

COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: EDWARD WILLIAM PRIESTAP

Tuesday, June 5, 2018

Washington, D.C.

The interview in the above matter was held in Room 2226, Rayburn House Office Building, commencing at 10:10 a.m.

Present: Representatives Meadows, Krishnamoorthi, and Jordan.

Mr. Somers. Good morning everyone. This is a transcribed interview of Bill Priestap, assistant director of the Federal Bureau of Investigation's Counterintelligence Division. Chairman Goodlatte and Chairman Gowdy requested this interview as part of a joint investigation by the House Committee on the Judiciary and the House Committee on Oversight and Government Reform to conduct oversight in the Department of Justice's investigation of former Secretary Clinton's handling of classified information and related matters.

Would the witness please state his name and position at the FBI for the record?

Mr. Priestap. My name is Bill Priestap, and I'm the assistant director of the FBI's Counterintelligence Division.

Mr. Somers. On behalf of the chairman, I want to thank you for appearing here today, and we appreciate your willingness to appear voluntarily. My name is Zachary Somers, and I am the majority general counsel for the Judiciary Committee.

I will now ask everyone else in the room who is here to introduce themselves for the record, starting to my right with Robert Parmiter, who will be leading the questioning for the majority today.

Mr. Parmiter. Good morning. I'm Robert Parmiter. I'm chief counsel for the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations at the Judiciary Committee.

Mr. Baker. I'm Arthur Baker. I am investigative counsel for the majority staff, House Judiciary Committee.

Mr. Breitenbach. Ryan Breitenbach, senior counsel for the

majority staff on the House Judiciary Committee.

Mr. Meadows. I'm Congressman Meadows from the 11th District of North Carolina.

Mr. Jordan. Jim Jordan, Fourth District of Ohio.

Mr. Castor. Steve Castor with Mr. Gowdy's staff.

Mr. Brebbia. Sean Brebbia, Mr. Gowdy's staff.

██████████ ██████████ [inaudible] Congressional Affairs.

Mr. Buddharaju. Anudeep Buddharaju, Mr. Gowdy's staff.

Ms. Green. Meghan Green, Mr. Gowdy's staff.

Mr. Koren. Michael Koren, Mr. Gowdy's staff.

Mr. Newman. Drew Newman, attorney at Skadden Arps.

Mr. Morgan. Matt Morgan with [inaudible].

Ms. Adamu. Marta Adamu, Oversight and Government Reform.

Ms. Wasz-Piper. Lyla Wasz-Piper, Judiciary Committee.

Ms. Hariharan. Arya Hariharan, Judiciary Minority.

Ms. Shen. Valerie Shen, Oversight Minority.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, Oversight Minority.

Ms. Kim. Janet Kim, Oversight Minority.

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

Our questioning will proceed in rounds. The majority will ask questions for the first hour, and then the minority will have the opportunity to ask questions for an equal period of time, if they

choose. We will go back and forth in this manner until there are no more questions and the interview is over.

As I noted earlier, Mr. Priestap is appearing today voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that Mr. Priestap declines to answer our questions or if counsel instructs him not to answer, we will consider whether a subpoena is necessary.

Typically, we take a short break at the end of each hour of questioning, but if you would like to take an additional break apart from that, please let us know. We will also take a break for lunch at the appropriate point in time.

As you can see, there is an official reporter taking down everything we say to make a written record, so we ask that you give verbal responses to all questions. Do you understand that?

Mr. Priestap. Yes.

Mr. Somers. So that the reporter can take down a clear record, we will do our best to limit the number of Members and staff directing questions to you during any given hour to just those Members and staff whose turn it is.

It is important that we do not talk over one another or interrupt each other, if we can help it, and that goes for everybody present at today's interview.

Both committees encourage witnesses who appear before us for transcribed interviews to freely consult with counsel, if they so choose, and you are appearing with counsel today.

Could counsel please state your name and current position for the record?

Mr. Ettinger. Mitch Ettinger, on behalf of Mr. Priestap.

Mr. Somers. We want you to answer all our questions in the most complete and truthful manner possible, so we will take our time. And if you have any questions or if you do not understand one of our questions, please let us know. If you honestly don't know the answer to a question or do not remember it, please remember that it is best not to guess. Please give us your best recollection, and it is okay to tell us if you learned information from someone else. Just indicate how you came to know the information. If there are things you don't know or can't remember, just say so; and please inform us who, to the best of your knowledge, might be able to provide a more complete answer to the question.

Mr. Priestap, you should also understand that although this interview is not under oath, you're required by law to answer questions from Congress truthfully. Do you understand that?

Mr. Priestap. I do.

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

Mr. Priestap. Yes.

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

Mr. Priestap. Yes.

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

Mr. Priestap. No.

Mr. Somers. Finally, I'd like to note that as the chairman of the Judiciary Committee stated at the outset of our first transcribed interview in this investigation, the content of what we discuss here today is confidential. Chairman Goodlatte and Chairman Gowdy ask that you not speak about what we discuss in this interview to anyone not present here today to preserve the integrity of our investigation. This confidentiality rule applies to everyone present in the room today.

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

Mr. Priestap. No.

Mr. Somers. The time is now 10:16, and we'll get started with our first round of questions.

EXAMINATION

BY MR. PARMITER:

Q Good morning, Mr. Priestap.

A Good morning.

Q As Zach just got finished saying, my name is Robert Parmiter, and I'm chief counsel for Crime and Terrorism at the Judiciary Committee here in the House of Representatives. I'm just going to ask you a couple of initial background questions before we sort of get into the meat of why you're here today.

Did you review any documents to prepare for today's testimony?

A I did.

Q What did you review?

A I reviewed about approximately a hundred pages of documents, most of which, if I recall correctly, I was a direct party to, meaning they were documents either I authored or were sent to me or I sent to somebody else.

Q And when you say documents you authored, are you talking about emails?

A Emails, right. Yeah, by documents, I mean -- I absolutely include emails. Yeah.

Q And after or while reviewing those documents, did you speak with anyone in preparation for the interview today?

A Yes.

Q Who did you speak with?

A I spoke to Mitch Ettinger. I spoke to an associate of Mitch's, and I spoke to [REDACTED], who is an Office of General Counsel attorney in the FBI.

Q And specifically with [REDACTED], what did you talk about?

A He had reviewed a set of documents in preparation for this -- for this interview. It was his understanding and my understanding that he was going to represent the FBI here today, and so he reviewed a set of documents. And we talked about, not the particulars of those documents, but some of the things that -- some of the issues that were highlighted in those documents.

Q And were the documents that he reviewed the same as the ones you reviewed?

A Yes, but I believe he reviewed more documents than I reviewed.

Q And when you speak about the documents he reviewed, which ones are you referring to?

A My Office of General Counsel gave me about 1,500 documents in totality, which it was my understanding that they thought had applied to my -- let's call it my interview today. So they gave me about 1,500.

I had a staffer who works with me on a regular basis go through those, and what I asked him is I said I wanted the documents in which I was a party. So, for example, I didn't -- if I wasn't a party to an email, I don't need to see it. So he culled those and pulled out the ones that related most directly to me. But it's my understanding that [REDACTED] reviewed all 1,500.

Q And specifically to your role at the FBI --

A Yeah.

Q -- when you introduced yourself, you said you were assistant director. Where are you assistant director?

A Of the Counterintelligence Division.

Q And what is your role as -- can I call it AD --

A Sure.

Q -- in general?

A Absolutely. I oversee the FBI's counterintelligence efforts globally.

Q Okay.

Mr. Baker. When you say you're an assistant director, you're an assistant director of the FBI, but as far as the Counterintelligence Division, you are, in essence, the director of that division. You're the number one.

Mr. Priestap. That is correct. Yeah.

BY MR. PARMITER:

Q So before becoming AD, what were your positions at the FBI? And if you could provide not only the titles but also the corresponding dates, to the best of your ability.

A Sure. So I believe I became the assistant director of Counterintelligence in January of '16. For the year prior, I was a deputy assistant director in the FBI's Directorate of Intelligence at FBI headquarters. Prior to that, for I want to say about 18 months, I was a special agent in charge of counterintelligence in the FBI's New York field office. Let's see. Prior to that, I was a section chief in the Counterintelligence Division. I don't remember for how long, but probably at least 18 months, maybe 24 months, and I focused on a high-priority threat nation.

Q So as my colleague, Mr. Baker, just referred to, it would be accurate to say that you are the top counterintelligence official at the Bureau?

A Yes. Yeah.

Q And so your title at FBI from spring of 2016 continuing into 2017, would have been assistant director at that point?

A Yes. Yeah.

Q And so the purpose of this interview today, you're familiar with the Midyear Exam investigation?

A I am. I inherited it in January of 2016.

Q So what was your role as AD as it pertains to the Midyear Exam investigation?

A Again, as assistant director, I am responsible for all FBI counterintelligence investigations at the end of the day. Obviously, we have so many that I can't be intimately involved in all of them, nor can I be intimately involved in all of our let's just call them other counterintelligence efforts. And so I try to prioritize and generally have a few cases at any one time that I believe require my personal interaction and oversight of, And Midyear Exam was one of those.

And so as a result, I had regular meetings with the -- what I'd call the primary investigative team that was doing the day-to-day work on it. In other words, I would meet with them and ask for updates. I would ask the leaders of that effort if there was anything they needed from me and/or others higher ranking in the FBI or Department of Justice, do they have the tools, resources, that type of stuff that they need.

Q Okay.

BY MR. SOMERS:

Q Who was on the primary -- what you just characterized as the primary investigative team?

A I don't know every member by name, but --

Q Types of positions and --

A Yeah. So I guess what I'd refer to as the core management of the investigative effort: Peter Strzok; Jonathan Moffa, M-o-f-f-a; Rick Mains. And then we had an Office of General Counsel attorney who was also in, if not every, most every important meeting that I held on the topic because I trusted her judgment. And her name was Sally Moyer, M-o-y-e-r. I guess, to me, core management is that group of people.

Q And then the rest of the team, just in terms of types of people, are we talking --

A Agents and analysts, line agents and analysts.

Q What about line attorneys?

A Line attorneys?

Q I guess let me back up for a second. This primary investigative team, was that primary investigative team the FBI or are we talking FBI and Main Justice?

A No, I'm sorry. I was just talking about the FBI team. Yeah. There was a core Department of Justice team, but I -- I had some meetings with them. I didn't have regular meetings with them.

Q Okay. So there's the primary investigative team. And then from previous interviews, there was also, correct me if I'm wrong, a midyear review team that was maybe more of an executive team?

A No. I'm not -- I guess I'm not familiar with that.

Q With that terminology?

A Yeah. No.

Q Was there a group that you're familiar with that met with the Director?

A Oh, yeah. Yeah, absolutely.

Q And who from this primary investigative team was on that second team that met with the Director?

A Yeah. So I guess I hesitate to call it a formal team. Obviously, the Director, at the time Director Comey, and Deputy Director McCabe, for the same reasons that I prioritized this investigation, they wanted regular updates, what have you. So when they would request a meeting, me and some select -- the people I mentioned would go up for that, but, again -- you can call it whatever you want. I didn't consider it a team. It's just they're the leaders of the organization and they're seeking updates, input, what have you.

I believe your question was about who was in -- generally in those meetings.

Q Who from the investigative team was in those meetings?

A Yeah. So whether it was chaired or hosted by Director Comey or Deputy Director McCabe, those meetings would include me; Peter Strzok; John Moffa; sometimes but not always Sally Moyer; sometimes but not always, if I recall correctly, Trisha Anderson. She's a deputy general counsel at the FBI. They usually included Lisa Page, who was a counsel, Office of General Counsel attorney assigned to the deputy director. Jim Rybicki was in most if not all of those. He was the FBI Director's chief of staff. I feel like I'm forgetting one.

Mr. Boente. What about Stephen Kelly?

Mr. Priestap. No. No Congressional Affairs representatives, no press representatives.

Mr. Breitenbach. Jim Baker?

Mr. Priestap. Yes, I'm sorry, that's who I was forgetting. The general counsel himself was often in those meetings, Jim Baker.

Mr. Breitenbach. And who is Rick Mains you had mentioned before?

Mr. Priestap. So Rick was the -- and he was -- Rick was not in those meetings. Rick was we refer to it as supervisory special agent, SSA. He was the, I term the core day-to-day supervisor of the investigative effort. So in a field office parlance, like he would have been in charge of the squad. So he was in charge of the investigative team, the working level, all the day-to-day stuff.

So we purposely, while we asked his opinion on all kinds of things, we didn't want him to be tied up in all those other meetings because he needed to advance the investigation. Somebody's got to ride herd on all the people doing the work.

BY MR. BAKER:

Q As the investigation evolved, were there more teams besides the investigative team that would have been on an org chart, like a filter team when they started looking at --

A Oh, yeah. Yeah, yeah, absolutely. Certainly, a filter team, but -- and like Rick Mains would have engaged with them a whole lot, but I didn't engage with the filter team. I guess I didn't -- I never consider a filter team as part of the core investigative team.

They're a resource to assist the investigative team with, you know, what we can and cannot review.

Q So on an org chart, there would have been a lot more than just this investigative team that you named? It would have been --

A Yeah.

Q -- considerably bigger?

A Yeah. And on the investigative end, don't hold me to the numbers, but I think it's 15, 15 or so, in the neighborhood of 15 or so agents or analysts who I did not name, meaning they're doing the day-to-day work.

BY MR. SOMERS:

Q Then in terms of the day-to-day work, so that's 15 FBI personnel. What about personnel from U.S. Attorney's Offices or Main Justice?

A I don't know the full numbers, but -- I can recall meetings with Eastern District of Virginia. I know they had at least two people heavily engaged. And Main Justice at the line level had at least two people heavily engaged.

Q Do you know which division?

A National Security Division at DOJ.

Q And these were people who stayed involved throughout the -- for the most part?

A Yeah. Again, I inherited it about halfway through the life of the investigation, so all I know is from January '16 onward. So -- but, yeah, they stayed involved from January '16 onward. As far

as who might have been there prior to that, if they switched anybody out, I just don't know.

BY MR. PARMITER:

Q So a few minutes ago, you talked about how there's so many cases in CD at any one time.

A Yes.

Q At any one time, can you ballpark the caseload? How many active cases are there?

A Yeah. No, I do know the number, but I'd rather not. It's classified, so I'd rather not. But let's just say it's in the thousands.

Q Okay, that's fine. So then subsequent to that, you said that there are a few that require sort of your personal attention as the assistant director?

A Yes.

Q Can you ballpark that number or, you know --

A Yeah. It ebbs and flows, but at any one time, it could be anywhere from 3 to 10 that require, I'd just argue, greater oversight/management/involvement from me.

Q Okay. And what sort of considerations go into deciding when a particular case requires your personal attention?

A A variety of them. You know, everything from potential impact on the organization to potential level of the gravity of the threat to level of the complexity of the operations we're engaged in to which partners, because the partner relationships are important in

a lot of ways, so which partners are engaged and, you know, how important is this to them. But a whole bunch of factors enter into my prioritization calculus.

Q Identity of the subject?

A Yeah. Well, in regards to -- I guess I'd get back to the first one, potential implications on the organization I can't turn a blind eye to. If it's a high-profile subject, there's likely going to be greater scrutiny on the FBI's actions afterwards. And I certainly -- that is certainly something I take into account.

Q Okay. But there's no sort of, you know, process by which you decide to get personally involved in a case?

A No, no. It's a -- I guess I'd call it my own -- my own prioritization. But, obviously, what my bosses are asking about enters into that as well. And, I'm sorry, I neglected to mention that. In other words, if it's a priority for my direct chain of command, it will become a priority for me, because I'm accountable to them.

Q Sure.

A I'm sorry, if I could turn back. I did forget somebody as far as being in those meetings. But he wasn't in a lot of them, but he was in some, and that was executive assistant director Michael Steinbach. He was my direct boss at the time.

Mr. Ettinger. Which meetings are you referring to?

Mr. Priestap. I'm sorry, the meetings in which Director Comey or Deputy Director McCabe held.

BY MR. BREITENBACH:

Q You also mentioned EDVA and NSD?

A Yes.

Q Can you recall any of the attorneys by name in either of those offices or their supervisors at the time?

A It's horrible, but I don't recall the EDVA meetings, although I was in a few meetings in which -- EDVA attorneys, although I was in a few meetings in which they were present.

On the DOJ side, [REDACTED] was one of the attorneys heavily involved. And I'm forgetting his cohort's name. [REDACTED] [REDACTED]

Q And the directors of each of those divisions at the time that would be overseeing their work?

A I remember George Toscas, I believe, oversaw their work at DOJ. I believe George reported to Mary McCord, who reported to John Carlin.

Mr. Somers. Any of those individuals you just mentioned, were they involved in this meeting with the Director -- the meetings with the Director?

Mr. Priestap. No, no. I can remember one -- one meeting. And there were probably more than one, but I can remember one in which George, [REDACTED], and [REDACTED] were present, but not with the Director. That one was with the deputy director.

Mr. Somers. But that one was a similar topic, the one --

Mr. Priestap. Meaning of this investigation, yes, absolutely.

BY MR. BAKER:

COMMITTEE SENSITIVE

Q Mr. Priestap, you had said that because of the sheer volume of cases, not every matter could have your direct attention. You had to, you know, kind of pick and choose, but the subject of a certain case might require your attention.

A Yes.

Q Is it true that in any case there would be certain things that would go to you, regardless of the nature of the case, certain approval levels, use of sophisticated techniques, regardless of the type of case, because of your position --

A Yes.

Q -- that would flow through you?

A Yes. Yeah. No, absolutely. So not every case is -- is going to entail things that require my approval, but certain activities on behalf of the FBI require my approval, no matter what cases they're touch -- I mean, which counterintelligence cases they're touching on. So, for example, things like agents wanting to travel overseas in furtherance of an investigation, that requires approval from me. So the justification has to come to me. But in not every counterintelligence case the agents are going to ask to do that, so it's not like I'm approving everything in every case, but certain activities like that require my approval.

Q I'd like to back up just a step. You indicated you inherited this case. So a prior AD took over it. Do you have any idea how it ended up being a counterintelligence matter as opposed to maybe something along the lines of public integrity?

COMMITTEE SENSITIVE

A I don't. Yeah. No, I wasn't there for those decisions.

Q Were there any discussions during your tenure as the AD about it needing to be a different classification, or were there field offices external to the team that felt it should have been what you call I think a ■ matter?

A Not that I recall. There certainly could have been those conversations, but I don't recall ever being a party to one.

Q Okay.

Mr. Jordan. Mr. Priestap, you said you approve travel overseas for agents. Do you ever travel overseas?

Mr. Priestap. Yes.

Mr. Jordan. How often?

Mr. Priestap. As little as possible. ■■■■■

Mr. Jordan. How many times in a year?

Mr. Priestap. Overseas, maybe twice.

Mr. Jordan. Okay.

Mr. Priestap. Maybe three times at the most.

Mr. Jordan. Thank you.

Mr. Parmiter. So, sir, you also in addition to -- another question about you sort of inheriting the investigation. We just talked for a while about the makeup of the team or teams, the investigative team, the team that briefed the Director.

Mr. Priestap. Yeah.

Mr. Parmiter. How were those teams selected, particularly the

investigative team?

Mr. Priestap. Yeah. I don't know, meaning it was selected before I -- I inherited the investigation and I inherited the investigative team.

BY MR. BAKER:

Q But there would have probably been people that were on the team during your tenure that left and others needing to backfill, or maybe as the investigation evolved, new people added to accommodate new roles?

A It's certainly possible that happened, but I don't recall it happening. I'm searching my brain. The only thing I can think of is we might have -- and, again, this is not definite, but we might have added somebody with cyber, an additional person with cyber expertise, you know, midway through the organiz -- midway through the case or so. But otherwise, there was intentionally not much turnover. This was, we refer to it as a close-hold matter. We intentionally -- that included when I became responsible for it. It wasn't something we wanted to expose a lot of people in the FBI to if we could prevent it.

Q What is a special investigation, a headquarters special? I've heard that term used.

A Yeah. I don't know that it's a formal FBI term at all. Actually, I don't think it's a formal FBI term. I think what they're referring to, and wouldn't say this is commonplace in counterintelligence, but this isn't -- this isn't rare that it happens, is that some investigations are so close-hold and require such

oversight, close oversight at FBI headquarters, that a decision is made by the highest levels of the FBI that the investigation is actually run out of FBI headquarters as opposed to a field office.

Q Was that the case in this instant matter?

A It was. But, again, I go back to that decision was made prior to January 16 when I became responsible for it.

Q That's the structure of the case when you came on and that's the way it stayed?

A Yeah. And I was not involved in any of the decisions for setting that up, what have you. So I don't know why they decided to go that way at the time, what have you.

Q So what is the distinction in that type of case, that headquarters' role is different, it's being managed closer at headquarters or it's actually being investigated by headquarter agents?

A Yeah. No. Say the first part of what you mentioned, which it is being managed by FBI headquarters. What happens in those situations -- and, again, this happens in other situations as well, meaning this is not the first case. I could name other cases, but for classification purposes, I want to make sure that would be allowed, so I don't want to right now.

What they do is they form a team, and it's generally made up of they will draft agents from field offices, and they'll couple them with select agents and analysts from FBI headquarters, basically say, your full-time job right now is this investigation. And so, you know, their

offices, computer terminals, everything, they relocate from the field office and get a working space at FBI headquarters. Then they work the investigation from FBI headquarters.

The big difference is FBI headquarters, management, and executive management are in the building, and so it's a lot easier to get regular, timely, accurate updates on what's happening.

Q So for purposes of going out and doing an investigative matter in the case, doing an interview, recording that interview on a 302, would that be done by these agents that have been brought in by the field, or would that --

A Exactly, yes.

Q So that would not be done by people who were normally at headquarters in a managerial capacity?

A Yeah. No, it could have been. Again, not -- not knowing -- with the key people doing, you know, the interviews, evidence review, what have you, I don't know, because I didn't choose them, I don't know all of their previous role before they were called to this team. But in my experience, they were generally case agents at an FBI field office or they were supervisory special agents at FBI headquarters, which is the lowest -- the first, I should say, first level of management at FBI headquarters. And those people have usually most recently been in a field office and they could be refocused to become a street agent again, in effect.

But, again, I don't know, of the 15 or so folks, where they were all drawn from. It's my understanding some were drawn from a

Washington field office, but not all.

Q Okay, thank you.

BY MR. SOMERS:

Q In general, I mean, not to this investigation, it sounds -- because you said you weren't there when this investigation started, it sounded like to me that to pull agents from a field office, I mean, someone -- you can't just be the secretary and -- a secretary and do that. I mean, someone has to approve that. At what level would something like that be approved?

A At least at the assistant director level, where I sit, the position I'm in, generally. Generally there. And I say generally. If a field office really, really resisted and the assistant director felt strongly, hey, we really need this person on the team, it could be elevated further, but generally, that would be worked out at the assistant director level or lower.

Q And would you know, just in general, particular agents at a field office or would you just ask for agents?

A So it can be done in a variety of ways. I've seen it in two ways: one, in which individual people are hand selected. They get a call from somebody in management at FBI headquarters who said, hey, we've got this unique, sensitive investigation. We need help. Would you be willing to help?

Other times, we do what is called a canvass, in which a communication is sent to all field offices. And generally, in the canvass, they're not going to go into great detail, but they'll say,

we have a sensitive, unique investigation and we're looking for people to participate. And it could be for 6 months or 3 years, whatever it is. If you're interested, please apply, forward your name. And then they can go through how many people applied and select people that way.

I don't know, in this instance, what was done, but it's my understanding it was the first, that people were hand selected.

Q Do you have any understanding of who did that hand selection?

A No.

BY MR. PARMITER:

Q Who was your predecessor as assistant director or the assistant director when the team was formed, to your knowledge?

A Sure. His name was Randy Coleman. That's who I replaced in January of '16.

Q And recognizing that, again, you know, you weren't there when the team was formed, I guess I'll just ask this generally. As a general matter, when you have an investigation that, you know, to use your words, was as sensitive as it was, you know, gravity of threat, ID of subject, the effect on the organization, do agents go through any kind of screening process when there is a headquarters special or an investigation like this before being placed on the team?

A I don't know of a formal screening process for that. Again, if they're hand selected. Now, arguably, if there was a canvass and people are submitting -- because they would have to submit paperwork to say, hey, I'm interested -- I guess you could call the review of that paperwork some type of screening. But I don't know of any special

security screening or anything like that done on it.

Q Okay. So when the paperwork -- and I'm not necessarily -- the process doesn't have to be formal, but, you know, are things like conflicts of interest examined, generally?

A I don't think formally or generally. If it -- if somebody is aware of something like that and the right people are made aware -- so let's say you have a concern and you let somebody in the managerial chain know about your concern, it absolutely would be considered. But I don't think there's a proactive effort on behalf of the organization to look for potential conflicts of interest.

Q The FBI has an Office of Integrity and Compliance, though. Is that correct?

A Yes, yes.

Q So what is the role of that office?

A They do a variety of things.

Q And maybe not as generally. Let me ask the question a little more narrowly. As it pertains to, you know, whether or not agents have biases or conflicts, is that something that, you know, I'll call them OIC is generally involved with looking at?

A Yes, if they're aware of it. If they're not aware of it, then, no, of course.

Q So did you have occasion to consult with any ethics officers, or do you do so on an ongoing basis or with OIC, in your role as agent?

A Oh, in my role, yeah, it absolutely comes up. I don't remember it coming up in regards to this investigation at all. But

I have interaction with that office. I try to steer clear of any conflicts of interest. So when I have a concern, I see them.

Q So specifically with respect to interviews, when was the last time you conducted an interview? These are the tricky questions.

A Yeah. So an interview on behalf of the FBI as an FBI agent?

Q Correct.

A I would think the 2003 timeframe.

Q And what about attend an interview during the course of an investigation?

A Attend an interview. I was a supervisor and an assistant special agent in charge in the New York office, supervisor for counterterrorism, ASAC in Counterintelligence. I'm thinking out loud here. But there could have been an occasion in that managerial role that I sat in on an interview, but nothing is coming to mind. But it wouldn't -- it's not so out of the ordinary. Supervisors and sometimes even ASACs sit in on an interview, but they're not doing it regularly.

Q And when they're sitting in, are they sitting in in a supervisory capacity and not actually asking the questions?

A Yes. Or at least in my experience, they are. If I ever sat in, I wasn't sitting in to ask questions.

BY MR. BAKER:

Q You would have done investigations, internal investigations as part of your career development, wouldn't you, as you move through the ranks?

A Oh, yes. Yeah, absolutely.

Q So that would have probably been investigations later than your field type investigations?

A Yes. I'm sorry. To become -- to get promoted in certain things, you have to do what the FBI refers to as internal investigations about potential misconduct of some of our own employees, and I would have been an interviewer in those instances. You do one or two. You don't do too many. It's not a full-time job. Well, it is a full-time job for some. It's not a full-time job for the rest of us. It's just a requirement that they make us do.

Q And the reason that the Bureau has that as a requirement for managers climbing up through the ranks, I assume, is to let the potential leaders, executives that are on their way up develop a sense for wrongdoing and misconduct and how to effectively investigate and make recommendations for discipline when the investigation is completed?

A I think that's exactly right. And the only thing I'd add is to expose us to the type of personnel challenges that as managers in the organization you could be confronted with. Absolutely.

BY MR. BREITENBACH:

Q You mentioned that you may recall having participated in an interview as ASAC, or assistant special agent in charge?

A No, I don't. And if I said may, I'm sorry, I misspoke. I don't recall, but I guess my -- it could have happened as a supervisor, as an ASAC, but if it did, I'm not remembering.

Q What is the equivalent of an ASAC at headquarters? Is there

an equivalent position?

