trump campaign with conspiring with Russia.

As a general matter, does the FBI require agents to have an expectation that they will find and be able to prove wrongdoing in order to open a counterintelligence investigation?

Mr. Moffa. Again, I’m not a lawyer or an operator, and so I’m not qualified to in detail describe the expectation for that kind of legal sufficiency of the case. You certainly do not have to have the answer to the case before you open it. That’s the point of the investigation.

Mr. Haskell. Understood. Let me try to phrase it a little bit differently, with complete understanding that you can’t opine on the legal sufficiency question. If there was a requirement that before the FBI and you as an analyst and a supervisor of analysts could look into something, to open and conduct an investigation, if there was a requirement that there be some degree of certainty or, even less so, a high expectation that a crime would be charged at the end, if that was a requirement, would that inhibit the FBI’s ability to look into and potentially stop wrongdoing?

Mr. Moffa. Just to clarify, you’re asking specifically if certain knowledge of prosecution was a requirement before even opening the case?

Mr. Haskell. Yes.
Mr. Moffa. That’s what you’re asking?

Mr. Haskell. Yes, or an extremely high degree of expectation that the result would be a criminal charge.

Mr. Moffa. I can just say in general, the FBI opens many cases in which criminal prosecution is not necessarily the end goal from the beginning.

Mr. Haskell. You told the IGG, and I believe my colleague quoted from this section of the report earlier, that the initial investigative objective of Crossfire Hurricane was to determine which individuals associated with the Trump campaign may have been in a position to have received the alleged offer of assistance from Russia.

And in August 2016, as was discussed, the Crossfire Hurricane team opened individual cases on Papadopoulos, on Carter Page, on Paul Manafort, and on Michael Flynn. The opening EC foreign the Papadopoulos investigation noted that the Trump campaign may have advance knowledge that Russia had stolen emails and planned to release them to harm Hillary Clinton, and said that Papadopoulos, quote, “made statements indicating that he is knowledgeable that the Russians made a suggestion to the Trump team that they could assist the Trump campaign with an anonymous release of information during the campaign that would be damaging to the Clinton campaign.”

Could you explain why the statements that Papadopoulos
had made to the FFG made him specifically among the individuals that was concerning to the FBI?

Mr. Moffa. I think the fact that he is essentially the one person most known to be aware of this possible suggestion being made alone makes him worthy of being investigated for that knowledge.

Mr. Haskell. Turning to Paul Manafort and the opening EC for Manafort, it noted again that the Trump campaign may have had advance knowledge that Russia had stolen emails, planned to release them to damage Hillary Clinton, and said that Manafort, quote, “was designated the delegate process and convention manager for the Trump campaign, was promoted to campaign manager for the Trump campaign, and had extensive ties to pro-Russian entities of the Ukrainian government.”

Now, I know you said more generally earlier that analyst teams would look into people who had certain characteristics in determining who to open an investigation into. But can you just touch on specifically why the fact that Manafort had been promoted to campaign manager and had extensive ties to pro-Russian entities of the Ukrainian government would bear on picking somebody like Manafort?

Mr. Moffa. Again, not being responsible or my team being responsible for opening the case, I can’t tell you to what degree it bore on opening. But I can tell you, based
on my impression of the facts, that his background and those ties are the sort of thing we would find noteworthy from an analytic perspective as suggesting somebody possibly to be in a greater position to receive that suggestion from Russia than someone else.

Mr. Haskell. Turning to Carter Page, that EC said that Page was a senior foreign policy adviser for the campaign, had extensive ties to various Russian-owned entities, and had traveled to Russia as recently as July 2016. It also stated that he was the subject of an ongoing counterintelligence investigation assigned to the FBI’s New York field office.

Now, I imagine your answer is probably similar for Page as it was for Manafort. But to make sure I cover my bases here, why would the fact that Page was a senior policy adviser for the Trump campaign, had extensive ties to various Russian-owned entities, and had traveled to Russia as recently as July 2016 make him a concern to the FBI?

Mr. Moffa. The exact same answer. From our analytic perspective, that kind of information, once known, would put Page in that category of individual in our view who could have greater potential for being in a position to receive the sort of suggestion from Russia that the predication discussed.

Mr. Haskell. Sitting here today, do you believe it
was reasonable for the FBI to be concerned that some members
of the Trump campaign at that time, whether it be
Papadopoulos, Manafort, Page, Flynn, Trump himself, among
others, may have had knowledge of Russia’s election
interference activities?

Mr. Moffa. I think it’s reasonable, sitting here today
still, to investigate an allegation that Russia was
potentially providing a campaign with information that was
helpful to them and harmful to another, yes.

(Pause.)

Ms. Sawyer. I just had a couple questions about a
segment in the Special Counsel report. It’s on page 13, the
last paragraph, and it says. “From its inception, the
office’ -- meaning the Special Counsel’s Office --
“recognized that its investigation could identify foreign
intelligence and counterintelligence information relevant to
the FBI’s broader national security mission. FBI personnel
who assisted the office established procedures to identify
and convey such information to the FBI. The FBI’s
Counterintelligence Division met with the office regularly
for that purpose for most of the office’s tenure.”

Were you aware of those meetings?

Mr. Moffa. I wasn’t a part of the Counterintelligence
Division after the Special Counsel was stood up. So no, not
personally.
Ms. Sawyer. It goes on to say -- so you were not aware whether those meetings ever took place, who was involved in those, what was conveyed?

Mr. Moffa. I’m not, no.

Ms. Sawyer. It goes on to say. “For more than the past year, the FBI also embedded personnel at the office who did not work on the Special Counsel’s investigation, but whose purpose was to review the results of the investigation and to send in writing summaries of foreign intelligence and counterintelligence information to FBI Headquarters and FBI field offices.”

Did you ever see any of those summaries?

Mr. Moffa. Again, I wasn’t in the Counterintelligence Division after the Special Counsel stood up, so I’m not aware of how they shared information or what they shared.

Ms. Sawyer. And you don’t know who else, if anyone, ever received those summaries?

Mr. Moffa. I don’t.

Ms. Sawyer. Are you aware of whether or not Special Counsel Mueller undertook any investigation into the counterintelligence concerns that may have been raised by contacts between individuals associated with the Trump campaign and Russia?

Mr. Moffa. My knowledge of what the Mueller team investigated really stops at the handoff point for me, which
was the spring of 2017. So I’m not aware of anything they
investigated, really, after that time.

Ms. Sawyer. During the time that you were involved
with Crossfire Hurricane, was that -- would you have
characterized that as a counterintelligence investigation, a
criminal investigation, both?

Mr. Moffa. I would consider it a counterintelligence
investigation, but counterintelligence investigations,
certainly counter-espionage investigations, for example, can
very much have a criminal element, a prosecutive element to
them.

Ms. Sawyer. Going in, you don’t know whether or not
that will be the case, what you’re going to find?

Mr. Moffa. Correct.

Ms. Sawyer. In this particular instance, did you ever
get the sense that someone did have a predetermined result
in mind and that they were trying to find the facts to fit
their predetermined narrative?

Mr. Moffa. No.

Ms. Sawyer. Thank you.

Mr. Haskell. That’s all we have for this round.

Mr. Somers. Do you want to take a break?

Mr. Moffa. I’m fine if you guys want to just go.

Mr. Somers. Let’s take a break.

(Recess from 11:18 a.m. to 11:28 a.m.)
Mr. Somers. It’s now 11:28 and we’ll go back on the record.

When we broke before, we were talking about potential FISA coverage that wasn’t sought. Just two quick questions on that. Was FISA coverage ever considered for Michael Flynn?

Mr. Moffa. I don't recall that specifically.

Mr. Somers. How about Paul Manafort?

Mr. Moffa. Again, I don't recall specific conversations. It doesn’t mean they didn’t happen. I just don’t remember.

Mr. Somers. To your awareness, neither Paul Manafort nor Michael Flynn were considered for FISA coverage?

Mr. Moffa. I’m not saying that. I’m saying I don't recall if they were.

Mr. Somers. You don’t recall.

Do you recall any discussion of whether to give the Trump campaign a defensive briefing?

Mr. Moffa. I don't recall a conversation about that, either.

Mr. Somers. When did you first see any of the reports that comprise what has become known as the Steele dossier?

Mr. Moffa. I believe it was September 2016.

Mr. Somers. You think you saw them basically at the inception of when they came in?
Mr. Moffa. Yes, absolutely. I didn’t know that that was when.

Mr. Somers. That was September 19, 2016, is when the IG report indicates that the team finally received the reports. And you think you would have seen them right around that time?

Mr. Moffa. Yes, relatively soon after that time. I can’t tell you it was exactly on September 19th.

Mr. Somers. Just to get you to comment on the importance of something. SSA-1 sent an email to Steele’s handling agent and others stating that. “Our team is very interested in obtaining a source symbol, number/source characterization statement and specifics on veracity of past reporting, motivations, last validation, how long on the books, how much paid, etcetera.”

Why is that type of information important to be known about a confidential human source?

Mr. Moffa. Again, there are operational considerations with the source I won’t comment on, because that’s not my half of the equation. From an analytic perspective, those sorts of things lend some characterization to the credibility and access of the source, and understanding that helps you contextualize the reporting you’re getting from that source.

Mr. Somers. What was your understanding of Steele’s
credibility, reliability, in the early -- well, when you
received the information and going forward?

Mr. Moffa. In September 2019, my understanding was
that Steele had provided credible reporting previously that
had supported criminal investigations and was, without
giving specific characterization, was generally of some
reliability and past reporting history to the Bureau.

Mr. Somers. Where were you gaining that
understanding?

Mr. Moffa. I learned that from my team, from the
supervisory intelligence analyst.

Mr. Somers. From the analyst side?

Mr. Moffa. Correct.

Mr. Baker. Did your team express any concern or did
you hear of any concern elsewhere in the Bureau about the
length of time it was taking the Christopher Steele
reporting to come from the handling agent down to the team?

Mr. Moffa. At the time, I was not aware of any delay
in it reaching us. I just remember it being there in
September. I learned about the path it traveled to get to
us, and I couldn’t recount it for you again today, from the
IG report. I wasn’t aware of it at the time.

Mr. Baker. So, being aware of it now, did you lose any
advantage of not being able to exploit the information from
an analytical standpoint because of the delay?
Mr. Moffa. I just couldn’t say specifically, but we certainly weren’t able to begin looking at it earlier because we didn’t get it until September.

Mr. Baker. Thank you.

Mr. Somers. From the analytical side, what was your understanding of the efforts of the Crossfire Hurricane team to corroborate -- well, let’s start, one, with just Steele himself as a reliable, credible person?

Mr. Moffa. Both the operational and analytical teams spent time trying to understand who Steele was and what his background was, but then also to the extent possible to try to identify the source network that Steele leveraged to acquire the information. That’s really the gist of the effort, is understanding him, his reporting history, and then what his sub-source network looked like.

Mr. Somers. What type of things did analysts do or did they, I should say, did they do to come to those understandings?

Mr. Moffa. Again, the same kind of research we discussed in the earlier session about references to Steele and-or any of his sub-sources in the intelligence holdings of the FBI or the U.S. intelligence community, to include even open source research to try to determine what was publicly available about him.

Mr. Somers. Then what about corroboration from the
analysts’ side, specifically for the allegations in the Steele reporting, not Steele himself, but what the meat of the reporting?

Mr. Moffa. The Crossfire analytic team created something that’s been referred to as “The Factrix,” but it’s essentially a document whereby the team took the salient facts contained within the Steele reporting and broke them out in spreadsheet fashion, so that each could be researched. Then as information and intelligence was gained that could either corroborate, refute, or otherwise inform the understanding of each of those facts from the Steele reporting -- that was a living, breathing document that never really was produced as a final document. It was a way to capture and organize the understanding of the salient facts from that reporting.

Mr. Somers. Do you know when that document started?

Mr. Moffa. I don't know exactly when it started, no.

Mr. Somers. Was it prior, do you know, prior to the first Carter Page FISA application?

Mr. Moffa. I couldn’t tell you. I don't recall exactly when it began.

Mr. Somers. But that was a document that you would have had or had access to?

Mr. Moffa. If I had asked for it, I would have had access to it. I was occasionally provided a copy of it.
But the working-level team, the supervisory intelligence analyst, the analyst team, and then the operational team had daily routine, any time they wanted it, access to it, yes.

Mr. Somers. From that document or just your general recollection, what was the level of corroboration of the allegations in the Steele dossier?

Mr. Moffa. I can only speak to my understanding as of that moment in time in the spring of 2017 when I left, because again it’s a living document. My hope and assumption is it continued in a way and was continued to be researched.

There was, I’d say, factual corroboration of certain facts within the Steele reporting, but those are not necessarily facts that were substantial to the allegation or the predication of Crossfire Hurricane. They are things that were known that were accurately conveyed in the Steele reporting. I’m not suggesting it was corroboration of allegations made in the Steele reporting.

Mr. Somers. And this is a document that was put together by both the agent side and the analyst side?

Mr. Moffa. I think the document itself was primarily created by the analytic side, but it’s in collaboration with the operational side. Information is being exchanged both ways to inform it. But I think the actual writing of the document was done by the analytic team.
Mr. Somers. Do you know if this document was prepared in conjunction with the Woods process?

Mr. Moffa. I don't know anything about its connection to the Woods process. I'm not involved in -- I wasn't involved in it, so I couldn't say.

Mr. Somers. What was your understanding of who Christopher Steele was in the fall of 2016?

Mr. Moffa. I had very -- I had a very sort of undetailed understanding of that. But he was essentially a former intelligence officer who ran a competitive business intelligence firm and he essentially obtained information from sub-sources for clients in exchange for money. And that was sort of the extent of my knowledge of him in the fall.

Mr. Somers. What was your understanding in the fall 2016 about how Steele was collecting information that appeared in the Steele dossier?

Mr. Moffa. Again, in a rudimentary way I understood that Steele operated sub-sources of information with access to details, and he collected that information from them and consolidated it into reports, and those reports are what he provided to his client.

Mr. Somers. Was it your understanding that Steele actually directly interacted with the sub-sources?

Mr. Moffa. I don't know if I knew that in September
2016. I’m not sure I knew that.

Mr. Baker. From an analyst’s standpoint, if you’re dealing with information being received by a network of sub-sources, does that present any difficulty in what you do as an analyst in verifying the information?

Mr. Moffa. Yes, I think it does. It increases the complexity of the work you have to do to understand the reliability of that information, because while your source himself may be reliable and believe everything that he or she is providing to you, if one of those sub-sources is unreliable potentially your source could be genuinely believing they’re giving you good information and it could end up not being. So to me it just fed the understanding I had throughout this period that we had to have healthy skepticism of this reporting and we needed to independently try to verify and corroborate the facts within it.

Mr. Baker. Does that whole network with sub-sources, does it ever create a situation where you as an analyst, you as the skeptic probing and trying to find truth or to be able to validate credibility, are you ever just unable to do it because of that network?

Mr. Moffa. Sure. I think there are definitely times where a piece of information that’s in reporting can’t be independently verified or -- a better way of saying it, because you don’t want to say “never,” but has not been --
there is no additional information to corroborate independently. That happens, sure. And I think the fact that there’s multiple sub-sources to me increases the challenge of that.

Mr. Baker. So when you hit that, for lack of a better term, brick wall where you can’t independently validate the information, what do you do with the information? Do you still use it in some context? Do you throw it away? Do you task other analysts to find -- to just keep digging?

Mr. Moffa. I think again, that’s why I described this Factrix as a living document. I don’t think you declare it’s over and you shelve it. It stays alive as an open question, and you’re constantly attempting, and your team should be, constantly attempting to be aware of information that could potentially corroborate that down the road. It may be months later, it may be years later.

But I also think -- and I feel like we did this in this case -- the analytic team can make suggestions for the operational team to potentially conduct additional investigations, potentially further identify sub-sources or collect information about those sub-sources, that could in a more proactive way attempt to close some of those gaps.

So I think we did both. I think we kept open the questions around certain pieces of reporting we couldn’t corroborate in that moment; and I think we also encouraged
our operational counterparts to conduct additional
investigations and operations to more proactively try to
probe into those areas. That’s what I felt my team was
doing.

Mr. Baker. The operational counterparts, they would
know that, in a particular fact attributed to a sub-source,
that there is real problems in corroborating it. So they’re
not running with that, not knowing that their analytical
counterparts are having serious difficulty in verifying it?

Mr. Moffa. I can’t say that in every instance, but in
this instance I’m absolutely confident that the operational
team associated with Crossfire Hurricane knew about this
document, had access to it, and at any moment would know
sort of the state of corroboration of any of it, both from
the Factrix itself, but also because they’re in direct
access to the facts themselves in the same way my analysts
are. It’s not that my analysts know something that they
don’t. It just wasn’t that sort of environment.

So in this situation, my expectation would be that they
would have access to that, they would know what’s
corroborated and what isn’t, and they’d act accordingly.

Mr. Baker. If your analysts knew that your operational
counterparts were starting to move forward on a
sophisticated investigative technique, i.e., a FISA, and
that some of that sub-source information was going to be
used that the analysts had not been able to verify or deep
dive on, would there be a hotline to say, whoa, you can’t;
you have to hold off on this because we’re not there yet?

Mr. Moffa. In a general sense, I would expect an
analyst who’s aware that a fact that hasn’t been
corroborated is being mischaracterized or misused to say
something, I think all FBI employees have an obligation to
say something in a situation like that when they see it.
But I would distinguish between responsibility -- analysts
don’t write FISAs, they don’t approve it, they don’t sign
off on Woods files, they don’t create them. It’s really the
obligation of the agents and the operational personnel and
the legal personnel, who are building those FISA packages
and they understand what facts are being used in how they’re
classified, to ask the right questions.

So I guess I’m drawing the distinction between, if
someone was positively aware of a problem like that I would
expect them to say something absolutely, but I don’t believe
it’s the analyst’s role to be scrubbing those applications
for that kind of accuracy. That’s just not the work that we
do.

Mr. Baker. But to your first part of that, where if
there was an issue you would expect the analyst to be
proactive, to the best of your knowledge in Crossfire
Hurricane if those situations presented themselves that
responsibility that you believe the analyst would have was executed --

Mr. Moffa. I’m just not aware of a time when that happened. Again, it’s because of my position in the case. I’m not there on the working level. So there could have been a hundred conversations on any given day as that part of it was being conducted. I just wouldn’t be aware of them, so I can’t say. I’m not aware of it from my level, but that doesn’t mean it didn’t happen.

Mr. Baker. Sure. In the last round, in response to questioning by our Democratic colleagues, I believe you said something to the effect -- and I think it was relating to the friendly foreign government information -- I think you said something to the effect that you wouldn’t trust info coming from an outside source. I wanted you to clarify what you meant by “source”? Is it just the origin of information coming in or does it have the specialized law enforcement meaning of a source?

Mr. Moffa. Well, it’s probably an inartful way of describing it. I guess what I’m trying to suggest is every source has its own motivation and inherent reliability, and you have to be aware of that. Nothing should be viewed as essentially bulletproof or 100 percent.

So I think a friendly foreign government is much further towards the scale of credible and reliable and less
likely to be providing information for some malicious purpose. But then other sources you maybe would put in a different category than that; and your skepticism and your desire to dig into the facts of that reporting should adjust accordingly based on that understanding.

   Mr. Baker. Would it be fair to say, using the analogy you used, “to adjust accordingly,” would there from an analytical standpoint, would there always be a degree of skepticism about information coming in regardless of where it’s coming from?

   Mr. Moffa. Yes. I don't know if it’s a hard and fast rule for every analyst, but it is my rule. As an analyst, I think you always have to have some skepticism. I think that’s healthy. I think it fuels the important desire to factually support any assessment that you make as an analyst. I think that’s what we’re always looking to do, is corroborate and build a factual body of evidence to underscore our analytic assessment of a situation or a threat.

   Mr. Baker. Are there ever situations where you or your team as analysts and your skepticism, healthy as it may be, you get overrun by the operational side and skepticism really isn’t played out to the farthest point that it could be to verify or not verify and the operational people run with something despite your skepticism?
Mr. Moffa. Well, I wouldn’t necessarily say that that’s done outside the bounds of what’s appropriate, because I think we’re hitting into that issue of what is legally sufficient for probable cause for a FISA. That may be different than continuing analytic skepticism of the solidity of reporting or with the reliability of a source. I could absolutely see scenarios where to meet the legal requirements the current state of something is perfectly reasonable or appropriate to be used once it’s been properly reviewed by the legal side, but we still have some skepticism about it, as long as it’s characterized in a way that meets that legal sufficiency and PC standard. So I think you can live in both worlds at the same time, I guess is what I’m saying.

So I would not expect and I have no examples of an ops side purposely disregarding skepticism and shoehorning facts into something in a way to get a FISA package. I have nothing like that to suggest. But it doesn’t mean that every analytic question is satisfied for something to be appropriate for use in a FISA, if it meets that PC and legal standard, which again I’m not the right person to ask about.

Mr. Baker. I think you’ve explained this, but I want to be clear. Even though the skepticism might still survive, the operational side has taken something and continued with it, but there still may be some skepticism in
the analytical side. I think I understand you to say that
it’s a living document, it’s a living event. Is that
skepticism still being analyzed to see if it even diminishes
further, stays the same, or, whoa, we’re more skeptical now
than we were before?

Mr. Moffa. I think so. When I say “living,” I mean it
not just in the terms of the document. It’s the effort to
understand the body of this reporting, to understand the
allegations and the facts involved. I guess when I’m using
that term “living” I’m saying that isn’t a static thing.
You don’t do that once and then set it aside. That’s an
effort that is ongoing. Throughout an investigation you
should be constantly reevaluating that based on information
that’s becoming available later, that wasn’t available when
you started.

Mr. Baker. And if that constant reevaluation results
in more skepticism, the operational people are going to know
that?

Mr. Moffa. They should know that, and in this case I’d
be confident they did know.

Mr. Baker. Thank you.

Mr. Somers. Should the skepticism have remained high
or at the appropriate level even though Christopher Steele
was a former British intelligence officer?

Mr. Moffa. Yes.
Mr. Somers. Do you think it did remain high?

Mr. Moffa. It did for me. I believe it did for my analytic team, yes.

Mr. Somers. Were you aware that Steele, for Steele’s election dossier, that he had a primary sub-source of information?

Mr. Moffa. I am.

Mr. Somers. When did you become aware of that?

Mr. Moffa. I couldn’t tell you the exact time frame. I’m sorry.

Mr. Somers. But was it at the outset or did you gain that understanding later? Was it on you receiving the dossier?

Mr. Moffa. I wouldn’t say it was on day one of receiving the dossier. At some point, though, our understanding grew of how he collected information. And part of that understanding I recall was that there was a primary sub-source.

Mr. Somers. Then you spoke about this some, but I think it was more general than specific to Steele’s primary sub-source, but what’s the -- I think you said Steele could be the most reliable person in the world, but when he’s relying on sub-sources their reliability matters, too; is that correct?

Mr. Moffa. That’s correct.
Mr. Somers. If Steele was relying on -- I’ll just read from the IGG’s report so we’re both on the same page here. What I’m thinking of, on page Roman v. of the IG report it says. “Steele himself was not the originating source of any of the factual information in his reporting. Steele instead relied on a primary sub-source for information, who used his/her network foreign sub-sources to gather information that was then passed to Steele.”

Would the primary sub-source’s reliability and credibility be pretty important in this situation?

Mr. Moffa. Yes, I would agree.

Mr. Somers. So was identifying the primary sub-source a big goal in the fall of 2016?

Mr. Moffa. Yes, I would say it was. For the purposes of understanding Steele and his reporting, identifying any of the sub-sources was important.

Mr. Moffa. The primary sub-source, though, given that he was the gatherer of information, did he stand above some foreign the other sources, sub-sources?

Mr. Moffa. I would say he was an important piece of that, for sure.

Mr. Somers. Did you become aware when the FBI located and identified the primary sub-source? Were you informed, basically?

Mr. Moffa. Yes.
Mr. Somers. Once he was identified, did interviewing
the primary sub-source become an important goal of the
investigation?

Mr. Moffa. Yes, I think an interview of the primary
sub-source was important.

Mr. Somers. Was the interview of the primary sub-
source something that was discussed amongst the Crossfire
Hurricane team, or was this like a big secret that this guy
was identified and was going to be interviewed?

Mr. Moffa. No, it was discussed amongst our team.

Mr. Somers. Do you recall who it was discussed among?

Mr. Moffa. I’d have to name specific members of the
team.

Mr. Somers. How about above -- was it discussed with
-- was Pete Strzok involved in those conversations?

Mr. Moffa. He would be.

Mr. Somers. Bill Priestap?

Mr. Moffa. Yes.

Mr. Somers. Andy McCabe?

Mr. Moffa. I couldn’t say. I can’t recall.

Mr. Somers. You can’t recall whether he was in a
meeting where this was discussed?

Mr. Moffa. I just don’t recall specifically.

Mr. Somers. Was the unit chief in the general
counsel’s office aware the primary sub-source was
interviewed?

Mr. Moffa. Yes.

Mr. Somers. Do you know if the General Counsel, Jim Baker, was aware?

Mr. Moffa. For McCabe and the General Counsel, I just don’t recall. At some point, they for sure would have been aware. I can’t tell you when, like within the time frame of that interview, before, during, after. I don't know when they became aware. They would have ultimately become aware, though, yes.

Mr. Somers. What about the Director, Comey?

Mr. Moffa. Yes.

Mr. Somers. What were you -- you knew about the interview before the interview happened?

Mr. Moffa. I did.

Mr. Somers. What were you told about the interview after it occurred?

Mr. Moffa. I received a summation of the interview high points and more or less it was briefed to me by the supervisory intelligence analyst.

Mr. Somers. Was that a written summation?

Mr. Moffa. It was a written summation, but then I received an oral readout of it as well.

Mr. Somers. Did you ever review any of the 302s of the interview?
Mr. Moffa. I don't recall reviewing the 302s specifically, no.

Mr. Somers. Do you recall reviewing -- the 302s were then combined into a 57-page-long document. Do you recall reviewing that?

Mr. Moffa. I don't recall reviewing that, no.

Mr. Somers. Do you recall whether that was sent to you and you didn’t review it or you just have no --

Mr. Moffa. It’s possible it was sent to me, but I didn’t review it.

Mr. Somers. I’ll give you the benefit of reading it before I ask you the question. “Senior CD officials overseeing the Crossfire Hurricane” -- this is from the IG report -- “the Crossfire Hurricane investigation, including Priestap, Strzok, the intel section chief” -- which is you -- “and CD DAD Jennifer Boone, told us that they did not recall being advised that the information from the primary sub-source significantly differed from the information in Steele’s reporting.”

Is that still your testimony?

Mr. Moffa. Yes, that’s accurate.

Mr. Somers. So what was the gist of what you were told, then?

Mr. Moffa. Again just trying to remember back four or five years, generally I believe we received some additional
insight about the sub-source network beneath that primary sub-source that was helpful in further identifying those sub-sources. Beyond that, at this point I just couldn’t tell you what I recall about the overview of the briefing. Some of the administrative details about how it was done, that sort of thing, but that’s it. I just don’t recall the specifics.

Mr. Baker. As you learned information, either then or in hindsight from other reporting, about what this interview with the primary sub-source resulted, what did that do to whatever your level of skepticism on Christopher Steele was?

Mr. Moffa. I think a better way of putting it for me is it redoubled what in my mind should have been increased emphasis on operationally and investigatively pursuing that sub-source network to generate further corroboration or an ability to refute the reliability of it.

Mr. Baker. Increased emphasis on pursuing that network?

Mr. Moffa. In my mind, I felt like that was an increasingly important step as we learned more. And frankly, by identifying more of that sub-source network that sort of investigation and operation became possible, because we knew who those individuals were.

Mr. Baker. But you had that concern before the network was identified?
Mr. Moffa. We had that concern before the network was identified, but it was hard to do that if you didn’t know who the people were. And I think as time went on and post sub-source interview we had a better sense of who those people within that sub-source network were, and I had a personal belief that we should in a greater way operationally investigatively work to target and learn more about those sub-sources.

Mr. Baker. Did you express that belief to anyone on the operations side?

Mr. Moffa. I did.

Mr. Baker. Who did you express it to?

Mr. Moffa. AD Priestap, DAD Boone, members of the operational team, I would imagine Mr. Strzok. I can’t tell you beyond that. I just know those people for sure.

Mr. Baker. What was their response to your concerns?

Mr. Moffa. I felt at certain points -- I certainly believe they heard me. I don't know that I saw the sort of strategic change in direction of some of the investigation to the degree I would have wanted.

Mr. Somers. But the context that you’re talking about here, as you just said, you weren’t aware of the inconsistency between --

Mr. Moffa. No.

Mr. Somers. -- the primary sub-source and Steele’s
Mr. Moffa. I wasn’t.

Mr. Somers. So your focus coming out of what you’re told about the interview is. Hey, we’ve learned about more sub-sources; let’s go investigate those sub-sources?

Mr. Moffa. Yes. To me, right, I have a preexisting skepticism of all of it. From an analytic perspective, we have certain intelligence gaps we want answered, and that’s kind of where my focus was. Since I didn’t approve, write, authorize -- I actually don’t even know what facts are in the FISA -- I’m not thinking about how it relates to changes in accuracy for what might be used in a FISA. For me the focus here is really just further understanding the sub-source network, its reliability, and what that tells us about answers to our intelligence gaps. That’s my focus, and that’s because of my role.

Mr. Somers. Do you recall if you were told that the primary sub-source was truthful and cooperative?

Mr. Moffa. I don't recall hearing that specifically.

Mr. Somers. Just for a little more context here just so we’re on the same page about what the IG report found, on page 188 of the IG report one of the Washington Field Office agents that interviewed the primary sub-source came back with this information that he reported to the IG eventually.

According to that agent, Steele’s -- what the primary sub-
source told him. “Steele’s primary sub-source was giving
Steele information that was based on conversation with
friends over beers; that the primary sub-source
characterized information he gave Steele as word of mouth
and hearsay; that his primary sub-source told the FBI that
the information was intended to be taken with, quote, ‘a
grain of salt’; and that the corroboration was zero.”

With statements like that, would your focus maybe have
been different than figuring out who the sub-sources were?

Mr. Moffa. I still think -- I still think, given the
allegations in that reporting, the context of the moment and
the environment and what’s happening, we still have to
pursue that.

Mr. Somers. Do you think you should have been told
information like that, though?

Mr. Moffa. I don't know what benefit me knowing it
necessarily would have had, given that my perspective is we
should be aggressively investigating all the sub-sources and
Steele to be able to independently corroborate the facts.
It doesn’t change that stance in my mind.

It’s a totally separate question for separate people
about how that information would then impact things like
FISA applications. From my chair, my belief is the same
whether I hear that or not.

Mr. Somers. What about the other chairs in the chain
-- Strzok, Priestap, and up? Should they have been made aware of the significant discrepancies between the primary sub-source’s interview and what Steele was reporting?

Mr. Somers. I’m asking his opinion. He just said he didn’t think he needed to know. I’m asking him whether he thinks others should have known.

Mr. Moffa. I think to the extent that that information provided a problem for things like a FISA application, I think it should have been known. But I can’t tell you whether it was or not. I just don’t know. I don't know the knowledge of the people on the operational side of that information.

Mr. Somers. But you do think it should have been?

Mr. Moffa. I think as an FBI employee you should be conscious of anything that is inaccurate that’s going into a legal document, period.

Mr. Baker. Are you familiar with other cases -- forget Crossfire Hurricane -- where that information would have been hot-lined or conveyed to the people that Mr. Somers just identified?

Mr. Moffa. I’m not sure I understand the question.

Sorry.

Mr. Baker. You indicate it should be in your view.
Are you familiar with other cases where conflicting information was sent up the proper chain?

Mr. Moffa. No, I’m not aware of other cases. And in this case the operational team had this information. They had it in their possession. So I don’t believe it’s a matter of it needing to be hot-lined anywhere. They collected it and had it.

Mr. Somers. Did you become aware that the primary sub-source was actually a contract employee of Orbis, Steele’s business intelligence firm?

Mr. Moffa. I don't know that I know that.

Mr. Somers. Were you aware the primary sub-source was a U.S.-based person?

Mr. Moffa. I don't know that I know they were U.S.-based. I know there was -- I know at one point that person was in the United States. I don't know that I could tell you I knew that they were here permanently.

Mr. Somers. Were you under the impression that they were based in Russia?

Mr. Moffa. No. I’m not under any impression. I don't know that I knew exactly where they were based, or I don't recall knowing exactly where they were based.

Mr. Baker. I want to back up just a second. You had indicated in your desire to have some push or some priority given to identifying the sub-source network, you had
expressed your concerns, I believe, to AD Priestap, I think you said Jennifer Boone, and some others. I got the impression that your message was received kind of coolly. Is that a misimpression on my part?

Mr. Moffa. I don't know that I’d say coolly. I think you’d have to ask our operational team why they believed their priority for any given investigative or operational action was. I didn’t see a tremendous refocusing of operational effort overseas towards identifying some of those sub-sources, and that’s something I thought was of value.

That’s a difference of opinion and those sorts of things happen in these cases. That was my perspective. They may have had very good operational investigative reasons not to make that adjustment. That’s my perspective.

Mr. Somers. If it was of value, if you had known this information about the discrepancy between the primary sub-source and Steele, would it become of even more value to evaluate the sub-sources at that point?

Mr. Moffa. I think for me there’s just a consistent need to do it. I don't know that that information changes my opinion about it. I think the information and the allegations in it are important, they’re important in the moment of the 2016 elections, and we should -- and again, some of this is the luxury of being an analyst. It’s easy
for me to say “You should go over there and try to find us
the answer to these questions.” I’m not the one who has to
then plan and resource and determine the legal ability of
the Bureau to do that.

So I’m speaking from somewhat of an advantaged position
and saying. I have this skepticism of the reporting; I’d
like to know more, as much as humanly possible, about the
sub-sources to answer these intelligence gaps. And I
believed the answers laid overseas with some of these sub-
source actors and I desired personally for the operations of
the Bureau to turn some attention that way. That’s again
the privilege of my position, not having to then effect that
operationally.

Mr. Baker. Were your concerns given to the executives
in a group setting? Did you meet with them individually at
some time?

Mr. Moffa. There were just a number of conversations,
I’d say in both settings. We had a number of group meetings
where my team was providing information that I felt
suggested overseas targets, for example, that we thought
could help further resolve some of the questions, not just
about Steele, but about the Russian election issue in
general.

So that was conveyed in group settings. It was
conveyed in individual conversations. I couldn’t tell you
exactly how many or when. But I felt like I was pretty clear about my position on that.

Mr. Baker. Let’s just focus at the top of the pyramid. If you can recall, what was Mr. Priestap response to your concerns?

Mr. Moffa. I can’t recall specifically. Bill I would say fostered an environment, though, where we felt pretty free to express ourselves. So I never felt like I couldn’t render that opinion. And I felt like it was heard. For whatever reason, my personal belief is that sort of more focused adjustment in that direction just didn’t occur. But I don’t know what his personal thoughts were on my opinion about it.

Mr. Somers. Would he have had to approve an adjustment? I’m just trying to understand the chain here. There’s some indications that, in the IG report, that SSA-1 and the supervisory intel analyst could do tasking and figure things out like this. But you’re indicating that this came up in meetings with AD Priestap, so I’m trying to understand, for what you’re talking about, shifting some more resources, operations overseas to look at these sub-source, for instance, who would have had to say yes to that?

Mr. Moffa. I’m having conversations with the people I named because at my level I’m not necessarily talking to the working-level investigative team. But that kind of change
absolutely could have started at the lower level, at the SSA level. It would have been known then to the higher level, the executive management in the division; and if they didn’t support it, obviously they’d have a chance to suggest otherwise. But it doesn’t preclude those lower working-leve

Mr. Somers. Were those lower working-levels, or at least SSA-1 and the supervisory intel analyst, were they in these meetings where you were expressing these opinions?

Mr. Moffa. We’re mixing time periods a little bit here. There’s the pre-election period and the post-election period. What I’m suggesting I would cabin in my mind more to the post-election period, where there’s different operational personnel in place on the Crossfire team.

Mr. Somers. But are those operational personnel -- whichever supervisory special agent at that point in time was in charge of the operational side and whichever analyst was in charge of the analytical side, were they in these meetings that we’re discussing?

Mr. Moffa. Yes. Some of the meetings that I’m thinking of, these group meetings we were having, they were absolutely present, yes.

Mr. Baker. Did you get any frustration expressed by the analysts underneath you that there hadn’t been this change of focus?
Mr. Moffa. I don't recall that. To me, this was more me, at sort of a more strategic executive level, sort of expressing that concern. I can’t recall if the individual analysts shared that with me.

Mr. Somers. Do you recall -- the primary sub-source is interviewed for three days in January. He’s interviewed again in March, and I believe again in April, or it could have been May. But anyhow, he’s interviewed two additional times. Do you recall why the need to continue to interview him about the same subject?

Mr. Moffa. I don't recall the reason for that, no.

Mr. Somers. Backing up, I think we got into the how. I think we discussed the how the Steele reporting was collected through a primary sub-source. What was your understanding, let’s say start pre-election, and we can go post-election after that -- what’s your understanding of the why Steele was doing what he was doing? We’ll start pre-election.

Mr. Moffa. Pre-election, my understanding at that time period was that a client had hired him to collect essentially opposition research. My recollection of that time is we didn’t know who that client was. Then in the course of collecting that opposition research, Steele recognized the allegations laid out within it about Russian activity and then decided to provide that to the Bureau.
Mr. Somers. When did you learn who the ultimate client was?

Mr. Moffa. To this day, I’m not entirely clear on who the client was and when. Just at the time I certainly wasn’t clear on it; and even now, four or five years later, I know that some understanding of that developed over time, but I would do a bad job of relaying it right now.

Mr. Somers. There’s a footnote in the IG report about regarding information about who Steele’s client was. There was some information received on August 2, 2016, according to the IG report, about who Steele’s client was. I’ll just read this. This is footnote 223 on page 98. It says:

“An FBI agent from another FBI field office sent an email to his supervisor stating that he had recently been contacted by a former CHS who was contacted recently by a colleague who runs an investigative firm. The firm had been hired by two entities, the Democratic National Committee as well as another individual not named, to explore Donald J. Trump’s longstanding ties to Russian entities.”

That investigative firm is Fusion GPS. That’s an email on August 2nd. Then the IG report goes on to say that:

“On or about August 2, 2016, this information was shared by a CD supervisor with the section chief of CD’s Counterintelligence Analysis Section 1 intel section chief” -- that being you. So I’ll start the sentence over and I’ll
just substitute that out. “On or about August 2, 2016, this information was shared with you, who then provided it that day to members of the Crossfire Hurricane team, then-section chief Peter Strzok, SSA-1, and the supervisory intel analyst.”

Do you have any recollection of this email chain?

Mr. Moffa. I don’t have a recollection of the email chain, but it predates getting the Steele reporting. So at the time, the context of receiving it would have been really different. So I did exactly what I would have done today, which is forward it on to the operational side.

Mr. Somers. The connection just wasn’t made because of the time frame?

Mr. Moffa. For me personally, my job is not to make the connection. It’s to send it to the team to look into, and that’s what I did. But my understanding is that at the time that email’s coming we, we CD, we don’t even have the Steele reports yet.

Mr. Somers. And you just don’t recall the connection being made after, at a later date?

Mr. Moffa. I don't recall. It may have been. I just don’t recall.

Mr. Somers. But you do recall sending the email on?

Mr. Moffa. I don’t.

Mr. Somers. I think you testified to this earlier,
but you, among others, including Strzok and Priestap, told
the IG that you did not play a role in the preparation or
approval of the Carter Page FISA application. That’s
correct?

Mr. Moffa. That’s correct.

Mr. Somers. Did you supervise individuals who played
a role in the preparation or approval of the Carter Page
FISA application?

Mr. Moffa. No. The characterization of that I think I
provided previously as well. My analytic team is embedded
with that operational team. If that team needed information
to support the FISA, they could have at any point been
asking or working with my analysts. But my analytic team
doesn’t have any formal role in the preparation or
authorization or review of the FISA.

Mr. Somers. Do you know if your analytical, if anyone
on your analytical team actually reviewed the FISA, though,
before it was submitted? Or is that totally --

Mr. Moffa. My recollection is that the supervisory
intelligence analyst would have reviewed the FISA. But I
don't know the degree of detail and I don't know for what
purpose.

Mr. Somers. Just in your general knowledge of FISA,
the FISA process, from being the analyst actually, if you’re
given a FISA or parts of a FISA and there’s something wrong
that you see from an analytical perspective, is it your
obligation to raise that?

Mr. Moffa. I would have the expectation that one of my
analysts would raise it, yes.

Mr. Somers. Have you ever in any context raised an
objection to something you saw in a FISA?

Mr. Moffa. I couldn’t tell you specifically, just
given the number of FISAs I worked on and the length of time
since I worked on them. But I certainly would have had that
expectation for myself as a working-level analyst as well.

Mr. Somers. I guess I’m asking sort of a relationship
question between. It seems to me, just reading the process,
you have the case agent and supervisory special agent 1 who,
at least for the first Carter Page FISA application, seemed
to be the primary FBI agents involved in it. And it’s then
passed off to a headquarters program manager. So they’re
kind of on that side of it.

What’s the relationship, though, if an analyst says
“Hey, guys, I see a problem with paragraph 15 of the FISA
application”? Is that a comfortable role for an analyst to
be in or is that an uncomfortable spot?

Mr. Moffa. I don’t think that’s uncomfortable at all.
Honestly, I think the Bureau culture is such that there is
that expectation that if you see something that’s
fundamentally inaccurate and you’re aware of it, you can
feel comfortable to bring that up to really anybody within
the chain of preparation for the FISA. So it could be an
OGC attorney, it could be the case agent, it could be the
squad supervisor.

I believe for this case specifically, I believe the
communication culture around that team was such that I don’t
have any belief that any of the analysts would have had a
fear of raising a concern if they noticed it.

Mr. Somers. Do you think there was any culture of
fear generally around the team of raising issues, concerns?

Mr. Moffa. I don’t.

Mr. Somers. You wouldn’t have gotten slapped down if
you said “Hey, this is wrong”?

Mr. Moffa. No. Certainly my team I don’t believe had
that sort of sense at all. In fact, I talked to them
frequently about concerns they had and I felt like it was a
really open conversation. So I just don’t have that
impression from my perspective.

Mr. Somers. There wasn’t a pressure to obtain certain
results?

Mr. Moffa. No.

Mr. Somers. From your perspective?

Mr. Moffa. Not any specific result. In terms of
certain results, it was to investigate this well and
comprehensively, but not to achieve a certain end of the
investigation necessarily.

Mr. Somers. Was there a lot of pressure to get the FISA application on Carter Page submitted?

Mr. Moffa. Again, I don’t think I can speak to that, just because from my half of the investigation that’s not -- that just wasn’t our focus. Our job was, once that FISA became available and the material was available, my analysts needed to review it for answers to those intelligence gaps. But getting it part of it is the operational side’s concern. So I just can’t speak to pressure about that.

Mr. Somers. Did you have any awareness that Carter Page had a previous relationship with another government intelligence agency?

Mr. Moffa. I did not.

Mr. Baker. Are you aware -- you just talked about this a second ago. Are you aware of anybody either on your team or on the operational team leaving Crossfire Hurricane team out of frustration or when their 90 days was up they said “Enough; I’m out of here”?

Mr. Moffa. No. I don’t believe anybody on my team left, but I don’t necessarily have as much insight into the operational side. So not to my knowledge.

Mr. Somers. I’m going to switch to a couple more topics here in our remaining about 15 minutes we’ve got in this round. One thing that’s mentioned a few times in the
IG report -- I’ll just read it to you. “Multiple witnesses told the OIG that they were very concerned about preventing leaks regarding the nature and existence of the Crossfire Hurricane investigation. Priestap said that, in an effort to prevent leaks, the investigation team was kept to a small group to try to control information from getting out.”

Is leaking in general a problem at the FBI?

Mr. Moffa. I don’t believe leaking in general is a problem at the FBI. I do think leaks when they happen are harmful to investigations.

Mr. Somers. Then as a result of trying to prevent these leaks, I think it’s pretty clear in the IG report -- and you can certainly disagree with me if you do -- that that’s why the case was sort of consolidated at headquarters. Is that your understanding of why headquarters ran it instead of, for instance, Washington Field or a different field office?

Mr. Moffa. I think one of the factors in my mind of why the choice -- again, I didn’t make this choice, but why the choice -- was made to run it at headquarters would be operational security.

Mr. Somers. But it did present challenges, I think the IG report indicates, to run it out of headquarters instead of running it out of the field; is that correct?

Mr. Moffa. You’d have to speak to the operational side
about that, about what specifically the challenges were.

Mr. Somers. What about from the analytical side?

Mr. Moffa. From the analytical side, I don’t believe it really presented any challenges. I was using my Russia expert analysts to work on a Russia case. It’s not that different than our investigative support to other cases.

Mr. Somers. Except to the extent maybe they couldn’t -- and you can disagree with me -- but to the extent that maybe they didn’t get as much to analyze or as quickly to analyze. The operational concerns -- and I’ll back up and ask you the question again, but according to the IG report running it out of headquarters presented multiple challenges, such as difficulties in obtaining needed investigative resources, including surveillance teams, electronic evidence storage, technically trained agents, and other investigative assets standard in field offices to support investigations.

Obviously, that’s all at the operational side. But you do get the product that is the result of all those investigative techniques. Did that present any challenges that you weren’t getting product?

Mr. Moffa. Look, I think at the end of the day our obligation was if there was information available and our analytic team needed to review it we would review it. And if there was more, we would have reviewed more. If there
was less, we would have reviewed less.

I think the challenge of the collection side of it, I’d really have to leave it to my operational counterparts to discuss how it being t headquarters impacted that.

Mr. Somers. Another subject. Do you recall attending a meeting on August 10, 2016, at the White House with the chief of staff and the President?

Mr. Moffa. What year?

Mr. Somers. August 10, 2016.

Mr. Moffa. No, I don’t recall attending that at all.

Mr. Somers. Switching subjects again. The intelligence community assessment of the 2016 election, do you recall working on that?

Mr. Moffa. I do.

Mr. Somers. What was your role?

Mr. Moffa. Again, I’m in that executive analyst manager role. So in some respects I am interfacing with the intelligence community at my level. Then I’m managing, again, analysts who are actually sitting on the drafting team of that assessment and an SIA who’s managing those analysts.

Mr. Baker. What’s an SIA?

Mr. Moffa. Supervisory intelligence analyst.

Mr. Somers. Is that the same supervisory intelligence analyst that was also doing the Crossfire Hurricane
investigation?

Mr. Moffa. It is.

Mr. Somers. But he was also involved in this intelligence community assessment?

Mr. Moffa. He was.

Mr. Somers. Was the main thrust of that getting some version of the Steele reporting included in the ICA; is that correct?

Mr. Moffa. I’m sorry?

Mr. Somers. Was the main effort that you were involved in with regards to the intelligence community assessment, was that getting the Steele reporting --

Mr. Moffa. I wouldn’t describe that as the main thrust of my effort at all. Again, this to me speaks to the broader Russian election issue that my analysts were also supporting, my other analysts, [redacted].

The ICA as I understand it was a directive from the President to have the key intel agencies push as much material about the election threat and what happened into the middle of the table for a joint team to review that material and publish as comprehensive an assessment as possible as to what happened there. So there’s much more that went into that from the Bureau’s end than just the Steele reporting. Whether it included the Steele reporting is kind of a subset of what I had to help manage as we wrote
that ICA, but there’s much more that I was involved in on
the broader assessment.

Mr. Baker. As far as Mr. Somers is asking about the
Steele reporting, were there issues in where in the report
to put the Steele information?

Mr. Moffa. There was a lot of discussion about it. I
felt it should be at least provided into the drafting team,
because I felt like the directive was to be inclusive in
terms of what we provided. The debate with the drafting
team of the other agency was really where and how could it
be reflected, and ultimately it was included in an appendix,
and the FBI supported that ultimately. But I think there
was some back and forth about it.

Mr. Baker. Before the back and forth and ultimately
agreeing to put it in the appendix, what were the concerns
of putting it in the appendix versus the main body of the
report?

Mr. Moffa. For us, I think initially we wanted it at
least considered to be included in the body, but properly
characterized, like other reporting. I think part of it in
my mind was we weren’t necessarily taking other agencies’
intelligence and putting it through the same wringer of
deciding does it go in an appendix or not. So we were sort
of being questioned on that and felt the need to at least
discuss it with the other agency.
But then ultimately, I was fine with it going in the appendix. I felt like we met the spirit of what the President had asked us to do, which was to provide what we had and then to capture that in the right way, the right context. Given the nature of the reporting, having it set off, to me I have no concerns about where it ended up.

Mr. Baker. Was it common for the other agency in similar situations to decide where Bureau intelligence would go in such a report?

Mr. Moffa. I don't know. I haven't written or been involved in the writing of many joint products at this scale with that other agency. But I felt like that -- I felt like that debate -- well, I felt like at the time, I felt like that debate had to happen. Then, like I said, sitting here today and back then, I was fine with how it ended up.

If it had been excluded I would have had a problem with it, I think, because I felt like that didn't meet the spirit of what the President had asked us to do with that paper.

Mr. Baker. So it touches the base and the spirit of what the President wanted, but it also sounds to me like the fact it was put in the appendix for all the reasons that maybe in the appendix doesn't highlight it the way it should, it sounds like this other agency maybe had the same degree of skepticism that you had and put it where they felt it should be?
Mr. Moffa. I don’t think that’s an unfair characterization, in that the other agency viewed it with skepticism and we talked about. I did as well. What I didn’t want to do and what I didn’t want it to be perceived as is we’re burying it or otherwise excluding it from view. To me, I thought it was important, again given the nature of what I believed the assignment was, that it’s put out in the open. It just has to be characterized and positioned the right way so that the credibility of it isn’t overemphasized.

I think we ended up, I believe, in a good compromise there, where it ended up in the appendix in a way that is not invisible. It’s in there in a way that I felt was consistent with what the directive of the paper was.

But the debate over that is not an uncommon analytic debate over how things are phrased, positioned, in a paper like that, an important paper.

Mr. Somers. What did you make -- I think it indicates in the IG report, and I think we don’t have to say “the other agency”; it says “the CIA” in the IG report. “The intel section chief stated that the CIA viewed it as, quote, ‘Internet rumor.’” Do you know where the CIA was getting that, that take on it, from?

Mr. Moffa. No. I think there are certain aspects of the Steele reporting that are potentially viewed as more
salacious than others. So the point I was trying to make in that moment to the other agency is not everything in that reporting has to do with that sort of salacious side of it. So some of our discussion was about are there elements of this that are consistent with other intelligence, understanding that there are other elements of it which are not corroborated with other intelligence and could be viewed as Internet rumor.

I think what I’m saying there is at first glance I think they waved a wand over all of it and suggested it was Internet rumor, and I was suggesting a kind of more nuanced view of. You can’t necessarily look at every single piece of it in the same light. Some of it may be, but some of it maybe isn’t, and we should evaluate that.

That’s what I believe ended up happening in the appendix, if you look at it.

Mr. Somers. But it was still, even the appendix or the characterization that was included in the ICA, was that it was -- the reference was to it being, quote, “limited corroborations” of Steele’s reporting. So you’re not saying it was any more than corroborated in a very limited way?

Mr. Moffa. No, that’s exactly what I’m saying. I’m saying that there are limited facts within the full body of that reporting, and I’m not suggesting those facts are the same facts that are necessarily the more salacious
allegations contained within it. But it would be inaccurate
to say that it’s completely uncorroborated. But there’s
limited corroboration. And that’s -- if you read the
appendix, that’s actually what it says. It lays that out
with some factual support.

Mr. Somers. It also says in the IG report on 179 that
you said that the corroboration of certain facts, as well as
the thrust of the reporting regarding Russia’s actions to
disrupt the election and caused discord in the western
alliance, that was part of the corroboration. Isn’t that
kind of generally known, that Russia wants to cause discord
in the western alliance? Does that actually corroborate
Steele reporting?

Mr. Moffa. The point of that statement in my mind is
there is independent intelligence that is generally
consistent with what Steele reported related to the broader
Russian election issue. So what you can’t say is it’s
completely unsupported and uncorroborated in other
intelligence. There is some corroboration.

Again, I’m not necessarily referring to any of the sort
of more specific allegations in it that have not been
corroborated, because, remember, the ICA is much broader
than Crossfire Hurricane-related. It’s about Russia,
Russia’s attempts to influence the election. If you look at
the full body of the Steele reporting, some of that
information is consistent with other information in the intelligence community. And that’s what the appendix said.

Mr. Somers. Is this the first election that Russia has tried to disrupt?

Mr. Moffa. It is not.

Mr. Somers. Is this the first time that Russia has tried to cause discord in the western alliance?

Mr. Moffa. I don't know that I could say that, but I know it’s not the first election that Russia has targeted.

Mr. Somers. I’ve only got about two minutes here. I think it’s probably better for us just to break now instead of trying to jam something in here.

Mr. Baker. I can take just one minute --

Mr. Somers. Go ahead.

Mr. Baker. -- to just clean something up. We talked earlier, way earlier, about some of the different things that the analytical part of the Bureau does. But we didn’t specifically talk about this. Would one of the things that an analytical person, an analyst or an analytical unit, could prepare or help prepare, would be used for formulating talking points for briefings specifically to a Congressional committee?

Mr. Moffa. I can’t say that’s a formal defined role, but I could certainly see a scenario where that could happen, sure.
Mr. Baker. What would -- hypothetically, what would
their role in formulating such talking points be?

Mr. Moffa. I think the reason I’m saying I think I
could see them doing it is analysts are generally very good
writers. I think they’re trained to take volumes of
information and succinctly get to the point. I think that’s
kind of what you’re doing with talking points. You’re
taking a body of information and you’re trying to pull out
the most important points, characterize it the right way,
and write it up. That’s what I could see an analyst doing
in that scenario, is kind of getting a solid written product
that someone could use for their testimony.

Mr. Baker. And even if it’s not the analyst preparing
the written product, are you aware of instances where their
knowledge would be drawn upon by others that might be
preparing the written product for whoever the briefer might
be?

Mr. Moffa. I think that’s accurate, especially if part
of testimony would be, for example, is characterizing a
threat, some of that subject matter expertise I would assume
would be drawn up into those talking points so it could be
reflected.

Mr. Baker. And would that work be reviewed? If a
lower-level analyst is called upon to either write something
or to provide information that someone else is writing, is
their product or knowledge going out of the analytical
division, is that reviewed up the analytical chain, or do
they have free rein to provide it to who’s ever asking?

Mr. Moffa. They would obviously -- if, say for
example, the Assistant Director asked for it directly, they
would have the ability to hand it to the Assistant Director.
But the normal chain of command would say it would come up
through the unit to the section chief, through the DAD, up
to the AD, through those different steps.

That would be a normal business practice. But it
doesn’t mean that it doesn’t happen differently than that,
certainly when there’s urgency or other circumstances
impacting it.

Mr. Somers. I think we can take a break now.

Mr. Moffa. Take a break.

(Whereupon, at 12:27 p.m., the interview was recessed,
to reconvene at 1:22 p.m. the same day.)
AFTERNOON SESSION

(1:22 p.m.)

Mr. Haskell. It’s 1:22 and we’re going back on the record.

Mr. Moffa, I just want to follow up on a few topics that have been touched on briefly at times today. My colleague Ms. Sawyer had asked you if anybody had a predetermined objective for the Crossfire Hurricane investigation. You said you never saw anything like that. You told Mr. Somers that there was no pressure to obtain a certain result. That jives with the Inspector General’s finding, after a two-year investigation, that there was no documentary or testimonial evidence of bias impacting the FBI’s work on Crossfire Hurricane.

Nonetheless, there continue to be allegations that there was tons of bias. Did political bias impact any of your actions in connection with Crossfire Hurricane?

Mr. Moffa. No.

Mr. Haskell. Do you have any evidence that political bias otherwise impacted the FBI’s work on Crossfire Hurricane?

Mr. Moffa. No.

Mr. Haskell. It has been alleged that the FBI engaged in, quote, “a massive criminal conspiracy over time to defraud the FISA Court.” Do you have any evidence that the
FBI engaged in a massive criminal conspiracy over time to defraud the FISA Court?

Mr. Moffa. No.

Mr. Haskell. It’s also been alleged that the FBI, quote, “purposely used the power of the Federal Government to raise a political war against a presidential candidate they despised.” Do you have any evidence of that, that the FBI -- that FBI agents purposely used the power of the Federal Government to wage a political war against then-candidate Donald Trump?

Mr. Moffa. No.

Mr. Haskell. Do you have any evidence that the FBI was attempting a coup against President Trump, which has also been alleged?

Mr. Moffa. No.

Mr. Haskell. What about any evidence that the Crossfire Hurricane investigation was a hoax or a witch hunt intended to hurt Trump politically?

Mr. Moffa. No.

Mr. Haskell. Was it your goal to hurt Trump politically?

Mr. Moffa. No.

Mr. Haskell. What was your goal in the Crossfire Hurricane investigation?

Mr. Moffa. My goal was to manage the analytic team and
its support to the investigation, which was seeking to
identify any information that could substantiate or refute
the initial allegation for the case.

Mr. Haskell. Do you have any evidence that part of
your goal or anybody else’s goal was a, quote, “deep state
effort to take down President Trump”?

Mr. Moffa. No.

Mr. Haskell. There have also been allegations that
the purpose of Crossfire Hurricane was to, quote, “change or
nullify the results of the 2016 election.” Was that your
goal personally?

Mr. Moffa. No.

Mr. Haskell. Do you have any evidence that it was
anybody else’s goal?

Mr. Moffa. No.

Mr. Haskell. There have also been allegations that
Crossfire Hurricane was composed of, quote, “people who
hated Trump” and, quote, “had an agenda to destroy him
before he was elected and after he was elected.” You were
involved in the selection of members of the Crossfire
Hurricane team along with Peter Strzok and SSA-1, as
identified in the IG report. Did you consider how
individuals felt about President Trump when you were
selecting members of the team?

Mr. Moffa. I didn’t consider that and I wouldn’t know
their political leanings.

Mr. Haskell. So you did not consider their political affiliation in any way?

Mr. Moffa. I did not.

Mr. Haskell. In fact, it would have been illegal for you to do so, correct? The Civil Service Reform Act prohibits FBI management from using political affiliation to make personnel decisions.

Mr. Haskell. That sounds right. I don't know the specific law you’re citing, but correct.

Mr. Haskell. But to be clear, notwithstanding your lack of knowledge of the specific law, that is not something you did or would do?

Mr. Moffa. That’s right.

Mr. Haskell. The IG report documents several steps that the FBI took to ensure that the counterintelligence investigation did not impact the 2016 election. According to the IG report, quote, “Multiple witnesses told OIG that they were concerned about preventing leaks regarding the nature and existence of Crossfire Hurricane.”

You said earlier that leaks can be harmful, and the IG report found that individuals found that that was the case as the Crossfire Hurricane. Why was it so important to keep the nature and existence of Crossfire Hurricane private?

Mr. Moffa. Well, I think, like any counterintelligence
investigation, to be able to obtain the needed facts and to cut down on the possibility that actors who may be conducting something that’s a threat to national security could get forewarning of our investigation and change their behavior in a way that would prevent us from discovering it or manipulate or destroy evidence that we might need.

I wouldn’t put this in a different category, other than to say all of our counterintelligence investigations need that sort of operational security for us to be effective.

Mr. Haskell. In your view, was there any added or heightened level of sensitivity, given that there was an upcoming election and some had expressed that that was cause to keep things especially tightly held to ensure that there was no effect on the election?

Mr. Moffa. In my personal role, I wasn’t hyperfocused on that particular point, just because my job was different. It was to manage the analytic team. But I can completely understand why up the chain the FBI management made the choice to conduct the case in this way and had that as a consideration. It doesn’t escape me that that would be a factor for them.

Mr. Haskell. And it doesn’t escape the Office of Inspector General either. In their Midyear investigation report, they wrote -- they recommended that “the Department consider providing guidance to agents and prosecutors
concerning the taking of overt investigative steps, indictments, public announcements, or other actions that could impact an election.”

Formal guidance to that effect was not in place during Crossfire Hurricane. It’s just a recommendation of the IGG. But in your view, did the Crossfire Hurricane team nonetheless take steps to avoid taking overt actions that could impact the investigation or the election in any way?

Mr. Moffa. All I can say is from my personal recollection I’m not aware of any actions that the operational side took that could have heightened awareness of the investigation. But you’d have to ask them specifically what they implemented operationally to obfuscate the case.

Mr. Haskell. Thank you.

The existence of Crossfire Hurricane remained private until months after the election, when, in March 2017, FBI Director Comey disclosed it to Congress. So it appears from that that steps that you and other members of the team took to keep Crossfire Hurricane a secret, whether that was due to the election context or just due to serving the same role that you would on any investigation, were successful. The investigation did not become known until after the election. Is that your understanding?

Mr. Moffa. My understanding is that it did not become
known publicly until after the election, that’s right.

Mr. Haskell. If the investigation had been publicly known before the election, might that have harmed the President, President Trump’s campaign, in any way?

Mr. Moffa. I couldn’t speculate on that.

Mr. Haskell. Moving on to a different topic, I want to follow up on the questions that you were asked about the Steele dossier and the role it played in the Carter Page FISAs and the investigation generally. First, to put Steele’s reporting in context, Crossfire Hurricane was opened, as you know, on July 31, 2016. The IG determined that the Crossfire Hurricane team didn’t even become aware of Steele’s reporting until September 19th and that, quote, “the Steele dossier played no role in the opening of Crossfire Hurricane.” Page 352, note 45.

Are you aware of any evidence that disputes that finding?

Mr. Moffa. No.

Mr. Haskell. When IG Horowitz testified before our committee about the report last December, he said that the Carter Page FISA the errors related to Christopher Steele did not call into question, quote, “any part of the Special Counsel report” -- of course, Special Counsel Mueller.

Are you aware of any evidence that disputes Horowitz’s testimony that the Carter Page FISA errors do not call into
question any part of Special Counsel Mueller’s report?

Mr. Moffa. I just want to qualify to say I never read

the Special Counsel’s report.

Mr. Haskell. Okay. But you’re not aware --

Mr. Moffa. I’m not aware of anything.

Mr. Haskell. -- of any evidence that would dispute

the findings?

Mr. Moffa. Right.

Mr. Haskell. As part of this ongoing investigation

that the committee’s conducting, former Deputy Attorney

General Rod Rosenstein came before us. Rosenstein

supervised the Mueller investigation and when Senator

Feinstein asked him at that hearing to identify which

findings in Special Counsel Mueller’s 448-page report rely

on information from the Steele dossier, Mr. Rosenstein said,

quote, “I don’t believe there is any such information.”

Now, with the understanding that you have not reviewed

every page of the Mueller report, do you have any evidence

that contradicts DAG Rosenstein’s testimony?

Mr. Moffa. Not personally, no.

Mr. Haskell. He also testified that none of the 199

criminal counts resulting from the Special Counsel

investigation relied on information obtained from Steele.

Do you have any basis to disagree with that?

Mr. Moffa. No.
Mr. Haskell. With regard to Steele, you were asked earlier about the why, why was he doing what he was doing. There have been allegations raised about his motivations. You told House investigators when you were interviewed in 2018 that, quote, “Sources have different motivations and actions, and it’s a balancing act of how that impacts credibility, and there’s no hard and fast rule that you can always kind of hue to.”

Can you elaborate on that?

Mr. Moffa. I think what I’m saying there is all sources are motivated differently and there’s no exact calculation of that motivation being for maybe purposes the government wouldn’t want automatically excluding some of their reporting being relevant or timely. So I guess what I’m trying to say there is there’s no exact science or formula to it. It’s about understanding that motivation, understanding how that may characterize or color the credibility of a source, and then evaluating the information coming from that source fairly throughout that process, with that context in mind.

But that’s not an exact science, I think is what I’m trying to say.

Mr. Haskell. Okay. Based on what you’ve just said, is it fair for me to say that a source’s motivation or biases do not automatically render any information he or she
provides false or unreliable or not credible?

Mr. Moffa. Yes.

Mr. Haskell. You’ve been with the FBI for more than 20 years. What impact would the inability for the FBI to rely on any source who has demonstrated a motivation or bias have on the FBI’s ability to do its work?

Mr. Moffa. We would not be able to use sources. Every source has some degree of motivation or bias, and so sources are an important part of how we collect intelligence and information to support our cases and protect America. I think if you exclude automatically those sources that maybe have motivations that are less than horrible you potentially exclude a bunch of intelligence that could be used to protect America.

Mr. Haskell. The IG asked Christopher Steele about a characterization of him as being desperate for Donald Trump not to win, and he said that he was concerned that Trump was a national security risk and had no particular animus against him otherwise. Do you have any basis to dispute Steele’s characterization of his own motives?

Mr. Moffa. I wouldn’t have any information about his feeling in that regard in either direction. I just don’t know.

Mr. Haskell. Thank you.

Shifting gears again to confidential human sources,
CHS’s, you told OIG that you viewed CHS’s as, quote, “one of the best avenues to potentially get some meat on the bones of the allegations that came through that started Crossfire Hurricane, to get somebody talking about what that reality was, even if the reality was this guy Papadopoulos knows nothing or this is what happened that actually explains that predication. It was one of those few avenues available to us in that moment where you could start to get some clarity around that initial predating allegation really of the IG report.

Mr. Haskell. Is it fair to say that the purpose of your use, the FBI’s use, of CHS’s in Crossfire Hurricane was to corroborate or to dispel allegations that the Trump campaign was involved in Russia’s ongoing interference efforts?

Mr. Moffa. Again, I can’t speak to my operational counterpart, but my personal understanding of that was that.

Mr. Haskell. So it’s to corroborate or to dispel and move on?

Mr. Moffa. Correct.

Mr. Haskell. Beyond Crossfire Hurricane, have you found CHS’s to be a valuable tool for corroborating or dispelling allegations during the course of your 20-plus years at the FBI?

Mr. Moffa. Yes.
Mr. Haskell. More generally, is it fair to say that in your experience CHS’s have played an important role in your work in investigating national security threats?

Mr. Moffa. In investigations I’ve been a part of?

Mr. Haskell. Yes.

Mr. Moffa. Yes.

Mr. Haskell. Yes, in your experience.

I’ve always understood sources and methods to be things that the FBI vigorously protects. Is that correct?

Mr. Moffa. Correct.

Mr. Haskell. Why is it important to protect sources?

Mr. Moffa. Well, I would say the protection of sources is directly connected to your ability to recruit, run, and obtain information from other sources. If an organization were to develop a reputation for not treating their sources well or endangering their sources, it would to me seriously compromise that organization’s ability you to generate information from those sources in the future.

So not only is it the right thing to do in dealing with human beings and protecting them, but it’s also critical to keeping that avenue of intelligence open for your organization.

Mr. Haskell. Following up on what you just said about being the right thing to do to protect individuals, are the risks to individuals with regard to the public disclosure of
who they are, are they amplified when you’re dealing with a
source related to a place like -- in a place like Russia?

Mr. Moffa. Yes, I’d say any source in a threat country
faces a greater risk if their CHS relationship with the FBI
or any U.S. intelligence service is publicly known.

Mr. Haskell. Are you aware that DOJ recently
declassified the FBI’s memo summarizing a January 2017
interview with Steele’s primary sub-source, and that shortly
after that memo was posted on our committee’s website a
blogger deduced and RT widely publicized the source’s
identity?

Mr. Moffa. No, I’m not aware of that.

Mr. Haskell. What are the possible consequences of
exposing the primary source -- sub-source’s identity?

Mr. Moffa. I don't know that I can speak to the
primary sub-source specifically, given that I don't know the
circumstances of that person. But the risks associated with
disclosing any source are their personal safety, certainly
their career, reputation, all the things that matter to
sources. Again, protecting them from those risks is
directly connected to our ability to recruit and use sources
in the future.

Mr. Haskell. There have also been efforts to identify
who the primary sub-source’s sources are based on the
publication of that document. Would those same concerns
apply to the primary sub-source’s sources?

Mr. Moffa. Yes, I think they would.

Mr. Haskell. Are you aware that on page 42 of that memo I mentioned, that was released publicly, which is a summary of the interview, the FBI’s interview with the primary sub-source -- and I’ll just read from it, quote.

“The primary sub-source commented that, unless his name goes public, he is fine when it comes to his source network. He doesn’t believe he can travel (REDACTED). He feels that he would be in danger, as he put it, (REDACTED).”

So I read this as the primary sub-source talking personally about himself the way you’re talking about sources generally, that if his name is disclosed he could be put in danger. Is that your same reading?

Mr. Moffa. Not having read that document, but hearing your description, I think that would be consistent with what I’m saying, yes.

A few follow-up questions on that. If the individual who does end up getting exposed is currently still a source for the FBI or the government, does the fact that they’ve been publicly identified then compromise their ability to be useful to the FBI?

Mr. Moffa. Again not having deep, unlimited expertise in this area, I would say it’s possible it would compromise their ability to report the same streams of intelligence
they would be reporting before they were exposed publicly.

Ms. Sawyer. Well, certainly if the folks who were reporting to them learned that they were reporting to the U.S. Government, they might be more reluctant to share information with that particular source; is that not correct?

Mr. Moffa. Yes, I agree.

Ms. Sawyer. Certainly that individual themselves might be reluctant, if not outright unwilling, to work with the U.S. Government going forward. Wouldn’t that be another risk?

Mr. Moffa. I agree.

Ms. Sawyer. When you were talking to our colleagues in the last hour, you were talking about the need to make a determination as to reliability and credibility of sources and sub-sources. What role does the need to also determine a source’s potential access to the information that they’re saying they have play?

Mr. Moffa. It plays a significant role in understanding the credibility, because if a source is known to not have access to the type of information being reported that can be a sign that the information itself is being fabricated or otherwise can’t be trusted.

Ms. Sawyer. So for example, if you learn that the person who said anything about Carter Page had no possible
access to sources in the Russian government, to information from the Russian government, that would substantially downgrade your ability to rely on them?

Mr. Moffa. That would be an important fact to know, but you’d also have to understand if that person had second-tier or third-tier access to that information and draw the distinction between direct access and access through others.

Ms. Sawyer. If you did assess that there had been direct access, would that conversely bolster your ability to rely on the information?

Mr. Moffa. In a general sense it would, because that person is reporting something they’ve learned first-hand.

Ms. Sawyer. My colleague Mr. Haskell referred you to the document that was produced by the Justice Department and posted on the committee’s website. It does talk, with some redactions, about not just the primary sub-source, but that sub-source’s sources. And on page 19 of that document it speaks to Source 5, who was one of the main sources for information on Carter Page during his trip to Moscow in July of 2016. It says the following, among other things. “She has ties to the (REDACTION) as well as ties to the Russian intelligence and security services.”

Did you have or did any of your analysts raise questions about the access that Source 5 had to information she was reporting up through the primary sub-source?
Mr. Moffa. I can’t speak to Source 5 because I don’t know who that is and I haven’t read the document you’re referring to. But what I’ll say, and refer to my earlier testimony. That’s the kind of sort of overseas operational and investigative work that I was talking about, where I believe a greater emphasis on pursuing better understanding of those sub-sources and their access would help clarify and either further support or refute the credibility of the reporting in general.

Ms. Sawyer. Are you aware of whether or not there was an effort to learn more about Source 5?

Mr. Moffa. I just don’t know who Source 5 is, so I’m sorry; I can’t say.

Ms. Sawyer. So you don’t know? It’s possible that there was?

Mr. Moffa. It’s possible. I’m just saying I don’t -- I don’t recognize Source 5 and I can’t tell you for certain.

Ms. Sawyer. Do you know anything about any of the other sources and the efforts that might have been made to do additional investigative work to find out about their access and therefore their credibility and reliability?

Mr. Moffa. I can’t speak to what was done investigatively for each of them because I just don’t know. I will say analytically we expended effort, my team expended effort, to better understand them, who they were, what was
available in terms of information about them as they were
being identified, for exactly in part the purpose you’re
saying, which is what is their access to information.

So while I can’t tell you the specifics of which sub-
source, that’s the general idea of what the analytic team at
least, which is the part I can speak to, was trying to do.
further ascertain whether they had that sort of credible
access to the type of information that was being reported
through the sub-source.

Ms. Sawyer. Understanding that you don’t remember
specifics, do you recall if at any point while you were
still working on Crossfire Hurricane and before it went to
the Special Counsel, whether any of your analysts came to
the determination that the sources, the primary sub-source’s
sources, simply did not have the access that would have
allowed them to report on the information they had been
reporting?

Mr. Moffa. I don’t remember that definitive of a
judgment being made before I left the team.

Ms. Sawyer. I think that’s all I have.

Mr. Haskell. I think that’s it for this round for us.

Thank you.

Mr. Moffa. Thank you.

Mr. Somers. Short break.

(Recess from 1:45 p.m. to 1:53 p.m.)
Mr. Somers. It’s now 1:53. Back on the record.

You were talking last round a little bit about the use of confidential human sources, and I think the quote that was read back to you from the IG report was your quote, was. “Confidential human sources are one of the best avenues to potentially get some meat on the bones of the allegations that came through that started this case.”

So I guess that means you would task confidential human sources with talking to a Carter Page, who has talked to a confidential human source -- not you would task. The FBI would task, I’m sorry. I make my usual error of saying “you.”

The Crossfire Hurricane team would task a confidential human source with talking with Carter Page or George Papadopoulos, and the goal of that, would it be fair to say, would be to see what they’d say about some of the allegations?

Mr. Moffa. I don't know if -- it’s not those two individuals specifically, but the idea would be that a CHS could interact with some of the subjects or others and pretty directly potentially look into the allegations by talking to those people and then not compromise the FBI’s investigative interest in the process.

But again, from my perspective I saw it as a potential avenue of intelligence to answer our gaps. The question of
again the operational wisdom of doing that and operational security of that was for the investigative side to determine.

Mr. Somers. What happens -- we’ve been given, provided by the FBI, with some of the transcripts of confidential human sources speaking with Page and Papadopoulos. But at the time what happens with -- Carter Page is recorded by a confidential human source and a tape is generated. What goes on after that, after the interaction?

Mr. Moffa. Well, whether it’s a recording or a transcript, the proceeds of that engagement are reviewed by the team. And by “the team” I mean both sides, the analytic team and the operational team.

Mr. Somers. And is a summary document generated or is it just left in the raw form of a transcript?

Mr. Moffa. I really can’t speak to that. I think at times maybe there’s a summary document and other times maybe there isn’t.

Mr. Somers. So sometimes when you look at a transcript, from your background as an analyst, a summary will be generated; and other times it will just be left raw in the transcript?

Mr. Moffa. Yes, I think that’s right.

Mr. Somers. What would be the factors that would
differentiate between whether something was summarized or pulled out and just left? Is it the use of what’s on the transcript or is it something else?

Mr. Moffa. I just think it would be need. If the people who need to know the information on the transcript have read the whole transcript, there might not be a need for a summary. And if that information had to be shared with others who don’t have the time or interest in reading the full transcript, you’d write a summary.

Mr. Somers. How would it be shared? Let’s say Carter Page said something that relates to an allegation made against him by the Steele dossier, for instance. Speaking generally, where does that information go at that point within the Crossfire Hurricane investigation?

Mr. Moffa. I can’t speak to that specifically, but both the operational and analytic teams are reviewing that transcript. So they have it. Then the question is, do they need to do something with that information, whether it’s advise up the chain or some other purpose. I just don’t know what that would be.

Mr. Somers. You don’t know what happens?

Mr. Moffa. I don't know what that would be specifically, given what the needs of that moment are. It could be that they had to do something with it, so it would be disseminated further. Or if not, if it’s just for the
background and understanding of the team, it might stay with them.

Mr. Somers. And it’s analyzed -- “analyzed” is probably the wrong word since that’s leading into my question.

It’s looked at by both the analysts and the agents?

Mr. Moffa. I’m generalizing. I can’t tell you specifically for any particular CHS operation. But generally, that transcript would be looked at by both the analytic team and the operational team to see what was said and if anybody picks out anything in it that’s of substance.

Mr. Somers. And would something that contradicts an allegation made against Page, for instance -- I’m not thinking of anything specifically.

Mr. Moffa. It should be recognized and understood. Then there’s a variety of things that might need to be done with that. If you’re putting together a FISA, there’d be something you would need to do with it. If it’s just for notification up the chain, they would do something different with it. It just depends what the purpose is.

Mr. Somers. But it’s pulled out? It’s not just left in the transcript. It’s pulled out in some way, either orally or in a written document generally?

Mr. Moffa. I’d go back to my previous statement, that if there’s something that’s developed that revealed an
inaccuracy or a factual inaccuracy, my expectation would be that the right responsible people would recognize that and do the right thing with it. That thing could be a number of uses depending on what is underway at the moment.

It shouldn’t be ignored, I guess is what I’m saying, in my mind.

Mr. Somers. But it could be discounted?

Mr. Moffa. It could be discounted as the individual speaking to the CHS potentially being less than honest, sure. That’s possible.

Mr. Somers. You spoke about, as I started this off with, CHS’s being one of the best avenues to potentially get some meat on the bones, and your quote goes on. One of the case agents characterized -- he may also agree with your assessment, but -- “Using CHS’s can be an effective tool for quickly obtaining information such as telephone numbers and email addresses of the named subjects.”

Which also could be true. But that’s not what you mean by putting meat on the bones. You don’t mean collecting email addresses and phone numbers?

Mr. Moffa. I mean, that’s a byproduct benefit potentially, is to get that kind of clarification information. But what I’m referring to there is, again as an analyst, when I look at what are those potential vectors of learning the intelligence needed to answer this question,
having access to people who may know the answer and getting
them to share that is potentially one of the best and
quickest ways to put meat on the bones of that allegation.

But it doesn’t mean that you can’t derive other
benefit, which is what I think that agent’s suggesting.

Mr. Somers. But those are two different things, is
all.

Mr. Moffa. Yes, I think they are. I think there’s
ways CHS’s can help you sort of in the nuts and bolts of an
investigation, and then I think CHS’s can help you a report
the fundamental question of your investigation. I think
there’s a full range of things CHS’s can answer.

Mr. Somers. Switching around here a bit, did you
consider the possibility that what Steele was reporting was
Russian disinformation that was fed to him?

Mr. Moffa. It was one of the potential options for
what the information was. I don’t think it changes, again,
what we were doing, which was trying to find independent
intelligence or other corroborating information to either
positively confirm or refute the facts in it.

If we looked at certain information that suggested it
was Russian disinformation, then that’s what it would tell
us. If we looked at other information that just positively
confirmed it was a false piece of reporting, that’s what it
would confirm. I don't know that it changes -- in my mind,
it didn’t change the approach. It was one of the potential possibilities for this reporting in my mind.

Mr. Somers. In your mind -- and when I say “you” this time I’m actually referring to you, versus the team -- did you ever come to a conclusion that what Steele was reporting was not Russian disinformation?

Mr. Moffa. No. To me, when I left the investigation in the spring of 2017, all possibilities for Steele and his reporting were still on the table in my mind.

Mr. Baker. What kind of weight is a newspaper article or news reporting of information that a source is reporting? What kind of weight do you give that in verifying or giving credibility to what the source is coming in with?

Mr. Moffa. It depends a little bit on the circumstances. But the temporal aspect is important. So if something’s publicly known before a source reports it to you, then it doesn’t provide much in terms of validation of the reporting because the source may have seen it publicly and then just told you about it.

If a source reports something and then it’s not publicly known until long after the source reported it, that open source reporting could potentially add some degree of credibility to the statement. But in no case would you want to take open source information and use that in a sole way to either validate or corroborate. It’s potentially
relevant, but it’s just a factor in that.

There are obviously very simple facts that are widely known publicly that may be true. But the question is just can the source have reported that based on the source’s own view of that same public information.

Mr. Baker. And it’s possible the source could have been the reporter of both, what’s coming in --

Mr. Moffa. Certainly.

Mr. Baker. -- the news media and what’s coming into the FBI in this case?

Mr. Moffa. It’s very difficult to know how things emerge publicly, and so that’s a possibility, sure.

Mr. Baker. And that’s all part of this ongoing living event that intelligence is in your world?

Mr. Moffa. In my view, in terms of what we were attempting to do here, absolutely. So a public fact could be a starting point and then you continue to build that out further as time went on.

Mr. Baker. You indicated earlier that -- we talked a little bit earlier about information coming in from friendly foreign governments and you, with your -- my words -- kind of skeptical hat on, some stuff needs to be looked at deeper, whatever, and there’s a continuum and it goes back and forth, with new information coming in.

Are any of your units or intelligence units in the FBI,
are any of their products shared with friendly foreign
governments?

Mr. Moffa. Yes.

Mr. Baker. Do you know if the Steele reporting was shared with a friendly foreign government?

Mr. Moffa. I don't know that. No, I don't know that.

Mr. Baker. Do you know if any product generated from the Steele reporting was shared with a friendly foreign government?

Mr. Moffa. I don't know that either.

Mr. Baker. Thank you.

Mr. Somers. Lost my train of thought. I was going to follow up Art there.

Switching topics here. Were you involved in the decision to send Supervisory Special Agent 1 to take part in a strategic intelligence briefing of the Trump campaign on - the briefing that occurred on August 17 of 2016?

Mr. Moffa. I was informed of the decision. I wasn’t part of the decision-making on it.

Mr. Somers. Do you know why that particular agent was chosen to take part in the briefing?

Mr. Moffa. I think you’d have to ask those that decided. I actually don’t know exactly who did. I know AD Priestap was a part of those conversations and up the chain. I would imagine it’s both SSA-1 has substantial expertise in
counterintelligence -- he’s a very, very good agent, very experienced agent -- but also my understanding now is certainly that it was due to his being part of the Crossfire Hurricane team as well.

Mr. Somers. So were you involved in any discussions about whether this was a good idea, what was -- I’m sorry. Was that a no? You shook your head.

Mr. Moffa. I don't recall any conversation I was a part of where the merits or wisdom of sending someone from the team were discussed.

Mr. Somers. But you were involved in, I guess the IG report calls it, mock briefings, some sort of preparation for SSA-1, his taking part in the briefing; is that correct?

Mr. Moffa. That’s right. To be honest, I think most of my input in that, though, had to do more with my normal job in terms of counterintelligence analysis, because he had to deliver a more general counterintelligence briefing and my analytic section covers a number of the different threat actors that were going to be discussed at that briefing.

Mr. Somers. More the meat of what he actually said versus the observational that he was sent there to do?

Mr. Moffa. That’s right. My recollection is that was really what I was contributing to that, is how would you actually present the counterintelligence threat in that context. He, as the operational side, he would be the one
responsible, along with Strzok and the rest of the
operational team, for any other alternate goals of that.

Mr. Somers. What did these mock -- I’m just kind of
curious as to what a mock briefing consisted of.

Mr. Moffa. I wouldn’t really call it a mock briefing.
I’d call it more of a dry run of the presentation he was
planning to give at that briefing.

Mr. Somers. Did you speak with SSA-1 after the
strategic intelligence briefing?

Mr. Moffa. I don't recall if I spoke with him after or
if I just heard about it after. It’s possible. I just
don’t recall.

Mr. Somers. Do you recall what the take on the
briefing was?

Mr. Moffa. Again, I don't recall specifics. I
remember him relaying impressions of the different actors
who were in the room.

Mr. Somers. Do you recall generally what those
impressions were?

Mr. Moffa. I don’t, actually. There were particular
topics that were coming up in the briefing that he was
reflecting certain people conveyed interest in. But I just
can’t remember what they were now.

Mr. Baker. Do you understand that to be a reason that
SSA-1 was selected to do the briefing, was there was
information about some of the other participants that he was
going to observe and make assessments about?

   Mr. Moffa. I don’t think I was told that explicitly, but it was pretty clear to me that that was one positive
benefit of SSA-1 going, in addition to his
counterintelligence expertise, is he’d be able to identify
information of value about the people in that room that
others maybe couldn’t.

   Mr. Baker. Now, is that based on any extra expertise
he has in behavioral analysis, or was that just being an
agent that’s done interviews and observed people in
interview-type settings?

   Mr. Moffa. I don't know that I know that much about
his background otherwise, but I just know he’s a very
experienced counterintelligence agent who’s done a lot of
work on espionage and counterintelligence cases. So I think
that was -- that’s where I’m coming from with that, that he
would have that kind of experience to be able to pick up on
important information in the nuances of those interactions.

   Mr. Baker. With the goal being to come out -- in
addition to the goal of providing the counterintelligence
briefing part of it, but the other goal of coming out with
some observations and maybe things to formulate in future
contacts with some of those participants to the briefing,
were you made aware of or did you subsequently learn or ever
have reason to believe that that briefing when it was actually presented was electronically recorded in any way?

Mr. Moffa. I don't know anything about that, no. I don't recall ever hearing about that or knowing that.

Mr. Somers. Do you recall anyone raising concerns about using the strategy intelligence briefing for the purpose of observing Flynn and Trump and Chris Christie?

Mr. Moffa. No, I have no recollection of anybody raising any concerns about that.

Mr. Somers. The FBI opened their investigation of General Flynn on August 16th of 2016. Let's just start with prior to the election time frame; what was your involvement, if any, with the analytical side of the Flynn investigation?

Mr. Moffa. I don't think it's any different than the other cases or Crossfire Hurricane as a whole. My analysts were conducting research and supporting the needs of the investigation, whatever that might mean. So I can't speak to the day to day analytic interaction between the investigative team on any one of those cases. I'm just able to speak in an overall sense about the type of work they did, that kind of research and analyst.

Mr. Somers. Did that change after the election time period?

Mr. Moffa. No. I mean, in my mind that's the goal and role of the analytic team throughout. The cases may change.
Some new ones may open, others may close. But our work is essentially the same. It’s to fill that analytic need within all of the different investigations, no one being exceptional to the others.

Mr. Somers. Do you recall what was being looked for with General Flynn? I believe the predication for opening an investigation on him was the Foreign Agents Registration Act. But do you recall what type of information was being analyzed, looked at?

Mr. Moffa. I don’t. I recall, as we talked about earlier in the day, he being one of those people who were part of the campaign who had ties to Russian actors in a way that suggested they were potentially a more likely fit for the predating information. But I don't recall specifically what distinguished him from the others, other than that sort of background and ties to Russia.

Mr. Somers. How many FARA cases have you been involved in?

Mr. Moffa. I’ve been involved in a few. I wouldn’t -- I can’t put a number on it, but more than two or three during my time in the Counter-Espionage Section.

Mr. Somers. Did the Flynn investigation at some point in December of 2016 evolve away from being a FARA investigation?

Mr. Moffa. I just don’t recall. I wasn’t following
the investigation at that level that closely.

Mr. Somers. Do you recall a time when the decision was made to potentially close the Flynn investigation around December or early January, December 2016 or early January 2017?

Mr. Moffa. I don’t specifically recall that. I couldn’t tell you when it was closed.

Mr. Somers. But you don’t recall discussions about closing the case?

Mr. Moffa. I really don’t, no.

Mr. Baker. Would you’re -- and it doesn’t have to be in the context of Crossfire Hurricane. Would your intelligence apparatus be consulted when a case was considered or was being considered to be closed, just to make sure there’s no other intelligence information that would justify keeping it open?

Mr. Moffa. I don't know if it would be a specific defined event as. We’re going to check in with the analyst team one more time before closing. I think the reality is that team’s working closely with the investigative team throughout and during, and if there was information that was coming from the analyst team that would suggest to the ops team that they needed to keep the case open, they would know that and they would do it.

I don't know that there is necessarily, like I said,
that defined a moment where you check in one last time, especially with a team as embedded as this team was. They’re working together every day, so if the analysts had information that would suggest the case needed to continue I would have every belief that the operational team making the decision about opening or closing would know that.

Mr. Baker. So you’re not aware -- again, it doesn’t have to be in this case. You’re not aware of a situation where a decision’s made to close a case and some analyst says “Oh wow, I wish I knew they were thinking of closing it because I have this new information”?

Mr. Moffa. I couldn’t tell you that’s never happened in the history of the Bureau. But I’m not aware of any instance where that happened.

Mr. Baker. And certainly not aware, you’re saying, of any instance of it happening in Crossfire Hurricane?

Mr. Moffa. Agreed, yes. I’m not aware of any instance where the case was closed. I don't recall any event like that, where the analyst had something where the ops side didn’t know it and didn’t consider in that decision.

Mr. Baker. Thank you.

Mr. Somers. Do you recall the issue of General Flynn having conversations with Russian Ambassador Kislyak becoming an issue as part of the investigation?

Mr. Moffa. I recall that.
Mr. Somers. What’s your recollection of how that arose?

Mr. Moffa. Can I check in?

Mr. Somers. Yes.

(Witness confers with counsel.)

Mr. Moffa. I think if you rephrase it I can answer it.

But I’m a little concerned about dipping into the classified side.

Mr. Somers. Go ahead.

Mr. Moffa. Are you asking me how I became aware of it?

Mr. Somers. One, how did you become aware of it, yes.

Mr. Moffa. I can’t recall specifically who told me about it, but it was either the SIA who worked for me or another member of the team.

Mr. Somers. And do you recall why you were alerted to these particular conversations, generally? Some of this has been declassified. I’m not looking for anything really specific.

Mr. Moffa. Yes, I get it.

Mr. Somers. But generally what was the concern about these conversations?

Mr. Moffa. I think they were relevant conversations to the underlying idea of the case and the contact between Flynn and the Russians. So it’s the kind of event that I would expect, again given the context of what’s happening on
the Russia program, to be made aware of.

Mr. Somers. Do you recall if there was concern there was anything illegal about these conversations?

Mr. Moffa. I remember there being discussions about that, yes.

Mr. Somers. What would be illegal about these conversations?

Mr. Moffa. Again, I’m the wrong person to --

Mr. Somers. What was discussed about it?

Mr. Moffa. I remember there being discussions with the lawyers in the room and the operational counterparts about the potential legality of it. I can’t tell you what specifically about it is illegal or why.

Mr. Somers. Do you recall the Logan Act being discussed?

Mr. Baker. I remember that term, yes.

Mr. Somers. Just the term? Do you know anything about the Logan Act?

Mr. Moffa. I know very little about the Logan Act. I may have known more back then. I couldn’t even tell you right now exactly what it entails.

Mr. Somers. Have you ever worked on a Logan Act case outside of the Flynn situation?

Mr. Moffa. I have not.

Mr. Somers. Were you aware the Department of Justice
has never prosecuted a Logan Act case?

    Mr. Moffa. No, I’m not aware.

Mr. Somers. Do you recall any discussions about
whether the Logan Act was actually a criminal violation that
would seriously be considered to be used against Flynn?

    Mr. Moffa. I recall there being conversations for
which I’m in the room and the Logan Act being discussed.
But I couldn’t tell you specifically what nuance around the
Logan Act was being talked about. It isn’t my lane, so it’s
not something I really know a lot on.

Mr. Somers. Are you aware that at least some
officials at DOJ considered Flynn speaking with Kislyak to
be, quote, “pretty common,” a pretty common thing for an
incoming administration to be talking to a foreign
government?

    Mr. Moffa. No, I’m not familiar with that specific
statement

Mr. Somers. You don’t recall that being brought up at
meetings that you attended?

    Mr. Moffa. I don’t recall that.

Mr. Somers. Mary McCord, who was in NSD at the time,
tested to the House Permanent Select Committee on
Intelligence that. “It’s probably pretty common for
incoming officials to reach out to who their counterparts
are in advance of the transition to just sort of say ‘We
I guess my question is. Was anyone dismissive in any of the meetings? Hey, this is no big deal; he’s having a conversation?

Mr. Moffa. I don't recall any kind of conversation like that.

Mr. Somers. Were you ever involved in an investigation in previous administrations where an incoming administration was speaking to a foreign government?

Mr. Moffa. No.

Mr. Somers. Do you recall -- I don’t want you to get into classified information here, but is there anything unclassified you can say about like what specifically it was about these conversations that merited investigation?

Mr. Moffa. I don't know that I can speak to the specifics of the conversation. But again in a general sense, I think it showed collaboration at the higher levels of the Russian government, which again would be consistent with someone who potentially could match the description of someone who received the suggestion that led to the predication. So in my mind it’s further reinforcing the possibility that, at least from the case that we’re investigating there, the FBI’s investigating there, that Flynn is a more reasonable subject to have been involved in what was described in the predication than others.
Mr. Somers. Wouldn’t it also be reasonable for the incoming national security adviser to the President of the United States to have a discussion with the Russian ambassador?

Mr. Moffa. I couldn’t speak to that. But it also -- to me it’s relevant in the context I just laid out as well. Maybe that’s true, but I wouldn’t be able to say. But I think it’s also true in the context I just described. Maybe it’s both.

Mr. Somers. But you don’t recall anyone saying “Hey, the guys the incoming national security adviser; what’s the big deal?”

Mr. Moffa. I don’t remember that.

Mr. Somers. What was your involvement, if any, in preparation for an interview of General Flynn in early -- an interview that occurred on January 24th of 2017? Prior to the interview, were you consulted at all about the interview, involved? Were you consulted at all about it?

Mr. Moffa. I remember knowing that the interview was being planned. I remember being in meetings with Deputy Director McCabe and others where it was being discussed. I don’t remember personally being engaged to provide any input in advance of that. I just remember being there and being aware that it was going to occur.

Mr. Somers. Do you recall why people thought it was
important to interview General Flynn at that point in time?

Mr. Moffa. I don't recall specifically.

Mr. Baker. You said you were in a room or interview prep session with McCabe and others. Who were the others?

Mr. Moffa. Pete Strzok for sure. I’m trying to remember. Bill Priestap at least in one of the meetings I’m thinking of. I couldn’t tell you the others.

Mr. Baker. And they were all in favor of doing this interview?

Mr. Moffa. Yes, I don’t remember -- I don't recall any kind of statement from anybody that doing the interview was the wrong choice.

Mr. Somers. Do you recall any discussion about how to go about the interview in terms of whether White House counsel should have been notified of the interview?

Mr. Moffa. I have no recollection of any of those conversations.

Mr. Somers. Do you recall any conversation about whether Flynn should be warned during or ahead of the interview that lying to federal agents is a violation of 18 U.S.C. 1,001?

Mr. Moffa. I just don’t remember.

Mr. Baker. Did your team prepare any materials at all for the interview;

Mr. Moffa. I don’t remember, but at that point my team
would have prepared some materials about Flynn since that case had been ongoing for some time. I can’t tell you if we prepared, the analytic team, prepared anything specific for the interview.

Mr. Baker. What they did prepare, what was used -- what was done with that? How was that used?

Mr. Moffa. It was provided to the investigative team, the operational team. It’s the sort of background material on who the person is and what their contacts are and that sort of information. How the operational team factored that into their decision-making, you’d have to ask them. But that’s the purpose of it. It’s to provide information and context about a subject, and then the operational team takes that and uses it to inform their decisions about what to do.

Mr. Baker. So the operational team would have already had this. So if the operational team was involved in any way with the interview, they would have had the products to use however they saw fit, because they already had them from just the normal flow of your products?

Mr. Moffa. That’s correct. I’m confident they had -- whatever materials my team had prepared on Flynn, I’m confident the operational team had it in advance of that interview.

Mr. Baker. Do you have any reason to believe they used any of your materials for preparation for the interview?
Mr. Moffa. I don’t have any information about that. I don’t know.

Mr. Somers. Do you recall what the purpose of the interview was?

Mr. Moffa. As my recollection, it was to -- well, actually I shouldn’t say that. I actually don’t recall specifically what the purpose of the interview was. My assumption would have been what I’d be telling and I don’t want to do that.

Mr. Somers. Do you recall any discussion about whether one of the purposes of the interview was to see if Flynn lied?

Mr. Moffa. I just don’t recall it getting framed that way.

Mr. Baker. I’d be interested in hearing your assumption. You just don’t want to say it? You’re an intelligence professional. You’ve been in the Bureau your whole work career. I’d put great weight on what you say and would love to hear what you think about it.

Mr. Moffa. To me, it’s clear that part of the purpose of the interview was to get to the root of the conversation between Flynn and those Russians and the purpose of it. I don't know beyond that, what other goals of that conversation are. But to me it was to address that issue.

Mr. Baker. Were they successful in that?
Mr. Moffa. Again, I’m speculating in a way I’m uncomfortable with, not knowing exactly what the operational goal of that interview. I think I’m just out of my lane.

Mr. Somers. What was the read-out after the interview that you received?

Mr. Moffa. My recollection is the read-out was that Flynn did not admit to the contact with the Russians.

Mr. Somers. Was the read-out that he lied? Was the read-out that he did not admit to the contact?

Mr. Moffa. I don’t remember that nuance or distinction and I wouldn’t do a good job of picking up on it, not being a lawyer. But it was that he did not admit to that contact. That’s what I recall.

Mr. Somers. What was the format of the read-out? Are we talking a meeting?

Mr. Moffa. Exactly. It was a meeting I recall being in with, again, with Deputy Director McCabe, Strzok for sure, AD Priestap. I just can’t remember the other people in the room. A similar group as that pre-meeting I referred to earlier.

Mr. Somers. Now, was the discussion coming out of the meeting “Hey, we need to get this guy prosecuted, get him charged”?

Mr. Moffa. I don’t remember that at all.

Mr. Baker. In the pre-meeting, was there even just a
strategy discussion? If the interview goes this way, then we as the interviewing team go this way; and if it goes another way, we have a contingency plan?

Mr. Moffa. Yes, I have a general recollection that’s the type of thing discussed in that first meeting. Just again, because it’s just not my job, I can’t tell you exactly what that strategy was or how it played out. But that’s a general sense of what that pre-meeting was about.

Mr. Baker. Do you remember generally what the strategy was?

Mr. Moffa. I don’t, really.

Mr. Baker. Okay.

Mr. Somers. How many meetings, debriefings, did you participate in approximately after the Flynn interview? Was it a one-time thing?

Mr. Moffa. I just remember that one, that one meeting following the Flynn interview, where I gave you the general sense of what I recall from it.

Mr. Somers. Mr. Priestap was in that meeting?

Mr. Moffa. I believe he was.

Mr. Somers. Deputy Director McCabe?

Mr. Moffa. Deputy Director McCabe definitely was.

Mr. Somers. And then I assume, since it was a meeting about the interview, that SSA-1 and Mr. Strzok were in the meeting?
Mr. Moffa. I believe so, yes.

Mr. Somers. Was Lisa Page in the meeting?

Mr. Moffa. I don’t remember.

Mr. Somers. Did you ever get the impression that Mr. Strzok and-or SSA-1 felt that Flynn was being truthful or that he did not lie, whichever way you want?

Mr. Moffa. I don’t remember it being characterized as “lie.” I just remember the characterization as he did not admit to the contact.

Mr. Somers. Just switching over just in terms of what we were talking a little bit, switching subjects here to some of the individuals involved overall in the Crossfire Hurricane investigation. Let’s just start with, and I’ll just ask you to comment on this. Do you know why Pete Strzok referred in an email to you, Lisa Page, and the FBI unit chief that we discussed earlier as “the magnificent three”?

Mr. Moffa. No. You’d have to ask him.

Mr. Somers. Did the three of you, the three of you I guess along with Mr. Strzok, work very closely on this investigation? Or do you think it’s a more general comment?

Mr. Moffa. I think Mr. Strzok thought very highly of the three of us and I think that’s why he made that comment.

Mr. Somers. You don’t think it relates specifically to Crossfire Hurricane?
Mr. Moffa. No.

Mr. Baker. Had you ever been called part of the “magnificent three” before the email?

Mr. Moffa. No.

Mr. Baker. So the email’s the first time you were aware that you’ve ever been referred to as part of the “magnificent three”?

Mr. Moffa. Yes, and I have not been referred to that way since.

Mr. Somers. Until today.

How regularly did you and Peter Strzok interact on the Crossfire Hurricane investigation?

Mr. Moffa. Every day.

Mr. Somers. Multiple times a day, or was it like a daily meeting?

Mr. Moffa. No. I would say multiple times a day. And it’s not necessarily like a regularly scheduled meeting, although there were those. Just throughout the day we’d check in about it. So it could be once a day, it could be multiple times a day. It just depends.

Mr. Somers. It just occurs to me, I asked you earlier about who was in the room where they put the agents and the analysts together. Were any OGC attorneys put into that room or did they remain at --

Mr. Moffa. They absolutely had access to the room.
They could come and go freely to it. I can’t tell you they were sitting down there full-time. I don't know that.

Mr. Somers. How regularly did you interact with Lisa Page on Crossfire Hurricane?

Mr. Moffa. Less frequently than Pete Strzok. Definitely several times a week, but not necessarily every day.

Mr. Somers. What did you understand her role to be on Crossfire Hurricane?

Mr. Moffa. I understood her to be the representative essentially of Deputy Director McCabe and his office. I perceived her role to be to keep him informed about the case and the way it was going, and then, in a reverse direction, to keep us informed of the Deputy Director’s wishes as it pertained to the case in real time. So she was sort of like the emissary between the Deputy Director and the team.

Mr. Baker. Was there any concern that information she took from the team back up to the Deputy Director’s office were things that should have been gone up through the chain of command and there were people cut out in that chain that maybe needed to know some things that were going from your team directly to the Deputy?

Mr. Moffa. Yes, that was definitely concern about that.

Mr. Baker. Could you elaborate on that?
Mr. Moffa. Yes. And it was made known to me by AD Priestap. There was concern at the executive assistant director certainly above AD Priestap about exactly that, that information was flowing directly to the Deputy Director without going through the proper chain of command. It was just a known problem of that relationship, that arrangement, of Lisa being that connected to the working level.

Mr. Baker. Who was the EAD you referenced?

Mr. Moffa. I’d have to refer to the transition time, but at one point it was Michael Steinbach and then at another point I believe it was Carl Gaddis.

Mr. Baker. So under this model where Lisa Page is potentially bypassing the chain of command, two senior employees, an AD and an EAD, both I believe agents, are being cut out of some of the information that’s going right to the Deputy Director?

Mr. Moffa. At times, yes.

Mr. Baker. Would you believe that to be problematic?

Mr. Moffa. I would.

Mr. Baker. And how so?

Mr. Moffa. I believe that the chain of command exists for a reason. I think it helps keep those other executives who are in charge of the division and the National Security Branch fully informed. I think people rise those positions because of their judgment and understanding of the context
of decision-making, and I think it prevents them from being able to do that in a way that serves, frankly, the deputy better. Those layers of management are there in my mind to ensure the right decisions are made at the right level, and it short-circuits that.

Mr. Baker. Are you aware from your own personal experience or in any conversations you had with AD Priestap or whoever was in the EAD seat at the time of any negative consequence that happened because of them being bypassed?

Mr. Moffa. No, I’m not aware of any specific incident or event or decision that was negatively impacted. I’m just aware that that conversation about that exact concern was happening at the AD and EAD level.

Mr. Baker. In your conversations with Mr. Priestap or the EAD, were you aware of anybody’s thoughts or intention to remove Mr. Strzok from the team?

