

1 [redacted] So, when you have that conversation
2 with Mr. McCabe in his office on October 31st --

b6 -2
b7C -2

3 [redacted] I think that's when it was.

b6 -2
b7C -2

4 [redacted] Okay.

5 [redacted] I don't remember the date
6 specifically. It was around that timeframe.

b6 -2
b7C -2

7 [redacted] Okay. Because I was going to ask
8 if it was before, do you, did you typically attend back in
9 October 2016 the Monday morning meetings at DOJ with the
10 SIOC, with DOJ at the SIOC?

11 [redacted] October 16?

b6 -2
b7C -2

12 [redacted] Would you go as a matter of
13 practice or only --

14 [redacted] No.

b6 -2
b7C -2

15 [redacted] -- specific issues?

16 [redacted] Seldom.

b6 -2
b7C -2

17 [redacted] Okay.

18 [redacted] I would very seldom go.

b6 -2
b7C -2

19 [redacted] When you had this conversation
20 with Mr. McCabe shortly after this article appeared, the
21 October 30th one, does Mr. McCabe share anything with you
22 about what his interaction with DOJ is like?

23 [redacted] So, I don't, so after the October
24 30th run, yeah. Okay.

b6 -2
b7C -2

25 [redacted] Because they're meeting DOJ senior

1 officials probably at the meeting.

2 [REDACTED] There could be.

b6 -2
b7C -2

3 Per OIG (b)(6), (b)(7)(C) Does he get into any discussion
4 with you about what the interaction is like, whether it's
5 different, whether they're happy, upset?

6 [REDACTED] Well, so we knew there was a level
7 of upset at DOJ about the letter, the one --

b6 -2
b7C -2

8 Per OIG (b)(6), (b)(7)(C) The October 28th?

9 [REDACTED] Yeah, yeah, yeah. There was, they
10 were upset about that.

b6 -2
b7C -2

11 Per OIG (b)(6), (b)(7)(C) Right.

12 [REDACTED] But that's, I mean, that's what I
13 remember.

b6 -2
b7C -2

14 Per OIG (b)(6), (b)(7)(C) Okay.

15 [REDACTED] They were upset about that, yeah.

b6 -2
b7C -2

16 Per OIG (b)(6), (b)(7)(C) So no recollection about DOJ's
17 view about this article that Mr. McCabe shared to you in
18 that conversation --

19 [REDACTED] This article?

b6 -2
b7C -2

20 Per OIG (b)(6), (b)(7)(C) Yes.

21 [REDACTED] The one we're talking about, the
22 October 5th one?

b6 -2
b7C -2

23 Per OIG (b)(6), (b)(7)(C) October 5th, right.

24 [REDACTED] And specifically the disclosure of
25 private conversation.

b6 -2
b7C -2

1 [REDACTED] I don't remember anything, no. In
2 distinct contrast to that one I referenced a while ago
3 where I knew they were quite angry about it. But I don't
4 remember hearing, that's just, I have a general
5 unfamiliarity until very recently about this whole thing
6 to begin with. I didn't really hear about it, well, I
7 didn't hear about it before. I didn't hear about it
8 afterwards. I just don't remember it.

9 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yeah. So I'm going to try and
10 expedite some questions about, given that under, given
11 your interaction with the article.

12 [REDACTED] Okay.

13 [REDACTED] Per OIG (b)(6), (b)(7)(C) Did Mr. McCabe tell you, other
14 than your recent conversation as you sit here today, from
15 the time this article came out until the present, did Mr.
16 McCabe tell you about any conversations he had with anyone
17 else about this article?

18 [REDACTED] Would you say that again? Sorry.

19 [REDACTED] Per OIG (b)(6), (b)(7)(C) Sure.

20 [REDACTED] From the time of the article until
21 today?

22 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yeah. Has Mr. McCabe told you
23 about other conversations he's had with others in the
24 FBI --

25 [REDACTED] Other people about this?

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

1 [REDACTED] Yes.

2 [REDACTED] I don't think so. Not that I can
3 think of off the top of my head. Let me just --

b6 -2
b7C -2

4 [REDACTED] And --

5 [REDACTED] I'm trying to think of it. I
6 don't --

b6 -2
b7C -2

7 [REDACTED] And specifically what about former
8 Director Jim Comey. Did he mention --

9 [REDACTED] That he discussed this --

b6 -2
b7C -2

10 [REDACTED] Yes.

11 [REDACTED] -- with Comey?

b6 -2
b7C -2

12 [REDACTED] Did he say he discussed this with
13 Comey and what Comey's reaction was?

14 [REDACTED] I don't recall that. No, I can't
15 remember any conversation like that.

b6 -2
b7C -2

16 [REDACTED] Is it fair to say you did not
17 discuss it with Comey?

18 [REDACTED] This article?

b6 -2
b7C -2

19 [REDACTED] Yes.

20 [REDACTED] I can't remember discussing it with
21 Comey.

b6 -2
b7C -2

22 [REDACTED] If --

23 [REDACTED] The prior one, yes.

b6 -2
b7C -2

24 [REDACTED] Yes.

25 [REDACTED] But I don't remember discussing this

b6 -2
b7C -2

1 article with Comey.

2 [REDACTED] Per OIG (b)(6), (b)(7)(C) If Comey had told you about the
3 October 30th article, that I know it was authorized and it
4 was a good thing to counter the one sided narrative --

5 [REDACTED] Uh-huh.

6 [REDACTED] Per OIG (b)(6), (b)(7)(C) -- is that something you think
7 you'd remember today?

8 [REDACTED] If Comey had told me that?

9 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yes. That this information was
10 provided to counter the narrative that the FBI's
11 independent and not politicized. Do you think you'd be
12 able to testify confidently of that fact?

13 [REDACTED] If he had told me that?

14 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yes.

15 [REDACTED] Well, I don't remember such a
16 conversation so I wouldn't testify to that. So, but I
17 would say I think, I probably would remember it but I
18 don't remember it. I'm not saying he didn't tell me. I'm
19 not saying, I can't say --

20 [REDACTED] Per OIG (b)(6), (b)(7)(C) Right. You have no memory --

21 [REDACTED] I have no memory of him discussing
22 this article with me or saying that he authorized it or
23 saying that it was a good idea or anything along those
24 lines.

25 [REDACTED] Per OIG (b)(6), (b)(7)(C) Okay.

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

1 [REDACTED] I don't just, I just don't remember.

b6 -2
b7c -2

2 [REDACTED] Per OIG (b)(6), (b)(7)(C) Do you have, did you, do you
3 recall having -- strike that. Let me start over. Do you
4 recall having any conversations with anyone at the FBI,
5 other than the ones you've identified so far with McCabe
6 and Page --

7 [REDACTED] Uh-huh.

b6 -2
b7c -2

8 [REDACTED] Per OIG (b)(6), (b)(7)(C) -- about this October 30th
9 article, and specifically the account of the August 12th
10 call being shared to the Wall Street Journal?

11 [REDACTED] I can't remember if at some point in
12 time Kortan said something to me. Something in my mind
13 says he told me something about this but I don't really
14 remember.

b6 -2
b7c -2

15 [REDACTED] Per OIG (b)(6), (b)(7)(C) Okay.

16 [REDACTED] Well, I don't remember any --

b6 -2
b7c -2

17 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yeah.

