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

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13 INTERVIEW OF: SCOTT BRADY

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Monday, October 23, 2023

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Washington, D.C.

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23 The interview in the above matter was held in room 2237, Rayburn House Office
24 Building, commencing at 10:01 a.m.

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Present: Representative Jordan.

1 Appearances:

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5 For the COMMITTEE ON THE JUDICIARY:

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7 ██████████, COUNSEL

8 ██████████, GENERAL COUNSEL

9 ██████████, COUNSEL

10 ██████████, COUNSEL

11 ██████████, SENIOR COMMUNIICATIONS ADVISER

12 ██████████, DEPUTY GENERAL COUNSEL

13 ██████████, SENIOR ADVISOR

14 ██████████, PROFESSIONAL STAFF MEMBER

15 ████████████████████

16 ██████████, DIGITAL ASSISTANT

17 ██████████, CHIEF COUNSEL FOR OVERSIGHT

18 ██████████, MINORITY OVERSIGHT COUNSEL

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1 For SCOTT BRADY:

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3 ANDREW LELLING

4 BRITTANY WILHELM

5 Jones Day

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1 ██████████ Good morning. This is a transcribed interview of Mr. Scott Brady,
2 former U.S. Attorney for the Western District of Pennsylvania. Chairman Jordan has
3 requested this transcribed interview as part of the committee's oversight of the Justice
4 Department's commitment to impartial justice in its handling of its investigation into
5 Hunter Biden.

6 Would the witness please state your name for the record.

7 Mr. Brady. Scott Brady.

8 ██████████ We encourage witnesses who appear before the committee to
9 freely consult with counsel if they so choose. And it is my understanding that you are
10 appearing today with personal counsel. Is that correct?

11 Mr. Brady. That's correct.

12 ██████████ Could personal counsel please state your name for the record.

13 Mr. Lelling. Andy Lelling.

14 Ms. Wilhelm. Brittany Wilhelm.

15 ██████████ Thank you.

16 On behalf of the committee, I want to thank you for appearing here today to
17 answer our questions. The chairman also appreciates your willingness to appear
18 voluntarily.

19 My name is ██████████ and I'm with Chairman Jordan's staff.

20 I'm going to have everyone else from the committee who is here in the room
21 introduce themselves as well.

22 ██████████ ██████████ with Mr. Jordan's staff, the House Judiciary Committee.

23 ██████████ ██████████ Chairman Jordan's staff.

24 ██████████ ██████████ Oversight counsel on Mr. Nadler's staff.

25 ██████████. ██████████ Ranking Member Nadler's staff.

1 [REDACTED] Oversight counsel with Mr. Nadler's staff.

2 [REDACTED] [REDACTED] Chairman Jordan's staff.

3 [REDACTED] [REDACTED] Chairman Jordan's staff.

4 [REDACTED] [REDACTED] Chairman Jordan's staff.

5 [REDACTED] [REDACTED] Chairman Jordan's staff.

6 [REDACTED] [REDACTED] Chairman Jordan's staff.

7 [REDACTED] [REDACTED] Chairman Jordan's staff.

8 [REDACTED] I'd like to now go over the ground rules and guidelines that we'll
9 follow during today's interview.

10 Our questioning will proceed in rounds. The majority will ask questions first for 1
11 hour, and the minority will have an opportunity to ask questions for an equal period of
12 time, if they so choose. We'll alternate back and forth until there are no more questions
13 and the interview is over.

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

16 As you can see, there is an official court reporter taking down everything we say to
17 make a written record, so we ask that you provide verbal responses to all questions.

18 Do you understand?

19 Mr. Brady. Yes.

20 [REDACTED] So the court reporter can take down a clear record, we'll do our best
21 to limit the number of people directing questions at you during any given hour to just
22 those people on the staff whose turn it is. Please try and speak clearly so the court
23 reporter can understand and so the folks down at the end of the table can hear you as
24 well.

25 It's important that we don't talk over one another or interrupt each other, if we

1 can help it, and that goes for everybody present at today's interview. We want you to
2 answer our questions in the most complete and truthful manner as possible, so we will
3 take our time.

4 If you have any questions or if you do not understand one of our questions, please
5 let us know. Our questions will cover a wide range of topics, so if you need clarification
6 at any point, just say so. If you honestly don't know the answer to a question or do not
7 remember, it is best not to guess. Please give us your best recollection, and it is okay to
8 tell us if you learned information from someone else. Just indicate how you came to
9 learn that information.

10 If there are things you don't know or can't remember, just say so, and please
11 inform us who, to the best of your knowledge, might be able to provide a more complete
12 answer to the question.

13 You should also understand that, by law, you are required to answer questions
14 from Congress truthfully.

15 Do you understand that?

16 Mr. Brady. Yes.

17 [REDACTED] This also applies to questions posed by congressional staff in an
18 interview.

19 Do you understand this?

20 Mr. Brady. Yes.

21 [REDACTED] Witnesses that knowingly provide false testimony could be subject
22 to criminal prosecution for making false statements under 18 U.S.C., section 1001.

23 Do you understand this?

24 Mr. Brady. Yes.

25 [REDACTED] Is there any reason you are unable to provide truthful answers to

1 today's questions?

2 Mr. Brady. No.

3 [REDACTED] Finally, I'd like to make note that the content of what we discuss
4 here today is confidential. We ask that you not speak about what we discuss in this
5 interview to any outside individuals to preserve the integrity of our investigation.

6 For the same reason, the marked exhibits that we will use today will remain with
7 the court reporter to go into the official transcript, and any copies of those exhibits will be
8 returned to us when we wrap up.

9 That is the end of my preamble.

10 Is there anything my colleagues from the minority would like to add?

11 [REDACTED] No. We just thank the witness for joining us today.

12 [REDACTED] And I understand your counsel, Mr. Lelling, has some statements
13 that he'd like to make.

14 Mr. Lelling. Thank you.

15 I just wanted to note that Mr. Brady has received an authorization letter from DOJ.
16 I've given the committee a copy. I'd ask you to make it part of the record.

17 I think, following the guidelines they followed in the past when having witnesses
18 before the committee, they have basically told him to abide by the attorney-client
19 deliberative process privileges when testifying today, and also, whatever ethical
20 obligations cover the use of confidential client information.

21 They have also directed him to identify by name only senior supervisory personnel
22 in the course of his testimony but others by title only. So that may come up from time
23 to time.

24 And that's it. Thank you.

25 [REDACTED] Could we have a copy, please?

1 A I was nominated in the summer of 2017, and then, actually, was sworn in
2 and took office on December 23rd of 2017.

3 Q And were you asked to resign by the Biden administration at the beginning
4 of President Biden's Presidency?

5 A Yes. It was roughly the middle of February, and our exit date, for those of
6 us who were holdovers, was I think the 28th of February. So the end of February.

7 Q So how many years did you spend at the Department of Justice in total?

8 A Total? I think 9 or 10 years.

9 Q Did you ever do any time at Main Justice or just at the Western District?

10 A Just in the Western District, but I was on General Barr's advisory committee.
11 So I spent a good bit of time at Main Justice but no positions at Main Justice.

12 Q Okay.

13 [REDACTED] Let me ask one question.

14 [REDACTED] Uh-huh.

15 BY [REDACTED]

16 Q Whose decision was it to ask you to -- and the rest of the U.S. attorneys -- to
17 depart? Was it the White House counsel's office? Does that come from DOJ?

18 A I don't know who made the decision, but the Acting Attorney General had a
19 conference call with all of us who were remaining and thanked us for our service and told
20 us that they would request our resignation that day, effective the end of February. So it
21 was, roughly, you know, February 15th or so.

22 Q But, ultimately, it's the White House's decision. Correct? DOJ doesn't get
23 to pick its own U.S. attorneys, right?

24 A I don't know. I assume but I don't know.

25 Q And for those U.S. attorneys that did stay on, do you know who made that

1 decision?

2 A No.

3 BY [REDACTED]

4 Q So you left the Western District's office in February 2021. Is that accurate?

5 A That's right.

6 Q While you were serving as the U.S. attorney, did then Deputy Attorney
7 General Rosen assign you the responsibility of vetting information related to Ukraine?

8 A I don't -- it wasn't DAG Rosen. I got that information from the PADAG that I
9 had been given this assignment.

10 Q And who was the PADAG at the time?

11 A It was Seth DuCharme.

12 Q And when did Mr. DuCharme reach out to you?

13 A I think it was January 3rd of 2022.

14 Q And who had been vetting the information coming in related to Ukraine prior
15 to your assignment?

16 A I don't know.

17 Q You don't know, okay.

18 [REDACTED] I'll mark as exhibit No. 2 a February 18th, 2020, letter from Assistant
19 Attorney General Stephen Boyd to then Chairman Nadler.

20 [Brady Exhibit No. 2

21 Was marked for identification.]

22 Take a moment to review.

23 Mr. Lelling. What number.

24 [REDACTED] This is No. 2.

25 BY [REDACTED]

1 Q I'll direct your attention to the third paragraph on that first page, and I'll just
2 read it into the record.

3 It says: In light of several open matters being handled by different U.S.
4 attorneys' offices and Department components that in some way potentially relate to
5 Ukraine, the existence of which have been publicly reported, Deputy Attorney General
6 Rosen has assigned Richard Donoghue the U.S. Attorney for the Eastern District of New
7 York to assist in coordinating such matters.

8 The Deputy Attorney General implemented this policy to avoid duplication of
9 efforts across Department offices and components, to facilitate information sharing, to
10 ensure there are no conflicts among potentially overlapping matters, and to efficiently
11 marshal the resources of the Department.

12 To protect the integrity of ongoing matters, particularly with respect to unsolicited
13 information offered to the Department, the Deputy Attorney General has also assigned
14 Scott Brady the U.S. Attorney for the Western District of Pennsylvania to assist in the
15 receipt, processing, and preliminary analysis of new information provided by the public
16 that may be relevant to matters relating to Ukraine.

17 So, with respect to your responsibilities, does the last sentence of that paragraph
18 accurately depict what your responsibilities were?

19 A Yes.

20 Q And can you provide any additional context as to what the process looked
21 like for incoming information?

22 A Well, as Stephen Boyd describes to Representative Nadler, ours was an
23 intake and a vetting process, kind of akin to a due diligence, where we were to take
24 information provided by the public, including Mayor Giuliani, relating to Ukrainian
25 corruption. We were to vet that, and that was how we described it internally, a vetting

1 process.

2 We did not have a grand jury. We did not have the tools available to us that a
3 grand jury would have, so we couldn't compel testimony. We couldn't subpoena bank
4 records.

5 But we were to assess the credibility of information, and anything that we felt was
6 credible or had indicia of credibility, we were then to provide to the offices that had
7 predicated grand jury investigations that were ongoing.

8 Q And how many people within your office worked on vetting information?

9 A Including me, there were five of us.

10 Q And were all of those other individuals AUSAs or --

11 A Yes.

12 Q -- what was their role?

13 A Yes.

14 Q Okay.

15 And how did you assess the credibility of information coming in?

16 A Well, we would look at public sources. General Barr in other public
17 statements had said that we are to coordinate with the FBI and intelligence services, so
18 we did. We asked -- we met with them on a regular basis, asked to, you know, run
19 names, emails, bank account numbers through their existing files. We would vet that
20 against information that was provided by the public. And, again, open source
21 information, and then make a determination about credibility or next steps.

22 Q And so, after you made an assessment regarding the credibility, then you
23 would pass that information along to other offices who had predicated grand jury
24 investigations. Is that correct?

25 A That's right. At the end of our process, we then would brief those offices

1 with information that we believed was either credible or had indicia of credibility and we
2 felt, in our judgment, required some additional investigation, probably using tools
3 available to a grand jury. But, ultimately, it was their decision. Our visibility beyond
4 that point was over.

5 Q And were those briefings ongoing, or did they all happen at one point in
6 time?

7 A We would have ongoing conversations with the different offices to
8 coordinate and to apprise them of what we were doing, but at the end of our vetting
9 process, we provided substantive briefings to each of the offices, which was the handoff
10 of any information we felt they might want to look at or should be interested in.

11 Q And, when you say "offices," are you referring to other U.S. attorneys' offices
12 or FBI field offices? What are you referring to?

13 A Other U.S. attorneys' offices. So our interface was U.S. attorney's office to
14 U.S. attorney's Office. So specifically, I'm talking about Delaware, EDNY, SDNY.

15 Q And, when you were speaking with those other offices, did you have direct
16 points of contact?

17 A We did. We had multiple points of contact. So there were FBI contact to
18 FBI contact in the FBI field offices that were supporting the U.S. attorneys' offices. Our
19 litigation team, as it were, had primary interface with AUSAs that were running those
20 investigations in those offices, and then I would usually interface with the U.S. attorneys
21 or the first assistants from those offices.

22 Q And so, when you reached out to the other U.S. attorneys' offices, was it first
23 at the line level between AUSAs, or did you make the first contact with the other U.S.
24 attorneys?

25 A I made the first contact with other U.S. attorneys.

1 Q Okay.

2 On the second page of the letter, at the top, it says: Nor do these procedures
3 grant any individual unique access to the Department. Indeed, any member of the
4 public who has relevant information may contact the Department and make use of its
5 intake process for Ukraine-related matters.

6 So did this mean that any member of the public could reach out to you, or was this
7 just for Mr. Giuliani to reach out to you?

8 A No, this was any member of the public. And that happens in other types of
9 investigations where, if people from the public have information they want to provide to
10 Federal law enforcement, they will reach out to the FBI, to the U.S. attorney's office, any
11 number of Federal agencies. It's not uncommon.

12 Q And it wasn't unusual for the Deputy Attorney General or the PADAG to
13 assign these responsibilities to you, as that happened before. Is that correct?

14 A That I can't speak to.

15 Q In the letter, going from the first page to the second page, it says: The
16 Department regularly assigns U.S. attorneys to coordinate or focus on certain matters.
17 Did you have any awareness of other assignments similar?

18 A I know that Jeff Jensen was assigned to look at the matter involving General
19 Flynn. I had no interface with him during the pendency of his inquiry.

20 You know, because we were on AJC, I know from time to time, and I can't provide
21 specifics, but I know that different U.S. attorneys were given different assignments, some
22 involving investigations, some involving new initiatives, some involving task forces that
23 we all sat on at different times at the pleasure of either the Attorney General or the
24 Deputy Attorney General.

25 So it wasn't uncommon.

1 Q And, further on in this paragraph, it states that all information provided
2 through this process will be treated just like any other information provided to the
3 Department.

4 So would you say it's accurate that the information that you would have received
5 as part of this vetting process was not afforded any sort of special treatment?

6 A No. No, it was not.

7 Q So the Deputy Attorney General gave you the authority to vet new
8 information. Would you say that your role was limited in what you could do with that
9 information?

10 A Yes, it was. And it was limited by both the scope of what we were to look
11 at and the tools that were available to us, as I mentioned. It really was a vetting to
12 assess credibility. It was not to make determinations about whether there was evidence
13 sufficient to open criminal investigations, anything like that.

14 It was really to say, yes, we believe that this, again, as I said, is credibility, has
15 indicia of credibility, and then pass it on to one of the offices with the predicated jury
16 investigation.

17 Q And can you just tell us again which tools were not available to you to use?

18 A Sure. Anything that could compel testimony or the production of
19 documents. Witnesses, bank records, emails, we weren't able to access any of those
20 kinds of things or compel them from third-parties.

21 Q Could you interview any individuals involved with the information or no?

22 A We could. So that was something that was available to us and that we did.

23 Q And so you weren't able to act upon the information to open an assessment
24 or preliminary or full investigation. Is that correct?

25 A That is -- those are administrative categories that the FBI has pursuant to

1 their DIOG. That is not how we do things in the Department. In the Department, we
2 open a matter, and then we assess whether, in a traditional investigation, whether a
3 grand jury should be impaneled to investigate that, and then that case moves forward.

4 Our tasking was more narrow. We opened a matter, and then we did our task.

5 The FBI has different steps administratively that they identified and that we
6 discussed with them, but, ultimately, that didn't impact what our job was.

7 Q So could you close any matter?

8 A Internally, in the U.S. attorney's office? Yes.

9 Q But, after you passed that information along to another U.S. attorney's office
10 or you could -- were you involved in the investigation at all?

11 A Not after we gave the briefing. We weren't involved. We had no visibility
12 into what they did with that after we gave our briefings.

13 Q And can you kind of quantify, if you can, how much information you received
14 when you were vetting?

15 A I'm not sure I can quantify that. You know, there were a number of names
16 and information relating to those names, including phone numbers, email addresses,
17 bank account numbers that were provided to us, some of which we were able to look
18 into, some of which we were not.

19 Q And how much time would you say was devoted by the Western District and
20 the other five individuals that worked on this information? How much time did they
21 spend on these matters?

22 A With stops and starts, they worked -- our final briefings were in
23 mid-October. So, from January 3rd, when we were given this assignment, for two of our
24 members, it was their full-time assignment. And two of the supervisory AUSAs who
25 were more senior would be involved on an as-needed basis but provided significant

1 support.

2 And then I was involved as well on a regular basis.

3 Q But you continued doing your other duties as U.S. attorney, is that correct, in
4 addition to these duties?

5 A Yes, that's correct.

6 Q As part of this work, did your office obtain an FD-1023 dated June 30th,
7 2020?

8 A We did not obtain a physical copy, but there was one that was generated
9 from the investigation. That's correct.

10 Q And so how did this information come in then?

11 A Well, again, respecting the privileges that attach to this, during the course of
12 our investigation, we were made aware of a confidential human source who -- and
13 because the 1023 is public, I can speak to that.

14 A confidential human source in a previous 1023 had identified an interaction with
15 a Ukrainian national who discussed -- it wasn't the focus of that 1023 from several years
16 prior but had made reference to Hunter Biden serving on the board of Burisma.

17 At my direction, we asked the FBI to re-interview the CHS. And, again, in the
18 previous 1023, it wasn't really the focus of the information that was being provided to the
19 FBI. It was just one sentence. And so we said, "We need to understand what this is or
20 is not, so can you please re-interview him or her," which they did, and that then resulted
21 in the January 2020, 1023.

22 [REDACTED] And we'll offer that as exhibit No. 3, just so you can have it in front
23 of you while we're talking about it.

24 [Brady Exhibit No. 3

25 Was marked for identification.]

1 Mr. Brady. Sure.

2 BY [REDACTED]

3 Q Can you detail for us what an FD-1023 is?

4 A Sure. A 1023 is a report of a confidential human source. They are very
5 sensitive because, obviously, the FBI and the Department of Justice want to protect the
6 identities of the confidential human source. They assist in investigations.

7 And so the normal form for memorializing interviews during the course of an
8 investigation is an FD-302. Because of the sensitivity and how they are handled, they
9 are categorized differently, and they are -- you know, the number assigned is an FD-1023.

10 But they assist in ongoing information. It could be an investigation. It could
11 just be background information about certain subjects or targets. That's what's, you
12 know, that's what's represented here.

13 Q And so, when your office discovered the information in the previous 1023,
14 did you have an understanding of whether the field office in possession of that 1023 was
15 doing any sort of investigating regarding the information that was contained in the 1023?

16 A We did not. We don't believe that it was because it wasn't the focus of the
17 previous 1023. That was about a different subject but also interfacing with a Ukrainian
18 national.

19 Q You said that you had an interaction with the FBI asking them to re-interview
20 the CHS. Can you tell us a little bit more about that interaction? When did it occur?

21 Mr. Lelling. You can say when it occurred, if you remember.

22 Mr. Brady. Yeah, so we identified the previous 1023 probably at the beginning of
23 June and then went back and forth with the FBI about reaching back out to the CHS and
24 doing a full interview on the line referencing Hunter Biden and Burisma. But it took a
25 while.

1

BY [REDACTED]

2

Q And when you say there was a back and forth, what do you mean by that?

3

Was there pushback from the FBI?

4

Mr. Lelling. I would describe it generally.

5

Mr. Brady. I think there was concern by the FBI about the sensitive nature of

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both the information and also the fact that this was an important confidential human

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source who had provided information to them in the past, that had been used in other

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investigations. So it was an important CHS to them.

9

10

Q And, when you say that the information was sensitive, what do you mean by

11

that?

12

A Certainly anything relating to Ukraine, Ukrainian nationals that intersected

13

with Hunter Biden and his role serving on the Burisma board was sensitive and certainly

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in 2020, months before an election cycle when different policies kick in for the

15

Department and for the FBI.

16

Q And was it sensitive because Hunter Biden's father, Joe Biden, was running in

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the 2020 election?

18

A Yes.

19

Q And talking about the CHS a little bit, you said that the CHS was important to

20

the FBI. Did you get a sense of the CHS' credibility from the FBI?

21

Mr. Lelling. I would ask you not to answer that.

22

23

Q The FBI has said that they had a pre-existing relationship with this source, as

24

well as they had been used in multiple investigative matters, including during the Obama

25

administration. Are you aware of those public statements from the FBI?

1 A I'm not aware of those, but that's consistent with my understanding.

2 Q The FBI has also said that they've reviewed information that the CHS has
3 provided and found them to be, quote, highly credible. Have you seen those public
4 statements?

5 A I have not, but that's consistent with my understanding.

6 Q And can you tell us about the process that your office went through to vet
7 the information that's now contained in this FD-1023?

8 Mr. Lelling. You can speak generally to that. I would not get into details.

9 Mr. Brady. So we attempted to use open-source material to check against what
10 was stated in the 1023. We also interfaced with the CHS' handler about certain
11 statements relating to travel and meetings to see if they were consistent with his or her
12 understanding.

13

14 Q And did you determine if the information was consistent with the handler's
15 understanding?

16 A What we were able to identify, we found that it was consistent. And so we
17 felt that there were sufficient indicia of credibility in this 1023 to pass it on to an office
18 that had a predicated grand jury investigation.

19 Q And did you determine that the CHS had traveled to the different countries
20 listed in the 1023?

21 Mr. Lelling. I would decline to answer that.

22

23 Q And what did -- after you corroborated some of the information that was
24 obtained in the FD-1023, what did you do next?

25 A So we received this at the end of June. We did what we could to

1 corroborate certain things, and then that was a part of the briefing that we gave to, in this
2 case, the District of Delaware.

3 Q So you passed this information along to the District of Delaware. Is that
4 correct?

5 A We did and confirmed that the FBI -- we did not have physical possession of
6 the 1023, though we saw it and reviewed it. We also then, after a briefing, confirmed
7 that the FBI provided a copy of the 1023 to not only the Baltimore Field Office, which
8 supported the District of Delaware, but also the U.S. attorney's office in the District of
9 Delaware, and the FBI confirmed that they had done so at our request.

10 Q And so, regarding this 1023, when you were passing this information along
11 to the USAO in Delaware, did you have a communication with Mr. Weiss, the U.S.
12 attorney there?

13 A I did.

14 Q And was that the first time you had spoken with Mr. Weiss?

15 A No. Mr. Weiss and I had spoken on a number of occasions. We also
16 overlapped on AJC, so I knew Mr. Weiss well.

17 But, concerning this particular assignment by DAG Rosen relating to Ukraine, we
18 had several conversations and interactions, both between David and me and then
19 between our respective teams that were running our -- vetting on our side, investigation
20 on their side relating to the sharing of information from, you know, January, let's say,
21 10th through mid to late October when we provided the final briefing to the District of
22 Delaware.

23 Q And how would you describe how regular those interactions occurred
24 between you and Mr. Weiss specifically?

25 A They were really on an as-needed basis. So they might be every, you know,

1 4 weeks, 6 weeks.

2 Mr. Lelling. Just to clarify for the record, this is you personally, not your
3 subordinates?

4 Mr. Brady. Yes. This is between David and me, between Mr. Weiss and me.
5 He and I would speak on a semi-regular basis, but usually it was when certain issues
6 would rise up to us that we needed to speak directly and resolved.

7 BY [REDACTED]

8 Q And this was regarding specifically the assignment from DAG Rosen
9 regarding vetting Ukrainian information. Is that correct?

10 A That's correct.

11 Q And did you pass a lot of information that your team had vetted and deemed
12 credible to the U.S. attorney in Delaware?

13 A I'm not sure what you mean by a lot of information, but we gave a
14 substantive briefing with the information, including the 1023 that we thought would be of
15 interest to them or that they should investigate further, and made other
16 recommendations about possible investigative avenues that we would recommend that
17 they take.

18 Q So the October, the late October briefing, did it include materials additional
19 to the FD-1023?

20 A Yes.

21 Q And so was that a final briefing of everything that you had sent over to the
22 Delaware office?

23 A That's correct.

24 Q But you had had interactions with Mr. Weiss leading up to the October 2020
25 briefing. Is that correct?

1 A Yes, that's correct.

2 Q Besides you, who communicated with the Delaware U.S. Attorney's Office?

3 Mr. Lelling. I would identify them by title only.

4 Mr. Brady. My first assistant would communicate with the Delaware first
5 assistant. They had a professional relationship prior. And then most of the regular
6 communication would be between -- there were particularly two AUSAs that were kind of
7 leading the day-to-day taskings and interfaced with the FBI on our process, and they
8 would interface with AUSAs on Mr. Weiss' team that were leading the investigation.

9 BY [REDACTED]

10 Q Did you ever have any interactions with an AUSA in the U.S. attorney's office
11 for Delaware named Lesley Wolf?

12 A I believe I was on some initial calls in which Ms. Wolf was a participant. I
13 believe we also had a global meeting with members of various U.S. attorneys' offices and
14 leadership in the FBI in April that Ms. Wolf attended. Otherwise, after that, all my
15 interaction was with Mr. Weiss directly.

16 Q And, when you were on that call where Ms. Wolf was a participant, was
17 Mr. Weiss on that call as well?

18 A On the early calls, yes. Yes. I was never on a call with Ms. Wolf that
19 [REDACTED] was not a part of.

20 Q And did the AUSAs from your team correspond regularly with Ms. Wolf, to
21 your understanding?

22 A Fairly regularly, as needed, but, yes, on a regular basis over the course of our
23 process.

24 Q And were there other AUSAs that your team would reach out to at Delaware
25 besides Ms. Wolf?

1 A I am not familiar with any. I believe the primary interface was with
2 Ms. Wolf.

3 Q And do you remember the date of the October 2020 briefing at all?

4 A I want to say it was October 20th or 22nd. It was the final briefing of the
5 three briefings that we gave to other U.S. attorneys' offices.

6 Q And so the other U.S. attorneys' offices that you interfaced with, other than
7 the District of Delaware, what were those U.S. attorneys' offices again?

8 A SDNY, the Southern District of New York, and EDNY, the Eastern District of
9 New York.

10 Q And did you have a final briefing with the Southern District and Eastern
11 District around the same time?

12 A Yes, earlier in October, and each briefing was separate. So the information
13 was limited to and provided to only members of that office. So we had one for SDNY,
14 one separate one for EDNY, and one separate one for Delaware. There were no kind of
15 shared communications where one would sit in on another's briefing.

16 And those briefings were provided by my team, and the FBI participated, but the
17 briefings were given by members of my team.

18 Q And similar to your interactions with the U.S. attorney's office for Delaware,
19 did you have ongoing communications with the Southern District and the Eastern District
20 of New York?

21 A Again, on an as-needed basis. There were more at the beginning of the
22 project because we were trying to define the rules of engagement among the offices to
23 understand how information would be shared and utilized and what information would
24 come back to us and be shared with us.

25 But, yes, Geoff Berman was the U.S. attorney for the Southern District of New

1 York, so he and I would speak occasionally. Rich Donoghue at that time was the U.S.
2 attorney for EDNY before he became PADAG and replaced Seth DuCharme later in the
3 administration.

4 And, as the letter from Stephen Boyd to Mr. Nadler, Representative Nadler states,
5 Rich and I would also speak on a regular basis because he was responsible for overseeing
6 all of the Ukraine-related investigations that were going on, was kind of an air traffic
7 controller to make sure, you know, we weren't duplicating efforts, that we were aware of
8 the things that were going on in the other offices.

9 Q And I think you mentioned FBI, the Pittsburgh Field Office being involved
10 with the 1023 and passing that along to Baltimore. Is that correct?

11 A That's correct.

12 Q And did they have any involvement in the vetting process, FBI Pittsburgh?

13 A Yes. FBI Pittsburgh was our primary support on a day-to-day basis in, you
14 know, running things to ground, looking at FBI files, and anything that we asked them
15 relating to the vetting process.

16 Q And were there regular points of contact at FBI Pittsburgh that you would
17 work with?

18 A Yes, I and my team.

19 Q And who was your primary point of contact by title?

20 A Mine was mostly the SAC or one of the ASACs, one of the senior ASACs.
21 And then my team worked on a regular basis with, to a lesser degree, the ASACs but
22 primarily an SSA, supervisory senior assistant.

