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1 SENATE JUDICIARY COMMITTEE

2 UNITED STATES SENATE

3 WASHINGTON, D.C.

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6 INTERVIEW OF:

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8 BRUCE OHR

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10 TUESDAY, JUNE 30, 2020

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

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1 APPEARANCES:

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8 Senior Investigative Counsel

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11 Committee Chairman

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I N D E X

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E X H I B I T S

OHR EXHIBIT NO.

MARKED

1 - E-mail Correspondence, HPSCI-DOJ

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

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

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

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

15 MR. SOMERS: Thank you.

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

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

24 MR. BAKER: Arthur Baker, senior investigative
25 counsel for the Majority staff and Senator Graham, chairman.

1 MR. HASKELL: Alex Haskell, counsel for the
2 Minority staff and Ranking Member Feinstein.

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

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

8 MS. HEKMAN: Rebecca Hekman for Bruce Ohr.

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

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

12 [REDACTED]: [REDACTED], assistant
13 general counsel, Federal Bureau of Investigation.

14 [REDACTED]: [REDACTED], senior counsel, U.S.
15 Department of Justice.

16 [REDACTED]: [REDACTED], counsel for
17 Department of Justice Legislative Affairs.

18 MR. SOMERS: Thank you.

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

22 Our questioning will proceed in rounds. The
23 Majority will ask questions for the first hour. Then the
24 Minority will have an opportunity to ask questions for an
25 equal period of time. We will go back and forth in this

1 manner until there are no more questions and the interview
2 is over.

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

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

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

15 Do you understand that?

16 THE WITNESS: Yes.

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

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

23 Would counsel please state his name for the
24 record.

25 MR. BERMAN: Joshua Berman for the Clifford,

1 Chance law firm.

2 Thank you for the opportunity to be here. Thank
3 you for the accommodation with my personal situation last
4 Thursday to allow for us to be here this morning. I want to
5 say thank you for that.

6 MR. SOMERS: No problem.

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

9 MR. SOMERS: Thank you.

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

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

22 You should also understand, although this
23 interview is not under oath, you are required by law to
24 answers questions of Congress truthfully. Do you understand
25 that?

1 THE WITNESS: Yes.

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

5 THE WITNESS: Yes.

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

10 THE WITNESS: Yes.

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

13 THE WITNESS: No.

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

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

20 THE WITNESS: No.

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

23 EXAMINATION BY COUNSEL FOR THE MAJORITY

24 BY MR. SOMERS:

25 Q. Mr. Ohr, have you had a chance to review all or

1 some of the IG's December 2019 report on the Crossfire
2 Hurricane investigation?

3 A. Yes.

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

7 A. No.

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

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

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

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

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

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

25 A. I did not, no.

1 BY MR. BAKER:

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

6 A. Yes, I was.

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

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

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

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

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

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

23 MR. BAKER: Okay. Thank you.

24 BY MR. SOMERS:

25 Q. So I take it you had some, obviously,

1 responsibility for crime, at least with OCDETF. You didn't
2 have general responsibility within ODAG for the Criminal
3 Division, crime in general; is that correct?

4 A. That's correct.

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

7 A. Yes, there was.

8 Q. Who was that?

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

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

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

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

19 A. Yes, I did.

20 Q. How often was your contact with the FBI?

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

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

25 A. It usually had to do with OCDETF matters,

1 issues with different strike forces, funding for particular
2 investigations. I'm sure there were other things.

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

5 A. Yeah.

6 BY MR. BAKER:

7 Q. But the primary entity for the FBI that
8 you were in official contact with was their OCDETF
9 counterparts?

10 A. Yes, and their organized crime section.

11 Q. And would that have been OCDETF -- and I
12 think I know where the organized crime section is. Where
13 would OCDETF have in the FBI's organizational chart?

14 A. Most of the folks dealing with OCDETF
15 matters at the FBI were in their what they call
16 Transnational Organized Crime West section as opposed to
17 Transnational Organized Crime East, which handled generally
18 drug enforcement.

19 Q. Is that under their criminal division?

20 A. Yes.

21 MR. BAKER: Okay. Thank you.

22 BY MR. SOMERS:

23 Q. Is that what's referred to as the TOC East
24 and West; Transnational Organized Crime was the abbreviation
25 for those?

1 A. Yes.

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

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

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

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

11 BY MR. BAKER:

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

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

18 Q. And who was that?

19 A. Max Marker.

20 Q. Do you say Matt?

21 A. Max, Maxwell.

22 MR. BAKER: Okay.

23 BY MR. SOMERS:

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

1 to the FBI?

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

3 Q. But is there anyone in particular that was
4 like, Hey, if I need to call DOJ, I call this person?

5 Is there a person at ODAG or a particular section at
6 ODAG?

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

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

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

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

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

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

23 A. No.

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

25 A. I haven't heard from him since then.

1 Q. What about anyone from his firm, Orbis?

2 A. No.

3 Q. Same question for Glenn Simpson, when was
4 the last time you --

5 A. For who?

6 Q. Glenn Simpson. When was the last time you
7 had contact with Glenn Simpson?

8 A. Oh, maybe before that, maybe January or
9 February of 2017.

10 Q. So prior to the fall of 2017, it's pretty
11 clear that you reported that you had regular contact with
12 Christopher Steele over a number of years.

13 A. Yes.

14 Q. How frequent were those contacts?

15 A. For most of the time, it was maybe once a
16 year or so. Obviously, there were more contacts in 2016 and
17 2017.

18 Q. Obviously, we all have ideas. Do you know
19 why it is that Christopher Steele in particular cut off
20 contact with you in the fall of 2017?

21 A. Beyond the obvious ones, I can't
22 speculate.

23 Q. He never told you I'm not talking to you
24 anymore?

25 A. Yeah.

1 Q. Glenn Simpson, prior to him cutting off
2 contact with you in the beginning of 2017, did you have
3 pretty regular contact with him as well?

4 A. No, not so much.

5 Q. How frequent was the contact with him?

6 A. A few times over the preceding 10 years or
7 so.

8 Q. Have you spoken with anyone else or
9 emailed or had any contact with anyone else from Fusion GPS
10 since Glenn Simpson cut off contact with you?

11 A. I have not.

12 Q. Did you have regular contact with anyone
13 at Fusion GPS before Glenn Simpson cut off contact with you?

14 A. No. I mean, my wife worked there as a
15 contractor, but I didn't.

16 Q. Did anyone else from Fusion GPS contact
17 you about Russia election reporting in particular or Russian
18 interference in the 2016 election?

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

20 Q. So just Glenn Simpson?

21 A. I believe so.

22 Q. Have you ever spoken with Daniel Jones?

23 A. No. The name is not familiar.

24 Q. Anyone from the Penn Quarter Group?

25 A. That's not familiar either.

1 Q. I believe they picked up some of the
2 opposition research, shall we say, for the -- against Trump
3 after the DNC dropped and may have had contact with Glenn
4 Simpson.

5 A. Yeah, but I have not.

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

12 A. Yes.

13 BY MR. BAKER:

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

17 A. Yes.

18 Q. -- initially.

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

24 We talked about Russian organized crime. It was held
25 at the headquarters. There were representatives there from

1 maybe a half-dozen [REDACTED] governmental bodies, and they
2 talked generally about the dangers of Russian organized
3 crime was under-appreciated, and Mr. Steele sort of took the
4 lead on that.

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

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

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

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

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

20 Q. You said this about 10 years ago?

21 A. Yeah, maybe more at this point.

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

24 A. Yes.

25 Q. And would you say subsequent to that time,

1 you maintained a friendly relationship with Mr. Steele?

2 A. Yes.

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

6 A. That's correct.

7 Q. And they are FBI agents?

8 A. That's correct.

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

11 A. I do not recall the names.

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

16 A. Yes.

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

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

25 Q. In addition to the official capacity that

1 you both occupied for different governments, would you say
2 your relationship was a friendship also?

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

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

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

11 MR. BAKER: Thank you.

12 BY MR. SOMERS:

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

16 A. Yes, I have.

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

20 A. Occasionally, yes, maybe once or twice.

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

23 A. [Gestures.]

24 Q. Who at the FBI generally were you giving
25 this information to?

1 A. I would share it with somebody generally
2 in TOC East and also there was an agent from New York that I
3 worked with who worked on the organized crime squad, and I
4 talked with him about it as well.

5 BY MR. BAKER:

6 Q. What's his name?

7 A. [REDACTED].

8 BY MR. SOMERS:

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

11 A. Yes.

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

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

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

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

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

24 A. Yes, except for he mentioned some stuff
25 about the FIFA corruption, which I don't think was Russia

1 related.

2 Q. And this information he was giving you,
3 what was your understanding of why he was gathering it?

4 A. Well, once he left the government, he had
5 a private firm, and my understanding was he would gather
6 this information on behalf of clients of the firm, but that
7 if there was something he thought would be of interest to
8 the DOJ and the FBI, he would give me some of that.

9 BY MR. BAKER:

10 Q. Do you know the name of his firm?

11 A. His firm is, I believe, Orbis.

12 BY MR. SOMERS:

13 Q. Did you ever do anything to vet any of the
14 information Steele gave you?

15 A. I'm sorry?

16 Q. Did you ever do anything to vet any of the
17 information?

18 A. No. I would just pass it along.

19 Q. Did you ever not pass information along
20 that he gave you?

21 A. Probably, if it didn't seem to be
22 important.

23 Q. Did you have any concern -- I mean, you
24 said he was gathering this information on behalf of private
25 clients -- that by giving it to you, he was trying to do it

1 for the benefit of his private clients?

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

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

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

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

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

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

25 A. At some point, yes, because the FBI signed

1 up Mr. Steele as a source.

2 Q. Did Glenn Simpson prior to the events of
3 2016 ever provide you with information that you then
4 provided to the FBI?

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

6 BY MR. BAKER:

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

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

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

19 A. Yes.

20 Q. What does that mean?

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

24 Q. And was that a formal relationship?

25 A. I believe so, yes.

1 BY MR. SOMERS:

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

6 A. I did not.

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

12 A. I remember meeting him on a couple of
13 occasions. One, he may still have been a reporter with "The
14 Wall Street Journal" at that time. I'm not sure, or had
15 left recently, and I believe he did talk about Russian
16 organized crime matters. I don't recall who else was there,
17 whether there were FBI people there or other DOJ people. I
18 don't remember doing anything with that further beyond that.

19 At one time, I met him again at some kind of a seminar
20 where he spoke and I spoke and we talked, but I don't
21 remember any more than social. Our interaction was more
22 social.

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

25 A. Well, no, because Chris Steele had

1 indicated that he was meeting with Glenn Simpson and Glenn
2 had more information. So then I heard from Glenn.

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

6 A. Yes. I believe I did.

7 Q. And that's [REDACTED]

8 A. Yes.

9 BY MR. BAKER:

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

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

15 BY MR. SOMERS:

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

21 A. Yes.

22 Q. What was your impression of [REDACTED]

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

25 Q. Why [REDACTED] in particular did you pass

1 Steele off to or introduce him too?

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

4 [REDACTED]: Can we off the record for a minute?

5 [Discussion held off the record.]

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

12 BY MR. BAKER:

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

15 A. The New York Field Division.

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

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

20 Q. And what was his position?

21 A. He was one of the assistant legal
22 attaches.

23 MR. BAKER: Thank you.

24 BY MR. SOMERS:

25 Q. Did you have contact with [REDACTED] over the

1 years as well after your introduction of Steele and [REDACTED]

2 A. Yes.

3 Q. What did that contact exist of?

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

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

11 A. That's correct.

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

15 [REDACTED]

16 A. I believe he told me he had given it to
17 [REDACTED] or at least some of it to [REDACTED]

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

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

22 Q. So who was -- was [REDACTED] the first person
23 at the FBI who you contacted after your July 30th meeting?

24 A. I can't recall. It may have been [REDACTED]

25 It may have been Mr. Marker. I'm not sure.

1 Q. What was that name? I'm sorry.

2 A. Max Marker. The person I mentioned
3 earlier.

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

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

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

11 BY MR. BAKER:

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

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

17 BY MR. SOMERS:

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

1 reports.

2 Do you recall that conversation at all?

3 A. I don't recall the specifics, but that
4 sounds right.

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

8 A. Yes.

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

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

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

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

23 Q. Why would you have those concerns?

24 A. I can't remember the specific things I was
25 told, but it must have been from conversations I was having

1 with some people at the FBI, probably Mr. Marker or [REDACTED]

2 [REDACTED] I can't recall.

3 BY MR. BAKER:

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

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

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

10 BY MR. SOMERS:

11 Q. The IG report also indicates on October
12 13, 2016, you received an E-mail from, I guess, the
13 Transnational Organized Crime East section chief. I guess
14 that's Mr. --

15 A. Mr. Marker.

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

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

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

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

24 A. I mean, I'm sure I spoke with them. I
25 don't recall specifically at this time reaching out to him,

1 but yeah.

2 Q. Okay. So I think you get the reports from
3 Steele on -- not the reports. You didn't actually get
4 anything from Steele on July 30th; is that correct?

5 A. Correct.

6 Q. When did you actually -- did he send you
7 something?

8 A. He never sent me anything. I was given a
9 thumb drive later, maybe in December -- it's in the report,
10 I think -- from Glenn Simpson.

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

13 A. Correct.

14 Q. So you meet with Steele on July 30th. He
15 contacts you again after that July 30th meeting about this?

16 A. Mr. Steele?

17 Q. Mr. Steele, yes.

18 A. He did at some point. I don't remember
19 exactly when, but yes.

20 Q. The IG report indicates you confirmed that
21 you reached out to [REDACTED] and he gave you the information
22 about the information getting to the EAD level at FBI. The
23 IG report indicates that on October 13th, the TOC East
24 section chief told you that counterintelligence analysts had
25 traveled to [REDACTED], spoke with Handling Agent 1, and they were

1 examining Steele's allegations.

2 BY MR. BAKER:

3 Q. For the record, counterintelligence agents
4 had traveled, not analysts. Right?

5 A. I don't know.

6 BY MR. SOMERS:

7 Q. Then on October 18th, according to the IG
8 report, you reach out to Andy McCabe. Why did you reach out
9 to Andy McCabe?

10 A. As I said before, I was concerned that
11 somehow the information wasn't being fully shared. I don't
12 recall what prompted that or what specifically I heard, but
13 that was my concern.

14 Q. But why Andy McCabe in particular versus
15 somebody else at the FBI versus Bill Priestap?

16 A. I didn't know Mr. Priestap. I did know
17 Mr. McCabe. He and I worked together on Russian organized
18 crime matters over the years. He had been the head of the
19 Russian organized crime squad in New York.

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

24 Q. How often did you speak with Mr. McCabe
25 aside -- or prior to October 18th?

1 A. Fairly rarely, certainly as he became
2 deputy director. It may have been a couple of years before
3 that that I had spoken with him. I used to call him when he
4 was the head of Russian organized crime unit.

5 BY MR. BAKER:

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

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

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

16 A. Yes.

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

19 A. Yes.

20 BY MR. SOMERS:

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

24 A. I don't recall exactly. I'm sure I said
25 something about I had information that I wanted to talk with

1 him about, but I don't recall.

2 Q. And he took the meeting with you,
3 according to the IG report, the same day you requested it?

4 A. I don't recall, but I'm sure if it's in
5 there --

6 Q. Do you think it had anything to do with
7 the fact that you were an associate deputy attorney general?

8 A. I would like to think that it was because
9 we worked together for many years.

10 Q. Did you in your meeting with McCabe
11 on -- well, first, in this meeting with McCabe on October
12 18, who else was in that meeting? Was Lisa Page?

13 A. Lisa Page was there. There may have been
14 other people. I don't recall.

15 Q. You don't recall if anyone else was there?

16 A. I don't.

17 Q. What did you tell him like why you were
18 there, why you, Bruce Ohr, associate deputy attorney
19 general, was there at the meeting with him about this
20 material?

21 A. I gave him the whole background, explained
22 who Chris Steele was and how I knew him and that this is the
23 kind of relationship we had and this was the information I
24 received from him.

25 I remember also explaining that my wife worked at

1 Fusion GPS and I had not realized that Chris had anything to
2 do with them prior to the July 30th meeting. So I mentioned
3 that as well and I gave him the information.

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

6 A. I don't recall discussing that.

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

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

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

14 A. Marker.

15 Q. The TOC East section chief.

16 Did you contact anyone else at the FBI between July
17 30th, 2016 and this October 18th meeting with McCabe?

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

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

21 A. Yes.

22 Q. -- particular subject?

23 BY MR. BAKER:

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

1 prior?

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

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

7 A. Well, second-level supervisor, yes.

8 Q. And how long was she there?

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

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

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

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

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

16 Q. And she has a particular expertise in
17 that?

18 A. Yes.

19 Q. And her name is?

20 A. Nellie.

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

24 A. A general understanding, they are a
25 consulting or intel firm. They gather information for

1 clients.

2 Q. So she worked there based on her expertise
3 as a Russian analyst?

4 A. Yes.

5 Q. Do you know what particular things she
6 did?

7 A. No.

8 Q. Or did you know?

9 A. No.

10 MR. BAKER: Thank you.

11 BY MR. SOMERS:

12 Q. I think we spoke, obviously, about the FBI
13 side of the house at the Department. Let's go to the
14 Department side of the house at the Department. Who was the
15 first person you reached out to at DOJ about the Steele
16 info?

17 A. I believe it was Bruce Schwartz.

18 Q. And that, according to -- what was his
19 position? He was deputy --

20 A. Deputy assistant attorney general in the
21 Criminal Division.

22 Q. Did he have a particular specialization
23 within the Criminal Division?

24 A. International Affairs.

25 Q. And the IG report indicated that you

1 reached to him on August 4, 2016. Why? Why Bruce Schwartz?

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

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

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

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

15 A. Yes. Yes.

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

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

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

23 A. I knew Bruce Schwartz better and I thought
24 it was easier to go to him and he has contacts in the
25 different parts of the Department.

1 Q. What about Tash Gauhar; why didn't you go
2 to Tash with your information?

3 A. I wanted to keep it initially at the
4 lowest possible level and just because it was very raw, and
5 so I didn't feel it was something that I could just bring up
6 to the higher level.

7 Q. She's a career official or she was a
8 career official?

9 A. I believe she is.

10 Q. I'm sorry. I spoke over you. Can you
11 just answer again.

12 A. Yes.

13 BY MR. BAKER:

14 Q. So you sort of alluded that you had a
15 preference for not alerting higher-level people. Did you
16 have the same preference for career people, that you felt
17 more comfortable alerting them to any of your information as
18 opposed to the politicals?

19 A. I wanted to get it to people that are used
20 to handling that kind of raw intel, particular
21 Russian-related raw intel.

22 Q. And would that have been more likely
23 career people?

24 A. Probably, yeah.

25 Q. Who else did you take this information to

1 at the Department?

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

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

10 Again, it doesn't seem to be their specialization.

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

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

16 A. I don't recall, no.

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

22 A. I don't recall.

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

24 A. I don't recall doing so.

25 BY MR. BAKER:

1 Q. What was the reaction from these people
2 that you did visit? Were they interested in your
3 information? Not interested? Indifferent? What was your
4 takeaway from impressions?

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

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

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

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

17 A. I don't recall.

18 MR. BAKER: Okay.

19 BY MR. SOMERS:

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

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

24 Q. A few times. What did you discuss at
25 these meetings?

1 A. I think, generally, I would tell them
2 whatever the latest I had heard was from Steele or any
3 information from Simpson. I don't recall the exact timing,
4 and they were talking more among themselves about what was
5 happening with Manafort or others on the criminal side.

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

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

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

12 A. That's correct.

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

15 A. I don't know him.

16 Q. Bill Priestap?

17 A. No.

18 Q. Before all of this, Peter Strzok?

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

20 Q. Jen Boone?

21 A. No.

22 Q. Stephen Laycock?

23 A. No.

24 Q. Jon Moffa?

25 A. No.

1 Q. Then at some point, the IG report
2 indicates that the meeting we just talked about with
3 Schwartz, Weissmann, and Ahmad included at some point Peter
4 Strzok and Lisa Page as well; is that correct?

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

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

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

12 Q. What was discussed at this meeting?

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

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

18 I'm sorry. By "they", I should be more specific.

19 What information was Strzok and Page, did they provide
20 at this meeting?

21 A. I don't recall the specifics.

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

24 A. I think at least in general terms, they
25 were working on something about this, but I don't think I

1 remember details like that.

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

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

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

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

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

17 A. I was curious.

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

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

23 BY MR. BAKER:

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

1 they had an AUSA?

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

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

10 A. Yes.

11 BY MR. SOMERS:

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

16 A. I guess that is possible.

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

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

24 A. I don't know.

25 Q. I think you -- so you had that meeting and

1 then you also on November 21, 2016 had a broader meeting
2 with people from FBI, including Strzok, Moffa, [REDACTED], and
3 [REDACTED], and this meeting appears to be the first
4 meeting you had with the FBI that was memorialized in a 302.

5 So I want to get, again, sort of a sense -- I cut you
6 off before at October 18th as being the day that you met
7 with McCabe. So in between meeting with McCabe and Lisa
8 Page on October 18th and this -- it seems to be a large
9 meeting or larger meeting you had on November 21st -- did
10 you have any contact with anyone else at the FBI in this
11 time period?

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

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

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

22 Do you remember making a request of Simpson for
23 information?

24 A. I don't recall exactly how that happened.
25 I think I remember Steele telling me that Simpson had more

1 information. I don't remember if I reached out for Simpson
2 or whether he reached for Simpson. I'm sure it was somehow
3 conveyed to Simpson that I was interested in getting more
4 information.

5 Q. And then on December 20th, again, just
6 timeline stuff, you provided [REDACTED] with another thumb
7 drive. This one contained your wife's research that she did
8 for Fusion GPS. This is also on page 282 of the IG report.

9 Why didn't you give [REDACTED] that thumb drive when you
10 met with him on December 10th?

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

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

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

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

21 A. No.

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

24 You met with [REDACTED], according to the IG report, I
25 believe the first meeting and 12 additional times. During

1 these meetings with [REDACTED], did he provide you with
2 information or were you only providing him with information?

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

5 BY MR. BAKER:

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

8 A. No, I did not.

9 Q. Why didn't you look at them?

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

12 BY MR. SOMERS:

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

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

18 BY MR. BAKER:

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

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

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

1 A. Right.

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

4 A. Yes.

5 BY MR. SOMERS:

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

8 A. No.

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

12 A. No. I don't believe so.

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

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

17 Q. What was your awareness of that
18 investigation?

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

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

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

25 A. I believe it had to do with the money

1 laundering allegations, but I don't know. I'm pretty sure I
2 knew about that long before any of this happened.

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

7 A. I think that's right, yes.

8 BY MR. BAKER:

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

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

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

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

20 A. Yes.

21 BY MR. SOMERS:

22 Q. So throughout, you were providing
23 information from Steele to the FBI. Your initial contact is
24 [REDACTED] for these meetings.

25 In January 2017, with Crossfire Hurricane, who did you

1 have contact over that with?

2 [REDACTED]: Off the record.

3 [Discussion held off the record.]

4 THE WITNESS: I don't recall who the next agent
5 was.

6 BY MR. SOMERS:

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

8 A. As far as I know.

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

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

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

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

21 Q. So in May of 2017, a special counsel was
22 appointed to investigate these allegations. Did you have
23 any particular point of contact in the FBI or -- I'm
24 sorry -- on the special counsel's team the same way you did
25 with the FBI to pass Steele information?

1 A. No.

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

4 A. I did not.

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

7 A. I was not.

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

10 He had election reporting. The election happened. Any
11 sense of what his goal, for lack of a better term, was in
12 continuing to provide you information and contacting you
13 after the 2016 election?

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

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

21 A. Yes.

22 Q. Did you get that information from Mr.

23 

24 A. I don't recall exactly, but I saw it in
25 the IG's report.

1 Q. Did you -- I'll just read from the IG
2 report here and see if you recall this conversation.

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

7 Do you recall that?

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

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

11 A. No, I don't.

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

14 "Ohr apologized for introducing him to Steele."

15 Do you recall apologizing to [REDACTED]

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

18 BY MR. BAKER:

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

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

25 A. Yeah. I saw that word in the 302. I

1 don't remember saying that specific word to the Bureau, but
2 I might have.

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

8 MR. BAKER: Okay.

9 BY MR. SOMERS:

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

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

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

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

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

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

22 BY MR. BAKER:

23 Q. You mentioned earlier that Steele was
24 signed up as a confidential source. Did Steele in
25 conversations you had with him, was it his understanding

1 that he was a confidential source for the FBI?

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

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

11 A. I don't recall an explanation.

12 BY MR. SOMERS:

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

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

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

25 Q. Did you have any -- did take any caution

1 when telling anyone about Steele over the years, not just
2 with regards to this?

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

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

10 A. I think he asked for that.

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

13 A. Correct.

14 BY MR. BAKER:

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

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

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

21 A. I think it was more a general concern.

22 BY MR. SOMERS:

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

25 In May of 2017, I think the FBI reached out to you

1 to -- or at least in one of your conversations with the FBI
2 to try and see if Steele would reengage with the FBI. Did
3 you get any explanation from whoever it was you were
4 speaking to you as to why they wanted to reengage with
5 Christopher Steele?

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

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

9 A. Yes, he was.

10 MR. SOMERS: I think we're --

11 BY MR. BAKER:

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

15 A. I didn't know.

16 MR. BAKER: Thank you.

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

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

21 [Recess.]

22 EXAMINATION BY COUNSEL FOR THE MINORITY

23 BY MR. HASKELL:

24 Q. Mr. Ohr, again, I'm Alex Haskell from
25 Senate Feinstein's staff, the Minority staff of the

1 Committee with Sara Zdeb and Heather Sawyer, my colleagues.

2 Thank you for being here today and, of course, for your
3 multiple decades of service at the Department of Justice.

4 As you know, the DOJ Inspector General issued a
5 400-plus page report in December of last year titled "Review
6 of Four FISA Applications and Other Aspects of the FBI's
7 Crossfire Hurricane Investigation". The report detailed the
8 results of the two-year investigation into the same topics
9 we're addressing here today.

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

19 Did you cooperate with that IG investigation?

20 A. Yes.

21 Q. And were you interviewed?

22 A. Yes.

23 Q. One time? How many times?

24 A. I believe it was three times.

25 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

1 draft?

2 A. I believe we did, yes.

3 Q. Can you please characterize those
4 comments?

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

7 Q. Okay. That's all right.

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

10 A. I believe they did, yes.

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

14 A. I believe it does.

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

22 A. I believe it does, yes.

23 Q. And how about your contacts with Glenn
24 Simpson?

25 A. Yes.

1 Q. FBI personnel?

2 A. Yes.

3 Q. And what about DOJ personnel?

4 A. Yes.

5 Q. What about State Department personnel?

6 A. Yes.

7 Q. And does the IG report accurately reflect
8 why you passed the information, passed certain information,
9 on to the FBI?

10 A. Yes.

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

13 A. Yes.

14 Q. And that the report also addresses those
15 same meetings that the 302s memorialized?

16 A. Yes.

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

22 A. Yes.

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

1 A. Yes.

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

5 A. No.

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

9 A. Yes.

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

12 A. Yes.

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

15 A. Yes.

16 Q. No subpoenas were issued to require --

17 A. That's correct.

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

22 A. Several. I don't know.

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

25 A. Five or six days maybe.

1 Q. Thank you.

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

13 Now, I understand that your firsthand knowledge of
14 Crossfire Hurricane is very limited, but I ask that you
15 answer these questions based on that limited knowledge.

16 The IG found that there was no documentary or
17 testimonial evidence of bias impacting the FBI's work in the
18 Crossfire Hurricane investigation, but, nonetheless, there
19 have been allegations that there were tons of evidence of
20 bias, and that's a quote. Did political bias impact any of
21 your actions in connection with the Crossfire Hurricane
22 investigation?

23 A. No.

24 Q. And I should say, more broadly, the
25 investigation into Russian interference?

1 A. That's right. Yes. The answer is still
2 no.

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

7 A. Nothing that I saw, no.

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

13 Did you conspire to hurt Trump politically?

14 A. No.

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

18 A. No.

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

24 A. No.

25 Q. Do you have any evidence that the goal of

1 the Russian investigation was to change or nullify the
2 results of the 2016 election?

3 A. No.

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

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

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

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

21 A. I do not.

22 Q. In other words, to your knowledge,
23 Steele's closure or the termination of the relationship,
24 whatever exactly the contours of that relationship was with
25 the FBI, that the termination of that had nothing to do with

1 any allegation that he had fabricated evidence; is that
2 correct?

3 A. That's correct.

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

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

12 A. Yes.

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

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

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

21 Do agree with that statement?

22 A. Yes.

23 BY MS. ZDEB:

24 Q. One other quick follow up about one the
25 other questions that Mr. Baker asked you regarding Mr.

1 Steele: He asked you about your characterization in one of
2 the 302s that Mr. Steele was, quote, desperate that Trump
3 not be elected.

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

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

12 MS. ZDEB: Thank you.

13 BY MS. SAWYER:

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

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

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

21 A. No.

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

24 A. Yes. He had specific information that he
25 had obtained that he was passing on regarding Mr. Trump.

1 Q. I think, as you characterized it earlier,
2 was his concern that Donald Trump in particular might be
3 vulnerable to undue influence from Russia?

4 A. Correct.

5 MS. SAWYER: Okay.

6 MR. HASKELL: I think that's all we have for now.
7 That's all I have for now.

8 BY MS. SAWYER:

9 Q. I just wanted to just clarify a couple of
10 more timing points than anything else.

11 On a few occasions, you were asked by our colleagues
12 about Mr. -- the handling agent's remark that the handling
13 agent believed that news of the report had reached the,
14 quote, EAD level at FBI Headquarters. Do you recall at all
15 the timing of when the handling agent believed those reports
16 had reached the, quote, EAD level?

17 A. I'm afraid I don't.

18 Q. Who would the EAD have been at that point
19 in time?

20 A. I don't know the name of the person. It
21 would have been at Headquarters.

22 Q. Is it possible it was Michael Steinbach?

23 A. I don't know.

24 Q. And in the IG report at page 100, it says:
25 "On September 19, 2016, the Crossfire Hurricane team

1 received a Steele reporting for the first time when the
2 handling agent E-mails SSA 1, six reports for SSA 1 to
3 upload the sub file."

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

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

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

17 Is that your understanding as well?

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

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

22 A. Correct.

23 Q. -- the receive information that we
24 received?

25 A. Correct.

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

2 MR. SOMERS: Are you good to keep going?

3 THE WITNESS: Yes.

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

6 FURTHER EXAMINATION BY COUNSEL FOR THE MAJORITY

7 BY MR. SOMERS:

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

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

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

18 A. Money Laundering Asset Recovery Section.

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

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

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

24 A. No.

25 Q. Did Mr. Schwartz, Ms. Ahmad, or Mr.

1 Weissmann work in the MLARS section?

2 A. I don't believe they did.

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

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

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

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

18 A. I don't recall the specifics.

19 Q. Do you recall anything?

20 A. Just what you said.

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

23 A. I don't, no.

24 Q. Did you ever ask like, Hey --

25 A. I don't recall.

1 Q. -- should we invite MLARS up?

2 A. I don't recall.

3 Q. Had you ever contacted MLARS?

4 A. Not at this time. I don't believe so.

5 Q. You said there was some overlap between
6 OCDETF, I think, and MLARS a moment ago. There was no one
7 at MLARS you could reach out to to discuss this with
8 directly?

9 A. I didn't have a particular person to call,
10 no.

11 Q. Was there an individual in ODAG that had
12 responsibility over MLARS?

13 A. I don't know if there was a particular
14 person for MLARS. I'm sure there was someone from the
15 Criminal Division. I can't remember who that is right now
16 or who that was.

17 Q. And again, you didn't consult that person?

18 A. No.

19 Q. For what reason?

20 A. I don't recall. I mean beyond what I said
21 earlier.

22 Q. Why did you choose not to inform Sally
23 Yates of your work in this area?

24 A. I wanted to keep this raw intelligence at
25 the level of people who were working with that sort of

1 thing. I didn't see it as part of a case or, you know, it
2 wasn't reliable enough to be considered, in my opinion, as
3 part of a case at that point.

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

6 Q. Is that lower-level people?

7 A. In general, yes.

8 Q. Was there any aversion to telling
9 political appointees about this information?

10 A. Only in that they would not be as used to
11 dealing with this kind of information.

12 Q. But not anything to do with the fact that
13 they were politically appointed?

14 A. I mean, there's always some concern about
15 political issues, but in this case, it was just information.

16 Q. Did you recall any conversations with
17 Bruce Schwartz where he may have expressed concerns about
18 sharing information about political?

19 A. He may have, but I don't recall the exact
20 conversation. I saw it was in the report.

21 Q. But that wasn't your concern; that was his
22 concern?

23 If there was a concern, it was not your concern; it was
24 his concern that political not be involved with the
25 investigation; is that an accurate statement?

1 A. It's hard to know, looking back on it now.

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

4 A. Right.

5 Q. -- with politicals?

6 A. Right.

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

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

14 Q. That would apply to Dana Boente as well?

15 A. Yes.

16 Q. Rob Rosenstein?

17 A. Yes.

18 Q. It would apply to him as well?

19 A. Yes.

20 Q. And you also did not Dana Boente?

21 A. Correct.

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

24 A. Yes.

25 Q. Other issues in the IG report

1 discusses -- the IG report indicates that you never sought
2 ethics advice about whether your wife's employment by Fusion
3 GPS presented a conflict of interest; is that correct?

4 A. Correct.

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

9 A. Yes.

10 Q. Is the ethics advice not confidential?
11 I'm not familiar with the ethics process at DOJ.

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

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

20 A. I'm not sure exactly. No.

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

25 A. Well, I think now, I would more likely to

1 go for the advice.

2 Q. But you wouldn't have concerns about it
3 being spread throughout the Department if an issue was
4 shared?

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

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

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

10 A. Yeah. The Office of Professional
11 Responsibility.

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

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

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

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

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

22 A. Yeah, but he was more senior.

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

25 A. Assistant associate deputy attorney

1 general.

2 Q. Scott Schools was also associate deputy
3 attorney general?

4 A. That is correct.

5 Q. Did the fact that he was in the ethics
6 chain in any way affect your decision to seek or not seek
7 ethics advice on your wife's employment by Fusion GPS?

8 A. I don't believe so.

9 Q. I would like to sort of switch agencies
10 once again to outside the Department and switch to the State
11 Department.

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

21 Do you recall this conversation?

22 A. I recall speaking with Kavalec about
23 Steele. I don't recall that specific conversation.

24 Q. But you recall an initial conversation
25 with her?

1 A. Yes.

2 Q. About Steele?

3 A. There was an initial conversation, yes.

4 Q. Stepping back, other than Kavalec, did you
5 discuss Steele or Russian election interference in the 2016
6 election with anyone else at the State Department?

7 A. I don't recall. I don't think so.

8 Q. Victoria Nuland?

9 A. No.

10 Q. Jonathan Winer?

11 A. No.

12 Q. What was the meeting about? Do you recall
13 the gist not the meeting with Kavalec, but more the general
14 meeting -- it says with State Department official regarding
15 State Department efforts to investigate Russian influence in
16 foreign election and how the Department of Justice might
17 assist those efforts.

18 Can you speak more broadly about this meeting?

19 A. I'm happy to tell you my recollection of
20 the meeting. I do believe it was probably classified at the
21 time. So I don't know whether there's a problem. If not, I
22 can certainly --

23 Q. Well, I don't need the specific efforts.
24 I'm just trying to understand if you can say anything more
25 broadly about it.

1 A. I think they were primarily interested in
2 talking with other countries that felt like they were being
3 threatened with election interference from Russian and
4 sharing lessons from our experience.

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

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

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

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

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

16 A. I don't recall.

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

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

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

25 A. I don't recall doing that, no.

1 Q. I guess what I'm asking is this would also
2 seem to -- this meeting would seem to fall outside of your
3 portfolio, as you explained it earlier, as either ADAG or
4 OCDETF.

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

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

14 A. I don't, no.

15 Q. How did she know that you knew Steele?

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

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

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

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

23 A. I don't believe so.

24 Q. Did you confirm to her that you knew
25 Steele in the conversation?

1 A. I believe I did. I don't recall the
2 specifics.

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

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

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

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

12 Q. And what did she tell you she heard?

13 A. I don't recall the specifics.

14 Q. Was it similar to what you already heard?
15 Do you recall that?

16 A. I believe generally, yeah.

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

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

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

24 A. I know we sent E-mails back and forth. I
25 don't know if they were specifically about this topic.

1 Q. Did Kavalec tell you that she had
2 separately reached out to the FBI about Steele and the
3 information he provided?

4 A. I don't recall that.

5 Q. Did you indicate to her that you were also
6 having conversation with FBI about Steele?

7 A. I don't know. I don't recall.

8 Q. According to the IG report on page 279,
9 she, Ms. Kavalec: "She told us that Ohr responded that
10 Steele's information was, quote, kind of crazy, kind of
11 wild, quite a tale. She told us that she provided this
12 information to Ohr believing that he would pass it along to
13 whoever needed it."

14 I guess my first question would be that your take on
15 Christopher Steele's information, that it was kind of crazy,
16 kind of wild, and quite a tale? Does that sound like the
17 feeling you had about it?

18 A. I don't recall the -- I don't recall
19 saying that specifically. I mean, I think it was pretty
20 wild information, but he had provided good information in
21 the past.

22 Q. Did you tell you would pass the
23 information along to the FBI that she had told you?

24 A. I don't recall.

25 BY MR. BAKER:

1 Q. Do you know if there was any follow up
2 with her? Did you circle back and say you did pass it along
3 or did she affirmatively reach out to you to verify that you
4 did, in fact, pass it?

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

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

10 A. I don't recall anything.

11 BY MR. SOMERS:

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

14 A. I believe I did.

15 Q. Who did you pass it to?

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

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

21 A. I don't recall that.

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

24 A. I don't recall.

25 Q. Whether she had may have found something

1 inaccurate, do you recall that?

2 A. I don't recall, no.

3 Q. Any discussion about outcomes with her?
4 Do you recall?

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

6 Q. One of the people I asked you about
7 earlier was Jonathan Winer. The 302 of your November 21,
8 2016 meeting with the FBI, it notes that: "Ohr knew that
9 Steele's reporting was going to, among other Jon Winer at
10 State."

11 How did you know that?

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

13 Q. Do you know Jon Winer?

14 A. A little bit yes.

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

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

21 BY MR. BAKER:

22 Q. What was his position at State?

23 A. Back when I knew him in the early 2000s, I
24 think he was a deputy assistant secretary for INL, and I
25 don't know what his position was in 2016.

1 Q. You said INL?

2 A. Yeah. It's the Bureau of International
3 Narcotics and Law Enforcement. I may be getting that wrong.

4 MR. BAKER: Okay. Thank you.

5 BY MR. SOMERS:

6 Q. So during the post-July 30, 2016 through,
7 say, December 2017 time -- well, I guess he left the State
8 Department. Well, let's keep it broad.

9 In December 2017, what was your relationship with Winer
10 in that particular time? Did you have contact with him?

11 A. I don't believe I did.

12 Q. Did you discuss Winer with Steele?

13 A. I think Steele mentioned Winer, but I
14 don't know.

15 Q. Could that be how you, quote, knew that
16 Steele's reporting was going to, among others, Jonathan
17 Winer? Could it have been Steele who told you that?

18 A. It could be, yes.

19 Q. Did Winer ever share information with you
20 about the Trump campaign or Russia in the 2016 election?

21 A. No.

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

1 Do you have any recollection of what that letter is?

2 A. I can't recall anything as I sit here, no.

3 Q. There must have been -- you told the FBI.
4 So you must have had some awareness of this at some point in
5 time.

6 Did you communicate with him after he left the State
7 Department in January of 2017?

8 A. No.

9 Q. Did you ever receive information from
10 Jonathan Winer?

11 A. No.

12 Q. Your November 21, 2016 302, similar to my
13 questions about Winer: Ohr, quote, knew Simpson and others
14 were talking to Victoria Nuland at State."

15 How did you know this?

16 A. I think Steele told me.

17 Q. Simpson and others. Do you recall who the
18 others were?

19 "Ohr knew Simpson and others were talking to Victoria
20 Nuland at State."

21 Do you know the others were?

22 A. No.

23 Q. Could it have been the intelligence
24 community?

25 A. I don't know.

1 BY MR. BAKER:

2 Q. What position did Ms. Nuland occupy at
3 State?

4 A. She was -- I'm not sure. It may have been
5 assistant secretary for their Europe Bureau. I don't
6 recall.

7 BY MR. SOMERS:

8 Q. Could the others have been Steele? Did
9 Steele talk to you about Victoria Nuland?

10 A. I'm sorry?

11 Q. "Ohr knew Simpson and others were talking
12 to Victoria Nuland at State. I'm asking about the others
13 and whether Steele may have mentioned to you that he was
14 speaking to Victoria Nuland at the State Department.

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

16 Q. Do you know what they were talking to her
17 about, Simpson and the others?

18 A. No.

19 Q. Presumably, since it's in that 302, it had
20 something to do with elections interference.

21 A. Yeah, but I don't know.

22 Q. Okay. Did you ever communicate with
23 Victoria Nuland?

24 A. No.

25 Q. About anything?

1 A. No.

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

3 [Discussion held off the record.]

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

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

8 BY MR. SOMERS:

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

13 Go to page 25.

14 A. Twenty-five.

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

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

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

24 A. I don't recall the conversation, but
25 looking at the prior message from Christopher to me, he

1 says: If you end up out though, I really need another,
2 Bureau, question mark, contact point/number who is briefed.
3 We can't allow our guy to be forced to go back home. It
4 would be disastrous all around, though his position right
5 now looks stable. A million thanks.

6 Q. Do you recall who "our guy" is?

7 A. I believe that's his primary source.

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

10 A. I did not.

11 Q. What was his concern at the time about the
12 primary source?

13 A. I think that the primary source would be
14 forced to go back home. I don't know exactly where home is.

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

17 Do you see that text message?

18 A. Yes.

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

24 A. Yeah.

25 Q. Do you know why Mr. Steele was raising

1 this issue with you?

2 A. I think he had some information about
3 other wrongdoing by Bilfinger.

4 Q. Was he asking you to take any action about
5 Bilfinger on behalf of or to intervene with Laura Perkins on
6 something?

7 A. It looks like he's asking me to call Laura
8 Perkins.

9 Q. Did you call Laura Perkins?

10 A. I did not.

11 Q. If you go a little further down the page,
12 did you tell him it wouldn't have been appropriate for you
13 to call Laura Perkins about --

14 A. I wouldn't have.

15 Q. Because it would have been inappropriate?

16 A. I think -- yeah. I would not have felt
17 comfortable doing that.

18 Q. Did you convey that to Steele?

19 A. I don't remember if I did or not.

20 Q. Had you ever gotten a request like this
21 from Steele before or after, to intervene in -- "intervene"
22 is not the right word -- the contact someone at the Justice
23 Department about a client of his?

24 A. I don't recall any other time, no.

25 Q. A little further down the page, at March

1 24, 2017 at 7:15 a.m., skipping into the middle of that
2 text: "Otherwise, we understand an approach from Senate
3 Intelligence Committee to us is imminent. I would like to
4 discuss this and our response with you in the next couple of
5 days, if possible."

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

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

11 Q. What did you discuss?

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

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

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

17 Q. If you could go -- sorry -- back to Bates
18 25 for a second.

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

24 Did you discuss a Grassley oversight letter with
25 Christopher Steele?

1 A. I believe we did.

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

3 A. I believe I did.

4 Q. Is that you and Steele?

5 A. Yes.

6 Q. What did you discuss?

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

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

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

16 A. I don't know.

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

19 A. That's correct.

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

23 "Hi, Bruce. Any news? The Senate Intel Committee is
24 leaking like a sieve, which is giving us pause for thought
25 on engagement."

1 Then you respond at 9:15 a.m.: "Bruce: Chris, no news
2 on this end aside from what I'm reading in the papers."

3 Did you make an inquiry of somebody?

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

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

8 A. No.

9 Q. On the bottom of that page, July 16, 2017,
10 5:47 p.m., it's from Steele to you again and the second
11 sentence there says: "I spoke to my old colleague last week
12 and they assured me they would not stand in the way of our
13 reengagement with the Bureau."

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

16 A. I think he means people in British
17 intelligence.

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

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

24 Q. Do you know if he checked with them before
25 he spoke with the Bureau in the -- this text message is sent

1 in the summer of 2017. So in the summer of 2016, did you
2 ever have any conversation with him about whether he engaged
3 with his old colleagues to see if it was okay to talk with
4 either you or the FBI?

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

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

11 Who did you pass that along to?

12 A. The FBI.

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

15 A. Either [REDACTED] or his successor.

16 BY MR. BAKER:

17 Q. Do you know the successor's name?

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

19 BY MR. SOMERS:

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

22 A. I don't.

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

25 A. I believe I generally met with [REDACTED]

1 at Headquarters.

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

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

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

10 Your offices is at Main Justice. Correct?

11 A. No.

12 Q. Your office is at Main Justice?

13 A. Right. I was at Main Justice.

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

16 A. I don't believe.

17 BY MR. BAKER:

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

21 A. I don't recall.

22 BY MR. SOMERS:

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

25 "Hi, Bruce. Hope you're well and getting some holiday

1 with the family. Whenever convenient, I would like to chat.
2 There's a lot going on and we are frustrated at how long
3 this reengagement with the Bureau and Mueller is taking.
4 Anything you could do to accelerate the process would be
5 much appreciated."

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

8 A. I don't know.

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

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

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

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

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

20 A. I don't recall any explanation.

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

24 Do you know anything about that?

25 A. I don't know if it was this occasion, but

1 it may have been this occasion. He had some other people, I
2 think, who he thought might be able to provide information
3 to the FBI.

4 Q. Regarding?

5 A. Some Russian interference in general.

6 Q. But you don't know whether those
7 opportunities were ever taken? Did you ever facilitate it?

8 A. Well, I passed this information back to
9 the FBI. I don't recall what they did with it.

10 Q. Did you ever facilitate the FBI meeting
11 with anybody else related to this Russia interference
12 investigation?

13 A. I mentioned Kathleen Kavalec to them.

14 Q. But no -- Steele didn't give you -- did
15 Steele ever give you anyone else's name and then you
16 provided that name, slash, person to the FBI to give further
17 reporting to FBI?

18 A. I don't recall anything like that
19 happening.

20 Q. Would you turn to Bates 29, the next page
21 there, November 18, 2017 at 4:22 p.m. It's kind of towards
22 the bottom of the page, the long text there.

23 This is again from Steele to you. I'm going to skip to
24 the third sentence: "I am presuming you've heard nothing
25 from your SC colleagues on the issues you kindly put to them

1 from me. We have heard nothing from them either."

2 Would you agree with me that SC is probably Special
3 Counsel?

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

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

7 A. Yes.

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

10 What issues did you put to the special counsel
11 colleagues?

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

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

18 A. No.

19 Q. Same question for Ms. Ahmad.

20 A. No.

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

23 A. I was acquainted with one of the agents.

24 Q. And that agent was not the same person
25 that was your handler --

1 A. Correct.

2 Q. -- for passing off Steele information?

3 A. Correct.

4 BY MR. BAKER:

5 Q. What was the agent's name?

6 A. [REDACTED].

7 BY MR. SOMERS:

8 Q. Had you ever spoken to him about --

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

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

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

15 Q. So nothing about Russian interference?

16 A. Correct.

17 Q. They weren't Russian interference
18 conversations?

19 A. Correct.

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

23 "I understand the difficulties and uncertainty you are
24 experiencing. I haven't heard anything back, but I'll reach
25 out again and ask for an update."

1 Who would you have reached out to again?

2 A. The same agent.

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

8 A. Yes.

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

11 "Got letter from the Senate Intel Committee."

12 I'm reading the second sentence.

13 "Got letter from Senate Intel Committee."

14 Asked, something, three questions. Is that roughly how
15 you read it?

16 A. Yes.

17 Q. Do you know what that word is?

18 A. "Them", I believe.

19 Q. "Them three questions."

20 Can you read the last sentence on that note?

21 A. The last sentence?

22 Q. Yes. "Also", something.

23 A. "Also, Don Jones still in the picture, his
24 own channel."

25 Q. 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
4 you don't know who Dan Jones is?

5 A. No.

6 Q. The Penn Quarter Group?

7 A. No.

8 Q. And you don't know whether at some point,
9 Dan Jones or the Penn Quarter Group took over paying for
10 research from Christopher Steele?

11 A. No, I don't.

12 Q. Let's go to Bates 49, the next page.
13 Again, I think it's:

14 "Dan Jones, former FBI, was staff to Senate Intel
15 Committee."

16 Is that what that says there?

17 A. Yes.

18 Q. Do you know what the next three words are
19 there?

20 A. "During water boarding."

21 Q. A little further down -- these are your
22 handwritten notes?

23 A. I believe so, yes.

24 Q. There's a sentence that looks like: "He
25 has talked."

1 Can you read that sentence?

2 A. "He has talked with current FBI, trying to
3 help discretely."

4 Q. Do you think this relates to Russia?

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

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

10 A. Yes.

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

13 A. Yes.

14 Q. Then if we go to the next page here, 50
15 relates back to the question I asked you earlier about Jon
16 Winer and the letter. The second sentence there, I think I
17 can read this one.

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

20 Did I read those two sentences correctly?

21 A. I believe so, yes.

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

24 A. Yeah. I don't know what was in the
25 letter. I don't know what that was about.

1 Q. Again, this is information from
2 Christopher Steele, though, to you?

3 A. I believe so, yes.

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

8 A. Yes.

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

13 Again, these are your notes. Correct?

14 A. Yes. I have to admit I'm having a little
15 trouble here. I don't know what the first -- I'm not sure
16 what that first word is. Underneath, it says "con last
17 year", so conversation last year, and then Mifsud, maybe "to
18 Scotty", Mifsud, something Scotty, former battalion foreign
19 minister.

20 Q. Do you know who Scotty is?

21 A. No.

22 Q. You don't know who that is?

23 A. No.

24 Q. Do you know Joseph Mifsud is?

25 A. The name rings a bell, I think from the

1 newspapers, but I don't know who he is. I didn't have any
2 contact or any knowledge about it him.

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

7 A. Yes.

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

10 A. No.

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

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

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

18 A. I think Russia-Saudi relationship.

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

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

22 Q. Do you know who Alison Saunders is?

23 A. Yes. Yes.

24 Q. Did you go serve her a dinner at her house
25 in 2016?

1 A. I believe I did, yes.

2 Q. Who is that?

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

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

13 Who introduced you to Alison Saunders, if you recall?

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

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

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

22 A. Yes.

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

25 A. No.

1 Q. Did you ever discuss Joseph Mifsud with
2 her?

3 A. No.

4 Q. Are you familiar with Link Campus in
5 Italy?

6 A. I'm sorry?

7 Q. Link Campus in Italy?

8 A. No. I don't think so.

9 Q. That will be my last Mifsud-related
10 question.

11 A. Okay.

12 Q. If we could go to the beginning of those
13 documents.

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

21 Who do you take OD to be in that sentence?

22 A. I believe he's referring to Oleg
23 Deripaska.

24 Q. And who is Oleg Deripaska?

25 A. He is a criminally-connected oligarch in

1 Russia.

2 Q. And what would -- why would Christopher
3 Steele being talking about Oleg Deripaska?

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

6 Q. What would your interest is Oleg Deripaska
7 be?

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

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

12 I'm trying to get some context here whether this is out
13 of the blue or whether this is an ongoing conversation that
14 you and Steele had been having about Deripaska in general?

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

17 Q. Who is Adam Waldman?

18 A. A lawyer.

19 Q. A private lawyer?

20 A. Yes.

21 Q. For Deripaska, presumably?

22 A. I believe so.

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

25 What would be positive about the U.S. Government's

1 stance on this guy, who you said was a criminal, softening?

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

5 BY MR. BAKER:

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

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

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

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

14 Q. But you don't know what specifically?

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

17 BY MR. SOMERS:

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

21 A. No, I would not.

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

24 A. I don't know exactly what their
25 relationship was.

1 Q. Turn to Bates 2. This is an E-mail from
2 you back to Steele on February 9, 2016.

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

6 A. Yes.

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

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

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

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

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

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

24 Q. Turn to Bates 6. This is one that we
25 asked about a few times, but at the bottom there, you

1 probably know which sentence I'm going to ask you about, the
2 one with the exclamation point there: "It concerns our
3 favorite business tycoon."

4 A. Yes.

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

7 A. Yes.

8 Q. That's your recollection?

9 A. Yes.

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

12 A. No.

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

17 "Great to see you and Nellie this morning, Bruce.

18 Let's keep in touch on the substantive issues. Glenn is
19 happy to speak with you on this if it would help."

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

22 A. Yes.

23 Q. -- he told you about earlier?

24 BY MR. BAKER:

25 Q. Did he bring up anything else in that

1 conversation that would have been of interest to the
2 Department, slash, FBI that had nothing to do with --

3 A. I don't recall.

4 Q. -- Russia?

5 BY MR. SOMERS:

6 Q. Why would Glenn have been of help on this?

7 I assume Glenn means Glenn Simpson.

8 "Glenn is happy to speak with you on this if it would
9 help."

10 Do you know why he thought Glenn Simpson could have
11 been of help?

12 A. No.

13 Q. Turn to Bates 14. It should be the next
14 in the packet there. There's not much information there. I
15 just want to focus on the subject line here. It's from
16 Chris Steele to Bruce Ohr.

17 "GOU Kraine", is that the government of Ukraine?

18 A. I believe so.

19 Q. "RUSAL". What's RUSAL?

20 A. Rusal is the Russian aluminum. That's
21 Deripaska's company.

22 Q. What was the dispute?

23 A. I don't recall.

24 Q. Do you recall discussing a Rusal dispute
25 with Christopher Steele around that time?

1 A. Based on this, yes.

2 Q. Did he ask you to take any action?

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

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

7 A. I don't know about legal issues.

8 Q. Criminal issues?

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

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

14 A. Another lawyer.

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

17 A. I don't know.

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

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

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

1 work for him.

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

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

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

12 Q. Let's switch agencies again, back to the
13 State Department here. Look at Bates No. 22.

14 Bruce Ohr to Kathleen Kavalec, November 21, 2016. You
15 say to Kathleen: "Kathy, thanks for taking the time to meet
16 with us. I really hope we can get something going here."

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

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

24 Q. And that was information from Steele?

25 A. Oh, well, information she was providing,

1 some of it was from Steele.

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

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

9 Q. Turn to Bates 24.

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

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

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

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

25 Q. I do think you provided that information

1 to the FBI. I believe that article is attached to your
2 302s.

3 BY MR. BAKER:

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

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

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

18 MR. BAKER: Thank you.

19 BY MR. SOMERS:

20 Q. We're almost out of time. Let me see.

21 I didn't, unfortunately, print out this particular
22 exchange, but it looks like you had a meeting with
23 Christopher Steele at the Capitol Hilton in Washington, D.C.
24 on Friday, September 23, 2016. Do you recall that?

25 A. Not the specific date, no.

1 Q. And he stated he was there on a
2 client-related program. Do you know what he meant by that?

3 A. No.

4 Q. You don't recall why he was in the United
5 States around that time, September 23rd?

6 A. No.

7 Q. Did he ever talk to you about his contacts
8 with the press?

9 A. I think he mentioned he was in contact
10 with the press.

11 Q. Do you know, roughly, when he would have
12 told you?

13 A. I don't.

14 Q. You didn't bring it up in the first
15 meeting in July?

16 A. I don't recall.

17 Q. Do you recall whether he mentioned in this
18 meeting or sometime between the July meeting and this
19 meeting on September 23rd that he was also speaking to the
20 press?

21 A. I don't recall.

22 Q. But you definitely knew that he was
23 speaking to the press?

24 A. I think I remember him saying that, yes.

25 MR. SOMERS: I think that's all the time we have

1 this round.

2 MS. SAWYER: In term of logistics, it's now
3 12:40. I'm just trying to get a sense of how long, how many
4 more rounds you guys think you have. Is now a good time to
5 take a break to get a little bit of food?

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

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

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

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

15 THE WITNESS: Okay.

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

17 [Whereupon, at 12:42 p.m., a lunch recess was
18 taken, to reconvene at 1:15 p.m. this same day.]

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

2 MR. HASKELL: It's 1:20. We are returning from
3 the lunch break.

4 FURTHER EXAMINATION BY COUNSEL FOR THE MINORITY

5 BY MR. HASKELL:

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

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

16 BY MR. HASKELL:

17 Q. Absolutely. Just your general knowledge.

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

23 He's been pretty notorious as having connections with
24 different criminal groups out there. He is also very well
25 connected with the Kremlin and, obviously, is the head of

1 one of the biggest, if not the biggest, aluminum company in
2 the world right now.

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

7 Q. Thank you. And just to pick up on one
8 thing you said, that he was connected with the Kremlin.
9 That aligns with how the Mueller Report characterized him,
10 as closely aligned with Vladimir Putin, and that's on page
11 131 of Volume 1 of the Mueller Report.

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

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

22 A. Well, Russia is not the place where the
23 rule of law prevails in most instances, unfortunately,
24 and they have had a legacy from the communist era where
25 criminals and the -- where a lot of the actual economic

1 activity was illegal under their law.

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

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

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

16 Q. Okay. Thank you.

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

22 A. They had some business together, from my
23 understanding, and that was part of the information that I
24 passed to the FBI, was some information from that
25 relationship.

1 Q. Okay. And I assume you have some
2 familiarity with the Mueller Report. I hope, for your
3 benefit, it's not something you read frequently or have been
4 required to read the entirety of, but I want to ask you a
5 few questions about the report's discussion of the
6 Manafort-Deripaska relationship.

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

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

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

1 A. It could have.

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

7 A. It could have.

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

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

23 A. In general, yes.

24 Q. And would that raise national security or
25 counterintelligence concerns?

1 A. It probably would.

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

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

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

13 A. It would.

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

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

24 Mueller also revealed that Manafort fully expected
25 that, and again I'm quoting from the report, if Trump won

1 Deripaska would want to use Manafort to advance whatever
2 interest Deripaska has in the United States and elsewhere,
3 page 137, Volume 1.

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

8 A. Yes.

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

11 A. Sure.

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

16 A. It could.

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

19 A. Yes.

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

22 You told the Inspector General that you viewed Steele's
23 reporting as raw and unfinished Russian source information
24 that the FBI needed to evaluate. You similarly told House
25 investigators when you were interviewed there in 2018 that

1 you viewed Steele's reporting as information that the FBI
2 collects, quote, not to present in court, but to see if
3 different sources corroborate each other and that you just
4 passed to the FBI for whatever it was worth.

5 Can you expand upon that?

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

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

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

25 You said that because you had been working in this

1 area, meaning organized crime, transnational organized
2 crime, for many years: "Many people know me know, but might
3 not know an FBI agent. They would me things. I would pass
4 it to the FBI."

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

8 A. Yes.

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

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

18 A. Yes.

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

25 Again, that's on page 280 of the IG, notes from -- FBI

1 personnel notes from meetings with you.

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

4 A. No.

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

9 A. Yes.

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

13 A. I believe so.

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

21 The Crossfire Hurricane investigation was opened on
22 July 31, 2016. The Inspector General in his nearly 500-page
23 report determined that Crossfire Hurricane team did not
24 become aware of Steele's reporting until September 19, 2016.
25 The IG confirmed that, quote, the Steele dossier played no

1 role in the opening of Crossfire Hurricane.

2 Are you aware of any evidence that disputes that
3 finding?

4 A. No, I'm not.

5 Q. This committee recently had a hearing with
6 former Deputy Attorney General Rod Rosenstein who supervised
7 the Mueller investigation. At that hearing Senator
8 Feinstein asked him to identify which finding in Special
9 Counsel Mueller's report relied on information from the
10 Steele dossier.

11 Mr. Rosenstein testified, quote: I don't believe there
12 is any such information.

13 Do you have any evidence that contradicts Rosenstein's
14 testimony that no findings in the Mueller Report rely on the
15 Steele dossier?

16 A. I have nothing to contradict that.

17 Q. Rosenstein also testified at that same
18 hearing that none of the 199 criminal counts resulting from
19 Special Counsel Mueller's investigation relied on the
20 information obtained from Steele. Do you have any reason to
21 dispute or any evidence that disputes that statement by
22 Rosenstein?

23 A. No.

24 Q. So, in other words, you don't have any
25 evidence or reason to believe that Special Counsel Mueller

1 and his team relied on the Steele dossier for any of those
2 criminal counts that his office charged?

3 A. That is correct.

4 Q. Thank you.

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

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

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

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

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

25 A. It appears that it did.

1 Q. In June 2016, Steele reported that Putin,
2 quote, supported and directed pro-Trump interference
3 efforts.

4 That's Memo 2016, June 20, 2016.

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

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

12 A. It appears so, yes.

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

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

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

24 So Steele's reporting that Russia aimed, quote, to show
25 discord and is disunity both within the U.S. and the

1 Transatlantic Alliance also proved true; is that correct?

2 A. Yes.

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

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

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

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

19 A. Yes.

20 Q. I've got one last one for you, in August
21 2016.

22 So in August to 2016, Steele reported that, quote, the
23 aim of leaking the DNC E-mails to Wikileaks during the
24 Democratic Convention had been to swing supporters of Bernie
25 Sanders away from Hillary Clinton and across to Trump, Memo

1 102, August 10, 2016.

2 The Mueller investigation found substantial evidence
3 that that was true, including internal Russian intelligence
4 documents directing officers to, quote, post content that
5 focused on politics in the USA and to use any opportunity to
6 criticize Hillary and the test except Sanders and Trump. We
7 support them.

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

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

17 A. Yes. It appears so.

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

25 A. Yes.

1 BY MS. SAWYER:

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

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

7 A. Yes.

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

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

22 You had indicated earlier you thought that he had
23 raised some concerns about safety. Does that help remind
24 you about some of his specific concerns regarding people
25 being in danger?

1 A. Yes. He was concerned about the safety
2 particularly of one source and he raised that on multiple
3 occasions, which if the source was somehow revealed, that
4 could put the source's life in danger.

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

8 A. Yes.

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

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

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

18 A. Yes.

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

22 A. Yes.

23 Q. Did he ask you to do anything
24 inappropriate to try to help protect sources or methods or
25 him or his work?

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

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

4 THE WITNESS: Thank you.

5 [Chairman Graham enters the proceeding.]

6 FURTHER EXAMINATION BY THE MAJORITY

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

9 THE WITNESS: Many.

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

11 MR. SOMERS: I'll note the time for the record is
12 1:48.

13 BY CHAIRMAN GRAHAM:

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

16 A. That is correct.

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

19 A. That's correct.

20 Q. What were those?

21 A. I had met him originally when he was
22 working for British intelligence and we had shared or he had
23 shared with me information about Russian organized crime,
24 and once he left the British Government and set up his own
25 firm, he continued to provide information from time to time.

1 Q. And when did he -- and he provided you
2 with what's now called the dossier, some excerpts from that;
3 is that correct?

4 A. Yes.

5 Q. Okay. Do you remember the first time you
6 got one from him?

7 A. Well, he provided information orally, and
8 the first one, I don't remember the date as I sit here, but
9 I am told it was July 30th, around that time.

10 Q. 2016?

11 A. 2016, yes.

12 Q. When did first become suspicious that this
13 was raw intelligence and you might want to check a little
14 bit further?

15 A. I think from the very beginning, it was
16 clear it was raw intelligence.

17 Q. Well, I think you did the right thing, for
18 what it's worth, to say, Hey, there's some accusations here,
19 but somebody needs to check it out.

20 Who did you tell you should be concerned about this
21 intel?

22 A. I spoke with various people at the FBI and
23 some people at Criminal Division.

24 Q. Did you ever talk with Strzok about it,
25 Peter Strzok?

1 A. At some point in the fall, I was
2 introduced to Peter Strzok and I believe I conveyed the same
3 information to him that I had conveyed to others.

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

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

11 A. Yes.

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

14 A. Yes.

15 Q. To be careful here?

16 A. Yes.

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

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

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

25 A. Yes.

1 Q. All right. Did you report to them that
2 Steele appeared to be desperate that Trump not get elected?

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

6 Q. That he had a bias?

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

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

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

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

21 A. Yes.

22 Q. So even Steele had questions about it?

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

25 Q. All right. Have you ever obtained a FISA

1 warrant?

2 A. No.

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

5 A. Criminal search warrants, not FISA.

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

8 A. I would want to have it corroborated.

9 Q. That's fair enough.
10 Do you know what was done to corroborate the dossier
11 before it was used?

12 A. I do not.

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

17 A. I have seen press reports about it.

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

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

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

24 A. I certainly gave him the same caveats.

25 Q. Yes. Your concerns?

1 A. Yes.

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

4 A. I do not.

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

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

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

13 A. I did not.

14 Q. But you did talk to McCabe.

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

17 A. No. I don't think so.

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

21 A. I did not.

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

1 A. You should inform the court.

2 Q. Okay. And you should inform your
3 superiors?

4 A. Yes.

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

7 A. I do not.

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

11 A. That's correct.

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

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

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

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

20 Q. When did you pick this group?

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

24 A. I picked Andy McCabe and I went to him
25 because I knew him. We had worked together on Russian

1 criminal matters over the years.

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

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

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

9 A. I don't remember what he said.

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

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

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

18 A. I did not.

19 Q. Okay. They called you?

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

23 Q. So McCabe, your understanding is that
24 McCabe called Strzok and Page and they wanted to hear what
25 you had to say?

1 A. Something like that. I'm not sure.

2 Q. You don't know for sure --

3 A. Right, exactly.

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

8 A. Yes.

9 Q. What was their reaction?

10 A. I don't remember any disagreement.

11 Q. Did they say we'll do it?

12 A. I don't remember what they said.

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

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

18 Q. Who was that agent?

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

21 Q. How often did you talk to this person?

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

24 Q. Did you get calls from Mr. Steele after
25 November 21, 2016?

1 A. After 2016, yes.

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

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

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

10 A. I don't recall.

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

13 That's what you said to the House.

14 A. I mean, it was my understanding all along
15 that we would have to be very careful with information. I
16 don't remember specifics.

17 Q. I want to know what Mr. Steele said.
18 According to you, he said this may be exaggerated or
19 conspiracy theory talk. Does that sound right?

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

21 Q. Okay. But you previously said that. Is
22 there anything that would make you change your mind now?

23 A. I don't think so.

24 Q. So in 2017, were you talking to Mr. Steele
25 in January of 2017?

1 A. I believe I was, yes.

2 Q. Were you talking to him in February of
3 2017?

4 A. I don't recall exactly when the calls
5 were.

6 Q. When was the last time you talked to Mr.
7 Steele that you recall?

8 A. I believe it was in November of 2017.

9 Q. Okay. So, basically, you stayed in
10 contact with Mr. Steele all the way through November of
11 2017?

12 A. Yes.

13 Q. Okay. Did he ever mention to you about
14 the Russian sub-source being interviewed by the FBI?

15 A. No.

16 Q. Why was he calling you? What was the
17 purpose?

18 A. Well, he was passing some additional
19 information, what he had learned.

20 Q. Why would he pick you and not -- I mean,
21 you weren't working on the case. Why did he pick you?

22 A. Because we had known each other for some
23 time.

24 Q. Did you ever tell him you need to hand
25 this to the people running the operation, not me?

1 A. They weren't speaking with him. At some
2 point, they terminated him as a source.

3 Q. I think In October of 2016, he was
4 terminated, but you kept talking with him. Did you know he
5 had been terminated as a source?

6 A. I became aware of that at some point, yes.

7 Q. Why did you keep talking to me?

8 A. Well, when he called and offered
9 information, I figured I would want to hear what he had to
10 say.

11 Q. Well, but the FBI said -- the people
12 running the operation had closed him out. Right?

13 A. That's correct.

14 Q. Why did you keep talking to him?

15 A. I was afraid that the information could be
16 important.

17 Q. Okay. Did you tell your superiors you
18 were still talking to him?

19 A. I did not.

20 Q. Okay. Interesting.

21 So you never heard of an interview by the FBI with what
22 is now called the primary sub-source?

23 A. I think it came out -- I saw it in the
24 press or the IG report or something like that.

25 Q. Before that, on your own, you never heard

1 anybody --

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

3 Q. Did you tell Strzok and Page that you were
4 still talking to Steele?

5 A. Not directly, but I told the FBI agent I
6 was.

7 Q. What did the FBI agent say? Did he
8 encourage you to keep talking to him?

9 A. They just take the information.

10 Q. Do you know what the system did with your
11 concerns about the reliability of the information?

12 A. I do not.

13 Q. What did you expect to happen? What were
14 your hoping to happen?

15 A. That they would analyze it and compare it
16 to other information that they had received.

17 Q. That's right, and is it fair to say that
18 you did not know it had already been used to obtain a
19 warrant in October of 2016? Did you know that?

20 A. I did not know that.

21 CHAIRMAN GRAHAM: Well, thank you very much.

22 THE WITNESS: Thank you.

23 BY MR. SOMERS:

24 Q. You used the term earlier, and it's your
25 term, "source information". Could you just explain exactly

1 what "source information" is?

2 A. Information that has been offered to law
3 enforcement that comes from somebody who may or may not be
4 willing to testify and that it's information that law
5 enforcement can use for leads or other purposes, which
6 generally is not the same thing as testimony or evidence.

7 Q. So source information is information that
8 has be verified generally?

9 A. Yes.

10 Q. If you want to use it?

11 A. Yes. You have to verify source
12 information.

13 Q. And as we discussed length earlier, you
14 had, obviously, a number of conversations with the FBI over
15 the relevant period of time. Did the FBI ever ask you to
16 help through Steele verify any of the information in the
17 dossier?

18 A. The only thing they asked me was at one
19 point to ask him whether he would be willing to talk with
20 them again.

21 Q. And you also talked about how Steele had
22 provided you information on all sorts of things over the
23 years. Had you ever met a source of Steele's before?

24 A. No.

25 Q. In the 302, the November 21st 302 of your

1 November 21, 2016 interview with the FBI, the 302 says that:
2 "Ohr met with Steele in July and September 2016 during which
3 Steele advised Ohr of Steele's election reporting and who
4 had hired him."

5 Does that sound right?

6 A. Yes.

7 Q. And by "who had hired him", what did you
8 know about who had hired Steele?

9 A. He mentioned to me a name of the person
10 that had hired him, but I did not recognize the name and,
11 frankly, I couldn't remember.

12 Q. Obviously, Glenn Simpson directly hired
13 him. He mentioned who, basically, hired Simpson; is that
14 what you're saying?

15 A. I think that's my understanding, yes.

16 Q. Do you remember if that name was an
17 attorney?

18 A. I don't recall.

19 Q. You don't recall if it was Michael
20 Sussman, that name?

21 A. No. I wouldn't recognize it now.

22 Q. But the bottom line is Steele was willing
23 to tell you who the ultimate client was?

24 A. He did, I believe.

25 Q. Did you have an understanding that this

1 ultimate client, whose name you can't remember, was somehow
2 associated with the Democratic Party?

3 A. I don't recall, but I guess it had
4 something to do with the Clinton campaign. I didn't know.

5 Q. What was your understand of what Steele
6 and Simpson were doing with Sussman in that way?

7 A. My general impression is they were looking
8 into the possibility that there was some of collusion
9 between the Russian Government and the Donald Trump.

10 Q. But it was for -- this wasn't for their
11 own, you know, curiosity; this opposition research; is that
12 your understanding?

13 A. Yes.

14 Q. So it was to be used against Trump or the
15 Trump campaign?

16 A. Yes.

17 Q. And Steele didn't say to you, you know,
18 Oh, I can't tell you what this is for; he was forthcoming?

19 If you asked -- you would know right now if you could
20 remember who the ultimate client was; there was no hiding
21 this information by Steele from you?

22 A. Right.

23 BY MR. BAKER:

24 Q. You had previously indicated that he
25 indicated that it needed to be validated or vetted or

1 sourced when he gave it to you?

2 A. Yeah. Again, I can't remember exactly
3 when he said that, but yes.

4 Q. Did he ever add a caveat to any of the
5 information he passed to you that he, himself, questioned a
6 particular document or a particular reporting?

7 A. I can't remember that. He might have, but
8 I don't remember. I can't recall.

9 BY MR. SOMERS:

10 Q. But you weren't speculating this was
11 opposition research; you knew this was opposition research?

12 A. Yes.

13 Q. So if could just read -- I'm only going to
14 ask you about the last sentence in this, but I'm going to
15 read the entire footnote. This is Footnote 8 from the
16 Carter Page FISA application. I'm reading from the version
17 that appears in page 143 of the IG report.

18 "Steele, who now owns a foreign business/financial
19 intelligence firm, was approached by an identified U.S.
20 person who indicated to Steele that a U.S.-based law firm
21 had hired the identified U.S. person to conduct research
22 regarding Candidate 1's ties to Russia. He identified the
23 U.S. person and Steele had a longstanding business
24 relationship.

25 The identified U.S. person hired Steele to conduct this

1 research. The identified U.S. person never advised Steele
2 as to the motivation behind the research into Candidate 1's
3 ties to Russia."

4 And this is the sentence: "The FBI speculated that the
5 identified U.S. person was likely looking for information
6 that could be used to discredit Candidate 1's campaign."

7 But as far as you knew, that wasn't speculation; you
8 knew it was opposition research?

9 A. Yes.

10 Q. And you conveyed at one or more meetings
11 with the FBI this was opposition research?

12 A. I think they knew it.

13 Q. So this wasn't a big topic of
14 conversation, because everyone was aware it was opposition
15 research? Would you characterize it that way, my
16 characterization?

17 A. I can't remember the exact words, but
18 somehow I thought that.

19 BY MR. BAKER:

20 Q. Did you ever follow up to see what either
21 Andy McCabe, Pete Strzok, or Lisa Page did with any of the
22 info that you provided to them?

23 A. No. No.

24 Q. Did they have any followup for you based
25 on information that you passed to them?

1 A. No. They just said to keep telling them
2 the information that I got.

3 Q. They said to keep telling them information
4 as you were getting it?

5 A. Yes. They probably put me in touch with
6 [REDACTED].

7 Q. Okay. So did you have any additional
8 followup or information to pass to Strzok, McCabe, or Page
9 that then went to [REDACTED]?

10 A. I didn't have specifically for Strzok,
11 Page, or McCabe. I continued to pass on whatever I heard
12 from Chris Steele to [REDACTED].

13 Q. So after that passing of information to
14 McCabe, Strzok, and Page, that was sort of the end of the
15 conversations with them?

16 A. Right.

17 Q. There wasn't a followup from you to them
18 or them to you?

19 A. I'm sorry?

20 Q. There wasn't a followup from you to see if
21 they did anything with it and there wasn't a followup from
22 them to you for clarification or additional information or
23 to let you know what they did with this?

24 A. That's right.

25 MR. BAKER: Thank you.

1 BY MR. SOMERS:

2 Q. Back to the point on opposition research,
3 that same 302 that I cited earlier goes on to say
4 later -- this is the November 21st 302 of your
5 interview -- I'm sorry -- the 302 of your November 21st
6 interview with the FBI:

7 "Ohr advised the FBI of the follow: Simpson, who hired
8 Steele, was himself hired by the lawyer who, quote, does
9 opposition research and Steele's reporting was going to
10 Hillary Clinton's presidential campaign, an identified State
11 Department official, and the FBI."

12 So you knew that the reporting was going to Hillary
13 Clinton's presidential campaign?

14 A. As I indicated before, yeah.

15 Q. So it wasn't like it was going there; you
16 knew it was going there?

17 A. Yea. I didn't know the exact who, but
18 yes.

19 Q. And you conveyed that, obviously,
20 according to the notes in 302 to the FBI.

21 I think that the chairman sort of broached this
22 earlier, but also in this meeting -- this is a note from the
23 IG -- you must have conveyed to the FBI Steele may have some
24 doubts about his source network.

25 The IG report on page 286 says: The reporting of

1 Kremlin activities may be exaggerated or conspiracy theory
2 talk. So Steele could not know whether all the reporting is
3 true."

4 Could you elaborate on that comment a little bit?

5 A. I mean, that's certainly my understanding.
6 When you hear information from a Russian source, it's often
7 speculation, conspiracy, everything mixed in. So you have
8 to be very careful with any information you get that's
9 related to Russian criminal activity, Russian operations,
10 that sort of thing.

11 Q. So any information that comes from Russia,
12 you always should look at with a skeptical eye; is that
13 fair?

14 A. That's correct.

15 Q. And is that something that you, in
16 particular, know as a Russia expert or do
17 counterintelligence people generally know that you don't
18 trust Russian information and you have to take it at face
19 value?

20 A. I would assume they know it well.

21 Q. Also, in this November 21 meeting, you
22 told the FBI that, quote: "Steele's reporting was shared by
23 Simpson with a lot of people."

24 This is in the IG report at page 280.

25 I think I asked you this earlier, but did you

1 acknowledge that included the press?

2 A. I believe so.

3 Q. A lot of people?

4 A. Yeah.

5 Q. I talked over you.

6 A. I said I believe so, yes.

7 Q. According to the IG report, again on page
8 280: "Ohr told the FBI that Steele wrote well-sourced
9 reports, using a variety of sub-sources."

10 What's your basis for saying they were well-sourced?

11 A. I think he had -- I understand he had
12 multiple sources over the years that provided information.
13 I think he said that to me and the reporting he provided
14 seemed to reflect pretty -- not a single point of view,
15 different points of view of what was going on in Russia.

16 Q. But you had never met any of his sources?

17 A. That's correct.

18 Q. Did anyone else vouch for Steele's
19 reputation with you before you started your relationship
20 with him or as you had a relationship with him?

21 A. I think the FBI found his information
22 useful. So at least in some circumstances, the information
23 was substantiated.

24 BY MR. BAKER:

25 Q. Was it your understanding that Mr. Steele

1 would deal with the primary sub-source himself or did have
2 an employee who would deal with the sub-sources?

3 A. I don't know.

4 BY MR. SOMERS:

5 Q. We spoke about the Manafort case earlier.
6 So at the November 21st meeting, I think it's in the IG
7 report that you were asked a question about whether there
8 was a prosecutor assigned to the investigation, and then the
9 IG report on page 280 indicates he, as you, Ohr: "He also
10 said that no one at the meeting told him about the Crossfire
11 Hurricane investigation, but that he was advised that the
12 FBI was pushing ahead on the Manafort case."

13 So were aware of the Manafort case before that November
14 21st meeting?

15 A. I believe I was.

16 Q. Did you share this Manafort case
17 information with Steele, about the Manafort case?

18 A. No.

19 Q. Getting back to what I asked you about
20 earlier, I just found the quote I was looking for that I
21 didn't have earlier.

22 This is about [REDACTED] [REDACTED] "Ohr said he introduced
23 Steele to -- this is page 269, I believe, of the IG report.

24 "Ohr said he introduced Steele to Handling Agent

25 1 -- who was [REDACTED] [REDACTED] -- "so that Steele could provide

1 information directly to FBI in approximately the spring of
2 2010. He told us that he pushed to make Steele an FBI
3 confidential human source because Steele's information was
4 valuable. Ohr also said that it was not efficient for him
5 to pass Steele's information to the FBI and he preferred
6 having Steele work directly with an FBI agent."

7 I mean, that seems to be in contrast with what you did
8 with election reporting.

9 "Ohr also said that it was not efficient for him to
10 pass Steele's information to the FBI and he preferred having
11 Steele work directly with an FBI agent."

12 What changed from that, you pushing for him to signed
13 up as a CHS, to the summer or fall of 2016?

14 A. Nothing changed. It was still better that
15 he was talking with them directly, but if he provided
16 information to me and the information seemed important, I
17 would pass it along to the FBI.

18 Q. But that wasn't the ideal setup?

19 A. Right.

20 Q. So you still agree with that.

21 Had you ever passed Steele information to McCabe prior
22 to the October 18th meeting?

23 A. I don't believe so.

24 Q. Then you said, I believe you said during
25 our first round, that when you got information from Steele

1 in the past that you would use your normal point of contact.
2 Not always, but your normal point of contact would be the
3 TOC East or West; is that accurate?

4 A. TOC East and the handling agent.

5 Q. And the handling agent.

6 So in normal course, not involving Crossfire Hurricane,
7 you receive information from Steele. You pass it to, let's
8 say, TOC East. Did you usually follow up on the information
9 after you passed it to TOC East?

10 A. I can't recall specific episodes, but
11 generally, I think when I passed information, I just gave
12 them the information. I don't recall following up.

13 Q. You don't recall following up?

14 A. [Gestures.]

15 BY MR. BAKER:

16 Q. Did you ever get any -- sort of like the
17 question we asked earlier about McCabe, did you ever get any
18 follow up on that information; Hey, is this really good;
19 we'd like keep this dialogue going?

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

21 BY MR. SOMERS:

22 Q. I may have asked you about this in the
23 last round when I was going through the documents. Footnote
24 436 of the IG report: "Ohr said he understood Steele was,
25 quote, angling for Ohr to assist him with the client issues.

1 For example, Ohr stated that Steele was hoping that Ohr
2 would intercede on his behalf with a Department attorney
3 handling a matter involving a European company.

4 Ohr denied providing any assistance to Steele Steele in
5 this regard and we found no evidence that he did. The
6 attorney handling the matter involving the European company
7 told us that Ohr never spoke with her about the matter.

8 Steele told us that he asked Ohr about the Department
9 attorney involved in the case because he was considering
10 contacting the attorney about an issue involving his
11 client."

12 The long thing I just read, though, was prefaced by
13 "for example". So "Ohr said he understood Steele was
14 angling for Ohr to assist him with his client's issues."

15 Can you comment on what you meant by that?

16 A. Just that Bilfinger instance.

17 Q. There weren't other instances? I mean,
18 the lead-in says "for example".

19 A. I don't recall any other things.

20 Q. What about election reporting?

21 A. No. I think my impression on that is he
22 was giving us information because he thought it was
23 important, not that he thought it would help him in any way.

24 Q. What about Glenn Simpson?

25 A. Same thing. I don't think they were

1 particularly expecting anything from the government on that.

2 Q. If they weren't expecting anything from
3 the government, why did they follow up with you so many
4 times?

5 A. I think Chris Steele was concerned that
6 the government was involved, but I don't think it was any
7 personal gain.

8 Q. But he must have been expecting the
9 government to do something?

10 A. I think he hoped we would look into it.

11 Q. Did he ever express frustration with you
12 that the information hadn't come out publicly that there was
13 investigation into the Trump campaign?

14 A. No. I don't recall that, no.

15 Q. Did he ever express frustration that Comey
16 had made, Director Comey had made, announcements about the
17 midyear exam investigation around the time of the 2016
18 election?

19 A. I don't recall whether he talked about
20 that or not.

21 Q. So you don't recall having a conversation
22 with him about frustration about derogatory -- I'll strike
23 "derogatory" -- about information about an investigation
24 into Hillary Clinton's E-mail server coming out at the time
25 of the 2016 election, but similar about investigation into

1 Candidate Trump not coming out?

2 A. I don't think so. I don't recall that,
3 sitting here, anything like that.

4 Q. And you don't think that his contacts with
5 you about Oleg Deripaska fit this angling situation that you
6 described?

7 A. He never really asked me to do anything
8 with respect to Oleg Deripaska. So no.

9 MR. BAKER: I guess this is more appropriately
10 directed to Mr. Berman.

11 We talked about this before in the past, but a
12 different day, a different forum. I was wondering if we
13 might be able to -- I think you represent Ms. Ohr -- that we
14 might be able to get copies of her research she did at
15 Fusion that was turned over to some of the other authorities
16 by Mr. Ohr, if this committee could get a copy of that.

17 MR. BERMAN: If you want to reach out to me about
18 Mrs. Ohr to get a copy of that, I'll be happy to take your
19 call.

20 MR. BAKER: Thank you very much.

21 MR. SOMERS: I think that's all we have unless
22 you guys have questions. Do you have another round?

23 MS. SAWYER: I don't think we have a lot.

24 [Pause.]

25 We'll go back on the record. It's 2:25.

1 FURTHER EXAMINATION BY COUNSEL FOR THE MINORITY

2 BY MS. SAWYER:

3 Q. I just had a couple of questions for you.

4 You were asked by my colleagues and also the chairman
5 about your outreach directly to Deputy Director Andy McCabe
6 and you were also asked whether or not it was usual for you
7 to follow up once you had passed information over to the
8 FBI, and from what I understood, you indicated it was not
9 your usual practice to then follow up again.

10 So to me, its sound like you did behave in this
11 instance differently than you might in others. I wondered
12 if that was accurate.

13 A. I'm not sure what you mean.

14 Q. Well, in this instance, it does seem like
15 you did follow up. You first reached out to the handling
16 agent in July and then, as far as I can tell, you also
17 later, in October, reached out at a higher level to Deputy
18 Director McCabe.

19 A. Okay. Yes.

20 Q. So there was that followup?

21 A. Yes.

22 Q. So it did seem different to me and I just
23 wondered if that was true and, if true, why that would be
24 the case here, why you felt the need to reach out?

25 A. Because of the potential importance of the

1 information.

2 Q. And do you recall contextually what you
3 were also seeing or hearing or, you know, even if it was
4 through public reporting about what Russia might be doing,
5 what Wikileaks might be doing, what generally going on with
6 regard to Russia and the election?

7 A. Very broadly, I remember there were
8 articles in the press about potential Russian interference
9 and -- yes.

10 Q. Do you remember whether you were aware at
11 the time that Wikileaks had started releasing information
12 that had been hacked from the computer systems of a U.S.
13 political party?

14 A. I think that was happening around that
15 time. I certainly read it in the papers, yes.

16 Q. So my recollection was, certainly, in
17 July, around the time of the Democratic National Convention,
18 Wikileaks had published some 20,000 E-mails that had been
19 stolen from the DNC. So that would have been two weeks
20 before reached to the handling agent.

21 A. Yes. I don't remember the dates, but yes.

22 Q. At it would have been about two weeks
23 before Christopher Steele first reached out to you and
24 reported to you, at least verbally, some concerns about
25 Russian interference and potential involvement in the Trump

1 campaign?

2 A. Yes. Going from your timeline, yes.

3 Q. Do you recall whether or not you were
4 aware or heard then Candidate Trump on the campaign trail
5 around July 26th making the statement, Russia, if you're
6 listening, in essence, inviting Russia to hack his opponent,
7 Hillary Clinton?

8 Do you remember whether you were aware of that?

9 A. I'm sure I was aware of it at the time.

10 Q. So just looking at a calendar, that
11 statement on the campaign trail would have come some four
12 days before Mr. Steele had first reached out to you and said
13 he had concerns or had gotten a reporting that Russia might
14 be interference and that the Trump campaign may know or be
15 involved?

16 A. Yes.

17 Q. So did that heighten your concern and your
18 desire to make sure that the FBI was aware of this
19 information?

20 A. I'm sure it did.

21 Q. And was that -- throughout that fall,
22 Wikileaks continued to release information that had been
23 hacked from the DNC. Do you recall that?

24 A. In broad terms.

25 Q. And do you recall the campaign, the Trump

1 campaign specifically, what I would term "weaponized", but
2 certainly tried to amplify the message of Wikileaks by, for
3 example, then Candidate Trump declaring on the campaign
4 trail, I love Wikileaks; Wikileaks just released
5 information; I encourage all of you to go and read the
6 information that Wikileaks just released"?

7 A. I remember something like that.

8 Q. Did that kind of behavior by a U.S.
9 presidential campaign, U.S. presidential candidate, have
10 heightened your concern about the reporting you had heard
11 from Mr. Steele?

12 A. I'm sure it did.

13 Q. So even though it was what we referred to
14 or described as raw intelligence, you felt it was something
15 that the FBI should certainly be looking into?

16 A. Yes. It potentially could be extremely
17 important.

18 Q. Certainly, it posed, potentially, a
19 extremely important national security risk to our country?

20 A. Yes. As I said before, yes.

21 Q. So when you took the -- when you had these
22 conversations with Mr. McCabe, in addition to noting that it
23 was raw intelligence that should be followed up on,
24 certainly, the underlying themes of the report that Russia
25 was seeking to interfere in our election and that there

1 could be potential knowledge of that and even the potential
2 assistance, whether witting or unwitting, from the Trump
3 campaign is something that you felt was important that he
4 know about?

5 A. Yes.

6 Q. Once you had conveyed it at that level,
7 did you seek then to recommend or follow up or suggest any
8 particular investigative steps?

9 A. I did not.

10 Q. At any point in either the Crossfire
11 Hurricane investigation or what then became the Mueller
12 investigation, did you recommend that anyone take any
13 particular investigative steps?

14 A. I did not.

15 BY MR. HASKELL:

16 Q. I first just want to clarify one point.
17 There's been -- both myself and my colleagues and Chairman
18 Graham mentioned a quote. I'll just read the quote, "may be
19 exaggerated or conspiracy theory talk", pertaining to Steele
20 reporting and there's been some mention that that was your
21 testimony in the House and I think there's also been just
22 some confusion about who that quote is ascribed to.

23 Just for the record, I want to make clear that that is
24 on page 280 of the IG report and it is a quote that is under
25 the heading "Notes Taken by Meeting Participants, FBI" and

1 indicates that "Ohr shared the following information", and
2 then it says:

3 Among other things, Kremlin activities, quote, may be
4 exaggerated or conspiracy talk, end quote, so Steele cannot
5 know whether all reporting is true.

6 So I just want to clarify that those are the words from
7 notes of FBI personnel, not the words of Mr. Ohr and not the
8 words of Mr. Steele.

9 Turning to page 270 of the IG report, and you do not
10 yourself need to turn there, although, you're welcome to.
11 It says that: "Ohr's contact with Steele did not end after
12 Steele formalized his relationship with Handling Agent 1 and
13 the FBI. Ohr told us that he viewed meeting with Steele as
14 part of his job -- as you again reiterated today -- "because
15 he needed to maintain an awareness of Russian organized
16 crime activities and Steele knew Russian organized crime
17 trends better than anyone else. Handling Agent 1, Steele's
18 handling agent, told the IG that he knew Steele and Ohr were
19 in contact after that relationship had been formalized."

20 So I think the report speaks for itself on that point,
21 but to be clear, you did not cease talking to Steele once he
22 had a formal relationship with FBI and then pick up talking
23 to him when that relationship changed; is that correct?

24 A. You're correct.

25 Q. You consistently spoke with him; is that

1 correct?

2 A. Yes.

3 Q. You were asked questions by our colleagues
4 about your knowledge of the primary sub-source and the U.S.
5 Government's interactions with the primary sub-source and
6 you said that you were not aware of that, and that's not
7 surprising because of the limited nature of your role
8 vis-a-vis the Crossfire Hurricane investigation. We talked
9 about that throughout the day, but I'm just going to ask you
10 a couple of questions just to make sure we're absolutely
11 clear.

12 You were not a member of Crossfire Hurricane team; is
13 that correct?

14 A. Correct.

15 Q. You played no role in the decision by FBI
16 Assistant Director Priestap to open the Crossfire Hurricane
17 investigation in July of 2016; is that correct?

18 A. That's correct.

19 Q. And you played no role in the decision to
20 open the individual investigations into Michael Flynn, Paul
21 Manafort, George Papadopolous, and Carter Page; is that
22 correct?

23 A. That's correct.

24 Q. You also played no role in the decision
25 seek a FISA warrant on Carter Page in October of 2016; is

1 that correct?

2 A. That's correct.

3 Q. And you played no role in the preparation,
4 the drafting, or the reviewing of the October 2016 FISA
5 application; is that correct?

6 A. That's correct.

7 Q. No role in the approval process for that
8 FISA application?

9 A. That's correct.

10 Q. And is the same true, that you played no
11 role in the decisionmaking, preparation, or approval for the
12 three subsequent renewals of that Page FISA application?

13 A. That's correct.

14 Q. I believe you already confirmed this, but
15 just for the sake of the record, were you even aware in the
16 fall and winter of 2016 that the FBI was seeking or had
17 obtained a FISA warrant on Carter Page?

18 A. I don't believe I was.

19 Q. You also weren't a member of Special
20 Counsel Mueller's team; is that correct?

21 A. That's correct.

22 Q. And because of what we discussed about
23 your position on Crossfire Hurricane and what you just said
24 about your position on the Mueller team, am I right that you
25 weren't privy to the internal deliberations or decisions

1 of the Crossfire Hurricane and Mueller teams?

2 A. That's correct.

3 Q. And, in fact, the IG reports states that,
4 quote: The FBI personnel we interviewed generally told us
5 that Ohr did not make any requests of the FBI, nor did he
6 inquire about any ongoing cases, or make any recommendations
7 about potential investigative steps."

8 Do you share the recollections of the FBI personnel,
9 the ones that you interacted with, that you didn't make any
10 requests, inquire about ongoing cases, or recommend
11 investigation steps?

12 A. I think that's right.

13 Q. The President has tweeted about your
14 family more than 30 times. You've also been singled out and
15 accused of various things, including of having, quote,
16 worked on behalf of the Clinton campaign by members of
17 Congress.

18 You didn't work for the Clinton campaign; is that
19 correct?

20 A. That is correct.

21 Q. You worked and you continue to work at the
22 Department of Justice. Why is it that you have elected to
23 dedicate your career over the last almost 30 years, I
24 believe, to the Department?

25 A. I believe deeply in the Department's

1 mission and I think it's a worthy goal to try to investigate
2 and prosecute criminal activity against the people of the
3 United States and I still believe it, obviously.

4 Q. And I apologize for asking this, but you,
5 obviously, continue to work there notwithstanding the
6 attacks I just mentioned. Why is it that you continue to
7 work there in light of the public targeting of you and your
8 family?

9 A. Well, the mission hasn't changed and the
10 need to keep trying to seek for justice is still present and
11 I still feel it and so I will continue doing it.

12 Q. That's extremely admirable and you may be
13 a rare bird in that regard. Do you ever have concerns that
14 public attacks like that make it difficult for the Justice
15 Department to maintain and recruit people like you to join
16 its ranks?

17 A. Yes.

18 BY MS. SAWYER:

19 Q. If I could just follow up on that for a
20 minute, I often hear people describe what the Justice
21 Department and the FBI do as investigating that is warranted
22 and necessary prosecuting in the interest of the United
23 States, and I often hear people use the phrase "without fear
24 or favor".

25 From your perspective, what does that mean?

1 A. It means that you shouldn't be swayed by
2 anything aside from the facts of the case.

3 Q. And do you believe that with regard to,
4 certainly, your behavior and the handling of the information
5 that Christopher Steele alerted you to and then you then
6 passed along, did you feel that you were behaving in accord
7 with that mission?

8 A. Yes. I certainly did my best to.

9 Q. I know this is a difficult question since
10 you're employed at the Department, but do you believe that
11 any of the efforts that have been undertaken to target
12 individuals have been an effort to diminish people's ability
13 to follow the facts where they lead, to engage in the
14 mission of the Department without fear or favor?

15 A. I can't speak to anyone's motives, but I
16 think some people, obviously, feel like they are being
17 discouraged, but I can't talk about or I can't say why
18 people are doing that. I wouldn't guess.

19 Q. Would you agree, at least, that there is a
20 risk that people are being discouraged to follow the facts
21 where they lead and to engage in the mission of the
22 Department without fear or favor?

23 A. Yes. I think there's always that risk.
24 So within the Department, we try to keep people encouraged.

25 Q. Understanding that there is always that

1 risk, do you feel that there's a risk when the President of
2 the United States is using a social media platform to target
3 people individually who work for the Department or the FBI?
4 And not speaking of you in particular.

5 A. I generally hear from people that they are
6 discouraged.

7 MS. SAWYER: I think that is all that we had. Our
8 colleagues may have some more questions, but we appreciate
9 your time today as well as your cooperation in the
10 investigation to date.

11 THE WITNESS: Thank you.

12 MR. SOMERS: We don't have any further questions.
13 I think we can conclude the interview, and I just want to
14 thank Mr. Ohr and counsel for coming here today and putting
15 up with us for a little while.

16 Thank you.

17 THE WITNESS: Thank you.

18 [REDACTED]: I do have one statement for the
19 record.

20 The FBI and/or DOJ will provide a list of names
21 to the staff for redaction from the transcript.

22 MS. SAWYER: I guess while we're still on the
23 record, one of the questions that has come up, and I wasn't
24 here in the beginning, I just wanted to clarify. I mean, I
25 assume that we are providing the witnesses and including

1 this witness the opportunity to review the transcript, like
2 we usually do.

3 MR. SOMERS: Yes. We will provide the witness
4 the opportunity to review the transcript here.

5 MR. BERMAN: I would like to just thank the
6 Majority and Minority for their professionalism and their
7 civility all day today. Thank you so much.

8 THE WITNESS: Likewise, thank you.

9 MR. SOMERS: Thank you.

10 [Whereupon, at 2:41 p.m., the interview
11 concluded.]

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ERRATA

Notice Date:

Deposition Date: June 30, 2020

Deponent: Bruce Ohr

Case Name:

Page:Line	Now Reads	Should Read
<u>63:18</u>	<u>information</u>	<u>investigation</u>
<u>66:15</u>	<u>Russian</u>	<u>Russia</u>
<u>67:1</u>	<u>Russian</u>	<u>Russia</u>
<u>120:11</u>	<u>tell</u>	<u>telling</u>
<u>123:11</u>	<u>FIB</u>	<u>FBI</u>
<u>124:11</u>	<u>it to</u>	<u>to</u>
<u>126:4</u>	<u>Russian</u>	<u>Russia</u>
<u>126:22</u>	<u>Steele'S</u>	<u>Steele's</u>
<u>127:4</u>	<u>passed to</u>	<u>passed it to</u>
<u>128:3</u>	<u>would me</u>	<u>would tell me</u>
<u>129:15</u>	<u>today by</u>	<u>today, by</u>
<u>129:23</u>	<u>that Crossfire</u>	<u>that the Crossfire</u>
<u>134:6</u>	<u>test</u>	<u>rest</u>
<u>134:19</u>	<u>and confirmed</u>	<u>and the IG confirmed</u>
<u>135:20</u>	<u>about the people's</u>	<u>about peoples'</u>
<u>165:20</u>	<u>followup</u>	<u>follow-up</u>
<u>166:5</u>	<u>generally going</u>	<u>generally was going</u>

Notice Date:

Deposition Date: June 30, 2020

Deponent: Bruce Ohr

Case Name:

Page:Line	Now Reads	Should Read
166:20	before reached to	before you reached out to
167:13	gotten a reporting	gotten a report
167:14	interference	interfering
168:8	Did	Would
169:19	Steele	Steele's
171:25	seek	to seek
172:12	that	the
172:25	privacy	privvy
173:3	reports	report
174:21	that	what
174:22	necessary prosecuting	necessary, and prosecuting

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

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

INTERVIEW OF:

CASE AGENT 1

FRIDAY, SEPTEMBER 25, 2020

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

1 APPEARANCES

2 SENATE JUDICIARY COMMITTEE:

3 For the Majority:

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15 Office of General Counsel

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

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22 Counsel, U.S. Department of Justice,
23 Legislative Affairs

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I N D E X

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EXAMINATION BY:

COUNSEL FOR THE MAJORITY:

PAGE

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

COUNSEL FOR THE MINORITY:

By Mr. Haskell: 62, 123, 199

By Ms. Zdeb: 62

P R O C E E D I N G S

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

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

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

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

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

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

25 MR. HASKELL: Alex Haskell, Ranking Member

1 Feinstein, Minority staff of the Judiciary Committee.

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

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

7 [REDACTED], FBI OGC.

8 [REDACTED], FBI OGC.

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

11 [REDACTED], FBI OGC.

12 [REDACTED], FBI OCA.

13 [REDACTED], DOJ OLA.

14 [REDACTED], DOJ OLA.

15 MR. SOMERS: Thank you.

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

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

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

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

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

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

13 Do you understand that?

14 THE WITNESS: I do.

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

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

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

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

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

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

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

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

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

20 THE WITNESS: I do.

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

24 THE WITNESS: I do.

25 MR. SOMERS: Witnesses who knowingly provide

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

4 THE WITNESS: I do.

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

7 THE WITNESS: No.

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

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

15 THE WITNESS: Not at this moment.

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

19 MR. SOMERS: That is correct.

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

22 THE WITNESS: I do, yes.

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

25

1 EXAMINATION BY THE MAJORITY

2 BY MR. SOMERS:

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

6 A. I have, yes.

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

9 A. I am.

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

13 A. I did not.

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

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

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

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

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

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

5 A. That was, yes.

6 BY MR. BAKER:

7 Q. And you said you were assigned where?

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

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

11 A. I did, yes.

12 Q. What was the nature of that relationship?

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

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

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

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

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

7 Q. What type of squad were you on?

8 A. At FBI Headquarters?

9 Q. Yes.

10 A. It was a [REDACTED]

11 Unit.

12 Q. And this was your first tour?

13 A. This was my first tour, yes.

14 MR. BAKER: Thank you.

15 BY MR. SOMERS:

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

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

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

22 A. I was gone for a month.

23 BY MR. BAKER:

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

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

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

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

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

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

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

14 A. That's correct.

15 Q. You switched the country?

16 A. Correct.

17 MR. BAKER: Okay. Thank you.

18 BY MR. SOMERS:

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

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

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

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

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

10 BY MR. BAKER:

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

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

18 BY MR. SOMERS:

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

22 A. Sure.

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

25 A. That's correct.

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

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

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

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

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

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

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

16 A. Yes.

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

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

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

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

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

8 A. The third renewal, no.

9 Q. But you did for the --

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

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

15 A. Correct.

16 BY MR. BAKER:

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

23 A. Correct.

24 Q. How exactly is that?

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

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

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

23 BY MR. SOMERS:

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

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

5 A. Not necessarily, not in my experience.

6 Q. So more minor errors might occur?

7 A. Correct.

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

15 A. Yes.

16 Q. Is that --

17 A. Yes.

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

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

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

24 A. Right. Right.

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

1 manager, had you ever served a similar role?

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

3 BY MR. BAKER:

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

7 A. Yes, sir.

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

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

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

18 A. Should.

19 Q. -- the appropriate place?

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

21 [REDACTED]
22 [REDACTED] Yes.

23 BY MR. SOMERS:

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

1 A. The program manager --

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

6 A. They played the role of the affiant.

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

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

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

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

25 THE WITNESS: Correct. I was not the program

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

3 BY MR. BAKER:

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

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

8 BY MR. BAKER:

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

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

20 Q. Helping with what?

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

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

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

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

5 MR. BAKER: Yes, generally speaking.

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

17 BY MR. BAKER:

18 Q. You worked at WFO or with WFO?

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

22 MR. BAKER: Okay.

23 BY MR. SOMERS:

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

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

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

7 MS. ARGENTIERI: If you know.

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

14 BY MR. SOMERS:

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

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

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

1 but -- are you referring to that?

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

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

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

7 MR. SOMERS: Absolutely.

8 [REDACTED]: What's your question?

9 BY MR. SOMERS:

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

14 MR. HEISS: If you know.

15 [Counsel confer with the witness.]

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

18 BY MR. SOMERS:

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

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

1 of them --

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

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

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

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

13 A. No. I don't recall.

14 BY MR. BAKER:

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

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

21 BY MR. BAKER:

22 Q. Yeah, as far as you know.

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

25 MR. BAKER: Thank you.

1 BY MR. SOMERS:

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

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

6 Q. As a case agent.

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

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

9 A. No, there was not.

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

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

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

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

17 Q. As a case agent.

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

20 Q. Renewals and initiation.

21 A. Approximately, 10.

22 Q. How many of those were prior to Carter

23 Page?

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

25 Q. Did you receive training on the FISA

1 process?

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

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

9 A. Could you clarify?

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

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

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

17 A. Yes.

18 BY MR. BAKER:

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

22 A. I did, yes.

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

1 A. That's correct.

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

7 A. That was, yes.

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

13 A. It was, yes.

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

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

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

6 A. I can't recall right now.

7 MR. BAKER: Okay. Thank you.

8 BY MR. SOMERS:

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

13 A. As a case agent?

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

16 A. To --

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

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

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

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

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

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

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

10 Q. I don't understand.

11 A. I think the -- okay.

12 [Ms. Argentieri confers with the witness.]

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

15 BY MR. SOMERS:

16 Q. What about fulsome information to the
17 court; is that something that --

18 A. Yes.

19 Q. What about exculpatory information?

20 A. Yes.

21 Q. What about information that contradicts
22 if you have -- if you make an allegation in a FISA
23 application -- I'm just asking generally -- but you also
24 have information that contradicts that allegation; is
25 there a duty to provide that contradictory information

1 at least in some cases to the court?

2 A. Yes, but to clarify, we don't report
3 directly to the court. We report to OI.

4 Q. I'm just asking about your knowledge. So
5 I understand there to be a duty of candor and duty to
6 provide exculpatory information. The OGC attorneys
7 would be like more involved in the process.

8 I'm just trying to understand the trickle down.
9 So there seemed to from -- I've been doing this
10 investigation for a long time. People in the General
11 Counsel's Office understand the duty of candor to the
12 FISA Court.

13 A. Yes.

14 Q. What I'm trying to understand is you, as
15 a case agent working on FISAs, did you have that
16 knowledge that you've been told by the attorneys at FBI
17 that you have a duty to candor to provide exculpatory
18 information and provide things that may undercut in some
19 circumstances the FISA? I'm trying to understand what
20 the case agent knows about that.

21 So as a case agent, were you familiar with the
22 due of candor?

23 A. Is to provide all the proper information.

24 BY MR. BAKER:

25 Q. It's your understanding that duty is

1 continuing; it doesn't just apply when something is
2 being asserted or a fact being passed up; if there's
3 information contrary or maybe supplementary, there's a
4 duty to report the circumstances and facts as they might
5 change; is that your understanding?

6 A. It is, yes.

7 BY MR. SOMERS:

8 Q. Were there any discussions of these types
9 of duties for the Carter Page FISA application, a duty
10 of candor, starting with the first application?

11 A. Could you repeat the question? I'm
12 sorry.

13 Q. For the Carter Page FISA application, did
14 you have any discussions on the Crossfire Hurricane team
15 about the duty of candor?

16 [REDACTED]: Specifically the first application.

17 THE WITNESS: Specifically as to that case,
18 specifically as to the duty of candor?

19 BY MR. SOMERS:

20 Q. Yes.

21 A. Not that I recall.

22 Q. Do you recall any conversations with
23 either OI -- let's start with OI -- about, Hey, we have
24 all the facts in here in the first Carter Page FISA
25 application?

1 A. I'm sorry. Are you asking me if OI asked
2 me for all the facts in the Carter Page FISA
3 application?

4 Q. If they asked about -- whether they the
5 team and you became aware or they asked you directly do
6 we have all the facts in this application?

7 ██████████: Hold on one second.

8 [Counsel confer with the witness.]

9 THE WITNESS: I had an ongoing discussion with
10 the OI attorney as we were drafting the FISA as to the
11 facts of the investigation.

12 BY MR. SOMERS:

13 Q. Okay. What was that ongoing discussion?

14 A. It was continuous updates, questions,
15 updates for myself, questions from the OI attorney.

16 Q. Did he ask you about specific
17 allegations? I assume "he". I won't ask his name.

18 A. I'm sorry. Yeah. It was a "he".

19 Did he ask about specific allegations?

20 Q. In the Carter Page, in the initial Carter
21 Page FISA application.

22 A. I can't remember only because there were
23 numerous discussions throughout the drafting process.

24 Q. What about the Office of General Counsel;
25 did they have questions about any of the facts?

1 A. The Office of General Counsel
2 participated in discussions with the team and with OI
3 throughout the course of the investigation.

4 Q. Did you have a direct -- not direct
5 conversations. Did you have any conversations with OI
6 where FBI OGC was not involved?

7 A. Yes.

8 BY MR. BAKER:

9 Q. For the record, what does OI stand for?

10 A. Office of Intelligence.

11 Q. And those individuals that work in the
12 Office of Intelligence, they sit where, generally?

13 A. They're at Main DOJ.

14 Q. Main DOJ, that's the Department of
15 Justice building across the FBI Headquarters?

16 A. Right.

17 Q. So they're a DOJ entity, not an FBI
18 entity?

19 A. They're a DOJ entity who's responsible
20 for drafting FISAs.

21 MR. BAKER: Thank you.

22 BY MR. SOMERS:

23 Q. We'll get into a lot more specifics, but
24 in general, were there discussions -- did you have a
25 discussion on the Crossfire Hurricane team about whether

1 certain information needed or didn't need to be
2 included -- and give me a second to finish the
3 question -- either needed or didn't need to be included
4 in a FISA application, but I'm asking specifically with
5 regard to like a duty of candor or some duty owed to the
6 court?

7 [Witness confers with counsel.]

8 THE WITNESS: So to better answer the questions,
9 I think a better understanding of the process is
10 probably required.

11 BY MR. SOMERS:

12 Q. Okay.

13 A. Of how FISA are drafted and the
14 interactions that occur between the team or the case
15 agent and OI.

16 Q. What I'm trying to understand is whether
17 you recall any conversations in the team of, Hey, we
18 need to provide this to the court or we don't need to
19 provide this to the court.

20 A. It's always in the front of our mind to
21 provide to the court. When we draft the request form,
22 it goes to OI, which is approved up the chain through
23 FBI Headquarters. OI receives that request form, makes
24 the determination if they want to move forward with the
25 FISA.

1 Once OI makes that determination, OI assigns an
2 attorney to that. I'm just talking specifics. You can
3 get into the detail.

4 The OI attorney contacts the case agent and has
5 ongoing dialogue between the case agent and the OI
6 attorney; whereby, as the application is drafted, there
7 are numerous questions asked by the OI attorney.
8 Information is provided to the OI attorney from the case
9 agent.

10 So it's always on the front of our mind to
11 provide everything to have total candor to the court,
12 which the FISA will ultimately end up to with all the
13 information and facts of the case.

14 Q. But the OI attorneys don't have access to
15 the Woods file, for instance?

16 A. They do not. Now, as the OI attorney
17 drafts the FISA, the OI attorney, in my experience and
18 this as well, this specific FISA as well, the OI
19 attorney can incorporate other documents or language
20 that they see fit into that FISA and provide that
21 documentation to the case agent for the Woods file, but
22 they do not -- to answer your specific question, they do
23 not see the Woods file.

24 Q. Did the OI attorneys have access to the
25 confidential human source transcripts Source 2 and

1 George Papadopolous, for instance?

2 A. I don't recall if they had that specific
3 transcript.

4 BY MR. BAKER:

5 Q. If they were to ask you for that, would
6 that be something that you --

7 A. I absolutely would have provided it.

8 BY MR. SOMERS:

9 Q. But in general, is it likely that the OI
10 attorneys had access to the confidential human source
11 transcript between George Papadopolous and confidential
12 human sources?

13 [REDACTED]: He said in general.

14 BY MR. SOMERS:

15 Q. I'm talking in general, is that -- what
16 I'm getting at is --

17 A. I think you're asking a general question,
18 but you're asking a specific question.

19 [REDACTED]: Can we go off for a second?

20 MR. SOMERS: Yes.

21 [Counsel confer with the witness.]

22 [REDACTED]: Thank you.

23 THE WITNESS: Could you repeat the question,
24 please?

25 BY MR. SOMERS:

1 Q. I want to know whether it was likely that
2 the OI attorneys had access to the confidential human
3 source transcripts in the Carter Page FISA or in the
4 Crossfire Hurricane investigation.

5 A. If the OI asked for information, as we
6 provide the facts to them, we would provide the
7 documentation to them.

8 Q. If they ask for it?

9 A. Yes.

10 Q. But would you agree with the general
11 statement that the agents working the Crossfire
12 Hurricane investigation had better access to
13 confidential human source transcripts than the OI
14 attorneys?

15 A. Yes. We have access to them, but if they
16 asked, they are provided.

17 Q. So what I'm asking is since the agents,
18 presumably, had better access to the evidence, did you
19 all have discussions about whether this piece from, for
20 instance, a confidential human source transcript should
21 go in the FISA or not?

22 A. We had ongoing discussions with OI about
23 the facts of the investigation.

24 Q. No. I'm not asking about with OI. I'm
25 asking about internally on the Crossfire Hurricane team

1 at the agent level, did you have discussions about
2 whether this fact should or should not go into the FISA
3 application?

4 A. Which fact in particular? Are you
5 referring to a specific fact?

6 Q. For instance, an exculpatory -- I won't
7 characterize the statement -- a statement made by George
8 Papadopolous that to cooperate with the Russians would
9 be a crime, let's say a fact like that. Were there
10 discussions about whether facts like that did or did not
11 need to be provided to the court at the agent level or
12 the supervisory special agent level on the Crossfire
13 Hurricane team?

14 A. I don't recall any specific conversation
15 like that about that fact or about that -- about not
16 providing facts to the court.

17 Q. Or not providing or providing?

18 A. Not providing or providing facts to the
19 court?

20 Q. Yes.

21 A. We provided facts as we saw fit. Excuse
22 me. We provided facts to the court, to the OI -- I
23 don't want to say to the court. I think to OI is
24 better.

25 Q. Okay.

1 A. I don't recall any specific discussions
2 about what facts should or shouldn't be sent to OI.

3 BY MR. BAKER:

4 Q. It sounds like you, as the case agent,
5 and somebody in OI is the conduit that is set up with
6 this FISA and the back and forth exchanges as it's being
7 built; is that correct?

8 A. That's correct, yes.

9 Q. And if this OI attorney needs additional
10 information or just needs information, they reach out to
11 you?

12 A. They do. In this specific case, the OI
13 attorney had contact with others as well on the team, as
14 it was. So he received information from myself and
15 possibly from others. I believe there are a few
16 instances where other information was provided to the OI
17 attorney.

18 Q. So would you know that these others on
19 the Crossfire Hurricane are providing or having some
20 kind of conversation or communication with the OI
21 attorney? Was the OI attorney's request sent out in a
22 email where certain people always got or did you get a
23 call and, if you weren't there, they'd call somewhere
24 else?

25 I'm trying to figure out the continuity on the

1 Bureau side.

2 A. Yes. To the best of my recollection, I
3 was copied on any portion if there were emails sent.
4 Now, a lot of the discussions sometimes occur
5 telephonically or over our Voyage system. So in those
6 instances, there may not be specific documentation to
7 it, and there was some continuity in case I was out of
8 the office or somewhere else.

9 Q. That was my next question. If you were
10 out for a day and the OI attorney needed something,
11 would they automatically communicate with others in
12 trying to get you or would they learn you weren't there
13 and call around until somebody answered the phones to
14 answers the phone?

15 A. No. To answer that specific question, I
16 know there were several instances where I was on other
17 operations during the investigation. To the best I
18 could, I would notify the OI attorney that I was going
19 to be out and if the OI had any questions, to reach to
20 other individuals on the team.

21 Q. Okay. So it was not a -- was there ever
22 a possibility that somebody on your team, on Crossfire,
23 is providing something or entertaining a request from OI
24 that you wouldn't learn about?

25 A. Yes.

1 Q. There is a possibility?

2 A. There is a possibility they could have
3 sent something, had a conversation with the OI attorney
4 and just not relay that conversation to me only because
5 of the tempo of the investigation. If somebody was out,
6 there is possibility that may have occurred.

7 Q. Do you know that it ever did occur
8 factually?

9 A. I can't recall a specific incident.

10 Q. You indicated you were deployed on
11 another matter while --

12 A. The same -- I'm sorry. I don't want to
13 talk over you.

14 No. I was deployed for other operations during
15 the course of the investigation. So I may have been
16 overseas or I may have been up in New York for other
17 matters.

18 Q. Unrelated to --

19 A. Related to Crossfire Hurricane.

20 MR. BAKER: Related to Crossfire, okay.

21 MR. SOMERS: I think I know the answer to this
22 from your previous --

23 [REDACTED]: Hold on one seconds.

24 [REDACTED] confers with the witness.]

25 [REDACTED]: Okay. I'm sorry.

1 BY MR. SOMERS:

2 Q. I think I know the answer to this from
3 your answer to my previous question, but do you recall
4 an instance where someone raised a we need to tell OI
5 this fact and they were overruled?

6 A. I don't recall.

7 Q. Backing up for a moment to kind where we
8 started, do you know why you were assigned to Crossfire
9 Hurricane?

10 A. I do not.

11 Q. Do you know if SSA 1 specifically
12 requested you to be a part of the team?

13 A. I do not.

14 Q. Do you know if another individual was
15 originally assigned in your place and SSA 1 overruled
16 that assignment?

17 A. No.

18 BY MR. BAKER:

19 Q. But it was SSA 1 that called you and
20 notified you you're coming down to work on the case?

21 A. Yes. He asked if I would be willing to
22 come down. It wasn't a mandatory assignment. It was
23 a -- he asked me to participate in the investigation.

24 Q. And he didn't give any reason why your
25 skill set or your profile was desired?

1 A. Given the conversations we had, it was
2 over an open line. So there was no discussion. There
3 was no further discussion as to why I was -- after I
4 arrived.

5 Q. When you were -- there was no further
6 discussion when you arrived?

7 A. No.

8 Q. You were just called out of the clear, We
9 need you down here; you went down and did what you were
10 told to do, but nobody ever told you why you were the
11 guy?

12 A. That's correct.

13 BY MR. SOMERS:

14 Q. You were Headquarters program manager
15 until June of 2016. You went back to the New York Field
16 Office for June and July of 2016. Correct?

17 A. For -- essentially, it was just July.

18 Q. Prior to that Headquarters program
19 manager assignment, you were in the New York Field
20 Office?

21 A. I was, yes.

22 Q. Were you aware of the previous
23 investigation of Carter Page conducted by the New York
24 Field Office?

25 A. I was not.

1 Q. So you didn't work on it?

2 A. I did not.

3 MR. SOMERS: Let me see where I want to go with
4 my time left here.

5 [Mr. Somers peruses notes.]

6 BY MR. SOMERS:

7 Q. You indicated earlier that you took part
8 in the March 2016 -- I'm sorry -- March 2017 interview
9 of Carter Page?

10 A. I did, yes.

11 Q. Did you write the 302s of those
12 interviews?

13 A. No. I believe they were written by Case
14 Agent 6.

15 Q. Did you do the questioning during those
16 interviews?

17 Let me back up. How many agents were in that
18 interview with Carter Page that occurred in March of
19 2017?

20 A. The initial interview?

21 Q. Yeah. How many interviews of Carter Page
22 in March of 2017 did you take part in?

23 A. If I recall, there were three.

24 Q. Okay. And how many agents were in those
25 interviews?

1 A. The initial interview, there
2 were -- agents, there were two, myself and Case Agent 6.

3 Q. Was an analyst there?

4 A. An analyst was present for one or two. I
5 would have to check the records to see how many
6 interviews I conducted, but this is just to the best of
7 my recollection. I know the SOS did take part in one of
8 the interviews.

9 Q. So Case Agent 6 wrote up the 302 in all
10 of those interviews?

11 A. I believe so, yes.

12 Q. As I understand it, in general, when ab
13 FBI agent asks questions, another agent takes note, in
14 general. Is that a fair characterization?

15 A. Typically, yes.

16 Q. So would you have been the agent who
17 asked the questions then?

18 A. It's a give and take. I think I led the
19 interview.

20 Q. Okay. That's fine.

21 A. That's an accurate assessment.

22 BY MR. BAKER:

23 Q. Was Case Agent 6 more of a junior agent
24 to you?

25 A. He was time-wise, yes. Yes.

1 Q. Time-wise indicates something else. Was
2 he not junior to you?

3 A. Time-wise, he was, but he was somebody
4 who had -- who was good in interviews. He didn't take a
5 backseat to a senior agent during the course of an
6 interview. It was something I recognized in him. He
7 was a good agent.

8 BY MR. SOMERS:

9 Q. Had you worked with him before?

10 A. I was assigned to his squad for a month
11 when I was in New York. I knew him and I got to know
12 him a little bit and he helped me out during the course
13 of the investigation when I was assigned to
14 Headquarters. If we needed help up in New York, he was
15 the individual I spoke to at times.

16 Q. So was he in the New York Field Office?

17 A. He was in the New York Field Office.

18 Q. He was not assigned to Headquarters?

19 A. He was not.

20 BY MR. BAKER:

21 Q. Do you know how he got selected for a
22 Crossfire assignment?

23 A. So I needed a connect in New York,
24 because we were running this Headquarters out
25 of -- excuse me -- running this investigation out of

1 Headquarters. So I needed a contact out of New York.
2 He was somebody I view as mature enough to handle some
3 minor tasks. I mean, he didn't do a ton when I was down
4 at Headquarters, but if we needed some assistance, he
5 helped out.

6 He was mature enough to handle the information
7 we were providing, which was fairly sensitive,
8 obviously.

9 Q. So did you ask him to come down to join
10 the team?

11 A. No. No. He wound up actually joining
12 the Special Counsel's Office or, actually, I think the
13 first or second iteration. I was not -- I did not ask
14 him to do that. I had already rotated off.

15 BY MR. SOMERS:

16 Q. Would it be fair to say he didn't take
17 over for you as the case agent on Carter Page?

18 A. That would be a fair assessment.

19 Q. So the first you hear of Crossfire
20 Hurricane is when you get the call from SSA 1?

21 A. The first I heard of Crossfire Hurricane
22 is when I arrived in Washington, D.C. and was briefed
23 into the case and I signed an NDA about the case.

24 Q. What did they tell you would be working
25 on? Why did you take the assignment?

1 A. Why did I take the assignment?

2 Q. Well, you said the first time you learned
3 about it is when you got read in on the 3rd, but,
4 obviously, you had already agreed to come down. What
5 were you told?

6 A. I was told it was a sensitive
7 investigation and it was related to -- I think the
8 conversations we had on open lines were fairly opaque,
9 but my understanding was it was a potentially sensitive
10 investigation and it is -- if I wanted to participate, I
11 was being asked to take part in it.

12 Q. You said you signed a -- did I hear you
13 correctly that you signed an NDA when you came down --

14 A. Correct.

15 Q. -- on August 3rd?

16 A. Yes.

17 Q. Saying you wouldn't disclose what?

18 A. Information regarding the case to others.

19 Q. Even in the Bureau?

20 A. I don't know.

21 Q. Have you ever signed any of those before
22 working on a case?

23 A. I believe I have.

24 Q. I guess what I'm asking is is that
25 standard?

1 A. It depends on the investigation. It
2 depends on the sensitivity of the investigation.

3 Q. But it's not unheard of?

4 A. It's not unheard of.

5 BY MR. BAKER:

6 Q. Did you get any kind of orientation when
7 you reported or were you aware of others who came onto
8 the case, Case Agent 6 or whatever; did you get any kind
9 of welcome to Crossfire Hurricane, this is where we're
10 at, this is where we're going, anything like that?

11 A. When I arrived, the case was still in
12 more or less in its infancy. I sat down with Case Agent
13 2, I believe, and the SOS who I had known previously and
14 who I had worked closely with on other investigations.

15 I believe SSA 1 was on travel when I arrived.
16 So he was one who read me into the investigation. He
17 was somebody I had known of, didn't work with, but he
18 was very senior and he read me into the investigation.

19 Q. And when you were you replaced by, I
20 think you said, Case Agent 6, what kind of handoff do
21 you do to the case agent coming in?

22 A. So handoffs are not clean. He knew
23 of -- when I came back to New York, he was -- in
24 November, he was essentially kind of my second if I
25 needed assistance in things. I believe he helped out a

1 little bit.

2 When I received my promotion, he had access to
3 the case file. He was one of the few individual in the
4 FBI who had access to case file. So he could read
5 anything that was put into the case file, and there were
6 sometimes some verbal discussions with him, but that's
7 about it.

8 My new assignment took time away from me being
9 able to beef him up as I was taking over a new squad.
10 So it depends on how much time you have. He was aware
11 of the investigation and where we were at at that time.

12 Q. So am I correct in understanding that
13 time few individuals had access to the case file?

14 A. That's correct.

15 Q. Is that intentionally restricted?

16 A. Yes.

17 Q. And that's done why?

18 A. If I recall --

19 [Witness confers with ██████████.]

20 THE WITNESS: Sorry. So there are levels of
21 access to cases. This was a prohibited case, whereby --

22 BY MR. BAKER:

23 Q. I'm sorry. Prohibited?

24 A. Prohibited. Regular cases -- there are
25 several levels. There's an open investigation,

1 restricted case, and prohibited. So it's hidden even
2 further from others in the FBI for the sake of various
3 reasons, given political sensitivity to an
4 investigation. That's why it was a prohibited case by
5 levels above me. I think there's a rule required for
6 that.

7 So if somebody ran the names of the individuals
8 that we were looking at, it would not pop up. They
9 would not see that an open investigation on those
10 individuals. This occurs in highly sensitive
11 investigations and other investigations as well.

12 Q. So I'm not asking for names, but maybe
13 rank. Who would other people be that could access this?
14 Certainly the case agent; is that correct?

15 A. Case agents, analysts assigned to the
16 investigation, chain of command, SSA, if it was at the
17 field level, SAC and ASAC, special agent in charge and
18 assistant agent in charge, usually the assistant
19 director of whatever division is overseeing that
20 investigation or maybe deputy assistant director, and
21 depending on the investigation, it could go up to the
22 deputy director.

23 You know, it's assigned in the roles or if you
24 want to keep it even further restricted, you either
25 assign by roles or by specific names so that SSA [REDACTED]

1 ██████ would only have access to the case as opposed to
2 up in some field offices or branch. You could say all
3 branch SSAs would see it, but it could be further
4 restricted by name. I believe in this case, everything
5 was restricted by name.

6 Q. So as far as you know, in this case, it
7 would have gone up or did it go up to the A.D. level?

8 A. Yes.

9 Q. And that would be -- who would be the
10 assistant director during this time?

11 A. At the time, it was Bill Priestap.

12 Q. And do you know if it would have gone
13 above the A.D.? Would an EAD have had access to it?

14 A. I don't recall if the EAD or anybody
15 above the A.D. specifically? I don't know how it works
16 above the A.D. level. It may have been, but I can't
17 answer that question.

18 Q. Do you as the case agent, can you see who
19 has queried that case from the authorized list of people
20 or the access list, whatever it's called, when you log
21 on?

22 A. No. You can't see it. If I recall, I
23 think you can request an audit trail, but you wouldn't
24 normally sign in every day and see who had accessed the
25 case.

1 Q. But if you requested a audit, you could
2 see who and when from the authorized list? And I'm
3 guessing, but correct me if I'm wrong, if some
4 authorized person tried to get in, you'd you get some
5 notification of that. Right?

6 A. Not notification. I don't recall if you
7 got a specific notification, but if you do a audit log,
8 which you'd request through FBI Headquarters -- I
9 haven't done it, but I know you could get a -- see who
10 tried to access the file.

11 MR. BAKER: All right. Thank you.

12 BY MR. SOMERS:

13 Q. So once you signed this NDA formally
14 prior to Crossfire Hurricane, what were you told you
15 would looking at or what were you investigating?

16 A. I recall at the time we had four
17 individuals. I don't know the specifics of when they
18 were opened up.

19 Q. I thought the IG report indicated that
20 you may have drafted some of the opening EC. Did you
21 draft any of the --

22 A. What page?

23 Q. I think 59. I can just ask the question.
24 Did you draft any of the opening ECs?

25 A. I don't recall specifically.

1 Q. I'm just reading the IG report. The
2 opening ECs for all four investigations were drafted by
3 either of the two special agents assigned to serve as
4 the case agents for the investigation, Case Agent 1 and
5 2, and were approved by Strzok as required.

6 A. Okay.

7 Q. I don't know if that refreshes you.

8 A. Yes.

9 Q. Do you recall drafting any of the ECs?

10 A. Yeah. I mean, I was refreshed. Reading
11 it now, yes, but I don't recall specifically drafting
12 the actual ECs.

13 Q. How would you characterize your role in
14 Crossfire Hurricane?

15 A. As the case agent for the Carter Page
16 investigation.

17 Q. Did you work at all on the Papadopolous
18 investigation?

19 A. Not really, no.

20 Q. Same question for Manafort?

21 A. Not really, no.

22 Q. General Flynn?

23 A. Not really.

24 Q. But were you aware that those other three
25 individuals other than Carter Page were being

1 investigated?

2 A. I was aware, yes.

3 BY MR. BAKER:

4 Q. Are you familiar from your field
5 experience something called a file review?

6 A. I am.

7 Q. My understanding is that's something that
8 the supervisor does periodically to just generally see
9 where you're on a case and maybe discuss techniques he
10 or she wants to see done. Did you get file reviews from
11 Headquarters on Crossfire Hurricane?

12 A. No. If I recall correctly, file reviews
13 are done every 90 days. Obviously, I was only there for
14 roughly 90 days. So I don't recall any file reviews,
15 no.

16 Q. Were there meetings to just check and see
17 where -- my understanding is that team, the case agent,
18 the SSAs, had a lot of autonomy with developing
19 techniques and evaluating sources and whatnot. Was
20 there any kind of meeting to see where everybody was and
21 how the case was moving forward?

22 A. We had several meetings per week whereby
23 the investigative team, amongst others, discussed their
24 investigations around the table to be generally aware of
25 everything that was going on with most of the

1 investigations.

2 Q. When you say "investigations", these are
3 Crossfire investigations?

4 A. These are the Crossfire, yes.

5 Q. And who would normally attend these?

6 A. Myself, Case Agent 2, SIA, the SOS. At
7 times, Pete Strzok would be there, OGC unit chief, OCG
8 Attorney 1.

9 I just want to --

10 [The witness confers with ██████████.]

11 THE WITNESS: A senior analytical individual was
12 there as well. We were analyst heavy. There were a few
13 agents. There were numerous analysts as well.

14 BY MR. BAKER:

15 Q. I thought you indicated Mr. Strzok was
16 there maybe sometimes. Was he there all the time?

17 A. Not all the time. Depending on his
18 schedule, he attended several meetings, but there were
19 times he was pulled away for other things.

20 Q. Would Mr. Priestap ever come to any of
21 them?

22 A. I attended one meeting -- two meetings
23 where it was a general meeting with Mr. Priestap, but he
24 wouldn't come into our squad room, so to speak, or
25 investigative team room for any discussion that I

1 recall.

2 Q. Did anybody higher than Mr. Priestap ever
3 stop by?

4 A. The other I recall is Deputy McCabe
5 stopping in November 5th, I think, the day after the
6 Russian -- to just say hello, but aside from that, there
7 was no other high-ups in the room for our general
8 discussions.

9 BY MR. SOMERS:

10 Q. What about Lisa Page?

11 A. I don't recall Lisa Page being in any
12 meetings?

13 Q. You said Case Agent 2 attended the
14 meetings. What about Case Agent 3 and 4?

15 A. The titles -- yes. Case Agents 3 and 4
16 were there, yes.

17 Q. I know there's four investigations. I
18 wasn't sure if it was four case agents. Does it line up
19 that way? You were the case agent for Carter Page.

20 A. Yeah. So I think Case Agent 4 might have
21 came a little bit after we, essentially, started, but he
22 did attend meetings. Case Agent 3 was, essentially,
23 assigned when I got down there as well. He participated
24 in numerous meetings as well.

25 Q. Was it broken down that way? Was there a

1 case agent assigned to each of the four investigations?

2 A. Generally, yes.

3 [REDACTED]: A quick clarifying question: As
4 you sit here today, are you certain of the identities?
5 I mean, you're being asked these questions.

6 THE WITNESS: Yeah. I'm certain. Now seeing
7 this, I'm certain.

8 BY MR. SOMERS:

9 Q. So you're responsible for Carter Page,
10 but these would be meetings where all four
11 investigations would be discussed?

12 A. That's correct.

13 Q. And you said they were how frequent?

14 A. Several times a week.

15 Q. Several times?

16 A. Depending on the tempo of the
17 investigation and if everybody was around.

18 BY MR. BAKER:

19 Q. Did anybody kind of coordinate or lead
20 these meetings or discussions?

21 A. I think SSA 1 would call them as needed,
22 but we had a standing meeting, if I recall correctly,
23 two or three days a week. That's the time when we just
24 all sat around. It made it easier for individuals not
25 in the room, i.e., Pete Strzok and the senior

1 intelligence analyst, not the SIA, but I don't know at
2 the time the individual. They would be aware of the
3 meetings and they could attend the meetings. We would
4 have ad hoc meetings.

5 BY MR. SOMERS:

6 Q. So the analysts and they agents would be
7 together?

8 A. That's correct.

9 BY MR. BAKER:

10 Q. Did you say SSA 1 coordinated these
11 meetings?

12 A. He set the scheduled meetings as SSAs
13 typically do.

14 Q. Was he viewed as higher than any of the
15 other SSAs in rank or responsibility or --

16 A. He's an SSA, but I don't think anybody
17 was -- I mean, everyone respected his experience, but we
18 didn't defer to him. I think everybody, when we sat
19 around the table, had equal say and equal weight.

20 BY MR. SOMERS:

21 Q. We're almost out of time. Indulge me
22 with one last set of questions here.

23 Did you ever talk to Director Comey about
24 Crossfire Hurricane?

25 A. No.

1 Q. Andrew McCabe?

2 A. Just when he came in that one room, but
3 there were no specific conversations.

4 Q. Jim Baker?

5 A. I interviewed Jim Baker in, I think,
6 November 2016 or December 2016 regarding the "Mother
7 Jones" article. That was my only interaction.

8 Q. That was a specific interview with him,
9 no case-related interaction?

10 A. No case related.

11 Q. Patricia Anderson?

12 A. No.

13 Q. Bill Priestap?

14 A. Again, I attended a few meeting where I
15 represented the team if the SSA wasn't around, but it
16 didn't come to the room specifically, not that I recall.

17 Q. And what were you interactions with Lisa
18 Page in Crossfire Hurricane?

19 A. I had zero interactions with Lisa Page.

20 Q. And just OI staff and DOJ. Anyone
21 outside the Office of Intelligence that you interacted
22 with?

23 A. No.

24 MR. SOMERS: Our time is slightly past expired.

25 So I'll turn it over.

1 implication of those questions seemed to be that
2 conversations along those lines were necessary in order
3 for you, specifically, and the Crossfire Hurricane team,
4 generally, to be sure that it was compliant with the
5 FBI's duty of candor. I also heard you to say that it
6 was always on the front of our minds to provide
7 everything to the court.

8 So is it fair to say that, because it was always
9 on the front of the team's mind to provide everything to
10 the court, it wasn't necessary to have the sort of
11 ongoing discussions about the duty of candor that Mr.
12 Somers was asking you about?

13 A. That's correct, yes.

14 Q. I believe you said you worked on about 10
15 FISA applications, most of them before Carter Page. Do
16 you recall in any of those other cases before the Carter
17 Page case having those sorts of ongoing discussions
18 about the FBI's duty of candor that Mr. Somers asked you
19 about, specifically with respect to Crossfire Hurricane?

20 A. There's always an implied duty of candor
21 to court to share everything with OI regarding the
22 investigation.

23 Q. So, in other words, the fact that it was
24 always implied and that you didn't have specific
25 conversations about that duty on an ongoing basis, it

1 wasn't unique to the Crossfire Hurricane investigation
2 in any way?

3 A. That's correct.

4 BY MR. HASKELL:

5 Q. As you know, the IG issued a 400-page
6 report in December of last year entitled "Review of Four
7 FISA Applications and Other Aspects of the FBI's
8 Crossfire Hurricane Investigation." The report detailed
9 the results of the IG's two-year investigation into the
10 same topics that we're talking about here today, and
11 according to the report, the IG examined a million
12 documents and interviewed more than a hundred witnesses,
13 including numerous current and former government
14 employees as part of that two-year investigation.

15 Did you cooperate with that investigation?

16 A. I did, yes.

17 Q. Were you interviewed as part of that
18 investigation?

19 A. I was.

20 Q. How many times, if you recall?

21 A. I believe it was four times.

22 Q. Four times, and during those four
23 interviews, did you provide complete and truthful
24 answers to the questions that the IG asked you?

25 A. I did.

1 Q. Did you or the Justice Department provide
2 the IG with documents related to your involvement in
3 Crossfire Hurricane, to your knowledge?

4 A. I believe they asked the Inspection
5 Division, which made available my notes to the IG
6 through our Inspection Division and some other documents
7 I can't recall off the top of my head.

8 Q. I take it you likely were asked about
9 some of those documents during the course of your four
10 interviews.

11 A. I was, yes.

12 Q. Did the IG ever complain that it needed
13 more information from you?

14 A. No.

15 Q. Did the IG ever complain that it needed
16 documents from you that it was unable to get?

17 A. No.

18 Q. Once the IG report had been drafted, did
19 you have the opportunity to review it before it was
20 finalized and published, at least the portions of the
21 report relevant to you?

22 A. I was given one day to review it. I was
23 asked to come down a second day where I was given
24 another roughly four hours to review and another four
25 hours to rebut, and I was offered an opportunity to meet

1 with Inspector General Horowitz for about an hour after
2 that.

3 Q. Now, in that meeting with Inspector
4 General Horowitz or otherwise, did you have the
5 opportunity to provide comments on the draft that you
6 had reviewed?

7 A. I did, yes.

8 Q. And recognizing that different witnesses
9 may have different recollections or interpretations of
10 certain events, does the IG report accurately reflect
11 the testimony that you provided to the IG?

12 A. It does.

13 Q. And --

14 A. It was -- I was interviewed. They're my
15 statements.

16 Q. So it accurately reflects the statements
17 that you had made during the course of IG's
18 investigation?

19 A. That's correct.

20 Q. And am I correct that those statements
21 related to your work on the Crossfire Hurricane
22 investigation?

23 A. That's correct.

24 Q. And the decisions and the actions that
25 you were involved in during the course of that

1 investigation?

2 A. Yes.

3 Q. One of which or a series of which relate
4 to the Carter Page FISA application; is that correct?

5 A. Yes.

6 Q. Okay. Have you been interviewed by any
7 other congressional committees?

8 A. I have not.

9 Q. You have not?

10 So, in total, you had said you testified for or
11 you were interviewed for four days by the IG. How many
12 hours would you say that you've spent to this point
13 testifying in this -- you know, related to Crossfire
14 Hurricane?

15 A. I would say -- it's not testifying.

16 Q. I apologize. Being interviewed?

17 A. Yeah. I would estimate probably about 30
18 hours total, give or take.

19 Q. Thank you.

20 The OIG's 400-page report details the errors
21 that IG identified in the Carter Page FISA applications.
22 The report comprehensively lays out the circumstances
23 surrounding every one of those errors and includes -- or
24 at least what the IG has characterized as errors and
25 includes the testimony of numerous individuals,

1 including yourself, about them. Horowitz came before
2 the Judiciary Committee and testified about those errors
3 during a six-hour public hearing last December.

4 We've heard a lot questions get asked during
5 this investigation that were investigated and
6 conclusively answered in that 400-plus-page report and
7 we suspect that is part of an effort to generate support
8 for the allegation that continues to be repeated at
9 hearings and meetings of this committee that the errors
10 were intentional acts motivated by a desire to harm
11 President Trump, something that the IG report
12 conclusively answered as no; but because we continue to
13 hear that allegation, we'll ask a few questions about it
14 today.

15 So as I said, the IG concluded that there was no
16 documentary or testimonial evidence of bias impacting
17 the FBI's work on Crossfire Hurricane. Did political
18 bias impact of your actions in connection with Crossfire
19 Hurricane?

20 A. Absolutely not.

21 Q. Do you have any evidence of political
22 bias otherwise impacting Crossfire Hurricane?

23 A. None whatsoever.

24 Q. It's been alleged that the FBI engaged in
25 a, quote, massive criminal conspiracy over time to

1 defraud the FISA Court. Do you have any evidence that
2 the FBI engaged in, quote, a massive criminal conspiracy
3 over time to defraud the FISA Court?

4 A. None whatsoever.

5 Q. It's also been alleged that the FBI,
6 quote, purposely used the power of the Federal
7 Government to wage a political court war against a
8 presidential candidate they despised. Do you have any
9 evidence of that allegation?

10 A. None whatsoever.

11 Q. Do you have any evidence that the
12 Crossfire Hurricane investigation was a, quote, hoax or
13 witch hunt intended to hurt President Trump, then
14 Candidate Trump, politically?

15 A. Not at all.

16 Q. Was your personal goal to hurt Trump
17 politically?

18 A. Not at all.

19 Q. Do you have any evidence that Crossfire
20 Hurricane was part of a, quote, deep state effort to
21 take down Trump?

22 A. None whatsoever.

23 Q. Finally, there have been allegations that
24 the true intention of Crossfire Hurricane was to, quote,
25 change or nullify the results of the 2016 election. Was

1 that your goal personally?

2 A. It was not.

3 Q. And do you have any evidence that that
4 was anybody else's goal?

5 A. No.

6 Q. Thank you.

7 Contrary to all of these allegations of bias
8 that we just went through, the IG report documents
9 several steps that the FBI took during Crossfire
10 Hurricane to determine that the investigation did not
11 impact the 2016 election. I'll read one quote from the
12 IG report on page 308:

13 "Multiple witnesses told the IG that they were
14 very concerned about preventing leaks regarding the
15 nature and existence of Crossfire Hurricane."

16 Why was it so important to ensure that the
17 nature and the existence of the investigation remained
18 private?

19 A. To protect the integrity of the electoral
20 process. It was an ongoing investigation and we wanted
21 to protect all of those involved in the investigation.

22 Q. And that's because if even the fact of
23 the investigation was known, setting aside sort of
24 particular allegations, if the fact of this
25 investigation was known, it could have potentially

1 affected the election in some way?

2 A. Absolutely, yes.

3 Q. And the existence of Crossfire Hurricane
4 did remain private until after the election. It wasn't
5 until March of 2017, months after the election, where
6 its existence became known when FBI Director Comey
7 revealed it during a congressional hearing.

8 So the steps that you and the other members of
9 the Crossfire Hurricane team and others within the FBI
10 who had knowledge of the existence of the investigation
11 took to conceal were successful, were they not?

12 A. It was, yes.

13 Q. And the harm that could have been caused
14 to the Trump Campaign if -- I'm not saying I guarantee
15 that it could have been caused, but that could have been
16 cause if the existence was public never happened, none
17 of that harm happened?

18 A. I'm sorry. Could you just repeat that?

19 Q. So the harm that could have been caused
20 had you not been successful in keeping the existence of
21 the investigation quiet never came to pass?

22 A. Right. Yes.

23 Q. And would you agree that if a member of
24 the Crossfire Hurricane team was conspiring to prevent
25 Trump from being elected or wanted to change the

1 results, was out to get him as this many of these
2 allegations have argued, they could have publicized the
3 existence of the investigation?

4 A. Correct. Yes.

5 Q. But, again, that did not happen?

6 A. It did not happen.

7 Q. That wasn't the only step that members of
8 the Crossfire Hurricane team took to ensure that the
9 election and the Trump Campaign wasn't harmed or
10 affected in any way. You and other Crossfire Hurricane
11 members told the IG that Source 2, who is the CHS that
12 you -- the confidential human source you handled had the
13 opportunity to join the Trump Campaign. You told the IG
14 that, quote, if Source 2 had joined the campaign, the
15 Crossfire Hurricane team would not have used Source 2
16 because that's not what we were after.

17 Can you elaborate on that? Why would you not
18 have used Source 2?

19 A. Our investigation, mandated
20 investigation, was very narrowly focused on
21 foreign -- our investigation was not on the campaign at
22 all. If Source 2 joined the campaign, he was then
23 inside of a political campaign which we were not
24 investigating. He would have to access to others and he
25 would have the ability to meet with others, but that's

1 not what we wanted, and we wouldn't have used
2 whatsoever.

3 He was told that he was free to do what he
4 wanted, but if he would have joined the campaign, we
5 would not have used him.

6 Q. I believe others told the IG that among
7 the reasons why they did not want Source 2 to be a
8 member of the Trump Campaign was because of a perception
9 that could develop after the fact that there was
10 something political going on here; is that correct?

11 A. That's correct.

12 Q. And is it correct to say that you and
13 your colleagues on the Crossfire Hurricane team were not
14 just concerned about affecting the election in real
15 time, but concerned with an allegation at any point that
16 you were doing something political?

17 A. Correct.

18 Q. Even if there might have been an
19 investigative step that you could have taken that might
20 have benefitted, theoretically benefitted, the
21 investigation in some way, if there was that political
22 risk that we just discussed, that's not something that
23 you would taken?

24 A. No.

25 MR. HASSELL: I think that's all we have for

1 this round.

2

THE WITNESS: Okay.

3 MR. HASKELL: Do you want to take a short break?

4 MR. SOMERS: Do you need a break?

5 THE WITNESS: Sure.

6 MR. SOMERS: Let's take a short break.

7 [Whereupon, at 11:42 a, m., a recess was taken,
8 resuming at 11:48 a.m.]

9 MR. SOMERS: It's now 11:48. We are back on the
10 record.

11 FURTHER EXAMINATION BY THE MAJORITY

12 BY MR. SOMERS:

13 Q. How would you characterize the atmosphere
14 of the Crossfire Hurricane investigation? Was there a
15 lot of pressure? Was there -- on the teams, what was
16 the general atmosphere of the investigative team?

17 A. I think everybody in the room was
18 professional. It was one of the most professional
19 environments I've worked in.

20 We all had probably internal pressures on
21 ourselves to prove or disprove what we were
22 investigating.

23 Q. If you had concerns, could you raise
24 them? Did you feel you comfortable -- not only that you
25 could raise it, did you feel comfortable raising any

1 concern?

2 A. In that room, everybody had an equal
3 voice. So I don't think there was concern about raising
4 anything.

5 Q. And SSA 1 was your direct supervisor?

6 A. He was, yes.

7 Q. How did you interact with the supervisory
8 intel analyst?

9 A. I have known him for almost my entire
10 career. He's professional. He was one of the foremost
11 experts in what he does.

12 Q. Russia?

13 A. Yes.

14 I wasn't sure -- we're in an unclassified
15 setting.

16 He was professional.

17 Q. So you reported to -- I'm just trying to
18 understand the sort of ranking structure there. You
19 reported to SSA 1 and the SIA sort of not directly, but
20 he was a superior to you?

21 A. No. There are two lines in the FBI.
22 There's special agents and there's the intelligence
23 cadre. The SSAs have -- they oversee special agents.
24 Agents for the most don't report to intel analysts.
25 They have their reporting structure.

1 Below SIA, there would be intelligence analysts
2 and SOSes. He wouldn't be superior to me.

3 Q. Not on this investigation?

4 A. Not on this investigation.

5 BY MR. BAKER:

6 Q. Would the SIA, would he kind of be
7 equivalent to the SSA on the agent structure?

8 A. Essentially, yes, sir.

9 BY MR. SOMERS:

10 Q. Page 78 of the IG report says:
11 "Additionally, almost immediately after opening the
12 Page, Papadopolous, and Manafort investigations on
13 August 10th, the case agent assigned to the Carter Page
14 investigation, Case Agent 1, contacted OGC about the
15 possibility of seeking FISA authority for Carter Page."

16 Why did you -- the IG -- I'll let the IG's
17 characterization stand, "almost immediately". Why did
18 you act almost immediately to seek FISA authority for
19 Carter Page?

20 A. Well, we had -- Carter Page had a history
21 with the FBI. I learned of the open investigation they
22 had on him in New York in April. I believe they opened
23 it up in April 2016, but given his interaction with us
24 in the past, that's a normal investigative step in a
25 counterintelligence investigation. We had history with

1 him with various issues with a very involved case.

2 So it was just a natural thing to ask for what I
3 would say is a normal investigative step in
4 counterintelligence.

5 Q. How did you learn about the New York
6 investigation?

7 A. When I was read into the Crossfire
8 Hurricane investigation.

9 Q. I'm sorry?

10 A. When I was read into the Crossfire
11 Hurricane investigation.

12 Q. You were briefed orally or you were given
13 case files or both?

14 A. I don't recall, but the way
15 counterintelligence works things are compartmentalized.
16 So I was read into it. I can't recall specifically if I
17 had access to the file, but I was verbally told about
18 it.

19 Q. Was that investigation subsumed by your
20 investigation of Carter Page?

21 A. I believe so, yes.

22 Q. Were they already looking to seek FISA
23 coverage on Carter Page?

24 A. I don't recall.

25 Q. Do you recall if there were

1 discussions -- you indicated these weren't your
2 investigations, but do you recall whether there was
3 discussion seeking FISA coverage on George Papadopolous?

4 A. I think there was some discussion about
5 it. I can't recall specific events around it, but in
6 the meetings that we had, I think there was discussion.

7 Q. But just in the meetings you had, nothing
8 involving you?

9 A. No.

10 Q. Paul Manafort?

11 A. I was the case agent on the Carter Page
12 investigation. I just participated in discussions
13 around the table.

14 Q. In the discussions, do you recall any
15 discussion about FISA coverage on Paul Manafort?

16 A. I don't recall. I don't recall.

17 Q. Same question for Michael Flynn?

18 A. I don't recall.

19 BY MR. BAKER:

20 Q. As a basic proposition, you decide or
21 it's decided that you're going to open an investigation
22 and it could be generically anyone, but in this
23 instance, we'll say Carter Page. At a very basic level,
24 what do you do as a case agent?

25 You identify a subject that you believe is

1 worthy of investigating. Let's assume you've done the
2 administrative steps that you have to do. What are the
3 very first investigative steps?

4 I'm assuming, I believe and you've alluded to it
5 a little bit that there was already some information
6 about him known to the FBI, but what would you do as a
7 case agent with what's immediately around you in your
8 domain in field office or at Headquarters? What are
9 things you might do to find out more about this
10 potential target?

11 A. In a counterintelligence setting?

12 Q. Yes.

13 A. We would check holdings amongst -- within
14 the FBI and with other agencies including USITC.
15 Depending on the individual, we may reach out to
16 friendly intelligences services as well to see if they
17 have any holdings overseas in specific countries.

18 We would then take normal investigative steps in
19 issuing NSLs, as that's the world we live in for the
20 most part. We would -- depending on the investigation,
21 for the most part, we would seek FISA coverage related
22 to the individual. That is a tool whereby it helps us
23 understand the individual we're investigating to either
24 prove or disprove either the allegations or the
25 information we have about that individual.

1 The FISA would also help us if it's an
2 intelligence officer to identify the abilities or ways
3 we can recruit that intelligence officer to work for the
4 United States Government or possibly identify others
5 that that intelligence officer is in contact with. It
6 may show the FISA -- if that intelligence officer is
7 trying to evade our surveillance, either electronic or
8 physical. We also assign physical surveillance on the
9 individual, as needed, to see who that individual is in
10 contact with, again, all to either prove or disprove
11 what we have for the investigation.

12 BY MR. SOMERS:

13 Q. You said you were already kind of given
14 the information about the previous Carter Page or the
15 ongoing Carter Page FISA investigation -- not FISA, but
16 the counterintelligence investigation.

17 A. Yes.

18 Q. If you weren't, would there have been a
19 way to discover that information if you were there on
20 Day 1?

21 A. I mean, you're asking me to speculate if
22 I could figure out information.

23 Q. I'm not asking you to speculate. I'm
24 asking like if the New York Field has an ongoing
25 investigation of Carter Page and you want to open one up

1 with Headquarters, it makes sense to me that you would
2 somehow be able to tell that New York Field had an open
3 investigation of the same person you want to
4 investigate.

5 BY MR. BAKER:

6 Q. I think to that point, you said something
7 about when you walked us through the continuum --

8 A. Sure.

9 Q. -- from infancy to sophisticated
10 investigative techniques, I though you said something at
11 the beginning as a preliminary step -- and I'm
12 paraphrasing -- you would check holdings.

13 A. Right. We would run checks in our
14 databases. Now, I'll caveat that to your question.

15 There are code name investigations on
16 individuals as well. So that's to protect the
17 individual under investigation or protect the individual
18 who we may be looking to recruit.

19 So that's where our Headquarters component comes
20 in. The Headquarters component is aware of almost full
21 field investigations that going on in a given
22 discipline, in this case Russian counterintelligence.
23 So because counterintelligence investigations are
24 compartmentalized, I don't have a need to know about
25 that investigation on a regular basis, but if I had

1 started the investigation, we would have reached out to
2 our Headquarters component and they would have said,
3 Hey, Steve needs to know this investigation, about it,
4 and they would have reached to the supervisor in New
5 York who then would give me access to that file.

6 Q. So there's a process where you would
7 learn that the subject you're looking at was the subject
8 in another case?

9 A. That's correct.

10 Q. Okay. Then you also said something when
11 you were walking us through the continuum that one of
12 the other steps, if I understood this correctly, would
13 be to maybe check with other people in USITC?

14 A. That's right.

15 Q. What does that involve? This is outside
16 your field office, Headquarters, FBI domain. Right?

17 [REDACTED]: And you're talking generically.
18 Correct?

19 BY MR. BAKER:

20 Q. Generically. Right now, we're talking
21 generically.

22 A. We would ask for what's referred to as a
23 name trace with other government agencies.

24 Q. And these would be other intelligence
25 agencies?

1 A. Correct.

2 Q. And what --

3 A. In my experience.

4 Q. Would could be some of the outcomes of
5 that name trace request? What are some of the
6 possibilities of getting a hit, for lack of a better
7 word?

8 A. You could have nothing. You could find
9 that the agency had, you know, a prior relationship with
10 or a current relationship with that individual or they
11 may have allegations about that individual that, say,
12 one of their -- just a second.

13 [The witness confers with ██████████.]

14 THE WITNESS: Sorry. I just wanted to make
15 sure.

16 BY MR. BAKER:

17 Q. Sure.

18 A. They would just provide a summary of
19 whatever they had on that individual.

20 Q. Then would you be able to follow up? If
21 you get a summary that's interesting to you on the
22 subject you're looking at investigating, would you have
23 a means to contact the agency that's reporting back
24 information in the initial name trace to get more
25 detail?

1 A. I believe so, yes.

2 Q. Do you know, now specifically moving into
3 the Carter Page investigation, was a name trace done?

4 A. A name trace was done.

5 Q. And did you get information back?

6 A. We did.

7 Q. And was there followup to the
8 information?

9 A. For me, personally, no. I don't believe
10 so.

11 Q. Did anybody follow up with information
12 received back?

13 A. We -- that's leading me to almost -- I
14 wasn't privy to any discussions that took place between
15 my agency and other agencies. I personally did not
16 follow up.

17 Q. But would it be fair to say that you
18 either were made aware then or at some point in the
19 investigation made aware that Mr. Page as the subject
20 you're potentially looking at was known to another
21 agency?

22 A. Yes.

23 Q. And it would be another intelligence
24 agency?

25 A. Yes.

1 Q. Okay. And to the best of your knowledge,
2 there was not additional followup or you didn't have
3 additional followup with the other agencies?

4 A. To the best my -- I can't answer that
5 question. I don't recall given the time that's elapsed.
6 I don't know that answer.

7 Q. Do you recall if at the time you knew
8 what the relationship was with Mr. Page and the other
9 agency?

10 A. Because of the classification of it, I
11 haven't seen that document probably since 2016. So I
12 can't specifically answer questions as it relates. I
13 can only refer to what's in the Inspector General's
14 report, but that's about it.

15 Q. Could you say if he was, Mr. Page
16 were -- was your impression based on this result of the
17 name trace, was it your impression that Mr. Page was the
18 subject of an investigation by another agency or was he
19 an asset of another agency?

20 A. I can't answer that question given the
21 timeframe and not having the document in front of me.

22 BY MR. SOMERS:

23 Q. Did you request the name trace?

24 A. I don't know how that name trace went.
25 It could have been requested through the SIA, because we

1 had contacts at the OGA who was -- I knew the name at
2 the time who was, I believe, our liaison at the other
3 agency.

4 Q. Page 79 of the IG report says: "On or
5 about August 17, 2016, the Crossfire Hurricane team
6 received information from another U.S. Government agency
7 advising the team that Carter Page had been approved as
8 an operational contact for the other agency from 2008 to
9 2013 and detailing the information that Page had
10 provided to the other agency regarding Page's past
11 contacts with certain Russian intelligence officers."

12 Do you recall receiving that memo? Did you
13 receive that memo?

14 A. I believe I did, yes.

15 BY MR. BAKER:

16 Q. Who else on the team would have gotten
17 that memo or any information from this name trace?

18 A. It would have been -- the way it's
19 transmitted, we get a hard copy transmitted to us. I
20 don't believe that at that level, it could be emailed
21 due to classification issues, if I recall correctly.

22 The SA, the SSA, a number of people would have
23 had access to that document. It wasn't something that
24 was sent specifically to me and locked in a drawer
25 somewhere. It was available to the entire team.

1 Q. So the team would have been aware of
2 whatever --

3 A. That's correct.

4 Q. Would Mr. Strzok have been aware?

5 A. I wasn't in any meetings that I recall
6 where he was briefed, but that's -- I don't want to
7 speculate.

8 BY MR. SOMERS:

9 Q. Well, at some point, Carter Page went
10 public and said he had contact with the CIA and other
11 intelligence -- members of the intelligence community,
12 including the FBI. Do you recall any discussions after
13 Carter Page went public about whether he, in fact, was
14 just making stuff up or whether this, in fact, was a
15 truthful statement about Carter Page?

16 A. I don't recall the timing when he went
17 public on that. So I can't specifically answer that
18 question.

19 Q. Do you recall ever discussing in group
20 meetings whether -- in the meetings you described in our
21 first round of questioning, do you recall any discussion
22 in those meetings as to whether Carter Page was
23 associated in any way with members of the U.S.
24 intelligence community, member agencies of the U.S.
25 intelligence community?

1 A. Can you repeat that? Sorry.

2 Q. Do you recall in the first round, we are
3 discussed meetings that took place --

4 A. Yeah.

5 Q. -- on Crossfire Hurricane. Do you recall
6 in those meeting whether it ever came up, especially
7 given that Carter Page came out and said publicly,
8 whether Carter Page had an association of some type with
9 a U.S. Government intelligence agency?

10 A. I don't recall specifically, but it could
11 have.

12 Q. You said "but it could have"?

13 A. Yes.

14 BY MR. BAKER:

15 Q. How quick or how slow do these name trace
16 requests come back?

17 A. My only answer is it depends. I have
18 waited for some time on some of them, and others, I get
19 back fairly quickly.

20 Q. In this instance, was there an
21 investigation up and running when the name trace came
22 back or where on the continuum of the investigation was
23 it?

24 A. I don't recall when the actual name trace
25 was sent. So I can't answer that question. I'm sorry.

1 MR. BAKER: Okay.

2 BY MR. SOMERS:

3 Q. The Carter Page FISA application,
4 obviously, contains some information about his contacts
5 with Russia and Russian intelligence officers prior to,
6 unrelated to, presumably unrelated to the Trump
7 Campaign. Do you recall generally that information?

8 A. I do.

9 Q. Do you recall where you got that
10 information from?

11 A. I received it from reading the ECs,
12 electronic communications, of his meetings with the FBI
13 and I believe I spoke with individuals up in New York
14 who met with him.

15 Q. Do you recall if any of the information,
16 that information, overlapped with any of the information
17 in this August 17, 2016 memo from the other government
18 agencies?

19 A. There were several ECs. I think one
20 overlapped. I think the other subsequent one did not
21 overlap.

22 Q. Did you inform anyone of the overlap?

23 A. I think everyone on the -- if I recall
24 correctly, everyone on the team was aware of his
25 contacts. Everyone had access to the ECs or the

1 analytical cadre of his interactions with the FBI in the
2 past.

3 Q. Do you recall what the overlap was
4 between the August 17 --

5 A. I don't recall specifically.

6 Q. The IG report on page 366 says: "We
7 concluded that Case Agent 1 failed to provide accurate
8 and complete information to the OI attorney concerning
9 Page's relationship and cooperation with the other
10 agency."

11 MS. ARGENTIERI: I'm sorry. Where are you
12 reading from?

13 MR. SOMERS: I'm sorry. Page 366 of the IG
14 report.

15 BY MR. SOMERS:

16 Q. It says: "We concluded that Case Agent 1
17 failed to provide accurate and complete information to
18 the OI attorney concerning Page's relationship and
19 cooperation with the other agency."

20 THE WITNESS: It's page 366?

21 BY MR. SOMERS:

22 Q. Page 366.

23 A. Yeah. And your question?

24 Q. I believe the information you provided
25 the OI attorney would have been the information

1 regarding Carter Page was out of scope of the FISA. Do
2 you recall when you drew that conclusion?

3 A. I recall the entire dialogue I had with
4 the OI attorney whereby several people were copied on
5 the email. Yes.

6 Q. Do you recall determining that the
7 information in the August 17th memo -- I assume that's
8 the information you got from the other agency. Do you
9 recall why you determined it was out of scope for the
10 Carter Page FISA application?

11 A. I do.

12 Q. Why did you determine it was out of
13 scope?

14 A. When we initially asked for the FISA on
15 Carter Page, I believe it's documented here that I felt
16 we needed more information because of the lapse of time
17 he had with Russia intelligence officers. Based on
18 that, based on, I believe, the memo, his last detailed
19 contact was in 2011 with the OGA. Five years would be
20 outside of the scope we were looking. At we were
21 looking at a specific timeframe.

22 I think what was not accurately reflected in the
23 OIG report was that I offered the OI attorney to see
24 that memo. That was offered for him to see and review
25 himself.

1 There was a FISC ruling on March 5, 2020 whereby
2 the FISC Court said that the OI attorney should have
3 come and reviewed that documentation.

4 BY MR. BAKER:

5 Q. What was the OI attorney's response when
6 you offered?

7 A. There was no response from the OI
8 attorney that I recall.

9 Q. What was your mode of communicating the
10 offer?

11 A. This was an email where several people on
12 the investigative team was copied on that email,
13 including the OGC, including the SSA.

14 Q. Was there any subsequent attempt to
15 contact the OI by either you or anybody on the team
16 about this offer?

17 MS. ARGENTIERI: Sorry.

18 MR. BAKER: Sure.

19 [Ms. Argentieri confers with the witness.]

20 THE WITNESS: So the actual quote, if I recall
21 correctly, was I said I would argue it's outside the
22 scope, but you can keep it in if you'd like and I have a
23 document for you to review, something along those lines.

24 I never denied his involvement with the OGA. I
25 made a good faith effort to share that document with the

1 OI attorney, and I made a call based on my experience,
2 my discussions with OGC and others that it was outside
3 the scope, but others sought out communication. It
4 wasn't a communication just between myself and the OI
5 attorney.

6 The way it works is that we give the information
7 to OI, and if they ask for more, we always will provide
8 it. It was not followed up on. So, therefore, I
9 thought I did my due diligence and notified OI that he
10 did have contact with OGA.

11 BY MR. BAKER:

12 Q. You say in this response to OI or the
13 communication with OI, you said you have another
14 document and this is what he did not respond to. Was
15 there a hint as to what the substance of the other
16 document was that you had?

17 A. No. The document was a draft copy of the
18 FISA application where we put electronic comments into
19 questions. It was an electronic markup of that document
20 where I answered any questions the OI attorney had, and
21 that was one of a few answers I had for the OI attorney.

22 Q. Okay.

23 A. And I did also offer for him to review
24 it.

25 Q. Separate from that, was there any

1 communication to OI or making them aware of this other
2 government agency information separate and apart from
3 anything else you're doing with the affidavit, they,
4 Hey, we got this back; we got this information in; this
5 is pretty important? Was there anything to highlight it
6 to OI?

7 [REDACTED]: You're talking at the time he was
8 involved in the case?

9 MR. BAKER: Correct.

10 THE WITNESS: I thought my answer to that
11 question in the draft was sufficient to say, yes, he did
12 have a relationship with the OGA. I felt it was outside
13 the scope, but if you want to keep that relationship in
14 with the OGA, yes.

15 So, clearly, there was some question about
16 whether or not he had an affiliation, but I offered for
17 that memo to be viewed by OI. As I had mentioned
18 earlier, given the sensitivity of the document and the
19 classification level of it, we can't email that in our
20 systems to OI. OI would have to physically come into
21 our space and review that document, and it was not
22 followed up on.

23 BY MR. BAKER:

24 Q. In any way, shape, or form?

25 A. As far as I know --

1 Q. It was not?

2 A. -- it was not followed up on?

3 BY MR. SOMERS:

4 Q. Do you still, sitting here today, believe
5 it was outside the scope?

6 [Witness confers with counsel.]

7 THE WITNESS: Can you repeat the question?

8 BY MR. SOMERS:

9 Q. Do you still believe the information is
10 outside the scope?

11 A. I believe I accurately flagged it for OI
12 for their review and they didn't follow up on it.

13 MR. SOMERS: Okay.

14 BY MR. BAKER:

15 Q. Would there have been any harm or
16 violation of protocol, in addition to just flagging it,
17 to really marquee that this might contradict what is
18 going into the FISA, look at this, please?

19 A. OI is the ultimate arbiter of what goes
20 to the court. By notifying OI that he did speak with
21 the OGA and by making that available, that was their
22 decision to make. It was not mine.

23 Q. Do you think that the way this what
24 ultimately becomes a very significant issue, do you
25 think it's adequately communicated to OI by putting it

1 where you put it with no priority assigned to it?

2 A. Just one second.

3 [Witness confers with counsel.]

4 THE WITNESS: At the time I read the October
5 memo -- the August memo, I think it was five years prior
6 to investigative activity. We flag it for OI for them
7 to follow up on.

8 As a case agent, I expect OI to read everything
9 I provide to them and to follow up with any questions
10 that they have.

11 BY MR. SOMERS:

12 Q. Just to be clear, you provided them with
13 the memo or you provided them a summary?

14 A. I provided them with the fact. I
15 couldn't provide the memo. I offered for the memo to be
16 made available.

17 I offered a judgment call that it was outside
18 the scope because it was five years prior to what we
19 were looking at. We were looking at Carter Page's
20 activity circa 2016.

21 Q. But you told them about the contacts
22 between the other agency and Carter Page?

23 A. I provided information that he did have
24 contact with OGA. I made the argument, as a case agent,
25 it was outside the scope. It was offered -- I also

1 offered for him to keep that language in the FISA and I
2 offered for them to come see the memo.

3 Q. My question is what you told about the
4 contacts. Did you tell them that -- did you only tell
5 them about older contacts or did you tell them about all
6 the contacts that were in the August 17th memo?

7 A. I couldn't convey that over a meeting. I
8 communicated that they had to come over and review the
9 document.

10 Q. So I'm just trying to understand what
11 exactly you -- you orally communicated with the OI
12 attorney; is that correct?

13 A. No. There was an email communication.
14 There was an electronic draft where comments were being
15 asked and answered between ourselves and OI whereby
16 numerous people were on that chain. I answered
17 questions where I believe it was anything about DOJ
18 involvement.

19 So there was no -- to those who were on the
20 investigative team and OI, I said it was outside the
21 scope given what I had read in the memo, but I offered
22 for them to keep it in. I believe I said I don't have a
23 problem with you keeping it in, and if you want to see
24 the memo, you come and take a look at it.

25 I expect -- my expectation for OI is that they'd

1 follow up if they had any additional questions.

2 Q. So you didn't describe the contacts; you
3 just said there were contacts, but you thought they were
4 outside the scope. Correct?

5 A. Yeah, given the context of the
6 classification of the document that we had.

7 Q. You communicated over a classified
8 system, but it didn't have a high enough --

9 A. Correct.

10 Q. -- classification?

11 A. Correct.

12 BY MR. BAKER:

13 Q. You mentioned just a second ago it was a
14 judgment call. Was it solely your judgment or did you
15 have a discussion with SSA 1 or anyone on the team and
16 it was a collective judgment?

17 A. I can't answer that specifically. I
18 think others were copied on that comment, and if anybody
19 had any -- took any umbrage, they would have probably
20 let me know.

21 Q. But you don't recall a discussion before
22 sending it initially?

23 A. I don't recall.

24 BY MR. SOMERS:

25 Q. Do you recall if anyone else read the

1 August 17 memo?

2 [Witness confers with counsel.]

3 THE WITNESS: My impression is that they did
4 read that memo, but I can't specifically remember who.

5 BY MR. SOMERS:

6 Q. When you say "they", you mean people on
7 Crossfire Hurricane?

8 A. Yes, the people on the investigative
9 team, and as was mentioned in the email, if they had any
10 question about it, they had access to it because it was
11 kept in our space.

12 Q. When did you first see the report that's
13 now become known as the Steele Dossier?

14 A. If I recall correctly, it was sometime in
15 mid-September 2016.

16 Q. The team received the report, according
17 to page 100 of the IG report, on September 19, 2016. Do
18 you think you immediately had access to it?

19 A. No. At the time, I was up in New York
20 working another active investigation. I was informed
21 about the documents, but I believe the SOS saw it
22 through our instant messaging system, but I recall him
23 asking if I had seen it, but when I came back to
24 Headquarters, that's when I first saw it.

25 Q. I think I picked up in reading the IG

1 report that you believed that you had probable cause for
2 FISA coverage on Carter Page without or prior to
3 receiving the Steele reporting; is that correct?

4 A. If that's what it says in the report,
5 then, yes. I believe I did.

6 Q. So you what happened? You get the Steele
7 reports in and, obviously, it's pretty clear on the IG
8 report that you then start trying to corroborate the
9 Steele reports?

10 How did that process go? Did you start first
11 with Steele or did you start first with the reports or
12 was that all mixed together?

13 A. I believe it was mixed together. I think
14 the way the work was bifurcated was the intelligence
15 cadre were trying to verify known facts, if you will, in
16 that report that could be verified, travel, just who and
17 I don't recall the original tranche of information, but
18 if they could identify somebody worked at the embassy or
19 along those lines.

20 Q. That's the analyst, you mean?

21 A. That's the analyst.

22 The agent cadre then reached to the Handling
23 Agent 1 to speak to that agent about and his source, who
24 he was, how long has he been working with us, if we had
25 contact with him, things along those lines. The agent

1 cadre of an investigation like this is operationally
2 focused.

3 Q. And what did the handling agent tell you
4 about Steele, generally?

5 A. I don't recall the specifics. We had a
6 secure videoconference call with him in the city he was
7 posted. It was myself, SSA 1, and Case Agent 2, and
8 there was, I believe, an offer to meet with Steele.
9 Then we started to put that trip together.

10 Q. What was your knowledge of, say prior to
11 the October 21 when the first FISA application was
12 submitted, what was your knowledge of who Christopher
13 Steele was at the time?

14 A. He was a former member of a friendly
15 foreign intelligence service. He had been a source f
16 for Handling Agent 1 for a period of time. He provided
17 information to Handling Agent 1 for a certain period of
18 time. I don't recall specifically how long.

19 He had a tranche of reporting through meetings
20 with agents and the SIA in a foreign country. He went
21 on to describe his source network. That's about it.

22 Q. Do you recall why you didn't attend that
23 October meeting in another country?

24 A. I think I was focused on the FISA. I
25 think there was a couple of other things going on at the

1 same time. We had a small team doing this
2 investigation. So we were always stretched a little bit
3 as far as who could do what.

4 Q. Your information about Steele came from
5 Handling Agent 1 or this handling agent?

6 A. The initial first blush of information
7 came from Handling Agent 1 and then we sent the team out
8 to interview him subsequent to that.

9 Q. Did you run a file search on Steele, like
10 a delta file or anything else?

11 A. I don't have access to that. That's
12 all -- I believe our intel cadre would have done that.

13 Q. Do you believe that they -- do you know
14 whether they did?

15 A. I don't recall that, no.

16 Q. So what was your understanding prior to
17 the first FISA warrant, October 21, 2016 -- you get the
18 reports in. What is your understanding as to why Steele
19 was collecting this information?

20 A. He was hired by a firm in the United
21 States to do opposition research as evidenced by the
22 footnote we had in the FISA.

23 Q. What was your understanding of how he was
24 going about collecting this information?

25 A. As far as his source network?

1 Q. Yeah. I mean what was your understanding
2 of how it was that he'd get these reports? What was
3 your understanding of how he collected the information
4 that was in these reports?

5 A. It was all from the October meeting that
6 occurred in a foreign city where he was met by case
7 agents and the SSA.

8 Q. I'm not asking how you -- I'm asking what
9 was your understanding of where the information in the
10 report came from?

11 A. There was an email since from the team
12 who interviewed him and he described his source network.

13 Q. So you understood that he was collecting
14 all the information from sources?

15 A. Correct.

16 Q. Did you further understand that he had a
17 primary subsorce?

18 A. I don't know if I knew that at the time.

19 Q. When did you learn that he had a primary
20 subsorce?

21 A. I can't recall when I knew he had a
22 primary subsorce.

23 Q. Do you recall if you learned
24 before -- you eventually interviewed the primary
25 subsorce. You took part in an interview in January of

1 2017 with the primary subsource; is that correct?

2 A. That's correct.

3 Q. So you learned before that interview that
4 there was a primary subsource. Correct?

5 A. That's correct, yes.

6 Q. Do you recall how long before that
7 interview? Did you learn on the eve of the interview or
8 had you known for a couple of months?

9 A. No. I can't recall specifically.

10 BY MR. BAKER:

11 Q. Apart from Crossfire Hurricane, you
12 handled sources in your career. Correct?

13 A. I have.

14 Q. How many would you guess you've handled?

15 A. I guess it depends on how you define a
16 source. You know, true sources with intelligence
17 officers, numerous.

18 Q. How common is the subsource network in
19 your experience in dealing with sources?

20 A. It depends on the target. It depends on
21 where they're getting their information from, target
22 meaning either information from a country that they're
23 friendly with that, say, intelligence officer. So it
24 depends.

25 Q. Had any of the cases you worked where you

1 utilized confidential human sources, did you encounter a
2 subsource network like Christopher Steele had?

3 A. Not like this.

4 Q. If you know, what problems, what unique
5 problems would present themselves with a subsource
6 network as opposed to just a source that is reporting
7 information to you?

8 A. That would force me to kind of speculate
9 or guess. Our goal is if we find, in practice -- hold
10 on.

11 [Witness confers with Ms. Argentieri.]

12 THE WITNESS: In my experience, it's you don't
13 know how the subsource is being tasked, what they're
14 going to do, but in my experience, my goal as the case
15 agent would be to drill down further into who those
16 sources are and then to see if the FBI would be able to
17 gain access to the main sources of information,
18 thereby -- we use the phrase "peeling layers of the
19 onion to get to the heart of the matter. If you find
20 out through the course of working with somebody who has
21 a primary subsource that there main source is providing
22 the bulk of the information or just part of the
23 information is available to approach by the FBI, by all
24 means, we will do everything we can to get in front of
25 that individual and start to peel back the layers of the

1 onion.

2 BY MR. BAKER:

3 Q. And the purpose of getting in front of
4 that individual is for what?

5 A. Because they are the original source of
6 the information that allows us to, "A", ensure the
7 information is true and correct, obviously, and to then
8 honestly establish a relationship with that individual,
9 deal with that individual as the source.

10 Q. So it sounds like what you're saying and
11 correct me if I'm wrong is that one of the big important
12 reasons for needing to get in front of a subsource is
13 credibility?

14 A. That's right.

15 MR. BAKER: Thank you.

16 BY MR. SOMERS:

17 Q. So I don't think this question was
18 answered as it relates to on page 133. The OI attorney
19 asked the FBI questions about subsources, including in a
20 September 30, 2016 email which he asked Case Agent 1 and
21 the Crossfire Hurricane team, he asks this question:
22 "If the reporting is being made by a primary source, but
23 based on subsources, why is it reliable even though it's
24 second- and third-hand?"

25 Do you have an answer to that question?

1 A. Are you asking the question that was
2 raised by the OI attorney?

3 Q. That's what I'm asking, yeah. I don't
4 think there was answer in the IG report.

5 [Witness confers with counsel.]

6 THE WITNESS: So that question was asked on
7 September 30, 2016, only a few days after we had the
8 reporting. At the time that question was asked of me by
9 the OI attorney, I couldn't provide an answer, but we
10 subsequently provided that information to OI attorney
11 after the October meeting that the SSA wrote up of a
12 meeting they had with Steele.

13 BY MR. SOMERS;

14 Q. So why was the information reliable?

15 A. Sorry?

16 Q. Why was the second- and third-hand
17 information reliable?

18 A. Well, I think --

19 Q. Well, paraphrasing, it seems like the OI
20 attorney was satisfied with your response, but the IG
21 report does not indicate what the response was.

22 A. I think if you read further on, the team
23 eventually briefed them on the subsource information
24 they learned from Steele in early October. He also
25 received the written summary of this information that

1 the SIA prepared shortly after the October meeting.

2 So I think that satisfied his question, because
3 it goes on to say that based on the information that the
4 FBI, the investigative team, provided, he thought the
5 sources were definitely in a position to have asked for
6 the information.

7 Q. So because the sources were in a position
8 to receive the information, you found it reliable?

9 A. We provided OI the same write-up of that
10 meeting that all the FBI had.

11 Q. So at that point, though, where did you
12 learn about the subsources? From Steele or somewhere
13 else?

14 A. Subsources, the network he had?

15 Q. Yes.

16 A. That came from the meeting in October. I
17 know that, initially, he was reluctant to share it with
18 the handling agent, but I know that he was reluctant to
19 even share it the team, but in October, he eventually
20 gave us some of the information that the subsource
21 network was.

22 Q. So it says on page 133 also, it says
23 that: "The supervisory intel analyst sits as a case
24 agent and providing information on the subsources and
25 reviewed the footnotes for accuracy."

1 I assume that means the footnotes in the FISA.

2 A. That's right.

3 Q. So this FISA application had a
4 separate -- the version that we have are heavily
5 redacted. I'm not going to ask you what's behind the
6 redactions, but just generally, I think my understanding
7 is there's a separate footnote for each of the
8 subsources; is that correct, or most of the subsources?

9 [REDACTED]: If you recall.

10 THE WITNESS: I can't recall without seeing a
11 document.

12 BY MR. BAKER:

13 Q. Of course, I don't have the document to
14 be able to provide you. I've never even seen that part
15 of the document, but in general, it seems like there
16 were at least some footnotes.

17 A. I can tell you there were lengthy
18 footnotes, because it was -- there were various sources
19 of information. I can't tell the specifics, but I do
20 recall it being lengthy footnotes.

21 Q. Describing the subsources?

22 A. Describing the subsource network. That
23 was my understanding of the how Steele was receiving the
24 information, through the subsource's network.

25 Q. Did he provide you enough information to

1 identify the subsources?

2 A. I believe we identified two of the
3 subsources.

4 Q. From the information Steele provided?

5 A. Yes. I'm sorry. I can't recall if he
6 gave us the names of the subsources or we were able to
7 discern who subsources were given the context of
8 information that Steele provided. I wasn't at that
9 meeting. So I can't answer.

10 Q. Do you recall if he provided you the name
11 of the primary subsurface?

12 A. I don't recall.

13 Q. So do you know whether you discerned or
14 it or he provided it?

15 A. I don't recall when I learned of the
16 primary subsurface.

17 Q. You don't recall when you learned the
18 name of the primary subsurface?

19 A. I don't.

20 Q. You don't recall whether it was from FBI,
21 any investigation, or Steele just gave you the name?

22 A. I'm sorry. Can you repeat that?

23 Q. You don't -- eventually, you learned the
24 name of the primary subsurface. Correct?

25 A. Correct.

1 Q. But what you don't recall is whether you
2 learned the name of the primary subsource because the
3 FBI, through clues it had, investigated and discovered
4 the name or whether Steele said this is the guy's name?

5 [Witness confers with counsel.]
6

7 THE WITNESS: If I recall correctly, the primary
8 subsource was identified by the intel analyst on the
9 investigative team.

10 BY MR. SOMERS:

11 Q. And you recall -- do you recall roughly
12 when that was?

13 A. I can't tell you that, no.

14 Q. So you discover who the primary subsource
15 is at some point. What do you then do with that
16 information?

17 A. I think I learned who the -- probably
18 just before the interview, if I recall at the time, we
19 went out to -- we found where the primary subsource
20 lives.

21 [Witness confers with counsel.]

22 BY MR. SOMERS:

23 Q. We can keep it to the country.

24 A. Could you just repeat that question,
25 please? I'm sorry.

26 Q. What did you learn after you learned the

1 identify of the primary subsorce? What did you and/or
2 the team do once you learned the identity of the primary
3 subsorce?

4 A. We tried to identify where that
5 individual lived and go out and interview that
6 interview.

7 BY MR. BAKER:

8 Q. Did you do name checks on that person
9 too, name searches, background checks?

10 A. I don't remember on the primary
11 subsorce. I can't recall.

12 Q. Would you do that when you're considering
13 opening any source?

14 A. It depends, but generally, prior to us
15 going out to the interview anybody, we'd check to see
16 the --

17 Q. When you're considering opening an
18 individual as a source, you would do, I imagine, some
19 sort of check on them, who they are, are they really in
20 a position to provide that information?

21 A. Is your question to open them as a
22 source?

23 Q. Yes.

24 A. Yes. We would do checks.

25 Q. So if you do identify subsources of a

1 source, would you do something similar to establish the
2 credibility of who they are, what they know, why they
3 would know it?

4 A. If I understand the question, if through
5 a subsource, we identified another source --

6 Q. No. If you -- you would do these checks
7 in opening a source. As you continue to work that
8 source, you learn that that source has a network of
9 sources. You eventually identify some of the people
10 that consist of or comprise that network of sources.
11 Would you also do some check on those people to see,
12 basically, the same thing you would do for the main
13 source?

14 A. Yes. Well, if we wanted to open those
15 individuals as sources, I think the answer is, honestly,
16 it depends where that individual lives. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. But if you're taking information from the
20 source that is opened or whatever you call it, but you
21 subsequently learn that that source is really not the
22 collector of the information that they are providing
23 you, that they're getting it from this network of
24 sources and then you also identify some or all of this
25 network of sources, wouldn't you also check whatever you

1 could to see their credibility since they're really the
2 ones providing the information you're ultimately using?

3 A. You might, but specifically in regard to
4 this, I don't think we could. I don't remember. I'm
5 sorry.

6 BY MR. SOMERS:

7 Q. You don't remember if you ran a name
8 check on the primary subsource?

9 A. I don't.

10 Q. Do you recall how the team learned that
11 the FBI had a counterintelligence investigation open on
12 the primary subsource in 2009?

13 MR. HEISS: This is an area that has just
14 emerged, I guess, overnight.

15

16 MR. SOMERS: Yeah. I just learned about
17 yesterday.

18

19 MR. HEISS: I'm not faulting you as a result,
20 but it is not one of the topics that we discussed on the
21 call that you were going to cover. We just learned
22 about it.

23

24 Again, I'm not faulting you for that, but we
25 just learned about it. We have not a sufficient
26 opportunity to meet with our client on what led to that
27 allegation. We have seen no documents related to it.

28

1 that topic today.

2 MR. SOMERS: So he can't even answer whether he
3 was -- if I don't go any further and I just ask whether
4 he was aware of the May -- the counterintelligence
5 investigation that was open in May 2009 on the primary
6 subsource, can he answer that question?

7 MR. HEISS: No.

8 BY MR. BAKER:

9 Q. Hypothetically, if a name check would
10 have done on a subsource that had been the subject of a
11 counterintelligence investigation, would that
12 information have been hit on during this name search or
13 record check, whatever you want to call it?

14 [Witness confers with counsel.]

15 THE WITNESS: I think I can't give you an honest
16 answer.

17 BY MR. BAKER:

18 Q. Generally speaking, if a field office has
19 a case on Subject A, they close that case for whatever
20 reason. The case is adjudicated, and then somewhere
21 down the road, Subject A comes into another case, either
22 as the subject or an individual that just comes into the
23 case. Does the FBI have an infrastructure of checks and
24 computers and indices that would reference this person
25 coming up in the prior case?

1 [Witness confers with counsel.]

2 THE WITNESS: There are variables, including if
3 it's a sensitive case and other prohibited cases, like I
4 mentioned.

5 BY MR. BAKER:

6 Q. I understand the idea of variable, I
7 think, but if this individual in this later case is
8 providing information that is significantly steering or
9 directing the investigative strategies and momentum of a
10 case, wouldn't some check of credibility be done, even
11 just a simple indices search to see if we at the FBI
12 have ever come across this person before?

13 MS. ARGENTIERI: I just think that the issue is
14 that it's such a hypothetical question that it's part
15 hard for him to answer.

16 MR. BAKER: Okay.

17 MS. ARGENTIERI: I think --

18 MR. BAKER: I understand it depends. There's
19 variables and it's different every time.

20 MS. ARGENTIERI: Right.

21 BY MR. BAKER:

22 Q. I think it's a simple concept. If you
23 have someone that you are going to do -- or you're going
24 to use their information to facilitate the use of
25 sophisticated investigative techniques, some of the most

1 intrusive there are, wouldn't there be at a basic level
2 some sort of inquiry into who is this person?

3 It's being credited initially to a person. Then
4 it is learned that that person is getting from a subset
5 of people. Wouldn't there be some very basic curiosity
6 of who is this person, have we ever come across this
7 personal before, we're using their information for
8 something pretty sophisticated?

9 [Witness confers with counsel.]

10 [REDACTED]: Mr. Baker, to make sure we're on the
11 same page and that we're being clear, are you asking [REDACTED]
12 [REDACTED] if we would, if the Bureau would, naturally seek
13 to run a check, name check, or some other type of check
14 on an identified individual or are you asking if they
15 would naturally expect to get results back?

16 MR. BAKER: The prior, your first question.

17 [REDACTED]: Whether or not if the Bureau
18 identifies somebody, they would seek to run checks
19 across whatever records the Bureau might have?

20 MR. BAKER: Correct.

21 [REDACTED]: That's a question I think you can
22 answer.

23 THE WITNESS: Yes.

24 [REDACTED]: But to be clear, was the individual
25 clearly identified at that point? Did you have a clear

1 identity on the subsource at that point?

2 THE WITNESS: At that point, I don't recall.

3 BY MR. BAKER:

4 Q. But at some point, you go to his house, I
5 thought you said, and I thought you said the intel
6 analyst identified him. I'm guessing -- correct me if
7 I'm wrong -- that as time goes on, he becomes, the
8 primary subsource becomes, more clear and focused that
9 there would be enough information to run this guy
10 through your internal databases and see if he's ever
11 come on the Bureau radar before?

12 MS. ARGENTIERI: I believe he answered that he
13 didn't recall that that had been done. I think the
14 problem is that you're asking a hypothetical and drawing
15 conclusions about what happened here.

16 MR. BAKER: Okay. I apologize for that, but in
17 my belief and in my understanding, I think this is such
18 a basic thing that I'm confused why it get blurred,
19 whether it's hypothetical or in the instant case. It's
20 just a basic thing to run an internal indices name
21 check, as I understand it?

22 MR. SOMERS: Or is it not?

23 MR. BAKER: Yeah. Or is there something here
24 that's complicating what seems to me to be a simple
25 task.

1 ██████████: I think there is something here
2 that's complicating it. Number one, the timeline of
3 when they learned there was a subsource, when they
4 started to develop information about who that subsource
5 might be, when that information became confirmed to the
6 extent that it did.

7 As you know and as he has testified to, there
8 are different levels of restriction placed on cases and
9 there could very well be a query, hypothetically, of an
10 individual that would result in no hit, in the
11 hypothetical question you've asked and in my response to
12 that hypothetical. There is not an absolute return,
13 either positive or negative, as a result of those
14 different restrictions that could be placed.

15 MR. SOMERS: And that's a perfectly good answer
16 to a question we asked the witness, in all due respect,
17 and not you.

18 ██████████: I understand. The problem is, I
19 believe that, quite frankly, that every single one of
20 those elements was confused by the series of questions.

21 MR. SOMERS: We're trying to -- I'm trying to
22 reduce some of the confusion and see if we can just get
23 a more basic point.

24 MR. BAKER: I want to clarify something with ██████████
25 ██████████. I think I understand something you're saying.

1 Is it possible, hypothetically, that an inquiry
2 is made and no results or nothing comes back, but that
3 might not be the real answer, that might not be the real
4 result?

5 ██████████: For obvious reasons, number one, I
6 would say I'm not testifying and, number two, that is my
7 understanding of how that system works, that if a
8 prohibited case is queried -- if ██████████ is a
9 prohibited case and my name is queried, I don't believe
10 you're going to get anything.

11 BY MR. BAKER:

12 Q. Do you believe that was the case in this
13 instance?

14 A. I can't answer that.

15 MR. BAKER: Okay. Thank you.

16 BY MR. SOMERS:

17 Q. Did you -- so on September 24th, when you
18 walked in to -- on September 24th when you -- let me
19 back up.

20 On January 24, 2017, when you walked into the
21 interview of the person who you believed was the primary
22 subsource, did you know he was the primary subsource?

23 A. Yes. Well, I'm sorry. We believed he
24 was the primary subsource based on the information that
25 the analytical cadre put together.

1 Q. And you had his name?

2 A. We did.

3 Q. Did you run a criminal background check?

4 A. I don't recall what I did at the time.

5 Now, just to point out where I was, I was up in
6 New York. I came down for -- I don't know if it was
7 specifically for this, but I was still back in New York.
8 I was not involved in the day-to-day activities of the
9 investigative team that were still happening at FBI
10 Headquarters.

11 Q. I think the question we're ultimately
12 trying to ask here is you identify the primary
13 subsource. One of the step you could have taken --

14 A. We identified who we believed --

15 Q. Who you believed to be the primary
16 subsource. You had a name. All we're really asking is
17 once you had that name or the name of someone you care
18 about in any investigation, is it possible for you to
19 query FBI databases? I'm not asking whether you did or
20 you didn't or whether you got any hits back or anything
21 else. I'm asking whether it's possible to query FBI
22 databases for that name to see if anything comes back.

23 A. It is, yes.

24 MR. SOMERS: I think that's the end of our hour.

25 [Whereupon, at 12:55 p.m., a lunch recess was

1 taken, to reconvene at 1:45 p.m. this same day.]
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1 A F T E R N O O N S E S S I O N

2 MR. HASKELL: It's 1:50 p.m. We are going back
3 on the record.

4 FURTHER EXAMINATION BY THE MINORITY
5 BY MR. HASKELL:

6 Q. Since the Inspector General's report was
7 released, we've heard argument that the FBI should never
8 have been investigating Carter Page at all, that the
9 FISA errors that the IG identified undermine the Page
10 investigation and also somehow the entire Crossfire
11 Hurricane and Mueller investigations. You ran the
12 Carter Page investigation, as you know said earlier. I
13 just have a few questions for you about the basis for
14 that investigation.

15 In early July 2016, while a member of the Trump
16 Campaign, Page traveled to Moscow and gave speeches
17 criticizing sanctions the Obama Administration had
18 imposed on Russia. While he was in Moscow, Page
19 informed Trump Campaign officials that he had met with
20 or at least heard from, quote, sources close to Putin,
21 including Russian Deputy Prime Minister Arkady
22 Dvorkovich, who Page said, quote, expressed strong words
23 for Mr. Trump during his private conversation.

24 Why would that trip to Moscow and those comments
25 by Page be concerning to a counterintelligence

1 investigation into ties between the Trump Campaign and
2 Russia?

3 [Witness confers with counsel.]

4 THE WITNESS: Sorry. Based on information that
5 may be classified, I had to double check.

6 Carter Page came to the FBI as part of a
7 recruitment cycle and our concern from a
8 counterintelligence standpoint -- this was before I
9 worked the investigation -- an individual who was in the
10 recruitment cycle in Moscow, as a counterintelligence
11 professional, my mind was to -- let me take a step back.

12 If an individual was being groomed and/or
13 attempted to be recruited by the FBI and that individual
14 goes back, say, to the threat nation during this time
15 and then he comes to the United States and that
16 individual finds himself as an advisor to a candidate or
17 prime minister or president or whoever and that person
18 gives a speech in New York, it would be incumbent upon
19 me as a counterintelligence professional to re-approach
20 that individual, to re-engage and re-establish the
21 connection, and it would be -- it wouldn't be under the
22 eyes of wherever that individual is from. So it would
23 be standard practice to do something along those lines.

24 So when I joined investigation, it kind of was
25 in our calculus of possibilities of what would occur

1 when we went there. I know it's a hypothetical, but
2 that's how counterintelligence professionals work and
3 how we understood the cycle.

4 We did know he went to Moscow. We subsequently
5 learned about that meeting through -- it's in here. So
6 it's important that he is establishing the communication
7 with the Russian Government.

8 BY MR. HASKELL:

9 Q. And when you said it doesn't matter where
10 the individual is from, I take it that you were
11 referring to a political campaign, a presidential
12 campaign or a senator's office or wherever --

13 A. Right. Yeah. I'm using that in
14 the -- [REDACTED]

15 [REDACTED]. The FBI would most
16 likely approach that individual.

17 Q. Okay.

18 A. If we had an established relationships
19 with them.

20 Q. And you told the OIG that in seeking the
21 FISA warrant on Page, you, quote, had hoped that emails
22 and other communications obtained through FISA
23 electronic surveillance will help provide valuable
24 information about what Page did in Moscow in July 2016
25 and the Russian officials with whom he may have spoken.

1 Again, in the context of a counterintelligence
2 investigation and specifically to the extent that you
3 can talking about the counterintelligence investigation
4 in Crossfire Hurricane, why would those types of
5 communication be so valuable?

6 A. It would be valuable to us as part of
7 USITC to see if there is any comprised -- an individual
8 who's associated with a campaign.

9 Q. Right.

10 A. Not a campaign, but with an individual
11 who's running for office.

12 Q. Understood. If emails, phone calls,
13 records, the types of things that as a general matter,
14 you can obtain through a FISA or obtain for an
15 individual like that, you learn more about where they
16 went, who they met with, what the topics of conversation
17 may or may not have been, and the like?

18 A. Ideally, yes.

19 Q. Are you aware that Special Counsel
20 Mueller was unable to determine -- this is a quote from
21 the Mueller report on page 101 -- was unable to obtain
22 additional evidence or testimony about who Page may have
23 met or communicated with in Moscow on that trip in July
24 of 2016, leaving, quote, Page's activities in Russian
25 not fully explained?

1 A. I have read that.

2 Q. So even today, based on that finding in
3 the Mueller report, that question, who he met with, what
4 exactly his activities were in Russia, remains
5 unanswered?

6 A. Yeah. I would assume so, yes.

7 Q. Based on the Mueller report?

8 A. Based on the Mueller report, yes.

9 Q. Are you aware that -- and this is a quote
10 from another Russian investigation, the one conducted by
11 the Senate Intelligence Committee, SICI, despite the
12 meticulous records Page kept on his personal hard drive
13 detailing his daily routine, when SICI asked him about
14 that trip to Moscow, quote, he was unable to recall any
15 details of his trip or the names of senior Russian
16 officials with whom he met. Are you aware of that
17 finding from them?

18 A. I am not aware of that finding.

19 Q. The recent report?

20 A. I haven't had a chance to read it.

21 Q. In addition in Page's July 2016 trip to
22 Russia, which is the trip we've talking about, you told
23 OIG that by October 2016, you, quote, had learned
24 through travel records that Page was planning another
25 trip to Russia and, quote, the Crossfire Hurricane team

1 wanted to find out what he was going to do, who he was
2 going to be in contact with, and why he was going,
3 because it just seemed very odd.

4 Now, without -- again, without revealing
5 anything classified or getting anything that you can't
6 get into -- so let's speak in general terms. If an
7 individual of the kind that we were talking about
8 before, you were looking into and looking into their
9 ties and past travels to Russia, schedules another trip
10 back to Russia, why would that be something that the FBI
11 would have a desire to know about?

12 A. Because given what we knew at the time
13 and him being asked, essentially, to separate from the
14 campaign in September, why do you continue to travel
15 back to Russia? If your concern is did he make contact
16 when he was in Moscow in July, is he going back to
17 continue that contact?

18 Now, a lot of this is supposition based on what
19 we knew at the time, but it seemed unusual for us that
20 he would go back soon thereafter and it was a concern
21 for us as while he was separated from the campaign at
22 the time, did he have access to -- in my personal
23 opinion -- I can't speak for the team -- it would be is
24 this a continuation of his recruitment cycle or is he
25 reporting to that individual, so he can't report to the

1 United States?

2 And reporting meaning if he was -- now, again,
3 as I said earlier, this is supposition, but it just
4 doesn't -- it just seemed odd to us as a team.

5 Q. Right, and the fact that he had been
6 formally separated from the campaign at that point did
7 not mean that he could not have been continuing
8 activities that he was doing when he was formally a
9 member of the campaign?

10 A. That's correct. He still had contacts
11 within the campaign that he might be able to report on.
12 A lot of what we do in counterintelligence is to gather
13 assessment information on others as well. So even if he
14 was separated from the campaign, he may be able to
15 provide information, assessment information on others to
16 individual associates with the campaign, not campaign
17 itself.

18 Q. Also related to Carter Page, you were
19 asked a number of questions about the errors in the Page
20 FISA application that the Inspector General identified.
21 I had mentioned earlier that the allegation that has
22 been disproven by the Inspector General that those
23 errors were intentional errors to take down Trump
24 because of some sort of bias, and we had talked about
25 the bias part earlier, but to turn to the intention

1 part, the OIG in its report found no documentary or
2 testimonial evidence of the pattern of errors that OIG
3 you committed, quote, was intentional.

4 Did you commit any of the acts that the OIG
5 identified as errors intentionally, meaning that you
6 knew it was the wrong thing to do, but you did it anyway
7 for some reason?

8 A. No. In fact, in some of those errors
9 that the IG purportedly found, I made good faith efforts
10 to share the information with OI, to include the
11 information about the OGA, information -- to include
12 information whereby a subsource of Steele was -- that
13 information was provided to OI. OI claims it was too
14 long. It was not. It was a paragraph.

15 I go back to my original point that everything I
16 passed to OI, I expected them to read.

17 I additionally included a transcript between CHS
18 2 and Carter Page where I think the report says he
19 denied meeting with Sechin and Diveykin. I did -- we,
20 I, or whoever provided that information to OI in
21 transcripts and the IG reported that I didn't flag it
22 specifically for OI to read. So I would take issue with
23 some of the findings that found as errors; but to your
24 point, there were no intentional omissions. I had full
25 transparency. I acted in good faith for everything

1 throughout the entire process.

2 Q. Now, I heard you talk today a little bit
3 about the tempo of the investigation, and one point, you
4 said that, you know, the team was stretched. The IG
5 noted that -- and this is page 378, Note 49 -- 499. I
6 apologize.

7 "After reviewing the report, members of the
8 Crossfire Hurricane team told us that their performance
9 should be assessed in light of the full scope of
10 responsibilities they had in 2016 in connection with the
11 FBI's counterintelligence investigation and that the
12 Carter Page FISA was a narrow aspect of their overall
13 responsibilities."

14 Now, you've also talked about a handful of
15 different operations that you were involved in,
16 including, you know, some of which had travel associated
17 with them over the course of the investigation.

18 Is there any additional context about your
19 responsibilities during Crossfire Hurricane that you
20 think would be important to a full understanding of what
21 the Inspector General has identified as errors?

22 A. Yes. So, holistically, if I may, in
23 retrospect, given the scope of investigation, we
24 made -- there was a tradeoff made institutionally
25 between keeping this investigation quiet so it doesn't

1 interrupt or interfere with the electoral process of the
2 United States of America and protect those being
3 investigated at the expense of staffing the
4 investigation properly. We had multiple operations,
5 counterintelligence operations, on top of working on
6 FISA and other factors.

7 The scope and pace of that investigation, in my
8 opinion, and I won't speak for others involved, but
9 deemed a much larger investigative team, to include more
10 special agents, to include more intelligence analysts
11 and other support staff. Additionally, we were hampered
12 by running this investigation out of Headquarters,
13 because every operation we did, we had to rely on
14 another field office to process information, either
15 electronic or whatnot.

16 That, to me, in retrospect is a decision that's
17 made way above my pay grade, but I believe given the
18 pace, given the pressure I think we felt internally, we
19 needed more help. If you're going to run a proper
20 investigation and you're going to do your investigation
21 well, to minimize errors and minimize overwork and
22 minimize anything that may have found in this report, we
23 would have been better served to have a larger
24 investigative team.

25 Q. And, in your experience as an agent, do

1 you think in a different circumstance where you did not
2 have the issue that you said is motivating keeping the
3 team small, making sure the fact of the investigation
4 was kept to as small a number of people as possible, if
5 that didn't exist, would the team have been double the
6 size or triple the size or a handful more agents? Can
7 you give me a ballpark?

8 A. The phrase I like and it was described by
9 somebody else on the team when we were working the case
10 is we were given a thousand-piece puzzle. We were
11 slowing getting it together. In the midst of it, we're
12 thrown another thousand pieces.

13 I think to answer your specific question, I
14 don't know what the proper resources would have been. I
15 don't know the number of agents that were assigned to
16 the Special Counsel's Office, but I know it was far
17 greater than what we had originally in the Crossfire
18 Hurricane team and that as far as I know, their team was
19 much larger and they had pretty much the same mandate
20 that we had, and I think that it was not a failure, but
21 it was something that I imagine it should have just
22 upgraded the investigative staff as needed.

23 We sometimes have a problem of putting 100
24 agents on a case that we only need four, but I think
25 that as we garnered more information, garnered more

1 leads, garnered just more investigative activity, we
2 should have slowly upped the staff so we had a proper
3 staffing level.

4 Q. And you had said earlier when we were
5 talking about the bias allegations that the Crossfire
6 Hurricane team took steps to ensure that their work did
7 not affect the election and also would not be perceived
8 at some point down the line as being political. Just
9 for clarity, this seems like one of the -- and I
10 apologize.

11 You also said that you pursued those and even if
12 it meant doing something that might be -- not doing
13 something that could help the investigation or doing
14 something that might be contrary to the success of the
15 investigation.

16 To me, this seems like one of those decisions on
17 a very high level to keep the team small that absolutely
18 affected the investigation, in your words, adversely,
19 but it was a decision made for the sake of ensuring that
20 the investigation did not affect the election. Is that
21 correct?

22 A. That's correct.

23 Q. Okay. And just to take one piece out of
24 the answer you provided, you talked about the
25 thousand-piece puzzle. The Mueller investigation,

1 which, you know, took two years, ultimately identified
2 something in the range after 120 different contacts
3 between the Trump Campaign and Russia. Some people have
4 the count higher, but at least 120.

5 When you say different puzzles are being -- a
6 thousand-piece puzzle and another thousand-piece puzzle,
7 can you elaborate on that? Is that new contacts
8 between -- or new potential contacts between members of
9 the campaign and Russian? What do those puzzle pieces
10 look like?

11 A. I think it was a combination of
12 information we had at the outset of the investigation.
13 The Steele information was that other piece.

14 I think we started to get a firm footing on that
15 first part of the investigation. I think the Steele
16 reporting, that's where we needed more help to, "A",
17 start really drilling into that, because at the same
18 time, we were receiving that information, we were
19 running operation overseas. We were trying to get in
20 front of Carter Page specifically. We were handling
21 sources. We were trying to make determinations if there
22 were other sources that could help us with the
23 investigation. There were some meetings partners.

24 So we were stretched thin. At one point, I know
25 that I had to travel up to New York. I had mentioned

1 when I first heard of the Steele Dossier, I was up in
2 New York because we were chasing another lead of an
3 individual who was of interest of us in New York. So
4 took me, basically, offline for roughly a week. Out of
5 four -- an investigation where we only had four main
6 case agents, that's a quarter of your staff gone.

7 That's just -- it was difficult to be away,
8 because we had everything going on. That's where I go
9 back to what's the proper staffing level. I guess the
10 answer to that is it should have been more than we had.

11 Q. Thank you.

12 Stepping away from the greater context and to
13 the FISA errors themselves and actually put them in
14 context, only 14 pages of the 448-page Mueller report
15 addressed Carter Page, and in December of last year when
16 Inspector General Horowitz testified before the
17 Judiciary Committee about the report, he stated that the
18 errors do no call into question, quote, any part of the
19 Special Counsel's report.

20 Do you have any evidence that the FISA errors
21 call into question any part of the Mueller report?

22 A. I can't answer that specific -- I'm
23 sorry. Can you rephrase that?

24 Q. Do you have any evidence that any of the
25 individual errors identified by Inspector General

1 Horowitz call into question the ultimate findings of
2 Special Counsel Mueller?

3 A. I don't think I can answer that. I'm
4 sorry.

5 Q. I'll take just one more run at it. The
6 question is do you any evidence that that is the case,
7 any affirmative evidence that this errors means that
8 this finding in the Mueller report is incorrect?

9 A. No.

10 Q. The Inspector General recommended a
11 number of corrective actions, include changes to Woods
12 forms and the FISA request form that are designed to
13 ensure that OI receives all relevant information.
14 Director Wray accepted and agreed to implement all of
15 the IG's recommended corrective actions.

16 Do have any reason to believe that the FBI isn't
17 taking appropriate steps in response to the IG report?

18 A. No. Having gone through the FISA
19 training, I think what the OIG report did do is indicate
20 there was an institutional issue with FISAs with the
21 FBI. Having gone through the training, I feel that
22 it's -- as of now, it's good sufficient training for
23 everybody within the organization.

24 I'm sure it will be tweaked in the future and
25 it's something I think the organization needed.

1 Q. And so you have -- it seems like you have
2 confidence that the corrective actions taken and that
3 will continue to be taken will adequately address some
4 of the issues the IG report highlighted?

5 A. Within the FBI, yes. I think -- yeah. I
6 think there could be changes more amongst not just the
7 FBI, but from DOJ as well; but I think we'll get there,
8 but I think that the initial changes that were made are
9 sufficient enough at this point.

10 Q. Okay. Do you have additional
11 recommendations, whether on the DOJ front or the FBI
12 front, that you would like to share with us?

13 A. Not at this time.

14 Q. Okay. I'm also going to follow up on
15 some questions you were asked about the Steele Dossier
16 and the role that it played in the Page FISA
17 applications. Crossfire Hurricane was open on July 31,
18 2016. The IG determined that the Crossfire Hurricane
19 team didn't even become aware of Steele's reporting
20 until September 19th and that, quote, Steele Dossier
21 played no role in the opening of Crossfire Hurricane.

22 Are you aware of evidence that disputes that
23 finding?

24 A. No.

25 Q. Horowitz testified before our committee

1 that the Carter Page FISA errors related to Christopher
2 Steele did not call into question, quote, any part of
3 the Special Counsel's report. You answered this
4 earlier. Now that I've laid out the testimony that
5 Horowitz gave, do you have any reason to dispute the
6 testimony that Horowitz gave?

7 A. I do not.

8 Q. Former Deputy Attorney General Rod
9 Rosenstein, who supervised the Mueller investigation,
10 also testified before the committee as part of its
11 investigation, and my boss, Senator Feinstein, asked him
12 to identify which finding in Mueller's report relied on
13 information from the Steele Dossier. Ms. Rosenstein
14 said, and I quote, I don't believe that there is any
15 such information.

16 Do you have any evidence to dispute that
17 statement by former Deputy Attorney General Rosenstein?

18 A. I do not.

19 Q. Rosenstein also testified that none of
20 the 199 criminal counts that resulted from the Special
21 Counsel investigation relied on information that was
22 obtained from Steele. Do you have any basis to disagree
23 with that statement by Mr. Rosenstein?

24 A. I do not, no.

25 Q. Now I'll turn to the questions you were

1 asked about the primary subsource. You participated in
2 an interview of the primary subsource in January 2017
3 and helped memorialize it in a memo that Chairman Graham
4 recently released publicly. I would like to ask you a
5 few questions based on both your attendance at that
6 interview, but also, more broadly, your expertise as an
7 FBI agent about some of the allegations that have been
8 made about the CSS.

9 In your experience as an agent, can information
10 a source obtains from someone else be reliable?

11 A. It can, yes.

12 Q. So, in other words, the fact that the
13 source obtained information from someone else doesn't,
14 standing alone, make the information unreliable?

15 A. No.

16 Q. And is it true that where a source has
17 obtained information from other sources, it's important
18 for the FBI to understand where the information came
19 from or, in other words, that source's source network?

20 A. Absolutely.

21 Q. And I know you talked a little bit about
22 this earlier, but if you wouldn't mind elaborating. Why
23 is that an important step for the FBI to take?

24 A. It help us understand the placement and
25 access that subsource would have or does have and it

1 helps determine where that information is coming from as
2 opposed to it's something who hears something while
3 they're walking down the street as opposed to somebody
4 who is working in an office where they can observe a
5 meeting occurring. That's of value to us. Right?
6 We'll place more value on that over somebody overhearing
7 something on the street.

8 It's all about placement and access, and to my
9 point earlier, by identifying those individuals and then
10 making a determination if we can then go back to those
11 individuals as FBI agents to try and recruit that
12 individual to work with us, thereby, you know,
13 eliminating the middle man and getting the information
14 from the source.

15 Q. And we've heard a handful of different
16 allegations that are intended to discredit Steele's
17 primary subsourc. The first is that because the
18 primary subsourc was not a well-connected current or
19 former Russian official and wasn't based in Russia, the
20 information he provided to Steele was unreliable. Some
21 members referred to it as, quote, second- and third-hand
22 information and rumor at best; but, as you said, the
23 fact that a source, like the primary subsourc, obtained
24 information from others doesn't, standing alone, make
25 the information that individual obtain unreliable.

1 Correct?

2 A. That's correct.

3 Q. It doesn't make it rumor at best?

4 A. That is correct since we had a fairly
5 good understanding of who was in that source network.

6 Q. But in a more general sense, just because
7 somebody obtained it from somebody else doesn't make it
8 rumor at best?

9 A. Right.

10 Q. And the FBI, in your words earlier, just
11 needed to, quote, drill down on the who the sources are;
12 that's how you determine whether it's rumor or reliable
13 information; is that right?

14 A. That's right.

15 Q. And is that among the reasons why, if not
16 the principal reason why, you went and interviewed the
17 primary subsource?

18 A. Who we believed was the primary subsource
19 at the time.

20 Q. Who you believed was the primary
21 subsource, and the main reason or one of the main
22 reasons, I would imagine, why you asked the individual
23 that you believed was the primary subsource about his or
24 her source network?

25 A. That's correct, because at the meeting

1 with Steele, he was reluctant to give us specific names.
2 So if we got to that primary subsource, we would be able
3 to determine where precisely all the information was
4 coming from.

5 Q. And if you read the memo that you worked
6 on after that meeting, you see that there is information
7 about one of the things you said was very important,
8 which is access of the primary subsource's sources. For
9 example, Source 5 is said to, quote, have ties to the
10 Russian Intelligence and Security Service.

11 Would someone with that background who has
12 access to the Russian Intelligence and Security Service
13 be well-positioned to provide information relevant to
14 connections between an American political campaign and a
15 government that is actively interfering in the election?

16 A. [REDACTED]
17 [REDACTED]
18 [REDACTED].

19 Q. Have the sort or access that would make
20 him reliable?

21 A. That's correct.

22 Q. The memo identifies another of the
23 primary subsource's sources, Source 3, as having, quote,
24 direct and indirect contact with a deputy or multiples
25 deputies in -- redacted. The redaction, presumably,

1 refers to a foreign government or a foreign government
2 agency.

3 Would someone with that sort of background also
4 be in a position to have the access to provide reliable
5 information?

6 A. Yes.

7 Q. Switching to a different allegation that
8 we've heard to the discredit the primary subsource, that
9 the information provided was unreliable -- sorry -- the
10 individual who you believed to be the primary subsource
11 was not reliable because he was paid by Christopher
12 Steele. Does the fact that a source has been paid in
13 connection with providing information, as a general
14 matter, mean that that information is unreliable?

15 A. No.

16 Q. In fact, doesn't the FBI routinely
17 compensate sources who provide the Bureau with
18 information?

19 A. We do, yes.

20 Q. Executive Assistant Director Michael
21 Steinbach told us -- former Executive Assistant Director
22 of the FBI, Michael Steinbach, told us that the source
23 in almost all cases is doing it for some ulterior
24 motive, get himself out of a jam, for money. Is that
25 your experience, that sources often have an ulterior

1 motive?

2 A. Yes. Yes. They do. Ulterior motive,
3 depending on national security or criminal, but there's
4 sometimes a motivation for that.

5 Q. And if there is an ulterior motive,
6 sometimes that motivation is getting paid money?

7 A. Absolutely.

8 Q. And the fact that they, in your view with
9 your many years of experience as a agent, does the fact
10 that they're getting paid mean that that information is
11 not reliable?

12 A. No.

13 Q. Steinbach also told us that with all
14 sources, you take a look at it. You apply healthy
15 skepticism. A lot of times, source information is only
16 partially correct. So you need to investigate to try
17 and develop more information to run down those leads.

18 Is that how you approached Christopher Steele
19 and the primary subsource, with a healthy skepticism?

20 A. We always do. We always want to be on
21 guard with the information that's being passed to us.
22 There could be an agenda, but that's why, in this case,
23 another reason why we want to get to the source of the
24 original information.

25 Q. A third allegation we heard about the

1 primary subsource is a more recent one and I will do my
2 best to avoid any questions that you can't answer.
3 Please let me know if I don't do that successfully.

4 The claim is that the CSS had ties to Russian
5 intelligence, was a Russian agent providing Russian
6 disinformation to harm Trump. Speaking generally, if a
7 source has ties to a foreign government or an
8 intelligence agency, I imagine that can pose risks that
9 make, that can make, the information they provide less
10 reliable, that it can; it's not only the only option,
11 but that's one of the possibilities?

12 A. It's possible, yes.

13 Q. And as we discussed, the FBI has methods
14 of drilling down on sources and figuring out whether the
15 information they are providing is reliable?

16 A. We always do.

17 Q. On the other hand, a source has ties to a
18 foreign government or intelligence agency could provide
19 benefit; the information that they provide could be more
20 reliable given the access that they have; is that
21 correct?

22 A. Yes. In my role as a counterintelligence
23 professional has been to tend to recruit intelligence
24 officers who are foreign agents to work on behalf of the
25 United States Government, and that's part and parcel of

1 what we do in the counterintelligence realm.

2 Q. And you also said earlier that one of the
3 things that -- one of the reasons you like to meet with
4 subsources and someone's source network is to make them
5 a source?

6 A. Yes.

7 Q. So you said that, you know, one of the
8 reasons you get FISA coverage on a foreign intelligence
9 office in part of your work in counterintelligence is to
10 recruit foreign intelligence officers to be sources?

11 A. That's right.

12 Q. You've also said that part of your work
13 is recruiting the source of the source to be a direct
14 source?

15 A. Yes.

16 MR. HASKELL: I think that is all I have on that
17 topic. I think that is all we have for this round.

18 MR. SOMERS: Do you want to take a quick break?

19 THE WITNESS: Yes.

20 [Whereupon, at 2:27 p.m., a recess was taken,
21 resuming at 2:35 p.m.]

22 MR. SOMERS: All right. It's now 2:35.

23 FURTHER EXAMINATION BY THE MAJORITY

24 BY MR. SOMERS:

25 Q. When we were last talking, we were

1 talking about the primary subsource interview that
2 occurred in January of 2017 that you took part in. Did
3 you take part in arranging for the interview to occur
4 prior to it occurring?

5 A. I believe the planning was done by DOJ,
6 which was represented by an attorney.

7 Q. But the FBI tried to reach out to the
8 primary subsource directly before --

9 A. So we reached out to him on a Friday
10 evening and we made contact with him. Myself and SSA 1
11 went to his attorney's office at, I believe, 2 a.m.,
12 whereby we discussed his client. He had retained
13 counsel. So then we -- if I recall correctly, we set up
14 the meeting with the primary subsource and his attorney.