18 [REDACTED] -- specifics about it.

b6 -2
b7c -2

19 [REDACTED] Per OIG (b)(6), (b)(7)(C) Well, let's, okay. Because I was
20 going to try and explore some specifics. Let me attempt
21 to. You can say you don't remember but, I mean, what was
22 the context? Was it in the context of this was a leak?

23 [REDACTED] No.

b6 -2
b7c -2

24 [REDACTED] Per OIG (b)(6), (b)(7)(C) This was a problem? This is a
25 good thing?

1 [REDACTED] It was more along the lines of yeah,
2 the IG's office is looking at this article, this Devlin
3 Barrett article, you know, the, involving Andy and Lisa.
4 That kind of thing. It was like that kind of a passing
5 reference. I don't specifically remember that
6 conversation. I sort of remember it.

b6 -2
b7C -2

7 [REDACTED] Was it more in a, more recent --

8 [REDACTED] More recent timeframe, yeah.

b6 -2
b7C -2

9 [REDACTED] Like you had with McCabe and Page?

10 [REDACTED] Yeah.

b6 -2
b7C -2

11 [REDACTED] Okay.

12 [REDACTED] But it was like a passing thing in
13 the hallway. Can we go off the record for one second?

b6 -2
b7C -2

14 [REDACTED] Sure. At 5:40.

15 (Whereupon, a brief recess was taken.)

16 [REDACTED] Back on the record after a short
17 break around 6:41. So, we were asking you when you may
18 have recalled talking with Mr. Kortan about the October
19 30th, 2016 Wall Street Journal article and you had said
20 that you thought it was more recently. Is there anything
21 else you recall about what the context was for that?

22 [REDACTED] Yeah. The basic idea is that there
23 are any number of investigations going on of folks at the
24 FBI because of our activities over the past several years.
25 And so from time to time people commiserate about the fact

b6 -2
b7C -2

1 that they have to come and be interviewed by you nice
2 people and other people. And you know, it's challenging
3 to do all this. It's challenging, let me just leave it at
4 that. And so I think the conversation with Kortan was
5 probably in that context of just like oh, yeah, I've got
6 to go off and do this thing. And they're, you know, what
7 do they, you know, what's it about? Well, they're looking
8 at this and so I have to go talk to them about it. So, it
9 was sort of a high level, you know, this Devlin Barrett
10 article in the Wall Street Journal and Andy's role in that
11 and that kind of thing. It was sort of, with Kortan sort
12 of that kind of passing reference that I seem to recall.

13 **Per OIG (b)(6), (b)(7)(C)** And do you --

14 And it was relatively recently.
15 Last few weeks maybe, something like that.

b6 -2
b7C -2

16 **Per OIG (b)(6), (b)(7)(C)** Do you think --

17 And the same thing -- excuse me.

b6 -2
b7C -2

18 I'm sorry. And the same thing, the conversation I was
19 relating earlier with both Lisa and with Andy was, I
20 believe, brought up along those lines. That it was sort
21 of like yeah, I've got to go do this. And you know, what
22 the hell is that about? Well, it's generally about this.

23 **Per OIG (b)(6), (b)(7)(C)** Okay. Going back
24 contemporaneously after the article came out --

25 Yes.

b6 -2
b7C -2

1 Per OIG (b)(6), (b)(7)(C) If it had been known that the
2 account of the August 12th call between McCabe and the
3 senior DOJ official had been authorized --

4 [redacted]: Uh-huh.

b6 -2
b7c -2

5 Per OIG (b)(6), (b)(7)(C) -- would that have been sort of
6 common knowledge in executive management's seventh floor?
7 Would that have been a big deal? If folks, I understand
8 there was a lot going on so I don't want to minimize how
9 much was going on. But if folks took the time and read
10 the paragraph where the account on this high profile
11 investigation before the election would folks been, would
12 managers have been talking about that?

13 [redacted] Not necessarily. It would not have
14 surprised me, it would not surprise me and would have not
15 surprised me back in that, those days if the way it
16 worked, and I don't know how it exactly worked, if it had
17 worked that Andy had had a conversation with Lisa and with
18 Kortan and authorized him to go off and do this and that's
19 what they did. That would not surprise me.

b6 -2
b7c -2

20 Per OIG (b)(6), (b)(7)(C) And it could have remained --

21 [redacted] And that other people wouldn't
22 necessarily know about it. Yes, it could have remained
23 opaque to them or however you want to say it.

b6 -2
b7c -2

24 Per OIG (b)(6), (b)(7)(C) I'll ask you one other person.

25 Jim Rybicki --

1 [redacted] Uh-huh. b6 -2
b7C -2

2 Per OIG (b)(6), (b)(7)(C) Do you frequently have interaction
3 with him --

4 [redacted] Uh-huh. b6 -2
b7C -2

5 Per OIG (b)(6), (b)(7)(C) -- in daily FBI --

6 [redacted] Yes. b6 -2
b7C -2

7 Per OIG (b)(6), (b)(7)(C) -- matters?

8 [redacted] : Yes. b6 -2
b7C -2

9 Per OIG (b)(6), (b)(7)(C) Do you recall having any
10 conversations with Jim Rybicki about this article --

11 [redacted] : No. b6 -2
b7C -2

12 Per OIG (b)(6), (b)(7)(C) -- at any time?

13 [redacted] : No. Not at any time, no. b6 -2
b7C -2

14 Per OIG (b)(6), (b)(7)(C) If he had told you that he was
15 worried that someone leaked this, this being the account
16 of the August 12th call to the Wall Street Journal, and he
17 had a concern about that --

18 [redacted] That he had told me that he was b6 -2
b7C -2

19 worried that somebody had leaked this?

20 Per OIG (b)(6), (b)(7)(C) Yes. If he had told you that at
21 the time is that something that you'd likely remember
22 today?

23 [redacted] : I would think so. b6 -2
b7C -2

24 Per OIG (b)(6), (b)(7)(C) Okay.

25 [redacted] : But I don't recall that. b6 -2
b7C -2

1 [REDACTED] Uh-huh.

2 [REDACTED] Can I ask just knowing what you know
3 about Jim Comey --

4 [REDACTED] Uh-huh.

5 [REDACTED] -- and how he is as a person if he
6 found out after the fact that Andy authorized someone to
7 tell the media about a high level private discussion
8 between Andy and someone high up at the DOJ is that the
9 kind of thing the director would have been fine with?

10 [REDACTED] Well, so A, it calls for pure
11 speculation on my part, right? So I'm kind of reluctant
12 to do that. I guess my reaction is I think he would have
13 thought about it kind of the same way that I described
14 earlier which is this is probably just not worth it. The
15 narrative is going on. The fire hose is just going. This
16 is not going to be enough to change it. You're having to
17 disclose some private, there's just some, you know, a
18 conversation with DOJ. DOJ is probably going to be upset
19 about it. It's probably not going to change the
20 narrative. It's probably not worth doing. I'm guessing
21 that that probably would have been his reaction to this,
22 you know? Even if, you know, even if he was inclined to
23 do it I think he would have decided not to do it because
24 it just wasn't going to accomplish the goal. That's kind
25 of my reaction to it.

b6 -2
b7C -2

b6 -2
b7C -2

1 [REDACTED] And what about, I mean, you're
2 both, you and Mr. Comey both former DOJ-ers in the office
3 of the deputy attorney general. Do you think that, well,
4 I ask you. If someone had come to you beforehand would
5 that have factored in to the assessment that look, we work
6 with DOJ, DOJ is going to be furious if we release
7 something like this?