23 Mr. Lelling. Supervisory special agent.

24 Mr. Brady. Supervisory special agent. Thank you.

25 And, as I say, and the special agents who were on the vetting team for the

1 Pittsburgh Field Office.

2 BY [REDACTED]

3 Q And how many individuals were involved in the vetting team at FBI
4 Pittsburgh, to your knowledge?

5 A To my knowledge, it was unclear. There was a small group that did
6 day-to-day assignments. There was a larger group at the FBI, including FBI
7 Headquarters, that had eyes on what was happening and which required signoff for any
8 investigative steps that FBI Pittsburgh was asked to take by us.

9 Q Okay.

10 And so they would only elevate an investigation if you had asked them to take
11 investigative steps?

12 A It was my understanding that they could not take any steps absent the
13 approval, the review and approval of FBI Headquarters, not just the leadership of FBI
14 Pittsburgh.

15 Q And when you would reach out to Delaware or the Eastern District of New
16 York or Southern District of New York, did FBI Pittsburgh also reach out to the
17 corresponding field office for that district?

18 A I don't know what the regularity of their communications was. Sometimes
19 our conversations were just U.S. attorney's office to U.S. attorney's offices to make sure
20 we were sharing information, communicating. The interaction regularity, content
21 among the different FBI field offices I'm not aware.

22 Q And you were aware that the FBI Pittsburgh Office sent the 1023 to the FBI
23 Baltimore Field Office. Is that correct?

24 A That's right. That was at our request/direction.

25 Q Did you have any understanding of how regularly FBI Pittsburgh

1 communicated with FBI Baltimore?

2 A I don't but I think it was regular.

3 Q Did you have any interactions with the FBI Field Office?

4 A I did not personally, no. I think my team did. So, for example, when we
5 did the briefing to Delaware, I think there were members of the Baltimore Field Office
6 who participated in the call, in the briefing. It was my understanding that Lesley Wolf,
7 perhaps another AUSA, and unknown number of special agents for FBI Baltimore were on
8 the receiving end of our briefing.

9 Q And, when did you give the direction to pass the FD-1023 on to the U.S.
10 attorney's office in Delaware and FBI Baltimore?

11 A I can't remember if it was prior to the briefing or during the briefing, but we
12 requested that, and FBI Pittsburgh ASAC confirmed that they would and then, after the
13 fact, confirmed that it had been transmitted.

14 Mr. Lelling. You're referring to the briefing in October 2020?

15 Mr. Brady. Correct, yeah, our briefing in October 2020 to the Delaware U.S.
16 Attorney's Office.

17 Ms. [REDACTED] And, when you passed the FD-1023 along to the other offices, did
18 you let them know that you had concluded the information in the FD-1023 was credible?

19 Mr. Lelling. I don't know that he can accept that as phrased, characterization.

20 Mr. Brady. Yes, and I can explain.

21 We were not making a representation that everything in this 1023 was credible.
22 That was not our process. We didn't have the tools to do so. We were not making
23 that kind of representation.

24 What we were doing was, as a part of the briefing, giving them the investigative
25 steps that we had taken within our limited ability to corroborate the information that the

1 CHS had provided us, and we informed them that we felt that the 1023 had indicia of
2 credibility sufficient to merit further investigation.

3 And so that's what we communicated to them.

4 BY [REDACTED]

5 Q And you did this in the form of the October 2020 briefing. Is that correct?

6 A That's correct.

7 Q And do you remember who was present for this briefing? Who from your
8 office was present for the briefing?

9 A The two AUSAs who were running points on the investigation and really had
10 the most substantive knowledge were present. I believe at least one or two of the FBI
11 special agents in the Pittsburgh Field Office were also present. And, as I sit here, I don't
12 recall whether either of the two senior members of our office were a part of that briefing
13 or not. I was not; neither was David Weiss.

14 Q And do you know who attended from [REDACTED] office?

15 A Lesley Wolf. Ms. Wolf attended. There may have been another AUSA
16 from Delaware and then unknown number of special agents from the Baltimore Field
17 Office.

18 Q And who gave the briefing? Who was in charge of providing the
19 information?

20 A It was the lead AUSA on my team.

21 Q And did you ever receive information on how the briefing went from your
22 team?

23 A Yes.

24 Q What was there overall characterization of how the briefing went?

25 A All of our information that we wanted to have communicated to Delaware

1 was communicated.

2 Q And was the Delaware U.S. Attorney's Office receptive of the information
3 that you provided?

4 A I can't characterize their receptivity. As I mentioned, I wasn't a part of it.
5 It was received, however, and we gave that full briefing.

6 And then, as I mentioned, after we provided the briefing, any documents we sent
7 to them, including the 1023, then our tasking was done, and our visibility into what any of
8 the offices did with that information ended.

9 BY [REDACTED]

10 Q Did you have any issues developing a channel of communication initially with
11 the Delaware U.S. Attorney's Office?

12 A Yes.

13 Q And could you talk to us about that?

14 A Speaking generally, from a process perspective, I think there was both a
15 skepticism of the information that we were developing, that we had received, and
16 skepticism and then weariness of that information. I think they were very concerned
17 about any information sharing with our office.

18 It became problematic at different points, which required Mr. Weiss and me to get
19 involved and level set, as it were, but it was regularly a challenge to interact with the
20 investigative team from Delaware.

21 Q Why do you think that was? I mean, your office contacts their office. I
22 mean, what was the harm in having a telephone call and sharing information? I mean,
23 you certainly don't have any authority of the Delaware U.S. Attorney's Office. What do
24 you think was going on there?

25 A That's absolutely correct in terms of having no authority to dictate anything

1 that Delaware did or looked at.

2 I don't want to speculate as to why, but I know that there was no information
3 sharing back to us about what they were -- or very limited. And, at one point, the
4 communication between our offices was so constricted that we had to provide written
5 questions to the investigative team in Delaware, almost in the form of interrogatories,
6 and receive written answers back.

7 Q Okay.

8 Now, do you think their reluctance was because Hunter Biden was involved?

9 A I can't speak to that, but, obviously, this is a very sensitive investigation, and
10 it was an election year.

11 Q Did you have to have interactions with the DAG's office to facilitate
12 communications with the District of Delaware?

13 A Most of our interactions with the DAG's office was to facilitate
14 communication with the FBI. We did, on occasion, have to involve the DAG's office to
15 facilitate communication with Delaware as well.

16 Q Okay.

17 So you were having trouble talking with [REDACTED] office, so you went to the
18 DAG's office. Who did you go to in the DAG's office?

19 A It was usually the PADAG.

20 Q And you told the PADAG, like, they're not willing to have an information
21 sharing dialogue. Can you help us?

22 A That's correct.

23 Q And how did that ultimately get resolved? Did the PADAG then call
24 [REDACTED] or?

25 A If he did, I'm not aware. I know from public reporting there was a later

1 communication between then PADAG Rich Donoghue and either [REDACTED] or his team
2 ordering them to meet with us for the briefing.

3 Q So he had to order them to meet with you?

4 Mr. Lelling. This is not your personal knowledge.

5 Mr. Brady. This is not my personal knowledge. I've only read that in public
6 sources from Mr. Shapley's testimony.

7 BY [REDACTED]

8 Q But, based on your experience, that doesn't conflict with anything you're
9 aware of?

10 A I'm sorry. I don't -- what doesn't conflict?

11 Q The public reporting, what Mr. Shapley said.

12 A No, I have no knowledge one way or the other --

13 Q Right.

14 A -- relating to that.

15 Q But, if the District of Delaware was enthusiastic to meet with you, you
16 certainly wouldn't have to go through the DAG's office. Correct?

17 A Typical U.S. attorney to U.S. attorney office communication, even on
18 sensitive matters, is fairly clear and transparent. We're all professionals. We all
19 understand our ethical obligations, especially for 60-year grand-jury-derived information.
20 So that happens on a regular basis on investigations that are being run by multiple offices.
21 So this was unusual.

22 Q So you don't ordinarily have to get the DAG's office involved to pass
23 information?

24 A Not to pass information. Sometimes the DAG's office has to get involved
25 when two U.S. attorneys' offices or multiple U.S. attorneys' offices are investigating the

1 same course of conduct or crime, and then which office is the lead office, essentially, for
2 indictment purposes. This was not that.

3 So this was very unusual, but we had to involve the DAG's office with Delaware
4 and the FBI on a regular basis.

5 Q And did your AUSAs ever communicate to you issues they were having with
6 Ms. Wolf?

7 A Not with Ms. Wolf specifically -- well, no strike that.

8 There was an occasion with Ms. Wolf as well, but they would communicate to me
9 the issues that we were having, our investigative team was having with both the FBI and
10 with Delaware and with SDNY. Really the only office we didn't have any issues with was
11 EDNY. It was Rich Donoghue's office.

12 Q Okay.

13 And so, before you communicated with the PADAG that you needed assistance,
14 did you have an initiative to talk with Mr. Weiss?

15 A Yeah, I wouldn't always run to the principal right away, right. I would try to
16 go professional to professional, you know, U.S. attorney to U.S. attorney, and we would
17 try to resolve things. And, only when we couldn't, would we elevate it to the DAG's
18 office and involve the PADAG.

19 Mr. Rosen was never involved directly in our communications. It was always the
20 PADAG.

21 Q Okay.

22 And what feedback was Mr. Weiss giving you during that time period before you
23 had to involve the PADAG?

24 Mr. Lelling. Only in general terms.

25 Mr. Brady. Usually Mr. Weiss was in receiving mode and would say that he

1 would talk to his team to try to resolve it?

2

BY [REDACTED]

3

Q At any point did you have to advise Mr. Weiss that you've been, you know, you've been charged by the DAG to collect this information, and part of your charge and your duty, and correct me if I'm wrong, is to analyze it and hand it off?

4

A That's correct and to coordinate with other offices. And, yes, I reminded Mr. Weiss of that obligation that we have, of that requirement, and the FBI on a regular basis as well.

5

Q And you certainly weren't trying to go into the District of Delaware and open your own grand jury. You're simply trying to hand this information off.

6

A That's correct. And what we wanted to do and the whole -- one of the reasons, at least subjectively, my understanding was that this process was set up to protect the predicated grand jury investigations. And so one thing that the coordination would allow us to do would be to make sure that we weren't duplicating any efforts that they had had.

7

For example, creating two 302s of witness interviews, which might conflict. We didn't want to do that. We didn't want to do anything that would make any of the offices' jobs more difficult or complicate cases. And so we felt that that kind of coordination would obviate that. It wasn't always viewed that way by the other office.

8

Q And were you aware of what the PADAG did ultimately to get Delaware to take your calls, essentially?

9

A Not always. No, I didn't always have visibility into that. Sometimes resolutions would be, as I mentioned, you know, we would have to submit interrogatories to get information. Sometimes, again, from Mr. Shapley's testimony, I understand that they were ordered by PADAG Donoghue to participate in our briefing. There was

1 apparently reluctance to participate in that briefing at the end of our process.

2 Q And, even if you were presenting a case to Mr. Weiss that was airtight, which
3 I'm not suggesting this was, but even if you were presenting a case that was airtight, and
4 you had everything, it was still Mr. Weiss' call whether to prosecute, whether to open up
5 a grand jury matter. Correct?

6 A Yes. I understand your question. Yes, we had no ability to direct the
7 actions of what the offices with predicated grand jury investigations would do with the
8 information that we believed was either credible or had indicia of credibility. We could
9 only present what we had identified, explain to them the sources by which we believed
10 something had indicia of credibility, and then make recommendations about what we
11 think they might want to do with that. But that was it.

12 Q Did you ever have any discussions with the DAG's office about the prospect
13 of special counsel being named here?

14 A No.

15 Q Do you think -- at this point, you know, October 2020, did you think that a
16 special counsel was warranted?

17 Mr. Lelling. Don't answer that.

18 Mr. Brady. That was beyond my purview.

19 BY [REDACTED]

20 Q But clearly there was a potential conflict here. Mr. Weiss was U.S. attorney
21 in the District of Delaware, which is the home district of the Democratic nominee for
22 President.

23 Mr. Lelling. I'm instructing the witness not to answer that.

24 BY [REDACTED]

25 Q So did you have any communications with anyone on your team about that

1 prospect?

2 A Of the appointment of a special counsel?

3 Q Yes.

4 A No.

5 And, just to be clear, separate and apart from Mr. Weiss and his tasking, U.S.
6 attorneys' offices investigate highly sensitive matters, including matters of potential public
7 corruption in cities across the United States. We do that on a regular basis. And,
8 because of the ethical obligations and the professionalism of the offices and the agencies
9 that support DOJ, we understand what our marching orders are. We, they, understand
10 what the marching orders are and abide by those.

11 Q So you weren't particularly invested in encouraging Mr. Weiss to prosecute
12 or not prosecute? You were simply handing off information. Is that correct?

13 A That's absolutely right. My goal was for us to do our task, our job that we
14 were given by AG Barr, DAG Rosen. Do it effectively and professionally, with integrity.
15 Make sure that there was no information that was going to the public outside of our
16 team, and then hand that off to those offices and allow them to do with it as they felt
17 best.

18 Q So you weren't advocating for any type of prosecution by Mr. Weiss?

19 A No, nor would it have been my place to do so.

20 Q Okay.

21 And so the fact that Mr. Weiss wasn't receptive to taking your calls didn't
22 necessarily, you know, frustrate you other than you're just trying to do your job? You
23 weren't out to get the particular targets of this information that you acquired?

24 A No, not at all. And he wasn't reluctant, just to clarify the foundation of
25 your question. He wasn't reluctant to take my calls. We usually just had to solve a

1 problem, and we would engage, U.S. attorney to U.S. attorney, to try to solve the working
2 relationship between our teams.

3 Q But, at some point, the DAG's office had to get involved to facilitate that?

4 A Occasionally, yes.

5 Q So that seems like you weren't always able to resolve it with Mr. Weiss.

6 A That's correct. Sometimes.

7 Q Did you ever suggest to Mr. Weiss, like, "We're just looking to have a
8 telephone call, we're just looking to have a meeting, we're just looking to give this
9 information to you, and you can do with it whatever you deem appropriate"?

10 A Yes.

11 Q But still you had to get the DAG's office involved?

12 A On occasion. Not every time.

13 Q Okay.

14 BY [REDACTED]

15 Q And, when you said you had to communicate using written questions, how
16 many occasions did you have to do that?

17 A We did that one time, and I don't remember the number of questions but in
18 excess of probably 20.

19 Q And that was prior to the October 2020 briefing; Is that correct?

20 A Yes, that was much earlier.

21 Q Do you kind of remember the general timeframe?

22 A I want to say that was around -- that was prior to this, which was June. So I
23 want to say maybe April or May.

24 Q And the point of the written questions was to obtain information from the
25 District of Delaware; Is that correct?

1 A Yes, to understand what they had looked at, what they had not looked at to
2 make sure we weren't, again, to ██████████ point, duplicating efforts, stepping on toes,
3 doing anything that would in any way complicate their lives and their investigation.

4 Q And, at that point, you had an understanding that Mr. Weiss was looking
5 into some of the matters in which you were looking into as well regarding the information
6 that was coming into your office?

7 A Yes.

8 Q And you said that you had some communication troubles with the FBI as
9 well; Is that correct?

10 A That's correct.

11 Q Was that a specific field office?

12 A We had -- my knowledge is limited to the issues that we had with the
13 Pittsburgh Field Office and, by extension, FBI Headquarters.

14 Q And how would you characterize those problems that you were having?

15 A It was a challenging working relationship. I think there was reluctance on
16 the part of the FBI to really do any tasking related to our assignment from DAG Rosen and
17 looking into allegations of Ukrainian corruption broadly and then specifically anything
18 that intersected with Hunter Biden and his role in Burisma. It was very challenging.

19 Q And you said reluctant. Did you get a sense of why the FBI was reluctant to
20 take any action?

21 Mr. Lelling. You can characterize that generally.

22 Mr. Brady. I don't know why they were reluctant. I know that, because of what
23 they deemed to be the sensitive nature, and this was sensitive, as it related to Mr. Biden,
24 that there were a lot of steps of approval and a lot of eyes that had to look at things and
25 sign off on any action that the special agents that were doing the day-to-day work and

1 interacting with our team would take.

2 It was my understanding that FBI Headquarters had to sign off on every
3 assignment, no matter how small or routine, before they could take action, which then
4 just lengthened the amount of time, you know, between us asking them to do something
5 and them actually performing it.

6

BY [REDACTED]

7 Q And, in your dealings with the FBI, was this level of signoff regular, that the
8 special agent would have to get signoff to take any little investigative action?

9 A Not in my experience. In my experience, on most investigations, even
10 sensitive investigations, and/or public corruption investigations, it was usually contained
11 within the field office. So you would have special agents interacting with their
12 immediate supervisor, the SSA, who would bring in maybe an ASAC on occasion or read in
13 the SAC.

14 Even something as simple as extending the assessment that we talked about, that
15 requires a renewal every 30 days under the FBI DIOG. Normally that, either opening or
16 renewal, can be by -- at the SSA level. In this case, it required 17 different people,
17 including mostly at the headquarters level to sign off on it before the assessment could be
18 extended.

19 And so, at different times, we were told by the special agents that they had to go
20 pens down sometimes for 2 or 3 weeks at a time before they could re-engage and take
21 additional steps because they were still waiting on, again, someone within the 17 chain
22 signoff to approve.

23 Q And had you ever seen a 17-person signoff required by the FBI?

24 A Never in my career.

25 Q And you had to go to the DAG's office to kind of rectify some of this

1 challenging relationship and the reluctance. Is that correct?

2 A That's correct.

3 Q And how many times did you have to go to the DAG's office for help?

4 A With the FBI specifically?

5 Q Correct.

6 A It's fairly regular. I want to say at least five or six times on a myriad of
7 different issues.

1 [11:01 a.m.]

2

BY [REDACTED]

3

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5

6

Q And did you get a sense of where the reluctance and the root of the challenges were coming from? Was it coming from FBI headquarters, or was it specific agents within the Pittsburgh office? Did you get a sense of where that was coming from?

7

8

A Typically, when we would elevate an issue that required the attention of senior management of the FBI, the PADAG would interact with the Deputy Director.

9

Q Uh-huh.

10

11

12

13

A The Deputy Director at that time was David Bowdich. And Mr. Bowdich was terrific. We would meet, sometimes Seth would talk to Mr. Bowdich directly, and that problem would be solved. Sometimes the three of us would confer and huddle, and I would apprise him, and he would say, "I will take care of it," and he would.

14

15

16

So usually the issues were not at the Pittsburgh Field Office, including the ASACs or SAC levels. It was somewhere at FBI headquarters, and I had no visibility into where that choke point was.

17

18

19

Q And what did the challenging relationship that was going on with the FBI and the reluctance on the part of the FBI to, you know, look into some of the information you were receiving, what did that mean for your process and your assignment?

20

21

22

23

24

25

A It meant, as I stated earlier, there were a lot of stops and starts.

Even the process by which the FBI categorized the opening of the assignment -- as I said, they have their administrative procedures that are governed by the DIOG. We could simply open a matter and then move forward. I don't believe, from the time we were given this assignment and it was made public, including when we met with Mr. Giuliani -- that all happened in January. I don't believe that the FBI opened this as an

1 assessment until the end of March.

2 And, for a period, they were pens down and not able to do anything until it was
3 both approved as an assessment and then signed off on. And then, again, it required
4 every 30 days a renewal. And so there were several times, because of the sign-offs
5 required, where the agents would go pens down for weeks at a time. And so that was
6 incredibly frustrating.

7 Q And did these challenges continue throughout your whole assignment from
8 January until, we'll say, October of 2020? Were the challenges consistent? Did they
9 just happen at one period of time?

10 A It happened at the beginning and then through -- the SAC in Pittsburgh, I
11 believe, retired at the end of March. He was replaced with an acting SAC through
12 perhaps May and June and then was replaced around that same time -- I don't remember
13 the dates exactly -- with a permanent SAC. Once that SAC got in place, then things got
14 moving, and the relationship was much, much better. However, though, there was still
15 interaction with headquarters and sign-off required by headquarters.

16 So, in that last period, once the new SAC came on board, it was much better and
17 we could get things moving. So, really, from January until, again, end of May, it was
18 incredibly challenging and we did not make much progress at all.

19 Q And when you had to, you know, have these meetings between you, the
20 PADAG, and the Deputy Director at the FBI, was the Deputy Director receptive to what
21 the PADAG was saying?

22 Mr. Lelling. You can describe those meetings in very general terms.

23 Mr. Brady. Yes, Deputy Director was effective. He understood our tasking.
24 He wanted the FBI to be supportive, and so, to the extent there were issues or problems,
25 he did his best to solve those. And then we didn't have visibility in what his

1 communication downstream was, but they were usually resolved.

2 BY [REDACTED]

3 Q And was there a point in time when the FBI got rolling with their
4 assessment?

5 A Yes. Later, again, in June-ish of 2020, when the new SAC for Pittsburgh was
6 appointed, he and I had a meeting where we sat down, I explained what our tasking was,
7 what we were trying do, what the history had been, including some of the problems in
8 the working relationship, and things were much better after that point.

9 [REDACTED] We can go off the record.

10 [Recess.]

11 [REDACTED] Go on the record, please. It is 11:14.

12 Hi again, Mr. Brady.

13 Mr. Brady. Hi.

14 EXAMINATION

15 BY [REDACTED]

16 Q I have a couple questions just really briefly on the appointment process that
17 we mentioned before.

18 You were asked a series of questions about whose decision it was to remove you
19 from office. Do you recall those questions?

20 A Yes.

21 Q Do you know who your predecessor was when you became U.S. attorney in
22 the Western District?

23 A The Presidentially appointed U.S. attorney was Dave Hickton.

24 Q Okay.

25 A And then Soo Song was first assistant and then acting in the interim.

1 Q So was your predecessor asked to be removed, as well, when there was a
2 new change in administration?

3 A I have no idea.

4 Q Okay. Is that common, in your experience or to your knowledge, that
5 Presidents remove U.S. attorneys when there's a new administration coming in?

6 A It's regularly understood that at the end of an administration that's a change
7 that the U.S. attorneys will resign and then be replaced by nominees, you know, from the
8 party of the incoming administration. That's understood by all of us. We are know
9 that we have a shelf life and that we'll be replaced.

10 Q But you didn't think anything unusual happened in your case, is that fair to
11 say, when you were asked to step down?

12 A No. No. We knew it was coming; we just didn't know the timing.

13 Q Okay.

14 And moving on from that, let's talk about your January 2020 assignment. You
15 characterized that as an assignment to vet information. Is that what you would say?

16 A That's correct. And that's what Attorney General Barr, when he spoke of it
17 publicly, also described it, as I recall.

18 Q Okay. So the task that you were given came ultimately from Attorney
19 General Barr. Is that right?

20 A I believe so, yes.

21 Q And the scope was for you to vet information related to Ukraine that was
22 coming into the Justice Department from members of the public, including, particularly,
23 Mr. Giuliani and his lawyer, Bob Costello, correct?

24 A I don't know about "particularly," but, yes, any member of the public,
25 including Mayor Giuliani.

1 Q Okay. So, in your experience, are you saying that you didn't have any
2 expectation that you were going to be receiving information particularly from Mr.
3 Giuliani?

4 A We knew he would be one of the members of the public that would be
5 providing us with information --

6 Q Okay.

7 A -- but the process was open to any member of the public that had
8 information relating to Ukrainian corruption.

9 Q Okay. How did you know that the information coming to you was going to
10 be coming from Mr. Giuliani?

11 A His attorney reached out to our office once the process had been identified
12 and asked to set up a meeting with our office to provide us with the information that
13 Mr. Giuliani had.

14 Q Okay. And his attorney was Bob Costello; is that correct?

15 A That's correct.

16 Q Okay.

17 Who was the person at the Attorney General's Office who gave you your
18 assignment or informed that you would be the person responsible for this assignment?

19 A Seth DuCharme, the PADAG.

20 Q Okay. And do you recall how it was that you were informed?

21 A I believe I received an email that's in the public, I believe, pursuant to FOIA
22 requests, that he wanted to speak with me and, then, about a new assignment.

23 Q Okay.

24 And I am going to mark for the record as exhibit 4 an email.

25

[Brady Exhibit No. 4

1

BY [REDACTED]

2

Q Oh, sorry. Oh, this is the other version.

3

Sorry. I'm sorry. It's not that.

4

A Not this first one?

5

Q I'm going to give you the transcript. It's easier.

6

A No problem.

7

Q Sorry. So sorry. Thank you.

8

A This is 5?

9

Q Yes, sir, exhibit 5.

10

This is another email. There's actually a Bates number, just for the record, on

11

the bottom. This is part of an American Oversight FOIA case, DOJ-20-0220-A. And the

12

Bates number is 20-0221-B-000002.

13

At the top of this exhibit, you'll see that this is an email from Kerri Kupec to Bill

14

Ahern. Do you see that?

15

A Yes.

16

Q Okay. And "Bill Ahern" is an alias for the Attorney General, Mr. Barr. Is

17

that correct?

18

A I am not aware of that.

19

Q Okay. Well, it says "OAG." Does that, again, stand for the Office of the

20

Attorney General?

21

A Correct.

22

Q Okay. And do you know who Kerri Kupec is?

23

A Yes. She was in the Office of Public Affairs.

24

Q Okay.

25

And if you flip through it -- you don't need to read all of it, but this is a series

1 of -- actually, I only really need you to look at the first page. The first page, these are
2 transcribed comments from an interview that Senator Lindsey Graham gave to CBS.

3 And if I can direct your attention to the second page -- this is on the back, I think,
4 maybe, of the document that you have.

5 A Uh-huh.

6 Q Yeah. This is Mr. Graham telling a CBS News affiliate -- middle of the page,
7 this is highlighted: "No, the Department of Justice is receiving information coming out
8 of Ukraine from Rudy."

9 Brennan says: "Already?"

10 Graham responds, quote: "He told me that they had created a process that Rudy
11 could give information and they would see if it's verified," unquote.

12 Do you see that part?

13 A Yes.

14 Q Okay. Did you hear those comments when Senator Graham made them?

15 A No, I did not.

16 Q Did you become aware of them at some point?

17 A I don't know that I was aware of Senator Graham's comments relating to
18 this.

19 Q Okay.

20 And you indicated that you're not familiar with the alias "Bill Ahern"?

21 A I am not.

22 Q Okay.

23 Do you have any idea whether Attorney General Barr was made aware of Senator
24 Graham's comments?

25 A I have no idea about General Barr's knowledge.

1 Q Okay. And you never discussed it with General Barr?

2 A No.

3 Q And you never discussed it with Seth DuCharme?

4 A No.

5 Q Okay.

6 At some point, did you become aware from the public or news coverage that
7 Senator Graham had made comments about this process of receiving information from
8 Rudy?

9 A I don't believe so. I don't remember --

10 Q Okay.

11 A -- as I sit here.

12 Q Okay.

13 Now, this email was sent February 9, 2020, so approximately a little bit over a
14 month after your "discreet assignment" was given, correct?

15 A Correct, after my assignment was given.

16 Q Okay. Do you recall at that point the Attorney General making public
17 comments about the fact that this process existed and that the public could send in
18 information about Ukraine?

19 A The only comments that I'm aware of were in response to a -- there was a
20 question at a press conference, I believe around this same time, where he explained the
21 intake process for information relating to matters of Ukrainian corruption from the public.

22 And then the letter between -- well, from Steven Boyd to Representative Nadler,
23 which also explained it.

24 And then, I believe, the other comment I'm aware of is in the summer, when
25 General Barr testified before -- and forgive me, I might be misremembering this -- I

1 believe it was the House Judiciary Committee, and there was one brief exchange about
2 my tasking and assignment.

3 Q Okay.

4 And I recall the letter that you mentioned from Mr. Nadler came in response to
5 Senator Graham's comments. Were you aware of that?

6 A I was not. I was only aware of exhibit 2, the response from Steven Boyd to
7 Representative Nadler.

8 Q Okay. Did you ever discuss Representative Nadler's letter with anybody in
9 the Attorney General's Office during your assignment?

10 A I don't believe I did.

11 Q Okay.

12 When we look at the transcript of Senator Graham's comments, again, the ones
13 that I just pointed out on the second page, do you agree with Senator Graham's
14 characterization of your assignment from Attorney General Barr, as he describes it, quote,
15 "a process that Rudy could give information and they would see if it's verified," unquote?

16 A I'm sorry. Where is that in the transcript?

17 Q That's the second page. So, if you can turn it over to the second page,
18 there's a ton of highlighting, but the beginning of that quote is, like, in the middle. It
19 says, "GRAHAM:".

20 A I'm sorry. So your question is, do I agree with Senator Graham's
21 characterization of the process?

22 Q Well, as -- yeah, the terms that Senator Graham used to characterize the
23 process as: "He told me that they had created a process that Rudy could give
24 information and they would see if it's verified," unquote. That's Senator Graham's
25 description of the process that you were undertaking.