Mr. Moffa. I know that at one point AD Priestap was looking to change Pete’s role on the case. I believe it was in part due to the concerns around Lisa Page and that relationship. It was also due to, I believe -- and I believe it because he told me -- his desire to get the investigation of foreign influence activity into a kind of more normalized state, get away from a small dedicated team and start to integrate it more with the normal Counterintelligence Division. That’s in the from winter
going into 2017 time frame, when a new operational team was
brought in; and in that time frame is when then-DAD Strzok’s
role changed one case.

Mr. Baker. When you said DAD Strzok and that
relationship, you’re talking about the relationship between
him and Ms. Page?

Mr. Moffa. Right, correct.

Mr. Baker. What was your reaction -- I don’t want to
spend a lot of time on this for sure. But what was your
reaction when the famous texts came out?

Mr. Moffa. I was incredibly disappointed. I was
disappointed for them as people. I was more so disappointed
because I feared the impact it would have on the perception
of the work of a group of people that I think really highly
of. I believe my team did really good work and I believe
that it was tainted unfairly, given the nature of their
communications. I think that’s really disappointing.

Mr. Baker. You’re a career counterintelligence
professional. Any problems in your opinion or any
regulations in the Bureau violated by having such an affair,
a relationship?

Mr. Moffa. I think affairs can fall into that category
of exploitable behavior. They’re a lot less exploitable
when the entire world knows about them. So I think there
was maybe a period there where it could have been viewed as
an exploitable fact that could be taken advantage of by a foreign intelligence service, not that I have any indication that’s the case. Certainly once it’s public that’s not something that is a concern any more.

Just the whole thing’s disappointing in my mind, is the best word I can use.

Mr. Baker. Thank you.

Mr. Somers. You spoke just a moment ago about Priestap’s desire to possibly remove Strzok from Crossfire Hurricane and get him focusing on other things. You said that you’re aware of that because you had a conversation with Priestap about it?

Mr. Moffa. I did.

Mr. Somers. Do you know why he didn’t remove Strzok?

Mr. Moffa. I don’t. I know he was having those conversations up his management chain with the EAD. He did change then-DAD Strzok’s role and I don't know the exact date, but it was in the winter, towards the beginning of 2017, and brought in a new operational team to really manage operationally Crossfire Hurricane. So that changeover did happen.

I know DAD Strzok stayed involved on some cases, sort of tangentially involved in that. But his role did change. So it did happen. I don't know if it happened long after the conversation I’m remembering or not.
Mr. Somers. But you don’t recall in that conversation whether Priestap expressed any, “Hey, I want to move him, but McCabe, Deputy Director McCabe, won’t let me”?

Mr. Moffa. I don’t remember him ever specifically saying that to me.

Mr. Somers. You were talking earlier about Page, Lisa Page, being able to bypass the chain of command going up, around potentially Priestap or Steinbach or Gaddis or whoever. What about -- and you said that was concerning -- any concerns the other way? You said, you also said, that Page was in these meetings to speak for the DD, but of course someone speaking for the DD is not the same thing as the Deputy Director being there. Was there any concern expressed that, hey, she’s kind of coming in and saying this is what McCabe thinks and we don’t really know that that’s the case?

Mr. Moffa. Well, to clarify, we would never -- I don’t believe the team had ever taken operational investigative actions simply on Lisa Page saying the DD said do it. That’s just not how it works. There’s enough layers of management in between and the way the decisions were made, I feel very comfortable the right people would have weighed in and McCabe would have had a chance to refute that if that wasn’t true. So it’s not as serious as that.

I think at the end of the day I took it as insight.
Insight into the needs and the desire of the Deputy Director is a valuable thing to have as you’re preparing information to go up the chain, for example, for my analytic team to know what he’s interested in hearing about, to be able to vector in on that a little more closely, because Lisa was there to tell us he’d be interested in these facts versus others. That’s a helpful fact.

So I hope I’m making that distinction. It’s not the kind of insight where she would give orders on his behalf and we would just execute them. But you would gain insight into sort of his mindset and what he wanted or needed to hear, which would be helpful.

Mr. Somers. But that’s not -- you can take issue with my characterization. That’s not the normal way. Wouldn’t it normally go Deputy Director to -- you said normally it would go the other way.

Mr. Moffa. Yes.

Mr. Somers. Deputy Director to, let’s say, Steinbach for instance, to Priestap, to the team. And now we’re bypassing Steinbach and Priestap and getting it directly from Lisa Page. Is that at least not the normal way?

Mr. Moffa. You’re right. Normally the way that would work is the Deputy Director -- not that the Deputy Director can’t communicate directly. But generally the Deputy Director would communicate through his subordinate
executives and that would come down to the team.

Mr. Somers. Now, Lisa Page is an attorney and I believe was technically in the Office of General Counsel. Was she providing any legal advice as part of these discussions?

Mr. Moffa. She would provide opinions -- this is my recollection -- but not the actual legal guidance that would guide decisions. That was the unit chief from OGC who was associated with that.

Mr. Somers. But she’d comment on legal things?

Mr. Moffa. She would comment on legal things, that’s right.

Mr. Baker. It seems to me if those texts were never in existence a lot of the public perception and figuring out who So-and-So is in redacted versions and what certain things meant that people candidly texted between people that they thought would never see the light of day but those two people -- do you have any reason to believe that there was too long of a delay or never an effort to tell those two people to knock it off? And even if there wasn’t a decision to remove Mr. Strzok, do you think there was anybody that should have said “We know you’re having this relationship; you’re counterintelligence professionals; this is probably the biggest case that has come down through the Bureau in a very, very long time; knock it off”?
But it seems to me they were allowed to continue and remain in place for a long time.

Mr. Moffa. I don’t think anyone -- I certainly didn’t know about the texts. That’s an after-the-fact realization, that there’s this flood of communications. I personally didn’t know about their romantic relationship. I found out about that from the news when the story broke.

I know there were conversations with both Lisa and Pete Strzok about their relationship being problematic. I know they were told that. I can’t speak to why a more decisive move wasn’t made to either separate them from a functional working relationship or from the case. I just don’t know why the choice was made not to do that.

Mr. Baker. In your view whose choice should that have been to make that?

Mr. Moffa. I think it should have been raised by AD Priestap and the EAD for NSD; and the Deputy Director, who directly was the rating official for Lisa Page, he should have made that call in my view.

Mr. Baker. And you have no reason to believe that the hue and cry came from any of those people in the chain that you just named?

Mr. Moffa. The hue and the cry? I’m sorry, I’m not understanding.

Mr. Baker. You don’t have any reason to believe that
the recommendation to approach them or tell them to knock it off was actually made to anyone by anyone?

Mr. Moffa. I believe they did have conversations directly with the two, based on my discussion with Bill Priestap. I believe they were spoken to about the problem. I don't know if there was the conversation with McCabe, for example, to say: We need you to remove her from the case or, frankly, to have Pete stop interacting with her out of the working relationship. That’s the part I don't know about.

I know they know, from my conversations with Bill, that their relationship was being perceived as a problem.

Mr. Baker. And where you sat at your rank, did you believe it was a problem once you were aware that it was in existence?

Mr. Moffa. I think any time that the higher executive management of your branch is unhappy with the working relationship and it’s proving problematic to them, you need to take note of that and address it. So from my rank, it wasn’t impacting my work negatively, but any perception that our bosses had that something was inappropriate or wasn’t happening in a way that they wanted I would want addressed, because you’re trying to do the right thing by your boss.

Mr. Baker. So it sounds like it was taken note of, but nothing was really done about it?

Mr. Moffa. That’s one way of saying it. It was not an
unknown problem. It was a problem that I believe was made known to Pete and Lisa and know it was known to my Assistant Director, and he advised me it was known to the EAD of the National Security Branch. So it’s a known problem. If it wasn’t addressed, I can’t speak to why it wasn’t.

Mr. Baker. When you talk about problem, are you talking about a communications problem or are you suggesting that senior management knew about the relationship?

Mr. Moffa. I have no information that it’s specific to the relationship, the romantic relationship. I’m talking about the interaction problem, the cutting out of pieces of the chain of command, the relationship in that sense, not the romantic side. I don't know anything about that or what was known about that.

Mr. Baker. Thank you.

Mr. Somers. Another individual whose name has come up, Bruce Orr. What was your understanding of what Bruce Orr’s role was in all of this, at the time?

Mr. Moffa. At the time, yes. At the time I knew absolutely very little about Bruce Orr. As I started to hear the name, my understanding was that Lisa Page had worked with Orr in some previous position at DOJ and so there was like a preexisting relationship there. Then I came to learn that Orr also had a relationship with Steele.

There were a number of conversations that I know
occurred with Orr outside my presence where they discussed Steele as a topic. So that was really all I knew. I knew he was a DOJ official. I know he’d worked with Lisa previously. And I know, based on his work I believe in organized crime, he had some preexisting relationship with Steele.

Mr. Somers. And you were in one meeting with Bruce Orr?

Mr. Moffa. I was in one meeting. I was really an afterthought. I remember literally getting a phone call in the hallway to come down to a meeting without knowing who was in the meeting. And I sat down late. It was already in progress, and I didn’t even know who Orr was. At the time I think I wrote down “DOJ guy.” I later found out it was Bruce Orr. So it wasn’t the kind of meeting where I had a deep understanding of who we were meeting with. I just literally walked into it in progress.

Mr. Somers. Another individual we spoke about in the beginning, just to follow up on, the supervisory intel analyst. You said you assigned him to Crossfire Hurricane, but it was because it was kind of a natural role. What can you say about his reputation or work ethic or any characterization along those lines of the supervisory intel analyst?

Mr. Moffa. I think tremendously highly of him. He is
a true subject matter expert in Russia, in counterintelligence; academic background. I honestly couldn’t think of a better supervisor of analysts that I had who would be better positioned to manage this team and to provide his expertise to the case.

Mr. Somers. Is he a detail-oriented individual?

Mr. Moffa. He’s very detail-oriented, very conscientious, very responsible — all the reasons I selected him.

Mr. Somers. You said earlier you were not a Russia expert. Would you consider the supervisory intel analyst a Russia expert?

Mr. Moffa. I would.

Mr. Somers. Does he speak Russian?

Mr. Moffa. I don't know that.

Mr. Somers. I’ve just got a few moments left here. I asked you, the first question I asked you, was whether you read or reviewed the IG report, and you indicated you had at one point in time. In the IG report the Inspector General’s Office identified 17 significant errors and omissions in the Carter Page FISA process. Do you generally recall those errors?

Mr. Moffa. I don't recall the errors specifically. I remember the discussion of 17 errors.

Mr. Somers. Do you recall having any issue with
saying that’s not an error when you read them?

Mr. Moffa. I remember not feeling qualified to make that judgment without going back through and reviewing the FISA against the IG report.

Mr. Somers. Did you find them troubling? Did you find the IG report troubling?

Mr. Moffa. I wouldn’t say “troubling” is the word. I saw things in the IG report that I did not know and I don't know that I expected to see them.

Mr. Somers. What do you mean by you didn’t expect to see them?

Mr. Moffa. I just wasn’t expecting to have not known about some of that.

Mr. Baker. Specifically what?

Mr. Somers. The FISA inaccuracies. It’s just not something I was aware of at the time. Again, I think a lot of that has to do with my role. I didn’t review the FISA. I wasn’t in the supervisory chain for it. I didn’t approve it. So I wasn’t aware of what facts were in there. But just knowing some of the people involved, I think I was surprised to see that quantity of errors discussed by the IGG.

Mr. Baker. When you say knowing the people involved, is that because you had a high opinion of the people, as more professional than what these errors would allude to?
Mr. Moffa. That’s right.

Mr. Somers. Is that surprising -- it’s been surprising to us -- I’m not supposed to testify here -- that this was a hand-picked team, correct, the Crossfire Hurricane team?

Mr. Moffa. It was picked, sure.

Mr. Somers. And these were agents and analysts people wanted on the team, that had some expertise; is that correct?

Mr. Moffa. Yes, absolutely. Again, I would clarify that the analytic team’s not working on the FISA, but the agents on the operational side were experienced agents.

Mr. Somers. So you wouldn’t expect from these agents, then, is that what you’re saying, to see what the IGG’s Office uncovered?

Mr. Moffa. I guess that’s what I’m saying, without affirming that I think all 17 of those are true inaccuracies or factual problems, probably because I just don’t know. Just I had a higher expectation, given the quality of that team, that’s all.

Mr. Somers. Is there anything in particular, any of the errors, that sticks out to you as being more egregious than others or something that was particularly discussed and then it surprises that that shows up as an error because we discussed that a million times during the investigation?
Mr. Moffa. I just have very little memory or recollection of what the specific errors are, because I didn’t see the FISA on the front end. So I didn’t know what facts were going into it; and I don’t recall specifically what the IG report laid out as being a problem. So no one of them jumps out at me. To me it’s just the collective sense that there were that many errors, is what I’m reflecting, not anything specific.

Mr. Somers. Are you aware of anything the IG did not uncover as an error?

Mr. Moffa. No.

Mr. Somers. Any problems the IG didn’t uncover with Crossfire Hurricane itself generally?

Mr. Moffa. No, not that I’m aware of.

Mr. Baker. With your whole career being in counterintelligence and this being a very big case, in hindsight now, knowing what you know now, are you proud and glad you were on this case or is it something maybe you wish you would have been doing something else?

Mr. Moffa. Well, I can say that I’m proud that I worked on it. I think there’s a host of men and women who supported this case who ideally are never recognized publicly, but who did great work and did it for the right reasons and worked incredibly hard in a really stressful time. So I won’t ever say that I’m not proud to have led
them and to have worked with them.

I’m proud of my own contributions to it. I think at a time when others were really faltering, I didn’t; and I did the right thing the right way, in a way that I think our current Director is really emphasizing now. So I can’t say I regret it in that sense. I think it’s been extremely unpleasant in the last four years since this case, some of what has happened publicly, and it’s just been generally disappointing. So from that respect, I guess I could go either way on whether having been a part of it was a good thing or a bad thing. But I can’t say that I’m not proud of the work that I did and that my team did.

Mr. Baker. You say things that have happened publicly. Could you elaborate on that, please?

Mr. Moffa. Well, yes. I think when you see your own name in the press for the first time that can be a shocking thing. I didn’t join the FBI for that reason. And not having any ability to correct what I believe are serious factual inaccuracies made about you and your work, having no real voice to do that, and having to talk to your family about those things, are all things nobody expects when they take a civil service job and try to do the right thing.

That’s super-unfortunate and unpleasant and something I hope doesn’t happen to anyone else. But that’s what happened.
Mr. Baker. At the same time, you expressed that you did have some disappointment in the work of your colleagues as well.

Mr. Moffa. Certainly. There’s just no question that those tactics and the impact that had on the perception of the work of really good people who worked really hard has been intensely negative. So I’m absolutely disappointed in them.

Mr. Baker. Thank you.

Mr. Somers. I think that’s all we -- that’s definitely all we have for this round. It’s probably all we have, but we’ll just reserve in case you all --

Mr. Baker. I’ll just add, you’ve done a long career and I think for a noble purpose, and I appreciate you coming out and testifying about this and being interviewed yet one more time. I really do appreciate it. And it helps us with the work we do as an oversight entity of the FBI. So my hat’s off to you and to the men and women of the FBI that do the right thing every day.

Mr. Moffa. I really appreciate you saying that. Thank you.

Mr. Baker. Thank you.

(Recess from 2:50 p.m. to 3:03 p.m.)

Mr. Haskell. Mr. Moffa, you were asked about the August 2016 strategic intelligence briefing given to
candidate Trump and also to candidate Clinton. At the time of those briefings, the FBI was conducting a counterintelligence investigation in which Michael Flynn was a target; is that correct?

Mr. Moffa. I believe so, yes.

Mr. Haskell. You had said, when asked about that briefing, that the purpose of the individual referred to as SSA-1 in the IG report was there was to get, quote, “impressions of reactions of people in the room,” and that there was a positive benefit to him being able to identify information of value.

That’s similar to what FBI General Counsel Jim Baker told the IGG, that, quote, “The benefit of having SSA-1 at the briefing was to pick up any statements by the attendees that might have relevance to the Crossfire Hurricane investigation.” Baker continued that, quote, “If somebody said something, you want someone in the room who knew enough about the investigation that they would be able to understand the significance of something or some type of statement, whereas a regular briefer who didn’t know anything about might just let it go and it might not even register with them.” So that’s the reason to have SSA-1 there.

Is that the understanding that you share as to why SSA-1 was tasked with being at that briefing?
Mr. Moffa. I don’t remember explicitly having that laid out to me as the advantage, but just from my own understanding of the situation that would be the benefit of it.

Mr. Haskell. So in your many years of experience in the FBI, that would make sense?

Mr. Moffa. Right.

Mr. Haskell. SSA-1 told the IG that the briefing he gave to Trump, Flynn, and Governor Chris Christie, quote, “was not tailored to serve the investigative interests of Crossfire Hurricane.” Do you have any reason to dispute that statement?

Mr. Moffa. No, and that’s what I referred to earlier where those prep sessions, it was really about the broader counterintelligence message of the briefing.

Mr. Haskell. And by “not tailored to serve the investigative interests,” do you take that to mean that, to the extent that the FBI gathered intelligence at the briefing, it did so passively? To your knowledge, SSA-1 wasn’t there to say certain things or do certain things in order to elicit evidence?

Mr. Moffa. I think that’s right.

Mr. Haskell. In other words, the FBI gave the briefing to the Trump campaign as it would to any other campaign, but it had the extra purpose of listening and
watching for the things we discussed?

    Mr. Moffa. I believe so, yes.

    Mr. Haskell. In fact, the FBI gave that exact same briefing to the Clinton campaign ten days later, as is typical of situations where the FBI is briefing existing campaigns on counterintelligence and other threats. I’ll make that a fact that’s detailed in the EGG report.

Do you have any basis to dispute SSA-1’s explanation for why the FBI treated the Trump briefing differently than the other briefings, including the one that was given to the Clinton campaign?

    Mr. Moffa. I have no basis to dispute that.

    Mr. Haskell. To put it differently, the only difference in the FBI’s treatment of the Trump and Clinton briefings, which was to have SSA-1 passively assess Flynn’s reaction during the Trump briefing, was because there was a counterintelligence investigation involving one campaign, the Trump campaign, but not the other campaign, the Clinton campaign? To rephrase, the difference in the purpose of SSA-1’s attendance at the two briefings was based on the fact that there was an ongoing counterintelligence investigation into one campaign, but not the other campaign?

    Mr. Moffa. Again, I wasn’t party to the conversations about why SSA-1 was selected to go. Again, my impression is similar to what GC Baker said. He was there to pick up on
any of that sort of nuanced information that might come out
about the subjects of the case.

Mr. Haskell. Moving on, I just want to follow up on
the question that was asked about the Steele dossier being
potentially part of a Russian disinformation effort. I
believe you said that you never came to a conclusion one way
or the other as to whether it was Russian disinformation.
But an FBI memorandum prepared for w December 17
Congressional briefing said that by the time the Crossfire
Hurricane investigation was transferred to Special Counsel
Mueller in May 2017, the FBI did not assess it likely that
Steele’s election reporting was generated in connection to a
Russian disinformation campaign. And Priestap told the IG
that the FBI didn’t have any indication whatsoever by May
2017 that the Russians were running a disinformation
campaign through the Steele election reporting.

So I just want to clarify that, while you personally
might not have reached a conclusion one way or the other, do
you have any evidence to dispute what Mr. Priestap said?

Mr. Moffa. No, I don’t have any evidence to dispute
it, and that appears to me to be his assessment of the
situation. For me it was an open question when we passed
the wand to the Mueller team.

Mr. Haskell. But just to follow up on that, what
Priestap told the IG is that the FBI didn’t have any
indication whatsoever by May 2017. So at least Priestap’s characterization is not just of him personally, but of the FBI generally.

Mr. Moffa. Okay. I mean, I don’t have any information to suggest there was information indicating that it was Russian disinformation. So to me it was an open question. For him it could have been a more certain answer.

Mr. Haskell. Moving on to Michael Flynn, we had talked earlier about the opening EC’s for the individual investigations for Manafort, Papadopoulos, and Page. For Flynn, the opening EC said that, quote, “He may wittingly or unwittingly be involved in activity on behalf of the Russian Federation which may constitute a crime or threat to the national security.” It noted that Flynn was an adviser to Trump, had various ties to state-affiliated entities of Russia, and had previously traveled to Russia.

I’ll ask the same question that I asked in connection with the other EC’s earlier, with the expectation that I’ll likely receive the same answer. But why was that a counterintelligence concern to the FBI?

Mr. Moffa. Similar to my other answers, any time an official associated with a political campaign potentially has ties to a foreign power, threat power, there’s a potential counterintelligence concern there. So Flynn, like the other subjects, if they were taking direction or control
from a foreign power, that’s a counterintelligence issue.

Mr. Haskell. So just to clarify, the investigation that was opened into Flynn was a counterintelligence investigation?

Mr. Moffa. I don't recall specifically what the exact investigation was that was opened, whether it was a counterintelligence violation or FARA or something else. I just don’t remember.

Mr. Haskell. Do you have any recollection that at the time it was opened it was a FARA case?

Mr. Moffa. I just don’t remember.

Mr. Haskell. Would you characterize the Page, Papadopoulos, Manafort investigations as, and the investigation at large, the Crossfire Hurricane investigation at large, as a counterintelligence investigation?

Mr. Moffa. They were counterintelligence investigations.

Mr. Haskell. Okay, they were counterintelligence investigations.

Do you recall at that time when the investigations were opened discussions of the Logan Act?

Mr. Moffa. I don’t remember at the beginning. In the July time frame when the cases were opened, I don’t remember any discussion of the Logan Act. I only remember it in the
context of the Flynn interviews towards the end of the year.

Mr. Haskell. But through that we can deduce that when
the Flynn investigation was opened, you might not be certain
it was a counterintelligence investigation, but it was not a
Logan Act investigation?

Mr. Moffa. I’m not aware that it was, no.

Mr. Haskell. Former Acting Attorney General Sally
Yates recently testified in front of the committee as part
of this investigation, and she was asked about the interview
that was conducted of Flynn in January. She said. “I would
be hard-pressed to be able to think of an interview that
would have been more material at this point of a
counterintelligence investigation that the FBI was
conducting, to try to be able to get to the bottom of
whether there were any individuals, U.S. citizens and those
associated with the Trump campaign who were working with the
Russians. So the materiality of this was squarely right on
point. We had a national security adviser, after the
Russians had attempted to put a thumb on the scale of our
election, who when he spoke with the Russian ambassador,
rather than tell him ‘Stay out of our elections; keep your
nose and your paws out of it,’ even if they wanted a reset,
but to rebuke him, and to let him know that they will not
tolerate their country trying to intervene and pick our
President. Not only did he” – meaning Flynn -- “not do
that, he was making nice with them.”

That was former Acting Attorney General Yates’s characterization of why the Flynn interview occurred, that after the phone call between Flynn and Kislyak it raised a clear counterintelligence concern that needed to be investigated as part of the ongoing counterintelligence investigation. Do you have any reason to dispute that?

Mr. Moffa. I wouldn’t affirm that characterization necessarily from my view, just in my memory of what happened there. But in the sense that it discusses the essence of the interview is material to understanding the nature of Flynn’s relationship with the Russians and those conversations, yes, it was material in that sense.

Mr. Haskell. Thank you.

Ms. Sawyer. I think when you were asked by our colleagues how you first learned about Lieutenant General Flynn’s conversations with Ambassador Kislyak you indicated that the SIA or someone else on your team had brought it to your attention. Do you recall roughly when that happened?

Mr. Moffa. I don’t. Sorry.

Ms. Sawyer. So it would have been some time after December 29th when the conversation particular to sanctions -- there were more than one conversation, but I’m just talking about the conversation relative to U.S. sanctions.

Mr. Moffa. That time frame sounds right, but I just
don’t know the exact time frame.

   Ms. Sawyer. Did you see the transcript of Lieutenant General Flynn’s conversation with Ambassador Kislyak at that time?

   Mr. Moffa. Yes, I saw. I’ve seen the transcripts, yes.

   Ms. Sawyer. And you think certainly the first time you may have seen it would have been shortly after it was brought to your attention?

   Mr. Moffa. I believe so, yes.

   Ms. Sawyer. And that would have been before Lieutenant General Flynn was interviewed by the FBI about his conversation with Ambassador Kislyak?

   Mr. Moffa. Yes.

   Ms. Sawyer. Do you recall what your impression of that conversation was?

   Mr. Moffa. I want to be careful here to try not to veer into any classified lanes. My impression was that the conversations explained the Russian reaction to the sanctions.

   Ms. Sawyer. How so?

   Mr. Moffa. In that the lack of a response could be explained by that conversation.

   Ms. Sawyer. So my recollection at the time, and I think as was reported at the time, Vladimir Putin did say
publicly, immediately after imposition of the sanctions, that there would be retaliation. Do you recall that?

Mr. Moffa. I don't recall that specifically, no.

Ms. Sawyer. Was the FBI expecting there to be some reaction from Russia?

Mr. Moffa. I think we generally expect reaction when we take an affirmative action against Russia.

Ms. Sawyer. So this would not have been any different than that? You would have been expecting, since affirmative action was taken, that Russia would respond?

Mr. Moffa. I expected that, yes.

Ms. Sawyer. And in fact Russia did not respond to the sanctions; is that correct?

Mr. Moffa. That’s my recollection.

Ms. Sawyer. So what you’re telling us is that when you saw the transcript of a conversation between Lieutenant General Flynn and Ambassador Kislyak, it explained to you why Russia did not respond to sanctions?

Mr. Moffa. That’s correct.

Ms. Sawyer. One of the counterintelligence concerns that you already identified for us today is when either a U.S. person and presumably a hostile foreign government may be taking direction, taking direction or be control of Russia. Did that raise any concerns about that potential when you saw the transcript, that either Flynn was working
closely and taking direction from Russia or vice versa, that
Russia had a close relationship with Flynn and was taking
direction from him?

Mr. Moffa. Well, this is where I do think we’re in
kind of difficult space in assessing that, just given the
role that Flynn was going to be entering into. I don’t know
that I could say it’s directly reflective of that kind of
control. In my mind, it just explained the lack of a
response. I don’t know that it spoke directly to one way or
the other necessarily whether he’s under some kind of
control or direction of the Russians.

Ms. Sawyer. Did you know at the time whether or not
Lieutenant General Flynn was acting on behalf of the
incoming administration or on his own?

Mr. Moffa. I don't know that then and I don’t know
that now.

Ms. Sawyer. Would that have been something that would
have made a difference in terms of the counterintelligence
concerns that this could have raised, whether he was acting
on his own as a rogue agent or whether he was acting with
the knowledge and blessing of the incoming administration?

Mr. Moffa. I don't know that that would have made a
functional difference for me. To me personally, the
conversations just reflected the nature of that close
relationship he had with Russia and, thinking back to the
predication and what that means as a subject for him, being a more likely candidate to have been in a position to receive that initial information, that’s the context in which I’m thinking of it. It’s confirmation of the connection to Russia. I wasn’t necessarily dissecting it in terms of the context you’re talking about.

Ms. Sawyer. Got it. So it’s confirmation, if I could just rephrase it slightly, of the connection, meaning the relationship that Michael Flynn had with a senior official in the Russian government?

Mr. Moffa. Correct. It’s reflective that that relationship exists. It’s not to me necessarily reflective of control by the Russians.

Ms. Sawyer. But that the possibility for there to have been control or even, aside from this particular conversation, that information could have passed from Mr. Flynn to the Russians or vice versa over the course of the campaign?

Mr. Moffa. Sure. That possibility still existed in my mind.

Ms. Sawyer. I just do want to explore, because I am a little surprised at your answer that it might not have been of concern as to whether or not an incoming national security adviser was acting independent, as a rogue agent, in negotiating with Russia.
So did it not occur to anyone that that would be a national security and counterintelligence risk if the incoming national security adviser had reached out and tried to make a deal with Russia and gotten Russia to respond on his own, without anyone in the White House knowing that?

Mr. Moffa. I don't know that that’s the case, that nobody in the White House knew about it. And I think the fact that he’s in that position of incoming national security adviser does color it. I’m not saying it’s of no concern. I think there’s a concern there and I think that’s reflective of the actions taken to investigate it.

But I don’t think it’s a random U.S. citizen doing the deed here. It’s an incoming national security adviser. Maybe it’s a violation of the decorum of that sort of transition potentially. Or it could be reflective of a greater national security concern. I think it runs that spectrum.

Ms. Sawyer. In fact, on January 15th, 2017, Vice President-elect Pence was asked on Face the Nation whether or not Michael Flynn had spoken with Ambassador Kislyak about U.S. sanctions. And Vice President-elect Pence at the time said no, he had not, that Michael Flynn had assured him that he had not, or at least had told him that he had not spoken with the ambassador about sanctions.

Do you recall that happening?
Mr. Moffa. I vaguely recall that, yes.

Ms. Sawyer. Would that have raised a counterintelligence concern?

Mr. Moffa. I think it’s a continuing counterintelligence concern, but that would seemingly suggest a greater counterintelligence concern, yes.

Ms. Sawyer. Can you just explain why that is the case?

Mr. Moffa. Given that it wasn’t a sanctioned set of communications by the incoming administration.

Ms. Sawyer. Or at least might not have been. It’s possible that Vice President Pence didn’t know, but other people did know, correct?

Mr. Moffa. Correct. I have no knowledge of who knew.

Ms. Sawyer. So certainly in the spectrum of potential concerns, one potential concern was that no one in the White House knew. Another potential was some people in the White House knew, correct?

Mr. Moffa. Correct, there could be that range.

Ms. Sawyer. But it certainly would be true that Russia would have known at the time that Ambassador Kislyak and Michael Flynn had discussed U.S. sanctions; is that a fair statement?

Mr. Moffa. Some element of Russian officials would know. I have no knowledge of who, other than Kislyak.
Ms. Sawyer. And then potentially they would have seen that the Vice President had stood up in national TV and had said that Michael Flynn had told him that he had never spoken with Ambassador Kislyak about sanctions. Sally Yates described that potential that maybe then Michael Flynn was subject to blackmail.

Would you agree that if Flynn had never told anyone in the White House that he had spoken to Russia and Russia knew it, that he was potentially subject to blackmail?

Mr. Moffa. I think that’s possible, but I have no idea if that was a credible threat at the time. I don't know.

It’s possible.

Ms. Sawyer. Well, wouldn’t the FBI have wanted to know at the time whether that was a credible threat?

Mr. Moffa. I think that’s why the FBI was investigating the set of communications with Flynn. It was to further understand the nature of them and the context of them.

Ms. Sawyer. And one way and probably the best way to do that would be to ask Mr. Flynn himself whether or not he had spoken with Kislyak, wouldn’t it be?

Mr. Moffa. That’s certainly in my mind what the goal of the interview was.

Ms. Sawyer. Did anyone ever articulate that they had a different goal, that they were simply trying to set up Mr.
Flynn?

Mr. Moffa. I don't recall that ever being part of the conversation, no.

Ms. Sawyer. Did you ever hear anyone claim that they were seeking to entrap Mr. Flynn to get him to lie to them?

Mr. Moffa. No.

Mr. Haskell. Shifting gears, just a few more quick follow-ups and then we’ll be done. You were asked a bunch of questions about Lisa Page and Peter Strzok. One of the concerns that you discussed -- you discussed being aware of a concern that that relationship or the situation would lead to some communications outside the chain of command. I just want to clarify. Are you aware of any instance of that concern being founded, of there being a communication outside the chain of command?

Mr. Moffa. I can’t think of anything specific at this point, four or five years later. But there’s just no doubt in my mind that at times Lisa was conveying information to Deputy Director McCabe before the entire National Security Branch chain of command was aware of it. I can’t think specifically of an instance, though, that I can point to you with a specific example.

Mr. Haskell. Turning to a statement in the IG report on page 67, it says. “With respect to Strzok, witnesses told us that, while he approved the team’s investigative
decisions during the time he was in the supervisory chain of command for the investigation, he did not unilaterally make any decisions or override any proposed investigative steps. Priestap, in addition to telling us that it was his decision to initiate the investigation, told us that to his knowledge Strzok was not the primary or sole decision maker on any investigative steps in Crossfire Hurricane.”

Do you have any evidence to dispute that finding?

Mr. Moffa. No.

Mr. Haskell. You talked about the text messages between Strzok and Page and you talked about being disappointed. You described that it was the impact on the perception of work of good people who did good work that disappointed you. Would you -- would you say that that perception would be unfair to the people who worked on this investigation?

Mr. Moffa. I would. I think it’s been painted in a light as being a completely politically motivated investigation and I know that to not be the case.

Mr. Haskell. What you just said, you know that to not be the case, is the same finding of the two-year long Inspector General investigation, that the investigation and the decisions made during it were not motivated by political bias; is that correct?

Mr. Moffa. That’s correct.
Mr. Haskell. Is it your concern that the more things like the Strzok and Page texts are amplified, the more negative effect it has on the perception of the good work that you and your colleagues at the FBI did?

Mr. Moffa. I think that’s true, and I think it extends more broadly to the work of the FBI in general. And that’s potentially even more concerning, that there’s a perception that the FBI conducts investigations in a politically motivated way. And that’s just never been my experience in 20-plus years in the organization.

Mr. Haskell. So, following up on that, I take that to mean that there are dangers to highlighting instances that are not characteristic of the work that’s done at the FBI, but that nonetheless affect the public perception?

Mr. Moffa. I think that’s right, but I don’t want to diminish, again, my disappointment in those text messages. I think they should have known better and they shouldn’t have been sent. But I also think that overindexing on that aspect to create the impression that the FBI’s a politically motivated organization is damaging to the FBI and its ability to protect America.

Mr. Haskell. Do you have concerns that it also damages the FBI’s ability to retain good people and to recruit good people?

Mr. Moffa. I don't know that I could speculate on
that. But I don’t think it helps the perception of the organization, and that could extend to a number of different aspects of the organization’s ability to do its work, to include recruiting.

Mr. Haskell. Shifting to the FISA errors that were identified in the IG report, which you were asked some questions about, I know that you didn’t play a role in the preparation or approval of the Page FISA applications, but I think it’s important to put those errors in context. Only 14 pages of the 448-page Mueller report addressed Carter Page. In December of last year, when Inspector General Horowitz testified before our committee, he stated that the errors do not call into question, quote, “any part of the Special Counsel’s report.”

Do you have any evidence that the Page FISA errors call into question any of Special Counsel Mueller’s findings?

Mr. Moffa. No. But I also don’t have deep knowledge of Special Counsel Mueller’s findings.

Mr. Haskell. Okay, fair.

The Inspector General recommended a number of corrective the actions that you may have familiarity with, including changes to Woods forms and the FISA request form designed to ensure that OI receives all relevant information, including CHS information, needed to prepare FISA applications.
Director Wray accepted and agreed to implement all of the IGG’s recommended corrective actions and I believe has already implemented the bulk of them.

Do you have any reason to believe that the FBI is not taking appropriate steps in response to the IGG’s report?

Mr. Moffa. No.

Mr. Haskell. Do you have any reason to believe that the corrective actions that the IG recommended and that the FBI is now taking will not adequately address the errors that the IG identified?

Mr. Moffa. No.

Mr. Haskell. Do you have any additional recommendations beyond what the IG recommended?

Mr. Moffa. No.

Mr. Haskell. You were also asked several questions about Bruce Orr. You worked on the Crossfire Hurricane investigation. Bruce Orr had no decision-making role on that investigation, is that correct?

Mr. Moffa. That’s correct.

Mr. Haskell. To your knowledge, he had no role in the Special Counsel’s investigation, to your knowledge?

Mr. Moffa. I have no knowledge of that, no.

Mr. Haskell. According to the IG report, Orr said that it was both his duty as a citizen and a Department employee to provide the FBI with information from Steele.
Do you have any evidence to dispute Orr’s characterization of his own motivation?

Mr. Moffa. I just don’t know Orr, so I wouldn’t feel comfortable affirming or otherwise refuting his characterization. I know nothing about him.

Mr. Haskell. But you don’t have any evidence --

Mr. Moffa. I have no evidence to the contrary, that’s true.

Ms. Sawyer. Just a quick follow-up. I know when my colleague was asking you about the concerns that the chain of command was not being respected in the usual way because Pete Strzok might pass information to Lisa Page that would then get to the Deputy Director before or maybe at the same time it was getting to the AD Priestap or the person serving as the EAD.

You said you had no doubt -- you didn’t have specific examples, but you had no doubt in your mind that it probably happened. Do you know of any examples where information was passed to the Deputy Director that didn’t go to the rest of the team?

Mr. Moffa. That didn’t go to the rest of the team or the rest of the chain of command?

Ms. Sawyer. The chain of command.

Mr. Moffa. Well, there were -- Pete Strzok would have conversations with Deputy Director McCabe that I wasn’t a
party to and I don’t believe AD Priestap or the EAD were a party to. So I do think there were times when they interacted directly that the chain of command wasn’t there. So I know of instances there’s the possibility information is being exchanged.

Ms. Sawyer. Can you cite any examples where decisions were made based on information that may have been passed? Because there has been, obviously, tremendous examination and criticism of Ms. Page, Mr. Strzok, Mr. McCabe. So from my perspective it would be important to know if there’s any concrete decision-making that you believe was influenced by some sharing of information that didn’t follow the usual chain of command.

Mr. Moffa. I just don’t have any specific examples of that. It’s possible that it could have happened, but I just wouldn’t be aware that it derived from one of those private conversations. I just don’t know.

Mr. Haskell. I think that’s it from us. Thank you very much for your time and for your service to the FBI and to the country.

Mr. Moffa. Thank you. I appreciate it.

Mr. Somers. We don’t have anything else. So we just thank you again for coming in and bearing with Art and I for a second interview. We talked to you a couple years ago about Mid-Year and a little bit about this before we had the
benefit of the Horowitz IG report. But we thank you for bearing with us again and for your time today.

MR. Moffa. Thank you. I appreciate it.

(Whereupon, at 3:33 p.m., the interview was concluded.)
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SENATE JUDICIARY COMMITTEE
U.S. SENATE
WASHINGTON, D.C.

INTERVIEW OF: MICHAEL B. STEINBACH

FRIDAY, JUNE 12, 2020
WASHINGTON, D.C.
The interview in this matter was held at the Dirksen Senate Office Building, Room SD-226, commencing at 10:06 a.m.
APPEARANCES:

Zachary N. Somers, Chief Investigative Counsel
(Majority)

Arthur Radford Baker, Senior Investigative Counsel
(Majority)

Sara Zdeb, Senior Counsel (Minority)

Christina Calce, Counsel (Minority)

Heather Sawyer, Staff Director & Chief Counsel
(Minority)

[Redacted], FBI Office of the General Counsel,
Assistant General Counsel

[Redacted], FBI Office of the General Counsel,
Assistant General Counsel

[Redacted], US DOJ FBI Supervisory Special
Agent, Office of Congressional Affairs

Joan V. Cain, Court Reporter
INDEX

EXAMINATION BY

COUNSEL FOR THE MAJORITY: 9, 86, 147

COUNSEL FOR THE MINORITY: 56, 133

EXHIBITS

(No exhibits were marked.)
PROCEEDINGS

Mr. Somers: This is a transcribed interview of Michael Steinbach. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee into matters related to the Justice Department's and the Federal Bureau of Investigation's handling of the Crossfire Hurricane investigation, including the applications for and renewals of Foreign Intelligence Surveillance Act warrant on Carter Page.

Will the witness please state his name for the record?

The Witness: Michael B. Steinbach.

Mr. Somers: On behalf of Chairman Graham, I want to thank you for appearing today, and We appreciate your willingness to appear voluntarily.

My name is Zachary Somers. I'm the Majority Chief Investigative Counsel for the Judiciary Committee, and I'll now ask everyone else that's here in the room to introduce themselves for the record.

Mr. Baker: Arthur Baker, Senior Investigative Counsel for Senator Graham Majority staff.

Ms. Zdeb: Sara Zdeb, Senior Counsel with the Senate Judiciary Minority staff.

Ms. Calce: Christina Calce, counsel with the Senate Judiciary Minority staff.
Ms. Sawyer. Heather Sawyer, Senator Feinstein's staff --

Mr. Somers: That's Heather Sawyer with the Minority staff, for the record.

[Redacted]: [Redacted], Office of General Counsel FBI.

[Redacted]: [Redacted], FBI Office of Congressional Affairs.

[Redacted]: [Redacted], FBI Office of General Counsel.

Mr. Somers: The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that are involved that I'd like to go over. Our questions will proceed in rounds. The Majority will ask questions for the first hour, and then the Minority will have an opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more questions and the interview is over.

Typically, we take a short break at the end of each hour of questioning, but if you'd like to take a break prior to that, please let us know. As I noted earlier, you're appearing today voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that you decline to answer a question or if counsel for the FBI instructs you not to
answer a question, we will consider whether a subpoena is necessary.

As you can see, there's an official reporter taking down everything that is said here in a written record, so we ask that you give verbal responses to all questions.

Do you understand that?

The Witness: Yes.

Mr. Somers: So that the reporter can take down a clear record, it is important that we don't talk over one another or interrupt each other if we can help it. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time.

If you have any questions or if you do not understand one of our questions, please let us know. If you honestly don't know the answer to a question or do not remember it, it's best not to guess. Please give us your best recollection, and it's okay to tell us if you learned the information from someone else.

If there are things you don't know or can't remember, just say so and please inform us who to the best of your knowledge might be able to provide a more complete response to the question.

You should also understand that, although this interview is not under oath, you're required by law to
answer questions from Congress truthfully.

Do you understand that?

The Witness: Yes.

Mr. Somers: This also applies to questions posed by Congressional staff in an interview. Do you understand this?

The Witness: Yes.

Mr. Somers: Witnesses who knowingly provide false testimony can be subject to criminal prosecution for perjury or for making false statements.

Do you understand this?

The Witness: Yes.

Mr. Somers: Is there any reason you're unable to provide truthful answers to today's questions.

The Witness: No.

Mr. Somers: Finally, we ask that you not speak about what we discuss in this interview today with anyone outside who isn't here in the room in order to preserve the integrity of our investigation. That's the end of my preamble.

Do you have any questions before we begin?

The Witness: I do not.

Mr. Baker: Zach, I would add for the record, as Mr. Steinbach has alluded to, he's here voluntarily, and he's been very cooperative and very easy to work with in
arriving at this particular point in the investigation.

Mr. Somers: We thank you for your cooperation.

EXAMINATION

BY MR. SOMERS:

Q     It's now ten after 10:00. We'll begin our
first round of questions.

Have you had a chance to read or review the IG
Report related to the Carter Page FISA application?

A     When it came out, I reviewed -- I read the
executive summary, and then I had my staff do a name search
for my name, and at that time I reviewed my name entry.

Q     Did you speak with anyone in preparation for
today's interview?

A     I did not know the subject matter. There
were several who people know I'm coming down.

Q     Not the subject matter?

A     No.

Q     When did you retire from the FBI?


Q     And what your position at the time of your
retirement?

A     Executive Assistant Director of the National
Security Branch.

Q     And what were your duties as the EAD for
national security?
A As the Executive Assistant Director of National Security, I was responsible for four programs: Counterterrorism Division, the Counterintelligence Division, the Weapons of Mass Destruction Directorate, and the Terrorist Screening Center. I provided policy and strategic direction for the Director's Office on those divisions and directorates.

Q And in this investigation we're particularly interested in FISA. What was your general role -- not about this specific FISA, but just with FISAs in general?

A As the EAD, I didn't have a direct role in the FISA process.

Q Okay. So if the field office, for instance, wanted to get a FISA, that's not something that would come through you in any way?

A Correct. It would not.

Q What if headquarters wanted a -- headquarters, an agent or someone in the National Security Branch wanted a FISA?

A FISA followed the chain of command up through the assistant director and to the deputy director. The EAD would not, in general, be a part of the overall process. I would be briefed after the fact at times, but I didn't see a flow of all FISAs coming from
national security side of the house.

Q     So just to make sure I'm clear, if it's counterintelligence FISA, it would go from the AD -- within the National Security Branch, the AD for counterintelligence was the highest rank that the FISA would flow through?

A     Correct.

Q     And then it would go from there to the deputy director?

A     Correct.

Q     Okay. Besides your role as the EAD, how many FISAs had you worked on in the period prior to becoming the EAD?

A     I can't guess. I was in counterterrorism at one point in the past from 2004 on and off until I became EAD. As the AD in counterterrorism, I was a part of a lot of FISAs. I couldn't guess. Many.

Q     Many. And were you ever the case agent on a FISA?

A     I was not.

Q     Never the case agent. So you were -- were you an SSA on a FISA?

A     No.

Q     You ever signed a Woods Form?

A     No.
Q Are you familiar with the Woods Procedures?
A Yes.
Q Can you speak generally as to what the Woods Procedures are?
A Sure. In general, the Woods Process is designed to ensure that every part of the affidavit is factually grounded, and a Woods addendum or a document that accompanies the FISA is designed to be that burden of proof for the actual statement in a FISA application.
Q Where'd you get your knowledge of the Woods Procedures?
A From 22 years in the FBI working counterterrorism.
Q I'm asking was there specific --
A I'm sure I've had training. I've had training on FISAs over the years. I went from an agent in criminal programs, and after 9/11 I moved over to counterterrorism. From that point on, I was immersed in all counterterrorism processes on the national security side of the House, to include national security process such as FISAs, so I couldn't tell you where I learned about the Woods process or procedures.
Q Does the National Security Branch do any training or advisories out to the field on the Woods Procedures?
A    They do training and audits in

conjunction -- or did at the time I'd say in conjunction

with DOJ.

BY MR. BAKER:

Q    Would you maybe give just a brief thumbnail

sketch of your rise through the Bureau? Because you've

got a lot of criminal experience too, I think, or some

criminal experience. You're not strictly a national

security investigator from your time right out of

Quantico; is that correct?

A    Correct.

Q    If you could just give a thumbnail sketch of

what your work history is and your promotional climb, I

think that would help for the record.

A    Sure. So I graduated from the FBI Academy in

the summer of 1995. I was assigned to the Chicago Field

Office, where I worked mostly criminal -- well, all

criminal matters. I started off on a fugitive task

force -- for about two years on a fugitive task force

and then moved over to a violent crime task force and

back and forth between essentially fugitive task force

and violent crime task force, responsible for fugitive

investigations, bank robbers, kidnappings, extortions as

part of the task force environments.

    After 2011 I did a temporary duty assignment to New
Delhi, India, which was my real first exposure to the counterterrorism side of the house.

When I returned from that 60-odd day assignment, at some point I applied for a supervisor job in counterterrorism. They were setting up a new unit, a Military Liaison Detainee Unit, and they were looking for folks -- FBI agents who had military background. So although I didn't have a counterterrorism background, they asked me to come work in MLDU as a supervisor as a result of my military background.

I worked on the Guantanamo Bay program for a while, deployed to Afghanistan, became the Afghanistan SSA program manager and then ultimately acting unit chief of MLDU.

At that point, for about two years, I was transferred to Tel Aviv, where I was the -- first the ALAT, the Assistant Legal Attaché, then the Legal Attaché to Tel Aviv responsible for Israel and Palestinian authorities.

, so I spent a significant amount of time on the national security side of the house there.

When I returned from Israel, I spent about a year at the Washington Field Office back as a supervisor of a
violent crime and fugitive task force.

After a year they transferred me. I took a promotion as an Assistant Section Chief in Counterterrorism in the International Terrorism Operation Section in charge of ITOS, which is international terrorism in the United States.

After that, for approximately year and a half, I took a promotion to be the lead FBI agent to the CIA's Counterterrorism Center, CTC, a very short stint there.

And then I was pulled back and became the special assistant to Tom Harrington, who was the Associate Deputy Director at the time, had that position for a couple of years.

Then I was sent out to be the SAC of the Jacksonville Field Office. After four months as the SAC of Jacksonville, they asked me to go down to Miami, at first temporarily, then permanently, where I was the SAC for about -- the special agent in charge for about a year and a half.

Upon completing that assignment, I came back to FBI headquarters as the Deputy Assistant Director of Counterterrorism. I held that position for about six months, and on the promotion of the current AD, I became the Assistant Director of Counterterrorism. I held that position for about two years, I suspect, and then from
there became the Executive Assistant Director of National Security.

Q When you were the SAC in Jacksonville or Miami, were there FISAs worked out of those field offices?

A Yes, both field offices.

Q What would the SAC's role be in the FISA process?

A It was a direct role in reviewing FISAs coming up.

Q And, just briefly, your military experience?

A So I graduated from the Naval Academy in 1988, and I was a naval aviator flying P3s for just under seven years. Assignments on the west coast and the east coast, and I resigned from the Navy. My last ten weeks I was approached by the FBI.

Q So in your role as SAC in the two field offices, you would have had someone in the office that
would primarily be responsible for providing you with legal advice; is that correct?

A     Correct.

Q     And that person's title is?

A     Was the CDC, Chief Division Counsel. In a large office like Miami, there's probably at least one or, in the case of Miami, two associate Chief Division Counsels.

Q     Would it be fair to say that that's a good probability of where you learned about Woods Procedures and whatnot as SAC interacting with the CDC?

A     I'd say I probably learned about that prior with my experience on ITOS 1. As the Assistant Section Chief of ITOS 1, we had a program managing thousands of FBI field office investigations in counterterrorism, so lots and lots of FISAs.

If you'll recall 2009, 2010 time frame, when I was in ITOS 1, there was a fairly significant run-up in counterterrorism investigations. There was a number of emergency and routine FISAs that were authorized. I'd say probably ultimately my practical experience in FISAs was in counterterrorism during my ITOS 1 time.
Q Okay. And then managerial experience with FISAs as SAC?

A That would be -- yeah. Managerial both in ITOS and as SAC.

Q And your role as SAC in FISA was more involved then, and as you indicated, EAD really not at all?

A Yeah, to be honest with you, I don't recall exactly what sign-off I provided to the FISA -- well, that's not true. There was a FISAM system that, as the SAC, I would go in and pull it up, review, and if I was satisfied with that, I would sign off on it. It was designed to provide a process for all FISAs from initiation through the process.

Q So that system would make sure that any person that had a role in approving the FISA would -- that would shepherd the approvals along to the people that needed to see it?

A Correct.

Q At then at some point, does it transmit from the field office to FBI headquarters to start the approval process in D.C.?

A Yeah. It's more of a blended approach. So when a case agent -- because the affi for a FISA is headquarters, not the field, so the initiation of the
FISA of course is in the investigation in the field, which you immediately need to interact with either ITOS 1, which I was the assistant section chief of, or ITOS 1, to work with that headquarters supervisor and the FBI legal entity, OGC for National Security, who would then interact with DOJ's at the time it was National Security Branch, and you would start to work that FISA process through.

As Assistant Section Chief of ITOS 1 I think on a weekly basis, maybe every other week, we would have a meeting with DOJ National Security Branch, and I think ILA at the time. They would come off site and they would sit down and review all of the FISAs pending/up for renewal as a routine process.

But back to your original point, the FISA initiation process I recall more of a dual-field headquarters blended function as it moved its way up, so by the time the SAC saw it in FISAs, it already had touched bases with both the field and headquarters.

BY MR. SOMERS:
Q You said review. What would review consist of?
A From my perspective?
Q Yes.
A As the SAC, I'd review --
Q I'm sorry. As the ITOS ✓, as assistant section chief.

A Okay. As the assistant section chief. So we'd go to an office and it was really about we want to ask you to look at the documentation. DOJ National Security Branch lawyers would be there talking about, hey, what's coming up? What's due? There's obviously a routine process for a FISA versus an expedited. There are three separate functions. So they'd talk about whether or not they felt they had predicate for an emergency versus a routine FISA. They would talk about the investigation.

It was a back-and-forth conversation about the flow of cases and particularly where National Security Branch of DOJ needed to be involved in that.

Q Who's in the room for a meeting like that?

A No. It's generally the section chief or -- I think at the time -- this is back in 2009. At the time, it was Section Chief, Assistant Section Chiefs in either ITOS ✓ or ITOS ✓, perhaps the unit chiefs or SSAs, and perhaps even an intel analyst if it was their case.

It included National Security Branch lawyers who were assigned off site to ITOS, and then there were a number of DOJ unit chief to supervisory positions. At
the time there were two branches. There's a National Security Branch -- well, within the National Security Branch, there was the actual arm that actually did the FISA work in the field. There was kind of the review IO. They kind of did the work with FISC, or they were generally present. Half dozen to a dozen people.

Q But let's say you're discussing a FISA on John Smith, who, like, initiates the discussion and says this is the facts of the case in that meeting?

A It was a casual meeting. There was no -- we had topics we wanted to address. They had topics they wanted to address. There was no I would say standard template. Often they would come in and say, okay, this is what we've got this week. We've got a FISA application coming in on, you know, John Smith. We have a renewal on Mike Smith, and, you know, we have a concern that there's not enough there and this is what we need to happen.

It was a back-and-forth conversation at headquarters level. I will -- let me make sure I caveat this. I'm talking on the counterterrorism side. I don't know if there was an equivalent on the counterintelligence side.

Q In a meeting like that, was it also discussed, hey, we shouldn't get a renewal on a FISA?

A Sure.
Q     And what would be factors that would come into play to get a renewal on it?

A     Lack of predicate. Lack of predicate with proceeding with the investigation.

Q     Is that because the FISA ran dry or it never produced anything?

A     It could be all those things. I mean, you know, again, did about -- did this for two years, dozens on a monthly basis. There's all kinds of reasons why a FISA's no longer -- it's run its course, not able to continue to produce the required information to justify going back to the court for renewal. Perhaps the DOJ said, hey, look, we need this much more. Bring back the case to the field and ask for more. They need to do X, Y, Z.

It was an informal meeting to kind of stay abreast of the process.

Q     On average, how many FISAs would be discussed in that meeting?

A     A handful.

Q     A handful?

A     A handful on a weekly basis.

Q     And anyone who attended these meetings, would they look at the Woods File?

A     Sure. The headquarters supervisor would have
been part of the Woods File process. The DOJ attorneys would have been involved in the Woods File process.

Q So have you ever reviewed those files?
A I have. I will say yes, but I would say not in a -- just kind of review process. I don't have a lot of -- I wouldn't say I have a lot of experience on the Woods documents.

Q But not as part of the audit. You're saying you reviewed it as a FISA you were looking at?
A Correct.

BY MR. BAKER:

Q Separate and apart from any reviews that are being done before an application goes to FISC, is there a process in the Bureau where a first-line supervisor regularly on a scheduled basis does a file review of cases that are on his or her squad?
A Yes.

Q And would that include reviewing subfiles, like Woods Files, for accuracy, compliance?
A I don't know how to answer that. It should -- intuitively a file should include all files to include subfiles, classified, nonclassified in the Woods File. I don't know that I can speak to how accurately in the field the supervisor actually pulled in the Woods File and reviewed it. That I couldn't comment on. We
had a process in place where DOJ would audit field
offices periodically on Woods Files.

Q    But this file review process in general,
that's when the supervisor maybe meets with an agent and
discusses caseload milestones for the next file review,
sort of an evaluation of where it's at, and then is
there some sort of reporting of that file review by the
SSA up to his next level -- I assume the special agent
in charge -- just the fact that file reviews were done?

I'm guessing the ASAC is kind of -- if he keeps
seeing on the little summations of file reviews that
we're working toward a FISA, we're working towards a
Title III, but he keeps seeing that, he might ask now,
well, what's the holdup on it? Is there sort of a
give-and-take between the SSA and the ASAC?

A    There could be. I think it depends on how
big the field office is. Generally, the supervisor
conducts periodic file reviews where he reviews, just as
you said, the case file, how the case is progressing,
provides some guidance in terms of investigative
assistance, what needs to be done, if there are
any -- if the case has been open as a PI too long
versus, well, we're not getting -- you know, we need to
close this case. That would be documented in the file
review and put in the agent's file.
Whether the ASAC reviewed every single supervisor's file, I think that's probably not necessarily a hard-and-fast rule, perhaps a procedure or a technique that some ASACs would use. I would be surprised except maybe in very, very small offices that that information passed the ASAC to the SAC.

Q     And then I think you said or alluded to, in addition to whatever review the SSA is doing, at least in the case of FISAs and national security-related matters, but specifically FISA, is there also audits or reviews being done by attorneys from the FBI's General Counsel Office along with --

A     Yes.

Q     -- counterparts from DOJ?

A     The FISA process -- the approval and review process for FISAs does not sit alone with the field or the investigative entity. There's quite -- and probably more so than any other investigative tool that I can think of, the FISA process is very much a headquarters field collaboration.

A case agent could not run through a FISA without support of headquarters. For one, like I said the supervisor at headquarters is the actual affiant, not the field, so a supervisor at headquarters is not going, of course, go and stand before the FISC and apply for a
FISA application.

   BY MR. SOMERS:

   Q     What's your understanding of why that is, why
   the headquarters does the affidavit on FISAs?

   BY MR. BAKER:

   Q     And that's different from a Title III on the
   criminal side, correct?

   A     Correct. So I would say there is -- the FISC
   itself, as we're all aware, is a different entity. You
   are not following normal criminal procedure, and so I
   think there's a level of caution and review around
   national security procedures that involve use of tools
   such as search and seizure or other processes that would
   normally go through the checks and balances of the
   criminal code, right.

   So the national security process through the FISC
   court has always had a stronger oversight, the concern
   being that there needs to be strong oversight. DOJ's
   opinion was always -- had always been when I was there
   that we want to make sure that every FISA application we
   put forward is ready to go. There was a lot of
   back-and-forth before it got to the judge, the FISC
   court judge, before that.

   DOJ was very concerned back in those days to make
   sure that they had a strong 100 percent record on FISA
applications. They spent a lot of time reviewing and prepping the application and evidence before it went to the court, and often they would work with the clerks in the FISC to ensure that they felt that it satisfied the burden of proof, so to speak, for that application before it went to the judge. There was a lot of back-and-forth.

And I'm speculating now, but my thought process is because of the nature of national security investigations, how important they are, the intrusiveness of the techniques, we need to make sure that we have those processes down. That's why there's a level of involvement at headquarters and at DOJ that you don't see in the criminal side of the house.

BY MR. SOMERS:

Q Isn't there any concern, though, that the person that's actually signing the FISA then is the one that's most familiar with the facts? Do you make that switch off from the field to headquarters for actually signing the document?

A So all steps of a national security investigation -- in criminal investigations -- when I was working criminal cases, I could pretty much open up a case on my own, and all of the investigative steps resided with me and maybe my supervisor until I then
went and sought some type of application for search or
some other process.

On the national security side of the house, just
about every step along the way in the investigative
process involves headquarters, and that's by design. So
when a case is initiated -- a significant national
security case is initiated in the field, the
headquarters SSA is aware of it and monitors it. There
are steps that require a first approval.

So I would say that a headquarters supervisor on
counterterrorism and counterintelligence investigations
is just as familiar with the evidence, what's going on
in the investigation. He or she may not have the
details of how information was obtained, but in terms of
evidence gathered, headquarter supervisors have intimate
knowledge of national security investigations.

Q What do you mean by the evidence gathering?
You mean what's actually in the application or the
actual evidence?

A I'm talking about -- I want to use the word
"evidence." I'll keep evidence for criminal side of the
house. I'll look at it as they're all stated as all
intelligence gathered in a national security
investigation is pushed through headquarters. So from
the inception of the investigation through conclusion,
all intelligence gathered in a national security investigation doesn't reside just in the field as it would in a criminal investigation. Headquarters is intimately familiar with that.

For one reason, IIRs, or Intelligence Information Sharing Products, that information is pushed up and pushed out to the intel community very robustly. So a headquarters supervisor in national security is very aware of the intelligence/evidence that's in a national security investigation.

Q So does the headquarters supervisor -- is that the SSA that signs the Woods Form?
A Yes.
Q And so they review the Woods File?
A Yes. I would say often they are helping to draft those files.
Q The Woods File, is that an electronic document, or is it a paper document?
A It's on the electronic system. It's a Word document or something similar to that, as far as I know.

BY MR. BAKER:
Q Would the headquarter supervisor also be aware, monitoring, making sure the field case agent is aware of intelligence information, anything related to that FISA that is in other field offices?
A    Yes. The idea behind the national security investigative process and, you know, as a result of some of the lessons learned from 9/11, was to prevent stovepiping of intelligence information. So the reason headquarters is so involved, they are the conduit to the other agencies. So the robust sharing of information -- we have to make sure that if a field office in Los Angeles collects information, it doesn't sit in the case file of Los Angeles.

So the headquarters supervisor and the intelligence analysts that are assigned to that work very closely with field, understanding what intelligence is there, and really providing that broader picture, right. If you look at the case agent and the team at the field level, they're kind of focused down singularly on that case.

Headquarters is supposed to provide that overarching understanding, not just the case, but how it interacts and relates to intelligence more globally.

Q    So you had mentioned earlier that as this FISA application/FISA package makes its way through FISAMS and it may get, for lack of a better term, kicked back at some point for something to be beefed up or something to be more clarified, that headquarter SSA it sounds like would be the one most ideal to know where in
the field something might reside that would be responsive to whatever is deficient in the FISA.

A That's a very vague question. I think yes in general. The headquarters supervisor ideally -- and I'm speaking in general. The headquarters supervisor overseeing a field office investigation, whether it's counterterrorism or counterintelligence, should have strong working knowledge of the investigations in his or her responsibility, should understand intelligence, and there should be robust conversation between the case agent and headquarters supervisor on the national security side of the house to ensure that both are in sync with next steps.

There were times when the field wanted to do X; we wanted to do Y, or they wanted to do X, and we were like, no. I know that's important from a case perspective. From an overall intelligence perspective, it's not appropriate. So my point being that headquarters and field should be in sync on all national security investigative processes to include FISA applications and, therefore, the Woods subcomponent of that.

Q I think I heard you correctly. You said something along the lines that one of the reasons that headquarters is involved is to be able to run, at least
to some extent, the information by the rest of the intelligence community on FISA?

A     Not specific to FISA, so I would say that -- so, I mean, ideally the way it's set up, intelligence should be available broadly, right. We've developed systems in CTC -- I'm speaking on the counterterrorism side, which is where the bulk of my background is.

On the counterterrorism side, there are robust processes in place. There are Wikipedia-like systems that allow for robust sharing and searching of information. That being said, at the field level their

They should have a broader level of experience in that subject to help guide the field. That's the kind of relationship.

On the counterintelligence side of the house, it's somewhat similar, but also recognizing that there are probably more -- because of the sensitive nature of some counterintelligence investigations, there are probably more walls than on the counterterrorism side.

Q     Could there be a case where someone from
headquarters bounced something off from another intelligence community component and they'd say you're way off base on where you're going with this FISA or something like that?

A So probably -- I don't know about way off base, but all the time we bounce stuff off. I mean, CIA, NSA, FBI, DIA, NCTC, they regularly disagree on matters of intelligence. That's the tricky thing about intelligence. You get a piece of information, and then you're required to make some subjective decisioning based on that piece of information.

There are lots and lots of robust conversations.

Q So if you had a really big case, though, of something -- or a really big investigation, that's something you might want to bounce off CIA or NSA in terms of, you know, what you're looking at, what you're seeing, what are they seeing in this area?

A I don't think -- to use your phrase "bounce off" I think misrepresents the process. That would assume that it's not there already.
I was the head FBI agent at counterterrorism. I reported to the assistant director, so as the assistant director, 

So to say bounced off would suggest that the information is not there. That information sits there all the time. 

Q And would you do any name checks? Like, for instance in this case, Carter Page has some relationship with I guess I would say a government agency, but not speaking to Carter Page specifically, but you want to get a FISA on a John Smith. Is that something you'd try and check out? Hey, is this guy actually, you know, some deep cover agent for the CIA?
A        Sure.

Q        Is that part of the process?

A        Part of the process in any investigative measure is to identify your subjects and then learn about those subjects. That includes checking other law enforcement intelligence community databases to see if there's any association or interaction to include work on this.

BY MR. BAKER:

Q        Would they tell you in that case there is a source, or would they tell you we have no information to your request?

A        I don't know if I could speculate. I think it would be an individual situation. I can't recall.
Q So how it's handled might differ from --

A It's very -- I would say it's very individual. And there's a process in place that should be followed in general, but there are, of course, exceptions to that process that unique circumstances may dictate following more discussion.

BY MR. SOMERS:

Q To get more specifically to Crossfire Hurricane, when did you become aware that the FBI wanted to open the investigation that eventually became Crossfire Hurricane?

A So that's not that straightforward of a question, because there was a number of -- I think there's a -- and I should probably caveat this from the start that a lot of what I know today -- it's been three years since I retired. It's been about four, four and a half years since I was involved in many of the topics regarding Crossfire Hurricane.

Fortunately, or unfortunately, there's been such a blitz in the media; there's been such a large amount of
noise that I have a hard time at times distinguishing, if somebody asks me a specific question, whether I knew that at the time or I've learned that from the onslaught in the media. So I'll try to tell you going forward I know for a fact that this is something I knew prior or if I can't recall how I knew it.

But when you talk about Crossfire Hurricane, the way I recall it and what I think the media has somewhat mistaken is there was a day when there was a switch that was flipped on a Russian investigation. That's not how it happened. There was a break-in, so to speak, in terms of on the cyber side that occurred into a number of places, to include the DNC. As that cyber-based investigation kind of moved forward, there was evidence that there were Russian actors behind it. That investigation kind of moved forward.

There's always been long-standing investigative interest and intelligence collection effort on foreign influence efforts, all the countries you would suspect. Those efforts were ongoing.

Then at some point, evidence was collected or intelligence was collected -- I should make sure I use the correct term. Intelligence was collected that started to formulate that certain people associated with the campaign may have inappropriate contact or
concerning contact with individuals. That's the formulation of Crossfire Hurricane.

Now, in terms of time frame as to when specifically the name "Crossfire Hurricane" and the form, best I can recall, was summer timeframe, but that's --

Q     So the investigation was formally opened on July 31st of 2016. I guess what I'm really trying to get at is what did you know before July 31st of 2016 about, hey, we want to open this investigation. I'm trying to see when you were kind of looped in.

A     So, again, Zach, there was a lot of information going on about that foreign nation's efforts on the cyber side, on the influence side. I don't know that -- I can't recall that I was briefed specifically on individuals prior to Crossfire Hurricane. I'm sure at some point -- in general, the way the process worked was at the morning directors' meeting, which Director Comey held every morning at 8 o'clock or so, at the conclusion of that general meeting, a small group stayed behind to talk about more sensitive matters. We were being briefed on, from the time I was the EAD, on a number of sensitive matters in that forum, to include concerns about individuals associated with the presidential campaign.

At some point, I was briefed that there were
individuals involved. I don't recall how far in advance
of the July 31st opening, as you say, of the Crossfire
Hurricane investigation, but at some point, I was given
information. I just don't remember when.
Q     Do you know who initially briefed you on
this, gave you information?
A     I don't know who, but it would have been one
of three people.
Q     Who are those three people?
A     It would have been the AD Pete Strzok, the
DAD -- I'm sorry.
The AD Bill Priestap, the DAD Pete Strzok, or
Jonathan Moffa, who was the section chief over intel.
They were generally the ones that would come in and
brief the director, the deputy director, and myself and
others on those activities. And it would have been
likely, to be honest with you, that prior to that
morning brief Bill and Pete or just Bill would have come
into my office and said, hey, we've got something going.
This is what we're going to do.
I don't know if that happened, but that was often
kind of the flow of information.
Q     And did you know they were going to, like, I
guess formally open Crossfire Hurricane on the 31st?
A     I don't know that --
Q     Not the date.
A     Yeah. Yeah. I think that to your point, we had talked about opening investigations on those individuals I believe in that same forum in the morning, so I want to say yes, but I can't be 100 percent sure.
Q     So there's an electronic communication that formally opens the case. You were in the approval chain for like actually -- whatever -- entering it, signing off on or approving that electronic communication?
A     The EAD wouldn't be in the approval chain for a case opening.
Q     Do you know who would have been in the approval chain for that?
A     There's no -- if I recall, there's no set standard in terms of who's in the approval. Certain investigations or certain investigative techniques require certain approval authorities, and so in terms of the opening -- you say opening of a case?
Q     Yes.
A     The opening of a counterintelligence investigation I think just requires -- it's a PI, a preliminary investigation. It requires I think just supervisory approval.
Q     So SSA?
A     SSA.
Q     Could you disapprove the opening of Crossfire Hurricane?

A     Sure. A number of investigations are opened up in the field I don't see -- I don't see any of those opening statements or those opening electronic communications.

Q     But you were briefed on it beforehand. So I'm not saying -- I'm just asking you technically could have said, no, you can't open --

A     Sure. I don't know -- it probably would have required a little more than me just unilaterally saying, no, the director's briefed on it, deputy director's briefed on it, but probably have to have more than just a no on my account. I mean, as the assistant director, probably more appropriately that's a political position where if you had serious concerns about a case that was open in the field, that's probably the level where it would be -- you would veto that, so to speak.

I don't recall ever -- as an EAD ever being involved in a decision to open or close a case at that level. I do recall having that decision discussion with the field as an AD but not as an EAD.

Q     So what was your understanding of what was being investigated? What's the goal here?

A     Of Crossfire Hurricane?
Q     Yes, of Crossfire.

A     So as I understand it, there were a number of individuals that had contacts with individuals who were connected to a foreign government.

Q     And what -- so -- okay. So the contacts with a foreign government, what are you going to investigate? Whether they actually have contacts? What they're doing with those contacts?

A     Sure. Yeah. If tomorrow you go out and meet with a Russian contact, we're going to open a counterintelligence investigation on you to determine what the relationship is. Is it just having a cup of coffee, or is there something more to it? That's the nature of counterintelligence investigations. That's how you develop a source.

So if we see individuals having contact or conducting suspicious activity with known individuals that are known intelligence officers or associated with that, that's the predicate. The predicate for a preliminary investigation is very low by design.

Q     What was your understanding of who George Papadopoulos was? He's the initial name mentioned in the July 31st electronic communication.

A     Yeah, I don't -- I don't -- I can't give you any details on what I knew about George Papadopoulos.
I'm not even sure I can walk you through, but I believe -- no, I can't.

Q     Same answer for Carter Page?
A     Yeah. I mean, the names and the associations are there, but to actually walk you through information associated with each individual, I can't tell you.

Q     But you definitely understood they were associated with Trump in some way?
A     Sure.

Q     So, you know, you talked about how you initially learned about it. How were you briefed/talked to about it going forward throughout the investigation?
A     In a similar manner. So periodic updates generally either privately from Bill Priestap, who's my direct report as the assistant director, or perhaps Bill with Pete. Probably even more frequently at the morning skinny-down meeting, so to speak, with Director Comey. Skinny-down meeting, again, was a larger meeting. Then most folks would be asked to leave except for the director, the deputy director, general counsel, the director's chief of staff, myself, and a few others.

Q     I'm just looking at a quote from the IG's Report here. It says, "Priestap said he'd briefed Steinbach nearly every day on the case and provided Comey or McCabe with updates on an as-needed basis."
So I'm just trying to -- I was looking at the first clause there, "Priestap said he'd briefed Steinbach nearly every day on the case." What did that consist of? Was that just you and Priestap?

A  Sure. I'm not going to disagree with Bill's assertion. So Bill would talk to me on an ad hoc basis, sometimes coming into my office right after morning briefings. Every afternoon I had a closeout briefing with my AD, including Bill, as appropriate, same thing. Other people would be in my office, and Bill would brief me on it. So every day? I'll sign off on that.

Q  Okay. And what did these briefings consist of? How specific are we talking about here?

A  Not specific. Just general updates on where we were at.

Q  Were investigative steps discussed at these briefings?

A  It could be.

Q  So, for instance, were you told ahead of time that, hey, we're going to have to run a confidential human source at George Papadopoulos or Carter Page?

A  I may have been.

Q  But you can't recall?

A  I can't recall, no.

Q  Were you told before a FISA, hey, we're going
to go seek a FISA on Carter Page?

A Yeah, I may have been. Neither of those investigative techniques were alarming, particularly with confidential human sources. That's one of the first steps you do in an investigative process. You try to build up a network of informants to work against your subject.

Q Why?

A Why?

Q Yeah.

A Because when you look at developing intelligence or evidence on the criminal side, covertly or quietly watching a subject only gets you so much. Records checks only get you so much. At some point, you have to take increasing levels of investigative steps and more intrusive steps. In the investigative guidelines, it -- FBI agents kind of views a confidential human source as one of the basic levels to have somebody bump into your subject to learn what that person's saying or thinking. So that's a pretty straightforward step for an FBI agent.

Q Is it generally a reliable source of information?

A Absolutely not.

Q Do you generally think that the source is
going to be truthful, honest, a little bit more open?

Is that why you run a confidential human source?

A Of course you do. The sources are not going to be truthful. I've never had a source ever tell me the truth completely. Even a source in almost all cases is doing it for some ulterior motive: Get himself out of a jam, for money.

Q I'm sorry. I think I probably misstated my question. Let's say that you take the step of having a confidential human source wear a wire to record -- or in some means record the conversation between the confidential human source and the subject target, whatever we want to call them.

Do you generally try and record those conversations because those conversations -- the evidence gained in those conversations is reliable?

A It's -- well, it's good for a number of reasons. I mean, certainly, although you want to trust your source, and no smart agent does, you want to get the information clear. From an evidentiary perspective, of course having a recorded conversation is much more powerful than just a source with a maybe sordid background telling you.

So there's a number of reasons you may want to use that information and then go back to the subject and
play it to him to help convince him to cooperate. So I would say the introduction of a confidential human source into an investigation is an initial step, a more refined step, but then have that source conduct tasks to include wearing a wire, depending on the circumstances.

Q    Were you briefed at all on results of the wearing of wires to -- or I don't know if it was a wire, but however George Papadopoulos was recorded by confidential human sources? Were you briefed on the results of those recordings?

A    I don't recall.

Q    Would it surprise you that the IG Report indicates that Papadopoulos denied that he had any involvement? Were you ever briefed on that?

A    So if I -- I'm going to caveat this with that I'm not a hundred percent clear, but I do recall one of the subjects, some of the sources we bumped up we got then no useful information. I believe that's Papadopoulos, perhaps from the Chicagoland area if I'm not mistaken, but you're asking me something from some time ago.

Q    You don't recall being told that he denied any involvement?

A    Not specifically.

Q    Do you recall him saying, oh, that would be
treason to be involved with the Russians or collusion with the Russians?

A     Do I recall it? No.

Q     Were you aware that information was not included in the Carter Page FISA application?

A     No, I was not.

Q     Were you aware that Carter Page similarly denied, for instance, knowing Paul Manafort?

A     I don't have any knowledge or recollection of specific statements made by either of those subjects.

Q     Were you ever aware of any general concerns of, okay, we recorded Carter Page through a confidential human source and we didn't get what we wanted? Was that ever raised to you in a more general sense?

A     Didn't get what we wanted? No. So, I mean, you're asking a generalized question. I would argue that -- I'll just state that you record -- when you bump a confidential human source and you record those conversations, there are lots of statements made by the confidential human source that -- or I'm sorry -- by the subject in those wire recordings that may not be accurate or truthful statements.

So am I aware of either there are statements against or for? I don't have any specific knowledge of what they said in their conversations with the source or what
was recorded so, no. But if you're asking me am I
surprised or do I have some level of disbelief that they
denied? That doesn't surprise me at all. As I
mentioned, that's fairly common.

Q Yeah. No. What I'm more asking more
generally is Carter Page, George Papadopoulos are both
recorded prior to the first FISA application being
submitted to the court, and I was just wondering if in
any of your daily briefings with Steinbach or someone
else someone raised a concern about what they received
on the recordings from the confidential human source.

A No. And so in the EAD's position, I wouldn't
be involved in the day-to-day investigative steps. I
was being briefed at the strategic level. I didn't
follow either that counterintelligence investigation
that closely or any other ones or in the hundreds of
counterterrorism investigations on the other side of the
house. So I would get updates at a strategic level, but
I wouldn't be apprised on a day-to-day basis of this
investigative stuff happened, and I didn't ask.

Q I think you kind of answered this, but I'd
like to just ask it again. So in these meetings with
Priestap where he's giving you updates on Crossfire
Hurricane, did he ever ask your approval for any steps
in Crossfire Hurricane?
A     Not that I recall.

Q     And he wouldn't have needed to? He could have run with this?

A     I think that he would have been briefing me for strategic direction or approval, but not on specifics. From a specific investigative point of view, he wouldn't saying can I do step 1, 2, 3. That wouldn't be par for the course.

    Now, this investigation had of course a lot of sensitive parts to it. So there were conversations that went on more holistically at Director Comey's table with the general counsel where broad-ranging conversations on the direction of the investigation on where the direction should go, so that was more probably the strategic approval processing. Hey, we're good with you going down this road and whatever steps are necessary to meet those objectives are approved.

    But I don't recall ever briefing a particular investigative step or Priestap asking me for approval on a specific investigative step.

Q     Did you ever have interactions with Pete Strzok on this?

A     Sure.

Q     Did he brief you on it?

A     Yeah. He briefed me generally when Bill
wasn't available. So when Bill was not available at the
office and Pete was his acting for the day, Pete would
come in and brief me, or if there was a morning briefing
with Director Comey, often Pete was the briefer. Bill
was present and I was present, so I had a lot of
interaction with Pete.

BY MR. BAKER:

Q    And Mr. Strzok would sit where on the org
chart? You're at the top of the national security
apparatus as the EAD and of course as deputy and
director. Bill Priestap's below you as the assistant
director. Where does Mr. Strzok fall?

A    So Bill Priestap was the assistant director
of counterintelligence division, and he had three deputy
assistant directors. Pete was one of them.

Q    Who were the other two?

A     I don't recall. Maybe three. Maybe four. I
don't remember.

Q    And then below --

A     If you'd give me some time, I'll remember.

Q    But below Pete. Who would be below

Mr. Strzok? Who would be below him? The SSAs?

A      No. There would be a number of section
chiefs and then below section chief would be unit chiefs
and then below unit chiefs would be supervisors.
Q    Do you remember any of the section chiefs' or unit chiefs' names?
A    No. The only section chief that I recall -- again, if you remind me -- I met with the section chiefs and even unit chiefs periodically, you know, so on an occasional basis. And I'd probably recall some of them if you threw their names in front of me, but not right now.

Q    And then will there be intel analysts embedded in that apparatus too?
A    Sure. That would be the headquarters program management structure. There would be -- and that is separate from the field offices' chain of command.

BY MR. SOMERS:
Q    So these meetings with Director Comey, Priestap would be in these meetings, generally?
A    Generally.
Q    So he might miss a couple. Strzok is in these meetings generally or only when Priestap's not there?
A    No. There were times -- the morning meetings with Director Comey were always attended by his assistant directors, so Pete wouldn't be in that meeting. However, there were times, maybe a couple times a week where director would excuse everybody
except for a small handful.

At that point, Pete and perhaps Jonathan Moffa and some deputy general counsels will come in specific to Crossfire Hurricane to provide that very specific briefing. That happened -- I don't know. There were times it happened daily. There were times it happened once a week. I don't recall, but that would be generally the mechanism. And Pete would come in at the request of Bill Priestap to provide some strategic briefing on Crossfire Hurricane or what other matters therefore.

Q     Did Lisa Page attend those meetings?

A     Yes. She attended as the special assistant to the deputy director, and I don't know that she attended all of them. I would say that generally she was not in the morning briefing with the director, and I don't know that she came in for the morning briefings with Pete. Perhaps one time, but I can't recall.

Q     And McCabe was in these meetings?

A     Well, he was deputy director. He was in the meetings up until a point I think, and then if I recall, he excused himself and from that point on Dave Bowdich, who was the associate deputy director, stepped in to fill Andy McCabe's position.

Q     Did lawyers attend any of these meetings?
A: Most of the meetings.

Q: Did [redacted] attend these meetings?

[redacted]: I'm going to object. These are non-SESers. We don't want their names on the record.

Mr. Somers: All right. We can redact the names from the record, but you'll have to explain to the witness who everyone's identifier is.

[redacted]: I'm sorry?

Mr. Somers: I'm happy to redact from the record their names, or we can get the chart out, and I can ask him by their identifiers in the IG Report, but you're going to have to tell him who each one of these individuals is.

[redacted]: I don't think we're going to identify them at all by name. So you can refer to them as a unit chief, but we're not going to be referring to them by name.

Mr. Somers: Okay. My only point is I'm not sure the witness knows the identifiers.

[redacted]: We're not going to be identifying people who people are in the report who aren't identified.

Mr. Somers: Okay.

[redacted]: And so, in other words, you're asking him if case 1 is John Doe. We're not going --

Mr. Somers: No, I'm not asking him -- I know who
they are. I'm not asking to identify them. I'm saying I'm not sure that if I asked the witness who the OGC unit chief is if he knows who that is.

The Witness: I don't know who that is. A unit chief wouldn't likely be at that meeting.

BY MR. SOMERS:

Q You just said that the chief would be at the meetings. That's what I'm saying.

Mr. Somers: I'm happy to redact the names out of the transcript.

[Redacted]: And I'm going to ask the witness not to identify non-SESer names.

Mr. Somers: If I ask the witness a question, are you going to, in a sidebar, tell the witness the name of the person, and we'll just keep it to the identifier?

[Redacted]: I can sidebar with him.

Mr. Somers: I'd like to ask him whether the OGC attorney identified on page 82 was in any of these meetings.

[Redacted]: Give us one minute.

Mr. Somers: Okay.

[Redacted]: We may want to go back and visit some of the names, but I'll give you a little bit of leeway of this, and we'll see how we can do it.

Mr. Somers: Okay.
You said 82?

Mr. Somers: 82. There's two. I just want to ask about two people. I can tell you who they are, but if you want to converse so we're both asking about the same person. I can say it off the record.

Let's go off the record.

(Discussion off the record, after which a recess was taken.)

BY MS. ZDEB:

Q Mr. Steinbach, right before the break, Mr. Somers was asking you some questions about a conversation between George Papadopoulos and a confidential human source. I had just a couple of follow-up questions about that.

So in your experience, do targets or subjects of an investigation sometimes deny that they are engaged in criminal conduct?

A Sure. All the time.

Q And I think you said earlier that it was fairly common for subjects to not be completely truthful when talking to a confidential human source.

A Sure. Yeah. Yes.

Q And in your experience, should an agent or a prosecutor stop investigating a particular individual just because that individual denies engagement in
criminal conduct?

A     Course not.

Q     Should the FBI shut down a counterintelligence investigation just because a subject happens to deny wittingly working with a foreign government?

A     The FBI should not shut down that investigation.

Q     And so, in other words, there could still be a very legitimate need to investigate because that US person could be wittingly working with a foreign government or could be unwittingly working with a government, but in either case there might still be a legitimate basis to investigate?

A     Correct.

Q     To the extent that denials by Mr. Papadopoulos were not disclosed to the FISC in one of the FISA applications, should they have been?

A     So I couldn't comment. I mean, you're asking a question. I think I would have to look at the totality of the situation. The FISC should have information necessary to make informed decisions. That statement by and in itself I can't answer.

Q     You may be aware from your review of the Inspector General's Report that Director Wray said that
the FBI is taking a number of corrective actions in response to the FISA errors that the IG identified.

Do you have any reason to believe that the FBI is not taking appropriate steps in response to the IG's Report?

A     I don't really have any firsthand knowledge either way. I'm not in the FBI any longer. I think I've had one off-line comment with a supervisory individual, and that person described training he was taking with respect to FISA, but I couldn't comment as to whether Director Wray or the FBI were taking it seriously or not taking it seriously. I was just not involved.

Q     But you certainly have no basis to say that they are not taking it seriously?

A     Correct. Correct.

Q     Thank you.

BY MS. CALCE:

Q     So my colleague was just asking you a little bit about the Inspector General's Report. As you may know, the Inspector General examined more than a million documents and interviewed more than 100 witnesses.

Were you among the people that he interviewed?

A     I have had several IG investigations, and I believe that was one of them, yes.
Q Do you remember if he interviewed you once?
Multiple times?
A So in totality between the Clinton e-mail investigation and the Russian influence investigation, since I've left the FBI, I think I've been interviewed seven or eight times by IG, by DOJ, by WFO, by the US Attorney's Office, all those as a witness I should say.
Q And did you provide complete and truthful answers to the IG in those investigations or to any of them with whom you've spoken?
A Yes.
Q Do you remember if you provided any documents in connection with the IG's investigation?
A I've not provided documents to anybody. I don't have documents to provide.
Q Did the Inspector General ever complain that it needed more information from you?
A No.
Q And you said that you had -- you had your team review the -- you read the summary and you had your team review the full report. Did you --
A No. Let me clarify that. So my secretary did a Google search of my name and just gave me the page where I was referenced, and I scanned through them. So that's the extent of my review.
Q     Did you ever -- did you have the opportunity
to review the draft report before it was made public?

A     No.

Q     And the sections of the report that you did
review, was there anything inaccurate in your view?

A     Not that I recall, no.

Q     Okay. So before the break, we had spoken a
little bit -- you had mentioned a couple times that
perhaps you didn't review something, but the AD did.

Who was the AD?

A     Bill Priestap.

Q     And so I just want to ask a little bit about
your relationship with Mr. Priestap. What was your
relationship with him?

A     I was his direct supervisor.

Q     How long did you work with him?

A     I think Bill and I were first office agents
in Chicago back in the late '90s. I didn't know him
well, and we knew each other by name. In the first
opportunity where I began to work with Bill more closely
was when I came back to headquarters as the
assistant -- first as the deputy and then as the
assistant director of counterterrorism.

At some point, he also returned to headquarters,
probably when I started to have -- first as a colleague
because he was also the assistant director, and then as
his boss, so probably -- I've known him -- the name for
20 years. In terms of a working relationship, over the
last two years of my career I had a close and continuing
working relationship with him.

Q     And what is your professional opinion of him?
A     Bill is a -- I'd describe Bill as a very
astute intellectual. He sees the big picture. I was
very impressed with his ability to see the big picture
in intelligence and kind of develop a thought process
around that, so he had very good intelligence instincts.

Q     And do you believe that Mr. Priestap was
honest?
A     Absolutely.

Q     I want to talk a little bit about the opening
of the Crossfire Hurricane, and I know Mr. Somers and
Mr. Baker talked about that before the break, and you
had said that your recollection was not crystal clear,
but we kind of just want to get your expert opinion,
based on your 22 years with the FBI, whether you knew
this information at the time or whether you learned
about it in the press afterwards if certain things that
took place before the opening of the investigation would
have been significant.

So can you explain why the investigation was opened,
in legal terms what the predicate was?

A Predicate for Crossfire Hurricane?

Q For Crossfire Hurricane.

A So, again, from my perspective as I recall it, there were investigations that kind of bled into that. There were -- you know, there was a cyber investigation, and there was a larger Russian influence or Russian intelligence collection effort by the counterintelligence division.

As I understand, the predicate for the individuals that are now known as Crossfire Hurricane in each instance singularly those individuals had some interaction with a known or suspected or somebody associated with a known or suspected foreign adversary, a foreign intelligence officer.

Q And looking at the investigation as opposed to -- looking at the investigation as a whole as opposed to the individuals, you know, the Inspector General's Report noted that in March and in May 2016 FBI field offices identified a spear phishing campaign that was perpetrated by the Russian military intelligence agency and targeted e-mail addresses at the DNC and Hillary Clinton campaign, and there were attacks on the DNC and DCCC computer networks.

Can you explain why that would have been a
significant factor as far as the predicate of Crossfire Hurricane goes?

A Well, I want to be clear that's not necessarily a factor for Crossfire Hurricane. You can have -- so the spear phishing campaign, as you call it, or the cyber intrusion was identified associated with foreign governments is significant in itself. I don't know that there was a connection between that Russian influence and these four actors at the very start as I recall.

The fact of individuals on their own had contact or some association is enough to open up a predicate on an investigation. So I've not seen the opening communication for any of those four subjects if it references that cyber investigation or not. Whether it does or not from my perspective based on my experience, that's not a major factor. There's enough on those four individuals regardless of what happened in the spring with respect to the cyber attack.

[- - -]: Can I ask a question? Are you reading from the IG Report?

Ms. Calce: I am.

[- - -]: What page number?

Ms. Calce: That was page 49.
Q     Mr. Priestap told the Inspector General, and this quote is from page 53 of the report, that the combination of the friendly foreign government information and the FBI's ongoing cyber intrusion investigation at the DNC has created a counterintelligence concern that the FBI was, quote, obligated to investigate.

Do you have any reason to dispute Mr. Priestap's explanation of why he began this investigation?

A     No. He's the assistant director of counterintelligence. He's much more closer to the information than I am or would have been, I should say.

Q     And do you understand what Mr. Priestap would have meant by counterintelligence investigation?

A     Yes.

Q     And what is your understanding of what he meant?

A     So he's saying that a friendly foreign government, in this case a partner of ours, provided us information suggesting there was a contact, there was a connection between an individual and a foreign government. That along with previous actions such as cyber was all driving towards one overarching counterintelligence -- or I'm sorry -- intelligence operation.
Q     And the phrase "counterintelligence" concerns specifically -- what is that understood to mean? What do you understand that to mean?

A     So intelligence operations are just what they are. Operations designed to gather intelligence generally refer to, in the case of a foreign government, a foreign government trying to gather intelligence on in this case the United States. Counterintelligence is just that. An effort to counter those intelligence operations.

Q     And do you agree that the information that Mr. Priestap had described as having created a pattern of intelligence concerning -- the FBI was obligated to investigate? Do you agree that that created a counterintelligence concern that the FBI was obligated to investigate?

A     Yeah, and I'll back up. So whether you're talking about counterintelligence or counterterrorism, on the national security side of the house we learned a long time ago that to prevent an action versus being reactive requires you to start much earlier to gather intelligence. By nature, counterterrorism and counterintelligence investigations at the start have very low predicate by design.

Many counterterrorism and counterintelligence
investigations don't go anywhere based -- or further than the initial predicate, and that's just the nature of intelligence investigation. But to ensure the national security of the United States, we open up on a very low bar to ensure that we identify and proactively prevent either terrorism or intelligence operations against the United States.

BY MS. ZDEB:

Q     And I think you said earlier when you were discussing the chain of command for purposes of opening a counterintelligence investigation, that although that decision resided primarily with Mr. Priestap that you technically you could have said no, although you would have needed to also have made your case to the director and the deputy director.

If you believed that there was not an adequate predicate to make that case, would you have said no to try to make that case?

A     Let me back up. So a typical national security investigation would not be approved by either the EAD, the executive assistant director, nor the assistant director. It wouldn't go to Priestap. Perhaps -- I don't know. Perhaps in this case because of the nature Bill played a particular role in that, but normal investigations, Bill would not be part of the
investigative approval process.

To be more specific to your question, if I had concerns about the predicate behind any national security investigation, I could -- I could intervene at my level and have that investigation closed.

Q     And so the fact that you didn't intervene and attempt to have the investigation closed or -- I guess more accurately -- not open in the first place, presumably is a reflection of the fact that you didn't have concerns about the predicate?

A     I had no concerns about the predicate or the fact that we were pursuing Crossfire Hurricane further.

BY MS. CALCE:

Q     The Inspector General found that there was no documentary or testimonial evidence that political bias or improper motivation influenced the decision to open the investigation.

Did bias or improper motivation influence any of your actions regarding the opening of the Crossfire Hurricane case?

A     No. Nor am I aware if influenced by any member of my staff or the Director's Office.

Q     Do you have any evidence that bias or improper influence influenced any decision that Mr. Priestap made with respect to Crossfire Hurricane?
A No.

Q Do you have any evidence that bias or improper motivation influenced the actions of Mr. McCabe with respect to the opening of Crossfire Hurricane?

A No.

Q And do you have any evidence that bias or improper motivation influenced the actions of Director Comey with respect to Crossfire Hurricane?

A No.

BY MS. SAWYER:

Q Thanks, Mr. Steinbach. We appreciate you being here, and I'm sorry we're a little bit tag-teaming, but I just had a couple questions for you as well.

And I want to explain where I'm coming from in my questions to you. Because you may have observed, if you've been watching the news, that there have been questions raised as to whether there was ever a legitimate reason to open Crossfire Hurricane, and it's been put as whether there was ever any there-there.

And I know you've explained to us that you're not entirely clear sitting here today what specifically you knew then and what you've learned since, but I want to ask you some questions just based on -- I mean, you're the expert here. You were the head of the division that
was counterintelligence and counterterrorism. You know, we're not experienced in that regard.

But when I look at these facts, it seems like a clear case to me, but I just want to ask you some of the facts, and you've explained already that at the time the FBI was aware that there had been cyber intrusions, hacks of US computer systems, including the Democrat National Committee's computer systems; is that correct?

A     Yes.

Q     And can you explain why that itself created a concern and it warranted investigation?

A     Warranted the investigation on the cyber side, or are you talking about Crossfire Hurricane?

Q     I'm talking about an investigation, period --

A     Well, sure.

Q     -- whether or not it was Crossfire Hurricane yet.

A     And, again, my recollection of the situation, this is not one singular investigation that's kind of moving through the course of 2016. There's a number of factors. We've been aware for a long time that foreign adversaries such as China, Russia, and others collect intelligence on United States. They do so in a variety of different ways: using human sources, using cyber techniques, and other technical collection measures.
Any time we identify cyber intrusions that are associated with a nation state are a concern to us. It's not uncommon and it happens all the time, but it's a concern, particularly when they are successful, particularly when they are focused not only on the private sector, but on institutions, and in this case our political institutions like the DNC or the RNC.

I'm going to go off a little bit. So my opinion is that it was completely appropriate for us to open up counterintelligence investigations on those individuals with or without the preceding cyber investigations or preceding cyber intelligence.

As I mentioned to Zach earlier, if an individual has contact or associations with a foreign government's intelligence operatives or suspected intelligence operatives or someone associated with that, we have to go take a look into that matter. It has nothing to do with that individual's -- it does not necessarily have anything to do with that individual's position, the fact that he is in a campaign or for a Democrat or Republican. By the nature of this contact or alleged contact or belief, we will have to look into that.

Now, it may be innocuous. There may be nothing to it, but the FBI would be highly scrutinized and should be if they did not follow that investigative lead.
Counterintelligence investigations are very difficult. We've had a number of high-profile spies that have caused significant. When you look at the history of those investigations, you'll find that there were a lot of warning signs that were unheeded. I hope today the FBI continues to open up and robustly pursue counterintelligence investigations when there's appropriate predicate.

So I don't find anything unusual in the steps that we took. When I was briefed on it, I found the actions and the processes in accordance with our standards.

Q     So specifically with regard to Mr. Papadopoulos, the FBI did come to learn that he had been told or that he had told someone that he had been told in April of 2016 that Russia had e-mails -- had, quote, dirt on Hillary Clinton in the form of, quote, thousands of e-mails and that they were willing to release them anonymously in order to harm Hillary Clinton's campaign.

Would learning that have been alarming enough or a sufficient predicate or some there-there to open an investigation?

A     So I guess, first of all, what you're saying I recognize, but I don't know if I recognize it from my time or all the media. Taking it on its own your
statement is absolutely concerning. I don't know that I can clearly say in the spring of '16 I knew that, but I have heard since or now it's part of my recollection on the Papadopoulos' stories particularly, but that by itself is a concerning statement, yes.

Q     And to be clear, I understand your concern because you can't recall whether you knew it and exactly when you learned it. What I'm asking really honestly, not to try to trip you up on that, is sitting here as a counterintelligence and counterterrorism expert, if I give you these facts for your opinion as to whether or not that's a sufficient predicate. So you don't have to reanswer. I'm just clarifying.

We have actually seen that opening document on the investigation, and it indicates that that information came to the FBI on or about July 26th of 2016 for the first time, even though Mr. Papadopoulos had told someone associated with a friendly foreign government back in April, and it's just my understanding that the reason the friendly foreign government then told our government was because WikiLeaks had just released 20,000-plus e-mails that appeared to have been hacked from the DNC.

Do you recall learning those facts at any point in time?
A   Vaguely. I mean, my recollection is not a
hundred percent on the timeline and those topics. I
recall the friendly foreign government, if I remember
correctly, struggled with the decision because it did
not want to appear to be involved in a political
situation. They ultimately made the decision because
they felt that a foreign government was taking
inappropriate steps, but I don't recall to your point
the timeline of WikiLeaks.

    All that does resonate. I'm just not sure how I
recall it specifically.
Q   And if a friendly foreign government had come
with that information, would that have been concerning,
      enough of a legitimate predicate, a there-there for
opening a counterintelligence investigation?
A   Yeah. So when you look at the -- when you
look at the investigating guidelines for the FBI in
terms of opening an investigation, it specifically talks
about things and levels and confidence levels of
investigation. So I would not be able to open an
investigation say on a mere hunch that you were a spy.
If somebody told me you were a spy, that's at a certain
level, so you have to consider the source and motivation
of the source, and then you move your way up.

    A foreign intelligence person or a foreign
government has a lot of clout behind their information.
They come to us, particularly a close partner, and provide us intelligence. That's a threshold that's very significant. So for them to provide this information did and should have been rightfully taken very seriously.

Q     So another legitimate factor that was weighed into it was the source, that this was a friendly foreign government who was providing us with this information?

A     Absolutely.

Q     So moving from Mr. Papadopoulos to Mr. Page, it's my understanding that reasons articulated by the FBI as to opening an investigation that involved Mr. Page cited to recent trips he had taken in July of 2016 to Moscow and the fact that he may have met with individuals associated with the Russian government while there.

Would that type of information have provided a sufficient predicate for the opening of an investigation that involved Mr. Page?

A     To be clear so, yes. First of all, I don't know that I knew it at the time, but what you've just stated on face value, absolutely. It would be enough proof for an investigation.
Q And then with regard to Mr. Manafort, who was at the time the campaign manager for Donald Trump's campaign, facts recited by the FBI as a basis for opening a counterintelligence investigation involving Mr. Manafort included the fact that he had close ties with individuals associated with the Russian government, including potential Russian oligarchs.

Would that have been a sufficient basis for opening a counterintelligence investigation that involved Mr. Manafort?

A Yes. So I want to make sure I'm clear. So, like, there's a little bit of a nuance to this, right? So when you say close association to an individual from a foreign government, so if Mr. Manafort had an ongoing business relationship that was out in the open, that would be one level of detail. If Mr. Manafort had a clandestine or covert relationship, that would be another level of detail.

So there is some nuance to the relationship piece. So if I -- if I -- again, to make sure I'm clear, if the relationship -- I'm not saying in either case it would not be grounds to open an investigation. You have to take a look at the manner of the contact. Outward and public contact, say, at a conference is one level of detail versus a more clandestine covert relationship is
something else. But, in general, there would be concern if there was contact.

Q     And in the Inspector General Report of the FISA applications on Carter Page, on page 60 it does recite some of the rationales, and it says, "Regarding the articulable factual basis on Manafort," it says, quote, May wittingly or unwittingly be involved in activity on behalf of the Russian Federation which may constitute a federal crime or threat to the national security, and they then go on to cite that he had extensive ties to pro-Russian entities of the Ukrainian government.

That articulation of a basis, a there-there for opening a counterintelligence, in your experience, would that have been sufficient?

A     Yes. And, again, I think it's key. I think Zach brought it up earlier. Witting or unwittingly, and I was saying that the individual was wittingly an individual. He may be -- just by nature be being used as a pawn unwittingly. So there are times when the counterintelligence investigation certainly identifies somebody who's unwittingly being targeted.

Q     And then with regard to Mr. Flynn, again, it articulated that quote, He may wittingly or unwittingly be involved in activity on behalf of the Russian
Federation which may constitute a federal crime or threat to national security, and then cites to, quote, various times to state-affiliated entities of Russia and the fact that he traveled to Russia in December of 2015.

Would that have been a legitimate factual predicate, a there-there, for opening a counterintelligence investigation on Lieutenant General Flynn?

Ms. Sawyer: Can you repeat the page again?

Ms. Sawyer: It's page 60.

The Witness: Can you repeat that again?

BY MS. SAWYER:

Q     Sure. With regard to Mr. Flynn --

A     Yes.

Q     -- who was also at the time working with the Trump campaign as at least an informal advisor, the Inspector General Report reflects that once again the EC for opening an investigation on Mr. Flynn stated that he, quote, May wittingly or unwittingly be involved in activity on behalf of the Russian Federation which may constitute a federal crime or threat to the national security, end quote. And it just goes on to note that he had various ties to state-affiliated entities of Russia and traveled to Russia in December of 2015?

And my question was whether or not those facts would have provided an adequate predicate, a there-there, for
opening a counterintelligence investigation on Mr. Flynn.

Q Can you explain why in your experience that would have been sufficient?

A Again, I'll go back to what I've said several times today. Any time an individual has contact or association with a foreign government or an adversary such as Russia in their intelligence apparatus or individuals associated with their or believed to be associated with their intelligence apparatus, there's a concern, and so due diligence would require that we continue to look into that.

It could be witting. It could be unwitting. It could be nothing at all. But the FBI would be roundly criticized if we do not follow through on one of those investigative leads.

Q So you said the FBI would have been roundly criticized had they not followed those leads. Do you think they would have been rightly criticized if they hadn't followed those leads?

A Yes. Absolutely. Again, there's been a number of intelligence failures in recent memory, and in every single instance when you do a group analysis and you look back at the facts, there was evidence or
intelligence we should have followed up on that was not. So you try to learn from those. And so I think from a counterintelligence and a counterterrorism perspective, we teach our agents and analysts to leap forward.

Q    You have mentioned a few times and in fact the ECs in opening on these individuals mentioned that the potential participation in Russian interference could have been wittingly or unwittingly. There have been questions raised as to why, if it was potentially unwittingly, the FBI didn't simply go to these four individuals and alert them and ask them if they were participating.

Now, Mr. Priestap was asked that question during the Inspector General review, and he explained the concern that it could inadvertently tip off individuals who were interfering. But from your perspective, I would just like to have an understanding as to why the FBI would not have gone to these individuals and just said to them this is their concern, that you may be working with Russia wittingly or unwittingly.

A    It's a good question. It's a valid question to ask, and it's a subjective call in each instance, and it's based on a totality of the facts known at the time, the intelligence known at the time. Clearly, in any counterintelligence investigation, for it to be
successful, you need to keep it covert. Once that
investigation becomes known, of course your ability to
fully flesh out contacts, paper trails, et cetera, et
cetera, disappear. You may never be able to follow
through with that investigation.

So the decision to go from covert to overt, which
would include providing a briefing to what would be the
unwitting individual is a step that's taken but after
careful consideration, and it's a judgment call based on
the totality of the facts.

Sometimes we go forward and provide that
counterintelligence briefing to somebody we believe is
unwitting, but it's only after we assess the situation
to determine -- determine to the best of our knowledge
that the person is not acting witting and that doing so
will not cause harm to the overall intelligence
gathering efforts by the FBI.

Q     And do you recall whether there was any
discussion of those factors as these investigations were
being opened and whether or not just approaching these
individuals would have made sense?

A     I don't recall specifically. I don't know.