8 [REDACTED] Yes. I would say yes.

b6 -2
b7C -2

9 [REDACTED] Is it --

10 [REDACTED] Well, I think we would have thought
11 about that.

b6 -2
b7C -2

12 [REDACTED] Okay.

13 [REDACTED] Whether we still do it or not is a
14 different matter.

b6 -2
b7C -2

15 [REDACTED] Sure.

16 [REDACTED] But, yeah. DOJ's reaction, we would
17 have thought about that.

b6 -2
b7C -2

18 [REDACTED] Is it fair to say that if this had
19 been authorized that it could have a chilling effect in
20 the immediate thereafter with DOJ and high level
21 discussions given the fact that they don't stay private?

22 [REDACTED] Yes. And I base that answer on the
23 fact that this other article that I made reference to
24 about the president's being wiretapped and so on. They
25 were quite angry about that and it had, at least to me, a

b6 -2
b7C -2

1 perceptible chilling effect.

2 [REDACTED] Per OIG (b)(6), (b)(7)(C) Which might militate in favor of
3 not disclosing it once you --

4 [REDACTED] It would be a fact that you would
5 definitely want to think about, yeah. I don't remember
6 hearing at the time that this had had, this particular,
7 we're talking about today, had had such an effect. I
8 don't recall conversations along those lines. As I said,
9 I just didn't hear about this all that much.

10 [REDACTED] Per OIG (b)(6), (b)(7)(C) Uh-huh.

11 [REDACTED] Well, at all.

12 [REDACTED] Per OIG (b)(6), (b)(7)(C) Okay. I'm just going to show you
13 a couple other documents just to see if they stimulate any
14 other memories or discussions. So --

15 [REDACTED]: Hopefully it's not some email
16 showing a deep analysis of me by this article.

17 [REDACTED] Per OIG (b)(6), (b)(7)(C) No, I can assure you that's not
18 going to be the case.

19 [REDACTED] Okay.

20 [REDACTED] Per OIG (b)(6), (b)(7)(C) So, I realize I'm pressing you on
21 a lot of stuff.

22 [REDACTED]: That's all right.

23 [REDACTED] Per OIG (b)(6), (b)(7)(C) Because we want to make sure that
24 we've exhausted what you know as much as possible. So,
25 believe it not, Devlin Barrett had found time to write a

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

1 third article --

2 [redacted] Okay.

b6 -2
b7C -2

3 [redacted] -- within 10 days. And so that
4 article there is more, it has more internal details about
5 the Clinton Foundation investigation. It talks about how
6 the New York Field Office had a confidential human source.
7 But on page three it contains an abbreviated account of
8 the October, excuse me, the August 12th call.

9 [redacted] Uh-huh.

b6 -2
b7C -2

10 [redacted] You'll see it there in that last
11 paragraph. As --

12 [redacted] Uh-huh.

b6 -2
b7C -2

13 [redacted] -- a result of these complaints
14 these people said a senior Department of Justice official
15 called the FBI. Do you see that?

16 [redacted] Right. Yeah. It's kind of like a
17 rehash of this.

b6 -2
b7C -2

18 [redacted] Yeah.

19 [redacted] Yeah.

b6 -2
b7C -2

20 [redacted] And the last line is, are you
21 telling me that I need, the last two lines. Are you
22 telling me that I need to shut down a validly predicated
23 investigation? The senior justice department official
24 replied, of course not.

25 [redacted] : Uh-huh.

b6 -2
b7C -2

1 [REDACTED] So, yeah, it's a replay there.
2 And I'm just wondering, I'm just putting all these
3 articles now before you. You have the 23rd which already
4 was, in and of itself, spurring high level discussion
5 between you and the director with Mr. McCabe and potential
6 appearance issues. Then you have the October 30th
7 article. And then you have this one two, three days
8 later.

9 [REDACTED] Uh-huh.

10 [REDACTED] Does that, do you recall any more
11 discussion about these issues? And at this point I guess
12 Mr. McCabe had formerly recused.

13 Is that right?

14 [REDACTED] Uh-huh.

15 [REDACTED] Yeah, November 1st he recused.

16 [REDACTED] Do you recall a broader
17 conversation about leaks and that we need to get to the
18 bottom of it? That post-election that this is damaging to
19 the organization?

20 [REDACTED] Not in this context, no. I don't
21 remember that. Talking about leaks in that context? No,
22 I don't. That becomes a huge issue later on where there
23 are leaks of a variety of different things and people are
24 extremely focused on that. But right, this was November
25 3rd? I --

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

1 [REDACTED] Yes.

2 [REDACTED]: Right in this timeframe I don't
3 remember that off the top of my head.

4 [REDACTED] There was, just to pump your
5 recollection --

6 [REDACTED] Yeah, yeah. Go.

7 [REDACTED] There was a conference call with
8 Loretta Lynch and some FBI official on the 26th of
9 October. So right in the middle of everything --

10 [REDACTED] Yes.

11 [REDACTED] -- particularly about the Gardner
12 (phonetic sp.) case.

13 [REDACTED] Correct.

14 [REDACTED] And the leaks involved in that case.
15 So leaks, I mean, you have the attorney general who
16 apparently did not mince any words and people said that
17 they'd never heard her quite so direct and frustrated with
18 the leaks, you know, at this exact time period, so.

19 [REDACTED] And actually, I'm glad you raised
20 that.

21 So that call happens on the October 26 and it's
22 our understanding that Deputy Director McCabe is present.
23 ADIC Bill Sweeney is present. Randy Coleman may have been
24 present but definitely Sweeney and McCabe. And oh, yeah,
25 it's actually right here in this document I was going to

b6 -2
b7c -2

1 show you. I'm sorry. So this is a, it's a, an email I
2 guess for Bill Sweeney's record. But he's memorializing a
3 conference call. It's, the email is dated October 31st,
4 2016. But he's memorializing a conference call that he
5 had on October 26th --

6 [REDACTED] Uh-huh.

b6 -2
b7C -2

7 [REDACTED] -- 2016. And just for the record,
8 it's, the control number on the bottom is, ends in 572789-
9 1. And the first line states, on October 26, 2016 during
10 a telecall (phonetic sp.) conversation with DD McCabe and
11 EAD Coleman DD McCabe advised he wanted to be on the
12 record recusing himself from the Clinton Foundation case.
13 You see that --

14 [REDACTED] Uh-huh.

b6 -2
b7C -2

15 [REDACTED] -- where I'm reading?

16 [REDACTED] Yep.

b6 -2
b7C -2

17 [REDACTED] So if, in fact, that did occur
18 would --

19 [REDACTED] October 26th?

b6 -2
b7C -2

20 [REDACTED] Uh-huh.

21 [REDACTED] We talked about it in the first
22 session a bit.

23 [REDACTED] Right.

24 [REDACTED] (*Indiscernible 1:36:15 B).

25 [REDACTED] If, in fact, McCabe said that --

1 [redacted] Uh-huh.

b6 -2
b7C -2

2 [redacted] -- would you have viewed it, would
3 you have advised that he not take an active role on the
4 October 30th article in disclosing --

5 [redacted] Oh, I see.

b6 -2
b7C -2

6 [redacted] -- the account of the August 12th
7 call regarding the Clinton Foundation investigation?

8 [redacted] I'm sorry, I'm just looking at this.
9 Sweeney sends this on the 31st, so --

b6 -2
b7C -2

10 [redacted] Yeah. Right. I mean, take it for
11 what it is. It's my understanding that he intended to do
12 it on the 26th and didn't get around to it until the 31st.