A The closest equivalent is a section chief. So an ASAC is the first executive level position in the field office. And the only -- I say the first. Above that is the special agent in charge, who's the head of the office.

Q So what's the equivalent of an SAC at headquarters?

A At headquarters, an assistant director, or close enough. Maybe that's not -- it depends. There's a lot of fluidity between SACs, deputy assistant directors, and assistant directors. I know this: generally, when an SAC has a problem, he calls me. He doesn't call above me. So if that --

Q Thank you.

BY MR. BAKER:

Q But an ASAC would generally be promoted to a section chief?

A Exactly.

Q Not the reverse?

A Correct.

Q If a section chief got moved to an ASAC, that would be a demotion?

A A demotion, yes. A section chief is the first senior executive service, we refer to as SES level in the FBI. That's a section chief.

BY MR. PARMITER:

Q I believe you stated earlier, sir, that Mr. Steinbach was your immediate superior as executive assistant director. Is that

correct?

A Yes.

Q So with regard to the matter at hand, the Midyear Exam matter, did you report to Mr. Steinbach?

A Yes, mostly. Mr. Steinbach wasn't -- I forget the exact amount of time he was in that role before he retired. And so there were plenty of times Mr. Steinbach wasn't available. Also under his responsibility were counterterrorism -- was counterterrorism.

Mr. Steinbach, in my opinion, is a counterterrorism expert. And so he often spent an awful lot of his time on counterterrorism, high pressing counterterrorism matters. And so, again, when he wasn't available, I would report directly to the deputy director.

Q To the deputy director?

A Yes.

Q Who at the time was?

A Andy -- I think -- yeah, I think it was Andy McCabe.

Q Okay.

A I'm trying to think when it initiated, if he was there on day one. But if he wasn't, it was shortly thereafter when I came onboard.

Q But primarily to Mr. Steinbach, and when he was unavailable, to Mr. McCabe?

A Exactly, yes.

Q And who briefed and updated you with respect to -- essentially, what I'm trying to get at here, what was the chain

of command as it pertains to the Midyear Exam?

A Yes. So think of it as a core group of people doing the investigation. Above them was Rick Mains, the supervisory special agent, leading that day-to-day effort. Rick reported to Pete Strzok and John Moffa.

And Pete, John Moffa, and Sally Moyer would be the ones I would get regular updates from. I wanted all three there, because they had different perspectives. Pete was an agent, John was an analyst, Sally was an attorney. So Sally didn't have an investigative role, but she had a legal role.

Q How regularly did you receive updates from Mr. Strzok, Mr. Moffa, and Ms. Moyer?

A At least -- I want to say, schedule allowing, I'd probably say, on average, at least 3 days a week, although there were some weeks that I think it was almost every day.

BY MR. BAKER:

Q Were these people just professional acquaintances or were any of these personal acquaintances that you would socialize with as well?

A No, I don't think I -- I think once in my career I socialized with Peter Strzok. Peter was in my academy class. So once we were at the same thing, work thing -- or not work thing. But otherwise, nobody was a personal acquaintance. They were all professional acquaintances.

Q You were asked and answered before. Your role as AD, you

are the number one counterintelligence official for the Bureau. Your deputy, Mr. Strzok, would he be the number two in the Bureau?

A Yeah. The only thing is when he -- when I inherited the -- and I'm sorry. As a deputy assistant director, he wouldn't be number two, only because there's three number twos. So there's three deputy assistant directors in Counterintelligence.

Pete, by the end of this investigation, had become a deputy assistant director, but that's not -- he wasn't in that position when he started.

Q What is his not rating, but is he viewed as a knowledgeable counterintelligence person, his training to that point has primarily been in that program and his expertise is recognized?

A Yeah. I am not a -- somebody who has spent my entire career in counterintelligence. I love counterintelligence, and I'm fortunate enough to fall into it the last few years of my career. Pete, though, I understood, was counterintelligence almost if not his entire Bureau career, and he was considered one of, if not the foremost, counterintelligence expert on the agent end at the FBI.

Mr. Somers. You described a few moments ago a situation where, you know, if Mr. Steinbach wasn't available, maybe you would report directly to Assistant Director McCabe. Would a similar situation exist if you were not available and Mr. Strzok needed to report something up? Where would he --

Mr. Priestap. Sure. Yeah. So if I'm not present and I couldn't be present for a number of reasons, he could either go direct with Mike

Steinbach; and if Mike wasn't available, he could go direct with Andy McCabe.

Mr. Breitenbach. You just mentioned that you have more recently been in the counterintelligence world. Do I presume that previously, you were in the criminal world of it?

Mr. Priestap. Yeah. I started my career in criminal; the middle of my career was mostly terrorism, or counterterrorism and intelligence; and the latter part -- I think of it in thirds -- the latter part has been mostly, not all, but mostly counterintelligence.

Mr. Breitenbach. Okay. Can you explain -- I'm sort of trying to understand the purpose of an investigation on the two sides of the house, the purpose of an investigation in the Criminal Division versus the purpose of an investigation in the Counterintelligence Division?

Mr. Priestap. Sure. I guess I'd respond this way, that the Counterintelligence Division is primarily responsible for protecting America's vital assets, anywhere from state secrets to trade secrets, from foreign adversaries. That said, the Counterintelligence Division, I'm not sure why this ever came to be, but is also responsible for mishandling cases or potential cases of mishandling of classified information. So the Counterintelligence Division traditionally handles those.

I'm not certain, because I wasn't, of course, there and I think the decision was made a long time ago, as to why the FBI -- FBI Counterintelligence would be responsible. At least in my mind, the only thing that really makes sense is that when there's mishandling

of classified information, there's always the worry it could end up in the hands of our adversaries. By adversaries, I mean state adversaries.

And so, again, at some point, the Bureau decided a while ago Counterintelligence ought to handle potential mishandling cases as well. It's the same with media leaks, because some of that, media leaks, unauthorized disclosures, I think the thinking is that that information, certain information, if made public, could end up in the hands of a state adversary, harming U.S. interests. The Counterintelligence Division is also responsible for unauthorized disclosures or what many people call media leaks.

Mr. Meadows. So media leaks are under your direct supervision?

Mr. Priestap. They are.

Mr. Somers. Media leaks, if we can clarify that a little further. Media leaks of any type of information or media leaks of classified information?

Mr. Priestap. Yeah. So what the FBI investigates -- and, again, it falls under the responsibility of Counterintelligence -- is the unauthorized disclosure of classified information. So those are -- those are what we have an interest in.

Mr. Meadows. So how do you work with your public affairs liaison, because you say unauthorized?

Mr. Priestap. Yes.

Mr. Meadows. I mean, who authorizes strategic leaks?

Mr. Priestap. Sir, I'm not involved in those discussions.

Mr. Meadows. But how would you know they were unauthorized, I guess is my question?

Mr. Priestap. We often get referrals. So we're not responsible just for the FBI. The bulk of our work comes from other government agencies, who thinks --

Mr. Meadows. I'm talking specifically about the FBI and unauthorized information being shared with the media. Does that come under your direct supervision?

Mr. Priestap. Yeah, absolutely.

Mr. Meadows. And so how would you know whether it's authorized? I mean, does it get authorized at a level above yours, or how would you know that?

Mr. Priestap. Again, I'm not involved and haven't been involved in any discussions about, I think you call it strategic leaks from the FBI. I've never been in a conversation about that topic. So I don't know. If it does go on, I'm not privy to it.

Mr. Meadows. So you've not investigated any media leaks as it relates to the FBI since you've been in your position?

Mr. Priestap. No, no, I have. But in those instances, let's say -- and I want to say one or a few came from Counterterrorism and one or a few came from Counterintelligence. If we see information that we believe is an unauthorized leak of FBI information, that will be brought to my attention in Counterintelligence.

I will then go to my direct boss, executive assistant director, and I will also go to our head of Office of Public Affairs, basically

our press office, my equivalent there. And I'll say, hey, this is -- this is -- this stuff is out there. Are there any concerns with the FBI opening an investigation on this?

So meaning make people aware so, to your point, if there was -- somebody had authorized it, what have you, that I'm not aware of, they get the opportunity to weigh in before I start investing time and energy on it.

Mr. Meadows. Thank you.

BY MR. PARMITER:

Q Sir, it seems like the intent of a counterintelligence investigation may not be prosecution, and that's maybe something that distinguishes it from sort of a more traditional criminal investigation. Would that be correct?

A Yeah. No, I appreciate you saying that. Our objective, again, is to protect vital assets. Sometimes the best way to protect is via prosecution. Often, it's through a whole variety of other things, from intelligence collection to disruption to you name it. The goal is to protect. The goal isn't -- the primary goal isn't just prosecution. Prosecution is one tool we use to protect.

Q Are there ever situations where you have sort of a case which involves a hybrid, because --

A Oh, yeah, absolutely.

Q Yeah. So, for example, if there's conduct that, you know, may be a violation of the criminal law of the United States, and at the same time, obviously, there's a strong counterintelligence

interest in that.

A Absolutely. We do a number of cases that are prosecuted, but it's just -- again, it's one way we can go with cases. It's not the only way. What I'm trying to say is we do have a lot of law enforcement experience, but that's not the extent of our toolkit. It's just a part of it.

BY MR. SOMERS:

Q How do the two relate? So the -- is a criminal prosecution more likely if counterintelligence information -- or, I'm sorry, if intelligence information was divulged or did get in the hands of an adversary? I'm sorry for the inarticulate nature of that question. I'm trying to get my thought out.

So you've described like two tracks. There's the criminal track that a counterintelligence investigation can take and there's just the did a foreign adversary gain intelligence information track of the investigation. And I'm wondering how those two tracks relate and whether the gaining of intelligence information by a foreign adversary would in any way impact the criminal side of the investigation?

A Yeah. So I don't want to give you the impression here today that -- that a case goes down one of those two tracks. What I'm trying to convey is that in counterintelligence, those two tracks, we're kind of looking at throughout. And so --

Think of it this way. I'll try to keep it at unclassified. If there's a spy in the U.S. that we know is breaking U.S. law, but he's also hurting us in other -- U.S. Federal criminal law, also hurting

us in other intelligence constructs, it may or may not be appropriate, and we'll balance are we going to pursue him to try to arrest him at the end of the day or are there other things we can do to stymie his activity and/or turn around for U.S. intelligence community gain.

And there's often, you know, debate and robust conversation as we go throughout of are we going to go more the law enforcement. It's really not until you're forced to make a decision sometimes at the end that you can choose one way or the other, because you're kind of weighing it through time what is the biggest benefit to the Nation here, is it to do a prosecution or is it not? And so, again, what I'm trying to convey is our cases often straddle that line and we're back and forth a lot and debating a lot on which direction to go, what have you.

Q And when you --

A Almost think of it as like national security law enforcement. What tools we use depends on specific facts that we're dealing with.

Q And in January of 2016, when you became involved in the Clinton email investigation, what track was it on?

A I think it was on both, meaning both a potential law enforcement and potential national security. And by that, I mean on the law enforcement is what, if any, Federal criminal laws might have been violated and, if so, by whom. And on the national security, if, in fact, there was mishandling of classified information, did that fall into the hands of a state enemy and, if so, what implications, if any, were there for the U.S. as a result.

Q At some point, did that national security aspect of the case,

did that aspect of it close?

A Only when the entire case closed, yeah.

BY MR. PARMITER:

Q Sir, if it's sort of dynamic in that regard, when --

A Good adjective.

Q -- you're trying to decide whether or not it's criminal or it's counterintelligence as the case is ongoing --

A Yeah.

Q -- wouldn't it be fair to say, depending on the character of the case, you're collecting different sorts of evidence or --

A Certainly trying to, yeah.

Q But, you know, you're collecting -- you know, if it's a counterintelligence investigation, you're looking for evidence, you know, that ordinarily would support, you know, perhaps maybe a prosecution or a further investigation in the counterintelligence realm; whereas if it's a criminal investigation, you are -- the objective is prosecution, where you're collecting evidence, you know, of the defendant's misconduct.

A Yeah.

Q Is that fair to say?

A It is. It's just, in my experience, like sometimes intelligence is evidence and sometimes evidence is intelligence. I mean, sometimes it can be the same thing. It's just what do we decide to use it for? And if it's through an intelligence construct, people refer to it as intelligence. If you go the law enforcement route,

COMMITTEE SENSITIVE

people will call it evidence. It could be the same piece of information.

COMMITTEE SENSITIVE

[11:10 a.m.]

BY MR. PARMITER:

Q It can be, but --

A It can be. It isn't always.

Q So --

A Sometimes evidence isn't really good intelligence.

Q Right.

BY MR. BAKER:

Q In your role of protecting national assets, I'm sure hostile intelligent services, as they do what they're doing and you're doing what they're doing to counter what they're doing, a real goal for them would be to infiltrate or penetrate the U.S. Government, especially two people with people that do the kind of work that you do.

How important, in your line of work and your role as an AD, is personnel security, making sure that your employees do not do things that make them vulnerable?

A It's -- I'd argue it's very important for all FBI personnel, very important for all United States intelligence community personnel. And it's especially important for FBI counterintelligence personnel. We know, because of our work, our adversaries' capabilities, and they're not to be scoffed at.

Q Could you give examples of what would potentially make someone vulnerable to a recruitment or whatever?

A Sure. A whole variety of things: drug abuse; alcohol abuse; being in difficult financial straits; affairs, if you're

married, extramarital affairs. I'm sure I can think of others, but the -- I guess I'd rather not go into too much more detail there just because of a classification level, but I don't know if --

Q Okay.

A I want to make sure I'm satisfying the question. But a variety of personal behaviors could make somebody more susceptible or vulnerable to foreign recruitment than other behaviors.

Q And that is made known to FBI employees?

A Absolutely.

Q They're reminded they're trained.

So Mr. Strzok, as the number one agent of FBI, he would be aware of vulnerabilities and trade craft of adversaries?

A Absolutely. Absolutely.

Mr. Jordan. Bobby, could I do a couple before our hour's up.

Okay. I want to go back up, Mr. Priestap, to the comments you made about travel. You say you approve all the agents' travel.

How many -- rough guess, how many agents do you -- how many trips do you approve in a typical year?

Mr. Priestap. I want to say, you know, at least somebody on a weekly basis.

A lot. A lot.

Mr. Jordan. A lot.

Mr. Priestap. Yeah.

Mr. Jordan. 50-some a year?

Mr. Priestap. Absolute estimate, but I get a written

communication that I have to approve. It's on an electronic means, and I feel like I -- I sign a lot of those.

Mr. Jordan. And earlier I asked you how often do you travel, you said as little as possible because of family concerns, that we all understand.

Mr. Priestap. Yep.

Mr. Jordan. And then you also said twice a year.

So you've been -- you've been Director 2-1/2 years.

Mr. Priestap. Yep.

Mr. Jordan. In that time frame, how many times have you traveled abroad?

Mr. Priestap. Overseas?

Mr. Ettinger. And while you're thinking of that, you could -- two to three times.

Mr. Jordan. Is it fair to say half a dozen times in the last 2-1/2 years?

Mr. Priestap. I want to say less. I want to say -- I've had to cancel some trips. I want to say three times.

Mr. Jordan. Three times. And can you tell me where you went?

Mr. Priestap. The ones I'm remembering are the [REDACTED]

Mr. Jordan. All three times to [REDACTED]?

Mr. Priestap. Yeah. I'll search my memory, sir, and see if I can remember any others. But the ones I'm remembering off the top of my head were all [REDACTED]

Mr. Jordan. Do you happen to remember the dates you went to

██████████
Mr. Priestap. No.

Mr. Jordan. All right. Thank you.

Mr. Priestap. Sir, I'm sure I can obtain that through FBI records, but I --

Mr. Jordan. Yeah. Thank you.

Mr. Priestap. -- I don't.

BY MR. PARMITER:

Q So, sir, you just -- we just have a couple of minutes left in this first hour.

I mean, you had just, in response to my colleagues' questions, talked about a few of the things that would be considerations for whether or not a particular agent was vulnerable.

A Yes.

Q One of them was affairs. So you're -- absolutely, it's been publicly reported about Mr. Strzok and Ms. Page having -- engaging in an extramarital affair.

A Yes.

Q Did you have any knowledge of that while it was going on?

A No. And I say no. Sometime -- I apologize. I don't remember the time frame. I don't even want to surmise on the time. I don't remember the time frame.

But after Pete had been reporting to me for a considerable amount of time, somebody brought to my attention that that behavior might be going on. And so that's when it -- I became aware that that was a

possibility.

Q So someone who works at the FBI?

A Yes. Yep.

Q And can you say who that person was?

A I -- ■■■, there's -- it's going to be -- it's going to be one of two, but I don't know which one.

Mr. Boente. Okay. To the best you can.

Mr. Priestap. Okay. If I recall correctly, it was either Sally Moyer and Jonathan Moffa.

BY MR. SOMERS:

Q About when was this?

A What is today? I would guess -- I would guess about a year ago, but it's a guess, so -- but a considerable amount of time I had been in the job and Pete had been reporting to me before this had brought --

Q Did you take any action based on that?

A I did.

Q What action?

A I spoke to Deputy Director McCabe about it. I also spoke to both Pete and Lisa about it. I felt I owed it to them. Lisa did not report to me, but I felt that they ought to be aware of what was being said. I didn't ask them if it was true, but they needed to know that that impression was out there.

And I don't remember my exact words. But what I was trying to communicate is this better not interfere with things, if you know what

I mean. Like, to me, the mission is everything. And so, we all have our personal lives, what have you. I'm not the morality police.

Mr. Baker. But that behavior would make them vulnerable to an intelligence service.

Mr. Priestap. In my opinion, yes.

BY MR. PARMITER:

Q Did you discuss that? Not just it better not have affected your work, but --

A No. Because, again, I didn't know for certain it was going on, and I didn't ask them whether it was going on. And I also felt, to a comment earlier, that they knew darn well that, if that was going on that potentially makes them vulnerable.

BY MR. SOMERS:

Q Isn't that the type of thing your division would investigate, whether a top counterintelligence officer was compromised?

A Oh, sure. If we had any indication that a --

Q I don't mean actually compromised. I'm sorry. Let me take my question back.

Was in a compromising situation.

A Yeah. No. No.

If we had information that any FBI person was cavorting with an adversary in any regard, we'd -- we'd want to know about that. But I had no information whatsoever that either of those individuals had any contact, let alone engagement, or regular engagement, with an adversary.

Unfortunately, as an adult, I've known other people who have affairs, of course. And, again, it's -- well, I'm not the morality police. I just -- to me, don't let whatever you're dealing with in a personal capacity interfere with the work we're doing.

Mr. Somers. I think our hour is up, so I think we'll take a 5-minute break and then the minority will have their hour.

Mr. Priestap. Thank you.

[Recess.]

EXAMINATION

BY MS. SHEN:

Q Okay. The time is 11:31. So good morning, Mr. Priestap. My name is Valerie Shen. I'm the chief national security counsel for Ranking Member Cummings on the House Oversight and Reform Committee. And this morning, I'll be leading a lot of the questioning for the staff on behalf of minority. But for now, because one of our members is here, I'd like to turn it over to Representative Krishnamoorthi who has a few questions for you as well.

Mr. Priestap. Sure.

Mr. Krishnamoorthi. Mr. Priestap, thank you so much for coming in today.

You know, there have been many public criticisms coming from all sides against former FBI Director James Comey and the decisions that he made in the handling of the Clinton investigation. However, the President and other Republicans have gone well beyond that, and have made extremely serious allegations that attack Director Comey's fundamental honesty and integrity, or even accuse him of committing serious crimes. I'd like to go through some of them with you, some of these allegations with you now, to see if you can shed some light on the issue.

I'll just take one tweet. On April 13, 2018, President Trump tweeted in two parts, quote, "James Comey is a proven leaker and liar. Virtually everyone in Washington thought he should be fired for the terrible job he did until he was, in fact, fired. He leaked classified

information for which he should be prosecuted. He lied to Congress under oath. He is a weak and untruthful slime ball who was, as time has proven, a terrible Director of the FBI. His handling of the crooked Hillary Clinton case and the events surrounding it will go down as one of the worst, quote/unquote, 'botch jobs' of history. It was my great honor to fire James Comey, exclamation point.

That's a lot to unpack, so let me break it down just a little bit here.

First of all, do you, Mr. Priestap, believe Director Comey is a proven liar?

Mr. Priestap. Not in my experience.

Mr. Krishnamoorthi. And why not?

Mr. Priestap. I became the Assistant Director of Counterintelligence in January of '16. And I can't remember the exact date on which Mr. Comey was fired, but I believe it was May of '17. And so for that year-and-a-half before he was fired, I spent a tremendous amount of time with Mr. Comey because of some very challenging issues being handled by my division. And in that time, I always felt that he represented himself extremely honorably.

Mr. Krishnamoorthi. Are you aware of Director Comey ever lying to Congress under oath?

Mr. Priestap. I'm not aware of that, no.

Mr. Krishnamoorthi. Has Director Comey ever lied to you?

Mr. Priestap. Not that I can -- not that I know of.

Mr. Krishnamoorthi. Are you aware of any instances of Director

Comey lying about any subject matter?

Mr. Priestap. I am not aware, no.

Mr. Krishnamoorthi. President Trump's tweet also asserted Director Comey, quote/unquote, "leaked classified information for which he should be prosecuted."

Mr. Priestap, do you believe Director Comey has ever leaked classified information for which he should be criminally prosecuted?

Mr. Priestap. No. No.

Mr. Krishnamoorthi. And what's the basis for your belief?

Mr. Priestap. I don't -- can I confer?

Can I --

Mr. Krishnamoorthi. Yeah. Yeah. Sure.

[Discussion off the record.]

Mr. Priestap. Thank you.

Would you mind posing the question again?

Mr. Krishnamoorthi. Sure.

I said, in my first question, do you believe Director Comey has ever leaked classified information for which he should be criminally prosecuted, and I believe you said no. And then I said what's the basis for your belief?

Mr. Priestap. Yeah. So, yeah, I'm not aware of any time he did it. And -- and so, I'm just not -- I'm not aware of a time in which he, quote, "leaked classified information," so --

Mr. Krishnamoorthi. Let me take you to his -- Director Comey's testimony before the Senate Select Committee on Intelligence on June

8, 2017.

I presume you're somewhat familiar with that testimony?

Mr. Priestap. Vaguely familiar. I did not watch the testimony, but I remember hearing media reports afterwards, so --

Mr. Krishnamoorthi. Okay. Was there anything in his description of events, in his written or oral testimony, that you found to be inconsistent with his contemporary descriptions that he shared with you at the time of the events in question?

Mr. Priestap. No, I'm not aware of any inconsistencies.

Mr. Krishnamoorthi. Do you believe that Director Comey accurately shared with the Senate Intelligence Committee his memory of his interactions with President Trump, to the best of his recollection?

Mr. Ettinger. You can answer that.

Mr. Priestap. Based on my experience with him, I believe that Mr. Comey would have done his absolute best to convey what he thought was true and accurate.

Mr. Krishnamoorthi. Do you have any reason to doubt the accuracy of Director Comey's oral or written testimony or representation of the facts from when he was the FBI Director?

Mr. Priestap. I do not.

Mr. Krishnamoorthi. Okay. Thank you.

Mr. Priestap. Thank you.

BY MS. SHEN:

Q Thank you. So Mr. Priestap, I just -- I want to apologize

in advance. I'll probably be going over a lot of the same ground, and then some questions may sound repetitive, plotting. Some questions may even sound so obvious you wonder why I'm asking them. But it's all to just have as complete and clear of a record as possible.

A Sure.

Q So just going back to the reporting structure. I believe you said that your direct supervisor at the time -- in 2016, at the time of the Clinton email investigation, was Michael Steinbach; is that correct?

Who is your direct supervisor now?

A Carl Ghattas, G-h-a-t-t-a-s.

Q And who does he report to now, directly to?

A The deputy director, who is David Bowdich, B-O-W-D-I-C-H.

Q And who does David Bowdich report to?

A Christopher Wray, who's the Director. W-r-a-y.

Q Now, during '16, during the time of the Clinton investigation, who directly reported to you?

How many direct reports did you have?

A I had three. Dina Corsi was one of those, Robert Jones was the second, and Gordon Johnson was the third.

Q So Peter Strzok and Jonathan Moffa, they did not report directly to you?

A In the normal chain of command, no.

Q Okay. Did they report to you in the context of the Clinton email investigation?

A Yes. So the previous assistant director, again -- well, I don't know why he set it up, but he set up a reporting mechanism that leaders of that team would report directly to him, not through the customary other chain of command. And I kept that on when I assumed responsibility.

Q At the time of the Clinton email investigation, did anybody else report directly to you as part of that investigation?

A No.

Q Okay. So I believe earlier you described a group of senior leadership, not a formal team, but one that would often be called upon to provide updates to the Director on the Clinton investigation --

A Yes.

Q -- is that correct?

A Yes.

Q Is there a similar team now in place that generally reports sensitive investigations to the current Director?

A No. No. That -- that said, certainly, things arise in which we have to report to the Director ongoing matters. But I can't think of anything that had the regularity, meaning anything since, that had the regularity of the Midyear Exam investigation.

Q Prior to the FBI, what did you do, before coming to the FBI?

A I was a coach. A football and basketball coach.

Q So during the time at FBI, how many years of counterintelligence experience would you say you have?

A I could do the math. It would probably take a while.

Q Rough estimate.

A Probably 6, maybe a little more.

Q And overall, how many years of law enforcement experience?

A Twenty. Just over 20.

Q So I believe earlier you said that you inherited a role in the Clinton investigation in January 2016.

A Yes.

Q And did you stay on in your involvement throughout the duration of the investigation?

A I did.

Q So that would be July 2017?

A Yes.

Q Okay. And at a general level, what were your specific responsibilities as part of that investigation?

A To receive updates from the -- the people I mentioned previously; to pass those updates to my bosses; to highlight for the bosses either things they needed to pay special attention to -- or particular attention to; to, you know, problem-solve. If the team had an issue that needed addressed that couldn't be addressed at their level, I would try to address it, or I'd try to identify who at FBI or DOJ could address it; to provide my own input, guidance, thoughts about next steps to be taken in the investigation, or not. A whole variety of -- I guess I'd call it, you know, managerial oversight responsibilities.

I felt at the end of the day that, you know, my division would

be on the hook for this, and I wanted to ensure it was done as properly as was possible.

Q Did you have deciding authority over certain aspects of the Clinton investigation?

A I'm sorry?

Q So, for example, were there certain types of decisions that would require your formal approval --

A Oh, sure.

Q -- before they could move forward?

A Yeah.

Q Can you give me some examples?

A Yeah. Again, the thing that -- I'm trying to think of -- I'm trying to differentiate what I do on a regular -- on a daily basis versus what I did specifically for this case.

But the bottom line is, there's certain FBI policy that requires assistant director, the position I'm in, approval before those things can be done. It's mandatory. It's not optional. If you want to do those things, you need the assistant director's approval.

So on those required things, I can't think of an exception where I wouldn't have been the person on the hook. But more informally, there's just a variety of things that are done and that are relayed to me. And I use my judgment to the best of my ability and say, Yep, that sounds good. Continue to make it happen, or time out. I want to further discuss that, or I want to also discuss it with my bosses before going forward.

I had extremely -- those three individuals I named before, the -- Pete, John, and Sally, extremely experienced individuals knew, without me having to tell them on a regular basis, the things I expected to be kept apprised of, and the things that I would want to weigh in on before they move forward.

I'm sorry. I can't -- I've not dealt with this -- other than some review for today, not dealt with this issue in a long time, and so I'm not thinking of specific examples. But I --

Q So it doesn't sound like they're necessarily formal categories that you're thinking of so much as general guidance and oversight management. Is that about right?

