

EXECUTIVE SESSION
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: ANDREW MCCABE

Tuesday, December 19, 2017

Washington, D.C.

The interview in the above matter was held in Room HVC-304, the Capitol, commencing at 2:43 p.m.

Present: Conaway, King, LoBiondo, Rooney, Ros-Lehtinen, Turner, Stewart, Crawford, Gowdy, Hurd, Schiff, Himes, Speier, Quigley, Swalwell, Castro,



and Heck.



[REDACTED]

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

For the FEDERAL BUREAU OF INVESTIGATION:

JAMES A. BAKER
GENERAL COUNSEL

GREGORY A. BROWER
ASSISTANT DIRECTOR
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OFFICE OF GENERAL COUNSEL

[REDACTED]

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For the U.S. DEPARTMENT OF JUSTICE:

SCOTT N. SCHOOLS

ASSOCIATE DEPUTY ATTORNEY GENERAL

[REDACTED]

[REDACTED] Good afternoon all. This is a transcribed interview of Deputy Director Andrew McCabe.

Thanks for being with us today.

For the record, I'm [REDACTED] senior counsel here at the House Permanent Select Committee on intelligence for the majority. There are other members and staff present, and they will introduce themselves as these proceedings get underway. But before we begin, I wanted to state a few things for the record, rules of the road.

The questioning will be conducted by members and staff present. During the course of this interview members and staff may ask questions during their allotted time period. Some questions may seem basic. That is because we need to clearly establish facts and understand the situation.

Please do not assume we know any other facts you have previously disclosed as part of any other investigation or review. And this interview will be conducted at the Top Secret/SCI level.

We ask that you give complete and fulsome replies to questions based on your best recollections. If a question is unclear or you are uncertain in your response, please let us know. And if you do not know the answer to a question or cannot remember, simply say so.

You are entitled to have counsel present for you during this interview. I see that a number of folks have joined you today Deputy Director. If at this time those individuals could state their names for the record.

MR. BAKER: James A. Baker, general counsel, FBI.

MR. BROWER: Gregory A. Brower, assistant director for the Office of

[REDACTED]

[REDACTED]

Congressional Affairs.

MR. SCHOOLS. Scott Schools, associate deputy attorney general.

[REDACTED] [REDACTED], Office of General Counsel, FBI.

MR. CONAWAY: Let me interject here. One or more of the lawyers with Mr. McCabe may, in fact, be a fact witness that we will call perhaps at some later date. So I just want to get that in the record, that we reserve the right to call them, one or more of them, at a future date.

[REDACTED] Thank you.

The interview will be transcribed. There is a reporter making a record of these proceedings so we can easily consult the written compilation of your answers at a later date. Because the reporter cannot record gestures, we ask that you answer verbally to all questions. If you forget to do this, you might be reminded to do so. You may also be asked to spell certain terms or unusual phrases.

Consistent with the committee's rules of procedure, you and your counsel, upon request, will have a reasonable opportunity to inspect the transcript of this interview in order to determine whether your answers were correctly transcribed. The transcript will remain in the committee's custody. And the committee also reserves the right to request your return for additional questions should the need arise.

The process for the interview will be as follows, sir. The majority will be given 45 minutes to ask questions, and the minority will be given 45 minutes to ask questions, after which time we will take a break, if you so desire. After which period, the majority will be given 15 minutes to ask questions, and the minority will be given 15 minutes to ask questions. These 15-minute alternating rounds will

[REDACTED]

continue until questioning has been completed by both sides.

Time will be kept for each portion of the interview, and warnings will be given at the 5- and 1-minute marks, respectively.

To ensure confidentiality, we ask that you do not discuss the interview with anyone other than your attorneys.

You are reminded that it is unlawful to deliberately provide false information to Members of Congress or staff.

And lastly, the record will reflect that you are voluntarily participating in this interview, which will be under oath.

Mr. Deputy Director, could you raise your right hand to be sworn?

Do you swear or affirm the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

MR. MCCABE: I do.

Thank you, sir.

Mr. Chairman, over to you for opening remarks.

MR. CONAWAY: Mr. McCabe, thank you for being here this afternoon. We will have a vote series 4:30-ish, 4 to 4:30-ish. We will need to break, because I think our members will like to do the questioning. So we will just take a quick break to go vote and then we will come back.

MR. MCCABE: That's perfectly fine.

MR. CONAWAY: Mr. Schiff, anything?

MR. SCHIFF: I just want to welcome you, Mr. McCabe, and also tell you how much we appreciate the work of the FBI. I know it is not an easy time for the Bureau. But there are a great many of us, I hope you will communicate back, that have tremendous respect for what they do every day and we are grateful.

MR. MCCABE: I will. Thank you, sir.

MR. SCHIFF: Thank you.

MR. MCCABE: If I could say just one quick thing before we begin --

MR. CONAWAY: Is your mike on?

██████████ If you could just push the button on the microphone so the green light's on, sir.

MR. MCCABE: Yes, sir.

So I just wanted to say very briefly, first, my apologies for the confusion over the scheduling last week. I can tell you that in all of my conversations with my staff over the last several weeks anticipating this appearance, I have been told the 19th, the 19th each time. I don't know how we got that wrong with your folks, but if we did, I apologize for that miscommunication.

I'd also like to say that this is actually the first time I have ever been asked to come up to the Hill to discuss these matters. I'm looking forward to the opportunity. I am here to provide you whatever information I possibly can about anything that is within the scope of your investigation. I will stay here for as long as it takes to give you the opportunity to ask whatever questions you have, and I will give you the best answers I possibly can.

MR. CONAWAY: Well, thank you for that introduction. And with that, I will turn to Mr. Gowdy for 45 minutes.

MR. GOWDY: Thank you, Mr. Chairman.

Special Agent McCabe, thank you for coming, and I appreciate your service to our country.

The committee is looking at four different pillars or areas of jurisdiction. What did Russia do with respect to the 2016 election cycle? With whom, if

[REDACTED]

anyone, did they do it? The third tranche or pillar of jurisdiction would be the U.S. Government's response. And then fourth would be the issue of masking, unmasking, the dissemination of classified material.

So that's kind of -- those are the foundations of our inquiry. There are 1,000 different ways to start because you are a central person for all four of those. You would have information that crossed all four of those boundaries. So take nothing from where I start, and I don't think the other part of it is important. I'm going to be here as long as you are here, so we will get it all covered.

MR. MCCABE: Roger that.

MR. GOWDY: I think the committee is trying to understand how, if at all, the Bureau relied on the research of Christopher Steele, particularly as it relates to court filings. So did the Bureau rely on what has come to be known as a dossier in any form, and if so, how?

MR. MCCABE: So very generally, sir, we did not rely on the Steele reporting for the opening of the investigation into possible Russian influence on the 2016 election, but we did rely on that reporting in the FISA application [REDACTED]

MR. GOWDY: When did the investigation begin? And if it were not the dossier, what prompted it?

MR. MCCABE: The investigation began -- it was officially initiated on [REDACTED]. What prompted the initiation of the investigation was information came to us through -- from the State Department to our [REDACTED] and then eventually came into headquarters at the end of [REDACTED].

And the information that came to us was -- had been provided to the State Department by [REDACTED]. That [REDACTED] had met in [REDACTED]

[REDACTED]

[REDACTED]

with the individual -- with George Papadopoulos.

And this [REDACTED] related that in a meeting they had with George Papadopoulos back in [REDACTED], that Mr. Papadopoulos had made comments to them along the lines that he was quite confident that -- that then-candidate Trump would win the election. He was confident because, as he stated, the Clintons had a lot of baggage and that the Trump campaign had a fair amount of information about the Clintons.

[REDACTED]

[REDACTED]

[REDACTED]

MR. GOWDY: That initial conversation between a [REDACTED] and -- or a [REDACTED] somehow captured a conversation between George Papadopoulos and whom?

MR. MCCABE: So that [REDACTED] actually met with George Papadopoulos in [REDACTED].

MR. GOWDY: Okay.

MR. MCCABE: They did not convey the substance of that meeting to the State Department until [REDACTED]

MR. GOWDY: What explanation, if any, was the Bureau given for the delay in transmitting that information?

MR. MCCABE: It's my understanding that, as you probably know, the WikiLeaks -- I'm sorry, the WikiLeaks release of many of the DNC email took place in July, second or third week of July of 2016.

It's my understanding that it was the observation by the [REDACTED] of that act that caused them to kind of put two and two together and

[REDACTED]

██████████

think that they needed to bring this information to the attention of the United States Government.

MR. GOWDY: And they did so in ██████████, and they did so if I follow the chronology from the State Department and then from the State Department to the Bureau.

MR. MCCABE: That's right. The State Department relayed it to our legat, to our ██████████.

MR. GOWDY: And what did the Bureau do -- ██████████ is the day I have down -- what did the Bureau do after receiving that information?