13 [redacted] So, but if he had done this, in
14 fact, on the 26th should he have been involved in the
15 article on the 30th?

b6 -2
b7C -2

16 [redacted] In the first place, right. Or his
17 staff, tasking his staff to do it on his behalf. Because
18 the staff isn't authorized.

19 [redacted] Uh-huh. Well, I don't know. It
20 doesn't look good. You're sitting here asking me about it
21 so, you know, it doesn't look good. And whether he
22 technically had to recuse because it doesn't actually have
23 anything to do with the case talking to the --

b6 -2
b7C -2

24 [redacted] Uh-huh.

25 [redacted] : If you think about it talking to the

b6 -2
b7C -2

1 Wall Street Journal is not actually, you know, working on
2 the case. He's recounting, again, I'm assuming it's
3 authorized and so on and so forth.

4 [REDACTED] Right.

5 [REDACTED] That he, it's a conversation that
6 happened in the past. He's relaying it today. It's not
7 directly on the case. As a technical matter he probably
8 didn't have to recuse himself from doing that but it's
9 probably not advisable to do it.

10 [REDACTED] Right. And I'm thinking from --

11 [REDACTED] Because of the appearance of it.

12 [REDACTED] Right. Similar like when you were
13 saying in the earlier segment, there was no requirement.
14 It was an appearance issue. Technically if he had ignored
15 your advice and the director wasn't going to compel him to
16 get off of --

17 [REDACTED] Uh-huh.

18 [REDACTED] -- Clinton email. It was unclear
19 I think to you sitting here that the law required him to
20 be recused. But, so right. I was applying the same
21 appearance --

22 [REDACTED] Yeah. But --

23 [REDACTED] -- sort of rationale --

24 [REDACTED] -- it's probably not, he was
25 probably not legally required not to have that

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

1 conversation. If that's a correct grammatical --

2 [REDACTED] Yeah.

3 [REDACTED] The law didn't require him not to
4 have that conversation or authorize that conversation with
5 the Wall Street Journal, whatever the facts were.

6 [REDACTED] Right.

7 [REDACTED]: But it was probably better for him
8 to stay away from conversations having to do with the
9 Clinton Foundation, in case, for the reasons we talked
10 about earlier.

11 [REDACTED] Okay.

12 [REDACTED] And how does it factor into your
13 thoughts about that if we tell you that this Wall Street
14 Journal article on October 30th was the first time that
15 anybody from the FBI ever publicly acknowledged the
16 existence of the investigation into the Clinton
17 Foundation?

18 [REDACTED] I didn't know that. Until this --

19 [REDACTED] As far as we --

20 [REDACTED] Until this moment I didn't know
21 that.

22 [REDACTED] Well, and to set the record, in
23 July 2016 Mr. Comey in testifying about the letter that
24 was --

25 [REDACTED] July 2016, okay.

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

1 [REDACTED] In testifying about the Clinton
2 email --

3 [REDACTED] The press conference?

b6 -2
b7C -2

4 [REDACTED] And Hill testimony.

5 [REDACTED] Okay.

b6 -2
b7C -2

6 [REDACTED] I can't remember which committee.
7 Might have been judiciary, I can't remember. But he was
8 specifically asked by Representative Chaffetz, are you
9 guys looking at Clinton Foundation in connection with
10 Clinton email?

11 [REDACTED] Uh-huh.

b6 -2
b7C -2

12 [REDACTED] Because you said you're not, you
13 know, you're not pursuing this now. And he said, I'm not
14 going to confirm or deny any investigation.

15 [REDACTED] No, I didn't remember that. Okay.

b6 -2
b7C -2

16 [REDACTED] In accordance with standard
17 practice.

18 [REDACTED] Yeah.

b6 -2
b7C -2

19 [REDACTED] It's even more reason to be careful
20 about doing it and, as I said earlier, weigh against doing
21 it in light of all the other factors that I described. It
22 doesn't help, or it doesn't make me think that it's more
23 advisable to make a disclosure like that.

b6 -2
b7C -2

24 [REDACTED] And again, taking my facts as
25 true, the fact that Comey testified in July 2016 that he

1 wasn't going to confirm or deny the existence of Clinton
2 Foundation, any Clinton Foundation investigation, you're
3 not aware are you of any facts before the article came out
4 where he, where it was publicly disclosed?

5 [REDACTED] I don't, I, yeah. There were
6 articles about it, right, but I guess I had not focused on
7 the fact that we had not actually officially disclosed it.
8 I'm unaware of official, of an official disclosure of it.

b6 -2
b7C -2

9 Per OIG (b)(6), (b)(7)(C) And again --

10 [REDACTED] I guess at all until when you just
11 told me.

b6 -2
b7C -2

12 Per OIG (b)(6), (b)(7)(C) -- assuming that that's the case,
13 would you be surprised if Director Comey, three months
14 after he tells Congress, I'm not going to answer any
15 questions about whether there's a Clinton Foundation
16 investigation or not, would you be surprised if his
17 reaction to this article, if McCabe said, I authorized
18 this, if he said that's a good thing, or I'm okay with
19 that?

20 [REDACTED] If he said that?

b6 -2
b7C -2

21 Per OIG (b)(6), (b)(7)(C) Yes.

22 [REDACTED]: I don't know. I mean, I guess I'm
23 surprised a little bit, yeah.

b6 -2
b7C -2

24 Per OIG (b)(6), (b)(7)(C) You'd be surprised if he was okay
25 with it?

1 [REDACTED] Yeah, I'm a little surprised. Yeah.
2 Given all the factors, I mean, I, yeah. I would have
3 thought that he would have thought that it was not an
4 advisable thing to do at the time.

5 [REDACTED] Per OIG (b)(6), (b)(7)(C) And to be clear, I wasn't saying
6 he did, in fact --

7 [REDACTED] No, I get it. I get it.

8 [REDACTED] Per OIG (b)(6), (b)(7)(C) Okay.

9 [REDACTED] If he said that --

10 [REDACTED] Per OIG (b)(6), (b)(7)(C) He said that, yes.

11 [REDACTED] -- I'm trying to sort of like --

12 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yes.

13 [REDACTED] -- think.

14 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yes.

15 [REDACTED] I've been trying to --

16 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yes.

17 [REDACTED] -- imagine him --

18 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yes.

19 [REDACTED] -- actually saying that --

20 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yes.

21 [REDACTED] -- today, for example. And that
22 would surprise me a bit.

23 [REDACTED] Per OIG (b)(6), (b)(7)(C) Okay. Let me show you another
24 document. So this is an email November 7th, 2016 and it's
25 from Pete --

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

1 [redacted] When is this, November --

b6 -2
b7C -2

2 Per OIG (b)(6), (b)(7)(C) 7th --

3 [redacted] Yeah, okay.

b6 -2
b7C -2

4 Per OIG (b)(6), (b)(7)(C) -- 2016. It's from Pete Strzok to
5 you and the subject is quick chat.

6 [redacted]: Okay.

b6 -2
b7C -2

7 Per OIG (b)(6), (b)(7)(C) And I'm assuming in the first line
8 the Lisa is a reference to Lisa Page.

b6 -1,2
b7C -1,2

9 [redacted] Probably.

10 Per OIG (b)(6), (b)(7)(C) And in the second line [redacted] being

11 [redacted]

b6 -1,2
b7C -1,2

12 [redacted] Probably.