A Absolutely.

Q So as -- in your role as part of the Clinton investigation, who at the FBI would you interact with most frequently? Would it be these three individuals?

A Those three most frequently, yep.

Q And would Peter Strzok and Jonathan Moffa be considered the leads for the Clinton investigation?

A Yeah. So they're not -- again, they're not -- I'll put it this. They were the lead executive management of the FBI's. It's kind of me too. It's -- but -- and I'm not trying to shirk responsibility here. I mean, I'm ultimately responsible for the counterintelligence division and all of our cases. But I really respect these -- respected these three individuals' opinions, thoughts, ideas. And so as much as possible, I tried to form a team construct, that we could have

no-holds-barred conversation, meaning I didn't want them not telling me things because I was the boss. So that -- Hey, we're the management team in this together. I'm ultimately responsible, though.

Q But if Peter Strzok and Jonathan Moffa felt like they may need your approval, would they bring those issues to your attention?

A Yeah. Absolutely.

Q Who did you generally interact with at the Department of Justice in relation to the Clinton investigation?

A I would say the person I interacted with most often was George Toscas.

Q And how often would you interact with George Toscas?

A Not often. I say "not often," because I'd also interact with George Toscas on other counterintelligence business fairly regularly. But I -- it wasn't like we had standing conversations on this case. So I don't even want to, again, surmise on was it once a week or every other, but it wasn't like we were, Hey, every Friday at two, we're going to have a call. It was -- it was as needed.

But that's absolutely customary, as it is for other high-priority investigations. I don't have a standing meeting with George. We talk. And he calls me; I call him as needed.

Q And what's George Toscas' role at the Department of Justice?

A Deputy Assistant Attorney General.

Q For the national security --

A For the national security division at DOJ.

Q And so it was considered -- would it be considered common

for someone in your position to interact as needed but on a regular occurrence with George Toscas as DOJ counterpart?

A Yes. Yes.

Q Can you describe the extent of your involvement in the FBI's investigation of whether there was any coordination between people associated with the Trump campaign and the Russians?

A Yeah. I'm sorry. I'm not at liberty to discuss that today.

Q Are you a part of that investigation?

A Sorry. I'm just not --

Q Okay.

A -- at liberty to discuss that.

Q Okay. So Mr. Priestap, I'd like to ask a couple questions that I hope will be pretty simple. So in your experience, is it important that the Justice Department and FBI maintain independence from political influence?

A In my opinion, yes.

Q Is political interference in the Department of Justice or FBI investigation ever proper?

A In my opinion, I can imagine situations where it would be proper.

Q In what situations would you consider it to be proper?

A That the national security interests of the country outweigh the law enforcement/prosecutive interest of the FBI and Department of Justice.

Q And you would consider that a political determination?

Because to me it sounds more like that's a -- it's a policy interpretation balancing national security and law enforcement, but --

A Yeah. I guess -- and maybe I misunderstood your question. But by political, I could imagine, for example, the National Security Council, who I look at as kind of the head of the national security apparatus for the U.S. Government; I could see that their national security considerations again could outweigh law enforcement prosecutive considerations. But you may know better than me whether that's, then, political because it's the National Security Council.

Q Right. Yeah. Right. Let me rephrase.

I guess I don't mean interference from officials who are political, per se.

A Okay.

Q So what I mean -- and I'll rephrase. Is interference in a Department of Justice or FBI investigation ever proper when motivated by purely political considerations?

A Not in my opinion. And if I -- if I -- to clarify my response as well. What I was trying to get at there is that, again, national security considerations could outweigh the law enforcement and prosecution considerations. And those national security considerations could be spearheaded by the National Security Council. It's -- ultimately the national security advisor is a political person, in my mind.

Q Understood. Understood. Okay.

[Priestap Exhibit No. 1

COMMITTEE SENSITIVE

Was marked for identification.]

BY MS. SHEN:

Q Okay. So I'd like to introduce this as exhibit 1. So it is House Resolution 907, which is -- which asks for a special second counsel to investigate misconduct at the Department of Justice and the FBI.

I'll give you a moment to review the document, if you'd like.

Okay. So House Resolution 907 introduced on May 22, 2018, has 57 allegations which appear to share a common assumption that the Justice Department and FBI acted in favor of Hillary Clinton and against Donald Trump during the 2016 election?

Do you have any reason to believe that there was political bias at the Justice Department or the FBI that somehow influenced the Clinton investigation?

A No.

Q Do you have any reason to believe that political bias at the FBI has affected any investigation at the FBI?

A I -- I can't speak for the entire FBI, only the ones, of course, I'm -- I'm privy to. And I can say for the counterintelligence division, if I got a whiff of it, it absolutely would not be tolerated, period.

Q In your career at the FBI, have you ever let your personal political views, whatever they may be, influence in any way your official actions?

A No.

COMMITTEE SENSITIVE

Q In your career at the FBI, have you ever let your family's political views, whatever they may be, influence in any way your official actions?

A No.

Q In your career at the FBI, have you ever witnessed any investigative personnel letting their personal political views influence in any way their official actions?

A No.

Q Okay. Well, thank you for your definitive general answers to those, but I'd also like to ask a few specific questions about the document as well.

A Sure.

Q So if you could turn to page 2.

In the -- the second full clause alleges, quote, "Misconduct during the 2016 presidential election by high-ranking individuals within the FBI and DOJ may have led to the premature conclusion of the FBI's 2016 probe into then-Presidential candidate and former Secretary of State Hillary Clinton."

Mr. Priestap, do you agree that misconduct by senior FBI and DOJ officials led to the premature conclusion of the FBI's probe into Secretary Clinton's emails?

A That was not my experience.

Q Do you have any reason to believe that the FBI's investigation into Secretary Clinton's emails was insufficient, prematurely concluded, or marked by misconduct?

A No.

Q So there's also been a fair amount of speculation on the political persuasion of individuals at the FBI.

Do you have any reason to believe that the vast majority of FBI agents are Democrats or biased in favor of Democrats?

A I have no reason to believe that, no.

Q And are FBI agents allowed to have personal political affiliations?

A Absolutely.

Q When the FBI staffs a politically sensitive investigation, for example, a public corruption case, does the FBI consider the personal political persuasion of its agents in making those staffing decisions?

A No, not in any manner.

Q So when the FBI puts together a team of investigators, the consideration is never, Well, I need a couple of Republicans and a couple Democrats to balance it out?

A No.

Q Okay. Does the FBI ask about the political affiliations of its own agents?

A No.

Q In fact, it is explicitly forbidden for the FBI to ask about the political affiliations of its own agents; is that correct?

A I believe that's true, yes.

Q How do FBI agents know not to let political bias interfere

with their politically related work?

A At the FBI, it is conveyed, at least to my experience, to new employees from the get-go, and it's repeated in a variety of forums as you go through your career, that we are supposed to be objective fact-finders. That is our -- one of our primary responsibilities.

I'm sure that there's formal, you know, training, you name it, in which this concept comes up. But it's so -- it's so regular you don't need formal -- you don't need formal reminders, at least in my experience. It's -- it's what we breathe every day. We are supposed to bring our objective -- as objective as humanly possible approaches to our responsibilities.

Q Would it be fair to say that it's embedded in the FBI's culture --

A No question.

Q -- to not let --

A Absolutely.

Q -- their political affiliations interfere with their work?

A Absolutely.

Q When you have a team of agents and prosecutors, is there ever a single individual who could use his or her political bias to push the investigation in one direction or another?

A Oh, sure. They could try. And if it happened, they wouldn't last long, so --

Q What sorts of systems would be in place to prevent that?

A The other people working around them. I think I mentioned

a minute ago that, if I got a whiff of bias, I wouldn't tolerate it, in my experience, nor would the vast, vast majority of FBI personnel.

So, in other words, obviously, I'm not a street agent now doing the work that we do in this investigation interviewing people. But you're not interviewing people by yourself. And so if one agent thought another agent acted inappropriately, even that other agent, in my experience, would have -- would have raised the issue and wouldn't have solely relied on me addressing the situation, meaning it would be so improper, you would be called on it, and you would be called on it quickly and forcefully.

Q So in your time at the FBI, have you seen evidence of anybody applying political bias in their investigation on any subject matter?

A No, not in my experience, because, again, it's not tolerated. It -- I'll leave it at that.

Q So we know that James Comey, Rod Rosenstein, and Robert Mueller are all Republicans.

Is there any reason to believe that James Comey's political affiliation affected the way he investigated Secretary Clinton's emails?

A I had no reason to believe that.

Q Do you have any reason to believe that Rod Rosenstein's political affiliations will prevent a thorough and fair investigation of all of the investigations he oversees?

A I guess with Rod Rosenstein, because he -- of course, I met the man. I've been in numerous meetings with the man. But I guess

I figure that's outside my purview, so --

I ultimately report to Rod Rosenstein, but not very often.

Q So in the last round, there was some discussion about when you first became aware of a potential affair between Peter Strzok and Lisa Page --

A Yes.

Q -- and the actions you took afterwards. And I believe that you said, when you were first made aware, that you went to Peter Strzok and Lisa Page directly. And you also said that you believe such an affair could constitute an intelligence vulnerability; is that correct?

A Yeah.

I guess one thing I'd want to clarify, though, is that, when it comes to intelligence vulnerabilities, they're often not taken alone, meaning, to me, the most vulnerable people are the people who exhibit more than one vulnerability. It doesn't mean if you have only one vulnerability, for example, a drug abuser, that you might not be susceptible. And, again, the foreign adversary might try to take advantage of that fact.

But I guess, what I'm getting at is, when it comes to the vulnerabilities, there's a variety of them. And a lot of the -- let's just say people that we come across and have concerns about exhibit more than one vulnerability.

Q So when you raised the issue to the attention of Peter Strzok and Lisa Page, was part of that reason perhaps to, you know, give them

the opportunity, if it was true, to disclose it properly, disclose it to other people, resolve it with their spouses? Anything like that?

A I don't recall that being one of my -- my motivations. What I recall is that I wanted them on notice that I had been advised of this potential activity. It was not said to me with certainty, and I didn't know it to be true. But I wanted them on notice that somebody has advised me of this situation, and that I expected that they do whatever necessary to ensure it didn't interfere with our work.

I also, just as a human being, because I want the best for them -- but I didn't give them any guidance on what they should do, whether that was talking to spouse or whatever. But, again, it was a way to say, Please, don't let -- if it is, in fact, true, please, don't let that interfere in any way with your responsibilities.

And I had to walk a very, very fine line with Lisa, because Lisa did not report to me. But I had had a lot of interaction with her on this matter. And I'm a big believer in, when employees are going to be given bad news, they ought to be given it by the boss, in effect.

So I -- what I didn't want them is to hear it from others and that, you know -- I did -- I didn't tell them about it all and I didn't seek to address it. I feel a responsibility for the men and women and the work in the counterintelligence division. And, again, while Lisa didn't report to me, she was assisting us on an important counterintelligence topic.

Q But from your perspective of potential intelligence vulnerability --

A Yep.

Q -- did you consider it a significant enough potential vulnerability to report immediately as a potential vulnerability to other channels?

A No. I had no information that indicated that there was anything, when it came to FBI responsibilities, improper. And so nobody told me that, Hey, they were seen talking to a, you know, foreign intelligence officer, one of them was, or, Hey, they're -- they're suspected of, you know, some financial things. In other words, there was no -- as far as I understand, an affair is not a violation of FBI policy. There's no -- there's no FBI policy that says you can't have an affair, and if you do, you're going to be punished.

Q So is it fair to say that, taken in a vacuum, an affair probably does not raise the level of a significant intelligence concern, but in combination with other factors, it could?

A Sure. Yeah. I'd say that's accurate. Yep.

BY MS. KIM:

Q Sorry. I just want to understand.

So I think, previously, we were talking about personnel security concerns. And as I understand it, an affair can become a blackmail concern, right? That's -- it's the concern that someone could hold information of that type over another individual to coerce them. Is that your understanding?

A That's exactly right. So you're trying to keep an affair from your loved ones.

Q Yes.

A And a foreign adversary learns about it and says, if you don't things on my behalf, I'm going to go to your family and divulge this. And, oh, no, you can't do that. It'll ruin my life, and so what do you want me to do?

Q Right.

And in this situation, you did not see any evidence of blackmail?

A No. No indication, let alone evidence of anything like that.

Ms. Kim. Thank you.

BY MS. SHEN:

Q So I'd like to ask you a few questions now about the FBI's decision to reopen the Hillary Clinton email investigation in October 2016.

A Okay.

Q When did you first become aware of the evidence on the laptop from the Anthony Weiner investigation of the FBI?

A I'm not certain, but I want to say it was the end of September of 2016. And the dates sticking out in my mind are the 28th or 29th, but the end of September.

Q Can you walk us through the FBI's activities between the end of September, when you first became aware of the laptop, and October 28, 2016, the date that Director Comey sent his letter to Congress to notify of the opening -- reopening of the investigation.

A Sure. So let me begin with when we first got wind -- we,

FBI headquarters, my division -- first got wind that there may be emails pertaining to Secretary Clinton that were on Mr. Weiner's laptop. It quickly -- by "quickly," within a matter of a day or days -- became apparent that -- two things stick in my mind. That we lacked the requisite legal authority to review Mrs. Clinton's emails on the laptop. And that, two, even if we had the requisite legal authority, the data processing necessary for us to do the technical review we had to do wasn't finished.

Q I'm sorry. You said the data processing; is that what --

A Yes.

And so a situation like that, if you think of it as, this is Mr. Weiner's laptop, what the Midyear Exam investigative team would be interested in, of course, is emails -- Mrs. Clinton's emails and the overall laptop, though Mr. Weiner would have all kinds of stuff on it.

When it comes to the legal authority, you know, we'd be only interested in a particular piece. In a technical sense, the FBI has a way to carve out that piece so that we're only seeing the things that we're allowed by law to look at as opposed to all the other things. So they separate that.

But that data processing is often complex. It often takes a while. And the number of problems are often encountered with it, depending on the type of laptop, how old, how much data is on it. It's not always a straightforward process.

Q But later on, in October, the FBI did, in fact, process the

data on that email --

A Yes.

Q -- related to Hillary Clinton?

A Yeah.

Q So can you explain for me-- because you say, you know, at this point in time, the data processing capability did not exist. So why did it not exist then but did exist about a month later?

A So sometime between when we first learned about it and when we obtained the search warrant, the data processing was finished. I don't remember the exact date of that. So they worked on the data -- the carving out of that information between the date we learned and the date we obtained the search warrant.

[12:20 p.m.]

BY MS. SHEN:

Q Okay. So on the date that you learned of the existence of -- potential existence of deleted emails, there was a process that began to go through the data? Is that right?

A Yeah. I don't know exactly when that process began because the FBI also had interest in a different set of information on the laptop pertaining to Mr. Weiner's behavior in a completely unrelated manner. So they were also trying to separate and review for that as well.

But, again, with our authority, even for Mr. Weiner's other activity, it doesn't give you the authority to look at everything. It gives you the authority to look consistent with the search warrant approval that you were granted.

So the FBI, for two very different reasons, was interested in two very different sets of information on that laptop. And to separate that stuff, I refer to it as data processing, or maybe a more technical word for it or phrase for it. But that had to occur, as did the legal authority for us to review have to occur.

Q You said that you don't know exactly when the process began for the data processing. Do you have a sense of whether it was a few days after the -- in the middle, towards the end of the month?

A I don't. I would have thought it began in or around the date we learned about it, but I can't say for certain.

Q In terms of the legal authority, I understand how in the beginning there wasn't a search warrant for email specifically

pertaining to Secretary Clinton. However, at the end of October, there was in fact a search warrant, correct --

A Yeah. Yeah.

Q -- seeking emails pertaining to Secretary Clinton?

So what accounted for the delay? Why did the FBI not seek a search warrant for Secretary Clinton's emails earlier in the process?

A I don't know when exactly the FBI made an official request to Department of Justice or Eastern District of Virginia for that search warrant.

All I know is, both in counterintelligence generally and in this case specifically, to obtain the necessary legal approval to search that laptop often takes a while. And so the timeframe, in my opinion, between when the FBI learned about it to when we received the search warrant approval was in no way abnormal.

I'd actually argue it was pretty quick overall. Especially the more, let's call it, politically sensitive cases are, the legal approvals necessary to take investigative action are often delayed, and they're often delayed for good reason, as very smart people take hard looks at the issues involved.

So I know there's been a lot made of the supposed delay, but again, in both my counterintelligence experience and experience with politically sensitive cases, it was not a long timeframe between learning about it and obtaining the search warrant, not in my experience.

Q So because it was a politically sensitive case, it would be

expected for there to be a longer time spent with experts looking at the legal analysis of that?

A Absolutely, yeah, considering, is this absolutely necessary? If so, why? Do we have full legal justification to do this? Absolutely. We don't enter into that type of activity lightly and certainly not on high priority investigations.

Mr. Ettinger. You said a moment ago that you thought it was the Eastern District of Virginia that was the legal party. I want to make clear whether that's your memory or whether you are speaking in general terms on that.

Mr. Priestap. I was speaking in general terms. We dealt a lot with Main Justice, the National Security Division, and the Eastern District of Virginia on this case, and it's also possible it could have been the Southern District of New York. Because if I recall, Mr. Weiner was in New York and it was a New York office that obtained the laptop from him. I'm not sure which Department of Justice component we ended up getting it from.

BY MS. SHEN:

Q Which individuals would be part of the review of the legal authority on whether to seek a search warrant for Secretary Clinton's emails? Who would be involved in that discussion?

A Certainly not the entire investigative team, but the -- you know, I'd say the main people involved, like the supervisor Rick Mains, and one or two of his main people, I would think. Jon Moffa, Pete Strzok, Sally Moyer, myself.

I mean, we're all generally responsible for it, but that doesn't mean we're all pursuing the search warrant, if you know what I mean.

But initially, when we learned about this, I can't remember if we all got together as a group or if I met with people individually, but it's something that, you know, I knew required follow-up, if legally permissible.

Q So when did the FBI first begin discussions on whether to seek a search warrant for Secretary Clinton's --

A We would have begun discussions on the day or day after we learned this.

Q When was the first time the FBI made the Department of Justice aware of potentially related emails on the Weiner laptop?

A I don't know. Part of the issue with Department of Justice is that that communication can occur at so many different levels. It can occur with a line assistant U.S. attorney, and it can occur all the way up to the deputy director or Director talking with their counterparts, or anywhere in between.

Q So just to go back up again at the beginning of the timeline.

A Sure.

Q So when you first learned of the existence of potentially related emails on the Weiner laptop --

A Yes.

Q -- what did you do immediately? What did you do then?

A Well, I don't remember everything I did, but what I would have done is talk to Pete, Sally, or Jon, or combinations thereof, and

said, hey, let's have somebody call New York and let's see what the heck they've got. In other words, this is going to -- this requires follow-up, let's see what they have.

Q So you would have requested someone on the team to reach out to the New York field office?

A No, no, I would have requested someone on the team have somebody reach out. So, I wouldn't have expected they made the call. I would expect that the call be made at a lower level.

Q Okay. And then what would happen?

Ms. Sachsman Grooms. Had they not reached out before you were informed? What exactly were you informed in that initial meeting?

Mr. Priestap. I don't remember precisely how I was informed. I can't recall whether I learned about it in a meeting or whether I learned about it from the head of the New York office.

I do remember the head of the New York office talking to me about this topic, you know, at or around that time, but I can't say for certain that's the first time I learned of this issue.

He talks to other people, other than me, and so he could have talked to the deputy director or EAD Steinbach, and one of them could have mentioned it.

One way or the other, I learned about it.

When I learned about it, that's when I would have followed up with a member or members of my team and said, hey, there might be Clinton emails, Mrs. Clinton emails on Anthony Weiner's laptop, call New York and see what they have.

Ms. Sachsman Grooms. So when you learned about it, what did you learn? That there could potentially be? That there was? What was it that you learned?

Mr. Priestap. I learned that there could potentially be, that it was my understanding that the New York office of the FBI, when processing the laptop relative to an issue that Mr. Weiner was involved in, came across what they thought were emails of Mrs. Clinton's.

So bottom line, they're looking at the laptop for, again, a problem Anthony Weiner was involved in, but they see this other stuff.

So then New York advised us, hey, we've got a laptop, but it may be -- there may be information on it that might be of interest to the Midyear Exam investigative team. I was told something to that effect. And I said, well, let's call New York and figure out what they think they have.

What I do remember, if it's helpful at all, again, within a day or two some type of call between some headquarter personnel and New York personnel in which this matter was discussed. It would have been headquarters personnel asking with more specificity, what did you see? What do you have? So on and so forth.

But two things stick out in my mind, and one is, the data processing wasn't done, and that New York had some problems doing the data processing. Again, that's pretty normal, it can be a pretty time-consuming effort. And, two, the Midyear investigative team doesn't have the necessary legal authority, that even if the data processing was complete you couldn't look at it anyway.

So to me, two big issues that by themselves often take a lot of time to resolve. So I had no expectation whatsoever at that time that if they had stuff pertaining to the Midyear Exam, meaning Mrs. Clinton's emails, that that review could be conducted, let alone all the necessary approvals given prior to the election.

Ms. Shen. Okay. I think we're at the end of our hour, so we'll take a short break.

Mr. Priestap. Thank you.

[Recess.]

Mr. Parmiter. Okay. Let's go back on the record. And I believe Mr. Jordan wanted to start off the questioning.

Mr. Jordan. Thank you.

Mr. Priestap, I want to go back to this travel issue again.

Mr. Parmiter. Oh, and, Sir, let me interrupt you for just a second. The time is 12:41.

Mr. Jordan. So earlier you said -- in the first hour you said you approved travel for FBI agents, you said, at least -- at least once a week. And are you sending -- I assume you're sending them all over the place.

Mr. Priestap. Yes.

Mr. Jordan. You send them to Europe, South America, Middle East, all over the world.

Mr. Priestap. Yeah.

Mr. Jordan. You also indicated that you don't particularly like to travel -- which, as I said earlier, I can relate to that, too -- but

that you do -- that you have a few times. I think you said in the first hour, in 2-1/2 years as director you've traveled three times.

Mr. Priestap. [Nonverbal response.]

Mr. Jordan. And all three of those were to the [REDACTED].

Mr. Priestap. [Nonverbal response.]

Mr. Jordan. Specifically [REDACTED] Okay. So I want you to look at this.

[Priestap Exhibit A

Was marked for identification.]

Mr. Priestap. Oh, yes, I'm sorry. I'm nodding. Yes.

Mr. Jordan. Okay. So I want you to look at this. These are text messages between Mr. Strzok and Ms. Page where they refer to one of those -- it looks like one of those trips. I want to see if it's to you. So I'll keep one here. See if you can take a look at those.

And this is in [REDACTED] of 2016, it looks like, at least the conversation is.

My first question is -- well, I'll give you time to look at it. So is the Bill in there, is that, your understanding, is that you, Mr. Priestap?

Mr. Priestap. I think it is, but I'm not certain.

Mr. Jordan. Okay. Did you travel to [REDACTED] in early May of 2016?

Mr. Priestap. I don't know. I believe I traveled in the [REDACTED] of '16 to [REDACTED] but I can't remember the month I traveled.

Mr. Jordan. Was that your first [REDACTED] trip, your second one,

or your third?

Mr. Priestap. I think, if it recall correctly, it was my first one as assistant director of counterintelligence with this. So I assumed the position in January of '16, and I, if I recall correctly, I traveled in the [REDACTED] of '16 to [REDACTED]

Mr. Jordan. So your first trip abroad as the head of counterintelligence was to [REDACTED] and it was this time, [REDACTED] of 2016?

Mr. Priestap. Yeah. I don't -- but, sir, I don't know that it was May.

Mr. Jordan. Can you get us the -- well, this would be May, because it says next week.

Mr. Priestap. No, absolutely. I just -- I don't know for sure certain that that's when I went.

Mr. Jordan. Okay. But it seems like they know?

Mr. Priestap. It certainly does by this email.

Mr. Jordan. Yeah. And that you were gone at the time, and you were coming back some time the following week.

Mr. Priestap. I read it the same as you, I just can't say for certain that's when I went.

Mr. Jordan. Okay. But for sure your first travel -- your first travel abroad was [REDACTED] of 2016?

Mr. Priestap. That I can recall, it was the [REDACTED] of '16 to [REDACTED]

Mr. Jordan. Okay. So what were you doing in [REDACTED] in the [REDACTED] of 2016?

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Mr. Priestap. So I went to meet with a foreign partner, foreign government partner.

Mr. Jordan. And would that be what you would typically do -- on all three of those trips, is that what you were doing?

Mr. Priestap. Yes.

Mr. Jordan. You're going to talk with folks in the same kind of intelligence division with [REDACTED]. Or it could be someone else meeting you there as well.

Mr. Priestap. Yes, sir.

Mr. Jordan. What was it in this situation?

Mr. Priestap. In this situation it was a foreign government partner.

Mr. Jordan. Was it the [REDACTED] or was it the [REDACTED] plus some other one. Some other country from [REDACTED]?

Mr. Priestap. Just the [REDACTED].

Mr. Jordan. Just the [REDACTED].

Mr. Priestap. Yes.

Mr. Jordan. Are you allowed to say who you met with?

Mr. Priestap. I'd rather not in this setting.

Mr. Jordan. Did you meet with anyone else other than this particular person who was your counterpart in the [REDACTED]?

Mr. Priestap. I met with -- I met several -- I met with several people, all of whom were part of the same [REDACTED] organization.

Mr. Jordan. Okay. How long were you over there?

Mr. Priestap. I think just like a day of -- like I flew in, if

COMMITTEE SENSITIVE

I recall correctly, got in at night [REDACTED] time, had a day of meetings, and would have flown out that same night or the next morning.

Mr. Jordan. That's 3 days at the most.

Mr. Priestap. Yeah, but meaning from --

Mr. Jordan. Partial days. I get it. I get it. But one full day when you had the meeting.

Mr. Priestap. One full day

Mr. Jordan. Do you know how many meetings you had?

Mr. Priestap. A lot.

Mr. Jordan. A lot of meetings?

Mr. Priestap. Yes.

Mr. Jordan. Can I give you some names and ask you if you met with these individuals?

Mr. Priestap. Sure.

Mr. Jordan. Did you meet with a gentleman named [REDACTED] ?

Mr. Priestap. No. Not that I --

Mr. Jordan. Did you meet with a gentleman Mifsud?

Mr. Priestap. No.

Mr. Jordan. Did you meet with --

Mr. Priestap. Sir, if I could qualify the answer by there were some officials from this organization who I don't recall their name. There were a series of briefings they were providing me, so I had a main counterpart, and he would bring in a team for 1 hour and they'd tell me about things. There might be several members of that team. I don't remember all their names.

COMMITTEE SENSITIVE

Mr. Jordan. So the key people? Do you know the names of the key people?

Mr. Priestap. Yes.

Mr. Jordan. And can you get that to us, if it's not classified? Can you get us the names of the folks you met with?

Mr. Priestap. Sure.

Mr. Jordan. Can you tell us those names, the ones you recall today?

Mr. Priestap. Yeah, I'd rather not, only because of the foreign government equities involved. And I'm a big believer if I'm going to divulge their equities, I want to advise them that I'm going to do it.

And so what I will do is, immediately following this, I will say, "I have a request to divulge your names. Do you have any issue?"

Mr. Jordan. Did you meet with a guy named Alexander Downer?

Mr. Priestap. No.

Mr. Jordan. [REDACTED]

Mr. Priestap. Doesn't ring any bells, no.

Mr. Jordan. Okay. How about Christopher Steele?

Mr. Priestap. No.