15 Q. Do you recall where the interviews took
16 place?

17 A. They took place in the Washington Field
18 Office. I don't know the address.

19 Q. Is it possible the interview took place
20 in the attorney's office?

21 A. The first meeting we had with his
22 attorney -- I don't recall that the primary subsource
23 was there -- was in the attorney's office. The meetings
24 that I took place on, that -- excuse me -- I took part
25 in in January, I believe they took place in the

1 Washington Field Office.

2 Q. You believe or you --

3 A. To the best of my knowledge, I recall
4 sitting in the Washington Field Office, conducting a few
5 days of interview.

6 Q. I'll just say why I'm asking is the
7 electronic communication that combines all the 302s of
8 the interview indicate that it did, in fact, occur in
9 the Washington Field Office. We had another witness who
10 took part of an interview come in and testify that the
11 attorney from the DOJ that was in most of interview, he
12 believed the interview took place in the primary
13 subsource's attorney's office.

14 A. Without knowing who the DOJ attorney was,
15 there may have been a DOJ attorney -- I don't recall who
16 was in that meeting at the 2:30 in the morning call, you
17 know, the meeting we had. So without knowing who that
18 attorney was, I can't answer.

19 Q. [REDACTED] testified before this
20 committee last week, [REDACTED], and he, to his
21 recollection, he took part in the three-day interview or
22 at least the second two days and possibly part of the
23 first day of the three-day January interview of the
24 primary subsource. To his recollection, that interview
25 occurred at the primary subsource's attorney's office.

1 I'm just trying to clear up what the
2 discrepancies are.

3 A. Yeah. I don't know. The way I remember
4 it is we were in the Washington Field Office in an
5 interview room on the first floor.

6 Q. Okay. Who was the primary questioner or
7 the lead? I guess you refer to it as a lead.

8 A. Yeah.

9 Q. Who was the lead on the primary subsorce
10 interview?

11 A. So there were DOJ attorneys present.
12 There was myself and the SIA. On an interview like
13 that, I don't think anybody took a lead. I think the
14 SIA, who is well-versed in, you know, Russian
15 counterintelligence and other Russian matters, he and I
16 kind of collated. I don't think at that point, there
17 was a lead.

18 This was just like a -- it was just a sit down
19 and get him to talk. The first time you're sitting down
20 with a source is to build a rapport with that
21 individual. So whoever kind of fits the mold during the
22 course of that interview, that's who -- you know, no one
23 really took the lead.

24 Q. It is unusual to have an analyst sort of
25 share the lead role with an agent?

1 A. Not in the way I've done my work. I view
2 the SIAs and IAs as counterparts. They're experts in
3 their field.

4 Q. Who was the primary drafter of the 302s?

5 A. The SIA.

6 Q. Did you have any role in those?

7 A. I reviewed them. I reviewed to make sure
8 it was accurate.

9 It was an EC, not a 302, just for the record,
10 the write-up. So he drafted it. I just read through it
11 to ensure that it was accurate.

12 Q. My understanding is -- maybe this
13 refreshes your recollection. Maybe it does not. Maybe
14 my understanding is wrong -- that there were three 302s
15 that were then eventually combined in an EC.

16 A. Yeah. I just know it was a lengthy
17 document. The iterative process that occurred, I can't
18 recall.

19 Q. Okay. That's fine.

20 Now, eventually, in the FISA applications that
21 occurred, the two FISA applications that occurred after
22 the primary subsorce interview, the interview was
23 characterized -- the primary subsorce was characterized
24 as being truthful and cooperative. After your three-day
25 interview with the primary subsorce, would you

1 characterize him as being truthful and cooperative?

2 I'm not saying that's your word. I'm asking if
3 you would --

4 A. I think he was cooperative with us. It
5 was the first time we sat down with him. So I felt when
6 asked questions, he answered them to the best of his
7 ability.

8 So that was the only time I sat down with that
9 individual.

10 Q. So you can't speak to truthful?

11 A. No. I'm not saying that. I'm saying
12 that he answered the questions that we asked. I didn't
13 think he was -- I'm sorry. He or she -- was deceptive
14 or not, but I felt at the time, the individual was
15 cooperative and truthful.

16 Q. Do you recall ever
17 describing -- obviously, these words, truthful and
18 cooperative, made it into the FISA. Do you recall --

19 A. I don't recall. I mean, that's not how
20 we speak. I just thought when I got back and spoke to
21 the individuals about the investigation, I thought we
22 got information from him and we going to analyze all
23 that information that we received.

24 Keep in mind that I transferred all
25 responsibilities in that case soon thereafter, after

1 that interview. So I don't know where that language
2 came from.

3 Q. So we had the 2 a.m. meeting at the
4 attorney's office and the three-day interview.

5 A. Yeah.

6 Q. Are those your only interactions with the
7 primary subsource?

8 A. Yes.

9 BY MR. BAKER:

10 Q. Did you say earlier that it was an FBI
11 analyst that identified who the primary subsource was?

12 A. I believe it was an analysis. It was
13 produced by the intel cadre. So I don't know who
14 specifically identified him. If I recall, thinking back
15 on a few years ago, I believe that came from an
16 analytical cadre.

17 Q. Would that analytical product also have
18 had information that where the primary subsource most
19 likely lived or other information besides the name?

20 A. I can't speak to the specific product.

21 Q. Were you or anyone on the interview team
22 or even the broader Crossfire Hurricane team surprised
23 where the primary subsource lived once he was
24 identified?

25 A. Yes. Yes.

1 MR. BAKER: Okay.

2 BY MR. SOMERS:

3 Q. The IG report goes on, goes over on page
4 186 and 187, the bottom of 186 ad the top of 187. This
5 is in reference to this interview: "In particular, the
6 FBI's interview with Steele's primary subsource in
7 January 2017, shortly after the FBI filed Carter Page
8 FISA Renewal Application No. 1 and months prior to
9 Renewal Application No. 2 raises doubt about the
10 reliability of Steele's description of information in
11 his election reports."

12 I'll just read the last clause again: "Raised
13 doubts about the reliability of Steele's description of
14 information in his election reports."

15 Was that your impression of the primary
16 subsource interview?

17 [Witness peruses document.]

18 THE WITNESS: I can't recall. I can't recall
19 that specific instance.

20 BY MR. SOMERS:

21 Q. Not the specific instance, but --

22 A. Or not that comment. I can't recall if I
23 felt that there was doubts about the reliability of his
24 information.

25 Q. You didn't come out of the interview with

1 that impression?

2 A. No. Not that I recall. Sorry.

3 Q. Now, this is not an interview you took
4 part in, but I want to see any of these same type of
5 comments occurred in an interview you did take part in.

6 In March, the primary subsource was
7 re-interviewed by the FBI. In that interview, the
8 primary subsource said that -- this is from an
9 Washington Field Office agent. His comment is that the
10 information he was giving Steele was based on
11 conversations with friends over beers, that the primary
12 subsource characterized the information he gave Steele
13 as word of mouth and hearsay, that the primary subsource
14 told the FBI the information was intended to be taken
15 with, quote, a grain of salt and that the corroboration
16 was zero.

17 Were any comments along those lines made during
18 the January interview?

19 A. No.

20 Q. Had you ever seen -- go ahead.

21 A. I'm just trying to recall.

22 He described the network to us. He described
23 who these individuals were. He described meeting these
24 individuals at various times and various locales where
25 he got the information from, but he identified each

1 individual, for the most part. He identified
2 individuals with whom he spoke with and provided
3 information, and my role was, I believe my role was, to
4 identify those individuals get in front of those
5 individuals.

6 Q. But did the -- is it correct to say that
7 the primary subsource took exception to do what he
8 referred to more as a group of friends as being referred
9 to as a network?

10 A. That's not -- that wasn't expressed
11 during the course of the interview. He said they were
12 friends of his in the network, but --

13 Q. I think the lawyers took exception to
14 them being described as a source network and wanted them
15 characterized more as a group of friends. Do you recall
16 that?

17 A. I don't recall that.

18 Q. Did you speak with the agent before -- we
19 don't have a name, a Washington Field Office agent. Did
20 you discuss your interviews with the primary subsource
21 with the agent? I can't give you his name.

22 A. Not that I recall. As the case I was
23 working was so close hold and the case agent had no real
24 need to know, I don't recall any specific conversations
25 with him about that.

1 Q. And vice versa, he didn't come to you
2 after he interviewed the primary subsource in March and
3 tell you what he learned?

4 A. No, no, no. To the best of my
5 recollection, no. I had transitioned off the case. I
6 wasn't read into anything else that was going on.

7 Q. Was there a level of importance placed on
8 this interview within the Crossfire Hurricane team
9 before it happened?

10 A. Yes.

11 Q. Okay. What about -- so members of the
12 team thought the interview was important; is that a fair
13 characterization?

14 A. That's fair.

15 Q. Did Peter Strzok know about the interview
16 that occurred before it happened?

17 A. I don't know.

18 Q. Bill Priestap?

19 A. I don't know.

20 Q. But, certainly, the supervisor of
21 intelligence was in the meeting. Did SSA 1, was he
22 aware of the interview before -- well, he helped set it
23 up.

24 A. I believe so, yes.

25 Q. So you go interview the primary

1 subsource.

2 A. To your point, the individual overseeing
3 the Crossfire Hurricane case was -- Peter Strzok moved
4 up, I think, and they moved another section chief into
5 that role and she was aware of the interview. I think
6 that was the highest executive management discussion I
7 had.

8 BY MR. BAKER:

9 Q. Who was that?

10 A. Jen Boone.

11 BY MR. SOMERS:

12 Q. So you did discuss the primary subsorce
13 interview with Jen Boone?

14 A. I don't know if she was aware the
15 interview was taking place. Again, I was not in
16 the -- I was not part of the Headquarters component. I
17 was back in New York. I flew in for it.

18 I forget how it actually transpired, but I just
19 remember her making a comment about it prior to the
20 interview. That was about it. I can't recall any
21 specific discussions that I had with her.

22 Q. She was the -- not ultimate, but let's
23 say the ultimate supervisor at that point?

24 A. She was the section chief at the time.

25 Q. So you interview the primary subsorce.

1 People thought the interview was important prior to it
2 occurring.

3 Was there a meeting about it afterward, a
4 briefing?

5 A. I don't recall a specific debriefing. I
6 know when you take part these types of interviews -- I
7 don't recall if we maybe had a quick debriefing after
8 the fact. I can't recall any specific meeting that we
9 had.

10 Q. Did it come up in the regularly-scheduled
11 meeting?

12 A. I was no longer down in Headquarters.
13 The SIA was. When I traveled back to the Bureau, that
14 was the last interview that we did. Whether or not the
15 SA brought it up at the regularly-scheduled meeting, I
16 can't answer that.

17 Q. Did you discuss any inconsistencies
18 between the Steele reporting and what the primary
19 subsource said in the interview with the SIA?

20 A. So we had a lot of information in the
21 span of three days. So I don't recall any discussions
22 soon thereafter. I don't recall -- again, I left the
23 case soon thereafter. I don't recall having any
24 discussions about any inconsistencies that really stood
25 out in my mind.

1 The one thing I do recall is mentioning of the
2 meeting we were having in New York with a certain
3 individual. So that was a thread for me to follow when
4 I came back to New York, meeting with the individual.
5 So I looked to see if I could track that individual
6 down.

7 Q. So the 57-page summary -- did you see
8 thea 57-page summary at the time?

9 A. Yeah. I must have.

10 Q. Do you know where that 57-page summary
11 was sent?

12 A. It was put into the case file for
13 Crossfire Hurricane, I believe.

14 Q. And who had access to the case file?

15 A. Anybody that worked the case.

16 Q. Would Pete Strzok have had access to it?

17 A. Yes.

18 Q. What about Bill Priestap?

19 A. I believe so. I don't know who was on
20 the case access list, but it would be normal practice
21 for anybody, as I mentioned earlier, anybody who was
22 working on the investigation all the way up through the
23 chain to have access to that.

24 Q. Does the Justice Department have access
25 to that?

1 A. No.

2 Q. OGC at FBI?

3 [Witness confers with counsel.]

4 THE WITNESS: Yeah. I believe so, yes. I think
5 OGC would have. I believe OGC attorneys would have
6 access to it.

7 BY MR. BAKER:

8 Q. So Justice wouldn't have access to it?

9 A. I'm sorry. I didn't hear you.

10 Q. DOJ wouldn't have had access to it, but
11 like you did with some other stuff to OI, did you let
12 them know that there was this document that had been
13 produced if they wanted to see it?

14 A. I was pretty much transferred off the
15 case at that point. As it was finalized, I was in the
16 process rolling off that case. How, if, and when OI was
17 informed about that, I don't believe I took part in any
18 conversation.

19 Q. Is that something they should have been
20 informed about?

21 A. In the course of business, I think that
22 it would have brought up, but I don't want to put myself
23 in their shoes.

24 Q. I understand you don't know if it was or
25 wasn't. I'm just asking in the course of the craft of

1 counterintelligence and the way that FISA work with DOJ
2 and FBI, is that something that should have been shared?

3 If it wasn't, I don't know. I'm just saying is
4 that something that you would share?

5 A. It would be something we would share. As
6 I've said all along, we're transparent with OI. I think
7 that helped, you know, described the source network and
8 the primary subsource. So it's something that I would
9 have shared.

10 Q. In the three days of interviews that
11 resulted in that document, do you recall either prior to
12 the first interview or after each day of interview, was
13 there any kind of group or team huddle to figure out
14 what ground you covered, what you want to do, make sure
15 you're moving forward in each day of interviewing?

16 A. No. As I said earlier, I can't recall
17 any specifics. I think the first time you meet a source
18 or potential source, I should say, it's a bit of a
19 feeling-out process, spending some time getting to know
20 the individual, where the individual is from,
21 background, things along those lines.

22 I think we had some areas we wanted to cover,
23 but we had to go where the interview led us. It's kind
24 of a -- it depends on the situation, but I think we had
25 an idea of some questions we wanted to ask and I think

1 we got some information that we didn't ask as we talked
2 to the source.

3 I can't remember specifics, but that's where I
4 feel, to my point earlier, he was open with us, and when
5 we asked questions, there didn't seem to be a lot of
6 hemming and hawing to get information from him. Now, he
7 had an attorney with him. So I don't know if there a
8 comfort there as opposed to talking to a source off the
9 street, but that's what I found. I don't recall any
10 specific meetings that we had prior to or after any
11 meeting with the primary subsorce.

12 Q. Was there any discussion, maybe not a
13 formal meeting, but did anybody raise a concern that
14 based on the totality of information known or what you
15 knew at the time that this primary subsorce could not
16 only be maybe shading or minimizing reporting, but he
17 could actually be, he or she actually be, part of a
18 disinformation campaign in what they were funneling to
19 Christopher Steele?

20 A. Well, I think you're asking two different
21 questions. Right?

22 I think you're asking if the source could
23 minimize activity and then the next question is was he
24 providing disinformation to us.

25 Q. I don't know that I'm asking if he was.

1 Was there a discussion that he could be based on the
2 totality of what was known about him at the time?

3 A. Could he minimize or could he be
4 providing disinformation?

5 Q. Both. I would assume that any source
6 could minimize, especially if it's something that
7 dirties them, but I'm more interested in was there a
8 discussion that he could be doing something far more
9 serious than minimizing, i.e., intentionally giving some
10 false information through some disinformation campaign
11 and not just having some allegiance to some other
12 entity, but actually working on behalf of another
13 entity?

14 MR. HEISS: I'm going to ask the witness not to
15 answer the latter part of that question. You can answer
16 whether or not you thought in your interview with the
17 subsource whether he was minimizing, but I think that
18 the second part of that question goes directly to this
19 new allegation that arose last night, and the witness is
20 not going to answer that question.

21 BY MR. BAKER:

22 Q. I'm not interested in any allegation that
23 rose last night. As a general proposition, was there
24 that concern?

25 Because I'm assuming in counterintelligence,

1 when you're dealing with sources, there's always some
2 issue -- because of what they're reporting on, there is
3 always some issue as to what their true allegiance is.
4 I'm just curious was there a general concern going into
5 it since this was a primary subsource and a lot of that
6 information was used for sophisticated investigative
7 techniques.

8 Was there concern that this person could have an
9 allegiance that was not to Christopher Steele?

10 MR. HEISS: If you want him to answer the
11 question in general, whether or not when you're
12 interviewing a source, there is a concern or potential
13 concern that either the source is minimizing or may have
14 ulterior motives for the information provided, you can
15 answer that. We covered that, I think, before, but I
16 think the more specific question does raise this issue
17 which has only recently emerged and we're not prepared
18 to deal with it now.

19
20 THE WITNESS: Could sources minimize,
21 especially the first time they meet with us, there could
22 be pieces of information they have, from my experience.
23 The reason we had -- I brought the SIA with me is to
24 take the information and then whatever information we're
25 given, to check the veracity of the information given
what we knew at the time.

1 MR. BAKER: Okay.

2 BY MR. SOMERS:

3 Q. Did you believe he was minimizing
4 his -- I think it's indicated in this 57-page
5 summary -- that you thought he might be minimizing or
6 not fully explaining his contacts with Russian
7 intelligence?

8 A. I wasn't sure what specifically he was
9 minimizing, but it's been my experience that the first
10 time you get in front of a source, especially the way we
11 approach the source, there's always the chance that that
12 individual is holding back some information from us.
13 That's where the source handling relationship comes in.

14 Q. Did he reveal a relationship with Russian
15 intelligence officers during the -- suspected Russian
16 intelligence officers during the interview?

17 A. I can't recall specifics.

18 Can you rephrase that question? I just want to
19 make sure I answer.

20 Q. I don't want to pull the whole 57-page
21 summary out there. I thought in the 57-page summary of
22 the interview that as you were discussing the different
23 sources of people he knew in Russia, I got the
24 impression that you all had the impression that he was
25 not being forthcoming about his contacts with Russian

1 intelligence, individual associated with Russian
2 intelligence?

3 A. One of his sources was a former
4 intelligence officer through contacts he had back home.
5 I can't recall any of the specifics.

6 Q. Okay. Did you understand coming out of
7 the interview, after the interview was over, that the
8 primary subsource was actually sort of a contract
9 employee of Orbis Business Intelligence?

10 A. Yeah. That came up in the discussion,
11 that he worked for Orbis in the past. That was part or
12 the -- I think when we were getting to know him a little
13 bit.

14 Q. Did it become apparent that the primary
15 subsource was in the United States?

16 A. I'm sorry?

17 Q. Did it become apparent that the primary
18 subsource lived in the United States?

19 A. Yes.

20 BY MR. BAKER:

21 Q. You had said earlier with a similar
22 question I asked that it was a surprise where this
23 individual ended up living. Why was it a surprise?

24 A. I don't know if we want get into where he
25 lives, where the primary subsource lives. It was closer

1 than I thought, not because of the information primary
2 subsource was providing, just because we were
3 scouring -- we weren't -- we wanted to get in front of
4 him and he was closer than we thought.

5 BY MR. SOMERS:

6 Q. Prior to learning who the subsource was
7 and where he lived, did you believe he lived in Russia?

8 A. I don't think I was aware. I don't think
9 I had an opinion or a thought of where he lived. Him
10 living the United States doesn't make a huge -- it's
11 not -- I was just -- it's not a surprise. It was just
12 more of a humorous surprise, more of an investigative
13 surprise.

14 Q. So if the FISA application said the
15 primary subsource was Russia based, you did not put
16 those words in there?

17 [REDACTED]: Hold on.

18 [REDACTED] confers with the witness.]

19 THE WITNESS: Repeat the question, please.

20 BY MR. SOMERS:

21 Q. If the FISA said that the primary
22 subsource was Russian based, are you testifying that you
23 wouldn't have put those words in there because you
24 didn't think he was Russia based?

25 A. If it says that, I don't recall providing

1 that.

2 Q. You don't recall providing that?

3 A. I don't recall that.

4 Q. You talked in the last round with the
5 Minority about whether money could be a motivation for a
6 source and you said you wouldn't necessarily discount a
7 source if money was the motive. Could spreading foreign
8 disinformation be a motive?

9 A. So I think anything the FBI receives from
10 an individual can be motivated by various factor. The
11 role of the FBI is to take that information and vet it
12 and run it through out -- you know, to track it down and
13 to make a determination if it's false, it's true, or
14 disinformation. Our role is to take in the information
15 and vet it all out.

16 Q. Are motives more important to take into
17 consideration than others?

18 A. I think it depends on the motive. I
19 think it depends on --

20 MS. ARGENTIERI: I'm unclear on the question.
21 To him or to the person giving the information?

22 BY MR. SOMERS:

23 Q. To how you take the information, how you
24 receive the information. You receive information. You
25 said money may not matter. I'm asking

1 whether -- there's got to be a whole host of factors of
2 things you want to take into consideration as you
3 receive information. I'm trying to understand whether
4 some of those motives, you just don't discount?

5 A. The motives of the source?

6 Q. Of the source in providing FBI with the
7 information.

8 A. I think it depends on the source. I
9 think it depends on the situation. We recruit
10 intelligence officers who we pay to provide information.
11 Although we pay them, they may be motivated by ego, but
12 we will still take the information and we take whatever
13 information we have. As I said earlier, we'll always
14 accept the information, and then our role as
15 investigators and the intelligence cadre is to go
16 through it, to vet it, to ensure it's accurate and to
17 report on it.

18 Q. Did you --

19 A. If we find a problem with it, then we
20 determine if we want to continue the relationship with
21 that source.

22 Q. Did you get leads -- so in the interview,
23 I can kind of tell, although there's a lot of redactions
24 from the 57-page summary, that you were probing the
25 primary subsource on his sources.

1 A. Yes.

2 Q. I'm trying to get "subs" out of here.

3 Did you develop leads out of the interview with
4 the primary subsource as to who his sources were?

5 A. We did. Again, I don't know whether or
6 not -- if you read the version that I have seen --it's
7 been a few years since then -- once identified, I asked
8 about if that individual would be amenable to be in
9 contact by the FBI, if that individual would be -- so
10 the way I envisioned my role in that interview is to get
11 the subsource or whoever. Once those are identified, to
12 figure out where those individuals reside or how we
13 could safely get in touch with those individuals so that
14 the FBI, USITC, or whoever could get in front of those
15 individuals, albeit the United States or a third
16 country, then, as I mentioned throughout the course of
17 this day, to get from the primary source information.

18 Q. Did the primary source -- I'm not asking
19 you the actual name. Did he provide you with the names
20 of his subsources?

21 A. He gave some names.

22 Q. Do you recall any discussion within the
23 Crossfire Hurricane team, first, about then trying to go
24 into interview these individuals?

25 A. I remember I was -- even though I was

1 transitioning off, there was an individual I think I
2 wanted to get in contact him, because this individual
3 came to the United States on a fairly regular basis or
4 somewhat regular basis.

5 Q. What about going overseas to speak to
6 these people?

7 A. I think I remember one individual that
8 was standing out that I wanted to go see if we could get
9 in front of.

10 Q. Do you recall any disagreements about
11 whether resources should be spent on going overseas to
12 interview sources?

13 A. At that point, I think I was not
14 affiliated with the investigation.

15 Q. How about prior to the primary subsource
16 interview? You guys had some idea of who some of the
17 subsources were. Correct?

18 A. Only through the October meeting that
19 occurred with Steele, I think, but I can't recall any
20 discussion about any disagreement about funding and
21 trying to get overseas. Again, this goes to the
22 resource issue. We were focused on some other things at
23 the time. So the individuals whom were identified in
24 that October meeting, we weren't sure how we would be
25 able to get in contact with them.

1 Q. I want to clear something up. You said a
2 few times and you just clarified that the person -- I
3 think you said you had some reason to believe it was the
4 primary subsource. It was clarified in earlier rounds.

5 You had no reason to believe the person you
6 interview was not the primary subsource; is that
7 correct?

8 A. I wasn't involved in trying to identify
9 and locate the primary subsource. That was a role that
10 was, if I recall correctly, done by the intelligence
11 analyst.

12 Q. So you were just clarifying that you're
13 not the one that identified the primary subsource; you
14 relied on the analyst to tell you?

15 A. Yes, which is what we do.

16 BY MR. BAKER:

17 Q. On that point, generally speaking, once
18 the primary subsource or a subsource or any information
19 is gleaned as far as an identity of somebody that you're
20 trying to find, it would be just normal investigative
21 procedure to sort of verify that that person could have
22 provided the information they provided; they could have
23 traveled to place they said they traveled?

24 You just wouldn't come up with a name and assume
25 it's the right person; there would be some sort of

1 puzzle fitting of pieces to see that this guy is
2 probably who he says he is or who he's purported to be?

3 A. Yeah. I mean, there would be steps taken
4 to try. It wouldn't be just pulling a name out of a
5 hat. It would be based on certain matrices that are
6 developed by whomever is trying to identify individual.

7 BY MR. SOMERS:

8 Q. You answered this, but I just want to put
9 a fine point on it. You don't recall, after the primary
10 subsource interview, anyone saying, Hey, we have a
11 problem with the FISA as a result of the primary
12 subsource interview?

13 A. Not that I recall, no.

14 Q. Did you see -- we don't have access to
15 the document. There's the 57-page summary that we've
16 discussed. There's also, according to the IG report, a
17 two-page shorter summary, essentially, of the 57-page
18 summary.

19 Do you recall that document?

20 A. I don't. With the passage of time, I
21 don't recall.

22 Q. Do you recall any role in drafting that
23 document?

24 A. I don't believe I did, no.

25 Q. And just to be clear, you don't recall

1 taking part or as part of a regular meeting or any group
2 meeting of the Crossfire Hurricane team -- this is the
3 last one I'll ask you on this, but I do want to ask this
4 question: You do not recall a meeting during which a
5 larger group of the Crossfire Hurricane team where your
6 three-day interview with the primary subsource was
7 discussed?

8 A. I participated in numerous meetings even
9 when I came down from New York for a specific meeting.
10 I can't recall. There may have been, but again, I don't
11 recall a specific meeting.

12 Q. Okay.

13 A. I'm sorry. It's been years. So I
14 apologize.

15 Q. You don't have to apologize. It's been a
16 while. I'm just asking for your recollection.

17 In terms of sources -- getting back to
18 Christopher Steele himself, getting away from the
19 primary subsource and getting back to the FISA itself,
20 on page 131 of the FISA, this exchange seems to have
21 occurred: "The OGC unit chief advised Case Agent 1 on
22 September 22nd during the drafting of the FISA request
23 form, she said, quote: One last thing, we probably need
24 a little bit more on the source -- redacted.

25 It says: "This is essentially a single-source

1 FISA. We have to give a fulsome description of the
2 source."

3 So you were -- were you aware that the source
4 characterization was important in this particular FISA
5 application?

6 A. I was aware of the importance because
7 everything we put in a FISA is important.

8 Q. Were you aware prior to receiving
9 that -- you've worked on, you said, around 10
10 FISAs -- that a source characterization statement, when
11 you're relying on a confidential human source for
12 information in a FISA, is important?

13 A. I have provided it in the past, yes.

14 Q. I mean did you realize it was important?

15 A. Yes. I understood it was something to
16 include in the FISA, yes.

17 Q. So then: "Handling Agent 1 also told
18 that FBI email instant messages reflect that he had
19 provided language on September 23rd."

20 This is on page 160. I'm sorry.

21 "Handling Agent 1 also told that FBI email
22 instant messages reflect had he had provided language on
23 September 23rd to Case Agent 1 that the source
24 characterization statement that was substantively
25 different from the final language used in the FISA

1 application."

2 So what Handling Agent1, according to the IG
3 report, provided you with is the following statement. I
4 think the statement is on 161 if you want to look at it
5 while I'm reading it into the record.

6 "CHS had been signed up for over three years and
7 reliable. CHS responds to taskings and obtaining
8 information from network or subsource. Some of the
9 CHS's info has been corroborated, when possible."

10 Do you recall receiving a source
11 characterization statement from the handling agent?

12 A. I recall the back and forth between
13 myself and him.

14 Q. About the source characterization
15 statement?

16 A. [Gestures.]

17 Q. Then it goes on to say the
18 characterization statement that you provided OI -- it
19 says: "Case Agent 1 provided OI with the following
20 characterization of Steele for inclusion in the FISA
21 application. This information comes from a sensitive
22 FBI source whose reporting has been corroborated and
23 used in the criminal proceeding and who obtained
24 information from a number of sensitive well-placed
25 subsources. Several of the source's reporting is from

1 June 2016 through August 2016."

2 Within that, there's some other variations, but
3 there's two variations that I would like to point out
4 between what Handling 1 provided you and what he
5 provided to OI. One is the clause "has been
6 corroborated and used in criminal proceedings".

7

Do you recall where you got that phrase?

8 A. Yeah. I received that phrase from the
9 intelligence memo that was drafted by the SIA.

10 Q. That's FBI product, the intelligence
11 memo?

12 A. That's FBI product that we regularly use
13 in FISA applications.

14 Q. Okay. And there's another clause in
15 there that says "who obtained information from a number
16 of ostensibly well-placed subsources". Where did you
17 get the impression that his subsources were ostensibly
18 well-positioned?

19 A. I believe that also taken from -- as
20 stated the IG report, I took it from the intel memo from
21 the SIA.

22 Q. Why did you take a source
23 characterization statement from the intel memo and not
24 from the handling agent?

25 A. We typically take information from intel

1 memos. I believe they're vetted products and approved
2 at I forget how many levels, but they are normally
3 incorporated into our FISA applications. My
4 understanding in reading the intel memo, the SIA did
5 dive into information that was provided by Steele to the
6 FBI. That language was incorporated into the
7 intelligence memo and, as I mentioned in the IG report,
8 I think I -- I'd need to find the exact quote, but I
9 used that language.

10 Q. Did you provide these two sentence to the
11 handling agent before you sent it to OI?

12 A. I did not, no.

13 Q. Did you realize at the time that there
14 was a Woods requirement that you did so?

15 A. No, I was not.

16 Q. And according to the IG report on page
17 183 at Footnote 329: "According to IG report, SSA 1
18 requested a human source validation review on Steele in
19 November of 2016."

20 Did you speak with SSA 1 about getting a human
21 source validation?

22 A. We talked about doing an asset validation
23 review.

24 Q. Is that an enhanced validation?

25 A. I forget if it was enhanced or not.

1 Q. Did you agree that it would be good thing
2 to do?

3 A. It's always a good thing to do.

4 BY MR. BAKER:

5 Q. Why is it always a good thing to do?

6 A. We use sources all the time. I wasn't
7 familiar with who this individual was aside from the
8 meetings. There is harm in it that I thought.

9 Again, we had nothing to hide. It was just
10 doing an asset validation review.

11 BY MR. SOMERS:

12 Q. Do you recall that validation review
13 getting shut down?

14 A. I recall discussions, but nothing -- I
15 was not part of it. So all I can recall are discussion
16 that I had heard.

17 Q. Did SSA 1 come back to you at some point
18 and tell you, Hey, we got turned?

19 I think he actually started the source
20 validation review. Did he come to you and say, Hey, the
21 source validation-- I'm sorry -- the enhanced validation
22 was shut down?

23 A. If I recall correctly, yes. We met
24 with -- I believe we met with the validation unit
25 briefly, maybe one day, and I remember, to the best of

1 my knowledge, the SSA saying it was -- I don't know if
2 "shut down" was the language that was used, but it was
3 put on hold.

4 Q. But it was -- I used the words "shut
5 down" or the term "shut down". My understanding is it
6 was started and stopped versus never started.

7 A. Right, and I can't speak to that. I know
8 that -- I recall -- again, this is the best of my
9 recollection from a few years ago -- that there was a
10 discussion where I heard from the SSA that it was on
11 hold or whatever language you want to use, but I don't
12 remember the exact language.

13 Q. Do you recall if he was frustrated by
14 this, upset by it in some way?

15 A. That would be supposition on my part.

16 BY MR. BAKER:

17 Q. Did you have any understanding of why it
18 was stopped or shut down?

19 A. No. No.

20 BY MR. SOMERS:

21 Q. Had you ever done an enhanced or any sort
22 of -- have you ever requested a source validation
23 review?

24 A. I have had source validation reviews on
25 other sources in the past, I think once or twice.

1 Q. Is that unit at the FBI known for leaking
2 information to the press?

3 A. I can't speak to that.

4 Q. As an agent, you've never heard that they
5 were known for leaking information?

6 A. No. I've never heard that. This is the
7 first time I'm hearing that.

8 Q. Have you heard that they leak information
9 around the Bureau itself?

10 A. I have not heard anything along those
11 lines except for today.

12 Q. Have you heard anything negative about
13 the validation unit in terms of them letting information
14 slip out?

15 A. I have never heard anything negative
16 about them leaking information until today.

17 BY MR. BAKER:

18 Q. You said you've done enhanced validation
19 on other sources, I think you said.

20 A. Again, I don't want to get stuck in
21 enhanced or asset validation review.

22 Q. Sure.

23 A. I've had a review done on one or two
24 sources.

25 Q. This is my lame kind of term for this.

1 Is it like a deep dive into the source?

2 A. They take a look at the source. They
3 have access to the file, whatever source files, whatever
4 closely-held things. They get access to it and they
5 sometimes speak with case agents. Sometimes they don't,
6 or the handling agent, I should say, and then they
7 provide a report.

8 Q. So they might have access to things that
9 a case agent might have not access to if you wanted to
10 do, as a case agent, a preliminary search or something?
11 This enhanced validation unit, it sounds like they have
12 an ability to go deeper.

13 A. I can't speak to what access they have
14 and don't have. Like I said, I've done it once or
15 twice, but I never had a very good understanding about
16 how they go about what they do.

17 Q. Is it your understanding that they would
18 find things that you, as a case agent, might be
19 interested in knowing about your source?

20 A. Yeah. I think -- well, yeah. They may
21 call attention to some things the case agent may know,
22 but given the relationship, the case agent, obviously,
23 there are different types of relationships with sources.
24 So it just calls attention to it, and sometimes they ask
25 for updated records, things like that.

1 So it depends on the report.

2 Q. In your experience for the few that
3 you've done, are they able to find things or have they
4 found things that you didn't know about the source?

5 A. I don't recall, honestly. I can't answer
6 that specifically.

7 Q. And you don't recall if SSA 1 was
8 frustrated or upset that this enhanced validation was
9 slowed down or stopped?

10 A. That would be me putting emotion to a
11 comment I heard. So I can't speak to that.

12 Q. But it was, in fact, slowed down or
13 stopped?

14 A. From what I heard, it was either slowed
15 or stopped. I don't know what language you want to use,
16 but I recall a conversation. It was maybe a one- or
17 two-off conversation, but I can't recall specifics. I
18 don't want to put any emotion to a conversation that we
19 had, but it was a conversation we had.

20 Q. Do you know of anybody on the Crossfire
21 Hurricane team that was frustrated beyond what a normal
22 frustration between investigators would be?

23 My understanding is a normal difference of
24 opinion amongst investigators ultimately or many times
25 very helpful. You play off of each other and come up

1 with a road forward that is beneficial to the overall
2 goal of the case.

3 Was anybody so upset over something on the team,
4 so upset over something that they couldn't do or weren't
5 allowed to do that they left the team or --

6 A. No. Nobody left the team out of
7 frustration. Nobody -- as you said, there is normal
8 give and take between the investigative team members. I
9 don't recall any -- it was a small team. We had some
10 analysts join us here and there, but I don't recall any
11 major frustration aside from the day-to-day and some
12 people feeling they should be included in some things,
13 you know, investigative steps.

14 Aside from that, that's just normal, but nobody
15 left the team as far as I recall because they were
16 frustrated about the pace or because of the
17 investigative work.

18 Q. I think I understood you in dialogue with
19 our Minority colleagues that you, maybe others, did a
20 general frustration with maybe the resources that you
21 had or the task that you had. Is that correct?

22 A. That would be a fair assessment.

23 Q. And how --

24 A. Well -- I'm sorry. Looking back on it, I
25 think in the midst of we felt we were stretched thin,

1 but we understood management's decision to keep it lean
2 in order to prevent leaks and in order to, as I've said
3 all along, protect the integrity of the process and
4 those being investigated; but in retrospect, we could
5 have used bodies.

6 Now, is there an email or instant message where
7 I complained? Maybe, but that's -- again, that's mostly
8 in retrospect that, looking back on it, we should have
9 had way more people for this investigation.

10 Q. Do know if you did raise concern to
11 anybody that this is really a lot to do, that it would
12 be better served by having a few more bodies?

13 A. We probably had a discussion at that
14 point, but, again, we were trying to strike a balance
15 and we did the best we could given the resources we had,
16 but I don't recall having a conversation with anybody
17 asking for more -- that's not my role as a case agent.
18 I may have complained about it or said something about
19 it, like I said, but my role as a case agent is to
20 investigate.

21 Q. Did SSA 1 or anybody, I mean, hear your
22 general concerns or see your general frustration and
23 say, Well, I'm going to bring this up at a meeting with
24 the section chief or whoever?

25 A. Not that I recall anything specific.

1 Q. As far as you know, it stayed at the
2 worker bee level?

3 A. Yes, as far as I remember.

4 MR. BAKER: Okay.

5 BY MR. SOMERS:

6 Q. Do you recall on September 23, 2016,
7 Yahoo News published an article titled "U.S. Intel
8 Officials Probe Ties Between Trump Advisor and Kremlin"?
9 The article described efforts by the U.S. Government
10 to --

11 MS. ARGENTIERI: I'm sorry. I want to just talk
12 to him for one second.

13 MR. SOMERS: Okay.

14 [Ms. Argentieri confers with the witness.]

15 MS. ARGENTIERI: I'm so sorry.

16 MR. SOMERS: No. I was just reading.

17 MS. ARGENTIERI: That's okay.

18 BY MR. SOMERS:

19 Q. I don't know where we got cut off, but on
20 September 23, 2016, Yahoo News published an article
21 titled "U.S. Intel Officials Probe Ties Between Trump
22 Advisor and Kremlin". The article describes efforts by
23 U.S. Government intelligence agencies to determine
24 whether Carter Page opened communication channels with
25 Kremlin officials.

1 Do you recall this article?

2 A. I do, yes.

3 Q. Okay. Page 106 of the Horowitz report
4 states: "In contrast, Case 1 sent instant messages
5 indicating his belief that Steele was the, quote,
6 western intelligence source mentioned in the Yahoo News
7 article and Steele was, quote, selling his stuff to
8 others. Case Agent 1 told us that the Crossfire
9 Hurricane team later said Simpson or someone else who
10 had the Steele information rather than Steele himself
11 was responsible for furnishing the information to Yahoo
12 News.

13 Why did you initially assess that it was Steele
14 himself?

15 A. I believed the information in the news
16 article lined up with some of the reporting that we had
17 or recently received, I guess four days earlier.

18 Q. So was it your assessment or was it the
19 team's assessment that it was Simpson or somebody else,
20 not Steele?

21 A. We had a team assessment. I believe
22 that -- so here's where my issue with the IG report
23 comes out. I don't know when that IM was dated, if it
24 was my instantaneous reaction to reading that article.
25 That's a contemporaneous note I made to another

1 individual on the investigative team.

2 When we met as a team, first, we were concerned
3 in that there was a leak in the investigation. Then we
4 made an assessment that the information most likely came
5 from the U.S.-based entities that had the information,
6 that was based on after the meeting that we had
7 with -- "we" being the team -- I'm sorry -- with Steele
8 in October whereby he complained to Case Agent 2 and the
9 SIA about the leaks in the investigation where he, I
10 think, was worried about his source and his source
11 network drying because of the leaks in the
12 investigation.

13
14 This was discussed with the IG and you can see
15 it here. He was not asking if was the source of that
16 article by the team. I can't put myself in their shoes
17 as to why he wasn't asked. My best guess is because he
18 complained about leaks and these were, you know,
19 individuals who he was -- Steele, as we know, is a
20 foreign intelligence professional who would divulge
21 information to the public.

22 After that meeting, I think we assess that this
23 was opposition research and my best guess as to why we
24 decided -- made the assessment was because the
25 individuals in the U.S. who were getting the information
from Steele were asking opposition research. So,

1 therefore, that would a natural avenue.

2 So I'm sorry. I just lost -- I apologize.

3 [Witness confers with counsel.]

4 THE WITNESS: I believe if you read the IG
5 report, Stu Evans -- I'm sorry. I don't know if I can
6 use his name or not.

7 BY MR. SOMERS:

8 Q. Yeah. I can.

9 A. I believe he said that they didn't hide
10 the information, that most of it came from Steele, but
11 we made an assessment given the information at the time
12 as a team that it was most likely the U.S.-based
13 entities that receiving the Steele reporting.

14 Q. A couple of questions: One, you
15 mentioned he was concerned about leaks. It's my
16 impression that the leaks that Steele was concerned
17 about were leaks about were leaks of Mid-Year Exam
18 investigation of Hillary Clinton's email serves, is my
19 recollection.

20 A. Actually, sorry. I think when he first
21 met with Case Agent -- I don't have the page. When he
22 first met with Case Agent 2, he complained about leaks
23 and he complained specifically, if I recall
24 correctly -- I don't have the page. I'd have to find it
25 where he specifically mentioned his sources. As far as

1 I know, he was not a source of the Mid-Year Exam.

2 Q. Okay.

3 A. So that's -- so I think, if I recall
4 correctly, as is stated in here, the assessment of the
5 people in the field, being me and those in front of him,
6 assessed that to be him complaining about the Yahoo News
7 article, because at that point, that was the only thing
8 came out about anything revealing an investigation.

9 Q. But your concern with the -- I mean, the
10 Steele ultimately gets terminated or whatever the proper
11 terminology is as a source because of it was confirmed
12 later in the October and November, October 31st and
13 November 1, he gets terminated as a source because of a
14 leak to the media.

15 A. Right.

16 Q. So it was relatively serious, was it not?
17 If this was Steele leaking to Yahoo News, that would be
18 a rather serious breach, would it not?

19 A. He was closed for talking to the press,
20 but it began -- I'll point you to the report. I can't
21 refer to the exact page, but Stu Evans also indicated
22 that in the next FISA, we mentioned that Steele was
23 closed for cause for speaking to the media.

24 Q. I was just asking whether speaking to the
25 media was serious.

1 A. It is serious.

2 Q. On page 107 of the FISA report, it
3 indicates that drafts of the Carter Page FISA
4 application stated on October 14, 2016, Steele was
5 responsible for the leaks that led to the September 23rd
6 Yahoo News article. One draft specifically stated that
7 Steele was acting on his/her own volition and had since
8 been admonished by the FBI.

9 Did you have any responsibility in the drafting
10 that, whatever the prior statement was in the FISA?

11 A. So I'll point your attention to the
12 report again, the page where I believe OI said they
13 included the Yahoo News article in the FISA. That's
14 something I remember too as a case agent, because OI
15 drafts the FISA application.

16 Q. But you --

17 A. Sorry. And the OI attorney couldn't
18 recall how the footnote was put in there and that the
19 OI, I believe, said he may have put it in there as a
20 placeholder.

21 Q. Okay. I was just asking whether -- I
22 understand the OI actually physically drafts it, but
23 does take input or a lot of input from the FBI.

24 A. Right.

25 Q. All I'm asking you is whether you had any

1 input to OI in --

2 A. I don't recall that and I'll just point
3 you back to that report where I believe the OI attorney
4 said he thinks he may have put it in as a placeholder
5 where he then asked us questions.

6 Q. Okay.

7 BY MR. BAKER:

8 Q. What was your relationship with the OI
9 attorney? I sense a little bit -- you alluded earlier
10 that there might be for another day, another forum
11 suggestions to improve the process or whatnot. I
12 thought you had a carveout of something that might be
13 more appropriate for DOJ, and then I think we've heard
14 today there were some things you sent that weren't put
15 in.

16 Did you have a good working relationship with
17 this attorney? Was it frustrating?

18 A. We had a very good working relationship.
19 I liked him a great deal. I thought that we got along
20 professionally. I think that we were open and honest
21 with him with what we were doing.

22 He was receptive when I had calls or questions.
23 I think they understood the import of this. I knew his
24 boss as well over the years.

25 So I think we -- it's not cast in stone that

1 it's this individual. It was a good working
2 relationship.

3 MR. BAKER: Thank you.

4 BY MR. SOMERS:

5 Q. While you were working on Crossfire
6 Hurricane, did you ever learn that the DNC was the
7 ultimate client for the Steele Dossier?

8 A. I can't recall when I learned that. I
9 can't recall if it was from after the fact or not. This
10 is so engrained in, you know, various media reports. I
11 can't recall.

12 Q. Just one thing: I'll mention this to you
13 and maybe it will refresh your recollection. Maybe it
14 won't.

15 "██████████ and the supervisory intel analyst told
16 OIG and email communications reflect that by no later
17 than January 11, 2017, ██████████ and the supervisory intel
18 analyst understood that Fusion GPS had been hired by the
19 DNC and another unidentified entity to research
20 Candidate Trump's ties to Russia."
21

MS. RIDI: What page is that?

22 MR. SOMERS: I don't have a page. I'm just
23 asking if it refreshes his recollection or not. I
24 mentioned that I don't know if it would.

25 THE WITNESS: I don't recall.

1 MR. SOMERS: I think it's on page 98. Sorry.

2 THE WITNESS: Yeah. So that's not a question.

3 BY MR. SOMERS:

4 Q. I asked if that helped --

5 A. I don't recall.

6 Q. -- if you thought that in January of
7 2017 --

8 A. I don't recall.

9 Q. The IG report indicates that on October
10 20, 2016 -- I've got to change the name back -- SSA 1
11 and Case Agent 1 signed the FISA verification form or
12 Woods form affirming the verification documentation for
13 each factual assertion in the application.

14 You indicated in one of my first questions that
15 you had read or review the Horowitz report. Looking
16 back on the Horowitz report, do you stand by your
17 signature on the October 20, 2016 Woods form?

18 A. I do.

19 Q. Did you read the -- are you familiar with
20 the 17 significant errors and omission that Horowitz
21 identified?

22 A. Yes.

23 Q. Do you agree that they were significant?

24 Do you agree that there are errors and
25 omissions? Let's start there.

1 A. I don't think there were any intentional
2 omissions. I think that we acted in good faith with OI
3 and provided any information requested or any
4 information we thought for the investigation to move
5 forward. Again, as I discussed, the OGA issue, we've
6 discussed at length. The information about the
7 transcripts between myself -- excuse me -- between the
8 CHS and Carter Page was presented to OI. The email
9 describing an individual was provided to OI.

10 There were a number of things provided and that
11 just weren't either read or acted on, including the
12 source statement whereby the OI attorney states that
13 he -- there's no clear interpretation that he
14 cooperating in criminal proceedings. He felt that
15 this -- again, there is no clear definition of it. We
16 said -- it could mean the spirit in using criminal
17 proceedings. So nobody really understood that as a
18 definition.

19 Again, we were as transparent as we possibly
20 could be with OI during a dynamic fast-moving
21 investigation.

22 Q. Do you think it's a problem with the FISA
23 process?

24 A. As a --

25 Q. Between FBI -- I'm asking specifically

1 about the interaction between OI and the people working
2 the case at the FBI?

3 A. I think this indicates there's a
4 systematic problem.

5 Q. That's what I'm asking.

6 A. I think, as I spoke earlier, I think that
7 the changes that are being implemented hopefully will
8 resolve those issues. I think there are other
9 things -- as I mentioned to Inspector General Horowitz
10 when I met with him in December, there are other changes
11 that could be made.

12 I am a GS-14 currently. I don't have a lot of
13 say on how this is done.

14 Q. I understand.

15 A. Having to live through this and having
16 had this affect me personally, things can be changed to
17 make it better so that nobody is called in question
18 again on issues like this.

19 BY MR. BAKER:

20 Q. I think you said during your round with
21 the Minority --

22 MS. ZDEB: I'm sorry. Before you go on, you're
23 now over by a bit at this point, but depending on how
24 much longer you have overall, we may be fine with you
25 just finishing up, but if you have --

1 MR. BAKER: I have just one quick question.

2 BY MR. BAKER:

3 Q. You said during the last round that
4 institutional issues existed with FISA. Did you mean
5 the actual process of so many moving parts, it would
6 seem to me in the FISA process, or is it a cultural
7 issue with people in the FBI?

8 A. No. I think it's institutional as far as
9 a process. I think that we investigate. FISA is a
10 useful and valuable tool for us to use. We take FISA as
11 seriously as we do any other product, even more so
12 because of the access it gives and what it means to us.

13 There are always ways to improve the process
14 and, again, as I stated just before, you know, I'm not
15 the -- I have been made the number one person for a
16 failure of FISA. I'm not. If this leads to
17 institutional changes that codifies things and makes
18 things better for case agents, so be it and that's a
19 good thing here; but I think that the changes that are
20 being made are probably long overdue and probably much
21 needed, as evidenced by me sitting here.

22 I think that we're better than we were a year
23 ago for FISAs and with the errors and omissions, however
24 you want to phrase what was found here, I think we're on
25 a path to a better process.

1 MR. BAKER: Thank you.

2 MR. SOMERS: We can take a break now.

3 [Whereupon, at 3:40 p.m., a recess was taken,
4 resuming at 3:50 p.m.]

5 MR. HASKELL: It's 3:50 p.m. and we're going
6 back on.

7 FURTHER EXAMINATION BY THE MINORITY

8 BY MR. HASKELL:

9 Q. We talked quite a bit today about
10 confidential human sources, and one of the individuals
11 that the Crossfire Hurricane team used as a CHS was
12 Source 2 that you had handled since 2011. Among the
13 things that Source 2 did was he met with Carter Page in
14 August 2016, and you told OIG that as a result of that
15 meeting: "We now had a successful contact between the
16 established FBI source and one of our targets, which
17 gave the Crossfire Hurricane team confidence that they
18 could find out investigatively what we'd been charged to
19 do."

20 Is it fair to say that the purpose of your use
21 of Source 2 and other CHSes on Crossfire Hurricane was
22 either to corroborate or to dispel allegations that the
23 Trump Campaign was involved in Russia's ongoing election
24 interference effort?

25 A. Yes, and to get assessment information

1 out of those individuals.

2 Q. And the information that would allow you
3 to either corroborate it or dispel it and close the
4 case?

5 A. Yes.

6 Q. More broadly, have you found CHSes to be
7 a valuable tool for corroborating or dispelling
8 allegations during the course of your time with the FBI?

9 A. Yes.

10 Q. And is it fair to say that, in your
11 experience, CHSes have played an important role in
12 investigating national security threats?

13 A. Yes.

14 Q. I've always understood that sources and
15 methods, including CHSes, are things that the FBI
16 vigorously protect. Is that correct in your experience?

17 A. They're some of our most valuable asset.

18 Q. In general, why is it important for the
19 FBI to protect its sources?

20 A. "A", for their for personal safety; "B",
21 to protect the integrity of investigations and allows us
22 to continue potential other operations in the use that
23 CHS throughout the course of the CHS's working
24 relationship with the FBI.

25 Q. You mentioned public safety and, in

1 general, what are the risks to the source of them not
2 being protected, their identity being disclosed?

3 A. Anywhere from death to harassment.

4 Q. And you worked on Russia issues for
5 years. Are those risks, the personal safety risks, to a
6 source amplified when Russia is involved?

7 A. Yes.

8 Q. Setting the public safety aside, does
9 exposing a source's identity impact the FBI's ability to
10 recruit other sources?

11 A. Absolutely.

12 Q. Can you elaborate a bit on that?

13 A. We tell the sources, typically, we'll do
14 our best to protect their identity, and I'll speak to
15 national security issues, not on the criminal side
16 because I'm not experienced and I can't speak to that;
17 but depending on that source, the source could be used
18 in various investigations [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED].

23 They're invaluable to us on a national security
24 side. If their names and their identities or anything
25 that can identify becomes public, that puts not only

1 that individual's safety at risk, but ongoing and past
2 FBI USITC operations at risk.

3 Q. And following on that, is it fair to say
4 that it puts our national security at risk?

5 A. It absolutely does, yes. It would
6 prevent us from recruiting other individuals who want to
7 work with the FBI.

8 Q. We've discussed quite a bit today the EC
9 documenting the interview with the primary subsource.
10 That document was declassified, and shortly after it was
11 posted on our committee's website, shortly after that, a
12 blogger deduced and widely publicized that individual's
13 identity. Are you aware of that?

14 A. I have heard of it.

15 Q. And do you recall that during the
16 interview, and this is reflected in the EC, that: The
17 primary subsource as recorded in the EC said unless his
18 name goes public, he is fine when it comes to his source
19 network. He doesn't believe he can travel -- redacted.
20 He feels that he would be in danger and, as put
21 it -- and then redacted again.

22 Would the risk, including the risk to public
23 safety, including the risk of death that you mentioned,
24 apply potentially to the revealing of the identity of
25 the individual you believed to be the primary subsource?

1 A. The Russian Intelligence Service has
2 shown that they will spare nothing to get back at
3 individual who provide information about the Russian
4 Government or the actions of the Russian Government. It
5 wouldn't surprise me.

6 Yes. There is a potential for safety for the
7 individual and the families.

8 Q. And in this case as well, not only the
9 risk to the safety of the individual, but also the risk
10 to our national security?

11 A. Yes.

12 BY MS. ZDEB:

13 Q. If I could just jump in with a couple of
14 additional questions while we're still on the topic of
15 sources and the primary subsource.

16 You just talked about risk to the safety of the
17 source when their identity is exposed as well as the
18 deterrent effect that will have on the ability to
19 recruit sources in the future. Is there also a
20 deterrent or a chilling effect if the source whose
21 identity is exposed is still a current source for the
22 Bureau?

23 In other words, does the exposure of that
24 individual's identity make it less likely, perhaps, that
25 that source would continue cooperating with the FBI?

1 A. It essentially would nullify that
2 relationship. Yes.

3 Q. Turning back to the disinformation theory
4 that our colleagues in the Majority were asking you
5 about in the last round, and I'll again try to keep it
6 at a pretty high level in generality, without getting
7 into the specifics of the primary subsorce or any other
8 source, it seemed to me that Mr. Baker was somewhat
9 conflating the concept of disinformation, on the other
10 hand, and then on the other hand, the concept of someone
11 having tied to or even being a member of a foreign
12 intelligence service.

13 So to just put a finer point on this issue, does
14 the fact that a source has ties to a foreign
15 intelligence service or is, perhaps, even associated
16 with a foreign intelligence service necessarily mean
17 that everything that the FBI receives from the source is
18 disinformation?

19 A. No. Some of your best sources are some
20 of those individuals.

21 Q. And so I would imagine, as I think you
22 indicated in response to one of Mr. Haskell's questions
23 earlier, there certainly could be a risk of
24 disinformation and that is why or that is one reason
25 why, in your words, the role of the FBI is to vet

1 information from the source; is that correct?

2 A. That's correct, yes.

3 Q. But the mere fact that someone had ties
4 to a foreign intelligence service or is even associated
5 or a member of a foreign intelligence service, that
6 standing alone does not disqualify that person from
7 being a source of the FBI?

8 A. No.

9 Q. And, in fact, as you said previously, the
10 FBI recruits and pays members of foreign intelligence
11 services and, as you indicated just a moment ago, those
12 can be some of the Bureau's best sources; is that
13 correct?

14 A. That s c rrect.

15 MS. ZDEB: Thank you.

16 BY MR. HASKELL:

17 Q Mr. Somers mentioned earlier in the
18 interview a statement that George Papadopolous had made
19 that, you know, certain actions would be illegal and
20 denying participation in them. I know that you didn't
21 do much work on the Papadopolous case. I have just a
22 few questions that you may able to answer about it.

23 You told the IG -- I think this is page 332 of
24 the IG report -- that the Crossfire Hurricane team's
25 assessment was that Papadopolous's denial and, to be

1 more specific there, he denied that anyone in the Trump
2 Campaign was collaborating with Russia or outside groups
3 like WikiLeaks or had any involvement in the DNC's email
4 hack, and you explained that the team -- that the
5 Crossfire Hurricane's team assessment was that
6 Papadopolous' denial to the CHS was a rehearsed
7 response. You also explained the team discussed for
8 several days whether Papadopolous had, quote, been
9 coached by a legal team to deny any involvement.

10 Was it important for the FBI to assess whether
11 Papadopolous had been coached by a legal team and, if
12 so, why would that be important?

13 A. Give me one second.

14 MR. HASKELL: Take your time.

15 [Witness peruses document and confers with Ms.
16 Argentieri.]

17 THE WITNESS: Could you just repeat that?

18 BY MR. HASKELL:

19 Q. Yes, of course.

20 Was it important for the FBI to assess whether
21 Papadopolous, quote, had been coached by a legal team
22 and, if so, why would that be important, to determine
23 whether or not he had been coached to respond to those
24 questions with those denials?

25 A. We were evaluating his credibility and

1 want to see if he was being honest.

2 Q. So determining if he was giving a
3 reversed response and dishonesty?

4 A. Yeah.

5 Q. Understood. And do you recall whether
6 the Crossfire Hurricane team ever came to a conclusion
7 one way or another about whether those were rehearsed
8 responses?

9 A. No. I don't recall specifically.

10 I'm sorry. Could you just repeat that? I want
11 to make sure I answer your question. I'm trying to
12 listen to read and listen at the same time. I shouldn't
13 do that.

14 Q. Of course. Do you recall -- you had
15 talked about how the team discussed the issue for
16 several days, that it was a topic of conversation. Do
17 you recall whether the team or you, personally, ever
18 came to a firm belief as to whether or not that was a
19 coached response or he was being honest?

20 A. I think we -- I personally thought it was
21 a coached statement because the way -- as I mentioned in
22 this report, that it was -- what is not reflected in the
23 transcript is the change in tenor and the way he -- as I
24 state here, from a free-flowing conversation to what I
25 thought was a -- I can't say how I want to phrase it.

1 It just stood out to myself and I think -- I don't want
2 to speak for the team.

3 Q. There's been some claims that because
4 Papadopolous denied the campaign's participation in
5 these things, you know, that should have had a
6 significant bearing on the direction of the
7 investigation, which is why it's important to understand
8 how the FBI interpreted those statements at the time.

9 More generally, in your experience as an agent,
10 do those who have engaged in criminal conduct sometimes
11 deny that they engage in criminal conduct?

12 A. Yes, especially the first time we're
13 meeting with a source. This was the first time
14 Papadopolous was meeting with agents. They don't
15 necessarily admit to criminal activity.

16 Q. And, in your experience and your opinion,
17 should the FBI stop an investigation because a target
18 denies having committed a crime?

19 A. No. We wouldn't have many cases to
20 investigate.

21 Q. In an October of 2016 conversation with
22 the CHS, Papadopolous said that he did not think Russia
23 was playing with the election or had any interest in it.
24 So Papadopolous said he did not think Russia playing
25 with the election or had any interest in it.

1 A. What page is that? Sorry.

2 Q. I believe it's around 332, but I
3 apologize. I do not have that.

4 A. Okay. I think I --

5 Q. I'm happy to repeat it.

6 A. Is this related to Source No. 3?

7 Q. I believe so, and I'm happy to repeat the
8 language. I promise, it's a verbatim quote. I'll try
9 to get the page number.

10 A. Okay.

11 Q. So Papadopolous said this months after it
12 had been widely reported that Russia hacked the DNC and
13 the Clinton Campaign and was behind WikiLeaks' release
14 emails damaging the Clintons. Would that statement at
15 that time, that Russia had no interest in the election,
16 undermine Papadopolous' credibility and potentially the
17 trustworthiness of his denials, his earlier denials?

18 A. Would it undermine his credibility?

19 Q. Would the statement that Russia had no
20 interest in the election months after it was widely
21 known that Russia hacked the DNC and the Clinton
22 Campaign and was behind WikiLeaks' release of emails,
23 would that statement undermine his credibility?

24 A. Yes.

25 Q. The FBI didn't learn until July 2016 that

1 Papadopolous had told a foreign government official
2 about Russia's offer to help the Trump Campaign by
3 releasing hacked email on the Clintons. That was the
4 FFG report that came in late July that I know you're
5 familiar with, but Papadopolous had learned about Russia
6 offer sometime around or before April 2016. That's when
7 he had the conversation with the FFG official.

8 To your knowledge, did Papadopolous report
9 Russia's apparent offer of election assistance to the
10 FBI when he learned of it in April, in or before April
11 2016?

12 A. Not to my knowledge, no.

13 Q. And did he come forward to the FBI in
14 July 2016 when WikiLeaks began doing what Papadopolous
15 had been told the Russian Government was going to do,
16 release thousands of emails of Candidate Hillary
17 Clinton?

18 A. Not to my knowledge.

19 Q. And to your knowledge, did Papadopolous
20 ever, at any point, come forward to proactively report
21 what he had been told about Russia's willingness to help
22 the Trump Campaign?

23 A. No.

24 Q. Would that sequence of events we just
25 went over also undermine his credibility?

1 A. Yes.

2 Q. We spoke about the dangers of publicly
3 identifying confidential human sources. It strikes me
4 that there are also harms to disclosing the identity of
5 FBI agents, and your name, unfortunately, as you know,
6 has been out there in the public in connection with the
7 matters this investigation is continuing to focus on.

8 What have the effects of that been on you?

9 A. I have had people post my home address on
10 Twitter. I have had people put nooses next to my name
11 on Twitter. I have had people try and scour the
12 internet to look for photos of myself to put on line.

13 As of yet, I have had no physical threat to
14 myself or my safety; however, given the current
15 environment, I am currently constantly aware of my
16 surroundings and looking out for potential threats to
17 myself, the safety of my family. I had to take
18 the -- something as simple as I had to take my name off
19 the mailbox of my apartment in Brooklyn for fear that
20 somebody came to my home and identify me. That's just
21 publicly.

22 Professionally -- well, publicly also -- I have
23 been described as incompetent. I have been described in
24 numerous ways, which is contrary to how I've conducted
25 myself as an FBI agent for almost 16 years.

1 Professionally, I was removed from my squad and
2 I was given a new assignment. I have had things said
3 about me internally on FBI systems, which I've had to
4 have them taken down where they have identified other
5 sources that I work with.

6 It's been a difficult nine, ten months.

7 Q. I'm sorry, and I'm especially sorry given
8 your many years of service to this country, trying to
9 maintain our national security. Nothing like that
10 should happen to anyone, let alone someone in your
11 position.

12 It strikes that, in addition to having an effect
13 on you, it also can potentially have effects on the FBI
14 morale generally or recruiting of new FBI agents. Am I
15 correct there?

16 A. I think there's a chilling effect to,
17 "A", recruit new agents to work with the FBI and for
18 other government agencies. I think it also hurts the
19 FBI in the event that a case like this happens again.
20 Nobody is going to want to work this case, because
21 they've seen what's happened to me and it's not a secret
22 what's happened to me within the FBI.

23 I don't know why I was asked to work this
24 investigation, but in the future, if an investigation
25 like this ever occurs again, you're not going to get the

1 best people of the FBI volunteering to do this work
2 because of what they're seeing happen to me. It's a
3 chilling effect for the work we do. There's a chilling
4 effect for, most likely, the number of FISAs that are
5 being sought, and it continues down the line.

6 I think it hurts us as an organization and,
7 thereby, hurts the national security of the United
8 States. I'm a small cog in this and I recognize that,
9 but it's easy to dismiss a small co and it's -- but I
10 feel the weight of all of this on my shoulders, because
11 it's cast the FBI in a bad light. That's not the way
12 our organization is. Our organization does the best we
13 possibly can given the circumstances.

14 We're asked to work difficult cases. We're
15 asked to make sacrifices and we do that and there are
16 repercussions, obviously, in doing that, but some of
17 added repercussions because of this, because of the
18 nature of this investigation, some of these
19 investigations, I think it hurts the agency as a whole.

20 MR. HASKELL: Thank you.

21 That's all.

22 MR. SOMERS: I have a little more. Do you want
23 to take a break?

24 THE WITNESS: I'm fine.

25 MR. SOMERS: Hopefully we can get through this

1 and be done for the day. I'll note the time is 4:13.

2 FURTHER EXAMINATION BY THE MAJORITY

3 BY MR. SOMERS:

4 Q. You know the source, the person who has
5 been identified as Source 2 in the OI FISA report? Do
6 you know who that person is?

7 A. I do, yes.

8 Q. Were you Source 2's handler?

9 A. I was, yes.

10 Q. The OIG FISA report notes on page 313
11 that Source 2 was closed by the FBI in 2011 for
12 aggressiveness towards handling agents as a result of
13 what Source 2 perceived as a -- conversation and
14 questionable allegiance to intelligence targets.

15 Did you experience any problems with Source 2?
16 It says you handled him from -- sorry -- 2011 through
17 2016. Did you have any issues with Source 2?

18 A. I did not.

19 Q. Do you have any explanation why the
20 demeanor changed from other handlers?

21 A. Yes. I made a determination that he
22 would be an individual who might be able to help further
23 advance counterintelligence investigations. I reached
24 out to one of his original handling agents who had
25 retired -- he was a contractor at the time -- and an

1 intelligence analyst who I had worked with over the
2 years who knew the source for a number of years.

3 We met with the source and we were honest with
4 him and we told him -- sorry. We told the source that,
5 essentially, this was the source's last opportunity to
6 work with the FBI given the issues this person had in
7 the past, and at the time, I relied some of the senior
8 people I had brought with me.

9 Through that time, I developed a source-handler
10 relationship with that source over the years, and, for
11 whatever reason, you know, there's an art to
12 source-handler relationships. Sometimes it's just a
13 personality conflict. We just didn't have any
14 personality conflicts.

15 Q. I notice here that it says the -- this is
16 also on 313 -- the FBI conducted a human source
17 validation reviews on Source 2 in 2011, 2013, and 2017.
18 Were you aware they conducted those validation reviews?

19 A. Yes.

20 Q. Did you look for human source validation
21 reviews of Christopher Steele during the time you were
22 on Crossfire Hurricane?

23 A. Christopher Steele was not my source.

24 Q. I was asking did you check the files to
25 see if there were any?

1 A. I know case agents -- handling agents had
2 access to the sources' files. Again, I did not have
3 access to our --

4 Q. Delta?

5 A. Yeah. Delta, our source handling system.
6 I do not have access to the file.

7 Q. Did you ask the handling agent for his
8 human source validation file?

9 A. Not that I recall, no.

10 Q. Do you recall if anyone on the team asked
11 for it?

12 A. I don't know.

13 Q. Would it surprise you if there were not
14 human source validation reports in the Delta system for
15 Steele?

16 A. Not necessarily.

17 Q. Do you know why your source was validated
18 three times during that --

19 A. So now we're talking about my source?
20 We're switching back to mine?

21 Q. Yeah. We're switching back to your
22 source, Source 2.

23 A. I don't know if I can answer that in this
24 setting.

25 Q. Is it standard or no?

1 A. I don't know if I answer the setting.

2 Q. Did anyone on the Crossfire Hurricane
3 team know you were Source 2's handler before you joined
4 the investigation?

5 A. Yes.

6 Q. Who?

7 A. The SOS, I believe SSA 1.

8 Q. Do you think that played any part in your
9 being asked to join Crossfire Hurricane team?

10 A. No.

11 Q. Eventually, you --

12 A. I don't know, but I don't believe so.

13 Q. Eventually, Source 2, I think it's fair
14 to say, was tasked with operations involving Page,
15 Papadopolous in order to gather information. Why did
16 you go to Source 2 in particular?

17 He also talked to another high-level unnamed
18 Trump Campaign official. Why did you go to Source 2 for
19 these tasks?

20 A. I know given the sensitivity of the
21 source and this unclassified setting, the source was an
22 individual who was very familiar with the machinations
23 of a political campaign and political workings, that the
24 source was based in the United States. I initially went
25 to the CHS with -- just to talk about generalities.

1 What's misrepresented in the IG report is I
2 didn't know what a foreign policy advisor. I do know
3 what that is. I just wanted to understand the role of a
4 foreign policy advisor as it relates to a campaign.

5 We sat down with that source just given his
6 expertise, for lack of a better word, in this realm.
7 Through the course of our first meeting, we found out he
8 had met Carter Page earlier in July. I was unaware of
9 who Carter Page was prior to this investigation, as we
10 were initially tasked with seeing if he knew anything
11 about Papadopolous, but he brought up Carter Page's name
12 to us.

13 We weren't clear to discuss with the source if
14 Carter Page was, you know, somebody we could talk to
15 about. So that was the first meeting. I believe it was
16 within a few days of starting that investigation.

17 Q. Did you bring up Manafort with him or did
18 he raise that?

19 A. I think he -- I can't get to far in the
20 weeds, even though he's --

21 Q. Yeah.

22 A. -- been outed. Given his professional
23 experiences, I had heard of him.

24 Q. I'm just asking whether he said I know
25 Paul Manafort.

1 A. Well, his name has come up just over the
2 years, just because given the source, but as far as --

3 Q. You knew he knew Paul Manafort?

4 A. I don't think I knew it. I'm sorry. Let
5 me step back.

6 He may have mentioned it. I may not have known
7 who it was.

8 I don't recall if he brought up Manafort's name
9 or we brought it up to him. We had to get cleared to
10 bring up any names to the source. That is per normal.

11 Q. But you brought up George Papadopolous?

12 A. I did and we were approved to do that.

13 Q. So what I'm trying to understand the
14 sequence of the events here.

15 A. Sure.

16 Q. So let's just back up to the sequence of
17 events.

18 You bring up George Papadopolous. He said I
19 don't know George Papadopolous, and he offers, then,
20 that I know Carter Page; did you have any interest in
21 him. So.

22 I'm asking -- that seems clear on the report,
23 but what is not clear is whether -- it says Source 2 had
24 known Trump's then campaign manager, Manafort, for a
25 number of years and he was previously acquainted with

1 Michael Flynn. I guess I'm just asking whether you all
2 raised Manafort.

3 I'm going to then ask the same question about
4 Flynn.

5 A. Sure. So I think as it relates to
6 Manafort, I think Manafort just came up because he was
7 the campaign -- he was running the campaign for Trump at
8 the time. I think he said I've known him, and he gave
9 some details on how he knew him. So's that how.

10 Q. Same thing with Flynn?

11 A. So Flynn has come up, had come up, with
12 the source in the past. He had -- he met Flynn at a
13 professional event and he called me about an individual
14 who he thought was suspicious to kind of be in front of.

15 Q. Was it relevant to the investigation?

16 A. This was prior.

17 Q. I'm just asking --

18 A. I know. It gets confusing.

19 Aside from that, that was the only -- I had a
20 conversation with about that. That was probably circa
21 the 2012 or 2013 timeframe, roughly. Then I didn't hear
22 Flynn until we spoke to him, but he just he knew the
23 circle of individuals as we had that discussion the
24 first time with him of who was in the campaign's orbit
25 as foreign policy advisors.

1 BY MR. BAKER:

2 Q. Was Source 2 someone you cultivated or
3 someone you inherited?

4 A. Well, he was closed for cause. He didn't
5 have contact with the FBI, and then I reached out to him
6 through -- for lack of a better term, we cultivated him,
7 if you will.

8 MR. BAKER: Okay.

9 BY MR. SOMERS:

10 Q. Now, I think there's been -- there's a
11 discussion in the IG report about him joining the Trump
12 Campaign and him not doing that. Did he have some sort
13 of informal role with the Trump Campaign?

14 A. No. I believe, if I recall correctly,
15 Carter Page was trying to get him to join the campaign,
16 which we advised he could what we wanted, but that was
17 not our intent and we're not tasking him to join the
18 campaign at our behest.

19 Q. Did he tell you why he didn't want to
20 join the campaign?

21 A. His age, various other factors.

22 Q. What was his opinion about Trump?

23 A. I don't know. I think he was -- I can't
24 recall a specific discussion. So I don't want to --

25 Q. That's fine.

1 Do you know how he was able to get the meeting
2 with the high-level campaign official? Was that
3 official trying to recruit him to the campaign?

4 A. Carter Page was trying to arrange a
5 meeting between him and that individual. He had been
6 trying, and it was -- I think he gave me the email
7 address at one point of that individual. I forget how
8 that actually transpired, but we sought the proper
9 approvals with FBI Headquarters.

10 Q. Did the high-level campaign official
11 think that the meeting was about Source 2 joining the
12 campaign?

13 A. I can't recall the specifics for that,
14 the reason, how they tabled that meeting.

15 Q. That meeting, it says here on page 327 of
16 the IG report: "Case Agent 1 told the OIG that the
17 plans for this meeting was for Source 2 to ask the
18 high-level campaign official about Papadopolous and
19 Carter Page because they were unknowns and the Crossfire
20 Hurricane team was trying to find out how these two
21 individuals, who are not known in political circles, got
22 introduced to the campaign, including whether the person
23 responsible for those introductions had ties to the
24 Russian Intelligence Services."

25 Do you learn anything about how these two

1 individuals that were not known in political circles got
2 introduced to the campaign?

3 A. From -- can you just repeat it without
4 reading -- I see what you're reading, but what's the
5 actual question?

6 Q. I'm saying, apparently, the purpose of
7 sending Source 2 to meet with the high-level campaign
8 official was to, in part at least, answer the question
9 of how these two individuals who were not known in
10 political circles got introduced to the campaign,
11 including whether it was by RIS, and I guess my question
12 is did you learn anything about how either Page or
13 Papadopolous -- I think the word you used were "got
14 introduced to him"?

15 A. No. We didn't receive anything that
16 was -- I don't recall receiving anything that was
17 related to the investigation.

18 Q. Do you recall if the operations described
19 in part on page -- I think you discussed it a little bit
20 the last round -- on page 329: "Case Agent 1 said that
21 by taking Papadopolous to another country, Papadopolous
22 might feel a little freer to talk outside the confines
23 of the United States and repeat that conversation he had
24 with the FFG officials."

25 But then I believe in the last round, you said

1 that, basically, his response seemed like a canned
2 response. I'm trying to -- it seems like you went
3 through a plan that had some costs to it in order to get
4 Papadopolous overseas to be comfortable and, yet, your
5 reaction to his comment that this would be illegal
6 seemed like a canned response. So are you saying that
7 the plan didn't work to get him overseas and have him be
8 comfortable?

9 A. Did the plan not work?

10 Q. Yeah, since you discounted his answer.

11 [Witness confers with counsel.]

12 THE WITNESS: I would say he just didn't restate
13 the comment he made to the FFG.

14 BY MR. SOMERS:

15 Q. But you put him in a situation where he
16 was supposed to be comfortable and, yet, you discounted
17 his comment that this would be illegal. I'm trying
18 to -- what I'm getting at is I'm still trying to get
19 back to all this multiple pieces of exculpatory
20 information and I'm trying to understand how it didn't
21 make into the FISA, and so I'm trying to understand.

22 You've represented confidential human sources'
23 conversations are considered valuable, correct, to the
24 FBI?

25 A. They are. You have to take many factors

1 into consideration during that source work as well.

2 Q. In this particular one, at the United
3 States' Government expense, you sent Papadopolous
4 overseas to meet with Source No. 2?

5 A. Well, I don't understand what the point
6 of government expense is. The FBI has expenses,
7 operational expenses, in furtherance of investigations.

8 Q. I'm saying you set the circumstances for
9 this.

10 A. Which that's something the community does
11 a whole across the board.

12 Q. I'm not questioning the expense. I'm
13 questioning the fact that you set the circumstances for
14 a meeting that you thought that he would feel a little
15 freer to talk outside of the confines of the United
16 States. Then you get your derogatory or exculpatory
17 information from George Papadopolous and then you
18 discount the information.

19 I'm trying to understand why you discounted the
20 information in that context.

21 A. As I stated earlier, I thought and the
22 team thought it was a canned response to a conversation
23 Papadopolous was having the first time with an
24 individual he had just met.

25 Q. So of the exculpatory information, what

1 I'll characterize as exculpatory information -- I'm just
2 going to characterize it that way, but it appears that
3 Horowitz mentioned it in his report. He says it didn't
4 make it into the FISA. They identified the fact that
5 Carter Page worked for the intelligence. That didn't
6 make it in the FISA. He didn't know Manafort. That
7 conversation was -- and that Manafort wouldn't even
8 return his email. That doesn't make it in.

9 He doesn't know Sechin or Diveykin, wasn't
10 involved in the RNC platform change. Papadopolous
11 denied his involvement with taking information from
12 Russia, which was a predicate for the whole
13 investigation.

14 How does none of that make it into the FISA
15 application?

16 A. So if you go one by one, can I address
17 each one?

18 Q. Sure. You can address each, but, also,
19 if you can -- you don't to -- can you give me a global
20 response at the end?

21 A. So without going one by one, as I
22 mentioned earlier, Page had worked with OGA was offered
23 to the Office of Intelligence at DOJ. They denial of
24 knowing the meeting with Sechin and Diveykin, that
25 transcript was provided to the Office of Intelligence.

1 Q. The entire transcript or the --

2 A. The entire transcript, if I recall
3 correctly, was provided to the Office of Intelligence.

4 Q. Are you positive?

5 A. That's stated in the IG report. It's
6 started in the March 5th ruling from the FISC report,
7 saying that they had access to it.

8 Papadopolous denials was, as I had mentioned,
9 something we discussed amongst the team and we shared as
10 needed.

11 What are the other ones?

12 Q. The RNC platform change.

13 A. The RNC platform change occurred, if I
14 recall correctly, during an interview of Page.

15 Q. The RNC platform change, I believe so.

16 A. I was no longer the case agent in the
17 investigation at that point.

18 Q. I don't have the page.

19 A. We also included in the FISA a letter
20 written to Director Comey whereby Carter Page denied
21 knowing Sechin and Diveykin to have any ties to Russian
22 Intelligence Service and the offer to take a polygraph
23 examination. We also included the "Washington Post"
24 article where he was interviewed and denied knowing
25 anybody associated with Russian or the Government

1 Russian. We also included the September 23rd news
2 article -- "we", being myself, OI, the U.S. Government
3 to the court the September 23rd Yahoo News article
4 whereby Page denied knowing Sechin and Diveykin.

5 To your point of exculpatory information, we did
6 provide into the FISA quite a bit of exculpatory
7 information.

8 Q. You mentioned a letter Page sent to
9 Director Comey. Why did not take Page up on his offer
10 for an interview, at least?

11 A. That was not my decision to make.

12 Q. Okay.

13 BY MR. BAKER:

14 Q. Did anybody affirmatively make the
15 decision not to pursue that?

16 A. We used it as the first approach for him
17 in March. I don't know why the decision. It was above
18 my pay grade.

19 Q. Do you know who made the decision?

20 A. I don't recall. No.

21 Q. Do you remember Mr. Strzok expressing any
22 concerns that CHSes were being used too much and that
23 they were going to get burned or cause suspicion?

24 A. I know there was concern about using
25 CHSes too, too much, but I think we allayed any concerns

1 he had.

2 Q. That was not a big source of contention?

3 A. There is -- there may have been some
4 discussions. If we go back to the earlier sessions, the
5 frustrations, I think that he was overseeing the
6 investigation. I think that he wanted to avoid
7 supposition, maybe tunnel vision of using the same
8 source for multiple, but we were able to justify that it
9 was a logical step in the investigation to use the
10 source.

11 Q. And you were allowed to proceed with
12 that --

13 A. Yes.

14 Q. -- course of action?

15 A. Yes.

16 MR. BAKER: Yes.

17 BY MR. SOMERS:

18 Q. Is FISA an important tool for the FBI?

19 A. FISA is one of the most important tools
20 we have FBI.

21 Q. Would it hurt national security if we
22 lost -- the national security of the United States if we
23 lost FISA?

24 A. Immeasurably, yes.

25 Q. Would it hurt the country as a whole?

1 A. Yes, it would.

2 Q. So you talked about the chilling effect
3 that lot of this has had on recruitment to the FBI and
4 how that can hurt national security of the United
5 States, hurt the FBI; but, conversely, you would agree
6 that losing FISA would also hurt the FBI, hurt the
7 national security of the United States, and hurt the
8 country as a whole?

9 A. Yes, sir.

10 Q. You also were asked about derogatory
11 statements made by Carter Page -- I'm sorry -- George
12 Papadopolous. You said they undermined his credibility
13 in the last round.

14 Text messages criticizing Candidate Trump, do
15 they undermine the credibility of Peter Strzok?

16 A. That's not for me to answer.

17 Q. But you can answer if it undermines
18 Papadopolous' credibility?

19 A. I don't think I understand the question.

20 Q. In the last round, you said that certain
21 statements made by George Papadopolous undermined his
22 credibility. I'm asking you if text messages regarding
23 Candidate Trump would undermine the credibility of the
24 deputy assistant director overseeing the Crossfire
25 Hurricane investigation.

1 A. I saw no evidence of any bias from D.A.
2 Strzok during the course of the investigation.

3 Q. Do those text messages cast the FBI in a
4 bad light?

5 A. That's not for me to say.

6 Q. But our investigation, you can say casts
7 the FBI in a bad light?

8 A. I'm sorry?

9 Q. But you were able to say that our
10 investigation of this casts the FBI in a bad light?

11 MR. HEISS: When did he say that?

12

 THE WITNESS: I never said that. I said
13 that -- I never said our investigation cast the FBI in a
14 bad light. I said purported actions, I think, that were
15 attributed to me in IG report cast the Bureau in a bad
16 light.

17 BY MR. SOMERS:

18 Q. You said the IG report? I'm not
19 following. I'm sorry. I thought you were saying the
20 investigation --

21 A. The investigation, the Crossfire
22 Hurricane investigation, did not cast the FBI in a bad
23 light.

24 Q. The Horowitz report casts the FBI in a
25 bad light?

1 A. Casted me in a bad light or, in turn, it
2 casted the FBI in a bad light, because they -- sorry.

3 Q. And you can answer that question because
4 it relates to you. You can't answer my question about
5 Peter Strzok because it doesn't relate to you? I'm
6 trying to understand the difference.

7 MS. ARGENTIERI: I think he asked and answered
8 this question. He said it's not for him to say.

9 MR. SOMERS: He'll answer one question, but not
10 the other.

11 Do you have anything else?

12 BY MR. SOMERS:

13 Q. I have one more. I think we covered this
14 very early on, but can you just confirm that in December
15 and January, December of 2016 and January of 2017, that
16 you did work on the investigation of Michael Flynn?

17 A. I was not a case agent on Michael Flynn.
18 I was aware of the investigation of Michael Flynn.

19 Q. But you were just aware of it; you didn't
20 do any actual work on the investigation?

21 A. I recall an email that was talking about
22 closing the case, an email I received from Peter Strzok
23 saying I closed the case. That's all I can recall.

24 Q. You were cc'd on the email, but it wasn't
25 you -- you had responsibility for closing the case; you

1 could not --

2 A. I can't confirm the answer to that. I
3 forget my actual role, but I remember getting an email
4 about it.

5 Q. You did not have authority to close the
6 case?

7 A. Sorry?

8 Q. You did not have the authority to close
9 General Flynn's case?

10 A. Case agents do ask for the closure of
11 cases, but they have to be approved.

12 Q. I'm saying, for the record, you were not
13 the agent that drafted that closing memo.

14 A. I don't recall.

15 Q. I'm saying you were not.

16 A. Okay. I'm sorry. It's been a long day.

17 MR. SOMERS: I was just putting that on the
18 record.

19

THE WITNESS: Thank you.

20 MR. BAKER: I guess I would just put on the
21 record that it's not the intention of the Senate
22 Judiciary Committee to cause hardship on anybody that we
23 interview or any investigation that we conduct. It's
24 actually to the contrary.

25 We have oversight responsibility not only to

1 find out what happened in this particular case, but
2 to -- and you've sort of alluded to this -- to make
3 changes where changes need to be made in the process.
4 It's a different process, a lot of moving pieces, and
5 that's certainly something that the Senate Judiciary
6 Committee wants to make sure that the FBI has a tool,
7 the FISA process, and we do whatever we can do to do
8 that.

9 Personally, I have a very long association with
10 the FBI and an even longer admiration for the FBI, and I
11 know this is, certainly, one slice of your career and I
12 commend and salute you for your service and other things
13 you've done for the Bureau and all the men and women
14 that have served. Today is actually the anniversary of
15 the passing of a very well-known FBI counterintelligence
16 agent. Steve Carr succumbed to complications from his
17 leukemia diagnosis for responding to the Pentagon when
18 the 9-11 attacks occurred.

19 I just want to underscore the committee as a
20 whole and me, personally, are motivated only to make the
21 FBI better and the FBI stronger, and I salute you for
22 what you've done in your career and I salute you
23 for -- you've alluded a couple of times today to having
24 some suggestions to improve the process. I hope that
25 Director Wray gives you an opportunity and any of the

1 agents that have or analysts that have some suggestions
2 to make in the process, I hope you're given, afforded,
3 the opportunity to express those so they can be debated
4 and implemented where appropriate.

5 So thank you for coming out today.

6 THE WITNESS: Thank you.

7 MR. SOMERS: Yes. I didn't mean to minimize in
8 any of my questions what you've been through. That's
9 unfortunate. We did at one point have your name in a
10 subpoena authorization because, legally, we had to. We
11 didn't identify who you were. Unfortunately, your name
12 has gone out in the press.

13 I don't think -- and all the other things you
14 mentioned that have happened to you in and outside of
15 the Bureau, that's unfortunate.

16 I don't think we have any further questions. I
17 don't know if the Minority has anything to follow up on.

18 I would just note we did get that document
19 yesterday at around 12:30 that refers to a May 2009
20 investigation being opened into the primary subsource.
21 I understand you're not prepared to answer any questions
22 about that today. I haven't looked at any of the
23 documents that back this up. You're the first person
24 that's been in here since we've gotten the document.

25 I would just say as you're not able to answer

1 any questions on it, there is a chance that we would
2 have to, on that limited subject, bring you back because
3 you can't answer any questions today. I don't know.

4 As I said, we haven't investigated it either.
5 That may not be something we need to do, but sitting
6 here today, I do think it's possible, depending on where
7 this goes; but because you can't answer any questions
8 about it today, we may have to bring you back for that
9 limited purpose.

10 I think the Minority has a few more.

11 MR. HASKELL: Following up on what Mr. Baker
12 said, we just want to put on the record that Senator
13 Feinstein and I think I can say every member of
14 the -- every Democratic member of the Judiciary
15 Committee would welcome a FISA reform investigation, but
16 Chairman Graham has explicitly said in a public hearing
17 of this committee that this is not a FISA reform
18 investigation, and it's important that we are honest on
19 the record about what we are doing.

20 MS. ZDEB: If I could just add, thank you for
21 being here. This has been a long day. We appreciate
22 your cooperation.

23 If I could also add for the record, because you
24 indicated earlier that you are a GS-14, we would like to
25 acknowledge that your presence here is somewhat

1 extraordinary, because as we understand it, it is a
2 longstanding policy and practice of the Department and
3 the Bureau to not make available personnel who are below
4 the SES level. For that reason in particular, we are
5 appreciative of the time you have given in connection
6 with this investigation.

7 Now, of course, we certainly want the Bureau and
8 the Department to cooperate with legitimate
9 congressional oversight requests. So I don't intend in
10 any way to minimize that, but I do think it's notable
11 the very fact of this interview and other interviews
12 that have been conducted to date mark such a significant
13 departure from what the Department's typical practice is
14 in these sorts of investigations.

15 It is also notable that the Department at the
16 highest levels continue to selectively declassify and
17 produce documents in connection with the Chairman's
18 investigation in apparent concert with investigative
19 steps that this committee has taken.

20 So Mr. Somers alluded to the production of the
21 document yesterday. It is not lost on us that that
22 document was declassified and produced to this committee
23 a day before you came in for this interview, [REDACTED].
24 So those are certainly not, you know, issues that we
25 take with you. What I want to convey to you is thank

1 you for being here, but I did want to put those
2 observations on the record before we concluded for
3 today.

4 MR. SOMERS: Given those observations, I don't
5 want to get into a tit-for-tat here all afternoon, but I
6 don't control, Chairman Graham does not control when the
7 Department or the FBI choose to provide us with
8 documents. We've been requesting documents from the
9 Department since -- I think our first letter went out in
10 March of 2019. We've gotten very little document
11 production in this investigation, much less document
12 production than I've gotten in any congressional
13 investigation that I have conducted in my career on
14 Capitol Hill.

15 Further, I can't keep up with every statement my
16 boss has made about his intent for this investigation.
17 I can only say that I've been in hearings, hours' worth
18 of meetings with him. He is not -- he is doing this
19 investigation because, and he's expressed it several
20 times, he is afraid that what happened in Crossfire
21 Hurricane threatens the very existence of FISA, and
22 Chairman Graham is a huge proponent of FISA and is
23 having us conduct this investigation because he believes
24 that if we don't get to the bottom of this, if reforms
25 are not made, that when FISA comes up or aspects of FISA

1 come up for reauthorization, they will not be
2 reauthorized.

3 He's made statements that can be taken to be
4 contrary to that. That is not my understanding, having
5 sat through hearings, more meetings with him than I can
6 even recall about this. His goal is to save FISA.

7 I thank the witness for appearing today. I
8 thank him for appearing voluntarily. Sorry that we kept
9 you here for most of the day, but I do thank you.

10 ██████████: Mr. Somers, one thing for the record:
11 This is the second non-SES employee that the FBI HAS
12 provided for the committee's investigation. This
13 witness has particularly expressed concerns for himself
14 and that of his family. We would request that any
15 release of information by the committee, to include
16 transcripts, would redact the names of those witnesses
17 and seek to protect their identities.

18 MR. SOMERS: We have no intention of releasing
19 ██████████ name in the transcript or otherwise.

20 ██████████: Thank you.

21 [Whereupon, at 4:46 p.m., the interview
22 concluded.]

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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.

1 APPEARANCES:

2 Zachary N. Somers, Chief Investigative Counsel (Majority)

3 Arthur Radford Baker, Senior Investigative Counsel

4 (Majority)

5 Heather Sawyer, Staff Director & Chief Counsel (Minority)

6 Sara Zdeb, Senior Counsel (Minority)

7 Joseph Charlet, Counsel (Minority)

8 Bradley Weinsheimer, Associate Deputy Attorney General DOJ

9 Patrick Findlay, Special Counsel, DOJ NSD

10 [REDACTED], FBI Office of the General Counsel, Assistant

11 General Counsel

12 [REDACTED], FBI Office of the General Counsel,

13 Assistant General Counsel

14 [REDACTED], US DOJ FBI Supervisory Special Agent,

15 Office of Congressional Affairs

16 [REDACTED], FBI OGC

17 [REDACTED], Senior Counsel DOJ OLA

18 [REDACTED], DOJ OLA

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20 Desirae S. Jura, Court Reporter

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I N D E X

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EXAMINATION BY:

PAGE

COUNSEL FOR THE MAJORITY:

By Mr. Somers 4, 5, 15, 16, 17, 18, 19, 25, 30, 32,
33, 42, 47, 76, 82, 99, 104, 107, 108, 110, 114, 115, 118

By Mr. Baker 14, 15, 17, 19, 21, 24, 31, 32, 40, 45,
46, 81, 97, 100, 107, 108, 113, 117

COUNSEL FOR THE MINORITY

By Mr. Charlet 49
By Ms. Zdeb 55
By Ms. Sawyer 63, 119, 120

EXHIBITS

(No Exhibits were marked.)

P R O C E E D I N G S

1
2 Mr. Somers: This is a transcribed interview of
3 Dan Boente. Chairman Graham requested this interview as
4 part of the investigation by the Senate Judiciary Committee
5 in the matters related to the Justice Department's and the
6 FBI's handling of the Crossfire Hurricane investigation,
7 including the applications for and renewals of the Foreign
8 Intelligence Surveillance Act Warrant on Carter Page.

EXAMINATION

9
10 BY MR. SOMERS:

11 Q. Will the witness please state his name and
12 current position with the FBI for the record.

13 A. My name is Dana Boente, and I'm the General
14 Counsel.

15 Q. On behalf of Chairman Graham, I want to thank
16 you for appearing today, and we appreciate your willingness
17 to appear voluntarily.

18 My name is Zachary Somers. I'm the Majority
19 Chief Investigative Counsel for the Senate Judiciary
20 Committee. I would now like to ask everyone else here in
21 the room to identify themselves for the record.

22 Mr. Baker: Arthur Baker, senior investigative
23 counsel, Senate Judiciary Committee, majority staff,
24 Chairman Graham.

25 Ms. Zdeb: Sara Zdeb, senior counsel with the

1 committee's minority staff. We're also expecting Heather
2 Sawyer, who is Senator Feinstein's staff director and chief
3 counsel.

4 Mr. Charlet: Jeremy Charlet, with the minority
5 staff.

6 Mr. Findlay: Patrick Findlay, general counsel,
7 National Security Division, Department of Justice.

8 [REDACTED]: [REDACTED], FBI OGC.

9 Mr. Weinsheimer: Brad Weinsheimer, with the
10 Department of Justice.

11 [REDACTED]: [REDACTED], FBI OGC.

12 [REDACTED]: [REDACTED], FBI OGC.

13 [REDACTED]: [REDACTED], FBI OCA.

14 [REDACTED]: [REDACTED], DOJ OLA.

15 [REDACTED]: [REDACTED], DOJ OLA.

16 BY MR. SOMERS:

17 Q. The Federal Rules of Civil Procedure do not
18 apply in this setting, but there are some guidelines that
19 we follow that I would like to go over.

20 Our questioning will proceed in rounds. The
21 majority will ask questions for the first hour, and then
22 the minority will have an opportunity to ask questions for
23 an equal period of time. We will go back and forth in this
24 manner until there are no more questions and the interview
25 is over.

1 Typically we take a short break at the end of
2 each hour of questions, but let us know if you would like
3 to take a break prior to that.

4 As I noted earlier, you're appearing
5 voluntarily. Accordingly, we anticipate that our questions
6 will receive complete responses. To the extent that you
7 decline to answer our questions or if counsel instructs you
8 not to answer, we will consider whether a subpoena is
9 necessary.

10 As you can see, there is an official reporter
11 taking down everything that is said to make a written
12 record, so we ask that you give verbal responses to all
13 questions.

14 Do you understand that?

15 A. Yes, sir.

16 Q. So that the reporter can take down a clear
17 record, it is important that we don't talk over one another
18 or interrupt each other if we can help it. We want you to
19 answer our questions in the most complete and truthful
20 manner possible, so we will take our time.

21 If you have any questions or if you do not
22 understand one of our questions, please let us know. If
23 you honestly don't know the answer to a question or do not
24 remember it, it is best not to guess. Please give us your
25 best recollection; and it is okay to tell us if you learned

1 the information through someone else. If there are things
2 you don't know or can't remember, just say so, and please
3 inform us who, to the best of your knowledge, might be able
4 to provide a more complete answer to the question.

5 You should also understand that although this
6 interview is not under oath, you are required by law to
7 answer questions from Congress truthfully.

8 Do you understand that?

9 A. Yes, sir.

10 Q. This also applies to questions posed by
11 congressional staff in the interview.

12 A. Yes, sir.

13 Q. Witnesses who knowingly provide false testimony
14 could be subject to criminal prosecution for perjury or for
15 making false statements.

16 Do you understand this?

17 A. Yes, sir.

18 Q. Is there any reason you are unable to provide
19 truthful answers to today's questions?

20 A. No, sir.

21 Q. Finally, we ask that you not speak to anyone
22 about what we discuss in this interview outside of who is
23 in this hearing room today in order to preserve the
24 integrity of our investigation.

25 That is the end of my preamble. We will now

1 begin our first round of questioning. It is about 10:08.

2 Have you read the IG's December 2018 report
3 into the Carter Page FISA application in Crossfire
4 Hurricane?

5 A. Yes, sir.

6 Q. Other than the attorneys from DOJ and FBI, did
7 you speak with anyone in preparation for today's interview?

8 A. I did not.

9 Q. Could you please give us a brief rundown of the
10 positions you've held since you became U.S. District
11 Attorney for the Eastern District of Virginia in 2013.

12 A. Since 2013, I was U.S. Attorney up until
13 January of 2018. I have held interim or acting positions
14 as the Attorney General, as the Deputy Attorney General,
15 and as the Assistant Attorney General for the National
16 Security Division.

17 Q. While you were Acting Deputy Attorney General,
18 during that whole time period, you were also the Acting
19 Attorney General for Crossfire Hurricane?

20 A. Yes, sir.

21 Q. What all was covered as the Acting Attorney
22 General?

23 A. Technically, probably not for the entire
24 period. It's a little bit more nuanced. I don't think
25 that the Attorney General recused himself. I don't have a

1 precise date for you, sir, but I believe it was the end of
2 February or sometime in March. So technically he would
3 have been the Attorney General.

4 I'm not aware that he took any action or that
5 he didn't, but I seem to recall his recusal was sometime
6 later.

7 Q. It wasn't immediate, to your recollection.

8 A. Yes, sir.

9 Q. And what was, I guess, either covered by his
10 recusal -- or what was your responsibility as the Acting
11 Attorney General for Crossfire Hurricane?

12 A. As the Acting Attorney General, I would have
13 been responsible, for the Department, for anything the
14 Attorney General would have done with the Crossfire
15 Hurricane investigation.

16 Q. Did it cover Russia more broadly than that, or
17 was it simply limited to Crossfire Hurricane; do you
18 recall?

19 A. Well, I'm not sure how much more broadly the
20 Department had with matters concerning Russian attempts at
21 influencing the election at that time. I just don't know
22 if there were other matters concerning Russia that he would
23 not have been recused from.

24 Q. In your career, approximately how many FISA
25 applications have you worked on?

1 A. It's a hard question. I always tell people
2 it's a little different, because when you say "worked on
3 them," I was an Assistant U.S. Attorney for many years, and
4 you're a consumer of FISA information. So you receive the
5 collections and things like that, but you don't actually
6 work on the applications.

7 So if I can limit my answer to January of 2017
8 forward, I would say somewhere between 60 and 100, maybe.
9 So it's a very rough estimate, because I would get -- when
10 you say work on things, I would certainly get information
11 as the Assistant Attorney General of the National Security
12 Division, but I did not look at every FISA application.

13 I will say that as the Deputy -- as the Acting
14 Deputy from February through April, whatever the date was
15 when Mr. Rosenstein took over, I would almost always be
16 with Attorney General Sessions when he was presented with
17 an application.

18 Q. Did you sign other applications other than
19 the --

20 A. Yes.

21 Q. -- second Carter Page renewal?

22 A. Yes.

23 Q. As --

24 A. There was a ten-day period from the time Mrs.
25 Yates left the Department until Attorney General Sessions

1 was confirmed. I think I was the only one at that time who
2 had the ability to sign the FISA. So I signed all the
3 applications in that ten-day gap. Then there were
4 occasions when Attorney General Sessions was gone, and I
5 would sign the applications during that period.

6 Q. During those two periods as Acting Attorney
7 General -- well, as Acting Attorney General and Acting
8 Deputy Attorney General, leaving aside the Carter Page FISA
9 application, what was your typical review before you signed
10 your signature on a FISA application?

11 A. I would be briefed on the application. There
12 would be a cover page that summarizes the application and
13 provides certain other information. Then I would look at
14 portions of the application, but probably not read the
15 entire application.

16 Q. So you looked at portions of all the
17 applications that you signed?

18 A. I think so. It would depend on what the cover
19 sheet said, and if there was anything that kind of caught
20 my attention that I thought I needed to drill down on
21 further, or perhaps if someone said something to me that I
22 thought I needed to drill down on further.

23 Q. Were some of these renewals and some were new
24 applications?

25 A. Yes, sir.

1 Q. Did you pay more attention to the new
2 applications than the -- pay attention is my word.

3 A. Yeah.

4 Q. -- than to the renewals?

5 A. I don't -- no. The renewals always gave me
6 some interest because they would outline what, if anything,
7 had not been reviewed in the collection. It would give you
8 a little summary. And I was usually concerned about
9 collections where we had been reviewing things. So, you
10 know, for various reasons. It might be in my mind, is
11 there a risk involved? It might be in my mind, why aren't
12 we doing collection if we aren't reviewing things? So kind
13 of a difference.

14 Q. You're saying you were reviewing things?

15 A. There's a section on the summary page that
16 tells how many products have been collected and what has
17 not been reviewed, if I recall correctly. So that's what
18 I'm going by. Like, you know, thousands collected, but
19 very few reviewed or not reviewed yet, That usually gave me
20 some concerns.

21 Q. On the summary, was there also -- when you say
22 what was new, was it renewals of the summary page that,
23 say, we collected -- is it all the information collected
24 under this FISA, or is there a breakdown of what's new
25 since the last renewal?

1 A. Well, I want to make sure we're not talking
2 about two different things. One would just be numerics,
3 and the other would be a narrative body, which might
4 explain something that was specifically of interest to the
5 investigative agency or the attorneys. Am I not helping
6 you?

7 Q. I'm just trying to understand. In the Carter
8 Page -- I not asking specifically about Carter Page -- but
9 in the Carter Page instance, you were signing the second
10 renewal.

11 A. Yes, sir.

12 Q. So there would have been two previous FISAs
13 prior to that?

14 A. Yes, sir.

15 Q. So when you get the summary page, for instance,
16 on Carter Page and it says we collected A, B, and C, could
17 A, B, and C all have been collected from the first FISA
18 warrant and nothing collected from the renewal? Or does it
19 say this is the new stuff we collected?

20 A. Well, that certainly could be the case. Just
21 generically, on a FISA collection, you could have collected
22 from the first application and not the second. Typically,
23 that is not what happened. Typically what happens is you
24 don't get collection early, and then you start to get
25 collection.

1 Q. What other types of things are on the summary
2 page?

3 A. A little bit of personal information on the
4 person. You know, parts of the collection. Perhaps what
5 they're looking at. It varies from summary to summary,
6 depending on who prepared it.

7 Q. But there's a description certainly of the
8 investigation?

9 A. You understand the investigation, or the broad
10 outlines of it.

11 BY MR. BAKER:

12 Q. And you have people that are there that have
13 briefed you on it before you sign it.

14 A. Yes.

15 Q. And there's, I'm guessing, certainly resources
16 within the Department or at the FBI that you or staff could
17 reach out to if there's something that needs clarification?

18 A. Yes, sir.

19 Q. There's no expectation that you read every
20 single page of every application that you're going to sign?

21 A. No, sir.

22 Q. And those have been in a lot of different
23 places in both the FBI or the DOJ before they get to you in
24 either of the capacities that you signed?

25 A. There's a very extensive review process.

1 Q. And a lot of back and forth to clarify things
2 long before it gets up to you in an acting capacity as the
3 AG?

4 A. Yes, sir.

5 BY MR. SOMERS:

6 Q. Who briefed you on the FISAs?

7 A. Normally, it would have been Stu Evans and
8 Tashina Gauhar. That does not mean there might not have
9 been others, but they would have been the primary
10 individuals.

11 Q. Was it the same people in that ten-day window
12 when you were the Acting Attorney General for everything
13 and the window when you were acting Deputy Attorney
14 General?

15 Was it the same people briefing you?

16 A. Yes, sir.

17 BY MR. BAKER:

18 Q. As part of their briefing, would they highlight
19 things they thought maybe you need to look at, and maybe
20 offer opinions on things that you might need clarification
21 on before you even go into it?

22 A. In some applications, certainly.

23 BY MR. SOMERS:

24 Q. Are you familiar with the Woods Procedures?

25 A. I am.

1 ██████████: I just want to clarify an
2 administrative thing, because you may have said it and I
3 just missed it. We are in an unclassified setting today,
4 right?

5 Mr. Somers: That's correct. I'm sorry.

6 BY MR. SOMERS:

7 Q. How did you gain familiarity with the Woods
8 Procedures?

9 A. Well, the vast majority of it, after I became
10 General Counsel.

11 Q. At FBI?

12 A. Yes, sir.

13 Q. So what was your knowledge prior to
14 becoming -- for instance, what was your knowledge when you
15 were the acting Deputy Attorney General of the Woods
16 Procedures?

17 A. That they existed and what their basic purpose
18 is.

19 Q. But you didn't know the specific requirements?

20 A. I did not have anywhere near the information at
21 that time that I do now.

22 Q. Have you ever looked at a Woods file?

23 A. I beg your pardon?

24 Q. Have you ever reviewed a Woods file?

25 A. I have not.

1 Q. You have not.

2 BY MR. BAKER:

3 Q. To be clear, a Woods file is a mechanism that
4 the FBI has instituted?

5 A. It's also referred to as an accuracy subfile.
6 And I've seen portions of Woods files before for a specific
7 matter concerning a FISA application.

8 BY MR. SOMERS:

9 Q. You mean while over at DOJ?

10 A. No, sir.

11 Q. Oh.

12 A. While I was General Counsel.

13 Q. You mean information that was in the Woods
14 file, or you were told to look at specific pages?

15 A. No. Someone would provide me with something
16 that was in the Woods file.

17 BY MR. BAKER:

18 Q. So the Woods file isn't something that anybody
19 at DOJ that's involved in the FISA process would be looking
20 at. It's a mechanism that the FBI uses to ensure accuracy.
21 As the FISA moves through the FBI, certifications are made
22 that it's accurate, and that's an underlying mechanism for
23 those certifications?

24 A. Well, it's certainly an FBI document. It is my
25 understanding that those documents are available to the

1 Office of Intelligence attorneys on request. And, indeed,
2 that happens.

3 Q. But it's nothing they would have to look at as
4 part of their review process. If they had questions, they
5 could. It seems to me it's more of an FBI mechanism to
6 ensure accuracy before the package goes across the street.

7 A. I don't know if I feel I can answer what they
8 have to look at. I think everyone involved in the process
9 should have enough information that they feel the
10 application is accurate.

11 BY MR. SOMERS:

12 Q. You said that attorneys within the Office of
13 Intelligence at NSD have the ability to review a Woods file
14 if they want?

15 A. Certainly.

16 Q. What's a sensitive investigative matter?

17 A. It deals with certain categories of
18 investigations. A cleric, for instance, would be in, I
19 think, in a SIM. It is defined in the DIOG. So maybe I
20 shouldn't -- but it's certain categories of investigation
21 that perhaps have higher profile or higher sensitivities.

22 Q. How many SIMs have you worked on in your
23 career?

24 A. Not that many.

25 Q. Did you work on any out of the Eastern District

1 of Virginia?

2 A. Not that I recall. But if I might expand on
3 that. I don't have the DIOG in front of me. So, for
4 instance, the Bureau would have the capacity to designate
5 something as a SIM that I might not even know about as the
6 U.S. Attorney or the first assistant. I have a couple of
7 examples.

8 Jeffrey Sterling, who we prosecuted, and John
9 Kiriakou, who we prosecuted, were both CIA case officers.
10 By the time it got to me, the fact that it was a SIM or not
11 was not terribly important. The Bureau could have very
12 well made those SIMs.

13 BY MR. BAKER:

14 Q. Would it be fair to say that if a case is
15 opened as a SIM, there's administrative consequences with
16 the Bureau --

17 A. Yes.

18 Q. -- and heightened signature levels or approvals
19 that are higher for certain techniques. By the time it got
20 to you, as the AUSA or U.S. Attorney, it's an open case
21 that you're looking at for prosecutorial reasons?

22 A. Yes, sir.

23 BY MR. SOMERS:

24 Q. Were you aware that Midyear Exam was a SIM?

25 A. I don't think so. But it's difficult to

1 imagine that it was not.

2 Q. Your office had some involvement in the Midyear
3 Exam, correct?

4 A. Pretty minor. I had a couple of attorneys that
5 worked on it.

6 Q. When they were working on it, they were under
7 your supervision? Or they were under the supervision of
8 the Main Justice?

9 A. They were really under the Main Justice
10 supervision; and it was made clear to me when they went on
11 it that it was a Main Justice case.

12 Q. Are you familiar with the FBI term "Headquarter
13 Special"?

14 A. I wouldn't say familiar with it. It sounds as
15 though I may have heard of it.

16 Q. But it's not something you're familiar with?

17 A. Only to the extent that I have heard it. I
18 don't know that it has an official definition within the
19 Bureau or whether it's slang. I can't tell you the
20 difference. I do know that we have instituted policies
21 after Midyear Exam to limit and correct that, have
22 heightened standards, to anything that's going to be run
23 out of headquarters.

24 Q. Is the FBI still running investigations out of
25 headquarters? Or instead of saying Headquarter Special.

1 Not that they have anything active. I guess I'm wondering
2 what the policy is as to whether FBI can still do a
3 Headquarters Special.

4 A. I don't have the policy in my head. I think
5 that there are very limited examples where they could run
6 something out of headquarters.

7 Q. Is that a policy change since the Midyear Exam?

8 A. It's my understanding that that is a distinct
9 policy change since Midyear Exam.

10 BY MR. BAKER:

11 Q. I want to ask a couple of questions, separate
12 and apart from Midyear Exam or Crossfire Hurricane, but
13 about your tenure as the General Counsel.

14 When you went over to the FBI -- and we've
15 heard some testimony about this, I think, on the House
16 side. We also have had individuals privately speak about
17 it. Were you given any kind of mandate or request in your
18 new role as General Counsel to address morale in the
19 General Counsel's Office?

20 It's our understanding that there was a morale
21 issue. There were a large number of EEO complaints that
22 had been filed, and we were told that there were so many
23 complaints coming from the General Counsel's Office
24 regarding EEO matters that Main Justice told maybe a
25 predecessor that settle some of these things. There's way

1 too many coming out of the FBI. And then, sort of along
2 with that, my understanding is there's something called a
3 climate survey that the FBI does to sort of take the
4 temperature, a pulse check, of the various divisions to see
5 if there's problems with morale and maybe retention issues
6 or whatnot.

7 I'd like you to address that to the extent that
8 you know. I'm really interested in if you were told there
9 was an issue for you to address on the administrative side
10 of the things.

11 [REDACTED]: Mr. Baker, just to be aware, I think
12 you're bordering in a deliberative process -- issues you're
13 talking about whether or not Mr. Boente was directed by the
14 Department or anyone at the Bureau to settle or address
15 cases or do other things to address potential employee
16 morale.

17 I do understand also that prior to starting
18 today's interview, we sort of discussed caveating most of
19 his session in his role at the Department, serving and
20 talking about his role as the General Counsel of the FBI.
21 I would ask to get back to his role at the Department and
22 to avoid his role as General Counsel of the FBI.

23 Mr. Baker: Well, I would ask that, to the
24 extent that he has a thought of -- and any deliberation is
25 fine. I don't necessarily need to know that. But I think

1 as our role as an oversight entity of the FBI, and we have
2 a case where the Inspector General has found 17 significant
3 errors and there's some other allegations about misconduct
4 in the General Counsel's Office, I would just be curious if
5 there's an administrative issue or a nonlegal issue going
6 on over there that maybe needs to be addressed.

7 You can put whatever caveat you want on it, but
8 I would just be curious if, as a newcomer to the FBI and a
9 top legal officer of the FBI, if once he got situated at
10 his desk and opened the drapes, there's a problem in
11 General Counsel-land that doesn't relate to legalese; it
12 just relates to personnel issues that maybe had been
13 festering for a long time.

14 The Witness: I was not told anything about
15 morale that I recall. I think I would recall if I had been
16 told that. It might have had a bearing on whether I took
17 the job or not.

18 But, Mr. Baker, I can say that I've been a
19 supervisor since 2005 in various capacities at the
20 Department of Justice. People will frequently ask you how
21 morale is in the U.S. Attorney's Office. I was a U.S.
22 Attorney for a long time in Virginia and for almost a year
23 in New Orleans, and I've consistently said this to people:
24 If you're at the top, you're the last person to be told.
25 Nobody comes up and says it really sucks around here. They

1 just don't say that to the U.S. Attorney. So I had no
2 indication that there was a problem.

3 BY MR. BAKER:

4 Q. Were you told anything at the Bureau about
5 climate surveys, that your division is all in the red or
6 trending red, or whatever they do?

7 A. No. I don't recall anybody telling me about
8 climate surveys before I got there. I'm obviously aware
9 that they do such a thing, and they do the same thing at
10 U.S. Attorney's Offices. They don't call it a climate
11 survey.

12 Q. So you're not aware that there was a problem
13 climate survey in the General Counsel's Office?

14 A. I was not. I have seen the climate surveys
15 since I've been there. As supervisor, it's always your
16 goal to improve them. I think if you think that they're
17 good enough, you're wrong. So it's always your goal to try
18 to improve.

19 Q. What was your impression of the climate surveys
20 that you saw?

21 A. Well, I don't know that I had an impression. I
22 mean, my impression -- and this bears on my recollection,
23 because the climate surveys of my predecessor were not a
24 big deal to me. I would rather be concerned about the ones
25 when I was running the office -- was that they could have

1 been better. They probably could have been worse, also.

2 Q. Do you recall seeing a lot of red?

3 A. Not really. I mean, they all have red on them
4 in some aspects. But I can't say I recall specifically
5 that there was anything that struck me as something
6 that -- well, actually, we get poor marks every year for
7 technology, you know, from our employees. And that has
8 struck me. I mean, that kind of goes across the board that
9 it does not change as much as I would like to change it.

10 Q. And that's more of an FBI-wide thing, I would
11 think. But you were never called in by the Director and
12 said, "We've got to get morale up"?

13 A. No, sir.

14 Q. Okay.

15 A. No, sir.

16 Q. Thank you.

17 BY MR. SOMERS:

18 Q. How many attorneys are there in OGC?

19 A. I think there are 194 FSLs.

20 Q. And how many of them would have any
21 responsibility for FISA applications or involvement in a
22 FISA application?

23 A. Yeah. In a FISA application, maybe 65. It
24 depends, when you consider the review process and
25 everything through it. You know, they can come out of

1 counterintelligence or counterterrorism. So attorneys are
2 doing a lot of things besides FISA applications. But my
3 point is they don't have 60 people working on FISA
4 applications full time.

5 Q. But there's about 60 or so that could
6 potentially?

7 A. That could touch the process. It's a rough
8 estimate. The people sitting behind me could probably give
9 you a better answer. I know they aren't the witness.

10 Q. On a typical FISA application, how many
11 attorneys and general counsel would be involved in a
12 typical single FISA application?

13 A. Four or five.

14 Q. And would the general counsel see all FISA
15 applications?

16 A. No.

17 Q. When did you become aware of the Crossfire
18 Hurricane investigation?

19 A. Well, I became aware of it, I believe, in
20 February of '17. But I'm not entirely certain when I knew
21 it by name.

22 Q. Does that mean, did you have knowledge of it
23 before February of 2017 without knowing it by name you're
24 saying?

25 A. No. I think that's when I learned of it. I

1 don't know when I learned the actual name of Crossfire
2 Hurricane. At the Department, we don't use code names
3 nearly as much as they do at the Bureau.

4 Q. So in February '17, what were you doing when
5 you learned of Crossfire Hurricane?

6 A. At some point after I became the Acting
7 Attorney General, I read the ICA, and knew there were
8 allegations of Russian interference in the 2016 election.
9 And I somehow learned there was an investigation and asked
10 to be briefed on it.

11 Q. And -- this is hard. You were the acting.
12 When you were actually the Acting Attorney General for the
13 whole Department, you were informed about Crossfire
14 Hurricane or while you were acting Deputy Attorney General?

15 A. Probably acting Deputy Attorney General.

16 Q. So it's not something you were told about the
17 day you stepped in as Acting Attorney General?

18 A. To provide a little context, my first two weeks
19 were almost exclusively dealing with immigration.

20 Q. So who told you about Crossfire Hurricane?

21 A. "Guess" is a bad word to use. I'm presuming it
22 was Tash Gauhar.

23 Q. But you went out and asked for the briefing.
24 It wasn't offered to you. Is that what you're saying?

25 A. Yeah. After I learned about different things,

1 I said, well -- as the Deputy, you always have that option
2 in any investigation. I felt that it was important to know
3 something about it.

4 Q. What were you told when you were first briefed
5 on it?

6 A. Well, you're testing my memory.

7 Q. I understand. Not the first time. But when
8 you were first made aware of the general timeframe.

9 A. Well, it's almost three years ago. I think --

10 Q. I just want to understand, you had this
11 investigation. What was the investigation when you were
12 first told about it?

13 A. Well, it was Russian attempts to influence the
14 2016 election.

15 Q. Were you told about possible Trump campaign
16 involvement in those efforts?

17 A. I don't know if and when I was told that. I
18 think -- I recall being told at some point -- maybe not
19 February -- between February and April, because thankfully
20 my involvement ended in April, that there was no evidence
21 of collusion with the Trump campaign.

22 Q. Were you told about any of the individual
23 people that were being investigated, Carter Page, George
24 Papadopoulos?

25 A. I believe that the main targets were told to

1 me.

2 Q. So you were told the main targets. Some of
3 them you would know probably just from the news were
4 associated, like Manafort and Flynn, for a while the
5 National Security Advisor. But were you told that Carter
6 Page and George Papadopoulos were associated with the Trump
7 campaign?

8 A. I think -- Mr. Page's association with the
9 Trump campaign had long ended by February. So I believe I
10 was told he was previously associated with the campaign.

11 Q. And you were told about George Papadopoulos?

12 A. I was told about Mr. Papadopoulos. I'm a
13 little less certain -- I knew he had at one time been
14 associated with the campaign. I'm a little bit less
15 certain about his exit from his association with the Trump
16 campaign.

17 Q. Were you told that Paul Manafort was under
18 investigation as part of the Crossfire Hurricane?

19 A. I was told that there was -- there was a
20 separate investigation in Virginia at that time.

21 Q. But you were briefed on as part of the
22 Crossfire Hurricane as well?

23 A. Well, it had always been kept separate; and I
24 think that, for whatever reason, the Bureau wanted it kept
25 separate at that time.

1 Q. What about General Flynn? Were you briefed on
2 General Flynn?

3 Mr. Weinsheimer: Mr. Somers, he has already
4 indicated that he was told about Mr. Flynn. I just wanted
5 to indicate that Flynn obviously is a case that's pending
6 litigation in two courts. So we would object to any
7 questions specifically about what he knew about the Flynn
8 investigation or its case because of the pending
9 investigations.

10 Mr. Somers: You object to any question we'd
11 ask him what he knew about Flynn in February to April of
12 2017?

13 Mr. Weinsheimer: Correct.

14 BY MR. SOMERS:

15 Q. What was your general understanding of what was
16 being investigated for Papadopoulos and Page and Manafort
17 to the extent that it related to the campaign, leaving
18 aside whatever other investigation there was of Manafort?

19 A. I thought that they were primarily -- it may
20 have been something else. But -- so leaving it to the
21 other three -- Papadopoulos, Page, and Manafort -- I
22 thought that they were fair violations. Mr. Papadopoulos
23 may have been a thousand and one. I'm not sure.

24 Q. How many briefings did you receive the time you
25 took over as Acting Attorney General to the time that Rod

1 Rosenstein was confirmed? How many briefings did you
2 receive on Crossfire Hurricane?

3 A. Estimating?

4 Q. Yeah.

5 A. Five or six.

6 Q. And who generally -- what's the universe, that
7 you can recall, of people that briefed you on Crossfire?

8 A. Generally, people within NSD who had more
9 knowledge of the case.

10 Q. And was Ms. Gauhar involved in the briefing?

11 A. Yes, she would have been involved.

12 Q. Anyone else from Deputy Attorney General?

13 A. Well, James Crowell certainly would have been
14 there for some of them.

15 Q. How frequent were these briefings?

16 A. Well, I think we tried to do them every two
17 weeks. But that could have been interrupted by schedule.

18 Q. What was being covered? Is this the progress
19 of the case, or is this all to get you up to speed on
20 the --

21 A. Both.

22 Q. -- background of the case?

23 A. Both.

24 BY MR. BAKER:

25 Q. Would any FBI people have ever been as part of

1 those briefings or this is all DOJ?

2 A. I think that there may have been some FBI
3 people for one or two of the briefings. I seem to recall
4 that there was a -- at least at one at them there was a
5 unit chief who attended because the Bureau was going to
6 stand up a special unit to do the investigation. And the
7 man's first name was Paul. That's --

8 Q. First name Paul. And he was a unit chief?

9 A. I seem to recall that's the case.

10 BY MR. SOMERS:

11 Q. What do you mean? I don't understand that,
12 stand up. Stand up a unit?

13 A. Have a dedicated unit who would just work on
14 the Russian investigation.

15 Q. So the FBI briefed you on that?

16 A. Briefed or told me those were their plans might
17 be a better way to put it.

18 Q. Did that happen?

19 A. I seem to think that it did not.

20 Q. Did you have any input on whether it --

21 A. I did not and didn't expect to have any.

22 BY MR. BAKER:

23 Q. Why would that have been something the FBI felt
24 it needed to brief someone of your level on, that they
25 would be opening or standing up a new unit? It seems so

1 administrative.

2 A. I can't answer that question.

3 Q. Okay.

4 BY MR. SOMERS:

5 Q. Did you ever talk to Jim Comey about Crossfire
6 Hurricane?

7 A. I discussed his testimony before SSIC.

8 Q. What did you discuss? This is while you were
9 acting Deputy Attorney General?

10 A. Yes, sir.

11 Q. And what did you discuss with him?

12 A. Just kind of the parameters of his testimony,
13 what he planned to testify about.

14 Q. Did he ask you about revealing the fact that
15 there was an investigation?

16 A. We discussed that.

17 Q. What was your opinion on whether he
18 should -- or could -- should or could reveal if there was
19 an investigation?

20 A. Well, I certainly felt that he could. Should
21 is a much more difficult question; but I ceded to his
22 request to brief on it.

23 Q. So you did not tell him not to brief?

24 A. That is correct.

25 Q. Why did he feel he needed to, if you recall,

1 mention the investigation in his testimony?

2 A. I think he said -- again, it's been three
3 years -- that the Intelligence Committee should know about
4 or understand that a maligned foreign power had attempted
5 to affect our presidential election.

6 Q. You had some reasons you thought maybe he
7 should not do that?

8 A. No. It's difficult. We don't like to brief on
9 pending criminal investigations as a matter of policy. But
10 the argument is not without force that the Intelligence
11 Committees should know about what could be described as an
12 attack on democracy by a foreign power.

13 Q. Did you ever talk to Andy McCabe about
14 Crossfire?

15 A. I could have. I have no recollection of
16 discussing it specifically with him in the absence of the
17 Director. Whether he had a conversation with the Director,
18 I can't specifically recall.

19 Q. Was this meeting with Comey in person or was it
20 over the phone?

21 A. That I can't -- my recollection -- again, three
22 years ago. I think it was over the phone, but it could
23 have been -- we meet with them on a regular basis to
24 discuss national security issues. So it could have been
25 after one of those meetings.

1 Q. But they were not specific. You talked a few
2 minutes ago about briefings you received on Crossfire
3 Hurricane. Either Comey or McCabe were in those briefings?

4 A. Not to my recollection. If they were, it was a
5 one-off for some reason that I don't recall. But it was
6 not that they regularly attended those briefings.

7 Q. Did you ever talk to Jim Baker about Crossfire?

8 A. Not that I recall.

9 Q. Did he directly precede you as general counsel
10 or was there a --

11 A. There was an interim.

12 Q. Did you ever talk to Bill Priestap about
13 Crossfire Hurricane?

14 A. I feel certain I did after I got to the Bureau
15 as General Counsel. Perhaps before, but I know I did after
16 I was at the Bureau.

17 Q. The same question, with Peter Strzok?

18 A. I don't think -- well, I didn't talk to Peter
19 Strzok about Crossfire Hurricane after I got to the Bureau.
20 I'm pretty solid on that.

21 Q. Did you talk to him while you were at DOJ or
22 NSD or as acting?

23 A. There may have been, again, some contact with
24 him. I don't believe he was part of any regular briefing,
25 and I cannot recall anything specific Pete would have said.

1 Q. So other than -- you mentioned the unit chief
2 earlier that was possibly at a prior briefing talking about
3 standing up a unit to specifically investigate Crossfire
4 Hurricane. Do you recall anyone from the FBI that was in
5 your briefings while you were the acting Deputy Attorney
6 General or --

7 A. I don't recall anyone. I'm not saying there
8 wasn't. I just don't recall anyone.

9 Q. What was your role in Crossfire Hurricane as
10 the acting head of NSD?

11 A. Much less than it had been as Deputy Attorney
12 General. I don't have much recollection of dealing with it
13 after I became the AAG of NSD or the acting AAG. I
14 understand that I had a meeting on April 26. I think that
15 was the day after Mr. Rosenstein was appointed and
16 confirmed. I know I discussed the case with Mr. Rosenstein
17 as kind of a handoff. I don't know whether he was at that
18 meeting or not, but it strikes me that -- I would have
19 thought he would have been, but I just don't know.

20 Q. Did you have any role of the third and
21 final -- I want to say -- Carter Page FISA application in
22 your role at NSD?

23 A. I can't help you anything more than the IG
24 report says, which is I was given a copy of the
25 application. But I don't recall receiving it.

1 Q. So you don't recall if you did anything with
2 it?

3 A. No, sir.

4 Q. The IG report mentions on page 73 that you had
5 concerns that the Crossfire Hurricane investigation lacked
6 cohesion.

7 Do you recall those concerns?

8 A. Yes, sir.

9 Q. And what were they? Or what --

10 A. It was my understanding that it was being run
11 out of three different offices, the Washington Field
12 Office, the New York Field Office, and the Chicago Field
13 Office. I just felt it should be pulled together.

14 Q. But you didn't take any action to get it pulled
15 together?

16 A. No. I did say I wanted it run out of the
17 Eastern District of Virginia.

18 Q. So that may have been why you got the briefing
19 on the standing up a unit, or briefing or whatever it was,
20 had the conversation about standing up a unit?

21 A. It could have been. But as Mr. Baker
22 indicated, we aren't normally consulted on staffing issues
23 on any case unless -- as U.S. Attorney unless I had a
24 complaint about something.

25 Q. Do you mean lack of cohesion at the FBI, or do

1 you mean lack of cohesion at the Department generally?

2 A. Probably more at the Department, which was
3 something I actually had the responsibility for at that
4 time.

5 Q. What was the lack of cohesion at the
6 Department?

7 A. As I said, it was being run out of three
8 different U.S. Attorneys Offices.

9 Q. At the field offices of the FBI. So we have
10 what we have, which is what's in the IG report, indicates
11 that -- we can see that it was being run out of different
12 field offices at the FBI. You're saying as it's being run
13 out of the different field offices of the FBI, it's also
14 being run out of different U.S. Attorneys offices?

15 A. Yes, sir.

16 Q. So would those correspond with the particular
17 field office location by looking at the -- so in here, for
18 instance, it says the Carter Page investigation was being
19 run out of the -- and I'm looking at page 82 of the IG
20 report -- was being run out of New York Field Office.

21 Does that mean that a U.S. Attorney's Office in
22 New York correspondingly was working on the case?

23 A. It wouldn't have to, but that would generally
24 be the case.

25 Q. You don't recall which U.S. Attorney's Office

1 was working on Carter Page?

2 A. I believe it was the Southern District of New
3 York.

4 Q. And it says that Washington field was running
5 the Michael Flynn investigation; it says the Chicago Field
6 Office was running the George Papadopoulos investigation.
7 So you presume, per the Papadopoulos investigation, that
8 the Illinois U.S. Attorney's Office was --

9 A. Northern District of Illinois is my
10 understanding.

11 Q. And Paul Manafort was being run out of the
12 Washington field. I guess there were two prosecutions of
13 Paul Manafort, so it's split between two U.S. Attorney's
14 Offices?

15 A. (Nodding head.)

16 Q. But mainly, the lack of cohesion that I just
17 referred to on page 73 was a Department issue, not an FBI
18 issue as you recall?

19 A. Well, that's what I recall was my concern at
20 that time.

21 Q. Was there supervision from the Department over
22 these various U.S. Attorney's Offices that were working on
23 Crossfire Hurricane? Was there a central place for the
24 Department they were reporting to?

25 A. I didn't get the sense that there was.

1 Q. So as far as the Department was concerned, the
2 top was kind of the individual U.S. Attorney's Offices?

3 A. Yes, sir.

4 Q. So it wasn't somebody at NSD that had
5 visibility on these four investigations?

6 A. Not that I recall.

7 BY MR. BAKER:

8 Q. I want to go back. Just a couple minutes ago
9 you had indicated conversations that you had had at some
10 time or another with Mr. Comey, Mr. McCabe, Mr. Priestap,
11 and Strzok, not all together, but at different times.

12 You, I think without question, have had a very
13 long and distinguished career at the Department of Justice
14 in a lot of different capacities, a lot of high-level
15 capacities. And when I read some of your concerns that
16 were articulated in the IG report and some of the things
17 you say, you seem very able to look -- when we talked about
18 FISAs earlier, to look at things that need to be looked at,
19 maybe not get into the weeds on things you don't need to
20 look at.

21 I'm curious, did you have a relationship with
22 Mr. Comey before he was the director, when he was in other
23 capacities at the Department?

24 A. I've known Mr. Comey since he was an Assistant
25 U.S. Attorney in Richmond, Virginia in 2001.

1 Q. And working with him, is that something that
2 you have confidence in his abilities, or you did?

3 A. Well, when you say worked with him, he was in
4 Richmond; I was in Alexandria. So we didn't work together,
5 but I knew him. I would describe us as personal
6 acquaintances as opposed to friends. I've never socialized
7 with him or worked on a case with him or been supervised or
8 supervised him.

9 So -- I'm not sure what your question is. I
10 want to correct it, though. I don't have a clear
11 recollection of having -- the list of names you read off,
12 Mr. Baker, I don't think I ever talked to Strzok. I mean,
13 I may have, but nothing jumps out to me about the Crossfire
14 Hurricane investigation.

15 I only talked to Mr. Priestap about -- well,
16 again, nothing stands out. I certainly had substantive
17 discussions about Crossfire Hurricane with Mr. Priestap
18 after I became General Counsel in January of '18.

19 I could have talked to Mr. McCabe about
20 Crossfire Hurricane when I was at the Department of
21 Justice, but don't recall. Mr. McCabe left his position as
22 deputy director the day I started at the Bureau. So I had
23 no discussions with him over there, if that helps.

24 Q. It does. So did any of these people -- I get
25 the impression that -- I understand that you didn't

1 necessarily work directly with Mr. Comey prior. But if you
2 did have conversations with any of these individuals, were
3 any of them people that you wanted other people in the room
4 with you while you were talking to them or with them on the
5 phone? Or these are people that you felt were competent
6 individuals and you had no reason to question their
7 abilities?

8 A. Yeah. I had no reason to question their
9 abilities or wanted to have people in the room. I think
10 sometimes other people wanted to be in the room on things,
11 but that was not necessarily at my insistence.

12 Q. And not because these other people thought that
13 you would be better served by having people in the room to
14 hear what these FBI individuals might be saying, because
15 these associates of yours had concerns about them?

16 A. You'd have to speak to them about what their
17 concerns might have been. I think some people -- there had
18 been a disagreement with the Bureau on issuing a public
19 statement.

20 Q. Okay.

21 A. So that might have left people concerned.

22 Q. Thank you.

23 BY MR. SOMERS:

24 Q. Back to what we were discussing before. So
25 what was, as you understood it, NSD's role in Crossfire

1 Hurricane?

2 A. Well, they had at least one attorney assigned
3 to it. And, you know, it wasn't terribly robust, the
4 investigation. I guess their role is that of a program
5 manager. You understand, the Department is structured in
6 that U.S. Attorneys report to the deputy, not to the
7 National Security Division.

8 So to the extent they're running their
9 investigations, they rely upon NSD for certain things, FISA
10 and resources, expertise. But if it comes down to opening
11 an investigation, closing an investigation, prosecuting
12 someone, that is between the U.S. Attorney's Office and the
13 Deputy Attorney General's Office.

14 Q. Who was the one U.S. Attorney who was assigned
15 Crossfire Hurricane?

16 A. [REDACTED], while I was there.

17 Q. And his role would have been, if one of the
18 U.S. Attorney's Offices needed something from NSD, they
19 would come to him?

20 A. Well, he was actually working on the
21 investigation for a time with an attorney in the U.S.
22 Attorney's Office in Virginia. But it was a brief time,
23 because by the time we started it up, I had left my role as
24 the acting Deputy Attorney General and then shortly
25 thereafter there became a special counsel.

1 Q. And this is a separate chain that he's on. As
2 you said, he was assigned to Crossfire Hurricane. And then
3 if they needed a FISA renewal, NSD's role in a FISA
4 renewal?

5 A. I don't know as I sit here without documents.
6 I would be very surprised if [REDACTED] had anything
7 to do with FISA renewal because he wasn't in the Office of
8 Intelligence.

9 Q. And he was permanently at NSD?

10 A. Yes, sir.

11 Q. Page 73 of the IG report says, Boente said that
12 he had the impression that the investigation had not been
13 moving with a sense of urgency, an impression that was
14 based at least in part on not a lot of criminal proceedings
15 being used.

16 Do you recall what you meant by "not a lot of
17 criminal proceedings being used"?

18 A. I don't. Is that proceedings or process?

19 Q. It says proceedings.

20 A. Well, I would have thought maybe a lot of
21 process. You know, not a lot of subpoenas, not a lot of
22 2703(d) orders, preservation letters, email search
23 warrants, things like that, is what -- I've actually read
24 that. I always thought it said process. But it could
25 be --

1 Q. Well --

2 A. No, no. I'm not questioning what it says as we
3 sit here today and I don't --

4 Q. Your impression is fine, either way.

5 Mr. Baker: It says process?

6 Mr. Somers: It says process.

7 Mr. Baker: I'm sorry, I must have copied it
8 wrong.

9 BY MR. BAKER:

10 Q. So you would have expected to see more criminal
11 process in a --

12 A. In a robust investigation, yes.

13 Q. Against whom? Do you recall? The four targets
14 or --

15 A. Well, in any investigation, as I said, you
16 know, preservation letters to internet service providers.
17 I'm just going about the normal things you would expect to
18 see in an investigation. An email search warrant, you
19 know, search warrants for travel records. The various
20 things that you would look for in any kind of
21 counterintelligence investigation.

22 Q. Do you recall --

23 A. Financial records, for instance, if you're
24 concerned about payments.

25 Q. For all four individuals?

1 A. It was a general sense that there had not
2 been -- it had not been very robust.

3 Q. Did you raise this concern with anyone?

4 A. I am sure I discussed it with people in the
5 Deputy Attorney General's Office and the National Security
6 Division.

7 Q. Did you get answers to why there wasn't a lot
8 of criminal process?

9 A. I don't recall.

10 Q. But you didn't ask specifically for an answer,
11 like, hey, what's going on here? I want to be briefed on
12 why there's no criminal process being used in this matter?

13 A. No. I may have. I just don't recall.

14 BY MR. BAKER:

15 Q. Are these things, in your view, the FBI should
16 have been doing?

17 A. Well, in conjunction with the U.S. Attorney's
18 Office. The Bureau cannot get a 2703(d) order on their
19 own. They can't issue subpoenas for records on their own.
20 They can't -- well, they normally would not be the people
21 to --

22 Q. Well, in your thought, it would be the FBI in
23 conjunction with the U.S. Attorney's Office that they're
24 working with?

25 A. Yes, sir.

1 Q. At a much more fundamental level.

2 A. That's how every investigation works, is it's a
3 joint process between the U.S. Attorney's Office and the
4 FBI, or whatever investigative agency it is.

5 BY MR. SOMERS:

6 Q. Do you know who you would have expressed these
7 concerns to about criminal process?

8 A. I would think, without being certain, I would
9 have discussed it with Mary McCord, who was running NSD at
10 that time.

11 Q. Do you recall --

12 A. As I sit here, I can't tell you why I knew
13 that. Because you don't all of a sudden get to ODeputy
14 Attorney General and have a file and pick up and say,
15 here's the investigation, this is not happening. I had
16 made inquiries about what was going on. I'm presuming, and
17 my recollection is, not all that much.

18 Q. So this is something, though, that would have
19 come up in the briefings we discussed earlier, and might
20 have been a question you would have asked on a briefing?
21 Or this is a separate inquiry?

22 A. I would think so.

23 Q. But you don't recall getting an answer as to
24 why there wasn't much criminal process going on?

25 A. I do not.

1 Q. We're running a little low on time. According
2 to the IG report, you provided Rod Rosenstein with the
3 first briefing you received a day or two after being sworn
4 in.

5 Do you recall what that briefing consisted of?

6 A. I do not. I recall, I think, two. The first
7 one I wouldn't call a briefing.

8 So I recall having a list of about 35 things to
9 talk to Mr. Rosenstein about, just various matters that
10 needed to be done. I have to believe with certainty that
11 the Crossfire Hurricane investigation was one of those 35
12 matters, and so I discussed it with him.

13 And then there was a briefing shortly
14 thereafter. And I thought it might have been on the 26th,
15 but maybe not, which is the day after I think he was sworn
16 in. That would have been a more substantive investigation
17 given by the folks at NSD. Again, I don't have a specific
18 recollection of it.

19 Q. Did you have regular conversations with
20 Rosenstein after, while you were the head of NSD, about
21 Crossfire Hurricane?

22 A. I don't recall if there were about Crossfire
23 Hurricane. I'm not saying that there weren't discussions,
24 but it was not on a regular basis something that was
25 scheduled. I have known Rod for probably getting close to

1 20 years. So we could have had what I would describe as a
2 sidebar conversation, but I don't recall that we were
3 meeting on a regular basis on those as we were leak
4 investigations.

5 Mr. Somers: I think our hour is up. So we can
6 take a short break now and turn it over to the minority.

7 (Recess.)

8 Mr. Charlet: The time is 11:21, and we can go
9 back on the record.

10 EXAMINATION

11 BY MR. CHARLET:

12 Q. Good morning, Mr. Boente. Thank you for being
13 here. As we discussed earlier, my colleagues, Ms. Sawyer
14 and Ms. Zdeb and I will be asking you a series of
15 questions, but I'll go first.

16 As you know, the DOJ Inspector General issued a
17 400-page report in December of last year entitled "Review
18 of Four FISA Applications and Other Aspects of the FBI's
19 Crossfire Hurricane Investigation."

20 The report detailed the results of a two-year
21 investigation into the same topics we're discussing today.
22 According to the report, the IG examined more than one
23 million documents and interviewed more than 100 witnesses,
24 including Christopher Steele and numerous current and
25 former government employees.

1 Did you cooperate with the OIG investigation?

2 A. I did.

3 Q. Thank you. Were you interviewed as part of
4 that investigation?

5 A. I was.

6 Q. Once? More than once?

7 A. Just once.

8 Q. Okay. For approximately how long?

9 A. I would estimate somewhere between three and
10 four hours.

11 Q. Did you provide complete and truthful answers
12 to the questions OIG asked during the course of the
13 interview?

14 A. To the best of my ability.

15 Q. Did you or did the Justice Department provide
16 OIG with documents related to your involvement with the
17 Crossfire Hurricane investigation?

18 A. I did.

19 Q. Did OIG ever complain that it needed more
20 information from you?

21 A. They did not.

22 Q. Did OIG ever complain that they didn't get the
23 documents they needed related to your involvement?

24 A. They did not.

25 Q. Did you have the opportunity to review the OIG

1 report, at least the portions involved here?

2 A. Yes. I reviewed the OIG report.

3 Q. Did you provide any comments on the draft?

4 A. I believe I did provide a comment.

5 Q. Can you please characterize those comments.

6 A. Excuse me. I apologize. I don't think I
7 provided any on the Crossfire Hurricane. I provided one on
8 the Midyear Exam.

9 Q. I see.

10 A. So my apologies.

11 Q. In that case, would you have submitted comments
12 to OIG if you believed their draft contained errors?

13 A. Certainly.

14 Q. In other words, you didn't identify any errors
15 when you reviewed the draft report?

16 A. I did not. Not that I recall.

17 Q. Our committee held a six-hour hearing with
18 Inspector General Horowitz following the release of this
19 report. A number of allegations were made against the FBI
20 during that hearing and subsequently repeated at other
21 hearings and meetings of the committee.

22 We believe the allegations were investigated
23 and answered by the Inspector General, but I'm going to ask
24 you a series of questions about them because we continue to
25 hear these allegations from people who do not have

1 firsthand knowledge or evidence about what happened during
2 Crossfire Hurricane.

3 The Inspector General found that there was no
4 documentary or testimonial evidence of bias impacting the
5 FBI's work in the Crossfire Hurricane investigation.
6 Nonetheless, there have been allegations that there was
7 tons of evidence of bias.

8 Did political bias impact any of your actions
9 in connection with Crossfire Hurricane?

10 A. It did not.

11 Q. Do you have any evidence that political bias
12 otherwise impacted the FBI's work in Crossfire Hurricane?

13 A. I have no information that wasn't available to
14 Mr. Horowitz.

15 Q. It has been alleged that the FBI engaged in a
16 massive criminal conspiracy over time to defraud the FISA
17 court. Do you have any evidence that the FBI engaged in a
18 massive criminal conspiracy over time to defraud the FISA
19 court?

20 A. I do not.

21 Q. It has been alleged that the FBI purposefully
22 used the power of the federal government to wage a
23 political war against a presidential candidate they
24 despised. Do you have any evidence that the FBI agents
25 purposefully used that power to wage a political war?

1 A. I do not have anything other than what Mr.
2 Horowitz has.

3 Q. Do you have any evidence that the FBI was
4 attempting a coup against President Trump?

5 A. I do not.

6 Q. Do you have any evidence that the Crossfire
7 Hurricane investigation was a hoax or a witch hunt intended
8 to hurt Trump politically?

9 A. I do not.

10 Q. Was your goal to hurt Trump politically?

11 A. It was not.

12 Q. If not, what was your goal?

13 A. To determine if there was a maligned foreign
14 power -- Russians -- had attempted to interfere in the
15 election.

16 Q. Do you have any evidence that Crossfire
17 Hurricane was part of a deep state effort to take down
18 President Trump?

19 A. I do not have anything like that.

20 Q. There have also been allegations that the
21 purpose of the Crossfire Hurricane investigation was to
22 change or nullify the results of the 2016 election. Do you
23 have any evidence that the goal of Crossfire Hurricane was
24 to change or nullify the 2016 election?

25 A. I do not.

1 Q. There have also been allegations that Crossfire
2 Hurricane was composed of people who hated Trump and who
3 had an agenda to destroy him before he was elected and
4 after he was elected. You were appointed by Trump to be
5 Acting Attorney General after Trump fired Sally Yates for
6 refusing to defend the travel ban.

7 Upon being sworn in as Acting Attorney General,
8 did an agenda to destroy the President prevent you from
9 immediately instructing Department of Justice lawyers to
10 defend the Executive Orders of the President?

11 A. It did not.

12 Q. You subsequently held two other roles at the
13 Department of Justice under President Trump appointees
14 Sessions and Rubenstein. Did an agenda to destroy the
15 President prevent you from executing and defending the
16 lawful orders of the President and individuals?

17 A. Did not.

18 Q. FBI Director Christopher Wray, also appointed
19 by President Trump, named you as FBI General Counsel in
20 January 2018. Did an agenda to destroy the President
21 impact any decisions you have made in this role?

22 A. It did not.

23 Q. Do you have any evidence that an agenda to
24 destroy the President has impacted any decisions by
25 Director Wray specifically?

1 A. I am not aware of any such information.

2 Q. Did you personally have an agenda to destroy
3 President Trump at any point, either as a candidate or
4 since election?

5 A. I did not.

6 Q. Do you have any evidence that the goal of
7 Crossfire Hurricane was to destroy President Trump either
8 as a candidate or since election?

9 A. I do not.

10 Q. Thank you.

11 BY MS. ZDEB:

12 Q. Mr. Boente, I wanted to start with just a
13 couple of very general questions about counterintelligence
14 and criminal investigations, drawing on your experience as
15 a seasoned prosecutor and FBI general counsel.

16 For starters, does the FBI require agents to
17 have an expectation that they will find criminal wrongdoing
18 in order to open a counterintelligence investigation?

19 A. They do not.

20 Q. And what impact would imposing a requirement
21 along those lines have on the Bureau's ability to
22 investigate counterintelligence and national security
23 threats?

24 A. It would be harmful to national security,
25 because many times the goal is just to find out what the

1 foreign power knows or what they're trying to find out, and
2 various other things that really are completely unrelated
3 to criminal investigations.

4 Q. Does the FBI require agents or does the
5 Department require prosecutors to have certainty that they
6 will be able to prove criminal wrongdoing in order to open
7 a criminal investigation?

8 A. They do not.

9 Q. And can you speak to what the impact of
10 imposing a requirement along those lines would be on the
11 Bureau's and the Department's efforts to investigate and
12 prosecute crime?

13 A. Well, there, I think, are good reasons why you
14 don't want the predication for a criminal investigation to
15 be too high, because sometimes it just begins with an
16 allegation, and you have to acquire information to see if
17 indeed there was a criminal violation.

18 So there would be many, many cases that warrant
19 investigation and prosecution that you would miss if you
20 set that bar too high.

21 Q. So, in other words, the mere fact that
22 prosecutors may not ultimately charge a crime or obtain a
23 conviction does not, standing alone, mean that the
24 investigation was unwarranted in the first place?

25 A. It does not.

1 Q. I would like to ask you a couple of questions
2 about that period of time when you were acting -- or the
3 two periods of time during which you were acting AG, first
4 in general and then second for purposes of Crossfire
5 Hurricane.

6 As you know, because you've reviewed the IG
7 report, Mr. Horowitz found that the FBI opened Crossfire
8 Hurricane following Russia's hack of the DNC and after
9 receiving information from a friendly foreign government
10 suggesting that the Trump campaign may have had advanced
11 notice of Russia's plans to publish stolen emails. He then
12 went on to conclude that this information gave the FBI an
13 adequate predicate to open the investigation.

14 On page 73 of the OIG report, it notes that,
15 and as we've discussed a bit today, when you became Acting
16 Deputy Attorney General you were briefed on the predication
17 for the investigation; and I believe you told OIG that you,
18 quote, "did not question the predication for the
19 investigation."

20 Is that correct?

21 A. That's correct. I don't have a specific
22 recollection of it, but that is correct what I told the IG.

23 Q. And I believe you also told OIG -- and this is
24 also on pages 73 to 74 of the report -- that you did not
25 have any concerns about the decision to open Crossfire

1 Hurricane; is that correct?

2 A. That's correct.

3 Q. In fact, I believe you told OIG that the
4 regular briefings that you were discussing with Mr. Somers
5 and Mr. Baker, that you sought those briefings because you
6 believed it was extraordinarily important to the Department
7 and its reputation that allegations of Russian interference
8 in the 2016 election be investigated; is that correct?

9 A. That is correct.

10 Q. So it's fair to say that you thought there was
11 a sufficient basis, or a "there there" so to speak to open
12 the investigation?

13 A. Yes, ma'am.

14 Q. And when you were discussing with Mr. Somers a
15 little bit before the break the question of your concern
16 that there had not been sufficient criminal process used at
17 that point in the investigation, is it fair to say that had
18 you believed that there was not a sufficient basis for the
19 Crossfire Hurricane investigation in the first place or had
20 otherwise believed that there was no there there, so to
21 speak, that you would not have made the pitch for
22 additional criminal process?

23 A. That is correct.

24 Q. You spoke a little bit before the break about
25 the transition between yourself and Mr. Rosenstein when he

1 was sworn in as acting Deputy Attorney General in April of
2 2017. At some point before that transition when you handed
3 off the case to Mr. Rosenstein -- and you had spoken a bit
4 before about discussions with Director Comey. At some
5 point during this time, when you were still acting AG for
6 purposes of Crossfire Hurricane, Director Comey made you
7 aware that the President had asked him to, quote, "lift the
8 cloud of the Russia investigation," and that this direct
9 contact from the President had made him uncomfortable; is
10 that correct?

11 A. That's correct.

12 Q. I believe you told then-White House Counsel
13 McGahn that direct outreach from the President to Director
14 Comey was a problem?

15 A. Yes. To make sure the record is correct, there
16 were two calls from Mr. Comey. I think they were
17 approximately a week apart. I didn't call Mr. McGahn until
18 the second call.

19 Q. Can you describe what it was that Mr. Comey
20 conveyed to you in each of those calls? In other words,
21 was it the first call or the second call during which he
22 conveyed the discussion in which the President had asked
23 him to lift the cloud of the investigation?

24 A. I'm not certain I can distinguish the content
25 between the two as I sit here. But they were both calls

1 Mr. Comey had received from the President: It was a
2 pending investigation, and it made him feel a little
3 uncomfortable.

4 Mr. Comey made a point of saying he did not
5 view it as obstructive, but he just thought that discussing
6 pending investigations with the White House was something
7 that shouldn't be done.

8 Q. As a general matter, would you agree that
9 direct outreach from any President to a sitting FBI
10 director about a specific criminal investigation is unwise,
11 because it could at the very least create the appearance of
12 political interference?

13 A. I would agree with that.

14 Q. So is it also fair to say that the appearance
15 of political interference is heightened when the specific
16 pending investigations may relate to the President or his
17 associates?

18 A. I think so.

19 Q. I believe that you told the Special Counsel's
20 Office when you spoke to them that when Mr. McGahn asked
21 whether the Russia investigation could be speeded up or
22 ended as soon as possible, you responded to the effect of
23 attempting to shorten the investigation could erode
24 confidence in the investigation's conclusions.

25 Could you speak to why maintaining public

1 confidence in the Russia investigation was important?

2 A. Well, yes. You've had an allegation that the
3 election had been affected by a foreign power to the
4 benefit of the current administration. So I believed it
5 was important to have a full robust and fair investigation
6 so that we would understand what happened. And if
7 consequences were warranted, people would have -- the
8 public would have confidence that the case had been
9 thoroughly investigated. And if there are not charges,
10 it's important for the public to have confidence that there
11 was a full investigation.

12 It really cuts both ways. In fact, it may be
13 even more important in the latter case where you don't have
14 charges that there was a thorough investigation.

15 Q. Of course, at a certain point, as we've
16 discussed, Mr. Rosenstein was sworn in as Deputy Attorney
17 General. At some point shortly after he became Deputy
18 Attorney General, Director Comey testified before our
19 committee; and in a similar way as you described him doing
20 before the Senate Intelligence Committee, he confirmed to
21 our committee the existence of an investigation, but he
22 declined to answer further questions about the specifics of
23 that investigation or to rule out that specific people were
24 being investigated. Of course, about a week after that,
25 Director Comey was fired by the President.

1 When Mr. Rosenstein appointed Robert Mueller as
2 Special Counsel the following week, he said, quote, "Based
3 on the unique circumstances, the public interest requires
4 me to place this investigation under the authority of a
5 person who exercises a degree of independence from the
6 normal chain of command." He also said that a special
7 counsel is necessary in order for the American people to
8 have full confidence in the outcome of the Russia
9 investigation.

10 Did Mr. Rosenstein consult you, either during
11 one of the sidebar discussions that you mentioned earlier
12 or during one of the two meetings that you have described
13 with him during the handoff, about the decision or the
14 potential to appoint a special counsel?

15 A. Not that I recall.

16 Q. Do you have an understanding of what he meant
17 when he was indicating that unique circumstances required
18 him to place the investigation in the hands of someone who
19 exercised a degree of independence from the usual chain of
20 command?

21 A. No more than what his words would imply to any
22 of us, that to avoid the appearance of a conflict of
23 interest or that somehow there was anything but a
24 completely independent investigation; but just taking it
25 from Mr. Rosenstein's words. I never had a conversation

1 with him about those matters, that I recall.

2 BY MS. SAWYER:

3 Q. I just had a couple questions.

4 When my colleague asked what the goal was of
5 the investigation, I think you said that the goal was to
6 determine whether a maligned foreign power interfered in
7 the 2016 election.

8 Does that sound right?

9 A. That was my understanding.

10 Q. And, specifically, that maligned foreign power
11 was Russia; is that correct?

12 A. Yes, ma'am.

13 Q. From your perspective, is there any question as
14 to whether or not Russia interfered in the 2016 election?

15 A. There is not.

16 Q. So it's clear that they did indeed?

17 A. Yes, ma'am.

18 Q. And Special Counsel Mueller specifically found
19 that they had indeed engaged in a sweeping and systematic
20 campaign to interfere in our elections in 2016?

21 A. That's my understanding of what he wrote.

22 Q. And that is one part of it. But also, another
23 part was to determine, was it not, whether or not, either
24 wittingly or unwittingly, any U.S. persons were involved in
25 that Russian interference effort?

1 A. Correct.

2 Q. So witting assistance would have been
3 assisting, knowing you are assisting Russia in its
4 interference efforts, correct?

5 A. Yes.

6 Q. And you can wittingly assist and not commit a
7 crime. Is that also accurate?

8 A. I think so.

9 Q. And if you're wittingly assisting a foreign
10 government in its efforts to interfere in our election,
11 does that pose a counterintelligence or a national security
12 risk?

13 A. Yes, it would.

14 Q. In what ways?

15 A. Well, depending upon what the person has access
16 to or how they're helping, it is something we would want to
17 know from a counterintelligence perspective.

18 Q. So even if he weren't investigating necessarily
19 to determine crimes, as my colleague says, there could be a
20 strong counterintelligence and national security reason to
21 investigate?

22 A. That is frequently the case in
23 counterintelligence investigations.

24 Q. And if one person who potentially is assisting
25 is a campaign manager and has access to internal campaign

1 strategy and internal campaign data, might you possibly
2 want to know their connections with Russian individuals?

3 A. Taking your hypothetical as correct, yes.

4 Q. So taking it from the hypothetical to the real,
5 Paul Manafort had connections with an associate by the name
6 of Konstantin Kilimnik.

7 Are you familiar with Mr. Kilimnik?

8 A. I am now. I don't believe I was at that time.

9 Q. And what is your familiarity with him based on?

10 A. Information that I have learned since I've been
11 General Counsel in providing information to various
12 congressional oversights.

13 Q. So you briefed Congress?

14 A. This has been my only briefing of Congress.

15 Q. I'm sorry, today?

16 A. Today is my only briefing.

17 Q. So just keeping it at a level that doesn't get
18 into or run the risk of getting into classified
19 information, Special Counsel Mueller, on page 133 of his
20 report, says that Mr. Kilimnik has ties to Russian
21 intelligence.

22 Do you have any reason to doubt that assertion
23 or conclusion?

24 A. I think my answer might kind of get into
25 classified information.

1 Q. Fair enough. What is your understanding of
2 Mr. Manafort, when he was campaign manager, of his
3 interactions with Mr. Kilimnik?

4 A. Again, I think that might get into something
5 that would be difficult for me to answer in this forum.

6 Q. Does that information go beyond what is in the
7 Mueller report?

8 A. I would have to look at the Mueller report and
9 kind of separately consider that fact.

10 Q. Do you know when and who discovered that
11 Mr. Manafort was meeting and having meetings with Mr.
12 Kilimnik in August of 2016 while he was campaign manager?
13 Do you know when that fact was discovered?

14 A. I don't recall, as I sit here, if I know. I
15 don't recall.

16 Q. Do you think it was before you became the
17 Acting Deputy on February 9, 2017?

18 A. Again, I just don't know as I sit here.

19 Q. Do you know whether you were briefed on that in
20 the five or six -- I think you indicated that you thought
21 it was about five or six times that you were briefed --

22 A. Yeah.

23 Q. -- when you were the Acting Deputy Attorney
24 General. Do you recall being briefed on that at that time?

25 A. I'm a little uncertain. I seem to recall that

1 gentleman's name was mentioned, but I'm uncertain.

2 Q. Certainly if you were briefed at that time
3 about interactions between the campaign manager and an
4 individual that Special Counsel Mueller determined had ties
5 to Russian interference, do you believe there would have
6 been a counterintelligence reason to continue that
7 investigation?

8 A. Yes.

9 Q. I just want to make sure I understand. I know,
10 when you were talking to my colleagues -- I want to make
11 sure I understand the universe of your involvement. My
12 understanding of what you had told us was that in the
13 period of time that you were the Acting Deputy Attorney
14 General -- which I think was from around February 9th to
15 April 26th -- you were briefed maybe five or six times by
16 the Justice Department lawyers?

17 A. That's a rough estimate. And there could have
18 been an FBI agent at some of those briefings, but I don't
19 recall specifically other than I think the one instance
20 that I spoke of.

21 Q. Then after Deputy Attorney General Rosenstein
22 got appointed, at that point in time, it sounded like you
23 had a meeting, whether it was a handoff, but then you were
24 no longer directly involved in briefings on Crossfire
25 Hurricane or the appointment of the special counsel or then

1 the special counsel's investigation?

2 A. Well, that is certainly my recollection. The
3 time was fairly brief to the appointment of special
4 counsel. I think it would run from April 26th to May 16th,
5 '17.

6 So I do not recall any discussions of an
7 appointment of special counsel. I recall there was a
8 meeting with Deputy Attorney General Rosenstein to hand off
9 the case, and I had, I believe, two meetings with
10 Mr. Mueller again to hand off matters.

11 Q. So you met with Special Counsel Mueller shortly
12 after his appointment a couple of times, as best you
13 recall?

14 A. As best I recall, there were two meetings. One
15 was in the Justice Command Center, and the other was in
16 some space in the Patrick Henry Building.

17 Q. What was your understanding of the scope of
18 what Special Counsel Mueller was being asked to look into
19 when you were handing off information?

20 A. I really didn't understand the scope, because I
21 don't think that was ever made public and it wasn't
22 necessarily disclosed to me.

23 The second meeting was a briefing of the
24 separate Manafort investigation, I recall that pretty
25 specifically, as to whether he wanted to bring it into his

1 umbrella, but I did not understand what his umbrella was.
2 The first meeting in the JCC was just more generally where
3 the investigation was. I would note that I was not the
4 primary briefer in either case.

5 Q. Who was the primary briefer?

6 A. It's easier for me on the second one in Patrick
7 Henry, which was a combination of MLARS and -- I don't
8 remember the person's name -- and I believe an NSD/CES
9 attorney.

10 Q. And that was the separate investigation?

11 A. That was the separate. Yeah, that was the one
12 concerning the separate prior investigation of
13 Mr. Manafort, whether the special counsel would assume
14 responsibility for that investigation.

15 The first one was a more general briefing. It
16 was given by people at NSD. I think, but I'm not
17 absolutely certain, that it was [REDACTED].

18 Q. And understanding that you don't remember a lot
19 of the specifics, do you remember at any point anyone
20 indicating that there really was no need to investigate;
21 that there really was nothing for Special Counsel Mueller
22 to look at?

23 A. I do not remember that.

24 Q. Do you remember whether there's any sense that
25 there actually was matters that he should be looking at,

1 and even just a general sense of what that included?

2 A. Not the general sense more than I've already
3 stated, in that the broad picture of Russian interference
4 in the election. But as I said when I spoke with your
5 colleagues when they were asking questions, I felt it was
6 important to establish what had happened; not completely
7 with the focus of someone needed to be prosecuted, but kind
8 of a larger thought there that a prosecutor should never
9 open up a case saying someone has to be prosecuted, but
10 keep your mind open to see where your evidence falls once
11 you open up a case. But I thought this was the kind of
12 case that definitely needed an investigation.

13 Q. Over the last few years, we have often heard
14 the term "collusion." What is your understanding as a
15 legal matter what that term means?

16 A. It's -- legally, it's not -- it doesn't have a
17 legal meaning. We investigate conspiracies to commit
18 crimes. So I always thought it was perhaps someone else's
19 shorthand version of a conspiracy investigation, but that's
20 me kind of doing my thought of what someone else thought.
21 Collusion is just not a term of art in the law, to my
22 understanding.

23 Q. And I think we a little while ago were asking
24 you about witting assistance, and whether or not witting
25 assistance can exist without there being -- and I think

1 you've now indicated -- criminal conspiracy to commit a
2 crime, and you've indicated that that was true. Is that
3 correct?

4 A. Yes.

5 Q. And that could be if, for example, conduct that
6 was being engaged in was determined -- for example, and
7 I'll make it concrete. With regard to WikiLeaks, there was
8 a determination that what WikiLeaks did could not be
9 charged under our current laws. Whether or not we agree
10 with it as something that morally or ethically should have
11 been done, the determination was there was not a crime.

12 So if there was witting assistance with
13 WikiLeaks, that wouldn't be criminal necessarily, would it,
14 but would you say that could be ethical or moral?

15 A. Well, again, I don't have all the facts of the
16 WikiLeaks breach. But normally, if there's an unauthorized
17 intrusion, we can prosecute that. We do with some
18 frequency under 1031. So I'm not sure I understand the
19 premise that the WikiLeaks could not be --

20 Q. That's a fair point. So certainly worth
21 investigating to whether or not it rose to the level of
22 being criminal activity.

23 A. Well -- and in the case of computer intrusions
24 by foreign powers -- which, unfortunately, attempted
25 computer intrusions by foreign powers are not necessarily

1 rare. We investigate those frequently for both criminal
2 purposes and counterintelligence purposes.

3 Q. So, again, investigating whether or not what
4 WikiLeaks had done rose to the level of criminal activity
5 was a worthwhile endeavor?

6 A. Yes.

7 Q. And then determining who, in terms of U.S.
8 persons, might have been working with WikiLeaks also might
9 have been a worthwhile endeavor?

10 A. It would have been within the scope of an
11 investigation.

12 Q. You noted something there. You said attempted
13 intrusions by foreign powers are not that unusual. If a
14 U.S. candidate for office openly and publicly invites a
15 foreign entity to hack his or her opponent, is that
16 something that the law can or should reach?

17 A. I don't know if it currently "can" reach it.
18 And I would leave the "should" to you folks.

19 Q. Should it make a difference in that assessment
20 whether or not the foreign government actually takes a U.S.
21 candidate up on their offer? In your view, does that
22 legally make a difference?

23 For example, the fact that Russia did for the
24 first time try to intrude on Hillary Clinton's email server
25 five hours after then-Candidate Trump invited them to do

1 so, should that make a difference?

2 A. I don't know. And I wasn't aware of your
3 timeline, either. I'm not disputing what you said. I
4 wasn't aware.

5 Q. I understand. I did have one more question,
6 maybe two or three.

7 With regard to -- you had indicated that once
8 you became FBI General Counsel, you did have conversations
9 with Bill Priestap.

10 A. Yes, I did.

11 Q. And were those conversations about Crossfire
12 Hurricane? What was the content of them? When did they
13 occur? Why did they occur?

14 A. I was the FBI representative when Mr. Priestap
15 went to provide testimony to the House, so I certainly
16 discussed it with him then. We sat next to each other at
17 many, many meetings. It's a little bit like, at least my
18 family dining table, maybe not yours. We all sit in the
19 same spot every day. And so he and I would talk about many
20 things, and I'm sure sometimes investigations, sometimes
21 about family, different things.

22 Q. During that time period, was that the only time
23 in your career you had worked with Mr. Priestap, the time
24 period that you became FBI General Counsel?

25 A. No. I had some contact with him when I was

1 over at the Department as the Acting Deputy. It was not
2 extensive, but -- there were less than a handful, I would
3 say. I certainly knew who he was.

4 Q. How did you know who he was?

5 A. Just because he was the A.D. for the
6 counterintelligence division, and we -- I had people who
7 worked with that division all the time.

8 Q. In the time you worked with him -- it looks
9 like you worked directly with him for a little under a
10 year?

11 A. I would think -- I went to the Bureau in
12 January of 2018, and it seems as though Mr. Priestap left
13 in, December; is that correct? That's my vague
14 recollection. If you said it was a different date, I could
15 agree to that. Except for the start date I know is
16 correct.

17 Q. Fair enough. A little under a year.

18 Did you get a sense of him, just reputationally
19 as someone who is heading that division? Can you give us a
20 sense of him and his work and your assessment of him?

21 A. I thought he was very solid, and I thought he
22 had a lot of integrity.

23 Q. Then one last question. There is a reference
24 in the Mueller report, it's on page 13, and it just
25 references that for more than the past year -- so I think

1 just the last year, at least the last year of the Special
2 Counsel's investigation, the FBI and also embedded
3 personnel at the office who did not work on the Special
4 Counsel's investigation, but whose purpose was to review
5 the results of the investigation and to send in writing
6 summaries of foreign intelligence and counterintelligence
7 information to FBI headquarters and FBI field offices.

8 Were you aware of that information? Did you
9 receive that information?

10 A. I did not receive that information. I became
11 aware of it at some point. But it was -- it may have even
12 been after the Special Counsel's office shut down or when
13 they were getting ready to. So it wasn't realtime, and it
14 was a little bit in regards to how to deal with the
15 records -- how to deal with the records that had been
16 created. You know, whose were they? Were they Special
17 Counsel's? Were they the Bureau's?

18 So when I learned about it, it was kind of
19 surprising to me. I don't know why. It's not that it
20 didn't make sense. It's just that I had not known about it
21 until that time. And then, oh, yeah.

22 Q. Did you actually review those records?

23 A. I did not. At least not to my knowledge. I
24 might have gotten something on a one-off, but I had no
25 regular reviewing of those documents.

1 Q. Do you know where those records now reside?

2 A. If -- I don't. If they came over as part of
3 the Bureau's materials, they would be at the Information
4 Management Division out in Winchester.

5 Ms. Zdeb: It's about 12:02. We can go off the
6 record.

7 (Recess.)

8 Mr. Somers: It's now 10 after 12:00. We'll go
9 back on the record.

10 EXAMINATION

11 BY MR. SOMERS:

12 Q. I would like to turn to the actual FISA
13 application that you signed, the renewal application Number
14 2. According to the IG report, it's on page 216 on April
15 2nd, 2017, Tashina Gauhar, you, and Jim Crowell. The draft
16 page FISA application.

17 At this time, you were already briefed on
18 Crossfire Hurricane generally?

19 A. Yes, sir.

20 Q. Had you read a previous copy of the Carter Page
21 FISA application? Was this the first time you were seeing
22 the application?

23 A. I believe it's the first time I had seen the
24 application.

25 Q. Did you read the application?

1 A. I did.

2 Q. And you also had one of these summary cover
3 memos as well?

4 A. Yes, sir.

5 Q. Did you have a more extensive memo than the
6 traditional or usual one-pager?

7 A. I don't recall it. But Ms. Gauhar's told the
8 IG that she prepared a memorandum on it.

9 Q. Separate from the standard --

10 A. Yes, separate.

11 Q. -- one-pager? Your report says you wanted to
12 "ensure that you had good visibility into the application."

13 What did you mean by good visibility?

14 A. Just understood where we were, what the
15 application said, what our claims were in the application.

16 Q. Was the application consistent with what you
17 knew already about Crossfire Hurricane from your previous
18 briefings? Was there anything surprising in there?

19 A. Not that I recall. I think it probably brought
20 together maybe some things that had been told, and maybe
21 there were some things in there that had not been brought
22 to my attention. Not that I can tell you today what they
23 were, that they were astounding, just it was a summary of
24 some of the things I knew.

25 Q. The IG report indicates that, as I said, you

1 got the draft -- I guess a draft of the read copy I assume
2 is what you got on April 2nd?

3 A. Yes, sir.

4 Q. It says, the IG report indicates that you
5 signed off on the read copy of the FISA being sent to the
6 FISA court the next day on April 3rd.

7 Does that sound correct?

8 A. I don't have an independent recollection of
9 that fact.

10 Q. And I believe FISA was actually filed on the
11 7th or 8th of April. Do you recall, did you stop working
12 on that particular FISA once you gave that signoff of the
13 read copy to go to the court?

14 A. I have no recollection one way or the other.
15 I'm pausing and I'm hesitating because I can't recall
16 whether we actually considered the Office of the Attorney
17 General to be a SCIF and left top secret matters out of it.

18 The reason I'm pausing is if I had access to
19 it, I might have picked it up and read it. But if I had
20 been taken and placed in a SCIF, in which I wouldn't have
21 it, then -- if that all makes sense.

22 Q. Did you have any input into the application
23 after you read it?

24 A. I don't recall that I did.

25 Q. So you don't recall asking for any changes?

1 A. I don't recall that.

2 Q. Do you recall asking any questions about
3 anything in particular in the application?

4 A. Not anything in particular. But I seem to
5 recall that I had questions. I just can't recall what they
6 were.

7 Q. I think one -- I don't think you characterized
8 it as a question, but according to the IG report, it's on
9 page 216 of the IG report, Ms. Gauhar recalled that you
10 were very engaged on the issue of Steele's potential bias
11 and that you and she had multiple discussions on that
12 specific issue.

13 Would you put that in the category of questions
14 you had?

15 A. I would.

16 Q. What was your concern about this potential
17 bias?

18 A. Well, I think as Assistant U.S. Attorney and
19 someone who's presented many, many affidavits to courts, if
20 you have a witness that's got bias, things that would
21 question that witness' credibility, a record, kind of a
22 financial loss to the target or something, all those
23 things, you want to be explained so that the court
24 understands, well, this witness says X, but they may have
25 an axe to grind.

1 Q. Is it more than you want the court to
2 understand? Are there duties to provide?

3 A. Well, absolutely. It's both. You want to, as
4 somebody presents things to the courts. But you have an
5 ethical obligation under 3.3. Every attorney has a duty of
6 candor to the court.

7 Q. Did you have a specific concern about Steele,
8 or you just had a concern because he was a witness and
9 you're always concerned about bias?

10 A. I did not have a specific concern about
11 Mr. Steele, who -- I think it's important to understand,
12 I'm not even sure I understood Mr. Steele's actual given
13 name at that time.

14 Q. What did you understand about who he was?

15 A. Well, I understood he was a former employee of
16 a foreign intelligence service. I understood that a lot of
17 what is in my FISA in footnote 10 -- footnote 8 in the
18 original FISA -- that he had been hired to do, what I'll
19 use as shorthand, as opposition research against Mr. Trump.

20 So there were -- I mean, that's the broad
21 narrative of what I understood, that he had a potential
22 bias and that needed to be noticed to the court.

23 Q. Did you ask for anything to be done? Did you
24 ask for further briefings on the bias?

25 A. I don't think so. I discussed it with

1 Ms. Gauhar and perhaps Stuart Evans. I don't recall
2 specifically, but he would have been another person I would
3 have asked about.

4 But a witness can have a bias, and you can use
5 that witness, and we do frequently in cases. But the court
6 needs to be fully apprised of the bias, and particularly in
7 an ex parte situation where they're not going to be probed
8 by cross-examination.

9 Q. Did either Ms. Gauhar or Mr. Evans tell you
10 something to assuage your concerns on bias? Point you to
11 something in the application?

12 A. They may have. They may have talked about
13 prior applications and prior communications with the court.
14 But I don't recall specifically.

15 Q. Did Mr. Evans, if you remember -- you don't
16 recall you spoke to him about bias. Do you recall any
17 discussion at any point in time that he previously himself
18 had concerns about Steele and potential bias?

19 A. I came to understand that. When, I don't know.

20 Q. So you don't recall if it was before --

21 A. Or after.

22 BY MR. BAKER:

23 Q. Do you recall either Evans or Ms. Gauhar
24 indicating, on the topic of potential bias by Steele, that
25 anyone at the FBI had weighed in on that and sort of

1 addressed or pushed back on any of the Department's
2 concerns about bias?

3 A. I don't know if I knew it at that time,
4 Mr. Baker. I later learned, and it may be through the IG
5 report itself or at least during the preparation of the IG
6 report, that Mr. McCabe had called over to Ms. Yates to
7 either complain or -- I don't know how to characterize it,
8 but his concern.

9 And, again, I think this is all -- I don't have
10 an independent recollection. I believe it's from the
11 report. Ms. Yates spoke to Mr. Evans and however they
12 resolved it. But I think that I do have this recollection
13 that Mr. Evans had that concern, and that was the events
14 that occurred.

15 Q. Do you have a recollection of what Mr. McCabe's
16 concern was from the FBI's perspective about --

17 A. I don't think that I knew then or know now, if
18 it's not in the report.

19 Q. Okay.

20 A. And I don't think I learned it until -- at
21 least I don't have a recollection of understanding that at
22 the time I signed the FISA.

23 Mr. Baker: Thank you.

24 BY MR. SOMERS:

25 Q. But you do recall Stu Evans raising with you

1 that he had had some concerns at one point in time about
2 bias?

3 A. I do. But I just don't know when that was.

4 Q. It seems like that Stu Evans raised concerns,
5 you seemed to have concerns. After your IG report, it
6 seems like those concerns were valid. You don't recall,
7 though, why you, for lack of a better term, dropped your
8 concerns about bias. And I say drop, because you did sign
9 off on the read copy.

10 A. Yeah. No, that I was somehow satisfied. But
11 the IG report opens up a whole new window of information
12 that should have been provided that wasn't. So when you
13 say the IG report, it's completely different after you read
14 it.

15 Q. I was just saying that you and Stu Evans seemed
16 to be on the right track and, for whatever reason,
17 independently both of you backed off at different times of
18 your concerns.

19 A. Yeah.

20 Q. And I'm just wondering if you know why you
21 backed off.

22 A. I will say this. I have no recollection of
23 receiving any reach-outs from the FBI about an event time.

24 Q. You said earlier, and I think it's also in the
25 IG report, you said you understood that Steele's reporting

1 was opposition research. What does that mean to you? What
2 did that mean to you, that was opposition research?

3 A. Well, it means he had been hired by a political
4 opponent.

5 Q. So you understood that he was hired by a
6 political opponent?

7 A. I did.

8 Q. Did you understand that it was the DNC?

9 A. I think I did.

10 Q. Do you recall where you got that understanding
11 from?

12 A. I do.

13 Q. Could you tell us from where you got that
14 understanding?

15 A. From some FBI materials. But they're
16 classified. I know them to be classified.

17 Q. But you were aware, then, that the FBI was
18 aware that Steele was paid for by the DNC?

19 A. I believe so.

20 Q. You had mentioned --

21 A. I think I understood at some point -- and the
22 timing is a little tough -- that Mr. Simpson, Glenn Simpson
23 had done the paying to Mr. Steele.

24 Q. But Mr. Simpson was paid for -- or Fusion GPS
25 was paid for by the DNC?

1 A. Whether I had that connection at that time or
2 not, I don't know. But I did have information from the
3 Bureau that it was opposition research. I believe it was
4 the DNC.

5 Q. And you're recalling a specific document that
6 we can't talk about in this setting?

7 A. Yes, sir.

8 Q. And you're calling that you saw that document
9 prior to April 3rd --

10 A. I believe so.

11 Q. -- 2016. Do you recall why you --

12 A. All the timings are a little tough.

13 Q. Do you recall why you were given that document?

14 A. I do.

15 Q. Were you given other -- I don't know what the
16 document is, but could we characterize it as evidence?

17 A. I would not characterize it as evidence.

18 Q. Was it a document generated by the FBI?

19 A. Yes.

20 Q. Were you given other documents before April 3rd
21 that were generated by the FBI?

22 A. I don't know. I would like to help you out
23 more. I just don't want to get in trouble.

24 Q. I understand.

25 A. Because I don't really -- I don't know if

1 there's some way that counsel can communicate with you
2 afterwards in a more classified forum. It's an easy
3 answer.

4 Q. Was this a document that would have been part
5 of this file?

6 A. No.

7 Q. You had mentioned a minute ago -- I think it's
8 footnote 10 in the FISA you reviewed; it's footnote 8 I
9 believe in the original FISA. This is the footnote that I
10 think explains at least to some extent the Steele footnote
11 on page 143 of the IG report. It's also on the original
12 page application.

13 "Steele, who now owns a foreign
14 business/financial intelligence firm, was approached by an
15 identified U.S. person, communicated to Steele that a
16 U.S.-based law firm had hired the identified U.S. person to
17 conduct research regarding Candidate One's ties to Russia.
18 He identified the U.S. person and Steele had a longstanding
19 business relationship. He identified the U.S. person hired
20 Steele to conduct this research. He identified the U.S.
21 person never advised Steele as to the motivation behind the
22 research of Candidate One's ties to Russia. The FBI
23 speculates that the identified U.S. person was likely
24 looking for information that could be used to discredit
25 Candidate One's campaign."

1 I believe in the IG report you found that
2 footnote to be very clear?

3 A. To me, it is. And perhaps I can help you as to
4 why I say that. I have been a prosecutor for more than
5 half of my life. Kind of sad, but I have been. We always
6 anonymize victims, witnesses, coconspirators. The footnote
7 would be much clearer and easier to understand if we used
8 everyone's name, but by Department policy we never do that.

9 I have thought for many years, in drafting
10 indictments or search warrants, if I could say Witness
11 Smith or Victim Jones because it's much easier to follow.
12 So when we anonymize the names, as we've done in that
13 footnote, it is not as clear as it could be as if you used
14 the words DNC. But we don't ever do that.

15 Q. Doesn't that take something away from the
16 court's understanding? To me, that goes beyond
17 anonymizing.

18 A. I just think that's the Department policy.
19 It's the best you can do. I would note that Judge
20 Boasberg, in his March 4th public opinion, commented on the
21 footnote and said, I believe, something along the lines of
22 it was opposition research. So it appears the court
23 understood what it was and they certainly had, if they
24 didn't, the opportunity to ask a question. All of which
25 may not be satisfying to your question, but I -- just

1 that's the system we work in. We put those things in
2 anonymously for everyone, to protect victims, witnesses,
3 coconspirators if they aren't indicted.

4 Q. What about the sentence: "The FBI speculates
5 that the identified U.S. person was likely looking for
6 information that could be used to discredit Candidate One's
7 campaign"?

8 A. As I sit here today, I think that should be
9 stronger.

10 Q. That should be stronger, you say?

11 A. Yes, sir.

12 Q. Because you at least, from whatever document
13 you saw, indicated the DNC --

14 A. I think it could be assessed, it could be
15 concluded. That word is not as good as it should be.

16 Q. The IG report also indicates, on page 218, that
17 you knew at the time that you signed this second renewal of
18 the FISA application that two different judges had
19 previously found probable cause.

20 Did that factor into your decision to whether
21 to sign or not, whether it raised questions?

22 A. No. I think it factored into my decision. I
23 hope that I made an independent conclusion and didn't rely
24 solely on that. But it's not the same as a judge had
25 previously rejected the affidavit.

1 Q. I think I kind of asked this question in our
2 first round early on. Had it been the initial application
3 versus a renewal, then would you have looked at it harder?

4 A. I don't think so in this case, because I looked
5 at this one pretty good.

6 Q. But you do have a duty, apart from the fact
7 that two judges signed off on a FISA?

8 A. Absolutely you have a duty, because things can
9 change. You know, there's -- and in fact, as Inspector
10 General Horowitz said, things had changed and should have
11 been included in the application and were not. So whatever
12 the facts were in January, the second renewal, should have
13 been updated -- excuse me. The first renewal should have
14 been updated for the second renewal. So of course you're
15 required to do an independent evaluation, because the judge
16 is going to look at a different application.

17 Q. Do you recall -- I'm sorry, I can't remember
18 the term you used. But you said on the summary page that
19 you were speaking generally the first time --

20 A. Yes, sir.

21 Q. -- in the first hour.

22 In the summary page, you talked about what was
23 done with the information that has been collected through a
24 FISA. You said that's summarized in terms of number of
25 hits or something like that?

1 A. Number of collections and number of collections
2 reviewed --

3 Q. Do you recall --

4 A. -- I believe is what it says.

5 Q. Do you recall, not the exact numbers, but
6 whether those were in line on the Carter Page FISA
7 application you signed?

8 A. I don't recall. But it would surprise me if
9 they had not been reviewed, because I don't think this was
10 an application that was generating a lot.

11 Q. Did you question whether it was worthwhile to
12 renew the application again at that point in time?

13 A. I don't believe I did, because the -- my
14 recollection is -- and I do not have the application in
15 front of me, or even the declassified portion that you
16 have. But my recollection is that the application that I
17 signed had some collection in it.

18 Q. What was your role in the final page FISA
19 application renewal? On page 227 of the IG report, Rod
20 Rosenstein also said he had a conversation with Boente
21 about the application.

22 Do you recall what that would have been?

23 A. I recall a discussion with Deputy Attorney
24 General Rosenstein about the application in general or writ
25 large. As I said to the Inspector General, I have no

1 recollection of reading the third renewal, although I'm not
2 denying the fact that the IG still concluded that I had a
3 copy.

4 Q. I have one quote here that I can read. My
5 general question is what views you expressed to Deputy
6 Attorney General Rosenstein about the third and final
7 renewal.

8 The quote from the IG report on 227 is:
9 "Boente expressed the view that a Deputy Attorney General
10 should not refuse to sign a FISA application to establish
11 probable cause and where there's a legitimate basis for
12 conducting an investigation just because it could end up
13 becoming politically embarrassing at some later point."

14 I'd ask you about that in particular, and also
15 what discussions you were having with Rosenstein.

16 A. Yeah. Well, I don't recall the specific
17 discussions, but I believe that then and I believe it today
18 that just because something is politically sensitive,
19 you -- if probable cause is established as an appropriate
20 basis for the investigation, I think you have really a duty
21 or an obligation to sign it. I mean, that's a little bit
22 of the oath we take as prosecutors.

23 Q. Do you recall why you would have expressed
24 that -- had to express that view?

25 A. Only if he had asked me a question. I

1 think -- and there are two things that get a little bit
2 lost in the overall narrative. One is that Mr. Page had
3 publicly disassociated with the campaign in September of
4 2016. So by the time I signed the application, we're seven
5 months out. You can add a couple of more by the time
6 Deputy Attorney General Rosenstein signs the application.

7 So I don't think that anybody at the Bureau or
8 the Department is looking for collection on the Trump
9 campaign. It just strikes me as unlikely given the timing.

10 Q. Did Rosenstein ask you your opinion as to
11 whether you should sign the renewal?

12 A. I don't recall.

13 Q. Do you recall any discussions, kind of what you
14 were just saying, at this point, are we collecting any
15 information on the Trump campaign? Do you recall any
16 discussion whether it was worthwhile to seek this final
17 FISA that far out from the events of 2016?

18 A. I don't. I don't recall. I learned, I
19 think -- well, I know if I learned it at all, it was
20 subsequently -- that like my application, the third renewal
21 also had collection in it. But I'm a little less clear
22 about that.

23 Q. Did you see the summary sheet?

24 A. I don't know that I saw anything then. Since
25 then, I've been involved in the declassification process of

1 all these. So that's where my basis for the fourth would
2 come from.

3 Q. But your recollection is, whenever you saw it,
4 there was some level of collection in the file?

5 A. But I learned that since then over at the
6 Bureau. Yes, sir.

7 Q. The IG report, page 74, says, March, April
8 briefings -- I think it also goes in with your signing of
9 the FISA. During these March and April briefings you
10 received on Crossfire Hurricane, presumably on the FISA you
11 signed, Boente's handwritten notes of the meetings focused
12 on, among other things, the FBI's efforts to corroborate
13 information contained in the Steele dossier.

14 What was your understanding of the FBI's
15 efforts to corroborate the Steele reporting?

16 A. In part, that they were working on identifying
17 the subsources, and that they had identified the subsource
18 one.

19 Q. So you were aware that they had a subsource?

20 A. Not by name.

21 Q. Yeah. But, I mean, you --

22 A. Yeah. That they were attempting to identify
23 the subsources, and that they had identified subsource one.

24 Q. The person the IG report calls the primary
25 subsource?

1 A. I couldn't recall whether we used that term.
2 But yes.

3 Q. One and the same though?

4 A. Yes. We were going back and forth on that
5 during the declassification process.

6 Q. And then at the time -- not subsequently. But
7 were you aware when you signed, for instance, the FISA on
8 April 3rd that the Steele dossier -- were you aware that
9 Steele had a primary subsource? That he wasn't the
10 originator of his information that was included in his --

11 A. I believe -- well, I understood he had a
12 primary subsource. I'm not sure that I completely
13 understood he didn't have other independent sources of
14 information and perhaps things he might have been
15 collecting generally. But I certainly understood he had a
16 primary subsource.

17 Q. Do you recall whether that came up in your kind
18 of initial briefings on Crossfire Hurricane, or was this
19 specific to the --

20 A. I think it came up -- I believe it came up in
21 briefings, not something specific to the FISA application.

22 Q. Do you recall who told you?

23 A. I do not.

24 Q. But it would have been a DOJ official?

25 A. I believe so.

1 Q. Most likely?

2 A. Most likely. It could have been -- like I
3 said, I'm not saying that there was never FBI personnel
4 there. But my recollection is it was primarily DOJ
5 briefings.

6 Q. To be clear, so you're aware Steele had a
7 primary subsource. You also became aware that the FBI
8 located and interviewed the primary subsource?

9 A. Well, I certainly became aware of that later.
10 I believe I knew it at that time.

11 Q. By April 3rd, when you signed?

12 A. I think I did. Again, three years ago, the
13 timing of when I learned that.

14 Q. How about before Attorney General
15 Rosenstein signed. Not that you would have talked to him,
16 but were you aware by the time the final FISA application
17 was filed?

18 A. See, again, I don't -- well, to that question,
19 yes, because my briefings ended. I wasn't getting
20 briefings by June 24th, or whatever it was, when he signed.

21 Q. So you were aware. As acting Deputy Attorney
22 General, you were aware that the FBI had located and
23 interviewed Steele's primary subsource, although you didn't
24 call him the primary subsource?

25 A. Well, I don't know what I called him. During

1 the declassification was why I was confused by the primary
2 subsource time. They had located him -- again, it's all
3 very confusing to me because now I know when. As I sit
4 here today, I know precisely when they interviewed him
5 because I learned that in 2019.

6 Q. But before you left --

7 A. See, that's what I don't --

8 Q. -- In your position as acting Deputy Attorney
9 General, you're aware that they had located him?

10 A. I was aware they located him. I may have been
11 aware that they interviewed him. I don't know. I don't
12 know that I knew the date.

13 Q. So then this question is probably obvious from
14 your last answer. Were you aware of the results of the
15 interview?

16 A. I absolutely was not aware of the results of
17 the interview.

18 Q. Either positive or negative, you didn't hear?

19 A. No, sir.

20 Q. Let's back up. Described in the IG report,
21 there were two memos written about the primary subsource
22 interview. One is a very extensive memo that outlines I
23 think the information. It's all shocking that the FBI knew
24 this derogatory information. There's also a shorter memo
25 that did not seem to include most of that information.

1 You weren't aware of the sort of positive
2 information on the primary subsorce?

3 A. I do not think that I was.

4 Q. Were you aware -- there's a mention in the FISA
5 application that they had located the primary subsorce,
6 and that they found him to be truthful and cooperative.
7 Were you told that the primary subsorce was truthful and
8 cooperative?

9 A. If it's in a FISA application that I signed, I
10 relied upon that.

11 Q. I can't recall if it's in an application you
12 signed or not.

13 A. Yeah.

14 Q. I don't recall if you were told separately.

15 A. I don't recall there being any separate
16 communication on positive or negative findings on the
17 primary subsorce.

18 Q. I take it from something you said earlier, but
19 if you had known about the information that's in the IG
20 report about the primary subsorce, would you have signed
21 the Carter Page FISA application that you signed?

22 A. Not without it being in there.

23 Mr. Baker: Just a quick follow-up to that.

24 BY MR. BAKER:

25 Q. Based on what you know now or based on what you

1 knew then, in the totality of your knowledge and expertise
2 for what you've done for all these years, do you think,
3 what was in the Steele information, was that absolutely
4 critical to get a FISA over the finish line? Or was there
5 enough investigative materials unrelated to anything Steele
6 ever said to establish probable cause for the FISAs?

7 A. I don't know, Mr. Baker. I would have to go
8 back through the application and strike the references to
9 the Steele materials. And then -- well, you strike
10 everything in the Steele materials, then the second part
11 becomes unnecessary to put all the contradictions or
12 derogatory information about Mr. Steele's bias in there.
13 But I've never done that to see.

14 There's other information about Mr. Page, about
15 he had many, many contacts with the Russians. He had
16 contacts with [REDACTED] in the United States and
17 different things. So it's difficult for me to answer as I
18 sit here to answer.

19 Q. Do you recall any of the legal minds at the
20 Department, either then or now, having a discussion about
21 that, just an intellectual discussion that Steele's
22 information really wasn't needed or it was needed?

23 A. I recall some information that there was a
24 staleness issue, and that the Steele information got them
25 over that requirement.

1 Q. Just for the record, when you say "a staleness
2 issue," the issues of the information they had was old and
3 not --

4 A. Was older.

5 Q. -- and not recent. And Steele sort of
6 revitalized that?

7 A. In their opinion.

8 BY MR. SOMERS:

9 Q. What was your understanding of how much the FBI
10 had done to corroborate any of the material in the
11 applications that you signed? Are you saying it's all
12 corroborated? Are you saying there's a proper Woods file
13 for it?

14 A. I certainly assumed there was a proper Woods
15 file. And when you say corroborated, it was properly
16 supported by the Woods file information.

17 Q. But you had no discussions about corroboration?

18 A. I don't believe I did.

19 Q. So you would assume that everything was done,
20 and you were handed an application that fully complied with
21 FBI procedures?

22 A. Oh, it's a vigorous, robust review on both
23 sides of the street. Or it's certainly supposed to be, and
24 that's our obligation to do that. So, yes, I presumed that
25 had been done in this case.

1 Q. Although the Inspector General has a more
2 recent report out that would question whether it happens in
3 other cases, a Woods file is actually generated.

4 A. Well, the Bureau has reviewed about half of
5 those cases and has filed its response. I don't know if
6 any of that is public. But we thought that a lot of those
7 applications had been properly supported.

8 Q. On July 12 -- I'm sorry.

9 A. There was something -- I should have written it
10 down -- that I wanted to tell you about the application.
11 Maybe it will come to me. I'm sorry, I should have written
12 a note.

13 BY MR. BAKER:

14 Q. On the topic of Woods, real quick separate and
15 apart from Crossfire Hurricane. It's my understanding, and
16 I think we've heard testimony from other witnesses, the
17 Woods file gets reviewed separate and apart from any
18 problem with a case, correct?

19 My understanding is there's some randomly
20 pulled files. There's OGC attorneys, there's FBI
21 inspectors, maybe some DOJ people, and many go around the
22 country to audit some of the FISAs, and part of those
23 audits include a Woods file check. Is that your
24 understanding?

25 A. Yes. There are two separate types of audits.

1 One are done by OI with OGC attorneys who go out to the
2 field. Then there's kind of a second stream, I'll say, of
3 accuracy reviews done by the CDCs.

4 Q. CDCs, for the record, is what?

5 A. Chief Division Counsel, who is the FBI counsel
6 in the office.

7 Q. In the field office?

8 A. Field office. Yes, sir.

9 Q. So they answer in some way, shape, or form to
10 the legal folks back at FBI headquarters?

11 A. Not really. They answer to the FAC, but OGC is
12 the program manager. If that makes sense to you as a
13 former FBI employee.

14 Q. Okay. So as a FISA application is moving
15 through the field office, it at some point gets standard
16 transmitted to FBI headquarters so that it continues?

17 A. Well, there's -- most of it goes to the
18 Department of Justice.

19 Q. Okay.

20 A. But it is reviewed at the FBI, also. But I
21 thought your question was -- and I apologize if I
22 misunderstood it -- concerned Mr. Somers' inquiry into
23 audits.

24 So there are two separate streams of audits.

25 One is done by OI, and then there's a second stream done by

1 CDCs. And they're somewhat random -- I would not describe
2 them as random in the way that a CPA firm would do an
3 audit -- and so the Bureau is looking into that process
4 right now to see how it can be improved.

5 Q. So when you say it's not random, like a --

6 A. Well, it's not random in that -- a bad choice
7 of words probably, Mr. Baker.

8 You're an agent in the field. A year later or
9 something they'll call up and they'll say we're going to
10 look at this docket number. Get it ready. So you have a
11 chance to actually go to the case file and make sure that
12 the Woods file is in proper shape. As opposed to a CPA
13 audit, they would come out and knock on your door Monday
14 morning and say let's see the file. It probably should be
15 more the latter than the former if you want to make it the
16 most robust process.

17 Q. But it's still random in the sense that the
18 cases are chosen.

19 A. Yes, sir.

20 Q. The field office doesn't get to pick what they
21 put on the table for you look at.

22 A. Correct, sir.

23 Q. Okay. And in your opinion, in your experience
24 on either side of the street, had there historically been
25 issues with Woods files?

1 A. Not that I'm aware of.

2 Q. Okay.

3 A. I mean, the management review that we referred
4 to which was done by Mr. Horowitz's team subsequent to the
5 Crossfire Hurricane file, I think through that process,
6 although we feel that the support for at least half of
7 those is there, we can improve the process. So just
8 because you were able to find everything, there needs to be
9 a better way to maintain the Woods file.

10 Q. When you say the support for half of those were
11 there, are you saying that there is support for things he
12 didn't find support for?

13 A. We haven't done the other half yet. We haven't
14 been able to get to those.

15 Q. Okay.

16 A. We've only been through 14 of the 29.

17 Q. Okay.

18 A. But the Woods file, we could keep it in
19 Sentinel. There's a lot of different things that we could
20 do. There's just many systemic improvements that can be
21 made.

22 Q. Do you know -- and, again, totally I would be
23 interested in hearing your opinion.

24 A. Well, you know in a week it's not going to
25 matter.

1 Q. Fair. Does the Bureau move case agents around
2 too much? If you've got all these files and you've had
3 some case agent that's with the case for a while, they know
4 what's in the files, they know what needs to be added.
5 Somebody coming in and inheriting a very complicated FISA
6 that they have to catch up on all that, that seems to me
7 that would be an opportunity for stuff to fall through the
8 cracks. I would just be interested in your opinion.

9 A. Probably. It's the same way with cases. When
10 someone's promoted, they lose cases. I don't want to get
11 way out of my lane, because I am. As the U.S. Attorney, I
12 always liked to have my SACs for a little bit longer.

13 One of my field offices was a WFO. Tends to be
14 a little bit of turnover there more than other offices.
15 So, yeah, I like the stability. But the Bureau has its own
16 requirements. You probably know more about that than I do.

17 BY MR. SOMERS:

18 Q. On July 12 of 2018, I know you were at FBI by
19 this point in time. But on July 12, 2018, NSD sent a
20 letter to the FISA court advising the court that certain
21 factual admissions in the Page FISA application that came
22 to NSD's attention after the last renewal application was
23 filed.

24 Did you have any role in drafting this letter?

25 A. We're usually able to review those and make

1 comments. We, OGC.

2 Q. FBI OGC?

3 A. Yeah. So we don't draft it and we don't even
4 get the final say-so. But we're able to say, well, what
5 about this? And, of course, NSD/OI can say, no, we're not
6 going to do that, but have some input.

7 Q. Were you consulted on this particular letter?
8 Consulted is my word. Whatever word you would use.

9 A. I think -- although mine's at a pretty high
10 level. It's only when they don't iron out differences at a
11 level below me. Which brings me to the thing I wanted to
12 say that I couldn't --

13 Q. Go ahead.

14 A. -- before. When either you or Mr. Baker asked
15 me about the absence of the Steele materials, which, as I
16 said, we always referred to as [REDACTED], the Bureau did.
17 That's why I never knew his name until I got across the
18 street. They withdrew support from renewals 2 and 3. It
19 may be the letter you're referring to, I don't know, but
20 they actually filed a letter with this. So they had done
21 their own analysis, and I am not familiar with the --

22 Q. It wasn't this particular letter. This one
23 said, I believe, something along the lines of nonmaterial,
24 this July 12, 2018 letter.

25 A. I do recall that.

1 Q. And you saw it before it was sent?

2 A. I don't have it in front of me, but I'm pretty
3 sure that I did.

4 Q. So this letter goes out. Obviously, there's
5 some realization -- or as the letter is going out or after
6 it goes out, there has to be some realization there's
7 problems with the Carter Page FISA application and the
8 letter never goes out.

9 Was there any discussion about maybe taking a
10 look at the Carter Page process?

11 A. Not that I recall. I think at that time we're
12 squarely in the middle of the IG's review. If I'm --

13 Q. The IG has announced his review of March 18 of
14 2018.

15 A. Yeah.

16 Q. We talked earlier about duties at the
17 Department as a lawyer.

18 A. Absolutely.

19 Q. And the FBI held a course. I don't know if
20 there was any discussion about --

21 A. Not that I recall.

22 Q. Not that you recall?

23 A. But certainly there is that concern, and that's
24 why -- we file a lot of -- or the Department files a lot of
25 Rule 13 letters. But usually they're not -- just to make

1 sure that the court's accurate, but they're not major. You
2 know, there might be a date wrong, there might be a time
3 wrong, something like that. But I think they take their
4 obligation very seriously, those who actually file those
5 documents with the court.

6 BY MR. BAKER:

7 Q. So even the most minor discrepancy would result
8 in a letter going to the --

9 A. I won't say even the most minor, but some of
10 them seem pretty ticky-tacky.

11 Q. The ultimate goal is candor to the court.

12 A. Absolutely. All attorneys have that duty.

13 BY MR. SOMERS:

14 Q. Let's include candor. If you had exculpatory
15 evidence that cuts against the probable cause that's
16 presented in the FISA, do you have a duty to present your
17 pro-probable cause information as well as your con against
18 probable cause information?

19 A. No. Your duty would be the derogatory or
20 the -- that questions your probable cause. That is -- so
21 to answer your question, if you've got 100 facts, but you
22 can establish probable cause with 60, there's no obligation
23 to pile on with the other 40. But every contradictory
24 fact, every fact that questions the credibility of a
25 witness should be included in your application.

1 Q. Is that well-known to -- well, we'll start with
2 Department attorneys?

3 A. It is known, I think, to every Assistant U.S.
4 Attorney that files search warrant affidavits and arrest
5 warrant affidavits with the court.

6 Q. What about to attorneys in those 65 or so
7 attorneys that we mentioned earlier in the General
8 Counsel's Office of the FBI that are involved in FISA
9 applications. Are they aware of the duty, to the best of
10 your knowledge?

11 A. To the best of my knowledge, they are, and
12 should be. It's really difficult to pass the bar
13 without -- there's a separate ethics test.

14 Q. I think we touched on this a little bit.

15 A. Even back when I took the bar.

16 BY MR. BAKER:

17 Q. Do you know, does the Bureau educate their
18 non-attorney agents on that sort of duty?

19 A. Yes, sir. And we've recently done additional
20 and enhanced training on that fact in response to
21 Mr. Horowitz.

22 BY MR. SOMERS:

23 Q. I don't know if you would know this. Do you
24 know if attorneys inquired of the Agency? You've got a
25 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 [REDACTED]: 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 Mr. Somers: He's General Counsel of the FBI.
21 You've had FBI agents not tell FBI attorneys about
22 exculpatory information, which is what I'm asking about.
23 And I'm asking whether they had a duty to tell the FBI
24 attorneys about exculpatory information. I don't think
25 that's in the least bit far afield.

1 ██████████: I'm not objecting to your questions
2 about his opinions about duty for candor. I'm objecting to
3 the line of questioning about actions the FBI may have
4 taken or current processes or policies that he may have
5 been involved in as the General Counsel of the FBI.

6 Mr. Somers: He told me about a current
7 process. And I was asking if he knew whether that current
8 process existed in 2016. He can say I don't know or I know
9 it did. That's all I'm looking for. I'm not looking to go
10 much further than that. I just want to know.

11 BY MR. SOMERS:

12 Q. So you described some sort of form or
13 procedures.

14 A. I believe there were forms. What they
15 contained, I'm not absolutely certain.

16 Q. This is a form for your attorneys, or this is a
17 form for FBI agents?

18 A. For agents.

19 Q. And it's what they have to tell attorneys?

20 A. OI, Office of Investigation.

21 Q. OI and Justice?

22 A. Yes, sir.

23 Q. And on that form, there's stuff that would go
24 to the duty of candor that we spoke about when we were
25 speaking about exculpatory information?

1 A. I believe so.

2 Q. But you don't recall whether the form was
3 different in 2016?

4 A. That's exactly right.

5 Q. We talked about a little bit these 17
6 significant inaccuracies and omissions, the Inspector
7 General's words, in the Carter Page FISA application based
8 on information that was known to the FBI either before the
9 first application was filed or there were ten more before
10 the renewals were filed. One does relate to the
11 information about the DNC. It has some knowledge about
12 that. But leaving that aside, were you aware of any of
13 these other inaccuracies or omissions?

14 A. I would not have signed an application with an
15 inaccuracy or omission that I knew about.

16 Q. You mentioned earlier that an FBI attorney -- I
17 think this is what you said, so correct me if I'm repeating
18 your testimony wrong -- an FBI attorney can and OGC can
19 look at the Woods file if they want to. Do you know how
20 often that occurs?

21 A. I do not.

22 Q. Do you think they should look at a Woods file?

23 A. Probably not. But I want to kind of handicap
24 that answer a little bit.

25 A lot of times on a FISA application you're

1 under a lot of time pressure for various different reasons.
2 Some are quite obvious in counterterrorism cases. I don't
3 think in this forum we can get into what makes them time
4 sensitive in counterintelligence, but they do get quite
5 time sensitive. So you can really slow down the process a
6 lot.

7 Which is different from saying that if any
8 attorney has a question about something within the
9 application, they should -- and I think do -- have the
10 ability to ask for the support for that, which is
11 essentially what the Woods file is. I've got a question
12 about paragraph 38. What is your support for that? Can I
13 see the 302? I think that ability was there in 2016, and
14 it's there today.

15 Q. Did you say the Woods file resides in the
16 Sentinel system?

17 A. No. Some do. Maybe there should be a
18 requirement they should.

19 Q. So not all of them?

20 A. It's not a requirement.

21 Q. Do OGC attorneys have access to the Sentinel
22 system?

23 A. They do.

24 Q. So if it happened to be an application for
25 which a Woods file existed in the Sentinel system, they

1 could go look at it?

2 A. Yes, sir.

3 Q. Do you know whether this was filed?

4 A. I do not.

5 Q. You don't know whether it was in Sentinel?

6 A. I do not, sir. I don't think most of them are
7 in Sentinel, but I don't know. As I sit here, I can't give
8 you all a percentage of how many are. I think it's a
9 little bit up to individual agents as to how well they keep
10 records and whether they want to do that.

11 BY MR. BAKER:

12 Q. Is there any pressure put on an AUSA by the
13 U.S. Attorney or by a case agent, by the SAC to keep a
14 sophisticated technique like a FISA or a Title III up and
15 running, and pressure to make sure it doesn't go down? Not
16 necessarily because of the valuable information that's
17 being obtained to address national security or criminal
18 concerns, but because it makes the field office more
19 productive by having sophisticated techniques being
20 utilized.

21 The FBI, I'm well aware, is very metric
22 centric. They measure risks, they measure search warrants,
23 they measure everything as a matter of agent productivity,
24 as a matter of field office productivity. And if you have
25 the sophisticated techniques up and running, you're viewed

1 as a productive agent, you're viewed as a productive field
2 officer.

3 Is there any pressure put on the field office
4 agent, the AUSA, to make sure that those techniques stay up
5 and running?

6 A. Well, I can speak to you at least from my
7 experiences, you know, six years or so as a U.S. Attorney.
8 I never did that. I was never aware of it. We don't
9 necessarily care about metrics for the FBI.

10 Now, it's easy for me to imagine a case where
11 the FBI and the U.S. Attorney are conducting a specific
12 investigation and them saying, why can't we get a FISA on
13 this? But I would think it would be more focused on
14 getting information on the specific individual. But
15 generally -- I don't know, Mr. Baker, that in my many years
16 as the first assistant or as the U.S. Attorney that I ever
17 had a discussion about someone doing a FISA. I'm not
18 saying it didn't happen at some level below me, but never
19 with me.

20 BY MR. SOMERS:

21 Q. We're almost out of time in our hour, but I do
22 have some questions about Bruce Orr I would just like to
23 briefly run through.

24 Mr. Somers: And just for the record, if I ask
25 anything about General Flynn, I'm going to get an objection

1 from the Department. Is that correct?

2 Mr. Weinsheimer: That's correct.

3 BY MR. SOMERS:

4 Q. While you were the Acting Deputy Attorney
5 General, what was Bruce Orr's position/role within your
6 office? He was within your office, correct?

7 A. He was. He ran the OCDETF program as an
8 associate Deputy Attorney General.

9 Q. And that program didn't have anything to do
10 with Crossfire Hurricane; is that correct?

11 A. It did not.

12 Q. Anything to do with counterintelligence?

13 A. It did not.

14 Q. So he had no responsibility over Crossfire
15 Hurricane or involvement based on his position?

16 A. He did not.

17 Q. When did you become aware that he had contact
18 with Mr. Steele?

19 A. Well, that's -- I think it might have been
20 mentioned in a meeting that they knew one another. But
21 that he really had contact with him involving the case, I'm
22 not sure I learned until I got to the Bureau.

23 Q. And that mention didn't cause you to just walk
24 down the hall and say, Bruce, what do you know about
25 Christopher Steele?

1 A. No.

2 Q. Did he ever indicate to you that he had any
3 involvement with the Paul Manafort investigation?

4 A. No. I mean, if you're referring to the portion
5 in the Inspector General's report -- I think there's at
6 least something in there about that -- I'm completely
7 surprised by that.

8 Q. Did he have any responsibilities or supervisory
9 role over the money laundering asset recovery session at
10 DOJ?

11 A. No, sir.

12 Q. In the Crossfire Hurricane investigation,
13 there's a quote from Deputy Attorney General Yates on 299
14 of the Inspector General's report. "Yates told us the
15 Russia interference investigation in general was well-known
16 in ODeputy Attorney General by the time Orr met with McCabe
17 in October of 2016." That's on page 299 of the IG report.

18 Would you agree with that, that the Crossfire
19 Hurricane investigation was sort of well-known in the
20 office? What I'm getting at is, Bruce Orr should have come
21 to you and said, hey, I'm talking to this guy?

22 A. Well, two different answers. I don't know
23 whether it was well-known or not well-known In ODeputy
24 Attorney General. But Department of Justice attorneys and
25 assistant U.S. attorneys do not deal with witnesses, so he

1 should have told someone. What he should have done is hand
2 off Mr. Steele to an agent. That's what you should do.

3 As an assistant U.S. attorney, I've had any
4 number of people call me up and say, hey, I've got a guy
5 who wants to report a crime. Fine. Let me call over to
6 the Bureau. I'll have somebody contact you. That's what
7 you do.

8 Q. And he should have done that well earlier?

9 A. Yes. That's what you do immediately;
10 otherwise, you become a witness, and that's the last thing
11 in this world you want to do.

12 Q. Just for the record, he should have at least
13 told you or Deputy Attorney General Yates. Were you a
14 direct supervisor?

15 A. Yes, I was.

16 Q. Should he have told you that he had contact
17 with Christopher Steele?

18 A. I think so. Again, I don't think he should
19 have had contact with Christopher Steele in this case.

20 BY MR. BAKER:

21 Q. As a practical matter, was he ever noticed
22 missing from his desk? He seems to be out and about doing
23 a lot of different things, not whatever he was supposed to
24 be doing.

25 A. No. I never got -- don't recall getting a

1 report of that, and I certainly wasn't checking on him at
2 his desk.

3 BY MR. SOMERS:

4 Q. But certainly, whether he spent time during
5 business hours being interviewed by the FBI about
6 Christopher Steele, that was not part of his official
7 duties?

8 A. It was not, and it appears that way.

9 Mr. Somers: I think that's all we have, unless
10 we have any follow-up.

11 Mr. Baker: In case we don't get any rebuttal,
12 you had said earlier -- I think you were joking; I know you
13 were joking -- that it's kind of sad you had spent half
14 your life as a prosecutor.

15 I just want to say for the record I think
16 you've pursued a very noble calling. I dealt with you on
17 the House side and you were very helpful. You were very
18 cooperative coming in today. You've been very helpful. I
19 know for a fact you occupied many different positions in
20 your long career at the Department. You did many difficult
21 jobs very well. I thank you for coming in today, and I
22 wish you well.

23 The Witness: Thank you. And it was a joke.
24 It was just more a reference to my age than anything else.
25 I've been very fortunate and had a career that I loved.

1 There's no better job than being an AUSA.

2 Mr. Baker: Thank you for coming in today.

3 (Recess.)

4 Ms. Sawyer: Back on the record.

5 EXAMINATION

6 BY MS. SAWYER:

7 Q. I just want to clarify on a range of things
8 related to Mr. Flynn, General Flynn.

9 Ms. Sawyer: Can the witness speak to at all
10 the calls with Ambassador Kislyak?

11 Mr. Weinsheimer: No.

12 Ms. Sawyer: Can the witness speak today about
13 any discussions the witness may have been involved in while
14 acting Deputy Attorney General about Mr. Flynn?

15 Mr. Weinsheimer: No.

16 Ms. Sawyer: Can he speak to the issue of
17 whether any National Security Advisor having conversations
18 with the Russian ambassador and potentially misleading the
19 White House officials about that? Can he speak to that
20 generally?

21 Mr. Weinsheimer: No. Because the only
22 relevance would be as to Flynn.

23 Ms. Sawyer: Can he speak to assertions that
24 have been made that there was entrapment with regards to
25 Lieutenant General Flynn?

1 Mr. Weinsheimer: No.

2 Ms. Sawyer: So those are issues that I think
3 are of importance to the committee, at least to the members
4 on the Democratic side of the committee.

5 Mr. Boente, I understand that you're not able
6 to answer those because of the ongoing matter, but it may
7 be that we ask you to return at some point.

8 The Witness: I would be happy to accommodate
9 the committee.

10 Ms. Sawyer: Thank you.

11 BY MS. SAWYER:

12 Q. I'm curious. We talked a lot about Carter Page
13 and the Carter Page FISA application. I understand and I
14 appreciate your answers.

15 Have you ever gone to look at the section of
16 the Mueller report that dealt with Carter Page?

17 A. I have not.

18 Q. I'm going to give you a copy of this report and
19 just ask you a few questions.

20 I'm just going to direct your attention to page
21 101 of Volume I. Part of what was in the FISA application
22 that you signed was an assertion that, based on public
23 source information, Mr. Page had been in Moscow in July of
24 2016 while he was working on the campaign. So I'm just
25 going to direct your attention to page 101.

1 A. Yes, ma'am.

2 Q. So that second paragraph that says: "On July
3 8, 2016, while he was in Moscow, Page emailed several
4 campaign officials and stated he would send 'a readout soon
5 regarding some incredible insights and outreach I perceived
6 from a few Russian legislators and senior members of the
7 presidential administration here.'"

8 Do you see that?

9 A. Yes, ma'am.

10 Q. Then there's a little more information, and
11 then there's a large swath of this that is redacted as
12 grand jury information.

13 Have you ever seen that grand jury information?

14 A. I don't believe I have.

15 Q. Then after the redacted portion, it says the
16 following: "The office was unable to obtain additional
17 evidence or testimony about who Page may have met or
18 communicated with in Moscow. Thus, Page's activities in
19 Russia as described in his emails with the campaign were
20 not fully explained."

21 Do you have any additional information that
22 might shed light on what Mr. Page was doing in Moscow and
23 who he was meeting with?

24 A. I'm not certain. I might, but I think it would
25 probably be classified if I did.

1 Q. Beyond relying on the reporting from
2 Christopher Steele in the Page FISA applications, are you
3 aware of any other place where any of the Crossfire
4 Hurricane investigation relied on information from
5 Christopher Steele?

6 A. Excuse me? I'm not sure I understand your
7 question.

8 Q. Other than what we've discussed -- and we have
9 discussed the Carter Page FISA applications, one of which
10 renewals you had signed or had reviewed.

11 Other than relying on reporting from
12 Christopher Steele in those Page FISA applications, are you
13 aware of any other instance where the Crossfire Hurricane
14 investigation relied on reporting from Christopher Steele?

15 A. I don't know the answer to that question.

16 Q. So sitting here today, we can't cite you to
17 another example where they relied on reporting from
18 Christopher Steele?

19 A. I cannot. But I cannot also say that I know
20 they didn't.

21 Q. Can you tell me whether or not you know where
22 in Special Counsel Mueller's 448-page report there's any
23 citation to the Steele dossier?

24 A. No. I'm not that familiar with Mr. Mueller's
25 report.

1 Q. Can you identify which, if any, of 199 criminal
2 counts filed by Special Counsel Mueller rely on any
3 reporting from Christopher Steele?

4 A. I do not. I seem to recall a conversation with
5 Mr. Mueller's staff where they said they weren't relying on
6 Mr. Steele.

7 Q. Just on this broader question, you've described
8 what Mr. Steele had and did his opposition research. And I
9 think the natural understanding, if it was opposition
10 research on Donald Trump, would be that it was someone who
11 was against his candidacy.

12 Is that a fair assumption?

13 A. I think that's the case. And as I mentioned, I
14 think Judge Boasberg indicated his understanding as well.

15 Q. With regard to this notion of whether it was
16 proper in any way, shape, or form for the FBI to even look
17 at the information that Christopher Steele brought to them,
18 it was also given to them by a number of other people,
19 including Senator John McCain.

20 Was it inherently improper for the FBI to even
21 look at or consider Mr. Steele's information?

22 A. I don't think so.

23 Q. Why not?

24 A. I think that if Mr. Steele acquired information
25 that might have counterintelligence value protecting the

1 United States, I think you're obligated to at least look at
2 it.

3 Q. You were also asked some questions about Bruce
4 Orr and his involvement and interactions with Christopher
5 Steele. And what I heard you saying is that you were not
6 aware at the time.

7 Have you ever spoken to Mr. Orr about those
8 interactions directly?

9 A. I have not.

10 Q. So he hasn't explained to you the degree to
11 which he was interacting and who initiated the
12 interactions?

13 A. He has not. I have some understanding of the
14 degree because I had the 302s.

15 Q. So you've reviewed his interviews, Mr. Orr's
16 interviews?

17 A. To say I reviewed them might be a little
18 bit -- I probably read them very quickly.

19 Q. Fair enough. Was Mr. Orr involved in any way
20 in the decision to seek a FISA warrant on Carter Page?

21 A. Not to my knowledge. And I have no reason to
22 believe that he was.

23 Ms. Sawyer: If you would give us a second.

24 Ms. Zdeb: That concludes our questioning, Mr.
25 Boente. Thanks for being here.

1 It is 1:25. We can go off the record.

2 The Witness: Thank you.

3 Mr. Somers: We don't have anything else left.

4 We just want to thank you for coming in and giving us your
5 time of day.

6 The Witness: Thank you.

7 (Whereupon, the proceedings were adjourned at
8 1:25 p.m.)

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ERRATA

Notice Date:

Deposition Date:

Deponent:

Case Name:

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Notice Date:

Deposition Date: June 22, 2020

Deponent: Dana J. Boente

Case Name: Senate Judiciary Committee

Page:Line	Now Reads	Should Read
<u>5:4</u>	<u>Jeremy</u>	<u>Joe</u>
<u>49:14</u>	<u>Zdeb</u>	<u>Zdeb,</u>
<u>54:14</u>	<u>Rubenstein</u>	<u>Rosenstein</u>
<u>69:25</u>	<u>was</u>	<u>were</u>
<u>71:21</u>	<u>to whether</u>	<u>to see whether</u>
<u>75:2</u>	<u>the FBI and also</u>	<u>the FBI also</u>
<u>119:7</u>	<u>clarify on a</u>	<u>clarify a</u>
<u>121:5</u>	<u>perceived</u>	<u>received</u>
<u>121:18</u>	<u>Moscow. Thus,</u>	<u>Moscow; thus,</u>
<u>121:19</u>	<u>Russia as</u>	<u>Russia—as</u>
<u>121:20</u>	<u>campaign were</u>	<u>Campagin—were</u>
<u>122:16</u>	<u>we can't cite you to</u>	<u>you can't cite to us</u>
<u>123:8</u>	<u>and did his</u>	<u>and who did his</u>
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1 UNITED STATES SENATE
2 COMMITTEE ON THE JUDICIARY
3 WASHINGTON, D.C.
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7 INTERVIEW OF DEPUTY CHIEF,
8 COUNTERINTELLIGENCE AND
9 EXPORT CONTROL SECTION,
10 JUSTICE DEPARTMENT

11 FRIDAY, SEPTEMBER 18, 2020
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16 The interview was convened, pursuant to notice, at
17 10:06 a.m., in Room SD-266, Dirksen Senate Office Building,
18 Washington, D.C.
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P R O C E E D I N G S

(10:05 a.m.)