1 So, again, the process is, quote, "a process that Rudy could give information and
2 they would see if it's verified."

3 A And, I'm sorry, so "he" refers to Attorney General Barr?

4 Q Exactly.

5 A I don't know that I would agree or disagree with that characterization. It
6 was irrelevant to my tasking. My understanding of my assignment was that it was for all
7 members of the public who ever had information, including Mr. Giuliani.

8 Q Okay. So Senator Graham mischaracterized your assignment in this sense?

9 A I can't speak to Senator Graham's knowledge or understanding of, you know,
10 what my assignment was on that day.

11 Q Okay.

12 A So I won't characterize it.

13 Q And just record for the record, I want to explain that this highlighting on this
14 document is not highlighting that we did. It was a part of the production under the FOIA
15 case. I don't know who did it.

16 A Okay.

17 Q And we can set that aside for a second.

18 So this is going to be our exhibit No. 6, please.

19 [Brady Exhibit No. 6

20 Was marked for identification.]

21 BY ██████████

22 Q Okay. So you indicated your understanding of your assignment was to
23 receive information regarding Ukraine from anyone in the public, not just Rudy Giuliani,
24 correct?

25 A That's correct.

1 Q Okay. But, in fact, the person that you first received information from was
2 Rudy Giuliani, fair to say?

3 A That's correct.

4 Q Okay. And the connection that was made actually came via the PADAG.
5 Once again, Mr. DuCharme is the one who put you in touch with Rudy Giuliani's attorney
6 to start receiving this information. Is that fair to say?

7 A That's correct.

8 Q Okay.

9 And so exhibit 5 is an email, again from the American Oversight production, with
10 Bates number at the end C-00019.

11 A I don't mean to interrupt you. Exhibit 6?

12 Q It is, yes.

13 Right?

14 Thank you.

15 This is an email from you to Seth DuCharme at the top, but the original email
16 comes from Mr. DuCharme to you, January 7, 2020, correct?

17 A Correct.

18 Q And this was the -- no -- a few days after your January 3rd assignment,
19 correct?

20 A That's correct.

21 Q All right. And, in this email, Mr. DuCharme provides you -- the subject
22 matter is "contact information," correct?

23 A Correct.

24 Q So he's giving you contact information for Rudy Giuliani's attorney, right?

25 A He's giving me the contact information for Mr. Costello. That's correct.

1 Q Okay. And do you understand Mr. Costello to be Rudy Giuliani's attorney?

2 A Yes.

3 Q Okay. And it gives you his name, his phone number, and a way to get in
4 touch with him, correct?

5 A That's correct.

6 Q Okay.

7 The purpose of this email was for Mr. DuCharme to put you in contact with Mr.
8 Giuliani's attorney so that he could start giving you the information that Mr. DuCharme
9 knew was coming into the Department from Mr. Giuliani, right?

10 A I don't know what Mr. DuCharme's thought process was, but my
11 understanding was it was to give me Mr. Costello's information to coordinate with him if
12 there was information that his client had to give to the Department.

13 Q Okay. But the information or the contact initially with Mr. Costello was
14 between Mr. Costello and Mr. DuCharme? Or was it between Mr. Costello and you?

15 A I'm sorry. Could you repeat that?

16 Q Sorry. That was a terrible question.

17 A No, that's okay.

18 Q What I'm trying to say is, who was it that first contacted the -- who at the
19 Department did Mr. Costello first contact? Somebody at the Attorney General's Office
20 or you?

21 A It was someone in the Department of Justice at Main Justice. How it
22 arrived on Seth's desk I don't know, but Seth communicated it to me.

23 Q Okay.

24 A So Mr. Costello did not reach out to us directly.

25 Q Got it.

1 All right. Now, as your assignment progressed and you were vetting information
2 provided by Mr. Giuliani, did you keep Mr. DuCharme and others in the Attorney
3 General's Office informed as to what you were doing?

4 A Yes.

5 Q And how did you do that? What was the process of keeping them
6 informed?

7 A At a high level, I would -- Mr. DuCharme and I would speak periodically or on
8 an as-needed basis. And there were a few occasions where I provided an update to the
9 Attorney General.

10 Q Personally, you updated the Attorney General?

11 A Personally.

12 Q Okay. In person or on the phone or something else?

13 A In person.

14 Q Okay. And about how many times did you update Attorney General Barr
15 about your assignment?

16 A Perhaps two?

17 Q Okay.

18 A Most of it went through the PADAG.

19 Q Understood. And how many times would you say that you gave updates to
20 the PADAG?

21 A Most of my interaction with the PADAG, either Mr. DuCharme or, later, Mr.
22 Donoghue, was to talk about issues that we might be having, so we would speak on a
23 semi-regular basis about that. And then, in those conversations, I would apprise him of,
24 kind of, what our next steps were or where we were in the process.

25 Q Okay. Did you ever receive any direction from Mr. DuCharme?

1 A No, not that I recall.

2 Q Before I move on, could we just pick up exhibit No. 6 again?

3 A Uh-huh.

4 Q This is the one we just looked at.

5 In the body of the email that came from Mr. DuCharme to you on January 7th, Mr.
6 DuCharme indicates, quote, "Give him a call sometime today whenever you're ready,"
7 unquote.

8 Do you see that?

9 A Yes, uh-huh.

10 Q And what he is saying there is, he wants -- he, Mr. DuCharme, wants you to
11 call Mr. Costello sometime today, the day of the email, correct?

12 A Yes.

13 Q Do you consider that direction?

14 A Oh, forgive me. I thought you meant "direction" in terms of how we
15 conduct our investigation or vetting process.

16 Q Okay.

17 A So, yes, in this email, he's saying, get in touch with Mr. Costello. If that's a
18 direction, then, yes, I agree. Beyond that, in terms of steps we were to take in our
19 investigation or how to run ours, no, he left that to my discretion as a United States
20 attorney.

21 Q Did you ever consult with him about steps in your investigation?

22 A Yes.

23 Q Such as asking him whether he would concur with a decision that you made
24 to interview a witness, for example?

25 A I can't remember specifically, but, yes, in the course of me giving him

1 updates or talking about issues we were having, yes. Mr. DuCharme had previously
2 been the criminal chief of EDNY, was very experienced, very thoughtful, very professional.
3 And so I valued his input when he would give it. But in terms of direction or marching
4 orders, no, that was not our interaction.

5 Q Okay. But because of his experience in the Criminal Division, you're saying
6 that you would ask sometimes his advice or his concurrence on decisions that you were
7 making in your role? Is that fair to say?

8 A Yes, sometimes. I can't remember specifics, but, yes, sometimes we would
9 have those conversations.

10 Q Okay.

11 Would it surprise you that at one point during your investigation, specifically on
12 January 15, 2020, Mr. DuCharme and you exchanged emails, and Mr. DuCharme informed
13 you in an email that he, quote, "concur with your proposal" to interview a witness in
14 your probe?

15 A I would have to see the email.

16 Q Okay. You don't recall that, as we sit here?

17 A As we sit here? No.

18 Q Okay.

19 A So, if you have the email and can show it to me, I'd be happy to see it.

20 Q I'll show it to you, but I don't have it for everyone else. I'm going to get a
21 copy.

22 A Okay.

23 Q Moving on, though, would it be unusual, in your experience as a United
24 States attorney, to -- like, for you, personally, I am asking right now, not Mr. DuCharme.

25 A Uh-huh.

1 Q Is it unusual for a United States attorney to participate in witness interviews
2 directly, personally?

3 A No. It depends on the scope and sensitivity of the matter.

4 Q Okay. And have you, as a U.S. attorney, ever participated in a witness
5 interview in an investigation or matter under your direction?

6 A As U.S. attorney, I have been involved in many meetings with the line AUSAs
7 and agents, including our Tree of Life prosecution for the synagogue shooting. We had a
8 number of high-level investigations and indictments of the Russian intelligence
9 directorate of the GRU, and I was in the room and a part of those meetings. I can't
10 remember if we had a witness interview that I was involved in, but I may have been.

11 So, again, if the matter were important or sensitive, it would not be unusual for
12 the U.S. attorney to be involved. On regular cases, line cases? No.

13 Q Okay. So, when the U.S. attorney is involved in a witness interview, in your
14 experience, that is because of the sensitivity of the matter, fair to say?

15 A It can be. Not limited to that. That would be, you know, a determination
16 by each U.S. attorney, him- or herself, and the size of the office and the type of matter.

17 For me, I felt it was important to be involved in some of those so I also had an
18 understanding of what was going on.

19 Q Okay. And with respect to this "discreet assignment" that we're talking
20 about here today, did you ever participate personally in a witness interview?

21 A Yes.

22 Q More than once?

23 A In this vetting assignment, I only participated in one.

24 Q Okay. Did you actually conduct the interview, I mean, ask questions of the
25 witness, yourself?

1 A I did not conduct the interview. I was present.

2 Q Okay. Who conducted the interview?

3 You can use just a title. I'm not looking for a name.

4 A I don't recall, but I believe it was the SSA from the FBI. Typically -- in typical
5 cases or investigation, the agents of the investigative agency would conduct the
6 interview, and an AUSA would participate. Not exclusively, but that was what happened
7 in this case.

8 Q Okay. And the interview that you were present at of the witness, do you
9 recall when that interview was conducted?

10 A Yes. January 29, 2020.

11 Q Okay. And do you recall where it was conducted?

12 A It was conducted at FBI Pittsburgh.

13 Q That's the field office there?

14 A Yes.

15 Q Okay.

16 So you indicated it's not unusual for a U.S. attorney to participate in a witness
17 interview like this, correct?

18 A For particularly sensitive or important matters, yes.

19 Q And this was -- I know you may not recall this. When you participated in
20 that interview, was this the interview that you had consulted Mr. DuCharme about and he
21 indicated that he, quote, "concurred" with your proposal to interview that witness?

22 A Again, it would be best if I could see the email, and then I can speak to it.

23 [REDACTED] You can show it to him to just refresh his recollection, and then you
24 can --

25 [REDACTED] Sorry for the logistics --

1 Mr. Brady. No, no, no. It's okay.

2 [REDACTED] Yeah. Thank you.

3 I am going to mark this exhibit 7.

4 [Brady Exhibit No. 7

5 Was marked for identification.]

6 [REDACTED]

7 Q And I'll get copies for everyone. It's very short.

8 This is an email from Seth DuCharme to you, subject: "Interview." The date is
9 Wednesday, January 15, 2020.

10 And, for the record, the text of the email is, quote, "Scott I concur with your
11 proposal to interview the person we talked about - would feel more comfortable if you
12 participated so we get a sense of what's coming out of it. We can talk further when
13 convenient for you. Best, Seth."

14 And tell me if you recall that email.

15 A Yes, I do recall it.

16 Q Okay. And the date, again, is January 15, 2020, correct?

17 A That's right.

18 Q So that was 14 days before the interview that you just described at which
19 you were present, correct?

20 A Correct.

21 Q Does that help you recall whether this email between you and Seth
22 DuCharme was referring to the witness that you participated in the interview of on
23 January 29, 2020?

24 A Yes, it definitely did.

25 Q Okay. Just for clarity, yes, this email is about that witness?

1 A Yes, that email is about setting up a meeting and interview of Mr. Giuliani.

2 Q Okay. So the witness was Mr. Giuliani? That's who you're talking about?

3 A Yes.

4 Q Okay. And it was, in your judgment, important to get Mr. DuCharme's
5 opinion or, quote, "concurrence" about interviewing Mr. Giuliani. Is that fair to say?

6 A As I sit here, I don't know if it was about interviewing Mr. Giuliani or just the
7 logistics of where the interview would take place -- Pittsburgh, New York, D.C. It
8 might've been about that.

9 Q So you needed Mr. DuCharme's opinion about where the interview would be
10 taking place?

11 A No, I didn't need his opinion.

12 Q Oh. I'm just trying to --

13 A Yeah.

14 Q -- understand, what was the reason, if you can recall, why you consulted
15 with Mr. DuCharme about that particular decision, about whether or not you should
16 interview Mr. Giuliani and any other aspect of that decision?

17 A Yeah, I -- I don't know. I may have just been circling back to him, saying,
18 "Hey, here's the plan." And he said, "Yeah, that sounds fine."

19

BY [REDACTED]

20 Q Okay. Well, he also said that he would feel more comfortable if you
21 participated, right?

22 A In that email, he did, yes.

23 Q Yeah. Was that consistent with what your experience with Mr. DuCharme
24 was when you discussed interviewing Mr. Giuliani, or is there something unusual about
25 the email?

1 A I don't remember that there's anything unusual. I would've sat in on that
2 interview anyways, in all likelihood.

3 Q Okay.

4 A And just -- I don't want to take this away from you, because I know you and I --

5 A Oh, sure.

6 Q -- just have one copy. But just, again, what this email says is, "I concur with
7 your proposal to interview the person we talked about."

8 A And then he says, "Would feel more comfortable if you participated so we get a
9 sense of what's coming out of it."

10 A Do you see that?

11 A Uh-huh.

12 Q Okay.

13 A Yes.

14 Q So what did he mean by "we"? Who was he referring to by "we"? Do you
15 know?

16 A I don't know.

17 Q Okay. Is it fair to infer that he is referring to the Attorney General and the
18 Office of the Deputy Attorney General where he was working?

19 A I don't know. Yeah, some group of people at Main Justice, but I don't know
20 specifically if it was DAG Rosen, Attorney General Barr, or the people that were
21 supporting them in ODAG and OAG.

22 Q Okay. But they wanted to, quote, "get a sense of what's coming out of it,"
23 correct?

24 A From the email, yes.

25 Q Okay. Well, from your experience with Mr. DuCharme and others in Main

1 Justice, did that seem to be fair, that they did want to know what came out of the
2 interview?

3 A Yes, I think that's fair. I don't think that would be uncommon for sensitive
4 cases.

5 Q Okay.

6 In other experience that you've had as a United States attorney, some of the
7 matters that you discussed in your earlier answer, like the synagogue shooting or other
8 high-profile matters --

9 A Uh-huh.

10 Q -- have you had the experience of Office of the Deputy Attorney General or
11 the Attorney General himself asking to hear what's coming out of your witness
12 interviews?

13 A Yes. And I can explain.

14 Q Yeah.

15 A Kind of a basic management rule is: No surprises.

16 Q Uh-huh.

17 A Right? And so it's important that the people who report up the chain
18 understand, if there are things that are either public or in the news or particularly
19 sensitive, that they are not surprised by things.

20 So, for example, for the synagogue shooting case, I received a call from both
21 then-DAG Rosenstein and from Attorney General Sessions. And then, after we had met
22 with the victims' families, had a prosecution plan in place, talked about when the
23 President was coming, I needed to keep them informed, again, so they were not surprised
24 by things.

25 So that's my understanding, as a good U.S. attorney, that you should interface

1 with ODAG and OAG on an as-needed basis.

2 Q And this was definitely a sensitive matter, correct?

3 A This was sensitive given that it was an election year and possibly involved
4 the now-President's son, then-Vice President's son.

5 Q Absolutely. And it also involved the attorney, the personal attorney, of the
6 sitting President of the United States, correct, during your investigation?

7 A Yes. That was not a part of our conversation at any level, that he
8 represented the President, but I do understand that Mr. Giuliani was the personal
9 attorney of the President, yes.

10 Q So you're saying that wouldn't have been a concern and even for the
11 appearance of, you know, some kind of sensitivity in public.

12 Was that a concern of the Department of Justice, that you were interviewing the
13 private attorney of the President of the United States, who was very publicly trying to
14 push information about his election opponent into every corner of the Federal
15 Government that he could find? Was that a concern of the Department at the time that
16 this was happening?

17 A What was a concern was that this process be conducted in a way that would
18 be consistent with other cases -- so the same professionalism, the same objectivity be
19 with Mr. Giuliani versus any other member of the public who would bring us information.

20 So the fact that we would give any kind of preferential treatment was not a part of
21 the conversation. I was informed that Mr. Giuliani had information, and we were the
22 intake for that, and so we set up a meeting to receive that. But it wasn't a part of -- him
23 representing the President, that was not a part of our conversation or my tasking.

24 Q Okay.

25 When you got your tasking in January 2020, were you aware that Mr. Giuliani had

1 been pushing information to other areas of the government, like the State Department,
2 for example?

3 A I believe I was aware that he had given information to Secretary Pompeo.

4 Q Okay. And what was your understanding about the information that he
5 was passing to Mr. Pompeo at that time?

6 A I didn't really have a specific understanding. I believe it was similar to the
7 information that he provided to us, but I don't know. I did not see what he provided
8 Secretary of State.

9 Q Okay. So you didn't see the packet of information that he gave to Pompeo.

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

11 Q Okay. But what makes you say that you believe it was similar to the
12 information that you received in your capacity with this assessment?

13 A I am trying to remember if, on the day, there was a representation made by
14 Mr. Costello that much of the information was similar to but wasn't complete. I think
15 there was additional information that he was providing us that maybe he hadn't provided
16 Mr. Pompeo.

17 So I think it was a representation. It wasn't anything that I received information
18 from the State Department or ODAG or OAG.

19 Q Okay. So it was from Mr. Costello, that --

20 A I believe so. Yeah, I believe so.

21 Q Okay. Did you talk to Mr. Costello before you interviewed his client Mr.
22 Giuliani?

23 A There may have been one coordination call that I was on. Most of the
24 interaction was between the first assistant from my office and Mr. Costello, for logistics.

25 Q Okay. But fair to say that Mr. Costello gave you some kind of preview

1 about what was to come when you interviewed Mr. Guiliani?

2 A I don't remember that was a part of it. It was really just the logistics of
3 setting up, you know, where, when are we going to conduct this.

4 Q Okay. I'm just trying to drill down on what you just said about it was
5 Costello that was source of your understanding that the information you were about to
6 receive from Mr. Giuliani was similar to what the State Department had received.

7 A Sorry. Yeah, I believe that was a part of the conversation on the 29th --

8 Q Okay.

9 A -- but I don't remember specifically as I sit here.

10 Q Okay. That was the day that you participated in the interview of Mr.
11 Giuliani.

12 A That's correct.

13 Q Okay. And Mr. Costello was present; is that right?

14 A He was.

15 Q Okay.

16 So this will be our exhibit No. --

17 A Eight.

18 Q -- 8. Thank you.

19 [Brady Exhibit No. 8

20 Was marked for identification.]

21 BY [REDACTED]

22 Q So, for the record, exhibit No. 8 is -- it's a letter on letterhead from Rudolph
23 Giuliani, PLLC. The date is November 22, 2019. And it's directed to Lindsey Graham,
24 who was then chairman of the Senate Judiciary Committee. This is part of the American
25 Oversight production, bearing Bates number 000109.

1 November 22, 2019, Mr. Brady, that was a few months before your assignment
2 began, correct?

3 A Correct.

4 Q Okay. Have you ever seen this letter before?

5 A I think I have seen it as a part of -- I have seen the FOIA productions that
6 were provided to American Oversight on their website. So I'm aware of those
7 productions. Whether I saw it prior to that, I don't remember.

8 Q Okay.

9 The production to American Oversight from the Department of Justice was
10 documents that were provided to your office during your assessment, correct?

11 A Not exclusively.

12 Q Okay. So, then, to your knowledge, was this letter produced to your office
13 from Mr. Giuliani, Mr. Costello, or anyone related?

14 A I don't remember.

15 And, also, just as a matter of practice, the U.S. attorney's offices, we don't usually
16 pay attention to what -- no offense -- Congress is talking about or doing. Different
17 branch, different motivations, different assignments. So I can't remember if I saw this or
18 not, but our playbook is different.

19 Q Okay. So I'm assuming that you don't know what's inside this letter as you
20 sit here today?

21 A Again, I read it as part of the publicly available production on American
22 Oversight's --

23 Q Okay.

24 A -- website, but the details I don't remember as I sit here. I could read it if
25 you want me to.

1 Q No, you don't need to read it.

2 A Okay.

3 Q Just based on your recollection as you've described it, is it fair to say that this
4 letter contains a range of allegations against Democrats, Joe Biden, the American
5 Ambassador to Ukraine, and other embassy staff?

6 A I would have to read it again.

7 I mean, in a quick reading, it appears to be that.

8 Q Okay. Were you familiar with any of these allegations before you started
9 your assignment?

10 A I was aware that Hunter Biden was on the board of Burisma.

11 Q Uh-huh.

12 A I was aware that then-Vice President Biden was Obama's, quote, "point
13 man," on page 2, for the Ukraine.

14 Q How about, were you aware of Mr. Giuliani's allegation that the United
15 States Ambassador to Ukraine, Ms. Yovanovitch, and others of her staff were doing some
16 kind of cover-up of investigations that he was pushing in Ukraine?

17 A I don't believe I was aware of that at the time.

18 Q Okay. And were you aware of Mr. Giuliani's claim that Ukraine had
19 interfered in the 2016 Presidential election?

20 A I don't believe I was aware of that.

21 Q Okay. And just -- were you aware of the intelligence community's
22 conclusion that Russia actually interfered in the 2016 Presidential election?

23 A Wait. Let's unpack that. So -- could you ask that again, please?

24 Q Are you aware of the U.S. intelligence community's conclusion that Russia
25 interfered in the 2016 Presidential election?

1 Mr. Brady. -- DNI Ratcliffe?

2 [REDACTED] No. This would've been prior to DNI Ratcliffe.

3 [REDACTED] 2017.

4 Mr. Brady. Oh, 2017. I apologize. I was thinking of the 2021 report that he
5 released.

6 BY [REDACTED]

7 Q So --

8 A I don't know that I've read this --

9 Q Okay.

10 A -- particular -- but generally I understand --

11 Q So you understand that the intelligence community in 2017 concluded that
12 Russian intelligence agencies conducted cyber operations against targets associated with
13 the 2016 election?

14 Mr. Lelling. Why are we asking Scott Brady about this? The report says what it
15 says --

16 [REDACTED] Because of his answer.

17 [REDACTED] I'm just asking if he's familiar with this report.

18 Mr. Lelling. What difference does it make?

19 [REDACTED] Because he just said he wasn't aware of the --

20 Mr. Lelling. And he's said he's -- he's said he's aware of allegations of Russian
21 interference.

22 [REDACTED] Right, but he wasn't aware of the conclusions.

23 [REDACTED] Sorry, can I --

24 Mr. Lelling. So?

25 [REDACTED]. [REDACTED] Let's confirm that.

1 BY [REDACTED]

2 Q So I can just wrap this up real quickly.

3 Are you -- do you have any -- have you reviewed this report before?

4 A I have not.

5 Q Okay. And so you don't have any opinion of whether the findings, the
6 conclusions of this report are true and accurate or not?

7 A Well, I don't know what the findings are.

8 I am generally aware of allegations of Russian interference in U.S. elections. My
9 office has investigated Russian investigations -- I'm sorry. My office has investigated
10 Russian interference in French elections, Georgian elections.

11 Q Uh-huh.

12 A So I have no doubt that Russia and other adversaries attempt to interfere in
13 our elections on a regular basis.

14 Q And you have no evidence to dispute the findings of the Director of National
15 Intelligence in this report?

16 A Other than what is publicly available given Mr. Mueller's report and then his
17 appearance before Congress and then General Barr's disposition of that matter.

18 Q But you have no personal knowledge. In other words, you have not
19 personally investigated the matter.

20 A Could I have a moment, please?

21 [Discussion off the record.]

22 Mr. Brady. I am aware of this.

23 [REDACTED] Uh-huh.

24 Mr. Brady. The Pittsburgh office, the U.S. Attorney's Office in the Western
25 District of Pennsylvania, had an investigation into the hacking of the DNC.

1 [REDACTED] Uh-huh.

2 Mr. Brady. We were investigating that until it was transmitted to Director
3 Mueller's office for part of his investigation. So, yes, I am -- I am aware.

4 [REDACTED] Okay.

5 Mr. Brady. I'm not aware of the conclusions --

6 [REDACTED] Okay.

7 Mr. Brady. -- drawn from that.

8 [REDACTED] Sorry. Go ahead.

9 [REDACTED] So you have no reason to dispute the conclusions that are in that
10 document?

11 Mr. Lelling. He hasn't read it.

12 Mr. Brady. I haven't read it.

13 BY [REDACTED]

14 Q Okay.

15 All right. Let's bring out exhibit 3 again, which is the 1023. You had a series of
16 questions about that -- or, I'll wait until you grab it. Do you have it in front of you?

17 A Yes. Sorry. Let me just put these in order here.

18 Okay.

19 Q Okay. First, a little bit of high-level. You said in the first hour that you
20 were aware that the FBI had determined that the CHS was credible. Is that fair to say?

21 A That's correct.

22 Q Okay. And then you indicated that your investigation or assessment found
23 indicia of credibility with respect to what was in the 1023, correct?

24 A Some indicia of credibility, yes.

25 Q Okay. And, just to clarify, when you're talking about "indicia of credibility,"

1 you're referring to, first, the CHS, him- or herself. Is that fair to say?

2 A That's correct. And the FBI's assessment of his or her credibility and what
3 he or she has done in prior investigations, correct. Their history with the CHS.

4 Q Okay. But when you were conducting this assessment, you were not in
5 position, as you've already explained, to look into the information that's recorded in the
6 1023 and to assess the credibility of the claims writ large. Is that fair to say?

7 A I don't know about writ large, but we were able to corroborate certain
8 information that was represented by the CHS and is memorialized in this 1023. Some of
9 the underlying allegations relating to Hunter Biden and President Biden by Mr. Zlochevsky
10 we were not in a position to investigate further or determine whether they were true or
11 false.

12 Q Okay.

13 This document contains several layers of hearsay, fair to say?

14 A I mean, it's all hearsay, right? It's secondhand from the CHS.

15 Q Right. So anything that the CHS is attributing so some other speaker is
16 hearsay, correct?

17 A If this were a trial, perhaps. But --

18 Q Okay. Well --

19 A -- this is how reports are drafted up by witnesses.

20 Q Okay. So what I'm saying is, there's, you might call it a sub-source, more
21 than one, who is described, or statements attributed to sub-sources are within this 1023,
22 correct?

23 A I'm sorry. I don't know what you mean.

24 Q There are statements attributed to sub-sources or people other than the CHS
25 that are contained in this 1023.

1 A Yes.

2 Q Is that correct?

3 A Uh-huh. Correct. Yep.

4 Q Okay. And with respect to those people that I am going to call
5 "sub-sources," not with any particular, I don't know, legal reasoning -- but I'm talking
6 about the people who are speaking who are not the CHS whose --

7 A Sure.

8 Q -- statements are attributed in here.

9 A Yes.

10 Q With respect to those individuals, was your office in a position to evaluate
11 the credibility of those people?

12 A I don't know if I can answer that. We were not in a position to interview
13 those sub-sources, and that was not a part of our credibility determination relating to the
14 1023.

15 Q Okay.

16 So let's just get right down to it. In this 1023, the CHS is reporting alleged
17 statements made by individuals in Ukraine, including Mr. Zlochevsky, correct?

18 A Yes.

19 Q All right. The statements that are attributed to Mr. Zlochevsky, did you do
20 any work, you or anyone on your team, to determine whether those statements are
21 consistent or inconsistent with other statements made by Mr. Zlochevsky?

22 Mr. Lelling. He's not going line by line from a 1023. He's not discussing at that
23 level of detail.

24 ██████████ Okay.

25 Could you answer the question that I asked you though?

1 Mr. Lelling. No. Do not answer.

2 [REDACTED] That was not a line-by-line question.

3 Mr. Lelling. Do not answer the question.

4 You picked the line. You read it. You were asking him --

5 [REDACTED] That's not -- no, I didn't. What line did I read from?

6 Mr. Lelling. Okay. I'm being figurative.

7 [REDACTED] Okay. I'm asking --

8 Mr. Lelling. He is not going to go detail by detail through the 1023.

9 [REDACTED] I'm not asking that. No, I'm not going to ask that. I am asking a
10 general question about whether he tried to determine whether there were consistent or
11 inconsistent statements made by one of the sub-sources, generally.

12 Mr. Lelling. Yeah. No. He can't answer that. This is too much --

13 [REDACTED] So we're going to keep asking the questions -- I understand he may
14 not want to answer. We're going to keep asking the questions to make a record.

15 If you decline to answer --

16 Mr. Lelling. Sure. I understand. And some maybe he can. This is --

17 [REDACTED] We're going to keep asking the questions though.

18 Mr. Lelling. This is a blurry line, a --

19 [REDACTED] Understood.

20 Mr. Lelling. -- deliberative-process question. And I'm sort of making those
21 judgments question by question. So, maybe, categorically, he can't answer any of the
22 questions you're about to ask. Maybe he can. So --

23 [REDACTED] Well, if you let me ask them, then we can have your response.

24 Mr. Lelling. Sure.

25 [REDACTED] Fair? Okay.

1 So the sub-source, Mr. Zlochevsky, did you make any effort in your investigation to
2 look in public sources, for example, whether Mr. Zlochevsky had made statements
3 inconsistent with those attributed to him by the CHS in the 1023?