Mr. Jordan. Have you ever spoke with, speaking of names, have you ever spoke or met with -- well, let me ask you this. Those names that I just mentioned, [REDACTED], Mifsud, Steele, Downer, [REDACTED], have you met with them any other times, any of your other trips?

Mr. Priestap. No. No.

Ms. Shen. Okay. Have you ever spoke or met with Glenn Simpson.

COMMITTEE SENSITIVE

Mr. Priestap. No.

Mr. Jordan. Bruce Ohr?

Mr. Priestap. Ever met with Bruce Ohr? No. I think I've seen Bruce Ohr, but I don't think I've ever been in a meeting with Bruce Ohr.

Mr. Jordan. When you went to this trip, was it primarily were you on the receiving end of information or were you also conveying?

Mr. Priestap. No, I was on the receiving end.

So when I assumed the assistant director position in January, a month or two later a [REDACTED] contingent came to the United States because of my changeover and, let's just say, welcomed me and talked about a variety of issues.

When they left, they asked if I would please visit their country and service because they would like to tell me some more about some of their efforts. And I said, as so as soon as my schedule allows, I will do that. And when my schedule allowed, I went, and they were telling me things.

Mr. Jordan. All right. Tell me about your -- well, let's go back to this text message for a second.

Third party review is mentioned in the last sentence. What does that refer to?

Mr. Priestap. I don't know. I see the reference you're alluding to. I don't know.

Mr. Jordan. Do you know who the Jones is in the first sentence?

Mr. Priestap. I believe he means Robert Jones. Robert or Bob

COMMITTEE SENSITIVE

Jones was a deputy assistant director in counterintelligence, and he was Pete's boss, if I recall correctly, at the time.

Mr. Jordan. Okay.

Mr. Meadows. So the memo that it talked about, what do the initials ■ stand for, ■■■■■? It's redacted. What would be a ■■■■■?

Mr. Priestap. I don't know.

Mr. Meadows. Obviously, it was important because the FBI redacted it, so why would they redact it if they didn't know what it was?

Mr. Priestap. Sir, we use, as you know, a variety of code names and --

Mr. Meadows. Yeah, but why would -- but the FBI has been doing redactions, it's redacted, so obviously they thought that it was either sensitive or important. What would ■ stand for?

So you're saying, in your position, you'd have no knowledge of what ■, an abbreviation would stand for, on a ■■■■■?

Mr. Priestap. I am saying that. I don't know, sir.

Mr. Jordan. In your subsequent trips to ■■■■■ were they trips of the same kind -- same nature? In other words, were you getting briefed from ■■■■■ counterparts? Or was it different mission and objective on those trips?

Mr. Priestap. Different mission and objectives on --

Mr. Jordan. When was the second one? The ■■■■■ of 2016, it was determined that was the first one. When was the second one?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Priestap. I don't recall.

Mr. Jordan. In 2016?

Mr. Priestap. Likely, yeah.

Mr. Jordan. What was the second trip? Later in 2016 you go to your second trip. What is that?

Mr. Priestap. I'm not at liberty to talk about that one. It had nothing to do, that trip, with the Midyear Exam investigation. Actually, the first one didn't either, but the second one had nothing to do with --

Mr. Jordan. What did it have to do with?

Mr. Priestap. I'm not at liberty to discuss that today.

Mr. Jordan. And then the third trip?

Mr. Meadows. Excuse me.

Not at liberty to discuss it for what reason?

Mr. Priestap. It was my understanding that, at least the documents I got, in which they scoped the purpose of this interplay, whatever we refer to this today, that wasn't the -- the matter I went over for was not in the scope of what I prepared.

Mr. Jordan. Was your second trip then concerning the Trump-Russia investigation, the other counter -- a second counterintelligence investigation launched by the FBI?

Mr. Priestap. Sir, again, I'm just not at liberty to go into the purpose of my second trip.

Mr. Jordan. Back to Mr. Meadows' question, not at liberty to go into it for what reason?

COMMITTEE SENSITIVE

Mr. Priestap. Because I did not come prepared to talk about the purpose of my second trip, so I didn't prepare -- I didn't --

Mr. Jordan. Part of us being able to understand how the FBI handled the Midyear Exam is to be able to compare it to what the Crossfire Hurricane, or whatever you call it, the Trump-Russia. And plus it's all within 2016, which is the scope of the two committees here, our investigation, what happened in 2016, at least up to the election.

Now, if you're telling me you didn't go to [REDACTED] until after the election in 2016, maybe, but sounded like you did, you went before the election.

Mr. Priestap. Before the election? I could have gone -- well, I think I went in the [REDACTED] I don't remember the dates of my second and third trip. I do believe I had another trip before the end of calendar year '16, another -- a trip to [REDACTED] But, again, it was on a different topic that I'm not at liberty to talk about today.

Mr. Jordan. Was your third trip to [REDACTED] also on -- related to, like your second trip, related to the Trump-Russia investigation?

Mr. Priestap. So --

Mr. Ettinger. He can't answer the question. You're presuming something that he's told you -- don't answer the question -- because you're presuming something in the question that's not part of his answer.

Mr. Jordan. I think he was -- I thought he did answer about the second trip that it was a subject he couldn't talk about because of

the scope.

Mr. Ettinger. That's correct.

Mr. Jordan. Okay.

Mr. Ettinger. You're asking for the same subject matter, but don't presume what the subject matter because he told you --

Mr. Jordan. Well, let's go back to the second visit then. Is the second visit, was it about the Trump-Russia investigation, the one in 2016?

Mr. Ettinger. You can answer.

Mr. Priestap. I'm not at liberty to talk about the topic of the second visit. And if I could add, I'm also not --

Mr. Jordan. And, again, not at liberty, not because it's classified or anything like that, but not at liberty because you didn't prepare for that for today's questioning?

Mr. Boente. We would also need to talk to special counsel about that.

Mr. Meadows. And why would that be?

Mr. Boente. Because he has an active investigation, an active criminal investigation.

Mr. Meadows. So by your suggesting that he needs to talk to counsel, we're assuming that the matter that he met in [REDACTED] is the very fact that is under special counsel's review?

Mr. Boente. You can make your assumptions, but we can't go into those things without talking to special counsel. I'm just trying to be helpful, sir.

Mr. Meadows. So let me get back to this --

Mr. Boente. Congressman, I'm sorry. We will make the dates of AD Priestap's travel available to you, travel records. That is not a problem.

Mr. Meadows. Sure. So when you went in [REDACTED], did you discuss cases at that particular point?

Mr. Priestap. The foreign partner discussed their -- some of their efforts.

Mr. Meadows. Did you discuss any cases you were investigating at that particular point?

Mr. Priestap. Not that I recall. Because, again, the purpose of that meeting was for me to be briefed by them.

Mr. Meadows. And so all the briefings that you had were all by government officials?

Mr. Priestap. Yes. Yes.

Mr. Meadows. So when you talk about organization, you're talking about that in a holistic point of view. But they are all government. There are none -- no nongovernment assets.

Mr. Priestap. The way it was represented to me is they brought in a variety of employees throughout the day who briefed on different efforts they -- they, the organization -- was involved in, their organization.

Mr. Jordan. We would like the dates of the third trip as well.

Mr. Priestap. Sure.

Mr. Jordan. I assume that is 2017?

Mr. Priestap. It would have been the tail end of '16 or '17.

Mr. Jordan. All three trips you made in '16?

Mr. Priestap. Could have been, yes. But all three trips, to the best of my recollection, were for three different purposes.

Completely, completely different purposes.

Mr. Jordan. Okay.

Mr. Parmiter. Thank you, sir.

BY MR. PARMITER:

Q In the previous hour, sir, you told our colleagues that you didn't know that it was true whether Mr. Strzok and Ms. Page were having an affair. But they ultimately were, correct?

A Yes. I actually never asked them and they have never told me, but, of course, based on everything I've read, seen, I'm assuming they did.

Q Have you read the text messages between them that have been produced?

A No. I've seen certain excerpts in the media. I've not gone through their -- so some are unavoidable. But, no, I've not read their text messages. It's not like I have a stack and I've read all their text messages.

Q When did you learn that it was a fact that they had been carrying this on?

A I don't know. Probably through media reports. I mean, I don't remember somebody -- well, I don't remember anybody saying that they were, in fact, having an affair.

Q Even though you didn't know whether it was true or not at the time, it was credible enough, isn't it fair to say, that you brought you it up with both of them?

A Yes.

Q Including Ms. Page, who you said you weren't even the supervisor of?

A Yeah. Although, when -- I did bring it up with both of them. But I want to hesitate a bit on the "credible enough."

What was credible enough is that it was being told to me that this was happening and that other people believed it. So whether in fact it was happening or not, my attitude was, this cannot be a distraction to work going on, whether it's true or not.

And so I felt it was an issue that needed to be addressed in that context, not in the context of, hey, this is definitely true or definitely not. I didn't know if it was true or not. I just don't want any distractions.

Q Right. So let me -- that word, distractions. I guess, you know, from what we've been discussing and what we discussed during the first hour right at the end, and what you discussed a little bit with our colleagues in the previous hour --

A Yep.

Q -- in the counterintelligence world, I believe you had said earlier that something like an affair is more than a distraction, it's a potential vulnerability --

A Yes.

Q -- to compromise, right? So I guess I'm wondering, having learned that, or even just learned that there was talk about that going on, did you feel compelled to take any further action? Not to just say, "Don't let this be a distraction," but to make sure it wouldn't cause a problem. That is to say, did you feel compelled to report it to OPR or anything like that?

A No. I felt compelled to report it to Lisa Page or the person she was reporting to, which was Deputy Director McCabe. I thought, if I know that, and I'm the -- meaning in my position -- and the deputy director doesn't know that, he needs to be aware that there's talk that this might be going on. I felt I owed it to him, he's a superior, to advise him. And I wanted his take on what, if anything, otherwise to do.

I don't remember our specific conversation, but I would have relayed to him that I had no other information that indicated that they were a security or intelligence risk.

Q You had said also how much you respected Mr. Strzok and that he was one of the, I believe -- and this is not a quote, a paraphrase at most -- one of the foremost counterintelligence experts at the FBI.

A Sure. Yep.

Q That would -- did that affect any sort of decision you made about whether or not to make a report to OPR at all, the fact that --

A No. No. Again, you make reports to OPR when you believe somebody has violated FBI policy. There is no FBI policy that prohibits somebody from having an affair.

So I had no information that Mr. Strzok, if he was engaging in an affair, that that was against FBI policy. So, no, I didn't have any information that I thought was reportable to OPR.

Q Okay. So let's talk a little bit about Mr. Strzok. What was his specific role in the Midyear Exam investigation?

A I'd think of it as one of the lead agent managers of the investigation.

Q And as his supervisor, did you conduct evaluations of him, his performance? Did you make --

A Oh, yes.

Q You did. Did you make recommendations for his career advancement or anything like that?

A Sure. Yeah. All of those things.

Q Okay. The FBI has what are called annual climate surveys.

A Yes.

Q Is that correct?

A Yes.

Q And generally what are those intended to do?

A They are intended to give the management of the FBI anonymous feedback from personnel about what personnel think of their leadership and management performance.

Q Okay. And do you have access to those climate surveys?

A Yes. But I don't have access to them all, but I have access to the ones in my division.

Q That pertain to CD?

A Yes. Correct.

Q Did you ever hear any complaints about Mr. Strzok or Ms. Page or that sort behavior going on between the two of them as a result those surveys or anything like that?

A Not as -- no, not as a result of the survey. I'm not saying that it wasn't in there somewhere. I could have missed it. But I don't recall hearing about it through those surveys.

And, again, I can't remember for certain who told me about the potential affair, but I think it was Jon Moffa or Sally when I first heard about it.

Q Mr. Jordan asked you a little bit about your travel --

A Yes.

Q -- for official business.

A Yes.

Q Did Mr. Strzok and Ms. Page, or at least Mr. Strzok, travel on official business?

A Yes. Yep.

Q And how often did he travel?

A Not a ton. Not a ton. But I'd say probably like a couple, few times a year.

Mr. Baker. Do you recall them ever traveling together on official business?

Mr. Priestap. Yes. I don't know when, but it's my understanding they went with a few others on a trip to [REDACTED] [REDACTED] I don't - I'm sorry, I just don't --

BY MR. PARMITER:

Q Was that the only time you recall them going?

A That's the only time I recall.

Q As Mr. Strzok's supervisor, were you involved in approving his travel?

A Yes.

Q Did you approve that particular trip?

A If I was in the office when the request went in, I would have approved it. I can't say for certain. I don't remember the paperwork.

But if it wasn't me, it would have been somebody acting in my capacity, meaning assistant director of counterintelligence or whomever was filling in for me if I was gone who would approve that. It requires that level of approval.

Q Did Mr. Strzok require you to approve his work on the Midyear Exam investigation?

A Require? Yeah. I mean, in a general sense yes. It didn't require that I approve everything he does.

In other words, all FBI employees are given latitude once they know what's expected for them to carry out their responsibilities. So it's not like Pete couldn't independently make decisions without my approval.

Some decisions required my approval, but not all.

Q Okay. And this is going to sound like an overbroad questions, but I'm happy to sort of drill down on it. How is it that -- obviously, there's been a lot reported in the news, not just

about the investigation, the Midyear Exam investigation, but, you know, many other sensitive counterintelligence investigations that seem to have Mr. Strzok as a central player.

A Yeah.

Q How is it that he's involved in so many sensitive investigations?

A Let's start with the Midyear Exam one, which, again, I inherited. Pete had already been selected. I wasn't the only one, FBI executives, who considered Pete a counterintelligence expert, high-performing counterintelligence expert.

So it's my understanding that he's been given a variety of challenging priority counterintelligence work throughout his career because he's performed well in the assignments given.

But I can't speak to why he was selected for Midyear, but I didn't kick him off Midyear. He had a wonderful reputation and was known as a true expert. So I didn't have any reason to question the judgment of the people who came before me.

Q But as to subsequent investigations you would be involved in approving his work on whatever came before --

A Yes.

Q -- his division?

A Yeah, for the most part.

BY MR. BAKER:

Q Is it based on his reputation, Mr. Strzok's reputation --

A Yep.

Q -- and his, it sounds like, widely accepted expertise in the subject matter?

I know you've indicated you didn't read all the texts, but what you're aware in the texts, what's been reported in the texts, does that surprise you, that there seems to be this other side of Mr. Strzok that comes through in the texts? I mean, it doesn't sound like that's the outward persona.

You indicated last hour that it was your view that there was no political bias that through the investigation, but when you look at some of these texts, at least between these two people, it goes -- it seems to go well beyond someone just having a view or a party affiliation or participating in voting. It really seems like these two actors are very much extreme in some of their views. Does that surprise you?

A I was surprised by the texts. It wasn't the Pete Strzok that I know.

Q The media -- anybody that looked at some of the texts, because they are texts, there's a lot of information that is not there that leaves the reader to fill in the blanks. I would just be curious, from your view, from your position as the assistant director, one of the texts that sort of became famous was a reference to a secret society.

Is there a secret society at the FBI? What do you now believe in hindsight the secret society that they refer to to actually be?

A If there is a secret society at the FBI, I'm not aware of it and I'm not a part of it. I've never heard -- I've never even heard anybody use that term prior to the media reporting on it and so I was

confounded by what that supposedly meant.

But I was not a part of it, nor have I ever heard of there being such a thing.

Q There is a reference -- again, these are the texts that have sort of become famous or widely reported -- there is a reference to an insurance policy. And the innuendo was that there was something held in abeyance should Mr. Trump actually win the election. Do you have any thought or any idea what the insurance policy was?

A I do not. No, I know of the text, I mean, I saw in the media, the text that you're referring to, but I'm at a loss for what they were referring to. I was not aware of the Counterintelligence Division or the FBI having this insurance policy thing supposed to be.

Q Were you aware of a case -- again, this is adding a lot of conjecture to it -- were you aware of a case that Counterintelligence was waiting to possibly open that Director Comey would not open, but when Mr. McCabe became the Acting Director there was a thought that maybe through, now that the forum had changed, this case could be presented to the Acting Director and it would be open?

There is a reference in the emails to that: We need to run this by Andy now that's acting. Does that mean anything?

A State that one, I think I'm jumbling --

Q It sounds like from some of the texts that there is a case or a matter --

A Yep.

Q -- that was being held from being presented to Director

Comey, but once Mr. McCabe became the Acting Director there was a thought that maybe this could be presented now, we need to run this by Andy or present this to Andy, something along that line.

Ms. Sachsman Grooms. Could you show everyone the text that you're talking about to the witness --

Mr. Baker. Let me see if I can find it.

Ms. Sachsman Grooms. -- instead of characterizing it?

Mr. Brebbia. This is an insurance policy --

Mr. Boente. This is a case that Mr. Comey would not open, but an inference that Mr. McCabe would.

Mr. Brebbia. Right. And I think he was going to find the actual text. So while he gives a minute, we'll make the most use of our time. And you can see there, it's circled. I'm going to circulate copies.

Mr. Boente. Sir, do you know, is this -- I assume it's Pete, Lisa. Do we know who drafted this?

Mr. Brebbia. We believe that that is Pete Strzok to Lisa Page.

Mr. Boente. Okay. Gotcha.

Ms. Sachsman Grooms. Can we maybe mark this as an exhibit and then note what the handwriting is?

Mr. Brebbia. We're getting there.

BY MR. BREBBIA:

Q So this is in specific reference to the text dated 2016-08-15. It reads: "I want to believe the path you threw out for consideration in Andy's office, that there's no way he gets elected. But I'm afraid we can't take that risk. It's like an insurance policy,

in the unlikely event you die before you're 40."

So just that text is all you have to focus on.

A Okay.

Q So presumably this would be a meeting between Lisa Page from the general counsel's office, Peter Strzok, who is your supervisee --

A Yep.

Q -- and Andy McCabe, who is the deputy director, the number two. Do you recall being at that meeting where this topic was discussed?

A No. No.

Q Are you surprised that given Mr. Strzok is your supervisee, and although Lisa Page did not report to you, you worked closely with her, that they're meeting with Mr. McCabe, deputy director, without you?

A No. I mean, I'm sorry, I'm not surprised by that.

Q Would they frequently meet with then Deputy Director McCabe without you being there?

A No. I have no idea of the frequency in which that might have occurred. But while responsible for this case, I couldn't drop the thousands of others cases and matters, issues I was responsible for. And so I had numerous regular meetings outside of the office with other U.S. Government entities, what have you.

And as a result, in this particular case, Pete would often be a point person if I was, for example, half the day at the Central Intelligence Agency, and things came up, they could go direct -- "they"

meaning my 7th floor, EAD, deputy director, would know they could go straight, of course, with Pete.

So I would think -- I have no idea of the exact numbers, but these meetings absolutely would have occurred without me.

Q Did you get readouts of the meetings?

A Sure.

Q Did you get a readout about a meeting when an insurance policy was discussed?

A No. No.

Q You would recall if you did?

A Somebody talking about an insurance policy, I would have asked, "What the heck do you mean by that?"

Mr. Brebbia. Okay. And for the record, we'll enter this as exhibit -- what number? -- exhibit B -- 2. Thank you.

[Priestap Exhibit B

Was marked for identification.]

BY MR. SOMERS:

Q Stay on this text for a second. So you're not aware of the insurance policy aspect of the text, but there's also another aspect here, and that's presumably Lisa Page discussing whether or not -- presumably Trump -- gets elected. Are you surprised that they would be discussing which candidate would be getting elected?

A Yeah, I am.

Q Would that be a proper consideration in whether to investigate someone, someone's chances of election or not?

A Not in my opinion.

Q So it wouldn't be -- if a candidate was unlikely to get elected, that wouldn't be a reason not to investigate that candidate?

A Correct.

Q Nor would a candidate's election lead to investigation?

A Yes. Correct. Yes.

Q So you are surprised that this was a discussion that took place in the deputy director's office?

A Yes. Yeah. Yes, I am surprised.

Mr. Somers. Okay.

BY MR. PARMITER:

Q And, Sir, while we're waiting to get back to the other question about -- that my colleague just asked, can I return to what Mr. Jordan showed you earlier, which was marked as exhibit A?

A Yep.

Q Towards, I guess it's fourth from the bottom there, on May 4th, 2016, there is a text from Mr. Strzok to Ms. Page saying: "Bill is super stressed about the new FOX report." I know you don't know this, but Bill is presumably you, correct?

A Yeah, that's what I'm assuming.

Q That text was sent on May 4th of 2016?

A Yep.

Q And I show you another exhibit, which for our purposes we'll mark as C, and circulate copies.

A Okay.

COMMITTEE SENSITIVE

[Priestap Exhibit C

Was marked for identification.]

BY MR. PARMITER:

Q There was a FOX report on that date about the Romanian hacker known as Guccifer?

A Okay.

Q Are you familiar with that person or aware --

A Yeah, aware. Yes, I'm -- yes.

Q So this report -- I'll give you a minute to read it, if you'd like.

A Okay.

Q But essentially the report says, at least at the beginning, or the headline says: "I breached Clinton server. It was easy." Do you remember reading this or hearing about it?

A I remember hearing about this issue. I don't remember that it was from FOX News or that I had read this specific reporting.

Q But you were -- do you recall being super stressed about it?

A I was super stressed about many things during this timeframe. And so -- I do not remember being super stressed about this issue. But let's just say I've had a lot of stress while involved in these.

Q This is presumably something that would cause a great deal of angst if it happened during an active investigation.

A Yeah, it's just -- with all due respect, there were so many things that caused angst throughout this that I don't individually remember was I more stressed out on one than others.

COMMITTEE SENSITIVE

Q Okay.

Mr. Priestap. Do you want to go back to that?

Mr. Meadows. Yeah, let me. Can I follow up on that? Because obviously, at that particular time, that's early in May. So if we look at the timeframe, we're looking -- actually there were Peter Strzok text messages back and forth in that early May timeframe.

We know that the exoneration letter, the infamous exoneration letter, where it went from grossly negligent to extremely careless, was changed in that same timeframe. In fact, we've determined that sometime between May the 4th and May the 8th that was changed.

And so this is all in that timeframe. And you, you know, this is indicating you were stressed, which I would have been stressed, too, if someone said they got on an email server. And so what you're saying is, is that you don't recall necessarily this being a heightened moment for you.

Mr. Priestap. Sir, I don't.

Mr. Meadows. Okay. So let's go to the Romanian hacker.

Mr. Priestap. Yep.

Mr. Meadows. Is it your testimony here today is that you do not believe that they actually penetrated the server?

Mr. Priestap. That the -- that --

Mr. Meadows. That a foreign entity penetrated the server, Mrs. Clinton's server?

Mr. Priestap. Mrs. Clinton's email server. I don't believe the FBI found any evidence that a foreign adversary had penetrated Mrs.

Clinton's server.

Mr. Meadows. Were you given any suggestion that that might have happened by government intel officials?

Mr. Priestap. Suggestion?

Mr. Meadows. Let me be a little more specific. Do you know who [REDACTED] is?

Mr. Priestap. No, I do not.

Mr. Meadows. You don't know who [REDACTED] is?

Mr. Priestap. I do not.

Mr. Meadows. And so you're not aware of any conversations that [REDACTED], who would have been involved with the intelligence community IG, had with anybody, either yourself or Mr. Strzok?

Mr. Priestap. Sir, I don't know who [REDACTED] is. So, no, that's correct.

Mr. Meadows. Okay. Did you get any information from the intelligence community IG that would suggest that the metadata was not consistent on the Hillary Clinton email server?

Mr. Priestap. I don't recall --

Mr. Meadows. You would recall that if you had gotten that?

Mr. Priestap. Yeah. I don't recall that I ever had a conversation with anybody in the IC IG's office.

Mr. Meadows. Did Mr. Strzok?

Mr. Priestap. I don't know. But, again, at least 6 months of the investigation, at least, were conducted before I even became a part of it.

Mr. Meadows. Yeah, but we're talking about you being stressed out about a foreign entity actually going in and having access to a Hillary Clinton server, which may have -- which would be a big deal. Would you not agree?

Mr. Priestap. Oh, yeah. Regardless of whether I was more stressed -- this would have been a big deal. I don't mean to say that it wasn't, I just don't remember being more stressed about this than I was about lots of things at that time.

Mr. Meadows. All right. So is this new information to you today to suggest that the metadata showed anomalies on Hillary Clinton's server, is that new to you? Is this the first time you're hearing that today?

Mr. Priestap. Sir, the conversations I had with my team, you know, who really helped oversee, manage, what have you --

Mr. Meadows. It sounds like Peter Strzok was kind of driving the train here. Would you agree with that?

Mr. Priestap. Peter and Jon, yeah.

Mr. Meadows. Okay.

Mr. Priestap. But again, one is an agent, one is an analyst, that came at it differently, and that's why --

Mr. Meadows. So let me repeat my question. Is this the first time that you've heard that?

Mr. Priestap. That I'm hearing that a foreign service penetrated her --

Mr. Meadows. No, that wasn't the question. Do you need me to

COMMITTEE SENSITIVE

repeat the question?

Mr. Priestap. Yes, sir. I'm sorry.

Mr. Meadows. Is this the first time that you've ever heard that there might have been metadata on the Hillary Rodham Clinton server that showed anomalies?

COMMITTEE SENSITIVE

[1:26 p.m.]

Mr. Priestap. Yes. I do not recall being told that there were -- and I say anomalies --

Mr. Meadows. So you're the head of counterintelligence --

Mr. Priestap. Yes.

Mr. Meadows. -- and I'm a Member from North Carolina, and you're saying that I have better intel than you do? I mean, is this the first time truly that you're hearing that? I want to give you time to reflect on your conversations.

Mr. Priestap. Sir, there were -- there was a tremendous amount of work done by the FBI in trying to determine whether a foreign service -- your words -- had penetrated Mrs. Clinton's server, a tremendous amount of work.

Mr. Meadows. And I think your comment was there was no evidence.

Mr. Priestap. I am not aware of any evidence that demonstrated that. I'm also not aware of any evidence that my team or anybody reporting to me on this had advised me that there were anomalies that couldn't be accounted for. I don't recall that.

I would like to think that had I been told that, that would have stuck in my mind, because, obviously, from a counterintelligence perspective, there's the mishandling end of this and then there's the, did the foreign adversary get access? Those were equally important. And so --

Mr. Meadows. So did your agency work with the intelligence community to ascertain whether that had happened or not?

Mr. Priestap. So I know they worked with a variety of people. I don't know who they worked with to ascertain that. I mean, when the FBI lacks the requisite skills or resources for whatever reason on something like this and another community partner has it, we will go to them. If we don't need their assistance -- in other words, our folks have the expertise needed -- then they won't ask.

I can't remember in this instance whether we had to rely outside of our organization on outside experts. But that is commonplace across the U.S. intelligence community and commonplace for them to come to us, that we share abilities when necessary.

Mr. Meadows. So did the FBI interview this Romanian hacker?

Mr. Priestap. I want to say we -- sir, if I recall, there's the original Guccifer, but then there's what we refer to as Guccifer 2.0.

Mr. Meadows. Right.

Mr. Priestap. If I recall, the FBI, not necessarily my folks, but the FBI may have -- may have interviewed Guccifer, but I don't recall.

Mr. Meadows. So do you not find it curious that a counterintelligence investigation with, in your words, penetrating the server would have been a big deal?

Mr. Priestap. It would have, yes.

Mr. Meadows. Okay. And that the very person that caused, according to Peter Strzok and Lisa Page, you stress in this report you didn't interview. Would you not find that just a little odd?

Mr. Priestap. No, not necessarily.

Mr. Meadows. So the biggest deal in, from your words, and so what you're saying is, it's okay if somebody makes a claim that I've penetrated a Hillary Clinton server and that they do not get interviewed by your team?