1
2
3 Mr. Somers. I guess we can go ahead and try and get
4 started. Are you ready? Okay. And we'll try and do this
5 the best -- as best we can, and if there's any problems,
6 obviously we'll -- I guess we'll know when we don't get
7 answers to our questions because no one can hear us. Let's
8 go on the record now.

9 This is a transcribed interview of [REDACTED].
10 Chairman Graham requested this interview as part of an
11 investigation by the Senate Judiciary Committee into
12 matters related to the Justice Department's and the Federal
13 Bureau of investigation's handling of the Crossfire
14 Hurricane investigation, including the applications for and
15 renewals of a Foreign Intelligence Surveillance Act warrant
16 on Carter Page. Would the witness please state his name
17 and the last position he held at the Justice Department for
18 the record?

19 [REDACTED]. [REDACTED], deputy chief of the
20 Counterintelligence and Export Control Section at DOJ.

21 Mr. Somers. Thank you. On behalf of Chairman Graham,
22 I want to thank you for appearing today, and we appreciate
23 your willingness to appear voluntarily. And I will just
24 note for the record that you are appearing by Webex, so
25 you're appearing remotely and are not in the room with us,

1 and hopefully we can -- we can make that all work. My name
2 is Zachary Somers. I'm the majority chief investigative
3 counsel for the Judiciary Committee. I would like to ask
4 just for the record for everyone else who's here in the
5 room with me to put their names on the record, and then
6 we'll get to those that are appearing by -- remotely. So,
7 Art, if you want to --

8 Mr. Baker. Arthur Baker, senior investigative counsel
9 for the majority staff of Senator Lindsey Graham, chairman.

10 Mr. Findlay. Patrick Findlay, general counsel of the
11 National Security Division for the Department of Justice.

12 [REDACTED]. [REDACTED], the Office of Legislative
13 Affairs, Department of Justice.

14 [REDACTED]. [REDACTED], senior counsel, Office of
15 Legislative Affairs, Department of Justice.

16 Mr. Charlet. Joe Charlet, counsel for the minority,
17 Ranking Member Feinstein.

18 Ms. Zdeb. Sara Zdeb, senior counsel for the minority,
19 Ranking Member Feinstein.

20 Mr. Somers. And, Heather, are you -- are you still
21 able to hear us? Do you want to put your name on the
22 record?

23 Ms. Sawyer. Sure, yes. Heather Sawyer with Ranking
24 Member Feinstein's Judiciary team.

25 Mr. Somers. And, Mr. Poe, are you able -- I just want

1 to make sure you're able to hear us.

2 Mr. Poe. Yes, sir, Mr. Somers. Thank you. Greg Poe.
3 I'm counsel for [REDACTED]. There were a couple things
4 I wanted to mention at whatever time you deem appropriate,
5 maybe before we begin.

6 Mr. Somers. Yeah, I'll let you do that when I'm done
7 with my preamble.

8 Mr. Poe. Very good.

9 Mr. Somers. Got a little bit -- a little bit more to
10 read here into the record. Okay. The Federal Rules of
11 Civil Procedure do not apply in this setting, but there are
12 some guidelines that we follow that I'd like to go over.
13 Our questioning will proceed in rounds. The majority will
14 ask questions first for an hour, and then the minority will
15 have an opportunity to ask questions for an equal period of
16 time. We will go back and forth in this manner until there
17 are no more questions and the interview is over.
18 Typically, we take a short break at the end of each hour of
19 questioning, but if you need a break apart from that, [REDACTED]
20 [REDACTED], or if you need to consult with your attorney in this
21 remote setting, however we're going to make that work,
22 please let us know.

23 As I noted earlier, you are appearing today
24 voluntarily. Accordingly, we anticipate that our questions
25 will receive complete responses. To the extent that you

1 decline to answer our questions or if counsel instructs you
2 not to answer, we will consider whether a subpoena is
3 necessary. As you probably cannot see because I didn't
4 edit this for Webex, but there is an official reporter here
5 in the room with us, in the hearing room, taking down
6 everything that is said in order to make a written record
7 of today's proceedings. So we're going to ask that
8 obviously you give verbal responses to all the questions we
9 ask you, [REDACTED] Do you understand that?

10 [REDACTED] I do.

11 Mr. Somers. So that the reporter can take down a
12 clear record, it is important that we don't talk over one
13 another or interrupt each other if we can help it. The
14 committee encourages witnesses who appear for transcribed
15 interviews to freely consult with counsel if they so
16 choose, and you're appearing today with counsel, Mr. Poe,
17 who already introduced himself for the record. We want you
18 to answer our questions in the most complete and truthful
19 manner possible, so we will take our time. If you don't --
20 if you have any questions or if you don't understand one of
21 our questions, please let us know. If you honestly don't
22 know the answer to a question or do not remember it, it is
23 best not to guess. Please give us your best recollection,
24 and it is okay to tell us if you learned the information
25 from someone else. If there are things you don't know or

1 can't remember, please let us know and inform us who, to
2 the best of your knowledge, might be able to provide a more
3 complete response to our question. You should also
4 understand that although this interview is not under oath,
5 you are required to -- by law to answer questions from
6 Congress truthfully. Do you understand this?

7 [REDACTED] Yes.

8 Mr. Somers. This also applies to questions posed by
9 congressional staff in an interview. Do you understand
10 this?

11 [REDACTED] Yes.

12 Mr. Somers. Witnesses who knowingly provide false
13 testimony could be subject to criminal prosecution for
14 perjury or for making false statements. Do you understand
15 this?

16 [No response.]

17 [Audio malfunction in the interview room.]

18 Mr. Somers. Did we lose [REDACTED]? I just wanted
19 confirmation that you understand that knowingly providing
20 false testimony or false statements to the committee could
21 subject you to criminal prosecution for perjury or for
22 making false statements. Do you understand this?

23 [No response.]

24 [Audio malfunction in the interview room.]

25 Mr. Somers. I think one more time the record.

1 [No response.]

2 [Audio malfunction in the interview room.]

3 Mr. Somers. I think you're on mute.

4 VOICE: I think you're on mute.

5 Court Reporter: Okay. We're getting a loopy sound.

6 [Brief pause.]

7 [Audio malfunction in the interview room.]

8 [REDACTED] Hello?

9 Court Reporter: There we go.

10 Ms. Sawyer. Hey. Can you guys hear me, because I can
11 hear [REDACTED] perfectly fine.

12 Mr. Somers. No, we're -- I think we now can hear [REDACTED]
13 [REDACTED].

14 Ms. Sawyer. Okay. Great.

15 [REDACTED] Okay. I heard your question. I tried to
16 answer "yes," but if you want to ask it again, I
17 understand.

18 Mr. Somers. Just as long as you understand that
19 making false statements could subject you to criminal
20 prosecution. Is that a "yes?" Is that what you responded?

21 [REDACTED] That's a "yes."

22 Mr. Somers. Okay. Is there any reason you're unable
23 to provide truthful answers to today's questions?

24 [REDACTED] No.

25 Mr. Somers. Finally, we ask that you not speak about

1 what we discussed today here in this interview with anyone
2 who is either not in the room here today or obviously on
3 the -- on the Webex. This is the end of my preamble. I
4 understand that your attorney and the Department, I think,
5 want to put something on the record. I'll start with the
6 Department, and then, Mr. Poe, we'll come to you.

7 Mr. Findlay. Sure. Thanks.

8 Mr. Poe. Thank you.

9 Mr. Findlay. We just wanted to confirm that because
10 the general rule of not attributing things to non-SES
11 folks, and in compliance with that general rule, and [REDACTED]
12 [REDACTED] having not been SES when he was with the Department,
13 that his transcript wouldn't be attributed to him or made
14 public. So --

15 Mr. Somers. Yeah. If and when a transcript of these
16 proceedings are made public, we will probably use the --
17 his name will either be redacted or use the identifier that
18 is in the Horowitz report.

19 Mr. Findlay. That sounds good, and then the same for
20 -- I don't know that we'll have to mention in any other
21 non-SES folks, but the same would apply to any other --

22 Mr. Somers. Yes, to any -- yeah, we will -- we will
23 redact that out --

24 Mr. Findlay. Great.

25 Mr. Somers. -- with either just a straight redaction

1 or the identifier from the Horowitz report.

2 Mr. Findlay. Sounds good.

3 Mr. Somers. Mr. Poe, did you have something you
4 wanted to add to the record or have questions for us?

5 Mr. Poe. Yes, sir, just three things. One is, you
6 know, just due to the format here, if for any reason [REDACTED]
7 [REDACTED] wishes to speak with me, obviously what we'll do is
8 we'll mute, and he and will have a telephone conversation
9 offline, number one, which is probably self-evident to
10 everybody in the room. Number two, the -- this interview
11 is being conducted under the terms of an email that I sent
12 to Mr. Baker on the 1st, and then to Mr. Baker and Ms.
13 Sawyer on the 4th of August, so I just want to put that in
14 the record. And the last thing is, following up on Mr.
15 Findlay's question and statement regarding the transcript,
16 on behalf of [REDACTED] I would simply request that nothing
17 be made public that could identify him with or without his
18 name, if -- to the extent possible. That would be a
19 request.

20 Mr. Somers. Yes. We no -- we have no plans to
21 identify him publicly and would take any steps to remove
22 anything else that that could identify him --

23 Mr. Poe. Thank you.

24 Mr. Somers. -- if and when the transcripts are made
25 public. Anybody else have anything before we begin?

1 Sorry. I'm just in a different world here with this Webex.

2 [No response.]

3 Mr. Somers. It is now 10:16, and we'll begin our
4 first round of questioning, and hopefully we'll be able to
5 get through this pretty quickly this morning. I anticipate
6 that, [REDACTED] that you'd be one of the shorter
7 interviews that we'll do as part of this investigation, but
8 I guess you never know. [REDACTED] when did you leave the
9 Justice Department?

10 [REDACTED] January 2018.

11 Mr. Somers. And what, for the record, are you
12 currently doing?

13 [REDACTED] I'm head of global investigations [REDACTED],
14 [REDACTED]

15 Mr. Somers. Okay. Have you had a chance to read or
16 review all or any portions of the Inspector General's
17 December 2019 report on Crossfire Hurricane and the Carter
18 Page FISA applications?

19 [REDACTED] Portions.

20 Mr. Somers. Portions. And for the record, do you
21 know if you are the individual identified as the deputy
22 section chief in NSD's Counterintelligence and Export
23 Control Section in the IG's FISA report?

24 [REDACTED] Yes, I believe in a footnote. I don't
25 remember what page, but I believe that's correct.

1 Mr. Somers. Okay. And then other than your personal
2 attorney and the attorneys with the Department, did you
3 speak to anyone in preparation for today's interview?

4 ██████████ No.

5 Mr. Somers. Obviously the main focus of what we're
6 going to talk about today is Crossfire Hurricane and the
7 Carter Page FISA application, and whatever role you had in
8 all that. But before I turn to Crossfire Hurricane, I did
9 just want to ask you, I believe I've got four questions
10 here on your role in the mid-year exam investigation of
11 Hillary Clinton's use of a private email server. Just for
12 the record, is it correct that you were involved in the
13 mid-year exam investigation?

14 ██████████ Yes.

15 Mr. Somers. And what was your position at DOJ when
16 you -- during that involvement?

17 ██████████ Deputy Chief, the same role we just
18 discussed.

19 Mr. Somers. Same role. Do you know how it was that
20 you came to be assigned to or work on the mid-year exam
21 investigation?

22 ██████████ I believe based on the subject matter that
23 I covered as deputy chief, which included
24 counterintelligence and mishandling of classified
25 information cases generally.

1 Mr. Somers. Okay. And what was your role, you know,
2 as best you remember it, on -- as part of the mid-year exam
3 investigation? What was your role in the investigation?

4 Mr. Poe. [REDACTED]? Mr. Somers, I'm not -- I'm not
5 sure that -- I need to check, but I believe that that last
6 question goes beyond the scope of what we agreed to.

7 Mr. Somers. I mean, that was my last question. I was
8 just trying to understand. If he could just give us just
9 broadly some general sense of what his role was, I think we
10 would be done with our mid-year exam questions. I'm not
11 looking -- I'm not looking for, like, specific tasks. I
12 just didn't know if he could give us some very broad
13 overview of what he did.

14 Mr. Poe. I appreciate that, and, of course, we're
15 intending to be fully cooperative. I just want to make
16 sure that that wouldn't open the door from the minority
17 staff's perspective for additional questions.

18 Ms. Zdeb. I don't know if you can see me. This is
19 Sara Zdeb on the minority staff. It's hard to say without
20 hearing his answer, but I do not anticipate that we will be
21 asking many or any questions at all on mid-year exam.

22 Mr. Poe. Well, you know, again, we don't want to make
23 this unduly complex. This might be worth a short break so
24 I can speak to [REDACTED]

25 Mr. Somers. Yeah, that -- why don't we go ahead and

1 take a short break then?

2 Mr. Poe. All right. It'll be very brief.

3 Mr. Somers. Okay.

4 Mr. Poe. Thanks.

5 Court Reporter. Going off the record or --

6 Mr. Somers. I think we won't be able to hear them,

7 so.

8 [Pause.]

9 Mr. Poe. Mr. Somers?

10 Mr. Somers. Yes?

11 Mr. Poe. Thank you for that break. [REDACTED] is
12 prepared to answer your question.

13 Mr. Somers. Okay. Thank you. Do you remember the
14 question or do you need to me to repeat it?

15 [REDACTED] I remember it.

16 Mr. Somers. Okay.

17 [REDACTED] So my role on the case, I was one of the
18 DOJ attorneys who worked on the case both from NSD and from
19 the U.S. Attorney's Office in the Eastern District of
20 Virginia.

21 Mr. Somers. Okay. I guess that does just raise one.
22 You worked in the Eastern District of Virginia or you
23 worked at NSD, not in relation to mid-year, but --

24 [REDACTED] Oh, sorry. I worked in NSD, and you were
25 asking me about my role on mid-year, and I was saying I was

1 one of the Department of Justice attorneys who worked on
2 mid-year. There were some from NSD and some from the U.S.
3 Attorney's Office in Alexandria. I was in the former
4 group.

5 Mr. Somers. Okay. Okay. Thank you. And then I
6 think from your -- from the questions I've asked you so
7 far, when Crossfire Hurricane -- the Crossfire Hurricane
8 investigation began, I assume on July 31st of 2016, you
9 were the deputy section chief in NSD that you were when you
10 left the Department. Is that correct?

11 [REDACTED] In July of 2016? Yes.

12 Mr. Somers. Yeah, and then all the way through until
13 you left the Department in 2018?

14 [REDACTED] Correct.

15 Mr. Somers. Okay. What would -- generally, you know,
16 speaking, what was your -- what was your job during that
17 time period at NSD? What type of laws and -- did you have
18 responsibility for?

19 [REDACTED] So the areas I covered included Federal
20 counterintelligence matters, so espionage, mishandling of
21 classified information, economic espionage, theft of trade
22 secrets for -- by foreign governments or people associated
23 with foreign governments, matters like that.

24 Mr. Somers. Did you have any responsibility for the
25 Foreign Agents Registration Act?

1 ██████████ Not really. There was a separate unit
2 that handled that within my section.

3 Mr. Somers. Did you have any?

4 Mr. Baker. I was just going to ask, is that your
5 expertise, or was that your expertise, at DOJ, or did you
6 have other assignments before you ended up in that spot?

7 ██████████ Before I became deputy, I was a line
8 attorney in the section, and I handled the matters I
9 described to you, but also export control matters, so
10 Commerce-controlled and State Department-controlled items
11 going to sanction countries, things like that, plus
12 counterintelligence matters.

13 Mr. Baker. But that section was the entire -- that's
14 where you spent the entire duration, your tenure at DOJ.

15 ██████████ Correct.

16 Mr. Baker. Thank you very much.

17 Mr. Somers. Have you in your tenure at DOJ worked on
18 FISA applications?

19 ██████████ Not worked on them, no. That was a
20 different section that handled them.

21 Mr. Somers. Have you been involved in investigations
22 that involve FISA coverage?

23 ██████████ Yes.

24 Mr. Somers. Is that a pretty regular component of
25 investigations you're involved in, or would that -- would

1 that be out of the ordinary?

2 [REDACTED] It's certainly not in every case, but not
3 out of the ordinary.

4 Mr. Somers. No, but you've never actually worked on
5 an application itself. That's what you just testified to?

6 [REDACTED] Yeah, we don't -- we don't -- sorry. The
7 section I worked in did not handle the applications.

8 Mr. Somers. Did you -- so you -- have you ever
9 reviewed a FISA application for substance prior to it being
10 filed or renewed?

11 [REDACTED] No, the FISA applications that I've looked
12 at tended to involve litigation after the fact.

13 Mr. Somers. Okay. When did you switch into Crossfire
14 Hurricane specifically? When did you first learn about the
15 Crossfire Hurricane investigation?

16 [REDACTED] Sometime in the fall of -- late summer,
17 fall of 2016.

18 Mr. Somers. And how did you become aware of it?

19 [REDACTED] My manager, the section chief, informed me
20 of it, and I -- took me to a meeting concerning the matter.

21 Mr. Somers. Okay. And David Laufman, that's your --
22 who you referred to as the section chief? Is that correct?

23 [REDACTED] Correct.

24 Mr. Somers. Let's see. So he informed you prior to
25 the meeting, or the meeting was how you were informed about

1 the investigation?

2 [REDACTED] I think he told me about it generally
3 because I -- he was taking me to a meeting.

4 Mr. Somers. Okay. And do you recall what he told you
5 about the investigation, roughly?

6 [REDACTED] I think just a general --

7 Mr. Somers. Yeah.

8 [REDACTED] Yeah, just a general description of the
9 matter.

10 Mr. Somers. Do you recall what he told you was being
11 investigated?

12 [REDACTED] I don't remember how he worded it, no.

13 Mr. Somers. So between his conversation and maybe
14 this first meeting you went to, what was kind of your
15 original or your early understanding of what Crossfire
16 Hurricane was investigating, was an investigation of?

17 [REDACTED] I understood it to be an examination of
18 Russian interference in the election, something along those
19 lines.

20 Mr. Somers. Did you understand it to relate
21 specifically the Trump Campaign?

22 [REDACTED] I guess -- I don't want to draw the
23 distinction between what I knew beforehand and what I
24 learned at the -- at the meeting as I started to attend.

25 Mr. Somers. Okay. And what was -- who was in this

1 meeting -- this first meeting you attended?

2 [REDACTED] A number of FBI folks from headquarters
3 and a few people from DOJ around the SCIF conference room
4 at FBI.

5 Mr. Somers. At FBI? Was it all officials from NSD on
6 the Department side?

7 [REDACTED] To the best of my recollection.

8 Mr. Somers. On the FBI side, do you recall if Peter
9 Strzok was in the meeting?

10 [REDACTED] I do recall him being there.

11 Mr. Somers. Bill Priestap?

12 [REDACTED] I'm not sure if Bill Priestap was there or
13 not.

14 Mr. Somers. Lisa Page?

15 [REDACTED] I don't remember. There were -- so what I
16 would say is there were -- these were regular meetings, and
17 I'm not sure the attendance was the same every time.

18 Mr. Somers. These were regular meetings that -- you
19 regularly attended these meetings?

20 [REDACTED] Yes, once I -- once I came to the first
21 one, I, I think, generally, came thereafter.

22 Mr. Somers. And I'm sorry. You said they were weekly
23 meetings? I --

24 [REDACTED] I think they were either weekly or every
25 other week.

1 Mr. Somers. Okay. So maybe I should start back over
2 again and not ask specifically about the first meeting.
3 Just generally attendance wise, you said Peter Strzok at
4 least attended one meeting. Was he kind of a regular
5 attendee at these meetings?

6 [REDACTED] I think that's fair.

7 Mr. Somers. Bill Priestap, regular attendee?

8 [REDACTED] I don't know about that, but I recall
9 seeing him certainly at one point.

10 Mr. Somers. Okay. Lisa Page? Was she a regular
11 attendee?

12 [REDACTED] I'm not sure about that, but I remember --
13 I believe I would've seen her there. I don't know. I
14 don't want to characterize her as regular because I can't
15 recall.

16 Mr. Somers. [REDACTED]?

17 [REDACTED] Yes.

18 Mr. Somers. [REDACTED]?

19 [REDACTED] I don't remember seeing him there.

20 Mr. Somers. Do you know who he is?

21 [REDACTED] Yes.

22 Mr. Somers. [REDACTED]?

23 [REDACTED] Yes, I remember seeing him there.

24 Mr. Somers. Jim Baker?

25 [REDACTED] I'm not sure I remember seeing Jim Baker

1 there.

2 Mr. Somers. Patricia Anderson?

3 [REDACTED] I think maybe I recall seeing her there,
4 but I'm not sure if she was a regular attendee.

5 Mr. Somers. Sally Moyer?

6 [REDACTED] Yes.

7 Mr. Somers. Kevin Clinesmith?

8 [REDACTED] Yes.

9 Mr. Somers. And then on NSD side, I'm -- would Stu
10 Evans have ever attended these meetings?

11 [REDACTED] Yes, though I don't know if he was there
12 every time.

13 Mr. Somers. George Toscas?

14 [REDACTED] Yes.

15 Mr. Somers. David Laufman?

16 [REDACTED] Yes.

17 Mr. Somers. Tash Gauhar?

18 [REDACTED] I don't remember seeing Tash there.

19 Mr. Somers. Was there, and I don't know the name, but
20 was there a line attorney that may have directly been from
21 OI that may have directly been working on the -- on the
22 FISA? Was there an attorney like that in attendance in
23 these meetings?

24 [REDACTED] I don't recall a line OI person being
25 there.

1 Mr. Somers. Was there anyone else from, other than
2 Stu Evans, from the Office of Intelligence in these
3 meetings?

4 ██████████ I can't remember anyone right now.

5 Mr. Somers. So not -- definitely not a regular
6 attendee then.

7 ██████████ I think that's fair.

8 Mr. Somers. Okay. What about Mary McCord?

9 ██████████ I don't remember Mary being there.

10 ██████████ Okay. Anybody?

11 Mr. Baker. I apologize if you already answered this.
12 Was Andy McCabe or Jim Comey present at any of the
13 meetings? Did they ever stick their head in for any
14 reason?

15 ██████████ Not that I recall.

16 Mr. Somers. Okay. And what was generally the purpose
17 of these meetings?

18 ██████████ In my estimation, they were -- they were
19 updates, briefings by the FBI on their -- status of their
20 investigation.

21 Mr. Somers. Were investigative steps, things like
22 that, discussed in these meetings?

23 ██████████ Yes.

24 Mr. Somers. And was the question of whether to take
25 investigative steps in these -- in these meetings, or was

1 this just a straight here's what we're doing, like an
2 update meeting?

3 [REDACTED] I recall it more as an update meeting.

4 Mr. Somers. Okay. And do you recall why CES was
5 involved in these meetings?

6 [REDACTED] I don't actually know specifically if
7 there were discussions about that that happened when I
8 wasn't there. Obviously I wasn't there -- I should say,
9 these meetings went -- were going on before I started
10 attending.

11 Mr. Somers. Okay. So what -- I guess maybe we'd get
12 maybe a little better sense if I just ask you more
13 generally. What was your -- what was your role on
14 Crossfire Hurricane?

15 [REDACTED] Honestly, we -- from my perspective, we
16 were getting updates on what was going on, but there was
17 not much that we were doing from a DOJ perspective on the
18 matter, at least as far as -- I shouldn't say from a DOJ
19 protect. From a CES, from a Counterintelligence and Export
20 Control Section perspective, it was not a very active role,
21 in my view.

22 Mr. Somers. So how long were these -- how long would
23 one of these meetings take on average?

24 [REDACTED] I don't actually -- I don't remember.

25 Mr. Somers. All right. But you didn't have -- so

1 they started -- these meetings started in the fall of 2016.
2 Would you say in that time period that was your main --
3 kind of your main role on Crossfire Hurricane was to attend
4 these meetings, or were there other things you were doing?

5 [REDACTED] So I don't know when the meetings started.
6 I started attending in the fall of 2016, just to clarify
7 that, and the main -- yeah, there was not much of an active
8 role for our section in -- as far as I understand it.

9 Mr. Somers. Okay. At some point, did you take on a
10 more active role in Crossfire Hurricane?

11 [REDACTED] I would say in 2017, the work became more
12 active.

13 Mr. Somers. And what type of things were you doing in
14 2017 for Crossfire Hurricane?

15 [REDACTED] Well, in 2017, we assigned an attorney
16 from our section to work on the matter, and he started
17 interacting with the FBI in a more substantive manner, I
18 would say.

19 Mr. Somers. And that's, I assume, a non-SES line
20 attorney?

21 [REDACTED] Correct.

22 Mr. Somers. What was he doing that was more active?
23 What was he doing for FBI or as part of the investigation?

24 [REDACTED] I think he was meeting with them, and I
25 think there were subpoenas going out, things like that.

1 Mr. Somers. This is somebody that -- was he in your
2 direct chain of command, or was it just somebody else from
3 CES?

4 [REDACTED] So we didn't organize the section that
5 way, so everyone did different types of cases. So he was a
6 line attorney in the -- in the section, so, yeah.

7 Mr. Somers. So the section wasn't further divided
8 below you.

9 [REDACTED] That's correct.

10 Mr. Somers. Okay. Do you know if that attorney had
11 any expertise in the Foreign Agents Registration Act?

12 [REDACTED] Actually, I don't know. I think he did.

13 Mr. Somers. Did you -- did you all have -- so we
14 talked about the meeting where FBI was essentially
15 providing updates basically. I don't want to overstate
16 what you said, but the general tenor of those meetings was
17 FBI updates. Were there other meetings besides those
18 regularly-scheduled meetings that you attended related to
19 Crossfire Hurricane?

20 [REDACTED] Not that I remember.

21 Mr. Somers. And so, okay. So I asked you initially
22 kind of what your original understanding of what Crossfire
23 Hurricane was looking at. Did that understanding evolve
24 over time? Did you get a better sense of what was being
25 looked at maybe in this 2017 time frame when you became --

1 when it became a little more active as to exactly what the
2 FBI was looking at?

3 [REDACTED] I think we -- I got more -- I guess, let
4 me put it this way. I think Crossfire Hurricane was sort
5 of an umbrella name for the case, and then there were
6 different sub-code names or whatever you want to call it.

7 Mr. Somers. Yeah.

8 [REDACTED] I learned that there were different parts
9 they were looking at, yeah.

10 Mr. Somers. Were there any of those parts that you
11 worked on more than others, or the sub-investigations?

12 [REDACTED] I think the most sort of time I spent on
13 anything was the -- I guess it related to Carter Page
14 because it was associated with the meeting with the --
15 what's been called the sub-source.

16 Mr. Somers. Okay. Did you work at all on the Michael
17 Flynn aspect of the investigation?

18 [REDACTED] No. I remember that eventually the line
19 attorney in our section was working on it in 2017 related
20 to FARA.

21 Mr. Somers. Okay. Paul Manafort? Did you work on
22 Paul Manafort at all?

23 [REDACTED] Not that I recall.

24 Mr. Somers. George Papadopoulos?

25 [REDACTED] No. I remember getting briefed about him

1 as sort of the origin of the case, but that's the -- I
2 think -- let me say that I think the line attorney in our
3 section may have worked on Mr. Papadopoulos in 2017, but I
4 don't remember any details.

5 Mr. Somers. So is there -- just staying on the
6 Foreign Agents Registration Act for a second. I'm just
7 trying to understand a little bit, at the time you were
8 there, the division within the Counterintelligence and
9 Export Control Section. Is there -- is there a FARA unit
10 within -- not is there now. Was there then a FARA unit
11 within CES?

12 [REDACTED] Yes, there was then, and, as I understand
13 it, there is now.

14 Mr. Somers. Okay. How many -- how many units are
15 there in -- not are there now -- were there, if you recall,
16 within CES during this time frame?

17 [REDACTED] That was the only unit as far as I know.

18 Mr. Somers. Okay. And this line attorney was not
19 from the FARA unit, I take it?

20 [REDACTED] No.

21 Mr. Somers. Okay.

22 Mr. Poe. I'm sorry. Mr. Somers, this is Greg Poe.

23 [REDACTED] responded "no," but I think that answer could be
24 taken as ambiguous.

25 Mr. Somers. So, Mr. --

1 ██████████ Ask me -- ask me again. I'll try to
2 answer it. Sorry.

3 Mr. Somers. To the best of your knowledge, was -- we
4 spoke about a line attorney. To the best of your
5 knowledge, was that line attorney assigned to the FARA unit
6 in -- within CES?

7 ██████████ To the best of my knowledge at the time,
8 he was not okay.

9 Mr. Somers. Okay. Now, you mentioned a moment ago
10 that -- and I don't want to mischaracterize what you said,
11 but it seemed like you were alluding to the fact that your
12 primary involvement involved the primary sub-source for the
13 Carter Page FISA application and the interview with the
14 primary sub-source. Is that a fair statement?

15 ██████████ I think that's fair. It was the most sort
16 of -- most involvement I had with what was -- what was
17 going on, as best I recall, although, and I'm sure we'll
18 discuss it, it wasn't -- wasn't terribly involved, as
19 you'll -- as you'll learn.

20 Mr. Somers. All right. Well, let's maybe start at
21 the big -- the big piece of that. You did attend the --
22 there was a 3-day interview in late January -- I believe
23 it's January 24th to January 26th -- of Christopher
24 Steele's primary sub-source. You did attend that
25 interview, correct?

1 ██████████ I attended portions of it, but not the
2 entire 3 days.

3 Mr. Somers. Did you attend -- well, explain to me
4 what you did attend then.

5 ██████████ In my recollection, I attended when Mr.
6 Laufman could not, so I think I attended the last 2 days.

7 Mr. Somers. Okay. Did you attend any -- I mean, my
8 impression from the IG report is you may have attended part
9 of the first day, or is that --

10 ██████████ So I recall Mr. Laufman having to leave
11 early one day, and I can't remember what day that was, so
12 I'm not sure which ones were full days and which not. I do
13 believe I attended definitely the last two.

14 Mr. Somers. Okay. And where did this interview take
15 place?

16 ██████████ At a law firm conference room at a law
17 firm called ██████████.

18 Mr. Somers. So it didn't take place at Washington
19 Field Office.

20 ██████████ Not to my recollection.

21 Mr. Somers. Okay. And who was in the -- who was in
22 the interview? I don't need you to tell me the name of the
23 primary -- let me just put that on there. I don't need you
24 to tell me the name of the primary sub-source, but --

25 Mr. Findlay. And I would think the title -- in the

1 302 that I think you're referring to, the titles are there,
2 so I'd ask [REDACTED] not to give the name, but just use the
3 titles.

4 Mr. Somers. Okay. Or I could ask it differently. I
5 could ask, my understanding is the primary sub-source was
6 in the interview, the primary sub-source's attorney was in
7 the interview, and there were two agents -- or, I'm sorry -
8 - one agent and one analyst from the FBI in the interview,
9 and you were in the interview. Did I miss anybody?

10 [REDACTED] Mr. Laufman.

11 Mr. Somers. And the two individuals that were in the
12 interview from the FBI, they were -- was that [REDACTED]
13 and [REDACTED]?

14 [REDACTED] Can I answer that, Patrick?

15 Mr. Findlay. Yeah, that's fine, and those will be
16 subject to the -- yeah.

17 Mr. Somers. We'll take it out.

18 [REDACTED] Okay.

19 Mr. Findlay. That's fine to confirm or deny.

20 [REDACTED] That's correct.

21 Mr. Somers. Okay. Just one attorney for the primary
22 sub-source?

23 [REDACTED] Yes.

24 Mr. Somers. Okay. So what was your understanding of
25 why all of a sudden you were attending this interview?

1 ██████████ It's my understanding that the FBI wanted
2 to speak with the sub-source, and he had an attorney, and
3 the FBI called Mr. Laufman to have him work it out with the
4 attorney so that they could sit down with the -- with the
5 sub-source. So that's why they called Mr. Laufman.

6 Mr. Somers. Were you involved in those discussions
7 prior to the interview with the primary sub-source's
8 attorney?

9 ██████████ I believe Mr. Laufman handled it. I
10 believe he knew that attorney from prior work.

11 Mr. Somers. Okay. And did the FBI further request
12 that Mr. Laufman or somebody from CES attend the actual
13 interview?

14 ██████████ I don't know if the FBI asked that or
15 whether the sub-source's attorney asked for that. I'm not
16 sure.

17 Mr. Somers. Okay. But do you -- okay. Do you recall
18 why you were chosen to attend when Mr. Laufman could not
19 when he was absent?

20 ██████████ I think because I was the deputy for the
21 subject matter area, and I'd already been briefed on the
22 case.

23 Mr. Somers. And what did you understand the -- sort
24 of the nature of the -- what were you told? What was the
25 nature of this interview?

1 ██████████ My understanding was that they were trying
2 to speak with the source or sources underlying the Steele
3 reporting, and they, therefore, wanted to speak to this
4 individual.

5 Mr. Somers. Did it seem important that they speak
6 with this individual?

7 ██████████ I don't know how to answer that.

8 Mr. Somers. I don't know if the -- I just -- I'm just
9 not quite -- did anyone raise the -- I don't know. Mr.
10 Laufman asked you to attend. I assume he's the one that
11 asked you attend to interview. Is that correct?

12 ██████████ Yes.

13 Mr. Somers. Did he express anything to you about the
14 importance of this interview, or did he just say come
15 attend it?

16 ██████████ I think it was more the latter. I think
17 it was really that the FBI needed -- we needed to be there
18 for some reason to deal with this individual's attorney to
19 allow the FBI to conduct its interview.

20 Mr. Somers. Okay. So, basically, CES' role, and I
21 think this is pretty much what the IG report says. CES was
22 there because they negotiated the terms of the interview,
23 and I assume, I guess, it sounds like from your testimony
24 today, simply because the primary sub-source had an
25 attorney? Is that fair?

1 ██████████ I think it's fair. I would also say if
2 the attorney raised any issues during the interview, I
3 think we were there to address them as needed, but those
4 did not arise as far as I recall.

5 Mr. Somers. Did you have -- back to my question about
6 importance of the interview. You know, I assume that there
7 were probably -- did you ride over to the interview with
8 the agent and the analyst, intel analyst?

9 ██████████ No, I met them there.

10 Mr. Somers. Did you have any discussions during
11 breaks or anything in the -- in the interview with the --
12 either the agent or the analyst?

13 Mr. Findlay. You can answer, of course, whether you
14 had discussions, but I think, depending on the substance --
15 if the answer is yes, we might have to revisit.

16 ██████████ I don't recall any discussions.

17 Mr. Somers. Do you recall any discussion, just to put
18 a more -- a finer point on it, where they discussed or you
19 heard them mention anything about the importance of
20 interviewing the primary sub-source?

21 ██████████ No, I don't recall any discussions like
22 that.

23 Mr. Somers. Did you have any discussions with the
24 FBI, either generally at the FBI or with the two -- with
25 the case agent and the -- and the intel -- supervisor intel

1 analyst? Did you have any discussions with them prior to
2 the interview about the interview?

3 [REDACTED] I only recall a very general discussion
4 that they wanted to speak to this individual about the --
5 about the Steele reports. I don't remember any detailed
6 session in advance of the -- of the interview. It's
7 possible that occurred and I wasn't present, so I don't
8 want to say there wasn't any such discussion, but I don't
9 recall being part of one.

10 Mr. Somers. Okay. Were there -- were there
11 restrictions? I mean, did the attorney for the primary sub
12 -- were there parameters for the interview?

13 [REDACTED] I don't -- I don't recall any, and I don't
14 recall the attorney interposing himself during any
15 questioning.

16 Mr. Somers. Yeah. I guess what I'm asking is whether
17 the -- you know, Mr. Laufman, it sounds like, arranged for
18 or negotiated, however you want to characterize it, this
19 interview. And I just didn't -- what I was getting at is
20 whether the primary sub-source's attorney had put any
21 conditions, parameters, restrictions on the interview that
22 then would've had to have been conveyed to the agents
23 actually taking the interview.

24 [REDACTED] I don't remember any.

25 Mr. Somers. So did it seem like, either from your

1 discussions prior to the interview or just sitting in the
2 interview itself, that there were topics or areas sort of
3 off limits, or was this kind of a freewheeling interview?

4 [REDACTED] I recall him answering everything he was
5 asked.

6 Mr. Somers. Do you recall if his attorney ever
7 instructed him not to interview -- not to answer a
8 question?

9 [REDACTED] I actually don't recall him giving any
10 such instruction.

11 Mr. Somers. Okay. Did you glean any impression for
12 how the agent or the supervisor, intel analyst, thought the
13 interview was going?

14 Mr. Findlay. I think that's -- his impressions of how
15 the interview was going, I mean, that's going to be
16 protected and wasn't in the IG report, if I recall. I
17 guess he can answer whether he developed impressions, but
18 then saying what those were would be protected.

19 Mr. Poe. Mr. Somers, this is -- this is Greg Poe.
20 Can I just add that the memorialization of the -- of sort
21 of the agreed scope concerns [REDACTED] knowledge of
22 historical facts. So, again, he wants to cooperate fully.
23 I just want to make sure we're sensitive to boundaries on
24 things like impressions, opinions, and so forth.

25 Mr. Somers. Yeah, I'm just trying to get whether he

1 had a sense of whether the FBI agents thought they were
2 getting what they were -- what they were looking for from
3 the primary sub-source, one. And I also, two, am trying to
4 get whether he got any impression of -- from the FBI agents
5 of whether, like, you know, hey, this is a big deal that
6 we're -- that we're interviewing this guy. That's really
7 kind of what I'm getting at. I'm not looking for their
8 specific comments or anything. I'm just trying to get a
9 sense of whether this was perceived to be an important step
10 in the investigation. He may have gotten no such
11 impression and had no such conversations. So I'm just kind
12 of poking around here a little bit just trying to see if
13 there's any general impression that you got that the FBI
14 agents -- agent and intel analysts in the room for the
15 interview thought this was an important investigative step
16 to have accomplished.

17 Mr. Findlay. So I think he already answered that he
18 didn't have those sorts of discussions with them, and I
19 think he already answered that the witness, at least while
20 he was there, that the witness answered all of the
21 questions that were asked of him. So beyond that, it's --
22 you're asking for his takeaway of --

23 Mr. Somers. Yes.

24 Mr. Findlay. -- his impression of how the interview
25 went?

1 Mr. Somers. Yes, I'm trying to -- versus asking him
2 15 questions that you may have object to me asking based on
3 your prior -- previous objection, I'm just trying to see if
4 he can generally give me an impression of how the FBI
5 agents thought the -- either the interview went or related
6 to like, hey, it's great that we got to interview this guy.
7 I'm just trying to -- I think rather than draw a ton of
8 objections, and maybe he has no impression, in which case
9 he could say I did not gain any such impression, and we
10 could avoid asking a ton of questions as well.

11 Mr. Findlay. So that's fair. And so you're asking
12 him his impression that he gleaned without discussion of
13 the FBI's impression of how things went.

14 Mr. Somers. He didn't say he had no discussion with
15 the agents. I asked him about a particular discussion.

16 Mr. Findlay. I guess we can -- we can certainly let
17 him answer whether he had an impression.

18 ██████████ I mean, I think what I would say is I
19 don't remember any specific discussions with the agents, or
20 the agent, and the analyst about it. My recollection is
21 that any question they asked, the individual answered, and
22 there were no problems in getting the person to answer the
23 questions that were being asked. That's my recollection.

24 Mr. Baker. Did you brief Mr. Laufman or anyone else
25 at DOJ about what had attended at this meeting once you

1 returned to DOJ?

2 [REDACTED] I think I probably in the normal course
3 would have done so. I don't remember specifically doing
4 so. And to the extent I did, I think it would've been
5 whether there were any issues that arose that I had to deal
6 with in his absence.

7 Mr. Baker. Would you have had similar briefings with
8 Mr. Laufman or other superiors or DOJ people when you had
9 these Crossfire Hurricane meetings at FBI headquarters?
10 When you went back to DOJ, did you have any discussion
11 about what you gleaned from the meetings or where the case
12 was progressing to?

13 [REDACTED] I don't remember doing that.

14 Mr. Baker. Did you ever prepare any summaries from
15 the standing Crossfire Hurricane meetings, or did you
16 prepare any summary for DOJ, Mr. Laufman, or anybody else
17 about what happened at the meeting -- at the interview?

18 [REDACTED] I don't remember preparing summaries of
19 those meetings. It's possible I took notes at the
20 meetings, but I don't remember preparing any summaries.

21 Mr. Baker. I was going to ask if you took any
22 informal notes, and, if so, what happened to those.

23 [REDACTED] If I took notes, they would've been
24 classified, and they would've been left at the Department
25 when I left.

1 Mr. Baker. Okay. Did you, and I don't want to get
2 back into the discussion of what people thought or heard or
3 other people's impressions. But was there a general, this
4 meeting was really a bombshell in terms of just a high-
5 level summary of what was learned, people were surprised at
6 what they heard, or it was just the aftermath was kind of
7 mundane, we're going to document what we -- what we learned
8 here and move on, or was it really something that needed to
9 be followed up on based on what was learned at this
10 meeting?

11 Mr. Findlay. So, again, you're asking him to
12 characterize -- you're asking him to characterize sort of
13 other folks' impressions --

14 Mr. Baker. Well, what was --

15 Mr. Findlay. -- his own impression.

16 Mr. Baker. What was your impression of it? Did you
17 hear things that were contrary about the case -- about the
18 foundations of the case that you had not heard before or
19 were contrary to what you heard before?

20 Mr. Findlay. And, again, his impressions would still
21 be protected. Those aren't in the IG report and waived,
22 and I think that's also outside the scope that you
23 negotiated with his counsel. But regardless, we would
24 object.

25 Mr. Baker. Was there anything you heard that was

1 contrary to the general discussions at these meetings at
2 FBI headquarters that you had previously been attending?

3 [REDACTED] Not that I -- not that I recall, and I
4 didn't -- sorry. Patrick, what am I supposed to do about
5 my impressions?

6 Mr. Findlay. Yeah, I'm not entirely sure what -- so
7 are you saying did he learn during the interview facts that
8 --

9 Mr. Baker. Did --

10 Mr. Findlay. -- were contrary to facts that were --

11 Mr. Baker. Yes. Yes. Did he learn anything that was
12 contrary to what you believed about this case that you'd
13 previously learned by these meetings at FBI headquarters?
14 Did this interview change or cause concern in your mind
15 about things you had already learned?

16 Mr. Findlay. So, again, "changed or caused concern"
17 is his impressions.

18 Mr. Baker. Well, was there anything you heard that
19 was absolutely black-letter different from what you had
20 been told at these prior meetings?

21 Mr. Findlay. And you can answer "yes" or "no," but if
22 there was and it's beyond or behind one of the redactions
23 in the report, he won't be able to get into it, so we might
24 have to go a little more granular.

25 [REDACTED] Not from what I'd heard in the meetings,

1 no.

2 Mr. Somers. Did the -- did these meeting -- I assume
3 these regular meetings we talked about earlier continued on
4 or were still going on at the time of the primary sub-
5 source interview?

6 [REDACTED] I don't recall those meetings going past
7 late 2016, but you'd have to check me on that.

8 Mr. Somers. Okay. Well, do you recall being in a
9 meeting with FBI after the primary sub-source interview
10 about Crossfire Hurricane, like a general update meeting?

11 [REDACTED] Not right around that time, no. I recall
12 it being sort of quiet from late 2016 until, when I
13 described to you earlier, things sort of picking up in
14 2017, maybe February, something like that, March.

15 Mr. Somers. All right. And other than what you may
16 have discussed with Mr. Laufman about the interview -- I'm
17 sorry. There's been a lot of back and forth here. Is it
18 my understanding that you did not have a meeting or
19 discussion about the primary sub-source interview with
20 anyone else after the -- after the meeting?

21 [REDACTED] Can you hold on one second because my
22 children are screaming in the background?

23 Mr. Somers. Absolutely. Absolutely.

24 [Brief pause.]

25 [REDACTED] I'm sorry about that. That's probably not

1 something you have to deal with too often.

2 Mr. Somers. No, no, no, that's fine.

3 [REDACTED] I may ask you to repeat that one just so I
4 -- so I have it. Sorry.

5 Mr. Somers. Yeah, so you said that you may or may not
6 have discussed the primary sub-source meeting with Mr.
7 Laufman directly either during the 3-day period or after.
8 Did you have any discussions about the primary sub-source
9 meeting with anyone other than Mr. Laufman either during or
10 after the meeting?

11 [REDACTED] I don't remember discussing it with anyone
12 during or after the meeting. And I -- while I don't
13 remember specifically discussing with Mr. Laufman, I do
14 feel comfortable saying that I would've normally done so,
15 especially because I felt I was filling in for him.

16 Mr. Somers. Okay. And then during the meeting, I
17 assume you didn't ask any questions of the primary sub-
18 source?

19 [REDACTED] I don't believe I did.

20 Mr. Somers. And it seemed like the attorney wasn't
21 objecting a lot, so there was no major interaction that you
22 had with the primary sub-source's attorney during the
23 interview?

24 [REDACTED] No, just chatting with him. He was -- if
25 anything, he was sort of trying to be helpful in getting --

1 he wasn't -- he wasn't interjecting or stopping his client
2 from answering anything.

3 Mr. Somers. Okay. And so I guess there -- and just
4 taking it from your other answers, but just put a finer
5 point on it, I assume there was no debrief type of session
6 with the agent and the analyst after -- that you were
7 involved in, after each day of interviewing the primary
8 sub-source.

9 [REDACTED] Sorry. Say that one more time?

10 Mr. Somers. I assume that, you know, that you were
11 never involved in some sort of debrief or discussion about,
12 like, how each day's -- like a debrief of the -- of the
13 day's interview with the primary sub-source. You would --
14 you and the agent and the analyst didn't get together and
15 discuss it after each day.

16 [REDACTED] No.

17 Mr. Somers. And did you review the 302s of the -- of
18 the interview?

19 [REDACTED] At the time?

20 Mr. Somers. At the time.

21 [REDACTED] No.

22 Mr. Somers. How about the -- the 302s that the
23 interviewer then put together into one document, 57-page
24 long summary of the interview, is that something you
25 reviewed or had access to around that time?

1 [REDACTED] Not around that time, no.

2 Mr. Somers. So it wasn't sent to you at some point
3 after the interview.

4 [REDACTED] I don't recall seeing it.

5 Mr. Somers. Okay. Who did most of the questioning
6 during the interview?

7 [REDACTED] I think it was shared, but I think the
8 agent did most of the questioning.

9 Mr. Somers. Okay. And just -- there were no
10 objections to -- that you recall, from the primary sub-
11 source's attorney?

12 [REDACTED] Correct.

13 Mr. Somers. Okay. And then that 57-page summary, I
14 know you haven't seen the -- maybe you've seen the summary,
15 but you had -- you didn't see it at the time. It mentions
16 on the bottom of the summary that there's a proffer as part
17 of this interview. Do you recall that? Proffer agreement.
18 Sorry.

19 [REDACTED] Proffer agreement. Yeah, I mean, there
20 was -- there was like a -- an immunity agreement, like a
21 "Queen for a Day" agreement, that I would call it, that was
22 in place for the interview.

23 Mr. Somers. Is that something that CES negotiated
24 with the primary sub-source's attorney?

25 [REDACTED] Yeah, I think Mr. Laufman did that with

1 the sub-source's attorney before the interviews were
2 conducted.

3 Mr. Somers. Do you recall whether that was a standard
4 "Queen for a Day" sort of arrangement?

5 [REDACTED] I should be careful what -- how I
6 characterize things. It was like a -- as I recall, it was
7 a letter agreement and would've been, like, the standard
8 format.

9 Mr. Baker. Were any FBI lawyers involved in
10 negotiating that agreement?

11 [REDACTED] I don't know. I think Mr. Laufman worked
12 it through with the other attorney, so I don't know who
13 else might've been involved in that discussion.

14 Mr. Somers. Okay. So did it cover it -- was it
15 tailored specifically to the primary sub-source?

16 [REDACTED] Well, in that it had [REDACTED] name in it, yeah,
17 but I -- sorry. Maybe you want --

18 Mr. Somers. Well, here -- you're dealing with -- I'm
19 a -- I've got very little criminal experience, none. It
20 would be -- law school would be last time I had any
21 criminal experience. I'm more of a civil -- a civil
22 lawyer, so I've never seen a proffer agreement, to my
23 recollection. But I'm guessing -- my question is, is this
24 a standard "Queen for a Day," however you want to
25 characterize it, standard proffer agreement, or are these

1 agreements tailored towards specific potential criminal
2 liability?

3 [REDACTED] I would describe it as more generalized.
4 I would call it like -- like a letter immunity agreement,
5 and normally we'd use the standard language for whatever
6 place we're doing it, so D.C. here.

7 Mr. Somers. Okay. And in your experience, is this --
8 and I don't know if you have -- I guess I -- you know, I
9 don't know how many -- have you been involved in other
10 interviews of individuals by the FBI?

11 [REDACTED] Yes.

12 Mr. Somers. Would you characterize this proffer
13 agreement as a standard or at least a regular component of
14 such interviews?

15 [REDACTED] I would, yeah, when -- it's something
16 that's used in those interviews. And I want to be careful
17 about the specifics here, but I would feel comfortable
18 saying it was sort of the standard language that was used
19 for one of those letter agreements.

20 Mr. Somers. Okay. So nothing unusual to your mind
21 that there was a proffer involved in this interview.

22 [REDACTED] No, it certainly is something that's used
23 in interviews.

24 Mr. Somers. Do you recall whether it only covered
25 that interview, or did it cover subsequent interviews with

1 the FBI?

2 [REDACTED] The 3-day? I know it -- I believe it
3 covered all 3 days. I don't recall the last time I looked
4 at it, so I don't --

5 Mr. Somers. Okay.

6 [REDACTED] I don't want to speak to the specifics of
7 it.

8 Mr. Somers. I was speaking -- I was thinking more of
9 later interviews. He was interviewed two additional times.
10 I don't know if you recall whether it in later months
11 covered that, or whether it was just for the particular
12 interview you were conducting in January of 2017.

13 [REDACTED] I don't think I can answer that based on
14 what I remember right now.

15 Mr. Somers. That's fine. That's fine. Did you gain
16 any understanding of the Steele reporting based on sitting
17 through these 3 days of interviews?

18 [REDACTED] I remember different sort of topic areas
19 that came up, and I remember that there were report
20 numbers, so, that they were talking about.

21 Mr. Somers. Had you seen the Carter Page FISA
22 application or first renewal prior to your attendance at
23 this interview in January?

24 [REDACTED] No.

25 Mr. Somers. Had you seen any of the Steele reporting

1 prior to your attendance in this interview?

2 [REDACTED] I recall that I knew about it generally.
3 I also recall that it became public at some point, I
4 believe, prior to the interviews, but I don't think I had a
5 detailed knowledge of it.

6 Mr. Somers. Was the -- now, we talked about these
7 regular meetings earlier. Was the regular FBI sort of
8 update meetings of -- that were possibly weekly, was the
9 Steele reporting discussed during those meetings?

10 [REDACTED] I think it was. I think that would've
11 been how I -- how I learned of it, but I don't remember in
12 what detail or in what context. But I do remember sort of
13 knowing about it before it became public by, you know, by
14 BuzzFeed, whenever that was.

15 Mr. Somers. Okay. And I think just based on the last
16 couple questions I've asked you, I probably know the answer
17 to this question, but I'm going ask it anyway. Was there
18 -- was there anything that the primary sub-source said in
19 the meeting that stuck out to you as conflicting with the
20 Steele reporting?

21 Mr. Findlay. And just the stuck-out part, I guess I
22 would object to, but if you remember any of the
23 conflicting, I guess that's fine to answer "yes" or "no."

24 [REDACTED] I'll tell you, the only thing I really
25 remember was the reporting on the hotel-related stuff in

1 Moscow.

2 Mr. Somers. And what do you remember about that?

3 [REDACTED] I just remember the sub-source explaining
4 that it felt like it was based more on rumor than anything
5 else. I just remember that in particular for some reason.

6 Mr. Somers. Did you gain any understanding of
7 Christopher Steele's relationship with the primary sub-
8 source during the 3-day interview?

9 [REDACTED] I believe I learned that he was at --
10 worked for -- I don't know if that's the correct term, if
11 he's an employee, but I know I learned a little bit about
12 his relationship to Steele's entity.

13 Mr. Somers. Okay. It was your understanding that he
14 worked for Steele's entity?

15 Mr. Findlay. And I'm not sure whether that is -- I'm
16 not sure whether that's redacted or unredacted in the -- in
17 the 302. So if -- you know, if you want to walk him
18 through that and confirm statements or not, but beyond
19 that, unless we're sure it's unredacted in there, we're
20 going have to object.

21 Mr. Somers. Okay. Well, we're almost out of time in
22 this round, so I will consider that. Was it your
23 understanding that the primary sub-source lived in the
24 United States?

25 Mr. Findlay. Again, any details that he gained from

1 that interview are either in the 302 or they're not, and
2 we're going to have to go through that because I don't
3 think any of us have sort of total recall of what it --

4 Mr. Somers. It's not in -- I don't understand. It's
5 not his 302.

6 Mr. Findlay. If it's not unredacted in the 302, then
7 we would object. So if it is, he could possibly shed some
8 light on unredacted portions of it, but if it's not --

9 Mr. Somers. I don't understand why I care what he
10 knows about what's in the 302. I want to know if he
11 sitting there realized whether the primary sub-source lived
12 in the United States or not.

13 Mr. Findlay. And I understand that the general rule,
14 what he learned in that interview, is off limits. If it's
15 unredacted from the --

16 Mr. Somers. Why were we not told that the general
17 rule going into this interview is that I can't ask the
18 witness what he learned in the interview?

19 Mr. Findlay. You can. If it was an unredacted part
20 of the 302, the Department has allowed it to go out. If
21 it's either redacted or not in the 302, the Department
22 hasn't, and he can't testify about it. So there's quite a
23 bit unredacted that he could go through and confirm or,
24 again, possibly with limitations, sort of shed more light
25 on. But if it's redacted in there, he can't talk about it,

1 and if it's not in there, that privilege hasn't been
2 waived.

3 Mr. Somers. Are you -- are you objecting to it being
4 classified?

5 Mr. Findlay. It might be. I mean, that -- again, if
6 it's unredacted in the 302, it's perfectly fine for him to
7 reiterate. If it's redacted, it could be classified. It
8 could be privileged. I don't know what else to say. If
9 you -- if you can't point to it in the 302, he can't talk
10 about it.

11 Mr. Somers. All right. Well, I'll go back and look
12 at the -- at the 302 during the -- during the break and see
13 what we can ask him about that, although he has never seen
14 the 302 as part of his -- well, it's not even a 302 -- the
15 1057 as part of his -- I don't know what's in the 302
16 because the Bureau has not provided us with the 302.
17 Instead they provided us with this 57-page summary, which
18 may or may not reflect what's in the 302, but --

19 Mr. Findlay. And that's fair. That's the document
20 I'm referring to, the document --

21 Mr. Somers. Yeah, I know. I'm just -- I just want to
22 make that -- put that on the record as well. I think the
23 best thing to do probably now -- I don't have a whole heck
24 of a lot more to ask you, [REDACTED] but I think our hour
25 has expired or is quickly about to expire. I think we can

1 circle back on a few of these questions in a later round,
2 and I have just a few more questions for you. But I think
3 we'll probably take a short break and then turn it over to
4 --

5 Mr. Baker. -- 30 seconds.

6 Mr. Somers. -- the minority. I think Mr. Baker does
7 have one question for you.

8 Mr. Baker. The FBI's DIOG, Domestic Investigative
9 Operation Guidelines, that sort of is the rulebook for what
10 they do investigation-wise -- openings, closings,
11 techniques, whatever -- for a sensitive investigative
12 matter, their DIOG requires that there be a notification to
13 NSD. And I think there's -- it's even more formal where it
14 has to be at least emailed. I think, according to the IG,
15 NSD has an email account set up to receive these
16 notifications. But in this instance, because I think
17 things were moving quickly, or maybe because of the
18 heightened sensitivity of the investigation, there was an
19 oral briefing or an oral notification made to CES. Were
20 you aware of that, and who was that briefing made to at
21 CES?

22 [REDACTED] I'm not aware of that, and I don't want to
23 guess, so I'll just say I don't know.

24 Mr. Baker. Thank you.

25 Mr. Somers. Yeah, I think we can take a 5-minute --

1 how long do you guys need?

2 Ms. Zdeb. I think at this point we would be
3 comfortable if you two wanted to just keep going. We have
4 very little, at least for the time being, and so for the
5 sake of efficiency, it may make the most sense for you to
6 conclude your questioning, and then we can just jump in
7 once you're done.

8 Mr. Somers. All right. I will need a few minutes
9 just to go back and see if I can find something in the 1057
10 to ask about the location of the -- where the -- where
11 primary sub-source lived. But I can -- I can continue on
12 then with the last set of questions I wanted to --

13 Ms. Zdeb. Understood. That's fine with us.

14 Mr. Somers. Okay. So we're going to stay on then,
15 [REDACTED] for a few more -- a few more minutes here, and I
16 will try and follow up with you briefly then after the --
17 after the minority goes, then hopefully we can then let you
18 go. So I think you are nearing, at least from the
19 minority's description of their -- the amount of their
20 questions, I think you are nearing the end.

21 I'm going to read something from the IG's report and
22 ask you if you're familiar with the document that's
23 discussed here. On page 266 of the IG report, it says, "We
24 observed among the NSD's Counterintelligence and Export
25 Control Section, CES, records an April 2017 version of an

1 investigative" -- I'm sorry -- "an investigation outline
2 CES prepared and periodically updated reflecting that
3 Carter Page received an email from Gordon in July 2016
4 about the Platform change, and the -- that the email
5 'suggests Page was not involved in' the decision. Also
6 included in the CES outline were Page's denials to the
7 FBI." The document I want to ask you if you're familiar
8 with is, are you familiar with a CES outline that was
9 prepared and periodically updated, and it's -- according to
10 the IG report, the last version of it was in April of 2017.

11 [REDACTED] So what was the date again, April 2017?

12 Mr. Somers. Well, that's the -- it seems to me
13 there's multiple versions. I guess that's the last
14 version. That's around the time that the Special Counsel's
15 Office was formed.

16 [REDACTED] Mm-hmm.

17 Mr. Somers. So I assume that might be why it was last
18 modified, I would take that to mean. It just says that
19 it's -- it was in the records in CES, and it was -- they
20 characterized it as an investigation outline that CES
21 prepared and periodically updated. And one of the updates
22 in there appears to be that Carter Page received an email
23 from Gordon regarding the Republican Platform change.
24 That's not the part I'm asking about. I'm just asking if
25 you're familiar with the document.

1 ██████████ Yeah, so I'm not familiar with that
2 specific part you mentioned about Carter Page. But as to
3 the outline, I think I feel comfortable saying that when I
4 told you earlier that there was more active work going on
5 in 2017, I think that outline document, or whatever you
6 want to call it, was something that the line attorney at
7 CES would've been working on and updating.

8 Mr. Somers. Was this is a CES-created document?

9 ██████████ I don't -- I don't know who originally
10 created it. I just remember that there was sort of a
11 document that was updated and used to understand what was
12 going on.

13 Mr. Somers. Could you elaborate on that a little bit
14 more, "understand what was going" -- I'm just trying to
15 understand what the purpose of the document was.

16 ██████████ I guess what I would say was that the -- I
17 think the line attorney at CES was working with the FBI on
18 different -- like, the -- not the -- we don't talk about
19 the umbrella case. We talk about the sub -- the sub-cases,
20 different people. He would've been tracking that and sort
21 of keeping track of what's going on in those matters. I
22 think this document kind of tracked what was going on
23 investigatively in those matters. I don't know who created
24 it originally.

25 Mr. Somers. So it was created in anticipation that

1 CES might -- it allowed CES to keep track of what was going
2 on in all four cases, or were you saying it was just one of
3 the cases?

4 [REDACTED] I don't know how many cases, but I believe
5 the line attorney was working on different -- I don't know
6 what they call it, sub-parts, different individuals.

7 Mr. Somers. And I assume this was a classified
8 document. I mean, it seems to have raw FISA data in it.

9 [REDACTED] If that -- I would -- I would assume
10 that's the case, and it's also a counterintelligence
11 matter, so they're generally kept on classified systems.

12 Mr. Somers. So I'm just trying to -- this was -- this
13 was a document keeping track of the case versus a document
14 meant to catalog verification of Steele's allegations?

15 [REDACTED] The former, not the latter, as I
16 understand it.

17 Mr. Somers. Do you know if FBI had input into this
18 document or is this wholly a CES product?

19 [REDACTED] I understood it to be something that the
20 DOJ line attorney was using to track what was going on in
21 the matter.

22 Mr. Somers. So it definitely, from the description in
23 the IG report, had information about Carter Page. Do you
24 recall for that information about the other three cases in
25 it?

1 [REDACTED] Not a specific reference --

2 Mr. Somers. I shouldn't say "cases." I should say
3 "investigations."

4 [REDACTED] Investigations, yeah. Not specifically,
5 but I do recall that the line attorney was working on
6 multiple investigations.

7 Mr. Somers. Now, you don't know when this document --
8 did you ever input anything into this document, edit the
9 document?

10 [REDACTED] I don't believe so.

11 Mr. Somers. Was it something you had access to, or
12 was it something just that the line attorney was preparing?

13 [REDACTED] I think it was his document. I'm not sure
14 we had the ability to share anything like that anyway.

15 Mr. Somers. All right. I think that's all I have on
16 -- if you could just give me one second here.

17 [Brief pause.]

18 Mr. Somers. Just another mention here, and I think
19 this is -- this is from the -- I know this is from the IG's
20 report, and I just want to make sure that you concur with
21 this statement from the IG report. I think you and Mr.
22 Laufman -- you're the "they" in this.

23 [REDACTED] What page is this?

24 Mr. Somers. I don't happen to have the page with me,
25 but -- I'm sorry I didn't write that down, but there's a

1 "they" and an "us." The "they" is -- well, I can start it
2 earlier than that. "NSD's Counterintelligence Export
3 Control Section representatives attended the primary sub-
4 source January 2017 interview. Section Chief David Laufman
5 and his deputy section chief told us that they did not
6 recall discussing the interview with OI officials
7 afterwards. They told us they did not have knowledge of
8 the information in the Carter Page FISA applications at the
9 time, and that they were not sufficiently familiar with the
10 Steele reports to have understood there were
11 inconsistencies between the primary sub-source and Steele."
12 Accurate characterization by the IG?

13 [REDACTED] Yes.

14 Mr. Poe. (Off audio.)

15 [REDACTED] Oops, sorry. I cut someone off.

16 Mr. Poe. You cut off your lawyer, but that's okay.

17 You've answered the question.

18 [Laughter.]

19 Mr. Somers. I'm sorry. I think we just got cut off
20 there, and we didn't hear it in the room at least. Do you
21 believe that's an accurate characterization by the
22 Inspector General?

23 [REDACTED] Greg, did you want to say something? I'm
24 sorry.

25 Mr. Poe. No, I don't. Go ahead.

1 [REDACTED] Back to your question, yes, I think that's
2 accurate.

3 Mr. Somers. Okay. Now, it does say in that quote, it
4 says, "at the time." At a later time, did you realize that
5 there were inconsistencies between the Steele reporting and
6 what you learned during the primary sub-source interview?

7 Mr. Poe. [REDACTED], this is -- this is Greg Poe. Mr.
8 Somers, I mean, the reason I was going to interject before
9 was just that it would be useful if you're quoting from a
10 report, that [REDACTED] have access to see what you're quoting
11 from.

12 Mr. Somers. Yeah, it's in the -- if you could give me
13 a moment.

14 Mr. Poe. Sure.

15 Mr. Somers. It's in the IG report. I just am looking
16 at two documents, and so I don't have the -- it's on page
17 247 of the IG report.

18 [REDACTED] Is it the second full paragraph? No,
19 sorry.

20 Mr. Somers. Yeah, second full.

21 [REDACTED] Yeah. Second full paragraph, yeah.

22 Mr. Somers. Yeah, that's what I was --

23 [REDACTED] Let me just look at that quickly.

24 Mr. Somers. Yeah, yeah, please go ahead.

25 [Brief pause.]

1 ██████████ Okay. I just looked at that paragraph.

2 Mr. Somers. So I guess what I was looking at is the
3 quote there, or I guess it's not a quote, but the IG report
4 says at the time, you did not have sufficient knowledge of
5 the Carter Page FISA applications and were not sufficiently
6 familiar with the Steele reports to identify
7 inconsistencies between what you learned at the primary
8 sub-source interview and what was in the Steele reporting.
9 I guess what my question is, is after the time, at a later
10 time when you maybe became more familiar with the Carter
11 Page FISA applications or -- and/or the Steele reporting,
12 did you come to the realization that you learned things in
13 the primary sub-source interview that there were --
14 could've been understood to be inconsistencies between the
15 primary sub-source and Steele?

16 Mr. Poe. Mr. Somers, let me just interject one
17 second. I just want to make sure we're talking about --
18 you're identifying the time frame, you know. Are you
19 talking about up through, you know, for example, up through
20 April of 2017, or are you talking about up to the present
21 date, and that could -- that could obviously affect the --
22 what an appropriate answer would be.

23 Mr. Somers. No, I think what the IG is getting at
24 here, what I understand it to say, is that when ██████████
25 was in the primary sub-source interview, he had neither the

1 knowledge of the Carter Page FISA application or
2 Christopher Steele's reporting to know that there were --
3 there possibly could be inconsistencies between what the
4 primary sub-source was telling the FBI and what was in
5 either the Carter Page FISA application itself or the
6 Steele reporting. So he wouldn't have realized at the time
7 of that interview that there were inconsistencies. And I'm
8 asking him, looking back on it, knowing what he learned in
9 that interview and knowing what he may or may not know now,
10 whether he realizes that there were inconsistencies based
11 on his present knowledge of --

12 Mr. Poe. Well --

13 Mr. Findlay. You're asking him his knowledge up
14 through today where he could've read the IG reports and
15 that -- I mean --

16 Mr. Somers. I'm asking his -- yeah.

17 Mr. Findlay. It seems like the back end of April, to
18 Mr. Poe's point --

19 Mr. Somers. We could --

20 Mr. Findlay. -- would be more appropriate. I mean,
21 if you want to know whether he's read the IG report where
22 the IG talks about those inconsistencies, that just seems
23 like a --

24 Mr. Somers. Well, he was in --

25 Ms. Sawyer. Yeah, I --

1 Mr. Poe. Also, Mr. Somers, I don't want to step on
2 Mr. Findlay. But Mr. Somers, that -- this interview is
3 limited by agreements to historical facts, not views that
4 that he may have retrospectively based on after acquired
5 knowledge through the press or other sources.

6 Mr. Somers. Yeah, I'm asking him about the historical
7 interview, and -- we can -- we can limit it. Let's limit
8 it to by April 2017. Would that statement still -- would
9 "at the time" in that statement also cover all the way to
10 April of 2017?

11 [REDACTED] May I answer that one?

12 Mr. Findlay. I think that's fine. So you're asking
13 for the delta between January and April.

14 Mr. Somers. Yeah, I'm asking from -- so when you were
15 in the interview, you didn't have enough knowledge, and I'm
16 -- what I'm asking you is, did you gain enough knowledge by
17 April of 2017 to know that there were inconsistencies.

18 Ms. Sawyer. If I might. Sorry. I just want to raise
19 a point, Zach, not -- just to make clear on the record
20 that, vis-a-vis the document that reflects the January
21 interview, I think it's fair to say that the majority and
22 the minority do not share the same view as to whether or
23 not that document exposed any inconsistencies between what
24 the primary sub-source -- at least the version that we have
25 does not expose inconsistencies in what the primary sub-

1 source may have said in that interview and the Steele
2 reporting. So I just want to make that clear on the
3 record.

4 Mr. Somers. Yeah, I'm not -- I'm not -- I'm sorry.
5 I'm not trying to characterize my view of the document.
6 I'm trying to look at Inspector General Horowitz's view of
7 the document.

8 Ms. Sawyer. Yeah.

9 [REDACTED] So the question is, is there -- was there
10 any change between January when the interview took place
11 and April of 2017 as to my understanding of inconsistencies
12 between what was said in that interview and the FISA
13 application? Is that right?

14 Mr. Somers. Or the -- or the Steele reporting, yeah.

15 [REDACTED] Or the Steele report. My answer to that
16 is, no, I don't have any -- I can't draw any distinction
17 between January and April on that point.

18 Mr. Somers. Okay. I think that's all I have, and
19 we'll see if there's a further -- any further follow-up
20 questions after the minority. Do you all want a break
21 or --

22 Ms. Zdeb. Why don't we take a quick break?

23 Mr. Somers. Let's take 5 minutes.

24 Court Reporter. Off the record.

25 [Off the record at 11:36 a.m.]

1 [On the record at 11:49 a.m.]

2 Mr. Charlet. And Heather?

3 Ms. Sawyer. Yeah, sorry. I am here. I had it on
4 mute so the -- I wouldn't disturb with any background
5 noise, but I'll go ahead and unmute it just in case.

6 Mr. Charlet. Okay. Well, the time is 11:49, and we
7 can go back on the record. Good morning, [REDACTED] and
8 thank you for being here. We just have a few questions,
9 and I'm going to start a little bit more generally.

10 As you know, from the DOJ Inspector General's report
11 issue -- or -- I'm sorry -- the DOJ Inspector General
12 issued a 400-page report in December of last year titled,
13 "Review of Four FISA Applications and Other Aspects of the
14 FBI's Crossfire Hurricane Investigation." The report
15 detailed the results of a 2-year investigation into the
16 same topics that we're addressing today. According to the
17 report, the IG examined more than 1 million documents and
18 interviewed more than 100 witnesses, including Christopher
19 Steele and numerous current and former government
20 employees. Did you cooperate with the Office of Inspector
21 General investigation?

22 [REDACTED] Yes.

23 Mr. Charlet. Were you interviewed as part of that
24 investigation?

25 [REDACTED] Yes.

1 Mr. Charlet. How many times? Once? More than once?

2 [REDACTED] Once.

3 Mr. Charlet. And for how long approximately?

4 [REDACTED] No more than 2 hours.

5 Mr. Charlet. Did you provide complete, truthful
6 answers to the questions OIG asked during the course of
7 your interview?

8 [REDACTED] Yes.

9 Mr. Charlet. Did you or did the Justice Department
10 provide OIG with documents related to your involvement with
11 the Crossfire Hurricane investigation?

12 [REDACTED] I had already left the Department, so I
13 think the Department provided documents to the IG.

14 Mr. Charlet. Okay. Did you personally then ever hear
15 OIG complain that it needed more information from you?

16 [REDACTED] No.

17 Mr. Charlet. And did you ever hear OIG complain that
18 it didn't get the documents it needed related to your
19 involvement?

20 [REDACTED] No.

21 Mr. Charlet. Okay. Did you have an opportunity to
22 review the OIG report before they finalized and published
23 it, at least the portions that involved you?

24 [REDACTED] No.

25 Mr. Charlet. And when did you first see the portions

1 that involved you in the OIG reports?

2 [REDACTED] After it was publicly released at some
3 point.

4 Mr. Charlet. And you were not part of the Crossfire
5 Hurricane investigative team, correct?

6 [REDACTED] I don't know. I don't believe -- I don't
7 know if there was ever such a formal designation, but I
8 don't -- I don't believe I was on the team, so to speak.

9 Mr. Charlet. Okay. More specifically, you played no
10 role in the investigations of Paul Manafort, Michael Flynn,
11 Carter Page, or George Papadopoulos.

12 [REDACTED] No role. I was aware of what the FBI was
13 doing. They were briefing on the case, so you might have
14 to be more specific.

15 Mr. Charlet. Sure. To clarify, you did not have
16 active involvement, other than attending the January 2017
17 primary sub-source interview and sitting in meetings where
18 you received updates. Is that correct?

19 [REDACTED] I think that's correct, and on the
20 updates, I would include the questions I was answering most
21 recently about the line attorney in our office in the
22 spring of 2017, who was working more actively on the matter
23 and getting briefings there as well.

24 Mr. Charlet. Okay. Okay. Our committee held a 6-
25 hour hearing with Inspector General Horowitz following the

1 release of his 484-page report. A number of allegations
2 were made against the FBI during that hearing and
3 subsequently repeated at other hearings and meetings of the
4 committee. We believe the allegations were investigated
5 and answered by the Inspector General, but I'm going to ask
6 you a series of questions about them because we continue to
7 hear these allegations from people who do not have
8 firsthand knowledge or evidence about what happened during
9 Crossfire Hurricane.

10 The Inspector General found that there was no
11 documentary or testimonial evidence of bias impacting the
12 FBI's work in Crossfire Hurricane. Nonetheless, there have
13 been allegations that there was "tons of evidence of bias."
14 Aside from attending some general briefings and obtaining
15 some updates, your involvement in Crossfire Hurricane was
16 limited to attending a portion of the FBI's January 2017
17 interview of Christopher Steele's primary sub-source,
18 correct?

19 [REDACTED] Yes.

20 Mr. Charlet. Okay. Did political bias impact any of
21 your actions in connection with this interview?

22 [REDACTED] No.

23 Mr. Charlet. Did political bias ever impact any of
24 your other actions during your time at the Department of
25 Justice?

1 [REDACTED] No.

2 Mr. Charlet. Do you have any evidence that political
3 bias otherwise impacted the FBI or DOJ's work in Crossfire
4 Hurricane?

5 [REDACTED] No.

6 Mr. Charlet. It has been alleged that the FBI engaged
7 in a "massive criminal conspiracy over time to defraud the
8 FISA Court." Do you have any evidence that the FBI engaged
9 in a massive criminal conspiracy over time to defraud the
10 FISA Court?

11 [REDACTED] No.

12 Mr. Charlet. It has been alleged that the FBI
13 "purposely used the power of the Federal Government to wage
14 a political war against a presidential candidate they
15 despised." Do you have any evidence that the FBI agents
16 purposely used the power of the Federal Government to wage
17 a political war against then candidate Donald Trump?

18 [REDACTED] No.

19 Mr. Charlet. Do you have any evidence that the FBI
20 was attempting a coup against President Trump?

21 [REDACTED] No.

22 Mr. Charlet. Do you have any evidence that the
23 Crossfire Hurricane investigation was a "hoax" or a "witch
24 hunt" intended to hurt Trump politically?

25 [REDACTED] No.

1 Mr. Charlet. Was your goal to hurt Trump politically?

2 [REDACTED] No.

3 Mr. Charlet. What was your goal?

4 [REDACTED] To support the FBI and its investigative
5 activities as we did in any case.

6 Mr. Charlet. Do you have any evidence that Crossfire
7 Hurricane was part of a "deep state effort" to take down
8 President Trump?

9 [REDACTED] No.

10 Mr. Charlet. There have also been allegations that
11 the purpose of the Crossfire Hurricane investigation was to
12 change or nullify the results of the 2016 election. Do you
13 have any evidence that the goal of Crossfire Hurricane was
14 to change or nullify the results of the 2016 election?

15 [REDACTED] No.

16 Mr. Charlet. There have also been allegations that
17 Crossfire Hurricane was composed of people who hated Trump
18 and who had "an agenda to destroy him before he was elected
19 and after he was elected." Did you personally have an
20 agenda to destroy Trump at any point either before or after
21 he was elected?

22 [REDACTED] No.

23 Mr. Charlet. Do you have any evidence that the goal
24 of Crossfire Hurricane was to destroy Trump before or after
25 he was elected?

1 [REDACTED] No.

2 Mr. Charlet. Do you have any questions?

3 [Brief aside.]

4 Mr. Charlet. Does Ms. Sawyer have any questions?

5 Ms. Sawyer. Yes, I just have a couple, and I think
6 I'm on. Can you guys hear me okay?

7 Mr. Charlet. Yes.

8 Mr. Somers. Yep.

9 Ms. Sawyer. Great. Well, thank you for your patience
10 for dealing with this Webex. I think you -- everyone has
11 done an admirable job navigating the video, and, Bentley,
12 thank you for all your work with that. Just a couple
13 questions to put a slightly finer point on it. Just to be
14 clear, did you ever personally recommend any investigative
15 steps with regard to the Crossfire Hurricane investigation?

16 [REDACTED] I don't think so, no.

17 Ms. Sawyer. And did you ever launch an objection
18 about any investigative steps that were taken by the FBI or
19 DOJ related to the Crossfire Hurricane investigation?

20 [REDACTED] No.

21 Ms. Sawyer. And during the interview portions of
22 which you sat in on, did you ever suggest or recommend any
23 questions that were posed to the primary sub-source?

24 [REDACTED] No, I don't think so. I don't recall
25 asking anything.

1 Ms. Sawyer. And did you recommend to either the FBI
2 agent or analysts that they ask any particular questions?

3 [REDACTED] No, they were -- they were leading the
4 questioning and handling it.

5 Ms. Sawyer. And that's really all I had, and thank
6 you again for your time and for working through the
7 logistics of this interview with us.

8 [REDACTED] Of course.

9 Mr. Charlet. That's all for the minority's questions.

10 Mr. Somers. Are you able to see me up here, this
11 camera up here? You can hear me, [REDACTED] though.

12 [REDACTED] Yeah, I can hear you, and it's zooming in
13 on you now.

14 Mr. Somers. All right. Sorry. I just have a -- just
15 a quick question. I'm not able to find any declassified
16 information to ask you the question I was asking you
17 earlier about where the primary sub-source lived. I would
18 note that other people we've interviewed have been able to
19 answer, or at least one other individual we've interviewed
20 has been able to answer that question, but I will leave it
21 alone. I do have -- in searching through that, and I'm not
22 trying to trip you up or anything. I'm just trying to
23 understand what I'm looking at on a document versus what
24 you said earlier.

25 The document I'm looking at here, which is a 57-page

1 summary of the -- now, this is only question I have for
2 you, unless Art has something. It's an FD-1057, and I
3 believe it's a compilation of three 302s. This document
4 indicates that the interview that you took part in or
5 attended took place in the Washington Field Office
6 interview room. You had indicated earlier that it took
7 place at the lawyer's office. I'm just trying to sort out
8 the confusion or the difference.

9 [REDACTED] I have no recollection of that interview
10 occurring at that FBI -- at the Washington Field Office. I
11 recall it being in a conference room at this sub-source's
12 attorney's offices near Dupont Circle.

13 Mr. Somers. So you have -- you have no recollection
14 of it occurring at the Washington Field Office. I mean,
15 the only thing that would occur to me of why it would occur
16 at the Washington Field Office is just because they would
17 have a SCIF at the Washington Field Office. But your
18 recollection is -- and I'm not -- I have no reason, other
19 than I'm looking at the document, that notes that it
20 occurred in the -- I believe this is what this means to
21 say, is that occurred in the FBI Washington Field Office
22 interview room. That occurs on page 22 and page -- my copy
23 is really bad -- it looks like 40 -- for January 25th and
24 January 26th of 2017, but --

25 [REDACTED] I --

1 Mr. Somers. Go ahead. I'm sorry.

2 [REDACTED] Twenty-two and 40?

3 Mr. Somers. Yeah, 22. It says -- I think that's 22.

4 [REDACTED] Yeah, I see it. I can just tell you I
5 don't think that's accurate, but you can -- you could
6 correct me if I'm -- if I'm wrong on that.

7 Mr. Somers. Yeah, I'm just asking for your
8 recollection, and that's a -- do you have anything?

9 Mr. Baker. No, I was just going to say thank you for
10 appearing today, and thank you for your service at DOJ, and
11 thank your counsel, Mr. Poe, for coordinating your
12 appearance with the committee. Thank you.

13 Mr. Poe. Thank you.

14 Mr. Somers. Yeah, that's a -- you guys are -- I think
15 that's all. Thank you for coming -- well, for getting in
16 front of your computer and speaking with us this morning.
17 I think this worked out relatively well, although I don't
18 know I'd want to do it with a much longer interview. So
19 thank you, and thank you, Mr. Poe, for making your client
20 available.

21 Mr. Poe. Thank you, Mr. Somers. Thank you, Mr.
22 Baker. Thanks all.

23 [REDACTED] Appreciate it. Bye bye.

24 [Whereupon, at 12:02 p.m., the interview was
25 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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INTERVIEW OF HANDLING AGENT 1

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Tuesday, March 3, 2020

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Washington, DC

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The interview in the above-entitled matter
was held in 224 Dirkson Senate Office Building,

21

commencing at 10:10 a.m.

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1 APPEARANCES:

2

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4 FEDERAL BUREAU OF INVESTIGATION

5 [REDACTED], Assistant General Counsel

6 [REDACTED], Assistant General Counsel

7 [REDACTED], Counterintelligence Law Unit Chief

8 [REDACTED], Section Chief, Litigation Section

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P R O C E E D I N G S

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2 Mr. Somers. Good morning. This is a
3 transcribed interview of [REDACTED]. Chairman
4 Graham requested this interview as part of an
5 investigation by the Senate Judiciary Committee into
6 matters related to the Justice Department and the
7 Federal Bureau of Investigation's handling of the
8 Crossfire Hurricane investigation, including the
9 applications for and removals of a Foreign Intelligence
10 Surveillance Act warrant on Carter Page.

11 Would the witness please state his name for
12 the record?

13 The Witness. [REDACTED].

14 Mr. Somers. On behalf of Chairman Graham,
15 I want to thank you for appearing today and we
16 appreciate your willingness to appear voluntarily.

17 My name is Zachary Somers. I'm a majority
18 chief investigative counsel for the Judiciary
19 Committee. I will now ask everyone else who is here in
20 the room to introduce themselves for the record, except
21 for [REDACTED] personal counsel who we'll get to in a
22 few moments.

23 I will start to my right with Art Baker.

24 Mr. Baker. Arthur Baker, senior
25 investigative counsel, Senate Judiciary Committee,

1 majority staff.

2 Mr. Holmes. Lee Holmes, Chairman Graham's
3 chief counsel.

4 [REDACTED]. [REDACTED], FBI, OGC.

5 [REDACTED]. [REDACTED], FBI, OGC.

6 [REDACTED]. [REDACTED], FBI, OGC.

7 [REDACTED]. [REDACTED], FBI, OGC.

8 Mr. Ventura. Christopher Ventura,
9 associate counsel, Senate Judiciary Committee.

10 Ms. Waldon. Elliott Waldon, investigative
11 counsel, Senate Judiciary Committee.

12 Ms. Michalak. Gabrielle Michalak,
13 investigative counsel, Senate Judiciary Committee.

14 Ms. Zdeb. Sara Zdeb, senior counsel,
15 Senate Judiciary, minority staff.

16 Mr. Haskell. Alex Haskell, counsel, Senate
17 Judiciary, minority staff.

18 Ms. Calce. Christina Calce, counsel,
19 Senate Judiciary, minority staff.

20 Ms. Sawyer. Heather Sawyer, Senator
21 Feinstein's chief counsel.

22 [REDACTED]. [REDACTED], FBI.

23 EXAMINATION BY MAJORITY STAFF

24 BY MR. SOMERS:

25 Q. The Federal Rules of Civil Procedure do not

1 apply in this setting, but there are some guidelines
2 that we follow that I'd like to go over.

3 Our questioning will proceed in rounds.
4 The majority will ask questions for the first hour, and
5 then the minority will have the opportunity to ask
6 questions for an equal period of time. We will go back
7 and forth in this manner until there are no more
8 questions and the interview is over.

9 Typically, we take a short break at the end
10 of each hour of questioning, but if you would like to
11 take a break apart from that, please let me know. We
12 will also break for lunch at the appropriate point.

13 As I noted earlier, you are appearing today
14 voluntarily. Accordingly, we anticipate that our
15 questions will receive complete responses. To the
16 extent that you decline to answer our questions or if
17 counsel instructs you not to answer, we will consider
18 whether a subpoena is necessary.

19 As you can see, there's an official
20 reporter taking down everything that is said to make a
21 written record. So we ask that you give verbal
22 response to all questions.

23 Do you understand that?

24 A. I do.

25 Q. So that the reporter can take down a clear

1 record, it is important that we don't talk over one
2 another or interrupt each other if we can help it.

3 The committee encourages witnesses to
4 appear for transcribed interviews to freely consult
5 with counsel if they so choose. And you are appearing
6 today with counsel.

7 Mr. Somers. Would counsel please state
8 your name for the record.

9 Mr. Berger. Lawrence Berger, counsel for
10 [REDACTED].

11 Mr. Gruenstein. Benjamin Gruenstein, also
12 counsel for [REDACTED].

13 BY MR. SOMERS:

14 Q. We want you to answer our questions in the
15 most complete and truthful manner possible, so we will
16 take our time. If you have any questions or if you do
17 not understand one of our questions, please let us
18 know.

19 If you honestly don't know the answer to a
20 question or do not remember it, it is best not to
21 guess. Please give us your best recollection and it is
22 okay to tell us if you learned the information from
23 someone else. If there are things you don't know or
24 can't remember, just say so and please inform us who,
25 to the best of your knowledge, might be able to provide

1 a more complete answer to the question.

2 You should understand that although this
3 interview is not under oath, you are required by law to
4 answer questions from Congress truthfully.

5 Do you understand that?

6 A. Yes, I do.

7 Q. This also applies to questions posed by
8 congressional staff in interview.

9 Do you understand this?

10 A. Yes, I do.

11 Q. Witnesses who normally provide false
12 testimony could be subject to criminal prosecution for
13 perjury or for making false statements.

14 Do you understand this?

15 A. Yes, I do.

16 Q. Is there any reason you are unable to
17 provide truthful answers to today's questions?

18 A. No.

19 Q. Finally, we ask that you not speak about
20 what we discuss in this interview today with anyone who
21 is outside the room in order to preserve the integrity
22 of our investigation.

23 That is the end of my preamble. Do you
24 have any questions before we begin?

25 Mr. Berger. His answers will be to the

1 best of his knowledge.

2 Mr. Somers. Yes.

3 Mr. Berger. Okay.

4 BY MR. SOMERS:

5 Q. It's now about 10:15 and we will get
6 started with our first round of questions.

7 Have you read or reviewed the IG's report
8 on the Crossfire Hurricane investigation?

9 A. I have.

10 Q. Just for the record, in that report you're
11 identified as handling agent 1?

12 A. Correct.

13 Q. Other than your attorney and the attorneys
14 for the FBI that are present in the room here today,
15 did you speak with anyone in preparation for today's
16 interview?

17 A. No.

18 Q. When did you retire from the FBI?

19 A. August of 2019.

20 Q. What was your position when you retired?

21 A. Supervisor -- supervisory special
22 agent -- acting supervisory special agent out of the
23 New York office.

24 Q. New York Field Office?

25 A. Yes.

1 Q. Did you have any particular section you
2 supervised?

3 A. I ran the money laundering investigation

4 [REDACTED].

5 Q. Okay. Then I think we kind of want to
6 start this, you met Christopher Steele in 2010; is that
7 correct?

8 A. Yes.

9 Q. What was your position at the FBI when you
10 met Christopher Steele?

11 A. At that point, I was the supervisor of the
12 Russian organized crime [REDACTED] out of New York Field
13 Office.

14 Q. Could you walk us through briefly, so from
15 when you met Christopher Steele until you retired in
16 2019, what positions you held at the FBI.

17 A. So I was the supervisor of the Russian
18 organized crime [REDACTED] in New York from 2009 until
19 late -- late 2009 until May of 2014, at which point I
20 transferred to assistant legal attache in our [REDACTED]
21 office in the embassy in [REDACTED].

22 After that, I returned to the New York
23 Field Office where I became a supervisory special agent
24 of the money laundering investigation [REDACTED].

25 Q. And when was that?

1 A. That was August of 2017. And then I
2 remained in that position until I retired in August of
3 2019.

4 Q. Could you tell us a little bit more about
5 your position in [REDACTED]? What were you responsible for
6 in that position?

7 A. So I was responsible for, as were the other
8 ALATs -- there were two or three ALATs and
9 LEGAT -- responsible for representing the FBI to
10 [REDACTED] authorities' criminal national security and
11 also private sector in terms of all the programs that
12 the FBI engages in, which in [REDACTED] were most of the
13 programs from criminal to national security. My
14 primary focus was criminal. However, all of us took
15 part in various aspects of what the entire office did.
16 At one point I supervised -- for about six
17 months -- supervised the office.

18 Mr. Baker. What is the area of
19 responsibility for the [REDACTED]?

20 The Witness. It is [REDACTED], [REDACTED]
21 [REDACTED], and that is it.

22 Mr. Baker. Thank you.

23 BY MR. SOMERS:

24 Q. And could you tell us -- so the IG report
25 indicates that you signed Christopher Steele up as

1 a -- formerly as a confidential human source when you
2 switched over to your position as ALAT in [REDACTED]. What
3 necessitated you having Christopher Steele as a CHS in
4 the ALAT position?

5 A. So when I actually received the position, I
6 was told by the assistant director at the time that his
7 goal was to have the attaches act as agents overseas
8 and that they were promoting the development and
9 handling of sources internationally, done obviously
10 within policy and where we could do so. But to do that
11 and proactively seek to handle sources.

12 Being that Christopher Steele, who was
13 opened as a source originally while I was the
14 supervisor of [REDACTED] the Russian organized crime
15 [REDACTED] New York, being that he was in London and I was
16 going to [REDACTED], it would make sense from a logistical
17 standpoint to open up him as a source while I was in
18 Rome.

19 And let me just add. In addition, knowing
20 that an important part of the mission [REDACTED] was
21 Russian organized crime, for [REDACTED], it was a
22 primary focus on their transnational organized crime
23 program from their [REDACTED] with whom we
24 had a very good relationship [REDACTED]. And
25 then for us as well, transnational organized crime

1 primarily [REDACTED], was a priority within the
2 organized crime program for the FBI. [REDACTED] provided us
3 an opportunity to engage with [REDACTED] very
4 proactively in addressing that mission.

5 Q. Was there any pushback from like, say, the
6 ALAT or the legal attache in London for you handling a
7 source that was in -- not in country?

8 A. The answer is no.

9 BY MR. BAKER:

10 Q. Who was the assistant director that put
11 that into motion?

12 A. It was -- [REDACTED] was the assistant
13 director at the time of IOD and his -- the IOD --

14 Q. IOD stands for what?

15 A. International operations division.

16 Depending on the assistant director, the way they
17 addressed the threats in the mission, you know, may go
18 one way or another. And [REDACTED] motivation was to
19 be proactive in addressing the threat.

20 Q. Is it IOD that supports, for lack of a
21 better word, the Legat program? What does IOD --

22 A. So the Legat program falls underneath IOD.
23 IOD runs all of the LEGATs overseas.

24 Q. So you would report to someone in IOD in
25 your responsibilities?

1 A. As an attache?

2 Q. As an attache?

3 A. I reported to the LEGAT, who was physically
4 present [REDACTED] and then there was the IOD chain, that
5 supervisor in -- country supervisor, unit chief,
6 section chief, so on.

7 Q. So what would you report to the LEGAT and
8 what would you report through the IOD chain?

9 A. My day-to-day business was reported through
10 the LEGAT.

11 Q. Okay.

12 A. So the LEGAT, for all intents and purposes,
13 the supervisor of the office. He was my direct
14 supervisor. So everything I did went through the
15 LEGAT.

16 Q. But would you also report certain things
17 back to IOD that related to programs that the bureau
18 would be interested in? Like you said Russian
19 organized crime was big in your area of responsibility.
20 Would that be reported back?

21 A. So the LEGAT was aware of what we were
22 doing. And then, yes, there were desks here in
23 Washington in IOD that would, I guess, work with their
24 desks in other programs, whether it be national
25 security or criminal in headquarters.

1 Q. Okay. I just to elaborate on the very last
2 part there.

3 So if you funneled or reported some
4 programmatic information back to IOD, then they could
5 look at it, digest it, and figure out what division in
6 the FBI it might be more appropriate to also see what
7 you've reported back to IOD?

8 A. They could. But I also, and we also, dealt
9 directly with the substantive desks of the actual
10 program. So we dealt with -- for example, I dealt with
11 criminal desks in transnational organized crime. The
12 men and the women who were doing CT or CI were dealing
13 directly with the CT or CI desks in the substantive
14 units here in headquarters.

15 Q. So you as a legal attache or ALAT, you
16 could directly call the counterintelligence desk
17 or --

18 A. We could and we did regularly.

19 Q. Okay. And that would not be breaking the
20 chain with IOD.

21 A. No, no.

22 Q. That would be encouraged to hotline the
23 information?

24 A. Yes.

25 Q. Okay. When you would deal with IOD, did

1 you, at the ALAT level, deal with [REDACTED] or did you
2 deal with someone at a lower level --

3 A. No.

4 Q. -- or did it depend on what the topic was?

5 A. I dealt with whoever the desk supervisor or
6 unit chief would have been at the time.

7 Q. Do you recall who that was?

8 A. I don't. They changed relatively often.

9 Q. And that would be like a unit chief level?

10 A. Supervisory or unit chief level.

11 Q. Okay. So supervisory special agent or --

12 A. Yes.

13 Q. Unit chief. Okay. Thank you.

14 BY MR. SOMERS:

15 Q. Did you ever -- I'm not asking who they
16 are -- but did you have other confidential human
17 sources while you were at ALAT?

18 A. Yes.

19 Q. How many approximately?

20 A. I think a total of three, including Steele,
21 I think at one point.

22 Q. What does it mean to be the handler of a
23 confidential human source?

24 A. You are responsible for the administrative
25 handling of the source, the paperwork. Doing all the

1 appropriate checks, opening the source, doing the
2 paperwork to open, and then dealing with the source and
3 tasking the source and receiving information from the
4 source. And then ensuring all the guidelines, AG
5 guidelines are followed and that bureau policy is
6 followed.

7 Q. When you receive information from a source,
8 what do you do? How do you -- if you're not the guy
9 that's going to investigate the information received
10 from a source, how do you transmit that out?

11 A. So it depends. You may receive information
12 that you know there might be an active investigation
13 ongoing at that point and you will deal directly with
14 the case agents possibly in the field office or the
15 squad, wherever that may be.

16 Or if you don't know -- at times you'll
17 receive information that -- source information varies
18 from useful to completely unuseful and everywhere in
19 between. It's your job to take the information in and
20 get it into the system. If you are aware of an
21 investigation, obviously, get it to that investigation
22 and then push it through to the pipe -- through the
23 pipeline.

24 Q. And how does it typically go? Is it more
25 the source is coming to you with stuff or you're

1 reaching out? What's the typical --

2 A. Again, it depends. If I have a requirement
3 or a request say that I know that a certain source is
4 involved in a certain sector that I need information
5 on, I will ask the source can you find out information
6 about this? This is very general. So tasking the
7 source. In which case the source may come back I found
8 something or I don't have something or somewhere in
9 between. Or at times sources will often show up and
10 say I've got this for you.

11 Q. So a source comes to you with information,
12 let's say, and you did -- it's someone in the New York
13 Field Office, for instance, that would be the person
14 that would want to investigate the source's
15 information. What's your relationship and what's the
16 relationship of the source to that agent in the New
17 York Field Office?

18 A. So I am the -- as the source handler, I'm
19 the go-between. If an agent -- if the source is
20 providing useful information to the agent, first you
21 have to determine what type of source is this. Is this
22 source a witness in that investigation? If so, the
23 source will no longer be a confidential human source.
24 The source will become a witness and that agent -- case
25 agent or case agents will deal directly with the source

1 and that confidential relationship is gone just by
2 nature of the criminal organization. And I say
3 criminal because I don't have much experience with the
4 national security side.

5 Or, if that source is not a witness, but
6 just in a position where he or she can provide
7 information that is of value to the investigation, lead
8 value, can answer some questions that -- you know, this
9 source will not be a firsthand witness put on a witness
10 stand, then the case agents will go through the source
11 handler and say, hey, we have some questions. Can you
12 get these to your source? Or they may say can we meet
13 your source and sit down with your source and flesh out
14 some questions.

15 Q. So you had -- and I don't want to get too
16 in detail -- but you did have a meeting in October with
17 case agents and Christopher Steele directly. Had you
18 had -- had he had meetings previous to that meeting on
19 other cases with -- directly with agents?

20 A. Not --

21 Mr. Gruenstein. October '16.

22 BY MR. SOMERS:

23 Q. October of '16.

24 A. October of '16, we had a meeting with the
25 Crossfire Hurricane agents?

1 Q. Yes.

2 A. Not before with the Crossfire Hurricane --

3 Q. Just in general.

4 A. He had met other agents [REDACTED]. And other
5 agents in the LEGAT's office to talk about other
6 matters unrelated.

7 Q. Was that typical for other sources you
8 handled as well?

9 A. Yes. It was also -- I was fully aware that
10 depending on the source, depending on the information,
11 depending on the investigation, there was always a
12 possibility that if the source's information was that
13 good or direct, the actual case agents who were running
14 that investigation would need to then handle the
15 source. And that relationship then would be
16 established.

17 Particularity on a very -- on a large or
18 important or sensitive investigation, if the source has
19 particularly useful information, the handler who is
20 just the handler, not involved in the investigation, is
21 then, for lack of a better term, cut out and that
22 source then has a relationship with that team.

23 Q. For that investigation. You could still
24 handle him for --

25 A. At that point then, it would just be -- you

1 know, once they're with that team, then that's it.

2 BY MR. BAKER:

3 Q. Would they be officially transferred over
4 administratively to the new agent?

5 A. So in my experience, yes. And, again, in
6 those instances, more often than not, it was the source
7 who would then become a witness in the investigation.
8 So then the natural course of investigation and a
9 witness would just take place and that would be it.

10 BY MR. SOMERS:

11 Q. Is that more -- is that common or is that
12 more not the norm?

13 A. It's not that it's not the norm. It's
14 normal, but it's not common. Because that generally
15 happens if you've got a source with really good
16 information who's very well placed and at the same time
17 a very important investigation that's going on.

18 Q. Would you ever, as a case agent or -- I'm
19 sorry, a handling agent -- let me back up.

20 Are you required as an investigator, as a
21 special agent, are you required as part of your
22 evaluations, your considerations for promotions or
23 whatever, are you required to have sources?

24 A. In terms of promotions, no. In terms of
25 evaluations, this is one of the things where, you know,

1 it depends -- in 24 years at the bureau, that question
2 was up and down. One year, yeah, everybody has to have
3 a source. Next year, it's not about the quantity of
4 sources, it's the quality of sources.

5 So objectively, they didn't use your source
6 base to determine promotional opportunities.

7 Q. Would there ever be a reluctance from a
8 handling agent, if you had a really good source, one of
9 these ones that you're talking about that is spot on
10 for somebody else's case --

11 A. Right.

12 Q. -- but you have taken the effort to
13 cultivate and do the administration and you've got a
14 really good source.

15 A. Right.

16 Q. Is there ever a reluctance to do that
17 transfer over?

18 A. Well, there's always --

19 [REDACTED]. Mr. Speaker, if you're asking him
20 about his personal knowledge of it? Sure. If you're
21 asking about --

22 Mr. Baker. Personal knowledge.

23 [REDACTED]. -- general reluctance from the
24 other agent population?

25 Mr. Baker. No.

1 [REDACTED]. You can answer that.

2 Mr. Baker. He's indicated he has 24 years
3 experience. I'd like to tap into that. Your
4 experience.

5 The Witness. So my personal experience as
6 a source handler, personally, if you're developing a
7 good source, you've done just that. You've done a lot
8 of work to get that to that point, we're now running a
9 good source who provides good information. And that's
10 what it's about as an agent or the source handler is
11 getting quality intelligence and information so the
12 bureau can do what it's supposed to do.

13 You don't want to give up a good source.
14 However, I always recognized that there would be that
15 opportunity or possibility if it arose. And so be it.
16 That's just the way it goes. You know, that's my
17 personal attitude about it is if it is -- the source is
18 that good, there may be someone out there that has
19 something going on that is important enough where that
20 source now becomes somebody else's source. I recognize
21 that and, you know, my attitude was if it happens, it
22 happens.

23 BY MR. BAKER:

24 Q. Would it be fair to say during the course
25 of your career you open and close a lot of sources that

1 don't really pan out when you initially open them to
2 really provide much of anything and that's more common
3 than the one that we've just talked about that you
4 really want to keep because they're really providing
5 information that's of interest to the FBI?

6 A. You open more sources that you wish you
7 never opened than you do ones you hope you never have
8 to give up.

9 Q. And is it fair to say there's a lot of
10 administrative work that is time consuming managing a
11 portfolio of sources of whatever quality?

12 A. 100 percent yes.

13 Q. Thank you.

14 BY MR. SOMERS:

15 Q. You mentioned a few moments ago that you
16 didn't have much experience in national security cases,
17 I think. Had you ever worked on a case before where a
18 FISA was involved?

19 A. The only time before this was after 9/11, I
20 had an informant who had information that was utilized
21 to support a FISA out of one of the field offices. I
22 was in New York at the time. I think the FISA
23 was -- and I'd be guessing if I told you where I was.
24 But that was the only other time. And all that was was
25 dealing with the case agent to get some questions

1 answered, provide some information, and get it to the
2 case agent.

3 Q. You said informant. Just to be clear, was
4 a that a confidential human source or was that less
5 than a confidential --

6 A. At that point, it was CI or CW. CHS,
7 confidential human source, is -- it's not relatively
8 new, but it was a different designation. I forget what
9 year they changed it.

10 Q. But equivalent of Christopher Steele?

11 A. Same thing.

12 Q. And did you review information in that FISA
13 application?

14 A. No.

15 Q. Did you provide a source description?

16 A. Yes.

17 Q. Characterization statement?

18 A. Yes.

19 Q. Did you review that before it was
20 submitted?

21 A. I reviewed it before I sent it out to
22 Arizona -- not Arizona. I forget where it was again.
23 But, yes. Wherever -- they ask, tell us about your
24 source. And what's the information. We get the
25 information and then give us a general statement about

1 the source.

2 Mr. Baker. When you say they ask --

3 The Witness. When I say "they," the case
4 agents who were preparing the FISA. Now, I don't -- I
5 never reviewed a FISA. I don't know if they actually
6 used that information in the FISA. I have no idea.
7 But that was the only time I have any kind of
8 experience with another FISA.

9 BY MR. SOMERS:

10 Q. Did you understand that to be a requirement
11 when you submitted that source --

12 A. The source characterization --

13 Q. -- source characterization statement?

14 A. Yes. I say that because I have experience
15 doing them as wiretaps and utilizing source information
16 wiretaps and understanding that the application process
17 requires when you're talking about and using source
18 information characterizing your source. You have to.

19 BY MR. BAKER:

20 Q. The people you provided the source
21 characterization to, did they use what you provided
22 verbatim or did you subsequently learn that it was
23 changed?

24 A. This is back in 2001?

25 Q. Yes.

1 A. I don't know what they did with it. And
2 that's what I'm saying, I don't know ultimately if they
3 used it or not. I had some initial conversations about
4 the information, getting them the information, a little
5 bit about the source. Okay. And that was it. So I
6 don't know what happened after that. I couldn't tell
7 you.

8 Q. And later in time --

9 A. Later in time, I never learned what had
10 happened.

11 Q. Okay.

12 BY MR. SOMERS:

13 Q. You don't even know if they used the source
14 information in the FISA?

15 A. I don't.

16 Q. Have you ever been involved -- the
17 Crossfire Hurricane case was designated as a sensitive
18 investigative matters. Have you been involved in any
19 other SIMs in your career?

20 A. Only involved -- well, personally as a case
21 agent? No.

22 Q. As an ALAT?

23 A. As an ALAT, no. As a supervisor prior to
24 retiring, we -- and I won't get into the case, but it
25 was completely unrelated. The case was designated as a

1 SIM off of my squad.

2 BY MR. BAKER:

3 Q. And for the record, SIM stands for what?

4 A. Sensitive investigative matter. There are
5 particular categories of cases or subjects that fall
6 under the DOJ DIOG policy that they have to be
7 characterized.

8 Q. So there's something about the case that
9 makes it sensitive?

10 A. Something about the case or the subject.

11 Q. And DIOG is what for the record?

12 A. Well, that's the DOJ guidelines as to
13 running investigations.

14 BY MR. SOMERS:

15 Q. So according to the IG report, and I think
16 you've acknowledged you met Christopher Steele in 2010,
17 and then you opened him formally as a confidential
18 human source in 2013?

19 A. Right.

20 Q. What was the relationship between 2010 and
21 2013?

22 A. It was informal. We spoke a couple of
23 times, met a couple of times. During that time
24 after -- in 2009, I was assigned to the Russian OC
25 [REDACTED] with the intent of engaging and developing higher

1 level cases more, sophisticated cases that Eurasian
2 organized crime groups were involved in. Transnational
3 money laundering fraud, much more sophisticated frauds
4 than at the time [REDACTED] had been doing.

5 With that was developing sources to tap
6 into the levels of criminals who were doing that.
7 Russian and Eurasian oligarchs, businessmen,
8 international businessmen who worked with these
9 individuals. And so I met Christopher Steele, I was
10 introduced to him by Bruce Ohr, who at the time was
11 here at was at DOJ as the transnational organized
12 crime -- I forget what his exact title was. But he was
13 the czar, for lack of a better word, for transnational
14 organized crime. And he contacted and said I have an
15 individual who you should meet who can probably tap
16 into some information that you guys are hoping to
17 develop or could develop.

18 So I met him in, I think, April of 2010.
19 That was the first time. Before -- from 2010 to 2013,
20 I spoke to him a couple of times. I traveled to London
21 a number of times with agents on the squad and
22 sometimes prosecutors for other invest -- for
23 investigations. And then at times, not every time, but
24 a couple of times when I was there we would meet, talk.
25 He provided information voluntarily to us once in a

1 while without being tasked.

2 In 2013 -- he had also in 2010, one of the
3 times we were there, introduced myself and another
4 agent and Bruce Ohr to at least one, possibly two
5 individuals who provided information regarding the FIFA
6 investigation, which was not -- there was no
7 investigation at that point. But provided information
8 regarding corruption within the highest levels of FIFA,
9 including an individual who was based in New York City.
10 That -- those introductions were the precursor and
11 actually for us gave us the information that we needed
12 to start the FIFA investigation.

13 Q. Is there a -- I'm just trying to probe a
14 little bit the difference between him -- kind of the
15 informal relationship, the formal relationship. For
16 instance, could you task him while he was in the
17 informal relationship or he did he have to be a CHS to
18 be tasked?

19 A. Well, you can ask questions of anybody, but
20 he was not being officially tasked. He knew what our
21 interests were. His motivation was twofold. You know,
22 he had started recently -- and I'm not sure exactly
23 when -- a corporate intelligence firm, which
24 he -- which was focused on Eurasian businessmen and
25 companies. And in the course of that, he had

1 information regarding Eurasian organized crime that, as
2 he related to me, his prior service wasn't interested
3 in it. He didn't want to engage with the agency. And
4 it was useful and he wanted to have somebody see it and
5 if they could use it, great.

6 The second motivation to engage with us was
7 financial, hoping to get paid for information that we
8 would task him to try and find out about.

9 Q. Was there any motivation that the
10 relationship with the FBI could help his private
11 business?

12 A. That was not discussed. No.

13 Q. So you never got the impression that he
14 was -- you know, wanted to be an FBI CHS or have a
15 relationship with the FBI in order to drum up business
16 in any way for Orbis?

17 A. I never got the impression or understanding
18 or belief that he would use the relationship with the
19 FBI to help his private side of business. And that was
20 never related to me. If it was a motivation, he kept
21 it quiet.

22 My understanding -- and this is what I
23 believed -- was, again, twofold motivation. One was to
24 give information to a group that would actually use the
25 information because it was good information, and then

1 two, to get paid for information.

2 Q. Did he ever request that you connect him
3 with anybody that might help his private business?

4 A. No.

5 Q. To the best of your knowledge, was -- do
6 you know whether any Christopher Steele information was
7 used in a FISA prior to the Crossfire Hurricane
8 investigation?

9 A. If it was, I have no idea.

10 Q. Do you have any idea whether any of this
11 information was used in a court filing prior to --

12 A. It was not.

13 Q. It was not? When was the last time you had
14 contact with Christopher Steele?

15 A. It would have been November 1st or 2nd of
16 2016. Or 3rd.

17 Q. What was the form of that contact? Was
18 that phone, e-mail?

19 A. It was phone, over the phone. I received
20 an e-mail early in the morning one of those days. I
21 was in -- this was '16 -- I was [REDACTED] and there was
22 an e-mail from one of the agents involved in the
23 Crossfire Hurricane case who had a link to an article
24 saying did you see this? So I had not. It was the
25 Mother Jones article that was published, again, that

1 weekend, whenever -- right after -- it was either
2 October 31st, November 1st whatever that was. So I
3 read it.

4 In that article it was an individual
5 talking about the very information that was contained
6 in the reports and that this information was provided
7 to the FBI in support of their investigation.

8 It didn't name Christopher Steele, but it
9 was obvious that that was Christopher Steele. I read
10 that. My first reaction was to reach out to
11 Christopher Steele. And I don't know if I spoke to him
12 that day. If not, it was the very next day. And I got
13 him on the phone and I said did you see this article?
14 Yes. My first question was, was that you? Meaning
15 were you the source for that article? Yes, I was. At
16 which point then it just -- everything changed. And
17 that was the last conversation I ever had.

18 Q. Did you determine or close him or whatever
19 word we want to use on that phone call?

20 A. So on that phone call, I said this changes
21 everything. I said we're not going to be able to go
22 forward from here on out. And I told him specifically
23 you're not to collect any information on behalf of the
24 FBI.

25 So in terms of the relationship, my

1 dealings with him, that was the last I've ever dealt
2 with him, that's the last I ever spoke to him. He was
3 closed administratively, meaning with the paperwork,
4 maybe -- I want to say two weeks later, possibly.

5 Q. But there was no follow-up, yeah, you are
6 closed? That was it?

7 A. That's the last time I spoke to him.

8 Q. Has he tried to reach out to you since
9 then?

10 A. No, he has not.

11 BY MR. BAKER:

12 Q. I want to back up just one second. Your
13 opinion, your experience, you indicated you have 24
14 years in the FBI. My guess, I could be totally wrong
15 on this, my guess is you don't just raise your hand to
16 be an ALAT or a LEGAT and they send you on your way.
17 I'm guessing you have broad-based program experience,
18 you're a self-starter, you're motivated, you're all the
19 things that they're going to want to put somebody over
20 in a foreign country representing the FBI. Do you
21 speak [REDACTED]?

22 A. I do now, yeah.

23 Q. Okay. What was your opinion on Steele as a
24 source before we get to IG reports and metrics from
25 headquarters and measurements and all that. Just your

1 street sense, source to keep around?

2 A. Without a doubt. Productive, providing
3 high-level information that we did not -- you know, for
4 us, in terms of Russian organized crime, tied in with
5 oligarchs, tied in with international businessmen, we
6 did not have many sources who could provide information
7 in that field, in that universe. He did.

8 Some of his information was corroborated by
9 other sources. The FIFA information he provided and
10 some of the specifics was corroborated by two or three
11 other sources unrelated to him whatsoever. Some of the
12 other information -- you know, the information I
13 received from him I would send primarily to either the
14 New York Field Office and/or the transnational
15 organized crime desk in headquarters. And analysts
16 would review it and at times I would get feedback, some
17 other agency said this is very good information, can
18 you follow up. Once we got an e-mail about -- I forget
19 what the subject matter was -- but, hey, this is
20 corroborated by other stuff.

21 So, in terms of source, up until this all
22 happened in the summer and fall of 2016, I viewed him
23 as a productive professional source. In handling him,
24 easier than most because he is a former intelligence
25 professional who had done this himself. And if you've

1 handled sources, you understand that a lot of it can be
2 aggravating on an interpersonal level. This was not.
3 Up until that summer and fall, I had no indication that
4 he was anything other than professional and productive.

5 Q. And I'm assuming -- correct me if I'm
6 wrong -- that a subset of being productive is you never
7 had occasion to think he embellished, he was false
8 reporting. Again, without regards to any metrics
9 downstream --

10 A. Right.

11 Q. -- you, as the handling agent, had no
12 reason to question any of his reporting?

13 A. None whatsoever. Now, you take a source's
14 information, it doesn't matter who it is, always with
15 more than a grain of salt because it's source
16 information. Unless it's corroborated, it's just that.
17 It's source information.

18 You know, my background is criminal
19 investigations. To use a source's information, it's
20 great lead and it's good reading, great lead value.
21 But to use it criminally in an investigation it has to
22 be corroborated by other independent means; Otherwise
23 it's just that, it's just a reading and that's it.

24 So at times, you know, any source, you
25 understand that the source is providing information.

1 You do not take it for face value, ever. It's just
2 a -- you know, that's just a basic source handling
3 tenet. But with him again, nothing up until this whole
4 thing went bad in 2016 was there any reason to believe
5 that he was anything other than professional and
6 productive.

7 Q. Thank you.

8 BY MR. SOMERS:

9 Q. In the 2016 election material, Steele had
10 the primary subsource and lots of subsources beyond
11 that. In -- leaving that investigation aside for a
12 second, in previous dealings with him, was that a
13 typical arrangement where he had a primary source and
14 other subsources?

15 A. Well, it was known from the beginning. And
16 when we first met, he had a prior network of sources
17 and subsources back in Russia and wherever else.
18 That's where he -- he wasn't getting the information
19 firsthand. He had his former network of sources and
20 subsources who -- some of whom were still in place that
21 he relied upon. That's where the information was
22 coming from.

23 BY MR. BAKER:

24 Q. Is that common when handling a source, that
25 a source might have subsources?

1 A. Right.

2 BY MR. SOMERS:

3 Q. Did you ever speak to anyone else, for
4 instance, from the British government about Steele's
5 subsource network?

6 A. Me personally? No.

7 Q. Did you speak with anyone in the British
8 government about Steele's reliability, his work ethic,
9 anything along those lines?

10 A. I've never spoken with anyone in the
11 British government about Steele.

12 Q. What type of feedback did you get from
13 people about Steele, about his work ethic, about who he
14 was?

15 A. In terms of?

16 Q. From like former clients maybe.

17 A. So -- well, Bruce Ohr was the first to
18 introduce us. Bruce had known him and met him a couple
19 of years before at a conference somewhere. You know,
20 his background in terms of where he came from and what
21 his prior activities were, you know, provides a certain
22 level of kind of credibility to the individual before
23 you engage. Particularly in that you're talking with
24 this service, the British services and their closeness
25 to us and obviously their competence, level of

1 competence. Going in, it's not like developing a guy
2 off the street. There's a different level you start
3 off at.

4 Q. Did you have any verification like that he
5 wasn't fired from the British government or anything
6 like that?

7 [REDACTED]. I think that gets pretty close to
8 the line of something that's still officially
9 classified, talking about Mr. Steele's actual
10 relationship with any foreign service. We can just
11 stay away from the actual country of origin, please.

12 Mr. Somers. Okay.

13 [REDACTED]. Thank you.

14 The Witness. So, again, I've never spoken
15 to --

16 Mr. Berger. Well, hold on. Let him
17 rephrase the question.

18 BY MR. SOMERS:

19 Q. As you read the IG report and you get the
20 impression that a lot of people thought that Steele was
21 reliable, credible, had a position in a
22 foreign -- friendly foreign government. I'm just
23 wondering what sort of verification you had in terms of
24 his -- what his relationship, how his relationship
25 ended with that government.

1 A. My understanding, as related to me by him
2 and by Bruce Ohr, is that he retired in very good
3 standing and at a very high level and that he opened
4 his own corporate intelligence firm.

5 I met one of his clients. He at one point
6 had been engaged to do work -- before he was
7 opened -- with the [REDACTED]. And their lead
8 there -- I had a conversation with him about Steele,
9 who said he was -- the work he provided was top notch,
10 that it was reliable and competent and professional.

11 Q. What was Bruce Ohr's relationship with
12 Steele after you officially opened him as a
13 confidential human source?

14 A. So he continued the relationship. Steele
15 had relationships I know here in Washington in
16 Department of State and DOJ with Bruce or DOJ with
17 Jonathan Wiener -- I'm not sure who else -- on a policy
18 level. And it was understood that he would continue to
19 speak with them and that their conversations were on a
20 higher policy level as opposed to providing specific
21 information.

22 BY MR. BAKER:

23 Q. So that didn't create any problems for you
24 that you're now handling an agent, but you have
25 somebody else also?

1 A. It's because of the uniqueness of the
2 individual, the information we were getting and his
3 access and also relationships that he still had, it was
4 understood.

5 At a certain point after he was opened, he
6 was advised that, you know, information that the FBI
7 was paying for, that we tasked him for and that he
8 returned a product for to us was not to be provided to
9 anybody else, and that we would process it and filter
10 it through the IC, however else.

11 Q. Is this the pipeline one, pipeline two?

12 A. No.

13 BY MR. SOMERS:

14 Q. When you say it wasn't to be provided to
15 anyone else, does that include Bruce Ohr?

16 A. Yes.

17 Q. If you paid him for information --

18 A. Yes.

19 Q. -- and Jonathan Wiener in the State
20 Department --

21 A. Sorry.

22 Q. So if you tasked him and paid for
23 information, that was to go through you?

24 A. Yes.

25 Q. Did you have any concerns about his ongoing

1 relationship with Ohr or Wiener?

2 A. I did not. Just because of the nature
3 of -- first of all, I was introduced to him by Ohr and
4 I know they had a relationship, and it didn't affect
5 what we were doing in terms of what we were tasking him
6 to do. It was, you know, kind of a different -- I
7 don't want to say different animal, but at a much
8 different level.

9 Q. And so tasking is when a payment would go
10 to Christopher Steele; is that correct?

11 A. Not every time. No.

12 Q. Not every time. So you tasked --

13 A. Not at all. So the agreement was we would
14 pay him for information that was deemed of value and it
15 was never guaranteed. But it would be in response to
16 if we tasked him to go into motion and collect
17 information, then we would see if we could get him
18 compensated.

19 Q. If he came to you with valuable information
20 that he wasn't tasked with, could he be paid for that?

21 A. He was actually. The example, the FIFA
22 introductions that he made. You know, because of the
23 introductions he made, we opened the investigation.
24 Because of that investigation by December of 2013, we
25 had charged and pled out four cooperating witnesses

1 under seal who had agreed to, I think, probably an
2 aggregate of 10 to 15 million in forfeiture before
3 anybody even knew what was going on.

4 Q. And Steele was never paid for his work on
5 Crossfire Hurricane?

6 A. No. Definitely not.

7 Q. He expected to be paid though?

8 A. The only expectation that was -- or the
9 only offer that was given to him was given by the
10 Crossfire Hurricane team of \$15,000 for his time to
11 come to meet with the team [REDACTED] on October 3rd. He
12 was offered, if the relationship continues and he
13 agreed to the framework of an agreement that the
14 Crossfire Hurricane team defined, he was then offered
15 payments in the future. But he was never paid anything
16 for any work he did on that investigation.

17 And the \$15,000, that was another thing in
18 that last conversation that I had with him, I said
19 you're not getting paid. So he didn't get paid.

20 Q. Just back to this a minute. Kind of what I
21 was asking you before. Did you do anything to validate
22 Steele? Any run through the validation management
23 unit?

24 A. Well, the process is you have to run the
25 record checks, you run through LSHA, you run through

1 criminal histories and that's what I did.

2 Q. Do you think you did less to validate
3 Steele because of who he was than you might have some
4 of your other confidential human sources?

5 A. Absolutely not.

6 BY MR. BAKER:

7 Q. How was the value of what a source provides
8 calculated for terms of compensation?

9 A. It's a very subjective thing. There's no
10 set -- if it's changed since I left, I don't know. But
11 as long as I was there, it was never a set kind of
12 matrix to go by. If the information was valuable to
13 me, you know, [REDACTED]

14 [REDACTED], [REDACTED]
15 [REDACTED].

16 There are metrics to judge the success of a
17 source or the quality of a source. The case is opened,
18 dissemination is made, affidavit are prepared,
19 complaints and arrests. But there's no monetary value
20 tied to any of that. It's all very subjective.

21 Mr. Berger. Can I go off the record for a
22 moment?

23 (Recess.)

24 The Witness. So just one clarification.
25 You bring up validation? The validation process is

1 different than the opening process. The validation
2 process --

3 Mr. Berger. Hold on.

4 [REDACTED]. The source validation techniques
5 are classified. I don't want to get into that.

6 The Witness. I'm just trying to
7 distinguish between opening a source and what we did.

8 Mr. Berger. Speaking generally about the
9 process? He's not going to talk About techniques.
10 We'll keep an eye on that.

11 The Witness. In terms of opening Steele as
12 a source, everything is followed to the book. And I
13 don't want that confused with validation of Steele,
14 which is something completely different.

15 BY MR. SOMERS:

16 Q. Is validation an ongoing process or ongoing
17 as you have a confidential human source open, you
18 continue to validate?

19 A. Validate.

20 Mr. Berger. I think you're using
21 validation as a term of art and so we have to be
22 careful about and have an understanding -- a common
23 understanding of what we mean by validation. I don't
24 want to trespass any boundaries, but validation
25 is -- is a coherent integral process that is separate

1 from anything that this gentleman is talking about.

2 So we have to make that clear and clarify
3 that for the record to make sure, because that's an
4 issue that goes to the very heart of this matter. So
5 let's be clear about definitions about what we mean by
6 the validation process. Maybe we can define that so
7 that we have a sense of common understanding.

8 Mr. Somers. Yeah. I don't mean to get
9 technical. I just want to understand that you
10 continually evaluate the reliability, credibility, work
11 ethic of your sources as the relationship goes on.

12 The Witness. Yes.

13 Mr. Berger. Which is separate from the
14 validation component of the bureau.

15 BY MR. SOMERS:

16 Q. Did you ever have any discussions with
17 Steele about any of his other clients, who they were?

18 A. I knew he had done work for [REDACTED]. But
19 in terms of other specific clients, no, I didn't ask
20 him and he didn't provide --

21 Q. He didn't provide information on that. In
22 the IG report, it says, "Handling agent 1" --

23 A. I'm sorry, let me interrupt. I take that
24 back. I do know that he did work for the London 2012,
25 the big committee for FIFA to try and get the World Cup

1 to London. I know he did work for them.

2 Q. Let me just read you this quote. "From
3 handling agent 1 said he expected Steele to alert him
4 if any of the clients were 'bad actors' such as
5 organized crime figures or others that would be a
6 concern to the FBI. Handling agent 1 stated Steele
7 never provided any such notification to him."

8 So you did have some conversation with him
9 about, hey, what are you doing? Did that refer to his
10 private business?

11 A. Correct.

12 Q. And you wanted to make sure that he wasn't
13 providing -- let me back up a second. Steele also
14 provided you with information that he gained from his
15 private business?

16 A. Correct.

17 Q. And that question went to the quote I just
18 read you, whether he had a criminal, for instance, as a
19 private client and you wanted to ensure that
20 information gained from a criminal and funneled into
21 the FBI, is that the genesis of that comment?

22 A. Can you read that again?

23 Q. "Handling agent 1 said he expected Steele
24 to alert him if any other clients were 'bad actors'
25 such as organized crime figures or others that would be

1 of concern to the FBI. Handling agent 1 stated that
2 Steele never provided any such notification to him."

3 A. That was in terms of evaluating the source
4 and the source's information to understand where it was
5 coming from. Particularly in situations if he was
6 providing information from a client who was, say, in a
7 criminal -- in an investigation of the FBI. That's a
8 problem. So it was in regards to just having a full
9 understanding or attempting to have an understanding of
10 where the information was coming from, who was
11 providing it.

12 Q. Did you ever discuss Oleg Deripaska with
13 Steele?

14 A. Yes.

15 [REDACTED]. Before you get to that one, can
16 you give us the page reference?

17 Mr. Somers. I'm sorry, I don't have a
18 page. It's footnote 202. I don't have the page number
19 here.

20 Mr. Don. Thank you.

21 BY MR. SOMERS:

22 Q. What was the discussion about Oleg
23 Deripaska?

24 A. He was endeavoring to try and get us to
25 meet with Oleg Deripaska. Part of what we did, we, the

1 bureau, was meeting with or setting up meetings and
2 conducting meetings with oligarchs to try and see if
3 they would be cooperative, provide information, help
4 with ongoing investigations or provide any type of
5 intelligence.

6 So that was an ongoing effort within the

7 [REDACTED]
8 [REDACTED]. And one of the individuals he was trying to set
9 up a meeting with was Deripaska.

10 Q. Was Deripaska a client of Steele's?

11 A. Not as far as I know. I knew that Steele
12 had a relationship from, I think, a prior case or prior
13 business deal with Deripaska's attorney. I forget his
14 name.

15 Q. Why exactly did you close Steele as a
16 source? I know the Mother Jones article, but what
17 about that?

18 A. It told me that he was completely
19 untrustworthy at that point as a source and could not
20 be handled and would not be reliable. Not that his
21 information or the intelligence he provided was bad.
22 But that as a source, I wasn't going to handle him.

23 Q. Who alerted you to the Mother Jones article
24 again?

25 A. It was the supervisor special agent in

1 headquarters.

2 Q. Is that SSA-1?

3 A. I'm not sure. I don't know who SSA-1 --

4 Q. Was it [REDACTED]?

5 [REDACTED]. Which is not -- it's actually not

6 [REDACTED]. He's not going to be able to --

7 Mr. Somers. Is there a way you can inform
8 him who SSA-1 is so I can ask him if SSA-1 is who gave
9 him the -- or maybe it's an adjure point. I don't need
10 to ask the question. I'm just trying to --

11 [REDACTED]. Let me step back for one second.

12 Mr. Somers. Yeah. Can you just tell him
13 who SSA-1 is and I can ask him if SSA-1 is who provided
14 him the Mother Jones article?

15 [REDACTED]. Yeah. Let's step back and have a
16 conversation.

17 Mr. Somers. Okay.

18 (Pause in the proceedings.)

19 BY MR. SOMERS:

20 Q. Did SSA-1 provide you with the Mother Jones
21 article?

22 A. Yes.

23 Q. What was Steele's reaction to you closing
24 him as a source or letting him know you were probably
25 going to close him as a source?

1 A. He was frankly more upset. And his
2 explanation as to why he went to the press was really
3 what was driving him at that point. So I asked him was
4 this you? He said, yes, it was. And I said why would
5 you do this? His response was, and -- it's quoted in
6 the report that I did to the file. I just -- I'm
7 paraphrasing, so if it's not exactly correct --

8 Q. Yeah.

9 A. I'm very upset with what your organization
10 did last week, something like that. And, again,
11 basically referring to Director Comey coming out
12 publicly on that prior Friday or Thursday stating that
13 he was reopening the server investigation going on.

14 Q. Was he upset that he was not going to be a
15 confidential human source anymore?

16 A. He wasn't upset about that. He was more
17 upset that that action by Director Comey and, in his
18 eyes, the FBI in general would then sway the election.

19 BY MR. BAKER:

20 Q. Is part of that that he thought Director
21 Comey was getting attention and that he felt his
22 reporting was not getting appropriate attention?

23 A. I don't know. But all I can say is I asked
24 him, look, are you upset because you haven't gotten the
25 15,000, they money yet? He said no, that isn't it.

1 It's because of what your organization or what Director
2 Comey did on Friday, which was coming out publicly and
3 it was about the fact that that would sway things one
4 way or the other.

5 He was not upset about when -- when I said
6 we're not going to be forward after this, he didn't
7 respond to that.

8 BY MR. SOMERS:

9 Q. Were you aware that Bruce Ohr was still
10 talking to Steele after you closed him as a source?

11 A. I didn't become aware until months later in
12 the press. I didn't know personally, no.

13 Q. In terms of what it means to close someone
14 as a source, do you think it was problematic that Bruce
15 Ohr was continuing to engage with him?

16 A. There are very specific rules and
17 guidelines to follow to recontact a closed source.
18 What Bruce and others did to do to speak to him or
19 didn't do, I have no idea.

20 Me personally, I know that if I needed to
21 contact Steele again, there was a whole list of things
22 and people's approvals I would need to go through to
23 get before I could even recontact him. I had no
24 intention of doing that and I don't know what they did
25 or didn't do.

1 BY MR. BAKER:

2 Q. So when he's closed -- and back up just a
3 step -- he is actually fully opened as a source the
4 way -- without getting into the individual steps, he's
5 open as a source the way anybody else would be.

6 A. You mean up until the point when he's
7 closed.

8 Q. Up until the point when he's closed.

9 A. Yes.

10 Q. There's no question in your mind that he's
11 open as a source.

12 A. Hundred percent.

13 Q. All the I's are dotted, the Ts are crossed.
14 Everything that's done with the source was done with
15 Christopher Steele.

16 A. Hundred percent.

17 BY MR. SOMERS:

18 Q. What was your understanding of Bruce Ohr's
19 role in Crossfire Hurricane?

20 A. I don't have one. I don't know.

21 Q. I mean, Bruce Ohr contacted you how many
22 times about Crossfire Hurricane or about Steele's
23 election reporting?

24 A. So I received the reporting from Steele on
25 July 5th. I get a phone call from Bruce Ohr at some

1 point early to mid August of 2016. I had not spoken to
2 Bruce about this. I -- Bruce -- I didn't tell Bruce I
3 was going to London. It was not my -- whenever I
4 visited Steele, I didn't tell Bruce. That was not a
5 process. I didn't talk to him about it.

6 I get a call from Bruce early to mid-August
7 and he says, hey, did you see this stuff from Chris? I
8 had no idea that -- at that point obviously -- now I
9 know Steele and Bruce had spoken about this, but I had
10 no inkling from Steele or from anybody that they had
11 met and talked about it.

12 I was not going to engage in a phone call
13 about this information with Bruce Ohr. There were
14 efforts ongoing to get that information or the
15 information was at FBI headquarters as far as I knew
16 and then to get it to where it had to go. I wasn't
17 going to talk to Bruce Ohr about it. In addition, on a
18 cell phone overseas I'm certainly not going to talk to
19 Bruce Ohr about it.

20 But he says me and my boss or me and my
21 bosses want to make sure that this is being handled.
22 So at that point, obviously, it's Bruce and his boss or
23 somebody higher are aware of this information that
24 Steele reported. My response was, and this is what I
25 had been told at that point, is that there is a team at

1 headquarters looking into it. And I said, Bruce, as
2 far as I understand, there's a team or a group at
3 headquarters who are looking into this. And that was
4 it. That's all I said. And then that was the extent
5 of the phone call. Because it was something like,
6 okay, good. And that was it.

7 And then -- so I spoke to him. That was
8 the only time I spoke to him about this. Other than
9 after I spoke to Christopher Steele in early November
10 to tell him we wouldn't be going forward, I called
11 Bruce, knowing that Bruce has a relationship, not
12 knowing that Bruce is involved in terms of any
13 Crossfire Hurricane or anything regarding this
14 information. But just knowing he had a relationship, I
15 said, Bruce, this article in Mother Jones, have you
16 seen it? And he goes no. I either sent it to him or I
17 told him to look it up. And I said you need to know
18 going forward we're not going -- we're not working with
19 him. I'm not going to talk to him again and you have
20 to be careful when you talk to him. And that was it.

21 Q. Backing up. Based on that August
22 conversation, did it or would it surprise you to learn
23 that Bruce Ohr didn't inform his bosses about Crossfire
24 Hurricane and his involvement in it?

25 A. At this point -- yes, it would surprise me.

1 He told me, me and my boss or me and my bosses. So I
2 assumed at the time that his boss or bosses were aware.

3 Q. And then based on your -- backing up to
4 your second conversation with Ohr. Are you surprised
5 that Ohr kept speaking with Steele after you had that
6 conversation with him?

7 A. Personally, yes, I'm surprised. I spoke to
8 him again the last -- one additional time. It was the
9 day after the election here in Washington. I was here
10 in Washington with an [REDACTED]. But I saw
11 Bruce somewhere close to FBI headquarters after work.
12 And he had come in and he said something to the effect
13 of I didn't realize -- you know, at this point, this is
14 when everything had started to, I guess, break bad. He
15 goes I didn't realize that when you called me about the
16 article, I didn't realize the extent of it. And then
17 he apologizes for introducing me to Christopher Steele.

18 Q. When was that?

19 A. The day after the election. November 2016,
20 whatever that was. 8th, 9th. Maybe earlier.

21 Q. Any impression as to why he apologized to
22 you?

23 A. Well, no. I was -- he said that -- I
24 go -- I looked at him. I said first -- well, because I
25 think he -- he finally -- it's my opinion -- understood

1 the gravity of the whole situation, I guess, at that
2 point. I don't know.

3 BY MR. BAKER:

4 Q. So a fair read of that apology would be
5 apologizing for all the headaches it probably caused
6 you, not apologizing that he regretted giving it to
7 you, because somebody else would have handled him
8 better?

9 A. No, no. Exactly. Apologizing because of
10 all the headaches that were about to happen and had
11 happened to that point.

12 Q. Thank you.

13 BY MR. SOMERS:

14 Q. I'll just try and read this to you. On
15 page 291 of IG report, it states that on November 23rd,
16 2016 Crossfire Hurricane update meeting, there was a
17 discussion concerning a 'strategy' for engagement with
18 handling agent 1 and Ohr.

19 Were you ever consulted after you closed
20 Steele by others at the FBI about continuing to engage
21 with Steele?

22 A. Not once.

23 Q. No one on the Crossfire Hurricane team
24 reached back out to you and said, hey, can you --

25 A. No.

1 Q. -- engage with Steele again?

2 A. Nope.

3 Mr. Berger. Just let him finish.

4 The Witness. Sorry.

5 BY MR. SOMERS:

6 Q. Do you happen to know Bruce Ohr's wife
7 Nellie?

8 A. No.

9 Q. Okay. When did you become aware that the
10 FBI had opened a formal investigation, Crossfire
11 Hurricane?

12 A. So in August at some point I was told by
13 people out of the New York office that there might be a
14 group of people who needed to see or wanted to see the
15 information this reporting that I had received in July.
16 I didn't officially learn of this until the middle of
17 September when I received word from SSA-1 to send him
18 the reporting that I had received from Steele.

19 Q. What was -- what caused you to travel to
20 London on July 5th to meet with Steele versus just
21 talking to him on the phone or saying, hey, e-mail me
22 what you want to give me?

23 A. Right. So he was not prone to -- I don't
24 want to say panic, but to being hurried or rushed or
25 trying to meet immediately as many sources do, saying

1 we have to meet now, we have to meet now. He was not
2 that type.

3 I received a call from him, it was either
4 the 3rd or the 4th of July just out of the blue saying
5 we need to meet. Okay. It's 4th of July. Everybody's
6 out. No, it has to be now. He had never said that
7 before, ever. I said okay. Taking him seriously, I
8 traveled up there.

9 Q. Did you need anyone's permission to do that
10 or were you able to just get on a plane?

11 A. Just needed LEGAT's permission. That's it.

12 Q. Did you need to talk to anyone in London
13 before you were able to --

14 A. And then advise the ALAT that I was going
15 to be in the AOR.

16 Q. Just because there's some reporting in the
17 press about this, did you have to consult Victoria
18 Nuland?

19 A. I don't even know -- I know who she is.
20 I've never spoken to her.

21 Q. Never spoken to her about Steele?

22 A. No.

23 Q. So Steele gives you one report at the July
24 5th meeting?

25 A. I think it was -- I think it was two, if I

1 recall correctly.

2 Q. Two -- according to the IG report, I
3 believe he gave you one report about Crossfire
4 Hurricane. He may have given you some reports about
5 something else at that July 5th meeting?

6 A. I recall two physical reports. In terms of
7 the election reporting, it was just the one, the first
8 initial that he had developed.

9 Q. Did that report, format-wise, the way it
10 was written, whatever, did that look like something
11 Steele had given to you in the past? Was this a
12 typical Steele report?

13 A. Yes.

14 Q. Did it have any warning about it being raw
15 intelligence?

16 A. Without seeing the actual report in front
17 of me?

18 Q. Yeah.

19 A. It wouldn't -- I mean, I've seen that
20 before.

21 Q. The one that's publicly available, it
22 doesn't say -- I don't know if you have one that's
23 different than that. The one that BuzzFeed published
24 does not say that.

25 A. I don't know. I know I have seen the term

1 "raw intelligence" before.

2 Q. Leaving that aside, would you treat it as
3 raw intelligence?

4 A. Without a doubt.

5 Q. What does that mean to you?

6 A. That it is just that, uncorroborated,
7 unverified reporting coming from unsubstantiated
8 sources. And when we spoke about it at that meeting,
9 we talked about that, how it was unverified and for
10 this to have any value, it's got to be corroborated.

11 Q. So that would be consistent with -- on page
12 381 of the IG report said, "Steele told us that it was
13 his hope and expectation that the FBI would have used
14 its resources to investigate the report" -- "the report
15 information."

16 I mean, is that your impression that this
17 needed to be further investigated?

18 A. Without a doubt.

19 Q. So my time is almost up here.

20 You wouldn't have used the -- that report
21 or any information in it in a FISA application without
22 doing any further verification?

23 A. Me personally?

24 Q. Yeah.

25 A. You can't use one source's reporting as the

1 basis for an application, I mean, in this case, a FISA
2 court. But in my experience, wiretap, you can't use
3 one single source. It has to be corroborated.

4 Mr. Somers. Our hour is up. So we'll turn
5 it over to the minority. Thank you.

6 We can take a five-minute break if you want
7 to. Up to you.

8 Mr. Berger. No. I think that we'd like to
9 work through all the way.

10 Mr. Somers: It's up to them.

11 (Recess.)

12 Ms. Zdeb. So it is 11:36 and we are back
13 on the record.

14 EXAMINATION BY MINORITY STAFF

15 BY MS. ZDEB:

16 Q. [REDACTED], I'm Sara Zdeb with the minority
17 staff. You've met my colleagues, Ms. Sawyer,
18 Mr. Haskell, Ms. Calce. We are going to ask you some
19 additional questions. The same basic ground rules that
20 Mr. Somers explained at the outset apply to our
21 questions.

22 So as you know very well by now, please
23 speak up so the court reporter can hear. If you don't
24 understand one of my questions, just ask me to clarify
25 it.

1 A. Okay.

2 Q. So you indicated at the outset that you had
3 reviewed the Inspector General's report; is that
4 correct?

5 A. Yes.

6 Q. And so you know that the Inspector General
7 took approximately two years to conduct an
8 investigation. He interviewed approximately 100
9 witnesses, reviewed over a million documents in the
10 course of his investigation. He interviewed
11 Christopher Steele as well as other former employees,
12 current employees of the FBI.

13 Did you cooperate with the Inspector
14 General's investigation?

15 A. Yes, I did.

16 Q. Were you interviewed by the Inspector
17 General?

18 A. Not by the Inspector General himself, but
19 by his team.

20 Q. So if I use the term "Office of Inspector
21 General" or "OIG," you'll understand what I'm talking
22 about?

23 A. Yes.

24 Q. So you were interviewed by OIG how many
25 times? Was it once? More than once?

1 A. Two to three times, I think.

2 Q. And do you happen to recall how long each
3 of those interviews was?

4 A. A few hours each time.

5 Q. And I imagine you provided complete,
6 truthful testimony to OIG when you spoke to them?

7 A. Yes.

8 Q. Do you know whether the FBI, the Justice
9 Department, or you yourself provided any -- or were
10 asked to provide any documents to OIG in connection
11 with your interviews?

12 A. I can just speak for myself. And, yes, I
13 was asked to provide whatever I had in relation to
14 Christopher Steele.

15 Q. Did the OIG, to your knowledge, ever
16 complain that they didn't receive certain information
17 that they had wanted from you related to your
18 involvement or to Christopher Steele?

19 A. From me? No. I don't believe so.

20 Q. Did OIG ever complain that they needed more
21 information from you?

22 A. In terms of documents or --

23 Q. Documents or testimony.

24 A. They didn't complain about needing more.
25 They stated they'd like to meet with you again and I

1 did.

2 Q. And you did meet with them again?

3 A. Yes.

4 Q. From your perspective, is there anything
5 related to your involvement in the events addressed in
6 the OIG report, your involvement with Christopher
7 Steele that you didn't tell the Office of Inspector
8 General when you were interviewed by them a couple of
9 times for multiple hours apiece?

10 Mr. Berger. Are you talking about did he
11 respond forthrightly to the questions that were
12 proffered to him?

13 Ms. Zdeb. That's right.

14 Mr. Berger. Okay. So do you understand?

15 The Witness. Yes.

16 BY MS. ZDEB:

17 Q. When the Office of Inspector General
18 completed a draft of their report, were you provided an
19 opportunity to review the draft or at least to review
20 the portions of the draft that pertained to you?

21 A. To review the portions that pertained to
22 me. Yes.

23 Q. And did you?

24 A. Yes.

25 Q. Did you provide any comments to OIG on

1 those portions?

2 A. Yes, I did.

3 Q. And can you give us a sense of what those
4 comments were?

5 A. There weren't many. Whatever notes I took
6 after reading they kept, they have. Some may have
7 been, I think, grammatical, non-substantive. In terms
8 of any substantive issues, I recall -- I don't know if
9 it was anything that I had stated to them, but maybe
10 issues with something that's -- another witness may
11 have stated to them about an interaction with me.

12 Q. From where you sit, did OIG address your
13 comments, whether grammatical or substantive in the
14 final report?

15 A. I believe they did.

16 Q. So in other words, to the extent you
17 identified any errors, in particular, any substantive
18 errors, the final report would have addressed those?

19 A. I believe it did. There may have
20 been -- there may still be in the report changes that
21 were not made that I might still have an issue with in
22 terms of what I remember happened in terms of the
23 interaction as opposed to a different witness.

24 Q. But sitting here today, you can't recall
25 sort of specific examples of things that you pointed

1 out to OIG as being incorrect with respect to your
2 testimony that they didn't address in their final
3 report?

4 A. No. Everything was addressed, I'll put it
5 that way.

6 Q. Okay. Thank you.

7 So turning back to the discussion about
8 your relationship with Christopher Steele that we just
9 spent some time discussing before the break.
10 Mr. Somers asked you about the July 2016 meeting with
11 Mr. Steele and in particular about some of the other
12 reporting that he provided to you during the course of
13 that meeting in addition to report AD, which is the
14 election reporting.

15 So in -- as noted in the Inspector
16 General's report, you provided records indicating that
17 Steele had given reporting on Russian interference in
18 European political affairs; is that correct?

19 A. Correct. I don't know if that was at that
20 meeting, but he had provided that at some point. It
21 may have been -- I don't recall exactly --

22 Q. Okay.

23 A. -- in terms of the nonelection related
24 material, I don't recall as I sit here what was in that
25 other report.

1 Q. Okay.

2 A. But I do recall he had provided information
3 of that nature at some point.

4 Q. And if you testified truthfully and
5 accurately to OIG during your interviews, that among
6 the things Christopher Steele provided to you during
7 that July meeting was reporting on Russian interference
8 in European political affairs, you have no reason to
9 dispute OIG's characterization of that sitting here
10 today?

11 A. No, I do not.

12 Q. And according to the OIG report, you also
13 provided records indicating that Mr. Steele had
14 provided reporting on Russian athletics -- doping in
15 Russian athletics.

16 A. Correct.

17 Q. Is that correct?

18 A. Yes.

19 Q. And then your records have also indicated
20 that Steele provided general -- reporting that reported
21 generally on Russian cyber activities; is that correct?

22 A. Again, I know he had. As I sit here right
23 now, I don't recall if it was exactly at that meeting
24 or some other point, but I'm not going to dispute what
25 was in the OIG report.

1 Q. Do you recall whether these were all
2 written reports? I know you said earlier that you
3 generally recall being given two written reports in the
4 meeting. One was the election reporting.

5 So were the three different topics that we
6 just covered, were those also addressed in this
7 separate written report that you would have received?

8 A. Anything I received on that day was
9 contained in two documents, two reports that he
10 provided to me.

11 Q. Do you recall any specifics about the
12 Russian cyber activities reporting that he provided to
13 you?

14 A. I don't want to say I'd be guessing, but if
15 it was at that meeting, I do recall, I think, [REDACTED]
16 [REDACTED]
17 [REDACTED], [REDACTED]
18 [REDACTED], I believe. If I'm
19 incorrect, then I'm confusing it with a different
20 report.

21 BY MS. SAWYER:

22 Q. And could you just clarify, when you refer
23 [REDACTED], who are you referring to?

24 A. [REDACTED].

25 Q. So to the best of your recollection, it was

1 a report on Russian Security Services compromising a
2 U.S. citizen's --

3 [REDACTED]. Again, I don't -- we're talking
4 about -- unless we get the report, we're talking about
5 something that could be potentially classified and also
6 something that could be part of an ongoing
7 investigation or part of an investigation that could be
8 charged in.

9 I don't think it's appropriate for him to
10 be getting into details of what that report added.
11 Something that's already revealed in the IG report,
12 that's fair game.

13 BY MS. SAWYER:

14 Q. It's described in the IG report, and we can
15 certainly read the footnote. And this is on page 96 of
16 the report. It follows a sentence, "Handling agent 1
17 said Steele had become concerned about the
18 possibilities of Russians compromising Trump in the
19 event Trump became president."

20 And then the footnote says, "Handling agent
21 1's records indicate that during this meeting, Steele
22 also provided handling agent 1 with reporting on
23 Russian doping in athletics, Russian cyber activities
24 and Russian interference in European political
25 affairs."

1 Understood I don't want to get into
2 classified information in an unclassified setting. I
3 just want, for the record, it to be reflected we did
4 ask for the opportunity to go into a classified setting
5 as needed. So we'll try to elevate it and not get into
6 details. But do you have a recollection of whether or
7 not any other reporting had to do with Russian cyber
8 intrusion into elections?

9 A. Any other reporting.

10 Q. From Christopher Steele.

11 A. From Christopher Steele on a different day?
12 Or do you mean that day when I met him on July 5th.

13 Q. Well, right now we're talking about through
14 July 5th.

15 A. So I do recall generally something about
16 cyber. What I'd mentioned prior is what I think it
17 was, but --

18 BY MS. ZDEB:

19 Q. So to put a final point on it. Cyber as it
20 relates [REDACTED] and not
21 cyber as it relates to the intrusions that we would
22 later find out that Russia was responsible for in the
23 course of its election interference?

24 A. So, again, right now in terms of whatever
25 was in those two reports, which is well documented,

1 that's what he provided me. You know, in terms of my
2 memory as far as specifics regarding cyber, regarding
3 election interference or cyber regarding something
4 else, a compromise of an individual, I might be
5 confusing that right now. But, again, I'll just refer
6 to those two reports, whatever is in there is what we
7 talked about at that meeting.

8 Q. With respect to election interference, you
9 spoke earlier about your extensive 24-year history at
10 the bureau and all of the time that you spent in New
11 York and [REDACTED] focused on Eurasian and Russian
12 organized crime specifically.

13 I think you also said that you had less
14 experience with the national security side of the
15 house. Before Christopher Steele approached you with
16 his election reporting and before the Crossfire
17 Hurricane team asked you to facilitate a meeting with
18 him, had you been at all involved in any work having to
19 do with Russian election interference or was this the
20 first occasion on which that happened?

21 A. This was the first occasion I was involved
22 in anything in terms of Russian election interference
23 of U.S. elections. There may have been a report, and
24 all of the reports that were contained and that are
25 contained in the delta file, the reports that I

1 prepared or that he provided after talking or meeting
2 in person, there was one, I believe, regarding -- and
3 this was not around this time period, it was at some
4 other time period -- interference, Russian interference
5 in European, western European elections, I believe. Or
6 at least with European political parties.

7 Q. Switching gears to some of the discussion
8 you were having about Bruce Ohr prior to the break.
9 You relayed a conversation with him in which he made
10 some reference to his boss or his bosses and, based on
11 your recollection, said something to the effect of my
12 boss or my bosses want to know what's happening with
13 this reporting.

14 Did Mr. Ohr ever name that boss or those
15 bosses by name?

16 A. He did not.

17 Q. Do you know one way or the other whether he
18 eventually -- whether he had previously had a
19 conversation with some boss or bosses or whether he
20 subsequently had a conversation with --

21 A. I have no idea.

22 Q. In the OIG report, on page 273, Mr. Ohr
23 told the Office of Inspector General that in August of
24 2016, he contacted a criminal division deputy attorney
25 general about Steele's reporting because it was, quote,

1 "scary" and he was quote, "unsure what to do with it."

2 Do you, sitting here today, have any
3 evidence to dispute the fact that Ohr spoke to a
4 criminal division deputy attorney general about
5 Steele's reporting?

6 A. I don't have any evidence that he spoke to
7 anybody other than taking him for his word at the time
8 that he and his boss or bosses wanted to know if the
9 FBI was doing anything with the information. Other
10 than that, I have no idea.

11 Q. So do you have any evidence to dispute
12 Ohr's stated reasoning to the Inspector General that
13 the reason he contacted a criminal division deputy
14 attorney general about the reporting was because it was
15 scary and he was unsure what to do about it?

16 A. I have no evidence about that either way.

17 Ms. Zdeb. Could we go off the record for a
18 quick second?

19 (Discussion off the record.)

20 Ms. Zdeb. We can go back on the record.

21 BY MS. ZDEB:

22 Q. Turning back, I think, to the summer of
23 2016. I'm curious if you recall when you first started
24 hearing anything having to do with Russian election
25 interference. Was it at the July 5th meeting with

1 Christopher Steele?

2 A. Yes.

3 Q. So we obviously know, based on the
4 extensive work that Special Counsel Mueller did, that
5 Russia in fact did interfere in sweeping in systematic
6 fashion in the 2016 election.

7 Mr. Berger. Just so you understand, when
8 you're incorporating a lot of hearsay statements from a
9 report, so it doesn't mean that he's accepted all the
10 conclusions of the report or that he's read the report.
11 So you have to understand that he's not accepting some
12 of the premises of the question.

13 Ms. Zdeb. So I --

14 Mr. Berger. You seem to be including a lot
15 of facts that he may not be aware of in your question.
16 That's all.

17 Ms. Sawyer. I don't think he's been asked
18 a question yet.

19 Ms. Zdeb. So in the way that Mr. Somers
20 made reference to various excerpts from the OIG report,
21 I have also done the same. The question that I'm in
22 the process of asking right now makes reference to the
23 special counsel's report.

24 Well, hang on a second. If your client
25 takes issue with the characterization that I,

1 Mr. Somers, or anyone else around this table is making
2 something that the OIG wrote, we're happy to provide
3 him with a copy of the excerpt we're talking about.
4 And obviously, [REDACTED], you're free to take issue
5 with it yourself. Is that fair?

6 Mr. Berger. Right. It seems to be a
7 premise of your question. It's not the import of your
8 question. That's the concern that I have.

9 Why don't you try to repeat your thought
10 and your question. Let's see how it lays out.

11 BY MS. ZDEB:

12 Q. Do you recall when you first learned or
13 started hearing specifically about Russian intrusions
14 into the DNC, the DCCC or Hillary Clinton's server?

15 A. If it was contained in one of the reports
16 that I received on July 5th, that would have been the
17 first time. Subsequent to that, probably not
18 until -- and I'm guessing, because I was not engaged or
19 involved with any of the investigations that were going
20 on -- would have been in September, I guess, or early
21 October in terms of my meetings with the Crossfire
22 Hurricane team.

23 Q. So when you started having those meetings
24 with the Crossfire Hurricane team, what was your
25 understanding as to why they were specifically

1 interested in receiving additional reporting on
2 election -- on election interference from Mr. Steele?

3 A. So I first spoke to the Crossfire Hurricane
4 team supervisor in the middle of September. I didn't
5 meet with them until October when they came [REDACTED]. I
6 provided the reports directly to -- I provided the
7 reports to FBI executive management prior. But in
8 September, provided the reports directly to the
9 Crossfire Hurricane team. And then didn't hear
10 anything.

11 And shortly thereafter, I think I heard
12 something in terms of -- from the team saying that this
13 information corroborates other information that we've
14 developed. That was really it. And then I didn't talk
15 to them until they came [REDACTED].

16 Q. And then did you develop some understanding
17 in the course of their trip [REDACTED] as to why they were
18 particularly interested in receiving more reporting
19 from him?

20 A. Well, again, the reporting -- according to
21 them, they told me that it corroborated other
22 information that they had developed in the
23 investigation. I wasn't involved in the investigation,
24 wasn't about to get into details with them. That
25 wasn't my place. And they said they wanted to

1 facilitate -- wanted me to facilitate a meeting with
2 the source, which I did [REDACTED].

3 And so that was my understanding is that
4 they were hoping to meet with him personally to assess
5 for themselves the information and his activities.

6 Q. Okay. Switching gears again.

7 After the Inspector General released his
8 report in December, our committee held a hearing where
9 Inspector General Horowitz testified for several hours
10 on the conclusions of his report.

11 During the course of that hearing, there
12 were a number of allegations made about the FBI, about
13 the individuals involved in Crossfire Hurricane, and
14 the events addressed in the Inspector General's report.
15 From our perspective, those allegations were addressed
16 in the Inspector General's report, but I'm going to ask
17 you a series of questions about some of those
18 allegations because we continue to this day to hear
19 those allegations made in many cases by individuals who
20 have no firsthand knowledge of the events addressed in
21 the IG report or about Crossfire Hurricane.

22 So for starters, the Inspector General
23 found that there was no documentary or testimonial
24 evidence of bias impacting the FBI's work in Crossfire
25 Hurricane. Nonetheless, we've heard allegations that

1 there was tons of evidence of bias.

2 Did political bias impact any of your
3 decisions related to Mr. Steele or the connections you
4 made between him and the Crossfire Hurricane team?

5 A. In no way, shape, or form.

6 Q. Do you personally have any evidence that
7 political bias otherwise impacted Crossfire Hurricane?

8 A. I do not.

9 Q. It has also been alleged that the FBI
10 engaged in a massive criminal conspiracy over time to
11 defraud the FISA court. Do you have any evidence that
12 the FBI engaged in a massive criminal conspiracy to
13 defraud the FISA court?

14 A. I wasn't involved in the FISA application
15 other than in terms of Steele and talking to them about
16 his characterization. I have no idea in terms of the
17 application process and thereafter for the original or
18 any of them. I wasn't involved. So I can't speak as
19 to that.

20 Anything I was involved in, it was -- I was
21 personally not involved in any conspiracy and I did not
22 observe any evidence of any conspiracy in terms of my
23 interactions personally with any of the people involved
24 in that investigation.

25 Q. It has also been alleged that the FBI

1 purposefully used the power of the federal government
2 to wage a political war against a presidential
3 candidate they despised.

4 Do you -- and, again, recognizing your role
5 in all of this may have been somewhat limited. So do
6 you personally have any evidence that FBI agents
7 personally used the power of the federal government to
8 wage a political war against then candidate Donald
9 Trump or President Trump?

10 A. To the extent of my involvement and
11 personal knowledge, no.

12 Q. Do you have any -- again, based on your
13 personal knowledge -- do you have any evidence that the
14 FBI waged a coup against President Trump?

15 A. Again, to the extent of my personal
16 knowledge and involvement, no.

17 Q. Do you personally have any evidence that
18 the Crossfire Hurricane investigation was intended to
19 hurt Trump politically?

20 A. I can't speak to the purpose of the
21 investigation.

22 Q. Was your goal to hurt Trump politically?

23 A. Not in any way.

24 Q. What was your goal?

25 A. To be professional and to disseminate

1 information that a source provided to a group of
2 individuals who needed to see it.

3 Q. Do you personally have any evidence that
4 Crossfire Hurricane was part of a deep state effort to
5 take down President Trump?

6 A. I don't have any evidence of that.

7 Q. Finally, there have also been allegations
8 that the purpose of Crossfire Hurricane was to either
9 change or to nullify the results of the 2016 election.

10 Do you have any evidence that the goal of
11 Crossfire Hurricane was in fact to change or to nullify
12 the results of the 2016 election?

13 A. Again, I have no awareness of the goals of
14 the investigation and no knowledge or evidence of
15 anything that you just mentioned.

16 Q. Sorry, you just said you have no --

17 A. Knowledge of the original goals of the
18 investigation. I wasn't involved in opening the
19 investigation, continuing the investigation. I wasn't
20 part of the case team, so I couldn't testify as to the
21 goals of the investigation.

22 BY MS. SAWYER:

23 Q. With regard to your role, which you've
24 described as disseminating information to the group of
25 people who needed to see it --

1 A. Right.

2 Q. -- with regard to that role in particular,
3 was your goal to quote, "change" or "nullify" the
4 results of the 2016 election?

5 A. In no way, shape, or form at all. No.

6 Q. And in terms of just our understanding of
7 your kind of role in the overall picture, the way I
8 just describe that is disseminating information to a
9 group of people who needed to see it.

10 Were you otherwise involved in the
11 Crossfire Hurricane investigation?

12 A. No.

13 Q. Do you know who specifically was involved
14 in that investigation at headquarters?

15 A. I know two of the individuals.

16 [REDACTED]. Again, so long as we're not
17 naming --

18 THE WITNESS: So I dealt personally with
19 supervisor SSA-1 and I dealt personally with, I think,
20 case agent 1.

21 BY MS. SAWYER:

22 Q. And did either of them ever express to
23 you --

24 A. Also -- I apologize -- the individuals who
25 came [REDACTED] who were not SSA-1 or case agent 1, but

1 other individuals.

2 Q. And did either of them ever express to you
3 what they were investigating and why?

4 A. Generally, yes.

5 Q. And what did they tell you generally?

6 A. It was -- and we didn't get into specifics,
7 but that they had information that Steele corroborated
8 regarding possible compromised individuals in the Trump
9 campaign.

10 Q. Did they indicate anything about Russian
11 election interference?

12 A. I think that was the overall, in a very
13 general sense, but certainly not in specifics. And I
14 didn't ask them for specifics about their
15 investigation.

16 Q. And why was that that you did not ask about
17 the specifics of the investigation?

18 A. That was not my role. I was not a part of
19 the investigation. My role was to facilitate the
20 passage of information and to facilitate meetings with
21 Steele.

22 Q. Did you have any involvement at all in
23 Special Counsel Mueller's investigation?

24 A. No.

25 Mr. Berger. Can I take a moment?

1 Ms. Sawyer. Sure.

2 Mr. Berger. Just be right back.

3 (Pause in the proceedings.)

4 Mr. Berger. He just wants to clarify an
5 answer.

6 The Witness. Just to clarify one point.
7 In terms of what I was told by the supervisor in
8 headquarters as to Steele's information, it was that
9 Steele's information corroborated other information
10 that they had developed to begin the investigation. BY
11 MS. SAWYER:

12 Q. And you weren't given any specifics as to
13 what that information was?

14 A. No.

15 Q. And you didn't ask?

16 A. No.

17 Mr. Berger. You used the phrase "Steele
18 corroborated."

19 The Witness. Right.

20 Mr. Berger. So you meant what you just
21 said.

22 The Witness. Right. I just wanted to
23 clarify that point. It was Steele's information that
24 he had provided to me that I gave to the Crossfire
25 Hurricane team that I was told corroborated information

1 they had prior from some other source.

2 Ms. Sawyer. I think those are all the
3 questions we have at this point. We may have more
4 after our colleagues have a few more questions. But we
5 appreciate your time.

6 Mr. Berger. Thank you very much.

7 Ms. Zdeb. Off the record.

8 (Brief pause in the proceedings.)

9 EXAMINATION BY MAJORITY STAFF

10 BY MR. SOMERS:

11 Q. Just to clarify, I think, in the last set
12 of questions you were answering in the last round you
13 referred to supervisor. Is that SSA-1?

14 A. Yes.

15 Q. And then I think -- I'm sorry, I just
16 couldn't hear -- I think you may have answered this,
17 But you were talking about Steele's information
18 corroborated information that they had otherwise
19 received.

20 Did they tell you what of Steele's
21 information corroborated?

22 A. No.

23 Q. Okay. Just to back up. So Steele's given
24 you intelligence reports over the years, I think, you
25 testified to the first time we were speaking.

1 What do you usually do with those reports
2 Steele gives you, an intelligence report? What's
3 the --

4 A. So then the procedure is -- the process is
5 you write it up and send the information to -- into the
6 delta file, the source file. And if there are any
7 other interested parties, for example, just as an
8 example, if it has to do with Russian organized crime,
9 I would send it to either [REDACTED]
10 [REDACTED] or to the [REDACTED]
11 [REDACTED]. If it had to do with something
12 regarding cyber, I would send it to the cyber desk. If
13 it had to do with whatever the program. So that
14 people, the subject matter experts, could have eyes on
15 it.

16 At the same time it was put in the file,
17 and then possibly at times it would be reviewed
18 by -- my understanding of the system -- by an analyst
19 somewhere in headquarters and then possibly developed
20 for, to be produced as an intel product. To be sent to
21 the community.

22 Q. So when you say -- just to go off topic a
23 little bit here -- the delta file, that's an electronic
24 system?

25 A. Yes.

1 Q. And you were able to enter information into
2 the system?

3 A. Yes.

4 Q. What -- generally, what types of things are
5 in the delta system about a CHS?

6 A. It's all the administrative paperwork, the
7 opening, the closing, all the admonishments, payments
8 and then the reporting.

9 Q. So I asked you what you usually do with
10 Christopher Steele intelligence reports. What did you
11 do with the July 5th -- the report you received at the
12 July 5th meeting?

13 A. So this information struck me as different
14 because of the nature of the reporting in that it was,
15 even though unverified, not corroborated, sensational.
16 I don't want to say the word "explosive," but had to be
17 treated -- at least in my judgment -- had to be treated
18 with a little more -- just had to be treated
19 differently.

20 I took a few days to try and figure out how
21 to handle this. I spoke to the LEGAT, my direct
22 supervisor and advised them what I wanted to do was to
23 reach out to an experienced and trusted colleague in
24 New York to get some advice as to how to deal with this
25 information even though it's not technically sensitive

1 and, again, unverified/uncorroborated. But I wanted to
2 be discreet with it, because once it goes in the
3 system, you don't know who sees it and it's not
4 controlled and you don't know where it goes.

5 And particularly at that time in July of
6 2016, it was -- the environment was heated and I didn't
7 want to add to it not knowing who would see it and not
8 knowing what was going to happen to it. My idea was to
9 get it to somebody, if that somebody existed, and put
10 it in their hands so that they had it directly.

11 BY MR. BAKER:

12 Q. Why would New York be the one that would
13 help you sort through where it would go? It seems like
14 earlier you had a pretty good relationship and ability
15 to send stuff directly to places in the headquarter
16 building or to IOD.

17 A. IOD was not going to have the answer as to
18 what to do with it. This information was something
19 unique in terms of the information I had gotten in the
20 past. I reached out to the ASAC of the political
21 corruption section in New York because I know that that
22 individual had dealt with some very sensitive issues
23 over the last couple of years and may be able to
24 provide some very sound advice as to how to handle
25 information of this type. So that's what I decided to

1 do, got the signoff from the LEGAT and contacted the
2 ASAC in New York.

3 Q. Why would IOD not have the answer to it, in
4 your opinion?

5 A. They don't have the subject matter
6 expertise. The individuals who are staffing the desks
7 there were not subject matter experts in any of this.
8 You know, they were not there for an operational
9 purpose. They were there for an administrative purpose
10 self-admittedly.

11 You know, when it came time to deal with
12 things operationally, it wouldn't be with IOD. It was
13 with the substantive desk, wherever that may be.

14 Q. I'm just curious. IOD, I think you
15 indicated earlier, had at the helm an assistant
16 director rank. So that's somebody, even though they're
17 not necessarily operational, somebody that's probably
18 is interfacing with executive management at the FBI
19 that I think would have seen the same priorities,
20 sensational flavor that you saw and being right at
21 headquarters might be able to get it to somebody higher
22 than them, an EAD or somebody that would be able to --

23 A. An AD probably definitely has that access
24 and interaction. However, I wouldn't be calling the AD
25 directly. At that point, the AD had left -- the prior

1 AD had left. I had no conversations with that AD.

2 And to get it into the IOD chain between
3 supervisor, unit chief, section chief, my opinion,
4 based on my professional experience and judgment at the
5 time was to get an operational answer from an
6 operational executive as to how to handle it. The goal
7 was to get it into whoever needed to see it, get it
8 there in a discreet way so it wasn't blasted
9 everywhere. That was my goal.

10 Q. Okay. Take IOD out of the equation. You
11 seem to have -- as an ALAT or a LEGAT could hotline the
12 information to one of the substantive desks at
13 headquarters. If it was counterintelligence, it sounds
14 like you had the ability to send it right to CD. If it
15 was criminal, you had the ability to send it right to
16 the criminal division. You still felt that your
17 comfort level would be satisfied taking it to New York
18 to the people you had a history with?

19 A. The idea was not to take it to New York.
20 The idea was to get advice from an experienced
21 executive in New York who had experience dealing with
22 very sensitive matters as to how to deal with the
23 information. My goal was not to send it to New York
24 and be done with it.

25 Q. Right.

1 A. It had to get to headquarters. If there
2 were somebody dealing with is this, they would be in
3 headquarters. [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 That's, I think, part of the reason why it took so long
9 to get this information to the supervisor in September.
10 But the point being, again, it wasn't to have it reside
11 in New York. That wasn't my goal.

12 Q. I understand that. But you had a comfort
13 level that you would get an answer from New York based
14 on a history you have with some of the executives
15 there?

16 A. Based on not just my history with those
17 executives, but based on the level of investigations
18 that those executives are involved in on a daily and
19 regular basis knowing the matters that they engage and
20 deal with knowing I would get a solid answer from New
21 York. That's why I went to New York.

22 Q. Was there any subsequent blow-back or
23 complaint from either IOD or substantive desk that the
24 information went to New York first rather than them?

25 A. No.

1 Q. Okay. And you indicated that the AD, I
2 think you earlier said Mike Welch. You just indicated
3 that he had left and a new AD had come in?

4 A. He had left a while before, and this was
5 either the second or third AD since I had gotten on.

6 Q. And what was their name?

7 A. I can't remember who it was at that point.

8 Q. Thank you.

9 BY MR. SOMERS:

10 Q. And you're referring to the -- you didn't
11 know the AD for counter-intel or for national security?

12 A. No, for IOD. I can't tell you who the AD
13 for IOD was.

14 Q. All right. So usually you would have taken
15 the report, if it wasn't explosive, sensational,
16 whatever word you would you want to use, you would have
17 just put it into the delta system?

18 A. Right.

19 Q. So you didn't put it in the delta system.
20 Where was the first place you transmitted it?

21 A. So I wrote it up. The report of the
22 meeting and those reports were ultimately put into the
23 delta system. I'm not sure if it was a week later, two
24 weeks later. But the first transmission would have
25 been to somebody else was July 28th, 29th.

1 So July 5th, I received the information.
2 July 12th I called the ASAC in New York to seek his
3 advice. He says sit tight. Let me look into this and
4 figure it out and I'll get back to you. He gets back
5 to me July 28th, 29th, and says send me the reports and
6 we're going to get them -- we'll do what we need to do.

7 A day or two later, he contacts me and says
8 New York executive management is aware of the reports
9 as is an EAD at headquarters -- EAD level at
10 headquarters. So executive assistant director. So
11 this is the very end of July, very beginning of August.
12 It's my understanding as told to him -- told by him to
13 me that those individuals had the reports.

14 BY MR. BAKER:

15 Q. So your understanding at this point, the
16 highest level at headquarters, highest level at the FBI
17 that has seen this reporting is an EAD?

18 A. Yes. So you've got ASAC and an ADIC in New
19 York and then EAD, of which is only six in the bureau,
20 have seen the reports as of the end of July. That's
21 what I'm being told.

22 BY MR. SOMERS:

23 Q. Excuse me. By the ASAC.

24 A. By the ASAC.

25 BY MR. BAKER:

1 Q. Do you know who the EAD was? Which EAD it
2 went to?

3 A. I don't. I don't know who it was.

4 Q. Do you know which program that EAD would
5 have had?

6 A. Still don't.

7 BY MR. SOMERS:

8 Q. And Sweeney was the ADIC at the time?

9 A. He was not. I believe he showed up maybe a
10 few weeks later. It would have been, before him, Diego
11 Rodriguez, but I don't know if Diego was still there at
12 that point, or if there was an acting ADIC. I just
13 don't recall right now. The SAC -- the SAC was Mike
14 Harpster in New York at that time.

15 Q. Backing up to the -- so the meeting with
16 Steele on the 5th. So your understanding at the
17 meeting -- you're coming out of the meeting was that
18 this was developed for -- the election report was
19 developed for a private client?

20 A. Yes.

21 Q. On page 96 of the IG report, the report
22 mentioned Steele's notes of his July 5th meeting with
23 you.

24 A. Okay.

25 Q. And according to those notes, Steele told

1 you that quote "Democratic party associates were pinged
2 for Fusion GPS's research. The ultimate client was the
3 leadership of the Clinton presidential campaign and the
4 candidate was aware of Steele's reporting."

5 Do you have any reason to doubt that Steele
6 told you this?

7 A. I don't recall that. When I left there,
8 there was not an understanding as to which party was
9 actually paying for this information. It was clear
10 that a party was paying for this information and that
11 this information was going to be used by a party
12 somehow. I was told that GPS Fusion hired Steele to
13 collect information on Trump's business activities in
14 Russia.

15 Who hired GPS I asked him. And he said a
16 law firm. He did not know the name. And I knew that
17 if we had the name, we might be able to figure out,
18 okay, who. I had no understanding as I left that
19 meeting that it was for one party or the other, but
20 knowing clearly that it was a political party.

21 Q. When you say party, you mean political
22 party?

23 A. Yes.

24 Q. So Steele -- in your mind, Steele's notes
25 of the meeting are incorrect?

1 A. Yes.

2 Q. It further states on page 96 that Steele
3 told us that he was quote, "pretty candid with handling
4 agent 1." He also said it was clear that Fusion GPS
5 was backed by Clinton supporters and senior Democrats
6 who were supporting her.

7 Again, you don't have any recollection of
8 that?

9 A. No. And, again, my recollection leaving
10 that meeting is I did not know which party was behind
11 this. And that is obviously something we needed to
12 figure out.

13 Q. But it was definitely political in your
14 mind.

15 A. Without a doubt. Not even a question.

16 Q. And was that something you were conveying
17 to -- let's start with the ASAC in the New York Field
18 Office?

19 A. Yeah. I mean, it was obvious.

20 Q. Okay.

21 A. And it was something I spoke about with
22 Steele and it's something that the ASAC and I spoke
23 about as well, that it was completely obvious that this
24 was information intended to be used by one of the
25 parties against the other.

1 Q. Was that obvious to the ASAC as well?

2 A. Yeah.

3 Q. What about, did you convey that the
4 first -- I think the SSA-1, did you convey that to
5 SSA-1 the first time you talked to him about the
6 information?

7 A. I'm sure I did.

8 Q. Did he agree, to your recollection, that
9 impression that it was politically motivated?

10 A. To my recollection, it was a matter of
11 trying to figure out who was behind it. And it was
12 completely obvious to all of us whoever was involved in
13 these conversations what the purpose was of the
14 information was to be used by one political party or
15 another.

16 And that was -- one of the goals was trying
17 to identify the law firm, which would then hopefully
18 help in identifying who was behind it.

19 Q. Why not just ask Steele?

20 A. I did.

21 Q. You did?

22 A. Yeah. Of course I did. He didn't know.

23 Q. He didn't know?

24 A. He didn't know the name of the firm. He
25 just knew GPS and Glen Simpson. That was the first

1 question I asked him.

2 BY MR. BAKER:

3 Q. They're the ones that tasked him; they're
4 the ones that paid him?

5 A. Yes.

6 Q. That was his universe as far as --

7 A. Yes. He said -- and that's what I said,
8 who was behind Simpson and he said there's a law firm.
9 What's the name of the firm? I don't know. We need to
10 know the name of the firm.

11 BY MR. SOMERS:

12 Q. So other than the ASAC in New York and then
13 eventually the Crossfire Hurricane team, did you talk
14 to anyone else about Steele's reporting and your boss,
15 the LEGAT?

16 A. So the LEGAT, the ASAC in New York, Bruce
17 Ohr, he talked when he called in August. Then
18 the -- there were two individuals in New York. What
19 the ASAC said was in terms of getting this -- the
20 physical reports to be put somewhere in addition to the
21 delta file for now, the New York -- the legal office in
22 New York was going to set up a subfile that I would
23 send the physical reports to so they would have it in
24 their subfile.

25 So I had spoken to the assistant division

1 counsel in New York and then at some point, just in
2 terms of -- not about the substance of the reports, but
3 just getting the reports to him. And then at some
4 point in August, he advised me and I spoke to the ASAC
5 of counter-intel in New York, who then advised that
6 there is a team in headquarters that will need to see
7 these reports.

8 That was the extent of the conversation I
9 had with the ASAC and counter-intel. And then the next
10 conversation I had is with SSA-1 when I received an
11 e-mail saying, you know, here's who I am. Send us the
12 reports. And I sent them the reports.

13 Q. And that's who your contact was for the
14 remainder of your involvement in Crossfire Hurricane?

15 A. For the next month and a half, I spoke to
16 SSA-1, I spoke to case agent 1, and then the
17 individuals who came [REDACTED] on October 3rd.

18 Q. Did you know SSA-1 previous to this --

19 A. I knew who he was. He was from New York as
20 well. I never worked with him. He was on the national
21 security side.

22 Q. Did you know case agent 1 before Crossfire
23 Hurricane --

24 A. I'm sorry, I was talking about case agent
25 1. I apologize. Supervisor SSA-1 I did not know.

1 Q. Did not know. Case agent 1 --

2 A. Case agent 1, I knew who he was. We had
3 never worked together, but he had been in New York for
4 a while.

5 Q. What was his reputation in New York?

6 A. His reputation was as a solid agent.

7 Q. Not someone who would shade facts?

8 A. No. Again, I never worked with him, but he
9 did not have that reputation.

10 Q. Getting back to the July 5th meeting. On
11 page 96 of the IG report, it notes that you advised
12 Steele that Steele was not working on behalf of the FBI
13 to collect the information from Fusion GPS -- that
14 Fusion GPS was seeking. I said we are not asking you
15 to do it and I am not asking you to do it.

16 Why did you give him this instruction?

17 A. I wanted to be very clear from the
18 beginning that this information -- he was also
19 continuing on behalf of GPS to collect more
20 information. I wanted to be very clear so some day
21 when somebody asks me, I did not task him to collect
22 this information in any way, shape, or form.

23 And that any further information he
24 collected, until somebody who had the authority to make
25 that decision was not being done on behalf of [REDACTED]

1 [REDACTED], Legat [REDACTED] or the FBI.

2 Q. Is that why you further -- but I can give
3 you the quote, but I think you recall -- is that why
4 you further asked him not to send you any more reports,
5 information until you got back to him?

6 A. There were a couple of issues. One was
7 that, yes. We were not tasking him and I did not want
8 to create the appearance that he was being tasked by us
9 to do that.

10 In addition, because of the law firm and
11 that he was doing this on behalf of the firm, there may
12 have been an attorney-client privilege that I did not
13 want to get in the middle of. As a criminal
14 investigator, that's something that we're hyper
15 concerned about. So my thought was let's figure out
16 how this is going to go and then we'll go from there.

17 Q. Was there any discussions at this July 5th
18 meeting about what he was going to do with this
19 information in terms -- from the private perspective,
20 the private client's perspective?

21 A. Other than I brought it up and again was
22 part of the discussion, but it was an obvious part that
23 somebody was going to use this information in a
24 negative way. That's why their contract report.

25 Q. Did press come up?

1 A. That did not. Specifics did not. He
2 didn't say anything as to any plan about what would
3 happen. He did not know. He was at that point just
4 collecting the information.

5 Q. So you tell him don't send anything more
6 until I get back to you. Yet, according to the IG
7 report, he sends you another report on July 19th. Did
8 that concern you that he had just sent you another
9 report even though you instructed him not to?

10 A. If it was a report, I guess it was the
11 follow-up report he was preparing, I don't think I was
12 concerned at that point because at that point, I had
13 spoken to the ASAC in New York in terms of trying to
14 figure out how to flow the information.

15 Q. But you weren't concerned that
16 Steele -- did you specifically instruct him not to send
17 you something and then he sent it to you?

18 A. At that point, it was not an indication
19 that he was doing something he shouldn't have been
20 doing, to me.

21 BY MR. BAKER:

22 Q. When you were on the phone or otherwise
23 communicating with SSA-1 or case agent 1, I mean, I'm
24 guessing that this information that is now going to
25 this team at headquarters similar to what I think you

1 indicated your initial assessment was pretty
2 interesting stuff, did you ever get a sense from them
3 that this had been elevated up in the headquarter
4 building to a very high level?

5 A. So when we -- I sent him the information
6 and I'm not sure if it was a couple days or a week
7 later, I sent an e-mail to SSA-1 saying doing what I
8 would normally do with a source to say -- to get an
9 answer from somebody who might know, is the information
10 good or is it just off the wall?

11 He responds with an e-mail, this
12 corroborates what we had from something else that
13 started the investigation, and then proceeded to list
14 all of the people who were read into the investigation.
15 Maybe 20, 25 names.

16 BY MR. SOMERS:

17 Q. If you recall, what would the highest
18 ranking person have been? Did the director know?

19 A. McCabe.

20 Q. So it would have been the deputy director,
21 at least your understanding?

22 A. From what I recall on that e-mail, which I
23 know OIG has.

24 Q. It had been elevated to the deputy director
25 level?

1 A. From that e-mail, I couldn't -- as I
2 recall, it wasn't specific that these reports have gone
3 to these people. It's that these people are read into
4 this investigation.

5 Q. What was the purpose in him telling you
6 that?

7 A. I have no idea. I didn't ask him to.

8 Q. So McCabe was on the list you recall?

9 A. (Nodding head.)

10 Q. Mike Steinbach?

11 A. I don't recall.

12 Q. Bill Priestap?

13 A. Yes.

14 Q. Peter Strzok?

15 A. Yes.

16 Q. Jonathan Moffa?

17 A. I don't know. I don't recall.

18 Q. Do you know Jonathan Moffa?

19 A. I think I met him once, maybe.

20 Q. In connection with this or in connection
21 with something else?

22 A. If it is the same individual, it would have
23 been in my first time I prepared to appear before the
24 Senate Intelligence Subcommittee.

25 Q. At the July 5th meeting, did you read the

1 election report while you were meeting with Steele?

2 A. Yes.

3 Q. Did you ask him anything about his
4 subsources?

5 A. What I told him was -- because it was
6 understood that he didn't want to ever identify his
7 subsources. But what I told him at that meeting was,
8 look, first we have to figure out if there's somebody
9 in headquarters who will look at this and do something
10 with it. And I said the only way they'll do something
11 with it is if it's corroborated. And I said at that
12 point, they're going to want to meet with you
13 personally. This is before I knew that there was
14 anybody. I said they're going to want to meet with you
15 personally and you're going to have to tell them who
16 your sources are. I said that's the only way it's
17 going to go down for it to go anywhere, just so you
18 know. Now -- and so that was the conversation.

19 Q. Now, in the FIFA investigation, if I'm
20 recalling correctly from the IG report, Steele was
21 basically a conduit to a source. Is that generally
22 correct?

23 A. He was -- he introduced us to [REDACTED]
24 individuals [REDACTED]
25 [REDACTED] provided information

1 regarding an individual in New York who was on the FIFA
2 executive committee who -- that initially gave us the
3 impetus to really start the case.

4 So he made introductions and then provided
5 a piece of intelligence that was corroborated by a
6 number of other sources. That was his role in the FIFA
7 investigation. And I will say this. But for the
8 introductions, the FBI would not have started its
9 investigation.

10 Q. Was there any discussion at any point in
11 time using more of that model with this election
12 reporting? You have the same situation here as I
13 understand it. You have Steele. You've got a primary
14 subsource who has sources.

15 Was there any discussion of basically
16 cutting -- for lack of a better term -- cutting Steele
17 out and getting to the primary subsource?

18 A. Not with me.

19 Q. Not with you?

20 A. No.

21 Q. Were you aware who the primary subsource
22 was?

23 A. No.

24 Q. So you would have no knowledge of whether
25 Steele had used his primary subsource in other reports

1 he'd given you about other matters?

2 A. I knew there were one or two main sources
3 that he used in the information he provided over time.
4 I don't know if that was the same individual who was
5 described as primary subsource in this case. And at
6 that point at that day I didn't ask him to identify,
7 knowing that he wasn't going to, but just told him in
8 terms of this -- if this went further with the team who
9 might be investigating, he would have to for them to
10 actually do something with this information.

11 Q. Had he, in other Russia related matters
12 that he had worked with you on in the past, had he
13 divulged the name of sources? Had you ever met a
14 Steele source, subsource?

15 A. I've never met any of his sources or
16 subsources. There may have been one who died who I
17 learned of early on. But he did not want to divulge
18 his sources and source network. That was his -- that's
19 his business.

20 Q. So in-person meetings with Steele in this
21 time frame, you have the July 5th in-person meeting,
22 you have the October 3rd meeting with the larger team.
23 Any other meetings?

24 A. That was it.

25 Q. Phone calls?

1 A. Then we had -- so in August, after I speak
2 to the ASAC, I get back to him. I said -- or at some
3 point I said, look, I'm going to get back to you and
4 we'll move forward.

5 A number of weeks in August I don't think
6 we spoke and then at a certain point once I learned
7 that -- or he may have provided a report unrelated to
8 any of this in August, the end of August maybe. I
9 think it was regarding [REDACTED]
10 [REDACTED]. I don't recall anything else.

11 There was discussions -- and this was not
12 in person -- regarding repayment of an expense that he
13 was owed legitimately by the FBI for meetings he had
14 tried to set up a couple of years before that we spoke
15 about and that I think he received a payment for during
16 that time. August, I think. But again, completely
17 unrelated to the election reporting. And then we
18 spoke -- it was either -- it was either by Skype, so at
19 some point going forward for the planning of the
20 October meeting.

21 Q. Did he ever press you for like, hey, what's
22 going on with my information? Was he asking you
23 questions like that?

24 A. Yeah. But I wouldn't call it pressing. He
25 definitely asked, you know, what's going on? What's

1 happening? And I said, you know, I'm trying to figure
2 it out.

3 Q. Did he ever express concern that he didn't
4 see any news reporting of the fact that the Trump
5 campaign was under investigation?

6 A. No.

7 Q. I think you've sort of answered this, but
8 just to be clear. Other than handling Steele, did you
9 have any other involvement in Crossfire Hurricane?

10 A. No.

11 Q. I think you answered that you did not do
12 any work for Special Counsel Mueller's team. Were you
13 interviewed by Special Counsel Mueller's team?

14 A. No. I was contacted once by somebody on
15 the special counsel's team asking me about Steele,
16 because they were thinking about interviewing him.
17 This was in late winter of 2017, I think, early spring
18 maybe. And so they wanted to get my opinion.

19 Q. About whether that was possible?

20 A. No. About just in general, you know,
21 whether he would be receptive. My response was I
22 hadn't spoken to him for months and that they would
23 have to -- if they were going to do it, they should be
24 very careful because I didn't know what his angle would
25 be.

1 Q. That was your only interaction with the
2 special counsel?

3 A. Yes.

4 Q. I jumped around here a little bit. Do you
5 know who Joseph Mifsud is?

6 A. Only from reading his name in the press.

7 Q. So you had no interactions with him?

8 A. Never met him. Don't know him.

9 Q. Are you familiar with [REDACTED]
10 University?

11 A. I am.

12 Q. What is [REDACTED]?

13 A. So it's a [REDACTED] -- it's a University in
14 [REDACTED] that they service law enforcement and intelligence
15 professionals from the [REDACTED] authorities.

16 I was asked on two occasions by one of the
17 professors to provide a lecture on organized crime.
18 That was my background. I never did. I couldn't make
19 it for one reason or the other. And I think on two
20 occasions two different ALATs came to speak to the
21 class. One might have been about CT, the other might
22 have been about cyber. But I wasn't there, and that
23 was irrelevant.

24 Q. So it's definitely connected to western law
25 enforcement?

1 A. It's connected to [REDACTED] law enforcement
2 and they have had speakers from the FBI there. It is
3 very much similar to a John Jay College in New York,
4 which is a very law enforcement-based institution.

5 BY MR. BAKER:

6 Q. It's a degree-granting institution?

7 A. I don't know. My understanding is it was
8 graduate level and that the officers who go there from
9 the [REDACTED] authorities receive credit. In terms of a
10 degree, I don't know, but it benefits their career and
11 it's career enhancing.

12 BY MR. SOMERS:

13 Q. But you would say it's very similar to John
14 Jay?

15 A. Yes.

16 Q. I asked you some of this when we were going
17 through the list, but not exactly in this form. Do you
18 know Bill Priestap?

19 A. I do not.

20 Q. You've worked with him?

21 A. No. I know him from not -- from New York
22 when he was a supervisor and then an ASAC just from
23 some very minimal interactions.

24 Q. No interactions on Crossfire Hurricane?

25 A. No.

1 Q. Peter Strzok?

2 A. Never met him. Never spoke to him.

3 Q. Do you know who [REDACTED] is?

4 A. I do know [REDACTED].

5 Q. Did you work for [REDACTED] at all on
6 Crossfire Hurricane?

7 A. On Crossfire, no. We worked together in
8 Rome. He was assigned to our [REDACTED] --

9 Q. Assigned to ALAT [REDACTED]?

10 Did you have interactions with case agent
11 2?

12 A. Case agent 2? I'm not even sure who case
13 agent 2 is.

14 Q. Case agent 1 you had interactions with?

15 A. (Nodding head.)

16 Q. Is case agent 1, so we can avoid all this,
17 is he the only case agent you had involvement with?

18 A. So case agent 1 --

19 Q. Only SA?

20 A. Supervisor 1 and then the agent who came to
21 [REDACTED] to debrief Steele. So there were three agents who
22 came to [REDACTED] from headquarters. One was a case agent,
23 one was a unit chief, I believe, and the other one was
24 an IA.

25 Q. Had you ever worked -- with any of the

1 people that came to [REDACTED], had you ever worked with any
2 of them before?

3 A. Never.

4 Q. Did you speak to them after the meeting in
5 Rome?

6 A. The IA I think I spoke to once or twice.

7 Q. About the [REDACTED] meeting?

8 A. May have traded some e-mails, but then
9 not -- this was after, I think, everything went south
10 in November. Not in advance. I had received -- every
11 once in a while I would get an IM from an IA on behalf
12 of Bill Priestap asking for answers regarding something
13 that happened regarding Steele or whatever.

14 BY MR. BAKER:

15 Q. Was there an occasion earlier than the
16 so-called [REDACTED] meeting where FBI representatives did
17 not show up for something that had been arranged?

18 A. That is what Steele was paid the expenses
19 for. On two occasions, there were meetings set up in
20 another country. There was another individual that was
21 being -- who would meet with us regarding some -- what
22 numerous people believed to be very interesting
23 information that Steele was facilitating the meeting.
24 And on two occasions at the 11th hour, the people who
25 were supposed to come from headquarters just didn't

1 come.

2 Q. Do you have any sense of the reason that
3 they didn't show?

4 A. It was -- it's documented in the file.
5 It's certainly in there. I don't know if I can get
6 into it here because of the subject matter of it. But,
7 you know, if you ask me, it was -- they were not good
8 reasons.

9 [REDACTED]. We can consult.

10 The witness. No, I'm fine. That's the
11 answer. Thank you.

12 BY MR. SOMERS:

13 Q. All right. So moving up to the October 3rd
14 meeting. Where did that occur?

15 A. That was in [REDACTED].

16 Q. Did it occur -- was it in a skiff?

17 A. No. It was an offsite location.

18 Q. Offsite?

19 A. Not classified scenario.

20 Q. Anyone -- so who's in the meeting? You've
21 got Steele. You've got --

22 A. Steele, myself, and then the three
23 individuals. IA, unit chief, and case agent.

24 Q. No one else with Steele?

25 A. No. He was by himself.

1 Q. What was the -- from the FBI's perspective,
2 what was the purpose of the meeting?

3 A. As it was told to me and as I told the guys
4 there, I said, listen, have at him, ask whatever
5 questions you need to ask, do whatever you need to do.
6 I was there solely to facilitate it.

7 My understanding was that they wanted to go
8 through the reporting, assess what he said. But then
9 also, as I learned later in the meeting because there
10 was more coming out through the meeting from the case
11 agent as to the purpose of the meeting ultimately, to
12 try and engage exclusively Steele with this reporting
13 for the FBI and for the Crossfire Hurricane team.

14 Q. You learned of that in the meeting?

15 A. Yeah.

16 Q. So --

17 A. Maybe immediately prior to the meeting that
18 day when I met with the guys or the day before when
19 they landed.

20 Q. What was your opinion of that as being a
21 realistic possibility of him being exclusive to the FBI
22 on this?

23 A. On this subject? My feeling was that it
24 was -- you know, when they said it, I didn't think it
25 was impossible and I thought, you know, it was

1 possible.

2 My feeling with Steele at that point was
3 that, you know, he was -- at that point, my
4 understanding, my belief was that he was motivated by
5 the right reasons to try and get information of this
6 nature to the authorities in the United States for the
7 right seasons. So I thought it was possible.

8 Q. What did you tell Steele the purpose of the
9 meeting was?

10 A. Just that they wanted to meet him, talk to
11 him. They would want ask him about his sources and
12 subsources and see if he would identify them. That's
13 what I told him.

14 Q. Did he express any hesitancy about the
15 meeting?

16 A. No. He came. He was actually responsive
17 and happy to be meeting with these individuals because
18 I think it was -- you know, he had asked throughout a
19 number of times, although I'm not pushing, but. You
20 know, is anybody looking at this? Is anybody seeing?
21 And when he's called for a meeting in October, he
22 recognizes that there are people looking at it.

23 Q. So he was to be paid \$15,000 just for this
24 meeting?

25 A. So at the meeting, the case agent then

1 offers up, and I had no idea he was going to do this.
2 I don't know if the other guys did as well. You know,
3 I'd like to thank you for -- telling Mr. Steele -- for
4 your time and appreciate you coming to meet with us and
5 so we'd like to compensate you \$15,000 to come to the
6 meeting -- for coming --

7 Q. So he didn't know about that ahead of time?

8 A. I didn't know about it. I had no idea
9 until it was mentioned.

10 Q. I'm sure I can form this in a question some
11 way, but that seems like a lot of money for a
12 two-and-a-half hour meeting.

13 A. I mean, you know, it's not based on the
14 time. You know, the counter-intel side, I'm -- my
15 background is criminal. That's a lot of money for a
16 meeting. Counter-intel side is a different animal, so
17 I can't qualify. It raised my eyebrows just because I
18 was surprised to hear it. And yes, in my experience on
19 the criminal side, that's a lot of money.

20 BY MR. BAKER:

21 Q. So it's a lot of money for a criminal case
22 meeting?

23 A. Yeah. Oh yeah.

24 Q. But maybe not for a --

25 A. Maybe not. And I can't say that it is

1 because this was the first such meeting that I've ever
2 been involved of that nature.

3 BY MR. SOMERS:

4 Q. Okay. Let's just back up a little bit.
5 Before the meeting, how much was the Crossfire Team
6 asking you about Steele prior to the October 3rd
7 meeting?

8 A. So we had spoken either by IM. I don't
9 know if there was a secure video conference call, maybe
10 one, just in terms of they wanted to get an idea of
11 what Steele was about. Which completely makes sense.

12 And I said here's his history, here's what
13 he's done, here's the type of information he's
14 provided. We talked about the FIFA investigation
15 because it was big at that time. And then -- and what
16 he had done and where he had come from in his prior
17 career.

18 BY MR. BAKER:

19 Q. You had previously indicated that based on
20 a communication you received, that the deputy director
21 level seemed to be maybe the highest level that some of
22 the information -- or at least an awareness of the
23 information had gotten. On any of these calls, was
24 such a person on the other end?

25 A. Not that I recall. And in terms of that

1 communication, again, it was a list of individuals who
2 were read into the Crossfire Hurricane investigation.
3 I don't believe it said these people have seen the
4 reports.

5 Q. Right. I'm clear on that. Thank you.

6 BY MR. SOMERS:

7 Q. In terms of things that came up during the
8 October 3rd meeting, did the Crossfire Hurricane team
9 probe Steele at all on the chances that the information
10 in the election reporting was Russian disinformation?

11 A. I don't want to say no. It was -- the
12 meeting itself lasted a couple of hours and pretty
13 in-depth. The agent who was there and the analyst were
14 pretty much subject matter experts and they were going
15 through it all. I just can't recall yes or no as I sit
16 her right now.

17 Q. Was there some reason the meeting was only
18 two and a half, three hours long? Could it have gone
19 longer?

20 A. No. I mean, the meeting finished in its
21 natural course.

22 Q. But there was no hard stop on it?

23 A. No, there was no hard stop.

24 Q. What did they ask him about his sources?

25 A. They said we need to know your source base.

1 We've got to verify this. And ultimately, if we're
2 going to go forward, we're going to have to know your
3 sources. And he said, look, I'm very leery to divulge
4 my sources and made a point of saying that.

5 Q. Did he say he wouldn't?

6 A. At that point, he said I'm not going to
7 right now, but it's something I have to think about.

8 BY MR. BAKER:

9 Q. Based on his background, that would not be
10 suspicious to you?

11 A. No. In fact, that's the way he had been
12 from day one.

13 BY MR. SOMERS:

14 Q. And then prior to the meeting, there was an
15 article on Yahoo News -- September 23rd Yahoo News
16 article. Was that asked about?

17 A. So when they landed in the pre-meet when it
18 was just FBI, they bring up this article. I had not
19 seen it. I had not heard about it. I hadn't read it.
20 I didn't know anything about it. And they asked about
21 it and I said I don't know, but ask whatever you can
22 ask, you know, feel free.

23 In terms of at the meeting, I don't recall
24 if they did or didn't at this point. As I sit here
25 now, I can't recall if they did or didn't bring that

1 up.

2 Q. Do you think Steele would have answered it
3 if they asked him the question, were you the source for
4 the September 23rd Yahoo News article?

5 A. I mean, it's easy to say now what I think.
6 I think he -- I mean --

7 Q. Well, did he deny when you called him on
8 November -- early November, did he deny he was the
9 source of the Mother Jones article?

10 A. No, he didn't then. So -- you know, I
11 don't recall him -- I don't recall him being asked that
12 question. But, again, I don't recall it either way
13 right now. You know, if you're asking me to guess if
14 he would tell the truth --

15 Q. Well, let's ask you a different way. Did
16 he say before the meeting -- you spoke with Steele
17 before the meeting?

18 A. Right.

19 Q. Did he say I'm not going to speak about --

20 A. No.

21 Q. -- anything?

22 A. No. In fact, he mentioned that he had
23 provided information to Jonathan Wiener at State. And
24 this was just -- this was maybe a day or two before the
25 meeting or maybe a couple days before the meeting. He

1 said I just want to let you know I've provided some
2 information to Jonathan Wiener at State. I said okay.

3 And so when the other FBI representative
4 showed up, that is one of the first things I told them,
5 I said you guys need to know he also provided some
6 information. They responded good. We're glad he told
7 you that because we were going to ask him that. They
8 found out somehow. But their response was okay. Good.
9 We're glad he told you.

10 Q. Just continuing on that subject of what
11 about discussions of who his client was at the October
12 3rd meeting?

13 A. Again, as I sit here, I can't recall
14 exactly what was said, what wasn't said. I'm -- I
15 don't see how it could not have been discussed. As far
16 as -- as far as I recall, I never learned the identity
17 and I just don't -- and I just don't recall.

18 Again, at that meeting, I wasn't asking
19 questions. I wasn't involved other than just to
20 facilitate it.

21 BY MR. BAKER:

22 Q. Stepping back just a second. You had
23 indicated earlier, when we were going through sources
24 and how they're opened and managed, you mentioned the
25 term "admonishments."

1 A. Right.

2 Q. What does that mean in the world of
3 sources?

4 A. So source admonishments are basically the
5 rules that a confidential human source has to -- they
6 agree to follow. They don't always follow, certainly.
7 But it is under the Attorney General guidelines. You
8 have to communicate to the source this is the nature of
9 the relationship. These are the boundaries, these are
10 the way it works. This is the way it works. Do you
11 acknowledge what we're telling you? So that the source
12 says, okay, I understand. And so that
13 is -- that's -- those are the acknowledgements.

14 Q. And your source, Christopher Steele,
15 understood?

16 A. Every time he was read the
17 acknowledgements, yes.

18 Q. Can you give an example of what some of the
19 admonishments might be?

20 A. You can't commit -- well --
21 [REDACTED]. Go ahead.

22 A. For example, you can't commit criminal
23 activity. There's a whole list of them. If you get
24 paid, you cannot expect payment in the future. It's
25 not guaranteed. You know, this nature is -- the

1 relationship of this nature is confidential. Things of
2 that nature.

3 Q. Okay. And he signed and agreed to all
4 that?

5 A. He agreed. So yeah, he was read and those
6 have to be done once a year. So however many are in
7 the file, I would say two or three, you know, he was
8 read them and verbally acknowledged and understood what
9 was told to him.

10 Q. When he's paid, does he sign something?

11 A. Yes. So he signs the source payment
12 receipt, which again talks about in terms of
13 specifically the payment obligations that he has as
14 receiving the money. And he signs -- and signs it.

15

16

17 Q. You, as an ALAT, I know we're kind of one
18 riot, one ranger. There's not a lot of FBI people in
19 your universe. Are those payments witnessed?

20 A. Yes.

21 Q. The admonishments, are they witnessed, too?

22 A. Every payment is witnessed and the
23 admonishment are acknowledged by the source and signed
24 off on by two agents.

25 Q. Thank you.

1 BY MR. SOMERS:

2 Q. Page 111 of the report indicates that the
3 IG was told -- so we, the IG. "We were also told by
4 case agent 2 that Steele did not disclose information
5 about the identity of Fusion GPS's client, a law firm
6 which was funding Steele's work due to a
7 confidentiality agreement that prevented him from
8 sharing that information."

9 Did Steele ever raise a confidentiality
10 agreement with you?

11 A. Not a confidentiality agreement per se.
12 But just there was -- that he was tied to this
13 relationship and was taking -- you know, was
14 responsible to his client, GPS, in terms of going
15 forward and in terms of providing this information.

16 Q. But you don't recall Steele in the October
17 3rd meeting saying I'm not telling you. I've got a
18 confidentiality agreement?

19 A. I'm not saying it didn't happen. I just
20 don't recall that right now.

21 The Witness. Can I take a two-minute
22 restroom break?

23 Mr. Somers. Absolutely.

24 (Recess.)

25 BY MR. SOMERS:

1 Q. All right. Getting back to the October 3rd
2 meeting. There was also a discussion, was there not,
3 during the October 3rd meeting about three buckets of
4 information that the case agent 2 asked Steele if he
5 could provide information on.

6 The three buckets seemed to be additional
7 intelligence/reporting on specific named individuals
8 such as Page or Flynn involved in facilitating the
9 Trump campaign Russian relationship.

10 Two, physical evidence of specific
11 individuals involved in facilitating the Trump campaign
12 relationship.

13 And three, any individuals or subsources
14 who Steele could identify who could serve as
15 cooperating witnesses to assist in identifying persons
16 involved in the Trump campaign-Russia relationship?

17 Do you recall discussion of the three
18 buckets?

19 A. Yes.

20 Q. I think the IG report indicates other than
21 some limited information on -- well, first, that would
22 be tasking? The three buckets, would you consider that
23 tasking?

24 A. Those would be taskings. Yes.

25 Q. What did Steele say in reaction to that

1 tasking?

2 A. I recall that he said he had to think about
3 it. He did not agree to do it. Part of the condition
4 going forward, if he were to do that and engage, would
5 be to do it exclusively for the FBI and no longer work
6 for GPS or whomever else he may have been working for
7 in terms of those buckets of information.

8 Q. Did Steele provide you with information for
9 the -- satisfying any of the three buckets?

10 A. He provided additional reporting over the
11 course of the next couple of weeks. But I don't know
12 if he -- without seeing the reports, I couldn't say if
13 they specifically addressed those three buckets as the
14 case agent described.

15 Q. Is a tasking, is that a source validation
16 method?

17 A. Tasking --

18 Q. Giving -- is it a way you would validate a
19 source giving a source a task?

20 [REDACTED]. I'd say source validation
21 methods are classified.

22 The Witness. Okay.

23 BY MR. SOMERS:

24 Q. Did anyone on the Crossfire Hurricane team
25 come back to you and ask you about, hey, where's this

1 information from the three buckets? Did they ask you
2 to go ask Steele for information about the three
3 buckets? Information that fell within the three
4 buckets?

5 A. I don't recall. I don't think so. I just
6 remember receiving some reports from Steele and getting
7 them directly to the guys on Crossfire Hurricane. I
8 don't recall any discussion -- any further discussion,
9 because I think they were waiting to hear from Steele
10 in terms of whether he agreed to this arrangement. But
11 I don't recall any further discussion as to Steele
12 agreeing to the arrangement or the Crossfire team
13 trying to drill down to get an answer.

14 Q. And we spoke about this, I think, in our
15 first segment. But in terms of being the handler and
16 how the handler-CHS relationship works, were you always
17 the intermediary or could the Crossfire team directly
18 contact Steele?

19 A. One of the agreements made at that meeting
20 on October 3rd was that if they had questions, they
21 would go through me to ask Christopher Steele.

22 My belief and understanding was that at a
23 certain point, if they were going to continue with him,
24 they would end up going directly with him and I would
25 be cut out.

1 Q. Did they come back to you with questions
2 after that meeting to take to Steele?

3 A. I don't recall. I don't think so. As I
4 sit here right now, I don't think so.

5 Q. You said earlier in my first round of
6 questions you had looked over the IG report or read it.
7 In the IG report, there's an appendix that goes through
8 the Woods process, that's the verification process for
9 the FISA.

10 I think I can just represent that they had
11 some trouble verifying some of the allegations in
12 the -- or not allegations -- some of the facts in the
13 Steele dossier. Did the Crossfire team ever approach
14 Steele about helping verify any of the --

15 A. If they did, I didn't know about it.
16 So -- through me, no. If they did it independently, I
17 have no idea.

18 Q. Did they ask about verification during the
19 October 3rd meeting? Hey, can you verify any of this?

20 A. Yes. That was definitely discussed. That
21 was definitely discussed.

22 Q. And could Steele offer anything
23 verification-wise?

24 A. That he would work to do it.

25 Q. But nothing came back to you?

1 A. Nothing that I saw.

2 Q. I know -- before, during, after, I'm sure
3 there were discussions all surrounding that October 3rd
4 meeting with the team and you. Was it pretty clear to
5 everyone that the motivations were political for the
6 Steele reporting?

7 A. That the reporting -- could you clarify
8 that?

9 Q. Well, let me ask it another way.

10 The Crossfire Hurricane team, according to
11 the IG report, page 142 of the IG report, the Crossfire
12 Hurricane team told NSD, the National Security
13 Division, that they did not know Simpson's
14 motivations -- that being Glenn Simpson's
15 motivations -- in collecting this information.

16 In your mind, given all the calls you had,
17 the October 3rd meeting, your interactions with the
18 Crossfire Hurricane team, did anyone have any questions
19 as to what the motivations were?

20 A. What the --

21 [REDACTED]. Sorry, during what timeframe?

22 BY MR. SOMERS:

23 Q. Prior to October 21st, 2016.

24 A. The motivations -- you mean the purpose of
25 hiring Steele to get the information?

1 Q. Yes.

2 A. I don't recall any specific conversations
3 other than when we spoke generally about Steele and
4 this information how it came about. I mean, it was
5 completely obvious to me and I don't think -- you know,
6 I don't recall any specific conversations other than
7 generally up front he was contracted by a private
8 entity, third party, to obtain this information that
9 ultimately would be used for some political gain by
10 somebody.

11 After that, I mean, again, to me it was
12 completely obvious. In terms of what the Hurricane
13 team spoke about themselves, I don't recall. I don't
14 know. And in terms of me, I don't recall any other
15 specific conversations about that.

16 Q. And Steele never mentioned DNC, Clinton
17 campaign to you?

18 Mr. Gruenstein. Just for the record, you
19 should --

20 BY MR. SOMERS:

21 Q. Oh, yeah. Sorry.

22 A. No. No, at no point -- maybe at some
23 point, but in terms of Steele, I didn't learn that it
24 was ultimately the DNC.

25 Q. Okay. You didn't do any work for the

1 Crossfire Hurricane team on verifying anything in the
2 dossier trying to identify who subsources were?

3 A. No.

4 Q. Trying to identify who the primary
5 subsource was?

6 A. No.

7 Q. Were you asked by them --

8 A. To do that?

9 Q. -- to do that?

10 A. No.

11 Q. Did you -- I assume all of Steele
12 subsources are overseas. Did you ever work on any
13 logistics of trying to set up contact for the Crossfire
14 Hurricane team with any sources or subsources?

15 A. No.

16 Q. Are you aware that the FBI did interview
17 Steele's primary subsource in January 2017?

18 A. Only from newspapers.

19 Q. Are you aware -- did you read that section
20 of the FISA report?

21 A. The IG report?

22 Q. I'm sorry, the IG's FISA report?

23 A. I'm sure I did. I don't recall as we sit
24 here.

25 Q. Are you aware that there were

1 inconsistencies between what Steele reported and what
2 the primary subsource revealed to the FBI --

3 A. I'm aware --

4 Q. -- during the interview?

5 A. -- that's what's reported.

6 BY MR. BAKER:

7 Q. You say you're aware that's what's
8 reported. Do you have reason to believe it's other
9 than what's reported?

10 A. No. I only say that because I only know
11 from newspaper reports.

12 Q. Okay. Do you as a handling agent -- you
13 indicated earlier that once you figured out where to
14 send some of this stuff, that at some point you learn
15 that the Crossfire Hurricane team is looking at this
16 stuff.

17 Would you get any feedback or reporting
18 from headquarters as the handling agent that a
19 particular piece of information was in fact being used
20 for some purpose to open another case, to go into a
21 FISA?

22 A. Right. So generally, yes. Because as I
23 mentioned at the beginning, that's how you kind of
24 quantify and qualify --

25 Q. The value of the source.

1 A. -- the value of the source.

2 In this case, I was told that his
3 information was being used for a FISA application.

4 Q. Okay. Did you ever see what the verbiage
5 that was going into an application was to be able to
6 know what it was as reported?

7 A. I never reviewed the FISA application. I
8 was never asked to review it. I was never provided a
9 copy for a review. I had a conversation and it's in an
10 e-mail regarding a characterization of the source. And
11 whatever I put in that e-mail is what it was for
12 Steele. But I never reviewed any FISA application, or
13 applications.

14 Q. Is that normally the way it's done or is
15 that different from the way it's normally done with a
16 handling agent?

17 A. Again, based on my experience on the
18 criminal side relating it to wiretap applications, the
19 source handler is the one who should be reviewing the
20 characterization of the source, is the one who knows
21 the source and the value of the source or the lack of
22 value of the source and the type of information the
23 source is providing.

24 So that in terms of that small piece, the
25 source handler generally has input as to that part of

1 the application. Again, this is wiretap applications
2 that I'm explaining.

3 Q. Right. So while it could be different
4 between the criminal world and the national security
5 world, it was different in this case from what you were
6 used to?

7 A. Right. Yes.

8 Q. And then while we're -- if I could just ask
9 another question while we're on the idea of being in
10 the criminal world. What does it mean to you when the
11 phrase -- in characterizing a source's
12 reporting -- what does the phrase "used in criminal
13 proceedings" mean to you?

14 A. It means either testifying in court,
15 testifying before a grand jury, information used in an
16 affidavit to support a search warrant, a wiretap, a
17 complaint. A criminal proceeding to me is more than
18 just a general investigation, it is an actual matter
19 that is being addressed by an actual judge. That's my
20 experience.

21 Q. So something that's really before a forum
22 that's adversarial, maybe?

23 A. Or formal. It doesn't have to be
24 adversarial. It could be one party. But, you know,
25 something that is more than just a general idea of the

1 case.

2 Q. And are you aware that phrase apparently
3 meant different things to different people?

4 A. As used here?

5 Q. Yes.

6 A. I mean, I'm aware that that -- in terms of
7 how -- could you explain that a little more?

8 Q. That according to the IG report -- and I
9 don't have an exact cite for it -- it sounds like that
10 phrase, "used in criminal proceedings," did not always
11 mean what it meant to you, that it meant different
12 things to different people.

13 A. Now I understand the question.

14 If you asked somebody -- you ask a
15 prosecutor or you ask a criminal investigator what that
16 means, I think you will get the same answer every time.
17 In fact, I think in the report, they asked the
18 prosecutors in the Eastern District and they said this
19 information was never used in a criminal proceeding.

20 Q. Thank you.

21 BY MR. SOMERS:

22 Q. [REDACTED], I forgot to ask you one thing
23 about the October 3rd meeting. Page 114 of the IG
24 report states that, "Handling agent 1 agreed that it
25 was peculiar that the case agent 2 gave Steele an

1 overview of the Crossfire Hurricane investigation,
2 including providing names of persons related to the
3 investigation."

4 Why did you find that peculiar?

5 A. As a -- in dealing with sources, it's not
6 our responsibility as the handling agents or case
7 agents to provide information to the source. Sometimes
8 by the nature of the questions we're asking, the source
9 can figure out what's going on. But it's not for us to
10 tell them what's happening.

11 In my course in dealing with sources, in 24
12 years, that was not my practice. There are times when
13 you need to provide some type of information for a very
14 specific reason. But in my experience, generally, it
15 is not -- that is not the way you go about doing
16 things.

17 Q. Could it influence the source's reporting
18 to reveal information like that?

19 A. Well, again, the idea is you're obtaining
20 information that's unverified, uncorroborated. A
21 source is a source and you don't know -- I mean, you
22 have an idea or believe what their motivations are.
23 But at the end of the day if their source is a source
24 and there could be some agenda that you have no idea
25 what's going on.

1 And so the more you provide to them, that
2 can color things one way or the other and influence
3 responses that we may get.

4 Q. So if you gave a source a name and all of a
5 sudden you get a report back that has that name in it,
6 that could be because you gave the source the name.

7 A. That's an obvious one. Yes. There are
8 times when if I need information on somebody here, I've
9 got tell them the name. But, you know, in this
10 instance, again, I wasn't a part of the planning for
11 it. It just seemed a little bit much to me.

12 Q. I think you may have just answered this,
13 but I'm going to ask it again because I don't recall.
14 So were you aware going into the October 3rd meeting
15 that Steele's information was possibly going to be used
16 in a FISA application?

17 A. I don't recall if I knew it at that point.

18 Q. You did know it at some point in time?

19 A. Yes. I definitely knew that it was going
20 to be used to support the first application.

21 Q. Did you know who the target was?

22 A. I did not.

23 Q. When did you become aware that they were
24 going to seek a FISA?

25 A. It was either shortly before. I can't -- I

1 can't tell you if it was just before that meeting or at
2 some point in October, early/mid October.

3 Q. And then -- we're running a little over
4 time here. But in the FISA application, page 132, it
5 says, "Steele is a former redacted and has been an FBI
6 source since in or about October 2013. Steele's
7 reporting has been corroborated and used in criminal
8 proceedings and the FBI assesses Steele to be reliable.
9 Steele has been compensated approximately \$95,000 by
10 the FBI and the FBI is unaware of any derogatory
11 information pertaining to Steele."

12 Do you agree with that description?

13 A. Not all of it. No.

14 Q. What parts do you disagree with?

15 A. It was never have been used in a criminal
16 proceeding.

17 Q. Would you have signed off on that
18 description had you been shown ahead of time?

19 A. No. I'm sorry. The first time I read that
20 information was in front of the IG's investigation when
21 they showed it to me.

22 Q. That's in a footnote in the FISA report.
23 That footnote goes on to say, "The identified U.S.
24 person never advised Steele as to the motivation behind
25 the research into candidate 1's ties to Russia."

1 We talked a lot about whether Steele
2 revealed it was the DNC or the Clinton campaign that
3 was his client. And you said he never revealed that.

4 A. Right.

5 Q. Did he also say that he didn't know what
6 the motivation was of his client?

7 A. No, he did not.

8 Q. Did he tell you he didn't know who the
9 ultimate client was?

10 A. He told -- again, at that meeting, the
11 first meeting in July, as you know, he didn't know the
12 name of the law firm. And I brought up the fact and we
13 discussed that this information was going to be used
14 as -- by whomever was doing --

15 Q. At the October 3rd meeting, did he say he
16 didn't know who the ultimate client was?

17 A. I don't recall learning after that meeting
18 or during that meeting who it was.

19 Mr. Somers. I think our hour is up. I
20 don't know if we want to take a longer break now?

21 Mr. Berger. No, I think we're good. We'll
22 work through it if you're willing to. 15-minute break
23 and we'll try, between the two of us, not to use more
24 than maybe an hour and a half. I don't want to
25 represent what you're going to use and I don't know

1 exactly what I'm going to use, but I don't think I have
2 another hour, but I do need to take 15 minutes now.

3 (Recess.)

4 BY MS. MICHALAK:

5 Q. Good afternoon.

6 A. Good afternoon.

7 Q. Earlier you testified that you received an
8 e-mail with a list of people that were read into the
9 invest -- or read into the reports.

10 What was the date of that e-mail?

11 A. Read into the investigation.

12 Q. Right. Read into the investigation.

13 A. That had to be around September 21st,
14 September 22nd. Give or take a day or two. Maybe a
15 week. Within a week. But I don't know exactly. But
16 it's that meeting the third week of September.

17 Q. The third week of September? Thank you.

18 BY MR. SOMERS:

19 Q. In any of your discussions throughout your
20 involvement in Crossfire Hurricane, how high were you
21 told this information was flowing? What type of
22 conversations were you having from people on the team
23 about where this investigation was being supervised
24 from?

25 A. My understanding was from that e-mail where

1 I saw the 20, 25 individuals listed were aware of the
2 investigation. In terms of -- I was not -- we had no
3 discussions in terms of, you know, on a day-to-day
4 basis what was happening, who was seeing what, who was
5 making decisions. I wasn't informed. I wasn't brought
6 into conversations like that.

7 Q. We'll probably jump around a little bit
8 here. We're just trying to finish up some different
9 threads.

10 The IG report goes into what the primary
11 subsource said about what the information he gave
12 Steele. A few of the things the IG report says, "The
13 primary subsource also stated that he/she never
14 expected Steele to put the primary subsource's
15 statements in reports or present them as facts. His or
16 her information came from word of mouth and hearsay,
17 conversation that he/she had with friends over beers
18 and that some of the information such as allegations
19 about Trump's sexual activities were statements he/she
20 heard made in jest. The primary subsource also told
21 WFO agent 1 that he/she believed that other subsources
22 exaggerated their access to information and the
23 relevance of that information to his/her request. The
24 primary subsource told WFO agent that he/she takes what
25 subsources tell him/her with a grain of salt."