MR. MCCABE: So a day or so before ██████████, which I believe was a Sunday, our legat relayed this information to the team at headquarters that was working, that was nominally looking at the CD team that was looking at Russian political influence activity, that sort of thing, and --

MR. BAKER: CD is counterintelligence?

MR. MCCABE: Counterintelligence, I'm sorry. And so they opened a case on potential Russian influence on the 2016 election on ██████████. The paperwork was essentially -- was essentially approved.

MR. GOWDY: What is required to open a case?

MR. MCCABE: Well, a case of that nature is what we refer to as a sensitive investigative matter, we refer to it as a SIM. And a SIM requires that the approval to open a case be rendered by a section chief-level official in the counter -- in this case in the Counterintelligence Division at headquarters. That section chief at the time responsible for these matters was Peter Strzok.

In addition to the section chief approving the opening of the case, the case had to be and was, of course, discussed with -- the predicated information had

██████████

[REDACTED]

been discussed with myself, with Director Comey, with others. We were aware of the information.

It was also, I think, in the week or so after the case was officially opened we notified the Department of Justice, which is required in a sensitive investigative matter.

MR. GOWDY: All right. And then --

MR. MCCABE: I'm sorry, I left out one step. The general counsel's office is also required to review and concur with the opening of the SIM.

MR. GOWDY: Other than the WikiLeaks dissemination of information kind of validating or ratifying what they had heard in [REDACTED], did you ever get an explanation from the [REDACTED] on why they didn't bother to share it before the dissemination?

MR. MCCABE: I did not.

MR. GOWDY: What investigative steps would you take if you opened a matter, a sensitive matter like this one? What is the natural progression of that investigation?

MR. MCCABE: Right. So the predicated information suggested that

[REDACTED]

[REDACTED] So of course we would dedicate resources to look into that, we would -- in the normal course of business we would review our collection for any indicators that we thought were relevant to that -- to that topic.

In this case, we also took the affirmative step of trying to figure out

[REDACTED]

[REDACTED]

[REDACTED] So we went

[REDACTED]

[REDACTED]

through a process of trying to figure out [REDACTED] might be engaged in this sort of activity.

MR. GOWDY: And what would be -- what was the result of that process?

MR. MCCABE: The result of that process is that we opened -- so we had already opened the -- what we refer to as kind of the umbrella case, which was referred to as [REDACTED], that was the code name for the umbrella case. We then opened [REDACTED] who we believed fit that description that I just gave you.

MR. GOWDY: And those individuals would be whom?

MR. MCCABE: Those individuals were [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. GOWDY: We may come back to the sensitive criminal matter, but I want to fast forward to the application before the FISA court.

Why not seek coverage of George Papadopoulos? Why Carter Page? It seems that you have a history with Carter Page. You have a pretty discrete comment by Papadopoulos.

MR. MCCABE: We did, although Papadopoulos' comment didn't particularly indicate that he was the person that had had -- that was interacting with the Russians.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

MR. GOWDY: [REDACTED]

[REDACTED]

MR. MCCABE: That's right.

MR. GOWDY: So what investigate steps did you take with respect to Papadopoulos?

MR. MCCABE: [REDACTED]

[REDACTED]

MR. GOWDY: Who was the investigative lead on what you just described for Papadopoulos?

MR. MCCABE: I don't know the answer to that.

MR. GOWDY: What division would that have been assigned to in the Bureau?

MR. MCCABE: It was the Counterintelligence Division. All [REDACTED] the umbrella case were being managed by the Counterintelligence Division. We

[REDACTED]

had assembled a small team of agents and analysts and support folks to help with that effort, and that team was working essentially from headquarters in an effort to keep what we knew as a very sensitive and potentially volatile matter kind of cabined off to a small group of people.

MR. GOWDY: The comment that Papadopoulos made to a [REDACTED] [REDACTED] was it captured electronically? Was it -- did you get a summary of it or did you get a verbatim readout?

MR. MCCABE: It was not captured in any way that I am aware of. I have seen a written summary. I'm not sure if that written summary was provided to the State Department by [REDACTED] or if that was produced by the State Department after speaking to [REDACTED]. That piece I don't know.

MR. GOWDY: Do you know if the Bureau talked to the agent of the [REDACTED] [REDACTED] who would have had the conversation with Papadopoulos?

MR. MCCABE: We did. We sent a team to [REDACTED] to speak to all those folks involved in that chain of communication.

MR. GOWDY: Was a U.S. team sent to [REDACTED] Are there also Bureau agents stationed in [REDACTED]

MR. MCCABE: Well, there are both. We have agents in [REDACTED] working out of our legat office there, but we actually sent folks from this team, on kind of the [REDACTED] team, over to [REDACTED] to participate in those interviews.

MR. GOWDY: Would there have been 302s generated as a result of those interviews?

MR. MCCABE: I expect so.

MR. GOWDY: All right. Carter Page, I think we started off, how did the Bureau, if at all, rely on Christopher Steele's dossier in any form as part of any

[REDACTED]

[REDACTED]

court filings? I assume you read the initial affidavit in support of the FISA warrant?

MR. MCCABE: I did.

MR. GOWDY: It seems -- and if you disagree then this is the time to tell me -- it seems maybe about equal parts dossier and Carter Page.

MR. MCCABE: That's how I would characterize it as well.

MR. GOWDY: All right. The dossier half of that, what steps did the Bureau take to understand where that information came from? How was it brought to the Bureau?

MR. MCCABE: So the Steele reporting came to the Bureau first to an agent who at the time was working out of our [REDACTED], who I believe you're speaking to tomorrow.

MS. ROS-LEHTINEN. MR. Gowdy, your questions are so clear we can hear them well and I find it difficult to follow the witness. Your voice trails away.

MR. MCCABE: I'm sorry. Is that better?

MS. ROS-LEHTINEN: Yes, sir.

MR. MCCABE: Sorry about that.

So the Steele reporting came first to our agent, one of our agents working out of our [REDACTED]. That agent had a preexisting relationship with Christopher Steele, and he provided what I understand to be the first document in what we now know as the Steele reporting to that agent I think some time in early July of 2016.

He provided one document in the first week of July. A week or two later he provided a second document to that agent. That reporting did not make its way back to the team, the [REDACTED], until mid- to late September of 2016.

[REDACTED]

[REDACTED]

So we didn't, in fact, at headquarters, at the [REDACTED], we didn't have that reporting when we opened the case.

MR. GOWDY: I'm sorry. I heard everything up till the cough. You didn't hear it until?

MR. MCCABE: I'm sorry. So we didn't have the Steele reporting when we opened the case. But we did have it, it had finally made its way to headquarters, to the [REDACTED], in about September 19th, is the best date I have for that.

MR. GOWDY: Is it fair to say that Steele had a history with the Bureau?

MR. MCCABE: He did. He did. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

He had provided substantial assistance in our [REDACTED] [REDACTED] and provided information that went into affidavits and was used ultimately in support of criminal convictions in that case.

So he had a good and reliable history with us on those matters.

The [REDACTED] reporting, the first document that he sent to our agent in [REDACTED] was completely at his initiation. The agent in [REDACTED] did not ask him to provide reporting on any campaign matters. Steele was not tasked by the FBI to collect on campaign matters. He had begun working on that because of other relationships he had, and he provided that reporting to our agent in kind of an unprompted manner.

MR. GOWDY: Was he being paid by the Bureau at the time, either for unrelated contemporaneous work or past work?

MR. MCCABE: My understanding is no, he was not being paid at that

[REDACTED]

[REDACTED]

time. He had been paid previously involving his other work, but was not paid during the time he provided reporting on the campaign matters.

MR. GOWDY: Did Christopher Steele tell you who his employer was at the time he approached your agent in [REDACTED]?

MR. MCCABE: I don't remember that. I don't remember. I don't know if he -- if we knew that then or not.

MR. GOWDY: There are 302s that are done, for want of a better explanation, when a Bureau agent interviews a witness? What is a 1023?

MR. MCCABE: A 1023 is the internal document that captures a meeting with a source.

MR. GOWDY: Would there be either a 302 or a 1023 that memorialized that first interaction between Christopher Steele and, we will just say, his handler?

MR. MCCABE: It depends. If they met, then there should probably be some documentation to that effect. If Steele just attached the report to an email and sent it to the agent, there might not be. I'm not -- I don't know how the report was conveyed.

MR. GOWDY: Do you know if they met in person?

MR. MCCABE: I don't know that. I don't know the answer to that.

MR. GOWDY: What did the Bureau agent, Steele's handler, do with what Steele gave him? Who'd he send it to?

MR. MCCABE: He struggled for a while to figure out the best place to forward the information. I'm told that he initially reached out to his field office, which is the New York field office, and spoke to people there.