4 Mr. Brady. I don't remember. I don't believe we did.

5 I think what our -- broadly, without going into specifics, what we were looking to
6 do was corroborate information that we could receive, you know, relating to travel,
7 relating to the allegation of purchase of a North American oil and gas company during this
8 period by Burisma for the amount that's discussed in there. We used open sources and
9 other information to try to make a credibility assessment, a limited credibility
10 assessment.

11 We did not interview any of the sub-sources, nor did we look at public statements
12 by the sub-sources relating to what was contained in the 1023. We believed that that
13 was best left to a U.S. attorney's office with a predicated grand jury investigation to take
14 further.

15 BY [REDACTED]

16 Q And you've used the word "limited" here with us just now and you used it in
17 the prior hour a little bit as well. When you're using the word "limited," how did you
18 define that? What does that mean to you, specifically?

19 A You mean our limited, kind of, tasking and what --

20 Q When you were using -- just sitting here today, you've used the word
21 "limited."

22 A Right.

23 Q What does "limited" mean to you? Can you explain what you mean by
24 "limited"?

25 A Sure. I mean that our tasking was to vet --

1 Q Uh-huh.

2 A -- to basically conduct due diligence, on the credibility of the information
3 that was provided to us by members of the public. And it's limited in the sense that we
4 did not have the tools of a grand jury. We are never going to have the tools of a grand
5 jury. It was never going to develop into a grand jury investigation in the Western District
6 of Pennsylvania. And so that's when I mean by "limited."

7 Q And so some of the things that you just described, for example, the purchase
8 of an oil and gas company, for example, or the attempt to purchase an oil and gas
9 company, that's the type of thing that would be in public records, correct?

10 A Correct, open-source records or possibly in existing FBI files. But, yes,
11 those were the limitations of what we could look at.

12 Q Okay. So kind of the low-hanging fruit. Is that fair to say?

13 A I don't know if it's low-hanging fruit. It's just a level of process that every
14 investigation goes through.

15 Q Okay. Thank you.

16

BY [REDACTED]

17 Q All right. You indicated, I think, in the earlier hour that you did interview
18 some witnesses during the course of your assessment, correct?

19 A That's correct.

20 Q Other than Mr. Giuliani?

21 A Yes.

22 Q Okay. And did you interview any witnesses based on the information that
23 you received in this 1023?

24 A Other than the confidential human source, no.

25 Q Okay. And you're saying that was part of the limitation that you found was

1 on you in terms of the scope of this assignment, correct?

2 A Yes.

3 Q Okay. But open-source -- so, other than witness interviews, you did do
4 some open-source or your team did some open-source review to attempt to corroborate
5 some of what was in the 1023? Is that fair?

6 A Just limited to the 1023?

7 Q Well, let's start with that.

8 A Yes.

9 Q Okay. And what does that generally involve, in terms of the open-source
10 investigation?

11 A It could be looking at -- it could be looking at public financial filings. It
12 could be looking at news articles. It could be looking at foreign reporting as well, having
13 that translated.

14 Anything that is not within a government file would be open-source, and it could
15 be from any number of -- any number of sources.

16 Q So, when you look at news reports, for example, would you note if there was
17 a witness referred to in the 1023 that had made a statement that was reported in the
18 news article, for example? Would that be of note to your investigators?

19 A Relating to the 1023? No. We had a more limited focus, because we felt
20 that it was more important to do what we could with certain of the information and then
21 pass it on to the District of Delaware, because then they could not only use other grand
22 jury tools that were available but, also, we didn't have visibility into what they had
23 already investigated, what they had already done with Mr. Zlochevsky, with any of the
24 individuals named in this CHS report.

25

1 Q When you say "we didn't have visibility" -- you talked in the earlier hour
2 about trying to get information from the District of Delaware.

3 A Correct.

4 Q And when you say you didn't have visibility, that was part of -- you were
5 trying to get visibility into what they had already done maybe so that you didn't duplicate
6 efforts? Is that fair to say?

7 A That's right.

8 Q Okay. And so the -- I think you said you passed along -- or, not you
9 personally, but your office passed along interrogatories or questions for them.

10 A That's right.

11 Q That was along the lines of asking them what steps they had taken. Is that
12 fair to say?

13 A Some limited steps. Correct.

14 Q Okay. So you were asking them about their investigation to help inform
15 your investigation.

16 A Yes, to help focus our process so that we weren't doing anything that, as I
17 mentioned, would be duplicative or would complicate their investigation in any way.

18 Q Okay. And so -- okay. Thanks.

19 A Sure.

20

BY [REDACTED]

21 Q Well, on that topic, since we're there -- so you indicated that there was some
22 back-and-forth of information flow, not just you sending information to other districts but
23 districts sending information to you. Is that correct?

24 A It was almost all a one-way street with all of the offices. There was very
25 limited information that was coming back to us from EDNY, SDNY, District of Delaware.

1 Q Okay. With respect to Delaware in particular, I think you said earlier, in the
2 first hour, that there was frustration that they weren't giving you information, correct?

3 A Correct.

4 Q And by that, are you talking about information about their investigation or
5 some other kind of information?

6 A Mostly about, as I mentioned, things that they had done, steps they had
7 taken. Not what they had received. We didn't want to see the underlying evidence.
8 We just wanted to know, have you looked at these bank records? Have you looked at,
9 you know, foreign bank accounts that are bringing information into -- or, bringing funds
10 into Mr. Biden's accounts?

11 So, broadly, we were just trying to understand what they had done and what they
12 had not done. Beyond that, we were not asking for specific information, specific
13 evidence that they had received.

1 [12:09 p.m.]

2

BY [REDACTED]

3

Q Okay. And you wanted to know that because you didn't want to start doing

4

the same investigative steps that they were doing?

5

A Correct.

6

Q But you indicated before that you didn't have the power to get bank records,

7

for example; is that right?

8

A Correct.

9

Q So was there a reason that you would need to know whether the other

10

district had subpoenaed something if you weren't able to subpoena bank records

11

yourself?

12

A Yes. For example, if we were given a bank account number and wanted to

13

see if they had already looked at that, we would want to know if they had visibility and

14

say, you know: Here's a bank account that we had received; have you, you know, have

15

you subpoenaed these records, have you -- can you examine whether this bank account

16

has sent funds into other Burisma-related accounts or Biden-related accounts?

17

Q So you were looking to sort of use their grand jury or subpoena authority to

18

learn information because you didn't have that tool in your own investigation?

19

A We weren't really looking to learn information about their investigation.

20

We just wanted to know if we needed to do anything with that, to try to corroborate it

21

through perhaps other sources or through the FBI, or if we should even hand it over,

22

again, if it was credible or not credible. If there is nothing to be gained, I don't want to

23

waste their time if they said: Oh, yeah, we've looked at that, and this bank account

24

doesn't show up anywhere in our records.

25

Q So, if you had some kind of information or question about a bank account,

1 was there anything stopping you from just passing that onto Delaware without asking
2 them also to tell you whether they had received any information pursuant to a subpoena
3 or any other lawful process?

4 A We could have, but that wasn't my understanding of our assignment. Our
5 understanding of the assignment was to really separate the wheat from the chaff and not
6 waste their time with a dump of information, maybe, you know, a percentage of which
7 would be credible or have indicia of credibility. So they have limited resources. They
8 have, you know, a broad tasking. So we didn't want to waste their time by doing that.
9 We thought it would be more efficient to engage them, ask them: Have you seen this?

10 Yes, no. And then pass it on, make a determination of what to pass onto them.

11 Q So you were looking out for the Delaware office's time, that's why you
12 wanted to get more information from them about their subpoena practices, and what
13 they received in response to a subpoena?

14 A Well, as I stated, what we were primarily concerned with was protecting the
15 existing grand jury investigations.

16 Q In Delaware?

17 A In any of the offices that had predicated investigations that we intersected
18 with and/or briefed. That was our primary intent. And so that was what our
19 interactions consisted of.

20 Q Okay. I just -- let's move on.

21 Do you want to do that?

22 [REDACTED] Yeah.

23 So, sorry. Turning back to exhibit 3. We only have a couple minutes left, and I
24 do want to note for the record, that turning to page 3 of 4 here, the second full paragraph
25 on this page, I want to look at this paragraph quickly.

1 Mr. Lelling. Is this the one that starts with "regarding"?

2 [REDACTED] Yeah. Regarding.

3 BY [REDACTED]

4 Q And this is -- again, you said your office took limited steps to corroborate,
5 but there were other steps you could not take, right?

6 A That's correct.

7 Q And so here, the confidential HUMINT source himself said, quote:

8 Regarding the seemingly open and unsolicited admissions by Pojarski and Zlochevsky be
9 about their purpose for their attention of Hunter Biden and the forced payments
10 Zlochevsky made to the Bidens, CHS explained it is very common for businessmen in
11 post-Soviet countries to brag or show off, right?

12 A Correct.

13 Q So, when he said that it was common for them to brag or show, but again
14 that was hearsay that he was relaying. So some people might make untrue statements
15 as part of bragging, correct?

16 A Well, that's not hearsay. That's his estimation based on his experience.

17 Q Correct. Referring specifically to the bragging, though?

18 A Correct. And then, below that, he said: CHS did not perceive Pojarski or
19 Zlochevsky's statements to be unusual, self-serving, or pretextual. So, again, we felt
20 that that was best left in the hands of Delaware to run that to ground to understand that,
21 you know, does puffery exist in conversations with Russian or Ukrainian oligarchs? Yes.

22 Q Right.

23 A Is this that? We don't know, as we sit here in Pittsburgh, so Mr. Weiss and
24 team, you guys might want to look at this.

25 Q And that last sentence of that paragraph provides: However, has CHS only

1 met Zlochevsky in person on one occasion and has spoken to him only twice on the
2 telephone. As such, CHS is not able to provide any further opinion as to the voracity of
3 Zlochevsky's aforementioned statements, correct?

4 A That's absolutely correct, that we were unable to -- the CHS, as my
5 understanding, did not see the recordings Mr. Zlochevsky claimed to have or the
6 documentation relating to wire transfers and payments that Mr. Zlochevsky claimed to
7 have. So, correct.

8 Q And the CHS said that you upfront, correct?

9 A In the document, yes.

10 Q He wasn't trying to hide that fact. He said: This is what I've heard; do
11 with it what you will.

12 A Correct.

13 Q And you were not in a position from where you sat to do any further
14 investigation on that?

15 A In Pittsburgh, correct.

16 [REDACTED] You have 30 seconds.

17 Mr. Brady. Short question.

18 [REDACTED]

19 Q You indicated that most of the information flow was coming your office to
20 the other U.S. attorney's offices that had some interest in the information that you were
21 gathering, correct?

22 A Correct.

23 Q But sometimes you actually did receive information from those offices to
24 you; is that right?

25 A Not evidence, not --

1 Q No. Information. I'm sorry.

2 A Information. Yes, I believe so. I'm not sure I understand specifically.

3 Q Okay. Let me be more specific. At some point, the U.S. Attorney for the
4 Southern District of New York, Mr. Berman, wrote you a letter or email that provided
5 information he thought that you should have because of the material that he knew you
6 were reviewing, that he thought might be inconsistent with what you were finding; is that
7 correct?

8 A That's correct. And then we wrote him an letter back saying that some of
9 the contents in his letter was incorrect.

10 Q Okay. So you had some kind of dispute with Mr. Berman about the
11 information that they had versus the information that you had, the subject had seemed
12 inconsistent. Is that fair to say?

13 A I think there was a clarification process that was important that we shared
14 information and made sure that they especially had an understanding because they had a
15 predicated grand jury investigation, what was in our estimation and our limited purview
16 correct and incorrect. So we wanted to make sure they had the correct information.

17 [REDACTED] Okay. We're out of time. We'll get back to that. Thank you.

18 [Recess.]

1 [12:21 p.m.]

2 [REDACTED] Back on the record. It's 12:21 p.m.

3 BY [REDACTED]

4 Q Mr. Brady, at the end of our first hour, we were talking about interactions
5 that your office had had with the FBI and interactions that you had had with PADAG and
6 the Deputy Director regarding challenges that you had had at the FBI.

7 Were there any other -- besides the reluctance to, you know, pursue investigative
8 actions, additional signoffs that were required, were there any other challenges that you
9 experienced with the FBI?

10 A Yes. There was one occasion where we were informed by members of the
11 Pittsburgh FBI team that was conducting this investigation, this vetting process with our
12 U.S. attorney team in Pittsburgh, that they were told by someone at FBI Headquarters
13 that they were not to affirmatively share information with us but that they were only to
14 share information with us if we asked them a direct question relating to that information,
15 which is not typically how the investigative process goes.

16 At one point, when we were setting up the entire vetting process, and there was a
17 discussion with the FBI about whether -- how, in their administrative process, it should be
18 characterized, and I said: Well let's all sit together around a table and talk this out;
19 could you please share with me your DIOG, which is the FBI's bible for their processes and
20 procedures.

21 We were told that someone at FBI Headquarters, unknown to me, said: Don't
22 share that with the U.S. attorney's office, to which I said: I'm a presidentially appointed
23 United States attorney. We're on the same team, part of the Department of Justice.
24 What do you mean you can't share your DIOG with me.

25 They said: That's what we were told, so we can't, sir.

1 Q And you said that it wasn't the typical investigative process for you to have
2 to ask the specific question to the FBI for them to give you information.

3 What was the normal kind of reporting process between your office and FBI
4 Pittsburgh?

5 A I mean, on a normal case, it's an iterative process, a collaborative process
6 between agent, investigator, and AUSA and prosecutor. There's mutuality of
7 information sharing. There's a certain transparency because, you know, the goal is to
8 conduct an investigation and make a determination at some point with the agency's
9 recommendation about prosecute, not prosecute. But, even short of that, make
10 a -- take investigative steps that you discuss and agree on, and you know, to move an
11 investigation forward or to open other avenues, identify potential witnesses, subjects,
12 targets. This was not that dynamic.

13 Q And, with the FBI not following the typical investigative process at the
14 direction of FBI headquarters, what did that mean for your assignment in vetting
15 Ukraine-related information?

16 A It just meant, as I testified earlier, there were stops and starts. It was
17 sometimes difficult to get full information back from the FBI. Again, as I mentioned,
18 sometimes they had to go pens down while they were awaiting approval from
19 headquarters. There were delays when we were trying to re-interview the CHS in June
20 of 2020. It was challenging.

21 Chairman Jordan. Did they tell you why?

22 Mr. Brady. No, sir.

23 Chairman Jordan. The Attorney General of the United States has appointed you
24 as a clearinghouse for this investigation. You're supposed to get the information to
25 figure how it goes, how it works, and you've got people at the FBI telling you: We can't

1 give you that information, things you're specifically asking for.

2 No one told you why?

3 Mr. Brady. Our interaction was with members of the Pittsburgh Field Office, so
4 special agents, supervisory special agents, ASAC, SAC. Whatever orders related to
5 information sharing, not sharing, approvals, delays came from somewhere in FBI
6 Headquarters below the Deputy Director. As I testified earlier, when we needed to
7 elevate these issues, they were elevated to Deputy Director Bowdich and PADAG
8 DuCharme or later PADAG Donoghue, and then they were resolved. So I didn't have
9 visibility into what was happening at that headquarters level below the Deputy Director
10 and above the SAC.

11 Chairman Jordan. Okay.

12

BY [REDACTED]

13 Q Did you raise these specific issues of the not sharing unless it was
14 affirmatively asked or not being able to obtain the DIOG to the PADAG and the Deputy
15 Director? Was that something that was brought up at one of those interactions?

16 A I believe so. I can't remember specifically. But, when we would have
17 those conversations, those would have been the types of issues that we were raising to
18 try to make sure that we could remove those obstacles, do our jobs, do them with
19 integrity and professionalism, and then brief the other offices, and move on with our
20 lives.

21 Q And were these obstacles ever removed, the having to affirmatively ask the
22 FBI for information or able to obtain the DIOG?

23 A No, never received a copy of the DIOG. I found a redacted declassified
24 version online that I used in our meeting to refer to. Some were. Some were not. As
25 I mentioned earlier, the interaction between the FBI and our office was improved when

1 the replacement SAC was appointed in, I think, June of 2020. And then we met, had a
2 very productive conversation, and then they were more responsive. So I don't know
3 what his interaction with headquarters or with other people in that approval chain was,
4 but things became markedly better.

5 Q Did that reluctance go away? Was FBI Pittsburgh more willing to take
6 investigative action into the information that you were receiving?

7 A Yes. There was a different appetite to move things, and the SAC owned, I
8 think, more of the decisions. One of the complicating things was, in the interim
9 between the SAC when this assignment began, so from January through the end of
10 March, and then let's say June forward until October when our tasking was completed,
11 there was an Acting SAC who was brought in from main -- from FBI's Headquarters. And
12 so, I don't know whether he felt he had the authority to make those decisions, or they
13 had to go up to headquarters. So that was an internal conversation that I wasn't privy
14 to.

15 Q When you said there were points in time when the FBI had to go pens down,
16 does that mean that all investigative activity ceased? Was that your understanding?

17 A Yes. When they were, for example, seeking reauthorization of the
18 assessment every 30 days because it required, my understanding was, 17 different
19 approvals at headquarters, the agents told us they were not permitted to do any
20 investigative work until that was reauthorized. Sometimes that would be 2 or 3 weeks,
21 so they had to go, quote, pens down. They couldn't do any investigative work.

22 Q And the 17 approvals that were required for the assessment, were those
23 approvals all at headquarters, or were there some that needed to be obtained from FBI
24 Pittsburgh as well?

25 A I don't know. I assume that that chain from SSA, ASAC, SAC was still

1 present, but that would have been, you know, perhaps 3 layers of 17. So I'm not
2 certain.

3 Q And was the three layers more regular than the 17 that were required for
4 the specific assessment?

5 A I'm sorry. I don't understand your question.

6 Q The three layers of signoff at the Pittsburgh office, you know, the ASAC, SAC
7 that needed to sign off on the assessment, was that a more regular signoff process than
8 the 17 signoffs that were required for this assessment?

9 A No. Under the DIOG, when an assessment, a type one or type two
10 assessment is opened, the idea is for a regular case, let's say, you receive information;
11 you have certain information identified that may develop into a full investigation, and so
12 you open an assessment that's limited in duration and scope to probe that information,
13 to see if it's something that should be brought before a grand jury and then use the full
14 tools of a grand jury.

15 So, because it's supposed to be short in duration, the DIOG has a 30-day time
16 period on that. It should be short because that determination should be made early.
17 Then it requires an additional approval to extend it, and an -- in that authorization, a
18 justification for that to extend it an additional 30 days. In this case -- and normally that
19 is at the SSA level as I testified to before. This having to go through those 17 layers was
20 unusual. I had not seen that before. But it extended the time in which, you know, we
21 could do work. So that was a challenge.

22 Q And were those all of the challenges that you faced with the FBI, the not
23 being able to obtain the DIOG, having to affirmatively ask questions, and then, you know,
24 the reluctance on the part of the FBI to do investigative actions? Were those all of the
25 challenges that you faced with the FBI, or were there additional?

1 A There were additional. And, without disclosing privileged communications,
2 there were representations made to senior leadership of the FBI about what we were
3 doing or not doing that were not true that we had to correct, both internally at DOJ, with
4 ODAG, and General Barr, and then subsequently with the Director and Deputy Director,
5 but we resolved that. But there was information that was being shared up that chain at
6 the FBI that was incorrect.

7 Q And, when you say what you were doing, that's in reference to what the
8 Western District of Pennsylvania was doing regarding your assignment from Mr. Rosen?

9 A That's correct.

10 Q According to public statements by Attorney General Barr, your office in
11 vetting the information provided by the CHS for the FD-1023, you went back and
12 developed more information that apparently had been overlooked by the FBI.

13 Is that an accurate statement?

14 A I can't say "overlooked." I don't know that I agree with that
15 characterization because I don't know what -- again, because this was referenced in a
16 previous CHS report, I don't know what the focus of that investigation was. So it might
17 have been ancillary information that wasn't directly related to what they were looking at
18 in 2017. But it had not been developed. It's fair to say that it had not been looked into
19 or developed any further.

20 Q And so it was by your directive that the information that's included in the
21 FD-1023 was developed; is that correct?

22 A That's correct. Once we were made aware of it, and my -- the AUSAs who
23 were running point on this project requested to see that underlying 1023, the previous
24 one, identified that line relating to Mr. Biden and his role at Burisma. They brought that
25 to my attention, and we then engaged the FBI and said we need to understand what this

1 is or what this is not; can you please go out and re-interview the CHS and develop this.
2 That then led to this June of 2020 1023.

3 Q And when did you make the request for the re-interview of the CHS?

4 A I think we identified that in early June, so perhaps the first week of June.
5 And then there was some back and forth between us and the FBI. And then they
6 interviewed him and memorialized this on 6/30.

7 Q When you say "back and forth," are you referring to some sort of reluctance
8 on the part of the FBI, or there was just conversations that needed to be engaged in?

9 A There were conversations. There was reluctance. Again, this was a CHS
10 that was known to the FBI, was credible, had been used -- had provided information that
11 was used in other investigations. And so, there's always a sensitivity in engaging CHSs.
12 You know, the FBI wants to make sure it's for a purpose that they agree with. So we had
13 discussions. I think there was initial reluctance, and then through, you know, a series of
14 conversations they agreed to go out and re-interview.

15 Chairman Jordan. Can you further describe that initial reluctance?

16 Mr. Lelling. I don't know that you can go into additional detail.

17 Mr. Brady. And, sir, as I sit here, I don't remember specifically what those
18 conversations were, that they would have shared with me their internal deliberations, but
19 there was resistance.

20 BY [REDACTED]

21 Q And the original FD-1023 that you're referring as information was mentioned
22 about Hunter Bidden and the board of Burisma, how did that information come to your
23 office?

24 A At a high level, we had asked the FBI to look through their files for any
25 information -- again, limited scope, right? And by "limited," I mean, no grand jury tools.

1 So one of the things we could do was ask the FBI to identify certain things that was
2 information brought to us. One was just asking to search their files for Burisma,
3 instances of Burisma or Hunter Biden.

4 That 1023 was identified because of that discreet statement that just identified
5 Hunter Biden serving on the Burisma board. That was in a file in the Washington Field
6 Office. And so, once we identified that, we asked to see that 1023. That's when we
7 made the determination and the request to re-interview the CHS and led to this 1023.

8 Q And when did you make that initial request for the FBI to do a search of its
9 databases?

10 A I don't remember specifically. I mean, it was an ongoing conversation.
11 These were things, these were taskings that we needed to perform. So, sorry, I don't
12 remember when it was, but I'm sure when we made that in May, and they performed it, it
13 was likely not the first time we made that request.

14 Q And did you make those requests to FBI Pittsburgh or to FBI Headquarters?

15 A We would make them to FBI Pittsburgh. They would be, again, per their
16 reporting channels. It was our understanding they were reporting that up to
17 headquarters. Again, when we would have challenges or issues, and we would elevate
18 it to the PADAG and the Deputy Director, we would, you know, inform the Deputy
19 Director of things that we were -- steps that we were taking, some of which he was aware
20 of already. So mostly it was through Pittsburgh.

21 Q And at what point in time did your investigators become aware of first
22 FD-1023 with just the discreet mention of Hunter Biden and Burisma?

23 A I think it was at the beginning of June.

24 Q At the beginning of June?

25 A Early June of 2020.

1 Q Okay.

2 [REDACTED] And I'll mark as exhibit 10, an article from The Federalist from
3 July 24, 2023, titled "FBI told Delaware U.S. attorney it had already partially corroborated
4 Biden bribery claims, source says."

5 That will be exhibit No. 10.

6 [Brady Exhibit No. 10

7 Was marked for identification.]

8 [REDACTED] And I'm going to point to specific portions of it. Please take a
9 moment to review.

10 [REDACTED]

11 Q The pages aren't numbered, but if you count from the first page, the fourth
12 page, the first full paragraph states, following the late June 2020 interview with the CHS,
13 the Pittsburgh FBI Office obtained travel records for the CHS, and those records
14 confirmed the CHS had traveled to the locales detailed in the FD-1023 during the relevant
15 time period. The trips included a late 2015 or early 2016 visit to Kiev, Ukraine, a trip a
16 couple months later to Vienna, Austria, and travel to London in 2019.

17 Does this kind of match your recollection of what actions the Pittsburgh FBI Office
18 was taking in regards to this.

19 Mr. Lelling. Don't answer that. Too specific a level of detail.

20 [REDACTED]

21 Q You had mentioned last hour about travel records. Did your office obtain
22 travel records, or did you have knowledge that the Pittsburgh FBI Office obtained travel
23 records?

24 Mr. Lelling. That you can answer yes or no.

25 Mr. Brady. Yes.

1 recurring prosecution team's call agenda for a long period of time. Assistant U.S.
2 Attorney Lesley Wolf told us the Pittsburgh USAO and U.S. Attorney Scott Brady requested
3 to brief the Delaware USAO's Hunter Biden's investigative team on multiple occasions,
4 but they were turned down by AUSA Wolf and the Delaware USAO.

5 Is it accurate that you had requested multiple times, you or your office, to brief
6 the Delaware U.S. Attorney's Office?

7 A Yes.

8 Q And do you recall whose decision it was at the Delaware U.S. Attorney's
9 Office not to accept the briefing?

10 A I don't know.

11 Mr. Lelling. Do you have personal knowledge of that?

12 Mr. Brady. I don't have -- yeah, I don't have personal knowledge of it.

13

BY [REDACTED]

14 Q So those interactions that would have occurred between Ms. Wolf and your
15 team, would that have been at the AUSA level?

16 A Correct, and they would have been with Ms. Wolf.

17 Q And were you ever told that the Delaware U.S. Attorney's Office did not want
18 a briefing from your office?

19 A I believe I was. I don't remember. But I know that we had trouble
20 scheduling it.

21 Q Okay. And then, further down, it states AUSA Wolf's comments made clear
22 she did not want to cooperate with the Pittsburgh USAO, and that she had already
23 concluded no information from that office could be credible stating her belief that it all
24 came from Rudy Giuliani.

25 Were you ever made aware of Ms. Wolf's processing and decisions regarding this

1 briefing, and why she didn't want the briefing?

2 A I was not. We did, however, make it clear that some of the information
3 including this 1023 did not come from Mr. Giuliani.

4 Q And did your team ever tell you that they were receiving comments from
5 Ms. Wolf that she didn't find the information your office was receiving credible?

6 A I don't remember that, no.

7 Q If those conversations took place, would those have been between a AUSA
8 at your office and Ms. Wolf?

9 A If they would have shared that with us at all, yes, likely, and had I been made
10 aware, I would have called Mr. Weiss directly.

11 Q When you would have called Mr. Weiss directly, would you have told him
12 the information the 1023 wasn't coming from Mr. Giuliani, is that accurate?

13 A Yes, I would have, and that was already communicated to their office, that
14 the 1023 was from a credible CHS that had a history with the FBI, and that it was not
15 derived from any of the information from Mr. Giuliani.

16 Q And how did you know that that information had already been
17 communicated to Mr. Weiss' office? Was that a communication between you and
18 Mr. Weiss?

19 Mr. Lelling. Wait a minute. What information?

20 [REDACTED] The information that the FD-1023 did not come from Mr. Giuliani.

21 Mr. Lelling. Thank you.

22 Mr. Brady. That would have been relayed to me by my AUSAs who were in
23 communication with Ms. Wolf, and you know, members of Mr. Weiss' team.

24 [REDACTED]

25 Q So one of your AUSAs would have communicated to Ms. Wolf that the 1023

1 did not from Mr. Giuliani; is that correct?

2 A That's correct. And should have been aware in the FBI as well. The FBI
3 Baltimore Field Office should have been aware of that as well, but I can't speak to that.

4 Q Did you ever get a sense of why Ms. Wolf was under that belief?

5 A No, I did not.

6 Q A little bit further on the next sentence, it states, on the October 22, 2020,
7 prosecution team call, AUSA Wolf informed us that because the Delaware U.S. Attorney's
8 Office had been ordered by the principle deputy attorney general at Justice Department
9 headquarters to receive the briefing from the Pittsburgh USAO, it would be happening the
10 next day, October 23, 2020.

11 Does that match your recollection of how things went down, the PADAG
12 communication?

13 A I didn't have specific knowledge that that was what happened between the
14 PADAG and the Delaware U.S. Attorney's Office until I saw Mr. Shapley's testimony.

15 Q Did you bring this concern that the USAO in Delaware was not wanting a
16 briefing from you? Did you bring that concern to the PADAG?

17 A I'm sure I did. I don't remember the specific conversation. Rich and I
18 talked on a regular -- Mr. Donoghue and I talked on a regular basis, especially once we
19 had transmitted a report to him, and with our recommendation to brief the separate
20 offices.