Mr. Priestap. Sir, and I don't -- I apologize. I don't recall --

Mr. Meadows. No, I understand. It was a long time ago. But I'm just saying --

Mr. Priestap. But the people --

Mr. Meadows. I mean, wouldn't you think it would be a normal thing to do, is to interview?

Mr. Priestap. Yeah. Just, sir, the number of people who contact my organization claiming to have information or evidence relating to things we're doing is enormous.

Mr. Meadows. Sure.

Mr. Priestap. Most --

Mr. Meadows. Most don't get printed up in NBC and FOX, though.

Mr. Priestap. Correct. And most, unfortunately, prove not to be true. So when people --

Mr. Meadows. But you just made the assumption that it wasn't true --

Mr. Priestap. No, I don't --

Mr. Meadows. -- if you didn't interview him.

Mr. Priestap. No, I don't -- I don't know if that assumption -- we took no decision lightly -- or I took no decision

lightly on this case.

Mr. Meadows. But in this same timeframe, I want to remind you, in this same timeframe, essentially, you took it from grossly negligent to extremely careless in the very same week that this article comes out.

Mr. Priestap. I don't know the dates on which that language was changed, but --

Mr. Meadows. We can provide them if you have concern. But I can assure you it was within that same week.

Mr. Priestap. Okay.

Mr. Meadows. So do you not think it would be important, as part of that grossly negligent determination, to find out whether a widely reported accusation was truthful or not?

Mr. Priestap. Sir, I think it would have been important to have discussed this information and then to make a determination on whether it was prudent to follow up. But, again --

Mr. Meadows. But you're saying you didn't discuss that, to follow up?

Mr. Priestap. I'm sorry?

Mr. Meadows. Was there a discussion that took place and then you decided not to follow up?

Mr. Priestap. I don't recall whether I was personally involved in the discussion at all. I know there were lots of discussions at the time about Guccifer and Guccifer 2.0, lots of discussions by lots of FBI personnel who understood the cyber side a lot better than I did.

Mr. Meadows. So lots of discussions, but no interviews by your group?

Mr. Priestap. That I can recall.

Mr. Meadows. I'll yield back.

BY MR. PARMITER:

Q Actually, sir, if I could just ask one follow-up question on that.

A Please.

Q You said you weren't aware whether there were any -- or there wasn't any evidence demonstrating that the server had been penetrated by a foreign adversary.

A I don't recall ever being told about evidence, that we had evidence of that.

Q Okay. But --

A We were certainly trying to determine if that happened.

Q In your experience, however, would it be possible or wouldn't it be possible for a sophisticated hacker, such as someone like a Guccifer, to penetrate the server and you wouldn't know about it?

A I can't speak to how sophisticated an actor Guccifer was. But certainly it's my understanding that sophisticated hackers have techniques in which it can be very difficult to determine if, in fact, they've penetrated somebody's system.

Q So, I mean, just to put our cards on the table, I mean, in this case it's possible that a sophisticated hacker did, and it's possible the Bureau didn't know about it?

A It's possible, absolutely.

BY MR. BAKER:

Q Would a sophisticated hostile intelligence service have those same skills, where penetration could be made without leaving evidence?

A Yeah. And, again, guys, I don't know that you can make penetration without leaving any type of evidence. But, again, skilled hackers, to include state intelligence services, sophisticated services would leave very little, if any, evidence behind.

Q Are you aware of any private entity, privately financed, not associated with the government at all, that took it upon themselves to look on the dark web for any trace of Secretary Clinton emails or other communications that somehow could have fallen off of her network, ended up on the dark web, and subsequently ended up on a foreign server?

A I remember hearing something about that. Certainly don't -- don't recall like which organization it might have been, and certainly don't recall what, if anything, we learned about the effort.

But I do remember that being talked about at one time. I don't know who brought it to my attention. It's my understanding we then looked into it. I don't remember the full extent of that. But I don't recall us learning anything that altered our thinking at whatever timeframe this was.

Q Okay, thank you. I just want to finish up with this exhibit that we've now marked D. It relates to these -- the ambiguous texts.

A Okay.

Q This one in particular, I've got it asterisked for you: "And we need to open the case we've been waiting on now while Andy is acting." And then at the bottom: "We need to lock" -- someone -- "in in a formal chargeable way."

Does that mean anything to you? What are they talking about?

Mr. Priestap. Confer with these guys.

[Discussion off the record.]

Mr. Priestap. So thank you, guys.

I don't know for certain what they're referring to there.

BY MR. BAKER:

Q Before we transition to that, to back up a couple of steps. When you came into counterintelligence, how were decisions made by this core group, investigative team, the management team, whatever? I'm under the impression that some things were made by like a group vote.

A Yes. So certainly no vote.

Were decisions made? I guess they were made this way: that Pete and John. Sally, again, as an attorney, is providing guidance, but she's not making investigative decisions. She's -- so Pete and John were at call it the executive level where the central people making decisions, but also Rick Mains made, the supervisor, made a lot of decisions. Obviously, agents and analysts made decisions on day-to-day.

What would happen is there were certain decisions, though, either because there might be disagreement amongst team members, FBI team members, or disagreement with DOJ, or there were particularly complex,

what have you, that I refer to it as bubbled up.

So let's say Rick Mains decides the team would like to next interview whatever person they want to next interview, but he said: Wow, that person's such a high-profile person or he's so, you know, tied to the former Secretary, I probably ought to let people know before we go interview her and -- him or her -- and he'll say what the purpose is, what have you.

So, again, there were times like that then decisions would be bumped up. And then, depending on what Pete and John thought and depending what I thought, there were certain things we just -- you keep pushing up.

For visibility purposes -- because a lot of times, even if you don't need approval from somebody higher up, you don't want them blindsided if they get some screaming phone call from an attorney or whatever. You want them to know ahead of time what we were doing so they could say, yeah, we're aware of that, it's in the normal course of the investigation, and they'll understand what the issue is. So you try to keep people apprised.

Sometimes, though, in keeping bosses anywhere through that chain apprised, somebody might say: Pause, I'd like to further discuss this before the team goes and does X.

And so it isn't a formal mechanism that if you want to interview somebody, it requires the assistant director approval or just Pete's or whatever. You relied on -- and I used it myself -- my experience and judgment to say which actions need to be shared on up. But never

any vote or any --

Q How specifically in relation to whether charges would be brought? I mean, you had indicated earlier that the nature of counterintelligence work, you're protecting the country's assets.

A Yes.

Q But you're also looking in cases where it would be appropriate to charge an actor --

A Yes.

Q -- with a violation.

How were the decisions, as this case went along, how were the decisions made as to whether or not there would be charges? And how, if a computer was searched, how was that information filtered up to alter the decision as the case moved along, there would be charges, there wouldn't be charges? I mean, that had to always be a consideration, I assume.

A Yeah. No, absolutely. Of course, ultimately it's Department of Justice's decision, of course. What we talk about is should we be recommending or not that charges be brought.

We had regular updates. Again, primarily Pete, John, and I and a smattering of others had to regularly provide updates to the deputy director and the Director.

When they began -- I think actually they began before I even came on. But after the investigation had been ongoing for a number of months, the question would come up informally in those sessions -- and by those -- what are those sessions?

Those are sessions in which what we're doing is we're providing an update of basically what has been learned since the last time we talked.

And so we'll say, were you able to obtain access to a cell phone that contains emails? We did a review; this is what we learned. And then the second part of the meeting would be: And these are the steps we're anticipating taking going forward in the investigation.

While laying all that out, there were ample discussions about, well, with what we're seeing, is it satisfying the Federal criminal statutes that govern the potential mishandling conduct in this regard.

And so that's where, again, there would be discussions from people of whether they thought we were satisfying those elements of the criminal statute; or, if we did not think we were satisfying them, why we didn't think we were satisfying them, based on what we knew at that time.

Q So those were group discussions?

A Yeah.

Q So was that decision put to sort of a vote or a consensus --

A No.

Q -- amongst the group?

A No. There was no vote or consensus. There was opportunities amongst this small group. And I appreciated Director Comey doing it, that he let us speak our mind, meaning we are a very hierarchical organization, and at times there's hesitation for people to speak frankly, you know, all the way up the chain.

In my opinion, Director Comey set up an environment where he wanted frank, candid input and feedback from these individuals, one of which I was a part of, and he expected nothing less.

Q So when a decision was made that there would not be any charges, was there anybody on the team that was adamant that that was not what the evidence showed?

A Not that I'm aware of.

Q So anybody on the team that would have been involved with the discussions about how the evidence was evolving was satisfied with the decision that no charges would be brought?

A Yes.

Q There was no internal issue with that?

A I don't recall anybody objecting to that.

Mr. Somers. I think we need to cut off here. I think our hour is up. We'll take like an hour-long or so break, hopefully a little shorter, but break for lunch now.

Mr. Priestap. Okay, thank you.

[Recess.]

Ms. Shen. The time is 2:35, for the minority's second round.

BY MS. SHEN:

Q So, Mr. Priestap, I would like to ask you about the FBI's general actions in counterintelligence investigations.

So in the FBI's vernacular what are the different terms used when referring to the level of a counterintelligence investigation?

A I don't know of a term that describes the different levels.

Q Are there certain terms that are used for sort of launching an official investigation versus any preliminary investigative steps? Like, how would you go about building up to, you know, we have evidence, and then we have more evidence, and now this is a full-blown investigation?

A So we have something called preliminary investigations and then full investigations. But the vast majority of our cases are opened under -- on a full investigative status initially.

Q So under what circumstances would there be a preliminary investigation?

A I'm sorry. It's been a long time since I've had to grapple with this.

These are generally discussions that are happening at the street agent level. But it's the type of thing where the -- the information provided to us is -- doesn't meet a threshold that we open up a full matter.

Dana, do you happen to --

Mr. Boente. An assessment is the term of art, isn't it?

Mr. Priestap. Yeah, that's another term. But, again, the vast majority of cases don't fall into that context. And so it's not like -- it's not -- a preliminary investigation would rarely, if ever, cross my desk, for example.

BY MS. SHEN:

Q But the main distinction is a preliminary investigation doesn't cross a certain threshold of evidence, whereas a full-blown -- a full investigation would --

A Yes. That's my interpretation.

Q -- cross the threshold of evidence?

A Exactly. By evidence, I mean, information necessary to open, not evidence in a court of law sense.

Q Thank you for the clarification.

So what threshold of evidence would be required to open a full investigation? Is there a standard?

A Yeah, there's a standard. I don't remember the exact wording of it, but something like an articulable and factual basis -- I forget the rest of that sentence -- you know, that someone may have -- that someone committed or may have committed, you know, a violation of Federal criminal law. Something to that effect.

Q What kinds of information would be gathered when considering whether it constitutes this threshold of a full investigation? So, for example, would you get a tip or is it just fieldwork? Like, what kinds of information goes into that determination?

A What -- I'm sorry, I'm not sure I understand the question.

What -- what type of information goes into --

Q What kinds of information gathering does the FBI do before determining whether a full investigation is warranted?

A We really don't do any gathering of -- the reason you open one of these is to gather information so that you have a lawful basis to gather. So absent an open investigation, we're not out there collecting information or intelligence. Does that make sense?

Q I think so.

Does the FBI sometimes substantiate claims that they receive from an informant or witness before deciding whether to open an investigation?

A So claims from somebody else on a different topic? Let's say I'm dealing with a human source on topic A, but the human source then tells me something else about topic B. If I believe there's a legal basis to look into topic B, we then open a case on topic B, if that's what you're getting at.

What you don't do is take that information on topic B and start running with it just because you're interested in it. We have to have a lawful authority to investigate.

Q So when you're looking at topic -- I mean, when this human source has discussed a topic B --

A Yeah.

Q -- you wouldn't automatically open an investigation. You would take some steps to try to substantiate the information from subject B?

A Yeah, but we -- I mean, I guess you could do some very what I call nonintrusive investigative things. But otherwise you're really limited on what investigative steps you can take if you don't have an open investigation on it.

Q Can you describe what a sensitive investigative matter is, a SIM, I believe, it's referred to as?

A Sure. It's just a categorization of investigations that generally deal with investigative subjects who the Bureau deems sensitive. It would be people like elected officials, union leaders, clergy, media people. It's a special categorization of, again, investigative efforts, and the Bureau wants to ensure that people in some of these roles are afforded all the protections those roles are deserving of.

And so off the top of my head, I don't know all the requirements, but there's greater approvals necessary to open those cases and to take certain investigative actions to advance those cases.

Q So, other than what you just mentioned, the greater approvals, what other ramifications are there on an investigation if it's designated a sensitive investigative matter?

A Nothing I can think of off the top of my head.

Q So I'm also going to ask you a few general questions about the FBI's counterintelligence investigative techniques.

A Yes.

Q Does the FBI use spies?

A What do you mean? I guess, what is your definition of a spy?

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Q Good question. What is your definition of a spy?

Mr. Ettinger. Just 1 second.

[Discussion off the record.]

Mr. Priestap. So I've not heard of nor have I referred to FBI personnel or the people we engage with as -- meaning who are working in assistance to us -- as spies. We do evidence and intelligence collection in furtherance of our investigations.

BY MS. SHEN:

Q So in your experience the FBI doesn't use the term "spy" in any of its investigative techniques?

A No, no, not formally. I'm not saying -- people can use whatever --

Q But it's not a formal law enforcement term that the FBI employs?

A No, except for foreign spies.

Q But in terms of one of its own techniques, the FBI does not refer to one of its own techniques as spying?

A That is correct, yes.

Q So with that definition in mind, would the FBI internally ever describe themselves as spying on American citizens?

A No.

Q Does the FBI use informants as part of its investigative techniques?

A Yes.

Q And understand what I just said, which is the FBI does not

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internally use "spy" as a formal terminology.

I think some people don't really necessarily understand the difference. So could you generally explain what the difference would be between FBI's use of informant and maybe the, you know, the general public's idea of spying?

A Sure. I mean, I guess I can't speak for the general public's understanding of this term, but the way the FBI uses human informants is to collect intelligence or evidence in furtherance of one of our lawfully predicated investigations.

And so we are not using a human informant to, "Hey, you know, in your daily life go do whatever you do and come back and report to us what you're doing."

We have an open investigation. It often involves named but sometimes unnamed investigative subjects. And we're trying to prove whether something did or did not happen, is or is not occurring. And we use human informants to help us try to answer that question.

In other words, the taskings or requests of these human informants are focused and related to the investigation that we're trying to advance. It's not a catchall to send somebody into society and just report back, "What do you hear?"

That said, if they do come across other concerning activity, they're not prohibited from sharing that with us.

Q So a human informant of the FBI's wouldn't typically be placed proactively in a certain network and then have -- receive regular -- report back to the FBI. Is that correct?

A Placed. The FBI is not able to place human informants. We don't have that type of control or authority. Human informants come from all walks of life and many are involved in all kinds of activities, groups, you name it, some of which is of investigative interest to us.

Q Does the FBI infiltrate or surveil U.S. political campaigns?

A In general, no.

Q Does the FBI conduct its investigations for political purposes?

A No.

Q Can you describe generally what the proper channels are for the FBI to receive information from foreign allied powers?

A I'm sorry, say that -- the processes?

Q Let me rephrase.

So when the FBI is working with foreign allied powers and sharing intelligence and receiving intelligence, my understanding is that there are certain, you know, proper designated channels from which that information is transmitted, or is that incorrect?

A Yeah. Whether it's counterintelligence, counterterrorism, or traditional criminal efforts on behalf of the FBI, we are heavily dependent on partnerships the world over to help us. And I'm hopeful that we are helpful to other organizations around the world in regards to their national security and law enforcement matters.

As a result, we have a number of relationships, again, globally with a number of law enforcement and intelligence organizations, and information is formally and informally shared with those organizations

on a regular and routine basis at all levels of the organization.

Q So all --

A It's part and parcel of the way we do business today.

Q So I'll ask it another way. When sharing information -- when receiving information from our foreign allied powers, are there really any improper channels of receiving intelligence?

A Improper?

Q Or I think what you were describing before was because there's, you know, a sort of daily formal and informal exchange of information that there wouldn't necessarily be, say, well, this person, you know, emailed on the wrong, you know, on the wrong server, or this person had a meeting and it wasn't authorized, therefore, it doesn't count as intelligence.

So in that sense are there really ever improper channels of communicating intelligence that would render the intelligence ineffective?

A No. As long as the people in both of the organizations exchanging information are allowed to handle the information that's being communicated, and as long as it's communicated on an acceptable medium.

For example, if they're talking about Top Secret information, that all people have Top Secret clearances, and if it's exchanged electronically, it's done on a Top Secret electronic medium. So it more has to deal with the classification level of the information being exchanged.

But otherwise, again, we want to be able to accept intelligence information evidence from partners in a whole variety of ways.

Q Okay. So can you briefly explain what Five Eyes is?

A Sure. It's just a -- in a -- as I call it, a United States intelligence community and national security context, it's five nations that have a strong relationship and commitment to each other to assist them however we can and each other in intelligence and law enforcement capacities.

Q And are there certain -- is there certain information sharing that is designated through the Five Eyes? So, for example, as part of this Five Eyes agreement, one of the countries sends us information and to the other countries as well.

Alternatively, that same country could only send the information, you know, bilaterally to the United States, correct?

So what I'm trying to ask is, if you're a member of Five Eyes --

A Yes.

Q -- is that the only way that intelligence is transmitted to the United States, or are there other ways?

A No, there's certainly other ways.

And so any of those five nations can share in and of or between themselves, but then you can also share with any subset or the entire group if you'd like as well.

And so some information will be shared with, say -- let's say the U.S. has the information. You might share it with all four countries simultaneously. Other occasions you only share with one or two, and

vice versa with other nations.

But, again, what there is more than anything is a commitment to assisting each other in these constructs.

Q So earlier I believe there was a discussion of Bruce Ohr, and you said that you had seen him but not been in a meeting with him or --

A I don't recall being in a meeting.

Q You don't recall being in a meeting with him.

A Yeah.

Q But as assistant director for counterintelligence, do you know if Bruce Ohr has any counterintelligence duties, such as applying for FISA surveillance warrants?

A Whether he does, I don't know. But I don't know everybody in DOJ who would be working on FISA issues. I know some people, but I don't -- I don't know if Bruce is one of those. I never worked with Bruce, so --

Q So you have never worked with Bruce Ohr on a counterintelligence --

A I have not, no.

Q Does the FBI conduct investigations to frame U.S. citizens for crimes they did not commit?

A No.

Q Are you aware of any instances that the FBI did not follow all of their established protocols on the use of informants?

A Sure. From what I -- like the thing that jumps out at me

is the Whitey Bulger case. It's my understanding there were FBI deficiencies in that regard. But I wasn't involved. I didn't -- I was never a part of that case. This is just based on media I remember surrounding.

Q So you have never been involved in a case where the FBI has not followed all established protocols on the use of informants?

A That would have been -- if I've been involved, I don't recall ever being involved.

What happens, though, you know, in these situations in the leadership positions I've been in, responsible for so many things, meaning cases, informants, what have you, it's certainly possible that that has happened and my memory could be jogged. But I'm not recalling anything.

BY MS. KIM:

Q So there have been news reports that the FBI provided defensive briefings to the Clinton campaign and to the Trump campaign relating generally to the threat of foreign influence or foreign interference in those campaigns. Can you confirm that those briefings happened during the 2016 election?

A Yes. I know that briefings were provided to campaign staffs.

That said, it's my understanding -- those are optional, so it's not like you can make campaign staff show up at the briefing. And the Bureau goes and speaks to the staff that decide to attend.

Q Were you a part of those briefings?

A I was not.

Q Do you know who at the FBI would have been part of those briefings?

A Not by name. I mean, I would have known then, but I don't know -- I can't remember now.

And then I believe we also provided, in coordination with the Office of Director of National Intelligence, briefings to the candidates themselves and their running mates.

Q Were you involved with the ODNI briefing?

A I was not, no.

Q Do you know who gave those briefings?

A I do not. I do not. I'd be guessing, and I don't want to do that.

Q Sure.

A But I know the FBI did, and I knew at the time.

Q And do you know what the timeframe was that these briefings were provided?

A I don't. But obviously, prior to -- prior to the election. I mean, the idea was to advise beforehand.

Q And what guidance would generally the FBI give a campaign if they encounter any foreign attempts to infiltrate the campaign?

A Again, I was not at the briefings themselves. But the thing we do in just about every outreach, I mean, when we're talking to whether it's private sector groups or campaign officials or candidates, you name it, is to say, if you have concerns, this is who we are and how you can get a hold of us. So if you see something that is troublesome to you, it's part of why we exist, you should feel free to reach out and we'll help you however we can.

Q Is that a point that would have been emphasized? So if there were any untoward foreign contact, would that have been a suggestion the FBI made strongly, we strongly encourage you to reach out to the FBI?

A I, because I wasn't at any of those briefings, I don't know how strongly it was made. And so I don't even --

Q Do you recall if there were any reports of any offers from foreign governments to interfere with the U.S. electoral process?

A If we received reports from campaigns?

Q That's correct.

A I don't recall us receiving campaign -- I'm sorry, reports from campaigns. That doesn't mean it didn't happen. I don't recall any.

Q Would you have been made aware of reports from campaigns if they happened?

A If it was serious, I would have been made aware. If somebody deemed it not or not credible, then I might not have then. But if it was considered credible and serious, I would have been made aware.

BY MS. SHEN:

Q Mr. Priestap, I'm just going to jump back to the topic of Peter Strzok and Lisa Page, the text messages.

So the text messages of Peter Strzok and Lisa Page have been used by some as proof that Peter Strzok's personal political views or dislike of Donald Trump was determinative of the FBI's recommendation not to prosecute Hillary Clinton.

Are you aware of any instances where Peter Strzok made a professional judgment or took an official action in the Clinton investigation due to any anti-Trump bias or due to his personal political views?

A I am not.

Q Were there safeguards in the Clinton investigation that protected against the bias or political views of any one member of the team, such as requiring the entire team to participate in important decisions, as opposed to entrusting an important decision to a single member of the team?

A Yeah. No, that's absolutely right, that numerous decisions and numerous difficult decisions did not happen in a vacuum. They happened after careful consideration by sometimes few, sometimes numerous people. Even if somebody wanted to do their own thing, I'd argue it would be difficult, if not impossible, for he or she to do that.

Q And are those safeguards that you described in place in all FBI cases?

A Yes, although not all FBI cases have such oversight. But yes.

Q Have you ever seen Peter Strzok make a professional judgment or take an official action due to any anti-Trump bias or his personal political views?

A No.

Q Have you ever seen Lisa Page make a professional judgment or take an official action due to any anti-Trump bias or her personal political views?

A No.

Q So since Congress received these text message productions, some of them have also been used as purported evidence of misconduct or conspiracy at the FBI generally and in the Obama administration against Donald Trump.

So I guess just direct your attention back to exhibit B, which is -- and to the August 15, 2016, text message that states, quote, "I want to believe the path you threw out for consideration in Andy's

office -- that there's no way he gets elected -- but I'm afraid we can't take that risk. It's like an insurance policy in the unlikely event you die before you're 40," sent by Peter Strzok.

Mr. Ettinger. Is this B as in Baker?

Ms. Shen. Yes.

BY MS. SHEN:

Q So you've discussed this already?

A Yes.

Q But it appears in the text messages that there was some kind of meeting in I presume Andy McCabe's office. And did you say earlier that you were not present at this meeting. Is that correct?

A Yeah. And this is assuming, again, a meeting took place.

Q Even took place, correct.

A I wasn't there, so I can't say that the meeting took place.

Q Mr. Priestap, do you have any reason to believe that the mention of an insurance policy refers to a conspiracy at the FBI to prevent Donald Trump from being elected President?

A No.

Q Do you have any reason to believe that this mention of insurance policy refers to a conspiracy at the FBI against Donald Trump personally?

A No.

Q And do you have any reason to believe that there is or has ever been a conspiracy at the FBI against Donald Trump or his campaign?

A No.

COMMITTEE SENSITIVE

[Priestap Exhibit No. 2

Was marked for identification.]

BY MS. SHEN:

Q So I'd like to introduce as exhibit 2 a page of Strzok and Page texts Bates stamped DOJ production number 212.

Have you seen these texts before? I'll give you a moment to review them.

A Should I review the whole page?

Q Oh, no. Actually, okay, just to save us some time.

A Yeah.

Q So on August -- so there's a text on August 5th at 4:37 p.m. where Peter Strzok starts sending three texts to Lisa Page. So the first one reads, "And hi. Went well, best we could have expected. Other than" -- redacted name -- "quote, 'the White House is running this.'"

Second text, "My answer, 'well, maybe for you they are.'"

Third text, "And of course, I was planning on telling this guy, thanks for coming, we've got an hour, but with Bill there, I've got no control. What time do you need to leave?"

Mr. Priestap, is it reasonable to assume the Bill in this text may be referring to you?

A Yes.

Q So Lisa Page responds with the following two texts. Quote, "Don't you have work to do?" Second text, "Yeah, whatever (re the White House comment). We've got emails that say otherwise."

COMMITTEE SENSITIVE

So, Mr. Priestap, are you familiar at all or did you participate in whatever meeting or exchange they are referring to when someone was saying, quote, "The White House is running this"?

A I don't -- I don't know what they're referring to there. So I did not participate in the meeting in which somebody said, "the White House is running this."

Q Just from reading these texts, would you conclude that the Obama White House was politically interfering with the FBI's handling of either the Clinton or Trump investigations?

A No.

Q And do you have any reason to believe that the Obama White House ever politically interfered with the FBI's handling of either the Clinton or Trump investigations?

A Do I have --

Q I'll repeat the question. Do you have any reason to believe the Obama White House ever politically interfered with the FBI's handling of either the Clinton or Trump investigations?

A I guess it would depend on interfered.

Q Maybe I'll rephrase it one more time. Sorry then.

Do you have any reason to believe that the Obama White House ever interfered with the FBI's handling of either the Clinton or Trump investigations for political purposes?

A No, no.

Q So to your knowledge, was the White House actually running either the Clinton or Trump investigations, the Obama White House?

A The FBI was.

Q Mr. Priestap, I ask this since you are director for counterintelligence, are you generally involved when the FBI obtains FISA surveillance warrants?

A Generally involved?

Q Or I'll rephrase.

To what extent are you involved when the FBI obtains FISA surveillance warrants?

A It depends on the case, but I am sometimes brought into conversations about whether a FISA warrant is necessary in a given matter; and, if so, you know, where that -- where that given situation currently sits.

What I'm trying to say is that I do not personally review nor is it part of my job responsibility to personally review all of our FISA applications.

But I am generally aware of some of them. And then when there's problems with some of them, that's when I get involved, if I can help rectify whatever the problem or anticipated problem might be.

Q Are you involved in the FISA process only when issues are raised to you?

A Yeah. Yes, that's exactly right.

Q So if you could turn your attention back to exhibit 1, which is the House Resolution 907.

A Okay.

Q And turn to page 7 of that document.

So the second clause reads, "Whereas in October 2016, the FBI and DOJ used politically biased, unverified sources to obtain warrants issued by the United States Foreign Intelligence Surveillance Court of Review (FISA Court) that aided in the surveillance of U.S. citizens, including Carter Page."

So, Mr. Priestap, do you agree that the FBI and DOJ used politically biased, unverified sources to obtain FISA warrants in October 2016?

A I'm sorry, I'm just not at liberty to answer that.

Q Mr. Priestap, are you aware of any instances of the FBI and DOJ ever using politically biased, unverified sources in order to obtain a FISA warrant?

A No.

Q Are you aware of any instances where the FBI or DOJ did not present what constituted credible and sufficient evidence to justify a FISA warrant?

A Am I --

Q I'll rephrase. I'll try again.