I don't know if he actually provided the documents to people in the New York field office. He may have. And he -- basically he tried a couple of different

[REDACTED]

[REDACTED]

places.

I think he reached out to or someone from New York reached out to the Criminal Investigative Division at headquarters and essentially couldn't find a home for the reporting until they realized that we had actually a small, kind of quiet team at headquarters investigating foreign influence matters on the election, and that's how the connection was ultimately made.

MR. GOWDY: At some point, the question, I assume, would be asked of Mr. Steele: How did you come into contact with this information? What you are giving us, how did you acquire it?

MR. MCCABE: Yes.

MR. GOWDY: Do you know whether the handler asked it? Do you know whether that question was asked once it made it to that small team that was looking into it?

MR. MCCABE: I can't say what the handler did or didn't ask. I don't know the answer to that. But I do know that the [REDACTED] spent a lot of time thinking about and asking questions along those lines.

[REDACTED]
[REDACTED]
[REDACTED]

So those were things that the team spent a lot of time trying to get to the bottom of.

MR. GOWDY: When did they first travel to meet with Steele?

MR. MCCABE: I'm aware of a trip in [REDACTED]

MR. GOWDY: Is that before or after the FISA application?

MR. MCCABE: It's before the authorization of the FISA. The FISA was

[REDACTED]

authorized on October [REDACTED]

MR. GOWDY: Okay. How much information did the Bureau have -- how was the dossier presented to the Bureau? You said part of the information was given in that initial meeting. How did the rest of it come to --

MR. MCCABE: Right. So Steele provided the first document to the agent in [REDACTED] a week or 2 later provided the second document. Some weeks after that he provided an additional six documents. So that was the kind of accumulated reporting and that was conveyed to our team.

At the same time, we received the documents from other sources. We were aware that there were -- we started to receive media -- questions from individuals in the media who we thought had probably had access to the documents.

We received, I believe, a copy, some copy of the documents, I can't say that it was the exact same compendium that we'd had already had, but some version of the Steele reporting from Senator McCain who had come into custody of the documents through different means presumably.

So we had kind of a few different versions. I don't know if that answers your question.

MR. GOWDY: It does. Do you recall -- I got Senator McCain's name down -- who in the media would have either sent the information to you or contacted you to make sure you had it?

MR. MCCABE: To the best of my recollection, by the end of the fall, we had been contacted by numerous individuals in the media. We were surprised that it hadn't been reported on, to be perfectly honest. I think the initial contact may have been from a reporter with Mother Jones, but I'd have to go back and

check. I don't remember the details.

MR. GOWDY: David Korn (ph)?

MR. MCCABE: That sounds right, but I'd have to check to be sure. I'm happy to take that back.

MR. GOWDY: Did you get the sense the media was waiting to report it until they had confirmation that the Bureau either had it or were looking into it?

MR. MCCABE: We were very concerned about that. We were very, very careful about the way that we responded to the media inquiries. We didn't want to respond in a way that would even confirm that we had it and were looking into it, because that would become enough, reporting that we had it, not maybe opining on whether it was true or accurate, but merely reporting that we had it would have given folks kind of the standing to go forward and report on it. We thought that would be -- that could be disruptive and that was something that we tried to avoid.

MR. GOWDY: Who in the Bureau was authorized to talk to the media?

MR. MCCABE: So that, we have recently changed our media policy, but at the time and still to this day, the director is of course, I am as the deputy director, and the head of our national press office, Michael Cortin (ph), is the assistant director over OPA.

Others can be authorized to speak to the media, but it would have to go through a coordination process with the national press office.

MR. GOWDY: So hypothetically, if someone in your general counsel's office talked to a reporter, would that have been approved either by you or then-Director Comey?

MR. MCCABE: Certainly. I mean, hypothetically. I don't ---

MR. GOWDY: All right. So you have media inquiries. McCain was a

[REDACTED]

source of either all or part of what became known as the dossier?

MR. MCCABE: I remember Senator McCain came over and met with Director Comey for the purpose of giving him the copy of the documents that he had.

MR. GOWDY: All right. So it is hard for us to put ourselves back in that position now, but you're in the throes of a Presidential election. You may recall this, Director Comey got a little bit of criticism for the way he handled the July press conference.

MR. MCCABE: Yes, sir.

MR. GOWDY: And maybe just a touch more for a letter he wrote in October.

MR. MCCABE: Yes, sir.

MR. GOWDY: So we're in the midst of a Presidential election and you have some really salacious, incendiary allegations.

MR. MCCABE: That's right.

MR. GOWDY: How did the Bureau go about either corroborating or contradicting the underlying assertions in the dossier?

MR. MCCABE: So a few ways.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

MR. GOWDY: Well, I do appreciate separating out the meat of it from corroborative details. But some details are more significant than others, and corroborating that somebody actually lived in New York might -- may or may not be relevant --

MR. MCCABE: Right.

MR. GOWDY: -- if it's connected to a larger assertion.

Can you give me an example of both a material fact in the dossier that you verified and if there is one that you contradicted because of your investigation, one on each side?

MR. MCCABE: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

So it's a, as I said, a painstaking process of trying to assemble as many facts and details around that reporting that you possibly can.

MR. GOWDY: Who is the author of the [REDACTED] to?

MR. MCCABE: It's a [REDACTED] -- from the team. I don't know if -- I wouldn't say that it has one particular author. If it does, I'm not aware of that. But several people on the team worked on it.

MR. GOWDY: Give me some of the names of people on the team.

MR. MCCABE: John Maffa (ph) worked on it. Others were certainly aware of it in working with it, Peter Strzok, Bill Priestap. And they could lead you to additional names as well.

MR. GOWDY: At what point did the Bureau ask Steele: Why did you do this research? For whom are you doing it? Is anyone paying you to do it? When did those questions come up?

MR. MCCABE: I don't know the answer to that.

MR. GOWDY: Who would be the best person to ask?

MR. MCCABE: I think both -- well, certainly your witness tomorrow, the agent from [REDACTED], is a good person to ask, I think Bill Priestap probably is a good person to ask, and Peter Strzok.

MR. GOWDY: There is a little bit of a dichotomy that I have a hard time getting over in my own head. It is very, perhaps quintessentially important whether or not the underlying assertions are true.

MR. MCCABE: Yes, sir.

MR. GOWDY: Nonetheless, I'm not sure when the last time you were in a courtroom was, but defense counsel usually spends a lot of time talking about

[REDACTED]

[REDACTED]

bias, financial interest, stake in the outcome, and I assume there is a reason that they spend a lot of time focused on that.

Is it a fact that you would have wanted to know who Steele was working for in compiling that information?

MR. MCCABE: Yes.

MR. GOWDY: Why?

MR. MCCABE: For the reasons you just stated.

MR. GOWDY: Is it unfair for me to surmise that if I am being paid to find dirt that I might look with more firm and vigor for the dirt than for positive information?

MR. MCCABE: I'm sorry. I don't follow that.

MR. GOWDY: If I'm being paid to do opposition research --

MR. MCCABE: Yes.

MR. GOWDY: -- is it reasonable that I would look with more firm and vigor for that negative opposition research as opposed to evidence that the person is good or had done good things?

MR. MCCABE: Certainly. And to be clear, sir, I now, of course, know who Christopher Steele was working for and that that person had been hired or directed by a law firm, and I have heard the reports of who initiated that process. So those questions were asked. I just can't say with any clarity exactly when, who asked that question first of the source.

MR. GOWDY: Would you have wanted to know it before you submitted the affidavit to the FISA court?

MR. MCCABE: Yes.

MR. GOWDY: Would you have wanted to include that just to let the judge

[REDACTED]

know the source, separate and aside from whether or not the information is true,
the source --

MR. MCCABE: Right.

MR. GOWDY: -- was working for X?

MR. MCCABE: Right. And it's my understanding we did include that.

MR. GOWDY: The fact that the source was working for Fusion GPS or
Perkins Coie or the DNC?

MR. MCCABE: I'd have to go back and check the footnote. There is an
extensive footnote that we included in the FISA -- the initial FISA package, and I'm
sure it was also included in the renewals that explained essentially our prior
relationship with the source and the fact that he, you know, where the information
came from and that he had been essentially contracted to collect this information,
which he did outside of our direction and then provided it to us.

So the exact details of everything included in that footnote, which is about, I
think, about a page and a half long, are pretty extensive.

MR. GOWDY: Director Comey is not here, so I'm not picking on him. We
can talk to him some other time.

I'm familiar with several instances where he said the work of the dossier
was begun by a GOP donor. I'm actually not familiar with any times where he
publicly said it was later financed by the DNC.

Do you know whether he was aware of that?

MR. MCCABE: I don't know. I couldn't speak to what Director Comey
knew.

MR. GOWDY: Did you ever have a conversation with him that this
salacious information, which may or may not be true, we are going to vet it, and

[REDACTED]

that is what is most important, it came from a guy who is being paid by the DNC?