Q     And if you had been uncomfortable with the
fact that instead of approaching them the decision had
been to at least open these investigations, would you
have raised that? And I know I'm asking you to think back four years.

A    Say that again.

Q    I'm just saying if you had been uncomfortable at the time with the notion that given the options we can open counterintelligence investigations and see where they lead, which is what I understood you to be saying to me for two reasons, one, you don't know whether that specific individual, but it also might interfere with the broader counterintelligence investigation, if you had been uncomfortable at the time, do you think you would have raised it, that we should just simply go to these people and talk to them?

A    That would be -- in my opinion, that would be unwise. At a minimum, you'd still open on them, gather additional facts, then make the decision. You wouldn't make the decision upfront to provide them a counterintelligence briefing based on the initial predicate. The initial predicate -- the right decision at the time, and I still believe the right decision today, was to open up on those individuals.

If later through the course of the investigation as you work through it you determine that they were unwitting, then it would be wise to provide some type of counterintelligence awareness or provide other
protections if you couldn't provide a threat review securely.

Q    And on that front, if you have an investigation that is broader -- I mean, we're talking about four individuals here, and let's say with regard to one of them at some point the investigators determined that this individual was not a witting participant and there is no current risk that they are unwittingly participating.

Would it be a reasonable judgment call not to then brief them because it could put the broader investigation at risk?

A     Oh, I mean, I'll actually answer that more broadly. Many counterintelligence and counterterrorism investigations, they are opened up and more are potentially closed for lack of follow-up. We don't routinely go back and advise those individuals that, hey, we opened up a preliminary investigation. It would not be standard practice for us to go back and say we are no longer looking at you from a counterintelligence perspective. That's in isolation.

To your point, yeah, if there were other individuals that had association, we would certainly not go and provide any information to the person, even if we shut down one part of it while a remaining investigation is
going on.

Q    So to be more concrete, if for example the FBI and Justice Department had determined that Mr. Page at some point was not a witting or potentially even unwitting participant, would it -- would it surprise you that they hadn't then gone to him and said, you are -- you once were, but you are no longer a subject of counterintelligence or other investigations?

A    It would surprise me if they did do that, and I would have been -- I would have instructed them, if they came to me with that request, not do it. It's not in the best interest to advise Carter Page that we are no longer looking at you.

Q    I think that's all I have for the moment.

Thank you.

BY MS. ZDEB:

Q    So, as you know, Crossfire Hurricane eventually morphed into the Special Counsel -- was taken over by the Special Counsel investigation and at a certain point transitioned from being a purely counterintelligence investigation to also having criminal aspects of the investigation. Three out of the four individuals that Heather was just asking you about were eventually charged with crimes as part of the Special Counsel's investigation.
Last week former Deputy Attorney General Rod Rosenstein testified before our committee and seemed to endorse the view that because the Special Counsel did not charge any of those individuals with conspiring with Russia, that that meant there was not a there-there, so to speak, to open the investigation in the first place.

So you have just talked about the there-there to open the four individual investigations that Heather just asked you about. So I guess my question is: Does the FBI require agents, when opening an investigation, whether counterintelligence or criminal, to have some sort of expectation at the very outset that they will find and be able to conclusively prove criminal wrongdoing in order to open that investigation?

A     Of course not.

Q     And what impact would imposing a requirement along those lines have on the Bureau's ability to investigate counterintelligence concerns and investigate and eventually prosecute crimes?

A     Again, I highlighted those earlier. The predicate for opening national security investigations is set low for a reason, and that reason is because we are required to prevent. When you prevent a crime from being committed versus investigating it after the fact, you are essentially starting your investigation before
steps have been taken by the subjects gets criminal in
nature.

So from the perspective of a spy or a terrorist, we
would have a lot more spies and a lot more terrorists
running around the country successfully conducting their
operations if we had some ridiculous standard that
required FBI agents to only open on cases that they were
100 percent -- first of all, it's an absurdity.

And any US attorney, including the deputy assistant
director, knows that. You open up an investigation, and
by guidelines it's a very low predicate, and there's a
process by which you move up that chain, that
evidentiary chain, until you get to a point where you
can effectively conduct an arrest and charge somebody
and prosecute somebody.

BY MS. SAWYER:

Q     Can I just interject with a quick question?
   I'm just curious from your perspective -- now,
there's been conversations about whether a campaign, if
it's tipped off that a foreign government might be
seeking to assist it, whether or not they should have an
obligation or -- whether moral or legal, honestly, to
report that to the FBI. I'm curious as to your opinion
on that.

A     Yeah, I don't want to get into a political
conversation. I would hope that the US citizen, if he believed or she believed that he or she was the target of the counterintelligence operation, regardless of their position in government or political party, would have -- would feel a duty and be duty-bound to advise the FBI immediately.

Q     So speaking concretely then, when Mr. Papadopoulos was informed by a Professor Joseph Mifsud, that Russia had obtained e-mails and was willing to release them to harm Hillary Clinton, is that something that should have been reported to the FBI?

A     Absolutely.

Ms. Zdeb: That concludes our questions for this round. We can go off the record.

(Recess.)

Mr. Somers: It's now 12:25. Back on record.

BY MR. SOMERS:

Q     Something you mentioned in the last round, you used the word "successful," "successful counterintelligence investigation," and I just want to ask you.

What's the goal of a counterintelligence investigation versus maybe what the goal of a criminal investigation is? The question is just: What's the difference between a counterintelligence investigation
and a criminal investigation?

A    Sure. So the primary purpose of any national security investigation is the collection of factual intelligence to, you know, safeguard the United States. So I would say the overarching goal of a counterintelligence investigation is to collect actionable intelligence to therefore prevent intelligence operations by foreign adversaries.

Q    And another thing that was asked in the last round I just want to clarify a little bit. I think it was asked more was it ever contemplated to brief any of the four individuals who were subjects of the Crossfire Hurricane or Crossfire Hurricane umbrella investigations.

Were you ever involved in any discussion of whether to offensively brief Candidate Trump or the Trump campaign about these threats?

A    So, yes. There were conversations where we prepped Director Comey to then go and speak to his counterparts in the intelligence agency, to include General Clapper about how to brief President-Elect Trump. I don't recall if those conversations occurred while he was still a candidate or if it occurred after the election.

But there were conversations had about the scope of
what we would provide to the candidates, and I believe, if I'm not mistaken, there was a national security briefing forwarded to both candidates in the fall on a periodic basis. I'm not a hundred percent convinced of that, but I believe -- I want to say we made a separate arrangement to brief Candidate Trump up in New York at the Trump Towers, if I'm not mistaken.

Q     Just while we're on that particular briefing, were you involved in any discussions about whether to send a particular supervisory special agent to that briefing in order to observe General Flynn?

A     I'm not aware of that.

Q     And then the subject of offensively briefing either the Trump campaign or Candidate or President-Elect Trump, do you recall whether that discussion you just referenced occurred before or after the Carter Page -- October 21st of 2016 is when the FBI applied for a FISA warrant on Carter Page.

Do you recall whether that discussion occurred before or after October 21st, 2016?

A     So as I remember, there were numerous conversations about providing briefings to both candidates, but I don't recall when specifically those conversations or the exact contact context of those conversations.
By the way, the campaign -- I want to make sure we're clear -- we were not briefing a broad number of members of the campaign. We'd be briefing the candidate.

Q  Yeah, but a couple close -- very close advisors?

A  Right. Yes.

Q  That's what I --

A  Sure.

Q  When did you learn about -- let's just call it the Steele dossier or the Steele election reporting. When did you learn about that?

A  I don't recall. Sometime in 2016, but I couldn't tell you. Summer maybe. Summer time frame.

Q  What was your understanding when you learned about it, like, what it was?

A  What do you mean?

Q  Where it came from. What -- you know, what it consisted of.

A  So I had a copy of it. It was on my desk for a while. So in terms of, if I recall, it was a report written that had a variety of sourcing that provided information on topics associated with Russian influence, if I recall correctly.

Q  Did you know who Christopher Steele was while
you had his report sitting on your desk?

A     Did I know who he was? I didn't know much background. I think I had some understanding that he previously provided information to the FBI on a criminal matter. I didn't know much beyond that, no.

Q     And did you understand why he was collecting this information?

A     I recall there was an initial request by a campaign or political party to fund his efforts, if I'm not mistaken, but I don't recall specifically.

Q     And you don't recall knowing that the DNC had funded those efforts?

A     So what you said I know from the news media. I don't know that I knew it to that level of detail in the summer of 2016.

Q     And you were aware that Steele was a -- were you aware that Steele was a confidential human source for the FBI?

A     Yes.

Q     What's the FBI's Delta system, generally?

A     So I hope I don't mess this up. It's been a while. I believe that's our source system.

Q     It has information about confidential human sources?

A     Yeah. It's, by nature, a closed-off portion,
you know, not just files, files, et cetera.

Mr. Somers: I'm going to interrupt for a moment. I need to confer about what he can and can't say about this.

Mr. Somers: I don't need much more from him about what's in the -- I don't need anything more from him -- let me ask my next question.

BY MR. SOMERS:

Q     So you knew that Steele was a confidential human source. Is the Delta system a place that you would expect agents to go to get information on Christopher Steele prior to using any information he provided in a FISA application?

A     No.

Q     You would not expect them to go to Delta system. So you then wouldn't be surprised if they did not go in the Delta system prior to using Christopher Steele's information in the Carter Page FISA application?

A     The source system in the FBI's designed to provide a structure to maintain the integrity of the source

        --

        : I'm going to interrupt. I'm going to
stop this explanation as to what is involved with our Delta system. Do you really need to go into that?

Mr. Somers: No. Basically, I just wanted the answer whether he was surprised they wouldn't have gone.

Okay. Well, I'm going to instruct the witness not to go into this.

BY MR. SOMERS:

Q     We talked about the Woods Procedures earlier. Just while we were on this topic, were you aware of the requirement that -- at the time were you aware of the requirement that a handling agent must sign off on the source characterization statement in a FISA?

A     I don't think so, no.

Q     So you were not aware that as part of the Woods Procedures if a FISA application is going to use information from a confidential human source, the handling agent for that confidential human source has to review and approve the source characterization statement within the FISA application?

A     I can't say that I knew that, but that answers your question as to why the investigative agent wouldn't have access to the source file, because of the -- to keep the integrity of the system, which makes sense, but I can't say that I --

Q     You weren't aware of that Woods requirement?
A     No, I do not.
Q     Were you aware that Bruce Ohr was interacting with Christopher Steele?
A     No.
Q     That didn't come up in your briefings?
A     I don't think I even knew who Bruce Ohr was until well after I retired and he became a media sensation, so to speak.
Q     Were you aware that FBI General Counsel Jim Baker took evidence from -- the director took evidence from Michael Sussmann related to the Trump campaign?
A     No.
Q     Michael Sussmann being a lawyer for the Democratic National Committee?
A     I don't know who Michael Sussmann is, and I was not aware that Jim Baker took information from Michael Sussmann.
Q     Would it concern you that the general counsel of the FBI inserted himself in the chain of custody of evidence rather than passing it off to an agent?
A     It would not concern me that legal counsel for any organization, public or private, passed information to legal counsel for the FBI, so, no, that's not that unheard of. I would expect that general counsel or any other agent in the FBI would then turn it
over to the prosecuting entities.

Q     We spoke a little bit about the Steele
dossier. I think you mentioned him having sources.

Were you aware that he had a primary subsource for the
information that was in his dossier?

A     No.

Q     So such that as the -- I'll just read to you
from the IG Report, on Roman V in the IG Report.

"Steele himself was not the originating source of any of
the factual information he was reporting. Steele
instead relied on a primary subsource for information,
who used his/her network of subsources to gather
information that was then passed to Steele."

You weren't aware of that?

A     So let me rephrase that. So I was not aware
of who or what the primary subsource was. I was aware
that Steele, his information was from a collection of
subsources, yes, which is very common.

Q     Okay. Were you aware that the FBI was trying
to identify, locate, and interview the primary subsource
in the fall/early winter of 2016?

A     I do remember that, yes.

Q     Were you aware that they then located and
identified the primary subsource?

A     Zach, I think I remember that. I'm not sure,
but it sounds familiar, but I'm not sure if I knew about it then or I've since learned about it.

Q     So you weren't briefed on the fact that -- well, let's put it this way. Were you aware that he was interviewed by the FBI in January of 2017?

A     So I retired on February 24th. By January I was starting to back out and turn over the reins. So I don't recall. I do not recall that.

Q     So you wouldn't have been briefed as regularly in that time period? He was interviewed -- this is in the IG Report -- on three days in January: January 24th, 25th, and 26th.

And at that point in January, had you stepped back from the earlier-described role of getting daily briefings from Bill Priestap, et cetera?

A     I think I still would have been doing that early, but I don't recall now. I probably still would have been going to the meetings with the director and getting my briefings from Priestap, so I don't recall.

Q     You don't recall. Do you recall anyone raising any issues with the primary subsource interview?

A     No.

Q     So you weren't, you know, aware of impressions such as -- these are quotes from the IG
Report -- that the primary subsource reports back to -- I'm sorry -- is interviewed by the FBI, and some of the comments he had about his reporting were that Steele's primary subsource was giving Steele information that was based on, quote, conversations with friends over beers. The primary subsource would characterize information he gave Steele as word of mouth and hearsay, that his primary subsource told the FBI the information was intended to be taken with, quote, a grain of salt. The primary subsource corroboration on his reporting to Steele was, quote, zero.

You weren't aware of any information like that coming from your division?

A     No.

[Redacted]: I was just going to interrupt. Can you --

Mr. Somers: Page 88.

[Redacted]: If you're referring to direct quotes from the IG, it would be helpful to get the page numbers so we can put it in our notes and also get to it.

BY MR. SOMERS:

Q     So the FBI interviewed Steele in January of 2017. It's fair to say you didn't get a readout of that interview of the primary subsource, that you recall at least?
A: I would say probably fair I don't recall. If somebody started to give a briefing, I wouldn't -- I wouldn't disagree. I just don't recall.

Q: There's no indication in the IG Report whether you were or were not. That's why I'm asking.

A: I don't recall.

Q: Do you recall -- and I don't know if you were on this e-mail chain. I'm assuming you don't recall an e-mail from Pete Strzok where he said -- this is on page 247 on the IG Report, among other places -- that recent interviews and investigation, however, reveal Steele may not be in the best position to judge the reliability of his subsource network, as the e-mail he sent doesn't identify all recipients of the e-mail in the IG Report.

You don't recall seeing anything like that?

A: I don't.

Q: Were you aware of an electronic communication drafted by the Washington Field Office -- the final date on it's January 24th, 2017 -- a closing communication closing the investigation into Lieutenant General Michael Flynn?

A: I'm not.

Q: You're not aware of it at the time?

A: I should say I don't recall.

BY MR. BAKER:
Aside from that specific closing communication, what is the relationship between headquarters and a field office when a case is to be closed? What's the office of origin? What does the term "office of origin" mean?

Office of origin is the somewhat now out-of-favor term for the office that has the investigative -- investigation, so office of origin for a particular case would be the office that originated and ran that investigation, so you're speaking -- the WFO would be the office of origin.

On the national security side of the house, closing documentation was generally reviewed by headquarters.

So would it be unusual if -- you say Washington field would be the office of origin on this. Would it be --

So I'm not saying that. I'm saying you've used the term "Washington field." In this particular matter, I believe we were running into somewhat of a hybrid where we had -- technically Washington field was brought over and working out of FBI headquarters as, again, a now somewhat defunct term, like a special.

Okay. So because it was sort of this hybrid, would it be unusual for Washington field to send a communication saying that they've exhausted -- and these
are my words -- they've exhausted their leads?

I think they ran some database checks, I think some FBI and some from another agency. They come back that there's no derogatory information. They're reporting that back to headquarters based on this kind of collaborative relationship between the field and headquarters.

Is it unusual that headquarters said, no, we're not going to close this right now; there might be some other things we want to do?

A     I would say it's not unusual. I played that role on the counterterrorism side several times where I would not allow a field office to close or I would tell the field office to open or to close. So I don't want to use the word -- it's not common, but it's not extraordinary. It does happen.

Q     And would it be -- in the course of this collaboration between headquarters and field, if headquarters would decide, for whatever reason, that they're not going to close the cases that field was recommending, could headquarters go back and say, well, we think there's A, B, and C investigative steps that have not been done that need to be done, so sort of a back-and-forth?

A     Sure. Yeah. There are times when
headquarters steps into the field and says, you've not satisfied us in either direction, and, therefore, we're requiring you to take further investigative steps or not take further investigative steps.

In general, the move the FBI made post 9/11 is to have a national security side of the house stronger program management and remove from the field some of the investigative autonomy that was present 20, 30 years ago.

Q And you've mentioned just a moment ago the term "special," or I think something you referred to as a headquarters special, and I think that is a term that has changed as time has gone on. I seem to remember in a different era a special was a funding mechanism where headquarters funded a field office operation for travel or whatever that would normally be incurred from the field office budget. I think in this particular matter, the instant matter, the term "special" meant something different.

What does a headquarters special mean in this instance?

A Yeah, you're absolutely right. The term "special" many years ago was when the field offices had autonomy. It provided a special funding code for the field, stronger program management, and different
funding processes. That term has largely gone away. I
think it's probably not an appropriate term. Some
people use it.

But you could argue 9/11, the PENTTBOM
investigation, was somewhat like a special. It was run
out of the basement of FBI headquarters. So maybe not
the best use of terms, but generally refer to
high-profile investigation that was pulled in closer to
headquarters level.

I can't think of too many instances in recent
memory. 9/11 PENTTBOM for sure was one of them. The
domestic terrorism matter with the militia out in Oregon
was another similar. This, I believe, was a matter. So
probably special is a term that you hear FBI agents use
it doesn't mean the same as it did when you referenced
it from 20, 30 years ago.

So there's no official term. There's no official
process. It's just a more ad hoc definition of a
different way of doing or conducting an investigation.

Q But it doesn't mean that a party to the
investigation, a subject of the investigation, is
treated differently because it's a special
investigation?

A No, absolutely not.

Q It's just the sensitivity, the high stakes,
the resources that might be needed, the extra oversight that might be needed because of what the instant matter involves; is that fair?

A     Correct. Yes. Fair to say.

BY MR. SOMERS:

Q     Were you involved in other headquarters specials throughout your tenure?

A     Domestic terrorism, Oregon militia I was the assistant director for that matter. That's probably the closest I recall. There were a couple high-profile counterterrorism investigations in the late -- like High Rise. Although run by the field, it was closer to a special. It was highly concentrated at headquarters.

Q     Midyear Exam?

A     Midyear Exam would be another one like that. So I came in, you know, in February of -- no -- yeah, February 2016, so Midyear was probably halfway over. So, yeah, I was briefed on that. So the last half of that would be another example.

Again, probably special is the wrong term, but that more high scrutiny or highly scrutinized investigation, yes.

Q     So on these, it kind of means that the seventh floor is going to have some more input than on your ordinary case? Is that kind of what makes the
headquarters special?

A  Yeah, it's not a -- I don't know

that's -- there's no -- obviously, you don't open the
book and see the word "special." It's clearly I think
for political sensitivity or other national security
concerns. The seventh floor, the director, deputy EADs
play a larger role in those type of investigations,
which were probably inappropriate to call them special,
yes.

Q  That term like seventh floor, that's a term
that would be used within the FBI. Does an FBI agent
know what that meant?

A  Sure.

Q  And would you have been part of the, quote,
seventh floor as the EAD?

A  Yeah. My office was on the seventh floor.

Q  I just want to get back to that Flynn. Even
though you weren't aware -- so you weren't aware of the
Flynn closing memo on January 4th. Were you aware that
headquarter -- I'm sorry -- the seventh floor or
headquarters asked the Flynn matter be kept open at some
point in time?

A  No. I wasn't -- I don't recall there being a
disconnect. Some folks wanted to close it, and some
folks on the seventh floor didn't.
Q      Were you aware at the time of the phone calls between Flynn and a foreign official?
A      Yes -- well, at the time I was briefed on it by either Strzok or by Priestap, SES.
Q      Either Strzok or Priestap.  Do you know about when that was?  Was it like -- was that yesterday, or was this, you know, later in January?
A      Sometime -- sometime after New Year's I believe.
Q      Were aware of Deputy Director McCabe sending two agents, including Strzok, to interview Flynn at the White House?
A      Yes.
Q      You were aware of that -- I'm sorry -- before it happened or after?
A      Yes, before it happened.
Q      Did you approve that?
A      You asked me if I -- first of all, it wouldn't have been my -- the deputy director needs to be in the conversation, so it wouldn't have been my purview to approve it. It was his decision. But it was a conversation that was had on Director Comey's table one or more mornings. So I was aware of the plan.
Q      In terms of approved, did I agree with the plan, yes?  Did I actually sign off on it?  No.
Q      So it didn't go -- I guess when I said
approved I meant up. So obviously, yes, the deputy
director eventually approved it. It can either be
approved by him, or it could go up through you and be
approved by him?

A      Yeah. And in all of those matters, not only
with Crossfire Hurricane, but in many matters, even
Midyear, these were conversations the director was
making along with recommendations from field and
headquarters and general counsel. So I recall in this
situation the decision to go over to the White House and
interview General Flynn was discussed by the director
and deputy with us present.

I think there was a conversation that occurred about
the plan for -- and I don't recall anyone saying, hey,
it's approved. Go do it. I remember walking away
knowing it was going to happen, yes.

BY MR. BAKER:

Q      Would there people present that did not think
it should happen; they had an opposite voice?

A      I don't recall. I mean, I've told -- in
other settings I have told, and I'll stick to this,
Director Comey had a very open style of leadership, and
so we often disagreed or robustly discussed situations
or decision points in the morning and the afternoon in
Midyear and Crossfire Hurricane. There were a lot of conversations where there was a back-and-forth.

In that particular instance, I don't recall. It wouldn't surprise me if there was a contrary point of view. Because often Jim Baker, whether he believed it or not, would provide contrarian opinion to kind of spark conversation and also to make sure the director was thinking about full circle in the decision process in that situation.

Q So it kind of sounds like Mr. Comey's style was to kind of have everybody at the table participate in the process. He heard everybody out and then made the decision?

A Correct. That's accurate. I mean, there were several instances while I was EAD where I disagreed with him, where I provided a commentary, and he would provide his feedback, and there would be a back-and-forth. That happened. He encouraged it, and he encouraged that type of leadership where there was rigorous debate about topics.

BY MR. SOMERS:

Q The topic of whether to alert the White House counsel, was that discussed in this meeting?

A I believe so. I believe so. But I'm not strong enough in that opinion to know when I knew about
Q The topic of whether to inform General Flynn
of penalties under 18 USC 1001, was that discussed in
that meeting?
A I don't recall.
Q Was Mr. Strzok in the meeting?
A I don't recall. He likely would have been.
I don't recall. Again, that same quorum or core group
of people that we talked about would have been present.
If they were there for every individual conversation, I
don't know, but the general same core: the director,
deputy, general counsel, deputy chief of staff, myself,
EAD Strzok. That core was there for most of the
conversations as long as they were in town.
Q Was Lisa Page part of that quorum, or let's
just say for that specific meeting? Was Lisa Page in
that specific meeting?
A Well, I don't recall if she was there. She
was there for many conversations.

Mr. Somers: I just want to remind the witness not to
get into SES names. We're not going to express this on
the record.

Mr. Somers: Yeah, I'm not asking him for the names
in that meeting.

BY MR. SOMERS:
Q    Apart from the meeting, do you recall any
discussions about the 1001 and whether Flynn should have
been warned about 1001 as part of the meeting -- I mean
as part of the interview?
A    No, I don't.
Q    Any other discussions about whether to alert
the White House counsel other than what occurred in that
meeting?
A    I thought there were conversations either
between us and White House counsel or DOJ and the White
House counsel. If I'm not mistaken, that did occur. I
just don't know time frame when or if I were a part of
those. Those probably were above my pay grade. That
was probably director DAG and director AG.
Q    Did you have any discussions with the DAG
Sally Yates about the interviews?
A    I was present for conversations. My direct
chain of command wouldn't go to Sally. I was there.
There was probably once or twice a week at the
director's briefing that the AG, the DAG, and their
staff would come over and have a follow-on briefing.
Some of these conversations took place in that
setting, but at times the DAG or agent would go off in a
sidebar with the director. I don't recall in what
format that would occur, those conversations would
occur.

Q     Do you recall any conversation, any
discussion where Sally Yates expressed the sentiment
that either Flynn or Trump White House or incoming Trump
White House should have been defensively briefed about
Lieutenant General Flynn's phone conversations?

A     I don't recall that.

Q     Do you recall any concern being raised by
Sally Yates about the interview?

A     Yeah. So to answer the question more
appropriately, everything you're saying rings true with
me, but, again, I don't recall. This was in the news
for a lot, so I don't recall. Everything you said, I
would basically be able to say, check. Got it. Got it.
I just don't recall if I was aware of it in January 2017
or at some point post retirement. So it sounds
familiar, Zach, but I'm not sure if I knew about it in
2017. It's likely that I would have. I can't say for
sure.

Q     In that January time period, you recall being
involved in any discussions where it was DOJ has this
opinion about what we should do with Flynn; we FBI have
a different opinion? Do you recall any discussions like
that?

A     Yeah, I vaguely remember Sally Yates was
not -- did not feel we were going far enough, but I don't recall. I don't recall the specifics about that.

Q     Were you involved in any discussions regarding the Logan Act as it relates to General Flynn?
A     No.

Q     Are you familiar with the Logan Act?
A     Yeah.

Q     Did you have any discussions in that time period at all about the Logan Act?
A     I'm sure I would have. I don't recall the specifics.

BY MR. BAKER:

Q     It doesn't have to necessarily be in the instant case, but you have a good, rich investigative background on both the criminal side and national security side. If you recall, at any time in your career where you're going to do an interview of a subject, is it unusual to have a meeting with maybe another agent that you're going to take on the interview with you and kind of sketch out what you hope to get out of the interview, what courses of action or what kind of responses you think that the subject of the interview might give and then what weaknesses or vulnerabilities you might be able to leverage to get a confession or whatever the goal of the interview is?
Bottom line: Is it unusual to have a pre-interview meeting with your co-case agent to kind of discuss a strategy on an interview?

A     It's not unusual, no.

Q     And is it unusual going into an interview -- and this would include your OPR or your internal interviews.

Is it unusual for the interviewers to know more about what the subject has done than the subject necessarily knows?

A     It's not unusual. It's actually quite common to have -- you go into an interview hopefully with a position of power and know more about what's going on so that you can then ensure the truthfulness of the interviewee.

Q     And would it be uncommon to have an alternate interview strategy? If you think you're going to get a confession or something and something different happens, that you have kind of a roadmap determined in advance how you will navigate the interview if in fact you don't get what you initially expect?

A     Yeah, I suppose. I wouldn't articulate that interview's a free-flowing process. I mean, you go in with information you have and you use your ability to communicate and the interview kind of takes on a life of
its own, and so likely, although you planned for the
interview to go a particular way, it very rarely goes
the way you planned. So you would just base it on the
responses and kind of the relationship that's been
developed.

Q Right. So aside from being in the moment and
responding organically to what you're getting out of the
interview, it wouldn't be unusual to have some maybe
very high-level thoughts about, well, if they confess to
where the body is, we'll go this way; if they don't, we
may have to go that way?

A Yeah. I mean, confession is a strong word
for a noncustodial interview, but I mean if you -- you
know, you go into an interview, particularly a
high-level interview like this, you'd hope to have some
goals or objections from that interview.

It could also not just be between other cases. You
would likely be communicating with DOJ or whoever the
prosecuting entity was about what the overarching goal
of the interview is.

Q Okay. And I think that's a very important
point with me. You wouldn't go into an interview, and
especially maybe not a high-level, high-profile
interview, without any kind of preparation. You would
at least sort of sketch out what the goal of the
interview was, what you might do if the interview terminated. You would at least have some kind of roadmap to keep things going towards the direction for whatever purpose the interview is?

A You're speaking hypothetically. I would hope not, but it probably happens. Hypothetically that's what you would want your case agents to do. I don't know it happens all the time, but you are laying out the ideal roadmap for an interview. Whether or not it happens all the time or infrequently or how often, I couldn't tell you. I know how I did it as an agent, but I would expect when I was running a case, although not the supervisor on the case, but your point is taken that's ideally the way it should be done.

Q So it's ideal, so it's not unusual. It might be unusual that people do the ideal all the time, but it wouldn't be unusual for somebody to do those things that make a good interview; i.e., having some sort of roadmap?

A Correct.

BY MR. SOMERS:

Q I think the term you used was goals and objectives going into an interview, what the goals and objectives were. Were goals and objectives discussed at all in these meetings with the deputy director and the
director in terms of the Flynn interview?

A I don't recall enough about any topic associated with Flynn or the interviews to give you any clarity on what was discussed, any specifics, no.

Q To switch -- a couple more subjects I want to cover. Just briefly, do you know how the Crossfire Hurricane team was selected?

A I do not.

Q All right. Let's talk about were you aware that Lisa Page and Pete Strzok were having an affair?

A No.

Q Were you aware they had a personal relationship?

A I was aware that they were associates, close associates who worked together very closely, yes.

Q So Bill Priestap never raised to you some sort of improper personal relationship between Pete Strzok and Lisa Page?

A Bill Priestap didn't raise to me concerns that Lisa Page and Pete Strzok were having an intimate relationship. Bill Priestap raised to me concerns that Lisa was taking information and going to the deputy.

Q Taking information from Strzok?

A Yeah. In other words, Lisa was part of some of the investigative processes. Instead of being a part
of that process, she was not following the chain of
command. There was concern about that.

BY MR. BAKER:

Q     And does that cause problems for you
specifically as an EAD in the chain of command, that
you're being bypassed?

A     Yeah. I had conversations with both Pete and
Lisa about that, but I did not know the intimate
relationship behind that.

Q     In the last round, you had indicated that the
evolution of counterintelligence cases at the Bureau has
a low threshold for that because there's been things
that have been missed and, you know, in hindsight
there's identifiers that kind of alert you to things
that maybe need to be looked at closer than historically
wouldn't.

In the list of things that cause potential problems
in counterintelligence investigations, especially
espionage type investigations, is extramarital affairs
something that can be problematic for somebody working
in counterintelligence, a vulnerability? Does it create
that?

A     Are you asking me as the subject of an
investigation or as the investigative team?

Q     Does two people that work in
counterintelligence investigations and have access to things that hostile intelligence services would be interested in, does the fact that two people involved in those types of investigations for the FBI, does that create a vulnerability for them to be targeted by hostile intelligence service?

A Hypothetically, I'm not sure I'm following your train. If your statement is that in the FBI if two individuals are having an affair, an extramarital affair, if they create a concern from an investigative perspective, I'd say no. Could that potentially be exploited by a hostile foreign government? Yes.

But I think any extramarital affair -- if I was having an extramarital affair with somebody in my office, regardless of whether I was part of an investigation or not, that's one of the classic exploitation signs, so I -- classic exploitation elements.

I'm not sure what you're getting at. If your point is that because Lisa and Pete were having an affair, did that make them vulnerable or -- I would say probably no -- to this investigation? Was it inappropriate? Yes. Do I think necessarily that it negatively influenced the investigation? I don't know that I would agree with that.
Q. But did it negatively impact any aspect of the investigation? I think you said earlier they were bypassing the chain of command and going to each other. Does that relate to their --

A. So I don't think that they were bypassing the chain of command because of their relationship. So Lisa's job was to be an advocate for the deputy director and to provide him information. As I counseled Lisa on one occasion, that's her job, to support the deputy director. She could do it one of two ways: First way was to go and build relationships with the team and work through the team and push that information that needs to get to the deputy directly, which is through Bill and through me, or she could do it an alternate way and make enemies and go run straight to the deputy with that information and create enemies, which is the way she was doing it.

My counsel to her was support the deputy, which is your job, but do it in a way that's not creating friction with the larger team, which is what she was doing.

So what you're talking about is the briefing structure. I don't know that it was affecting the integrity of the investigation itself. It was certainly causing problems on the seventh floor or with the chain
of command that she was briefing. Does that distinction make sense?

Q     Yeah. I understand. I guess I'm still a little confused on this whole idea of extramarital affairs. Isn't that part of the insider threat that there's warning signs for? I mean, I've heard in other interviews, because this topic has obviously come up because that was the part that the media focused on so much and the texts and all.

I'm a little confused by the different responses we've gotten. We've gotten everything from as long they're doing their work, the fact they're having an affair isn't really any consequence, and I mean every other kind of variation of it.

Is it something the Bureau would put an end to because they're working on some of the biggest cases in the Bureau, or is it truly that it's not a big deal?

A     So we're in a building where I think it's not unusual to have extramarital affairs with many folks. It's a reality that we live in today. Is it appropriate? No. It can be problematic, yes. If we found out about it, would we shut it down and remove those people? Absolutely, yes. Does it happen probably a lot more frequently? Absolutely, yes. In the totality of those times it happens, does it result in
catastrophic results?

So I think you're probably getting a wide variety of answers because people have a wide variety of opinions to it. I think most people would argue that Pete was married and Lisa was married and it was inappropriate. But, you know, unfortunately, personal lives that people lead are confusing at best. I think we're -- when it became inappropriate from the FBI's perspective is they were working on the same case, in the same chain of command, and they used Bureau communication devices to have conversations.

Outside of that, whether Pete and Lisa were having an affair is probably appropriate for their spouses and their families, but, you know, unfortunately, we live in a world this happens probably more frequently than we are willing to admit, as you can see with the media over the last couple years in the private sector and public sector.

Q    I understand that. But I guess the part I'm still confused on is why would they be allowed to stay in those types of investigations as opposed to being --

A    I'm not aware that anybody -- it first came to light to me that they were having an intimate affair when -- in fact, I didn't know about it, but all of a sudden I saw -- I heard that Pete was removed. I still
1 didn't know why Pete was removed. It was several days
2 later that I found out.
3 So I'm not aware of anybody from the director on
4 down certainly to me at my level that Pete and Lisa were
5 having an intimate affair. If they were, absolutely I
6 would have shut that down, but I didn't know that. If
7 somebody has testified to or told you they knew that, it
8 wasn't communicated to me as far as I know, and it
9 certainly wasn't communicated to Andy or the director.
10 BY MR. SOMERS:
11 Q         Bill Priestap testified before the House
12 Judiciary Committee that he was at least told that they
13 were having an affair and then spoke to both of them
14 about it or something along those lines. I'm not sure
15 he knew for sure they were having an affair. I'll
16 represent his testimony was that.
17 But I will represent that he was at least aware that
18 there was, say, a rumor that they were having an affair
19 without the benefit of his testimony in front of me
20 right now, but he never raised that to you?
21 A         He never raised that to me. And look, again,
22 as somebody who now leads a very large
23 organization -- let's be clear -- as a leader you
24 provide strong guidance and counsel. When you hear
25 rumors, you take action to the extent the rumor's a
1 rumor right.

2 So if I'm in Bill Priestap's shoes and I hear an
3 uncorroborated rumor, I'm certainly going to advise my
4 director, Pete Strzok, hey, there's a rumor out there.
5 Maybe you want to take more caution in how you meet or
6 the relationship you have with Lisa so that there's no
7 view that there's a relationship. But I don't know if
8 that's the tack he took or not.

9 Q You mentioned a few minutes ago that you -- I
10 think the word you used was counseled Lisa Page on going
11 around the chain of command. Do you know if that
12 counseling worked? Did you see any difference in her
13 subverting the chain of command?

A It's hard to say where we were at. I mean, we had long conversations. She said she got it; she
16 understood it. I don't know that there was a -- it's
17 not a one or the other. So I don't know that it
18 necessarily influenced her and she started to do a
19 better job. I can't comment as to whether I saw or
20 noted a difference or not.

Q Let me read to you from pages 64 and 65 of
22 the IG Report. I think it's page 64. Priestap also
23 told us that he originally wanted to assign
24 investigation to a deputy assistant director, DAD, other
25 than Strzok because, although he had confidence in
Strzok's counterintelligence capabilities, he had concerns about Strzok's personal relationship with Lisa Page affecting the Crossfire Hurricane team. According to Priestap he told Steinbach about his concerns and Steinbach was supportive of his decision to remove Strzok from the team, but his decision was overruled by McCabe.

First, I think you said you recalled Priestap --

A I don't recall it.

Q You don't recall him raising the personal relationship with you?

A No, that's not true. I recalled Bill raising concerns about Lisa's circumventing the chain of command and doing it because of the information that she and Pete were working on together. I don't recall Bill telling me or asking me or advising me that he wanted to remove Pete from Crossfire Hurricane. I don't deny that it may have happened. I just don't recall it.

Q Did you at any time want to remove Pete from Crossfire Hurricane to give him I think -- give me one sec here.

Mr. Baker: More of a broad-based experience, traditional.

BY MR. SOMERS:

Q The quote is traditional DAD experience.
That's on page 64 of the IG Report.

A     So I don't recall saying that, but it sounds like something I would say. I did have a concern because Pete was too narrowly focused on -- he was largely acting as super case agent, and my thought was, you know, he was probably our most experienced and well-respected senior executive in counterintelligence, so I thought he would be the heir apparent to Bill when Bill left.

So it sounds like something I would say, but I don't recall saying it. I don't recall telling my boss, hey, you should remove Pete from Crossfire Hurricane or he should not be a part of Crossfire Hurricane.

Q     So then this last part of the sentence -- sorry -- or the second sentence, "According to Priestap, he told Steinbach about his concerns and Steinbach was supportive of his decision to remove Strzok from the team, but his decision was overruled by McCabe."

So I guess that's two questions. One, were you supportive of the decision to remove Strzok from the team, and the second, were you overruled by McCabe?

A     Yeah, I don't recall. I don't recall that I had a conversation with Bill about removing Pete from Crossfire Hurricane, and I don't -- nor do I recall
asking or making a request of Andy McCabe, the deputy
director, to remove Pete from Crossfire Hurricane.

I'm not refuting Bill's testimony. I just don't
recall it.

BY MR. BAKER:

Q     But it wouldn't be unusual for you as an
executive, or even all the way down to an SSA, to
courage career development or developmental
opportunities for somebody that you see as a rising star
or somebody that's on the career development path. It
wouldn't be unusual to say this person's got talent;
they need to also get experience in this or it's time
for them to do inspections or whatever. That would not
be unusual?

A     Yeah, it would not be unusual. I knew Pete a
lot longer than I knew Bill, so I had a good
relationship with Pete. I thought he was a very
aggressive counterintelligence agent, so I recall having
conversations with him, developmental conversations with
him about his future, to include to be careful that his
relationship with Lisa, that he was not -- information
was flowing up correctly, but I don't recall
specifically this conversation you've referenced. I
don't deny that it might have happened. I just don't
recall.
Q It sounds like -- in the last round someone asked about your assessment of Mr. Priestap. It kind of sounds like your assessment of Mr. Strzok is he's a competent intelligence agent?

A Absolutely.

Q And maybe more than competent.

A And he'd been involved in a number of important counterintelligence investigations. In fact, Pete and I worked a matter in Guantanamo Bay many years before. I was the counterterrorism supervisor, and he was the counterintelligence supervisor. He had a strong sense investigatively.

Q And in your opinion, he was somebody that had potential or would continue to move up through the ranks. I think you said you thought he might be the heir apparent to Mr. Priestap.

A Right. I did, yes.

BY MR. SOMERS:

Q Just for a second here -- I think we're almost done, but we discussed the first time in our first round your daily briefings with -- or Priestap characterized the daily briefings as the Carter Page -- you get the FISA on Carter Page. Were you being briefed at all on, like, what you were learning from the Carter Page FISA collection?
A Not on a daily basis. I'd say probably I was given periodic updates into the larger Crossfire Hurricane. Some of that may have included Carter Page information; some of it may not have.

Q Do you recall that you were being told they were learning stuff; this FISA is valuable?

A I don't recall.

BY MR. BAKER:

Q In hindsight, having done a career and moved on -- it sounds like it's pretty significant important things in your post period of life -- if you had to make suggestions or changes to the FISA process, is there anything that stands out based on your experience and where you've been in the FBI?

It sounds like there's a lot of moving parts in the FISA process and there's a lot of personnel movement in the FBI, and people go on to check a box here and there as they continue their career progression. Is there anything that should be changed so there's a more developed workforce that has an expertise in these matters rather than coming in and trying to play catch up to learn a process that sounds kind of complicated and then to move on to the next thing only to have it backfilled with somebody that is right back to negative experience or little experience?
It just seems like there's a constant cycle of people coming in and out and a training that doesn't seem like it's always working, and the Woods File issue is a specific example.

I would just be curious what you have in hindsight if you were asked to come in and fix the FISA process -- because it's not just this case where there's been issues with FISA. In recent times, the IG's found other audits to be deficient, and, I mean, I know from personal experience going way back before this, there's always been, because of the back-and-forth between headquarters and the field and because of all the different moving parts and DOJ seems to be more involved in these types of cases than they necessarily are, just bottom line there's a lot of moving parts.

What could you suggest to be changed that would eliminate some of the confusion maybe that the case agents have? Is it more training? Is it keeping people career tracked where they stay in counterintelligence from the time they enter on duty? I'd like to hear from you, what you'd fix. If you had thoughts on that, what would you fix?

A Sure. So I think you bring together two topics which I'm going to separate. The first more simple one is the FISA process. So I would say that
while I was in the FBI I did not think there was a problem with the FISA process. Clearly, there's been some facets that have come to light that I -- I can't say that I've read it closely because obviously I'm not following all this stuff, but it's clear to me that there's some mistakes that were made in the FISA process.

So you fix that, much like my job now that I have, through a strong government control process. So you build an automation where you've got an ability to monitor through controls, and you test and audit that process. That would be my suggestion for FISA.

Your other assertion about movement of people, I completely disagree with you, and I think people who make comments about movement of FBI agents and turnover at headquarters as a cause for concern are mistaken.

I'll use an example of the US military. Identify any flag rank officer and ask that flag rank officer how long he or she stays in a particular role. The role of a commanding officer of the units, the squadron, a battalion is a year. They successfully run the United States Navy, Marine Corps, the Air Force, and the Army with an up or out policy. You can't stay and maintain and be a specialty 03 or 04 officer.

The FBI has a lot of specialists, and those are
GS-13 special agents. If you decide that's what you want to do, the body of our workforce are those specialists who do the job day in and day out. Now, if you want to get into the management track and be a leader, leaders need to be broad-based in their experiences.

The fact that leaders go and spend two years here, two years here, two years here is that a problem? It's not a problem from a leadership perspective. You certainly run out of time. You look at an FBI agent as a 20-year or a second career opportunity, and most agents retire at 50. You can run out of time to check off blocks, but your argument and if you're asking me to weigh in on my thoughts about leadership progression in the FBI and that being part of the problem, I would say absolutely not.

Q    Do you think the mandatory retirement age or the eligible retirement age on lower, do you think that creates a vacuum of experience that results in an even younger workforce without senior people to mentor them? Do you think that is in any way wrong?

A    So I had this conversation with Director Comey on my last day, and, yes, I think the workforce is in two different groups. FBI agents who remain journey FBI agents who do entire career in field, they want to
retire at 50, I think it's fine.

Once you enter into the SES ranks, the fact that you can retire at 50 creates a turnover that's not appropriate. Look, I left at 50 because there were opportunities available in the private sector and I had a family. The US government does not pay executives in government to stay in government, and there's unfortunately a turnover. I think that the FBI should mandate that SESers remain SESers. If you decide to, say, be an SAC, you need to stay a few years longer to create more consistency.

So I think you need to split the workforce. The working agent, let that agent retire at age 50. However, if you enter into the executive ranks, you need to maintain some consistency. They should not be allowed to leave at 50. So what do you have to do? You have to incentivize them. Congressmen and, quite frankly, the administration have done the opposite. They assert that executives in government are overpaid.

I can tell you that if you go out in the private sector and you get four, five, six times your SES salaries. So clearly there's a discrepancy. And so you see that flight, that needs to change. Now, the other thing that can happen, you should bring back senior executives in the FBI like myself who've been in the
private sector to jump into the EAD ranks. I do think there is an organizational leadership structure that needs to be taken and needs to be looked at from the leadership ranks of the FBI.

Q     And you think that --

Ms. Zdeb: Excuse me, Art. I think it's been about an hour, and I'm mindful of Mr. Steinbach's hard stop at 2:00. I don't think that we will have much more than a half hour of questions, but I'm curious whether you're --

Mr. Baker: I'm done except for 15 more seconds.

BY MR. BAKER:

Q     Do you think that any of what you've just articulated as potentially deficiencies in the Senior Executive Service retention, having to stay on, do you think that contributed to any of the FISA mishaps because there is such a young workforce?

A     No.

Q     Do you know what a green SAC patch is?

A     Yes. I have one.

Q     And what exactly is that?

A     A contractor or the ability for former employees to get in, that badge?

Q     That one.

A     Do I know what it is? Yeah. I have one.
Q     And does every former employee get one, or
what do you have to get a badge that allows you to get
in after you've retired?

A     Well, any former employee who takes on a role
as a contractor of course could, for specific purposes,
could get one, but often senior executives are allowed
to keep access to go back and provide -- the idea is to
as necessary provide expertise or assistance, et cetera,
et cetera.

I've gone back on a number of occasions and provided
briefings on topics, whether it's to finance or
criminals. It's just a way for former executives to
stay in the loop. I know for instance the former ADD,
Tom Harrington, comes back and consults quite often on
strategic topics, on finance topics.

Q     So this is a badge you keep in perpetuity, or
is it time limited?

A     No, it's time limited. It's like a -- if
your clearance is five years -- I have a five-year
clearance. At the end of those five years, I would have
to go and renew it to keep it, but I have one. So I
suspect if I want to keep it, I have to go back and have
another security clearance and polygraph to keep it.

Mr. Baker: Okay. Thank you.

(Recess.)
BY MS. SAWYER:

Q     I just wanted to ask a few questions related to the Steele dossier. You had, in talking to my colleagues, indicated that at some point it came into your possession and you had had a copy of it, and you couldn't recall specific timing. I think you said you thought it might have been the summer of 2016.

And I just -- in the Inspector General's Report on page 100, it indicates that, and I'll just quote that second paragraph, which just says, "On September 19th, 2016, the Crossfire Hurricane team received the Steele reporting for the first time when Handling Agent 1 e-mailed SSA 1 six reports for the SSA to upload."

So it just sounds from that like the folks at headquarters who were handling it didn't have it until September.

A     Yeah, so that's correct. So I was wrong. So then after -- so clearly I had it, and I got it from Bill. I asked Bill, hey, can I see a copy of it. So whenever it came to headquarters, eventually it came to be at my desk.

Q     And I ask in part just because there have been sometimes claims, not accurate claims, but claims that the Steele dossier was part of the reason that the Crossfire Hurricane investigations were opened in the
end of July, and the Inspector General actually found that that wasn't the case, that the Steele dossier had played no role, and I just wondered if your recollection was consistent with that finding.

A: I don't recall to be honest with you.

Q: But certainly you don't have any reason to believe that was --

A: No.

Q: The Steele dossier has played a very large role in a lot of the public dialogue around this, and so I'm going to describe that dossier as opposition research on a candidate because it did derive -- a company that was working with and campaign hired Mr. Steele and asked him to do research and that's where it derived from.

I'm kind of curious. I don't think it's probably the first time what was opposition research came into the FBI's possession. I think it's certainly not the last because right now we know that information being gathered by Rudy Giuliani is being passed to none other than the Attorney General for possible consideration as to whether he should be investigating.

So I'm not asking you for a political opinion at all. I'm just asking you for based on your expertise and experience, is it -- it's been suggested that with
regard to the Steele thing, it should have been ignored completely by the FBI. Do you agree with that assertion?

A     No.

Q     So how should it have been handled?

A     So you handle the source information like we handle all source information, with healthy skepticism as to motivations, sourcing, and subsourcing. It's not different — again, it's not different from being on the streets in Chicago and talking to a corner drug dealer who is providing information on a rival drug dealer, right. Because there's likely motives behind sources offering. Very rarely does a source just provide the information as in good conscience. It happens, though.

With all sources, you take a look at it, and you apply healthy skepticism, and you then go and break that apart. A lot of times source information is only partially correct. So you'll have bits and pieces that are accurate and bits and pieces that are false. You then go and you need to investigate to try to develop more information to run down those leads.

Q     And from your perspective, you weren't -- I just assume you weren't closely involved in any efforts that the FBI and others took to assess the sourcing, run down the leads. You were relying on other individuals
to do that?

A    Yeah. That wouldn't be my role as an EAD.

I'm aware that it was going on, but it would have been
part of the normal investigative process.

Q    And you are aware, at least sitting here
today, that information contained in some of the Steele
reporting was included in the application submitted to
the FISA board for Carter Page; is that accurate?

A    Yeah, I'm aware of it. I don't know that I
necessarily -- I probably assumed it with the FISA
application. I know now that it's all over the media of
course.

Q    Are you aware whether or not the FBI relied
on any of the Steele reporting beyond the application to
the FISA board for Carter Page in any of its
investigative steps?

A    Can you say that again, please?

Q    Yeah. It wasn't a very good question. Let's
try again.

Are you aware whether or not the FBI relied on the
Steele dossier in terms of its investigation of George
Papadopoulos?

A    So I can't answer that question specifically
other than I would assume so and hope so. I mean, I
don't -- I didn't look at the case file, so I can't tell
you step by step what was involved in terms of the investigative process. But I would hope that all information that was used as a part of the investigation, including the Steele dossier so to speak, regardless of where it came from should be part of the investigation.

Q    So to the extent there is information available to the FBI, what I hear you saying is, and I'm going to use a stronger term than you've used, it's a potential dereliction of duty not to at least consider it?

A    In any investigation, criminal and national security, you pull in all information, whether that's good, bad, positive, negative intelligence, all a part of your picture you paint.

Q    And have you looked at the FISA application vis-à-vis the description to the court as to the source of that information?

A    I have not.

Q    I want to turn -- so you don't have an opinion as to whether or not how the source and its tie to a political campaign was provided to the court -- how it was described to the court?

A    Yeah, no, I don't.

Q    I want to turn just for a moment -- there was
a lot of discussion about both Lisa Page and Peter Strzok and their personal relationship.

With regard to Peter Strzok's actual performance, did you note anything in his performance that caused you concern as to how he was conducting the Crossfire Hurricane investigation?

A     No.

Q     And, presumably, had you noted anything in his actual performance that was troubling, you would have sought to either correct that or remove him for performance-related reasons?

A     Yes.

Q     Did anyone else ever note to you or complain to you about Mr. Strzok's actual performance on the case?

A     Other than what was mentioned earlier, no. The conversation that Bill stated he had with me about his concern about Lisa and Pete's relationship, I don't recall that conversation, but I don't specifically recall anybody commenting or having concerns about Pete's performance as a leader. The only person who would have that conversation with me would be Bill Priestap, his boss.

Q     And you don't recall any conversation where Mr. Priestap expressed to you concerns about how
Mr. Strzok was conducting the investigation?

A I don't.

And with regard to Lisa Page, was she a decision-maker in any way with regard to the investigation?

A She was not.

BY MS. CALCE:

So I'm just going to ask a few questions about the January 24th interview of Michael Flynn. Were you involved in that interview?

A No.

Were you aware that it was going to take place?

A Yes.

You know, there have been -- you were asked earlier whether it's unusual for the FBI to talk about the goals for -- for maybe two case agents to talk about the goals for an interview before that interview takes place. Is that correct or is that unusual?

A The case agents would do the interviews.

Right.

Yeah, it's not -- it's a hypothetical question, but, yeah, it's not unusual for two case agents to collaborate and kind of figure out the game plan for the witness interview.
Q And as part of that, they might, you know, consider multiple approaches to an interview?

A Sure.

Q And I think you said that -- well, not in the context of this, but it's possible that somebody might suggest -- play devil's advocate, say -- might play devil's advocate, might say, you know, we should think about different approaches. This might work. This might not work. This is a risk.

A Sure.

Q So there have been some accusations in the news -- you might have heard -- with regard to the Flynn case that the FBI's goal was to entrap Flynn, to kind of intentionally get him to lie. Now, I've always understood entrapment to involve some element of trickery, to involve coercing a crime by defendant who might otherwise not be predisposed to commit one.

What is your understanding of the conduct that would constitute entrapment?

A Yeah, you're absolutely right. So entrapment is a strong term. Essentially, if I'm not predisposed to commit a crime, somebody comes in and tricks me or coerces me to commit that crime, that's entrapment. Getting somebody to make a statement is not entrapment.

In fact, I'll take it a step further. Often when I
1 interview subjects, I talk to them and use a variety of
2 ways to get them to admit or make statements.
3 Q And is it ever entrapment to simply ask a
4 question and give the witness the opportunity to tell
5 the truth then?
6 A No.
7 Q And if they lie in response to your question, is that
8 entrapment?
9 A No.
10 Q And to the best of your knowledge as you sit
11 here today, did any FBI employee coerce Mr. Flynn into
12 lying about his discussions with a foreign official?
13 A No.
14 BY MS. SAWYER:
15 Q A quick follow-up. I just can't recall from
16 one of my colleagues who was speaking with you whether
17 or not you recall what triggered the decision to
18 interview Lieutenant General Flynn.
19 A I don't know that I'm a hundred percent sure.
20 I believe it had to do with the conversations that were
21 picked up --
22 [REDACTED]: I'm going to instruct the witness to be
23 careful about names being used.
24 The Witness: Yeah, I think that the intelligence
25 gathering process would be -- I'm sorry.
I believe that the reason for our decision to interview him was because he was picked up on an intelligence-gathering platform.

Ms. Sawyer: Can we go off the record just for a second?

(Discussion off the record.)

The Witness: So we gathered information in the course of our investigation that necessitated us going and interviewing General Flynn to obtain more detail on that information.

BY MS. SAWYER:

Q So, again, I'm going to ask you a few questions that are in a relative vein of hypothetical so as to not get into any sensitive information. I just want your sense.

As a -- certainly as a counterintelligence matter, if the FBI was in possession of information that indicated that an incoming National Security Advisor had lied to the vice president about his interactions with a foreign government, what kinds of concerns would -- might that raise?

A I think that's probably too political for me to answer. I mean, I think if any individual, particularly in a position of trust in government, withheld or concealed information or relationships with
a foreign government, particularly an adversarial foreign government, that's a problem, and that's a very concerning behavior pattern.

I won't comment as to whether an incoming National Security Advisor lied to the vice president. I mean, it's more of a political situation. Withholding information regardless of who it's to would have been a concern to me.

Q And I am honestly not trying to get you to make a political statement. I'm happy to alter the --
A I just don't want to get into --
Q Understood. I'm just trying to get a sense of, you know, there have been allegations that there was no legitimate reason to be questioning Lieutenant General Flynn.
A Yeah, that's wrong. Absolutely.
Q And can you explain why that would be true, why he should have been questioned?
A He's the incoming National Security Advisor, and information was identified that was concerning for us. He's in a particular position of trust with access to very sensitive information. That is absolutely appropriate.

Ms. Sawyer: Give us a minute, and we'll just make sure that we're --
So I think we are finished with our questioning. We appreciate you taking the time and coming in and answering questions that we have. I don't know if you had any --

[Redacted]: Before we close can record -- actually, can we go off the record for a moment?

(Discussion off the record.)

BY MR. SOMERS:

Q Mr. Steinbach, in the first round we discussed meetings that included the director and/or the deputy director, yourself, and others, and we were going through attendees at that meeting, and there were two attendees that I didn't get to ask you about in the first round. I'd like to ask whether they attended those meetings.

Do you recall the discussion prior to that, just first?

A Yes.

Q Do you know if -- I'm going to use their identifiers from the Inspector General's Report. Do you know if the OGC attorney was a participant in those meetings?

[Redacted]: And, again, I'm going to instruct the witness not to answer. We haven't received clarification on whether we are allowed to go into
non-SES names here today.

BY MR. SOMERS:

Q  And, for the record, I'm using his identifier from the Inspector General's Report. I'm not asking you his name.

Do you know if the person identified on page 82 of the Inspector General's Report as the supervisory intelligence analyst was at those meetings with the director and/or deputy director?

[: And, again, I'm once again going to object and instruct the witness not to answer because we have not received clarification on whether the witness can discuss non-SES names here today.

Mr. Somers: All right. I think that concludes the interview, and I thank the witness for attending voluntarily.

The Witness: You're welcome.

(Whereupon the proceedings were adjourned at 1:53 p.m.)
ERRATA
Notice Date:  
Deposition Date: June 12, 2020  
Deponent: Michael Steinbach  
Case Name: Senate Judiciary Committee

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Notice Date:
Deposition Date: **June 12, 2020**

**Deponent:** Michael Steinbach

**Case Name:** Senate Judiciary Committee

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SENATE JUDICIARY COMMITTEE
U.S. SENATE
WASHINGTON, D.C.

INTERVIEW OF: STEPHEN C. LAYCOCK

MONDAY, JUNE 15, 2020
WASHINGTON, D.C.

The interview in this matter was held at the Dirksen Senate Office Building, Room SD-226, commencing at 10:00 a.m.
APPEARANCES:

Zachary N. Somers, Chief Investigative Counsel
(Majority)

Arthur Radford Baker, Senior Investigative Counsel
(Majority)

Sara Zdeb, Senior Counsel (Minority)

Joseph Charlet, Counsel (Minority)

[Redacted], FBI Office of the General Counsel,
Assistant General Counsel

[Redacted], FBI Office of the General Counsel,
Assistant General Counsel

[Redacted], US DOJ FBI Supervisory Special
Agent, Office of Congressional Affairs

Richard L. Swick, Counsel for the witness

[Redacted], Counsel, DOJ

[Redacted], FBI OGC

Mary Grace Castleberry, Court Reporter
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EXHIBITS
(No exhibits were marked.)
Mr. Somers: This is a transcribed interview of Stephen Laycock. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee into matters related to the Justice Department's and the Federal Bureau of Investigation's handling of the Crossfire Hurricane investigation, including applications for and renewals of the Foreign Intelligence Surveillance Act Warrant on Carter Page.

EXAMINATION

BY MR. SOMERS:

Q Would the witness please state his name and current position at the FBI for the record.


Q Thank you. On behalf of Chairman Graham, I want to thank you for appearing today and we appreciate your willingness to appear voluntarily.

My name is Zachary Somers. I'm majority chief investigative counsel for the Judiciary Committee. I'd now like to ask everyone else here in the room to introduce themselves for the record except for your personal counsel who I'll get to in a few moments.

Mr. Baker: Arthur Baker, senior investigative
counsel, majority staff, Chairman Graham.

Ms. Zdeb: Sara Zdeb, senior counsel for Ranking Member Feinstein.

Mr. Charlet: Joe Charlet, counsel for Ranking Member Feinstein.

[Redacted]: FBI OGC.

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[Redacted]: FBI OCA.

BY MR. SOMERS:

Q The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I would like to go over.

Our questioning will proceed in rounds. The majority will ask questions for the first hour and then the minority will have the opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more questions and the interview is over.

Typically we take a short break at the end of each hour of questioning, but if you would like to take a break apart from that, please let us know.

As I noted earlier, you're appearing today voluntarily. Accordingly, we anticipate that our questions
will receive complete responses. To the extent that you decline to answer our questions or if counsel instructs you not to answer, we will consider whether a subpoena is necessary.

As you can see, there's an official reporter taking down everything that is said to make a written record, so we ask that you give verbal responses to all questions. Do you understand that?

A     Yes, I do.

Q     So if the reporter can take down a clear record, it is important that we don't talk over one another and/or interrupt each other if we can help it. The committee encourages witnesses who appear for transcribed interviews to freely consult with counsel if they so choose. And you're appearing here today with counsel.

Mr. Somers: Would counsel please state his name for the record.

Mr. Swick: Richard Swick.

BY MR. SOMERS:

Q     We want you to answer our questions in the most complete and truthful manner possible so we will take our time. If you have any questions or if you do not understand one of our questions, please let us know.

If you honestly don't know the answer to a question, do not remember it, it is best not to guess. Please give
us your best recollection and it is okay to tell us if you
learned the information from someone else.

If there are things you don't know or can't
remember, just say so and please inform us who, to the best
of your knowledge, might be able to provide a more complete
answer to the question.

You should also understand that although this
interview is not under oath, you are required by law to
answer questions from Congress truthfully.

Do you understand that?

A     Yes, I do.

Q     This also applies to questions posed by
congressional staff in the interview. Do you understand
this?

A     Yes, I do.

Q     Witnesses who knowingly provide false
testimony can be subject to criminal prosecution for
perjury for making false statements. Do you understand
this?

A     Yes, I do.

Q     Is there any reason you are unable provide
truthful answers to today's questions?

A     No.

Q     Finally, we ask that you not speak about what
we discuss in this interview with anyone outside of who is
here in the room today so that we can preserve the
integrity of our investigation. That's the end of my
preamble.

Do you have any questions before we begin?
A No, I don't.
Q It's now 10:02. We'll begin our first round
of questioning. Have you had a chance to review or read
the December 2019 report, IG report on the Carter Page FISA
application?
A Portions of it.
Q Other than your attorney, did you speak with
anyone in preparation for today's interview?
A No.
Q What we're mainly interested in -- and I'm
assuming FBI counsel talked to you about this today -- is
discussing your interactions with Kathleen Kavalec relating
to Christopher Steele that occurred presumably in the fall
of 2016, although we do have some other areas that I think
we'll go into.

What position did you hold at the FBI in the fall of
2016?
A I was the section chief for the
counterintelligence division, Eurasia program.
Q And who did you report to in that position?
A During my time there, I reported to the
deputy assistant director. My first one was William
Johnson, second one was Jen Boone.

Q  And when did that division between the two of
them occur, roughly?

A  I don't remember. One got promoted and -- I
don't remember.

Q  Do you recall if it was Jen Boone throughout
the relevant time period, the fall of 2016?

A  Yes, it was.

Q  And what were your responsibilities in your
position as the section chief of the Eurasia division?

A  So I -- as the section chief, I covered the
traditional counterintelligence work relating to Russia,
Eurasia countries, Belarus, Ukraine. I was the national
program manager for the FBI.

Q  And those responsibilities, those would be
counterintelligence responsibilities for Eurasia, they
don't extend -- it's not Eurasia generally. It's
counterintelligence for Eurasia?

A  Yes.

Q  So in the criminal division, there may also
be a Eurasia specialist section chief?

A  Yes.

Q  Could you briefly walk us through your career
progression up to becoming the section chief for Eurasia?
A From the very beginning?
Q From the beginning. You can be brief, but I would just like to get a little bit of a picture of your FBI progression.
A Sure. I first entered on duty with the FBI around April 1992 as a physical science technician in the laboratory division. In 1995 November, I reported to Quantico new agents class. Upon graduation in March '96, I went to San Francisco and I was an agent in San Francisco until the fall of 2003.

I returned to headquarters in the counterintelligence division in 2003 working in China matters. I worked down at Quantico as a program manager in crisis management, a unit chief in counterintelligence after that, reported to the Norfolk, Virginia Field Office where I was the counterintelligence supervisor for about five years. And I was in the Richmond, Virginia division as an assistant special agent in charge overseeing national security program and intelligence.

And that led me to -- in August of 2015 was when I reported to FBI counterintelligence division to be the section chief of the Eurasia program.
Q And how long did you stay in that position?
A I was in that position until April of 2017.
Q And where did you go in April 2017?
A I was assigned to special agent in charge, counterintelligence program for the Washington Field Office.

Q And that was the last job you held before this job?

A No, sir. In April of 2018, I was promoted as assistant director for the director of intelligence at FBI headquarters. And I served in that role from April of 2018 until approximately October of 2019 where I assumed the current role that I'm in right now.

Q And then in your role as the section chief of the Eurasia section, how many people were you supervising?

A Approximately 50.

Q Fifty. Is that a combination of agents and analysts or is it --

A Agents, analysts, professional staff.

Q Were any of those people experts on Russia?

A It depends on how you define experts.

Q Did anyone specialize in Russia versus other countries in Eurasia?

A They probably had more knowledge of Russia than other countries. We've got people determined to be an expert and they do a little bit more on the Russia program than analysts working in the China program or non-Eurasian country.
Q Did any of them speak Russian?
A No.
Q Have you worked on FISAs in your career at the FBI?
A Yes.
Q How many, approximately?
A Twenty to 25.
Q In what type of roles did you work on FISAs?
A I was an author of FISAs. I was -- and I say that meaning as a case agent in the field, obviously office of intelligence, OIPR at the time. The DOJ writes the actual FISAs and we provide the input and the information for it.

As a case agent in San Francisco and then as a supervisor, I was part of the approval process. All the way up until my role as a special agent in charge, I was a part of the approval process for FISAs.

Q So you've obviously signed a Woods form before then?
A Yes.
Q How familiar are you with the Woods procedures?
A Pretty familiar.
Q How did you learn or gain that familiarity?
A It's part of the training when you're working
in counterintelligence and FISA, you are aware of the different processes and steps that are required as an affiant as well as an approver, you are ensuring that correct information is in the FISA packages. So you're aware of the different steps that are involved in the approval.

BY MR. BAKER:

Q Is that training you would get as soon as you enter into a counterintelligence role? Is it something you get as just basic training as a new agent before you even know what your assignment might be? When in the process do you become familiar with Woods requirements?

A It depends on the person and the time. There's specific training you get at Quantico. There's a basic counterintelligence course that you would take where you learn steps along the way.

Some of it you learn -- I had not had a -- when I first did a FISA in the field, I had not had formalized training. I had a training agent who would help me who had seniority in the counterintelligence program who showed me the way.

Q So this training agent is somebody that themselves was versed in counterintelligence, actually had a practical knowledge of what you had to do with Woods procedures and other counterintelligence nuances?
Actually, I don't recall when Woods procedures first came into play in the FBI. I can't remember specifically when that happened.

Q  In addition to your experience with counterintelligence matters from a field agent and then in your executive management roles at headquarters, did you ever have occasion as an assistant inspector, as an inspector to go around and audit other counterintelligence investigations that you were not directly involved in as an auditor from the inspection division to check on compliance?

A  Specific to counterintelligence or just did I do inspections?

Q  Both. I assume you did inspections based on your rank now; is that correct?

A  Yes.

Q  Do you have any recollection of specifically doing counterintelligence audits? And I guess the follow-up would be any training related to that, what you were supposed to look for as an assistant inspector or an inspector.

A  In my experience of doing inspections, on one occasion, there's six inspection credits required for promotion at the time. One of those inspections involved another division's counterintelligence program. I don't
recall the number of FISAs that may or may not have been
looked at for that division at that time.

Q     I don't want to spend a lot of time on it, but what is the goal of these audits? I'm familiar -- we've heard testimony in addition to the structured audits that you would have done as an inspector or an assistant inspector that the counterintelligence program is subject to a lot of other audits.

   I think OGC sends people out with DOJ lawyers and there's some files and cases that are randomly selected for compliance. I'm just curious, what is the goal of either the inspection type that you do or this other type -- and you may or may not be familiar with them -- what do you do when you leave a field office? You have findings, there's deficiencies? What happens post audit and what is it that you're ultimately looking for?

A     I think -- well, there's two different ways of looking at that. In inspection, you're looking at how the division, a program or a subprogram, is performing throughout a specific range of time. And you're looking at -- and that can take different forms and fashions if you lead, either state a specific program or the entire division or field office. So you're evaluating performance on how they are doing based off this set of guidelines and metrics that the inspection division will put forth.
In those you could have findings of compliance issues, following guidelines or not following guidelines. You will find some deficiencies and you will find some positive recommendations or feedback that have happened in the field office.

And specifically for FISA, there are some national security reviews, I think they're called, and FISA reviews where the FBI with DOJ randomly picks a FISA to go through and audit it to make sure that it satisfied all the compliance rules for that FISA.

Q     Separate and apart from anything we're talking about today with Crossfire Hurricane, are you aware either on inspections that you did or compliance audits that you may have done or just discussion amongst inspectors or assistant inspectors about deficiency issues in the FISA process in general?

A     How do you mean?

Q     Are you aware of any trend of the findings?

I think they were ineffective/inefficient was the worst finding you could come out of an inspection with.

Was there a trend in the FISA audits of compliance issues, not necessarily related to this, just a trend in general where somewhere for some reason the training wasn't getting out or there was a misunderstanding that there was a trend of a lot of deficiencies, a lot of errors,
omissions in the FISA process?

Mr. Baker: Both.

The Witness: I'm not aware of, no.

Mr. Baker: Okay. Thank you.

BY MR. SOMERS:

Q Did you look at the Inspector General's recent audit of the Woods procedures?

A I haven't read it. I know about them, but I haven't read it.

Q The division you currently head, do they apply for FISAs?

A No.

BY MR. BAKER:

Q I would be curious to back up just a bit. You went through your work history and you're obviously very versed or seem to be very versed in counterintelligence matters.

Could you just generally explain the setup of a division? We would be curious to know -- you know, obviously the director's at the top of the pyramid and as far as agents are concerned, SSA would be at the bottom.
But some of the other ranks for the record would be beneficial. And like how many? You talked about section chief. How many section chiefs might be under a DAD. How many DADs would be under a division.

And I guess it's going to depend on the size of the division or whatnot. So I guess for our purposes, counterintelligence division, to the best if you know.

So when you say division, you mean headquarters division, not a field office?

Yes, sir. A headquarters division.

How about if we start with this. I'll explain my division when I was assistant director. So you have the director of the FBI, you have a deputy director of the FBI and associate deputy director of the FBI. And then the next level is where I'm at, the executive assistant director. There's dotted lines to other folks in there, general counsel, public affairs, congressional affairs on how that works and they have their own respective divisions.

Under my purview right now, I have three divisions, the director of intelligence, which I was assistant director for, Office of Partner Engagement and Office of Private Sector. I'll describe to you, because I was the assistant director, how my division was set up for the director of intelligence.
So I was the assistant director. I had three deputy assistant directors and below their branches, I had eight section chiefs and each section chief was responsible for a different set of programs. Under the section chiefs, you would have a varying amount of unit chiefs or units that were run by a unit chief, a GS-15 unit chief.

The size and scope of the individual units, depending on what their primary focus was, some could be very small, some could be much larger depending on the number of employees that you would have. And then within there, you would have supervisory special agents, management program analysts or intelligence analysts or contractors that are working to support that.

Each division generally is the same makeup. The counterintelligence division today is different than where it was when I was as a section chief in there. They have reorganized. And I don't know in detail, but they have mission centers now versus sections for Eurasia. It's a little bit different. So I can't speak to exactly how that's set up right now, but usually my division that I was an AD over, that's generally how that is set up.

Q     Now, was your division bigger or smaller than counterintelligence?
A     That's a good question. I don't know.
Q     And when we started this question, you wanted
to know if I was talking about a field or headquarters.

Just generally, how does the field interact with the
headquarter division, specifically in relation to the
counterintelligence agent that's out in the field? How do they interact with headquarters? How does headquarters communicate with an agent assigned a counterintelligence matter in a field office?

A Typically, it depends. I mean, really based off -- I mean, headquarters' job is to program manage from a national strategic perspective for all 56 field offices and to some extent the lead attaches. They will send the principles of that strategy out to the different field offices.

Typically, depending on the level you are at at headquarters will determine your level of normal interaction. As a section chief, I would not talk to an agent in the field or an analyst. It's just from a hierarchical standpoint not the normal thing to do. You would hit your commensurate level, an ASAC or maybe an SAC in the field office, on any kind of discussions.

Program managers, management program analysts, and intelligence analysts at headquarters would interact with the various squads and supervisors and street agents or analysts in the field office on a day to day -- not that they speak day to day, but the day-to-day activities of
what they are working on in terms of guidance, instruction, awareness, especially when there's operations involved.

Q      So for a CI investigation in the field that would result in the FISA technique, that agent in the field would interact with a counterpart in the counterintelligence division at FBI headquarters? Is that the first place they interact or are there also places that FISA flows in the field office before it leaves the field office and gets to headquarters?

A      The initial discussions would be from the field office agent to a headquarters program manager, maybe a supervisor or to a supervisor. But that's typically the starting point for discussing whether a FISA is warranted or whether we should go down that investigative technique to apply for, and then you'll start engaging other parties within your field office, your legal counsel and so forth. And then, depending on where you're at, the approval process will kick in as soon as you start your application process.

Q      And somewhere in that infancy, there is somebody that's looking to make sure that this investigation, that this technique is consistent with whatever the Bureau has identified as goals or objectives or -- I mean, a field agent can't just open a case on anything and they can't employ any technique they want on
I'm assuming there's national goals, objectives, priorities based on current threat trends and intelligence reporting that helps the Bureau decide where they're going to put their resources at; is that correct?

A  Correct.

BY MR. SOMERS:

Q  And then you mentioned a program manager. What type of rank is he? Where do they fit in the rankings there?

A  So program manager, typically a supervisory special agent, GS-14, in headquarters. Different divisions might have -- you might use a management program analyst who's also considered a program manager that's just interacting with the field. It typically is a GS-14 supervisory special agent.

Q  So that SSA could shut down a request from the field to seek a FISA when they're initially consulted?

A  Yeah. Yes.

Q  Let's turn specifically to Crossfire Hurricane. When did you become aware that the FBI had opened the Crossfire Hurricane investigation?

A  Around the fall of 2016.

Q  So it was open when you first learned of it?

A  I found out after it was opened that it was
opened.

Q So you were not consulted on the decision to open it?

A No, sir.

Q Were you generally aware in the summer of 2016 about allegations or -- I'm not sure of the exact word -- but threats that Russia was trying to interfere in the 2016 election?

A I don't know the exact time frame of when I learned of that. Sometime between late summer and fall of 2016.

Q Were threats, Russian threats to the integrity of the 2016 election, is that something in the purview of the Eurasia section?

A It was not at that time.

Q And so when you learned of Crossfire Hurricane sometime in the fall of 2016, what was your understanding of what the investigation was when you learned of it?

A I had learned that the counterintelligence division had a team of folks that were looking at Crossfire Hurricane as an umbrella investigation and they were looking at threats from Russia or allegations or reviewing allegations of Russia tampering with the election process.

Q In what context did you learn about Crossfire
Hurricane?

A  Through meetings with my superiors.

Q  So did you just pick it up on the side or were you specifically sort of told, hey, we're doing this Crossfire Hurricane investigation, what's it about?

A  I can't remember exactly how it transpired that I learned about the investigation. So, again, for context, sometimes I might be an acting DAD. My boss is out of town or away and in that capacity, I might pick up on things in that capacity to learn about different things that are happening within the division.

Q  As I mentioned at the beginning, obviously, one of the specific things we want to ask you about is -- you know, you had interactions with Kathleen Kavalec regarding her meeting with Christopher Steele. That meeting occurred on October 11th, 2016. Do you know whether you had knowledge of Crossfire Hurricane prior to October 11th, 2016?

A  Yes.

Q  And did you take any investigative steps, have any input, any involvement in Crossfire Hurricane other than knowing about it prior to October 11, 2016?

A  I did not.

Q  So you're just picking up -- prior to that, you just have an understanding there's an investigation?
A    Correct.

Q    And then after October 11th, 2016, we have
what we want to talk to you about with Kathleen Kavalec.
But other than the relaying of information from Kathleen
Kavalec to you related about her meeting to Christopher
Steele, did you have any involvement going forward after
October 11 with Crossfire Hurricane other than the sort of
general knowledge that it existed?
A    General knowledge it existed.
Q    So you had no investigative steps, no -- you
weren't consulted, you weren't asked questions about, hey,
we're looking at this, can you -- what's your opinion on
that?
A    Nope.  Nope.
Q    Do you know if any of the agents, analysts or
other employees in your section had any involvement in
Crossfire Hurricane?
A    I -- can I talk to him?
Q    Yes, please.
(Witness confers with counsel.)

The Witness:  So during that time, I had a GS-15
unit chief as an interlocutor between my section and the
Crossfire Hurricane team.

BY MR. BAKER:

Q    Who was that?
A: I don't think I should -- am I able to tell that?

Mr. Somers: Do you know if it was someone identified by an identifier in the report? We could get the answer that way.

[ BLANK ]: I'm not aware that this individual is identified in the org charts on the OIG's report because I don't believe -- and correct me if I'm wrong -- that that person was a member of the Crossfire Hurricane team. But they would be non-SES.

Mr. Somers: I understand that.

BY MR. SOMERS:

Q: So they were not -- this unit chief, they were not a member of the Crossfire Hurricane team?

A: No.

Q: But you're saying they did -- they had more involvement than you did in terms of the actual investigation; is that right?

A: I wouldn't characterize it that way. In the event there was information sharing required if they came up, that was the interlocutor between my section and the Crossfire Hurricane team.

Q: Could you -- I mean, it's kind of like -- I guess we're asking questions -- it's kind of a long way to get at. Maybe you can answer it this way.
I read that you're the Eurasia section chief and Russia is in Eurasia, a huge investigation of Russia. So I'm just trying to get an understanding within counterintelligence why there's not more involvement from the Eurasia section in a major investigation involving Russia. Maybe that's a better way to just ask the question.

A I wasn't part of the decision process to create the team, Crossfire Hurricane team, nor why it needed to be separated from the Eurasia program.

BY MR. BAKER:

Q Who did decide that it was going to be separate from the Eurasia program?

A Assistant director for counterintelligence.

Q And that was who at the time?

A Bill Priestap.

Mr. Baker: Thank you.

BY MR. SOMERS:

Q And when Crossfire Hurricane began, Peter Strzok was also a section chief, also of the same rank that you hold?

A He did serve as a section chief, which is the same rank. I can't remember at which point he transitioned from section chief to deputy assistant director.

Q And he transitioned in September of 2016,
September 4th, 2016.

A     Okay.

Q     How many -- at the time, how many sections
were there in counterintelligence?

A     They were numbered at the time. So I'm
thinking ___.

Q     Maybe ___?

A     They went through CD __. And then there
was -- I stand corrected. ___ sections. ___ sections.

Q     So you had like a geographic section, meaning
Eurasia section chief. Were there other geographic
sections? I mean, I'm not expecting you to tell me all 10
of them. I'm just trying to get a sense of is it Eurasia?
You know, is it -- just if you can just give me some sense
of the other sections.

Again, this is my trying to understand why the
Eurasia section is not involved in the investigation of
Russia.

A     There were a few sections that covered
geographic areas and then there were issue threat countries
for like espionage -- or I'm sorry, issue threats out
there, espionage, that would cover all countries.

Counter-proliferation, that would cover all countries. And
then you had some specialized programs, intelligence
programs, and then you had the geographic sections.
Q     But even within Eurasia -- and I think you answered this earlier, but just to be clear, it's still Eurasia counterintelligence. Does that include counterespionage? Is that part of counterintelligence?
A     It does not.
Q     It does not?
A     It's part of counterintelligence, but espionage is its own section. But, I mean, if you had Eurasia espionage, it would be run out of a different section.
Q     Okay.

BY MR. BAKER:
Q     So was there just a section that was more finely tuned to be the section where the case was worked out of based on everything that was known about the case and that's why your section was not the one chosen? There was just one that was better based on the totality of what the investigators knew?
A     Yeah. I don't know the reason why they decided to separate that. I wasn't part of that discussion.

BY MR. SOMERS:
Q     Do you know -- and I'm guessing you probably answered this more generally in some of your previous responses. Do you know if anyone in the Eurasia section
1. tried to verify any facts in the Steele dossier?
   A. I'm not aware.
   Q. Do you know if they tried to help identify or locate any of Steele's sources or sub-sources?
   A. No, I'm not aware.
   Q. So Kathleen Kavalec meets with Christopher Steele on October 11th. Sometime thereafter, I think she contacts you to relay that she met with Steele. Prior to your discussion with Kathleen Kavalec where she relays her October 11th meeting, did you know anything about Christopher Steele?
   A. I had heard the name before.
   Q. Who did you think he was prior to that?
   A. I knew he was somebody that was associated with the Crossfire Hurricane investigation.
   Q. You didn't have any knowledge of him apart from Crossfire Hurricane in general?
   A. No.
   Q. How regularly did you have contact with Kathleen Kavalec just in general in your role as the Eurasia section chief?
   A. Probably a couple of times a month.
   Q. And by contacts, is that email, telephone, you would see her at meetings? What are we talking about?
   A. All of the above.
Q And just generally -- I don't want to get into any specific cases, concerns, anything like that -- what did your contacts consist of other than this Steele contact?

A All of our contacts that we had related to she was overseeing the Eurasia/Russia program as part of her portfolio at the State Department. And I was her natural counterpart for the FBI to work with her on things that deal with Russia or Eurasian countries in terms of information sharing, actions from a diplomatic standpoint. That would be our normal course of interaction.

BY MR. BAKER:

Q Did you have standing meetings with her --

A Yes.

Q -- or sort of ad hoc -- so you had regularly scheduled meetings? Okay.

A It might not have been the same day each month, but they were pretty regular.

Q But it was an established liaison channel?

A Correct.

Q It was not just something that came up.

A Correct.

Mr. Baker: Okay. Thank you.

BY MR. SOMERS:

Q So she had knowledge of other investigations
the FBI was conducting?

A     Yes.

Q     What about Victoria Nuland. Did you have contact with Victoria Nuland?

A     Yes.

Q     What did those contacts consist of?

A     Those were very infrequent. Probably a handful of times. Maybe 10 to 12 times I had contact with her. Again, it was just -- most of the time it was in relation to Kathleen Kavalec and our meetings. There might be something that needed to be clarified or something we asked approval for that might get moved up to Victoria Nuland that she would be made aware of and I would be involved in that discussion.

BY MR. BAKER:

Q     Did the FBI have any detailees over at State in the Kavalec area, section or whatever?

A     Yes, they had detailees over there. Not in Kavalec's section per se.

Q     Would those detailees answer to you or report to you in any way or you to them with requests for information or your official channel was Kavalec or how did that work?

A     Yes. At that time, there was two detailees assigned from the FBI to State Department Office of Foreign
Missions, I believe. Although those detailees reported to me, they handled FBI and counterintelligence matters across the multiple divisions, not just the Russia program.

Q Would you have learned about Christopher Steele from them?

A I might have. I don't know. I can't remember.

Mr. Baker: Thank you.

BY MR. SOMERS:

Q Did you have any contact with Jonathan Winer?

A No.

Q Did Ms. Kavalec contact you about Christopher Steele prior to her October 11th, 2016 meeting?

A I don't remember.

Q So you don't know if she bounced the name off of you prior to meeting with him, asked if you knew anything about him? Just trying to jog your recollection.

A One meeting I had over there is my normal liaison meeting. She told me we needed to talk afterwards. Probably she really said I need to share some information. I don't know the timeline and how that relates to October/November. It's all in that timeline.

I just don't know specifically what happened before in that sequence unless, you know, I know there were some emails that were forwarded in there. I just don't know the
timeline accurately enough to say it happened right before
or during the same exact time.

Q     Let's talk about the actual interaction
regarding Christopher Steele. So what happens? She meets
with Steele and I gather she tells you about it.

When did she tell you about it?

A     Again, I don't know specifically when. It
was during one of my normal liaison meetings over there.
We had our meetings. The liaison that I have assigned over
there was part of those meetings. We finished, went out
and had a conversation. She goes, I have information you
probably need to be made aware of. Because of my
peripheral understanding of Crossfire, and I had heard of
Mr. Steele's name before, when something was brought up, it
triggered my memory. I know people that are working on
this. I will put you in touch with the right people to
make sure that information is passed.

Q     And what did she convey to you in this --

A     I don't remember exactly what she said.

Q     But she definitely made clear Christopher
Steele and Christopher Steele --

A     I don't know if it was about Christopher
Steele or I just can't recall specifically what that
information was that she had to mention. I know there was
a contact. Whether it was Mr. Steele, I don't remember
that. And she wanted to share some information.

Q So you're told, you say, in your mind, at least, there's other people that are handling this. So what did you do with the information, whatever it was that Kavalec tells you in this meeting?

A I gave that information, whatever it was, and informed the folks in the Crossfire Hurricane team about it, made them aware of it.

Q Did you tell her who to contact or did you take care of that on your end, like I'm just going to convey this information and tell them to reach out?

A I told her that there's a team that's working on this and that I will put them in contact with you for follow-up.

Q So you didn't give her a name and say, contact John Smith --

A I don't remember if I gave her a name.

Q -- and he'll take care of it?

A Yeah. I don't remember if I said a name or if I said I know some people that are working on it that probably should get this information.

BY MR. BAKER:

Q And how soon did you relay the information internally?

A That day.
Q     That day?
A     The day that -- whatever the day we had that sidebar meeting.
Q     And you gave that instruction to the team that they should reach out to her?
A     I gave them the option that they needed to do follow-up, that that would be up to their discretion however they wanted to proceed.
Q     Do you know if they did?
A     I don't know.
Q     Just for the record, these two detailees, they're below the SES rank?
A     Correct.
Mr. Baker: Okay. Thank you.
BY MR. SOMERS:
Q     So who did you give the information to at FBI?
A     I informed Peter Strzok and another supervisor.
Q     Would you clarify if that was SSA 1? Do you know who was SSA 1 as identified in the --
A     I don't know.
Mr. Somers: Can you tell him who SSA 1 is so I can --
(Witness confers with counsel.)
The Witness: It seems that's SSA 1.

Mr. Somers: And you are using SSA as it relates to SSA 1 in the IG report?

BY MR. SOMERS:

Q So Peter Strzok and SSA 1 are the two people you relayed the Kavalec/Steele information to?

A Correct.

Q But you didn't give them an instruction. You just said take it, here's the information if you want it?

A I sent it to him in an email. I'm sure there's words in there that I put in my email, but --

Q I'm not --

A -- here's the information, if there's anything you need me to do. I'm sure that's my normal follow-up is here's the information pertaining, you let me know; otherwise, it's in your care and custody now.

BY MR. BAKER:

Q Did I either of them follow up with you for any clarification or --

A There might have been some back and forth initially and then I don't remember exactly what it was.

Q But nothing that you recall about, well, who should I call over at State or --

A No.
Mr. Baker: Thank you.

BY MR. SOMERS:

Q     And then the IG report also mentions there's an FBI liaison at the State Department, I assume it's like some sort of permanent position of some sort, and that Kavalec was at some point told to relay information to the FBI liaison.

Did you give that instruction to her or did that come from somewhere else?

A     So to clarify, the liaison you're talking about now is the same one I was speaking about before.

Q     Okay.

BY MR. BAKER:

Q     It's one of the two agents.

A     There's one agent, one in MAPA that's over there.

Q     Okay.

BY MR. SOMERS:

Q     I want to know, did you suggest to Ms. Kavalec that she contact this FBI liaison?

A     I advised -- yes. For any logical follow-up, they could go through the liaison who sits over her at the State Department.

I want to clarify things. We're using
the term, I think, "liaison" and "detailee"

interchangeably. Are you talking about the detailee from FBI over the State Department?

The Witness: Yes.

BY MR. BAKER:

Q The agent detailee?

A Yes.

BY MR. SOMERS:

Q As to how to describe this person, the FBI liaison/detailee, did you ever speak to them -- to him or her about the Kavalec/Steele interaction? Did you say, hey, she may reach out to you with some information?

A I spoke to the liaison detailee assigned there to follow up with Kavalec as need be to share information she has back to the Hurricane Crossfire team.

Q Did you ever inquire later of Strzok or SSA 1 or anyone else on the Crossfire Hurricane team and say, you know, hey, whatever happened to that information we got from the State Department?

A Kavalec reached out to me for a follow-up that I followed up with the Crossfire team, is there anything more that you need, something to that effect. Those aren't the exact words, but just a general follow-up. And then I followed up and basically left it back in the hands of the Crossfire team for anything further.
BY MR. BAKER:

Q     So the Crossfire team could then have gone
directly to the liaison/detailee and vice versa. You would
not have necessarily been a conduit either way?

A     Correct, correct.

BY MR. SOMERS:

Q     Have you ever heard impression, demeanor
regarding this information? Was this really urgent? Was
it time sensitive, very important? I mean, I don't -- I'm
just --

A     Not really. Just -- not really.

Q     You don't really recall or you don't really
recall if that was your attitude?

A     I don't recall a sense of urgency other than
the fact that I just shared the information -- or what I
knew the day I received it to the right team so they could
make the determination on how they wanted to follow up.

BY MR. BAKER:

Q     And you're not aware of any follow-up that
the Crossfire team did with her?

A     I don't recall any.

Q     But you probably would have heard either from
her, in your normal standing meetings or your
liaison/detailee, that Crossfire came over, there was a
call -- you probably would have heard if there was
something; is that correct?

A     Not necessarily. It depends on the nature of how that proceeded. Again, I was separated from the Crossfire team, so I might not have necessarily been made aware of every discussion or communication they had.

Q     This liaison/detailee, they were, on the org chart, assigned to your section back at the Bureau?

A     Yes.

Q     Would you have had regular -- not necessarily operational contact with them -- would you have had any managerial contact with them --

A     Yes.

Q     -- when they came in for a period -- I mean, it was never specifically mentioned in any of those contacts that there had been any follow-up from the Crossfire team?

A     Not that I recall.

Mr. Baker: Thank you.

BY MR. SOMERS:

Q     If I could just read a passage here and ask you about an email, read a passage from the IG report.

Page 119 of the IG report, it says, "Two days after the meeting with Steele, Kavalec emailed an FBI CD section chief a document that Kavalec received from Winer discussing allegations about a linkage between Alpha Bank
and the Trump Campaign, a topic that was discussed in the October 11th meeting. Kavalec advised the FBI section chief in the email that the information related to an investigation that Steele's firm had been conducting. The section chief forwarded the document to SSA 1 the same day."

And I assume you're that section chief?

A     Yes.

Q     Any reaction from SSA 1 regarding that document?

A     Not that I recall.

Q     And you didn't do anything further with the document?

A     No.

Q     Other than forward it on?

A     Correct.

BY MR. BAKER:

Q     Was there any reaction at all from the Crossfire team about the information that you channeled in their direction?

A     I don't remember.

BY MR. SOMERS:

Q     What was your reaction to it, what Kavalec told you when you heard it? Did you think it was a matter of urgent concern or anything else?
A: I don't think it was a matter of like imminent urgency, but just information that needed to be passed to the right people. That's what I normally would do. You get information that's out of your control to act upon, you get it to the right people so they can make the determination from there.

Q: Do you recall if you were already familiar with anything she relayed to you? I mean, I think she had a meeting with Steele. We can tell from her notes that he basically went over things in the dossier.

Was there any familiarity with what she told you that you already knew from meetings or anything?

A: The only thing that was familiar to me was she had mentioned something about something in [redacted]. And I had heard that as part of the discussion that happened with the Crossfire Hurricane team during a daily meeting that they would have and that's why I put the connection together and said I know who you needed to be talking to for this information.

Q: And then Strzok and the SSA 1 were the only two people you had -- and this FBI liaison/detailee -- but on the Crossfire team, only Strzok and SSA 1, those were the only two people you had contact with about the information you received?

A: From what I recall, yes.
Q     Did they tell you, you know, do you recall, this is no big deal, we already know about this, any sort of reaction like that from them?

A     Not that I remember.

Q     And I think you mentioned one conversation. Were there any -- it was just the one conversation with her where she followed up later? So you have this initial conversation -- she meets on October 11th. You have an initial conversation with her. You also receive an email from her all on this -- the email is dated October 13th -- so all in a short period of time.

At some later time, did you have a conversation with her about either Crossfire Hurricane or Christopher Steele?

A     We might have. I don't remember specifically.

Q     So nothing huge?

A     Nothing that stands out.

Q     Did she ever ask you why she was not interviewed by the FBI regarding --

A     No.

Q     -- her interactions with Steele?

A     No.

Q     Did you bring up the possibility with her that the FBI -- somewhere she got the impression that the FBI was going to interview her.
Did you at all raise the prospect when you initially met with her or at some other time that, hey, the FBI may want to interview you about this?

A     I don't know -- once the information was passed and they could make the determination whether a logical follow-up or an interview would be required, I wasn't part of that decision-making. So I don't know what led her to believe -- there could have been conversations that had happened that I'm not privy to or said she might be in, but I don't know.

BY MR. BAKER:

Q     So what would be -- you wouldn't necessarily think it was unusual if there wasn't follow-up because you were the conduit. The team had the specifics of what they were looking for, what they needed to look for, whatever. It was in their hands whether they needed to follow up?

A     Yes.

Mr. Baker: Okay.

BY MR. SOMERS:

Q     Would that be an unusual step for the FBI to interview a State Department employee about information conveyed about a criminal investigation?

A     Say that again.

Q     I'll ask it another way. Would it be a logical step, a State Department employee gets information
1 about an ongoing -- I'm sorry, I should say
2 counterintelligence investigation. Would it be a logical
3 step to interview that employee?
4 A Interviewing folks is a logical step to do an
5 investigation.
6 BY MR. BAKER:
7 Q Did you say a few moments ago you were at a
8 Crossfire Hurricane meeting?
9 A Yes.
10 Q Would you have been regularly in attendance
11 at those meetings or --
12 A Yes.
13 Q And how often did they have meetings?
14 A There was a period of time, I don't know the
15 exact window, that led up to the election in 2016 where we
16 had a daily meeting.
17 Q And was it just one meeting for Crossfire
18 Hurricane team or were there other meetings where the
19 attendees were narrowed?
20 A That was the only meeting for Crossfire
21 Hurricane that I'm aware of. Whether there were other
22 meetings, I don't know.
23 Q So who else -- at what rank would people have
24 attended this? Was this a section chief meeting or higher,
25 a roundtable about what cases were going on?
A: It was sometimes attended by the counterintelligence division assistant director. Sometimes the deputy assistant director for counterintelligence and the section chiefs from both the counterintelligence and cyber division. And the Office of General Counsel would be a part of it.

Q: So would this meeting have just been for that case or was it by cases in the division and that would be one that was presented?

A: It was relating to Crossfire Hurricane and other -- some few tangential cases that were associated too.

Q: So the primary focus was Crossfire Hurricane?

A: Yes.

BY MR. SOMERS:

Q: Do you recall -- just trying to jog your memory here in case you do recall -- Ms. Kavalec conveying information to you that Steele conveyed to her information about a Russian consulate being located in Miami and that was an inaccurate assessment on Steele's part?

A: I recall a conversation about a consulate in Miami independent of the -- what she had mentioned regarding what Mr. Steele said to her.

Q: But you don't -- do you recall how that came up?
A     During our normal meetings, our liaison
meetings. It could have been -- I don't know how -- I
don't know if she knew that through other channels in terms
of her -- because she runs the diplomatic aspect of
countries here in the United States. It came up in some
other discussion regarding if there was a consulate in
Miami, which we both knew is not true because we know where
all the consulates and embassies are around the country.
That's where I would handle normally in my purview as the
section chief of the Eurasia program. So when it came up
in a discussion, it was like, we don't have a consulate in
Miami.

Q     That came up in a discussion in headquarters,
with FBI personnel?

A     Yes. Independent of the Mr. Steele piece in
here, it came up through other discussions.

BY MR. BAKER:

Q     Would that have been at this standing
Crossfire Hurricane meeting?

A     It might have been mentioned there, but it
would have also been mentioned through my interaction with
Ms. Kavalec in our normal liaison relationship, our normal
relationship that we have.

Q     Was Christopher Steele discussed at this
standing meeting?
A: Yes.

Q: And his reporting, was that discussed?

A: Yes.

Q: Could it have been at that meeting that someone pointed out that there was an issue about a consulate that didn't exist in the city that perhaps he said did?

A: It might have. I don't recall specifically what was discussed in those meetings.

Mr. Baker: Thank you.

BY MR. SOMERS:

Q: Another person that Ms. Kavalec had interactions with, I wonder if you also had interaction with them is Bruce Ohr.

Do you know Bruce Ohr?

A: I know the name.

Q: But you don't know him?

A: Never met him.

Q: Never met him. I assume you're not part of the Russian Malign Influence Group that Kavalec established in the summer of 2016?

A: I was initially.

Q: You were initially?

A: Uh-huh.

Q: Ohr was not part of that group?
A: Not that I recall.
Q: And what was the purpose of that group, the Russian Malign Influence Group?
A: Initially it was to bring together the community, being the intelligence community and government agencies, to discuss ways to identify and counter-malign foreign influence.
Q: So election interference, is that a malign influence?
A: It was a category of, yeah.
Q: Did Russia interference in the 2016 election, did that come up as part of the Russian Malign Influence Group discussions?
A: I'll say the allegation of Russian influence came up.
Q: Did coordination, collusion, anything along those lines regarding the Trump Campaign and Russia come up as part of the Russian Malign Influence Group discussions?
A: I don't recall.
Q: Do you recall whether the Crossfire Hurricane, maybe by code number, investigating the Trump Campaign, did that come up as part of the Russian Malign Influence Group?
A: No.
Q: Let me just read another passage here from
the IG report, just ask your awareness of this and the facts in there. This is footnote 238 on page 107. It says, "SSA 1 had forwarded an email on September 30th from the State Department's Bureau of European and Eurasian Affairs indicating that senior staff there, including Assistant Secretary Nuland, were aware of a planned meeting between Steele and the FBI in early October in a European city, and that FBI officials from headquarters were flying to Europe to participate in the meeting."

Were you aware of the October meeting between FBI and Steele?

A     I was -- if you take that statement, that footnote, I was aware of a meeting in a foreign European country. Whether it was Steele or not, I don't know if it was specifically about him.

Q     Could you have been the one that informed the State Department's Bureau of European and Eurasian Affairs about the meeting?

A     Yes.

Q     Do you know if you were? So I asked if you could have been. Ultimately you were or not.

A     The European country was where I made a connection where they advised me they had information about something that dealt with Rome. And I knew from the Crossfire Hurricane team about something in Rome. And I
put that connection together and said I know who I need you
to issue a contact with.

Q So they may have learned this from somewhere else, but it may have also been from you?
A True.

Q Did you ever consider going to the meeting in October?
A No.

Q Do you know why an acting section chief was sent to the meeting instead of you as the Eurasian section chief?
A No.

Q Do you recall any consternation, something along those lines among section chiefs as to why this particular acting section chief was given the task of going to meet with Steele?
A No.

Mr. Baker: I think we're done for this round.

We'll see if we have any follow-up.

(Recess.)

EXAMINATION

BY MS. ZDEB:

Q It is 11:09 and we can go back on the record.

Good morning, Mr. Laycock.

A Good morning.
Q Thanks for being here. As we mentioned earlier, my colleague, Mr. Charlet and I, work for Senator Feinstein's staff on the committee and we just have a couple of questions for you.

So you were asked a couple of questions about the Inspector General's report. On page Roman I of the report, the inspector general notes that his office examined more than a million documents and interviewed more than 100 witnesses during the course of their investigation which took around two years.

Did you cooperate with the Inspector General's investigation?

A Did I what?

Q Did you cooperate with the Inspector --

A Yes.

Q And were you interviewed as part of the Inspector General's investigation?

A Yes.

Q Do you recall, was it once, more than once that you were interviewed?

A Once.

Q And did you provide truthful answers to the Office of Inspector General?

A Yes.

Q And did you, to the best of your ability,
provide complete answers to the Inspector General's investigation?

A     Yes.

Q     Did you or to your knowledge, did the FBI provide any documents to the Inspector General as part of his investigation?

A     Did I or did the FBI?

Q     Either one.

A     I did not provide any documents.

Q     And --

A     I'm pretty certain the FBI has turned over some documents to the Inspector General.

Q     Did the Office of Inspector General ever complain that it needed more information or more documents related to your involvement?

A     My involvement? No.

Q     I think you said earlier that you had reviewed portions of the Inspector General's report. Did you have an opportunity to do that before he finalized the report last December?

A     Yes.

Q     And did you provide any comments to the Inspector General after you reviewed those portions?

A     I did not.

Q     If there had been any errors or
mischaracterizations in the portions of his draft report that you reviewed, would you have called those to the Inspector General's attention?

A     I would have called them to the FBI, the person in charge of that, the relationship with the Inspector General, for them to then share with the Inspector General.

Q     So the fact that you didn't call any errors or mischaracterizations about your testimony to the IG to the attention of the FBI liaison who was working with the Inspector General's office, is it fair to say that's a reflection of the fact that you didn't have any concerns about the way the draft report characterized your testimony to the IG?

A     Correct.

Q     So back in December of last year, our committee held a hearing with Inspector General Horowitz that took about six hours. We have since held additional hearings on Crossfire Hurricane and notwithstanding the fact that the Inspector General concluded that there was no documentary or testimonial evidence of political bias impacting the decision to open Crossfire Hurricane or particular investigative steps that were taken during the investigation, we have continued to hear a number of allegations against the FBI during the course of the
hearings I just mentioned. So I want to ask you just a
couple of questions about some of those allegations.

So as I just mentioned, the Inspector General found
that there was no documentary or testimonial evidence of
bias impacting the FBI's work in Crossfire Hurricane.
Nonetheless, we've continued to hear that there is, quote,
"tons of evidence of bias."

So I think you just said a moment ago that your
involvement in Crossfire Hurricane was limited to the role
you played in passing along an email from Kathleen Kavalec
to the Crossfire Hurricane team as well as perhaps one,
potentially, potentially two conversations with Kathleen
Kavalec; is that right.

A     Correct.

Q     And did political bias or anti-Trump bias
influence those steps that you took as part of these series
of events?

A     No.

Q     And are you sitting here today personally
aware of any evidence that anyone else involved in
Crossfire Hurricane acted with political bias or other
improper motivation?

A     No.

Q     It has also been alleged that the FBI engaged
in, quote, "a massive criminal conspiracy over time to
1. defraud the FISA court."

2. Do you personally have any evidence that the FBI engaged in a massive criminal conspiracy to defraud the FISA court?

3. A No.

4. Q It has also been alleged that Crossfire Hurricane was a hoax and a witch hunt intended to hurt President Trump politically.

5. Was your goal to hurt President Trump or then Candidate Trump politically?

6. A No.

7. Q And do you have any evidence that Crossfire Hurricane was part of a deep state effort to take down President Trump?

8. A No.

9. Q There have recently been allegations that Crossfire Hurricane was composed of, quote, "people who hated Trump" and who had, quote, "an agenda to destroy him before he was elected and after he was elected."

10. Again, recognizing that you were not personally a part of the Crossfire Hurricane team, did you personally have an agenda to destroy candidate Trump before he was elected or President Trump after he was elected?

11. A No.

12. Q And do you have any evidence that the goal of
Crossfire Hurricane was to destroy Trump before and/or after he was elected?

A     No.

Ms. Zdeb: I think those conclude our questions. It is 11:15 and we can go off the record.

(Pause.)

EXAMINATION

BY MR. SOMERS:

Q     It's now 11:16. We'll go back on the record. I just had a quick follow-up.

You mentioned that your section in the last round didn't have a lot of involvement and maybe no involvement for the most part in the Crossfire Hurricane investigation.

In general, do sections like the Eurasia section and the counterespionage section within counterintelligence, do they work investigations together?

A     They can, yes.

Q     So there's no prohibition on two sections working the same investigation?

A     They will collaborate. They can collaborate. There will be one section that will own the investigation from a program management standpoint so as not to create confusion. But they would collaborate or continue working together in terms of in furtherance of just working all together for the field's purposes.
Q And what you just described in terms of collaboration, that's not what occurred on Crossfire Hurricane? You wouldn't say you collaborated in any significant manner between the Eurasia section and the counterespionage section?