13 Per OIG (b)(6), (b)(7)(C) Do you know what the project
14 they're talking about here, the scope of project, what
15 this is about?

16 [redacted]: November? Okay, wait a second.

b6 -2
b7C -2

17 [redacted] do you have 15 minutes tomorrow? No, I cannot
18 remember what this is about. I'm sorry, I just, I
19 honestly don't remember what this is about.

20 Per OIG (b)(6), (b)(7)(C) Well, keep that handy.

21 [redacted] Okay.

b6 -2
b7C -2

22 Per OIG (b)(6), (b)(7)(C) Because I'm not sure if it links
23 up to this document. So, what I'm showing you now is an
24 email from December 2016, right before Christmas actually,
25 almost a year ago. So the bottom part of the chain,

1 you're not on it but it's from Pete Strzok to Andy McCabe
2 with a copy to Bill Priestap.

3 [REDACTED] Okay.

b6 -2
b7C -2

4 [REDACTED] Per OIG (b)(6), (b)(7)(C) And the subject is media data
5 poll. And I'm going to jump first to the, the bottom
6 paragraph talks about guidance on how, if you'd like me
7 to, this is Strzok to McCabe, to detail the media poll.
8 As you may recall, we have not detailed that activity
9 other than to you and Bill. So I'm wondering if this
10 email, the December '16 email relates to a media poll and
11 if that's what the November 2016 email relates to as well.
12 If you know.

13 [REDACTED] I don't really, I don't really know.

b6 -2
b7C -2
b7E -6

14 [REDACTED] Per OIG (b)(6), (b)(7)(C) Were you ever asked for guidance
15 about doing a broad FBI poll of [REDACTED]

16 [REDACTED]

17 [REDACTED] It came up at some point, yes. I
18 can't remember when though. Yeah, there had been concern,
19 I think it was around, there were general complaints about
20 leaks from New York and leaks from other people and where
21 are all these leaks coming from. And so, yeah, I attended
22 a meeting I think with Andy McCabe and I think our insider
23 threat folks. And so like [REDACTED] (phonetic sp.),
24 I don't know if you know him. But anyway --

b6 -2
b7C -2

25 [REDACTED] Per OIG (b)(6), (b)(7)(C) I've heard the name.

b6 -1
b7C -1

1 [redacted]: Yeah. Anyway, they were tasked with

b6 -2
b7C -2
b7E -6

2 [redacted]
3 [redacted]
4 [redacted]

5 [redacted] -- I'm
6 sorry. Just give me one sec.

7 [redacted] Per OIG (b)(6), (b)(7)(C) It's okay.

8 [redacted] Running those through our, not

b6 -2
b7C -2
b7E -6

9 [redacted] --

10 [redacted] Per OIG (b)(6), (b)(7)(C) Uh-huh.

11 [redacted] -- [redacted]
12 [redacted] That was
13 the basic task.

b6 -2
b7C -2
b7E -2

14 [redacted] Per OIG (b)(6), (b)(7)(C) And what was your role in that?
15 Were you --

16 [redacted] They brought me, the one meeting I
17 can recall off the top of my head was to simply say like,
18 can we do this? Should we do this? Does this make sense?
19 We need to do this. Andy's saying, I'm tired of all these
20 leaks. You know, what's going on? You know, we're going
21 to, you know, tell these people that they can't have these
22 discussions. They shouldn't be having all these
23 conversations with reporters and so on. We got to get to
24 the bottom of this. Bill, I mean, I, Sweeney might have
25 been on the phone. He might have been present but, I

b6 -2
b7C -2

1 mean, or somebody's got to tell Sweeney like, you got to
2 get your house in order. Something along those lines. It
3 was frustration with numerous leak, numerous leaks to the
4 media and trying to get on top of that. And this was one
5 mechanism to try to do that, to get actual concrete
6 evidence of that. And then some point in time later, it
7 may have been Dale or somebody else, or maybe it was
8 Bowdich, had told me about, you know, all these contacts
9 that certain people, surprising people had had with
10 numerous reporters. And one person, CNN for example, you
11 know, had some ridiculous number of conversations with,
12 somebody who should have no contact with the media had a
13 lot of conversations with one or two CNN reporters.

14 Per OIG (b)(6), (b)(7)(C) Uh-huh.

15 So anyway, that's what, I don't know
16 whether, quite honestly, I don't know if that relates to
17 either one of these. The reference to media poll sounds
18 like it could be that.

19 Per OIG (b)(6), (b)(7)(C) I see.

20 : Like poll, you know,

21 That's how somebody would talk about
22 it.

23 Per OIG (b)(6), (b)(7)(C) Okay. Do you know if the account
24 that, of the August 12th call that appeared in a October
25 30th Wall Street Journal article, did that come up in any

b6 -2
b7C -2

b6 -2
b7C -2
b7E -6

1 of the conversations about leaks?

2 [REDACTED]: I don't remember that, no.

3 **Per OIG (b)(6), (b)(7)(C)** Did you give any counsel for or
4 against the [REDACTED]? Or what was your stance?

5 [REDACTED] I, my reaction was yeah, you can do
6 it. I mean, you can do it. I mean, these activities that
7 you're talking about, [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] I said, you know, you want to
15 be careful, a common thing that I say when this issue
16 comes up because the [REDACTED] comes up
17 and accessing other internal documents comes up a lot in
18 the insider threat context. You simply, you need to be
19 conscience of the employees' reactions to this when they
20 think they're in this, you know, super monitored state.
21 It might be good. It might be bad. But people will, may
22 have a reaction to it. You just need to factor that into
23 your thinking before you go down this road.

24 **Per OIG (b)(6), (b)(7)(C)** Okay.

25 [REDACTED] And I wasn't saying that it was a

b6 -2
b7C -2
b7E -6

b6 -2
b7C -2
b7E -6

b6 -2
b7C -2

1 bad idea necessarily or that it was a, I didn't think it
2 was unlawful.

3 [REDACTED] Okay. As you sit here today is it
4 fair to say that your understanding is that Mr. McCabe may
5 have authorized some portion of the October 30th Wall
6 Street Journal but you're not sure specifically what part?

7 [REDACTED] Yeah, I don't have any idea.

b6 -2
b7C -2

8 [REDACTED] And other than -- go ahead.

9 [REDACTED]: My impression is from, my
10 recollection is from my brief conversations with Andy
11 about this that he has basically just said that he's
12 authorized, he was authorized to make disclosures. He
13 could have had, he could have done it himself or had
14 others do it and, if he thought it was in the Bureau's
15 best interest. It was things along those lines.

b6 -2
b7C -2

16 [REDACTED] Right.

17 [REDACTED]: Yeah.

b6 -2
b7C -2

18 [REDACTED] And other than that recent
19 conversation you'd had no other conversations or learned
20 in any way about any authorization in connection with the
21 October 30th Wall Street Journal article?

22 [REDACTED] Not that I can recall sitting here
23 today.

b6 -2
b7C -2

24 [REDACTED] Okay. Did you ever discuss with
25 Mr. McCabe a pending sworn statement that he had with INSD

1 related to the Wall Street Journal, October Wall Street
2 Journal article?

3 [redacted] : I don't recall that, no.

b6 -2
b7C -2

4 [redacted] Per OIG (b)(6), (b)(7)(C) Any discussion about INSD has an
5 investigation pending regarding the Wall Street Journal
6 article on October 30th, so does OIG? There needs to be
7 coordination --

8 [redacted] No, I don't recall anything like
9 that.

b6 -2
b7C -2

10 [redacted] Per OIG (b)(6), (b)(7)(C) Do you remember giving him advice
11 not to sign a signed sworn statement that had been
12 presented to him by INSD?