MR. MCCABE: My understanding is that we knew that the project started as a GOP-driven effort and then ultimately was picked up by the DNC.

MR. GOWDY: And you think you learned that when?

MR. MCCABE: I don't remember when I learned that.

MR. GOWDY: Do you know who you learned it from?

MR. MCCABE: I likely learned it from the team.

MR. GOWDY: Do you know Bruce Ohr?

MR. MCCABE: I do know Bruce Ohr.

MR. GOWDY: Who is Bruce Ohr?

MR. MCCABE: Bruce Ohr is an official in the Department of Justice. I know Bruce Ohr from many years ago. I think Bruce was in the organized crime section when I was doing Russian organized crime work in New York City.

MR. GOWDY: [REDACTED]

[REDACTED]

MR. MCCABE: No.

MR. GOWDY: Was he a DOJ contact on any of those cases?

MR. MCCABE: Was he a DOJ contact on those cases?

MR. GOWDY: Was he in the National Security Division where you would checked with him?

MR. MCCABE: No.

MR. GOWDY: Have you read the 302s that the Bureau generated based on their contact with Bruce Ohr?

MR. MCCABE: I have not.

MR. GOWDY: I want to go back to the sources and subsources and how

[REDACTED]

[REDACTED]

they were -- well, we talked to Steele, that we have established that. I think some Bureau agents went and interviewed Steele.

MR. MCCABE: That's right.

MR. GOWDY: [REDACTED]

[REDACTED]

MR. MCCABE: We spent a lot of time trying to shed light on Steele's

[REDACTED] [REDACTED]

[REDACTED]

So does that answer your question?

MR. GOWDY: A little bit. But he would know for sure. So I think what made me pause for a second is, why did you have to work so hard, because he could have given them to you.

MR. MCCABE: I'm not sure that he did. I would have to ask the team whether or not - if they asked him that question and what his response was.

MR. GOWDY: Would it impact your willingness to believe a source if they

[REDACTED]

MR. MCCABE: It's certainly something I would consider, but I wouldn't say that that's unique. [REDACTED]

[REDACTED] So I wouldn't write off the information on that basis, but it's something that would give me some concern. It certainly makes your job tougher in terms of how you vet the information itself.

MR. GOWDY: Forgive me for not knowing your background, but were you -- are you also a lawyer?

MR. MCCABE: I am, sir.

[REDACTED]

[REDACTED]

MR. GOWDY: Did you litigate, did you prosecute before you came on the Bureau?

MR. MCCABE: I spent 3 years working in a private firm as an associate. So, no, I was not a prosecutor.

MR. GOWDY: I'm not going to ask you the questions that Senator Kennedy asked of the guy that was up for a judgeship. But I am interested, I do think it's important, the whole concept of what we call hearsay, and whether or not it is allowed in court, and if not, why not.

MR. MCCABE: Right.

MR. GOWDY: And hearsay, I think, is an out-of-court statement offered to prove the truth of the matter asserted, and there are exceptions, but there is a reason that there is a general prohibition against simply being able to repeat what someone else said.

MR. MCCABE: Sure.

MR. GOWDY: Because you can't confront the person who said it in the first place.

MR. MCCABE: That's right.

MR. GOWDY: So how hard did the Bureau look for [REDACTED]

[REDACTED]

MR. MCCABE: We did. We looked hard. And I think we made significant progress.

MR. GOWDY: And that would be reflected where? Again in the [REDACTED]

MR. MCCABE: It would be reflected partly in the [REDACTED] It would also be reflected in the work that we did with [REDACTED]

[REDACTED]

[REDACTED]

MR. GOWDY: And where would that work be manifest?

MR. MCCABE: That work would be captured either in the case file or in a resulting [REDACTED] file.

MR. GOWDY: Do you know -- and you may not -- whether that information has been made available to our committee or if it can be made available to the committee?

MR. MCCABE: I don't know.

I know there is some information that we were concerned about, some of the information that we have about -- that we derived through that vetting process

[REDACTED]

[REDACTED]

And I know that was something that we considered, but as I understand, that was discussed in the conversations that DOJ had with the committee in terms of what we would provide.

MR. GOWDY: Right. I started by saying it's all important and we should take nothing from the order in which I pursue things.

MR. MCCABE: Understood.

MR. GOWDY: It's just kind of the way it hits me. And we're going to get around to getting all of it.

Go back with me to July of 2016.

MR. MCCABE: Okay.

MR. GOWDY: Director Comey had a press conference that was -- I think unusual is a fair way of characterizing it. Most Bureau agents do not announce charging decisions.

MR. MCCABE: That's correct.

[REDACTED]

MR. GOWDY: Did you know ahead of time that he was going to have the press conference.

MR. MCCABE: I did.

MR. GOWDY: Did you know what he was going to say?

MR. MCCABE: I did.

MR. GOWDY: Did you help him draft his statement?

MR. MCCABE: I saw drafts of his statement. I did not -- I don't believe I contributed to the drafting process, but I discussed the statement with him.

MR. GOWDY: You are the deputy director of the FBI, which I think is the number two person, if I've got that right.

MR. MCCABE: It is.

MR. GOWDY: And there were other names that had been connected with changes made that were not at your level, they weren't the number two person at the Bureau.

MR. MCCABE: That's correct.

MR. GOWDY: Did you have the opportunity to make changes and declined to do so or did you not have an opportunity to weigh in on it?

MR. MCCABE: I received the draft. It was distributed to me in an email. And I did not sit down and type edits to the draft because I knew that I would have the opportunity to discuss it with Director Comey.

So I did not engage in editing the draft itself. But I was a participant in meetings in which we discussed the statement and discussed how he thought about it and how he was composing the statement.

MR. GOWDY: What reason did he give you for taking that unusual step of having a press conference and making the decision himself?

MR. MCCABE: There were several reasons. I remember -- I remember when he first brought up the idea of doing it that way, it was something that caused me great concern because it's an unusual and unprecedented way to handle a situation. And we discussed it over a course of several weeks.

I don't want to speak for Director Comey, but I can tell you that my perception at that time, which I think he would agree with, is that -- was that the Department was going to have a very hard time, for a variety of reasons, in coming forward with whatever their decision would have been.

And that goes back to the way that they had constructed their engagement in the case from the very beginning. It has to do with, you know, our concerns, and I believe Director Comey's concerns, about the Department's credibility on the issue, and that that credibility was challenged for a number of reasons, and that that would put them in a particularly ineffective position to essentially announce the end of the case.

[3:30 p.m.]

MR. GOWDY: What were some of those credibility concerns?

MR. MCCABE: I think you could go all the way back to the beginning, in which the, as I understood it, as it was explained to me when I came back to headquarters and became involved in the case, their approach to the Attorney General's and the DAG's involvement in the case. So there was this clear acknowledgment that because of their political -- politically appointed status that they probably should not have a role in the case, but yet they never recused themselves from the case.

So I can tell you that from my experience they didn't play an active role in the case. We didn't brief the case in our three times a week morning briefings with the AG and the DAG. I can't say whether they were learning about the case and the investigative progress through other channels. I wouldn't know that. But from our perspective, they did not play a leadership role in the investigation. And that left the leadership of the investigation of an incredibly important, sensitive investigation to much lower levels within the department.

There were statements that the Attorney General made to the Director, the infamous don't call it an investigation, call it a matter, that caused us some concern. I know that it caused Director Comey concern. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Five minutes.

MR. MCCABE: Should I continue?

I'm sorry. And then of course there was the incident on the tarmac in

[REDACTED]



Phoenix, Tucson, in Arizona, which was, you know, an additional issue that led us to believe that the Department, and particularly the AG, were not in a position to be taken credibly on the outcome of the case.

MR. GOWDY: Hindsight is usually pretty good. You have got the meeting on the tarmac. Whether that was happenstance or not, it is not a great optic. We did not know that Attorney General Lynch had told -- or asked the Director to refer to it as a matter and not an investigation. He knew that. There have been some -- he alluded, the last time he was before us in a closed session, that he was worried that information would be disseminated that was in the possession of others that would undercut people's ability to believe in the objectivity of the Department of Justice.

MR. MCCABE: That is right.

MR. GOWDY: [REDACTED]

MR. MCCABE: [REDACTED]





[Redacted text block 1]

[Redacted text block 2]

[Redacted text block 3]

[Redacted text block 4]





[Redacted text block]

[Redacted text block]

[Redacted text block]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. CONAWAY: We went a couple minutes long, so we will add a couple minutes to your 45 minutes. Adam.

MR. SCHIFF: Thank you, Mr. Chairman. Let me start, if I could, with the beginning of I guess a set of followup questions based on what you testified to so far. And then I want to get into further government response.