A To clarify that, Crossfire Hurricane wasn't part of the counterespionage section. Would you repeat your question again?

Q Okay. So which section was Peter Strzok the section chief of?

A At the time, he was the section chief of counterespionage.

Q Your section did not -- let's leave sections out of it. Your section did not coordinate in the way you just described, when I asked you about coordination between sections, with another section or more generally the Crossfire Hurricane team?

A Two different areas again. I would collaborate with the counterespionage section as a normal course of business. The Crossfire Hurricane team was a separate team put together for the purposes of the Crossfire Hurricane program, case. I did not collaborate with the Crossfire Hurricane team like I would the counterespionage team in normal practice.

Q Was anyone from the Eurasia section assigned
to the Hurricane Crossfire team?

A     No.

BY MR. BAKER:

Q     And just to clarify something, the reason that you would collaborate with the counterespionage section is, I think, based on something you said earlier. That was a specialty section for that type of investigation and that would have gone across other sections?

A     Correct.

Q     In the last round, you indicated that there was a standing meeting or a regularly scheduled meeting for Crossfire Hurricane and you would be there?

A     Correct.

Q     Would all sections have been there or only certain section chiefs represented at the meeting? Who would come to these meetings?

A     Typically those that were involved in the Crossfire Hurricane matter. I would, myself or my assistant section chief would sometimes attend. Tried to be at almost every one of those meetings. And a representative from the cyber division would be part of that meeting.

Q     Were any other sections regular attendees to the Crossfire Hurricane meetings?

A     The intelligence section for
counterintelligence would be represented by either a deputy assistant director or a section chief or a delegate, depending on the day and people's attendance.

And the leadership for counterintelligence division would be there, too. Not every day, just depending on the schedules for the day.

Q And would people at a rank higher than just counterintelligence division be there? Would the director be there? Would the deputy director be there?

A I never saw him. Anybody above the assistant director, I never saw anyone in any of those meetings.

Q And who conducted the meetings?

A Typically run by -- initially it was run by the assistant director for counterintelligence and cyber division. And at various times one or the other or both may or may not be there, but typically a deputy assistant director or a section chief level would be there on those meetings.

Q So the AD for counterintelligence would have been Mr. Priestap?

A Yes.

Q And who for the cyber division?

A At that time, I believe it was Mr. Trainor.

Q And that's James Trainor?

A James Trainor, yes.
Q     And who were the deputies that would have substituted for either of them?

A     Peter Strzok would have been one for counterintelligence. Dina Corsi was in those meetings sometimes. She ran the intelligence branch. Eric Sporre was the deputy assistant director in cyber division. He would have been part of them.

Q     Would they have ever been led by anybody less than a DAD rank? Would a section chief ever --

A     Some of them. In the course of having a meeting every day, schedules might have gotten in the way where some of the assistant directors or deputies couldn't make it and then there might have been a section chief that was running it. I don't recall exactly the attendees for each meeting.

Q     Were they the same attendees or was there a core of common attendees that made it more often than not?

A     Yeah, there was a core group that would attend.

Q     Do you recall -- or did a designee on your behalf that attended the meeting ever report back that the discussion of that particular meeting was that Mr. Steele's credibility had been called into question?

A     I don't recall that.

BY MR. SOMERS:
Q Were the Crossfire Hurricane team members also in this meeting or was this pretty much section chief and above?

A For some of the meetings, it would have been members of the Crossfire Hurricane investigative team there.

Q And you mentioned different section chiefs sometimes and DADs and they weren't -- certain people weren't able to attend. So in general, did Bill Priestap lead these meetings?

A Yes.

Q And then if he wasn't there, Peter Strzok would be the next logical person to lead?

A Correct.

Q So someone like Dina Corsi, you mentioned she would not have run these meetings in the absence of Strzok or Priestap, it would have gone to someone else on the Crossfire Hurricane team?

A She might have. I don't remember specifically the days where she might have been the most senior person there. I just don't recall that.

Q And what generally was discussed at these meetings? What's the purpose of the meetings?

A Status updates of what's going on with their investigation. Cyber division would provide an update on
information they might have. My section might brief on things that are just general atmospheres for the Russia program writ large.

**BY MR. BAKER:**

Q But you don't have any recollection of a discussion where Mr. Steele's credibility was called into question?

A I don't recall any.

Q Any recollection of excitement that he had provided some interesting information that would be logical lead material?

A No.

**BY MR. SOMERS:**

Q Did these meetings begin before the Carter Page FISA application on October 21st, 2016?

A Yes, I believe so.

Q Was verification of the Steele allegations discussed in these meetings? What steps were being taken to verify the information?

A I don't recall specifically any steps. It was more just status updates of kind of where things were.

Q Did the topic of primary sub-source ever come up? Steele's primary sub-source?

A I don't recall.

Q Do you recall whether the topic of any
excitement or the topic of the team discovering who
Steele's primary sub-source was and then interviewing him
in January of 2017?

Do you know if that ever came up?

A     No.

Q    Did the topic of whether Carter Page was
affiliated in some way or collaborated with another
government agency ever come up?

A     Not that I recall.

BY MR. BAKER:

Q    Do you have a recollection of the deputy
director or director ever coming to any of these meetings
even just to stick their head in to say hello to the team?

A     I remember on one occasion the deputy
director came down, we had a meeting in that same room. I
don't know if it was during that meeting or not. And I
don't remember the timeline when that would have occurred.
Might have been far after the election time frame. Deputy
McCabe at the time came down and just met with folks and
said hi.

Q    You say that's Andrew McCabe?

A     Correct.

Q    But nothing of substance you recall?

A     No.

BY MR. SOMERS:
Q     Did the topic of who paid for the Steele
dossier or Steele's work, I should say, ever come up?
A     Not that I -- not with me.
Q     Do you recall having any awareness of who
paid Steele for his work?
A     No.

BY MR. BAKER:
Q     Did you ever hear from any of your
subordinates or anybody really grumbling or griping about
anybody that wanted to be on the Crossfire team and for
whatever reason they weren't selected?
A     No.
Q     Was it ever clear in your mind how people
were chosen to be on the Crossfire team?
A     No.

BY MR. SOMERS:
Q     Did the investigation into Michael Flynn ever
come up in these meetings?
A     I can't recall that specific case coming up
in these meetings. I don't recall. Very well may have. I
just don't recall.
Q     Would that have been -- the meetings began
before October 21st. Do you recall exactly when they began
roughly?
A     My recollection, they were started in the
fall, on or about September-ish, October, early October. And I think they ended after the election. So early November. At least the ones that I participated in. Whether those meetings continued after that, I don't know.

Q So you were not going to meetings in December of 2016 related to Crossfire Hurricane?

A No.

BY MR. BAKER:

Q Was Lisa Page at these meetings?

A She was at some of them, yes.

Q And what was her role in the meetings that she was present?

A Attorney.

Q Did she present anything, discuss anything, was just in attendance or --

A I don't know. I didn't even know her at the time.

Q So she's not an attorney that your section would have normally interacted with?

A No.

BY MR. SOMERS:

Q Were there other representatives of the general counsel's office in these meetings?

A Yes.

Q Did you get the impression whether she was
there on behalf of the general counsel's office or on
behalf of the deputy director's office?

A     I honestly did not know her at the time, nor
what her role was.

Mr. Somers: I think that's all we have.

Mr. Baker: Thank you.

Mr. Somers: That concludes the interview and I
thank you for coming here today and coming voluntarily.

The Witness: Thank you very much.

(Whereupon, the proceedings were adjourned at 11:30
a.m.)
Notice Date:

Deposition Date: **June 15, 2020**

Deponent: **Stephen C. Laycock**

Case Name: **Senate Judiciary Committee**

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The following staff interview was commenced at 10:33 a.m. in the Hearing Room, SVC-217, Senate Visitors Center, in classified TOP SECRET session.

Present: Arthur Baker, Andrew Fausett, Heather Sawyer, Sara Zdeb, and Zachary Somers, Committee Professional Staff Members; Patrick Findlay, Peter Hyun and Robert Walker, on behalf of the witness; Mark Egan, court reporter; and Stuart Evans, the witness.
NOTE REGARDING CLASSIFICATION

Parts of the interview are classified TOP SECRET.

Two transcripts have been prepared, one redacted and one classified. The redacted version has blank pages in place of redacted classified material.

In the classified transcript, all pages containing classified material have a "TOP SECRET" header and footer and all classified material is printed in italics.

Classified material appears as follows: pages 122-128, 158-174, and 203-205.
Mr. Somers: This is a transcribed interview of Stuart Evans. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee in matters related to the Justice Department and the Federal Bureau of Investigation's Crossfire Hurricane investigation, including the application for and renewals of the Foreign Intelligence Surveillance Act warrant of Carter Page.

Would the witness please state his name and last position held at the Department of Justice, for the record?

Mr. Evans: My name is Stuart Evans, E-V-A-N-S, and my last position at Department of Justice was Deputy Assistant Attorney General for Intelligence in the National Security Division.

Mr. Somers: On behalf of Chairman Graham, I want to thank you for appearing today; and we appreciate your willingness to appear voluntarily.

My name is Zachary Somers and I'm the Majority Chief Investigative Counsel for the Judiciary Committee. I'll now ask everyone else who's here in the room to introduce themselves for the record, except for Mr. Evans' personal counsel, who we'll get to in a few moments.
Mr. Baker: Arthur Baker, Senior Investigative Counsel, Majority Staff, Senate Judiciary Committee, Lindsay Graham, Chairman.

Ms. Zdeb: Sara Zdeb, Senior Counsel for Ranking Member Feinstein.

Ms. Sawyer: Heather Sawyer, Chief Counsel and Staff Director for Senator Feinstein.

Mr. Fausett: Andrew Fausett, Senior Counsel for National Security, Senator Feinstein.

[Blank]: Counsel for FBI Office of Congressional Affairs.

[Blank]: Office of Legislative Affairs.

[Blank]: Department of Justice, Office of Legislative Affairs.

Mr. Findley: Patrick Findlay, Counsel for the Department of Justice.

Mr. Somers: Thank you.

The Federal Rules of Civil Procedure do not apply today, but there are some guidelines that we follow that I'd like to go over. Our questioning will proceed in rounds. The majority will ask questions in the first hour and then the minority will have an opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more
questions and the interview is over.

Typically, we take a short break at the end of each hour of questioning. But if you need to take a break apart from that, please let us know.

As I noted earlier, you are appearing here today voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that you decline to answer our questions or if counsel instructs you not to answer, we will consider whether a subpoena is necessary.

As you can see, there is an official reporter taking down everything that is said to make a written record. So we ask that you give verbal responses to all questions. You understand that?

Mr. Evans: I do.

Mr. Somers: So the reporter can take down a clear record, it is important that we don't talk over one another or interrupt each other if we can help it.

The committee encourages witnesses who appear for transcribed interviews to freely consult with counsel if they so choose, and you are appearing today with counsel. Would counsel please state their names for the record.

Mr. Walker: Rob Walker with the Wiley Rein law firm.
Mr. Hyun: Peter Hyun, Wiley.

Mr. Somers: We want you to answer our questions in the most complete and truthful way possible, so we will take our time. If you have any questions or you do not understand one of our questions, please let us know. If you honestly don't know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection, and it is okay to tell us you learned the information from someone else. If there are things you don't know or can't remember, just say so and please inform us who, to the best of your knowledge, might be able to provide a more complete answer to the question.

You should also understand that, although this interview is not under oath, you are required to answer -- you are required by law to answer questions truthfully. Do you understand that?

Mr. Evans: I do.

Mr. Somers: This also applies to questions posed by Congressional staff in an interview. Do you understand this?

Mr. Evans: I do.

Mr. Somers: Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or making false statements. Do you
I understand this?

Mr. Evans: I do.

Mr. Somers: Is there any reason you're unable to provide truthful answers to today's questions?

Mr. Evans: No.

Mr. Somers: Finally, we ask that you do not discuss this interview with anyone outside of who's here in the room today, in order to preserve the integrity of our investigation.

I'll just say on the record, as I mentioned off the record, we're going to begin this deposition unclassified; and if we need to switch at some point to the TOP SECRET level, please, obviously, let the reporter know if that switch needs to be made. We'll try to do our best. You guys obviously have a better idea of what's classified than we do, so if you could please alert the reporter to that.

Do you have any questions before we begin?

Mr. Evans: Not at this time.

Mr. Somers: It's now 10:40 and we will begin our first round of questions.

Mr. Evans, have you read or reviewed the IG's December 2019 report on the Carter Page FISA application?

Mr. Evans: I have, although I have not read it in its
entirety recently.

Mr. Somers: Other than your personal attorney and the attorneys here from DOJ, did you speak with anyone in preparation for today's interview?

Mr. Evans: No, I did not.

Mr. Somers: For the record, where do you currently work?

Mr. Evans: I work at a locally-based financial institution in the private sector.

Mr. Somers: Could you please give us a brief rundown of the positions you've held at the Department of Justice?

Mr. Evans: I joined the Department of Justice in roughly the fall of 2005. At the time, I was initially a line attorney in what was then the Office of Intelligence Policy and Review, OIPR, which was the predecessor to what is now the Office of Intelligence. I served as a line attorney for several years, and then took on positions of Deputy Unit Chief for Counterterrorism, Unit Chief for Counterterrorism, Deputy Section Chief for Operations.

I did a brief ten-month detail to National Security Council dealing with the aftermath of the Snowden disclosures, then from the middle of 2014 until my departure from the Department in May of 2019 served
as the Deputy Assistant Attorney for Intelligence over
the Office of Intelligence.

Mr. Somers: So your entire tenure at the
Department it sounds like was in national security-
related kind of work?

Mr. Evans: That's correct.

Mr. Somers: Prior to the Department, what did you
do?

Mr. Evans: Prior to the Department I worked at a
D.C.-based law firm for four and a half, four years
approximately; and then prior to that clerked for a
judge after law school.

Mr. Somers: Was your private practice related to
national security, too?

Mr. Evans: No, it was not.

Mr. Somers: Thank you.

For the entirety of the Crossfire Hurricane
investigation, you were the Deputy Assistant Attorney
General for the Office of Intelligence?

Mr. Evans: Yes -- well, yes, I believe that's correct.

Mr. Somers: And in general, what were your
responsibilities in that position?

Mr. Evans: The Office of Intelligence at that time
and so far as I know still does have three sections: the
Operations Section, the Oversight Section, and the
Litigation Section. Each of those sections is headed by a section chief, but I was in a position above those three sections with supervisory responsibility for those three sections.

The Operations Section primarily dealt with the production of FISA applications, working with the intelligence community agencies. The Oversight Section dealt with, as the name implies, oversight of compliance-related matters arising out of either warrant applications or programmatic FISA issues, such as affecting 702 authority.

The Litigation Section dealt with issues regarding the use of FISA information in criminal or other legal proceedings and coordination with various prosecutors or other attorneys in government with respect to these.

Mr. Somers: With regards to the Oversight Section, could they, for instance, provide a layer of oversight of something like the Carter Page FISA application, where there were potential errors?

Mr. Evans: I think the short answer is yes and no. The way the Oversight Section worked is they had various programmatic oversight responsibilities, such as for the FBI's use of FISA, conducting on-site reviews for minimization, how information collected was minimized, whether it was in conformity with the rules,
or doing accuracy reviews of applications.

Those items were decided within the Oversight Section primarily in terms of their general programmatic authorities. There were other matters that could percolate up organically from specific cases that the Operations Section might become aware of first, and then they would bring that to the Oversight Section for the Oversight Section's involvement in resolving that.

So the answer is potentially yes, but it just depends on how matters kind of came up and were brought to their attention.

Mr. Somers: But let's say there was, just hypothetically, no IG report or investigation that was launched in 2018. Could you have said, "Hey"? Could you have filed a Rule 13A letter at that point in time? Could you have said, "Hey, Oversight Section, I see some problems with this Carter Page FISA application"? Could you have assigned that as an oversight task?

Mr. Evans: Potentially. I would say the general practice when material misstatements or omissions necessitating a Rule 13A letter came up in the general course of practice, those were typically handled by the Operations Section.

There's another provision of the FISA Court's rules,
Rule 13B, that deals with compliance incidents, and
those were more typically handled by the Operations
Section. So I recall -- I can't remember whether it was
classified or not, but -- the IG report may have
mentioned a potential Rule 13B letter as well, and if it
did that would have been handled by the Oversight
Section because that would have been an issue of
noncompliance with that particular rule.

Mr. Somers: You don't recall -- well, I guess a FISA
application is not considered litigation that would be in
the Litigation Section?

Mr. Evans: That's right. The Litigation Section was
more the use in criminal proceedings in district court of
the fruits of FISA's, either as part of a case in chief or
for discovery or other purposes, or the use in
occasionally a civil case or something of that nature by
the Department where a FISA could be implicated. It
was litigation outside the FISC.

Mr. Somers: Approximately how many FISAs have
you worked on in your career?

Mr. Evans: Probably in the hundreds somewhere,
between ones I worked on personally and ones in an
oversight capacity -- "Oversight" is not the correct word,
but ones in a managerial capacity I had the opportunity
to review or read -- I'd say in the hundreds somewhere.
But I couldn't be more precise.

Mr. Somers: That you worked on in a variety of different roles at the Department. That you worked on as a line attorney?

Mr. Evans: As a line attorney, in multiple supervisory levels as well.

Mr. Baker: What kind of training -- I'm just curious. When you enter on duty at the Department, it would seem to me national security law is a little bit different than a lot of types of law you might encounter in private practice. What kind of training just generally do you get as you enter on duty as a line attorney and then start your way up through the National Security Division?

Mr. Evans: I would say it's typically rare, because of the classified nature of FISA, that new attorneys we hire have any experience with FISA itself. Some may have national security experience from other areas, but very few have FISA experience itself. So we had to development within the Office of Intelligence a training program internally for new attorneys, including being assigned a mentor and a variety of training sessions presented to you by more senior attorneys and managers in the office during your first couple of months to learn all the various aspects of the FISA
statute and the process associated with it.

Mr. Baker: So would it be a while before a new hire would actually do anything on a real FISA? Or would it depend?

Mr. Evans: I would say that a new attorney is assigned a new FISA relatively soon after arrival, but the first several that you work on are going to be in more close partnership with their mentor and using that first FISA as a kind of training mechanism, in a sense. Usually the practice of managers was to assign relatively straightforward FISAs to newer attorneys, such as a FISA that's been renewed several times and was judged to have a relatively straightforward, simple fact pattern, so that you're not throwing a new attorney into something complex or unusual right out of the gate.

Mr. Baker: What else would qualify as a more straightforward FISA?

Mr. Evans: I'll try to avoid classification issues here for a minute.

Mr. Findlay: It could be tough for him -- it could be tough for him to get into particular examples without getting into classified real quick. So I thought that maybe we'd save that.

Mr. Evans: I can keep it at a very high level.
Mr. Findlay: It would just be more complicated issues.

Mr. Evans: I would say two things. One, some FISAs may have more complicated fact patterns than others; and also, if you look at the statute itself -- and I'll just stick to the statute without getting into specifics here -- the statute breaks out different types of agents of foreign powers, and some of the definitions are more straightforward than others and don't require particularly detailed factual averments. Others, because of the nature of what the allegations and probable cause would require, have a more complex factual burden.

So sometimes just the nature of who the party was could make some things simpler than others.

Mr. Baker: Just at a very high level, would it be fair to say that the FISAs we're going to talk about here today would not be that straightforward variety you're talking about?

Mr. Evans: I would agree with that.

Mr. Baker: Thank you.

Mr. Somers: So in your position as the Deputy Assistant, do all FISAs -- they all go through you in some manner?

Mr. Evans: No, they do not.
Mr. Somers: So either the DAG or the Attorney General needs to sign off on FISAs. Could the Assistant Attorney General for NSD sign off on a FISA?

Mr. Evans: Yes, they could. Let me break your question out a bit and give you kind of a more fulsome answer. Before we get to who can sign them, the second part of your question, on the first part, in terms of the drafting process, the way I would describe it is like this. At the time period back in 2016 or so I would say there were somewhere between 12 to 1500 FISA applications a year across the various FISA authorities.

As you’ve seen, it was a little bit like a pyramid, with all of them at the bottom and some, based on a variety of factors, may be more complex for a variety of reasons and kind of move up that pyramid. So every FISA would have a line attorney assigned to it, and every FISA would be reviewed by at least a deputy unit chief within the Operations Section.

Once they get progressively more complicated for one reason or another, they may kind of move up the pyramid and get additional levels of review. So in terms of my review and participation, I would say there were probably fewer than 25 to the year, maybe somewhere around 25 a year, rough estimate, that would get elevated to me for that kind of review process.
So that gives you a sense of some of total universe that was out there. I only had a small portion of them that were getting elevated to me.

In terms of the signature process, the statute, the FISA statute, specifies that there are three officials in the Department of Justice who have ultimate approval for signing off on a FISA to be submitted to the court. That is the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for National Security.

The general practice at that time was that the Assistant Attorney General for National Security was the primary signer for all FISAs, unless that person was unavailable.

The other thing I would note is that people, other than the Attorney General, people in acting capacities are not statutorily authorized to sign FISAs. So an Acting Assistant Attorney General was not authorized to sign FISAs. So during periods of time when we only had an Acting Assistant Attorney General, then the Deputy Attorney General would be the primary signer of FISAs for the Department.

88Mr. Somers: Do all FISAs go through the Office of Intelligence?

Mr. Evans: As far as I'm aware, yes.
Mr. Somers: Some FISAs -- why would you review -- you said you reviewed about 20 or so a year. What's special about those 20 or so FISAs?

Mr. Evans: It could vary. I would say some element of sensitivity. It could be a novel legal theory that's being used. It could be a novel technology that's being used to facilitate the collection. It could be a combination of those things. It could be a sensitivity associated with the target. It could be a question from the folks down the pyramid who are reviewing it about wanting my judgment on any of those elements or whether, if it's a case for probable cause, that they've already drafted, where they believe probable cause is a close call, for instance, and they want my views on it. So it could be any of those developments typically, and usually would be a mix across those.

Mr. Somers: Do you know if there were investigations that were designated as sensitive investigative matters that had FISAs that you did not review? I guess what I'm asking, did you review all FISAs in cases that were designated as SIMs by the FBI?

Mr. Evans: I'm not sure I would necessarily know the answer to that. Whether the underlying investigation is designated as a SIM wouldn't have been something that typically would have gotten flagged.
Typically, it's kind of an internal designation in terms of how they designate the case and typically wouldn't be relevant to how the FISA proceeds necessarily. So I'm not sure I would know if there would be a correlation between whether investigation was designated as a SIM or not.

I can tell you that as a general matter I think my team was pretty good about flagging cases for me that they thought had some kind of sensitivity associated with them, although it wouldn't necessarily be in the process. It could be once the application was done and drafted, but right before it was finalized, sort of thing.

Mr. Somers: What is the signer, whether it's the head of NSD or the Deputy Attorney General or the Attorney General, what are they given in terms -- obviously, they're given the FISA application itself. I'm guessing, with 1500 of them, they're not reading 1500 FISA applications. So what are they given?

Mr. Evans: The typical process for the vast majority of FISAs is that there is a signing session that takes place with that signer, whoever it is. The signing session, depending on what the volume of FISAs on a particular week is, can be daily timing sessions or sometimes just a few times a week. It depends on what the weekly volume would be.
At those signing sessions, the signer is given a copy of the application. The whole application is presented to them, along with a cover sheet that summarizes the key elements of probable cause for the application. Then there is also a briefer from the National Security Division who is usually there, and a supervisor who is also there, to orally brief the facts along with the written summary and take any questions that the signing official may have.

For applications that might warrant further discussion or attention or are less routine, sometimes those would be sent to the -- if the DAG or the AG was the signing official, sometimes those might have been sent to the staff for those officials in advance, to give them an opportunity to read it and ask any questions, if they wanted to, in advance.

Similarly, when the Assistant Attorney General for National Security was signing FISAs, because we had close connectivity and proximity, we might flag something in advance of the actual signing session if there was a need for discussion about it.

Mr. Somers: And for these 20 or so FISAs that came through you every year, were you involved in that signing session with -- were you typically -- not every time. But were you typically involved in those
discussions with either the head of NSD or higher?

   Mr. Evans: I would say typically I'd -- yes, I would say typically, as a general matter, yes.

   Mr. Somers: Were you -- specifically on Crossfire Hurricane, were you involved in a particular signing? I'm sure there was lots of discussion about that one, but was there a particular briefing that would fit this category of a signing meeting, that you were involved in for the Crossfire Hurricane or Carter Page FISA applications?

   Mr. Evans: Yes. There were four applications and my recollection is for the first two of them I believe I was at the signing sessions. For the second two of them, I do not believe I was at the signing sessions, although I would note for the first two, to be present -- in this case, the Deputy Attorney General had been given the application to read beforehand. The signing session didn't involve particularly a robust discussion because, unlike the routine scenario I presented where perhaps the signers learned of the matter for the first time during the signing session, that was not the case for this one; and so it was a relatively brief discussion.

   Mr. Somers: Is the goal of the signing session that when that concludes that application is actually signed off on? If that is the goal, is there occasion where
there's questions that come up that the briefer who's
present can't adequately address to the satisfaction of
the signer and it doesn't result in it being signed at the
session?

Mr. Evans: I think -- I'll take your questions one by
one, but I think the answer to both of them is yes. So
yes, the goal of the briefing is to satisfy the signer so
that the application is signed during the course of that
briefing. Yes, upon occasion it happened that the
signer either had questions or, based on the briefing,
just wants to hold onto the application and read it and
give it a more thorough review. It's not particularly
common, but it can happen.

So, getting back to my point earlier of potentially
flagging unusual things in advance, part of that is to
avoid those sorts of questions or that sort of delay. It's
entirely appropriate within the signer's prerogative to
ask those questions and have that back-and-forth. So
the process for anything that in our judgment might
lead to that, we'd try to confront that in advance of
showing up for the signing, so that you could deal with
those questions in advance.

Mr. Baker: Would FBI personnel ever be at one of
the signing sessions to give more hands-on or more
involvement with what's being presented? Or the
briefer is the one that answers the questions of the signer?

Mr. Evans: Typically not. I would say almost exclusively it was the National Security Division personnel. I think it's possible that within my -- let me think how long I was with the Department. Within my tenure at the Department working on FISAs, it's possible that there may have been one or two occasions where there was some question that came up, very infrequently, the Department said the FBI could come as well, but very, very infrequent. And I'm not even sure that it -- it feel that it may have happened once or twice, but I'm not 100 percent sure about that.

Mr. Baker: At the time this application makes its way to the signing session, has the FISC gotten a copy of it, so they too can kind of get in front of the curve and have their counsels prepare their version of a briefing, rather than it land cold?

Mr. Evans: I think the answer is yes and no. It depends a little bit on timing. The FISC rules, their court rules, specify that, except for matters that are time-sensitive or they unofficially give the government permission to do so, the general practice is to try to file what's called a "read copy" or an advance copy of the application with the court, ideally seven days before it
would be entertained by a judge.

That time period gives the court staff time to read it, time to pass back any feedback to the government, including potentially from the judge, time to have the government adjust the application if needed before a final. It almost depended case by case when you got that feedback during that period and if you got that feedback before you happened to be ready to take the application to the DOJ signing official.

I'll just explain a little bit further. Let's say you have a very, very routine application where in the National Security Division's judgment, there's not likely to be significant questions from the court. If that application comes back from the FBI ready to be taken to the approving official on day two, day three of that signing period, we might just take it and have the signer sign it, even though we haven't yet heard back from the court, because in our judgment there's very little chance you're going to get the feedback.

Mr. Baker: Would the court give you a heads-up? As they're going through this read copy, would they give you a heads-up before anything official happens over at the Department?

Mr. Evans: They would give us a heads-up. I guess what I'm trying to articulate is whether that heads-up
happens before or after the case had been signed by
the DOJ signing official just varied case by case. It
depended on where things were in the signing process.

Mr. Baker: Did I understand you to say that some
of that feedback, for lack of a better term, coming from
the FISA Court could actually be coming from one of the
judges?

Mr. Evans: In fact, the vast majority of the time the
judge would read the case based off of that read copy
and pass back feedback from that. So typically you
would know the judge's reaction before the final
version is filed. Whether that happened or not before
we had gone to the Deputy Attorney General or the
Assistant Attorney General, that would vary case by
case.

Mr. Baker: If there is feedback coming from the
FISC that would result in the signing at the Department
being slowed down or whatever, is that an occasion
where there'd be a lot of back and forth maybe between
the Department and the FBI to bolster whatever the
issue is that the FISC has flagged? Maybe tighten down
probable cause or doing something else?

It just seems to me in this whole FISA process
there's a lot more back-and-forth at a whole bunch of
different levels. It looks like the application goes in a
couple of different directions at the same time. You've got this read copy to the court. It just sounds like, as opposed to the criminal side of doing various techniques, there's a constant back and forth between FBI and the Department at different levels.

It seems like there's an official at one rank in the Department, that has a counterpart in the Bureau, and there's a system, whether it's formal or it just evolved, where a lot of stuff that needs to be bolstered based on feedback you're getting from the FISC happens pretty regularly, pretty quickly.

Mr. Evans: It does, and I would say the feedback from the FISC really spanned the entire gamut of things you could get feedback on. It could range from typos to questions for clarifications on wording, to substantive concerns about probable cause or facilities to use or anything else along those lines.

The other point I would note process-wise is that the FISC is staffed by -- I don't know the current number, but somewhere in the five to seven range of permanent legal advisers to the judges, who read all these applications before going to the judges. Unlike a regular district court, those are not fresh out of law school and undergoing clerkship. These are people usually well advanced in their career and this is their
permanent, permanent job, as opposed to a rotational job.

So many of these legal advisers themselves had 10 to 15 years of experience with reading FISA applications and providing feedback on them.

Mr. Baker: Thank you very much.

Mr. Somers: Does it ever happen that the read copy is sent over to the FISC and the signing official says "No, I'm not signing that FISA application"?

Mr. Evans: I think there have been a handful of occasions where that has happened. Typically -- again, given that the Office of Intelligence processes FISAs on a daily basis and has a pretty good sense of how things are, typically if we had one -- and this is a little bit what I was getting to earlier on, when do you go to the signing official or not.

Let's say we had one that's close to the line, and we thought maybe the judge will disagree with this. We may have waited to present that to the Assistant Attorney General or the Deputy Attorney General until we had the reaction from the judge, and that way we're able to go to the signing official and say: "Ma'am, the government believes there's probable cause here, but we can tell you the judge has read it and the judge isn't persuaded and wants to have a hearing on it."
So if there were ones where we in advance thought there might be an issue from the judge, we would have the ability to wait for the judge's feedback before presenting that to the signing official. That's how it ordinarily worked, and there certainly have been occasions where things were signed by the signing official and then subsequently we got feedback that the judge would have questions, and we would just deal with that accordingly.

Mr. Somers: But there wouldn't be an actual hearing until it was signed by the NSD? Or would you get a hearing on a read copy?

Mr. Evans: No. I would say 99.9 percent of the time the hearing would be once the read copy was officially filed. I think there have probably been a small, small handful of times where maybe a judge held a hearing based off of a read copy, but usually only if there was some extraordinary circumstance, like the judge had a flight out of town and needed to move up a hearing before we could actually get a final, the final filed.

But that wasn't the practice. It could have occurred because of timing issues, but typically the hearing would be after the final was filed.

Mr. Somers: We've asked you a lot about what
goes on above NSD or just at the top of NSD and above. What I'm trying to understand is what goes on between FBI and the line attorney in NSD that's assigned. I guess the way to ask the question would be: What do you get from FBI? What's the product look like when it comes over to the line attorney in NDS?

Mr. Evans: The FBI internally has a form. I don't know the form number, but they have a form that's essentially a FISA request form. If an agent decides they want to do a FISA, they fill out that form. And there's a lot of information that goes on that form: the name of the target, the types of things they want to surveil or search, the reason they believe those things belong to the target; and most importantly, the agent's recitation of their belief for probable cause.

That form gets filled out by the agent, gets reviewed by multiple levels of hierarchy within the FBI, and then ultimately -- and I don't recall off the top of my head what the highest level of review of that form is in the FBI. I think it may be a deputy chief level, but I'm not sure about that.

Whenever it meets that highest level of approval, that form then gets sent over to NSD, the Office of Intelligence, and it will be assigned to an attorney to work on.
I'll pause there for a second. I would say the quality of that initial form, like with anything else, varies greatly depending on the agent and how they put it together and how they thought about it. So once it's assigned here to an attorney within OI, the OI attorney will read it and begin an iterative back-and-forth with the case agent typically, sometimes the headquarters agent as well, but typically the case agent, and work on fleshing out some information in that form and keeping that information and putting it, from that form, into a format that is the ultimate working application that would go to the court.

How much involvement there is in that process and how long that takes, how much back-and-forth there is, depends on a whole variety of factors, including what the quality of the position was in the first place and then kind of how complex and straightforward the facts are.

Mr. Somers: So who is like the first drafter of the FISA? Is that the OI attorney, I think from your description?

Mr. Evans: I would way it's the OI, what we would term as the line attorney, the OI line attorney, yes.

Mr. Somers: And are those -- I think in the Carter Page FISA application, for instance, there was a heads-
up given, basically: Hey, we may seek FISA coverage. Is that atypical or typical?

Mr. Evans: I would say that is not atypical for high-profile, fast-moving investigations. So I would say that is typical for high-profile, fast-moving investigations. The best example I can give you of that in the terrorism context: Let's say the FBI gets a tip of a potential terrorist attack and they spin up a new investigation into that.

They're likely to loop us in early in that process, so that if as they get into that investigation they determine that they need to seek FISA authority, that we're not hearing of it for the first time and getting up to speed at that point. So for things where it's kind of potentially fast-moving and they want to be sure that the Department has involvement or are aware of it in case they need a FISA, it would not necessarily be atypical to loop us in also.

Mr. Somers: You mentioned the OI attorney obviously, and you mentioned the case agent at FBI. What's the role of the General Counsel's Office at the FBI with a FISA?

Mr. Evans: I'm not sure I can tell you what the --

Mr. Somers: Based on your experience?

Mr. Evans: Yes. I would say, based on my
experience, I'm not even sure, especially at that point in
time, it was well defined what the role of the General
Counsel's Office was. I would say in my experience the
role of the attorneys in the General Counsel's Office has
varied based on the type of FISA and based on who the
attorneys were.

Some attorneys in OGC were very, very hands-off
with their FISAs that were in their portfolio and didn't
have much involvement. Others were kind of more
hands-on. I would say the general rule of thumb in my
experience, things that were higher profile or more
sensitive were more likely to have more OGC role in.
Then I would also state as a general matter it was my
impression that attorneys within General Counsel's
Office on the counterintelligence side of cases tended
to be slightly more involved in FISAs than perhaps on
the terrorism side of FISAs.

Mr. Somers: Where would [redacted] fit on that
hands-on, hands-off in your spectrum?

Mr. Evans: I had worked with her at various points
over the years. I don't know how you could
characterize her one way or the other, other than to
say, I think the types of FISAs she worked on tended to
be more complex counterintelligence matters, whereas
generally in my experience, I think as I just alluded to,
the General Counsel's Office tended to be a little more closely involved than others.

Mr. Baker: Would the national security lawyers at the FBI -- you mentioned you worked with [redacted] over the course of years. Was the tenure at the Bureau in the national security law unit, was it the same cadre of lawyers that stuck around for a while, people that you did work with over the course of the years and you had kind of a sense as to maybe if you needed to look, or somebody below you needed to look, a little closer, or you have a certain comfort level on certain people you worked with before?

I guess my question is: Is that a unit over at the FBI's General Counsel where people sort of hung around a lot?

Mr. Evans: Anecdotally, my impression is that folks did have long tenures there, probably more so -- and this is just my impression -- probably more so on the counterintelligence side. I think there may be more movement on the counterterrorism side. Certainly, I think like all national security offices during my tenure, they were doing a lot of hiring and typically constantly had an influx of new folks.

But generally, yes, my impression was on the counterintelligence side there were a number of
attorneys who stayed for quite a while.

You had mentioned earlier you made a distinction between a case agent and a headquarters agent. My understand is that the case agent would normally be the one that's actually the investigator of the case and that person, while not always, would often be assigned to an FBI field office, where a lot of the investigations work and the need for or the thought for the need of the FISA technique would come from. Is that your understanding as well?

Mr. Evans: That is my understanding. For historical context, as long as I was doing FISAs and I believe going back to the origins of FISA or at least the 1980s, FISA applications themselves were signed by the headquarters agents with programmatic supervisory responsibility for the case, even though the investigation was happening in the field office by the case agent.

My understanding is the background of that is historically field offices did not have as good connectivity to Washington, D.C., in terms of transmission of classified information. I know when I started in the early 2000s we were still secure faxing things back and forth to the field offices.

Additionally, the FISC itself is located in
Washington, D.C., so if there were any hearings that needed to be held those hearings -- we'd need somebody local and it wasn't feasible to bring in the field offices. So the historic practice for as long as I'm aware of with FISA is that the case agent would work the investigation and be the primary agent involved in the facts of the FISA, but that it would ultimately be a headquarters agent who was responsible for being the affiant on the FISA based on familiarity and the underlying representations of the case agent, because of the need to have it centralized in D.C.

Mr. Baker: To the best that you know, this case agent sitting out in the field and having this coordination with that headquarters agent that's got the programmatic supervisory responsibility, is it your understanding that there's a pretty robust process in the field office, that, similar to headquarters and DOJ, there's different people looking at this request and the investigation that supports the request before it might even get to headquarters? So it's like an extra multi-level review?

Mr. Evans: In terms of the request itself, that's certainly my understanding. I don't recall the particular levels, but I think, unless my recollection is -- that for initiation of these, it might have to go up to the special
agent in charge for approval to request initiation, or
someone relatively senior.

For the actual drafting of the FISA, my recollection
is -- again, I'm not, as you noted, with the FBI. But my
recollection is that, in addition to the case agent
reviewing the final draft of the application to attest to
its accuracy, there's also some review by the
supervisory special agent in charge in the field office as
well on the application itself.

Mr. Somers: Thank you. Do you find anything
problematic with having this headquarters program
manager step in and be the affiant on a FISA
application?

Mr. Evans: That's a great question. I certainly
understand the historical origins for it and why it is that
way. I do think, in my personal opinion -- and I can say
this is something I started thinking about while I was
still toward the end of my tenure in the Department --
it's not entirely clear to me that some of the underlying
circumstances that I described earlier in terms of the
state of technology, the state of connectivity with the
field, the nature of hearings, things of that nature, still
mandate that to operate the way it is.

So for instance, again, in earlier eras of FISA I think
it was much more common for judges to have hearings.
I think that has become less common in this era. And
the court also now has much better connectivity in
terms of secure phones and things like that than it did
a generation ago.

So I do think there could be an opportunity to
revisit that, to have case agents in the field be actual
affiants, as opposed to headquarters agents potentially.

Mr. Somers: More specifically on that, do you find
it problematic that, for instance, like the IG found, in
the first paragraph of the Carter Page FISA application a
misstatement to the court: "This application is made by
(REDACTED), a supervisory special agent of the Federal
Bureau of Investigation whose official duties at FBI
Headquarters include supervision of the FBI's
investigation of the above-captioned target, based upon
information furnished as of the day (REDACTED)."

The IG report found that's not an accurate
statement because the redacted SSA is a headquarters
program manager who did not have any supervision
over the FBI's investigation.

Do you find it problematic to begin a FISA
application with a misstatement like that?

Mr. Evans: Let me break your question into two
parts. One, I believe it's problematic to have
misstatements in FISAs, particularly if they are material.
And to the extent that is a misstatement, that's not one that I would consider acceptable.

With respect to that language in particular, I would say that that language was not specific -- I don't know if we can talk about whether a FISA is --

Mr. Somers: We can just stay general. We don't have to go into Carter Page. I just brought it up as an example because the IG report says that language is boilerplate.

Mr. Evans: That's where I was going. I don't recall what the IG said about that language, but that language is boilerplate and was drafted and predates my tenure. But my understanding is that that language was agreed to at some time in the past between the FBI and DOJ to describe as a general matter what the role of the headquarters SSA is for all of these cases.

So thus, whether it's SSA A or SSA B or SSA C, that language is intended to encompass -- be generic enough to encompass what their role is trying to get those FISAs so that you don't have to then change that description for each particular application 1500 times a year.

So I would say if that language wasn't specific here to what this SSA was doing or not, that's probably just gets to the question about needing to have that
language rephrased to more accurately reflect what the role of the SSA generally is.

Mr. Somers: That's a long answer. Generally, you'd agree it's not the best practice to start a FISA -- not this one, but any FISA -- with a misrepresentation of who the identity of the officer making the application is?

I was just going for a yes or no on that.

Mr. Evans: Yes, I generally agree with that.

Mr. Baker: I want to clarify just one thing. This ex parte affiant at FBI Headquarters, the supervisory special agent, is it your understanding that is someone who was the headquarters agent on that particular case, that had the back-and-forth with the field and maybe back-and-forth with other FBI Headquarters entities, maybe DOJ entities? Or is that affiant in a unit somewhere else that is a separate unit that actually goes and signs or presents the FISA?

Mr. Evans: My understanding is that it's the former, what you described. It is supposed to be a headquarters supervisory special agent who is in a unit with some kind of programmatic responsibility for that case. So for instance, if you have a case targeting a U.S. person who is believed to be an agent of Country 1, that the headquarters affiant would have headquarters
responsibility for espionage investigations regarding Country 1 and potential U.S. persons.

How much that translated into the supervisory responsibility of that investigation or not, I couldn't tell you. I'd have to defer to the FBI. But it is presumably somebody with some degree of horizontal -- somebody, excuse me, with vertical involvement in the investigation.

Mr. Baker: Okay, thank you.

Mr. Somers: In terms of your Deputy Assistant role at Justice, typically what type of interactions would you have with the FISC?

Mr. Evans: My interactions with the FISC could vary from programmatic interactions with the FISC, on kind of policy-type matters or far-ranging type matters that were not individualized, to potential involvement on individualized matters.

As an example -- this example, as the IG report indicated, is not relevant to this particular FISA, but it's an example. If we submitted a FISA where the judge indicated he was prepared to deny it and write an opinion denying it, the FISC court staff might call me personally just to make sure I was aware as the head of the office, even though they would also relay that back to the lower level that was working on it. That would
be one example. Mr. Somers: So even though it wasn't one of the 20 or so FISAs you actually looked at, you might still be the one to get the call?

Mr. Evans: Potentially. And typically they would call the attorney working on the FISA, but they may also on many occasions call me as well just to make sure that I had awareness of it in case it hadn't otherwise been elevated to me. So that would be one example of how I might interact with them on a routine FISA.

But also, on programmatic matters -- let's say FBI was in the process of updating its minimization procedures generically for all cases, not just for one case. I might have a lot of interaction with the court and the judges on a project like that, that would be more far-reaching across the board.

But it really varied from individual cases to bigger matters.

Mr. Somers: And what about individual cases? What interaction -- you gave one example where they might be turning it down. But what about for the 20 or so FISAs that you're actually involved in reviewing, taking a more hands-on approach than the others? What would your interaction be with the FISC once a read copy was sent down?

Mr. Evans: It could vary. It could -- take as an
example a terrorism investigation, let's say, using the example I used earlier, of a really high-profile, fast-moving terrorism investigation. If something like that came up and we're going to be sending a bunch of FISAs, I might call the court with a heads-up and say: Just wanted to let you know there's this new terrorism investigation that's spinning up, it's really serious, and for your timing and scheduling purposes I wanted to give you a heads-up we expect to be submitting some FISA applications on a really tight turnaround on that; wanted to give that to you on behalf of the office. So there could be things like that that could come up.

Mr. Somers: Did you ever answer questions about what's on the paper, the actual application?

Mr. Evans: Not typically, unless it would be something that I happened to have particular knowledge about one way or the other. Typically if there was a question about the individual facts of the matter, it would be the line attorney to deal with that.

Mr. Somers: And on the Carter Page FISA application, did you have any direct contact with the FISC?

Mr. Evans: I did. My recollection on Carter Page is twofold. One, at some point probably within the week or week and a half before the actual application was
filed, I remember calling the court to, as I just described would be a common practice for a terrorism investigation, to give a heads-up that there was a relatively fast-moving counterintelligence investigation where we'd be submitting an application.

I think I probably also previewed that I thought there were some sensitivities associated with it. I don't recall the conversation in detail. I suspect I did not get into the details of it because that wouldn't have been appropriate at that juncture in time, but typically to flag for them that I felt there were going to be some sensitivities and wanted to give them a heads-up so they wouldn't be surprised when it landed on their desk.

So there was that conversation. Then after the court read the application, I believe the court's feedback was -- and now I'm talking about the first, the first of four -- I believe the court's feedback was passed primarily to the line attorney.

I think I may have had one conversation potentially with the legal adviser on the case around the question that that person had about something that was not specific to the facts of the case. I'm trying to recall what it was. I think it was about dissemination or something about that. It was something that the legal
adviser had remembered some government policy on dissemination from five or six years or maybe even ten years before and was curious about that. So I had to look something up in our case files, and in the end it turned out to be an irrelevant issue and kind of something not applicable to the case. But that conversation did not involve the facts of the case specifically, but was on an extraneous question.

Mr. Somers: Then in regards to the Woods procedures, are you familiar with the Woods procedures?

Mr. Evans: I would say I'm certainly familiar with the general purpose and intent of the Woods procedures. I would defer to the FBI for the precise aspects of how they are operating in detail. I'm certainly familiar with the concept and what the purpose of them was.

Mr. Somers: Have you ever looked at a Woods file?

Mr. Evans: Yes, but personally I would say it was probably 2007 the last time I looked at a Woods file.

Mr. Somers: What would be the occasion that you would look at a Woods file?

Mr. Evans: For me in my role as the Deputy Assistant Attorney General, I don't think there was any occasion where I would look at a Woods file. My
personal experience looking at a Woods file would have been when I was a line attorney much earlier in my career. And I believe the Woods file that I looked at was part of going out and doing on-site oversight reviews at field offices. When those reviewed happen a select number of FISAs, not all of them, were typically selected for Woods reviews, Woods file reviews. In the course of performing those roles earlier in my career, I looked at some, but not more recently.

Mr. Somers: And those files were randomly selected for this?

Mr. Evans: Not randomly. I would say when on-site oversight reviews happen, typically the way the oversight team will do it is they would canvas the Operations folks for suggestions and input from the Operations folks as to which Woods files might merit review. There were a variety of factors that would go into thinking on that, one being does anyone think there's a possibility of criminal litigation down the road, in which case it would be a good idea to do an accuracy review.

Two, is the FISA still ongoing? If there were ongoing FISAs, I think that can get preference for review, as opposed to one that may have expired.

Three, potential complexity or other issues that
may have come up in the drafting that caused the Operations folks to think that there's a reason to do an accuracy review.

There can be a whole variety of factors. I would say it was not random, though.

Mr. Baker: These reviews or audits involved you and I'm guessing people from the FBI, whatever the team is, going out to the field and looking at these files?

Mr. Evans: Not me, but the Office of Intelligence. Typically, folks from either the Oversight Section or, because the Oversight Section was smaller than the Operations Section, there would often be Operations Section attorneys who would go along to assist on those reviews.

But yes, going out to field offices physically, sitting down with the case agents and looking at their files.

Mr. Baker: And you did that as a line attorney?

Mr. Evans: I did on a handful of cases as a line attorney, not frequently.

Mr. Baker: I guess my question about the randomness of it: It's not a situation where an FBI field office is told: Hey, we're coming out to look at some of your FISA files and Woods files; why don't you pull some for us, and then they pull the best of the best that
they know are in compliance?

Mr. Evans: Yes, it is not -- the FBI does not have that discretion of essentially choosing which files get reviewed; although, to your second point, they do receive notice of that in advance. So it's not as if we show up on their doorstep and say we're going to do that. There was a process where they were notified in advance.

Mr. Baker: And is there a standard protocol or a cheat sheet for people that are doing the audits, so an audit that is done, say, of the Detroit field office Woods files, the criteria that that field office is held to or the standard they're held to, would that be the same that would be used in another field office, so there is a standard of what's supposed to be in a Woods file?

Mr. Evans: I would say yes, there is a standard of what's supposed to be in a Woods file. I'm not -- sitting here today, I'm not sure if that's memorialized anywhere or not, or if it's more just in the knowledge and experience of the folks in our oversight team who have been doing that for so long and know. But I'm not sure if there's a document of that.

Mr. Baker: In the course of your work at the Department or just your impression -- in my view, I know the word "expert" can be sliced and diced. In my
world, you've got expertise in this particular area of the
law that's incredible. Is there a lot of confusion in your
mind in the agents in the field, what is supposed to be
in a Woods file?
    Mr. Evans: I don't believe there's a lot of confusion
on that. I think it was pretty well known by this in time
that we're talking about what's supposed to be in a
Woods file.
    Mr. Baker: Was what's supposed to be in a Woods
file in the Woods files that you were involved in, to the
best of your recollection?
    Mr. Evans: So again, personally speaking, my
experience of me personally reviewing Woods files is
out of date. I can tell you in my supervisory
responsibility I was aware of the general findings of the
office over the last several years of going through this
process, and I would say my experience is that by and
large what was in Woods files was what was supposed
to be in there.
    I would say over time, over the last several years,
the number of material errors that were identified
through Woods file reviews has generally decreased.
There did continue to be a persistent number of
immaterial errors, such as dates being wrong or things
like that. But in terms of the vast majority of the facts
that were in the FISA being in the Woods file as well, that generally tended to be the case, at least in my last several years experience.

Mr. Baker: And that's what's supposed -- at a very high level, that's what's supposed to be in the Woods file? If you're articulating a fact in the application or the affidavit, the source or the underlying fact for that is supposed to be in the Woods file?

Mr. Evans: The underlying documentation for that. I know just from observing this has generated some confusion. The way I would describe the Woods file is it is intended to be a file where the documents reflecting the words on the page in the FISA appear. So if the FISA says "Person A was observed entering a residence on January 3rd," then in the Woods file there should be a log from a surveillance team or something like that saying that Person A was observed entering a residence on January 3rd.

Or if the Woods file said, as is relevant to this case, "A source reported to us that Person A did X," then there should be something in the Woods file saying "Here's our memorialization of the source saying Person A did X."

It's not the harder step of are we certain that happened --
Mr. Baker: Right.

Mr. Evans: -- or do we have corroboration.

Mr. Baker: Somebody saw it or somebody heard it. It's not an independent investigation.

Mr. Evans: That's right. The words on the page in the FISA, are they actually reflected in the underlying documentation.

Mr. Baker: And it's for every word or sentence in the FISA that puts forth a fact. It's not just for facts that are attributed to a source. It's for any fact that's in the FISA, is that right?

Mr. Evans: That is correct. So when I was describing earlier an example of an immaterial error that we might see that might be counted, let's say for example that there were the results of a national security letter that were used to document something. Well, perhaps those results came in on January 1st, but the FISA said that the results came in on January 2nd.

Well, that's likely to be immaterial because the results are the same either way. You just had a typo on the date. So that would be the sort of thing where you go out and you do the Woods file review and you look at the results of the national security letter and you see that a date was off. So that would be the sort of thing where -- what I would term a typical example of an
immaterial error.

Mr. Baker: And that would not be a matter that the FISC would be notified about, because it's so immaterial?

Mr. Evans: Typically not. The court rules focus on material errors. For immaterial errors, typically you wouldn't notify the FISC of. The caveat that I would say is if the case was still active and being reviewed, you would correct that error, of course, in subsequent renewal applications. If the case was no longer active, though, you wouldn't typically go back and notify the court of something that minor.

Mr. Baker: Could you have a large number of immaterial errors that would require FISC notification just of the general sloppiness of it?

Mr. Evans: Potentially, I would say potentially. I'm not sure I could think of a case sitting here, years later, off the top of my head. But I would say potentially.

Mr. Baker: Thank you.

Mr. Somers: So from that I take it there's an ongoing obligation; since we're talking about FISA and renewals of a FISA, there's an ongoing obligation when you get a renewal to make sure something you said in the first FISA is still accurate by the time you get to the first, second, third, whatever renewal of the FISA?
Mr. Evans: I would agree with that.

Mr. Somers: I think, from all your last questioning, I think it's fair to say that as a line attorney in CI it's not typical at all as part of a FISA you're working on to look at the Woods file?

Mr. Evans: It is certainly not a routine practice. It could happen upon occasion, but again you would either have to be part of the oversight team doing that or have some other reason to do it. It's not a common practice.

Mr. Somers: That means the accuracy of what's in the FISA is really up to the FBI agent working on the application?

Mr. Evans: I would agree with that.

Mr. Somers: In terms of -- another question on renewals. In terms of renewals, what's a typical number of renewals? Were there a lot of renewals? In Carter Page's FISA application there were three of them. Is that typical?

Mr. Evans: I would actually say -- I'm just thinking in my head if I can give an unclassified answer to that. My own answer would be I think that was typical, if not potentially even on the low side. I have seen many that have significantly more renewals than that. I'd be happy to expand on that more in a classified setting.
I would also add as a general matter -- I think I can say this as an unclassified point -- counterintelligence matters in my experience tended to be slower-moving and last longer potentially than some terrorism matters. So having more FISA renewals on the counterintelligence side compared to a terrorism investigation would not have been abnormal.

Mr. Somers: We have just a couple minutes left here.

I asked you to start this whether you reviewed the IG's report and you said you had. Are you basically familiar with the 17 significant errors and omissions that the IG identified in the report?

Mr. Evans: I have of course read the IG report. Again, I have not read it in total since when I was given an opportunity by the Department to read it in draft form before it was released publicly. So I think that would be some time late last year. I haven't seen it since then.

I'm certainly aware that the IG identified 17 errors. I'm not sure if, sitting here today, I'm familiar with each and every one of them, no.

Mr. Somers: Do you recall taking any issue with any of the 17 errors, in terms that you disagreed that they were errors?
Mr. Evans: Not sitting here today, not that specifically comes to mind. But yes, I will say I felt some of them were more significant than others. But I don't think all -- I recall thinking that not all the errors they identified had the same significance or relevance. But I don't recall necessarily having any argument with any of them.

Mr. Baker: Were there any you were not surprised by, based on the concerns you raised earlier in the process of those FISAs?

Mr. Evans: Were there any errors, you're saying, that didn't surprise me? I think I would say there were - - I wouldn't highlight my surprise back to concerns I had earlier, because I think my concerns were, assuming the FISA would be error-free, I still had concerns.

I would say there were a number of the 17 errors -- again, I'm not going to use the term "17" because I don't remember specifically among the errors the IG identified.

Mr. Baker: Sure.

Mr. Evans: But among the errors discussed in the IG report, there were some I was made aware of while I was still in the Department. So those I knew of before reading the IG report, and wasn't surprised. There were
other things in there that I think I probably wasn't aware of, was I still in the Department, would have been a surprise to me. Which ones were which, I'm not sure I recall.

Mr. Somers: I think we're out of time on this round. So we'll turn it over to the minority.

Ms. Zdeb: Can we take a five-minute break?

Mr. Somers: Oh, yes. Now is the time to take a break.

(Recess from 11:40 a.m. to 11:50 a.m.)

Ms. Zdeb: It is 11:50 and we can go back on the record.

Mr. Evans, thanks for being here. We introduced ourselves earlier, but my colleagues Mr. Fausett, Ms. Sawyer, and I work for Senator Feinstein. We're going to follow up on a couple of the points that our colleagues were asking you about earlier.

You mentioned that you had at one point or another reviewed at least portions of the IG report. The report was the product of a two-year investigation. The Inspector General indicated that he reviewed close to a million documents, reviewed -- excuse me -- interviewed more than a hundred witnesses, including Christopher Steele, other former -- other non-government employees, former government employees.
I take it you've cooperated with the IG's investigation?

Mr. Evans: I did, yes.

Ms. Zdeb: And I take it you were also interviewed as part of the IG's investigation?

Mr. Evans: I was, on multiple occasions.

Ms. Zdeb: And roughly how many occasions, for how long, would you say you were interviewed?

Mr. Evans: I believe it was roughly three occasions, from the fall of 2018 through the end of my tenure in the spring of 2019; and probably over ten hours or so.

Ms. Zdeb: Did you provide complete, truthful answers when you were interviewed by the Inspector General's Office?

Mr. Evans: I believe I did, yes.

Ms. Zdeb: And did you specifically or to your knowledge did the Justice Department provide documents to the Inspector General in connection with his investigation?

Mr. Evans: Yes, we did.

Ms. Zdeb: Did the Inspector General's Office ever complain or indicate that it needed more information from you?

Mr. Evans: Not as far as I'm aware, no.

Ms. Zdeb: Did the Inspector General's Office ever
complain that they didn't get documents that they
wanted pertaining to your involvement in this?

Mr. Evans: With respect to me and the National
Security Division, no, not that I'm aware of.

Ms. Zdeb: And I think you indicated before the
break that you had been given an opportunity to review
a draft of the Inspector General's report?

Mr. Evans: Yes, that's correct.

Ms. Zdeb: Did you provide any comments after
reviewing the draft?

Mr. Evans: I did provide them some comments. I
would note, though, that the condition, the IG's
condition to me reviewing that draft, was having signed
a nondisclosure agreement of sorts with them. So I'm
not sure I could get into further what my comments
were. But I did provide some comments.

Ms. Zdeb: Fair enough. Without asking you to get
into specifics about the content of the comments, did
the final report address the comments that you had
provided?

Mr. Evans: I believe for the most part, yes.

Ms. Zdeb: So in other words, would it be fair to
say that the final report doesn't contain any errors as
they pertain to your involvement?

Mr. Evans: Yes, as a general matter I would say
that's right. There might have been one or two things that I would have phrased slightly differently or put a little bit of different context around. But as a general matter I think that's correct.

Ms. Zdeb: As you may know, our committee has held a six-hour hearing with the Inspector General last December after his report was released. During that hearing and since that hearing, there have been a number of allegations made publicly about Crossfire Hurricane as well as the Special Counsel's investigation.

From our perspective, many if not all of those allegations were answered by the Inspector General's report. But because we continue to hear them from people who weren't personally involved, we wanted to ask you a couple of basic questions.

The Inspector General found that there was no documentary or testimonial evidence of political bias impacting the FBI's work in Crossfire Hurricane. But we have nonetheless heard allegations that there was, quote, "tons of evidence of bias." Did political bias impact any of your actions in Crossfire Hurricane?

Mr. Evans: My personal actions?
Ms. Zdeb: Correct.
Mr. Evans: No, it did not.
Ms. Zdeb: Do you personally have any evidence
that political bias impacted any of the National Security Division's work more broadly on Crossfire Hurricane?

    Mr. Evans: No, I do not.

    Ms. Zdeb: Do you have any evidence that political bias otherwise impacted the Department's actions in Crossfire Hurricane?

    Mr. Evans: The Department including the FBI or --

    Ms. Zdeb: The Department more broadly than the National Security Division.

    Mr. Evans: No. I'm certainly aware of what was in the IG report regarding statements FBI employees and what-not have made through text messages and otherwise. But those were not things we were aware of at the time; and we had certainly -- I certainly had no sense at the time that this impacted the decisionmaking in any way contemporaneously.

    Ms. Zdeb: You are also -- are you also aware that the Inspector General, of course, had access to all of the text messages and at the conclusion of his investigation did comment that there was no evidence of political bias impacting the investigation?

    Mr. Evans: To the earlier point, yes, I am; and I would say that from my personal observations I did not personally observe anything contemporaneously that was contrary to that conclusion.
Ms. Zdeb: The President has repeatedly called Crossfire Hurricane a "witch hunt" and accused various members of the Crossfire Hurricane team, the Department, the Bureau more broadly, of conspiring to hurt him politically. Did you conspire with anyone to hurt the President politically?

Mr. Evans: No, I did not.

Ms. Zdeb: Do you have any evidence that Crossfire Hurricane was part of a deep state effort to hurt Trump politically?

Mr. Evans: No, I do not.

Ms. Zdeb: There similarly have been allegations that the purpose of Crossfire Hurricane was to change or nullify the result of the 2016 election. Have you ever done anything in connection with Crossfire Hurricane with the intent of changing or nullifying the result of the 2016 election?

Mr. Evans: No, I have not.

Ms. Zdeb: Do you personally have any evidence that the goal of Crossfire Hurricane was to change or nullify the results of the 2016 election?

Mr. Evans: No, I do not.

Ms. Zdeb: Finally, there have been allegations that Crossfire Hurricane was composed of, quote, "people who hated Trump" and who had, quote, "an agenda to
destroy him before he was elected and after he was elected." Did you personally have an agenda to destroy Trump before and after he was elected?

Mr. Evans: No, I did not.

Ms. Zdeb: Do you have any evidence that the goal of the Crossfire Hurricane investigation was to destroy Trump before and after he was elected?

Mr. Evans: I just want to be clear in my answer to that, relating to my earlier answer. I'm certainly now aware of, from the investigation, the text messages and those things along those lines. Harkening back to my earlier answer, I certainly had no indication contemporaneously that there was political bias by anyone at the FBI that factored into any decisionmaking at the time.

Ms. Zdeb: And you certainly have no basis to dispute the Inspector General's conclusion that none of the evidence he reviewed, including the text messages, were an indication that political bias impacted Crossfire Hurricane?

Mr. Evans: That's correct.

Ms. Zdeb: So you spoke a bit before the break just generally about the process for developing the FISA applications and the back and forth between the National Security Division and the FBI. Without getting
into any specifics that would require us to go into a
classified transcript, I just want to follow up generally
on some of those process questions.

Again speaking generally about the relationship
between the FBI and the National Security Division, your
former colleague George Hopkis was interviewed by the
House, actually by Mr. Baker and Mr. Somers, a couple
of years ago. And he indicated then that it was, quote,
"pretty common" for there to be tensions between
investigators and prosecutors. Would you agree with
that?

Mr. Evans: I'm not sure I would state it quite as
strongly. To really I think put a little more context
here, first off, I think when Mr. Hopkis made that
statement I think he was probably referring to tensions
between Counter-Espionage Section prosecutors in
Main Justice and the Counterintelligence Division with
respect to the investigation and prosecution of cases.
So I don't think he was probably referring to OI and the
FBI, or at least that's how I would interpret that
comment by him.

With that said, though, with respect to OI's
interactions with the FBI, I would put it this way.
Anyone who has worked with investigators in cases
knows that investigators, especially when it's an
important and high-profile case to them, can often become very singularly focused on the objectives of their investigation and will press very, very hard for what they believe to be the investigative steps they want to take.

So I wouldn't say that generally speaking there was a tense relationship between those in OI and the FBI. What I would say is on important, stressful, fast-moving cases, be it terrorism or investigation, it was certainly not uncommon for the FBI and for agents to try to put pressure to get the results they wanted from lawyers in our office. I think, similarly, that's probably what Mr. Hopkins was getting at.

Ms. Zdeb: So maybe we don't need to use the word "tension," which is his word. We can just call it perhaps differences of opinion on investigative tactics, strategies. To the extent those sorts of things were common in your experience at OI, would you agree that differences of opinion or tensions, in his words, could be healthy to the extent that they ultimately resulted in a more considered decisionmaking process?

Mr. Evans: I think certainly the discussion and deliberation could help. I would agree with that.

Ms. Zdeb: Picking up on the point you were just making and turning a little bit more specifically to the
FISA context, but not too specifically: As a general matter, would you agree that the FBI's requests for FISA authority are driven by their operational needs in a given investigation?

   Mr. Evans: I would agree. That's my general understanding.

   Ms. Zdeb: And it sounds like you would also agree that there are often time pressures associated with those operational needs?

   Mr. Evans: There can be. It can vary greatly based on the nature of the target of the investigation. But there were absolutely a number of FISAs where there were time pressures associated with it for one reason or another.

   Ms. Zdeb: To the extent you can do so in an unclassified way, I'm wondering if you could elaborate a little bit with respect to counterintelligence investigations. What sorts of general time pressures might there be?

   Mr. Evans: I could probably elaborate more in a classified setting. I think at an unclassified level two things that would come to mind to me would be the nature of the allegations and the nature of the underlying conduct. I'll give you a hypothetical here. If the allegation is that there is a mole inside an
intelligence agency actively stealing classified
information, that might be something where, given the
nature of the allegation and the alleged conduct, the FBI
might feel more time pressure and more urgency than
if it was something that was part of a longer-term
matter.

The other thing I would say is there could be
operational and investigative steps the FBI might want
to take for one reason or another that might be related
to the need to, on their part, to get FISA coverage in
place.

Ms. Zdeb: So it sounds like in your experience it
was not uncommon for the FBI to express those time
pressures to the National Security Division when a FISA
application was undergoing that back-and-forth process
you described?

Mr. Evans: I would agree with that.

Ms. Zdeb: And is it valid for the FBI to express
those time pressures to NSD so that NSD is aware of
relevant operational considerations?

Mr. Evans: I think that -- I would say there's
nothing inappropriate about them doing so. It's similar
in a case of criminal conduct, where a criminal
investigator may have reason that they want to expedite
something and that they identify that to an AUSA
Ms. Zdeb: So to the extent FBI expressed operational time pressures or a desire to move more quickly in the Carter Page situation specifically, it sounds like that wouldn't have been out of the ordinary?

Mr. Evans: I can tell you, contemporaneously at the time I did not think it as anything out of the ordinary. I took it as the sort of pressure that the FBI places in cases of this nature.

Ms. Zdeb: In your experience, do decisionmakers in the FISA chain of command -- and that could be either within or between the FBI and the National Security Division or DOJ more generally -- do those decisionmakers sometimes disagree about the strategy for a particular FISA application?

Mr. Evans: I think the vast majority of the drafting and decisioning on FISAs happens at the working level back and forth and there would be disagreements there. Oftentimes that will resolve itself before it gets up to a more senior decisionmaker, so that there isn't a need for those more senior decisionmakers to disagree. There may have been rare instances where senior decisionmakers disagreed, but I would say that's not -- that was not particularly common. And I would say
generally in my experience, whether it was the FBI or other intelligence agencies using FISA, the Department as a whole -- and I would say this is across administrations that I was a part of -- the Department as a whole tended to be somewhat deferential to the investigative preferences of whichever agency it was.

Ms. Zdeb: So let me maybe put a slightly finer point on this term I used, which was "strategy," which was a little bit vague. I guess one big picture kind of fundamental strategic question is whether to seek a FISA warrant or not. In your experience, were there ever disagreements among people on the chain of command about that threshold question?

Mr. Evans: From time to time, although again I would say ultimately FBI preference tended to be the driving factor.

(THERE IS A GAP OF APPROXIMATELY 20 MINUTES IN THE AUDIO RECORDINGS AND IN THE TRANSCRIPT. DURING THIS TIME MS. ZDEB AND MS. SAWYER WERE QUESTIONING THE WITNESS.)

Ms. Zdeb: Fair enough.

Ms. Sawyer: Can I get some clarification on that quickly? You did indicate that you felt as if if similar information came in from a foreign government indicating that there was -- that involved U.S. persons,
that FBI would be excoriated if it didn't actually follow up. Why a different standard for counterintelligence, that you wouldn't have been excoriated if you didn't follow up?

Mr. Evans: Again, I would agree that potentially in this case they may have been excoriated. She used the term "obligated." I don't know if they were legally compelled to open it. Had they not opened it, I could certainly understand from their perspective why they might have been chastized for not having done so. So chastized or excoriated. I just didn't want to imply that -- I don't know whether as a legal matter they had to open it or not.

Ms. Sawyer: Do you recall at the time -- you were briefed, I think it indicated, in August of 2016. Do you recall what you knew at the time about Russia's efforts to interfere in the election?

Mr. Evans: I don't think I knew much. I think I was briefed after the opening of the Crossfire Hurricane investigation. I think I was briefed on the overall picture of what was happening. Whether I in particular had any knowledge or awareness of the WikiLeaks thing, I'm not sure. I certainly don't remember tracking it very closely one way or the other.

Ms. Sawyer: Do you recall at the time hearing or
being aware of then-candidate Trump at a July 26th event asking, "Russia, if you are listening, please find the missing emails from Hillary Clinton"?

   Mr. Evans: It's possible. But, sitting here today, I don't specifically recall being aware of that statement at that time.

   Ms. Sawyer: With regard to the information that was conveyed to the U.S. government by a friendly foreign government at the end of July, do you recall why they indicated that they had just told the United States that at the end of July of 2016?

   Mr. Evans: I do recall what the FBI's explanation was to that. I had no direct conversations with the field office government. I do recall that once myself and my colleagues were briefed by the FBI in the opening of the investigation, and the FBI indicated that this information had been presented to them at the end of July, but that the underlying meeting that was being alleged took place, I think, some time in the spring, April or March.

   Somebody in the meeting -- I don't believe it was me; I think it may have been one of my colleagues, but I'm not sure -- asked a question along the lines of: Well, if the underlying conduct took place in April or March, why is it just getting to the government now?
And the FBI's answer to that to us was that, because the friendly foreign government was so concerned about whether they wanted to insert themselves into the U.S. political process or not, that the decision inside of that friendly foreign government about whether to pass this information over to the U.S. had to go to the highest level of that government for approval before they passed that information over, and that that's why they waited to pass it over until that time. At least that's my recollection of what they explained to us.

Ms. Sawyer: Do you recall any indication that part of the calculus for the friendly foreign government was that on July 20th WikiLeaks did release 20,000 hacked emails and that they then alerted the U.S. of what they had learned some months earlier, some eight days later?

Mr. Evans: It's possible that the FBI mentioned that as kind of a tipping point type thing. What I can tell you is, candidly, I remember in my mind focusing more on the fact of the senior level to which the information had to go in the foreign government. So whether they mentioned the WikiLeaks release as the tipping point or not to us, I'm just not sure.

Ms. Sawyer: What was the significance in your
mind of the fact that it had to go to such a high level within the friendly foreign government? Did that weigh in any way on assessing reliability, credibility?

Mr. Evans: I think in my mind at the time it did weigh in terms of assessing credibility and reliability preliminarily. This was in the range of tips that the FBI can get in a whole range of cases. You can go from the anonymous tip to the 1-800-FBI phone line, all the way down the spectrum of tips.

The fact that this wasn't just a random official passing this information to the government, [REDACTED] of a -- or at least as it was being represented to us, that [REDACTED] made the decision deliberately to pass this information over, knowing that there could be political consequences, was something that I think did at least in my mind factor in as relevant.

Ms. Sawyer: Now, Mr. Papadopoulos, the campaign adviser who was told that Russia had, quote, "thousands of emails that it could release strategically to help the Trump campaign," indicated that he didn't tell others because he wasn't sure whether to believe it. But he never denied that he was told it. In fact, as we saw, Russia did exactly what he was told Russia was going to do.

What difference might it have made -- and I know
I'm asking you to speculate a little bit. If he indeed was told in April 2016 that this was a possibility, that was before Russia had released any emails, what difference might that have made?

Mr. Evans: Sorry. I'm not sure I was following you in terms of the hypothetical.

Ms. Sawyer: Well, if he had come to the FBI and told them that this is what he had learned, what implications might that have had?

Mr. Evans: If he had come to the FBI directly in the spring of that year? You know, it's tough for me to speculate, but I think it's possible the FBI would have opened the investigation sooner. It also arguably would have removed one other layer from the mix in terms of people who were -- you would have then had Papadopoulos going directly to the FBI with that information versus an intermediary passing it through, and the chance the FBI would have potentially gotten a clearer picture earlier on.

Ms. Sawyer: It's possible, is it not, that they would have asked Mr. Papadopoulos to help them, if he had this connection, and find out more early on about what Russia was potentially doing?

Mr. Evans: It's certainly possible.

Ms. Sawyer: From your position and your
experience, if going forward -- you know, there's been confusion with the Attorney General just the other day in front of the House Judiciary Committee hesitating and saying it would depend on what kind of assistance was offered, before he did say it would not be appropriate for our government, anyone who's running for office, to accept foreign assistance.

Going forward, if a campaign is advised that a foreign government, be it Russia or anyone else, has information that it is willing to release to help a candidate, what should the campaign do with that information?

Mr. Evans: I'm reluctant to weigh in there. I'm not an election law or campaign lawyer. I'm not sure I could proffer the answer to that. I can tell you, as a citizen I would hope the campaign would not take a foreign government up on that offer. But in terms of what the legal obligations are, what a best practice for a campaign would be, I think that's outside my purview.

Ms. Sawyer: To the extent you do have a handle on the law and based on your experience, is there a category in terms of what Congress should be looking at where there is a gap in the law, where it is somehow acceptable to accept foreign assistance to win a campaign, influence a campaign, help a campaign?
Are there gaps that we need to fill, or is it just outright against the law?

Mr. Evans: I don't feel I'm in a position with my expertise to opine on that one way or the other. I just don't know the answer to that.

Ms. Sawyer: From a pure counterintelligence perspective, if a candidate does accept foreign assistance does that present any kind of counterintelligence risk for this nation?

Mr. Evans: I think, depending on the circumstances, it potentially could, yes.

Ms. Sawyer: In what ways?

Mr. Evans: You know, I think whether it's an election or not an election, I think one of the core concerns in the counterintelligence environment is American citizens being compromised one way or the other, where a foreign government has potential leverage on them.

To, again, take it outside of the election context, I think the traditional counterintelligence environment and counterintelligence concern is about, at a very basic level, would be about U.S. government employees with access to sensitive information, classified information, key foreign policy decisionmakers, who have somehow put themselves in a position or are in a
position where the foreign government has compromising leverage or information on them that could be used to blackmail them.

So I think whether it's an election or not an election, that is a fact pattern that always raising a counterintelligence concern.

Ms. Sawyer: So certainly it would be a concern for an ordinary citizen. Would it also be a concern if it were a national security adviser who had somehow been compromised by a foreign government?

Mr. Evans: I think it would be -- I'm not going to comment on specific people or specific positions. I think it would be a concern for anyone who is in a position where they have access to classified or sensitive information in government.

Ms. Sawyer: Mary McCord was interviewed and her 302 has been publicly released, and she was interviewed and specifically asked about the incoming National Security Adviser, Michael Flynn. So I was curious whether or not you were involved in any of the conversations about Glenn Flynn.

Mr. Findlay: I think we're going to have to object. The Flynn case is still pending and so we'd ask you not to get into that.

Ms. Sawyer: So, just to clarify, any question about
Michael Flynn cannot be asked today? Well, it can be asked, but you are asking -- are you directing the witness not to answer the question?

Mr. Findlay: We'd have to hear the question. I'm just telling you that anything related to the pending Flynn case he can't get into. So it's conceivable you could have a question that he could answer, but it seems unlikely.

Ms. Sawyer: And when -- who made the decision -- well, first of all I guess I would ask, is the witness going to follow that direction?

Mr. Findlay: Excuse me?

Ms. Sawyer: Is the witness going to follow the direction not to answer the question? The question pending right now is whether or not he was involved while employed in the National Security Division in conversations about Lieutenant General Flynn?

Mr. Walker: I think representatives of the Department of Justice are here to make sure that the questions put to Mr. Evans and his answers do not impinge on, first of all, matters outside the scope of this inquiry, or on pending investigations. So I think it's more of a question for the representatives of the Department of Justice. If they are making that determination, I think it's not inappropriate for the
witness to abide by the determination of the Department in that respect.

Ms. Sawyer: So just one issue of clarification. Crossfire Hurricane was opened on four individuals, one of whom was Michael Flynn. I would ask my colleagues to confirm that questions regarding Michael Flynn are within the scope of the Chairman's Crossfire Hurricane investigation.

Mr. Walker: Excuse me. That was part of what I was talking about.

Ms. Sawyer: I know, that's the first part. I just want to answer that one first.

Mr. Somers: Yes, Michael Flynn is part of Crossfire Hurricane. He had a Crossfire Hurricane investigation codename, and we do believe it's within the scope of the investigation.

Ms. Sawyer: Then your second point is the concern that the Department has asked the witness not to answer because it's the Department's position, as I understand it, that the Flynn matter is an ongoing matter. Did I articulate that correctly?

Mr. Walker: I believe that the matter is an ongoing matter. So to the extent that answering or not answering the question is consistent or inconsistent with the Department of Justice policy and practice,
again I would have to defer to Mr. Findlay, and that's the reason they are here. I don't think it's a matter of Mr. Evans' private counsel advising him one way or the other.

Mr. Somers: Could he answer the basic question of whether he had knowledge or involvement in the investigation of Michael Flynn? Because obviously if he had no knowledge this is an academic discussion.

Mr. Findlay: I think that sort of highest-level question would be fine, just to ascertain it. But I guess, going back to the purpose and where this questioning - - I was merely trying to highlight that it seemed like you were going down a road to talk about the Flynn investigation, not about something else related to Mr. Flynn.

So I think that high-level question is fine, but I think anything further is probably not going to be okay.

Ms. Sawyer: So I guess the question would be -- and I can even make it more specific: Mary McCord, you worked with Mary McCord; is that correct?

Mr. Evans: That is correct, yes.

Ms. Sawyer: What was your relationship to Mary McCord, working relationship?

Mr. Evans: Yes, working relationship, thank you.

Ms. McCord was -- for much of my tenure as the Deputy
Assistant Attorney General, she was the Principal Deputy Assistant Attorney General. And then for at least part of the Crossfire Hurricane investigation timeline, she was the Acting Assistant Attorney General of the National Security Division.

Ms. Sawyer: So Ms. McCord was interviewed. Her 302 has been released publicly. It's in the public domain. In that 302 she indicated that she had been alerted by the FBI about calls that then-Lieutenant General Flynn had with the Russian Ambassador, Sergei Kislyak, that occurred in December of 2016.

Were you in conversations with Ms. McCord or others about Lieutenant General Flynn's conversations with Ambassador Kislyak?

Mr. Evans: Keeping in mind the guidance from Department counsel and his prior admonishment on what I can and can't get into, I would say in the January 2017 and February 2017 time frame I was aware of and involved to a limited extent in some of those conversations. I would not say it was something I was primarily or heavily involved in, though.

Ms. Sawyer: Do you recall when you first read the transcripts of Lieutenant General Flynn's conversations with Ambassador Kislyak?

Mr. Findlay: You can answer whether you recall or
Mr. Evans: Do I recall when I first read them? Not the specific date, I don't recall, no.

Ms. Sawyer: Was it in that time frame of January to February 2017?

Mr. Evans: Somewhere in that general time frame, yes.

Ms. Sawyer: Do you recall whether or not Lieutenant General Flynn's identity was visible in the transcripts that you read?

Mr. Evans: I think to answer that question would probably require a more detailed answer on my part about this matter and could potentially both elevate it to the classified level and also get into the areas where Department counsel has instructed me not to answer. So I'm not sure I can answer that question.

Ms. Sawyer: In that transcript -- and we can get you a copy if you need -- Lieutenant General Flynn --

Mr. Findlay: I think we're going to have to flip over to the classified. I'm not sure he's going to be able to answer any questions anyway, but I think we'll have to flip over to the classified side now.

Ms. Sawyer: Can you explain that, since the transcripts have been declassified, they were produced to this committee, and they are on this committee's
website?

Mr. Findlay: But I assume you're not just going to ask him to read the transcript. You want background information about the transcript? You don't want him to validate the transcripts or anything like that? If you want to read it to him, I guess you can. But if you want anything beyond that, we'd have to --

Ms. Sawyer: I do want to ask his opinion about what he read in that transcript and the significance of what he read in that transcript. I don't think any of that is classified.

Mr. Findlay: And that might not be, but that could relate to the pending case. So I don't think he's going to be able to get into it for that reason.

Ms. Sawyer: On this directive that the Flynn matter is an ongoing matter, pending case, when was that decision made and by whom?

Mr. Findlay: When was the decision that the Flynn matter -- I mean, it just is a pending --

Ms. Sawyer: When was the decision made that individuals cannot talk about the Flynn case because it's the Department's position that it is an ongoing matter? Because Ms. Yates was questioned by other committees, both HPSCI and SSCI, about the Flynn matter. Those transcripts are now publicly available.
She talked about the Flynn case.

Michael Steinbach talked with this committee just weeks ago about the Flynn case.

So when was the decision made to direct witnesses that they cannot answer questions about the Flynn case? Mr. Findlay: I'm not a witness here today. I can tell you that that decision has been made.

Ms. Sawyer: I would ask you to answer, because you are asking a witness before us, when the decision was made and by whom?

Mr. Findlay: Again, I'm not going to get into it. He can't talk about any cases --

Ms. Sawyer: Why is it that you cannot give me that information? Because my members will ask that question.

Mr. Findlay: And that's a fair question. I'm not going to answer it.

Ms. Sawyer: Will you take it back and seek an answer on behalf of the committee?

Mr. Findlay: Certainly. I will turn to my colleagues from the Office of Legislative Affairs to do that.

Ms. Sawyer: Mr. Evans, were you interviewed as part of the Durham investigation?

Mr. Findlay: That's another area I think we're not going to be able to get into, again obviously pending;
and so he's not going to be able to get into that, either.

Ms. Sawyer: So the Durham investigation is a pending matter, is that correct? I'm still talking to --

Mr. Findlay: To me. He's not going to get into. I'm not going to update you on the status. I'm not sure I know the latest status of the Durham investigation. But he's not going to --

Ms. Sawyer: Is it your position here today that nothing he's been asked so far is being investigated by U.S. Attorney John Durham?

Mr. Findlay: Again, I'm not going to get into what Mr. Durham is investigating.

Ms. Sawyer: So can you represent today that nothing he's been asked relates to matters being investigated by John Durham? Because I am trying to understand how it is that this witness is being directed not to answer a single question about the Flynn matter, when he has sat here for two hours and answered questions that I believe we have been told publicly, that the Attorney General has confirmed publicly, are currently under investigation by John Durham.

Mr. Findlay: Again, I'm not in a position to speak to the status of the Durham investigation or give any update on it.

Ms. Sawyer: You would agree that the committee
has been told in a letter, and represented to us by the Majority, that we have been told that it is not a problem for us to ask questions about matters that are being looked into by John Durham, so long as we do it after Durham has spoken with witnesses?

So I would also like you to explain to me why we're allowed to ask witnesses questions about a matter that is still being investigated and we are being told that we cannot ask a witness a question about a case where the defendant pled guilty twice, I think over a year ago.

Mr. Findlay: Again -- and let's separate those things. The Flynn matter is ongoing. There is no debate about that.

The Durham matter I believe is ongoing. What is or is not in the scope of the Durham investigation I'm not going to get into.

Ms. Sawyer: All I need you to do is represent that nothing -- that he is not being allowed to answer questions about the Durham investigation since it's ongoing. Otherwise, I don't understand the double standard.

Mr. Findlay: There's no double standard. You asked him specifically -- if U.S. Attorney Durham asked him about his background at DOJ, how long were you there, and told since 2005 --
Ms. Sawyer: No. What I would imagine John Durham might ask him is about the Carter Page FISA application which he --

Mr. Findlay: And you might imagine that we're not going to confirm or deny what Mr. Durham is looking into. The Attorney General has made statements about it and those will stand on their own. But you're asking him specifically what his interactions have been on that investigation. He's not going to get into that.

Ms. Sawyer: I think our time is up, but I would put on the record that I have made a request, specific request, and I want to ask essentially the following: When the decision was made to direct witnesses not to answer questions about Michael Flynn; who made that decision and who was involved in that decision; why a very different decision has been made with regard to the apparent investigation by John Durham, which you have acknowledge is ongoing --

Mr. Findlay: Just to be clear, it's not a different decision. The Flynn is a pending criminal matter. We're not going -- I'm not going to get into what Durham is looking at. Certain aspects of the Flynn matter are obviously very, very public.

Ms. Sawyer: Right, which makes it all the more troubling. I have to just tell you this, because you are
telling me you don't yet know exactly what's going to come out of the Durham investigation, which is what I would hope because it is ongoing, so I would hope that you don't know.

Mr. Findlay: I'm not telling you anything about --

Ms. Sawyer: So criminal indictments could come out of that. We don't know. We don't know the scope. We have never once been told to be careful about the scope because John Durham is investigating. So I just would like to understand why, when we have been sent a letter saying that, there is an ongoing investigation; we don't mind you asking witnesses questions, even ones, apparently, that could overlap, so long as you do it after John Durham gets to speak to them. So that's just my third question.

I don't want to --

Mr. Findlay: There may be a misunderstanding. Again, if you happen to ask questions that Mr. Durham has asked Mr. Evans, I'm not objecting to that. I'm objecting to you asking Mr. Evans "Did Mr. Durham ask you those questions."

Ms. Sawyer: Right, I understand that. I just -- what I'm trying to flesh out, I don't want to ask him what Mr. --

Mr. Findlay: But you did just ask him about Mr.
Ms. Sawyer: No. All I asked was had he been interviewed by John Durham. I didn't ask a single question about what John Durham asked him.

Mr. Findlay: And that's fair, but what was your next question?

Ms. Sawyer: That's my only question. I don't want to know what John Durham asked him. I want to know if John Durham is talking to him -- talked to him.

Mr. Findlay: Right, because you want to know the status of the Durham investigation, and that's what we can't get into.

Ms. Sawyer: We've already been told it's ongoing. You've told me that today. I don't want to know the status. I would like to know --

Mr. Findlay: Wait a minute. You want to know the particulars about the Durham investigation.

Ms. Sawyer: No. All I want to know is is this same witness, who's being directed not to talk to us about one case because it's a claimed ongoing matter, was actually interviewed in an ongoing matter, but is still being allowed to answer questions that the Attorney General has confirmed publicly is within John Durham's scope? He has publicly confirmed that John Durham is taking a lookback at the Carter Page FISA application.
So that was my only question. Are you also
directing him -- and I'm not trying to belabor this,
honestly. Are you saying he cannot answer today
whether or not John Durham interviewed him? That's
my only question.

Mr. Findlay: Yes. Whether it's one question or 38
questions, you shouldn't get into his interactions with
Mr. Durham, period.

Ms. Sawyer: But I can get into questions that John
Durham may also be looking into as part of an ongoing
investigation?

Mr. Findlay: That could be fine. We're not going to
confirm or deny whether those are questions that Mr.
Durham is looking at. That's why I guess I wanted to be
clear. If you happen to ask him a question that Mr.
Durham has asked him, that question might be
perfectly fine out of your mouth. He won't confirm
whether that was a question Mr. Durham has asked him
or whether Mr. Durham has asked him any questions.

Ms. Sawyer: So why is it not the same standard
applied to the Flynn, to Michael Flynn? He doesn't have
to tell me whether or not he ever -- I just am really not
understanding the distinction you're trying to draw.

Mr. Findlay: It seems clear to me. The Flynn
matter, again you're asking particular questions that are
known to be relevant in the Flynn matter, which again is
very much pending. We'd ask him not to get into that.
We're I think focusing on the Page FISAs, which is why
he's here.

Ms. Sawyer: No. We're here because the Chairman
has opened an investigation into the Crossfire
Hurricane investigation, which includes Michael Flynn
without a question. My colleague confirmed that it
includes Michael Flynn. So a major part of the
investigation you are directing this witness not to
answer to.

So I've made my request. I would just simply ask
that I get the answer to it; and we'll just take a break.

Mr. Walker: Before we do, I just want to point out
for the record that Mr. Evans is here to answer your
questions, and he has not made a determination as to
the scope of what he is going to talk about. He is in a
position where he is here and does have to listen to the
guidance of the Department of Justice attorneys. And
I'm not taking a position one way or another vis a vis
that guidance, but just want the record to reflect that
Mr. Evans is here to answer questions and to be
cooperative, but he is in a position where he does have
to abide by the guidance of the Department of Justice.

Ms. Sawyer: Yes, understood. And I take no issue
with your client. Your client's certainly following the guidance.

I think the unfortunate truth is, because of the guidance that he's been given and the directives, that we may need to ask him to return to answer questions related to Mr. Flynn. I hope that, as he's been willing to be cooperative and volunteer his time, he would do the same if that becomes necessary.

Mr. Walker: Well, that would be unfortunate, just because in these times it is a difficult procedure to do that. But we'll just have to see what happens.

Ms. Sawyer: I don't disagree with you on that, either. I would prefer if he were being allowed to answer these questions just like he's being allowed to answer questions that unquestionably are going to prove to have been in the scope of the Durham investigation. But not my decision and I don't want anything in the record to reflect that we take issue with your client or his ability or willingness at least to try to answer our questions.

Mr. Walker: Thank you.

Mr. Evans: If I could just provide one point of clarification, going back to the answer I was authorized to give earlier. I would note, as I did earlier, that, while I may have been involved peripherally in some
conversations or discussions during the time period that you asked about, I would not say that I had a major or significant or primary role in any of those conversations that I may have listened in on.

Ms. Sawyer: Thank you.

(Recess from 12:59 p.m. to 1:18 p.m.)

Mr. Somers: We'll go back on the record.

Before we start our time, I think in the last round a letter regarding the Durham investigation and how it relates to witnesses that we may also want to interview was mentioned. I don't think there's actually a letter per se. I think there's just a general understanding between the Department and the committee that U.S. Attorney Durham would, at the very least, prefer that we not interview any potential witnesses that he may want to interview until he is done with whatever process he has for those individuals.

But I don't think -- we have not received a letter from the Department to that extent, just an oral understanding.

Ms. Sawyer: Yes, understood. I think I had thought it was a letter. It certainly had been represented to us that there was an understanding. So it may not have been a letter. Maybe there were some oral discussions that involved the Majority for the
committee and the Department. The Minority wasn't on those calls, but it was represented to us that, as my colleague had indicated, that the preference was that we not speak with witnesses until John Durham had had an opportunity to interview them.

Mr. Walker: I appreciate that. I think that's fair. Whether Durham is done with or however you would characterize with Stu, I think that we wouldn't get into. But I think it is safe to assume that we don't object to him, based on that, appearing here. He's here, obviously. So Durham did not raise an objection to Stu appearing today.

Beyond that --

Ms. Sawyer: Right. But I'm not understanding you to mean that you're affirming for us that he wasn't interviewed. That's just there's not an objection.

Mr. Findlay: All I'm affirming is that there's no objection to him appearing here today based on the Durham investigation. What Mr. Durham has done or not I'm just not at liberty to get into. I don't know a lot of it and I also wouldn't be able to get into even what I do know.

Mr. Somers: It is now 1:20 and we will start our second round, the second round for the Majority.

Mr. Evans, when we last finished off we were
talking about the 17 significant errors and omissions identified in the IG report. I think you maybe take some issue whether there were 17, but you understand there's a significant number of significant errors and omissions that the IG identified.

Were you aware of any errors or omissions that you would consider significant that weren't identified by the IG, in the IG report?

Mr. Evans: Off the top of my head, to my best recollection, I'm not aware of other errors that were not addressed in the IG report one way or the other.

Mr. Somers: In light of the significant errors that were identified in the IG report, if the decision were up to you would you still have submitted the -- well, let's just start with the initial Carter Page FISA application?

Mr. Evans: I think let me be precise in how I understand your question and how I answer it. If what you're asking me is if I knew that information would I have supported the initial application as it is currently drafted to go forward, my answer would be no because I think at a minimum some of that information would have needed to go in the application and be addressed.

If what you're asking is, once that information were added into the application would there still have been probable cause or not, I think my answer there is I'm
just not sure. I think, as I believe I indicated to the IG, I would have needed to discuss that information with the FBI, understand what their assessment was, and then understand how their assessment impacted and didn't impact the overall application.

So I think I just can't say in hindsight whether that additional information would have been such that it would have ultimately removed probable cause or not.

Mr. Somers: Part one is the errors should have been addressed, at the very least?

Mr. Evans: Many of them. I'm not sure if, sitting here today, I could say that every single one of those 17. As I alluded to before the break, I don't think they were all created equal, and I don't remember precisely what they all were. But at least many of them, if not all of them, should have been addressed.

Whether having addressed them, it would have taken away probable cause, I couldn't say sitting here today.

Mr. Somers: The IG determined -- this is a quote from the report; sorry I don't have the page number. The IG determined that "Crossfire Hurricane team's receipt of Steele's election reporting on September 19, 2016, played a central and essential role in the FBI's, in the Department's, decision to seek the FISA order."
Do you agree with that conclusion of the IG, that the Steele reporting, the Steele dossier, played a central and essential role?

Mr. Evans: I would agree that the FISA application as drafted had the Steele reporting as -- I'm not sure what the right adjective, whether it's central or important component of the application. I think I would agree with that.

In terms of to what extent -- in terms of the first part of your question, to what extent the reporting itself motivated the FBI to move to get the FISA, I couldn't speak to that. All I could tell you is that timewise on a calendar, they had not submitted a draft FISA application to us prior to having received that application. But what internal discussions they may have had in terms of whether they believed that moved them over the line or not, I wasn't privy to those.

But I would agree to the other point, as I noted, that the reporting did play an important part in the write-up of the probable cause.

Mr. Baker: I want to be clear on just one thing you said a second ago about the 17 omissions or errors: In the first instance you would lean towards making the court aware of some of them for sure; as far as the second part of it, whether or not it would impact the
probable cause, whether it did or didn't impact the probable cause, there was certainly more work to be done internally at the Department and internally at the FBI.

Mr. Evans: Correct. I believe many, if not all, of those issues would have needed to be addressed internally within the Department and the FBI, and then ultimately, depending on the outcome of those discussions, probably in the applications themselves.

Whether that further deliberative process would have resulted in us concluding that ultimately probable cause didn't exist, without having gone through those discussions I just couldn't say.

Mr. Baker: Thank you.

Mr. Somers: I just want to make sure I understood your last answer correctly. You can't make a call, sitting here today, whether probable cause would have existed or not without the Steele information? Is that what you just said?

Mr. Evans: No. I was saying, with respect to the -- oh, well. Two things. I was saying that, in response to Mr. Baker's question, that with respect to the 17 errors I couldn't say if, after discussion and assessment from the FBI, whether those errors would have all been sufficient to remove probable cause or not, because we
1 didn't have the opportunity to have that dialogue at the
2 FBI, of course.
3 With respect to Steele, I think it would be a similar
4 answer. I would agree very much that the Steele
5 reporting was an important element of the FISAs.
6 Having never read what the FISAs would look like
7 without the Steele reporting, I similarly don't think I
8 could say one way or the other whether in my view it
9 would have gotten over the threshold for probable
10 cause or not.
11 Mr. Baker: And that opportunity that you didn't
12 have to discuss with the FBI is because you didn't know
13 about these at the time?
14 Mr. Evans: For the errors, that's correct.
15 Mr. Somers: I think you testified in the last round
16 that you became aware of the Crossfire Hurricane
17 investigation in early August 2016; is that correct?
18 Mr. Evans: That's correct. I believe somewhere
19 between the first and second week of August.
20 Mr. Somers: What was your understanding of what
21 the investigation was when you first -- at least in the
22 early going? Maybe not the first day you heard about it,
23 but what was your early understanding of what
24 Crossfire Hurricane was?
25 Mr. Evans: My early understanding was that I
think, similar to what Ms. Zdeb was referencing earlier, that the FBI indicated to us they had received this foreign government reporting and it had opened an investigation into possible interference with the 2016 election by the Russians.

My rough understanding at the time is that they had opened -- "umbrella" may not be the right word, but I would term it -- kind of an umbrella investigation into that allegation; and then within that they opened sub-investigations into four individuals, who I think are specified in the IG report, although I believe with respect to two of those individuals there was some form of preexisting FBI investigation into them.

Mr. Somers: And that's Papadopoulos, Page, Manafort, and Flynn? Are those the four individuals you recall?

Mr. Evans: I believe that's correct, yes.

Mr. Somers:  

Mr. Findlay:  

Mr. Somers:  

Mr. Somers: What was your role in Crossfire Hurricane? Obviously, the FISA, so let's leave that aside. Did you have any role other than the FISA is Crossfire Hurricane?

Mr. Evans: I would say I did not particularly have another role other than potential assistance on the FISA. So when the FBI initially alerted the National Security Division after they had opened the investigation, they initially -- I think it was myself and then obviously the Assistant Attorney General was
aware of it, and then my counterparts, mentioned earlier, Mr. Toscas and his team from the Counterespionage Section, who are prosecutors.

I think collectively, at least in those early months in the fall of 2016, other than the role that the Office of Intelligence played in the FISA, I think our role generally was just staying apprised of where the FBI was going in the investigation through general briefings they were providing in the event they ultimately needed legal assistance, whether it be through criminal process or national security legal process from us, making sure that we were kind of generally aware of what they were doing.

But in terms of having some sort of formal role of telling them what they could or couldn't be doing or formally being involved in the decisionmaking, I would say I did not have such a role.

Mr. Somers: But you did take part in briefings?
Mr. Evans: We did receive briefings from them.
Mr. Somers: Well, you're saying "we." I'm asking you.

Mr. Evans: Oh, yes, I did receive briefings from them on a periodic basis that fall in terms of where they were.

Mr. Somers: How frequent?
Mr. Evans: I'd say originally, starting kind of in that August time frame, they were supposed to be on like a biweekly basis, is my recollection. I'm not sure they all happened, and I think there were probably some where I didn't attend.

So my guess is that from August through the election there were probably no more than a handful of them, rough estimate maybe five or six, something like that, that we attended during that fall 2016 period.

Mr. Somers: What about after the election?

Mr. Evans: After the election, I don't recall attending kind of regular investigative updates, if you will, from the FBI. What I recall after the election -- and this is really in the early 2017 and spring 2017 period -- is that there was a lot of transition happening in the Department, between Department leadership leaving and political appointees and other folks leaving and new folks coming on board; and in the kind of January, February, March time frame there were a series of briefings that the FBI provided to those people who were new to the Department and in senior leadership roles about the Crossfire Hurricane case.

I wouldn't term those as kind of routine investigative updates. I think those were more like background briefings on where they had been in the
case. I don't know about all of those, but certainly for some of those I was invited as an attendee just to listen to the FBI's briefings on those.

I would describe those generally as not particularly -- it was almost like each one of those briefings was kind of the same thing over and over again. I don't even remember how many there were and who the different attendees were, but I also don't remember a ton of new or different information coming out in those.

Mr. Somers: Who conducted these August through the election briefings, who at the FBI?

Mr. Evans: August? So the August--

Mr. Somers: The earlier briefings.

Mr. Evans: Yes. The kind of fall 2016 briefings, those were more -- to my recollection, those were more internal kind of FBI meetings that the FBI Counterintelligence Division leadership would have with their folks. I don't know what frequency they had those meetings.

But, as I was saying, I think on a biweekly basis they invited the group of folks from NSD to come over, like once a week or once every two weeks, and sit in on that meeting as they were briefing their team. So those weren't briefings specifically for us. Those were
briefings where we were able to sit in and listen.

Mr. Somers: So you and others from NSD went
over to FBI headquarters for these meetings?

Mr. Evans: In that fall of 2016 time period, yes.

Mr. Somers: Who was attending these meetings?

Mr. Evans: I think again, I attended some, but
probably not all. I think Mr. Toscas attended some. I
don't know if he attended all. I think Mr. Loffman from
the Counterespionage Section attended some that I
recall. Again, I don't know about all. Then Mr.
Loffman's deputy may have attended some.

Mr. Somers: [redacted]?

Mr. Evans: It's a non-SES individual.

Mr. Somers: We're interviewing [redacted] next
week and he can confirm whether [redacted]
attended.

Mr. Findlay: No, I think we'll just leave it at Mr.
Loffman's deputy.

Mr. Somers: Is it the same deputy that was
mentioned in the IG report, that was in an interview
with the primary sub-source?

Mr. Evans: I'm not sure who was in the primary
sub-source, but, based on other -- based on my general
awareness of the Crossfire Hurricane investigation, I
think there was really one deputy under Mr. Loffman
who was involved in the investigation.

Then my deputy -- I'm sorry, not my deputy. The Chief of the Operations Section in OI I think attended some of those briefings.

Mr. Somers: What about from the FBI?

Mr. Evans: I have no idea. I think Mr. Strzok and Mr. Priestap tended to lead those, but that was their -- whoever on their team. I don't even know who all the people were in the room. I think it was -- it appeared to me to be their kind of check-in briefings with their Crossfire Hurricane team that they allowed us to sit in, more so than briefing.

Mr. Somers: So Comey and McCabe wouldn't have been in these?

Mr. Evans: Not these in the fall of 2016.

Mr. Somers: Jim Baker?

Mr. Evans: Not that I recall.

Mr. Somers: Tricia Anderson?

Mr. Evans: Possible, but not that I recall.

Mr. Somers: [Redacted]?

Mr. Evans: I believe she was probably in some of them.

Mr. Somers: [Redacted]?

Mr. Evans: I'm not sure I even know who that is.
Mr. Somers: Lisa Page? Lisa Page?
Mr. Evans: Possible.

Mr. Somers: 

Mr. Evans: Again, I'm not sure I know who -- I mean, I've seen the name, but I'm not sure I would know that person by sight.

Mr. Somers: Was there anyone in particular you dealt with outside of these briefings about Crossfire Hurricane, from FBI?

Mr. Evans: I don't think so. Again, I had very little direct interactions with the FBI with respect to Crossfire Hurricane, and I would say the ones I had are documented in the IG report.

Mr. Somers: So certainly Peter Strzok and 

you talked to about the FISA application, for instance? That's pretty well documented in the IG report.

Mr. Evans: Mr. Strzok, yes, on one or two occasions. 
I'm actually -- other than her initial outreach to us to tell us that the FBI might want to pursue a FISA at some point in their investigation, I'm not sure she and I had any kind of direct one-on-one conversations about the FISA.

Mr. Somers: But you were who she reached out to? For that conversation she reached out to you to say,
hey, there might be a FISA coming?

Mr. Evans: Right. So there was the initial briefing in August of 2016 where the FBI initially made us aware of Crossfire Hurricane and briefed us on the case. At some point after that, I'd say in the next -- roughly in the next week or two, [redacted] reached out to me to say that the Crossfire Hurricane team thought it was possible that they might want to consider pursuing FISA in their investigation and she wanted to alert me to that.

My response was: If the FBI does, that's your choice; and I'll need to assign it to my team as I would any other FISA. So I told her that I would alert our team in the office and make them aware of it.

But in terms of -- if your question was during the drafting of the FISA or if during the pendency of Crossfire Hurricane, I don't remember having kind of one-on-one personal conversations with things about [redacted].

Mr. Somers: Do you recall whether a conversation ever occurred about whether to seek a FISA on George Papadopoulos?

Mr. Evans: I don't recall being a part of that conversation, a conversation on those lines.

Mr. Somers: Just while we're talking about the
100

[REDACTED] conversation, there's a quote in the IG report that I find kind of curious: "The OGC unit chief" -- that's [REDACTED] -- "told Evans to get permission to brief a small group of OI attorneys into Crossfire Hurricane, including the Operations Section chief, the deputy section chief, and counterintelligence unit chief, and one line attorney."

I just found it unusual that a unit chief at FBI was telling you who you could bring in to read into an investigation.