1 If you had known this information when you
2 received the reports from Steele, would you have done
3 the same thing with them?

4 A. Again --

5 Mr. Berger. You mean transmitting it to
6 New York and --

7 Mr. Somers. Yes. I'm sorry.

8 The Witness. I don't think I would have
9 done anything different. My assumption, when I
10 received the reports and reviewed them the very first
11 time at that meeting in London, was that it was just
12 that, source reporting that was unverified and
13 uncorroborated.

14 However it had to be processed and dealt
15 with and put somewhere. And, you know, I don't think
16 even if I had known that, it probably wouldn't have
17 surprised me because that's the nature of source
18 reporting. I don't think I would have changed what I
19 did.

20 BY MR. SOMERS:

21 Q. Do you think the others in the
22 Crossfire -- you said that's the nature of source
23 reporting.

24 A. (Nodding head.)

25 Q. The others on the Crossfire Hurricane team

1 at least that you were dealing with, did they have that
2 understanding, that that's the nature of source
3 reporting?

4 A. I never had that conversation with them.
5 Anybody who's handled sources and dealt with source
6 information has that understanding. It is the case
7 team's responsibility to then corroborate and verify
8 that information and assess it, which is what I assumed
9 they would be doing with this information or others at
10 the bureau.

11 So in terms of what they thought or what
12 they would have thought if they had known that, you
13 know, I can't say just as -- you know, I just couldn't
14 give my perspective.

15 Q. Just -- and you may not know the answer to
16 this, but do you know from case agent 1, do you know if
17 he handled sources before?

18 A. I never had that conversation with him.
19 He -- at the time, he had been around for a while, so I
20 assumed he had and he had a reputation as being one of
21 the senior agents in New York in that program. I just
22 assumed anybody with that length of time, regardless of
23 program, has experience handling sources.

24 Q. The same question for SSA-1?

25 A. I didn't know him, so I didn't know his

1 reputation. So that I wouldn't have immediately
2 assumed.

3 Q. As I said, I'm going to jump around a
4 little bit here. We talked earlier about Steele's
5 reaction to being terminated on that phone call and you
6 discussed what his reaction was. Did you do anything
7 with that information with what he said to you?

8 A. Yes. I documented it and sent it to the
9 file.

10 Q. And when you say you sent it to the file,
11 you mean it's in his delta file?

12 A. It's in a delta file.

13 Q. Just to be clear for the record, people on
14 the Crossfire Hurricane team had access to Steele's
15 delta file, correct?

16 A. I assume so. In terms of -- you know, I
17 don't know -- they never told me they were looking at
18 the file, but I would certainly believe that they would
19 have been looking at the file. That's part of what you
20 do, a file review, in terms of looking at that
21 information if you're going to use the source for an
22 application, for something. So I assumed that that's
23 what was going on. I didn't have any conversations
24 about it.

25 Q. I think you told the IG that you would have

1 expected them to, quote, "turn the file upside down."

2 Is that --

3 A. Yes, I said that. And I believe that.

4 Q. We spoke earlier just briefly about Russian
5 disinformation and the chances that what was in the
6 Steele dossier could have been Russian disinformation.
7 Was that a concern?

8 A. That's always a concern, particularly
9 dealing in that universe. I don't recall any long
10 conversations about it with either Steele or the
11 Crossfire Hurricane team. You know, but at a certain
12 level, you have an understanding of the universe you're
13 dealing in and that is certainly a part of it.

14 Q. And the case agent that was in the October
15 3rd meeting with Steele was -- I'm better with names
16 that I am with case agent identifiers. But am I
17 correct that he was a Russia expert?

18 A. He was definitely an expert.

19 Q. So he would have been aware of the
20 possibility of disinformation slipping in?

21 A. I would assume he would be.

22 Q. I think I asked, I want to ask this a
23 little bit more specifically, but I think I basically
24 asked you earlier.

25 Did you reach out to anyone in the

1 intelligence community about Steele's reporting?

2 A. No.

3 Q. Do you know whether anyone on the team, did
4 that discussion come up where they reached out to say
5 we checked this with the intelligence community?

6 A. They didn't ask me or talk to me about
7 that.

8 Q. Did you have any knowledge of how the
9 Crossfire Hurricane team was corroborating any of the
10 Steele information?

11 A. No.

12 Q. And they never asked you to help
13 corroborate?

14 A. No.

15 Mr. Somers. That's all I've got.

16 BY MR. BAKER:

17 Q. We had discussed briefly a little earlier,
18 I think it was -- the first time we talked about it was
19 in the context of Director Comey being in the media,
20 reopening an investigation, that Mr. Steele might have
21 been concerned that -- or he had questions about
22 whether his information was being seriously considered
23 by the United States government.

24 Do you have any idea whether his
25 dissatisfaction was relayed to the bureau and at what

1 levels?

2 A. At that point, prior to my conversation in
3 early November with him, unless he had conversations
4 with the Crossfire Hurricane team or with Bruce Ohr or
5 Jonathan Wiener, I don't know about that if that
6 happened.

7 In terms of conversations with me, it was
8 not a matter of -- it was not a matter that would raise
9 an alarm to me in terms of anything he said about it.
10 In terms of not -- he was not asking what are you doing
11 with it? Are they looking at it? Is anything
12 happening? It was very more general with the
13 understanding that, you know, we're trying to see
14 what's going on and we'll get there. But from coming
15 from him, I don't recall any type of statements or
16 actions that would raise a flag to me.

17 Q. That would have you generate some official
18 communication.

19 A. Exactly.

20 Q. Okay. But you can't speak to what he might
21 have separate and independently done communicating his
22 dissatisfaction to others?

23 A. Right. No, I can't.

24 Q. And then I know initially you went to New
25 York Field Office for guidance, sounding on what should

1 be the next step. And I know New York Field Office has
2 an -- I think a special relationship with headquarters,
3 special relationship in the bureau.

4 Did you ever hear unofficial discussions,
5 communications, gossip through bureau channels that the
6 subsource -- the primary subsource was disavowing some
7 of the reporting that Steele had done?

8 A. I did not hear anything about the primary
9 subsource until months later, anything that came out in
10 the news.

11 Q. Okay. So officially or unofficially you
12 heard nothing --

13 A. Nothing.

14 Q. -- until it came out publicly.

15 A. Nothing. And just to clarify your prior
16 question. The conversations that we had in October,
17 Steele and myself, were really focused on, after that
18 meeting, the money that he was offered, the 15,000. It
19 was about getting the money. That I specifically
20 recall. More than once. Numerous times.

21 Q. Thank you.

22 BY MR. SOMERS:

23 Q. Just one question on that. I think this is
24 addressed in the IG report, but did you ever have a
25 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
4 not expert enough on the Hatch Act to even proffer an
5 answer to it. But I don't recall that coming up. I
6 mean, we spoke about numerous things. I just don't
7 recall that one specifically.

8 BY MS. MICHALAK:

9 Q. Just a few more follow-up. What triggered
10 this read-in e-mailing that was received the third week
11 of September?

12 A. So I reached out to SSA-1 to say, hey,
13 look. Is the source's information useful, good,
14 garbage? You know, because I wanted to put that in the
15 file just so there's a record. Again, going back to
16 how you kind of evaluate the source.

17 And the response I got was the e-mail in
18 which SSA-1 states is information corroborated,
19 unrelated information that we used to predicate the
20 investigation. And then below was a list of 20, 25
21 people who I think it says read into the investigation.
22 I don't know why that was included in the e-mail. I
23 didn't ask for it. I have no idea why it was put
24 there.

25 Q. And was Jim Baker one of the names listed

1 in that read-in?

2 A. I can't recall right now.

3 MR. SOMERS: That's all we have.

4 EXAMINATION BY MINORITY STAFF

5 BY MS. ZDEB:

6 Q. I think we will be brief.

7 As you know, the Inspector General
8 identified a variety of what he characterized as
9 significant errors in the FISA applications under
10 review and his report. And the reason that we're all
11 here is presumably to talk about how to address those
12 sorts of errors going forward.

13 We haven't really gotten into that yet
14 today and so we wanted to ask you just a couple of
15 questions about some of his specific recommendations.

16 A. Okay.

17 Q. In particular, we have spent some time
18 talking about the source characterizations statement in
19 the FISA application. Among other things, it said that
20 Steele's reporting "has been corroborated and used in
21 criminal proceedings." We've talked about that a bit
22 thus far. And according to the Inspector General, that
23 statement overstated the significance of Steele's past
24 reporting and was not approved by Steele's handling
25 agent as required by the Woods procedures.

1 In response to that situation, the
2 Inspector General recommended revising the Woods form
3 in a variety of different ways, but primarily to
4 emphasize the obligation to obtain written approval
5 from CHS handling agents for all CHS source
6 characterization statements. This is on page 415 of
7 the IG report. Director Wray accepted this
8 recommendation and has identified several steps that
9 the bureau is taking to address it.

10 Did you review Director Wray's response to
11 the IG report?

12 A. I believe I read it, but I didn't spend
13 time really reviewing it or going over it.

14 Q. So on -- and this is on page 428 of the IG
15 report, which is where his response is contained. He
16 responded to the IG's specific recommendation on
17 getting written verification on source characterization
18 statements by saying that the bureau is, quote,
19 "improving the FISA verification form, otherwise known
20 as the Woods form, by adding a section devoted to
21 confidential human sources, including a new
22 certification related to the confidential human source
23 originated content in the FISA application by the CHS
24 handler and CHS related information that requires
25 confirmation by the CHS handler, which will be

1 maintained in the confidential human sources file."

2 So do you believe that these steps, namely,
3 adding an explicit section in the Woods form to remind
4 whoever is completing the Woods form of the obligation
5 to confer and receive approval from the handling agent
6 will help address the error that we've been -- the
7 error that the Inspector General identified and that we
8 have been discussing pertaining to the source
9 characterization statement?

10 A. I mean, just based on my experience, it's
11 reminding somebody to do something that they're
12 supposed to do already, that they should be well aware
13 of. I mean, it can't hurt, I guess, but you know.
14 It's -- you know, it's in a document, it's a reminder,
15 it's an extra requirement, which again can't hurt.

16 You know, if you're not experienced in
17 handling these kind of situations as investigative
18 tools, then certainly you can use it as a roadmap to
19 assist in what you need to do. But hopefully you're
20 being guided by others who have experience and can
21 mentor you as to what you need to do.

22 Q. To the extent you haven't filled out one of
23 these forms before, do you think it would be helpful to
24 have that written reminder on the form itself as
25 Director Wray has indicated?

1 A. I've never done the Woods process.
2 Wiretaps have something of a similar process. It's an
3 extra step that if it ensures the integrity of the
4 information going into the affidavit or the
5 application, then it certainly can't hurt and would
6 help.

7 Q. According to Director Wray, the FBI is also
8 adding a checklist to the Woods form that in his words
9 walks through the new and existing steps for the
10 supervisor who is affirming the case agent's accuracy
11 review prior to his or her signature. And that is
12 meant to affirm the completeness of supervisors'
13 accuracy review.

14 Is that sort of checklist in your view an
15 additional step that will be helpful in ensuring that
16 errors like the ones we've -- the one we've been
17 discussing --

18 A. I think for supervisors who lack the
19 experience of the process, it certainly helps.

20 Q. And do you have any other recommendations
21 regarding the involvement of case handlers in reviewing
22 information about the sources that they handle for
23 purposes of making sure that those sources are
24 described accurately in FISA applications?

25 A. Again, from my perspective as the source

1 handler, you know, anything that can be done to ensure
2 that the case team is going to be using the source
3 information or characterization has to run it by the
4 source handler, get the okay, and these steps certainly
5 can help.

6 You know, to me, it's steps that are
7 obvious to someone who has done this before or
8 mentoring somebody as to how to do it, but it cannot
9 hurt. It certainly can help.

10 Ms. Zdeb. I think that concludes our
11 questioning. We can go off the record.

12 [REDACTED]. For the record, we, the FBI and
13 [REDACTED] will have an opportunity -- we request to
14 review the transcript at some point, but I assume here.

15 Mr. Somers. Yes, here. Yes. At any point
16 if you want or the investigator's attorney want to
17 review it, you can come here to review.

18 Mr. Berger. Thank you very much. I
19 appreciate your hospitality.

20 (Whereupon, at 1:59 p.m., the instant
21 proceedings were ceased.)

22

23

24

25

ERRATA

Notice Date:

Deposition Date: March 3, 2020

Deponent: Handling Agent 1

Case Name: Senate Judiciary Committee

Page:Line	Now Reads	Should Read
<u>15:1</u>	<u>?_____</u>	<u>_____.</u>
<u>45:18</u>	<u>affidavit_____</u>	<u>affidavits_____</u>
<u>46:9</u>	<u>About_____</u>	<u>about_____</u>
<u>50:25</u>	<u>supervisor_____</u>	<u>supervisory_____</u>
<u>51:4</u>	<u>Pianka_____</u>	<u>Pientka_____</u>
<u>51:6</u>	<u>Pianka_____</u>	<u>Pientka_____</u>
<u>96:1</u>	<u>Pinged_____</u>	<u>paying_____</u>
<u>103:24</u>	<u>weird sentence_____</u>	<u>_____</u>
<u>111:5</u>	<u>Missett_____</u>	<u>Mifsud_____</u>
<u>151:10</u>	<u>emailing_____</u>	<u>email_____</u>
<u>151:17-20</u>	<u>unclear sentence_____</u>	<u>_____</u>
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Notice Date:

Deposition Date: March 3, 2020

Deponent: Handling Agent 1

Case Name: Senate Judiciary Committee

Page:Line	Now Reads	Should Read
66:6	OIG report, your involvement	OIG report, or your involvement
68:13	Report AD	Report 80
72:19	a final point	a finer point
77:2	something that	about something that
83:8	just describe	just described
152:10	review and his report	review in his report
155:21	case handlers	source handlers

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.

P R O C E E D I N G S

1
2 Mr. Somers. This is the transcribed interview of
3 Jonathan Moffa. Chairman Graham requested this interview as
4 part of an investigation by the Senate Judiciary Committee
5 into matters related to the Justice Department's and the
6 Federal Bureau of Investigation's handling of the Crossfire
7 Hurricane investigation, including the applications for and
8 the renewals of the Foreign Intelligence Surveillance Act
9 warrant on Carter Page.

10 Would the witness please state his name and current
11 position at the FBI for the record?

12 Mr. Moffa. My name is Jonathan Moffa. I'm a Deputy
13 Assistant Director at the FBI.

14 Mr. Somers. On behalf of Chairman Graham, I want to
15 thank you for appearing today and we appreciate your
16 willingness to appear voluntarily.

17 My name's Zachary Somers. I'm the Chief Investigative
18 Counsel for the majority staff on the Senate Judiciary
19 Committee. I'd now like to ask everyone else other than
20 your personal attorney, who I'll get to in a few moments, to
21 introduce themselves for the record.

22 Mr. Ventura. Christopher Ventura, Senate Judiciary,
23 Majority.

24 Mr. Baker. Arthur Baker, Senate Judiciary Majority,
25 Senior Investigative Counsel, Chairman Lindsey Graham.

1 Mr. Haskell. Alex Haskell, Counsel for Ranking Member
2 Feinstein on the Judiciary Committee.

3 Ms. Zdeb. Sarah Zdeb, Senior Counsel for Ranking
4 Member Feinstein on the Judiciary Committee.

5 [REDACTED]. [REDACTED], Department of Justice
6 Office of Legislative Affairs.

7 [REDACTED]. [REDACTED], Department of Justice, Office
8 of Legislative Affairs, Department of Justice.

9 [REDACTED]. [REDACTED], Office of
10 Congressional Affairs, FBI.

11 [REDACTED]. [REDACTED], Office of Legislative
12 Affairs.

13 [REDACTED]. [REDACTED], Office of General Counsel,
14 FBI.

15 [REDACTED]. [REDACTED], FBI OGC.

16 [REDACTED]. [REDACTED], FBI OGC.

17 Mr. Somers. The Federal Rules of Civil Procedure do
18 not apply in this setting, but there are some guidelines
19 that we follow that I'd like to go over. Our questioning
20 will proceed in rounds. The majority will ask questions
21 first for an hour and then the minority will have the
22 opportunity to ask questions for an equal period of time.
23 We will go back and forth in this manner until there are no
24 more questions and the interview is over.

25 Typically, we take a short break at the end of each

1 hour of questioning, but please let us know if you need a
2 break apart from that.

3 As I noted earlier, you are appearing today
4 voluntarily. Accordingly, we anticipate that our questions
5 will receive complete responses. To the extent that you
6 decline to answer our questions or counsel instructs you not
7 to answer, we will consider whether a subpoena is necessary.

8 As you can see, there is an official reporter taking
9 down everything that is said to make a written record. So
10 we ask that you give verbal responses to all questions. Do
11 you understand that?

12 Mr. Moffa. I do.

13 Mr. Somers. So that the reporter can take down a clear
14 record, it is important that we don't talk over one another
15 or interrupt each other if we can help it.

16 The committee encourages witnesses who appear for
17 transcribed interviews to freely consult with counsel if
18 they so choose, and you are appearing today with counsel.
19 Could counsel please state his name for the record?

20 Mr. Landrigan. Yes. Christopher Landrigan.

21 Mr. Somers. We want you to answer our questions in the
22 most complete and truthful manner possible, so we will take
23 our time. If you have any questions or if you do not
24 understand one of our questions, please let us know. If you
25 honestly don't know the answer to a question or do not

1 remember it, it is best not to guess. Please give us your
2 best recollection. It is okay to tell us if you learned the
3 information from someone else.

4 If there are things you don't know or can't remember,
5 just say so and please inform us who, to the best of your
6 knowledge, might be able to provide a more complete answer
7 to the question.

8 You should also understand that, although this
9 interview is not under oath, you are required by law to
10 answer questions from Congress truthfully. Do you
11 understand that?

12 Mr. Moffa. I do.

13 Mr. Somers. This also applies to questions posed by
14 Congressional staff in an interview. Do you understand
15 this?

16 Mr. Moffa. I do.

17 Mr. Somers. Witnesses who knowingly provide false
18 testimony could be subject criminal prosecution for perjury
19 or for making false statements. Do you understand this?

20 Mr. Moffa. I do.

21 Mr. Somers. Is there any reason you're unable to
22 provide truthful answers to today's questions?

23 Mr. Moffa. No.

24 Mr. Somers. Finally, we ask that you not speak about
25 what we discuss in this interview with anyone outside of who

1 is here in the room today, in order to preserve the
2 integrity of our investigation.

3 That is the end of my preamble. Do you have any
4 questions before we begin?

5 Mr. Moffa. No.

6 Mr. Somers. It's now 9:45 and we'll begin our first
7 round of questioning.

8 Mr. Moffa, have you had a chance to read or review the
9 IGG's December 20, '19, report on the Crossfire Hurricane
10 investigation and the Carter Page FISA applications?

11 Mr. Moffa. I haven't read it since December 20, '19,
12 but when it came out I read it.

13 Mr. Somers. For the record, do you know if you're the
14 person identified as either the section chief of CD's
15 Counterintelligence and Analysis Section 1 and-or the intel
16 section chief in the IGG's FISA report?

17 Mr. Moffa. If you say that's the exact language used,
18 then yes. I don't remember the exact language.

19 Mr. Somers. Other than your personal attorney and the
20 attorneys here for FBI and DOJ, did you speak with anybody
21 in preparation for today's interview?

22 Mr. Moffa. No.

23 Mr. Somers. The FBI's Crossfire Hurricane

st

24 investigation officially began on July 31 , 2016, with the

st

25 opening EC. What was your position at the FBI on July 31

1 of 2016?

2 Mr. Moffa. I was section chief of the
3 Counterintelligence Analysis Section 1.

4 Mr. Somers. During the time you were assigned to
5 Crossfire Hurricane, did that position change or was it
6 constant throughout?

7 Mr. Moffa. During the time I was assigned to Crossfire
8 Hurricane that position was constant.

9 Mr. Somers. What's your current position at the FBI?

10 Mr. Moffa. Currently I'm the Deputy Assistant Director
11 of our Office of the Chief Information Officer.

12 Mr. Somers. When did you assume that role?

13 Mr. Moffa. I assumed that role -- I don't know the
14 exact month, in 2018.

15 Mr. Somers. So you were Intel Section Chief up until
16 you took that role, or was there another?

17 Mr. Moffa. No, there was a job in between that.

18 Mr. Somers. What was that?

19 Mr. Moffa. The Deputy Assistant Director over our
20 Digital Transformation Office, in between.

21 Mr. Somers. And about what time period did you hold
22 that position?

23 Mr. Moffa. Again, don't know the exact month, but it
24 was the spring of 2017 until roughly the summer of 2018,
25 when I assumed my current position.

1 Mr. Baker. So up until 2017 when you transitioned to
2 that Digital --

3 Mr. Moffa. Transformation Office.

4 Mr. Baker. -- your entire career up to that point had
5 been doing what?

6 Mr. Moffa. It was as a counterintelligence analyst or
7 manage of analysts.

8 Mr. Baker. So it had been counterintelligence work.
9 And if I recall correctly, is it correct that your entire
10 work history was predominantly at the FBI?

11 Mr. Moffa. Correct, absolutely.

12 Mr. Baker. You came to the Bureau initially how?

13 Mr. Moffa. I began in 1997 under a scholarship program
14 as a student trainee. So I essentially went straight from
15 high school into the FBI.

16 Mr. Baker. So the bulk of your work with the Bureau
17 has been in the counterintelligence world --

18 Mr. Moffa. That's right.

19 Mr. Baker. -- and the predominant part of that has
20 been in some sort of analysis?

21 Mr. Moffa. Yes, absolutely. My entire career was as
22 an intelligence analyst and my subject matter expertise is
23 in counterintelligence throughout that whole period.

24 Mr. Baker. How or why the transition to Chief
25 Information Officer?

1 Mr. Moffa. The transition was to the Digital
2 Transformation Office. I became aware of a promotional
3 opportunity. I applied for and interviewed for it and was
4 selected.

5 Mr. Baker. So it was for promotion, career development
6 purposes?

7 Mr. Moffa. That's correct.

8 Mr. Baker. Thank you.

9 Mr. Somers. I understand from reading the IGG's
10 report you were pretty much on Crossfire Hurricane from its
11 inception and then -- so I assume when you took the job at
12 the Digital Transformation Office, that's when your
13 involvement in Crossfire Hurricane ended; is that correct?

14 Mr. Moffa. That's correct.

15 Mr. Somers. Did you have any involvement in Crossfire
16 Hurricane after that transition?

17 Mr. Moffa. No.

18 Mr. Somers. Did you have any involvement with Special
19 Counsel Mueller's team?

20 Mr. Moffa. I didn't, other than an initial briefing to
21 the team, because Mueller's team was starting right as I was
22 transitioning off. I was never on the team or otherwise a
23 part of their team.

24 Mr. Somers. So there wasn't much of a gap, if any,
25 between when you rotated off Crossfire Hurricane and when

1 Special Counsel Mueller basically took over the
2 investigation?

3 Mr. Moffa. Again, I couldn't speculate as to the exact
4 dates, but I conducted an initial briefing for the Mueller
5 team and that was one of the final involvements I had in
6 anything to do with Crossfire Hurricane. So whatever that
7 timing is, that's when that occurred.

8 Mr. Somers. Do you know why you were assigned to the
9 Crossfire Hurricane?

10 Mr. Moffa. Yes. It falls directly within the
11 responsibilities of the position that I was in, the Section
12 Chief of the Counterintelligence Analysis Section. That
13 executive analyst leader would lead a team that would work
14 an investigation like that from an analytic perspective.

15 Mr. Somers. What were those responsibilities?

16 Mr. Moffa. Of that position?

17 Mr. Somers. Yes.

18 Mr. Moffa. Essentially --

19 Mr. Somers. As they relate to why you would have been
20 on Crossfire Hurricane?

21 Mr. Moffa. That section chief position is responsible
22 for a series of analytical units that cover a variety of
23 country threats from a counterintelligence perspective, to
24 include Russia.

25 Mr. Baker. You said something to the effect that you

1 were supervising or working from, I think, an analysis
2 perspective. What other perspective would other team
3 members be working from?

4 Mr. Moffa. The other half of the Crossfire Hurricane
5 team was working from an operational and investigative
6 perspective, so making operational and investigative
7 decisions and conducting those operations, versus the
8 analytic team supporting those operations.

9 Mr. Baker. In rank, I think you were a section chief.
10 Is your counterpart doing these operations and investigation
11 things, are they took a section chief?

12 Mr. Moffa. Up the chain of command, yes, there was an
13 operational section chief who was assigned as well as a
14 counterpart, and then there were lower-ranking managers on
15 both of our teams who were on a more day-to-day working
16 level basis on the team.

17 Mr. Baker. So the intelligence operational section
18 chiefs or managers would have, I'm guessing, special agents
19 or supervisory special agents beneath them, and then you
20 from the analytical side would have analysts or supervisory
21 analysts or both below you?

22 Mr. Moffa. In a general sense, that's right. I
23 wouldn't call it intelligence operations. The operational
24 side had agent managers of those operational investigative
25 personnel. And I had a supervisory intelligence analyst

1 underneath me as part of the analytic half of this.

2 Mr. Baker. As far as rank and, for lack of a better
3 word, power, you're equals, the section chief over the
4 operations and you as section chief over analysts? You're
5 equals in contributing to the mission, the goal, whatever
6 that is or was, and you're equal in the eyes of whoever's
7 above you?

8 Mr. Moffa. Correct. In terms of rank we're the same.
9 Our responsibilities are different.

10 Mr. Baker. Okay, but you're coming together for a
11 common goal?

12 Mr. Moffa. Correct.

13 Mr. Baker. You're providing expertise and information
14 from one part and the agents are doing another part, and
15 it's being funneled to the people that look at that and make
16 other decisions?

17 Mr. Moffa. We had very distinct functions, but those
18 functions worked together to facilitate the investigation.

19 Mr. Baker. And you're both reporting to whom?

20 Mr. Moffa. For purposes of Crossfire Hurricane I was
21 reporting directly to AD Bill Priestap.

22 Mr. Baker. Thank you.

23 Mr. Somers. Who would you usually report to?

24 Mr. Moffa. A Deputy Assistant Director over the
25 Intelligence Branch within Counterintelligence Division.

1 Mr. Somers. Then you said -- I just want to make sure
2 I have this correctly or at least a correct understanding of
3 it -- that it's because this investigation involved Russia
4 and Russia was in your section's analytical responsibility,
5 that's why essentially you were assigned to Crossfire
6 Hurricane?

7 Mr. Moffa. Correct. My section on a normal day-to-day
8 basis had [REDACTED] fully dedicated to [REDACTED],
9 [REDACTED], and I was the
10 executive manager of them before Crossfire Hurricane and
11 after.

12 Mr. Baker. So you would be in that particular
13 specialty a subject matter expert for that country?

14 Mr. Moffa. I wouldn't consider myself that. As an
15 executive manager, my job is to manage teams of analyst
16 subject matter experts. So I would not expect anyone
17 sitting in that chair then or now to have full-blown subject
18 matter expertise in every one of those country programs.
19 We're talking the entirety of the world other than China was
20 the responsibility of that section from a
21 counterintelligence analysis perspective.

22 Mr. Baker. But the entity that you're supervising
23 would have subject matter experts --

24 Mr. Moffa. That's correct.

25 Mr. Baker. -- that you could draw upon --

1 Mr. Moffa. Absolutely.

2 Mr. Baker. - and report or produce whatever their
3 product is to your chain of command --

4 Mr. Moffa. That's correct.

5 Mr. Baker. -- or the intelligence community at large
6 if it's something that's a bigger, broader issue?

7 Mr. Moffa. That's exactly right. There's teams of
8 subject matter expert analysts within the units and I'm
9 managing them at an executive level.

10 Mr. Baker. Thank you.

11 Mr. Somers. On the operational side of things, so
12 there was a section -- was there an equivalent operational
13 section that supplied the agents for the investigation?

14 Mr. Moffa. In Counterintelligence at the time, there
15 was the counterintelligence operational threat program, so
16 it's the Russian operational program, and then there's the
17 counter-espionage program. There were two different
18 operational groups with those focuses, both of which would
19 work elements of Russia.

20 Mr. Somers. To your knowledge, were the agents on the
21 investigation drawn from the Russia counterintelligence
22 operations side?

23 Mr. Moffa. To my knowledge the agents at the working
24 level came from field offices and did have that background
25 in Russian counterintelligence. I believe my executive

1 counterpart came from the counter-espionage side as the
2 manager.

3 Mr. Somers. Did you help select the analysts or any
4 other team members for the Crossfire Hurricane
5 investigation?

6 Mr. Moffa. I don't have a specific recollection of
7 picking the names out, but I was involved in the selection
8 process for the analysts. I was not involved in the
9 selection of the operational personnel.

10 Mr. Somers. Did the analysts that were on the
11 investigation, did they come from the section you headed or
12 did they come from elsewhere, or was it a combination?

13 Mr. Moffa. They came from -- no, they came from my
14 Russia unit.

15 Mr. Baker. When you say you were involved in the
16 selection process for the analysts, what exactly was the
17 process? Was there just a huddle between managers -- this
18 guy's good, that gal's good? Or was there a formal posting?
19 Did you query databases for expertise?

20 Mr. Moffa. There was no formal posting. I don't
21 recall the specific details of the conversations I had with
22 whom. It was a discussion amongst the management, my normal
23 management team of Russia analysis. We were also
24 simultaneously having to support the broader Russian
25 election threat investigations and threats. So we had this

1 like a subset of my Russian analytic team to support
2 Crossfire Hurricane while the other Russian analysts
3 supported the broader counterintelligence and Russia
4 program.

5 So the conversations surrounded who had the right
6 expertise and availability to do that.

7 Mr. Somers. Do you recall how many analysts you
8 assigned?

9 Mr. Moffa. I couldn't give you exact number. I just
10 don't remember.

11 Mr. Somers. Like a handful or more than that? Are we
12 talking four or five, ten? Any ballpark you can give us?

13 Mr. Moffa. Less than ten, but I don't remember the
14 exact number.

15 Mr. Somers. When they were assigned, was that
16 basically their task? They may have done some minor things,
17 but I mean was that their job, was to do Crossfire
18 Hurricane?

19 Mr. Moffa. Yes, for at least that initial period pre-
20 election, those analysts were fully dedicated to that team.

21 Mr. Baker. This selection was, I think I heard you
22 say, based on an expertise that these people had. So is it
23 fair to say that the people that were selected for this were
24 viewed as top performers, top people in their subject
25 matter? I think I'm familiar in some Bureau selections

1 where there are some special projects, some special case,
2 where a supervisor gets a call. Hey, you've got to give us
3 a body for this special that we're doing or whatever, and
4 you kind of get whatever comes out of the gumball machine.
5 You don't have, as the person standing up this special
6 thing, you don't have much input as to who you get. You get
7 something. Was that the case in this? Or you got who you
8 wanted, more or less?

9 Mr. Moffa. no, I wouldn't describe it as that at all.
10 I think it was a deliberate conversation amongst the
11 management team about who had certainly the skills and
12 ability and talent to do the job, but also understanding
13 that we couldn't take every subject matter expert off of the
14 broader Russian program at the same time and dedicate it to
15 this.

16 So it was striking that balance and picking the right
17 team who we felt had those skills and abilities. So I would
18 absolutely say it was us deliberately picking people we
19 thought were successful. The supervisory intelligence
20 analyst I picked is a true absolute subject matter expert in
21 Russia, the best qualified person I could think of who
22 worked for me, who could lead that team.

23 Mr. Baker. When it's all said and done and the
24 selections are made, I guess really I mean on both the agent
25 side and the analyst side, but you're going to be more

1 knowledgeable about the analyst side, were you able to kind
2 of sit back, look at the team you've assembled, and have
3 confidence that when the analytical work, when the
4 investigation really kicked into high gear, you had a team
5 of performers?

6 Mr. Moffa. I do. I can't speak to the operational
7 side because they didn't work for me, but I felt good about
8 the analytic team we had dedicated to it, yes.

9 Mr. Baker. Thank you.

10 Mr. Somers. This is pretty well laid out in the IG
11 report, but I want to make sure you have the same
12 understanding as what the IG report lays out. So as I
13 understand it, there were analysts, there was a supervisory
14 intel analyst, and then there was you sort of on the analyst
15 side of the chain; is that roughly correct?

16 Mr. Moffa. That's roughly correct, yes.

17 Mr. Somers. On the operational side, there was an SSA
18 that was basically at the equivalent level of the
19 supervisory intel analysts, and then he would have had
20 agents under him; is that your general understanding?

21 Mr. Moffa. That's correct.

22 Mr. Somers. And that SSA then reported to Pete
23 Strzok, is that your understanding?

24 Mr. Moffa. That's correct.

25 Mr. Somers. And a supervisory intel analyst obviously

1 reported to you. So were you and Pete Strzok on the same
2 level in this investigation?

3 Mr. Moffa. We were initially. I believe Pete was
4 promoted sometime in the fall. I don't know the exact date.
5 And at that point he outranked me as a Deputy Assistant
6 Director. In the initial period, I believe he was a section
7 chief, so we would have been of equal rank.

8 Mr. Somers. But when he took over, I think it was
9 September 4th of 2016 when he took over as a DAD. I'm just
10 wondering, chain of command-wise, does that put him above
11 you? Or was there a different DAD that was above you?

12 Mr. Moffa. He would not be above me from a managerial
13 control aspect. I reported directly to Bill Priestap and my
14 normal Deputy Assistant Director. I didn't report to Pete.
15 He did outrank me in terms of just executive rank in the
16 FBI.

17 Mr. Baker. Who was your normal Deputy Assistant
18 Director?

19 Mr. Moffa. Dina Corsi.

20 Mr. Somers. What was Dina Corsi's involvement in
21 Crossfire Hurricane?

22 Mr. Moffa. She had minimal involvement in Crossfire
23 Hurricane, but she was -- I essentially reported to her
24 directly for that broader analytic support to the Russia
25 program and to the Russian election issue that was under way

1 at the time.

2 Mr. Somers. But for Crossfire Hurricane you reported
3 to Bill Priestap?

4 Mr. Moffa. That's the most accurate way of describing
5 it. I reported directly to Bill Priestap.

6 Mr. Baker. You've indicated you were around working in
7 the FBI's counterintelligence apparatus for a good part of
8 your Bureau career. Did you know Mr. Strzok before this
9 particular case?

10 Mr. Moffa. I did, especially working counter-espionage
11 cases. He had been a counter-espionage agent, a manager of
12 counter-espionage cases at WFO. So we had definitely
13 interacted before.

14 Mr. Baker. So you knew him from Washington Field
15 Office?

16 Mr. Moffa. I knew him from Washington Field Office and
17 we worked together in a counter-espionage unit at
18 headquarters at one point as well.

19 Mr. Baker. Was the relationship more professional or -
20 -

21 Mr. Moffa. Yes, I think it was certainly professional.
22 I'd consider us work friends. We would talk outside of work
23 occasionally. But the classic kind of work friend
24 relationship.

25 Mr. Baker. And how about Mr. Priestap? You knew him

1 before this case?

2 Mr. Moffa. I knew him very little before he became the
3 AD of Counterintelligence Division. I knew of him and I had
4 met him a few times, but really my relationship with AD
5 Priestap was once he began as the AD of the division.

6 Mr. Baker. And once he was the AD of the division, is
7 he someone you had frequent contact with?

8 Mr. Moffa. Yes.

9 Mr. Baker. More so than Mr. Strzok during the case?

10 Mr. Moffa. No, I would say it's about equal. I mean,
11 every day, just about every day, we were talking -- I was
12 talking to both of them about some aspect of whether it was
13 Crossfire Hurricane or the broader Russian issue during this
14 period.

15 Mr. Somers. In terms of -- I'm trying to understand
16 the reporting chain. Another individual we've interviewed,
17 his name is Steven Laycock. He was also a section chief, is
18 that correct?

19 Mr. Moffa. That's correct.

20 Mr. Somers. And he handled -- his section had Russia
21 specifically in it, correct?

22 Mr. Moffa. Correct. That's my section chief
23 counterpart for Russia operations, the broader Russia
24 operations.

25 [REDACTED]. Before we go too much further, I just

1 want to clarify. We are in an unclassified setting?

2 Mr. Somers. That's correct.

3 Generally, I'm just trying to understand. Apart from
4 Crossfire Hurricane, the section that Steven Laycock headed
5 had Russia the country specifically in it. The section that
6 Pete Strzok handled, what did that cover?

7 Mr. Moffa. They managed counter-espionage cases
8 specifically.

9 Mr. Somers. So how much involvement did Steven
10 Laycock's section have in Crossfire Hurricane specifically?

11 Mr. Moffa. Again, very little involvement in Crossfire
12 Hurricane. But they were the main operational section for
13 the broader Russian election counterintelligence issue.

14 Mr. Somers. Just generally, what was -- I don't want
15 to get into anything classified, but if you could just give
16 a general characterization of what the broader Russia
17 investigation you referred to a few times was?

18 Mr. Moffa. Sure. Really, in an election the
19 Counterintelligence Division takes a look at what our
20 foreign adversaries from a counterintelligence perspective
21 are going to do to target the election. In this particular
22 election, following the DNC hack and all that was coming out
23 publicly, obviously there was some heightened awareness of
24 the Russian election threat. So it was looking at the
25 activities of Russian intelligence actors and the broader

1 threat as it pertained to their targeting of the election.

2 Mr. Somers. Just to switch tracks briefly here, how
3 many FISA applications have you worked on in your career?

4 Mr. Moffa. I couldn't give you the number.

5 Mr. Somers. Because it's high or --

6 Mr. Moffa. I've worked on a number of them. I have
7 absolutely no idea what that number would be. To be clear,
8 I worked on them as an analyst, not as an analyst manager.

9 Mr. Somers. What does that consist of, that working
10 on? What has generally been your involvement in FISA
11 applications?

12 Mr. Moffa. On FISA applications it would be, if I'm
13 providing analytic support to a case, meaning I'm conducting
14 research in support of the investigators who are looking at
15 a subject, I would generally be aware they were seeking a
16 FISA. Intel products that I authored or facts that I would
17 analyze could potentially go to those investigators for
18 their evaluation and their work with OGC and the lawyers at
19 DOJ for inclusion.

20 So that would really be my involvement. It would be if
21 there's analytic information or research that could help the
22 investigators apply for a package in consultation with the
23 legal side.

24 Mr. Somers. Did you in that capacity review the
25 actual application, the actual words that were in the

1 application?

2 Mr. Moffa. In that capacity, it would be much more
3 likely I would read at least parts of them. I can't say I
4 would read every single page, all the legalese especially.
5 But there were times where, sure, you would potentially read
6 those sections that related to a threat actor that you are a
7 subject matter expert on, for example, and render an
8 opinion.

9 Mr. Baker. You or your analysts, your involvement in
10 the FISA process, does it come after the FISA application or
11 the package starts its movement through headquarters, or can
12 an agent in the field reach out to an analytical component
13 and nail down some facts that early on?

14 Mr. Moffa. It can really happen at any one of those
15 stages. It could be before the decision to formally go for
16 a FISA has been made. It could be conversations happening
17 between analysts and investigators about the nature of the
18 threat that we're seeing in the investigation. And then
19 later on, it could be that back and forth as they try to
20 nail down certain facts or information that's included,
21 sure.

22 As a working-level analyst, that would be the kind of
23 range of their involvement.

24 Mr. Baker. So the fact nailing down I guess is what
25 I'm really interested in. That could happen at either

1 stage, too?

2 Mr. Moffa. Sure, I think so.

3 Mr. Baker. Okay. Thank you.

4 Mr. Somers. You served as an analyst?

5 Mr. Moffa. Yes.

6 Mr. Somers. You served as a supervisory intel
7 analyst?

8 Mr. Moffa. I served as -- it's supervisory intel
9 analyst unit chief. That's the official position.

10 Mr. Somers. Unit chief. And then as a section chief
11 during Crossfire Hurricane. What was your role in FISAs
12 generally as the section chief, as that section chief?

13 Mr. Moffa. No role whatsoever. I wasn't involved in
14 the drafting. I wasn't involved in the approval. I was
15 generally aware if FISAs were being sought, and for me
16 that's more for my situational awareness in the sense of, if
17 a FISA goes live there's intel coming in and I have to be
18 able to resource review of that kind of intelligence from an
19 analytic perspective and understand to some degree the
20 intelligence gaps the FISA's answering.

21 But in terms of the process of generating it, I'm not
22 involved.

23 Mr. Somers. Just backing up to your previous life as
24 an analyst, if you were an analyst, as you described the
25 work you had on a FISA, would you also be looking at the

1 data or whatever that's coming in as a result of the FISA?
2 Or do you kind of shift off once the FISAs been applied for?

3 Mr. Moffa. No, it's entirely possible that the
4 proceeds of the FISA, any kind of captured communications
5 for example, the analysts could absolutely be going through
6 those, in fact most often would be.

7 Mr. Somers. Are you familiar with the Woods
8 procedures?

9 Mr. Moffa. I'm generally familiar with them, but again
10 I'm not responsible for production of FISAs, so I can't tell
11 you I'm intimately familiar with all of the policies and
12 actions of it.

13 Mr. Somers. What was your role as an analyst -- I'm
14 just trying to understand FBI analyst's roles more
15 generally. What's the role of an analyst in the Woods
16 procedure?

17 Mr. Moffa. There's really no role, other than if an
18 analyst's product is going to be included a copy of it needs
19 to be in the Woods file.

20 Mr. Baker. So an analyst's product could be the basis
21 for an assertion in a FISA and therefore that product
22 created by the analytical component should be in the Woods
23 file?

24 Mr. Moffa. With factual research contained within an
25 analytic product. Maybe not their judgment as much as a

1 salient fact that's used. If they're citing an analytic
2 product as a source of that, that should be in the Woods
3 file, correct.

4 Mr. Baker. And would analysts be available for, for
5 lack of a better word, a consultation with an agent trying
6 to put something together? The agent's trying to nail down
7 a fact. Can they come to an analytical part of the FBI and
8 say, Hey, I myself am not aware of this; there's some vague
9 reporting on whatever it is; do you, with your analytical
10 skills and a more broader perspective -- can you help me
11 nail down this fact? Is that something you'd do or your
12 people do?

13 Mr. Moffa. I wouldn't do that as an executive or
14 manager of analysts. But certainly a working-level analyst
15 would be able to answer some of those questions for the
16 investigators, sure.

17 Mr. Baker. Would you say that that ability to answer
18 those types of questions, it's not just a nicety that exists
19 in the FBI if somebody wants to use that? In the modern
20 FBI, my understanding is post-9-11 Director Mueller really
21 raised the profile of the analytical component of the FBI,
22 career enhancement things for career tracking.

23 Would it be fair to say that it's not just a nicety
24 that there is this analytical component; people are using
25 that for the things we've discussed here, to nail down

1 facts, to document things that they're asserting in FISA or
2 just regular Title 3 affidavits, that your expertise and the
3 people that have that expertise in the Bureau, they're truly
4 a part of the sophisticated techniques and it's a vital
5 resource, not just something that sits somewhere in a room
6 somewhere and is somewhere on a directory?

7 Mr. Moffa. Yes. Not having been at that working level
8 for a while, I couldn't tell you exactly to the degree that
9 happened. But generally, it's a merged operational
10 intelligence team working together. Operators, agents who
11 are applying for FISA, absolutely know who their analytic
12 counterparts are. They could go to them at any time if they
13 have questions about facts or research or an analytic
14 product they're looking at. I think they're absolutely
15 available for that and it would certainly be something that
16 wouldn't be out of the ordinary if they were to reach out to
17 do that as they prepared a FISA.

18 Mr. Baker. It's my understanding, my belief, that
19 there's such an importance put on the analytical component
20 that the integration, for lack of a better word, between or
21 with the agents and the analysts starts very early in both
22 of their careers, like at Quantico, the basic training for
23 both, begins together at the FBI Academy; is that correct?

24 Mr. Moffa. That is correct.

25 Mr. Baker. And in your opinion, does that importance

1 of working together, sharing information, and again back to
2 putting an emphasis on what you do, does that in your
3 opinion exist after training and throughout the
4 investigative process as an agent, a new analyst, progresses
5 through their career?

6 Mr. Moffa. Again, I can't speak to the entire Bureau,
7 but what I saw in Counterintelligence, the analytic
8 personnel are very much embedded directly with our
9 operational counterparts, for that reason, whether it's on a
10 squad in a field office or even at headquarters. My teams
11 were physically seated with their operational counterparts,
12 so that interaction could happen on a day to day basis.

13 Mr. Baker. Thank you.

14 Mr. Somers. Was that true for Crossfire Hurricane?

15 Mr. Moffa. It was.

16 Mr. Somers. Just on the -- obviously they had
17 different reporting chains, but just to look at Crossfire
18 Hurricane, could a case agent, for instance, go just task an
19 analyst with, Hey, I need some more on X, and that's how it
20 would work? Or would the agent have to go to the
21 supervisory intel analyst and have him task?

22 Do you know how that day to day basis worked?

23 Mr. Moffa. I wasn't sitting with that team on a day to
24 day basis, so I can't tell you how that happened. But in a
25 general sense, it depends on the ask. If it's a reasonable

1 working-level ask, that's the reason we're embedding them
2 together, so that those teams could work together seamlessly
3 in exactly the way you described.

4 If the ask is for substantial portions of that
5 analyst's time, like in terms of expenditure of the resource
6 of that analyst, we would expect him to come through the
7 analyst's manager. So that applies to every team, and I
8 would say to include Crossfire Hurricane, although I wasn't
9 sitting with them, so I couldn't tell you precisely.

10 Mr. Somers. This is something that hasn't occurred to
11 me that much prior to this. Maybe you don't know the
12 answer, but you talked about sitting with. If you could
13 give me kind of a picture, like a physical picture? You had
14 agents, obviously, come from the field to headquarters, is
15 my understanding. So they were all sitting in Hoover.

16 But your analysts were application headquarters
17 analysts, is that correct?

18 Mr. Moffa. Yes.

19 Mr. Somers. So did they -- where were they all
20 physically sitting in Hoover?

21 Mr. Moffa. We -- and I'm using the royal "we" here.
22 The division acquired a space, a single space, and my
23 analysts moved from their normal desks into that space and
24 the agents from the field sat in that same space. They were
25 physically in one room.

1 Mr. Somers. Including the supervisors?

2 Mr. Moffa. Including the supervisors.

3 Mr. Somers. So the SSA --

4 Mr. Moffa. And the SIA.

5 Mr. Somers. -- and the SIA both moved to that
6 physical space?

7 Mr. Moffa. With the teams, yes.

8 Mr. Somers. But you and Mr. Strzok did not? You
9 stayed elsewhere.

10 Mr. Moffa. Again just to describe my job, I have over
11 a hundred personnel assigned to me, working really a global
12 set of threat actors. My full-time job was not to manage
13 Crossfire Hurricane.

14 Mr. Somers. I'm just trying to get a picture.

15 Mr. Moffa. So I sat separately from the team.

16 Mr. Baker. I just want to be clear, because we've
17 talked mostly about agents coming to analysts or agents
18 being helped by analysts, supporting facts or assertions. I
19 think you alluded to in terms of products that analysts can
20 produce. The analysts can generate information that maybe
21 the Bureau wasn't focused on before and that could in turn
22 initiate an investigation to be opened totally based on the
23 analytical product that highlighted something that maybe
24 wasn't known to the Bureau?

25 Mr. Moffa. Correct. That happened.

1 Mr. Baker. Thank you.

2 Mr. Somers. As I understand it from reading the IGG's
3 report, you were involved in Crossfire Hurricane from the
4 inception; is that correct?

5 Mr. Moffa. It's hard to define what that exactly
6 means, but I was aware of it and I was staffing it with my
7 analytic teams from the beginning.

8 Mr. Somers. From the beginning. The IG report
9 indicates that from July -- this is on page 52, for
10 instance; I'm sure this appears more than once in the IGG's
11 report. From July 28th to July 31st of 2016, officials of
12 the FBI headquarters discussed the friendly foreign
13 government information and whether it warranted opening a
14 counterintelligence investigation.

15 My understanding from the IG report is you were
16 involved in those discussions in that time period; is that
17 correct?

18 Mr. Moffa. I was present for the discussions.

19 Mr. Somers. How did you become aware of this friendly
20 foreign government information?

21 Mr. Moffa. I received it via email along with a few
22 others from the division. It literally came to me in my
23 email.

24 Mr. Somers. The information that you got, is that
25 like -- I don't know how familiar -- you were certainly

1 familiar with it at some point in time. But there's the
2 opening EC in the Crossfire Hurricane investigation that's
3 been declassified. And it largely seems to be to me -- you
4 can recharacterize what I'm saying, but from my read of it -
5 - it largely is an email embedded within an opening
6 communication.

7 Is that what you received, an email basically with the
8 factual scenario from the friendly foreign government?

9 Mr. Moffa. That's right. I received an email that
10 contained essentially that reporting, which then served as
11 the basis for the opening of the case, that's right.

12 Mr. Somers. Do you recall who sent you that email?

13 Mr. Moffa. I received it from --

14 [REDACTED]. If you have to give names --

15 Mr. Moffa. No, this was a section chief name. Charles
16 McGonigal, who was in the division at the time.

17 Mr. Somers. I'm sorry. He was where?

18 Mr. Moffa. He was a section chief within
19 Counterintelligence Division, on the operational side.

20 Mr. Somers. Do you know where he got it from?

21 Mr. Moffa. I believe -- I don't know. I couldn't
22 speculate without looking at the chain of emails.

23 Mr. Somers. Did his responsibilities include Russia?

24 Mr. Moffa. I also couldn't speculate to that. I
25 believe he ran our cyber coordination section, and I don't

1 know if they had Russian responsibilities or not.

2 Mr. Somers. Do you recall sort of the lead-in? Like,
3 Hey, we got this information? Why were you being -- do you
4 recall why you were being alerted to this information?

5 Mr. Moffa. It would make sense to come to me, again,
6 because I'm in charge of the Russian counterintelligence
7 analysis program and it dealt with the Russian threat. He
8 sent it to essentially the ops and intel halves of that
9 equation, the operational counterpart, Steve Laycock, and
10 me. That's my recollection.

11 Mr. Somers. Do you recall if Pete Strzok was on that
12 initial email?

13 Mr. Moffa. I don't recall that.

14 Mr. Somers. You don't recall whether he was?

15 Mr. Moffa. I don't recall.

16 Mr. Somers. How did it then broaden out, to the best
17 of your recollection, from coming to you and Steve Laycock,
18 and then it obviously broadened out? From the IG report,
19 there were numerous people involved in those discussions
20 over that three or four-day window there.

21 Do you recall how --

22 Mr. Moffa. I don't recall specifically. I know I
23 forwarded it up my chain of command. I don't remember who I
24 sent it to specifically.

25 Mr. Somers. Were there meetings over that four-day

1 window, July 28th to July 31st?

2 Mr. Moffa. Again, I couldn't tell you specifically how
3 many or what day. But I recall being part of the
4 conversations about that email and what it contained over
5 generally that period.

6 Mr. Somers. What generally were those conversations?

7 Mr. Moffa. The conversations, although I have to
8 clarify -- they're not asking my opinion as the analyst
9 manager necessarily. But I was around conversations about
10 whether to open a case, how to open a case, and how to
11 proceed with that information going forward.

12 Mr. Somers. What's your -- ultimately, obviously, a
13 case is decided to be opened. It's opened on July 31st. I
14 think the IG report indicates that you had some input on the
15 -- or if not, we have emails that indicate you had some
16 input on the opening of the EC. Do you recall what your
17 input was?

18 Mr. Moffa. I don't recall that.

19 Mr. Somers. Do you recall having input on the actual
20 document?

21 Mr. Moffa. No, I don't recall that.

22 Mr. Baker. Who picked the codename of the case?

23 Mr. Moffa. Who picked the codename? I don't recall
24 that either.

25 Mr. Baker. Is there a system for codenames?

1 Mr. Moffa. There is a system or there was a system, I
2 should say. In the earlier days of my career, I remember
3 there was a way you could actually query a system and you'd
4 get back a set of codenames that were generated, that case
5 agents, the operational side, could choose from.

6 I don't know how this one was generated, other than
7 what I've read.

8 Mr. Baker. So the process you described, it was
9 randomly generated. Maybe you got a few choices and then
10 the case agent could select from those choices?

11 Mr. Moffa. Correct. I couldn't tell you at what era
12 of the Bureau that may have stopped. But earlier in my
13 career that's exactly the way it would work. You'd get a
14 list of three or four codenames and those were available and
15 you could choose from them.

16 Mr. Baker. But you think that process stopped and some
17 other process came to be?

18 Mr. Moffa. I couldn't even tell you that. It could
19 still be in place. I wouldn't know. I just haven't worked
20 at that level or on cases like that for a long time.

21 Mr. Baker. Do you recall, with the process you're
22 describing, the randomly generated choices, could a case
23 agent come up with a codename on their own that they wanted
24 and do some administrative thing to override the selections
25 that the computer made?

1 Mr. Moffa. My memory, again going back more than a
2 decade, generally was you could, but you had to determine
3 first positively if there was another case with that exact
4 same codename. That makes sense. You wouldn't want to have
5 two cases codenamed the exact same thing because it could
6 create lack of clarity.

7 Mr. Baker. So if someone picks their own codename,
8 assuming it's with whatever the Bureau protocol for doing
9 that is, do you know if it's habit or more often than not
10 that there's some meaning to the codename relative to the
11 case, or not necessarily?

12 Mr. Moffa. I couldn't tell you how prevalent that is.
13 I'm sure it happens.

14 Mr. Baker. I'm told or I've read somewhere that this
15 particular codename was chosen by one of the Crossfire teams
16 and it comes from a Rolling Stones song. Have you heard
17 that?

18 Mr. Moffa. I read the same thing. I don't recall
19 there being conversations that I was a party to about that
20 at the time, though.

21 Mr. Baker. So there wasn't a big discussion that you
22 are aware of of what to name the case?

23 Mr. Moffa. I don't remember being a part of any
24 discussion about what the codename is.

25 Mr. Baker. What's the purpose of a codename?

1 Mr. Moffa. The purpose of the codename I think in a
2 rough sense is to be able to refer to an investigation or
3 series of investigations in a way that doesn't directly
4 identify the subject or purpose of that investigation.

5 Mr. Moffa. So if you were to pass somebody in the
6 hallway in a non-SCIF setting and they were involved in some
7 of the cases you're involved in, but you needed to see them
8 about a particular matter, you could reference the codename
9 and then they would know what it is you're talking about, as
10 opposed to five other cases that you both might be working
11 on?

12 Mr. Moffa. That's correct. It's essentially an
13 operational security measure. It adds obfuscation to those
14 who are not read into the case for what the purpose of the
15 case is.

16 Mr. Baker. Thank you.

17 Mr. Somers. What was your understanding at the
18 beginning of what the predication was for opening Crossfire
19 Hurricane?

20 Mr. Moffa. My understanding of what the predication
21 was?

22 Mr. Somers. Yes.

23 Mr. Moffa. I believe the predication was based largely
24 on that information received from the friendly foreign
25 government about the fact that a member of the Trump

1 organization -- and that term was used -- that may not be
2 the exact wording used, but it wasn't a specific named
3 individual -- may have received information from Russia
4 helpful to the campaign and harmful to the opponent.

5 Mr. Somers. How did your previous -- you had been
6 working on Russian election interference generally in the
7 2016 election prior to receiving this friendly foreign
8 government information; is that correct?

9 Mr. Moffa. Sure. In the run-up to the election, we
10 began earlier in the year starting to look at that sort of
11 issue, yes.

12 Mr. Somers. How did that play into opening Crossfire
13 Hurricane?

14 Mr. Moffa. I think the context of that moment in July
15 was a really important one. This was after the events
16 involving the DNC and separate intelligence we were starting
17 to review related to what the Russians were doing to target
18 the election. So this to me fits into the background of all
19 of that at the time.

20 So my impression of the predicating material is
21 informed by what's happening in the broader Russian election
22 threat context at the time.

23 Mr. Somers. What do you recall -- what were you
24 looking for generally as you opened Crossfire Hurricane?
25 What were you going to investigate?

1 Mr. Moffa. Again, I have to clarify. I'm not involved
2 in the opening. Part of why I'm clarifying that is there
3 may be a set of operational considerations my counterparts
4 had that I'm not privy to.

5 To me, from my personal perspective at the moment,
6 understanding the context of the broader threat happening
7 around it and the nature of that information, in my personal
8 opinion it made sense to open a case. But to clarify again,
9 I'm not being asked for my formal opinion. It's not within
10 my responsibility, authority, expertise to really make a
11 judgment on that.

12 Mr. Somers. What was your understanding of what the
13 team was going to -- you launched this investigation,
14 Crossfire Hurricane. You're starting to put together, I
15 assume, in these early days a team for Crossfire Hurricane.
16 What were they to investigate?

17 Mr. Moffa. It was to identify the potential unknown
18 actor, and I'm using that word deliberately, "potential
19 unknown actor," who may have received this information from
20 the Russian government. Because that person was unknown,
21 the team was opening a series of cases on individuals what
22 could fit the description, essentially, someone who could
23 have received that information from the Russians.

24 Mr. Somers. I think in the IG report it indicates
25 that, on page 59, it says. "Strzok, the intel section

1 chief" -- that's you -- "the supervisory intel analyst, and
2 case agent 2 told the Office of Inspector General that,
3 based on this information" -- "this information" being the
4 friendly foreign government information -- "the initial
5 investigative objective of Crossfire Hurricane was to
6 determine which individuals associated with the Trump
7 campaign may have been in a position to have received the
8 alleged offer of assistance from Russia."

9 So that's what you were looking at, to see who was in
10 position?

11 Mr. Moffa. That's right, somebody that would have had
12 the access or opportunity to receive that sort of suggestion
13 for Russia.

14 Mr. Somers. Why look specifically at that, versus
15 just someone who had the access to the campaign to carry
16 out? Did you need -- I guess what I'm asking is, did you
17 need a preexisting relationship with Russia in order to get
18 this information to the campaign?

19 Mr. Moffa. Again, you'd have to ask -- in terms of the
20 actual legal sufficiency of opening cases, you'd have to ask
21 somebody else. To me --

22 Mr. Somers. I'm just asking what you were looking
23 for.

24 Mr. Moffa. To me, from a personal reasonableness
25 perspective, I think it made sense to first look to see if

1 there were individuals who had preexisting ties to Russia or
2 the kind of opportunity that would make that sort of
3 suggestion being made possible. So I think that's where the
4 team focused initially, on identifying people who fit into
5 that category.

6 Mr. Somers. You settled on -- not you. The team, the
7 FBI, settled on four individuals that seemed to fit that?
8 Is that what they were? They were in the position to have
9 received information; is that a fair characterization?

10 Mr. Moffa. I think it's a fair characterization, based
11 on their background and their connections, preexisting ties
12 to Russia, and their association with the campaign. That's
13 my understanding of the reason our operational team chose to
14 open the cases on them.

15 Mr. Somers. Obviously, George Papadopoulos is named
16 in the opening EC. So he obviously would be -- would seem
17 to be an obvious target. How did you arrive at the others?
18 What type of -- in terms of investigative methods, not in
19 terms of the specific individuals? Like what did you do
20 between -- I think the other cases were opened -- three
21 others were opened on August 10th of 2016 and then the case
22 against General Flynn was opened on August 16th.

23 I'm trying to understand between, let's say, July 31st
24 and August 16th what went on investigatively to identify
25 those four individuals.

1 Mr. Moffa. Because I'm not sitting there at the
2 working level with the team, I couldn't tell you exactly
3 what was done. I can speak a little bit to the fact that my
4 analysts are doing research on who are the sort of named,
5 known members of the Trump campaign at the time and then
6 looking in our indices, for example, for preexisting cases
7 or information that might suggest the sort of Russia ties
8 that I've been talking about, the context that might make
9 one person a more likely candidate for this investigation
10 than someone else.

11 So from our half of it in terms of the analytic side,
12 we were starting to just pull together that kind of
13 information and research.

14 Mr. Baker. Where is that information and research
15 going once your team is pulling it?

16 Mr. Moffa. My time was writing a series of documents
17 to capture that, and those were being provided to the
18 operational team.

19 Mr. Baker. That's the agent --

20 Mr. Moffa. The agent side, right. And that informs
21 their choices about which cases they chose to open.

22 Mr. Baker. It's my understanding that with the choice
23 that they could make about which cases to open and I think
24 by extension which techniques or investigative methods to
25 apply, that was pretty much in their domain to decide at the

1 SSA level, I think. Is that your understanding?

2 Mr. Moffa. It is. That's my understanding, too. In
3 conjunction with conversation and review by our Office of
4 General Counsel.

5 Mr. Baker. That's a good point, the Office of General
6 Counsel. You indicated a minute ago, to a question Mr.
7 Somers asked, that it wouldn't be your role to say the legal
8 sufficiency of it.

9 Mr. Moffa. That's right.

10 Mr. Baker. So whose job is it to determine if there's
11 legal sufficiency to do whatever is being considered?

12 Mr. Moffa. There are essentially support units within
13 our Office of General Counsel who have lawyers focused on
14 national security threats and cases, and they work really
15 closely, hand in hand really, with our operational teams to
16 give that exact sort of judgment about do we have that legal
17 sufficiency for a case and, if so, what kind of case should
18 be opened and what other administrative stipulations need to
19 be implemented related to it based on those facts.

20 That's something that our OGC works directly with the
21 operational side. And in the field, the chief division
22 counsel, essentially the OGC equivalent in the field, would
23 do the same.

24 Mr. Baker. These OGC people that would be providing
25 guidance on opening techniques or whatever, would this be

1 where the operational people that would be the ones most
2 likely needing that service -- would they just call over to
3 the general counsel's office and somebody picks up the phone
4 and they say, hey, I need some legal advice? Or is there
5 somebody specifically assigned to this Crossfire Hurricane
6 team as the legal liaison?

7 Mr. Moffa. There was an Office of General Counsel unit
8 chief who was essentially assigned from the beginning, in
9 the same kind of way I'd describe other managers. It's not
10 that they're necessarily doing just that all day, but
11 associated really from the beginning. It was the same
12 general counsel unit chief who really supported at least
13 half of the counterintelligence programs on a normal basis.
14 It wasn't a new or different general counsel attorney. It
15 was essentially the attorney -- one of the attorneys that
16 regularly supported Counterintelligence Division.

17 Mr. Baker. I would think -- correct me if I'm wrong --
18 that you would need continuity just because of the nature of
19 assembling. Just in a FISA alone, you've got information
20 coming in, I understand, from a lot of different places.
21 You couldn't get legal advice randomly from ten different
22 lawyers every time you needed something. You would have to
23 have somebody assigned to it.

24 Mr. Moffa. Well, yes, I think having continuity is
25 helpful. But there are a lot of attorneys, so it isn't just

1 one attorney for all cases in the division. Obviously,
2 there's a number of attorneys supporting the division.

3 But the general counsel is a foreground part of opening
4 cases and then pursuing advanced techniques. They're very
5 much involved and engaged directly with our operational
6 teams.

7 Mr. Baker. Who primarily liaised with the operational
8 team from the general counsel's office for this case?

9 Mr. Moffa. The person is at the GS-15 level. My
10 understanding is I'm not supposed to discuss their names.

11 Mr. Somers. Are you referring to the OGC unit chief?

12 Mr. Moffa. I wouldn't be able to -- that's one of the
13 hardest parts of people asking questions about the IG
14 report, is the whole nomenclature of their numbering. But I
15 know that person is referenced in the IG report, yes.

16 Mr. Somers. It is a unit chief?

17 Mr. Moffa. Unit chief, correct.

18 Mr. Somers. And is that unit chief someone you worked
19 with, would you characterize it as regularly?

20 Mr. Moffa. Yes.

21 Mr. Somers. Apart from Crossfire Hurricane?

22 Mr. Moffa. Again, in a different capacity. As an
23 analyst, I'm working with them in a different way than the
24 operational counterparts are. But certainly somebody I'm
25 very familiar with who is very much a fixture really in the

1 division and supporting the division's investigation.

2 Mr. Baker. You say "very much a fixture." Is that
3 person a fixture or their prevalence in counterintelligence
4 matters in your opinion, is it based on their expertise in
5 that particular area?

6 Mr. Moffa. Absolutely, years and years of expertise in
7 national security investigations, but specifically
8 counterintelligence investigations. A really valued adviser
9 in that regard.

10 Mr. Baker. Your verbal response underscored
11 "absolutely." It's your opinion that this person's top of
12 their game?

13 Mr. Moffa. Yes. I continue to think really highly of
14 that person.

15 Mr. Baker. Thank you.

16 Mr. Somers. And that unit chief had a, for lack of a
17 better term, a line attorney below her that primarily, at
18 least from the IG report, worked on the case. Do you know
19 that -- I'm not asking for the name, but do you know who I'm
20 referring to?

21 Mr. Moffa. I believe I do, yes.

22 Mr. Somers. Was that someone you'd worked with
23 previously?

24 Mr. Moffa. Much less so. Maybe a few investigations,
25 a handful that I was aware of. But again, that person I

1 would have become aware of when I was an analyst manager;
2 and as an analyst manager I'm much less involved in the day
3 to day workings of these cases. But I was certainly
4 familiar with that person, but much less so than the unit
5 chief.

6 Mr. Somers. Getting back to what I was asking you
7 about a moment ago, I'll just read you this from the IG
8 report. "The Department was first notified about the
9 opening of Crossfire Hurricane on August 2nd" -- "the
10 Department" being the Department of Justice -- "on August
11 2nd, 2016, when Priestap and the intel section chief" --
12 that's you -- "briefed several representatives from NSD."
13 Do you recall that briefing?

14 Mr. Moffa. I recall --

15 Mr. Somers. Or a very early briefing?

16 Mr. Moffa. I recall an early briefing and it was a
17 regular set of briefings of DOJ executive management that
18 involved conversations about Crossfire Hurricane and the
19 broader Russia election context.

20 Mr. Somers. Do you recall that David Loffman was in
21 that briefing?

22 Mr. Moffa. I recall that, yes.

23 Mr. Somers. According to Loffman and his
24 contemporaneous notes of the briefing, FBI officials
25 described FFG information and the four individuals the FBI

1 had identified through its initial investigative work who
2 were members of the campaign and had ties to Russia.

3 I guess -- and I don't know if you'd know this because
4 you weren't a hands-on analyst in this, but you did do the
5 briefing. So you opened the case on July 31st and on August
6 2nd you've already identified four individuals. To me that
7 seems kind of quick. But could you --

8 Mr. Moffa. I wouldn't necessarily agree with that
9 characterization. The purpose of the investigation is to
10 determine if there is a threat. So I think what the team
11 did there was identify some initial candidates for
12 investigation and, again, having been evaluated for legal
13 sufficiency and all that goes into the administrative side
14 of opening a case, it was I think the Bureau in an immediate
15 way getting into that phase of determining whether you could
16 rule in or out any of those candidates.

17 So to me waiting doesn't necessarily help you answer
18 that question any faster. So I wouldn't find it strange or
19 odd or a problem that cases were opened quickly. So that's
20 my opinion of the opening of those four.

21 As far as the briefing to DOJ, I can't tell you who
22 actually spoke during the briefing to provide it. I just
23 don't recall that.

24 Mr. Somers. Of course, not asking you for any names
25 or anything like that. These four individuals are

1 identified on August 2nd, which I would characterize as
2 quick, you would disagree with. That's fine. At any time
3 were other -- and I'm not asking you for names or anything.
4 These four were identified on August 2nd. They're also the
5 four that seemed to carry through the entire investigation.
6 Were cases considered to be opened or other people
7 investigated other than these four? Again, I'm not asking
8 to say "John Smith."

9 Mr. Moffa. I can say generally yes. I wouldn't want
10 to get into the specifics.

11 Mr. Somers. That's fine.

12 Mr. Baker. Were any cases opened that were closed
13 quickly, that didn't survive like the ones that are more
14 commonly --

15 Mr. Moffa. I just don't recall that. I'm sorry, I
16 just don't remember.

17 Mr. Baker. Mr. Somers asked about the quickness of
18 cases being opened. It could be closed quickly --

19 Mr. Moffa. Absolutely.

20 Mr. Baker. -- if resources were put to them and it
21 turned out to be a dead end?

22 Mr. Moffa. Or if you quickly determined that the
23 predication for that case, the allegation essentially you're
24 looking into, you could substantiate that it's not true and
25 that person's not a good candidate for investigation, you

1 can close it quickly, absolutely.

2 Mr. Baker. But you don't recall in this case if there
3 were any opened and then quickly closed?

4 Mr. Moffa. Yes, I just don't recall it. It doesn't
5 mean that there weren't.

6 Mr. Somers. Then of the four individuals, I think
7 General Flynn and Paul Manafort had pretty clear connections
8 to the Trump campaign. What was your understanding, though,
9 at the time of who George Papadopoulos was, for instance?

10 Mr. Moffa. All I can tell you is what I personally
11 remember in those early days was some initial information
12 that he was in some way associated with the Trump foreign
13 policy team. I don't know more really than that.
14 Subsequently I learned a few biographical details about him.
15 But I believe there was open source reporting where he was
16 openly being identified by the campaign as a member of that
17 team.

18 Mr. Somers. The same question for Carter Page. What
19 was your early understanding of who Carter Page was?

20 Mr. Moffa. Carter Page, again I learned about him once
21 this case began. same kind of identification publicly as a
22 member of the Trump campaign team in that time frame. But
23 then I subsequently became aware of additional information
24 within the Bureau's own holdings about Carter Page.

25 Mr. Baker. What do you mean when you say "within the

1 Bureau's own holdings"?

2 Mr. Moffa. I just don't know what the classification
3 part of that is.

4 Mr. Baker. In general terms, it sounds like --

5 Mr. Moffa. Other investigative information.

6 Mr. Baker. That's housed somewhere in the FBI?

7 Mr. Moffa. Correct.

8 Mr. Baker. Maybe previous contacts, previous dealings,
9 previous cases?

10 Mr. Moffa. Sure, that type of thing, yes.

11 Mr. Somers. What was your early understanding of how
12 either -- well, let's take them individually -- how George
13 Papadopoulos could possibly influence the campaign? You
14 said you were investigating -- you had friendly foreign
15 government information that Russia may try to influence or
16 help the Trump campaign. What was your understanding of how
17 George Papadopoulos could facilitate that?

18 Mr. Moffa. Especially early on, it was very unclear
19 who played what role in the campaign and what connection
20 they might have. So at that time -- I think it's important
21 to contextualize in the time period -- just again my own
22 personal recollection, there was just a lot of unknown about
23 it.

24 So back then I couldn't have told you anything about
25 the level of threat or involvement I thought any one of

1 those subjects posed. We just hadn't collected enough
2 information yet for me to be able to say.

3 Mr. Somers. So what did you do to collect information
4 on George Papadopoulos or Carter Page?

5 Mr. Moffa. Again, I can only speak to what my analysts
6 did. They did the kind of research that I've been talking
7 about, whether it's research in U.S. intelligence community
8 information, FBI information, or open source information,
9 trying to collect as many known facts as we have, and then
10 to help define intelligence gaps that the operational team
11 could use to shape their operations and investigations to
12 try to answer.

13 Mr. Baker. Some of that research would be done from
14 these FBI holdings that we've briefly talked about?

15 Mr. Moffa. Correct. So within our own case file
16 system, doing research, or looking at reporting coming from
17 U.S. intelligence community sources. I'm not saying here
18 definitively one way or the other about any of these
19 subjects whether there was or wasn't anything there, but
20 that's the sort of research my team was doing.

21 Mr. Baker. I'm just curious. In the in-house
22 research, for lack of a better term, these FBI holdings, in
23 your experience -- and it doesn't have to be related to this
24 case -- in your long time doing analytical work, is there an
25 issue, has there ever been an issue, with there being

1 holdings in the FBI that are hard to fine? One part of the
2 FBI has information that the other part needs, but it's not
3 really known to that part. I'd just be curious, your
4 comment on that?

5 Mr. Moffa. Certainly that's happened before. And as
6 the volume of data increases, the challenges of that have
7 increased for the Bureau. But sometimes it's deliberate in
8 the sense of there's exceptionally sensitive information
9 that's not populated in a searchable system, for example,
10 that's required by the U.S. intelligence community to be
11 held separately or in hard copy. That information by
12 default of its nature is harder to identify and then
13 connect.

14 That's why to the greatest extent possible the Bureau
15 has really put an emphasis on trying to increase information
16 sharing across, so that those exceptions are minimized to
17 the greatest degree possible.

18 Mr. Baker. Just at a very high, high, high level, what
19 is put in place to assure -- I understand what you're saying
20 about information that by its nature has to be
21 compartmented. But aside from that, what has the Bureau
22 done to make sure that the guy sitting on the left that
23 needs information that the guy on the right has doesn't miss
24 that he's got it because it's not recorded somewhere in
25 between?

1 Mr. Moffa. Again, it wouldn't be within my lane of
2 responsibility to do this, but there has been emphasis, just
3 in my opinion and what I've seen, on unrestricting cases,
4 for example. So instead of opening a case that's restricted
5 to a very small subset of people, the Bureau has tried to
6 minimize the number of times that happens, so that that case
7 information is available in our case system for analysts to
8 see across.

9 So it can still happen, but it needs some level of
10 additional approval for that to happen.

11 Mr. Somers. Sticking on Page and Papadopoulos, the IG
12 report indicates that, obviously, we did get the FISA
13 coverage on Carter Page. It also indicates, though, that
14 FISA coverage was considered for George Papadopoulos; is
15 that correct?

16 Mr. Moffa. My recollection is it was discussed, yes.

17 Mr. Somers. It was discussed. And I think on page
18 128 of the IG report it indicates that. "The intel section
19 chief and Strzok" -- you being the "intel section chief" --
20 agreed that there was not sufficient basis for FISA
21 surveillance targeting Page" -- I'm sorry -- "targeting
22 Papadopoulos."

23 Is that your recollection?

24 Mr. Moffa. I don't remember that. I remember reading
25 that in the IG report.

1 Mr. Somers. It says -- this is the same page, 128.
2 "Instant Messages also show that the intel section chief and
3 Strzok were much more interested in pursuing the request for
4 FISA coverage targeting Page." Do you recall that?

5 Mr. Moffa. Again, I remember reading that in the IG
6 report.

7 Mr. Somers. So your recollection -- you don't have a
8 recollection of thinking that there wasn't a sufficient
9 basis for seeking FISA coverage on Papadopoulos?

10 Mr. Moffa. I don't recall that specifically, no.

11 Mr. Somers. What was your level of interest in
12 getting FISA coverage on Carter Page?

13 Mr. Moffa. Again -- and I had sort of a luxury here
14 again as an analyst manager.

15 Mr. Moffa. Let me clarify the question. On Carter
16 Page?

17 Mr. Somers. Yes.

18 Mr. Moffa. On Carter Page, got it. As an analyst
19 manager, really our job is to define intel gaps for an
20 investigation or a threat question and then to seek those
21 answers. It is not to define, again, legal sufficiency or
22 operational wisdom of pursuing any certain technique.

23 So when I say that I have greater interest in Carter
24 Page, I believe there is a greater chance that intelligence
25 flowing from a FISA on Carter Page could answer our key

1 intelligence questions than a FISA on, for the example given
2 in the IG report, Papadopoulos.

3 Mr. Somers. Why is that?

4 Mr. Moffa. Given, again, some of the preexisting ties
5 and other information I was aware of at the time related to
6 his history.

7 Mr. Somers. So it wasn't just that it would be that
8 probable cause was clearer on Carter Page. You actually
9 thought there was a better intelligence-gathering
10 opportunity?

11 Mr. Moffa. I'm not qualified, nor was I ever or ever
12 have been asked, to rule on probable cause. My interest and
13 involvement and that of my team is to say. Where are the
14 most beneficial avenues to collect information that answered
15 those intelligence gaps. And if the key question here was
16 is someone receiving information from the Russians about the
17 campaign, what are those avenues where that question could
18 be answered, where that intelligence flowing across could
19 answer that question?

20 If you're doing a comparative between a Papadopoulos
21 and a Page, for example, Page is a more fruitful potential
22 source for that information than Papadopoulos.

23 Mr. Somers. Why?

24 Mr. Moffa. Given the background and history of both
25 people.

1 Mr. Baker. You're looking at a holistic approach to
2 person A and person B cause and you're making an informed
3 decision more likely than not, based on things you've looked
4 at -- maybe this person's traveling more, or this person has
5 known contacts with people as opposed to this person --
6 you're making an educated and informed guess that probably
7 the resources are better spent on person A?

8 Mr. Moffa. Yes, to the extent I'm making that judgment
9 in that moment, it is exactly that. It is understanding
10 which of these people potentially -- which of these people,
11 if an advanced technique is used, could potentially generate
12 intelligence that would better answer the intelligence
13 questions that my team is interested in having answered.

14 It is not the legal sufficiency, appropriateness,
15 operational benefit. That's the call of others. Analysts,
16 like I said, have this privileged opinion -- privileged
17 position in a way of saying. In a perfect world, if we
18 could get this, this, and this, that would be great, because
19 we think there is potential intelligence of value there. It
20 doesn't mean that we can, and that's the judgment of the
21 operational side and the legal side.

22 Mr. Somers. I understand what you're saying about
23 Papadopoulos. I'm just trying to reconcile that with the
24 fact that, the opening EC, the information was given -- I'm
25 sorry. I understand what you were saying about Page in

1 terms of why you wanted to get the FISA on Page. I'm just
2 not understanding why, when the opening EC, for instance,
3 involves communications with Papadopoulos, why he's not of
4 equal interest for FISA coverage, when it seems like the
5 investigation's predicated on information given to him.

6 Mr. Moffa. It doesn't say that, though. If you read
7 the words in that predication, he's relaying that somebody
8 received information from Russia. He doesn't say that he
9 did. So to me you're still then back to who are these
10 people, what are their connections, what's their history.

11 Again, my personal opinion from the moment and the
12 thinking, Papadopoulos doesn't say "I received it." He says
13 "We received it," royal "we." So to me, that's a judgment
14 that you have to factor in when you look at somebody's
15 background. Is this person more likely to have received it
16 personally or is this person, and why?

17 I think there are facts you can look at that might
18 suggest one is more likely than the other.

19 Mr. Somers. Do you recall if you investigated Joseph
20 Mifsud in terms of that? That's the person that allegedly
21 gave the information to Papadopoulos.

22 Mr. Moffa. Well, I don't investigate anything.

23 Mr. Somers. I'm sorry.

24 Mr. Moffa. I want to be really clear about my role in
25 it. I defer to --

1 Mr. Somers. I mean the team. You will catch me
2 several times probably throughout this saying "you" when
3 what I really mean to say is the Crossfire Hurricane team.

4 I probably used the wrong term by saying "investigate."
5 I guess what I'm asking was if they looked into who Joseph
6 Mifsud was, examined Joseph Mifsud, since he was the one
7 that allegedly gave Papadopoulos the information that
8 launched the investigation.

9 (Witness confers with counsel.)

10 ██████████. Could you rephrase that question so that he
11 does not have to answer who is the subject of an
12 investigation.

13 Mr. Somers. The opening EC in this case says that
14 Papadopoulos received some information regarding efforts to
15 -- for Russia to influence in some way or help the Trump
16 campaign. He obviously received that information from
17 somewhere. There's been an allegation that it was from a
18 particular individual, and I'm just trying to generally
19 understand whether the FBI, the Crossfire Hurricane team,
20 looked into that individual who allegedly provided
21 Papadopoulos with information.

22 Mr. Moffa. What I'll say is, as individuals who
23 potentially could have played a role in either the receipt
24 or use of that kind of information became known to us, we
25 looked into them. That's the best way of saying it. So

1 without confirming anybody specifically, as people became
2 identified to the team the team would look into them.

3 Mr. Somers. I think we're at a time for our hour, so
4 we'll take a short break now before we turn it over to the
5 Minority.

6 (Recess from 11:47 a.m. to 11:57 a.m.)

7 Mr. Haskell. Mr. Moffa, are you ready to begin?

8 Mr. Moffa. I'm ready.

9 Mr. Haskell. Thank you for being here and for your
10 many years of service to the FBI. Again, I'm Alex Haskell
11 with Ranking Member Feinstein's staff. My colleagues Sara
12 Zdeb and Heather Sawyer are with me and may ask you some
13 questions as well.

14 As you know, the Inspector General issued a 400-plus
15 page report in December of last year titled "Review of Four
16 FISA Applications and Other Aspects of the FBI's Crossfire
17 Hurricane Investigation." The report detailed the results
18 of the IGG's two-year investigation into the same topics
19 that we're addressing here today.

20 According to the report, the IG examined more than a
21 million documents and interviewed more than a hundred
22 witnesses, including Christopher Steele and numerous current
23 and former government employees in that process.

24 Did you cooperate with the IG investigation?

25 Mr. Moffa. I did.

1 Mr. Haskell. Were you interviewed as part of that
2 investigation?

3 Mr. Moffa. I was.

4 Mr. Haskell. Once, twice? How many times were you
5 interviewed?

6 Mr. Moffa. I believe twice.

7 Mr. Haskell. Twice. During your interviews did you
8 provide complete, truthful answers to the questions that the
9 IG asked you?

10 Mr. Moffa. I did.

11 Mr. Haskell. Did you or the Justice Department, the
12 FBI, provide the IG with documents related to your
13 involvement with Crossfire Hurricane?

14 Mr. Moffa. I don't remember if I provided them
15 directly, but I know the FBI provided documents to them,
16 yes.

17 Mr. Haskell. Did the IG ever complain that it needed
18 more information from you?

19 Mr. Moffa. I'm not aware of that, no.

20 Mr. Haskell. Did the IG ever complaint that it didn't
21 get documents pertaining to your involvement with Crossfire
22 Hurricane?

23 Mr. Moffa. No.

24 Mr. Haskell. Did you have the opportunity to review
25 the IG report or at least the portions that you were -- that

1 your name or your moniker appears in, before it was
2 finalized and published?

3 Mr. Moffa. I did.

4 Mr. Haskell. Did you provide any comments on that
5 draft?

6 Mr. Moffa. I don't recall providing any comments
7 specific to -- well, that's not true. I don't recall, is
8 the answer, specifically what comments I provided.

9 Mr. Haskell. Okay. Recognizing that different
10 witnesses may have different recollections or
11 interpretations of certain events that are covered in the
12 report, does the report accurately reflect the testimony
13 that you provided to the IGG?

14 Mr. Moffa. I would have to re-review each section
15 where "intel section chief" is mentioned to really be able
16 to answer that. The word choice sometimes in those reports
17 doesn't to me accurately reflect kind of the nuance, and so
18 I'd have to review each and comment to be able to say.

19 Mr. Haskell. To be I guess a little bit more
20 specific, you interviewed with the IGG, you provided your
21 own words characterizing certain events. Did the report --
22 do you recall whether the report misrepresented in any way
23 your words, your testimony?

24 Mr. Moffa. I wouldn't go so far as to say that it
25 misrepresented any of my testimony.

1 Mr. Haskell. Now, your interactions with the IG were
2 not your only interactions on this set of issues. With
3 regard to being interviewed, you were also interviewed for
4 around six hours in August of 2018 as part of an
5 investigation by the House Judiciary and Oversight
6 Committees; is that correct?

7 Mr. Moffa. I don't remember the exact time frame, but
8 the amount of time seems right, and I was interviewed by the
9 House, yes.

10 Mr. Haskell. As is true today, did you appear and
11 answer questions voluntarily at that House interview?

12 Mr. Moffa. I did.

13 Mr. Haskell. Did you provide the House committees
14 with truthful, complete answers to the questions asked?

15 Mr. Moffa. I did.

16 Mr. Haskell. Just to put a slightly finer point on it,
17 House Republicans didn't seek to subpoena or hold you in
18 contempt for failing to cooperate with them, did they?

19 Mr. Moffa. They did not.

20 Mr. Haskell. Have you been interviewed by any other
21 Congressional committees in connection with the Crossfire
22 Hurricane investigation?

23 Mr. Moffa. I don't believe so, no.

24 Mr. Haskell. In total between the IG testimony and
25 the House testimony, which I believe was on August 24, 2018,

1 approximately how many hours, days, have you spent providing
2 testimony on these issues?

3 Mr. Moffa. I don't know that I could tally it all up,
4 but it's tens of hours.

5 Mr. Haskell. Turning to the Crossfire Hurricane
6 investigation itself, you told the IG that after the FBI
7 learned from a friendly foreign government, FFG, that George
8 Papadopoulos had told a foreign official about this Russian
9 offer to help the Trump campaign by releasing hacked emails
10 damaging to Hillary Clinton, in your words in the IG report
11 on page 54, quote, "No one disagreed with opening a
12 counterintelligence investigation."

13 You also said that, quote, "In the context, what was
14 occurring with the DNC hacks and the release of the DNC
15 emails, there was a possibility that the Russians reached
16 out to a campaign to offer their assistance, and the FBI
17 needed to investigate the allegation."

18 I know you've discussed this a little bit with my
19 colleagues, but can you elaborate on that? Why did the FBI
20 have a need or, in legal terms, a predicate to investigate
21 that allegation?

22 Mr. Moffa. Well, again, I can't speak to predicate.
23 That's not my expertise. But what I can speak to is my
24 personal judgment of the time, which is an allegation of
25 that sort, in the environmental context of what was

1 happening after the DNC hack, my personal belief is it would
2 have been irresponsible not to investigate it as the FBI,
3 given the credibility of the friendly foreign government
4 threat it.

5 Mr. Haskell. Bill Priestap, who was the one who
6 opened the Crossfire Hurricane investigation -- as you told
7 my colleagues, you were involved in early discussions, but
8 you did not open it and it was he who made the decision to
9 open it -- Priestap told the IG that, quote, "The combination
10 of FFG information and the FBI's ongoing cyber intrusion
11 investigation of the DNC hacks created a counterintelligence
12 concern that the FBI was obligated to investigate."

13 Do you have any reason to dispute Priestap's
14 explanation for why he chose to open the investigation?

15 Mr. Moffa. No.

16 Mr. Haskell. As I said, Priestap said that this situation
17 created a, quote, "counterintelligence concern that the FBI
18 was obligated to investigate." Do you understand what
19 Priestap meant when he said, quote,
20 "counterintelligence concern"?

21
22 Mr. Moffa. I do.

23 Mr. Haskell. What's your understanding of what he
24 meant?

25 Mr. Moffa. I don't think I can speculate as to what

1 Bill Priestap would say. I can tell you what I believe the
2 counterintelligence concern was.

3 Mr. Haskell. Yes.

4 Mr. Moffa. I believe it's raising the specter of a
5 foreign power interfering in an important American
6 democratic process, which is a counterintelligence concern.

7 Mr. Haskell. To circle back to what you said earlier,
8 you had this greater Russian interference investigation that
9 was ongoing, and I believe you said that that heightened the
10 concern when you received this information from an FFG. To
11 talk about some specific events that were part of the
12 greater Russian interference operation in advance of you
13 receiving, the FBI receiving FFG information, in March and
14 May 2016 FBI field offices identified a spear phishing
15 campaign by the GRU targeting email addresses associated
16 with the DNC and the Clinton campaign, along with efforts to
17 place malware on DNC and DCCC computer networks.

18 Did that create a counterintelligence concern?

19 Mr. Moffa. Yes. I don't remember the specifics of any
20 of that here five years later, so I couldn't tell you that.
21 But again, a foreign power actively interfering in U.S.
22 political process to me is a counterintelligence concern.

23 Mr. Haskell. Are there any further specifics that you
24 could offer about why a foreign power putting malware on an
25 American political party's technology infrastructure and

1 attempting to hack their emails, why that would create a
2 counterintelligence concern specifically?

3 Mr. Moffa. Classic counterintelligence concern
4 involves a foreign power collecting information, information
5 they may be able to use to their benefit, to the detriment
6 of the United States. In past times going back decades,
7 they may collect information one way, from people, spies,
8 tapping telephone calls. In the modern context, that
9 includes cyber intrusion as a vector for collecting
10 intelligence information.

11 So the type of activity you're describing, conducted by
12 a foreign power, could provide that vector for intelligence
13 collection by that foreign power.

14 Mr. Haskell. Specifically, that sort of operation as
15 to the technological infrastructure of an American political
16 party could provide -- would provide a counterintelligence
17 concern vis a vis an election of what sort specifically in
18 that circumstance?

19 Mr. Moffa. Again, not knowing the specifics of that
20 circumstance, but in general if a foreign power were to
21 conduct that sort of collection on a political actor and
22 then use that information to in any way influence or disrupt
23 that political process, that's the counterintelligence
24 concern in my view.

25 Mr. Haskell. And in fact that is what happened. On

1 July 22, 2016, WikiLeaks published 20,000 emails that had
2 been stolen from the DNC by Russia. This was six days
3 before the FBI learned the FFG information that the Trump
4 campaign may have had advanced knowledge of Russia's plan to
5 release stolen emails.

6 Now, when those emails were released, I know you've
7 talked about it generally, but can you provide a little bit
8 more detail on why that would present a counterintelligence
9 concern?

10 Mr. Moffa. I don't know a different way to phrase it,
11 but any sort of collected intelligence information by a
12 foreign power that's publicly released to have an effect on
13 an American process to me is a counterintelligence concern,
14 and I would put that sort of release in that same category.

15 Mr. Haskell. A few days after that July 22nd release,
16 on July 27th, then-candidate Trump said at a press
17 conference, quote. "Russia, if you're listening, I hope
18 you're able to find Hillary Clinton's emails." Special
19 Counsel Mueller later on uncovered that Russia attempted to
20 hack Clinton's server for the first time that same day,
21 later that same day, after this call from President Trump.

22 Does that statement, in the context that we've been
23 discussing, five days after WikiLeaks published 20,000
24 emails believed to be stolen by Russia, confirmed to be
25 stolen by Russia, does that statement by a candidate in and

1 of itself raise counterintelligence concerns?

2 Mr. Haskell. I'd be less concerned with the statement
3 and more concerned with the action of a foreign power to do
4 exactly that. Any foreign power attempting to collect
5 information from U.S. entities or political parties for
6 their benefit and the detriment of the United States is a
7 counterintelligence concern.

8 Mr. Haskell. Another aspect of the Russian operations
9 included attacks on state election systems that the FBI
10 became aware of in March and August 2016. Now, recognizing,
11 as with the other statements, you might not recall the exact
12 circumstances of the FBI receiving that information, the
13 Mueller report, pages 49 and 50, confirmed that the FBI
14 became aware of such actions in March and August 2016.

15 Now, the actions included confirmed access into
16 elements of multiple state or local electoral boards using,
17 quote, "tactics, techniques, and procedures associated with
18 the Russian state-sponsored actors."

19 Now, we talked about actions targeting an American
20 political party. How about actions targeting election
21 infrastructure. Can you outline the counterintelligence
22 concern there?

23 Mr. Moffa. Certainly. It's very similar. I don't
24 think the target has to be federal or a political party to
25 potentially pose a great threat to the U.S. political

1 processes, and certainly state election boards would fit
2 that category where, if a foreign power were to be targeting
3 them via cyber or any other means, it poses a
4 counterintelligence concern for what they would do with that
5 information and any impact it might have.

6 Mr. Haskell. Thank you.

7 Turning back to the information that the FBI received
8 about what George Papadopoulos had told a foreign official,
9 as I said before, that information has been described as
10 having come from an FFG, a friendly foreign government.
11 What does that term signify as a general matter, "FFG"?

12 Mr. Moffa. A friendly foreign government would be a
13 foreign government that works in partnership with the United
14 States more broadly, but in the Bureau's context supports
15 the FBI in its investigations and is a partner in some of
16 them even. So a friendly foreign government would be a
17 government who is sharing information or cooperating with
18 the FBI in advance of its investigations and operations.

19 Mr. Haskell. Would it be fair to describe one quality
20 of an FFG being an ally, that there's some level of trust
21 between our government and their government?

22 Mr. Moffa. Yes, I would say that.

23 Mr. Haskell. Is it fair to say that an FFG and the
24 officials that are members of an FFG, as was the case here
25 with the individuals who provided the information, what

1 Papadopoulos had said, is it fair to say that that type of
2 individual would not be suspected of fabricating information
3 to harm the U.S.?

4 Mr. Moffa. I come from a -- as a counterintelligence
5 professional and an analyst, I always come from a skeptical
6 place no matter who's providing information. I think it is
7 less likely that a friendly foreign government would be
8 deliberately providing information to the detriment of the
9 United States. I think it can be viewed as less
10 detrimental. I think I would certainly not trust on face
11 value any information coming from an outside source.

12 Mr. Haskell. Understood. But the fact that this
13 information came from an FFG, from an FFG official, you
14 would regard that the FBI's need to take the information
15 seriously, that was a factor?

16 Mr. Moffa. I think it's a factor. It lends it
17 additional credibility, given that it's coming from a
18 friendly foreign government, that's right.

19 Mr. Haskell. Although the FBI didn't learn of that
20 information until late July 2016, Papadopoulos had been told
21 in April 2016 of Russia's willingness to release dirt on
22 Hillary Clinton in the form of thousands of emails,
23 confirmed by the Mueller investigation. That's on page 81
24 of the Mueller report.

25 Did Papadopoulos report Russia's apparent offer of help

1 to the FBI when he received it in April 2016, to your
2 knowledge?

3 Mr. Moffa. Not to my knowledge.

4 Mr. Haskell. Did he come forward to the FBI in July
5 2016 after WikiLeaks began doing what Papadopoulos had been
6 told the Russian government would do, release thousands of
7 emails damaging to Clinton?

8 Mr. Moffa. I don't believe he came to the FBI in July
9 2016, no.

10 Mr. Haskell. To your knowledge, did Papadopoulos ever
11 come forward proactively to report what he had been told
12 about Russia's willingness to help the Trump campaign and
13 harm Hillary Clinton?

14 Mr. Moffa. Not to my personal knowledge, no.

15 Mr. Haskell. Would you agree that the fact that
16 Papadopoulos learned of Russia's willingness to harm Clinton
17 by releasing thousands of emails, saw that release happen,
18 and still didn't come forward, itself raises any sort of
19 counterintelligence concern that would weigh in on whether
20 the FIB should investigate?

21 Mr. Moffa. I would refer to that context I was
22 discussing earlier, where the events that were occurring in
23 July and then receiving that information that seemingly
24 described a similar potential situation that was received
25 much earlier in April, to me adds to that context that made

1 investigation and predication important.

2 Mr. Haskell. So the fact that the information had
3 been received in April months earlier and it was just coming
4 to the FBI's attention at this point was a factor?

5 Mr. Moffa. To me, the fact that information suggesting
6 what then appears to have later started to happen in July
7 had been received in April, that to me played into my
8 personal belief that the context around the predication,
9 plus the predication itself, predicating information itself,
10 required us to investigate.

11 Mr. Haskell. In fact, FBI Director Wray has testified
12 before the Judiciary Committee that, quote, "Any threat or
13 effort to interfere with our election from any nation-state
14 or any non-state actor is the kind of thing the FBI would
15 want to know." I assume you agree with Director Wray that
16 people should inform the FBI if they learn of information
17 suggesting that a foreign government may be attempting to
18 interfere in our election?

19 Mr. Moffa. I agree.

20 Mr. Haskell. Is that because it would -- it helps the
21 FBI investigate, potentially stop, election interference?

22 Mr. Moffa. Yes.

23 Mr. Haskell. According to the IG report, the foreign
24 official who reported what Papadopoulos had told him was not
25 aware of who else Papadopoulos had informed about Russia's

1 offer to the Trump campaign. So we know that Papadopoulos
2 was aware of it, but it wasn't clear who else in the Trump
3 campaign had that information as well.

4 This was one of the primary goals of the initial stages
5 of Crossfire Hurricane, as you said, to determine who else
6 on the campaign, if anyone, knew of Russia's offer to assist
7 the Trump campaign; is that correct?

8 Mr. Moffa. Yes.

9 Mr. Haskell. After a three-year investigation, the
10 Senate Intelligence Committee recently issued a bipartisan
11 report, and one of the findings in that bipartisan report,
12 although they weren't able to confirm exactly who
13 Papadopoulos spoke with, the committee concluded, quote.
14 "It is implausible that Papadopoulos did not share the offer
15 with other members of the Trump campaign."

16 Do you have any evidence to dispute that finding?

17 Mr. Moffa. I don't know of any information and I can't
18 speculate. I have no idea if he shared it with others.

19 Mr. Haskell. Despite everything that we've just
20 discussed in terms of the ongoing Russian interference
21 operation and then receiving information from the FFG and
22 everything around that, some have continued to express the
23 view that there was no there there, meaning no basis to
24 investigate the Trump campaign's ties to Russia. They make
25 that argument relying in part on the fact that Special

1 Counsel Mueller did not ultimately charge anyone affiliated
2 with the Trump campaign with conspiring with Russia.

3 As a general matter, does the FBI require agents to
4 have an expectation that they will find and be able to prove
5 wrongdoing in order to open a counterintelligence
6 investigation?

7 Mr. Moffa. Again, I'm not a lawyer or an operator, and
8 so I'm not qualified to in detail describe the expectation
9 for that kind of legal sufficiency of the case. You
10 certainly do not have to have the answer to the case before
11 you open it. That's the point of the investigation.

12 Mr. Haskell. Understood. Let me try to phrase it a
13 little bit differently, with complete understanding that you
14 can't opine on the legal sufficiency question. If there was
15 a requirement that before the FBI and you as an analyst and
16 a supervisor of analysts could look into something, to open
17 and conduct an investigation, if there was a requirement
18 that there be some degree of certainty or, even less so, a
19 high expectation that a crime would be charged at the end,
20 if that was a requirement, would that inhibit the FBI's
21 ability to look into and potentially stop wrongdoing?

22 Mr. Moffa. Just to clarify, you're asking specifically
23 if certain knowledge of prosecution was a requirement before
24 even opening the case?

25 Mr. Haskell. Yes.

1 Mr. Moffa. That's what you're asking?

2 Mr. Haskell. Yes, or an extremely high degree of
3 expectation that the result would be a criminal charge.

4 Mr. Moffa. I can just say in general, the FBI opens
5 many cases in which criminal prosecution is not necessarily
6 the end goal from the beginning.

7 Mr. Haskell. You told the IGG, and I believe my
8 colleague quoted from this section of the report earlier,
9 that the initial investigative objective of Crossfire
10 Hurricane was to determine which individuals associated with
11 the Trump campaign may have been in a position to have
12 received the alleged offer of assistance from Russia.

13 And in August 2016, as was discussed, the Crossfire
14 Hurricane team opened individual cases on Papadopoulos, on
15 Carter Page, on Paul Manafort, and on Michael Flynn. The
16 opening EC foreign the Papadopoulos investigation noted that
17 the Trump campaign may have advance knowledge that Russia
18 had stolen emails and planned to release them to harm
19 Hillary Clinton, and said that Papadopoulos, quote, "made
20 statements indicating that he is knowledgeable that the
21 Russians made a suggestion to the Trump team that they could
22 assist the Trump campaign with an anonymous release of
23 information during the campaign that would be damaging to
24 the Clinton campaign."

25 Could you explain why the statements that Papadopoulos

1 had made to the FFG made him specifically among the
2 individuals that was concerning to the FBI?

3 Mr. Moffa. I think the fact that he is essentially the
4 one person most known to be aware of this possible
5 suggestion being made alone makes him worthy of being
6 investigated for that knowledge.

7 Mr. Haskell. Turning to Paul Manafort and the opening
8 EC for Manafort, it noted again that the Trump campaign may
9 have had advance knowledge that Russia had stolen emails,
10 planned to release them to damage Hillary Clinton, and said
11 that Manafort, quote, "was designated the delegate process
12 and convention manager for the Trump campaign, was promoted
13 to campaign manager for the Trump campaign, and had
14 extensive ties to pro-Russian entities of the Ukrainian
15 government."

16 Now, I know you said more generally earlier that
17 analyst teams would look into people who had certain
18 characteristics in determining who to open an investigation
19 into. But can you just touch on specifically why the fact
20 that Manafort had been promoted to campaign manager and had
21 extensive ties to pro-Russian entities of the Ukrainian
22 government would bear on picking somebody like Manafort?

23 Mr. Moffa. Again, not being responsible or my team
24 being responsible for opening the case, I can't tell you to
25 what degree it bore on opening. But I can tell you, based

1 on my impression of the facts, that his background and those
2 ties are the sort of thing we would find noteworthy from an
3 analytic perspective as suggesting somebody possibly to be
4 in a greater position to receive that suggestion from Russia
5 than someone else.

6 Mr. Haskell. Turning to Carter Page, that EC said
7 that Page was a senior foreign policy adviser for the
8 campaign, had extensive ties to various Russian-owned
9 entities, and had traveled to Russia as recently as July
10 2016. It also stated that he was the subject of an ongoing
11 counterintelligence investigation assigned to the FBI's New
12 York field office.

13 Now, I imagine your answer is probably similar for Page
14 as it was for Manafort. But to make sure I cover my bases
15 here, why would the fact that Page was a senior policy
16 adviser for the Trump campaign, had extensive ties to
17 various Russian-owned entities, and had traveled to Russia
18 as recently as July 2016 make him a concern to the FBI?

19 Mr. Moffa. The exact same answer. From our analytic
20 perspective, that kind of information, once known, would put
21 Page in that category of individual in our view who could
22 have greater potential for being in a position to receive
23 the sort of suggestion from Russia that the predication
24 discussed.

25 Mr. Haskell. Sitting here today, do you believe it

1 was reasonable for the FBI to be concerned that some members
2 of the Trump campaign at that time, whether it be
3 Papadopoulos, Manafort, Page, Flynn, Trump himself, among
4 others, may have had knowledge of Russia's election
5 interference activities?

6 Mr. Moffa. I think it's reasonable, sitting here today
7 still, to investigate an allegation that Russia was
8 potentially providing a campaign with information that was
9 helpful to them and harmful to another, yes.

10 (Pause.)

11 Ms. Sawyer. I just had a couple questions about a
12 segment in the Special Counsel report. It's on page 13, the
13 last paragraph, and it says. "From its inception, the
14 office' -- meaning the Special Counsel's Office --
15 "recognized that its investigation could identify foreign
16 intelligence and counterintelligence information relevant to
17 the FBI's broader national security mission. FBI personnel
18 who assisted the office established procedures to identify
19 and convey such information to the FBI. The FBI's
20 Counterintelligence Division met with the office regularly
21 for that purpose for most of the office's tenure."

22 Were you aware of those meetings?

23 Mr. Moffa. I wasn't a part of the Counterintelligence
24 Division after the Special Counsel was stood up. So no, not
25 personally.

1 Ms. Sawyer. It goes on to say -- so you were not
2 aware whether those meetings ever took place, who was
3 involved in those, what was conveyed?

4 Mr. Moffa. I'm not, no.

5 Ms. Sawyer. It goes on to say. "For more than the
6 past year, the FBI also embedded personnel at the office who
7 did not work on the Special Counsel's investigation, but
8 whose purpose was to review the results of the investigation
9 and to send in writing summaries of foreign intelligence and
10 counterintelligence information to FBI Headquarters and FBI
11 field offices."

12 Did you ever see any of those summaries?

13 Mr. Moffa. Again, I wasn't in the Counterintelligence
14 Division after the Special Counsel stood up, so I'm not
15 aware of how they shared information or what they shared.

16 Ms. Sawyer. And you don't know who else, if anyone,
17 ever received those summaries?

18 Mr. Moffa. I don't.

19 Ms. Sawyer. Are you aware of whether or not Special
20 Counsel Mueller undertook any investigation into the
21 counterintelligence concerns that may have been raised by
22 contacts between individuals associated with the Trump
23 campaign and Russia?

24 Mr. Moffa. My knowledge of what the Mueller team
25 investigated really stops at the handoff point for me, which

1 was the spring of 2017. So I'm not aware of anything they
2 investigated, really, after that time.

3 Ms. Sawyer. During the time that you were involved
4 with Crossfire Hurricane, was that -- would you have
5 characterized that as a counterintelligence investigation, a
6 criminal investigation, both?

7 Mr. Moffa. I would consider it a counterintelligence
8 investigation, but counterintelligence investigations,
9 certainly counter-espionage investigations, for example, can
10 very much have a criminal element, a prosecutive element to
11 them.

12 Ms. Sawyer. Going in, you don't know whether or not
13 that will be the case, what you're going to find?

14 Mr. Moffa. Correct.

15 Ms. Sawyer. In this particular instance, did you ever
16 get the sense that someone did have a predetermined result
17 in mind and that they were trying to find the facts to fit
18 their predetermined narrative?

19 Mr. Moffa. No.

20 Ms. Sawyer. Thank you.

21 Mr. Haskell. That's all we have for this round.

22 Mr. Somers. Do you want to take a break?

23 Mr. Moffa. I'm fine if you guys want to just go.

24 Mr. Somers. Let's take a break.

25 (Recess from 11:18 a.m. to 11:28 a.m.)

1 Mr. Somers. It's now 11:28 and we'll go back on the
2 record.

3 When we broke before, we were talking about potential
4 FISA coverage that wasn't sought. Just two quick questions
5 on that. Was FISA coverage ever considered for Michael
6 Flynn?

7 Mr. Moffa. I don't recall that specifically.

8 Mr. Somers. How about Paul Manafort?

9 Mr. Moffa. Again, I don't recall specific
10 conversations. It doesn't mean they didn't happen. I just
11 don't remember.

12 Mr. Somers. To your awareness, neither Paul Manafort
13 nor Michael Flynn were considered for FISA coverage?

14 Mr. Moffa. I'm not saying that. I'm saying I don't
15 recall if they were.

16 Mr. Somers. You don't recall.

17 Do you recall any discussion of whether to give the
18 Trump campaign a defensive briefing?

19 Mr. Moffa. I don't recall a conversation about that,
20 either.

21 Mr. Somers. When did you first see any of the reports
22 that comprise what has become known as the Steele dossier?

23 Mr. Moffa. I believe it was September 2016.

24 Mr. Somers. You think you saw them basically at the
25 inception of when they came in?

1 Mr. Moffa. Yes, absolutely. I didn't know that that
2 was when.

3 Mr. Somers. That was September 19, 2016, is when the
4 IG report indicates that the team finally received the
5 reports. And you think you would have seen them right
6 around that time?

7 Mr. Moffa. Yes, relatively soon after that time. I
8 can't tell you it was exactly on September 19th.

9 Mr. Somers. Just to get you to comment on the
10 importance of something. SSA-1 sent an email to Steele's
11 handling agent and others stating that. "Our team is very
12 interested in obtaining a source symbol, number/source
13 characterization statement and specifics on veracity of past
14 reporting, motivations, last validation, how long on the
15 books, how much paid, etcetera."

16 Why is that type of information important to be known
17 about a confidential human source?

18 Mr. Moffa. Again, there are operational considerations
19 with the source I won't comment on, because that's not my
20 half of the equation. From an analytic perspective, those
21 sorts of things lend some characterization to the
22 credibility and access of the source, and understanding that
23 helps you contextualize the reporting you're getting from
24 that source.

25 Mr. Somers. What was your understanding of Steele's

1 credibility, reliability, in the early -- well, when you
2 received the information and going forward?

3 Mr. Moffa. In September 2019, my understanding was
4 that Steele had provided credible reporting previously that
5 had supported criminal investigations and was, without
6 giving specific characterization, was generally of some
7 reliability and past reporting history to the Bureau.

8 Mr. Somers. Where were you gaining that
9 understanding?

10 Mr. Moffa. I learned that from my team, from the
11 supervisory intelligence analyst.

12 Mr. Somers. From the analyst side?

13 Mr. Moffa. Correct.

14 Mr. Baker. Did your team express any concern or did
15 you hear of any concern elsewhere in the Bureau about the
16 length of time it was taking the Christopher Steele
17 reporting to come from the handling agent down to the team?

18 Mr. Moffa. At the time, I was not aware of any delay
19 in it reaching us. I just remember it being there in
20 September. I learned about the path it traveled to get to
21 us, and I couldn't recount it for you again today, from the
22 IG report. I wasn't aware of it at the time.

23 Mr. Baker. So, being aware of it now, did you lose any
24 advantage of not being able to exploit the information from
25 an analytical standpoint because of the delay?

1 Mr. Moffa. I just couldn't say specifically, but we
2 certainly weren't able to begin looking at it earlier
3 because we didn't get it until September.

4 Mr. Baker. Thank you.

5 Mr. Somers. From the analytical side, what was your
6 understanding of the efforts of the Crossfire Hurricane team
7 to corroborate -- well, let's start, one, with just Steele
8 himself as a reliable, credible person?

9 Mr. Moffa. Both the operational and analytical teams
10 spent time trying to understand who Steele was and what his
11 background was, but then also to the extent possible to try
12 to identify the source network that Steele leveraged to
13 acquire the information. That's really the gist of the
14 effort, is understanding him, his reporting history, and
15 then what his sub-source network looked like.

16 Mr. Somers. What type of things did analysts do or
17 did they, I should say, did they do to come to those
18 understandings?

19 Mr. Moffa. Again, the same kind of research we
20 discussed in the earlier session about references to Steele
21 and-or any of his sub-sources in the intelligence holdings
22 of the FBI or the U.S. intelligence community, to include
23 even open source research to try to determine what was
24 publicly available about him.

25 Mr. Somers. Then what about corroboration from the

1 analysts' side, specifically for the allegations in the
2 Steele reporting, not Steele himself, but what the meat of
3 the reporting?

4 Mr. Moffa. The Crossfire analytic team created
5 something that's been referred to as "The Factrix," but it's
6 essentially a document whereby the team took the salient
7 facts contained within the Steele reporting and broke them
8 out in spreadsheet fashion, so that each could be
9 researched. Then as information and intelligence was gained
10 that could either corroborate, refute, or otherwise inform
11 the understanding of each of those facts from the Steele
12 reporting -- that was a living, breathing document that
13 never really was produced as a final document. It was a way
14 to capture and organize the understanding of the salient
15 facts from that reporting.

16 Mr. Somers. Do you know when that document started?

17 Mr. Moffa. I don't know exactly when it started, no.

18 Mr. Somers. Was it prior, do you know, prior to the
19 first Carter Page FISA application?

20 Mr. Moffa. I couldn't tell you. I don't recall
21 exactly when it began.

22 Mr. Somers. But that was a document that you would
23 have had or had access to?

24 Mr. Moffa. If I had asked for it, I would have had
25 access to it. I was occasionally provided a copy of it.

1 But the working-level team, the supervisory intelligence
2 analyst, the analyst team, and then the operational team had
3 daily routine, any time they wanted it, access to it, yes.

4 Mr. Somers. From that document or just your general
5 recollection, what was the level of corroboration of the
6 allegations in the Steele dossier?

7 Mr. Moffa. I can only speak to my understanding as of
8 that moment in time in the spring of 2017 when I left,
9 because again it's a living document. My hope and
10 assumption is it continued in a way and was continued to be
11 researched.

12 There was, I'd say, factual corroboration of certain
13 facts within the Steele reporting, but those are not
14 necessarily facts that were substantial to the allegation or
15 the predication of Crossfire Hurricane. They are things
16 that were known that were accurately conveyed in the Steele
17 reporting. I'm not suggesting it was corroboration of
18 allegations made in the Steele reporting.

19 Mr. Somers. And this is a document that was put
20 together by both the agent side and the analyst side?

21 Mr. Moffa. I think the document itself was primarily
22 created by the analytic side, but it's in collaboration with
23 the operational side. Information is being exchanged both
24 ways to inform it. But I think the actual writing of the
25 document was done by the analytic team.

1 Mr. Somers. Do you know if this document was prepared
2 in conjunction with the Woods process?

3 Mr. Moffa. I don't know anything about its connection
4 to the Woods process. I'm not involved in -- I wasn't
5 involved in it, so I couldn't say.

6 Mr. Somers. What was your understanding of who
7 Christopher Steele was in the fall of 2016?

8 Mr. Moffa. I had very -- I had a very sort of
9 undetailed understanding of that. But he was essentially a
10 former intelligence officer who ran a competitive business
11 intelligence firm and he essentially obtained information
12 from sub-sources for clients in exchange for money. And
13 that was sort of the extent of my knowledge of him in the
14 fall.

15 Mr. Somers. What was your understanding in the fall
16 2016 about how Steele was collecting information that
17 appeared in the Steele dossier?

18 Mr. Moffa. Again, in a rudimentary way I understood
19 that Steele operated sub-sources of information with access
20 to details, and he collected that information from them and
21 consolidated it into reports, and those reports are what he
22 provided to his client.

23 Mr. Somers. Was it your understanding that Steele
24 actually directly interacted with the sub-sources?

25 Mr. Moffa. I don't know if I knew that in September

1 2016. I'm not sure I knew that.

2 Mr. Baker. From an analyst's standpoint, if you're
3 dealing with information being received by a network of sub-
4 sources, does that present any difficulty in what you do as
5 an analyst in verifying the information?

6 Mr. Moffa. Yes, I think it does. It increases the
7 complexity of the work you have to do to understand the
8 reliability of that information, because while your source
9 himself may be reliable and believe everything that he or
10 she is providing to you, if one of those sub-sources is
11 unreliable potentially your source could be genuinely
12 believing they're giving you good information and it could
13 end up not being. So to me it just fed the understanding I
14 had throughout this period that we had to have healthy
15 skepticism of this reporting and we needed to independently
16 try to verify and corroborate the facts within it.

17 Mr. Baker. Does that whole network with sub-sources,
18 does it ever create a situation where you as an analyst, you
19 as the skeptic probing and trying to find truth or to be
20 able to validate credibility, are you ever just unable to do
21 it because of that network?

22 Mr. Moffa. Sure. I think there are definitely times
23 where a piece of information that's in reporting can't be
24 independently verified or -- a better way of saying it,
25 because you don't want to say "never," but has not been --

1 there is no additional information to corroborate
2 independently. That happens, sure. And I think the fact
3 that there's multiple sub-sources to me increases the
4 challenge of that.

5 Mr. Baker. So when you hit that, for lack of a better
6 term, brick wall where you can't independently validate the
7 information, what do you do with the information? Do you
8 still use it in some context? Do you throw it away? Do you
9 task other analysts to find -- to just keep digging?

10 Mr. Moffa. I think again, that's why I described this
11 Factrix as a living document. I don't think you declare
12 it's over and you shelve it. It stays alive as an open
13 question, and you're constantly attempting, and your team
14 should be, constantly attempting to be aware of information
15 that could potentially corroborate that down the road. It
16 may be months later, it may be years later.

17 But I also think -- and I feel like we did this in this
18 case - the analytic team can make suggestions for the
19 operational team to potentially conduct additional
20 investigations, potentially further identify sub-sources or
21 collect information about those sub-sources, that could in a
22 more proactive way attempt to close some of those gaps.

23 So I think we did both. I think we kept open the
24 questions around certain pieces of reporting we couldn't
25 corroborate in that moment; and I think we also encouraged

1 our operational counterparts to conduct additional
2 investigations and operations to more proactively try to
3 probe into those areas. That's what I felt my team was
4 doing.

5 Mr. Baker. The operational counterparts, they would
6 know that, in a particular fact attributed to a sub-source,
7 that there is real problems in corroborating it. So they're
8 not running with that, not knowing that their analytical
9 counterparts are having serious difficulty in verifying it?

10 Mr. Moffa. I can't say that in every instance, but in
11 this instance I'm absolutely confident that the operational
12 team associated with Crossfire Hurricane knew about this
13 document, had access to it, and at any moment would know
14 sort of the state of corroboration of any of it, both from
15 the Factrix itself, but also because they're in direct
16 access to the facts themselves in the same way my analysts
17 are. It's not that my analysts know something that they
18 don't. It just wasn't that sort of environment.

19 So in this situation, my expectation would be that they
20 would have access to that, they would know what's
21 corroborated and what isn't, and they'd act accordingly.

22 Mr. Baker. If your analysts knew that your operational
23 counterparts were starting to move forward on a
24 sophisticated investigative technique, i.e., a FISA, and
25 that some of that sub-source information was going to be

1 used that the analysts had not been able to verify or deep
2 dive on, would there be a hotline to say, whoa, you can't;
3 you have to hold off on this because we're not there yet?

4 Mr. Moffa. In a general sense, I would expect an
5 analyst who's aware that a fact that hasn't been
6 corroborated is being mischaracterized or misused to say
7 something, I think all FBI employees have an obligation to
8 say something in a situation like that when they see it.
9 But I would distinguish between responsibility -- analysts
10 don't write FISAs, they don't approve it, they don't sign
11 off on Woods files, they don't create them. It's really the
12 obligation of the agents and the operational personnel and
13 the legal personnel, who are building those FISA packages
14 and they understand what facts are being used in how they're
15 characterized, to ask the right questions.

16 So I guess I'm drawing the distinction between, if
17 someone was positively aware of a problem like that I would
18 expect them to say something absolutely, but I don't believe
19 it's the analyst's role to be scrubbing those applications
20 for that kind of accuracy. That's just not the work that we
21 do.

22 Mr. Baker. But to your first part of that, where if
23 there was an issue you would expect the analyst to be
24 proactive, to the best of your knowledge in Crossfire
25 Hurricane if those situations presented themselves that

1 responsibility that you believe the analyst would have was
2 executed --

3 Mr. Moffa. I'm just not aware of a time when that
4 happened. Again, it's because of my position in the case.
5 I'm not there on the working level. So there could have
6 been a hundred conversations on any given day as that part
7 of it was being conducted. I just wouldn't be aware of
8 them, so I can't say. I'm not aware of it from my level,
9 but that doesn't mean it didn't happen.

10 Mr. Baker. Sure. In the last round, in response to
11 questioning by our Democratic colleagues, I believe you said
12 something to the effect -- and I think it was relating to
13 the friendly foreign government information -- I think you
14 said something to the effect that you wouldn't trust info
15 coming from an outside source. I wanted you to clarify what
16 you meant by "source"? Is it just the origin of information
17 coming in or does it have the specialized law enforcement
18 meaning of a source?

19 Mr. Moffa. Well, it's probably an inartful way of
20 describing it. I guess what I'm trying to suggest is every
21 source has its own motivation and inherent reliability, and
22 you have to be aware of that. Nothing should be viewed as
23 essentially bulletproof or 100 percent.

24 So I think a friendly foreign government is much
25 further towards the scale of credible and reliable and less

1 likely to be providing information for some malicious
2 purpose. But then other sources you maybe would put in a
3 different category than that; and your skepticism and your
4 desire to dig into the facts of that reporting should adjust
5 accordingly based on that understanding.

6 Mr. Baker. Would it be fair to say, using the analogy
7 you used, "to adjust accordingly," would there from an
8 analytical standpoint, would there always be a degree of
9 skepticism about information coming in regardless of where
10 it's coming from?

11 Mr. Moffa. Yes. I don't know if it's a hard and fast
12 rule for every analyst, but it is my rule. As an analyst, I
13 think you always have to have some skepticism. I think
14 that's healthy. I think it fuels the important desire to
15 factually support any assessment that you make as an
16 analyst. I think that's what we're always looking to do, is
17 corroborate and build a factual body of evidence to
18 underscore our analytic assessment of a situation or a
19 threat.

20 Mr. Baker. Are there ever situations where you or your
21 team as analysts and your skepticism, healthy as it may be,
22 you get overrun by the operational side and skepticism
23 really isn't played out to the farthest point that it could
24 be to verify or not verify and the operational people run
25 with something despite your skepticism?

1 Mr. Moffa. Well, I wouldn't necessarily say that
2 that's done outside the bounds of what's appropriate,
3 because I think we're hitting into that issue of what is
4 legally sufficient for probable cause for a FISA. That may
5 be different than continuing analytic skepticism of the
6 solidity of reporting or with the reliability of a source.

7 I could absolutely see scenarios where to meet the
8 legal requirements the current state of something is
9 perfectly reasonable or appropriate to be used once it's
10 been properly reviewed by the legal side, but we still have
11 some skepticism about it, as long as it's characterized in a
12 way that meets that legal sufficiency and PC standard. So I
13 think you can live in both worlds at the same time, I guess
14 is what I'm saying.

15 So I would not expect and I have no examples of an ops
16 side purposely disregarding skepticism and shoehorning facts
17 into something in a way to get a FISA package. I have
18 nothing like that to suggest. But it doesn't mean that
19 every analytic question is satisfied for something to be
20 appropriate for use in a FISA, if it meets that PC and legal
21 standard, which again I'm not the right person to ask about.

22 Mr. Baker. I think you've explained this, but I want
23 to be clear. Even though the skepticism might still
24 survive, the operational side has taken something and
25 continued with it, but there still may be some skepticism in

1 the analytical side. I think I understand you to say that
2 it's a living document, it's a living event. Is that
3 skepticism still being analyzed to see if it even diminishes
4 further, stays the same, or, whoa, we're more skeptical now
5 than we were before?

6 Mr. Moffa. I think so. When I say "living," I mean it
7 not just in the terms of the document. It's the effort to
8 understand the body of this reporting, to understand the
9 allegations and the facts involved. I guess when I'm using
10 that term "living" I'm saying that isn't a static thing.
11 You don't do that once and then set it aside. That's an
12 effort that is ongoing. Throughout an investigation you
13 should be constantly reevaluating that based on information
14 that's becoming available later, that wasn't available when
15 you started.

16 Mr. Baker. And if that constant reevaluation results
17 in more skepticism, the operational people are going to know
18 that?

19 Mr. Moffa. They should know that, and in this case I'd
20 be confident they did know.

21 Mr. Baker. Thank you.

22 Mr. Somers. Should the skepticism have remained high
23 or at the appropriate level even though Christopher Steele
24 was a former British intelligence officer?

25 Mr. Moffa. Yes.

1 Mr. Somers. Do you think it did remain high?

2 Mr. Moffa. It did for me. I believe it did for my
3 analytic team, yes.

4 Mr. Somers. Were you aware that Steele, for Steele's
5 election dossier, that he had a primary sub-source of
6 information?

7 Mr. Moffa. I am.

8 Mr. Somers. When did you become aware of that?

9 Mr. Moffa. I couldn't tell you the exact time frame.
10 I'm sorry.

11 Mr. Somers. But was it at the outset or did you gain
12 that understanding later? Was it on you receiving the
13 dossier?

14 Mr. Moffa. I wouldn't say it was on day one of
15 receiving the dossier. At some point, though, our
16 understanding grew of how he collected information. And
17 part of that understanding I recall was that there was a
18 primary sub-source.

19 Mr. Somers. Then you spoke about this some, but I
20 think it was more general than specific to Steele's primary
21 sub-source, but what's the -- I think you said Steele could
22 be the most reliable person in the world, but when he's
23 relying on sub-sources their reliability matters, too; is
24 that correct?

25 Mr. Moffa. That's correct.

1 Mr. Somers. If Steele was relying on -- I'll just
2 read from the IGG's report so we're both on the same page
3 here. What I'm thinking of, on page Roman v. of the IG
4 report it says. "Steele himself was not the originating
5 source of any of the factual information in his reporting.
6 Steele instead relied on a primary sub-source for
7 information, who used his/her network foreign sub-sources to
8 gather information that was then passed to Steele."

9 Would the primary sub-source's reliability and
10 credibility be pretty important in this situation?

11 Mr. Moffa. Yes, I would agree.

12 Mr. Somers. So was identifying the primary sub-source
13 a big goal in the fall of 2016?

14 Mr. Moffa. Yes, I would say it was. For the purposes
15 of understanding Steele and his reporting, identifying any
16 of the sub-sources was important.

17 Mr. Moffa. The primary sub-source, though, given that
18 he was the gatherer of information, did he stand above some
19 foreign the other sources, sub-sources?

20 Mr. Moffa. I would say he was an important piece of
21 that, for sure.

22 Mr. Somers. Did you become aware when the FBI located
23 and identified the primary sub-source? Were you informed,
24 basically?

25 Mr. Moffa. Yes.

1 Mr. Somers. Once he was identified, did interviewing
2 the primary sub-source become an important goal of the
3 investigation?

4 Mr. Moffa. Yes, I think an interview of the primary
5 sub-source was important.

6 Mr. Somers. Was the interview of the primary sub-
7 source something that was discussed amongst the Crossfire
8 Hurricane team, or was this like a big secret that this guy
9 was identified and was going to be interviewed?

10 Mr. Moffa. No, it was discussed amongst our team.

11 Mr. Somers. Do you recall who it was discussed among?

12 Mr. Moffa. I'd have to name specific members of the
13 team.

14 Mr. Somers. How about above -- was it discussed with
15 -- was Pete Strzok involved in those conversations?

16 Mr. Moffa. He would be.

17 Mr. Somers. Bill Priestap?

18 Mr. Moffa. Yes.

19 Mr. Somers. Andy McCabe?

20 Mr. Moffa. I couldn't say. I can't recall.

21 Mr. Somers. You can't recall whether he was in a
22 meeting where this was discussed?

23 Mr. Moffa. I just don't recall specifically.

24 Mr. Somers. Was the unit chief in the general
25 counsel's office aware the primary sub-source was

1 interviewed?

2 Mr. Moffa. Yes.

3 Mr. Somers. Do you know if the General Counsel, Jim
4 Baker, was aware?

5 Mr. Moffa. For McCabe and the General Counsel, I just
6 don't recall. At some point, they for sure would have been
7 aware. I can't tell you when, like within the time frame of
8 that interview, before, during, after. I don't know when
9 they became aware. They would have ultimately become aware,
10 though, yes.

11 Mr. Somers. What about the Director, Comey?

12 Mr. Moffa. Yes.

13 Mr. Somers. What were you -- you knew about the
14 interview before the interview happened?

15 Mr. Moffa. I did.

16 Mr. Somers. What were you told about the interview
17 after it occurred?

18 Mr. Moffa. I received a summation of the interview
19 high points and more or less it was briefed to me by the
20 supervisory intelligence analyst.

21 Mr. Somers. Was that a written summation?

22 Mr. Moffa. It was a written summation, but then I
23 received an oral readout of it as well.

24 Mr. Somers. Did you ever review any of the 302s of
25 the interview?

1 Mr. Moffa. I don't recall reviewing the 302s
2 specifically, no.

3 Mr. Somers. Do you recall reviewing -- the 302s were
4 then combined into a 57-page-long document. Do you recall
5 reviewing that?

6 Mr. Moffa. I don't recall reviewing that, no.

7 Mr. Somers. Do you recall whether that was sent to
8 you and you didn't review it or you just have no --

9 Mr. Moffa. It's possible it was sent to me, but I
10 didn't review it.

11 Mr. Somers. I'll give you the benefit of reading it
12 before I ask you the question. "Senior CD officials
13 overseeing the Crossfire Hurricane" -- this is from the IG
14 report -- "the Crossfire Hurricane investigation, including
15 Priestap, Strzok, the intel section chief" -- which is you -
16 - "and CD DAD Jennifer Boone, told us that they did not
17 recall being advised that the information from the primary
18 sub-source significantly differed from the information in
19 Steele's reporting."

20 Is that still your testimony?

21 Mr. Moffa. Yes, that's accurate.

22 Mr. Somers. So what was the gist of what you were
23 told, then?

24 Mr. Moffa. Again just trying to remember back four or
25 five years, generally I believe we received some additional

1 insight about the sub-source network beneath that primary
2 sub-source that was helpful in further identifying those
3 sub-sources. Beyond that, at this point I just couldn't
4 tell you what I recall about the overview of the briefing.
5 Some of the administrative details about how it was done,
6 that sort of thing, but that's it. I just don't recall the
7 specifics.

8 Mr. Baker. As you learned information, either then or
9 in hindsight from other reporting, about what this interview
10 with the primary sub-source resulted, what did that do to
11 whatever your level of skepticism on Christopher Steele was?

12 Mr. Moffa. I think a better way of putting it for me
13 is it redoubled what in my mind should have been increased
14 emphasis on operationally and investigatively pursuing that
15 sub-source network to generate further corroboration or an
16 ability to refute the reliability of it.

17 Mr. Baker. Increased emphasis on pursuing that
18 network?

19 Mr. Moffa. In my mind, I felt like that was an
20 increasingly important step as we learned more. And
21 frankly, by identifying more of that sub-source network that
22 sort of investigation and operation became possible, because
23 we knew who those individuals were.

24 Mr. Baker. But you had that concern before the network
25 was identified?

1 Mr. Moffa. We had that concern before the network was
2 identified, but it was hard to do that if you didn't know
3 who the people were. And I think as time went on and post
4 sub-source interview we had a better sense of who those
5 people within that sub-source network were, and I had a
6 personal belief that we should in a greater way
7 operationally investigatively work to target and learn more
8 about those sub-sources.

9 Mr. Baker. Did you express that belief to anyone on
10 the operations side?

11 Mr. Moffa. I did.

12 Mr. Baker. Who did you express it to?

13 Mr. Moffa. AD Priestap, DAD Boone, members of the
14 operational team, I would imagine Mr. Strzok. I can't tell
15 you beyond that. I just know those people for sure.

16 Mr. Baker. What was their response to your concerns?

17 Mr. Moffa. I felt at certain points -- I certainly
18 believe they heard me. I don't know that I saw the sort of
19 strategic change in direction of some of the investigation
20 to the degree I would have wanted.

21 Mr. Somers. But the context that you're talking about
22 here, as you just said, you weren't aware of the
23 inconsistency between --

24 Mr. Moffa. No.

25 Mr. Somers. -- the primary sub-source and Steele's

1 reporting?

2 Mr. Moffa. I wasn't.

3 Mr. Somers. So your focus coming out of what you're
4 told about the interview is. Hey, we've learned about more
5 sub-sources; let's go investigate those sub-sources?

6 Mr. Moffa. Yes. To me, right, I have a preexisting
7 skepticism of all of it. From an analytic perspective, we
8 have certain intelligence gaps we want answered, and that's
9 kind of where my focus was. Since I didn't approve, write,
10 authorize -- I actually don't even know what facts are in
11 the FISA -- I'm not thinking about how it relates to changes
12 in accuracy for what might be used in a FISA. For me the
13 focus here is really just further understanding the sub-
14 source network, its reliability, and what that tells us
15 about answers to our intelligence gaps. That's my focus,
16 and that's because of my role.

17 Mr. Somers. Do you recall if you were told that the
18 primary sub-source was truthful and cooperative?

19 Mr. Moffa. I don't recall hearing that specifically.

20 Mr. Somers. Just for a little more context here just
21 so we're on the same page about what the IG report found, on
22 page 188 of the IG report one of the Washington Field Office
23 agents that interviewed the primary sub-source came back
24 with this information that he reported to the IG eventually.
25 According to that agent, Steele's -- what the primary sub-

1 source told him. "Steele's primary sub-source was giving
2 Steele information that was based on conversation with
3 friends over beers; that the primary sub-source
4 characterized information he gave Steele as word of mouth
5 and hearsay; that his primary sub-source told the FBI that
6 the information was intended to be taken with, quote, 'a
7 grain of salt'; and that the corroboration was zero."

8 With statements like that, would your focus maybe have
9 been different than figuring out who the sub-sources were?

10 Mr. Moffa. I still think -- I still think, given the
11 allegations in that reporting, the context of the moment and
12 the environment and what's happening, we still have to
13 pursue that.

14 Mr. Somers. Do you think you should have been told
15 information like that, though?

16 Mr. Moffa. I don't know what benefit me knowing it
17 necessarily would have had, given that my perspective is we
18 should be aggressively investigating all the sub-sources and
19 Steele to be able to independently corroborate the facts.
20 It doesn't change that stance in my mind.

21 It's a totally separate question for separate people
22 about how that information would then impact things like
23 FISA applications. From my chair, my belief is the same
24 whether I hear that or not.

25 Mr. Somers. What about the other chairs in the chain

1 -- Strzok, Priestap, and up? Should they have been made
2 aware of the significant discrepancies between the primary
3 sub-source's interview and what Steele was reporting?

4 [REDACTED]. Sorry. Are you asking his opinion about that
5 or are you asking him a policy question?

6 Mr. Somers. I'm asking his opinion. He just said he
7 didn't think he needed to know. I'm asking him whether he
8 thinks others should have known.

9 Mr. Moffa. I think to the extent that that information
10 provided a problem for things like a FISA application, I
11 think it should have been known. But I can't tell you
12 whether it was or not. I just don't know. I don't know the
13 knowledge of the people on the operational side of that
14 information.

15 Mr. Somers. But you do think it should have been?

16 Mr. Moffa. I think as an FBI employee you should be
17 conscious of anything that is inaccurate that's going into a
18 legal document, period.

19 Mr. Baker. Are you familiar with other cases -- forget
20 Crossfire Hurricane -- where that information would have
21 been hot-lined or conveyed to the people that Mr. Somers
22 just identified?

23 Mr. Moffa. I'm not sure I understand the question.
24 Sorry.

25 Mr. Baker. You indicate it should be in your view.

1 Are you familiar with other cases where conflicting
2 information was sent up the proper chain?

3 Mr. Moffa. No, I'm not aware of other cases. And in
4 this case the operational team had this information. They
5 had it in their possession. So I don't believe it's a
6 matter of it needing to be hot-lined anywhere. They
7 collected it and had it.

8 Mr. Somers. Did you become aware that the primary
9 sub-source was actually a contract employee of Orbis,
10 Steele's business intelligence firm?

11 Mr. Moffa. I don't know that I know that.

12 Mr. Somers. Were you aware the primary sub-source was
13 a U.S.-based person?

14 Mr. Moffa. I don't know that I know they were U.S.-
15 based. I know there was -- I know at one point that person
16 was in the United States. I don't know that I could tell
17 you I knew that they were here permanently.

18 Mr. Somers. Were you under the impression that they
19 were based in Russia?

20 Mr. Moffa. No. I'm not under any impression. I don't
21 know that I knew exactly where they were based, or I don't
22 recall knowing exactly where they were based.

23 Mr. Baker. I want to back up just a second. You had
24 indicated in your desire to have some push or some priority
25 given to identifying the sub-source network, you had

1 expressed your concerns, I believe, to AD Priestap, I think
2 you said Jennifer Boone, and some others. I got the
3 impression that your message was received kind of coolly.
4 Is that a misimpression on my part?

5 Mr. Moffa. I don't know that I'd say coolly. I think
6 you'd have to ask our operational team why they believed
7 their priority for any given investigative or operational
8 action was. I didn't see a tremendous refocusing of
9 operational effort overseas towards identifying some of
10 those sub-sources, and that's something I thought was of
11 value.

12 That's a difference of opinion and those sorts of
13 things happen in these cases. That was my perspective.
14 They may have had very good operational investigative
15 reasons not to make that adjustment. That's my perspective.

16 Mr. Somers. If it was of value, if you had known this
17 information about the discrepancy between the primary sub-
18 source and Steele, would it become of even more value to
19 evaluate the sub-sources at that point?

20 Mr. Moffa. I think for me there's just a consistent
21 need to do it. I don't know that that information changes
22 my opinion about it. I think the information and the
23 allegations in it are important, they're important in the
24 moment of the 2016 elections, and we should -- and again,
25 some of this is the luxury of being an analyst. It's easy

1 for me to say "You should go over there and try to find us
2 the answer to these questions." I'm not the one who has to
3 then plan and resource and determine the legal ability of
4 the Bureau to do that.

5 So I'm speaking from somewhat of an advantaged position
6 and saying. I have this skepticism of the reporting; I'd
7 like to know more, as much as humanly possible, about the
8 sub-sources to answer these intelligence gaps. And I
9 believed the answers laid overseas with some of these sub-
10 source actors and I desired personally for the operations of
11 the Bureau to turn some attention that way. That's again
12 the privilege of my position, not having to then effect that
13 operationally.

14 Mr. Baker. Were your concerns given to the executives
15 in a group setting? Did you meet with them individually at
16 some time?

17 Mr. Moffa. There were just a number of conversations,
18 I'd say in both settings. We had a number of group meetings
19 where my team was providing information that I felt
20 suggested overseas targets, for example, that we thought
21 could help further resolve some of the questions, not just
22 about Steele, but about the Russian election issue in
23 general.

24 So that was conveyed in group settings. It was
25 conveyed in individual conversations. I couldn't tell you

1 exactly how many or when. But I felt like I was pretty
2 clear about my position on that.

3 Mr. Baker. Let's just focus at the top of the pyramid.
4 If you can recall, what was Mr. Priestap response to your
5 concerns?

6 Mr. Moffa. I can't recall specifically. Bill I would
7 say fostered an environment, though, where we felt pretty
8 free to express ourselves. So I never felt like I couldn't
9 render that opinion. And I felt like it was heard. For
10 whatever reason, my personal belief is that sort of more
11 focused adjustment in that direction just didn't occur. But
12 I don't know what his personal thoughts were on my opinion
13 about it.

14 Mr. Somers. Would he have had to approve an
15 adjustment? I'm just trying to understand the chain here.
16 There's some indications that, in the IG report, that SSA-1
17 and the supervisory intel analyst could do tasking and
18 figure things out like this. But you're indicating that
19 this came up in meetings with AD Priestap, so I'm trying to
20 understand, for what you're talking about, shifting some
21 more resources, operations overseas to look at these sub-
22 source, for instance, who would have had to say yes to that?

23 Mr. Moffa. I'm having conversations with the people I
24 named because at my level I'm not necessarily talking to the
25 working-level investigative team. But that kind of change

1 absolutely could have started at the lower level, at the SSA
2 level. It would have been known then to the higher level,
3 the executive management in the division; and if they didn't
4 support it, obviously they'd have a chance to suggest
5 otherwise. But it doesn't preclude those lower working-
6 levels from making that change.

7 Mr. Somers. Were those lower working-levels, or at
8 least SSA-1 and the supervisory intel analyst, were they in
9 these meetings where you were expressing these opinions?

10 Mr. Moffa. We're mixing time periods a little bit
11 here. There's the pre-election period and the post-election
12 period. What I'm suggesting I would cabin in my mind more
13 to the post-election period, where there's different
14 operational personnel in place on the Crossfire team.

15 Mr. Somers. But are those operational personnel --
16 whichever supervisory special agent at that point in time
17 was in charge of the operational side and whichever analyst
18 was in charge of the analytical side, were they in these
19 meetings that we're discussing?

20 Mr. Moffa. Yes. Some of the meetings that I'm
21 thinking of, these group meetings we were having, they were
22 absolutely present, yes.

23 Mr. Baker. Did you get any frustration expressed by
24 the analysts underneath you that there hadn't been this
25 change of focus?

1 Mr. Moffa. I don't recall that. To me, this was more
2 me, at sort of a more strategic executive level, sort of
3 expressing that concern. I can't recall if the individual
4 analysts shared that with me.

5 Mr. Somers. Do you recall -- the primary sub-source
6 is interviewed for three days in January. He's interviewed
7 again in March, and I believe again in April, or it could
8 have been May. But anyhow, he's interviewed two additional
9 times. Do you recall why the need to continue to interview
10 him about the same subject?

11 Mr. Moffa. I don't recall the reason for that, no.

12 Mr. Somers. Backing up, I think we got into the how.
13 I think we discussed the how the Steele reporting was
14 collected through a primary sub-source. What was your
15 understanding, let's say start pre-election, and we can go
16 post-election after that -- what's your understanding of the
17 why Steele was doing what he was doing? We'll start pre-
18 election.

19 Mr. Moffa. Pre-election, my understanding at that time
20 period was that a client had hired him to collect
21 essentially opposition research. My recollection of that
22 time is we didn't know who that client was. Then in the
23 course of collecting that opposition research, Steele
24 recognized the allegations laid out within it about Russian
25 activity and then decided to provide that to the Bureau.

1 Mr. Somers. When did you learn who the ultimate
2 client was?

3 Mr. Moffa. To this day, I'm not entirely clear on who
4 the client was and when. Just at the time I certainly
5 wasn't clear on it; and even now, four or five years later,
6 I know that some understanding of that developed over time,
7 but I would do a bad job of relaying it right now.

8 Mr. Somers. There's a footnote in the IG report about
9 regarding information about who Steele's client was. There
10 was some information received on August 2, 2016, according
11 to the IG report, about who Steele's client was. I'll just
12 read this. This is footnote 223 on page 98. It says:

13 "An FBI agent from another FBI field office sent an
14 email to his supervisor stating that he had recently been
15 contacted by a former CHS who was contacted recently by a
16 colleague who runs an investigative firm. The firm had been
17 hired by two entities, the Democratic National Committee as
18 well as another individual not named, to explore Donald J.
19 Trump's longstanding ties to Russian entities."

20 That investigative firm is Fusion GPS. That's an email
21 on August 2nd. Then the IG report goes on to say that:

22 "On or about August 2, 2016, this information was
23 shared by a CD supervisor with the section chief of CD's
24 Counterintelligence Analysis Section 1 intel section chief"
25 -- that being you. So I'll start the sentence over and I'll

1 just substitute that out. "On or about August 2, 2016, this
2 information was shared with you, who then provided it that
3 day to members of the Crossfire Hurricane team, then-section
4 chief Peter Strzok, SSA-1, and the supervisory intel
5 analyst."

6 Do you have any recollection of this email chain?

7 Mr. Moffa. I don't have a recollection of the email
8 chain, but it predates getting the Steele reporting. So at
9 the time, the context of receiving it would have been really
10 different. So I did exactly what I would have done today,
11 which is forward it on to the operational side.

12 Mr. Somers. The connection just wasn't made because
13 of the time frame?

14 Mr. Moffa. For me personally, my job is not to make
15 the connection. It's to send it to the team to look into,
16 and that's what I did. But my understanding is that at the
17 time that email's coming we, we CD, we don't even have the
18 Steele reports yet.

19 Mr. Somers. And you just don't recall the connection
20 being made after, at a later date?

21 Mr. Moffa. I don't recall. It may have been. I just
22 don't recall.

23 Mr. Somers. But you do recall sending the email on?

24 Mr. Moffa. I don't.

25 Mr. Somers. I think you testified to this earlier,

1 but you, among others, including Strzok and Priestap, told
2 the IG that you did not play a role in the preparation or
3 approval of the Carter Page FISA application. That's
4 correct?

5 Mr. Moffa. That's correct.

6 Mr. Somers. Did you supervise individuals who played
7 a role in the preparation or approval of the Carter Page
8 FISA application?

9 Mr. Moffa. No. The characterization of that I think I
10 provided previously as well. My analytic team is embedded
11 with that operational team. If that team needed information
12 to support the FISA, they could have at any point been
13 asking or working with my analysts. But my analytic team
14 doesn't have any formal role in the preparation or
15 authorization or review of the FISA.

16 Mr. Somers. Do you know if your analytical, if anyone
17 on your analytical team actually reviewed the FISA, though,
18 before it was submitted? Or is that totally --

19 Mr. Moffa. My recollection is that the supervisory
20 intelligence analyst would have reviewed the FISA. But I
21 don't know the degree of detail and I don't know for what
22 purpose.

23 Mr. Somers. Just in your general knowledge of FISA,
24 the FISA process, from being the analyst actually, if you're
25 given a FISA or parts of a FISA and there's something wrong

1 that you see from an analytical perspective, is it your
2 obligation to raise that?

3 Mr. Moffa. I would have the expectation that one of my
4 analysts would raise it, yes.

5 Mr. Somers. Have you ever in any context raised an
6 objection to something you saw in a FISA?

7 Mr. Moffa. I couldn't tell you specifically, just
8 given the number of FISAs I worked on and the length of time
9 since I worked on them. But I certainly would have had that
10 expectation for myself as a working-level analyst as well.

11 Mr. Somers. I guess I'm asking sort of a relationship
12 question between. It seems to me, just reading the process,
13 you have the case agent and supervisory special agent 1 who,
14 at least for the first Carter Page FISA application, seemed
15 to be the primary FBI agents involved in it. And it's then
16 passed off to a headquarters program manager. So they're
17 kind of on that side of it.

18 What's the relationship, though, if an analyst says
19 "Hey, guys, I see a problem with paragraph 15 of the FISA
20 application"? Is that a comfortable role for an analyst to
21 be in or is that an uncomfortable spot?

22 Mr. Moffa. I don't think that's uncomfortable at all.
23 Honestly, I think the Bureau culture is such that there is
24 that expectation that if you see something that's
25 fundamentally inaccurate and you're aware of it, you can

1 feel comfortable to bring that up to really anybody within
2 the chain of preparation for the FISA. So it could be an
3 OGC attorney, it could be the case agent, it could be the
4 squad supervisor.

5 I believe for this case specifically, I believe the
6 communication culture around that team was such that I don't
7 have any belief that any of the analysts would have had a
8 fear of raising a concern if they noticed it.

9 Mr. Somers. Do you think there was any culture of
10 fear generally around the team of raising issues, concerns?

11 Mr. Moffa. I don't.

12 Mr. Somers. You wouldn't have gotten slapped down if
13 you said "Hey, this is wrong"?

14 Mr. Moffa. No. Certainly my team I don't believe had
15 that sort of sense at all. In fact, I talked to them
16 frequently about concerns they had and I felt like it was a
17 really open conversation. So I just don't have that
18 impression from my perspective.

19 Mr. Somers. There wasn't a pressure to obtain certain
20 results?

21 Mr. Moffa. No.

22 Mr. Somers. From your perspective?

23 Mr. Moffa. Not any specific result. In terms of
24 certain results, it was to investigate this well and
25 comprehensively, but not to achieve a certain end of the

1 investigation necessarily.

2 Mr. Somers. Was there a lot of pressure to get the
3 FISA application on Carter Page submitted?

4 Mr. Moffa. Again, I don't think I can speak to that,
5 just because from my half of the investigation that's not --
6 that just wasn't our focus. Our job was, once that FISA
7 became available and the material was available, my analysts
8 needed to review it for answers to those intelligence gaps.
9 But getting it part of it is the operational side's concern.
10 So I just can't speak to pressure about that.

11 Mr. Somers. Did you have any awareness that Carter
12 Page had a previous relationship with another government
13 intelligence agency?

14 Mr. Moffa. I did not.

15 Mr. Baker. Are you aware -- you just talked about this
16 a second ago. Are you aware of anybody either on your team
17 or on the operational team leaving Crossfire Hurricane team
18 out of frustration or when their 90 days was up they said
19 "Enough; I'm out of here"?

20 Mr. Moffa. No. I don't believe anybody on my team
21 left, but I don't necessarily have as much insight into the
22 operational side. So not to my knowledge.

23 Mr. Somers. I'm going to switch to a couple more
24 topics here in our remaining about 15 minutes we've got in
25 this round. One thing that's mentioned a few times in the

1 IG report -- I'll just read it to you. "Multiple witnesses
2 told the OIG that they were very concerned about preventing
3 leaks regarding the nature and existence of the Crossfire
4 Hurricane investigation. Priestap said that, in an effort
5 to prevent leaks, the investigation team was kept to a small
6 group to try to control information from getting out."

7 Is leaking in general a problem at the FBI?

8 Mr. Moffa. I don't believe leaking in general is a
9 problem at the FBI. I do think leaks when they happen are
10 harmful to investigations.

11 Mr. Somers. Then as a result of trying to prevent
12 these leaks, I think it's pretty clear in the IG report --
13 and you can certainly disagree with me if you do -- that
14 that's why the case was sort of consolidated at
15 headquarters. Is that your understanding of why
16 headquarters ran it instead of, for instance, Washington
17 Field or a different field office?

18 Mr. Moffa. I think one of the factors in my mind of
19 why the choice -- again, I didn't make this choice, but why
20 the choice -- was made to run it at headquarters would be
21 operational security.

22 Mr. Somers. But it did present challenges, I think
23 the IG report indicates, to run it out of headquarters
24 instead of running it out of the field; is that correct?

25 Mr. Moffa. You'd have to speak to the operational side

1 about that, about what specifically the challenges were.

2 Mr. Somers. What about from the analytical side?

3 Mr. Moffa. From the analytical side, I don't believe
4 it really presented any challenges. I was using my Russia
5 expert analysts to work on a Russia case. It's not that
6 different than our investigative support to other cases.

7 Mr. Somers. Except to the extent maybe they couldn't
8 -- and you can disagree with me -- but to the extent that
9 maybe they didn't get as much to analyze or as quickly to
10 analyze. The operational concerns -- and I'll back up and
11 ask you the question again, but according to the IG report
12 running it out of headquarters presented multiple
13 challenges, such as difficulties in obtaining needed
14 investigative resources, including surveillance teams,
15 electronic evidence storage, technically trained agents, and
16 other investigative assets standard in field offices to
17 support investigations.

18 Obviously, that's all at the operational side. But you
19 do get the product that is the result of all those
20 investigative techniques. Did that present any challenges
21 that you weren't getting product?

22 Mr. Moffa. Look, I think at the end of the day our
23 obligation was if there was information available and our
24 analytic team needed to review it we would review it. And
25 if there was more, we would have reviewed more. If there

1 was less, we would have reviewed less.

2 I think the challenge of the collection side of it, I'd
3 really have to leave it to my operational counterparts to
4 discuss how it being t headquarters impacted that.

5 Mr. Somers. Another subject. Do you recall attending
6 a meeting on August 10, 2016, at the White House with the
7 chief of staff and the President?

8 Mr. Moffa. What year?

9 Mr. Somers. August 10, 2016.

10 Mr. Moffa. No, I don't recall attending that at all.

11 Mr. Somers. Switching subjects again. The
12 intelligence community assessment of the 2016 election, do
13 you recall working on that?

14 Mr. Moffa. I do.

15 Mr. Somers. What was your role?

16 Mr. Moffa. Again, I'm in that executive analyst
17 manager role. So in some respects I am interfacing with the
18 intelligence community at my level. Then I'm managing,
19 again, analysts who are actually sitting on the drafting
20 team of that assessment and an SIA who's managing those
21 analysts.

22 Mr. Baker. What's an SIA?

23 Mr. Moffa. Supervisory intelligence analyst.

24 Mr. Somers. Is that the same supervisory intelligence
25 analyst that was also doing the Crossfire Hurricane

1 investigation?

2 Mr. Moffa. It is.

3 Mr. Somers. But he was also involved in this
4 intelligence community assessment?

5 Mr. Moffa. He was.

6 Mr. Somers. Was the main thrust of that getting some
7 version of the Steele reporting included in the ICA; is that
8 correct?

9 Mr. Moffa. I'm sorry?

10 Mr. Somers. Was the main effort that you were
11 involved in with regards to the intelligence community
12 assessment, was that getting the Steele reporting --

13 Mr. Moffa. I wouldn't describe that as the main thrust
14 of my effort at all. Again, this to me speaks to the
15 broader Russian election issue that my analysts were also
16 supporting, my other analysts, [REDACTED].

17 The ICA as I understand it was a directive from the
18 President to have the key intel agencies push as much
19 material about the election threat and what happened into
20 the middle of the table for a joint team to review that
21 material and publish as comprehensive an assessment as
22 possible as to what happened there. So there's much more
23 that went into that from the Bureau's end than just the
24 Steele reporting. Whether it included the Steele reporting
25 is kind of a subset of what I had to help manage as we wrote

1 that ICA, but there's much more that I was involved in on
2 the broader assessment.

3 Mr. Baker. As far as Mr. Somers is asking about the
4 Steele reporting, were there issues in where in the report
5 to put the Steele information?

6 Mr. Moffa. There was a lot of discussion about it. I
7 felt it should be at least provided into the drafting team,
8 because I felt like the directive was to be inclusive in
9 terms of what we provided. The debate with the drafting
10 team of the other agency was really where and how could it
11 be reflected, and ultimately it was included in an appendix,
12 and the FBI supported that ultimately. But I think there
13 was some back and forth about it.

14 Mr. Baker. Before the back and forth and ultimately
15 agreeing to put it in the appendix, what were the concerns
16 of putting it in the appendix versus the main body of the
17 report?

18 Mr. Moffa. For us, I think initially we wanted it at
19 least considered to be included in the body, but properly
20 characterized, like other reporting. I think part of it in
21 my mind was we weren't necessarily taking other agencies'
22 intelligence and putting it through the same wringer of
23 deciding does it go in an appendix or not. So we were sort
24 of being questioned on that and felt the need to at least
25 discuss it with the other agency.

1 But then ultimately, I was fine with it going in the
2 appendix. I felt like we met the spirit of what the
3 President had asked us to do, which was to provide what we
4 had and then to capture that in the right way, the right
5 context. Given the nature of the reporting, having it set
6 off, to me I have no concerns about where it ended up.

7 Mr. Baker. Was it common for the other agency in
8 similar situations to decide where Bureau intelligence would
9 go in such a report?

10 Mr. Moffa. I don't know. I haven't written or been
11 involved in the writing of many joint products at this scale
12 with that other agency. But I felt like that -- I felt like
13 that debate -- well, I felt like at the time, I felt like
14 that debate had to happen. Then, like I said, sitting here
15 today and back then, I was fine with how it ended up.

16 If it had been excluded I would have had a problem with
17 it, I think, because I felt like that didn't meet the spirit
18 of what the President had asked us to do with that paper.

19 Mr. Baker. So it touches the base and the spirit of
20 what the President wanted, but it also sounds to me like the
21 fact it was put in the appendix for all the reasons that
22 maybe in the appendix doesn't highlight it the way it
23 should, it sounds like this other agency maybe had the same
24 degree of skepticism that you had and put it where they felt
25 it should be?

1 Mr. Moffa. I don't think that's an unfair
2 characterization, in that the other agency viewed it with
3 skepticism and we talked about. I did as well. What I
4 didn't want to do and what I didn't want it to be perceived
5 as is we're burying it or otherwise excluding it from view.
6 To me, I thought it was important, again given the nature of
7 what I believed the assignment was, that it's put out in the
8 open. It just has to be characterized and positioned the
9 right way so that the credibility of it isn't
10 overemphasized.

11 I think we ended up, I believe, in a good compromise
12 there, where it ended up in the appendix in a way that is
13 not invisible. It's in there in a way that I felt was
14 consistent with what the directive of the paper was.

15 But the debate over that is not an uncommon analytic
16 debate over how things are phrased, positioned, in a paper
17 like that, an important paper.

18 Mr. Somers. What did you make -- I think it indicates
19 in the IG report, and I think we don't have to say "the
20 other agency"; it says "the CIA" in the IG report. "The
21 intel section chief stated that the CIA viewed it as, quote,
22 'Internet rumor.'" Do you know where the CIA was getting
23 that, that take on it, from?

24 Mr. Moffa. No. I think there are certain aspects of
25 the Steele reporting that are potentially viewed as more

1 salacious than others. So the point I was trying to make in
2 that moment to the other agency is not everything in that
3 reporting has to do with that sort of salacious side of it.
4 So some of our discussion was about are there elements of
5 this that are consistent with other intelligence,
6 understanding that there are other elements of it which are
7 not corroborated with other intelligence and could be viewed
8 as Internet rumor.

9 I think what I'm saying there is at first glance I
10 think they waved a wand over all of it and suggested it was
11 Internet rumor, and I was suggesting a kind of more nuanced
12 view of. You can't necessarily look at every single piece
13 of it in the same light. Some of it may be, but some of it
14 maybe isn't, and we should evaluate that.

15 That's what I believe ended up happening in the
16 appendix, if you look at it.

17 Mr. Somers. But it was still, even the appendix or
18 the characterization that was included in the ICA, was that
19 it was -- the reference was to it being, quote, "limited
20 corroboration" of Steele's reporting. So you're not saying
21 it was any more than corroborated in a very limited way?

22 Mr. Moffa. No, that's exactly what I'm saying. I'm
23 saying that there are limited facts within the full body of
24 that reporting, and I'm not suggesting those facts are the
25 same facts that are necessarily the more salacious

1 allegations contained within it. But it would be inaccurate
2 to say that it's completely uncorroborated. But there's
3 limited corroboration. And that's -- if you read the
4 appendix, that's actually what it says. It lays that out
5 with some factual support.

6 Mr. Somers. It also says in the IG report on 179 that
7 you said that the corroboration of certain facts, as well as
8 the thrust of the reporting regarding Russia's actions to
9 disrupt the election and caused discord in the western
10 alliance, that was part of the corroboration. Isn't that
11 kind of generally known, that Russia wants to cause discord
12 in the western alliance? Does that actually corroborate
13 Steele reporting?

14 Mr. Moffa. The point of that statement in my mind is
15 there is independent intelligence that is generally
16 consistent with what Steele reported related to the broader
17 Russian election issue. So what you can't say is it's
18 completely unsupported and uncorroborated in other
19 intelligence. There is some corroboration.

20 Again, I'm not necessarily referring to any of the sort
21 of more specific allegations in it that have not been
22 corroborated, because, remember, the ICA is much broader
23 than Crossfire Hurricane-related. It's about Russia,
24 Russia's attempts to influence the election. If you look at
25 the full body of the Steele reporting, some of that

1 information is consistent with other information in the
2 intelligence community. And that's what the appendix said.

3 Mr. Somers. Is this the first election that Russia
4 has tried to disrupt?

5 Mr. Moffa. It is not.

6 Mr. Somers. Is this the first time that Russia has
7 tried to cause discord in the western alliance?

8 Mr. Moffa. I don't know that I could say that, but I
9 know it's not the first election that Russia has targeted.

10 Mr. Somers. I've only got about two minutes here. I
11 think it's probably better for us just to break now instead
12 of trying to jam something in here.

13 Mr. Baker. I can take just one minute --

14 Mr. Somers. Go ahead.

15 Mr. Baker. -- to just clean something up. We talked
16 earlier, way earlier, about some of the different things
17 that the analytical part of the Bureau does. But we didn't
18 specifically talk about this. Would one of the things that
19 an analytical person, an analyst or an analytical unit,
20 could prepare or help prepare, would be used for formulating
21 talking points for briefings specifically to a Congressional
22 committee?

23 Mr. Moffa. I can't say that's a formal defined role,
24 but I could certainly see a scenario where that could
25 happen, sure.

1 Mr. Baker. What would -- hypothetically, what would
2 their role in formulating such talking points be?

3 Mr. Moffa. I think the reason I'm saying I think I
4 could see them doing it is analysts are generally very good
5 writers. I think they're trained to take volumes of
6 information and succinctly get to the point. I think that's
7 kind of what you're doing with talking points. You're
8 taking a body of information and you're trying to pull out
9 the most important points, characterize it the right way,
10 and write it up. That's what I could see an analyst doing
11 in that scenario, is kind of getting a solid written product
12 that someone could use for their testimony.

13 Mr. Baker. And even if it's not the analyst preparing
14 the written product, are you aware of instances where their
15 knowledge would be drawn upon by others that might be
16 preparing the written product for whoever the briefer might
17 be?

18 Mr. Moffa. I think that's accurate, especially if part
19 of testimony would be, for example, is characterizing a
20 threat, some of that subject matter expertise I would assume
21 would be drawn up into those talking points so it could be
22 reflected.

23 Mr. Baker. And would that work be reviewed? If a
24 lower-level analyst is called upon to either write something
25 or to provide information that someone else is writing, is

1 their product or knowledge going out of the analytical
2 division, is that reviewed up the analytical chain, or do
3 they have free rein to provide it to who's ever asking?

4 Mr. Moffa. They would obviously -- if, say for
5 example, the Assistant Director asked for it directly, they
6 would have the ability to hand it to the Assistant Director.
7 But the normal chain of command would say it would come up
8 through the unit to the section chief, through the DAD, up
9 to the AD, through those different steps.

10 That would be a normal business practice. But it
11 doesn't mean that it doesn't happen differently than that,
12 certainly when there's urgency or other circumstances
13 impacting it.

14 Mr. Somers. I think we can take a break now.

15 Mr. Moffa. Take a break.

16 (Whereupon, at 12:27 p.m., the interview was recessed,
17 to reconvene at 1:22 p.m. the same day.)

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AFTERNOON SESSION

(1:22 p.m.)

1
2
3 Mr. Haskell. It's 1:22 and we're going back on the
4 record.

5 Mr. Moffa, I just want to follow up on a few topics
6 that have been touched on briefly at times today. My
7 colleague Ms. Sawyer had asked you if anybody had a
8 predetermined objective for the Crossfire Hurricane
9 investigation. You said you never saw anything like that.
10 You told Mr. Somers that there was no pressure to obtain a
11 certain result. That jives with the Inspector General's
12 finding, after a two-year investigation, that there was no
13 documentary or testimonial evidence of bias impacting the
14 FBI's work on Crossfire Hurricane.

15 Nonetheless, there continue to be allegations that
16 there was tons of bias. Did political bias impact any of
17 your actions in connection with Crossfire Hurricane?

18 Mr. Moffa. No.

19 Mr. Haskell. Do you have any evidence that political
20 bias otherwise impacted the FBI's work on Crossfire
21 Hurricane?

22 Mr. Moffa. No.

23 Mr. Haskell. It has been alleged that the FBI engaged
24 in, quote, "a massive criminal conspiracy over time to
25 defraud the FISA Court." Do you have any evidence that the

1 FBI engaged in a massive criminal conspiracy over time to
2 defraud the FISA Court?

3 Mr. Moffa. No.

4 Mr. Haskell. It's also been alleged that the FBI,
5 quote, "purposely used the power of the Federal Government
6 to raise a political war against a presidential candidate
7 they despised." Do you have any evidence of that, that the
8 FBI -- that FBI agents purposely used the power of the
9 Federal Government to wage a political war against then-
10 candidate Donald Trump?

11 Mr. Moffa. No.

12 Mr. Haskell. Do you have any evidence that the FBI
13 was attempting a coup against President Trump, which has
14 also been alleged?

15 Mr. Moffa. No.

16 Mr. Haskell. What about any evidence that the
17 Crossfire Hurricane investigation was a hoax or a witch hunt
18 intended to hurt Trump politically?

19 Mr. Moffa. No.

20 Mr. Haskell. Was it your goal to hurt Trump
21 politically?

22 Mr. Moffa. No.

23 Mr. Haskell. What was your goal in the Crossfire
24 Hurricane investigation?

25 Mr. Moffa. My goal was to manage the analytic team and

1 its support to the investigation, which was seeking to
2 identify any information that could substantiate or refute
3 the initial allegation for the case.

4 Mr. Haskell. Do you have any evidence that part of
5 your goal or anybody else's goal was a, quote, "deep state
6 effort to take down President Trump"?

7 Mr. Moffa. No.

8 Mr. Haskell. There have also been allegations that
9 the purpose of Crossfire Hurricane was to, quote, "change or
10 nullify the results of the 2016 election." Was that your
11 goal personally?

12 Mr. Moffa. No.

13 Mr. Haskell. Do you have any evidence that it was
14 anybody else's goal?

15 Mr. Moffa. No.

16 Mr. Haskell. There have also been allegations that
17 Crossfire Hurricane was composed of, quote, "people who
18 hated Trump" and, quote, "had an agenda to destroy him
19 before he was elected and after he was elected." You were
20 involved in the selection of members of the Crossfire
21 Hurricane team along with Peter Strzok and SSA-1, as
22 identified in the IG report. Did you consider how
23 individuals felt about President Trump when you were
24 selecting members of the team?

25 Mr. Moffa. I didn't consider that and I wouldn't know

1 their political leanings.

2 Mr. Haskell. So you did not consider their political
3 affiliation in any way?

4 Mr. Moffa. I did not.

5 Mr. Haskell. In fact, it would have been illegal for
6 you to do so, correct? The Civil Service Reform Act
7 prohibits FBI management from using political affiliation to
8 make personnel decisions.

9 Mr. Haskell. That sounds right. I don't know the
10 specific law you're citing, but correct.

11 Mr. Haskell. But to be clear, notwithstanding your
12 lack of knowledge of the specific law, that is not something
13 you did or would do?

14 Mr. Moffa. That's right.

15 Mr. Haskell. The IG report documents several steps
16 that the FBI took to ensure that the counterintelligence
17 investigation did not impact the 2016 election. According
18 to the IG report, quote, "Multiple witnesses told OIG that
19 they were concerned about preventing leaks regarding the
20 nature and existence of Crossfire Hurricane."

21 You said earlier that leaks can be harmful, and the IG
22 report found that individuals found that that was the case
23 as the Crossfire Hurricane. Why was it so important to keep
24 the nature and existence of Crossfire Hurricane private?

25 Mr. Moffa. Well, I think, like any counterintelligence

1 investigation, to be able to obtain the needed facts and to
2 cut down on the possibility that actors who may be
3 conducting something that's a threat to national security
4 could get forewarning of our investigation and change their
5 behavior in a way that would prevent us from discovering it
6 or manipulate or destroy evidence that we might need.

7 I wouldn't put this in a different category, other than
8 to say all of our counterintelligence investigations need
9 that sort of operational security for us to be effective.

10 Mr. Haskell. In your view, was there any added or
11 heightened level of sensitivity, given that there was an
12 upcoming election and some had expressed that that was cause
13 to keep things especially tightly held to ensure that there
14 was no effect on the election?

15 Mr. Moffa. In my personal role, I wasn't hyperfocused
16 on that particular point, just because my job was different.
17 It was to manage the analytic team. But I can completely
18 understand why up the chain the FBI management made the
19 choice to conduct the case in this way and had that as a
20 consideration. It doesn't escape me that that would be a
21 factor for them.

22 Mr. Haskell. And it doesn't escape the Office of
23 Inspector General either. In their Midyear investigation
24 report, they wrote -- they recommended that "the Department
25 consider providing guidance to agents and prosecutors

1 concerning the taking of overt investigative steps,
2 indictments, public announcements, or other actions that
3 could impact an election."

4 Formal guidance to that effect was not in place during
5 Crossfire Hurricane. It's just a recommendation of the IGG.
6 But in your view, did the Crossfire Hurricane team
7 nonetheless take steps to avoid taking overt actions that
8 could impact the investigation or the election in any way?

9 Mr. Moffa. All I can say is from my personal
10 recollection I'm not aware of any actions that the
11 operational side took that could have heightened awareness
12 of the investigation. But you'd have to ask them
13 specifically what they implemented operationally to
14 obfuscate the case.

15 Mr. Haskell. Thank you.

16 The existence of Crossfire Hurricane remained private
17 until months after the election, when, in March 2017, FBI
18 Director Comey disclosed it to Congress. So it appears from
19 that that steps that you and other members of the team took
20 to keep Crossfire Hurricane a secret, whether that was due
21 to the election context or just due to serving the same role
22 that you would on any investigation, were successful. The
23 investigation did not become known until after the election.
24 Is that your understanding?

25 Mr. Moffa. My understanding is that it did not become

1 known publicly until after the election, that's right.

2 Mr. Haskell. If the investigation had been publicly
3 known before the election, might that have harmed the
4 President, President Trump's campaign, in any way?

5 Mr. Moffa. I couldn't speculate on that.

6 Mr. Haskell. Moving on to a different topic, I want
7 to follow up on the questions that you were asked about the
8 Steele dossier and the role it played in the Carter Page
9 FISAs and the investigation generally. First, to put
10 Steele's reporting in context, Crossfire Hurricane was
11 opened, as you know, on July 31, 2016. The IG determined
12 that the Crossfire Hurricane team didn't even become aware
13 of Steele's reporting until September 19th and that, quote,
14 "the Steele dossier played no role in the opening of
15 Crossfire Hurricane." Page 352, note 45.

16 Are you aware of any evidence that disputes that
17 finding?

18 Mr. Moffa. No.

19 Mr. Haskell. When IG Horowitz testified before our
20 committee about the report last December, he said that the
21 Carter Page FISA the errors related to Christopher Steele
22 did not call into question, quote, "any part of the Special
23 Counsel report" -- of course, Special Counsel Mueller.

24 Are you aware of any evidence that disputes Horowitz's
25 testimony that the Carter Page FISA errors do not call into

1 question any part of Special Counsel Mueller's report?

2 Mr. Moffa. I just want to qualify to say I never read
3 the Special Counsel's report.

4 Mr. Haskell. Okay. But you're not aware --

5 Mr. Moffa. I'm not aware of anything.

6 Mr. Haskell. -- of any evidence that would dispute
7 the findings?

8 Mr. Moffa. Right.

9 Mr. Haskell. As part of this ongoing investigation
10 that the committee's conducting, former Deputy Attorney
11 General Rod Rosenstein came before us. Rosenstein
12 supervised the Mueller investigation and when Senator
13 Feinstein asked him at that hearing to identify which
14 findings in Special Counsel Mueller 's 448-page report rely
15 on information from the Steele dossier, Mr. Rosenstein said,
16 quote, "I don't believe there is any such information."

17 Now, with the understanding that you have not reviewed
18 every page of the Mueller report, do you have any evidence
19 that contradicts DAG Rosenstein's testimony?

20 Mr. Moffa. Not personally, no.

21 Mr. Haskell. He also testified that none of the 199
22 criminal counts resulting from the Special Counsel
23 investigation relied on information obtained from Steele.
24 Do you have any basis to disagree with that?

25 Mr. Moffa. No.

1 Mr. Haskell. With regard to Steele, you were asked
2 earlier about the why, why was he doing what he was doing.
3 There have been allegations raised about his motivations.
4 You told House investigators when you were interviewed in
5 2018 that, quote, "Sources have different motivations and
6 actions, and it's a balancing act of how that impacts
7 credibility, and there's no hard and fast rule that you can
8 always kind of hue to."

9 Can you elaborate on that?

10 Mr. Moffa. I think what I'm saying there is all
11 sources are motivated differently and there's no exact
12 calculation of that motivation being for maybe purposes the
13 government wouldn't want automatically excluding some of
14 their reporting being relevant or timely. So I guess what
15 I'm trying to say there is there's no exact science or
16 formula to it. It's about understanding that motivation,
17 understanding how that may characterize or color the
18 credibility of a source, and then evaluating the information
19 coming from that source fairly throughout that process, with
20 that context in mind.

21 But that's not an exact science, I think is what I'm
22 trying to say.

23 Mr. Haskell. Okay. Based on what you've just said,
24 is it fair for me to say that a source's motivation or
25 biases do not automatically render any information he or she

1 provides false or unreliable or not credible?

2 Mr. Moffa. Yes.

3 Mr. Haskell. You've been with the FBI for more than
4 20 years. What impact would the inability for the FBI to
5 rely on any source who has demonstrated a motivation or bias
6 have on the FBI's ability to do its work?

7 Mr. Moffa. We would not be able to use sources. Every
8 source has some degree of motivation or bias, and so sources
9 are an important part of how we collect intelligence and
10 information to support our cases and protect America. I
11 think if you exclude automatically those sources that maybe
12 have motivations that are less than horrible you potentially
13 exclude a bunch of intelligence that could be used to
14 protect America.

15 Mr. Haskell. The IG asked Christopher Steele about a
16 characterization of him as being desperate for Donald Trump
17 not to win, and he said that he was concerned that Trump was
18 a national security risk and had no particular animus
19 against him otherwise. Do you have any basis to dispute
20 Steele's characterization of his own motives?

21 Mr. Moffa. I wouldn't have any information about his
22 feeling in that regard in either direction. I just don't
23 know.

24 Mr. Haskell. Thank you.

25 Shifting gears again to confidential human sources,

1 CHS's, you told OIG that you viewed CHS's as, quote, "one of
2 the best avenues to potentially get some meat on the bones
3 of the allegations that came through that started Crossfire
4 Hurricane, to get somebody talking about what that reality
5 was, even if the reality was this guy Papadopoulos knows
6 nothing or this is what happened that actually explains that
7 predication. It was one of those few avenues available to
8 us in that moment where you could start to get some clarity
9 around that initial predicating allegation really of the IG
10 report.

11 Mr. Haskell. Is it fair to say that the purpose of
12 your use, the FBI's use, of CHS's in Crossfire Hurricane was
13 to corroborate or to dispel allegations that the Trump
14 campaign was involved in Russia's ongoing interference
15 efforts?

16 Mr. Moffa. Again, I can't speak to my operational
17 counterpart, but my personal understanding of that was that.

18 Mr. Haskell. So it's to corroborate or to dispel and
19 move on?

20 Mr. Moffa. Correct.

21 Mr. Haskell. Beyond Crossfire Hurricane, have you
22 found CHS's to be a valuable tool for corroborating or
23 dispelling allegations during the course of your 20-plus
24 years at the FBI?

25 Mr. Moffa. Yes.

1 Mr. Haskell. More generally, is it fair to say that
2 in your experience CHS's have played an important role in
3 your work in investigating national security threats?

4 Mr. Moffa. In investigations I've been a part of?

5 Mr. Haskell. Yes.

6 Mr. Moffa. Yes.

7 Mr. Haskell. Yes, in your experience.

8 I've always understood sources and methods to be things
9 that the FBI vigorously protects. Is that correct?

10 Mr. Moffa. Correct.

11 Mr. Haskell. Why is it important to protect sources?

12 Mr. Moffa. Well, I would say the protection of sources
13 is directly connected to your ability to recruit, run, and
14 obtain information from other sources. If an organization
15 were to develop a reputation for not treating their sources
16 well or endangering their sources, it would to me seriously
17 compromise that organization's ability you to generate
18 information from those sources in the future.

19 So not only is it the right thing to do in dealing with
20 human beings and protecting them, but it's also critical to
21 keeping that avenue of intelligence open for your
22 organization.

23 Mr. Haskell. Following up on what you just said about
24 being the right thing to do to protect individuals, are the
25 risks to individuals with regard to the public disclosure of

1 who they are, are they amplified when you're dealing with a
2 source related to a place like -- in a place like Russia?

3 Mr. Moffa. Yes, I'd say any source in a threat country
4 faces a greater risk if their CHS relationship with the FBI
5 or any U.S. intelligence service is publicly known.

6 Mr. Haskell. Are you aware that DOJ recently
7 declassified the FBI's memo summarizing a January 2017
8 interview with Steele's primary sub-source, and that shortly
9 after that memo was posted on our committee's website a
10 blogger deduced and RT widely publicized the source's
11 identity?

12 Mr. Moffa. No, I'm not aware of that.

13 Mr. Haskell. What are the possible consequences of
14 exposing the primary source -- sub-source's identity?

15 Mr. Moffa. I don't know that I can speak to the
16 primary sub-source specifically, given that I don't know the
17 circumstances of that person. But the risks associated with
18 disclosing any source are their personal safety, certainly
19 their career, reputation, all the things that matter to
20 sources. Again, protecting them from those risks is
21 directly connected to our ability to recruit and use sources
22 in the future.

23 Mr. Haskell. There have also been efforts to identify
24 who the primary sub-source's sources are based on the
25 publication of that document. Would those same concerns

1 apply to the primary sub-source's sources?

2 Mr. Moffa. Yes, I think they would.

3 Mr. Haskell. Are you aware that on page 42 of that
4 memo I mentioned, that was released publicly, which is a
5 summary of the interview, the FBI's interview with the
6 primary sub-source -- and I'll just read from it, quote.
7 "The primary sub-source commented that, unless his name goes
8 public, he is fine when it comes to his source network. He
9 doesn't believe he can travel (REDACTED). He feels that he
10 would be in danger, as he put it, (REDACTED)."

11 So I read this as the primary sub-source talking
12 personally about himself the way you're talking about
13 sources generally, that if his name is disclosed he could be
14 put in danger. Is that your same reading?

15 Mr. Moffa. Not having read that document, but hearing
16 your description, I think that would be consistent with what
17 I'm saying, yes.

18 [REDACTED]. A few follow-up questions on that. If
19 the individual who does end up getting exposed is currently
20 still a source for the FBI or the government, does the fact
21 that they've been publicly identified then compromise their
22 ability to be useful to the FBI?

23 Mr. Moffa. Again not having deep, unlimited expertise
24 in this area, I would say it's possible it would compromise
25 their ability to report the same streams of intelligence

1 they would be reporting before they were exposed publicly.

2 Ms. Sawyer. Well, certainly if the folks who were
3 reporting to them learned that they were reporting to the
4 U.S. Government, they might be more reluctant to share
5 information with that particular source; is that not
6 correct?

7 Mr. Moffa. Yes, I agree.

8 Ms. Sawyer. Certainly that individual themselves
9 might be reluctant, if not outright unwilling, to work with
10 the U.S. Government going forward. Wouldn't that be another
11 risk?

12 Mr. Moffa. I agree.

13 Ms. Sawyer. When you were talking to our colleagues
14 in the last hour, you were talking about the need to make a
15 determination as to reliability and credibility of sources
16 and sub-sources. What role does the need to also determine
17 a source's potential access to the information that they're
18 saying they have play?

19 Mr. Moffa. It plays a significant role in
20 understanding the credibility, because if a source is known
21 to not have access to the type of information being reported
22 that can be a sign that the information itself is being
23 fabricated or otherwise can't be trusted.

24 Ms. Sawyer. So for example, if you learn that the
25 person who said anything about Carter Page had no possible

1 access to sources in the Russian government, to information
2 from the Russian government, that would substantially
3 downgrade your ability to rely on them?

4 Mr. Moffa. That would be an important fact to know,
5 but you'd also have to understand if that person had second-
6 tier or third-tier access to that information and draw the
7 distinction between direct access and access through others.

8 Ms. Sawyer. If you did assess that there had been
9 direct access, would that conversely bolster your ability to
10 rely on the information?

11 Mr. Moffa. In a general sense it would, because that
12 person is reporting something they've learned first-hand.

13 Ms. Sawyer. My colleague Mr. Haskell referred you to
14 the document that was produced by the Justice Department and
15 posted on the committee's website. It does talk, with some
16 redactions, about not just the primary sub-source, but that
17 sub-source's sources. And on page 19 of that document it
18 speaks to Source 5, who was one of the main sources for
19 information on Carter Page during his trip to Moscow in July
20 of 2016. It says the following, among other things. "She
21 has ties to the (REDACTION) as well as ties to the Russian
22 intelligence and security services."

23 Did you have or did any of your analysts raise
24 questions about the access that Source 5 had to information
25 she was reporting up through the primary sub-source?

1 Mr. Moffa. I can't speak to Source 5 because I don't
2 know who that is and I haven't read the document you're
3 referring to. But what I'll say, and refer to my earlier
4 testimony. That's the kind of sort of overseas operational
5 and investigative work that I was talking about, where I
6 believe a greater emphasis on pursuing better understanding
7 of those sub-sources and their access would help clarify and
8 either further support or refute the credibility of the
9 reporting in general.

10 Ms. Sawyer. Are you aware of whether or not there was
11 an effort to learn more about Source 5?

12 Mr. Moffa. I just don't know who Source 5 is, so I'm
13 sorry; I can't say.

14 Ms. Sawyer. So you don't know? It's possible that
15 there was?

16 Mr. Moffa. It's possible. I'm just saying I don't --
17 I don't recognize Source 5 and I can't tell you for certain.

18 Ms. Sawyer. Do you know anything about any of the
19 other sources and the efforts that might have been made to
20 do additional investigative work to find out about their
21 access and therefore their credibility and reliability?

22 Mr. Moffa. I can't speak to what was done
23 investigatively for each of them because I just don't know.
24 I will say analytically we expended effort, my team expended
25 effort, to better understand them, who they were, what was

1 available in terms of information about them as they were
2 being identified, for exactly in part the purpose you're
3 saying, which is what is their access to information.

4 So while I can't tell you the specifics of which sub-
5 source, that's the general idea of what the analytic team at
6 least, which is the part I can speak to, was trying to do.
7 further ascertain whether they had that sort of credible
8 access to the type of information that was being reported
9 through the sub-source.

10 Ms. Sawyer. Understanding that you don't remember
11 specifics, do you recall if at any point while you were
12 still working on Crossfire Hurricane and before it went to
13 the Special Counsel, whether any of your analysts came to
14 the determination that the sources, the primary sub-source's
15 sources, simply did not have the access that would have
16 allowed them to report on the information they had been
17 reporting?

18 Mr. Moffa. I don't remember that definitive of a
19 judgment being made before I left the team.

20 Ms. Sawyer. I think that's all I have.

21 Mr. Haskell. I think that's it for this round for us.
22 Thank you.

23 Mr. Moffa. Thank you.

24 Mr. Somers. Short break.

25 (Recess from 1:45 p.m. to 1:53 p.m.)

1 Mr. Somers. It's now 1:53. Back on the record.

2 You were talking last round a little bit about the use
3 of confidential human sources, and I think the quote that
4 was read back to you from the IG report was your quote, was.
5 "Confidential human sources are one of the best avenues to
6 potentially get some meat on the bones of the allegations
7 that came through that started this case."

8 So I guess that means you would task confidential human
9 sources with talking to a Carter Page, who has talked to a
10 confidential human source -- not you would task. The FBI
11 would task, I'm sorry. I make my usual error of saying
12 "you."

13 The Crossfire Hurricane team would task a confidential
14 human source with talking with Carter Page or George
15 Papadopoulos, and the goal of that, would it be fair to say,
16 would be to see what they'd say about some of the
17 allegations?

18 Mr. Moffa. I don't know if -- it's not those two
19 individuals specifically, but the idea would be that a CHS
20 could interact with some of the subjects or others and
21 pretty directly potentially look into the allegations by
22 talking to those people and then not compromise the FBI's
23 investigative interest in the process.

24 But again, from my perspective I saw it as a potential
25 avenue of intelligence to answer our gaps. The question of

1 again the operational wisdom of doing that and operational
2 security of that was for the investigative side to
3 determine.

4 Mr. Somers. What happens -- we've been given,
5 provided by the FBI, with some of the transcripts of
6 confidential human sources speaking with Page and
7 Papadopoulos. But at the time what happens with -- Carter
8 Page is recorded by a confidential human source and a tape
9 is generated. What goes on after that, after the
10 interaction?

11 Mr. Moffa. Well, whether it's a recording or a
12 transcript, the proceeds of that engagement are reviewed by
13 the team. And by "the team" I mean both sides, the analytic
14 team and the operational team.

15 Mr. Somers. And is a summary document generated or is
16 it just left in the raw form of a transcript?

17 Mr. Moffa. I really can't speak to that. I think at
18 times maybe there's a summary document and other times maybe
19 there isn't.

20 Mr. Somers. So sometimes when you look at a
21 transcript, from your background as an analyst, a summary
22 will be generated; and other times it will just be left raw
23 in the transcript?

24 Mr. Moffa. Yes, I think that's right.

25 Mr. Somers. What would be the factors that would

1 differentiate between whether something was summarized or
2 pulled out and just left? Is it the use of what's on the
3 transcript or is it something else?

4 Mr. Moffa. I just think it would be need. If the
5 people who need to know the information on the transcript
6 have read the whole transcript, there might not be a need
7 for a summary. And if that information had to be shared
8 with others who don't have the time or interest in reading
9 the full transcript, you'd write a summary.

10 Mr. Somers. How would it be shared? Let's say Carter
11 Page said something that relates to an allegation made
12 against him by the Steele dossier, for instance. Speaking
13 generally, where does that information go at that point
14 within the Crossfire Hurricane investigation?

15 Mr. Moffa. I can't speak to that specifically, but
16 both the operational and analytic teams are reviewing that
17 transcript. So they have it. Then the question is, do they
18 need to do something with that information, whether it's
19 advise up the chain or some other purpose. I just don't
20 know what that would be.

21 Mr. Somers. You don't know what happens?

22 Mr. Moffa. I don't know what that would be
23 specifically, given what the needs of that moment are. It
24 could be that they had to do something with it, so it would
25 be disseminated further. Or if not, if it's just for the

1 background and understanding of the team, it might stay with
2 them.

3 Mr. Somers. And it's analyzed -- "analyzed" is
4 probably the wrong word since that's leading into my
5 question.

6 It's looked at by both the analysts and the agents?

7 Mr. Moffa. I'm generalizing. I can't tell you
8 specifically for any particular CHS operation. But
9 generally, that transcript would be looked at by both the
10 analytic team and the operational team to see what was said
11 and if anybody picks out anything in it that's of substance.

12 Mr. Somers. And would something that contradicts an
13 allegation made against Page, for instance -- I'm not
14 thinking of anything specifically.

15 Mr. Moffa. It should be recognized and understood.
16 Then there's a variety of things that might need to be done
17 with that. If you're putting together a FISA, there'd be
18 something you would need to do with it. If it's just for
19 notification up the chain, they would do something different
20 with it. It just depends what the purpose is.

21 Mr. Somers. But it's pulled out? It's not just left
22 in the transcript. It's pulled out in some way, either
23 orally or in a written document generally?

24 Mr. Moffa. I'd go back to my previous statement, that
25 if there's something that's developed that revealed an

1 inaccuracy or a factual inaccuracy, my expectation would be
2 that the right responsible people would recognize that and
3 do the right thing with it. That thing could be a number of
4 uses depending on what is underway at the moment.

5 It shouldn't be ignored, I guess is what I'm saying, in
6 my mind.

7 Mr. Somers. But it could be discounted?

8 Mr. Moffa. It could be discounted as the individual
9 speaking to the CHS potentially being less than honest,
10 sure. That's possible.

11 Mr. Somers. You spoke about, as I started this off
12 with, CHS's being one of the best avenues to potentially get
13 some meat on the bones, and your quote goes on. One of the
14 case agents characterized -- he may also agree with your
15 assessment, but -- "Using CHS's can be an effective tool for
16 quickly obtaining information such as telephone numbers and
17 email addresses of the named subjects."

18 Which also could be true. But that's not what you mean
19 by putting meat on the bones. You don't mean collecting
20 email addresses and phone numbers?

21 Mr. Moffa. I mean, that's a byproduct benefit
22 potentially, is to get that kind of clarification
23 information. But what I'm referring to there is, again as
24 an analyst, when I look at what are those potential vectors
25 of learning the intelligence needed to answer this question,

1 having access to people who may know the answer and getting
2 them to share that is potentially one of the best and
3 quickest ways to put meat on the bones of that allegation.

4 But it doesn't mean that you can't derive other
5 benefit, which is what I think that agent's suggesting.

6 Mr. Somers. But those are two different things, is
7 all.

8 Mr. Moffa. Yes, I think they are. I think there's
9 ways CHS's can help you sort of in the nuts and bolts of an
10 investigation, and then I think CHS's can help you a report
11 the fundamental question of your investigation. I think
12 there's a full range of things CHS's can answer.

13 Mr. Somers. Switching around here a bit, did you
14 consider the possibility that what Steele was reporting was
15 Russian disinformation that was fed to him?

16 Mr. Moffa. It was one of the potential options for
17 what the information was. I don't think it changes, again,
18 what we were doing, which was trying to find independent
19 intelligence or other corroborating information to either
20 positively confirm or refute the facts in it.

21 If we looked at certain information that suggested it
22 was Russian disinformation, then that's what it would tell
23 us. If we looked at other information that just positively
24 confirmed it was a false piece of reporting, that's what it
25 would confirm. I don't know that it changes -- in my mind,

1 it didn't change the approach. It was one of the potential
2 possibilities for this reporting in my mind.

3 Mr. Somers. In your mind -- and when I say "you" this
4 time I'm actually referring to you, versus the team -- did
5 you ever come to a conclusion that what Steele was reporting
6 was not Russian disinformation?

7 Mr. Moffa. No. To me, when I left the investigation
8 in the spring of 2017, all possibilities for Steele and his
9 reporting were still on the table in my mind.

10 Mr. Baker. What kind of weight is a newspaper article
11 or news reporting of information that a source is reporting?
12 What kind of weight do you give that in verifying or giving
13 credibility to what the source is coming in with?

14 Mr. Moffa. It depends a little bit on the
15 circumstances. But the temporal aspect is important. So if
16 something's publicly known before a source reports it to
17 you, then it doesn't provide much in terms of validation of
18 the reporting because the source may have seen it publicly
19 and then just told you about it.

20 If a source reports something and then it's not
21 publicly known until long after the source reported it, that
22 open source reporting could potentially add some degree of
23 credibility to the statement. But in no case would you want
24 to take open source information and use that in a sole way
25 to either validate or corroborate. It's potentially

1 relevant, but it's just a factor in that.

2 There are obviously very simple facts that are widely
3 known publicly that may be true. But the question is just
4 can the source have reported that based on the source's own
5 view of that same public information.

6 Mr. Baker. And it's possible the source could have
7 been the reporter of both, what's coming in --

8 Mr. Moffa. Certainly.

9 Mr. Baker. -- the news media and what's coming into
10 the FBI in this case?

11 Mr. Moffa. It's very difficult to know how things
12 emerge publicly, and so that's a possibility, sure.

13 Mr. Baker. And that's all part of this ongoing living
14 event that intelligence is in your world?

15 Mr. Moffa. In my view, in terms of what we were
16 attempting to do here, absolutely. So a public fact could
17 be a starting point and then you continue to build that out
18 further as time went on.

19 Mr. Baker. You indicated earlier that -- we talked a
20 little bit earlier about information coming in from friendly
21 foreign governments and you, with your -- my words -- kind
22 of skeptical hat on, some stuff needs to be looked at
23 deeper, whatever, and there's a continuum and it goes back
24 and forth, with new information coming in.

25 Are any of your units or intelligence units in the FBI,

1 are any of their products shared with friendly foreign
2 governments?

3 Mr. Moffa. Yes.

4 Mr. Baker. Do you know if the Steele reporting was
5 shared with a friendly foreign government?

6 Mr. Moffa. I don't know that. No, I don't know that.

7 Mr. Baker. Do you know if any product generated from
8 the Steele reporting was shared with a friendly foreign
9 government?

10 Mr. Moffa. I don't know that either.

11 Mr. Baker. Thank you.

12 Mr. Somers. Lost my train of thought. I was going to
13 follow up Art there.

14 Switching topics here. Were you involved in the
15 decision to send Supervisory Special Agent 1 to take part in
16 a strategic intelligence briefing of the Trump campaign on -
17 - the briefing that occurred on August 17 of 2016?

18 Mr. Moffa. I was informed of the decision. I wasn't
19 part of the decision-making on it.

20 Mr. Somers. Do you know why that particular agent was
21 chosen to take part in the briefing?

22 Mr. Moffa. I think you'd have to ask those that
23 decided. I actually don't know exactly who did. I know AD
24 Priestap was a part of those conversations and up the chain.
25 I would imagine it's both SSA-1 has substantial expertise in

1 counterintelligence -- he's a very, very good agent, very
2 experienced agent -- but also my understanding now is
3 certainly that it was due to his being part of the
4 Crossfire Hurricane team as well.

5 Mr. Somers. So were you involved in any discussions
6 about whether this was a good idea, what was -- I'm sorry.
7 Was that a no? You shook your head.

8 Mr. Moffa. I don't recall any conversation I was a
9 part of where the merits or wisdom of sending someone from
10 the team were discussed.

11 Mr. Somers. But you were involved in, I guess the IG
12 report calls it, mock briefings, some sort of preparation
13 for SSA-1, his taking part in the briefing; is that correct?

14 Mr. Moffa. That's right. To be honest, I think most
15 of my input in that, though, had to do more with my normal
16 job in terms of counterintelligence analysis, because he had
17 to deliver a more general counterintelligence briefing and
18 my analytic section covers a number of the different threat
19 actors that were going to be discussed at that briefing.

20 Mr. Somers. More the meat of what he actually said
21 versus the observational that he was sent there to do?

22 Mr. Moffa. That's right. My recollection is that was
23 really what I was contributing to that, is how would you
24 actually present the counterintelligence threat in that
25 context. He, as the operational side, he would be the one

1 responsible, along with Strzok and the rest of the
2 operational team, for any other alternate goals of that.

3 Mr. Somers. What did these mock -- I'm just kind of
4 curious as to what a mock briefing consisted of.

5 Mr. Moffa. I wouldn't really call it a mock briefing.
6 I'd call it more of a dry run of the presentation he was
7 planning to give at that briefing.

8 Mr. Somers. Did you speak with SSA-1 after the
9 strategic intelligence briefing?

10 Mr. Moffa. I don't recall if I spoke with him after or
11 if I just heard about it after. It's possible. I just
12 don't recall.

13 Mr. Somers. Do you recall what the take on the
14 briefing was?

15 Mr. Moffa. Again, I don't recall specifics. I
16 remember him relaying impressions of the different actors
17 who were in the room.

18 Mr. Somers. Do you recall generally what those
19 impressions were?

20 Mr. Moffa. I don't, actually. There were particular
21 topics that were coming up in the briefing that he was
22 reflecting certain people conveyed interest in. But I just
23 can't remember what they were now.

24 Mr. Baker. Do you understand that to be a reason that
25 SSA-1 was selected to do the briefing, was there was

1 information about some of the other participants that he was
2 going to observe and make assessments about?

3 Mr. Moffa. I don't think I was told that explicitly,
4 but it was pretty clear to me that that was one positive
5 benefit of SSA-1 going, in addition to his
6 counterintelligence expertise, is he'd be able to identify
7 information of value about the people in that room that
8 others maybe couldn't.

9 Mr. Baker. Now, is that based on any extra expertise
10 he has in behavioral analysis, or was that just being an
11 agent that's done interviews and observed people in
12 interview-type settings?

13 Mr. Moffa. I don't know that I know that much about
14 his background otherwise, but I just know he's a very
15 experienced counterintelligence agent who's done a lot of
16 work on espionage and counterintelligence cases. So I think
17 that was -- that's where I'm coming from with that, that he
18 would have that kind of experience to be able to pick up on
19 important information in the nuances of those interactions.

20 Mr. Baker. With the goal being to come out -- in
21 addition to the goal of providing the counterintelligence
22 briefing part of it, but the other goal of coming out with
23 some observations and maybe things to formulate in future
24 contacts with some of those participants to the briefing,
25 were you made aware of or did you subsequently learn or ever

1 have reason to believe that that briefing when it was
2 actually presented was electronically recorded in any way?

3 Mr. Moffa. I don't know anything about that, no. I
4 don't recall ever hearing about that or knowing that.

5 Mr. Somers. Do you recall anyone raising concerns
6 about using the strategy intelligence briefing for the
7 purpose of observing Flynn and Trump and Chris Christie?

8 Mr. Moffa. No, I have no recollection of anybody
9 raising any concerns about that.

10 Mr. Somers. The FBI opened their investigation of
11 General Flynn on August 16th of 2016. Let's just start with
12 prior to the election time frame; what was your involvement,
13 if any, with the analytical side of the Flynn investigation?

14 Mr. Moffa. I don't think it's any different than the
15 other cases or Crossfire Hurricane as a whole. My analysts
16 were conducting research and supporting the needs of the
17 investigation, whatever that might mean. So I can't speak
18 to the day to day analytic interaction between the
19 investigative team on any one of those cases. I'm just able
20 to speak in an overall sense about the type of work they
21 did, that kind of research and analyst.

22 Mr. Somers. Did that change after the election time
23 period?

24 Mr. Moffa. No. I mean, in my mind that's the goal and
25 role of the analytic team throughout. The cases may change.

1 Some new ones may open, others may close. But our work is
2 essentially the same. It's to fill that analytic need
3 within all of the different investigations, no one being
4 exceptional to the others.

5 Mr. Somers. Do you recall what was being looked for
6 with General Flynn? I believe the predication for opening
7 an investigation on him was the Foreign Agents Registration
8 Act. But do you recall what type of information was being
9 analyzed, looked at?

10 Mr. Moffa. I don't. I recall, as we talked about
11 earlier in the day, he being one of those people who were
12 part of the campaign who had ties to Russian actors in a way
13 that suggested they were potentially a more likely fit for
14 the predicating information. But I don't recall
15 specifically what distinguished him from the others, other
16 than that sort of background and ties to Russia.

17 Mr. Somers. How many FARA cases have you been
18 involved in?

19 Mr. Moffa. I've been involved in a few. I wouldn't --
20 I can't put a number on it, but more than two or three
21 during my time in the Counter-Espionage Section.

22 Mr. Somers. Did the Flynn investigation at some point
23 in December of 2016 evolve away from being a FARA
24 investigation?

25 Mr. Moffa. I just don't recall. I wasn't following

1 the investigation at that level that closely.

2 Mr. Somers. Do you recall a time when the decision
3 was made to potentially close the Flynn investigation around
4 December or early January, December 2016 or early January
5 2017?

6 Mr. Moffa. I don't specifically recall that. I
7 couldn't tell you when it was closed.

8 Mr. Somers. But you don't recall discussions about
9 closing the case?

10 Mr. Moffa. I really don't, no.

11 Mr. Baker. Would you're -- and it doesn't have to be
12 in the context of Crossfire Hurricane. Would your
13 intelligence apparatus be consulted when a case was
14 considered or was being considered to be closed, just to
15 make sure there's no other intelligence information that
16 would justify keeping it open?

17 Mr. Moffa. I don't know if it would be a specific
18 defined event as. We're going to check in with the analyst
19 team one more time before closing. I think the reality is
20 that team's working closely with the investigative team
21 throughout and during, and if there was information that was
22 coming from the analyst team that would suggest to the ops
23 team that they needed to keep the case open, they would know
24 that and they would do it.

25 I don't know that there is necessarily, like I said,

1 that defined a moment where you check in one last time,
2 especially with a team as embedded as this team was.
3 They're working together every day, so if the analysts had
4 information that would suggest the case needed to continue I
5 would have every belief that the operational team making the
6 decision about opening or closing would know that.

7 Mr. Baker. So you're not aware -- again, it doesn't
8 have to be in this case. You're not aware of a situation
9 where a decision's made to close a case and some analyst
10 says "Oh wow, I wish I knew they were thinking of closing it
11 because I have this new information"?

12 Mr. Moffa. I couldn't tell you that's never happened
13 in the history of the Bureau. But I'm not aware of any
14 instance where that happened.

15 Mr. Baker. And certainly not aware, you're saying, of
16 any instance of it happening in Crossfire Hurricane?

17 Mr. Moffa. Agreed, yes. I'm not aware of any instance
18 where the case was closed. I don't recall any event like
19 that, where the analyst had something where the ops side
20 didn't know it and didn't consider in that decision.

21 Mr. Baker. Thank you.

22 Mr. Somers. Do you recall the issue of General Flynn
23 having conversations with Russian Ambassador Kislyak
24 becoming an issue as part of the investigation?

25 Mr. Moffa. I recall that.

1 Mr. Somers. What's your recollection of how that
2 arose?

3 Mr. Moffa. Can I check in?

4 Mr. Somers. Yes.

5 (Witness confers with counsel.)

6 Mr. Moffa. I think if you rephrase it I can answer it.
7 But I'm a little concerned about dipping into the classified
8 side.

9 Mr. Somers. Go ahead.

10 Mr. Moffa. Are you asking me how I became aware of it?

11 Mr. Somers. One, how did you become aware of it, yes.

12 Mr. Moffa. I can't recall specifically who told me
13 about it, but it was either the SIA who worked for me or
14 another member of the team.

15 Mr. Somers. And do you recall why you were alerted to
16 these particular conversations, generally? Some of this has
17 been declassified. I'm not looking for anything really
18 specific.

19 Mr. Moffa. Yes, I get it.

20 Mr. Somers. But generally what was the concern about
21 these conversations?

22 Mr. Moffa. I think they were relevant conversations to
23 the underlying idea of the case and the contact between
24 Flynn and the Russians. So it's the kind of event that I
25 would expect, again given the context of what's happening on

1 the Russia program, to be made aware of.

2 Mr. Somers. Do you recall if there was concern there
3 was anything illegal about these conversations?

4 Mr. Moffa. I remember there being discussions about
5 that, yes.

6 Mr. Somers. What would be illegal about these
7 conversations?

8 Mr. Moffa. Again, I'm the wrong person to --

9 Mr. Somers. What was discussed about it?

10 Mr. Moffa. I remember there being discussions with the
11 lawyers in the room and the operational counterparts about
12 the potential legality of it. I can't tell you what
13 specifically about it is illegal or why.

14 Mr. Somers. Do you recall the Logan Act being
15 discussed?

16 Mr. Baker. I remember that term, yes.

17 Mr. Somers. Just the term? Do you know anything
18 about the Logan Act?

19 Mr. Moffa. I know very little about the Logan Act. I
20 may have known more back then. I couldn't even tell you
21 right now exactly what it entails.

22 Mr. Somers. Have you ever worked on a Logan Act case
23 outside of the Flynn situation?

24 Mr. Moffa. I have not.

25 Mr. Somers. Were you aware the Department of Justice

1 has never prosecuted a Logan Act case?

2 Mr. Moffa. No, I'm not aware.

3 Mr. Somers. Do you recall any discussions about
4 whether the Logan Act was actually a criminal violation that
5 would seriously be considered to be used against Flynn?

6 Mr. Moffa. I recall there being conversations for
7 which I'm in the room and the Logan Act being discussed.
8 But I couldn't tell you specifically what nuance around the
9 Logan Act was being talked about. It isn't my lane, so it's
10 not something I really know a lot on.

11 Mr. Somers. Are you aware that at least some
12 officials at DOJ considered Flynn speaking with Kislyak to
13 be, quote, "pretty common," a pretty common thing for an
14 incoming administration to be talking to a foreign
15 government?

16 Mr. Moffa. No, I'm not familiar with that specific
17 statement

18 Mr. Somers. You don't recall that being brought up at
19 meetings that you attended?

20 Mr. Moffa. I don't recall that.

21 Mr. Somers. Mary McCord, who was in NSD at the time,
22 testified to the House Permanent Select Committee on
23 Intelligence that. "It's probably pretty common for
24 incoming officials to reach out to who their counterparts
25 are in advance of the transition to just sort of say 'We

1 want to start developing a relationship.'"

2 I guess my question is. Was anyone dismissive in any
3 of the meetings? Hey, this is no big deal; he's having a
4 conversation?

5 Mr. Moffa. I don't recall any kind of conversation
6 like that.

7 Mr. Somers. Were you ever involved in an
8 investigation in previous administrations where an incoming
9 administration was speaking to a foreign government?

10 Mr. Moffa. No.

11 Mr. Somers. Do you recall -- I don't want you to get
12 into classified information here, but is there anything
13 unclassified you can say about like what specifically it was
14 about these conversations that merited investigation?

15 Mr. Moffa. I don't know that I can speak to the
16 specifics of the conversation. But again in a general
17 sense, I think it showed collaboration at the higher levels
18 of the Russian government, which again would be consistent
19 with someone who potentially could match the description of
20 someone who received the suggestion that led to the
21 predication. So in my mind it's further reinforcing the
22 possibility that, at least from the case that we're
23 investigating there, the FBI's investigating there, that
24 Flynn is a more reasonable subject to have been involved in
25 what was described in the predication than others.

1 Mr. Somers. Wouldn't it also be reasonable for the
2 incoming national security adviser to the President of the
3 United States to have a discussion with the Russian
4 ambassador?

5 Mr. Moffa. I couldn't speak to that. But it also --
6 to me it's relevant in the context I just laid out as well.
7 Maybe that's true, but I wouldn't be able to say. But I
8 think it's also true in the context I just described. Maybe
9 it's both.

10 Mr. Somers. But you don't recall anyone saying "Hey,
11 the guys the incoming national security adviser; what's the
12 big deal?"

13 Mr. Moffa. I don't remember that.

14 Mr. Somers. What was your involvement, if any, in
15 preparation for an interview of General Flynn in early -- an
16 interview that occurred on January 24th of 2017? Prior to
17 the interview, were you consulted at all about the
18 interview, involved? Were you consulted at all about it?

19 Mr. Moffa. I remember knowing that the interview was
20 being planned. I remember being in meetings with Deputy
21 Director McCabe and others where it was being discussed. I
22 don't remember personally being engaged to provide any input
23 in advance of that. I just remember being there and being
24 aware that it was going to occur.

25 Mr. Somers. Do you recall why people thought it was

1 important to interview General Flynn at that point in time?

2 Mr. Moffa. I don't recall specifically.

3 Mr. Baker. You said you were in a room or interview
4 prep session with McCabe and others. Who were the others?

5 Mr. Moffa. Pete Strzok for sure. I'm trying to
6 remember. Bill Priestap at least in one of the meetings I'm
7 thinking of. I couldn't tell you the others.

8 Mr. Baker. And they were all in favor of doing this
9 interview?

10 Mr. Moffa. Yes, I don't remember -- I don't recall any
11 kind of statement from anybody that doing the interview was
12 the wrong choice.

13 Mr. Somers. Do you recall any discussion about how to
14 go about the interview in terms of whether White House
15 counsel should have been notified of the interview?

16 Mr. Moffa. I have no recollection of any of those
17 conversations.

18 Mr. Somers. Do you recall any conversation about
19 whether Flynn should be warned during or ahead of the
20 interview that lying to federal agents is a violation of 18
21 U.S.C. 1,001?

22 Mr. Moffa. I just don't remember.

23 Mr. Baker. Did your team prepare any materials at all
24 for the interview;

25 Mr. Moffa. I don't remember, but at that point my team

1 would have prepared some materials about Flynn since that
2 case had been ongoing for some time. I can't tell you if we
3 prepared, the analytic team, prepared anything specific for
4 the interview.

5 Mr. Baker. What they did prepare, what was used --
6 what was done with that? How was that used?

7 Mr. Moffa. It was provided to the investigative team,
8 the operational team. It's the sort of background material
9 on who the person is and what their contacts are and that
10 sort of information. How the operational team factored that
11 into their decision-making, you'd have to ask them. But
12 that's the purpose of it. It's to provide information and
13 context about a subject, and then the operational team takes
14 that and uses it to inform their decisions about what to do.

15 Mr. Baker. So the operational team would have already
16 had this. So if the operational team was involved in any
17 way with the interview, they would have had the products to
18 use however they saw fit, because they already had them from
19 just the normal flow of your products?

20 Mr. Moffa. That's correct. I'm confident they had --
21 whatever materials my team had prepared on Flynn, I'm
22 confident the operational team had it in advance of that
23 interview.

24 Mr. Baker. Do you have any reason to believe they used
25 any of your materials for preparation for the interview?

1 Mr. Moffa. I don't have any information about that. I
2 don't know.

3 Mr. Somers. Do you recall what the purpose of the
4 interview was?

5 Mr. Moffa. As my recollection, it was to -- well,
6 actually I shouldn't say that. I actually don't recall
7 specifically what the purpose of the interview was. My
8 assumption would have been what I'd be telling and I don't
9 want to do that.

10 Mr. Somers. Do you recall any discussion about
11 whether one of the purposes of the interview was to see if
12 Flynn lied?

13 Mr. Moffa. I just don't recall it getting framed that
14 way.

15 Mr. Baker. I'd be interested in hearing your
16 assumption. You just don't want to say it? You're an
17 intelligence professional. You've been in the Bureau your
18 whole work career. I'd put great weight on what you say and
19 would love to hear what you think about it.

20 Mr. Moffa. To me, it's clear that part of the purpose
21 of the interview was to get to the root of the conversation
22 between Flynn and those Russians and the purpose of it. I
23 don't know beyond that, what other goals of that
24 conversation are. But to me it was to address that issue.

25 Mr. Baker. Were they successful in that?

1 Mr. Moffa. Again, I'm speculating in a way I'm
2 uncomfortable with, not knowing exactly what the operational
3 goal of that interview. I think I'm just out of my lane.

4 Mr. Somers. What was the read-out after the interview
5 that you received?

6 Mr. Moffa. My recollection is the read-out was that
7 Flynn did not admit to the contact with the Russians.

8 Mr. Somers. Was the read-out that he lied? Was the
9 read-out that he did not admit to the contact?

10 Mr. Moffa. I don't remember that nuance or distinction
11 and I wouldn't do a good job of picking up on it, not being
12 a lawyer. But it was that he did not admit to that contact.
13 That's what I recall.

14 Mr. Somers. What was the format of the read-out? Are
15 we talking a meeting?

16 Mr. Moffa. Exactly. It was a meeting I recall being
17 in with, again, with Deputy Director McCabe, Strzok for
18 sure, AD Priestap. I just can't remember the other people
19 in the room. A similar group as that pre-meeting I referred
20 to earlier.

21 Mr. Somers. Now, was the discussion coming out of the
22 meeting "Hey, we need to get this guy prosecuted, get him
23 charged"?

24 Mr. Moffa. I don't remember that at all.

25 Mr. Baker. In the pre-meeting, was there even just a

1 strategy discussion? If the interview goes this way, then
2 we as the interviewing team go this way; and if it goes
3 another way, we have a contingency plan?

4 Mr. Moffa. Yes, I have a general recollection that's
5 the type of thing discussed in that first meeting. Just
6 again, because it's just not my job, I can't tell you
7 exactly what that strategy was or how it played out. But
8 that's a general sense of what that pre-meeting was about.

9 Mr. Baker. Do you remember generally what the strategy
10 was?

11 Mr. Moffa. I don't, really.

12 Mr. Baker. Okay.

13 Mr. Somers. How many meetings, debriefings, did you
14 participate in approximately after the Flynn interview? Was
15 it a one-time thing?

16 Mr. Moffa. I just remember that one, that one meeting
17 following the Flynn interview, where I gave you the general
18 sense of what I recall from it.

19 Mr. Somers. Mr. Priestap was in that meeting?

20 Mr. Moffa. I believe he was.

21 Mr. Somers. Deputy Director McCabe?

22 Mr. Moffa. Deputy Director McCabe definitely was.

23 Mr. Somers. And then I assume, since it was a meeting
24 about the interview, that SSA-1 and Mr. Strzok were in the
25 meeting?

1 Mr. Moffa. I believe so, yes.

2 Mr. Somers. Was Lisa Page in the meeting?

3 Mr. Moffa. I don't remember.

4 Mr. Somers. Did you ever get the impression that Mr.
5 Strzok and-or SSA-1 felt that Flynn was being truthful or
6 that he did not lie, whichever way you want?

7 Mr. Moffa. I don't remember it being characterized as
8 "lie." I just remember the characterization as he did not
9 admit to the contact.

10 Mr. Somers. Just switching over just in terms of what
11 we were talking a little bit, switching subjects here to
12 some of the individuals involved overall in the Crossfire
13 Hurricane investigation. Let's just start with, and I'll
14 just ask you to comment on this. Do you know why Pete
15 Strzok referred in an email to you, Lisa Page, and the FBI
16 unit chief that we discussed earlier as "the magnificent
17 three"?

18 Mr. Moffa. No. You'd have to ask him.

19 Mr. Somers. Did the three of you, the three of you I
20 guess along with Mr. Strzok, work very closely on this
21 investigation? Or do you think it's a more general comment?

22 Mr. Moffa. I think Mr. Strzok thought very highly of
23 the three of us and I think that's why he made that comment.

24 Mr. Somers. You don't think it relates specifically
25 to Crossfire Hurricane?

1 Mr. Moffa. No.

2 Mr. Baker. Had you ever been called part of the
3 "magnificent three" before the email?

4 Mr. Moffa. No.

5 Mr. Baker. So the email's the first time you were
6 aware that you've ever been referred to as part of the
7 "magnificent three"?

8 Mr. Moffa. Yes, and I have not been referred to that
9 way since.

10 Mr. Somers. Until today.

11 How regularly did you and Peter Strzok interact on the
12 Crossfire Hurricane investigation?

13 Mr. Moffa. Every day.

14 Mr. Somers. Multiple times a day, or was it like a
15 daily meeting?

16 Mr. Moffa. No. I would say multiple times a day. And
17 it's not necessarily like a regularly scheduled meeting,
18 although there were those. Just throughout the day we'd
19 check in about it. So it could be once a day, it could be
20 multiple times a day. It just depends.

21 Mr. Somers. It just occurs to me, I asked you earlier
22 about who was in the room where they put the agents and the
23 analysts together. Were any OGC attorneys put into that
24 room or did they remain at --

25 Mr. Moffa. They absolutely had access to the room.

1 They could come and go freely to it. I can't tell you they
2 were sitting down there full-time. I don't know that.

3 Mr. Somers. How regularly did you interact with Lisa
4 Page on Crossfire Hurricane?

5 Mr. Moffa. Less frequently than Pete Strzok.
6 Definitely several times a week, but not necessarily every
7 day.

8 Mr. Somers. What did you understand her role to be on
9 Crossfire Hurricane?

10 Mr. Moffa. I understood her to be the representative
11 essentially of Deputy Director McCabe and his office. I
12 perceived her role to be to keep him informed about the case
13 and the way it was going, and then, in a reverse direction,
14 to keep us informed of the Deputy Director's wishes as it
15 pertained to the case in real time. So she was sort of like
16 the emissary between the Deputy Director and the team.

17 Mr. Baker. Was there any concern that information she
18 took from the team back up to the Deputy Director's office
19 were things that should have been gone up through the chain
20 of command and there were people cut out in that chain that
21 maybe needed to know some things that were going from your
22 team directly to the Deputy?

23 Mr. Moffa. Yes, that was definitely concern about
24 that.

25 Mr. Baker. Could you elaborate on that?

1 Mr. Moffa. Yes. And it was made known to me by AD
2 Priestap. There was concern at the executive assistant
3 director certainly above AD Priestap about exactly that,
4 that information was flowing directly to the Deputy Director
5 without going through the proper chain of command. It was
6 just a known problem of that relationship, that arrangement,
7 of Lisa being that connected to the working level.

8 Mr. Baker. Who was the EAD you referenced?

9 Mr. Moffa. I'd have to refer to the transition time,
10 but at one point it was Michael Steinbach and then at
11 another point I believe it was Carl Gaddis.

12 Mr. Baker. So under this model where Lisa Page is
13 potentially bypassing the chain of command, two senior
14 employees, an AD and an EAD, both I believe agents, are
15 being cut out of some of the information that's going right
16 to the Deputy Director?

17 Mr. Moffa. At times, yes.

18 Mr. Baker. Would you believe that to be problematic?

19 Mr. Moffa. I would.

20 Mr. Baker. And how so?

21 Mr. Moffa. I believe that the chain of command exists
22 for a reason. I think it helps keep those other executives
23 who are in charge of the division and the National Security
24 Branch fully informed. I think people rise those positions
25 because of their judgment and understanding of the context

1 of decision-making, and I think it prevents them from being
2 able to do that in a way that serves, frankly, the deputy
3 better. Those layers of management are there in my mind to
4 ensure the right decisions are made at the right level, and
5 it short-circuits that.

6 Mr. Baker. Are you aware from your own personal
7 experience or in any conversations you had with AD Priestap
8 or whoever was in the EAD seat at the time of any negative
9 consequence that happened because of them being bypassed?

10 Mr. Moffa. No, I'm not aware of any specific incident
11 or event or decision that was negatively impacted. I'm just
12 aware that that conversation about that exact concern was
13 happening at the AD and EAD level.

14 Mr. Baker. In your conversations with Mr. Priestap or
15 the EAD, were you aware of anybody's thoughts or intention
16 to remove Mr. Strzok from the team?

17 Mr. Moffa. I know that at one point AD Priestap was
18 looking to change Pete's role on the case. I believe it was
19 in part due to the concerns around Lisa Page and that
20 relationship. It was also due to, I believe -- and I
21 believe it because he told me -- his desire to get the
22 investigation of foreign influence activity into a kind of
23 more normalized state, get away from a small dedicated team
24 and start to integrate it more with the normal
25 Counterintelligence Division. That's in the from winter

1 going into 2017 time frame, when a new operational team was
2 brought in; and in that time frame is when then-DAD Strzok's
3 role changed one case.

4 Mr. Baker. When you said DAD Strzok and that
5 relationship, you're talking about the relationship between
6 him and Ms. Page?

7 Mr. Moffa. Right, correct.

8 Mr. Baker. What was your reaction -- I don't want to
9 spend a lot of time on this for sure. But what was your
10 reaction when the famous texts came out?

11 Mr. Moffa. I was incredibly disappointed. I was
12 disappointed for them as people. I was more so disappointed
13 because I feared the impact it would have on the perception
14 of the work of a group of people that I think really highly
15 of. I believe my team did really good work and I believe
16 that it was tainted unfairly, given the nature of their
17 communications. I think that's really disappointing.