One of the issues that's come before the committee or been framed in the public eye is this whole investigation began as a result of op research by Christopher Steele. Since that opposition research was paid for by political interests, it discredits the whole investigation. And I would like to break that down a bit.

So let me just ask you, the [REDACTED] opening of the investigation, was that based on the dossier or was that based on the information received about Papadopoulos?

MR. MCCABE: It was not based on the dossier. We didn't have the dossier at that time at headquarters on the team that was investigating the issue. It was based on the information that we had received about Papadopoulos. But I think it is also fair to say that our -- we understood at that time to some extent the Russian cyber activity targeting the DNC, the activity targeting the RNC, we knew of Russian interest in our electoral process.

MR. SCHIFF: But in terms of the initiation of the [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED], that was in no way based on the dossier because the agency heads responsible for the initiation of that very serious investigation weren't even aware of the existence of the dossier?

MR. MCCABE: That's correct.

MR. SCHIFF: At that stage, [REDACTED], Christopher Steele may or may not have discussed it with an agent in [REDACTED] but that had never been communicated to headquarters.

MR. MCCABE: That's correct.

MR. SCHIFF: Let me now ask you about the information you received about Papadopoulos, because this is I think very significant. [REDACTED]

[REDACTED]

So what Papadopoulos said to the [REDACTED] is of keen interest.

MR. MCCABE: Yes.

MR. SCHIFF: And your understanding is that part of what was communicated to the campaign via Papadopoulos was [REDACTED]

[REDACTED]

MR. MCCABE: The original Papadopoulos information wasn't quite that

[REDACTED]

specific. As reported to us, they said that Papadopoulos stated or suggested that

[REDACTED]

MR. SCHIFF: And this was one of the ways the Russians said they could be helpful to the campaign.

MR. MCCABE: That's correct.

MR. SCHIFF: [REDACTED]

MR. MCCABE: That's correct.

MR. SCHIFF: Was that also part of what the [REDACTED] had said that Papadopoulos had communicated to them, [REDACTED]

MR. MCCABE: So I don't have independent knowledge of that. But if that's -- [REDACTED]

So by the time the information gets into the FISA application they've also conducted the interviews that I referred to earlier. So I don't know that that was conveyed to us in the very original Papadopoulos reporting, which is what I am most familiar with, but we of course further developed that reporting by interviewing the [REDACTED], the State Department folks involved, that sort of thing.

MR. SCHIFF: Now I need to ask you about the parameters of your testimony today. We don't want to interfere in the Special Counsel investigation in any way.

[REDACTED]

MR. MCCABE: Yes, sir.

MR. SCHIFF: Are you permitted to testify as to what the investigation uncovered up until the appointment of Mr. Mueller, or what are the parameters of your agreed on testimony today?

MR. MCCABE: So that's my understanding as well, that I am prepared to give you my best recollection of what we knew and what we did up until the point -- the appointment of the Special Counsel.

MR. SCHIFF: And did the cooperation of Mr. Papadopoulos begin after the appointment of Special Counsel?

MR. MCCABE: I know that we had interviewed him prior to the appointment of the Special Counsel. I think probably you wouldn't qualify that as cooperation. So yes, I think the cooperation began in the Special Counsel period.

MR. SCHIFF: So that the false statements began prior to the appointment of the Special Counsel. The more truthful testimony or interviews took place after?

MR. MCCABE: Likely. I can't speak to exactly what he told us in the interviews or certainly what he has told the Special Counsel. I just don't have that level of granular knowledge.

MR. SCHIFF: And are you able to tell us, again up until the time that the

[REDACTED]

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

tell you about that.

MR. SCHIFF: But you did go back and interview the [REDACTED]

[REDACTED]

MR. MCCABE: We did.

MR. SCHIFF: And did they provide additional detail to what you had learned from the was it legit that they had initially reported to?

MR. MCCABE: That's right. They may have, but I am not aware of that detail today.

MR. SCHIFF: Because the [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] was that one of the reasons it was brought to your attention, brought to the FBI's attention?

MR. MCCABE: That's my understanding. That's what motivated the [REDACTED] to contact the State Department and say -- and share the underlying Papadopoulos information. They saw the release of the Wikileaks material and they connected that with what Papadopoulos had referred to.

MR. SCHIFF: Now, according to Papadopoulos the Russians made him aware of this in late April that the Russians both had possession of emails of -- Democratic emails.

MR. MCCABE: The Russians made him aware of that --

MR. SCHIFF: Yes.

MR. MCCABE: Okay.

MR. SCHIFF: According to the plea that the professor and the Russian emissaries made him aware that --

[REDACTED]

[REDACTED]

MR. MCCABE: I am not familiar with the plea documents.

MR. SCHIFF: Okay. [REDACTED]

[REDACTED]

MR. MCCABE: Right.

MR. SCHIFF: Weeks later is the meeting at Trump Tower in which the President's son relays to other Russian emissaries that the campaign would love to have the help of the Russians. Days after that, the Russians begin publishing the documents. Can you tell us what investigative steps took place prior to the appointment of the Special Counsel that go to the Trump Tower meeting and whether the release of the documents that began almost immediately thereafter were related to the Russians getting the message back that the campaign would welcome that help?

MR. MCCABE: So I don't -- to the best of my recollection, we were not aware of the Trump Tower meeting that you are referring to during our course of investigation. We were certainly aware of the extensive Russian cyber activity that we assessed was responsible for the intrusion into the DNC system and also responsible for the release through Wikileaks and DCLeaks and ultimately the -- our assessment that Gucifer 2.0 was in fact the Russian intelligence service. So that piece we were aware of. Put that piece on top of the [REDACTED] [REDACTED] reporting from the Papadopoulos meeting, and that's kind of our -- that all leads to our predication of the investigation on Papadopoulos.

MR. SCHIFF: Now, your staff or you may need to tell me if this is something we can or cannot get into, but there are [REDACTED] [REDACTED] [REDACTED] Is that something that we are able to discuss with you today?

[REDACTED]

MR. MCCABE: I am not aware of those products, so I wouldn't be able to answer those questions.

MR. SCHIFF: My colleague asked you about the decision to discuss the Clinton investigation in that press conference.

MR. MCCABE: Yes sir.

MR. SCHIFF: And you referenced also the reasons why Director Comey thought that the Department of Justice essentially wouldn't have potentially the credibility to make the decision to close the case given these factors.

MR. MCCABE: That's correct.

MR. SCHIFF: One of the issues you mentioned was discomfort with calling it a matter rather than an investigation.

MR. MCCABE: That's right.

MR. SCHIFF: Was there discussion within the Bureau that at the same time there was discomfort about referring to the Clinton investigation as a matter there was no public acknowledgment of a matter or investigation involving the Trump campaign?

MR. MCCABE: I don't remember making that connection.

MR. SCHIFF: And I don't mean this just in terms of the vocabulary, but was it discussed within the Bureau that there was a decision made by the Bureau to discuss very publicly and very openly, even to the last days of the campaign, an investigation involving one candidate and campaign over their emails, but not to discuss an investigation involving what many would consider a far more serious matter involving a foreign government potentially co-opting members of the other campaign?

MR. MCCABE: So maybe not in the way that you are thinking. But if I

[REDACTED]

could break that out just for a second. The conversations, and that's maybe overcharacterizing it, the comments about the oddity of referring to it -- of the Attorney General being concerned that we refer to the Clinton investigation as a matter, not an investigation, was strange partially because the investigation had already been publicly acknowledged. So that was a slightly different -- that's a different for us to be in. We do not typically investigate counterintelligence matters in a way that's publicly known. I don't think as far as the decisions to -- I have spoken already a little bit about how we thought about Director Comey's decision to go forward and make the announcement on July 5th. Regarding the letters that came later in the case in October about the reopening and reclosing of the case, I can't really address those because I was not included in the decisions around those two letters.

MR. SCHIFF: Was it ever discussed, though, that -- I am sure the Bureau was aware of the sensitivities of discussing the Clinton investigation during a Presidential campaign.

MR. MCCABE: Yes.

MR. SCHIFF: Was it also discussed in terms of the imbalance of discussing one open investigation and leaving the country in the dark about the other and the disproportionate impact that would have on the Presidential campaign?

MR. MCCABE: No. And again, we saw the Clinton email investigation differently because it was public before it ever came to the FBI. So it was a -- we felt like we were in a different position fundamentally in terms of our -- the public's knowledge of, and awareness of, and interest in that investigation. With respect to the investigation of potentially Russian influence on the 2016 election, that was

[REDACTED]

[REDACTED]

something that talking about that publicly was something that we had -- we considered greatly. And there were many conversations in the Interagency about how to do that and whether or not that was a good idea and so-called inoculation effect of if you let the public know that this is what the Russians are trying to do, does that thwart their ability to do those things or are you creating the controversy that they seek to create? So there was --

MR. SCHIFF: Mr. McCabe, I know, and we have certainly explored the debate over attribution and the pros and cons of making attribution to Russia. What I am asking about is something quite different. And I just want to make sure that I understand. Is it your testimony that it was never discussed whether there was a certain basic fairness or disproportionate impact on the campaign to be discussing an investigation involving one of the candidates but to --

MR. MCCABE: But not the other one --

MR. SCHIFF: -- the withholding from public knowledge of an investigation of the other campaign?