Mr. Evans: My recollection of that, I don't think the IG -- I don't remember the exact wording of the IG report, but I don't think they explained the history of that. So that was, as I indicated, [REDACTED] had reached out to me indicating that they might pursue a FISA on that.

And I think my reaction to her was: If the FBI wants to pursue a FISA, we'll work with the FBI as we do on any matter, but that's not going to be me doing a FISA, so I will need to brief people in. And that would typically be a section chief, the deputy section chief, the unit chief, and one line attorney. Do you want me to go ahead and do that? And she said: Yes, that's fine.

Mr. Somers: So you weren't getting permission from her; you were just telling her what the facts would
be if she wanted to get a FISA?

Mr. Evans: That's right. You could say it's permission to the extent of when you're dealing in the national security space with information that's closely held and there's a need-to-know basis, I wouldn't go blabbing to anyone about the Crossfire Hurricane investigation unless the FBI told me it was okay to do so, because it's not my information; it's their classified information.

So I was saying: If there's an interest in proceeding with a FISA, these are the people that are going to need to be aware to work on it; do you want me to go ahead and let them know? And she said yes.

Mr. Somers: So you don't recall any discussion of FISA coverage for George Papadopoulos. That you testified to. What about FISA coverage for Paul Manafort?

Mr. Findlay: We're not going to let him get into who other -- whether other folks were targets of FISA coverage and who those folks were, whether the answer's yes or no.

Mr. Baker: Who would have been at the FBI your equivalent rank? If you had a question about either a Crossfire Hurricane FISA or any FISA that got up to your office, who would you have been able to pick the phone
up and talk to at the Bureau?

   Mr. Evans: I think there probably wasn't a formal
kind of lateral equivalent. I would say as a general
matter it was probably within OGC either the Deputy
General Counsel or the General Counsel, depending on
the matter and availability; and then within the
operational divisions, Counterterrorism,
Counterintelligence, I would say, again depending on
relationship, it would typically be either at the Deputy
Assistant Director or Assistant Director level.

   Mr. Baker: And that would have been Peter Strzok
for the deputy?

   Mr. Evans: For this, for this matter, yes.

   Mr. Baker: You had said earlier that some of the
meetings you were going to at the Bureau seemed
repetitive. Is that typical of meetings you went to on
any counterintelligence matter, or was there any reason
to think that the repetitiveness was sort of a show to be
able to say later that, we've been briefing the
Department on it?

   Was there ever a sense that there was more to tell
that wasn't being told?

   Mr. Evans: At the time, that certainly wasn't -- at
the time my sense was certainly not that it was a show
in any way. I think in the fall of 2016 when we were
having those briefings, my sense was that there wasn't a ton going on. Counterintelligence investigations, as I noted earlier, are long and can take a long time, and there just didn't seem to be a lot of movement kind of week to week or every two weeks.

Then in the spring of 2017, those briefings for the new folks again I think were more in the line of background briefings, as opposed to investigative updates. So they were just of a different nature.

But to your point, across all of them it just didn't seem like the FBI was talking about a lot of new stuff.

Mr. Baker: In hindsight and with the benefit of the IG report and public reporting and what-not, are there things that you think should have been brought up in those meetings?

Mr. Evans: I think there were investigative developments taking place that, particularly regarding source interactions and things like that, that I don't recall being brought up in those meetings and I think probably should have.

To the point of -- to my point earlier on those fall 2016 briefings, again I don't recall exactly what they were. My sense is that they were internal FBI team meetings and that, again, once every week or two they would let us sit in on them. So if they were having that
meeting on a more frequent basis with their team, it may have been that some of those things came up in other meetings that we just weren't at and didn't come up at the meetings we were at. I just don't know.

I just know that at the small handful of them that I attended there didn't seem to be extensive discussion.

Mr. Findlay: I think to get into what any of the examples are that he might have wanted, I guess we're in hypotheticals here, but I think we have to flip over to the classified side to be safe.

Mr. Baker: Just as a general principle, let's assume there were things that could have or should have been mentioned at the meetings you were at. Would one of the reasons to maybe not mention that is a fear that you or others might put the brakes on something, slow down a trajectory of something that the Bureau really wanted?

Mr. Evans: That's certainly possible. I mean, I would be speculating as to why. I think it is fair to say there is stuff in the IG report that it bothers me we were not made aware of. In terms of why we weren't made aware of it, I don't know.

Mr. Baker: Thank you.

Mr. Somers: Just on this -- here's a quote I think you have in the IG report, page 70, that relates to this:
"However, Evans told us that his reaction to these meetings was that the investigation seemed pretty slow-moving, with not much changing week to week in terms of the updates the FBI was providing NSD."

That's your characterization, it seemed pretty slow-moving?

Mr. Evans: Yes, I agree with that.

Mr. Somers: So I'm trying to understand. The last round, there was a discussion of a sense of urgency was warranted and it seemed like the FBI was operating like they were stopping a terrorist attack after the bomb had gone off, they wanted to not do that. And I'm trying to contrast -- I'm trying to understand that in light of your comment that it seemed like the investigation was pretty slow-moving.

Mr. Evans: I don't think they're inconsistent. I think -- as I mentioned earlier, when the investigation got started, I think that was the sense the FBI was giving us as to how they wanted to proceed: Hey, we want to try to move forward, see if we can get clarity on these allegations quickly, especially given that the election's approaching.

As things went on, there didn't seem to be a lot of movement week to week. So kind of that initial -- the initial thinking that they had articulated just seemed
like as we got into September there wasn't a lot of progress being made in terms of investigative updates, at least that were being conveyed to us. That was my impression.

And I think that came across in my comment to the IG, that it seemed odd to me that there wasn't more investigative update being conveyed back to us.

Mr. Somers: What about investigative techniques. Dana Bente in the IG report is quoted as saying that -- this was obviously later than this time frame, but I think it would apply in this time frame as well. Bente said that he had the impression that the investigation had not been moving with a sense of urgency, an impression that was based at least in part on not a lot of criminal process being used.

Would you agree with that sort of sentiment in the early goings? He had it obviously in the later goings when he becomes involved.

Mr. Evans: I would definitely agree with the sentiment -- or I think the sentiment he's trying to express, of it didn't seem like things were moving quickly, was the sentiment that was my reaction in the fall of 2016 as well.

In terms of the comment on criminal process, I'm not sure I would agree with that. I think that may have
been in part Mr. Bente's reaction, having been a career prosecutor. I think my sense, at least in the early stages of a counterintelligence investigation, it's rare for them to use criminal process, especially because the information that primarily generates a counterintelligence investigation is classified, which complicates the use of criminal process.

By 2017, when they had other information, that may have been a better criticism at that point. But the overarching point of things seemed to be moving slowly, I'd agree with that.

Mr. Somers: He was speaking of things like regular warrants, pen registers, maybe national security letters, things like that.

Mr. Evans: NSLs, national security letters, because they are classified, they may well have been issuing, but they don't typically tell the Department about those.

For criminal process, it's uncommon in my experience that they use criminal process early in a counterintelligence investigation.

So the lack of criminal process didn't surprise me. But overall there just didn't seem to be a lot of investigative developments they were briefing us on.

Mr. Somers: Was there discussion of what the goal was? What were they trying to do? I mean, you had a
FISA warrant submitted, or application, on October 21st. You've got an election on November 8th, I believe. It's a very compressed time frame. What was the discussion in any of these briefings or anything else you attended as to what was the goal of what they were trying to do?

Mr. Evans: Again, I think in the fall of 2016 -- "briefings" again isn't quite the right word. It's more like case updates. So there wasn't -- I don't think that I recall -- those were more like team meetings. As I recall, there wasn't kind of a strategy discussion really in those, at least that I remember sitting here today.

What I do remember is kind of the early-on briefings from the FBI when they opened the case were similar to what I was trying to remark on earlier. I think their notion was: Hey, we have this allegation; we need to get to the bottom quickly and try to figure out, do we think there's any there there or not, because the election is approaching.

So I think that's how, in the early days of Crossfire Hurricane, they were articulating their investigative purpose. I don't recall them coming back and further articulating their investigative purpose, at least to me personally, in subsequent conversations.

With respect to your question or the subpart of
your question about the FISA, as documented in the IG report, I do think that was one of my concerns about the FISA, that I just didn't see what the point of doing a FISA at that stage of the investigation was, for a variety of reasons.

Mr. Somers: Could you articulate some of those reasons? Could you articulate some of those reasons, the variety of reasons, that you didn't see a point in doing a FISA?

Mr. Evans: Could I now articulate them?

Mr. Somers: Yes.

Mr. Evans: I think the things -- I think a couple things, and this gets back to I think in part my answer to one of the questions earlier from the Minority side. Whether the FBI opens an investigation and pursues an investigation and whether that is a logical or prudent things for them to do is in my mind a different kind of question from what investigative tools they use. And that's not just in this investigation. That's in any investigation.

My view was this was -- by the time this FISA was being seriously considered and then kind of moved forward to the court, it's mid to late October. The election is already approaching. Mr. Page at that point had already ended his relationship with the campaign.
So to me the value that this FISA would add into the investigative -- the overall investigation, was limited.

I did think as an investigative choice -- there are lots of counterintelligence, counterterrorism investigations. The FBI doesn't pursue FISAs in all of them. They make investigative decisions based on their investigative desires and needs of where they want to pursue it.

To me here, given that I saw this as adding limited value at this point in time, I did not think it was worth doing, especially when weighed against -- and this gets a little bit -- sorry, this is a longer answer than you probably wanted.

Mr. Somers: No, that's fine.

Mr. Evans: This gets a little bit to the point earlier of the difference between investigators and our office. Investigators I think tend to get myopically focused, and sometimes the FBI as a whole, on what they think is best for the investigation they're proceeding. Our office, while our jobs are to support the FBI's investigation, I think our jobs are also to think more broadly about what makes sense for the FISA program as a whole.

I had been involved in a number of matters over the years where I knew that FISA was treated differently
by Congress, by the press, by the public. So I think we
tended to be much more sensitive to, this may be legal
and there may be investigative interests in doing it, but
it's going to bring down consequence on the overall
FISA program.

And so when I talked about in the IG report, I was
talking about risk versus reward or cost-benefit, it's
that: Is whatever minimal gain you might get for your
investigation worth what damage doing something
politically sensitive might do to the overall FISA
program, which is a valuable program overall? That's
where my policy judgment was a different one from the
leadership.

Mr. Somers: It may have been proven correct.

Mr. Evans: I'm wearing a mask, so you can't see
my facial reaction.

Mr. Somers: What about, was there any discussion
in any of these discussions or even at NSD about doing
a defensive briefing of the Trump campaign about
Carter Page and-or George Papadopoulos?

Mr. Evans: I don't recall a specific discussion.

There may have been one, but I don't recall a specific
discussion about a defensive briefing. But it also
doesn't surprise me if there wasn't such a discussion. I
had worked with the FBI for many years on a variety of
counterintelligence investigations and I would say the
general posture the FBI took on defensive briefings is to
only do them in circumstances where they were 100
percent sure that the people they were giving a
defensive briefing on -- or maybe "100 percent";
obody's ever 100 percent sure of anything, but where
they were extremely confident that the people they
were giving the defensive briefing on might not have
been involved in the potential alleged conduct.

I think because of the nature of the allegation here
in the beginning, which was kind of broad as to who
might be involved in the alleged conduct, whether there
was or wasn't a specific discussion about it, it doesn't
surprise me that the FBI didn't do one, because that was
totally -- that would have been consistent with their
past practice to only do one if they were sure they
could rule people out for involvement.

Mr. Somers: Even given the very tangential
connection between Carter Page and the Trump
campaign and George Papadopoulos and the Trump
campaign? These guys are not actually even on the
campaign.

Mr. Evans: I think there -- and again, I'm not an
expert on who was on the campaign or not. What I can
tell you is, thinking back to what was presented, what
the FBI was presenting to us at the time -- and I can't even state -- I am not in a position to -- I'm not stating this as fact. I'm just stating what was represented.

What was represented at the time was that Page, Papadopoulos, and several individuals were officially announced by the campaign in the spring of 2016 as having been part of the campaign's foreign policy advisory committee. And I think there was even either a press release or a photograph or something of them sitting at a meeting with, I believe, then-Senator Sessions as the chair of the foreign policy wing.

So at that time in July/August/September, early September 2016, my understanding from the FBI is that they believed that those two individuals did have some sort of formal role as foreign policy advisers to the campaign. I don't have independent knowledge otherwise as to what extent that was accurate or not.

Mr. Somers: Can we go classified for a minute, for a few minutes.

(Whereupon, at 1:55 p.m., the interview proceeded in TOP SECRET classified session.)
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(At 2:00 p.m., the interview proceeded in unclassified session.)

Mr. Somers: Just trying to take the defensive briefing, one last question on it. Within the urgency, even if there was concern that someone may be part of the conspiracy, alleged conspiracy, you've got an election on November 8th. You've got a FISA warrant being sought on October 21st. Doesn't that play into the decision as well, that maybe you take the risk because -- I'm just trying to -- what's the goal, what are the tools at your disposal, and if the goal is to, as you alluded to or at least answered a question, stopping a terrorist attack after the bomb has gone off isn't a very good goal, the analogy there being that the November 8th election is the bomb going off, you've got limited tools at your disposal prior to November 8th. Does that factor into whether or not to defensively brief instead of or in addition to seeking a FISA?

Mr. Evans: Again, I don't know what conversations took place inside the FBI on that, so I couldn't speak to that. I certainly understand the question and the spirit of it now. I do think that, thinking back to that time period in a fast-moving investigation, whether it was that step or other investigative steps, there might have been a variety of things that people would think about
with hindsight that maybe they didn't focus on at the time.

But again, I don't recall being personally part of discussion or certainly in-depth ones about defensive briefings, so I couldn't say either way.

Mr. Somers: This may be if you ever did, but when did you first see any of the reports that comprise what has come to be known -- is now known as "the Steele dossier"? Did you ever? Did you see them, the written reports?

Mr. Evans: To the best of my recollection, I may not have seen any contemporaneously when the investigation was ongoing. It's possible I might have been shown one or two by folks on my team. But I'm actually not even sure about that. And it's possible maybe the IG showed them to me, but I'm not sure about that.

So I think my best answer is I think in the four years since then I may have seen them, a small number of the reports, at some point, but I don't think it was in connection with the drafting or presentation of the FISAs.

Mr. Somers: So you don't think you saw them before, for instance, October 21, 2016?

Mr. Evans: To the best of my recollection, I do not
believe I saw them before October, mid-October 2016.

Mr. Somers: Did you understand them to be written reports, versus information that was conveyed in meetings with FBI agents?

Mr. Evans: Yes, I do believe the impression I had been given was that they were written reports.

Mr. Somers: Footnote 8 of the FISA, of the initial Carter Page FISA application, says: "Source 1 reported the information contained herein to the FBI over the course of several meetings with the FBI in or about June 2016 through August 2016." That doesn't necessarily seem to be an accurate representation and it's not the terms that were -- that would imply that the information was conveyed in meetings versus in written reports.

Who'd be responsible for drafting that?

Mr. Evans: Drafting? I'm sorry. Were you reading Note 8?

Mr. Somers: I was reading from Footnote 8: "Source 1 reported the information contained herein" -- "reported the information contained herein to the FBI over the course of several meetings with the FBI from in or about June 2016 through August 2016."

Mr. Evans: Got it. Two things --

Mr. Findlay: You don't want him to get into the particulars behind the footnote, because I think
probably just to be safe we'd want to flip to classified. You're asking --

Mr. Somers: Yes, I'm asking -- well, first I'm asking: Is there a difference in your mind between written reports and receiving the information orally, where there's a back-and-forth between the FBI agent and the source?

Mr. Evans: So as a general matter, yes, I would say I believe there's a difference between those two forms of information being conveyed. I think at the time my understanding of this -- and I could be wrong, but I think my understanding was that in a series of meetings the source passed written information to the FBI, not that the source orally conveyed information to the FBI and then the FBI took notes about that.

I don't know whether that's -- I don't know whether that's accurate or not today. But I think that was my impression contemporaneously, that there was written information that the source was handing over in those meetings.

That was the first part of your question. The second part of your question: Who would have been responsible? I would say, like everything else in the FISA, the FBI provided the underlying information and then our attorney or the reviewers were responsible for
taking that information and trying to make it into prose and understandable, and then going back and forth with the FBI.

So our attorneys were involved in the compilation of that information into the warrant application, but the underlying facts would have been the responsibility of the FBI.

Mr. Somers: Let me ask -- I'm going to ask you a general question based on the specific fact pattern. So I didn't happen to write out everything I wanted here, so I don't have it at my disposal quickly. But what I just read to you from Footnote 8 is not what the FBI told the OI attorney. The FBI -- with the reference to those dates of June 2016 to August 2016, what the FBI told the OI attorney was just: When we received the report. It didn't say anything about meetings. The OI attorney then changes the wording around a little bit.

My question is not really specifically about that. My question is, the OI attorney changes something, whether it's this or something else. Who's responsibility is it to go back and review the FISA? Is it on the FBI to go back and review this thing and be like, hey, the OI attorney screwed this up? Or is it on the OI attorney? Where does that responsibility lie?

Mr. Evans: Ultimately it's on the -- I would say it's
on the FBI. The drafting process, as I said, is an iterative one and facts gets defended and clarified in a variety of ways. So when we talked earlier in the first session about the FISA request form, that's the first transmittal of information from the FBI to OI in connection with a FISA draft.

There can then be email correspondence back and forth, and then frequently there's phone conversations back and forth. An example of a phone conversation may be the OI attorney saying: Hey, I read your email, I read your whatever; I still don't understand; you say X; what do you really mean by X? And the agent will clarify that, and the OI attorney may make changes to the draft based on that.

At the end of the day, that whole draft goes back to the FBI for the Woods procedure, where they are supposed to document that everything in that is supported by something in the Woods file. So the draft -- just like in a criminal warrant, the draft gets put together through that iterative back-and-forth, and at the end of the day it's only the FBI that has the facts in their files to verify all that.

Mr. Somers: And they get another look at the application before it goes to the court?

Mr. Evans: They do, absolutely. In fact, the Woods
I think you have an application in front of you, but the Woods form has to get signed before the application goes to the FBI Director for signature, goes to the Attorney General, Deputy Attorney General, for signature. The Woods form gets signed before all of that.

I believe in this case -- and I'm not 100 percent sure on the timing, but I believe in this case the Woods file or the Woods form by the agent was signed before the first application even went to the FISC, or the read copy, precisely for that reason, that we wanted to make sure the FBI was comfortable with it before we proceeded with a read copy.

Mr. Somers: What was your understanding in this time frame before the -- well, both before the first FISA was submitted and then ongoing; what was your understanding of what the FBI was doing to verify or corroborate the Steele reporting?

Mr. Evans: At that time, in October of 2016, I'm not sure I had a lot of further understanding one way or the other as to what they were doing.

Mr. Somers: What about beyond that?

Mr. Evans: Beyond that, again I would say not much. My recollection is that it was roughly the November time period when they closed him as a
source. So I don't remember personally being involved in many discussions one way or the other about him as a source after they closed him as a source in terms of what they were doing or weren't doing to verify his historical reporting.

Mr. Somers: Did you have any understanding of the level of corroboration? Was it like, hey, this is not corroborated, this is minimally corroborated, this is fully corroborated?

Mr. Evans: I think, going forward from the fall of 2016 forward, I would say my general understanding of what was or wasn't corroborated from his reporting was limited to the four corners of what was being put in the FISA renewal applications. I don't think I was receiving updates or significant developments from the FBI in terms of other steps they were taking outside what was being presented to me in the FISA renewal applications.

Mr. Baker: In the fall of 2016 you asked a question of the Bureau about Steele. It was a two-part question: One, was he affiliated with a campaign; and two, if he had contributed to a campaign. You were not, if I recall, getting an answer to both parts of that question.

Could you elaborate on that briefly?

Mr. Evans: Sure. Going back to Mr. Somers'
question earlier about the centrality of the Steele reporting, and I think I indicated my impression was that -- again, pick your adjective -- whether it was important or central, it was a key piece of the initial FISA draft that I read.

In my experience, it's not unusual to have a FISA that relies heavily on source reporting, and there have been -- I'll say this hypothetically. It wouldn't be -- it could hypothetically be possible that you would have a single-source FISA. But the more a FISA relies on a particular source, the more important it is to understand the source's motivations.

The initial draft that was presented to me on the FISA had a relatively standard description of the source's reliability. So, based on my read of the FISA and thinking that the source was pretty important to the probable cause, I wanted to ask more questions.

My question about the political bias was just me thinking in my head: Sources have all sorts of bias. It's common in criminal and national security cases. For instance, in the terrorism realm, when you're dealing with people in overseas countries who are reporting, it's not uncommon to see familial biases, poison pens trying to -- one family in a feud with another to try to get people in trouble, that kind of thing.
So I was thinking to myself: What is the possible bias that could be relevant here for this FISA that implicates political reporting. That's just what drove me in my head to try to probe a little deeper and ask that question. That's not a question I would have asked in a FISA that didn't involve a political campaign, for instance.

In terms of my answer, in terms of the answer I was given, I think the answer first -- and I should also add, none of that was me asking the FBI directly. That was me communicating the questions back to my team and then having them ask it to the agents they were dealing with, which is again standard practice. It wouldn't be common for me to directly do that fact-gathering.

The initial answer I got back was that he was a foreign national, he Steele was a foreign national, and thus couldn't contribute to the campaign. And I felt like that was -- my initial reaction was that was -- we have a lot of lawyers in this room, but I felt like that was kind of a lawyerly answer to the question. That wasn't what I was asking. I was trying to ask a broader bias question. That's what prompted me to re-ask that question a couple of times. Then I think it was after re-asking that a couple of times that the FBI clarified to us and
provided us the information that they had at the time
about the research he was doing.

Mr. Somers: We can go back and forth about
whether the FBI knew this or not, but let's just say the
FBI did. I think there's evidence the FBI did know that
Steele was ultimately hired by the DNC and that they
knew it before the October 21st filing of the Carter
Page FISA application. Was that something that would
be important to include in terms of who Steele was?

Mr. Evans: Yes, but if I could just put a little clarity
on that answer. We did ask that question specifically at
some point during that back-and-forth: Do you know
who has hired him? And we were specifically told: No,
we do not know who has hired him.

So the footnote in the applications makes the
averment that the FBI doesn't know who hired him. If in
fact they did at the time, it would have been important
to include because the application was otherwise
stating an incorrect fact.

Whether at the end of the day he was hired by the
DNC or hired by some other unspecified party to do
opposition research I'm not sure makes a ton of
difference to probable cause. The court was clearly
aware and it was clearly flagged for the court from the
footnote that this was highly likely to be opposition
research, and so that duty of disclosure was made.

So I'm not sure whether it was the DNC or not affects the probable cause determination. That said, again as I noted, A, the application should have been corrected if it was averring something that wasn't accurate; and B, I would just say my whole approach to this was I wanted to make sure we were including enough information that exceeded our legal threshold of disclosure, and so if in fact it was the DNC I would have wanted that included in some way regardless, even if it wasn't necessary for probable cause.

Mr. Somers: I'm just looking at Footnote 8 and I could read it to you. Maybe you recall it. It's pretty vague. This is "FBI speculates that the identified U.S. person was likely looking for information that could be used to discredit Candidate 1's campaign." I guess I'm saying, it's very lawyerly, the way it's written.

If you just straight-up know, if you're the FBI -- I don't want to get into whether they did or not. I think we can say they did, someone else could say they didn't. But if you did just know Steele was hired ultimately by the DNC, doesn't that affect just how straightforward you just make the footnote? You say: We got this information from Christopher Steele, who was hired by the DNC; we still think it's credible.
Mr. Evans: Yes.

Mr. Somers: But I mean, you don't lawyer it as much. Is that a fair statement?

Mr. Evans: Yes, I agree with that. I would say the only reason the footnote is the way it is -- again, we specifically asked the FBI, do you know who hired Steele? And their answer was: Steele has -- I think Steele was working for a consulting company. "Steele has never asked them who the ultimate client was."

So their answer back to us at that time was very firm: They do not know who was paying for this research. That said, we, myself and then the others on our team, we felt it was very important that the court be made apprised of, notwithstanding that the FBI can't definitively say: Hey, it's highly likely this is opposition research.

So whether the footnote seems lawyered or not, that was our insistence that, even if the FBI can't be certain about it, we've got to tell the court that's the best guess here. If the FBI was in fact certain about it, then absolutely it should have been more straightforward.

Mr. Somers: Then -- I'm not disagreeing. It's the information they had and they should have conveyed it.

What were you -- back up one minute. There's a lot
of back and forth. You have the back and forth there in
the footnote. Did anyone ever just say to the FBI, can
you just go ask the source who hired him? Did that
request ever come from Justice to FBI?

Mr. Evans: I'm not sure, honestly. My recollection
is that they had just met with him at some point within
the two weeks prior to the application getting to this
drafting stage. And I don't recall if we asked them and
they said, hey, we just met with him; we're reluctant to
go back and bother him again; or if it came up one way
or the other.

So the precise answer to your question is: I'm not
sure. What I do recall is a general sense from them,
from the FBI, being conveyed back to them of, by the
end of that drafting process around the end of that
week -- I think it was around the 13th or 14th, whatever
the end of that week was in October -- that what the FBI
was basically conveying back to us was: There is no
more information that we have and that we're going to
be able to give you; this is it; there's nothing else here.

I think we were kind of left with, we've tried to ask
these questions a million different ways over the last
couple days and they're telling us that there's no more
to be gotten here.

Mr. Somers: Were you aware of sort of Steele's
reporting network or the way the information -- there's Steele, there's a primary sub-source, there's lots of sub-sources of the primary sub-source. Was that conveyed to you?

Mr. Evans: It was, yes, to the extent that it's described in the FISA application. So I think the FISA application describes at that level the primary sub-source and then a number of lower sub-sources. I think that was the level of my knowledge of it. I don't think I had a deeper knowledge of the network beyond what was in the FISA.

Mr. Somers: Did you have any knowledge of who the primary sub-source was? Not -- I mean, the type of person he was, not his actual name.

Mr. Evans: I don't believe so. I think -- I don't believe so. It's possible, as 2017 wore on, that something about that may have been mentioned. But I certainly don't have any knowledge that sticks out in my mind now that was conveyed to me about it.

Mr. Somers: Did you believe the primary sub-source was Russia-based?

Mr. Evans: I know that was what was in the footnote. I'm not sure I had any independent knowledge one way or the other on that.

Mr. Somers: Should it have said he was Russia-
based if he in fact lived in the United States?

Mr. Evans: Again, ideally we strive for everything to be accurate. How much that discrepancy matters materially or not, I can't say. I certainly don't want anything to ever be in a FISA to be inaccurate. If he was U.S.-based and not Russia-based, that should have been stated correctly. What that contributes to whether that's material or not, I can't say sitting here today.

Mr. Somers: What about the fact --

Mr. Findlay: If we're going to go into any more detail about the sub-source, we'll probably need to flip to the high side just to be safe.

Mr. Somers: All right. Let me ask this question and we can see. Should it have been disclosed to the court that the primary sub-source was actually in fact a contract employee of Christopher Steele or Orbis Business Intelligence, versus describing him as a Russia-based sub-source?

Mr. Evans: I certainly would have had no objection to describing it that way. I'm not sure that that makes a ton of difference one way or the other. And I will say as a general matter, again outside of the context of this case, the FBI was incredibly sensitive overall on any FISA about how their sources or any sources were described, and their general approach on source descriptions was
to stay as far away from anything that could be potentially identifying of an individual.

So in cases where we felt the need to disclose more about something that got closer to their identity, it was often very much: Does this really need to go in, because this gets close to identifying information?

That one, personally I wouldn't have had an objection. I'm not sure -- I'm not sure, sitting here today, it matters a ton.

Mr. Somers: But when you're relying -- this FISA, they're relying on Steele's reliability; that's correct?

Mr. Evans: Yes, that's correct.

Mr. Somers: And so the quality of Steele's sources, his sub-sources, was important in this FISA, unlike if an FBI agent witnessed something and that was going in the FISA, correct?

Mr. Evans: I agree, yes.

Mr. Somers: So in trying to not identify a sub-source here, it could be -- well, not taking this particular FISA, but in trying to -- in some instances, I think it would be fair to say, and I'm asking if you would agree with that, in some instances in trying not to identify a source or sub-source you could get into a realm of not revealing to the court the quality of the information that the court is receiving; is that correct?
Mr. Evans: I think as a general matter that's right, and I think that's here why I pushed to make sure that footnote had more information about Steele himself. I guess my point to your question was, I just -- without giving it more thought and thinking about it, I'm not sure whether the contractor status -- I don't know whether the sub-source, whether the primary sub-source was or wasn't a contract employee of Steele.

But whether that particular piece of information should have gone in or not, I'm just not sure.

Mr. Somers: Just because you brought that up -- and we're out of time here -- just to ask you: Did you ever become aware that the FBI had located and interviewed, not while you were at the Department of Justice, the primary sub-source?

Mr. Evans: Yes. I would say --

Mr. Somers: Let me rephrase the time line there. Before the final Carter Page FISA application was filed in 2017, renewal was filed in 2017, did you ever become aware that the FBI had located and interviewed Steele's primary, what's called Steele's primary sub-source?

Mr. Evans: My best recollection on that is that I think actually the last two FISA applications may have made reference to the FBI having located and interviewed the primary sub-source. So, A, I think I was
aware of it from whatever the FBI put in the FISA applications describing that.

Then the second thing I would say is I think in possibly one or more of those early 2017 background briefings that I mentioned that the FBI may have made some general reference to: Yeah, we've identified and have been talking to the sub-source.

But I terms of having more substantive understanding or knowledge of what the sub-source was saying or not saying or those discussions, I think I was limited to what was in the FISA application and otherwise being aware that they had identified him.

Mr. Somers: So the FBI never mentioned to you that the primary sub-source in any way undercut the Steele reporting?

Mr. Evans: Not to my recollection, no.

Mr. Somers: I think we're out of time for this round.

(Recess from 2:26 p.m. to 2:45 p.m.)

Mr. Somers: Let's go back on the record. It's 2:45. We were talking a little bit about the primary sub-source before we broke, and I think I was rushing it a little bit, seeing my time dwindling on that hour. We were discussing that there's Steele, Steele had a primary sub-source, and the primary sub-source had his own
sub-sources.

I think just to back up, we discussed this a little bit earlier, but in terms of the Woods procedures and in terms of what goes into a FISA, as I understand it -- and I'm just going to say it kind of in layman's terms as someone who hasn't really done much in this area of the law, and you can then correct me -- but you kind of have two options as far as the Woods process goes in terms of facts or allegations, however you want to characterize them, in a FISA application.

You either have to verify all the facts or allegations in a Woods binder, Woods file, verify the allegations, or, if you're dealing with a confidential human source, you have to verify that the application contains exactly what that confidential human source told the FBI. Did I generally lay that out correctly? And feel free to correct me where I got it wrong.

Mr. Evans: Yes. I would say it's not as much a bright line between those two. I think it's more one and the same of, whatever the FISA -- whatever the words in the FISA state, there should be a document in the Woods file that states the same thing. So if the Woods file states that a source said X, then there would be a document in the Woods file that the source said X. If the FISA states that national security letter results
reveal that the person lives on 123 Main Street, then
there should be a document in the file saying the
United States letter results show the person lives at 123
Main Street.

So I don't think it's a line between source
information or other. I think it's whatever is in the FISA,
there should be a document in the file that states that
same thing.

Mr. Somers: The Woods file is something you
obviously, I would think, have an obligation to continue
to update as you learn? I mean, you wouldn't
necessarily have to. If you learn new information, you'd
have to update both the Woods file and the FISA
application itself; is that correct? If it's -- I'm sorry.

If we're talking about renewals, you file your initial
renewal -- I'm sorry, your initial application. Some
months, 90 days, go by. In that 90 days you learn five
new things that are different, say, from what was in the
initial application. Do you have an obligation to put
those five new things both in the application and the
Woods file if they contradict the facts in the initial
application?

Mr. Walker: Excuse me just a second. When you
say "you" who do you mean?

Mr. Somers: The Federal Bureau of Investigation.
They have the responsibility to maintain the Woods file.

Mr. Evans: I would say the FBI's Woods file flows from the FISA renewal or the FISA initiation, and so there's nothing independent about the obligation of the Woods file. It all flows from what's in the FISA. So if you renew your FISA, you certainly have an obligation when you renew your FISA to include information that's material to probable cause, and that includes correcting information if it changes from the prior FISA. And then the Woods file has to reflect that updated version of the FISA.

There's nothing independent about updating a Woods file. It's not like if you get -- if on day 45 between an initiation and a renewal you get some new information, that doesn't go into the Woods file. That's just in the regular FBI case file. The Woods file only flows from what you put in the FISA.

But if you update information in the FISA, which you might be legally obligated to do if it's material, then the Woods file should be updated accordingly.

Mr. Baker: If you know, is the Woods file in the modern era an electronic file or is it a physical sub-file that the case agent has?

Mr. Evans: That's a great question. I think it may be a little bit of both. I think it is -- I think for most
field offices now it is predominantly an electronic file
that gets serialized in the FBI's system. I think agents
may tend to still keep it as a binder on their shelf for
their own purposes. But I'm not 100 percent sure about
what their internal practice is on that.

Mr. Baker: Would it be fair to say that what's in the
Woods file that supports an assertion made in the FISA
application, what's in the Woods file might be more
fulsome, in that what's going in the FISA application is
really building that probable cause -- The person told
me this -- the document in the Woods file might say:
The person met me at such-and-such a place and told
me this.

Mr. Evans: Well, I think the answer to your
question is yes, but let me state it this way. Let's say
that you meet with a source and you record it in an
electronic communication or a 302 -- not you. Let's say
an FBI agent meets with a source and they record the
results of that source meeting in an electronic
communication or a 302.

That will include everything that happened in that
source meeting. It may be that the FBI agent has only
gleaned one or two pieces of information relevant to
the FISA and so that's all they include. They will
probably put the entire 302 from that conversation in
the Woods file rather than excerpting out the one or two sentences.

But again, that's up to the FBI agent as to how they put the file together. But I think that answers your question.

Mr. Baker: Thank you.

Mr. Somers: I think you gave an example of, if someone lives at 123 Main Street you've got to have a document in the Woods file that documents that. Let's just say 123 Main Street, let's say it's material; the fact that the person lives at 123 Main Street is material.

You file your initial application, the Woods file says he lives at 123 Main Street. The application says he lives at 123 Main Street. You're going for the renewal and now you find out the guy always lived at 100 Main Street. I'm assuming you have an obligation then to change the FISA, the renewal application, and then document that in the Woods file?

Mr. Evans: If it was a material fact, which it potentially could be, then yes.

Mr. Somers: Assume it's a material fact. So for the initial Page FISA application, presumably -- I've never seen the Woods file -- presumably --

Mr. Evans: Nor have I, for the record.

Mr. Somers: -- presumably the Steele dossier could
be in the Woods file. If there's an allegation from the
Steele dossier and it appears in the application,
presumably that, what we call the "Steele dossier" -- I
know that's not how the FBI treated it at the time, but --
presumably that page or the whole document would be
in the Woods file?

Mr. Evans: My assumption would be they took --
that at least at a minimum, some of that actual
reporting shows up in the Woods file. I wouldn't know
whether it was individual reports or the whole thing or
how they did that. But presumably yes.

Mr. Somers: Okay. So you have that reporting.
But then if at a later date the FBI finds out that -- they
get information that undercuts what was in the initial
Steele dossier. They need to account for that. They've
got to make a decision as to whether it's material and it
needs to be changed; that's correct?

Mr. Evans: I would agree with that, yes.

Mr. Somers: What if they get a better
understanding of the Steele dossier -- I'm sorry -- the
initial Carter Page FISA application relies on, like,
Christopher Steele as the source. What if they through
their investigation and locating the primary sub-source
realize that Christopher Steele is not really the source;
it's actually the primary sub-source that is the source.
Does that need to be accounted for?

Mr. Evans: I don't think I can answer that in the abstract. I think it would be, I think, potentially yes, but it depends on how relevant, how material it is.

Mr. Somers: What about -- well, the reliability of the confidential human source is important, is that correct?

Mr. Evans: Generally speaking, yes, the reliability of sources is important. How much the importance is depends on the nature of the probable cause. If you have a FISA, hypothetically speaking, that has 12 different human sources in it and source 12 is used for one sentence that isn't particularly relevant but is in there, that's different than if you have one that is significantly based on one source.

So it really varies. It's very factual, fact-intensive.

Mr. Somers: What counts as a source in your mind? How would you define "source"?

Mr. Evans: I think in the intelligence community they use it very broadly. It can be technical sources, human sources. They might even describe a foreign government as a source to obscure and protect the foreign government. I think the lay person definition is a human being who gives the FBI some kind of information and has some kind of formalized
cooperative relationship with them.

Mr. Somers: If the information that the source is conveying to the FBI is a conversation, for instance, how close would someone have to be to that conversation in order to still be a source that could be used in a FISA?

Mr. Evans: You mean if Person 1 tells the FBI "I've heard from So-and-So, who heard from So-and-So, who heard from So-and-So"?

Mr. Somers: Yes.

Mr. Evans: Person 1 -- the individual, Person 1 in that example, could still be a source. So it's not that the person wouldn't be a source. It would just go through what the underlying reliability of the information is. It might be described as Person 1 heard thirdhand through their general chain of social relationships the following information, is different than Person 1 specifically heard the information.

So I think it goes less to whether somebody's a source and more to how much credibility, reliability, the FBI would place on it or a judge might place on it.

Mr. Somers: What about what's conveyed to the court?

Mr. Evans: I think for us it would be trying to get the information from the FBI to convey as much information as possible. I will say as a general matter I
think the information conveyed about Steele in this FISA and about his sub-source network was more extensive than is typically conveyed in FISA's.

An example of that would be -- well, I can give you an example, but it might get into classified information, if somebody wants to come back to it. One example I can give you that's unclassified: There is, I think, a different source mentioned later in the FISA application, with a much shorter description of that source than the Steele description. So that's how it can vary based on who the source is and how the description needs to read.

Mr. Somers: But whether we agree or not on whether this was done -- we may disagree on whether it was done or not. But if you -- I'm just trying to get the differentiation. If you say "Source 1 reported that Putin said X" and that's what it says in the FISA, but really Source 1 heard from the primary sub-source, who heard from Sub-source 3, who heard from the person that that sub-source knows, who works for the person that allegedly" -- when does it become not fair to say "Source 1 reported" and not include that entire chain of how tangential this information is in the actual application?

Mr. Evans: Again, I think it's really difficult. I wish I could give you just a bright-line answer, but I think it's
really difficult to do that. Again, I can tell you in this space that the description of the multiple layers of the source network here was one of the more extensive descriptions of a source network I have seen. Can I go into classified for one minute here?

Mr. Somers: Sure.

(At 2:55 p.m., the interview proceeded in classified TOP SECRET session.)
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(At 3:13 p.m., the interview continued in unclassified session.)

Mr. Somers: So you were aware that the FBI located and interviewed the primary sub-source. I think you testified to that earlier. Before the last Carter Page FISA -- I'm sorry to repeat a couple of these questions, but since they were in the last round I'm going to do it anyway. Before the last Carter Page renewal was filed, you weren't aware of any inconsistencies between what the primary sub-source said and what the Steele reporting said?

Mr. Evans: Yes, correct that I do not believe the FBI advised me of inconsistencies between the primary sub-source's information and Steele's information.

To the first part of your question, I think the timing was that they had at least interviewed him at least once before the last two applications, not just the last one.

Mr. Somers: I was just setting the final time frame there.

I'm just going to ask it for the record. You were not aware, I think will be your testimony, the information conveyed from the primary sub-source -- the primary sub-source was giving Steele information that was based, quote, "on conversations with friends over beer," that the primary sub-source characterized
the information he gave Steele as word of mouth and hearsay, that the primary sub-source told the FBI the information was intended to be taken with, quote, "a grain of salt," that the corroboration on the information was, quote, "zero"? Those quotes are all taken from page 188 of the IG report. You were unaware of any of that?

Mr. Evans: To the best of my recollection sitting here today three-plus years later, I do not believe I was aware of that.

Mr. Somers: Information like that, given that it was the primary sub-source, should that have been conveyed to the FISA Court or maybe an application should not have been sought?

Mr. Evans: Yes. I think the way I described it to the Inspector General, which I would stand by now, is that at a minimum I would have expected the FBI to share that information with us and to proactively flag that information for us, to have a discussion about it.

And then how to proceed from that could have been a range of things. At one end of the spectrum, that information could have been included in a FISA renewal with whatever caveats or assessments the FBI wanted to place on it. At the other end of that spectrum, it could have potentially warranted either
delaying or stopping the FISA application entirely.

Mr. Somers: But if the Steele information is essential and the primary sub-source has undercut the Steele information, at the very least, if it doesn't rise to the level of abandoning the FISA, you at least have got to go back and investigate what's going on between Steele and his primary sub-source; is that what you're saying? Not you; the FBI needs to go back and figure out what the discrepancy is, at the very least?

Mr. Evans: Yes, at the very least explain to us what they believe the discrepancy is and why they believe that there's a discrepancy. And presumably there'd be some investigation underlying that.

Mr. Somers: But if the primary sub-source if undercutting the dossier, that's got to be accounted for if he's the primary source of the information that's relied on in the FISA?

Mr. Evans: I think my answer is the same, that I believe that the information from the primary sub-source that was inconsistent with Steele's reporting needed to be accounted for by the FBI in some way.

Mr. Somers: Let me just make sure I don't have anything more on the primary sub-source.

(Pause.)

Mr. Somers: On July 12 of 2018, moving off of the
primary sub-source --

Mr. Evans: I'm sorry?

Mr. Somers: Moving off of the primary sub-source, switching topics -- I'm giving you the warning that I'm switching topics here slightly. On July 12 of 2018, NSD sent a letter to the FISC advising the court of, under Rule 13A, of the factual -- certain factual omissions in the Page FISA application that had come to NSD's attention after the applications were filed.

Did you have a hand in drafting that letter?

Mr. Evans: Yes, I did -- oh, you said the July 12, 2018?

Mr. Somers: Yes.

Mr. Evans: Yes, I did.

Mr. Somers: What was your role in the drafting of that letter?

Mr. Evans: I think when we became aware of that information earlier in 2018, I met with the team, the team within NSD and OI, discussed the information, and had them begin putting a draft letter together, and then I was involved in reviewing and editing the draft and ensuring the coordination of that draft with the FBI for their review and concurrence to file, along with others in NSD as well.

Mr. Somers: So FBI was consulted on the letter?
Mr. Evans: Yes, the FBI reviewed multiple drafts of the letter during the drafting process and ultimately concurred in the final version.

Mr. Somers: But you found that there weren't any material errors at that point? That's the general conclusion of the letter?

Ms. Sawyer: I don't believe that's accurate. I thought that letter was styled as a Rule 13A notice of material misstatement.

Mr. Somers: I'm probably misspeaking. At that point in time there was no -- there's been subsequent letters where FISA applications have been withdrawn related to Carter Page. At that point in time, with the information you had then, there was no reason to take a step like withdrawing one of the applications?

Mr. Evans: That's correct. My recollection of that letter is that the Justice Department's position in that letter was that, while there were material misstatements, those material misstatements did not --

Mr. Somers: Undercut?

Mr. Evans: While they may have undercut, but not to the point of eliminating the probable cause that existed.

Mr. Somers: Was there any discussion -- I think there were three or more, somewhere around that,
errors that were disclosed to the court in that 13A letter. Was there any discussion at DOJ or DOJ with the FBI about taking a closer look at the Carter Page FISA applications? Once you discovered these errors, did you discuss looking for further errors?

Mr. Evans: I think the short answer is both yes and no, but I have to give you a little bit of a timeline on that. So that letter -- the drafting of that letter began, as I said earlier, in 2018, and primarily focused initially on the information regarding the Bruce Orr interviews.

During the course of the drafting of that letter, we learned of other information, I believe regarding statements that Papadopoulos also made to a source, that we believed were exculpatory and material and needed to be included. By the time that information came to light and was included in the draft letter, the Inspector General had already announced the investigation that they were opening into the Page FISA. So at that point I think -- I don't remember if it was a formal discussion about it or whether it was an informal discussion of, we're going to let the Inspector General's investigation at this point run its course because us doing some sort of parallel investigation while the Inspector General is investigating it doesn't make a lot of sense.
Mr. Somers: You mentioned Bruce Orr's name a second ago. Did you ever have any discussions about Crossfire Hurricane with, or anything related to Crossfire Hurricane, with Bruce Orr?

Mr. Evans: Not that I recall or I'm aware of.

Mr. Baker: Were you surprised to subsequently learn how many different places Mr. Orr popped up in the investigation, considering he was officially sitting at the time in the ODEC office?

Mr. Evans: I'm not sure I'm aware to this day of -- when you reference in your question all the places he popped up in the investigation, I'm not sure what they all are. But I can tell you I was certainly surprised to learn of his interactions with Steele and the information he was conveying back to the FBI regarding Steele.

Mr. Somers: What's the basis of that surprise? Why would you be surprised to learn that?

Mr. Evans: Given what I know now and how much the FBI was receiving from him via Steele, I would have expected the FBI to have alerted us to that information at some point contemporaneously to when it was happening.

Mr. Somers: Then once again to switch topics a little bit, we touched on this a little bit earlier, but there's the whole early October, around October 11th,
the whole -- well, for instance, Peter Strzok texted Lisa Page on October 11th. It's on page 137 of the IG's report: "Currently fighting with Stu for this FISA."

Do you recall fighting or something along those lines with Pete Strzok about the Carter Page FISA?

Mr. Evans: I recall having a fairly heated or difficult conversation with him that day.

Mr. Somers: What was the content of that conversation? What was it about?

Mr. Evans: That day, as I recall it, was -- I believe you said October 11th?

Mr. Somers: Yes.

Ms. Sawyer: I think that was the day when I had asked a series of questions about Steele to try to understand what his background was; and when, late in the day, it was finally made clear to me from the FBI that Steele was being paid to gather opposition research, and so I reached out proactively to Mr. Strzok that afternoon or evening to say I wanted to talk to him.

Knowing that the FBI was pushing to get this moved forward, I wanted to make sure I conveyed back to him directly that I now had this issue that had surfaced, that I wasn't previously aware of, and that this was going to slow down the FISA. And I wanted to make sure he heard that directly from me so that the
case agents and headquarters agents didn't report back up their chain that there had been a delay without him hearing directly from me what the basis for that delay was.

Mr. Baker: You said "heated" and "difficult." Was there yelling and screaming that made it heated? Was there yelling and screaming that made it heated?

Mr. Evans: I wouldn't say there was yelling and screaming. I would say Mr. Strzok is a fairly stern personality, and when I conveyed to him that I was annoyed that we just learned this information, that was not his impression. He seemed to be under the impression that we already knew this information. I was probably a little annoyed and said that most certainly was not the case; that's why I'm calling you; we just learned of it now.

So at the end of the day, we kind of both just agreed to go back to our respective corners; and I think the call ended with him saying something along the lines of: Fine; ask whatever questions you need to ask. Then we both went our separate ways.

Mr. Baker: Did he indicate during that call that the majority or the totality of the senior FBI leadership was on board with moving this FISA down the road?

Mr. Evans: During that call, I don't -- I can't be
certain, but I don't recall him invoking in that call leadership names. I think that call was more me flagging for him: Hey, there's a problem developed. I actually was surprised that he seemed to be aware of it already. I thought maybe it was news to him as well.

So we just kind of ended it with me saying: Well, nothing's going to happen until we get more information here.

Mr. Somers: But you weren't concerned that this was information you didn't know; you were concerned that there was information you didn't know that needed to go in the FISA, correct?

Mr. Evans: It was a little bit of both. I would say over the course of that week in drafting, that week and the following week, I would say my concerns fell into three buckets. Bucket one was wanting to make sure we got the information we needed about the source to understand potential bias.

Bucket two was making sure we could put that information in the FISA appropriately to make sure the court was apprised.

Then bucket three were ultimately my policy concerns about this. So I think at that point on that call on the 11th, it was a combination of concerns one and concerns two. This information had just come over to
me that he was being paid to get opposition research. That generated a whole bunch of follow-on questions in our mind: Who's paying him, what's the nature of this?

So at that point, I think I was still at the stage of: Hey, this just landed on my desk with this new information; I need to understand what this is all about; we need to get to the bottom of this, ultimately driving towards potentially including the description of it in the FISA.

Mr. Somers: Did you ever become aware in that time frame that he might try and go around you, to have you overruled in some sense?

Mr. Evans: From reading the IG report, I recall that there were other text messages internal to the FBI where people were talking about that. Candidly, I don't have a great recollection of that contemporaneously, and other people saying that. It doesn't surprise me, and I think we may well have had those conversations. I just don't now, three and a half years later, have an independent recollection of people trying to go around me in that way.

Mr. Somers: Did you feel pressure at the time?

Mr. Evans: I think we did feel pressure and I did feel pressure at the time. But again, going to some of the questions earlier, whether it was out of line with
pressure I had felt in other high-profile investigations over the years -- whether it was investigations like the Boston Marathon or other investigations. I'd been involved in a number of high-profile, pressure investigations, and there tends to be a lot of pressure in those.

So I think it was -- at least at the time, I felt the pressure was in line with what I had experienced in other high-profile investigations.

Mr. Somers: Were you nervous? Strzok told [REDACTED]: "Stu is nervous."

Mr. Evans: I would not have used the word "nervous." I think "concerned" is a better word. Again, whether it's nervous or concerned, it goes to the core point I was making earlier, of I just didn't think this -- knowing what I knew that was developing about this source and his background, I just didn't think that it was a good prudential choice for the FBI and the Department to be going down this road.

Mr. Somers: Then [REDACTED] writes to Strzok -- this is on page 137 of the IGG's report -- "Is he going to hold the FISA?," the "he" being you. Did you have the ability to hold the FISA?

Mr. Evans: Informally, yes. Formally, no. By statute, the only person at the end of the day who can
say yes or no to an FBI FISA request is actually the Attorney General personally. As a practical matter, in the drafting process if something was with me and I was sitting on it for a while, I at least had some informal ability to hold things for a little bit.

Ms. Zdeb: Can I just interject with a question real quick to clarify something that we spoke about at the outset in terms of the Department's policy about the identification of non-SES employees.

Mr. Findlay: He's not going to confirm or deny it. The person that majority counsel is referring to, [redacted], is listed in the IGG report as an OGC attorney. Stu, he's not confirming or denying that. He just said he wasn't nervous; he was concerned.

Ms. Zdeb: Right. My point is that Mr. Somers is purporting to read from page 137 of the IGG report, but that page of the IGG report does not contain a particular person's name. It just has a generic identifier. And I wanted to make that clear for the record.

Mr. Findlay: Thank you.

Mr. Somers: We can clean that up. I think Stu Evans probably knows him by his name and not by the identifier that's in the IGG report, which is why I did that. But we will not put his non-SES name in the actual
transcript.

Mr. Findlay: Part of the reason I didn't object is because the preface to the question wasn't the question. The question that Stu answered was: Can you hold it up? Stu answered that question. Why you would be asking that question is really more for your purposes than ours.

Mr. Somers: Two other quotes I'm trying to get some clarity on here. One's from the same exchange and one's from a different exchange. Strzok writes: "No, but I'm concerned about how they preload the court\the court adviser." Then there's another one where Strzok writes to [REDACTED], Strzok to OGC unit chief -- this is on page 138 of the IGG report -- at 7:59 p.m.: "I'm worried about what Stu whispers in court adviser's ear."

I know these aren't your, obviously, your texts, and you weren't part of these texts. But can you give me some idea of what they were -- I think I have a little bit of an idea, but give me an idea of what they're talking about?

Mr. Evans: Again, I can't speculate as to what they were talking about. And again, per the earlier conversation, I obviously won't confirm identities of the participants other than what's in the IGG report.
I can say generally, the FBI was aware that our office had a relationship with the legal advisers and, as I think I described to you in one of the earlier sessions, we would communicate with the legal advisers, including for instance giving them a heads-up that something complicated or something sensitive might be coming.

I infer from those communications they were worried that we would suggest to the court in some way that the court shouldn't sign this or that there were some grave concerns about it, or something along those lines. Candidly, that I think would have been unprofessional to do as counsel for the Department. If the Department chooses to proceed with an application, then, as lawyers representing the Department, we're bound to advocate that position.

So I don't think that would have been consistent with my recollection and practice, that we would undermine or undercut something that the Department itself chose to proceed with.

Mr. Somers: You took my next question there, on professionalism.

Now, there's another text in here, that "Apparently he's the only" -- "he" being you. I can read you the whole thing: "OGC Unit Chief to Strzok, 7:59 p.m.:
Yeah, I think so. Stu's going to think about it overnight. Not for attribution" -- this is the part I care about -- "but apparently he's the only one over there worried about it."

Were you the only one "over there" -- "there" must be NSC or maybe it's the Department -- worried, that had these concerns?

Mr. Evans: I don't think so, no. What day was that, just out of curiosity?

Mr. Somers: Later that same evening. So we're talking still October 11th.

Mr. Evans: 11th, okay. I would say no. My general impression at that point -- and at that point in time I think it was primarily the team within 01, those folks below me, who I described earlier, who'd been working on the matter. My recollection from just conversations and what-not was that everyone was aligned with me and we all generally shared the same view.

I don't know why the FBI wouldn't have been under that impression. I do know, having written FISAs myself, sometimes the closer you are to writing it and dealing with the case agents, the more you have to worry about keeping up a rapport with those folks. So it wouldn't be the first time in any of our careers where somebody blamed something solely on their boss so
that they could maintain a relationship at a working level.

But my general impression was that my team at least within OI shared my concerns. I would also add, just as a further on that, the lower-level folks in OI, their role is predominantly to work on the drafting of the application and then the advocacy before the court as the Department’s lawyers. My role as the head of the office was more to focus on kind of policy and bigger picture. So to the extent a lot of my concerns were ultimately coming from the policy implications, those were ones that typically we wouldn’t ask lower level folks to focus themselves on.

Mr. Somers: Were you at some point in this time frame, the 11th, 12th, instructed that FBI was moving ahead with the FISA in some manner by someone? There’s email on page 141 of the IGG report that says: "Lisa Page would inform Evans of the FBI's decision to move forward with the FISA application."

I guess question one would be: Did Lisa Page ever tell you the FBI was moving forward with the FISA application? But more broadly, did someone just kind of say: Hey, we’re doing this?

Mr. Evans: I have a general recollection that at some point over those ensuing days after the 11th the
FBI conveyed back to us that: Yes, we hear you, but we want to move forward anyway. I don't specifically -- I know the IGG report attributes that to Ms. Page. I don't specifically have any independent recollection today as to whether that was a conversation with Ms. Page or otherwise. But I also have no reason to doubt the IGG report in that regard.

Mr. Somers: But was there ever an instruction that, we're moving forward, you need to let this go?

Mr. Evans: I can't point -- in my memory now, almost three and a half years later, I can't point to a specific instruction. It was very clear from them that they wanted to proceed and that they had no interest in abandoning this. Whether that was an instruction or just being conveyed back of, yes, we hear you and we want to proceed anyway, I think the message back was clear.

Mr. Baker: So either then or now in hindsight, did you feel, for lack of a better term, that you were rolled? You raised these concerns, you're told, We're moving forward. Eventually it seems like everybody at the Bureau in the upper level of management signed on. Did you feel you were rolled?

Mr. Evans: I felt like they did not share my concerns, or their weighting of the concerns was
different than mine. As I think I told the IGG, I'm not sure there was a right or wrong answer at the time. I knew folks in hindsight think I was right, but at the time I could see there were both sides to it.

Again, as I alluded to earlier, our office often tended to take a more cautious approach to things that could be controversial in the FISA space, because we had to deal with FISA day in and day out, and it would not have been the first time that an intelligence agency wanted to proceed with something that I thought was an imprudent use of FISA or a bad idea.

Mr. Baker: You raised very early on -- and it's my phraseology; I may have the exact words wrong. But you did the classic cost-benefit analysis of proceeding with this and what could happen, especially considering the political nature of this. As you sit here now, which side -- was the cost worth the benefit?

Mr. Evans: I'll let outside observers ultimately opine to that. I can tell you I certainly feel that my initial calculation on that remains accurate to this day.

Mr. Baker: Thank you.

Mr. Somers: It says here at page 139 of the FISA report: "According to Evans, he raised on multiple occasions with the FBI, including Strzok, Lisa Page, and later McCabe" -- and it kind of gets into those three
buckets you were laying out. What was the discussion with McCabe?

Mr. Evans: The McCabe discussion -- towards the end of the week of the 10th, I think it's the 10th through the 14th, where we were going back and forth with the FBI to elicit information, we reached the end of that week. Again, as I think I indicated earlier, the FBI had said: This is all we have, we don't have anything else, you know everything we know.

So we had the description updated on the source, and I had a conversation at the end of that week with Ms. McCord where I said: Look, this is what it is; we've got it all in there on the source; we all think there's still probable cause even with that as explained; but I think this is a bigger policy question here. I don't think this is worth pursuing. I explained my logic.

Ms. McCord disagreed with me on that, but, in deference to my concern and my role, she indicated that she would raise it with Mr. McCabe. That was I think a Friday, and by Monday she had been unable to get hold of Mr. McCabe on this, is my recollection. So as the FISA was moving forward on that Wednesday morning of that following week, I attended a meeting, that was a regular standing meeting unrelated to this, where I thought Mr. McCabe was likely to be present.
He's someone who I had known in other capacities during his FBI career and so, given that, I felt comfortable pulling him aside and having a conversation with him at the end of that meeting where I essentially said: Hey, this Page FISA, I want to talk to you about it; here's what we know; we've got this information; this source seems like it's political opposition research; why are we doing this?

The whole conversation was probably shorter than ten minutes. And he said something -- the gist of his response was: I understand what you're saying; I hear you, but we can't pull any punches and be worried about the fallout; and this is something we think we need to do from the investigative perspective; and I can't -- you're worried about what the fallout and the consequences are going to be; I can't worry about that. I just need to focus on what we need to do for the investigation, and we'll have to live with the consequences.

That was, I think, the substance of the conversation.

Mr. Somers: Just flipping through my notes here, I've got something we kind of discussed here earlier, but I've got now an actual something in the IGG report. You said, page 144 of the IGG report: "Evans told us
that sources often have, quote, 'baggage' and can have a bias, but that does not necessarily make their information unreliable, especially if the FBI has a long history of assessing the source's reporting as reliable."

So I guess you kind of have the scales there. It seems that you're assuming that the FBI has a long history of assessing Steele as reliable. Was that your understanding?

Mr. Evans: That's what they were representing to us at the time, that he was someone they had a longstanding relationship with. I think the term they often used during that week of back and forth, they described him to us as a "professional." What they meant by that term was a professional investigator, intelligence officer, like themselves. And they kept saying: Hey, he knows what he's doing; he's a professional; he's got this; we've dealt with him in the past; we really, really trust him and believe he's reliable. That was the entire way that was being described to us about their view of him.

Mr. Somers: But I guess -- if that was not accurate -- and I think there's some information in the IGG report that they had some derogatory information on him or got it at some point in time. But anyhow, leaving that aside, but just on the scale, the baggage becomes more
important if the reliability -- is it really a scale? Like the baggage is more important if we don't have the history of reliability? Is that how you look at it?

Mr. Evans: I think also weighed in with importance of the information, the centrality of the information to the overall probable cause. I think a variety of those factors mixed together.

(Pause.)

Mr. Somers: Did you understand in the FISA or what they were seeking or Page's relationship, did you understand Page to be -- and I'll read you what the FISA says after I ask my question. Did you understand Page to be coordinating with Russian intelligence?

Page 9 of the initial FISA application states that:

"The FBI believes that election influence efforts are being coordinated between the RIS and Page and possibly others." I guess the first part of that, I'd take "RIS" to mean "Russian intelligence services"; I think that's correct.

Mr. Evans: I believe that's correct, yes.

Mr. Somers: So did you understand that Page was being alleged to be coordinating with Russian intelligence services?

Mr. Evans: Again, I don't think I had any independent understanding of what the FBI believed
Page was up to, other than what was in the four corners of the FISA. So to the extent there were other elements in the FISA from the Steele reporting or otherwise that get at that point, I think my knowledge of what they think Page was up to would have been limited to primarily what was in the FISA.

I just don't remember what else was in the FISA along those lines.

Mr. Somers: I think there's a couple statements that basically say that -- I think there's two along these lines in all the FISAs. I think it appears in two places, that the FBI believes that election influence efforts are being coordinated between the RIS and Page and possibly others. And I believe there's also a statement in the conclusion along those lines.

So that was your only understanding, would be what's in the FISA in terms of who he was alleged to be coordinating with?

Mr. Evans: That's my recollection, yes.

Mr. Somers: So then would it surprise you if in February of 2014 -- February 14th of 2017, that Mr. Strzok is quoted in the document that he wrote as saying "We have not seen evidence of any individuals affiliated with the Trump team in contact with IOs" -- which I will take to mean intelligence officers. "We are
unaware of 'ANY’' -- in all caps -- "Trump advisers engaging in conversations with Russian intelligence officials."

If the FISAs on the one hand are representing, and FISAs written after this data are representing, that the FBI believes that election influence efforts are being coordinated between the RIS and Page, does Strzok's statement undercut that statement?

Mr. Findlay: Where did that statement come from? You quoted something.

Mr. Somers: An email that was released to us last week, written by Peter Strzok on February 14th of 2017.

Mr. Evans: So a couple things. One, I don't recall ever seeing that email, so I can't speak specifically beyond what you just read to me, to the best of my recollection.

Two, I think it's interesting. I think yes and no. It potentially is relevant and potentially could have caused an update. But I think the interesting thing here to understand about probable cause and how it developed, it's not uncommon for the FBI to allege they have probable cause that something's happening or occurring and to go three, six, nine months into that investigation, and at some point if you don't see actual results materializing you reach the point of: Hey, our
initial theory, our initial probable cause of what was happening, isn't actually being borne out by what we're seeing in the investigation.

That is actually, I think I would say, how the majority of investigations the FBI does tend to resolve themselves. We have a basis to believe something is happening, but when we go look for it we don't find it. At what point --

Mr. Somers: What does the obligation to correct arrive?

Mr. Evans: So it's interesting. At what point does that undermine your original theory? It can be really fact-intensive and I can't say. As I noted earlier, I have seen counterintelligence cases over the years that have gone on for quite a long time without corroboration until the original theory evaporated.

So if I could just give you an example, and I'll keep it hypothetical here for a minute. Let's say that you have reason to believe that somebody is a mole in an intelligence agency. You have probable cause. You get up on a FISA on them and you start surveilling them for three, six, nine months, but you find no evidence that they're taking classified information.

At some point your probable cause disappears because you had a theory and it's just not being borne
out and you can't show it. Would you probably say in those FISAs as you're going about, We still haven't seen evidence of him taking classified information, but we still believe this to be the case?

I think that's certainly one way you would describe it. But I think where you lose that probable cause entirely is really fact-based.

Sorry if that's a generic answer. But I feel like it's the best I can do.

Mr. Somers: Just one -- I'll ask it in a hypothetical. Would NSD have to be consulted if the FBI was doing an investigation and they wanted to go into [redacted] for any of their targets?

Mr. Evans: No, I don't believe so, although when you say [redacted] that's kind of a loose term. I would probably want to clarify what exactly you're talking about.

Mr. Somers: [redacted]. They want to look into any databases [redacted]. Would NSD need to be consulted or could they do that on their own?

Mr. Evans: Can we go classified just [redacted]?

Mr. Somers: Yes.

(At 3:46 p.m. the interview continued in TOP)
SECRET session.)
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(At 3:50 p.m., the interview proceeded in unclassified session.)

Mr. Baker: Are you familiar with an op-ed entitled "Stu Evans' Lonely Failed Quest to Save the FBI from Itself"?

Mr. Evans: I did read that op-ed, yes.

Mr. Baker: What were your thoughts about what their conclusions and assertions were?

Mr. Evans: I would also note my microphone is flashing, so I suspect that means my battery is dying here.

I think again I don't remember the details of it. I admittedly read it pretty quickly. I thought it was a generally fairly accurate article. In terms of the conclusion, I felt as if the article raised the point that perhaps by couching my concerns more as policy or prudential concerns that gave the FBI a way around them, to get around my concerns. I think the article said something along those lines.

I didn't agree with that point because I think the way we had to approach our jobs in the Office of Intelligence, whether it was in this case or any other case, the threshold role of our office was to gather the facts from the FBI, put them in a FISA application, and make a threshold legal determination as to whether we
believed it met the statutory standard of probable cause and was legally appropriate to move forward. And that was what our office primarily looked to do in the first place.

There in many cases, whether it was this or some of the other types of sensitive matters I described earlier, would be a second follow-on policy question about whether it’s a good idea or a good policy to move forward with something. I think, whether it's OI or other elements of the Department, I think that's often how DOJ lawyers generally had to approach matters: Do we think it's legal, is there an argument that's legal to be made here; and if so, then there's a policy discussion to be had about it.

So I just felt, whether it was this matter or other matters, I felt like that was consistent with how the Department attorneys had to proceed in matters.

Mr. Baker: Okay, thank you.

Mr. Somers: That's it for this round.

(Recess from 3:50 p.m. to 3:53 p.m.)

Ms. Zdeb: It's 3:53. We can go back on the record. We've been talking about the Steele dossier for quite a while now as it relates to the Carter Page FISA applications, and I wanted to ask a couple of questions to put the Steele dossier in its larger context.
Crossfire Hurricane was opened at the end of July 2016, July 31st, and the Inspector General determined that the Crossfire Hurricane team did not even become aware of Steele's reporting until September 19th, which is more than a month after the investigation was opened. The IG said, quote: "The Steele dossier played no role in the opening of Crossfire Hurricane."

Are you aware of any evidence that contradicts that finding?

Mr. Evans: No, I am not. The IG's conclusion on that point was consistent with my recollection.

Ms. Zdeb: The IG, as I mentioned earlier, testified before our committee last December. He was asked about the Carter Page FISA errors, the Steele dossier in relation to Special Counsel Mueller's report. He testified that the FISA errors related to Christopher Steele did not call into question, quote, "any part of the Special Counsel's report."

Are you aware of any evidence that contradicts the Inspector General's testimony that the Carter Page FISA errors did not call into question -- do not call into question any part of the Special Counsel's report?

Mr. Evans: You may be surprised by this, but I've actually not read the Special Counsel's report, and so I don't feel as if I -- I am not in possession of any
contradictory information, but I also am not really in a position to opine one way or the other.

Ms. Zdeb: Former Deputy Attorney General Rod Rosenstein testified before our committee last month. He supervised the Mueller investigation. Senator Feinstein asked him if he could identify which findings in the Mueller report relied on information from the Steele dossier. And Mr. Rosenstein said: "I don't believe there is any such information."

Recognizing that you have not read the entire thing, do you personally have any evidence that contradicts Deputy Attorney General Rosenstein's testimony that no findings in the 448-page Mueller report rely on the Steele dossier?

Mr. Evans: Subject to my earlier caveat, I'm not, sitting here today, aware of anything.

Ms. Zdeb: Mr. Rosenstein also testified that none of the 199 criminal counts resulting from the Special Counsel investigation relied on information obtained from the Steele dossier. Do you have any basis to disagree with Mr. Rosenstein, there?

Mr. Evans: Again, I would go with my earlier caveat. I'm not sure I have a basis to agree or disagree, but implicit in that is I don't have a basis to disagree.

Ms. Zdeb: So in other words, you don't have any
evidence or, sitting here today, reason to believe that
the Special Counsel's findings or the criminal actions
that he charged relied on information from the Steele
dossier?

Mr. Evans: I would rely on the -- again, I have no
personal reason to believe that's the case. But I would
rely on the assessment of others who are closer to that.

Ms. Zdeb: Switching gears: As you know, the
Inspector General recommended a number of corrective
actions in response to the FISA errors that he identified.
These include corrective actions like changes to the
Woods forms, changes to the FISA request form, all
designed to ensure that OI receives the information that
it needs from the FBI in order to prepare FISA
applications.

Director Wray has accepted and agreed to
implement all of the Inspector General's recommended
corrective actions. Do you have any reason to believe
that the FBI is not taking appropriate steps in response
to the IG's report?

Mr. Evans: I would say I have even less visibility to
opine on that than the prior questions. I left
government in May of 2019 and I think all the
corrective action proposals and steps have been well
since then and, while I have generally been aware of
some of the press releases or things around it, I've not been tracking it especially closely. So that's one where I just really don't feel I can opine one way or the other.

Ms. Zdeb: But certainly, sitting here today, it sounds like you are not able to offer any reason why you would not believe that the FBI is taking appropriate steps?

Mr. Evans: Yes, I certainly have no reason to believe they're not. But I also am just not familiar with what precisely they are doing.

Ms. Zdeb: Do you have any reason to believe that the corrective actions that the IG recommended and which the FBI is in the process of taking, although recognizing that you are no longer in your former position, do you have any reason to believe that those correctives, those corrective actions, will not adequately address the errors that the Inspector General identified?

Mr. Evans: Again, I'm not sure I have a view one way or the other. I read that portion of the IG report probably most recently during the drafting of it when I was given a copy to review the draft of the IG report in the fall of 2019, and honestly didn't focus that closely on the recommendations since I was already out of government.

So I don't even recall specifically what they all were
or were not. So I'm not sure I could opine as to how effective they would or wouldn't be at this point.

Ms. Zdeb: You spoke earlier about Ol's role in -- or NSD's role more generally in conducting accuracy reviews of FISAs. Since the IG report came out, the Department has represented to the FISC that it will be taking steps to expand its accuracy reviews, but also to institute completeness reviews that look not just at accuracy, but try to identify things that had been omitted from FISA applications.

Do you have any reason to believe that the Department of Justice and the National Security Division more specifically are not taking appropriate steps in response to the IG's findings?

Mr. Evans: I would say -- and again, I think I've generally heard of that change. I'm not intimately familiar with it, but I think that was a positive change and I think probably a good development and one I think that goes to some of the heart of the IG's findings.

I think one of the elements in the IG report that I think highlighted this for everyone was that the Woods procedures are really focused, as we discussed earlier, on documenting what's in the FISA, not documenting what's not in the FISA. So the Woods procedures really
go to potential material misstatements more than they do omissions of information from the FISA, and so I think adding some element of review that goes to things that are being potentially omitted from the FISA - - I think the term was "completeness" -- is a good development and I think one that arguably gets at some of the core errors that the IG identified.

Ms. Zdeb: Are there other specific corrective actions that you think would be warranted in light of the IG's findings?

Mr. Evans: These may already be things that have come up in various discussions or proposals by the FBI, because again I'm not intimately familiar with what all their corrective actions were. But the two things that had come to mind to me were:

One, I think the issue I mentioned earlier on whether it makes sense to have the field case agents as the actual affiants for the FISAs, either in lieu of or in addition to the headquarters agents. I do believe, if that is workable technically and logistically, I do believe there is some added accountability to having case agents sign an actual warrant application, as opposed to signing an administrative form. That might be of added value.

Then the other thing that came to mind to me:
With the renewal process, in an ideal scenario for a 90-day U.S. person FISA, you're looking for the FBI to hopefully submit their renewal request to OI 45 days or so before the expiration date, to allow a significant period of time for back and forth and development of the renewal application. Because 90 days is not a very long period of time and 45 days is even shorter, that is kind of a rule -- that is a period that is more honored in the breach than not, and it is pretty common, and I think it was the case in this case, that renewal requests often come over from the FBI to OI a week, week and a half, before the expiration, which really compresses the amount of time for that back and forth and development of the FISAs. And of course, with the renewal you're up against an expiring time clock, as opposed to an initiation, where maybe you have a little more time.

So finding a way inside the Department to more rigorously ensure that renewal requests come over sufficiently in advance of expiration date to allow for robust back and forth, was another thought of mine.

Ms. Zdeb: Thank you. I believe my colleague has a few additional questions.

Ms. Sawyer: Just to go back to something you had discussed with our colleague Mr. Somers, it sounded
like you were involved and kind of had requested that July 12, 2018, 13A letter to the court, and then you weren't involved in any subsequent 13A letters. You had left the Department.

Mr. Evans: That is correct. I believe there was -- and I don't have the IG report in front of me, but I believe the IG report references a Rule 13B letter that was filed some time in 2019 regarding what I think I would describe as a kind of ministerial issue regarding the handling of information. So I was involved in that 13B letter. But I do not believe I was involved in any other 13A letters for this application.

Ms. Sawyer: It sounded like -- and I just want to make sure I understood it correctly -- that the July 12, 2018, letter, there was a decision made to submit that because certain errors and omissions -- and I think it's described as "become aware of additional information. Although some of the additional information has been publicly discussed, some of it does not constitute omissions subject to Rule 13A. We include it all below out of an abundance of caution."

So this letter was meant to address errors that had come to light as of that point in time?

Mr. Evans: Correct. That letter was meant to address what NSD had become aware of as of that
moment in time, yes.

  Ms. Sawyer: It sounded like you indicated that there was a deliberate decision not to then undertake further investigation as to whether there were other omissions or facts that should be brought to the court's attention because the Inspector General had opened an investigation into the Carter Page FISA process?

  Mr. Evans: That's right. If I could just expand on that a little bit, getting back to what I outlined earlier, OI of course isn't in possession of any information. If we want to get more information or look for errors or issues, we of course have to go to the FBI to do that. In the drafting of this letter already, there was significant back and forth with the FBI, and to do any further review of the application at that point by the middle of 2018 would have required significant back and forth with the folks at the FBI who were involved in the Carter Page FISA, all of whom we fully expected were going to be material witnesses in the OIG's investigation.

  So for us to start going out and talking to those people and developing facts and figuring out what they knew and didn't know while the IG was about to do the same thing was not going to be a feasible option at that point. So we deferred to the IG at that juncture.

  Ms. Sawyer: In fact, if you had it could have run
the risk that at least someone might have believed or
taken the position that there was some interference in
the Inspector General's investigation, or at least some
tainting of the Inspector General's investigation?

Mr. Evans: I think that's a potential concern, yes.
And I would add, once the Inspector General began
interviewing us, which happened in the months after
July, things were presented -- and by "us" I mean myself
and my colleagues. We were of course presented
things by the OIG in the interviews that concerned us in
terms of being factual errors. That's why at some
point, I believe in early 2019, we approached the court,
the chief judge -- the presiding judge, excuse me -- of
the FISA Court and informed her that through our
interactions with OIG we were learning of information
that we thought could potentially be material and could
potentially require further updating to the court, but
that for us to do that we'd have to undertake our own
engagement with the FBI, which we didn't want to do
while the OIG's investigation was ongoing.

She understood and wanted to ensure that we
didn't interfere with the integrity of the OIG
investigation; and we also at the same time
contemporaneously relayed that back to OIG so that
they knew we were intentionally deferring to them here.
Ms. Sawyer: So in your view it wouldn't have been a dereliction of duty for the FBI not to at this point in time, on July 12th, when you had identified some errors, to go back itself and find all the other errors since the IG was inspecting; and had they done it, it sounds like there would have been a risk that they could have been accused of having to try to do something to tamper.

I just am trying to clarify whether or not there's any criticism of the FBI for not having more quickly identified errors to bring to the court's attention or to decide to wait until the IG was finished.

Mr. Evans: It's an interesting question, actually. I'm not sure I recall any discussions between NSD and the FBI about how we would collectively handle new information. Everything I just described to you was our thinking inside of NSD. I couldn't fault the FBI if they internally reached the same conclusion for the reasons you identified.

That said, it might have been good for them to communicate that to us just officially to let us know that they were taking that same posture. But I just don't remember discussing it with them in terms of what their view and how they were going to handle it.

Ms. Sawyer: So you also just didn't ask them to
confirm?

Mr. Evans: We just -- in deference to the IG, for all the reasons I identified, we didn't engage further with the FBI after that July letter in terms of factual statements in the applications.

Ms. Sawyer: Switching for a moment to --

Mr. Evans: Excuse me. At least during my tenure there. I can't speak to what happened after I left.

Ms. Sawyer: Thank you.

I have just a few questions for you about sources and methods generally, at least initially. In my 13 years on the Hill, I have been consistently advised by the Department that some of its most closely guarded information are sources and methods used in investigations -- counterintelligence investigations, counterterrorism investigations, criminal investigations. Is that accurate? And if so, why?

Mr. Evans: I think I would largely defer to the intelligence community on that. But what I can tell you, which I think is consistent with what your question was, is that I have similarly heard in my tenure in government, working with the intelligence community, I have heard them regularly articulate that same point and same area of concern.

When they have articulated that to me in the past,
it has been along the lines of either out of fear of harm to the actual individual sources themselves or out of a concern that identifying information or being careless with information about sources could lead to future sources or future governments or other partners not wanting to cooperate and share information with the intelligence community because they would lack assurance about how it would be handled. That's how I've heard them articulate that, the intelligence community, articulate their concerns to me in the past.

Ms. Sawyer: So safety to the source, potential chilling effect perhaps on the willingness of others to cooperate in the future. What about a potential chilling effect on the source him or herself who was cooperating and then wasn't protected, their identity wasn't guarded?

Mr. Evans: Sure. I think that would fit in as well. I think in most of the discussions I can think of in my experience they tended to be a little bit more at the theoretical level about all human sources, as opposed to specific human sources. But I can certainly see that concern if it came to a specific human source.

Ms. Sawyer: You might agree that it might be human nature that if you had thought that your identity would be protected and it wasn't, you might not be
willing to cooperate going forward?

Mr. Evans: I think that's a fair characterization.

Ms. Sawyer: If a source has relied on sub-sources, is there a risk that if a source is identified that sub-source could also then be traced?

Mr. Evans: I think as a generic, general matter, yes, I think there is that potential risk.

Ms. Sawyer: If sources or sub-sources are not inside the United States, where we believe they might be protected from hostile at least physical activities, but in a hostile foreign country, is there an additional risk to a source or a sub-source?

Mr. Evans: I think I would say in my experience with the intelligence community sources located in hostile foreign countries always present -- there's always more risk to the source in those environments, yes.

Ms. Sawyer: Would you consider Russia one of the countries where there would be a risk that if sources or sub-sources who were reporting about the Russian government, about Russian intelligence -- would that be one of the countries where there would be a concern?

Mr. Evans: I think that would be a fair conclusion.

Ms. Sawyer: Isn't one of the risks -- I'm curious.

There has been some discussion today about the fact
that a memorandum that memorialized an interview
that the FBI had with the primary sub-source was
declassified, some areas still redacted, and provided to
Congress. That document was provided to this
committee at 11:30. It was posted on this committee's
website by the close of business on the same day. And
within hours there were Twitter threads speculating on
who that primary sub-source was.

Isn't that one of the risks of the government, even
if it's trying to be careful about putting out documents
that talk about interviews with a source or a sub-source
-- isn't that the risk, that the public is going to try to
identify that individual?

Mr. Findlay: Just to be clear, Stu left government
well over a year ago, had nothing to do with any of this.
I don't know whether Stu knows the identity of the
source, but we certainly wouldn't want to confirm or
deny what was happening on Twitter. So I think it's
probably better to leave it.

Ms. Sawyer: Well, I don't believe that I asked Mr.
Evans to identify this particular individual. But I'm just
asking, is that a risk if a document that memorializes
an interview with a source is released publicly, even
with redactions, that people are going to try to figure
out who that person is, and they're going to have some
information upon which to do it? Is that hypothetically a risk?

Mr. Evans: I want to be careful, out of respect for the committee, to not opine on any of the committee's actions one way or the other. So I think I would just answer generically to say, setting aside any particular case or even human sources, this in particular, I have been involved in my tenure in a lot of declassification discussions regarding classified information generally and I think when declassifying information generally that is always a risk for any sort of classified information, that no matter how careful one is in the declassification-redaction process, that potentially something gets missed or, even if nothing gets missed, because of the nature of redactions things can be inferred that would be revealing.

Indeed, I know from reviewing documents, again outside of the context of this case, for public release and redaction, there will be times when the intelligence community seeks to redact more than is potentially classified, to try to avoid any inferences being drawn.

So that is something that, again, I would just say generally is an area of concern with declassification.

Ms. Sawyer: In the time that you were at the Justice Department, were you ever involved in review of
an interview with a source or a sub-source for purposes of declassifying it and providing it to Congress or -- I'll just say Congress.

Mr. Findlay: I think answering yes or no to that is fine, but if the answer is yes then wherever those internal deliberations were, he wouldn't be able to get into.

Mr. Evans: Just to make sure I understand the question, whether I was involved in reviewing for declassification and-or production to Congress a summary of a source interview, essentially?

Ms. Sawyer: Yes.

Mr. Evans: I am honestly not sure. Sitting here today, I can't think of one. But I also can't tell you that there weren't any. But I'm not 100 percent sure.

Ms. Sawyer: Given what that document would have been, an actual document of an interview with the source, not general intelligence collection that happened to have a source in it -- it was an actual interview with a source -- how careful do you think you would have been about the information?

Mr. Evans: I think when we look at all classified information for production or redaction or declassification, you're always looking generally to be careful with things that are of a more highly classified
nature. As I think we were talking about earlier, the intelligence community generally views human sources as higher up that spectrum of importance. So I think that's something that one would have been careful with.

Ms. Sawyer: I think from our side of the ledger over here, I think we've exhausted our questions for the moment. So thank you.

Mr. Baker: In addition to oversight and review of things that have happened in the past, this committee obviously, with their jurisdiction over DOJ and FBI, make changes, suggested changes to existing law, new laws, whatever, you were asked by our Democratic colleagues about some of the changes that the Director of the FBI, Mr. Wray, suggested. Some you were familiar with, some you weren't.

One thing you've mentioned today twice, so I think it's an important change in your mind, and I want to clarify that, is this idea of bringing the case agent front and center as the affiant. That I think addresses a lot of issues that the ex parte nature of the FISA process invites problems with just because of the ex parte nature.

I would be curious what your thoughts are on a decentralized FISC, where you're actually moving the court into either the various district courts or regional
district courts? Just your thoughts, based on your knowledge and expertise? Is in the modern age, which seems to be the argument that you would make for bringing the case agent front and center as the affiant, in the modern age is there a need for the centralized nature of the FISC?

Mr. Evans: I think I can understand the logic behind the question. My immediate answer would be that I would still continue to see the reason and the value of the centralized nature of the FISC. But I don't just want to answer reflexively based on historical practice and precedent.

I think it would add a whole level of complexity, including how FISAs are administered. I think recognizing, especially from Congress's perspective, recognizing, as I alluded to earlier, that I think FISA takes on a different level of concern and importance than potentially the use of some criminal authorities -- FISA gets a level of attention in Congress that maybe routine criminal authorities don't -- the administration of FISA across 96 different districts raises a lot more opportunity for variance.

If you think about it from the perspective of Congressional oversight, Main Justice oversight, would there be as much confidence that everyone knows
what's happening in 96 different districts? Can Congress sit here today and say that it knows exactly how Title III is being applied in every single district around the country, the same way it can with FISA because everything is flowing through a centralized point in D.C., which then enables centralized reporting to Congress on a semi-annual basis.

So I think it's a more complex question than just, could you have judges out in districts hearing cases. I think it would ripple through the entire way that the FISA oversight system works.

So I understand the question and I'm not -- I would agree it's one that maybe could be discussed. But I think it is a little more complex than it might seem.

Mr. Baker: Thank you. I appreciate that.

Mr. Somers: Thank you for coming today and appearing here voluntarily. We appreciate your willingness to give us this amount of time.

That concludes the interview.

(Whereupon, at 4:22 p.m., the interview was adjourned.)
ERRATA
### Notice Date:

### Deposition Date: **July 31, 2020**

### Deponent: **Stuart Evans (Redacted Version -- Corrected)**

### Case Name: **Senate Judiciary Committee**

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UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C.

INTERVIEW OF SUPERVISORY INTELLIGENCE ANALYST

THURSDAY, OCTOBER 29, 2020

The interview was convened, pursuant to notice, at 10:10 a.m., in Room SD-226, Dirksen Senate Office Building, Washington, D.C.
Mr. Somers. This is a transcribed interview of [redacted]. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee into matters related to the Justice Department's and the Federal Bureau of Investigation's handling of the Crossfire Hurricane investigation, including the applications for and renewals of a Foreign Intelligence Surveillance Act warrant on Carter Page.

Would the witness please state his name and his current position at the FBI for the record?

[redacted], Supervisory Intelligence Analyst, Federal Bureau of Investigation.

Mr. Somers. Could you just do that one more time? It didn't come through very clearly.

[redacted], Supervisory Intelligence Analyst, Federal Bureau of Investigation.

Mr. Somers. Thank you. On behalf of Chairman Graham, I want to thank you for appearing today, and we appreciate your willingness to appear voluntarily. I will just note for the record, since I'm not sure it'll come through on the transcript, that we are doing this interview remotely via Webex.

My name is Zachary Somers. I'm the majority chief
investigative counsel for the Senate Judiciary Committee.

I'm here in the committee room. With me is senior investigative counsel Arthur Baker. Everyone else I believe is appearing remotely. I think Lee Holmes, our staff director, may join us at some point via Webex or in the room.

Mr. Holmes. I'm on, Zach.

Mr. Somers. I think just for the record I'd like to have everybody go through and just put their name on the record. I think the way to do it, we'll start with Ranking Member Feinstein's staff to go first. There's two staffers from Feinstein's office on the Webex, and then if we could go to the FBI counsel that are present, and then conclude with personal counsel, and then I'll get back to my preamble. So, Sara, maybe if you could start off on our chain of introductions.

Ms. Zdeb. Sara Zdeb, senior counsel for the minority Ranking Member Feinstein.

Mr. Fausett. Good morning. This is Andrew Fausett, also senior counsel for Ranking Member Feinstein on the minority staff.

[Pause.]

Mr. Somers. , we didn't get that.

[Pause.]

 , FBI Office of General
Counsel, is here. Also with [redacted], FBI Office of General Counsel. I'm not sure, [redacted], if they were able to hear your name for the record.

Mr. Somers. So from the FBI, we just have [redacted] and [redacted]. Is that correct?

[redacted]. You also have [redacted], FBI OGC, on the line.

Mr. Somers. Okay.

Mr. Linehan. Patrick Linehan from Steptoe & Johnson on behalf of Brian Auten. Did that come through?

Mr. Somers. Yes, that came through.

Mr. Linehan. Great.

Mr. Somers. I think that's everybody.

Mr. Linehan. And, Zach -- this is Pat Linehan just for the record -- I just wanted to confirm on the record that other than a recording that the court reporter may be making, this proceeding is not being recorded either by video or audio?

Mr. Somers. No; we're just -- just the transcription by the court reporter.

Mr. Linehan. Great. Thank you.

One more. [redacted] just reminded me to ask that this is -- even though we're on Webex, this is considered unclassified?

Mr. Somers. I think your question was whether it was
classified. This is an unclassified setting.

Mr. Linehan. Yes, that's right. I was just confirming that. Thank you.

Mr. Somers. Okay. I'll get back to my preamble now.

The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I'd like to go over. Our questioning will proceed in rounds. The majority will ask questions first for an hour, and then the minority will have the opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more questions and the interview is over.

Typically, we take a short break at the end of each hour of questioning, but if you would like to take a break apart from that, please let us know.

As I noted earlier, you are appearing voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that you decline to answer our questions or if counsel instructs you not to answer, we will consider whether a subpoena is necessary.

In the room with Art and me is an official reporter taking down everything that is said to make a written record. So, we ask that you give verbal responses to all of our questions. Do you understand that?

Yes.
Mr. Somers. So that the reporter can take down a clear record, it is important that we don't talk over one another or interrupt each other if we can help it. The committee encourages witnesses who appear for transcribed interviews to freely consult with counsel if they so choose, and since we are not all in the same room, just as I mentioned before we went on the record, please let us know when you consult with your counsel just so that we know that that's what's going on.

We want you to answer our questions in the most complete and truthful manner possible, so we will take our time. If you have any questions or if you do not understand one of our questions, please let us know. If you honestly don't know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection, and it is okay to tell us if you learned the information from someone else. If there are things you don't know or can't remember, just say so and please inform us who, to the best of your knowledge, might be able to provide us with a more complete response to our question.

You should also understand that although this interview is not under oath, you are required by law to answer questions from Congress truthfully. Do you understand that?

I think you may be muted. Could you try again? I
could read your lips, but I couldn't hear you.

I understand that.

Mr. Somers. Thank you. This also applies to questions posed by congressional staff in an interview. Do you understand this?

I understand that.

Mr. Somers. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

I understand that.

Mr. Somers. Is there any reason you are unable to provide truthful answers to today's questions?

No.

Mr. Somers. Finally, we ask that you not speak about what we discuss in this interview with anyone apart from those participating in today's interview by Webex or Art and I here in the room in order to preserve the integrity of our investigation.

That's the end of my preamble. Before we begin our first round of questioning, does anyone have any questions?

[No response.]

Mr. Somers. Okay. I assume that's no questions from anybody, and it is now 10:18, and we'll begin our first round of questioning.
Mr. Somers, have you read or reviewed the IG's December 2019 report on the Carter Page FISA applications?

Yes, I have.

Mr. Somers. And, for the record, are you the person identified as the supervisory intel analyst in the IG's FISA report?

Yes, I am.

Mr. Somers. And other than your personal attorneys and the attorneys from the FBI, did you speak with anyone in preparation for today's interview?

No.

Mr. Somers. According to the IG's FISA report, the Crossfire Hurricane investigation was officially opened on July 31st of 2016. What was your position at the FBI on July 31st of 2016?

On July 31, 2016, I was a supervisory intelligence analyst.

Mr. Somers. And is that the same position you hold now?

Correct.

Mr. Somers. And what branch and division of the FBI I guess are you in and were you in on July 31st of 2016?

On July 31, 2016, I was in the Counterintelligence Division.

Mr. Somers. Are you still in the Counterintelligence
Division?

Mr. Somers. Yes.

Mr. Somers. And when were you assigned to the Crossfire Hurricane investigation?

Mr. Somers. I was assigned to the Crossfire Hurricane investigation either on August 1st or August 2nd, 2016.

Mr. Somers. And do you recall when you stopped working on the Crossfire Hurricane investigation?

Mr. Somers. I stopped working on the Crossfire Hurricane investigation when I moved over to the Special Counsel's office.

Mr. Somers. And did you stay with the Special Counsel's office until the Special Counsel's office I guess ceased to exist?

Mr. Somers. Yes.

Mr. Somers. And then trying to understand sort of the nature of your assignment to Crossfire Hurricane, was this in addition to your usual duties? Was this the primary focus during this time period? Can you kind of give us a description of how this fit into your other duties you otherwise had at the FBI?

Mr. Somers. Between August 1st, August 2nd, 2016, up through probably the January time frame of 2017, this was my primary duty. Between January 2017 and approximately mid-March of 2017, it was an additional duty along with
working back in my particular unit in the Counterintelligence Division. And then after mid-March of 2017 through the beginning of the Special Counsel, it was my primary duty.

Mr. Somers. And then just to kind of get a picture of all that, physically did you move from your -- I assume you're assigned to headquarters. Is that correct?

Correct.

Mr. Somers. Did you move offices within headquarters to a different location to be part of the Crossfire Hurricane team?

Initially, yes. In August of 2016, we moved to a particular office, and we had a number of different offices during that time.

Mr. Somers. Okay. And then did you move into wherever the Special Counsel office was housed during the pendency of the Special Counsel?

Yes.

Mr. Somers. Okay. And how did you get assigned to -- who assigned you to the Crossfire Hurricane investigation?

Start there.

The intelligence section chief assigned me.

Mr. Somers. Is that Jonathan Moffa?

Yes.
Mr. Somers. Did he ask you if you wanted to join this investigation, or were you just assigned to this investigation?

He in effect assigned me -- I mean, asked me if I wanted to do it, but asked me to do it.

Mr. Somers. Okay. What was your -- or I guess at the time -- let's state the time. What was your specialty at the FBI in July of 2016?

I was, again, a special -- sorry, a supervisory intelligence analyst within the Eurasia Analysis Unit.

Mr. Somers. Do you have any specialization expertise -- I don't know exactly how you would characterize it -- on Russia in particular?

I have some, yes.

Mr. Baker. What is your educational background, sir?

I have a bachelor's degree in history from the . I have a master's degree in national security studies from . And I have a Ph.D. in international politics and strategic studies from .

Mr. Baker. Thank you.

Mr. Somers. Do you speak or read Russian?

I speak some. It's rusty.
Mr. Somers. And prior to being assigned to the Crossfire Hurricane investigation, were you working on the more general subject of Russian interference in the 2016 election?

To a certain extent, yes.

Mr. Somers. And how would you describe, very generally, obviously not getting into anything classified, the work you were doing on Russian election interference prior to joining Crossfire Hurricane?

Russian election interference has been a historical issue, and so that is something that is part and parcel of working that particular country target.

Mr. Baker. I want to back up just a second. How long have you been employed at the FBI?

Since January of 2005.

Mr. Baker. And did you enter on duty as an intelligence analyst or in some other capacity?

As an intelligence analyst.

Mr. Baker. And where did you work prior to the Bureau?

I was an adjunct professor while I was completing my dissertation.

Mr. Baker. An adjunct professor teaching --

I was teaching national security studies at __________________.
Mr. Baker. Is that the only institution you've taught at?

No.

Mr. Baker. What are the others?

I did some teaching at the [redacted]. I did a little bit of teaching at the [redacted]. And then most recently I have taught as a -- I've taught counterterrorism at [redacted].

Mr. Baker. When you teach these courses, is there any specialty in these -- is there any subcategory of counterterrorism or counterintelligence that you specialize in or focus on?

No. It's been more -- it's more general than that. The course on counterterrorism is a general, almost a survey course.

Mr. Baker. Do you teach a course or have you ever taught a course that deals in some way, shape, or form with the ethics of intelligence or, more specifically, the ethics of spying?

I've never taught a course on that, no.

Mr. Baker. Have you written materials regarding the expertise that you teach on?

Have I written materials -- I'm sorry.

I'm not --
Mr. Baker. Have you published any books or articles about counterintelligence or counterterrorism?

No. The only book that I've published was my dissertation.

Mr. Baker. What about articles?

Articles, I have written articles on various issues involving defense policy and involving national security policy.

Mr. Baker. But you've never written an article about the ethics of spying?

No. I have written an article about the ethics of spying. I've just never taught a course on the ethics of spying.

Mr. Baker. But you have written an article on it?

Correct.

Mr. Baker. And where was that published?

It was originally published in, I believe, [redacted].

Mr. Baker. And that is the name of a magazine or a journal?

It is the name of a journal.

Mr. Baker. Okay. Thank you.

Mr. Somers. Switching a little bit to the Foreign Intelligence Surveillance Act, in the course of your career, do you know approximately how many investigations
you have worked on that have involved FISA authority?

I would have no way of counting that.

Mr. Somers. Because it's a very -- is it a large number?

Over the course of the last 15 years, it would be a sizable number.

Mr. Somers. Okay. And in terms of -- I assume you were an analyst before you were a supervisory intelligence analyst. So I guess as an analyst or as a super -- maybe we'll start as an analyst. We've had a number of agents in that we've interviewed about FISA and FISA authority.

What's the analyst's role in a FISA application, in seeking FISA authority?

The analyst's role is a supportive role. It is assisting special agents in gathering information that they can use in applications.

Mr. Somers. And then is it -- and then once the FISA is up and running, does the analyst have a role in looking at the data that's received?

Yes.

Mr. Somers. And then in terms -- is the role any different of a supervisory intel analyst versus an analyst in terms of seeking FISA authority?

No.

Mr. Somers. Did you receive any training on the FISA
Virtual training, yes.

Mr. Somers. And what did that training consist of?

It was going through the -- what a FISA is, what a FISA does, the Bureau's authorities to use FISA.

Mr. Somers. And did you receive that as part of your training to become an analyst, or is that an ongoing thing at the Bureau?

Both.

Mr. Baker. When you entered on duty, were you recruited by someone or entities already at the FBI? Or did you see a posting for a job? Or how did you become interested in employment at the FBI?

It was a general posting.

Mr. Baker. And what was the posting specifically for?

It was a posting for intelligence analyst.

Mr. Baker. So you applied, you went through some sort of interview process, and you were ultimately hired?

Correct.

Mr. Baker. When you were hired -- Mr. Somers talked a little bit about specific training concerning the FISA process -- did you go through a more broad, a more generalized training program with the FBI? Specifically, did you attend anything, any program at Quantico, Virginia, as you entered on duty?
Not when I entered on duty, but in the months following my entrance on duty, yes.

Mr. Baker. And what kind of training was that?

It was a program that they called at that time "ACES," and it covered a whole multitude of things, to include FISA.

Mr. Baker. And how long of a program is this?

I have a tough time remembering exactly how many weeks, but I want to say somewhere along the lines of 12, maybe 11.

Mr. Baker. And this was at Quantico, Virginia?

Correct.

Mr. Baker. And was this the program where the incoming or onboarding analysts are embedded for a certain amount of time of that training with the new agent trainees?

No. That was -- the program you're describing is something that happened subsequent to the training that I went through.

Mr. Baker. Okay. So you had a program of some weeks that was new intelligence analysts coming on board and learning what an intelligence analyst for the FBI does or what's expected and whatnot?

Correct.

Mr. Baker. Thank you.
Mr. Somers. And as part of this training, did the training include information on like what duties are owed to the FISA Court?

I don't recall exactly details regarding what duties are owed to the FISA Court. It was more of an issue regarding, again, kind of what's the authority of using FISA, maybe a little bit about process, but I don't recall exactly.

Mr. Somers. What about was there training on the Woods Procedures?

No.

Mr. Somers. Have you subsequent in your career received any training on the Woods Procedures?

No.

Mr. Somers. What, if any, is an analyst's role in putting together the Woods file in a FISA application?

An analyst's role is, again, supportive. It is providing, perhaps researching and providing information that the special agent can use in putting together the application.

Mr. Somers. So an analyst could be gathering information that -- if they were tasked by a special agent to do so, they could gather information that would then go in the Woods file? Is that accurate?

That is accurate.
Mr. Somers. Do you know what -- even if it wasn't through training, are you familiar with what duties are owed to the FISA Court?

To a certain extent, yes.

Mr. Somers. Are you familiar with the duty of candor?

Yes.

Mr. Somers. And what do you understand the duty of candor to be?

That you are required to be -- have candor with the Court.

Mr. Somers. Does the duty of candor require providing the Court with information, you know, if required by the duty, that could be contrary, could be exculpatory to the witness -- not the witness, the subject of the FISA application?

So I am -- I'm not a lawyer, and so in terms of what is exculpatory or inculpatory, I'm not in a position to determine that.

Mr. Somers. I'm just trying to understand what your knowledge as an analyst is of the duty of candor.

So I would say you need to be honest with the Court. That's my understanding of the duty of candor.

Mr. Somers. I'm sorry. You said "honest" and broke up a little bit.

Honest with the Court. That is my
understanding of the duty of candor.

Mr. Somers. Do you understand it to involve, you know, you might have to provide information that's not necessarily helpful to seeking a FISA application?

Again, I don't know at what point -- again, I'm not a lawyer. I don't know at what point things that are, again, exculpatory or inculpatory are required to be provided to the Court.

Mr. Somers. And what's your understanding of the Woods Procedures? What's the purpose of the Woods Procedures?

I would describe the Woods Procedures very much like footnotes or endnotes to be able to check your work so somebody can come behind you and determine whether or not you have -- you are able to match what you have in the application to supporting documentation.

Mr. Baker. In your role of supporting the agent investigators, were you ever told to find support for an assertion that the agents were making in a FISA application? Were you as an analyst ever said to go find this footnote, go find this endnote that we need to put in this application so we can show where this assertion that we're making comes from?

I have been asked over the years to find information to support applications, yes.
Mr. Baker. And is that process where you're asked, is this something formal where there's paper generated, sort of like a lead, please find supporting material for this assertion? Or is it less formal than that? Just how does it -- you said this has happened over the years. How do you know to start this task? And how do you report back on the completion of that task with what you found?

It is less formal than an actual lead.

I've had situations where agents have emailed me to ask whether or not I could find something to assist.

Mr. Baker. And your title, supervisory intelligence analyst, can I assume from that that you supervise people also?

Correct.

Mr. Baker. And who are the people you supervise? Not names but titles and functional duties.

I would supervise intelligence analysts under me.

Mr. Baker. And how many intelligence analysts are under you?

Presently I don't have any intelligence analysts under me, but in the past I have had any number of intelligence analysts who have worked under me.

Mr. Baker. And how many would you have had during the Crossfire Hurricane investigation?
I think the number was approximately five or six.

Mr. Baker. So when you get these requests to find documentation to support an assertion, is this something that you yourself take and begin to look for supporting information? Or would this be something that you would assign to some of these analysts that you supervise?

It would depend on the situation.

If you could excuse me for a moment, I'm having some noise here on the side. If I could just figure out how to adjust that.

Mr. Baker. Sure.

Court Reporter. Someone is not muted.

Mr. Somers. It sounds like somebody is not muted. It sounds like there's typing going on.

[Pause.]

I'm back on. This is .

Mr. Baker. Okay. So you were saying that these requests for documentation for assertions made in the applications, they could have been things that you yourself would, for lack of a term, run with or they could have been things that you delegated down to somebody that you supervise?

That is correct. It could be either.

Mr. Baker. Okay. Thank you.
Mr. Somers. And then in terms of the actual application itself, as an analyst or a supervisory analyst, do you ever review, read all or parts of a FISA application?

On occasion, yes.

Mr. Somers. I should have said -- that's before it's submitted to the Court?

Correct.

Mr. Somers. Do analysts ever write parts of a FISA application?

Analysts will sometimes provide information or even sometimes language that is given to the special agent that might be of use in an application.

Mr. Somers. And then if you're -- I'm just trying to understand the role in actually reviewing an application. If you're an analyst, you're working on an investigation and FISA coverage is going to be sought, an application is being put together, would you necessarily read the application?

No. It's much more ad hoc.

Mr. Somers. As an analyst, if you saw something in the application that you thought was incorrect, what would you generally -- what would your responsibility be to address that? And how would you address that?

Generally, you would address that with the
case agent handling the FISA application.

Mr. Baker. And what would happen if you, as the person that's running with the request to find documentation, or the employees you supervise, what would happen if you could not find supporting documentation for the assertion or you could only find information that was contra or seemed to be contra to the assertion?

You would tell the case agent.

Mr. Baker. And how would that reporting to the case agent go? Would that be still informal, or would it be more formal since it potentially raises an issue with an assertion made in the application?

I think it would still be probably less formal.

Mr. Baker. And in the course of your career, have you had instances or have you supervised individuals that have had instances where they could not find documentation for an assertion or they could only find contra information to the assertion?

I don't recall exactly situations of that happening right offhand.

Mr. Baker. Even if we narrowed it down more specifically to the Crossfire Hurricane investigation, were there any instances where you could not verify an assertion or information seemed to be contra to the assertion?
Again, I would basically say at that point you're talking about what the case agent is looking at.

Mr. Baker. Okay. Thank you.