21 Q Did you ever get a sense that there was tension between U.S. Attorney
22 Weiss and AUSA Wolf?

23 A I have no knowledge for that, no basis for knowing that.

24 Q And the briefing on October 23, 2020, you said you did not attend that
25 briefing; is that correct?

1 A I did not. Correct.

2 Q Do you know if that occurred in person?

3 A No, it did not occur in person, and neither I nor U.S. Attorney Weiss were
4 present at that briefing.

5 Q And, to kind of just go back to the last hour where we were discussing this,
6 you said that two of you AUSAs that were kind of the principle on this assignment, they
7 attended the briefing, one to two FBI special agents from Pittsburgh. You weren't sure if
8 your senior AUSAs attended the briefing, and that was all that you could recall from your
9 office that attended; is that correct?

10 A Yes. That's correct. And, as I mentioned, the briefing was conducted by
11 our AUSAs, not by the FBI. It was AUSA to AUSA and team.

12 Q And, after the briefing, when you were told how it went, did you get a sense
13 of what actions U.S.A. Delaware planned to take on the information that your team had
14 provided?

15 A No. None. Once we provided the briefing, our assignment was
16 completed, and we passed that information and recommendations. And then we had
17 no visibility on what they did, nor did they share with us what they planned to do.

18 Q So, as part of the briefing, did your office recommend certain actions?

19 A We did.

20 Q Were those -- did you want them to look further into the allegations in the
21 FD-1023, and the information that you had provided them?

22 Mr. Lelling. I don't think you can answer that as phrased. You need something
23 more general. I don't think he can testify here to his characterization of the quality of
24 the evidence when he gave it over to Delaware.

25

BY [REDACTED]

1 Q So the process of how -- the specific assignment that you were given by DAG
2 Rosen was that you would vet the information and kind of make a preliminary
3 determination about credibility; is that correct?

4 A That's correct. The credibility of the information that we were receiving.

5 Q And then, if you determined that that information was credible, then you
6 would pass it on to a U.S. attorney's office; is that accurate?

7 A Yes. Credible or had indicia of credibility, we would then pass it on to the
8 U.S. attorney's office with a predicated grand jury investigation, including the District of
9 Delaware.

10 Q And the U.S. attorneys' offices were the ones that could kind of escalate the
11 information that you found had some indicia of credibility into a preliminary investigation
12 or a full investigation; is that correct?

13 A That's a different -- that's FBI nomenclature. That's not how DOJ does that.

14 Q So it was on the USAO and their FBI counterparts to kind of further the
15 investigation; is that correct?

16 A Right. So two separate streams, right; how the FBI characterized their
17 opening of the work that they were doing, together with us as part of this vetting
18 assignment, was under their DIOG as I mentioned was unique to them. Delaware had a
19 grand jury investigation open, right? So our recommendation and our briefing was on
20 information that we believed in our limited ability to vet information coming from the
21 public should be looked at, required further analysis, further investigation, including using
22 the tools of a grand jury. We made that -- those recommendations, and that briefings
23 and that included information, including this 1023.

24 Q So you provided information in that briefing that you thought needed
25 further analysis or investigation; is that correct?

1 A That's correct, and made specification recommendations that I can't share.

2 Q And you passed along the information that your office had deemed had
3 some sort of indicia of credibility; is that correct?

4 A Broadly, yes, and specifically relating to the 1023, yes.

5 Q And so, in terms of briefing the USAO Delaware's Office, you only had one
6 briefing; is that correct? Your office only had one briefing with them?

7 A Yes. As I mentioned, we had several conversations along the way, but at
8 the end of our tasking, as I mentioned, I wrote a formal report, our team wrote formal
9 report that went to the PADAG. In that, we made recommendations that -- we made
10 recommendations consistent with our original tasking that we would provide briefings to
11 the SDNY, EDNY, and the District of Delaware, we laid those out in our report to Rich.
12 He and I spoke. He concurred, and as a result, then we scheduled those. And I believe
13 it went SDNY, EDNY, and then Delaware in October. So the report went to Rich's desk in
14 September with those recommendations. He and I spoke. He agreed, and then we
15 scheduled the briefings.

16 Q So, after the briefing on October 23, 2020, with the U.S. attorney's office in
17 Delaware, did you have any other interactions with -- either between you and Mr. Weiss
18 or your team and Delaware?

19 A No. That was the end of your tasking. We pulled up our stakes and
20 folded our tent and went on to other things.

21 Q So when did your assignment officially end?

22 A To my understanding, it ended when we did the final briefing to Delaware,
23 and then our tasking was done. We had done everything we deemed important and
24 that, you know, we could look at and we could vet the credibility of, and then passed it
25 onto the offices that had grand juries.

1 Q So, after you passed the information along to the Delaware U.S. Attorney's
2 Office, did Mr. Weiss ever follow up with you --

3 A No.

4 Q -- regarding his taskings?

5 A No. Nor did anyone from the U.S. attorney's office there.

6 Q And how was it communicated to you that kind of your assignment
7 regarding the Ukrainian-related information had ended or wrapped up? Was that your
8 decision?

9 Chairman Jordan. One second. Did anyone from Southern District of New
10 York, Eastern District of New York, did any of them follow up with you after that similar
11 briefing was given to them?

12 Mr. Brady. No to SDNY. We had a different interaction with EDNY for different
13 purposes that I can't get into, but relating to what we communicated to them, I don't
14 believe so, sir. I think that was the end of our assignment.

15 Chairman Jordan. Okay. I'm sorry.

16 BY [REDACTED]

17 Q There have been some public statements that, you know, your office closed
18 the investigation of the allegations documented into the FD-1023. Are those statements
19 accurate?

20 A I know have been several statements from General Barr, some from
21 Representative Raskin. I'd be happy to talk about either or both of those, but probably
22 need to separate them.

23 Q Okay. So, to the extent that, you know, Mr. Raskin has claimed that you
24 shut down the investigation of the FD-1023 information, specifically focusing on
25 Mr. Raskin, are those allegations correct?

1 A My understanding of Mr. Raskin's public statements is that, based on the
2 determination that I and my team found the allegations in the 1023 not credible or other
3 information not credible, we did not escalate the assessment to a limited or full
4 investigation. That's not true. What General Barr said publicly is true.

5 What is true is, that the nomenclature of the FBI was immaterial to us. How they
6 characterized the administrative title of what they needed to assign to begin to work
7 under their DIOG had nothing to do with our tasking, had nothing to do with our
8 assignment.

9 We discussed very frankly with the FBI that this would never be developed into a
10 full investigation. This would never be a grand jury investigation out of the Western
11 District of Pennsylvania. Everyone knew that. There was no confusion about that.
12 So it would never escalate into a full investigation under the lexicon of the FBI.

13 What happened was, once we had written our report, our memo to Mr. Donoghue
14 as the PADAG, we made our recommendations about briefing the offices. From our
15 perspective, A, we wanted to get those to the grand jury investigation sooner rather than
16 later. We had already had a myriad of delays in this process. The then SAC of
17 Pittsburgh called me and said: Is there anything left for us to do on your punch list.

18 I said: No, you know, thank you for your help in this.

19 He said: Then, is it okay if we close this assessment?

20 And I said: Yes, that's fine. I don't care what you guys called it from the
21 beginning, but yeah, there's no more work for us to do. Now we pass it off to the offices
22 with the grand juries, and our job is done.

23 Q Okay. And, to the extent that Attorney General Barr had stated publicly in
24 regards to Mr. Raskin's claims, quote, "It's not true, it wasn't closed down, on the
25 contrary it was sent to Delaware for further investigation," end quote, that's accurate to

1 your recollection?

2 A General Barr's statements are all accurate, including his statement that the
3 information contained in the 1023 was not derived from any Giuliani-related information
4 and are not from -- this is General Barr's public statement -- not from known sources of
5 Russian disinformation.

6 Q And, in fact, the FBI has stated publicly, and you said it matched your
7 recollection earlier, that the source was highly credible, the FBI deemed the source was
8 highly credible, and they had used that source in other investigative matters; is that
9 correct?

10 A That's correct.

11 Q To the best of your knowledge, after the FD-1023 and the briefing occurred
12 with the Delaware U.S. Attorney's Office, do you know if the Delaware U.S. Attorney's
13 Office or FBI Baltimore shared that 1023 with their FBI investigative team?

14 A I have no idea.

15 Q Do you have any knowledge as to whether they shared it with the IRS
16 investigators?

17 A No contemporaneous knowledge in 2020. I know from public reporting
18 that it was -- they were not a part of the briefing. That I knew at the time, that it was
19 only Ms. Wolf as I mentioned, perhaps another AUSA from the Delaware team and special
20 agents from the Baltimore Field Office of the FBI. There was no IRS involvement in the
21 briefing. And I know from, you know, Mr. Shapley's testimony, I believe, that the 1023
22 was not shared with him or his team or anyone at the IRS.

23 Q And did you know contemporaneously that the IRS investigators had asked
24 to be a part of that briefing that your office was providing?

25 A No, I had no visibility into that.

1 Q When you did learn from Mr. Shapley's testimony that the IRS investigators,
2 you know, weren't told about or the FD-1023 wasn't shared with them, did that surprise
3 you?

4 A Yes.

5 Q Why did that surprise you?

6 A Typically, not specific to this, but in investigations where you have multiple
7 agencies that investigative team; AUSAs, Federal prosecutors, investigators, agents from
8 sometimes, you know, agencies with overlapping or concurrent jurisdiction, you share
9 information pretty transparently, and you know, on a realtime basis.

10 Because even though they might have different jurisdiction and might be looking
11 at different agency specific statutes and potential charges as part of their investigation,
12 you want your team to have kind of full knowledge of everything that is coming; good,
13 bad, credible, not credible. And so I would have expected that that would have been
14 shared with the IRS.

15 Q And, prior to your departure from the Western District of Pennsylvania in
16 February 2021, did you ever become aware of attorney -- the tasking being made to U.S.
17 Attorney Weiss that he would be -- have full authority over the Hunter Biden
18 investigation?

19 A Only from -- only what's publicly reported. That's the only knowledge I
20 have. I haven't spoken to Mr. Weiss since we left the Department, since I left the
21 Department.

22 Q Okay. Are you aware of an August 2020 assessment that was opened by an
23 FBI supervisory intelligence analyst, Brian Auten, regarding the Hunter Biden information?

24 A At the time, I was not. I am now from public reporting.

25 Q So you didn't became aware during your tenure at the Western District of

1 the Auten assessment?

2 A This was never shared with me by the FBI, but there was many things. I
3 was not aware of that the FBI was in possession of the Hunter Biden laptop. There were
4 many things that were not shared back with the Pittsburgh Office.

5 Q So when did you become aware that the FBI had the Hunter Biden laptop?

6 A When it was first reported publicly, I think, December of 2020. I don't
7 remember.

8 Q It was October 14, 2020. Is that kind of -- that was when the New York Post
9 article came out regarding the Hunter Biden laptop?

10 A Yeah. That was when I was first aware, and I was surprised.

11 Q You were surprised. Why were you surprised by that?

12 A I would have thought that would be something, especially as has been
13 publicly reported, there's information relating to Hunter Biden's activities on the board of
14 Burisma in Ukraine, that might have been helpful in our assessment of the information
15 that we were receiving about him. I would have expected that be shared. However,
16 not knowing the source, now I know the source. But, you know, if it had been grand
17 jury derived or subpoenaed or seized as a result of a search warrant, that wouldn't
18 surprise me it wouldn't be shared with us. But, yeah, we were all surprised.

19 Q And to the extent that you had asked the FBI to do a search of their
20 databases regarding information relevant to your assignment, do you think the laptop
21 information would have been part of that?

22 A I would have expected -- if it were information or evidence that the FBI had, I
23 would have expected that to be part of that search.

24 Q And, in regards to the Auten assessment, we'll call it, you said you became
25 aware of that after your tenure at the Western District. And what did you learn about

1 the Auten assessment?

2 A Only what was public and broad brushstrokes there was an assessment, that
3 Mr. Auten identified all of the information relating to allegations of corruption, of, you
4 know, Hunter Biden and Ukraine and Burisma to be not credible and/or sourced by
5 Russian mis- or disinformation, and that assessment was closed. That's all I know. I
6 don't know if information that came through the Pittsburgh Office as a part of this vetting
7 process was included in that, excluded from that. I don't know.

8 Q So, if that was -- the assessment was done in August of 2020, how did that
9 kind of jibe with the work that you were doing?

10 A Separate work streams. We had no visibility into what headquarters was
11 doing. They did not share with us. They were only watching and approving our
12 investigative steps that we requested.

13 Q And were you surprised to learn that there was this kind of assessment
14 conducted?

15 A Not necessarily surprised an assessment would be conducted, but knowing
16 so little about it, the genesis the scope of it, I would have thought -- I would expect that if
17 it intersected with what we were doing, that someone would have talked to us. Now,
18 maybe that was just headquarters to FBI Pittsburgh conversation. But I would have
19 thought that we would be read into or be a part of that conversation.

20 Q And did you have any communications with the Washington Field Office of
21 the FBI?

22 A Yes.

23 Q And how many communications did you have with the Washington Field
24 Office?

25 A They were limited. So headquarters versus Washington Field Office, our

1 interaction with the Washington Field Office related to the underlying 1023 that predated
2 this one that we looked at and then gave rise to our request to re-interview the CHS in
3 the June-2020 1023.

4 Q And so did the underlying 1023, did that come from the Washington Field
5 Office? Was that why there was interaction?

6 A Yes.

7 Q Who did you interact with at the WFO?

8 A I don't remember. It would have been my AUSAs, I think, that were
9 interacting with -- AUSAs and Pittsburgh special agents that were interacting with special
10 agents from WFO.

11 Q Were there any other interactions that occurred between your office and
12 the WFO?

13 A Not that I recall.

14 Q Do you know if there was any interaction with the FBI's Public Integrity
15 Section Or Division?

16 A No.

17 Q Any DOJ Public Integrity Division interactions that your office had?

18 A Relating to this?

19 Q Correct.

20 A No.

21 Q Did your office regularly communicate with Main Justice?

22 A Yes.

23 Q And who was your point of contact? Was that the PADAG?

24 A Yes. It would have primarily been the PADAG, first Mr. DuCharme, then
25 Mr. Donoghue.

1 Q And so, besides the SDNY, the Eastern District of New York, and the U.S.
2 Attorney's Office for Delaware, did you have any other interactions any other U.S.
3 attorney's offices regarding your assignment?

4 A Yes.

5 Q What other U.S. attorney's offices did you have contact with?

6 A Northern District of Illinois, and Northern District of Ohio.

7 Q And did you give briefings to the Northern District of Illinois and the
8 Northern District of Ohio?

9 A No. As part of our initial tasking and Mr. Donoghue's role as kind of
10 quarterback or air traffic controller for all Ukraine investigations, there was an
11 investigation in the Northern District of Illinois. So I spoke with the U.S. District
12 Attorney, talked with him about what we were tasked with doing, what I believed the
13 scope of that to be, asked him if that intersected at all with his case and investigation.
14 He said: No.

15 And so we had no further interaction.

16 The Northern District of Ohio had a -- it's public -- an investigation into PrivatBank
17 and Mr. Kolomoisky for a series of activities that were occurring in the Northern District
18 of Ohio and elsewhere. There was some interaction with PrivatBank in this case. And
19 so I wanted to, again, do the same thing, talk with the U.S. attorney, say: Here's what
20 we're looking at. Here's where PrivatBank plays a role in this. And does this intersect
21 with yours?

22 And we determined that it did not. And so, didn't have any followup
23 communications with them.

24 Q And did you provide any sort of report or product to the PADAG regarding
25 this information?

1 A This information, meaning ND Illinois and ND Ohio?

2 Q Correct. Correct.

3 A I don't know that it would have been written, but I certainly would have
4 apprised him, that yes, I talked with ND Illinois, you know, no intersection. Talked with,
5 you know, Justin in the Northern District of Ohio. We talked about PrivatBank. Theirs
6 is separate from what we're looking at. As I mentioned, all of our work with SDNY, EDNY
7 and the District of Delaware was summarized in our final report and recommendations to
8 Mr. Donoghue. I think we sent that in September.

9 Q And did you have an understanding whether the Northern District of Illinois
10 or the Northern District of Ohio had grand jury investigations regarding the information
11 you were passing along?

12 A They did. That's why I spoke with them.

13 Q And, for the FBI, I know we've spoken about the FBI Pittsburgh Field Office,
14 the Baltimore Field Office, the Washington Field Office.

15 Were there any other field offices that your office communicated with regarding
16 your task?

17 A New York. The New York Field Office, which supported both EDNY and
18 SDNY.

19 Q And, when you needed to interact with those field offices, was that normally
20 the FBI Pittsburgh Field Office that was interacting with them, or was it the individuals
21 within your office?

22 A Normally, that was -- it depended on what was going on, right? So the kind
23 of normal interface was AUSA to AUSA, special agent on an investigative team to special
24 agent. At times when there were issues with, for example, SDNY, which is supported by
25 the field office, the New York Field Office, then that would be elevated, and we would

1 speak AUSA to AUSA and either SAC to SAC. Sometimes we had to involve the Deputy
2 Director. So that happened on occasion with the New York Field Office.

3 Q And, when your office was conducting your review to determine whether
4 the information that was coming in had some sort of indicia of credibility, would your
5 team undertake interviews of individuals?

6 A For the 1023 specifically?

7 Q Related to any Ukrainian information that came in?

8 A Yes.

9 Q And were those individuals pertinent to the investigation -- or the
10 information that you were receiving as well as individuals who were providing
11 information?

12 A Yes. They were potential witnesses who may or may not have had
13 information, you know, relating to Ukrainian corruption. So we identified, there were
14 many that were identified that were in the Ukraine. We did not interview them. There
15 were some that were in the United States. So we did conduct interviews in the United
16 States.

17 Q So your office had additional interviews or meetings with people other than
18 Mr. Giuliani; is that correct?

19 A That's correct.

20 Q Did you get a sense of why Mr. DuCharme and the Deputy Attorney General
21 had tasked you with this assignment?

22 A I think there was -- could I have a moment to talk to Andy?

23 [REDACTED] Absolutely. We'll go off the record.

24 [Discussion off the record.]

25 [REDACTED] We can go back on the record.

1 Mr. Lelling. I'm afraid he can't answer that question.

2 ██████████ Can't answer why he was tasked with this?

3 Mr. Lelling. Correct.

4 Mr. Brady. I do think -- so separate and apart from specific conversations, I think
5 we were tasked with this, as was Mr. Jensen and the Flynn investigation, as were other
6 U.S. attorneys, because General Barr and DAG Rosen had confidence that we would
7 conduct our assignment with professionalism, that we would, you know, uphold the best
8 principles of the Department, and that we would do it discreetly to the previous
9 questioning, and we would be thorough and thoughtful.

10 When I put my team together, without identifying certain names, I put a team of
11 Republicans and Democrats together. Again, we were politically appointed, but the
12 work of the Department of Justice shouldn't matter. And so, as I mentioned, there were
13 two supervisory AUSAs, senior, our most experienced white collar investigators. One
14 was my FAUSA, a Democrat, and one was my head of white collar, a Republican. My
15 two AUSAs, Democrat, unknown because it didn't matter. You know, what my tasking
16 to them was that we are going to run this to ground, and if we do everything ethically in
17 the right way, then we will never have to worry about what the outcome is. Then we'll
18 do our job. We'll do it professionally, ethically, and then we will pass it off to the other
19 offices that have grand juries.

20 ██████████ We can go off the record.

21 [Recess.]

1 [1:24 p.m.]

2 [REDACTED] Back on the record.

3 BY [REDACTED]

4 Q In the last hour, you were talking about how the original 1023 came to you.
5 So I'm talking about the 1023 from 2017.

6 A Yes.

7 Q And you said that you asked the FBI to search its files for the word
8 "Burisma."

9 A Yes. I believe that's how that was identified.

10 Q Okay. What led you to ask the FBI to search its files for "Burisma"?
11 Mr. Lelling. Well, wait a minute.

12 Did you ask the FBI to search its files for "Burisma"?

13 BY [REDACTED]

14 Q Or somebody in your office. Maybe not you personally.

15 A I don't remember if this was identified because we asked specifically for
16 "Burisma," but "Burisma" appeared in a lot of the material we received from Mr. Giuliani.
17 So, to try to narrow the scope of --

18 Q Okay.

19 A -- the universe of information, we thought that would be one of the work
20 streams that we would try to at least wrap our arms around.

21 Q Okay. So your request that the FBI look in its files for "Burisma" or
22 whatever the actual search term was, that was because you had gotten information from
23 Giuliani, correct?

24 A Yes.

25 Q Okay.

1 And so, in the -- actually, in the first and second hours, you said pretty extensively
2 that your role was to vet information provided from the public, correct?

3 A Correct.

4 Q And so the 1023, the original 1023, was not information provided from the
5 public, correct?

6 A That's correct --

7 Q Okay.

8 A -- yes.

9 Q But it came up because you'd received information from Mr. Giuliani and, in
10 your vetting of that information, you ran a search?

11 A Correct.

12 Q Okay.

13 A And just to clarify, I don't remember if we asked the FBI to search for
14 "Burisma" --

15 Q Right.

16 A -- or "Zlochevsky."

17 Q Understood.

18 A But I think it's all equal, to the premise of your question.

19 Q Right.

20 And the 1023 itself, which is exhibit 3, this refers over and over again to
21 Zlochevsky, correct?

22 A Correct.

23 Q And we talked through -- you said in the earlier hour that the FBI deemed
24 the source highly credible. And the source was the confidential human source that
25 actually provided the interview that led to the 1023, right?

1 A Correct.

2 Q That's not Zlochevsky, though, right?

3 Mr. Lelling. Don't answer.

4 [REDACTED] Oh. Understood. Withdrawn.

5 BY [REDACTED]

6 Q The source discusses conversations with Zlochevsky, correct?

7 A That's correct.

8 Q Okay. It was beyond the scope of what you were able to do to actually
9 assess Zlochevsky's credibility directly, correct?

10 A Correct. We had no basis of assessing that or tools to --

11 Q Okay.

12 A -- determine whether what he claimed was true or not.

13 Q So this is essentially a report of what a confidential human source told you
14 about his or her conversations with Zlochevsky, correct?

15 A Correct.

16 Q And, in this, the source, himself or herself, actually directly says that -- and
17 this is, again, on page 3; we talked through it in my prior hour -- that the "CHS is not able
18 to provide any further opinion as to the veracity of Zlochevsky's aforementioned
19 statements."

20 A That's correct. And that's why we thought Delaware would be in the best
21 position to take that further or not.

22 Q Understood.

23 Okay. Go ahead.

24 [REDACTED] Okay.

25 BY [REDACTED]

1 Q So let's talk a little bit about Zlochevsky. I understand why you weren't in a
2 position to interview him as far as -- actually, I don't even think anyone knows where he
3 was at that point, but he wasn't in the United States, right?

4 A Correct.

5 Q So you were limited in scope and also just as a practical matter.

6 But I think in the first hour or one of our hours you said that you did do some
7 open-source -- or, you or someone on your team did open-source searching to see
8 whether information could be corroborated, right?

9 A Correct. Yeah. We and the FBI.

10 Q Sure. I mean your team when I say "you."

11 A Oh, yes. Yeah.

12 Q So, with respect to Zlochevsky's statements in particular, like the ones that
13 are memorialized in the 1023, or attributed to him, were you able to find -- or, you or
14 anyone on your team able to find in open-source reporting that Mr. Zlochevsky had made
15 statements inconsistent with those that were attributed to him in the 1023?

16 A No. We didn't find statements one way or the other relating to that.

17 Q Okay.

18 You did interview Rudy Giuliani, correct?

19 A Correct.

20 Q Did you ever have occasion to interview a person associated with
21 Mr. Giuliani, Lev Parnas?

22 Mr. Lelling. I don't want him to get into -- I was going to allow him to identify
23 Rudy Giuliani because it's now so widely known that DOJ interviewed Giuliani, but going
24 past that is problematic.

25 [REDACTED] Okay.

1

BY [REDACTED]

2

Q Do you know who Lev Parnas is?

3

A I know of him based on the SDNY investigation.

4

Q Okay. He was indicted, correct?

5

A Indicted, correct.

6

Q Right. And he was associated with Mr. Giuliani, correct?

7

A Correct. That's my understanding.

8

Q Okay. Did Mr. Giuliani disclose the fact that he had a relationship with Lev

9

Parnas?

10

Mr. Lelling. Don't go into that.

11

[REDACTED] Okay.

12

This is going to be marked as exhibit 12.

13

[Brady Exhibit No. 12

14

Was marked for identification.]

15

16

Q This is a document that includes typed questions and answers. This

17

document was provided by Mr. Parnas to Rudy Giuliani.

18

Mr. Giuliani directed Mr. Parnas and another person by the name of Vitaly Pruss

19

to directly interview Mr. Zlochevsky, to ask these questions, and these are the answers

20

that they received.

21

Have you ever -- oh. Sure.

22

[REDACTED] And just to make it clear for the record, this document, in the form

23

we're producing it to you today, was subsequently produced by Mr. Parnas to Mr. Raskin,

24

and Mr. Raskin has made it available on his website. That's how it came into our

25

possession.

1 Mr. Brady. Oh, I see. Okay. Thank you.

2 [REDACTED] Go ahead.

3 BY [REDACTED]

4 Q I understand it's also available -- it was part of the impeachment inquiry to
5 Trump's first impeachment, and it's part of the HPSCI investigation. I don't know if
6 you've had a chance to look at that or if you did during the assessment.

7 A Not all of it, no.

8 Q Okay. But have you seen this document before?

9 A I don't believe I have.

10 Q Okay. The -- I'll just give you a second to look at it, actually, then, if you've
11 never seen it before. It's three pages -- two pages. Let me know when you've had a
12 chance to look at it. Take your time too.

13 A Okay.

14 Q Have you had a chance to review it?

15 A Yes.

16 Q Okay. And just to be clear, I think my colleague has already explained this,
17 but this document was provided to investigators on the House Permanent Select
18 Committee on Intelligence in 2019, before your assessment began, in relation to the first
19 impeachment inquiry of President Trump.

20 But you indicated you were not aware that that evidence was in the record of that
21 investigation?

22 A Correct.

23 Q Okay.

24 A And I'm sorry, could I just clarify?

25 Q Sure.

1 A Who's answering the questions?

2 Q Yeah, let me -- I'll explain.

3 A Oh, I'm sorry.

4 Q Sorry. I know it's a little confusing.

5 Mr. Lelling. Don't jump ahead.

6

7 Q That's a good question.

8 All right. So my understanding, again, from the evidence in the previous
9 impeachment inquiry and our investigation and other ways, is that this interview was
10 conducted in July of 2019. The person who was actually doing the questions directly to
11 Mr. Zlochevsky was a man by the name of Vitaly Pruss, V-i-t-a-l-y, Pruss, P-r-u-s-s. And
12 Mr. Pruss was in direct contact with Lev Parnas, who was also in contact with Giuliani.

13 So there's a little string here. Mr. Giuliani is asking Mr. Parnas to ask Mr. Pruss to
14 ask these questions directly of Mr. Zlochevsky. Does that make sense?

15 A Yes.

16 Q Okay. And that was explained during the HPSCI investigation, as well, in
17 the context of this document being produced in that investigation.

18 So, on July 7, 2019, Mr. Pruss sent these written summaries -- which is the exhibit,
19 No. 12 -- sent these answers that Mr. Zlochevsky had given to Lev Parnas and to
20 Mr. Giuliani in the form of a Word document. That's why it looks the way it does.

21 A Sure.

22 Q Okay. So you indicated you've never seen this document before. May I
23 actually ask you, before we go through it: You, during the course of your investigation,
24 you asked the FBI or directed others to ask the FBI to review their holdings for any
25 information related to Burisma or Zlochevsky, correct?

1 A Yes. We asked them, for certain specific questions, to look in open-source,
2 as we talked about, and then to look in their investigative files to see if they had
3 intersected with these names or, you know, this topic before.

4 Q Okay. And they yielded this 2017 1023 that then led you to interview the
5 CHS, correct?

6 A Yes.

7 Q Okay. But you never asked, for example, the House Permanent Select
8 Committee investigators or anyone associated with that investigation to do a similar
9 inquiry for evidence relating to Zlochevsky?

10 A No, I don't believe we did.

11 Q Okay. And, like you said, you were not aware that this interview had taken
12 place in 2019. Is that fair to say?

13 A I don't believe I was, no.

14 Q Okay. And anyone on your team, as far as you know, was not aware that
15 Mr. Zlochevsky had been interviewed at the direction of Giuliani before your assessment
16 began?

17 A I don't believe so.

18 Q Okay. So let's go through it, then, since this is the first time you've seen it.
19 The first question, for the record, states, quote, "What caused you to hire Devon
20 Archer and Hunter Biden in 2014?"