18 Mr. Baker. You're a career counterintelligence
19 professional. Any problems in your opinion or any
20 regulations in the Bureau violated by having such an affair,
21 a relationship?

22 Mr. Moffa. I think affairs can fall into that category
23 of exploitable behavior. They're a lot less exploitable
24 when the entire world knows about them. So I think there
25 was maybe a period there where it could have been viewed as

1 an exploitable fact that could be taken advantage of by a
2 foreign intelligence service, not that I have any indication
3 that's the case. Certainly once it's public that's not
4 something that is a concern any more.

5 Just the whole thing's disappointing in my mind, is the
6 best word I can use.

7 Mr. Baker. Thank you.

8 Mr. Somers. You spoke just a moment ago about
9 Priestap's desire to possibly remove Strzok from Crossfire
10 Hurricane and get him focusing on other things. You said
11 that you're aware of that because you had a conversation
12 with Priestap about it?

13 Mr. Moffa. I did.

14 Mr. Somers. Do you know why he didn't remove Strzok?

15 Mr. Moffa. I don't. I know he was having those
16 conversations up his management chain with the EAD. He did
17 change then-DAD Strzok's role and I don't know the exact
18 date, but it was in the winter, towards the beginning of
19 2017, and brought in a new operational team to really manage
20 operationally Crossfire Hurricane. So that changeover did
21 happen.

22 I know DAD Strzok stayed involved on some cases, sort
23 of tangentially involved in that. But his role did change.
24 So it did happen. I don't know if it happened long after
25 the conversation I'm remembering or not.

1 Mr. Somers. But you don't recall in that conversation
2 whether Priestap expressed any, "Hey, I want to move him,
3 but McCabe, Deputy Director McCabe, won't let me"?

4 Mr. Moffa. I don't remember him ever specifically
5 saying that to me.

6 Mr. Somers. You were talking earlier about Page, Lisa
7 Page, being able to bypass the chain of command going up,
8 around potentially Priestap or Steinbach or Gaddis or
9 whoever. What about -- and you said that was concerning --
10 any concerns the other way? You said, you also said, that
11 Page was in these meetings to speak for the DD, but of
12 course someone speaking for the DD is not the same thing as
13 the Deputy Director being there. Was there any concern
14 expressed that, hey, she's kind of coming in and saying this
15 is what McCabe thinks and we don't really know that that's
16 the case?

17 Mr. Moffa. Well, to clarify, we would never -- I don't
18 believe the team had ever taken operational investigative
19 actions simply on Lisa Page saying the DD said do it.
20 That's just not how it works. There's enough layers of
21 management in between and the way the decisions were made, I
22 feel very comfortable the right people would have weighed in
23 and McCabe would have had a chance to refute that if that
24 wasn't true. So it's not as serious as that.

25 I think at the end of the day I took it as insight.

1 Insight into the needs and the desire of the Deputy Director
2 is a valuable thing to have as you're preparing information
3 to go up the chain, for example, for my analytic team to
4 know what he's interested in hearing about, to be able to
5 vector in on that a little more closely, because Lisa was
6 there to tell us he'd be interested in these facts versus
7 others. That's a helpful fact.

8 So I hope I'm making that distinction. It's not the
9 kind of insight where she would give orders on his behalf
10 and we would just execute them. But you would gain insight
11 into sort of his mindset and what he wanted or needed to
12 hear, which would be helpful.

13 Mr. Somers. But that's not -- you can take issue with
14 my characterization. That's not the normal way. Wouldn't
15 it normally go Deputy Director to -- you said normally it
16 would go the other way.

17 Mr. Moffa. Yes.

18 Mr. Somers. Deputy Director to, let's say, Steinbach
19 for instance, to Priestap, to the team. And now we're
20 bypassing Steinbach and Priestap and getting it directly
21 from Lisa Page. Is that at least not the normal way?

22 Mr. Moffa. You're right. Normally the way that would
23 work is the Deputy Director -- not that the Deputy Director
24 can't communicate directly. But generally the Deputy
25 Director would communicate through his subordinate

1 executives and that would come down to the team.

2 Mr. Somers. Now, Lisa Page is an attorney and I
3 believe was technically in the Office of General Counsel.
4 Was she providing any legal advice as part of these
5 discussions?

6 Mr. Moffa. She would provide opinions -- this is my
7 recollection -- but not the actual legal guidance that would
8 guide decisions. That was the unit chief from OGC who was
9 associated with that.

10 Mr. Somers. But she'd comment on legal things?

11 Mr. Moffa. She would comment on legal things, that's
12 right.

13 Mr. Baker. It seems to me if those texts were never in
14 existence a lot of the public perception and figuring out
15 who So-and-So is in redacted versions and what certain
16 things meant that people candidly texted between people that
17 they thought would never see the light of day but those two
18 people -- do you have any reason to believe that there was
19 too long of a delay or never an effort to tell those two
20 people to knock it off? And even if there wasn't a decision
21 to remove Mr. Strzok, do you think there was anybody that
22 should have said "We know you're having this relationship;
23 you're counterintelligence professionals; this is probably
24 the biggest case that has come down through the Bureau in a
25 very, very long time; knock it off"?

1 But it seems to me they were allowed to continue and
2 remain in place for a long time.

3 Mr. Moffa. I don't think anyone -- I certainly didn't
4 know about the texts. That's an after-the-fact realization,
5 that there's this flood of communications. I personally
6 didn't know about their romantic relationship. I found out
7 about that from the news when the story broke.

8 I know there were conversations with both Lisa and Pete
9 Strzok about their relationship being problematic. I know
10 they were told that. I can't speak to why a more decisive
11 move wasn't made to either separate them from a functional
12 working relationship or from the case. I just don't know
13 why the choice was made not to do that.

14 Mr. Baker. In your view whose choice should that have
15 been to make that?

16 Mr. Moffa. I think it should have been raised by AD
17 Priestap and the EAD for NSD; and the Deputy Director, who
18 directly was the rating official for Lisa Page, he should
19 have made that call in my view.

20 Mr. Baker. And you have no reason to believe that the
21 hue and cry came from any of those people in the chain that
22 you just named?

23 Mr. Moffa. The hue and the cry? I'm sorry, I'm not
24 understanding.

25 Mr. Baker. You don't have any reason to believe that

1 the recommendation to approach them or tell them to knock it
2 off was actually made to anyone by anyone?

3 Mr. Moffa. I believe they did have conversations
4 directly with the two, based on my discussion with Bill
5 Priestap. I believe they were spoken to about the problem.
6 I don't know if there was the conversation with McCabe, for
7 example, to say: We need you to remove her from the case or,
8 frankly, to have Pete stop interacting with her out of the
9 working relationship. That's the part I don't know about.

10 I know they know, from my conversations with Bill, that
11 their relationship was being perceived as a problem.

12 Mr. Baker. And where you sat at your rank, did you
13 believe it was a problem once you were aware that it was in
14 existence?

15 Mr. Moffa. I think any time that the higher executive
16 management of your branch is unhappy with the working
17 relationship and it's proving problematic to them, you need
18 to take note of that and address it. So from my rank, it
19 wasn't impacting my work negatively, but any perception that
20 our bosses had that something was inappropriate or wasn't
21 happening in a way that they wanted I would want addressed,
22 because you're trying to do the right thing by your boss.

23 Mr. Baker. So it sounds like it was taken note of, but
24 nothing was really done about it?

25 Mr. Moffa. That's one way of saying it. It was not an

1 unknown problem. It was a problem that I believe was made
2 known to Pete and Lisa and know it was known to my Assistant
3 Director, and he advised me it was known to the EAD of the
4 National Security Branch. So it's a known problem. If it
5 wasn't addressed, I can't speak to why it wasn't.

6 [REDACTED]. When you talk about problem, are you
7 talking about a communications problem or are you suggesting
8 that senior management knew about the relationship?

9 Mr. Moffa. I have no information that it's specific to
10 the relationship, the romantic relationship. I'm talking
11 about the interaction problem, the cutting out of pieces of
12 the chain of command, the relationship in that sense, not
13 the romantic side. I don't know anything about that or what
14 was known about that.

15 Mr. Baker. Thank you.

16 Mr. Somers. Another individual whose name has come
17 up, Bruce Orr. What was your understanding of what Bruce
18 Orr's role was in all of this, at the time?

19 Mr. Moffa. At the time, yes. At the time I knew
20 absolutely very little about Bruce Orr. As I started to
21 hear the name, my understanding was that Lisa Page had
22 worked with Orr in some previous position at DOJ and so
23 there was like a preexisting relationship there. Then I
24 came to learn that Orr also had a relationship with Steele.

25 There were a number of conversations that I know

1 occurred with Orr outside my presence where they discussed
2 Steele as a topic. So that was really all I knew. I knew
3 he was a DOJ official. I know he'd worked with Lisa
4 previously. And I know, based on his work I believe in
5 organized crime, he had some preexisting relationship with
6 Steele.

7 Mr. Somers. And you were in one meeting with Bruce
8 Orr?

9 Mr. Moffa. I was in one meeting. I was really an
10 afterthought. I remember literally getting a phone call in
11 the hallway to come down to a meeting without knowing who
12 was in the meeting. And I sat down late. It was already in
13 progress, and I didn't even know who Orr was. At the time I
14 think I wrote down "DOJ guy." I later found out it was
15 Bruce Orr. So it wasn't the kind of meeting where I had a
16 deep understanding of who we were meeting with. I just
17 literally walked into it in progress.

18 Mr. Somers. Another individual we spoke about in the
19 beginning, just to follow up on, the supervisory intel
20 analyst. You said you assigned him to Crossfire Hurricane,
21 but it was because it was kind of a natural role. What can
22 you say about his reputation or work ethic or any
23 characterization along those lines of the supervisory intel
24 analyst?

25 Mr. Moffa. I think tremendously highly of him. He is

1 a true subject matter expert in Russia, in
2 counterintelligence; academic background. I honestly
3 couldn't think of a better supervisor of analysts that I had
4 who would be better positioned to manage this team and to
5 provide his expertise to the case.

6 Mr. Somers. Is he a detail-oriented individual?

7 Mr. Moffa. He's very detail-oriented, very
8 conscientious, very responsible -- all the reasons I
9 selected him.

10 Mr. Somers. You said earlier you were not a Russia
11 expert. Would you consider the supervisory intel analyst a
12 Russia expert?

13 Mr. Moffa. I would.

14 Mr. Somers. Does he speak Russian?

15 Mr. Moffa. I don't know that.

16 Mr. Somers. I've just got a few moments left here. I
17 asked you, the first question I asked you, was whether you
18 read or reviewed the IG report, and you indicated you had at
19 one point in time. In the IG report the Inspector General's
20 Office identified 17 significant errors and omissions in the
21 Carter Page FISA process. Do you generally recall those
22 errors?

23 Mr. Moffa. I don't recall the errors specifically. I
24 remember the discussion of 17 errors.

25 Mr. Somers. Do you recall having any issue with

1 saying that's not an error when you read them?

2 Mr. Moffa. I remember not feeling qualified to make
3 that judgment without going back through and reviewing the
4 FISA against the IG report.

5 Mr. Somers. Did you find them troubling? Did you
6 find the IG report troubling?

7 Mr. Moffa. I wouldn't say "troubling" is the word. I
8 saw things in the IG report that I did not know and I don't
9 know that I expected to see them.

10 Mr. Somers. What do you mean by you didn't expect to
11 see them?

12 Mr. Moffa. I just wasn't expecting to have not known
13 about some of that.

14 Mr. Baker. Specifically what?

15 Mr. Somers. The FISA inaccuracies. It's just not
16 something I was aware of at the time. Again, I think a lot
17 of that has to do with my role. I didn't review the FISA.
18 I wasn't in the supervisory chain for it. I didn't approve
19 it. So I wasn't aware of what facts were in there. But
20 just knowing some of the people involved, I think I was
21 surprised to see that quantity of errors discussed by the
22 IGG.

23 Mr. Baker. When you say knowing the people involved,
24 is that because you had a high opinion of the people, as
25 more professional than what these errors would allude to?

1 Mr. Moffa. That's right.

2 Mr. Somers. Is that surprising -- it's been
3 surprising to us -- I'm not supposed to testify here -- that
4 this was a hand-picked team, correct, the Crossfire
5 Hurricane team?

6 Mr. Moffa. It was picked, sure.

7 Mr. Somers. And these were agents and analysts people
8 wanted on the team, that had some expertise; is that
9 correct?

10 Mr. Moffa. Yes, absolutely. Again, I would clarify
11 that the analytic team's not working on the FISA, but the
12 agents on the operational side were experienced agents.

13 Mr. Somers. So you wouldn't expect from these agents,
14 then, is that what you're saying, to see what the IGG's
15 Office uncovered?

16 Mr. Moffa. I guess that's what I'm saying, without
17 affirming that I think all 17 of those are true inaccuracies
18 or factual problems, probably because I just don't know.
19 Just I had a higher expectation, given the quality of that
20 team, that's all.

21 Mr. Somers. Is there anything in particular, any of
22 the errors, that sticks out to you as being more egregious
23 than others or something that was particularly discussed and
24 then it surprises that that shows up as an error because we
25 discussed that a million times during the investigation?

1 Mr. Moffa. I just have very little memory or
2 recollection of what the specific errors are, because I
3 didn't see the FISA on the front end. So I didn't know what
4 facts were going into it; and I don't recall specifically
5 what the IG report laid out as being a problem. So no one
6 of them jumps out at me. To me it's just the collective
7 sense that there were that many errors, is what I'm
8 reflecting, not anything specific.

9 Mr. Somers. Are you aware of anything the IG did not
10 uncover as an error?

11 Mr. Moffa. No.

12 Mr. Somers. Any problems the IG didn't uncover with
13 Crossfire Hurricane itself generally?

14 Mr. Moffa. No, not that I'm aware of.

15 Mr. Baker. With your whole career being in
16 counterintelligence and this being a very big case, in
17 hindsight now, knowing what you know now, are you proud and
18 glad you were on this case or is it something maybe you wish
19 you would have been doing something else?

20 Mr. Moffa. Well, I can say that I'm proud that I
21 worked on it. I think there's a host of men and women who
22 supported this case who ideally are never recognized
23 publicly, but who did great work and did it for the right
24 reasons and worked incredibly hard in a really stressful
25 time. So I won't ever say that I'm not proud to have led

1 them and to have worked with them.

2 I'm proud of my own contributions to it. I think at a
3 time when others were really faltering, I didn't; and I did
4 the right thing the right way, in a way that I think our
5 current Director is really emphasizing now. So I can't say
6 I regret it in that sense. I think it's been extremely
7 unpleasant in the last four years since this case, some of
8 what has happened publicly, and it's just been generally
9 disappointing. So from that respect, I guess I could go
10 either way on whether having been a part of it was a good
11 thing or a bad thing. But I can't say that I'm not proud of
12 the work that I did and that my team did.

13 Mr. Baker. You say things that have happened publicly.
14 Could you elaborate on that, please?

15 Mr. Moffa. Well, yes. I think when you see your own
16 name in the press for the first time that can be a shocking
17 thing. I didn't join the FBI for that reason. And not
18 having any ability to correct what I believe are serious
19 factual inaccuracies made about you and your work, having no
20 real voice to do that, and having to talk to your family
21 about those things, are all things nobody expects when they
22 take a civil service job and try to do the right thing.

23 That's super-unfortunate and unpleasant and something I
24 hope doesn't happen to anyone else. But that's what
25 happened.

1 Mr. Baker. At the same time, you expressed that you
2 did have some disappointment in the work of your colleagues
3 as well.

4 Mr. Moffa. Certainly. There's just no question that
5 those tactics and the impact that had on the perception of
6 the work of really good people who worked really hard has
7 been intensely negative. So I'm absolutely disappointed in
8 them.

9 Mr. Baker. Thank you.

10 Mr. Somers. I think that's all we -- that's
11 definitely all we have for this round. It's probably all we
12 have, but we'll just reserve in case you all --

13 Mr. Baker. I'll just add, you've done a long career
14 and I think for a noble purpose, and I appreciate you coming
15 out and testifying about this and being interviewed yet one
16 more time. I really do appreciate it. And it helps us with
17 the work we do as an oversight entity of the FBI. So my
18 hat's off to you and to the men and women of the FBI that do
19 the right thing every day.

20 Mr. Moffa. I really appreciate you saying that. Thank
21 you.

22 Mr. Baker. Thank you.

23 (Recess from 2:50 p.m. to 3:03 p.m.)

24 Mr. Haskell. Mr. Moffa, you were asked about the
25 August 2016 strategic intelligence briefing given to

1 candidate Trump and also to candidate Clinton. At the time
2 of those briefings, the FBI was conducting a
3 counterintelligence investigation in which Michael Flynn was
4 a target; is that correct?

5 Mr. Moffa. I believe so, yes.

6 Mr. Haskell. You had said, when asked about that
7 briefing, that the purpose of the individual referred to as
8 SSA-1 in the IG report was there was to get, quote,
9 "impressions of reactions of people in the room," and that
10 there was a positive benefit to him being able to identify
11 information of value.

12 That's similar to what FBI General Counsel Jim Baker
13 told the IGG, that, quote, "The benefit of having SSA-1 at
14 the briefing was to pick up any statements by the attendees
15 that might have relevance to the Crossfire Hurricane
16 investigation." Baker continued that, quote, "If somebody
17 said something, you want someone in the room who knew enough
18 about the investigation that they would be able to
19 understand the significance of something or some type of
20 statement, whereas a regular briefer who didn't know
21 anything about might just let it go and it might not even
22 register with them." So that's the reason to have SSA-1
23 there.

24 Is that the understanding that you share as to why SSA-
25 1 was tasked with being at that briefing?

1 Mr. Moffa. I don't remember explicitly having that
2 laid out to me as the advantage, but just from my own
3 understanding of the situation that would be the benefit of
4 it.

5 Mr. Haskell. So in your many years of experience in
6 the FBI, that would make sense?

7 Mr. Moffa. Right.

8 Mr. Haskell. SSA-1 told the IG that the briefing he
9 gave to Trump, Flynn, and Governor Chris Christie, quote,
10 "was not tailored to serve the investigative interests of
11 Crossfire Hurricane." Do you have any reason to dispute
12 that statement?

13 Mr. Moffa. No, and that's what I referred to earlier
14 where those prep sessions, it was really about the broader
15 counterintelligence message of the briefing.

16 Mr. Haskell. And by "not tailored to serve the
17 investigative interests," do you take that to mean that, to
18 the extent that the FBI gathered intelligence at the
19 briefing, it did so passively? To your knowledge, SSA-1
20 wasn't there to say certain things or do certain things in
21 order to elicit evidence?

22 Mr. Moffa. I think that's right.

23 Mr. Haskell. In other words, the FBI gave the
24 briefing to the Trump campaign as it would to any other
25 campaign, but it had the extra purpose of listening and

1 watching for the things we discussed?

2 Mr. Moffa. I believe so, yes.

3 Mr. Haskell. In fact, the FBI gave that exact same
4 briefing to the Clinton campaign ten days later, as is
5 typical of situations where the FBI is briefing existing
6 campaigns on counterintelligence and other threats. I'll
7 make that a fact that's detailed in the EGG report.

8 Do you have any basis to dispute SSA-1's explanation
9 for why the FBI treated the Trump briefing differently than
10 the other briefings, including the one that was given to the
11 Clinton campaign?

12 Mr. Moffa. I have no basis to dispute that.

13 Mr. Haskell. To put it differently, the only
14 difference in the FBI's treatment of the Trump and Clinton
15 briefings, which was to have SSA-1 passively assess Flynn's
16 reaction during the Trump briefing, was because there was a
17 counterintelligence investigation involving one campaign,
18 the Trump campaign, but not the other campaign, the Clinton
19 campaign? To rephrase, the difference in the purpose of
20 SSA-1's attendance at the two briefings was based on the
21 fact that there was an ongoing counterintelligence
22 investigation into one campaign, but not the other campaign?

23 Mr. Moffa. Again, I wasn't party to the conversations
24 about why SSA-1 was selected to go. Again, my impression is
25 similar to what GC Baker said. He was there to pick up on

1 any of that sort of nuanced information that might come out
2 about the subjects of the case.

3 Mr. Haskell. Moving on, I just want to follow up on
4 the question that was asked about the Steele dossier being
5 potentially part of a Russian disinformation effort. I
6 believe you said that you never came to a conclusion one way
7 or the other as to whether it was Russian disinformation.
8 But an FBI memorandum prepared for w December 17
9 Congressional briefing said that by the time the Crossfire
10 Hurricane investigation was transferred to Special Counsel
11 Mueller in May 2017, the FBI did not assess it likely that
12 Steele's election reporting was generated in connection to a
13 Russian disinformation campaign. And Priestap told the IG
14 that the FBI didn't have any indication whatsoever by May
15 2017 that the Russians were running a disinformation
16 campaign through the Steele election reporting.

17 So I just want to clarify that, while you personally
18 might not have reached a conclusion one way or the other, do
19 you have any evidence to dispute what Mr. Priestap said?

20 Mr. Moffa. No, I don't have any evidence to dispute
21 it, and that appears to me to be his assessment of the
22 situation. For me it was an open question when we passed
23 the wand to the Mueller team.

24 Mr. Haskell. But just to follow up on that, what
25 Priestap told the IG is that the FBI didn't have any

1 indication whatsoever by May 2017. So at least Priestap's
2 characterization is not just of him personally, but of the
3 FBI generally.

4 Mr. Moffa. Okay. I mean, I don't have any information
5 to suggest there was information indicating that it was
6 Russian disinformation. So to me it was an open question.
7 For him it could have been a more certain answer.

8 Mr. Haskell. Moving on to Michael Flynn, we had
9 talked earlier about the opening EC's for the individual
10 investigations for Manafort, Papadopoulos, and Page. For
11 Flynn, the opening EC said that, quote, "He may wittingly or
12 unwittingly be involved in activity on behalf of the Russian
13 Federation which may constitute a crime or threat to the
14 national security." It noted that Flynn was an adviser to
15 Trump, had various ties to state-affiliated entities of
16 Russia, and had previously traveled to Russia.

17 I'll ask the same question that I asked in connection
18 with the other EC's earlier, with the expectation that I'll
19 likely receive the same answer. But why was that a
20 counterintelligence concern to the FBI?

21 Mr. Moffa. Similar to my other answers, any time an
22 official associated with a political campaign potentially
23 has ties to a foreign power, threat power, there's a
24 potential counterintelligence concern there. So Flynn, like
25 the other subjects, if they were taking direction or control

1 from a foreign power, that's a counterintelligence issue.

2 Mr. Haskell. So just to clarify, the investigation
3 that was opened into Flynn was a counterintelligence
4 investigation?

5 Mr. Moffa. I don't recall specifically what the exact
6 investigation was that was opened, whether it was a
7 counterintelligence violation or FARA or something else. I
8 just don't remember.

9 Mr. Haskell. Do you have any recollection that at the
10 time it was opened it was a FARA case?

11 Mr. Moffa. I just don't remember.

12 Mr. Haskell. Would you characterize the Page,
13 Papadopoulos, Manafort investigations as, and the
14 investigation at large, the Crossfire Hurricane
15 investigation at large, as a counterintelligence
16 investigation?

17 Mr. Moffa. They were counterintelligence
18 investigations.

19 Mr. Haskell. Okay, they were counterintelligence
20 investigations.

21 Do you recall at that time when the investigations were
22 opened discussions of the Logan Act?

23 Mr. Moffa. I don't remember at the beginning. In the
24 July time frame when the cases were opened, I don't remember
25 any discussion of the Logan Act. I only remember it in the

1 context of the Flynn interviews towards the end of the year.

2 Mr. Haskell. But through that we can deduce that when
3 the Flynn investigation was opened, you might not be certain
4 it was a counterintelligence investigation, but it was not a
5 Logan Act investigation?

6 Mr. Moffa. I'm not aware that it was, no.

7 Mr. Haskell. Former Acting Attorney General Sally
8 Yates recently testified in front of the committee as part
9 of this investigation, and she was asked about the interview
10 that was conducted of Flynn in January. She said. "I would
11 be hard-pressed to be able to think of an interview that
12 would have been more material at this point of a
13 counterintelligence investigation that the FBI was
14 conducting, to try to be able to get to the bottom of
15 whether there were any individuals, U.S. citizens and those
16 associated with the Trump campaign who were working with the
17 Russians. So the materiality of this was squarely right on
18 point. We had a national security adviser, after the
19 Russians had attempted to put a thumb on the scale of our
20 election, who when he spoke with the Russian ambassador,
21 rather than tell him 'Stay out of our elections; keep your
22 nose and your paws out of it,' even if they wanted a reset,
23 but to rebuke him, and to let him know that they will not
24 tolerate their country trying to intervene and pick our
25 President. Not only did he" - meaning Flynn -- "not do

1 that, he was making nice with them."

2 That was former Acting Attorney General Yates's
3 characterization of why the Flynn interview occurred, that
4 after the phone call between Flynn and Kislyak it raised a
5 clear counterintelligence concern that needed to be
6 investigated as part of the ongoing counterintelligence
7 investigation. Do you have any reason to dispute that?

8 Mr. Moffa. I wouldn't affirm that characterization
9 necessarily from my view, just in my memory of what happened
10 there. But in the sense that it discusses the essence of
11 the interview is material to understanding the nature of
12 Flynn's relationship with the Russians and those
13 conversations, yes, it was material in that sense.

14 Mr. Haskell. Thank you.

15 Ms. Sawyer. I think when you were asked by our
16 colleagues how you first learned about Lieutenant General
17 Flynn's conversations with Ambassador Kislyak you indicated
18 that the SIA or someone else on your team had brought it to
19 your attention. Do you recall roughly when that happened?

20 Mr. Moffa. I don't. Sorry.

21 Ms. Sawyer. So it would have been some time after
22 December 29th when the conversation particular to sanctions
23 -- there were more than one conversation, but I'm just
24 talking about the conversation relative to U.S. sanctions.

25 Mr. Moffa. That time frame sounds right, but I just

1 don't know the exact time frame.

2 Ms. Sawyer. Did you see the transcript of Lieutenant
3 General Flynn's conversation with Ambassador Kislyak at that
4 time?

5 Mr. Moffa. Yes, I saw. I've seen the transcripts,
6 yes.

7 Ms. Sawyer. And you think certainly the first time
8 you may have seen it would have been shortly after it was
9 brought to your attention?

10 Mr. Moffa. I believe so, yes.

11 Ms. Sawyer. And that would have been before
12 Lieutenant General Flynn was interviewed by the FBI about
13 his conversation with Ambassador Kislyak?

14 Mr. Moffa. Yes.

15 Ms. Sawyer. Do you recall what your impression of
16 that conversation was?

17 Mr. Moffa. I want to be careful here to try not to
18 veer into any classified lanes. My impression was that the
19 conversations explained the Russian reaction to the
20 sanctions.

21 Ms. Sawyer. How so?

22 Mr. Moffa. In that the lack of a response could be
23 explained by that conversation.

24 Ms. Sawyer. So my recollection at the time, and I
25 think as was reported at the time, Vladimir Putin did say

1 publicly, immediately after imposition of the sanctions,
2 that there would be retaliation. Do you recall that?

3 Mr. Moffa. I don't recall that specifically, no.

4 Ms. Sawyer. Was the FBI expecting there to be some
5 reaction from Russia?

6 Mr. Moffa. I think we generally expect reaction when
7 we take an affirmative action against Russia.

8 Ms. Sawyer. So this would not have been any different
9 than that? You would have been expecting, since affirmative
10 action was taken, that Russia would respond?

11 Mr. Moffa. I expected that, yes.

12 Ms. Sawyer. And in fact Russia did not respond to the
13 sanctions; is that correct?

14 Mr. Moffa. That's my recollection.

15 Ms. Sawyer. So what you're telling us is that when
16 you saw the transcript of a conversation between Lieutenant
17 General Flynn and Ambassador Kislyak, it explained to you
18 why Russia did not respond to sanctions?

19 Mr. Moffa. That's correct.

20 Ms. Sawyer. One of the counterintelligence concerns
21 that you already identified for us today is when either a
22 U.S. person and presumably a hostile foreign government may
23 be taking direction, taking direction or be control of
24 Russia. Did that raise any concerns about that potential
25 when you saw the transcript, that either Flynn was working

1 closely and taking direction from Russia or vice versa, that
2 Russia had a close relationship with Flynn and was taking
3 direction from him?

4 Mr. Moffa. Well, this is where I do think we're in
5 kind of difficult space in assessing that, just given the
6 role that Flynn was going to be entering into. I don't know
7 that I could say it's directly reflective of that kind of
8 control. In my mind, it just explained the lack of a
9 response. I don't know that it spoke directly to one way or
10 the other necessarily whether he's under some kind of
11 control or direction of the Russians.

12 Ms. Sawyer. Did you know at the time whether or not
13 Lieutenant General Flynn was acting on behalf of the
14 incoming administration or on his own?

15 Mr. Moffa. I don't know that then and I don't know
16 that now.

17 Ms. Sawyer. Would that have been something that would
18 have made a difference in terms of the counterintelligence
19 concerns that this could have raised, whether he was acting
20 on his own as a rogue agent or whether he was acting with
21 the knowledge and blessing of the incoming administration?

22 Mr. Moffa. I don't know that that would have made a
23 functional difference for me. To me personally, the
24 conversations just reflected the nature of that close
25 relationship he had with Russia and, thinking back to the

1 predication and what that means as a subject for him, being
2 a more likely candidate to have been in a position to
3 receive that initial information, that's the context in
4 which I'm thinking of it. It's confirmation of the
5 connection to Russia. I wasn't necessarily dissecting it in
6 terms of the context you're talking about.

7 Ms. Sawyer. Got it. So it's confirmation, if I could
8 just rephrase it slightly, of the connection, meaning the
9 relationship that Michael Flynn had with a senior official
10 in the Russian government?

11 Mr. Moffa. Correct. It's reflective that that
12 relationship exists. It's not to me necessarily reflective
13 of control by the Russians.

14 Ms. Sawyer. But that the possibility for there to
15 have been control or even, aside from this particular
16 conversation, that information could have passed from Mr.
17 Flynn to the Russians or vice versa over the course of the
18 campaign?

19 Mr. Moffa. Sure. That possibility still existed in my
20 mind.

21 Ms. Sawyer. I just do want to explore, because I am a
22 little surprised at your answer that it might not have been
23 of concern as to whether or not an incoming national
24 security adviser was acting independent, as a rogue agent,
25 in negotiating with Russia.

1 So did it not occur to anyone that that would be a
2 national security and counterintelligence risk if the
3 incoming national security adviser had reached out and tried
4 to make a deal with Russia and gotten Russia to respond on
5 his own, without anyone in the White House knowing that?

6 Mr. Moffa. I don't know that that's the case, that
7 nobody in the White House knew about it. And I think the
8 fact that he's in that position of incoming national
9 security adviser does color it. I'm not saying it's of no
10 concern. I think there's a concern there and I think that's
11 reflective of the actions taken to investigate it.

12 But I don't think it's a random U.S. citizen doing the
13 deed here. It's an incoming national security adviser.
14 Maybe it's a violation of the decorum of that sort of
15 transition potentially. Or it could be reflective of a
16 greater national security concern. I think it runs that
17 spectrum.

18 Ms. Sawyer. In fact, on January 15th, 2017, Vice
19 President-elect Pence was asked on Face the Nation whether
20 or not Michael Flynn had spoken with Ambassador Kislyak
21 about U.S. sanctions. And Vice President-elect Pence at
22 the time said no, he had not, that Michael Flynn had assured
23 him that he had not, or at least had told him that he had
24 not spoken with the ambassador about sanctions.

25 Do you recall that happening?

1 Mr. Moffa. I vaguely recall that, yes.

2 Ms. Sawyer. Would that have raised a
3 counterintelligence concern?

4 Mr. Moffa. I think it's a continuing
5 counterintelligence concern, but that would seemingly
6 suggest a greater counterintelligence concern, yes.

7 Ms. Sawyer. Can you just explain why that is the
8 case?

9 Mr. Moffa. Given that it wasn't a sanctioned set of
10 communications by the incoming administration.

11 Ms. Sawyer. Or at least might not have been. It's
12 possible that Vice President Pence didn't know, but other
13 people did know, correct?

14 Mr. Moffa. Correct. I have no knowledge of who knew.

15 Ms. Sawyer. So certainly in the spectrum of potential
16 concerns, one potential concern was that no one in the White
17 House knew. Another potential was some people in the White
18 House knew, correct?

19 Mr. Moffa. Correct, there could be that range.

20 Ms. Sawyer. But it certainly would be true that
21 Russia would have known at the time that Ambassador Kislyak
22 and Michael Flynn had discussed U.S. sanctions; is that a
23 fair statement?

24 Mr. Moffa. Some element of Russian officials would
25 know. I have no knowledge of who, other than Kislyak.

1 Ms. Sawyer. And then potentially they would have seen
2 that the Vice President had stood up in national TV and had
3 said that Michael Flynn had told him that he had never
4 spoken with Ambassador Kislyak about sanctions. Sally Yates
5 described that potential that maybe then Michael Flynn was
6 subject to blackmail.

7 Would you agree that if Flynn had never told anyone in
8 the White House that he had spoken to Russia and Russia knew
9 it, that he was potentially subject to blackmail?

10 Mr. Moffa. I think that's possible, but I have no idea
11 if that was a credible threat at the time. I don't know.
12 It's possible.

13 Ms. Sawyer. Well, wouldn't the FBI have wanted to
14 know at the time whether that was a credible threat?

15 Mr. Moffa. I think that's why the FBI was
16 investigating the set of communications with Flynn. It was
17 to further understand the nature of them and the context of
18 them.

19 Ms. Sawyer. And one way and probably the best way to
20 do that would be to ask Mr. Flynn himself whether or not he
21 had spoken with Kislyak, wouldn't it be?

22 Mr. Moffa. That's certainly in my mind what the goal
23 of the interview was.

24 Ms. Sawyer. Did anyone ever articulate that they had
25 a different goal, that they were simply trying to set up Mr.

1 Flynn?

2 Mr. Moffa. I don't recall that ever being part of the
3 conversation, no.

4 Ms. Sawyer. Did you ever hear anyone claim that they
5 were seeking to entrap Mr. Flynn to get him to lie to them?

6 Mr. Moffa. No.

7 Mr. Haskell. Shifting gears, just a few more quick
8 follow-ups and then we'll be done. You were asked a bunch
9 of questions about Lisa Page and Peter Strzok. One of the
10 concerns that you discussed -- you discussed being aware of
11 a concern that that relationship or the situation would lead
12 to some communications outside the chain of command. I just
13 want to clarify. Are you aware of any instance of that
14 concern being founded, of there being a communication
15 outside the chain of command?

16 Mr. Moffa. I can't think of anything specific at this
17 point, four or five years later. But there's just no doubt
18 in my mind that at times Lisa was conveying information to
19 Deputy Director McCabe before the entire National Security
20 Branch chain of command was aware of it. I can't think
21 specifically of an instance, though, that I can point to you
22 with a specific example.

23 Mr. Haskell. Turning to a statement in the IG report
24 on page 67, it says. "With respect to Strzok, witnesses
25 told us that, while he approved the team's investigative

1 decisions during the time he was in the supervisory chain of
2 command for the investigation, he did not unilaterally make
3 any decisions or override any proposed investigative steps.
4 Priestap, in addition to telling us that it was his decision
5 to initiate the investigation, told us that to his knowledge
6 Strzok was not the primary or sole decision maker on any
7 investigative steps in Crossfire Hurricane."

8 Do you have any evidence to dispute that finding?

9 Mr. Moffa. No.

10 Mr. Haskell. You talked about the text messages
11 between Strzok and Page and you talked about being
12 disappointed. You described that it was the impact on the
13 perception of work of good people who did good work that
14 disappointed you. Would you -- would you say that that
15 perception would be unfair to the people who worked on this
16 investigation?

17 Mr. Moffa. I would. I think it's been painted in a
18 light as being a completely politically motivated
19 investigation and I know that to not be the case.

20 Mr. Haskell. What you just said, you know that to not
21 be the case, is the same finding of the two-year long
22 Inspector General investigation, that the investigation and
23 the decisions made during It were not motivated by political
24 bias; is that correct?

25 Mr. Moffa. That's correct.

1 Mr. Haskell. Is it your concern that the more things
2 like the Strzok and Page texts are amplified, the more
3 negative effect it has on the perception of the good work
4 that you and your colleagues at the FBI did?

5 Mr. Moffa. I think that's true, and I think it extends
6 more broadly to the work of the FBI in general. And that's
7 potentially even more concerning, that there's a perception
8 that the FBI conducts investigations in a politically
9 motivated way. And that's just never been my experience in
10 20-plus years in the organization.

11 Mr. Haskell. So, following up on that, I take that to
12 mean that there are dangers to highlighting instances that
13 are not characteristic of the work that's done at the FBI,
14 but that nonetheless affect the public perception?

15 Mr. Moffa. I think that's right, but I don't want to
16 diminish, again, my disappointment in those text messages.
17 I think they should have known better and they shouldn't
18 have been sent. But I also think that overindexing on that
19 aspect to create the impression that the FBI's a politically
20 motivated organization is damaging to the FBI and its
21 ability to protect America.

22 Mr. Haskell. Do you have concerns that it also
23 damages the FBI's ability to retain good people and to
24 recruit good people?

25 Mr. Moffa. I don't know that I could speculate on

1 that. But I don't think it helps the perception of the
2 organization, and that could extend to a number of different
3 aspects of the organization's ability to do its work, to
4 include recruiting.

5 Mr. Haskell. Shifting to the FISA errors that were
6 identified in the IG report, which you were asked some
7 questions about, I know that you didn't play a role in the
8 preparation or approval of the Page FISA applications, but I
9 think it's important to put those errors in context. Only
10 14 pages of the 448-page Mueller report addressed Carter
11 Page. In December of last year, when Inspector General
12 Horowitz testified before our committee, he stated that the
13 errors do not call into question, quote, "any part of the
14 Special Counsel's report."

15 Do you have any evidence that the Page FISA errors call
16 into question any of Special Counsel Mueller's findings?

17 Mr. Moffa. No. But I also don't have deep knowledge
18 of Special Counsel Mueller's findings.

19 Mr. Haskell. Okay, fair.

20 The Inspector General recommended a number of
21 corrective the actions that you may have familiarity with,
22 including changes to Woods forms and the FISA request form
23 designed to ensure that OI receives all relevant
24 information, including CHS information, needed to prepare
25 FISA applications.

1 Director Wray accepted and agreed to implement all of
2 the IGG's recommended corrective actions and I believe has
3 already implemented the bulk of them.

4 Do you have any reason to believe that the FBI is not
5 taking appropriate steps in response to the IGG's report?

6 Mr. Moffa. No.

7 Mr. Haskell. Do you have any reason to believe that
8 the corrective actions that the IG recommended and that the
9 FBI is now taking will not adequately address the errors
10 that the IG identified?

11 Mr. Moffa. No.

12 Mr. Haskell. Do you have any additional
13 recommendations beyond what the IG recommended?

14 Mr. Moffa. No.

15 Mr. Haskell. You were also asked several questions
16 about Bruce Orr. You worked on the Crossfire Hurricane
17 investigation. Bruce Orr had no decision-making role on
18 that investigation, is that correct?

19 Mr. Moffa. That's correct.

20 Mr. Haskell. To your knowledge, he had no role in the
21 Special Counsel's investigation, to your knowledge?

22 Mr. Moffa. I have no knowledge of that, no.

23 Mr. Haskell. According to the IG report, Orr said
24 that it was both his duty as a citizen and a Department
25 employee to provide the FBI with information from Steele.

1 Do you have any evidence to dispute Orr's characterization
2 of his own motivation?

3 Mr. Moffa. I just don't know Orr, so I wouldn't feel
4 comfortable affirming or otherwise refuting his
5 characterization. I know nothing about him.

6 Mr. Haskell. But you don't have any evidence --

7 Mr. Moffa. I have no evidence to the contrary, that's
8 true.

9 Ms. Sawyer. Just a quick follow-up. I know when my
10 colleague was asking you about the concerns that the chain
11 of command was not being respected in the usual way because
12 Pete Strzok might pass information to Lisa Page that would
13 then get to the Deputy Director before or maybe at the same
14 time it was getting to the AD Priestap or the person serving
15 as the EAD.

16 You said you had no doubt -- you didn't have specific
17 examples, but you had no doubt in your mind that it probably
18 happened. Do you know of any examples where information was
19 passed to the Deputy Director that didn't go to the rest of
20 the team?

21 Mr. Moffa. That didn't go to the rest of the team or
22 the rest of the chain of command?

23 Ms. Sawyer. The chain of command.

24 Mr. Moffa. Well, there were -- Pete Strzok would have
25 conversations with Deputy Director McCabe that I wasn't a

1 party to and I don't believe AD Priestap or the EAD were a
2 party to. So I do think there were times when they
3 interacted directly that the chain of command wasn't there.
4 So I know of instances there's the possibility information
5 is being exchanged.

6 Ms. Sawyer. Can you cite any examples where decisions
7 were made based on information that may have been passed?
8 Because there has been, obviously, tremendous examination
9 and criticism of Ms. Page, Mr. Strzok, Mr. McCabe. So from
10 my perspective it would be important to know if there's any
11 concrete decision-making that you believe was influenced by
12 some sharing of information that didn't follow the usual
13 chain of command.

14 Mr. Moffa. I just don't have any specific examples of
15 that. It's possible that it could have happened, but I just
16 wouldn't be aware that it derived from one of those private
17 conversations. I just don't know.

18 Mr. Haskell. I think that's it from us. Thank you
19 very much for your time and for your service to the FBI and
20 to the country.

21 Mr. Moffa. Thank you. I appreciate it.

22 Mr. Somers. We don't have anything else. So we just
23 thank you again for coming in and bearing with Art and I for
24 a second interview. We talked to you a couple years ago
25 about Mid-Year and a little bit about this before we had the

1 benefit of the Horowitz IG report. But we thank you for
2 bearing with us again and for your time today.

3 MR. Moffa. Thank you. I appreciate it.

4 (Whereupon, at 3:33 p.m., the interview was concluded.)

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ERRATA

Notice Date:

Deposition Date: September 9, 2020

Deponent: Jonathan Moffa

Case Name:

Page:Line	Now Reads	Should Read
<u>9-9</u>	<u>IGG's</u>	<u>IG's</u>
<u>32-2&10</u>	<u>IGG's</u>	<u>IG's</u>
<u>84-3</u>	<u>is</u>	<u>its</u>
<u>99-2</u>	<u>IGG's</u>	<u>IG's</u>
<u>111-4</u>	<u>Priestap</u>	<u>Priestap's</u>
<u>188-17</u>	<u>Orr</u>	<u>Ohr</u>
<u>188-18</u>	<u>Orr</u>	<u>Ohr</u>
<u>188-20</u>	<u>Orr</u>	<u>Ohr</u>
<u>192-14</u>	<u>IGG's</u>	<u>IG's</u>
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Notice Date:

Deposition Date: September 9 2020

Deponent: Jonathan Moffa

Case Name: Senate Judiciary Committee

Page:Line	Now Reads	Should Read
61:18	IGG's	IG's
63:13	IGG	IG
63:20	IGG	IG
66:5	SENATOR HARRIS	Mr. Haskell
68:18	provide -- would provide	create
72:13-14	you would regard	regarding
73:20	FIB	FBI
77:7	IGG	IG
77:16	foreign	for
135:22-23	report found that individuals found that that was the case as the Crossfire Hurricane.	report found that individuals believed that that would be the case as to Crossfire Hurricane.
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145:18	Mr. Sinton	Ms. Sawyer
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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.

1 The interview in this matter was held at the
2 Dirksen Senate Office Building, Room SD-226, commencing
3 at 10:06 a.m.

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1 APPEARANCES:

2 Zachary N. Somers, Chief Investigative Counsel
3 (Majority)

4 Arthur Radford Baker, Senior Investigative Counsel
5 (Majority)

6 Sara Zdeb, Senior Counsel (Minority)

7 Christina Calce, Counsel (Minority)

8 Heather Sawyer, Staff Director & Chief Counsel
9 (Minority)

10 [REDACTED], FBI Office of the General Counsel,
11 Assistant General Counsel

12 [REDACTED], FBI Office of the General Counsel,
13 Assistant General Counsel

14 [REDACTED], US DOJ FBI Supervisory Special
15 Agent, Office of Congressional Affairs

16 Joan V. Cain, Court Reporter

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EXAMINATION BY	PAGE
COUNSEL FOR THE MAJORITY:	9, 86, 147
COUNSEL FOR THE MINORITY:	56, 133

EXHIBITS

(No exhibits were marked.)

P R O C E E D I N G S

1
2 Mr. Somers: This is a transcribed interview of
3 Michael Steinbach. Chairman Graham requested this
4 interview as part of an investigation by the Senate
5 Judiciary Committee into matters related to the Justice
6 Department's and the Federal Bureau of Investigation's
7 handling of the Crossfire Hurricane investigation,
8 including the applications for and renewals of Foreign
9 Intelligence Surveillance Act warrant on Carter Page.

10 Will the witness please state his name for the
11 record?

12 The Witness: Michael B. Steinbach.

13 Mr. Somers: On behalf of Chairman Graham, I want to
14 thank you for appearing today, and We appreciate your
15 willingness to appear voluntarily.

16 My name is Zachary Somers. I'm the Majority Chief
17 Investigative Counsel for the Judiciary Committee, and
18 I'll now ask everyone else that's here in the room to
19 introduce themselves for the record.

20 Mr. Baker: Arthur Baker, Senior Investigative
21 Counsel for Senator Graham Majority staff.

22 Ms. Zdeb: Sara Zdeb, Senior Counsel with the Senate
23 Judiciary Minority staff.

24 Ms. Calce: Christina Calce, counsel with the Senate
25 Judiciary Minority staff.

1 Ms. Sawyer. Heather Sawyer, Senator Feinstein's
2 staff --

3 Mr. Somers: That's Heather Sawyer with the Minority
4 staff, for the record.

5 [REDACTED]: [REDACTED], Office of General Counsel
6 FBI.

7 [REDACTED]: [REDACTED], FBI Office of
8 Congressional Affairs.

9 [REDACTED]: [REDACTED], FBI Office of
10 General Counsel.

11 Mr. Somers: The Federal Rules of Civil Procedure do
12 not apply in this setting, but there are some guidelines
13 that are involved that I'd like to go over. Our
14 questions will proceed in rounds. The Majority will ask
15 questions for the first hour, and then the Minority will
16 have an opportunity to ask questions for an equal period
17 of time. We will go back and forth in this manner until
18 there are no more questions and the interview is over.

19 Typically, we take a short break at the end of each
20 hour of questioning, but if you'd like to take a break
21 prior to that, please let us know. As I noted earlier,
22 you're appearing today voluntarily. Accordingly, we
23 anticipate that our questions will receive complete
24 responses. To the extent that you decline to answer a
25 question or if counsel for the FBI instructs you not to

1 answer a question, we will consider whether a subpoena
2 is necessary.

3 As you can see, there's an official reporter taking
4 down everything that is said here in a written record,
5 so we ask that you give verbal responses to all
6 questions.

7 Do you understand that?

8 The Witness: Yes.

9 Mr. Somers: So that the reporter can take down a
10 clear record, it is important that we don't talk over
11 one another or interrupt each other if we can help it.
12 We want you to answer our questions in the most complete
13 and truthful manner possible, so we will take our time.

14 If you have any questions or if you do not
15 understand one of our questions, please let us know. If
16 you honestly don't know the answer to a question or do
17 not remember it, it's best not to guess. Please give us
18 your best recollection, and it's okay to tell us if you
19 learned the information from someone else.

20 If there are things you don't know or can't
21 remember, just say so and please inform us who to the
22 best of your knowledge might be able to provide a more
23 complete response to the question.

24 You should also understand that, although this
25 interview is not under oath, you're required by law to

1 answer questions from Congress truthfully.

2 Do you understand that?

3 The Witness: Yes.

4 Mr. Somers: This also applies to questions posed by
5 Congressional staff in an interview. Do you understand
6 this?

7 The Witness: Yes.

8 Mr. Somers: Witnesses who knowingly provide false
9 testimony can be subject to criminal prosecution for
10 perjury or for making false statements.

11 Do you understand this?

12 The Witness: Yes.

13 Mr. Somers: Is there any reason you're unable to
14 provide truthful answers to today's questions.

15 The Witness: No.

16 Mr. Somers: Finally, we ask that you not speak
17 about what we discuss in this interview today with
18 anyone outside who isn't here in the room in order to
19 preserve the integrity of our investigation. That's the
20 end of my preamble.

21 Do you have any questions before we begin?

22 The Witness: I do not.

23 Mr. Baker: Zach, I would add for the record, as
24 Mr. Steinbach has alluded to, he's here voluntarily, and
25 he's been very cooperative and very easy to work with in

1 arriving at this particular point in the investigation.

2 Mr. Somers: We thank you for your cooperation.

3 EXAMINATION

4 BY MR. SOMERS:

5 Q It's now ten after 10:00. We'll begin our
6 first round of questions.

7 Have you had a chance to read or review the IG
8 Report related to the Carter Page FISA application?

9 A When it came out, I reviewed -- I read the
10 executive summary, and then I had my staff do a name search
11 for my name, and at that time I reviewed my name entry.

12 Q Did you speak with anyone in preparation for
13 today's interview?

14 A I did not know the subject matter. There
15 were several who people know I'm coming down.

16 Q Not the subject matter?

17 A No.

18 Q When did you retire from the FBI?

19 A February 2017. February 24th of 2017.

20 Q And what your position at the time of your
21 retirement?

22 A Executive Assistant Director of the National
23 Security Branch.

24 Q And what were your duties as the EAD for
25 national security?

1 A As the Executive Assistant Director of
2 National Security, I was responsible for four programs:
3 Counterterrorism Division, the Counterintelligence
4 Division, the Weapons of Mass Destruction Directorate,
5 and the Terrorist Screening Center. I provided policy
6 and strategic direction for the Director's Office on
7 those divisions and directorates.

8 Q And in this investigation we're particularly
9 interested in FISA. What was your general role -- not
10 about this specific FISA, but just with FISAs in
11 general?

12 A As the EAD, I didn't have a direct role in
13 the FISA process.

14 Q Okay. So if the field office, for instance,
15 wanted to get a FISA, that's not something that would
16 come through you in any way?

17 A Correct. It would not.

18 Q What if headquarters wanted
19 a -- headquarters, an agent or someone in the National
20 Security Branch wanted a FISA?

21 A FISA followed the chain of command up through
22 the assistant director and to the deputy director. The
23 EAD would not, in general, be a part of the overall
24 process. I would be briefed after the fact at times,
25 but I didn't see a flow of all FISAs coming from

1 national security side of the house.

2 Q So just to make sure I'm clear, if it's
3 counterintelligence FISA, it would go from the
4 AD -- within the National Security Branch, the AD for
5 counterintelligence was the highest rank that the FISA
6 would flow through?

7 A Correct.

8 Q And then it would go from there to the deputy
9 director?

10 A Correct.

11 Q Okay. Besides your role as the EAD, how many
12 FISAs had you worked on in the period prior to becoming
13 the EAD?

14 A I can't guess. I was in counterterrorism at
15 one point in the past from 2004 on and off until I
16 became EAD. As the AD in counterterrorism, I was a part
17 of a lot of FISAs. I couldn't guess. Many.

18 Q Many. And were you ever the case agent on a
19 FISA?

20 A I was not.

21 Q Never the case agent. So you were -- were
22 you an SSA on a FISA?

23 A No.

24 Q You ever signed a Woods Form?

25 A No.

1 Q Are you familiar with the Woods Procedures?

2 A Yes.

3 Q Can you speak generally as to what the Woods
4 Procedures are?

5 A Sure. In general, the Woods Process is
6 designed to ensure that every part of the affidavit is
7 factually grounded, and a Woods addendum or a document
8 that accompanies the FISA is designed to be that burden
9 of proof for the actual statement in a FISA application.

10 Q Where'd you get your knowledge of the Woods
11 Procedures?

12 A From 22 years in the FBI working
13 counterterrorism.

14 Q I'm asking was there specific --

15 A I'm sure I've had training. I've had
16 training on FISAs over the years. I went from an agent
17 in criminal programs, and after 9/11 I moved over to
18 counterterrorism. From that point on, I was immersed in
19 all counterterrorism processes on the national security
20 side of the House, to include national security process
21 such as FISAs, so I couldn't tell you where I learned
22 about the Woods process or procedures.

23 Q Does the National Security Branch do any
24 training or advisories out to the field on the Woods
25 Procedures?

1 A They do training and audits in
2 conjunction -- or did at the time I'd say in conjunction
3 with DOJ.

4 BY MR. BAKER:

5 Q Would you maybe give just a brief thumbnail
6 sketch of your rise through the Bureau? Because you've
7 got a lot of criminal experience too, I think, or some
8 criminal experience. You're not strictly a national
9 security investigator from your time right out of
10 Quantico; is that correct?

11 A Correct.

12 Q If you could just give a thumbnail sketch of
13 what your work history is and your promotional climb, I
14 think that would help for the record.

15 A Sure. So I graduated from the FBI Academy in
16 the summer of 1995. I was assigned to the Chicago Field
17 Office, where I worked mostly criminal -- well, all
18 criminal matters. I started off on a fugitive task
19 force -- for about two years on a fugitive task force
20 and then moved over to a violent crime task force and
21 back and forth between essentially fugitive task force
22 and violent crime task force, responsible for fugitive
23 investigations, bank robbers, kidnappings, extortions as
24 part of the task force environments.

25 After 2011 I did a temporary duty assignment to New

1 Delhi, India, which was my real first exposure to the
2 counterterrorism side of the house.

3 When I returned from that 60-odd day assignment, at
4 some point I applied for a supervisor job in
5 counterterrorism. They were setting up a new unit, a
6 Military Liaison Detainee Unit, and they were looking
7 for folks -- FBI agents who had military background. So
8 although I didn't have a counterterrorism background,
9 they asked me to come work in MLDU as a supervisor as a
10 result of my military background.

11 I worked on the Guantanamo Bay program for a while,
12 deployed to Afghanistan, became the Afghanistan SSA
13 program manager and then ultimately acting unit chief of
14 MLDU.

15 At that point, for about two years, I was
16 transferred to Tel Aviv, where I was the -- first the
17 ALAT, the Assistant Legal Attaché, then the Legal
18 Attaché to Tel Aviv responsible for Israel and
19 Palestinian authorities. [REDACTED]

[REDACTED]
[REDACTED], so I spent a significant
22 amount of time on the national security side of the
23 house there.

24 When I returned from Israel, I spent about a year at
25 the Washington Field Office back as a supervisor of a

1 violent crime and fugitive task force.

2 After a year they transferred me. I took a
3 promotion as an Assistant Section Chief in
4 Counterterrorism in the International Terrorism
5 Operation Section in charge of ITOS ■, which is
6 international terrorism in the United States.

7 After that, for approximately year and a half, I
8 took a promotion to be the lead FBI agent to the CIA's
9 Counterterrorism Center, CTC, a very short stint there.

10 And then I was pulled back and became the special
11 assistant to Tom Harrington, who was the Associate
12 Deputy Director at the time, had that position for a
13 couple of years.

14 Then I was sent out to be the SAC of the
15 Jacksonville Field Office. After four months as the SAC
16 of Jacksonville, they asked me to go down to Miami, at
17 first temporarily, then permanently, where I was the SAC
18 for about -- the special agent in charge for about a
19 year and a half.

20 Upon completing that assignment, I came back to FBI
21 headquarters as the Deputy Assistant Director of
22 Counterterrorism. I held that position for about six
23 months, and on the promotion of the current AD, I became
24 the Assistant Director of Counterterrorism. I held that
25 position for about two years, I suspect, and then from

1 there became the Executive Assistant Director of
2 National Security.

3 Q When you were the SAC in Jacksonville or
4 Miami, were there FISAs worked out of those field
5 offices?

6 A Yes, both field offices. [REDACTED]

7 [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 Q What would the SAC's role be in the FISA
15 process?

16 A It was a direct role in reviewing FISAs
17 coming up.

18 Q And, just briefly, your military experience?

19 A So I graduated from the Naval Academy in
20 1988, and I was a naval aviator flying P3s for just
21 under seven years. Assignments on the west coast and
22 the east coast, and I resigned from the Navy. My last
23 ten weeks I was approached by the FBI.

24 Q So in your role as SAC in the two field
25 offices, you would have had someone in the office that

1 Q Okay. And then managerial experience with
2 FISAs as SAC?

3 A That would be -- yeah. Managerial both in
4 ITOS ■ and as SAC.

5 Q And your role as SAC in FISA was more
6 involved then, and as you indicated, EAD really not at
7 all?

8 A Yeah, to be honest with you, I don't recall
9 exactly what sign-off I provided to the FISA -- well,
10 that's not true. There was a FISAM system that, as the
11 SAC, I would go in and pull it up, review, and if I was
12 satisfied with that, I would sign off on it. It was ■
13 ■ designed to provide a process for all
14 FISAs from initiation through the process.

15 Q So that system would make sure that any
16 person that had a role in approving the
17 FISA would -- that would shepherd the approvals along to
18 the people that needed to see it?

19 A Correct.

20 Q At then at some point, does it transmit from
21 the field office to FBI headquarters to start the
22 approval process in D.C.?

23 A Yeah. It's more of a blended approach. So
24 when a case agent -- because the affi for a FISA is
25 headquarters, not the field, so the initiation of the

1 FISA of course is in the investigation in the field,
2 which you immediately need to interact with either ITOS
3 ■, which I was the assistant section chief of, or ITOS
4 ■, to work with that headquarters supervisor and the FBI
5 legal entity, OGC for National Security, who would then
6 interact with DOJ's at the time it was National Security
7 Branch, and you would start to work that FISA process
8 through.

9 As Assistant Section Chief of ITOS ■ I think on a
10 weekly basis, maybe every other week, we would have a
11 meeting with DOJ National Security Branch, and I think
12 ILA at the time. They would come off site and they
13 would sit down and review all of the FISAs pending/up
14 for renewal as a routine process.

15 But back to your original point, the FISA initiation
16 process I recall more of a dual-field headquarters
17 blended function as it moved its way up, so by the time
18 the SAC saw it in FISAs, it already had touched bases
19 with both the field and headquarters.

20 BY MR. SOMERS:

21 Q You said review. What would review consist
22 of?

23 A From my perspective?

24 Q Yes.

25 A As the SAC, I'd review --

1 Q I'm sorry. As the ITOS ■, as assistant
2 section chief.

3 A Okay. As the assistant section chief. So
4 we'd go to an office and it was really about we want to
5 ask you to look at the documentation. DOJ National
6 Security Branch lawyers would be there talking about,
7 hey, what's coming up? What's due? There's obviously a
8 routine process for a FISA versus an expedited. There
9 are three separate functions. So they'd talk about
10 whether or not they felt they had predicate for an
11 emergency versus a routine FISA. They would talk about
12 the investigation.

13 It was a back-and-forth conversation about the flow
14 of cases and particularly where National Security Branch
15 of DOJ needed to be involved in that.

16 Q Who's in the room for a meeting like that?
17 Is the actual case agent on --

18 A No. It's generally the section chief or -- I
19 think at the time -- this is back in 2009. At the time,
20 it was Section Chief, Assistant Section Chiefs in either
21 ITOS ■ or ITOS ■, perhaps the unit chiefs or SSAs, and
22 perhaps even an intel analyst if it was their case.

23 It included National Security Branch lawyers who
24 were assigned off site to ITOS, and then there were a
25 number of DOJ unit chief to supervisory positions. At

1 the time there were two branches. There's a National
2 Security Branch -- well, within the National Security
3 Branch, there was the actual arm that actually did the
4 FISA work in the field. There was kind of the review
5 IO. They kind of did the work with FISC, or they were
6 generally present. Half dozen to a dozen people.

7 Q But let's say you're discussing a FISA on
8 John Smith, who, like, initiates the discussion and says
9 this is the facts of the case in that meeting?

10 A It was a casual meeting. There was no -- we
11 had topics we wanted to address. They had topics they
12 wanted to address. There was no I would say standard
13 template. Often they would come in and say, okay, this
14 is what we've got this week. We've got a FISA
15 application coming in on, you know, John Smith. We have
16 a renewal on Mike Smith, and, you know, we have a
17 concern that there's not enough there and this is what
18 we need to happen.

19 It was a back-and-forth conversation at headquarters
20 level. I will -- let me make sure I caveat this. I'm
21 talking on the counterterrorism side. I don't know if
22 there was an equivalent on the counterintelligence side.

23 Q In a meeting like that, was it also
24 discussed, hey, we shouldn't get a renewal on a FISA?

25 A Sure.

1 Q And what would be factors that would come
2 into play to get a renewal on it?

3 A Lack of predicate. Lack of predicate with
4 proceeding with the investigation.

5 Q Is that because the FISA ran dry or it never
6 produced anything?

7 A It could be all those things. I mean, you
8 know, again, did about -- did this for two years, dozens
9 on a monthly basis. There's all kinds of reasons why a
10 FISA's no longer -- it's run its course, not able to
11 continue to produce the required information to justify
12 going back to the court for renewal. Perhaps the DOJ
13 said, hey, look, we need this much more. Bring back the
14 case to the field and ask for more. They need to do X,
15 Y, Z.

16 It was an informal meeting to kind of stay abreast
17 of the process.

18 Q On average, how many FISAs would be discussed
19 in that meeting?

20 A [REDACTED].

21 Q A handful?

22 A A handful on a weekly basis.

23 Q And anyone who attended these meetings, would
24 they look at the Woods File?

25 A Sure. The headquarters supervisor would have

1 been part of the Woods File process. The DOJ attorneys
2 would have been involved in the Woods File process.

3 Q So have you ever reviewed those files?

4 A I have. I will say yes, but I would say not
5 in a -- just kind of review process. I don't have a lot
6 of -- I wouldn't say I have a lot of experience on the
7 Woods documents.

8 Q But not as part of the audit. You're saying
9 you reviewed it as a FISA you were looking at?

10 A Correct.

11 BY MR. BAKER:

12 Q Separate and apart from any reviews that are
13 being done before an application goes to FISC, is there
14 a process in the Bureau where a first-line supervisor
15 regularly on a scheduled basis does a file review of
16 cases that are on his or her squad?

17 A Yes.

18 Q And would that include reviewing subfiles,
19 like Woods Files, for accuracy, compliance?

20 A I don't know how to answer that. It
21 should -- intuitively a file should include all files to
22 include subfiles, classified, nonclassified in the Woods
23 File. I don't know that I can speak to how accurately
24 in the field the supervisor actually pulled in the Woods
25 File and reviewed it. That I couldn't comment on. We

1 had a process in place where DOJ would audit field
2 offices periodically on Woods Files.

3 Q But this file review process in general,
4 that's when the supervisor maybe meets with an agent and
5 discusses caseload milestones for the next file review,
6 sort of an evaluation of where it's at, and then is
7 there some sort of reporting of that file review by the
8 SSA up to his next level -- I assume the special agent
9 in charge -- just the fact that file reviews were done?

10 I'm guessing the ASAC is kind of -- if he keeps
11 seeing on the little summations of file reviews that
12 we're working toward a FISA, we're working towards a
13 Title III, but he keeps seeing that, he might ask now,
14 well, what's the holdup on it? Is there sort of a
15 give-and-take between the SSA and the ASAC?

16 A There could be. I think it depends on how
17 big the field office is. Generally, the supervisor
18 conducts periodic file reviews where he reviews, just as
19 you said, the case file, how the case is progressing,
20 provides some guidance in terms of investigative
21 assistance, what needs to be done, if there are
22 any -- if the case has been open as a PI too long
23 versus, well, we're not getting -- you know, we need to
24 close this case. That would be documented in the file
25 review and put in the agent's file.

1 Whether the ASAC reviewed every single supervisor's
2 file, I think that's probably not necessarily a
3 hard-and-fast rule, perhaps a procedure or a technique
4 that some ASACs would use. I would be surprised except
5 maybe in very, very small offices that that information
6 passed the ASAC to the SAC.

7 Q And then I think you said or alluded to, in
8 addition to whatever review the SSA is doing, at least
9 in the case of FISAs and national security-related
10 matters, but specifically FISA, is there also audits or
11 reviews being done by attorneys from the FBI's General
12 Counsel Office along with --

13 A Yes.

14 Q -- counterparts from DOJ?

15 A The FISA process -- the approval and review
16 process for FISAs does not sit alone with the field or
17 the investigative entity. There's quite -- and probably
18 more so than any other investigative tool that I can
19 think of, the FISA process is very much a headquarters
20 field collaboration.

21 A case agent could not run through a FISA without
22 support of headquarters. For one, like I said the
23 supervisor at headquarters is the actual affiant, not
24 the field, so a supervisor at headquarters is not going,
25 of course, go and stand before the FISC and apply for a

1 FISA application.

2 BY MR. SOMERS:

3 Q What's your understanding of why that is, why
4 the headquarters does the affidavit on FISAs?

5 BY MR. BAKER:

6 Q And that's different from a Title III on the
7 criminal side, correct?

8 A Correct. So I would say there is -- the FISC
9 itself, as we're all aware, is a different entity. You
10 are not following normal criminal procedure, and so I
11 think there's a level of caution and review around
12 national security procedures that involve use of tools
13 such as search and seizure or other processes that would
14 normally go through the checks and balances of the
15 criminal code, right.

16 So the national security process through the FISC
17 court has always had a stronger oversight, the concern
18 being that there needs to be strong oversight. DOJ's
19 opinion was always -- had always been when I was there
20 that we want to make sure that every FISA application we
21 put forward is ready to go. There was a lot of
22 back-and-forth before it got to the judge, the FISC
23 court judge, before that.

24 DOJ was very concerned back in those days to make
25 sure that they had a strong 100 percent record on FISA

1 applications. They spent a lot of time reviewing and
2 prepping the application and evidence before it went to
3 the court, and often they would work with the clerks in
4 the FISC to ensure that they felt that it satisfied the
5 burden of proof, so to speak, for that application
6 before it went to the judge. There was a lot of
7 back-and-forth.

8 And I'm speculating now, but my thought process is
9 because of the nature of national security
10 investigations, how important they are, the
11 intrusiveness of the techniques, we need to make sure
12 that we have those processes down. That's why there's a
13 level of involvement at headquarters and at DOJ that you
14 don't see in the criminal side of the house.

15 BY MR. SOMERS:

16 Q Isn't there any concern, though, that the
17 person that's actually signing the FISA then is the one
18 that's most familiar with the facts? Do you make that
19 switch off from the field to headquarters for actually
20 signing the document?

21 A So all steps of a national security
22 investigation -- in criminal investigations -- when I
23 was working criminal cases, I could pretty much open up
24 a case on my own, and all of the investigative steps
25 resided with me and maybe my supervisor until I then

1 went and sought some type of application for search or
2 some other process.

3 On the national security side of the house, just
4 about every step along the way in the investigative
5 process involves headquarters, and that's by design. So
6 when a case is initiated -- a significant national
7 security case is initiated in the field, the
8 headquarters SSA is aware of it and monitors it. There
9 are steps that require a first approval.

10 So I would say that a headquarters supervisor on
11 counterterrorism and counterintelligence investigations
12 is just as familiar with the evidence, what's going on
13 in the investigation. He or she may not have the
14 details of how information was obtained, but in terms of
15 evidence gathered, headquarter supervisors have intimate
16 knowledge of national security investigations.

17 Q What do you mean by the evidence gathering?
18 You mean what's actually in the application or the
19 actual evidence?

20 A I'm talking about -- I want to use the word
21 "evidence." I'll keep evidence for criminal side of the
22 house. I'll look at it as they're all stated as all
23 intelligence gathered in a national security
24 investigation is pushed through headquarters. So from
25 the inception of the investigation through conclusion,

1 all intelligence gathered in a national security
2 investigation doesn't reside just in the field as it
3 would in a criminal investigation. Headquarters is
4 intimately familiar with that.

5 For one reason, IIRs, or Intelligence Information
6 Sharing Products, that information is pushed up and
7 pushed out to the intel community very robustly. So a
8 headquarters supervisor in national security is very
9 aware of the intelligence/evidence that's in a national
10 security investigation.

11 Q So does the headquarters supervisor -- is
12 that the SSA that signs the Woods Form?

13 A Yes.

14 Q And so they review the Woods File?

15 A Yes. I would say often they are helping to
16 draft those files.

17 Q The Woods File, is that an electronic
18 document, or is it a paper document?

19 A It's on the electronic system. It's a Word
20 document or something similar to that, as far as I know.

21 BY MR. BAKER:

22 Q Would the headquarter supervisor also be
23 aware, monitoring, making sure the field case agent is
24 aware of intelligence information, anything related to
25 that FISA that is in other field offices?

1 A Yes. The idea behind the national security
2 investigative process and, you know, as a result of some
3 of the lessons learned from 9/11, was to prevent
4 stovepiping of intelligence information. So the reason
5 headquarters is so involved, they are the conduit to the
6 other agencies. So the robust sharing
7 of information -- we have to make sure that if a field
8 office in Los Angeles collects information, it doesn't
9 sit in the case file of Los Angeles.

10 So the headquarters supervisor and the intelligence
11 analysts that are assigned to that work very closely
12 with field, understanding what intelligence is there,
13 and really providing that broader picture, right. If
14 you look at the case agent and the team at the field
15 level, they're kind of focused down singularly on that
16 case.

17 Headquarters is supposed to provide that overarching
18 understanding, not just the case, but how it interacts
19 and relates to intelligence more globally.

20 Q So you had mentioned earlier that as this
21 FISA application/FISA package makes its way through
22 FISAMS and it may get, for lack of a better term, kicked
23 back at some point for something to be beefed up or
24 something to be more clarified, that headquarter SSA it
25 sounds like would be the one most ideal to know where in

1 the field something might reside that would be
2 responsive to whatever is deficient in the FISA.

3 A That's a very vague question. I think yes in
4 general. The headquarters supervisor ideally -- and I'm
5 speaking in general. The headquarters supervisor
6 overseeing a field office investigation, whether it's
7 counterterrorism or counterintelligence, should have
8 strong working knowledge of the investigations in his or
9 her responsibility, should understand intelligence, and
10 there should be robust conversation between the case
11 agent and headquarters supervisor on the national
12 security side of the house to ensure that both are in
13 sync with next steps.

14 There were times when the field wanted to do X; we
15 wanted to do Y, or they wanted to do X, and we were
16 like, no. I know that's important from a case
17 perspective. From an overall intelligence perspective,
18 it's not appropriate. So my point being that
19 headquarters and field should be in sync on all national
20 security investigative processes to include FISA
21 applications and, therefore, the Woods subcomponent of
22 that.

23 Q I think I heard you correctly. You said
24 something along the lines that one of the reasons that
25 headquarters is involved is to be able to run, at least

1 to some extent, the information by the rest of the
2 intelligence community on FISA?

3 A Not specific to FISA, so I would say
4 that -- so, I mean, ideally the way it's set up,
5 intelligence should be available broadly, right. We've
6 developed systems in CTC -- I'm speaking on the
7 counterterrorism side, which is where the bulk of my
8 background is.

9 On the counterterrorism side, there are robust
10 processes in place. There are Wikipedia-like systems
11 that allow for robust sharing and searching of
12 information. That being said, at the field level their

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED] They should have
18 a broader level of experience in that subject to help
19 guide the field. That's the kind of relationship.

20 On the counterintelligence side of the house, it's
21 somewhat similar, but also recognizing that there are
22 probably more -- because of the sensitive nature of some
23 counterintelligence investigations, there are probably
24 more walls than on the counterterrorism side.

25 Q Could there be a case where someone from

1 headquarters bounced something off from another
2 intelligence community component and they'd say you're
3 way off base on where you're going with this FISA or
4 something like that?

5 A So probably -- I don't know about way off
6 base, but all the time we bounce stuff off. I mean,
7 CIA, NSA, FBI, DIA, NCTC, they regularly disagree on
8 matters of intelligence. That's the tricky thing about
9 intelligence. You get a piece of information, and then
10 you're required to make some subjective decisioning
11 based on that piece of information.

12 There are lots and lots of robust conversations.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q So if you had a really big case, though, of
17 something -- or a really big investigation, that's
18 something you might want to bounce off CIA or NSA in
19 terms of, you know, what you're looking at, what you're
20 seeing, what are they seeing in this area?

21 A I don't think -- to use your phrase "bounce
22 off" I think misrepresents the process. That would
23 assume that it's not there already. [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED] [REDACTED]
 4 [REDACTED] [REDACTED]
 5 [REDACTED] I was the head FBI agent at
 6 counterterrorism. I reported to the assistant director,
 7 so as the assistant director, [REDACTED]
 8 [REDACTED]

9 So to say bounced off would suggest that the
 10 information is not there. That information sits there
 11 all the time. [REDACTED]

12 [REDACTED]
 13 [REDACTED] [REDACTED]
 14 [REDACTED] [REDACTED]
 15 [REDACTED] [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]

19 Q And would you do any name checks? Like, for
 20 instance in this case, Carter Page has some relationship
 21 with I guess I would say a government agency, but not
 22 speaking to Carter Page specifically, but you want to
 23 get a FISA on a John Smith. Is that something you'd try
 24 and check out? Hey, is this guy actually, you know,
 25 some deep cover agent for the CIA?

1 A Sure.

2 Q Is that part of the process?

3 A Part of the process in any investigative
4 measure is to identify your subjects and then learn
5 about those subjects. That includes checking other law
6 enforcement intelligence community databases to see if
7 there's any association or interaction to include work
8 on this.

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 BY MR. BAKER:

18 Q Would they tell you in that case there is a
19 source, or would they tell you we have no information to
20 your request?

21 A I don't know if I could speculate. I think
22 it would be an individual situation. I can't recall. [REDACTED]

23 [REDACTED]
24 [REDACTED]
25 [REDACTED] [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 Q So how it's handled might different differ
6 from --

7 A It's very -- I would say it's very
8 individual. And there's a process in place that should
9 be followed in general, but there are, of course,
10 exceptions to that process that unique circumstances may
11 dictate following more discussion.

12 BY MR. SOMERS:

13 Q To get more specifically to Crossfire
14 Hurricane, when did you become aware that the FBI wanted
15 to open the investigation that eventually became
16 Crossfire Hurricane?

17 A So that's not that straightforward of a
18 question, because there was a number of -- I think
19 there's a -- and I should probably caveat this from the
20 start that a lot of what I know today -- it's been three
21 years since I retired. It's been about four, four and a
22 half years since I was involved in many of the topics
23 regarding Crossfire Hurricane.

24 Fortunately, or unfortunately, there's been such a
25 blitz in the media; there's been such a large amount of

1 noise that I have a hard time at times distinguishing,
2 if somebody asks me a specific question, whether I knew
3 that at the time or I've learned that from the onslaught
4 in the media. So I'll try to tell you going forward I
5 know for a fact that this is something I knew prior or
6 if I can't recall how I knew it.

7 But when you talk about Crossfire Hurricane, the way
8 I recall it and what I think the media has somewhat
9 mistaken is there was a day when there was a switch that
10 was flipped on a Russian investigation. That's not how
11 it happened. There was a break-in, so to speak, in
12 terms of on the cyber side that occurred into a number
13 of places, to include the DNC. As that cyber-based
14 investigation kind of moved forward, there was evidence
15 that there were Russian actors behind it. That
16 investigation kind of moved forward.

17 There's always been long-standing investigative
18 interest and intelligence collection effort on foreign
19 influence efforts, all the countries you would suspect.
20 Those efforts were ongoing.

21 Then at some point, evidence was collected or
22 intelligence was collected -- I should make sure I use
23 the correct term. Intelligence was collected that
24 started to formulate that certain people associated with
25 the campaign may have inappropriate contact or

1 concerning contact with individuals. That's the
2 formulation of Crossfire Hurricane.

3 Now, in terms of time frame as to when specifically
4 the name "Crossfire Hurricane" and the form, best I can
5 recall, was summer timeframe, but that's --

6 Q So the investigation was formally opened on
7 July 31st of 2016. I guess what I'm really trying to
8 get at is what did you know before July 31st of 2016
9 about, hey, we want to open this investigation. I'm
10 trying to see when you were kind of looped in.

11 A So, again, Zach, there was a lot of
12 information going on about that foreign nation's efforts
13 on the cyber side, on the influence side. I don't know
14 that -- I can't recall that I was briefed specifically
15 on individuals prior to Crossfire Hurricane. I'm sure
16 at some point -- in general, the way the process worked
17 was at the morning directors' meeting, which Director
18 Comey held every morning at 8 o'clock or so, at the
19 conclusion of that general meeting, a small group stayed
20 behind to talk about more sensitive matters. We were
21 being briefed on, from the time I was the EAD, on a
22 number of sensitive matters in that forum, to include
23 concerns about individuals associated with the
24 presidential campaign.

25 At some point, I was briefed that there were

1 individuals involved. I don't recall how far in advance
2 of the July 31st opening, as you say, of the Crossfire
3 Hurricane investigation, but at some point, I was given
4 information. I just don't remember when.

5 Q Do you know who initially briefed you on
6 this, gave you information?

7 A I don't know who, but it would have been one
8 of three people.

9 Q Who are those three people?

10 A It would have been the AD Pete Strzok, the
11 DAD -- I'm sorry.

12 The AD Bill Priestap, the DAD Pete Strzok, or
13 Jonathan Moffa, who was the section chief over intel.
14 They were generally the ones that would come in and
15 brief the director, the deputy director, and myself and
16 others on those activities. And it would have been
17 likely, to be honest with you, that prior to that
18 morning brief Bill and Pete or just Bill would have come
19 into my office and said, hey, we've got something going.
20 This is what we're going to do.

21 I don't know if that happened, but that was often
22 kind of the flow of information.

23 Q And did you know they were going to, like, I
24 guess formally open Crossfire Hurricane on the 31st?

25 A I don't know that --

1 Q Not the date.

2 A Yeah. Yeah. I think that to your point, we
3 had talked about opening investigations on those
4 individuals I believe in that same forum in the morning,
5 so I want to say yes, but I can't be 100 percent sure.

6 Q So there's an electronic communication that
7 formally opens the case. You were in the approval chain
8 for like actually -- whatever -- entering it, signing
9 off on or approving that electronic communication?

10 A The EAD wouldn't be in the approval chain for
11 a case opening.

12 Q Do you know who would have been in the
13 approval chain for that?

14 A There's no -- if I recall, there's no set
15 standard in terms of who's in the approval. Certain
16 investigations or certain investigative techniques
17 require certain approval authorities, and so in terms of
18 the opening -- you say opening of a case?

19 Q Yes.

20 A The opening of a counterintelligence
21 investigation I think just requires -- it's a PI, a
22 preliminary investigation. It requires I think just
23 supervisory approval.

24 Q So SSA?

25 A SSA.

1 Q Could you disapprove the opening of Crossfire
2 Hurricane?

3 A Sure. A number of investigations are opened
4 up in the field I don't see -- I don't see any of those
5 opening statements or those opening electronic
6 communications.

7 Q But you were briefed on it beforehand. So
8 I'm not saying -- I'm just asking you technically could
9 have said, no, you can't open --

10 A Sure. I don't know -- it probably would have
11 required a little more than me just unilaterally saying,
12 no, the director's briefed on it, deputy director's
13 briefed on it, but probably have to have more than just
14 a no on my account. I mean, as the assistant director,
15 probably more appropriately that's a political position
16 where if you had serious concerns about a case that was
17 open in the field, that's probably the level where it
18 would be -- you would veto that, so to speak.

19 I don't recall ever -- as an EAD ever being involved
20 in a decision to open or close a case at that level. I
21 do recall having that decision discussion with the field
22 as an AD but not as an EAD.

23 Q So what was your understanding of what was
24 being investigated? What's the goal here?

25 A Of Crossfire Hurricane?

1 Q Yes, of Crossfire.

2 A So as I understand it, there were a number of
3 individuals that had contacts with individuals who were
4 connected to a foreign government.

5 Q And what -- so -- okay. So the contacts with
6 a foreign government, what are you going to investigate?
7 Whether they actually have contacts? What they're doing
8 with those contacts?

9 A Sure. Yeah. If tomorrow you go out and meet
10 with a Russian contact, we're going to open a
11 counterintelligence investigation on you to determine
12 what the relationship is. Is it just having a cup of
13 coffee, or is there something more to it? That's the
14 nature of counterintelligence investigations. That's
15 how you develop a source.

16 So if we see individuals having contact or
17 conducting suspicious activity with known individuals
18 that are known intelligence officers or associated with
19 that, that's the predicate. The predicate for a
20 preliminary investigation is very low by design.

21 Q What was your understanding of who George
22 Papadopoulos was? He's the initial name mentioned in
23 the July 31st electronic communication.

24 A Yeah, I don't -- I don't -- I can't give you
25 any details on what I knew about George Papadopoulos.

1 I'm not even sure I can walk you through, but I
2 believe -- no, I can't.

3 Q Same answer for Carter Page?

4 A Yeah. I mean, the names and the associations
5 are there, but to actually walk you through information
6 associated with each individual, I can't tell you.

7 Q But you definitely understood they were
8 associated with Trump in some way?

9 A Sure.

10 Q So, you know, you talked about how you
11 initially learned about it. How were you briefed/talked
12 to about it going forward throughout the investigation?

13 A In a similar manner. So periodic updates
14 generally either privately from Bill Priestap, who's my
15 direct report as the assistant director, or perhaps Bill
16 with Pete. Probably even more frequently at the morning
17 skinny-down meeting, so to speak, with Director Comey.
18 Skinny-down meeting, again, was a larger meeting. Then
19 most folks would be asked to leave except for the
20 director, the deputy director, general counsel, the
21 director's chief of staff, myself, and a few others.

22 Q I'm just looking at a quote from the IG's
23 Report here. It says, "Priestap said he'd briefed
24 Steinbach nearly every day on the case and provided
25 Comey or McCabe with updates on an as-needed basis."

1 So I'm just trying to -- I was looking at the first
2 clause there, "Priestap said he'd briefed Steinbach
3 nearly every day on the case." What did that consist
4 of? Was that just you and Priestap?

5 A Sure. I'm not going to disagree with Bill's
6 assertion. So Bill would talk to me on an ad hoc basis,
7 sometimes coming into my office right after morning
8 briefings. Every afternoon I had a closeout briefing
9 with my AD, including Bill, as appropriate, same thing.
10 Other people would be in my office, and Bill would brief
11 me on it. So every day? I'll sign off on that.

12 Q Okay. And what did these briefings consist
13 of? How specific are we talking about here?

14 A Not specific. Just general updates on where
15 we were at.

16 Q Were investigative steps discussed at these
17 briefings?

18 A It could be.

19 Q So, for instance, were you told ahead of time
20 that, hey, we're going to have to run a confidential
21 human source at George Papadopoulos or Carter Page?

22 A I may have been.

23 Q But you can't recall?

24 A I can't recall, no.

25 Q Were you told before a FISA, hey, we're going

1 to go seek a FISA on Carter Page?

2 A Yeah, I may have been. Neither of those
3 investigative techniques were alarming, particularly
4 with confidential human sources. That's one of the
5 first steps you do in an investigative process. You try
6 to build up a network of informants to work against your
7 subject.

8 Q Why?

9 A Why?

10 Q Yeah.

11 A Because when you look at developing
12 intelligence or evidence on the criminal side, covertly
13 or quietly watching a subject only gets you so much.
14 Records checks only get you so much. At some point, you
15 have to take increasing levels of investigative steps
16 and more intrusive steps. In the investigative
17 guidelines, it -- FBI agents kind of views a
18 confidential human source as one of the basic levels to
19 have somebody bump into your subject to learn what that
20 person's saying or thinking. So that's a pretty
21 straightforward step for an FBI agent.

22 Q Is it generally a reliable source of
23 information?

24 A Absolutely not.

25 Q Do you generally think that the source is

1 going to be truthful, honest, a little bit more open?

2 Is that why you run a confidential human source?

3 A Of course you do. The sources are not going
4 to be truthful. I've never had a source ever tell me
5 the truth completely. Even a source in almost all cases
6 is doing it for some ulterior motive: Get himself out
7 of a jam, for money.

8 Q I'm sorry. I think I probably misstated my
9 question. Let's say that you take the step of having a
10 confidential human source wear a wire to record -- or in
11 some means record the conversation between the
12 confidential human source and the subject target,
13 whatever we want to call them.

14 Do you generally try and record those conversations
15 because those conversations -- the evidence gained in
16 those conversations is reliable?

17 A It's -- well, it's good for a number of
18 reasons. I mean, certainly, although you want to trust
19 your source, and no smart agent does, you want to get
20 the information clear. From an evidentiary perspective,
21 of course having a recorded conversation is much more
22 powerful than just a source with a maybe sordid
23 background telling you.

24 So there's a number of reasons you may want to use
25 that information and then go back to the subject and

1 play it to him to help convince him to cooperate. So I
2 would say the introduction of a confidential human
3 source into an investigation is an initial step, a more
4 refined step, but then have that source conduct tasks to
5 include wearing a wire, depending on the circumstances.

6 Q Were you briefed at all on results of the
7 wearing of wires to -- or I don't know if it was a wire,
8 but however George Papadopoulos was recorded by
9 confidential human sources? Were you briefed on the
10 results of those recordings?

11 A I don't recall.

12 Q Would it surprise you that the IG Report
13 indicates that Papadopoulos denied that he had any
14 involvement? Were you ever briefed on that?

15 A So if I -- I'm going to caveat this with that
16 I'm not a hundred percent clear, but I do recall one of
17 the subjects, some of the sources we bumped up we got
18 then no useful information. I believe that's
19 Papadopoulos, perhaps from the Chicagoland area if I'm
20 not mistaken, but you're asking me something from some
21 time ago.

22 Q You don't recall being told that he denied
23 any involvement?

24 A Not specifically.

25 Q Do you recall him saying, oh, that would be

1 treason to be involved with the Russians or collusion
2 with the Russians?

3 A Do I recall it? No.

4 Q Were you aware that information was not
5 included in the Carter Page FISA application?

6 A No, I was not.

7 Q Were you aware that Carter Page similarly
8 denied, for instance, knowing Paul Manafort?

9 A I don't have any knowledge or recollection of
10 specific statements made by either of those subjects.

11 Q Were you ever aware of any general concerns
12 of, okay, we recorded Carter Page through a confidential
13 human source and we didn't get what we wanted? Was that
14 ever raised to you in a more general sense?

15 A Didn't get what we wanted? No. So, I mean,
16 you're asking a generalized question. I would argue
17 that -- I'll just state that you record -- when you bump
18 a confidential human source and you record those
19 conversations, there are lots of statements made by the
20 confidential human source that -- or I'm sorry -- by the
21 subject in those wire recordings that may not be
22 accurate or truthful statements.

23 So am I aware of either there are statements against
24 or for? I don't have any specific knowledge of what
25 they said in their conversations with the source or what

1 was recorded so, no. But if you're asking me am I
2 surprised or do I have some level of disbelief that they
3 denied? That doesn't surprise me at all. As I
4 mentioned, that's fairly common.

5 Q Yeah. No. What I'm more asking more
6 generally is Carter Page, George Papadopoulos are both
7 recorded prior to the first FISA application being
8 submitted to the court, and I was just wondering if in
9 any of your daily briefings with Steinbach or someone
10 else someone raised a concern about what they received
11 on the recordings from the confidential human source.

12 A No. And so in the EAD's position, I wouldn't
13 be involved in the day-to-day investigative steps. I
14 was being briefed at the strategic level. I didn't
15 follow either that counterintelligence investigation
16 that closely or any other ones or in the hundreds of
17 counterterrorism investigations on the other side of the
18 house. So I would get updates at a strategic level, but
19 I wouldn't be apprised on a day-to-day basis of this
20 investigative stuff happened, and I didn't ask.

21 Q I think you kind of answered this, but I'd
22 like to just ask it again. So in these meetings with
23 Priestap where he's giving you updates on Crossfire
24 Hurricane, did he ever ask your approval for any steps
25 in Crossfire Hurricane?

1 A Not that I recall.

2 Q And he wouldn't have needed to? He could
3 have run with this?

4 A I think that he would have been briefing me
5 for strategic direction or approval, but not on
6 specifics. From a specific investigative point of view,
7 he wouldn't saying can I do step 1, 2, 3. That wouldn't
8 be par for the course.

9 Now, this investigation had of course a lot of
10 sensitive parts to it. So there were conversations that
11 went on more holistically at Director Comey's table with
12 the general counsel where broad-ranging conversations on
13 the direction of the investigation on where the
14 direction should go, so that was more probably the
15 strategic approval processing. Hey, we're good with you
16 going down this road and whatever steps are necessary to
17 meet those objectives are approved.

18 But I don't recall ever briefing a particular
19 investigative step or Priestap asking me for approval on
20 a specific investigative step.

21 Q Did you ever have interactions with Pete
22 Strzok on this?

23 A Sure.

24 Q Did he brief you on it?

25 A Yeah. He briefed me generally when Bill

1 wasn't available. So when Bill was not available at the
2 office and Pete was his acting for the day, Pete would
3 come in and brief me, or if there was a morning briefing
4 with Director Comey, often Pete was the briefer. Bill
5 was present and I was present, so I had a lot of
6 interaction with Pete.

7 BY MR. BAKER:

8 Q And Mr. Strzok would sit where on the org
9 chart? You're at the top of the national security
10 apparatus as the EAD and of course as deputy and
11 director. Bill Priestap's below you as the assistant
12 director. Where does Mr. Strzok fall?

13 A So Bill Priestap was the assistant director
14 of counterintelligence division, and he had three deputy
15 assistant directors. Pete was one of them.

16 Q Who were the other two?

17 A I don't recall. Maybe three. Maybe four. I
18 don't remember.

19 Q And then below --

20 A If you'd give me some time, I'll remember.

21 Q But below Pete. Who would be below
22 Mr. Strzok? Who would be below him? The SSAs?

23 A No. There would be a number of section
24 chiefs and then below section chief would be unit chiefs
25 and then below unit chiefs would be supervisors.

1 Q Do you remember any of the section chiefs' or
2 unit chiefs' names?

3 A No. The only section chief that I
4 recall -- again, if you remind me -- I met with the
5 section chiefs and even unit chiefs periodically, you
6 know, so on an occasional basis. And I'd probably
7 recall some of them if you threw their names in front of
8 me, but not right now.

9 Q And then will there be intel analysts
10 embedded in that apparatus too?

11 A Sure. That would be the headquarters program
12 management structure. There would be -- and that is
13 separate from the field offices' chain of command.

14 BY MR. SOMERS:

15 Q So these meetings with Director Comey,
16 Priestap would be in these meetings, generally?

17 A Generally.

18 Q So he might miss a couple. Strzok is in
19 these meetings generally or only when Priestap's not
20 there?

21 A No. There were times -- the morning meetings
22 with Director Comey were always attended by his
23 assistant directors, so Pete wouldn't be in that
24 meeting. However, there were times, maybe a couple
25 times a week where director would excuse everybody

1 except for a small handful.

2 At that point, Pete and perhaps Jonathan Moffa and
3 some deputy general counsels will come in specific to
4 Crossfire Hurricane to provide that very specific
5 briefing. That happened -- I don't know. There were
6 times it happened daily. There were times it happened
7 once a week. I don't recall, but that would be
8 generally the mechanism. And Pete would come in at the
9 request of Bill Priestap to provide some strategic
10 briefing on Crossfire Hurricane or what other matters
11 therefore.

12 Q Did Lisa Page attend those meetings?

13 A Yes. She attended as the special assistant
14 to the deputy director, and I don't know that she
15 attended all of them. I would say that generally she
16 was not in the morning briefing with the director, and I
17 don't know that she came in for the morning briefings
18 with Pete. Perhaps one time, but I can't recall.

19 Q And McCabe was in these meetings?

20 A Well, he was deputy director. He was in the
21 meetings up until a point I think, and then if I recall,
22 he excused himself and from that point on Dave Bowdich,
23 who was the associate deputy director, stepped in to
24 fill Andy McCabe's position.

25 Q Did lawyers attend any of these meetings?

1 A Most of the meetings.

2 Q Did [REDACTED] attend these meetings?

3 [REDACTED]: I'm going to object. These are
4 non-SEsers. We don't want their names on the record.

5 Mr. Somers: All right. We can redact the names
6 from the record, but you'll have to explain to the
7 witness who everyone's identifier is.

8 [REDACTED]: I'm sorry?

9 Mr. Somers: I'm happy to redact from the record
10 their names, or we can get the chart out, and I can ask
11 him by their identifiers in the IG Report, but you're
12 going to have to tell him who each one of these
13 individuals is.

14 [REDACTED]: I don't think we're going to identify
15 them at all by name. So you can refer to them as a unit
16 chief, but we're not going to be referring to them by
17 name.

18 Mr. Somers: Okay. My only point is I'm not sure
19 the witness knows the identifiers.

20 [REDACTED]: We're not going to be identifying people
21 who people are in the report who aren't identified.

22 Mr. Somers: Okay.

23 [REDACTED]: And so, in other words, you're asking him
24 if case 1 is John Doe. We're not going --

25 Mr. Somers: No, I'm not asking him -- I know who

1 they are. I'm not asking to identify them. I'm saying
2 I'm not sure that if I asked the witness who the OGC
3 unit chief is if he knows who that is.

4 The Witness: I don't know who that is. A unit
5 chief wouldn't likely be at that meeting.

6 BY MR. SOMERS:

7 Q You just said that the chief would be at the
8 meetings. That's what I'm saying.

9 Mr. Somers: I'm happy to redact the names out of
10 the transcript.

11 [REDACTED]: And I'm going to ask the witness not to
12 identify non-SESer names.

13 Mr. Somers: If I ask the witness a question, are
14 you going to, in a sidebar, tell the witness the name of
15 the person, and we'll just keep it to the identifier?

16 [REDACTED]: I can sidebar with him.

17 Mr. Somers: I'd like to ask him whether the OGC
18 attorney identified on page 82 was in any of these
19 meetings.

20 [REDACTED]: Give us one minute.

21 Mr. Somers: Okay.

22 [REDACTED]: We may want to go back and visit some of
23 the names, but I'll give you a little bit of leeway of
24 this, and we'll see how we can do it.

25 Mr Somers: Okay.

1 ██████████: You said 82?

2 Mr. Somers: 82. There's two. I just want to ask
3 about two people. I can tell you who they are, but if
4 you want to converse so we're both asking about the same
5 person. I can say it off the record.

6 ██████████: Let's go off the record.

7 (Discussion off the record, after which a recess was
8 taken.)

9 BY MS. ZDEB:

10 Q Mr. Steinbach, right before the break,
11 Mr. Somers was asking you some questions about a
12 conversation between George Papadopoulos and a
13 confidential human source. I had just a couple of
14 follow-up questions about that.

15 So in your experience, do targets or subjects of an
16 investigation sometimes deny that they are engaged in
17 criminal conduct?

18 A Sure. All the time.

19 Q And I think you said earlier that it was
20 fairly common for subjects to not be completely truthful
21 when talking to a confidential human source.

22 A Sure. Yeah. Yes.

23 Q And in your experience, should an agent or a
24 prosecutor stop investigating a particular individual
25 just because that individual denies engagement in

1 criminal conduct?

2 A Course not.

3 Q Should the FBI shut down a
4 counterintelligence investigation just because a subject
5 happens to deny wittingly working with a foreign
6 government?

7 A The FBI should not shut down that
8 investigation.

9 Q And so, in other words, there could still be
10 a very legitimate need to investigate because that US
11 person could be wittingly working with a foreign
12 government or could be unwittingly working with a
13 government, but in either case there might still be a
14 legitimate basis to investigate?

15 A Correct.

16 Q To the extent that denials by
17 Mr. Papadopoulos were not disclosed to the FISC in one
18 of the FISA applications, should they have been?

19 A So I couldn't comment. I mean, you're asking
20 a question. I think I would have to look at the
21 totality of the situation. The FISC should have
22 information necessary to make informed decisions. That
23 statement by and in itself I can't answer.

24 Q You may be aware from your review of the
25 Inspector General's Report that Director Wray said that

1 the FBI is taking a number of corrective actions in
2 response to the FISA errors that the IG identified.

3 Do you have any reason to believe that the FBI is
4 not taking appropriate steps in response to the IG's
5 Report?

6 A I don't really have any firsthand knowledge
7 either way. I'm not in the FBI any longer. I think
8 I've had one off-line comment with a supervisory
9 individual, and that person described training he was
10 taking with respect to FISA, but I couldn't comment as
11 to whether Director Wray or the FBI were taking it
12 seriously or not taking it seriously. I was just not
13 involved.

14 Q But you certainly have no basis to say that
15 they are not taking it seriously?

16 A Correct. Correct.

17 Q Thank you.

18 BY MS. CALCE:

19 Q So my colleague was just asking you a little
20 bit about the Inspector General's Report. As you may
21 know, the Inspector General examined more than a million
22 documents and interviewed more than 100 witnesses.

23 Were you among the people that he interviewed?

24 A I have had several IG investigations, and I
25 believe that was one of them, yes.

1 Q Do you remember if he interviewed you once?
2 Multiple times?

3 A So in totality between the Clinton e-mail
4 investigation and the Russian influence investigation,
5 since I've left the FBI, I think I've been interviewed
6 seven or eight times by IG, by DOJ, by WFO, by the US
7 Attorney's Office, all those as a witness I should say.

8 Q And did you provide complete and truthful
9 answers to the IG in those investigations or to any of
10 them with whom you've spoken?

11 A Yes.

12 Q Do you remember if you provided any documents
13 in connection with the IG's investigation?

14 A I've not provided documents to anybody. I
15 don't have documents to provide.

16 Q Did the Inspector General ever complain that
17 it needed more information from you?

18 A No.

19 Q And you said that you had -- you had your
20 team review the -- you read the summary and you had your
21 team review the full report. Did you --

22 A No. Let me clarify that. So my secretary
23 did a Google search of my name and just gave me the page
24 where I was referenced, and I scanned through them. So
25 that's the extent of my review.

1 Q Did you ever -- did you have the opportunity
2 to review the draft report before it was made public?

3 A No.

4 Q And the sections of the report that you did
5 review, was there anything inaccurate in your view?

6 A Not that I recall, no.

7 Q Okay. So before the break, we had spoken a
8 little bit -- you had mentioned a couple times that
9 perhaps you didn't review something, but the AD did.
10 Who was the AD?

11 A Bill Priestap.

12 Q And so I just want to ask a little bit about
13 your relationship with Mr. Priestap. What was your
14 relationship with him?

15 A I was his direct supervisor.

16 Q How long did you work with him?

17 A I think Bill and I were first office agents
18 in Chicago back in the late '90s. I didn't know him
19 well, and we knew each other by name. In the first
20 opportunity where I began to work with Bill more closely
21 was when I came back to headquarters as the
22 assistant -- first as the deputy and then as the
23 assistant director of counterterrorism.

24 At some point, he also returned to headquarters,
25 probably when I started to have -- first as a colleague

1 because he was also the assistant director, and then as
2 his boss, so probably -- I've known him -- the name for
3 20 years. In terms of a working relationship, over the
4 last two years of my career I had a close and continuing
5 working relationship with him.

6 Q And what is your professional opinion of him?

7 A Bill is a -- I'd describe Bill as a very
8 astute intellectual. He sees the big picture. I was
9 very impressed with his ability to see the big picture
10 in intelligence and kind of develop a thought process
11 around that, so he had very good intelligence instincts.

12 Q And do you believe that Mr. Priestap was
13 honest?

14 A Absolutely.

15 Q I want to talk a little bit about the opening
16 of the Crossfire Hurricane, and I know Mr. Somers and
17 Mr. Baker talked about that before the break, and you
18 had said that your recollection was not crystal clear,
19 but we kind of just want to get your expert opinion,
20 based on your 22 years with the FBI, whether you knew
21 this information at the time or whether you learned
22 about it in the press afterwards if certain things that
23 took place before the opening of the investigation would
24 have been significant.

25 So can you explain why the investigation was opened,

1 in legal terms what the predicate was?

2 A Predicate for Crossfire Hurricane?

3 Q For Crossfire Hurricane.

4 A So, again, from my perspective as I recall
5 it, there were investigations that kind of bled into
6 that. There were -- you know, there was a cyber
7 investigation, and there was a larger Russian influence
8 or Russian intelligence collection effort by the
9 counterintelligence division.

10 As I understand, the predicate for the individuals
11 that are now known as Crossfire Hurricane in each
12 instance singularly those individuals had some
13 interaction with a known or suspected or somebody
14 associated with a known or suspected foreign adversary,
15 a foreign intelligence officer.

16 Q And looking at the investigation as opposed
17 to -- looking at the investigation as a whole as opposed
18 to the individuals, you know, the Inspector General's
19 Report noted that in March and in May 2016 FBI field
20 offices identified a spear phishing campaign that was
21 perpetrated by the Russian military intelligence agency
22 and targeted e-mail addresses at the DNC and Hillary
23 Clinton campaign, and there were attacks on the DNC and
24 DCCC computer networks.

25 Can you explain why that would have been a

1 significant factor as far as the predicate of Crossfire
2 Hurricane goes?

3 A Well, I want to be clear that's not
4 necessarily a factor for Crossfire Hurricane. You can
5 have -- so the spear phishing campaign, as you call it,
6 or the cyber intrusion was identified associated with
7 foreign governments is significant in itself. I don't
8 know that there was a connection between that Russian
9 influence and these four actors at the very start as I
10 recall.

11 The fact of individuals on their own had contact or
12 some association is enough to open up a predicate on an
13 investigation. So I've not seen the opening
14 communication for any of those four subjects if it
15 references that cyber investigation or not. Whether it
16 does or not from my perspective based on my experience,
17 that's not a major factor. There's enough on those four
18 individuals regardless of what happened in the spring
19 with respect to the cyber attack.

20 [REDACTED]: Can I ask a question? Are you
21 reading from the IG Report?

22 Ms. Calce: I am.

23 [REDACTED]: What page number?

24 Ms. Calce: That was page 49.

25 BY MS. CALCE:

1 Q Mr. Priestap told the Inspector General, and
2 this quote is from page 53 of the report, that the
3 combination of the friendly foreign government
4 information and the FBI's ongoing cyber intrusion
5 investigation at the DNC has created a
6 counterintelligence concern that the FBI was, quote,
7 obligated to investigate.

8 Do you have any reason to dispute Mr. Priestap's
9 explanation of why he began this investigation?

10 A No. He's the assistant director of
11 counterintelligence. He's much more closer to the
12 information than I am or would have been, I should say.

13 Q And do you understand what Mr. Priestap would
14 have meant by counterintelligence investigation?

15 A Yes.

16 Q And what is your understanding of what he
17 meant?

18 A So he's saying that a friendly foreign
19 government, in this case a partner of ours, provided us
20 information suggesting there was a contact, there was a
21 connection between an individual and a foreign
22 government. That along with previous actions such as
23 cyber was all driving towards one overarching
24 counterintelligence -- or I'm sorry -- intelligence
25 operation.

1 Q And the phrase "counterintelligence" concerns
2 specifically -- what is that understood to mean? What
3 do you understand that to mean?

4 A So intelligence operations are just what they
5 are. Operations designed to gather intelligence
6 generally refer to, in the case of a foreign government,
7 a foreign government trying to gather intelligence on in
8 this case the United States. Counterintelligence is
9 just that. An effort to counter those intelligence
10 operations.

11 Q And do you agree that the information that
12 Mr. Priestap had described as having created a pattern
13 of intelligence concerning -- the FBI was obligated to
14 investigate? Do you agree that that created a
15 counterintelligence concern that the FBI was obligated
16 to investigate?

17 A Yeah, and I'll back up. So whether you're
18 talking about counterintelligence or counterterrorism,
19 on the national security side of the house we learned a
20 long time ago that to prevent an action versus being
21 reactive requires you to start much earlier to gather
22 intelligence. By nature, counterterrorism and
23 counterintelligence investigations at the start have
24 very low predicate by design.

25 Many counterterrorism and counterintelligence

1 investigations don't go anywhere based -- or further
2 than the initial predicate, and that's just the nature
3 of intelligence investigation. But to ensure the
4 national security of the United States, we open up on a
5 very low bar to ensure that we identify and proactively
6 prevent either terrorism or intelligence operations
7 against the United States.

8 BY MS. ZDEB:

9 Q And I think you said earlier when you were
10 discussing the chain of command for purposes of opening
11 a counterintelligence investigation, that although that
12 decision resided primarily with Mr. Priestap that you
13 technically you could have said no, although you would
14 have needed to also have made your case to the director
15 and the deputy director.

16 If you believed that there was not an adequate
17 predicate to make that case, would you have said no to
18 try to make that case?

19 A Let me back up. So a typical national
20 security investigation would not be approved by either
21 the EAD, the executive assistant director, nor the
22 assistant director. It wouldn't go to Priestap.
23 Perhaps -- I don't know. Perhaps in this case because
24 of the nature Bill played a particular role in that, but
25 normal investigations, Bill would not be part of the

1 investigative approval process.

2 To be more specific to your question, if I had
3 concerns about the predicate behind any national
4 security investigation, I could -- I could intervene at
5 my level and have that investigation closed.

6 Q And so the fact that you didn't intervene and
7 attempt to have the investigation closed or -- I guess
8 more accurately -- not open in the first place,
9 presumably is a reflection of the fact that you didn't
10 have concerns about the predicate?

11 A I had no concerns about the predicate or the
12 fact that we were pursuing Crossfire Hurricane further.

13 BY MS. CALCE:

14 Q The Inspector General found that there was no
15 documentary or testimonial evidence that political bias
16 or improper motivation influenced the decision to open
17 the investigation.

18 Did bias or improper motivation influence any of
19 your actions regarding the opening of the Crossfire
20 Hurricane case?

21 A No. Nor am I aware if influenced by any
22 member of my staff or the Director's Office.

23 Q Do you have any evidence that bias or
24 improper influence influenced any decision that
25 Mr. Priestap made with respect to Crossfire Hurricane?

1 A No.

2 Q Do you have any evidence that bias or
3 improper motivation influenced the actions of Mr. McCabe
4 with respect to the opening of Crossfire Hurricane?

5 A No.

6 Q And do you have any evidence that bias or
7 improper motivation influenced the actions of Director
8 Comey with respect to Crossfire Hurricane?

9 A No.

10 BY MS. SAWYER:

11 Q Thanks, Mr. Steinbach. We appreciate you
12 being here, and I'm sorry we're a little bit
13 tag-teaming, but I just had a couple questions for you
14 as well.

15 And I want to explain where I'm coming from in my
16 questions to you. Because you may have observed, if
17 you've been watching the news, that there have been
18 questions raised as to whether there was ever a
19 legitimate reason to open Crossfire Hurricane, and it's
20 been put as whether there was ever any there-there.

21 And I know you've explained to us that you're not
22 entirely clear sitting here today what specifically you
23 knew then and what you've learned since, but I want to
24 ask you some questions just based on -- I mean, you're
25 the expert here. You were the head of the division that

1 was counterintelligence and counterterrorism. You know,
2 we're not experienced in that regard.

3 But when I look at these facts, it seems like a
4 clear case to me, but I just want to ask you some of the
5 facts, and you've explained already that at the time the
6 FBI was aware that there had been cyber intrusions,
7 hacks of US computer systems, including the Democrat
8 National Committee's computer systems; is that correct?

9 A Yes.

10 Q And can you explain why that itself created a
11 concern and it warranted investigation?

12 A Warranted the investigation on the cyber
13 side, or are you talking about Crossfire Hurricane?

14 Q I'm talking about an investigation, period --

15 A Well, sure.

16 Q -- whether or not it was Crossfire Hurricane
17 yet.

18 A And, again, my recollection of the situation,
19 this is not one singular investigation that's kind of
20 moving through the course of 2016. There's a number of
21 factors. We've been aware for a long time that foreign
22 adversaries such as China, Russia, and others collect
23 intelligence on United States. They do so in a variety
24 of different ways: using human sources, using cyber
25 techniques, and other technical collection measures.

1 Any time we identify cyber intrusions that are
2 associated with a nation state are a concern to us.
3 It's not uncommon and it happens all the time, but it's
4 a concern, particularly when they are successful,
5 particularly when they are focused not only on the
6 private sector, but on institutions, and in this case
7 our political institutions like the DNC or the RNC.

8 I'm going to go off a little bit. So my opinion is
9 that it was completely appropriate for us to open up
10 counterintelligence investigations on those individuals
11 with or without the preceding cyber investigations or
12 preceding cyber intelligence.

13 As I mentioned to Zach earlier, if an individual has
14 contact or associations with a foreign government's
15 intelligence operatives or suspected intelligence
16 operatives or someone associated with that, we have to
17 go take a look into that matter. It has nothing to do
18 with that individual's -- it does not necessarily have
19 anything to do with that individual's position, the fact
20 that he is in a campaign or for a Democrat or
21 Republican. By the nature of this contact or alleged
22 contact or belief, we will have to look into that.

23 Now, it may be innocuous. There may be nothing to
24 it, but the FBI would be highly scrutinized and should
25 be if they did not follow that investigative lead.

1 Counterintelligence investigations are very difficult.
2 We've had a number of high-profile spies that have
3 caused significant. When you look at the history of
4 those investigations, you'll find that there were a lot
5 of warning signs that were unheeded. I hope today the
6 FBI continues to open up and robustly pursue
7 counterintelligence investigations when there's
8 appropriate predicate.

9 So I don't find anything unusual in the steps that
10 we took. When I was briefed on it, I found the actions
11 and the processes in accordance with our standards.

12 Q So specifically with regard to
13 Mr. Papadopoulos, the FBI did come to learn that he had
14 been told or that he had told someone that he had been
15 told in April of 2016 that Russia had e-mails -- had,
16 quote, dirt on Hillary Clinton in the form of, quote,
17 thousands of e-mails and that they were willing to
18 release them anonymously in order to harm Hillary
19 Clinton's campaign.

20 Would learning that have been alarming enough or a
21 sufficient predicate or some there-there to open an
22 investigation?

23 A So I guess, first of all, what you're saying
24 I recognize, but I don't know if I recognize it from my
25 time or all the media. Taking it on its own your

1 statement is absolutely concerning. I don't know that I
2 can clearly say in the spring of '16 I knew that, but I
3 have heard since or now it's part of my recollection on
4 the Papadopoulos' stories particularly, but that by
5 itself is a concerning statement, yes.

6 Q And to be clear, I understand your concern
7 because you can't recall whether you knew it and exactly
8 when you learned it. What I'm asking really honestly,
9 not to try to trip you up on that, is sitting here as a
10 counterintelligence and counterterrorism expert, if I
11 give you these facts for your opinion as to whether or
12 not that's a sufficient predicate. So you don't have to
13 reanswer. I'm just clarifying.

14 We have actually seen that opening document on the
15 investigation, and it indicates that that information
16 came to the FBI on or about July 26th of 2016 for the
17 first time, even though Mr. Papadopoulos had told
18 someone associated with a friendly foreign government
19 back in April, and it's just my understanding that the
20 reason the friendly foreign government then told our
21 government was because WikiLeaks had just released
22 20,000-plus e-mails that appeared to have been hacked
23 from the DNC.

24 Do you recall learning those facts at any point in
25 time?

1 A Vaguely. I mean, my recollection is not a
2 hundred percent on the timeline and those topics. I
3 recall the friendly foreign government, if I remember
4 correctly, struggled with the decision because it did
5 not want to appear to be involved in a political
6 situation. They ultimately made the decision because
7 they felt that a foreign government was taking
8 inappropriate steps, but I don't recall to your point
9 the timeline of WikiLeaks.

10 All that does resonate. I'm just not sure how I
11 recall it specifically.

12 Q And if a friendly foreign government had come
13 with that information, would that have been concerning,
14 enough of a legitimate predicate, a there-there for
15 opening a counterintelligence investigation?

16 A Yeah. So when you look at the -- when you
17 look at the investigating guidelines for the FBI in
18 terms of opening an investigation, it specifically talks
19 about things and levels and confidence levels of
20 investigation. So I would not be able to open an
21 investigation say on a mere hunch that you were a spy.
22 If somebody told me you were a spy, that's at a certain
23 level, so you have to consider the source and motivation
24 of the source, and then you move your way up.

25 A foreign intelligence person or a foreign

1 government has a lot of clout behind their information.
2 They come to us, particularly a close partner, and
3 provide us intelligence. That's a threshold that's very
4 significant. So for them to provide this information
5 did and should have been rightfully taken very
6 seriously.

7 Q So another legitimate factor that was weighed
8 into it was the source, that this was a friendly foreign
9 government [REDACTED] who was providing us with this
10 information?

11 A Absolutely.

12 Q So moving from Mr. Papadopoulos to Mr. Page,
13 it's my understanding that reasons articulated by the
14 FBI as to opening an investigation that involved
15 Mr. Page cited to recent trips he had taken in July of
16 2016 to Moscow and the fact that he may have met with
17 individuals associated with the Russian government while
18 there.

19 Would that type of information have provided a
20 sufficient predicate for the opening of an investigation
21 that involved Mr. Page?

22 A To be clear so, yes. First of all, I don't
23 know that I knew it at the time, but what you've just
24 stated on face value, absolutely. It would be enough
25 proof for an investigation.

1 Q And then with regard to Mr. Manafort, who was
2 at the time the campaign manager for Donald Trump's
3 campaign, facts recited by the FBI as a basis for
4 opening a counterintelligence investigation involving
5 Mr. Manafort included the fact that he had close ties
6 with individuals associated with the Russian government,
7 including potential Russian oligarchs.

8 Would that have been a sufficient basis for opening
9 a counterintelligence investigation that involved
10 Mr. Manafort?

11 A Yes. So I want to make sure I'm clear. So,
12 like, there's a little bit of a nuance to this, right?
13 So when you say close association to an individual from
14 a foreign government, so if Mr. Manafort had an ongoing
15 business relationship that was out in the open, that
16 would be one level of detail. If Mr. Manafort had a
17 clandestine or covert relationship, that would be
18 another level of detail.

19 So there is some nuance to the relationship piece.
20 So if I -- if I -- again, to make sure I'm clear, if the
21 relationship -- I'm not saying in either case it would
22 not be grounds to open an investigation. You have to
23 take a look at the manner of the contact. Outward and
24 public contact, say, at a conference is one level of
25 detail versus a more clandestine covert relationship is

1 something else. But, in general, there would be concern
2 if there was contact.

3 Q And in the Inspector General Report of the
4 FISA applications on Carter Page, on page 60 it does
5 recite some of the rationales, and it says, "Regarding
6 the articulable factual basis on Manafort," it says,
7 quote, May wittingly or unwittingly be involved in
8 activity on behalf of the Russian Federation which may
9 constitute a federal crime or threat to the national
10 security, and they then go on to cite that he had
11 extensive ties to pro-Russian entities of the Ukrainian
12 government.

13 That articulation of a basis, a there-there for
14 opening a counterintelligence, in your experience, would
15 that have been sufficient?

16 A Yes. And, again, I think it's key. I think
17 Zach brought it up earlier. Witting or unwittingly, and
18 I was saying that the individual was wittingly an
19 individual. He may be -- just by nature be being used
20 as a pawn unwittingly. So there are times when the
21 counterintelligence investigation certainly identifies
22 somebody who's unwittingly being targeted.

23 Q And then with regard to Mr. Flynn, again, it
24 articulated that quote, He may wittingly or unwittingly
25 be involved in activity on behalf of the Russian

1 Federation which may constitute a federal crime or
2 threat to national security, and then cites to, quote,
3 various times to state-affiliated entities of Russia and
4 the fact that he traveled to Russia in December of 2015.

5 Would that have been a legitimate factual predicate,
6 a there-there, for opening a counterintelligence
7 investigation on Lieutenant General Flynn?

8 [REDACTED]: Can you repeat the page again?

9 Ms. Sawyer: It's page 60.

10 The Witness: Can you repeat that again?

11 BY MS. SAWYER:

12 Q Sure. With regard to Mr. Flynn --

13 A Yes.

14 Q -- who was also at the time working with the
15 Trump campaign as at least an informal advisor, the
16 Inspector General Report reflects that once again the EC
17 for opening an investigation on Mr. Flynn stated that
18 he, quote, May wittingly or unwittingly be involved in
19 activity on behalf of the Russian Federation which may
20 constitute a federal crime or threat to the national
21 security, end quote. And it just goes on to note that
22 he had various ties to state-affiliated entities of
23 Russia and traveled to Russia in December of 2015?

24 And my question was whether or not those facts would
25 have provided an adequate predicate, a there-there, for

1 opening a counterintelligence investigation on
2 Mr. Flynn.

3 A Yes.

4 Q Can you explain why in your experience that
5 would have been sufficient?

6 A Again, I'll go back to what I've said several
7 times today. Any time an individual has contact or
8 association with a foreign government or an adversary
9 such as Russia in their intelligence apparatus or
10 individuals associated with their or believed to be
11 associated with their intelligence apparatus, there's a
12 concern, and so due diligence would require that we
13 continue to look into that.

14 It could be witting. It could be unwitting. It
15 could be nothing at all. But the FBI would be roundly
16 criticized if we do not follow through on one of those
17 investigative leads.

18 Q So you said the FBI would have been roundly
19 criticized had they not followed those leads. Do you
20 think they would have been rightly criticized if they
21 hadn't followed those leads?

22 A Yes. Absolutely. Again, there's been a
23 number of intelligence failures in recent memory, and in
24 every single instance when you do a group analysis and
25 you look back at the facts, there was evidence or

1 intelligence we should have followed up on that was not.
2 So you try to learn from those. And so I think from a
3 counterintelligence and a counterterrorism perspective,
4 we teach our agents and analysts to leap forward.

5 Q You have mentioned a few times and in fact
6 the ECs in opening on these individuals mentioned that
7 the potential participation in Russian interference
8 could have been wittingly or unwittingly. There have
9 been questions raised as to why, if it was potentially
10 unwittingly, the FBI didn't simply go to these four
11 individuals and alert them and ask them if they were
12 participating.

13 Now, Mr. Priestap was asked that question during the
14 Inspector General review, and he explained the concern
15 that it could inadvertently tip off individuals who were
16 interfering. But from your perspective, I would just
17 like to have an understanding as to why the FBI would
18 not have gone to these individuals and just said to them
19 this is their concern, that you may be working with
20 Russia wittingly or unwittingly.

21 A It's a good question. It's a valid question
22 to ask, and it's a subjective call in each instance, and
23 it's based on a totality of the facts known at the time,
24 the intelligence known at the time. Clearly, in any
25 counterintelligence investigation, for it to be

1 successful, you need to keep it covert. Once that
2 investigation becomes known, of course your ability to
3 fully flesh out contacts, paper trails, et cetera, et
4 cetera, disappear. You may never be able to follow
5 through with that investigation.

6 So the decision to go from covert to overt, which
7 would include providing a briefing to what would be the
8 unwitting individual is a step that's taken but after
9 careful consideration, and it's a judgment call based on
10 the totality of the facts.

11 Sometimes we go forward and provide that
12 counterintelligence briefing to somebody we believe is
13 unwitting, but it's only after we assess the situation
14 to determine -- determine to the best of our knowledge
15 that the person is not acting witting and that doing so
16 will not cause harm to the overall intelligence
17 gathering efforts by the FBI.

18 Q And do you recall whether there was any
19 discussion of those factors as these investigations were
20 being opened and whether or not just approaching these
21 individuals would have made sense?

22 A I don't recall specifically. I don't know.

23 Q And if you had been uncomfortable with the
24 fact that instead of approaching them the decision had
25 been to at least open these investigations, would you

1 have raised that? And I know I'm asking you to think
2 back four years.

3 A Say that again.

4 Q I'm just saying if you had been uncomfortable
5 at the time with the notion that given the options we
6 can open counterintelligence investigations and see
7 where they lead, which is what I understood you to be
8 saying to me for two reasons, one, you don't know
9 whether that specific individual, but it also might
10 interfere with the broader counterintelligence
11 investigation, if you had been uncomfortable at the
12 time, do you think you would have raised it, that we
13 should just simply go to these people and talk to them?

14 A That would be -- in my opinion, that would be
15 unwise. At a minimum, you'd still open on them, gather
16 additional facts, then make the decision. You wouldn't
17 make the decision upfront to provide them a
18 counterintelligence briefing based on the initial
19 predicate. The initial predicate -- the right decision
20 at the time, and I still believe the right decision
21 today, was to open up on those individuals.

22 If later through the course of the investigation as
23 you work through it you determine that they were
24 unwitting, then it would be wise to provide some type of
25 counterintelligence awareness or provide other

1 protections if you couldn't provide a threat review
2 securely.

3 Q And on that front, if you have an
4 investigation that is broader -- I mean, we're talking
5 about four individuals here, and let's say with regard
6 to one of them at some point the investigators
7 determined that this individual was not a witting
8 participant and there is no current risk that they are
9 unwittingly participating.

10 Would it be a reasonable judgment call not to then
11 brief them because it could put the broader
12 investigation at risk?

13 A Oh, I mean, I'll actually answer that more
14 broadly. Many counterintelligence and counterterrorism
15 investigations, they are opened up and more are
16 potentially closed for lack of follow-up. We don't
17 routinely go back and advise those individuals that,
18 hey, we opened up a preliminary investigation. It would
19 not be standard practice for us to go back and say we
20 are no longer looking at you from a counterintelligence
21 perspective. That's in isolation.

22 To your point, yeah, if there were other individuals
23 that had association, we would certainly not go and
24 provide any information to the person, even if we shut
25 down one part of it while a remaining investigation is

1 going on.

2 Q So to be more concrete, if for example the
3 FBI and Justice Department had determined that Mr. Page
4 at some point was not a witting or potentially even
5 unwitting participant, would it -- would it surprise you
6 that they hadn't then gone to him and said, you
7 are -- you once were, but you are no longer a subject of
8 counterintelligence or other investigations?

9 A It would surprise me if they did do that, and
10 I would have been -- I would have instructed them, if
11 they came to me with that request, not do it. It's not
12 in the best interest to advise Carter Page that we are
13 no longer looking at you.

14 Q I think that's all I have for the moment.
15 Thank you.

16 BY MS. ZDEB:

17 Q So, as you know, Crossfire Hurricane
18 eventually morphed into the Special Counsel -- was taken
19 over by the Special Counsel investigation and at a
20 certain point transitioned from being a purely
21 counterintelligence investigation to also having
22 criminal aspects of the investigation. Three out of the
23 four individuals that Heather was just asking you about
24 were eventually charged with crimes as part of the
25 Special Counsel's investigation.

1 Last week former Deputy Attorney General Rod
2 Rosenstein testified before our committee and seemed to
3 endorse the view that because the Special Counsel did
4 not charge any of those individuals with conspiring with
5 Russia, that that meant there was not a there-there, so
6 to speak, to open the investigation in the first place.

7 So you have just talked about the there-there to
8 open the four individual investigations that Heather
9 just asked you about. So I guess my question is: Does
10 the FBI require agents, when opening an investigation,
11 whether counterintelligence or criminal, to have some
12 sort of expectation at the very outset that they will
13 find and be able to conclusively prove criminal
14 wrongdoing in order to open that investigation?

15 A Of course not.

16 Q And what impact would imposing a requirement
17 along those lines have on the Bureau's ability to
18 investigate counterintelligence concerns and investigate
19 and eventually prosecute crimes?

20 A Again, I highlighted those earlier. The
21 predicate for opening national security investigations
22 is set low for a reason, and that reason is because we
23 are required to prevent. When you prevent a crime from
24 being committed versus investigating it after the fact,
25 you are essentially starting your investigation before

1 steps have been taken by the subjects gets criminal in
2 nature.

3 So from the perspective of a spy or a terrorist, we
4 would have a lot more spies and a lot more terrorists
5 running around the country successfully conducting their
6 operations if we had some ridiculous standard that
7 required FBI agents to only open on cases that they were
8 100 percent -- first of all, it's an absurdity.

9 And any US attorney, including the deputy assistant
10 director, knows that. You open up an investigation, and
11 by guidelines it's a very low predicate, and there's a
12 process by which you move up that chain, that
13 evidentiary chain, until you get to a point where you
14 can effectively conduct an arrest and charge somebody
15 and prosecute somebody.

16 BY MS. SAWYER:

17 Q Can I just interject with a quick question?

18 I'm just curious from your perspective -- now,
19 there's been conversations about whether a campaign, if
20 it's tipped off that a foreign government might be
21 seeking to assist it, whether or not they should have an
22 obligation or -- whether moral or legal, honestly, to
23 report that to the FBI. I'm curious as to your opinion
24 on that.

25 A Yeah, I don't want to get into a political

1 conversation. I would hope that the US citizen, if he
2 believed or she believed that he or she was the target
3 of the counterintelligence operation, regardless of
4 their position in government or political party, would
5 have -- would feel a duty and be duty-bound to advise
6 the FBI immediately.

7 Q So speaking concretely then, when
8 Mr. Papadopoulos was informed by a Professor Joseph
9 Mifsud, that Russia had obtained e-mails and was willing
10 to release them to harm Hillary Clinton, is that
11 something that should have been reported to the FBI?

12 A Absolutely.

13 Ms. Zdeb: That concludes our questions for this
14 round. We can go off the record.

15 (Recess.)

16 Mr. Somers: It's now 12:25. Back on record.

17 BY MR. SOMERS:

18 Q Something you mentioned in the last round,
19 you used the word "successful," "successful
20 counterintelligence investigation," and I just want to
21 ask you.

22 What's the goal of a counterintelligence
23 investigation versus maybe what the goal of a criminal
24 investigation is? The question is just: What's the
25 difference between a counterintelligence investigation

1 and a criminal investigation?

2 A Sure. So the primary purpose of any national
3 security investigation is the collection of factual
4 intelligence to, you know, safeguard the United States.
5 So I would say the overarching goal of a
6 counterintelligence investigation is to collect
7 actionable intelligence to therefore prevent
8 intelligence operations by foreign adversaries.

9 Q And another thing that was asked in the last
10 round I just want to clarify a little bit. I think it
11 was asked more was it ever contemplated to brief any of
12 the four individuals who were subjects of the Crossfire
13 Hurricane or Crossfire Hurricane umbrella
14 investigations.

15 Were you ever involved in any discussion of whether
16 to offensively brief Candidate Trump or the Trump
17 campaign about these threats?

18 A So, yes. There were conversations where we
19 prepped Director Comey to then go and speak to his
20 counterparts in the intelligence agency, to include
21 General Clapper about how to brief President-Elect
22 Trump. I don't recall if those conversations occurred
23 while he was still a candidate or if it occurred after
24 the election.

25 But there were conversations had about the scope of

1 what we would provide to the candidates, and I believe,
2 if I'm not mistaken, there was a national security
3 briefing forwarded to both candidates in the fall on a
4 periodic basis. I'm not a hundred percent convinced of
5 that, but I believe -- I want to say we made a separate
6 arrangement to brief Candidate Trump up in New York at
7 the Trump Towers, if I'm not mistaken.

8 Q Just while we're on that particular briefing,
9 were you involved in any discussions about whether to
10 send a particular supervisory special agent to that
11 briefing in order to observe General Flynn?

12 A I'm not aware of that.

13 Q And then the subject of offensively briefing
14 either the Trump campaign or Candidate or
15 President-Elect Trump, do you recall whether that
16 discussion you just referenced occurred before or after
17 the Carter Page -- October 21st of 2016 is when the FBI
18 applied for a FISA warrant on Carter Page.

19 Do you recall whether that discussion occurred
20 before or after October 21st, 2016?

21 A So as I remember, there were numerous
22 conversations about providing briefings to both
23 candidates, but I don't recall when specifically those
24 conversations or the exact contact context of those
25 conversations.

1 By the way, the campaign -- I want to make sure
2 we're clear -- we were not briefing a broad number of
3 members of the campaign. We'd be briefing the
4 candidate.

5 Q Yeah, but a couple close -- very close
6 advisors?

7 A Right. Yes.

8 Q That's what I --

9 A Sure.

10 Q When did you learn about -- let's just call
11 it the Steele dossier or the Steele election reporting.
12 When did you learn about that?

13 A I don't recall. Sometime in 2016, but I
14 couldn't tell you. Summer maybe. Summer time frame.

15 Q What was your understanding when you learned
16 about it, like, what it was?

17 A What do you mean?

18 Q Where it came from. What -- you know, what
19 it consisted of.

20 A So I had a copy of it. It was on my desk for
21 a while. So in terms of, if I recall, it was a report
22 written that had a variety of sourcing that provided
23 information on topics associated with Russian influence,
24 if I recall correctly.

25 Q Did you know who Christopher Steele was while

1 you had his report sitting on your desk?

2 A Did I know who he was? I didn't know much
3 background. I think I had some understanding that he
4 previously provided information to the FBI on a criminal
5 matter. I didn't know much beyond that, no.

6 Q And did you understand why he was collecting
7 this information?

8 A I recall there was an initial request by a
9 campaign or political party to fund his efforts, if I'm
10 not mistaken, but I don't recall specifically.

11 Q And you don't recall knowing that the DNC had
12 funded those efforts?

13 A So what you said I know from the news media.
14 I don't know that I knew it to that level of detail in
15 the summer of 2016.

16 Q And you were aware that Steele was a -- were
17 you aware that Steele was a confidential human source
18 for the FBI?

19 A Yes.

20 Q What's the FBI's Delta system, generally?

21 A So I hope I don't mess this up. It's been a
22 while. I believe that's our source system.

23 Q It has information about confidential human
24 sources?

25 A Yeah. It's, by nature, a closed-off portion,

1 you know, not just files, files, et cetera.

2 [REDACTED]: I'm going to interrupt for a moment. I
3 need to confer about what he can and can't say about
4 this.

5 Mr. Somers: I don't need much more from him about
6 what's in the -- I don't need anything more from
7 him -- let me ask my next question.

8 [REDACTED]: Okay.

9 BY MR. SOMERS:

10 Q So you knew that Steele was a confidential
11 human source. Is the Delta system a place that you
12 would expect agents to go to get information on
13 Christopher Steele prior to using any information he
14 provided in a FISA application?

15 A No.

16 Q You would not expect them to go to Delta
17 system. So you then wouldn't be surprised if they did
18 not go in the Delta system prior to using Christopher
19 Steele's information in the Carter Page FISA
20 application?

21 A The source system in the FBI's designed to
22 provide a structure to maintain the integrity of the
23 source [REDACTED]

24 [REDACTED] --

25 [REDACTED]: I'm going to interrupt. I'm going to

1 stop this explanation as to what is involved with our
2 Delta system. Do you really need to go into that?

3 Mr. Somers: No. Basically, I just wanted the
4 answer whether he was surprised they wouldn't have gone.

5 [REDACTED]: Okay. Well, I'm going to instruct the
6 witness not to go into this.

7 BY MR. SOMERS:

8 Q We talked about the Woods Procedures earlier.
9 Just while we were on this topic, were you aware of the
10 requirement that -- at the time were you aware of the
11 requirement that a handling agent must sign off on the
12 source characterization statement in a FISA?

13 A I don't think so, no.

14 Q So you were not aware that as part of the
15 Woods Procedures if a FISA application is going to use
16 information from a confidential human source, the
17 handling agent for that confidential human source has to
18 review and approve the source characterization statement
19 within the FISA application?

20 A I can't say that I knew that, but that
21 answers your question as to why the investigative agent
22 wouldn't have access to the source file, because of
23 the -- to keep the integrity of the system, which makes
24 sense, but I can't say that I --

25 Q You weren't aware of that Woods requirement?

1 A No, I do not.

2 Q Were you aware that Bruce Ohr was interacting
3 with Christopher Steele?

4 A No.

5 Q That didn't come up in your briefings?

6 A I don't think I even knew who Bruce Ohr was
7 until well after I retired and he became a media
8 sensation, so to speak.

9 Q Were you aware that FBI General Counsel Jim
10 Baker took evidence from -- the director took evidence
11 from Michael Sussmann related to the Trump campaign?

12 A No.

13 Q Michael Sussmann being a lawyer for the
14 Democratic National Committee?

15 A I don't know who Michael Sussmann is, and I
16 was not aware that Jim Baker took information from
17 Michael Sussmann.

18 Q Would it concern you that the general counsel
19 of the FBI inserted himself in the chain of custody of
20 evidence rather than passing it off to an agent?

21 A It would not concern me that legal counsel
22 for any organization, public or private, passed
23 information to legal counsel for the FBI, so, no, that's
24 not that unheard of. I would expect that general
25 counsel or any other agent in the FBI would then turn it

1 over to the prosecuting entities.

2 Q We spoke a little bit about the Steele
3 dossier. I think you mentioned him having sources.
4 Were you aware that he had a primary subsource for the
5 information that was in his dossier?

6 A No.

7 Q So such that as the -- I'll just read to you
8 from the IG Report, on Roman V in the IG Report.
9 "Steele himself was not the originating source of any of
10 the factual information he was reporting. Steele
11 instead relied on a primary subsource for information,
12 who used his/her network of subsources to gather
13 information that was then passed to Steele."

14 You weren't aware of that?

15 A So let me rephrase that. So I was not aware
16 of who or what the primary subsource was. I was aware
17 that Steele, his information was from a collection of
18 subsources, yes, which is very common.

19 Q Okay. Were you aware that the FBI was trying
20 to identify, locate, and interview the primary subsource
21 in the fall/early winter of 2016?

22 A I do remember that, yes.

23 Q Were you aware that they then located and
24 identified the primary subsource?

25 A Zach, I think I remember that. I'm not sure,

1 but it sounds familiar, but I'm not sure if I knew about
2 it then or I've since learned about it.

3 Q So you weren't briefed on the fact
4 that -- well, let's put it this way.

5 Were you aware that he was interviewed by the FBI in
6 January of 2017?

7 A So I retired on February 24th. By January I
8 was starting to back out and turn over the reins. So I
9 don't recall. I do not recall that.

10 Q So you wouldn't have been briefed as
11 regularly in that time period? He was
12 interviewed -- this is in the IG Report -- on three days
13 in January: January 24th, 25th, and 26th.

14 And at that point in January, had you stepped back
15 from the earlier-described role of getting daily
16 briefings from Bill Priestap, et cetera?

17 A I think I still would have been doing that
18 early, but I don't recall now. I probably still would
19 have been going to the meetings with the director and
20 getting my briefings from Priestap, so I don't recall.

21 Q You don't recall. Do you recall anyone
22 raising any issues with the primary subsource interview?

23 A No.

24 Q So you weren't, you know, aware of
25 impressions such as -- these are quotes from the IG

1 Report -- that the primary subsource reports back
2 to -- I'm sorry -- is interviewed by the FBI, and some
3 of the comments he had about his reporting were that
4 Steele's primary subsource was giving Steele information
5 that was based on, quote, conversations with friends
6 over beers. The primary subsource would characterize
7 information he gave Steele as word of mouth and hearsay,
8 that his primary subsource told the FBI the information
9 was intended to be taken with, quote, a grain of salt.
10 The primary subsource corroboration on his reporting to
11 Steele was, quote, zero.

12 You weren't aware of any information like that
13 coming from your division?

14 A No.

15 [REDACTED]: I was just going to interrupt. Can
16 you --

17 Mr. Somers: Page 88.

18 [REDACTED]: If you're referring to direct quotes from
19 the IG, it would be helpful to get the page numbers so
20 we can put it in our notes and also get to it.

21 BY MR. SOMERS:

22 Q So the FBI interviewed Steele in January of
23 2017. It's fair to say you didn't get a readout of that
24 interview of the primary subsource, that you recall at
25 least?

1 A I would say probably fair I don't recall. If
2 somebody started to give a briefing, I wouldn't -- I
3 wouldn't disagree. I just don't recall.

4 Q There's no indication in the IG Report
5 whether you were or were not. That's why I'm asking.

6 A I don't recall.

7 Q Do you recall -- and I don't know if you were
8 on this e-mail chain. I'm assuming you don't recall an
9 e-mail from Pete Strzok where he said -- this is on page
10 247 on the IG Report, among other places -- that recent
11 interviews and investigation, however, reveal Steele may
12 not be in the best position to judge the reliability of
13 his subsource network, as the e-mail he sent doesn't
14 identify all recipients of the e-mail in the IG Report.

15 You don't recall seeing anything like that?

16 A I don't.

17 Q Were you aware of an electronic communication
18 drafted by the Washington Field Office -- the final date
19 on it's January 24th, 2017 -- a closing communication
20 closing the investigation into Lieutenant General
21 Michael Flynn?

22 A I'm not.

23 Q You're not aware of it at the time?

24 A I should say I don't recall.

25 BY MR. BAKER:

1 Q Aside from that specific closing
2 communication, what is the relationship between
3 headquarters and a field office when a case is to be
4 closed? What's the office of origin? What does the
5 term "office of origin" mean?

6 A Office of origin is the somewhat now
7 out-of-favor term for the office that has the
8 investigative -- investigation, so office of origin for
9 a particular case would be the office that originated
10 and ran that investigation, so you're speaking -- the
11 WFO would be the office of origin.

12 On the national security side of the house, closing
13 documentation was generally reviewed by headquarters.

14 Q So would it be unusual if -- you say
15 Washington field would be the office of origin on this.
16 Would it be --

17 A So I'm not saying that. I'm saying you've
18 used the term "Washington field." In this particular
19 matter, I believe we were running into somewhat of a
20 hybrid where we had -- technically Washington field was
21 brought over and working out of FBI headquarters as,
22 again, a now somewhat defunct term, like a special.

23 Q Okay. So because it was sort of this hybrid,
24 would it be unusual for Washington field to send a
25 communication saying that they've exhausted -- and these

1 are my words -- they've exhausted their leads?

2 I think they ran some database checks, I think some
3 FBI and some from another agency. They come back that
4 there's no derogatory information. They're reporting
5 that back to headquarters based on this kind of
6 collaborative relationship between the field and
7 headquarters.

8 Is it unusual that headquarters said, no, we're not
9 going to close this right now; there might be some other
10 things we want to do?

11 A I would say it's not unusual. I played that
12 role on the counterterrorism side several times where I
13 would not allow a field office to close or I would tell
14 the field office to open or to close. So I don't want
15 to use the word -- it's not common, but it's not
16 extraordinary. It does happen.

17 Q And would it be -- in the course of this
18 collaboration between headquarters and field, if
19 headquarters would decide, for whatever reason, that
20 they're not going to close the cases that field was
21 recommending, could headquarters go back and say, well,
22 we think there's A, B, and C investigative steps that
23 have not been done that need to be done, so sort of a
24 back-and-forth?

25 A Sure. Yeah. There are times when

1 headquarters steps into the field and says, you've not
2 satisfied us in either direction, and, therefore, we're
3 requiring you to take further investigative steps or not
4 take further investigative steps.

5 In general, the move the FBI made post 9/11 is to
6 have a national security side of the house stronger
7 program management and remove from the field some of the
8 investigative autonomy that was present 20, 30 years
9 ago.

10 Q And you've mentioned just a moment ago the
11 term "special," or I think something you referred to as
12 a headquarters special, and I think that is a term that
13 has changed as time has gone on. I seem to remember in
14 a different era a special was a funding mechanism where
15 headquarters funded a field office operation for travel
16 or whatever that would normally be incurred from the
17 field office budget. I think in this particular matter,
18 the instant matter, the term "special" meant something
19 different.

20 What does a headquarters special mean in this
21 instance?

22 A Yeah, you're absolutely right. The
23 term "special" many years ago was when the field offices
24 had autonomy. It provided a special funding code for
25 the field, stronger program management, and different

1 funding processes. That term has largely gone away. I
2 think it's probably not an appropriate term. Some
3 people use it.

4 But you could argue 9/11, the PENTTBOM
5 investigation, was somewhat like a special. It was run
6 out of the basement of FBI headquarters. So maybe not
7 the best use of terms, but generally refer to
8 high-profile investigation that was pulled in closer to
9 headquarters level.

10 I can't think of too many instances in recent
11 memory. 9/11 PENTTBOM for sure was one of them. The
12 domestic terrorism matter with the militia out in Oregon
13 was another similar. This, I believe, was a matter. So
14 probably special is a term that you hear FBI agents use
15 it doesn't mean the same as it did when you referenced
16 it from 20, 30 years ago.

17 So there's no official term. There's no official
18 process. It's just a more ad hoc definition of a
19 different way of doing or conducting an investigation.

20 Q But it doesn't mean that a party to the
21 investigation, a subject of the investigation, is
22 treated differently because it's a special
23 investigation?

24 A No, absolutely not.

25 Q It's just the sensitivity, the high stakes,

1 the resources that might be needed, the extra oversight
2 that might be needed because of what the instant matter
3 involves; is that fair?

4 A Correct. Yes. Fair to say.

5 BY MR. SOMERS:

6 Q Were you involved in other headquarters
7 specials throughout your tenure?

8 A Domestic terrorism, Oregon militia I was the
9 assistant director for that matter. That's probably the
10 closest I recall. There were a couple high-profile
11 counterterrorism investigations in the late -- like High
12 Rise. Although run by the field, it was closer to a
13 special. It was highly concentrated at headquarters.

14 Q Midyear Exam?

15 A Midyear Exam would be another one like that.
16 So I came in, you know, in February of -- no -- yeah,
17 February 2016, so Midyear was probably halfway over.
18 So, yeah, I was briefed on that. So the last half of
19 that would be another example.

20 Again, probably special is the wrong term, but that
21 more high scrutiny or highly scrutinized investigation,
22 yes.

23 Q So on these, it kind of means that the
24 seventh floor is going to have some more input than on
25 your ordinary case? Is that kind of what makes the

1 headquarters special?

2 A Yeah, it's not a -- I don't know
3 that's -- there's no -- obviously, you don't open the
4 book and see the word "special." It's clearly I think
5 for political sensitivity or other national security
6 concerns. The seventh floor, the director, deputy EADs
7 play a larger role in those type of investigations,
8 which were probably inappropriate to call them special,
9 yes.

10 Q That term like seventh floor, that's a term
11 that would be used within the FBI. Does an FBI agent
12 know what that meant?

13 A Sure.

14 Q And would you have been part of the, quote,
15 seventh floor as the EAD?

16 A Yeah. My office was on the seventh floor.

17 Q I just want to get back to that Flynn. Even
18 though you weren't aware -- so you weren't aware of the
19 Flynn closing memo on January 4th. Were you aware that
20 headquarter -- I'm sorry -- the seventh floor or
21 headquarters asked the Flynn matter be kept open at some
22 point in time?

23 A No. I wasn't -- I don't recall there being a
24 disconnect. Some folks wanted to close it, and some
25 folks on the seventh floor didn't.

1 Q Were you aware at the time of the phone calls
2 between Flynn and a foreign official?

3 A Yes -- well, at the time I was briefed on it
4 by either Strzok or by Priestap, SES.

5 Q Either Strzok or Priestap. Do you know about
6 when that was? Was it like -- was that yesterday, or
7 was this, you know, later in January?

8 A Sometime -- sometime after New Year's I
9 believe.

10 Q Were aware of Deputy Director McCabe sending
11 two agents, including Strzok, to interview Flynn at the
12 White House?

13 A Yes.

14 Q You were aware of that -- I'm sorry -- before
15 it happened or after?

16 A Yes, before it happened.

17 Q Did you approve that?

18 A You asked me if I -- first of all, it
19 wouldn't have been my -- the deputy director needs to be
20 in the conversation, so it wouldn't have been my purview
21 to approve it. It was his decision. But it was a
22 conversation that was had on Director Comey's table one
23 or more mornings. So I was aware of the plan.

24 In terms of approved, did I agree with the plan,
25 yes? Did I actually sign off on it? No.

1 Q So it didn't go -- I guess when I said
2 approved I meant up. So obviously, yes, the deputy
3 director eventually approved it. It can either be
4 approved by him, or it could go up through you and be
5 approved by him?

6 A Yeah. And in all of those matters, not only
7 with Crossfire Hurricane, but in many matters, even
8 Midyear, these were conversations the director was
9 making along with recommendations from field and
10 headquarters and general counsel. So I recall in this
11 situation the decision to go over to the White House and
12 interview General Flynn was discussed by the director
13 and deputy with us present.

14 I think there was a conversation that occurred about
15 the plan for -- and I don't recall anyone saying, hey,
16 it's approved. Go do it. I remember walking away
17 knowing it was going to happen, yes.

18 BY MR. BAKER:

19 Q Would there people present that did not think
20 it should happen; they had an opposite voice?

21 A I don't recall. I mean, I've told -- in
22 other settings I have told, and I'll stick to this,
23 Director Comey had a very open style of leadership, and
24 so we often disagreed or robustly discussed situations
25 or decision points in the morning and the afternoon in

1 Midyear and Crossfire Hurricane. There were a lot of
2 conversations where there was a back-and-forth.

3 In that particular instance, I don't recall. It
4 wouldn't surprise me if there was a contrary point of
5 view. Because often Jim Baker, whether he believed it
6 or not, would provide contrarian opinion to kind of
7 spark conversation and also to make sure the director
8 was thinking about full circle in the decision process
9 in that situation.

10 Q So it kind of sounds like Mr. Comey's style
11 was to kind of have everybody at the table participate
12 in the process. He heard everybody out and then made
13 the decision?

14 A Correct. That's accurate. I mean, there
15 were several instances while I was EAD where I disagreed
16 with him, where I provided a commentary, and he would
17 provide his feedback, and there would be a
18 back-and-forth. That happened. He encouraged it, and
19 he encouraged that type of leadership where there was
20 rigorous debate about topics.

21 BY MR. SOMERS:

22 Q The topic of whether to alert the White House
23 counsel, was that discussed in this meeting?

24 A I believe so. I believe so. But I'm not
25 strong enough in that opinion to know when I knew about

1 that.

2 Q The topic of whether to inform General Flynn
3 of penalties under 18 USC 1001, was that discussed in
4 that meeting?

5 A I don't recall.

6 Q Was Mr. Strzok in the meeting?

7 A I don't recall. He likely would have been.
8 I don't recall. Again, that same quorum or core group
9 of people that we talked about would have been present.
10 If they were there for every individual conversation, I
11 don't know, but the general same core: the director,
12 deputy, general counsel, deputy chief of staff, myself,
13 EAD Strzok. That core was there for most of the
14 conversations as long as they were in town.

15 Q Was Lisa Page part of that quorum, or let's
16 just say for that specific meeting? Was Lisa Page in
17 that specific meeting?

18 A Well, I don't recall if she was there. She
19 was there for many conversations.

20 [REDACTED]: I just want to remind the witness not to
21 get into SES names. We're not going to express this on
22 the record.

23 Mr. Somers: Yeah, I'm not asking him for the names
24 in that meeting.

25 BY MR. SOMERS:

1 Q Apart from the meeting, do you recall any
2 discussions about the 1001 and whether Flynn should have
3 been warned about 1001 as part of the meeting -- I mean
4 as part of the interview?

5 A No, I don't.

6 Q Any other discussions about whether to alert
7 the White House counsel other than what occurred in that
8 meeting?

9 A I thought there were conversations either
10 between us and White House counsel or DOJ and the White
11 House counsel. If I'm not mistaken, that did occur. I
12 just don't know time frame when or if I were a part of
13 those. Those probably were above my pay grade. That
14 was probably director DAG and director AG.

15 Q Did you have any discussions with the DAG
16 Sally Yates about the interviews?

17 A I was present for conversations. My direct
18 chain of command wouldn't go to Sally. I was there.
19 There was probably once or twice a week at the
20 director's briefing that the AG, the DAG, and their
21 staff would come over and have a follow-on briefing.

22 Some of these conversations took place in that
23 setting, but at times the DAG or agent would go off in a
24 sidebar with the director. I don't recall in what
25 format that would occur, those conversations would

1 occur.

2 Q Do you recall any conversation, any
3 discussion where Sally Yates expressed the sentiment
4 that either Flynn or Trump White House or incoming Trump
5 White House should have been defensively briefed about
6 Lieutenant General Flynn's phone conversations?

7 A I don't recall that.

8 Q Do you recall any concern being raised by
9 Sally Yates about the interview?

10 A Yeah. So to answer the question more
11 appropriately, everything you're saying rings true with
12 me, but, again, I don't recall. This was in the news
13 for a lot, so I don't recall. Everything you said, I
14 would basically be able to say, check. Got it. Got it.
15 I just don't recall if I was aware of it in January 2017
16 or at some point post retirement. So it sounds
17 familiar, Zach, but I'm not sure if I knew about it in
18 2017. It's likely that I would have. I can't say for
19 sure.

20 Q In that January time period, you recall being
21 involved in any discussions where it was DOJ has this
22 opinion about what we should do with Flynn; we FBI have
23 a different opinion? Do you recall any discussions like
24 that?

25 A Yeah, I vaguely remember Sally Yates was

1 not -- did not feel we were going far enough, but I
2 don't recall. I don't recall the specifics about that.

3 Q Were you involved in any discussions
4 regarding the Logan Act as it relates to General Flynn?

5 A No.

6 Q Are you familiar with the Logan Act?

7 A Yeah.

8 Q Did you have any discussions in that time
9 period at all about the Logan Act?

10 A I'm sure I would have. I don't recall the
11 specifics.

12 BY MR. BAKER:

13 Q It doesn't have to necessarily be in the
14 instant case, but you have a good, rich investigative
15 background on both the criminal side and national
16 security side. If you recall, at any time in your
17 career where you're going to do an interview of a
18 subject, is it unusual to have a meeting with maybe
19 another agent that you're going to take on the interview
20 with you and kind of sketch out what you hope to get out
21 of the interview, what courses of action or what kind of
22 responses you think that the subject of the interview
23 might give and then what weaknesses or vulnerabilities
24 you might be able to leverage to get a confession or
25 whatever the goal of the interview is?

1 Bottom line: Is it unusual to have a pre-interview
2 meeting with your co-case agent to kind of discuss a
3 strategy on an interview?

4 A It's not unusual, no.

5 Q And is it unusual going into an
6 interview -- and this would include your OPR or your
7 internal interviews.

8 Is it unusual for the interviewers to know more
9 about what the subject has done than the subject
10 necessarily knows?

11 A It's not unusual. It's actually quite common
12 to have -- you go into an interview hopefully with a
13 position of power and know more about what's going on so
14 that you can then ensure the truthfulness of the
15 interviewee.

16 Q And would it be uncommon to have an alternate
17 interview strategy? If you think you're going to get a
18 confession or something and something different happens,
19 that you have kind of a roadmap determined in advance
20 how you will navigate the interview if in fact you don't
21 get what you initially expect?

22 A Yeah, I suppose. I wouldn't articulate that
23 interview's a free-flowing process. I mean, you go in
24 with information you have and you use your ability to
25 communicate and the interview kind of takes on a life of

1 its own, and so likely, although you planned for the
2 interview to go a particular way, it very rarely goes
3 the way you planned. So you would just base it on the
4 responses and kind of the relationship that's been
5 developed.

6 Q Right. So aside from being in the moment and
7 responding organically to what you're getting out of the
8 interview, it wouldn't be unusual to have some maybe
9 very high-level thoughts about, well, if they confess to
10 where the body is, we'll go this way; if they don't, we
11 may have to go that way?

12 A Yeah. I mean, confession is a strong word
13 for a noncustodial interview, but I mean if you -- you
14 know, you go into an interview, particularly a
15 high-level interview like this, you'd hope to have some
16 goals or objections from that interview.

17 It could also not just be between other cases. You
18 would likely be communicating with DOJ or whoever the
19 prosecuting entity was about what the overarching goal
20 of the interview is.

21 Q Okay. And I think that's a very important
22 point with me. You wouldn't go into an interview, and
23 especially maybe not a high-level, high-profile
24 interview, without any kind of preparation. You would
25 at least sort of sketch out what the goal of the

1 interview was, what you might do if the interview
2 terminated. You would at least have some kind of
3 roadmap to keep things going towards the direction for
4 whatever purpose the interview is?

5 A You're speaking hypothetically. I would hope
6 not, but it probably happens. Hypothetically that's
7 what you would want your case agents to do. I don't
8 know it happens all the time, but you are laying out the
9 ideal roadmap for an interview. Whether or not it
10 happens all the time or infrequently or how often, I
11 couldn't tell you. I know how I did it as an agent, but
12 I would expect when I was running a case, although not
13 the supervisor on the case, but your point is taken
14 that's ideally the way it should be done.

15 Q So it's ideal, so it's not unusual. It might
16 be unusual that people do the ideal all the time, but it
17 wouldn't be unusual for somebody to do those things that
18 make a good interview; i.e., having some sort of
19 roadmap?

20 A Correct.

21 BY MR. SOMERS:

22 Q I think the term you used was goals and
23 objectives going into an interview, what the goals and
24 objectives were. Were goals and objectives discussed at
25 all in these meetings with the deputy director and the

1 director in terms of the Flynn interview?

2 A I don't recall enough about any topic
3 associated with Flynn or the interviews to give you any
4 clarity on what was discussed, any specifics, no.

5 Q To switch -- a couple more subjects I want to
6 cover. Just briefly, do you know how the Crossfire
7 Hurricane team was selected?

8 A I do not.

9 Q All right. Let's talk about were you aware
10 that Lisa Page and Pete Strzok were having an affair?

11 A No.

12 Q Were you aware they had a personal
13 relationship?

14 A I was aware that they were associates, close
15 associates who worked together very closely, yes.

16 Q So Bill Priestap never raised to you some
17 sort of improper personal relationship between Pete
18 Strzok and Lisa Page?

19 A Bill Priestap didn't raise to me concerns
20 that Lisa Page and Pete Strzok were having an intimate
21 relationship. Bill Priestap raised to me concerns that
22 Lisa was taking information and going to the deputy.

23 Q Taking information from Strzok?

24 A Yeah. In other words, Lisa was part of some
25 of the investigative processes. Instead of being a part

1 of that process, she was not following the chain of
2 command. There was concern about that.

3 BY MR. BAKER:

4 Q And does that cause problems for you
5 specifically as an EAD in the chain of command, that
6 you're being bypassed?

7 A Yeah. I had conversations with both Pete and
8 Lisa about that, but I did not know the intimate
9 relationship behind that.

10 Q In the last round, you had indicated that the
11 evolution of counterintelligence cases at the Bureau has
12 a low threshold for that because there's been things
13 that have been missed and, you know, in hindsight
14 there's identifiers that kind of alert you to things
15 that maybe need to be looked at closer than historically
16 wouldn't.

17 In the list of things that cause potential problems
18 in counterintelligence investigations, especially
19 espionage type investigations, is extramarital affairs
20 something that can be problematic for somebody working
21 in counterintelligence, a vulnerability? Does it create
22 that?

23 A Are you asking me as the subject of an
24 investigation or as the investigative team?

25 Q Does two people that work in

1 counterintelligence investigations and have access to
2 things that hostile intelligence services would be
3 interested in, does the fact that two people involved in
4 those types of investigations for the FBI, does that
5 create a vulnerability for them to be targeted by
6 hostile intelligence service?

7 A Hypothetically, I'm not sure I'm following
8 your train. If your statement is that in the FBI if two
9 individuals are having an affair, an extramarital
10 affair, if they create a concern from an investigative
11 perspective, I'd say no. Could that potentially be
12 exploited by a hostile foreign government? Yes.

13 But I think any extramarital affair -- if I was
14 having an extramarital affair with somebody in my
15 office, regardless of whether I was part of an
16 investigation or not, that's one of the classic
17 exploitation signs, so I -- classic exploitation
18 elements.

19 I'm not sure what you're getting at. If your point
20 is that because Lisa and Pete were having an affair, did
21 that make them vulnerable or -- I would say probably
22 no -- to this investigation? Was it inappropriate?
23 Yes. Do I think necessarily that it negatively
24 influenced the investigation? I don't know that I would
25 agree with that.

1 Q But did it negatively impact any aspect of
2 the investigation? I think you said earlier they were
3 bypassing the chain of command and going to each other.
4 Does that relate to their --

5 A So I don't think that they were bypassing the
6 chain of command because of their relationship. So
7 Lisa's job was to be an advocate for the deputy director
8 and to provide him information. As I counseled Lisa on
9 one occasion, that's her job, to support the deputy
10 director. She could do it one of two ways: First way
11 was to go and build relationships with the team and work
12 through the team and push that information that needs to
13 get to the deputy directly, which is through Bill and
14 through me, or she could do it an alternate way and make
15 enemies and go run straight to the deputy with that
16 information and create enemies, which is the way she was
17 doing it.

18 My counsel to her was support the deputy, which is
19 your job, but do it in a way that's not creating
20 friction with the larger team, which is what she was
21 doing.

22 So what you're talking about is the briefing
23 structure. I don't know that it was affecting the
24 integrity of the investigation itself. It was certainly
25 causing problems on the seventh floor or with the chain

1 of command that she was briefing. Does that distinction
2 make sense?

3 Q Yeah. I understand. I guess I'm still a
4 little confused on this whole idea of extramarital
5 affairs. Isn't that part of the insider threat that
6 there's warning signs for? I mean, I've heard in other
7 interviews, because this topic has obviously come up
8 because that was the part that the media focused on so
9 much and the texts and all.

10 I'm a little confused by the different responses
11 we've gotten. We've gotten everything from as long
12 they're doing their work, the fact they're having an
13 affair isn't really any consequence, and I mean every
14 other kind of variation of it.

15 Is it something the Bureau would put an end to
16 because they're working on some of the biggest cases in
17 the Bureau, or is it truly that it's not a big deal?

18 A So we're in a building where I think it's not
19 unusual to have extramarital affairs with many folks.
20 It's a reality that we live in today. Is it
21 appropriate? No. It can be problematic, yes. If we
22 found out about it, would we shut it down and remove
23 those people? Absolutely, yes. Does it happen probably
24 a lot more frequently? Absolutely, yes. In the
25 totality of those times it happens, does it result in

1 catastrophic results?

2 So I think you're probably getting a wide variety of
3 answers because people have a wide variety of opinions
4 to it. I think most people would argue that Pete was
5 married and Lisa was married and it was inappropriate.
6 But, you know, unfortunately, personal lives that people
7 lead are confusing at best. I think we're -- when it
8 became inappropriate from the FBI's perspective is they
9 were working on the same case, in the same chain of
10 command, and they used Bureau communication devices to
11 have conversations.

12 Outside of that, whether Pete and Lisa were having
13 an affair is probably appropriate for their spouses and
14 their families, but, you know, unfortunately, we live in
15 a world this happens probably more frequently than we
16 are willing to admit, as you can see with the media over
17 the last couple years in the private sector and public
18 sector.

19 Q I understand that. But I guess the part I'm
20 still confused on is why would they be allowed to stay
21 in those types of investigations as opposed to being --

22 A I'm not aware that anybody -- it first came
23 to light to me that they were having an intimate affair
24 when -- in fact, I didn't know about it, but all of a
25 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?

14 A It's hard to say where we were at. I mean,
15 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.

21 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

1 Strzok's counterintelligence capabilities, he had
2 concerns about Strzok's personal relationship with Lisa
3 Page affecting the Crossfire Hurricane team. According
4 to Priestap he told Steinbach about his concerns and
5 Steinbach was supportive of his decision to remove
6 Strzok from the team, but his decision was overruled by
7 McCabe.

8 First, I think you said you recalled Priestap --

9 A I don't recall it.

10 Q You don't recall him raising the personal
11 relationship with you?

12 A No, that's not true. I recalled Bill raising
13 concerns about Lisa's circumventing the chain of command
14 and doing it because of the information that she and
15 Pete were working on together. I don't recall Bill
16 telling me or asking me or advising me that he wanted to
17 remove Pete from Crossfire Hurricane. I don't deny that
18 it may have happened. I just don't recall it.

19 Q Did you at any time want to remove Pete from
20 Crossfire Hurricane to give him I think -- give me one
21 sec here.

22 Mr. Baker: More of a broad-based experience,
23 traditional.

24 BY MR. SOMERS:

25 Q The quote is traditional DAD experience.

1 That's on page 64 of the IG Report.

2 A So I don't recall saying that, but it sounds
3 like something I would say. I did have a concern
4 because Pete was too narrowly focused on -- he was
5 largely acting as super case agent, and my thought was,
6 you know, he was probably our most experienced and
7 well-respected senior executive in counterintelligence,
8 so I thought he would be the heir apparent to Bill when
9 Bill left.

10 So it sounds like something I would say, but I don't
11 recall saying it. I don't recall telling my boss, hey,
12 you should remove Pete from Crossfire Hurricane or he
13 should not be a part of Crossfire Hurricane.

14 Q So then this last part of the
15 sentence -- sorry -- or the second sentence, "According
16 to Priestap, he told Steinbach about his concerns and
17 Steinbach was supportive of his decision to remove
18 Strzok from the team, but his decision was overruled by
19 McCabe."

20 So I guess that's two questions. One, were you
21 supportive of the decision to remove Strzok from the
22 team, and the second, were you overruled by McCabe?

23 A Yeah, I don't recall. I don't recall that I
24 had a conversation with Bill about removing Pete from
25 Crossfire Hurricane, and I don't -- nor do I recall

1 asking or making a request of Andy McCabe, the deputy
2 director, to remove Pete from Crossfire Hurricane.

3 I'm not refuting Bill's testimony. I just don't
4 recall it.

5 BY MR. BAKER:

6 Q But it wouldn't be unusual for you as an
7 executive, or even all the way down to an SSA, to
8 encourage career development or developmental
9 opportunities for somebody that you see as a rising star
10 or somebody that's on the career development path. It
11 wouldn't be unusual to say this person's got talent;
12 they need to also get experience in this or it's time
13 for them to do inspections or whatever. That would not
14 be unusual?

15 A Yeah, it would not be unusual. I knew Pete a
16 lot longer than I knew Bill, so I had a good
17 relationship with Pete. I thought he was a very
18 aggressive counterintelligence agent, so I recall having
19 conversations with him, developmental conversations with
20 him about his future, to include to be careful that his
21 relationship with Lisa, that he was not -- information
22 was flowing up correctly, but I don't recall
23 specifically this conversation you've referenced. I
24 don't deny that it might have happened. I just don't
25 recall.

1 Q It sounds like -- in the last round someone
2 asked about your assessment of Mr. Priestap. It kind of
3 sounds like your assessment of Mr. Strzok is he's a
4 competent intelligence agent?

5 A Absolutely.

6 Q And maybe more than competent.

7 A And he'd been involved in a number of
8 important counterintelligence investigations. In fact,
9 Pete and I worked a matter in Guantanamo Bay many years
10 before. I was the counterterrorism supervisor, and he
11 was the counterintelligence supervisor. He had a strong
12 sense investigatively.

13 Q And in your opinion, he was somebody that had
14 potential or would continue to move up through the
15 ranks. I think you said you thought he might be the
16 heir apparent to Mr. Priestap.

17 A Right. I did, yes.

18 BY MR. SOMERS:

19 Q Just for a second here -- I think we're
20 almost done, but we discussed the first time in our
21 first round your daily briefings with -- or Priestap
22 characterized the daily briefings as the Carter
23 Page -- you get the FISA on Carter Page. Were you being
24 briefed at all on, like, what you were learning from the
25 Carter Page FISA collection?

1 A Not on a daily basis. I'd say probably I was
2 given periodic updates into the larger Crossfire
3 Hurricane. Some of that may have included Carter Page
4 information; some of it may not have.

5 Q Do you recall that you were being told they
6 were learning stuff; this FISA is valuable?

7 A I don't recall.

8 BY MR. BAKER:

9 Q In hindsight, having done a career and moved
10 on -- it sounds like it's pretty significant important
11 things in your post period of life -- if you had to make
12 suggestions or changes to the FISA process, is there
13 anything that stands out based on your experience and
14 where you've been in the FBI?

15 It sounds like there's a lot of moving parts in the
16 FISA process and there's a lot of personnel movement in
17 the FBI, and people go on to check a box here and there
18 as they continue their career progression. Is there
19 anything that should be changed so there's a more
20 developed workforce that has an expertise in these
21 matters rather than coming in and trying to play catch
22 up to learn a process that sounds kind of complicated
23 and then to move on to the next thing only to have it
24 backfilled with somebody that is right back to negative
25 experience or little experience?

1 It just seems like there's a constant cycle of
2 people coming in and out and a training that doesn't
3 seem like it's always working, and the Woods File issue
4 is a specific example.

5 I would just be curious what you have in hindsight
6 if you were asked to come in and fix the FISA
7 process -- because it's not just this case where there's
8 been issues with FISA. In recent times, the IG's found
9 other audits to be deficient, and, I mean, I know from
10 personal experience going way back before this, there's
11 always been, because of the back-and-forth between
12 headquarters and the field and because of all the
13 different moving parts and DOJ seems to be more involved
14 in these types of cases than they necessarily are, just
15 bottom line there's a lot of moving parts.

16 What could you suggest to be changed that would
17 eliminate some of the confusion maybe that the case
18 agents have? Is it more training? Is it keeping people
19 career tracked where they stay in counterintelligence
20 from the time they enter on duty? I'd like to hear from
21 you, what you'd fix. If you had thoughts on that, what
22 would you fix?

23 A Sure. So I think you bring together two
24 topics which I'm going to separate. The first more
25 simple one is the FISA process. So I would say that

1 while I was in the FBI I did not think there was a
2 problem with the FISA process. Clearly, there's been
3 some facets that have come to light that I -- I can't
4 say that I've read it closely because obviously I'm not
5 following all this stuff, but it's clear to me that
6 there's some mistakes that were made in the FISA
7 process.

8 So you fix that, much like my job now that I have,
9 through a strong government control process. So you
10 build an automation where you've got an ability to
11 monitor through controls, and you test and audit that
12 process. That would be my suggestion for FISA.

13 Your other assertion about movement of people, I
14 completely disagree with you, and I think people who
15 make comments about movement of FBI agents and turnover
16 at headquarters as a cause for concern are mistaken.
17 I'll use an example of the US military. Identify any
18 flag rank officer and ask that flag rank officer how
19 long he or she stays in a particular role. The role of
20 a commanding officer of the units, the squadron, a
21 battalion is a year. They successfully run the United
22 States Navy, Marine Corps, the Air Force, and the Army
23 with an up or out policy. You can't stay and maintain
24 and be a specialty 03 or 04 officer.

25 The FBI has a lot of specialists, and those are

1 GS-13 special agents. If you decide that's what you
2 want to do, the body of our workforce are those
3 specialists who do the job day in and day out. Now, if
4 you want to get into the management track and be a
5 leader, leaders need to be broad-based in their
6 experiences.

7 The fact that leaders go and spend two years here,
8 two years here, two years here is that a problem? It's
9 not a problem from a leadership perspective. You
10 certainly run out of time. You look at an FBI agent as
11 a 20-year or a second career opportunity, and most
12 agents retire at 50. You can run out of time to check
13 off blocks, but your argument and if you're asking me to
14 weigh in on my thoughts about leadership progression in
15 the FBI and that being part of the problem, I would say
16 absolutely not.

17 Q Do you think the mandatory retirement age or
18 the eligible retirement age on lower, do you think that
19 creates a vacuum of experience that results in an even
20 younger workforce without senior people to mentor them?
21 Do you think that is in any way wrong?

22 A So I had this conversation with Director
23 Comey on my last day, and, yes, I think the workforce is
24 in two different groups. FBI agents who remain journey
25 FBI agents who do entire career in field, they want to

1 retire at 50, I think it's fine.

2 Once you enter into the SES ranks, the fact that you
3 can retire at 50 creates a turnover that's not
4 appropriate. Look, I left at 50 because there were
5 opportunities available in the private sector and I had
6 a family. The US government does not pay executives in
7 government to stay in government, and there's
8 unfortunately a turnover. I think that the FBI should
9 mandate that SESers remain SESers. If you decide to,
10 say, be an SAC, you need to stay a few years longer to
11 create more consistency.

12 So I think you need to split the workforce. The
13 working agent, let that agent retire at age 50.
14 However, if you enter into the executive ranks, you need
15 to maintain some consistency. They should not be
16 allowed to leave at 50. So what do you have to do? You
17 have to incentivize them. Congressmen and, quite
18 frankly, the administration have done the opposite.
19 They assert that executives in government are overpaid.

20 I can tell you that if you go out in the private
21 sector and you get four, five, six times your SES
22 salaries. So clearly there's a discrepancy. And so you
23 see that flight, that needs to change. Now, the other
24 thing that can happen, you should bring back senior
25 executives in the FBI like myself who've been in the

1 private sector to jump into the EAD ranks. I do think
2 there is an organizational leadership structure that
3 needs to be taken and needs to be looked at from the
4 leadership ranks of the FBI.

5 Q And you think that --

6 Ms. Zdeb: Excuse me, Art. I think it's been about
7 an hour, and I'm mindful of Mr. Steinbach's hard stop at
8 2:00. I don't think that we will have much more than a
9 half hour of questions, but I'm curious whether
10 you're --

11 Mr. Baker: I'm done except for 15 more seconds.

12 BY MR. BAKER:

13 Q Do you think that any of what you've just
14 articulated as potentially deficiencies in the Senior
15 Executive Service retention, having to stay on, do you
16 think that contributed to any of the FISA mishaps
17 because there is such a young workforce?

18 A No.

19 Q Do you know what a green SAC patch is?

20 A Yes. I have one.

21 Q And what exactly is that?

22 A A contractor or the ability for former
23 employees to get in, that badge?

24 Q That one.

25 A Do I know what it is? Yeah. I have one.

1 Q And does every former employee get one, or
2 what do you have to get a badge that allows you to get
3 in after you've retired?

4 A Well, any former employee who takes on a role
5 as a contractor of course could, for specific purposes,
6 could get one, but often senior executives are allowed
7 to keep access to go back and provide -- the idea is to
8 as necessary provide expertise or assistance, et cetera,
9 et cetera.

10 I've gone back on a number of occasions and provided
11 briefings on topics, whether it's to finance or
12 criminals. It's just a way for former executives to
13 stay in the loop. I know for instance the former ADD,
14 Tom Harrington, comes back and consults quite often on
15 strategic topics, on finance topics.

16 Q So this is a badge you keep in perpetuity, or
17 is it time limited?

18 A No, it's time limited. It's like a -- if
19 your clearance is five years -- I have a five-year
20 clearance. At the end of those five years, I would have
21 to go and renew it to keep it, but I have one. So I
22 suspect if I want to keep it, I have to go back and have
23 another security clearance and polygraph to keep it.

24 Mr. Baker: Okay. Thank you.

25 (Recess.)

1 BY MS. SAWYER:

2 Q I just wanted to ask a few questions related
3 to the Steele dossier. You had, in talking to my
4 colleagues, indicated that at some point it came into
5 your possession and you had had a copy of it, and you
6 couldn't recall specific timing. I think you said you
7 thought it might have been the summer of 2016.

8 And I just -- in the Inspector General's Report on
9 page 100, it indicates that, and I'll just quote that
10 second paragraph, which just says, "On September 19th,
11 2016, the Crossfire Hurricane team received the Steele
12 reporting for the first time when Handling Agent 1
13 e-mailed SSA 1 six reports for the SSA to upload."

14 So it just sounds from that like the folks at
15 headquarters who were handling it didn't have it until
16 September.

17 A Yeah, so that's correct. So I was wrong. So
18 then after -- so clearly I had it, and I got it from
19 Bill. I asked Bill, hey, can I see a copy of it. So
20 whenever it came to headquarters, eventually it came to
21 be at my desk.

22 Q And I ask in part just because there have
23 been sometimes claims, not accurate claims, but claims
24 that the Steele dossier was part of the reason that the
25 Crossfire Hurricane investigations were opened in the

1 end of July, and the Inspector General actually found
2 that that wasn't the case, that the Steele dossier had
3 played no role, and I just wondered if your recollection
4 was consistent with that finding.

5 A I don't recall to be honest with you.

6 Q But certainly you don't have any reason to
7 believe that was --

8 A No.

9 Q The Steele dossier has played a very large
10 role in a lot of the public dialogue around this, and so
11 I'm going to describe that dossier as opposition
12 research on a candidate because it did derive -- a
13 company that was working with and campaign hired
14 Mr. Steele and asked him to do research and that's where
15 it derived from.

16 I'm kind of curious. I don't think it's probably
17 the first time what was opposition research came into
18 the FBI's possession. I think it's certainly not the
19 last because right now we know that information being
20 gathered by Rudy Giuliani is being passed to none other
21 than the Attorney General for possible consideration as
22 to whether he should be investigating.

23 So I'm not asking you for a political opinion at
24 all. I'm just asking you for based on your expertise
25 and experience, is it -- it's been suggested that with

1 regard to the Steele thing, it should have been ignored
2 completely by the FBI. Do you agree with that
3 assertion?

4 A No.

5 Q So how should it have been handled?

6 A So you handle the source information like we
7 handle all source information, with healthy skepticism
8 as to motivations, sourcing, and subsourcing. It's not
9 different -- again, it's not different from being on the
10 streets in Chicago and talking to a corner drug dealer
11 who is providing information on a rival drug dealer,
12 right. Because there's likely motives behind sources
13 offering. Very rarely does a source just provide the
14 information as in good conscience. It happens, though.

15 With all sources, you take a look at it, and you
16 apply healthy skepticism, and you then go and break that
17 apart. A lot of times source information is only
18 partially correct. So you'll have bits and pieces that
19 are accurate and bits and pieces that are false. You
20 then go and you need to investigate to try to develop
21 more information to run down those leads.

22 Q And from your perspective, you weren't -- I
23 just assume you weren't closely involved in any efforts
24 that the FBI and others took to assess the sourcing, run
25 down the leads. You were relying on other individuals

1 to do that?

2 A Yeah. That wouldn't be my role as an EAD.
3 I'm aware that it was going on, but it would have been
4 part of the normal investigative process.

5 Q And you are aware, at least sitting here
6 today, that information contained in some of the Steele
7 reporting was included in the application submitted to
8 the FISA board for Carter Page; is that accurate?

9 A Yeah, I'm aware of it. I don't know that I
10 necessarily -- I probably assumed it with the FISA
11 application. I know now that it's all over the media of
12 course.

13 Q Are you aware whether or not the FBI relied
14 on any of the Steele reporting beyond the application to
15 the FISA board for Carter Page in any of its
16 investigative steps?

17 A Can you say that again, please?

18 Q Yeah. It wasn't a very good question. Let's
19 try again.

20 Are you aware whether or not the FBI relied on the
21 Steele dossier in terms of its investigation of George
22 Papadopoulos?

23 A So I can't answer that question specifically
24 other than I would assume so and hope so. I mean, I
25 don't -- I didn't look at the case file, so I can't tell

1 you step by step what was involved in terms of the
2 investigative process. But I would hope that all
3 information that was used as a part of the
4 investigation, including the Steele dossier so to speak,
5 regardless of where it came from should be part of the
6 investigation.

7 Q So to the extent there is information
8 available to the FBI, what I hear you saying is, and I'm
9 going to use a stronger term than you've used, it's a
10 potential dereliction of duty not to at least consider
11 it?

12 A In any investigation, criminal and national
13 security, you pull in all information, whether that's
14 good, bad, positive, negative intelligence, all a part
15 of your picture you paint.

16 Q And have you looked at the FISA application
17 vis-à-vis the description to the court as to the source
18 of that information?

19 A I have not.

20 Q I want to turn -- so you don't have an
21 opinion as to whether or not how the source and its tie
22 to a political campaign was provided to the court -- how
23 it was described to the court?

24 A Yeah, no, I don't.

25 Q I want to turn just for a moment -- there was

1 a lot of discussion about both Lisa Page and Peter
2 Strzok and their personal relationship.

3 With regard to Peter Strzok's actual performance,
4 did you note anything in his performance that caused you
5 concern as to how he was conducting the Crossfire
6 Hurricane investigation?

7 A No.

8 Q And, presumably, had you noted anything in
9 his actual performance that was troubling, you would
10 have sought to either correct that or remove him for
11 performance-related reasons?

12 A Yes.

13 Q Did anyone else ever note to you or complain
14 to you about Mr. Strzok's actual performance on the
15 case?

16 A Other than what was mentioned earlier, no.
17 The conversation that Bill stated he had with me about
18 his concern about Lisa and Pete's relationship, I don't
19 recall that conversation, but I don't specifically
20 recall anybody commenting or having concerns about
21 Pete's performance as a leader. The only person who
22 would have that conversation with me would be Bill
23 Priestap, his boss.

24 Q And you don't recall any conversation where
25 Mr. Priestap expressed to you concerns about how

1 Mr. Strzok was conducting the investigation?

2 A I don't.

3 Q And with regard to Lisa Page, was she a
4 decision-maker in any way with regard to the
5 investigation?

6 A She was not.

7 BY MS. CALCE:

8 Q So I'm just going to ask a few questions
9 about the January 24th interview of Michael Flynn. Were
10 you involved in that interview?

11 A No.

12 Q Were you aware that it was going to take
13 place?

14 A Yes.

15 Q You know, there have been -- you were asked
16 earlier whether it's unusual for the FBI to talk about
17 the goals for -- for maybe two case agents to talk about
18 the goals for an interview before that interview takes
19 place. Is that correct or is that unusual?

20 A The case agents would do the interviews.

21 Q Right.

22 A Yeah, it's not -- it's a hypothetical
23 question, but, yeah, it's not unusual for two case
24 agents to collaborate and kind of figure out the game
25 plan for the witness interview.

1 Q And as part of that, they might, you know,
2 consider multiple approaches to an interview?

3 A Sure.

4 Q And I think you said that -- well, not in the
5 context of this, but it's possible that somebody might
6 suggest -- play devil's advocate, say -- might play
7 devil's advocate, might say, you know, we should think
8 about different approaches. This might work. This
9 might not work. This is a risk.

10 A Sure.

11 Q So there have been some accusations in the
12 news -- you might have heard -- with regard to the Flynn
13 case that the FBI's goal was to entrap Flynn, to kind of
14 intentionally get him to lie. Now, I've always
15 understood entrapment to involve some element of
16 trickery, to involve coercing a crime by defendant who
17 might otherwise not be predisposed to commit one.

18 What is your understanding of the conduct that would
19 constitute entrapment?

20 A Yeah, you're absolutely right. So entrapment
21 is a strong term. Essentially, if I'm not predisposed
22 to commit a crime, somebody comes in and tricks me or
23 coerces me to commit that crime, that's entrapment.
24 Getting somebody to make a statement is not entrapment.

25 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,
8 is that 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.

1 I believe that the reason for our decision to
2 interview him was because he was picked up on an
3 intelligence-gathering platform.

4 Ms. Sawyer: Can we go off the record just for a
5 second?

6 (Discussion off the record.)

7 The Witness: So we gathered information in the
8 course of our investigation that necessitated us going
9 and interviewing General Flynn to obtain more detail on
10 that information.

11 BY MS. SAWYER:

12 Q So, again, I'm going to ask you a few
13 questions that are in a relative vein of hypothetical so
14 as to not get into any sensitive information. I just
15 want your sense.

16 As a -- certainly as a counterintelligence matter,
17 if the FBI was in possession of information that
18 indicated that an incoming National Security Advisor had
19 lied to the vice president about his interactions with a
20 foreign government, what kinds of concerns
21 would -- might that raise?

22 A I think that's probably too political for me
23 to answer. I mean, I think if any individual,
24 particularly in a position of trust in government,
25 withheld or concealed information or relationships with

1 a foreign government, particularly an adversarial
2 foreign government, that's a problem, and that's a very
3 concerning behavior pattern.

4 I won't comment as to whether an incoming National
5 Security Advisor lied to the vice president. I mean,
6 it's more of a political situation. Withholding
7 information regardless of who it's to would have been a
8 concern to me.

9 Q And I am honestly not trying to get you to
10 make a political statement. I'm happy to alter the --

11 A I just don't want to get into --

12 Q Understood. I'm just trying to get a sense
13 of, you know, there have been allegations that there was
14 no legitimate reason to be questioning Lieutenant
15 General Flynn.

16 A Yeah, that's wrong. Absolutely.

17 Q And can you explain why that would be true,
18 why he should have been questioned?

19 A He's the incoming National Security Advisor,
20 and information was identified that was concerning for
21 us. He's in a particular position of trust with access
22 to very sensitive information. That is absolutely
23 appropriate.

24 Ms. Sawyer: Give us a minute, and we'll just make
25 sure that we're --

1 So I think we are finished with our questioning. We
2 appreciate you taking the time and coming in and
3 answering questions that we have. I don't know if you
4 had any --

5 ██████████: Before we close can record -- actually,
6 can we go off the record for a moment?

7 (Discussion off the record.)

8 BY MR. SOMERS:

9 Q Mr. Steinbach, in the first round we
10 discussed meetings that included the director and/or the
11 deputy director, yourself, and others, and we were going
12 through attendees at that meeting, and there were two
13 attendees that I didn't get to ask you about in the
14 first round. I'd like to ask whether they attended
15 those meetings.

16 Do you recall the discussion prior to that, just
17 first?

18 A Yes.

19 Q Do you know if -- I'm going to use their
20 identifiers from the Inspector General's Report.

21 Do you know if the OGC attorney was a participant in
22 those meetings?

23 ██████████: And, again, I'm going to instruct the
24 witness not to answer. We haven't received
25 clarification on whether we are allowed to go into

1 non-SES names here today.

2 BY MR. SOMERS:

3 Q And, for the record, I'm using his identifier
4 from the Inspector General's Report. I'm not asking you
5 his name.

6 Do you know if the person identified on page 82 of
7 the Inspector General's Report as the supervisory
8 intelligence analyst was at those meetings with the
9 director and/or deputy director?

10 [REDACTED]: And, again, I'm once again going to
11 object and instruct the witness not to answer because we
12 have not received clarification on whether the witness
13 can discuss non-SES names here today.

14 Mr. Somers: All right. I think that concludes the
15 interview, and I thank the witness for attending
16 voluntarily.

17 The Witness: You're welcome.

18 (Whereupon the proceedings were adjourned at
19 1:53 p.m.)

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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.

1 APPEARANCES:

2 Zachary N. Somers, Chief Investigative Counsel
3 (Majority)

4 Arthur Radford Baker, Senior Investigative Counsel
5 (Majority)

6 Sara Zdeb, Senior Counsel (Minority)

7 Joseph Charlet, Counsel (Minority)

8 [REDACTED], FBI Office of the General Counsel,
9 Assistant General Counsel

10 [REDACTED], FBI Office of the General Counsel,
11 Assistant General Counsel

12 [REDACTED], US DOJ FBI Supervisory Special
13 Agent, Office of Congressional Affairs

14 Richard L. Swick, Counsel for the witness

15 [REDACTED], Counsel, DOJ

16 [REDACTED], FBI OGC

17 Mary Grace Castleberry, Court Reporter

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I N D E X

EXAMINATION BY

COUNSEL FOR THE MAJORITY: PAGE

By Mr. Somers 4, 17, 22, 26, 27, 29,
31, 33, 36, 38, 39, 40, 41, 42, 45, 47, 49, 58, 62, 64, 65,
66, 67

By Mr. Baker 13, 17, 27, 29, 31, 32,
35, 37, 38, 39, 40, 42, 45, 46, 48, 60, 64, 65, 66, 67

COUNSEL FOR THE MINORITY

By Ms. Zdeb 52

EXHIBITS

(No exhibits were marked.)

P R O C E E D I N G S

1
2
3 Mr. Somers: This is a transcribed interview of
4 Stephen Laycock. Chairman Graham requested this interview
5 as part of an investigation by the Senate Judiciary
6 Committee into matters related to the Justice Department's
7 and the Federal Bureau of Investigation's handling of the
8 Crossfire Hurricane investigation, including applications
9 for and renewals of the Foreign Intelligence Surveillance
10 Act Warrant on Carter Page.

EXAMINATION

11
12 BY MR. SOMERS:

13 Q Would the witness please state his name and
14 current position at the FBI for the record.

15 A Stephen C. Laycock, L-a-y-c-o-c-k. Executive
16 assistant director, intelligence branch.

17 Q Thank you. On behalf of Chairman Graham, I
18 want to thank you for appearing today and we appreciate
19 your willingness to appear voluntarily.

20 My name is Zachary Somers. I'm majority chief
21 investigative counsel for the Judiciary Committee. I'd now
22 like to ask everyone else here in the room to introduce
23 themselves for the record except for your personal counsel
24 who I'll get to in a few moments.

25 Mr. Baker: Arthur Baker, senior investigative

1 counsel, majority staff, Chairman Graham.

2 Ms. Zdeb: Sara Zdeb, senior counsel for Ranking
3 Member Feinstein.

4 Mr. Charlet: Joe Charlet, counsel for Ranking
5 Member Feinstein.

6 [REDACTED]: [REDACTED], FBI OGC.

7 [REDACTED]: [REDACTED], FBI OGC.

8 [REDACTED]: [REDACTED], FBI OGC.

9 [REDACTED]: [REDACTED], FBI OGC.

10 [REDACTED]: [REDACTED], FBI OCA.

11 BY MR. SOMERS:

12 Q The Federal Rules of Civil Procedure do not
13 apply in this setting, but there are some guidelines that
14 we follow that I would like to go over.

15 Our questioning will proceed in rounds. The
16 majority will ask questions for the first hour and then the
17 minority will have the opportunity to ask questions for an
18 equal period of time. We will go back and forth in this
19 manner until there are no more questions and the interview
20 is over.

21 Typically we take a short break at the end of each
22 hour of questioning, but if you would like to take a break
23 apart from that, please let us know.

24 As I noted earlier, you're appearing today
25 voluntarily. Accordingly, we anticipate that our questions

1 will receive complete responses. To the extent that you
2 decline to answer our questions or if counsel instructs you
3 not to answer, we will consider whether a subpoena is
4 necessary.

5 As you can see, there's an official reporter taking
6 down everything that is said to make a written record, so
7 we ask that you give verbal responses to all questions. Do
8 you understand that?

9 A Yes, I do.

10 Q So if the reporter can take down a clear
11 record, it is important that we don't talk over one another
12 and/or interrupt each other if we can help it. The
13 committee encourages witnesses who appear for transcribed
14 interviews to freely consult with counsel if they so
15 choose. And you're appearing here today with counsel.

16 Mr. Somers: Would counsel please state his name for
17 the record.

18 Mr. Swick: Richard Swick.

19 BY MR. SOMERS:

20 Q We want you to answer our questions in the
21 most complete and truthful manner possible so we will take
22 our time. If you have any questions or if you do not
23 understand one of our questions, please let us know.

24 If you honestly don't know the answer to a question,
25 do not remember it, it is best not to guess. Please give

1 us your best recollection and it is okay to tell us if you
2 learned the information from someone else.

3 If there are things you don't know or can't
4 remember, just say so and please inform us who, to the best
5 of your knowledge, might be able to provide a more complete
6 answer to the question.

7 You should also understand that although this
8 interview is not under oath, you are required by law to
9 answer questions from Congress truthfully.

10 Do you understand that?

11 A Yes, I do.

12 Q This also applies to questions posed by
13 congressional staff in the interview. Do you understand
14 this?

15 A Yes, I do.

16 Q Witnesses who knowingly provide false
17 testimony can be subject to criminal prosecution for
18 perjury for making false statements. Do you understand
19 this?

20 A Yes, I do.

21 Q Is there any reason you are unable provide
22 truthful answers to today's questions?

23 A No.

24 Q Finally, we ask that you not speak about what
25 we discuss in this interview with anyone outside of who is

1 here in the room today so that we can preserve the
2 integrity of our investigation. That's the end of my
3 preamble.

4 Do you have any questions before we begin?

5 A No, I don't.

6 Q It's now 10:02. We'll begin our first round
7 of questioning. Have you had a chance to review or read
8 the December 2019 report, IG report on the Carter Page FISA
9 application?

10 A Portions of it.

11 Q Other than your attorney, did you speak with
12 anyone in preparation for today's interview?

13 A No.

14 Q What we're mainly interested in -- and I'm
15 assuming FBI counsel talked to you about this today -- is
16 discussing your interactions with Kathleen Kavalec relating
17 to Christopher Steele that occurred presumably in the fall
18 of 2016, although we do have some other areas that I think
19 we'll go into.

20 What position did you hold at the FBI in the fall of
21 2016?

22 A I was the section chief for the
23 counterintelligence division, Eurasia program.

24 Q And who did you report to in that position?

25 A During my time there, I reported to the

1 deputy assistant director. My first one was William
2 Johnson, second one was Jen Boone.

3 Q And when did that division between the two of
4 them occur, roughly?

5 A I don't remember. One got promoted and -- I
6 don't remember.

7 Q Do you recall if it was Jen Boone throughout
8 the relevant time period, the fall of 2016?

9 A Yes, it was.

10 Q And what were your responsibilities in your
11 position as the section chief of the Eurasia division?

12 A So I -- as the section chief, I covered the
13 traditional counterintelligence work relating to Russia,
14 Eurasia countries, Belarus, Ukraine. I was the national
15 program manager for the FBI.

16 Q And those responsibilities, those would be
17 counterintelligence responsibilities for Eurasia, they
18 don't extend -- it's not Eurasia generally. It's
19 counterintelligence for Eurasia?

20 A Yes.

21 Q So in the criminal division, there may also
22 be a Eurasia specialist section chief?

23 A Yes.

24 Q Could you briefly walk us through your career
25 progression up to becoming the section chief for Eurasia?

1 A From the very beginning?

2 Q From the beginning. You can be brief, but I
3 would just like to get a little bit of a picture of your
4 FBI progression.

5 A Sure. I first entered on duty with the FBI
6 around April 1992 as a physical science technician in the
7 laboratory division. In 1995 November, I reported to
8 Quantico new agents class. Upon graduation in March '96, I
9 went to San Francisco and I was an agent in San Francisco
10 until the fall of 2003.

11 I returned to headquarters in the
12 counterintelligence division in 2003 working in China
13 matters. I worked down at Quantico as a program manager in
14 crisis management, a unit chief in counterintelligence
15 after that, reported to the Norfolk, Virginia Field Office
16 where I was the counterintelligence supervisor for about
17 five years. And I was in the Richmond, Virginia division
18 as an assistant special agent in charge overseeing national
19 security program and intelligence.

20 And that led me to -- in August of 2015 was when I
21 reported to FBI counterintelligence division to be the
22 section chief of the Eurasia program.

23 Q And how long did you stay in that position?

24 A I was in that position until April of 2017.

25 Q And where did you go in April 2017?

1 A I was assigned to special agent in charge,
2 counterintelligence program for the Washington Field
3 Office.

4 Q And that was the last job you held before
5 this job?

6 A No, sir. In April of 2018, I was promoted as
7 assistant director for the director of intelligence at FBI
8 headquarters. And I served in that role from April of 2018
9 until approximately October of 2019 where I assumed the
10 current role that I'm in right now.

11 Q And then in your role as the section chief of
12 the Eurasia section, how many people were you supervising?

13 A Approximately 50.

14 Q Fifty. Is that a combination of agents and
15 analysts or is it --

16 A Agents, analysts, professional staff.

17 Q Were any of those people experts on Russia?

18 A It depends on how you define experts.

19 Q Did anyone specialize in Russia versus other
20 countries in Eurasia?

21 A They probably had more knowledge of Russia
22 than other countries. We've got people determined to be an
23 expert and they do a little bit more on the Russia program
24 than analysts working in the China program or non-Eurasian
25 country.

1 Q Did any of them speak Russian?

2 A No.

3 Q Have you worked on FISAs in your career at
4 the FBI?

5 A Yes.

6 Q How many, approximately?

7 A Twenty to 25.

8 Q In what type of roles did you work on FISAs?

9 A I was an author of FISAs. I was -- and I say
10 that meaning as a case agent in the field, obviously office
11 of intelligence, OIPR at the time. The DOJ writes the
12 actual FISAs and we provide the input and the information
13 for it.

14 As a case agent in San Francisco and then as a
15 supervisor, I was part of the approval process. All the
16 way up until my role as a special agent in charge, I was a
17 part of the approval process for FISAs.

18 Q So you've obviously signed a Woods form
19 before then?

20 A Yes.

21 Q How familiar are you with the Woods
22 procedures?

23 A Pretty familiar.

24 Q How did you learn or gain that familiarity?

25 A It's part of the training when you're working

1 in counterintelligence and FISA, you are aware of the
2 different processes and steps that are required as an
3 affiant as well as an approver, you are ensuring that
4 correct information is in the FISA packages. So you're
5 aware of the different steps that are involved in the
6 approval.

7 BY MR. BAKER:

8 Q Is that training you would get as soon as you
9 enter into a counterintelligence role? Is it something you
10 get as just basic training as a new agent before you even
11 know what your assignment might be? When in the process do
12 you become familiar with Woods requirements?

13 A It depends on the person and the time.
14 There's specific training you get at Quantico. There's a
15 basic counterintelligence course that you would take where
16 you learn steps along the way.

17 Some of it you learn -- I had not had a -- when I
18 first did a FISA in the field, I had not had formalized
19 training. I had a training agent who would help me who had
20 seniority in the counterintelligence program who showed me
21 the way.

22 Q So this training agent is somebody that
23 themselves was versed in counterintelligence, actually had
24 a practical knowledge of what you had to do with Woods
25 procedures and other counterintelligence nuances?

1 A Actually, I don't recall when Woods
2 procedures first came into play in the FBI. I can't
3 remember specifically when that happened.

4 Q In addition to your experience with
5 counterintelligence matters from a field agent and then in
6 your executive management roles at headquarters, did you
7 ever have occasion as an assistant inspector, as an
8 inspector to go around and audit other counterintelligence
9 investigations that you were not directly involved in as an
10 auditor from the inspection division to check on
11 compliance?

12 A Specific to counterintelligence or just did I
13 do inspections?

14 Q Both. I assume you did inspections based on
15 your rank now; is that correct?

16 A Yes.

17 Q Do you have any recollection of specifically
18 doing counterintelligence audits? And I guess the
19 follow-up would be any training related to that, what you
20 were supposed to look for as an assistant inspector or an
21 inspector.

22 A In my experience of doing inspections, on one
23 occasion, there's six inspection credits required for
24 promotion at the time. One of those inspections involved
25 another division's counterintelligence program. I don't

1 recall the number of FISAs that may or may not have been
2 looked at for that division at that time.

3 Q I don't want to spend a lot of time on it,
4 but what is the goal of these audits? I'm
5 familiar -- we've heard testimony in addition to the
6 structured audits that you would have done as an inspector
7 or an assistant inspector that the counterintelligence
8 program is subject to a lot of other audits.

9 I think OGC sends people out with DOJ lawyers and
10 there's some files and cases that are randomly selected for
11 compliance. I'm just curious, what is the goal of either
12 the inspection type that you do or this other type -- and
13 you may or may not be familiar with them -- what do you do
14 when you leave a field office? You have findings, there's
15 deficiencies? What happens post audit and what is it that
16 you're ultimately looking for?

17 A I think -- well, there's two different ways
18 of looking at that. In inspection, you're looking at how
19 the division, a program or a subprogram, is performing
20 throughout a specific range of time. And you're looking
21 at -- and that can take different forms and fashions if you
22 lead, either state a specific program or the entire
23 division or field office. So you're evaluating performance
24 on how they are doing based off this set of guidelines and
25 metrics that the inspection division will put forth.

1 In those you could have findings of compliance
2 issues, following guidelines or not following guidelines.
3 You will find some deficiencies and you will find some
4 positive recommendations or feedback that have happened in
5 the field office.

6 And specifically for FISA, there are some national
7 security reviews, I think they're called, and FISA reviews
8 where the FBI with DOJ randomly picks a FISA to go through
9 and audit it to make sure that it satisfied all the
10 compliance rules for that FISA.

11 Q Separate and apart from anything we're
12 talking about today with Crossfire Hurricane, are you aware
13 either on inspections that you did or compliance audits
14 that you may have done or just discussion amongst
15 inspectors or assistant inspectors about deficiency issues
16 in the FISA process in general?

17 A How do you mean?

18 Q Are you aware of any trend of the findings?
19 I think they were ineffective/inefficient was the worst
20 finding you could come out of an inspection with.

21 Was there a trend in the FISA audits of compliance
22 issues, not necessarily related to this, just a trend in
23 general where somewhere for some reason the training wasn't
24 getting out or there was a misunderstanding that there was
25 a trend of a lot of deficiencies, a lot of errors,

1 omissions in the FISA process?

2 [REDACTED]: Are you asking to his personal knowledge?

3 Did any of the inspections he was involved in? Or are you

4 asking if he knows of any trend at the Bureau writ large?

5 Mr. Baker: Both.

6 [REDACTED]: To the extent you know.

7 The Witness: I'm not aware of, no.

8 Mr. Baker: Okay. Thank you.

9 BY MR. SOMERS:

10 Q Did you look at the Inspector General's

11 recent audit of the Woods procedures?

12 A I haven't read it. I know about them, but I

13 haven't read it.

14 Q The division you currently head, do they

15 apply for FISAs?

16 A No.

17 BY MR. BAKER:

18 Q I would be curious to back up just a bit.

19 You went through your work history and you're obviously

20 very versed or seem to be very versed in

21 counterintelligence matters.

22 Could you just generally explain the setup of a

23 division? We would be curious to know -- you know,

24 obviously the director's at the top of the pyramid and as

25 far as agents are concerned, SSA would be at the bottom.

1 But some of the other ranks for the record would be
2 beneficial. And like how many? You talked about section
3 chief. How many section chiefs might be under a DAD. How
4 many DADs would be under a division.

5 And I guess it's going to depend on the size of the
6 division or whatnot. So I guess for our purposes,
7 counterintelligence division, to the best if you know.

8 A So when you say division, you mean
9 headquarters division, not a field office?

10 Q Yes, sir. A headquarters division.

11 A How about if we start with this. I'll
12 explain my division when I was assistant director. So you
13 have the director of the FBI, you have a deputy director of
14 the FBI and associate deputy director of the FBI. And then
15 the next level is where I'm at, the executive assistant
16 director. There's dotted lines to other folks in there,
17 general counsel, public affairs, congressional affairs on
18 how that works and they have their own respective
19 divisions.

20 Under my purview right now, I have three divisions,
21 the director of intelligence, which I was assistant
22 director for, Office of Partner Engagement and Office of
23 Private Sector. I'll describe to you, because I was the
24 assistant director, how my division was set up for the
25 director of intelligence.

1 So I was the assistant director. I had three deputy
2 assistant directors and below their branches, I had eight
3 section chiefs and each section chief was responsible for a
4 different set of programs. Under the section chiefs, you
5 would have a varying amount of unit chiefs or units that
6 were run by a unit chief, a GS-15 unit chief.

7 The size and scope of the individual units,
8 depending on what their primary focus was, some could be
9 very small, some could be much larger depending on the
10 number of employees that you would have. And then within
11 there, you would have supervisory special agents,
12 management program analysts or intelligence analysts or
13 contractors that are working to support that.

14 Each division generally is the same makeup. The
15 counterintelligence division today is different than where
16 it was when I was as a section chief in there. They have
17 reorganized. And I don't know in detail, but they have
18 mission centers now versus sections for Eurasia. It's a
19 little bit different. So I can't speak to exactly how
20 that's set up right now, but usually my division that I was
21 an AD over, that's generally how that is set up.

22 Q Now, was your division bigger or smaller than
23 counterintelligence?

24 A That's a good question. I don't know.

25 Q And when we started this question, you wanted

1 to know if I was talking about a field or headquarters.

2 Just generally, how does the field interact with the
3 headquarter division, specifically in relation to the
4 counterintelligence agent that's out in the field? How do
5 they interact with headquarters? How does headquarters
6 communicate with an agent assigned a counterintelligence
7 matter in a field office?

8 A Typically, it depends. I mean, really based
9 off -- I mean, headquarters' job is to program manage from
10 a national strategic perspective for all 56 field offices
11 and to some extent the lead attaches. They will send the
12 principles of that strategy out to the different field
13 offices.

14 Typically, depending on the level you are at at
15 headquarters will determine your level of normal
16 interaction. As a section chief, I would not talk to an
17 agent in the field or an analyst. It's just from a
18 hierarchical standpoint not the normal thing to do. You
19 would hit your commensurate level, an ASAC or maybe an SAC
20 in the field office, on any kind of discussions.

21 Program managers, management program analysts, and
22 intelligence analysts at headquarters would interact with
23 the various squads and supervisors and street agents or
24 analysts in the field office on a day to day -- not that
25 they speak day to day, but the day-to-day activities of

1 what they are working on in terms of guidance, instruction,
2 awareness, especially when there's operations involved.

3 Q So for a CI investigation in the field that
4 would result in the FISA technique, that agent in the field
5 would interact with a counterpart in the
6 counterintelligence division at FBI headquarters? Is that
7 the first place they interact or are there also places that
8 FISA flows in the field office before it leaves the field
9 office and gets to headquarters?

10 A The initial discussions would be from the
11 field office agent to a headquarters program manager, maybe
12 a supervisor or to a supervisor. But that's typically the
13 starting point for discussing whether a FISA is warranted
14 or whether we should go down that investigative technique
15 to apply for, and then you'll start engaging other parties
16 within your field office, your legal counsel and so forth.
17 And then, depending on where you're at, the approval
18 process will kick in as soon as you start your application
19 process.

20 Q And somewhere in that infancy, there is
21 somebody that's looking to make sure that this
22 investigation, that this technique is consistent with
23 whatever the Bureau has identified as goals or objectives
24 or -- I mean, a field agent can't just open a case on
25 anything and they can't employ any technique they want on

1 anything.

2 I'm assuming there's national goals, objectives,
3 priorities based on current threat trends and intelligence
4 reporting that helps the Bureau decide where they're going
5 to put their resources at; is that correct?

6 A Correct.

7 BY MR. SOMERS:

8 Q And then you mentioned a program manager.
9 What type of rank is he? Where do they fit in the rankings
10 there?

11 A So program manager, typically a supervisory
12 special agent, GS-14, in headquarters. Different divisions
13 might have -- you might use a management program analyst
14 who's also considered a program manager that's just
15 interacting with the field. It typically is a GS-14
16 supervisory special agent.

17 Q So that SSA could shut down a request from
18 the field to seek a FISA when they're initially consulted?

19 A Yeah. Yes.

20 Q Let's turn specifically to Crossfire
21 Hurricane. When did you become aware that the FBI had
22 opened the Crossfire Hurricane investigation?

23 A Around the fall of 2016.

24 Q So it was open when you first learned of it?

25 A I found out after it was opened that it was

1 opened.

2 Q So you were not consulted on the decision to
3 open it?

4 A No, sir.

5 Q Were you generally aware in the summer of
6 2016 about allegations or -- I'm not sure of the exact
7 word -- but threats that Russia was trying to interfere in
8 the 2016 election?

9 A I don't know the exact time frame of when I
10 learned of that. Sometime between late summer and fall of
11 2016.

12 Q Were threats, Russian threats to the
13 integrity of the 2016 election, is that something in the
14 purview of the Eurasia section?

15 A It was not at that time.

16 Q And so when you learned of Crossfire
17 Hurricane sometime in the fall of 2016, what was your
18 understanding of what the investigation was when you
19 learned of it?

20 A I had learned that the counterintelligence
21 division had a team of folks that were looking at Crossfire
22 Hurricane as an umbrella investigation and they were
23 looking at threats from Russia or allegations or reviewing
24 allegations of Russia tampering with the election process.

25 Q In what context did you learn about Crossfire

1 Hurricane?

2 A Through meetings with my superiors.

3 Q So did you just pick it up on the side or
4 were you specifically sort of told, hey, we're doing this
5 Crossfire Hurricane investigation, what's it about?

6 A I can't remember exactly how it transpired
7 that I learned about the investigation. So, again, for
8 context, sometimes I might be an acting DAD. My boss is
9 out of town or away and in that capacity, I might pick up
10 on things in that capacity to learn about different things
11 that are happening within the division.

12 Q As I mentioned at the beginning, obviously,
13 one of the specific things we want to ask you about
14 is -- you know, you had interactions with Kathleen Kavalec
15 regarding her meeting with Christopher Steele. That
16 meeting occurred on October 11th, 2016.

17 Do you know whether you had knowledge of Crossfire
18 Hurricane prior to October 11th, 2016?

19 A Yes.

20 Q And did you take any investigative steps,
21 have any input, any involvement in Crossfire Hurricane
22 other than knowing about it prior to October 11, 2016?

23 A I did not.

24 Q So you're just picking up -- prior to that,
25 you just have an understanding there's an investigation?

1 A Correct.

2 Q And then after October 11th, 2016, we have
3 what we want to talk to you about with Kathleen Kavalec.
4 But other than the relaying of information from Kathleen
5 Kavalec to you related about her meeting to Christopher
6 Steele, did you have any involvement going forward after
7 October 11 with Crossfire Hurricane other than the sort of
8 general knowledge that it existed?

9 A General knowledge it existed.

10 Q So you had no investigative steps, no -- you
11 weren't consulted, you weren't asked questions about, hey,
12 we're looking at this, can you -- what's your opinion on
13 that?

14 A Nope. Nope.

15 Q Do you know if any of the agents, analysts or
16 other employees in your section had any involvement in
17 Crossfire Hurricane?

18 A I -- can I talk to him?

19 Q Yes, please.

20 (Witness confers with counsel.)

21 The Witness: So during that time, I had a GS-15
22 unit chief as an interlocutor between my section and the
23 Crossfire Hurricane team.

24 BY MR. BAKER:

25 Q Who was that?

1 A I don't think I should -- am I able to tell
2 that?

3 Mr. Somers: Do you know if it was someone
4 identified by an identifier in the report? We could get
5 the answer that way.

6 ██████████: I'm not aware that this individual is
7 identified in the org charts on the OIG's report because I
8 don't believe -- and correct me if I'm wrong -- that that
9 person was a member of the Crossfire Hurricane team. But
10 they would be non-SES.

11 Mr. Somers: I understand that.

12 BY MR. SOMERS:

13 Q So they were not -- this unit chief, they
14 were not a member of the Crossfire Hurricane team?

15 A No.

16 Q But you're saying they did -- they had more
17 involvement than you did in terms of the actual
18 investigation; is that right?

19 A I wouldn't characterize it that way. In the
20 event there was information sharing required if they came
21 up, that was the interlocutor between my section and the
22 Crossfire Hurricane team.

23 Q Could you -- I mean, it's kind of like -- I
24 guess we're asking questions -- it's kind of a long way to
25 get at. Maybe you can answer it this way.

1 I read that you're the Eurasia section chief and
2 Russia is in Eurasia, a huge investigation of Russia. So
3 I'm just trying to get an understanding within
4 counterintelligence why there's not more involvement from
5 the Eurasia section in a major investigation involving
6 Russia. Maybe that's a better way to just ask the
7 question.

8 A I wasn't part of the decision process to
9 create the team, Crossfire Hurricane team, nor why it
10 needed to be separated from the Eurasia program.

11 BY MR. BAKER:

12 Q Who did decide that it was going to be
13 separate from the Eurasia program?

14 A Assistant director for counterintelligence.

15 Q And that was who at the time?

16 A Bill Priestap.

17 Mr. Baker: Thank you.

18 BY MR. SOMERS:

19 Q And when Crossfire Hurricane began, Peter
20 Strzok was also a section chief, also of the same rank that
21 you hold?

22 A He did serve as a section chief, which is the
23 same rank. I can't remember at which point he transitioned
24 from section chief to deputy assistant director.

25 Q And he transitioned in September of 2016,

1 September 4th, 2016.

2 A Okay.

3 Q How many -- at the time, how many sections
4 were there in counterintelligence?

5 A They were numbered at the time. So I'm
6 thinking [REDACTED].

7 Q Maybe [REDACTED]?

8 A They went through CD [REDACTED]. And then there
9 was -- I stand corrected. [REDACTED] sections. [REDACTED] sections.

10 Q So you had like a geographic section, meaning
11 Eurasia section chief. Were there other geographic
12 sections? I mean, I'm not expecting you to tell me all 10
13 of them. I'm just trying to get a sense of is it Eurasia?
14 You know, is it -- just if you can just give me some sense
15 of the other sections.

16 A Again, this is my trying to understand why the
17 Eurasia section is not involved in the investigation of
18 Russia.

19 A There were a few sections that covered
20 geographic areas and then there were issue threat countries
21 for like espionage -- or I'm sorry, issue threats out
22 there, espionage, that would cover all countries.
23 Counter-proliferation, that would cover all countries. And
24 then you had some specialized programs, intelligence
25 programs, and then you had the geographic sections.

1 Q But even within Eurasia -- and I think you
2 answered this earlier, but just to be clear, it's still
3 Eurasia counterintelligence. Does that include
4 counterespionage? Is that part of counterintelligence?

5 A It does not.

6 Q It does not?

7 A It's part of counterintelligence, but
8 espionage is its own section. But, I mean, if you had
9 Eurasia espionage, it would be run out of a different
10 section.

11 Q Okay.

12 BY MR. BAKER:

13 Q So was there just a section that was more
14 finely tuned to be the section where the case was worked
15 out of based on everything that was known about the case
16 and that's why your section was not the one chosen? There
17 was just one that was better based on the totality of what
18 the investigators knew?

19 A Yeah. I don't know the reason why they
20 decided to separate that. I wasn't part of that
21 discussion.

22 BY MR. SOMERS:

23 Q Do you know -- and I'm guessing you probably
24 answered this more generally in some of your previous
25 responses. Do you know if anyone in the Eurasia section

1 tried to verify any facts in the Steele dossier?

2 A I'm not aware.

3 Q Do you know if they tried to help identify or
4 locate any of Steele's sources or sub-sources?

5 A No, I'm not aware.

6 Q So Kathleen Kavalec meets with Christopher
7 Steele on October 11th. Sometime thereafter, I think she
8 contacts you to relay that she met with Steele. Prior to
9 your discussion with Kathleen Kavalec where she relays her
10 October 11th meeting, did you know anything about
11 Christopher Steele?

12 A I had heard the name before.

13 Q Who did you think he was prior to that?

14 A I knew he was somebody that was associated
15 with the Crossfire Hurricane investigation.

16 Q You didn't have any knowledge of him apart
17 from Crossfire Hurricane in general?

18 A No.

19 Q How regularly did you have contact with
20 Kathleen Kavalec just in general in your role as the
21 Eurasia section chief?

22 A Probably a couple of times a month.

23 Q And by contacts, is that email, telephone,
24 you would see her at meetings? What are we talking about?

25 A All of the above.

1 Q And just generally -- I don't want to get
2 into any specific cases, concerns, anything like
3 that -- what did your contacts consist of other than this
4 Steele contact?

5 A All of our contacts that we had related to
6 she was overseeing the Eurasia/Russia program as part of
7 her portfolio at the State Department. And I was her
8 natural counterpart for the FBI to work with her on things
9 that deal with Russia or Eurasian countries in terms of
10 information sharing, actions from a diplomatic standpoint.
11 That would be our normal course of interaction.

12 BY MR. BAKER:

13 Q Did you have standing meetings with her --

14 A Yes.

15 Q -- or sort of ad hoc -- so you had regularly
16 scheduled meetings? Okay.

17 A It might not have been the same day each
18 month, but they were pretty regular.

19 Q But it was an established liaison channel?

20 A Correct.

21 Q It was not just something that came up.

22 A Correct.

23 Mr. Baker: Okay. Thank you.

24 BY MR. SOMERS:

25 Q So she had knowledge of other investigations

1 the FBI was conducting?

2 A Yes.

3 Q What about Victoria Nuland. Did you have
4 contact with Victoria Nuland?

5 A Yes.

6 Q What did those contacts consist of?

7 A Those were very infrequent. Probably a
8 handful of times. Maybe 10 to 12 times I had contact with
9 her. Again, it was just -- most of the time it was in
10 relation to Kathleen Kavalec and our meetings. There might
11 be something that needed to be clarified or something we
12 asked approval for that might get moved up to Victoria
13 Nuland that she would be made aware of and I would be
14 involved in that discussion.

15 BY MR. BAKER:

16 Q Did the FBI have any detailees over at State
17 in the Kavalec area, section or whatever?

18 A Yes, they had detailees over there. Not in
19 Kavalec's section per se.

20 Q Would those detailees answer to you or report
21 to you in any way or you to them with requests for
22 information or your official channel was Kavalec or how did
23 that work?

24 A Yes. At that time, there was two detailees
25 assigned from the FBI to State Department Office of Foreign

1 Missions, I believe. Although those detailees reported to
2 me, they handled FBI and counterintelligence matters across
3 the multiple divisions, not just the Russia program.

4 Q Would you have learned about Christopher
5 Steele from them?

6 A I might have. I don't know. I can't
7 remember.

8 Mr. Baker: Thank you.

9 BY MR. SOMERS:

10 Q Did you have any contact with Jonathan Winer?

11 A No.

12 Q Did Ms. Kavalec contact you about Christopher
13 Steele prior to her October 11th, 2016 meeting?

14 A I don't remember.

15 Q So you don't know if she bounced the name off
16 of you prior to meeting with him, asked if you knew
17 anything about him? Just trying to jog your recollection.

18 A One meeting I had over there is my normal
19 liaison meeting. She told me we needed to talk afterwards.
20 Probably she really said I need to share some information.
21 I don't know the timeline and how that relates to
22 October/November. It's all in that timeline.

23 I just don't know specifically what happened before
24 in that sequence unless, you know, I know there were some
25 emails that were forwarded in there. I just don't know the

1 timeline accurately enough to say it happened right before
2 or during the same exact time.

3 Q Let's talk about the actual interaction
4 regarding Christopher Steele. So what happens? She meets
5 with Steele and I gather she tells you about it.

6 When did she tell you about it?

7 A Again, I don't know specifically when. It
8 was during one of my normal liaison meetings over there.
9 We had our meetings. The liaison that I have assigned over
10 there was part of those meetings. We finished, went out
11 and had a conversation. She goes, I have information you
12 probably need to be made aware of. Because of my
13 peripheral understanding of Crossfire, and I had heard of
14 Mr. Steele's name before, when something was brought up, it
15 triggered my memory. I know people that are working on
16 this. I will put you in touch with the right people to
17 make sure that information is passed.

18 Q And what did she convey to you in this --

19 A I don't remember exactly what she said.

20 Q But she definitely made clear Christopher
21 Steele and Christopher Steele --

22 A I don't know if it was about Christopher
23 Steele or I just can't recall specifically what that
24 information was that she had to mention. I know there was
25 a contact. Whether it was Mr. Steele, I don't remember

1 that. And she wanted to share some information.

2 Q So you're told, you say, in your mind, at
3 least, there's other people that are handling this. So
4 what did you do with the information, whatever it was that
5 Kavalec tells you in this meeting?

6 A I gave that information, whatever it was, and
7 informed the folks in the Crossfire Hurricane team about
8 it, made them aware of it.

9 Q Did you tell her who to contact or did you
10 take care of that on your end, like I'm just going to
11 convey this information and tell them to reach out?

12 A I told her that there's a team that's working
13 on this and that I will put them in contact with you for
14 follow-up.

15 Q So you didn't give her a name and say,
16 contact John Smith --

17 A I don't remember if I gave her a name.

18 Q -- and he'll take care of it?

19 A Yeah. I don't remember if I said a name or
20 if I said I know some people that are working on it that
21 probably should get this information.

22 BY MR. BAKER:

23 Q And how soon did you relay the information
24 internally?

25 A That day.

1 Q That day?

2 A The day that -- whatever the day we had that
3 sidebar meeting.

4 Q And you gave that instruction to the team
5 that they should reach out to her?

6 A I gave them the option that they needed to do
7 follow-up, that that would be up to their discretion
8 however they wanted to proceed.