MR. MCCABE: Right. Not in any conversations that I was a party to.

MR. SCHIFF: My colleague asked you about the fact that the firm which employed Christopher Steele had originally been hired by a GOP source and later by a Democratic source. What did you know of Christopher Steele's reputation? And did you know him to be a person who would report or make up information merely because of the political point of view of his client?

MR. MCCABE: I did not know him to be that way. What I knew of Steele's reputation was that he had a very good reputation. [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] We of course knew of his prior career with Foreign Service, which also

[REDACTED]

[REDACTED]

goes to his credit in terms of understanding his approach to information gathering and reporting.

And then we also of course conducted an internal source validation. So we had our source validators from the Directorate of Intelligence come in and took a look at all of the Steele's reporting and conducted the kind of higher level validation we do on our important sources. And their conclusion was his reporting was -- they believed it was credible and accurate.

MR. SCHIFF: You know, on the subject of the sources, was there an agreement reached between the Bureau and the majority that we would not get into questions about who the sources were out of concerns over the safety and security of the sources?

MR. MCCABE: My understanding is that those conversations took place around [REDACTED]

[REDACTED]

MR. SCHIFF: Many of the [REDACTED]

[REDACTED]

MR. MCCABE: That's correct, or ultimately implicated by the Steele reporting.

MR. SCHIFF: I ask because we had another witness in today in which they could shed light on the sources, and we got a debate about whether we should ask those questions. So if we are not going to pursue that with the Bureau, I am not sure that we should pursue that with others as well for the same reason. You and I should talk further about that Mr. Chairman.

MR. CONAWAY: Again, we can take this off the record.

[Discussion off the record.]

[REDACTED]

MR. CONAWAY: Back on the record.

MR. SCHIFF: But that was the basis of your concern with our going into that was the livelihood of the sources of information and sub sources?

MR. MCCABE: That's correct.

MR. SCHIFF: Okay. Let me go into one very critical aspect of the government's response to the Russian hacking. And that involves the firing of the person charged with investigating the Russian hacking. Former Director Comey, in testimony before the Senate Select Committee on June 8th, recounted his interactions with President Trump beginning with his January 6th intelligence briefing at Trump Tower in New York through his final phone call on April 11, 2016. So I would like to go through those interactions with you. You are one of the few in a position to corroborate or refute what the Director had to say.

Vis-à-vis January 6th meeting at Trump Tower, in his prepared testimony Director Comey noted that he, quote, met then-President-Elect Trump on Friday, January 6th in a conference room at Trump Tower in New York. I was there with other Intelligence Community leaders to brief him and his new national security team on the findings of the IC assessment concerning Russian efforts to interfere in the election. At the conclusion of that briefing, I remained alone with the President-elect to brief him on some personally sensitive aspects of the information assembled during the assessment. That refers I take it to the dossier?

MR. MCCABE: It does.

MR. SCHIFF: He testified that prior to the January 6th meeting, I discussed with the FBI's leadership team whether I should be prepared to assure President Trump that we were not investigating him personally. When the

Director refers to the FBI leadership team, were you then a member of that team?

MR. MCCABE: Yes, sir.

MR. SCHIFF: That was true, meaning that we were not investigating him personally. We did not have an open counterintelligence case on him. We agreed I should do so if circumstances warranted. During our one on one meeting at Trump Tower, based on President-Elect Trump's reaction to the briefing, and without him directly asking the question, I offered that assurance.

Did you discuss that interaction with Director Comey after that meeting?

MR. MCCABE: I did.

MR. SCHIFF: Were you also part of the discussion as to whether it should be he alone or he and other IC leaders to brief the President on the dossier?

MR. MCCABE: Yeah. That wasn't entirely our decision. I know that they were -- Director Comey had been discussing that with the DNI and others, because it was really the DNI's show to figure out how that brief would take place, who would speak first, who would cover which portions of the report. And I know the Director had a couple conversations with the DNI about talking about what we referred to as appendix A, which was the appendix we included in the report that refers to the Steele reporting. And at one point it was going to be the DNI and the Director to have that engagement with President Trump. And then ultimately they changed course on that. I don't know if it was Director Comey's decision or the DNI's.

MR. SCHIFF: The testimony that I just related in terms of whether the President -- whether the Bureau had an open counterintelligence case on the President and the fact that the Director offered that assurance, did you discuss with the Director that meeting, and is that consistent with what he told you?

MR. MCCABE: It is.

MR. SCHIFF: And what can you tell us, not based on what you may have heard when he testified, but rather what he shared with you after the meeting? What can you tell us about what he relayed about that first discussion with the President on this subject and whether he took steps to memorialize it?

MR. MCCABE: Sure. So, and I guess maybe to start with, reflecting back to your last question, there were kind of competing concerns as to who should have that interaction, whether it should be just Director Comey or Director Comey and the DNI.

On the one hand, we felt like it put us in a very awkward position. We did not want to create an impression in the President's mind that this was the FBI, you know, sharing something with him in a way of trying to kind of influence him or it be suggestive of like we have something, you know, on you sort of thing. And so having the DNI there we thought would ameliorate that concern.

On the other hand, it was extraordinarily personal, sensitive material. We wanted to make sure that we did it in a way that was, you know, as sensitive to the President's -- we didn't want to embarrass the President by discussing these things in front of someone else. So ultimately Director Comey had that interaction with the President one on one. He related it to me I think in a phone call shortly after the meeting just the way that he has in the memo, that they talked about the material, that the President seemed shocked and disturbed by the allegations, and was emphatic in the fact that it wasn't true, and they just had kind of a general conversation around that. And that was pretty much it. I knew that he had recorded his thoughts about -- his reflections on the interaction shortly afterwards. And that was pretty much it.

MR. SCHIFF: How did you know that?

MR. MCCABE: He told me that he was going to do that.

MR. SCHIFF: During the phone conversation?

MR. MCCABE: I think so. I think so.

MR. SCHIFF: And where was he when he called you? Did he call you literally right after the meeting?

MR. MCCABE: I thought he was in his car, but I am not sure where he was at this point. I have heard kind of conflicting versions of whether or not they went back to our New York field office or whether he drafted the memo that you have there on a laptop in his vehicle. I am not sure how that worked out.

MR. SCHIFF: But he called you very shortly after the meeting when the recollection of what took place was very fresh in his mind?

MR. MCCABE: Yes, sir.

MR. SCHIFF: And why did the Director or the leadership team believe it was either important or necessary to give that assurance to the President?

MR. MCCABE: We had a lot of conversations about that, and there was a division of opinion. It was true, and we thought -- we assumed that the President would ask. So being in a position you want to answer the President's question, the Director wanted to be able to the question clearly. Of course we don't typically answer that question. We don't confirm or deny the existence of investigations. So that was, you know, a bit -- part of the dilemma. It was also discussed that we were clearly investigating activity potentially conducted by the campaign. And the campaign was the Trump campaign. So although -- so in some way we were essentially investigating activity attributable to President Trump or candidate Trump. And so were we creating a misimpression by saying

there was no investigation? And ultimately, Director Comey weighed it out and made the decision that he did.

MR. SCHIFF: Now, Director Comey also testified about a January 27th meeting. He stated, quote, the President and I had dinner on Friday, January 27 at 6:30 p.m. in the green room at the White House. He called me at lunch time that day, invited me to dinner that night, saying he was going to invite my whole family, but decided to just have me this time, with the whole family coming the next time. It was unclear from the conversation who else would be at the dinner, although I assumed there would be others.

Did the Director tell you about this dinner invitation before he left for the dinner?

MR. MCCABE: He did.

MR. SCHIFF: And did he tell you anything more than what he testified to in terms of what he knew or understood about what would happen at the dinner or who would be there?

MR. MCCABE: Well, I don't remember exactly what he testified to, but he told me that he -- in an unexpected way, he had received an invitation to have dinner with the President on that I believe it was a Friday night, and he just was kind of surprised by it.

MR. SCHIFF: Was he at all concerned that the President would raise the investigation with him?

MR. MCCABE: I think he was always concerned by the prospect of kind of personal one on one time with the President. I think he was always concerned that that was not typical for an FBI Director, and probably not advisable for an FBI Director.

[REDACTED]

MR. SCHIFF: He also testified, it turned out to be just the two of us seated at a small oval table in the center of the green room. Two Navy stewards waited on us, only entering the room to serve food and drinks. The President began by asking me whether I wanted to stay on as FBI Director, which I found strange, because he had already told me twice in earlier conversations that he hoped I would stay, and I had assured him that I intended to.