21 And the answer from Mr. Zlochevsky is, quote, "We wanted to" -- and there's a
22 typo. It says "uild." I think it means "build" -- "Burisma as international company. It
23 was very important to have strong board. So when we review resumes of Biden and
24 Archer they both had great resumes. We also thought it would help in Ukraine to have
25 strong international board figures with great relationships in the United States and

1 Europe," end quote.

2 Let's move to question -- oh, actually, let me ask you about this. There's nothing
3 in Mr. Zlochevsky's answer to question 1 that says he needed the Bidens in order to,
4 quote, "take care of Shokin," correct?

5 A Nothing in that answer, no.

6 Q And there's nothing at all with respect to any investigation of Burisma,
7 correct?

8 A Oh, in the answer?

9 Q In the answer.

10 A No. No.

11 Q I'm sorry. I'm just asking you about his answer.

12 A Yeah. No, no. No.

13 Q So, to that extent, the answer that Mr. Zlochevsky gave to the question of
14 why you hired Hunter Biden and his associate Mr. Archer is inconsistent with this claim
15 that Mr. Zlochevsky is attributed -- or the statement that is attributed to Mr. Zlochevsky in
16 the 1023, correct?

17 A I'm sorry. Could you ask that again?

18 Q Yeah.

19 A I'm sorry.

20 Q That's okay.

21 To the extent that Mr. Zlochevsky is asked in this interview why he hired Biden,
22 Hunter Biden, to be on his board -- and he answers the way we just described, right?
23 Because he wanted a strong board. He did not say anything about investigations of
24 Burisma, correct?

25 A Not in that answer, no. Correct.

1 Q No. And not in that answer does he say anything about protecting Burisma
2 from investigations, correct?

3 A Correct.

4 Q Or protecting Burisma from anything, correct?

5 A Correct.

6 Q So, to that extent, the answer he gave here is inconsistent with the
7 statement attributed to him in the 1023, that he hired Hunter Biden to protect him?

8 A Oh, I see. I'm sorry. Yeah -- yes, they seem to be inconsistent.

9 Q Okay.

10 Question number -- let's see -- 8, which is I think on the second page, the question
11 asks, quote, "Did you ever learn why VP Joe Biden asked for Shokin to be fired as PG?"

12 Do you see that question?

13 A Yes.

14 Q Okay. And, to be clear, "VP" stands for "Vice President," I believe, and "PG"
15 probably stand for "Prosecutor General."

16 Are you aware that Mr. Shokin was the Prosecutor General of Ukraine during the
17 time that this allegation arose?

18 A Yes, for a discrete period in 2015-2016, I believe.

19 Q Okay. But the allegation about bribery and the firing of Shokin --

20 A Oh, yes.

21 Q -- had to do with his role as Prosecutor General, correct?

22 A Correct.

23 Q Okay.

24 The answer that Mr. Zlochevsky gave to that question of why did Biden ask for
25 Shokin to be fired, he responds, quote, "We learned about it from newspapers and

1 internet. We never had contacts with VP Biden during his visits to Ukraine," end quote.

2 Do you see that answer?

3 A Yes.

4 Q Okay. And you had never, before today, learned through your investigation
5 that Mr. Zlochevsky told Giuliani's investigators that?

6 A Not that I recall. Correct.

7 Q Okay.

8 Mr. Zlochevsky's answer also includes the statement, quote, "We never had
9 contacts with VP Biden during his visits to Ukraine," end quote. Do you see that
10 answer?

11 A Yes.

12 Q Okay. Did you ever learn of that part of his statement, that Mr. Zlochevsky
13 had told Rudy Giuliani's investigators in 2019 that he, quote, "never had contacts with
14 Vice President Biden during his visits to Ukraine"?

15 A No, not that I recall.

16 Q Okay.

17 All right. Anywhere in Mr. Zlochevsky's statement -- and you can take a minute
18 to review it if you need to review it further -- did Mr. Zlochevsky say that he paid either
19 Hunter Biden or Joe Biden to pressure Poroshenko to fire Shokin?

20 A No.

21 Q Okay.

22 Now, the answers that we've discussed here that Zlochevsky gave in this 2019
23 interview are inconsistent with the statements attributed to Mr. Zlochevsky in the 1023,
24 to some extent, correct?

25 A Yes.

1 Q Specifically on the key point that Mr. Biden is alleged to have received a
2 bribe to pressure Poroshenko to fire Shokin, correct?

3 A Correct.

4 Q If you had known during the course of your investigation that Mr. Zlochevsky
5 had made these statements that are inconsistent with what was attributed to him in the
6 1023, would that have affected your investigation in any way?

7 A Had we been aware of this, we would've definitely shared that with
8 Delaware when we shared the 1023 with them and allowed them to reconcile the two, do
9 further investigation or not, based on their discretion and knowledge.

10 Q Because that's just a normal thing that an investigator would do, is assess
11 credibility by looking to see whether there were prior inconsistent statements from a
12 witness, right?

13 A Correct.

14 Q And, in this case, you were not aware of the prior inconsistent statement
15 when you did your investigation, correct?

16 A Correct. I can't speak for my team, but I don't believe that we were aware
17 of these.

18 Q If someone on your team were aware of this prior inconsistent statement,
19 you would've expected them, as professionals, to bring that to your attention, correct?

20 A Yes, absolutely. We would've put that in our report to Mr. Donoghue.
21 We would've absolutely put that in the briefing to Mr. Weiss's team.

22 Q And you have no reason to think that anyone on your team was hiding this
23 or trying to keep it from you?

24 A No.

25 Q Okay.

1 Then the other question I think that I have to ask about this is: This is a prior
2 inconsistent statement of Mr. Zlochevsky that your investigation did not uncover, but it's
3 a statement that Mr. Giuliani was certainly aware of. Would you agree?

4 A Yes, if -- based on your representation, yes, absolutely.

5 Mr. Lelling. Well, wait a minute. Do you have any personal knowledge of
6 whether Rudy Giuliani was aware of that?

7 Mr. Brady. No, only counsel's representation.

8 Mr. Lelling. Okay.

9 ██████████:

10 Q Okay. Well, right, and the record in the impeachment inquiry, I suppose,
11 and other evidence. But you're not familiar with that evidence, correct?

12 A I'm not.

13 Q And you didn't familiarize yourself with that evidence at the time that you
14 conducted your investigation, correct?

15 A Correct.

16 Q Okay. But you knew that it had happened though, right? Like, that the
17 investigation that preceded Mr. Trump's first impeachment, that that investigation had
18 happened in Congress before your investigation started, right?

19 A Yes. And, forgive me, can you remind me of the dates of the first
20 impeachment? I just --

21 ██████████ So it would've been Septem- -- well, approximately September 2019.
22 And then I think the impeachment vote was December of 2019, thereabouts.

23 Mr. Brady. Yes. Thank you.

24 We were aware --

25 ██████████ Sorry. To clarify, that's just the House impeachment vote. And the

1 Senate trial would've been January and February of 2020.

2 Mr. Brady. Of 2020.

3 Yes, we were certainly aware. I was not familiar with the record, and I don't
4 believe that our team looked into the record.

5 BY [REDACTED]

6 Q I mean, you personally had no role in it as an investigator, correct?

7 A No, not -- no.

8 Q But you were the sitting U.S. attorney at that time in Pittsburgh?

9 A Correct.

10 Q Okay.

11 But when you got this assignment to investigate or to receive information from
12 Giuliani and others, was there any kind of a recollection on your part, just from reading
13 news articles or other exposure, that this information associated with Giuliani had just
14 passed through the investigative process in the impeachment?

15 A I wasn't sure what, of the information that he presented to us, was a part of
16 the impeachment.

17 I think what General Barr said was that we were to treat any information relating
18 to Ukrainian corruption with skepticism --

19 Q Right.

20 A -- because there were a lot of cross-currents and mixed motives. And so
21 we had that view with the information we were receiving from Mr. Giuliani as well.

22 But, to your specific question, no, as to the information before the House or the
23 Senate for the impeachment inquiry.

24 Q Okay. And, just to be very clear, Mr. Giuliani himself never gave you a copy
25 of this statement, fair to say?

1 A Fair to say. Not that I recall. And, as you said, had my team been aware,
2 it would have been elevated.

3 Q Okay.

4 A Mr. Giuliani gave a series of podcasts. I don't know if this was a part of
5 his -- if this was a part of his public podcast. I just don't know, as I sit here.

6 Q Okay. And he never told you that he had interviewed or spoken to
7 Mr. Zlochevsky or anybody had spoken to him on his behalf?

8 Mr. Lelling. Can't answer that.

9 ██████████ Okay.

10 Mr. Brady. And could I clarify one thing?

11 ██████████ Of course. Yes.

12 Mr. Brady. So, just to clarify, without going into detail, because Mr. Parnas had
13 been indicted by SDNY, we didn't develop any information relating to Mr. Parnas that
14 either Mr. Giuliani gave us or that we received from the public, and we felt that it was
15 best handled by SDNY, since they had that full investigation.

16 ██████████ Okay.

17 Mr. Brady. So I can't speak to whether SDNY has that. I just don't know.

18 BY ██████████

19 Q Okay. I guess my question was just more based on your own description of
20 your own investigative efforts. I mean, you went on your own, on your own initiative, to
21 search FBI records that had anything to do with Zlochevsky, correct?

22 A Correct.

23 Q Or Burisma, but you don't know what the search term was.

24 A Correct. There were multiple, but yes. I can't remember the specific one
25 that uncovered the underlying 1023.

1 Q Okay. But you didn't make a similar effort to search the impeachment
2 investigative files that were released and public at that time and dealing with the same
3 matter. Is that --

4 A Correct. To my knowledge, yes --

5 Q Okay.

6 A -- that's correct.

7 Q Thank you. Okay.

8 Okay. Switching gears a little bit --

9 A Sure.

10 Q -- do you know who Vitaly Kasko is? Spelled V-i-t-a-l-y, Vitaly, K-a-s-k-o,
11 Kasko.

12 A I'm not sure. I don't remember.

13 Q Okay.

14 I'm going to mark this as exhibit 13.

15 [Brady Exhibit No. 13

16 Was marked for identification.]

17

BY [REDACTED]

18 Q This is a news article from Bloomberg, dated May 7, 2019, entitled, quote,
19 "Ukraine Ex-Official Casts Doubt on Biden Conflict Claim," end quote.

20 Have you seen this article before?

21 A I don't believe I have, no.

22 Q Please just take a minute to review it.

23 Have you had a chance to review it?

24 A Yes.

25 Q Okay. So Vitaly Kasko, as reported in the article, was Viktor Shokin's

1 deputy when Shokin was the Prosecutor General of Ukraine, correct?

2 A Correct, according to this article, yes.

3 Q Okay. I mean, in your investigation, did you ever, sort of, look into who
4 Shokin's associates were?

5 A I can't remember as I sit here. I think we did. And we knew Mr. Shokin
6 had several roles in the PGO prior to becoming the Prosecutor General as well.

7 Q Okay.

8 Are you aware that Mr. Kasko made public statements about the Burisma
9 investigation that was happening under Shokin's leadership?

10 A I may have been aware at the time, but I don't remember as I sit here.

11 Q Okay. Would that have been something that your open-source review, you
12 or your team's review, would've looked to look into, just any statements that Shokin or
13 his other prosecutors had made about the Burisma investigation?

14 A Yes, both in U.S. reporting and in Ukrainian reporting or European reporting.

15 Q Okay. And, I'm sorry, did you indicate you've never seen this article before,
16 though?

17 A I don't believe I have, no.

18 Q Okay.

19 Let's look at the statements made by Mr. Kasko that are contained in the
20 reporting on page 2, at the bottom of the first paragraph.

21 Okay. Mr. Kasko stated that the probe into Burisma had been, quote, "long
22 dormant," end quote, at the time that Vice President Biden made his comments about
23 firing Shokin.

24 Kasko further stated that "there was no pressure from anyone from the U.S. to
25 close cases against Zlochevsky. It was shelved by Ukrainian prosecutors in 2014 and

1 through 2015," end quote.

2 Had you ever discovered in the course of your investigation that Mr. Kasko had
3 made that statement?

4 A No.

5 Q On the third page, in the fourth paragraph, the article states that the case
6 against Zlochevsky and Burisma was assigned to Shokin when Shokin was a deputy
7 prosecutor, but, according to the reporting, quote, "Shokin and others weren't pursuing
8 it," end quote, according to internal reports from the Ukrainian prosecutor's office that
9 were reviewed by Bloomberg.

10 Were you aware of this reporting, that Shokin was not pursuing the case against
11 Burisma when he was the deputy prosecutor?

12 A Not this specific reporting, but we had seen information that was consistent
13 with that as well.

14 Q Okay.

15 Were you aware in your investigation that internal reports from the Ukrainian
16 prosecutor's office documented the fact that Shokin and others were not pursuing the
17 case at this time?

18 A Could I have a second to ask Andy?

19 Q Of course.

20 [Discussion off the record.]

21 Mr. Brady. Thank you.

22 So we did make some effort to secure files from the Prosecutor General's Office in
23 Ukraine.

24 BY [REDACTED]

25 Q I think you indicated earlier you didn't have any subpoena authority; is that

1 right?

2 A That's correct.

3 Q International.

4 A There's some information regarding the docket and filings that is public --

5 Q Okay.

6 A -- and so we were going through the FBI legat in Kyiv to try to secure those.

7 Q Okay.

8 [REDACTED]:

9 Q This statement in the -- turning back to this article, on page 2, the statement
10 from Mr. Kasko that there was no pressure from anyone from the U.S. to close cases
11 against Zlochevsky, that would be inconsistent with some of the statements made in the
12 1023, correct?

13 A I'm sorry. Could you just tell me where that is? Generally, or --

14 Q It's the -- no, it's a direct quote.

15 [REDACTED] Second page, bottom of the first paragraph.

16 BY [REDACTED]

17 Q Yeah. Second page, right after the first paragraph, there's a little mini
18 standalone paragraph. That first sentence is, "There was no pressure from anyone from
19 the U.S. to close cases against Zlochevsky."

20 A Yes, that's inconsistent with the 1023.

21 Q Okay. Do you know if this is the type of information that your team had
22 access to through its open-source investigation research?

23 A We would've had access to public reporting like this, articles, yes.

24 Q Do you know if this particular statement was something that was passed
25 along to Delaware?

1 A I don't recall.

2 Q Okay. Would it have been potentially relevant to Delaware's investigation?

3 A Yes, if they were looking at Zlochevsky and Burisma, yes.

4 Q Because it could potentially go to Zlochevsky's credibility, correct?

5 A Absolutely. Yes.

6 Q Okay.

7 Go ahead.

8 BY [REDACTED]

9 Q Can you explain a little bit, though? You indicated before that you were
10 here to vet information from Giuliani and others, correct?

11 A Correct.

12 Q But not to investigate with any kind of legal process, correct?

13 A Yes. We didn't have a grand jury, so we couldn't do that. We couldn't
14 compel testimony or documents.

15 Q Okay. And you indicated earlier that you did interview witnesses, correct?

16 A Correct. Voluntary interviews.

17 Q And you reviewed FBI systems, correct?

18 A Correct.

19 Q But now you are also indicating that you contacted foreign countries to ask
20 for documents voluntarily? Like, for them to consensually just turn them over to you?

21 A The legat is FBI personnel. So we would go through the FBI if there was
22 public information or if we had to run something down. And we did that with several
23 things that came to our attention.

24 Q Oh, I misunderstood. So you were just asking the legat if the legat had FBI
25 documents? You weren't asking the legat to then reach out to Ukrainian counterparts?

1 A Yes. Yeah.

2 Q Okay. And when did you become aware of that?

3 A I was aware of, broadly speaking, the conversation between the House and
4 the FBI about that and the briefings. Followed just the public reporting about the FBI
5 briefings. And then followed General Barr's statements and some of Representative
6 Raskin's statements.

7 Q Okay. But you knew that the actual document had been released to the
8 public?

9 A Oh, yes. I'm sorry. Yes, I did.

10 Q Okay.

11 Now, let's -- focusing on the reporting here in exhibit 14, this is referring to a
12 television interview on Fox News. One of the reporters had interviewed
13 Mr. Poroshenko.

14 Do you know who Mr. Poroshenko is?

15 A Yes.

16 Q And who is he?

17 A He was the President -- the then-President of Ukraine.

18 Q Okay. And Mr. Poroshenko, would you agree, is relevant to your
19 investigation to the extent that the accusation that was made in the 1023 was that Biden
20 had put pressure on Poroshenko to fire Shokin, correct?

21 A Broadly speaking, yes.

22 Q Okay.

23 So, when Poroshenko was interviewed by the Fox News host, he was asked about
24 the claim that Shokin was fired from his position as Prosecutor General due to pressure
25 from Biden to interfere with the investigation of Burisma, which is the allegation that is

1 central -- or one of the allegations that's central to the 1023, correct?

2 A Yes.

3 Q Okay.

4 And, in response, Poroshenko said in this televised interview, quote, "First of all,
5 this is the completely crazy person," referring to Shokin. Poroshenko continued, quote,
6 "This is something wrong with him. Second, there is no single word of truth," end
7 quote. And here, he's referring to Shokin basically repeating the claim that he had been
8 fired because of the Burisma investigation.

9 Were you familiar with that interview and the statement that Poroshenko made
10 during that televised interview?

11 Mr. Lelling. When was --

12 Mr. Brady. I'm sorry. Yeah. When was it?

13 BY [REDACTED]

14 Q Just ever. Did you know it happened, as you sit here today? And then we
15 can --

16 A I apolo- -- I'm not trying to be obtuse.

17 Q Yeah.

18 A What --

19 Q Did you know that Mr. Poroshenko was interviewed on Fox News in 2023?

20 A No, I did not.

21 Q Okay. On the subject of Shokin's firing.

22 A No. No, I didn't.

23 Q Okay. So this is the first time, today, that you've learned that
24 Mr. Poroshenko made these comments about why Shokin was fired?

25 A In this interview, correct, yeah.

1 Q Okay.

2 A I can't remember if -- there may have been contemporaneous reporting that
3 we looked at during our vetting process, but, yeah, this is all new to me.

4 Q Okay.

5 BY [REDACTED]

6 Q In the course of your investigation in 2020, did you look at other statements
7 that Mr. Poroshenko had made to see if they might be inconsistent with information in
8 the 1023?

9 A We may have. And the problem was, as we got further attenuated from,
10 kind of, the actionable information, as it were, then it seemed less the best use of our
11 limited resources and --

12 Q Why is that?

13 A Well, because if we didn't have any ability to interview Mr. Shokin, President
14 Poroshenko, Mr. Zlochevsky, we thought it best to pass that to, you know, in this case,
15 the office with the grand jury.

16 And, also, recognizing that it was an election year, particular sensitivities about
17 possibly interviewing people in Ukraine, we thought that was best handled by someone
18 that had the full view of that investigation, like Mr. Weiss and his team.

19 Q So can you explain to me, you -- it was not beyond the scope of what you
20 could do to reach out to the legat in Kyiv to try and get information, but interviewing
21 actual witnesses was a step too far? Is that what you're saying?

22 A So let's differentiate between U.S.-based witnesses and Ukrainian-based
23 witnesses. And then within the Ukrainian-based witnesses, you could have individual
24 witnesses who may have been former employees of Burisma and then people like the
25 former Prosecutor General, the former President of the country.

1 We made the tactical decision to, where possible, interview U.S.-based fact
2 witnesses and then memorialize that and send that to the appropriate offices.

3 Given the sensitivity in an election year, the possibility of manipulation of what we
4 were doing and why we were doing it, we felt it best not to go to Ukraine, you know,
5 2 months before the election and try to interview these folks. Because, again, if Weiss
6 and his team were looking at bank records, emails --

7 Q Uh-huh.

8 A -- you know, texts, things like that, they would be in a much better position
9 to understand what was --

10 Q Right. But you didn't have the same concern when it came to documents
11 from the Prosecutor General's Office which could've potentially been produced by some
12 of these Ukrainian-based witnesses?

13 Mr. Lelling. That's not what he said.

14 Mr. Brady. Yeah.

15 BY [REDACTED]

16 Q So what I'm not understanding is, why did you, given the sensitivities, the
17 election-year sensitivities that you described, why didn't you have any hesitancy when it
18 came to reaching out to the legat in Kyiv to try and get, you know, documents from the
19 Prosecutor General's Office?

20 A So we --

21 Mr. Lelling. Well -- are you concerned about whether you can give the answer?

22 I was drawing a distinction between publicly available documents and not publicly
23 available documents. Anybody can walk in and get documents off a court docket. Are
24 you concerned about --

25 Mr. Brady. No. I can --

1 Mr. Lelling. -- this issue?

2 Mr. Brady. No. I think I can explain broadly.

3 BY [REDACTED]

4 Q Okay.

5 A We were concerned about interfacing with NABU or the PGO --

6 Q Uh-huh.

7 A -- because of just a lack of confidence in, again, motivation. As General
8 Barr said, treat all this information with extreme skepticism. Be worried about different
9 motivations, cross-currents.

10 And so, when we would reach out to the legat, it was FBI-to-FBI. And is there a
11 discreet, non-public way of securing information about these cases, including from
12 publicly available documents or dockets, in a way that then wouldn't, you know --

13 Q Uh-huh.

14 A -- raise a flag and make the Ukrainian media, the national media aware?
15 Because we were very concerned --

16 Q So "discreet" here means quietly, basically. You could do that quietly. Is
17 that fair to say?

18 A Yes, quietly, as an investigation is --

19 Q Okay.

20 A -- usually conducted.

21 BY [REDACTED]

22 Q Okay. So you were looking for things that you could find without making a
23 lot of noise, correct?

24 A Correct.

25 Q All right. But you would be interested to know that Mr. Poroshenko had

1 made prior inconsistent statements if you could find that out through open-source, right?

2 A Yes, but, again -- and I'm not disputing the premise of your question -- I think
3 those credibility determinations would be best done by Weiss and his team based on
4 their full view of all the evidence that they had compiled.

5 Q Sure.

6 A So we were less worried -- if we could find these things, we would try to
7 memorialize those in our reports. That wasn't most specifically what we were looking
8 for.

9 Q Okay.

10 I'm going to mark for the record exhibit 15.

11 [Brady Exhibit No. 15

12 Was marked for identification.]

13

BY [REDACTED]

14 Q This is a Politico article dated June 21, 2020, and the title is, quote, "Former
15 Ukrainian president says Biden never pressed him on Burisma," end quote.

16 Have you seen this article before?

17 A I have not. I don't know if my team has.

18 Q Okay. Just take a quick second to look at it.

19 A Uh-huh.

20 Q And note the date is June 21, 2020, and the interview that's reported in it
21 happened the day before, which would be June 20, 2020.

22 This is a brief article, so it shouldn't take too long to look at.

23 And just for time purposes, if you could focus on the first paragraph, I'll just ask
24 you about that.

25 A Sure. Sorry. Just have a couple more paragraphs.

1 Q Yeah, no worries.

2 A Sure. Okay.

3 Q Okay. So this article discusses a CNN televised interview of Petro
4 Poroshenko that occurred on June 20, 2022, when he was interviewed by Fareed Zakaria.

5 According to the first --

6 [REDACTED] You misstated the date. June 20, 2020.

7 BY [REDACTED]

8 Q I'm sorry. June 20, 2020. Yeah. That is important.

9 So this interview happened during the course of your assessment, correct?

10 A Yes.

11 Q And it would've been available to anybody looking in open sources to learn
12 that this statement had been made on television, correct?

13 A Correct.

14 Q And so, according to this reporting, in the first paragraph, the article reports
15 that Poroshenko was asked whether Joe Biden ever approached him about Burisma, and
16 he responded, quote, "My absolutely clear answer: no, never," end quote.

17 Had you ever heard that Mr. Poroshenko had made that statement before today?

18 A Not this specific statement.

19 But just one thing that our team was doing is they were looking at open-source
20 information and then summarizing those statements, even inconsistent statements. We
21 summarized those in the report to Mr. Donoghue and said that, you know, there's a lack
22 of clarity about several of the key aspects, you know, relating to Mr. Shokin, the existence
23 or nonexistence of PGO investigations relating to Burisma and Mr. Zlochevsky, you know,
24 what happened with the U.K. case and how that was resolved and then how the fine was
25 paid downstream from that in the Ukraine.

1 Have you seen this article before?

2 A I don't remember it, but --

3 Q Okay. This is very brief, so you can review that, if you would, please.

4 A Okay.

5 Q Okay. So do you know who Ruslan Ryaboshapka is?

6 A Forgive me. I knew in 2020. I don't remember if he was a subsequent
7 Prosecutor General or if he was the head of NABU.

8 Q Okay.

9 A I assume he was the Prosecutor General.

10 Q Okay. So, according to the article, he was the Prosecutor General of
11 Ukraine in 2020. Is that fair to say?

12 A Yes.

13 Q Okay. And, according to the article, Mr. -- I'm just going to call him
14 "Mr. R" -- conducted an audit. During the time that you were leading your assessment,
15 he conducted an audit of cases involving Hunter Biden. And that was because of the
16 controversy that was brewing all over the world after the impeachment inquiry and other
17 matters.

18 Were you aware that this Prosecutor General, who was sitting at the time of your
19 assessment in Ukraine, had done an audit of Burisma, Hunter Biden, and Biden-related
20 matters that were in his office?

21 A As I sit here, I don't remember. I believe we did, and I believe my team was
22 aware.

23 Q Okay.

24 And, in the article, Mr. R says specifically, quote, "I specifically asked prosecutors
25 to check especially carefully those facts about Biden's alleged involvement. They

1 answered that there was nothing of the kind," end quote.

2 Were you aware that the Prosecutor General of Ukraine had made this request of
3 his prosecutors during his audit in 2020?

4 A I don't remember, as I sit here, if I knew that at the time.

5 Q Okay. And were you aware that his prosecutors had found no evidence of
6 any involvement by the Bidens in the cases that they were prosecuting?

7 A I don't remember. My team may have been.

8 Q Okay.

9

BY [REDACTED]

10 Q Do you know if that information was passed -- if your team had been aware
11 of it, if it was passed along to Mr. Weiss?

12 A It may have been summarized in the report to Mr. Donoghue --

13 Q Uh-huh.

14 A -- which talked about some of these broader issues. Our readouts and
15 briefings to the specific U.S. attorney's offices related to specific investigatory leads, so it
16 may not have been part of the Delaware briefing.

17 Q Okay.

18 I want to turn to the discussion earlier about the FBI and your interactions with
19 the FBI.

20 A Sure.

21 Q There was a reference a number of times to, I think, 17 steps or 17 layers of
22 approval. Was that an actual number, or was that just hyperbole? Were there
23 17 boxes to check? Can you explain that?

24 A Yeah. So it was our understanding, related by someone on the FBI team in
25 Pittsburgh, that that was an actual number, that there were 17 approvals that were

1 required to extend the assessment an additional 30 days.

2 Q Okay.

3 I want to introduce as exhibit 17 a February 5, 2020, memorandum from the
4 Attorney General entitled "Additional Requirements for the Opening of Certain Sensitive
5 Investigations."

6 [Brady Exhibit No. 17

7 Was marked for identification.]

8 BY [REDACTED]

9 Q Have you seen this before?

10 A Yes.

11 Q I want to look -- and this came out -- you were tasked with your "discreet
12 assignment" approximately January 3, 2020, correct?

13 A Correct.

14 Q And so this would've come out a little over a month afterwards.

15 A Correct.

16 Q Were you aware of it when it was released?

17 A This? Yes, uh-huh.

18 Q And it was sent to all United States attorneys, of which you were, correct?

19 A Correct.

20 Q All Department component heads, so that would've been, like, DOJ Criminal
21 or DOJ Tax, right?

22 A Yes.

23 Q And then all law enforcement agency heads, correct?

24 A I believe so, yes.

25 Q So that would include the FBI.

1 A Yes.

2 Q Okay.

3 So the second and third sentences of the very first paragraph here read, "While
4 the Department must respond swiftly and decisively when faced with credible threats to
5 our democratic processes, we also must be sensitive to safeguarding the Department's
6 reputation for fairness, neutrality, and nonpartisanship. In certain cases, the existence
7 of a federal criminal or counter-intelligence investigation, if it becomes known to the
8 public, may have unintended effects on our elections."

9 Correct?

10 A Yes.

11 Q And so this was actually an advisory of sorts sent out by the Attorney
12 General at the time, Attorney General Barr, correct?

13 A Correct, and, I believe, a process for opening these types of investigations.

14 Q Right. And it specifically laid out concerns about the potential impact that
15 a sensitive investigation might have on the 2020 election, correct?

16 A That's correct.

17 Q Okay.

18 The paragraph continues, "For this reason, the Department has long recognized
19 that it must exercise particular care regarding sensitive investigations and prosecutions
20 that relate to political candidates, campaigns, and other politically sensitive individuals
21 and organizations -- especially in an election year."