9 Q Do you know if they did?

10 A I don't know.

11 Q Just for the record, these two detailees,
12 they're below the SES rank?

13 A Correct.

14 Mr. Baker: Okay. Thank you.

15 BY MR. SOMERS:

16 Q So who did you give the information to at
17 FBI?

18 A I informed Peter Strzok and another
19 supervisor.

20 Q Would you clarify if that was SSA 1? Do you
21 know who was SSA 1 as identified in the --

22 A I don't know.

23 Mr. Somers: Can you tell him who SSA 1 is so I
24 can --

25 (Witness confers with counsel.)

1 The Witness: It seems that's SSA 1.

2 ██████████: And you are using SSA as it relates to SSA
3 1 in the IG report?

4 Mr. Somers: In the IG report, yes.

5 BY MR. SOMERS:

6 Q So Peter Strzok and SSA 1 are the two people
7 you relayed the Kavalec/Steele information to?

8 A Correct.

9 Q But you didn't give them an instruction. You
10 just said take it, here's the information if you want it?

11 A I sent it to him in an email. I'm sure
12 there's words in there that I put in my email, but --

13 Q I'm not --

14 A -- here's the information, if there's
15 anything you need me to do. I'm sure that's my normal
16 follow-up is here's the information pertaining, you let me
17 know; otherwise, it's in your care and custody now.

18 BY MR. BAKER:

19 Q Did I either of them follow up with you for
20 any clarification or --

21 A There might have been some back and forth
22 initially and then I don't remember exactly what it was.

23 Q But nothing that you recall about, well, who
24 should I call over at State or --

25 A No.

1 Mr. Baker: Thank you.

2 BY MR. SOMERS:

3 Q And then the IG report also mentions there's
4 an FBI liaison at the State Department, I assume it's like
5 some sort of permanent position of some sort, and that
6 Kavalec was at some point told to relay information to the
7 FBI liaison.

8 Did you give that instruction to her or did that
9 come from somewhere else?

10 A So to clarify, the liaison you're talking
11 about now is the same one I was speaking about before.

12 Q Okay.

13 BY MR. BAKER:

14 Q It's one of the two agents.

15 A There's one agent, one in MAPA that's over
16 there.

17 Q Okay.

18 [REDACTED]: Can you repeat the question?

19 BY MR. SOMERS:

20 Q I want to know, did you suggest to
21 Ms. Kavalec that she contact this FBI liaison?

22 A I advised -- yes. For any logical follow-up,
23 they could go through the liaison who sits over her at the
24 State Department.

25 [REDACTED]: I want to clarify things. We're using

1 the term, I think, "liaison" and "detailee"
2 interchangeably. Are you talking about the detailee from
3 FBI over the State Department?

4 The Witness: Yes.

5 BY MR. BAKER:

6 Q The agent detailee?

7 A Yes.

8 BY MR. SOMERS:

9 Q As to how to describe this person, the FBI
10 liaison/detailee, did you ever speak to them -- to him or
11 her about the Kavalec/Steele interaction? Did you say,
12 hey, she may reach out to you with some information?

13 A I spoke to the liaison detailee assigned
14 there to follow up with Kavalec as need be to share
15 information she has back to the Hurricane Crossfire team.

16 Q Did you ever inquire later of Strzok or SSA 1
17 or anyone else on the Crossfire Hurricane team and say, you
18 know, hey, whatever happened to that information we got
19 from the State Department?

20 A Kavalec reached out to me for a follow-up
21 that I followed up with the Crossfire team, is there
22 anything more that you need, something to that effect.
23 Those aren't the exact words, but just a general follow-up.
24 And then I followed up and basically left it back in the
25 hands of the Crossfire team for anything further.

1 BY MR. BAKER:

2 Q So the Crossfire team could then have gone
3 directly to the liaison/detailee and vice versa. You would
4 not have necessarily been a conduit either way?

5 A Correct, correct.

6 BY MR. SOMERS:

7 Q Have you ever heard impression, demeanor
8 regarding this information? Was this really urgent? Was
9 it time sensitive, very important? I mean, I don't -- I'm
10 just --

11 A Not really. Just -- not really.

12 Q You don't really recall or you don't really
13 recall if that was your attitude?

14 A I don't recall a sense of urgency other than
15 the fact that I just shared the information -- or what I
16 knew the day I received it to the right team so they could
17 make the determination on how they wanted to follow up.

18 BY MR. BAKER:

19 Q And you're not aware of any follow-up that
20 the Crossfire team did with her?

21 A I don't recall any.

22 Q But you probably would have heard either from
23 her, in your normal standing meetings or your
24 liaison/detailee, that Crossfire came over, there was a
25 call -- you probably would have heard if there was

1 something; is that correct?

2 A Not necessarily. It depends on the nature of
3 how that proceeded. Again, I was separated from the
4 Crossfire team, so I might not have necessarily been made
5 aware of every discussion or communication they had.

6 Q This liaison/detailee, they were, on the org
7 chart, assigned to your section back at the Bureau?

8 A Yes.

9 Q Would you have had regular -- not necessarily
10 operational contact with them -- would you have had any
11 managerial contact with them --

12 A Yes.

13 Q -- when they came in for a period -- I mean,
14 it was never specifically mentioned in any of those
15 contacts that there had been any follow-up from the
16 Crossfire team?

17 A Not that I recall.

18 Mr. Baker: Thank you.

19 BY MR. SOMERS:

20 Q If I could just read a passage here and ask
21 you about an email, read a passage from the IG report.
22 Page 119 of the IG report, it says, "Two days after the
23 meeting with Steele, Kavalec emailed an FBI CD section
24 chief a document that Kavalec received from Winer
25 discussing allegations about a linkage between Alpha Bank

1 and the Trump Campaign, a topic that was discussed in the
2 October 11th meeting. Kavalec advised the FBI section
3 chief in the email that the information related to an
4 investigation that Steele's firm had been conducting. The
5 section chief forwarded the document to SSA 1 the same
6 day."

7 And I assume you're that section chief?

8 A Yes.

9 Q Any reaction from SSA 1 regarding that
10 document?

11 A Not that I recall.

12 Q And you didn't do anything further with the
13 document?

14 A No.

15 Q Other than forward it on?

16 A Correct.

17 BY MR. BAKER:

18 Q Was there any reaction at all from the
19 Crossfire team about the information that you channeled in
20 their direction?

21 A I don't remember.

22 BY MR. SOMERS:

23 Q What was your reaction to it, what Kavalec
24 told you when you heard it? Did you think it was a matter
25 of urgent concern or anything else?

1 A I don't think it was a matter of like
2 imminent urgency, but just information that needed to be
3 passed to the right people. That's what I normally would
4 do. You get information that's out of your control to act
5 upon, you get it to the right people so they can make the
6 determination from there.

7 Q Do you recall if you were already familiar
8 with anything she relayed to you? I mean, I think she had
9 a meeting with Steele. We can tell from her notes that he
10 basically went over things in the dossier.

11 Was there any familiarity with what she told you
12 that you already knew from meetings or anything?

13 A The only thing that was familiar to me was
14 she had mentioned something about something in [REDACTED]. And I
15 had heard that as part of the discussion that happened with
16 the Crossfire Hurricane team during a daily meeting that
17 they would have and that's why I put the connection
18 together and said I know who you needed to be talking to
19 for this information.

20 Q And then Strzok and the SSA 1 were the only
21 two people you had -- and this FBI liaison/detailee -- but
22 on the Crossfire team, only Strzok and SSA 1, those were
23 the only two people you had contact with about the
24 information you received?

25 A From what I recall, yes.

1 Q Did they tell you, you know, do you recall,
2 this is no big deal, we already know about this, any sort
3 of reaction like that from them?

4 A Not that I remember.

5 Q And I think you mentioned one conversation.
6 Were there any -- it was just the one conversation with her
7 where she followed up later? So you have this initial
8 conversation -- she meets on October 11th. You have an
9 initial conversation with her. You also receive an email
10 from her all on this -- the email is dated October
11 13th -- so all in a short period of time.

12 At some later time, did you have a conversation with
13 her about either Crossfire Hurricane or Christopher Steele?

14 A We might have. I don't remember
15 specifically.

16 Q So nothing huge?

17 A Nothing that stands out.

18 Q Did she ever ask you why she was not
19 interviewed by the FBI regarding --

20 A No.

21 Q -- her interactions with Steele?

22 A No.

23 Q Did you bring up the possibility with her
24 that the FBI -- somewhere she got the impression that the
25 FBI was going to interview her.

1 Did you at all raise the prospect when you initially
2 met with her or at some other time that, hey, the FBI may
3 want to interview you about this?

4 A I don't know -- once the information was
5 passed and they could make the determination whether a
6 logical follow-up or an interview would be required, I
7 wasn't part of that decision-making. So I don't know what
8 led her to believe -- there could have been conversations
9 that had happened that I'm not privy to or said she might
10 be in, but I don't know.

11 BY MR. BAKER:

12 Q So what would be -- you wouldn't necessarily
13 think it was unusual if there wasn't follow-up because you
14 were the conduit. The team had the specifics of what they
15 were looking for, what they needed to look for, whatever.
16 It was in their hands whether they needed to follow up?

17 A Yes.

18 Mr. Baker: Okay.

19 BY MR. SOMERS:

20 Q Would that be an unusual step for the FBI to
21 interview a State Department employee about information
22 conveyed about a criminal investigation?

23 A Say that again.

24 Q I'll ask it another way. Would it be a
25 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?

1 A It was sometimes attended by the
2 counterintelligence division assistant director. Sometimes
3 the deputy assistant director for counterintelligence and
4 the section chiefs from both the counterintelligence and
5 cyber division. And the Office of General Counsel would be
6 a part of it.

7 Q So would this meeting have just been for that
8 case or was it by cases in the division and that would be
9 one that was presented?

10 A It was relating to Crossfire Hurricane and
11 other -- some few tangential cases that were associated
12 too.

13 Q So the primary focus was Crossfire Hurricane?

14 A Yes.

15 BY MR. SOMERS:

16 Q Do you recall -- just trying to jog your
17 memory here in case you do recall -- Ms. Kavalec conveying
18 information to you that Steele conveyed to her information
19 about a Russian consulate being located in Miami and that
20 was an inaccurate assessment on Steele's part?

21 A I recall a conversation about a consulate in
22 Miami independent of the -- what she had mentioned
23 regarding what Mr. Steele said to her.

24 Q But you don't -- do you recall how that came
25 up?

1 A During our normal meetings, our liaison
2 meetings. It could have been -- I don't know how -- I
3 don't know if she knew that through other channels in terms
4 of her -- because she runs the diplomatic aspect of
5 countries here in the United States. It came up in some
6 other discussion regarding if there was a consulate in
7 Miami, which we both knew is not true because we know where
8 all the consulates and embassies are around the country.
9 That's where I would handle normally in my purview as the
10 section chief of the Eurasia program. So when it came up
11 in a discussion, it was like, we don't have a consulate in
12 Miami.

13 Q That came up in a discussion in headquarters,
14 with FBI personnel?

15 A Yes. Independent of the Mr. Steele piece in
16 here, it came up through other discussions.

17 BY MR. BAKER:

18 Q Would that have been at this standing
19 Crossfire Hurricane meeting?

20 A It might have been mentioned there, but it
21 would have also been mentioned through my interaction with
22 Ms. Kavalec in our normal liaison relationship, our normal
23 relationship that we have.

24 Q Was Christopher Steele discussed at this
25 standing meeting?

1 A Yes.

2 Q And his reporting, was that discussed?

3 A Yes.

4 Q Could it have been at that meeting that
5 someone pointed out that there was an issue about a
6 consulate that didn't exist in the city that perhaps he
7 said did?

8 A It might have. I don't recall specifically
9 what was discussed in those meetings.

10 Mr. Baker: Thank you.

11 BY MR. SOMERS:

12 Q Another person that Ms. Kavalec had
13 interactions with, I wonder if you also had interaction
14 with them is Bruce Ohr.

15 Do you know Bruce Ohr?

16 A I know the name.

17 Q But you don't know him?

18 A Never met him.

19 Q Never met him. I assume you're not part of
20 the Russian Malign Influence Group that Kavalec established
21 in the summer of 2016?

22 A I was initially.

23 Q You were initially?

24 A Uh-huh.

25 Q Ohr was not part of that group?

1 A Not that I recall.

2 Q And what was the purpose of that group, the
3 Russian Malign Influence Group?

4 A Initially it was to bring together the
5 community, being the intelligence community and government
6 agencies, to discuss ways to identify and counter-malign
7 foreign influence.

8 Q So election interference, is that a malign
9 influence?

10 A It was a category of, yeah.

11 Q Did Russia interference in the 2016 election,
12 did that come up as part of the Russian Malign Interference
13 Group discussions?

14 A I'll say the allegation of Russian influence
15 came up.

16 Q Did coordination, collusion, anything along
17 those lines regarding the Trump Campaign and Russia come up
18 as part of the Russian Malign Influence Group discussions?

19 A I don't recall.

20 Q Do you recall whether the Crossfire
21 Hurricane, maybe by code number, investigating the Trump
22 Campaign, did that come up as part of the Russian Malign
23 Influence Group?

24 A No.

25 Q Let me just read another passage here from

1 the IG report, just ask your awareness of this and the
2 facts in there. This is footnote 238 on page 107. It
3 says, "SSA 1 had forwarded an email on September 30th from
4 the State Department's Bureau of European and Eurasian
5 Affairs indicating that senior staff there, including
6 Assistant Secretary Nuland, were aware of a planned meeting
7 between Steele and the FBI in early October in a European
8 city, and that FBI officials from headquarters were flying
9 to Europe to participate in the meeting."

10 Were you aware of the October meeting between FBI
11 and Steele?

12 A I was -- if you take that statement, that
13 footnote, I was aware of a meeting in a foreign European
14 country. Whether it was Steele or not, I don't know if it
15 was specifically about him.

16 Q Could you have been the one that informed the
17 State Department's Bureau of European and Eurasian Affairs
18 about the meeting?

19 A Yes.

20 Q Do you know if you were? So I asked if you
21 could have been. Ultimately you were or not.

22 A The European country was where I made a
23 connection where they advised me they had information about
24 something that dealt with Rome. And I knew from the
25 Crossfire Hurricane team about something in Rome. And I

1 put that connection together and said I know who I need you
2 to issue a contact with.

3 Q So they may have learned this from somewhere
4 else, but it may have also been from you?

5 A True.

6 Q Did you ever consider going to the meeting in
7 October?

8 A No.

9 Q Do you know why an acting section chief was
10 sent to the meeting instead of you as the Eurasian section
11 chief?

12 A No.

13 Q Do you recall any consternation, something
14 along those lines among section chiefs as to why this
15 particular acting section chief was given the task of going
16 to [REDACTED] to meet with Steele?

17 A No.

18 Mr. Baker: I think we're done for this round.
19 We'll see if we have any follow-up.

20 (Recess.)

21 EXAMINATION

22 BY MS. ZDEB:

23 Q It is 11:09 and we can go back on the record.
24 Good morning, Mr. Laycock.

25 A Good morning.

1 Q Thanks for being here. As we mentioned
2 earlier, my colleague, Mr. Charlet and I, work for Senator
3 Feinstein's staff on the committee and we just have a
4 couple of questions for you.

5 So you were asked a couple of questions about the
6 Inspector General's report. On page Roman I of the report,
7 the inspector general notes that his office examined more
8 than a million documents and interviewed more than 100
9 witnesses during the course of their investigation which
10 took around two years.

11 Did you cooperate with the Inspector General's
12 investigation?

13 A Did I what?

14 Q Did you cooperate with the Inspector --

15 A Yes.

16 Q And were you interviewed as part of the
17 Inspector General's investigation?

18 A Yes.

19 Q Do you recall, was it once, more than once
20 that you were interviewed?

21 A Once.

22 Q And did you provide truthful answers to the
23 Office of Inspector General?

24 A Yes.

25 Q And did you, to the best of your ability,

1 provide complete answers to the Inspector General's
2 investigation?

3 A Yes.

4 Q Did you or to your knowledge, did the FBI
5 provide any documents to the Inspector General as part of
6 his investigation?

7 A Did I or did the FBI?

8 Q Either one.

9 A I did not provide any documents.

10 Q And --

11 A I'm pretty certain the FBI has turned over
12 some documents to the Inspector General.

13 Q Did the Office of Inspector General ever
14 complain that it needed more information or more documents
15 related to your involvement?

16 A My involvement? No.

17 Q I think you said earlier that you had
18 reviewed portions of the Inspector General's report. Did
19 you have an opportunity to do that before he finalized the
20 report last December?

21 A Yes.

22 Q And did you provide any comments to the
23 Inspector General after you reviewed those portions?

24 A I did not.

25 Q If there had been any errors or

1 mischaracterizations in the portions of his draft report
2 that you reviewed, would you have called those to the
3 Inspector General's attention?

4 A I would have called them to the FBI, the
5 person in charge of that, the relationship with the
6 Inspector General, for them to then share with the
7 Inspector General.

8 Q So the fact that you didn't call any errors
9 or mischaracterizations about your testimony to the IG to
10 the attention of the FBI liaison who was working with the
11 Inspector General's office, is it fair to say that's a
12 reflection of the fact that you didn't have any concerns
13 about the way the draft report characterized your testimony
14 to the IG?

15 A Correct.

16 Q So back in December of last year, our
17 committee held a hearing with Inspector General Horowitz
18 that took about six hours. We have since held additional
19 hearings on Crossfire Hurricane and notwithstanding the
20 fact that the Inspector General concluded that there was no
21 documentary or testimonial evidence of political bias
22 impacting the decision to open Crossfire Hurricane or
23 particular investigative steps that were taken during the
24 investigation, we have continued to hear a number of
25 allegations against the FBI during the course of the

1 hearings I just mentioned. So I want to ask you just a
2 couple of questions about some of those allegations.

3 So as I just mentioned, the Inspector General found
4 that there was no documentary or testimonial evidence of
5 bias impacting the FBI's work in Crossfire Hurricane.
6 Nonetheless, we've continued to hear that there is, quote,
7 "tons of evidence of bias."

8 So I think you just said a moment ago that your
9 involvement in Crossfire Hurricane was limited to the role
10 you played in passing along an email from Kathleen Kavalec
11 to the Crossfire Hurricane team as well as perhaps one,
12 potentially, potentially two conversations with Kathleen
13 Kavalec; is that right.

14 A Correct.

15 Q And did political bias or anti-Trump bias
16 influence those steps that you took as part of these series
17 of events?

18 A No.

19 Q And are you sitting here today personally
20 aware of any evidence that anyone else involved in
21 Crossfire Hurricane acted with political bias or other
22 improper motivation?

23 A No.

24 Q It has also been alleged that the FBI engaged
25 in, quote, "a massive criminal conspiracy over time to

1 defraud the FISA court."

2 Do you personally have any evidence that the FBI
3 engaged in a massive criminal conspiracy to defraud the
4 FISA court?

5 A No.

6 Q It has also been alleged that Crossfire
7 Hurricane was a hoax and a witch hunt intended to hurt
8 President Trump politically.

9 Was your goal to hurt President Trump or then
10 Candidate Trump politically?

11 A No.

12 Q And do you have any evidence that Crossfire
13 Hurricane was part of a deep state effort to take down
14 President Trump?

15 A No.

16 Q There have recently been allegations that
17 Crossfire Hurricane was composed of, quote, "people who
18 hated Trump" and who had, quote, "an agenda to destroy him
19 before he was elected and after he was elected."

20 Again, recognizing that you were not personally a
21 part of the Crossfire Hurricane team, did you personally
22 have an agenda to destroy candidate Trump before he was
23 elected or President Trump after he was elected?

24 A No.

25 Q And do you have any evidence that the goal of

1 Crossfire Hurricane was to destroy Trump before and/or
2 after he was elected?

3 A No.

4 Ms. Zdeb: I think those conclude our questions. It
5 is 11:15 and we can go off the record.

6 (Pause.)

7 EXAMINATION

8 BY MR. SOMERS:

9 Q It's now 11:16. We'll go back on the record.
10 I just had a quick follow-up.

11 You mentioned that your section in the last round
12 didn't have a lot of involvement and maybe no involvement
13 for the most part in the Crossfire Hurricane investigation.

14 In general, do sections like the Eurasia section and
15 the counterespionage section within counterintelligence, do
16 they work investigations together?

17 A They can, yes.

18 Q So there's no prohibition on two sections
19 working the same investigation?

20 A They will collaborate. They can collaborate.
21 There will be one section that will own the investigation
22 from a program management standpoint so as not to create
23 confusion. But they would collaborate or continue working
24 together in terms of in furtherance of just working all
25 together for the field's purposes.

1 Q And what you just described in terms of
2 collaboration, that's not what occurred on Crossfire
3 Hurricane? You wouldn't say you collaborated in any
4 significant manner between the Eurasia section and the
5 counterespionage section?

6 A To clarify that, Crossfire Hurricane wasn't
7 part of the counterespionage section. Would you repeat
8 your question again?

9 Q Okay. So which section was Peter Strzok the
10 section chief of?

11 A At the time, he was the section chief of
12 counterespionage.

13 Q Your section did not -- let's leave sections
14 out of it. Your section did not coordinate in the way you
15 just described, when I asked you about coordination between
16 sections, with another section or more generally the
17 Crossfire Hurricane team?

18 A Two different areas again. I would
19 collaborate with the counterespionage section as a normal
20 course of business. The Crossfire Hurricane team was a
21 separate team put together for the purposes of the
22 Crossfire Hurricane program, case. I did not collaborate
23 with the Crossfire Hurricane team like I would the
24 counterespionage team in normal practice.

25 Q Was anyone from the Eurasia section assigned

1 to the Hurricane Crossfire team?

2 A No.

3 BY MR. BAKER:

4 Q And just to clarify something, the reason
5 that you would collaborate with the counterespionage
6 section is, I think, based on something you said earlier.
7 That was a specialty section for that type of investigation
8 and that would have gone across other sections?

9 A Correct.

10 Q In the last round, you indicated that there
11 was a standing meeting or a regularly scheduled meeting for
12 Crossfire Hurricane and you would be there?

13 A Correct.

14 Q Would all sections have been there or only
15 certain section chiefs represented at the meeting? Who
16 would come to these meetings?

17 A Typically those that were involved in the
18 Crossfire Hurricane matter. I would, myself or my
19 assistant section chief would sometimes attend. Tried to
20 be at almost every one of those meetings. And a
21 representative from the cyber division would be part of
22 that meeting.

23 Q Were any other sections regular attendees to
24 the Crossfire Hurricane meetings?

25 A The intelligence section for

1 counterintelligence would be represented by either a deputy
2 assistant director or a section chief or a delegate,
3 depending on the day and people's attendance.

4 And the leadership for counterintelligence division
5 would be there, too. Not every day, just depending on the
6 schedules for the day.

7 Q And would people at a rank higher than just
8 counterintelligence division be there? Would the director
9 be there? Would the deputy director be there?

10 A I never saw him. Anybody above the assistant
11 director, I never saw anyone in any of those meetings.

12 Q And who conducted the meetings?

13 A Typically run by -- initially it was run by
14 the assistant director for counterintelligence and cyber
15 division. And at various times one or the other or both
16 may or may not be there, but typically a deputy assistant
17 director or a section chief level would be there on those
18 meetings.

19 Q So the AD for counterintelligence would have
20 been Mr. Priestap?

21 A Yes.

22 Q And who for the cyber division?

23 A At that time, I believe it was Mr. Trainor.

24 Q And that's James Trainor?

25 A James Trainor, yes.

1 Q And who were the deputies that would have
2 substituted for either of them?

3 A Peter Strzok would have been one for
4 counterintelligence. Dina Corsi was in those meetings
5 sometimes. She ran the intelligence branch. Eric Sporre
6 was the deputy assistant director in cyber division. He
7 would have been part of them.

8 Q Would they have ever been led by anybody less
9 than a DAD rank? Would a section chief ever --

10 A Some of them. In the course of having a
11 meeting every day, schedules might have gotten in the way
12 where some of the assistant directors or deputies couldn't
13 make it and then there might have been a section chief that
14 was running it. I don't recall exactly the attendees for
15 each meeting.

16 Q Were they the same attendees or was there a
17 core of common attendees that made it more often than not?

18 A Yeah, there was a core group that would
19 attend.

20 Q Do you recall -- or did a designee on your
21 behalf that attended the meeting ever report back that the
22 discussion of that particular meeting was that Mr. Steele's
23 credibility had been called into question?

24 A I don't recall that.

25 BY MR. SOMERS:

1 Q Were the Crossfire Hurricane team members
2 also in this meeting or was this pretty much section chief
3 and above?

4 A For some of the meetings, it would have been
5 members of the Crossfire Hurricane investigative team
6 there.

7 Q And you mentioned different section chiefs
8 sometimes and DADs and they weren't -- certain people
9 weren't able to attend. So in general, did Bill Priestap
10 lead these meetings?

11 A Yes.

12 Q And then if he wasn't there, Peter Strzok
13 would be the next logical person to lead?

14 A Correct.

15 Q So someone like Dina Corsi, you mentioned she
16 would not have run these meetings in the absence of Strzok
17 or Priestap, it would have gone to someone else on the
18 Crossfire Hurricane team?

19 A She might have. I don't remember
20 specifically the days where she might have been the most
21 senior person there. I just don't recall that.

22 Q And what generally was discussed at these
23 meetings? What's the purpose of the meetings?

24 A Status updates of what's going on with their
25 investigation. Cyber division would provide an update on

1 information they might have. My section might brief on
2 things that are just general atmospheres for the Russia
3 program writ large.

4 BY MR. BAKER:

5 Q But you don't have any recollection of a
6 discussion where Mr. Steele's credibility was called into
7 question?

8 A I don't recall any.

9 Q Any recollection of excitement that he had
10 provided some interesting information that would be logical
11 lead material?

12 A No.

13 BY MR. SOMERS:

14 Q Did these meetings begin before the Carter
15 Page FISA application on October 21st, 2016?

16 A Yes, I believe so.

17 Q Was verification of the Steele allegations
18 discussed in these meetings? What steps were being taken
19 to verify the information?

20 A I don't recall specifically any steps. It
21 was more just status updates of kind of where things were.

22 Q Did the topic of primary sub-source ever come
23 up? Steele's primary sub-source?

24 A I don't recall.

25 Q Do you recall whether the topic of any

1 excitement or the topic of the team discovering who
2 Steele's primary sub-source was and then interviewing him
3 in January of 2017?

4 Do you know if that ever came up?

5 A No.

6 Q Did the topic of whether Carter Page was
7 affiliated in some way or collaborated with another
8 government agency ever come up?

9 A Not that I recall.

10 BY MR. BAKER:

11 Q Do you have a recollection of the deputy
12 director or director ever coming to any of these meetings
13 even just to stick their head in to say hello to the team?

14 A I remember on one occasion the deputy
15 director came down, we had a meeting in that same room. I
16 don't know if it was during that meeting or not. And I
17 don't remember the timeline when that would have occurred.
18 Might have been far after the election time frame. Deputy
19 McCabe at the time came down and just met with folks and
20 said hi.

21 Q You say that's Andrew McCabe?

22 A Correct.

23 Q But nothing of substance you recall?

24 A No.

25 BY MR. SOMERS:

1 Q Did the topic of who paid for the Steele
2 dossier or Steele's work, I should say, ever come up?

3 A Not that I -- not with me.

4 Q Do you recall having any awareness of who
5 paid Steele for his work?

6 A No.

7 BY MR. BAKER:

8 Q Did you ever hear from any of your
9 subordinates or anybody really grumbling or griping about
10 anybody that wanted to be on the Crossfire team and for
11 whatever reason they weren't selected?

12 A No.

13 Q Was it ever clear in your mind how people
14 were chosen to be on the Crossfire team?

15 A No.

16 BY MR. SOMERS:

17 Q Did the investigation into Michael Flynn ever
18 come up in these meetings?

19 A I can't recall that specific case coming up
20 in these meetings. I don't recall. Very well may have. I
21 just don't recall.

22 Q Would that have been -- the meetings began
23 before October 21st. Do you recall exactly when they began
24 roughly?

25 A My recollection, they were started in the

1 fall, on or about September-ish, October, early October.
2 And I think they ended after the election. So early
3 November. At least the ones that I participated in.
4 Whether those meetings continued after that, I don't know.

5 Q So you were not going to meetings in December
6 of 2016 related to Crossfire Hurricane?

7 A No.

8 BY MR. BAKER:

9 Q Was Lisa Page at these meetings?

10 A She was at some of them, yes.

11 Q And what was her role in the meetings that
12 she was present?

13 A Attorney.

14 Q Did she present anything, discuss anything,
15 was just in attendance or --

16 A I don't know. I didn't even know her at the
17 time.

18 Q So she's not an attorney that your section
19 would have normally interacted with?

20 A No.

21 BY MR. SOMERS:

22 Q Were there other representatives of the
23 general counsel's office in these meetings?

24 A Yes.

25 Q Did you get the impression whether she was

1 there on behalf of the general counsel's office or on
2 behalf of the deputy director's office?

3 A I honestly did not know her at the time, nor
4 what her role was.

5 Mr. Somers: I think that's all we have.

6 Mr. Baker: Thank you.

7 Mr. Somers: That concludes the interview and I
8 thank you for coming here today and coming voluntarily.

9 The Witness: Thank you very much.

10 (Whereupon, the proceedings were adjourned at 11:30
11 a.m.)

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ERRATA

1 NOTE REGARDING CLASSIFICATION

2 Parts of the interview are classified TOP SECRET.

3 Two transcripts have been prepared, one redacted and
4 one classified. The redacted version has blank pages in
5 place of redacted classified material.

6 In the classified transcript, all pages containing
7 classified material have a "TOP SECRET" header and
8 footer and *all classified material is printed in italics.*

9 Classified material appears as follows: pages 122-128,
10 158-174, and 203-205.

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P R O C E E D I N G S

1
2 Mr. Somers: This is a transcribed interview of
3 Stuart Evans. Chairman Graham requested this
4 interview as part of an investigation by the Senate
5 Judiciary Committee in matters related to the Justice
6 Department and the Federal Bureau of Investigation's
7 Crossfire Hurricane investigation, including the
8 application for and renewals of the Foreign Intelligence
9 Surveillance Act warrant of Carter Page.

10 Would the witness please state his name and last
11 position held at the Department of Justice, for the
12 record?

13 Mr. Evans: My name is Stuart Evans, E-V-A-N-S, and
14 my last position at Department of Justice was Deputy
15 Assistant Attorney General for Intelligence in the
16 National Security Division.

17 Mr. Somers: On behalf of Chairman Graham, I
18 want to thank you for appearing today; and we
19 appreciate your willingness to appear voluntarily.

20 My name is Zachary Somers and I'm the Majority
21 Chief Investigative Counsel for the Judiciary Committee.
22 I'll now ask everyone else who's here in the room to
23 introduce themselves for the record, except for Mr.
24 Evans' personal counsel, who we'll get to in a few
25 moments.

1 Mr. Baker: Arthur Baker, Senior Investigative
2 Counsel, Majority Staff, Senate Judiciary Committee,
3 Lindsay Graham, Chairman.

4 Ms. Zdeb: Sara Zdeb, Senior Counsel for Ranking
5 Member Feinstein.

6 Ms. Sawyer: Heather Sawyer, Chief Counsel and
7 Staff Director for Senator Feinstein.

8 Mr. Fausett: Andrew Fausett, Senior Counsel for
9 National Security, Senator Feinstein.

10 [REDACTED]: [REDACTED], Counsel for FBI Office of
11 Congressional Affairs.

12 [REDACTED]: [REDACTED], Office of Legislative
13 Affairs.

14 [REDACTED]: [REDACTED], Department of Justice,
15 Office of Legislative Affairs.

16 Mr. Findley: Patrick Findlay, Counsel for the
17 Department of Justice.

18 Mr. Somers: Thank you.

19 The Federal Rules of Civil Procedure do not apply
20 today, but there are some guidelines that we follow that
21 I'd like to go over. Our questioning will proceed in
22 rounds. The majority will ask questions in the first
23 hour and then the minority will have an opportunity to
24 ask questions for an equal period of time. We will go
25 back and forth in this manner until there are no more

1 questions and the interview is over.

2 Typically, we take a short break at the end of each
3 hour of questioning. But if you need to take a break
4 apart from that, please let us know.

5 As I noted earlier, you are appearing here today
6 voluntarily. Accordingly, we anticipate that our
7 questions will receive complete responses. To the
8 extent that you decline to answer our questions or if
9 counsel instructs you not to answer, we will consider
10 whether a subpoena is necessary.

11 As you can see, there is an official reporter taking
12 down everything that is said to make a written record.
13 So we ask that you give verbal responses to all
14 questions. You understand that?

15 Mr. Evans: I do.

16 Mr. Somers: So the reporter can take down a clear
17 record, it is important that we don't talk over one
18 another or interrupt each other if we can help it.

19 The committee encourages witnesses who appear
20 for transcribed interviews to freely consult with counsel
21 if they so choose, and you are appearing today with
22 counsel. Would counsel please state their names for
23 the record.

24 Mr. Walker: Rob Walker with the Wiley Rein law
25 firm.

1 Mr. Hyun: Peter Hyun, Wiley.

2 Mr. Somers: We want you to answer our questions
3 in the most complete and truthful way possible, so we
4 will take our time. If you have any questions or you do
5 not understand one of our questions, please let us
6 know. If you honestly don't know the answer to a
7 question or do not remember it, it is best not to guess.
8 Please give us your best recollection, and it is okay to
9 tell us you learned the information from someone else.

10 If there are things you don't know or can't
11 remember, just say so and please inform us who, to the
12 best of your knowledge, might be able to provide a
13 more complete answer to the question.

14 You should also understand that, although this
15 interview is not under oath, you are required to answer
16 -- you are required by law to answer questions
17 truthfully. Do you understand that?

18 Mr. Evans: I do.

19 Mr. Somers: This also applies to questions posed
20 by Congressional staff in an interview. Do you
21 understand this?

22 Mr. Evans: I do.

23 Mr. Somers: Witnesses who knowingly provide
24 false testimony could be subject to criminal prosecution
25 for perjury or making false statements. Do you

1 understand this?

2 Mr. Evans: I do.

3 Mr. Somers: Is there any reason you're unable to
4 provide truthful answers to today's questions?

5 Mr. Evans: No.

6 Mr. Somers: Finally, we ask that you do not
7 discuss this interview with anyone outside of who's here
8 in the room today, in order to preserve the integrity of
9 our investigation.

10 I'll just say on the record, as I mentioned off the
11 record, we're going to begin this deposition
12 unclassified; and if we need to switch at some point to
13 the TOP SECRET level, please, obviously, let the reporter
14 know if that switch needs to be made. We'll try to do
15 our best. You guys obviously have a better idea of
16 what's classified than we do, so if you could please alert
17 the reporter to that.

18 Do you have any questions before we begin?

19 Mr. Evans: Not at this time.

20 Mr. Somers: It's now 10:40 and we will begin our
21 first round of questions.

22 Mr. Evans, have you read or reviewed the IG's
23 December 2019 report on the Carter Page FISA
24 application?

25 Mr. Evans: I have, although I have not read it in its

1 entirety recently.

2 Mr. Somers: Other than your personal attorney
3 and the attorneys here from DOJ, did you speak with
4 anyone in preparation for today's interview?

5 Mr. Evans: No, I did not.

6 Mr. Somers: For the record, where do you
7 currently work?

8 Mr. Evans: I work at a locally-based financial
9 institution in the private sector.

10 Mr. Somers: Could you please give us a brief
11 rundown of the positions you've held at the Department
12 of Justice?

13 Mr. Evans: I joined the Department of Justice in
14 roughly the fall of 2005. At the time, I was initially a
15 line attorney in what was then the Office of Intelligence
16 Policy and Review, OIPR, which was the predecessor to
17 what is now the Office of Intelligence. I served as a line
18 attorney for several years, and then took on positions
19 of Deputy Unit Chief for Counterterrorism, Unit Chief
20 for Counterterrorism, Deputy Section Chief for
21 Operations.

22 I did a brief ten-month detail to National Security
23 Council dealing with the aftermath of the Snowden
24 disclosures, then from the middle of 2014 until my
25 departure from the Department in May of 2019 served

1 as the Deputy Assistant Attorney for Intelligence over
2 the Office of Intelligence.

3 Mr. Somers: So your entire tenure at the
4 Department it sounds like was in national security-
5 related kind of work?

6 Mr. Evans: That's correct.

7 Mr. Somers: Prior to the Department, what did you
8 do?

9 Mr. Evans: Prior to the Department I worked at a
10 D.C.-based law firm for four and a half, four years
11 approximately; and then prior to that clerked for a
12 judge after law school.

13 Mr. Somers: Was your private practice related to
14 national security, too?

15 Mr. Evans: No, it was not.

16 Mr. Somers: Thank you.

17 For the entirety of the Crossfire Hurricane
18 investigation, you were the Deputy Assistant Attorney
19 General for the Office of Intelligence?

20 Mr. Evans: Yes -- well, yes, I believe that's correct.

21 Mr. Somers: And in general, what were your
22 responsibilities in that position?

23 Mr. Evans: The Office of Intelligence at that time
24 and so far as I know still does have three sections: the
25 Operations Section, the Oversight Section, and the

1 Litigation Section. Each of those sections is headed by
2 a section chief, but I was in a position above those
3 three sections with supervisory responsibility for those
4 three sections.

5 The Operations Section primarily dealt with the
6 production of FISA applications, working with the
7 intelligence community agencies. The Oversight
8 Section dealt with, as the name implies, oversight of
9 compliance-related matters arising out of either warrant
10 applications or programmatic FISA issues, such as
11 affecting 702 authority.

12 The Litigation Section dealt with issues regarding
13 the use of FISA information in criminal or other legal
14 proceedings and coordination with various prosecutors
15 or other attorneys in government with respect to these.

16 Mr. Somers: With regards to the Oversight Section,
17 could they, for instance, provide a layer of oversight of
18 something like the Carter Page FISA application, where
19 there were potential errors?

20 Mr. Evans: I think the short answer is yes and no.
21 The way the Oversight Section worked is they had
22 various programmatic oversight responsibilities, such
23 as for the FBI's use of FISA, conducting on-site reviews
24 for minimization, how information collected was
25 minimized, whether it was in conformity with the rules,

1 or doing accuracy reviews of applications.

2 Those items were decided within the Oversight
3 Section primarily in terms of their general
4 programmatic authorities. There were other matters
5 that could percolate up organically from specific cases
6 that the Operations Section might become aware of
7 first, and then they would bring that to the Oversight
8 Section for the Oversight Section's involvement in
9 resolving that.

10 So the answer is potentially yes, but it just depends
11 on how matters kind of came up and were brought to
12 their attention.

13 Mr. Somers: But let's say there was, just
14 hypothetically, no IG report or investigation that was
15 launched in 2018. Could you have said, "Hey"? Could
16 you have filed a Rule 13A letter at that point in time?
17 Could you have said, "Hey, Oversight Section, I see
18 some problems with this Carter Page FISA application"?
19 Could you have assigned that as an oversight task?

20 Mr. Evans: Potentially. I would say the general
21 practice when material misstatements or omissions
22 necessitating a Rule 13A letter came up in the general
23 course of practice, those were typically handled by the
24 Operations Section.

25 There's another provision of the FISA Court's rules,

1 Rule 13B, that deals with compliance incidents, and
2 those were more typically handled by the Operations
3 Section. So I recall -- I can't remember whether it was
4 classified or not, but -- the IG report may have
5 mentioned a potential Rule 13B letter as well, and if it
6 did that would have been handled by the Oversight
7 Section because that would have been an issue of
8 noncompliance with that particular rule.

9 Mr. Somers: You don't recall -- well, I guess a FISA
10 application is not considered litigation that would be in
11 the Litigation Section?

12 Mr. Evans: That's right. The Litigation Section was
13 more the use in criminal proceedings in district court of
14 the fruits of FISA's, either as part of a case in chief or
15 for discovery or other purposes, or the use in
16 occasionally a civil case or something of that nature by
17 the Department where a FISA could be implicated. It
18 was litigation outside the FISC.

19 Mr. Somers: Approximately how many FISAs have
20 you worked on in your career?

21 Mr. Evans: Probably in the hundreds somewhere,
22 between ones I worked on personally and ones in an
23 oversight capacity -- "Oversight" is not the correct word,
24 but ones in a managerial capacity I had the opportunity
25 to review or read -- I'd say in the hundreds somewhere.

1 But I couldn't be more precise.

2 Mr. Somers: That you worked on in a variety of
3 different roles at the Department. That you worked on
4 as a line attorney?

5 Mr. Evans: As a line attorney, in multiple
6 supervisory levels as well.

7 Mr. Baker: What kind of training -- I'm just curious.
8 When you enter on duty at the Department, it would
9 seem to me national security law is a little bit different
10 than a lot of types of law you might encounter in
11 private practice. What kind of training just generally do
12 you get as you enter on duty as a line attorney and then
13 start your way up through the National Security
14 Division?

15 Mr. Evans: I would say it's typically rare, because
16 of the classified nature of FISA, that new attorneys we
17 hire have any experience with FISA itself. Some may
18 have national security experience from other areas, but
19 very few have FISA experience itself. So we had to
20 development within the Office of Intelligence a training
21 program internally for new attorneys, including being
22 assigned a mentor and a variety of training sessions
23 presented to you by more senior attorneys and
24 managers in the office during your first couple of
25 months to learn all the various aspects of the FISA

1 statute and the process associated with it.

2 Mr. Baker: So would it be a while before a new hire
3 would actually do anything on a real FISA? Or would it
4 depend?

5 Mr. Evans: I would say that a new attorney is
6 assigned a new FISA relatively soon after arrival, but the
7 first several that you work on are going to be in more
8 close partnership with their mentor and using that first
9 FISA as a kind of training mechanism, in a sense.
10 Usually the practice of managers was to assign
11 relatively straightforward FISAs to newer attorneys,
12 such as a FISA that's been renewed several times and
13 was judged to have a relatively straightforward, simple
14 fact pattern, so that you're not throwing a new attorney
15 into something complex or unusual right out of the
16 gate.

17 Mr. Baker: What else would qualify as a more
18 straightforward FISA?

19 Mr. Evans: I'll try to avoid classification issues here
20 for a minute.

21 Mr. Findlay: It could be tough for him -- it could be
22 tough for him to get into particular examples without
23 getting into classified real quick. So I thought that
24 maybe we'd save that.

25 Mr. Evans: I can keep it at a very high level.

1 Mr. Findlay: It would just be more complicated
2 issues.

3 Mr. Evans: I would say two things. One, some
4 FISAs may have more complicated fact patterns than
5 others; and also, if you look at the statute itself -- and
6 I'll just stick to the statute without getting into specifics
7 here -- the statute breaks out different types of agents
8 of foreign powers, and some of the definitions are more
9 straightforward than others and don't require
10 particularly detailed factual averments. Others,
11 because of the nature of what the allegations and
12 probable cause would require, have a more complex
13 factual burden.

14 So sometimes just the nature of who the party was
15 could make some things simpler than others.

16 Mr. Baker: Just at a very high level, would it be fair
17 to say that the FISAs we're going to talk about here
18 today would not be that straightforward variety you're
19 talking about?

20 Mr. Evans: I would agree with that.

21 Mr. Baker: Thank you.

22 Mr. Somers: So in your position as the Deputy
23 Assistant, do all FISAs -- they all go through you in
24 some manner?

25 Mr. Evans: No, they do not.

1 Mr. Somers: So either the DAG or the Attorney
2 General needs to sign off on FISAs. Could the Assistant
3 Attorney General for NSD sign off on a FISA?

4 Mr. Evans: Yes, they could. Let me break your
5 question out a bit and give you kind of a more fulsome
6 answer. Before we get to who can sign them, the
7 second part of your question, on the first part, in terms
8 of the drafting process, the way I would describe it is
9 like this. At the time period back in 2016 or so I would
10 say there were somewhere between 12 to 1500 FISA
11 applications a year across the various FISA authorities.

12 As you've seen, it was a little bit like a pyramid,
13 with all of them at the bottom and some, based on a
14 variety of factors, may be more complex for a variety of
15 reasons and kind of move up that pyramid. So every
16 FISA would have a line attorney assigned to it, and
17 every FISA would be reviewed by at least a deputy unit
18 chief within the Operations Section.

19 Once they get progressively more complicated for
20 one reason or another, they may kind of move up the
21 pyramid and get additional levels of review. So in terms
22 of my review and participation, I would say there were
23 probably fewer than 25 to the year, maybe somewhere
24 around 25 a year, rough estimate, that would get
25 elevated to me for that kind of review process.

1 So that gives you a sense of some of total universe
2 that was out there. I only had a small portion of them
3 that were getting elevated to me.

4 In terms of the signature process, the statute, the
5 FISA statute, specifies that there are three officials in
6 the Department of Justice who have ultimate approval
7 for signing off on a FISA to be submitted to the court.
8 That is the Attorney General, the Deputy Attorney
9 General, or the Assistant Attorney General for National
10 Security.

11 The general practice at that time was that the
12 Assistant Attorney General for National Security was the
13 primary signer for all FISAs, unless that person was
14 unavailable.

15 The other thing I would note is that people, other
16 than the Attorney General, people in acting capacities
17 are not statutorily authorized to sign FISAs. So an
18 Acting Assistant Attorney General was not authorized
19 to sign FISAs. So during periods of time when we only
20 had an Acting Assistant Attorney General, then the
21 Deputy Attorney General would be the primary signer of
22 FISAs for the Department.

23 88Mr. Somers: Do all FISAs go through the Office
24 of Intelligence?

25 Mr. Evans: As far as I'm aware, yes.

1 Mr. Somers: Some FISAs -- why would you review --
2 you said you reviewed about 20 or so a year. What's
3 special about those 20 or so FISAs?

4 Mr. Evans: It could vary. I would say some
5 element of sensitivity. It could be a novel legal theory
6 that's being used. It could be a novel technology that's
7 being used to facilitate the collection. It could be a
8 combination of those things. It could be a sensitivity
9 associated with the target. It could be a question from
10 the folks down the pyramid who are reviewing it about
11 wanting my judgment on any of those elements or
12 whether, if it's a case for probable cause, that they've
13 already drafted, where they believe probable cause is a
14 close call, for instance, and they want my views on it.
15 So it could be any of those developments typically, and
16 usually would be a mix across those.

17 Mr. Somers: Do you know if there were
18 investigations that were designated as sensitive
19 investigative matters that had FISAs that you did not
20 review? I guess what I'm asking, did you review all
21 FISAs in cases that were designated as SIMs by the FBI?

22 Mr. Evans: I'm not sure I would necessarily know
23 the answer to that. Whether the underlying
24 investigation is designated as a SIM wouldn't have been
25 something that typically would have gotten flagged.

1 Typically, it's kind of an internal designation in terms of
2 how they designate the case and typically wouldn't be
3 relevant to how the FISA proceeds necessarily. So I'm
4 not sure I would know if there would be a correlation
5 between whether investigation was designated as a SIM
6 or not.

7 I can tell you that as a general matter I think my
8 team was pretty good about flagging cases for me that
9 they thought had some kind of sensitivity associated
10 with them, although it wouldn't necessarily be in the
11 process. It could be once the application was done and
12 drafted, but right before it was finalized, sort of thing.

13 Mr. Somers: What is the signer, whether it's the
14 head of NSD or the Deputy Attorney General or the
15 Attorney General, what are they given in terms --
16 obviously, they're given the FISA application itself. I'm
17 guessing, with 1500 of them, they're not reading 1500
18 FISA applications. So what are they given?

19 Mr. Evans: The typical process for the vast
20 majority of FISAs is that there is a signing session that
21 takes place with that signer, whoever it is. The signing
22 session, depending on what the volume of FISAs on a
23 particular week is, can be daily timing sessions or
24 sometimes just a few times a week. It depends on what
25 the weekly volume would be.

1 At those signing sessions, the signer is given a
2 copy of the application. The whole application is
3 presented to them, along with a cover sheet that
4 summarizes the key elements of probable cause for the
5 application. Then there is also a briefer from the
6 National Security Division who is usually there, and a
7 supervisor who is also there, to orally brief the facts
8 along with the written summary and take any questions
9 that the signing official may have.

10 For applications that might warrant further
11 discussion or attention or are less routine, sometimes
12 those would be sent to the -- if the DAG or the AG was
13 the signing official, sometimes those might have been
14 sent to the staff for those officials in advance, to give
15 them an opportunity to read it and ask any questions, if
16 they wanted to, in advance.

17 Similarly, when the Assistant Attorney General for
18 National Security was signing FISAs, because we had
19 close connectivity and proximity, we might flag
20 something in advance of the actual signing session if
21 there was a need for discussion about it.

22 Mr. Somers: And for these 20 or so FISAs that
23 came through you every year, were you involved in that
24 signing session with -- were you typically -- not every
25 time. But were you typically involved in those

1 discussions with either the head of NSD or higher?

2 Mr. Evans: I would say typically I'd -- yes, I would
3 say typically, as a general matter, yes.

4 Mr. Somers: Were you -- specifically on Crossfire
5 Hurricane, were you involved in a particular signing?
6 I'm sure there was lots of discussion about that one,
7 but was there a particular briefing that would fit this
8 category of a signing meeting, that you were involved
9 in for the Crossfire Hurricane or Carter Page FISA
10 applications?

11 Mr. Evans: Yes. There were four applications and
12 my recollection is for the first two of them I believe I
13 was at the signing sessions. For the second two of
14 them, I do not believe I was at the signing sessions,
15 although I would note for the first two, to be present --
16 in this case, the Deputy Attorney General had been
17 given the application to read beforehand. The signing
18 session didn't involve particularly a robust discussion
19 because, unlike the routine scenario I presented where
20 perhaps the signers learned of the matter for the first
21 time during the signing session, that was not the case
22 for this one; and so it was a relatively brief discussion.

23 Mr. Somers: Is the goal of the signing session that
24 when that concludes that application is actually signed
25 off on? If that is the goal, is there occasion where

1 there's questions that come up that the briefer who's
2 present can't adequately address to the satisfaction of
3 the signer and it doesn't result in it being signed at the
4 session?

5 Mr. Evans: I think -- I'll take your questions one by
6 one, but I think the answer to both of them is yes. So
7 yes, the goal of the briefing is to satisfy the signer so
8 that the application is signed during the course of that
9 briefing. Yes, upon occasion it happened that the
10 signer either had questions or, based on the briefing,
11 just wants to hold onto the application and read it and
12 give it a more thorough review. It's not particularly
13 common, but it can happen.

14 So, getting back to my point earlier of potentially
15 flagging unusual things in advance, part of that is to
16 avoid those sorts of questions or that sort of delay. It's
17 entirely appropriate within the signer's prerogative to
18 ask those questions and have that back-and-forth. So
19 the process for anything that in our judgment might
20 lead to that, we'd try to confront that in advance of
21 showing up for the signing, so that you could deal with
22 those questions in advance.

23 Mr. Baker: Would FBI personnel ever be at one of
24 the signing sessions to give more hands-on or more
25 involvement with what's being presented? Or the

1 briefer is the one that answers the questions of the
2 signer?

3 Mr. Evans: Typically not. I would say almost
4 exclusively it was the National Security Division
5 personnel. I think it's possible that within my -- let me
6 think how long I was with the Department. Within my
7 tenure at the Department working on FISAs, it's
8 possible that there may have been one or two occasions
9 where there was some question that came up, very
10 infrequently, the Department said the FBI could come as
11 well, but very, very infrequent. And I'm not even sure
12 that it -- it feel that it may have happened once or twice,
13 but I'm not 100 percent sure about that.

14 Mr. Baker: At the time this application makes its
15 way to the signing session, has the FISC gotten a copy
16 of it, so they too can kind of get in front of the curve
17 and have their counsels prepare their version of a
18 briefing, rather than it land cold?

19 Mr. Evans: I think the answer is yes and no. It
20 depends a little bit on timing. The FISC rules, their
21 court rules, specify that, except for matters that are
22 time-sensitive or they unofficially give the government
23 permission to do so, the general practice is to try to file
24 what's called a "read copy" or an advance copy of the
25 application with the court, ideally seven days before it

1 would be entertained by a judge.

2 That time period gives the court staff time to read
3 it, time to pass back any feedback to the government,
4 including potentially from the judge, time to have the
5 government adjust the application if needed before a
6 final. It almost depended case by case when you got
7 that feedback during that period and if you got that
8 feedback before you happened to be ready to take the
9 application to the DOJ signing official.

10 I'll just explain a little bit further. Let's say you
11 have a very, very routine application where in the
12 National Security Division's judgment, there's not likely
13 to be significant questions from the court. If that
14 application comes back from the FBI ready to be taken
15 to the approving official on day two, day three of that
16 signing period, we might just take it and have the
17 signer sign it, even though we haven't yet heard back
18 from the court, because in our judgment there's very
19 little chance you're going to get the feedback.

20 Mr. Baker: Would the court give you a heads-up?
21 As they're going through this read copy, would they
22 give you a heads-up before anything official happens
23 over at the Department?

24 Mr. Evans: They would give us a heads-up. I guess
25 what I'm trying to articulate is whether that heads-up

1 happens before or after the case had been signed by
2 the DOJ signing official just varied case by case. It
3 depended on where things were in the signing process.

4 Mr. Baker: Did I understand you to say that some
5 of that feedback, for lack of a better term, coming from
6 the FISA Court could actually be coming from one of the
7 judges?

8 Mr. Evans: In fact, the vast majority of the time the
9 judge would read the case based off of that read copy
10 and pass back feedback from that. So typically you
11 would know the judge's reaction before the final
12 version is filed. Whether that happened or not before
13 we had gone to the Deputy Attorney General or the
14 Assistant Attorney General, that would vary case by
15 case.

16 Mr. Baker: If there is feedback coming from the
17 FISC that would result in the signing at the Department
18 being slowed down or whatever, is that an occasion
19 where there'd be a lot of back and forth maybe between
20 the Department and the FBI to bolster whatever the
21 issue is that the FISC has flagged? Maybe tighten down
22 probable cause or doing something else?

23 It just seems to me in this whole FISA process
24 there's a lot more back-and-forth at a whole bunch of
25 different levels. It looks like the application goes in a

1 couple of different directions at the same time. You've
2 got this read copy to the court. It just sounds like, as
3 opposed to the criminal side of doing various
4 techniques, there's a constant back and forth between
5 FBI and the Department at different levels.

6 It seems like there's an official at one rank in the
7 Department, that has a counterpart in the Bureau, and
8 there's a system, whether it's formal or it just evolved,
9 where a lot of stuff that needs to be bolstered based on
10 feedback you're getting from the FISC happens pretty
11 regularly, pretty quickly.

12 Mr. Evans: It does, and I would say the feedback
13 from the FISC really spanned the entire gamut of things
14 you could get feedback on. It could range from typos
15 to questions for clarifications on wording, to
16 substantive concerns about probable cause or facilities
17 to use or anything else along those lines.

18 The other point I would note process-wise is that
19 the FISC is staffed by -- I don't know the current
20 number, but somewhere in the five to seven range of
21 permanent legal advisers to the judges, who read all
22 these applications before going to the judges. Unlike a
23 regular district court, those are not fresh out of law
24 school and undergoing clerkship. These are people
25 usually well advanced in their career and this is their

1 permanent, permanent job, as opposed to a rotational
2 job.

3 So many of these legal advisers themselves had 10
4 to 15 years of experience with reading FISA applications
5 and providing feedback on them.

6 Mr. Baker: Thank you very much.

7 Mr. Somers: Does it ever happen that the read
8 copy is sent over to the FISC and the signing official
9 says "No, I'm not signing that FISA application"?

10 Mr. Evans: I think there have been a handful of
11 occasions where that has happened. Typically -- again,
12 given that the Office of Intelligence processes FISAs on
13 a daily basis and has a pretty good sense of how things
14 are, typically if we had one -- and this is a little bit what
15 I was getting to earlier on, when do you go to the
16 signing official or not.

17 Let's say we had one that's close to the line, and
18 we thought maybe the judge will disagree with this. We
19 may have waited to present that to the Assistant
20 Attorney General or the Deputy Attorney General until
21 we had the reaction from the judge, and that way we're
22 able to go to the signing official and say: "Ma'am, the
23 government believes there's probable cause here, but
24 we can tell you the judge has read it and the judge isn't
25 persuaded and wants to have a hearing on it."

1 So if there were ones where we in advance thought
2 there might be an issue from the judge, we would have
3 the ability to wait for the judge's feedback before
4 presenting that to the signing official. That's how it
5 ordinarily worked, and there certainly have been
6 occasions where things were signed by the signing
7 official and then subsequently we got feedback that the
8 judge would have questions, and we would just deal
9 with that accordingly.

10 Mr. Somers: But there wouldn't be an actual
11 hearing until it was signed by the NSD? Or would you
12 get a hearing on a read copy?

13 Mr. Evans: No. I would say 99.9 percent of the
14 time the hearing would be once the read copy was
15 officially filed. I think there have probably been a small,
16 small handful of times where maybe a judge held a
17 hearing based off of a read copy, but usually only if
18 there was some extraordinary circumstance, like the
19 judge had a flight out of town and needed to move up a
20 hearing before we could actually get a final, the final
21 filed.

22 But that wasn't the practice. It could have occurred
23 because of timing issues, but typically the hearing
24 would be after the final was filed.

25 Mr. Somers: We've asked you a lot about what

1 goes on above NSD or just at the top of NSD and above.
2 What I'm trying to understand is what goes on between
3 FBI and the line attorney in NSD that's assigned. I
4 guess the way to ask the question would be: What do
5 you get from FBI? What's the product look like when it
6 comes over to the line attorney in NDS?

7 Mr. Evans: The FBI internally has a form. I don't
8 know the form number, but they have a form that's
9 essentially a FISA request form. If an agent decides
10 they want to do a FISA, they fill out that form. And
11 there's a lot of information that goes on that form: the
12 name of the target, the types of things they want to
13 surveil or search, the reason they believe those things
14 belong to the target; and most importantly, the agent's
15 recitation of their belief for probable cause.

16 That form gets filled out by the agent, gets
17 reviewed by multiple levels of hierarchy within the FBI,
18 and then ultimately -- and I don't recall off the top of
19 my head what the highest level of review of that form is
20 in the FBI. I think it may be a deputy chief level, but I'm
21 not sure about that.

22 Whenever it meets that highest level of approval,
23 that form then gets sent over to NSD, the Office of
24 Intelligence, and it will be assigned to an attorney to
25 work on.

1 I'll pause there for a second. I would say the
2 quality of that initial form, like with anything else,
3 varies greatly depending on the agent and how they put
4 it together and how they thought about it. So once it's
5 assigned here to an attorney within OI, the OI attorney
6 will read it and begin an iterative back-and-forth with
7 the case agent typically, sometimes the headquarters
8 agent as well, but typically the case agent, and work on
9 fleshing out some information in that form and keeping
10 that information and putting it, from that form, into a
11 format that is the ultimate working application that
12 would go to the court.

13 How much involvement there is in that process and
14 how long that takes, how much back-and-forth there is,
15 depends on a whole variety of factors, including what
16 the quality of the position was in the first place and
17 then kind of how complex and straightforward the facts
18 are.

19 Mr. Somers: So who is like the first drafter of the
20 FISA? Is that the OI attorney, I think from your
21 description?

22 Mr. Evans: I would way it's the OI, what we would
23 term as the line attorney, the OI line attorney, yes.

24 Mr. Somers: And are those -- I think in the Carter
25 Page FISA application, for instance, there was a heads-

1 up given, basically: Hey, we may seek FISA coverage. Is
2 that atypical or typical?

3 Mr. Evans: I would say that is not atypical for high-
4 profile, fast-moving investigations. So I would say that
5 is typical for high-profile, fast-moving investigations.
6 The best example I can give you of that in the terrorism
7 context: Let's say the FBI gets a tip of a potential
8 terrorist attack and they spin up a new investigation
9 into that.

10 They're likely to loop us in early in that process, so
11 that if as they get into that investigation they determine
12 that they need to seek FISA authority, that we're not
13 hearing of it for the first time and getting up to speed
14 at that point. So for things where it's kind of potentially
15 fast-moving and they want to be sure that the
16 Department has involvement or are aware of it in case
17 they need a FISA, it would not necessarily be atypical to
18 loop us in also.

19 Mr. Somers: You mentioned the OI attorney
20 obviously, and you mentioned the case agent at FBI.
21 What's the role of the General Counsel's Office at the
22 FBI with a FISA?

23 Mr. Evans: I'm not sure I can tell you what the --

24 Mr. Somers: Based on your experience?

25 Mr. Evans: Yes. I would say, based on my

1 experience, I'm not even sure, especially at that point in
2 time, it was well defined what the role of the General
3 Counsel's Office was. I would say in my experience the
4 role of the attorneys in the General Counsel's Office has
5 varied based on the type of FISA and based on who the
6 attorneys were.

7 Some attorneys in OGC were very, very hands-off
8 with their FISAs that were in their portfolio and didn't
9 have much involvement. Others were kind of more
10 hands-on. I would say the general rule of thumb in my
11 experience, things that were higher profile or more
12 sensitive were more likely to have more OGC role in.
13 Then I would also state as a general matter it was my
14 impression that attorneys within General Counsel's
15 Office on the counterintelligence side of cases tended
16 to be slightly more involved in FISAs than perhaps on
17 the terrorism side of FISAs.

18 Mr. Somers: Where would [REDACTED] fit on that
19 hands-on, hands-off in your spectrum?

20 Mr. Evans: I had worked with her at various points
21 over the years. I don't know how you could
22 characterize her one way or the other, other than to
23 say, I think the types of FISAs she worked on tended to
24 be more complex counterintelligence matters, whereas
25 generally in my experience, I think as I just alluded to,

1 the General Counsel's Office tended to be a little more
2 closely involved than others.

3 Mr. Baker: Would the national security lawyers at
4 the FBI -- you mentioned you worked with [REDACTED]
5 over the course of years. Was the tenure at the Bureau
6 in the national security law unit, was it the same cadre
7 of lawyers that stuck around for a while, people that
8 you did work with over the course of the years and you
9 had kind of a sense as to maybe if you needed to look,
10 or somebody below you needed to look, a little closer,
11 or you have a certain comfort level on certain people
12 you worked with before?

13 I guess my question is: Is that a unit over at the
14 FBI's General Counsel where people sort of hung
15 around a lot?

16 Mr. Evans: Anecdotally, my impression is that
17 folks did have long tenures there, probably more so --
18 and this is just my impression -- probably more so on
19 the counterintelligence side. I think there may be more
20 movement on the counterterrorism side. Certainly, I
21 think like all national security offices during my tenure,
22 they were doing a lot of hiring and typically constantly
23 had an influx of new folks.

24 But generally, yes, my impression was on the
25 counterintelligence side there were a number of

1 attorneys who stayed for quite a while.

2 You had mentioned earlier you made a distinction
3 between a case agent and a headquarters agent. My
4 understand is that the case agent would normally be
5 the one that's actually the investigator of the case and
6 that person, while not always, would often be assigned
7 to an FBI field office, where a lot of the investigations
8 work and the need for or the thought for the need of
9 the FISA technique would come from. Is that your
10 understanding as well?

11 Mr. Evans: That is my understanding. For
12 historical context, as long as I was doing FISAs and I
13 believe going back to the origins of FISA or at least the
14 1980s, FISA applications themselves were signed by the
15 headquarters agents with programmatic supervisory
16 responsibility for the case, even though the
17 investigation was happening in the field office by the
18 case agent.

19 My understanding is the background of that is
20 historically field offices did not have as good
21 connectivity to Washington, D.C., in terms of
22 transmission of classified information. I know when I
23 started in the early 2000s we were still secure faxing
24 things back and forth to the field offices.

25 Additionally, the FISC itself is located in

1 Washington, D.C., so if there were any hearings that
2 needed to be held those hearings -- we'd need
3 somebody local and it wasn't feasible to bring in the
4 field offices. So the historic practice for as long as I'm
5 aware of with FISA is that the case agent would work
6 the investigation and be the primary agent involved in
7 the facts of the FISA, but that it would ultimately be a
8 headquarters agent who was responsible for being the
9 affiant on the FISA based on familiarity and the
10 underlying representations of the case agent, because
11 of the need to have it centralized in D.C.

12 Mr. Baker: To the best that you know, this case
13 agent sitting out in the field and having this
14 coordination with that headquarters agent that's got
15 the programmatic supervisory responsibility, is it your
16 understanding that there's a pretty robust process in
17 the field office, that, similar to headquarters and DOJ,
18 there's different people looking at this request and the
19 investigation that supports the request before it might
20 even get to headquarters? So it's like an extra multi-
21 level review?

22 Mr. Evans: In terms of the request itself, that's
23 certainly my understanding. I don't recall the particular
24 levels, but I think, unless my recollection is -- that for
25 initiation of these, it might have to go up to the special

1 agent in charge for approval to request initiation, or
2 someone relatively senior.

3 For the actual drafting of the FISA, my recollection
4 is -- again, I'm not, as you noted, with the FBI. But my
5 recollection is that, in addition to the case agent
6 reviewing the final draft of the application to attest to
7 its accuracy, there's also some review by the
8 supervisory special agent in charge in the field office as
9 well on the application itself.

10 Mr. Somers: Thank you. Do you find anything
11 problematic with having this headquarters program
12 manager step in and be the affiant on a FISA
13 application?

14 Mr. Evans: That's a great question. I certainly
15 understand the historical origins for it and why it is that
16 way. I do think, in my personal opinion -- and I can say
17 this is something I started thinking about while I was
18 still toward the end of my tenure in the Department --
19 it's not entirely clear to me that some of the underlying
20 circumstances that I described earlier in terms of the
21 state of technology, the state of connectivity with the
22 field, the nature of hearings, things of that nature, still
23 mandate that to operate the way it is.

24 So for instance, again, in earlier eras of FISA I think
25 it was much more common for judges to have hearings.

1 I think that has become less common in this era. And
2 the court also now has much better connectivity in
3 terms of secure phones and things like that than it did
4 a generation ago.

5 So I do think there could be an opportunity to
6 revisit that, to have case agents in the field be actual
7 affiants, as opposed to headquarters agents potentially.

8 Mr. Somers: More specifically on that, do you find
9 it problematic that, for instance, like the IG found, in
10 the first paragraph of the Carter Page FISA application a
11 misstatement to the court: "This application is made by
12 (REDACTED), a supervisory special agent of the Federal
13 Bureau of Investigation whose official duties at FBI
14 Headquarters include supervision of the FBI's
15 investigation of the above-captioned target, based upon
16 information furnished as of the day (REDACTED)."

17 The IG report found that's not an accurate
18 statement because the redacted SSA is a headquarters
19 program manager who did not have any supervision
20 over the FBI's investigation.

21 Do you find it problematic to begin a FISA
22 application with a misstatement like that?

23 Mr. Evans: Let me break your question into two
24 parts. One, I believe it's problematic to have
25 misstatements in FISAs, particularly if they are material.

1 And to the extent that is a misstatement, that's not one
2 that I would consider acceptable.

3 With respect to that language in particular, I would
4 say that that language was not specific -- I don't know if
5 we can talk about whether a FISA is --

6 Mr. Somers: We can just stay general. We don't
7 have to go into Carter Page. I just brought it up as an
8 example because the IG report says that language is
9 boilerplate.

10 Mr. Evans: That's where I was going. I don't recall
11 what the IG said about that language, but that language
12 is boilerplate and was drafted and predates my tenure.
13 But my understanding is that that language was agreed
14 to at some time in the past between the FBI and DOJ to
15 describe as a general matter what the role of the
16 headquarters SSA is for all of these cases.

17 So thus, whether it's SSA A or SSA B or SSA C, that
18 language is intended to encompass -- be generic
19 enough to encompass what their role is trying to get
20 those FISAs so that you don't have to then change that
21 description for each particular application 1500 times a
22 year.

23 So I would say if that language wasn't specific here
24 to what this SSA was doing or not, that's probably just
25 gets to the question about needing to have that

1 language rephrased to more accurately reflect what the
2 role of the SSA generally is.

3 Mr. Somers: That's a long answer. Generally,
4 you'd agree it's not the best practice to start a FISA --
5 not this one, but any FISA -- with a misrepresentation of
6 who the identity of the officer making the application
7 is?

8 I was just going for a yes or no on that.

9 Mr. Evans: Yes, I generally agree with that.

10 Mr. Baker: I want to clarify just one thing. This ex
11 parte affiant at FBI Headquarters, the supervisory
12 special agent, is it your understanding that is someone
13 who was the headquarters agent on that particular
14 case, that had the back-and-forth with the field and
15 maybe back-and-forth with other FBI Headquarters
16 entities, maybe DOJ entities? Or is that affiant in a unit
17 somewhere else that is a separate unit that actually
18 goes and signs or presents the FISA?

19 Mr. Evans: My understanding is that it's the
20 former, what you described. It is supposed to be a
21 headquarters supervisory special agent who is in a unit
22 with some kind of programmatic responsibility for that
23 case. So for instance, if you have a case targeting a U.S.
24 person who is believed to be an agent of Country 1,
25 that the headquarters affiant would have headquarters

1 responsibility for espionage investigations regarding
2 Country 1 and potential U.S. persons.

3 How much that translated into the supervisory
4 responsibility of that investigation or not, I couldn't tell
5 you. I'd have to defer to the FBI. But it is presumably
6 somebody with some degree of horizontal -- somebody,
7 excuse me, with vertical involvement in the
8 investigation.

9 Mr. Baker: Okay, thank you.

10 Mr. Somers: In terms of your Deputy Assistant role
11 at Justice, typically what type of interactions would you
12 have with the FISC?

13 Mr. Evans: My interactions with the FISC could vary
14 from programmatic interactions with the FISC, on kind
15 of policy-type matters or far-ranging type matters that
16 were not individualized, to potential involvement on
17 individualized matters.

18 As an example -- this example, as the IG report
19 indicated, is not relevant to this particular FISA, but it's
20 an example. If we submitted a FISA where the judge
21 indicated he was prepared to deny it and write an
22 opinion denying it, the FISC court staff might call me
23 personally just to make sure I was aware as the head of
24 the office, even though they would also relay that back
25 to the lower level that was working on it. That would

1 be one example. Mr. Somers: So even though it
2 wasn't one of the 20 or so FISAs you actually looked at,
3 you might still be the one to get the call?

4 Mr. Evans: Potentially. And typically they would
5 call the attorney working on the FISA, but they may also
6 on many occasions call me as well just to make sure
7 that I had awareness of it in case it hadn't otherwise
8 been elevated to me. So that would be one example of
9 how I might interact with them on a routine FISA.

10 But also, on programmatic matters -- let's say FBI
11 was in the process of updating its minimization
12 procedures generically for all cases, not just for one
13 case. I might have a lot of interaction with the court
14 and the judges on a project like that, that would be
15 more far-reaching across the board.

16 But it really varied from individual cases to bigger
17 matters.

18 Mr. Somers: And what about individual cases?
19 What interaction -- you gave one example where they
20 might be turning it down. But what about for the 20 or
21 so FISAs that you're actually involved in reviewing,
22 taking a more hands-on approach than the others?
23 What would your interaction be with the FISC once a
24 read copy was sent down?

25 Mr. Evans: It could vary. It could -- take as an

1 example a terrorism investigation, let's say, using the
2 example I used earlier, of a really high-profile, fast-
3 moving terrorism investigation. If something like that
4 came up and we're going to be sending a bunch of
5 FISAs, I might call the court with a heads-up and say:
6 Just wanted to let you know there's this new terrorism
7 investigation that's spinning up, it's really serious, and
8 for your timing and scheduling purposes I wanted to
9 give you a heads-up we expect to be submitting some
10 FISA applications on a really tight turnaround on that;
11 wanted to give that to you on behalf of the office. So
12 there could be things like that that could come up.

13 Mr. Somers: Did you ever answer questions about
14 what's on the paper, the actual application?

15 Mr. Evans: Not typically, unless it would be
16 something that I happened to have particular
17 knowledge about one way or the other. Typically if
18 there was a question about the individual facts of the
19 matter, it would be the line attorney to deal with that.

20 Mr. Somers: And on the Carter Page FISA
21 application, did you have any direct contact with the
22 FISC?

23 Mr. Evans: I did. My recollection on Carter Page is
24 twofold. One, at some point probably within the week
25 or week and a half before the actual application was

1 filed, I remember calling the court to, as I just
2 described would be a common practice for a terrorism
3 investigation, to give a heads-up that there was a
4 relatively fast-moving counterintelligence investigation
5 where we'd be submitting an application.

6 I think I probably also previewed that I thought
7 there were some sensitivities associated with it. I don't
8 recall the conversation in detail. I suspect I did not get
9 into the details of it because that wouldn't have been
10 appropriate at that juncture in time, but typically to flag
11 for them that I felt there were going to be some
12 sensitivities and wanted to give them a heads-up so
13 they wouldn't be surprised when it landed on their
14 desk.

15 So there was that conversation. Then after the
16 court read the application, I believe the court's
17 feedback was -- and now I'm talking about the first, the
18 first of four -- I believe the court's feedback was passed
19 primarily to the line attorney.

20 I think I may have had one conversation potentially
21 with the legal adviser on the case around the question
22 that that person had about something that was not
23 specific to the facts of the case. I'm trying to recall
24 what it was. I think it was about dissemination or
25 something about that. It was something that the legal

1 adviser had remembered some government policy on
2 dissemination from five or six years or maybe even ten
3 years before and was curious about that. So I had to
4 look something up in our case files, and in the end it
5 turned out to be an irrelevant issue and kind of
6 something not applicable to the case. But that
7 conversation did not involve the facts of the case
8 specifically, but was on an extraneous question.

9 Mr. Somers: Then in regards to the Woods
10 procedures, are you familiar with the Woods
11 procedures?

12 Mr. Evans: I would say I'm certainly familiar with
13 the general purpose and intent of the Woods
14 procedures. I would defer to the FBI for the precise
15 aspects of how they are operating in detail. I'm
16 certainly familiar with the concept and what the
17 purpose of them was.

18 Mr. Somers: Have you ever looked at a Woods file?

19 Mr. Evans: Yes, but personally I would say it was
20 probably 2007 the last time I looked at a Woods file.

21 Mr. Somers: What would be the occasion that you
22 would look at a Woods file?

23 Mr. Evans: For me in my role as the Deputy
24 Assistant Attorney General, I don't think there was any
25 occasion where I would look at a Woods file. My

1 personal experience looking at a Woods file would have
2 been when I was a line attorney much earlier in my
3 career. And I believe the Woods file that I looked at was
4 part of going out and doing on-site oversight reviews at
5 field offices. When those reviewed happen a select
6 number of FISAs, not all of them, were typically selected
7 for Woods reviews, Woods file reviews. In the course of
8 performing those roles earlier in my career, I looked at
9 some, but not more recently.

10 Mr. Somers: And those files were randomly
11 selected for this?

12 Mr. Evans: Not randomly. I would say when on-
13 site oversight reviews happen, typically the way the
14 oversight team will do it is they would canvas the
15 Operations folks for suggestions and input from the
16 Operations folks as to which Woods files might merit
17 review. There were a variety of factors that would go
18 into thinking on that, one being does anyone think
19 there's a possibility of criminal litigation down the road,
20 in which case it would be a good idea to do an accuracy
21 review.

22 Two, is the FISA still ongoing? If there were
23 ongoing FISAs, I think that can get preference for
24 review, as opposed to one that may have expired.

25 Three, potential complexity or other issues that

1 may have come up in the drafting that caused the
2 Operations folks to think that there's a reason to do an
3 accuracy review.

4 There can be a whole variety of factors. I would
5 say it was not random, though.

6 Mr. Baker: These reviews or audits involved you
7 and I'm guessing people from the FBI, whatever the
8 team is, going out to the field and looking at these
9 files?

10 Mr. Evans: Not me, but the Office of Intelligence.
11 Typically, folks from either the Oversight Section or,
12 because the Oversight Section was smaller than the
13 Operations Section, there would often be Operations
14 Section attorneys who would go along to assist on
15 those reviews.

16 But yes, going out to field offices physically, sitting
17 down with the case agents and looking at their files.

18 Mr. Baker: And you did that as a line attorney?

19 Mr. Evans: I did on a handful of cases as a line
20 attorney, not frequently.

21 Mr. Baker: I guess my question about the
22 randomness of it: It's not a situation where an FBI field
23 office is told: Hey, we're coming out to look at some of
24 your FISA files and Woods files; why don't you pull
25 some for us, and then they pull the best of the best that

1 they know are in compliance?

2 Mr. Evans: Yes, it is not -- the FBI does not have
3 that discretion of essentially choosing which files get
4 reviewed; although, to your second point, they do
5 receive notice of that in advance. So it's not as if we
6 show up on their doorstep and say we're going to do
7 that. There was a process where they were notified in
8 advance.

9 Mr. Baker: And is there a standard protocol or a
10 cheat sheet for people that are doing the audits, so an
11 audit that is done, say, of the Detroit field office Woods
12 files, the criteria that that field office is held to or the
13 standard they're held to, would that be the same that
14 would be used in another field office, so there is a
15 standard of what's supposed to be in a Woods file?

16 Mr. Evans: I would say yes, there is a standard of
17 what's supposed to be in a Woods file. I'm not -- sitting
18 here today, I'm not sure if that's memorialized
19 anywhere or not, or if it's more just in the knowledge
20 and experience of the folks in our oversight team who
21 have been doing that for so long and know. But I'm not
22 sure if there's a document of that.

23 Mr. Baker: In the course of your work at the
24 Department or just your impression -- in my view, I
25 know the word "expert" can be sliced and diced. In my

1 world, you've got expertise in this particular area of the
2 law that's incredible. Is there a lot of confusion in your
3 mind in the agents in the field, what is supposed to be
4 in a Woods file?

5 Mr. Evans: I don't believe there's a lot of confusion
6 on that. I think it was pretty well known by this in time
7 that we're talking about what's supposed to be in a
8 Woods file.

9 Mr. Baker: Was what's supposed to be in a Woods
10 file in the Woods files that you were involved in, to the
11 best of your recollection?

12 Mr. Evans: So again, personally speaking, my
13 experience of me personally reviewing Woods files is
14 out of date. I can tell you in my supervisory
15 responsibility I was aware of the general findings of the
16 office over the last several years of going through this
17 process, and I would say my experience is that by and
18 large what was in Woods files was what was supposed
19 to be in there.

20 I would say over time, over the last several years,
21 the number of material errors that were identified
22 through Woods file reviews has generally decreased.
23 There did continue to be a persistent number of
24 immaterial errors, such as dates being wrong or things
25 like that. But in terms of the vast majority of the facts

1 that were in the FISA being in the Woods file as well,
2 that generally tended to be the case, at least in my last
3 several years experience.

4 Mr. Baker: And that's what's supposed -- at a very
5 high level, that's what's supposed to be in the Woods
6 file? If you're articulating a fact in the application or the
7 affidavit, the source or the underlying fact for that is
8 supposed to be in the Woods file?

9 Mr. Evans: The underlying documentation for that.
10 I know just from observing this has generated some
11 confusion. The way I would describe the Woods file is it
12 is intended to be a file where the documents reflecting
13 the words on the page in the FISA appear. So if the
14 FISA says "Person A was observed entering a residence
15 on January 3rd," then in the Woods file there should be
16 a log from a surveillance team or something like that
17 saying that Person A was observed entering a residence
18 on January 3rd.

19 Or if the Woods file said, as is relevant to this case,
20 "A source reported to us that Person A did X," then
21 there should be something in the Woods file saying
22 "Here's our memorialization of the source saying Person
23 A did X."

24 It's not the harder step of are we certain that
25 happened --

1 Mr. Baker: Right.

2 Mr. Evans: -- or do we have corroboration.

3 Mr. Baker: Somebody saw it or somebody heard it.
4 It's not an independent investigation.

5 Mr. Evans: That's right. The words on the page in
6 the FISA, are they actually reflected in the underlying
7 documentation.

8 Mr. Baker: And it's for every word or sentence in
9 the FISA that puts forth a fact. It's not just for facts that
10 are attributed to a source. It's for any fact that's in the
11 FISA, is that right?

12 Mr. Evans: That is correct. So when I was
13 describing earlier an example of an immaterial error
14 that we might see that might be counted, let's say for
15 example that there were the results of a national
16 security letter that were used to document something.
17 Well, perhaps those results came in on January 1st, but
18 the FISA said that the results came in on January 2nd.

19 Well, that's likely to be immaterial because the
20 results are the same either way. You just had a typo on
21 the date. So that would be the sort of thing where you
22 go out and you do the Woods file review and you look
23 at the results of the national security letter and you see
24 that a date was off. So that would be the sort of thing
25 where -- what I would term a typical example of an

1 immaterial error.

2 Mr. Baker: And that would not be a matter that the
3 FISC would be notified about, because it's so
4 immaterial?

5 Mr. Evans: Typically not. The court rules focus on
6 material errors. For immaterial errors, typically you
7 wouldn't notify the FISC of. The caveat that I would say
8 is if the case was still active and being reviewed, you
9 would correct that error, of course, in subsequent
10 renewal applications. If the case was no longer active,
11 though, you wouldn't typically go back and notify the
12 court of something that minor.

13 Mr. Baker: Could you have a large number of
14 immaterial errors that would require FISC notification
15 just of the general sloppiness of it?

16 Mr. Evans: Potentially, I would say potentially. I'm
17 not sure I could think of a case sitting here, years later,
18 off the top of my head. But I would say potentially.

19 Mr. Baker: Thank you.

20 Mr. Somers: So from that I take it there's an
21 ongoing obligation; since we're talking about FISA and
22 renewals of a FISA, there's an ongoing obligation when
23 you get a renewal to make sure something you said in
24 the first FISA is still accurate by the time you get to the
25 first, second, third, whatever renewal of the FISA?

1 Mr. Evans: I would agree with that.

2 Mr. Somers: I think, from all your last questioning,
3 I think it's fair to say that as a line attorney in OI it's not
4 typical at all as part of a FISA you're working on to look
5 at the Woods file?

6 Mr. Evans: It is certainly not a routine practice. It
7 could happen upon occasion, but again you would
8 either have to be part of the oversight team doing that
9 or have some other reason to do it. It's not a common
10 practice.

11 Mr. Somers: That means the accuracy of what's in
12 the FISA is really up to the FBI agent working on the
13 application?

14 Mr. Evans: I would agree with that.

15 Mr. Somers: In terms of -- another question on
16 renewals. In terms of renewals, what's a typical number
17 of renewals? Were there a lot of renewals? In Carter
18 Page's FISA application there were three of them. Is
19 that typical?

20 Mr. Evans: I would actually say -- I'm just thinking
21 in my head if I can give an unclassified answer to that.
22 My own answer would be I think that was typical, if not
23 potentially even on the low side. I have seen many that
24 have significantly more renewals than that. I'd be
25 happy to expand on that more in a classified setting.

1 I would also add as a general matter -- I think I can
2 say this as an unclassified point -- counterintelligence
3 matters in my experience tended to be slower-moving
4 and last longer potentially than some terrorism matters.
5 So having more FISA renewals on the
6 counterintelligence side compared to a terrorism
7 investigation would not have been abnormal.

8 Mr. Somers: We have just a couple minutes left
9 here.

10 I asked you to start this whether you reviewed the
11 IG's report and you said you had. Are you basically
12 familiar with the 17 significant errors and omissions
13 that the IG identified in the report?

14 Mr. Evans: I have of course read the IG report.
15 Again, I have not read it in total since when I was given
16 an opportunity by the Department to read it in draft
17 form before it was released publicly. So I think that
18 would be some time late last year. I haven't seen it
19 since then.

20 I'm certainly aware that the IG identified 17 errors.
21 I'm not sure if, sitting here today, I'm familiar with each
22 and every one of them, no.

23 Mr. Somers: Do you recall taking any issue with
24 any of the 17 errors, in terms that you disagreed that
25 they were errors?

1 Mr. Evans: Not sitting here today, not that
2 specifically comes to mind. But yes, I will say I felt
3 some of them were more significant than others. But I
4 don't think all -- I recall thinking that not all the errors
5 they identified had the same significance or relevance.
6 But I don't recall necessarily having any argument with
7 any of them.

8 Mr. Baker: Were there any you were not surprised
9 by, based on the concerns you raised earlier in the
10 process of those FISAs?

11 Mr. Evans: Were there any errors, you're saying,
12 that didn't surprise me? I think I would say there were -
13 - I wouldn't highlight my surprise back to concerns I
14 had earlier, because I think my concerns were,
15 assuming the FISA would be error-free, I still had
16 concerns.

17 I would say there were a number of the 17 errors --
18 again, I'm not going to use the term "17" because I
19 don't remember specifically among the errors the IG
20 identified.

21 Mr. Baker: Sure.

22 Mr. Evans: But among the errors discussed in the
23 IG report, there were some I was made aware of while I
24 was still in the Department. So those I knew of before
25 reading the IG report, and wasn't surprised. There were

1 other things in there that I think I probably wasn't
2 aware of, was I still in the Department, would have been
3 a surprise to me. Which ones were which, I'm not sure I
4 recall.

5 Mr. Somers: I think we're out of time on this
6 round. So we'll turn it over to the minority.

7 Ms. Zdeb: Can we take a five-minute break?

8 Mr. Somers: Oh, yes. Now is the time to take a
9 break.

10 (Recess from 11:40 a.m. to 11:50 a.m.)

11 Ms. Zdeb: It is 11:50 and we can go back on the
12 record.

13 Mr. Evans, thanks for being here. We introduced
14 ourselves earlier, but my colleagues Mr. Fausett, Ms.
15 Sawyer, and I work for Senator Feinstein. We're going
16 to follow up on a couple of the points that our
17 colleagues were asking you about earlier.

18 You mentioned that you had at one point or
19 another reviewed at least portions of the IG report. The
20 report was the product of a two-year investigation. The
21 Inspector General indicated that he reviewed close to a
22 million documents, reviewed -- excuse me -- interviewed
23 more than a hundred witnesses, including Christopher
24 Steele, other former -- other non-government
25 employees, former government employees.

1 I take it you've cooperated with the IG's
2 investigation?

3 Mr. Evans: I did, yes.

4 Ms. Zdeb: And I take it you were also interviewed
5 as part of the IG's investigation?

6 Mr. Evans: I was, on multiple occasions.

7 Ms. Zdeb: And roughly how many occasions, for
8 how long, would you say you were interviewed?

9 Mr. Evans: I believe it was roughly three occasions,
10 from the fall of 2018 through the end of my tenure in
11 the spring of 2019; and probably over ten hours or so.

12 Ms. Zdeb: Did you provide complete, truthful
13 answers when you were interviewed by the Inspector
14 General's Office?

15 Mr. Evans: I believe I did, yes.

16 Ms. Zdeb: And did you specifically or to your
17 knowledge did the Justice Department provide
18 documents to the Inspector General in connection with
19 his investigation?

20 Mr. Evans: Yes, we did.

21 Ms. Zdeb: Did the Inspector General's Office ever
22 complain or indicate that it needed more information
23 from you?

24 Mr. Evans: Not as far as I'm aware, no.

25 Ms. Zdeb: Did the Inspector General's Office ever

1 complain that they didn't get documents that they
2 wanted pertaining to your involvement in this?

3 Mr. Evans: With respect to me and the National
4 Security Division, no, not that I'm aware of.

5 Ms. Zdeb: And I think you indicated before the
6 break that you had been given an opportunity to review
7 a draft of the Inspector General's report?

8 Mr. Evans: Yes, that's correct.

9 Ms. Zdeb: Did you provide any comments after
10 reviewing the draft?

11 Mr. Evans: I did provide them some comments. I
12 would note, though, that the condition, the IG's
13 condition to me reviewing that draft, was having signed
14 a nondisclosure agreement of sorts with them. So I'm
15 not sure I could get into further what my comments
16 were. But I did provide some comments.

17 Ms. Zdeb: Fair enough. Without asking you to get
18 into specifics about the content of the comments, did
19 the final report address the comments that you had
20 provided?

21 Mr. Evans: I believe for the most part, yes.

22 Ms. Zdeb: So in other words, would it be fair to
23 say that the final report doesn't contain any errors as
24 they pertain to your involvement?

25 Mr. Evans: Yes, as a general matter I would say

1 that's right. There might have been one or two things
2 that I would have phrased slightly differently or put a
3 little bit of different context around. But as a general
4 matter I think that's correct.

5 Ms. Zdeb: As you may know, our committee has
6 held a six-hour hearing with the Inspector General last
7 December after his report was released. During that
8 hearing and since that hearing, there have been a
9 number of allegations made publicly about Crossfire
10 Hurricane as well as the Special Counsel's investigation.

11 From our perspective, many if not all of those
12 allegations were answered by the Inspector General's
13 report. But because we continue to hear them from
14 people who weren't personally involved, we wanted to
15 ask you a couple of basic questions.

16 The Inspector General found that there was no
17 documentary or testimonial evidence of political bias
18 impacting the FBI's work in Crossfire Hurricane. But we
19 have nonetheless heard allegations that there was,
20 quote, "tons of evidence of bias." Did political bias
21 impact any of your actions in Crossfire Hurricane?

22 Mr. Evans: My personal actions?

23 Ms. Zdeb: Correct.

24 Mr. Evans: No, it did not.

25 Ms. Zdeb: Do you personally have any evidence

1 that political bias impacted any of the National Security
2 Division's work more broadly on Crossfire Hurricane?

3 Mr. Evans: No, I do not.

4 Ms. Zdeb: Do you have any evidence that political
5 bias otherwise impacted the Department's actions in
6 Crossfire Hurricane?

7 Mr. Evans: The Department including the FBI or --

8 Ms. Zdeb: The Department more broadly than the
9 National Security Division.

10 Mr. Evans: No. I'm certainly aware of what was in
11 the IG report regarding statements FBI employees and
12 what-not have made through text messages and
13 otherwise. But those were not things we were aware of
14 at the time; and we had certainly -- I certainly had no
15 sense at the time that this impacted the decisionmaking
16 in any way contemporaneously.

17 Ms. Zdeb: You are also -- are you also aware that
18 the Inspector General, of course, had access to all of
19 the text messages and at the conclusion of his
20 investigation did comment that there was no evidence
21 of political bias impacting the investigation?

22 Mr. Evans: To the earlier point, yes, I am; and I
23 would say that from my personal observations I did not
24 personally observe anything contemporaneously that
25 was contrary to that conclusion.

1 Ms. Zdeb: The President has repeatedly called
2 Crossfire Hurricane a "witch hunt" and accused various
3 members of the Crossfire Hurricane team, the
4 Department, the Bureau more broadly, of conspiring to
5 hurt him politically. Did you conspire with anyone to
6 hurt the President politically?

7 Mr. Evans: No, I did not.

8 Ms. Zdeb: Do you have any evidence that Crossfire
9 Hurricane was part of a deep state effort to hurt Trump
10 politically?

11 Mr. Evans: No, I do not.

12 Ms. Zdeb: There similarly have been allegations
13 that the purpose of Crossfire Hurricane was to change
14 or nullify the result of the 2016 election. Have you ever
15 done anything in connection with Crossfire Hurricane
16 with the intent of changing or nullifying the result of
17 the 2016 election?

18 Mr. Evans: No, I have not.

19 Ms. Zdeb: Do you personally have any evidence
20 that the goal of Crossfire Hurricane was to change or
21 nullify the results of the 2016 election?

22 Mr. Evans: No, I do not.

23 Ms. Zdeb: Finally, there have been allegations that
24 Crossfire Hurricane was composed of, quote, "people
25 who hated Trump" and who had, quote, "an agenda to

1 destroy him before he was elected and after he was
2 elected." Did you personally have an agenda to destroy
3 Trump before and after he was elected?

4 Mr. Evans: No, I did not.

5 Ms. Zdeb: Do you have any evidence that the goal
6 of the Crossfire Hurricane investigation was to destroy
7 Trump before and after he was elected?

8 Mr. Evans: I just want to be clear in my answer to
9 that, relating to my earlier answer. I'm certainly now
10 aware of, from the investigation, the text messages and
11 those things along those lines. Harkening back to my
12 earlier answer, I certainly had no indication
13 contemporaneously that there was political bias by
14 anyone at the FBI that factored into any decisionmaking
15 at the time.

16 Ms. Zdeb: And you certainly have no basis to
17 dispute the Inspector General's conclusion that none of
18 the evidence he reviewed, including the text messages,
19 were an indication that political bias impacted Crossfire
20 Hurricane?

21 Mr. Evans: That's correct.

22 Ms. Zdeb: So you spoke a bit before the break just
23 generally about the process for developing the FISA
24 applications and the back and forth between the
25 National Security Division and the FBI. Without getting

1 into any specifics that would require us to go into a
2 classified transcript, I just want to follow up generally
3 on some of those process questions.

4 Again speaking generally about the relationship
5 between the FBI and the National Security Division, your
6 former colleague George Hopkis was interviewed by the
7 House, actually by Mr. Baker and Mr. Somers, a couple
8 of years ago. And he indicated then that it was, quote,
9 "pretty common" for there to be tensions between
10 investigators and prosecutors. Would you agree with
11 that?

12 Mr. Evans: I'm not sure I would state it quite as
13 strongly. To really I think put a little more context
14 here, first off, I think when Mr. Hopkis made that
15 statement I think he was probably referring to tensions
16 between Counter-Espionage Section prosecutors in
17 Main Justice and the Counterintelligence Division with
18 respect to the investigation and prosecution of cases.
19 So I don't think he was probably referring to OI and the
20 FBI, or at least that's how I would interpret that
21 comment by him.

22 With that said, though, with respect to OI's
23 interactions with the FBI, I would put it this way.
24 Anyone who has worked with investigators in cases
25 knows that investigators, especially when it's an

1 important and high-profile case to them, can often
2 become very singularly focused on the objectives of
3 their investigation and will press very, very hard for
4 what they believe to be the investigative steps they
5 want to take.

6 So I wouldn't say that generally speaking there was
7 a tense relationship between those in OI and the FBI.
8 What I would say is on important, stressful, fast-moving
9 cases, be it terrorism or investigation, it was certainly
10 not uncommon for the FBI and for agents to try to put
11 pressure to get the results they wanted from lawyers in
12 our office. I think, similarly, that's probably what Mr.
13 Hopkis was getting at.

14 Ms. Zdeb: So maybe we don't need to use the
15 word "tension," which is his word. We can just call it
16 perhaps differences of opinion on investigative tactics,
17 strategies. To the extent those sorts of things were
18 common in your experience at OI, would you agree that
19 differences of opinion or tensions, in his words, could
20 be healthy to the extent that they ultimately resulted in
21 a more considered decisionmaking process?

22 Mr. Evans: I think certainly the discussion and
23 deliberation could help. I would agree with that.

24 Ms. Zdeb: Picking up on the point you were just
25 making and turning a little bit more specifically to the

1 FISA context, but not too specifically: As a general
2 matter, would you agree that the FBI's requests for FISA
3 authority are driven by their operational needs in a
4 given investigation?

5 Mr. Evans: I would agree. That's my general
6 understanding.

7 Ms. Zdeb: And it sounds like you would also agree
8 that there are often time pressures associated with
9 those operational needs?

10 Mr. Evans: There can be. It can vary greatly based
11 on the nature of the target of the investigation. But
12 there were absolutely a number of FISAs where there
13 were time pressures associated with it for one reason or
14 another.

15 Ms. Zdeb: To the extent you can do so in an
16 unclassified way, I'm wondering if you could elaborate a
17 little bit with respect to counterintelligence
18 investigations. What sorts of general time pressures
19 might there be?

20 Mr. Evans: I could probably elaborate more in a
21 classified setting. I think at an unclassified level two
22 things that would come to mind to me would be the
23 nature of the allegations and the nature of the
24 underlying conduct. I'll give you a hypothetical here. If
25 the allegation is that there is a mole inside an

1 intelligence agency actively stealing classified
2 information, that might be something where, given the
3 nature of the allegation and the alleged conduct, the FBI
4 might feel more time pressure and more urgency than
5 if it was something that was part of a longer-term
6 matter.

7 The other thing I would say is there could be
8 operational and investigative steps the FBI might want
9 to take for one reason or another that might be related
10 to the need to, on their part, to get FISA coverage in
11 place.

12 Ms. Zdeb: So it sounds like in your experience it
13 was not uncommon for the FBI to express those time
14 pressures to the National Security Division when a FISA
15 application was undergoing that back-and-forth process
16 you described?

17 Mr. Evans: I would agree with that.

18 Ms. Zdeb: And is it valid for the FBI to express
19 those time pressures to NSD so that NSD is aware of
20 relevant operational considerations?

21 Mr. Evans: I think that -- I would say there's
22 nothing inappropriate about them doing so. It's similar
23 in a case of criminal conduct, where a criminal
24 investigator may have reason that they want to expedite
25 something and that they identify that to an AUSA

1 similarly.

2 Ms. Zdeb: So to the extent FBI expressed
3 operational time pressures or a desire to move more
4 quickly in the Carter Page situation specifically, it
5 sounds like that wouldn't have been out of the
6 ordinary?

7 Mr. Evans: I can tell you, contemporaneously at
8 the time I did not think it as anything out of the
9 ordinary. I took it as the sort of pressure that the FBI
10 places in cases of this nature.

11 Ms. Zdeb: In your experience, do decisionmakers
12 in the FISA chain of command -- and that could be
13 either within or between the FBI and the National
14 Security Division or DOJ more generally -- do those
15 decisionmakers sometimes disagree about the strategy
16 for a particular FISA application?

17 Mr. Evans: I think the vast majority of the drafting
18 and decisioning on FISAs happens at the working level
19 back and forth and there would be disagreements
20 there. Oftentimes that will resolve itself before it gets
21 up to a more senior decisionmaker, so that there isn't a
22 need for those more senior decisionmakers to disagree.

23 There may have been rare instances where senior
24 decisionmakers disagreed, but I would say that's not --
25 that was not particularly common. And I would say

1 generally in my experience, whether it was the FBI or
2 other intelligence agencies using FISA, the Department
3 as a whole -- and I would say this is across
4 administrations that I was a part of -- the Department as
5 a whole tended to be somewhat deferential to the
6 investigative preferences of whichever agency it was.

7 Ms. Zdeb: So let me maybe put a slightly finer
8 point on this term I used, which was "strategy," which
9 was a little bit vague. I guess one big picture kind of
10 fundamental strategic question is whether to seek a
11 FISA warrant or not. In your experience, were there
12 ever disagreements among people on the chain of
13 command about that threshold question?

14 Mr. Evans: From time to time, although again I
15 would say ultimately FBI preference tended to be the
16 driving factor.

17 (THERE IS A GAP OF APPROXIMATELY 20 MINUTES
18 IN THE AUDIO RECORDINGS AND IN THE TRANSCRIPT.
19 DURING THIS TIME MS. ZDEB AND MS. SAWYER WERE
20 QUESTIONING THE WITNESS.)

21 Ms. Zdeb: Fair enough.

22 Ms. Sawyer: Can I get some clarification on that
23 quickly? You did indicate that you felt as if if similar
24 information came in from a foreign government
25 indicating that there was -- that involved U.S. persons,

1 that FBI would be excoriated if it didn't actually follow
2 up. Why a different standard for counterintelligence,
3 that you wouldn't have been excoriated if you didn't
4 follow up?

5 Mr. Evans: Again, I would agree that potentially in
6 this case they may have been excoriated. She used the
7 term "obligated." I don't know if they were legally
8 compelled to open it. Had they not opened it, I could
9 certainly understand from their perspective why they
10 might have been chastized for not having done so. So
11 chastized or excoriated. I just didn't want to imply that
12 -- I don't know whether as a legal matter they had to
13 open it or not.

14 Ms. Sawyer: Do you recall at the time -- you were
15 briefed, I think it indicated, in August of 2016. Do you
16 recall what you knew at the time about Russia's efforts
17 to interfere in the election?

18 Mr. Evans: I don't think I knew much. I think I was
19 briefed after the opening of the Crossfire Hurricane
20 investigation. I think I was briefed on the overall
21 picture of what was happening. Whether I in particular
22 had any knowledge or awareness of the WikiLeaks
23 thing, I'm not sure. I certainly don't remember tracking
24 it very closely one way or the other.

25 Ms. Sawyer: Do you recall at the time hearing or

1 being aware of then- candidate Trump at a July 26th
2 event asking, "Russia, if you are listening, please find
3 the missing emails from Hillary Clinton"?

4 Mr. Evans: It's possible. But, sitting here today, I
5 don't specifically recall being aware of that statement at
6 that time.

7 Ms. Sawyer: With regard to the information that
8 was conveyed to the U.S. government by a friendly
9 foreign government at the end of July, do you recall
10 why they indicated that they had just told the United
11 States that at the end of July of 2016?

12 Mr. Evans: I do recall what the FBI's explanation
13 was to that. I had no direct conversations with the field
14 office government. I do recall that once myself and my
15 colleagues were briefed by the FBI in the opening of the
16 investigation, and the FBI indicated that this
17 information had been presented to them at the end of
18 July, but that the underlying meeting that was being
19 alleged took place, I think, some time in the spring,
20 April or March.

21 Somebody in the meeting -- I don't believe it was
22 me; I think it may have been one of my colleagues, but
23 I'm not sure -- asked a question along the lines of: Well,
24 if the underlying conduct took place in April or March,
25 why is it just getting to the government now?

1 And the FBI's answer to that to us was that,
2 because the friendly foreign government was so
3 concerned about whether they wanted to insert
4 themselves into the U.S. political process or not, that
5 the decision inside of that friendly foreign government
6 about whether to pass this information over to the U.S.
7 had to go to the highest level of that government for
8 approval before they passed that information over, and
9 that that's why they waited to pass it over until that
10 time. At least that's my recollection of what they
11 explained to us.

12 Ms. Sawyer: Do you recall any indication that part
13 of the calculus for the friendly foreign government was
14 that on July 20th WikiLeaks did release 20,000 hacked
15 emails and that they then alerted the U.S. of what they
16 had learned some months earlier, some eight days
17 later?

18 Mr. Evans: It's possible that the FBI mentioned that
19 as kind of a tipping point type thing. What I can tell
20 you is, candidly, I remember in my mind focusing more
21 on the fact of the senior level to which the information
22 had to go in the foreign government. So whether they
23 mentioned the WikiLeaks release as the tipping point or
24 not to us, I'm just not sure.

25 Ms. Sawyer: What was the significance in your

1 mind of the fact that it had to go to such a high level
2 within the friendly foreign government? Did that weigh
3 in any way on assessing reliability, credibility?

4 Mr. Evans: I think in my mind at the time it did
5 weigh in terms of assessing credibility and reliability
6 preliminarily. This was in the range of tips that the FBI
7 can get in a whole range of cases. You can go from the
8 anonymous tip to the 1-800-FBI phone line, all the way
9 down the spectrum of tips.

10 The fact that this wasn't just a random official
11 passing this information to the government, [REDACTED]
12 of a -- or at least as it was being represented to us, that
13 [REDACTED] made the decision
14 deliberately to pass this information over, knowing that
15 there could be political consequences, was something
16 that I think did at least in my mind factor in as relevant.

17 Ms. Sawyer: Now, Mr. Papadopoulos, the
18 campaign adviser who was told that Russia had, quote,
19 "thousands of emails that it could release strategically
20 to help the Trump campaign," indicated that he didn't
21 tell others because he wasn't sure whether to believe it.
22 But he never denied that he was told it. In fact, as we
23 saw, Russia did exactly what he was told Russia was
24 going to do.

25 What difference might it have made -- and I know

1 I'm asking you to speculate a little bit. If he indeed was
2 told in April 2016 that this was a possibility, that was
3 before Russia had released any emails, what difference
4 might that have made?

5 Mr. Evans: Sorry. I'm not sure I was following you
6 in terms of the hypothetical.

7 Ms. Sawyer: Well, if he had come to the FBI and
8 told them that this is what he had learned, what
9 implications might that have had?

10 Mr. Evans: If he had come to the FBI directly in the
11 spring of that year? You know, it's tough for me to
12 speculate, but I think it's possible the FBI would have
13 opened the investigation sooner. It also arguably
14 would have removed one other layer from the mix in
15 terms of people who were -- you would have then had
16 Papadopoulos going directly to the FBI with that
17 information versus an intermediary passing it through,
18 and the chance the FBI would have potentially gotten a
19 clearer picture earlier on.

20 Ms. Sawyer: It's possible, is it not, that they would
21 have asked Mr. Papadopoulos to help them, if he had
22 this connection, and find out more early on about what
23 Russia was potentially doing?

24 Mr. Evans: It's certainly possible.

25 Ms. Sawyer: From your position and your

1 experience, if going forward -- you know, there's been
2 confusion with the Attorney General just the other day
3 in front of the House Judiciary Committee hesitating
4 and saying it would depend on what kind of assistance
5 was offered, before he did say it would not be
6 appropriate for our government, anyone who's running
7 for office, to accept foreign assistance.

8 Going forward, if a campaign is advised that a
9 foreign government, be it Russia or anyone else, has
10 information that it is willing to release to help a
11 candidate, what should the campaign do with that
12 information?

13 Mr. Evans: I'm reluctant to weigh in there. I'm not
14 an election law or campaign lawyer. I'm not sure I
15 could proffer the answer to that. I can tell you, as a
16 citizen I would hope the campaign would not take a
17 foreign government up on that offer. But in terms of
18 what the legal obligations are, what a best practice for a
19 campaign would be, I think that's outside my purview.

20 Ms. Sawyer: To the extent you do have a handle
21 on the law and based on your experience, is there a
22 category in terms of what Congress should be looking
23 at where there is a gap in the law, where it is somehow
24 acceptable to accept foreign assistance to win a
25 campaign, influence a campaign, help a campaign?

1 Are there gaps that we need to fill, or is it just
2 outright against the law?

3 Mr. Evans: I don't feel I'm in a position with my
4 expertise to opine on that one way or the other. I just
5 don't know the answer to that.

6 Ms. Sawyer: From a pure counterintelligence
7 perspective, if a candidate does accept foreign
8 assistance does that present any kind of
9 counterintelligence risk for this nation?

10 Mr. Evans: I think, depending on the
11 circumstances, it potentially could, yes.

12 Ms. Sawyer: In what ways?

13 Mr. Evans: You know, I think whether it's an
14 election or not an election, I think one of the core
15 concerns in the counterintelligence environment is
16 American citizens being compromised one way or the
17 other, where a foreign government has potential
18 leverage on them.

19 To, again, take it outside of the election context, I
20 think the traditional counterintelligence environment
21 and counterintelligence concern is about, at a very
22 basic level, would be about U.S. government employees
23 with access to sensitive information, classified
24 information, key foreign policy decisionmakers, who
25 have somehow put themselves in a position or are in a

1 position where the foreign government has
2 compromising leverage or information on them that
3 could be used to blackmail them.

4 So I think whether it's an election or not an
5 election, that is a fact pattern that always raising a
6 counterintelligence concern.

7 Ms. Sawyer: So certainly it would be a concern for
8 an ordinary citizen. Would it also be a concern if it
9 were a national security adviser who had somehow
10 been compromised by a foreign government?

11 Mr. Evans: I think it would be -- I'm not going to
12 comment on specific people or specific positions. I
13 think it would be a concern for anyone who is in a
14 position where they have access to classified or
15 sensitive information in government.

16 Ms. Sawyer: Mary McCord was interviewed and her
17 302 has been publicly released, and she was
18 interviewed and specifically asked about the incoming
19 National Security Adviser, Michael Flynn. So I was
20 curious whether or not you were involved in any of the
21 conversations about Glenn Flynn.

22 Mr. Findlay: I think we're going to have to object.
23 The Flynn case is still pending and so we'd ask you not
24 to get into that.

25 Ms. Sawyer: So, just to clarify, any question about

1 Michael Flynn cannot be asked today? Well, it can be
2 asked, but you are asking -- are you directing the
3 witness not to answer the question?

4 Mr. Findlay: We'd have to hear the question. I'm
5 just telling you that anything related to the pending
6 Flynn case he can't get into. So it's conceivable you
7 could have a question that he could answer, but it
8 seems unlikely.

9 Ms. Sawyer: And when -- who made the decision --
10 well, first of all I guess I would ask, is the witness going
11 to follow that direction?

12 Mr. Findlay: Excuse me?

13 Ms. Sawyer: Is the witness going to follow the
14 direction not to answer the question? The question
15 pending right now is whether or not he was involved
16 while employed in the National Security Division in
17 conversations about Lieutenant General Flynn?

18 Mr. Walker: I think representatives of the
19 Department of Justice are here to make sure that the
20 questions put to Mr. Evans and his answers do not
21 impinge on, first of all, matters outside the scope of
22 this inquiry, or on pending investigations. So I think it's
23 more of a question for the representatives of the
24 Department of Justice. If they are making that
25 determination, I think it's not inappropriate for the

1 witness to abide by the determination of the
2 Department in that respect.

3 Ms. Sawyer: So just one issue of clarification.
4 Crossfire Hurricane was opened on four individuals,
5 one of whom was Michael Flynn. I would ask my
6 colleagues to confirm that questions regarding Michael
7 Flynn are within the scope of the Chairman's Crossfire
8 Hurricane investigation.

9 Mr. Walker: Excuse me. That was part of what I
10 was talking about.

11 Ms. Sawyer: I know, that's the first part. I just
12 want to answer that one first.

13 Mr. Somers: Yes, Michael Flynn is part of Crossfire
14 Hurricane. He had a Crossfire Hurricane investigation
15 codename, and we do believe it's within the scope of
16 the investigation.

17 Ms. Sawyer: Then your second point is the concern
18 that the Department has asked the witness not to
19 answer because it's the Department's position, as I
20 understand it, that the Flynn matter is an ongoing
21 matter. Did I articulate that correctly?

22 Mr. Walker: I believe that the matter is an ongoing
23 matter. So to the extent that answering or not
24 answering the question is consistent or inconsistent
25 with the Department of Justice policy and practice,

1 again I would have to defer to Mr. Findlay, and that's
2 the reason they are here. I don't think it's a matter of
3 Mr. Evans' private counsel advising him one way or the
4 other.

5 Mr. Somers: Could he answer the basic question
6 of whether he had knowledge or involvement in the
7 investigation of Michael Flynn? Because obviously if he
8 had no knowledge this is an academic discussion.

9 Mr. Findlay: I think that sort of highest-level
10 question would be fine, just to ascertain it. But I guess,
11 going back to the purpose and where this questioning -
12 - I was merely trying to highlight that it seemed like you
13 were going down a road to talk about the Flynn
14 investigation, not about something else related to Mr.
15 Flynn.

16 So I think that high-level question is fine, but I
17 think anything further is probably not going to be okay.

18 Ms. Sawyer: So I guess the question would be --
19 and I can even make it more specific: Mary McCord,
20 you worked with Mary McCord; is that correct?

21 Mr. Evans: That is correct, yes.

22 Ms. Sawyer: What was your relationship to Mary
23 McCord, working relationship?

24 Mr. Evans: Yes, working relationship, thank you.

25 Ms. McCord was -- for much of my tenure as the Deputy

1 Assistant Attorney General, she was the Principal
2 Deputy Assistant Attorney General. And then for at
3 least part of the Crossfire Hurricane investigation
4 timeline, she was the Acting Assistant Attorney General
5 of the National Security Division.

6 Ms. Sawyer: So Ms. McCord was interviewed. Her
7 302 has been released publicly. It's in the public
8 domain. In that 302 she indicated that she had been
9 alerted by the FBI about calls that then-Lieutenant
10 General Flynn had with the Russian Ambassador, Sergei
11 Kislyak, that occurred in December of 2016.

12 Were you in conversations with Ms. McCord or
13 others about Lieutenant General Flynn's conversations
14 with Ambassador Kislyak?

15 Mr. Evans: Keeping in mind the guidance from
16 Department counsel and his prior admonishment on
17 what I can and can't get into, I would say in the January
18 2017 and February 2017 time frame I was aware of and
19 involved to a limited extent in some of those
20 conversations. I would not say it was something I was
21 primarily or heavily involved in, though.

22 Ms. Sawyer: Do you recall when you first read the
23 transcripts of Lieutenant General Flynn's conversations
24 with Ambassador Kislyak?

25 Mr. Findlay: You can answer whether you recall or

1 not.

2 Mr. Evans: Do I recall when I first read them? Not
3 the specific date, I don't recall, no.

4 Ms. Sawyer: Was it in that time frame of January to
5 February 2017?

6 Mr. Evans: Somewhere in that general time frame,
7 yes.

8 Ms. Sawyer: Do you recall whether or not
9 Lieutenant General Flynn's identity was visible in the
10 transcripts that you read?

11 Mr. Evans: I think to answer that question would
12 probably require a more detailed answer on my part
13 about this matter and could potentially both elevate it
14 to the classified level and also get into the areas where
15 Department counsel has instructed me not to answer.
16 So I'm not sure I can answer that question.

17 Ms. Sawyer: In that transcript -- and we can get
18 you a copy if you need -- Lieutenant General Flynn --

19 Mr. Findlay: I think we're going to have to flip over
20 to the classified. I'm not sure he's going to be able to
21 answer any questions anyway, but I think we'll have to
22 flip over to the classified side now.

23 Ms. Sawyer: Can you explain that, since the
24 transcripts have been declassified, they were produced
25 to this committee, and they are on this committee's

1 website?

2 Mr. Findlay: But I assume you're not just going to
3 ask him to read the transcript. You want background
4 information about the transcript? You don't want him
5 to validate the transcripts or anything like that? If you
6 want to read it to him, I guess you can. But if you want
7 anything beyond that, we'd have to --

8 Ms. Sawyer: I do want to ask his opinion about
9 what he read in that transcript and the significance of
10 what he read in that transcript. I don't think any of that
11 is classified.

12 Mr. Findlay: And that might not be, but that could
13 relate to the pending case. So I don't think he's going
14 to be able to get into it for that reason.

15 Ms. Sawyer: On this directive that the Flynn matter
16 is an ongoing matter, pending case, when was that
17 decision made and by whom?

18 Mr. Findlay: When was the decision that the Flynn
19 matter -- I mean, it just is a pending --

20 Ms. Sawyer: When was the decision made that
21 individuals cannot talk about the Flynn case because it's
22 the Department's position that it is an ongoing matter?
23 Because Ms. Yates was questioned by other
24 committees, both HPSCI and SSCI, about the Flynn
25 matter. Those transcripts are now publicly available.

1 She talked about the Flynn case.

2 Michael Steinbach talked with this committee just
3 weeks ago about the Flynn case.

4 So when was the decision made to direct witnesses
5 that they cannot answer questions about the Flynn
6 case? Mr. Findlay: I'm not a witness here today. I
7 can tell you that that decision has been made.

8 Ms. Sawyer: I would ask you to answer, because
9 you are asking a witness before us, when the decision
10 was made and by whom?

11 Mr. Findlay: Again, I'm not going to get into it. He
12 can't talk about any cases --

13 Ms. Sawyer: Why is it that you cannot give me that
14 information? Because my members will ask that
15 question.

16 Mr. Findlay: And that's a fair question. I'm not
17 going to answer it.

18 Ms. Sawyer: Will you take it back and seek an
19 answer on behalf of the committee?

20 Mr. Findlay: Certainly. I will turn to my colleagues
21 from the Office of Legislative Affairs to do that.

22 Ms. Sawyer: Mr. Evans, were you interviewed as
23 part of the Durham investigation?

24 Mr. Findlay: That's another area I think we're not
25 going to be able to get into, again obviously pending;

1 and so he's not going to be able to get into that, either.

2 Ms. Sawyer: So the Durham investigation is a
3 pending matter, is that correct? I'm still talking to --

4 Mr. Findlay: To me. He's not going to get into.
5 I'm not going to update you on the status. I'm not sure
6 I know the latest status of the Durham investigation.
7 But he's not going to --

8 Ms. Sawyer: Is it your position here today that
9 nothing he's been asked so far is being investigated by
10 U.S. Attorney John Durham?

11 Mr. Findlay: Again, I'm not going to get into what
12 Mr. Durham is investigating.

13 Ms. Sawyer: So can you represent today that
14 nothing he's been asked relates to matters being
15 investigated by John Durham? Because I am trying to
16 understand how it is that this witness is being directed
17 not to answer a single question about the Flynn matter,
18 when he has sat here for two hours and answered
19 questions that I believe we have been told publicly, that
20 the Attorney General has confirmed publicly, are
21 currently under investigation by John Durham.

22 Mr. Findlay: Again, I'm not in a position to speak
23 to the status of the Durham investigation or give any
24 update on it.

25 Ms. Sawyer: You would agree that the committee

1 has been told in a letter, and represented to us by the
2 Majority, that we have been told that it is not a problem
3 for us to ask questions about matters that are being
4 looked into by John Durham, so long as we do it after
5 Durham has spoken with witnesses?

6 So I would also like you to explain to me why we're
7 allowed to ask witnesses questions about a matter that
8 is still being investigated and we are being told that we
9 cannot ask a witness a question about a case where the
10 defendant pled guilty twice, I think over a year ago.

11 Mr. Findlay: Again -- and let's separate those
12 things. The Flynn matter is ongoing. There is no
13 debate about that.

14 The Durham matter I believe is ongoing. What is
15 or is not in the scope of the Durham investigation I'm
16 not going to get into.

17 Ms. Sawyer: All I need you to do is represent that
18 nothing -- that he is not being allowed to answer
19 questions about the Durham investigation since it's
20 ongoing. Otherwise, I don't understand the double
21 standard.

22 Mr. Findlay: There's no double standard. You
23 asked him specifically -- if U.S. Attorney Durham asked
24 him about his background at DOJ, how long were you
25 there, and told since 2005 --

1 Ms. Sawyer: No. What I would imagine John
2 Durham might ask him is about the Carter Page FISA
3 application which he --

4 Mr. Findlay: And you might imagine that we're not
5 going to confirm or deny what Mr. Durham is looking
6 into. The Attorney General has made statements about
7 it and those will stand on their own. But you're asking
8 him specifically what his interactions have been on that
9 investigation. He's not going to get into that.

10 Ms. Sawyer: I think our time is up, but I would put
11 on the record that I have made a request, specific
12 request, and I want to ask essentially the following:
13 When the decision was made to direct witnesses not to
14 answer questions about Michael Flynn; who made that
15 decision and who was involved in that decision; why a
16 very different decision has been made with regard to
17 the apparent investigation by John Durham, which you
18 have acknowledge is ongoing --

19 Mr. Findlay: Just to be clear, it's not a different
20 decision. The Flynn is a pending criminal matter. We're
21 not going -- I'm not going to get into what Durham is
22 looking at. Certain aspects of the Flynn matter are
23 obviously very, very public.

24 Ms. Sawyer: Right, which makes it all the more
25 troubling. I have to just tell you this, because you are

1 telling me you don't yet know exactly what's going to
2 come out of the Durham investigation, which is what I
3 would hope because it is ongoing, so I would hope that
4 you don't know.

5 Mr. Findlay: I'm not telling you anything about --

6 Ms. Sawyer: So criminal indictments could come
7 out of that. We don't know. We don't know the scope.
8 We have never once been told to be careful about the
9 scope because John Durham is investigating. So I just
10 would like to understand why, when we have been sent
11 a letter saying that, there is an ongoing investigation;
12 we don't mind you asking witnesses questions, even
13 ones, apparently, that could overlap, so long as you do
14 it after John Durham gets to speak to them. So that's
15 just my third question.

16 I don't want to --

17 Mr. Findlay: There may be a misunderstanding.
18 Again, if you happen to ask questions that Mr. Durham
19 has asked Mr. Evans, I'm not objecting to that. I'm
20 objecting to you asking Mr. Evans "Did Mr. Durham ask
21 you those questions."

22 Ms. Sawyer: Right, I understand that. I just -- what
23 I'm trying to flesh out, I don't want to ask him what Mr.
24 --

25 Mr. Findlay: But you did just ask him about Mr.

1 Durham.

2 Ms. Sawyer: No. All I asked was had he been
3 interviewed by John Durham. I didn't ask a single
4 question about what John Durham asked him.

5 Mr. Findlay: And that's fair, but what was your
6 next question?

7 Ms. Sawyer: That's my only question. I don't want
8 to know what John Durham asked him. I want to know
9 if John Durham is talking to him -- talked to him.

10 Mr. Findlay: Right, because you want to know the
11 status of the Durham investigation, and that's what we
12 can't get into.

13 Ms. Sawyer: We've already been told it's ongoing.
14 You've told me that today. I don't want to know the
15 status. I would like to know --

16 Mr. Findlay: Wait a minute. You want to know the
17 particulars about the Durham investigation.

18 Ms. Sawyer: No. All I want to know is is this same
19 witness, who's being directed not to talk to us about
20 one case because it's a claimed ongoing matter, was
21 actually interviewed in an ongoing matter, but is still
22 being allowed to answer questions that the Attorney
23 General has confirmed publicly is within John Durham's
24 scope? He has publicly confirmed that John Durham is
25 taking a lookback at the Carter Page FISA application.

1 So that was my only question. Are you also
2 directing him -- and I'm not trying to belabor this,
3 honestly. Are you saying he cannot answer today
4 whether or not John Durham interviewed him? That's
5 my only question.

6 Mr. Findlay: Yes. Whether it's one question or 38
7 questions, you shouldn't get into his interactions with
8 Mr. Durham, period.

9 Ms. Sawyer: But I can get into questions that John
10 Durham may also be looking into as part of an ongoing
11 investigation?

12 Mr. Findlay: That could be fine. We're not going to
13 confirm or deny whether those are questions that Mr.
14 Durham is looking at. That's why I guess I wanted to be
15 clear. If you happen to ask him a question that Mr.
16 Durham has asked him, that question might be
17 perfectly fine out of your mouth. He won't confirm
18 whether that was a question Mr. Durham has asked him
19 or whether Mr. Durham has asked him any questions.

20 Ms. Sawyer: So why is it not the same standard
21 applied to the Flynn, to Michael Flynn? He doesn't have
22 to tell me whether or not he ever -- I just am really not
23 understanding the distinction you're trying to draw.

24 Mr. Findlay: It seems clear to me. The Flynn
25 matter, again you're asking particular questions that are

1 known to be relevant in the Flynn matter, which again is
2 very much pending. We'd ask him not to get into that.
3 We're I think focusing on the Page FISAs, which is why
4 he's here.

5 Ms. Sawyer: No. We're here because the Chairman
6 has opened an investigation into the Crossfire
7 Hurricane investigation, which includes Michael Flynn
8 without a question. My colleague confirmed that it
9 includes Michael Flynn. So a major part of the
10 investigation you are directing this witness not to
11 answer to.

12 So I've made my request. I would just simply ask
13 that I get the answer to it; and we'll just take a break.

14 Mr. Walker: Before we do, I just want to point out
15 for the record that Mr. Evans is here to answer your
16 questions, and he has not made a determination as to
17 the scope of what he is going to talk about. He is in a
18 position where he is here and does have to listen to the
19 guidance of the Department of Justice attorneys. And
20 I'm not taking a position one way or another vis a vis
21 that guidance, but just want the record to reflect that
22 Mr. Evans is here to answer questions and to be
23 cooperative, but he is in a position where he does have
24 to abide by the guidance of the Department of Justice.

25 Ms. Sawyer: Yes, understood. And I take no issue

1 with your client. Your client's certainly following the
2 guidance.

3 I think the unfortunate truth is, because of the
4 guidance that he's been given and the directives, that
5 we may need to ask him to return to answer questions
6 related to Mr. Flynn. I hope that, as he's been willing to
7 be cooperative and volunteer his time, he would do the
8 same if that becomes necessary.

9 Mr. Walker: Well, that would be unfortunate, just
10 because in these times it is a difficult procedure to do
11 that. But we'll just have to see what happens.

12 Ms. Sawyer: I don't disagree with you on that,
13 either. I would prefer if he were being allowed to
14 answer these questions just like he's being allowed to
15 answer questions that unquestionably are going to
16 prove to have been in the scope of the Durham
17 investigation. But not my decision and I don't want
18 anything in the record to reflect that we take issue with
19 your client or his ability or willingness at least to try to
20 answer our questions.

21 Mr. Walker: Thank you.

22 Mr. Evans: If I could just provide one point of
23 clarification, going back to the answer I was authorized
24 to give earlier. I would note, as I did earlier, that, while
25 I may have been involved peripherally in some

1 conversations or discussions during the time period
2 that you asked about, I would not say that I had a major
3 or significant or primary role in any of those
4 conversations that I may have listened in on.

5 Ms. Sawyer: Thank you.

6 (Recess from 12:59 p.m. to 1:18 p.m.)

7 Mr. Somers: We'll go back on the record.

8 Before we start our time, I think in the last round a
9 letter regarding the Durham investigation and how it
10 relates to witnesses that we may also want to interview
11 was mentioned. I don't think there's actually a letter
12 per se. I think there's just a general understanding
13 between the Department and the committee that U.S.
14 Attorney Durham would, at the very least, prefer that
15 we not interview any potential witnesses that he may
16 want to interview until he is done with whatever process
17 he has for those individuals.

18 But I don't think -- we have not received a letter
19 from the Department to that extent, just an oral
20 understanding.

21 Ms. Sawyer: Yes, understood. I think I had
22 thought it was a letter. It certainly had been
23 represented to us that there was an understanding. So
24 it may not have been a letter. Maybe there were some
25 oral discussions that involved the Majority for the

1 committee and the Department. The Minority wasn't on
2 those calls, but it was represented to us that, as my
3 colleague had indicated, that the preference was that
4 we not speak with witnesses until John Durham had had
5 an opportunity to interview them.

6 Mr. Walker: I appreciate that. I think that's fair.
7 Whether Durham is done with or however you would
8 characterize with Stu, I think that we wouldn't get into.
9 But I think it is safe to assume that we don't object to
10 him, based on that, appearing here. He's here,
11 obviously. So Durham did not raise an objection to Stu
12 appearing today.

13 Beyond that --

14 Ms. Sawyer: Right. But I'm not understanding you
15 to mean that you're affirming for us that he wasn't
16 interviewed. That's just there's not an objection.

17 Mr. Findlay: All I'm affirming is that there's no
18 objection to him appearing here today based on the
19 Durham investigation. What Mr. Durham has done or
20 not I'm just not at liberty to get into. I don't know a lot
21 of it and I also wouldn't be able to get into even what I
22 do know.

23 Mr. Somers: It is now 1:20 and we will start our
24 second round, the second round for the Majority.

25 Mr. Evans, when we last finished off we were

1 talking about the 17 significant errors and omissions
2 identified in the IG report. I think you maybe take some
3 issue whether there were 17, but you understand
4 there's a significant number of significant errors and
5 omissions that the IG identified.

6 Were you aware of any errors or omissions that
7 you would consider significant that weren't identified by
8 the IG, in the IG report?

9 Mr. Evans: Off the top of my head, to my best
10 recollection, I'm not aware of other errors that were not
11 addressed in the IG report one way or the other.

12 Mr. Somers: In light of the significant errors that
13 were identified in the IG report, if the decision were up
14 to you would you still have submitted the -- well, let's
15 just start with the initial Carter Page FISA application?

16 Mr. Evans: I think let me be precise in how I
17 understand your question and how I answer it. If what
18 you're asking me is if I knew that information would I
19 have supported the initial application as it is currently
20 drafted to go forward, my answer would be no because
21 I think at a minimum some of that information would
22 have needed to go in the application and be addressed.

23 If what you're asking is, once that information were
24 added into the application would there still have been
25 probable cause or not, I think my answer there is I'm

1 just not sure. I think, as I believe I indicated to the IG, I
2 would have needed to discuss that information with the
3 FBI, understand what their assessment was, and then
4 understand how their assessment impacted and didn't
5 impact the overall application.

6 So I think I just can't say in hindsight whether that
7 additional information would have been such that it
8 would have ultimately removed probable cause or not.

9 Mr. Somers: Part one is the errors should have
10 been addressed, at the very least?

11 Mr. Evans: Many of them. I'm not sure if, sitting
12 here today, I could say that every single one of those
13 17. As I alluded to before the break, I don't think they
14 were all created equal, and I don't remember precisely
15 what they all were. But at least many of them, if not all
16 of them, should have been addressed.

17 Whether having addressed them, it would have
18 taken away probable cause, I couldn't say sitting here
19 today.

20 Mr. Somers: The IG determined -- this is a quote
21 from the report; sorry I don't have the page number.
22 The IG determined that "Crossfire Hurricane team's
23 receipt of Steele's election reporting on September 19,
24 2016, played a central and essential role in the FBI's, in
25 the Department's, decision to seek the FISA order."

1 Do you agree with that conclusion of the IG, that
2 the Steele reporting, the Steele dossier, played a central
3 and essential role?

4 Mr. Evans: I would agree that the FISA application
5 as drafted had the Steele reporting as -- I'm not sure
6 what the right adjective, whether it's central or
7 important component of the application. I think I
8 would agree with that.

9 In terms of to what extent -- in terms of the first
10 part of your question, to what extent the reporting
11 itself motivated the FBI to move to get the FISA, I
12 couldn't speak to that. All I could tell you is that
13 timewise on a calendar, they had not submitted a draft
14 FISA application to us prior to having received that
15 application. But what internal discussions they may
16 have had in terms of whether they believed that moved
17 them over the line or not, I wasn't privy to those.

18 But I would agree to the other point, as I noted,
19 that the reporting did play an important part in the
20 write-up of the probable cause.

21 Mr. Baker: I want to be clear on just one thing you
22 said a second ago about the 17 omissions or errors: In
23 the first instance you would lean towards making the
24 court aware of some of them for sure; as far as the
25 second part of it, whether or not it would impact the

1 probable cause, whether it did or didn't impact the
2 probable cause, there was certainly more work to be
3 done internally at the Department and internally at the
4 FBI.

5 Mr. Evans: Correct. I believe many, if not all, of
6 those issues would have needed to be addressed
7 internally within the Department and the FBI, and then
8 ultimately, depending on the outcome of those
9 discussions, probably in the applications themselves.

10 Whether that further deliberative process would
11 have resulted in us concluding that ultimately probable
12 cause didn't exist, without having gone through those
13 discussions I just couldn't say.

14 Mr. Baker: Thank you.

15 Mr. Somers: I just want to make sure I understood
16 your last answer correctly. You can't make a call,
17 sitting here today, whether probable cause would have
18 existed or not without the Steele information? Is that
19 what you just said?

20 Mr. Evans: No. I was saying, with respect to the --
21 oh, well. Two things. I was saying that, in response to
22 Mr. Baker's question, that with respect to the 17 errors I
23 couldn't say if, after discussion and assessment from
24 the FBI, whether those errors would have all been
25 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

1 think, similar to what Ms. Zdeb was referencing earlier,
2 that the FBI indicated to us they had received this
3 foreign government reporting and it had opened an
4 investigation into possible interference with the 2016
5 election by the Russians.

6 My rough understanding at the time is that they
7 had opened -- "umbrella" may not be the right word, but
8 I would term it -- kind of an umbrella investigation into
9 that allegation; and then within that they opened sub-
10 investigations into four individuals, who I think are
11 specified in the IG report, although I believe with
12 respect to two of those individuals there was some
13 form of preexisting FBI investigation into them.

14 Mr. Somers: And that's Papadopoulos, Page,
15 Manafort, and Flynn? Are those the four individuals you
16 recall?

17 Mr. Evans: I believe that's correct, yes.

18 Mr. Somers: [REDACTED]

19 [REDACTED]
20 [REDACTED] ?

21 Mr. Findlay: [REDACTED]

22 [REDACTED]
23 Mr. Somers: [REDACTED]
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Mr. Findlay:

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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

1 aware of it, and then my counterparts, mentioned
2 earlier, Mr. Toscas and his team from the
3 Counterespionage Section, who are prosecutors.

4 I think collectively, at least in those early months in
5 the fall of 2016, other than the role that the Office of
6 Intelligence played in the FISA, I think our role generally
7 was just staying apprised of where the FBI was going in
8 the investigation through general briefings they were
9 providing in the event they ultimately needed legal
10 assistance, whether it be through criminal process or
11 national security legal process from us, making sure
12 that we were kind of generally aware of what they were
13 doing.

14 But in terms of having some sort of formal role of
15 telling them what they could or couldn't be doing or
16 formally being involved in the decisionmaking, I would
17 say I did not have such a role.

18 Mr. Somers: But you did take part in briefings?

19 Mr. Evans: We did receive briefings from them.

20 Mr. Somers: Well, you're saying "we." I'm asking
21 you.

22 Mr. Evans: Oh, yes, I did receive briefings from
23 them on a periodic basis that fall in terms of where they
24 were.

25 Mr. Somers: How frequent?

1 Mr. Evans: I'd say originally, starting kind of in that
2 August time frame, they were supposed to be on like a
3 biweekly basis, is my recollection. I'm not sure they all
4 happened, and I think there were probably some where
5 I didn't attend.

6 So my guess is that from August through the
7 election there were probably no more than a handful of
8 them, rough estimate maybe five or six, something like
9 that, that we attended during that fall 2016 period.

10 Mr. Somers: What about after the election?

11 Mr. Evans: After the election, I don't recall
12 attending kind of regular investigative updates, if you
13 will, from the FBI. What I recall after the election -- and
14 this is really in the early 2017 and spring 2017 period --
15 is that there was a lot of transition happening in the
16 Department, between Department leadership leaving
17 and political appointees and other folks leaving and
18 new folks coming on board; and in the kind of January,
19 February, March time frame there were a series of
20 briefings that the FBI provided to those people who
21 were new to the Department and in senior leadership
22 roles about the Crossfire Hurricane case.

23 I wouldn't term those as kind of routine
24 investigative updates. I think those were more like
25 background briefings on where they had been in the

1 case. I don't know about all of those, but certainly for
2 some of those I was invited as an attendee just to listen
3 to the FBI's briefings on those.

4 I would describe those generally as not particularly
5 -- it was almost like each one of those briefings was
6 kind of the same thing over and over again. I don't
7 even remember how many there were and who the
8 different attendees were, but I also don't remember a
9 ton of new or different information coming out in
10 those.

11 Mr. Somers: Who conducted these August through
12 the election briefings, who at the FBI?

13 Mr. Evans: August? So the August --

14 Mr. Somers: The earlier briefings.

15 Mr. Evans: Yes. The kind of fall 2016 briefings,
16 those were more -- to my recollection, those were more
17 internal kind of FBI meetings that the FBI
18 Counterintelligence Division leadership would have with
19 their folks. I don't know what frequency they had those
20 meetings.

21 But, as I was saying, I think on a biweekly basis
22 they invited the group of folks from NSD to come over,
23 like once a week or once every two weeks, and sit in on
24 that meeting as they were briefing their team. So those
25 weren't briefings specifically for us. Those were

1 briefings where we were able to sit in and listen.

2 Mr. Somers: So you and others from NSD went
3 over to FBI headquarters for these meetings?

4 Mr. Evans: In that fall of 2016 time period, yes.

5 Mr. Somers: Who was attending these meetings?

6 Mr. Evans: I think again, I attended some, but
7 probably not all. I think Mr. Toscas attended some. I
8 don't know if he attended all. I think Mr. Loffman from
9 the Counterespionage Section attended some that I
10 recall. Again, I don't know about all. Then Mr.
11 Loffman's deputy may have attended some.

12 Mr. Somers: [REDACTED]?

13 Mr. Evans: It's a non-SES individual.

14 Mr. Somers: We're interviewing [REDACTED] next
15 week and he can confirm whether [REDACTED]
16 attended.

17 Mr. Findlay: No, I think we'll just leave it at Mr.
18 Loffman's deputy.

19 Mr. Somers: Is it the same deputy that was
20 mentioned in the IG report, that was in an interview
21 with the primary sub-source?

22 Mr. Evans: I'm not sure who was in the primary
23 sub-source, but, based on other -- based on my general
24 awareness of the Crossfire Hurricane investigation, I
25 think there was really one deputy under Mr. Loffman

1 who was involved in the investigation.

2 Then my deputy -- I'm sorry, not my deputy. The
3 Chief of the Operations Section in OI I think attended
4 some of those briefings.

5 Mr. Somers: What about from the FBI?

6 Mr. Evans: I have no idea. I think Mr. Strzok and
7 Mr. Priestap tended to lead those, but that was their --
8 whoever on their team. I don't even know who all the
9 people were in the room. I think it was -- it appeared to
10 me to be their kind of check-in briefings with their
11 Crossfire Hurricane team that they allowed us to sit in,
12 more so than briefing.

13 Mr. Somers: So Comey and McCabe wouldn't have
14 been in these?

15 Mr. Evans: Not these in the fall of 2016.

16 Mr. Somers: Jim Baker?

17 Mr. Evans: Not that I recall.

18 Mr. Somers: Tricia Anderson?

19 Mr. Evans: Possible, but not that I recall.

20 Mr. Somers: [REDACTED]?

21 Mr. Evans: I believe she was probably in some of
22 them.

23 Mr. Somers: [REDACTED]?

24 Mr. Evans: I'm not sure I even know who that is.

25

1 Mr. Somers: Lisa Page? Lisa Page?

2 Mr. Evans: Possible.

3 Mr. Somers: [REDACTED]?

4 Mr. Evans: Again, I'm not sure I know who -- I
5 mean, I've seen the name, but I'm not sure I would
6 know that person by sight.

7 Mr. Somers: Was there anyone in particular you
8 dealt with outside of these briefings about Crossfire
9 Hurricane, from FBI?

10 Mr. Evans: I don't think so. Again, I had very little
11 direct interactions with the FBI with respect to Crossfire
12 Hurricane, and I would say the ones I had are
13 documented in the IG report.

14 Mr. Somers: So certainly Peter Strzok and [REDACTED]
15 [REDACTED] you talked to about the FISA application, for
16 instance? That's pretty well documented in the IG
17 report.

18 Mr. Evans: Mr. Strzok, yes, on one or two
19 occasions. [REDACTED], I'm actually -- other than her
20 initial outreach to us to tell us that the FBI might want
21 to pursue a FISA at some point in their investigation,
22 I'm not sure she and I had any kind of direct one-on-one
23 conversations about the FISA.

24 Mr. Somers: But you were who she reached out to?
25 For that conversation she reached out to you to say,

1 hey, there might be a FISA coming?

2 Mr. Evans: Right. So there was the initial briefing
3 in August of 2016 where the FBI initially made us aware
4 of Crossfire Hurricane and briefed us on the case. At
5 some point after that, I'd say in the next -- roughly in
6 the next week or two, [REDACTED] reached out to me to
7 say that the Crossfire Hurricane team thought it was
8 possible that they might want to consider pursuing FISA
9 in their investigation and she wanted to alert me to
10 that.

11 My response was: If the FBI does, that's your
12 choice; and I'll need to assign it to my team as I would
13 any other FISA. So I told her that I would alert our team
14 in the office and make them aware of it.

15 But in terms of -- if your question was during the
16 drafting of the FISA or if during the pendency of
17 Crossfire Hurricane, I don't remember having kind of
18 one-on-one personal conversations with things about
19 [REDACTED].

20 Mr. Somers: Do you recall whether a conversation
21 ever occurred about whether to seek a FISA on George
22 Papadopoulos?

23 Mr. Evans: I don't recall being a part of that
24 conversation, a conversation on those lines.

25 Mr. Somers: Just while we're talking about the

1 [REDACTED] conversation, there's a quote in the IG
2 report that I find kind of curious: "The OGC unit chief" -
3 - that's [REDACTED] -- "told Evans to get permission to
4 brief a small group of OI attorneys into Crossfire
5 Hurricane, including the Operations Section chief, the
6 deputy section chief, and counterintelligence unit chief,
7 and one line attorney."

8 I just found it unusual that a unit chief at FBI was
9 telling you who you could bring in to read into an
10 investigation.

11 Mr. Evans: My recollection of that, I don't think the
12 IG -- I don't remember the exact wording of the IG
13 report, but I don't think they explained the history of
14 that. So that was, as I indicated, [REDACTED] had
15 reached out to me indicating that they might pursue a
16 FISA on that.

17 And I think my reaction to her was: If the FBI
18 wants to pursue a FISA, we'll work with the FBI as we do
19 on any matter, but that's not going to be me doing a
20 FISA, so I will need to brief people in. And that would
21 typically be a section chief, the deputy section chief, the
22 unit chief, and one line attorney. Do you want me to go
23 ahead and do that? And she said: Yes, that's fine.

24 Mr. Somers: So you weren't getting permission
25 from her; you were just telling her what the facts would

1 be if she wanted to get a FISA?

2 Mr. Evans: That's right. You could say it's
3 permission to the extent of when you're dealing in the
4 national security space with information that's closely
5 held and there's a need-to-know basis, I wouldn't go
6 blabbing to anyone about the Crossfire Hurricane
7 investigation unless the FBI told me it was okay to do
8 so, because it's not my information; it's their classified
9 information.

10 So I was saying: If there's an interest in proceeding
11 with a FISA, these are the people that are going to need
12 to be aware to work on it; do you want me to go ahead
13 and let them know? And she said yes.

14 Mr. Somers: So you don't recall any discussion of
15 FISA coverage for George Papadopoulos. That you
16 testified to. What about FISA coverage for Paul
17 Manafort?

18 Mr. Findlay: We're not going to let him get into
19 who other -- whether other folks were targets of FISA
20 coverage and who those folks were, whether the
21 answer's yes or no.

22 Mr. Baker: Who would have been at the FBI your
23 equivalent rank? If you had a question about either a
24 Crossfire Hurricane FISA or any FISA that got up to your
25 office, who would you have been able to pick the phone

1 up and talk to at the Bureau?

2 Mr. Evans: I think there probably wasn't a formal
3 kind of lateral equivalent. I would say as a general
4 matter it was probably within OGC either the Deputy
5 General Counsel or the General Counsel, depending on
6 the matter and availability; and then within the
7 operational divisions, Counterterrorism,
8 Counterintelligence, I would say, again depending on
9 relationship, it would typically be either at the Deputy
10 Assistant Director or Assistant Director level.

11 Mr. Baker: And that would have been Peter Strzok
12 for the deputy?

13 Mr. Evans: For this, for this matter, yes.

14 Mr. Baker: You had said earlier that some of the
15 meetings you were going to at the Bureau seemed
16 repetitive. Is that typical of meetings you went to on
17 any counterintelligence matter, or was there any reason
18 to think that the repetitiveness was sort of a show to be
19 able to say later that, we've been briefing the
20 Department on it?

21 Was there ever a sense that there was more to tell
22 that wasn't being told?

23 Mr. Evans: At the time, that certainly wasn't -- at
24 the time my sense was certainly not that it was a show
25 in any way. I think in the fall of 2016 when we were

1 having those briefings, my sense was that there wasn't
2 a ton going on. Counterintelligence investigations, as I
3 noted earlier, are long and can take a long time, and
4 there just didn't seem to be a lot of movement kind of
5 week to week or every two weeks.

6 Then in the spring of 2017, those briefings for the
7 new folks again I think were more in the line of
8 background briefings, as opposed to investigative
9 updates. So they were just of a different nature.

10 But to your point, across all of them it just didn't
11 seem like the FBI was talking about a lot of new stuff.

12 Mr. Baker: In hindsight and with the benefit of the
13 IG report and public reporting and what-not, are there
14 things that you think should have been brought up in
15 those meetings?

16 Mr. Evans: I think there were investigative
17 developments taking place that, particularly regarding
18 source interactions and things like that, that I don't
19 recall being brought up in those meetings and I think
20 probably should have.

21 To the point of -- to my point earlier on those fall
22 2016 briefings, again I don't recall exactly what they
23 were. My sense is that they were internal FBI team
24 meetings and that, again, once every week or two they
25 would let us sit in on them. So if they were having that

1 meeting on a more frequent basis with their team, it
2 may have been that some of those things came up in
3 other meetings that we just weren't at and didn't come
4 up at the meetings we were at. I just don't know.

5 I just know that at the small handful of them that I
6 attended there didn't seem to be extensive discussion.

7 Mr. Findlay: I think to get into what any of the
8 examples are that he might have wanted, I guess we're
9 in hypotheticals here, but I think we have to flip over to
10 the classified side to be safe.

11 Mr. Baker: Just as a general principle, let's assume
12 there were things that could have or should have been
13 mentioned at the meetings you were at. Would one of
14 the reasons to maybe not mention that is a fear that
15 you or others might put the brakes on something, slow
16 down a trajectory of something that the Bureau really
17 wanted?

18 Mr. Evans: That's certainly possible. I mean, I
19 would be speculating as to why. I think it is fair to say
20 there is stuff in the IG report that it bothers me we were
21 not made aware of. In terms of why we weren't made
22 aware of it, I don't know.

23 Mr. Baker: Thank you.

24 Mr. Somers: Just on this -- here's a quote I think
25 you have in the IG report, page 70, that relates to this:

1 "However, Evans told us that his reaction to these
2 meetings was that the investigation seemed pretty
3 slow-moving, with not much changing week to week in
4 terms of the updates the FBI was providing NSD."

5 That's your characterization, it seemed pretty slow-
6 moving?

7 Mr. Evans: Yes, I agree with that.

8 Mr. Somers: So I'm trying to understand. The last
9 round, there was a discussion of a sense of urgency
10 was warranted and it seemed like the FBI was operating
11 like they were stopping a terrorist attack after the bomb
12 had gone off, they wanted to not do that. And I'm
13 trying to contrast -- I'm trying to understand that in
14 light of your comment that it seemed like the
15 investigation was pretty slow-moving.

16 Mr. Evans: I don't think they're inconsistent. I
17 think -- as I mentioned earlier, when the investigation
18 got started, I think that was the sense the FBI was
19 giving us as to how they wanted to proceed: Hey, we
20 want to try to move forward, see if we can get clarity on
21 these allegations quickly, especially given that the
22 election's approaching.

23 As things went on, there didn't seem to be a lot of
24 movement week to week. So kind of that initial -- the
25 initial thinking that they had articulated just seemed

1 like as we got into September there wasn't a lot of
2 progress being made in terms of investigative updates,
3 at least that were being conveyed to us. That was my
4 impression.

5 And I think that came across in my comment to the
6 IG, that it seemed odd to me that there wasn't more
7 investigative update being conveyed back to us.

8 Mr. Somers: What about investigative techniques.
9 Dana Bente in the IG report is quoted as saying that --
10 this was obviously later than this time frame, but I think
11 it would apply in this time frame as well. Bente said
12 that he had the impression that the investigation had
13 not been moving with a sense of urgency, an
14 impression that was based at least in part on not a lot
15 of criminal process being used.

16 Would you agree with that sort of sentiment in the
17 early goings? He had it obviously in the later goings
18 when he becomes involved.

19 Mr. Evans: I would definitely agree with the
20 sentiment -- or I think the sentiment he's trying to
21 express, of it didn't seem like things were moving
22 quickly, was the sentiment that was my reaction in the
23 fall of 2016 as well.

24 In terms of the comment on criminal process, I'm
25 not sure I would agree with that. I think that may have

1 been in part Mr. Bente's reaction, having been a career
2 prosecutor. I think my sense, at least in the early
3 stages of a counterintelligence investigation, it's rare
4 for them to use criminal process, especially because the
5 information that primarily generates a counter-
6 intelligence investigation is classified, which
7 complicates the use of criminal process.

8 By 2017, when they had other information, that
9 may have been a better criticism at that point. But the
10 overarching point of things seemed to be moving
11 slowly, I'd agree with that.

12 Mr. Somers: He was speaking of things like
13 regular warrants, pen registers, maybe national security
14 letters, things like that.

15 Mr. Evans: NSLs, national security letters, because
16 they are classified, they may well have been issuing, but
17 they don't typically tell the Department about those.
18 For criminal process, it's uncommon in my experience
19 that they use criminal process early in a
20 counterintelligence investigation.

21 So the lack of criminal process didn't surprise me.
22 But overall there just didn't seem to be a lot of
23 investigative developments they were briefing us on.

24 Mr. Somers: Was there discussion of what the goal
25 was? What were they trying to do? I mean, you had a

1 FISA warrant submitted, or application, on October
2 21st. You've got an election on November 8th, I
3 believe. It's a very compressed time frame. What was
4 the discussion in any of these briefings or anything else
5 you attended as to what was the goal of what they were
6 trying to do?

7 Mr. Evans: Again, I think in the fall of 2016 --
8 "briefings" again isn't quite the right word. It's more
9 like case updates. So there wasn't -- I don't think that I
10 recall -- those were more like team meetings. As I
11 recall, there wasn't kind of a strategy discussion really
12 in those, at least that I remember sitting here today.

13 What I do remember is kind of the early-on
14 briefings from the FBI when they opened the case were
15 similar to what I was trying to remark on earlier. I think
16 their notion was: Hey, we have this allegation; we need
17 to get to the bottom quickly and try to figure out, do
18 we think there's any there there or not, because the
19 election is approaching.

20 So I think that's how, in the early days of Crossfire
21 Hurricane, they were articulating their investigative
22 purpose. I don't recall them coming back and further
23 articulating their investigative purpose, at least to me
24 personally, in subsequent conversations.

25 With respect to your question or the subpart of

1 your question about the FISA, as documented in the IG
2 report, I do think that was one of my concerns about
3 the FISA, that I just didn't see what the point of doing a
4 FISA at that stage of the investigation was, for a variety
5 of reasons.

6 Mr. Somers: Could you articulate some of those
7 reasons? Could you articulate some of those reasons,
8 the variety of reasons, that you didn't see a point in
9 doing a FISA?

10 Mr. Evans: Could I now articulate them?

11 Mr. Somers: Yes.

12 Mr. Evans: I think the things -- I think a couple
13 things, and this gets back to I think in part my answer
14 to one of the questions earlier from the Minority side.
15 Whether the FBI opens an investigation and pursues an
16 investigation and whether that is a logical or prudent
17 things for them to do is in my mind a different kind of
18 question from what investigative tools they use. And
19 that's not just in this investigation. That's in any
20 investigation.

21 My view was this was -- by the time this FISA was
22 being seriously considered and then kind of moved
23 forward to the court, it's mid to late October. The
24 election is already approaching. Mr. Page at that point
25 had already ended his relationship with the campaign.

1 So to me the value that this FISA would add into the
2 investigative -- the overall investigation, was limited.

3 I did think as an investigative choice -- there are
4 lots of counterintelligence, counterterrorism
5 investigations. The FBI doesn't pursue FISAs in all of
6 them. They make investigative decisions based on their
7 investigative desires and needs of where they want to
8 pursue it.

9 To me here, given that I saw this as adding limited
10 value at this point in time, I did not think it was worth
11 doing, especially when weighed against -- and this gets
12 a little bit -- sorry, this is a longer answer than you
13 probably wanted.

14 Mr. Somers: No, that's fine.

15 Mr. Evans: This gets a little bit to the point earlier
16 of the difference between investigators and our office.
17 Investigators I think tend to get myopically focused,
18 and sometimes the FBI as a whole, on what they think is
19 best for the investigation they're proceeding. Our
20 office, while our jobs are to support the FBI's
21 investigation, I think our jobs are also to think more
22 broadly about what makes sense for the FISA program
23 as a whole.

24 I had been involved in a number of matters over
25 the years where I knew that FISA was treated differently

1 by Congress, by the press, by the public. So I think we
2 tended to be much more sensitive to, this may be legal
3 and there may be investigative interests in doing it, but
4 it's going to bring down consequence on the overall
5 FISA program.

6 And so when I talked about in the IG report, I was
7 talking about risk versus reward or cost-benefit, it's
8 that: Is whatever minimal gain you might get for your
9 investigation worth what damage doing something
10 politically sensitive might do to the overall FISA
11 program, which is a valuable program overall? That's
12 where my policy judgment was a different one from the
13 leadership.

14 Mr. Somers: It may have been proven correct.

15 Mr. Evans: I'm wearing a mask, so you can't see
16 my facial reaction.

17 Mr. Somers: What about, was there any discussion
18 in any of these discussions or even at NSD about doing
19 a defensive briefing of the Trump campaign about
20 Carter Page and-or George Papadopoulos?

21 Mr. Evans: I don't recall a specific discussion.
22 There may have been one, but I don't recall a specific
23 discussion about a defensive briefing. But it also
24 doesn't surprise me if there wasn't such a discussion. I
25 had worked with the FBI for many years on a variety of

1 counterintelligence investigations and I would say the
2 general posture the FBI took on defensive briefings is to
3 only do them in circumstances where they were 100
4 percent sure that the people they were giving a
5 defensive briefing on -- or maybe "100 percent";
6 nobody's ever 100 percent sure of anything, but where
7 they were extremely confident that the people they
8 were giving the defensive briefing on might not have
9 been involved in the potential alleged conduct.

10 I think because of the nature of the allegation here
11 in the beginning, which was kind of broad as to who
12 might be involved in the alleged conduct, whether there
13 was or wasn't a specific discussion about it, it doesn't
14 surprise me that the FBI didn't do one, because that was
15 totally -- that would have been consistent with their
16 past practice to only do one if they were sure they
17 could rule people out for involvement.

18 Mr. Somers: Even given the very tangential
19 connection between Carter Page and the Trump
20 campaign and George Papadopoulos and the Trump
21 campaign? These guys are not actually even on the
22 campaign.

23 Mr. Evans: I think there -- and again, I'm not an
24 expert on who was on the campaign or not. What I can
25 tell you is, thinking back to what was presented, what

1 the FBI was presenting to us at the time -- and I can't
2 even state -- I am not in a position to -- I'm not stating
3 this as fact. I'm just stating what was represented.

4 What was represented at the time was that Page,
5 Papadopoulos, and several individuals were officially
6 announced by the campaign in the spring of 2016 as
7 having been part of the campaign's foreign policy
8 advisory committee. And I think there was even either
9 a press release or a photograph or something of them
10 sitting at a meeting with, I believe, then-Senator
11 Sessions as the chair of the foreign policy wing.

12 So at that time in July/August/September, early
13 September 2016, my understanding from the FBI is that
14 they believed that those two individuals did have some
15 sort of formal role as foreign policy advisers to the
16 campaign. I don't have independent knowledge
17 otherwise as to what extent that was accurate or not.

18 Mr. Somers: Can we go classified for a minute, for
19 a few minutes.

20 (Whereupon, at 1:55 p.m., the interview proceeded
21 in TOP SECRET classified session.)
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1 (At 2:00 p.m., the interview proceeded in
2 unclassified session.)

3 Mr. Somers: Just trying to take the defensive
4 briefing, one last question on it. Within the urgency,
5 even if there was concern that someone may be part of
6 the conspiracy, alleged conspiracy, you've got an
7 election on November 8th. You've got a FISA warrant
8 being sought on October 21st. Doesn't that play into
9 the decision as well, that maybe you take the risk
10 because -- I'm just trying to -- what's the goal, what are
11 the tools at your disposal, and if the goal is to, as you
12 alluded to or at least answered a question, stopping a
13 terrorist attack after the bomb has gone off isn't a very
14 good goal, the analogy there being that the November
15 8th election is the bomb going off, you've got limited
16 tools at your disposal prior to November 8th. Does that
17 factor into whether or not to defensively brief instead of
18 or in addition to seeking a FISA?

19 Mr. Evans: Again, I don't know what conversations
20 took place inside the FBI on that, so I couldn't speak to
21 that. I certainly understand the question and the spirit
22 of it now. I do think that, thinking back to that time
23 period in a fast-moving investigation, whether it was
24 that step or other investigative steps, there might have
25 been a variety of things that people would think about

1 with hindsight that maybe they didn't focus on at the
2 time.

3 But again, I don't recall being personally part of
4 discussion or certainly in-depth ones about defensive
5 briefings, so I couldn't say either way.

6 Mr. Somers: This may be if you ever did, but when
7 did you first see any of the reports that comprise what
8 has come to be known -- is now known as "the Steele
9 dossier"? Did you ever? Did you see them, the written
10 reports?

11 Mr. Evans: To the best of my recollection, I may
12 not have seen any contemporaneously when the
13 investigation was ongoing. It's possible I might have
14 been shown one or two by folks on my team. But I'm
15 actually not even sure about that. And it's possible
16 maybe the IG showed them to me, but I'm not sure
17 about that.

18 So I think my best answer is I think in the four
19 years since then I may have seen them, a small number
20 of the reports, at some point, but I don't think it was in
21 connection with the drafting or presentation of the
22 FISAs.

23 Mr. Somers: So you don't think you saw them
24 before, for instance, October 21, 2016?

25 Mr. Evans: To the best of my recollection, I do not

1 believe I saw them before October, mid-October 2016.

2 Mr. Somers: Did you understand them to be
3 written reports, versus information that was conveyed
4 in meetings with FBI agents?

5 Mr. Evans: Yes, I do believe the impression I had
6 been given was that they were written reports.

7 Mr. Somers: Footnote 8 of the FISA, of the initial
8 Carter Page FISA application, says: "Source 1 reported
9 the information contained herein to the FBI over the
10 course of several meetings with the FBI in or about June
11 2016 through August 2016." That doesn't necessarily
12 seem to be an accurate representation and it's not the
13 terms that were -- that would imply that the information
14 was conveyed in meetings versus in written reports.

15 Who'd be responsible for drafting that?

16 Mr. Evans: Drafting? I'm sorry. Were you reading
17 Note 8?

18 Mr. Somers: I was reading from Footnote 8:
19 "Source 1 reported the information contained herein" --
20 "reported the information contained herein to the FBI
21 over the course of several meetings with the FBI from in
22 or about June 2016 through August 2016."

23 Mr. Evans: Got it. Two things --

24 Mr. Findlay: You don't want him to get into the
25 particulars behind the footnote, because I think

1 probably just to be safe we'd want to flip to classified.

2 You're asking --

3 Mr. Somers: Yes, I'm asking -- well, first I'm asking:
4 Is there a difference in your mind between written
5 reports and receiving the information orally, where
6 there's a back-and-forth between the FBI agent and the
7 source?

8 Mr. Evans: So as a general matter, yes, I would say
9 I believe there's a difference between those two forms
10 of information being conveyed. I think at the time my
11 understanding of this -- and I could be wrong, but I
12 think my understanding was that in a series of
13 meetings the source passed written information to the
14 FBI, not that the source orally conveyed information to
15 the FBI and then the FBI took notes about that.

16 I don't know whether that's -- I don't know whether
17 that's accurate or not today. But I think that was my
18 impression contemporaneously, that there was written
19 information that the source was handing over in those
20 meetings.

21 That was the first part of your question. The
22 second part of your question: Who would have been
23 responsible? I would say, like everything else in the
24 FISA, the FBI provided the underlying information and
25 then our attorney or the reviewers were responsible for

1 taking that information and trying to make it into prose
2 and understandable, and then going back and forth
3 with the FBI.

4 So our attorneys were involved in the compilation
5 of that information into the warrant application, but the
6 underlying facts would have been the responsibility of
7 the FBI.

8 Mr. Somers: Let me ask -- I'm going to ask you a
9 general question based on the specific fact pattern. So
10 I didn't happen to write out everything I wanted here, so
11 I don't have it at my disposal quickly. But what I just
12 read to you from Footnote 8 is not what the FBI told the
13 OI attorney. The FBI -- with the reference to those dates
14 of June 2016 to August 2016, what the FBI told the OI
15 attorney was just: When we received the report. It
16 didn't say anything about meetings. The OI attorney
17 then changes the wording around a little bit.

18 My question is not really specifically about that.
19 My question is, the OI attorney changes something,
20 whether it's this or something else. Who's
21 responsibility is it to go back and review the FISA? Is it
22 on the FBI to go back and review this thing and be like,
23 hey, the OI attorney screwed this up? Or is it on the OI
24 attorney? Where does that responsibility lie?

25 Mr. Evans: Ultimately it's on the -- I would say it's

1 on the FBI. The drafting process, as I said, is an
2 iterative one and facts gets defended and clarified in a
3 variety of ways. So when we talked earlier in the first
4 session about the FISA request form, that's the first
5 transmittal of information from the FBI to OI in
6 connection with a FISA draft.

7 There can then be email correspondence back and
8 forth, and then frequently there's phone conversations
9 back and forth. An example of a phone conversation
10 may be the OI attorney saying: Hey, I read your email, I
11 read your whatever; I still don't understand; you say X;
12 what do you really mean by X? And the agent will
13 clarify that, and the OI attorney may make changes to
14 the draft based on that.

15 At the end of the day, that whole draft goes back
16 to the FBI for the Woods procedure, where they are
17 supposed to document that everything in that is
18 supported by something in the Woods file. So the draft
19 -- just like in a criminal warrant, the draft gets put
20 together through that iterative back-and-forth, and at
21 the end of the day it's only the FBI that has the facts in
22 their files to verify all that.

23 Mr. Somers: And they get another look at the
24 application before it goes to the court?

25 Mr. Evans: They do, absolutely. In fact, the Woods

1 - I think you have an application in front of you, but the
2 Woods form has to get signed before the application
3 goes to the FBI Director for signature, goes to the
4 Attorney General, Deputy Attorney General, for
5 signature. The Woods form gets signed before all of
6 that.

7 I believe in this case -- and I'm not 100 percent
8 sure on the timing, but I believe in this case the Woods
9 file or the Woods form by the agent was signed before
10 the first application even went to the FISC, or the read
11 copy, precisely for that reason, that we wanted to make
12 sure the FBI was comfortable with it before we
13 proceeded with a read copy.

14 Mr. Somers: What was your understanding in this
15 time frame before the -- well, both before the first FISA
16 was submitted and then ongoing; what was your
17 understanding of what the FBI was doing to verify or
18 corroborate the Steele reporting?

19 Mr. Evans: At that time, in October of 2016, I'm
20 not sure I had a lot of further understanding one way or
21 the other as to what they were doing.

22 Mr. Somers: What about beyond that?

23 Mr. Evans: Beyond that, again I would say not
24 much. My recollection is that it was roughly the
25 November time period when they closed him as a

1 source. So I don't remember personally being involved
2 in many discussions one way or the other about him as
3 a source after they closed him as a source in terms of
4 what they were doing or weren't doing to verify his
5 historical reporting.

6 Mr. Somers: Did you have any understanding of
7 the level of corroboration? Was it like, hey, this is not
8 corroborated, this is minimally corroborated, this is
9 fully corroborated?

10 Mr. Evans: I think, going forward from the fall of
11 2016 forward, I would say my general understanding of
12 what was or wasn't corroborated from his reporting was
13 limited to the four corners of what was being put in the
14 FISA renewal applications. I don't think I was receiving -
15 - in my limited role, I don't think I was receiving
16 updates or significant developments from the FBI in
17 terms of other steps they were taking outside what was
18 being presented to me in the FISA renewal applications.

19 Mr. Baker: In the fall of 2016 you asked a question
20 of the Bureau about Steele. It was a two-part question:
21 One, was he affiliated with a campaign; and two, if he
22 had contributed to a campaign. You were not, if I
23 recall, getting an answer to both parts of that question.

24 Could you elaborate on that briefly?

25 Mr. Evans: Sure. Going back to Mr. Somers'

1 question earlier about the centrality of the Steele
2 reporting, and I think I indicated my impression was
3 that -- again, pick your adjective -- whether it was
4 important or central, it was a key piece of the initial
5 FISA draft that I read.

6 In my experience, it's not unusual to have a FISA
7 that relies heavily on source reporting, and there have
8 been -- I'll say this hypothetically. It wouldn't be -- it
9 could hypothetically be possible that you would have a
10 single-source FISA. But the more a FISA relies on a
11 particular source, the more important it is to
12 understand the source's motivations.

13 The initial draft that was presented to me on the
14 FISA had a relatively standard description of the
15 source's reliability. So, based on my read of the FISA
16 and thinking that the source was pretty important to
17 the probable cause, I wanted to ask more questions.

18 My question about the political bias was just me
19 thinking in my head: Sources have all sorts of bias. It's
20 common in criminal and national security cases. For
21 instance, in the terrorism realm, when you're dealing
22 with people in overseas countries who are reporting, it's
23 not uncommon to see familial biases, poison pens
24 trying to -- one family in a feud with another to try to
25 get people in trouble, that kind of thing.

1 So I was thinking to myself: What is the possible
2 bias that could be relevant here for this FISA that
3 implicates political reporting. That's just what drove
4 me in my head to try to probe a little deeper and ask
5 that question. That's not a question I would have asked
6 in a FISA that didn't involve a political campaign, for
7 instance.

8 In terms of my answer, in terms of the answer I
9 was given, I think the answer first -- and I should also
10 add, none of that was me asking the FBI directly. That
11 was me communicating the questions back to my team
12 and then having them ask it to the agents they were
13 dealing with, which is again standard practice. It
14 wouldn't be common for me to directly do that fact-
15 gathering.

16 The initial answer I got back was that he was a
17 foreign national, he Steele was a foreign national, and
18 thus couldn't contribute to the campaign. And I felt like
19 that was -- my initial reaction was that was -- we have a
20 lot of lawyers in this room, but I felt like that was kind
21 of a lawyerly answer to the question. That wasn't what I
22 was asking. I was trying to ask a broader bias question.

23 That's what prompted me to re-ask that question a
24 couple of times. Then I think it was after re-asking that
25 a couple of times that the FBI clarified to us and

1 provided us the information that they had at the time
2 about the research he was doing.

3 Mr. Somers: We can go back and forth about
4 whether the FBI knew this or not, but let's just say the
5 FBI did. I think there's evidence the FBI did know that
6 Steele was ultimately hired by the DNC and that they
7 knew it before the October 21st filing of the Carter
8 Page FISA application. Was that something that would
9 be important to include in terms of who Steele was?

10 Mr. Evans: Yes, but if I could just put a little clarity
11 on that answer. We did ask that question specifically at
12 some point during that back-and-forth: Do you know
13 who has hired him? And we were specifically told: No,
14 we do not know who has hired him.

15 So the footnote in the applications makes the
16 averment that the FBI doesn't know who hired him. If in
17 fact they did at the time, it would have been important
18 to include because the application was otherwise
19 stating an incorrect fact.

20 Whether at the end of the day he was hired by the
21 DNC or hired by some other unspecified party to do
22 opposition research I'm not sure makes a ton of
23 difference to probable cause. The court was clearly
24 aware and it was clearly flagged for the court from the
25 footnote that this was highly likely to be opposition

1 research, and so that duty of disclosure was made.

2 So I'm not sure whether it was the DNC or not
3 affects the probable cause determination. That said,
4 again as I noted, A, the application should have been
5 corrected if it was averring something that wasn't
6 accurate; and B, I would just say my whole approach to
7 this was I wanted to make sure we were including
8 enough information that exceeded our legal threshold
9 of disclosure, and so if in fact it was the DNC I would
10 have wanted that included in some way regardless,
11 even if it wasn't necessary for probable cause.

12 Mr. Somers: I'm just looking at Footnote 8 and I
13 could read it to you. Maybe you recall it. It's pretty
14 vague. This is "FBI speculates that the identified U.S.
15 person was likely looking for information that could be
16 used to discredit Candidate 1's campaign." I guess I'm
17 saying, it's very lawyerly, the way it's written.

18 If you just straight-up know, if you're the FBI -- I
19 don't want to get into whether they did or not. I think
20 we can say they did, someone else could say they
21 didn't. But if you did just know Steele was hired
22 ultimately by the DNC, doesn't that affect just how
23 straightforward you just make the footnote? You say:
24 We got this information from Christopher Steele, who
25 was hired by the DNC; we still think it's credible.

1 Mr. Evans: Yes.

2 Mr. Somers: But I mean, you don't lawyer it as
3 much. Is that a fair statement?

4 Mr. Evans: Yes, I agree with that. I would say the
5 only reason the footnote is the way it is -- again, we
6 specifically asked the FBI, do you know who hired
7 Steele? And their answer was: Steele has -- I think
8 Steele was working for a consulting company. "Steele
9 has never asked them who the ultimate client was."

10 So their answer back to us at that time was very
11 firm: They do not know who was paying for this
12 research. That said, we, myself and then the others on
13 our team, we felt it was very important that the court be
14 made apprised of, notwithstanding that the FBI can't
15 definitively say: Hey, it's highly likely this is opposition
16 research.

17 So whether the footnote seems lawyered or not,
18 that was our insistence that, even if the FBI can't be
19 certain about it, we've got to tell the court that's the
20 best guess here. If the FBI was in fact certain about it,
21 then absolutely it should have been more
22 straightforward.

23 Mr. Somers: Then -- I'm not disagreeing. It's the
24 information they had and they should have conveyed it.

25 What were you -- back up one minute. There's a lot

1 of back and forth. You have the back and forth there in
2 the footnote. Did anyone ever just say to the FBI, can
3 you just go ask the source who hired him? Did that
4 request ever come from Justice to FBI?

5 Mr. Evans: I'm not sure, honestly. My recollection
6 is that they had just met with him at some point within
7 the two weeks prior to the application getting to this
8 drafting stage. And I don't recall if we asked them and
9 they said, hey, we just met with him; we're reluctant to
10 go back and bother him again; or if it came up one way
11 or the other.

12 So the precise answer to your question is: I'm not
13 sure. What I do recall is a general sense from them,
14 from the FBI, being conveyed back to them of, by the
15 end of that drafting process around the end of that
16 week -- I think it was around the 13th or 14th, whatever
17 the end of that week was in October -- that what the FBI
18 was basically conveying back to us was: There is no
19 more information that we have and that we're going to
20 be able to give you; this is it; there's nothing else here.

21 I think we were kind of left with, we've tried to ask
22 these questions a million different ways over the last
23 couple days and they're telling us that there's no more
24 to be gotten here.

25 Mr. Somers: Were you aware of sort of Steele's

1 reporting network or the way the information -- there's
2 Steele, there's a primary sub-source, there's lots of sub-
3 sources of the primary sub-source. Was that conveyed
4 to you?

5 Mr. Evans: It was, yes, to the extent that it's
6 described in the FISA application. So I think the FISA
7 application describes at that level the primary sub-
8 source and then a number of lower sub-sources. I think
9 that was the level of my knowledge of it. I don't think I
10 had a deeper knowledge of the network beyond what
11 was in the FISA.

12 Mr. Somers: Did you have any knowledge of who
13 the primary sub-source was? Not -- I mean, the type of
14 person he was, not his actual name.

15 Mr. Evans: I don't believe so. I think -- I don't
16 believe so. It's possible, as 2017 wore on, that
17 something about that may have been mentioned. But I
18 certainly don't have any knowledge that sticks out in
19 my mind now that was conveyed to me about it.

20 Mr. Somers: Did you believe the primary sub-
21 source was Russia-based?

22 Mr. Evans: I know that was what was in the
23 footnote. I'm not sure I had any independent
24 knowledge one way or the other on that.

25 Mr. Somers: Should it have said he was Russia-

1 based if he in fact lived in the United States?

2 Mr. Evans: Again, ideally we strive for everything
3 to be accurate. How much that discrepancy matters
4 materially or not, I can't say. I certainly don't want
5 anything to ever be in a FISA to be inaccurate. If he was
6 U.S.-based and not Russia-based, that should have been
7 stated correctly. What that contributes to whether
8 that's material or not, I can't say sitting here today.

9 Mr. Somers: What about the fact --

10 Mr. Findlay: If we're going to go into any more
11 detail about the sub-source, we'll probably need to flip
12 to the high side just to be safe.

13 Mr. Somers: All right. Let me ask this question
14 and we can see. Should it have been disclosed to the
15 court that the primary sub-source was actually in fact a
16 contract employee of Christopher Steele or Orbis
17 Business Intelligence, versus describing him as a
18 Russia-based sub-source?

19 Mr. Evans: I certainly would have had no objection
20 to describing it that way. I'm not sure that that makes a
21 ton of difference one way or the other. And I will say as
22 a general matter, again outside of the context of this
23 case, the FBI was incredibly sensitive overall on any FISA
24 about how their sources or any sources were described,
25 and their general approach on source descriptions was

1 to stay as far away from anything that could be
2 potentially identifying of an individual.

3 So in cases where we felt the need to disclose
4 more about something that got closer to their identity,
5 it was often very much: Does this really need to go in,
6 because this gets close to identifying information?

7 That one, personally I wouldn't have had an
8 objection. I'm not sure -- I'm not sure, sitting here
9 today, it matters a ton.

10 Mr. Somers: But when you're relying -- this FISA,
11 they're relying on Steele's reliability; that's correct?

12 Mr. Evans: Yes, that's correct.

13 Mr. Somers: And so the quality of Steele's sources,
14 his sub-sources, was important in this FISA, unlike if an
15 FBI agent witnessed something and that was going in
16 the FISA, correct?

17 Mr. Evans: I agree, yes.

18 Mr. Somers: So in trying to not identify a sub-
19 source here, it could be -- well, not taking this particular
20 FISA, but in trying to -- in some instances, I think it
21 would be fair to say, and I'm asking if you would agree
22 with that, in some instances in trying not to identify a
23 source or sub-source you could get into a realm of not
24 revealing to the court the quality of the information that
25 the court is receiving; is that correct?

1 Mr. Evans: I think as a general matter that's right,
2 and I think that's here why I pushed to make sure that
3 footnote had more information about Steele himself. I
4 guess my point to your question was, I just -- without
5 giving it more thought and thinking about it, I'm not
6 sure whether the contractor status -- I don't know
7 whether the sub-source, whether the primary sub-
8 source was or wasn't a contract employee of Steele.

9 But whether that particular piece of information
10 should have gone in or not, I'm just not sure.

11 Mr. Somers: Just because you brought that up --
12 and we're out of time here -- just to ask you: Did you
13 ever become aware that the FBI had located and
14 interviewed, not while you were at the Department of
15 Justice, the primary sub-source?

16 Mr. Evans: Yes. I would say --

17 Mr. Somers: Let me rephrase the time line there.
18 Before the final Carter Page FISA application was filed in
19 2017, renewal was filed in 2017, did you ever become
20 aware that the FBI had located and interviewed Steele's
21 primary, what's called Steele's primary sub-source?

22 Mr. Evans: My best recollection on that is that I
23 think actually the last two FISA applications may have
24 made reference to the FBI having located and
25 interviewed the primary sub-source. So, A, I think I was

1 aware of it from whatever the FBI put in the FISA
2 applications describing that.

3 Then the second thing I would say is I think in
4 possibly one or more of those early 2017 background
5 briefings that I mentioned that the FBI may have made
6 some general reference to: Yeah, we've identified and
7 have been talking to the sub-source.

8 But in terms of having more substantive
9 understanding or knowledge of what the sub-source
10 was saying or not saying or those discussions, I think I
11 was limited to what was in the FISA application and
12 otherwise being aware that they had identified him.

13 Mr. Somers: So the FBI never mentioned to you
14 that the primary sub-source in any way undercut the
15 Steele reporting?

16 Mr. Evans: Not to my recollection, no.

17 Mr. Somers: I think we're out of time for this
18 round.

19 (Recess from 2:26 p.m. to 2:45 p.m.)

20 Mr. Somers: Let's go back on the record. It's 2:45.

21 We were talking a little bit about the primary sub-
22 source before we broke, and I think I was rushing it a
23 little bit, seeing my time dwindling on that hour. We
24 were discussing that there's Steele, Steele had a primary
25 sub-source, and the primary sub-source had his own

1 sub-sources.

2 I think just to back up, we discussed this a little bit
3 earlier, but in terms of the Woods procedures and in
4 terms of what goes into a FISA, as I understand it -- and
5 I'm just going to say it kind of in layman's terms as
6 someone who hasn't really done much in this area of
7 the law, and you can then correct me -- but you kind of
8 have two options as far as the Woods process goes in
9 terms of facts or allegations, however you want to
10 characterize them, in a FISA application.

11 You either have to verify all the facts or allegations
12 in a Woods binder, Woods file, verify the allegations, or,
13 if you're dealing with a confidential human source, you
14 have to verify that the application contains exactly what
15 that confidential human source told the FBI. Did I
16 generally lay that out correctly? And feel free to correct
17 me where I got it wrong.

18 Mr. Evans: Yes. I would say it's not as much a
19 bright line between those two. I think it's more one and
20 the same of, whatever the FISA -- whatever the words in
21 the FISA state, there should be a document in the
22 Woods file that states the same thing. So if the Woods
23 file states that a source said X, then there would be a
24 document in the Woods file that the source said X. If
25 the FISA states that national security letter results

1 reveal that the person lives on 123 Main Street, then
2 there should be a document in the file saying the
3 United States letter results show the person lives at 123
4 Main Street.

5 So I don't think it's a line between source
6 information or other. I think it's whatever is in the FISA,
7 there should be a document in the file that states that
8 same thing.

9 Mr. Somers: The Woods file is something you
10 obviously, I would think, have an obligation to continue
11 to update as you learn? I mean, you wouldn't
12 necessarily have to. If you learn new information, you'd
13 have to update both the Woods file and the FISA
14 application itself; is that correct? If it's -- I'm sorry.

15 If we're talking about renewals, you file your initial
16 renewal -- I'm sorry, your initial application. Some
17 months, 90 days, go by. In that 90 days you learn five
18 new things that are different, say, from what was in the
19 initial application. Do you have an obligation to put
20 those five new things both in the application and the
21 Woods file if they contradict the facts in the initial
22 application?

23 Mr. Walker: Excuse me just a second. When you
24 say "you" who do you mean?

25 Mr. Somers: The Federal Bureau of Investigation.

1 They have the responsibility to maintain the Woods file.

2 Mr. Evans: I would say the FBI's Woods file flows
3 from the FISA renewal or the FISA initiation, and so
4 there's nothing independent about the obligation of the
5 Woods file. It all flows from what's in the FISA. So if
6 you renew your FISA, you certainly have an obligation
7 when you renew your FISA to include information that's
8 material to probable cause, and that includes correcting
9 information if it changes from the prior FISA. And then
10 the Woods file has to reflect that updated version of the
11 FISA.

12 There's nothing independent about updating a
13 Woods file. It's not like if you get -- if on day 45
14 between an initiation and a renewal you get some new
15 information, that doesn't go into the Woods file. That's
16 just in the regular FBI case file. The Woods file only
17 flows from what you put in the FISA.

18 But if you update information in the FISA, which
19 you might be legally obligated to do if it's material,
20 then the Woods file should be updated accordingly.

21 Mr. Baker: If you know, is the Woods file in the
22 modern era an electronic file or is it a physical sub-file
23 that the case agent has?

24 Mr. Evans: That's a great question. I think it may
25 be a little bit of both. I think it is -- I think for most

1 field offices now it is predominantly an electronic file
2 that gets serialized in the FBI's system. I think agents
3 may tend to still keep it as a binder on their shelf for
4 their own purposes. But I'm not 100 percent sure about
5 what their internal practice is on that.

6 Mr. Baker: Would it be fair to say that what's in the
7 Woods file that supports an assertion made in the FISA
8 application, what's in the Woods file might be more
9 fulsome, in that what's going in the FISA application is
10 really building that probable cause -- The person told
11 me this -- the document in the Woods file might say:
12 The person met me at such-and-such a place and told
13 me this.

14 Mr. Evans: Well, I think the answer to your
15 question is yes, but let me state it this way. Let's say
16 that you meet with a source and you record it in an
17 electronic communication or a 302 -- not you. Let's say
18 an FBI agent meets with a source and they record the
19 results of that source meeting in an electronic
20 communication or a 302.

21 That will include everything that happened in that
22 source meeting. It may be that the FBI agent has only
23 gleaned one or two pieces of information relevant to
24 the FISA and so that's all they include. They will
25 probably put the entire 302 from that conversation in

1 the Woods file rather than excerpting out the one or
2 two sentences.

3 But again, that's up to the FBI agent as to how they
4 put the file together. But I think that answers your
5 question.

6 Mr. Baker: Thank you.

7 Mr. Somers: I think you gave an example of, if
8 someone lives at 123 Main Street you've got to have a
9 document in the Woods file that documents that. Let's
10 just say 123 Main Street, let's say it's material; the fact
11 that the person lives at 123 Main Street is material.

12 You file your initial application, the Woods file says
13 he lives at 123 Main Street. The application says he
14 lives at 123 Main Street. You're going for the renewal
15 and now you find out the guy always lived at 100 Main
16 Street. I'm assuming you have an obligation then to
17 change the FISA, the renewal application, and then
18 document that in the Woods file?

19 Mr. Evans: If it was a material fact, which it
20 potentially could be, then yes.

21 Mr. Somers: Assume it's a material fact. So for the
22 initial Page FISA application, presumably -- I've never
23 seen the Woods file -- presumably --

24 Mr. Evans: Nor have I, for the record.

25 Mr. Somers: -- presumably the Steele dossier could

1 be in the Woods file. If there's an allegation from the
2 Steele dossier and it appears in the application,
3 presumably that, what we call the "Steele dossier" -- I
4 know that's not how the FBI treated it at the time, but --
5 presumably that page or the whole document would be
6 in the Woods file?

7 Mr. Evans: My assumption would be they took --
8 that at least at a minimum, some of that actual
9 reporting shows up in the Woods file. I wouldn't know
10 whether it was individual reports or the whole thing or
11 how they did that. But presumably yes.

12 Mr. Somers: Okay. So you have that reporting.
13 But then if at a later date the FBI finds out that -- they
14 get information that undercuts what was in the initial
15 Steele dossier. They need to account for that. They've
16 got to make a decision as to whether it's material and it
17 needs to be changed; that's correct?

18 Mr. Evans: I would agree with that, yes.

19 Mr. Somers: What if they get a better
20 understanding of the Steele dossier -- I'm sorry -- the
21 initial Carter Page FISA application relies on, like,
22 Christopher Steele as the source. What if they through
23 their investigation and locating the primary sub-source
24 realize that Christopher Steele is not really the source;
25 it's actually the primary sub-source that is the source.

1 Does that need to be accounted for?

2 Mr. Evans: I don't think I can answer that in the
3 abstract. I think it would be, I think, potentially yes, but
4 it depends on how relevant, how material it is.

5 Mr. Somers: What about -- well, the reliability of
6 the confidential human source is important, is that
7 correct?

8 Mr. Evans: Generally speaking, yes, the reliability
9 of sources is important. How much the importance is
10 depends on the nature of the probable cause. If you
11 have a FISA, hypothetically speaking, that has 12
12 different human sources in it and source 12 is used for
13 one sentence that isn't particularly relevant but is in
14 there, that's different than if you have one that is
15 significantly based on one source.

16 So it really varies. It's very factual, fact-intensive.

17 Mr. Somers: What counts as a source in your
18 mind? How would you define "source"?

19 Mr. Evans: I think in the intelligence community
20 they use it very broadly. It can be technical sources,
21 human sources. They might even describe a foreign
22 government as a source to obscure and protect the
23 foreign government. I think the lay person definition is
24 a human being who gives the FBI some kind of
25 information and has some kind of formalized

1 cooperative relationship with them.

2 Mr. Somers: If the information that the source is
3 conveying to the FBI is a conversation, for instance, how
4 close would someone have to be to that conversation in
5 order to still be a source that could be used in a FISA?

6 Mr. Evans: You mean if Person 1 tells the FBI "I've
7 heard from So-and-So, who heard from So-and-So, who
8 heard from So-and-So"?

9 Mr. Somers: Yes.

10 Mr. Evans: Person 1 -- the individual, Person 1 in
11 that example, could still be a source. So it's not that
12 the person wouldn't be a source. It would just go
13 through what the underlying reliability of the
14 information is. It might be described as Person 1 heard
15 thirdhand through their general chain of social
16 relationships the following information, is different
17 than Person 1 specifically heard the information.

18 So I think it goes less to whether somebody's a
19 source and more to how much credibility, reliability, the
20 FBI would place on it or a judge might place on it.

21 Mr. Somers: What about what's conveyed to the
22 court?

23 Mr. Evans: I think for us it would be trying to get
24 the information from the FBI to convey as much
25 information as possible. I will say as a general matter I

1 think the information conveyed about Steele in this FISA
2 and about his sub-source network was more extensive
3 than is typically conveyed in FISA's.

4 An example of that would be -- well, I can give you
5 an example, but it might get into classified information,
6 if somebody wants to come back to it. One example I
7 can give you that's unclassified: There is, I think, a
8 different source mentioned later in the FISA application,
9 with a much shorter description of that source than the
10 Steele description. So that's how it can vary based on
11 who the source is and how the description needs to
12 read.

13 Mr. Somers: But whether we agree or not on
14 whether this was done -- we may disagree on whether it
15 was done or not. But if you -- I'm just trying to get the
16 differentiation. If you say "Source 1 reported that Putin
17 said X" and that's what it says in the FISA, but really
18 Source 1 heard from the primary sub-source, who heard
19 from Sub-source 3, who heard from the person that
20 that sub-source knows, who works for the person that
21 allegedly" -- when does it become not fair to say "Source
22 1 reported" and not include that entire chain of how
23 tangential this information is in the actual application?

24 Mr. Evans: Again, I think it's really difficult. I wish
25 I could give you just a bright-line answer, but I think it's

1 really difficult to do that. Again, I can tell you in this
2 space that the description of the multiple layers of the
3 source network here was one of the more extensive
4 descriptions of a source network I have seen. Can I go
5 into classified for one minute here?

6 Mr. Somers: Sure.

7 (At 2:55 p.m., the interview proceeded in classified
8 TOP SECRET session.)

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1 (At 3:13 p.m., the interview continued in
2 unclassified session.)

3 Mr. Somers: So you were aware that the FBI
4 located and interviewed the primary sub-source. I think
5 you testified to that earlier. Before the last Carter Page
6 FISA -- I'm sorry to repeat a couple of these questions,
7 but since they were in the last round I'm going to do it
8 anyway. Before the last Carter Page renewal was filed,
9 you weren't aware of any inconsistencies between what
10 the primary sub-source said and what the Steele
11 reporting said?

12 Mr. Evans: Yes, correct that I do not believe the FBI
13 advised me of inconsistencies between the primary sub-
14 source's information and Steele's information.

15 To the first part of your question, I think the timing
16 was that they had at least interviewed him at least once
17 before the last two applications, not just the last one.

18 Mr. Somers: I was just setting the final time frame
19 there.

20 I'm just going to ask it for the record. You were
21 not aware, I think will be your testimony, the
22 information conveyed from the primary sub-source --
23 the primary sub-source was giving Steele information
24 that was based, quote, "on conversations with friends
25 over beer," that the primary sub-source characterized

1 the information he gave Steele as word of mouth and
2 hearsay, that the primary sub-source told the FBI the
3 information was intended to be taken with, quote, "a
4 grain of salt," that the corroboration on the information
5 was, quote, "zero"? Those quotes are all taken from
6 page 188 of the IG report. You were unaware of any of
7 that?

8 Mr. Evans: To the best of my recollection sitting
9 here today three-plus years later, I do not believe I was
10 aware of that.

11 Mr. Somers: Information like that, given that it was
12 the primary sub-source, should that have been
13 conveyed to the FISA Court or maybe an application
14 should not have been sought?

15 Mr. Evans: Yes. I think the way I described it to
16 the Inspector General, which I would stand by now, is
17 that at a minimum I would have expected the FBI to
18 share that information with us and to proactively flag
19 that information for us, to have a discussion about it.

20 And then how to proceed from that could have
21 been a range of things. At one end of the spectrum,
22 that information could have been included in a FISA
23 renewal with whatever caveats or assessments the FBI
24 wanted to place on it. At the other end of that
25 spectrum, it could have potentially warranted either

1 delaying or stopping the FISA application entirely.

2 Mr. Somers: But if the Steele information is
3 essential and the primary sub-source has undercut the
4 Steele information, at the very least, if it doesn't rise to
5 the level of abandoning the FISA, you at least have got
6 to go back and investigate what's going on between
7 Steele and his primary sub-source; is that what you're
8 saying? Not you; the FBI needs to go back and figure
9 out what the discrepancy is, at the very least?

10 Mr. Evans: Yes, at the very least explain to us what
11 they believe the discrepancy is and why they believe
12 that there's a discrepancy. And presumably there'd be
13 some investigation underlying that.

14 Mr. Somers: But if the primary sub-source if
15 undercutting the dossier, that's got to be accounted for
16 if he's the primary source of the information that's
17 relied on in the FISA?

18 Mr. Evans: I think my answer is the same, that I
19 believe that the information from the primary sub-
20 source that was inconsistent with Steele's reporting
21 needed to be accounted for by the FBI in some way.

22 Mr. Somers: Let me just make sure I don't have
23 anything more on the primary sub-source.

24 (Pause.)

25 Mr. Somers: On July 12 of 2018, moving off of the

1 primary sub-source --

2 Mr. Evans: I'm sorry?

3 Mr. Somers: Moving off of the primary sub-source,
4 switching topics -- I'm giving you the warning that I'm
5 switching topics here slightly. On July 12 of 2018, NSD
6 sent a letter to the FISC advising the court of, under
7 Rule 13A, of the factual -- certain factual omissions in
8 the Page FISA application that had come to NSD's
9 attention after the applications were filed.

10 Did you have a hand in drafting that letter?

11 Mr. Evans: Yes, I did -- oh, you said the July 12,
12 2018?

13 Mr. Somers: Yes.

14 Mr. Evans: Yes, I did.

15 Mr. Somers: What was your role in the drafting of
16 that letter?

17 Mr. Evans: I think when we became aware of that
18 information earlier in 2018, I met with the team, the
19 team within NSD and OI, discussed the information, and
20 had them begin putting a draft letter together, and then
21 I was involved in reviewing and editing the draft and
22 ensuring the coordination of that draft with the FBI for
23 their review and concurrence to file, along with others
24 in NSD as well.

25 Mr. Somers: So FBI was consulted on the letter?

1 Mr. Evans: Yes, the FBI reviewed multiple drafts of
2 the letter during the drafting process and ultimately
3 concurred in the final version.

4 Mr. Somers: But you found that there weren't any
5 material errors at that point? That's the general
6 conclusion of the letter?

7 Ms. Sawyer: I don't believe that's accurate. I
8 thought that letter was styled as a Rule 13A notice of
9 material misstatement.

10 Mr. Somers: I'm probably misspeaking. At that
11 point in time there was no -- there's been subsequent
12 letters where FISA applications have been withdrawn
13 related to Carter Page. At that point in time, with the
14 information you had then, there was no reason to take
15 a step like withdrawing one of the applications?

16 Mr. Evans: That's correct. My recollection of that
17 letter is that the Justice Department's position in that
18 letter was that, while there were material
19 misstatements, those material misstatements did not --

20 Mr. Somers: Undercut?

21 Mr. Evans: While they may have undercut, but not
22 to the point of eliminating the probable cause that
23 existed.

24 Mr. Somers: Was there any discussion -- I think
25 there were three or more, somewhere around that,

1 errors that were disclosed to the court in that 13A
2 letter. Was there any discussion at DOJ or DOJ with the
3 FBI about taking a closer look at the Carter Page FISA
4 applications? Once you discovered these errors, did
5 you discuss looking for further errors?

6 Mr. Evans: I think the short answer is both yes and
7 no, but I have to give you a little bit of a timeline on
8 that. So that letter -- the drafting of that letter began,
9 as I said earlier, in 2018, and primarily focused initially
10 on the information regarding the Bruce Orr interviews.

11 During the course of the drafting of that letter, we
12 learned of other information, I believe regarding
13 statements that Papadopoulos also made to a source,
14 that we believed were exculpatory and material and
15 needed to be included. By the time that information
16 came to light and was included in the draft letter, the
17 Inspector General had already announced the
18 investigation that they were opening into the Page FISA.
19 So at that point I think -- I don't remember if it was a
20 formal discussion about it or whether it was an informal
21 discussion of, we're going to let the Inspector General's
22 investigation at this point run its course because us
23 doing some sort of parallel investigation while the
24 Inspector General is investigating it doesn't make a lot
25 of sense.

1 Mr. Somers: You mentioned Bruce Orr's name a
2 second ago. Did you ever have any discussions about
3 Crossfire Hurricane with, or anything related to
4 Crossfire Hurricane, with Bruce Orr?

5 Mr. Evans: Not that I recall or I'm aware of.

6 Mr. Baker: Were you surprised to subsequently
7 learn how many different places Mr. Orr popped up in
8 the investigation, considering he was officially sitting at
9 the time in the ODEC office?

10 Mr. Evans: I'm not sure I'm aware to this day of --
11 when you reference in your question all the places he
12 popped up in the investigation, I'm not sure what they
13 all are. But I can tell you I was certainly surprised to
14 learn of his interactions with Steele and the information
15 he was conveying back to the FBI regarding Steele.

16 Mr. Somers: What's the basis of that surprise?
17 Why would you be surprised to learn that?

18 Mr. Evans: Given what I know now and how much
19 the FBI was receiving from him via Steele, I would have
20 expected the FBI to have alerted us to that information
21 at some point contemporaneously to when it was
22 happening.

23 Mr. Somers: Then once again to switch topics a
24 little bit, we touched on this a little bit earlier, but
25 there's the whole early October, around October 11th,

1 the whole -- well, for instance, Peter Strzok texted Lisa
2 Page on October 11th. It's on page 137 of the IG's
3 report: "Currently fighting with Stu for this FISA."

4 Do you recall fighting or something along those
5 lines with Pete Strzok about the Carter Page FISA?

6 Mr. Evans: I recall having a fairly heated or difficult
7 conversation with him that day.

8 Mr. Somers: What was the content of that
9 conversation? What was it about?

10 Mr. Evans: That day, as I recall it, was -- I believe
11 you said October 11th?

12 Mr. Somers: Yes.

13 Ms. Sawyer: I think that was the day when I had
14 asked a series of questions about Steele to try to
15 understand what his background was; and when, late in
16 the day, it was finally made clear to me from the FBI
17 that Steele was being paid to gather opposition
18 research, and so I reached out proactively to Mr. Strzok
19 that afternoon or evening to say I wanted to talk to him.

20 Knowing that the FBI was pushing to get this
21 moved forward, I wanted to make sure I conveyed back
22 to him directly that I now had this issue that had
23 surfaced, that I wasn't previously aware of, and that this
24 was going to slow down the FISA. And I wanted to
25 make sure he heard that directly from me so that the

1 case agents and headquarters agents didn't report back
2 up their chain that there had been a delay without him
3 hearing directly from me what the basis for that delay
4 was.

5 Mr. Baker: You said "heated" and "difficult." Was
6 there yelling and screaming that made it heated? Was
7 there yelling and screaming that made it heated?

8 Mr. Evans: I wouldn't say there was yelling and
9 screaming. I would say Mr. Strzok is a fairly stern
10 personality, and when I conveyed to him that I was
11 annoyed that we just learned this information, that was
12 not his impression. He seemed to be under the
13 impression that we already knew this information. I
14 was probably a little annoyed and said that most
15 certainly was not the case; that's why I'm calling you;
16 we just learned of it now.

17 So at the end of the day, we kind of both just
18 agreed to go back to our respective corners; and I think
19 the call ended with him saying something along the
20 lines of: Fine; ask whatever questions you need to ask.
21 Then we both went our separate ways.

22 Mr. Baker: Did he indicate during that call that the
23 majority or the totality of the senior FBI leadership was
24 on board with moving this FISA down the road?

25 Mr. Evans: During that call, I don't -- I can't be

1 certain, but I don't recall him invoking in that call
2 leadership names. I think that call was more me
3 flagging for him: Hey, there's a problem developed. I
4 actually was surprised that he seemed to be aware of it
5 already. I thought maybe it was news to him as well.

6 So we just kind of ended it with me saying: Well,
7 nothing's going to happen until we get more
8 information here.

9 Mr. Somers: But you weren't concerned that this
10 was information you didn't know; you were concerned
11 that there was information you didn't know that needed
12 to go in the FISA, correct?

13 Mr. Evans: It was a little bit of both. I would say
14 over the course of that week in drafting, that week and
15 the following week, I would say my concerns fell into
16 three buckets. Bucket one was wanting to make sure
17 we got the information we needed about the source to
18 understand potential bias.

19 Bucket two was making sure we could put that
20 information in the FISA appropriately to make sure the
21 court was apprised.

22 Then bucket three were ultimately my policy
23 concerns about this. So I think at that point on that call
24 on the 11th, it was a combination of concerns one and
25 concerns two. This information had just come over to

1 me that he was being paid to get opposition research.
2 That generated a whole bunch of follow-on questions in
3 our mind: Who's paying him, what's the nature of this?

4 So at that point, I think I was still at the stage of:
5 Hey, this just landed on my desk with this new
6 information; I need to understand what this is all about;
7 we need to get to the bottom of this, ultimately driving
8 towards potentially including the description of it in the
9 FISA.

10 Mr. Somers: Did you ever become aware in that
11 time frame that he might try and go around you, to
12 have you overruled in some sense?

13 Mr. Evans: From reading the IG report, I recall that
14 there were other text messages internal to the FBI
15 where people were talking about that. Candidly, I don't
16 have a great recollection of that contemporaneously,
17 and other people saying that. It doesn't surprise me,
18 and I think we may well have had those conversations.
19 I just don't now, three and a half years later, have an
20 independent recollection of people trying to go around
21 me in that way.

22 Mr. Somers: Did you feel pressure at the time?

23 Mr. Evans: I think we did feel pressure and I did
24 feel pressure at the time. But again, going to some of
25 the questions earlier, whether it was out of line with

1 pressure I had felt in other high-profile investigations
2 over the years -- whether it was investigations like the
3 Boston Marathon or other investigations. I'd been
4 involved in a number of high-profile, pressure
5 investigations, and there tends to be a lot of pressure
6 in those.

7 So I think it was -- at least at the time, I felt the
8 pressure was in line with what I had experienced in
9 other high-profile investigations.

10 Mr. Somers: Were you nervous? Strzok told [REDACTED]

11 [REDACTED]: "Stu is nervous."

12 Mr. Evans: I would not have used the word
13 "nervous." I think "concerned" is a better word. Again,
14 whether it's nervous or concerned, it goes to the core
15 point I was making earlier, of I just didn't think this --
16 knowing what I knew that was developing about this
17 source and his background, I just didn't think that it
18 was a good prudential choice for the FBI and the
19 Department to be going down this road.

20 Mr. Somers: Then [REDACTED] writes to Strzok --
21 this is on page 137 of the IGG's report -- "Is he going to
22 hold the FISA?" the "he" being you. Did you have the
23 ability to hold the FISA?

24 Mr. Evans: Informally, yes. Formally, no. By
25 statute, the only person at the end of the day who can

1 say yes or no to an FBI FISA request is actually the
2 Attorney General personally. As a practical matter, in
3 the drafting process if something was with me and I
4 was sitting on it for a while, I at least had some
5 informal ability to hold things for a little bit.

6 Ms. Zdeb: Can I just interject with a question real
7 quick to clarify something that we spoke about at the
8 outset in terms of the Department's policy about the
9 identification of non-SES employees.

10 Mr. Findlay: He's not going to confirm or deny it.
11 The person that majority counsel is referring to, [REDACTED]
12 [REDACTED], is listed in the IGG report as an OGC attorney.
13 Stu, he's not confirming or denying that. He just said
14 he wasn't nervous; he was concerned.

15 Ms. Zdeb: Right. My point is that Mr. Somers is
16 purporting to read from page 137 of the IGG report,
17 but that page of the IGG report does not contain a
18 particular person's name. It just has a generic
19 identifier. And I wanted to make that clear for the
20 record.

21 Mr. Findlay: Thank you.

22 Mr. Somers: We can clean that up. I think Stu
23 Evans probably knows him by his name and not by the
24 identifier that's in the IGG report, which is why I did
25 that. But we will not put his non-SES name in the actual

1 transcript.

2 Mr. Findlay: Part of the reason I didn't object is
3 because the preface to the question wasn't the
4 question. The question that Stu answered was: Can
5 you hold it up? Stu answered that question. Why you
6 would be asking that question is really more for your
7 purposes than ours.

8 Mr. Somers: Two other quotes I'm trying to get
9 some clarity on here. One's from the same exchange
10 and one's from a different exchange. Strzok writes:
11 "No, but I'm concerned about how they preload the
12 court\the court adviser." Then there's another one
13 where Strzok writes to [REDACTED], Strzok to OGC unit
14 chief -- this is on page 138 of the IGG report -- at 7:59
15 p.m.: "I'm worried about what Stu whispers in court
16 adviser's ear."

17 I know these aren't your, obviously, your texts, and
18 you weren't part of these texts. But can you give me
19 some idea of what they were -- I think I have a little bit
20 of an idea, but give me an idea of what they're talking
21 about?

22 Mr. Evans: Again, I can't speculate as to what they
23 were talking about. And again, per the earlier
24 conversation, I obviously won't confirm identities of the
25 participants other than what's in the IGG report.

1 I can say generally, the FBI was aware that our
2 office had a relationship with the legal advisers and, as
3 I think I described to you in one of the earlier sessions,
4 we would communicate with the legal advisers,
5 including for instance giving them a heads-up that
6 something complicated or something sensitive might
7 be coming.

8 I infer from those communications they were
9 worried that we would suggest to the court in some way
10 that the court shouldn't sign this or that there were
11 some grave concerns about it, or something along
12 those lines. Candidly, that I think would have been
13 unprofessional to do as counsel for the Department. If
14 the Department chooses to proceed with an application,
15 then, as lawyers representing the Department, we're
16 bound to advocate that position.

17 So I don't think that would have been consistent
18 with my recollection and practice, that we would
19 undermine or undercut something that the Department
20 itself chose to proceed with.

21 Mr. Somers: You took my next question there, on
22 professionalism.

23 Now, there's another text in here, that "Apparently
24 he's the only" -- "he" being you. I can read you the
25 whole thing: "OGC Unit Chief to Strzok, 7:59 p.m.:

1 Yeah, I think so. Stu's going to think about it overnight.
2 Not for attribution" -- this is the part I care about -- "but
3 apparently he's the only one over there worried about
4 it."

5 Were you the only one "over there" -- "there" must
6 be NSC or maybe it's the Department -- worried, that
7 had these concerns?

8 Mr. Evans: I don't think so, no. What day was that,
9 just out of curiosity?

10 Mr. Somers: Later that same evening. So we're
11 talking still October 11th.

12 Mr. Evans: 11th, okay. I would say no. My general
13 impression at that point -- and at that point in time I
14 think it was primarily the team within OI, those folks
15 below me, who I described earlier, who'd been working
16 on the matter. My recollection from just conversations
17 and what-not was that everyone was aligned with me
18 and we all generally shared the same view.

19 I don't know why the FBI wouldn't have been under
20 that impression. I do know, having written FISAs
21 myself, sometimes the closer you are to writing it and
22 dealing with the case agents, the more you have to
23 worry about keeping up a rapport with those folks. So
24 it wouldn't be the first time in any of our careers where
25 somebody blamed something solely on their boss so

1 that they could maintain a relationship at a working
2 level.

3 But my general impression was that my team at
4 least within OI shared my concerns. I would also add,
5 just as a further on that, the lower-level folks in OI,
6 their role is predominantly to work on the drafting of
7 the application and then the advocacy before the court
8 as the Department's lawyers. My role as the head of the
9 office was more to focus on kind of policy and bigger
10 picture. So to the extent a lot of my concerns were
11 ultimately coming from the policy implications, those
12 were ones that typically we wouldn't ask lower level
13 folks to focus themselves on.

14 Mr. Somers: Were you at some point in this time
15 frame, the 11th, 12th, instructed that FBI was moving
16 ahead with the FISA in some manner by someone?
17 There's email on page 141 of the IGG report that says:
18 "Lisa Page would inform Evans of the FBI's decision to
19 move forward with the FISA application."

20 I guess question one would be: Did Lisa Page ever
21 tell you the FBI was moving forward with the FISA
22 application? But more broadly, did someone just kind
23 of say: Hey, we're doing this?

24 Mr. Evans: I have a general recollection that at
25 some point over those ensuing days after the 11th the

1 FBI conveyed back to us that: Yes, we hear you, but we
2 want to move forward anyway. I don't specifically -- I
3 know the IGG report attributes that to Ms. Page. I don't
4 specifically have any independent recollection today as
5 to whether that was a conversation with Ms. Page or
6 otherwise. But I also have no reason to doubt the IGG
7 report in that regard.

8 Mr. Somers: But was there ever an instruction that,
9 we're moving forward, you need to let this go?

10 Mr. Evans: I can't point -- in my memory now,
11 almost three and a half years later, I can't point to a
12 specific instruction. It was very clear from them that
13 they wanted to proceed and that they had no interest in
14 abandoning this. Whether that was an instruction or
15 just being conveyed back of, yes, we hear you and we
16 want to proceed anyway, I think the message back was
17 clear.

18 Mr. Baker: So either then or now in hindsight, did
19 you feel, for lack of a better term, that you were rolled?
20 You raised these concerns, you're told, We're moving
21 forward. Eventually it seems like everybody at the
22 Bureau in the upper level of management signed on.
23 Did you feel you were rolled?

24 Mr. Evans: I felt like they did not share my
25 concerns, or their weighting of the concerns was

1 different than mine. As I think I told the IGG, I'm not
2 sure there was a right or wrong answer at the time. I
3 knew folks in hindsight think I was right, but at the
4 time I could see there were both sides to it.

5 Again, as I alluded to earlier, our office often
6 tended to take a more cautious approach to things that
7 could be controversial in the FISA space, because we
8 had to deal with FISA day in and day out, and it would
9 not have been the first time that an intelligence agency
10 wanted to proceed with something that I thought was
11 an imprudent use of FISA or a bad idea.

12 Mr. Baker: You raised very early on -- and it's my
13 phraseology; I may have the exact words wrong. But
14 you did the classic cost-benefit analysis of proceeding
15 with this and what could happen, especially considering
16 the political nature of this. As you sit here now, which
17 side -- was the cost worth the benefit?

18 Mr. Evans: I'll let outside observers ultimately
19 opine to that. I can tell you I certainly feel that my
20 initial calculation on that remains accurate to this day.

21 Mr. Baker: Thank you.

22 Mr. Somers: It says here at page 139 of the FISA
23 report: "According to Evans, he raised on multiple
24 occasions with the FBI, including Strzok, Lisa Page, and
25 later McCabe" -- and it kind of gets into those three

1 buckets you were laying out. What was the discussion
2 with McCabe?

3 Mr. Evans: The McCabe discussion -- towards the
4 end of the week of the 10th, I think it's the 10th
5 through the 14th, where we were going back and forth
6 with the FBI to elicit information, we reached the end of
7 that week. Again, as I think I indicated earlier, the FBI
8 had said: This is all we have, we don't have anything
9 else, you know everything we know.

10 So we had the description updated on the source,
11 and I had a conversation at the end of that week with
12 Ms. McCord where I said: Look, this is what it is; we've
13 got it all in there on the source; we all think there's still
14 probable cause even with that as explained; but I think
15 this is a bigger policy question here. I don't think this
16 is worth pursuing. I explained my logic.

17 Ms. McCord disagreed with me on that, but, in
18 deference to my concern and my role, she indicated
19 that she would raise it with Mr. McCabe. That was I
20 think a Friday, and by Monday she had been unable to
21 get hold of Mr. McCabe on this, is my recollection. So
22 as the FISA was moving forward on that Wednesday
23 morning of that following week, I attended a meeting,
24 that was a regular standing meeting unrelated to this,
25 where I thought Mr. McCabe was likely to be present.

1 He's someone who I had known in other capacities
2 during his FBI career and so, given that, I felt
3 comfortable pulling him aside and having a
4 conversation with him at the end of that meeting where
5 I essentially said: Hey, this Page FISA, I want to talk to
6 you about it; here's what we know; we've got this
7 information; this source seems like it's political
8 opposition research; why are we doing this?

9 The whole conversation was probably shorter than
10 ten minutes. And he said something -- the gist of his
11 response was: I understand what you're saying; I hear
12 you, but we can't pull any punches and be worried
13 about the fallout; and this is something we think we
14 need to do from the investigative perspective; and I
15 can't -- you're worried about what the fallout and the
16 consequences are going to be; I can't worry about that.
17 I just need to focus on what we need to do for the
18 investigation, and we'll have to live with the
19 consequences.

20 That was, I think, the substance of the
21 conversation.

22 Mr. Somers: Just flipping through my notes here,
23 I've got something we kind of discussed here earlier,
24 but I've got now an actual something in the IGG report.
25 You said, page 144 of the IGG report: "Evans told us

1 that sources often have, quote, 'baggage' and can have
2 a bias, but that does not necessarily make their
3 information unreliable, especially if the FBI has a long
4 history of assessing the source's reporting as reliable."

5 So I guess you kind of have the scales there. It
6 seems that you're assuming that the FBI has a long
7 history of assessing Steele as reliable. Was that your
8 understanding?

9 Mr. Evans: That's what they were representing to
10 us at the time, that he was someone they had a
11 longstanding relationship with. I think the term they
12 often used during that week of back and forth, they
13 described him to us as a "professional." What they
14 meant by that term was a professional investigator,
15 intelligence officer, like themselves. And they kept
16 saying: Hey, he knows what he's doing; he's a
17 professional; he's got this; we've dealt with him in the
18 past; we really, really trust him and believe he's reliable.

19 That was the entire way that was being described
20 to us about their view of him.

21 Mr. Somers: But I guess -- if that was not accurate -
22 - and I think there's some information in the IGG report
23 that they had some derogatory information on him or
24 got it at some point in time. But anyhow, leaving that
25 aside, but just on the scale, the baggage becomes more

1 important if the reliability -- is it really a scale? Like the
2 baggage is more important if we don't have the history
3 of reliability? Is that how you look at it?

4 Mr. Evans: I think also weighed in with importance
5 of the information, the centrality of the information to
6 the overall probable cause. I think a variety of those
7 factors mixed together.

8 (Pause.)

9 Mr. Somers: Did you understand in the FISA or
10 what they were seeking or Page's relationship, did you
11 understand Page to be -- and I'll read you what the FISA
12 says after I ask my question. Did you understand Page
13 to be coordinating with Russian intelligence?

14 Page 9 of the initial FISA application states that:
15 "The FBI believes that election influence efforts are
16 being coordinated between the RIS and Page and
17 possibly others." I guess the first part of that, I'd take
18 "RIS" to mean "Russian intelligence services"; I think
19 that's correct.

20 Mr. Evans: I believe that's correct, yes.

21 Mr. Somers: So did you understand that Page was
22 being alleged to be coordinating with Russian
23 intelligence services?

24 Mr. Evans: Again, I don't think I had any
25 independent understanding of what the FBI believed

1 Page was up to, other than what was in the four corners
2 of the FISA. So to the extent there were other elements
3 in the FISA from the Steele reporting or otherwise that
4 get at that point, I think my knowledge of what they
5 think Page was up to would have been limited to
6 primarily what was in the FISA.

7 I just don't remember what else was in the FISA
8 along those lines.

9 Mr. Somers: I think there's a couple statements
10 that basically say that -- I think there's two along these
11 lines in all the FISAs. I think it appears in two places,
12 that the FBI believes that election influence efforts are
13 being coordinated between the RIS and Page and
14 possibly others. And I believe there's also a statement
15 in the conclusion along those lines.

16 So that was your only understanding, would be
17 what's in the FISA in terms of who he was alleged to be
18 coordinating with?

19 Mr. Evans: That's my recollection, yes.

20 Mr. Somers: So then would it surprise you if in
21 February of 2014 -- February 14th of 2017, that Mr.
22 Strzok is quoted in the document that he wrote as
23 saying "We have not seen evidence of any individuals
24 affiliated with the Trump team in contact with IOs" --
25 which I will take to mean intelligence officers. "We are

1 unaware of 'ANY'" -- in all caps -- "Trump advisers
2 engaging in conversations with Russian intelligence
3 officials."

4 If the FISAs on the one hand are representing, and
5 FISAs written after this data are representing, that the
6 FBI believes that election influence efforts are being
7 coordinated between the RIS and Page, does Strzok's
8 statement undercut that statement?

9 Mr. Findlay: Where did that statement come from?
10 You quoted something.

11 Mr. Somers: An email that was released to us last
12 week, written by Peter Strzok on February 14th of 2017.

13 Mr. Evans: So a couple things. One, I don't recall
14 ever seeing that email, so I can't speak specifically
15 beyond what you just read to me, to the best of my
16 recollection.

17 Two, I think it's interesting. I think yes and no. It
18 potentially is relevant and potentially could have caused
19 an update. But I think the interesting thing here to
20 understand about probable cause and how it
21 developed, it's not uncommon for the FBI to allege they
22 have probable cause that something's happening or
23 occurring and to go three, six, nine months into that
24 investigation, and at some point if you don't see actual
25 results materializing you reach the point of: Hey, our

1 initial theory, our initial probable cause of what was
2 happening, isn't actually being borne out by what we're
3 seeing in the investigation.

4 That is actually, I think I would say, how the
5 majority of investigations the FBI does tend to resolve
6 themselves. We have a basis to believe something is
7 happening, but when we go look for it we don't find it.
8 At what point --

9 Mr. Somers: What does the obligation to correct
10 arrive?

11 Mr. Evans: So it's interesting. At what point does
12 that undermine your original theory? It can be really
13 fact-intensive and I can't say. As I noted earlier, I have
14 seen counterintelligence cases over the years that have
15 gone on for quite a long time without corroboration
16 until the original theory evaporated.

17 So if I could just give you an example, and I'll keep
18 it hypothetical here for a minute. Let's say that you
19 have reason to believe that somebody is a mole in an
20 intelligence agency. You have probable cause. You get
21 up on a FISA on them and you start surveiling them for
22 three, six, nine months, but you find no evidence that
23 they're taking classified information.

24 At some point your probable cause disappears
25 because you had a theory and it's just not being borne

1 out and you can't show it. Would you probably say in
2 those FISAs as you're going about, We still haven't seen
3 evidence of him taking classified information, but we
4 still believe this to be the case?

5 I think that's certainly one way you would describe
6 it. But I think where you lose that probable cause
7 entirely is really fact-based.

8 Sorry if that's a generic answer. But I feel like it's
9 the best I can do.

10 Mr. Somers: Just one -- I'll ask it in a hypothetical.
11 Would NSD have to be consulted if the FBI was doing an
12 investigation and they wanted to go into [REDACTED]
13 [REDACTED] for any of their targets?

14 Mr. Evans: No, I don't believe so, although when
15 you say [REDACTED] that's kind of a loose term. I
16 would probably want to clarify what exactly you're
17 talking about.

18 Mr. Somers: [REDACTED] [REDACTED]. They want to look
19 into any databases [REDACTED]. Would
20 NSD need to be consulted or could they do that on their
21 own?

22 Mr. Evans: Can we go classified just [REDACTED]
23 [REDACTED]?

24 Mr. Somers: Yes.

25 (At 3:46 p.m. the interview continued in TOP

1 SECRET session.)

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**MATERIAL REDACTED FOR
SECURITY PURPOSES**

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**MATERIAL REDACTED FOR
SECURITY PURPOSES**

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1 (At 3:50 p.m., the interview proceeded in
2 unclassified session.)

3 Mr. Baker: Are you familiar with an op-ed entitled
4 "Stu Evans' Lonely Failed Quest to Save the FBI from
5 Itself"?

6 Mr. Evans: I did read that op-ed, yes.

7 Mr. Baker: What were your thoughts about what
8 their conclusions and assertions were?

9 Mr. Evans: I would also note my microphone is
10 flashing, so I suspect that means my battery is dying
11 here.

12 I think again I don't remember the details of it. I
13 admittedly read it pretty quickly. I thought it was a
14 generally fairly accurate article. In terms of the
15 conclusion, I felt as if the article raised the point that
16 perhaps by couching my concerns more as policy or
17 prudential concerns that gave the FBI a way around
18 them, to get around my concerns. I think the article
19 said something along those lines.

20 I didn't agree with that point because I think the
21 way we had to approach our jobs in the Office of
22 Intelligence, whether it was in this case or any other
23 case, the threshold role of our office was to gather the
24 facts from the FBI, put them in a FISA application, and
25 make a threshold legal determination as to whether we

1 believed it met the statutory standard of probable
2 cause and was legally appropriate to move forward.
3 And that was what our office primarily looked to do in
4 the first place.