Had he told you previously that the President had told him that he wanted him to stay?

MR. MCCABE: I think he had, but honestly I don't recall the exact details of how that happened.

MR. SCHIFF: The Director also testified, he stated that lots of people wanted my job, and given the abuse I had taken during the previous year he would understand if I wanted to walk away. My instincts told me that the one-on-one setting and the pretense that this was our first discussion about my position meant the dinner, was at least in part, an effort to have me ask for my job and create some sort of patronage relationship. That concerned me greatly given the FBI's traditionally independent status in the executive branch. A few moments later the President said, I need loyalty. I expect loyalty. I didn't move, speak, or change my facial expression in any way during the awkward silence that followed. We simply looked at each other in silence. The conversation then moved on, but he returned to the subject near the end of our dinner.

Near the end of our dinner, the President returned to the subject of my job, saying that he was very glad that I wanted to stay, adding that he had heard great things about me from Jim Mattis, Jeff Sessions, and many others. He then said, I need loyalty. I replied you will always get honesty from me. He paused and then

[REDACTED]

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said, that's what I want, honest loyalty. I paused and then said, you will get that from me. As I wrote in the memo I created immediately after the dinner, it is possible he understood the phrase honest loyalty differently, but I decided it wouldn't be productive to push it further.

Is that account something that he related to you after the dinner?

MR. MCCABE: Yes.

MR. SCHIFF: And did he also on this occasion call you after his meeting with the President to relate what happened?

MR. MCCABE: He did.

MR. SCHIFF: And what can you tell us that he related to you during that conversation?

MR. MCCABE: Essentially -- is that his testimony or the memo that you just read, I'm sorry?

MR. SCHIFF: That is his testimony.

MR. MCCABE: His testimony. So it tracks the memo very closely, as did our conversation. He was very surprised and concerned by the interaction, specifically about references to the request for loyalty.

MR. SCHIFF: And in his view what did he think the President was asking for?

MR. MCCABE: It was my impression from our discussion that he believed that the President was asking him to be loyal to the President.

MR. SCHIFF: And was it the Director's impression that what the President had in mind was loyalty when it came to his handling of the Russia investigation?

MR. MCCABE: I think that he felt like it was a broad and troubling concept, that the Director of the FBI should be loyal only to the Constitution of the United

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States.

MR. SCHIFF: Apparently January 27th, the day of that meeting, that dinner meeting, was also the day the FBI interviewed Papadopoulos earlier in the day.

MR. MCCABE: January 27th?

MR. SCHIFF: I believe so.

MR. MCCABE: Okay.

MR. SCHIFF: Now, that would have been at a time, I think you indicated earlier, obviously prior to the appointment of the Special Counsel --

MR. MCCABE: Yes.

MR. SCHIFF: -- when Papadopoulos was being less than fully forthcoming about his interactions with the Russians.

MR. MCCABE: That's right.

MR. SCHIFF: Do you know whether Mr. Papadopoulos, after his interview by the Bureau, informed other people, either in the White House or in the Trump campaign, that he had been approached by the FBI?

MR. MCCABE: I don't know the answer to that.

MR. SCHIFF: Was the concern ever brought to your attention that the same day the President was asking the FBI Director for loyalty one of the President's campaign team had been interviewed by the FBI in the counterintelligence investigation?

MR. MCCABE: I don't remember connecting those two events at that time.

MR. SCHIFF: Were those events ever connected in the future? Then I have to ask you I guess up until the point of Mr. Mueller's appointment?

MR. MCCABE: Not that I am aware of. Certainly I cannot comment on,

[REDACTED]

and don't know, what sort of view on those things that Mr. Mueller's team has taken. I also can't testify to exactly how everyone on my team may have kind of processed and thought about those facts. I could just tell you that it's -- that confluence is not something that I have thought about before.

MR. SCHIFF: My staff just handed me the first paragraph, numbered paragraph of the Papadopoulos statement of defense says, the defendant, George Papadopoulos, who served as a foreign policy adviser for the Presidential campaign of Donald Trump made material false statements and material admissions during an interview with the FBI that took place on January 27, 2017.

So that would have been the same day that the Director testified that the President had asked him for his loyalty.

MR. MCCABE: That's correct.

MR. SCHIFF: Anything further you can recall of that conversation with the Director on January 27th?

MR. MCCABE: No. I mean just that we were both really surprised. As I said, he was concerned going into the interaction kind of because he was concerned about, as I said, his -- he believed that it was not a good idea for the Director of the FBI to have these kind of one on one meetings with the President. And then lo and behold, they had an exchange that concerned him and me greatly.

MR. SCHIFF: Let me turn to February 14th. James Comey testified that on February 14th, I went to the Oval Office for a scheduled counterterrorism briefing of the President. He sat behind the desk, and a group of us sat in a semicircle of about six chairs, facing him on the other side of the desk. The Vice President, Deputy Director of the CIA, Director of the National Counterterrorism

[REDACTED]

Center, Secretary of Homeland Security, Attorney General and I were in the semicircle of chairs.

I was directly facing the President, sitting between the Deputy CIA Director and the Director of NCTC. There were quite a few others in the room sitting behind us on couches and chairs. The President signaled the end of the briefing by thanking the group and telling them all that he wanted to speak to me alone. I stayed in my chair. As the participants started to leave the Oval Office, the Attorney General lingered by my chair, but the President thanked him and said he wanted to speak only with me. The last person to leave was Jared Kushner, who also stood by my chair, and exchanged pleasantries with me. The President then excused him, saying he wanted to speak with me.

Did the Director also discuss this meeting with you on the day that it took place?

MR. MCCABE: He did.

MR. SCHIFF: And those facts that he testified that I have just related, are those consistent with what he told you took place?

MR. MCCABE: Yes. They are also consistent with the memo that he wrote following the interaction.

MR. SCHIFF: You had testified earlier that the Director had expressed concern about being left alone with the President.

MR. MCCABE: That's right.

MR. SCHIFF: Was that owing to both the fact it's probably not a good practice to maintain the independence of the Bureau, but also because he was also overseeing an investigation involving the Trump campaign?

MR. MCCABE: Yes.

[REDACTED]

MR. SCHIFF: The Director also testified that the President began by saying, I want to talk about Mike Flynn. Flynn had resigned the previous day. The President began by saying Flynn hadn't done anything wrong in speaking with the Russians, but he had to let him go because he had misled the Vice President.

Prior to the appointment of the Special Counsel, did the Bureau investigate whether the President had knowledge that Mike Flynn, as he admitted in his guilty plea, had met with or spoken with the Russian Ambassador on the subject of sanctions?

MR. MCCABE: Did the FBI investigate whether the President knew that Flynn lied in his interview? Is that the question?

MR. SCHIFF: That is not precisely the question I asked, but that is an equally good question.

MR. MCCABE: Sorry. I don't remember us getting to that point prior to the Special Counsel's effort.

We were obviously closely involved in trying to understand who at the White House knew what about Mike Flynn's conversation with Russian Ambassador Kislyak.

MR. SCHIFF: Well let me ask you this. According to Director Comey, the President told him on February 14th that Flynn hadn't done anything wrong in speaking with the Russians, but that he had to let him go because he had misled the Vice President.

Prior to the appointment of Special Counsel, were you able to ascertain whether the President was aware that Mike Flynn had talked to the Russian Ambassador about sanctions and that the statement he made to the Director was if not misleading, but was misleading in the reasons why he had to let Flynn go?

[REDACTED]

MR. MCCABE: No. I don't think so.

MR. SCHIFF: So those investigative steps had not been taken at that point?

MR. MCCABE: That's correct.

MR. SCHIFF: Were those facts, though, that the Director related in his testimony, as to what the President said to him, consistent with what he told you after the meeting?

MR. MCCABE: Yes.

MR. SCHIFF: Director Comey also testified he added that he had other concerns about Flynn which he did not then specify. The President then returned to the topic of Flynn, saying he is a good guy and has been through a lot. He repeated that Flynn hadn't done anything on his calls with the Russians, but had misled the Vice President. He then said, I hope you can see your way clear to letting this go, to letting Flynn go. He is a good guy. I hope you can let this go.

Is that also consistent with what the Director told you contemporaneous with the events?

MR. MCCABE: Yes, that is consistent. That's what he told me.

MR. SCHIFF: I replied only that he is a good guy. In fact, I had positive experience dealing with Mike Flynn when he was a colleague as Director of the Defense Intelligence Agency at the beginning of my term at FBI. I did not say I would let this go. I immediately prepared an unclassified memo of the conversation about Flynn and discussed the matter with senior – with FBI senior leadership. I take it he is referring to you among others?

MR. MCCABE: Yes.