22 Correct?

23 A That's correct.

24 Q Okay. And so, realizing that this pertains to the opening of investigations,
25 would you agree that these types of concerns also pertain to investigations while they're

1 ongoing in an election year?

2 A Yes. Absolutely.

3 Q And what's your understanding of what a politically sensitive investigative
4 matter is?

5 A It's, especially during a Presidential year, as described in detail on page 2,
6 that, broadly speaking, any investigation, any investigatory steps, especially grand jury
7 steps, which could include subpoenas or compelled testimony of anyone, relating to a
8 political candidate at certain levels or members of their staff or family should be deemed
9 sensitive. And, in an election year, there are different requirements and processes and
10 approvals that are triggered once that takes place.

11 Q And do you know if FBI, in particular, has specific guidelines for the
12 processing of politically sensitive matters in an election year?

13 A I believe they do. I don't know what specifically is in the DIOG relating to
14 that. Certainly, anything that the Attorney General requires would be required of the
15 FBI as well.

16 Q Okay.

17 And you reference the DIOG earlier, and you said that you weren't able to get a
18 copy of, I guess, the law enforcement sensitive version of the DIOG, but you did receive
19 an unclassified version or a publicly available version. Is that correct?

20 A Right. I found it. But yes, uh-huh.

21 Q Okay. You found it.

22 A Yes.

23 Q And did you ever look in that copy to see if there were guidelines on
24 politically sensitive investigations in that DIOG?

25 A I don't remember that I did. You know, our guidance that applied to me

1 and our team of AUSAs was certainly DOJ policy, which is very explicit, and then this
2 additional guidance from the Attorney General.

3 Q Okay. And what's your understanding of the DOJ policy?

4 A Well, that, before cases are opened, before certain investigatory steps are
5 taken, there must be, kind of, a consultation or a notification with usually the DAG's
6 office. And then they will either weigh in on that, approve, disapprove; that'll be a part
7 of a conversation. But they need to be notified -- again, their, kind of, "no surprise"
8 rule -- but especially of sensitive investigations during a Presidential year.

9 Q And that's laid out in the Justice Manual, correct?

10 A Yes.

11 Q And what is the Justice Manual, for the record?

12 A The Justice Manual used to be called -- what did it used to be called?

13 Mr. Lelling. The U.S. Attorneys' Manual.

14 Mr. Brady. Doggone it. Yes. Sorry. The U.S. Attorneys' Manual.

15 The U.S. Attorneys' Manual/the Justice Manual provides the guidelines but also
16 specific processes for everything from identifying subjects and targets, to notification, to
17 how certain investigations and certain subject matter areas are to be taken; if approvals
18 are required within the DOJ, what those are, what those steps are.

19 But it was also just kind of a practical handbook for AUSAs, as well, to understand
20 how they are to conduct themselves, conduct investigations, interface with Federal
21 agencies and defense counsel.

22 [Discussion off the record.]

23

24 Q You mentioned earlier that you had briefings -- that you passed along
25 information via briefings to Mr. Weiss in Delaware. But you also referenced the Eastern

1 District of New York and the Southern District of New York.

2 A Correct.

3 Q Very briefly, who was your contact at the Eastern District of New York?

4 A Eastern District was, at the time, Rich Donoghue until late summer, and then
5 he and Mr. DuCharme changed places. Rich became the PADAG; Mr. DuCharme became
6 the U.S. attorney in EDNY.

7 It was Geoff Berman through, I believe, most of that, Audrey Strauss, maybe, at
8 the end, when she was acting U.S. attorney, in SDNY.

9 Q Okay.

10 With respect to the Eastern District of New York, in particular, Mr. Donoghue and
11 then Mr. DuCharme, can you talk broadly to what their investigation concerned?

12 A Could I have a minute? I don't --

13 Q Yeah.

14 Mr. Lelling. I don't know that he can go into that.

15 [REDACTED] Okay.

16 [REDACTED]

17 Q With respect to the Southern District of New York, can you talk broadly as to
18 what their investigation concerned?

19 Mr. Lelling. I don't think you want to do that.

20 Mr. Brady. I think it's public.

21 Mr. Lelling. Oh, it's public?

22 Mr. Brady. In Geoff's book.

23 Mr. Lelling. Oh, yeah. Well --

24 Mr. Brady. Per publicly available sources, including Mr. Berman's book, he was
25 looking at Mr. Parnas, Mr. Fruman, and Mr. Giuliani for potential FARA violations, among

1 other things.

2 BY [REDACTED]

3 Q Okay. And so your office did develop information which you deemed either
4 credible or that had sufficient indicia of credibility to pass along to the Southern District of
5 New York in that investigation into Mr. Giuliani and others, correct?

6 A Yes.

7 Q Okay.

8 Go ahead.

9 BY [REDACTED]

10 Q Quick question on the closing of the matter. It sounds like, and I think you
11 clarified in the previous hour, that there is some difference in nomenclature between the
12 DOJ and the FBI. Is that right?

13 A That's right.

14 Q So, when they talk about "assessments," that's an FBI word, not a DOJ word?

15 A Correct.

16 Q And DOJ talks about "matters," among other things?

17 A "Matters," "cases," yes, uh-huh.

18 Q Okay.

19 So you indicated in your testimony that you spoke with the SAC in Pittsburgh and
20 discussed your concurrence or permission for him to close an assessment because there
21 was no further investigative activity to undertake. Is that right?

22 A That's right.

23 Q Okay. So that language that appeared in Mr. Raskin's letter about closing
24 an assessment may very well have come from that experience, like, the closing of the FBI
25 assessment? Is that fair to say?

1 A Yes as to the administrative closing. No as to the basis for why it was
2 closed. It wasn't because we deemed it not credible or felt that it didn't merit, you
3 know, continuing into a preliminary or full investigation.

4 Q Right. Because you weren't even in a position to really opine on that,
5 right?

6 A It wasn't our tasking. It was never going to become a full investigation or
7 grand jury investigation.

8 Q Right. That wasn't your role, right?

9 A Correct.

10 Q Okay.

11 And the FBI, they were being tasked by you and they have language about
12 assessments, and they just wanted to administratively close that assessment because
13 there was no further investigative work for them to do under that tasking. Is that right?

14 A That's right.

15 Q Okay. And do you know, did that happen in August of 2020?

16 A I don't remember specifically. I believe it would have happened in August,
17 because our report to Rich was in mid-September. So we wouldn't -- I believe that's
18 right. I believe our conversation with the SAC, yes, I signed off on closing, and then we
19 write the reports to Rich and do the briefings.

20 Q Okay.

21 And, from your perspective, when you passed on the 1023, in particular, to those
22 other U.S. attorney's offices, it was, in your judgment, their providence to then look into
23 whether that was credible and to do further investigation if they deemed it appropriate,
24 correct?

25 A That's absolutely right. Just a --

1 Q Uh-huh?

2 A -- small clarification: The only office that received a 1023 was Delaware.

3 Q Oh.

4 A Neither SDNY nor EDNY did.

5 Q Were they briefed on it, or just --

6 A No.

7 Q Not at all. Okay. So we're just talking about Delaware?

8 A Could I talk to him for one second?

9 Q Oh, sure.

10 A Sorry.

11 [Discussion off the record.]

12 Mr. Brady. Okay. Sorry. Not with SDNY.

13 [REDACTED] Uh-huh.

14 Mr. Brady. We did with EDNY. As I testified previously and as Mr. Barr stated
15 publicly, the 1023, the CHS, was vetted against known sources of Russian disinformation.
16 It was found that it was not sourced from Russian disinformation. To do analysis, we
17 interacted with EDNY.

18 [REDACTED] Okay.

19 Mr. Brady. So they were aware, but it wasn't part of their investigation.

20 BY [REDACTED]

21 Q Okay.

22 You're aware that the 1023 was publicly released, correct?

23 A By Senator Grassley?

24 Q Or, well, Comer.

25 A Yes.

1 Q Right.

2 A Oh, yes.

3 Q I don't know, maybe Grassley too.

4 Okay. And you indicated that the FBI, at certain points when they were working
5 with you, was reluctant to do certain things and seemed to be protective of their CHS. Is
6 that fair to say?

7 A Yes. Kind of two different buckets. They were very protective of their
8 CHS --

9 Q Let's talk about that for a minute. Did you get the impression that the FBI
10 was trying to protect him as a source so that they could continue to use him or her?

11 A Yes.

12 Q Okay. And do you think that's a valid concern of the FBI?

13 A Yes, absolutely.

14 Q Okay. And now that the 1023 has been released after, you know, being
15 exposed to this kind of politicized process, do you think that some of their fears kind of
16 came to pass, in the sense that now it's more difficult to use that CHS?

17 A I do. I think they would say that. And, yeah, it's a concern.

18 Q Okay. Could the FBI and the DOJ -- even though they work together, they
19 do have different interests at different times. Is that fair to say, in your experience?

20 A Yes, I think that's fair.

21 Q Okay.

22 And another one might be between U.S. attorney's offices. You also discuss
23 some, kind of, differences or frustrations about communications and other matters,
24 information flowing between you and particularly the Delaware office. Is that right?

25 A That's right.

1 [2:24 p.m.]

2

3 Q And I think you said that the fear that they expressed was not wanting to
4 kind of give out information about their case. They were keeping it close hold. Is that
5 right?

6 A That's right.

7 Q Can you imagine reasons why they might have wanted to do that for
8 legitimate reasons for the protection of their own cases?

9 A Sure, one is an ethical and statutory obligation of under 60, any grand jury
10 information should not be even shared unless there's a legitimate investigatory purpose,
11 you know, that other members, that somehow it might be exposed to the public. And
12 with respect to your question about CHSs. The recruitment of CHSs, that's a valid
13 concern of the FBI. That's within their domain. And I think if the FBI is saying it would
14 become more difficult to recruit CHSs and utilize them in investigations if their identities,
15 even reverse engineered, would be made public, that's a valid concern.

16 Q It's bad for the FBI, right?

17 A Bad for the FBI.

18 Q And it's also bad for the CHS who might be harmed or killed, correct?

19 A It could be, yes. Absolutely.

20 Q We're out of time. Let's go off the record.

21 [Discussion off the record.]

22 [REDACTED] Back on the record.

23 Chairman Jordan. Mr. Brady, when did you learn about the laptop?

24 Mr. Brady. When it was -- there was public reporting about its existence.

25 Chairman Jordan. So you didn't learn about it until the story in the Post on

1 October 14th or thereabouts?

2 Mr. Brady. Yes, sir.

3 Chairman Jordan. Okay. Did you raise that on the 23rd when you did the final
4 briefing with Delaware U.S. Attorney's Office; did you bring up the laptop?

5 Mr. Brady. We did not because our purpose during that briefing was a one-way
6 flow of information to them.

7 Chairman Jordan. Okay. Okay. Let me just go back. I just want to make
8 sure I got the story line down. So you get the job, the task coming to the clearinghouse
9 on February 18, 2020. Is that right?

10 Mr. Brady. January 3rd of 2020.

11 Chairman Jordan. January 3rd. That's when it was official?

12 Mr. Brady. That's when internally PADAG Seth DuCharme told me that I had
13 been assigned this task.

14 Chairman Jordan. Okay. January 3rd, 2020. And then what I am
15 understanding is, right, throughout the winter and spring, you're asking the FBI for
16 information they have regarding Ukraine and Hunter Biden, you're requesting that you
17 get information they may have?

18 Mr. Brady. We're trying to identify investigative leads, and from the information
19 we had received from the public, including information about Hunter Biden and Burisma,
20 and then asking the FBI -- and we were also tasked with coordinating this is public from
21 Attorney General, Attorney General Barr, how to coordinate also with intelligence
22 services. And so we were interfacing with them relating to that tasking. It wasn't
23 everything that they had because certainly Delaware with the grand jury investigation
24 would have had a lot of information relating since it began in 2019.

25 Chairman Jordan. Okay. But there's communication back and forth with the

1 FBI and other agencies on what your task involves, information they may have that's
2 relevant to the task you have been assigned by the Attorney General?

3 Mr. Brady. That's correct.

4 Chairman Jordan. Okay. And every 30 days, there has to be a new, kind of a
5 re-up and a signoff on how your task as the clearinghouse, how that continues. Is that
6 right?

7 Mr. Brady. Not from the DOJ side. Administratively from the FBI side for the
8 assessment?

9 Chairman Jordan. Right. And you said, I think, earlier, maybe the first hour
10 before I was here, but then subsequently talked about there was 17 individuals involved
11 in signing off on this every 30 days. Is that right?

12 Mr. Brady. That's what we were told by the Pittsburgh FBI agents.

13 Chairman Jordan. Seventeen people had to sign off on you to continue your
14 task?

15 Mr. Brady. For the FBI to continue. Our guys kept running. It was the
16 FBI -- for any FBI agents to continue to do any functions that we requested of them.

17 Chairman Jordan. And I think you said in your experience, that was unusual?

18 Mr. Brady. Yes, sir.

19 Chairman Jordan. You had never seen that before?

20 Mr. Brady. Never.

21 Chairman Jordan. And then you also asked, I think specifically of the FBI to get
22 the DIOG, which is like this sort of manual on how things are done, what are the process
23 and steps involved in the investigation, and you were not permitted to have access to
24 that. Is that right?

25 Mr. Brady. That's correct. Because at the beginning, we were trying to just talk

1 through -- they said we want to open an assessment. We said, Well, let's talk about
2 that. What does that mean? What does that require under your processes under the
3 DIOG? So the best way to do that is let's just look at the book and understand that.
4 And they said we can't share that with you.

5 Chairman Jordan. Did the book follow the book, and they said, No, we're not
6 even going to look at the book?

7 Mr. Brady. They were. We were not permitted to look at it. Yes, sir.

8 Chairman Jordan. Right. They weren't going to let you. Okay. Then you
9 had communications with the PADAG and the FBI over this fact that there seemed to be a
10 reluctance -- I think is the term you used -- reluctance of the FBI to work with you and
11 give you the information that you thought was pertinent to your investigation. Is that
12 fair?

13 Mr. Brady. Yes, we had multiple conversations about specific issues that would
14 arise.

15 Chairman Jordan. And throughout this time when you're doing this back and
16 forth, have to go to the PADAG, all this going on, you finally get -- and let me make sure
17 I'm characterizing this right -- you finally get the original 1023 in early June of 2020. Is
18 that right?

19 Mr. Brady. That's correct.

20 Chairman Jordan. And did you feel like you should have had that information
21 sooner?

22 Mr. Brady. I don't --

23 Chairman Jordan. From January -- it took you 6 months, you've been asking for
24 it. You had to go to PADAG. They don't show you the DIOG. You finally get this
25 information in 6 months later.

1 Mr. Lelling. Well, was that initial reluctance from the FBI tied to the 1023, or it
2 was more generally?

3 Mr. Brady. Yeah, I think there were two different things at play here. I think
4 one was the general resistance, perhaps bureaucratic inertia of characterizing how we
5 were going to, you know, start our task, the steps, how that was going to work, the
6 approval process. When the 1023 was identified, the underlying 1023 in early June, we
7 were moving a little better. We were working together better. So I think that was a
8 function of just identifying that Washington Field Office, the WFO file that it contains, and
9 having that as a part of the search of what they were looking for. So I am not trying to
10 confuse, but just to kind of clarify there were issues throughout.

11 Chairman Jordan. Well, let me ask it this way: Were you a little surprised you
12 hadn't gotten that underlying kind of original 1023 sooner?

13 Mr. Wilkerson. Given the stops and starts and the issues that we had, I don't
14 know that I was surprised. We had a lot of issues with just having them follow our
15 requests.

16 Chairman Jordan. Okay. So you weren't surprised because it had been
17 a -- there had been a reluctance to accommodate a reluctance to work a slow walking
18 from the get-go. So it wasn't like, Oh, well, we got this information, we should have had
19 it sooner, but we finally got it now.

20 Mr. Brady. It was an ongoing issue.

21 Chairman Jordan. Got it. Got it. Now, also, based on what you said,
22 throughout the process, you said that the Delaware U.S. Attorney's Office wasn't willing
23 to cooperate, so much so that you had to send interrogatories?

24 Mr. Brady. Yes, we had conversations, asked for communication and a flow of
25 information, mostly one way from us to them, but also, as I testified, we wanted to make

1 sure we weren't duplicating what they were doing. They would not engage. And so
2 finally, after me calling Mr. Weiss and saying can you please talk to your team, this is
3 important, this is why we want to interact with them, the response that we got back is
4 you can submit your questions to our team in written form, which we did.

5 Chairman Jordan. And that was unusual?

6 Mr. Brady. I had never seen it before.

7 Chairman Jordan. Did the conversation go like you called up and say, Hey, David,
8 we're working together here. Can you start working with us? And then you get back,
9 send us the questions in writing. Is that how it went?

10 Mr. Brady. Yes, perhaps a little more colorful language. And then he said, I will
11 talk with my team, and then he got back to us.

12 Chairman Jordan. Can you give me any idea how colorful that language was?

13 Mr. Brady. I don't remember, sir.

14 Chairman Jordan. But it was colorful?

15 Mr. Brady. We're peers and friends, and we can speak frankly with each other.

16 Chairman Jordan. Okay. But that is -- in your time as an assistant U.S. attorney,
17 U.S. attorney, you ever seen anything like that?

18 Mr. Brady. Not where an office had to submit written interrogatories to another
19 office for permission.

20 Chairman Jordan. Okay. Now on the 14th, so just days before you're going to
21 have this final briefing with Delaware, on the 14th the story broke, that's when it went
22 public. Were you surprised that you didn't know about the existence of this laptop?

23 Mr. Brady. Yes.

24 Chairman Jordan. All right. I think anyone would be surprised. How about on
25 the 19th when 51 former intel officials signed a letter that -- you know, again, the context,

1 of course, is we're just weeks before the most important election we have, the election of
2 the President, 51 former intel officials signed this letter that then goes public. And then
3 that letter is cited in the final debate and the Presidential campaign. Did that also
4 surprise you as well?

5 Mr. Brady. I really didn't have a basis to know why they signed or did not sign to
6 that letter given my purview of it.

7 Chairman Jordan. But the fact that the story broke on the 14th, that there was
8 this laptop that the FBI had since prior to you even being assigned this task, had the
9 laptop in the late fall of 2019, the fact that you didn't know about it, was -- is it fair to say,
10 shocking?

11 Mr. Brady. It was surprising, yes, sir.

12 Chairman Jordan. Okay. And then finally on the 23rd when you had this
13 briefing, the laptop didn't come up in the briefing from Delaware talking to you or you
14 talking to Delaware; it didn't come up at all in that briefing.

15 Mr. Brady. Our briefing was us to them. They were in pure receipt mode. I
16 don't know that they were offering anything about what they were doing. So we didn't
17 bring it up in our briefing, no.

18 Chairman Jordan. Okay.

19 Mr. Brady. And again, our briefing was, here are specific actionable items and
20 recommendations for your investigation.

21 Chairman Jordan. Did it come up in the briefing with the Eastern District of New
22 York and the Southern District Of New York?

23 Mr. Brady. No, sir.

24 Chairman Jordan. Okay. Go ahead, [REDACTED]

25 BY [REDACTED]

1 Q And you said you were surprised about -- that you didn't know about the
2 laptop. Did you share that surprise with anyone, or did you get any other reactions from
3 individuals within your office?

4 A Just perhaps our team. We discussed it internally and --

5 Q So no one on your team knew about the laptop. Is that correct?

6 A No.

7 Q Did you get a sense of whether anyone in the Eastern District of New York or
8 Southern District of New York knew about the laptop prior to the October 14th story?

9 A I don't know. I have no knowledge.

10 Q At one point you --

11 Chairman Jordan. Let me ask you this: When you talked with your team, how
12 was that, if you can kind of characterize those conversations, was it like, can you believe
13 they didn't -- give me the tone. I don't know how I would -- I can't believe they wouldn't
14 share this with us. The Attorney General of the United States tasked us with coming to
15 the clearinghouse for this information on this very subject, and there's an important piece
16 of evidence they don't share with us? Was that the tone?

17 Mr. Lelling. Was your team surprised, too?

18 Mr. Brady. We were all surprised we would share that surprise. Yes.

19 Chairman Jordan. Okay. Thank you.

20 [REDACTED]

21 Q During one of our hours of questioning, you stated that there was false
22 representation, I believe, by the FBI, about what the work that you were doing. Do you
23 remember that conversation we were having?

24 A Yes.

25 Q And can you provide a little bit more context about who was making those

1 representations? Was it headquarters? A field office?

2 A I don't know. Could I talk to Andy for one second?

3 Q Sure. We'll go off the record.

4 [Discussion off the record.]

5 Mr. Lelling. I'm sorry. I will instruct him not to answer that.

6

BY [REDACTED]

7 Q Okay. Is there anything else you can go into detail about regarding those
8 representations that were made?

9 A We resolved them.

10 Q You resolved them. And did you have to reach out to anyone in order to
11 resolve those? We'll go off the record.

12 [Discussion off the record.]

13

BY [REDACTED]

14 Q Back on the record.

15 A We resolved it through direct communications with senior members of the
16 Department of Justice and senior members of the FBI.

17 Q Okay. And at the end of the last hour, you were discussing regarding the
18 publication of the FD-1023. So there were two buckets. The protection of the CHS
19 that there was FBI concern of the protection of the CHS, and then you also -- I think the
20 second one was about reluctance. And I know you had an opportunity to talk about the
21 first CHS protection, but can you expand upon the reluctance regarding the 1023 the FBI
22 giving you?

23 A I'm sorry. I don't fully understand your question. So.

24 Q Yeah, at the end of the last hour, you described two buckets, and I just
25 wanted to get a sense of the second bucket that you were talking about. You said CHS

1 protection and then reluctance. And the topic was the publication of the FD-1023 by
2 Senator Grassley and Representative Kilmer.

3 A So reluctance by the FBI? I am sorry, I don't --

4 Q I believe that's what you were saying, but I just wanted to give you an
5 opportunity if you wanted to talk about the second bucket of worry regarding the
6 publication of FD-1023.

7 A I could be misremembering this. I think what I was trying to differentiate
8 was that there was general reluctance with the tasking and issues that we had with the
9 FBI as bucket one. And then there was the 1023, specifically, in our interaction with the
10 FBI on that. So --

11 Q Okay.

12 A So I think the first bucket we kind of unpacked a good deal.

13 Chairman Jordan. Go to that second bucket. Tell me about -- so you learned in
14 early June about the original 1023. You want to talk to the confidential human source,
15 which you do, I think, on June 26th. What happened in that interim? Was there
16 pushback from the FBI there in those 20-some days?

17 Mr. Brady. There was. They were concerned with the protection of the source.
18 This was a valued CHS. Again, as we discussed in the previous hours, this was someone
19 known to them, was credible, they had -- he or she had given information in previous
20 investigations. And so, reengaging and having a follow-up interview, there was general
21 concern.

22 Chairman Jordan. Okay. There were concerns. This was the valued source,
23 and they had used this source before. And there's always those concerns when they are
24 going to be interviewed. But you felt it was important to do this interview nonetheless?

25 Mr. Brady. Correct, yes.

1 Chairman Jordan. And when you did the interview, you determined, you
2 reached the same conclusion that the FBI did that this individual was credible and what
3 he was saying -- you made the same determination that he was credible?

4 Mr. Lelling. I don't think you can answer that.

5 Well, you have discussed indicia of credibility.

6 Mr. Brady. Yeah, I think there's two different things, sir.

7 Chairman Jordan. Okay.

8 Mr. Brady. And perhaps parsing it this way might be helpful. I relied on the
9 FBI's assessment of the credibility of the CHS as a trusted source. I didn't have any
10 independent knowledge of that.

11 Chairman Jordan. Okay.

12 Mr. Brady. With respect to what's contained in the 1023, the indicia of
13 credibility were things that we were able to run to ground without a grand jury, and then
14 felt that it was sufficient, had sufficient indicia of credibility to then pass on to Delaware.

15 Chairman Jordan. Fair enough. Okay.

16

17 Q In the last hour, there was a discussion of some of the substance of the
18 FD-1023 and Mr. Shokin. And you discussed how in the final report, you noted a lack of
19 clarity. Can you describe that a little bit more? Was that based on publicly available
20 information?

21 A Yes, most of it was -- there was information we received from Mr. Giuliani on
22 a broad range of topics. But then we, our team, the FBI, in coordination with the
23 intelligence community, aggregated information, including inconsistent statements.
24 We're examining that. Again, our tasking was not to determine the basis and validity of
25 Mr. Shokin's firing and why that took place. We were running to ground investigatory

1 leads, and then passing that off to an office that had a broader purview of all of that and
2 the tools to run some of the specific allegations to ground.

3 So in our report to Mr. Donoghue in September, we summarized some of the
4 allegations that had been brought or alleged by Mr. Giuliani and noted where there
5 was -- either we had no basis of opining, or there was conflicting information. To the
6 best of our ability, again, we weren't going to draft a, you know, a comprehensive memo
7 just on that specific issue. But we tried to aggregate what we could.

8 Q Okay. And I know last hour there was also discussion about the DOJ policy
9 regarding elections and stopping, you know, DOJ actions prior to an election. Are you
10 familiar with Mr. Shapley's testimony that Delaware delayed, you know, some of its
11 investigative work to get into that 60- or 90-day window that the FBI would have to stop
12 overt actions?

13 A Generally aware, yes.

14 Q Did it concern you that the fact that the FBI had to go pin down several times
15 and stop their investigative activity that it would get closer and closer to the 2020
16 election?

17 A I viewed our entire tasking once Vice President Biden declared and was a
18 candidate for President. Even though there's that 60- or 90-day window in the policy, I
19 viewed that as incredibly sensitive from the very beginning and was to be treated as such
20 from January 3rd forward. So that was how our team kind of viewed that and dealt with
21 that. And then only later does that intersect with the specific date ranges in the DOJ
22 policy.

23 Q We can go off the record.

24 [Discussion off the record.]

25 

1 Q It is 2:46. We can go back on the record. Mr. Brady, you made some
2 references earlier to Pittsburgh FBI field office having an acting SAC, that's an acting
3 special agent in charge, right?

4 A Correct.

5 Q I want to talk through the timeline on that.

6 A Okay.

7 Q So when you were -- first received the tasking on January 3rd, 2020, did FBI
8 Pittsburgh field office have an acting SAC at that time?

9 A No, not an acting. They had a regular SAC.

10 Q And then how long was that SAC there?

11 A I think he retired at the end of March of that year.

12 Q Okay. And on March 13th of that year, it was 2020, so that would have
13 been when the first COVID work-remote directives came into place, correct?

14 A I believe, yes. In the middle of March, correct.

15 Q So there's a permanent SAC, but at some point in mid-March, things kind of
16 get turned upside down. Is that fair to say?

17 A Yes.

18 Q So he retired at the end of March, and then there was -- and he was, I guess,
19 in January, or February, March, until he retired, he was kind of in the last, the end of his
20 career, correct?

21 A Yes.

22 Q He retired -- or she retired, they retired, and then there was some period of
23 time there was an acting SAC?

24 A Right. That's right.

25 Q How long was that?

1 A Certainly through -- I believe it was through April and May.

2 Q Okay.

3 A And then, I could have my dates wrong. I believe there was a replacement
4 that was either the end of May or the beginning of June.

5 Q Okay. So for approximately, probably all of April, maybe all of May into
6 early June, there was an acting SAC?

7 A That's right.

8 Q Okay. And during that time, it's still COVID, so there was still, you know,
9 everyone was still working remotely. There were the separation orders and everything
10 else in effect, right?

11 A Absolutely, yes.

12 Q Would you say that that impacted your office?

13 A Yes, it impacted every office, DOJ and FBI.

14 Q And could you briefly describe the impacts it had?

15 A We had to quickly move to an all-remote working environment, which was
16 certainly new to the Department. All the agencies had IT issues with that quick change.
17 It impacted our investigations, big and small. There was difficulty in traveling, in
18 meeting with witnesses in person. We had to have briefings and meetings that were
19 mostly remote and through video conference. So there was definitely an impact.

20 Q And this was across all of your investigations, right?

21 A Yes. Absolutely.

22 Q So not just this investigation but every investigation your staff worked on
23 was impacted by the COVID, the shutdowns, and the remote work requirements, correct?

24 A Yes, absolutely.

25 Q And FBI was also dealing with similar requirements, correct?

1 A They were, yes.

2 Q So FBI, again, looking at April, May, mid-March on, then had some
3 combination of an acting special agent in charge and also the office was dealing with
4 shutdowns and remote work situations, correct?

5 A Yes, absolutely.

6 Q Okay. And then you said that once there was a permanent SAC put in
7 place, that would have been early June-ish?

8 A Yes.

9 Q Things improved?

10 A Yes, this did.

11 Q And do you think that the assignment of a permanent SAC helped in that
12 process?

13 A I believe so. It was SAC who was experienced who had worked previously
14 in the Pittsburgh office, in the Pittsburgh field office and knew our office. I think he was
15 either vested with, or assumed more authority for decisionmaking. And so -- and also
16 understood that, you know, these were taskings that we needed to complete. They
17 were assigned by the Attorney General, so we needed to get them moving and complete
18 them, especially as we got further in the election season.