5 There in many cases, whether it was this or some
6 of the other types of sensitive matters I described
7 earlier, would be a second follow-on policy question
8 about whether it's a good idea or a good policy to move
9 forward with something. I think, whether it's OI or
10 other elements of the Department, I think that's often
11 how DOJ lawyers generally had to approach matters:
12 Do we think it's legal, is there an argument that's legal
13 to be made here; and if so, then there's a policy
14 discussion to be had about it.

15 So I just felt, whether it was this matter or other
16 matters, I felt like that was consistent with how the
17 Department attorneys had to proceed in matters.

18 Mr. Baker: Okay, thank you.

19 Mr. Somers: That's it for this round.

20 (Recess from 3:50 p.m. to 3:53 p.m.)

21 Ms. Zdeb: It's 3:53. We can go back on the record.

22 We've been talking about the Steele dossier for
23 quite a while now as it relates to the Carter Page FISA
24 applications, and I wanted to ask a couple of questions
25 to put the Steele dossier in its larger context.

1 Crossfire Hurricane was opened at the end of July
2 2016, July 31st, and the Inspector General determined
3 that the Crossfire Hurricane team did not even become
4 aware of Steele's reporting until September 19th, which
5 is more than a month after the investigation was
6 opened. The IG said, quote: "The Steele dossier played
7 no role in the opening of Crossfire Hurricane."

8 Are you aware of any evidence that contradicts that
9 finding?

10 Mr. Evans: No, I am not. The IG's conclusion on
11 that point was consistent with my recollection.

12 Ms. Zdeb: The IG, as I mentioned earlier, testified
13 before our committee last December. He was asked
14 about the Carter Page FISA errors, the Steele dossier in
15 relation to Special Counsel Mueller's report. He
16 testified that the FISA errors related to Christopher
17 Steele did not call into question, quote, "any part of the
18 Special Counsel's report."

19 Are you aware of any evidence that contradicts the
20 Inspector General's testimony that the Carter Page FISA
21 errors did not call into question -- do not call into
22 question any part of the Special Counsel's report?

23 Mr. Evans: You may be surprised by this, but I've
24 actually not read the Special Counsel's report, and so I
25 don't feel as if I -- I am not in possession of any

1 contradictory information, but I also am not really in a
2 position to opine one way or the other.

3 Ms. Zdeb: Former Deputy Attorney General Rod
4 Rosenstein testified before our committee last month.
5 He supervised the Mueller investigation. Senator
6 Feinstein asked him if he could identify which findings
7 in the Mueller report relied on information from the
8 Steele dossier. And Mr. Rosenstein said: "I don't
9 believe there is any such information."

10 Recognizing that you have not read the entire
11 thing, do you personally have any evidence that
12 contradicts Deputy Attorney General Rosenstein's
13 testimony that no findings in the 448-page Mueller
14 report rely on the Steele dossier?

15 Mr. Evans: Subject to my earlier caveat, I'm not,
16 sitting here today, aware of anything.

17 Ms. Zdeb: Mr. Rosenstein also testified that none
18 of the 199 criminal counts resulting from the Special
19 Counsel investigation relied on information obtained
20 from the Steele dossier. Do you have any basis to
21 disagree with Mr. Rosenstein, there?

22 Mr. Evans: Again, I would go with my earlier
23 caveat. I'm not sure I have a basis to agree or disagree,
24 but implicit in that is I don't have a basis to disagree.

25 Ms. Zdeb: So in other words, you don't have any

1 evidence or, sitting here today, reason to believe that
2 the Special Counsel's findings or the criminal actions
3 that he charged relied on information from the Steele
4 dossier?

5 Mr. Evans: I would rely on the -- again, I have no
6 personal reason to believe that's the case. But I would
7 rely on the assessment of others who are closer to that.

8 Ms. Zdeb: Switching gears: As you know, the
9 Inspector General recommended a number of corrective
10 actions in response to the FISA errors that he identified.
11 These include corrective actions like changes to the
12 Woods forms, changes to the FISA request form, all
13 designed to ensure that OI receives the information that
14 it needs from the FBI in order to prepare FISA
15 applications.

16 Director Wray has accepted and agreed to
17 implement all of the Inspector General's recommended
18 corrective actions. Do you have any reason to believe
19 that the FBI is not taking appropriate steps in response
20 to the IG's report?

21 Mr. Evans: I would say I have even less visibility to
22 opine on that than the prior questions. I left
23 government in May of 2019 and I think all the
24 corrective action proposals and steps have been well
25 since then and, while I have generally been aware of

1 some of the press releases or things around it, I've not
2 been tracking it especially closely. So that's one where I
3 just really don't feel I can opine one way or the other.

4 Ms. Zdeb: But certainly, sitting here today, it
5 sounds like you are not able to offer any reason why
6 you would not believe that the FBI is taking appropriate
7 steps?

8 Mr. Evans: Yes, I certainly have no reason to
9 believe they're not. But I also am just not familiar with
10 what precisely they are doing.

11 Ms. Zdeb: Do you have any reason to believe that
12 the corrective actions that the IG recommended and
13 which the FBI is in the process of taking, although
14 recognizing that you are no longer in your former
15 position, do you have any reason to believe that those
16 correctives, those corrective actions, will not adequately
17 address the errors that the Inspector General identified?

18 Mr. Evans: Again, I'm not sure I have a view one
19 way or the other. I read that portion of the IG report
20 probably most recently during the drafting of it when I
21 was given a copy to review the draft of the IG report in
22 the fall of 2019, and honestly didn't focus that closely
23 on the recommendations since I was already out of
24 government.

25 So I don't even recall specifically what they all were

1 or were not. So I'm not sure I could opine as to how
2 effective they would or wouldn't be at this point.

3 Ms. Zdeb: You spoke earlier about OI's role in -- or
4 NSD's role more generally in conducting accuracy
5 reviews of FISAs. Since the IG report came out, the
6 Department has represented to the FISC that it will be
7 taking steps to expand its accuracy reviews, but also to
8 institute completeness reviews that look not just at
9 accuracy, but try to identify things that had been
10 omitted from FISA applications.

11 Do you have any reason to believe that the
12 Department of Justice and the National Security Division
13 more specifically are not taking appropriate steps in
14 response to the IG's findings?

15 Mr. Evans: I would say -- and again, I think I've
16 generally heard of that change. I'm not intimately
17 familiar with it, but I think that was a positive change
18 and I think probably a good development and one I
19 think that goes to some of the heart of the IG's
20 findings.

21 I think one of the elements in the IG report that I
22 think highlighted this for everyone was that the Woods
23 procedures are really focused, as we discussed earlier,
24 on documenting what's in the FISA, not documenting
25 what's not in the FISA. So the Woods procedures really

1 go to potential material misstatements more than they
2 do omissions of information from the FISA, and so I
3 think adding some element of review that goes to
4 things that are being potentially omitted from the FISA -
5 - I think the term was "completeness" -- is a good
6 development and I think one that arguably gets at some
7 of the core errors that the IG identified.

8 Ms. Zdeb: Are there other specific corrective
9 actions that you think would be warranted in light of
10 the IG's findings?

11 Mr. Evans: These may already be things that have
12 come up in various discussions or proposals by the FBI,
13 because again I'm not intimately familiar with what all
14 their corrective actions were. But the two things that
15 had come to mind to me were:

16 One, I think the issue I mentioned earlier on
17 whether it makes sense to have the field case agents as
18 the actual affiants for the FISAs, either in lieu of or in
19 addition to the headquarters agents. I do believe, if
20 that is workable technically and logistically, I do believe
21 there is some added accountability to having case
22 agents sign an actual warrant application, as opposed
23 to signing an administrative form. That might be of
24 added value.

25 Then the other thing that came to mind to me:

1 With the renewal process, in an ideal scenario for a 90-
2 day U.S. person FISA, you're looking for the FBI to
3 hopefully submit their renewal request to OI 45 days or
4 so before the expiration date, to allow a significant
5 period of time for back and forth and development of
6 the renewal application. Because 90 days is not a very
7 long period of time and 45 days is even shorter, that is
8 kind of a rule -- that is a period that is more honored in
9 the breach than not, and it is pretty common, and I
10 think it was the case in this case, that renewal requests
11 often come over from the FBI to OI a week, week and a
12 half, before the expiration, which really compresses the
13 amount of time for that back and forth and
14 development of the FISAs. And of course, with the
15 renewal you're up against an expiring time clock, as
16 opposed to an initiation, where maybe you have a little
17 more time.

18 So finding a way inside the Department to more
19 rigorously ensure that renewal requests come over
20 sufficiently in advance of expiration date to allow for
21 robust back and forth, was another thought of mine.

22 Ms. Zdeb: Thank you. I believe my colleague has a
23 few additional questions.

24 Ms. Sawyer: Just to go back to something you had
25 discussed with our colleague Mr. Somers, it sounded

1 like you were involved and kind of had requested that
2 July 12, 2018, 13A letter to the court, and then you
3 weren't involved in any subsequent 13A letters. You
4 had left the Department.

5 Mr. Evans: That is correct. I believe there was --
6 and I don't have the IG report in front of me, but I
7 believe the IG report references a Rule 13B letter that
8 was filed some time in 2019 regarding what I think I
9 would describe as a kind of ministerial issue regarding
10 the handling of information. So I was involved in that
11 13B letter. But I do not believe I was involved in any
12 other 13A letters for this application.

13 Ms. Sawyer: It sounded like -- and I just want to
14 make sure I understood it correctly -- that the July 12,
15 2018, letter, there was a decision made to submit that
16 because certain errors and omissions -- and I think it's
17 described as "become aware of additional information.
18 Although some of the additional information has been
19 publicly discussed, some of it does not constitute
20 omissions subject to Rule 13A. We include it all below
21 out of an abundance of caution."

22 So this letter was meant to address errors that had
23 come to light as of that point in time?

24 Mr. Evans: Correct. That letter was meant to
25 address what NSD had become aware of as of that

1 moment in time, yes.

2 Ms. Sawyer: It sounded like you indicated that
3 there was a deliberate decision not to then undertake
4 further investigation as to whether there were other
5 omissions or facts that should be brought to the court's
6 attention because the Inspector General had opened an
7 investigation into the Carter Page FISA process?

8 Mr. Evans: That's right. If I could just expand on
9 that a little bit, getting back to what I outlined earlier,
10 OI of course isn't in possession of any information. If
11 we want to get more information or look for errors or
12 issues, we of course have to go to the FBI to do that. In
13 the drafting of this letter already, there was significant
14 back and forth with the FBI, and to do any further
15 review of the application at that point by the middle of
16 2018 would have required significant back and forth
17 with the folks at the FBI who were involved in the Carter
18 Page FISA, all of whom we fully expected were going to
19 be material witnesses in the OIG's investigation.

20 So for us to start going out and talking to those
21 people and developing facts and figuring out what they
22 knew and didn't know while the IG was about to do the
23 same thing was not going to be a feasible option at that
24 point. So we deferred to the IG at that juncture.

25 Ms. Sawyer: In fact, if you had it could have run

1 the risk that at least someone might have believed or
2 taken the position that there was some interference in
3 the Inspector General's investigation, or at least some
4 tainting of the Inspector General's investigation?

5 Mr. Evans: I think that's a potential concern, yes.
6 And I would add, once the Inspector General began
7 interviewing us, which happened in the months after
8 July, things were presented -- and by "us" I mean myself
9 and my colleagues. We were of course presented
10 things by the OIG in the interviews that concerned us in
11 terms of being factual errors. That's why at some
12 point, I believe in early 2019, we approached the court,
13 the chief judge -- the presiding judge, excuse me -- of
14 the FISA Court and informed her that through our
15 interactions with OIG we were learning of information
16 that we thought could potentially be material and could
17 potentially require further updating to the court, but
18 that for us to do that we'd have to undertake our own
19 engagement with the FBI, which we didn't want to do
20 while the OIG's investigation was ongoing.

21 She understood and wanted to ensure that we
22 didn't interfere with the integrity of the OIG
23 investigation; and we also at the same time
24 contemporaneously relayed that back to OIG so that
25 they knew we were intentionally deferring to them here.

1 Ms. Sawyer: So in your view it wouldn't have been
2 a dereliction of duty for the FBI not to at this point in
3 time, on July 12th, when you had identified some
4 errors, to go back itself and find all the other errors
5 since the IG was inspecting; and had they done it, it
6 sounds like there would have been a risk that they
7 could have been accused of having to try to do
8 something to tamper.

9 I just am trying to clarify whether or not there's any
10 criticism of the FBI for not having more quickly
11 identified errors to bring to the court's attention or to
12 decide to wait until the IG was finished.

13 Mr. Evans: It's an interesting question, actually.
14 I'm not sure I recall any discussions between NSD and
15 the FBI about how we would collectively handle new
16 information. Everything I just described to you was our
17 thinking inside of NSD. I couldn't fault the FBI if they
18 internally reached the same conclusion for the reasons
19 you identified.

20 That said, it might have been good for them to
21 communicate that to us just officially to let us know
22 that they were taking that same posture. But I just
23 don't remember discussing it with them in terms of
24 what their view and how they were going to handle it.

25 Ms. Sawyer: So you also just didn't ask them to

1 confirm?

2 Mr. Evans: We just -- in deference to the IG, for all
3 the reasons I identified, we didn't engage further with
4 the FBI after that July letter in terms of factual
5 statements in the applications.

6 Ms. Sawyer: Switching for a moment to --

7 Mr. Evans: Excuse me. At least during my tenure
8 there. I can't speak to what happened after I left.

9 Ms. Sawyer: Thank you.

10 I have just a few questions for you about sources
11 and methods generally, at least initially. In my 13 years
12 on the Hill, I have been consistently advised by the
13 Department that some of its most closely guarded
14 information are sources and methods used in
15 investigations -- counterintelligence investigations,
16 counterterrorism investigations, criminal investigations.
17 Is that accurate? And if so, why?

18 Mr. Evans: I think I would largely defer to the
19 intelligence community on that. But what I can tell you,
20 which I think is consistent with what your question was,
21 is that I have similarly heard in my tenure in
22 government, working with the intelligence community, I
23 have heard them regularly articulate that same point
24 and same area of concern.

25 When they have articulated that to me in the past,

1 it has been along the lines of either out of fear of harm
2 to the actual individual sources themselves or out of a
3 concern that identifying information or being careless
4 with information about sources could lead to future
5 sources or future governments or other partners not
6 wanting to cooperate and share information with the
7 intelligence community because they would lack
8 assurance about how it would be handled. That's how
9 I've heard them articulate that, the intelligence
10 community, articulate their concerns to me in the past.

11 Ms. Sawyer: So safety to the source, potential
12 chilling effect perhaps on the willingness of others to
13 cooperate in the future. What about a potential chilling
14 effect on the source him or herself who was
15 cooperating and then wasn't protected, their identity
16 wasn't guarded?

17 Mr. Evans: Sure. I think that would fit in as well. I
18 think in most of the discussions I can think of in my
19 experience they tended to be a little bit more at the
20 theoretical level about all human sources, as opposed
21 to specific human sources. But I can certainly see that
22 concern if it came to a specific human source.

23 Ms. Sawyer: You might agree that it might be
24 human nature that if you had thought that your identity
25 would be protected and it wasn't, you might not be

1 willing to cooperate going forward?

2 Mr. Evans: I think that's a fair characterization.

3 Ms. Sawyer: If a source has relied on sub-sources,
4 is there a risk that if a source is identified that sub-
5 source could also then be traced?

6 Mr. Evans: I think as a generic, general matter,
7 yes, I think there is that potential risk.

8 Ms. Sawyer: If sources or sub-sources are not
9 inside the United States, where we believe they might
10 be protected from hostile at least physical activities, but
11 in a hostile foreign country, is there an additional risk
12 to a source or a sub-source?

13 Mr. Evans: I think I would say in my experience
14 with the intelligence community sources located in
15 hostile foreign countries always present -- there's
16 always more risk to the source in those environments,
17 yes.

18 Ms. Sawyer: Would you consider Russia one of the
19 countries where there would be a risk that if sources or
20 sub-sources who were reporting about the Russian
21 government, about Russian intelligence -- would that be
22 one of the countries where there would be a concern?

23 Mr. Evans: I think that would be a fair conclusion.

24 Ms. Sawyer: Isn't one of the risks -- I'm curious.
25 There has been some discussion today about the fact

1 that a memorandum that memorialized an interview
2 that the FBI had with the primary sub-source was
3 declassified, some areas still redacted, and provided to
4 Congress. That document was provided to this
5 committee at 11:30. It was posted on this committee's
6 website by the close of business on the same day. And
7 within hours there were Twitter threads speculating on
8 who that primary sub-source was.

9 Isn't that one of the risks of the government, even
10 if it's trying to be careful about putting out documents
11 that talk about interviews with a source or a sub-source
12 -- isn't that the risk, that the public is going to try to
13 identify that individual?

14 Mr. Findlay: Just to be clear, Stu left government
15 well over a year ago, had nothing to do with any of this.
16 I don't know whether Stu knows the identity of the
17 source, but we certainly wouldn't want to confirm or
18 deny what was happening on Twitter. So I think it's
19 probably better to leave it.

20 Ms. Sawyer: Well, I don't believe that I asked Mr.
21 Evans to identify this particular individual. But I'm just
22 asking, is that a risk if a document that memorializes
23 an interview with a source is released publicly, even
24 with redactions, that people are going to try to figure
25 out who that person is, and they're going to have some

1 information upon which to do it? Is that hypothetically
2 a risk?

3 Mr. Evans: I want to be careful, out of respect for
4 the committee, to not opine on any of the committee's
5 actions one way or the other. So I think I would just
6 answer generically to say, setting aside any particular
7 case or even human sources, this in particular, I have
8 been involved in my tenure in a lot of declassification
9 discussions regarding classified information generally
10 and I think when declassifying information generally
11 that is always a risk for any sort of classified
12 information, that no matter how careful one is in the
13 declassification-redaction process, that potentially
14 something gets missed or, even if nothing gets missed,
15 because of the nature of redactions things can be
16 inferred that would be revealing.

17 Indeed, I know from reviewing documents, again
18 outside of the context of this case, for public release
19 and redaction, there will be times when the intelligence
20 community seeks to redact more than is potentially
21 classified, to try to avoid any inferences being drawn.

22 So that is something that, again, I would just say
23 generally is an area of concern with declassification.

24 Ms. Sawyer: In the time that you were at the
25 Justice Department, were you ever involved in review of

1 an interview with a source or a sub-source for purposes
2 of declassifying it and providing it to Congress or -- I'll
3 just say Congress.

4 Mr. Findlay: I think answering yes or no to that is
5 fine, but if the answer is yes then wherever those
6 internal deliberations were, he wouldn't be able to get
7 into.

8 Mr. Evans: Just to make sure I understand the
9 question, whether I was involved in reviewing for
10 declassification and-or production to Congress a
11 summary of a source interview, essentially?

12 Ms. Sawyer: Yes.

13 Mr. Evans: I am honestly not sure. Sitting here
14 today, I can't think of one. But I also can't tell you that
15 there weren't any. But I'm not 100 percent sure.

16 Ms. Sawyer: Given what that document would have
17 been, an actual document of an interview with the
18 source, not general intelligence collection that
19 happened to have a source in it -- it was an actual
20 interview with a source -- how careful do you think you
21 would have been about the information?

22 Mr. Evans: I think when we look at all classified
23 information for production or redaction or
24 declassification, you're always looking generally to be
25 careful with things that are of a more highly classified

1 nature. As I think we were talking about earlier, the
2 intelligence community generally views human sources
3 as higher up that spectrum of importance. So I think
4 that's something that one would have been careful with.

5 Ms. Sawyer: I think from our side of the ledger
6 over here, I think we've exhausted our questions for the
7 moment. So thank you.

8 Mr. Baker: In addition to oversight and review of
9 things that have happened in the past, this committee
10 obviously, with their jurisdiction over DOJ and FBI, make
11 changes, suggested changes to existing law, new laws,
12 whatever, you were asked by our Democratic colleagues
13 about some of the changes that the Director of the FBI,
14 Mr. Wray, suggested. Some you were familiar with,
15 some you weren't.

16 One thing you've mentioned today twice, so I think
17 it's an important change in your mind, and I want to
18 clarify that, is this idea of bringing the case agent front
19 and center as the affiant. That I think addresses a lot of
20 issues that the ex parte nature of the FISA process
21 invites problems with just because of the ex parte
22 nature.

23 I would be curious what your thoughts are on a
24 decentralized FISC, where you're actually moving the
25 court into either the various district courts or regional

1 district courts? Just your thoughts, based on your
2 knowledge and expertise? Is in the modern age, which
3 seems to be the argument that you would make for
4 bringing the case agent front and center as the affiant,
5 in the modern age is there a need for the centralized
6 nature of the FISC?

7 Mr. Evans: I think I can understand the logic
8 behind the question. My immediate answer would be
9 that I would still continue to see the reason and the
10 value of the centralized nature of the FISC. But I don't
11 just want to answer reflexively based on historical
12 practice and precedent.

13 I think it would add a whole level of complexity,
14 including how FISAs are administered. I think
15 recognizing, especially from Congress's perspective,
16 recognizing, as I alluded to earlier, that I think FISA
17 takes on a different level of concern and importance
18 than potentially the use of some criminal authorities --
19 FISA gets a level of attention in Congress that maybe
20 routine criminal authorities don't -- the administration
21 of FISA across 96 different districts raises a lot more
22 opportunity for variance.

23 If you think about it from the perspective of
24 Congressional oversight, Main Justice oversight, would
25 there be as much confidence that everyone knows

1 what's happening in 96 different districts? Can
2 Congress sit here today and say that it knows exactly
3 how Title III is being applied in every single district
4 around the country, the same way it can with FISA
5 because everything is flowing through a centralized
6 point in D.C., which then enables centralized reporting
7 to Congress on a semi-annual basis.

8 So I think it's a more complex question than just,
9 could you have judges out in districts hearing cases. I
10 think it would ripple through the entire way that the
11 FISA oversight system works.

12 So I understand the question and I'm not -- I would
13 agree it's one that maybe could be discussed. But I
14 think it is a little more complex than it might seem.

15 Mr. Baker: Thank you. I appreciate that.

16 Mr. Somers: Thank you for coming today and
17 appearing here voluntarily. We appreciate your
18 willingness to give us this amount of time.

19 That concludes the interview.

20 (Whereupon, at 4:22 p.m., the interview was
21 adjourned.)

22

23

24

ERRATA

Notice Date:

Deposition Date: July 31 ,2020

Deponent: Stuart Evans (Redacted Version -- Corrected)

Case Name: Senate Judiciary Committee

Page:Line	Now Reads	Should Read
<u>59:20</u>	<u>did comment</u>	<u>did conclude</u>
<u>62:6</u>	<u>George Hopkis</u>	<u>George Toscas</u>
<u>67:12</u>	<u>on the chain of</u>	<u>in the chain of</u>
<u>79:10</u>	<u>Sergei</u>	<u>Sergey</u>
<u>187:16</u>	<u>IGG</u>	<u>IG</u>
<u>187:17</u>	<u>IGG</u>	<u>IG</u>
<u>215:2</u>	<u>13A letter</u>	<u>13(a) letter</u>
<u>215:3</u>	<u>13A letters</u>	<u>13(a) letters</u>
<u>215:21</u>	<u>Rule 13A</u>	<u>Rule 13(a)</u>
<u>221:4-5</u>	<u>that sub-source</u>	<u>that sub-sources</u>
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Notice Date:

Deposition Date: July 31, 2020

Deponent: Stuart Evans Page 1 of 2

Case Name:

Page:Line	Now Reads	Should Read
P3, L14	at Department	at the Department
P14, L17	quality	quality
P16, L10	12	1200
P16, L23	25 to the	25 a
P17, L1	of total	of the total
P19, L1	an internal	an FBI internal
P.19, L5	whether investigation	whether an investigation
P19, L23	timing	signing
P.28, L14	read copy	final copy
P.30, L16	position was	submission was
P34, L2	You had	Mr Baker: You had
P36, L23	that to	that it
P.41, L1	-	New paragraph needed before "Mr Somers"
P45, L5	reviewed	reviews
P48, L6	this in	this point in
P55, L2	was I	when I
P62, L6	Hopkis	Toscas

Notice Date:

Deposition Date: July 31, 2020

Deponent: Stuart Evans Page 2 of 2

Case Name:

Page:Line	Now Reads	Should Read
P62,L14	Hopkis	Toscas
P63,L1	opten	often
P63,L9	investigation	counterintelligence
P63,L13	Hopkis	Toscas
P.69,L13-14	field office	Foreign
P75,L5	raising	raises
P104,L8,11,18,25	Loffman	Lautman
P.49,L3	United States	NSA
P190,L6	NSC	NSD

1 UNITED STATES SENATE
2 COMMITTEE ON THE JUDICIARY
3 WASHINGTON, D.C.

4
5
6
7 INTERVIEW OF SUPERVISORY INTELLIGENCE
8 ANALYST
9

10
11 THURSDAY, OCTOBER 29, 2020
12
13
14
15

16 The interview was convened, pursuant to notice, at
17 10:10 a.m., in Room SD-226, Dirksen Senate Office Building,
18 Washington, D.C.
19
20
21
22
23
24
25

P R O C E E D I N G S

[10:10 a.m.]

1 Mr. Somers. This is a transcribed interview of [REDACTED]
2 [REDACTED]. Chairman Graham requested this interview as part of
3 an investigation by the Senate Judiciary Committee into
4 matters related to the Justice Department's and the Federal
5 Bureau of Investigation's handling of the Crossfire
6 Hurricane investigation, including the applications for and
7 renewals of a Foreign Intelligence Surveillance Act warrant
8 on Carter Page.
9

10 Would the witness please state his name and his
11 current position at the FBI for the record?
12

13 [REDACTED]. [REDACTED], Supervisory Intelligence
14 Analyst, Federal Bureau of Investigation.

15 Mr. Somers. Could you just do that one more time? It
16 didn't come through very clearly.

17 [REDACTED]. [REDACTED], Supervisory Intelligence
18 Analyst, Federal Bureau of Investigation.

19 Mr. Somers. Thank you. On behalf of Chairman Graham,
20 I want to thank you for appearing today, and we appreciate
21 your willingness to appear voluntarily. I will just note
22 for the record, since I'm not sure it'll come through on
23 the transcript, that we are doing this interview remotely
24 via Webex.

25 My name is Zachary Somers. I'm the majority chief

1 investigative counsel for the Senate Judiciary Committee.
2 I'm here in the committee room. With me is senior
3 investigative counsel Arthur Baker. Everyone else I
4 believe is appearing remotely. I think Lee Holmes, our
5 staff director, may join us at some point via Webex or in
6 the room.

7 Mr. Holmes. I'm on, Zach.

8 Mr. Somers. I think just for the record I'd like to
9 have everybody go through and just put their name on the
10 record. I think the way to do it, we'll start with Ranking
11 Member Feinstein's staff to go first. There's two staffers
12 from Feinstein's office on the Webex, and then if we could
13 go to the FBI counsel that are present, and then conclude
14 with [REDACTED] personal counsel, and then I'll get back
15 to my preamble. So, Sara, maybe if you could start off on
16 our chain of introductions.

17 Ms. Zdeb. Sara Zdeb, senior counsel for the minority
18 Ranking Member Feinstein.

19 Mr. Fausett. Good morning. This is Andrew Fausett,
20 also senior counsel for Ranking Member Feinstein on the
21 minority staff.

22 [Pause.]

23 Mr. Somers. [REDACTED], we didn't get that.

24 [Pause.]

25 [REDACTED]. [REDACTED], FBI Office of General

1 Counsel, is here. Also with [REDACTED], FBI Office of
2 General Counsel. I'm not sure, [REDACTED], if they were able to
3 hear your name for the record.

4 Mr. Somers. So from the FBI, we just have [REDACTED] and
5 [REDACTED]. Is that correct?

6 [REDACTED]. You also have [REDACTED], FBI OGC, on
7 the line.

8 Mr. Somers. Okay.

9 Mr. Linehan. Patrick Linehan from Steptoe & Johnson
10 on behalf of Brian Auten. Did that come through?

11 Mr. Somers. Yes, that came through.

12 Mr. Linehan. Great.

13 Mr. Somers. I think that's everybody.

14 Mr. Linehan. And, Zach -- this is Pat Linehan just
15 for the record -- I just wanted to confirm on the record
16 that other than a recording that the court reporter may be
17 making, this proceeding is not being recorded either by
18 video or audio?

19 Mr. Somers. No; we're just -- just the transcription
20 by the court reporter.

21 Mr. Linehan. Great. Thank you.

22 One more. [REDACTED] just reminded me to ask that this is
23 -- even though we're on Webex, this is considered
24 unclassified?

25 Mr. Somers. I think your question was whether it was

1 classified. This is an unclassified setting.

2 Mr. Linehan. Yes, that's right. I was just
3 confirming that. Thank you.

4 Mr. Somers. Okay. I'll get back to my preamble now.

5 The Federal Rules of Civil Procedure do not apply in
6 this setting, but there are some guidelines that we follow
7 that I'd like to go over. Our questioning will proceed in
8 rounds. The majority will ask questions first for an hour,
9 and then the minority will have the opportunity to ask
10 questions for an equal period of time. We will go back and
11 forth in this manner until there are no more questions and
12 the interview is over.

13 Typically, we take a short break at the end of each
14 hour of questioning, but if you would like to take a break
15 apart from that, [REDACTED], please let us know.

16 As I noted earlier, you are appearing voluntarily.
17 Accordingly, we anticipate that our questions will receive
18 complete responses. To the extent that you decline to
19 answer our questions or if counsel instructs you not to
20 answer, we will consider whether a subpoena is necessary.

21 In the room with Art and me is an official reporter
22 taking down everything that is said to make a written
23 record. So, [REDACTED], we ask that you give verbal
24 responses to all of our questions. Do you understand that?
25 [REDACTED]. Yes.

1 Mr. Somers. So that the reporter can take down a
2 clear record, it is important that we don't talk over one
3 another or interrupt each other if we can help it. The
4 committee encourages witnesses who appear for transcribed
5 interviews to freely consult with counsel if they so
6 choose, and since we are not all in the same room, just as
7 I mentioned before we went on the record, please let us
8 know when you consult with your counsel just so that we
9 know that that's what's going on.

10 We want you to answer our questions in the most
11 complete and truthful manner possible, so we will take our
12 time. If you have any questions or if you do not
13 understand one of our questions, please let us know. If
14 you honestly don't know the answer to a question or do not
15 remember it, it is best not to guess. Please give us your
16 best recollection, and it is okay to tell us if you learned
17 the information from someone else. If there are things you
18 don't know or can't remember, just say so and please inform
19 us who, to the best of your knowledge, might be able to
20 provide us with a more complete response to our question.

21 You should also understand that although this
22 interview is not under oath, you are required by law to
23 answer questions from Congress truthfully. Do you
24 understand that?

25 I think you may be muted. Could you try again? I

1 could read your lips, but I couldn't hear you.

2 [REDACTED]. I understand that.

3 Mr. Somers. Thank you. This also applies to
4 questions posed by congressional staff in an interview. Do
5 you understand this?

6 [REDACTED]. I understand that.

7 Mr. Somers. Witnesses who knowingly provide false
8 testimony could be subject to criminal prosecution for
9 perjury or for making false statements. Do you understand
10 this?

11 [REDACTED]. I understand that.

12 Mr. Somers. Is there any reason you are unable to
13 provide truthful answers to today's questions?

14 [REDACTED]. No.

15 Mr. Somers. Finally, we ask that you not speak about
16 what we discuss in this interview with anyone apart from
17 those participating in today's interview by Webex or Art
18 and I here in the room in order to preserve the integrity
19 of our investigation.

20 That's the end of my preamble. Before we begin our
21 first round of questioning, does anyone have any questions?

22 [No response.]

23 Mr. Somers. Okay. I assume that's no questions from
24 anybody, and it is now 10:18, and we'll begin our first
25 round of questioning.

1 [REDACTED], have you read or reviewed the IG's December
2 2019 report on the Carter Page FISA applications?

3 [REDACTED]. Yes, I have.

4 Mr. Somers. And, for the record, are you the person
5 identified as the supervisory intel analyst in the IG's
6 FISA report?

7 [REDACTED]. Yes, I am.

8 Mr. Somers. And other than your personal attorneys
9 and the attorneys from the FBI, did you speak with anyone
10 in preparation for today's interview?

11 [REDACTED]. No.

12 Mr. Somers. According to the IG's FISA report, the
13 Crossfire Hurricane investigation was officially opened on
14 July 31st of 2016. What was your position at the FBI on
15 July 31st of 2016?

16 [REDACTED]. On July 31, 2016, I was a supervisory
17 intelligence analyst.

18 Mr. Somers. And is that the same position you hold
19 now?

20 [REDACTED]. Correct.

21 Mr. Somers. And what branch and division of the FBI I
22 guess are you in and were you in on July 31st of 2016?

23 [REDACTED]. On July 31, 2016, I was in the
24 Counterintelligence Division.

25 Mr. Somers. Are you still in the Counterintelligence

1 Division?

2 [REDACTED]. Yes.

3 Mr. Somers. And when were you assigned to the
4 Crossfire Hurricane investigation?

5 [REDACTED]. I was assigned to the Crossfire Hurricane
6 investigation either on August 1st or August 2nd, 2016.

7 Mr. Somers. And do you recall when you stopped
8 working on the Crossfire Hurricane investigation?

9 [REDACTED]. I stopped working on the Crossfire
10 Hurricane investigation when I moved over to the Special
11 Counsel's office.

12 Mr. Somers. And did you stay with the Special
13 Counsel's office until the Special Counsel's office I guess
14 ceased to exist?

15 [REDACTED]. Yes.

16 Mr. Somers. And then trying to understand sort of the
17 nature of your assignment to Crossfire Hurricane, was this
18 in addition to your usual duties? Was this the primary
19 focus during this time period? Can you kind of give us a
20 description of how this fit into your other duties you
21 otherwise had at the FBI?

22 [REDACTED]. Between August 1st, August 2nd, 2016, up
23 through probably the January time frame of 2017, this was
24 my primary duty. Between January 2017 and approximately
25 mid-March of 2017, it was an additional duty along with

1 working back in my particular unit in the
2 Counterintelligence Division. And then after mid-March of
3 2017 through the beginning of the Special Counsel, it was
4 my primary duty.

5 Mr. Somers. And then just to kind of get a picture of
6 all that, physically did you move from your -- I assume
7 you're assigned to headquarters. Is that correct?

8 [REDACTED] Correct.

9 Mr. Somers. Did you move offices within headquarters
10 to a different location to be part of the Crossfire
11 Hurricane team?

12 [REDACTED] Initially, yes. In August of 2016, we
13 moved to a particular office, and we had a number of
14 different offices during that time.

15 Mr. Somers. Okay. And then did you move into
16 wherever the Special Counsel office was housed during the
17 pendency of the Special Counsel?

18 [REDACTED] Yes.

19 Mr. Somers. Okay. And how did you get assigned to --
20 who assigned you to the Crossfire Hurricane investigation?
21 Start there.

22 [REDACTED] The intelligence section chief assigned
23 me.

24 Mr. Somers. Is that Jonathan Moffa?

25 [REDACTED] Yes.

1 Mr. Somers. Did he ask you if you wanted to join this
2 investigation, or were you just assigned to this
3 investigation?

4 [REDACTED] He in effect assigned me -- I mean, asked
5 me if I wanted to do it, but asked me to do it.

6 Mr. Somers. Okay. What was your -- or I guess at the
7 time -- let's state the time. What was your specialty at
8 the FBI in July of 2016?

9 [REDACTED] I was, again, a special -- sorry, a
10 supervisory intelligence analyst within the Eurasia
11 Analysis Unit.

12 Mr. Somers. Do you have any specialization expertise
13 -- I don't know exactly how you would characterize it -- on
14 Russia in particular?

15 [REDACTED] I have some, yes.

16 Mr. Baker. What is your educational background, sir?

17 [REDACTED] I have a bachelor's degree in history from
18 the [REDACTED]. I have a
19 master's degree in national security studies from
20 [REDACTED]. And I have
21 a Ph.D. in international politics and strategic studies
22 from the [REDACTED].

23 Mr. Baker. Thank you.

24 Mr. Somers. Do you speak or read Russian?

25 [REDACTED] I speak some. It's rusty.

1 Mr. Somers. And prior to being assigned to the
2 Crossfire Hurricane investigation, were you working on the
3 more general subject of Russian interference in the 2016
4 election?

5 [REDACTED] To a certain extent, yes.

6 Mr. Somers. And how would you describe, very
7 generally, obviously not getting into anything classified,
8 the work you were doing on Russian election interference
9 prior to joining Crossfire Hurricane?

10 [REDACTED] Russian election interference has been a
11 historical issue, and so that is something that is part and
12 parcel of working that particular country target.

13 Mr. Baker. I want to back up just a second. How long
14 have you been employed at the FBI?

15 [REDACTED] Since January of 2005.

16 Mr. Baker. And did you enter on duty as an
17 intelligence analyst or in some other capacity?

18 [REDACTED] As an intelligence analyst.

19 Mr. Baker. And where did you work prior to the
20 Bureau?

21 [REDACTED] I was an adjunct professor while I was
22 completing my dissertation.

23 Mr. Baker. An adjunct professor teaching --

24 [REDACTED] I was teaching national security studies
25 at [REDACTED].

1 Mr. Baker. Is that the only institution you've taught
2 at?

3 [REDACTED] No.

4 Mr. Baker. What are the others?

5 [REDACTED] I did some teaching at the [REDACTED]
6 [REDACTED]. I did a little bit of teaching at the
7 [REDACTED]. And then most recently I
8 have taught as a -- I've taught counterterrorism at [REDACTED]
9 [REDACTED].

10 Mr. Baker. When you teach these courses, is there any
11 specialty in these -- is there any subcategory of
12 counterterrorism or counterintelligence that you specialize
13 in or focus on?

14 [REDACTED] No. It's been more -- it's more general
15 than that. The course on counterterrorism is a general,
16 almost a survey course.

17 Mr. Baker. Do you teach a course or have you ever
18 taught a course that deals in some way, shape, or form with
19 the ethics of intelligence or, more specifically, the
20 ethics of spying?

21 [REDACTED] I've never taught a course on that, no.

22 Mr. Baker. Have you written materials regarding the
23 expertise that you teach on?

24 [REDACTED] Have I written materials -- I'm sorry.
25 I'm not --

1 Mr. Baker. Have you published any books or articles
2 about counterintelligence or counterterrorism?

3 [REDACTED] No. The only book that I've published was
4 my dissertation.

5 Mr. Baker. What about articles?

6 [REDACTED] Articles, I have written articles on
7 various issues involving defense policy and involving
8 national security policy.

9 Mr. Baker. But you've never written an article about
10 the ethics of spying?

11 [REDACTED] No. I have written an article about the
12 ethics of spying. I've just never taught a course on the
13 ethics of spying.

14 Mr. Baker. But you have written an article on it?

15 [REDACTED] Correct.

16 Mr. Baker. And where was that published?

17 [REDACTED] It was originally published in, I believe,
18 [REDACTED].

19 Mr. Baker. And that is the name of a magazine or a
20 journal?

21 [REDACTED] It is the name of a journal.

22 Mr. Baker. Okay. Thank you.

23 Mr. Somers. Switching a little bit to the Foreign
24 Intelligence Surveillance Act, in the course of your
25 career, do you know approximately how many investigations

1 you have worked on that have involved FISA authority?

2 [REDACTED] I would have no way of counting that.

3 Mr. Somers. Because it's a very -- is it a large
4 number?

5 [REDACTED] Over the course of the last 15 years, it
6 would be a sizable number.

7 Mr. Somers. Okay. And in terms of -- I assume you
8 were an analyst before you were a supervisory intelligence
9 analyst. So I guess as an analyst or as a super -- maybe
10 we'll start as an analyst. We've had a number of agents in
11 that we've interviewed about FISA and FISA authority.
12 What's the analyst's role in a FISA application, in seeking
13 FISA authority?

14 [REDACTED] The analyst's role is a supportive role.
15 It is assisting special agents in gathering information
16 that they can use in applications.

17 Mr. Somers. And then is it -- and then once the FISA
18 is up and running, does the analyst have a role in looking
19 at the data that's received?

20 [REDACTED] Yes.

21 Mr. Somers. And then in terms -- is the role any
22 different of a supervisory intel analyst versus an analyst
23 in terms of seeking FISA authority?

24 [REDACTED] No.

25 Mr. Somers. Did you receive any training on the FISA

1 process?

2 [REDACTED] Virtual training, yes.

3 Mr. Somers. And what did that training consist of?

4 [REDACTED] It was going through the -- what a FISA
5 is, what a FISA does, the Bureau's authorities to use FISA.

6 Mr. Somers. And did you receive that as part of your
7 training to become an analyst, or is that an ongoing thing
8 at the Bureau?

9 [REDACTED] Both.

10 Mr. Baker. When you entered on duty, were you
11 recruited by someone or entities already at the FBI? Or
12 did you see a posting for a job? Or how did you become
13 interested in employment at the FBI?

14 [REDACTED] It was a general posting.

15 Mr. Baker. And what was the posting specifically for?

16 [REDACTED] It was a posting for intelligence analyst.

17 Mr. Baker. So you applied, you went through some sort
18 of interview process, and you were ultimately hired?

19 [REDACTED] Correct.

20 Mr. Baker. When you were hired -- Mr. Somers talked a
21 little bit about specific training concerning the FISA
22 process -- did you go through a more broad, a more
23 generalized training program with the FBI? Specifically,
24 did you attend anything, any program at Quantico, Virginia,
25 as you entered on duty?

1 [REDACTED] Not when I entered on duty, but in the
2 months following my entrance on duty, yes.

3 Mr. Baker. And what kind of training was that?

4 [REDACTED] It was a program that they called at that
5 time "ACES," and it covered a whole multitude of things, to
6 include FISA.

7 Mr. Baker. And how long of a program is this?

8 [REDACTED] I have a tough time remembering exactly
9 how many weeks, but I want to say somewhere along the lines
10 of 12, maybe 11.

11 Mr. Baker. And this was at Quantico, Virginia?

12 [REDACTED] Correct.

13 Mr. Baker. And was this the program where the
14 incoming or onboarding analysts are embedded for a certain
15 amount of time of that training with the new agent
16 trainees?

17 [REDACTED] No. That was -- the program you're
18 describing is something that happened subsequent to the
19 training that I went through.

20 Mr. Baker. Okay. So you had a program of some weeks
21 that was new intelligence analysts coming on board and
22 learning what an intelligence analyst for the FBI does or
23 what's expected and whatnot?

24 [REDACTED] Correct.

25 Mr. Baker. Thank you.

1 Mr. Somers. And as part of this training, did the
2 training include information on like what duties are owed
3 to the FISA Court?

4 [REDACTED] I don't recall exactly details regarding
5 what duties are owed to the FISA Court. It was more of an
6 issue regarding, again, kind of what's the authority of
7 using FISA, maybe a little bit about process, but I don't
8 recall exactly.

9 Mr. Somers. What about was there training on the
10 Woods Procedures?

11 [REDACTED] No.

12 Mr. Somers. Have you subsequent in your career
13 received any training on the Woods Procedures?

14 [REDACTED] No.

15 Mr. Somers. What, if any, is an analyst's role in
16 putting together the Woods file in a FISA application?

17 [REDACTED] An analyst's role is, again, supportive.
18 It is providing, perhaps researching and providing
19 information that the special agent can use in putting
20 together the application.

21 Mr. Somers. So an analyst could be gathering
22 information that -- if they were tasked by a special agent
23 to do so, they could gather information that would then go
24 in the Woods file? Is that accurate?

25 [REDACTED] That is accurate.

1 Mr. Somers. Do you know what -- even if it wasn't
2 through training, are you familiar with what duties are
3 owed to the FISA Court?

4 [REDACTED] To a certain extent, yes.

5 Mr. Somers. Are you familiar with the duty of candor?

6 [REDACTED] Yes.

7 Mr. Somers. And what do you understand the duty of
8 candor to be?

9 [REDACTED] That you are required to be -- have candor
10 with the Court.

11 Mr. Somers. Does the duty of candor require providing
12 the Court with information, you know, if required by the
13 duty, that could be contrary, could be exculpatory to the
14 witness -- not the witness, the subject of the FISA
15 application?

16 [REDACTED] So I am -- I'm not a lawyer, and so in
17 terms of what is exculpatory or inculpatory, I'm not in a
18 position to determine that.

19 Mr. Somers. I'm just trying to understand what your
20 knowledge as an analyst is of the duty of candor.

21 [REDACTED] So I would say you need to be honest with
22 the Court. That's my understanding of the duty of candor.

23 Mr. Somers. I'm sorry. You said "honest" and broke
24 up a little bit.

25 [REDACTED] Honest with the Court. That is my

1 understanding of the duty of candor.

2 Mr. Somers. Do you understand it to involve, you
3 know, you might have to provide information that's not
4 necessarily helpful to seeking a FISA application?

5 [REDACTED] Again, I don't know at what point --
6 again, I'm not a lawyer. I don't know at what point things
7 that are, again, exculpatory or inculpatory are required to
8 be provided to the Court.

9 Mr. Somers. And what's your understanding of the
10 Woods Procedures? What's the purpose of the Woods
11 Procedures?

12 [REDACTED] I would describe the Woods Procedures very
13 much like footnotes or endnotes to be able to check your
14 work so somebody can come behind you and determine whether
15 or not you have -- you are able to match what you have in
16 the application to supporting documentation.

17 Mr. Baker. In your role of supporting the agent
18 investigators, were you ever told to find support for an
19 assertion that the agents were making in a FISA
20 application? Were you as an analyst ever said to go find
21 this footnote, go find this endnote that we need to put in
22 this application so we can show where this assertion that
23 we're making comes from?

24 [REDACTED] I have been asked over the years to find
25 information to support applications, yes.

1 Mr. Baker. And is that process where you're asked, is
2 this something formal where there's paper generated, sort
3 of like a lead, please find supporting material for this
4 assertion? Or is it less formal than that? Just how does
5 it -- you said this has happened over the years. How do
6 you know to start this task? And how do you report back on
7 the completion of that task with what you found?

8 [REDACTED] It is less formal than an actual lead.
9 I've had situations where agents have emailed me to ask
10 whether or not I could find something to assist.

11 Mr. Baker. And your title, supervisory intelligence
12 analyst, can I assume from that that you supervise people
13 also?

14 [REDACTED] Correct.

15 Mr. Baker. And who are the people you supervise? Not
16 names but titles and functional duties.

17 [REDACTED] I would supervise intelligence analysts
18 under me.

19 Mr. Baker. And how many intelligence analysts are
20 under you?

21 [REDACTED] Presently I don't have any intelligence
22 analysts under me, but in the past I have had any number of
23 intelligence analysts who have worked under me.

24 Mr. Baker. And how many would you have had during the
25 Crossfire Hurricane investigation?

1 [REDACTED] I think the number was approximately five
2 or six.

3 Mr. Baker. So when you get these requests to find
4 documentation to support an assertion, is this something
5 that you yourself take and begin to look for supporting
6 information? Or would this be something that you would
7 assign to some of these analysts that you supervise?

8 [REDACTED] It would depend on the situation.

9 If you could excuse me for a moment, I'm having some
10 noise here on the side. If I could just figure out how to
11 adjust that.

12 Mr. Baker. Sure.

13 Court Reporter. Someone is not muted.

14 Mr. Somers. It sounds like somebody is not muted. It
15 sounds like there's typing going on.

16 [Pause.]

17 [REDACTED] I'm back on. This is [REDACTED].

18 Mr. Baker. Okay. So you were saying that these
19 requests for documentation for assertions made in the
20 applications, they could have been things that you yourself
21 would, for lack of a term, run with or they could have been
22 things that you delegated down to somebody that you
23 supervise?

24 [REDACTED] That is correct. It could be either.

25 Mr. Baker. Okay. Thank you.

1 Mr. Somers. And then in terms of the actual
2 application itself, as an analyst or a supervisory analyst,
3 do you ever review, read all or parts of a FISA
4 application?

5 [REDACTED] On occasion, yes.

6 Mr. Somers. I should have said -- that's before it's
7 submitted to the Court?

8 [REDACTED] Correct.

9 Mr. Somers. Do analysts ever write parts of a FISA
10 application?

11 [REDACTED] Analysts will sometimes provide
12 information or even sometimes language that is given to the
13 special agent that might be of use in an application.

14 Mr. Somers. And then if you're -- I'm just trying to
15 understand the role in actually reviewing an application.
16 If you're an analyst, you're working on an investigation
17 and FISA coverage is going to be sought, an application is
18 being put together, would you necessarily read the
19 application?

20 [REDACTED] No. It's much more ad hoc.

21 Mr. Somers. As an analyst, if you saw something in
22 the application that you thought was incorrect, what would
23 you generally -- what would your responsibility be to
24 address that? And how would you address that?

25 [REDACTED] Generally, you would address that with the

1 case agent handling the FISA application.

2 Mr. Baker. And what would happen if you, as the
3 person that's running with the request to find
4 documentation, or the employees you supervise, what would
5 happen if you could not find supporting documentation for
6 the assertion or you could only find information that was
7 contra or seemed to be contra to the assertion?

8 [REDACTED] You would tell the case agent.

9 Mr. Baker. And how would that reporting to the case
10 agent go? Would that be still informal, or would it be
11 more formal since it potentially raises an issue with an
12 assertion made in the application?

13 [REDACTED] I think it would still be probably less
14 formal.

15 Mr. Baker. And in the course of your career, have you
16 had instances or have you supervised individuals that have
17 had instances where they could not find documentation for
18 an assertion or they could only find contra information to
19 the assertion?

20 [REDACTED] I don't recall exactly situations of that
21 happening right offhand.

22 Mr. Baker. Even if we narrowed it down more
23 specifically to the Crossfire Hurricane investigation, were
24 there any instances where you could not verify an assertion
25 or information seemed to be contra to the assertion?

1 [REDACTED] Again, I would basically say at that point
2 you're talking about what the case agent is looking at.

3 Mr. Baker. Okay. Thank you.

4 Mr. Somers. How does the -- you know, you're a
5 supervisor intel analyst; there's an intel analyst; then
6 there's case agents; I assume special agents; then you have
7 SSAs. What's sort of the chain of command there? If
8 there's a case agent, but you're a supervisory intel
9 analyst, are you guys completely in separate chains of
10 command? Are you sort of superior to a case agent? Could
11 you kind of explain that interaction?

12 [REDACTED] We are in completely separate chains of
13 command.

14 Mr. Somers. So even though you're a supervisory intel
15 analyst, you don't actually have any supervisory authority
16 over a case agent. Is that correct?

17 [REDACTED] That is correct.

18 Mr. Somers. And during Crossfire Hurricane, was
19 Jonathan Moffa your direct supervisor?

20 [REDACTED] That is correct.

21 Mr. Baker. So I would think at some point on the
22 chain of command, as you go up -- I understand you're
23 saying that you're in a separate chain of command as an
24 analyst. But at some point as you go up, doesn't there
25 become some common supervisor, maybe at the section chief

1 or the Assistant Director level?

2 [REDACTED] So in this situation, the section chiefs
3 are separate commands. The DADs would be -- excuse me, the
4 Deputy Assistant Directors would be separate commands. But
5 the Deputy Assistant Directors would both report to the
6 Assistant Director of the Counterintelligence Division.

7 Mr. Baker. And who would that have been during
8 Crossfire Hurricane?

9 [REDACTED] Bill Priestap.

10 Mr. Baker. And who would the Deputy Assistant
11 Director in your chain be?

12 [REDACTED] I would say that depends on what point
13 you're talking about in the Crossfire Hurricane
14 investigation.

15 Mr. Baker. Early part.

16 [REDACTED] Early part in the investigation? The
17 chain of command would have been from me on the
18 intelligence side to Jon Moffa, with Jon Moffa reporting to
19 Bill Priestap.

20 Mr. Baker. Middle part of the investigation.

21 [REDACTED] Middle part of the investigation would
22 have been me reporting on the Crossfire Hurricane matters
23 to Jon Moffa, Jon Moffa reporting to the Deputy Assistant
24 Director, Dina Corsi, and Dina Corsi reporting to Bill
25 Priestap.

1 Mr. Baker. End part of the investigation.

2 [REDACTED] End part of the investigation would have
3 been me reporting to [REDACTED] reporting
4 to Bill Priestap.

5 Mr. Baker. And how about for your agent counterpart?
6 Who would their DADs have been?

7 [REDACTED] It would have depended on the period of
8 time we're talking about in the Crossfire Hurricane
9 investigation.

10 Mr. Baker. Beginning of the investigation.

11 [REDACTED] Beginning of the investigation, case
12 agents would have reported to SSA-1, SSA-1 would have
13 reported to Peter Strzok, and Peter Strzok would have
14 reported to Bill Priestap.

15 Mr. Baker. Middle part.

16 [REDACTED] Middle part, the case agents -- well, it
17 would depend on -- the middle part is rather more
18 complicated.

19 Mr. Baker. How is it more complicated?

20 [REDACTED] Different cases were in different field
21 offices, and, therefore, you would have had case agents in
22 their field office reporting to their field office chains
23 of command with headquarters program managers. Those
24 headquarters program managers would have been SSAs
25 reporting to two different DADs. One DAD would be Jennifer

1 Boone, one DAD would be Peter Strzok, both of those DADs
2 reporting to Bill Priestap.

3 Mr. Baker. And how would the difference between DADs
4 be determined, who reported to which DAD? That would
5 depend on what field office?

6 [REDACTED] It would depend on which unit was program
7 managing the cases in which field office.

8 Mr. Baker. Okay. And then in the end of the
9 investigation, who would the DADs have been?

10 [REDACTED] The end of the investigation, the case
11 agents would have reported through SSA-2; SSA-2 would have
12 reported to [REDACTED] would have
13 reported to at that point Bill Priestap.

14 Mr. Baker. Okay. Were there any other DADs either on
15 the intel side or the agent side that came in for a
16 temporary duty or were just short tenured, either
17 beginning, middle, or end of the investigation, or the
18 names you've named pretty much covers it?

19 [REDACTED] I've pretty much covered it, I believe.

20 Mr. Baker. Thank you.

21 Mr. Somers. All right. So I think earlier you
22 indicated you were assigned to Crossfire Hurricane on
23 either August 1st or August 2nd of 2016, and that you -- is
24 that when you also became aware of Crossfire Hurricane,
25 when you were assigned to it?

1 [REDACTED] I believe I was assigned -- it was an
2 email that was sent to me to report to intel section
3 chief's office on the Monday following the 31st, and I
4 reported on the Monday, and I was given information about
5 where the case was.

6 Mr. Somers. And what was your understanding of what
7 the case was when you were assigned?

8 [REDACTED] I was told that a friendly foreign
9 government had provided information to the FBI and that
10 friendly foreign government information was predicating an
11 investigation.

12 Mr. Somers. And what was it an investigation of?

13 [REDACTED] So the friendly foreign government
14 information indicated that an individual who had been an
15 adviser of the Trump campaign had told a representative of
16 that friendly foreign government that the Russians had
17 indicated that they could assist the Trump campaign with
18 the release of anonymous information detrimental to Hillary
19 Clinton and detrimental to President Obama.

20 Mr. Somers. And when you were assigned, were there
21 analysts already assigned to Crossfire Hurricane, or were
22 they assigned after you?

23 [REDACTED] They were assigned after me.

24 Mr. Somers. And I think you mentioned that you were
25 supervising around the time of Crossfire Hurricane five or

1 six analysts. Were those five or six analysts, analysts on
2 Crossfire Hurricane, or were these five or six analysts you
3 were supervising in your usual job capacity?

4 [REDACTED] The five or six are the analysts that were
5 under me in Crossfire Hurricane.

6 Mr. Somers. Were those the same people that you were
7 already supervising prior to Crossfire Hurricane?

8 [REDACTED] I believe some I had been supervising and
9 some I had not been directly supervising.

10 Mr. Somers. So the ones you hadn't been directly
11 supervising, where did -- did you go out and get them? Did
12 Jonathan Moffa go out and get them? How did they get
13 assigned to Crossfire Hurricane?

14 [REDACTED] If I recall correctly, Jon Moffa and I
15 talked about analysts that were in the division, in the
16 unit actually that I was part of.

17 Mr. Somers. But they weren't supervised by you prior
18 to Crossfire Hurricane?

19 [REDACTED] Correct. We have multiple supervisors in
20 the unit.

21 Mr. Somers. Okay, but they're all at headquarters?

22 [REDACTED] Correct.

23 Mr. Somers. Did you ever pull any analysts not from
24 headquarters into Crossfire Hurricane?

25 [REDACTED] There was one special -- sorry, one what's

1 called an "SOS," and she was brought over from WFO --
2 Washington Field Office, excuse me.

3 Mr. Somers. And then you just went through a minute
4 ago with Mr. Baker sort of how the case got split amongst
5 different field offices as it progressed. Did the analysis
6 section know that that stayed the same, it was always out
7 of headquarters? Or were they using analysts when the case
8 got more split up later on? Were they using analysts from
9 those field offices?

10 [REDACTED] No. The analyst cadre became more diffuse
11 during that time.

12 Mr. Somers. So they could have been using analysts as
13 well from field offices?

14 [REDACTED] Correct.

15 Mr. Somers. Did you supervise then those analysts
16 that were being used from field offices?

17 [REDACTED] So after the probably mid-March time frame
18 up through the beginning of Special Counsel's office, one
19 might call that a more -- a period of more recentralization
20 of the cases, and in that point I was doing a lot of
21 liaison work with the different field offices and the
22 intelligence cadres and attempting to centralize the
23 intelligence that was being done at that time.

24 Mr. Somers. And when you went to Special Counsel
25 Mueller's Office, did you bring analysts with you?

1 [REDACTED] Yes.

2 Mr. Somers. And these were the same analysts that had
3 been working the case, or were these new analysts?

4 [REDACTED] In some cases they were analysts who had
5 been working the case, and in some cases there were new
6 analysts brought over.

7 Mr. Somers. Were those also from headquarters, these
8 analysts?

9 [REDACTED] Not all.

10 Mr. Somers. Not all. Were you responsible for
11 bringing them into Special Counsel Mueller's team, for lack
12 of a better term?

13 [REDACTED] I would say in nearly all cases I had -- I
14 was responsible for helping to bring them over. Not in
15 all, though.

16 Mr. Baker. Did you have any role in bringing agents
17 on board to either the Crossfire Hurricane team or to the
18 Special Counsel's office? Did you have any input in agent
19 selection?

20 [REDACTED] No.

21 Mr. Baker. Thank you.

22 Mr. Somers. So how would you describe your role,
23 let's say, right up to the first Carter Page FISA
24 application being submitted? How would you describe your
25 role in Crossfire Hurricane?

1 ██████████ My role, I was supervising, again, a group
2 of approximately five or six analysts. They were writing
3 materials, assisting case agents, and I would be reviewing
4 work as well as ensuring that my executive management was
5 regularly briefed up on what was going on within the cases.

6 Mr. Somers. What about doing work yourself? Do you
7 think you were more reviewing work of analysts versus
8 generating your own product during this time period?

9 ██████████ I don't recall generating my own product
10 per se, but there were times that I would assist with
11 searches or I would assist with material.

12 Mr. Somers. Okay. And then eventually in Crossfire
13 Hurricane, four investigations are opened. There's the
14 Crossfire Hurricane investigation; there's investigations
15 opened of four individuals within the Crossfire Hurricane
16 umbrella. Did you have any role in identifying those four
17 individuals?

18 ██████████ Our analysts, and myself included, looked,
19 once the umbrella case had been opened, to see whether or
20 not what kind of -- who would best fit certain parameters
21 that were set up, and, therefore, we were engaged with case
22 agents in providing case agents information that they could
23 use in opening those cases.

24 Mr. Somers. But those names were given to you, I take
25 it. Then you went and analyzed how they fit into the

1 Crossfire Hurricane investigation. Is that correct?

2 [REDACTED] I wouldn't say that they were given to us.
3 It was more that we had the umbrella investigation that was
4 opened, and then evaluating individuals that in public
5 source information were associated with the campaign or
6 would have been actually in a position to have received or
7 have been in receipt of the information that was shared by
8 the friendly foreign government.

9 Mr. Somers. Okay. And I'm not asking you for any
10 names here because these aren't people whose names have
11 been out there. Did you look at other individuals other
12 than these four individuals, you know, for possibly opening
13 an investigation on them?

14 [REDACTED] I don't recall exactly outside of the four
15 investigations whether or not there were any other names
16 that rose to the point of opening an investigation.

17 Mr. Baker. Do you recall any dissension among the FBI
18 ranks about the individuals that were ultimately opened?
19 Was there anybody saying, well, it shouldn't be this one or
20 that one or whoever?

21 [REDACTED] No, I don't recall that.

22 Mr. Somers. The IG's report indicates that DOJ was
23 briefed on these four individuals on August 2nd. You said
24 you joined on either August 1st or August 2nd. I assume --
25 well, I won't assume. Did you do any work immediately on

1 identifying these four individuals?

2 [REDACTED] What page number are you referencing for
3 that?

4 Mr. Somers. I just have a note here. I don't have
5 the page number. I just have a note that on August 2nd DOJ
6 was briefed on the Crossfire Hurricane investigation and
7 that the names of the four targets were briefed to DOJ.

8 [REDACTED] I'm going to speak to my counsel for just
9 a moment, if possible.

10 Mr. Somers. Yes, that's fine.

11 [Witness confers with counsel.]

12 [REDACTED] [REDACTED]. I'm back.

13 Mr. Somers. Okay.

14 [REDACTED] I don't recall any DOJ briefing that
15 you're talking about with respect to discussions of the
16 four individuals.

17 Mr. Somers. Yeah, no, I don't believe that you were
18 involved in the briefing. I think Mr. Moffa was. I was
19 just getting back to your role in identifying the four
20 individuals that cases were -- or, sorry, investigations
21 were eventually opened on, and I'm just trying to
22 understand what your role, if any, was in identifying these
23 four individuals. And just looking at the time frame, I
24 was -- I guess my question is: How quickly did you begin,
25 if you were assigned on August 1st or August 2nd, how

1 quickly did you begin looking at these four individuals?

2 [REDACTED] Number one, my recollection is that those
3 cases were not opened on the four individuals on either
4 August 1st or August 2nd. I believe my recollection is
5 that we were looking at different individuals in the period
6 of August 1st and August 2nd. I do not recall whether or
7 not those four individuals were, for lack of a better term,
8 kind of summarized by that time or determined by August 1st
9 or August 2nd.

10 Mr. Somers. Okay. And one of those individuals was
11 George Papadopoulos. What was your understanding in the
12 early parts of Crossfire Hurricane as to who George
13 Papadopoulos was?

14 [REDACTED] George Papadopoulos was the individual who
15 had provided the friendly foreign government with the
16 information that predicated the Crossfire Hurricane
17 investigation. We understood him to be an adviser to the
18 Trump campaign on issues of, I believe, energy.

19 Mr. Somers. What was your understanding of how he
20 could influence the Trump campaign?

21 [REDACTED] I'm sorry. I don't quite --

22 Mr. Somers. I'm trying to understand what was your
23 understanding of his role. You know, what did it mean to
24 be an adviser to the Trump campaign on energy?

25 [REDACTED] I believe George Papadopoulos was part of

1 the rollout of advisers on the Trump campaign that had
2 taken place, if I recall correctly, somewhere in either
3 mid- or late March of 2016.

4 Mr. Somers. Did you understand him to have a
5 significant role on the Trump campaign?

6 [REDACTED] I don't know if I would say "significant,"
7 but he was one of the main players that was announced as a
8 Trump adviser sometime around March of 2016.

9 Mr. Somers. What about Carter Page? He's also one of
10 the individuals who was opened on in early August of 2016.
11 What was your understanding of who Carter Page was in the
12 early days of Crossfire Hurricane?

13 [REDACTED] Again, kind of the same type of thing, as
14 an adviser to the Trump campaign on matters of
15 international politics, primarily Russia.

16 Mr. Somers. And would you have characterized his role
17 as significant in the Trump campaign?

18 [REDACTED] Again, I don't know how exactly I would
19 characterize it with respect to the campaign itself. He
20 was one of the individuals, as per my recollection, that
21 was also announced in the March time frame.

22 Mr. Somers. Okay. Now, just the mechanics of how
23 this investigation worked. So you reported to Jonathan
24 Moffa on the agent side. SSA-1 was roughly your equivalent
25 on the agent side. He reported to Peter Strzok, and then

1 Moffa and Strzok both reported to Bill Priestap. I've got
2 some questions about the information flow, I guess. Were
3 there team meetings as part of the Crossfire Hurricane
4 investigation?

5 [REDACTED] Yes.

6 Mr. Somers. And how often did you have those team
7 meetings?

8 [REDACTED] I think it depended on how things were
9 going. They could be every other day. They could be
10 sometimes every day. I think it would just depend.

11 Mr. Somers. And who attended those team meetings?

12 [REDACTED] I think that also was dependent on
13 situations.

14 Mr. Somers. These daily or every-other-day-type
15 meetings, were these meetings that would be attended by
16 Peter Strzok or Jonathan Moffa?

17 [REDACTED] Yes, they could be.

18 Mr. Somers. Regularly? Did they regularly attend
19 these meetings?

20 [REDACTED] I would say regularly, yes.

21 Mr. Somers. What about Bill Priestap?

22 [REDACTED] No.

23 Mr. Somers. Never or not regularly?

24 [REDACTED] In the early part of Crossfire Hurricane,
25 I do not remember Bill Priestap coming to any of our team

1 meetings.

2 Mr. Somers. Okay. What about people from the Office
3 of General Counsel?

4 [REDACTED] Yes.

5 Mr. Somers. Did the -- I'm trying to remember his
6 identifier so I don't use a name. Did the OGC attorney
7 attend these regular team meetings?

8 [REDACTED] Yes.

9 Mr. Somers. What about the OGC unit chief?

10 [REDACTED] On occasion, yes.

11 Mr. Somers. But not as regularly as the OGC attorney?

12 [REDACTED] I don't think as often, but it would
13 depend.

14 Mr. Somers. What about Trisha Anderson?

15 [REDACTED] No.

16 Mr. Somers. Jim Baker?

17 [REDACTED] No.

18 Mr. Somers. Lisa Page?

19 [REDACTED] On occasion.

20 Mr. Somers. And then what about your DAD? I believe
21 you said it was Dina Corsi?

22 [REDACTED] That would have been in the March -- like
23 late March to June time frame, and by that time -- oh,
24 excuse me, no. I'll make a correction on that. That would
25 have been in the January to March time frame, and the -- we

1 were not having regular team meetings during the January to
2 March time frame.

3 Mr. Somers. Okay. Who was the DAD before Dina Corsi?

4 [REDACTED] DAD -- I'm sorry. DAD at the initial part
5 of Crossfire Hurricane?

6 Mr. Somers. Yes, yes.

7 [REDACTED] So the DAD would have been -- well, they
8 weren't reporting to -- it was Jon Moffa and Pete Strzok
9 reporting directly to Bill Priestap. So there was not a
10 DAD they were reporting to in between Bill Priestap.

11 Mr. Somers. I'm just trying to picture the structure
12 here. So prior to Strzok becoming a DAD, he was reporting
13 directly to Bill Priestap as well?

14 [REDACTED] He and Moffa were reporting directly to
15 Bill Priestap, yes.

16 Mr. Somers. Okay. That clears up my confusion on
17 that. Okay. So these are the regular team meetings. Who
18 kind of conducted these meetings? Who was in charge?

19 [REDACTED] I think it would depend. I don't recall
20 exactly that there was somebody regularly in charge. I
21 mean, if Jon Moffa or Peter Strzok were there, they would
22 usually chair those meetings. If it --

23 Mr. Somers. And, otherwise, it would -- go ahead.

24 [REDACTED] If it was case agents that were just
25 meeting with the analysts, typically it would be a case

1 agent that would run the meeting.

2 Mr. Somers. Did you run any of these meetings?

3 [REDACTED] I may have on occasion.

4 Mr. Somers. And would that be dependent on what the
5 meeting was about? Is that a fair characterization?

6 [REDACTED] I think that's a fair characterization,
7 yes.

8 Mr. Somers. Okay. So we have these regular team
9 meetings. Were there other meetings that might have been
10 attended by, say, Bill Priestap?

11 [REDACTED] I would not have insight into which
12 meetings Bill Priestap would be going to.

13 Mr. Somers. I guess my question is: Did you attend
14 any meetings with Bill Priestap about Crossfire Hurricane?

15 [REDACTED] Yes, I believe I attended a few meetings
16 with Bill Priestap about Crossfire Hurricane in the early
17 period, and then I would say as time went on, there would
18 be occasions to meet with Bill Priestap.

19 Mr. Somers. Did you brief things directly to Bill
20 Priestap yourself?

21 [REDACTED] I believe later on in the investigation I
22 may have briefed Bill Priestap on things. Early part of
23 the investigation, Bill Priestap would have been in
24 meetings where I was briefing other individuals.

25 Mr. Somers. So he would have attended a meeting where

1 you were also providing information?

2 [REDACTED] Correct.

3 Mr. Somers. And these meetings with -- would Jim
4 Baker attend these meetings that Bill Priestap was in?

5 [REDACTED] I think one of the briefings I did or two
6 of the briefings I did for the seventh floor, Jim Baker was
7 in the meetings.

8 Mr. Somers. What about Trisha Anderson?

9 [REDACTED] I don't recall if Trisha Anderson was in
10 those meetings.

11 Mr. Somers. Was Andy McCabe in these meetings?

12 [REDACTED] Yes.

13 Mr. Somers. Director Comey?

14 [REDACTED] I briefed Director Comey, but it was later
15 -- later in the Crossfire Hurricane investigation, probably
16 in the May time frame of 2017.

17 Mr. Somers. What did you brief Director Comey about?

18 [REDACTED] It was the state of the investigations as
19 of May of 2017.

20 Mr. Somers. Shortly before he was removed as FBI
21 Director? Would that be right?

22 [REDACTED] That would be correct.

23 Mr. Somers. And you briefed him on the state of all
24 four investigations?

25 [REDACTED] There were a host of things that we were

1 briefing Director Comey on, I was briefing, along with a
2 gentleman by the name of Paul Holdeman.

3 Mr. Baker. Was this just a run-of-the-mill kind of a
4 status update briefing for Mr. Comey, or were there any
5 problems that had surfaced in the investigation that you
6 were calling to his attention?

7 [REDACTED] It was a status update.

8 Mr. Somers. Was this in anticipation of congressional
9 testimony, or was it just a general status update on the
10 investigation?

11 [REDACTED] It was a general status update on the
12 investigation.

13 Mr. Somers. What about Deputy Director McCabe? How
14 many meetings did you attend, roughly, that Director McCabe
15 was in?

16 [REDACTED] Probably three or four.

17 Mr. Somers. And would that be about the same number
18 of meetings you attended that Bill Priestap was in, or were
19 there more meetings that Bill Priestap was in?

20 [REDACTED] I would say I would have had more
21 interaction with Bill Priestap than I did with Andy McCabe.

22 Mr. Somers. What about the Department of Justice?
23 What were your interactions with the Department of Justice?

24 [REDACTED] In the March to May time frame of 2017, I
25 had some very limited interaction with individuals from

1 DOJ. In the early part of Crossfire Hurricane, I would
2 have been on emails from individuals with DOJ, and in the
3 January to March time frame, I was involved in interviews
4 where there were DOJ individuals present.

5 Mr. Baker. Who were these individuals, either on
6 email or in meetings?

7 [REDACTED] In the early part of Crossfire Hurricane,
8 I was on emails involving an OI attorney. In the middle
9 part of the investigation, I was part of a 3-day interview
10 where there was an NSD/DOJ representative at all three
11 meetings. And in the latter part of Crossfire Hurricane, I
12 was in touch with, again, DOJ attorneys from across the
13 street regarding certain aspects of the cases that were in
14 existence at that time.

15 Mr. Baker. Are all of these people below SES where
16 you can't name names, or are there any ones that you can
17 name names?

18 [REDACTED] I believe most of them, if not all of
19 them, have not been named, at least with respect to this IG
20 report.

21 Mr. Somers. Okay. So with respect to the early time
22 frame, you said you were on a number of emails with, I
23 think you said, OI attorneys. Were there meetings as well,
24 or was it just mainly by email?

25 Mr. Linehan. Did you say "OI attorneys" or "an OI

1 attorney"? Single or plural.

2 [REDACTED] Excuse me just one moment.

3 Mr. Somers. Yes.

4 [Pause.]

5 [REDACTED] [REDACTED] back. I just want one point
6 of clarification. I said "OI attorney," not plural,
7 "attorneys."

8 Mr. Somers. Sorry. So you were on an email -- was it
9 an email chain, or was it just you and the OI attorney?

10 [REDACTED] It was an email chain.

11 Mr. Somers. So in the early -- this is prior to the
12 first Carter Page FISA application being filed?

13 [REDACTED] Correct.

14 Mr. Somers. You were on an email chain that involved
15 the OI attorney, as identified in the IG report. Did you
16 have any meetings with NSD?

17 [REDACTED] I don't recall having any meetings with
18 NSD.

19 Mr. Somers. Then in January to March of 2017, you
20 took part in a 3-day interview where there were NSD
21 attorneys. Any other interactions other than that 3-day
22 interview with NSD during that time period?

23 [REDACTED] Not to my recollection, no.

24 Mr. Somers. And then you said you had limited
25 interactions between March and May of 2017. What did those

1 limited interactions consist of?

2 [REDACTED] To the best of my recollection, there were
3 DOJ attorneys that would come over to FBI headquarters that
4 we would discuss certain aspects of the Crossfire Hurricane
5 cases with.

6 Mr. Somers. You mean like how the investigation was
7 going? Was this a status update thing, or were these
8 specific questions about parts of investigations?

9 [REDACTED] These would have been status updates as
10 well as case agents talking to the attorneys about the
11 status of cases and what needed to be done with cases.

12 Mr. Somers. What was DOJ's interest in particular
13 during this March to May time period?

14 [REDACTED] Again, they were getting status updates on
15 a number of cases.

16 Mr. Somers. Would this be like are we renewing -- did
17 they ask whether you were renewing the FISA application
18 again?

19 [REDACTED] I don't recall discussions with DOJ about
20 that in particular.

21 Mr. Somers. Were you discussing the Flynn
22 investigation?

23 [REDACTED] There may have been discussions about the
24 Flynn investigation.

25 Mr. Somers. Were there discussions of the Logan Act?

1 [REDACTED] I do not recall discussions of the Logan
2 Act.

3 Mr. Somers. Were there discussions about General
4 Flynn's phone calls with Ambassador Kislyak?

5 [REDACTED] I don't recall discussions with the
6 attorneys during that time frame of the Kislyak phone
7 calls.

8 Mr. Somers. Were these discussions about -- do you
9 recall any discussions about interviewing Carter Page?

10 [REDACTED] I don't recall discussions about
11 interviewing Carter Page with DOJ attorneys.

12 Mr. Somers. Okay. Were you involved in the March
13 interviews of Carter Page?

14 [REDACTED] I was not.

15 Mr. Somers. Do you recall discussions about George
16 Papadopoulos during these meetings with DOJ attorneys?

17 [REDACTED] There may have been discussions about
18 George Papadopoulos during those meetings.

19 Mr. Somers. Do you recall what was discussed?

20 [REDACTED] I do not.

21 Mr. Somers. What about other Government agencies?
22 Did you have any interaction with the State Department with
23 regards to Crossfire Hurricane or any of the subjects
24 thereof?

25 [REDACTED] I don't recall having any contact with the

1 State Department regarding Crossfire Hurricane.

2 Mr. Somers. Did you ever receive any information from
3 the -- maybe not directly but indirectly, from the State
4 Department about Crossfire Hurricane?

5 [REDACTED] We would have used information available
6 in government systems probably from information derived
7 from State Department reporting.

8 Mr. Somers. No, I'm thinking about whether you -- so
9 the State Department -- were you aware that the State
10 Department also interacted with Christopher Steele?

11 [REDACTED] I think I recall that there were emails
12 that had gone back and forth with our State Department
13 liaison at one point that dealt with issues involving
14 Christopher Steele.

15 Mr. Somers. So you saw that information?

16 [REDACTED] Did I -- I'm sorry. I don't know what
17 information you're talking about.

18 Mr. Somers. I'm sorry. I guess my question is: Did
19 you see information from the State Department, did you see
20 any documents, emails, communications directly from the
21 State Department? Or is what you saw just from the FBI
22 agent who was a liaison to the State Department?

23 [REDACTED] My recollection is the latter.

24 Mr. Somers. Okay.

25 Mr. Baker. Did you or your analysts have any dealing

1 with or any knowledge of an entity known as the "Crossfire
2 Hurricane Fusion Center"?

3 [REDACTED] I did, yes.

4 Mr. Baker. And what exactly is that?

5 [REDACTED] I'm going to talk to my counsel for a
6 moment, please?

7 Mr. Baker. Sure.

8 [Witness confers with counsel.]

9 [REDACTED] [REDACTED] back. Is everybody on mute?
10 I'm sorry. I was hearing some feedback.

11 Mr. Baker. Yes, Arthur Baker here and Zach's here.

12 [REDACTED] Okay. So with respect to the Fusion Cell,
13 I can acknowledge the existence of the Fusion Cell as that
14 information has become public. However, any discussions in
15 terms of my interactions with the Fusion Cell or other
16 interactions with the Fusion Cell would actually be over
17 and above the classification level for this discussion.

18 Mr. Somers. Can you tell us what it was?

19 [REDACTED] I believe that would be over the
20 classification of this discussion.

21 Mr. Baker. Can you tell us where it's at?

22 [REDACTED] I believe that would be over the
23 classification of this discussion.

24 Mr. Somers. Can you say whether it was outside of the
25 FBI?

1 [REDACTED] Again, my comfortability level in
2 discussing this, I prefer not to actually even get close to
3 getting over the classification level of this discussion.

4 Mr. Baker. Are any of your analysts assigned to it?

5 [REDACTED] Again, I would give the same answer.

6 Mr. Baker. Okay. Let's walk back from that, and
7 let's go back to the Hoover Building. It's my
8 understanding that the intelligence analyst component
9 profession is, relatively speaking, fairly new in the FBI,
10 certainly the professionalization of intelligence analysts
11 and the dedicated career track and upward mobility and
12 whatnot. And my understanding of your background -- and
13 you indicated it at the beginning of this interview -- I
14 would consider you an intelligence analyst professional.
15 That seems to be where you've spent your time at the
16 Bureau, your teaching in that arena, you've published in
17 that arena. That seems to be your expertise.

18 In your chain of command of Crossfire Hurricane, did
19 you encounter any individuals that did not buy into the
20 intelligence part of the FBI and the role of the
21 intelligence analyst in an investigation like this?

22 [REDACTED] I would say no. The people --

23 Mr. Baker. So everybody you encountered from the very
24 top down to your level was completely onboard with the
25 intelligence analyst role and the idea of validating and

1 vetting and everything that the intelligence analyst does?

2 [REDACTED] I think by the time 2016 hit, I think
3 there was enough comfortability, particular at
4 headquarters, with the intelligence analyst role.

5 Mr. Baker. Was there any dissension at all, just what
6 I would call "situational dissension," that maybe somebody
7 had a disagreement with what an intelligence analyst was
8 reporting on as it related to Crossfire?

9 [REDACTED] I don't recall any dissension with respect
10 to the intelligence analyst role in Crossfire Hurricane.

11 Mr. Baker. How about dissension regarding any
12 particular aspect of the investigation? Was there any
13 disagreement where the team split into camps as to whether
14 something should or shouldn't be done?

15 [REDACTED] I don't recall any of that.

16 Mr. Baker. Okay. Thank you.

17 Mr. Somers. On page 79 of the IG report, it indicates
18 that, "FBI officials told us that the early steps in the
19 investigation focused on developing information about the
20 four subjects and conducting CHS operations to obtain
21 relevant subject specific information."

22 What did you do from the analyst side, if anything,
23 early on to develop information about the four subjects?

24 [REDACTED] So our analysts started to -- I mean, were
25 able to dig through FBI holdings, dig through other

1 government agency holdings, dig through open-source
2 material to put together full pictures for the case agents
3 on each of the four cases.

4 Mr. Somers. And what does that product look like?

5 [REDACTED] It depends on the situation. They're
6 usually a Word document that is put together in a type of,
7 for lack of a better term, tactical package, if you wanted
8 to call it that way.

9 Mr. Somers. So there would be -- is that like a --
10 let's just take one individual and just say Carter Page.
11 Is there like a memorandum that you guys are putting
12 together on Carter Page in the early going? Is that fair?

13 [REDACTED] You could call -- I mean, you could fairly
14 all it a "memorandum."

15 Mr. Somers. So is it one document or is it more like
16 a folder that has information about Carter Page?

17 [REDACTED] I think that would depend. I mean, there
18 were multiple documents that were written up.

19 Mr. Somers. So were you told that, you know, to
20 basically go out and figure -- see everything you could on
21 Carter Page? I mean, how does that tasking -- I'm just
22 trying to understand how the tasking goes there. I'm not
23 --

24 [REDACTED] Usually that's --

25 Mr. Somers. Go ahead.

1 [REDACTED] I would say usually that, what you just
2 stated, is often the case. The case agent says, "I need
3 you to find whatever you can on Subject A."

4 Mr. Somers. Okay. Is that what happened here on
5 these subjects? You were tasked with finding information
6 on these four subjects?

7 [REDACTED] Pretty much our analysts were tasked with
8 doing that, yes.

9 Mr. Somers. It looks -- yeah, I looks like our --

10 Mr. Baker. Can I get one quick one in?

11 Mr. Somers. All right. One last question, and then
12 our first hour is up.

13 Mr. Baker. It's my understanding the agent population
14 -- and I'm not just talking Crossfire Hurricane here -- the
15 agents sometimes carry professional liability insurance,
16 and I believe the Bureau or the Department even reimburses
17 them a certain portion of that. Do intel analysts
18 similarly carry professional liability insurance?

19 [REDACTED] Not as many, but some do.

20 Mr. Baker. Now, being more specific with Crossfire
21 Hurricane, did you ever become aware of analysts discussing
22 about the possibility of needing insurance, liability
23 insurance, because of being assigned to Crossfire
24 Hurricane?

25 [REDACTED] I think there was some discussion of

1 professional liability insurance with respect to the
2 analysts who were on Crossfire Hurricane.

3 Mr. Baker. And what precipitated that discussion?

4 [REDACTED] I think --

5 Mr. Baker. What was the concern?

6 [REDACTED] Not so much as a concern as it is that
7 this was going to be -- this is an investigation that would
8 likely result in extra scrutiny.

9 Mr. Baker. So did analysts get this insurance or it
10 was sort of ad hoc, piecemeal, some did, some didn't?

11 [REDACTED] I would say that characterization is
12 correct, ad hoc, piecemeal.

13 Mr. Baker. When you say there was a discussion, was
14 there a gathering together of analysts to discuss the
15 perils of this case and, hence, the possible need for
16 insurance? Or was this, you know, just a small group of
17 people that raised the issue? I'm just curious. What was
18 the forum for the discussion about the potential need for
19 liability insurance?

20 [REDACTED] There was no overarching meeting, to my
21 recollection, bringing the analysts together to talk about
22 the need for professional liability insurance.

23 Mr. Baker. And, again, the need that was articulated
24 or the need that you understood to be amongst the people
25 that were talking about it was based on a general

1 heightened scrutiny that a case of this nature might get?
2 Or were there specific concerns about the investigation?

3 [REDACTED] I would say the former, a general
4 heightened amount of scrutiny.

5 Mr. Baker. Did anybody have a specific concern about
6 it?

7 [REDACTED] Not to my recollection, no.

8 Mr. Baker. Okay. Thank you.

9 Mr. Somers. We can go off the record now. Sara, do
10 you want to take like a 5-minute break?

11 [Recess 11:23 a.m. to 11:34 a.m.]

12 Ms. Zdeb. So it is 11:34, and we can go back on the
13 record.

14 [REDACTED] thanks very much for being here. My
15 colleague Andy Fausett and I, as we indicated earlier, are
16 with the Ranking Member, Senator Feinstein, and we're going
17 to tag-team a bit on our side. I have just a couple of
18 quick follow-ups on the questions that Mr. Baker was asking
19 you at the end of the last round, and then I'm going to
20 turn it over to Mr. Fausett to continue our questions.

21 You had just indicated in response to Mr. Baker's
22 questions on professional liability insurance that any
23 discussion among analysts about whether or not to get
24 liability insurance in Crossfire Hurricane would have been
25 motivated more by a general sense that there could be some

1 heightened scrutiny associated with the investigation as
2 opposed to specific concerns about the investigation. Is
3 that correct?

4 [REDACTED] That is correct.

5 Ms. Zdeb. And I think you also indicated that, beyond
6 Crossfire Hurricane and as a general matter, in your
7 experience, sometimes analysts in other investigations
8 would get professional liability insurance and sometimes
9 they would not. Is that correct?

10 [REDACTED] That is correct, as well as if you are a
11 manager of analysts, there is oftentimes discussion of
12 whether to get professional liability insurance given the
13 things that come up in management.

14 Ms. Zdeb. So is it fair to say that, to the extent
15 there was some discussion among analysts or managers of
16 analysts in Crossfire Hurricane about whether to get
17 professional liability insurance, it would not have been
18 unique to that investigation but, rather, something that,
19 in your experience, happens in investigations as a general
20 matter?

21 [REDACTED] As a general matter, there are occasions
22 where analysts will talk about getting private -- sorry,
23 professional liability insurance.

24 Ms. Zdeb. Thank you.

25 Mr. Fausett. All right. [REDACTED] good morning.

1 Can you hear me clearly, sir?

2 [REDACTED] I can.

3 Mr. Fausett. Terrific. All right. So just to take a
4 step back to more general matters, I know you testified or
5 you stated earlier today that you've reviewed the Inspector
6 General's report from last December entitled, "Review of
7 Four FISA Applications and Other Aspects of the FBI's
8 Crossfire Hurricane Investigation." According to that
9 report, the Inspector General and his office examined more
10 than 1 million documents, interviewed more than 100
11 witnesses, including Christopher Steele and numerous
12 current and former government employees.

13 Did you cooperate with the Office of the Inspector
14 General's investigation?

15 [REDACTED] Yes, I did.

16 Mr. Fausett. Were you interviewed as part of that
17 investigation?

18 [REDACTED] Yes, I was.

19 Mr. Fausett. How many times?

20 [REDACTED] I believe four times.

21 Mr. Fausett. And about how long in total did you
22 spend in these interviews, sir?

23 [REDACTED] I would estimate perhaps up to 20 hours.

24 Mr. Fausett. And throughout your interviews, did you
25 provide complete and truthful answers to the questions that

1 the Office of the Inspector General asked you?

2 [REDACTED] Yes, I did.

3 Mr. Fausett. Did you or the Justice Department or the
4 FBI provide the Office of the Inspector General with
5 documents related to your involvement with the Crossfire
6 Hurricane investigation?

7 [REDACTED] Yes.

8 Mr. Fausett. Did the Office of the Inspector General
9 ever complain that it needed more information from you, to
10 your knowledge?

11 [REDACTED] To my knowledge, no.

12 Mr. Fausett. And did it ever complain that it didn't
13 get documents pertaining to your involvement?

14 [REDACTED] I am not aware of any of that type of
15 discussion.

16 Mr. Fausett. You stated earlier that you reviewed the
17 report. Did you review the report before it was published?

18 [REDACTED] Yes.

19 Mr. Fausett. And did you have an opportunity to
20 provide comments on the draft that you reviewed?

21 [REDACTED] Yes, I did.

22 Mr. Fausett. Now, recognizing that different
23 witnesses will have differing recollections or
24 interpretations of certain events, does the Inspector
25 General's report accurately reflect the testimony you

1 provided to the Office of the Inspector General in --

2 [REDACTED] Sir, I --

3 Mr. Fausett. -- specifically?

4 [REDACTED] Sir, I have been asked if I could go off
5 for a moment and speak with counsel. I apologize.

6 [Counsel confers with witness.]

7 [REDACTED] [REDACTED] back. Could you repeat your
8 question, please?

9 Mr. Fausett. Sure. So you stated just a second ago
10 that you had reviewed the Inspector General's report while
11 it was still in draft form, and you stated that you did
12 provide some comments back to it. Recognizing that
13 different witnesses may have differing recollections or
14 interpretations of certain events that may have been
15 described in the report, does the report accurately reflect
16 the testimony that you provided to the Office of the
17 Inspector General?

18 [REDACTED] Yes.

19 Mr. Fausett. Have you been interviewed by any other
20 congressional committees about matters pertaining to
21 Crossfire Hurricane?

22 [REDACTED] No.

23 Mr. Fausett. And so, just to make sure I've got it
24 right, you said you were interviewed four times by the
25 Inspector General for approximately 20 hours total, so you

1 spent about 20 hours in total preparing for this matter and
2 the various ways that you've been subject to oversight?

3 [REDACTED] I think I spent approximately 20 hours
4 being interviewed by the IG.

5 Mr. Fausett. There has been significant second-
6 guessing of the decision to investigate whether anyone
7 associated with the Trump campaign was assisting Russia in
8 its efforts to influence the 2016 election. According to
9 the Inspector General, the FBI learned in late July 2016
10 from a friendly foreign government, which is sometimes
11 called "FFG," for the sake of simplicity, that George
12 Papadopoulos had told a foreign official about a Russian
13 offer to help the Trump campaign by releasing hacked emails
14 damaging to Hillary Clinton. I know you spoke a little bit
15 about that with our colleagues.

16 First, are you familiar with this term "friendly
17 foreign government" or "FFG" for short?

18 [REDACTED] Yes.

19 Mr. Fausett. And what does that term signify as a
20 general matter?

21 [REDACTED] As a general matter, that signifies that
22 it is a government that is friendly to the interests and
23 policies of the United States.

24 Mr. Fausett. And would you consider such a government
25 to be a trusted ally or partner?

1 [REDACTED] Yes.

2 Mr. Fausett. Is it fair to say, absent evidence to
3 the contrary, and understanding that you take each
4 situation as it comes, but that in general, when you have a
5 source government or source official from a friendly
6 foreign government, you would not ordinarily suspect that
7 source or individual of fabricating information that's
8 being provided to harm the United States?

9 [REDACTED] I would say as a general rule that would
10 be the case.

11 Mr. Fausett. And was there any evidence of
12 fabrication or anything giving rise to suspicious
13 circumstances here?

14 [REDACTED] No.

15 Mr. Fausett. So, overall, was the fact that this came
16 from a friendly foreign government significant in terms of
17 the FBI's need to take the information seriously?

18 [REDACTED] Well, the FBI takes information very
19 seriously from all manner of people that it receives
20 information from, so I don't know if I would say that this
21 -- the basis of it coming from a friendly foreign
22 government necessarily rises it above in terms of
23 acceptance on the part of the FBI.

24 Mr. Fausett. Would you have been inclined to give it
25 more credence, pending further review and analysis, based

1 on the fact that it was coming from a friendly foreign
2 government as opposed to, say, a hostile nation or a nation
3 with adverse interests to the United States?

4 [REDACTED] In that scenario, I would say yes, it
5 would be more comfortable taking something from a friendly
6 foreign government.

7 Mr. Fausett. Okay. So Bill Priestap, who opened
8 Crossfire Hurricane, told the Office of the Inspector
9 General -- and I'm going to quote now from page 53 of the
10 Inspector General's report. Mr. Priestap said, "...the
11 combination of the FFG information and the FBI's ongoing
12 cyber intrusion investigation of the DNC hacks created a
13 counterintelligence concern that the FBI was 'obligated' to
14 investigate."

15 Do you have any reason to dispute Mr. Priestap's
16 explanation of why he opened the investigation?

17 [REDACTED] So, to be clear, Mr. Priestap did not open
18 the Crossfire Hurricane investigation on the opening.

19 Mr. Fausett. Okay. Who opened --

20 [REDACTED] So the opening was written by Pete Strzok.

21 Mr. Fausett. Do you have any reason to question Mr.
22 Priestap's explanation based on his understanding of why
23 the investigation was opened?

24 [REDACTED] I have no basis to dispute that.

25 Mr. Fausett. Do you understand what Mr. Priestap

1 meant when he described this situation, this friendly
2 foreign government information concerning George
3 Papadopoulos, as a "counterintelligence concern"? Do you
4 know what he meant by that?

5 [REDACTED] I do know what he meant by that, yes.

6 Mr. Fausett. And what's your understanding of what he
7 meant by that? And what did you take it to mean?

8 [REDACTED] When you look at the information that came
9 from the friendly foreign government and you compared that
10 with the fact that in July of 2016, late July of 2016,
11 there was information released on WikiLeaks from the DNC,
12 it basically kind of looked like this was a situation in
13 which the Russians may have been trying to interfere in our
14 election.

15 Mr. Fausett. So it sounds like you would agree that
16 the information then presented a legitimate
17 counterintelligence concern. Would you agree that the FBI
18 was obligated to investigate?

19 [REDACTED] Yes.

20 Mr. Fausett. I'd like to walk through some of the
21 specific events in 2016 and ask how they relate to this
22 counterintelligence concern. In March and then in May of
23 2016, FBI field offices identified a spearfishing campaign
24 by the GRU targeting email addresses associated with the
25 DNC and the Clinton campaign as well as efforts to place

1 malware on DNC and D Triple C -- DCCC -- computer networks,
2 and I'm sourcing that from the Mueller report, Volume I of
3 the Mueller report. I think we mentioned this already, but
4 from your perspective, does that activity constitute a
5 counterintelligence concern? Does it create a
6 counterintelligence concern?

7 [REDACTED] Yes, that activity would be a
8 counterintelligence concern.

9 Mr. Fausett. And why is that?

10 [REDACTED] Because it's a foreign entity or foreign
11 government attempting to obtain information to which it is
12 not supposed to have access.

13 Mr. Fausett. And then on July 22, 2016 -- and, again,
14 I'm referencing the Mueller report here -- WikiLeaks
15 published 20,000 emails stolen from the DNC, as you
16 mentioned earlier. This was 6 days before the FBI learned
17 from the FFG that the Trump campaign may have had advance
18 knowledge of Russia's plans to release the stolen emails.
19 I think we've covered this, but just to be clear, that in
20 and of itself also creates a counterintelligence concern.
21 Is that correct?

22 [REDACTED] That is correct.

23 Mr. Fausett. And then on July 27, 2016, Donald Trump,
24 then a candidate for President, said at a press conference,
25 and I'm quoting now, "Russia, if you're listening, I hope

1 you're able to find" Hillary Clinton's emails. And
2 according to Special Counsel Mueller's report, he uncovered
3 that Russia attempted to hack Clinton's server for the
4 first time later that same day.

5 Does that confluence of events, Candidate Trump's
6 statement as well as the fact that Russia attempted to hack
7 the server for the first time that same day, does that
8 create a counterintelligence concern?

9 [REDACTED] Russia's attempts to hack that server
10 would be a counterintelligence issue, yes.

11 Mr. Fausett. Would the confluence with the statements
12 made by then-Candidate Trump create a counterintelligence
13 concern concerning the candidate or the campaign for
14 President -- for Mr. Trump?

15 [REDACTED] Which statements are you referring to?
16 Excuse me?

17 Mr. Fausett. The statement, "Russia, if you're
18 listening, I hope you're able to find" Hillary Clinton's
19 emails.

20 [REDACTED] I'm not sure I would say that the
21 statement itself would be a counterintelligence issue, but
22 the confluence of events with the foreign government
23 attempting to for the first time hack rises to the level of
24 a counterintelligence issue.

25 Mr. Fausett. And why is that?

1 [REDACTED] Again, you have a foreign government who
2 is attempting to hack into information that it has no
3 access to.

4 Mr. Fausett. Between March and August of 2016, the
5 FBI became aware of numerous attempts to hack into State
6 election systems. These include confirmed access and
7 elements of multiple State or local electoral boards using
8 tactics, techniques, and procedures associated with Russian
9 state sponsors -- or state-sponsored actors, according,
10 again, to Special Counsel Mueller in his report. Does that
11 create a counterintelligence concern?

12 [REDACTED] Yes, it does.

13 Mr. Fausett. And why is that?

14 [REDACTED] It would be a foreign government
15 attempting to get into information to which it does not
16 have access.

17 Mr. Fausett. The Inspector General noted -- and I'm
18 now actually quoting from the Mueller report -- that "the
19 FBI learned that Russian efforts also included cyber-
20 enabled scanning and probing of election-related
21 infrastructure in several States." Does that create a
22 counterintelligence concern?

23 [REDACTED] Yes, it does.

24 Mr. Fausett. And why is that?

25 [REDACTED] Again, it's a foreign government, an

1 adversary government, attempting to obtain information that
2 it does not have access to.

3 Mr. Fausett. Now, some have expressed the view that
4 there is no basis to investigate the Trump campaign's ties
5 to Russia because Special Counsel Mueller did not
6 ultimately charge anyone affiliated with the Trump campaign
7 with conspiring with Russia. Is it fair to say that you
8 think there was a sufficient basis, a reasonable basis, to
9 investigate the Trump campaign's ties to Russia?

10 [REDACTED] There was a reasonable basis to open the
11 Crossfire Hurricane investigation and subsequent cases that
12 followed on from that.

13 Mr. Fausett. As a general matter, does the FBI
14 require analysts or -- I'm sorry, agents or the analysts
15 who support them to have an expectation that they will find
16 and be able to prove wrongdoing in order to open an
17 counterintelligence or criminal investigation?

18 [REDACTED] No.

19 Mr. Fausett. And what impact would imposing such a
20 requirement have on the FBI's ability to investigate
21 counterintelligence threats?

22 [REDACTED] So you open an investigation either on the
23 basis of a tip or information or articulable facts rising
24 to the level of a national security threat. That's what
25 you need to open an investigation.

1 Mr. Fausett. If that standard were that you needed to
2 be in a position to prove wrongdoing or establish beyond a
3 reasonable doubt the wrongdoing rather than the lower
4 predicate, what impact would that have on the FBI's ability
5 to do its job?

6 [REDACTED] It would be very difficult -- it would be
7 very difficult to do counterintelligence investigations if
8 that were the standard.

9 Mr. Fausett. So what is your response to the claim
10 that there was never a valid reason to investigate possible
11 ties between the Trump campaign and Russia?

12 [REDACTED] I disagree with the assertion that there
13 was -- that there was not viable reasons to open the
14 Crossfire Hurricane investigation and the subsequent cases
15 that came out of that.

16 Mr. Fausett. I wanted to ask you a few questions,
17 drilling down just a bit into the alleged actions of George
18 Papadopoulos and those actions in the context of the
19 opening of the Crossfire Hurricane investigation. Bear
20 with me if some of this is a little bit repetitive, but we
21 do want to be clear here as to your understanding of
22 things.

23 Now, based upon what's in the Inspector General's
24 report, the opening electronic communication for the
25 Papadopoulos investigation noted that the Trump campaign

1 may have had advance knowledge that Russia had stolen
2 emails and planned to release them to harm Hillary Clinton.
3 I think you talked about that earlier. It said that
4 Papadopoulos --and I'm now quoting from page 60 of the
5 report -- "made statements indicating that he is
6 knowledgeable that the Russians made a suggestion to the
7 Trump campaign that they could assist the Trump campaign
8 with an anonymous release of information during the
9 campaign that would be damaging to the Clinton campaign."

10 Can you explain why these statements made Mr.
11 Papadopoulos a concern to the FBI?

12 [REDACTED] So if the Russians had provided a
13 suggestion that Mr. Papadopoulos was aware of that it could
14 assist the Trump campaign through the anonymous release of
15 information that was detrimental to Hillary Clinton, then
16 that constitutes interference in our political process and
17 would be a counterintelligence concern.

18 Mr. Fausett. Now, I know you stated earlier that you
19 continued on after Crossfire Hurricane with the FBI wrapped
20 and supported the Special Counsel's office as well, so I'm
21 going to quote just a little bit again from the Special
22 Counsel's report: "Although the FBI first learned of the
23 FFG information in late July 2016, according to the Special
24 Counsel's report, Papadopoulos was told in April 2016 of
25 Russia's willingness to release 'dirt' on Hillary Clinton

1 `in the form of thousands of emails.'"

2 To your knowledge, did Mr. Papadopoulos report
3 Russia's apparent offer of assistance to the FBI when he
4 learned of it in April 2016?

5 [REDACTED] Not to my knowledge, no.

6 Mr. Fausett. Did he come forward to the FBI in July
7 2016 when WikiLeaks began doing what Papadopoulos had been
8 told the Russian Government would do, i.e., releasing
9 thousands of emails on Hillary Clinton?

10 [REDACTED] No.

11 Mr. Fausett. To your knowledge, did Mr. Papadopoulos
12 ever come forward to report what he had been told about
13 Russia's willingness to help the Trump campaign and harm
14 Hillary Clinton?

15 [REDACTED] To my knowledge, no.

16 Mr. Fausett. Would you agree, then, that the fact
17 that Papadopoulos learned of Russia's willingness to harm
18 Clinton by releasing thousands of emails, saw that release
19 happen, and still did not come forward itself raises a
20 counterintelligence concern that the FBI needed to
21 investigate?

22 [REDACTED] I would agree with that.

23 Mr. Fausett. And, in fact, the current Director of
24 the FBI, Mr. Wray, testified before the Senate Judiciary
25 Committee that, "Any threat or effort to interfere with our

1 election from any nation-state or any nonstate actor is the
2 kind of thing the FBI would want to know." Do you agree
3 with Director Wray that people should inform the FBI if
4 they learn of information suggesting that a foreign
5 government may be attempting to interfere in our elections?

6 [REDACTED] Yes.

7 Mr. Fausett. And why is it important to do that?

8 [REDACTED] Because the FBI needs to know if there are
9 situations in which a foreign government is attempting to
10 interfere with our political processes.

11 Mr. Fausett. According to the Inspector General's
12 report, the foreign official who reported what Papadopoulos
13 had told him was not aware of who else Papadopoulos had
14 informed about Russia's offer to the Trump campaign. And
15 the Inspector General further reported that you and others
16 said -- and I'm going to quote now from page 59 of the
17 report, that you and others collectively -- it's not
18 individually attributed -- said "...the initial
19 investigative objective of Crossfire Hurricane was to
20 determine which individuals associated with the Trump
21 campaign may have been in a position to have received the
22 alleged offer of assistance from Russia."

23 So, in fact, it seems from that quote, if it's
24 accurate, that one of the primary goals of the initial
25 stages of Crossfire Hurricane was to determine who else on

1 the campaign, if anyone, knew of Russia's offer of
2 assistance. Is that correct?

3 [REDACTED] Correct.

4 Mr. Fausett. After a 3-year investigation, the Senate
5 Select Committee on Intelligence recently issued a
6 bipartisan finding that although it did not confirm exactly
7 who Papadopoulos spoke with, and I'm quoting the Senate
8 Intelligence Committee here, "it is implausible that
9 Papadopoulos did not" share the offer with members of the
10 Trump campaign.

11 Do you have any basis to dispute the Senate
12 Intelligence Committee's finding that it is implausible
13 that Papadopoulos did not share his offer with other
14 members of the Trump campaign?

15 [REDACTED] I think I would say that I'm not
16 comfortable commenting on implausibility versus
17 plausibility in that situation.

18 Mr. Fausett. Would you be concerned that Mr.
19 Papadopoulos may have shared this offer with other members
20 of the Trump campaign?

21 [REDACTED] Yes, that would have been a concern.

22 Mr. Fausett. All right. Of course, as we discussed,
23 our colleagues discussed with you earlier, Mr. Papadopoulos
24 was not the only subject of the Crossfire Hurricane
25 investigation. The team opened individual cases on Paul

1 Manafort, Carter Page, and Michael Flynn as well in August
2 of 2016. The opening electronic communication for the
3 Manafort investigation noted that the Trump campaign may
4 have had advance knowledge that Russia had stolen emails
5 and planned to release them to harm Hillary Clinton, and it
6 said

7 -- and I'm going to quote again from the Inspector
8 General's report on page 60. It said that Manafort was
9 "designated the Delegate Process and Convention Manager for
10 the Trump campaign, was promoted to Campaign Manager for
11 the Trump campaign, and had extensive ties to pro-Russian
12 entities of the Ukrainian government."

13 Can you explain why these activities made Manafort a
14 concern to the FBI?

15 [REDACTED] So in this situation, Manafort had access
16 within the campaign. Manafort had extensive ties to pro-
17 Russian entities in the Ukrainian Government, which would
18 have placed him in a position to be one of the individuals
19 who could have possibly received the information that was
20 related by Papadopoulos to the representative of the
21 friendly foreign government.

22 Mr. Fausett. The opening electronic communication for
23 Lieutenant General Flynn said that he "may wittingly or
24 unwittingly be involved in activity on behalf of the
25 Russian Federation which may constitute a crime or threat

1 to the national security."

2 It went on to note that Flynn was an adviser to Trump,
3 had various ties to state-affiliated entities of Russia,
4 and had previously traveled to Russia.

5 Do you recall what Mr. Flynn's ties to Russia were
6 beyond what I just read back to you?

7 [REDACTED] I remember there was discussion of Flynn's
8 visits to Russia and interactions, and other than that, I'm
9 not sure I can talk about that at this level.

10 Mr. Fausett. But can you say -- and I understand if
11 you can't, but can you say whether these visits and
12 interactions gave rise to similar concerns about having
13 access and connections as you had with Mr. Manafort?

14 [REDACTED] I would say yes, similar concerns.

15 Mr. Fausett. Okay. In addition to stating that
16 Carter Page may wittingly or unwittingly be involved in
17 activity on behalf of Russia, the electronic communication
18 opening that investigation noted that the Trump campaign
19 may have had advance knowledge that Russia had stolen
20 emails and planned to release them to harm Hillary Clinton.
21 We talked about that. It said, again quoting from the same
22 page from the Inspector General's report, "Page was a
23 senior foreign policy adviser for the Trump campaign, had
24 extensive ties to various Russia-owned entities, and had
25 traveled to Russia as recently as July 2016."

1 It also stated that he "was the subject of
2 an...ongoing counterintelligence investigation assigned to
3 the FBI's New York Field Office."

4 Can you explain generally why these activities made
5 Mr. Page a concern to the FBI?

6 ██████████ It would be similar to what was said
7 before with respect to access within the campaign and then
8 the availability or potential for Mr. Page to have been in
9 a position to have received the information documented --
10 or, sorry, discussed by Papadopoulos to the representative
11 of a friendly foreign government.

12 Mr. Fausett. So given this access that all four of
13 these individuals had to the campaign and the connections
14 that they had to various Russian actors, do you believe it
15 was reasonable for the FBI to be concerned that members of
16 the Trump campaign, whether Papadopoulos, Manafort, Page,
17 Flynn, or perhaps others, perhaps even Candidate Trump
18 himself, may have had knowledge of Russia's activities?

19 ██████████ I believe it was justified to open these
20 cases, yes.

21 Mr. Fausett. And just one sort of housekeeping matter
22 for us. As you stated earlier, you continued on with the
23 Special Counsel's investigation. I know there's been some
24 confusion as to whether the nature of that investigation
25 was purely criminal or also had a counterintelligence

1 component. Can you tell us, do you know whether the
2 Special Counsel undertook any investigation into the
3 counterintelligence concerns that may have been raised by
4 contacts between individuals associated with the Trump
5 campaign and Russia?

6 [REDACTED] The Special Counsel's office was a
7 criminal investigation.

8 Mr. Fausett. Okay. All right. Sara, do you have
9 anything?

10 Ms. Zdeb. Yeah, I have just a couple of quick follow-
11 ups on an exchange that you had a bit earlier with Mr.
12 Fausett. So when he was asking you about Bill Priestap's
13 assessment that the combination of the friendly foreign
14 government information and the ongoing cyber intrusions by
15 Russia created a counterintelligence concern that the FBI
16 was "obligated" to investigate, I think you interjected
17 that it was Mr. Strzok who opened Crossfire Hurricane, and
18 I wanted to quickly clarify that for the record, if I
19 could.

20 Just for starters, you joined Crossfire Hurricane a
21 day or two after the investigation had been opened. Is
22 that correct?

23 [REDACTED] That is correct.

24 Ms. Zdeb. And the Inspector General -- and this
25 appears in a couple of places in his report, but it appears

1 I think for the first time on page Roman iii that it was
2 Mr. Priestap who approved the opening of the case. And I
3 think you probably were thinking earlier in the exchange
4 with Mr. Fausett of the actual opening electronic
5 communication, which was, in fact, signed by Mr. Strzok.
6 But as the Inspector General found on page iii of his
7 report, it was actually Assistant Director Priestap,
8 Strzok's supervisor, who was the official who ultimately
9 made the decision to open Crossfire Hurricane.

10 Do you have any basis to dispute the Inspector
11 General's conclusion that it was actually Mr. Priestap who
12 approved the opening of Crossfire Hurricane?

13 [REDACTED] I do not. I was thinking of the
14 electronic communication.

15 Ms. Zdeb. Thank you.

16 I think that's all we have for this round, so it is
17 12:03 and we can go off the record.

18 [Recess 12:02 p.m. to 12:52 p.m.]

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AFTERNOON SESSION

[12:52 p.m.]

1 Mr. Somers. All right. We can go back on the record.
2
3 It is 12:52, and I think I'd like to just start by going
4 through with you, [REDACTED] some events or instances or,
5 you know, I don't know exactly how I would characterize
6 them. It's a series of things that either were identified
7 in the IG report or we've become aware of since the IG
8 report. And I'd just like to gauge your awareness of these
9 -- I think the relevant time frame would be prior to the
10 final Carter Page FISA application, that third renewal
11 being filed. So I would just go through these and ask if
12 you were aware of them prior to that final renewal being
13 filed. I think it might -- you know, one, it'll give us
14 some information; two, it may steer us clear of asking some
15 questions on these areas that are more specific if you
16 didn't have any awareness of the items on my list, if that
17 makes sense.

18 The first thing on my list is on July 5, 2016,
19 Steele, according to the IG report, met with his handling
20 agent, Handling Agent 1. And according to notes of
21 Steele's, according to Steele, he told his handling agent
22 that "`Democratic Party associates' were paying for Fusion
23 GPS's research, the `ultimate client' was the leadership of
24 the Clinton Presidential campaign, and `the candidate' was
25

1 aware of Steele's reporting."

2 Were you aware of that before the final Carter Page
3 FISA application?

4 [REDACTED] No.

5 Mr. Somers. Were you aware that the DNC was the
6 ultimate client prior to the final Carter Page FISA
7 application?

8 [REDACTED] I think by the time the final Carter Page
9 FISA came along, I think so.

10 Mr. Somers. Okay. On August 2nd -- this is Footnote
11 223 of the IG report. I'm going to shorten it a little bit
12 so I don't have to read the whole footnote -- you received
13 an email -- I don't know if you recall receiving it or
14 whether you would have actually read it, but there was an
15 email sent that said that a confidential human source who
16 was run out of the New Haven Field Office had information
17 that Fusion GPS "had been hired by two entities (the
18 Democratic National Committee as well as another
19 individual...not name[d]) to explore Donald J. Trump's
20 longstanding ties to Russian entities."

21 Do you recall receiving that email?

22 [REDACTED] Yes, I recall receiving that email.

23 Mr. Somers. And did you recall having that
24 information prior to the final Carter Page FISA
25 application?

1 [REDACTED] Yes, I would have had that prior to the
2 final renewal.

3 Mr. Somers. What about prior to the first
4 application?

5 [REDACTED] I received that email on or about August
6 2nd of 2016.

7 Mr. Somers. Okay. Is that what alerted you to the
8 DNC being the ultimate client for the Steele dossier?

9 [REDACTED] No. I believe that at that point it was
10 still -- we understood Fusion GPS had a law firm client
11 after it, and that we did not know exactly what the law
12 firm after that was.

13 Mr. Somers. So you say you did not make the
14 connection between this August 2nd email and the DNC being
15 the ultimate client for the Steele dossier. Is that fair?

16 [REDACTED] No, I had not made the connection with
17 this email.

18 Mr. Somers. Okay.

19 [REDACTED] That connection came later.

20 Mr. Somers. Okay. On August 17th, [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] A government agency, another
22 government intelligence agency, informed the FBI, I believe
23 through a memorandum, that Carter Page had been approved as
24 an operational contact for the other agency from 2008 to
25 2013, and the memo further provided that [REDACTED]

1 [REDACTED]
2 provided information about Page's past contacts with
3 certain Russian intelligence officers. Were you aware of
4 that August 17 memo?

5 [REDACTED] I was aware of the August 17th memorandum,
6 yes.

7 Mr. Somers. You received it at the time or
8 thereabouts?

9 [REDACTED] Thereabouts, yes.

10 Mr. Somers. Okay. Were you aware on or about
11 September 7, 2016, that the FBI received an investigative
12 referral from the CIA regarding U.S. Presidential Candidate
13 Hillary Clinton's approval of a plan concerning U.S.
14 Presidential Candidate Donald Trump and Russian hackers
15 hampering U.S. elections as a means of distracting the
16 public from her use of a private email server?

17 Mr. Heberling. Zach, this is Brian Heberling. Let's
18 just go off the record for a second and talk to [REDACTED].

19 Mr. Somers. Sure.

20 [Counsel confers with witness.]

21 Mr. Somers. We'll go back on the record.

22 Were you aware that on or about September 7, 2016, the
23 FBI received an investigative referral from the CIA
24 regarding "U.S. Presidential Candidate Hillary Clinton's
25 approval of a plan concerning U.S. Presidential Candidate

1 Donald Trump and Russian hackers hampering U.S. elections
2 as a means of distracting the public from her use of a
3 private email server?"

4 [REDACTED] I was aware, yes.

5 Mr. Somers. And just one follow-up. You were aware
6 around that time, or you became aware later?

7 [REDACTED] I was aware around that time.

8 Mr. Somers. Okay. Were you aware of the letter that
9 Carter Page sent Director Comey on September 25, 2016, in
10 which he stated that he had interacted with members of the
11 U.S. intelligence community, including the FBI and the CIA,
12 for many decades and that he eagerly awaited FBI's call to
13 discuss any final questions they might possibly have?

14 [REDACTED] I do recall that letter, yes.

15 Mr. Somers. And you recall seeing it around the time
16 it was sent?

17 [REDACTED] Yes.

18 Mr. Somers. I had asked you in the last round a
19 little bit about State Department contacts with the FBI
20 regarding Christopher Steele and two things that the State
21 Department raised with the FBI. Were you aware that the
22 State Department noted, based on their interactions with
23 Christopher Steele and their review of the materials he
24 provided the State Department, that Steele had provided
25 incorrect information about a nonexistent Russian consulate

1 in Miami?

2 [REDACTED] I was not aware of that being reported to
3 the State Department.

4 Mr. Somers. Were you aware of that generally?

5 [REDACTED] Aware of what generally?

6 Mr. Somers. That the Steele reports reported about a
7 nonexistent Russian consulate in Miami.

8 [REDACTED] So I recall that one of the Steele reports
9 actually had that in it, yes.

10 Mr. Somers. Okay. And do you recall knowing that
11 that was not correct?

12 [REDACTED] Yes.

13 Mr. Somers. Okay. Do you further recall the State
14 Department providing information that the State Department
15 realizes that Steele is talking to the media, June
16 reporting started, New York Times and the Washington Post
17 have leaked all the best stuff, and there will be more? Do
18 you recall receiving a report like that from the State
19 Department?

20 [REDACTED] I do not recall receiving a report like
21 that from the State Department.

22 Mr. Somers. Okay. Were you involved in a November
23 21, 2016, meeting between the Crossfire Hurricane team and
24 Bruce Ohr and possibly others at the Justice Department?

25 [REDACTED] I was not.

1 Mr. Somers. Did you get a readout of that meeting?

2 [REDACTED] I may have received a readout, but I don't
3 recall exactly.

4 Mr. Somers. Okay. Do you recall that certain members
5 of the Crossfire Hurricane team learned from Bruce Ohr that
6 Steele was "desperate that Donald Trump not get elected and
7 was passionate about him not being the U.S. President"?

8 [REDACTED] I believe that was documented in the file
9 after that meeting.

10 Mr. Somers. So you were aware of that?

11 [REDACTED] At some point, yes, I was aware of that.

12 Mr. Somers. Were you aware that Ohr reported to
13 members of the Crossfire Hurricane team during that meeting
14 that reporting of criminal activities may be exaggerated or
15 conspiracy theory talk so Steele cannot know whether all
16 his reporting is true?

17 [REDACTED] I'm not sure if that's in the write-up or
18 not. I wasn't part of the meeting, so I wouldn't be able
19 to -- I'd have to -- I'm not sure if it's in the write-up.

20 Mr. Somers. Okay. Were you aware that Fusion GPS --
21 this is also from that same Ohr meeting -- that Fusion GPS
22 was hired by a lawyer who does opposition research and that
23 Steele's reporting was being distributed to the Clinton
24 campaign, Jonathan Winer at the State Department, and the
25 FBI?

1 [REDACTED] Again, I'm not sure exactly when I had an
2 understanding of that.

3 Mr. Somers. Did you at some time have an
4 understanding that the Steele reporting was going to the
5 Clinton campaign?

6 [REDACTED] At some moment, yes.

7 Mr. Somers. Prior to the final Carter Page FISA
8 application being submitted?

9 [REDACTED] I believe it would have been prior to the
10 final Carter Page application being submitted, yes.

11 Mr. Somers. And what about the fact that Steele was
12 sharing his information with the State Department? Were
13 you aware of that before the final Carter Page FISA
14 application was filed?

15 [REDACTED] I was probably aware of it before the
16 final application.

17 Mr. Somers. Okay. Were you aware that on December
18 17, 2016, the CIA expressed concern to the FBI about the
19 lack of vetting for the Steele election reporting and
20 believed it should not be included in the intelligence
21 community assessment as it was Internet rumor?

22 [REDACTED] I'm sorry. Do you have the date again? I
23 apologize.

24 Mr. Somers. I'm sorry. December 17, 2016.

25 [REDACTED] I was aware of that, yes.

1 Mr. Somers. You were aware of that at the time?

2 [REDACTED] At the time, yes.

3 Mr. Somers. And you were aware that the CIA believed
4 that it was Internet rumor?

5 [REDACTED] Well, I don't believe that that is a CIA
6 characterization. If I recall, that's actually a quote by
7 someone who was characterizing what the CIA's position was.

8 Mr. Somers. Do you have any reason to question
9 Jonathan Moffa's recollection that the intel section chief
10 stated that the CIA viewed it as "Internet rumor"?

11 [REDACTED] I have no reason to question Jon Moffa's
12 comment on that, but I don't know if that's an exact quote.

13 Mr. Somers. Okay. You didn't have a separate
14 conversation with the CIA where they said it was an
15 Internet rumor?

16 [REDACTED] No, I did not have a separate
17 conversation.

18 Mr. Somers. Okay. Were you aware that in December of
19 2016 Crossfire Hurricane team leaders learned that Steele's
20 primary sub-source from 2009 to 2011 was the subject of an
21 FBI counterintelligence investigation that indicated that
22 he might be a "threat to national security"?

23 Mr. Heberling. Zach, this is Brian Heberling again.
24 For the reasons we discussed yesterday, we're going to tell
25 [REDACTED] to respectfully decline to answer that question.

1 Mr. Somers. Okay. And following up, and you can not
2 answer this question either, but further that the Crossfire
3 Hurricane team learned in December of 2016 that in 2010 the
4 FBI went so far as to submit an application to the DOJ for
5 FISA coverage on the primary sub-source? Were you aware of
6 that?

7 Mr. Heberling. We're going to give [REDACTED] the same
8 instruction. Thank you.

9 Mr. Somers. All right. Fair enough.

10 Did you learn in January 2017 that the primary sub-
11 source lived in the United States?

12 [REDACTED] Yes.

13 Mr. Somers. So in learning that, did you realize that
14 he was not "Russian-based," like the FISA applications
15 represented?

16 [REDACTED] Yes.

17 Mr. Somers. Do you recall on January 12th or
18 thereabouts, January 12, 2017, that the FBI received a
19 report outlining an inaccuracy in Steele's reporting about
20 the activities of Michael Cohen, a highly credible source
21 stated that it did not have high confidence in this subset
22 of Steele's reporting, and assessed that the referenced
23 subset was part of a Russian disinformation campaign to
24 denigrate U.S. foreign relations?

25 [REDACTED] This is from a footnote in the IG report,

1 correct?

2 Mr. Somers. Yes, it's from Footnote -- the
3 declassified version of Footnote 350.

4 [REDACTED] Yes, I was aware of that.

5 Mr. Somers. You were aware of that at the time?

6 [REDACTED] Yes.

7 Mr. Somers. And just for the record, you took part in
8 the -- I think you already said this earlier, but let's put
9 it on the record now. You took part in the 3-day interview
10 of the primary sub-source that occurred on or about January
11 -- started on about January 24, 2017?

12 [REDACTED] That is correct.

13 Mr. Somers. Do you recall where that interview took
14 place?

15 [REDACTED] It took place in the FBI Washington Field
16 Office.

17 Mr. Somers. So you're confident it did not occur at
18 the primary sub-source's lawyer's office?

19 [REDACTED] Correct.

20 Mr. Somers. Okay. And then back to this Footnote
21 350, the declassified version of it, on February 27, 2017,
22 were you aware that an intelligence community report
23 contained information about an individual with reported
24 connections to Trump and Russia who claimed that the public
25 reporting about the details of Trump's sexual activities in

1 Moscow during a trip in 2013 were false and that they were
2 the product of Russian intelligence service's "infiltrating
3 a source into the network of [redacted] who compiled a
4 dossier on that individual on Trump's activities"?

5 [REDACTED] Yes, I believe I was aware of that at the
6 time.

7 Mr. Somers. At the time, okay. Were you aware of the
8 March 2017 human source validation review of Steele that
9 found that his "past contributions to the FBI's criminal
10 program had been minimally corroborated"?

11 [REDACTED] I believe I had received that report
12 around that time.

13 Mr. Somers. Were you -- I don't know if you were
14 either aware of -- well, I'll first ask it this way: Were
15 you aware of the primary sub-source's March interview with
16 the FBI?

17 [REDACTED] I was aware of it, but I won't be able to
18 say exactly when I was aware of it.

19 Mr. Somers. Okay. But you were not a part of that
20 interview?

21 [REDACTED] Correct.

22 Mr. Somers. Were you aware that during that interview
23 the primary sub-source stated that he never expected Steele
24 to put the primary sub-source's statements in reports or
25 present them as facts?

1 [REDACTED] I believe I was aware of that, but, again,
2 I wouldn't be able to tell you exactly when I was aware of
3 that.

4 Mr. Somers. Do you know if you were aware of that
5 before the final Carter Page FISA application was
6 submitted?

7 [REDACTED] I would estimate it probably was before,
8 but, again, I don't have a clear recollection.

9 Mr. Somers. Okay. Do you recall learning that the
10 primary sub-source said that the statements were "word of
11 mouth and hearsay"; "conversations...had with friends over
12 beers"; or were statements "made in jest" that should be
13 taken with "a grain of salt"?

14 [REDACTED] Is that a quote from the --

15 Mr. Somers. It's a quote from the IG report, from the
16 Washington Field Office agent who took that March
17 interview.

18 [REDACTED] Again, I think I was aware of that
19 reporting, but I wouldn't be able to tell you exactly when
20 specifically I was aware of that reporting.

21 Mr. Somers. Do you think it was prior to the final
22 Carter Page FISA application being submitted?

23 [REDACTED] It could have been, but, again, I don't
24 have a clear recollection.

25 Mr. Somers. Did the primary sub-source express any

1 sentiments like that during your 3-day interview with him?

2 [REDACTED] 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 [REDACTED] 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 [REDACTED] That would have been the date then.

16 Mr. Somers. That's when you would have received it,
17 okay. What did the FBI's initial efforts to -- I don't
18 know if the word "corroborate" is correct, but to either
19 corroborate or look at the Steele reporting consist of?

20 [REDACTED] We immediately started to determine what
21 aspects of the reporting that we could confirm or
22 disconfirm, and so we began looking at FBI holdings; we
23 began looking at open-source material and began looking at
24 OGA material as well to see if there was anything that we
25 could use to help verify, again, confirm or disconfirm.

1 Mr. Somers. Okay. On page 101 of the IG report, it
2 says that, "After obtaining the six Steele reports on
3 September 19, analysts on the Crossfire Hurricane team
4 immediately began to evaluate the information in the
5 reports. By the next day, they had completed a draft
6 Intelligence Memorandum that summarized key points from the
7 reports and identified actions that needed to be taken to
8 assess the information."

9 Were you the author or one of the authors of that
10 Intelligence Memorandum?

11 [REDACTED] I was not the primary author, but I edited
12 that document.

13 Mr. Somers. Okay. That seems like a fast turnaround
14 to me. Is that a fast turnaround of an analytical product
15 like an Intelligence Memorandum?

16 [REDACTED] I wouldn't necessarily say that's a fast
17 turnaround. It was a memo that was summarizing what we had
18 received and then suggested or recommended courses of
19 action based upon what we had received.

20 Mr. Somers. So it took everything at face value at
21 that point in time. Is that a fair --

22 [REDACTED] We were just -- we were just starting the
23 analysis.

24 Mr. Somers. Okay. Page 125 of the IG report
25 indicates that, "Also on September 19...in an email to the

1 OGC Unit Chief and OGC Attorney, the Supervisory Intel
2 Analyst forwarded an excerpt from Steele's Report
3 94...concerning Page's alleged secret meeting with Igor
4 Divyekin in July 2016 and asked, `Does this put us at least
5 *that* much closer to a full FISA on [Carter Page]?' " Do
6 you recall that email?

7 [REDACTED] I do.

8 Mr. Somers. Why would receiving that information move
9 you that much closer to a full FISA on Carter Page?

10 [REDACTED] I wouldn't be able to speak to that at the
11 classification level of this.

12 Mr. Somers. I guess my question is: Why would this
13 unverified information move -- this is the same day you
14 received the Steele reporting. I'm trying to understand
15 why -- how on the same day you received the reporting it
16 would move you closer to receiving a FISA application.

17 [REDACTED] It was a matter of what -- I think from
18 the -- as far as saying based upon what's in that
19 paragraph, it is information that was researched on Igor
20 Divyekin.

21 Mr. Somers. Prior to receiving the Steele reporting,
22 is that what you're saying?

23 [REDACTED] Not prior.

24 Mr. Somers. What did you know about Christopher
25 Steele on September 19, 2016? Had you used his information

1 previously?

2 [REDACTED] No.

3 Mr. Somers. Had you ever met Christopher Steele?

4 [REDACTED] Turned out yes, I had in the past.

5 Mr. Somers. Had you worked in a professional context?

6 [REDACTED] In a professional context.

7 Mr. Somers. Had his information been used in an
8 investigation that you had worked on previously?

9 [REDACTED] I can't go into the details about what it
10 is that I was working on where I had the interaction with
11 Mr. Steele.

12 Mr. Baker. But it was during your time at the FBI?

13 [REDACTED] That is correct.

14 Mr. Somers. So you had some knowledge of Christopher
15 Steele prior to receiving the Steele dossier on September
16 19?

17 [REDACTED] So to be clear, at the time, no, I didn't
18 make the connection. But after I had actually met Mr.
19 Steele, I recognized him, came back, looked through some
20 material, and realized that he and I had met in the past in
21 a professional context on a particular matter involving the
22 FBI.

23 Mr. Baker. So you realized that after seeing him or
24 after digesting more information in files and his writings?

25 [REDACTED] After seeing him.

1 Mr. Baker. Okay.

2 Mr. Somers. So when you're analyzing this material,
3 if "analyzing" is the correct term -- I won't characterize
4 it for you. But you get the material on September 19th.
5 You draft the -- not you, I mean you and your team draft an
6 Intelligence Memorandum about this material. How are you
7 viewing this material? Are you skeptical of it? Is it --
8 what's your characterization of the material on September
9 19th and 20th?

10 [REDACTED] The characterization I would give is that
11 the FBI gets reporting from all manner of places, and we do
12 the same type of thing with all manner of reporting, which
13 is we look to see whether or not things can be verified.
14 We look to see whether or not it matches things that are in
15 open source or in classified holdings, and to determine
16 whether or not the information that we've received is
17 accurate or whether it can be confirmed or whether it can
18 be disconfirmed.

19 Mr. Baker. You had used the term "FBI holdings" a few
20 minutes ago in response to a question from Mr. Somers.
21 What do you mean when you say you're checking "FBI
22 holdings"?

23 [REDACTED] I mean that we're using FBI systems to
24 look at material that has been previously collected or
25 previously investigated by the FBI.

1 Mr. Baker. And that would be something you could
2 access if you came across a name or if a name came forward
3 as either someone providing information or someone who
4 could potentially be the subject of an investigation? You
5 could check these holdings to see if there were previous
6 contacts with this individual by the FBI?

7 [REDACTED] In terms of -- possibly, yes.

8 Mr. Baker. So would you have checked these holdings
9 when Mr. Steele first comes on the radar with this dossier?
10 Would you have checked holdings to see what relationship
11 the Bureau may have had with Mr. Steele?

12 [REDACTED] I don't recall checking to see what
13 relationship Mr. Steele had, but we were checking the names
14 and entities and things mentioned actually in the
15 reporting.

16 Mr. Baker. So, eventually, when you had names of
17 people that were in the report, you would have run those
18 names against "FBI holdings"?

19 [REDACTED] Correct.

20 Mr. Baker. So in doing that, you would have -- if
21 there were, in fact, a previous relationship with the FBI
22 of any of these individuals in his reporting, you would
23 have gotten a hit that there had been previous FBI interest
24 or this person had been previously on the FBI radar?

25 [REDACTED] Theoretically, yes.

1 Mr. Baker. And did that, in fact, happen with any of
2 these individuals or with anything that you verified or
3 attempted to verify through FBI holdings with the Steele
4 reporting? Did you get hits?

5 [REDACTED] So I'm not sure I'm comfortable talking
6 about what I was able to find or not find in FBI holdings
7 in a forum such as this.

8 Mr. Baker. But if you would have gotten something in
9 an FBI holding, theoretically, that would have cast -- or
10 would have been curious in that someone in the Steele
11 reporting has previously been on the FBI radar, you would
12 have let that be known to other people on your team?

13 [REDACTED] Yes, in that scenario, certainly.

14 Mr. Baker. Was that done in this case?

15 [REDACTED] Again, let me talk to FBI counsel for a
16 moment.

17 Mr. Baker. Sure.

18 [Witness confers with counsel.]

19 [REDACTED] [REDACTED] back.

20 Mr. Baker. Yes, sir.

21 [REDACTED] Would you mind repeating the question just
22 so that I --

23 Mr. Baker. Sure. I was asking, in your attempt to
24 look into FBI holdings of either people that come on the
25 radar in the course of this case or specifically in the

1 Steele reporting, did anything -- did you get a hit, a ping
2 on a previous contact that any of these people identified
3 or subsequently identified from the Steele reporting had
4 been previously on the FBI radar?

5 [REDACTED] So, again, I don't want to get into what I
6 got a hit on or not or didn't get a hit on with respect to
7 particular individuals in the Crossfire Hurricane case.
8 However, I do want to emphasize that FBI holdings are
9 organized oftentimes along what accesses one has, and,
10 therefore, there are situations in which cases are
11 restricted in the search function or prohibited in the
12 search function, and, therefore, I would not necessarily
13 always get all manner of hits on a particular individual or
14 entity.

15 Mr. Baker. Did you subsequently to any searches or
16 database checks, did you subsequently get any call or
17 communication from another part of the FBI inquiring why
18 you had queried someone where on your end you don't see a
19 hit, but there is a message transmitted to someone else
20 saying that someone has queried your case, and then that
21 someone or that someone's supervisor reaches out to you or
22 maybe your supervisor and inquires why you were searching
23 whatever it was you were searching? Did that happen?

24 [REDACTED] I don't recall getting any messages like
25 that over the course of Crossfire Hurricane.

1 Mr. Baker. And if you would have gotten any kind of
2 hit from FBI holdings that anybody in the Steele reporting
3 had been previously known or concurrently known to the
4 Bureau, you would have made that known to your team?

5 [REDACTED] Yes.

6 Mr. Baker. Okay. Thank you.

7 Mr. Somers. Did you have other information other than
8 the Steele dossier on September 19, 2016, that Igor
9 Divyekin and Carter Page had a meeting in July of 2016?

10 [REDACTED] No.

11 Mr. Somers. Is Igor Divyekin a person that would be
12 known in the intelligence community?

13 [REDACTED] I'm going to not answer that at this
14 classification level.

15 Mr. Somers. So you had no knowledge of a secret
16 meeting between Divyekin and Page, but you thought this
17 information put us at least that much closer to a full FISA
18 on Carter Page. Did you view the Steele dossier -- let's
19 just call it that. I know it wasn't quite what you guys
20 considered it at the FBI. But did you view the Steele
21 dossier as raw intelligence?

22 [REDACTED] I mean, it was reporting that we had
23 received, but there was not a finalized -- yeah, I mean, it
24 wasn't a kind of finalized report or anything of that sort.
25 It's information.

1 Mr. Somers. And you went about verifying -- not you,
2 the FBI and the Crossfire Hurricane team, which you were a
3 part of, went about verifying the -- or trying to verify
4 the information in the Steele dossier?

5 [REDACTED] Trying to, yes.

6 Mr. Somers. Why?

7 [REDACTED] To determine, again, whether or not it was
8 accurate, to determine whether or not we could confirm
9 material in it, or whether or not we could disconfirm
10 material in it.

11 Mr. Somers. But why does the mention of a meeting
12 between Page and Divyekin move you that much closer to a
13 FISA application if you haven't confirmed the information
14 in the Steele dossier?

15 Mr. Linehan. Zach, if I could jump in, I just want to
16 make a note that I think you're mischaracterizing the
17 email, the email in question. I don't think he states it
18 that declaratively in the email, but, you know, I'm not --
19 he can answer. He can respond. But I just want to note
20 that for the record.

21 Mr. Somers. Sure.

22 [REDACTED] As I was saying, there was something about
23 Divyekin. That's all I can say.

24 Mr. Somers. Okay. What about were you aware at that
25 time of Carter Page's denial that he had ever met with

1 Divyekin or even knew who Divyekin was?

2 [REDACTED] On September 19th?

3 Mr. Somers. Yes.

4 [REDACTED] I don't believe I was aware of that denial
5 on September 19th.

6 Mr. Somers. Were you aware of it in October of 2016?

7 [REDACTED] If I recall correctly, that was from the
8 September 23rd news article. Is that correct?

9 Mr. Somers. Well, there's a denial of -- according to
10 the IG report, on page 364 -- I think it's in numerous
11 places. But Page made "statements to an FBI CHS in October
12 2016 that the FBI believed supported its theory that Page
13 was an agent of Russia but omitted other statements Page
14 made" -- and this is the part I'm pointing to -- "omitted
15 other statements Page made, including denying having met
16 with Sechin and Divyekin, or even knowing who Divyekin
17 was." So that's in October of 2016, Page makes a statement
18 to an FBI CHS that he never met with Divyekin or even knew
19 who Divyekin was.

20 [REDACTED] Okay. Sorry.

21 Mr. Somers. Were you aware of that interaction
22 between Carter Page and the FBI confidential human source?

23 [REDACTED] I was aware of the interaction between
24 Carter Page and the CHS. I'm not exactly sure the extent
25 of my knowledge with respect to everything that was

1 discussed between Page and the CHS.

2 Mr. Somers. All right. Just for clarity, were you
3 aware of his statements denying knowing who Divyekin was?

4 [REDACTED] I don't recall exactly whether or not I
5 knew those statements at the time or whether I learned
6 about those statements subsequent to that time.

7 Mr. Somers. Do you think you learned about them prior
8 to the first Page FISA application?

9 [REDACTED] I'm not sure if I learned them before the
10 first Page application.

11 Mr. Somers. What about prior to the first renewal?

12 [REDACTED] Again, I'm not positive exactly.

13 Mr. Somers. What about prior to the last renewal?

14 [REDACTED] I probably knew about it before the last
15 renewal.

16 Mr. Somers. So getting back to some of the
17 verification, on page 102 of the IG report, it says that,
18 "They explained that the assessment" of Steele "involved
19 determining the credibility of Steele, including
20 understanding his record of furnishing reliable
21 information, motivation, and possible biases; and verifying
22 the information he provided through independent sources."

23 Where did you get your understanding of Steele's
24 record of furnishing reliable information?

25 [REDACTED] I understood that from Handling Agent 1.

1 Mr. Somers. Did you have any other sources of his
2 reliability, at least prior to the first FISA application,
3 other than Handling Agent 1?

4 [REDACTED] No, not to my recollection.

5 Mr. Somers. Did you consult his Delta file prior to
6 the first FISA application?

7 [REDACTED] No. I believe it was after the first --
8 after the initiation.

9 Mr. Somers. Why did you not consult his Delta -- not
10 you. Why did the Crossfire Hurricane team, including you,
11 not consult his Delta file until after the first
12 application?

13 [REDACTED] The Crossfire Hurricane team was
14 interested in moving on the reporting itself. We were not
15 focused on vetting Christopher Steele as a source at that
16 time.

17 I'm going to go off for a moment.

18 Mr. Somers. Yes.

19 [Witness confers with counsel.]

20 [REDACTED] So with respect to -- you know, I don't
21 know if anybody didn't look at the Delta file. With
22 respect to my look at the Delta file, I know that that did
23 not take place until after the first renewal.

24 Mr. Somers. Okay. How much corroboration of the --
25 or verification -- I don't know what the proper technical

1 term is -- of the Steele dossier was complete by October
2 21, 2016, when the first application was submitted to the
3 Court?

4 [REDACTED] Are you asking for a percentage or are you
5 asking -- I'm not exactly sure.

6 Mr. Somers. Yeah, I'm asking what was the level of
7 verification or corroboration.

8 [REDACTED] I think by that time I would characterize
9 it as, again, a distinction between facts and allegations
10 as documented in the reporting, and that many of the facts,
11 people, places, entities themselves could be corroborated
12 or verified. In terms of the actual allegations
13 themselves, I'm not sure many of the allegations could be
14 verified at that time.

15 Mr. Somers. On page 196 of the report, and this is in
16 reference to the last -- the third renewal, but it says,
17 "Despite the FBI's efforts to corroborate and evaluate the
18 Steele election reporting, we were told by the Supervisory
19 Intel Analyst that, as of September 2017, the FBI had
20 corroborated limited information in the Steele election
21 reporting, and much of that information was publicly
22 available."

23 Would you say that you had corroborated even less
24 information by October 21st of 2016?

25 [REDACTED] I don't know if I would say less

1 information by October of 2017, but I would say that in the
2 end --

3 Mr. Somers. Sorry. 2016.

4 [REDACTED] 2016, excuse me. Could you repeat the
5 question then?

6 Mr. Somers. Yeah, I want to know -- so you made a
7 statement -- what I have from you is a statement that you
8 made in October -- I'm sorry, in September of 2017 saying
9 that the FBI -- this is not a direct quote of yours, but
10 this is essentially what you told the IG's office -- the
11 FBI had corroborated limited information of the Steele
12 election reporting, and much of that information was
13 publicly available. That's in September of 2017. There's
14 not a similar statement from you regarding October 21,
15 2016, so I'm wondering how you would compare the
16 corroboration statement you had in 2017 with where you were
17 in October of 2016.

18 [REDACTED] I would say on the basis of that question
19 we had less information than we had in September of 2017.

20 Mr. Somers. Okay. Gettomg back to the question I was
21 asking, so we went through understanding of the record of
22 furnishing reliable information. You got that from
23 Handling Agent 1. What about his motivation? What was
24 your assessment of his -- what did it involve in terms of
25 assessing his motivation?

1 [REDACTED] Steele's personal motivation?

2 Mr. Somers. Yes, and providing this information to
3 the FBI.

4 [REDACTED] My understanding when we received the
5 Steele material was that this information, again, was put
6 together by Steele and his business intelligence firm, was
7 being provided to the entity Fusion GPS, and that it was
8 going to a law office, and that the potential existed that
9 it was opposition research.

10 Mr. Somers. So you didn't know that it was opposition
11 research, I take it, by that response.

12 [REDACTED] Correct.

13 Mr. Somers. And you didn't know this, but you later
14 learned that the DNC was the ultimate client for the Steele
15 dossier. Is that correct?

16 [REDACTED] Eventually, yes.

17 Mr. Somers. Did that or does that change your opinion
18 from, you know, we thought it might be opposition research
19 to it was opposition research?

20 [REDACTED] I think that's a fair characterization.

21 Mr. Somers. So it moves from speculation to -- I
22 mean, that's what the DNC's after if they're paying for the
23 Steele dossier, right, is opposition research?

24 [REDACTED] I don't know exactly what the DNC was
25 paying for, so I won't characterize that.

1 Mr. Somers. Well, they weren't -- do you think the
2 DNC was paying for information that was favorable to Donald
3 Trump?

4 [REDACTED] Again, I don't know what the DNC was
5 paying for, but I will say that eventually it became clear
6 that this was opposition research.

7 Mr. Somers. Okay. And then the fourth thing it says
8 in your assessment -- not your assessment, the FBI's
9 assessment, was "verifying the information he provided
10 through independent sources." What did that consist of?

11 [REDACTED] Where are you quoting that from exactly?

12 Mr. Somers. Page 102. This is what I read earlier.
13 I'll read it again. "They explained that the assessment
14 involved determining the credibility of Steele" -- we went
15 through that -- "including understanding his record of
16 furnishing reliable information, motivation, and possible
17 biases; and verifying the information he provided through
18 independent sources." So now I'm to "verifying the
19 information he provided through independent sources," and
20 I'd like to understand just at a very general level what
21 you did to verify the information he provided through
22 independent sources.

23 [REDACTED] I think that goes back to my comments
24 earlier regarding searching through FBI holdings, querying
25 OGA material, et cetera.

1 Mr. Somers. Including public information?

2 [REDACTED] That would include public information,
3 yes.

4 Mr. Baker. So when the words being used that this
5 information or Steele's credibility was assessed, is this
6 the same thing as him being validated as a source, or this
7 is something different?

8 [REDACTED] It would be something different.

9 Mr. Baker. Was he ever validated as a source?

10 [REDACTED] Yes.

11 Mr. Baker. And was he determined to be credible? Did
12 he pass whatever you do to be validated?

13 [REDACTED] I believe from the IG report that it was
14 reliable, was the word that they used for it.

15 Mr. Baker. In general terms, is there an enhanced
16 validation process that the Bureau can do?

17 [REDACTED] I'm not sure I could speak about the
18 levels of validation that the Bureau goes about in this
19 type of forum.

20 Mr. Baker. Is there more than one type of validation?

21 [REDACTED] Again, I think you'd have to speak to
22 somebody in the validation process for greater clarity on
23 that.

24 Mr. Somers. Were you aware of SSA-1 requesting an
25 enhanced validation of Steele in November of 2016?

1 [REDACTED] I was aware of SSA-1 I believe asking for
2 a validation, but I don't know if I recall that it was some
3 sort of enhanced validation.

4 Mr. Baker. So what is the intelligence analyst role
5 in validations in general, outside of Crossfire Hurricane?
6 Are there intelligence analysts that are involved in
7 validating sources?

8 [REDACTED] There are intelligence analysts involved
9 in validating sources, yes.

10 Mr. Baker. So there would be -- or are there
11 intelligence analysts assigned to this validation unit that
12 you just referenced?

13 [REDACTED] I don't believe I referenced a unit on
14 that, but there are analysts who are involved in the
15 validation process.

16 Mr. Baker. Okay. You said that I would have to talk
17 to somebody in a validation something, a unit, a division,
18 or something. So would there be intelligence analysts
19 assigned to whatever that something is, be it a unit or
20 some other organizational entity?

21 [REDACTED] Yes, there are intelligence analysts that
22 are involved in the validation process on an official
23 basis.

24 Mr. Baker. So your unit, where you're the supervisory
25 intelligence analyst, if there had been any request of this

1 other validation entity, since your unit and your agent
2 counterparts are working with Mr. Steele, you would have
3 gotten any result of validation that was done on him.
4 Correct?

5 [REDACTED] I believe I received a report on the
6 validation that was done.

7 Mr. Baker. And what kind of report was it? Was it a
8 passing grade, a failing grade, an average grade? What
9 does the result that you got tell you about Mr. Steele as a
10 source?

11 [REDACTED] They're not graded in that way, and so I
12 think -- as I characterized just a few minutes ago, I think
13 one of the terms that's outlined in the IG report as they
14 describe the validation report is that he was determined to
15 be reliable, and that there were questions about how much
16 of his reporting had been corroborated.

17 Mr. Baker. Are you aware of any validation that was
18 requested of Mr. Steele that was stopped, that was told to
19 be put on hold or otherwise terminated by any FBI official?

20 [REDACTED] I don't recall that.

21 Mr. Baker. Okay.

22 Mr. Somers. Do you recall writing with the staff
23 operations specialist an Intelligence Memorandum on the
24 Steele reporting in late September 2016?

25 [REDACTED] I edited a memorandum from the SOS, yes.

1 Mr. Somers. And do you recall that in that memorandum
2 there was information that was then later used as part of
3 Steele's source characterization statement?

4 [REDACTED] I am aware that that memorandum was
5 subsequently used for the application, yes.

6 Mr. Somers. And I don't know if you recall -- I'm
7 looking at page 161 of the IG's report, and I'm reading the
8 source characterization statement for Steele that was in
9 the Carter Page FISA application. It says, "This
10 information comes from a sensitive FBI source whose
11 reporting has been corroborated and used in criminal
12 proceedings, and who obtains information from a number of
13 ostensibly well-placed sub-sources. The scope of the
14 source's reporting is from 20 June 2016 through 20 August
15 2016."

16 Do you recall where the information came from that
17 Steele's reporting has been corroborated and used in
18 criminal proceedings?

19 [REDACTED] I drafted that language.

20 Mr. Somers. And where did you get the impression that
21 his material had been corroborated?

22 [REDACTED] It was based on my understanding that he
23 had been -- his reporting had been the predicate for the
24 FIFA investigation.

25 Mr. Somers. And where did you get that understanding?

1 [REDACTED] My understanding came from the Handling
2 Agent 1 and also SSA-1, who had learned that from Handling
3 Agent 1.

4 Mr. Somers. And what about the "used in criminal
5 proceedings"?

6 [REDACTED] The same thing. It had predicated the
7 FIFA investigation which actually resulted in indictments.

8 Mr. Somers. What about "who obtains information from
9 a number of ostensibly well-placed sub-sources"? Where did
10 you get that information?

11 [REDACTED] I'm not sure that I drafted that
12 particular language on there, but it was basically based on
13 the reporting and how things were described within the
14 reporting.

15 Mr. Somers. Are you aware of the fact that the
16 handling agent said he wouldn't have approved this source
17 characterization statement for Steele?

18 [REDACTED] On the basis of what is written in the IG
19 report, I am aware of that.

20 Mr. Somers. But you were not aware of it at the time?

21 [REDACTED] Correct.

22 Mr. Somers. "According to Handling Agent" -- this is
23 on page 162. "According to Handling Agent 1, he was clear
24 with the Crossfire Hurricane team concerning Steele's role
25 and that Steele had provided leads and not evidence in the

1 FIFA case." Did you speak directly with Handling Agent 1
2 about Steele and his role?

3 [REDACTED] I don't recall speaking directly with
4 Handling Agent 1 about Steele's role in the investigation.
5 I recall that I had learned, again, either from Handling
6 Agent 1 or from SSA-1 who learned from Handling Agent 1
7 that Steele's information had predicated the FIFA
8 investigation.

9 Mr. Somers. Did you ever see this source
10 characterization statement written by Handling Agent 1:
11 "[CHS] has been signed up for 3 years and is reliable.
12 [CHS] responds to taskings and obtains info from a network
13 of sub sources. Some of the [CHS'] info has been
14 corroborated when possible"?

15 [REDACTED] I don't recall if I saw that language or
16 not.

17 Mr. Somers. So do you have any idea how Handling
18 Agent 1's source characterization statement got changed to
19 the one that ended up in the FISA application?

20 [REDACTED] I didn't write the application. I
21 understand that it has come from the Intelligence
22 Memorandum language.

23 Mr. Somers. Do you know how the handling agent's
24 source characterization statement got changed from what he
25 wrote to what appeared in the Intelligence Memorandum?

1 [REDACTED] No, I don't know exactly how that
2 happened.

3 Mr. Somers. But you did in part write the
4 Intelligence Memorandum?

5 [REDACTED] I did.

6 Mr. Somers. Did you ever talk to the prosecutors in
7 the FIFA case?

8 [REDACTED] I did not.

9 Mr. Somers. Did anyone on the Crossfire Hurricane
10 team talk to the prosecutors in the FIFA case, to your
11 knowledge?

12 [REDACTED] Not to my knowledge.

13 Mr. Somers. How about the agent on the FIFA case,
14 either you or somebody else on the Crossfire Hurricane
15 team?

16 [REDACTED] I'm not aware of that.

17 Mr. Somers. What was your understanding of how Steele
18 was collecting the information that was contained in his
19 election reports?

20 [REDACTED] At what point in the investigation are we
21 talking about here? Upon initial receipt?

22 Mr. Somers. Early on. What was your understanding of
23 -- prior to the first Carter Page FISA application.

24 [REDACTED] I think on the basis of the reports
25 themselves and on the structure of the reports themselves,

1 it was clear that he had -- I mean, there were a set of
2 sources that were being used and sources talking to sub-
3 sources.

4 Mr. Baker. What kind of -- as an intelligence
5 professional, what kind of problems, if there are problems,
6 what kind of problems exist when you have a source
7 reporting in essence which is what is in total information
8 that they are getting from this network of sub-sources?
9 What problems does that potentially present in using --

10 [REDACTED] I mean, theoretical --

11 Mr. Baker. -- that material?

12 [REDACTED] Theoretical problems that can arise are
13 things like Telephone Game where the sub-source is telling
14 the source one thing and then it gets reported inaccurately
15 or not quite accurately up the chain. You have the problem
16 of access, whether or not the sub-sources have the access
17 or are accurately talking about their accesses.

18 Mr. Baker. So there would be problems with the
19 ability on your end of assessing the information because
20 it's coming to you from one portal, for lack of a better
21 word, but that person is getting it from a network of
22 people that you really don't have much visibility into?

23 [REDACTED] It's not inherently problematic. I mean,
24 the FBI handles information that involves sources and sub-
25 sources all the time. It means that the way of going about

1 trying to verify can be challenging, and that it requires a
2 lot of digging into what's in the reporting and weighing
3 what the reporting says against other types of things.

4 Mr. Baker. But it would certainly be problematic if
5 you and your team of analysts get under the hood and
6 actually start looking at the sub-source network and find
7 that information -- or there's conflicting information from
8 what's been reported by the main source, the author of the
9 dossier. That would be problematic, right?

10 [REDACTED] So if you went to talk to a sub-source and
11 the sub-source indicated one thing and that was counter to
12 what the source reported to the end client, yes, that could
13 be problematic. If you talk to the main source and the
14 main source tells you something different that's written in
15 the end product, that can be problematic as well.

16 Mr. Baker. So how do you resolve -- if a main source
17 says one thing and a primary reporter or sub-source says
18 something different that was told to the main source, how
19 do you resolve the conflict between two people saying two
20 different things?

21 [REDACTED] Sometimes you can't resolve the conflict
22 between two people saying two different things. It's a
23 matter of what you can find that maybe on the outside helps
24 to weigh one thing or the other. And it also depends on
25 circumstances.

1 Mr. Baker. Would the circumstances be altered -- or
2 would the circumstances cause caution to fall on one side
3 or the other if the information that's potentially
4 incorrect is ultimately being presented in an application
5 to the FISA Court?

6 [REDACTED] That could be problematic, depending on
7 when it's found out and things of that sort, certainly.

8 Mr. Baker. And how far and wide in the Bureau would
9 information be, for lack of a better term, broadcast once
10 you start talking to the real sources of information and
11 where there are conflicts? What kind of alarm bells would
12 go off? Would somebody say, whoa, this creates a problem
13 here, we have people that are providing the information
14 that we've looked at, and they're saying that that's not
15 what they said, or it's inaccurate what's been reported?
16 What kind of a hue and a cry would go out from the
17 intelligence part of this Crossfire Hurricane or any part?
18 How are people notified that we might have a problem here?

19 [REDACTED] I think it again depends on circumstances.
20 You could have any number of situations arise where -- you
21 know, it depends on who's at the interviews. It depends
22 on, you know, which units are involved. It's not an easy
23 one answer to that question.

24 Mr. Baker. Even when it's ultimately -- the
25 information's ultimately being presented to the FISA Court

1 and the whole process of getting to that Court is, for lack
2 of a better term, special because of what the Court does, I
3 would think there's an enhanced obligation to sound a
4 louder bell that we might not be getting the true story and
5 we might need to dig a little deeper before we present or
6 keep presenting things to the Court. So I guess in the
7 instant case, was there meetings, was there timeouts? Was
8 there any concern that there's different information
9 potentially coming from people below the author of these
10 documents that conflicts with what's being given to the
11 Bureau all bundled up and tied with a nice little bow?

12 [REDACTED] The meetings with sub-sources were
13 documented, and -- they were documented, and that
14 documentation was put into the FBI's system of record where
15 it was available to people on the Crossfire Hurricane team
16 who would have been involved in the decisionmaking.

17 Mr. Somers. Who was the main source of the Steele
18 dossier -- Christopher Steele or the primary sub-source?

19 [REDACTED] So it would be the primary sub-sources
20 where Christopher Steele was getting his information.

21 Mr. Somers. So whose reliability -- go ahead.

22 [REDACTED] I mean, for the -- yes, it was the primary
23 sub-source. Sorry.

24 Mr. Somers. So whose reliability is more important --
25 the primary sub-source's or Christopher Steele's?

1 [REDACTED] Well, if -- again, it depends on when
2 you're talking about things. If all you know is
3 Christopher Steele and Christopher Steele's information has
4 been used in the past and you don't know the identity of
5 the primary sub-source, then what you have to rely on is
6 Christopher Steele's reliability and whether or not that
7 sourcing or that material has been used in the past and has
8 been effective or it's been accurate or been used. Once
9 you know the primary sub-source's identity, then it becomes
10 inherent to determine whether or not this primary sub-
11 source is reliable.

12 Mr. Somers. All right. To back up a second, so once
13 you know there's a primary sub-source or once you
14 understand this -- and I'm speaking specifically here about
15 the Steele dossier. Once you know who the primary sub-
16 source is, the existence of the primary sub-source, his
17 reliability becomes more important than Steele's. Is that
18 what you're saying?

19 [REDACTED] I would say that it weighs more heavily
20 once you've identified the primary sub-source if the
21 primary sub-source is the one from whom -- where the
22 information is being gathered and provided to Christopher
23 Steele.

24 Mr. Somers. Okay. A slightly different question.
25 You say once you identify. By that do you mean the guy's

1 actual name or do you mean you identify that there is a
2 primary sub-source?

3 [REDACTED] Well, I would say if all you've identified
4 is that there's a primary sub-source but you have no
5 information about that primary source's access or that
6 primary source's identity or anything of that sort, it's
7 hard to necessarily judge what that primary sub-source's
8 reliability is. I mean, what -- you're doing exactly what
9 we did, which is you take a look at other information and
10 you try to confirm or disconfirm what's in the actual
11 reporting --

12 Mr. Somers. When did you --

13 [REDACTED] Sorry?

14 Mr. Somers. I'm sorry if I cut you off. I thought
15 you were finished.

16 [REDACTED] No, that's fine.

17 Mr. Somers. Okay. When did you become aware that
18 there -- not who he was or who he is, whatever. When did
19 you become aware that Steele was using a primary sub-source
20 for the election reporting?

21 [REDACTED] I'm not exactly sure when we determined
22 that there was a primary sub-source, but the reporting, the
23 structure of the actual reporting lended itself to the idea
24 that there may have been one primary guy that was getting
25 information from a bunch of other sources.

1 Mr. Somers. And you knew that prior to the first FISA
2 application, right? Because that's --

3 [REDACTED] By the --

4 Mr. Somers. We talked over each other. Please go
5 ahead.

6 [REDACTED] No, I interrupted. Please ask your
7 question.

8 Mr. Somers. You knew that there was a primary sub-
9 source by the time the first FISA application was
10 submitted. Correct?

11 [REDACTED] Again, I'm not sure whether or not we were
12 settled on one primary sub-source by the time of the first
13 application. But, again, the structure of the reporting
14 suggested that there may only be one person from whom he's
15 getting his information.

16 Mr. Somers. You met with Christopher Steele in
17 October of 2016. Is that correct?

18 [REDACTED] That is correct.

19 Mr. Somers. In person in a European city?

20 [REDACTED] Correct.

21 Mr. Somers. Did you ask him if he had a primary sub-
22 source during that meeting?

23 [REDACTED] We talked about the source network during
24 that meeting, yes.

25 Mr. Somers. Did you ask him the names of his sources?

1 [REDACTED] I'm not -- I don't recollect whether we
2 specifically asked the name. I think we did.

3 Mr. Somers. Did he provide it?

4 [REDACTED] No.

5 Mr. Somers. When you eventually figured out who the
6 primary sub-source was, the FBI figured that out on its
7 own? It didn't just get a name from Christopher Steele?
8 Is that correct?

9 [REDACTED] Correct.

10 Mr. Baker. And sometime contemporaneous with that
11 identification of the primary sub-source -- I think we
12 talked about this earlier -- his "FBI holdings" would have
13 been checked?

14 [REDACTED] Again, I don't want to get into exactly
15 the process we used for identifying the primary sub-source
16 at this classification.

17 Mr. Baker. But separate and apart from how he was or
18 she was identified, you would have run whatever information
19 you had in holdings and gotten some result if this person
20 had been on the radar of the FBI prior?

21 [REDACTED] FBI holdings had a part of it, yes.

22 Mr. Baker. And then you had said -- never mind on
23 that one.

24 Mr. Somers. And we're almost out of time here. Just
25 on this whole -- we've been talking a lot about the

1 assessment, the verification, the corroboration, whatever
2 we want to call it. How important in terms of that process
3 was, one, identifying Steele's primary sub-source, once you
4 became aware that there was a primary sub-source or at
5 least someone who appeared to be one of the primary
6 sources, and then the rest of the network, how important of
7 a task was identifying the primary sub-source and/or the
8 rest of the Steele source network?

9 [REDACTED] I would say it was an important part of
10 the task.

11 Mr. Somers. Was it something that was regularly
12 discussed at meetings amongst -- these meetings you
13 described earlier?

14 [REDACTED] I don't know if identifying the primary
15 sub-source was something that was highlighted in the
16 meetings that we had prior to the identification of the
17 primary sub-source, but definitely trying to understand the
18 reporting and to, again, confirm and disconfirm what we
19 could of the reporting was something that was talked about.

20 Mr. Somers. Was it an important step in the process
21 when you did finally identify the primary sub-source?

22 [REDACTED] Yes, it was an important step.

23 Mr. Somers. Was that discussed in meetings, that,
24 hey, we've identified the primary sub-source?

25 [REDACTED] I recollect there were some meetings where

1 it was discussed, yes.

2 Mr. Somers. Did you ever discuss that with Peter
3 Strzok?

4 [REDACTED] I --

5 Mr. Somers. Let me rephrase. Was the identification
6 of the primary sub-source ever discussed in a meeting that
7 Peter Strzok was in?

8 [REDACTED] Again, a meeting? I am not -- I'm not
9 sure. I don't have a recollection of one specific meeting
10 where it was discussed.

11 Mr. Somers. Was it discussed through any sort of
12 messaging system, email or some sort of classified system?

13 [REDACTED] Again, I'm not sure whether Peter Strzok
14 received emails on it, but, again, it was discussed.

15 Mr. Somers. Do you believe he was aware of the
16 identification of the primary sub-source?

17 [REDACTED] Yes, I believe he was aware of the
18 identification of the primary sub-source.

19 Mr. Somers. What about Bill Priestap?

20 [REDACTED] Yes, Bill Priestap was aware of the
21 identification.

22 Mr. Somers. What about Andy McCabe?

23 [REDACTED] I don't know if Andy McCabe was.

24 Mr. Somers. What about Lisa Page?

25 [REDACTED] I'm not sure about Lisa Page.

1 Mr. Somers. Director Comey?

2 [REDACTED] I am not sure about Director Comey in
3 terms of either the identity of the primary sub-source or
4 that the sub-source had been -- yeah, I'm not positive.

5 Mr. Somers. That's what I'm asking, whether they're
6 aware that he had been identified, not that you provided
7 the name, which probably would have been meaningless.

8 [REDACTED] I believe Director Comey was aware that
9 the primary source had been identified.

10 Mr. Somers. Was he aware that the primary sub-source
11 had been interviewed?

12 [REDACTED] That I don't know.

13 Mr. Somers. Was Deputy Director McCabe aware that the
14 primary sub-source had been interviewed?

15 [REDACTED] That I don't know.

16 Mr. Somers. Was Bill Priestap aware that the primary
17 sub-source had been interviewed?

18 [REDACTED] Yes, I believe that Bill Priestap was
19 aware.

20 Mr. Somers. Peter Strzok?

21 [REDACTED] I believe Peter Strzok was aware.

22 Mr. Somers. Lisa Page?

23 [REDACTED] Unclear.

24 Mr. Somers. I think we have probably run a little bit
25 over our time, so --

1 Mr. Baker. Could I have 30 seconds?

2 Mr. Somers. Yeah, we have one last question for this
3 round.

4 Mr. Baker. Correct me if I'm paraphrasing this wrong,
5 but just a little while ago, when we were talking about
6 discovering that there's inconsistencies between the source
7 network and Mr. Steele's reporting, I think you said
8 something to the effect that that would be documented and
9 put in various FBI places for people to see or become aware
10 of. How would the Department of Justice become aware of
11 the inconsistencies? And how would the DOJ also become
12 aware of this discovery of a source network rather than it
13 just be singular reporting by Mr. Steele?

14 [REDACTED] So I think what I was referencing -- I
15 think you had asked specifically in this case what had
16 occurred, and what I indicated was that the discrepancies
17 or the inconsistencies were documented in the write-ups.
18 Those write-ups were put into the FBI system of record, and
19 that is available for people on the Crossfire Hurricane
20 team.

21 With respect to how DOJ learns about that information,
22 I'm not precisely sure. I would expect -- no, I'll just
23 leave it at I'm not precisely sure.

24 Mr. Baker. But it would not be the role of you or
25 someone in the intelligence side of things to do that. Is

1 that correct?

2 [REDACTED] That's correct.

3 Mr. Baker. So I would draw from that that it's
4 someone or some entity on the investigative side of things
5 that would do that, maybe the case agent or supervisor of
6 the case agent?

7 [REDACTED] I think that's fair.

8 Mr. Baker. Thank you.

9 Mr. Somers. That's it for this round. I don't know
10 if everybody needs a short break before the minority picks
11 up again.

12 [REDACTED] I could use a short break, please.

13 Mr. Somers. Okay. We'll take 10 minutes.

14 [REDACTED] Thank you.

15 [Recess 1:58 p.m. to 2:16 p.m.]

16 Mr. Somers. We're back on the record. All right.

17 So, I think, [REDACTED] you wanted to clarify something
18 from the last round of questioning regarding the handling
19 agent's source characterization statement. If you'd like
20 to go ahead?

21 [REDACTED] Yes, thank you. So I think we were
22 discussing two separate issues. We were discussing the
23 Intelligence Memorandum that had a source characterization
24 statement, and then on the top of page 161 we were
25 discussing language that the handling agent had provided to

1 Case Agent 1 that was different than the language that was
2 in the Intelligence Memorandum. I just wanted to clarify
3 that I don't believe I ever saw the language the handling
4 agent sent to Case Agent 1 regarding that source
5 characterization. The source characterization that I
6 helped to edit in the Intelligence Memorandum came from my
7 understanding that Steele's information had predicated the
8 FIFA investigation.

9 Mr. Somers. And you further believe that you got that
10 information from Handling Agent 1. Is that correct?

11 [REDACTED] Yeah, either Handling Agent 1 or from SSA-
12 1 who received it from Handling Agent 1 --

13 Mr. Somers. Okay.

14 [REDACTED] -- regarding FIFA.

15 Mr. Somers. Does that clarify everything?

16 Mr. Linehan. Yes.

17 Mr. Somers. Okay.

18 Mr. Linehan. It was the information from the handling
19 agent but not the email that went to SSA-1, at least to the
20 best of his recollection.

21 [REDACTED] Correct.

22 Mr. Somers. Okay. Sara or Andrew, if you want to
23 start your round.

24 Mr. Fausett. Yes, thank you, Zach. We'll begin the
25 next round here at 2:18 p.m.

1 [REDACTED] thanks for your patience in this process.
2 We had a lot of questions and answers about your knowledge
3 of and interactions with the primary sub-source in the last
4 round, and so I just wanted to ask a few follow-up
5 questions for that based on your participation in his
6 interview in January of 2017 and your expertise as an FBI
7 intelligence analyst.

8 Some in the public domain have alleged that because
9 the primary sub-source was not a well-connected current or
10 former Russian official and wasn't based in Russia, the
11 information that the primary sub-source provided to Mr.
12 Steele was unreliable. Some have referred to it as -- and
13 this is a quote here -- "second- and third-hand information
14 and a rumor at best."

15 So in your experience as an intelligence analyst, can
16 information that a source obtains from someone else turn
17 out to be accurate and reliable?

18 [REDACTED] Yes.

19 Mr. Fausett. And I guess, in other words, the fact
20 that a source obtained information from someone else
21 doesn't mean that it won't turn out to be useful or that it
22 is a "rumor at best." Is that fair?

23 [REDACTED] That is fair.

24 Mr. Fausett. And is it true that where a source has
25 obtained information from other sources, it's particularly

1 important for the FBI to understand where that information
2 came from, where it originated, which in this case would
3 mean understanding the source's source network. Is that
4 correct?

5 [REDACTED] That is correct.

6 Mr. Fausett. And why is that the case?

7 [REDACTED] Again, I would say that it's a matter of
8 whether or not his sources have the accesses that they say
9 they do in order to obtain the information that they are
10 providing.

11 Mr. Fausett. And so the type of access that a source
12 has is, in fact, a particularly relevant factor in
13 evaluating the information. Correct?

14 [REDACTED] One particular relevant factor, yes.

15 Mr. Fausett. Even if the primary sub-source was not a
16 well-connected Russian official, if the information they
17 gathered from their sources could still -- would it still
18 be reliable -- or could be reliable, I should say, if
19 members of that network had access to Russian officials?

20 [REDACTED] Could be reliable, yes.

21 Mr. Fausett. And the memo that I believe you prepared
22 memorializing your January 2017 interview with the primary
23 sub-source identifies one of the primary sub-source's
24 sources -- I believe it's Source 5 -- as having "ties to
25 the Russian intelligence and security services." Would

1 someone with that background potentially have access to
2 information pertinent to an investigation of ties between
3 the Trump campaign and Russia?

4 [REDACTED] I'm not precisely sure in that case
5 whether or not that would be the case, but on a theoretical
6 level, somebody with Russian intelligence service ties
7 could have the accesses to basically help on a
8 counterintelligence investigation.

9 Mr. Fausett. Knowing that someone had ties to
10 intelligence and security services from Russia, would you
11 want to better understand that source and their access
12 because of the potential value it could have in
13 understanding the reliability of the information?

14 [REDACTED] Yes, that would be one reason to want to
15 get more understanding into that source.

16 Mr. Fausett. The memo identifies another sub-source
17 -- I think this is Source 3 -- as having "direct and
18 indirect contact with a deputy or multiple deputies in" --
19 and then the text is redacted from your memo. Presumably
20 it's referring to the Russian Government or a particular
21 Russian agency. Would someone with that kind of background
22 contact with a deputy or deputies in the Russian Government
23 or a Russian Government agency potentially have access to
24 information pertinent to an investigation of ties between
25 the Trump campaign and Russia?

1 [REDACTED] Potentially, yes.

2 Mr. Fausett. Another allegation about the primary
3 sub-source is that the information they provided was
4 unreliable because Christopher Steele paid them for it.
5 Does the fact that a source has been paid in connection
6 with providing information mean that the information is
7 unreliable?

8 [REDACTED] No.

9 Mr. Fausett. In fact, isn't it the case that the FBI
10 routinely compensates sources who provide the Bureau with
11 information?

12 [REDACTED] Yes.

13 Mr. Fausett. Executive Assistant Director Michael
14 Steinbach told us when he was interviewed by our committee
15 that -- and I'm quoting now from his transcript -- "A
16 source in almost all cases is doing it for some ulterior
17 motive, get himself out of a jam for money." Is that your
18 experience as well?

19 [REDACTED] I would say that's an accurate statement.

20 Mr. Fausett. He also told us that -- and, again, this
21 is a quote -- "With all sources you take a look at it, and
22 you apply healthy skepticism. A lot of times source
23 information is only partially correct, so you need to
24 investigate to try to develop more information to run down
25 those leads." Is that your experience as well?

1 [REDACTED] That would be my experience.

2 Mr. Fausett. And is that how you approached Mr.
3 Steele, the primary sub-source, and the primary sub-
4 source's sources, with a healthy skepticism?

5 [REDACTED] I would say that is an accurate
6 assessment.

7 Mr. Fausett. And was that part of the reason at least
8 why you interviewed the primary sub-source, to learn more
9 about the information Steele had provided and determine
10 what leads were worth investigating?

11 [REDACTED] Yes.

12 Mr. Fausett. Now, a third allegation we've heard
13 that's intended to discredit the primary sub-source that
14 came up a little bit with our colleagues is the notion that
15 he had ties to Russian intelligence, perhaps was even a
16 Russian agent providing disinformation intended to harm
17 Candidate Trump. I'm not going to ask you specific
18 questions along the lines of our colleagues, but I do want
19 to raise it as context for some more general questions that
20 I do want to ask based on your personal experience and
21 expertise.

22 It would seem to me, on the one hand, a source that
23 has ties to a foreign government or intelligence agency
24 generally can pose risks and could make the information
25 they provide less reliable. Am I right about that?

1 [REDACTED]. There is the potential.

2 Mr. Fausett. And I believe the FBI has methods for
3 assessing the reliability of its sources. I think that was
4 covered in some detail in the last round. Is that correct?

5 [REDACTED]. Correct.

6 Mr. Fausett. And you used those methods here?

7 [REDACTED]. So we look to try to verify and, as I've
8 put it, confirm and disconfirm the reporting

9 Mr. Fausett. Right. So understanding that there can
10 be potential risks with relying on a source with ties to a
11 foreign government, on the other hand, a source that has
12 ties to a foreign government or intelligence agency I would
13 think could provide some benefits. For example, the
14 information they provide could be more reliable given the
15 access that they have. Is that correct?

16 [REDACTED]. That would be correct.

17 Mr. Fausett. And the fact that a source has ties to a
18 foreign intelligence service or may even be associated with
19 a foreign intelligence service, does that necessarily mean
20 that everything the FBI receives from that source is going
21 to be disinformation?

22 [REDACTED]. No.

23 Mr. Fausett. In fact, much like paying sources in
24 general, the FBI recruits and often pays members of foreign
25 intelligence services, some of whom can go on to be some of

1 the FBI's best sources. Is that correct?

2 [REDACTED]. That is correct.

3 Mr. Fausett. My colleagues asked you a number of
4 questions about inconsistencies between the primary sub-
5 source's account and Mr. Steele's account of certain
6 matters described in his election reporting. You said to
7 the Inspector General's office that you had no "pains or
8 heartburn" about the accuracy of the Steele reporting based
9 on what the primary sub-source said, and that's from page
10 244 of the Inspector General's report.]

11 You also said that the reason for the discrepancies --
12 and this is a little bit of a longer quote from page 189 --
13 that the reason for the discrepancies "was difficult to
14 discern and could be attributed to a number of factors,"
15 such as "miscommunications between Steele and the Primary
16 Sub-source, exaggerations or misrepresentations by Steele
17 about the information he obtained, or misrepresentations by
18 the Primary Sub-source and/or sub-sources when questioned
19 by the FBI about the information they conveyed to Steele or
20 the Primary Sub-source."

21 I guess my first question about this is: Is it all
22 that unusual for there to be discrepancies between a
23 source's accounting of certain acts and an accounting of
24 the same facts as provided in this case months later by a
25 sub-source? Is that all that unusual?

1 [REDACTED] I don't know if I would evaluate how
2 unusual, but it's not unusual.

3 Mr. Fausett. And those discrepancies don't
4 necessarily mean that the source's version of the sub-
5 source's assertions was wrong and that the sub-source's
6 later accounting was right. Is that a fair -- I know it's
7 tricky, but --

8 [REDACTED] Could you repeat that one more time?

9 Mr. Fausett. I know. It's a tough one. My question
10 is: The fact that there is a discrepancy between what the
11 source said and what the sub-source may have said months
12 later, that doesn't necessarily mean that the initial
13 reporting from the source was wrong or that the later
14 reporting from the primary sub-source was wrong. It could
15 be either/or. Is that right?

16 [REDACTED] It does not necessarily mean that -- yeah,
17 I mean, I would agree with that. It does not necessarily
18 mean that the first or the second would be wrong.

19 Mr. Fausett. In fact, in the summary you wrote of the
20 interview, which the Department of Justice has since
21 released with some redactions, you stated that during the
22 interviews the primary sub-source "contradicted himself
23 when asked about his contact with Russian intelligence and
24 security services," initially claiming "to have no
25 interaction with individuals in" -- and the redaction says

1 "Russia." But then, by the third interview, referring to
2 previous contacts as intelligence and referencing another
3 source's senior-level connections. Do you recall that
4 aspect of your interview with the primary sub-source?

5 [REDACTED] I do recall that.

6 Mr. Fausett. Okay. And is that -- as you sit here
7 today, that's still an accurate description of your
8 recollection of what -- how those interviews transpired?

9 [REDACTED] Yes.

10 Mr. Fausett. And to that point, you actually told the
11 Office of the Inspector General that you believed that --
12 and I'm quoting from page 192 of the report now -- "there
13 were instances where the Primary Sub-source was
14 `minimizing' certain facts" but that you "did not believe
15 that he/she `completely fabricating' events." And I guess
16 my question is: Under the circumstances of this case and
17 given the timing of your interview with the primary sub-
18 source in January of 2017, it isn't all that surprising for
19 a sub-source to minimize certain facts for their own
20 benefit, is it?

21 [REDACTED] No, it is not uncommon.

22 Mr. Fausett. And what makes you say that? Explain
23 why that happens.

24 [REDACTED] Well, there could be any number of reasons
25 why a source might minimize. The source may worry that the

1 source has done something wrong. It could be a situation
2 in which material has come out in public and the source has
3 second thoughts or wants to set up kind of a bit of
4 distance between what he or she might have originally
5 reported and what they are telling the FBI.

6 Mr. Fausett. And in this case, at the time of your
7 interview, there were materials out in the public, is it
8 safe to say?

9 [REDACTED] That is correct.

10 Mr. Fausett. Okay. After the interview with the
11 primary sub-source, you and other members of the Crossfire
12 Hurricane team decided to interview Steele and obtain more
13 information about his sub-sources before that interview to
14 figure out whether the primary sub-source gave you the
15 accurate information or if Steele was accurate. Is that
16 fair?

17 [REDACTED] That is correct.

18 Mr. Fausett. So then is it fair to say that you were
19 committed to resolving the discrepancies between the
20 primary sub-source's account in their January 2017
21 interview and the account as related by Steele, but that it
22 was premature at the time to conclude that they warranted
23 pains or heartburn?

24 [REDACTED] I would say that is an accurate
25 characterization.

1 Mr. Fausett. There was also, I think, some mention of
2 this two-page summary of an interview that you had prepared
3 for others in the Crossfire Hurricane team. You explained
4 to the Office of the Inspector General coming out of that
5 interview that you were focused on -- and this is from page
6 244 of the Inspector General's report -- "using the
7 additional information learned from the Primary Sub-source,
8 particularly the identity of his/her sub-sources, to see
9 what other investigative leads could be generated for the
10 team."

11 Is it fair to say that that summary was not intended
12 to provide a comprehensive account of the interview but,
13 rather, reflected your focus on using the additional
14 information that you learned from the primary sub-source to
15 see what other leads could be generated for the team?

16 [REDACTED] The memorandum was an overarching summary
17 of the 3-day interviews, and it was not meant to be a
18 comprehensive look at all of the inconsistencies.

19 Mr. Fausett. Was your decision not to include
20 discrepancies in that two-page summary motivated by a bias
21 against the President?

22 [REDACTED] No.

23 Mr. Fausett. Did anyone at FBI senior leadership or
24 in your chain of command tell you to omit inconsistencies
25 between the two accounts in your written report or to

1 overlook them in general?

2 [REDACTED] No.

3 Mr. Fausett. And, in fact, the summary was actually
4 internal in purpose, right? It was intended for your own
5 team and leadership to have, as you said, a basic
6 understanding of what happened in summary?

7 [REDACTED] That is correct.

8 Mr. Fausett. While we're on the topic of sources, the
9 Inspector General's report noted -- and I'll just quote
10 here for a little bit from page 308 of the report -- "The
11 agents, analysts, and supervisors who worked on Crossfire
12 Hurricane" said that confidential human sources "played an
13 important role in the investigation." Jonathan Moffa, for
14 example, said that confidential human sources are "one of
15 the best avenues to potentially get some meat on the bones
16 of the allegation that came through that started [Crossfire
17 Hurricane], to get somebody talking about what that reality
18 was, even if the reality was, this guy Papadopoulos knows
19 nothing or...this is what happened that actually explains
20 that predication.... [I]t was one of those few
21 avenues...available to us in that moment, where you could
22 start to get some clarity around...that initial predicating
23 allegation."

24 Is it fair to say that the purpose of the FBI's use of
25 confidential human sources in Crossfire Hurricane was to

1 determine the veracity of the allegations that the Trump
2 campaign was involved in Russia's ongoing election
3 interference efforts?

4 [REDACTED] The purpose of using CHSs was to determine
5 the veracity of the information that had come from the
6 friendly foreign government and that had predicated the
7 Crossfire Hurricane investigations.

8 Mr. Fausett. And I think similar to what you actually
9 stated to our colleagues, but just to be clear about this,
10 with respect to the confidential human sources and with
11 respect to the information that you were obtaining in
12 general, your purpose was to either corroborate or dispel
13 the allegations that had been made. Is that correct?

14 [REDACTED] That is correct.

15 Mr. Fausett. Beyond Crossfire Hurricane, have you
16 found confidential human sources to be a valuable tool for
17 corroborating or dispelling allegations during the course
18 of your work more broadly?

19 [REDACTED] Yes.

20 Mr. Fausett. Is it fair to say that, in your
21 experience and generally speaking, confidential human
22 sources play an important role in the work investigating
23 and understanding national security threats?

24 [REDACTED] Yes.

25 Mr. Fausett. Now, I have always understood sources

1 and methods to be things that the FBI vigorously protects.

2 Is that correct in your experience?

3 [REDACTED] Yes.

4 Mr. Fausett. And why is it important to protect your
5 sources?

6 [REDACTED] Because sources can be burned, sources can
7 run into difficulties, sources can lose access. Any number
8 of things.

9 Mr. Fausett. Well, what are the risks generally of
10 publicly disclosing the identity of a source?

11 [REDACTED] Well, the source can't operate any longer.

12 Mr. Fausett. And are there additional risks, are
13 there additional potential risks to the sources themselves?

14 [REDACTED] There can be, yes.

15 Mr. Fausett. What kinds of risks?

16 [REDACTED] There can be physical risks.

17 Mr. Fausett. And would there be a special concern
18 about physical risks when you're talking about a source or
19 number of sources who have connections to the Russian
20 Government or Russian intelligence services?

21 [REDACTED] There can be physical risks to that, yes.

22 Mr. Fausett. Would you say that it's a heightened
23 concern with respect to Russia or the same as it would be
24 for any government or intelligence service?

25 [REDACTED] I would say elevated.

1 Mr. Fausett. And what's your basis for saying that?

2 [REDACTED] I mean, the Russian Government -- there
3 are any number of news articles that have come out recently
4 regarding how the Russian Government handles internal
5 dissidents and handles individuals who have crossed the
6 administration in Russia.

7 Mr. Fausett. Okay. Does exposing a source's identity
8 impact the FBI's ability to recruit other sources?

9 [REDACTED] It can, yes.

10 Mr. Fausett. And I imagine that would be a particular
11 concern if, again, there is a heightened risk of physical
12 harm to the source arising from the disclosure?

13 [REDACTED] Yes.

14 Mr. Fausett. In situations where a source whose
15 identity is publicly exposed is still a current source for
16 the FBI, in your experience, does disclosing that source's
17 identity make it less likely that the source will continue
18 cooperating?

19 [REDACTED] I think it makes it more difficult for the
20 source to continue cooperating.

21 Mr. Fausett. And is that for the reasons we discussed
22 prior, or are there additional reasons why it would make it
23 difficult?

24 [REDACTED] I think just generally public exposure of
25 a source makes it difficult for that source to continue

1 operating in a confidential way, which is the basis of why
2 we call them "confidential human sources."

3 Mr. Fausett. Are you aware that the Department of
4 Justice declassified the FBI's memo summarizing a January
5 2017 interview with Mr. Steele's primary sub-source, an
6 interview you participated in, and that shortly after this
7 memo was posted on our committee's website, a blogger
8 deduced and Russia Today widely publicized the primary sub-
9 source's identity?

10 [REDACTED] I'm aware of that.

11 Mr. Fausett. And do you recall during your interview
12 with the primary sub-source that they said unless their
13 name goes public, they're fine when it comes to the source
14 network, they don't believe they can travel, but feels that
15 it would be in danger, as he put it, and then it's redacted
16 after that. Do you remember that back-and-forth with the
17 primary sub-source?

18 [REDACTED] Can you repeat that? I'm sorry.

19 Mr. Fausett. Yes. The statement, I'll read you the
20 exact quote, and this is quoting from your long summary of
21 the interview on page 42. "Unless his name goes public, he
22 is fine when it comes to his source network. He doesn't
23 believe he can travel [redacted] he feels that he would be
24 in danger, and as he put it, [redacted]."

25 [REDACTED] I recall that.

1 Mr. Fausett. What are the possible consequences in
2 this case of exposing the primary sub-source's identity?

3 [REDACTED] I'd like to talk to the FBI attorney for a
4 moment, please.

5 Mr. Fausett. Of course.

6 [Witness confers with counsel.]

7 [REDACTED] [REDACTED] back. I wanted to clarify one
8 point. I am aware of the article that came out regarding
9 the primary sub-source. I am not confirming the accuracy
10 of that article.

11 Mr. Fausett. Understood.

12 [REDACTED] And the second thing is I don't think -- I
13 think it's unwise to actually speculate whether or not --
14 the kind of dangers to the primary sub-source.

15 Mr. Fausett. Okay.

16 Ms. Zdeb. Could I just jump in before we leave the
17 topic of sources and the primary sub-source? Again,
18 appreciating the reasons why you may not want to speculate
19 about certain aspects of this issue. You said a moment ago
20 that if a particular source whose identity is exposed is a
21 current source for the FBI, that publicly disclosing their
22 identity could make it more difficult for that source to
23 continue cooperating with the Bureau.

24 If a source whose identity is exposed is similarly
25 situated to the primary sub-source in the sense that they

1 have their own network of sources that are providing
2 information to them, is one consequence of publicly
3 exposing the identity of that primary source that his or
4 her own source network would then know that the information
5 they are providing is being provided to the United States
6 Government such that they might then become more reluctant
7 to continue providing information to that source who has
8 been exposed?

9 [REDACTED] That is one potential consequence.

10 Ms. Zdeb. And you spoke some earlier about the
11 efforts that the FBI undertook in this case specifically
12 and might undertake in general in a case where you're
13 dealing with a source network to identify the different
14 members of that source network in an effort to run down
15 information and assess its reliability. We've heard from
16 other witnesses that, as part of that process, the FBI
17 might, in the same way you did with the primary sub-source
18 here, try to recruit and speak directly to the individual
19 members of that source's own source network. Is that
20 consistent with your experience?

21 [REDACTED] Yes, that is consistent.

22 Ms. Zdeb. And so, again, if we're talking about the
23 situation in which the identity of the source is exposed
24 and that source has his own source network, if the FBI has
25 been trying to identify and cultivate relationships with

1 individuals in that source network, I would imagine the
2 FBI's job would be made more difficult if the identity of
3 the primary source is exposed.

4 [REDACTED] I would agree with that.

5 Ms. Zdeb. And this may be getting into another area
6 where you don't wish to speculate, but I will just ask you
7 anyway. Are you aware that yesterday the Wall Street
8 Journal published an article purporting to identify the
9 individual who is called "Source 3" in Christopher Steele's
10 reporting?

11 [REDACTED] I'm aware of that news article.

12 Ms. Zdeb. And so to the extent the public disclosure
13 of a source can place that source at risk, can deter the
14 FBI from recruiting future sources, and can make it more
15 difficult for the FBI to develop or retain a relationship
16 with that specific source, would those risks be present in
17 this case with respect to Source 3 if, in fact, Source 3
18 were publicly identified?

19 [REDACTED] I think I'd prefer not to address that
20 specific hypothetical in this situation.

21 Ms. Zdeb. Fair enough.

22 Mr. Fausett. I would just ask one quick follow-up on
23 that, and I apologize if my colleague asked it while I was
24 distracted. But, hypothetically speaking, generally
25 speaking, not specific to this case, if an individual is

1 publicly identified as a source, even if they are not
2 actually the source, can there be -- in your experience,
3 are there harms that might befall the person identified in
4 that manner?

5 [REDACTED] Potential harms, yes.

6 Mr. Fausett. And what would some of those potential
7 harms be for that source?

8 [REDACTED] In a hypothetical, it depends on the
9 situation. So there can be reputational harms. There can
10 be financial harms. There could even be physical harms,
11 depending on the scenario.

12 Mr. Fausett. Okay. I want to sort of broaden out
13 from the primary sub-source to the topic of the Steele
14 dossier generally and just follow up with some of the
15 questions that our colleagues asked you earlier.

16 The first thing I want to do is to just put Mr.
17 Steele's election reporting in some context. Crossfire
18 Hurricane, as we've all heard, was opened on July 31, 2016.
19 The Inspector General determined that the Crossfire
20 Hurricane team didn't even become aware of Steele's
21 reporting until September 19th and that "the Steele dossier
22 played no role in the opening of Crossfire Hurricane."

23 Are you aware of any evidence that disputes that
24 finding from the Inspector General?

25 [REDACTED] No.

1 Mr. Fausett. Inspector General Horowitz testified to
2 our committee last December that the Carter Page FISA
3 warrant application errors relating to Christopher Steele
4 did not call into question "any part of the Special
5 Counsel's report." As someone who is in the unique
6 position of working in both the Crossfire Hurricane team
7 and supporting the Special Counsel's office, are you aware
8 of any evidence that disputes Inspector General Horowitz's
9 testimony that the Carter Page FISA warrant application
10 errors do not call into question any part of Special
11 Counsel Mueller's report?

12 ██████████ No, I am not aware of any evidence
13 contradicting that.

14 Mr. Fausett. Similarly, former Deputy Attorney
15 General Rod Rosenstein, who supervised the Special
16 Counsel's investigation, testified before our committee in
17 June. Senator Feinstein asked him to identify which
18 findings in Special Counsel Mueller's 448-page report
19 relied on information from the Steele dossier. Mr.
20 Rosenstein said, "I don't believe there is any such
21 information."

22 Do you have any evidence that contradicts Deputy
23 Attorney General Rosenstein's testimony that no findings in
24 the 448-page Mueller report rely on the Steele dossier?

25 ██████████ No, I have no evidence.

1 Mr. Fausett. Deputy Attorney General Rosenstein also
2 testified that none of the 199 criminal counts resulting
3 from the Special Counsel's investigation relied on
4 information obtained from Mr. Steele. Do you have any
5 basis to disagree with Mr. Rosenstein's statement?

6 [REDACTED] No, I have no basis to disagree with that.

7 Mr. Fausett. Okay. Just to be clear about what we're
8 saying here, you don't have any evidence or reason to
9 believe that Special Counsel Mueller or his team relied on
10 the Steele dossier for any of the 199 criminal counts their
11 office charged. Is that right?

12 [REDACTED] That is correct.

13 Mr. Fausett. You talked a little bit earlier with our
14 colleagues about the Validation Management Unit at the FBI
15 and the unit chief's conclusion reflected at pages 185 and
16 186 of the Inspector General's report that Mr. Steele's
17 election reporting had not been corroborated in the main.
18 You took issue with this characterization and told the
19 Office of the Inspector General that there's a distinction
20 between allegations and facts and that it would not be
21 appropriate to characterize all the factual information in
22 Steele's reports as uncorroborated. And I think I heard
23 you mention sort of the difference in your head between
24 facts and allegations in response to some our colleagues'
25 questions earlier, but I really want to give you a chance

1 to kind of clarify this point.

2 Can you elaborate? What is the difference between
3 allegations and facts and what could or could not or has or
4 has not been corroborated with respect to Mr. Steele?

5 [REDACTED] So with respect to the Steele reporting,
6 the Steele reporting details any number of allegations of
7 involvement of certain figures in certain actions and then
8 talks about interactions with Russian Government officials.
9 It talks about interactions in different areas. It talks
10 about personnel and individuals in Russian entities in
11 different countries. So the distinction I would make would
12 be that many of the individuals noted, not all of which
13 would be very well known in open sources, are mentioned in
14 a number of Steele reports, and the distinction between
15 facts and allegations would be many of the names, entities,
16 individuals, individual positions could be corroborated,
17 but the actual allegations and the actions described in
18 those reports could not be corroborated.

19 Mr. Fausett. If I'm hearing you correctly -- and I
20 want you to please correct me if I'm paraphrasing you
21 wrong.

22 [REDACTED] Okay.

23 Mr. Fausett. But it sounds like you're saying those
24 facts in Mr. Steele's reporting that could be corroborated
25 through normal factual research, checking with other

1 agencies, checking with your holdings, et cetera, they were
2 corroborated. The more complex, in some cases subjective
3 allegations in the reporting that frankly are more
4 difficult to corroborate, that's where there was no
5 corroboration generally. Is that a fair --

6 [REDACTED] I'm not sure I would describe it as the
7 more subjective aspects or elements. I think what I would
8 say is we were able to corroborate a great deal of the,
9 again, Russian names, Russian positions, some of which were
10 not very well known in open sources, some of which I'm not
11 sure were in open sources, many of the -- the kind of
12 context, but in terms of the core allegations of many of
13 the reports, we were not able to corroborate, many of the
14 core allegations, I would say.

15 Mr. Fausett. And would you say that many of those
16 allegations would be difficult to corroborate in general?

17 [REDACTED] Yes, absent, I think, probably very good
18 sources.

19 Mr. Fausett. Okay. You were also asked about a
20 December 2016 meeting that you and other FBI officials had
21 with professional contacts of Mr. Steele. Notes taken by
22 Bill Priestap and Peter Strzok suggest that these contacts
23 provided some negative feedback about Steele, including
24 poor judgment and pursuing people with political risk but
25 no intel value. And this is coming from, again, the

1 Inspector General's report. You also talked a little bit
2 at a separate meeting you did not attend involving Bruce
3 Ohr where Mr. Ohr reportedly said that "Steele was
4 desperate that Donald Trump not get elected and was
5 passionate about him not being the U.S. President."

6 I just want to be clear about this. Do a source's
7 motivations or biases automatically render any information
8 they provide false, not credible, or unreliable?

9 [REDACTED] No.

10 Mr. Fausett. In fact, you told the Office of the
11 Inspector General that whether Steele's reporting -- I'm
12 quoting now from page 102 -- "whether [Steele's] reporting
13 was 'opposition research' that was politically motivated
14 was not an issue" -- that's an accurate quote?

15 [REDACTED] That is an accurate quote.

16 Mr. Fausett. And that's because you would want to
17 independently -- and I'll quote you again -- "vet the
18 reporting to determine whether its contents were accurate."
19 Is that correct?

20 [REDACTED] That is correct.

21 Mr. Fausett. What impact would the inability for the
22 FBI to rely on any source who has demonstrated a motivation
23 or bias have on the FBI's ability to do its work?

24 [REDACTED] It would be very difficult for the FBI to
25 do its work.

1 Mr. Fausett. And why is that?

2 [REDACTED] Because all sources have different forms
3 of bias.

4 Mr. Fausett. Okay. When the Office of the Inspector
5 General asked Mr. Steele about the "desperate" comment from
6 Mr. Ohr, Mr. Steele said that he "was concerned that Trump
7 was a national security risk, and...had no particular
8 animus against Trump otherwise." That's coming from page
9 94 of the report. Do you have any basis to dispute Mr.
10 Steele's characterization of his own words?

11 [REDACTED] I don't have any basis to dispute Mr.
12 Steele's characterization of his own motives.

13 Mr. Fausett. Okay. I do just want to briefly touch
14 upon this footnote that came up, Footnote 350 from the
15 Horowitz report, which initially was redacted, it was
16 subsequently unredacted, and this has led to some
17 assertions in the public sphere that the contents of the
18 Steele reporting may have been, at least in part, the
19 product of a disinformation campaign by the Russian
20 intelligence services. There are also, frankly, some
21 statements in the public sphere about you -- not by name,
22 obviously, but by position title -- I think at one point
23 labeling you as "indifferent" to that threat and providing
24 a grossly inaccurate statement to the Office of the
25 Inspector General concerning your awareness of that threat.

1 So I really just want to give you an opportunity to
2 clarify. What did you mean when you spoke to the Office of
3 the Inspector General about the concern that the Russian
4 intelligence services may have penetrated the campaign?
5 You had said -- it's quoted in the report in Footnote 342
6 that you had no information as of June 2017 that Steele's
7 election reporting network had been penetrated or
8 compromised. I just want to give you a second to explain.
9 What did you mean, and what was your awareness of this
10 threat generally?

11 ██████████ So I think I'm going to just let that
12 statement stand as it is.

13 Mr. Fausett. Okay. All right. More generally, on
14 the question of the motivations for the Crossfire Hurricane
15 investigation and the team and its members, our committee
16 held a 6-hour hearing with Inspector General Horowitz last
17 December. A number of allegations were made against the
18 FBI during that hearing and subsequently repeated at other
19 hearings and meetings of the committee. We believe these
20 allegations have been investigated and answered by the
21 Inspector General in his report, but I'm going to ask you a
22 few questions about them because we continue to hear these
23 allegations from people who don't have firsthand knowledge
24 or evidence about Crossfire Hurricane.

25 The Inspector General found that there was no

1 documentary or testimonial evidence of bias impacting the
2 FBI's work in the Crossfire Hurricane investigation.
3 Nevertheless, there have been allegations that there was
4 "tons of evidence of bias." So I want to ask you, did
5 political bias impact any of your actions in connection
6 with Crossfire Hurricane?

7 [REDACTED] No.

8 Mr. Fausett. Do you have any evidence that political
9 bias otherwise impacted the FBI's work in Crossfire
10 Hurricane?

11 [REDACTED] No.

12 Mr. Fausett. It's been alleged that the FBI engaged
13 in a "massive criminal conspiracy over time to defraud the
14 FISA Court." Do you have any evidence that the FBI engaged
15 in a "massive criminal conspiracy over time to defraud the
16 FISA Court"?

17 [REDACTED] No.

18 Mr. Fausett. It's also been alleged that the FBI
19 "purposely used the power of the Federal Government to wage
20 a political war against a Presidential candidate they
21 despised." Do you have any evidence that FBI agents
22 purposely used the power of the Federal Government to wage
23 a political war against then-Candidate Donald Trump?

24 [REDACTED] No.

25 Mr. Fausett. Do you have any evidence that the FBI

1 wanted to attempt a coup against President Trump?

2 [REDACTED] No.

3 Mr. Fausett. Some people have asserted that the
4 Crossfire Hurricane investigation was a hoax or a witch
5 hunt intended to hurt President Trump politically. Was it
6 your goal to hurt President Trump politically?

7 [REDACTED] No.

8 Mr. Fausett. Do you have any basis for believing that
9 Crossfire Hurricane was part of a "deep state" effort to
10 take down President Trump?

11 [REDACTED] No.

12 Mr. Fausett. There have also been allegations, even
13 more, that the purpose of the Crossfire Hurricane
14 investigation was to change or nullify the results of the
15 2016 election. Was that your goal personally?

16 [REDACTED] No.

17 Mr. Fausett. Do you have any evidence that the
18 overall goal of Crossfire Hurricane was to change or
19 nullify the results of the 2016 election?

20 [REDACTED] No.

21 Mr. Fausett. When you joined the Crossfire Hurricane
22 team at the beginning of August, did you have a
23 predetermined outcome in mind for the investigation?

24 [REDACTED] No.

25 Mr. Fausett. Throughout your time on the Crossfire

1 Hurricane team, did you ever get the sense that other
2 members of the team had a predetermined outcome in mind?

3 [REDACTED] No.

4 Mr. Fausett. From your perspective, having served on
5 its entire duration, what was the goal of Crossfire
6 Hurricane?

7 [REDACTED] It was -- the goal of Crossfire Hurricane
8 was to determine whether or not the truth of the foreign
9 friendly government information was accurate.

10 Mr. Fausett. The Inspector General's report documents
11 several steps that the FBI took to ensure that the
12 Crossfire Hurricane counterintelligence investigation did
13 not impact the 2016 election. I'll quote the report here
14 from page 308: "...multiple witnesses told the OIG that
15 they were very concerned about preventing leaks regarding
16 the nature and existence of the Crossfire Hurricane
17 investigation."

18 Why was it so important to keep the nature and
19 existence of the investigation private?

20 [REDACTED] Because we didn't want the investigation
21 to impact the election.

22 Mr. Fausett. In its report on the midyear exam
23 investigation, the Office of the Inspector General
24 recommended that, "The Department consider providing
25 guidance to agents and prosecutors concerning the taking of

1 overt investigative steps, indictments, public
2 announcements, or other actions that could impact an
3 election."

4 Now, there was no formal guidance to that effect, at
5 least to our knowledge, while you were working on Crossfire
6 Hurricane. But the Crossfire Hurricane team nevertheless
7 took steps to avoid actions that could impact the 2016
8 election. Is that correct?

9 [REDACTED] I'd have to go back and take a look at --
10 I'm unclear about what you mean exactly there.

11 Mr. Fausett. Well, let me just ask it in a more open-
12 ended way. In your experience, did the Crossfire Hurricane
13 team take any steps to make sure that they did not affect
14 the 2016 election?

15 [REDACTED] We were very cognizant about not taking
16 steps to interfere in the election or taking steps that
17 would interfere in the election.

18 Mr. Fausett. And an open-ended yes or no question.
19 Were there any steps that you took that you would not have
20 ordinarily taken in a run-of-the-mill investigation,
21 whether national security or criminal, that you took in
22 connection with this investigation because of the
23 sensitivity of the investigation?

24 [REDACTED] Not to my recollection.

25 Mr. Fausett. Okay. The existence of Crossfire

1 Hurricane remained private until months after the election
2 when, in March 2017, FBI Director Comey disclosed it to
3 Congress. So the steps that you and members of the team
4 did take to keep the existence of Crossfire Hurricane a
5 secret from July 2016 to March 2017 were successful, were
6 they not?

7 [REDACTED] I'd like to talk to FBI counsel for just
8 one moment, please.

9 Mr. Fausett. Sure.

10 [Witness confers with counsel.]

11 [REDACTED] [REDACTED] back. I wanted to make a
12 point that your use of the term "you" in there, you know,
13 there are steps that can be made that I am not involved in
14 and was not a decisionmaker in or things of that sort. So
15 I just want to be clear, when you're asking "you," I can
16 speak to my own experience and my own observations and
17 things of that, but I'm not -- I can't speak on behalf of
18 the entire Crossfire Hurricane team, and I can't speak on
19 behalf of the entire FBI for that.

20 Mr. Fausett. Sure. Just to simplify this a little
21 bit, as just a basic factual matter, I think we all agree,
22 but I want to make sure that you agree, that Crossfire
23 Hurricane was not publicly disclosed until March of 2017.
24 Is that right?

25 [REDACTED] That is correct.

1 Mr. Fausett. And were you aware of any leaks of
2 Crossfire Hurricane's existence broadly before that point
3 in time?

4 [REDACTED] No.

5 Mr. Fausett. Okay. If the existence of the
6 investigation had been publicly known before the election,
7 might that have harmed President Trump's campaign in some
8 way?

9 [REDACTED] It potentially could have harmed the
10 election, yes.

11 Mr. Fausett. Could it have made it less likely that
12 President Trump would have won the election?

13 [REDACTED] I don't know if I'm going to speculate on
14 that or not.

15 Mr. Fausett. Do you think if a member of the
16 Crossfire Hurricane team had been conspiring to prevent
17 then-Candidate Trump from being elected, they could have
18 publicized the existence of the investigation if they
19 wanted to?

20 [REDACTED] I'm not going to speculate on that either.

21 Mr. Fausett. Okay. Is it fair to say that the
22 Crossfire Hurricane team sought to avoid doing anything
23 that could be construed, either then or now, as being
24 political?

25 [REDACTED] One more time with that question, please?

1 Mr. Fausett. Sure. Is it fair to say that the
2 Crossfire Hurricane team sought to avoid doing anything
3 that could be construed, then or now, as being political?

4 [REDACTED] I believe that is fair, yes.

5 Mr. Fausett. And why was that important for the
6 Crossfire Hurricane team to do?

7 [REDACTED] The Crossfire Hurricane team had a job to
8 do, and public revelation of that job would make it more
9 difficult for us to do that job.

10 Mr. Fausett. Okay. I think, Sara, one last -- if you
11 have anything, but I think we're done with this round. So
12 thank you.

13 [No response.]

14 Mr. Fausett. Zach, do you want to move ahead or take
15 a break?

16 Mr. Somers. Why don't we take 5 minutes and then come
17 back?

18 [Recess at 3:05 p.m. to 3:20 p.m.]

19 Mr. Somers. Okay. Let's start up here again. It is
20 3:20. We'll start with what will hopefully be our final
21 round or at least full round of questioning.

22 [REDACTED] when we left off last round, you got a
23 number of questions from the minority about the primary
24 sub-source, but I'm going to have to take you back to the
25 primary sub-source a little bit because of where we left

1 off when we ran out of time in the previous round.

2 On Roman v of the IG report, it states that, "Steele
3 himself was not the originating source of any of the
4 factual information in his reporting. Steele instead
5 relied on a Primary Sub-source for information, who used
6 his/her network of sub-sources to gather information that
7 was then passed to Steele."

8 Do you agree with that characterization on Roman v of
9 the introduction to the IG report?

10 [REDACTED] I agree with that characterization.

11 Mr. Somers. So I think in a previous round with the
12 minority you talked a little bit about, you know, whether
13 it mattered or how much it mattered there were differences
14 between what Steele reported in his dossier and what the
15 primary sub-source actually had to say when the FBI
16 eventually interviewed him numerous times. And I guess my
17 question is: Given that you agree -- I can understand,
18 obviously, sometimes there's differences between what
19 sources and sub-sources may report, and sometimes those may
20 be insignificant, sometimes they may be significant. But I
21 would think that given that Steele was not the originating
22 source of any of the factual information in his reporting,
23 would you agree that maybe in this case the importance of
24 those differences was actually important, the significance
25 of those differences was actually important?

1 ██████████ I don't think I'm saying that the
2 significance of the differences wasn't important. I guess
3 what I'm saying is that you have discrepancies that have to
4 be figured out and noted, and the fact is that talking to
5 the primary sub-source, there were differences and there
6 were distinctions and there were discrepancies that were
7 documented in that interview and that needed to be
8 resolved.

9 I wouldn't say it necessarily, you know, negated
10 Steele's reporting, but it just meant that there were
11 things that then needed to be investigated, and there were
12 things that needed to be resolved.

13 Mr. Somers. But if Steele had a bunch of sources
14 versus going the way he did his operation through the
15 primary sub-source, I would think discrepancies may be more
16 understandable than they are in this case where the primary
17 sub-source was the originating source of the factual
18 information in Steele's reporting.

19 ██████████ So I think as I described in the IG
20 report, the discrepancies noted could be any number of
21 levels. You could have a discrepancy between what the
22 primary source told Steele and what Steele reported. You
23 could have a discrepancy between what the sub-source told
24 the primary sub-source and what was told to Steele.
25 There's any number of levels of where those discrepancies

1 are, and so in that sense, what you have to do is determine
2 the best you can as to where those discrepancies might be
3 and to determine how to resolve those discrepancies.

4 Mr. Somers. Okay. Let me ask a similar question. On
5 page 133 of the IG report -- it's actually a question that
6 the OI attorney asked the case agent, but I'd like to kind
7 of ask it to you. And the OI attorney on September 30,
8 2016, in an email asked the case agent and the Crossfire
9 Hurricane team, "If the reporting is being made by a
10 primary source, but based on sub-sources, why is it
11 reliable -- even though second/third hand?" What's your
12 answer to that question, especially in the September 30th
13 time frame?

14 [REDACTED] I guess I would answer to the extent of
15 reliability, you're looking at two aspects of reliability
16 there, is what I would think of. One aspect of reliability
17 is: What types of reporting has Christopher Steele given
18 in the past and what of this source has been used in the
19 past, if any? And I guess the second question you would
20 ask is: What can be in a short amount of time -- given the
21 time frame that you're talking about here, what in a short
22 amount of time can be vetted -- and, again, going back to
23 my distinction between facts and allegations -- to
24 determine whether there's something reliable or whether the
25 reporting's reliable?

1 Mr. Somers. So what did you learn about Christopher
2 Steele's previous reporting? I mean, is it just what you
3 got from the handling agent?

4 [REDACTED] Yes. At that time, yes.

5 Mr. Somers. So what if in the previous reporting
6 Christopher Steele didn't use a primary sub-source? What
7 if he was out talking to sources on his own? Isn't that
8 almost a completely different scenario?

9 [REDACTED] Maybe a slightly different scenario, yes.

10 Mr. Somers. Okay. So I'm wondering, like how much --
11 you know, who did you talk to to understand what
12 Christopher Steele's previous reporting to the FBI was?

13 [REDACTED] So, again, I wasn't focused on Christopher
14 Steele's previous reporting to the FBI during this time. I
15 was focused on vetting this reporting.

16 Mr. Somers. But you said part of vetting that
17 reporting was understanding his reliability to the FBI and
18 previous reporting?

19 [REDACTED] I said that's one angle of reliability
20 that one could use, yes.

21 Mr. Somers. So you didn't --

22 [REDACTED] In this case -- in this case, we were more
23 focused on the character of this reporting and trying to
24 confirm and disconfirm this reporting.

25 Mr. Somers. Okay. So other than talking to the

1 handling agent, you didn't do anything to look into
2 Christopher Steele's previous reporting to the FBI?

3 [REDACTED] At that point, yes, that is correct.

4 Mr. Somers. So you get the Steele reporting on
5 September 19 of 2016, and at some point prior to January
6 24th of 2017 you identify, locate, and interview the
7 primary sub-source. Do you know why it took so long to
8 identify, locate, and interview the primary sub-source?

9 [REDACTED] Actually, I might characterize that as a
10 very short amount of time to identify an unidentified
11 primary sub-source. I don't necessarily agree with -- I
12 don't agree with your characterization of it took a long
13 time.

14 Mr. Somers. Okay. That's fair. There were -- by
15 January 24th, two FISA applications had been submitted. Is
16 that correct?

17 [REDACTED] That is correct.

18 Mr. Somers. Okay. Prior to identifying and
19 interviewing the primary sub-source, did you believe he was
20 Russian-based, as is stated in the FISA applications?

21 [REDACTED] I believed he was Russian-based up until
22 we had an identification -- once the identification was
23 strong yet tentative, I knew that he -- if it was the
24 person and we confirmed it was the person, it wouldn't be a
25 Russian-based source. And when we were able to actually

1 confirm that it was the person, we knew it wasn't a
2 Russian-based source.

3 Mr. Somers. Is that January 2017 when you were able
4 to actually confirm?

5 [REDACTED] Correct.

6 Mr. Baker. Would that have triggered any interest in
7 going back and looking at prior Steele reporting when
8 something that maybe wasn't specifically asserted, but
9 there was certainly an allusion given that it was a
10 foreign-based reporting. Would that have -- when it was
11 learned that that's not -- and we've heard from previous
12 witnesses that there was sort of a surprise and maybe shock
13 -- maybe that's my word -- of what and where information
14 was really coming from, would that have triggered any need
15 or interest in going back to look at previous Steele
16 reporting?

17 [REDACTED] I don't know necessarily if that in
18 particular would have triggered a need. I knew we went
19 back and looked at previous Steele reporting probably
20 around -- I think I looked at the Delta file in the
21 November time frame. But I don't recall that this
22 particular identification of a sub-source precipitated the
23 feeling like we needed to go back and look at Steele's
24 previous reporting.

25 Mr. Baker. So in the last round, our Democratic

1 colleagues went through a list of things, one of which --
2 and I'm paraphrasing; correct me if I've got it wrong --
3 was the idea, the concept, the fact that just because a
4 source might have a contact or an affiliation with a
5 foreign intelligence service -- and I'm thinking this might
6 be similar in the criminal world. Just because a source
7 has some contact with a criminal or a criminal enterprise
8 doesn't necessarily mean that the information they're
9 giving is incorrect or should be disregarded. Is that
10 correct?

11 [REDACTED] I would say that's correct.

12 Mr. Baker. In this particular instance, once the
13 identity of this primary sub-source is known, was there
14 anything subsequently learned that would cause questions
15 about what the accuracy of that information might be?

16 [REDACTED] On the basis of the sub-source's identity?

17 Mr. Baker. Yes.

18 [REDACTED] I don't recall anything kind of raising to
19 the concerns that this was fabricated or anything of that
20 sort on the basis of who we had identified the sub-source
21 to be.

22 Mr. Baker. So there was nothing considered that even
23 presented the possibility that any information coming from
24 this individual could be part of a disinformation campaign?

25 [REDACTED] So I would say --

1 Mr. Heberling. Can I just interject here? I just
2 want to make sure -- you're speaking sort of broadly. This
3 is Brian Heberling. [REDACTED] answers here are
4 qualified by the conversation we had previously. He's not
5 going to get into anything -- into any prior investigation
6 or other information like that.

7 Mr. Baker. Okay.

8 Mr. Somers. Going back to this -- well, I think some
9 of our other witnesses might have been -- I'll use the word
10 "surprised." Art used the word "shocked." Were you
11 surprised that the primary sub-source was based in the
12 United States?

13 [REDACTED] I don't remember being shocked. It was
14 unexpected, but I don't think I would characterize it as
15 "shocked."

16 Mr. Somers. Okay.

17 Ms. Zdeb. If I could briefly interject for the
18 record, I think Mr. Baker was maybe taking a few liberties
19 with the prior witnesses' testimony. None of the prior
20 witnesses have used the word "shocked" to describe their
21 reaction. I just wanted to clarify that for the record.

22 Mr. Somers. Sure. So once you learned the primary
23 sub-source is U.S.-based, the FISA applications all say
24 that he's Russian-based. Do you think that should have
25 been corrected with the Foreign Intelligence Surveillance

1 Court?

2 [REDACTED] Again, I don't -- I am not involved in the
3 probable cause analysis of FISAs, and I don't write FISA
4 applications. That would be on the investigative and
5 operational side.

6 Mr. Somers. I thought I read somewhere -- I don't
7 have it at my fingertips here -- that you actually raised
8 this issue, though, with, I believe, either OGC or the OI
9 attorney and questioned whether that should be changed.

10 [REDACTED] I believe you're referring to the March
11 email I had with the OGC attorney when I was reviewing the
12 initiation as well as the first renewal for potential
13 release to Congress, and we were evaluating what could be -
14 - what needed to be redacted and what could be left
15 unredacted. And in that email, I noted to the OGC attorney
16 that there was still the line of Russian-based in that and
17 wondered if that needed to be changed.

18 Mr. Somers. And what response did you get back?

19 [REDACTED] I did not get a response back.

20 Mr. Somers. Did you understand that at least at some
21 point in time -- maybe it was after the interview, maybe it
22 was before -- that the primary sub-source had some sort of
23 contractual or some sort of employee-employer relationship
24 with Christopher Steele or Orbis Business Intelligence?

25 [REDACTED] I believe that came up during the

1 interview itself.

2 Mr. Somers. Do you believe that should have been
3 disclosed to the FISC?

4 [REDACTED] Again, that's not -- I'm not the one who
5 evaluates what needs to be disclosed to the FISC and what
6 doesn't need to be disclosed to the FISC.

7 Mr. Somers. What was your role in writing the -- what
8 we have is a 57-page summary of your 3-day -- the FBI's 3-
9 day interview with the primary sub-source. What was your
10 role in writing that summary?

11 [REDACTED] I was the primary writer.

12 Mr. Somers. And was that summary written as -- was it
13 a compilation of 302s put into one document, or was it
14 written that way as a 57-page --

15 [REDACTED] It was written that way. Excuse me. I
16 need to speak to the FBI attorney one moment.

17 Mr. Somers. Sure.

18 [Witness confers with counsel.]

19 [REDACTED] [REDACTED] back. Could you repeat the
20 question, please?

21 Mr. Somers. Yes. I think what I was asking you was
22 whether the 57-page summary was sort of an original
23 document or whether it was put together based on 302s of
24 the interview with the primary sub-source.

25 [REDACTED] It was not based on 302s, no.

1 Mr. Somers. Were there 302s separate from the 57-page
2 summary of that interview?

3 [REDACTED] So there were drafts that were put
4 together that were shared with the case agent, and then
5 from that I compiled the full document and sent that to the
6 case agent, and the case agent uploaded it to our system of
7 record.

8 Mr. Somers. Okay. The input -- so you drafted it.
9 You sent it to the case agent for his review. Is that
10 correct?

11 [REDACTED] Correct.

12 Mr. Somers. Was his review -- was that all done
13 electronically, by email, or by making edits? Or did you
14 guys have conversations about it?

15 [REDACTED] I think my recollection was via email. I
16 don't recall there were many edits going on back and forth.

17 Mr. Somers. Okay. Did you discuss the interview with
18 the case agent after it took place?

19 [REDACTED] I don't recall extensive conversations
20 about it, but I'm sure we did.

21 Mr. Somers. Did you discuss the interview every day
22 after it was -- after each session was completed with the
23 case agent?

24 [REDACTED] I think we had kind of a little bit of
25 after-action, but it wasn't an extensive amount.

1 Mr. Somers. Okay. So you complete eventually this
2 57-page-long summary that we've been provided. What did
3 you do with this summary once it was completed?

4 [REDACTED] I provided the summary to the case agent,
5 and the case agent subsequently entered it, as I said, into
6 our system of record.

7 Mr. Somers. What is your system of record?

8 [REDACTED] One second so I can talk to the FBI to
9 make sure I use the exact proper criteria and language for
10 this classification level.

11 Mr. Somers. Okay.

12 [Witness confers with counsel.]

13 [REDACTED] [REDACTED] back.

14 Mr. Somers. Okay.

15 [REDACTED] So it was inserted into our system of
16 record, which is called "Sentinel," "FBI Sentinel."