A I'm sorry. If it helps, if -- if it's not justified, the court doesn't approve it. So like if we're not meeting the standard required by the Foreign Intelligence Surveillance Court, the requests are turned down.

Q So, in other words, by definition, if you presented information and a FISA court approved it, that would constitute credible sufficient information?

A In my opinion, yes.

[3:12 p.m.]

BY MS. KIM:

Q Are you aware of any instances of the FBI and DOJ attempting to intentionally mislead the FISA court judges to obtain a FISA warrant by omitting evidence or manufacturing evidence?

A No.

Q And are you aware of any instances at the FBI and DOJ of failing to follow all proper procedures to obtain FISA warrants?

A No.

Q Okay. So there have been many allegations surrounding the July 5th, 2016, statement that Director Comey drafted on the Clinton investigation remanding not to prosecute. So I'd like to walk through what happened in detail with you, to the extent that you know.

A Okay.

Q Okay. Can you describe the general process Director Comey used in drafting the July 5th statement on the Clinton investigation?

A Sure. As I recall, the Director independently drafted a -- I'll call it a draft statement. I think he called it a straw man statement. I don't know when exactly he started drafting it. And I can't recall exactly when it was shared to me, but I want to say it was sometime in early May of '16.

If I recall correctly, it was shared with me by the FBI deputy director. And he said something to the effect of, the Director took a stab at a draft statement if the Bureau were to decide one were to become necessary, and if, you know, the case continued in the way we

were anticipating, and he wanted to share it and get feedback with a few people, and so please review it and provide us your feedback, something to that effect.

There were then a few -- a couple few iterations until the Director finalized a statement and ultimately delivered it.

Q How would you describe your role in drafting or approving the statement?

A I guess I'd describe my role as a sounding board. I was one of a few people who were involved in a lot of high-level discussions -- excuse me -- about this investigation. And I think I had mentioned previously in this forum that, with a handful of us, the Director had set up an environment where he expected frank and candid feedback, thought he'd get that from us, and so he just wanted our frank and candid feedback, what are our thoughts. What do we think we -- he has right, wrong, you name it.

[Priestap Exhibit No. 3

Was marked for identification.]

Q Okay. So now I'd like to introduce exhibit 3 with the Bates Nos. FBI 17 to 22. And it is an email chain from then Deputy Director Andrew McCabe to you on May 11, 2016.

A Okay.

Q Subject, Midyear Exam - Unclassified, with an attachment that appears to be a draft statement written by Director Comey.

Mr. Priestap, is that also your understanding of the document?

A Yes. Yep.

Q And are you familiar with this document?

A Yes, I've seen it.

Q So on the bottom of the first page, you emailed Andrew McCabe on May 6, 2016, with your proposed edits to Director Comey's draft statement. Is that correct?

A Yes.

Q And in the second bullet, you add to the beginning of one of Director Comey's paragraphs, quote, "The American people entrust the FBI with impartially investigating all matters of crime involving people from all walks of life. We take that obligation extremely seriously, and," end quote, it continues with Director Comey's draft language, quote, "I can assure you that this investigation was done confidently, honestly, and independently."

Mr. Priestap, why did you propose that particular edit?

A I can't recall my exact thinking at the time, but I just -- when I review it here today, I just believe that I thought it was worth emphasizing, especially the impartiality of our -- of our investigations. There -- we -- we're not perfect. We strive to be as impartial, as objective as human beings can be.

Q And sitting here today, do you, in fact, believe the FBI impartially investigates all matters of crime involving people from all walks of life?

A I can't speak for, you know, every FBI employee and every investigation. I can say of the investigations I have been a part of that absolutely this is what we strive to do.

Q And do you also believe that the FBI's investigation into Secretary Clinton's emails was done confidently, honestly, and independently before recommending not to prosecute?

A I do.

Q If you can turn to the second page.

A Yep.

Q So that -- there's an email from Andrew McCabe to yourself, Peter Strzok, Jonathan Moffa, and a redacted name from the Office of General Counsel. The second paragraph of the email reads, quote: "The Director asked me to share this with you four, but not any further. The only additional people who have seen this draft are Jim Rybicki and Jim Baker. Please do not disseminate or discuss any further."

Mr. Priestap, is that accurate? Is there anyone else beyond the people in this email chain, Jim Rybicki, Jim Baker, and Director Comey who were involved in providing edits or suggestions to the draft July 5th, 2016, statement?

A I don't -- I don't know who the redacted name is.

Q Okay.

A And I don't know for certain everybody who provided feedback. I wasn't tracking that. It sounds like the Director and/or deputy director were, but -- for example, some of the feedback I provided I was not sharing with others. I was providing it directly back to the deputy director or his chief of staff for the director, if you follow.

So the Director and/or deputy could have certainly shared it with people independent of me, which I'd have no knowledge of.

Q Is it your understanding that, you know, other people were, also sounding boards, were solicited specifically for feedback back to Director Comey's statement?

A Yeah. Yeah. Absolutely. Yeah.

Q And was there any specific process for soliciting multiple feedback? Was there an order? Was there a hierarchy? Anything?

A Not that I know of. I mean, maybe the Director or deputy director or their offices would know, people in their offices. But I wasn't aware of a certain, like, pecking order and, you know, send comments to this person who's going to compile everybody's or -- it was, please review this. Let me know your feedback.

Q Okay. I'd like to ask you to turn your attention once again to exhibit 1, which is the House resolution --

A Okay.

Q -- and turn to page 4.

Okay. So where it begins, quote: "Whereas Director Comey, in the final draft of his statement, allowed FBI Agent Peter Strzok to replace "grossly negligent," which is legally punishable under Federal law, with "extremely careless," which is not legally punishable under Federal law."

Mr. Priestap, do you agree with the characterization that Director Comey allowed FBI Agent Peter Strzok to replace "grossly negligent" with "extremely careless"?

A I don't know -- I don't know what Peter Strzok's role and what particular feedback he provided in regards to the draft statement.

I might have known at the time, but I certainly don't recall now.

Regardless, there were at least a few, if not several, of us looking at the language here. And so, again, it gets back to a question you asked earlier about can one person unilaterally do things that others aren't aware of, that others would have been -- whoever made the change, others were aware of the change being made.

Q So would it be fair to say it doesn't paint a very accurate picture to single out Peter Strzok as the --

A I don't know who wrote this, the document you're referring to. Maybe they have evidence that said it was Peter alone. I'm not aware of that.

Q So at the time "grossly negligent" was used in -- or initial drafts, was the FBI at that time intending to recommend prosecution of Secretary Clinton?

A At the time Director Comey drafted the first initial --

Q So there's -- there are multiple drafts and then at some point documents show us that the edit was made by someone, the phrase "grossly negligent" to "extremely careless." So some of the earlier drafts had, you know, "grossly negligent" some of the later drafts and final statement had "extremely careless." So I guess my question is: During the time period where the drafts had "grossly negligent" in it --

A Yeah.

Q -- during that time period, did the FBI intend to recommend prosecution of Secretary Clinton?

A No. No.

Q So did the edit of replacing "grossly negligent" with "extremely careless" change the FBI's decision of whether to prosecute or its substantive legal analysis in any way?

A It didn't change any decision on what -- on our recommendation to prosecute.

Q And you said earlier you do not recall specifically whether this edit was made by Peter Strzok or who it was made by?

A No.

Q Okay. Do you recall any specific -- go ahead.

A No. Go ahead. I'm sorry.

Q Do you recall any specific discussions in the group about making the edit just in general, a discussion back and forth of whether to make the edit or it being commented upon?

A What I remember, and I don't remember the exact timeframe, but sometime before the statement was made is that there were discussions amongst several of us about the verbiage "grossly negligent," and that that same language is used in a Federal criminal statute. And so if we're going to use it, then let's make sure it's used correctly with the applicable law.

Q Was there a conclusion that it wasn't being used correctly or --

A Yes. I think -- I guess that's one way to put it. I think there was a -- there was a conclusion that the Secretary did not act in a grossly negligent manner in regards to the -- the investigation we are handling.

Q Do you recall who made that conclusion? Was it a collective conclusion? Was it certain --

A I don't know that anybody independently. But, again, I can remember more than one discussion on this topic. And I -- what I don't remember is anybody disagreeing with the fact that that standard had not been met, that legal standard.

Q So there was a general consensus that the gross negligence standard had not been met in the case of Secretary Clinton?

A Correct.

Q So do you believe that this particular edit of replacing "grossly negligent" with "extremely careless" rendered this July 5th, 2016, statement inaccurate or misleading in any way?

A I think -- I forget when it's dated. But whatever the Director Comey's first draft statement is, I thought -- I thought it captured the essence of what he was thinking at that time.

Q Who held the authority to approve the final language of the July 5th, 2016, statement?

A The Director, Director Comey.

Q So Peter Strzok did not have the authority to approve the final language of the July 5th, 2016, statement?

A He did not.

Q Did Peter Strzok or anyone else that you're aware of ever make edits or suggestions to the statement in order to help Secretary Clinton or damage the Trump campaign?

A Not that I'm aware of.

Q Do you recall Peter Strzok ever pushing back on the group consensus on any particular wording or phrasing during the drafting process?

A No, I don't recall that.

Q And I believe you already stated this earlier, but I'll just ask: Were members of the senior leadership free to express their concerns throughout the drafting process?

A Absolutely.

Q And do you recall any member of the senior leadership expressing significant disagreements about the statement's final wording?

A All I know is we had a lot of robust discussions, you know, all the way through on this -- this case and this statement. At the -- at the end, I don't remember, you know, anybody pounding the table or anything like that. But people certainly let their opinions be known throughout. This was not a shy group.

Q So no one was raising the strong objection to the very end --

A No.

Q -- on the final wording of Director Comey's statement?

A No.

Q Okay. So if you can turn to page 3 of the same exhibit.

So the fourth full clause reads: "Whereas according to transcripts obtained by the Senate Judiciary Committee, former Director Comey was prepared to exonerate Hillary Clinton as early as April or May of 2016 when he began to draft a statement announcing the

end of his investigation, before up to 17 key witnesses, including former Secretary Clinton and several of her closest aides, were interviewed."

So, Mr. Priestap, is it accurate to say former Director Comey was prepared to exonerate Hillary Clinton as early as April or May of 2016?

A First, I don't know when he started drafting this statement, so -- but, no.

Q So why was the initial statement drafted before the FBI officially closed the Clinton investigation in July of 2016?

A Director Comey unilaterally drafted the draft statement. I mean, I don't know why he chose to do that then.

Q Do you believe that Director Comey acted improperly or prematurely by drafting an initial statement before Secretary Clinton's and other interviews occurred?

A I do not. I actually applaud the fact that he was trying to think strategically about potential conclusion of this matter, and applaud that fact.

Q So if the FBI's subsequent interviews of Secretary Clinton and others produced new evidence that did support prosecuting Secretary Clinton, would the FBI have changed the recommendation to prosecute or just ignored that evidence and stuck with the existing draft statement?

A We would have absolutely followed the facts wherever they took us.

Q So in other words, these initial draft statements in the

██████ of 2016 didn't lock in the FBI's recommendation of time not to prosecute?

A They were not binding.

Q But the FBI did not actually receive any new evidence in these interviews that supported prosecuting Secretary Clinton. Is that correct?

A Correct.

Ms. Kim. I think we're ready to just end this round and we'll see you next round.

Thank you.

Mr. Priestap. Thank you.

[3:36 p.m.]

Mr. Parmiter. Let's go back on the record. Time is 3:36 p.m.

BY MR. BREITENBACH:

Q Mr. Priestap, you know, I think we're all here because of some angst or concern that, at its heart, that there were some potential irregularities in the FBI's investigation of the Hillary Clinton email investigation.

You know, I'd sort of like to engage in a little bit of a thought experiment here, a little hypothetical. I think, based on our colleague, Mr. Somers', admonition at the beginning of this interview to ensure that this interview remained confidential, that I think you would agree with me that if we all went back to our Gmails, or whatever personal email services that we might have, after this particular interview, we went back to our personal server, so to speak, back at our homes and started emailing summaries of this interview, you know, obviously, we're not in a classified session here, so it's not emailing anything classified. But I think you would agree that it's not really prudent to do so.

A It wouldn't be prudent in my mind, no.

Q And why wouldn't it be prudent, do you think?

Let me just propose that it might not be prudent because, again, it's not a secured email server. It's something that is offered publicly to anyone who might sign up for service, for instance, Gmail. It might not be prudent to send summaries of something that has been asked to be held in confidence over personal email servers.

A Yes.

Q You would agree?

A Yes.

Q Let's change the setting now to where we're in the SCIF and that we're actually discussing classified matters. I think you would also agree with me that it would be imprudent and improper, potentially criminal, if we were to go back to our personal servers, personal email, and start sending classified summaries of what was discussed here today.

A Yes.

Q Would you agree that that could potentially rise to the level of criminality if we were going back sending classified summaries to our colleagues, for instance?

A Potentially, yes.

Q Okay. Let me just introduce into the record a letter that was sent to you from Greg Starr from the Department of State, where -- and I'll just read from here -- late last week, the Department reported that 22 Clinton emails would not be publicly released to their -- due to their top secret classification at the request of the intelligence community. It goes on to say that, finally, approximately 1,300 emails contain sensitive information that was previously redacted and classified as confidential, big C, which, as you know, top secret, secret, and confidential are the three classifications of classified information, prior to the emails' release under our FOIA process.

COMMITTEE SENSITIVE

I'm not sure what this should be labeled as.

[Priestap Exhibit E

Was marked for identification.]

BY MR. BREITENBACH:

Q So what I'm trying to get at is, is trying to understand the line at which the FBI might draw a conclusion that sending classified emails improperly over an unsecured, unclassified means may rise to a criminal -- or rise to the -- at least predication to bring a criminal case.

So if we go back to my hypothetical and we were to suppose that one of us were to send -- go back and I were to send to one of my colleagues one classified summary --

A Yeah.

Q -- potentially that is -- or I would say that is not arguable that that is a spill of classified information on an unclassified server and, therefore, an improper use of unclassified means to disclose classified information. Would you agree?

A Yes.

Q What if I were to go back and send 10 classified emails, which also included -- and this is, again, a hypothetical we're discussing in this SCIF, this hypothetical SCIF -- top secret and Special Access Program information, which -- which, I guess, I'd like to -- for you to describe what you believe Special Access Program -- but what I understand it to be is potentially releasing information on, for instance, troop movements. Highly confidential troop movements would

COMMITTEE SENSITIVE

potentially fall within a SAP, or a Special Access Program. Is that accurate?

A Yes.

Q So if we were to go back in this hypothetical and send 20 emails that were classified to our colleagues, would you agree that that is highly problematic, on an unsecured server?

A Yeah. Problematic? I guess --

Q I'm not asking if it's criminal yet.

A Yeah.

Q Is it problematic, in your mind?

A Improper.

Q Improper.

You stated earlier that your division investigates spillage, so to speak, of classified information, or mishandling of classified information.

A Yeah.

Q In fact, that statutory authority for reviewing, as an investigator, whether there has been improper spillage of classified information resides under 18 U.S.C. 793. Are you familiar with that statute?

A Yep.

Q I just want to read to you -- this is in a military court of appeals. And I'll state the case. It's Roller Marine Corps -- United States -- I'm sorry. United States versus Roller, Marine Corps, U.S. Court of Appeals of the Armed Forces. And the court

there states that the purpose of the Federal espionage statute is to protect classified documents from any unauthorized procedure, such as removal from its proper place of custody, regardless of the means of removal, and it was appellant's gross negligence that was the proximate cause of the classified documents' removal. We stated that, quote, it is clear that Congress intended to create a hierarchy of offenses against national security ranging from classic spine to merely losing classified materials through gross negligence.

Do you agree, since you are familiar with 18 U.S.C. 793(f), the espionage statutes, that that is -- those statutes are still on the books as good law, good Federal law?

A Yes.

Q Those statutes, would you agree, range from willful misconduct to gross negligence?

A I can't speak for all the statutes, but --

Q I can stipulate that there is a willful standard in the law and a gross negligence standard.

At what point, in your mind, do you see someone meeting a standard of -- a legal standard that could be held criminally liable in releasing classified information in an improper manner?

A Let me say first and foremost that the ultimate decisions when it comes to prosecution are determined by the Department of Justice. In other words, I'm not a prosecutor. That said --

Q Okay.

A -- dealing with the former Director Comey, he had been an

assistant U.S. attorney, a U.S. attorney, and the number two official in the Department of Justice. And so he had a lot of prosecutive experience. He also -- in the discussions that we had on this topic, we had a number of attorneys from our general counsel's office. What I'm trying --

Q I guess, would you agree with me, just in a commonsense manner --

Mr. Ettinger. Can he finish that, please?

Mr. Breitenbach. Sure. Go ahead.

Mr. Priestap. Just that in these discussions there were -- there's a lot of people more expert than I when it comes to meeting requisite standards. And so it's not that I don't have a voice in that discussion. But I'm an investigator at heart. I'm not a prosecutor. And so my responsibility lies, first and foremost, with the investigations and investigative team, not the prosecutive end of what we were doing.

BY MR. BREITENBACH:

Q Okay. Thank you.

So in terms of the line in determining the legal standard of gross negligence versus willfulness --

A Yeah.

Q -- might it be one -- one manner that a prosecutor might take in determining where that line lies based on the number of classified emails that have been sent in an improper manner?

A I would think that's a reasonable consideration when

looking --

Q You know, I'm thinking of, you know, a child that does something once. Well, that was bad. If they continue to do it multiple times, well, maybe as a parent you might say that -- that it's becoming willful and we need to admonish that child for the continued improper behavior. So that's what I'm thinking in terms of number of times in a spectrum that you go from gross negligence to willfulness.

A Yeah. I think the number of times something occurs is a proper consideration. What I don't know is, and I don't have in my head is, you know, is the number 10, which I'm going to -- you know, versus, no, the number should be 100 instances of this before I should feel differently about it.

Q Well, I just think a lot of people might struggle in seeing in that letter sent to you by Department of State --

A Yep.

Q -- that that number was not one or two or three classified emails but 22 top-secret emails and 1,300 classified emails in general. So I think when one looks at that in terms of a spectrum and going back to the hypothetical, I think there might be many who would question whether people in this room would still be in this room if we had hit 1,300 emails on our personal Gmail service.

Would you agree that that is a --

A Again, I think the number of instances is absolutely a proper consideration, so --

Q You mentioned previously that it wouldn't be your

determination as the -- as the AD of FBI, nor would it even be the Director's normal determination to determine whether to prosecute someone.

A Correct.

Q And you said that it would be the Department's decision under normal means to prosecute someone.

A Yes.

Q Well, I'd like to enter into evidence another one here. And this is -- this is one that's -- we've previously seen, those in this room. And it's an email written to your former boss, Mike Steinbach, from an unidentified individual in the general counsel's office --

A Okay.

Q -- discussing how the HRC case is different from other cases that resulted in the prosecution with a focus on proving intent.

Does gross negligence, in your mind, need a legal standard of intent --

A In my --

Q -- to prove?

A In my mind, it does, based on conversations with people far more expert in the law than I.

Q What if you were to turn the page and see, under 18 U.S.C. 793(f), that under the note it states DOJ -- it states under the note: DOJ not willing to charge this, under 793(f).

A Okay.

Q I want to go to some information that has not been public,

but we in this room have reviewed in terms of the DOJ production.

We are aware, and I'd like you to confirm, that there were search warrants obtained in this case beyond, in the last round, the search warrant mentioned in terms of the Anthony Weiner laptop. Is that accurate?

A I don't know that it is. You were -- there were other search warrants used in the case --

Q Correct.

A -- writ large?

Q Correct.

A Like -- likely. I can remember a number of -- I don't know the numbers, but I want to say most of the stuff we received was via consent, but we certainly could have received other things via a search warrant. I don't remember those --

Q You don't remember whether there were search warrants obtained in the case, other than the Weiner laptop?

A There certainly could have been, but I don't remember.

Q I can stipulate that we have seen drafts of search warrants submitted to the Eastern District of Virginia to obtain material in the Hillary Clinton case.

A Okay.

Q Based on those search warrants, the predication in the search warrants were listed the statute of 18 U.S.C. 793(f).

A Okay.

Q I'm sorry. 793. I don't recall whether --

A I understand.

Q But 793 was the predication.

A Okay.

Q Can you explain to us what I mean when I say "predication"?

A Predication for a search warrant?

Q To obtain a search warrant.

Mr. Ettinger. You want to tell him what you understand the work "predication" means as opposed to --

BY MR. BREITENBACH:

Q When I say "predication," what does "predication" mean to you?

A It means the information necessary to meet a legal standard to take certain investigative action.

Q Is justification another --

A Yeah.

Q -- synonym?

A Yes. Yeah. Legal justification.

Q Legal justification.

Would -- do you think -- or have you ever seen legal justification or legal predication used in a search warrant when there is no opportunity to use that legal justification for eventual prosecution?

A Yeah, I'm not sure I follow.

Q Okay. So -- sure. So as I mentioned, the predication that we have seen in the draft affidavits was 18 U.S.C. 793(f), the predication necessary for the FBI to have obtained material in the

Hillary Clinton email investigation.

A Okay.

Q Have you ever seen any other instance when a search warrant uses as statutory legal justification a particular statute whose application would never be used in a prosecution?

Mr. Ettinger. I'm going to object to the form of that question, but he can answer. I don't think he can answer that question.

Mr. Breitenbach. Is there a reason why?

Mr. Ettinger. Yes. Because you're presuming facts in that question that he told you he didn't know?

Mr. Breitenbach. What I'm --

Mr. Ettinger. Now you're asking him to answer it. And to answer it, he has to agree to the facts.

Mr. Breitenbach. Okay. Let me go -- I appreciate that.

BY MR. BREITENBACH:

Q Let me go right to -- back to this -- the document that has the chart of the various legal standards that might have been used to prosecute Secretary Clinton.

Where --

A What exactly is this? Just so I know the context. Meaning page --

Q This appears to be an email that was sent to Mike Steinbach from someone in OGC --

A Okay.

Q -- forwarding on some legal analysis as to the available

statutes for prosecuting former Secretary of State --

A Okay.

Q -- Hillary Clinton.

A Got it.

Q We see in this chart that DOJ is not willing to charge this, meaning 18 U.S.C. 793(f). My question is going back to those draft affidavits. If DOJ is not willing to charge this statute, why would the FBI in an affidavit use this statute as predication to obtain a search warrant if this statute is never going to be prosecuted?

A So I -- I don't know who put this together and used this language.

Q Well, someone in the FBI general counsel's office.

A Yeah. No. No. I trust you.

But I don't know why they, again, put it together. I don't know why they used this language, "DOJ not willing to charge this."

My attitude is that if there is a Federal criminal statute still on the books, then, you know -- and we think there may or might be a violation of that, we still have to work to uncover whether, in fact, there was.

The prosecutive history of a particular statute isn't going to affect -- I sure hope it does not affect the fact-finder's work.

Q So -- I mean, if -- and even in this case there were, at least as we see in that one email, 22 top-secret emails and over 1,300 classified emails at the confidential level. If one were to deem one email gross negligence or 10 emails gross negligence or 1,300 emails

gross negligence, yet you were to have received, and your boss obviously did receive this, an email indicating that 18 U.S.C. 793(f) is never going to be charged, would that -- would that bother you as an investigator that the predication that you're using for obtaining evidence is essentially a nullity in the eyes of the department?

A Yeah. If -- if -- if I understood from the department that they would never charge a particular statute, I would want to know that before I'm going to dedicate resources to a particular topic.

Q All right. Thank you. I think that's --

A I didn't know that, but --

Q Thank you. I think that's all I have.

A Okay. Thank you.

Mr. Meadows. Can I jump in real quick? And then I'll -- I want to -- can you hear me?

So let me go back to what we talked about before lunch, because I asked you about [REDACTED] and if you knew [REDACTED], and you indicated you did not. And even upon a break, you still don't know who [REDACTED] is.

Mr. Priestap. No. I didn't -- I don't know.

Mr. Meadows. How did the -- this whole Hillary Clinton email server investigation start?

Mr. Priestap. It's my understanding, but, again, I wasn't there then, sir, but it's my understanding it began with a referral from the intelligence community inspector general.

Mr. Meadows. Right. And so you're an investigator, not a

prosecutor, right?

Mr. Priestap. Uh-huh.

Mr. Meadows. So in your investigations, since it was referred from them, what interactions did you get?

And the reason why I'm concerned is because [REDACTED] is really the one who started this whole investigation.

Mr. Priestap. Okay.

Mr. Meadows. And for you at this late juncture to not know who he is, it's problematic. But it happened before your time.

Mr. Priestap. Sir, if I may on that, the number of names that come up in any of our --

Mr. Meadows. Yeah. But I think I rephrased it. I get it. And so I think I rephrased it with the intelligence community IG. And he -- that's currently a person by the name of, you know, Mr. McCullough.

Mr. Priestap. Okay.

Mr. Meadows. But I would think an investigator would understand the genesis of this whole investigation, wouldn't you?

I mean, I guess I find it curious that you wouldn't know those kinds of facts on how it actually got to the FBI originally.

Mr. Priestap. What I knew is that it was a referral from the inspector general, but I didn't -- again, didn't know the name of that person.

Mr. Meadows. So who is to [REDACTED]?

Mr. Priestap. [REDACTED], he -- he was a -- I want to say a supervisory

special agent or a unit chief in the Counterintelligence Division.

Mr. Meadows. So before you were there.

Mr. Priestap. Yeah. I think there was a little overlap. I mean, he was still there when I got there, and he's now and has been --

Mr. Meadows. So he was a colleague of Peter Strzok?

Mr. Priestap. Yes.

Mr. Meadows. Because here's the other thing that is -- would it surprise you to know -- and -- that, actually, the intelligence community IG made a special trip over to FBI headquarters, briefed [REDACTED], Peter Strzok, Mr. Giacalone about this anomaly that I mentioned earlier? Would that -- is that a surprise to you?

Mr. Priestap. So I don't recall ever hearing that.

Mr. Meadows. But you're an investigator. I mean, you're charged with the investigation. And we're really getting at the core and the heart of this investigation. And you're telling me here, in 2018, that this is all new news to you.

Mr. Priestap. That this person briefed John Giacalone --

Mr. Meadows. That you got a briefing about the causal effect and the anomalies on a Clinton server. So you told me earlier that the anomalies on the Clinton server, that the first you heard of it was from me. And so are you -- you're saying that that briefing -- you were not aware that they came over and gave a briefing, and in that briefing they mentioned that there were anomalies and that was acknowledged by at least those three people in the room?

Mr. Priestap. Sir -- and maybe it's a nomenclature thing with

anomalies. I did not know how the referral from the ICIG made it to the FBI. Most of the referrals we receive are in written format.

Mr. Meadows. I get that. But in order to close this out, you actually have to go back to the referring agency to close it out. And, indeed, Peter Strzok, based on my personal conversations with the IG, called 10 minutes after the exoneration of James Comey press conference to say that they were going to send over the referral to close it out.

Now, if that's happening, and that happened without your knowledge, would it stand to reason that there were a lot of other things that happened without your knowledge?

Mr. Priestap. Oh, absolutely. There was a lot that happened in this.

Mr. Meadows. But this is core. I mean, here we're talking about classified information on a server, and you're telling me, as the chief investigator, that this is new information to you today.

Mr. Priestap. Again, "new information." I had understood that --

Mr. Meadows. That there was anomalies in the metadata. And I don't want to share anything more than that because we're not in a classified setting. But here's what I'm saying, is I know enough, based on my conversations and based on an hour of phone calls, that you're saying in 2 years' worth of research you were not able to find.