19 Q And you just said that he assumed more responsibility for decisionmaking.
20 Is it your experience that individuals in acting roles are sometimes reluctant to make
21 decisions?

22 A Yes.

23 Q And is that true in your experience with the prosecutor's offices as well?

24 A Yes, absolutely.

25 Q The Western District of Pennsylvania, specifically.

1 A Yes.

2 Q And why do you think that is?

3 A I think the authority granted to someone in an acting position, whether real
4 or perceived, is just more limited than someone who was either presidentially appointed,
5 or in the case of the FBI has, you know, been given the position of SAC by the director and
6 deputy director. I think the people who were acting are usually, in the near-term, after
7 we departed, there's turnover. First assistants. The first assistants are among the
8 most experienced prosecutors in the office. However, there's still a bit of reluctance to
9 make those decisions without, on either side, going up the chain for review and approval
10 in a different way than U.S. attorneys or SACs would.

11 Q And, again, that's kind of across the board in your experience in all
12 investigations, not this particular investigation, right?

13 A Yes, I think smaller ones. Certainly if it's, you know, drug, gun cases, they
14 have more confidence in making those kind of decisions locally. And sensitive
15 investigations are ones that impact the election year policy, they're certainly going to
16 treat that differently.

17 Q And it may be the case that an acting official hasn't handled many sensitive
18 investigative matters, correct?

19 A That could be yes, not in that position.

20 Q And so they may not feel confident in making those decisions for that reason
21 as well?

22 A Yes, that's fair.

23 Q With regard to the FBI, you referenced the deputy director a couple times.
24 That was David Bowdich. Is that right?

25 A Yes.

1 Q Okay. And it was the case that when you -- when David Bowdich got
2 involved, that kind of cleared up the blockages, correct?

3 A Yes, absolutely.

4 Q It made things move through more quickly?

5 A Yes, so it resolved issues that required his opinion and intervention, yes.

6 Q So it's fair to say that the senior executives at the FBI, you know, had an
7 interest in making sure that this matter could proceed, right?

8 A Yeah, whether the deputy director or the director, we never had any issues
9 with them, and they were fully supportive of what we were doing.

10 Q Okay. Sorry for the pause.

11 A No, that's okay.

12 [Brady Exhibit No. 18

13 Was marked for identification.]

14 

15 Q We want to introduce as exhibit No. 18 an October 17, 2020, article from the
16 Daily Beast. This is entitled: "Rudy: Only 50/50 Chance I Worked with a Russian Spy
17 to Dig Dirt on Bidens and Ukraine." Have you seen this before?

18 A If I could just have a minute to review it.

19 Q Absolutely. And I can tell you we have highlighted a sentence on page 5
20 that we're going to focus on, but feel free to take as long as you need to review it.

21 A Sure. Okay.

22 Q Have you had a chance to, a minute to review?

23 A Yes.

24 Q Okay. And this article, I want to note for the record, it is a Daily Beast
25 article, but it reports on an hour-long interview that the Daily Beast journalist had directly

1 with Mr. Giuliani, right? That's the text of the article.

2 A Yes.

3 Q So according to this article, Mr. Giuliani had a copy of the laptop, correct?

4 A I believe that's what it says, yes.

5 Q And you said in the prior hour that Mr. Giuliani passed along a lot of
6 information to you, right?

7 A Correct.

8 Q Can you describe the volume of information Mr. Giuliani passed along to
9 you?

10 A There were a lot of names, which included details allegedly derived from
11 those people, including, as I mentioned before, possible bank account records -- or I'm
12 sorry, bank account numbers, email addresses, cell phones that would purportedly point
13 towards evidence. There were a lot of -- there was information about a variety of
14 schemes and accusations not limited to Burisma and Mr. Biden. Some of it has been
15 part of a FOIA production, I believe.

16 Q So, but Mr. Giuliani had a copy of the laptop, he claimed. Did he provide
17 that to you?

18 A He did not.

19 Q So when you said earlier that you were surprised you hadn't seen the laptop,
20 were you surprised that Mr. Giuliani didn't produce it to you?

21 A Yes.

22 Q And why is that.

23 Mr. Lelling. I don't think you can go into that. You can say you were surprised.

24 [REDACTED]

25 Q You can't tell us why you were surprised?

1 Mr. Lelling. He can't characterize his rationale for his surprise. That's correct.

2 [REDACTED] Why is that? Just for the record, what is the reason?

3 Mr. Lelling. Because it gets too close to deliberative process concerns that the
4 Department has.

5 [REDACTED] It's deliberative process to explain why he was surprised that Giuliani
6 didn't give him something that Giuliani said he had public access to?

7 Mr. Lelling. Correct.

8 [REDACTED] Or publicly say he had access to.

9 Mr. Lelling. Well, if you want to fill in the answer to your question, that's fine.
10 I'm just telling you, you can't ask him.

11 [REDACTED] Okay. I am just noting the objection for the record. I understand
12 where you're coming from.

13 Mr. Brady. I was surprised.

14 BY [REDACTED]

15 Q Mr. Giuliani, in this article, says that he was the person who obtained the
16 laptop, correct?

17 A I'm sorry, I'm not trying to be obtrusive. Where does it say that?

18 Q So he said that he -- I'm sorry, that you were asked in the earlier hour about
19 The New York Post article regarding the laptop. And Mr. Giuliani says he was the source
20 of the leak to The New York Post?

21 A Oh, I see. Yes.

22 Q Okay. And Mr. Giuliani actually said that he -- and this is on page 5, this is a
23 quote from the article. And he gets paraphrasing Mr. Giuliani, but it's not a direct quote
24 from him -- but Giuliani said he viewed his latest leak to The New York Post as an
25 extension of his years'-long efforts to work with Ukrainians to dig up dirt on the Bidens,

1 correct?

2 A Correct.

3 Q So Mr. Giuliani is saying that the laptop that he had a copy of, he had
4 obtained from -- through his years' long work, or as an extension of his years' long work
5 to dig up dirt on the Bidens with the Ukrainians, right?

6 A That's a fair assumption. I don't know how we got there.

7 Q And turning back to page 3, we've had like -- and these highlightings, we did
8 add to that article. It's not highlighted in the article on the website.

9 A Sure.

10 Q Halfway down it says, Asked, for instance, whether he was concerned if the
11 material he may have obtained, in reference to the laptop, might be, in some way, be
12 linked to the hacking of Burisma last year, an act attributed to Russian intelligence.
13 Giuliani said, wouldn't matter, what's the difference. I read that correctly, right?

14 A You did, yes.

15 Q Would it have mattered to you as somebody reviewing evidence, vetting
16 evidence for, you know, indicia of credibility if it was possibly Russian sources, possibly
17 Russian intelligence?

18 Mr. Lelling. Don't answer that. They're essentially asking him for an expert
19 opinion on something Giuliani might have said.

20 BY [REDACTED]

21 Q Well, I'm just saying that -- would it have been -- as you were vetting the
22 information that you received, was it something -- would it have been of concern to
23 you -- let me rephrase that.

24 Was something that you were looking out for was whether the information could
25 be disinformation?

1 A Yes. That was a concern. That was an act of an ongoing concern with the
2 information that we received, including from Mr. Giuliani.

3 Q And that's actually a concern that Mr. Barr had said publicly as well, correct?

4 A Yes, I don't know if he said that specifically, but it was definitely a concern.
5 And he may have said that publicly.

6 Q And here Giuliani himself was saying, It might be Russian intelligence, it
7 might not, what's the difference. That's what Giuliani said here.

8 A That is, yes.

9 Q Okay.

10 A I'll turn it over to you.

11 BY ██████████

12 Q Okay. You indicated during previous questioning a distinction between
13 information that you received during your assessment from Giuliani and information that
14 was not received or sourced from Giuliani. Is that a distinction that you wanted to
15 emphasize?

16 A I'm not sure if I am -- forgive me, I might be misremembering my testimony.
17 The distinction I made was that the 1023 wasn't derived from information we received
18 from Mr. Giuliani. We had the information from Mr. Giuliani, and then we had
19 developed work streams through discussions with other, either components within DOJ
20 or other Federal agencies to run certain things to ground. But it wasn't limited to just
21 Mr. Giuliani's information, yes.

22 Q Okay. Well, I think you indicated, and maybe this was in discussion of the
23 reluctance on the part of the -- some other DOJ officials in Delaware to receive
24 information from Giuliani. Did they express that kind of reluctance that was related to
25 Giuliani originating information?

1 A I'm not sure.

2 Q Okay.

3 A I may have.

4 Q Just take a minute to look at it, if you wouldn't mind. And as you look at it,
5 just kind of on the reporting that talks about the May 30th, 2019, meeting that Lev Parnas
6 described involving Giuliani and others.

7 I don't want to stop you reading the whole article, especially if you want the
8 context, but I am going to ask you about paragraph -- I guess it's the third full paragraph
9 on page 3, just so you understand where I am going.

10 A Okay. Oh, page 3?

11 Q Yeah, and it's the May 30th, 2019, there's reference to that, on the second
12 page also, so I just wanted you to be aware of that.

13 A Okay.

14 Q And then it kind of just goes into the middle of page 3.

15 A Okay. I'm almost done.

16 Q No worries. Take your time.

17 A Okay. Thank you.all right. Thanks. I am going to direct your attention,
18 first, to briefly to the second page and the third paragraph. There's just one line. In
19 this portion of the article, Mr. Lev Parnas is being quoted, and he is discussing a May 30th,
20 2019, meeting that he had involving Mr. Giuliani, Vitaly Pruss, who you mentioned earlier,
21 and himself. Did you glean that from your reading of the article?

22 A Yes.

23 Q And according to Mr. Parnas in this reporting, the first time that he and
24 Giuliani and the associates learned of this derogatory information that was on the hard
25 drive that people sometimes referred to as a laptop of Hunter Biden's was May 30th,

1 2019. So Mr. Parnas is identifying that date as the date that Giuliani and his associates
2 learned of this derogatory information, correct?

3 A Yes.

4 Q According to the article?

5 A Yes.

6 Q Okay. During the course of your investigation, had you ever received any
7 information that -- to that effect, that Mr. Giuliani was aware of this -- I keep calling it the
8 laptop because that's what people call it, but actually are you aware that it's just some
9 hard drives?

10 A Yes, but --

11 Q Okay.

12 A No, I was not aware.

13 Q Okay.

14 A I'm sorry, maybe I cut your question off.

15 Q No, no, no. So Mr. Giuliani first learned of the -- I am going to call it the
16 hard drive, because that's what it was, the hard drives, multiple. He learned of the
17 existence of those hard drives that were circulating around the world on May 30th, 2019,
18 according to the article, correct?

19 A Yes, that's correct.

20 Q Okay. And what I am asking you is, have you ever heard that during the
21 course of your investigation that Mr. Giuliani actually learned of the hard drive material
22 on May 30th, 2019?

23 A No, not during our 2020 vetting process, no.

24 Q Mr. Giuliani never shared anything about the hard drives or the laptop or
25 any of that in his material with you?

1 Mr. Lelling. Don't answer that.

2 BY [REDACTED]

3 Q Oh, you are not going to answer?

4 Mr. Lelling. I instruct him not to answer.

5 [REDACTED] He did answer earlier that the hard drive. That Mr. Giuliani did not
6 provide a hard drive.

7 Mr. Lelling. Okay.

8 Mr. Brady. He did not provide it. We were unaware of it.

9 BY [REDACTED]

10 Q All right. So moving on. To the third page in the article, this is, I guess,
11 the third full paragraph again. In here there's a description of this May 30th, 2019,
12 meeting involving Mr. Parnas, Vitaly Pruss, and Giuliani, and according to Mr. Parnas'
13 telling, there were some statements of Mr. Zlochevsky that were discussed, correct?

14 A Correct.

15 Q And these statements that are attributed to Mr. Zlochevsky here were again
16 about the Bidens, correct?

17 A Correct.

18 Q Okay. And according to the article Press told Giuliani at the May 30th,
19 2019, meeting that Mr. Zlochevsky had stated that he had, quote, "derogatory
20 information about Biden, and he was willing to share it with Giuliani if Giuliani would help
21 Zlochevsky, 'curry favor with the Department of Justice and help him with an extradition
22 request or other efforts by DOJ to investigate or prosecute Zlochevsky.'" Do you see
23 that allegation in the report?

24 A I see the first part, I'm sorry. I don't see the extradition.

25 Q Okay. So what it says in the article is that Zlochevsky was interested in

1 currying favor with the Department of Justice, correct?

2 A Yes.

3 Q Are you aware that Mr. Zlochevsky was accused of money laundering among
4 other financial crimes?

5 A I'm sorry, by which jurisdiction? I'm aware that there were allegations
6 regarding potential money laundering and Mr. Zlochevsky that were investigated by the
7 U.K. and by Ukrainian prosecutors. Could I just have one second?

8 Q Sure.

9 Mr. Lelling. I don't think he can give you further detail.

10 BY [REDACTED]

11 Q Okay. The allegation in this article is that Zlochevsky asked Giuliani to help
12 curry favor with the Department of Justice in exchange for derogatory information on the
13 Bidens, correct?

14 A Correct.

15 Q And regardless of what the favor was or what the curry favor was about, had
16 you ever heard that allegation that there was a proposal from Zlochevsky to Giuliani that
17 an exchange for some kind of favor with the Department of Justice, Mr. Zlochevsky would
18 offer Giuliani dirt on the Bidens?

19 A I don't believe I did at the time.

20 Q Okay.

21 A In 2020, I don't believe I was aware of that.

22 Q Of the allegation?

23 A Of that allegation, yes.

24 Q You're aware of it now as you sit here today?

25 A I am now.

1 Q Because of this article or something else?

2 A I believe because of this article.

3 Q Okay.

4 A There were a lot of statements made about that intersection among those
5 people and Mr. Zlochevsky. So I don't remember that specific allegation, but I am now
6 aware of it.

7 Q Okay. And in the course of your investigation, though, you had not
8 uncovered any reports of Zlochevsky making statements or asking Giuliani for favors. Is
9 that fair to say?

10 A Yes, I believe that's fair to say.

11 Q Okay.

12 A And just to be clear, there were other allegations relating to Mr. Zlochevsky
13 and actions he may or may not have taken allegedly in Ukraine and with respect to
14 certain prosecutions, but I don't remember that one specifically.

15 Q Okay. Did you remember any allegations that you came across involving
16 Zlochevsky and Giuliani, like, together, like their relationship?

17 A I don't remember, as I sit here.

18 Q Okay. When -- now Mr. Parnas --

19 A Oh, I'm sorry, could I clarify one thing? I know that as we talked about
20 earlier, Mr. Giuliani has had a number of podcasts, and has interviewed Shokin and a
21 number of people in Ukraine, that may have included Mr. Zlochevsky, I can't remember.
22 But as to your specific question, this allegation, I don't recall that.

23 Q Okay. Mr. Parnas, we talked about him a little bit earlier. You indicated
24 that you did not speak to Mr. Parnas during the course of your investigation?

25 A That's correct.

1 Q But you were aware that he was an associate of Mr. Giuliani, correct?

2 A Yes.

3 Q And you were aware that he had made statements regarding the matters
4 that were kind of at the subject of your investigation, the Ukraine, Bidens, and other
5 matters?

6 A Yes.

7 Q Okay. Were you also aware that he had provided evidence and
8 information to investigators during the impeachment?

9 A I don't believe I was.

10 Q Okay. And you already indicated that you didn't know about that
11 statement, that Mr. Giuliani had directed his associates to obtain for Mr. Zlochevsky,
12 correct?

13 A Correct.

14 Q Okay. And nothing else that Mr. Parnas had been involved in with respect
15 to that?

16 A That's correct. And as I said, you know, we cordoned that off as an SDNY
17 matter. So, any information that we received from Mr. Giuliani, for example, relating to
18 Mr. Parnas, we relayed to SDNY.

19 Q Okay. And I think that you had have made this clear, but I just want to be
20 very, very clear here. You've talked about indicia of reliability, or credibility, as you put
21 it, that were in the 1023. But you did not make an effort to, during the course of your
22 investigation, to determine whether Mr. Zlochevsky himself was a credible witness,
23 correct?

24 A Yes, that's fair. Yes, that's correct.

25 Q You were focused on the CHS when you talk about credibility as a source.

1 You said that the FBI had deemed him credible, correct?

2 A Yes.

3 Q And you understood that he had indicia of credibility, correct?

4 A Correct, from the FBI, yes.

5 Q But you didn't make an effort to determine whether Zlochevsky was a
6 reliable narrator, for example?

7 A That's correct, because of those conflicting statements that were in the
8 public.

9 [REDACTED] And along the same lines, you didn't make any effort to determine
10 what Zlochevsky's motivation might have been for providing information either to the
11 confidential human source or to Giuliani, correct?

12 Mr. Brady. That's correct.

13

BY [REDACTED]

14 Q I think this is going to be a brief line of questions. But in the previous hour,
15 you were asked some questions about the Auten assessment. It might have been the
16 first hour. Do you recall that?

17 A Yes.

18 Q And you said that you had no exposure to that or knowledge of whatever
19 that is from a professional standpoint within the DOJ. Is that right?

20 A Yes, I was not aware of that in 2020.

21 Q Okay. And the term "Auten assessment," as far as you know, you heard
22 that from public sources, news articles, or even this investigation. Is that fair?

23 A Public sources. I couldn't pick Brian Auten out of a lineup. I had no
24 knowledge of who he was or what he was doing.

25 Q Okay. So you don't even know if there was a quote, "Auten assessment."

1 Is that fair to say?

2 A That's correct. I have no knowledge of tat.

3 Q No more than any other person in the public would have, right?

4 A That's correct.

5 Q And you don't know who Brian Auten is?

6 A That's correct.

7 Q Okay. Can we just talk a little bit too. I have tried this once before. I
8 just want to be more precise when I'm asking these questions. You talk about, or you
9 talked about reluctance that you perceived on the part of the Delaware office to engage
10 with you. Is that right?

11 A Yes.

12 Q Okay. And you kind of parsed that out a little bit in the other hour. I want
13 to ask you about reasons that one might be reluctant in that position. And this is, you
14 know, I am going to try to be specific here. Do you understand, as a United States
15 Attorney, the sensitivities and the legal requirements of protecting 6(e) material, correct?

16 A Yes.

17 Q And I know that you're an expert, so can you explain for the record. What
18 is rule 6(e)?

19 A 6(e) governs grand jury secrecy, and that any information that appears
20 before the grand jury that's derived as a part of the grand jury investigation -- and, in fact,
21 the existence or nonexistence of a grand jury investigation, and also including targets,
22 subjects, witnesses, is all covered by Rule 6(e) which is a rule that applies to all
23 prosecutors that that shall not be made public in any way.

24 Q And --

25 A -- with the exception of identifying a witness, I'm sorry. Strike that.

1 With the exception of identifying a subject or a target of the investigation at the
2 appropriate time in an investigation.

3 Q Okay. Rule 6(e) carries criminal penalties for violation in some instances,
4 correct?

5 A That's correct.

6 Q So it's a very serious matter for prosecutors to follow the rules under rule
7 6(e), correct?

8 A Absolutely, yes.

9 Q And at the time that your office was interacting with Lesley Wolf and other
10 members of the Delaware office, they had an open grand jury investigation, correct?

11 A Correct.

12 Q And so rule 6(e) applied to them with respect to any information that they
13 were sharing, correct?

14 A Yes, correct.

15 Q Okay. Do you think that it's a valid concern on the part of those AUSAs to
16 be very careful about the information that they're sharing when they have an open grand
17 jury investigation?

18 A Yes, absolutely.

19 Q Okay. Could that be one of the reasons that they chose to communicate in
20 writing versus in a less formal way?

21 A Possibly. Typically, U.S. attorney to U.S. attorney and AUSA to AUSA
22 communication is a little more open, but I don't want to opine as to, you know, what
23 Lesley Wolf or, you know, Mr. Weiss' motivations were. But 6(e) is always a concern,
24 and that is always one of the primary concerns in any investigation.

25 Q I just want to get down to something. With respect to this relationship, in

1 particular, that you had at this time between the district in Delaware and yourself, it was
2 sort of unusual, would you agree, to be in a position where you're in one U.S. attorney's
3 office district, and you're being asked to communicate with another district who has an
4 open grand jury investigation about their matter, right? That doesn't happen every day
5 when you don't have joint venue issues, or you're not prosecuting something that just
6 happens to be in your district that's related to their case, right?

7 A It was unique. I mean, as you identify sometimes, there are dual
8 investigations going on among U.S. attorney's offices. Sometimes the U.S. attorney's
9 office will, as a part of a separate investigation, identify and develop information and
10 evidence that they will share with a different office if they have an investigation into that
11 subject or target or matter.

12 Q Right.

13 A Again, that's kind of a one-way, one-way sharing. So, yes, this was a unique
14 arrangement in my experience.

15 Q And it was unique, in particular, because you didn't have an investigation.
16 You had this kind of unique assignment about vetting information that might relate to
17 other investigations, correct?

18 A Yes.

19 Q So you're being asked by a U.S. attorney who has an active grand jury
20 investigation and a full investigation that they're handling, you're being asked by them,
21 you know, to share information back and forth. Can you think of another time when
22 you were in that position where you didn't have a related investigation, but you had
23 information that might be relevant to their investigation, and you had to have a
24 relationship developed that would involve two-way sharing of information?

25 A That has happened.

1 [3:26 p.m.]

2

BY [REDACTED]

3

Q Okay.

4

A Not looking the same as this relationship, but I have had that, certainly

5

where we have to coordinate activities and make sure there's no conflict, there's no

6

overlap.

7

Q But I mean, vetting information, where your role is simply to vet information

8

and not, you know, conduct your own investigation. You're just vetting information,

9

right, in this case?

10

A Correct. Yes.

11

Q And the Delaware office is actually conducting a grand jury investigation,

12

right?

13

A Correct.

14

Q Okay. So have you ever had that situation before, where you're over here

15

vetting and then you're asked to interact with somebody who is actually conducting a

16

grand jury investigation?

17

A No.

18

Q Okay. So when Delaware is receiving information from you, there's no 6(e)

19

concern, right?

20

A Receiving from us --

21

Q From you. When it's going from you to them, there's no 6(e) concern

22

because you don't have a grand jury open, right?

23

A That's true. There's law enforcement information. There's high side or

24

classified or top secret information which we have to transmit in a SCIF.

25

Q Sure.

1 A But 6(e) is not a concern from our information unless it's information derived
2 from a grand jury investigation.

3 Q Okay. But in this case, you didn't have a grand jury, right?

4 A Correct. We did not, yes.

5 Q Okay. So you're not worried about 6(e) when you're sending information
6 to other offices, right?

7 A Not 6(e) specifically. That's fair. Yes.

8 Q But Delaware is potentially worried about 6(e) when they're sending
9 information your way. Is that right?

10 A 6(e) is always a concern, but typically prosecutors because we have the same
11 ethical obligations, if we receive 6(e) information, we have to treat it the same as if we
12 generated it.

13 Q Right.

14 A So typically, I have not seen that type of reluctance before. We always are
15 careful in sharing information back and forth, and make sure that only people who
16 absolutely need to know that will receive it.

17 Q Okay.

18 A But that was also a little unique in my experience. Both things were
19 unique.

20 Q I just want to drill down, when you say "reluctance," you're talking about
21 reluctance on the part of the Delaware Office to share information about their case with
22 you, right?

23 A That's correct. Yes.

24 Q And one of the reasons could be that they have concerns over 6(e) material;
25 fair to say?

1 A Fair. Possible. Yes.

2 Q Among other reasons, right?

3 A Yes. Uh-huh.

4 Q Okay. You also said that you wanted to give information to them, and you
5 did, in fact, brief them on the 1023 and other matters, correct?

6 A That's correct.

7 Q And they received that information, right?

8 A That's right.

9 Q Okay. They didn't tell you, no, keep it to yourself. Eventually, they
10 received the information that you wanted them to have, correct?

11 A Yes. Just going back to the public testimony relating to DAG Donoghue
12 ordering the Delaware Office to meet with us and receive that briefing, but I can't agree
13 with the premise, but eventually, we did the briefing, yes.

14 Q Okay. So you're saying that there was some reluctance, but eventually
15 they received the information that you wanted them to have?

16 A That's correct.

17 Q Okay. And that they did with it, you don't know because you weren't in a
18 position to be part of the investigation any longer?

19 A That's correct. Our tasking was complete.

20 Q Okay. And throughout this whole time when you're interacting with the
21 Delaware office and they're acting however they act, the person who is in charge of the
22 DOJ is who?

23 A Oh, General Barr.

24 Q Okay.

25 A Attorney General Barr.

1 Q And who is in charge of that investigation of Hunter Biden, Mr. Weiss,
2 correct?

3 A Mr. Weiss, correct.

4 Q And Mr. Weiss was an appointee of President Trump, correct?

5 A That's correct.

6 Q Do you have any reason to believe that Mr. Weiss was uninterested in fairly
7 and honestly prosecuting the case that he had in front of him?

8 A No.

9 Q Okay. You also mentioned that there was some friction or -- I don't know,
10 "friction" is the word I'm going use. But you can choose the word you want -- between
11 yourself, or your team, and some of the FBI officials when you were asking them to
12 perform specific tasks.

13 Is that fair to say?

14 A Yeah. So it wasn't friction as much as they weren't able to perform them
15 perhaps in the timing that we wanted because of the approval process the FBI had set up.

16 Q Okay. We talked about that quite a bit before. Would you attribute most
17 of that delay to the formal layers of approval that they now needed to deal with sensitive
18 matters like this?

19 A Yes. Yes. The layers of approval were unique, in my experience, but that
20 was a part of the reason for the delay, yes.

21 Q Okay. Did you have any reason to believe that the FBI agents and officials
22 you were working with were unprofessional, biased, or, in any way, unwilling to do their
23 jobs?

24 A The FBI agents that I had direct contact with, including SAC down in the
25 Pittsburgh field office, deputy director, and Director Wray, no, not at all. Very

1 professional, outstanding agents.

2 Q Okay. And ultimately, they did perform the tasks that you asked them to
3 perform, correct?

4 A That's correct.

5 Q Was there ever anything that you wanted to do in your investigation or
6 assessment that DOJ officials refused to let you do or FBI officials?

7 A No.

8 Q Okay. So you're satisfied that you did your job thoroughly when you were
9 asked to make this assessment?

10 A I am.

11 BY [REDACTED]

12 Q Mr. Weiss has told Congress that as of July 11 or July 10, 2023, as of
13 mid-July 2023, he had not requested special counsel status. Obviously, he later did in
14 August.

15 But do you have any information that would contradict that statement that prior
16 to July of this year, Mr. Weiss had never requested special counsel status?

17 A I have no information or knowledge about that topic at all.

18 Q Okay. Do you have any information or knowledge about the Central
19 District of California preventing Mr. Weiss from bringing any type of case?

20 A I do not.

21 Q Do you have any information or knowledge about the District of Columbia
22 preventing Mr. Weiss from bringing any type of case?

23 A Personal knowledge, no. I do not.

24 Q In fact, Mr. Weiss has said that nobody has ever stopped him or blocked him
25 from bringing charges in any judicial district in the country.

1 Do you have any information to contradict what Mr. Weiss has said?

2 A I do not.

3 Q Okay. Couple of quick wrap-up questions.

4 The name, Vitaly Pruss, has come up a couple of times.

5 Can you tell us if you were able to interview Mr. Pruss?

6 Mr. Lelling. No, he can't say that.

7 BY [REDACTED]

8 Q He was in the United States at that time, correct?

9 Do you know?

10 A I don't remember if he was or not.

11 Q Okay. All right. I think we're almost done.

12 You were U.S. attorney in Pittsburgh through, I think, you said the end of

13 February 2021, correct?

14 A Correct.

15 Q So you were there during the 2020 election, correct?

16 A Yes.

17 Q Are you aware of allegations that there was widespread voter fraud in 2020?

18 Mr. Lelling. You're a little outside the scope.

19 [REDACTED] All right. So he's declining. It's fine. I'm just making a record.

20 You're declining to answer?

21 Mr. Lelling. He's declining to answer.

22 BY [REDACTED]

23 Q Are you aware of allegations that President Biden was not fairly elected in

24 2020?

25 Mr. Lelling. Same. He's not going to answer questions on that subject.

1 ██████████ Okay.

2 BY ██████████

3 Q And do you believe that President Biden was fairly elected in 2020?

4 Mr. Lelling. He's not going to answer that question.

5 ██████████ No more questions.

6 ██████████ All right. So we can go off the record.

7 ██████████ Thank you.

8 [Whereupon, at 3:33 p.m., the interview was concluded.]

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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