17 Mr. Somers. So once it was in Sentinel, who had
18 access to this summary?

19 [REDACTED] Everybody on the Crossfire Hurricane team
20 would have had access to it.

21 Mr. Somers. What about Peter Strzok?

22 [REDACTED] I believe so.

23 Mr. Somers. Bill Priestap?

24 [REDACTED] I believe so.

25 Mr. Somers. What about Lisa Page?

1 [REDACTED] I don't know about that.

2 Mr. Somers. What about either the Director or the
3 Deputy Director?

4 [REDACTED] Don't know about that either.

5 Mr. Somers. All right. So you complete the summary.
6 That's the written document. Were there any meetings about
7 the primary sub-source interview?

8 [REDACTED] I don't recall having any group meetings
9 about the primary source interview. This was the period of
10 time where we weren't really having team meetings as it was
11 the January to March period.

12 Mr. Somers. Did it come up in any other meeting?

13 [REDACTED] I provided, again, a two-page summary that
14 was provided to a number of people, and I believe that --
15 yeah, I did a two-page summary that was provided to a
16 number of people.

17 Mr. Somers. Okay. Did you ever discuss the primary
18 sub-source interview with Peter Strzok?

19 [REDACTED] Not to my recollection.

20 Mr. Somers. Or Bill Priestap?

21 [REDACTED] I may have with Bill Priestap, but I don't
22 recall exactly.

23 Mr. Somers. The Director?

24 [REDACTED] Not to my recollection.

25 Mr. Somers. The Deputy Director?

1 [REDACTED] Again, not to my recollection.

2 Mr. Somers. Lisa Page?

3 [REDACTED] Again, not to my recollection.

4 Mr. Somers. What about the OGC unit chief?

5 [REDACTED] I don't recall having a conversation with
6 the OGC unit chief either.

7 Mr. Somers. SSA-1?

8 [REDACTED] I'm not sure I had a talk with SSA-1 about
9 it.

10 Mr. Somers. What about -- I think I might -- I think
11 the SSA-1 may have rotated off by that point in time. The
12 supervisory special agent in charge of the Carter Page
13 investigation, did you --

14 [REDACTED] I may have discussed it -- I may have
15 discussed it with SSA-2.

16 Mr. Somers. Did you discuss it with -- you may have?
17 You don't recall?

18 [REDACTED] I don't recall exactly.

19 Mr. Somers. What about with Jen Boone?

20 [REDACTED] I believe, yes, with Jen Boone.

21 Mr. Somers. And what did you discuss with her?

22 [REDACTED] I think she was one of the recipients of
23 the two-page summary memo, if I recall correctly.

24 Mr. Somers. Did you discuss any inconsistencies
25 between the Steele reporting and what the primary sub-

1 source told you with Jen Boone?

2 [REDACTED] I don't recall going into detail about the
3 inconsistencies with Jen Boone.

4 Mr. Somers. Do you recall discussing the
5 inconsistencies with anybody at the FBI?

6 [REDACTED] I don't recall -- outside of documenting
7 the interview, I don't remember conversations where we
8 outlined or discussed the inconsistencies.

9 Mr. Somers. How about anybody at DOJ?

10 [REDACTED] Not to my recollection.

11 Mr. Somers. At some point in time, the representation
12 switches in the FISA, I think for the final two renewals,
13 that the sub-source was truthful and cooperative. Do you
14 recall that language?

15 [REDACTED] I do recall that language.

16 Mr. Somers. I think on page 190 of the IG report, it
17 says -- and this is not the IG report saying it. It's what
18 is in the FISA applications going forward: "the FBI found
19 the Russian-based sub-source to be truthful and
20 cooperative." Do you recall where that language came from?

21 [REDACTED] I do not recall where that language came
22 from.

23 Mr. Somers. Did you believe the primary sub-source to
24 be truthful and cooperative?

25 [REDACTED] I think my statement to the IG was

1 something along the lines of, "I don't think I could say a
2 blanket statement covering truthful and cooperative there.

3 Mr. Somers. Okay. On page 211 of the IG report, it
4 says, "The Supervisory Intel Analyst said that the
5 information from the interview with the Primary Sub-source
6 provided details used to identify sub-sources referenced in
7 Steele's reports, which assisted with the investigation."
8 Is that accurate?

9 [REDACTED] That is accurate.

10 Mr. Somers. That sounds like there's like an extra
11 step in there, though. Why didn't you just ask the primary
12 sub-source who his sources were?

13 [REDACTED] Can you ask that again? I'm not sure I
14 understand what you mean by a separate step there.

15 Mr. Somers. Well, it says the primary sub-source
16 provided details used to identify sub-source's reference in
17 Steele's reports. Instead of getting details from the
18 primary sub-source that would then allow you to identify
19 sub-sources, did you ask the primary sub-source who any of
20 his sources were?

21 [REDACTED] No. We asked the sub-source who his sub-
22 sources were, and he provided information, and then we were
23 able to find other additional information about them.

24 Mr. Somers. So you didn't use details to identify
25 sub-source's reference in Steele's reports?

1 [REDACTED] I think the -- I would say that the sub-
2 source provided information during the course of the
3 interviews, including the names of some of his sub-sources
4 that helped us to basically then build additional
5 information on those sub-sources.

6 Mr. Somers. Okay, but not identification, just
7 additional information about those sub-sources?

8 [REDACTED] Right -- again, I'm kind of unclear. I
9 would say during the interview the sub-source gave us the
10 names of some of his sub-sources.

11 Mr. Somers. So that's how you would identify them.
12 Maybe we're just talking past each other. So I think
13 you've answered my question, though. He gave you the names
14 of some of his sub-sources.

15 [REDACTED] Yes.

16 Mr. Somers. So, again, further down on page 211, it
17 says, "However, in some instances, statements the Primary
18 Sub-source made about what his/her sources told him/her --
19 and what he/she then provided to Steele -- were
20 inconsistent with information attributed to his/her sources
21 in Steele's reporting, as well as in the first Carter Page
22 FISA application and Renewal Application No. 1....most team
23 members told us that they either were not aware of the
24 inconsistencies or, if they were aware, did not make the
25 connection that the inconsistencies affected aspects of the

1 FISA applications. Further, Case Agent 1 and the
2 Supervisory Intel Analyst told us that the Primary Sub-
3 source may have been `minimizing' certain aspects of what
4 he/she told Steele."

5 Why didn't you make other members of the Crossfire
6 Hurricane team aware of the inconsistencies?

7 [REDACTED] Again, I documented the inconsistencies,
8 as I am required to do, and those inconsistencies were put
9 into the file, and that file was available to people on the
10 Crossfire Hurricane team.

11 Mr. Somers. But you didn't take the -- you did not
12 take the further step of going and talking to anyone about
13 the inconsistencies?

14 [REDACTED] Again, the case agent was there. The case
15 agent is the one who maintains the FISA. I don't think I
16 necessarily felt like I needed to go with the case agent
17 being there.

18 Mr. Somers. I'm not asking whether you needed to.
19 I'm just asking whether you did.

20 [REDACTED] I don't recall going and talking to people
21 affirmatively about inconsistencies.

22 Mr. Somers. Okay. And at the end of that quote, that
23 long quote I just read, it says that the "Case Agent...and
24 the Supervisory Intel Analyst told us that the Primary Sub-
25 source may have been `minimizing' certain aspects of what

1 he/she told Steele." What did you mean by that?

2 [REDACTED] I think what I meant by that at the time
3 was that many -- I mean, these reports had now been open in
4 the press and that there may have been situations in which
5 Steele was attempting to distance -- I'm sorry, excuse me.
6 Not Steele. The primary sub-source was attempting to
7 distance himself or to minimize some of what he had told
8 Steele when talking to the FBI in this instance.

9 Mr. Somers. And so you, I believe, said that you did
10 not believe the primary sub-source -- you said the primary
11 sub-source may not have been completely truthful. Would
12 minimization be part of that?

13 [REDACTED] I think I would -- I think yes, I would
14 say minimization could be part of that.

15 Mr. Somers. Did you ever see the -- do you recall
16 whether you ever saw the truthful and cooperative note in
17 the FISA applications?

18 [REDACTED] I don't recall seeing that in the FISA
19 application.

20 Mr. Somers. Did you have any involvement in the June
21 -- June or July 2018 13A letter to the FISA Court?

22 [REDACTED] Not to my recollection, no.

23 Mr. Somers. "However, the Supervisory Intel" -- this
24 is on page two -- somewhere around 244 or 245. It has your
25 impression that the sub-source may not have been completely

1 truthful and may have been minimizing certain aspects of
2 what he/she told Steele. "However, the Supervisory Intel
3 Analyst told the OIG that, on the whole, he did not see any
4 reason to doubt the information the Primary Sub-source
5 provided about who he/she received his/her information
6 from, which was the Supervisory Intel Analyst's focus."

7 So on the whole you believe the primary sub-source was
8 being truthful?

9 [REDACTED] I believe the primary sub-source was being
10 truthful about who his sub-sources were. I don't think he
11 was fabricating sub-sources.

12 Mr. Somers. What about -- yes, he might not have been
13 fabricating sub-sources. Do you think he was on the whole
14 truthful about everything he said in the interview?

15 [REDACTED] I think he was truthful with respect to
16 relating what his sub-sources were telling him.

17 Mr. Somers. Did the interview, the January interview
18 with the primary sub-source give you any pause about using
19 the -- continuing to use the Steele dossier information in
20 the subsequent FISA applications?

21 [REDACTED] I don't recall it giving me pause.

22 Mr. Somers. Did it cause you to reassess the Steele
23 reporting in any way?

24 [REDACTED] I think it led us to think that we had to
25 do additional digging to determine whether or not we could,

1 again, confirm or disconfirm any of this. It meant we had
2 more work to do.

3 Mr. Somers. How did you convey that more digging
4 needed -- I'm assuming -- you said "we" needed to do more
5 digging. I assume that means the analysts that -- maybe
6 among others that worked for you. How did you convey that
7 they needed to do more digging?

8 [REDACTED] I had analysts start to look at some of
9 the sub-sources and to determine, again, using the same
10 type of evaluating FBI holdings, OGA holdings, open source,
11 to see whether or not we could pull any information on any
12 of the sub-sources provided by the primary sub-source.

13 Mr. Somers. Do you know if your analysts had reviewed
14 the 57-page summary?

15 [REDACTED] My analysts had seen parts, if not the
16 whole, of the 57-page summary, yes.

17 Mr. Somers. And then at some point after the primary
18 sub-source interview, I believe -- and I believe this
19 relates to the primary sub-source interview -- you told the
20 IG's office -- I think it's on page 190 of the IG's report:
21 "The Supervisory Intel Analyst explained that the team
22 members believed that an interview with Steele `would be a
23 good way of potentially looking to see whether or not [the
24 Primary Sub-source] is giving us accurate information [or]
25 did [the Primary Sub-source] tell [Steele] something

1 different.'" Is that an accurate reflection in the IG
2 report of your --

3 [REDACTED] That is an accurate reflection, yes.

4 Mr. Somers. And I believe that it further says that
5 that interview didn't occur until September of 2017. Do
6 you know why it took so long for the interview to occur? I
7 say --

8 [REDACTED] I do, but I --

9 Mr. Somers. Go ahead.

10 [REDACTED] I do, but I wouldn't be able to talk about
11 it in this forum.

12 Mr. Somers. Did anyone ever consider not using the
13 Steele dossier information in the two FISA applications
14 that were filed during that time period?

15 [REDACTED] Not to my recollection. But, again, I
16 wasn't the one who was drafting the FISA applications.

17 Mr. Somers. But you don't recall any discussion of,
18 hey, maybe we ought to put a pause on using the Steele
19 information until we talk to him again?

20 [REDACTED] I don't recall any discussions of that.

21 Mr. Somers. On page 192 to 193 of the IG report, it
22 says, "FBI documents reflect that another of Steele's sub-
23 sources who reviewed the election reporting told the FBI in
24 August 2017 that whatever information in the Steele reports
25 that was attributable to him/her had been 'exaggerated' and

1 that he/she did not recognize anything as originating
2 specifically from him/her. The Primary Sub-source told the
3 FBI that he/she believed this sub-source was `one of the
4 key sources for the "Trump dossier"' and the source for
5 allegations concerning Michael Cohen and events in Prague
6 contained in Reports 135, 136, and 166, as well as Report
7 94's allegations concerning the alleged meeting between
8 Carter Page and Igor Divyekin. The Supervisory Intel
9 Analyst told us that he believed this Steele sub-source may
10 have been attempting to minimize his/her role in the
11 election reporting following its release to the public."

12 Is that your recollection that you believed this
13 Steele sub-source may have been attempting to minimize
14 his/her role in the election reporting?

15 [REDACTED] In some things, yes.

16 Mr. Somers. Why did you assume that they were trying
17 to minimize versus being truthful?

18 [REDACTED] Unfortunately, information regarding this
19 sentence, I'm just going to have to let stand what's in
20 there because in this forum I wouldn't be able to discuss
21 this in any form in a way that would be at the level at
22 which we are right now classification-wise.

23 Mr. Somers. Okay. But you did believe that the
24 source was minimizing?

25 [REDACTED] In some aspects, yes.

1 Mr. Somers. And you were ware of the information from
2 a highly credible source regarding Cohen and the events in
3 Prague? I think you testified to that earlier.

4 [REDACTED] Correct.

5 Mr. Somers. But even given that information, you
6 still thought the source was minimizing.

7 [REDACTED] I'm not -- I think in this case, I think,
8 again, where I thought the source was minimizing or what
9 the source was minimizing about I don't think I can talk
10 about here in this forum.

11 Mr. Somers. Okay. So you don't think the source --
12 there's something specific that you think the source was
13 attempting to minimize?

14 [REDACTED] I think there were some aspects that were
15 specific that the source was trying to minimize, yes.

16 Mr. Somers. Did they relate to Michael Cohen and
17 events in Prague?

18 [REDACTED] Again, I'm not going to talk about that.

19 Mr. Somers. I think you spoke about minimizing, and
20 you said there were "any number of reasons that a source
21 might minimize." Is that accurate?

22 [REDACTED] I believe that's accurate.

23 Mr. Somers. Would one reason that a source might
24 minimize be because the source was an agent of a foreign
25 government?

1 ██████████ That's possible, but if a source was an
2 agent of a foreign government and attempting to --
3 attempting to cede information to the United States, I'm
4 not sure they would minimize in that sense. They might
5 want to actually give more details, depending. I think
6 it's very circumstance-dependent.

7 Mr. Somers. We talked about this some earlier, I
8 think at least with regard to Divyekin. Hopefully I'm
9 pronouncing his name correctly, although I'm not sure he'll
10 be offended if I'm not. And I'd just like to ask -- and
11 you may not know. I mean, you're not -- obviously, you
12 said you're not the author of the FISA application. But
13 I'd just like to run through three pieces of exculpatory --
14 what I'll characterize as exculpatory information just for
15 purposes of asking the question. But I'd just like to ask
16 you why this material, if you know, did not make it into
17 the any of the Page FISA applications, the first being, you
18 know, do you know why the Divyekin -- the Page denial of
19 even knowing Divyekin, why that did not make it into the
20 FISA application?

21 ██████████ Again, as an analyst, I'm not a lawyer. I
22 don't -- I'm not involved with the probable cause
23 evaluation within a FISA. I would say I'm not the right
24 person to ask that question.

25 Mr. Somers. Okay. Do you know why the Page denials

1 regarding his involvement in the Republican platform
2 regarding Ukraine did not make it into the FISA
3 applications?

4 [REDACTED] I would give the same answer.

5 Mr. Somers. And what about Page's denials that he
6 literally never met Paul Manafort and never said one word
7 to him? Do you know why that didn't make it in the FISA
8 applications?

9 [REDACTED] I would give the same answer.

10 Mr. Somers. Did you use all this material, though, in
11 analyzing other material, all these confidential human
12 source recordings of Page?

13 [REDACTED] I think some of the information taken from
14 CHS interactions were analyzed and used in analysis, yes.

15 Mr. Somers. Do you know why Page's relationship with
16 the CIA, previous relationship with the CIA, did not make
17 it into the FISA applications?

18 [REDACTED] Again, I'd give the same answer as before.
19 I'm not a lawyer. I don't evaluate probable cause
20 assessments with respect to FISA applications.

21 Mr. Somers. Do you know why information that Person 1
22 was an egotist, a boaster, and, according to Steele, may
23 exaggerate -- may engage in embellishments didn't make it
24 into the FISA application with regards to the information
25 provided by Person 1?

1 [REDACTED] Same answer.

2 Mr. Somers. Okay. I think to start the interview, I
3 had asked you whether you'd reviewed the IG report, read or
4 reviewed the IG report, and you had answered that you had.
5 In reviewing the IG report, did you review the 17
6 significant errors and omissions identified by the IG?

7 [REDACTED] I understand that there were 17, yes.

8 Mr. Somers. Do you agree that there were errors and
9 omissions?

10 [REDACTED] I wouldn't be the person to evaluate
11 whether or not those are errors or omissions.

12 Mr. Somers. Did you review the 50 or so Woods errors
13 in the appendix to the IG report?

14 [REDACTED] I read through those, yes.

15 Mr. Somers. Do you agree that those were errors?

16 [REDACTED] Again, I'm not the person to make the
17 assessment as to whether or not those were Woods errors.

18 Mr. Somers. The IG's office also determined that the
19 Crossfire Hurricane team's receipt of Steele's election
20 reporting on September 19, 2016, played a central and
21 essential role in the FBI's and the Department's decision
22 to seek the FISA order. Do you agree with the IG's
23 assessment that the Steele reporting played a central and
24 essential role?

25 [REDACTED] I have no reason to disagree with the IG's

1 assessment on that point.

2 Mr. Somers. Getting back to these 17 errors and
3 omissions, whether or not you agree whether they're errors
4 or omissions, were you aware of any of these errors -- what
5 the IG characterizes as errors and omissions prior to the
6 initial or any of the subsequent renewals of the Carter
7 Page FISA application?

8 [REDACTED] Again, I'm not going to -- I'm not going
9 to characterize one way or another whether something's an
10 error and omission. I'm not the person to actually --

11 Mr. Somers. I'm asking you -- I'm asking whether you
12 were aware of the fact. I'm not asking you to
13 characterize. There's 17 what the IG characterized as
14 errors and omissions, and I'm asking whether you were aware
15 of any of them prior to the filings of the Carter Page
16 initial or renewal FISA applications.

17 Mr. Heberling. You know, Zach -- it's [REDACTED]. I don't
18 really think it's fair to put 17 on his memory. If you
19 want to take any one of them at a time and ask him factual
20 questions, that's fine. But I certainly couldn't remember
21 all that, and I don't think we should put on [REDACTED] memory
22 what he recalls or doesn't recall about 17 errors and
23 omissions, at least as alleged by the IG.

24 Mr. Baker. While Zach is looking at that, I just have
25 a general question, certainly in the context of Crossfire,

1 but, I mean, if you could also include in your answer a
2 broader scenario. Was there a concern at the FBI -- again,
3 specifically to Crossfire, but maybe more broadly, was
4 there a concern about leaking of things coming out of the
5 Hoover Building that weren't supposed to come out to the
6 press or just in general a concern about leaks?

7 [REDACTED] I would say there's always a general
8 concern about leaks, but I also know that in the IG report,
9 it was documented that there were concerns about leaks and
10 the potential for leaks with respect to the Crossfire
11 Hurricane investigation.

12 Mr. Baker. Were you aware at the time that there had
13 to be enhanced operational security or there had to be, you
14 know, bringing people into Washington Field -- were there
15 actually steps taken in the forming of the Crossfire team
16 or the investigation to recognize the potential for leaks?

17 [REDACTED] I think to my recollection the very fact
18 that it was done as a "headquarters special" was part and
19 parcel of trying to minimize the potential for leaks.

20 Mr. Baker. What exactly is a "headquarters special"?

21 [REDACTED] I think it's -- a headquarters special is
22 nomenclature that's used to designate maybe a special
23 project or an investigation that the decision is made to
24 actually run it out of headquarters rather than having a
25 field office run it.

1 Mr. Baker. But yet there were parts of this that were
2 still or subsequently run by field offices. Is that
3 correct?

4 [REDACTED] Yes, because the Crossfire Hurricane
5 investigation morphed over time in terms of structurally.

6 Mr. Baker. So then there was no further concern about
7 the leaks that ultimately started the case as centralized
8 at headquarters? There was no longer a concern about that?

9 [REDACTED] I think there was always a concern about
10 leaks, but the fact is the Crossfire Hurricane structure
11 morphed and changed over time.

12 Mr. Baker. Was there -- I mean, I understand there's
13 always a concern about leaks, but was the culture at the
14 FBI during this time one where there were a high incidence
15 of leaks that was causing concern for the managers?

16 [REDACTED] I'm going to talk to FBI counsel for just
17 a moment.

18 Mr. Baker. Sure.

19 [Witness confers with counsel.]

20 [REDACTED] [REDACTED] back. Would you mind
21 repeating the question for me, please?

22 Mr. Baker. I was just asking the centralization of
23 the case initially --

24 [REDACTED] Excuse me. Sorry. We're getting a lot of
25 feedback here. Let me figure out what this feedback is.

1 Mr. Baker. That sounds quiet now.

2 [REDACTED] How about now? It's better now.

3 Mr. Baker. Yeah, it sounds good.

4 [REDACTED] Apologies.

5 Mr. Baker. The centralization of the case at
6 headquarters initially, it seemed to be there was a concern
7 about leaks, and then subsequently there's cases that are
8 spun back out to the field. I was just curious. Was there
9 no longer a concern about leaks? And then sort of as an
10 add-on to that, was the concern about leaks just a general
11 operational concern, or was there a heightened incidence of
12 leaks at FBI headquarters during this time?

13 [REDACTED] I do not recall any heightened concerns
14 about leaks out of FBI headquarters.

15 Mr. Baker. But the reason for the centralization
16 initially of the case was to keep a close hold?

17 [REDACTED] Correct.

18 Mr. Baker. Were there operational impediments because
19 it was being run out of headquarters rather than being run
20 out of a field office?

21 [REDACTED] I wouldn't say operational impediments,
22 but as is discussed in the IG report, there were -- you
23 know, there's no evidence room at headquarters and the
24 like. So there are aspects that still have to be -- there
25 still has to be interaction with field offices.

1 Mr. Baker. So even though it may be or it may seem
2 centralized, the field office is really never completely
3 cut out of it because they have capabilities -- because
4 they're used to running investigations, they have
5 capabilities that headquarters just normally wouldn't have?

6 [REDACTED] I would say that's a fair statement, yes.

7 Mr. Baker. Okay.

8 Mr. Somers. Just on leaks, I think you -- and I don't
9 want to rebut questioning from the last round, but I think
10 you did characterize that there weren't many leaks or
11 something to that extent in the last round with the
12 minority. But I'd just ask you, you're aware of a
13 September 23rd Yahoo News article, are you not, "U.S. intel
14 officials probe ties between Trump adviser and Kremlin" by
15 Michael Isikoff? You're aware of that article?

16 [REDACTED] I am.

17 Mr. Somers. You're aware of an October 31, 2016,
18 article in Mother Jones, "A Veteran Spy Has Given the FBI
19 Information Alleging a Russian Operation to Cultivate
20 Donald Trump"?

21 [REDACTED] I am.

22 Mr. Somers. And are you aware of a February 2017 New
23 York Times article about contacts between the Trump
24 campaign and Russia?

25 [REDACTED] I am.

1 Mr. Somers. Okay. That's all I have.

2 Mr. Baker. I just have two quick points, one sort of
3 clean-up. Earlier, but not so long ago, regarding the
4 learning that the primary sub-source was domestically
5 based, I had said that maybe the word "surprise" -- and I
6 said "shock" might be my word. I want to make it clear for
7 the record that I had the impression from the answer given
8 by the witness to, I believe, my question in a previous
9 deposition was including both verbal and nonverbal
10 communication, and I was definitely given the impression
11 that the reaction to learning the source, the primary sub-
12 source was domestically based was more than just a "casual
13 surprise."

14 And then, finally, at some point I think you said
15 earlier you left the Crossfire team because the work had
16 been absorbed by the Special Counsel's office?

17 [REDACTED] Yes, that would be correct.

18 Mr. Baker. And what time period would that have been?

19 [REDACTED] It would have been May of 2017.

20 Mr. Baker. And when --

21 Mr. Somers. So when the Special Counsel -- just to be
22 clear. This is probably clear to everybody, but I'm just
23 not recalling it. When the Special Counsel's team is
24 formed, the Crossfire Hurricane team basically went away?
25 I mean, they may have been subsumed, but there was not a

1 separate Crossfire Hurricane team at the FBI while the
2 Mueller investigation is ongoing. Is that correct?

3 [REDACTED] That is correct.

4 Mr. Somers. Okay. Thank you.

5 Mr. Baker. I guess my final point or question, how
6 long were you on the Special Counsel team from the time
7 that you -- or the case was absorbed over to the Special
8 Counsel and you reported, how long were you on the team
9 from that time?

10 [REDACTED] May of 2017 until middle of 2019.

11 Mr. Baker. Okay. And I ask this sort of as a follow-
12 up to the leaks questions, but also just I'm curious for
13 operational security. When you left, were you instructed
14 or were you aware of anybody that was instructed to "wipe
15 their phones"?

16 [REDACTED] No.

17 Mr. Baker. Thank you.

18 Mr. Somers. I think that's all we have. I don't know
19 if the minority has another round. Obviously, they could
20 raise something that could cause us to ask a few more
21 questions, but we're complete in principle.

22 Mr. Fausett. I think we're in a position to move
23 forward. We don't have much at all. But, [REDACTED] I
24 want to give you the chance if you want a break.

25 [REDACTED] No, I think we can go forward.

1 Mr. Fausett. Okay. So I just want to kind of build
2 on one topic of conversation in this last round, which was
3 this notion of the primary sub-source being Russia-based
4 and then not Russia-based, and just a basic question.
5 Could an individual have meaningful relationships or
6 insights into the activities of a foreign government even
7 if they don't live in that country?

8 [REDACTED] Yes.

9 Mr. Fausett. And just again, I'm sure it's apparent
10 to you, but for the record, why is that the case?

11 [REDACTED] Communication changes make it possible to
12 keep in communication with individuals and even securely
13 communicate with individuals globally.

14 Mr. Fausett. All right. And I think really the last
15 two rounds there were a number of questions that you were
16 asked about the Carter Page FISA applications and some of
17 the errors that were identified by the Inspector General in
18 his report, and I just want to follow up with a couple of
19 questions.

20 First, to put the FISA errors in context, only 14
21 pages of the 448-page Mueller report addressed Carter Page,
22 and in December of last year, when Inspector General
23 Horowitz testified before our committee for 6 hours about
24 the errors he identified in the Page FISA applications, he
25 stated the errors do not call into question "any part of

1 the Special Counsel's report." Having worked in support of
2 both Crossfire Hurricane and the Special Counsel's office
3 investigation, do you have any evidence that the Page FISA
4 errors call into question any of Special Counsel Mueller's
5 findings?

6 [REDACTED] I have no evidence to suggest that it
7 calls into question the Special Counsel's findings.

8 Mr. Fausett. Okay. The Inspector General recommended
9 a number of corrective actions, including changes to the
10 Woods form and the FISA request form, which are designed to
11 ensure that OI at National Security Division receives all
12 relevant information, including confidential human source
13 information, needed to prepare FISA applications. Director
14 Wray has accepted and agreed to implement all of the
15 Inspector General's recommended corrective actions.

16 Do you have any reason to believe that the FBI is not
17 taking appropriate steps in response to the Inspector
18 General's report?

19 [REDACTED] No, I have no reason to believe that.

20 Mr. Fausett. Do you have any reason to believe that
21 the corrective actions that the Inspector General
22 recommended and which the FBI is now taking will not
23 adequately address the errors that the Inspector General
24 identified?

25 [REDACTED] I don't have any reason to believe that

1 the policies and procedures that they're putting in place
2 on the basis of the recommendations of the IG report won't
3 help the FBI in that area.

4 Mr. Fausett. Do you have any recommendations of your
5 own beyond those provided by the Inspector General for
6 improving or reforming the FISA process?

7 [REDACTED] I would not be in a place to actually make
8 recommendations as to how to reform or improve the FISA
9 process.

10 Mr. Fausett. The Inspector General noted, and I'm
11 going to quote from Footnote 499 of the report now,
12 "members of the Crossfire Hurricane team told us that their
13 performance should be assessed in light of the full scope
14 of responsibilities they had in 2016, in connection with
15 the FBI's...counterintelligence investigation, and that the
16 Carter Page FISA was a narrow aspect of their overall
17 responsibilities."

18 Is there any additional contextual information about
19 your responsibilities as a member of the Crossfire
20 Hurricane team that you think is important to a full
21 understanding of the errors that the Inspector General
22 identified?

23 [REDACTED] I don't think I have any comment on that.

24 Mr. Fausett. You were asked earlier about an email
25 you sent to FBI lawyers in September of 2016 forwarding

1 claims from Steele Report 94 that Carter Page secretly met
2 with a Kremlin-tied official Igor Divyekin -- I'm not sure
3 how you pronounce it, but I'll go with that -- in July
4 2016. In that email, again, you asked, "Does this put us
5 at least *that* much closer to a full FISA on [Carter
6 Page]?" That's on page 125 of the report.

7 At the time you sent that email, just to be clear, you
8 had not yet had an opportunity to speak with the primary
9 sub-source. Is that correct?

10 [REDACTED] That is correct.

11 Mr. Fausett. So when you asked the FBI lawyers
12 whether the excerpt from Report 94 would be helpful in
13 pursuing the FISA warrant, you had no independent reason to
14 question the credibility of Mr. Steele's reporting at that
15 point. Correct?

16 [REDACTED] That's correct.

17 Mr. Fausett. And, in fact, you told the Office of the
18 Inspector General that earlier that same day you had
19 "researched information on Divyekin that elevated the
20 significance of this particular allegation." Is that
21 correct?

22 [REDACTED] That is correct.

23 Mr. Fausett. I think we had a little back-and-forth
24 with your attorney about the characterization of that
25 question, so I just want to be clear here. Did you ask the

1 lawyers, the FBI lawyers, whether the excerpt from Report
2 94 would be helpful in pursuing a FISA warrant because you
3 were politically biased against Donald Trump?

4 [REDACTED] No.

5 Mr. Fausett. Did you ask it because you had an
6 anticipated outcome or a preferred outcome in mind for the
7 investigation?

8 [REDACTED] No.

9 Mr. Fausett. In fact, you told the Office of the
10 Inspector General -- I'm quoting from page 125 of the
11 Horowitz report -- that you "wondered whether OGC would
12 find that this information, along with the totality of the
13 other information on Carter Page, brought them closer to
14 probable cause on Page." Isn't that why you sent the
15 email?

16 [REDACTED] That is correct.

17 Mr. Fausett. And in your experience as an
18 intelligence analyst at the FBI, is it unusual for an
19 analyst to want to know whether there's enough evidence in
20 hand to warrant a Court order for surveillance?

21 [REDACTED] That is not uncommon.

22 Mr. Fausett. And why is that?

23 [REDACTED] I mean, again, analysts aren't the ones
24 that are making the probable cause assessment.

25 Mr. Fausett. And I think you've been very clear

1 about, you know, the role that you have played with respect
2 to the FISA applications, so I don't want to go through
3 that litany again. But I do want to be clear about one
4 thing. To the best of your knowledge, were any of the
5 reports -- or any of the errors, excuse me, identified by
6 the Inspector General in his report the result of political
7 bias?

8 [REDACTED] Again, not to my knowledge.

9 Mr. Fausett. To your knowledge, did anyone in an FBI
10 leadership role, whether it's Director Comey, Deputy
11 Director McCabe, Peter Strzok, or anyone else in your chain
12 of command direct you or any other member of Crossfire
13 Hurricane to commit any of the errors identified in the
14 Inspector General's report?

15 [REDACTED] The errors that are alleged in the report,
16 not to my -- no. I would say the answer is no.

17 Mr. Fausett. All right. Sara, I'll defer to you if
18 you have any others.

19 Ms. Zdeb. I have nothing else other than to say thank
20 you very much, [REDACTED] for your time and for being with
21 us. We also wanted to acknowledge that it is -- we
22 recognize that it is not the norm for the FBI to make
23 someone at your level and your position available for this
24 sort of interview, and, in fact, as we understand it, it is
25 contrary to their typical practice in investigations such

1 as this one. And so we appreciate your time today. Thank
2 you.

3 [REDACTED] Thank you. Yes, thank you.

4 [REDACTED]. Mr. Somers, it's [REDACTED]. Before we go off,
5 can I add one thing to the record?

6 Mr. Somers. Sure.

7 [REDACTED]. You and I exchanged an email offline. I
8 just want to make clear for the record that [REDACTED],
9 whose name came up on a couple different occasions, was not
10 at the time and is not now to my knowledge an SES employee.
11 So we would request that his name be redacted in any
12 transcript.

13 Mr. Somers. Sure. Just to clarify on that subject, I
14 think I was asking [REDACTED] who his DADs were during the
15 Crossfire Hurricane investigation. I think we got Dina
16 Corsi being one. Were there others?

17 [REDACTED] Sorry, that were in my chain of command in
18 terms of DADs?

19 Mr. Somers. Yes, in your chain of command.

20 [REDACTED] So, again, at the beginning of Crossfire
21 Hurricane, the chain of command went me to Moffa to
22 Priestap. The second part of -- the second part, excuse
23 me, of Crossfire Hurricane, which would have been the
24 January to late March period, the chain of command went
25 from me to Moffa to Dina Corsi to Priestap. And then in

1 the third chain -- or the third period, excuse me, the
2 March to June period, it would have gone from me to the
3 individual that [REDACTED] just mentioned has to be redacted to
4 Priestap.

5 Mr. Somers. So that individual is the intel section
6 chief?

7 [REDACTED] No. On the third it would not be the
8 intel section chief. He had a position -- he would have
9 been an SSA at that point, I believe. Or a unit chief? A
10 unit chief. Sorry.

11 Mr. Somers. I'm sorry. Okay. So a unit chief. So
12 no DAD and no section chief?

13 [REDACTED] Correct.

14 Mr. Somers. Okay. I think that's all we have. I
15 just wanted to clear that up since we were taking the
16 individual's name off the record. I do want to thank you
17 for appearing remotely today, taking the time out of your
18 day to discuss these matters with us, and we appreciate
19 that.

20 Mr. Baker. Yes, thank you very much.

21 [REDACTED]. Zach, this is [REDACTED] jumping in real
22 quick. There were two references during, I believe, the
23 first round to an OGA that I think were classified, and you
24 indicated that you would make sure they were redacted. I
25 just want to make sure that that gets followed through.

1 Mr. Somers. Yeah, I said the name of an agency, and I
2 shouldn't have. Is that what you're referring to, [REDACTED]?

3 [REDACTED]. Yes. I just wanted to make sure that it
4 didn't get lost in the --

5 Mr. Somers. Yeah, we'll take that out of there, since
6 now I've really highlighted it by saying I shouldn't have
7 said that.

8 All right. If that's everything, we'll go off the
9 record.

10 Mr. Linehan. Hey, Zach? Zach?

11 Mr. Somers. Yes?

12 Mr. Linehan. Before we go off the record, I just want
13 to confirm that we'll have an opportunity to review the
14 transcript?

15 Mr. Somers. Yeah, if we decide to release the
16 transcript, we will give you an opportunity to review it.

17 Mr. Linehan. Great. Okay, thank you.

18 Mr. Somers. All right.

19 Mr. Baker. Thank you, everybody.

20 Mr. Fausett. Take care, everyone.

21 [Whereupon, at 4:24 p.m., the interview was
22 concluded.]

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*** CONFIDENTIAL INTERVIEW ***

SENATE JUDICIARY COMMITTEE
UNITED STATES SENATE
WASHINGTON, D.C.

INTERVIEW OF:

Supervisory Special Agent 1

THURSDAY, AUGUST 27, 2020

The interview in this matter was held at the Senate Dirksen Building, Hearing Room 226, commencing at 10:14 a.m.

1 APPEARANCES :

2 SENATE JUDICIARY COMMITTEE :

3 ZACHARY N. SOMERS, ESQ.

4 Chief Investigative Counsel

5

6 ARTHUR RADFORD BAKER, ESQ.

7 Senior Investigative Counsel

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9 LEE HOLMES, ESQ.

10 Chief Counsel to Chairman Graham

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12 SARA ZDEB, ESQ., Senior Counsel

13 JOSEPH CHARLET, ESQ. for

14 Ranking Member Feinstein

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17 LAWRENCE BERGER, ESQ.

18 Federal Law Enforcement Officers Association

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5 [REDACTED], ESQ.

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7 Office of General Counsel

8

9 On behalf of the U.S. Department of Justice:

10 [REDACTED], ESQ.

11 Senior Counsel,

12 U.S. Department of Justice

13

14 [REDACTED], ESQ.

15 Counsel, U.S. Department of Justice,

16 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

P R O C E E D I N G S

1
2 MR. SOMERS: Good morning. This is a transcribed
3 interview of [REDACTED]. Chairman Graham requested this
4 interview as part of an investigation by the Senate Judiciary
5 Committee into matters related to the Justice Department's and
6 the Federal Bureau of Investigation's handling of the Crossfire
7 Hurricane investigation, including the application for and
8 renewals of the Foreign Intelligence Surveillance Act warrant
9 of Carter Page.

10 Will the witness please state his name and current
11 position with the FBI for the record.

12 THE WITNESS: [REDACTED] and I'm the Assistant
13 Special Agent in Charge for Counterintelligence at the FBI [REDACTED]
14 [REDACTED] Field Office.

15 MR. SOMERS: Thank you. On behalf of Chairman Graham,
16 I want to thank you for appearing today and we appreciate your
17 willingness to appear voluntarily.

18 My name is Zachary Somers. I'm the Majority's chief
19 investigative counsel for the Judiciary Committee, and I would
20 now like to ask everyone else who's here in the room to introduce
21 themselves for the record other than your personal counsel, who
22 I'll get to in a few moments.

23 MR. BERGER: Thanks.

24 MR. BAKER: Arthur Baker, senior investigative counsel
25 for Majority staff, Chairman Lindsey Graham.

1 MS. ZDEB: Sara Zdeb, senior counsel for the Minority
2 staff, Ranking Member Feinstein.

3 MR. CHARLET: Joe Charlet, counsel for the Minority
4 staff, Ranking Member Feinstein.

5 MR. Brian Zimmerman with Chairman Johnson's office.

6 MR. SCHRAM: Zach Schram, Homeland Security Government
7 Affairs Committee, Minority chief counsel.

8 [REDACTED]: [REDACTED], senior counsel, Department of
9 Justice Office of Legislative Affairs.

10 [REDACTED]: [REDACTED], FBI OGC.

11 [REDACTED]: [REDACTED], FBI OGC.

12 [REDACTED]: [REDACTED], FBI OGC.

13 [REDACTED]: [REDACTED], FBI OGC.

14 MR. SOMERS: The Federal Rules of Civil Procedure do
15 not apply in this setting, but there are some guidelines that
16 we follow that I'd like to go over.

17 Our questioning will proceed in rounds. The Majority
18 will ask questions for an hour and the Minority will have the
19 opportunity to ask questions for an equal period of time. We
20 will go back and forth in this manner until there are no more
21 questions and the interview is over.

22 Typically, we take a short break at the end of each hour
23 of questioning, but if you'd like to take a break apart from
24 that, please let us know.

25 As I noted earlier, you are appearing today

1 voluntarily. Accordingly, we anticipate that our questions
2 will receive complete responses. To the extent that you
3 decline to answer our questions or if counsel instructs you not
4 to answer, we will consider whether a subpoena is necessary.

5 As you can see, there is an official reporter here
6 taking down everything that is said to make a written record.
7 So we ask you to give verbal responses to all our questions.

8 Do you understand that?

9 THE WITNESS: I understand.

10 MR. SOMERS: So that the reporter can take down a clear
11 record, it is important that we don't talk over one another or
12 interrupt each if we can help it.

13 The Committee encourages witnesses who appear for
14 transcribed interviews to freely consult with counsel if they
15 so choose, and you are appearing today with counsel.

16 Counsel, please state your names for the record.

17 MR. BERGER: Sure. Lawrence Berger.

18 MR. KOUKIOS: James Koukios.

19 MS. VIJ: Vanshika Vij, Morrison Foerster.

20 MR. SOMERS: We want you to answer our questions in the
21 most complete and truthful manner possible. So we'll take our
22 time. If you have any questions or if you don't understand one
23 of our questions, please let us know.

24 If you honestly don't know the answer to a question or
25 do not remember it, it is best not to guess. Please give us

1 your best recollection and it is okay to tell us if you learned
2 the information from someone else.

3 If there id anything you don't know or can't remember,
4 just say so and please inform us who, to the best of your
5 knowledge, might be able to provide a more complete answer to
6 the question.

7 You should also understand that although this interview
8 is not under oath, you are required by law to answer questions
9 of Congress truthfully. Do you understand that?

10 THE WITNESS: I understand.

11 MR. SOMERS: This also applies to questions posed by
12 congressional staff in an interview. Do you understand this?

13 THE WITNESS: I understand.

14 MR. SOMERS: Witnesses who knowingly provide false
15 testimony can be subject to criminal prosecution for perjury
16 and for making false statements. Do you understand this?

17 THE WITNESS: I understand.

18 MR. SOMERS: Is there any reason you are unable to
19 provide truthful answers to today's questions?

20 THE WITNESS: No.

21 MR. SOMERS: Finally, we ask that you not speak about
22 what we discuss in this interview with anyone else outside of
23 who is here in the room today in order to preserve the integrity
24 of our investigation.

25 That is the end of my preamble. Do you have any

1 questions before we begin?

2 [REDACTED]: Not a question, just one comment: The FBI
3 wants to note for the record that these are extraordinary
4 circumstances in which a non-SES current onboard FBI agent is
5 appearing for a voluntary transcribed interview.

6 MR. SOMERS: Thank you for making him available under
7 the circumstances of this investigation.

8 It is now 10:20 and we'll begin our first hour of
9 questioning.

10 EXAMINATION BY THE MAJORITY

11 BY MR. SOMERS:

12 Q. [REDACTED], have you had a chance to review the
13 IG's December 2019 report on the Carter Page FISA application?

14 A. I have.

15 Q. And, for the record, are you the individual
16 that's identified as SSA 1 in the IG report?

17 A. I am.

18 Q. Other than your personal attorneys and the
19 attorneys here from DOJ, did you speak with anyone in
20 preparation for today's interview?

21 A. No.

22 Q. The FBI's Crossfire Hurricane investigation, as
23 you are aware, was opened on July 31, 2016. What was your
24 position at the FBI when the investigation was opened?

25 A. I was supervisory special agent assigned to the

1 Washington Field Office.

2 Q. What was your specialization or role, however
3 you would characterize it, in that position you had?

4 A. I was supervisor of the [REDACTED]
[REDACTED].

6 BY MR. BAKER:

7 Q. Is your career primarily as a
8 counterintelligence agent?

9 A. It is.

10 Q. You've been in the FBI as a special agent how
11 long?

12 A. Eighteen years.

13 Q. And how much of that time was
14 counterintelligence, to the best of your recollection?

15 A. Sixteen years.

16 Q. So you are a counterintelligence agent; that's
17 your expertise for lack of a better term?

18 A. Yes.

19 MR. BAKER: Thank you.

20 BY MR. SOMERS:

21 Q. Do you recall exactly when in relation to July
22 31st you were assigned to the Crossfire Hurricane
23 investigation?

24 A. I believe I was contacted by Peter Strzok on the
25 Friday prior. I think it was July 29th.

1 Q. When you say "contacted", what were you
2 contacted about?

3 A. Peter Strzok asked me to come talk to him and
4 asked me enter into a TDY.

5 Q. Did you need approval from the Washington Field
6 in order to enter into that TDY?

7 A. I did.

8 Q. When did you receive that?

9 A. I believe immediately after I spoke with Peter
10 Strzok.

11 Q. Immediately after. So you started Crossfire
12 Hurricane at its inception, maybe a couple of days prior to the
13 official electronic communication opening of the
14 investigation?

15 A. I agreed to support FBI Headquarters in a TDY
16 for whatever they needed at the time.

17 Q. And when did you rotate off? When did that TDY
18 end?

19 A. I ended my TDY on January 6, 2017.

20 BY MR. BAKER:

21 Q. When you say "TDY", for the record, you're
22 talking about what?

23 A. A temporary duty assignment.

24 Q. And that's an assignment away from your normal
25 place of assignment?

1 A. That is correct.

2 Q. To another place of assignment for a period
3 determined between you and that other place?

4 A. That's correct.

5 Q. And the agreement for this was for how long?

6 A. Sixty to ninety days.

7 Q. Did you know Mr. Strzok previously? What were
8 the circumstances that he calls you for this?

9 A. I knew Peter Strzok when he was a supervisor at
10 the Washington Field Office for the SBI Squad and I was a case
11 agent in another squad.

12 Q. So you had a professional relationship with him
13 prior to his call?

14 A. We did.

15 BY MR. SOMERS:

16 Q. So what did you do?

17 You went back to the Washington Field on January 6th
18 when the TDY ended. What was your role at FBI then?

19 A. I resumed my role as the supervisor of the
20 [REDACTED].

21 Q. And did you keep any involvement in Crossfire
22 Hurricane after January 6th?

23 A. Only when contacted by Headquarters, not
24 official. I was not assigned there.

25 Q. And you physically moved your location from

1 Headquarters -- I'm sorry -- from Washington Field to
2 Headquarters when you -- at some point after July 29th?

3 A. That's correct.

4 Q. And moved back to Washington Field on somewhere
5 around January 6th, physically?

6 A. Physically, yes. That's correct.

7 BY MR. BAKER:

8 Q. And it's from Washington Field that you were
9 promoted to your current assignment?

10 A. That is correct.

11 BY MR. SOMERS:

12 Q. And what types of things were you asked to do
13 after January 6th when you said you were contacted?

14 What were those contacts about, the continuing contacts
15 about Crossfire Hurricane?

16 A. Sure. I was contacted and requested to do a
17 subject interview of an individual that we will testify today
18 about that matter. I also was contacted and requested to make
19 contact with an individual in the Washington, D.C. area that
20 could provide information on Crossfire Hurricane. That was
21 also in January.

22 Q. Is that someone other than Bruce Ohr?

23 A. That was someone other than Bruce Ohr.

24 Q. Who was that individual?

25 A. We're in an unclassified setting. I don't

1 think I can give the name.

2 Q. Can you give us any general characterization?

3 Was it a confidential source?

4 A. It was an individual that I understood at the
5 time to be a subsource of Christopher Steele.

6 Q. Okay. Any other things you were tasked with?

7 A. I received information from an individual that
8 wished to provide information to the FBI. I interviewed that
9 individual in April, I think, or in May of 2017 and then later,
10 during the Special Counsel efforts, I supported my squad,
11 provided my squad support to the search of Paul Manafort's
12 residence in Alexandria.

13 Q. Did you have any interactions with the agents
14 preparing -- so you left on January 6th. I think there would
15 have been three FISAs applied for or renewed --

16 A. Correct.

17 Q. -- after January 6th. Did you have any
18 interaction with the agents preparing those FISAs in relation
19 to --

20 A. I had no interaction with agents preparing those
21 FISAs.

22 Q. In relation to preparing those FISAs?

23 A. Correct.

24 Q. That was after your Crossfire Hurricane move.

25 So before you were on Crossfire Hurricane, did you have -- so

1 let's just start this way: What was your understanding in the
2 early days as to what it was you were going to be investigating
3 as part of Crossfire Hurricane?

4 A. On July 29th, I reviewed an email from a leg.
5 att. that provided lead information to the FBI. I reviewed that
6 email and it was the determined that the FBI needed to interview
7 the original source of that information, and that was the extent
8 of what I did prior to Crossfire Hurricane opening.

9 Q. And what was your understanding of what, say,
10 like the first two or three weeks of the Crossfire Hurricane
11 or when it was opened, like what it was that the FBI was
12 investigating?

13 A. Sure. So we had a full investigation, typical
14 factual basis that there was a threat to national security based
15 on the information that we received from a friendly foreign
16 government, and then, separately, I interviewed individuals
17 from the friendly foreign government to establish that from the
18 original source. Based on that information, the friendly
19 foreign government provided Crossfire Hurricane or the FBI with
20 information that George Papadopolous had received, that George
21 Papadopolous provided to the friendly foreign government that
22 the Trump team received a suggestion from the Russians that the
23 Russians had damaging information on Barack Obama and Hillary
24 Clinton and planned to release it anonymously.

25

That was the information at the time that we had and

1 the team was working on an investigative strategy in the weeks
2 that we're talking about.

3 Q. So you traveled to a European city on August 1st
4 to talk to this friendly foreign government official; is that
5 correct?

6 A. That is correct.

7 Q. Do you know what day it was? Was it August 1st
8 you talked to them or was it shortly thereafter?

9 A. I'll have to refer to my 302. I don't recollect
10 the time.

11 Q. But you didn't stay in this European city for
12 days waiting to talk to somebody?

13 A. No.

14 Q. What explanation, if any, were you given as to
15 why you opened Crossfire Hurricane based on the friendly foreign
16 government official's information on Sunday, July 31st and
17 traveled on August 1st to go interview that friendly government
18 official? Why not wait until after the official had been
19 interviewed to open the investigation?

20 A. It's common practice. You receive lead
21 information and then you go out and you can open an investigation
22 based on lead information and then you can go out and
23 substantiate what you heard from the source. Sometimes in the
24 Bureau, you might not have that opportunity. In this case, we
25 did.

1 Q. I didn't hear that last part. You said we did?

2 BY MR. BAKER:

3 Q. Is your mic off?

4 A. The mic was off, yes.

5 MR. BAKER: Thank you.

6 THE WITNESS: So in this case, the last part that you
7 might not have heard is sometimes you do not have the opportunity
8 to get at the original source to interview him or her. In this
9 case, we did.

10 BY MR. SOMERS:

11 Q. I guess my question is since you had that
12 opportunity, obviously, since you traveled on the 1st, you knew
13 you were going to have that opportunity. What would have been
14 lost by waiting until the 4th or the 5th or whenever it was that
15 you interviewed the source?

16 I read the EC and the EC is largely the information from
17 that source, largely what the investigation was predicated on.
18 So I'm wondering why not wait five days instead of opening it
19 on a Sunday afternoon, evening, whatever?

20 A. So I'm not willing to speculate on that. It's
21 common practice. There wasn't anything wrong with it.

22 Q. Yeah. I was not asking whether there was
23 anything wrong with it. I was just asking if you were given
24 any reasons why.

25 A. No.

1 BY MR. BAKER:

2 Q. But it wouldn't be unusual?

3 A. It was not unusual.

4 Q. You had said earlier, just to get it on the
5 record, that you opened a full investigation. What is a full
6 investigation? What distinguishes that from a less than full?

7 A. A full investigation, you need an articulable
8 factual basis that a threat to national security exists. A
9 preliminary investigation, you need information or an
10 allegation.

11 I thought that we had a pretty articulable factual basis
12 as opposed to the lesser standard.

13 Q. So you could go right to the full?

14 A. Yes.

15 Q. And what is the distinction between the two?
16 What does a full get you that a preliminary doesn't?

17 A. I would have to pull up the dialogue. It's a
18 laundry list of all of the techniques. The full investigation
19 gives you additional investigative techniques.

20 Q. And a preliminary can eventually go to a full
21 to use more enhanced techniques?

22 A. It can.

23 Q. You also used the term that you had a
24 conversation with or you got a call from the leg. att. For
25 the record, what is that?

1 A. Legal attache. The FBI has legal attaches that
2 are our representatives.

3 Q. And that would be an FBI agent or --

4 A. Yes. It was an FBI agent.

5 Q. And they are situated in embassies?

6 A. That is correct.

7 Q. Okay. So they are liaisons, for a lack of a
8 better word, for that country's law enforcement needs in the
9 FBI?

10 A. That's correct.

11 BY MR. BAKER:

12 Q. Were you, if you know, the first member of the
13 Crossfire Hurricane team?

14 I mean not from Headquarters.

15 A. As a special agent, I believe so.

16 Q. Did you help select any of the other members of
17 the Crossfire Hurricane team?

18 A. I did.

19 Q. What were you looking for? Why were people
20 selected, just generally?

21 I'm not asking why any particular individual was
22 selected, but what was the search?

23 A. Their professional experience.

24 Q. And they were selected from different field
25 offices or from Headquarters?

1 A. Different field offices.

2 BY MR. BAKER:

3 Q. Was there a Bureau-wide canvass to look for
4 interest in this or did you or Mr. Strzok or whoever have an
5 idea based on the program that this case would fall under or
6 you had an idea what the talent in the Bureau was that you
7 personally reached out to?

8 A. It was your latter answer to that. We were
9 looking for skill sets and subject matter expertise in
10 particular areas.

11 Q. Do you know -- I'm just curious. If you know,
12 what would be the average time in the Bureau or
13 counterintelligence experience? Was there anybody really
14 junior that came on or you were actually looking for people that
15 had proven track records in that program?

16 A. We were looking for people that had subject
17 matter expertise in Russian foreign counterintelligence. I
18 don't think we specifically said they need to be a certain time
19 there.

20 BY MR. SOMERS:

21 Q. Were these people that you knew or you were just
22 looking for -- or was it a combination? Were you just looking
23 for particular expertise, you said there's a counterintel agent
24 in "X" field office and let's pull them in, or were these people
25 that you actually knew and had worked with before, you or Mr.

1 Strzok?

2 A. It was a mix of both. There was some that I knew
3 and some that I didn't.

4 Q. How many FISA applications have you worked on
5 in your career at the Bureau?

6 A. Fifty, just a generalization, a ballpark.

7 Q. Yeah. And what's your -- what were the
8 different roles you have been when preparing those FISA
9 applications?

10 MR. BERGER: You can answer. If you can answer, go
11 ahead.

12 THE WITNESS: As an agent and then as a supervisor most
13 recently.

14 BY MR. SOMERS:

15 Q. And these were on -- these FISA applications
16 were for investigations you were working?

17 A. Yes.

18 Q. Are you familiar with the Woods procedures?

19 A. I am.

20 Q. How did you gain that familiarity?

21 A. Training.

22 Q. What type of training? Specific training on a
23 Woods file or training more generally -- I'm sorry -- Woods
24 procedures or training more generally?

25 A. The FBI has various training in the Virtual

1 Academy that prepares you for FISA applications as well as Woods
2 procedures.

3 BY MR. BAKER:

4 Q. Did you -- you're an ASAC now. You were an SSA.
5 As part of your career development, did you ever travel with
6 an inspection team to audits of national security files and a
7 Woods file?

8 A. Yes.

9 Q. And how many of them do you guesstimate you did?

10 A. I believe I did three inspections.

11 Q. And that would be part of the training,
12 knowledge, and expertise you developed in the Woods procedures?

13 A. Yes, sir.

14 Q. And you acted, I believe, as an assistant
15 inspector and actually checked these files for compliance?

16 A. In two of the inspections I did of the three,
17 yes.

18 BY MR. SOMERS:

19 Q. You signed the Woods form in the Carter Page FISA
20 application. Correct?

21 A. That is correct.

22 Q. And how many times prior to that had you signed
23 a Woods form, ballpark?

24 A. Forty prior to that.

25 Q. So there are a few FISAs that you worked on that

1 you were not the agent signing the Woods form as well?

2 A. Can you rephrase that question?

3 Q. Yeah. I'm sorry. That probably was not the
4 greatest question.

5 So you said you worked on, roughly, 50 FISA
6 applications. You signed the Woods form 40 or so FISA
7 applications. So there's a subset there where you didn't sign
8 the Woods form. Was that because you had a lesser role in those
9 FISA applications?

10 A. No. I went down to 40 thinking there was
11 probably 10 more after this FISA.

12 Q. Okay. So you signed the Woods form, you
13 believe, in almost all of the FISAs that you previously worked
14 on, in the ballpark of 50?

15 A. Correct.

16 Q. And why were you the one signing the Woods form
17 in Carter Page's FISA application?

18 A. My role at the time was squad supervisor.

19 MR. BERGER: Could we just make it clear that we're
20 talking about the FISA 1, the initial application only?

21 MR. SOMERS: Yes. Sorry.

22 BY MR. SOMERS:

23 Q. So as the squad supervisor, it would have been
24 your role to sign the Woods form?

25 Maybe we should break that down. The case agent also

1 signed the Woods form. Correct?

2 A. That's correct.

3 Q. And what's your role as the squad -- what
4 was -- you also signed the Woods form. You're signing over the
5 case agent's signature?

6 What's the rationale for you signing, just in general,
7 the Woods form after the case agent signs it?

8 MR. BERGER: Can I just ask for clarification? Are you
9 talking about initiating the application or any application?

10 MR. SOMERS: Any. I'm just asking in general. The
11 case agent signs the Woods form.

12 MR. BERGER: Understood.

13 MR. SOMERS: Then the supervisor signs the form.

14 MR. BERGER: You can answer that.

15 THE WITNESS: So I would sign it after the case agent.

16 BY MR. SOMERS:

17 Q. I don't know what a Woods form looks like.

18 A. Okay.

19 Q. I guess that's why I'm asking.

20 So it has a line for both -- I'm trying to -- sorry.

21 It's a very basic question. There is a line for the
22 case agent to sign and for the squad supervisor to sign as well?

23 A. It is, yes. There is.

24 Q. And prior to signing that Woods form -- now we're
25 talking about FISA Application No. 1, Carter Page -- had you

1 reviewed the Woods file?

2 MR. BERGER: You can answer that.

3 THE WITNESS: I had. I did.

4 BY MR. SOMERS:

5 Q. You did?

6 A. Um-hum.

7 Q. What was the -- then I believe the IG report
8 discusses that you and Case Agent 1 -- do you know who Case Agent
9 1 is?

10 I'm not asking for his name. I just want to make sure
11 we're both talking about the same person.

12 A. I do.

13 Q. You and Case Agent 1 somehow went over the Woods
14 file or the FISA application with the Woods file next to you
15 and then you signed the form? Could you walk me through a little
16 bit more specifically how that happened, how you came to finally
17 sign the Woods form?

18 MR. BERGER: I need a clarification here, because we
19 have to determine which FISA application he actually reviewed.
20 The FISA application he actually reviewed is lost as far as
21 the -- upon information and belief from the Bureau.

22 We have been shown subsequently what is represented to
23 be a FISA application that was reconstructed by Case Agent No.
24 1. We don't have any reliability that that reconstructed FISA
25 application is the same one that ASAC [REDACTED] looked at at the

1 time of his Woods review.

2 So I'm reluctant to have him answer questions regarding
3 that process, because he would need to have that FISA
4 application in order to refresh his recollection.

5 MR. SOMERS: I'm just asking him a more general
6 question about he signed the Woods form. The IG report
7 describes that he and Case Agent 1 sat down and reviewed a FISA
8 application and I'm guessing a Woods file and verified that all
9 the facts that were in that FISA application were also in the
10 Woods file, and I'm just asking him to kind of describe that
11 interaction, that meeting or whatever it was, between he and
12 Case Agent 1.

13 MR. BERGER: I understand.

14 [REDACTED]: Before he answers, can we go off and have a
15 conversation?

16 MR. BERGER: Yes. I understand that, but I want to
17 make one thing clear and that is that the FISA application that
18 the OIG relied upon was the reconstructed -- I learned, we
19 learned, was reconstructed, the reconstructed one and not the
20 original one.

21 [REDACTED]: We need to make a correction for the
22 record. The FISA application and the Woods file are two
23 distinct things. There's no indication that I'm aware of that
24 the FISA application has been lost.

25 I have been made aware that there is an issue with

1 respect to the Woods file. What we are talking about here, as
2 I understand it, globally, is the first FISA application and
3 the first FISA application only. That was one that this witness
4 was involved in as far as I understand it.

5 MR. BAKER: So, [REDACTED], you're saying the FISA
6 application itself is not at issue, but, Mr. Berger, you're
7 saying that's been lost, the original one?

8 MR. BERGER: Yes. That is my understanding.

9 [REDACTED]: Let's go off.

10 [Counsel confer.]

11 [REDACTED]: Subject to any comments or corrections
12 from co-counsel, what we're talking about here is the FISA
13 application, the actual document that's filed with the court.
14 That's the FISA application. That is not lost to my knowledge.
15 That's not been misplaced to my knowledge. That is, I suspect,
16 on file with the court, fully signed and executed and endorsed
17 by the court.

18 What the witness was talking about and counsel was
19 talking about is the Woods file itself, the original Woods file,
20 is missing. A working draft, probably a final draft, of the
21 FISA application which is now on file with the court would have
22 been worked on by the witness, would have been reviewed between
23 the witness and the case agent. They would have been looking
24 at that final draft, working off of that to correlate it with
25 the Woods file.

1 The witness', I believe, understanding now is that that
2 final draft that they used during the Woodsing process along
3 with the Woods file has been misplaced or lost.

4 Any corrections?

5 ██████████: I think that's the clarification of what
6 actually may be missing.

7 ██████████: So it's the final draft that the witness
8 looked at that's missing.

9 Is that your understanding?

10 THE WITNESS: Yes.

11 MR. BAKER: Okay.

12 THE WITNESS: What I understand is the final draft as
13 well as the supporting document.

14 BY MR. BAKER:

15 Q. And that would have been the exact copy of
16 whatever that you looked at to do whatever you do before you
17 sign?

18 A. Yes.

19 Q. And that's missing?

20 A. Yes, sir.

21 Q. I would be curious and Mr. Somers can enhance
22 this, but in just general terms, for any FISA where you, as an
23 SSA, are working with a case agent, what does the SSA do, I guess,
24 after the agent does something?

25 What is it that each of you are doing to that Woods file?

1 Are you going back through it to look at everything line for
2 line that the case agent did or are you, as the supervisor,
3 making sure he did that or some summary of that?

4
5 I'm just curious what the difference in
6 responsibilities is.

7 A. Per policy, the obligation of the squad
8 supervisor at that time is to look at the -- take that draft
9 application that we now know is missing. The case agent has
10 already either highlighted or underlined facts in that
11 application. They're usually tabbed and with numbers, and then
12 there is supporting documentation to each one of those facts;
13 and in that supporting documentation, it will also be underlined
14 or highlighted in tabs with regard to how it links back to that
15 draft application.

16 Q. What would qualify as acceptable supporting
17 documentation, just any example you can think of?

18 I mean, you made an assertion in the application.
19 You're looking to put something in the Woods file that supports
20 that assertion. Would it be like a 302 or some sort of other
21 document?

22 A. Sure. 302s, ECs, tech cuts.

23 Q. You're looking, you and your case agent, you're
24 looking to see that there is such documentation; you're not
25 diving into the documentation to see if it's true or doing a
26 separate investigation --

1 A. Correct.

2 Q. -- into what resulted in that being generated
3 in the first place?

4 A. At that point in the review, by policy and by
5 obligation, it was just to ensure that there was that fact there.

6 Q. So are you looking, as the SSA, are you looking
7 at exactly what your agent did and just redoing that or are you
8 doing something together?

9 What is the result -- what happens to result in a finding
10 that this documentation is in our Woods file, we'd done this
11 task and we can move to something else? What do you both come
12 to agreement on that that's been done?

13 A. I've done it a few ways and it is done in a few
14 ways. Sometimes you're sitting with the agent. Sometimes the
15 agent prepares it in advance and brings it into your office and
16 you review it on your own. You're looking for that one-to-one
17 correlation, and then once that's complete, you sign the Woods
18 verification form.

19 Q. And if you have a question, you can go back to
20 your agent and say, you know, I don't understand why you're
21 saying this supports this; you might have a difference of
22 opinion whether something is in there or not at a big level or,
23 at a more micro level, whether what's in there really supports
24 what the assertion in the application is and you could go back
25 to your agent for clarification and you have that back and forth?

1 A. That's the practice and policy, yes, sir.

2 MR. BAKER: Thank you.

3 BY MR. SOMERS:

4 Q. So do you recall how you did it in this case,
5 the first Carter Page FISA application?

6 A. It was four years ago. I'll say that, but I
7 don't remember it being different than any other FISA I've done.

8 Q. So you sat down with Case Agent 1 and went over
9 the Woods file and a Carter Page FISA application?

10 A. What I know is I believe I signed it at eight,
11 nine o'clock at night. That's what I remember. I was there
12 late, and I know this was no different than any other Woods
13 verification that I've done.

14 Q. Now, we had some discussion about versions of
15 the Carter Page FISA application. Do you have any reason to
16 believe the version that you ran through the Woods process, that
17 you just walked us through, was substantially different than
18 the version that was filed with the court?

19 MR. BERGER: I'm going to direct him not to answer that.
20 We don't have enough evidence to judge the reliability of the
21 reconstructed application that he was shown.

22 [REDACTED]: I think we need to huddle up again.

23 [Counsel confer and discussion off the record.]

24

25 BY MR. SOMERS:

1 Q. Before I go back to the last question we were
2 asking, just a point of clarification on everything: You only
3 signed the Woods form on the initial Carter Page FISA
4 application?

5 A. That is correct.

6 Q. Did you do any work on the second -- the first,
7 second, or third Carter Page FISA application renewals?

8 A. No.

9 Q. Okay. Back to -- so if I refer to a Carter Page
10 FISA application, I'll be referring to the initial Carter Page
11 FISA application. If I want to talk about one of the renewals,
12 I'll specifically say "renewal".

13 Getting back to doing the Woods process for the FISA
14 application, the first FISA application, I just basically want
15 to understand. You and Case Agent 1 sat down at some point in
16 time with the FISA application and the Woods file and verified
17 that the allegations -- and you can rephrase this -- that were
18 in the FISA application were supported by documents in the Woods
19 file; is that correct?

20 A. That's my recollection.

21 Q. And at the end of that, was it a meeting? Did
22 you guys sit down together?

23 A. He was in a bullpen. I was in an office. He
24 was working late at night and I was in my office. So we worked
25 together in the same SCIF.

1 Q. So you could ask him a question if you had a
2 question?

3 A. Yes, sir.

4 Q. But you did the reviewing on your own?

5 A. I did.

6 Q. Did you ask him any questions? I'm not asking
7 what they were, but do you think you asked him any questions?

8 A. I don't remember.

9 Q. So at the end of that review, you then signed
10 the Woods form?

11 A. Yes.

12 Q. And his signature was already on the Woods form?

13 A. Yes.

14 Q. Now, I asked you at the beginning if you had
15 reviewed the IG report. As part of your review -- and you said
16 yes. As part of your review of the IG report, did you
17 review -- there's an appendix at the end of the report that has
18 50 or so errors in the Woods process for the Carter Page FISA
19 application that the IG identified.

20 Did you review that at all?

21 MR. BERGER: You can answer whether you reviewed it.

22 THE WITNESS: I reviewed it.

23 BY MR. SOMERS:

24 Q. Do you agree with the IG's findings?

25 MR. BERGER: I'm going to direct him not to answer

1 because we don't have the original Woods file and the original
2 FISA application that he reviewed in the Woods process, and
3 whatever he was shown by the OIG is a reconstructed document
4 and there's no reliability that it accurately portrays and
5 represents what he looked at in the original process.

6 So he's not going to answer that.

7 BY MR. SOMERS:

8 Q. Do you have any reason to believe that the FISA
9 application that you reviewed as part of this Woods review that
10 we just discussed was substantially different than that FISA
11 application that was submitted to the court?

12 MR. BERGER: I'm going to direct him not to answer that.

13 BY MR. SOMERS:

14 Q. Are you saying that it's possible that you
15 reviewed a substantially different FISA application than what
16 was submitted to the court?

17 MR. BERGER: When you say "reviewed", are you talking
18 about when he was with -- reviewed by virtue of the OIG?

19 MR. SOMERS: No. I'm talking about when he sat down
20 with the case agent or when he sat down in his office, Case Agent
21 1 presents him with the FISA application, a FISA application,
22 and a Woods file and he reviewed the Woods file and FISA
23 application. What I'm asking is does he have any reason to
24 believe that the FISA application he was given to review for
25 the Woods process was substantially different than the

1 application that was ultimately submitted to the court.

2 MR. BERGER: I'm going to direct him not to answer that.
3 He's not in a position to do so, because he does not have the
4 original to review and he has no basis to make a comparison.

5 He's a fact witness. He's not here to give expert
6 opinion and he has no basis for comparison. I'm going to direct
7 him not to answer.

8 BY MR. BAKER:

9 Q. Did you, if you recall, after reviewing the IG
10 report make a statement to the effect that you believed you
11 and/or others involved with the case, that their performance
12 should be evaluated in the totality of the responsibilities that
13 they had in the overall investigation and that the Carter Page
14 aspect was a very small slice or a portion of it?

15 MR. BERGER: I'm sorry. Could you repeat the
16 question? I'm sorry.

17 BY MR. BAKER:

18 Q. Were there other things that you did as an SSA
19 on the case that were not necessarily related to Carter Page
20 that were not taken into account or that you felt were not taken
21 into account in the IG report?

22 A. Yes.

23 Q. Could you elaborate on what they were?

24 A. Sure. I was in charge of investigations and
25 operations throughout the Carter Page. FISA was one component

1 additional work.

2 Q. Were you still doing things for your desk at
3 Washington Field even though, I'm assuming, somebody stepped
4 up or was put in there to cover the desk while you were on your
5 TDY, but were you still answering questions from that person?

6 You mentioned some sort of AOR reporting. Were you
7 still kind of doing that desk as well or were you completely
8 divorced of that while you were TDY to work at Headquarters?

9 A. I have a lot of ownership on my squad. We had
10 a primary relief who was very capable. He ran the day-to-day
11 operations we had.

12 There are some things that you can't leave to an acting
13 supervisor, to include performance reviews. That was solely
14 on my watch for that fiscal year as well as, like I said, the
15 TRB process. At times, if there was a major decision for him,
16 he would consult with me.

17 Q. So you're still doing the evaluations and maybe
18 some administrative stuff for your Washington Field desk, but
19 you're also doing the same kind of administrative things in your
20 Crossfire Hurricane desk?

21 A. That's accurate.

22 Q. And how many people were on your squad or however
23 you broke it down at Headquarters; how many people were under
24 you as the SSA?

25 A. It was myself and four other agents.

1 Q. And did you have support employees as well?

2 A. We had an SOS assigned to that.

3 Q. And SOS is what?

4 A. Staff Operations Specialist. It's more of a
5 tactical analyst.

6 Q. Then you as the SSA, who did you answer to?

7 A. Peter Strzok.

8 Q. And he was, what, a section chief at the time?

9 A. He was a section chief and later promoted to
10 deputy assistant director.

11 MR. BAKER: Okay. Thank you.

12 BY MR. SOMERS:

13 Q. Did you ever read the initial FISA application
14 that was submitted to the court before you rotated off Crossfire
15 Hurricane?

16 A. I believe so, yes.

17 Q. So you read the one that was submitted to the
18 court?

19 A. I don't remember going back and reading the one
20 that was signed by the court.

21 Q. Well, the one that was signed by the director
22 and deputy attorney general, did you read that application?

23 [Witness confers with counsel.]

24 THE WITNESS: I don't remember.

25 BY MR. SOMERS:

1 Q. I asked you about the -- and we'll move a little
2 bit past the Woods process questions. I had asked you the 50
3 or so Woods errors that the IG identified as an appendix to the
4 report. The bulk of the report is about 17 errors, significant
5 errors and omissions identified by the IG.

6 Are you familiar -- have you read the report and are
7 you familiar generally with those 17 errors or omissions?

8 A. I have generally.

9 MR. BERGER: Wait, wait, wait.

10 When you say familiar with the 17 errors, you mean
11 familiar with what's reported by the OIG as 17 errors?

12 MR. SOMERS: Yes.

13 MR. BERGER: You can answer that.

14 BY MR. SOMERS:

15 Q. As reported by the IG?

16 A. As reported by IG.

17 Q. Do you have any issues with any of those 17
18 errors and omissions?

19 MR. BERGER: I'm going to direct him not to answer for
20 the reasons I articulated already. He's not in a position to
21 make such an assessment without a review of that original FISA
22 application. He doesn't have enough knowledge and we don't
23 have any reliability with respect to the reconstructed
24 application.

25 He can't answer that. He doesn't have the document he

1 looked at. He cannot make an assessment as to whether the
2 OIG-reported deficiencies is accurate.

3 MR. SOMERS: Because, I mean, he can't testify about
4 whether it was substantially different. So you're objecting
5 that this document could have been so substantially different
6 than what was actually submitted to the court, that he can make
7 no representation as to whether he has issues with any of the
8 17 errors or omissions?

9 MR. BERGER: Yeah. Those 17 alleged errors are due to
10 allegations that there may have been no document to support a
11 material fact or maybe there was a document and the document
12 did not support a material fact, and the case agent's position
13 and duty was to alert a supervisor such as [REDACTED] as to
14 what those material facts are, the language in the draft.

15 We don't know what he omitted, and so I cannot attribute
16 any alleged deficiencies to [REDACTED] [REDACTED] without looking at that
17 original document that he looked at. It's impossible. He
18 could be looking -- he was looking at a reconstructed item that
19 may have more alerts than the original one for all I know. I
20 have no idea.

21 MR. SOMERS: But we're told the Woods file was
22 reconstructed, not the FISA application.

23 MR. BERGER: Well, there was the draft that he looked
24 at. There's a draft of that application that he looked at that
25 the case agent, as I understand it, would have made certain

1 notations and flagged for him to look at so that he could
2 determine independently de novo whether there was a document
3 in the Woods file to support it.

4 I have no idea whether those flags or notations existed
5 in that original file. It was reconstructed.

6 MR. BAKER: When you say "reconstructed", what does
7 that mean?

8 MR. BERGER: Well, what I mean by that, and you can't
9 attest to whether the line-by-line text was reconstructed, but
10 the concern is that, according to policy, it was the role and
11 duty of the case agent to alert anyone reviewing that file, a
12 supervisor, to any facts that are material such that they need
13 to be correlated to a document.

14 So the case agent will flag a material fact either by
15 underlining it or notating it somehow or putting a number next
16 to it, and that alerts the supervisor that, Oh, this is -- he
17 can read it line by line and alerts the supervisor that, Oh,
18 this is a material fact that the case agent is pointing out to
19 me for a policy that I have to then determine whether there is
20 a corresponding document or evidence to support it.

21 So if we have what is reconstructed and it has a series
22 of those alerts, one through a hundred, let's say, Alert 27,
23 address, Alert 26, whatever it might be, what we don't know is
24 whether those alerts that existed on the reconstructed one were
25 the same alerts that were on the original document that the

1 supervisor reviewed so that if there wasn't an alert with
2 respect to a fact, he wouldn't necessarily be on notice that
3 he's to look for a document.

4 So OIG concludes that he didn't look for a document.
5 Well, we don't necessarily know that he was on notice that he
6 had to look for a document.

7 So we don't have that original file and that's what
8 creates the problem here, because at the heart of this entire
9 matter and personnel law is notice. Right? Notice, what is
10 expected of him.

11 You're demanding an accounting. How is he to know what
12 he's supposed to do unless he's told per policy what he's
13 supposed to look at? We don't know what that original file
14 alerted him to.

15 So I'm reluctant to have him answer those questions.

16 MR. BAKER: I'm still confused who this reconstructed
17 one, who reconstructed it. Did he go back in and redo it?

18 MR. BERGER: We learned and I believe I learned and we
19 learned on Sunday, August 24th that the file that the OIG relied
20 on and the file that we were being shown by the Bureau of Internal
21 Affairs Unit was reconstructed by the case agent. There is a
22 note in the file indicating that it was reconstructed from the
23 original file on May 18, 2018, and where is the original file?
24 We asked. No one knows. That's the one we want to look at.

25 MR. BAKER: So it was reconstructed from the original

1 file?

2 MR. BERGER: There is a note. It's a non-sworn note
3 saying this file was reconstructed from an original file.
4 That's what it says in so many words, the same for Renewal No.
5 1, by the way, which is not involved here, but they run into
6 the same problem.

7 The thing is it was reconstructed. So it really is a
8 hearsay document. So we have Case Agent No. 1 who is saying
9 this is what the original document says and we're supposed to
10 accept that as hearsay with no reliability factor whatsoever.

11 MR. BAKER: I understand the evidentiary problem.
12 What I don't get is why is somebody reconstructing something
13 from the original when you have the original?

14 MR. BERGER: That is a mystery that is yet to be
15 resolved.

16 BY MR. SOMERS:

17 Q. The original -- the Woods file you reviewed in
18 this process that I said that we're going to move away from,
19 now we're back on, was that a hard copy or were you looking on
20 a computer?

21 A. It was a hard copy.

22 Q. Was it a binder?

23 A. I don't recall how it was.

24 Q. Was it a thick document? A thin document, to
25 best of your recollection?

1 If you don't remember, that's fine too?

2 A. I don't remember.

3 BY MR. BAKER:

4 Q. Just a general question, not specific to this
5 particular case: You indicated earlier you've had various
6 training. You had the Virtual Academy and you did a tour or
7 a couple of tours as an assistant inspector, going out and doing
8 Woods file audits.

9 Do you recall, to best of your recollection, are
10 there -- because of the ex parte nature of this whole process,
11 are there errors that are just prone to come up in these
12 investigations because there's so many people in it and you're
13 pulling information from so many different places?

14 Are a lot of these errors common in these investigations
15 or it's all over the board and you don't have an opinion on it?

16 MR. BERGER: I'm going to direct him not to answer that.

17 ██████████: I'm going to object to that speculation. If
18 you're asking him based on his personal experience, that's fine.
19 If you're asking him to speculate as to applications throughout
20 the Bureau, I don't think that's --

21 MR. BAKER: I'm asking him his personal experience
22 going around the Bureau as an assistant inspector doing these
23 audits.

24 MR. BERGER: I'm going to direct him not to answer that
25 question.

1 MR. BAKER: Okay.

2 BY MR. SOMERS:

3 Q. Hopefully the last Woods question, just this
4 procedural question: I guess I'd ask procedurally and ask it
5 specifically to this Woods file. Is this something, this form,
6 is it signed late in the process, like on the eve of an
7 application going to the court or is it done earlier in the
8 process, both generally and if you recall specifically in the
9 Carter Page FISA application?

10 A. It's not always the eve. It's the days prior.
11 In this case, it was, I believe, on the eve of it going to the
12 court.

13 Q. I think we have a few minutes left here. So
14 let's move on from that, from the whole Woods thing.

15
16 You testified in the beginning, you came onto the
17 investigation about July 29th and you testified that George
18 Papadopolous was part of the predicate for opening Crossfire
19 Hurricane, his interactions. What was your understanding of
20 who George Papadopolous was in those early days of the Crossfire
21 Hurricane investigation?

22 A. On the 29th, I did not know who he was. I later
23 came to know that he was one of five individuals named as foreign
24 policy advisors to then Republican Candidate Trump that was
25 named in March 2016.

25 Q. And did you understand Carter Page was also on

1 that slate of individuals?

2 A. I learned later.

3 Q. How much later?

4 A. When his name was discussed as an individual to
5 consider for predication for the Crossfire Hurricane case.

6 Q. How did that come up? How did Carter Page's
7 name come up out of all the people associated with the Trump
8 Campaign?

9 George Papadopolous obviously came up as the friendly
10 foreign government information. How did you identify Carter
11 Page as part of the investigation?

12 A. The process for identifying individuals to
13 predicate, we stuck to that original predication that I
14 mentioned that we received from the friendly foreign
15 government. We were looking at individuals that were on the
16 Trump team, direct quote, from that friendly foreign government
17 as well as could reasonably be in a position to receive a
18 suggestion from the Russians.

19 In particular, the Carter Page, he was clearly one of
20 the five named foreign policy advisors for then Candidate Trump
21 and it became known that he was a subject of a Russian foreign
22 counterintelligence contact case out of New York at the time,
23 and based on that, that's how I remember his name coming up.

24 BY MR. BAKER:

25 Q. What does a "contact case" mean?

1 A. Contact case means there is an individual that
2 has ongoing continued contact with a -- this is very broad here
3 in the unclassified setting -- a Russian diplomat that's already
4 under investigation.

5 BY MR. SOMERS:

6 Q. As you're looking at Carter Page and George
7 Papadopolous, did you dig into what their roles were, what their
8 affiliations were with the campaign?

9 A. I did not do that.

10 Q. Did the team do that?

11 A. We had an intelligence cadre that was looking
12 at very broadly who they were, identifying them fully.

13 Q. There were four individuals that Crossfire
14 cases were opened on: Paul Manafort, Michael Flynn, Carter
15 Page, George Papadopolous. Your responsibility on Crossfire
16 Hurricane, were you working on all four of those cases or were
17 you working on some of them in particular?

18 A. Working on all four of those.

19 Q. What was -- I'm just trying to maybe get through
20 it quickly here. What were the meetings like in Crossfire
21 Hurricane?

22 We've interviewed a number of different witnesses and
23 they were involved in different meetings. So there were some
24 very broad meetings with people who have testified, we've heard
25 testimony from, that involved the director and there were more

1 narrow meetings that involved probably the team.

2 Can you kind of take us through the range of meetings
3 you were involved in and starting with -- well, start at the
4 highest level. Were you involved with meetings with Director
5 Comey?

6 A. No.

7 Q. So you never met with Director Comey about
8 Crossfire Hurricane?

9 A. I'll consult with counsel real quick.

10 [Witness confers with counsel.]

11 THE WITNESS: I spoke to Director Comey after I
12 interviewed Michael Flynn.

13 BY MR. SOMERS:

14 Q. After you interviewed Michael Flynn, but were
15 never like in general -- you were never in a general Crossfire
16 Hurricane meeting with Director Comey?

17 A. I was not.

18 Q. Same question for Andy McCabe.

19 A. I believe I briefed Andy McCabe three times.

20 Q. And was that one on one or with other people in
21 the room?

22 A. There were other people in the room.

23 Q. What, generally, did you brief him on?

24 MR. BERGER: Hold on one second.

25 [Mr. Berger confers with the witness.]

1 THE WITNESS: So I briefed him on the progress of
2 Crossfire Hurricane cases.

3 BY MR. SOMERS:

4 Q. All three times was the progress?

5 A. Correct.

6 Q. Do you recall approximately when these three
7 briefings occurred?

8 A. I do. I won't have the exact dates for you.

9 Q. I know.

10 A. One was towards the end of August 2016. This
11 one I remember, was November 10, 2016.

12 January 24, 2017.

13 BY MR. BAKER:

14 Q. Did Mr. Strzok go with you to these meetings as
15 your section chief?

16 A. He did.

17 Q. For all of them?

18 A. For all of them.

19 BY MR. SOMERS:

20 Q. You said you recall specifically one was
21 November 10th. Why do you recall November 10th?

22 A. Just a date that I remember.

23 Q. There's nothing specific about the meeting
24 that --

25 A. No, other than we were providing him with the

1 first real -- you know, obviously, I provided him the update
2 in August, but we now had more than 90 days on the investigation
3 and there was a lot to brief him on.

4 Q. Jim Baker?

5 A. He was in all three of those meetings that I
6 mentioned.

7 Q. Patricia Anderson?

8 A. I don't remember meeting her.

9 Q. Was Bill Priestap at these meetings?

10 A. He was at at least two of them.

11 Q. Now we're getting to -- so these meetings, these
12 were group meetings?

13 Sort of people like Peter Strzok, was he in these three
14 meetings?

15 A. He was.

16 Q. Jonathan Moffa, was he in these meetings?

17 A. He was.

18 Q. Lisa Page?

19 A. Yes.

20 Q. Was Case Agent 1 in these meetings?

21 A. No.

22 Q. Were you the lowest ranking official in these
23 meetings?

24 A. Yes.

25 Q. Was the unit chief from the General Counsel's

1 Office that worked on this case, was she in these meetings?

2 A. She may have been in the first one.

3 Q. Was anyone from DOJ in these meetings?

4 A. I don't know.

5 Q. Did you ever have a meeting with officials from
6 DOJ about Crossfire Hurricane or take part in a meeting?

7 A. Yes.

8 Q. How frequently?

9 A. I mean at a certain point, there were -- they
10 were there all the time at least into October. We met with them
11 very frequently.

12 Q. Are these progress meetings like the McCabe
13 meeting or are these more specific meetings about a specific
14 topic?

15 A. In October of 2016, we initiated
16 counterintelligence and cyber meetings where we were -- both
17 divisions were briefing on the overall Russian threat. I was
18 providing Crossfire Hurricane updates and progress and DOJ
19 attended those meetings.

20 Q. Who was the -- like you're briefing. You're
21 briefing someone in particular or are you briefing all of these
22 components?

23 A. In particular, the assistant directors of
24 counterintelligence and cyber division and whoever they thought
25 was appropriate, had a need to know, a need to collaborate and

1 share information. They invited staff, section chiefs, DADs
2 and such.

3 Q. How many people, roughly, would be in a meeting
4 like this?

5 A. Fifteen.

6 Q. I'm sorry. Fifteen?

7 A. Fifteen.

8 Q. Do you recall who at DOJ was attending these
9 meetings?

10 A. I didn't know any of their names.

11 Q. The National Security Division?

12 A. Yes. The National Security Division
13 representatives.

14 Q. Okay. Were there smaller meetings about
15 Crossfire Hurricane? Were you briefing -- how frequently did
16 you brief Peter Strzok, for instance, on Crossfire Hurricane?

17 A. I briefed Peter Strzok daily on Crossfire
18 Hurricane. We had a standing meeting, the smaller team of
19 agents that were under my control as well as our intelligence
20 counterparts, Monday, Wednesday, Friday at nine o'clock for the
21 duration of my TDY. I chaired all of those meetings.

22 Q. And that's with the team?

23 A. That was with the team.

24 Q. Did Lisa Page attend those meetings?

25 A. At times, Lisa Page would.

1 Q. Now, you mentioned Peter Strzok started off as
2 the section chief. He was elevated to the deputy assistant
3 director.

4 When that elevation occurred, and you can read in the
5 IG report, there doesn't seem too much reference to a section
6 chief stepping in. Was there a section chief between you and
7 Peter Strzok involved in the investigation?

8 A. No.

9 Q. A unit chief?

10 A. No.

11 BY MR. BAKER:

12 Q. So your next report in that scenario was to a
13 deputy assistant director, Peter Strzok?

14 A. That's correct.

15 Q. And did you have meetings, just you and the squad
16 you supervised? For lack of a better way, I said squad, but
17 the folks you had underneath, did you hold meetings with them
18 just to go over progress of your specific unit that you
19 supervised?

20 A. That was the point of the nine o'clock meeting.

21 Q. Oh, that was the nine o'clock meeting?

22 A. Monday, Wednesday, Friday, and then ad hoc as
23 needed to share information or updates came in.

24 BY MR. SOMERS:

25 Q. So how many people were you supervising in

1 these -- on the Crossfire Hurricane team?

2 A. Four agents.

3 Q. Four agents and then Jonathan Moffa was
4 supervising the analysts; is that correct?

5 Or did you supervise the analysts?

6 A. I did not supervise the analysts. There was an
7 SIA, a senior intelligence analyst, assigned under Jonathan
8 Moffa that was responsible for the supervision of analysts.

9 Q. So you were roughly on equal levels, then, with
10 the supervisory intel analyst?

11 A. He was my counterpart.

12 Q. Do you recall how many analysts he had working
13 for him?

14 A. I don't. He had some that were in our SCIF and
15 some were not.

16 Q. So then he reported to Jonathan Moffa; is that
17 correct?

18 A. That is correct.

19 Q. And you reported to Peter Strzok?

20 A. That is correct.

21 MR. SOMERS: I think, although we had some
22 interruptions, I think this would probably be a good time to
23 break for our first hour.

24 MS. ZDEB: We'll take about a five-minute break.

25 [Whereupon, at 11:31 a.m., a recess was taken,

1 reconvening at 11:48 a.m.]

2 MS. ZDEB: It is 11:48. We are back on the record.

3 EXAMINATION BY THE MINORITY

4 BY MS. ZDEB:

5 Q. [REDACTED], thank you for being here. We
6 introduced ourselves, but just as a reminder, my name is Sarah
7 Zdeb. I'm counsel along with Joe Charlet for Ranking Member
8 Feinstein and we're following up on some of the questions that
9 our colleagues with the Majority have asked you.

10 So I take it you cooperated with the Office of Inspector
11 General in his investigation?

12 A. I did.

13 Q. Were you interviewed as part of his
14 investigation?

15 A. I was.

16 Q. Once? Multiple times?

17 A. Multiple times.

18 Q. And just as a ballpark, can you give us a sense
19 of how long in total those multiple times took?

20 A. It was six times over thirty hours.

21 Q. Did you or, to your knowledge, the FBI or Justice
22 Department provide documents to the Inspector General's Office?

23 A. I'm assuming they did, because they represented
24 it to me.

25 Q. Did the OIG ever complain that it needed more

1 information from you?

2 A. I don't think so.

3 Q. I assume that you provided complete, truthful
4 answers to the Inspector General's Office over the course of
5 the six interviews.

6 A. Always.

7 Q. In addition to your six interviews with OIG, you
8 were, I believe, also interviewed by the Office of Special
9 Counsel or the Special Counsel's Office over the phone in
10 January of 2018. Did you provide complete, truthful answers
11 to the Special Counsel's Office?

12 A. Yes.

13 Q. And have you reviewed the 302 document in your
14 interview?

15 I can -- I should take a step back. I'm not sure if
16 there was one interview or multiple interviews.

17 MR. BERGER: I would just like to talk to my client off
18 line for a moment.

19 MS. ZDEB: Okay.

20 [Mr. Berger confers with the witness.]

21 THE WITNESS: Could you repeat that question?

22 BY MS. ZDEB:

23 Q. Sure. So you were interviewed by Special
24 Counsel's Office in January of 2018, and my question had,
25 simply, been whether you provided complete, truthful responses

1 when interviewed by the Special Counsel's Office.

2 MR. BERGER: You can answer.

3 THE WITNESS: Yes.

4 BY MS. ZDEB:

5 Q. Have you had an opportunity to review the 302
6 that was created from that interview?

7 A. I have not.

8 Q. So you talked a bit before the break about the
9 decision to open Crossfire Hurricane, the friendly foreign
10 government information, and the trip that you took shortly after
11 the investigation was opened in order to interview the source
12 of that information.

13 MR. BERGER: Can we just take a moment to make one point
14 of clarification on the opening?

15 So I thank you for bringing that up.

16 THE WITNESS: Yeah. Earlier, I was asked or it was
17 stated you opened the Crossfire Hurricane investigation. I
18 just wanted to make clear I did not open the Crossfire Hurricane
19 investigation.

20 MR. BERGER: You can explain who did.

21 THE WITNESS: Peter Strzok, as I'm sure you know, wrote
22 the opening communication, just for clarification.

23 BY MS. ZDEB:

24 Q. And it was Bill Priestap who signed off on
25 opening Crossfire Hurricane?

1 A. I don't know, ma'am.

2 Q. So you had discussed a bit your understanding
3 at the time that a friendly foreign government had indicated
4 that George Papadopolous had learned that Russia had damaging
5 information on Hillary Clinton and planned to release it, and
6 I think you also characterized that as a threat to national
7 security.

8 Could you elaborate on that a bit? Why did you find
9 that to be a threat to national security?

10 A. I would think any time a foreign government is
11 going to insert influence in our political process at any level
12 is a threat to national security.

13 Q. So when this information is described as coming
14 from a friendly foreign government, what does that term signify
15 as a general matter? Does that mean that the government is a
16 trusted ally? That it's an intelligence partner?

17 Could you elaborate on that a bit?

18 A. I would say it's a country that is not hostile
19 to the United States, a country that we would be a partner with,
20 an ally with, and we share intelligence information with.

21 Q. So, certainly, not a country that we would
22 suspect to be fabricating information in order to harm the
23 United States?

24 A. That's correct.

25 Q. So was the fact that the information came from

1 a friendly foreign government significant in terms of the
2 credibility that you assigned to it, the seriousness with which
3 the FBI took it?

4 A. I believe so.

5 Q. So the FBI, as you discussed earlier, first
6 learned of the friendly foreign government information in late
7 July 2016, but it was April of 2016 when George Papadopolous
8 first learned that Russia was willing to release dirt on Hillary
9 Clinton in the form of thousands of emails. I'm quoting the
10 Mueller report there.

11 To your knowledge, did Papadopolous report Russia's
12 apparent offer of help to the FBI when he first learned of it
13 in April 2016?

14 A. State that question again. What was that last
15 part there?

16 Q. To your knowledge, did George Papadopolous
17 report Russia's apparent offer of help from Russia to the FBI
18 when he first learned of it in April of 2016?

19 A. Not to my knowledge.

20 Q. And, to your knowledge, did he come forward to
21 the FBI in July of 2016 when Wikileaks began doing what
22 Papadopolous had been told Russia would do, in other words,
23 releasing emails on Hillary Clinton?

24 A. Not to my knowledge.

25 Q. To your knowledge, did Papadopolous ever come

1 forward to report what he had been told regarding Russia's
2 apparent willingness to help the Trump Campaign by releasing
3 emails on Hillary Clinton?

4 A. Not to my knowledge.

5 Q. Would you agree that the fact that Papadopolous
6 learned of Russia's willingness to help the Trump Campaign by
7 releasing thousands of emails related to Hillary Clinton saw
8 that release of emails that happened starting in January of 2016
9 and still didn't come forward to report that to the FBI, would
10 you agree that that raised a counterintelligence concern that
11 the FBI should have investigated?

12 A. Yes.

13 Q. According to the Inspector General's report,
14 the foreign official, the friendly foreign government official,
15 who conveyed this information told the FBI that they weren't
16 aware of who else Papadopolous may have informed about Russia's
17 offer to help the Trump Campaign; is that accurate?

18 A. Where are you getting that? From my 302?

19 Q. That's on page 59 of the Inspector General's
20 report.

21 A. I haven't -- not having that document in front
22 of me and being able to know the source, I can't speak to that.

23 Q. Fair enough. To your knowledge, at the time the
24 FBI learned of the friendly foreign government information, did
25 you have any indication as to who, if anyone else, on the Trump

1 Campaign Papadopolous had conveyed Russia's offer of assistance
2 to?

3 A. I don't think we did.

4 Q. And, in fact, wasn't that one of the goals of
5 Crossfire Hurricane, was to determine who else may have known
6 of this information?

7 A. That's correct.

8 Q. You said earlier that you have about 16 years
9 of experience handling counterintelligence investigations.
10 Is it accurate to say that when the FBI opened Crossfire
11 Hurricane, there were essentially three possibilities?

12 The first possibility would have been that someone in
13 the campaign was wittingly coordinating with Russia?

14 A. The first possibility is that possibility, yes.

15 Q. And another possibility could be that someone
16 on the campaign was unwittingly coordinating with Russia; is
17 that right?

18 A. That's fair.

19 Q. And then I suppose a third and final possibility
20 would be that no one on the campaign was coordinating, either
21 wittingly or unwittingly, with the Russians; is that right?

22 A. That is correct.

23 Q. And based on your experience handling
24 counterintelligence investigations, will you agree that that
25 is the norm at the outset of a counterintelligence

1 investigation; in other words, there might be witting
2 cooperation, unwitting cooperation, or nothing at all?

3 A. In my experience and with all Bureau
4 investigations, we remain objective and look at all of those
5 perspectives.

6 Q. And the FBI's objective when it is conducting
7 a counterintelligence investigation is to determine which of
8 those three possibilities is the case?

9 A. Yes.

10 Q. As a general matter, in your 16 years of
11 experience handling counterintelligence investigations, have
12 you provided defensive briefings to U.S. persons in connection
13 with counterintelligence investigations?

14 A. I have.

15 Q. Were you involved in any discussions or
16 decisions in Crossfire Hurricane as to whether to provide a
17 defensive briefing to either campaign or not?

18 A. I was not.

19 Q. Bill Priestap, and this is on page 55 of the
20 Inspector General's report, told OIG that at the outset of
21 Crossfire Hurricane, he considered whether to provide a
22 defensive briefing to the Trump Campaign in lieu of opening a
23 counterintelligence investigation and he decided not to, and
24 I'm quoting here. He said had we provided a defensive briefing
25 to someone on the Trump Campaign, we would have alerted the

1 campaign to what we were looking into, and if someone on the
2 campaign was engaged with the Russians, he or she would very
3 likely change his or her tactics or otherwise seek to cover up
4 his or her activities, thereby preventing us from finding the
5 truth. On the other hand, if no one on the Trump Campaign was
6 working with Russians, an investigation could prove that.

7 Recognizing you don't have the report in front of you,
8 based on the quote I just read, do you have -- and based on your
9 experience providing defensive briefings, do you have a general
10 understanding of what Mr. Priestap meant by that?

11 MR. BERGER: Can I?

12 [Mr. Berger confers with the witness.]

13 THE WITNESS: I understand what he was considering;
14 however, I was not through my role part of any of those
15 considerations or providing input and making decisions on that.

16 BY MS. ZDEB:

17 Q. Understood. Is it accurate to say as a general
18 matter that the FBI was concerned that a defensive briefing
19 might tip off the Russians?

20 MR. BERGER: Hold on.

21 [Mr. Berger confers with the witness.]

22 THE WITNESS: It's speculation. I wasn't part of
23 those discussions. So I can't speak to that, ma'am.

24 BY MS. ZDEB:

25 Q. Based on your experience providing defensive

1 briefings in other counterintelligence investigations, is it
2 a relevant consideration for the FBI whether the Bureau can rule
3 in or rule out witting participation by a U.S. person when it
4 makes a decision about whether to provide a defensive briefing
5 or not?

6 A. Ma'am, I can answer that question. My
7 experience with defensive briefings have been for FBI employees
8 that are traveling to another country, and that's the extent
9 of my experience.

10 Q. Let me switch gears. Our committee held a
11 six-hour hearing with Inspector General Horowitz in December
12 of last year after he released his report and there were a number
13 of allegations made during the course of that hearing and in
14 subsequent hearings that we've had, but I'm going to ask you
15 a series of questions about those allegations because we
16 continue to hear them from people who, unlike yourself, don't
17 have firsthand experience or knowledge actually working on the
18 Crossfire Hurricane investigation.

19 So for starters, although the IG found no document or
20 testimonial evidence of bias impacting the Bureau's work in
21 Crossfire Hurricane, we have heard allegations that there was,
22 quote, tons of evidence of bias. Did political bias impact any
23 of your actions on Crossfire Hurricane?

24 A. Political bias impacted none of my actions on
25 Crossfire --

1 Q. And -- I'm sorry.

2 A. On Crossfire Hurricane.

3 Q. Do you have any evidence that political bias
4 otherwise impacted the FBI's work on Crossfire Hurricane?

5 A. No.

6 Q. It has been alleged the FBI, quote, engaged in
7 a, quote, massive criminal conspiracy over time to defraud the
8 FISA Court. Do you have evidence that the FBI engaged in a
9 massive criminal conspiracy to defraud the FISA Court?

10 A. No.

11 Q. It has also been alleged that the FBI
12 purposefully used the power of the Federal Government to wage
13 a political war against a presidential candidate they despised.
14 Do you have any evidence that the FBI purposely used the power
15 of the Federal Government to wage a political war against then
16 Candidate Trump?

17 A. No. If I would have detected that, I wouldn't
18 have been a part of it.

19 Q. You personally have been accused of being,
20 quote, in the middle of the most deep state corrupt and criminal
21 actions. Do you have any evidence that Crossfire Hurricane was
22 part of a deep state effort to take down Candidate or President
23 Trump?

24 A. It did not happen. There's no evidence of that.

25 Q. And what's your response to the allegation that

1 you were in a middle of the most deep state effort to take down
2 President Trump?

3 A. I am an FBI agent and I took an oath to this
4 country. It's crushing to hear that.

5 Q. There have been allegations that Crossfire
6 Hurricane was composed of, quote, people who hated Trump and
7 who had, quote, an agenda to destroy him before he was elected
8 and after he was elected. Is it correct that you, along with
9 Peter Strzok and the individual referred to as the intel section
10 chief, had a hand in selecting other members of the Crossfire
11 Hurricane team?

12 A. Yes.

13 Q. And did you consider how those individuals felt
14 about President Trump or then Candidate Trump when you were
15 selecting them to serve on the Crossfire Hurricane team?

16 A. It was not a consideration.

17 Q. So you didn't consider political affiliation?

18 A. We did not.

19 Q. In fact, it would not have been proper for you
20 to consider political affiliation when making decisions about
21 who to staff on the case; is that right?

22 A. Correct. The men and women of the FBI are
23 objective.

24 Q. So as you probably know and there's been some
25 discussion of the Hatch Act recently, but as it relates to this

1 case, under the Hatch Act, FBI and Justice Department employees
2 retain a right to express their opinions in an individual
3 capacity privately and publicly on political subjects and
4 candidates. So although FBI employees need to remain objective
5 in the course of their professional duties, you're allowed to
6 have and, in fact, you have a constitutional and a legal right
7 to have personal political views. Right?

8 A. That's correct.

9 Q. And the only requirement is that those views not
10 impact the job that you're doing?

11 A. As I understand it, yes.

12 Q. The OIG report describes steps that you and
13 others on the Crossfire Hurricane team took to ensure that the
14 investigation did not impact the 2016 election. So, for
15 example, you told the Inspector General, and this is a quote
16 from page 308 of the report, that one of the overriding concerns
17 was keeping information about the investigation out of the
18 public realm because the team did not want to impact the
19 presidential election in any way.

20 Is that accurate?

21 A. That's very accurate.

22 Q. And why is it important to keep out of the public
23 realm information about an investigation that could impact a
24 presidential election?

25 A. All of our investigations should be

1 confidential. This one, due to the allegations we were looking
2 at, we wanted to ensure that we did not in any way adversely
3 affect the U.S. presidential election.

4 Q. Just to ask you about a couple of specific steps
5 that the Crossfire Hurricane team took in order to make sure
6 it wasn't impacting the election as they are described by the
7 IG report, in addition to prioritizing keeping information out
8 of the public domain, the IG report also describes how you
9 avoided inserting confidential human sources into the Trump
10 Campaign and for the purpose of gathering investigative
11 information.

12 Is that correct?

13 A. That is correct.

14 Q. And, in fact, I believe you told the OIG that
15 you declined to use a specific confidential human source who
16 knew Candidate Trump and had been in contact with the candidate
17 because, quote: This is not what we were looking to do. We
18 were looking for information about the predicate, but didn't
19 want it to be construed later as something other than what you
20 were really after.

21 Can you elaborate on that a bit?

22 A. First, that's an accurate statement. We were
23 examining our source base throughout the investigation, and on
24 case-by-case basis, we were looking to determine what sources
25 could help report on those initial allegations, full stop. We

1 were not looking for any other information other than could they
2 help corroborate the initial allegation.

3 Q. And, in fact, I think you also told the OIG that
4 if you had at some point received politically-sensitive
5 information and recognized it for what it was, that your first
6 call would have been to the FBI General Counsel to talk to them
7 about how to handle it. Is that right?

8 A. That is absolutely correct.

9 Q. So, in general, is it fair to say that the
10 Crossfire Hurricane team sought to avoid doing anything that
11 could be construed, either then or now, as being political?

12 A. Yes.

13 Q. And why is that?

14 A. It's important that our work is objective and
15 that we don't adversely affect the political process.

16 MS. ZDEB: I think that's all we have for this round.
17 So it's a quarter after 12. We can go off the record.

18 [Discussion held off the record.]

19 MR. SOMERS: It's 12:15. We'll go back on the record.

20 FURTHER EXAMINATION BY THE MAJORITY

21 BY MR. SOMERS:

22 Q. Other than the Carter Page FISA warrant that was
23 obtained, during your time on Crossfire Hurricane, did the FBI
24 ever use or consider using other evidence-gathering techniques
25 against Carter Page, like Title 3 warrants, national security

1 letters, pen registers, any of those techniques?

2 A. Yes.

3 Q. I'm sorry. I asked a compound question.

4 Did you use those techniques?

5 A. We used some of those techniques.

6 Q. Did you ever consider interviewing Carter Page?

7 A. I think it's always a consideration; however,
8 we needed to run a full investigation first before we interview.

9 Q. So the decision was made not to interview Carter
10 Page while you were on Crossfire Hurricane?

11 A. That is correct.

12 Q. Did you seek or did you ever consider seeking
13 FISA coverage on George Papadopolous?

14 A. It was discussed.

15 Q. Did it ever move past discussion?

16 What do you mean by it was discussed, I guess is a better
17 way to ask it.

18 A. Well, whenever you're doing any information,
19 you talk about all investigative techniques that you have based
20 on your approval or what kind of investigation you have. So
21 I remember it being discussed by the team, but a FISA did not
22 get initiated during my TDY.

23 Q. And Papadopolous was who the -- Crossfire
24 Hurricane was opened predicated on information involving George
25 Papadopolous specifically. What was the difference between

1 Carter Page, who you did seek FISA coverage on, and George
2 Papadopolous, who you did not seek FISA coverage on despite the
3 fact that Papadopolous was the individual named in the
4 predicated information?

5 A. I don't remember. You would have to ask the
6 attorneys that were evaluating the information we had for
7 probable cause.

8 Q. So it was a probable cause consideration?

9 A. That, usually, the attorneys were calling the
10 balls and strikes on that and that's what it would come down
11 to.

12 Q. Would you have liked FISA coverage on George
13 Papadopolous as an investigative matter?

14 A. Assuming that we had legal sufficiency to get
15 there, yes.

16 BY MR. BAKER:

17 Q. Were there any other downsides? You said there
18 were discussions about Papadopolous. Were there any other
19 downsides by doing coverage on him other than lack of probable
20 cause?

21 Was there any operational reason not to pursue probable
22 cause for him?

23 [REDACTED]: Mr. Baker, to the extent that questions
24 doesn't call for the discussion of attorney-client privileged
25 information.

1 THE WITNESS: I don't know of any other than we,
2 obviously, do have a discussion on using the least intrusive
3 methods first, but I'm not aware of any other considerations.
4 I don't remember any.

5 MR. BAKER: Okay.

6 BY MR. SOMERS:

7 Q. Were other evidence-gathering techniques used
8 against Mr. Papadopolous, like Title 3 warrants, national
9 security letters, or pen registers?

10 A. I believe so.

11 Q. Did you ever consider seeking, during your time
12 on Crossfire Hurricane, FISA coverage on Michael Flynn?

13 A. I don't remember that.

14 Q. Did you consider using other evidence-gathering
15 techniques like Title 3 warrants, national security letters,
16 and pen registers against Michael Flynn?

17 A. Yes.

18 Q. Did you use them?

19 A. I don't remember. I would have to look in the
20 file.

21 Q. Did you consider FISA coverage during your time
22 on Crossfire Hurricane for Paul Manafort?

23 A. I think it was discussed.

24 Q. It was discussed. Do you know why it wasn't
25 sought? Was it a probable cause thing or was it other --

1 A. I don't remember. I'm sorry.

2 Q. And the same question: Did you use other
3 evidence-gathering techniques against Paul Manafort during
4 your time on the Crossfire Hurricane investigation like Title
5 3 warrants, national security letters, and pen registers?

6 A. Yes.

7 Q. So the Carter Page FISA application goes in on
8 October 21, 2016. An investigation was open on July 31, 2016.
9 What was going on in the investigation between July 31st and
10 August 21st in terms of actual investigating of the four
11 subjects?

12 I know that's a very broad question.

13 A. That is a very broad question.

14 Q. Let's start very broad and then we can take it
15 more specifically.

16 A. Sure. We were examining our human source base
17 and technical source base for human technical sources that could
18 report on the predicate. Then, also, once we identified either
19 helpful sources, sources that could support the investigation,
20 worked on various operations using those sources to determine
21 if the initial allegations were accurate or not.

22 Q. I'm not familiar with -- there's human source
23 and what was the other? Tactical source? You referred to
24 tactical course?

25 A. I don't know if I -- did I say "tactical source"?

1 Q. You referred to two -- I thought you referred
2 to two sources, confidential human source and --

3 A. Okay. Technical source.

4 Q. Technical source.

5 [REDACTED]: Any further discussion of that is probably
6 not appropriate in this setting.

7 THE WITNESS: Got it.

8 BY MR. SOMERS:

9 Q. So you were -- and that was for all four
10 individuals, you were doing those types of investigations?

11 A. Yes, sir.

12 Q. In the last round, we spoke about, you know,
13 trying to, I guess, draw a line between getting -- I'll let you
14 rephrase, but let me put the question out there -- getting too
15 close to the campaign itself and any campaign decisions, but
16 at the same time, you needed to conduct an investigation that
17 involved the campaign.

18 How did you draw that line between the two?

19 A. We were investigating individuals that happened
20 to be members of the Trump team.

21 Q. But, necessarily, I would think in order -- you
22 needed to figure out what people's roles were on the campaign.
23 Right?

24 That's part of the investigation. Correct?

25 A. That's correct.

1 Q. And you needed to know whether these four
2 individuals you had identified, some of them like Manafort
3 probably more obviously, what their access level was to the
4 campaign. Correct?

5 A. That's fair.

6 Q. I think one of the allegations in the Steele
7 Dossier was that Paul Manafort was Carter Page's like conduit
8 into the campaign. In order to figure out what Carter Page's
9 role was in the campaign, were you talking to or trying to
10 interview, talk to through the confidential human sources,
11 people outside of those four individuals who were involved in
12 the campaign?

13 A. Well, let me back up just to make it clear. The
14 distinction between team and campaign, it didn't matter that
15 he was part of the campaign. There are different connotations
16 to being central to the Trump team. The fact that he was on
17 the campaign was just the fact that he was on the campaign, and
18 we were able to establish that through the open source.

19 Q. Were you talking to other individuals on or
20 associated with the campaign in order to figure out what Carter
21 Page's role was on the campaign?

22 A. I don't remember doing so.

23 Q. Do you think that it's possible you drew -- I
24 mean, how do you -- the allegation is Carter Page -- again, I'll
25 let you rephrase the allegation if I phrase it incorrectly.

1 The allegation is Carter Page is possibly a conduit for
2 taking information from Russia and feeding it to the Trump
3 Campaign. I guess I'm trying to figure out how do you assess
4 whether Carter Page actually had that access to the Trump
5 Campaign to be this conduit?

6 A. I'd have to think about that for a minute, how
7 to answer that.

8 Q. That's fine.

9 A. I think one of the techniques that we ended up
10 using was consensual monitoring with a source. So it's an
11 opportunity for him to speak freely and be challenged on these
12 subjects and see how he responds.

13 Q. Is that generally a good investigative
14 technique or a reliable investigative technique using
15 confidential human sources?

16 A. It is.

17 Q. Did you use confidential human sources to speak
18 to others on the campaign, other than the four targets, in order
19 to assess their roles on the campaign?

20 A. We used the confidential human source to talk
21 to another individual on the Trump team in an effort to determine
22 if they would be a subject and they would have either been on
23 the team or would be in a position to reasonably receive that
24 suggestion from the Russians.

25 Q. What did you learn based on that strategy?

1 A. We learned that that individual was not somebody
2 we would predicate.

3 Q. Did that individual have any information on
4 Carter Page and his access to the campaign or George
5 Papadopolous and his access to the campaign?

6 A. As I sit here today, I don't remember.

7 Q. Would that have been something you would have
8 tasked a human source with asking?

9 A. We wouldn't have necessarily asked specifically
10 about the campaign. We're splitting hairs on this, but I think
11 it's an important distinction.

12 We would be looking for, again, any information that
13 would indicate that he had been or had received that suggestion
14 from the Russians.

15 Q. Let's take George Papadopolous. There was no
16 FISA warrant on him. So the confidential human source, we have
17 transcripts of his interaction with confidential human sources,
18 but what I'm trying to understand is that's, obviously, direct
19 contact with George Papadopolous which could be valuable; but
20 what I'm trying to understand is what else you would have done
21 to see what George Papadopolous -- in order for him to give
22 information -- he could be a Russian agent, but might have no
23 access to the campaign or the team or however you want
24 characterize it. I'm trying to understand what type of steps
25 did you take to understand what George Papadopolous' access to

1 the Trump Campaign or the Trump team was.

2 A. I think using a source to engage directly with
3 a subject to get that subject to tell you directly is a pretty
4 significant step. I also remember we had open source
5 information. You know, we had our intel team, the entire
6 apparatus that were doing their jobs, looking for any additional
7 information and helping with the investigation.

8 Q. And then you said that the human source was a
9 reliable technique, a good technique, but then Papadopolous was
10 interviewed or however you would phrase it. "Consensually
11 monitored", I think was the term, by a confidential human
12 source, by multiple confidential human sources. To at least
13 two of them, he denied having any interactions with Russians,
14 said it would be treason.

15 What did you make of those comments?

16 A. I think at the time, we or I felt that they were
17 rehearsed prepared statements based on the difference between
18 reading a transcript and listening to it. His tone changed.
19 His demeanor changed when challenged on that when he made that
20 statement.

21 That was my assessment at the time.

22 Q. What about the -- there was a statement made
23 to -- I can't think of the individual's name -- to one
24 confidential human source, there was a more fulsome statement
25 involving treason, but he also made a statement to a second

1 confidential human source about denying any involvement in the
2 Russians.

3 Do you recall that?

4 A. Sir, it's been four years and I haven't had
5 access to the file. I don't remember that.

6 Q. I guess what I'm getting at is did you think that
7 Papadopolous thought he was being monitored and that's why you
8 thought the statement was canned?

9 A. I don't know if he thought he was being
10 monitored. It could have been that the source might have been
11 clumsy and asked him as well.

12 Q. Clumsy and asked him the question? You thought
13 Papadopolous was tipped to the question?

14 I'm trying to understand why you -- I'm not saying this
15 in a pejorative way, but discounted those two denials that I've
16 seen transcripts of?

17 A. Again, I think if you look at the totality of
18 our investigation with him at that time, listening, not just
19 reading the transcript, listening to what he's saying, in my
20 experience and training, I felt it was a prepared statement.

21 Q. In the second -- I think it was the second
22 denial. I think one denial that came first was in a very
23 free-flowing environment. The denial was made and he said all
24 sorts of things that I think we would consider embarrassing;
25 and then he's asked a question about Russia, and in that context,

1 you still think it was a rehearsed response? Did you read the
2 entire transcript and everything else he had?

3 A. I have and I've listened to the entire
4 transcript, but that was four years ago. We're talking around
5 it and in different parts of it. I don't think my assessment
6 has changed.

7 BY MR. BAKER:

8 Q. When you talk about your assessment, you
9 mentioned a second ago based on your experience and training.
10 Is this your experience and training as a FBI agent through the
11 course of interviews and interrogations, you developed an
12 expertise, or do you have heightened expertise either maybe in
13 the behavioral science unit or some specialized interviewing
14 course where you're trained to look at body language and
15 nonverbal skills?

16 Is it your totality of experience as an agent or do you
17 have extra beyond the normal experience?

18 A. The totality of experience as an agent.

19 BY MR. SOMERS:

20 Q. Do you have extra training? Have you taken
21 behavioral science training?

22 A. I have not.

23 Q. So during this period -- well, let's just start
24 with the first period between July 31st and August 21st when
25 you get the FISA application and warrant application in. What

1 was your impression of the pace of the investigation?

2 A. I thought the pace was pretty quick. I mean,
3 we were conducting significant operations and investigations.

4 Q. Did that pace continue after the FISA warrant
5 was obtained on Carter Page?

6 A. No. It wasn't after Carter Page. It
7 was -- more in the November and December timeframe, it was
8 slower.

9 Q. But the investigation remained opened?

10 A. Correct.

11 Q. Would it surprise you that people at DOJ,
12 including Dana Boente and Stu Evans, thought the pace was -- Dana
13 Boente had the impression that the investigation had not been
14 moving with a sense of urgency. That's the IG report at page
15 73.

16 Stu Evans characterized the investigation as, quote,
17 pretty slow moving with not much changing week to week in terms
18 of updates the FBI was providing. That's on page 70 of the IG
19 report.

20 Do their impressions surprise you?

21 A. I don't know if I read that about them or what
22 they had stated. I also didn't have any interaction with either
23 of those individuals.

24 So I don't know how they got their information to make
25 that determination.

1 Q. But you were -- putting aside them or I'm just
2 quoting them as two people that had an impression of the pace.
3 You wouldn't agree with their characterization of the pace?

4 A. I'll go back to my original statement, that at
5 the time, based on my training and experience and what I know
6 about what a normal typical pace is in the field for
7 investigation, we were progressing with our operation and
8 investigations at a pace quicker than what I've seen in the
9 field.

10 Q. What was the division of labor?

11 I know that's a very tough question percentage-wise,
12 but between trying to verify the Steele Dossier and Steele
13 allegations and other investigations of these four subjects?

14 A. I can't give you a percentage on that. It is
15 a verification and a multilayered process. It involves many
16 people. We attempt to measure productivity of the source as
17 well as risk of the source.

18 Q. But you don't know how much was dedicated,
19 roughly, to verification of Steele versus human source
20 operations, other investigative techniques?

21 A. I can speak to the actions that I took.

22 Q. How was your division of labor between those
23 two?

24 A. Initially, upon -- we received the first Steele
25 report on September 19, 2016. Within three hours of receiving

1 those reports on my team, I emailed the case agent and asked
2 them for a source characterization statement. That's the first
3 place it starts, with the handling agent on that.

4 Through that process, there are annual checks that a
5 case agent does, a field office annual source report as well
6 as QSSRs the supervisor will do. So that's ongoing from the
7 inception of the source.

8 So that source characterization statement should be
9 based off of that. So I sought to get that.

10 Secondly, I determined we needed to send a team to
11 [European City] to work with the handling agent and speak to
12 the source. I later took other steps, but those are just a few.

13 Q. Why did you not go on that trip to [European
14 City]?

15 A. I don't remember.

16 Q. Do you recall why the person identified as --

17 [REDACTED]: Can we interrupt for a moment?

18 [REDACTED]: Yeah.

19 MR. SOMERS: We'll take it out of the record.

20 [REDACTED]: Take it out of the record and try to refrain
21 from saying the name of the city.

22 MR. SOMERS: Yes.

23 BY MR. SOMERS:

24 Q. Do you recall if the person identified as the
25 acting section chief went on the trip?

1 A. I don't remember.

2 Q. I'm not asking the name, but do you recall that
3 person who --

4 A. I don't.

5 Q. Do you know what they were acting section chief
6 of?

7 A. Yes.

8 Q. Which section?

9 A. They were acting in the section that Peter
10 Strzok had just vacated to become the DAD. So it was the
11 counterespionage section.

12 Q. Do you recall any consternation within the team
13 about why that individual was going and not someone else?

14 A. I don't remember that.

15 Q. I think we just referred to the Steele Dossier,
16 but we can refer to them differently if you want, but when did
17 you first see any of the reports that ultimately become known
18 as the Steele Dossier?

19 A. September 19, 2016.

20 BY MR. BAKER:

21 Q. Was there any concern about the length of time
22 it was taking or that it took for those reports to actually reach
23 you or the entity at Headquarters that ultimate received them?

24 A. I didn't have concerns.

25 Q. You did or did not?

1 A. I did not.

2 Q. Did anybody have concerns about the length of
3 time that it took from, I guess, the handling agent to the end
4 user at Headquarters?

5 A. I don't remember that. At the time that we
6 received them, they were dated, but we didn't know at the time
7 when the handling agent actually got them.

8 Q. Were you aware of any abnormal chain that they
9 flowed through from the handling agent to Headquarters or, as
10 far as you knew, they went from the handling agent to
11 Headquarters?

12 A. I received an email from the handling agent.
13 That was the flow on how I received them.

14 MR. BAKER: Okay.

15 BY MR. SOMERS:

16 Q. On page 99 of the IG report, it says that on
17 August 25, 2016, during a briefing for then Deputy Director
18 Andrew McCabe on the investigation -- I guess that's the answer
19 on when the August meeting was.

20 "During a briefing for then Deputy Director Andrew
21 McCabe on the investigation, McCabe asked [REDACTED] to contact
22 the New York Field Office about information that potentially
23 could assist the Crossfire Hurricane investigation."

24 Do you recall that?

25 A. I do.

1 Q. And by information that could potentially
2 assist the Crossfire Hurricane investigation, does that refer
3 to the Steele information or something else?

4 A. I believe that's the same. I later learned
5 that's what that was.

6 Q. But you said the delay between August 25th and
7 September 19th, that doesn't bother you in terms of the length
8 of time or that there wasn't an issue of the length of time it
9 took from you learning about the investigation to actually
10 receiving it?

11 A. At the time, I did not have an issue.

12 Q. On page 124 of the IG report, it says you sent
13 an email to Handling Agent 1 and others stating that: "Our team
14 is very interested in obtained a source symbol, number, slash,
15 characterization statement and specifics on the veracity of
16 past reporting, motivations, last validation, how long on the
17 books, how much paid, etc."

18 Why was all that information important to you?

19 A. It's always important to understand the
20 reliability of the source.

21 Q. And what did you learn in regards to the
22 reliability of the source?

23 A. Then? I did not receive an email back from --

24 Q. From the handling agent?

25 A. From the handling agent.

1 Q. Could you have looked in Steele's file to gain
2 the information?

3 A. At a certain point, we were able to obtain
4 access, and I don't remember when that was, but yeah. You could
5 go into a Delta file.

6 BY MR. BAKER:

7 Q. What is a Delta file?

8 A. Delta is the FBI's system of record for
9 maintaining source information.

10 BY MR. SOMERS:

11 Q. So you did not immediately have access to that
12 system with regards to Steele? Somebody had to grant you
13 access?

14 A. I would have had to have been granted access.
15 I don't remember anything else.

16 Q. So you didn't get a response to the email, but
17 at some point, you did learn this type of information. Where
18 did you learn this type of information, the specifics on
19 veracity of past reporting, motivations, last validation, how
20 long on the books, how much paid to date, etc.?

21 How did you learn that information?

22 A. So we had an intel team, as we discussed,
23 assigned to us on Crossfire Hurricane. They were working on
24 that.

25 Q. And where did they get that information from?

1 A. I don't know.

2 Q. Did they get it from the handling agent or did
3 they get it somewhere else?

4 A. I don't know.

5 Q. Were you satisfied with what you learned about
6 his reliability, Steele's?

7 I'm sorry. Were you satisfied with what you learned
8 about Steele's reliability?

9 A. Yes. The information, we thought was reliable.

10 Q. What were the efforts to corroborate Steele's
11 reporting, what type of things?

12 A. Like I mentioned, on the intel side, I can't
13 speak to how they do their job. I spoke of, obviously, the case
14 agent and supervisors, their responsibility annually and
15 continually to do that. In particular, I mentioned I sent a
16 team to a foreign country to meet directly with the source to
17 try to glean that information directly.

18 In addition, I initiated an asset validation review to
19 the director of intelligence and, later, met with Bruce Ohr.
20 That's one of the things I was trying to determine.

21 Q. Was it -- did you try and determine Steele's
22 sources were?

23 A. Yes.

24 Q. Did you try and speak with others who had worked
25 with Steele in the past, clients or other governments?

1 A. Just Bruce Ohr.

2 Q. Just Bruce Ohr. Did you task anyone on the team
3 with talking to past clients of Steele or past employers?

4 A. I don't remember doing so.

5 Q. You rotated off January 6, 2017, you testified
6 to earlier. What was your understanding when you left the
7 investigation; what was your understanding of the level of
8 corroboration that the FBI had achieved of the Steele reporting?

9 A. I don't know if could I say what level of
10 corroboration that they had received. It was just an ongoing
11 effort. It was constantly ongoing.

12 Q. Had you verified anything from the reporting?

13 A. I don't remember.

14 Q. You don't remember. Would you say it was
15 largely unverified when you left, when you rotated off?

16 A. I don't remember. I would have to look at all
17 the reports and go back to that time and try to give you some
18 sort of weight to what was and what wasn't.

19 Q. What was your understanding of who Christopher
20 Steele was at the time?

21 You're getting this information. You're told on -- you
22 get it on the 19th. You get a bunch of reports. What's your
23 understanding of where this is coming from and who this guy is
24 providing you this information?

25 A. So I can't remember what I knew when. I would

1 have to refer to those emails or just anything that could help
2 me remember what I knew at a particular time.

3 Q. Generally in that time period, what was your
4 understanding of Steele?

5 A. During which time period?

6 Q. Prior to October 21, 2016 when the FISA
7 application was submitted.

8 A. I believe we knew that he had at that timeframe
9 been a member of an intelligence service from another friendly
10 foreign government.

11 Q. And you understood that he was a private
12 contractor of some sort at this point in time?

13 A. I believe so.

14 Q. You mentioned earlier, I think you just
15 mentioned a few minutes ago, requesting a human source
16 validation review on Steele in November 2016. Do you recall
17 requesting that?

18 A. I do.

19 Q. Why did you request that review at that point
20 in time?

21 A. At that point in time, the "Mother Jones" news
22 article had come out on October 31st. We had closed a source
23 for cause, a source that was used in the FISA application of
24 Carter Page.

25 Q. That's what caused you to request the review at

1 that point, the validation review at that point in time?

2 A. That's correct.

3 BY MR. BAKER:

4 Q. What happened to your request for the validation
5 review?

6 A. So the validation review initiated and it was
7 later turned off.

8 Q. What do you mean "it was turned off"?

9 A. I mean the validation review through the D.I.,
10 the Director of Intelligence. Just to be clear exactly what
11 I'm talking about, there was a constant validation review
12 ongoing by the Counterintelligence Division and the
13 intelligence analysts at the time. My request was to the FBI
14 director of intelligence for them to do what is considered an
15 enhanced validation review, something outside and independent
16 of the Counterintelligence Division.

17 Q. But that was turned off?

18 A. Yes, sir.

19 Q. And why would it have been turned off?

20 A. I can give you the answers that I was provided
21 or the discussion that I had with Assistant Director Priestap
22 and DAD Strzok at the time. There were concerns about leaks.
23 The Bureau, obviously, was, as I understood and I testified
24 already, concerned about anyone outside of the Crossfire
25 Hurricane team being aware of the existence of the

1 investigation. So that was one of their concerns.

2 So that was -- to give an answer, they wanted to keep
3 it within the counterintelligence.

4 Q. When you say "to give an answer", that makes me
5 think that it's not necessarily what you thought. Is that
6 correct?

7 A. Oh, no. Well, then I misspoke. You're taking
8 that out of context.

9 Q. That's the answer that you were given and that's
10 a reasonable answer in your view?

11 A. At the time, I understood the answer, but I
12 disagreed with it.

13 Q. So you did disagree with it?

14 A. Correct.

15 Q. I'm curious, because you said earlier, a few
16 minutes ago, that this particular unit did an enhanced
17 validation, but yet, I mean, I assume, and correct me if I'm
18 wrong, that the individuals that are doing this enhanced
19 validation of sources, which there are probably a very special
20 category of techniques using sources in the Bureau -- this is
21 what I'm guessing. These people that are doing the validation
22 are trained and vetted, but there's a concern of leaks coming
23 out of this enhanced validation unit.

24 A. That was what I was -- I mean, maybe not that
25 unit, but there was concern about leaks overall in the Bureau

1 of anybody outside the department and team being aware of the
2 existence of this investigation.

3 Q. So that would seem to me that if a decision is
4 made and it's not your decision, you're being told it's being
5 turned off, is what I'm hearing --

6 A. That's correct.

7 Q. And you disagree with that is what I'm hearing.

8 A. That's correct.

9 Q. Something so important that this unit is doing,
10 evaluating the credibility of a source that's going to be used
11 for some of the most sensitive, sophisticated things, I'm
12 guessing, that are in the Bureau's arsenal and they're going
13 to stop that because of leaks?

14 I mean, that sounds like there's a very serious leak
15 problem at the FBI, either then or now. That just sounds
16 incredible to me, that you're willing to trade -- not you, but
17 there's a tradeoff of validating this source that's providing
18 this pretty interesting and incredible information, but yet,
19 the validation of that person is not going to be allowed to
20 continue because of, apparently, an internal problem at the FBI
21 regarding leaks.

22 Am I --

23 A. Is that a question?

24 Q. It's kind of a question and kind of maybe
25 restating what you said. Is that the understanding you had why

1 that was being turned off, this enhanced validation?

2 A. The reason it was turned off is they were
3 concerned about leaks. Anything more, you'd have to ask the
4 individuals that made that decision.

5 Q. Okay. Thank you.

6 But Mr. Priestap was telling you that?

7 A. Through DAD Strzok.

8 Q. But it's coming down from the AD to the DAD to
9 you?

10 A. Yes.

11 BY MR. SOMERS:

12 Q. Did they know about it because you informed them
13 that you had started this process or did they find out the
14 process had started in some other way?

15 You said the process had started?

16 A. I notified them that I initiated the process.

17 Q. And they stopped it?

18 A. Yes.

19 Q. What was your understanding of how Steele was
20 collecting the information that was contained in the dossier?

21 A. It was my understanding, generally, that he had
22 a subsource network. I don't want to get into too much detail,
23 but he had a subsource network that provided him the reporting.

24 Q. So you understood that Steele, himself,
25 was -- I'll just read from the IG report and see if you have

1 this understanding. That way, you don't have worry about
2 revealing anything.

3 On Roman numeral five, the introduction to the IG
4 report, it says: "Steele, himself, was not the originating
5 source of any of the factual information in his reporting.
6 Steele, instead, relied on the primary subsource for
7 information who used his/her network of subsources to gather
8 information that was then passed to Steele."

9 Was that your understanding of how Steele was gathering
10 information?

11 A. That's fair.

12 Q. When did you become aware that -- was that always
13 your awareness or did you become aware at some point in time
14 that that's how this operation worked?

15 A. I don't know at what point in time, but I think
16 once we received the initial reports, I believe it was clear
17 that there were multiple subsources, but exactly how he got it,
18 I don't remember when we knew that.

19 Q. I think you said earlier, but I'm going to ask
20 it again, was identifying Steele's source network important?

21 A. Yes.

22 Q. Why?

23 A. It was especially important to have probable
24 cause. For each one of those sources, we needed to -- for each
25 one of them, we needed to also determine the veracity of their

1 employee as well.

2 Q. So was the credibility or reliability or
3 unreliability of the subsources important?

4 A. Yes.

5 Q. Would it be fair to say that maybe the primary
6 subsource's reliability is actually more important than
7 Steele's reliability?

8 A. Not necessarily. I mean, it was -- all the
9 subsources' reliability was important.

10 Q. I'm saying versus Steele, who wasn't -- Steele,
11 himself, was not the originating source of any of the factual
12 information in this reporting and you relied on the primary
13 subsource for information. Given that fact pattern, isn't that
14 primary subsource's reliability more important than Steele's
15 reliability?

16 A. I don't know if I ever looked at it that way.
17 That's a hypothetical that I'd have to sit down and think about,
18 but I just don't have an answer for you.

19 BY MR. BAKER:

20 Q. In your experience with dealing with sources in
21 any of your cases, is it common that there is a network of
22 subsources below the person who's actually reporting the
23 information?

24 A. It is.

25 BY MR. SOMERS:

1 Q. And you understood, I take it, that the level
2 of removal that Steele had from all the subsources was that he
3 was not talking to subsources; is that something you understood?

4 A. I don't know when I understood that, sir. I
5 don't know if it was after the fact. There's been so much media
6 about it, I couldn't color as to what I knew then and what I
7 know today.

8 Q. Do you know if you knew it while you were still
9 on the investigation or --

10 A. Sir, I'd have to refer to a document or something
11 to help refresh my memory. There's been a lot out there.

12 Q. I know this happened after you rotated off, but
13 were you aware that -- well, I don't know if part of it happened
14 before you rotated off. Did you become aware when the FBI
15 identified Steele's primary subsource?

16 A. I was.

17 Q. Were you aware they interviewed the primary
18 subsource?

19 A. I was, because --

20 Q. Not now.

21 A. Right. So I was in the Washington Field Office
22 when that occurred and I knew that they had asked other agents
23 from Washington Field Office to participate.

24 Q. In the --

25 A. In the interview.

1 Q. -- interview?

2 A. Yeah.

3 Q. This was an important -- was this an important
4 step in your mind if you had still been on the investigation
5 that they identified the primary subsource; would that have been
6 big news?

7 A. That would have been important to me at that
8 point.

9 Q. Was it a topic of discussion while you were still
10 on the investigation, identifying the primary subsource?

11 A. Yes.

12 Q. Did you have any awareness of the fact that there
13 were inconsistencies between Steele's reporting and what the
14 primary subsource told the interviewing agents?

15 A. I was not.

16 Q. Have you ever read the summary of the primary
17 subsource's interview?

18 A. I have not. I don't have a need to know and have
19 not read it.

20 Q. And you didn't read it at the time?

21 A. No. I wasn't part of the team. I wasn't
22 involved.

23 Q. Were you aware of concerns like those expressed
24 in February 2017 about Strzok and an email he wrote that is on
25 page 247 of the IG report that "Recent interviews in the

1 investigation, however, reveal Steele may not be in a position
2 to judge reliability of the subsource network"?

3 A. I was unaware of that.

4 Q. Were you ever aware -- leaving aside press
5 reporting after the fact, were you ever aware that some of the
6 information Steele's primary subsource was giving Steele was
7 based on, quote, conversations with friends over beers, that
8 the primary subsource characterized the information he gave
9 Steele as word-of-mouth hearsay, that the primary subsource
10 told the FBI that the information was intended to be taken with
11 a grain of salt, and that the corroboration was zero?

12 A. Again, sir, my memory is colored with -- it's
13 hard to make a distinction on what I knew when.

14 Q. Versus reading about it in press accounts?

15 A. Absolutely.

16 Q. So you don't recall, even though you weren't on
17 the investigation, you don't recall anyone on the investigation
18 saying, Hey, we have a problem with the primary subsource?

19 A. I don't remember that at all, no.

20 Q. Were you aware while you were still on the
21 investigation that the primary subsource was actually a
22 contract employee of Steele's firm?

23 A. No.

24 Q. Were you aware that the primary subsource was
25 living in the United States?

1 A. I was.

2 Q. At the time?

3 A. Well, I'll give you the timeline. So I left
4 Crossfire Hurricane on January 6, 2017. The following week,
5 I received -- I was asked to participate, was told that he was
6 identified, that the FBI had identified him and would I be
7 willing to go out with another agent to that individual's home
8 to try to make initial contact with who was the primary
9 subsource.

10 I ended up doing that, establishing that contact. That
11 was the extent. So yes. I did know that we had identified him.

12 Q. And that was just establishing contact; that
13 wasn't --

14 A. Yes. It was just to establish contact, that's
15 correct.

16 Q. There was no 302 generated based on that
17 contact?

18 A. No. I spoke with him on the phone. He was not
19 home. I later spoke with his attorney.

20 Q. That's what you were basically trying to get to,
21 was an attorney or set up an actual meeting with the individual?

22 A. That is correct.

23 Q. But you did not, just for the record, take part
24 in the actual interview of the primary subsource?

25 A. No, I did not.

1 Q. Did you know why you were asked to contact him,
2 make the initial contact versus somebody else?

3 A. I don't know. Any time -- one of the
4 difficulties of this case at Headquarters, any time you're
5 operating in another AOR, Area of Responsibility, typically in
6 the Washington Field Office Region, you need to coordinate with
7 that office. I was an individual who was aware of the case and
8 they needed somebody to go out and knock on the door.

9 So I received a call, Can you assist? Sure. I can help
10 you.

11 Q. Were you asked to sit in on the interview?

12 A. I was not.

13 BY MR. BAKER:

14 Q. In your 16 years of working
15 counterintelligence, was this the first case that you had been
16 involved in that was worked out of Headquarters?

17 A. Yes.

18 Q. Did that, in and of itself, seem unusual or the
19 circumstances justified? What are your thoughts on that?

20 A. The need for compartmentation, the need to have
21 access to high-level individuals in the FBI to make decisions,
22 with the overriding issues of compartmentation, I understood
23 that.

24 Q. Are you aware of other cases, maybe ones you
25 didn't work, that were worked at Headquarters for the reasons

1 you just cited?

2 A. I am.

3 Q. Is it common? Extraordinary?

4 A. It happens. It happens when, again, there is
5 a need for compartmentation where I have seen it or you need
6 decision makers at the Headquarters level.

7 Q. I think at some point, and this may be after
8 you're gone, the individual pieces got farmed out to field
9 offices, which would, in my understanding, kind of be the norm.
10 You have one case that went to Chicago. One, I think, went to
11 New York. One went to Washington Field, and sort of it went
12 back to the model that I would think is the normal.

13 How was that able to happen when looking at the reasons
14 you said were to be centralized at Headquarters? What changes
15 that now allows it to be back at the field offices?

16 A. I don't know those considerations, sir.

17 MR. BAKER: Okay.

18 BY MR. SOMERS:

19 Q. Do you know why your temporary duty assignment
20 was allowed to expire, why you were rotated off?

21 A. I asked to go back to the Washington Field
22 Office.

23 Q. I think we just discussed how Steele was
24 collecting his information. What was your understanding of why
25 Steele was collecting the information that he had?

1 A. At a certain point, I was aware that he was
2 collecting this information for an entity that was conducting
3 opposition research.

4 Q. You weren't aware that he was collecting
5 information for the DNC?

6 A. I don't know when I knew that.

7 Q. If I could just read on Footnote 223, this is
8 long, but basically my question at the end is whether you recall
9 receiving this email, but let me read the email.

10 A. Sure.

11 Q. Footnote 223 of the IG report, this is on page
12 98. It says: "An FBI agent from another FBI Field Office sent
13 an email to his supervisor stating that he had been contacted
14 by a former CHS who, quote, was contacted recently by a colleague
15 who runs an investigative firm. The firm was hired by two
16 entities, the Democratic National Committee as well as another
17 individual not named, to explore Donald J. Trump's longstanding
18 ties to Russia."

19 On or about August 2, 2016, this information was shared
20 by the supervisor with the section chief, intelligence analysis
21 section, intelligence section chief, which is going to be
22 Jonathan Moffa, who provided it to members of the Crossfire
23 Hurricane team, then Section Chief Peter Strzok, [REDACTED], and
24 the supervisor of intel analysts, end quote.

25 Do you recall on or about August 2, 2016 receiving

1 information regarding Steele being hired by the DNC?

2 A. So on August 2nd, I would have been overseas
3 conducting an interview. I mostly likely would not have had
4 access to email at the time.

5 I don't remember that, receiving that in August. I do
6 remember in January of '17, that agent reached back out to me.
7 I think that's when I made a connection between the two pieces
8 there.

9 Q. So prior to -- I think that date was January
10 11th, I believe.

11 A. That's correct. Yes.

12 Q. Prior to that, you didn't know that the DNC -- at
13 least not definitively, you didn't know the DNC was the ultimate
14 payer, his ultimate employer was the DNC?

15 A. That's correct.

16 Q. How did you become aware on January 11th? Can
17 you walk through that a little bit more?

18 A. Sure. The individual, I believe, that would
19 have sent that email in August, I think he reached back out to
20 me. I, I guess, having the context and perspective of being
21 there for four to five months, I think I made the connection
22 at that point and then I turned him over to the next supervisor
23 that took over for me on Crossfire Hurricane.

24 Q. Did you tell anyone else what you learned from
25 the field agent?

1 A. I don't remember doing so; however, I CC'd the
2 incoming supervisor as well as there were others that were on
3 that email on January 11th that were still on the team.

4 Q. The supervisor that -- I'm just trying to
5 remember, because, obviously, the case was divided a little
6 differently when you were on it versus --

7 [Mr. Somers peruses document.]

8 BY MR. BAKER:

9 Q. While he's looking for that --

10 A. Yeah.

11 Q. -- what was your reason for wanting to go back
12 to Washington Field? This seems like a pretty big case, maybe
13 one of the biggest cases for the Bureau, certainly in recent
14 times, and it's right up your area of expertise,
15 counterintelligence. Why the desire to go back to Washington
16 Field?

17 A. I had a professional disagreement with stopping
18 the enhanced validation review.

19 Q. Okay. We talked about that earlier. You're
20 aware, I'm sure, that that was restarted not long after you
21 rotated off. Are you aware of that?

22 A. I've read that.

23 Q. I'm just curious. The reasons you were given
24 for the enhanced validation stopping when you recommended that
25 it be done, how would those conditions that were given to you,

1 the possibly of the leaks, how would that have been resolved
2 by the time this validation restarted again?

3 It seems to me based on not just this case, but others,
4 the Bureau's problem with leaking continues to this day. So
5 what changed for the powers that started it again?

6 What was their confidence that their concerns when they
7 stopped it when you initiated it, what happened that they feel
8 comfortable a year, a little over a year, later to start it up
9 again?

10 A. I don't know. You'd have to ask those
11 individuals who made the decision.

12 Q. Who did you have the professional disagreement
13 with?

14 A. I guess at that point, it would be Bill Priestap.

15 Q. And your position was that the validation, the
16 enhanced validation, should go forward?

17 A. That's correct.

18 Q. And his view was that it shouldn't?

19 A. That it shouldn't, that counterintelligence
20 should continue on with their validation.

21 Q. And, I mean, did he elaborate on that at all?

22 A. No. It's just the facts that I gave you,
23 concerned about leaks.

24 Q. But what concerns did you argue with him for
25 doing the enhanced validation?

1 A. This is the process, this is what we do, this
2 is what we always do.

3 I recognized the significance of his reporting, the use
4 in a FISA application. I had questions about our intel
5 validation was ongoing in the Counterintelligence Division, and
6 all of that contributed to my professional disagreement.

7 Q. Did anyone weigh in on your side with Mr.
8 Priestap? Mr. Strzok? Anybody?

9 A. No. Case Agent 1, he did, as did a staff
10 operations specialist that was working with us.

11 Q. Were your concerns considered or was the
12 stopping of the process determined by Mr. Priestap and that was
13 the law of the land?

14 A. I'm assuming he considered them. I gave him my
15 rationale and he made the decision.

16 Q. But this was a concern that you were so
17 passionate about that it made you terminate your association
18 with the case, the team, and go back to the Washington Field
19 Office?

20 A. It was.

21 MR. BAKER: Thank you.

22 BY MR. SOMERS:

23 Q. I'm just looking at the January chart here in
24 the IG report. At that point in time, there were two SSAs
25 assigned to the case. It looks like one was handling the

1 Michael Flynn investigation and the George Papadopolous
2 investigation and the other was handling the Carter Page
3 investigation and the person who's identified as SSA 3.

4 I don't know if someone can tell me. I don't know who
5 SSA 3 is, but whoever SSA 3 is, I understand that SSA 3 is who
6 you gave the email to or CC'd on the email.

7 A. I'm trying go to the key here. SSA 3, are you
8 asking me do I know who SSA 3 is?

9 Q. Yes.

10 [REDACTED]: We need to go off for a second.

11 [Counsel for witness confer.]

12 BY MR. SOMERS:

13 Q. Do you know if the person -- the supervisory
14 special agent that you CC'd on the email linking up the agent
15 that had the information that we discussed earlier, I believe
16 is an agent in a field office; is that correct?

17 A. That sounds right.

18 Q. Do you know if that supervisory special agent
19 that you gave -- you CC'd on the email reported to Jen Boone?

20 A. Did you say did he report the information?

21 Q. No. Did he report to? Was that his
22 supervisor?

23 A. Yes.

24 Q. Okay. It's likely SSA 3, but, obviously, no one
25 here knows who SS3 is.

1 A. I'm sorry. I don't know.

2 Q. That's okay. It's not your fault.

3 Do you recall receiving, directly or indirectly, some
4 outreach from the State Department about Christopher Steele and
5 Kathleen Kavalec?

6 A. I do remember that.

7 Q. Did you ever speak with Kathleen Kavalec?

8 A. No.

9 Q. Did you assign anyone to speak with Kavalec?

10 A. No.

11 Q. Why not?

12 A. We had a liaison at the State Department and that
13 was his job.

14 Q. Why did you make the decision never to interview
15 Kathy Kavalec?

16 A. What was the question? Like what do you expect
17 me to interview about?

18 Q. About information she received from Christopher
19 Steele.

20 A. So my recollection is -- I don't remember her
21 receiving information. My recollection of that event was that
22 she was aware of how our team was traveling to a foreign country
23 to talk to him, and that was my understanding of what she knew
24 and that's what I engaged with our liaison at State Department
25 about.

1 Q. So you thought you had enough information from
2 the liaison at the State Department; the same FBI liaison to
3 the State Department, you thought provided enough information
4 about what Kathleen Kavalec had to report about Christopher
5 Steele?

6 A. From what I remember from the email exchange
7 between myself and the FBI's Department of State liaison, I was
8 just tracking an issue that she had become aware of our travel
9 to meet with the source.

10 Q. You weren't aware that she met with Christopher
11 Steele?

12 A. I was not aware.

13 Q. According to the IG report, the section chief
14 forwarded you information that Kavalec had met with Christopher
15 Steele. You don't recall receiving that information?

16 A. I don't recall receiving that.

17 Q. If she had information such as the -- you know,
18 if she had information regarding an inaccuracy in Steele's
19 reporting, would that have been important information to have
20 gotten to the team?

21 A. Yes.

22 Q. I think, according to the IG report, Kavalec
23 advised the FBI section chief in an email information related
24 to an investigation of Steele's firm had been conducting.

25 "The section chief forwarded the document to [REDACTED]

1 the same day."

2 And that information was that there was a reference to
3 Steele reporting to a Russian consulate being located in Miami
4 when there is no Russian consulate in Miami. Were you ever
5 aware of that fact?

6 A. It was brought up to me by the IG, but that's
7 it.

8 Q. But not at the time?

9 A. Not at the time.

10 Q. And then also in that meeting -- I think this
11 was conveyed in the email -- Steele said in a the meeting he
12 had with Kavalec in undertaking the investigation at, quote,
13 the behest of an institution he declined to identify that had
14 been hacked, closed quote, which, I mean, isn't definitively
15 the DNC, but I think the information would indicate the DNC.

16 Did you ever receive that information?

17 A. I have no recollection of receiving that
18 information.

19 Q. The IG report indicates that you, Peter Strzok,
20 Lisa Page, a supervisory intel analyst, and the OGC unit chief
21 traveled abroad and met with persons who previously had
22 professional contacts with Steele or had knowledge of his work.
23 Do you recall that trip?

24 A. I do.

25 Q. Was it multiple persons you met with?

1 A. The forum that I remember meeting in was -- yeah.
2 There were multiple people, I think from two different agencies.

3 Q. Was that the purpose of the trip?

4 A. I believe so, yes.

5 Q. Do you know why Lisa Page attended the trip?

6 A. I do not.

7 Q. Do you recall when the OGC unit chief attended
8 the trip?

9 A. I do not.

10 Q. What did you learn from the trip about Steele?

11 A. I don't remember learning anything about
12 Steele. I remember having discussions about the Russian
13 maligned foreign influence and a new threat emerging, which was
14 their use of social media. We were discussing the broader
15 questions.

16 Q. But the purpose of the meeting was to learn more
17 about Steele?

18 Or of the trip. I'm sorry.

19 A. That was not what I understood the purpose of
20 that meeting to be. I don't think in that forum that I
21 participated in that Chris Steele was discussed.

22 Q. So you were not -- and it does not indicate you
23 were. I'm just asking.

24 You weren't in any meetings that Priestap and Strzok
25 did get some information about Steele?

1 In the report, on page 182 of the IG report, it indicates
2 that Priestap and Strzok gave notice of the feedback they
3 received about Steele, some of which was positive and some of
4 which was negative. You don't recall --

5 A. I think you're conflating maybe two different
6 trips. So Bill Priestap did not travel with us.

7 BY MR. BAKER:

8 Q. If you know, who did Lisa Page work for?

9 A. She worked for who I believe to be the deputy
10 director.

11 Q. And that would be?

12 A. Andy McCabe.

13 Q. Did you ever have a concern as the SSA with
14 either the trips or any meetings that Lisa Page was at that
15 information coming out of the meeting or what was discussed at
16 the meeting would be, for lack of a better word, hotlined by
17 Ms. Page to Mr. McCabe before you as the SSA could report it
18 up to Mr. Strzok or Priestap or the acting section chief? Was
19 that ever a concern?

20 A. No. It was never a concern of mine.

21 MR. SOMERS: I think we are out of time for this hour.
22 So it's 1:20. We'll go off the record.

23 [Whereupon, at 1:19 p.m., a lunch recess was taken, to
24 reconvene at 2:00 p.m. this same day.]

25

1 A F T E R N O O N S E S S I O N

2 MS. ZDEB: It's 2:05. We can go back on the record.

3 FURTHER EXAMINATION BY THE MINORITY

4 BY MS. ZDEB:

5 Q. Before the break, you spoke a bit about
6 conversations between George Papadopolous and a confidential
7 human source in which Papadopolous made comments to the effect
8 of coordinating with Russia would be treasonous. I just wanted
9 to ask a couple of quick followups about that.

10 In your experience, do subjects or targets of an
11 investigation sometimes deny that they are engaged in criminal
12 conduct?

13 A. Yes.

14 Q. And, in your experience, should an agent or a
15 prosecutor stop investigating a particular individual just
16 because that individual denies engaging in crime?

17 A. No.

18 Q. Should the FBI close a counterintelligence
19 investigation just because a U.S. person denies wittingly
20 coordinating with a foreign power?

21 A. No.

22 Q. And, in other words, there could still be a
23 legitimate reason to investigate that U.S. person, because he
24 could be either wittingly working with a foreign government and
25 lying about it or he could be unwittingly working with a foreign

1 government, and in either case, there would still be a basis
2 for the FBI to investigate?

3 A. That is accurate.

4 Q. Turning back to the Steele Dossier for a minute,
5 you were asked a number of questions about his election
6 reporting. The IG report, obviously, spends a fair amount of
7 time discussing it as well. I have a couple of questions just
8 to put that reporting in context.

9 So Crossfire Hurricane was opened by the FBI on July
10 31, 2016. You said before the break that you didn't personally
11 become aware of Steele's reporting until September 19th and,
12 indeed, the Inspector General determined that the Crossfire
13 Hurricane team as a whole did not become aware of his reporting
14 until September 19th such that, to quote the Inspector General,
15 the Steele Dossier played no role in the opening of Crossfire
16 Hurricane.

17 Are you aware of any evidence that disputes that finding
18 by the IG?

19 A. No.

20 Q. As I mentioned earlier, the Inspector General
21 testified before our committee last December, and when asked
22 about the role that the Carter Page FISA and the errors that
23 he identified played in the larger Russian investigation, he
24 testified that those that related to Mr. Christopher Steele did
25 not call into question any of the special counsel's report.

1 Are you aware of any evidence that contradicts the
2 Inspector General's testimony that none of the FISA errors call
3 into question any part of Special Counsel Mueller?

4 MR. BERGER: I'll direct you not to answer.

5 MS. ZDEB: I'm asking for his personal --

6 MR. BERGER: Yes.

7 MS. ZDEB: And the basis?

8 MR. BERGER: I'm directing him not to answer with
9 respect to any role he played in the Woods verification, the
10 first FISA application.

11 MS. ZDEB: That's not what I'm asking about.

12 MR. BERGER: Can you repeat the question?

13 BY MS. ZDEB:

14 Q. So the Inspector General identified what we
15 considered to be a variety of FISA errors. Recognizing that
16 you do not necessarily buy into that characterization, when the
17 Inspector General testified before our committee, he said that
18 none of those what he considers to be errors played -- call into
19 question any part of Special Counsel Mueller's report.

20 So the question I am asking is whether you are aware
21 of any evidence that contradicts the Inspector General's
22 testimony that none of the, again, what he characterizes as FISA
23 errors call into question any part of the special counsel's
24 report.

25 MR. BERGER: I'm just going to direct him not to answer.

1 That is really hypothesizing. The premise is that the
2 Inspector General is accurate in identifying the errors. I'm
3 not going to assume that.

4 You're asking a hypothetical question. There's no
5 reality behind it. So I'm going to direct him not to answer
6 from his perspective.

7 BY MS. ZDEB:

8 Q. Former Deputy Attorney General Rod Rosenstein,
9 who supervised the Mueller investigation, testified before our
10 committee in June of this year. He was asked whether he could
11 identify which findings in Special Counsel Mueller's 448-page
12 report relies on information from the Steele Dossier, and Mr.
13 Rosenstein said "I don't believe there is any such information",
14 meaning he is unaware of any information in the Mueller Report
15 that relies in any way on Christopher Steele's election
16 reporting.

17 Do you have any evidence that contradicts Mr.
18 Rosenstein's statement that none of the findings in the Mueller
19 Report rely on the Steele Dossier?

20 A. I haven't fully reviewed the Mueller Report to
21 be able to speak intelligently about it.

22 Q. But sitting here today, you're certainly not
23 aware of any aspect of that report that relies on the Steele
24 Dossier?

25 MR. BERGER: He hasn't read the report. He's not aware

1 of all of its text. So he can't possibly answer that question.

2 BY MS. ZDEB:

3 Q. Since the IG report was released, we've heard
4 arguments that the FBI should not have been investigating Carter
5 Page in the first place and that the Inspector General's
6 conclusions, which, again, I understand you may take issue with,
7 undermine the entire individual counterintelligence
8 investigation into Carter Page. So I would like to just ask
9 you a couple of questions about that individual investigation
10 and its basis.

11 On page 321 of the IG report, it indicates that on
12 October 17, 2016, which is shortly before the FBI sought FISA
13 authority on Page, Page told a confidential human source that
14 he wanted to develop a research institute using a, quote, open
15 checkbook from the Russians, and you told the Inspector General
16 that Page's comment about an open checkbook from Russia brought
17 you closer to believing that Page may have actually been acting
18 as an agent of a foreign power.

19 Is that an accurate characterization of what you told
20 the Inspector General?

21 A. Yes.

22 Q. Can you explain why hearing that comment from
23 Carter Page brought you closer to believing that he may have
24 been acting as an agent of a foreign power?

25 A. Sure. So, obviously, if you have an open

1 checkbook with Russians, and by Russians, in the context of that
2 entire discussion about the Russian Federation, for him to have
3 an open checkbook to initiate a think tank here speaks to the
4 concerns for national security that I had that he would be,
5 ostensibly, supporting their maligned foreign influence
6 efforts in the United States and, therefore, would be
7 acting -- being paid by the Russian Federation to do so would
8 be acting as an agent of that foreign power.

9 Q. And, in your view, that was a
10 counterintelligence concern that the FBI should have
11 investigated further?

12 A. It was.

13 Q. The IG report also describes, and this is on page
14 222, how in an August 2016 meeting with a confidential human
15 source, and this is after Wikileaks had released thousands of
16 emails that had been hacked by Russia and Carter Page said that
17 there would be an October surprise and referenced, quote, a next
18 email dump with these 333,000 emails, you know, which was,
19 presumably, referring to the -- I'm sorry -- 33,000 emails,
20 presumably referring to the Hillary Clinton emails.

21 Why would those comments be concerning from a
22 counterintelligence perspective?

23 A. Again, using his words and looking at the
24 original predicate with regards to an anonymous leak of damaging
25 information for Hillary Clinton and Barack Obama, it appeared

1 based on his statement that he was privy to that effort.

2 Q. So is it fair to say that given the facts known
3 and unknown to the FBI at the time regarding Carter Page that,
4 in your view, the FBI had a legitimate basis to look at him when
5 examining the question of whether there were potential ties
6 between the Trump Campaign and Russia?

7 A. Yes. We should have run an investigation.

8 Q. My colleague asked you a number of questions
9 about Christopher Steele's source network, and my impression
10 is that you were being fairly careful in how you described those
11 sources. I've always understood sources and methods to be
12 things that the FBI takes great pains to protect. Is that an
13 accurate assumption?

14 A. It is.

15 Q. And as a general matter, why is it important to
16 protect sources?

17 A. Obviously, at times, their lives could be at
18 risk. Their livelihoods could be at risk.

19 Q. And, in general, can you speak to what the risks
20 are of publicly disclosing the identity of a source?

21 A. You know, pretty much what I stated there. I
22 mean, the goal is to have a covert, if not a clandestine,
23 relationship with an individual that could provide information
24 at times, things that they don't want maybe the public to know
25 what they're talking about, and that can have a serious impact

1 on their life, to include, you know, their life.

2 Q. And given your experience with Russia in
3 particular, would you agree that those risks to sources,
4 including potentially to their lives, are amplified when the
5 source is located in Russia?

6 A. Absolutely. I think you can look at recent
7 events about that, but specifically the assassination of
8 Litvinenko in 2006, I believe, they have the means to carry out
9 things outside of Russia as well.

10 Q. In addition to physical threats to the safety
11 and of the life of sources, is there -- when the identity of
12 a source is revealed, is there some risk, in your view, that
13 that has a chilling effect of the FBI's ability to recruit
14 additional sources?

15 A. Absolutely. Yeah. I mean, who's going to want
16 to cooperate and provide information or enter into that covert
17 relationship if we can't protect their identity?

18 Q. So along similar lines, if a source whose
19 identity is publicly revealed is a current source who is
20 currently providing information to the FBI, in your view, does
21 the act of exposing that current source's identity make it less
22 likely that that source will continue being someone who
23 cooperates with the FBI?

24 A. Yes.

25 Q. Can you speak to, just in general, the impact

1 of dissuading the cooperation with current and
2 future -- dissuading cooperation by current and future sources
3 in that way would be specifically with respect to the Bureau's
4 counterintelligence and counterterrorism, in other words,
5 national security mission?

6 A. Could you rephrase that question, if you don't
7 mind?

8 Q. So you just agreed with the general premise that
9 identifying either a current or a former source could have a
10 chilling effect on the Bureau's ability to continue getting
11 information from a specific source or recruiting future
12 sources. So my question is what is the impact of that chilling
13 effect on the Bureau's ability to carry out its
14 counterintelligence and counterintelligence mission?

15 [REDACTED]: Can we go off for a minute?

16 MS. ZDEB: Um-hum.

17 [Counsel for the FBI and the witness confer.]

18 THE WITNESS: So to answer that question, I'll speak
19 for myself. It's drawing from my professional experience and
20 not the Bureau.

21 Yes, and particularly with the Russia threat that I'm
22 familiar with and worked, it is a consideration and it is
23 something that we are concerned with as and when sources are
24 exposed publicly, how that has a serious effect on the ability
25 to find other individuals that would be willing to be -- would

1 want to volunteer to us or that we would recruit.

2 Does that answer your question?

3 BY MS. ZDEB:

4 Q. It does. So it's fair to infer from your
5 response that the FBI depends on confidential sources in order
6 to carry out its counterintelligence and counterterrorism work?

7 A. I depend on sources for that, yes.

8 Q. Are you aware that DOJ recently declassified the
9 FBI's memo summarizing the January 2017 interview with
10 Christopher Steele's primary subsource and that, shortly after
11 the memo was posted on our committee's website, a blogger was
12 able to deduce the identity of that subsource, which was pretty
13 shortly thereafter publicized by the Russian state-owned news
14 outlet, RT?

15 A. I've heard that.

16 Q. And based on your personal experience working
17 in counterintelligence investigations involving Russia, what
18 are the possible consequences of exposing the primary
19 subsource's identity?

20 A. Hypothetically and how I would -- my concerns
21 would be that we would be less likely to receive other
22 individuals willing to cooperate with the U.S. Government or
23 the FBI as a source.

24 Q. Are there also risks to the primary subsource's
25 safety or the safety of the primary subsource's own source

1 network?

2 A. Yes.

3 MS. ZDEB: I think that's it for us this round. It's
4 2:25. We can go off the record.

5 [Discussion held off the record.]

6 MR. SOMERS: It is 2:25. We will go back on the record
7 for our next record round of questioning.

8 FURTHER EXAMINATION BY THE MAJORITY

9 BY MR. SOMERS:

10 Q. On August 17, 2016, you took part in a strategic
11 intelligence briefing of the Trump Campaign; is that correct?

12 A. Of a Republican nominee for President and two
13 other individuals.

14 Q. Who were those two other individuals?

15 A. One was General Flynn, Michael Flynn. The
16 other one was Chris Christie.

17 Q. Why were you chosen to take part in that
18 briefing?

19 A. I would -- I do not know. I would be
20 hypothesizing.

21 Q. I think, earlier, you indicated that in the
22 past, the only defensive -- this would be what you would call
23 a defensive briefing; is that correct?

24 Can we use that term?

25 A. I think under this context, the term that was

1 used an "admonishment".

2 Q. An admonishment?

3 A. Yeah.

4 Q. I think, earlier, you testified that in terms
5 of defensive briefings, admonishments, the ones that you had
6 participated in the past have been defensive briefings of other
7 FBI personnel. Do I hear that correctly?

8 A. That's correct.

9 Q. So this would be the first time you'd admonished
10 or defensively briefed a political candidate?

11 A. That's correct.

12 Q. So you didn't have any particular expertise in
13 doing, quote-unquote, defensive briefings?

14 A. No.

15 Q. Who told you that you were going to be doing the
16 defensive briefing?

17 A. Peter Strzok.

18 Q. What was your response to his instruction?

19 A. When is the briefing? I asked when the briefing
20 was.

21 Q. Do you recall how far in advance this was?

22 A. It was a week, maybe, I believe.

23 Q. What did he tell you as to why you were doing
24 the briefing?

25 A. He let me know that prior to ODNI providing their

1 other classified briefings to the two presidential candidates
2 as well as their vice presidential candidates, that he was aware
3 that the President, at the time President Obama, wanted to
4 ensure that everyone received an FBI counterintelligence and
5 security brief.

6 Q. Where did you get the information that you
7 included in your -- this is a larger briefing, you said with
8 other members of the I.C. Where did you gather the information
9 that you briefed the candidates and his two advisors on?

10 A. I mean, I created a format from FBI holdings.

11 Q. Did you have a meeting about this briefing prior
12 to it happening with other people at the FBI?

13 A. We had mock sessions. I provided my outline to
14 two individuals. Yes.

15 Q. Who attended those mock sessions?

16 A. From what I remember, Peter Strzok, Jonathan
17 Moffa, Lisa Page, I think. I know that they did, maybe others
18 too.

19 Q. You're going to get this question from me a lot:
20 Do you have any understanding of why Lisa Page was at your mocks?

21 A. I don't. I didn't find it unusual.

22 Q. You didn't find it unusual because she was in
23 a lot of things or you didn't find it unusual that there was
24 a lawyer in the deputy director's office in the mocks?

25 A. I didn't find it unusual because she was around

1 all the time.

2 Q. Were you also instructed as part of your task,
3 other than giving the briefing, were you instructed that you
4 were to actively listen for topics or questions regarding the
5 Russian Federation?

6 A. Yes.

7 Q. Who gave you that instruction or an instruction
8 to that extent?

9 A. Peter Strzok.

10 Q. Who in particular -- was there anyone in
11 particular you were supposed to listen to?

12 A. So we had a predicate subject in the room, as
13 we've already established, General Flynn.

14 Q. General Flynn. Were you supposed to, you know,
15 actively listen to him more than the others or was it just you
16 were supposed to listen to all three individuals in the room?

17 A. All three of those individuals were part of the
18 Trump team. So I had an investigation and we had yet to define
19 other potential subjects. So if anyone on the Trump team, you
20 know, made a statement regarding the Russian Federation, I was
21 there to note it and record it.

22 Q. And you were only supposed to actively listen
23 for information regarding Russia or were you supposed to
24 actively listen for information regarding other foreign
25 adversaries?

1 A. Just Russia.

2 Q. According to the IG report, it says that you told
3 the Office of Inspector General that Flynn made comments during
4 exchanges with the ODNI briefers on many subjects unrelated to
5 Russia and that you did not document those because information
6 was not pertinent to any FBI interests. Why were those other
7 topics not pertinent?

8 A. So that briefing alone, a very highly classified
9 briefing as you can imagine, it was not appropriate for me to
10 report what those briefers were saying. In particular for
11 General Flynn, all that I knew was he was a subject and I was
12 going to write down what he said about the Russian Federation
13 specific to the Crossfire Hurricane case.

14 Q. And you documented that in a 302; is that
15 correct?

16 A. I believe it was an E.C.

17 Q. So you did create a written summary of the
18 briefing?

19 A. I have.

20 Q. I'll try to formulate this in a question: I
21 think it leaves something out if you ask -- if you only write
22 down what he said about Russia and he said things about other
23 countries as well and you only report back what he asked about
24 Russia, doesn't that give you a misimpression of what it was
25 that Flynn was really concerned with in the briefing?

1 A. That wasn't important to us and our goals about
2 what he was concerned about; however, if he made statement that
3 I determined was, again, a threat to national security or a
4 violation of law, I would have recorded it at that time.

5 Q. Was this E.C. something that could possibly be
6 turned over in future litigation?

7 A. Sure.

8 Q. Criminal litigation?

9 A. Possibly.

10 Q. So you didn't -- if he asked the same question
11 about China that he did about Russia, you didn't -- for
12 instance -- I'm not asking whether he did, but you wouldn't have
13 documented if he said the exact same thing about China that he
14 did about Russia?

15 A. I did not.

16 Q. Did anyone at the FBI express concerns about
17 your attendance at the briefing?

18 A. I don't remember.

19 Actually, no. No one had concerns or voiced them to
20 me.

21 Q. Do you know if you were the originally-scheduled
22 briefer of this briefing or was there someone else who was
23 supposed to do it?

24 A. I was not. Peter Strzok was to be the person
25 to provide the briefing.

1 Q. Do you know why he did not do it?

2 A. I do. He was involved in a prior investigation
3 midyear and I think it was looked at -- the optics of that. He
4 was going to be briefing, you know, providing the same briefing
5 to Candidate Clinton.

6 Q. You provided the identical briefing to the
7 Trump -- then Candidate Trump and his two advisors as you did
8 to Secretary Clinton?

9 A. Secretary Clinton and Vice President Pence and
10 Kaine, Tim Kaine.

11 BY MR. BAKER:

12 Q. Who made the decision to take Strzok out?

13 A. I don't know.

14 Q. Was there a discussion as to who should
15 substitute him that you're aware of? Were you approved?

16 A. I was not part of any of those discussions. My
17 only visibility to that process was when Pete came down and
18 notified me, told me what I told you, the purpose as well as
19 that he was the original person that was going to do it and it
20 was determined he would not be doing it.

21 Q. So you were just told the what, the where, and
22 that you were the one doing it?

23 A. Yes, sir.

24 Q. Did you know in advance how much time you would
25 be allotted for the official presentation that you were to make?

1 A. Yes. So we knew that the ODNI briefings overall
2 were going to be about two hours in length and there was
3 approximately 10 briefers, so about 10 minutes of a briefing
4 provided for C.I. security briefing and admonishment. That's
5 pretty much what I understood was how much time I had.

6 Q. So then the rest of your time, you just made
7 notes about the number of times and topics that Russia came up
8 on?

9 A. Yes, sir.

10 Q. Did you make any notes about any observations
11 that you made?

12 A. No. I don't believe so.

13 BY MR. SOMERS:

14 Q. Did you find anything problematic -- I asked if
15 others found anything problematic. Did you find anything
16 problematic about using this strategic intelligence briefing
17 to gather information on Flynn or Christie or Trump?

18 A. No.

19 Q. The IG report says that part of what you were
20 doing there was you wanted to gauge, I think the quote is, norms
21 to compare his mannerisms in a future interview.

22 A. That's correct.

23 Q. What does that mean, "norms" or "mannerisms"?

24 A. Sure. When you're -- any time that you consider
25 that you're going to conduct an interview, you want to establish

1 a baseline of how a person acts, how they sit, how they speak,
2 their tone prior. That helps you during a possible eventual
3 subject interview that you have something to compare that to.

4 Q. Did you use any of the norms or mannerisms that
5 you learned at this August 17th strategic intelligence
6 briefing; did you apply any of those observations to the January
7 24, 2017 interview you conducted with General Flynn?

8 MR. BERGER: I'm going to direct him not to answer that
9 question.

10 MR. SOMERS: On what basis?

11 MR. BERGER: Because there is a parallel investigation
12 by the U.S. Attorney and we are going to be participating in
13 that. I will not authorize him to answer any questions about
14 that.

15 MR. SOMERS: Just for the record, the FBI has no
16 objection to him answering that question?

17 [REDACTED]: The FBI has no objection.

18 BY MR. SOMERS:

19 Q. Did the Justice Department know that you were
20 going to use that August 17, 2016 strategic intelligence
21 briefing to observe Flynn and/or Christie and then Candidate
22 Trump?

23 A. I don't know. I had very minimal interaction
24 with anybody in the Justice Department.

25 Q. So you don't know whether the Justice Department

1 was informed?

2 A. I don't.

3 MR. SOMERS: Your last objection applies just to the
4 January 24th interview? Where are we? I mean, I don't need --

5 MR. BERGER: Well, it's not just confined to the
6 interview itself, but the inception, decisionmaking that he
7 made prior to that, and reporting afterwards. You can try.

8 BY MR. SOMERS:

9 Q. Let me try. The FBI had an investigation of
10 General Flynn open since, basically, the inception of Crossfire
11 Hurricane on August 16, 2016, I believe is the date; is that
12 correct?

13 A. That sounds about right.

14 Q. What was the predication for that?

15 MR. BERGER: I'm going to direct him not to answer.

16 BY MR. SOMERS:

17 Q. On or about January 4, 2016, did you approve a
18 memo written by an agent in the Washington Field closing the
19 investigation?

20 MR. BERGER: I direct him not to answer.

21 BY MR. SOMERS:

22 Q. Did you at some point in time become aware of
23 phone calls between General Flynn and Russian Ambassador
24 Kislyak?

25 MR. BERGER: I direct him not to answer.

1 BY MR. SOMERS:

2 Q. Did you ever have any discussion within the
3 Bureau or attorneys at the Department of Justice regarding the
4 Logan Act?

5 MR. BERGER: I'm going to direct him not to answer.

6 BY MR. SOMERS:

7 Q. Prior to being assigned to Crossfire Hurricane,
8 had you ever worked on a case involving a violation of the
9 Foreign Agents Registration Act?

10 MR. BERGER: I'm going direct him not to answer.

11 BY MR. SOMERS:

12 Q. Same question regarding the Logan Act.

13 MR. BERGER: I direct him not to answer.

14 MR. SOMERS: For the record, the FBI has no objection
15 to any of those questions that I just posed, him answering them?

16 [REDACTED]: The FBI has no objection to those questions
17 as posed.

18 MR. SOMERS: I'm going to switch topics again.

19 MR. BERGER: Okay.

20 BY MR. BAKER:

21 Q. Let me ask a general question, just about how
22 something works. It doesn't have to be related to this case.

23 You have a field office that is handling a case or may
24 be a part of a case. It's overseen by Headquarters. A field
25 office either refers the lead back to Headquarters as being

1 completed or the case, they write it up as to be closed or they're
2 closing it and they're notifying Headquarters.

3 Does Headquarters have the final say if the field office
4 can, in fact, close the case or is it reviewed by a program
5 manager at Headquarters to see if there's any other leads that
6 the program manager at Headquarters thinks need to be done
7 before it's appropriate to close the case?

8 A. It depends on the case; however, the field
9 office has the authority to close the case.

10 Q. Okay. Would it be unusual for a -- if a field
11 office closes the case, can Headquarters come back and say,
12 Well, you didn't interview this person or you didn't cover this
13 lead, it needs to be -- those needs to be covered before you
14 can officially close it?

15 A. Yes.

16 Q. So that's not unusual?

17 A. No. I've seen it before.

18 MR. BAKER: Okay.

19 BY MR. SOMERS:

20 Q. All right. Switching off of the Flynn matter,
21 the IG report indicates that through you, the team advised
22 O.I. -- I guess that's DOJ -- based on information from Steele,
23 Steele was specifically hired by an individual to provide
24 information on Candidate Trump's business affairs and contacts
25 with Russian.

1 Then it says you provided information that Steele was
2 never advised of the motivation of the individual who hired him.
3 Is that your recollection, that Steele, to your knowledge,
4 Steele was never advised of the motivation of the individual
5 who hired him?

6 A. To give you a little bit of background and
7 context on that email exchange, as I stated on the record, my
8 role by policy and process was not to be involved in the drafting
9 of the FISA application, nor was it to engage with DOI attorneys
10 and, clearly, the record shows that.

11 On this case, the Case Agent 1 was out of the office
12 and there was information that O.I. needed. I did not have a
13 day-to-day command of the facts as opposed to some of the folks
14 on the team that had institutional knowledge in specific and
15 could answer that question. So that's why that says with help
16 from the team, this is the response.

17 So, again, with the help of the Crossfire Hurricane
18 team, I drafted that email.

19 Q. So someone gave you the information that you
20 included in the email?

21 A. That's correct.

22 Q. So you weren't aware that, for instance, I think
23 there's notes that Steele allowed the IG's office to review that
24 say that Steele told Handling Agent 1 the Democratic Party
25 associates are paying for Fusion GPS's research and that the

1 ultimate client was the leadership of the Clinton Presidential
2 Campaign and the candidate was aware of Steele's reporting?

3 You weren't aware of information like that?

4 A. Sir, I can't remember, again, going back -- it's
5 been four years -- what I remember when. I cannot speak to that.

6 Q. You sent the team to a European City in October
7 of 2016. Did they ask Steele who the ultimate -- who he was
8 the client for?

9 A. I don't know.

10 Q. There's also information that the handling
11 agent seemed to know who the ultimate client was or at least
12 had some speculation about it. Among other things, it says:
13 "The assistant special agent in charge of the FBI Field Office
14 took notes of the July 13th call. The ASAC Handling Agent
15 1 -- "Among other things, the notes identify Simpson as the
16 client of the law firm and the law firm works for the Republican
17 Party or Hillary and will use the information described in the
18 report at some point in time."

19 You weren't aware that the handling agent seemed to have
20 some knowledge of who Steele was working for?

21 A. No, sir.

22 Q. Whatever information you conveyed was not your
23 information; you merely were the transmitter of the
24 information?

25 A. Yes.

1 Q. The IG report also indicates that you told the
2 OIG team that the team, quote, speculated Steele's information
3 was corroborated and used in criminal proceedings because they
4 knew Steele had been, quote, a part of, if not predicated, the
5 FIFA investigation and was known to have an extensive source
6 network into Russian organized crime.

7 Let's just break that down a little bit.

8 "██████████ told the OIG that the team -- I assume that's
9 the Crossfire Hurricane -- "speculated that Steele's
10 information was corroborated."

11 Why did they speculate the information was
12 corroborated?

13 A. So I've had the opportunity to go back and read
14 my transcripts over 30 hours from my IG testimony. I said
15 "speculate" three times. If I would have known that my
16 testimony would have boiled down to that word in the IG report,
17 I would have said something different.

18 I think I was taken out of context with regard to that.
19 I understood that that was the case. So when I was looking at
20 those facts, that was my understanding at the time.

21 I think the speculation part is I speculated or I
22 believed that the team that was doing the validation on the intel
23 side were doing their job. That's what I speculated.

24 Q. So you weren't actually speculating; you
25 shouldn't have used the word?

1 A. Correct. That was taken out of context.

2 Q. But there would, obviously, have been -- why
3 this has been singled out because there's people at the FBI that
4 could answer that question. Was it your understanding that
5 people had asked those people at the FBI or at the Justice
6 Department that could answer the question and asked them the
7 question?

8 Is that your understanding, that Crossfire Hurricane
9 had done that?

10 A. I understood that, through my observations,
11 that the process was occurring as it normally had, if not better
12 than normally had. We actually had O.I. attorneys in our space
13 working with Case Agent 1 as well as OGC attorneys. That
14 typically doesn't happen in the field. It should happen in
15 classified calls when conveying information.

16 So I saw the exchange of information occurring from -- I
17 had no reason to believe that what was in the application wasn't
18 anything more than the most accurate recent information that
19 we had.

20 Q. So you didn't know the FIFA case agent or the
21 prosecutor on the FIFA case told us that, to their
22 knowledge -- told OIG, to their knowledge, that Steele did not
23 have any role in the investigation himself, he did not provide
24 court testimony, and that information did not appear in
25 indictments, search warrants, or other court filings?

1 A. I was unaware of that.

2 Q. And then, also, you were not aware that
3 according to Handling Agent 1, he was clear to the Crossfire
4 Hurricane team concerning Steele's role and Steele had provided
5 leads and not evidence in the FIFA case; are you aware of that?

6 A. I'm sorry?

7 Q. According to Handling Agent 1, he was clear with
8 the Crossfire Hurricane team concerning Steele's role and that
9 Steele had provided leads and not evidence in the FIFA case.
10 You were unaware of that interaction with Handling Agent 1?

11 MR. BERGER: Can we stop for a moment? I would like
12 to just talk.

13 MR. SOMERS: Yes.

14 [Mr. Berger confers with the witness.]

15 THE WITNESS: To answer your question, for Crossfire
16 Hurricane team, I can tell you that Handling Agent 1 never
17 provided that information directly to me. If he provided to
18 anybody else, I can't speak to that. No one ever conveyed that
19 to me.

20 BY MR. SOMERS:

21 Q. I know we've had a little bit of discussion about
22 that and just to revisit what was and was not included from the
23 confidential human source consensual monitoring with Carter
24 Page, what was included in the FISA application and what was
25 not included in the FISA application. A couple of points that

1 were not included, the OIG report states and I'll try just read
2 as little as I can here, but it's on page 170:

3 "We further noted the documents in the Woods file
4 specifically stated that Page denies meeting with
5 Sechin/Diveykin and said that he, quote, stayed clear of the
6 efforts of the Republican platform committee and knew nothing
7 about Wikileaks. Neither Case Agent 1 nor [REDACTED] noticed this
8 inconsistency during their Woods procedures even though instant
9 messages showed [REDACTED] also knew as of October 17 that Page
10 denied ever knowing Diveykin.

11 Do you know or have any recollection of why the denials
12 of Page knowing Sechin and Diveykin didn't make it into the FISA
13 application?

14 MR. BERGER: I'll direct him not to answer.

15 MR. SOMERS: On what grounds?

16 MR. BERGER: The grounds that we don't have the draft
17 of the FISA application that my client reviewed and he has no
18 reference to determine whether any of that is accurate as a
19 firsthand witness. He has nothing to aid his recollection as
20 to what he actually saw. Therefore, he's unable to answer that
21 question.

22 He does not have enough information available to him
23 to answer that question because he does not have that draft of
24 the FISA application that he actually reviewed.

25 MR. SOMERS: I don't think that's the question. My

1 question was whether he recalls why Sechin and Diveykin, the
2 denials were not included in the FISA. Either he recalls or
3 he doesn't recall. I don't understand.

4 MR. BERGER: I'm going to direct him not to answer.
5 He's not in a position where he can even make an affirmative
6 statement that he doesn't recall. He doesn't have enough
7 information available.

8 I'm going to direct him not to answer. He can't answer
9 whether he recalls or not.

10 We're in the ether here.

11 MR. SOMERS: I don't think we are in the ether here.
12 I can ask him whether he recalls something. Either he recalls
13 it or he doesn't recall it.

14 MR. BERGER: Look, he's under oath. Even an answer
15 that says I don't recall has to be sincerely given in good faith
16 and that's what he's here to do. He can't give a sincere good
17 faith answer without access to that document.

18 BY MR. SOMERS:

19 Q. You discussed in the last round about -- I
20 believe this is the comment, that you discussed -- "██████████" told
21 the Office of Inspector General on Page's comments on funding
22 a research institute using a, quote, open checkbook from Russia
23 brought ██████████ closer to believing that Carter Page may
24 actually be acting as an agent of a foreign power.

25 Do you recall having that impression?

1 [Witness confers with counsel.]

2 THE WITNESS: Yes. That is correct. That's what I
3 stated earlier.

4 BY MR. SOMERS:

5 Q. I'm just trying to understand with all of these
6 questions the line between, you know, on one hand, that brought
7 you closer to believing that Carter Page may actually be acting
8 as an agent of a foreign power. That's a comment that he made
9 during a confidential human source consensual monitoring.
10 That, you gave credence to. There's other comments that didn't
11 make it into the FISA application.

12 I'm just trying to understand the line of how can you
13 give credence to some things and not others in a consensual
14 monitoring?

15 MR. BERGER: He's not able to respond to that question.
16 I'm going to direct him not to answer.

17 MR. SOMERS: Generally why certain things might make
18 it in and others won't?

19 MR. BERGER: Correct.

20 BY MR. SOMERS:

21 Q. Do you recall -- this is on page -- this is in
22 the footnote on page 310 of the OIG report.

23 It says: "The only express direction we found that
24 McCabe gave regarding the use of a confidential human source
25 concerned the former FBI CHS who contacted an FBI agent in an

1 FBI field office in late July 2016 to report information."

2 This is the information we talked about earlier in that
3 August 2nd email. That's not necessarily the important part
4 of what I'm asking.

5 It says: "In mid-September 2016, McCabe told [REDACTED]
6 to instruct the FBI agent from the field office not to have any
7 further contact with the former CHS and not to accept any
8 information regarding the Crossfire Hurricane investigation."

9 Do you recall why you were asked to instruct the agent,
10 to so instruct the agent?

11 A. Somebody brought that to my attention recently.
12 I don't remember.

13 Q. You don't remember?

14 A. No.

15 Q. You don't remember giving the instruction? I'm
16 just asking why were you giving the instruction.

17 A. No. I don't have any recollection of that at
18 all.

19 Q. "We further found -- this another quote from IG
20 report.

21 "We further found that [REDACTED] briefed the FBI
22 supervisors in his chain of command, Strzok, Priestap, and on
23 one occasion McCabe, about the CHS operation planned by the
24 investigative team."

25 Why, in general, would you have briefed Strzok,

1 Priestap -- we'll start with Strzok and Priestap -- about CHS
2 operations?

3 A. Sure. As I mentioned before, on a daily basis,
4 I kept my management apprised of the progress of the
5 investigation and/or any kind of operational operations that
6 we were conducting, to include CHS operations.

7 Q. And McCabe, do you recall why you briefed McCabe
8 on the CHS operation?

9 A. Just more of kind of the same. It was an update.

10 Q. It wasn't a specific briefing for him about an
11 operation; it was part of a more general meeting?

12 A. It was a more general meeting, yes, sir.

13 Q. Switching topics here a little bit, you probably
14 recall that there was a September 23, 2016 Yahoo news article
15 that related to the Crossfire Hurricane investigation. Do you
16 recall that article?

17 A. I do.

18 Q. The article was titled "U.S. Intel Officials
19 Probe Tie Between Trump Adviser and Kremlin". The article
20 describes efforts by U.S. Government intelligence agencies to
21 determine whether Carter Page had opened communication channels
22 with Kremlin officials.

23 I think there was some back and forth about whether
24 Steele was the source. The article itself said that there was
25 a western intelligence source that was providing at least some

1 of information.

2 Do you recall discussions about whether Steele was that
3 western intelligence source?

4 A. I do not and I did not have those discussion with
5 anybody.

6 Q. You did not have discussions about that?

7 A. That I recall. It notes a senior law
8 enforcement official was the source. It also notes that there
9 was a source that was at the time a western intelligence officer.
10 It was very broad.

11 Q. You don't recall any discussion of whether there
12 was speculation as to whether Steele could have been the source
13 of the article or one of the sources of the article?

14 A. I don't remember having those discussions.

15 Q. You don't remember any concerns being raised
16 about Steele possibly talking to the media around that time?

17 A. No.

18 Q. And I'll ask and maybe you don't have any
19 knowledge about this either, but on page 107 of the FISA report,
20 it says: "Drafts of the Carter Page FISA application stated
21 until October 14, 2016, Steele was responsible for a leak that
22 led to the September 23rd Yahoo news article. One of the drafts
23 specifically stated that Steele was, quote, acting on his/her
24 own volition and has since been admonished by the FBI.

25 Do you have any knowledge of the FISA application ever

1 saying Steele was the source of the --

2 MR. BERGER: I direct him not to answer.

3 BY MR. SOMERS:

4 Q. Okay. Do you have any knowledge of Steele being
5 admonished around that time period for talking to the media?

6 A. No. I do not remember that.

7 Q. I think another issue came up surrounding not
8 this article, but a later article. I think you aware of this
9 one. It was an article in "Mother Jones" and that it says that
10 after that article appeared in "Mother Jones", FBI officials
11 told OIG that after these disclosures, they continued to assess
12 if Steele was reliable; however, they said that they viewed the
13 "Mother Jones" disclosure as a control issue.

14 What's a control issue? I think I believe you used that
15 term as well, although, I don't have a quote in front of me.
16 What's a control issue?

17 A. Also, just to back up to what you were saying
18 before, it was a very large group of people. I'm on the record
19 saying I did not have that same overall understanding and belief
20 about Chris Steele at that point. At that point, I felt that
21 we had control and behavior issues, is how I put it.

22 From a control standpoint and behavior standpoint, we
23 had traveled to another country. We had asked him to enter -- we
24 asked him for what I call exclusivity, and seeing his work and
25 acknowledgment of our case in the press on that day, he had,

1 as I put it, politicized himself, and that was a big problem
2 for me.

3 Q. How so?

4 A. I guess at that point, it goes back to his
5 behavior and control. You know, any time you are going to
6 either put your hand on the scale or acknowledge the existence
7 of our case, basically, it's just significant.

8 Q. Does that in any way affect his reliability?
9 Does that kind of spill over the line some between control, as
10 you describe it, and his reliability?

11 A. What could also be true is what my goal is, to
12 find out in the allegation, Okay, what about your subsources.
13 Right? The information that you were receiving from those
14 individuals, just because you may have put your hand on the scale
15 doesn't mean that their information is invalid.

16 Q. But if you can't control -- if you have control
17 issues with a source, doesn't that affect trust in some way?
18 I mean, you instruct someone to do something and they don't do
19 it --

20 A. That's a trust issue, yes.

21 Q. So around this time, and I think it was -- I think
22 the "Mother Jones" article was on October 31st, if I'm not
23 mistaken. On November 1st Steele is closed as a source.

24 Were you aware that he was closed when he was closed
25 or somewhere thereabouts?

1 A. I instructed the handling agent to close him.

2 Q. I'm sorry. You instructed?

3 A. I instructed the handling agent to close him.

4 BY MR. BAKER:

5 Q. What was their response to that instruction?

6 A. I think at the time, the handling agent might
7 not have known that the article was out. I think I alerted him
8 to that, and then I think once he confirmed from the source what
9 occurred, I think he knew that was the appropriate course of
10 action.

11 Q. So did you instruct him to close the source or
12 did you request that he did it based on A, B, and C and then
13 he looked at A, B, and C, agreed and closed the source?

14 A. So I'll back up a little bit. I had briefed this
15 to executive management at, I believe, one of those eleven
16 o'clock C.I cyber meetings that I was chairing, and when I
17 briefed it to A.D. Priestap, he instructed me to instruct the
18 handling agent to close the source for cause.

19 Q. So when you told the handling agent to close the
20 source for cause, it was, essentially, you relaying the
21 instruction or the order from A.D. Priestap?

22 A. Yes, sir.

23 Q. And there was no reluctance by the handling
24 agent to do it and he was going to look further into it?

25 A. Sir, I don't remember anything out of the

1 ordinary. I think he took it and did it, I think that same day.

2 Q. When you said exclusivity, is that to say that
3 he should be, the source should be, reporting solely to the
4 Bureau and he was doing -- he was peddling his wares in other
5 places and is that an issue for you?

6 A. So that is on two points. One of them was he
7 had, obviously, acknowledged to someone at the State Department
8 that he was in a meeting with us in a foreign city a month prior,
9 and that was something that we wanted to ensure that he wasn't
10 talking to another government agency about that or his
11 relationship. That was one piece of exclusivity.

12 The second part that we were, say, negotiating on or
13 wanted to negotiate on was whoever his customer was where he
14 was getting the source information, we were interested in
15 establishing -- I don't want to say cut that customer off, but
16 have this reporting only go to the FBI.

17 Q. Those are good specific examples on the
18 exclusivity issue. Do you have any specific examples on what
19 the control issues relate to?

20 A. Control is also going to the State Department.
21 He was talking to the individual, I believe, that was at that
22 embassy in that country. That's how I remember the issue, and
23 we just didn't want to do that.

24 So that was the control issue.

25 Q. Okay. A long time ago in this interview, we

1 mentioned briefly or I asked a question about whether there was
2 a delay in the reporting coming from the handling agent. You
3 didn't seem to this think there was.

4 Were you aware, either at the time or in
5 hindsight -- with the IG report as a benefit to answer some of
6 this stuff, did it seem to you that at some point there seemed
7 to be an us versus them that shook out between Handling Agent
8 1 and the Headquarters team?

9 I got a sense that there were people at Headquarters
10 that thought had the information, had the Steele information,
11 come to Headquarters quicker, they could have started the
12 validation of Steele sooner and then there was a thought from
13 Handling Agent 1 that had the Headquarters people got into the
14 Delta file sooner, I think his words were something to the effect
15 of I would have turned that file upside down.

16 It just seemed to me it was he said-she said at one
17 point. Did that become apparent to the team or is that just
18 me reading the IG report in hindsight?

19 A. Sir, it might just be hindsight. I didn't feel
20 that the case agent, the handling agent at the time -- again,
21 I think it was just a few-week time period here, these
22 characterizations we're talking about, but I never got that
23 sense from the handling agent.

24 Q. Thank you.

25 A. But I also never met with him. I spoke with him

1 on a secure line on a headset.

2 Q. But he or she is not someone you had worked with
3 before?

4 A. I didn't know him or her.

5 Q. You just knew them in the capacity as they
6 existed when you were the SSA on the case?

7 A. Yes, sir.

8 MR. BAKER: Thank you.

9 BY MR. SOMERS:

10 Q. You indicated earlier that Priestap instructed
11 you to close Steele as a source. Did you agree with that
12 instruction?

13 A. I did.

14 Q. And what was either -- well, let's start with
15 what was -- do you know what Mr. Priestap's rationale was?
16 Obviously, the "Mother Jones" article was the event, but what
17 was the rationale, as best you understood it, to close Steele?

18 A. He didn't express the rationale. He was upset.

19 Q. You said you agreed with his decision. What
20 would your rationale be for why?

21 Obviously, the event is the "Mother Jones" article.
22 What was the rationale based on the "Mother Jones" article that
23 it's time to cut this guy loose?

24 A. The same thing, behavior, control, and trust
25 issues.

1 Q. And then but the FBI continued to receive
2 information from Steele through Bruce Ohr after he was
3 terminated. Did you have an issue with that arrangement?

4 A. So that was not my primary objective from
5 talking with Bruce Ohr, as I understood it. My primary
6 objective from him was, as I mentioned to you, you can have a
7 source that's closed for cause and a source that you might have
8 concern about that individual and we also have subsources out
9 there that we had information in a FISA that we were relying
10 on for that probable cause, and we needed to verify those
11 subsources.

12 So my objective was to, during my engagements with Bruce
13 Ohr, try to learn as much I could about Chris Steele and his
14 subsource network to help piece that together and try to
15 identify those individuals and vet them individually.

16 Q. Did you ask Ohr to ask Steele anything?

17 A. No.

18 Q. So you were just -- your trying to learn from
19 Ohr is based on Ohr's knowledge of Steele based on his past
20 relationship with him?

21 A. That's correct.

22 Q. But you did continue to receive information from
23 Steele through Ohr?

24 A. I didn't necessarily look at it that way. I
25 received a lot of -- well, various information from Ohr. I

1 received information from his wife. I received information
2 from Simpson as well as Steele.

3 At the time that I was accepting this information,
4 again, there were thumb drives that we needed to retain and I
5 didn't fully understand what was on those, but we needed to take
6 it in just like we take in any information from anybody who wants
7 to provide us information. So I wasn't going to place a
8 judgment on what that information before I talked to him or
9 examine that.

10 Q. What did you do with the thumb drives that you
11 received from Bruce Ohr?

12 A. So I brought them back to -- I had to go to the
13 Washington Field Office, because, again, the case was run out
14 of Headquarters. I needed to have a [REDACTED] to process
15 this and create a working copy and put it into evidence.

16 So went to WFO for that. Then I brought it back and
17 I provided it to the analysts on the Crossfire Hurricane team
18 that were working to validate the source.

19 Q. That's what you did with all the thumb drives
20 you received?

21 A. I did.

22 Q. And did they know, the analysts, where this was
23 coming from?

24 A. Yes.

25 Q. Was there any sort of chain of custody into

1 taking account these thumb drives?

2 A. Yes. So they went into evidence. I provided
3 them working copies.

4 Q. Okay. Where did the chain -- the chain started
5 with you or the chain started with Bruce Ohr?

6 A. Bruce Ohr.

7 Let me back that up. I would have to review the actual
8 evidentiary form and what I filled out, but I don't remember
9 what I put on that form.

10 Q. Getting back to what we were discussion just a
11 second ago, on page 281 of the IG report, it says: "[REDACTED]
12 told the Office of Inspector General that no one in the meeting
13 directed Ohr to contact Steele or take any action on behalf of
14 the FBI, but added that Ohr likely left the meeting with the
15 impression that he should contact the FBI if Steele contacted
16 him."

17 What would have left that impression with Ohr?

18 I can read it again if you'd like.

19 A. Yeah. That would be helpful.

20 Q. Sure.

21 "[REDACTED] told us -- us being OIG.

22 "[REDACTED] told us that no one in the meeting directed
23 Ohr to contact Steele or take any action on behalf of the FBI,
24 but added that Ohr likely left the meeting with the impression
25 that he should contact the FBI if Steele contacted him."

1 My question is what would have left Ohr with that
2 impression?

3 A. I would say based on the things we were talking
4 about in the meeting, he knew that we were interested in
5 information regarding the subsources and any information would
6 be pertinent that he would receive in that realm, and so I think
7 it was implied or he just understood -- I mean, he was a
8 professional who's worked a long time in law enforcement. He
9 just understood.

10 Q. But you still -- even though Steele was a closed
11 source, you had no issue with Ohr continuing to speak to him?

12 It's one thing if you get information from Ohr about
13 Steele in general, but to have him continue to contact a closed
14 source wasn't a problem?

15 A. I was introduced to Bruce Ohr by senior
16 executives in the FBI, and I know of no policy prohibiting that
17 occurring, talking to a closed source.

18 BY MR. BAKER:

19 Q. Who were the senior executives?

20 A. That was Peter Strzok and Lisa Page.

21 Q. But you didn't think it odd or unusual that
22 someone of Ohr's rank and workplace officially being Main
23 Justice, that he would so many contacts and be a conduit for
24 a source providing information to such a big case of the
25 Bureau's?

1 A. I didn't find it odd. Washington is a -- as you
2 know, it's a well-connected town and there's a lot of people
3 who know a lot of people. So it didn't raise any concerns with
4 me.

5 ██████████: We would just like to go on the record to
6 clarify that Lisa Page was not a senior executive of the FBI
7 if the record says she's a senior executive.

8 BY MR. BAKER:

9 Q. But she was in a lot of meetings that you were
10 privy to. Correct?

11 A. Yes, sir.

12 BY MR. SOMERS:

13 Q. Case Agent 1 told the OIG -- it says: "Case
14 Agent 1, the lead agent on the Carter Page investigation told
15 us he recalled learning about Ohr from ██████████ likely before
16 the first Carter Page FISA application was filed on October 21,
17 2016."

18 Do you dispute that timing? Do you have any issues with
19 the timing there? Did you know about Ohr prior to the first
20 Carter Page FISA application?

21 A. I don't remember knowing Bruce -- well, the
22 first time I met Bruce Ohr was in November. I have no
23 recollection that I knew his name or the existence of Bruce Ohr
24 prior to that time.

25 Q. Or the Ohr-Steele connection?

1 A. Or the Ohr-Steele connection. If I would have,
2 we would have probably attempted to go out and talk with Bruce
3 Ohr.

4 Q. The first time you met Ohr was in a meeting with
5 Strzok and Page?

6 A. It was.

7 Q. Was there anyone else in that meeting?

8 A. John Moffa may have attended.

9 Q. What was your knowledge before the first Carter
10 Page FISA application was filed on October 21st, what was your
11 knowledge about Carter Page's relationship with another
12 government agency, intelligence agency?

13 A. I had no knowledge.

14 Q. You had no knowledge prior to?

15 A. No.

16 Q. Did you at a later time gain knowledge of that?

17 A. I have since learned.

18 Q. I'm sorry. You since learned while you were
19 still on the Crossfire Hurricane?

20 A. I was not while I was on Crossfire Hurricane.

21 BY MR. BAKER:

22 Q. In your experience, your 18 years total Bureau
23 experience, when a source is opened or used in a case, are there
24 database checks or inquiries made as a matter of routine from
25 other agencies to make sure that, you know, drugs aren't being

1 bought from the DEA or something like that?

2 Is it standard procedure to do an agency check?

3 A. It is.

4 Q. Then as the result of that agency check
5 routinely put into a case file? Are the case agents notified
6 when a result come back from another agency check?

7 A. Yes. The handling agent would go to the Delta
8 file.

9 BY MR. SOMERS:

10 Q. Had you worked with Case Agent 1 prior to
11 Crossfire Hurricane?

12 A. Yes.

13 Q. Regularly? On how many occasions?

14 A. He was a program manager when I was in the
15 Washington Field Office on my Russian counterintelligence
16 squad.

17 Q. He was on your squad?

18 A. He was -- I'm sorry -- a FBI Headquarters program
19 manager SSA. So he was an SSA. In the Bureau, you have squads
20 out in the field and, obviously, we have a Headquarters
21 structure.

22 So he was assigned to the Counterintelligence Division.
23 In particular in the Counterintelligence Division, you have
24 various sections. He was a part of the Eurasian Section and
25 that have the responsibility for looking at all 56 field offices

1 and supporting their Russian investigations and operations.

2 So in that programmatic capacity at the national level,
3 he had supported my squad prior.

4 BY MR. BAKER:

5 Q. So did he step down from being an SSA to being
6 an SA and then you became his supervisor on Crossfire?

7 A. No, sir. I believe he had traveled back to his
8 field office. His time at Headquarters as a supervisor there
9 expired and he transferred back to his field office.

10 So he was SA in his field office when I spoke with him
11 in July or August 2016.

12 BY MR. SOMERS:

13 Q. Did you recruit him to the team or ask
14 to -- "recruit" is the wrong word. I'm sorry.

15 Did you ask him to join the Crossfire Hurricane team?

16 A. Yes.

17 Q. So you must have thought he had a solid
18 reputation or solid work ethic in order to invite him to be on
19 the team.

20 A. I was very familiar with his work product when
21 it came to Russian foreign counterintelligence and [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

1 [REDACTED].

2 Q. When you said earlier he was a program manager
3 at Headquarters, was that the program manager -- for instance,
4 the Carter Page FISA was application ultimately signed by the
5 Headquarters program manager. Is that the type of position he
6 held?

7 A. Yes.

8 Q. Did he ever sign FISA applications for you as
9 a Headquarters program manager when he was previously in that
10 position?

11 A. Yes. He was the acting on a few.

12 BY MR. BAKER:

13 Q. I'm still a little confused. He's an SSA at one
14 point at Headquarters and then he's a case agent under you on
15 Crossfire Hurricane.

16 A. So he was an SSA program manager assigned to the
17 Counterintelligence Division while I was an SSA at the
18 Washington Field Office. I believe he was on a 18-month TDY.

19 Q. As a program manager?

20 A. As a program manager and, usually, when that
21 expires --

22 Q. He went back?

23 A. -- you go back to the field office.

24 Q. And then you recruited him back?

25 A. Correct. So he was already back in his field

1 office when I came to Headquarters for a TDY and I said, Hey,
2 can you go on the team?

3 Q. So he came back on another TDY?

4 A. Correct. Those were the circumstances.

5 Q. Your assessment of his experience when he left
6 Crossfire Hurricane, was it a good, enriching or
7 career-developing experience for him or did he leave
8 frustrated?

9 A. I thought, for him, that we had a unique
10 experience.

11 Q. When you say "unique", what does that mean?

12 A. This case was unique. It was something that not
13 a lot of people would get the opportunity to work in their
14 career.

15 Q. If you knew -- when your TDY was over and said
16 I'm going back to Washington Field, if you had known what this
17 unique experience would be like when you got the call from Mr.
18 Strzok, would you have come and been a part of the team or sat
19 out?

20 MR. BERGER: That is a real speculative -- you know,
21 that's --

22 MR. BAKER: Well, it's something that you consider as
23 an agent.

24 MR. BERGER: I understand that, but, you know, there
25 are so many variables in making an assessment like that. I'm

1 going to direct him not to answer that right now.

2 BY MR. BAKER:

3 Q. Are you glad you did this? Are you glad the time
4 you put in was spent at Headquarters or would you have preferred
5 to have stayed at Washington Field and run your squad?

6 A. I grew a lot by this experience.

7 MR. BERGER: Leave it at that.

8 BY MR. BAKER:

9 Q. Well, I believe that Bureau experiences and
10 Bureau managers, you can learn from bad experiences and be a
11 better manager by having worked for bad managers and you can
12 take good from good managers. I'm just curious what the
13 totality of your time in Crossfire Hurricane was. You were
14 specifically recruited because of your expertise and you leave
15 for reasons of principle, again, relating to your expertise
16 and --

17 [Witness confers with counsel.]

18 MR. BERGER: Sir, respectfully continue. I'm sorry.
19 I guess we get the gist of your question.

20 THE WITNESS: Overall, Crossfire was rewarding. The
21 aftermath was not so good. So that's the answer.

22 MR. BAKER: Thank you.

23 MR. SOMERS: I think our hour has expired. We'll take
24 a short break.

25 [Whereupon, at 3:25 p.m., a recess was taken,

1 reconvening at 3:36 p.m.]

2 MS. ZDEB: We can go back on the record. It's 3:36.

3 FURTHER EXAMINATION BY THE MINORITY

4 BY MS. ZDEB:

5 Q. I just had a couple of followup questions on the
6 August 2016 strategic intelligence briefings.

7 So you indicated that you gave substantively the exact
8 same briefing to both the Clinton team and Trump team; is that
9 right?

10 A. That's correct.

11 Q. And you told OIG that, substantively, there was
12 nothing you did differently with the Trump briefing as compared
13 to the Clinton briefing; that was one of the things that was
14 very key, the briefings needed to be consistent.

15 And that's on page 342 of the IG report. Why was it
16 key that the briefings be substantively identical?

17 A. Obviously, the message wasn't tailored for
18 anyone in particular. It needed to be consistent so that
19 everybody was afforded the same admonishment.

20 Q. So, obviously, you spoke a bit before the break
21 about the one difference between the two briefings, which was
22 the fact that the briefing for the Trump team involved your
23 observing and listening to General Flynn and, in particular,
24 to the extent he discussed Russia. At the time of this
25 briefing, was the FBI conducting a predicated

1 counterintelligence investigation into the Clinton Campaign
2 ties to Russia?

3 A. Not to my knowledge.

4 Q. If the FBI had been conducting a predicated
5 investigation into the Clinton Campaign's ties with Russia and
6 if a subject of that investigation attended the briefing that
7 you provided for the Clinton team, is it possible that you would
8 have approached that briefing in the same way you did the Trump
9 briefing, in other words, to observe, listen to, and record any
10 discussion by that subject of Russia?

11 [REDACTED]: I'm going to have to object. The nature of
12 that one is speculative, particularly to a hypothetical
13 investigation and what investigative steps he would take in that
14 circumstance.

15 BY MS. ZDEB:

16 Q. So with respect to the notes that you took and
17 the fact that you memorialized aspects of the briefing for from
18 Trump team, you told OIG, and this is on page 343, that you did
19 not memorialize the briefings for Hillary Clinton, Mike Pence,
20 or Tim Kaine because the attendees at those briefings did not
21 include the subject of an FBI investigation; is that correct?

22 A. That is correct. If there was any question to
23 that, there were 10 other individuals in the room present at
24 each one of those briefings to let you know the consistency with
25 which I delivered the briefing.

1 Q. To give you a sense of what I'm getting at,
2 there's been allegations that there was a double standard
3 applied to the briefing given to the Clinton team and the Trump
4 team. It sounds like, based on that explanation, it was the
5 same standard, but just applied to a different set of facts.

6 Would you agree with that?

7 A. There was no double standard.

8 Q. Just to drill down on that a little bit more,
9 the Senate Intelligence Committee recently published a
10 bipartisan report and, among other things, it concluded that
11 Trump's campaign manager, Paul Manafort, posed a grave
12 counterintelligence threat because, quote, his presence on the
13 campaign and proximity to Trump created an opportunity for
14 Russian intelligence services to exert influence over and
15 acquire confidential information on the Trump Campaign.

16 At the time of the strategic intelligence briefings,
17 to your knowledge, was there anyone on the Clinton Campaign
18 whose presence created an opportunity for Russian intelligence
19 services to influence the campaign?

20 [REDACTED]: To the extent he has that knowledge, I object
21 to providing that information if it relates to an ongoing and
22 any other investigation. He can't answer that.

23 MS. ZDEB: Are you saying that it relates to an ongoing
24 investigation?

25 [REDACTED] No. I can't confirm or deny that was or was

1 not an investigation, but his answer would, presumably, confirm
2 or deny that.

3 BY MS. ZDEB:

4 Q. Your notes memorializing the briefing state
5 that you told President Trump, Lieutenant General Flynn, and
6 Mr. Christie that if you are not already a target of a foreign
7 intelligence service, due to the fact that you are receiving
8 this classified briefing, you will be.

9 You went on to explain that foreign intelligence
10 services want information pertaining to the political,
11 economic, energy, technology, and military policy and plans of
12 the U.S., that this information is extremely valuable. Putting
13 it plainly, foreign intelligence services look to collect
14 inside information to give their country a competitive
15 advantage over the U.S.

16 Are you aware of whether at any point after you provided
17 this briefing where you warned President Trump and Lieutenant
18 General Flynn that they would be targeted by foreign
19 intelligence services, whether any member of the Trump team
20 reported any of their contacts or reported any contacts with
21 Russia to the FBI?

22 A. I'm unaware of that.

23 MS. ZDEB: So I think that concludes our questioning.
24 Before I go off the record, I just want to say on behalf of myself
25 and Mr. Charlet and also Ranking Member Feinstein, thank you

1 for being here. I know, [REDACTED] acknowledged at the outset that
2 your presence and the fact that the Bureau made you available
3 is somewhat extraordinary. We acknowledge and appreciate that
4 and thank you for being here.

5 THE WITNESS: Thank you.

6 MR. HOLMES: Off the record.

7 [Discussion held off the record.]

8 FURTHER EXAMINATION BY THE MAJORITY

9 BY MR. SOMERS:

10 Q. Are you aware of any errors or omissions that
11 the IG did not identify in the --

12 MR. BERGER: That, I didn't hear.

13 MR. SOMERS: I didn't know if [REDACTED] [REDACTED] was aware of
14 any errors or omissions in the Carter Page FISA application or
15 the Crossfire Hurricane investigation that were identified.

16 MR. BERGER: I'm directing him not to answer.

17 BY MR. SOMERS:

18 Q. One question: We touched on this a lot, but I
19 don't know that we quite got to this point of it. We talked
20 a lot about the verification of the Steele Dossier and
21 verification of Steele. First of all, those are two things.
22 Right?

23 Those are two tracks you were on; one was verification
24 of Steele's liability, etc.; is that one track you were
25 pursuing?

1 You, when I say "you", I mean the FBI, not you, but the
2 Crossfire Hurricane team.

3 A. So the Crossfire Hurricane team
4 was -- obviously, we wanted to examine the totality of his
5 reporting, his entire history and help in the FBI and CHS.
6 That's what was important to us.

7 Q. So I guess I see is like three things you could
8 look at. Maybe you can tell me if you'd looked at all three
9 of these things. You could look at is Steele reliable, without
10 bias, etc., Steele the person. Then you look at the same
11 questions for his primary subsource and subsources, and then
12 you could, third, actually look at the allegation made in the
13 dossier.

14 Were all three of those what the verification was or
15 not?

16 MR. BERGER: I'm going to direct him not to answer.

17 MR. SOMERS: Okay. Is there a basis for him not
18 answering? I think it's a yes or no question.

19 MR. BERGER: Ask it again and I'll reconsider it.

20 BY MR. SOMERS:

21 Q. I'm asking whether you tried to verify Steele
22 and the Steele Dossier. I'm asking whether that verification
23 was of Steele, the person, reliability, bias, everything, the
24 subsources, reliability, biases, who they were; and then,
25 third, the actual allegations in the dossier.

1 Was it that tri-part verification or was one of those
2 elements not part of what you were trying to do?

3 MR. BERGER: You can answer that.

4 Thank you.

5 THE WITNESS: So, again we, did have a two different
6 elements through Crossfire Hurricane: Operation on the
7 investigative side and then the intelligence side. I can't
8 speak intelligently about what the D.I. did, our intelligence
9 folks did.

10 They were looking at all three pieces. Right?

11 I believe that they were, and at the same time, I was
12 mindful of those three things, as you put it there, and that
13 was our interest as well, to verify each one of those.

14 Q. There's one thing I think I missed earlier when
15 we were discussing everything. There's a reference in the IG
16 report, considerations about whether Steele's information
17 could also include Russian disinformation. Was that something
18 that you were ever involved in discussions of, whether what was
19 Steele was including in this so-called dossier could possibly
20 be Russian disinformation?

21 A. I don't remember those conversations occurring.

22 MR. SOMERS: Then one last thing, and I don't know if
23 this changes your objection, but I just want to -- there was
24 an objection earlier that I want to clean up for the record a
25 little bit just on our end.

1 We did talk to the Inspector General's Office about the
2 Woods file you reviewed or they reviewed versus the Woods file
3 you reviewed sometime prior to October 21, 2016, and for the
4 record, the IG's Office says that it is the same file, but they
5 did -- the notation, what it was noting, they had to, in their
6 minds, move pages around because they were numbered
7 sequentially, but the numbers were not in sequential order in
8 the actual binder they were given.

9 So what they did was take the bind you saw and put either
10 the pages or the notes back into sequential order. That's a
11 representation from the IG. I just want to put that on the
12 record.

13 The Woods file they reviewed as a part of their process
14 is the same Woods file you reviewed as part of your process.

15 MR. BERGER: I can't accept that on face value.

16 MR. SOMERS: I'm not asking you to accept it. I'm just
17 putting it on the record to say what the IG's Office has
18 represented to us, just so it's clean on the record.

19 MR. BERGER: I understand.

20 MR. BAKER: Two quick points.

21 ██████████: I have a followup question on that though,
22 what you said, that the IG represented that --

23 MR. SOMERS: The office.

24 ██████████: Fair enough. Got it. The IG's Office
25 represented that the Woods file they reviewed -- are you talking

1 about or is the IG ruling out that there was a different Woods
2 file at the time the Woods process was conducted as opposed to
3 at the time that Mr. [REDACTED] came in and was questioned?

4 MR. SOMERS: They're saying it's the same file.
5 They're saying that there was sequential numbering. I don't
6 know if it's page numbering or actual numbers of facts, and as
7 they were given the Woods file, instead of it being one, two,
8 three, four, five, it was five, ten, thirteen; and they went
9 and put it back in order, one, two, three, four.

10 That's what they're representing.

11 [REDACTED]: Did they make any further representation
12 that that is, in fact, the same Woods file that existed at the
13 time of FISA warrant?

14 MR. SOMERS: They said the content is identical.
15 Whether it's actually the physical same one, they did not make
16 a representation one way or the other.

17 They tell me the content is identical and it was just
18 a numbering thing, and because they -- they didn't renumber
19 anything. Because they reordered things, someone put a
20 notation on the Woods file; but, to them, they didn't want to
21 five, fifteen, three. They wanted to put one, two, three, four
22 and that type of order.

23 [REDACTED]: I just want to clarify. They didn't make
24 a representation that the file is the actual original file out
25 of order, the same file out of order?

1 MR. SOMERS: They said the content was identical. I
2 didn't ask them whether it was the actual same physical file.
3 It just did not come up in the conversation, whether it was the
4 exact document.

5 They just said the content was identical. So it could
6 have been a photocopy of the original, but they said that the
7 notation that was noted, the reason they made the notation was
8 because the sequencing was off in the file they were given and
9 that all they did was take a page and move it back into sequential
10 order or multiple pages and moved back into sequential order.

11 We haven't been able to get -- we were hoping to be able
12 to get something in writing, but I have not received a written
13 explanation yet, but I have orally.

14 [REDACTED]: Thank you.

15 BY MR. BAKER:

16 Q. I just have two quick points.

17 We talked a good bit today about Christopher Steele.
18 Did you or anyone on your squad or your Headquarters entity that
19 you supervised, did you have any interaction with Source No.
20 2?

21 A. Not to my recollection, no.

22 Q. Okay. And then did you put any of your agents
23 or support employees in for any type of formal recognition for
24 their work on Crossfire Hurricane, a QSI, an incentive award,
25 any kind of formal recognition?

1 A. I did not.

2 Q. And were you, yourself, put in for anything by
3 your supervisors?

4 A. They did not.

5 MR. BAKER: Thank you and thank you for being here
6 today, sir.

7 THE WITNESS: Thank you.

8 MR. SOMERS: I think that's all we have. Thank you for
9 appearing today.

10 [REDACTED]: Before we go off, I just want to add one thing
11 into the record.

12 I think it's fair to say the FBI made an accommodation
13 to the Senate Judiciary Committee under extraordinary
14 circumstances to provide Mr. [REDACTED] a non-SES onboard agent.
15 The FBI was not advised in advance, however, of the attendance
16 at stated interview by staff of committees other than the Senate
17 Judiciary Committee.

18 We would respectfully request that the Judiciary
19 Committee ensure the confidentiality of this interview, both
20 the fact of it and the substance and the testimony taken therein,
21 that that information will be maintained by all staff in
22 attendance and their respective committees.

23 MR. SOMERS: Absolutely. We will also maintain the
24 transcript in the same manner.

25 [REDACTED]: Thank you.

1 MR. SOMERS: On behalf of the committee, let me thank
2 you again for coming in today and traveling here to take part
3 in this interview. We appreciate it.

4 THE WITNESS: You're welcome.

5 [Whereupon, at 3:55 p.m., the interview concluded.]

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ERRATA

Notice Date:

Deposition Date: August 27, 2020

Deponent: Supervisory Special Agent 1

Case Name: Senate Judiciary Committee

Page:Line Now Reads Should Read

<u>62:24</u>	<u>He said had</u>	<u>He said "had</u>
<u>63:1</u>	<u>into, and if</u>	<u>into, and, if</u>
<u>63:2</u>	<u>he or she</u>	<u>he/she</u>
<u>63:3</u>	<u>his or her</u>	<u>his/her</u>
<u>63:3</u>	<u>tactics or otherwise</u>	<u>tactics and/or otherwise</u>
<u>63:4</u>	<u>his or her activities</u>	<u>his/her</u>
<u>63:6</u>	<u>could prove that.</u>	<u>could prove that."</u>
<u>64:19</u>	<u>document</u>	<u>documentary</u>
<u>65:6</u>	<u>FBI, quote, engaged</u>	<u>FBI engaged</u>
<u>65:7</u>	<u>a, quote, massive</u>	<u>a "massive</u>
<u>65:8</u>	<u>Court.</u>	<u>Court."</u>
<u>66:6</u>	<u>of, quote, people who hated Trump</u>	<u>of "people who hated Trump"</u>
<u>66:7</u>	<u>had, quote, an</u>	<u>had "an</u>
<u>66:8</u>	<u>elected.</u>	<u>elected."</u>
<u>118:14</u>	<u>a, quote, open</u>	<u>an "open</u>