Mr. Priestap. Again, in the nomenclature, sir, what you're calling anomalies --

Mr. Meadows. You put it in your nomenclature.

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Mr. Priestap. No. And that's what I mean. I don't know exactly what you mean by that.

Mr. Meadows. I'm -- okay. So let me be clear, since maybe we're having a communication problem.

The inspector general for the intelligence community found anomalies on the metadata which would indicate that there was foreign penetration into the Hillary Rodham Clinton server from a foreign entity. They briefed your team on that, and you're saying that this is the first that you've heard of that.

Mr. Priestap. I don't recall ever hearing the terminology --

Mr. Meadows. Don't get tied up with the words. I'm talking about the context of what I just asked you.

Mr. Priestap. So the context, as far as the ICIG referring the matter to the FBI, it was my understanding, and I don't recall all the particulars, although I'm sure I knew them at some point, was that they had become aware of something troubling relating to Mrs. Clinton's server that warranted bringing the FBI to look into what is going on. Is it something having to do with an attempt or a success by a foreign adversary, so on and so forth. And that that's, again, my very basic understanding of what initiated the investigation. But I -- I don't ever remember --

Mr. Meadows. So as an investigator -- so as an investigator, this gets referred to you.

Mr. Priestap. Yes. Yep.

Mr. Meadows. Why was there never any followup with the people

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who referred it to you from your investigative team?

There was one briefing, and then there was no followup from your team. Why would you stand for that?

If you're really trying to get to the bottom of it, why would you stand for that?

Mr. Priestap. So, sir, I inherited the investigation about 6 months after it was already underway.

Mr. Meadows. I get that.

Mr. Priestap. But the reason I bring that up is, to me, whatever coordination needed to go on with the inspector general's office, it happens in the infancy of the investigation and at the end, unless things pop up during the middle of it in which we need clarification. But --

Mr. Meadows. Wait a minute. So you weren't there at the beginning. I get that. But you were there at the end. And you're making an awful lot of definitive statements here today on what was right and what was proper and all of that. And yet Peter Strzok, who reports to you, was circling back with the very people that referred it, and this is new information to you today.

Mr. Priestap. That -- that Peter Strzok circled back -- I didn't know he had circled back in that timeframe. I think you said within hours of the statement being made.

Mr. Meadows. That's an irrelevant point.

What I'm saying is, is that you're saying you were there at the end.

Mr. Priestap. Yep.

Mr. Meadows. How can you, with good authority, signing off on a deal on July 5th --

Mr. Priestap. Yep.

Mr. Meadows. -- suggest that the whole process was done properly?

Can you do that?

Mr. Priestap. No. I -- what I --

Mr. Meadows. I agree. You can't.

Mr. Ettinger. Can he finish his statement?

Mr. Meadows. Actually, he finished the statement.

Mr. Ettinger. He did not finish the statement.

If you want to make a speech --

Mr. Meadows. Counsel, I'm not making a speech. I'm asking -- I'm asking questions, Counselor.

Go ahead. I will let you finish the question, but I'm not going to put up with that.

Mr. Ettinger. I'm not going to put up with you continually cutting him off. That's my job.

Mr. Priestap. I can only say -- I can only comment on the things, sir, of which I was aware of.

Mr. Meadows. But that's my whole point. I guess that's my whole point.

So why were you not aware of that?

Mr. Priestap. Of Pete circling back with the ICIG?

Mr. Meadows. Of the whole process of anomalies with -- that would suggest foreign intervention on a Hillary Rodham Clinton server.

Mr. Priestap. I was certainly aware of -- of the necessity, the worry, that -- exactly what you're explaining took place. And that's why we dedicated the resources we did to try to determine if, in fact, that had occurred.

I never had anybody on my team brief me that we had evidence that what people were afraid of might have occurred actually occurred.

Mr. Meadows. Okay. So that -- that's -- but you're making statements that Director Comey's public statements and sworn statements -- you're making statements in here that there was no evidence of that. And yet even with that statement right there, you're saying that you were never briefed. So how could you -- how could you knowingly admit or confirm or deny that that was going on?

Mr. Priestap. Because I would -- I had regular meetings with the people -- again, the people I named before who were overseeing the team. And it's a question I asked frequently. And so if it was happening, they didn't tell me it was happening.

Mr. Meadows. All right. So you had regular briefings, according to your testimony, almost -- certainly Monday, Wednesday, Friday.

Mr. Priestap. Yes.

Mr. Meadows. But almost daily, I think was your words.

Mr. Priestap. Yes, sir. Yes, sir.

Mr. Meadows. So you're saying in these regular briefings it

never came up that there were anomalies in the metadata that would suggest foreign intervention into her server. That's your sworn testimony here today.

Mr. Ettinger. This is not sworn, but I believe it's his testimony.

Mr. Meadows. Valid point.

That's your truthful testimony here today?

Mr. Priestap. The -- I want to be careful of the word "suggest." So what I would ask is, you know, do we have evidence that an adversary got in? No. Okay. The next day, next week, whatever. Has anything changed in our review? Do we have evidence that an adversary got in? I don't remember ever asking or them telling me, although they could have, about do we have anything that suggests that they might have got in. I was interested in what we could prove, not what might have happened. And so --

Mr. Meadows. And -- but a reasonable person, knowing that there was so many arguments out there that would suggest that there was foreign penetration into her server, you know, almost daily in the news, but certainly within the confines of the FBI and DOJ, did you ever ask them, did you look for the proof?

Mr. Priestap. Oh, yeah. Absolutely.

Mr. Meadows. And so there -- so Peter Strzok's response -- I don't want to say Peter Strzok.

Who let you know that they looked for it and didn't find it?

Mr. Priestap. It would have been Peter or John Moffa. Peter

Strzok or John Moffa.

Mr. Meadows. All right. So let me -- I'm going to finish --

Mr. Priestap. One of those.

Mr. Meadows. I'm going to finish up here real quickly.

It gets back to the point that was made earlier in terms of what you were looking at in terms of the exoneration. We have a text message back and forth between Peter Strzok and Lisa Page in May -- May 15.

Mr. Priestap. Okay.

Mr. Meadows. And they said they need some clarifying data. And what they're referring to is what were we looking at. And it says, "Just retention, right?"

And so that "just retention" looks at -- in the context of it -- and we'll be glad to give you a copy and enter it as an exhibit. But it appears that all you were looking for was irregularities in retention, not in disclosure, according to this text message back and forth. And --

Mr. Priestap. Could you repeat the --

Mr. Meadows. Okay. It would have been -- yeah. It would have been 5/15 at 2300 hours .39, that Sunday. "Need some clarification."

Mr. Priestap. Got it.

Sir --

Mr. Meadows. So is it your -- so having read that, is it your understanding that you primarily looked at retention problems, not disclosure problems? Because that seems to be the context.

Mr. Priestap. Yeah. It's -- it's my understanding -- we were

trying to determine, did she -- she, the former Secretary -- intentionally possess on her unclassified electronic mediums classified information? Also, did she intentionally transmit classified information on her unclassified mediums? Also, if she did either of the first two things intentionally or not, did she provide it to somebody she shouldn't have provided it to, foreign adversary?

Mr. Meadows. And we know the answer to most of those are yes. But here is the interesting question. If you're only looking, as this text message back and forth would suggest, primarily at retention, you're missing the bigger issue of disclosure.

And so in your investigation, did you look primarily at retention, which it seems like from the three examples you gave me that was the case, and not at disclosure?

Mr. Priestap. When you say -- by "disclosure," do you mean transmission?

Mr. Meadows. Well, both. Disclosures to non -- nonrelevant individuals. And so that would be a disclosure. And also a disclosure in a more problematic way would be for foreign entities.

Mr. Priestap. Gotcha. So, to me, again, we weren't looking only at retention. We're looking at retention, transmittal. And to your point on the transmittal, where was it transmitted or disclosed.

Mr. Meadows. So what do you make of the question -- or the statement there, "The list will not include more serious cases, slash, disclosures"?

Mr. Priestap. Yeah. I -- I don't know. I mean --

Mr. Meadows. Peter Strzok was obviously the one leading this investigation. So do you not see that as an issue if he is looking at retention primarily and not disclosure?

Mr. Priestap. Yeah. But, sir, again, he was one of the people leading this. He wasn't the only one. And --

Mr. Meadows. Well, you said he was the expert. That's your words, not mine.

Mr. Priestap. I said he was a counterintelligence expert. He wasn't the only expert on this case.

Mr. Meadows. Was he the lead investigator?

Mr. Priestap. He was the lead agent. He was not the lead analyst. I consider our analysts investigators as well.

Mr. Meadows. So did he --

Mr. Priestap. But he was one of two lead investigators.

Mr. Meadows. So yes or no. Did you -- would there have been a higher priority on looking at retention issues versus disclosure issues? Is that fair to say?

Mr. Priestap. Higher priority. I don't think we consciously -- maybe put this differently. I didn't consciously put a higher priority on looking at retention as opposed to transmission. Mishandling can occur in either case. And I'd argue you can't transmit if you don't have it in your system to begin with.

Mr. Meadows. All right. Final question, and I appreciate the patience.

A text message, actually -- we'll give you a copy of this and maybe

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introduce it as an exhibit if it's relevant for the staff to do so.

On August the 5th of 2016, there's a meeting in which you were at. It appears to be maybe a meeting -- the first of a regular weekly meeting or -- as it related to a new investigation that you were setting up. And it says at 1637.25, at that hour, it says, Hi. It went well. This is between Lisa Page and Peter Strzok. It went well. Best we could have expected other than a redacted name. And that redacted name is [REDACTED] Quote, the White House is running this.

Who was the [REDACTED] that was in that meeting with you on August 5th as you started a new investigation into another subject?

Mr. Priestap. I'm sorry, but I'm not following you on that -- that -- no. I see the text. I'm not following that -- but I was definitely in this meeting.

Mr. Meadows. Well, I mean, we can provide proof. We know that you were there --

Mr. Priestap. Okay.

Mr. Meadows. -- because it said you were there.

Mr. Priestap. Gotcha.

Mr. Meadows. So --

Mr. Priestap. What did they talk about?

Mr. Meadows. -- this is what -- it appears to be the start of an investigation into either a Trump campaign or other issues on August the 5th.

If you think about the context, July 31st, an investigation is open. Immediately after that, Peter Strzok [REDACTED] [REDACTED] He comes

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back. He makes it just in time for this meeting on a Friday in which there was a group. And it appears that L ■ had to take a car to make it to this meeting. Just -- if you look at everything and piece it together, that a ■ being there.

Were you in a meeting that you can recall anything where the White House is running it?

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[4:16 p.m.]

Mr. Priestap. I'm in lots of meeting with National Security staff, but I don't remember -- again, this is almost 2 years ago -- I don't remember what this meeting was about and I don't remember --

Mr. Meadows. Well, assuming it was your first meeting with the Russia investigation Trump campaign, do you remember that first meeting?

Mr. Priestap. No.

Mr. Meadows. You don't remember?

Mr. Priestap. The first meeting on that topic, no.

Mr. Meadows. I mean, after the investigation was open, the first briefing, you don't remember that?

Mr. Priestap. No. I remember information that was provided to me. But, sir, I have so --

Mr. Meadows. What you're saying --

Mr. Priestap. I have so many meeting every day that --

Mr. Meadows. Yeah, but this was a big deal. I mean, you know, I think it was -- was this one of the headquarter specials? Did you approve this as a headquarter special, the Trump investigation?

Mr. Priestap. I can't speak on --

Mr. Meadows. Yeah, you can.

And so I went back, and I don't know who is telling you you can't, but we went back and looked at the scope. And so it's any decisions that were made on why one was disclosed, the other was not, leading up to the 2016 election. So I'm not getting beyond the 2016 election.

This is August 5th, 2016. It directly relates to the November 3rd letter that I think you're referring to.

Mr. Priestap. I'm sorry if there's confusion there. What I'm referring to is it's my understanding that somebody communicated with the staff up here and they told us to focus on the four bullet points.

Mr. Meadows. I don't know who's giving you that advice. I mean --

Mr. Ettinger. I can tell you it was -- I was sent this letter with the four bullet points to talk on this. So this is what I talked to --

Mr. Meadows. But that's not -- but that's not mutually exclusive of other areas.

Mr. Ettinger. I'm telling you what I was told in order to prepare Mr. Priestap, and what he had cleared through the OGC.

Mr. Meadows. So, are you saying he's not cleared to talk about that, Mr. --

Mr. Boente. Depends on how far we go, sir. I mean --

Mr. Meadows. I get that. And, listen, I was the gatekeeper. You can talk to your other processors in terms of the gatekeeper before. I'm not willing to go beyond that, and I get that. But what I'm saying, this is really within the scope.

Mr. Boente. Yeah, I'm not here to be a witness. If I can help, I thought that that -- someone else would have to tell you this, that that was opened as a stem, not by Mr. Priestap, but I could be completely wrong about that.

Mr. Meadows. So I will note your objection.

At this particular point, this does not require anything other than your best knowledge and recollection. And as we get into it what I'm saying is the very first meeting that you had there was a [REDACTED] that came to that meeting, probably in a car, is what it appears.

What [REDACTED] potentially would have been in a briefing if it relates to the Trump-Russia investigation?

Mr. Priestap. I'm sorry, sir, I don't recall a meeting with a [REDACTED] in this timeframe. I'm not saying it didn't happen, but I don't recall.

Mr. Meadows. This was a larger meeting. This was your first initial meeting to kind of -- and actually there was a prep that went on right after that. So you don't recall any [REDACTED] --

Mr. Priestap. I mean, again, I'm sure --

Mr. Meadows. Give me the names of the [REDACTED] that you might have met with on this particular subject.

Mr. Boente. That's -- again, I kind of feel like the guy from the bleachers yelling out. I apologize. There is a [REDACTED] that works in counterespionage over at Justice, but unless she was someplace else.

Mr. Meadows. All right. So, [REDACTED].

Well, let me ask you some names. Was [REDACTED] -- [REDACTED] in that first meeting on Russia? Was she ever in a meeting?

Mr. Priestap. I don't recall a meeting --

Mr. Meadows. How about [REDACTED]?

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Mr. Priestap. [REDACTED] [REDACTED] I know her as [REDACTED]. I don't recall [REDACTED] being in there. She could have been. I don't recall her there. [REDACTED] was in the FBI's Office of Congressional Affairs.

Mr. Meadows. I'll yield back.

Mr. Jordan. I will try to be quick. I want to direct Mr. Priestap to some questions from Congresswoman Stefanik to Mr. Comey in front of the House -- I want to direct Mr. Priestap to some questions from Congresswoman Stefanik to Director Comey at the March 20th Intelligence public hearing. And it's those two pages, if you can get that to him.

Mr. Priestap. Yep.

Mr. Jordan. I'm going to read this. I'll start with Ms. Stefanik.

"Thank you, Mr. Chairman.

"Thank you, Director Comey and Admiral Rogers, for your testimony today. My first set of questions are directed to Director Comey.

"Broadly" -- and you can follow along -- "Broadly, when the FBI has any open counterintelligence investigations, what are the typical protocols and procedures for notifying the DNI, the White House, and senior congressional leadership?"

Mr. Comey responds, "There is a practice of a quarterly briefing on sensitive cases to the chair and ranking of the House and Senate Intelligence Committees. And that also involves a briefing of the Department of Justice, I believe the DNI, and some portion of the

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National Security Council at the White House."

Follow me?

Mr. Priestap. Yes, sir.

Mr. Jordan. So Ms. Stefanik says, "So if that is quarterly -- "

Mr. Comey jumps in and says, "We brief them before Congress is briefed." So there is a briefing with DNI and the White House prior to talking to senior House and Senate leadership in the intelligence areas.

"So it is quarterly for all three -- senior congressional leadership, the White House, and the DNI?"

Director Comey: "I think that is right. Now, that is not by practice, not by rule or written policy, which is why, thanks to the chair and ranking member giving us feedback, we are trying to tweak it in certain ways."

Ms. Stefanik: "So, since in your opening statement you confirmed that there is a counterintelligence investigation currently open and you also referenced that it started in July" -- they're obviously referring to the Trump-Russia investigation -- "when did you notify the DNI, the White House, or senior congressional leadership?"

Good question, Mr. Comey responds. "That is a good question. Congressional leadership, sometime recently they were briefed on the nature of the investigation in some detail, as I said. Obviously, Department of Justice had been aware of it all along. The DNI, I don't know when the DNI's knowledge was of it because we didn't have a DNI until Mr. Coats took office, and I briefed him his first morning in

office."

"So just to drill down on this," Ms. Stefanik says, "if the open investigation began in July and the briefing of congressional leadership only occurred recently, why was there no notification prior to the past month?" referring to March.

"I think our decision was it a matter of such sensitivity that we wouldn't include it in the quarterly briefings."

Ms. Stefanik says, "When you state 'our decision,' is that your decision? Is that usually your decision, what gets briefed in those quarterly updates?"

Mr. Comey's response was, "No. It is usually the decision of the head of our Counterintelligence Division."

All right. So is that accurate, the way Mr. Comey described how this -- how Congress was first notified of the Trump-Russia investigation?

Mr. Priestap. I assume it was. Mr. Comey was involved in those notifications, I was not.

Mr. Jordan. But let me ask you this. Was Mr. Comey -- the last statement I read. "It is usually the decision of the head of our Counterintelligence Division." Is that you?

Mr. Priestap. Yeah. I'm the head of the Counterintelligence Division.

Mr. Jordan. So it seems, the way I read this, Mr. Comey seems to say, you made the decision not to brief Congress. You instructed Mr. Comey not to brief Congress. Is that accurate?

Mr. Priestap. I don't instruct Mr. Comey, nor did I ever instruct him to do anything.

Mr. Jordan. So why would Mr. Comey testify the way he did then? I think it was our decision -- he says, no, it's usually the decision of the head of the Counterintelligence Division, not his, when Congress gets briefed.

Mr. Priestap. When Congress gets briefed?

Mr. Jordan. Mr. Comey's response was it is usually the decision of the head of the Counterintelligence Division when they decide not to brief Congress on a sensitive counterintelligence investigation.

Mr. Priestap. So let me try to provide some context here. But, again, I never once told Mr. Comey what to do. Mr. Comey is a man who made his own decisions.

The Counterintelligence Division of the FBI generally on a quarterly basis briefs the chair and ranking of House and Senate Intel Committees.

Mr. Jordan. Yes.

Mr. Priestap. It's my understanding that we do that because we have an obligation to keep those committees apprised of significant intelligence failures or significant intelligence successes.

So, thus, on the regular basis in which they are briefed, they aren't so much case briefings as what we are providing them, again, are significant intelligence failures or successes.

We do not -- and again, I can't say it in this setting, but please believe me, we have thousands of counterintelligence investigations.

The FBI and the Counterintelligence Division does not brief Congress every time we open a counterintelligence investigation.

Mr. Jordan. I guess what I'm asking, Mr. Priestap, is who made the decision not to brief Congress in this particular instance?

Mr. Priestap. Mr. Comey.

Mr. Jordan. Mr. Comey says, "It's usually the decision of the head of our Counterintelligence Division." I'm not saying -- Mr. Comey's words are it's usually your decision. And I'm asking, is that the case here?

Mr. Priestap. I think what Mr. -- I don't know what was going through Mr. Comey's mind. But I think what he's getting at is, it's the head of the FBI's Counterintelligence Division who usually provides the quarterly briefs to the chair and ranking of SSCI and HPSCI, and who usually decides on the content of those briefings.

Mr. Jordan. So that's usually you?

Mr. Priestap. Yes.

Mr. Jordan. You usually provide that briefing to the ranking member and the chair of the respective House and Senate Intel Committees?

Mr. Priestap. Yes.

Mr. Jordan. And in this situation you decided not to do that briefing and tell them about the Trump-Russia investigation?

Mr. Priestap. I try to tell them about significant intelligence successes and significant intelligence failures.

Mr. Jordan. This is kind of a unique case and you didn't tell

them. And according to Mr. Comey, he told Director Coats, day one, it was so darn important that Mr. Coats gets sworn in, and he says, I'm telling him today.

And yet, Mr. Comey's testimony here to Congresswoman Stefanik is, we didn't tell Congress right away, we told Director Coats right away, we didn't tell Congress like we normally do every quarter. That's Mr. Priestap's decision, and he decided not to do it.

Mr. Priestap. With all due respect, I wouldn't even have known how to characterize it at that time as a significant -- I mean, what am I briefing? Success? Failure? There's -- it's such in its infancy that I don't know what I would tell the chair and ranking.

Mr. Jordan. Maybe that you opened a counterintelligence investigation into one of the major parties' campaign. You don't think that's significant?

Mr. Priestap. Is that a success or a failure?

Mr. Jordan. I'm not saying it's either. I'm just saying it's important. And so important that Mr. Comey told Director Coats day one.

Mr. Priestap. Oh, but absolutely. But Mr. -- DNI Coats was the director of the intelligence community, not a congressional committee.

Mr. Jordan. Okay. Last question.

So is it -- is Mr. -- again, I guess, it seems to me Mr. Comey is saying when he says it's not -- you said it's his decision.

Mr. Priestap. Absolutely.

Mr. Jordan. But he says it's our decision. And usually -- when

Ms. Stefanik asks him: Is it your decision or our decision? He says it's usually your decision, you as the counterintelligence head. And that's not accurate. You're saying that's not accurate. You're saying it's all his decision.

Mr. Priestap. What I am trying to say is that I do not speak for the Director of the FBI. Only he can speak for him. I can speak for the Counterintelligence Division of the FBI.

Mr. Jordan. It seems to me he's speaking for you here.

Mr. Priestap. And he can. He's the boss' boss' boss.

Mr. Jordan. Okay. Thank you.

Mr. Parmiter. Thank you, sir.

Mr. Ettinger. Do you want to mark that exhibit?

Mr. Parmiter. Absolutely. I apologize in advance. This might seem a little disjointed. I just want to cover a few topics here.

[Priestap Exhibit G

Was marked for identification.]

BY MR. PARMITER:

Q I'm going to show you another document I've marked as exhibit F. Your copy has an arrow on it, pointing to the one I want to talk about.

You have stated in a document, not this one but an earlier one that had been produced to Congress, that initially you were, I think the word was wary of having the Director provide an investigative update.

I'm wondering whether -- what changed your mind about being wary

about having the Director provide an investigative update in this case?

A I don't know if it was -- I can put my finger on any one thing that occurred and said that I'm not as -- I'm no longer wary. I can't think of --

Q Did that tarmac meeting, which I believe Mr. Strzok is referring to in the -- in that text -- because, once again, I'm presuming Bill is you.

A As am I.

Q But he writes that you were, quote, "spinning about the tarmac meeting" and wanted to meet.

Do you recall having that meeting?

A I don't, but I know I was personally bothered by the tarmac meeting, and it stands to reason I would have wanted to discuss what the team thought about that.

Q Right.

A I thought the atmospherics were horrible.

Q So in that same text Mr. Strzok writes: Bill wants us to "bring lists of what we would do in an ordinary circumstance." And in a parenthetical, he says, "(easy, refer to PC) and in this circumstance." And in a parenthetical, he says, (easy, refer to 7th floor)."

A Where is that?

Q It should be in the same text after action.

What does PC mean to you?

A Generally when we say PC, it means probable cause.

Q Is it possible in this circumstance it might mean public corruption?

A I don't remember public corruption referred to in this context. Sometimes PC in Bureau parlance, PC can mean public corruption.

Q I guess the reason I ask is because is what -- a way you could read this is to say, easy, refer it to -- as a criminal matter to be investigated. Whereas, you know, with the second part of this, it says, (easy, refer to 7th floor)." What is the 7th floor?

A The 7th floor is where our most senior leaders, so the Director, deputy director, executive assistant director sit. So it's the ultimate bosses of the organization.

Q In your view, is it reasonable to read this to have Mr. Strzok saying that an ordinary case could be referred for criminal investigation, but this case gets referred to the Director's office for a decision?

A That is certainly a reasonable reference.

Q Okay. Okay.

Mr. Ettinger. Since we already have an exhibit F, do you want to call this exhibit G?

Mr. Parmiter. I'd be happy to.

BY MR. PARMITER:

Q Jumping around a little bit here. What was the earliest point in the investigation -- in the last hour you talked a lot about the statement -- when there was an opinion regarding charging in the

case? Do you recall?

A I don't recall.

Q Would it have been around the time that the statement was drafted since it contained a conclusion?

A That stands to reason, yeah.

Q And so you don't recall an opinion, so you wouldn't remember who would have offered perhaps an opinion on that?

A No.

Q Did individual or group opinions change as the case progressed, as the investigation progressed?

A That's certainly possible. I don't remember. I don't remember that anybody at any -- as we were going through thought, you know, that in effect this looks like a prosecutable case at any time. So it wasn't like it's looking like prosecution or we would be able to recommend prosecution, what have you, and then something happened and, nope, we don't. It was more, boy, is there any here -- any there there?

Q So I guess when the Director -- on that subject -- when the Director authored the statement back in the early part of May or in April --

A Yeah.

Q -- I believe you stated that was where you anticipated the case going, was that, you know, to find that she didn't act with gross negligence. How many witnesses had the Bureau not interviewed at that point?

A I don't know. I think ultimately we interviewed, I think, in the neighborhood of 70, 72. And by May, we would have, of course, 10, 11 months into the investigation, we would have interviewed 50, 60, maybe 65 witnesses, meaning lots of people. We would also have reviewed thousands upon thousands upon thousands of emails.

What I'm trying to say is we would have done a substantial amount of investigative work.

Q But it's reasonable to assume that there would have been between 15 and 25 witnesses left to interview, including the Secretary?

A Sure. I don't know the exact numbers, but I --

Q I believe we can stipulate that her interview was July 2nd of 2016.

A Yeah.

Q Okay. I believe in perhaps the same document when you were providing feedback on the Director's statement, one of the things that you recommended was that the Director explain that the FBI can in good faith recommend that you not pursue charges in a case when someone has committed a crime or in a case in which there's criminal activity.

Do you believe there was criminal activity in this case?

A No.

Q Did everyone on the team agree with that conclusion?

A I believe they did.

Mr. Somers. Which team? Both the Midyear Exam or -- I'm sorry, the executive team or the investigative team?

Mr. Priestap. Certainly the executive team. It was my

understanding that most, if not all, of the investigative team felt the same way.

Mr. Somers. Where did you get that understanding regarding the investigative team?

Mr. Priestap. From Pete, Lisa, and Jon. Not Lisa. Pete, Jon, and Sally.

BY MR. PARMITER:

Q How did the Midyear Exam team, the sort of -- the team that was briefing the Director, the team composed of senior officials --

A Yeah.

Q -- get briefed about the evidence in the case? Who was doing that on a regular basis?

A I don't know who was doing the actual briefings to them, but Pete and Jon, and I believe also frequently Sally, received daily or near daily briefings from, again, the supervisor, Rick Mains, and whomever he thought needed to brief on a given date. So they would go down to sort of the space in which the team was located and get those briefings very, very regularly.

Q Brief up the chain?

A Yes, exactly right.

Q Do you recall when President Obama went on TV and said that Secretary Clinton's actions did not impact national security?

A I remember reading about it. I don't remember like watching it on TV.

Q Do you recall that having an effect on anyone either on the

Midyear Exam team or on the Counterintelligence Division?

A Sure, we found it troubling that it was discussed.

BY MR. BREITENBACH:

Q I just want to interject real quick.

Mr. Priestap, you just said that you do not believe that former Secretary Clinton committed a crime?

A I do not, no.

Q All right. I just want to direct you to -- I know we have other copies of this, but I can give this to you. Let me just read. This is an email from you to Mr. McCabe and Mr. Rybicki, dated May 18th, 2016.

A All right.