Mr. Somers. How does the -- you know, you're a supervisor intel analyst; there's an intel analyst; then there's case agents; I assume special agents; then you have SSAs. What's sort of the chain of command there? If there's a case agent, but you're a supervisory intel analyst, are you guys completely in separate chains of command? Are you sort of superior to a case agent? Could you kind of explain that interaction?

We are in completely separate chains of command.

Mr. Somers. So even though you're a supervisory intel analyst, you don't actually have any supervisory authority over a case agent. Is that correct?

That is correct.

Mr. Somers. And during Crossfire Hurricane, was Jonathan Moffa your direct supervisor?

That is correct.

Mr. Baker. So I would think at some point on the chain of command, as you go up -- I understand you're saying that you're in a separate chain of command as an analyst. But at some point as you go up, doesn't there become some common supervisor, maybe at the section chief
or the Assistant Director level?

So in this situation, the section chiefs are separate commands. The DADs would be -- excuse me, the Deputy Assistant Directors would be separate commands. But the Deputy Assistant Directors would both report to the Assistant Director of the Counterintelligence Division.

Mr. Baker. And who would that have been during Crossfire Hurricane?

Bill Priestap.

Mr. Baker. And who would the Deputy Assistant Director in your chain be?

I would say that depends on what point you're talking about in the Crossfire Hurricane investigation.

Mr. Baker. Early part.

Early part in the investigation? The chain of command would have been from me on the intelligence side to Jon Moffa, with Jon Moffa reporting to Bill Priestap.

Mr. Baker. Middle part of the investigation.

Middle part of the investigation would have been me reporting on the Crossfire Hurricane matters to Jon Moffa, Jon Moffa reporting to the Deputy Assistant Director, Dina Corsi, and Dina Corsi reporting to Bill Priestap.
Mr. Baker. End part of the investigation.

End part of the investigation would have been me reporting to [redacted] reporting to Bill Priestap.

Mr. Baker. And how about for your agent counterpart? Who would their DADs have been?

It would have depended on the period of time we're talking about in the Crossfire Hurricane investigation.

Mr. Baker. Beginning of the investigation.

Beginning of the investigation, case agents would have reported to SSA-1, SSA-1 would have reported to Peter Strzok, and Peter Strzok would have reported to Bill Priestap.

Mr. Baker. Middle part.

Middle part, the case agents -- well, it would depend on -- the middle part is rather more complicated.

Mr. Baker. How is it more complicated?

Different cases were in different field offices, and, therefore, you would have had case agents in their field office reporting to their field office chains of command with headquarters program managers. Those headquarters program managers would have been SSAs reporting to two different DADs. One DAD would be Jennifer
Boone, one DAD would be Peter Strzok, both of those DADs reporting to Bill Priestap.

Mr. Baker. And how would the difference between DADs be determined, who reported to which DAD? That would depend on what field office?

It would depend on which unit was program managing the cases in which field office.

Mr. Baker. Okay. And then in the end of the investigation, who would the DADs have been?

The end of the investigation, the case agents would have reported through SSA-2; SSA-2 would have reported to would have reported to at that point Bill Priestap.

Mr. Baker. Okay. Were there any other DADs either on the intel side or the agent side that came in for a temporary duty or were just short tenured, either beginning, middle, or end of the investigation, or the names you've named pretty much covers it?

I've pretty much covered it, I believe.

Mr. Baker. Thank you.

Mr. Somers. All right. So I think earlier you indicated you were assigned to Crossfire Hurricane on either August 1st or August 2nd of 2016, and that you -- is that when you also became aware of Crossfire Hurricane, when you were assigned to it?
I believe I was assigned -- it was an email that was sent to me to report to intel section chief's office on the Monday following the 31st, and I reported on the Monday, and I was given information about where the case was.

Mr. Somers. And what was your understanding of what the case was when you were assigned?

I was told that a friendly foreign government had provided information to the FBI and that friendly foreign government information was predicing an investigation.

Mr. Somers. And what was it an investigation of?

So the friendly foreign government information indicated that an individual who had been an adviser of the Trump campaign had told a representative of that friendly foreign government that the Russians had indicated that they could assist the Trump campaign with the release of anonymous information detrimental to Hillary Clinton and detrimental to President Obama.

Mr. Somers. And when you were assigned, were there analysts already assigned to Crossfire Hurricane, or were they assigned after you?

They were assigned after me.

Mr. Somers. And I think you mentioned that you were supervising around the time of Crossfire Hurricane five or
six analysts. Were those five or six analysts, analysts on Crossfire Hurricane, or were these five or six analysts you were supervising in your usual job capacity?

The five or six are the analysts that were under me in Crossfire Hurricane.

Mr. Somers. Were those the same people that you were already supervising prior to Crossfire Hurricane?

I believe some I had been supervising and some I had not been directly supervising.

Mr. Somers. So the ones you hadn't been directly supervising, where did -- did you go out and get them? Did Jonathan Moffa go out and get them? How did they get assigned to Crossfire Hurricane?

If I recall correctly, Jon Moffa and I talked about analysts that were in the division, in the unit actually that I was part of.

Mr. Somers. But they weren't supervised by you prior to Crossfire Hurricane?

Correct. We have multiple supervisors in the unit.

Mr. Somers. Okay, but they're all at headquarters?

Correct.

Mr. Somers. Did you ever pull any analysts not from headquarters into Crossfire Hurricane?

There was one special -- sorry, one what's
called an "SOS," and she was brought over from WFO --
Washington Field Office, excuse me.

Mr. Somers. And then you just went through a minute
ago with Mr. Baker sort of how the case got split amongst
different field offices as it progressed. Did the analysis
section know that that stayed the same, it was always out
of headquarters? Or were they using analysts when the case
got more split up later on? Were they using analysts from
those field offices?

No. The analyst cadre became more diffuse
during that time.

Mr. Somers. So they could have been using analysts as
well from field offices?

Correct.

Mr. Somers. Did you supervise then those analysts
that were being used from field offices?

So after the probably mid-March time frame
up through the beginning of Special Counsel's office, one
might call that a more -- a period of more recentralization
of the cases, and in that point I was doing a lot of
liaison work with the different field offices and the
intelligence cadres and attempting to centralize the
intelligence that was being done at that time.

Mr. Somers. And when you went to Special Counsel
Mueller's Office, did you bring analysts with you?
Mr. Somers. And these were the same analysts that had been working the case, or were these new analysts?

In some cases they were analysts who had been working the case, and in some cases there were new analysts brought over.

Mr. Somers. Were those also from headquarters, these analysts?

Not all.

Mr. Somers. Not all. Were you responsible for bringing them into Special Counsel Mueller's team, for lack of a better term?

I would say in nearly all cases I had -- I was responsible for helping to bring them over. Not in all, though.

Mr. Baker. Did you have any role in bringing agents on board to either the Crossfire Hurricane team or to the Special Counsel's office? Did you have any input in agent selection?

No.

Mr. Baker. Thank you.

Mr. Somers. So how would you describe your role, let's say, right up to the first Carter Page FISA application being submitted? How would you describe your role in Crossfire Hurricane?
My role, I was supervising, again, a group of approximately five or six analysts. They were writing materials, assisting case agents, and I would be reviewing work as well as ensuring that my executive management was regularly briefed up on what was going on within the cases.

Mr. Somers. What about doing work yourself? Do you think you were more reviewing work of analysts versus generating your own product during this time period?

I don't recall generating my own product per se, but there were times that I would assist with searches or I would assist with material.

Mr. Somers. Okay. And then eventually in Crossfire Hurricane, four investigations are opened. There's the Crossfire Hurricane investigation; there's investigations opened of four individuals within the Crossfire Hurricane umbrella. Did you have any role in identifying those four individuals?

Our analysts, and myself included, looked, once the umbrella case had been opened, to see whether or not what kind of — who would best fit certain parameters that were set up, and, therefore, we were engaged with case agents in providing case agents information that they could use in opening those cases.

Mr. Somers. But those names were given to you, I take it. Then you went and analyzed how they fit into the
Crossfire Hurricane investigation. Is that correct?

[

I wouldn't say that they were given to us. It was more that we had the umbrella investigation that was opened, and then evaluating individuals that in public source information were associated with the campaign or would have been actually in a position to have received or have been in receipt of the information that was shared by the friendly foreign government.

Mr. Somers. Okay. And I'm not asking you for any names here because these aren't people whose names have been out there. Did you look at other individuals other than these four individuals, you know, for possibly opening an investigation on them?

I don't recall exactly outside of the four investigations whether or not there were any other names that rose to the point of opening an investigation.

Mr. Baker. Do you recall any dissension among the FBI ranks about the individuals that were ultimately opened? Was there anybody saying, well, it shouldn't be this one or that one or whoever?

No, I don't recall that.

Mr. Somers. The IG's report indicates that DOJ was briefed on these four individuals on August 2nd. You said you joined on either August 1st or August 2nd. I assume -- well, I won't assume. Did you do any work immediately on
identifying these four individuals?

What page number are you referencing for that?

Mr. Somers. I just have a note here. I don't have the page number. I just have a note that on August 2nd DOJ was briefed on the Crossfire Hurricane investigation and that the names of the four targets were briefed to DOJ.

I'm going to speak to my counsel for just a moment, if possible.

Mr. Somers. Yes, that's fine.

[Witness confers with counsel.]

I'm back.

Mr. Somers. Okay.

I don't recall any DOJ briefing that you're talking about with respect to discussions of the four individuals.

Mr. Somers. Yeah, no, I don't believe that you were involved in the briefing. I think Mr. Moffa was. I was just getting back to your role in identifying the four individuals that cases were -- or, sorry, investigations were eventually opened on, and I'm just trying to understand what your role, if any, was in identifying these four individuals. And just looking at the time frame, I was -- I guess my question is: How quickly did you begin, if you were assigned on August 1st or August 2nd, how
quickly did you begin looking at these four individuals?

Number one, my recollection is that those cases were not opened on the four individuals on either August 1st or August 2nd. I believe my recollection is that we were looking at different individuals in the period of August 1st and August 2nd. I do not recall whether or not those four individuals were, for lack of a better term, kind of summarized by that time or determined by August 1st or August 2nd.

Mr. Somers. Okay. And one of those individuals was George Papadopoulos. What was your understanding in the early parts of Crossfire Hurricane as to who George Papadopoulos was?

George Papadopoulos was the individual who had provided the friendly foreign government with the information that predicated the Crossfire Hurricane investigation. We understood him to be an adviser to the Trump campaign on issues of, I believe, energy.

Mr. Somers. What was your understanding of how he could influence the Trump campaign?

I'm sorry. I don't quite --

Mr. Somers. I'm trying to understand what was your understanding of his role. You know, what did it mean to be an adviser to the Trump campaign on energy?

I believe George Papadopoulos was part of
the rollout of advisers on the Trump campaign that had
taken place, if I recall correctly, somewhere in either
mid- or late March of 2016.

Mr. Somers. Did you understand him to have a
significant role on the Trump campaign?

[Redacted] I don't know if I would say "significant,''
but he was one of the main players that was announced as a
Trump adviser sometime around March of 2016.

Mr. Somers. What about Carter Page? He's also one of
the individuals who was opened on in early August of 2016.
What was your understanding of who Carter Page was in the
early days of Crossfire Hurricane?

[Redacted] Again, kind of the same type of thing, as
an adviser to the Trump campaign on matters of
international politics, primarily Russia.

Mr. Somers. And would you have characterized his role
as significant in the Trump campaign?

[Redacted] Again, I don't know how exactly I would
characterize it with respect to the campaign itself. He
was one of the individuals, as per my recollection, that
was also announced in the March time frame.

Mr. Somers. Okay. Now, just the mechanics of how
this investigation worked. So you reported to Jonathan
Moffa on the agent side. SSA-1 was roughly your equivalent
on the agent side. He reported to Peter Strzok, and then
Moffa and Strzok both reported to Bill Priestap. I’ve got some questions about the information flow, I guess. Were there team meetings as part of the Crossfire Hurricane investigation?

Yes.

Mr. Somers. And how often did you have those team meetings?

I think it depended on how things were going. They could be every other day. They could be sometimes every day. I think it would just depend.

Mr. Somers. And who attended those team meetings?

I think that also was dependent on situations.

Mr. Somers. These daily or every-other-day-type meetings, were these meetings that would be attended by Peter Strzok or Jonathan Moffa?

Yes, they could be.

Mr. Somers. Regularly? Did they regularly attend these meetings?

I would say regularly, yes.

Mr. Somers. What about Bill Priestap?

No.

Mr. Somers. Never or not regularly?

In the early part of Crossfire Hurricane, I do not remember Bill Priestap coming to any of our team
meetings.

Mr. Somers. Okay. What about people from the Office of General Counsel?

Yes.

Mr. Somers. Did the -- I'm trying to remember his identifier so I don't use a name. Did the OGC attorney attend these regular team meetings?

Yes.

Mr. Somers. What about the OGC unit chief?

On occasion, yes.

Mr. Somers. But not as regularly as the OGC attorney?

I don't think as often, but it would depend.

Mr. Somers. What about Trisha Anderson?

No.

Mr. Somers. Jim Baker?

No.

Mr. Somers. Lisa Page?

On occasion.

Mr. Somers. And then what about your DAD? I believe you said it was Dina Corsi?

That would have been in the March -- like late March to June time frame, and by that time -- oh, excuse me, no. I'll make a correction on that. That would have been in the January to March time frame, and the -- we
were not having regular team meetings during the January to March time frame.

Mr. Somers. Okay. Who was the DAD before Dina Corsi?

DAD -- I'm sorry. DAD at the initial part of Crossfire Hurricane?

Mr. Somers. Yes, yes.

So the DAD would have been -- well, they weren't reporting to -- it was Jon Moffa and Pete Strzok reporting directly to Bill Priestap. So there was not a DAD they were reporting to in between Bill Priestap.

Mr. Somers. I'm just trying to picture the structure here. So prior to Strzok becoming a DAD, he was reporting directly to Bill Priestap as well?

He and Moffa were reporting directly to Bill Priestap, yes.

Mr. Somers. Okay. That clears up my confusion on that. Okay. So these are the regular team meetings. Who kind of conducted these meetings? Who was in charge?

I think it would depend. I don't recall exactly that there was somebody regularly in charge. I mean, if Jon Moffa or Peter Strzok were there, they would usually chair those meetings. If it --

Mr. Somers. And, otherwise, it would -- go ahead.

If it was case agents that were just meeting with the analysts, typically it would be a case
agent that would run the meeting.

Mr. Somers. Did you run any of these meetings?

I may have on occasion.

Mr. Somers. And would that be dependent on what the meeting was about? Is that a fair characterization?

I think that's a fair characterization, yes.

Mr. Somers. Okay. So we have these regular team meetings. Were there other meetings that might have been attended by, say, Bill Priestap?

I would not have insight into which meetings Bill Priestap would be going to.

Mr. Somers. I guess my question is: Did you attend any meetings with Bill Priestap about Crossfire Hurricane?

Yes, I believe I attended a few meetings with Bill Priestap about Crossfire Hurricane in the early period, and then I would say as time went on, there would be occasions to meet with Bill Priestap.

Mr. Somers. Did you brief things directly to Bill Priestap yourself?

I believe later on in the investigation I may have briefed Bill Priestap on things. Early part of the investigation, Bill Priestap would have been in meetings where I was briefing other individuals.

Mr. Somers. So he would have attended a meeting where
you were also providing information?

Correct.

Mr. Somers. And these meetings with -- would Jim Baker attend these meetings that Bill Priestap was in?

I think one of the briefings I did or two of the briefings I did for the seventh floor, Jim Baker was in the meetings.

Mr. Somers. What about Trisha Anderson?

I don't recall if Trisha Anderson was in those meetings.

Mr. Somers. Was Andy McCabe in these meetings?

Yes.

Mr. Somers. Director Comey?

I briefed Director Comey, but it was later -- later in the Crossfire Hurricane investigation, probably in the May time frame of 2017.

Mr. Somers. What did you brief Director Comey about?

It was the state of the investigations as of May of 2017.

Mr. Somers. Shortly before he was removed as FBI Director? Would that be right?

That would be correct.

Mr. Somers. And you briefed him on the state of all four investigations?

There were a host of things that we were
briefing Director Comey on, I was briefing, along with a
gentleman by the name of Paul Holdeman.

Mr. Baker. Was this just a run-of-the-mill kind of a
status update briefing for Mr. Comey, or were there any
problems that had surfaced in the investigation that you
were calling to his attention?

It was a status update.

Mr. Somers. Was this in anticipation of congressional
testimony, or was it just a general status update on the
investigation?

It was a general status update on the
investigation.

Mr. Somers. What about Deputy Director McCabe? How
many meetings did you attend, roughly, that Director McCabe
was in?

Probably three or four.

Mr. Somers. And would that be about the same number
of meetings you attended that Bill Priestap was in, or were
there more meetings that Bill Priestap was in?

I would say I would have had more
interaction with Bill Priestap than I did with Andy McCabe.

Mr. Somers. What about the Department of Justice?
What were your interactions with the Department of Justice?

In the March to May time frame of 2017, I
had some very limited interaction with individuals from
DOJ. In the early part of Crossfire Hurricane, I would have been on emails from individuals with DOJ, and in the January to March time frame, I was involved in interviews where there were DOJ individuals present.

Mr. Baker. Who were these individuals, either on email or in meetings?

In the early part of Crossfire Hurricane, I was on emails involving an OI attorney. In the middle part of the investigation, I was part of a 3-day interview where there was an NSD/DOJ representative at all three meetings. And in the latter part of Crossfire Hurricane, I was in touch with, again, DOJ attorneys from across the street regarding certain aspects of the cases that were in existence at that time.

Mr. Baker. Are all of these people below SES where you can't name names, or are there any ones that you can name names?

I believe most of them, if not all of them, have not been named, at least with respect to this IG report.

Mr. Somers. Okay. So with respect to the early time frame, you said you were on a number of emails with, I think you said, OI attorneys. Were there meetings as well, or was it just mainly by email?

Mr. Linehan. Did you say "OI attorneys" or "an OI
attorney"? Single or plural.

Excuse me just one moment.

Mr. Somers. Yes.

[Pause.]

back. I just want one point of clarification. I said "OI attorney," not plural, "attorneys."

Mr. Somers. Sorry. So you were on an email -- was it an email chain, or was it just you and the OI attorney?

It was an email chain.

Mr. Somers. So in the early -- this is prior to the first Carter Page FISA application being filed?

Correct.

Mr. Somers. You were on an email chain that involved the OI attorney, as identified in the IG report. Did you have any meetings with NSD?

I don't recall having any meetings with NSD.

Mr. Somers. Then in January to March of 2017, you took part in a 3-day interview where there were NSD attorneys. Any other interactions other than that 3-day interview with NSD during that time period?

Not to my recollection, no.

Mr. Somers. And then you said you had limited interactions between March and May of 2017. What did those
limited interactions consist of?

To the best of my recollection, there were DOJ attorneys that would come over to FBI headquarters that we would discuss certain aspects of the Crossfire Hurricane cases with.

Mr. Somers. You mean like how the investigation was going? Was this a status update thing, or were these specific questions about parts of investigations?

These would have been status updates as well as case agents talking to the attorneys about the status of cases and what needed to be done with cases.

Mr. Somers. What was DOJ's interest in particular during this March to May time period?

Again, they were getting status updates on a number of cases.

Mr. Somers. Would this be like are we renewing -- did they ask whether you were renewing the FISA application again?

I don't recall discussions with DOJ about that in particular.

Mr. Somers. Were you discussing the Flynn investigation?

There may have been discussions about the Flynn investigation.

Mr. Somers. Were there discussions of the Logan Act?
I do not recall discussions of the Logan Act.

Mr. Somers. Were there discussions about General Flynn's phone calls with Ambassador Kislyak?

I don't recall discussions with the attorneys during that time frame of the Kislyak phone calls.

Mr. Somers. Were these discussions about -- do you recall any discussions about interviewing Carter Page?

I don't recall discussions about interviewing Carter Page with DOJ attorneys.

Mr. Somers. Okay. Were you involved in the March interviews of Carter Page?

I was not.

Mr. Somers. Do you recall discussions about George Papadopoulos during these meetings with DOJ attorneys?

There may have been discussions about George Papadopoulos during those meetings.

Mr. Somers. Do you recall what was discussed?

I do not.

Mr. Somers. What about other Government agencies? Did you have any interaction with the State Department with regards to Crossfire Hurricane or any of the subjects thereof?

I don't recall having any contact with the
State Department regarding Crossfire Hurricane.

Mr. Somers. Did you ever receive any information from the -- maybe not directly but indirectly, from the State Department about Crossfire Hurricane?

We would have used information available in government systems probably from information derived from State Department reporting.

Mr. Somers. No, I'm thinking about whether you -- so the State Department -- were you aware that the State Department also interacted with Christopher Steele?

I think I recall that there were emails that had gone back and forth with our State Department liaison at one point that dealt with issues involving Christopher Steele.

Mr. Somers. So you saw that information?

Did I -- I'm sorry. I don't know what information you're talking about.

Mr. Somers. I'm sorry. I guess my question is: Did you see information from the State Department, did you see any documents, emails, communications directly from the State Department? Or is what you saw just from the FBI agent who was a liaison to the State Department?

My recollection is the latter.

Mr. Somers. Okay.

Mr. Baker. Did you or your analysts have any dealing
with or any knowledge of an entity known as the "Crossfire Hurricane Fusion Center"?

I did, yes.

Mr. Baker. And what exactly is that?

I'm going to talk to my counsel for a moment, please?

Mr. Baker. Sure.

[Witness confers with counsel.]

back. Is everybody on mute?

I'm sorry. I was hearing some feedback.


Okay. So with respect to the Fusion Cell, I can acknowledge the existence of the Fusion Cell as that information has become public. However, any discussions in terms of my interactions with the Fusion Cell or other interactions with the Fusion Cell would actually be over and above the classification level for this discussion.

Mr. Somers. Can you tell us what it was?

I believe that would be over the classification of this discussion.

Mr. Baker. Can you tell us where it's at?

I believe that would be over the classification of this discussion.

Mr. Somers. Can you say whether it was outside of the FBI?
Again, my comfortability level in discussing this, I prefer not to actually even get close to getting over the classification level of this discussion.

Mr. Baker. Are any of your analysts assigned to it?

Again, I would give the same answer.

Mr. Baker. Okay. Let's walk back from that, and let's go back to the Hoover Building. It's my understanding that the intelligence analyst component profession is, relatively speaking, fairly new in the FBI, certainly the professionalization of intelligence analysts and the dedicated career track and upward mobility and whatnot. And my understanding of your background -- and you indicated it at the beginning of this interview -- I would consider you an intelligence analyst professional. That seems to be where you've spent your time at the Bureau, your teaching in that arena, you've published in that arena. That seems to be your expertise.

In your chain of command of Crossfire Hurricane, did you encounter any individuals that did not buy into the intelligence part of the FBI and the role of the intelligence analyst in an investigation like this?

I would say no. The people --

Mr. Baker. So everybody you encountered from the very top down to your level was completely onboard with the intelligence analyst role and the idea of validating and
vetting and everything that the intelligence analyst does?

I think by the time 2016 hit, I think there was enough comfortability, particular at headquarters, with the intelligence analyst role.

Mr. Baker. Was there any dissension at all, just what I would call "situational dissension," that maybe somebody had a disagreement with what an intelligence analyst was reporting on as it related to Crossfire?

I don't recall any dissension with respect to the intelligence analyst role in Crossfire Hurricane.

Mr. Baker. How about dissension regarding any particular aspect of the investigation? Was there any disagreement where the team split into camps as to whether something should or shouldn't be done?

I don't recall any of that.

Mr. Baker. Okay. Thank you.

Mr. Somers. On page 79 of the IG report, it indicates that, "FBI officials told us that the early steps in the investigation focused on developing information about the four subjects and conducting CHS operations to obtain relevant subject specific information."

What did you do from the analyst side, if anything, early on to develop information about the four subjects?

So our analysts started to -- I mean, were able to dig through FBI holdings, dig through other
government agency holdings, dig through open-source material to put together full pictures for the case agents on each of the four cases.

Mr. Somers. And what does that product look like?

It depends on the situation. They're usually a Word document that is put together in a type of, for lack of a better term, tactical package, if you wanted to call it that way.

Mr. Somers. So there would be -- is that like a -- let's just take one individual and just say Carter Page. Is there like a memorandum that you guys are putting together on Carter Page in the early going? Is that fair?

You could call -- I mean, you could fairly all it a "memorandum."

Mr. Somers. So is it one document or is it more like a folder that has information about Carter Page?

I think that would depend. I mean, there were multiple documents that were written up.

Mr. Somers. So were you told that, you know, to basically go out and figure -- see everything you could on Carter Page? I mean, how does that tasking -- I'm just trying to understand how the tasking goes there. I'm not --

Usually that's --

Mr. Somers. Go ahead.
I would say usually that, what you just stated, is often the case. The case agent says, "I need you to find whatever you can on Subject A."

Mr. Somers. Okay. Is that what happened here on these subjects? You were tasked with finding information on these four subjects?

Pretty much our analysts were tasked with doing that, yes.

Mr. Somers. It looks -- yeah, I looks like our --

Mr. Baker. Can I get one quick one in?

Mr. Somers. All right. One last question, and then our first hour is up.

Mr. Baker. It's my understanding the agent population -- and I'm not just talking Crossfire Hurricane here -- the agents sometimes carry professional liability insurance, and I believe the Bureau or the Department even reimburses them a certain portion of that. Do intel analysts similarly carry professional liability insurance?

Not as many, but some do.

Mr. Baker. Now, being more specific with Crossfire Hurricane, did you ever become aware of analysts discussing about the possibility of needing insurance, liability insurance, because of being assigned to Crossfire Hurricane?

I think there was some discussion of
professional liability insurance with respect to the
analysts who were on Crossfire Hurricane.

Mr. Baker. And what precipitated that discussion?

I think --

Mr. Baker. What was the concern?

Not so much as a concern as it is that
this was going to be -- this is an investigation that would
likely result in extra scrutiny.

Mr. Baker. So did analysts get this insurance or it
was sort of ad hoc, piecemeal, some did, some didn't?

I would say that characterization is
correct, ad hoc, piecemeal.

Mr. Baker. When you say there was a discussion, was
there a gathering together of analysts to discuss the
perils of this case and, hence, the possible need for
insurance? Or was this, you know, just a small group of
people that raised the issue? I'm just curious. What was
the forum for the discussion about the potential need for
liability insurance?

There was no overarching meeting, to my
recolletion, bringing the analysts together to talk about
the need for professional liability insurance.

Mr. Baker. And, again, the need that was articulated
or the need that you understood to be amongst the people
that were talking about it was based on a general
heightened scrutiny that a case of this nature might get? 
Or were there specific concerns about the investigation? 
I would say the former, a general heightened amount of scrutiny.
Mr. Baker. Did anybody have a specific concern about it?
Not to my recollection, no.
Mr. Baker. Okay. Thank you.
Mr. Somers. We can go off the record now. Sara, do you want to take like a 5-minute break?
[Recess 11:23 a.m. to 11:34 a.m.]
Ms. Zdeb. So it is 11:34, and we can go back on the record.
thanks very much for being here. My colleague Andy Fausett and I, as we indicated earlier, are with the Ranking Member, Senator Feinstein, and we're going to tag-team a bit on our side. I have just a couple of quick follow-ups on the questions that Mr. Baker was asking you at the end of the last round, and then I'm going to turn it over to Mr. Fausett to continue our questions. You had just indicated in response to Mr. Baker's questions on professional liability insurance that any discussion among analysts about whether or not to get liability insurance in Crossfire Hurricane would have been motivated more by a general sense that there could be some
heightened scrutiny associated with the investigation as opposed to specific concerns about the investigation. Is that correct?

That is correct.

Ms. Zdeb. And I think you also indicated that, beyond Crossfire Hurricane and as a general matter, in your experience, sometimes analysts in other investigations would get professional liability insurance and sometimes they would not. Is that correct?

That is correct, as well as if you are a manager of analysts, there is oftentimes discussion of whether to get professional liability insurance given the things that come up in management.

Ms. Zdeb. So is it fair to say that, to the extent there was some discussion among analysts or managers of analysts in Crossfire Hurricane about whether to get professional liability insurance, it would not have been unique to that investigation but, rather, something that, in your experience, happens in investigations as a general matter?

As a general matter, there are occasions where analysts will talk about getting private -- sorry, professional liability insurance.

Ms. Zdeb. Thank you.

Mr. Fausett. All right. good morning.
Can you hear me clearly, sir?

I can.

Mr. Fausett. Terrific. All right. So just to take a step back to more general matters, I know you testified or you stated earlier today that you've reviewed the Inspector General's report from last December entitled, "Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation." According to that report, the Inspector General and his office examined more than 1 million documents, interviewed more than 100 witnesses, including Christopher Steele and numerous current and former government employees.

Did you cooperate with the Office of the Inspector General's investigation?

Yes, I did.

Mr. Fausett. Were you interviewed as part of that investigation?

Yes, I was.

Mr. Fausett. How many times?

I believe four times.

Mr. Fausett. And about how long in total did you spend in these interviews, sir?

I would estimate perhaps up to 20 hours.

Mr. Fausett. And throughout your interviews, did you provide complete and truthful answers to the questions that
the Office of the Inspector General asked you?

Yes, I did.

Mr. Fausett. Did you or the Justice Department or the FBI provide the Office of the Inspector General with documents related to your involvement with the Crossfire Hurricane investigation?

Yes.

Mr. Fausett. Did the Office of the Inspector General ever complain that it needed more information from you, to your knowledge?

To my knowledge, no.

Mr. Fausett. And did it ever complain that it didn't get documents pertaining to your involvement?

I am not aware of any of that type of discussion.

Mr. Fausett. You stated earlier that you reviewed the report. Did you review the report before it was published?

Yes.

Mr. Fausett. And did you have an opportunity to provide comments on the draft that you reviewed?

Yes, I did.

Mr. Fausett. Now, recognizing that different witnesses will have differing recollections or interpretations of certain events, does the Inspector General's report accurately reflect the testimony you
Mr. Fausett. -- specifically?

Sir, I have been asked if I could go off for a moment and speak with counsel. I apologize.

[Counsel confers with witness.]

back. Could you repeat your question, please?

Mr. Fausett. Sure. So you stated just a second ago that you had reviewed the Inspector General's report while it was still in draft form, and you stated that you did provide some comments back to it. Recognizing that different witnesses may have differing recollections or interpretations of certain events that may have been described in the report, does the report accurately reflect the testimony that you provided to the Office of the Inspector General?

Yes.

Mr. Fausett. Have you been interviewed by any other congressional committees about matters pertaining to Crossfire Hurricane?

No.

Mr. Fausett. And so, just to make sure I've got it right, you said you were interviewed four times by the Inspector General for approximately 20 hours total, so you
spent about 20 hours in total preparing for this matter and the various ways that you've been subject to oversight?

I think I spent approximately 20 hours being interviewed by the IG.

Mr. Fausett. There has been significant second-guessing of the decision to investigate whether anyone associated with the Trump campaign was assisting Russia in its efforts to influence the 2016 election. According to the Inspector General, the FBI learned in late July 2016 from a friendly foreign government, which is sometimes called "FFG," for the sake of simplicity, that George Papadopoulos had told a foreign official about a Russian offer to help the Trump campaign by releasing hacked emails damaging to Hillary Clinton. I know you spoke a little bit about that with our colleagues.

First, are you familiar with this term "friendly foreign government" or "FFG" for short?

Yes.

Mr. Fausett. And what does that term signify as a general matter?

As a general matter, that signifies that it is a government that is friendly to the interests and policies of the United States.

Mr. Fausett. And would you consider such a government to be a trusted ally or partner?
Yes.

Mr. Fausett. Is it fair to say, absent evidence to the contrary, and understanding that you take each situation as it comes, but that in general, when you have a source government or source official from a friendly foreign government, you would not ordinarily suspect that source or individual of fabricating information that's being provided to harm the United States?

I would say as a general rule that would be the case.

Mr. Fausett. And was there any evidence of fabrication or anything giving rise to suspicious circumstances here?

No.

Mr. Fausett. So, overall, was the fact that this came from a friendly foreign government significant in terms of the FBI's need to take the information seriously?

Well, the FBI takes information very seriously from all manner of people that it receives information from, so I don't know if I would say that this -- the basis of it coming from a friendly foreign government necessarily rises it above in terms of acceptance on the part of the FBI.

Mr. Fausett. Would you have been inclined to give it more credence, pending further review and analysis, based
on the fact that it was coming from a friendly foreign
government as opposed to, say, a hostile nation or a nation
with adverse interests to the United States?

In that scenario, I would say yes, it
would be more comfortable taking something from a friendly
foreign government.

Mr. Fausett. Okay. So Bill Priestap, who opened
Crossfire Hurricane, told the Office of the Inspector
General -- and I'm going to quote now from page 53 of the
Inspector General's report. Mr. Priestap said, "...the
combination of the FFG information and the FBI's ongoing
cyber intrusion investigation of the DNC hacks created a
counterintelligence concern that the FBI was "obligated" to
investigate."

Do you have any reason to dispute Mr. Priestap's
explanation of why he opened the investigation?

So, to be clear, Mr. Priestap did not open
the Crossfire Hurricane investigation on the opening.

Mr. Fausett. Okay. Who opened --

So the opening was written by Pete Strzok.

Mr. Fausett. Do you have any reason to question Mr.
Priestap's explanation based on his understanding of why
the investigation was opened?

I have no basis to dispute that.

Mr. Fausett. Do you understand what Mr. Priestap
meant when he described this situation, this friendly foreign government information concerning George Papadopoulos, as a "counterintelligence concern"? Do you know what he meant by that?

I do know what he meant by that, yes.

Mr. Fausett. And what's your understanding of what he meant by that? And what did you take it to mean?

When you look at the information that came from the friendly foreign government and you compared that with the fact that in July of 2016, late July of 2016, there was information released on WikiLeaks from the DNC, it basically kind of looked like this was a situation in which the Russians may have been trying to interfere in our election.

Mr. Fausett. So it sounds like you would agree that the information then presented a legitimate counterintelligence concern. Would you agree that the FBI was obligated to investigate?

Yes.

Mr. Fausett. I'd like to walk through some of the specific events in 2016 and ask how they relate to this counterintelligence concern. In March and then in May of 2016, FBI field offices identified a spearfishing campaign by the GRU targeting email addresses associated with the DNC and the Clinton campaign as well as efforts to place
malware on DNC and D Triple C -- DCCC -- computer networks, and I'm sourcing that from the Mueller report, Volume I of the Mueller report. I think we mentioned this already, but from your perspective, does that activity constitute a counterintelligence concern? Does it create a counterintelligence concern?

Yes, that activity would be a counterintelligence concern.

Mr. Fausett. And why is that?

Because it's a foreign entity or foreign government attempting to obtain information to which it is not supposed to have access.

Mr. Fausett. And then on July 22, 2016 -- and, again, I'm referencing the Mueller report here -- WikiLeaks published 20,000 emails stolen from the DNC, as you mentioned earlier. This was 6 days before the FBI learned from the FFG that the Trump campaign may have had advance knowledge of Russia's plans to release the stolen emails. I think we've covered this, but just to be clear, that in and of itself also creates a counterintelligence concern. Is that correct?

That is correct.

Mr. Fausett. And then on July 27, 2016, Donald Trump, then a candidate for President, said at a press conference, and I'm quoting now, "Russia, if you're listening, I hope
you're able to find" Hillary Clinton's emails. And according to Special Counsel Mueller's report, he uncovered that Russia attempted to hack Clinton's server for the first time later that same day.

Does that confluence of events, Candidate Trump's statement as well as the fact that Russia attempted to hack the server for the first time that same day, does that create a counterintelligence concern?

Russia's attempts to hack that server would be a counterintelligence issue, yes.

Mr. Fausett. Would the confluence with the statements made by then-Candidate Trump create a counterintelligence concern concerning the candidate or the campaign for President -- for Mr. Trump?

Which statements are you referring to?

Excuse me?

Mr. Fausett. The statement, "Russia, if you're listening, I hope you're able to find" Hillary Clinton's emails.

I'm not sure I would say that the statement itself would be a counterintelligence issue, but the confluence of events with the foreign government attempting to for the first time hack rises to the level of a counterintelligence issue.

Mr. Fausett. And why is that?
Again, you have a foreign government who is attempting to hack into information that it has no access to.

Mr. Fausett. Between March and August of 2016, the FBI became aware of numerous attempts to hack into State election systems. These include confirmed access and elements of multiple State or local electoral boards using tactics, techniques, and procedures associated with Russian state sponsors -- or state-sponsored actors, according, again, to Special Counsel Mueller in his report. Does that create a counterintelligence concern?

Yes, it does.

Mr. Fausett. And why is that?

It would be a foreign government attempting to get into information to which it does not have access.

Mr. Fausett. The Inspector General noted -- and I'm now actually quoting from the Mueller report -- that "the FBI learned that Russian efforts also included cyber-enabled scanning and probing of election-related infrastructure in several States." Does that create a counterintelligence concern?

Yes, it does.

Mr. Fausett. And why is that?

Again, it's a foreign government, an
adversary government, attempting to obtain information that it does not have access to.

Mr. Fausett. Now, some have expressed the view that there is no basis to investigate the Trump campaign's ties to Russia because Special Counsel Mueller did not ultimately charge anyone affiliated with the Trump campaign with conspiring with Russia. Is it fair to say that you think there was a sufficient basis, a reasonable basis, to investigate the Trump campaign's ties to Russia?

There was a reasonable basis to open the Crossfire Hurricane investigation and subsequent cases that followed on from that.

Mr. Fausett. As a general matter, does the FBI require analysts or -- I'm sorry, agents or the analysts who support them to have an expectation that they will find and be able to prove wrongdoing in order to open an counterintelligence or criminal investigation?

No.

Mr. Fausett. And what impact would imposing such a requirement have on the FBI's ability to investigate counterintelligence threats?

So you open an investigation either on the basis of a tip or information or articulable facts rising to the level of a national security threat. That's what you need to open an investigation.
Mr. Fausett. If that standard were that you needed to be in a position to prove wrongdoing or establish beyond a reasonable doubt the wrongdoing rather than the lower predicate, what impact would that have on the FBI's ability to do its job?

It would be very difficult -- it would be very difficult to do counterintelligence investigations if that were the standard.

Mr. Fausett. So what is your response to the claim that there was never a valid reason to investigate possible ties between the Trump campaign and Russia?

I disagree with the assertion that there was -- that there was not viable reasons to open the Crossfire Hurricane investigation and the subsequent cases that came out of that.

Mr. Fausett. I wanted to ask you a few questions, drilling down just a bit into the alleged actions of George Papadopoulos and those actions in the context of the opening of the Crossfire Hurricane investigation. Bear with me if some of this is a little bit repetitive, but we do want to be clear here as to your understanding of things.

Now, based upon what's in the Inspector General's report, the opening electronic communication for the Papadopoulos investigation noted that the Trump campaign
may have had advance knowledge that Russia had stolen
e-mails and planned to release them to harm Hillary Clinton.
I think you talked about that earlier. It said that
Papadopoulos --and I'm now quoting from page 60 of the
report -- "made statements indicating that he is
knowledgeable that the Russians made a suggestion to the
Trump campaign that they could assist the Trump campaign
with an anonymous release of information during the
campaign that would be damaging to the Clinton campaign."

Can you explain why these statements made Mr.
Papadopoulos a concern to the FBI?

So if the Russians had provided a
suggestion that Mr. Papadopoulos was aware of that it could
assist the Trump campaign through the anonymous release of
information that was detrimental to Hillary Clinton, then
that constitutes interference in our political process and
would be a counterintelligence concern.

Mr. Fausett. Now, I know you stated earlier that you
continued on after Crossfire Hurricane with the FBI wrapped
and supported the Special Counsel's office as well, so I'm
going to quote just a little bit again from the Special
Counsel's report: "Although the FBI first learned of the
FFG information in late July 2016, according to the Special
Counsel's report, Papadopoulos was told in April 2016 of
Russia's willingness to release `dirt' on Hillary Clinton
‘in the form of thousands of emails.’"

To your knowledge, did Mr. Papadopoulos report
Russia's apparent offer of assistance to the FBI when he
learned of it in April 2016?

[Redacted] Not to my knowledge, no.

Mr. Fausett. Did he come forward to the FBI in July
2016 when WikiLeaks began doing what Papadopoulos had been
told the Russian Government would do, i.e., releasing
thousands of emails on Hillary Clinton?

[Redacted] No.

Mr. Fausett. To your knowledge, did Mr. Papadopoulos
ever come forward to report what he had been told about
Russia's willingness to help the Trump campaign and harm
Hillary Clinton?

[Redacted] To my knowledge, no.

Mr. Fausett. Would you agree, then, that the fact
that Papadopoulos learned of Russia's willingness to harm
Clinton by releasing thousands of emails, saw that release
happen, and still did not come forward itself raises a
counterintelligence concern that the FBI needed to
investigate?

I would agree with that.

Mr. Fausett. And, in fact, the current Director of
the FBI, Mr. Wray, testified before the Senate Judiciary
Committee that, "Any threat or effort to interfere with our
election from any nation-state or any nonstate actor is the kind of thing the FBI would want to know." Do you agree with Director Wray that people should inform the FBI if they learn of information suggesting that a foreign government may be attempting to interfere in our elections?  

Yes.

Mr. Fausett. And why is it important to do that? Because the FBI needs to know if there are situations in which a foreign government is attempting to interfere with our political processes.

Mr. Fausett. According to the Inspector General's report, the foreign official who reported what Papadopoulos had told him was not aware of who else Papadopoulos had informed about Russia's offer to the Trump campaign. And the Inspector General further reported that you and others said -- and I'm going to quote now from page 59 of the report, that you and others collectively -- it's not individually attributed -- said "...the initial investigative objective of Crossfire Hurricane was to determine which individuals associated with the Trump campaign may have been in a position to have received the alleged offer of assistance from Russia."

So, in fact, it seems from that quote, if it's accurate, that one of the primary goals of the initial stages of Crossfire Hurricane was to determine who else on
the campaign, if anyone, knew of Russia's offer of assistance. Is that correct?

Correct.

Mr. Fausett. After a 3-year investigation, the Senate Select Committee on Intelligence recently issued a bipartisan finding that although it did not confirm exactly who Papadopoulos spoke with, and I'm quoting the Senate Intelligence Committee here, "it is implausible that Papadopoulos did not" share the offer with members of the Trump campaign.

Do you have any basis to dispute the Senate Intelligence Committee's finding that it is implausible that Papadopoulos did not share his offer with other members of the Trump campaign?

I think I would say that I'm not comfortable commenting on implausibility versus plausibility in that situation.

Mr. Fausett. Would you be concerned that Mr. Papadopoulos may have shared this offer with other members of the Trump campaign?

Yes, that would have been a concern.

Mr. Fausett. All right. Of course, as we discussed, our colleagues discussed with you earlier, Mr. Papadopoulos was not the only subject of the Crossfire Hurricane investigation. The team opened individual cases on Paul
Manafort, Carter Page, and Michael Flynn as well in August of 2016. The opening electronic communication for the Manafort investigation noted that the Trump campaign may have had advance knowledge that Russia had stolen emails and planned to release them to harm Hillary Clinton, and it said

-- and I'm going to quote again from the Inspector General's report on page 60. It said that Manafort was "designated the Delegate Process and Convention Manager for the Trump campaign, was promoted to Campaign Manager for the Trump campaign, and had extensive ties to pro-Russian entities of the Ukrainian government."

Can you explain why these activities made Manafort a concern to the FBI?

So in this situation, Manafort had access within the campaign. Manafort had extensive ties to pro-Russian entities in the Ukrainian Government, which would have placed him in a position to be one of the individuals who could have possibly received the information that was related by Papadopoulos to the representative of the friendly foreign government.

Mr. Fausett. The opening electronic communication for Lieutenant General Flynn said that he "may wittingly or unwittingly be involved in activity on behalf of the Russian Federation which may constitute a crime or threat
to the national security."

It went on to note that Flynn was an adviser to Trump, had various ties to state-affiliated entities of Russia, and had previously traveled to Russia.

Do you recall what Mr. Flynn's ties to Russia were beyond what I just read back to you?

I remember there was discussion of Flynn's visits to Russia and interactions, and other than that, I'm not sure I can talk about that at this level.

Mr. Fausett. But can you say -- and I understand if you can't, but can you say whether these visits and interactions gave rise to similar concerns about having access and connections as you had with Mr. Manafort?

I would say yes, similar concerns.

Mr. Fausett. Okay. In addition to stating that Carter Page may wittingly or unwittingly be involved in activity on behalf of Russia, the electronic communication opening that investigation noted that the Trump campaign may have had advance knowledge that Russia had stolen emails and planned to release them to harm Hillary Clinton.

We talked about that. It said, again quoting from the same page from the Inspector General's report, "Page was a senior foreign policy adviser for the Trump campaign, had extensive ties to various Russia-owned entities, and had traveled to Russia as recently as July 2016."
It also stated that he "was the subject of an...ongoing counterintelligence investigation assigned to the FBI's New York Field Office."

Can you explain generally why these activities made Mr. Page a concern to the FBI?

It would be similar to what was said before with respect to access within the campaign and then the availability or potential for Mr. Page to have been in a position to have received the information documented -- or, sorry, discussed by Papadopoulos to the representative of a friendly foreign government.

Mr. Fausett. So given this access that all four of these individuals had to the campaign and the connections that they had to various Russian actors, do you believe it was reasonable for the FBI to be concerned that members of the Trump campaign, whether Papadopoulos, Manafort, Page, Flynn, or perhaps others, perhaps even Candidate Trump himself, may have had knowledge of Russia's activities?

I believe it was justified to open these cases, yes.

Mr. Fausett. And just one sort of housekeeping matter for us. As you stated earlier, you continued on with the Special Counsel's investigation. I know there's been some confusion as to whether the nature of that investigation was purely criminal or also had a counterintelligence...
component. Can you tell us, do you know whether the Special Counsel undertook any investigation into the counterintelligence concerns that may have been raised by contacts between individuals associated with the Trump campaign and Russia?

The Special Counsel's office was a criminal investigation.

Mr. Fausett. Okay. All right. Sara, do you have anything?

Ms. Zdeb. Yeah, I have just a couple of quick follow-ups on an exchange that you had a bit earlier with Mr. Fausett. So when he was asking you about Bill Priestap's assessment that the combination of the friendly foreign government information and the ongoing cyber intrusions by Russia created a counterintelligence concern that the FBI was "obligated" to investigate, I think you interjected that it was Mr. Strzok who opened Crossfire Hurricane, and I wanted to quickly clarify that for the record, if I could.

Just for starters, you joined Crossfire Hurricane a day or two after the investigation had been opened. Is that correct?

That is correct.

Ms. Zdeb. And the Inspector General -- and this appears in a couple of places in his report, but it appears
I think for the first time on page Roman iii that it was Mr. Priestap who approved the opening of the case. And I think you probably were thinking earlier in the exchange with Mr. Fausett of the actual opening electronic communication, which was, in fact, signed by Mr. Strzok. But as the Inspector General found on page iii of his report, it was actually Assistant Director Priestap, Strzok's supervisor, who was the official who ultimately made the decision to open Crossfire Hurricane.

Do you have any basis to dispute the Inspector General's conclusion that it was actually Mr. Priestap who approved the opening of Crossfire Hurricane?

I do not. I was thinking of the electronic communication.

Ms. Zdeb. Thank you.

I think that's all we have for this round, so it is 12:03 and we can go off the record.

[Recess 12:02 p.m. to 12:52 p.m.]
AFTERNOON SESSION

[12:52 p.m.]

Mr. Somers. All right. We can go back on the record. It is 12:52, and I think I'd like to just start by going through with you, some events or instances or, you know, I don't know exactly how I would characterize them. It's a series of things that either were identified in the IG report or we've become aware of since the IG report. And I'd just like to gauge your awareness of these -- I think the relevant time frame would be prior to the final Carter Page FISA application, that third renewal being filed. So I would just go through these and ask if you were aware of them prior to that final renewal being filed. I think it might -- you know, one, it'll give us some information; two, it may steer us clear of asking some questions on these areas that are more specific if you didn't have any awareness of the items on my list, if that makes sense.

The first thing on my list is on July 5, 2016, Steele, according to the IG report, met with his handling agent, Handling Agent 1. And according to notes of Steele's, according to Steele, he told his handling agent that "Democratic Party associates' were paying for Fusion GPS's research, the 'ultimate client' was the leadership of the Clinton Presidential campaign, and 'the candidate' was
aware of Steele's reporting."

Were you aware of that before the final Carter Page FISA application?

No.

Mr. Somers. Were you aware that the DNC was the ultimate client prior to the final Carter Page FISA application?

I think by the time the final Carter Page FISA came along, I think so.

Mr. Somers. Okay. On August 2nd -- this is Footnote 223 of the IG report. I'm going to shorten it a little bit so I don't have to read the whole footnote -- you received an email -- I don't know if you recall receiving it or whether you would have actually read it, but there was an email sent that said that a confidential human source who was run out of the New Haven Field Office had information that Fusion GPS "had been hired by two entities (the Democratic National Committee as well as another individual...not name[d]) to explore Donald J. Trump's longstanding ties to Russian entities."

Do you recall receiving that email?

Yes, I recall receiving that email.

Mr. Somers. And did you recall having that information prior to the final Carter Page FISA application?
Yes, I would have had that prior to the final renewal.

Mr. Somers. What about prior to the first application?

I received that email on or about August 2nd of 2016.

Mr. Somers. Okay. Is that what alerted you to the DNC being the ultimate client for the Steele dossier?

No. I believe that at that point it was still -- we understood Fusion GPS had a law firm client after it, and that we did not know exactly what the law firm after that was.

Mr. Somers. So you say you did not make the connection between this August 2nd email and the DNC being the ultimate client for the Steele dossier. Is that fair?

No, I had not made the connection with this email.

Mr. Somers. Okay.

That connection came later.

Mr. Somers. Okay. On August 17th, A government agency, another government intelligence agency, informed the FBI, I believe through a memorandum, that Carter Page had been approved as an operational contact for the other agency from 2008 to 2013, and the memo further provided that
provided information about Page's past contacts with certain Russian intelligence officers. Were you aware of that August 17 memo?

I was aware of the August 17th memorandum, yes.

Mr. Somers. You received it at the time or thereabouts?

Thereabouts, yes.

Mr. Somers. Okay. Were you aware on or about September 7, 2016, that the FBI received an investigative referral from the CIA regarding U.S. Presidential Candidate Hillary Clinton's approval of a plan concerning U.S. Presidential Candidate Donald Trump and Russian hackers hampering U.S. elections as a means of distracting the public from her use of a private email server?

Mr. Heberling. Zach, this is Brian Heberling. Let's just go off the record for a second and talk to [ ].

Mr. Somers. Sure.

[Counsel confers with witness.]

Mr. Somers. We'll go back on the record.

Were you aware that on or about September 7, 2016, the FBI received an investigative referral from the CIA regarding "U.S. Presidential Candidate Hillary Clinton's approval of a plan concerning U.S. Presidential Candidate
Donald Trump and Russian hackers hampering U.S. elections as a means of distracting the public from her use of a private email server?"

I was aware, yes.

Mr. Somers. And just one follow-up. You were aware around that time, or you became aware later?

I was aware around that time.

Mr. Somers. Okay. Were you aware of the letter that Carter Page sent Director Comey on September 25, 2016, in which he stated that he had interacted with members of the U.S. intelligence community, including the FBI and the CIA, for many decades and that he eagerly awaited FBI's call to discuss any final questions they might possibly have?

I do recall that letter, yes.

Mr. Somers. And you recall seeing it around the time it was sent?

Yes.

Mr. Somers. I had asked you in the last round a little bit about State Department contacts with the FBI regarding Christopher Steele and two things that the State Department raised with the FBI. Were you aware that the State Department noted, based on their interactions with Christopher Steele and their review of the materials he provided the State Department, that Steele had provided incorrect information about a nonexistent Russian consulate
in Miami?

I was not aware of that being reported to the State Department.

Mr. Somers. Were you aware of that generally?

Aware of what generally?

Mr. Somers. That the Steele reports reported about a nonexistent Russian consulate in Miami.

So I recall that one of the Steele reports actually had that in it, yes.

Mr. Somers. Okay. And do you recall knowing that that was not correct?

Yes.

Mr. Somers. Okay. Do you further recall the State Department providing information that the State Department realizes that Steele is talking to the media, June reporting started, New York Times and the Washington Post have leaked all the best stuff, and there will be more? Do you recall receiving a report like that from the State Department?

I do not recall receiving a report like that from the State Department.

Mr. Somers. Okay. Were you involved in a November 21, 2016, meeting between the Crossfire Hurricane team and Bruce Ohr and possibly others at the Justice Department?

I was not.
Mr. Somers. Did you get a readout of that meeting?

I may have received a readout, but I don't recall exactly.

Mr. Somers. Okay. Do you recall that certain members of the Crossfire Hurricane team learned from Bruce Ohr that Steele was "desperate that Donald Trump not get elected and was passionate about him not being the U.S. President"?

I believe that was documented in the file after that meeting.

Mr. Somers. So you were aware of that?

At some point, yes, I was aware of that.

Mr. Somers. Were you aware that Ohr reported to members of the Crossfire Hurricane team during that meeting that reporting of criminal activities may be exaggerated or conspiracy theory talk so Steele cannot know whether all his reporting is true?

I'm not sure if that's in the write-up or not. I wasn't part of the meeting, so I wouldn't be able to -- I'd have to -- I'm not sure if it's in the write-up.

Mr. Somers. Okay. Were you aware that Fusion GPS -- this is also from that same Ohr meeting -- that Fusion GPS was hired by a lawyer who does opposition research and that Steele's reporting was being distributed to the Clinton campaign, Jonathan Winer at the State Department, and the FBI?
Again, I'm not sure exactly when I had an understanding of that.

Mr. Somers. Did you at some time have an understanding that the Steele reporting was going to the Clinton campaign?

At some moment, yes.

Mr. Somers. Prior to the final Carter Page FISA application being submitted?

I believe it would have been prior to the final Carter Page application being submitted, yes.

Mr. Somers. And what about the fact that Steele was sharing his information with the State Department? Were you aware of that before the final Carter Page FISA application was filed?

I was probably aware of it before the final application.

Mr. Somers. Okay. Were you aware that on December 17, 2016, the CIA expressed concern to the FBI about the lack of vetting for the Steele election reporting and believed it should not be included in the intelligence community assessment as it was Internet rumor?

I'm sorry. Do you have the date again? I apologize.

Mr. Somers. I'm sorry. December 17, 2016.

I was aware of that, yes.
Mr. Somers. You were aware of that at the time?

At the time, yes.

Mr. Somers. And you were aware that the CIA believed that it was Internet rumor?

Well, I don't believe that that is a CIA characterization. If I recall, that's actually a quote by someone who was characterizing what the CIA's position was.

Mr. Somers. Do you have any reason to question Jonathan Moffa's recollection that the intel section chief stated that the CIA viewed it as "Internet rumor"?

I have no reason to question Jon Moffa's comment on that, but I don't know if that's an exact quote.

Mr. Somers. Okay. You didn't have a separate conversation with the CIA where they said it was an Internet rumor?

No, I did not have a separate conversation.

Mr. Somers. Okay. Were you aware that in December of 2016 Crossfire Hurricane team leaders learned that Steele's primary sub-source from 2009 to 2011 was the subject of an FBI counterintelligence investigation that indicated that he might be a "threat to national security"?

Mr. Heberling. Zach, this is Brian Heberling again. For the reasons we discussed yesterday, we're going to tell to respectfully decline to answer that question.
Mr. Somers. Okay. And following up, and you can not answer this question either, but further that the Crossfire Hurricane team learned in December of 2016 that in 2010 the FBI went so far as to submit an application to the DOJ for FISA coverage on the primary sub-source? Were you aware of that?

Mr. Heberling. We're going to give [REDACTED] the same instruction. Thank you.

Mr. Somers. All right. Fair enough.

Did you learn in January 2017 that the primary sub-source lived in the United States?

[REDACTED] Yes.

Mr. Somers. So in learning that, did you realize that he was not "Russian-based," like the FISA applications represented?

[REDACTED] Yes.

Mr. Somers. Do you recall on January 12th or thereabouts, January 12, 2017, that the FBI received a report outlining an inaccuracy in Steele's reporting about the activities of Michael Cohen, a highly credible source stated that it did not have high confidence in this subset of Steele's reporting, and assessed that the referenced subset was part of a Russian disinformation campaign to denigrate U.S. foreign relations?

[REDACTED] This is from a footnote in the IG report,
correct?

Mr. Somers. Yes, it's from Footnote -- the
declassified version of Footnote 350.

[Redacted] Yes, I was aware of that.

Mr. Somers. You were aware of that at the time?

[Redacted] Yes.

Mr. Somers. And just for the record, you took part in
the -- I think you already said this earlier, but let's put
it on the record now. You took part in the 3-day interview
of the primary sub-source that occurred on or about January
-- started on about January 24, 2017?

[Redacted] That is correct.

Mr. Somers. Do you recall where that interview took
place?

[Redacted] It took place in the FBI Washington Field
Office.

Mr. Somers. So you're confident it did not occur at
the primary sub-source's lawyer's office?

[Redacted] Correct.

Mr. Somers. Okay. And then back to this Footnote
350, the declassified version of it, on February 27, 2017,
were you aware that an intelligence community report
contained information about an individual with reported
connections to Trump and Russia who claimed that the public
reporting about the details of Trump's sexual activities in
Moscow during a trip in 2013 were false and that they were the product of Russian intelligence service's "infiltrating a source into the network of [redacted] who compiled a dossier on that individual on Trump's activities"?

Yes, I believe I was aware of that at the time.

Mr. Somers. At the time, okay. Were you aware of the March 2017 human source validation review of Steele that found that his "past contributions to the FBI's criminal program had been minimally corroborated"?

I believe I had received that report around that time.

Mr. Somers. Were you -- I don't know if you were either aware of -- well, I'll first ask it this way: Were you aware of the primary sub-source's March interview with the FBI?

I was aware of it, but I won't be able to say exactly when I was aware of it.

Mr. Somers. Okay. But you were not a part of that interview?

Correct.

Mr. Somers. Were you aware that during that interview the primary sub-source stated that he never expected Steele to put the primary sub-source's statements in reports or present them as facts?
I believe I was aware of that, but, again, I wouldn't be able to tell you exactly when I was aware of that.

Mr. Somers. Do you know if you were aware of that before the final Carter Page FISA application was submitted?

I would estimate it probably was before, but, again, I don't have a clear recollection.

Mr. Somers. Okay. Do you recall learning that the primary sub-source said that the statements were "word of mouth and hearsay"; "conversations...had with friends over beers"; or were statements "made in jest" that should be taken with "a grain of salt"?

Is that a quote from the --

Mr. Somers. It's a quote from the IG report, from the Washington Field Office agent who took that March interview.

Again, I think I was aware of that reporting, but I wouldn't be able to tell you exactly when specifically I was aware of that reporting.

Mr. Somers. Do you think it was prior to the final Carter Page FISA application being submitted?

It could have been, but, again, I don't have a clear recollection.

Mr. Somers. Did the primary sub-source express any
1   sentiments like that during your 3-day interview with him?
2   Not to my recollection.
3   Mr. Somers. All right. That's all I have on that
4   sort of run-through line of questions. Let's stick with
5   the primary sub-source, though, since we were kind of
6   ending there with my previous line. So were you aware of
7   -- you know what? I want to start with Christopher Steele.
8   When did you first become aware of what's become known as
9   the "Steele dossier"?
10  I believe that would have been either
11   September 19 or September 20, 2016.
12   Mr. Somers. Okay. So when it came in -- the IG
13   report says the Crossfire Hurricane team received it on
14   September 19th.
15  That would have been the date then.
16   Mr. Somers. That's when you would have received it, okay. What did the FBI's initial efforts to -- I don't
17   know if the word "corroborate" is correct, but to either
18   corroborate or look at the Steele reporting consist of?
19  We immediately started to determine what
20   aspects of the reporting that we could confirm or
21   disconfirm, and so we began looking at FBI holdings; we
22   began looking at open-source material and began looking at
23   OGA material as well to see if there was anything that we
24   could use to help verify, again, confirm or disconfirm.
Mr. Somers. Okay. On page 101 of the IG report, it says that, "After obtaining the six Steele reports on September 19, analysts on the Crossfire Hurricane team immediately began to evaluate the information in the reports. By the next day, they had completed a draft Intelligence Memorandum that summarized key points from the reports and identified actions that needed to be taken to assess the information."

Were you the author or one of the authors of that Intelligence Memorandum?

I was not the primary author, but I edited that document.

Mr. Somers. Okay. That seems like a fast turnaround to me. Is that a fast turnaround of an analytical product like an Intelligence Memorandum?

I wouldn't necessarily say that's a fast turnaround. It was a memo that was summarizing what we had received and then suggested or recommended courses of action based upon what we had received.

Mr. Somers. So it took everything at face value at that point in time. Is that a fair --

We were just -- we were just starting the analysis.

Mr. Somers. Okay. Page 125 of the IG report indicates that, "Also on September 19...in an email to the
OGC Unit Chief and OGC Attorney, the Supervisory Intel Analyst forwarded an excerpt from Steele's Report 94...concerning Page's alleged secret meeting with Igor Divyekin in July 2016 and asked, 'Does this put us at least *that* much closer to a full FISA on [Carter Page]?' Do you recall that email?

I do.

Mr. Somers. Why would receiving that information move you that much closer to a full FISA on Carter Page?

I wouldn't be able to speak to that at the classification level of this.

Mr. Somers. I guess my question is: Why would this unverified information move -- this is the same day you received the Steele reporting. I'm trying to understand why -- how on the same day you received the reporting it would move you closer to receiving a FISA application.

It was a matter of what -- I think from the -- as far as saying based upon what's in that paragraph, it is information that was researched on Igor Divyekin.

Mr. Somers. Prior to receiving the Steele reporting, is that what you're saying?

Not prior.

Mr. Somers. What did you know about Christopher Steele on September 19, 2016? Had you used his information
previously?

Mr. Somers. Had you ever met Christopher Steele?

Turned out yes, I had in the past.

Mr. Somers. Had you worked in a professional context?

In a professional context.

Mr. Somers. Had his information been used in an investigation that you had worked on previously?

I can't go into the details about what it is that I was working on where I had the interaction with Mr. Steele.

Mr. Baker. But it was during your time at the FBI?

That is correct.

Mr. Somers. So you had some knowledge of Christopher Steele prior to receiving the Steele dossier on September 19?

So to be clear, at the time, no, I didn't make the connection. But after I had actually met Mr. Steele, I recognized him, came back, looked through some material, and realized that he and I had met in the past in a professional context on a particular matter involving the FBI.

Mr. Baker. So you realized that after seeing him or after digesting more information in files and his writings?

After seeing him.
Mr. Baker. Okay.

Mr. Somers. So when you're analyzing this material, if "analyzing" is the correct term -- I won't characterize it for you. But you get the material on September 19th. You draft the -- not you, I mean you and your team draft an Intelligence Memorandum about this material. How are you viewing this material? Are you skeptical of it? Is it -- what's your characterization of the material on September 19th and 20th?

The characterization I would give is that the FBI gets reporting from all manner of places, and we do the same type of thing with all manner of reporting, which is we look to see whether or not things can be verified. We look to see whether or not it matches things that are in open source or in classified holdings, and to determine whether or not the information that we've received is accurate or whether it can be confirmed or whether it can be disconfirmed.

Mr. Baker. You had used the term "FBI holdings" a few minutes ago in response to a question from Mr. Somers. What do you mean when you say you're checking "FBI holdings"?

I mean that we're using FBI systems to look at material that has been previously collected or previously investigated by the FBI.
Mr. Baker. And that would be something you could access if you came across a name or if a name came forward as either someone providing information or someone who could potentially be the subject of an investigation? You could check these holdings to see if there were previous contacts with this individual by the FBI?

In terms of -- possibly, yes.

Mr. Baker. So would you have checked these holdings when Mr. Steele first comes on the radar with this dossier? Would you have checked holdings to see what relationship the Bureau may have had with Mr. Steele?

I don't recall checking to see what relationship Mr. Steele had, but we were checking the names and entities and things mentioned actually in the reporting.

Mr. Baker. So, eventually, when you had names of people that were in the report, you would have run those names against "FBI holdings"?

Correct.

Mr. Baker. So in doing that, you would have -- if there were, in fact, a previous relationship with the FBI of any of these individuals in his reporting, you would have gotten a hit that there had been previous FBI interest or this person had been previously on the FBI radar?

Theoretically, yes.
Mr. Baker. And did that, in fact, happen with any of these individuals or with anything that you verified or attempted to verify through FBI holdings with the Steele reporting? Did you get hits?

So I'm not sure I'm comfortable talking about what I was able to find or not find in FBI holdings in a forum such as this.

Mr. Baker. But if you would have gotten something in an FBI holding, theoretically, that would have cast -- or would have been curious in that someone in the Steele reporting has previously been on the FBI radar, you would have let that be known to other people on your team?

Yes, in that scenario, certainly.

Mr. Baker. Was that done in this case?

Again, let me talk to FBI counsel for a moment.

Mr. Baker. Sure.

[Witness confers with counsel.]

back.

Mr. Baker. Yes, sir.

Would you mind repeating the question just so that I --

Mr. Baker. Sure. I was asking, in your attempt to look into FBI holdings of either people that come on the radar in the course of this case or specifically in the
Steele reporting, did anything -- did you get a hit, a ping on a previous contact that any of these people identified or subsequently identified from the Steele reporting had been previously on the FBI radar?

So, again, I don't want to get into what I got a hit on or not or didn't get a hit on with respect to particular individuals in the Crossfire Hurricane case. However, I do want to emphasize that FBI holdings are organized oftentimes along what accesses one has, and, therefore, there are situations in which cases are restricted in the search function or prohibited in the search function, and, therefore, I would not necessarily always get all manner of hits on a particular individual or entity.

Mr. Baker. Did you subsequently to any searches or database checks, did you subsequently get any call or communication from another part of the FBI inquiring why you had queried someone where on your end you don't see a hit, but there is a message transmitted to someone else saying that someone has queried your case, and then that someone or that someone's supervisor reaches out to you or maybe your supervisor and inquires why you were searching whatever it was you were searching? Did that happen?

I don't recall getting any messages like that over the course of Crossfire Hurricane.
Mr. Baker. And if you would have gotten any kind of hit from FBI holdings that anybody in the Steele reporting had been previously known or concurrently known to the Bureau, you would have made that known to your team?

Yes.

Mr. Baker. Okay. Thank you.

Mr. Somers. Did you have other information other than the Steele dossier on September 19, 2016, that Igor Divyekin and Carter Page had a meeting in July of 2016?

No.

Mr. Somers. Is Igor Divyekin a person that would be known in the intelligence community?

I'm going to not answer that at this classification level.

Mr. Somers. So you had no knowledge of a secret meeting between Divyekin and Page, but you thought this information put us at least that much closer to a full FISA on Carter Page. Did you view the Steele dossier -- let's just call it that. I know it wasn't quite what you guys considered it at the FBI. But did you view the Steele dossier as raw intelligence?

I mean, it was reporting that we had received, but there was not a finalized -- yeah, I mean, it wasn't a kind of finalized report or anything of that sort. It's information.
Mr. Somers. And you went about verifying -- not you, the FBI and the Crossfire Hurricane team, which you were a part of, went about verifying the -- or trying to verify the information in the Steele dossier?

Trying to, yes.

Mr. Somers. Why?

To determine, again, whether or not it was accurate, to determine whether or not we could confirm material in it, or whether or not we could disconfirm material in it.

Mr. Somers. But why does the mention of a meeting between Page and Divyekin move you that much closer to a FISA application if you haven't confirmed the information in the Steele dossier?

Mr. Linehan. Zach, if I could jump in, I just want to make a note that I think you're mischaracterizing the email, the email in question. I don't think he states it that declaratively in the email, but, you know, I'm not -- he can answer. He can respond. But I just want to note that for the record.

Mr. Somers. Sure.

As I was saying, there was something about Divyekin. That's all I can say.

Mr. Somers. Okay. What about were you aware at that time of Carter Page's denial that he had ever met with
1 Divyekin or even knew who Divyekin was?

2 On September 19th?

3 Mr. Somers. Yes.

4 I don't believe I was aware of that denial on September 19th.

5 Mr. Somers. Were you aware of it in October of 2016?

6 If I recall correctly, that was from the September 23rd news article. Is that correct?

7 Mr. Somers. Well, there's a denial of -- according to the IG report, on page 364 -- I think it's in numerous places. But Page made "statements to an FBI CHS in October 2016 that the FBI believed supported its theory that Page was an agent of Russia but omitted other statements Page made" -- and this is the part I'm pointing to -- "omitted other statements Page made, including denying having met with Sechin and Divyekin, or even knowing who Divyekin was." So that's in October of 2016, Page makes a statement to an FBI CHS that he never met with Divyekin or even knew who Divyekin was.

8 Okay. Sorry.

9 Mr. Somers. Were you aware of that interaction between Carter Page and the FBI confidential human source?

10 I was aware of the interaction between Carter Page and the CHS. I'm not exactly sure the extent of my knowledge with respect to everything that was
Mr. Somers. All right. Just for clarity, were you aware of his statements denying knowing who Divyekin was?

I don't recall exactly whether or not I knew those statements at the time or whether I learned about those statements subsequent to that time.

Mr. Somers. Do you think you learned about them prior to the first Page FISA application?

I'm not sure if I learned them before the first Page application.

Mr. Somers. What about prior to the first renewal?

Again, I'm not positive exactly.

Mr. Somers. What about prior to the last renewal?

I probably knew about it before the last renewal.

Mr. Somers. So getting back to some of the verification, on page 102 of the IG report, it says that, "They explained that the assessment" of Steele "involved determining the credibility of Steele, including understanding his record of furnishing reliable information, motivation, and possible biases; and verifying the information he provided through independent sources."

Where did you get your understanding of Steele's record of furnishing reliable information?

I understood that from Handling Agent 1.
Mr. Somers. Did you have any other sources of his reliability, at least prior to the first FISA application, other than Handling Agent 1?

No, not to my recollection.

Mr. Somers. Did you consult his Delta file prior to the first FISA application?

No. I believe it was after the first -- after the initiation.

Mr. Somers. Why did you not consult his Delta -- not you. Why did the Crossfire Hurricane team, including you, not consult his Delta file until after the first application?

The Crossfire Hurricane team was interested in moving on the reporting itself. We were not focused on vetting Christopher Steele as a source at that time.

I'm going to go off for a moment.

Mr. Somers. Yes.

[Witness confers with counsel.]

So with respect to -- you know, I don't know if anybody didn't look at the Delta file. With respect to my look at the Delta file, I know that that did not take place until after the first renewal.

Mr. Somers. Okay. How much corroboration of the -- or verification -- I don't know what the proper technical
term is -- of the Steele dossier was complete by October 21, 2016, when the first application was submitted to the Court?

Are you asking for a percentage or are you asking -- I'm not exactly sure.

Mr. Somers. Yeah, I'm asking what was the level of verification or corroboration.

I think by that time I would characterize it as, again, a distinction between facts and allegations as documented in the reporting, and that many of the facts, people, places, entities themselves could be corroborated or verified. In terms of the actual allegations themselves, I'm not sure many of the allegations could be verified at that time.

Mr. Somers. On page 196 of the report, and this is in reference to the last -- the third renewal, but it says, "Despite the FBI's efforts to corroborate and evaluate the Steele election reporting, we were told by the Supervisory Intel Analyst that, as of September 2017, the FBI had corroborated limited information in the Steele election reporting, and much of that information was publicly available."

Would you say that you had corroborated even less information by October 21st of 2016?

I don't know if I would say less
information by October of 2017, but I would say that in the end --

Mr. Somers. Sorry. 2016.

2016, excuse me. Could you repeat the question then?

Mr. Somers. Yeah, I want to know -- so you made a statement -- what I have from you is a statement that you made in October -- I'm sorry, in September of 2017 saying that the FBI -- this is not a direct quote of yours, but this is essentially what you told the IG's office -- the FBI had corroborated limited information of the Steele election reporting, and much of that information was publicly available. That's in September of 2017. There's not a similar statement from you regarding October 21, 2016, so I'm wondering how you would compare the corroboration statement you had in 2017 with where you were in October of 2016.

I would say on the basis of that question we had less information than we had in September of 2017.

Mr. Somers. Okay. Gettomg back to the question I was asking, so we went through understanding of the record of furnishing reliable information. You got that from Handling Agent 1. What about his motivation? What was your assessment of his -- what did it involve in terms of assessing his motivation?
Mr. Somers. Yes, and providing this information to the FBI.

My understanding when we received the Steele material was that this information, again, was put together by Steele and his business intelligence firm, was being provided to the entity Fusion GPS, and that it was going to a law office, and that the potential existed that it was opposition research.

Mr. Somers. So you didn't know that it was opposition research, I take it, by that response.

Correct.

Mr. Somers. And you didn't know this, but you later learned that the DNC was the ultimate client for the Steele dossier. Is that correct?

Eventually, yes.

Mr. Somers. Did that or does that change your opinion from, you know, we thought it might be opposition research to it was opposition research?

I think that's a fair characterization.

Mr. Somers. So it moves from speculation to -- I mean, that's what the DNC's after if they're paying for the Steele dossier, right, is opposition research?

I don't know exactly what the DNC was paying for, so I won't characterize that.
Mr. Somers. Well, they weren't -- do you think the
DNC was paying for information that was favorable to Donald
Trump?

Again, I don't know what the DNC was
paying for, but I will say that eventually it became clear
that this was opposition research.

Mr. Somers. Okay. And then the fourth thing it says
in your assessment -- not your assessment, the FBI's
assessment, was "verifying the information he provided
through independent sources." What did that consist of?

Where are you quoting that from exactly?

Mr. Somers. Page 102. This is what I read earlier.
I'll read it again. "They explained that the assessment
involved determining the credibility of Steele" -- we went
through that -- "including understanding his record of
furnishing reliable information, motivation, and possible
biases; and verifying the information he provided through
independent sources." So now I'm to "verifying the
information he provided through independent sources," and
I'd like to understand just at a very general level what
you did to verify the information he provided through
independent sources.

I think that goes back to my comments
earlier regarding searching through FBI holdings, querying
OGA material, et cetera.
Mr. Somers. Including public information?

That would include public information, yes.

Mr. Baker. So when the words being used that this information or Steele's credibility was assessed, is this the same thing as him being validated as a source, or this is something different?

It would be something different.

Mr. Baker. Was he ever validated as a source?

Yes.

Mr. Baker. And was he determined to be credible? Did he pass whatever you do to be validated?

I believe from the IG report that it was reliable, was the word that they used for it.

Mr. Baker. In general terms, is there an enhanced validation process that the Bureau can do?

I'm not sure I could speak about the levels of validation that the Bureau goes about in this type of forum.

Mr. Baker. Is there more than one type of validation?

Again, I think you'd have to speak to somebody in the validation process for greater clarity on that.

Mr. Somers. Were you aware of SSA-1 requesting an enhanced validation of Steele in November of 2016?
I was aware of SSA-1 I believe asking for a validation, but I don't know if I recall that it was some sort of enhanced validation.

Mr. Baker. So what is the intelligence analyst role in validations in general, outside of Crossfire Hurricane? Are there intelligence analysts that are involved in validating sources?

There are intelligence analysts involved in validating sources, yes.

Mr. Baker. So there would be -- or are there intelligence analysts assigned to this validation unit that you just referenced?

I don't believe I referenced a unit on that, but there are analysts who are involved in the validation process.

Mr. Baker. Okay. You said that I would have to talk to somebody in a validation something, a unit, a division, or something. So would there be intelligence analysts assigned to whatever that something is, be it a unit or some other organizational entity?

Yes, there are intelligence analysts that are involved in the validation process on an official basis.

Mr. Baker. So your unit, where you're the supervisory intelligence analyst, if there had been any request of this
other validation entity, since your unit and your agent counterparts are working with Mr. Steele, you would have gotten any result of validation that was done on him. Correct?

I believe I received a report on the validation that was done.

Mr. Baker. And what kind of report was it? Was it a passing grade, a failing grade, an average grade? What does the result that you got tell you about Mr. Steele as a source?

They're not graded in that way, and so I think -- as I characterized just a few minutes ago, I think one of the terms that's outlined in the IG report as they describe the validation report is that he was determined to be reliable, and that there were questions about how much of his reporting had been corroborated.

Mr. Baker. Are you aware of any validation that was requested of Mr. Steele that was stopped, that was told to be put on hold or otherwise terminated by any FBI official?

I don't recall that.

Mr. Baker. Okay.

Mr. Somers. Do you recall writing with the staff operations specialist an Intelligence Memorandum on the Steele reporting in late September 2016?

I edited a memorandum from the SOS, yes.
Mr. Somers. And do you recall that in that memorandum there was information that was then later used as part of Steele's source characterization statement?

I am aware that that memorandum was subsequently used for the application, yes.

Mr. Somers. And I don't know if you recall -- I'm looking at page 161 of the IG's report, and I'm reading the source characterization statement for Steele that was in the Carter Page FISA application. It says, "This information comes from a sensitive FBI source whose reporting has been corroborated and used in criminal proceedings, and who obtains information from a number of ostensibly well-placed sub-sources. The scope of the source's reporting is from 20 June 2016 through 20 August 2016."

Do you recall where the information came from that Steele's reporting has been corroborated and used in criminal proceedings?

I drafted that language.

Mr. Somers. And where did you get the impression that his material had been corroborated?

It was based on my understanding that he had been -- his reporting had been the predicate for the FIFA investigation.

Mr. Somers. And where did you get that understanding?
My understanding came from the Handling Agent 1 and also SSA-1, who had learned that from Handling Agent 1.

Mr. Somers. And what about the "used in criminal proceedings"?

The same thing. It had predicated the FIFA investigation which actually resulted in indictments.

Mr. Somers. What about "who obtains information from a number of ostensibly well-placed sub-sources"? Where did you get that information?

I'm not sure that I drafted that particular language on there, but it was basically based on the reporting and how things were described within the reporting.

Mr. Somers. Are you aware of the fact that the handling agent said he wouldn't have approved this source characterization statement for Steele?

On the basis of what is written in the IG report, I am aware of that.

Mr. Somers. But you were not aware of it at the time?

Correct.

Mr. Somers. "According to Handling Agent" -- this is on page 162. "According to Handling Agent 1, he was clear with the Crossfire Hurricane team concerning Steele's role and that Steele had provided leads and not evidence in the
FIFA case." Did you speak directly with Handling Agent 1 about Steele and his role?

I don't recall speaking directly with Handling Agent 1 about Steele's role in the investigation. I recall that I had learned, again, either from Handling Agent 1 or from SSA-1 who learned from Handling Agent 1 that Steele's information had predicated the FIFA investigation.

Mr. Somers. Did you ever see this source characterization statement written by Handling Agent 1:

"[CHS] has been signed up for 3 years and is reliable. [CHS] responds to taskings and obtains info from a network of sub sources. Some of the [CHS'] info has been corroborated when possible"?

I don't recall if I saw that language or not.

Mr. Somers. So do you have any idea how Handling Agent 1's source characterization statement got changed to the one that ended up in the FISA application?

I didn't write the application. I understand that it has come from the Intelligence Memorandum language.

Mr. Somers. Do you know how the handling agent's source characterization statement got changed from what he wrote to what appeared in the Intelligence Memorandum?
No, I don't know exactly how that happened.

Mr. Somers. But you did in part write the Intelligence Memorandum?

I did.

Mr. Somers. Did you ever talk to the prosecutors in the FIFA case?

I did not.

Mr. Somers. Did anyone on the Crossfire Hurricane team talk to the prosecutors in the FIFA case, to your knowledge?

Not to my knowledge.

Mr. Somers. How about the agent on the FIFA case, either you or somebody else on the Crossfire Hurricane team?

I'm not aware of that.

Mr. Somers. What was your understanding of how Steele was collecting the information that was contained in his election reports?

At what point in the investigation are we talking about here? Upon initial receipt?

Mr. Somers. Early on. What was your understanding of -- prior to the first Carter Page FISA application.

I think on the basis of the reports themselves and on the structure of the reports themselves,
it was clear that he had -- I mean, there were a set of sources that were being used and sources talking to sub-sources.

Mr. Baker. What kind of -- as an intelligence professional, what kind of problems, if there are problems, what kind of problems exist when you have a source reporting in essence which is what is in total information that they are getting from this network of sub-sources?

What problems does that potentially present in using --

I mean, theoretical --

Mr. Baker. -- that material?

Theoretical problems that can arise are things like Telephone Game where the sub-source is telling the source one thing and then it gets reported inaccurately or not quite accurately up the chain. You have the problem of access, whether or not the sub-sources have the access or are accurately talking about their accesses.

Mr. Baker. So there would be problems with the ability on your end of assessing the information because it's coming to you from one portal, for lack of a better word, but that person is getting it from a network of people that you really don't have much visibility into?

It's not inherently problematic. I mean, the FBI handles information that involves sources and sub-sources all the time. It means that the way of going about
trying to verify can be challenging, and that it requires a lot of digging into what's in the reporting and weighing what the reporting says against other types of things.

Mr. Baker. But it would certainly be problematic if you and your team of analysts get under the hood and actually start looking at the sub-source network and find that information -- or there's conflicting information from what's been reported by the main source, the author of the dossier. That would be problematic, right?

So if you went to talk to a sub-source and the sub-source indicated one thing and that was counter to what the source reported to the end client, yes, that could be problematic. If you talk to the main source and the main source tells you something different that's written in the end product, that can be problematic as well.

Mr. Baker. So how do you resolve -- if a main source says one thing and a primary reporter or sub-source says something different that was told to the main source, how do you resolve the conflict between two people saying two different things?

Sometimes you can't resolve the conflict between two people saying two different things. It's a matter of what you can find that maybe on the outside helps to weigh one thing or the other. And it also depends on circumstances.
Mr. Baker. Would the circumstances be altered -- or
would the circumstances cause caution to fall on one side
or the other if the information that's potentially
incorrect is ultimately being presented in an application
to the FISA Court?

That could be problematic, depending on
when it's found out and things of that sort, certainly.

Mr. Baker. And how far and wide in the Bureau would
information be, for lack of a better term, broadcast once
you start talking to the real sources of information and
where there are conflicts? What kind of alarm bells would
go off? Would somebody say, whoa, this creates a problem
here, we have people that are providing the information
that we've looked at, and they're saying that that's not
what they said, or it's inaccurate what's been reported?

What kind of a hue and a cry would go out from the
intelligence part of this Crossfire Hurricane or any part?

How are people notified that we might have a problem here?

I think it again depends on circumstances.

You could have any number of situations arise where -- you
know, it depends on who's at the interviews. It depends
on, you know, which units are involved. It's not an easy
one answer to that question.

Mr. Baker. Even when it's ultimately -- the
information's ultimately being presented to the FISA Court
and the whole process of getting to that Court is, for lack of a better term, special because of what the Court does, I would think there's an enhanced obligation to sound a louder bell that we might not be getting the true story and we might need to dig a little deeper before we present or keep presenting things to the Court. So I guess in the instant case, was there meetings, was there timeouts? Was there any concern that there's different information potentially coming from people below the author of these documents that conflicts with what's being given to the Bureau all bundled up and tied with a nice little bow?

The meetings with sub-sources were documented, and -- they were documented, and that documentation was put into the FBI's system of record where it was available to people on the Crossfire Hurricane team who would have been involved in the decisionmaking.

Mr. Somers. Who was the main source of the Steele dossier -- Christopher Steele or the primary sub-source?

So it would be the primary sub-sources where Christopher Steele was getting his information.

Mr. Somers. So whose reliability -- go ahead.

I mean, for the -- yes, it was the primary sub-source. Sorry.

Mr. Somers. So whose reliability is more important -- the primary sub-source's or Christopher Steele's?
Well, if -- again, it depends on when you're talking about things. If all you know is Christopher Steele and Christopher Steele's information has been used in the past and you don't know the identity of the primary sub-source, then what you have to rely on is Christopher Steele's reliability and whether or not that sourcing or that material has been used in the past and has been effective or it's been accurate or been used. Once you know the primary sub-source's identity, then it becomes inherent to determine whether or not this primary sub-source is reliable.

Mr. Somers. All right. To back up a second, so once you know there's a primary sub-source or once you understand this -- and I'm speaking specifically here about the Steele dossier. Once you know who the primary sub-source is, the existence of the primary sub-source, his reliability becomes more important than Steele's. Is that what you're saying?

I would say that it weighs more heavily once you've identified the primary sub-source if the primary sub-source is the one from whom -- where the information is being gathered and provided to Christopher Steele.

Mr. Somers. Okay. A slightly different question.

You say once you identify. By that do you mean the guy's
actual name or do you mean you identify that there is a primary sub-source?

Well, I would say if all you've identified is that there's a primary sub-source but you have no information about that primary source's access or that primary source's identity or anything of that sort, it's hard to necessarily judge what that primary sub-source's reliability is. I mean, what -- you're doing exactly what we did, which is you take a look at other information and you try to confirm or disconfirm what's in the actual reporting --

Mr. Somers. When did you --

Sorry?

Mr. Somers. I'm sorry if I cut you off. I thought you were finished.

No, that's fine.

Mr. Somers. Okay. When did you become aware that there -- not who he was or who he is, whatever. When did you become aware that Steele was using a primary sub-source for the election reporting?

I'm not exactly sure when we determined that there was a primary sub-source, but the reporting, the structure of the actual reporting lended itself to the idea that there may have been one primary guy that was getting information from a bunch of other sources.
Mr. Somers. And you knew that prior to the first FISA application, right? Because that's --

By the --

Mr. Somers. We talked over each other. Please go ahead.

No, I interrupted. Please ask your question.

Mr. Somers. You knew that there was a primary sub-source by the time the first FISA application was submitted. Correct?

Again, I'm not sure whether or not we were settled on one primary sub-source by the time of the first application. But, again, the structure of the reporting suggested that there may only be one person from whom he's getting his information.

Mr. Somers. You met with Christopher Steele in October of 2016. Is that correct?

That is correct.

Mr. Somers. In person in a European city?

Correct.

Mr. Somers. Did you ask him if he had a primary sub-source during that meeting?

We talked about the source network during that meeting, yes.

Mr. Somers. Did you ask him the names of his sources?
I'm not -- I don't recollect whether we specifically asked the name. I think we did.

Mr. Somers. Did he provide it?

No.

Mr. Somers. When you eventually figured out who the primary sub-source was, the FBI figured that out on its own? It didn't just get a name from Christopher Steele? Is that correct?

Correct.

Mr. Baker. And sometime contemporaneous with that identification of the primary sub-source -- I think we talked about this earlier -- his "FBI holdings" would have been checked?

Again, I don't want to get into exactly the process we used for identifying the primary sub-source at this classification.

Mr. Baker. But separate and apart from how he was or she was identified, you would have run whatever information you had in holdings and gotten some result if this person had been on the radar of the FBI prior?

FBI holdings had a part of it, yes.

Mr. Baker. And then you had said -- never mind on that one.

Mr. Somers. And we're almost out of time here. Just on this whole -- we've been talking a lot about the
assessment, the verification, the corroboration, whatever we want to call it. How important in terms of that process was, one, identifying Steele's primary sub-source, once you became aware that there was a primary sub-source or at least someone who appeared to be one of the primary sources, and then the rest of the network, how important of a task was identifying the primary sub-source and/or the rest of the Steele source network?

I would say it was an important part of the task.

Mr. Somers. Was it something that was regularly discussed at meetings amongst -- these meetings you described earlier?

I don't know if identifying the primary sub-source was something that was highlighted in the meetings that we had prior to the identification of the primary sub-source, but definitely trying to understand the reporting and to, again, confirm and disconfirm what we could of the reporting was something that was talked about.

Mr. Somers. Was it an important step in the process when you did finally identify the primary sub-source?

Yes, it was an important step.

Mr. Somers. Was that discussed in meetings, that, hey, we've identified the primary sub-source?

I recollect there were some meetings where
it was discussed, yes.

Mr. Somers. Did you ever discuss that with Peter Strzok?

I --

Mr. Somers. Let me rephrase. Was the identification of the primary sub-source ever discussed in a meeting that Peter Strzok was in?

Again, a meeting? I am not -- I'm not sure. I don't have a recollection of one specific meeting where it was discussed.

Mr. Somers. Was it discussed through any sort of messaging system, email or some sort of classified system?

Again, I'm not sure whether Peter Strzok received emails on it, but, again, it was discussed.

Mr. Somers. Do you believe he was aware of the identification of the primary sub-source?

Yes, I believe he was aware of the identification of the primary sub-source.

Mr. Somers. What about Bill Priestap?

Yes, Bill Priestap was aware of the identification.

Mr. Somers. What about Andy McCabe?

I don't know if Andy McCabe was.

Mr. Somers. What about Lisa Page?

I'm not sure about Lisa Page.
Mr. Somers. Director Comey?

I am not sure about Director Comey in terms of either the identity of the primary sub-source or that the sub-source had been -- yeah, I'm not positive.

Mr. Somers. That's what I'm asking, whether they're aware that he had been identified, not that you provided the name, which probably would have been meaningless.

I believe Director Comey was aware that the primary source had been identified.

Mr. Somers. Was he aware that the primary sub-source had been interviewed?

That I don't know.

Mr. Somers. Was Deputy Director McCabe aware that the primary sub-source had been interviewed?

That I don't know.

Mr. Somers. Was Bill Priestap aware that the primary sub-source had been interviewed?

Yes, I believe that Bill Priestap was aware.

Mr. Somers. Peter Strzok?

I believe Peter Strzok was aware.

Mr. Somers. Lisa Page?

Unclear.

Mr. Somers. I think we have probably run a little bit over our time, so --
Mr. Baker. Could I have 30 seconds?

Mr. Somers. Yeah, we have one last question for this round.

Mr. Baker. Correct me if I'm paraphrasing this wrong, but just a little while ago, when we were talking about discovering that there's inconsistencies between the source network and Mr. Steele's reporting, I think you said something to the effect that that would be documented and put in various FBI places for people to see or become aware of. How would the Department of Justice become aware of the inconsistencies? And how would the DOJ also become aware of this discovery of a source network rather than it just be singular reporting by Mr. Steele?

So I think what I was referencing -- I think you had asked specifically in this case what had occurred, and what I indicated was that the discrepancies or the inconsistencies were documented in the write-ups. Those write-ups were put into the FBI system of record, and that is available for people on the Crossfire Hurricane team.

With respect to how DOJ learns about that information, I'm not precisely sure. I would expect -- no, I'll just leave it at I'm not precisely sure.

Mr. Baker. But it would not be the role of you or someone in the intelligence side of things to do that. Is
that correct?

Mr. Baker. So I would draw from that that it's someone or some entity on the investigative side of things that would do that, maybe the case agent or supervisor of the case agent?

I think that's fair.

Mr. Baker. Thank you.

Mr. Somers. That's it for this round. I don't know if everybody needs a short break before the minority picks up again.

I could use a short break, please.

Mr. Somers. Okay. We'll take 10 minutes.

Thank you.

[Recess 1:58 p.m. to 2:16 p.m.]

Mr. Somers. We're back on the record. All right.

So, I think, you wanted to clarify something from the last round of questioning regarding the handling agent's source characterization statement. If you'd like to go ahead?

Yes, thank you. So I think we were discussing two separate issues. We were discussing the Intelligence Memorandum that had a source characterization statement, and then on the top of page 161 we were discussing language that the handling agent had provided to
Case Agent 1 that was different than the language that was in the Intelligence Memorandum. I just wanted to clarify that I don't believe I ever saw the language the handling agent sent to Case Agent 1 regarding that source characterization. The source characterization that I helped to edit in the Intelligence Memorandum came from my understanding that Steele's information had predicated the FIFA investigation.

Mr. Somers. And you further believe that you got that information from Handling Agent 1. Is that correct?

Yeah, either Handling Agent 1 or from SSA-1 who received it from Handling Agent 1 --

Mr. Somers. Okay.

-- regarding FIFA.

Mr. Somers. Does that clarify everything?

Mr. Linehan. Yes.

Mr. Somers. Okay.

Mr. Linehan. It was the information from the handling agent but not the email that went to SSA-1, at least to the best of his recollection.

Correct.

Mr. Somers. Okay. Sara or Andrew, if you want to start your round.

Mr. Fausett. Yes, thank you, Zach. We'll begin the next round here at 2:18 p.m.
thanks for your patience in this process.
We had a lot of questions and answers about your knowledge of and interactions with the primary sub-source in the last round, and so I just wanted to ask a few follow-up questions for that based on your participation in his interview in January of 2017 and your expertise as an FBI intelligence analyst.

Some in the public domain have alleged that because the primary sub-source was not a well-connected current or former Russian official and wasn't based in Russia, the information that the primary sub-source provided to Mr. Steele was unreliable. Some have referred to it as -- and this is a quote here -- "second- and third-hand information and a rumor at best."

So in your experience as an intelligence analyst, can information that a source obtains from someone else turn out to be accurate and reliable?

Yes.

Mr. Fausett. And I guess, in other words, the fact that a source obtained information from someone else doesn't mean that it won't turn out to be useful or that it is a "rumor at best." Is that fair?

That is fair.

Mr. Fausett. And is it true that where a source has obtained information from other sources, it's particularly
important for the FBI to understand where that information came from, where it originated, which in this case would mean understanding the source's source network. Is that correct?

That is correct.

Mr. Fausett. And why is that the case?

Again, I would say that it's a matter of whether or not his sources have the accesses that they say they do in order to obtain the information that they are providing.

Mr. Fausett. And so the type of access that a source has is, in fact, a particularly relevant factor in evaluating the information. Correct?

One particular relevant factor, yes.

Mr. Fausett. Even if the primary sub-source was not a well-connected Russian official, if the information they gathered from their sources could still -- would it still be reliable -- or could be reliable, I should say, if members of that network had access to Russian officials?

Could be reliable, yes.

Mr. Fausett. And the memo that I believe you prepared memorializing your January 2017 interview with the primary sub-source identifies one of the primary sub-source's sources -- I believe it's Source 5 -- as having "ties to the Russian intelligence and security services." Would
someone with that background potentially have access to information pertinent to an investigation of ties between the Trump campaign and Russia?

I'm not precisely sure in that case whether or not that would be the case, but on a theoretical level, somebody with Russian intelligence service ties could have the accesses to basically help on a counterintelligence investigation.

Mr. Fausett. Knowing that someone had ties to intelligence and security services from Russia, would you want to better understand that source and their access because of the potential value it could have in understanding the reliability of the information?

Yes, that would be one reason to want to get more understanding into that source.

Mr. Fausett. The memo identifies another sub-source -- I think this is Source 3 -- as having "direct and indirect contact with a deputy or multiple deputies in" -- and then the text is redacted from your memo. Presumably it's referring to the Russian Government or a particular Russian agency. Would someone with that kind of background contact with a deputy or deputies in the Russian Government or a Russian Government agency potentially have access to information pertinent to an investigation of ties between the Trump campaign and Russia?
Potentially, yes.

Mr. Fausett. Another allegation about the primary sub-source is that the information they provided was unreliable because Christopher Steele paid them for it. Does the fact that a source has been paid in connection with providing information mean that the information is unreliable?

No.

Mr. Fausett. In fact, isn't it the case that the FBI routinely compensates sources who provide the Bureau with information?

Yes.

Mr. Fausett. Executive Assistant Director Michael Steinbach told us when he was interviewed by our committee that -- and I'm quoting now from his transcript -- "A source in almost all cases is doing it for some ulterior motive, get himself out of a jam for money." Is that your experience as well?

I would say that's an accurate statement.

Mr. Fausett. He also told us that -- and, again, this is a quote -- "With all sources you take a look at it, and you apply healthy skepticism. A lot of times source information is only partially correct, so you need to investigate to try to develop more information to run down those leads." Is that your experience as well?
That would be my experience.

Mr. Fausett. And is that how you approached Mr. Steele, the primary sub-source, and the primary sub-source's sources, with a healthy skepticism?

I would say that is an accurate assessment.

Mr. Fausett. And was that part of the reason at least why you interviewed the primary sub-source, to learn more about the information Steele had provided and determine what leads were worth investigating?

Yes.

Mr. Fausett. Now, a third allegation we've heard that's intended to discredit the primary sub-source that came up a little bit with our colleagues is the notion that he had ties to Russian intelligence, perhaps was even a Russian agent providing disinformation intended to harm Candidate Trump. I'm not going to ask you specific questions along the lines of our colleagues, but I do want to raise it as context for some more general questions that I do want to ask based on your personal experience and expertise.

It would seem to me, on the one hand, a source that has ties to a foreign government or intelligence agency generally can pose risks and could make the information they provide less reliable. Am I right about that?
Mr. Fausett. And I believe the FBI has methods for assessing the reliability of its sources. I think that was covered in some detail in the last round. Is that correct?

Correct.

Mr. Fausett. And you used those methods here?

So we look to try to verify and, as I've put it, confirm and disconfirm the reporting.

Mr. Fausett. Right. So understanding that there can be potential risks with relying on a source with ties to a foreign government, on the other hand, a source that has ties to a foreign government or intelligence agency I would think could provide some benefits. For example, the information they provide could be more reliable given the access that they have. Is that correct?

That would be correct.

Mr. Fausett. And the fact that a source has ties to a foreign intelligence service or may even be associated with a foreign intelligence service, does that necessarily mean that everything the FBI receives from that source is going to be disinformation?

No.

Mr. Fausett. In fact, much like paying sources in general, the FBI recruits and often pays members of foreign intelligence services, some of whom can go on to be some of
the FBI's best sources. Is that correct?

That is correct.

Mr. Fausett. My colleagues asked you a number of questions about inconsistencies between the primary sub-source's account and Mr. Steele's account of certain matters described in his election reporting. You said to the Inspector General's office that you had no "pains or heartburn" about the accuracy of the Steele reporting based on what the primary sub-source said, and that's from page 244 of the Inspector General's report.]

You also said that the reason for the discrepancies -- and this is a little bit of a longer quote from page 189 -- that the reason for the discrepancies "was difficult to discern and could be attributed to a number of factors," such as "miscommunications between Steele and the Primary Sub-source, exaggerations or misrepresentations by Steele about the information he obtained, or misrepresentations by the Primary Sub-source and/or sub-sources when questioned by the FBI about the information they conveyed to Steele or the Primary Sub-source."

I guess my first question about this is: Is it all that unusual for there to be discrepancies between a source's accounting of certain acts and an accounting of the same facts as provided in this case months later by a sub-source? Is that all that unusual?
I don't know if I would evaluate how unusual, but it's not unusual.

Mr. Fausett. And those discrepancies don't necessarily mean that the source's version of the sub-source's assertions was wrong and that the sub-source's later accounting was right. Is that a fair -- I know it's tricky, but --

Could you repeat that one more time?

Mr. Fausett. I know. It's a tough one. My question is: The fact that there is a discrepancy between what the source said and what the sub-source may have said months later, that doesn't necessarily mean that the initial reporting from the source was wrong or that the later reporting from the primary sub-source was wrong. It could be either/or. Is that right?

It does not necessarily mean that -- yeah, I mean, I would agree with that. It does not necessarily mean that the first or the second would be wrong.

Mr. Fausett. In fact, in the summary you wrote of the interview, which the Department of Justice has since released with some redactions, you stated that during the interviews the primary sub-source "contradicted himself when asked about his contact with Russian intelligence and security services," initially claiming "to have no interaction with individuals in" -- and the redaction says
"Russia." But then, by the third interview, referring to previous contacts as intelligence and referencing another source's senior-level connections. Do you recall that aspect of your interview with the primary sub-source?

I do recall that.

Mr. Fausett. Okay. And is that -- as you sit here today, that's still an accurate description of your recollection of what -- how those interviews transpired?

Yes.

Mr. Fausett. And to that point, you actually told the Office of the Inspector General that you believed that -- and I'm quoting from page 192 of the report now -- "there were instances where the Primary Sub-source was 'minimizing' certain facts" but that you "did not believe that he/she 'completely fabricating' events." And I guess my question is: Under the circumstances of this case and given the timing of your interview with the primary sub-source in January of 2017, it isn't all that surprising for a sub-source to minimize certain facts for their own benefit, is it?

No, it is not uncommon.

Mr. Fausett. And what makes you say that? Explain why that happens.

Well, there could be any number of reasons why a source might minimize. The source may worry that the
source has done something wrong. It could be a situation in which material has come out in public and the source has second thoughts or wants to set up kind of a bit of distance between what he or she might have originally reported and what they are telling the FBI.

Mr. Fausett. And in this case, at the time of your interview, there were materials out in the public, is it safe to say?

That is correct.

Mr. Fausett. Okay. After the interview with the primary sub-source, you and other members of the Crossfire Hurricane team decided to interview Steele and obtain more information about his sub-sources before that interview to figure out whether the primary sub-source gave you the accurate information or if Steele was accurate. Is that fair?

That is correct.

Mr. Fausett. So then is it fair to say that you were committed to resolving the discrepancies between the primary sub-source's account in their January 2017 interview and the account as related by Steele, but that it was premature at the time to conclude that they warranted pains or heartburn?

I would say that is an accurate characterization.
Mr. Fausett. There was also, I think, some mention of this two-page summary of an interview that you had prepared for others in the Crossfire Hurricane team. You explained to the Office of the Inspector General coming out of that interview that you were focused on -- and this is from page 244 of the Inspector General's report -- "using the additional information learned from the Primary Sub-source, particularly the identity of his/her sub-sources, to see what other investigative leads could be generated for the team."

Is it fair to say that that summary was not intended to provide a comprehensive account of the interview but, rather, reflected your focus on using the additional information that you learned from the primary sub-source to see what other leads could be generated for the team?

The memorandum was an overarching summary of the 3-day interviews, and it was not meant to be a comprehensive look at all of the inconsistencies.

Mr. Fausett. Was your decision not to include discrepancies in that two-page summary motivated by a bias against the President?

No.

Mr. Fausett. Did anyone at FBI senior leadership or in your chain of command tell you to omit inconsistencies between the two accounts in your written report or to
overlook them in general?

No.

Mr. Fausett. And, in fact, the summary was actually internal in purpose, right? It was intended for your own team and leadership to have, as you said, a basic understanding of what happened in summary?

That is correct.

Mr. Fausett. While we're on the topic of sources, the Inspector General's report noted -- and I'll just quote here for a little bit from page 308 of the report -- "The agents, analysts, and supervisors who worked on Crossfire Hurricane" said that confidential human sources "played an important role in the investigation." Jonathan Moffa, for example, said that confidential human sources are "one of the best avenues to potentially get some meat on the bones of the allegation that came through that started [Crossfire Hurricane], to get somebody talking about what that reality was, even if the reality was, this guy Papadopoulos knows nothing or...this is what happened that actually explains that predication.... [I]t was one of those few avenues...available to us in that moment, where you could start to get some clarity around...that initial predicking allegation."