13 [redacted] : In this?

b6 -2
b7C -2

14 [redacted] Per OIG (b)(6), (b)(7)(C) Or at any time.

15 [redacted] I'm, the thing we talked about
16 earlier, what was the person's name again? The, in that
17 matter we talked about --

b6 -2
b7C -2

18 [redacted] Per OIG (b)(6), (b)(7)(C) Oh.

19 [redacted] -- at the end?

b6 -2
b7C -2

20 [redacted] Per OIG (b)(6), (b)(7)(C) [redacted] (phonetic sp.)?

21 [redacted] Per OIG (b)(6), (b)(7)(C) Oh, [redacted]

b6 -3
b7C -3

22 [redacted] Per OIG (b)(6), (b)(7)(C) [redacted]

23 [redacted] [redacted]

b6 -2,3
b7C -2,3

24 [redacted] Per OIG (b)(6), (b)(7)(C) [redacted] yes.

25 [redacted] I seem to recall that there was a

b6 -2
b7C -2

1 signed sworn statement that was being bandied about at
2 that point, like more recently, right? He did the one
3 from some time ago.

4 [REDACTED] Right.

5 [REDACTED] And it seems to me there was another
6 one that was like being brought up. Because I do sort of
7 remember telling him like oh, I have, some signed sworn
8 statement. I thought it was that, the [REDACTED] thing.

9 [REDACTED] Uh-huh.

10 [REDACTED] But I was, and I had concerns about
11 the way it was drafted and so on. I don't think it was
12 about this though, the Wall Street Journal thing. I don't
13 think --

14 [REDACTED] Well, there was one --

15 [REDACTED] I could be wrong but I --

16 [REDACTED] I'm sorry to interrupt. There was
17 one with Flynn.

18 [REDACTED]: Was it with Flynn?

19 [REDACTED] It was one with Flynn involving a,
20 Flynn and I forgot who the other person --

21 [REDACTED]: An EEO case or whatever --

22 [REDACTED] Well, this one was concerning a

23 [REDACTED] email --

24 [REDACTED] yeah.

25 [REDACTED] that's the part, the press

b6 -2
b7C -2

b6 -3
b7C -3

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -3
b7C -3

b6 -3
b7C -3

1 media --

2 [REDACTED] Who wrote about Flynn [REDACTED] case.

b6 -3
b7C -3

3 [REDACTED] Oh, I see. Okay.

4 [REDACTED] Oh, maybe that was it. Maybe that
5 was it.

b6 -2
b7C -2

6 [REDACTED] And so what do you recall, do you
7 recall looking at the draft statement?

8 [REDACTED]: I recall looking at, I thought it
9 was this. Maybe I'm wrong. The [REDACTED] thing. Maybe I'm
10 wrong. But I remember looking at a signed sworn statement
11 and thinking that it was just like poorly drafted, poorly
12 worded. You know, had him just saying things. I don't
13 know. I just, I can't remember the specifics of it. I
14 just didn't like the way it was written or worded. It
15 just seemed too, he was taking on too much to sign such a
16 thing. And were there to be a document that he would
17 submit in this context it would need to be much tighter
18 and needed to be reworked. It seemed like an early draft
19 as opposed to a final draft.

b6 -2,3
b7C -2,3

20 [REDACTED] And when you were doing this
21 review do you remember seeing any inclusion about the,
22 this October 30th Wall Street Journal article?

23 [REDACTED] I don't honestly remember this
24 thing.

b6 -2
b7C -2

25 [REDACTED] Do --

1 [redacted] If I did like I just simply have
2 blanked it out from my mind if I did that. But I just
3 don't remember it.

4 [redacted] Per OIG (b)(6), (b)(7)(C) Do you typically though review
5 these pending statements of FBI leadership?

6 [redacted] No.

7 [redacted] Per OIG (b)(6), (b)(7)(C) So why, what about this one that
8 you were reviewing?

9 [redacted] I think it was this [redacted] thing that
10 came to me because, I don't know why it came to me. Andy
11 had me look at it for some reason. I think he wanted me
12 to get a, first of all, he wanted me to get a copy of the
13 old pleadings and his old statement and everything else
14 that had to do with the case. He asked about that. And
15 then I think in the context of that he gave me some other
16 drafts, signed sworn statement that somebody had written,
17 and asked me to take a look at it. And I was like, this
18 thing is like not a good draft. This needs to be
19 reworked. But typically, no. There's signed sworn
20 statements that are done all the time. Like if they're in
21 the context of an EEO case or something like that my
22 employment lawyers, you know, my employment lawyers, the
23 employer, the employee, the employment law folks in OGC,
24 excuse me, typically will look at those things. If it's
25 in some other type of civil matter we have two units of

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2,3
b7C -2,3

1 folks in OGC, lawyers who look at those things too. So,
2 that OGC looks at signed sworn statements is common and
3 preferred. But that, I don't recall, I may have looked at
4 like one other, in the four years that I've been here like
5 one or two other ones in other random cases for other like
6 EAD's or things like that. But I don't recall, like this
7 is generally not what I do.

8 [REDACTED] Per OIG (b)(6), (b)(7)(C) So did you think it was odd that
9 he was asking this of you?

10 [REDACTED] Well, it had to do with Flynn and
11 all this so it was fairly controversial. So, if I'm
12 recalling it correctly. So, it didn't bother me. It
13 didn't seem inappropriate or anything like that.

b6 -2
b7C -2

14 [REDACTED] Per OIG (b)(6), (b)(7)(C) Do you have anything you want to
15 ask?

16 Do you?

17 [REDACTED]: You want me to step out?

b6 -2
b7C -2

18 [REDACTED] Per OIG (b)(6), (b)(7)(C) No, okay. We're good. Let me
19 stop for one second.

20 [REDACTED]: Sure.

b6 -2
b7C -2

21 (Whereupon, a brief recess was taken.)

22 [REDACTED] Per OIG (b)(6), (b)(7)(C) Okay. Back on the record after a
23 short break. So let me show you a copy of something I
24 said I had. If not I'll show you my copy but let me see.
25 I think I do have it. I think I do have it. Let's see.

1 Yeah. Okay. So, what I'm showing you is an email from
2 [REDACTED] INSD dated August 18th, 2017 to Andrew G.
3 McCabe with a copy to [REDACTED] And I'll draw your
4 attention to, well, you can look at the whole document.
5 But the specific paragraph to focus on is on page 10 to
6 11. But skim through it because it might refresh your
7 recollection of why you're looking at, but it is that
8 paragraph on the bottom of 10. But --

9 [REDACTED] Per OIG (b)(6), (b)(7)(C) If you want --

10 [REDACTED] Per OIG (b)(6), (b)(7)(C) -- go ahead and look at it.

11 [REDACTED] Per OIG (b)(6), (b)(7)(C) If you want to read the beginning
12 and see if --

13 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yeah. No --

14 [REDACTED] Per OIG (b)(6), (b)(7)(C) -- this is the one you had --

15 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yes.

16 [REDACTED] Per OIG (b)(6), (b)(7)(C) -- had in mind that might help out.

17 [REDACTED] Per OIG (b)(6), (b)(7)(C) Yeah.

18 [REDACTED] This is an April dated? Okay.