Q One of your points that you make here, you say, "Deputy Director and Jim: Below are my thoughts on the Director's draft and on whether the Director might provide an investigative update. Thank you for asking to weigh-in. Bill."

A Uh-huh.

Q In one of the bullets, you say, "I believe it's equally important for the Director to more fully explain why the FBI can, in good faith, recommend to DOJ that they not charge someone who has committed a crime (as defined by the letter of the law)."

A Okay.

Q Could you explain what you mean by that?

A Sure. This --

Q It appeared -- and I'm sorry to interrupt you -- but it

appears, just on reading --

A Yep.

Q -- that you are stating that you do believe that she committed a crime, yet you believe it's necessary for the FBI, in whatever statement that eventually comes out, to explain why that crime was not prosecuted?

A Correct me if I'm wrong, but this was in response to the Director's initial draft statement, was it not?

Q No, I don't believe it was. This is dated May 16th, I believe, and the Director's original statement was May 2nd. So it may have been in terms of a future draft, but the original draft, no, this is a later period.

A From what I can recall, the Director took it upon himself to draft this statement that, again, in my opinion, captured to essence of what we had been doing, trying to do, what have you.

The Director used the term, I believe, in that draft, grossly negligent. I was understanding from the Director -- former Federal prosecutor, former head, meaning U.S. attorney, of a prosecutive office, former number two at Department of Justice -- I was understanding by him using that language that he had come to the conclusion that Mrs. Clinton's actions had satisfied the requirements related to the grossly negligent standard and the Federal criminal standard. In other words, I was deferring to his prosecutive experience in making that call.

Once he had that language and we began to parse it out and talk

amongst ourselves, lawyers pointed out to me the intent requirement, at least in their minds, to be able to satisfy that requirement.

I then drew the conclusion, based on what my team had been telling me, that I hadn't seen evidence that we could satisfy the intent requirement of the grossly negligent standard.

And so that's when whomever pointed it out to Director Comey, and I don't know who that was, I believe they accurately pointed out that without evidence that we satisfied the intent requirement, there was no crime here. There was no crime that could be prosecuted.

Q But you're still stating in this email that you believed -- I mean, it appears that you believed that she had committed a crime, based on your review of the Director's statement?

A But, again, I'm deferring to the Director reaching the conclusion that she was grossly negligent. I'm in effect deferring to his experience and authority that if he believed he had met it, then he must know something that --

Q Do you know who changed the final from grossly negligent to extreme careless?

A I do not. But I agree -- I agree with the fact that I do not believe we met the grossly negligent standard, which is why I responded to which one of you asked, do I believe she met -- she committed a crime? No, I believe she lacked the intent to do so in this instance.

Q So that's based on your presumption -- based on your attorney's guidance that intent was a standard within the statutory

definition of gross negligence?

A Exactly.

Mr. Breitenbach. Thank you.

[Recess.]

Ms. Shen. Okay. So the time is 4:52.

BY MS. SHEN:

Q So, Mr. Priestap, in the last round there was great discussion about whether foreign entities had infiltrated Secretary Clinton's email server and the FBI's efforts in trying to find that out.

So I believe last round you mentioned that the FBI has computer experts, experts in the field designed to look at this issue. Is that correct?

A Yes. Yes.

Q And these experts have more technical -- they're not investigators, they're not the leads on -- it's not Peter Strzok who is doing this, it's other subject matter experts with technical backgrounds. Is that correct?

A Exactly right. Yes.

Q So at the time there was a team of such experts. And to your knowledge, did they thoroughly and independent investigate this issue of whether there was evidence of a foreign entity successfully infiltrating Secretary Clinton's email server?

A Yes, it's my understanding they did.

Q And is that normally what you would do in any FBI attempts

to discover whether there is a successful infiltration by a foreign entity into a server?

A Yes, that's customary.

Q So I also want to circle back on the discussion of -- I believe it's exhibit 2, which is the -- I'm sorry, I think it's exhibit 3. I want to talk about the text messages with what appears to be some meeting occurred with [REDACTED] and the White House is running this, and I hope that's enough. I don't recall any more, I'm sorry. I can't recall.

Exhibit 2. Thank you. Okay.

So just to remind me, really, you said that you were -- you do not recall being at a meeting where someone said, quote, "The White House is running this."

A I do not recall that, correct.

Q And whatever meeting may have occurred that involved someone saying this phrase, do you recall -- you wouldn't recall what that meeting is about specifically?

A I do not, no.

Q And so that meeting could have been about Russia, it could have been something to do -- nothing to do with Russia. It's not something that you can speak to. Is that correct?

A That is correct.

Q So the text message we're talking about is August 5th, 2016. Around that time, were there briefings involving the FBI and Russian interference generally with the White House?

So let me rephrase. So there is the separate issue of

investigating just in a box whether Russia was trying to interfere with the U.S. election, that the FBI was involved in investigating. Is that correct?

A Correct.

Q And on that narrow issue alone, would the FBI have been providing updates to the White House on a recurring basis?

A No.

Q Okay. Okay.

Ms. Shen. Okay. So on this different issue, I'll let Janet to this.

BY MS. KIM:

Q Mr. Priestap, I'd like to go back to the excerpt from Director Comey's House Intelligence Committee testimony that you were read by Mr. Jordan, I believe.

A Okay.

Q It's the exchange that Ms. Stefanik had with Mr. Comey about who decides when to give congressional briefings?

A Okay.

Q Do you remember after the opening of the investigation of the Trump campaign investigation in July 2016 when the next quarterly briefing to Congress was scheduled to be?

A No.

Q But presumably you were serving as the head of the Counterintelligence Division at the time of that next briefing?

A I was.

Q And were you the final decisionmaker at that time about what to include in the FBI's quarterly briefings to Congress?

A Final decisionmaker? Final decisionmaker? I don't know that I'd put it that way.

I would propose to my 7th floor, my -- the person I answered to directly, the executive assistant director, what I thought ought to be briefed in the quarterly briefing. And I'm sure there's times he deferred to me, and I'm sure there's times, other times where he probably wanted to talk to others to make sure everybody was comfortable with me briefing what I anticipated briefing.

Q Sure. Let me parcel that out a little bit. So the 7th floor manager you were discussing, is that Mr. Steinbach?

A Yeah. When I first took over the job, Mr. Giacalone was in the role, but he left within a matter of a couple months and Mr. Steinbach replaced him.

Q Right. So let me try to understand what you're saying. You, as the head of the Counterintelligence Division, you are not in charge of what investigations to disclose publicly or to Congress. Is that correct?

A I am in charge of recommending what I think ought to be disclosed.

Q Right.

A And there's times others deferred on my recommendations.

Q Uh-huh. But, for example, if Director Comey believed something should not be disclosed or someone on the 7th floor, Mr.

Steinbach or Mr. Giacalone, believed it should not be disclosed, that decision would override your recommendation. Is that correct?

A Absolutely.

Q Okay. And was the counterintelligence investigation, Russia, and the potential connection with the Trump campaign, was that relatively new at the time of this briefing?

A I don't remember exactly the -- when the quarterly briefing fell. I just remember that in any calculus -- or just think that in any calculus I would have made, I would have said, what success or failure are we briefing here? What is the purpose of conveying it at this time? Because our obligation was to brief successes and failures, at least that was my interpretation.

Q So when Director Comey testified that he had recently -- the FBI had recently disclosed the existence of the investigation to Congress when he testified before Congress in March 2017, was that a decision that he made or was that a decision that you made?

A That's a decision he made.

Q And do you recall why the FBI decided to disclose the investigation to Congress at that time?

A I don't recall, no.

Q And do you remember how congressional leadership reacted to the news of the open investigation?

A I was not there.

Q Got it. Does the FBI disclose every open counterintelligence investigation to Congress?

A No.

Q And I'm guessing some of the factors that affect the decision would be the sensitivity of the case, the newness of the case, the sensitivity of the different facets being investigated. Are those all decisions that inform whether to inform Congress about an investigation?

A Absolutely.

Q So I just want to sum up then. Is it inaccurate that you alone made the decision on when to brief congressional leadership about the existence of the FBI's investigation into the Trump campaign's contacts with Russia?

A That's inaccurate.

Q And is it accurate then -- sorry to have asked in the negative -- but is it accurate that the FBI reach that decision about whether to disclose and when to disclose based on concerns about sensitivity and integrity that apply to every sensitive investigation?

A Yes. That's not all the factors, but that's at least some of them.

BY MS. SHEN:

Q I'd like to turn back now to some of the events surrounding the October 28th, 2016, letter to Congress notifying opening of -- reopening of the investigation into Secretary Clinton's emails.

So on October 27th, 2016, the FBI Midyear Exam senior leadership team briefed Director Comey about the emails on the Weiner laptop.

Were you at that meeting?

A Say that again?

Q On October 27th, 2016, senior leadership from the FBI on the Midyear Exam team, I guess, briefed Director Comey about the emails that may have -- that may have -- may be relevant to Secretary Clinton's investigation on Anthony Weiner's laptop. Is that correct?

A I believe I was at that meeting.

Q And you were at that meeting.

Do you recall what was discussed at that meeting?

A No. I mean, generally what would have been discussed is what we understood the current situation to be out in New York. Meaning, what did they think they have? Where were we in regards to the data process, we, the FBI? And where were we in regards to obtaining the necessary legal authority to review the laptop?

Q What was your personal opinion on whether the existence of these emails should be made public?

A Be made public?

Q So I guess what I'm getting at is, it sounds like there's a decision being made that there was a reasonable avenue to pursue the actual emails in question?

A Yep.

Q And there's also a separate, although related decision, into whether Congress should be notified with a good understanding that that could be made public very quickly.

A Yeah.

Q So was there any discussion about that second aspect of whether this information would be made public and what the ramifications of that would be?

A There was certainly discussion about, if the FBI pursues the emails, meaning pursues the review of the emails, does the FBI, Director Comey, have an obligation to notify anybody of that fact?

I felt the FBI did have an obligation to review the emails.

Q Well, I think, again, gets to sort of the first part of my question on -- and it sounds like -- I could be I'm wrong -- that there was agreement to pursue the emails, to at least check what was on the emails and go through that process.

A Yeah.

Q But on the second question of whether there is an obligation and whether it is prudent to send a public letter to Congress or -- let me correct myself -- send a letter to Congress, that very well may become public.

A Yeah. So I guess I think of it this way. That I can't speak -- just as I was mentioning a few minutes ago -- I can't speak for Director Comey and what's going through his mind, what have you.

Based on the conversations we were having, some of us in the room believed that the FBI had an obligation to notify Congress that the -- that Hillary Clinton, called the Midyear Exam investigation, was no longer closed.

Again, the idea was that nobody had the idea, that I can recall, "Hey, let's notify the public." The question is, do we have an

obligation to notify Congress? Because Director Comey had previously advised Congress, in sworn testimony, that the FBI was finishing or finished its investigation. By us reviewing emails, I'd argue that the investigation is no longer finished.

Q Was there ever any kind of discussion, though, on the pros and cons of having that information become public or was that just not a topic of discussion at all?

A Oh, no, absolutely. I liken it to what a mentor a long time ago told me, likened it to walking around a problem. Looking at an issue we're grappling with and try to look at it from all possible viewpoints and how it might be perceived in a variety of viewpoints.

And I can remember the -- not exactly what position each person took, but the internal debates of if we don't notify Congress -- the one thing there was consensus on was the FBI needs to look at this batch of emails, if legally authorized to do so.

If we do that and don't notify anybody and it comes out later that we did that, we would have been crucified, in my opinion, or at least some of us thought.

And so, yeah, we grappled with this mightily and tried to look at it from as different many -- many different perspectives as was possible.

Q Did the topic of the Department of Justice's election sensitivity policy ever come up in discussion?

A I'm sure it did.

Q And do you recall if people took positions on that --

A I don't recall the positions. But, again, there were robust discussions on this topic with a variety of positions taken by people throughout.

Q And can you explain to me, just in your personal knowledge, if you considered the DOJ's election sensitivity policy, why would sending those to Congress still be the correct action?

A Well, again, at the end of the day it's the Director who made the calculation that the FBI, and he personally who had testified before Congress, that he needed to update in effect Congress about his -- his -- about the team having the investigation no longer completed.

I guess all I can tell you is, is my personal viewpoint. I don't know -- I can't tell you how much Director Comey weighed on what I told him versus what anybody else told him. But to me the fact that he had made a public statement in the manner he did, the fact that he testified in the manner he did, I felt he had an obligation then to correct the record.

And whether at the end of the day should he have made the statement he did, meaning the July statement, should he have testified the way he did, those are different questions, the point is he did those things.

Once he did those, to me it's he either goes back and corrects the record, or he says nothing, we take our action in silence, don't tell anybody, but eventually it'll be revealed.

And to me, I don't know how you look people in the eye and say, yeah, we did this, but didn't think we had an obligation to correct

the record with Congress.

I just -- to me that wasn't personally appropriate. But that wasn't my call, ultimately. I don't remember the exact words I shared with the Director, but I would have said something to that effect, that you did these first two things, I don't know how you can't do the third.

Q Okay. Can you briefly describe the process through which the October 28th, 2016, letter was drafted?

A I don't know that process. I mean, I don't remember being personally involved in the drafting of that.

The Director has an excellent team, meaning his -- the Director's staff, the Director's office. Excellent people in our Office of General Counsel. And I figured he leaned on some people from different components and got that done.

I just recall, I think it was a very short statement. The Director is an excellent writer, and so it's something even he could have drafted himself, just like he did the initial straw man.

So I don't know who drafted it.

Q Do you recall anyone from the FBI arguing that the letter should not be sent to Congress in light of election sensitivities and the policy?

Mr. Ettinger. Which letter?

Ms. Shen. I'm sorry. The October 28th, 2016, letter.

Mr. Priestap. Yeah. If I recall correctly, there was -- again, there was debate with different positions taken into the room. But I don't remember who took what position.

BY MS. SHEN:

Q There wasn't a universal consensus to choose the action of sending the October 28th, 2016, letter to Congress?

A I don't -- but consensus -- because it's not like, again, we vote and everybody, you know -- so you know at the end of the day -- so think of it, we're all sitting around this table and we have a very frank discussion and we can agree, disagree, and whatever, and some of these were lengthy.

Sometimes in the discussion itself, you might have been in the first 5 minutes strongly against whatever I was suggesting, but after hearing the debate for an hour, you might have changed the position, what have you.

But it's not like the Director at the end then says, everybody in favor, raise your hand. It's -- it was just a -- there was a lot of back and forth, and I can remember -- I can remember -- and these were shrinking violet, people strongly advocating for positions. What I can't remember is at the end of the day how many had come around to a certain way of thinking.

But I think, not positive, I think by the end more people than not, to include the most important person, the Director, who gets to make the decision, sided with you have an obligation to update.

Q Okay. So when did the FBI ultimately seek the search warrant for the emails on Anthony Weiner's laptop? When did the FBI ultimately seek the search warrant for the emails on Anthony Weiner's laptop?

A I don't know the exact date.

COMMITTEE SENSITIVE

Q Do you recall when these emails were made available to the FBI?

A No. No.

Q Are you able to describe what that FBI review process would have looked like, how that would have gone?

A Just very generally. Once we had once -- once the data processing was done, once the legal authority was obtained, we would have identified a group of individuals from the team. Because the team was no longer together because the investigation had been concluded, or we thought concluded. And so, for example, people who were in a field office would have returned to the field office.

Regardless of that, we would have said, hey, we've got this new batch that needs to be reviewed. Who are the best people to review those? We would have then ensured that we have the necessary computer systems to do the review in the best organized, most efficient, most comprehensive manner.

So, again, finding the requisite people, finding the requisite equipment, room, all that, you know, handling all those logistical things, and we would have just started reviewing.

COMMITTEE SENSITIVE

[5:15 p.m.]

BY MS. SHEN:

Q Did any of the additional information discovered in reviewing Anthony Weiner's laptop change your opinion of whether Hillary Clinton should be prosecuted?

A No, it did not.

Q Do you recall any discussions or acknowledgements that sending the October 28, 2016, letter to Congress could have an inadvertent impact on the election?

A I don't remember it in the context of, you know, that somebody brought up, hey, this is going to have a negative impact or a positive impact or -- I'm not saying that that didn't occur, but I don't remember it in that regard. But, certainly, I remember it in regards to -- and, again, it's the policy you referenced earlier, that is it appropriate with this timing and consistent with the policy on this. It was more in that regard as opposed to is this going to be helpful or hurtful to a particular candidate.

Q But outside of the question of whether specifically it would help or hurt the election, just was there any discussion or concern raised that it could have an impact on the election in any way?

A Yes. Yeah.

Q And so some people raised those concerns. You know, how many people raised those concerns?

A I don't know, but, again, I know that was -- it would have been -- it was certainly an important consideration that was not

glossed over.

Just for context purposes, because the other thing that we had to consider is, if the investigative activity that we wished to take was not revealed -- by revealed, revealed to Congress -- and then there's an impact -- outcome of an election and then it comes up, and then is somebody going to call in that the results of the election are illegitimate because the FBI attempted to conceal the fact that they were reopening an investigation?

I guess I think it's just an extension of what you said. But in my --

Q Sort of the other side of the coin of what you ultimately went with, which is --

A We had to see it from both -- both perspectives.

BY MS. KIM:

Q Mr. Priestap, in March 2017, Director Comey disclosed publicly that the FBI had opened an investigation into, quote: the nature of any links between individuals associated with the Trump campaign and the Russian Government, and whether there was any coordination between the campaign and Russia's efforts, unquote.

Were you aware of the investigation before the election?

A Of the -- the investigation referenced in there?

Q Yes.

A Sure.

Q Was Peter Strzok aware?

A Yes.

COMMITTEE SENSITIVE

Q Was Lisa Page aware?

A Yes.

Q Was Deputy Director Andrew McCabe aware?

A Yes.

Q Was General Counsel Jim Baker aware?

A Yes.

Q And was Director Comey aware?

A Yes.

Q You said earlier that your Counterintelligence Division investigates unauthorized disclosures of information. Was there an unauthorized disclosure of the fact of this investigation before the election?

A I guess I don't feel at liberty to respond to that today.

Q Certainly. Let me try another tack. So do you remember when Director Comey first made the decision to make public the fact that the FBI was investigating Secretary Clinton's email server?

A Do I remember that?

Q Did that precede your time on this investigation?

A I think that preceded my time. I'm not positive, but I think it did.

Q Okay. I'm trying to reconcile the difference in the treatment of Secretary Clinton's investigation that the FBI was conducting and the investigation that was being conducted peripheral to the Trump campaign before the election.

So let me ask in a slightly more general way than I phrased it

COMMITTEE SENSITIVE

to you before, are you aware of any leaks before the election regarding the Trump investigation?

A I'm not aware of any.

Q And do you recall when Director Comey made the decision to disclose the existence of the investigation into the Trump campaign?

A No.

Q I'll represent to you that it's March 2017. That's when it came out, that's when he did it, with congressional testimony.

Do you know why Director Comey made that decision?

A I don't.

Q Okay. And do you ever recall a specific discussion before the election about whether or not to publicly disclose the existence of the Trump investigation to the public?

A Do I remember a discussion? I don't.

Q Going back to your earlier testimony, you said that there are a number of factors the FBI generally considers before deciding whether or not to disclose an investigation. I think I named at least a couple of things. I think I said sensitivity. I think I said the sensitivity of the subject matter and the sensitivity of the investigative activities. I believe you then stated to me those are some of the reasons, but not all of the reasons.

Do you remember what some of the other reasons are for -- some of the other criteria that the FBI consults in deciding to make the fact of an investigation public?

A In regards to making investigations public, we very rarely

do so in any regard. And I think I -- or at least I had in my mind more referring to what went into the decision-making on, you know, what we provided to Congress, as well as far as those quarterly briefings go.

But one of the major considerations, in my opinion, is what we know about what we're investigating. In other words, we open an investigation with information or allegation or an allegation that something occurred. When we look into it, we either get more or less information that is or is not true.

So depending where you are in any given investigation, you might be a lot closer to the final answer of whether it occurred or not or you might have hardly made any headway at all. And I think it can be extremely dangerous for the FBI to be providing even the quarterly briefing construct briefings on investigations in which we haven't made significant headway at a certain time, you know, as far as answering the central questions we're trying to answer.

In other words, if I'm on the receiving end of that brief, I'd be like, well, what exactly are you briefing me on? This likely happened or did it not or like what -- somebody just -- where are you in the investigation? And if you're in the beginning of one, you often don't have an awful lot to go on.

Q If I understand correctly from your general statements about those rubrics, that you felt the FBI did not have sufficient information about the Trump investigation to really be able to substantively brief the public or Congress on the content of that investigation?

A In my -- yeah.

Q Okay. I'll ask you, have you been involved in any decisions to make public an FBI investigation?

A Post -- post charging or prosecution.

Q But not in the investigative phase?

A No, no.

Q Okay.

BY MS. SHEN:

Q Mr. Priestap, as I'm sure you're aware, there has been a litany of attacks from the highest levels of government accusing the FBI and Department of Justice of conducting investigations driven by political bias instead of just the facts and the rule of law.

Are you aware of any FBI investigations motivated by political bias?

A I am not.

Q Are you aware of any Justice Department investigations motivated by political bias?

A No.

Q On February 2nd, 2018, President Trump tweeted, quote: "The top leadership and investigators of the FBI and the Justice Department have politicized the sacred investigative process in favor of Democrats and against Republicans, something which would have been unthinkable just a short time ago. Rank and file are great people."

Mr. Priestap, do you agree that the top leadership and investigators of the FBI and the Justice Department have politicized

the sacred investigative process in favor of Democrats and against Republicans?

A I do not.

Q Can you explain the basis for this belief?

A I have seen nothing in my time, not just as assistant director, but my time in the FBI, in which we have conducted our activities, our operations, our investigations for political purposes. I just see no -- I've seen no indication of that in my career.

Q I would like to ask you to turn your attention back again to Deposition Exhibit 1, House Resolution 907.

At the bottom of the first page, the resolution reads, quote: Where there is an urgent need for the -- "Whereas there is an urgent need for the appointment of a second Special Counsel in light of evidence that raises critical concerns about decisions, activities, and inherent bias displayed at the highest levels of the Department of Justice and Federal Bureau of Investigation regarding FISA abuse, how and why the Hillary Clinton email probe ended and how and why the Donald Trump-Russia probe began."

Mr. Priestap, do you think that there was inherent bias at the highest levels of DOJ and the FBI regarding FISA abuse?

A I do not.

Q And is there any evidence of inherent bias displayed at the highest levels of DOJ and the FBI regarding how and why the Hillary Clinton email probe ended?

A Not that I saw.

Q Is there any evidence of inherent bias displayed at the highest levels of the DOJ and the FBI against Donald Trump as part of the Trump-Russia probe?

A Not that I saw.

Q Are you aware of any actions ever taken to damage the Trump campaign at the highest levels of the Department of Justice or the FBI?

A No.

Q Are you aware of any actions ever taken to personally target Donald Trump at the highest levels of the Department of Justice or the FBI?

I'll rephrase. Are you aware of any actions ever taken against Donald Trump at the highest levels of the Department of Justice or the FBI?

Mr. Ettinger. I think you need to rephrase your question.

Ms. Kim. Are you aware of any actions ever taken against Donald Trump at the highest levels of the Department of Justice or the FBI for the purpose of politically undercutting him?

Mr. Priestap. No.

BY MS. SHEN:

Q Is there any evidence that any FBI or Department of Justice official took actions biased in favor of Clinton or biased against Trump?

A No.

Q Okay. So that includes James Comey?

A Correct.

Q Andrew McCabe?

A Yes.

Q Peter Strzok?

A Yes.

Q Lisa Page?

A Yes.

Q Loretta Lynch?

A Yes.

Q Sally Yates?

A Yes.

Q Rod Rosenstein?

A Yes.

Q Robert Mueller?

A Yes.

Q Is there any evidence that President Obama ordered any investigative activity that was biased in favor of Clinton or biased against Trump?

A Yeah, not that I'm aware of.

Q So to be clear, you are not aware of any conspiracy against Donald Trump or the Trump campaign involving anyone from the FBI or Department of Justice or President Obama?

A I'm not aware of that, correct.

Q Mr. Priestap, why did you decide to join the FBI?

Mr. Ettinger. You really want to ask him that at 5:30?

Ms. Shen. Mr. Priestap, briefly describe why you decided to join

the FBI.

Mr. Boente. He's actually wondering that right now.

Mr. Priestap. Yes, I am.

I didn't like when bad people did things to good people, so I wanted to see if I could help in that regard.

BY MS. SHEN:

Q And how important is it to you that the FBI succeeds in its national security counterintelligence and law enforcement missions?

A That's critically important to me. It's been my livelihood.

Q And are you proud to be serving the FBI today?

A I am.

Q And are you -- sitting where you are now, are you proud of your leadership and colleagues serving in the FBI today?

A I am.

Q So I have personally been bothered, troubled by the escalating attacks against the Department of Justice and the FBI, attacks against the independence of institutions, the integrity of their employees, and the legitimacy of DOJ's and FBI's investigations. And so I want to ask you about a few more statements and get your reaction.

On December 3rd, 2017, the President tweeted, quote: "After years of Comey, with the phony dishonest Clinton investigation (and more), running the FBI, its reputation is in tatters - worst in history! But fear not, we will bring it back to greatness."

So, Mr. Priestap, do you agree with the President's statement that

the FBI's reputation is in tatters and is the worst in history?

A I -- I can't speak for the American people as far as, you know, how they view the FBI. I guess I'd leave it at that. It's not my call what the reputation of my organization is.

Q Do you agree with the President's characterization that the Clinton investigation was phony and dishonest?

A That, no, I do -- that was not my experience, being a part of the investigation.

Q In your personal opinion, what kind of impact do statements like these, like this one, have on the morale of the rank and file at the FBI?

A I don't -- the bottom line is I don't know for certain what impact they have. But, I mean, just human nature, my experience, people generally don't enjoy being criticized. And in my experience, we have a lot of extremely dedicated, competent professionals, and so to be called anything but is probably difficult for some of them to hear.

Q Do you personally have any concerns that statements like this one could have an impact on the public's confidence in the FBI?

A Yes.

Q And how would losing the public's confidence -- how would FBI losing public confidence impact our national security?

A At the end of the day, the -- and just take my division, for example. This idea of protecting America's vital assets from foreign adversaries. The FBI can't do that alone. We need partners' help,

we need the private sector's help, we need the public's help in an awful lot of regards. And anything that impacts the level of assistance we can get from others could arguably impact them, the ability of us to accomplish our responsibilities.

Q So at the White House press briefing the day after Director Comey was fired, Sarah Huckabee Sanders stated that the termination happened because, and I quote, "most importantly, the rank and file of the FBI had lost confidence in their director."

So, Mr. Priestap, looking back on the lead up to Director Comey's firing, do you agree with Ms. Sanders that the rank and file of the FBI had lost confidence in him?

A I can't speak for the rank and file of the FBI. I had not lost confidence in Director Comey, and nor had anybody communicated to me that he or she had lost confidence in Director Comey.

Q So of the FBI agents that you spoke to, none of them communicated to you that they lost confidence in Director Comey?

A Correct.

Q On that same day, President Trump tweeted, quote: "James Comey will be replaced by someone who will do a far better job bringing back the spirit and prestige of the FBI."

Do you agree with the President's assertion that there was a problem with the spirit and prestige of the FBI under Director Comey?

A Not from my perspective.

Ms. Shen. Okay. I think we're done with our round. Thank you.

Mr. Somers. I think we're going to conclude the interview then.

Thank you for appearing before us today and for answering our questions

Mr. Priestap. Thank you, guys.

Ms. Shen. Thank you, sir.

[Whereupon, at 5:35 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date