Is it fair to say that the purpose of the FBI's use of confidential human sources in Crossfire Hurricane was to
determine the veracity of the allegations that the Trump campaign was involved in Russia's ongoing election interference efforts?

The purpose of using CHSs was to determine the veracity of the information that had come from the friendly foreign government and that had predicated the Crossfire Hurricane investigations.

Mr. Fausett. And I think similar to what you actually stated to our colleagues, but just to be clear about this, with respect to the confidential human sources and with respect to the information that you were obtaining in general, your purpose was to either corroborate or dispel the allegations that had been made. Is that correct?

That is correct.

Mr. Fausett. Beyond Crossfire Hurricane, have you found confidential human sources to be a valuable tool for corroborating or dispelling allegations during the course of your work more broadly?

Yes.

Mr. Fausett. Is it fair to say that, in your experience and generally speaking, confidential human sources play an important role in the work investigating and understanding national security threats?

Yes.

Mr. Fausett. Now, I have always understood sources
and methods to be things that the FBI vigorously protects.

Is that correct in your experience?

Yes.

Mr. Fausett. And why is it important to protect your sources?

Because sources can be burned, sources can run into difficulties, sources can lose access. Any number of things.

Mr. Fausett. Well, what are the risks generally of publicly disclosing the identity of a source?

Well, the source can't operate any longer.

Mr. Fausett. And are there additional risks, are there additional potential risks to the sources themselves?

There can be, yes.

Mr. Fausett. What kinds of risks?

There can be physical risks.

Mr. Fausett. And would there be a special concern about physical risks when you're talking about a source or number of sources who have connections to the Russian Government or Russian intelligence services?

There can be physical risks to that, yes.

Mr. Fausett. Would you say that it's a heightened concern with respect to Russia or the same as it would be for any government or intelligence service?

I would say elevated.
Mr. Fausett. And what's your basis for saying that?

[Redacted] I mean, the Russian Government -- there are any number of news articles that have come out recently regarding how the Russian Government handles internal dissidents and handles individuals who have crossed the administration in Russia.

Mr. Fausett. Okay. Does exposing a source's identity impact the FBI's ability to recruit other sources?

[Redacted] It can, yes.

Mr. Fausett. And I imagine that would be a particular concern if, again, there is a heightened risk of physical harm to the source arising from the disclosure?

[Redacted] Yes.

Mr. Fausett. In situations where a source whose identity is publicly exposed is still a current source for the FBI, in your experience, does disclosing that source's identity make it less likely that the source will continue cooperating?

[Redacted] I think it makes it more difficult for the source to continue cooperating.

Mr. Fausett. And is that for the reasons we discussed prior, or are there additional reasons why it would make it difficult?

[Redacted] I think just generally public exposure of a source makes it difficult for that source to continue
operating in a confidential way, which is the basis of why
we call them "confidential human sources."

Mr. Fausett. Are you aware that the Department of
Justice declassified the FBI's memo summarizing a January
2017 interview with Mr. Steele's primary sub-source, an
interview you participated in, and that shortly after this
memo was posted on our committee's website, a blogger
deduced and Russia Today widely publicized the primary sub-
source's identity?

I'm aware of that.

Mr. Fausett. And do you recall during your interview
with the primary sub-source that they said unless their
name goes public, they're fine when it comes to the source
network, they don't believe they can travel, but feels that
it would be in danger, as he put it, and then it's redacted
after that. Do you remember that back-and-forth with the
primary sub-source?

Can you repeat that? I'm sorry.

Mr. Fausett. Yes. The statement, I'll read you the
exact quote, and this is quoting from your long summary of
the interview on page 42. "Unless his name goes public, he
is fine when it comes to his source network. He doesn't
believe he can travel [redacted] he feels that he would be
in danger, and as he put it, [redacted]."

I recall that.
Mr. Fausett. What are the possible consequences in this case of exposing the primary sub-source's identity?

I'd like to talk to the FBI attorney for a moment, please.

Mr. Fausett. Of course.

[Witness confers with counsel.]

back. I wanted to clarify one point. I am aware of the article that came out regarding the primary sub-source. I am not confirming the accuracy of that article.

Mr. Fausett. Understood.

And the second thing is I don't think -- I think it's unwise to actually speculate whether or not -- the kind of dangers to the primary sub-source.

Mr. Fausett. Okay.

Ms. Zdeb. Could I just jump in before we leave the topic of sources and the primary sub-source? Again, appreciating the reasons why you may not want to speculate about certain aspects of this issue. You said a moment ago that if a particular source whose identity is exposed is a current source for the FBI, that publicly disclosing their identity could make it more difficult for that source to continue cooperating with the Bureau.

If a source whose identity is exposed is similarly situated to the primary sub-source in the sense that they
have their own network of sources that are providing
information to them, is one consequence of publicly
exposing the identity of that primary source that his or
her own source network would then know that the information
they are providing is being provided to the United States
Government such that they might then become more reluctant
to continue providing information to that source who has
been exposed?

That is one potential consequence.

Ms. Zdeb. And you spoke some earlier about the
efforts that the FBI undertook in this case specifically
and might undertake in general in a case where you're
dealing with a source network to identify the different
members of that source network in an effort to run down
information and assess its reliability. We've heard from
other witnesses that, as part of that process, the FBI
might, in the same way you did with the primary sub-source
here, try to recruit and speak directly to the individual
members of that source's own source network. Is that
consistent with your experience?

Yes, that is consistent.

Ms. Zdeb. And so, again, if we're talking about the
situation in which the identity of the source is exposed
and that source has his own source network, if the FBI has
been trying to identify and cultivate relationships with
individuals in that source network, I would imagine the FBI's job would be made more difficult if the identity of the primary source is exposed.

I would agree with that.

Ms. Zdeb. And this may be getting into another area where you don't wish to speculate, but I will just ask you anyway. Are you aware that yesterday the Wall Street Journal published an article purporting to identify the individual who is called "Source 3" in Christopher Steele's reporting?

I'm aware of that news article.

Ms. Zdeb. And so to the extent the public disclosure of a source can place that source at risk, can deter the FBI from recruiting future sources, and can make it more difficult for the FBI to develop or retain a relationship with that specific source, would those risks be present in this case with respect to Source 3 if, in fact, Source 3 were publicly identified?

I think I'd prefer not to address that specific hypothetical in this situation.

Ms. Zdeb. Fair enough.

Mr. Fausett. I would just ask one quick follow-up on that, and I apologize if my colleague asked it while I was distracted. But, hypothetically speaking, generally speaking, not specific to this case, if an individual is
publicly identified as a source, even if they are not actually the source, can there be -- in your experience, are there harms that might befall the person identified in that manner?

Potential harms, yes.

Mr. Fausett. And what would some of those potential harms be for that source?

In a hypothetical, it depends on the situation. So there can be reputational harms. There can be financial harms. There could even be physical harms, depending on the scenario.

Mr. Fausett. Okay. I want to sort of broaden out from the primary sub-source to the topic of the Steele dossier generally and just follow up with some of the questions that our colleagues asked you earlier.

The first thing I want to do is to just put Mr. Steele's election reporting in some context. Crossfire Hurricane, as we've all heard, was opened on July 31, 2016. The Inspector General determined that the Crossfire Hurricane team didn't even become aware of Steele's reporting until September 19th and that "the Steele dossier played no role in the opening of Crossfire Hurricane."

Are you aware of any evidence that disputes that finding from the Inspector General?

No.
Mr. Fausett. Inspector General Horowitz testified to our committee last December that the Carter Page FISA warrant application errors relating to Christopher Steele did not call into question "any part of the Special Counsel's report." As someone who is in the unique position of working in both the Crossfire Hurricane team and supporting the Special Counsel's office, are you aware of any evidence that disputes Inspector General Horowitz's testimony that the Carter Page FISA warrant application errors do not call into question any part of Special Counsel Mueller's report?

No, I am not aware of any evidence contradicting that.

Mr. Fausett. Similarly, former Deputy Attorney General Rod Rosenstein, who supervised the Special Counsel's investigation, testified before our committee in June. Senator Feinstein asked him to identify which findings in Special Counsel Mueller's 448-page report relied on information from the Steele dossier. Mr. Rosenstein said, "I don't believe there is any such information."

Do you have any evidence that contradicts Deputy Attorney General Rosenstein's testimony that no findings in the 448-page Mueller report rely on the Steele dossier?

No, I have no evidence.
Mr. Fausett. Deputy Attorney General Rosenstein also testified that none of the 199 criminal counts resulting from the Special Counsel's investigation relied on information obtained from Mr. Steele. Do you have any basis to disagree with Mr. Rosenstein's statement?

No, I have no basis to disagree with that.

Mr. Fausett. Okay. Just to be clear about what we're saying here, you don't have any evidence or reason to believe that Special Counsel Mueller or his team relied on the Steele dossier for any of the 199 criminal counts their office charged. Is that right?

That is correct.

Mr. Fausett. You talked a little bit earlier with our colleagues about the Validation Management Unit at the FBI and the unit chief's conclusion reflected at pages 185 and 186 of the Inspector General's report that Mr. Steele's election reporting had not been corroborated in the main. You took issue with this characterization and told the Office of the Inspector General that there's a distinction between allegations and facts and that it would not be appropriate to characterize all the factual information in Steele's reports as uncorroborated. And I think I heard you mention sort of the difference in your head between facts and allegations in response to some our colleagues' questions earlier, but I really want to give you a chance
to kind of clarify this point.

Can you elaborate? What is the difference between allegations and facts and what could or could not or has or has not been corroborated with respect to Mr. Steele?

So with respect to the Steele reporting, the Steele reporting details any number of allegations of involvement of certain figures in certain actions and then talks about interactions with Russian Government officials. It talks about interactions in different areas. It talks about personnel and individuals in Russian entities in different countries. So the distinction I would make would be that many of the individuals noted, not all of which would be very well known in open sources, are mentioned in a number of Steele reports, and the distinction between facts and allegations would be many of the names, entities, individuals, individual positions could be corroborated, but the actual allegations and the actions described in those reports could not be corroborated.

Mr. Fausett. If I'm hearing you correctly -- and I want you to please correct me if I'm paraphrasing you wrong.

Okay.

Mr. Fausett. But it sounds like you're saying those facts in Mr. Steele's reporting that could be corroborated through normal factual research, checking with other
agencies, checking with your holdings, et cetera, they were corroborated. The more complex, in some cases subjective allegations in the reporting that frankly are more difficult to corroborate, that's where there was no corroboration generally. Is that a fair --

I'm not sure I would describe it as the more subjective aspects or elements. I think what I would say is we were able to corroborate a great deal of the, again, Russian names, Russian positions, some of which were not very well known in open sources, some of which I'm not sure were in open sources, many of the -- the kind of context, but in terms of the core allegations of many of the reports, we were not able to corroborate, many of the core allegations, I would say.

Mr. Fausett. And would you say that many of those allegations would be difficult to corroborate in general?

Yes, absent, I think, probably very good sources.

Mr. Fausett. Okay. You were also asked about a December 2016 meeting that you and other FBI officials had with professional contacts of Mr. Steele. Notes taken by Bill Priestap and Peter Strzok suggest that these contacts provided some negative feedback about Steele, including poor judgment and pursuing people with political risk but no intel value. And this is coming from, again, the
Inspector General's report. You also talked a little bit at a separate meeting you did not attend involving Bruce Ohr where Mr. Ohr reportedly said that "Steele was desperate that Donald Trump not get elected and was passionate about him not being the U.S. President."

I just want to be clear about this. Do a source's motivations or biases automatically render any information they provide false, not credible, or unreliable?

No.

Mr. Fausett. In fact, you told the Office of the Inspector General that whether Steele's reporting -- I'm quoting now from page 102 -- "whether [Steele's] reporting was `opposition research' that was politically motivated was not an issue" -- that's an accurate quote?

That is an accurate quote.

Mr. Fausett. And that's because you would want to independently -- and I'll quote you again -- "vet the reporting to determine whether its contents were accurate."

Is that correct?

That is correct.

Mr. Fausett. What impact would the inability for the FBI to rely on any source who has demonstrated a motivation or bias have on the FBI's ability to do its work?

It would be very difficult for the FBI to do its work.
Mr. Fausett. And why is that?

Because all sources have different forms of bias.

Mr. Fausett. Okay. When the Office of the Inspector General asked Mr. Steele about the "desperate" comment from Mr. Ohr, Mr. Steele said that he "was concerned that Trump was a national security risk, and...had no particular animus against Trump otherwise." That's coming from page 94 of the report. Do you have any basis to dispute Mr. Steele's characterization of his own words?

I don't have any basis to dispute Mr. Steele's characterization of his own motives.

Mr. Fausett. Okay. I do just want to briefly touch upon this footnote that came up, Footnote 350 from the Horowitz report, which initially was redacted, it was subsequently unredacted, and this has led to some assertions in the public sphere that the contents of the Steele reporting may have been, at least in part, the product of a disinformation campaign by the Russian intelligence services. There are also, frankly, some statements in the public sphere about you -- not by name, obviously, but by position title -- I think at one point labeling you as "indifferent" to that threat and providing a grossly inaccurate statement to the Office of the Inspector General concerning your awareness of that threat.
So I really just want to give you an opportunity to clarify. What did you mean when you spoke to the Office of the Inspector General about the concern that the Russian intelligence services may have penetrated the campaign? You had said -- it's quoted in the report in Footnote 342 that you had no information as of June 2017 that Steele's election reporting network had been penetrated or compromised. I just want to give you a second to explain. What did you mean, and what was your awareness of this threat generally?

So I think I'm going to just let that statement stand as it is.

Mr. Fausett. Okay. All right. More generally, on the question of the motivations for the Crossfire Hurricane investigation and the team and its members, our committee held a 6-hour hearing with Inspector General Horowitz last December. A number of allegations were made against the FBI during that hearing and subsequently repeated at other hearings and meetings of the committee. We believe these allegations have been investigated and answered by the Inspector General in his report, but I'm going to ask you a few questions about them because we continue to hear these allegations from people who don't have firsthand knowledge or evidence about Crossfire Hurricane.

The Inspector General found that there was no
documentary or testimonial evidence of bias impacting the
FBI's work in the Crossfire Hurricane investigation.
Nevertheless, there have been allegations that there was
"tons of evidence of bias." So I want to ask you, did
political bias impact any of your actions in connection
with Crossfire Hurricane?

Mr. Fausett. Do you have any evidence that political
bias otherwise impacted the FBI's work in Crossfire
Hurricane?

Mr. Fausett. It's been alleged that the FBI engaged
in a "massive criminal conspiracy over time to defraud the
FISA Court." Do you have any evidence that the FBI engaged
in a "massive criminal conspiracy over time to defraud the
FISA Court"?

Mr. Fausett. It's also been alleged that the FBI
"purposely used the power of the Federal Government to wage
a political war against a Presidential candidate they
despised." Do you have any evidence that FBI agents
purposely used the power of the Federal Government to wage
a political war against then-Candidate Donald Trump?

Mr. Fausett. Do you have any evidence that the FBI
wanted to attempt a coup against President Trump?

No.

Mr. Fausett. Some people have asserted that the Crossfire Hurricane investigation was a hoax or a witch hunt intended to hurt President Trump politically. Was it your goal to hurt President Trump politically?

No.

Mr. Fausett. Do you have any basis for believing that Crossfire Hurricane was part of a "deep state" effort to take down President Trump?

No.

Mr. Fausett. There have also been allegations, even more, that the purpose of the Crossfire Hurricane investigation was to change or nullify the results of the 2016 election. Was that your goal personally?

No.

Mr. Fausett. Do you have any evidence that the overall goal of Crossfire Hurricane was to change or nullify the results of the 2016 election?

No.

Mr. Fausett. When you joined the Crossfire Hurricane team at the beginning of August, did you have a predetermined outcome in mind for the investigation?

No.

Mr. Fausett. Throughout your time on the Crossfire
Hurricane team, did you ever get the sense that other
members of the team had a predetermined outcome in mind?

No.

Mr. Fausett. From your perspective, having served on
its entire duration, what was the goal of Crossfire
Hurricane?

It was -- the goal of Crossfire Hurricane
was to determine whether or not the truth of the foreign
friendly government information was accurate.

Mr. Fausett. The Inspector General's report documents
several steps that the FBI took to ensure that the
Crossfire Hurricane counterintelligence investigation did
not impact the 2016 election. I'll quote the report here
from page 308: "...multiple witnesses told the OIG that
they were very concerned about preventing leaks regarding
the nature and existence of the Crossfire Hurricane
investigation."

Why was it so important to keep the nature and
existence of the investigation private?

Because we didn't want the investigation
to impact the election.

Mr. Fausett. In its report on the midyear exam
investigation, the Office of the Inspector General
recommended that, "The Department consider providing
guidance to agents and prosecutors concerning the taking of
overt investigative steps, indictments, public announcements, or other actions that could impact an election."

Now, there was no formal guidance to that effect, at least to our knowledge, while you were working on Crossfire Hurricane. But the Crossfire Hurricane team nevertheless took steps to avoid actions that could impact the 2016 election. Is that correct?

I'd have to go back and take a look at -- I'm unclear about what you mean exactly there.

Mr. Fausett. Well, let me just ask it in a more open-ended way. In your experience, did the Crossfire Hurricane team take any steps to make sure that they did not affect the 2016 election?

We were very cognizant about not taking steps to interfere in the election or taking steps that would interfere in the election.

Mr. Fausett. And an open-ended yes or no question. Were there any steps that you took that you would not have ordinarily taken in a run-of-the-mill investigation, whether national security or criminal, that you took in connection with this investigation because of the sensitivity of the investigation?

Not to my recollection.

Mr. Fausett. Okay. The existence of Crossfire
Hurricane remained private until months after the election when, in March 2017, FBI Director Comey disclosed it to Congress. So the steps that you and members of the team did take to keep the existence of Crossfire Hurricane a secret from July 2016 to March 2017 were successful, were they not?

I'd like to talk to FBI counsel for just one moment, please.

Mr. Fausett. Sure.

[Witness confers with counsel.]

back. I wanted to make a point that your use of the term "you" in there, you know, there are steps that can be made that I am not involved in and was not a decisionmaker in or things of that sort. So I just want to be clear, when you're asking "you," I can speak to my own experience and my own observations and things of that, but I'm not -- I can't speak on behalf of the entire Crossfire Hurricane team, and I can't speak on behalf of the entire FBI for that.

Mr. Fausett. Sure. Just to simplify this a little bit, as just a basic factual matter, I think we all agree, but I want to make sure that you agree, that Crossfire Hurricane was not publicly disclosed until March of 2017. Is that right?

That is correct.
Mr. Fausett. And were you aware of any leaks of Crossfire Hurricane's existence broadly before that point in time?

No.

Mr. Fausett. Okay. If the existence of the investigation had been publicly known before the election, might that have harmed President Trump's campaign in some way?

It potentially could have harmed the election, yes.

Mr. Fausett. Could it have made it less likely that President Trump would have won the election?

I don't know if I'm going to speculate on that or not.

Mr. Fausett. Do you think if a member of the Crossfire Hurricane team had been conspiring to prevent then-Candidate Trump from being elected, they could have publicized the existence of the investigation if they wanted to?

I'm not going to speculate on that either.

Mr. Fausett. Okay. Is it fair to say that the Crossfire Hurricane team sought to avoid doing anything that could be construed, either then or now, as being political?

One more time with that question, please?
Mr. Fausett. Sure. Is it fair to say that the Crossfire Hurricane team sought to avoid doing anything that could be construed, then or now, as being political?

I believe that is fair, yes.

Mr. Fausett. And why was that important for the Crossfire Hurricane team to do?

The Crossfire Hurricane team had a job to do, and public revelation of that job would make it more difficult for us to do that job.

Mr. Fausett. Okay. I think, Sara, one last -- if you have anything, but I think we're done with this round. So thank you.

[No response.]

Mr. Fausett. Zach, do you want to move ahead or take a break?

Mr. Somers. Why don't we take 5 minutes and then come back?

[Recess at 3:05 p.m. to 3:20 p.m.]

Mr. Somers. Okay. Let's start up here again. It is 3:20. We'll start with what will hopefully be our final round or at least full round of questioning.

when we left off last round, you got a number of questions from the minority about the primary sub-source, but I'm going to have to take you back to the primary sub-source a little bit because of where we left
off when we ran out of time in the previous round.

On Roman v of the IG report, it states that, "Steele himself was not the originating source of any of the factual information in his reporting. Steele instead relied on a Primary Sub-source for information, who used his/her network of sub-sources to gather information that was then passed to Steele."

Do you agree with that characterization on Roman v of the introduction to the IG report?

I agree with that characterization.

Mr. Somers. So I think in a previous round with the minority you talked a little bit about, you know, whether it mattered or how much it mattered there were differences between what Steele reported in his dossier and what the primary sub-source actually had to say when the FBI eventually interviewed him numerous times. And I guess my question is: Given that you agree -- I can understand, obviously, sometimes there's differences between what sources and sub-sources may report, and sometimes those may be insignificant, sometimes they may be significant. But I would think that given that Steele was not the originating source of any of the factual information in his reporting, would you agree that maybe in this case the importance of those differences was actually important, the significance of those differences was actually important?
I don't think I'm saying that the significance of the differences wasn't important. I guess what I'm saying is that you have discrepancies that have to be figured out and noted, and the fact is that talking to the primary sub-source, there were differences and there were distinctions and there were discrepancies that were documented in that interview and that needed to be resolved.

I wouldn't say it necessarily, you know, negated Steele's reporting, but it just meant that there were things that then needed to be investigated, and there were things that needed to be resolved.

Mr. Somers. But if Steele had a bunch of sources versus going the way he did his operation through the primary sub-source, I would think discrepancies may be more understandable than they are in this case where the primary sub-source was the originating source of the factual information in Steele's reporting.

So I think as I described in the IG report, the discrepancies noted could be any number of levels. You could have a discrepancy between what the primary source told Steele and what Steele reported. You could have a discrepancy between what the sub-source told the primary sub-source and what was told to Steele. There's any number of levels of where those discrepancies
are, and so in that sense, what you have to do is determine the best you can as to where those discrepancies might be and to determine how to resolve those discrepancies.

Mr. Somers. Okay. Let me ask a similar question. On page 133 of the IG report -- it's actually a question that the OI attorney asked the case agent, but I'd like to kind of ask it to you. And the OI attorney on September 30, 2016, in an email asked the case agent and the Crossfire Hurricane team, "If the reporting is being made by a primary source, but based on sub-sources, why is it reliable -- even though second/third hand?" What's your answer to that question, especially in the September 30th time frame?

I guess I would answer to the extent of reliability, you're looking at two aspects of reliability there, is what I would think of. One aspect of reliability is: What types of reporting has Christopher Steele given in the past and what of this source has been used in the past, if any? And I guess the second question you would ask is: What can be in a short amount of time -- given the time frame that you're talking about here, what in a short amount of time can be vetted -- and, again, going back to my distinction between facts and allegations -- to determine whether there's something reliable or whether the reporting's reliable?
Mr. Somers. So what did you learn about Christopher Steele's previous reporting? I mean, is it just what you got from the handling agent?

Yes. At that time, yes.

Mr. Somers. So what if in the previous reporting Christopher Steele didn't use a primary sub-source? What if he was out talking to sources on his own? Isn't that almost a completely different scenario?

Maybe a slightly different scenario, yes.

Mr. Somers. Okay. So I'm wondering, like how much -- you know, who did you talk to to understand what Christopher Steele's previous reporting to the FBI was?

So, again, I wasn't focused on Christopher Steele's previous reporting to the FBI during this time. I was focused on vetting this reporting.

Mr. Somers. But you said part of vetting that reporting was understanding his reliability to the FBI and previous reporting?

I said that's one angle of reliability that one could use, yes.

Mr. Somers. So you didn't --

In this case -- in this case, we were more focused on the character of this reporting and trying to confirm and disconfirm this reporting.

Mr. Somers. Okay. So other than talking to the
handling agent, you didn't do anything to look into Christopher Steele's previous reporting to the FBI?

At that point, yes, that is correct.

Mr. Somers. So you get the Steele reporting on September 19 of 2016, and at some point prior to January 24th of 2017 you identify, locate, and interview the primary sub-source. Do you know why it took so long to identify, locate, and interview the primary sub-source?

Actually, I might characterize that as a very short amount of time to identify an unidentified primary sub-source. I don't necessarily agree with -- I don't agree with your characterization of it took a long time.

Mr. Somers. Okay. That's fair. There were -- by January 24th, two FISA applications had been submitted. Is that correct?

That is correct.

Mr. Somers. Okay. Prior to identifying and interviewing the primary sub-source, did you believe he was Russian-based, as is stated in the FISA applications?

I believed he was Russian-based up until we had an identification -- once the identification was strong yet tentative, I knew that he -- if it was the person and we confirmed it was the person, it wouldn't be a Russian-based source. And when we were able to actually
confirm that it was the person, we knew it wasn't a Russian-based source.

Mr. Somers. Is that January 2017 when you were able to actually confirm?

Correct.

Mr. Baker. Would that have triggered any interest in going back and looking at prior Steele reporting when something that maybe wasn't specifically asserted, but there was certainly an allusion given that it was a foreign-based reporting. Would that have -- when it was learned that that's not -- and we've heard from previous witnesses that there was sort of a surprise and maybe shock -- maybe that's my word -- of what and where information was really coming from, would that have triggered any need or interest in going back to look at previous Steele reporting?

I don't know necessarily if that in particular would have triggered a need. I knew we went back and looked at previous Steele reporting probably around -- I think I looked at the Delta file in the November time frame. But I don't recall that this particular identification of a sub-source precipitated the feeling like we needed to go back and look at Steele's previous reporting.

Mr. Baker. So in the last round, our Democratic
colleagues went through a list of things, one of which --
and I'm paraphrasing; correct me if I've got it wrong --
was the idea, the concept, the fact that just because a
source might have a contact or an affiliation with a
foreign intelligence service -- and I'm thinking this might
be similar in the criminal world. Just because a source
has some contact with a criminal or a criminal enterprise
doesn't necessarily mean that the information they're
giving is incorrect or should be disregarded. Is that
correct?

I would say that's correct.

Mr. Baker. In this particular instance, once the
identity of this primary sub-source is known, was there
anything subsequently learned that would cause questions
about what the accuracy of that information might be?

On the basis of the sub-source's identity?

Mr. Baker. Yes.

I don't recall anything kind of raising to
the concerns that this was fabricated or anything of that
sort on the basis of who we had identified the sub-source
to be.

Mr. Baker. So there was nothing considered that even
presented the possibility that any information coming from
this individual could be part of a disinformation campaign?

So I would say --
Mr. Heberling. Can I just interject here? I just want to make sure -- you're speaking sort of broadly. This is Brian Heberling. answers here are qualified by the conversation we had previously. He's not going to get into anything -- into any prior investigation or other information like that.

Mr. Baker. Okay.

Mr. Somers. Going back to this -- well, I think some of our other witnesses might have been -- I'll use the word "surprised." Art used the word "shocked." Were you surprised that the primary sub-source was based in the United States?

I don't remember being shocked. It was unexpected, but I don't think I would characterize it as "shocked."

Mr. Somers. Okay.

Ms. Zdeb. If I could briefly interject for the record, I think Mr. Baker was maybe taking a few liberties with the prior witnesses' testimony. None of the prior witnesses have used the word "shocked" to describe their reaction. I just wanted to clarify that for the record.

Mr. Somers. Sure. So once you learned the primary sub-source is U.S.-based, the FISA applications all say that he's Russian-based. Do you think that should have been corrected with the Foreign Intelligence Surveillance
Again, I don't -- I am not involved in the probable cause analysis of FISAs, and I don't write FISA applications. That would be on the investigative and operational side.

Mr. Somers. I thought I read somewhere -- I don't have it at my fingertips here -- that you actually raised this issue, though, with, I believe, either OGC or the OI attorney and questioned whether that should be changed.

I believe you're referring to the March email I had with the OGC attorney when I was reviewing the initiation as well as the first renewal for potential release to Congress, and we were evaluating what could be -- what needed to be redacted and what could be left unredacted. And in that email, I noted to the OGC attorney that there was still the line of Russian-based in that and wondered if that needed to be changed.

Mr. Somers. And what response did you get back?

I did not get a response back.

Mr. Somers. Did you understand that at least at some point in time -- maybe it was after the interview, maybe it was before -- that the primary sub-source had some sort of contractual or some sort of employee-employer relationship with Christopher Steele or Orbis Business Intelligence?

I believe that came up during the
interview itself.

Mr. Somers. Do you believe that should have been disclosed to the FISC?

[Redacted] Again, that's not -- I'm not the one who evaluates what needs to be disclosed to the FISC and what doesn't need to be disclosed to the FISC.

Mr. Somers. What was your role in writing the -- what we have is a 57-page summary of your 3-day -- the FBI's 3-day interview with the primary sub-source. What was your role in writing that summary?

[Redacted] I was the primary writer.

Mr. Somers. And was that summary written as -- was it a compilation of 302s put into one document, or was it written that way as a 57-page --

[Redacted] It was written that way. Excuse me. I need to speak to the FBI attorney one moment.

Mr. Somers. Sure.

[Witness confers with counsel.]

[Redacted] back. Could you repeat the question, please?

Mr. Somers. Yes. I think what I was asking you was whether the 57-page summary was sort of an original document or whether it was put together based on 302s of the interview with the primary sub-source.

[Redacted] It was not based on 302s, no.
Mr. Somers. Were there 302s separate from the 57-page summary of that interview?

So there were drafts that were put together that were shared with the case agent, and then from that I compiled the full document and sent that to the case agent, and the case agent uploaded it to our system of record.

Mr. Somers. Okay. The input -- so you drafted it. You sent it to the case agent for his review. Is that correct?

Correct.

Mr. Somers. Was his review -- was that all done electronically, by email, or by making edits? Or did you guys have conversations about it?

I think my recollection was via email. I don't recall there were many edits going on back and forth.

Mr. Somers. Okay. Did you discuss the interview with the case agent after it took place?

I don't recall extensive conversations about it, but I'm sure we did.

Mr. Somers. Did you discuss the interview every day after it was -- after each session was completed with the case agent?

I think we had kind of a little bit of after-action, but it wasn't an extensive amount.
Mr. Somers. Okay. So you complete eventually this 57-page-long summary that we've been provided. What did you do with this summary once it was completed?

I provided the summary to the case agent, and the case agent subsequently entered it, as I said, into our system of record.

Mr. Somers. What is your system of record?

One second so I can talk to the FBI to make sure I use the exact proper criteria and language for this classification level.

Mr. Somers. Okay.

[Witness confers with counsel.]

back.

Mr. Somers. Okay.

So it was inserted into our system of record, which is called "Sentinel," "FBI Sentinel."

Mr. Somers. So once it was in Sentinel, who had access to this summary?

Everybody on the Crossfire Hurricane team would have had access to it.

Mr. Somers. What about Peter Strzok?

I believe so.

Mr. Somers. Bill Priestap?

I believe so.

Mr. Somers. What about Lisa Page?
I don't know about that.

Mr. Somers. What about either the Director or the Deputy Director?

Don't know about that either.

Mr. Somers. All right. So you complete the summary. That's the written document. Were there any meetings about the primary sub-source interview?

I don't recall having any group meetings about the primary source interview. This was the period of time where we weren't really having team meetings as it was the January to March period.

Mr. Somers. Did it come up in any other meeting?

I provided, again, a two-page summary that was provided to a number of people, and I believe that -- yeah, I did a two-page summary that was provided to a number of people.

Mr. Somers. Okay. Did you ever discuss the primary sub-source interview with Peter Strzok?

Not to my recollection.

Mr. Somers. Or Bill Priestap?

I may have with Bill Priestap, but I don't recall exactly.

Mr. Somers. The Director?

Not to my recollection.

Mr. Somers. The Deputy Director?
Again, not to my recollection.

Mr. Somers. Lisa Page?

Again, not to my recollection.

Mr. Somers. What about the OGC unit chief?

I don't recall having a conversation with the OGC unit chief either.

Mr. Somers. SSA-1?

I'm not sure I had a talk with SSA-1 about it.

Mr. Somers. What about -- I think I might -- I think the SSA-1 may have rotated off by that point in time. The supervisory special agent in charge of the Carter Page investigation, did you --

I may have discussed it -- I may have discussed it with SSA-2.

Mr. Somers. Did you discuss it with -- you may have? You don't recall?

I don't recall exactly.

Mr. Somers. What about with Jen Boone?

I believe, yes, with Jen Boone.

Mr. Somers. And what did you discuss with her?

I think she was one of the recipients of the two-page summary memo, if I recall correctly.

Mr. Somers. Did you discuss any inconsistencies between the Steele reporting and what the primary sub-
source told you with Jen Boone?

I don't recall going into detail about the inconsistencies with Jen Boone.

Mr. Somers. Do you recall discussing the inconsistencies with anybody at the FBI?

I don't recall -- outside of documenting the interview, I don't remember conversations where we outlined or discussed the inconsistencies.

Mr. Somers. How about anybody at DOJ?

Not to my recollection.

Mr. Somers. At some point in time, the representation switches in the FISA, I think for the final two renewals, that the sub-source was truthful and cooperative. Do you recall that language?

I do recall that language.

Mr. Somers. I think on page 190 of the IG report, it says -- and this is not the IG report saying it. It's what is in the FISA applications going forward: "the FBI found the Russian-based sub-source to be truthful and cooperative." Do you recall where that language came from?

I do not recall where that language came from.

Mr. Somers. Did you believe the primary sub-source to be truthful and cooperative?

I think my statement to the IG was
something along the lines of, "I don't think I could say a
blanket statement covering truthful and cooperative there.

Mr. Somers. Okay. On page 211 of the IG report, it
says, "The Supervisory Intel Analyst said that the
information from the interview with the Primary Sub-source
provided details used to identify sub-sources referenced in
Steele's reports, which assisted with the investigation."
Is that accurate?

That is accurate.

Mr. Somers. That sounds like there's like an extra
step in there, though. Why didn't you just ask the primary
sub-source who his sources were?

Can you ask that again? I'm not sure I
understand what you mean by a separate step there.

Mr. Somers. Well, it says the primary sub-source
provided details used to identify sub-source's reference in
Steele's reports. Instead of getting details from the
primary sub-source that would then allow you to identify
sub-sources, did you ask the primary sub-source who any of
his sources were?

No. We asked the sub-source who his sub-
sources were, and he provided information, and then we were
able to find other additional information about them.

Mr. Somers. So you didn't use details to identify
sub-source's reference in Steele's reports?
I think the -- I would say that the sub-source provided information during the course of the interviews, including the names of some of his sub-sources that helped us to basically then build additional information on those sub-sources.

Mr. Somers. Okay, but not identification, just additional information about those sub-sources?

Right -- again, I'm kind of unclear. I would say during the interview the sub-source gave us the names of some of his sub-sources.

Mr. Somers. So that's how you would identify them. Maybe we're just talking past each other. So I think you've answered my question, though. He gave you the names of some of his sub-sources.

Yes.

Mr. Somers. So, again, further down on page 211, it says, "However, in some instances, statements the Primary Sub-source made about what his/her sources told him/her -- and what he/she then provided to Steele -- were inconsistent with information attributed to his/her sources in Steele's reporting, as well as in the first Carter Page FISA application and Renewal Application No. 1....most team members told us that they either were not aware of the inconsistencies or, if they were aware, did not make the connection that the inconsistencies affected aspects of the
FISA applications. Further, Case Agent 1 and the Supervisory Intel Analyst told us that the Primary Sub-source may have been `minimizing' certain aspects of what he/she told Steele."

Why didn't you make other members of the Crossfire Hurricane team aware of the inconsistencies?

Again, I documented the inconsistencies, as I am required to do, and those inconsistencies were put into the file, and that file was available to people on the Crossfire Hurricane team.

Mr. Somers. But you didn't take the -- you did not take the further step of going and talking to anyone about the inconsistencies?

Again, the case agent was there. The case agent is the one who maintains the FISA. I don't think I necessarily felt like I needed to go with the case agent being there.

Mr. Somers. I'm not asking whether you needed to. I'm just asking whether you did.

I don't recall going and talking to people affirmatively about inconsistencies.

Mr. Somers. Okay. And at the end of that quote, that long quote I just read, it says that the "Case Agent...and the Supervisory Intel Analyst told us that the Primary Sub-source may have been `minimizing' certain aspects of what
he/she told Steele." What did you mean by that?

I think what I meant by that at the time was that many -- I mean, these reports had now been open in the press and that there may have been situations in which Steele was attempting to distance -- I'm sorry, excuse me. Not Steele. The primary sub-source was attempting to distance himself or to minimize some of what he had told Steele when talking to the FBI in this instance.

Mr. Somers. And so you, I believe, said that you did not believe the primary sub-source -- you said the primary sub-source may not have been completely truthful. Would minimization be part of that?

I think I would -- I think yes, I would say minimization could be part of that.

Mr. Somers. Did you ever see the -- do you recall whether you ever saw the truthful and cooperative note in the FISA applications?

I don't recall seeing that in the FISA application.

Mr. Somers. Did you have any involvement in the June -- June or July 2018 13A letter to the FISA Court?

Not to my recollection, no.

Mr. Somers. "However, the Supervisory Intel" -- this is on page two -- somewhere around 244 or 245. It has your impression that the sub-source may not have been completely
truthful and may have been minimizing certain aspects of what he/she told Steele. "However, the Supervisory Intel Analyst told the OIG that, on the whole, he did not see any reason to doubt the information the Primary Sub-source provided about who he/she received his/her information from, which was the Supervisory Intel Analyst's focus."

So on the whole you believe the primary sub-source was being truthful?

I believe the primary sub-source was being truthful about who his sub-sources were. I don't think he was fabricating sub-sources.

Mr. Somers. What about -- yes, he might not have been fabricating sub-sources. Do you think he was on the whole truthful about everything he said in the interview?

I think he was truthful with respect to relating what his sub-sources were telling him.

Mr. Somers. Did the interview, the January interview with the primary sub-source give you any pause about using the -- continuing to use the Steele dossier information in the subsequent FISA applications?

I don't recall it giving me pause.

Mr. Somers. Did it cause you to reassess the Steele reporting in any way?

I think it led us to think that we had to do additional digging to determine whether or not we could,
again, confirm or disconfirm any of this. It meant we had
more work to do.

Mr. Somers. How did you convey that more digging
needed -- I'm assuming -- you said "we" needed to do more
digging. I assume that means the analysts that -- maybe
among others that worked for you. How did you convey that
they needed to do more digging?

I had analysts start to look at some of
the sub-sources and to determine, again, using the same
type of evaluating FBI holdings, OGA holdings, open source,
to see whether or not we could pull any information on any
of the sub-sources provided by the primary sub-source.

Mr. Somers. Do you know if your analysts had reviewed
the 57-page summary?

My analysts had seen parts, if not the
whole, of the 57-page summary, yes.

Mr. Somers. And then at some point after the primary
sub-source interview, I believe -- and I believe this
relates to the primary sub-source interview -- you told the
IG's office -- I think it's on page 190 of the IG's report:
"The Supervisory Intel Analyst explained that the team
members believed that an interview with Steele 'would be a
good way of potentially looking to see whether or not [the
Primary Sub-source] is giving us accurate information [or]
did [the Primary Sub-source] tell [Steele] something
different.'" Is that an accurate reflection in the IG report of your --

That is an accurate reflection, yes.

Mr. Somers. And I believe that it further says that that interview didn't occur until September of 2017. Do you know why it took so long for the interview to occur? I say --

I do, but I --

Mr. Somers. Go ahead.

I do, but I wouldn't be able to talk about it in this forum.

Mr. Somers. Did anyone ever consider not using the Steele dossier information in the two FISA applications that were filed during that time period?

Not to my recollection. But, again, I wasn't the one who was drafting the FISA applications.

Mr. Somers. But you don't recall any discussion of, hey, maybe we ought to put a pause on using the Steele information until we talk to him again?

I don't recall any discussions of that.

Mr. Somers. On page 192 to 193 of the IG report, it says, "FBI documents reflect that another of Steele's sub-
sources who reviewed the election reporting told the FBI in August 2017 that whatever information in the Steele reports that was attributable to him/her had been `exaggerated' and
that he/she did not recognize anything as originating specifically from him/her. The Primary Sub-source told the FBI that he/she believed this sub-source was `one of the key sources for the "Trump dossier"' and the source for allegations concerning Michael Cohen and events in Prague contained in Reports 135, 136, and 166, as well as Report 94's allegations concerning the alleged meeting between Carter Page and Igor Divyekin. The Supervisory Intel Analyst told us that he believed this Steele sub-source may have been attempting to minimize his/her role in the election reporting following its release to the public."

Is that your recollection that you believed this Steele sub-source may have been attempting to minimize his/her role in the election reporting?

In some things, yes.

Mr. Somers. Why did you assume that they were trying to minimize versus being truthful?

Unfortunately, information regarding this sentence, I'm just going to have to let stand what's in there because in this forum I wouldn't be able to discuss this in any form in a way that would be at the level at which we are right now classification-wise.

Mr. Somers. Okay. But you did believe that the source was minimizing?

In some aspects, yes.
Mr. Somers. And you were aware of the information from a highly credible source regarding Cohen and the events in Prague? I think you testified to that earlier.

Correct.

Mr. Somers. But even given that information, you still thought the source was minimizing.

I'm not -- I think in this case, I think, again, where I thought the source was minimizing or what the source was minimizing about I don't think I can talk about here in this forum.

Mr. Somers. Okay. So you don't think the source -- there's something specific that you think the source was attempting to minimize?

I think there were some aspects that were specific that the source was trying to minimize, yes.

Mr. Somers. Did they relate to Michael Cohen and events in Prague?

Again, I'm not going to talk about that.

Mr. Somers. I think you spoke about minimizing, and you said there were "any number of reasons that a source might minimize." Is that accurate?

I believe that's accurate.

Mr. Somers. Would one reason that a source might minimize be because the source was an agent of a foreign government?
That's possible, but if a source was an agent of a foreign government and attempting to -- attempting to cede information to the United States, I'm not sure they would minimize in that sense. They might want to actually give more details, depending. I think it's very circumstance-dependent.

Mr. Somers. We talked about this some earlier, I think at least with regard to Divyekin. Hopefully I'm pronouncing his name correctly, although I'm not sure he'll be offended if I'm not. And I'd just like to ask -- and you may not know. I mean, you're not -- obviously, you said you're not the author of the FISA application. But I'd just like to run through three pieces of exculpatory -- what I'll characterize as exculpatory information just for purposes of asking the question. But I'd just like to ask you why this material, if you know, did not make it into the any of the Page FISA applications, the first being, you know, do you know why the Divyekin -- the Page denial of even knowing Divyekin, why that did not make it into the FISA application?

Again, as an analyst, I'm not a lawyer. I don't -- I'm not involved with the probable cause evaluation within a FISA. I would say I'm not the right person to ask that question.

Mr. Somers. Okay. Do you know why the Page denials
regarding his involvement in the Republican platform regarding Ukraine did not make it into the FISA applications?

I would give the same answer.

Mr. Somers. And what about Page's denials that he literally never met Paul Manafort and never said one word to him? Do you know why that didn't make it in the FISA applications?

I would give the same answer.

Mr. Somers. Did you use all this material, though, in analyzing other material, all these confidential human source recordings of Page?

I think some of the information taken from CHS interactions were analyzed and used in analysis, yes.

Mr. Somers. Do you know why Page's relationship with the CIA, previous relationship with the CIA, did not make it into the FISA applications?

Again, I'd give the same answer as before. I'm not a lawyer. I don't evaluate probable cause assessments with respect to FISA applications.

Mr. Somers. Do you know why information that Person 1 was an egotist, a boaster, and, according to Steele, may exaggerate -- may engage in embellishments didn't make it into the FISA application with regards to the information provided by Person 1?
Mr. Somers. Okay. I think to start the interview, I had asked you whether you'd reviewed the IG report, read or reviewed the IG report, and you had answered that you had. In reviewing the IG report, did you review the 17 significant errors and omissions identified by the IG?

I understand that there were 17, yes.

Mr. Somers. Do you agree that there were errors and omissions?

I wouldn't be the person to evaluate whether or not those are errors or omissions.

Mr. Somers. Did you review the 50 or so Woods errors in the appendix to the IG report?

I read through those, yes.

Mr. Somers. Do you agree that those were errors?

Again, I'm not the person to make the assessment as to whether or not those were Woods errors.

Mr. Somers. The IG's office also determined that the Crossfire Hurricane team's receipt of Steele's election reporting on September 19, 2016, played a central and essential role in the FBI's and the Department's decision to seek the FISA order. Do you agree with the IG's assessment that the Steele reporting played a central and essential role?

I have no reason to disagree with the IG's
assessment on that point.

Mr. Somers. Getting back to these 17 errors and omissions, whether or not you agree whether they're errors or omissions, were you aware of any of these errors -- what the IG characterizes as errors and omissions prior to the initial or any of the subsequent renewals of the Carter Page FISA application?

[Redacted] Again, I'm not going to -- I'm not going to characterize one way or another whether something's an error and omission. I'm not the person to actually --

Mr. Somers. I'm asking you -- I'm asking whether you were aware of the fact. I'm not asking you to characterize. There's 17 what the IG characterized as errors and omissions, and I'm asking whether you were aware of any of them prior to the filings of the Carter Page initial or renewal FISA applications.

Mr. Heberling. You know, Zach -- it's [Redacted]. I don't really think it's fair to put 17 on his memory. If you want to take any one of them at a time and ask him factual questions, that's fine. But I certainly couldn't remember all that, and I don't think we should put on [Redacted] memory what he recalls or doesn't recall about 17 errors and omissions, at least as alleged by the IG.

Mr. Baker. While Zach is looking at that, I just have a general question, certainly in the context of Crossfire,
but, I mean, if you could also include in your answer a broader scenario. Was there a concern at the FBI -- again, specifically to Crossfire, but maybe more broadly, was there a concern about leaking of things coming out of the Hoover Building that weren't supposed to come out to the press or just in general a concern about leaks?

I would say there's always a general concern about leaks, but I also know that in the IG report, it was documented that there were concerns about leaks and the potential for leaks with respect to the Crossfire Hurricane investigation.

Mr. Baker. Were you aware at the time that there had to be enhanced operational security or there had to be, you know, bringing people into Washington Field -- were there actually steps taken in the forming of the Crossfire team or the investigation to recognize the potential for leaks?

I think to my recollection the very fact that it was done as a "headquarters special" was part and parcel of trying to minimize the potential for leaks.

Mr. Baker. What exactly is a "headquarters special"?

I think it's -- a headquarters special is nomenclature that's used to designate maybe a special project or an investigation that the decision is made to actually run it out of headquarters rather than having a field office run it.
Mr. Baker. But yet there were parts of this that were still or subsequently run by field offices. Is that correct?

Yes, because the Crossfire Hurricane investigation morphed over time in terms of structurally.

Mr. Baker. So then there was no further concern about the leaks that ultimately started the case as centralized at headquarters? There was no longer a concern about that?

I think there was always a concern about leaks, but the fact is the Crossfire Hurricane structure morphed and changed over time.

Mr. Baker. Was there -- I mean, I understand there's always a concern about leaks, but was the culture at the FBI during this time one where there were a high incidence of leaks that was causing concern for the managers?

I'm going to talk to FBI counsel for just a moment.

Mr. Baker. Sure.

[Witness confers with counsel.]

back. Would you mind repeating the question for me, please?

Mr. Baker. I was just asking the centralization of the case initially --

Excuse me. Sorry. We're getting a lot of feedback here. Let me figure out what this feedback is.
Mr. Baker. That sounds quiet now.

How about now? It's better now.

Mr. Baker. Yeah, it sounds good.

Apologies.

Mr. Baker. The centralization of the case at headquarters initially, it seemed to be there was a concern about leaks, and then subsequently there's cases that are spun back out to the field. I was just curious. Was there no longer a concern about leaks? And then sort of as an add-on to that, was the concern about leaks just a general operational concern, or was there a heightened incidence of leaks at FBI headquarters during this time?

I do not recall any heightened concerns about leaks out of FBI headquarters.

Mr. Baker. But the reason for the centralization initially of the case was to keep a close hold?

Correct.

Mr. Baker. Were there operational impediments because it was being run out of headquarters rather than being run out of a field office?

I wouldn't say operational impediments, but as is discussed in the IG report, there were -- you know, there's no evidence room at headquarters and the like. So there are aspects that still have to be -- there still has to be interaction with field offices.
Mr. Baker. So even though it may be or it may seem centralized, the field office is really never completely cut out of it because they have capabilities -- because they're used to running investigations, they have capabilities that headquarters just normally wouldn't have?

I would say that's a fair statement, yes.

Mr. Baker. Okay.

Mr. Somers. Just on leaks, I think you -- and I don't want to rebut questioning from the last round, but I think you did characterize that there weren't many leaks or something to that extent in the last round with the minority. But I'd just ask you, you're aware of a September 23rd Yahoo News article, are you not, "U.S. intel officials probe ties between Trump adviser and Kremlin" by Michael Isikoff? You're aware of that article?

I am.

Mr. Somers. You're aware of an October 31, 2016, article in Mother Jones, "A Veteran Spy Has Given the FBI Information Alleging a Russian Operation to Cultivate Donald Trump"?

I am.

Mr. Somers. And are you aware of a February 2017 New York Times article about contacts between the Trump campaign and Russia?

I am.
Mr. Somers. Okay. That's all I have.

Mr. Baker. I just have two quick points, one sort of clean-up. Earlier, but not so long ago, regarding the learning that the primary sub-source was domestically based, I had said that maybe the word "surprise" -- and I said "shock" might be my word. I want to make it clear for the record that I had the impression from the answer given by the witness to, I believe, my question in a previous deposition was including both verbal and nonverbal communication, and I was definitely given the impression that the reaction to learning the source, the primary sub-source was domestically based was more than just a "casual surprise."

And then, finally, at some point I think you said earlier you left the Crossfire team because the work had been absorbed by the Special Counsel's office?

Yes, that would be correct.

Mr. Baker. And what time period would that have been?

It would have been May of 2017.

Mr. Baker. And when --

Mr. Somers. So when the Special Counsel -- just to be clear. This is probably clear to everybody, but I'm just not recalling it. When the Special Counsel's team is formed, the Crossfire Hurricane team basically went away? I mean, they may have been subsumed, but there was not a
separate Crossfire Hurricane team at the FBI while the Mueller investigation is ongoing. Is that correct?

That is correct.

Mr. Somers. Okay. Thank you.

Mr. Baker. I guess my final point or question, how long were you on the Special Counsel team from the time that you -- or the case was absorbed over to the Special Counsel and you reported, how long were you on the team from that time?

May of 2017 until middle of 2019.

Mr. Baker. Okay. And I ask this sort of as a follow-up to the leaks questions, but also just I'm curious for operational security. When you left, were you instructed or were you aware of anybody that was instructed to "wipe their phones"?

No.

Mr. Baker. Thank you.

Mr. Somers. I think that's all we have. I don't know if the minority has another round. Obviously, they could raise something that could cause us to ask a few more questions, but we're complete in principle.

Mr. Fausett. I think we're in a position to move forward. We don't have much at all. But, No, I want to give you the chance if you want a break.

No, I think we can go forward.
Mr. Fausett. Okay. So I just want to kind of build on one topic of conversation in this last round, which was this notion of the primary sub-source being Russia-based and then not Russia-based, and just a basic question. Could an individual have meaningful relationships or insights into the activities of a foreign government even if they don't live in that country?

Yes.

Mr. Fausett. And just again, I'm sure it's apparent to you, but for the record, why is that the case?

Communication changes make it possible to keep in communication with individuals and even securely communicate with individuals globally.

Mr. Fausett. All right. And I think really the last two rounds there were a number of questions that you were asked about the Carter Page FISA applications and some of the errors that were identified by the Inspector General in his report, and I just want to follow up with a couple of questions.

First, to put the FISA errors in context, only 14 pages of the 448-page Mueller report addressed Carter Page, and in December of last year, when Inspector General Horowitz testified before our committee for 6 hours about the errors he identified in the Page FISA applications, he stated the errors do not call into question "any part of
the Special Counsel's report." Having worked in support of both Crossfire Hurricane and the Special Counsel's office investigation, do you have any evidence that the Page FISA errors call into question any of Special Counsel Mueller's findings?

I have no evidence to suggest that it calls into question the Special Counsel's findings.

Mr. Fausett. Okay. The Inspector General recommended a number of corrective actions, including changes to the Woods form and the FISA request form, which are designed to ensure that OI at National Security Division receives all relevant information, including confidential human source information, needed to prepare FISA applications. Director Wray has accepted and agreed to implement all of the Inspector General's recommended corrective actions.

Do you have any reason to believe that the FBI is not taking appropriate steps in response to the Inspector General's report?

No, I have no reason to believe that.

Mr. Fausett. Do you have any reason to believe that the corrective actions that the Inspector General recommended and which the FBI is now taking will not adequately address the errors that the Inspector General identified?

I don't have any reason to believe that.
the policies and procedures that they're putting in place on the basis of the recommendations of the IG report won't help the FBI in that area.

Mr. Fausett. Do you have any recommendations of your own beyond those provided by the Inspector General for improving or reforming the FISA process?

I would not be in a place to actually make recommendations as to how to reform or improve the FISA process.

Mr. Fausett. The Inspector General noted, and I'm going to quote from Footnote 499 of the report now, "members of the Crossfire Hurricane team told us that their performance should be assessed in light of the full scope of responsibilities they had in 2016, in connection with the FBI's...counterintelligence investigation, and that the Carter Page FISA was a narrow aspect of their overall responsibilities."

Is there any additional contextual information about your responsibilities as a member of the Crossfire Hurricane team that you think is important to a full understanding of the errors that the Inspector General identified?

I don't think I have any comment on that.

Mr. Fausett. You were asked earlier about an email you sent to FBI lawyers in September of 2016 forwarding
claims from Steele Report 94 that Carter Page secretly met
with a Kremlin-tied official Igor Divyekin -- I'm not sure
how you pronounce it, but I'll go with that -- in July
2016. In that email, again, you asked, "Does this put us
at least *that* much closer to a full FISA on [Carter
Page]?" That's on page 125 of the report.

At the time you sent that email, just to be clear, you
had not yet had an opportunity to speak with the primary
sub-source. Is that correct?

That is correct.

Mr. Fausett. So when you asked the FBI lawyers
whether the excerpt from Report 94 would be helpful in
pursuing the FISA warrant, you had no independent reason to
question the credibility of Mr. Steele's reporting at that
point. Correct?

That's correct.

Mr. Fausett. And, in fact, you told the Office of the
Inspector General that earlier that same day you had
"researched information on Divyekin that elevated the
significance of this particular allegation." Is that
correct?

That is correct.

Mr. Fausett. I think we had a little back-and-forth
with your attorney about the characterization of that
question, so I just want to be clear here. Did you ask the
lawyers, the FBI lawyers, whether the excerpt from Report 94 would be helpful in pursuing a FISA warrant because you were politically biased against Donald Trump?

No.

Mr. Fausett. Did you ask it because you had an anticipated outcome or a preferred outcome in mind for the investigation?

No.

Mr. Fausett. In fact, you told the Office of the Inspector General -- I'm quoting from page 125 of the Horowitz report -- that you "wondered whether OGC would find that this information, along with the totality of the other information on Carter Page, brought them closer to probable cause on Page." Isn't that why you sent the email?

That is correct.

Mr. Fausett. And in your experience as an intelligence analyst at the FBI, is it unusual for an analyst to want to know whether there's enough evidence in hand to warrant a Court order for surveillance?

That is not uncommon.

Mr. Fausett. And why is that?

I mean, again, analysts aren't the ones that are making the probable cause assessment.

Mr. Fausett. And I think you've been very clear
about, you know, the role that you have played with respect
to the FISA applications, so I don't want to go through
that litany again. But I do want to be clear about one
thing. To the best of your knowledge, were any of the
reports -- or any of the errors, excuse me, identified by
the Inspector General in his report the result of political
bias?

Again, not to my knowledge.

Mr. Fausett. To your knowledge, did anyone in an FBI
leadership role, whether it's Director Comey, Deputy
Director McCabe, Peter Strzok, or anyone else in your chain
of command direct you or any other member of Crossfire
Hurricane to commit any of the errors identified in the
Inspector General's report?

The errors that are alleged in the report, not to my -- no. I would say the answer is no.

Mr. Fausett. All right. Sara, I'll defer to you if
you have any others.

Ms. Zdeb. I have nothing else other than to say thank
you very much, for your time and for being with
us. We also wanted to acknowledge that it is -- we
recognize that it is not the norm for the FBI to make
someone at your level and your position available for this
sort of interview, and, in fact, as we understand it, it is
contrary to their typical practice in investigations such
as this one. And so we appreciate your time today. Thank you.

Thank you. Yes, thank you.

Mr. Somers, it's . Before we go off, can I add one thing to the record?

Mr. Somers. Sure.

You and I exchanged an email offline. I just want to make clear for the record that , whose name came up on a couple different occasions, was not at the time and is not now to my knowledge an SES employee. So we would request that his name be redacted in any transcript.

Mr. Somers. Sure. Just to clarify on that subject, I think I was asking who his DADs were during the Crossfire Hurricane investigation. I think we got Dina Corsi being one. Were there others?

Sorry, that were in my chain of command in terms of DADs?

Mr. Somers. Yes, in your chain of command.

So, again, at the beginning of Crossfire Hurricane, the chain of command went me to Moffa to Priestap. The second part of -- the second part, excuse me, of Crossfire Hurricane, which would have been the January to late March period, the chain of command went from me to Moffa to Dina Corsi to Priestap. And then in
the third chain -- or the third period, excuse me, the
March to June period, it would have gone from me to the
individual that [REDACTED] just mentioned has to be redacted to

Priestap.

Mr. Somers. So that individual is the intel section
chief?

[REDACTED] No. On the third it would not be the
intel section chief. He had a position -- he would have
been an SSA at that point, I believe. Or a unit chief? A
unit chief. Sorry.

Mr. Somers. I'm sorry. Okay. So a unit chief. So
no DAD and no section chief?

[REDACTED] Correct.

Mr. Somers. Okay. I think that's all we have. I
just wanted to clear that up since we were taking the
individual's name off the record. I do want to thank you
for appearing remotely today, taking the time out of your
day to discuss these matters with us, and we appreciate
that.

Mr. Baker. Yes, thank you very much.

[REDACTED]. Zach, this is [REDACTED] jumping in real
quick. There were two references during, I believe, the
first round to an OGA that I think were classified, and you
indicated that you would make sure they were redacted. I
just want to make sure that that gets followed through.
Mr. Somers. Yeah, I said the name of an agency, and I shouldn't have. Is that what you're referring to, [redacted]? Yes. I just wanted to make sure that it didn't get lost in the --
Mr. Somers. Yeah, we'll take that out of there, since now I've really highlighted it by saying I shouldn't have said that.
All right. If that's everything, we'll go off the record.
Mr. Linehan. Hey, Zach? Zach?
Mr. Somers. Yes?
Mr. Linehan. Before we go off the record, I just want to confirm that we'll have an opportunity to review the transcript?
Mr. Somers. Yeah, if we decide to release the transcript, we will give you an opportunity to review it.
Mr. Linehan. Great. Okay, thank you.
Mr. Somers. All right.
Mr. Baker. Thank you, everybody.
Mr. Fausett. Take care, everyone.
[Whereupon, at 4:24 p.m., the interview was concluded.]
*** 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.
APPEARANCES:

SENATE JUDICIARY COMMITTEE:

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Chief Investigative Counsel

ARTHUR RADFORD BAKER, ESQ.
Senior Investigative Counsel

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Legislative Affairs
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EXAMINATION BY

COUNSEL FOR THE MAJORITY:  PAGE

By Mr. Somers:  10, 79, 141

COUNSEL FOR THE MINORITY:

By Ms. Zdeb:  62, 130, 187, 192
MR. SOMERS: Good morning. This is a transcribed interview of [redacted]. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee into matters related to the Justice Department's and the Federal Bureau of Investigation's handling of the Crossfire Hurricane investigation, including the application for and renewals of the Foreign Intelligence Surveillance Act warrant of Carter Page.

Will the witness please state his name and current position with the FBI for the record.

THE WITNESS: [redacted] and I'm the Assistant Special Agent in Charge for Counterintelligence at the FBI [redacted] Field Office.

MR. SOMERS: Thank you. On behalf of Chairman Graham, I want to thank you for appearing today and we appreciate your willingness to appear voluntarily.

My name is Zachary Somers. I'm the Majority's chief investigative counsel for the Judiciary Committee, and I would now like to ask everyone else who's here in the room to introduce themselves for the record other than your personal counsel, who I'll get to in a few moments.

MR. BERGER: Thanks.

MR. BAKER: Arthur Baker, senior investigative counsel for Majority staff, Chairman Lindsey Graham.
MS. ZDEB: Sara Zdeb, senior counsel for the Minority staff, Ranking Member Feinstein.

MR. CHARLET: Joe Charlet, counsel for the Minority staff, Ranking Member Feinstein.

MR. Brian Zimmerman with Chairman Johnson's office.


MR. : , senior counsel, Department of Justice Office of Legislative Affairs.

, FBI OGC.

, FBI OGC.

, FBI OGC.

, FBI OGC.

MR. SOMERS: The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I'd like to go over.

Our questioning will proceed in rounds. The Majority will ask questions for an hour and the Minority will have the opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more questions and the interview is over.

Typically, we take a short break at the end of each hour of questioning, but if you'd like to take a break apart from that, please let us know.

As I noted earlier, you are appearing today
voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that you decline to answer our questions or if counsel instructs you not to answer, we will consider whether a subpoena is necessary.

As you can see, there is an official reporter here taking down everything that is said to make a written record. So we ask you to give verbal responses to all our questions.

Do you understand that?

THE WITNESS: I understand.

MR. SOMERS: So that the reporter can take down a clear record, it is important that we don't talk over one another or interrupt each if we can help it.

The Committee encourages witnesses who appear for transcribed interviews to freely consult with counsel if they so choose, and you are appearing today with counsel.

Counsel, please state your names for the record.

MR. BERGER: Sure. Lawrence Berger.

MR. KOUKIOS: James Koukios.

MS. VIJ: Vanshika Vij, Morrison Foerster.

MR. SOMERS: We want you to answer our questions in the most complete and truthful manner possible. So we'll take our time. If you have any questions or if you don't understand one of our questions, please let us know.

If you honestly don't know the answer to a question or do not remember it, it is best not to guess. Please give us
your best recollection and it is okay to tell us if you learned
the information from someone else.

If there is anything you don't know or can't remember,
just say so and please inform us who, to the best of your
knowledge, might be able to provide a more complete answer to
the question.

You should also understand that although this interview
is not under oath, you are required by law to answer questions
of Congress truthfully. Do you understand that?

THE WITNESS: I understand.

MR. SOMERS: This also applies to questions posed by
congressional staff in an interview. Do you understand this?

THE WITNESS: I understand.

MR. SOMERS: Witnesses who knowingly provide false
testimony can be subject to criminal prosecution for perjury
and for making false statements. Do you understand this?

THE WITNESS: I understand.

MR. SOMERS: Is there any reason you are unable to
provide truthful answers to today's questions?

THE WITNESS: No.

MR. SOMERS: Finally, we ask that you not speak about
what we discuss in this interview with anyone else outside of
who is here in the room today in order to preserve the integrity
of our investigation.

That is the end of my preamble. Do you have any
questions before we begin?

☐☐☐: Not a question, just one comment: The FBI wants to note for the record that these are extraordinary circumstances in which a non-SES current onboard FBI agent is appearing for a voluntary transcribed interview.

MR. SOMERS: Thank you for making him available under the circumstances of this investigation.

It is now 10:20 and we'll begin our first hour of questioning.

EXAMINATION BY THE MAJORITY

BY MR. SOMERS:

Q. ☐☐☐, have you had a chance to review the IG's December 2019 report on the Carter Page FISA application?

A. I have.

Q. And, for the record, are you the individual that's identified as SSA 1 in the IG report?

A. I am.

Q. Other than your personal attorneys and the attorneys here from DOJ, did you speak with anyone in preparation for today's interview?

A. No.

Q. The FBI's Crossfire Hurricane investigation, as you are aware, was opened on July 31, 2016. What was your position at the FBI when the investigation was opened?

A. I was supervisory special agent assigned to the
Washington Field Office.

Q. What was your specialization or role, however you would characterize it, in that position you had?

A. I was supervisor of the

BY MR. BAKER:

Q. Is your career primarily as a counterintelligence agent?

A. It is.

Q. You've been in the FBI as a special agent how long?

A. Eighteen years.

Q. And how much of that time was counterintelligence, to the best of your recollection?

A. Sixteen years.

Q. So you are a counterintelligence agent; that's your expertise for lack of a better term?

A. Yes.

MR. BAKER: Thank you.

BY MR. SOMERS:

Q. Do you recall exactly when in relation to July 31st you were assigned to the Crossfire Hurricane investigation?

A. I believe I was contacted by Peter Strzok on the Friday prior. I think it was July 29th.
Q. When you say "contacted", what were you contacted about?

A. Peter Strzok asked me to come talk to him and asked me enter into a TDY.

Q. Did you need approval from the Washington Field in order to enter into that TDY?

A. I did.

Q. When did you receive that?

A. I believe immediately after I spoke with Peter Strzok.

Q. Immediately after. So you started Crossfire Hurricane at its inception, maybe a couple of days prior to the official electronic communication opening of the investigation?

A. I agreed to support FBI Headquarters in a TDY for whatever they needed at the time.

Q. And when did you rotate off? When did that TDY end?


BY MR. BAKER:

Q. When you say "TDY", for the record, you're talking about what?

A. A temporary duty assignment.

Q. And that's an assignment away from your normal place of assignment?
A. That is correct.

Q. To another place of assignment for a period determined between you and that other place?

A. That's correct.

Q. And the agreement for this was for how long?

A. Sixty to ninety days.

Q. Did you know Mr. Strzok previously? What were the circumstances that he calls you for this?

A. I knew Peter Strzok when he was a supervisor at the Washington Field Office for the SBI Squad and I was a case agent in another squad.

Q. So you had a professional relationship with him prior to his call?

A. We did.

BY MR. SOMERS:

Q. So what did you do?

You went back to the Washington Field on January 6th when the TDY ended. What was your role at FBI then?

A. I resumed my role as the supervisor of the.

Q. And did you keep any involvement in Crossfire Hurricane after January 6th?

A. Only when contacted by Headquarters, not official. I was not assigned there.

Q. And you physically moved your location from
Headquarters -- I'm sorry -- from Washington Field to Headquarters when you -- at some point after July 29th?

A. That's correct.

Q. And moved back to Washington Field on somewhere around January 6th, physically?

A. Physically, yes. That's correct.

BY MR. BAKER:

Q. And it's from Washington Field that you were promoted to your current assignment?

A. That is correct.

BY MR. SOMERS:

Q. And what types of things were you asked to do after January 6th when you said you were contacted?

What were those contacts about, the continuing contacts about Crossfire Hurricane?

A. Sure. I was contacted and requested to do a subject interview of an individual that we will testify today about that matter. I also was contacted and requested to make contact with an individual in the Washington, D.C. area that could provide information on Crossfire Hurricane. That was also in January.

Q. Is that someone other than Bruce Ohr?

A. That was someone other than Bruce Ohr.

Q. Who was that individual?

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
time to be a subsource of Christopher Steele.
5 Q. Okay. Any other things you were tasked with?
6 A. I received information from an individual that
wished to provide information to the FBI. I interviewed that
individual in April, I think, or in May of 2017 and then later,
during the Special Counsel efforts, I supported my squad,
provided my squad support to the search of Paul Manafort's
residence in Alexandria.
7 Q. Did you have any interactions with the agents
preparing -- so you left on January 6th. I think there would
have been three FISAs applied for or renewed --
8 A. Correct.
9 Q. -- after January 6th. Did you have any
interaction with the agents preparing those FISAs in relation
to --
10 A. I had no interaction with agents preparing those
FISAs.
11 Q. In relation to preparing those FISAs?
12 A. Correct.
13 Q. That was after your Crossfire Hurricane move.
14 So before you were on Crossfire Hurricane, did you have -- so
let's just start this way: What was your understanding in the early days as to what it was you were going to be investigating as part of Crossfire Hurricane?

A. On July 29th, I reviewed an email from a leg. att. that provided lead information to the FBI. I reviewed that email and it was determined that the FBI needed to interview the original source of that information, and that was the extent of what I did prior to Crossfire Hurricane opening.

Q. And what was your understanding of what, say, like the first two or three weeks of the Crossfire Hurricane or when it was opened, like what it was that the FBI was investigating?

A. Sure. So we had a full investigation, typical factual basis that there was a threat to national security based on the information that we received from a friendly foreign government, and then, separately, I interviewed individuals from the friendly foreign government to establish that from the original source. Based on that information, the friendly foreign government provided Crossfire Hurricane or the FBI with information that George Papadopolous had received, that George Papadopolous provided to the friendly foreign government that the Trump team received a suggestion from the Russians that the Russians had damaging information on Barack Obama and Hillary Clinton and planned to release it anonymously.

That was the information at the time that we had and
the team was working on an investigative strategy in the weeks
that we're talking about.

Q. So you traveled to a European city on August 1st
to talk to this friendly foreign government official; is that
correct?

A. That is correct.

Q. Do you know what day it was? Was it August 1st
you talked to them or was it shortly thereafter?

A. I'll have to refer to my 302. I don't recollect
the time.

Q. But you didn't stay in this European city for
days waiting to talk to somebody?

A. No.

Q. What explanation, if any, were you given as to
why you opened Crossfire Hurricane based on the friendly foreign
government official's information on Sunday, July 31st and
traveled on August 1st to go interview that friendly government
official? Why not wait until after the official had been
interviewed to open the investigation?

A. It's common practice. You receive lead
information and then you go out and you can open an investigation
based on lead information and then you can go out and
substantiate what you heard from the source. Sometimes in the
Bureau, you might not have that opportunity. In this case, we
did.
Q. I didn't hear that last part. You said we did?

BY MR. BAKER:

Q. Is your mic off?

A. The mic was off, yes.

MR. BAKER: Thank you.

THE WITNESS: So in this case, the last part that you might not have heard is sometimes you do not have the opportunity to get at the original source to interview him or her. In this case, we did.

BY MR. SOMERS:

Q. I guess my question is since you had that opportunity, obviously, since you traveled on the 1st, you knew you were going to have that opportunity. What would have been lost by waiting until the 4th or the 5th or whenever it was that you interviewed the source?

I read the EC and the EC is largely the information from that source, largely what the investigation was predicated on. So I'm wondering why not wait five days instead of opening it on a Sunday afternoon, evening, whatever?

A. So I'm not willing to speculate on that. It's common practice. There wasn't anything wrong with it.

Q. Yeah. I was not asking whether there was anything wrong with it. I was just asking if you were given any reasons why.

A. No.
BY MR. BAKER:

Q. But it wouldn't be unusual?
A. It was not unusual.

Q. You had said earlier, just to get it on the record, that you opened a full investigation. What is a full investigation? What distinguishes that from a less than full?
A. A full investigation, you need an articulable factual basis that a threat to national security exists. A preliminary investigation, you need information or an allegation.

I thought that we had a pretty articulable factual basis as opposed to the lesser standard.

Q. So you could go right to the full?
A. Yes.

Q. And what is the distinction between the two? What does a full get you that a preliminary doesn't?
A. I would have to pull up the dialogue. It's a laundry list of all of the techniques. The full investigation gives you additional investigative techniques.

Q. And a preliminary can eventually go to a full to use more enhanced techniques?
A. It can.

Q. You also used the term that you had a conversation with or you got a call from the leg. att. For the record, what is that?
A. Legal attache. The FBI has legal attaches that are our representatives.

Q. And that would be an FBI agent or --
A. Yes. It was an FBI agent.

Q. And they are situated in embassies?
A. That is correct.

Q. Okay. So they are liaisons, for a lack of a better word, for that country's law enforcement needs in the FBI?
A. That's correct.

BY MR. BAKER:

Q. Were you, if you know, the first member of the Crossfire Hurricane team?
I mean not from Headquarters.
A. As a special agent, I believe so.

Q. Did you help select any of the other members of the Crossfire Hurricane team?
A. I did.

Q. What were you looking for? Why were people selected, just generally?
I'm not asking why any particular individual was selected, but what was the search?
A. Their professional experience.

Q. And they were selected from different field offices or from Headquarters?
A. Different field offices.

BY MR. BAKER:

Q. Was there a Bureau-wide canvass to look for interest in this or did you or Mr. Strzok or whoever have an idea based on the program that this case would fall under or you had an idea what the talent in the Bureau was that you personally reached out to?

A. It was your latter answer to that. We were looking for skill sets and subject matter expertise in particular areas.

Q. Do you know -- I'm just curious. If you know, what would be the average time in the Bureau or counterintelligence experience? Was there anybody really junior that came on or you were actually looking for people that had proven track records in that program?

A. We were looking for people that had subject matter expertise in Russian foreign counterintelligence. I don't think we specifically said they need to be a certain time there.

BY MR. SOMERS:

Q. Were these people that you knew or you were just looking for -- or was it a combination? Were you just looking for particular expertise, you said there's a counterintel agent in "X" field office and let's pull them in, or were these people 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 and some that I didn't.

3 Q. How many FISA applications have you worked on in your career at the Bureau?

4 A. Fifty, just a generalization, a ballpark.

5 Q. Yeah. And what's your -- what were the different roles you have been when preparing those FISA applications?

6 MR. BERGER: You can answer. If you can answer, go ahead.

7 THE WITNESS: As an agent and then as a supervisor most recently.

8 BY MR. SOMERS:

9 Q. And these were on -- these FISA applications were for investigations you were working?

10 A. Yes.

11 Q. Are you familiar with the Woods procedures?

12 A. I am.

13 Q. How did you gain that familiarity?

14 A. Training.

15 Q. What type of training? Specific training on a Woods file or training more generally -- I'm sorry -- Woods procedures or training more generally?

16 A. The FBI has various training in the Virtual
1 Academy that prepares you for FISA applications as well as Woods procedures.

3 BY MR. BAKER:

4 Q. Did you -- you're an ASAC now. You were an SSA. As part of your career development, did you ever travel with an inspection team to audits of national security files and a 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, knowledge, and expertise you developed in the Woods procedures?

13 A. Yes, sir.

14 Q. And you acted, I believe, as an assistant inspector and actually checked these files for compliance?

16 A. In two of the inspections I did of the three, yes.

18 BY MR. SOMERS:

19 Q. You signed the Woods form in the Carter Page FISA application. Correct?

21 A. That is correct.

22 Q. And how many times prior to that had you signed a Woods form, ballpark?

24 A. Forty prior to that.

25 Q. So there are a few FISAs that you worked on that
you were not the agent signing the Woods form as well?

A. Can you rephrase that question?

Q. Yeah. I'm sorry. That probably was not the greatest question.

So you said you worked on, roughly, 50 FISA applications. You signed the Woods form 40 or so FISA applications. So there's a subset there where you didn't sign the Woods form. Was that because you had a lesser role in those FISA applications?

A. No. I went down to 40 thinking there was probably 10 more after this FISA.

Q. Okay. So you signed the Woods form, you believe, in almost all of the FISAs that you previously worked on, in the ballpark of 50?

A. Correct.

Q. And why were you the one signing the Woods form in Carter Page's FISA application?

A. My role at the time was squad supervisor.

MR. BERGER: Could we just make it clear that we're talking about the FISA 1, the initial application only?

MR. SOMERS: Yes. Sorry.

BY MR. SOMERS:

Q. So as the squad supervisor, it would have been your role to sign the Woods form?

Maybe we should break that down. The case agent also
signed the Woods form. Correct?

A. That's correct.

Q. And what's your role as the squad -- what was -- you also signed the Woods form. You're signing over the case agent's signature?

What's the rationale for you signing, just in general, the Woods form after the case agent signs it?

MR. BERGER: Can I just ask for clarification? Are you talking about initiating the application or any application?

MR. SOMERS: Any. I'm just asking in general. The case agent signs the Woods form.

MR. BERGER: Understood.

MR. SOMERS: Then the supervisor signs the form.

MR. BERGER: You can answer that.

THE WITNESS: So I would sign it after the case agent.

BY MR. SOMERS:

Q. I don't know what a Woods form looks like.

A. Okay.

Q. I guess that's why I'm asking.

So it has a line for both -- I'm trying to -- sorry. It's a very basic question. There is a line for the case agent to sign and for the squad supervisor to sign as well?

A. It is, yes. There is.

Q. And prior to signing that Woods form -- now we're talking about FISA Application No. 1, Carter Page -- had you
reviewed the Woods file?

MR. BERGER: You can answer that.

THE WITNESS: I had. I did.

BY MR. SOMERS:

Q. You did?

A. Um-hum.

Q. What was the -- then I believe the IG report discusses that you and Case Agent 1 -- do you know who Case Agent 1 is?

I'm not asking for his name. I just want to make sure we're both talking about the same person.

A. I do.

Q. You and Case Agent 1 somehow went over the Woods file or the FISA application with the Woods file next to you and then you signed the form? Could you walk me through a little bit more specifically how that happened, how you came to finally sign the Woods form?

MR. BERGER: I need a clarification here, because we have to determine which FISA application he actually reviewed. The FISA application he actually reviewed is lost as far as the -- upon information and belief from the Bureau.

We have been shown subsequently what is represented to be a FISA application that was reconstructed by Case Agent No. 1. We don't have any reliability that that reconstructed FISA application is the same one that ASAC looked at at the
time of his Woods review.

So I'm reluctant to have him answer questions regarding that process, because he would need to have that FISA application in order to refresh his recollection.

MR. SOMERS: I'm just asking him a more general question about he signed the Woods form. The IG report describes that he and Case Agent 1 sat down and reviewed a FISA application and I'm guessing a Woods file and verified that all the facts that were in that FISA application were also in the Woods file, and I'm just asking him to kind of describe that interaction, that meeting or whatever it was, between he and Case Agent 1.

MR. BERGER: I understand.

MR. SOMERS: Before he answers, can we go off and have a conversation?

MR. BERGER: Yes. I understand that, but I want to make one thing clear and that is that the FISA application that the OIG relied upon was the reconstructed -- I learned, we learned, was reconstructed, the reconstructed one and not the original one.

MR. SOMERS: We need to make a correction for the record. The FISA application and the Woods file are two distinct things. There's no indication that I'm aware of that the FISA application has been lost.

I have been made aware that there is an issue with
respect to the Woods file. What we are talking about here, as I understand it, globally, is the first FISA application and the first FISA application only. That was one that this witness was involved in as far as I understand it.

MR. BAKER: So, [redacted], you're saying the FISA application itself is not at issue, but, Mr. Berger, you're saying that's been lost, the original one?

MR. BERGER: Yes. That is my understanding.

[redacted]: Let's go off.

[Counsel confer.]

[redacted]: Subject to any comments or corrections from co-counsel, what we're talking about here is the FISA application, the actual document that's filed with the court. That's the FISA application. That is not lost to my knowledge. That's not been misplaced to my knowledge. That is, I suspect, on file with the court, fully signed and executed and endorsed by the court.

What the witness was talking about and counsel was talking about is the Woods file itself, the original Woods file, is missing. A working draft, probably a final draft, of the FISA application which is now on file with the court would have been worked on by the witness, would have been reviewed between the witness and the case agent. They would have been looking at that final draft, working off of that to correlate it with the Woods file.
The witness', I believe, understanding now is that that final draft that they used during the Woodsing process along with the Woods file has been misplaced or lost.

Any corrections?

I think that's the clarification of what actually may be missing.

So it's the final draft that the witness looked at that's missing.

Is that your understanding?

THE WITNESS: Yes.

MR. BAKER: Okay.

THE WITNESS: What I understand is the final draft as well as the supporting document.

BY MR. BAKER:

And that would have been the exact copy of whatever that you looked at to do whatever you do before you sign?

A. Yes.

And that's missing?

A. Yes, sir.

I would be curious and Mr. Somers can enhance this, but in just general terms, for any FISA where you, as an SSA, are working with a case agent, what does the SSA do, I guess, after the agent does something?

What is it that each of you are doing to that Woods file?
Are you going back through it to look at everything line for
line that the case agent did or are you, as the supervisor,
making sure he did that or some summary of that?

I'm just curious what the difference in
responsibilities is.

A. Per policy, the obligation of the squad
supervisor at that time is to look at the -- take that draft
application that we now know is missing. The case agent has
already either highlighted or underlined facts in that
application. They're usually tabbed and with numbers, and then
there is supporting documentation to each one of those facts;
and in that supporting documentation, it will also be underlined
or highlighted in tabs with regard to how it links back to that
draft application.

Q. What would qualify as acceptable supporting
documentation, just any example you can think of?

I mean, you made an assertion in the application.
You're looking to put something in the Woods file that supports
that assertion. Would it be like a 302 or some sort of other
document?

A. Sure. 302s, ECs, tech cuts.

Q. You're looking, you and your case agent, you're
looking to see that there is such documentation; you're not
diving into the documentation to see if it's true or doing a
separate investigation --
A. Correct.

Q. -- into what resulted in that being generated in the first place?

A. At that point in the review, by policy and by obligation, it was just to ensure that there was that fact there.

Q. So are you looking, as the SSA, are you looking at exactly what your agent did and just redoing that or are you doing something together?

What is the result -- what happens to result in a finding that this documentation is in our Woods file, we'd done this task and we can move to something else? What do you both come to agreement on that that's been done?

A. I've done it a few ways and it is done in a few ways. Sometimes you're sitting with the agent. Sometimes the agent prepares it in advance and brings it into your office and you review it on your own. You're looking for that one-to-one correlation, and then once that's complete, you sign the Woods verification form.

Q. And if you have a question, you can go back to your agent and say, you know, I don't understand why you're saying this supports this; you might have a difference of opinion whether something is in there or not at a big level or, at a more micro level, whether what's in there really supports what the assertion in the application is and you could go back to your agent for clarification and you have that back and forth?
A. That's the practice and policy, yes, sir.

MR. BAKER: Thank you.

BY MR. SOMERS:

Q. So do you recall how you did it in this case, the first Carter Page FISA application?

A. It was four years ago. I'll say that, but I don't remember it being different than any other FISA I've done.

Q. So you sat down with Case Agent 1 and went over the Woods file and a Carter Page FISA application?

A. What I know is I believe I signed it at eight, nine o'clock at night. That's what I remember. I was there late, and I know this was no different than any other Woods verification that I've done.

Q. Now, we had some discussion about versions of the Carter Page FISA application. Do you have any reason to believe the version that you ran through the Woods process, that you just walked us through, was substantially different than the version that was filed with the court?

MR. BERGER: I'm going to direct him not to answer that. We don't have enough evidence to judge the reliability of the reconstructed application that he was shown.

[ ]: I think we need to huddle up again.

[Counsel confer and discussion off the record.]

BY MR. SOMERS:
Q. Before I go back to the last question we were asking, just a point of clarification on everything: You only signed the Woods form on the initial Carter Page FISA application?

A. That is correct.

Q. Did you do any work on the second -- the first, second, or third Carter Page FISA application renewals?

A. No.

Q. Okay. Back to -- so if I refer to a Carter Page FISA application, I'll be referring to the initial Carter Page FISA application. If I want to talk about one of the renewals, I'll specifically say "renewal".

Getting back to doing the Woods process for the FISA application, the first FISA application, I just basically want to understand. You and Case Agent 1 sat down at some point in time with the FISA application and the Woods file and verified that the allegations -- and you can rephrase this -- that were in the FISA application were supported by documents in the Woods file; is that correct?

A. That's my recollection.

Q. And at the end of that, was it a meeting? Did you guys sit down together?

A. He was in a bullpen. I was in an office. He was working late at night and I was in my office. So we worked together in the same SCIF.
Q. So you could ask him a question if you had a question?
A. Yes, sir.
Q. But you did the reviewing on your own?
A. I did.
Q. Did you ask him any questions? I'm not asking what they were, but do you think you asked him any questions?
A. I don't remember.
Q. So at the end of that review, you then signed the Woods form?
A. Yes.
Q. And his signature was already on the Woods form?
A. Yes.
Q. Now, I asked you at the beginning if you had reviewed the IG report. As part of your review -- and you said yes. As part of your review of the IG report, did you review -- there's an appendix at the end of the report that has 50 or so errors in the Woods process for the Carter Page FISA application that the IG identified.
Did you review that at all?
MR. BERGER: You can answer whether you reviewed it.
THE WITNESS: I reviewed it.
BY MR. SOMERS:
Q. Do you agree with the IG's findings?
MR. BERGER: I'm going to direct him not to answer
because we don't have the original Woods file and the original FISA application that he reviewed in the Woods process, and whatever he was shown by the OIG is a reconstructed document and there's no reliability that it accurately portrays and represents what he looked at in the original process.

So he's not going to answer that.

BY MR. SOMERS:

Q. Do you have any reason to believe that the FISA application that you reviewed as part of this Woods review that we just discussed was substantially different than that FISA application that was submitted to the court?

MR. BERGER: I'm going to direct him not to answer that.

BY MR. SOMERS:

Q. Are you saying that it's possible that you reviewed a substantially different FISA application than what was submitted to the court?

MR. BERGER: When you say "reviewed", are you talking about when he was with -- reviewed by virtue of the OIG?

MR. SOMERS: No. I'm talking about when he sat down with the case agent or when he sat down in his office, Case Agent 1 presents him with the FISA application, a FISA application, and a Woods file and he reviewed the Woods file and FISA application. What I'm asking is does he have any reason to believe that the FISA application he was given to review for the Woods process was substantially different than the
application that was ultimately submitted to the court.

MR. BERGER: I'm going to direct him not to answer that. He's not in a position to do so, because he does not have the original to review and he has no basis to make a comparison.

He's a fact witness. He's not here to give expert opinion and he has no basis for comparison. I'm going to direct him not to answer.

BY MR. BAKER:

Q. Did you, if you recall, after reviewing the IG report make a statement to the effect that you believed you and/or others involved with the case, that their performance should be evaluated in the totality of the responsibilities that they had in the overall investigation and that the Carter Page aspect was a very small slice or a portion of it?

MR. BERGER: I'm sorry. Could you repeat the question? I'm sorry.

BY MR. BAKER:

Q. Were there other things that you did as an SSA on the case that were not necessarily related to Carter Page that were not taken into account or that you felt were not taken into account in the IG report?

A. Yes.

Q. Could you elaborate on what they were?

A. Sure. I was in charge of investigations and operations throughout the Carter Page. FISA was one component
of what I was responsible for.

Just generally at the time in the summer of the 2016,
I was trying to work the Crossfire Hurricane investigation, also
looking at the threat from Russia, maligned foreign influence.
I was given a monumental task of evaluating a lot of information
that was coming in from indirect streams and trying to evaluate
what is relevant for our information and what is not, which is
constant work in that manner.

Q. Were you also, as the SSA, were you burdened,
for lack of a better word, with administrative duties like
evaluating the agents and other employees below you? Were you
doing performance plans? Were you dealing with the routine
things that go with being a supervisor that don't relate to the
investigation per se?

A. Absolutely, sir. I still conducted the
evaluations of agents that I had at Washington Field Office
at the time. I was also responsible -- I was the program
 coordinator for an integrated program management process in the Bureau that is
a yearly process.

We examine threats and the AOR. I was heavily involved
in that, firearms qualifications to physical readiness tests.

We have a lot of other duties administratively as well
as a supervisor, whether it's parking passes for people at
Headquarters, T.R. numbers for travel. There's a lot of
additional work.

Q. Were you still doing things for your desk at Washington Field even though, I'm assuming, somebody stepped up or was put in there to cover the desk while you were on your TDY, but were you still answering questions from that person?

A. You mentioned some sort of AOR reporting. Were you still kind of doing that desk as well or were you completely divorced of that while you were TDY to work at Headquarters?

Q. There are some things that you can't leave to an acting supervisor, to include performance reviews. That was solely on my watch for that fiscal year as well as, like I said, the TRB process. At times, if there was a major decision for him, he would consult with me.

A. I have a lot of ownership on my squad. We had a primary relief who was very capable. He ran the day-to-day operations we had.

Q. So you're still doing the evaluations and maybe some administrative stuff for your Washington Field desk, but you're also doing the same kind of administrative things in your Crossfire Hurricane desk?

A. That's accurate.

Q. And how many people were on your squad or however you broke it down at Headquarters; how many people were under you as the SSA?

A. It was myself and four other agents.
Q. And did you have support employees as well?
A. We had an SOS assigned to that.
Q. And SOS is what?
A. Staff Operations Specialist. It's more of a tactical analyst.
Q. Then you as the SSA, who did you answer to?
A. Peter Strzok.
Q. And he was, what, a section chief at the time?
A. He was a section chief and later promoted to deputy assistant director.

BY MR. BAKER: Okay. Thank you.

BY MR. SOMERS:
Q. Did you ever read the initial FISA application that was submitted to the court before you rotated off Crossfire Hurricane?
A. I believe so, yes.
Q. So you read the one that was submitted to the court?
A. I don't remember going back and reading the one that was signed by the court.
Q. Well, the one that was signed by the director and deputy attorney general, did you read that application?

[Witness confers with counsel.]

THE WITNESS: I don't remember.

BY MR. SOMERS:
Q. I asked you about the -- and we'll move a little bit past the Woods process questions. I had asked you the 50 or so Woods errors that the IG identified as an appendix to the report. The bulk of the report is about 17 errors, significant errors and omissions identified by the IG.

Are you familiar -- have you read the report and are you familiar generally with those 17 errors or omissions?

A. I have generally.

MR. BERGER: Wait, wait, wait.

When you say familiar with the 17 errors, you mean familiar with what's reported by the OIG as 17 errors?

MR. SOMERS: Yes.

MR. BERGER: You can answer that.

BY MR. SOMERS:

Q. As reported by the IG?

A. As reported by IG.

Q. Do you have any issues with any of those 17 errors and omissions?

MR. BERGER: I'm going to direct him not to answer for the reasons I articulated already. He's not in a position to make such an assessment without a review of that original FISA application. He doesn't have enough knowledge and we don't have any reliability with respect to the reconstructed application.

He can't answer that. He doesn't have the document he
looked at. He cannot make an assessment as to whether the
OIG-reported deficiencies is accurate.

MR. SOMERS: Because, I mean, he can't testify about
whether it was substantially different. So you're objecting
that this document could have been so substantially different
than what was actually submitted to the court, that he can make
no representation as to whether he has issues with any of the
17 errors or omissions?

MR. BERGER: Yeah. Those 17 alleged errors are due to
allegations that there may have been no document to support a
material fact or maybe there was a document and the document
did not support a material fact, and the case agent's position
and duty was to alert a supervisor such as [REDACTED] as to
what those material facts are, the language in the draft.

We don't know what he omitted, and so I cannot attribute
any alleged deficiencies to [REDACTED] without looking at that
original document that he looked at. It's impossible. He
could be looking -- he was looking at a reconstructed item that
may have more alerts than the original one for all I know. I
have no idea.

MR. SOMERS: But we're told the Woods file was
reconstructed, not the FISA application.

MR. BERGER: Well, there was the draft that he looked
at. There's a draft of that application that he looked at that
the case agent, as I understand it, would have made certain
notations and flagged for him to look at so that he could
determine independently de novo whether there was a document
in the Woods file to support it.

I have no idea whether those flags or notations existed
in that original file. It was reconstructed.

MR. BAKER: When you say "reconstructed", what does
that mean?

MR. BERGER: Well, what I mean by that, and you can't
attest to whether the line-by-line text was reconstructed, but
the concern is that, according to policy, it was the role and
duty of the case agent to alert anyone reviewing that file, a
supervisor, to any facts that are material such that they need
to be correlated to a document.

So the case agent will flag a material fact either by
underlining it or notating it somehow or putting a number next
to it, and that alerts the supervisor that, Oh, this is -- he
can read it line by line and alerts the supervisor that, Oh,
this is a material fact that the case agent is pointing out to
me for a policy that I have to then determine whether there is
a corresponding document or evidence to support it.

So if we have what is reconstructed and it has s series
of those alerts, one through a hundred, let's say, Alert 27,
address, Alert 26, whatever it might be, what we don't know is
whether those alerts that existed on the reconstructed one were
the same alerts that were on the original document that the
supervisor reviewed so that if there wasn't an alert with respect to a fact, he wouldn't necessarily be on notice that he's to look for a document.

So OIG concludes that he didn't look for a document.

Well, we don't necessarily know that he was on notice that he had to look for a document.

So we don't have that original file and that's what creates the problem here, because at the heart of this entire matter and personnel law is notice. Right? Notice, what is expected of him.

You're demanding an accounting. How is he to know what he's supposed to do unless he's told per policy what he's supposed to look at? We don't know what that original file alerted him to.

So I'm reluctant to have him answer those questions.

MR. BAKER: I'm still confused who this reconstructed one, who reconstructed it. Did he go back in and redo it?

MR. BERGER: We learned and I believe I learned and we learned on Sunday, August 24th that the file that the OIG relied on and the file that we were being shown by the Bureau of Internal Affairs Unit was reconstructed by the case agent. There is a note in the file indicating that it was reconstructed from the original file on May 18, 2018, and where is the original file?

We asked. No one knows. That's the one we want to look at.

MR. BAKER: So it was reconstructed from the original
1 file?

MR. BERGER: There is a note. It's a non-sworn note saying this file was reconstructed from an original file. That's what it says in so many words, the same for Renewal No. 1, by the way, which is not involved here, but they run into the same problem.

The thing is it was reconstructed. So it really is a hearsay document. So we have Case Agent No. 1 who is saying this is what the original document says and we're supposed to accept that as hearsay with no reliability factor whatsoever.

MR. BAKER: I understand the evidentiary problem. What I don't get is why is somebody reconstructing something from the original when you have the original?

MR. BERGER: That is a mystery that is yet to be resolved.

BY MR. SOMERS:

Q. The original -- the Woods file you reviewed in this process that I said that we're going to move away from, now we're back on, was that a hard copy or were you looking on a computer?

A. It was a hard copy.

Q. Was it a binder?

A. I don't recall how it was.

Q. Was it a thick document? A thin document, to best of your recollection?
If you don't remember, that's fine too?

A. I don't remember.

BY MR. BAKER:

Q. Just a general question, not specific to this particular case: You indicated earlier you've had various training. You had the Virtual Academy and you did a tour or a couple of tours as an assistant inspector, going out and doing Woods file audits.

Do you recall, to best of your recollection, are there -- because of the ex parte nature of this whole process, are there errors that are just prone to come up in these investigations because there's so many people in it and you're pulling information from so many different places?

Are a lot of these errors common in these investigations or it's all over the board and you don't have an opinion on it?

MR. BERGER: I'm going to direct him not to answer that.

MR. BERGER: I'm going to object to that speculation. If you're asking him based on his personal experience, that's fine. If you're asking him to speculate as to applications throughout the Bureau, I don't think that's --

MR. BAKER: I'm asking him his personal experience going around the Bureau as an assistant inspector doing these audits.

MR. BERGER: I'm going to direct him not to answer that question.
BY MR. SOMERS:

Q. Hopefully the last Woods question, just this procedural question: I guess I'd ask procedurally and ask it specifically to this Woods file. Is this something, this form, is it signed late in the process, like on the eve of an application going to the court or is it done earlier in the process, both generally and if you recall specifically in the Carter Page FISA application?

A. It's not always the eve. It's the days prior. In this case, it was, I believe, on the eve of it going to the court.

Q. I think we have a few minutes left here. So let's move on from that, from the whole Woods thing.

You testified in the beginning, you came onto the investigation about July 29th and you testified that George Papadopolous was part of the predicate for opening Crossfire Hurricane, his interactions. What was your understanding of who George Papadopolous was in those early days of the Crossfire Hurricane investigation?

A. On the 29th, I did not know who he was. I later came to know that he was one of five individuals named as foreign policy advisors to then Republican Candidate Trump that was named in March 2016.

Q. And did you understand Carter Page was also on
that slate of individuals?

A. I learned later.

Q. How much later?

A. When his name was discussed as an individual to consider for predication for the Crossfire Hurricane case.

Q. How did that come up? How did Carter Page's name come up out of all the people associated with the Trump Campaign?

George Papadopolous obviously came up as the friendly foreign government information. How did you identify Carter Page as part of the investigation?

A. The process for identifying individuals to predicate, we stuck to that original predication that I mentioned that we received from the friendly foreign government. We were looking at individuals that were on the Trump team, direct quote, from that friendly foreign government as well as could reasonably be in a position to receive a suggestion from the Russians.

In particular, the Carter Page, he was clearly one of the five named foreign policy advisors for then Candidate Trump and it became known that he was a subject of a Russian foreign counterintelligence contact case out of New York at the time, and based on that, that's how I remember his name coming up.

BY MR. BAKER:

Q. What does a "contact case" mean?
A. Contact case means there is an individual that has ongoing continued contact with a -- this is very broad here in the unclassified setting -- a Russian diplomat that's already under investigation.

BY MR. SOMERS:

Q. As you're looking at Carter Page and George Papadopolous, did you dig into what their roles were, what their affiliations were with the campaign?

A. I did not do that.

Q. Did the team do that?

A. We had an intelligence cadre that was looking at very broadly who they were, identifying them fully.

Q. There were four individuals that Crossfire cases were opened on: Paul Manafort, Michael Flynn, Carter Page, George Papadopolous. Your responsibility on Crossfire Hurricane, were you working on all four of those cases or were you working on some of them in particular?

A. Working on all four of those.

Q. What was -- I'm just trying to maybe get through it quickly here. What were the meetings like in Crossfire Hurricane?

We've interviewed a number of different witnesses and they were involved in different meetings. So there were some very broad meetings with people who have testified, we've heard testimony from, that involved the director and there were more
narrow meetings that involved probably the team.

Can you kind of take us through the range of meetings you were involved in and starting with -- well, start at the highest level. Were you involved with meetings with Director Comey?

A. No.

Q. So you never met with Director Comey about Crossfire Hurricane?

A. I'll consult with counsel real quick.

[Witness confers with counsel.]

THE WITNESS: I spoke to Director Comey after I interviewed Michael Flynn.

BY MR. SOMERS:

Q. After you interviewed Michael Flynn, but were never like in general -- you were never in a general Crossfire Hurricane meeting with Director Comey?

A. I was not.

Q. Same question for Andy McCabe.

A. I believe I briefed Andy McCabe three times.

Q. And was that one on one or with other people in the room?

A. There were other people in the room.

Q. What, generally, did you brief him on?

MR. BERGER: Hold on one second.

[Mr. Berger confers with the witness.]
THE WITNESS: So I briefed him on the progress of Crossfire Hurricane cases.

BY MR. SOMERS:

Q. All three times was the progress?
A. Correct.

Q. Do you recall approximately when these three briefings occurred?
A. I do. I won't have the exact dates for you.
Q. I know.
A. One was towards the end of August 2016. This one I remember, was November 10, 2016.
January 24, 2017.

BY MR. BAKER:

Q. Did Mr. Strzok go with you to these meetings as your section chief?
A. He did.
Q. For all of them?
A. For all of them.

BY MR. SOMERS:

Q. You said you recall specifically one was November 10th. Why do you recall November 10th?
A. Just a date that I remember.
Q. There's nothing specific about the meeting that --
A. No, other than we were providing him with the
first real -- you know, obviously, I provided him the update in August, but we now had more than 90 days on the investigation and there was a lot to brief him on.

Q. Jim Baker?
A. He was in all three of those meetings that I mentioned.

Q. Patricia Anderson?
A. I don't remember meeting her.

Q. Was Bill Priestap at these meetings?
A. He was at at least two of them.

Q. Now we're getting to -- so these meetings, these were group meetings?
A. Sort of people like Peter Strzok, was he in these three meetings?
A. He was.

Q. Jonathan Moffa, was he in these meetings?
A. He was.

Q. Lisa Page?
A. Yes.

Q. Was Case Agent 1 in these meetings?
A. No.

Q. Were you the lowest ranking official in these meetings?
A. Yes.

Q. Was the unit chief from the General Counsel's
Office that worked on this case, was she in these meetings?
   A. She may have been in the first one.
Q. Was anyone from DOJ in these meetings?
   A. I don't know.
Q. Did you ever have a meeting with officials from DOJ about Crossfire Hurricane or take part in a meeting?
   A. Yes.
Q. How frequently?
   A. I mean at a certain point, there were -- they were there all the time at least into October. We met with them very frequently.
Q. Are these progress meetings like the McCabe meeting or are these more specific meetings about a specific topic?
   A. In October of 2016, we initiated counterintelligence and cyber meetings where we were -- both divisions were briefing on the overall Russian threat. I was providing Crossfire Hurricane updates and progress and DOJ attended those meetings.
Q. Who was the -- like you're briefing. You're briefing someone in particular or are you briefing all of these components?
   A. In particular, the assistant directors of counterintelligence and cyber division and whoever they thought was appropriate, had a need to know, a need to collaborate and
share information. They invited staff, section chiefs, DADs and such.

Q. How many people, roughly, would be in a meeting like this?

A. Fifteen.

Q. I'm sorry. Fifteen?

A. Fifteen.

Q. Do you recall who at DOJ was attending these meetings?

A. I didn't know any of their names.

Q. The National Security Division?

A. Yes. The National Security Division representatives.

Q. Okay. Were there smaller meetings about Crossfire Hurricane? Were you briefing -- how frequently did you brief Peter Strzok, for instance, on Crossfire Hurricane?

A. I briefed Peter Strzok daily on Crossfire Hurricane. We had a standing meeting, the smaller team of agents that were under my control as well as our intelligence counterparts, Monday, Wednesday, Friday at nine o'clock for the duration of my TDY. I chaired all of those meetings.

Q. And that's with the team?

A. That was with the team.

Q. Did Lisa Page attend those meetings?

A. At times, Lisa Page would.
Q. Now, you mentioned Peter Strzok started off as the section chief. He was elevated to the deputy assistant director.

When that elevation occurred, and you can read in the IG report, there doesn't seem too much reference to a section chief stepping in. Was there a section chief between you and Peter Strzok involved in the investigation?

A. No.

Q. A unit chief?

A. No.

BY MR. BAKER:

Q. So your next report in that scenario was to a deputy assistant director, Peter Strzok?

A. That's correct.

Q. And did you have meetings, just you and the squad you supervised? For lack of a better way, I said squad, but the folks you had underneath, did you hold meetings with them just to go over progress of your specific unit that you supervised?

A. That was the point of the nine o'clock meeting.

Q. Oh, that was the nine o'clock meeting?

A. Monday, Wednesday, Friday, and then ad hoc as needed to share information or updates came in.

BY MR. SOMERS:

Q. So how many people were you supervising in
these -- on the Crossfire Hurricane team?

A. Four agents.

Q. Four agents and then Jonathan Moffa was supervising the analysts; is that correct?

Or did you supervise the analysts?

A. I did not supervise the analysts. There was an SIA, a senior intelligence analyst, assigned under Jonathan Moffa that was responsible for the supervision of analysts.