19 [REDACTED] Per OIG (b)(6), (b)(7)(C) Well, the investigation --

20 [REDACTED] This --

21 [REDACTED] Per OIG (b)(6), (b)(7)(C) -- and portions of it began in.

22 April.

23 [REDACTED] And I'm sorry, the [REDACTED] article is
24 about the [REDACTED] case?

25 [REDACTED] Per OIG (b)(6), (b)(7)(C) Right.

b6 -1
b7C -1

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2,3
b7C -2,3

1 [redacted] Okay. All right.

b6 -2
b7C -2

2 Per OIG (b)(6), (b)(7)(C) We're not focused on that but
3 that's in that statement.

4 [redacted] Okay. Okay. I mean, I've looked
5 through it quickly but --

b6 -2
b7C -2

6 Per OIG (b)(6), (b)(7)(C) In reading through it does that
7 look like the draft statement that you had previously
8 advised, given some advice to Mr. McCabe about?

9 [redacted] It could be. But it seems like it's
10 got way more stuff in here than I remember. I mean, it
11 covers so many different topics.

b6 -2
b7C -2

12 Per OIG (b)(6), (b)(7)(C) It may have been an earlier draft.
13 I don't know.

14 [redacted]: This could be an earlier draft or a
15 later draft that people got. This was August 12th?
16 It's --

b6 -2
b7C -2

17 Per OIG (b)(6), (b)(7)(C) Right.

18 [redacted] Attached to the current draft of
19 your statement. And you know, so --

b6 -2
b7C -2

20 Per OIG (b)(6), (b)(7)(C) And you saw --

21 [redacted]: -- it seems like it covers a lot of
22 stuff beyond what I recall, or what I told you a few
23 minutes ago about just being focused on the --

b6 -2
b7C -2

24 Per OIG (b)(6), (b)(7)(C) [redacted]

25 [redacted] -- on the [redacted] case. And then this

b6 -2,3
b7C -2,3

1 reference, like by the time you get to the end and after
2 all this stuff that's in here, when you get to the Wall
3 Street Journal article it's, I don't know. It's just,
4 it's not that much. It's, relative to the rest of it. I
5 do seem to, you know, there is something when I, this one
6 bit here though about, page, oh, it says page five of 12.

7 **Per OIG (b)(6), (b)(7)(C)** Uh-huh.

8 So, last paragraph. You know, this
9 reference to as far as the negative commentary directed at
10 President Trump and former National Security Advisor
11 Flynn, and I'll leave out what it says --

b6 -2
b7C -2

12 **Per OIG (b)(6), (b)(7)(C)** Right.

13 -- and so on and so forth. That
14 kind of looks familiar to me.

b6 -2
b7C -2

15 **Per OIG (b)(6), (b)(7)(C)** Uh-huh.

16 So some draft that I saw has, some
17 draft that I saw may have had at least that part in it
18 along with other stuff. I, and I do remember it kind of
19 being a rambling very broad declaration that seemed to be
20 like, have so many details in it that I thought without a
21 lot of work Andy would have to be very careful about
22 signing such a thing.

b6 -2
b7C -2

23 **Per OIG (b)(6), (b)(7)(C)** Okay. But --

24 Like he'd have to review these
25 things extremely careful, make sure that every word was

b6 -2
b7C -2

1 right. And this is like covering so many different
2 topics. This document as well as, I think, like the one I
3 saw, that I would have wanted to, I think I told him, you
4 got to be really careful before you sign this kind of
5 thing. You really got to research it and make sure it's
6 100 percent accurate.

7 **Per OIG (b)(6), (b)(7)(C)** And in looking at the document
8 right now today that I'm showing you, with the
9 understanding it may not have been what you saw earlier --

10 Right.

b6 -2
b7C -2

11 **Per OIG (b)(6), (b)(7)(C)** -- do you recall any conversation
12 about the Wall Street Journal article and it being in the
13 statement?

14 I don't remember that at all, no.

b6 -2
b7C -2

15 **Per OIG (b)(6), (b)(7)(C)** And any discussion about an OIG
16 investigation overlapping with the OIG investigation? Did
17 I say OIG --

18 **Per OIG (b)(6), (b)(7)(C)** You said OIG twice.

19 **Per OIG (b)(6), (b)(7)(C)** Yeah.

20 **Per OIG (b)(6), (b)(7)(C)** With an INSD.

21 **Per OIG (b)(6), (b)(7)(C)** I meant to say INSD overlapping
22 with OIG investigation.

23 He, so I don't specifically remember
24 that. He probably told me hey, this is what this is, I
25 think he told me like what this was is all, what this was

b6 -2
b7C -2

1 all about and can you look at this and see if I should do
2 it. But I, again, I think it was somehow in connection to
3 the [redacted] matter that had been brought up, not having to
4 do with OIG or Inspection Division or anything like that.
5 I don't recall that part of it.

b6 -3
b7C -3

6 [redacted] Okay. All right. Let me show
7 you, this actually was sent to you before. It wasn't for
8 this purpose. So, for my purposes whether you looked at
9 it beforehand or not does not matter to me.

10 [redacted] Okay.

b6 -2
b7C -2

11 [redacted] Although for Wednesday's session,
12 just so you know, I think they will want you to look at
13 that beforehand if you have not --

14 [redacted] I have looked at it.

b6 -2
b7C -2

15 [redacted] Okay.

16 [redacted] I'm not going to say I've studied
17 every --

b6 -2
b7C -2

18 [redacted] Yeah, sure.

19 [redacted] -- single word of it but, yeah.

b6 -2
b7C -2

20 [redacted] So what I'm showing you is the FBI
21 media policy dated October 13th, 2015. It's my
22 understanding that there might have recently been a
23 revised version of this. But this was in effect at the
24 time the October 30th, 2016 article came out.

25 [redacted] Okay.

b6 -2
b7C -2

1 [REDACTED] And so if you could turn to page
2 nine there is a, and I'll wait until you get there. It's
3 content of disclosures up at the top. And I'll read, the
4 top says, disclosures must not prejudice an adjudicated
5 proceeding and, except as indicated below, must not
6 address an ongoing investigation. You see where I'm
7 reading --

8 [REDACTED] Uh-huh.

b6 -2
b7C -2

9 [REDACTED] -- at the top?

10 [REDACTED] Yep.

b6 -2
b7C -2

11 [REDACTED] And then the third paragraph talks
12 about in some instances it may be permissible to
13 selectively release information but only with prior
14 approval of FBI HQ entities. And it says OGC, an
15 operational component, excuse me, OGC and operational FBI
16 HQ divisions as appropriate, coordinated by OPA, under the
17 careful supervision of OPA.

18 [REDACTED] Uh-huh.

b6 -2
b7C -2

19 [REDACTED] So when I was asking you earlier
20 about your involvement in disclosures with respect to the
21 media about ongoing investigations mainly it was because
22 of this reference here in OGC.

23 [REDACTED] I see.

b6 -2
b7C -2

24 [REDACTED] And I wasn't sure how much, when
25 that's triggered, how that comes about. But it's fair to

1 say, I think we've talked at length that you were not
2 involved in any consultation about the August 12th call
3 appearing in the Wall Street Journal article.

4 [REDACTED]: Not to my recollection.

b6 -2
b7C -2

5 Per OIG (b)(6), (b)(7)(C) And you'll see the last paragraph
6 where it gives examples of when it may be permissible to
7 release, selectively release information about ongoing
8 investigations. Would the disclosure in the October 30th
9 Wall Street Journal article where it's, and I'm just, I'm
10 opening it now so you have it handy.