Q. So you were roughly on equal levels, then, with the supervisory intel analyst?

A. He was my counterpart.

Q. Do you recall how many analysts he had working for him?

A. I don't. He had some that were in our SCIF and some were not.

Q. So then he reported to Jonathan Moffa; is that correct?

A. That is correct.

Q. And you reported to Peter Strzok?

A. That is correct.

MR. SOMERS: I think, although we had some interruptions, I think this would probably be a good time to break for our first hour.

MS. ZDEB: We'll take about a five-minute break.

[Whereupon, at 11:31 a.m., a recess was taken,
reconvening at 11:48 a.m.]

MS. ZDEB: It is 11:48. We are back on the record.

EXAMINATION BY THE MINORITY

BY MS. ZDEB:

Q. [INSERT], thank you for being here. We introduced ourselves, but just as a reminder, my name is Sarah Zdeb. I'm counsel along with Joe Charlet for Ranking Member Feinstein and we're following up on some of the questions that our colleagues with the Majority have asked you.

So I take it you cooperated with the Office of Inspector General in his investigation?

A. I did.

Q. Were you interviewed as part of his investigation?

A. I was.

Q. Once? Multiple times?

A. Multiple times.

Q. And just as a ballpark, can you give us a sense of how long in total those multiple times took?

A. It was six times over thirty hours.

Q. Did you or, to your knowledge, the FBI or Justice Department provide documents to the Inspector General's Office?

A. I'm assuming they did, because they represented it to me.

Q. Did the OIG ever complain that it needed more
information from you?

  A. I don't think so.

Q. I assume that you provided complete, truthful answers to the Inspector General's Office over the course of the six interviews.

  A. Always.

Q. In addition to your six interviews with OIG, you were, I believe, also interviewed by the Office of Special Counsel or the Special Counsel's Office over the phone in January of 2018. Did you provide complete, truthful answers to the Special Counsel's Office?

  A. Yes.

Q. And have you reviewed the 302 document in your interview?

I can -- I should take a step back. I'm not sure if there was one interview or multiple interviews.

MR. BERGER: I would just like to talk to my client off line for a moment.

MS. ZDEB: Okay.

[Mr. Berger confers with the witness.]

THE WITNESS: Could you repeat that question?

BY MS. ZDEB:

Q. Sure. So you were interviewed by Special Counsel's Office in January of 2018, and my question had, simply, been whether you provided complete, truthful responses
when interviewed by the Special Counsel's Office.

MR. BERGER: You can answer.

THE WITNESS: Yes.

BY MS. ZDEB:

Q. Have you had an opportunity to review the 302 that was created from that interview?

A. I have not.

Q. So you talked a bit before the break about the decision to open Crossfire Hurricane, the friendly foreign government information, and the trip that you took shortly after the investigation was opened in order to interview the source of that information.

MR. BERGER: Can we just take a moment to make one point of clarification on the opening?

So I thank you for bringing that up.

THE WITNESS: Yeah. Earlier, I was asked or it was stated you opened the Crossfire Hurricane investigation. I just wanted to make clear I did not open the Crossfire Hurricane investigation.

MR. BERGER: You can explain who did.

THE WITNESS: Peter Strzok, as I'm sure you know, wrote the opening communication, just for clarification.

BY MS. ZDEB:

Q. And it was Bill Priestap who signed off on opening Crossfire Hurricane?
A. I don't know, ma'am.

Q. So you had discussed a bit your understanding at the time that a friendly foreign government had indicated that George Papadopolous had learned that Russia had damaging information on Hillary Clinton and planned to release it, and I think you also characterized that as a threat to national security.

Could you elaborate on that a bit? Why did you find that to be a threat to national security?

A. I would think any time a foreign government is going to insert influence in our political process at any level is a threat to national security.

Q. So when this information is described as coming from a friendly foreign government, what does that term signify as a general matter? Does that mean that the government is a trusted ally? That it's an intelligence partner?

Could you elaborate on that a bit?

A. I would say it's a country that is not hostile to the United States, a country that we would be a partner with, an ally with, and we share intelligence information with.

Q. So, certainly, not a country that we would suspect to be fabricating information in order to harm the United States?

A. That's correct.

Q. So was the fact that the information came from
a friendly foreign government significant in terms of the credibility that you assigned to it, the seriousness with which the FBI took it?

A. I believe so.

Q. So the FBI, as you discussed earlier, first learned of the friendly foreign government information in late July 2016, but it was April of 2016 when George Papadopolous first learned that Russia was willing to release dirt on Hillary Clinton in the form of thousands of emails. I'm quoting the Mueller report there.

To your knowledge, did Papadopolous report Russia's apparent offer of help to the FBI when he first learned of it in April 2016?

A. State that question again. What was that last part there?

Q. To your knowledge, did George Papadopolous report Russia's apparent offer of help from Russia to the FBI when he first learned of it in April of 2016?

A. Not to my knowledge.

Q. And, to your knowledge, did he come forward to the FBI in July of 2016 when Wikileaks began doing what Papadopolous had been told Russia would do, in other words, releasing emails on Hillary Clinton?

A. Not to my knowledge.

Q. To your knowledge, did Papadopolous ever come
forward to report what he had been told regarding Russia's apparent willingness to help the Trump Campaign by releasing emails on Hillary Clinton?

A. Not to my knowledge.

Q. Would you agree that the fact that Papadopolous learned of Russia's willingness to help the Trump Campaign by releasing thousands of emails related to Hillary Clinton saw that release of emails that happened starting in January of 2016 and still didn't come forward to report that to the FBI, would you agree that that raised a counterintelligence concern that the FBI should have investigated?

A. Yes.

Q. According to the Inspector General's report, the foreign official, the friendly foreign government official, who conveyed this information told the FBI that they weren't aware of who else Papadopolous may have informed about Russia's offer to help the Trump Campaign; is that accurate?

A. Where are you getting that? From my 302?


A. I haven't -- not having that document in front of me and being able to know the source, I can't speak to that.

Q. Fair enough. To your knowledge, at the time the FBI learned of the friendly foreign government information, did you have any indication as to who, if anyone else, on the Trump
Campaign Papadopolous had conveyed Russia's offer of assistance to?

A. I don't think we did.

Q. And, in fact, wasn't that one of the goals of Crossfire Hurricane, was to determine who else may have known of this information?

A. That's correct.

Q. You said earlier that you have about 16 years of experience handling counterintelligence investigations. Is it accurate to say that when the FBI opened Crossfire Hurricane, there were essentially three possibilities?

The first possibility would have been that someone in the campaign was wittingly coordinating with Russia?

A. The first possibility is that possibility, yes.

Q. And another possibility could be that someone on the campaign was unwittingly coordinating with Russia; is that right?

A. That's fair.

Q. And then I suppose a third and final possibility would be that no one on the campaign was coordinating, either wittingly or unwittingly, with the Russians; is that right?

A. That is correct.

Q. And based on your experience handling counterintelligence investigations, will you agree that that is the norm at the outset of a counterintelligence
in other words, there might be witting cooperation, unwitting cooperation, or nothing at all?

A. In my experience and with all Bureau investigations, we remain objective and look at all of those perspectives.

Q. And the FBI's objective when it is conducting a counterintelligence investigation is to determine which of those three possibilities is the case?

A. Yes.

Q. As a general matter, in your 16 years of experience handling counterintelligence investigations, have you provided defensive briefings to U.S. persons in connection with counterintelligence investigations?

A. I have.

Q. Were you involved in any discussions or decisions in Crossfire Hurricane as to whether to provide a defensive briefing to either campaign or not?

A. I was not.

Q. Bill Priestap, and this is on page 55 of the Inspector General's report, told OIG that at the outset of Crossfire Hurricane, he considered whether to provide a defensive briefing to the Trump Campaign in lieu of opening a counterintelligence investigation and he decided not to, and I'm quoting here. He said had we provided a defensive briefing to someone on the Trump Campaign, we would have alerted the
campaign to what we were looking into, and if someone on the
campaign was engaged with the Russians, he or she would very
likely change his or her tactics or otherwise seek to cover up
his or her activities, thereby preventing us from finding the
truth. On the other hand, if no one on the Trump Campaign was
working with Russians, an investigation could prove that.

Recognizing you don't have the report in front of you,
based on the quote I just read, do you have -- and based on your
experience providing defensive briefings, do you have a general
understanding of what Mr. Priestap meant by that?

MR. BERGER:  Can I?

[Mr. Berger confers with the witness.]

THE WITNESS:  I understand what he was considering; however,
I was not through my role part of any of those
c onsiderations or providing input and making decisions on that.

BY MS. ZDEB:

Q.     Understood. Is it accurate to say as a general
matter that the FBI was concerned that a defensive briefing
might tip off the Russians?

MR. BERGER:  Hold on.

[Mr. Berger confers with the witness.]

THE WITNESS:  It's speculation. I wasn't part of those
discussions. So I can't speak to that, ma'am.

BY MS. ZDEB:

Q.     Based on your experience providing defensive
briefings in other counterintelligence investigations, is it a relevant consideration for the FBI whether the Bureau can rule in or rule out witting participation by a U.S. person when it makes a decision about whether to provide a defensive briefing or not?

A. Ma'am, I can answer that question. My experience with defensive briefings have been for FBI employees that are traveling to another country, and that's the extent of my experience.

Q. Let me switch gears. Our committee held a six-hour hearing with Inspector General Horowitz in December of last year after he released his report and there were a number of allegations made during the course of that hearing and in subsequent hearings that we've had, but I'm going to ask you a series of questions about those allegations because we continue to hear them from people who, unlike yourself, don't have firsthand experience or knowledge actually working on the Crossfire Hurricane investigation.

So for starters, although the IG found no document or testimonial evidence of bias impacting the Bureau's work in Crossfire Hurricane, we have heard allegations that there was, quote, tons of evidence of bias. Did political bias impact any of your actions on Crossfire Hurricane?

A. Political bias impacted none of my actions on Crossfire --
Q. And -- I'm sorry.
A. On Crossfire Hurricane.

Q. Do you have any evidence that political bias otherwise impacted the FBI's work on Crossfire Hurricane?
A. No.

Q. It has been alleged the FBI, quote, engaged in a, quote, massive criminal conspiracy over time to defraud the FISA Court. Do you have evidence that the FBI engaged in a massive criminal conspiracy to defraud the FISA Court?
A. No.

Q. It has also been alleged that the FBI purposefully used the power of the Federal Government to wage a political war against a presidential candidate they despised. Do you have any evidence that the FBI purposely used the power of the Federal Government to wage a political war against then Candidate Trump?
A. No. If I would have detected that, I wouldn't have been a part of it.

Q. You personally have been accused of being, quote, in the middle of the most deep state corrupt and criminal actions. Do you have any evidence that Crossfire Hurricane was part of a deep state effort to take down Candidate or President Trump?
A. It did not happen. There's no evidence of that.

Q. And what's your response to the allegation that
you were in a middle of the most deep state effort to take down President Trump?

A. I am an FBI agent and I took an oath to this country. It's crushing to hear that.

Q. There have been allegations that Crossfire Hurricane was composed of, quote, people who hated Trump and who had, quote, an agenda to destroy him before he was elected and after he was elected. Is it correct that you, along with Peter Strzok and the individual referred to as the intel section chief, had a hand in selecting other members of the Crossfire Hurricane team?

A. Yes.

Q. And did you consider how those individuals felt about President Trump or then Candidate Trump when you were selecting them to serve on the Crossfire Hurricane team?

A. It was not a consideration.

Q. So you didn't consider political affiliation?

A. We did not.

Q. In fact, it would not have been proper for you to consider political affiliation when making decisions about who to staff on the case; is that right?

A. Correct. The men and women of the FBI are objective.

Q. So as you probably know and there's been some discussion of the Hatch Act recently, but as it relates to this
case, under the Hatch Act, FBI and Justice Department employees retain a right to express their opinions in an individual capacity privately and publicly on political subjects and candidates. So although FBI employees need to remain objective in the course of their professional duties, you're allowed to have and, in fact, you have a constitutional and a legal right to have personal political views. Right?

A. That's correct.

Q. And the only requirement is that those views not impact the job that you're doing?

A. As I understand it, yes.

Q. The OIG report describes steps that you and others on the Crossfire Hurricane team took to ensure that the investigation did not impact the 2016 election. So, for example, you told the Inspector General, and this is a quote from page 308 of the report, that one of the overriding concerns was keeping information about the investigation out of the public realm because the team did not want to impact the presidential election in any way.

Is that accurate?

A. That's very accurate.

Q. And why is it important to keep out of the public realm information about an investigation that could impact a presidential election?

A. All of our investigations should be
confidential. This one, due to the allegations we were looking at, we wanted to ensure that we did not in any way adversely affect the U.S. presidential election.

Q. Just to ask you about a couple of specific steps that the Crossfire Hurricane team took in order to make sure it wasn't impacting the election as they are described by the IG report, in addition to prioritizing keeping information out of the public domain, the IG report also describes how you avoided inserting confidential human sources into the Trump Campaign and for the purpose of gathering investigative information.

Is that correct?

A. That is correct.

Q. And, in fact, I believe you told the OIG that you declined to use a specific confidential human source who knew Candidate Trump and had been in contact with the candidate because, quote: This is not what we were looking to do. We were looking for information about the predicate, but didn't want it to be construed later as something other than what you were really after.

Can you elaborate on that a bit?

A. First, that's an accurate statement. We were examining our source base throughout the investigation, and on case-by-case basis, we were looking to determine what sources could help report on those initial allegations, full stop. We
were not looking for any other information other than could they help corroborate the initial allegation.

Q. And, in fact, I think you also told the OIG that if you had at some point received politically-sensitive information and recognized it for what it was, that your first call would have been to the FBI General Counsel to talk to them about how to handle it. Is that right?

A. That is absolutely correct.

Q. So, in general, is it fair to say that the Crossfire Hurricane team sought to avoid doing anything that could be construed, either then or now, as being political?

A. Yes.

Q. And why is that?

A. It's important that our work is objective and that we don't adversely affect the political process.

MS. ZDEB: I think that's all we have for this round. So it's a quarter after 12. We can go off the record.

[Discussion held off the record.]

MR. SOMERS: It's 12:15. We'll go back on the record.

FURTHER EXAMINATION BY THE MAJORITY

BY MR. SOMERS:

Q. Other than the Carter Page FISA warrant that was obtained, during your time on Crossfire Hurricane, did the FBI ever use or consider using other evidence-gathering techniques against Carter Page, like Title 3 warrants, national security
letters, pen registers, any of those techniques?

A. Yes.

Q. I'm sorry. I asked a compound question. Did you use those techniques?

A. We used some of those techniques.

Q. Did you ever consider interviewing Carter Page?

A. I think it's always a consideration; however, we needed to run a full investigation first before we interview.

Q. So the decision was made not to interview Carter Page while you were on Crossfire Hurricane?

A. That is correct.

Q. Did you seek or did you ever consider seeking FISA coverage on George Papadopolous?

A. It was discussed.

Q. Did it ever move past discussion?

What do you mean by it was discussed, I guess is a better way to ask it.

A. Well, whenever you're doing any information, you talk about all investigative techniques that you have based on your approval or what kind of investigation you have. So I remember it being discussed by the team, but a FISA did not get initiated during my TDY.

Q. And Papadopolous was who the -- Crossfire Hurricane was opened predicated on information involving George Papadopolous specifically. What was the difference between
Carter Page, who you did seek FISA coverage on, and George Papadopolous, who you did not seek FISA coverage on despite the fact that Papadopolous was the individual named in the predicated information?

A. I don't remember. You would have to ask the attorneys that were evaluating the information we had for probable cause.

Q. So it was a probable cause consideration?

A. That, usually, the attorneys were calling the balls and strikes on that and that's what it would come down to.

Q. Would you have liked FISA coverage on George Papadopolous as an investigative matter?

A. Assuming that we had legal sufficiency to get there, yes.

BY MR. BAKER:

Q. Were there any other downsides? You said there were discussions about Papadopolous. Were there any other downsides by doing coverage on him other than lack of probable cause?

Was there any operational reason not to pursue probable cause for him?

Mr. Baker, to the extent that questions doesn't call for the discussion of attorney-client privileged information.
THE WITNESS: I don't know of any other than we, obviously, do have a discussion on using the least intrusive methods first, but I'm not aware of any other considerations. I don't remember any.

MR. BAKER: Okay.

BY MR. SOMERS:

Q. Were other evidence-gathering techniques used against Mr. Papadopolous, like Title 3 warrants, national security letters, or pen registers?

A. I believe so.

Q. Did you ever consider seeking, during your time on Crossfire Hurricane, FISA coverage on Michael Flynn?

A. I don't remember that.

Q. Did you consider using other evidence-gathering techniques like Title 3 warrants, national security letters, and pen registers against Michael Flynn?

A. Yes.

Q. Did you use them?

A. I don't remember. I would have to look in the file.

Q. Did you consider FISA coverage during your time on Crossfire Hurricane for Paul Manafort?

A. I think it was discussed.

Q. It was discussed. Do you know why it wasn't sought? Was it a probable cause thing or was it other --
A. I don't remember. I'm sorry.

Q. And the same question: Did you use other evidence-gathering techniques against Paul Manafort during your time on the Crossfire Hurricane investigation like Title 3 warrants, national security letters, and pen registers?

A. Yes.

Q. So the Carter Page FISA application goes in on October 21, 2016. An investigation was open on July 31, 2016. What was going on in the investigation between July 31st and August 21st in terms of actual investigating of the four subjects?

I know that's a very broad question.

A. That is a very broad question.

Q. Let's start very broad and then we can take it more specifically.

A. Sure. We were examining our human source base and technical source base for human technical sources that could report on the predicate. Then, also, once we identified either helpful sources, sources that could support the investigation, worked on various operations using those sources to determine if the initial allegations were accurate or not.

Q. I'm not familiar with -- there's human source and what was the other? Tactical source? You referred to tactical course?

A. I don't know if I -- did I say "tactical source"?
Q. You referred to two -- I thought you referred to two sources, confidential human source and --
A. Okay. Technical source.
Q. Technical source.

☐ Any further discussion of that is probably not appropriate in this setting.

THE WITNESS: Got it.

BY MR. SOMERS:
Q. So you were -- and that was for all four individuals, you were doing those types of investigations?
A. Yes, sir.
Q. In the last round, we spoke about, you know, trying to, I guess, draw a line between getting -- I'll let you rephrase, but let me put the question out there -- getting too close to the campaign itself and any campaign decisions, but at the same time, you needed to conduct an investigation that involved the campaign.
How did you draw that line between the two?
A. We were investigating individuals that happened to be members of the Trump team.
Q. But, necessarily, I would think in order -- you needed to figure out what people's roles were on the campaign.
Right?
That's part of the investigation. Correct?
A. That's correct.
Q. And you needed to know whether these four individuals you had identified, some of them like Manafort probably more obviously, what their access level was to the campaign. Correct?

A. That's fair.

Q. I think one of the allegations in the Steele Dossier was that Paul Manafort was Carter Page's like conduit into the campaign. In order to figure out what Carter Page's role was in the campaign, were you talking to or trying to interview, talk to through the confidential human sources, people outside of those four individuals who were involved in the campaign?

A. Well, let me back up just to make it clear. The distinction between team and campaign, it didn't matter that he was part of the campaign. There are different connotations to being central to the Trump team. The fact that he was on the campaign was just the fact that he was on the campaign, and we were able to establish that through the open source.

Q. Were you talking to other individuals on or associated with the campaign in order to figure out what Carter Page's role was on the campaign?

A. I don't remember doing so.

Q. Do you think that it's possible you drew -- I mean, how do you -- the allegation is Carter Page -- again, I'll let you rephrase the allegation if I phrase it incorrectly.
The allegation is Carter Page is possibly a conduit for taking information from Russia and feeding it to the Trump Campaign. I guess I'm trying to figure out how do you assess whether Carter Page actually had that access to the Trump Campaign to be this conduit?

A. I'd have to think about that for a minute, how to answer that.

Q. That's fine.

A. I think one of the techniques that we ended up using was consensual monitoring with a source. So it's an opportunity for him to speak freely and be challenged on these subjects and see how he responds.

Q. Is that generally a good investigative technique or a reliable investigative technique using confidential human sources?

A. It is.

Q. Did you use confidential human sources to speak to others on the campaign, other than the four targets, in order to assess their roles on the campaign?

A. We used the confidential human source to talk to another individual on the Trump team in an effort to determine if they would be a subject and they would have either been on the team or would be in a position to reasonably receive that suggestion from the Russians.

Q. What did you learn based on that strategy?
A. We learned that that individual was not somebody we would predicate.

Q. Did that individual have any information on Carter Page and his access to the campaign or George Papadopolous and his access to the campaign?

A. As I sit here today, I don't remember.

Q. Would that have been something you would have tasked a human source with asking?

A. We wouldn't have necessarily asked specifically about the campaign. We're splitting hairs on this, but I think it's an important distinction.

We would be looking for, again, any information that would indicate that he had been or had received that suggestion from the Russians.

Q. Let's take George Papadopolous. There was no FISA warrant on him. So the confidential human source, we have transcripts of his interaction with confidential human sources, but what I'm trying to understand is that's, obviously, direct contact with George Papadopolous which could be valuable; but what I'm trying to understand is what else you would have done to see what George Papadopolous -- in order for him to give information -- he could be a Russian agent, but might have no access to the campaign or the team or however you want characterize it. I'm trying to understand what type of steps did you take to understand what George Papadopolous' access to
the Trump Campaign or the Trump team was.

A. I think using a source to engage directly with a subject to get that subject to tell you directly is a pretty significant step. I also remember we had open source information. You know, we had our intel team, the entire apparatus that were doing their jobs, looking for any additional information and helping with the investigation.

Q. And then you said that the human source was a reliable technique, a good technique, but then Papadopolous was interviewed or however you would phrase it. "Consensually monitored", I think was the term, by a confidential human source, by multiple confidential human sources. To at least two of them, he denied having any interactions with Russians, said it would be treason.

What did you make of those comments?

A. I think at the time, we or I felt that they were rehearsed prepared statements based on the difference between reading a transcript and listening to it. His tone changed. His demeanor changed when challenged on that when he made that statement.

That was my assessment at the time.

Q. What about the -- there was a statement made to -- I can't think of the individual's name -- to one confidential human source, there was a more fulsome statement involving treason, but he also made a statement to a second
confidential human source about denying any involvement in the Russians.

Do you recall that?

A. Sir, it's been four years and I haven't had access to the file. I don't remember that.

Q. I guess what I'm getting at is did you think that Papadopolous thought he was being monitored and that's why you thought the statement was canned?

A. I don't know if he thought he was being monitored. It could have been that the source might have been clumsy and asked him as well.

Q. Clumsy and asked him the question? You thought Papadopolous was tipped to the question?

I'm trying to understand why you -- I'm not saying this in a pejorative way, but discounted those two denials that I've seen transcripts of?

A. Again, I think if you look at the totality of our investigation with him at that time, listening, not just reading the transcript, listening to what he's saying, in my experience and training, I felt it was a prepared statement.

Q. In the second -- I think it was the second denial. I think one denial that came first was in a very free-flowing environment. The denial was made and he said all sorts of things that I think we would consider embarrassing; 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.
Q. But you were -- putting aside them or I'm just quoting them as two people that had an impression of the pace. You wouldn't agree with their characterization of the pace?

A. I'll go back to my original statement, that at the time, based on my training and experience and what I know about what a normal typical pace is in the field for investigation, we were progressing with our operation and investigations at a pace quicker than what I've seen in the field.

Q. What was the division of labor?

A. I can't give you a percentage on that. It is a verification and a multilayered process. It involves many people. We attempt to measure productivity of the source as well as risk of the source.

Q. But you don't know how much was dedicated, roughly, to verification of Steele versus human source operations, other investigative techniques?

A. I can speak to the actions that I took.

Q. How was your division of labor between those two?

A. Initially, upon -- we received the first Steele report on September 19, 2016. Within three hours of receiving
those reports on my team, I emailed the case agent and asked them for a source characterization statement. That's the first place it starts, with the handling agent on that.

Through that process, there are annual checks that a case agent does, a field office annual source report as well as QSSRs the supervisor will do. So that's ongoing from the inception of the source.

So that source characterization statement should be based off of that. So I sought to get that.

Secondly, I determined we needed to send a team to [European City] to work with the handling agent and speak to the source. I later took other steps, but those are just a few.

Q. Why did you not go on that trip to [European City]?

A. I don't remember.

Q. Do you recall why the person identified as --

: Can we interrupt for a moment?

: Yeah.

MR. SOMERS: We'll take it out of the record.

: Take it out of the record and try to refrain from saying the name of the city.

MR. SOMERS: Yes.

BY MR. SOMERS:

Q. Do you recall if the person identified as the acting section chief went on the trip?
A. I don't remember.

Q. I'm not asking the name, but do you recall that person who --

A. I don't.

Q. Do you know what they were acting section chief of?

A. Yes.

Q. Which section?

A. They were acting in the section that Peter Strzok had just vacated to become the DAD. So it was the counterespionage section.

Q. Do you recall any consternation within the team about why that individual was going and not someone else?

A. I don't remember that.

Q. I think we just referred to the Steele Dossier, but we can refer to them differently if you want, but when did you first see any of the reports that ultimately become known as the Steele Dossier?

A. September 19, 2016.

BY MR. BAKER:

Q. Was there any concern about the length of time it was taking or that it took for those reports to actually reach you or the entity at Headquarters that ultimately received them?

A. I didn't have concerns.

Q. You did or did not?
A. I did not.

Q. Did anybody have concerns about the length of time that it took from, I guess, the handling agent to the end user at Headquarters?

A. I don't remember that. At the time that we received them, they were dated, but we didn't know at the time when the handling agent actually got them.

Q. Were you aware of any abnormal chain that they flowed through from the handling agent to Headquarters or, as far as you knew, they went from the handling agent to Headquarters?

A. I received an email from the handling agent.

That was the flow on how I received them.

MR. BAKER: Okay.

BY MR. SOMERS:

Q. On page 99 of the IG report, it says that on August 25, 2016, during a briefing for then Deputy Director Andrew McCabe on the investigation -- I guess that's the answer on when the August meeting was.

"During a briefing for then Deputy Director Andrew McCabe on the investigation, McCabe asked [REDACTED] to contact the New York Field Office about information that potentially could assist the Crossfire Hurricane investigation."

Do you recall that?

A. I do.
Q. And by information that could potentially assist the Crossfire Hurricane investigation, does that refer to the Steele information or something else?

A. I believe that's the same. I later learned that's what that was.

Q. But you said the delay between August 25th and September 19th, that doesn't bother you in terms of the length of time or that there wasn't an issue of the length of time it took from you learning about the investigation to actually receiving it?

A. At the time, I did not have an issue.

Q. On page 124 of the IG report, it says you sent an email to Handling Agent 1 and others stating that: "Our team is very interested in obtained a source symbol, number, slash, characterization statement and specifics on the veracity of past reporting, motivations, last validation, how long on the books, how much paid, etc."

Why was all that information important to you?

A. It's always important to understand the reliability of the source.

Q. And what did you learn in regards to the reliability of the source?

A. Then? I did not receive an email back from --

Q. From the handling agent?

A. From the handling agent.
Q. Could you have looked in Steele's file to gain the information?

A. At a certain point, we were able to obtain access, and I don't remember when that was, but yeah. You could go into a Delta file.

BY MR. BAKER:

Q. What is a Delta file?

A. Delta is the FBI's system of record for maintaining source information.

BY MR. SOMERS:

Q. So you did not immediately have access to that system with regards to Steele? Somebody had to grant you access?

A. I would have had to have been granted access. I don't remember anything else.

Q. So you didn't get a response to the email, but at some point, you did learn this type of information. Where did you learn this type of information, the specifics on veracity of past reporting, motivations, last validation, how long on the books, how much paid to date, etc.?

How did you learn that information?

A. So we had an intel team, as we discussed, assigned to us on Crossfire Hurricane. They were working on that.

Q. And where did they get that information from?
A. I don't know.

Q. Did they get it from the handling agent or did they get it somewhere else?

A. I don't know.

Q. Were you satisfied with what you learned about his reliability, Steele's?

I'm sorry. Were you satisfied with what you learned about Steele's reliability?

A. Yes. The information, we thought was reliable.

Q. What were the efforts to corroborate Steele's reporting, what type of things?

A. Like I mentioned, on the intel side, I can't speak to how they do their job. I spoke of, obviously, the case agent and supervisors, their responsibility annually and continually to do that. In particular, I mentioned I sent a team to a foreign country to meet directly with the source to try to glean that information directly.

In addition, I initiated an asset validation review to the director of intelligence and, later, met with Bruce Ohr. That's one of the things I was trying to determine.

Q. Was it -- did you try and determine Steele's sources were?

A. Yes.

Q. Did you try and speak with others who had worked 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 with talking to past clients of Steele or past employers?
3. A. I don't remember doing so.
4. Q. You rotated off January 6, 2017, you testified to earlier. What was your understanding when you left the investigation; what was your understanding of the level of corroboration that the FBI had achieved of the Steele reporting?
5. A. I don't know if I could say what level of corroboration that they had received. It was just an ongoing effort. It was constantly ongoing.
6. Q. Had you verified anything from the reporting?
7. A. I don't remember.
8. Q. You don't remember. Would you say it was largely unverified when you left, when you rotated off?
9. A. I don't remember. I would have to look at all the reports and go back to that time and try to give you some sort of weight to what was and what wasn't.
10. Q. What was your understanding of who Christopher Steele was at the time?
11. You're getting this information. You're told on -- you get it on the 19th. You get a bunch of reports. What's your understanding of where this is coming from and who this guy is providing you this information?
12. A. So I can't remember what I knew when. I would
have to refer to those emails or just anything that could help me remember what I knew at a particular time.

Q. Generally in that time period, what was your understanding of Steele?

A. During which time period?

Q. Prior to October 21, 2016 when the FISA application was submitted.

A. I believe we knew that he had at that timeframe been a member of an intelligence service from another friendly foreign government.

Q. And you understood that he was a private contractor of some sort at this point in time?

A. I believe so.

Q. You mentioned earlier, I think you just mentioned a few minutes ago, requesting a human source validation review on Steele in November 2016. Do you recall requesting that?

A. I do.

Q. Why did you request that review at that point in time?

A. At that point in time, the "Mother Jones" news article had come out on October 31st. We had closed a source for cause, a source that was used in the FISA application of Carter Page.

Q. That's what caused you to request the review at
that point, the validation review at that point in time?

A. That's correct.

BY MR. BAKER:

Q. What happened to your request for the validation review?

A. So the validation review initiated and it was later turned off.

Q. What do you mean "it was turned off"?

A. I mean the validation review through the D.I., the Director of Intelligence. Just to be clear exactly what I'm talking about, there was a constant validation review ongoing by the Counterintelligence Division and the intelligence analysts at the time. My request was to the FBI director of intelligence for them to do what is considered an enhanced validation review, something outside and independent of the Counterintelligence Division.

Q. But that was turned off?

A. Yes, sir.

Q. And why would it have been turned off?

A. I can give you the answers that I was provided or the discussion that I had with Assistant Director Priestap and DAD Strzok at the time. There were concerns about leaks. The Bureau, obviously, was, as I understood and I testified already, concerned about anyone outside of the Crossfire Hurricane team being aware of the existence of the
investigation. So that was one of their concerns.

So that was -- to give an answer, they wanted to keep it within the counterintelligence.

Q. When you say "to give an answer", that makes me think that it's not necessarily what you thought. Is that correct?

A. Oh, no. Well, then I misspoke. You're taking that out of context.

Q. That's the answer that you were given and that's a reasonable answer in your view?

A. At the time, I understood the answer, but I disagreed with it.

Q. So you did disagree with it?

A. Correct.

Q. I'm curious, because you said earlier, a few minutes ago, that this particular unit did an enhanced validation, but yet, I mean, I assume, and correct me if I'm wrong, that the individuals that are doing this enhanced validation of sources, which there are probably a very special category of techniques using sources in the Bureau -- this is what I'm guessing. These people that are doing the validation are trained and vetted, but there's a concern of leaks coming out of this enhanced validation unit.

A. That was what I was -- I mean, maybe not that unit, but there was concern about leaks overall in the Bureau
of anybody outside the department and team being aware of the
existence of this investigation.

Q. So that would seem to me that if a decision is
made and it's not your decision, you're being told it's being
turned off, is what I'm hearing --

A. That's correct.

Q. And you disagree with that is what I'm hearing.

A. That's correct.

Q. Something so important that this unit is doing,
evaluating the credibility of a source that's going to be used
for some of the most sensitive, sophisticated things, I'm
guessing, that are in the Bureau's arsenal and they're going
to stop that because of leaks?

I mean, that sounds like there's a very serious leak
problem at the FBI, either then or now. That just sounds
incredible to me, that you're willing to trade -- not you, but
there's a tradeoff of validating this source that's providing
this pretty interesting and incredible information, but yet,
the validation of that person is not going to be allowed to
continue because of, apparently, an internal problem at the FBI
regarding leaks.

Am I --

A. Is that a question?

Q. It's kind of a question and kind of maybe

restating what you said. Is that the understanding you had why
that was being turned off, this enhanced validation?

A. The reason it was turned off is they were concerned about leaks. Anything more, you'd have to ask the individuals that made that decision.

Q. Okay. Thank you.

But Mr. Priestap was telling you that?

A. Through DAD Strzok.

Q. But it's coming down from the AD to the DAD to you?

A. Yes.

BY MR. SOMERS:

Q. Did they know about it because you informed them that you had started this process or did they find out the process had started in some other way?

You said the process had started?

A. I notified them that I initiated the process.

Q. And they stopped it?

A. Yes.

Q. What was your understanding of how Steele was collecting the information that was contained in the dossier?

A. It was my understanding, generally, that he had a subsourse network. I don't want to get into too much detail, but he had a subsourse network that provided him the reporting.

Q. So you understood that Steele, himself, was -- I'll just read from the IG report and see if you have
this understanding. That way, you don't have worry about revealing anything.

On Roman numeral five, the introduction to the IG report, it says: "Steele, himself, was not the originating source of any of the factual information in his reporting. Steele, instead, relied on the primary subsource for information who used his/her network of subsources to gather information that was then passed to Steele."

Was that your understanding of how Steele was gathering information?

A. That's fair.

Q. When did you become aware that -- was that always your awareness or did you become aware at some point in time that that's how this operation worked?

A. I don't know at what point in time, but I think once we received the initial reports, I believe it was clear that there were multiple subsources, but exactly how he got it, I don't remember when we knew that.

Q. I think you said earlier, but I'm going to ask it again, was identifying Steele's source network important?

A. Yes.

Q. Why?

A. It was especially important to have probable cause. For each one of those sources, we needed to -- for each 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:
Q. And you understood, I take it, that the level of removal that Steele had from all the subsources was that he was not talking to subsources; is that something you understood?

A. I don't know when I understood that, sir. I don't know if it was after the fact. There's been so much media about it, I couldn't color as to what I knew then and what I know today.

Q. Do you know if you knew it while you were still on the investigation or --

A. Sir, I'd have to refer to a document or something to help refresh my memory. There's been a lot out there.

Q. I know this happened after you rotated off, but were you aware that -- well, I don't know if part of it happened before you rotated off. Did you become aware when the FBI identified Steele's primary subsource?

A. I was.

Q. Were you aware they interviewed the primary subsource?

A. I was, because --

Q. Not now.

A. Right. So I was in the Washington Field Office when that occurred and I knew that they had asked other agents from Washington Field Office to participate.

Q. In the --

A. In the interview.
Q. -- interview?
A. Yeah.

Q. This was an important -- was this an important step in your mind if you had still been on the investigation that they identified the primary subsource; would that have been big news?
A. That would have been important to me at that point.

Q. Was it a topic of discussion while you were still on the investigation, identifying the primary subsource?
A. Yes.

Q. Did you have any awareness of the fact that there were inconsistencies between Steele's reporting and what the primary subsource told the interviewing agents?
A. I was not.

Q. Have you ever read the summary of the primary subsource's interview?
A. I have not. I don't have a need to know and have not read it.

Q. And you didn't read it at the time?
A. No. I wasn't part of the team. I wasn't involved.

Q. Were you aware of concerns like those expressed in February 2017 about Strzok and an email he wrote that is on page 247 of the IG report that "Recent interviews in the
investigation, however, reveal Steele may not be in a position
to judge reliability of the subsource network”?

A. I was unaware of that.

Q. Were you ever aware -- leaving aside press
reporting after the fact, were you ever aware that some of the
information Steele's primary subsource was giving Steele was
based on, quote, conversations with friends over beers, that
the primary subsource characterized the information he gave
Steele as word-of-mouth hearsay, that the primary subsource
told the FBI that the information was intended to be taken with
a grain of salt, and that the corroboration was zero?

A. Again, sir, my memory is colored with -- it's
hard to make a distinction on what I knew when.

Q. Versus reading about it in press accounts?

A. Absolutely.

Q. So you don't recall, even though you weren't on
the investigation, you don't recall anyone on the investigation
saying, Hey, we have a problem with the primary subsource?

A. I don't remember that at all, no.

Q. Were you aware while you were still on the
investigation that the primary subsource was actually a
contract employee of Steele's firm?

A. No.

Q. Were you aware that the primary subsource was
living in the United States?
A. I was.

Q. At the time?

A. Well, I'll give you the timeline. So I left Crossfire Hurricane on January 6, 2017. The following week, I received -- I was asked to participate, was told that he was identified, that the FBI had identified him and would I be willing to go out with another agent to that individual's home to try to make initial contact with who was the primary subsource.

I ended up doing that, establishing that contact. That was the extent. So yes. I did know that we had identified him.

Q. And that was just establishing contact; that wasn't --

A. Yes. It was just to establish contact, that's correct.

Q. There was no 302 generated based on that contact?

A. No. I spoke with him on the phone. He was not home. I later spoke with his attorney.

Q. That's what you were basically trying to get to, was an attorney or set up an actual meeting with the individual?

A. That is correct.

Q. But you did not, just for the record, take part in the actual interview of the primary subsource?

A. No, I did not.
Q. Did you know why you were asked to contact him, make the initial contact versus somebody else?

A. I don't know. Any time -- one of the difficulties of this case at Headquarters, any time you're operating in another AOR, Area of Responsibility, typically in the Washington Field Office Region, you need to coordinate with that office. I was an individual who was aware of the case and they needed somebody to go out and knock on the door.

So I received a call, Can you assist? Sure. I can help you.

Q. Were you asked to sit in on the interview?

A. I was not.

BY MR. BAKER:

Q. In your 16 years of working counterintelligence, was this the first case that you had been involved in that was worked out of Headquarters?

A. Yes.

Q. Did that, in and of itself, seem unusual or the circumstances justified? What are your thoughts on that?

A. The need for compartmentation, the need to have access to high-level individuals in the FBI to make decisions, with the overriding issues of compartmentation, I understood that.

Q. Are you aware of other cases, maybe ones you didn't work, that were worked at Headquarters for the reasons
1 you just cited?

    A. I am.

2 Q. Is it common? Extraordinary?

    A. It happens. It happens when, again, there is
3 a need for compartmentation where I have seen it or you need
4 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?

    A. I don't know those considerations, sir.

    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?

    A. I asked to go back to the Washington Field
21 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?
A. At a certain point, I was aware that he was collecting this information for an entity that was conducting opposition research.

Q. You weren't aware that he was collecting information for the DNC?

A. I don't know when I knew that.

Q. If I could just read on Footnote 223, this is long, but basically my question at the end is whether you recall receiving this email, but let me read the email.

A. Sure.

Q. Footnote 223 of the IG report, this is on page 98. It says: "An FBI agent from another FBI Field Office sent an email to his supervisor stating that he had been contacted by a former CHS who, quote, was contacted recently by a colleague who runs an investigative firm. The firm was hired by two entities, the Democratic National Committee as well as another individual not named, to explore Donald J. Trump's longstanding ties to Russia."

On or about August 2, 2016, this information was shared by the supervisor with the section chief, intelligence analysis section, intelligence section chief, which is going to be Jonathan Moffa, who provided it to members of the Crossfire Hurricane team, then Section Chief Peter Strzok, [REDACTED], and the supervisor of intel analysts, end quote.

Do you recall on or about August 2, 2016 receiving
information regarding Steele being hired by the DNC?

A. So on August 2nd, I would have been overseas conducting an interview. I mostly likely would not have had access to email at the time.

I don't remember that, receiving that in August. I do remember in January of '17, that agent reached back out to me. I think that's when I made a connection between the two pieces there.

Q. So prior to -- I think that date was January 11th, I believe.

A. That's correct. Yes.

Q. Prior to that, you didn't know that the DNC -- at least not definitively, you didn't know the DNC was the ultimate payer, his ultimate employer was the DNC?

A. That's correct.

Q. How did you become aware on January 11th? Can you walk through that a little bit more?

A. Sure. The individual, I believe, that would have sent that email in August, I think he reached back out to me. I, I guess, having the context and perspective of being there for four to five months, I think I made the connection at that point and then I turned him over to the next supervisor that took over for me on Crossfire Hurricane.

Q. Did you tell anyone else what you learned from the field agent?
A. I don't remember doing so; however, I CC'd the incoming supervisor as well as there were others that were on that email on January 11th that were still on the team.

Q. The supervisor that -- I'm just trying to remember, because, obviously, the case was divided a little differently when you were on it versus --

[Mr. Somers peruses document.]

BY MR. BAKER:

Q. While he's looking for that --

A. Yeah.

Q. -- what was your reason for wanting to go back to Washington Field? This seems like a pretty big case, maybe one of the biggest cases for the Bureau, certainly in recent times, and it's right up your area of expertise, counterintelligence. Why the desire to go back to Washington Field?

A. I had a professional disagreement with stopping the enhanced validation review.

Q. Okay. We talked about that earlier. You're aware, I'm sure, that that was restarted not long after you rotated off. Are you aware of that?

A. I've read that.

Q. I'm just curious. The reasons you were given for the enhanced validation stopping when you recommended that it be done, how would those conditions that were given to you,
the possibly of the leaks, how would that have been resolved
by the time this validation restarted again?

It seems to me based on not just this case, but others, the Bureau's problem with leaking continues to this day. So what changed for the powers that started it again?

What was their confidence that their concerns when they stopped it when you initiated it, what happened that they feel comfortable a year, a little over a year, later to start it up again?

A. I don't know. You'd have to ask those individuals who made the decision.

Q. Who did you have the professional disagreement with?

A. I guess at that point, it would be Bill Priestap.

Q. And your position was that the validation, the enhanced validation, should go forward?

A. That's correct.

Q. And his view was that it shouldn't?

A. That it shouldn't, that counterintelligence should continue on with their validation.

Q. And, I mean, did he elaborate on that at all?

A. No. It's just the facts that I gave you, concerned about leaks.

Q. But what concerns did you argue with him for doing the enhanced validation?
A. This is the process, this is what we do, this is what we always do.

I recognized the significance of his reporting, the use in a FISA application. I had questions about our intel validation was ongoing in the Counterintelligence Division, and all of that contributed to my professional disagreement.

Q. Did anyone weigh in on your side with Mr. Priestap? Mr. Strzok? Anybody?

A. No. Case Agent 1, he did, as did a staff operations specialist that was working with us.

Q. Were your concerns considered or was the stopping of the process determined by Mr. Priestap and that was the law of the land?

A. I'm assuming he considered them. I gave him my rationale and he made the decision.

Q. But this was a concern that you were so passionate about that it made you terminate your association with the case, the team, and go back to the Washington Field Office?

A. It was.

MR. BAKER: Thank you.

BY MR. SOMERS:

Q. I'm just looking at the January chart here in the IG report. At that point in time, there were two SSAs assigned to the case. It looks like one was handling the
Michael Flynn investigation and the George Papadopolous investigation and the other was handling the Carter Page investigation and the person who's identified as SSA 3.

I don't know if someone can tell me. I don't know who SSA 3 is, but whoever SSA 3 is, I understand that SSA 3 is who you gave the email to or CC'd on the email.

A. I'm trying go to the key here. SSA 3, are you asking me do I know who SSA 3 is?

Q. Yes.

BY MR. SOMERS:

Q. Do you know if the person -- the supervisory special agent that you CC'd on the email linking up the agent that had the information that we discussed earlier, I believe is an agent in a field office; is that correct?

A. That sounds right.

Q. Do you know if that supervisory special agent that you gave -- you CC'd on the email reported to Jen Boone?

A. Did you say did he report the information?

Q. No. Did he report to? Was that his supervisor?

A. Yes.

Q. Okay. It's likely SSA 3, but, obviously, no one here knows who SS3 is.
A. I'm sorry. I don't know.

Q. That's okay. It's not your fault.

Do you recall receiving, directly or indirectly, some outreach from the State Department about Christopher Steele and Kathleen Kavalec?

A. I do remember that.

Q. Did you ever speak with Kathleen Kavalec?

A. No.

Q. Did you assign anyone to speak with Kavalec?

A. No.

Q. Why not?

A. We had a liaison at the State Department and that was his job.

Q. Why did you make the decision never to interview Kathy Kavalec?

A. What was the question? Like what do you expect me to interview about?

Q. About information she received from Christopher Steele.

A. So my recollection is -- I don't remember her receiving information. My recollection of that event was that she was aware of how our team was traveling to a foreign country to talk to him, and that was my understanding of what she knew and that's what I engaged with our liaison at State Department about.
Q. So you thought you had enough information from the liaison at the State Department; the same FBI liaison to the State Department, you thought provided enough information about what Kathleen Kavalec had to report about Christopher Steele?

A. From what I remember from the email exchange between myself and the FBI's Department of State liaison, I was just tracking an issue that she had become aware of our travel to meet with the source.

Q. You weren't aware that she met with Christopher Steele?

A. I was not aware.

Q. According to the IG report, the section chief forwarded you information that Kavalec had met with Christopher Steele. You don't recall receiving that information?

A. I don't recall receiving that.

Q. If she had information such as the -- you know, if she had information regarding an inaccuracy in Steele's reporting, would that have been important information to have gotten to the team?

A. Yes.

Q. I think, according to the IG report, Kavalec advised the FBI section chief in an email information related to an investigation of Steele's firm had been conducting. "The section chief forwarded the document to [redacted]"
the same day."

And that information was that there was a reference to Steele reporting to a Russian consulate being located in Miami when there is no Russian consulate in Miami. Were you ever aware of that fact?

A. It was brought up to me by the IG, but that's it.

Q. But not at the time?

A. Not at the time.

Q. And then also in that meeting -- I think this was conveyed in the email -- Steele said in a the meeting he had with Kavalec in undertaking the investigation at, quote, the behest of an institution he declined to identify that had been hacked, closed quote, which, I mean, isn't definitively the DNC, but I think the information would indicate the DNC. Did you ever receive that information?

A. I have no recollection of receiving that information.

Q. The IG report indicates that you, Peter Strzok, Lisa Page, a supervisory intel analyst, and the OGC unit chief traveled abroad and met with persons who previously had professional contacts with Steele or had knowledge of his work. Do you recall that trip?

A. I do.

Q. Was it multiple persons you met with?
A. The forum that I remember meeting in was -- yeah.

There were multiple people, I think from two different agencies.

Q. Was that the purpose of the trip?

A. I believe so, yes.

Q. Do you know why Lisa Page attended the trip?

A. I do not.

Q. Do you recall when the OGC unit chief attended the trip?

A. I do not.

Q. What did you learn from the trip about Steele?

A. I don't remember learning anything about Steele. I remember having discussions about the Russian maligned foreign influence and a new threat emerging, which was their use of social media. We were discussing the broader questions.

Q. But the purpose of the meeting was to learn more about Steele?

Or of the trip. I'm sorry.

A. That was not what I understood the purpose of that meeting to be. I don't think in that forum that I participated in that Chris Steele was discussed.

Q. So you were not -- and it does not indicate you were. I'm just asking.

You weren't in any meetings that Priestap and Strzok did get some information about Steele?
In the report, on page 182 of the IG report, it indicates that Priestap and Strzok gave notice of the feedback they received about Steele, some of which was positive and some of which was negative. You don't recall --

A. I think you're conflating maybe two different trips. So Bill Priestap did not travel with us.

BY MR. BAKER:

Q. If you know, who did Lisa Page work for?

A. She worked for who I believe to be the deputy director.

Q. And that would be?

A. Andy McCabe.

Q. Did you ever have a concern as the SSA with either the trips or any meetings that Lisa Page was at that information coming out of the meeting or what was discussed at the meeting would be, for lack of a better word, hotlined by Ms. Page to Mr. McCabe before you as the SSA could report it up to Mr. Strzok or Priestap or the acting section chief? Was that ever a concern?

A. No. It was never a concern of mine.

MR. SOMERS: I think we are out of time for this hour.

So it's 1:20. We'll go off the record.

[Whereupon, at 1:19 p.m., a lunch recess was taken, to reconvene at 2:00 p.m. this same day.]
MS. ZDEB:  It's 2:05. We can go back on the record.

FURTHER EXAMINATION BY THE MINORITY

BY MS. ZDEB:

Q. Before the break, you spoke a bit about conversations between George Papadopolous and a confidential human source in which Papadopolous made comments to the effect of coordinating with Russia would be treasonous. I just wanted to ask a couple of quick followups about that.

In your experience, do subjects or targets of an investigation sometimes deny that they are engaged in criminal conduct?

A. Yes.

Q. And, in your experience, should an agent or a prosecutor stop investigating a particular individual just because that individual denies engaging in crime?

A. No.

Q. Should the FBI close a counterintelligence investigation just because a U.S. person denies wittingly coordinating with a foreign power?

A. No.

Q. And, in other words, there could still be a legitimate reason to investigate that U.S. person, because he could be either wittingly working with a foreign government and lying about it or he could be unwittingly working with a foreign
government, and in either case, there would still be a basis for the FBI to investigate?

A. That is accurate.

Q. Turning back to the Steele Dossier for a minute, you were asked a number of questions about his election reporting. The IG report, obviously, spends a fair amount of time discussing it as well. I have a couple of questions just to put that reporting in context.

So Crossfire Hurricane was opened by the FBI on July 31, 2016. You said before the break that you didn't personally become aware of Steele's reporting until September 19th and, indeed, the Inspector General determined that the Crossfire Hurricane team as a whole did not become aware of his reporting until September 19th such that, to quote the Inspector General, the Steele Dossier played no role in the opening of Crossfire Hurricane.

Are you aware of any evidence that disputes that finding by the IG?

A. No.

Q. As I mentioned earlier, the Inspector General testified before our committee last December, and when asked about the role that the Carter Page FISA and the errors that he identified played in the larger Russian investigation, he testified that those that related to Mr. Christopher Steele did not call into question any of the special counsel's report.
Are you aware of any evidence that contradicts the Inspector General's testimony that none of the FISA errors call into question any part of Special Counsel Mueller's report?

MR. BERGER: I'll direct you not to answer.

MS. ZDEB: I'm asking for his personal --

MR. BERGER: Yes.

MS. ZDEB: And the basis?

MR. BERGER: I'm directing him not to answer with respect to any role he played in the Woods verification, the first FISA application.

MS. ZDEB: That's not what I'm asking about.

MR. BERGER: Can you repeat the question?

BY MS. ZDEB:

Q. So the Inspector General identified what we considered to be a variety of FISA errors. Recognizing that you do not necessarily buy into that characterization, when the Inspector General testified before our committee, he said that none of those what he considers to be errors played -- call into question any part of Special Counsel Mueller's report.

So the question I am asking is whether you are aware of any evidence that contradicts the Inspector General's testimony that none of the, again, what he characterizes as FISA errors call into question any part of the special counsel's report.

MR. BERGER: I'm just going to direct him not to answer.
That is really hypothesizing. The premise is that the Inspector General is accurate in identifying the errors. I'm not going to assume that.

You're asking a hypothetical question. There's no reality behind it. So I'm going to direct him not to answer from his perspective.

BY MS. ZDEB:

Q. Former Deputy Attorney General Rod Rosenstein, who supervised the Mueller investigation, testified before our committee in June of this year. He was asked whether he could identify which findings in Special Counsel Mueller's 448-page report relies on information from the Steele Dossier, and Mr. Rosenstein said "I don't believe there is any such information", meaning he is unaware of any information in the Mueller Report that relies in any way on Christopher Steele's election reporting.

Do you have any evidence that contradicts Mr. Rosenstein's statement that none of the findings in the Mueller Report rely on the Steele Dossier?

A. I haven't fully reviewed the Mueller Report to be able to speak intelligently about it.

Q. But sitting here today, you're certainly not aware of any aspect of that report that relies on the Steele Dossier?

MR. BERGER: He hasn't read the report. He's not aware
of all of its text. So he can't possibly answer that question.

BY MS. ZDEB:

Q. Since the IG report was released, we've heard arguments that the FBI should not have been investigating Carter Page in the first place and that the Inspector General's conclusions, which, again, I understand you may take issue with, undermine the entire individual counterintelligence investigation into Carter Page. So I would like to just ask you a couple of questions about that individual investigation and its basis.

On page 321 of the IG report, it indicates that on October 17, 2016, which is shortly before the FBI sought FISA authority on Page, Page told a confidential human source that he wanted to develop a research institute using a, quote, open checkbook from the Russians, and you told the Inspector General that Page's comment about an open checkbook from Russia brought you closer to believing that Page may have actually been acting as an agent of a foreign power.

Is that an accurate characterization of what you told the Inspector General?

A. Yes.

Q. Can you explain why hearing that comment from Carter Page brought you closer to believing that he may have been acting as an agent of a foreign power?

A. Sure. So, obviously, if you have an open
checkbook with Russians, and by Russians, in the context of that entire discussion about the Russian Federation, for him to have an open checkbook to initiate a think tank here speaks to the concerns for national security that I had that he would be, ostensibly, supporting their maligned foreign influence efforts in the United States and, therefore, would be acting -- being paid by the Russian Federation to do so would be acting as an agent of that foreign power.

Q. And, in your view, that was a counterintelligence concern that the FBI should have investigated further?

A. It was.

Q. The IG report also describes, and this is on page 222, how in an August 2016 meeting with a confidential human source, and this is after Wikileaks had released thousands of emails that had been hacked by Russia and Carter Page said that there would be an October surprise and referenced, quote, a next email dump with these 333,000 emails, you know, which was, presumably, referring to the -- I'm sorry -- 33,000 emails, presumably referring to the Hillary Clinton emails.

Why would those comments be concerning from a counterintelligence perspective?

A. Again, using his words and looking at the original predicate with regards to an anonymous leak of damaging information for Hillary Clinton and Barack Obama, it appeared
based on his statement that he was privy to that effort.

Q. So is it fair to say that given the facts known and unknown to the FBI at the time regarding Carter Page that, in your view, the FBI had a legitimate basis to look at him when examining the question of whether there were potential ties between the Trump Campaign and Russia?

A. Yes. We should have run an investigation.

Q. My colleague asked you a number of questions about Christopher Steele's source network, and my impression is that you were being fairly careful in how you described those sources. I've always understood sources and methods to be things that the FBI takes great pains to protect. Is that an accurate assumption?

A. It is.

Q. And as a general matter, why is it important to protect sources?

A. Obviously, at times, their lives could be at risk. Their livelihoods could be at risk.

Q. And, in general, can you speak to what the risks are of publicly disclosing the identity of a source?

A. You know, pretty much what I stated there. I mean, the goal is to have a covert, if not a clandestine, relationship with an individual that could provide information at times, things that they don't want maybe the public to know what they're talking about, and that can have a serious impact
on their life, to include, you know, their life.

Q. And given your experience with Russia in particular, would you agree that those risks to sources, including potentially to their lives, are amplified when the source is located in Russia?

A. Absolutely. I think you can look at recent events about that, but specifically the assassination of Litvinenko in 2006, I believe, they have the means to carry out things outside of Russia as well.

Q. In addition to physical threats to the safety and of the life of sources, is there -- when the identity of a source is revealed, is there some risk, in your view, that that has a chilling effect of the FBI's ability to recruit additional sources?

A. Absolutely. Yeah. I mean, who's going to want to cooperate and provide information or enter into that covert relationship if we can't protect their identity?

Q. So along similar lines, if a source whose identity is publicly revealed is a current source who is currently providing information to the FBI, in your view, does the act of exposing that current source's identity make it less likely that that source will continue being someone who cooperates with the FBI?

A. Yes.

Q. Can you speak to, just in general, the impact
of dissuading the cooperation with current and
future -- dissuading cooperation by current and future sources
in that way would be specifically with respect to the Bureau's
counterintelligence and counterterrorism, in other words,
national security mission?

A. Could you rephrase that question, if you don't
mind?

Q. So you just agreed with the general premise that
identifying either a current or a former source could have a
chilling effect on the Bureau's ability to continue getting
information from a specific source or recruiting future
sources. So my question is what is the impact of that chilling
effect on the Bureau's ability to carry out its
counterintelligence and counterintelligence mission?

[ ]: Can we go off for a minute?

MS. ZDEB: Um-hum.

[Counsel for the FBI and the witness confer.]

THE WITNESS: So to answer that question, I'll speak
for myself. It's drawing from my professional experience and
not the Bureau.

Yes, and particularly with the Russia threat that I'm
familiar with and worked, it is a consideration and it is
something that we are concerned with as and when sources are
exposed publicly, how that has a serious effect on the ability
to find other individuals that would be willing to be -- would
1 want to volunteer to us or that we would recruit.

          Does that answer your question?

BY MS. ZDEB:

Q. It does. So it's fair to infer from your response that the FBI depends on confidential sources in order to carry out its counterintelligence and counterterrorism work?

A. I depend on sources for that, yes.

Q. Are you aware that DOJ recently declassified the FBI's memo summarizing the January 2017 interview with Christopher Steele's primary subsource and that, shortly after the memo was posted on our committee's website, a blogger was able to deduce the identity of that subsource, which was pretty shortly thereafter publicized by the Russian state-owned news outlet, RT?

A. I've heard that.

Q. And based on your personal experience working in counterintelligence investigations involving Russia, what are the possible consequences of exposing the primary subsource's identity?

A. Hypothetically and how I would -- my concerns would be that we would be less likely to receive other individuals willing to cooperate with the U.S. Government or the FBI as a source.

Q. Are there also risks to the primary subsource's 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
used an "admonishment".

Q. An admonishment?
A. Yeah.

Q. I think, earlier, you testified that in terms of defensive briefings, admonishments, the ones that you had participated in the past have been defensive briefings of other FBI personnel. Do I hear that correctly?
A. That's correct.

Q. So this would be the first time you'd admonished or defensively briefed a political candidate?
A. That's correct.

Q. So you didn't have any particular expertise in doing, quote-unquote, defensive briefings?
A. No.

Q. Who told you that you were going to be doing the defensive briefing?
A. Peter Strzok.

Q. What was your response to his instruction?
A. When is the briefing? I asked when the briefing was.

Q. Do you recall how far in advance this was?
A. It was a week, maybe, I believe.

Q. What did he tell you as to why you were doing the briefing?
A. He let me know that prior to ODNI providing their
other classified briefings to the two presidential candidates
as well as their vice presidential candidates, that he was aware
that the President, at the time President Obama, wanted to
ensure that everyone received an FBI counterintelligence and
security brief.

Q. Where did you get the information that you
included in your -- this is a larger briefing, you said with
other members of the I.C. Where did you gather the information
that you briefed the candidates and his two advisors on?
A. I mean, I created a format from FBI holdings.
Q. Did you have a meeting about this briefing prior
to it happening with other people at the FBI?
A. We had mock sessions. I provided my outline to
two individuals. Yes.
Q. Who attended those mock sessions?
A. From what I remember, Peter Strzok, Jonathan
Moffa, Lisa Page, I think. I know that they did, maybe others
too.
Q. You're going to get this question from me a lot:
Do you have any understanding of why Lisa Page was at your mocks?
A. I don't. I didn't find it unusual.
Q. You didn't find it unusual because she was in
a lot of things or you didn't find it unusual that there was
a lawyer in the deputy director's office in the mocks?
A. I didn't find it unusual because she was around
all the time.

Q. Were you also instructed as part of your task, other than giving the briefing, were you instructed that you were to actively listen for topics or questions regarding the Russian Federation?

A. Yes.

Q. Who gave you that instruction or an instruction to that extent?

A. Peter Strzok.

Q. Who in particular -- was there anyone in particular you were supposed to listen to?

A. So we had a predicate subject in the room, as we've already established, General Flynn.

Q. General Flynn. Were you supposed to, you know, actively listen to him more than the others or was it just you were supposed to listen to all three individuals in the room?

A. All three of those individuals were part of the Trump team. So I had an investigation and we had yet to define other potential subjects. So if anyone on the Trump team, you know, made a statement regarding the Russian Federation, I was there to note it and record it.

Q. And you were only supposed to actively listen for information regarding Russia or were you supposed to actively listen for information regarding other foreign adversaries?
A. Just Russia.

Q. According to the IG report, it says that you told the Office of Inspector General that Flynn made comments during exchanges with the ODNI briefers on many subjects unrelated to Russia and that you did not document those because information was not pertinent to any FBI interests. Why were those other topics not pertinent?

A. So that briefing alone, a very highly classified briefing as you can imagine, it was not appropriate for me to report what those briefers were saying. In particular for General Flynn, all that I knew was he was a subject and I was going to write down what he said about the Russian Federation specific to the Crossfire Hurricane case.

Q. And you documented that in a 302; is that correct?

A. I believe it was an E.C.

Q. So you did create a written summary of the briefing?

A. I have.

Q. I'll try to formulate this in a question: I think it leaves something out if you ask -- if you only write down what he said about Russia and he said things about other countries as well and you only report back what he asked about Russia, doesn't that give you a misimpression of what it was that Flynn was really concerned with in the briefing?
A. That wasn't important to us and our goals about what he was concerned about; however, if he made statement that I determined was, again, a threat to national security or a violation of law, I would have recorded it at that time.

Q. Was this E.C. something that could possibly be turned over in future litigation?

A. Sure.

Q. Criminal litigation?

A. Possibly.

Q. So you didn't -- if he asked the same question about China that he did about Russia, you didn't -- for instance -- I'm not asking whether he did, but you wouldn't have documented if he said the exact same thing about China that he did about Russia?

A. I did not.

Q. Did anyone at the FBI express concerns about your attendance at the briefing?

A. I don't remember.

Actually, no. No one had concerns or voiced them to me.

Q. Do you know if you were the originally-scheduled briefer of this briefing or was there someone else who was supposed to do it?

A. I was not. Peter Strzok was to be the person to provide the briefing.
Q. Do you know why he did not do it?
A. I do. He was involved in a prior investigation midyear and I think it was looked at -- the optics of that. He was going to be briefing, you know, providing the same briefing to Candidate Clinton.

Q. You provided the identical briefing to the Trump -- then Candidate Trump and his two advisors as you did to Secretary Clinton?
A. Secretary Clinton and Vice President Pence and Kaine, Tim Kaine.

BY MR. BAKER:

Q. Who made the decision to take Strzok out?
A. I don't know.

Q. Was there a discussion as to who should substitute him that you're aware of? Were you approved?
A. I was not part of any of those discussions. My only visibility to that process was when Pete came down and notified me, told me what I told you, the purpose as well as that he was the original person that was going to do it and it was determined he would not be doing it.

Q. So you were just told the what, the where, and that you were the one doing it?
A. Yes, sir.

Q. Did you know in advance how much time you would be allotted for the official presentation that you were to make?
A. Yes. So we knew that the ODNI briefings overall were going to be about two hours in length and there was approximately 10 briefers, so about 10 minutes of a briefing provided for C.I. security briefing and admonishment. That's pretty much what I understood was how much time I had.

Q. So then the rest of your time, you just made notes about the number of times and topics that Russia came up on?

A. Yes, sir.

Q. Did you make any notes about any observations that you made?

A. No. I don't believe so.

BY MR. SOMERS:

Q. Did you find anything problematic -- I asked if others found anything problematic. Did you find anything problematic about using this strategic intelligence briefing to gather information on Flynn or Christie or Trump?

A. No.

Q. The IG report says that part of what you were doing there was you wanted to gauge, I think the quote is, norms to compare his mannerisms in a future interview.

A. That's correct.

Q. What does that mean, "norms" or "mannerisms"?

A. Sure. When you're -- any time that you consider that you're going to conduct an interview, you want to establish
a baseline of how a person acts, how they sit, how they speak, their tone prior. That helps you during a possible eventual subject interview that you have something to compare that to.

Q. Did you use any of the norms or mannerisms that you learned at this August 17th strategic intelligence briefing; did you apply any of those observations to the January 24, 2017 interview you conducted with General Flynn?

MR. BERGER: I'm going to direct him not to answer that question.

MR. SOMERS: On what basis?

MR. BERGER: Because there is a parallel investigation by the U.S. Attorney and we are going to be participating in that. I will not authorize him to answer any questions about that.

MR. SOMERS: Just for the record, the FBI has no objection to him answering that question?

[Redacted]: The FBI has no objection.

BY MR. SOMERS:

Q. Did the Justice Department know that you were going to use that August 17, 2016 strategic intelligence briefing to observe Flynn and/or Christie and then Candidate Trump?

A. I don't know. I had very minimal interaction with anybody in the Justice Department.

Q. So you don't know whether the Justice Department
1 was informed?

A. I don't.

MR. SOMERS: Your last objection applies just to the January 24th interview? Where are we? I mean, I don't need -- MR. BERGER: Well, it's not just confined to the interview itself, but the inception, decisionmaking that he made prior to that, and reporting afterwards. You can try.

BY MR. SOMERS:

Q. Let me try. The FBI had an investigation of General Flynn open since, basically, the inception of Crossfire Hurricane on August 16, 2016, I believe is the date; is that correct?

A. That sounds about right.

Q. What was the predication for that?

MR. BERGER: I'm going to direct him not to answer.

BY MR. SOMERS:

Q. On or about January 4, 2016, did you approve a memo written by an agent in the Washington Field closing the investigation?

MR. BERGER: I direct him not to answer.

BY MR. SOMERS:

Q. Did you at some point in time become aware of phone calls between General Flynn and Russian Ambassador Kislyak?

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
6       MR. BERGER:  I'm going to direct him not to answer.
7
8       BY MR. SOMERS:
9       Q.   Prior to being assigned to Crossfire Hurricane,
10 had you ever worked on a case involving a violation of the
11 Foreign Agents Registration Act?
12
13       MR. BERGER:  I'm going direct him not to answer.
14
15       BY MR. SOMERS:
16       Q.   Same question regarding the Logan Act.
17
18       MR. BERGER:  I direct him not to answer.
19
20       MR. SOMERS:  For the record, the FBI has no objection
21 to any of those questions that I just posed, him answering them?
22
23       MR. SOMERS:  I'm going to switch topics again.
24
25       MR. BERGER:  Okay.
26
27 BY MR. BAKER:
28       Q.   Let me ask a general question, just about how
29 something works. It doesn't have to be related to this case.
30
31       You have a field office that is handling a case or may
32 be a part of a case. It's overseen by Headquarters. A field
33 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
closing it and they're notifying Headquarters.

3 Does Headquarters have the final say if the field office
can, in fact, close the case or is it reviewed by a program
manager at Headquarters to see if there's any other leads that
the program manager at Headquarters thinks need to be done
before it's appropriate to close the case?

5 A. It depends on the case; however, the field
office has the authority to close the case.

7 Q. Okay. Would it be unusual for a -- if a field
office closes the case, can Headquarters come back and say,
Well, you didn't interview this person or you didn't cover this
lead, it needs to be -- those needs to be covered before you
can officially close it?

9 A. Yes.

11 Q. So that's not unusual?

13 A. No. I've seen it before.

15 MR. BAKER: Okay.

19 BY MR. SOMERS:

20 Q. All right. Switching off of the Flynn matter,
the IG report indicates that through you, the team advised
O.I. -- I guess that's DOJ -- based on information from Steele,
Steele was specifically hired by an individual to provide
information on Candidate Trump's business affairs and contacts
with Russian.
Then it says you provided information that Steele was never advised of the motivation of the individual who hired him. Is that your recollection, that Steele, to your knowledge, Steele was never advised of the motivation of the individual who hired him?

A. To give you a little bit of background and context on that email exchange, as I stated on the record, my role by policy and process was not to be involved in the drafting of the FISA application, nor was it to engage with DOJ attorneys and, clearly, the record shows that.

On this case, the Case Agent 1 was out of the office and there was information that O.I. needed. I did not have a day-to-day command of the facts as opposed to some of the folks on the team that had institutional knowledge in specific and could answer that question. So that's why that says with help from the team, this is the response.

So, again, with the help of the Crossfire Hurricane team, I drafted that email.

Q. So someone gave you the information that you included in the email?

A. That's correct.

Q. So you weren't aware that, for instance, I think there's notes that Steele allowed the IG's office to review that say that Steele told Handling Agent 1 the Democratic Party associates are paying for Fusion GPS's research and that the
ultimate client was the leadership of the Clinton Presidential
Campaign and the candidate was aware of Steele's reporting?

You weren't aware of information like that?

A. Sir, I can't remember, again, going back -- it's
been four years -- what I remember when. I cannot speak to that.

Q. You sent the team to a European City in October
of 2016. Did they ask Steele who the ultimate -- who he was
the client for?

A. I don't know.

Q. There's also information that the handling
agent seemed to know who the ultimate client was or at least
had some speculation about it. Among other things, it says:
"The assistant special agent in charge of the FBI Field Office
took notes of the July 13th call. The ASAC Handling Agent
1 -- "Among other things, the notes identify Simpson as the
client of the law firm and the law firm works for the Republican
Party or Hillary and will use the information described in the
report at some point in time."

You weren't aware that the handling agent seemed to have
some knowledge of who Steele was working for?

A. No, sir.

Q. Whatever information you conveyed was not your
information; you merely were the transmitter of the
information?

A. Yes.
Q. The IG report also indicates that you told the
OIG team that the team, quote, speculated Steele's information
was corroborated and used in criminal proceedings because they
knew Steele had been, quote, a part of, if not predicated, the
FIFA investigation and was known to have an extensive source
network into Russian organized crime.

Let's just break that down a little bit.

"[redacted] told the OIG that the team -- I assume that's
the Crossfire Hurricane -- "speculated that Steele's
information was corroborated."

Why did they speculate the information was
corroborated?

A. So I've had the opportunity to go back and read
my transcripts over 30 hours from my IG testimony. I said
"speculate" three times. If I would have known that my
testimony would have boiled down to that word in the IG report,
I would have said something different.

I think I was taken out of context with regard to that.
I understood that that was the case. So when I was looking at
those facts, that was my understanding at the time.

I think the speculation part is I speculated or I
believed that the team that was doing the validation on the intel
side were doing their job. That's what I speculated.

Q. So you weren't actually speculating; you
shouldn't have used the word?
A. Correct. That was taken out of context.

Q. But there would, obviously, have been -- why this has been singled out because there's people at the FBI that could answer that question. Was it your understanding that people had asked those people at the FBI or at the Justice Department that could answer the question and asked them the question?

Is that your understanding, that Crossfire Hurricane had done that?

A. I understood that, through my observations, that the process was occurring as it normally had, if not better than normally had. We actually had O.I. attorneys in our space working with Case Agent 1 as well as OGC attorneys. That typically doesn't happen in the field. It should happen in classified calls when conveying information.

So I saw the exchange of information occurring from -- I had no reason to believe that what was in the application wasn't anything more than the most accurate recent information that we had.

Q. So you didn't know the FIFA case agent or the prosecutor on the FIFA case told us that, to their knowledge -- told OIG, to their knowledge, that Steele did not have any role in the investigation himself, he did not provide court testimony, and that information did not appear in indictments, search warrants, or other court filings?
A. I was unaware of that.

Q. And then, also, you were not aware that according to Handling Agent 1, he was clear to the Crossfire Hurricane team concerning Steele's role and Steele had provided leads and not evidence in the FIFA case; are you aware of that?

A. I'm sorry?

Q. According to Handling Agent 1, he was clear with the Crossfire Hurricane team concerning Steele's role and that Steele had provided leads and not evidence in the FIFA case. You were unaware of that interaction with Handling Agent 1?

MR. BERGER: Can we stop for a moment? I would like to just talk.

MR. SOMERS: Yes.

[Mr. Berger confers with the witness.]

THE WITNESS: To answer your question, for Crossfire Hurricane team, I can tell you that Handling Agent 1 never provided that information directly to me. If he provided to anybody else, I can't speak to that. No one ever conveyed that to me.

BY MR. SOMERS:

Q. I know we've had a little bit of discussion about that and just to revisit what was and was not included from the confidential human source consensual monitoring with Carter Page, what was included in the FISA application and what was not included in the FISA application. A couple of points that
were not included, the OIG report states and I'll try just read
as little as I can here, but it's on page 170:

"We further noted the documents in the Woods file
specifically stated that Page denies meeting with
Sechin/Diveykin and said that he, quote, stayed clear of the
efforts of the Republican platform committee and knew nothing
about Wikileaks. Neither Case Agent 1 nor [redacted] noticed this
inconsistency during their Woods procedures even though instant
messages showed [redacted] also knew as of October 17 that Page
denied ever knowing Diveykin.

Do you know or have any recollection of why the denials
of Page knowing Sechin and Diveykin didn't make it into the FISA
application?

MR. BERGER: I'll direct him not to answer.

MR. SOMERS: On what grounds?

MR. BERGER: The grounds that we don't have the draft
of the FISA application that my client reviewed and he has no
reference to determine whether any of that is accurate as a
firsthand witness. He has nothing to aid his recollection as
to what he actually saw. Therefore, he's unable to answer that
question.

He does not have enough information available to him
to answer that question because he does not have that draft of
the FISA application that he actually reviewed.

MR. SOMERS: I don't think that's the question. My
question was whether he recalls why Sechin and Diveykin, the
denials were not included in the FISA. Either he recalls or
he doesn't recall. I don't understand.

MR. BERGER: I'm going to direct him not to answer.

He's not in a position where he can even make an affirmative
statement that he doesn't recall. He doesn't have enough
information available.

I'm going to direct him not to answer. He can't answer
whether he recalls or not.

We're in the ether here.

MR. SOMERS: I don't think we are in the ether here.

I can ask him whether he recalls something. Either he recalls
it or he doesn't recall it.

MR. BERGER: Look, he's under oath. Even an answer
that says I don't recall has to be sincerely given in good faith
and that's what he's here to do. He can't give a sincere good
faith answer without access to that document.

BY MR. SOMERS:

Q. You discussed in the last round about -- I
believe this is the comment, that you discussed -- "[redacted] told
the Office of Inspector General on Page's comments on funding
a research institute using a, quote, open checkbook from Russia
brought [redacted] closer to believing that Carter Page may
actually be acting as an agent of a foreign power.

Do you recall having that impression?
[Witness confers with counsel.]

THE WITNESS: Yes. That is correct. That's what I stated earlier.

BY MR. SOMERS:

Q. I'm just trying to understand with all of these questions the line between, you know, on one hand, that brought you closer to believing that Carter Page may actually be acting as an agent of a foreign power. That's a comment that he made during a confidential human source consensual monitoring.

That, you gave credence to. There's other comments that didn't make it into the FISA application.

I'm just trying to understand the line of how can you give credence to some things and not others in a consensual monitoring?

MR. BERGER: He's not able to respond to that question. I'm going to direct him not to answer.

MR. SOMERS: Generally why certain things might make it in and others won't?

MR. BERGER: Correct.

BY MR. SOMERS:

Q. Do you recall -- this is on page -- this is in the footnote on page 310 of the OIG report.

It says: "The only express direction we found that McCabe gave regarding the use of a confidential human source concerned the former FBI CHS who contacted an FBI agent in an
FBI field office in late July 2016 to report information."

This is the information we talked about earlier in that August 2nd email. That's not necessarily the important part of what I'm asking.

It says: "In mid-September 2016, McCabe told [redacted] to instruct the FBI agent from the field office not to have any further contact with the former CHS and not to accept any information regarding the Crossfire Hurricane investigation."

Do you recall why you were asked to instruct the agent, to so instruct the agent?

A. Somebody brought that to my attention recently.

I don't remember.

Q. You don't remember?

A. No.

Q. You don't remember giving the instruction? I'm just asking why were you giving the instruction.

A. No. I don't have any recollection of that at all.

Q. "We further found -- this another quote from IG report.

"We further found that [redacted] briefed the FBI supervisors in his chain of command, Strzok, Priestap, and on one occasion McCabe, about the CHS operation planned by the investigative team."

Why, in general, would you have briefed Strzok,
Priestap -- we'll start with Strzok and Priestap -- about CHS operations?

A. Sure. As I mentioned before, on a daily basis, I kept my management apprised of the progress of the investigation and/or any kind of operational operations that we were conducting, to include CHS operations.

Q. And McCabe, do you recall why you briefed McCabe on the CHS operation?

A. Just more of kind of the same. It was an update.

Q. It wasn't a specific briefing for him about an operation; it was part of a more general meeting?

A. It was a more general meeting, yes, sir.

Q. Switching topics here a little bit, you probably recall that there was a September 23, 2016 Yahoo news article that related to the Crossfire Hurricane investigation. Do you recall that article?

A. I do.

Q. The article was titled "U.S. Intel Officials Probe Tie Between Trump Adviser and Kremlin". The article describes efforts by U.S. Government intelligence agencies to determine whether Carter Page had opened communication channels with Kremlin officials.

I think there was some back and forth about whether Steele was the source. The article itself said that there was 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
saying Steele was the source of the --

MR. BERGER: I direct him not to answer.

BY MR. SOMERS:

Q. Okay. Do you have any knowledge of Steele being admonished around that time period for talking to the media?

A. No. I do not remember that.

Q. I think another issue came up surrounding not this article, but a later article. I think you aware of this one. It was an article in "Mother Jones" and that it says that after that article appeared in "Mother Jones", FBI officials told OIG that after these disclosures, they continued to assess if Steele was reliable; however, they said that they viewed the "Mother Jones" disclosure as a control issue.

What's a control issue? I think I believe you used that term as well, although, I don't have a quote in front of me. What's a control issue?

A. Also, just to back up to what you were saying before, it was a very large group of people. I'm on the record saying I did not have that same overall understanding and belief about Chris Steele at that point. At that point, I felt that we had control and behavior issues, is how I put it.

From a control standpoint and behavior standpoint, we had traveled to another country. We had asked him to enter -- we asked him for what I call exclusivity, and seeing his work and acknowledgment of our case in the press on that day, he had,
as I put it, politicized himself, and that was a big problem for me.

Q. How so?

A. I guess at that point, it goes back to his behavior and control. You know, any time you are going to either put your hand on the scale or acknowledge the existence of our case, basically, it's just significant.

Q. Does that in any way affect his reliability? Does that kind of spill over the line some between control, as you describe it, and his reliability?

A. What could also be true is what my goal is, to find out in the allegation, Okay, what about your subsources. Right? The information that you were receiving from those individuals, just because you may have put your hand on the scale doesn't mean that their information is invalid.

Q. But if you can't control -- if you have control issues with a source, doesn't that affect trust in some way? I mean, you instruct someone to do something and they don't do it --

A. That's a trust issue, yes.

Q. So around this time, and I think it was -- I think the "Mother Jones" article was on October 31st, if I'm not mistaken. On November 1st Steele is closed as a source.

Were you aware that he was closed when he was closed or somewhere thereabouts?
A. I instructed the handling agent to close him.

Q. I'm sorry. You instructed?

A. I instructed the handling agent to close him.

BY MR. BAKER:

Q. What was their response to that instruction?

A. I think at the time, the handling agent might not have known that the article was out. I think I alerted him to that, and then I think once he confirmed from the source what occurred, I think he knew that was the appropriate course of action.

Q. So did you instruct him to close the source or did you request that he did it based on A, B, and C and then he looked at A, B, and C, agreed and closed the source?

A. So I'll back up a little bit. I had briefed this to executive management at, I believe, one of those eleven o'clock C.I cyber meetings that I was chairing, and when I briefed it to A.D. Priestap, he instructed me to instruct the handling agent to close the source for cause.

Q. So when you told the handling agent to close the source for cause, it was, essentially, you relaying the instruction or the order from A.D. Priestap?

A. Yes, sir.

Q. And there was no reluctance by the handling agent to do it and he was going to look further into it?

A. Sir, I don't remember anything out of the
 ordinary. I think he took it and did it, I think that same day.

Q. When you said exclusivity, is that to say that
he should be, the source should be, reporting solely to the
Bureau and he was doing -- he was peddling his wares in other
places and is that an issue for you?

A. So that is on two points. One of them was he
had, obviously, acknowledged to someone at the State Department
that he was in a meeting with us in a foreign city a month prior,
and that was something that we wanted to ensure that he wasn't
talking to another government agency about that or his
relationship. That was one piece of exclusively.

The second part that we were, say, negotiating on or
wanted to negotiate on was whoever his customer was where he
was getting the source information, we were interested in
establishing -- I don't want to say cut that customer off, but
have this reporting only go to the FBI.

Q. Those are good specific examples on the
exclusivity issue. Do you have any specific examples on what
the control issues relate to?

A. Control is also going to the State Department.
He was talking to the individual, I believe, that was at that
embassy in that country. That's how I remember the issue, and
we just didn't want to do that.

So that was the control issue.

Q. Okay. A long time ago in this interview, we
mentioned briefly or I asked a question about whether there was
a delay in the reporting coming from the handling agent. You
didn't seem to this think there was.

Were you aware, either at the time or in
hindsight -- with the IG report as a benefit to answer some of
this stuff, did it seem to you that at some point there seemed
to be an us versus them that shook out between Handling Agent
1 and the Headquarters team?

I got a sense that there were people at Headquarters
that thought had the information, had the Steele information,
come to Headquarters quicker, they could have started the
validation of Steele sooner and then there was a thought from
Handling Agent 1 that had the Headquarters people got into the
Delta file sooner, I think his words were something to the effect
of I would have turned that file upside down.

It just seemed to me it was he said-she said at one
point. Did that become apparent to the team or is that just
me reading the IG report in hindsight?

A. Sir, it might just be hindsight. I didn't feel
that the case agent, the handling agent at the time -- again,
I think it was just a few-week time period here, these
characterizations we're talking about, but I never got that
sense from the handling agent.

Q. Thank you.

A. But I also never met with him. I spoke with him
on a secure line on a headset.

Q. But he or she is not someone you had worked with before?

A. I didn't know him or her.

Q. You just knew them in the capacity as they existed when you were the SSA on the case?

A. Yes, sir.

MR. BAKER: Thank you.

BY MR. SOMERS:

Q. You indicated earlier that Priestap instructed you to close Steele as a source. Did you agree with that instruction?

A. I did.

Q. And what was either -- well, let's start with what was -- do you know what Mr. Priestap's rationale was? Obviously, the "Mother Jones" article was the event, but what was the rationale, as best you understood it, to close Steele?

A. He didn't express the rationale. He was upset.

Q. You said you agreed with his decision. What would your rationale be for why?

Obviously, the event is the "Mother Jones" article. What was the rationale based on the "Mother Jones" article that it's time to cut this guy loose?

A. The same thing, behavior, control, and trust issues.
Q. And then but the FBI continued to receive information from Steele through Bruce Ohr after he was terminated. Did you have an issue with that arrangement?

A. So that was not my primary objective from talking with Bruce Ohr, as I understood it. My primary objective from him was, as I mentioned to you, you can have a source that's closed for cause and a source that you might have concern about that individual and we also have subsources out there that we had information in a FISA that we were relying on for that probable cause, and we needed to verify those subsources.

So my objective was to, during my engagements with Bruce Ohr, try to learn as much I could about Chris Steele and his subsource network to help piece that together and try to identify those individuals and vet them individually.

Q. Did you ask Ohr to ask Steele anything?

A. No.

Q. So you were just -- your trying to learn from Ohr is based on Ohr's knowledge of Steele based on his past relationship with him?

A. That's correct.

Q. But you did continue to receive information from Steele through Ohr?

A. I didn't necessarily look at it that way. I received a lot of -- well, various information from Ohr. I
received information from his wife. I received information
from Simpson as well as Steele.

At the time that I was accepting this information,
again, there were thumb drives that we needed to retain and I
didn't fully understand what was on those, but we needed to take
it in just like we take in any information from anybody who wants
to provide us information. So I wasn't going to place a
judgment on what that information before I talked to him or
examine that.

Q. What did you do with the thumb drives that you
received from Bruce Ohr?

A. So I brought them back to -- I had to go to the
Washington Field Office, because, again, the case was run out
of Headquarters. I needed to have a [redacted] to process
this and create a working copy and put it into evidence.
So went to WFO for that. Then I brought it back and
I provided it to the analysts on the Crossfire Hurricane team
that were working to validate the source.

Q. That's what you did with all the thumb drives
you received?

A. I did.

Q. And did they know, the analysts, where this was
coming from?

A. Yes.

Q. Was there any sort of chain of custody into
taking account these thumb drives?

A. Yes. So they went into evidence. I provided them working copies.

Q. Okay. Where did the chain -- the chain started with you or the chain started with Bruce Ohr?

A. Bruce Ohr.

Let me back that up. I would have to review the actual evidentiary form and what I filled out, but I don't remember what I put on that form.

Q. Getting back to what we were discussing just a second ago, on page 281 of the IG report, it says: "[redacted] told the Office of Inspector General that no one in the meeting directed Ohr to contact Steele or take any action on behalf of the FBI, but added that Ohr likely left the meeting with the impression that he should contact the FBI if Steele contacted him."

What would have left that impression with Ohr?

I can read it again if you'd like.

A. Yeah. That would be helpful.

Q. Sure.

"[redacted] told us -- us being OIG."

"[redacted] told us that no one in the meeting directed Ohr to contact Steele or take any action on behalf of the FBI, but added that Ohr likely left the meeting with the impression that he should contact the FBI if Steele contacted him."
My question is what would have left Ohr with that impression?

A. I would say based on the things we were talking about in the meeting, he knew that we were interested in information regarding the subsources and any information would be pertinent that he would receive in that realm, and so I think it was implied or he just understood -- I mean, he was a professional who's worked a long time in law enforcement. He just understood.

Q. But you still -- even though Steele was a closed source, you had no issue with Ohr continuing to speak to him?

A. It's one thing if you get information from Ohr about Steele in general, but to have him continue to contact a closed source wasn't a problem?

Q. But you didn't think it odd or unusual that someone of Ohr's rank and workplace officially being Main Justice, that he would so many contacts and be a conduit for a source providing information to such a big case of the Bureau's?
A. I didn't find it odd. Washington is a -- as you know, it's a well-connected town and there's a lot of people who know a lot of people. So it didn't raise any concerns with me.

[Redacted]: We would just like to go on the record to clarify that Lisa Page was not a senior executive of the FBI if the record says she's a senior executive.

BY MR. BAKER:

Q. But she was in a lot of meetings that you were privy to. Correct?

A. Yes, sir.

BY MR. SOMERS:

Q. Case Agent 1 told the OIG -- it says: "Case Agent 1, the lead agent on the Carter Page investigation told us he recalled learning about Ohr from [redacted] likely before the first Carter Page FISA application was filed on October 21, 2016."

Do you dispute that timing? Do you have any issues with the timing there? Did you know about Ohr prior to the first Carter Page FISA application?

A. I don't remember knowing Bruce -- well, the first time I met Bruce Ohr was in November. I have no recollection that I knew his name or the existence of Bruce Ohr prior to that time.

Q. Or the Ohr-Steele connection?
A. Or the Ohr-Steele connection. If I would have, we would have probably attempted to go out and talk with Bruce Ohr.

Q. The first time you met Ohr was in a meeting with Strzok and Page?

A. It was.

Q. Was there anyone else in that meeting?

A. John Moffa may have attended.

Q. What was your knowledge before the first Carter Page FISA application was filed on October 21st, what was your knowledge about Carter Page's relationship with another government agency, intelligence agency?

A. I had no knowledge.

Q. You had no knowledge prior to?

A. No.

Q. Did you at a later time gain knowledge of that?

A. I have since learned.

Q. I'm sorry. You since learned while you were still on the Crossfire Hurricane?

A. I was not while I was on Crossfire Hurricane.

BY MR. BAKER:

Q. In your experience, your 18 years total Bureau experience, when a source is opened or used in a case, are there database checks or inquiries made as a matter of routine from other agencies to make sure that, you know, drugs aren't being
bought from the DEA or something like that?

Is it standard procedure to do an agency check?

A. It is.

Q. Then as the result of that agency check routinely put into a case file? Are the case agents notified when a result come back from another agency check?

A. Yes. The handling agent would go to the Delta file.

BY MR. SOMERS:

Q. Had you worked with Case Agent 1 prior to Crossfire Hurricane?

A. Yes.

Q. Regularly? On how many occasions?

A. He was a program manager when I was in the Washington Field Office on my Russian counterintelligence squad.

Q. He was on your squad?

A. He was -- I'm sorry -- a FBI Headquarters program manager SSA. So he was an SSA. In the Bureau, you have squads out in the field and, obviously, we have a Headquarters structure.

So he was assigned to the Counterintelligence Division. In particular in the Counterintelligence Division, you have various sections. He was a part of the Eurasian Section and that have the responsibility for looking at all 56 field offices
and supporting their Russian investigations and operations.

So in that programmatic capacity at the national level, he had supported my squad prior.

BY MR. BAKER:

Q. So did he step down from being an SSA to being an SA and then you became his supervisor on Crossfire?

A. No, sir. I believe he had traveled back to his field office. His time at Headquarters as a supervisor there expired and he transferred back to his field office.

So he was SA in his field office when I spoke with him in July or August 2016.

BY MR. SOMERS:

Q. Did you recruit him to the team or ask to -- "recruit" is the wrong word. I'm sorry. Did you ask him to join the Crossfire Hurricane team?

A. Yes.

Q. So you must have thought he had a solid reputation or solid work ethic in order to invite him to be on the team.

A. I was very familiar with his work product when it came to Russian foreign counterintelligence and [redacted]

[Redacted text]
Q. When you said earlier he was a program manager at Headquarters, was that the program manager -- for instance, the Carter Page FISA was application ultimately signed by the Headquarters program manager. Is that the type of position he held?

A. Yes.

Q. Did he ever sign FISA applications for you as a Headquarters program manager when he was previously in that position?

A. Yes. He was the acting on a few.

BY MR. BAKER:

Q. I'm still a little confused. He's an SSA at one point at Headquarters and then he's a case agent under you on Crossfire Hurricane.

A. So he was an SSA program manager assigned to the Counterintelligence Division while I was an SSA at the Washington Field Office. I believe he was on a 18-month TDY.

Q. As a program manager?

A. As a program manager and, usually, when that expires --

Q. He went back?

A. -- you go back to the field office.

Q. And then you recruited him back?

A. Correct. So he was already back in his field
office when I came to Headquarters for a TDY and I said, Hey, can you go on the team?

Q. So he came back on another TDY?
A. Correct. Those were the circumstances.

Q. Your assessment of his experience when he left Crossfire Hurricane, was it a good, enriching or career-developing experience for him or did he leave frustrated?
A. I thought, for him, that we had a unique experience.

Q. When you say "unique", what does that mean?
A. This case was unique. It was something that not a lot of people would get the opportunity to work in their career.

Q. If you knew -- when your TDY was over and said I'm going back to Washington Field, if you had known what this unique experience would be like when you got the call from Mr. Strzok, would you have come and been a part of the team or sat out?

MR. BERGER: That is a real speculative -- you know, that's --

MR. BAKER: Well, it's something that you consider as an agent.

MR. BERGER: I understand that, but, you know, there are so many variables in making an assessment like that. I'm
BY MR. BAKER:

Q. Are you glad you did this? Are you glad the time you put in was spent at Headquarters or would you have preferred to have stayed at Washington Field and run your squad?

A. I grew a lot by this experience.

MR. BERGER: Leave it at that.

BY MR. BAKER:

Q. Well, I believe that Bureau experiences and Bureau managers, you can learn from bad experiences and be a better manager by having worked for bad managers and you can take good from good managers. I'm just curious what the totality of your time in Crossfire Hurricane was. You were specifically recruited because of your expertise and you leave for reasons of principle, again, relating to your expertise and --

[Witness confers with counsel.]

MR. BERGER: Sir, respectfully continue. I'm sorry. I guess we get the gist of your question.

THE WITNESS: Overall, Crossfire was rewarding. The aftermath was not so good. So that's the answer.

MR. BAKER: Thank you.

MR. SOMERS: I think our hour has expired. We'll take a short break.

[Whereupon, at 3:25 p.m., a recess was taken,
reconvening at 3:36 p.m.]

MS. ZDEB: We can go back on the record. It's 3:36.

FURTHER EXAMINATION BY THE MINORITY

BY MS. ZDEB:

Q. I just had a couple of followup questions on the August 2016 strategic intelligence briefings.

So you indicated that you gave substantively the exact same briefing to both the Clinton team and Trump team; is that right?

A. That's correct.

Q. And you told OIG that, substantively, there was nothing you did differently with the Trump briefing as compared to the Clinton briefing; that was one of the things that was very key, the briefings needed to be consistent.

And that's on page 342 of the IG report. Why was it key that the briefings be substantively identical?

A. Obviously, the message wasn't tailored for anyone in particular. It needed to be consistent so that everybody was afforded the same admonishment.

Q. So, obviously, you spoke a bit before the break about the one difference between the two briefings, which was the fact that the briefing for the Trump team involved your observing and listening to General Flynn and, in particular, to the extent he discussed Russia. At the time of this briefing, was the FBI conducting a predicated
counterintelligence investigation into the Clinton Campaign ties to Russia?

A. Not to my knowledge.

Q. If the FBI had been conducting a predicated investigation into the Clinton Campaign's ties with Russia and if a subject of that investigation attended the briefing that you provided for the Clinton team, is it possible that you would have approached that briefing in the same way you did the Trump briefing, in other words, to observe, listen to, and record any discussion by that subject of Russia?

I'm going to have to object. The nature of that one is speculative, particularly to a hypothetical investigation and what investigative steps he would take in that circumstance.

BY MS. ZDEB:

Q. So with respect to the notes that you took and the fact that you memorialized aspects of the briefing for from Trump team, you told OIG, and this is on page 343, that you did not memorialize the briefings for Hillary Clinton, Mike Pence, or Tim Kaine because the attendees at those briefings did not include the subject of an FBI investigation; is that correct?

A. That is correct. If there was any question to that, there were 10 other individuals in the room present at each one of those briefings to let you know the consistency with which I delivered the briefing.
Q. To give you a sense of what I'm getting at, there's been allegations that there was a double standard applied to the briefing given to the Clinton team and the Trump team. It sounds like, based on that explanation, it was the same standard, but just applied to a different set of facts. Would you agree with that?

A. There was no double standard.

Q. Just to drill down on that a little bit more, the Senate Intelligence Committee recently published a bipartisan report and, among other things, it concluded that Trump's campaign manager, Paul Manafort, posed a grave counterintelligence threat because, quote, his presence on the campaign and proximity to Trump created an opportunity for Russian intelligence services to exert influence over and acquire confidential information on the Trump Campaign.

At the time of the strategic intelligence briefings, to your knowledge, was there anyone on the Clinton Campaign whose presence created an opportunity for Russian intelligence services to influence the campaign?

[Objected to providing the information]

MS. ZDEB: Are you saying that it relates to an ongoing investigation?

[Objected to confirming or denying]

No. I can't confirm or deny that was or was
not an investigation, but his answer would, presumably, confirm
or deny that.

BY MS. ZDEB:

Q. Your notes memorializing the briefing state
that you told President Trump, Lieutenant General Flynn, and
Mr. Christie that if you are not already a target of a foreign
intelligence service, due to the fact that you are receiving
this classified briefing, you will be.

You went on to explain that foreign intelligence
services want information pertaining to the political,
economic, energy, technology, and military policy and plans of
the U.S., that this information is extremely valuable. Putting
it plainly, foreign intelligence services look to collect
inside information to give their country a competitive
advantage over the U.S.

Are you aware of whether at any point after you provided
this briefing where you warned President Trump and Lieutenant
General Flynn that they would be targeted by foreign
intelligence services, whether any member of the Trump team
reported any of their contacts or reported any contacts with
Russia to the FBI?

A. I'm unaware of that.

MS. ZDEB: So I think that concludes our questioning.

Before I go off the record, I just want to say on behalf of myself
and Mr. Charlet and also Ranking Member Feinstein, thank you
for being here. I know, acknowledged at the outset that your presence and the fact that the Bureau made you available is somewhat extraordinary. We acknowledge and appreciate that and thank you for being here.

THE WITNESS: Thank you.

MR. HOLMES: Off the record.

[Discussion held off the record.]

FURTHER EXAMINATION BY THE MAJORITY

BY MR. SOMERS:

Q. Are you aware of any errors or omissions that the IG did not identify in the --

MR. BERGER: That, I didn't hear.

MR. SOMERS: I didn't know if was aware of any errors or omissions in the Carter Page FISA application or the Crossfire Hurricane investigation that were identified.

MR. BERGER: I'm directing him not to answer.

BY MR. SOMERS:

Q. One question: We touched on this a lot, but I don't know that we quite got to this point of it. We talked a lot about the verification of the Steele Dossier and verification of Steele. First of all, those are two things. Right?

Those are two tracks you were on; one was verification of Steele's liability, etc.; is that one track you were pursuing?
You, when I say "you", I mean the FBI, not you, but the Crossfire Hurricane team.

A. So the Crossfire Hurricane team was -- obviously, we wanted to examine the totality of his reporting, his entire history and help in the FBI and CHS. That's what was important to us.

Q. So I guess I see is like three things you could look at. Maybe you can tell me if you'd looked at all three of these things. You could look at is Steele reliable, without bias, etc., Steele the person. Then you look at the same questions for his primary subsource and subsources, and then you could, third, actually look at the allegation made in the dossier.

Were all three of those what the verification was or not?

MR. BERGER: I'm going to direct him not to answer.

MR. SOMERS: Okay. Is there a basis for him not answering? I think it's a yes or no question.

MR. BERGER: Ask it again and I'll reconsider it.

BY MR. SOMERS:

Q. I'm asking whether you tried to verify Steele and the Steele Dossier. I'm asking whether that verification was of Steele, the person, reliability, bias, everything, the subsources, reliability, biases, who they were; and then, third, the actual allegations in the dossier.
Was it that tri-part verification or was one of those elements not part of what you were trying to do?

MR. BERGER: You can answer that.

Thank you.

THE WITNESS: So, again we, did have a two different elements through Crossfire Hurricane: Operation on the investigative side and then the intelligence side. I can't speak intelligently about what the D.I. did, our intelligence folks did.

They were looking at all three pieces. Right?

I believe that they were, and at the same time, I was mindful of those three things, as you put it there, and that was our interest as well, to verify each one of those.

Q. There's one thing I think I missed earlier when we were discussing everything. There's a reference in the IG report, considerations about whether Steele's information could also include Russian disinformation. Was that something that you were ever involved in discussions of, whether what was Steele was including in this so-called dossier could possibly be Russian disinformation?

A. I don't remember those conversations occurring.

MR. SOMERS: Then one last thing, and I don't know if this changes your objection, but I just want to -- there was an objection earlier that I want to clean up for the record a little bit just on our end.
We did talk to the Inspector General's Office about the Woods file you reviewed or they reviewed versus the Woods file you reviewed sometime prior to October 21, 2016, and for the record, the IG's Office says that it is the same file, but they did -- the notation, what it was noting, they had to, in their minds, move pages around because they were numbered sequentially, but the numbers were not in sequential order in the actual binder they were given.

So what they did was take the bind you saw and put either the pages or the notes back into sequential order. That's a representation from the IG. I just want to put that on the record.

The Woods file they reviewed as a part of their process is the same Woods file you reviewed as part of your process.

MR. BERGER: I can't accept that on face value.

MR. SOMERS: I'm not asking you to accept it. I'm just putting it on the record to say what the IG's Office has represented to us, just so it's clean on the record.

MR. BERGER: I understand.

MR. BAKER: Two quick points.

[Redacted]: I have a followup question on that though, what you said, that the IG represented that --

MR. SOMERS: The office.

[Redacted]: Fair enough. Got it. The IG's Office represented that the Woods file they reviewed -- are you talking
about or is the IG ruling out that there was a different Woods
file at the time the Woods process was conducted as opposed to
at the time that Mr. [redacted] came in and was questioned?

MR. SOMERS: They're saying it's the same file.

They're saying that there was sequential numbering. I don't
know if it's page numbering or actual numbers of facts, and as
they were given the Woods file, instead of it being one, two,
three, four, five, it was five, ten, thirteen; and they went
and put it back in order, one, two, three, four.

That's what they're representing.

[redacted]: Did they make any further representation
that that is, in fact, the same Woods file that existed at the
time of FISA warrant?

MR. SOMERS: They said the content is identical.

Whether it's actually the physical same one, they did not make
a representation one way or the other.

They tell me the content is identical and it was just
a numbering thing, and because they -- they didn't renumber
anything. Because they reordered things, someone put a
notation on the Woods file; but, to them, they didn't want to
five, fifteen, three. They wanted to put one, two, three, four
and that type of order.

[redacted]: I just want to clarify. They didn't make
a representation that the file is the actual original file out
of order, the same file out of order?
MR. SOMERS: They said the content was identical. I didn't ask them whether it was the actual same physical file. It just did not come up in the conversation, whether it was the exact document.

They just said the content was identical. So it could have been a photocopy of the original, but they said that the notation that was noted, the reason they made the notation was because the sequencing was off in the file they were given and that all they did was take a page and move it back into sequential order or multiple pages and moved back into sequential order.

We haven't been able to get -- we were hoping to be able to get something in writing, but I have not received a written explanation yet, but I have orally.

BY MR. BAKER:

Q. I just have two quick points.

We talked a good bit today about Christopher Steele. Did you or anyone on your squad or your Headquarters entity that you supervised, did you have any interaction with Source No. 2?

A. Not to my recollection, no.

Q. Okay. And then did you put any of your agents or support employees in for any type of formal recognition for their work on Crossfire Hurricane, a QSI, an incentive award, any kind of formal recognition?
A. I did not.

Q. And were you, yourself, put in for anything by your supervisors?

A. They did not.

MR. BAKER: Thank you and thank you for being here today, sir.

THE WITNESS: Thank you.

MR. SOMERS: I think that's all we have. Thank you for appearing today.

MR. BAKER: Before we go off, I just want to add one thing into the record.

I think it's fair to say the FBI made an accommodation to the Senate Judiciary Committee under extraordinary circumstances to provide Mr. a non-SES onboard agent. The FBI was not advised in advance, however, of the attendance at stated interview by staff of committees other than the Senate Judiciary Committee.

We would respectfully request that the Judiciary Committee ensure the confidentiality of this interview, both the fact of it and the substance and the testimony taken therein, that that information will be maintained by all staff in attendance and their respective committees.

MR. SOMERS: Absolutely. We will also maintain the transcript in the same manner.

MR. BAKER: Thank you.
MR. SOMERS: On behalf of the committee, let me thank you again for coming in today and traveling here to take part in this interview. We appreciate it.

THE WITNESS: You're welcome.

[Whereupon, at 3:55 p.m., the interview concluded.]
ERRATA
Notice Date:

Deposition Date: August 27, 2020

Deponent: Supervisory Special Agent 1

Case Name: Senate Judiciary Committee

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