11 [REDACTED]: Uh-huh.

b6 -2
b7C -2

12 Per OIG (b)(6), (b)(7)(C) Where in my read of it, that it's
13 effectively disclosing that an investigation exists.
14 Particularly with the quote, are you telling me to shut
15 down a validly predicated investigation.

16 [REDACTED]: Uh-huh.

b6 -2
b7C -2

17 Per OIG (b)(6), (b)(7)(C) Whether that disclosure would be
18 consistent with this FBI policy about when it's
19 appropriate to do it?

20 [REDACTED]: Well, so for me to give you a legal
21 analysis of the FBI policy, I mean, I guess it says it
22 raises, so paragraph one, two, three, four. Paragraph
23 four raises the possibility that it could be permissible
24 to make a selective release of information.

b6 -2
b7C -2

25 Per OIG (b)(6), (b)(7)(C) Sure.

1 [redacted] Okay? Only with approval of so and
2 so, OGC and the operational divisions and so on.

b6 -2
b7C -2

3 [redacted] Right.

4 [redacted] It cites an example then below. It
5 says, but it says for example --

b6 -2
b7C -2

6 [redacted] Yes.

7 [redacted] -- you know, so it gives, it's not
8 therefore, the only situations in which a disclosure could
9 be made. But these are two examples where it might be
10 made. And so whether this falls into that category or
11 not, I think that would be a challenge to say that it's in
12 the public interests or welfare or safety, reading that,
13 reading those words in context with each other. And what
14 this is intended to cover and whether that falls in there.
15 But that could be another, this, if this helps the FBI and
16 explains to the public that we're on it and we're not
17 political and we resist efforts to politicize us and so
18 on, then, you know, that could be some other type of
19 category. And then the question is whether, you know, and
20 to what extent, I don't know what it says at the top here
21 about whether, you know, the deputy director can authorize
22 departures from those guidelines and so on.

b6 -2
b7C -2

23 [redacted] Well, and so I don't know if it
24 gets that specific but on page seven that's 3.1. It talks
25 about who's authorized to speak to the media.

1 [REDACTED] Yeah.

b6 -2
b7C -2

2 Per OIG (b)(6), (b)(7)(C) And clearly, I'll wait for you to
3 get there.

4 [REDACTED] Yeah.

b6 -2
b7C -2

5 Per OIG (b)(6), (b)(7)(C) It's the first two lines. Without
6 restriction the director, deputy director, associate
7 deputy director --

8 [REDACTED] Uh-huh.

b6 -2
b7C -2

9 Per OIG (b)(6), (b)(7)(C) -- and AD for OPA and OPA
10 personnel designated by AD are authorized to speak to the
11 media in conformance with this policy.

12 [REDACTED] Uh-huh.

b6 -2
b7C -2

13 Per OIG (b)(6), (b)(7)(C) And also from your days at DOJ if
14 you turn to I think it's page, section five. That would
15 be --

16 [REDACTED] Section five.

b6 -2
b7C -2

17 Per OIG (b)(6), (b)(7)(C) -- towards the end, 23 is the
18 other parts that the releases must comply with.

19 [REDACTED] Section five, yeah.

b6 -2
b7C -2

20 Per OIG (b)(6), (b)(7)(C) Yeah. And I understand you hadn't
21 thought about this before so I'm not expecting --

22 [REDACTED] Uh-huh.

b6 -2
b7C -2

23 Per OIG (b)(6), (b)(7)(C) It is what it is, confined to you
24 looking at this at this moment. But is this the type of
25 thing that Director Comey would want your view on before a

1 disclosure was made? Would you typically get involved in
2 this type of assessment?

3 [redacted] If there were to be a formal legal
4 assessment then the answer would be yes.

b6 -2
b7C -2

5 [redacted] Okay.

6 [redacted] But if he just wanted a, if he just
7 wanted a view about it the answer is maybe. I mean, not
8 necessarily.

b6 -2
b7C -2

9 [redacted] Okay.

10 [redacted]: And the question is I guess
11 fundamentally the extent to which the director and deputy
12 director can simply override this policy because it is a
13 internal FBI policy. And if they in a particular
14 circumstance want to, you know, vary from it or make an
15 exception or something like that I think they could do so.
16 Obviously they can't, well, you know, they can't, they
17 would have to deal with or think about or think through
18 these other policies that you cited on page 23, policies
19 and laws and so on.

b6 -2
b7C -2

20 [redacted] Yeah. And I think it's the
21 appendix basically states that the policy applies to all
22 FBI employees D1. Now, I'll wait for you to get there.

23 [redacted]: Yep.

b6 -2
b7C -2

24 [redacted] Now obviously you have a great
25 deal of knowledge in how much authority or leeway senior

1 leadership has on deviating from applicable policies --

2 [REDACTED] I guess I would assess that the
3 director and the deputy director can amend, modify, make
4 exceptions to an internal FBI policy at any time.

5 Per OIG (b)(6), (b)(7)(C) Okay.

6 Per OIG (b)(6), (b)(7)(C) I just don't --

7 [REDACTED] Because they would have -- excuse
8 me. They would have had -- sorry. They, it would have
9 gone, in the first instance it would have to go up to them
10 for approval, or to at least the deputy. I would think on
11 this kind of thing. And so he could alter it.

12 Per OIG (b)(6), (b)(7)(C) Yeah, this was approved in the
13 back just on that note by then Deputy Director Mark
14 Giuliano on C1 and Mike Kortan. Not C1. It's, sorry, the
15 page before that. Oh, it was, was it there? It was
16 definitely here.

17 [REDACTED] Well, in any event --

18 Per OIG (b)(6), (b)(7)(C) Yeah.

19 [REDACTED] Yeah, I see it. It's on A1.

20 Per OIG (b)(6), (b)(7)(C) A1, sorry.

21 [REDACTED] Yeah. Approvals, yeah. Final
22 approval Mark Giuliano. So, you know, so therefore, I
23 would assume that, again, consistent with other law the
24 deputy director could wave this policy, make an amendment
25 to it, an exception. Yeah.

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

b6 -2
b7C -2

1 [REDACTED] I just wanted to make sure that I
2 heard you correctly because you were each sort of talking
3 over each other.

4 [REDACTED] Sorry.

b6 -2
b7C -2

5 [REDACTED] When you were taking all of the
6 exceptions under 3.4 --

7 [REDACTED] Uh-huh.

b6 -2
b7C -2

8 [REDACTED] -- is what you said that in your
9 view the disclosure that's made in the October 30th Wall
10 Street Journal article, it would be a challenge to fit
11 that into the exceptions as listed --

12 [REDACTED] Into the cited examples, yes.

b6 -2
b7C -2

13 [REDACTED] Okay.

14 [REDACTED]: I think it, yes.

b6 -2
b7C -2

15 [REDACTED] Specifically the --

16 [REDACTED] Those seem to be for other types of
17 circumstances, not for --

b6 -2
b7C -2

18 [REDACTED] The disclosure of a private
19 conversation --

20 [REDACTED] In this context.

b6 -2
b7C -2

21 [REDACTED] In this context between DOJ and FBI?

22 [REDACTED] You might be able to imagine that it
23 was relevant in some other context. I wouldn't want to
24 speculate on that right now, honestly. But --

b6 -2
b7C -2

25 [REDACTED] But as far as the examples to 3.4 --