MR. SCHIFF: And who were the others that he would have been referring

to there?

MR. MCCABE: I am sorry, read me the statement again.

MR. SCHIFF: I immediately prepared an unclassified memo of the conversation about Flynn and discussed the matter with the FBI senior leadership.

MR. MCCABE: So that would have been myself, Mr. Baker, likely Jim Rybicki, his chief of staff, possibly Bill Priestap, who is the AD of counterintelligence, possibly others.

MR. SCHIFF: He continues, I had understood the President to be requesting that we drop any investigation of Flynn in connection with false statements about his conversations with the Russian Ambassador in December. I did not understand the President to be talking about the broader investigation into Russia or possible links to his campaign. I could be wrong, but I took him to be focusing on what had just happened with Flynn's departure and the controversy around his account of his phone calls. Regardless, it was very concerning given the FBI's role as an independent investigative agency.

What can you tell us about your conversation with Director Comey after this meeting on the same day as to those facts, as to his impression that the President was asking him to drop the matter?

MR. MCCABE: His impression, as he communicated it to me, was that the President was asking him to end an investigative matter, which was greatly concerning to the Director and to me. We were shocked.

MR. SCHIFF: Did you and the Director discuss at that time whether this might constitute obstruction of justice?

MR. MCCABE: I don't remember that specifically. It's possible that we did. I just don't remember that from that time.

[REDACTED]

MR. SCHIFF: Did the President's request that the Director let this go, meaning the Flynn matter, have any impact on the Bureau's handling of the investigation concerning Mike Flynn?

MR. MCCABE: Of course not.

MR. SCHIFF: On December 2nd, 2017, President Trump tweeted, I had to fire General Flynn because he lied to the Vice President and the FBI. The President in that tweet -- and I know the lawyer has taken the credit or blame for that tweet -- appears to acknowledge that he knew at the time that Flynn was fired that he had lied to the FBI.

Prior to the appointment of the Special Counsel -- and you may have answered this in large part already but -- was the FBI able to confirm whether the President was aware that Flynn had lied to the FBI?

MR. MCCABE: No, sir.

[Discussion off the record.]

MR. SCHIFF: The Director continued, the FBI leadership team agreed with me that it was important not to infect the investigative time with the President's request, which we did not intend to abide. We also concluded that given that it was a one-way conversation, there was nothing available to corroborate in that account. We concluded that it made little sense to report it to Attorney General Sessions, who we expected would likely recuse himself from involvement in Russian-related investigations.

Why was it expected that at that time that the Attorney General would recuse himself?

MR. MCCABE: I think his recusal was already under consideration by the Department of Justice. I assume that that's where that would end up.

[REDACTED]

MR. SCHIFF: Was there any other basis on which the Director believed that the Attorney General might be forced to recuse himself?

MR. MCCABE: The recusal issue is -- I think we knew of the general facts that had raised the recusal issue. I can't speak specifically to what Director Comey was thinking on that. But we certainly knew that the issue would come to the fore as a result of the Attorney General's interactions with Russians and his involvement in the campaign.

MR. SCHIFF: Mr. Chairman, I yield back.

MR. GOWDY: I can go.

MR. CONAWAY: Let's go vote. There are some refreshments and stuff for you, Mr. McCabe. And we will come back and it will be our turn.

[Recess.]

[5:08 p.m.]

MR. CONAWAY: Back on the record. Contrary to our opening statement, we are going to -- instead of doing 15-minute segments we will do 30-minute segments each. That way the flow will be a little bit better. So with that, Mr. Gowdy, 30 minutes.

MR. GOWDY: Thank you, Mr. Chairman. Hello. Can you hear me?

Yeah? Okay. I apologize for bouncing around, but we will get it all covered at some point or another.

When you and I broke off before, Mr. Schiff, when I think, if memory serves me, we were -- I don't remember what we were talking about, but my notes reflect I was kind of writing down the different thought process that Director Comey would have gone through before appropriating the decision away from the Department of Justice onto the Bureau, in that July 5th, press conference.

And I wrote down, I think you said there was some systemic anomalies with the way the DOJ was structured in this investigation, as opposed to others. I may be putting words in your mouth, but you said something about the structure of the investigation being different.

MR. MCCABE: I did, and by that I meant the fact that the DAG and the AG were not involved in -- didn't exercise any sort of a leadership role over the investigation as they would have in a normal kind of, you know, highly sensitive, significant case of this nature.

MR. GOWDY: All right, so you have that, you have Attorney General Lynch asking that something be referred to as a matter and not an investigation, which you thought was curious because it had already been referenced as an

investigation. You've got the tarmac, and then you have the other issue that you went into some detail on.

MR. MCCABE: That's right.

MR. GOWDY: And it strikes some of us that when Director Comey had issues or challenges subsequently with the way things are, that were being done, or could be done, I think by his own admission, he had some memos disseminated publicly to spur Special Counsel being appointed. I think that's what he said. I'm not putting my words in his mouth. I think that's why he disseminated at least one of the memos that he had made in reference to his conversations with President Trump. Was there any discussion of doing anything to spur the appointment of Special Counsel given the issues at the Department of Justice?

MR. MCCABE: I can't speak to whether or not they discussed that at the outset of the investigation. They may have, but I wasn't present for any of those conversations. I wasn't a part of the team at that point. During my involvement in the case, I don't remember a, you know, a concerted push in that direction, or even raising the issue with DOJ, but as I say, they had been kind of at work on the the thing for, gosh, I don't know, 8 months or so by then.

MR. BAKER: That's to the best of your recollection today.

MR. MCCABE: That's correct. That's correct.

MR. GOWDY: Okay. I guess you can see why someone may -- I mean, it's a very unusual decision for a Bureau agent to make a charging announcement.

MR. MCCABE: Yes.

MR. GOWDY: I don't know that I have ever seen that done before.

MR. MCCABE: I have not.

MR. GOWDY: It's a little bit unusual for the head of the FBI to take a step

[REDACTED]

to spur the appointment of Special Counsel, but I have also seen that done once now. And I'm just wondering if any of these issues, any of this confluence of factors might have led you and the Director to discuss, we may need Special Counsel for Secretary Clinton's case back in April, May, June of 2016?

MR. MCCABE: So to be clear, the Director's statement on July 5th was a recommendation. That was our position in terms of what we had done, what we had seen, and what our thoughts were about it. And it was a recommendation to the Department of Justice and we, in fact, actually went to the Department of Justice, I think the next day, where the entire team both on the prosecutive and the investigative side kind of reviewed the entire matter and made the official recommendation to the AG who accepted it.

In our many conversations about the unique and kind of uniquely stressful and complicated position that we were in, certainly, we discussed things like that, like how and whether the Attorney General would be in a position to weigh in on that recommendation at the end of the case. Like from the perspective of, we are trying to imagine like what does that look like when that day gets here? How is that done? So, but it was my impression that the concept of bringing in a Special Counsel was not -- was maybe something that had been kind of litigated earlier.

MR. GOWDY: But in another fact pattern, it would be the Assistant United States Attorney or a U.S. Attorney that explained the decision not to charge. It wouldn't be a Bureau agent.

MR. MCCABE: That's correct. That's correct.

MR. GOWDY: And I do understand that you all consulted the Department of Justice and I guess in theory, they could have done what they wanted. That is a pretty steep mountain to climb in a case where the world's premier law

[REDACTED]

[REDACTED]

enforcement agency had just laid out all of the reasons not to bring charges. That would be a steep mountain for a prosecutor to climb, I would think.

MR. MCCABE: It is. It would be. But I would also say that we were very clear on our understanding of how the DOJ folks who were on the investigative team saw the evidence and what their thoughts were about what we had seen across the span of the case. So we didn't -- I certainly didn't think at that point that DOJ was in any different place.

Certainly, they were taken by surprise over the way that the announcement was conducted and that was, as you said, a unique and kind of one-time-only event. But in terms of our view of the merits of the case, it was my perception at that time, based on many conversations that I had had with people at the Department of Justice, that they saw it the same way that we did.

MR. GOWDY: What role did Special Agent Strzok play into the investigation of Secretary Clinton's email server?

MR. MCCABE: To the best of my recollection, Peter probably started out on the case as some -- as a kind of a supervisory investigator who had been detailed over from the Washington Field Office. Eventually, during the pendency of the investigation, he was promoted into a position of section chief in the Counterintelligence Division and so he continued in his same role in the investigation from that position.

MR. BAKER: Counterintelligence division at headquarters.

MR. MCCABE: That's correct. I'm sorry, at headquarters.

MR. GOWDY: Who made the decision to promote him? Do you have a promotion board that makes that decision?

MR. MCCABE: We do. That would be the SES Promotions Board. So

[REDACTED]

[REDACTED]

the position would have been canvassed. He would have competed for it with some number of other candidates and it goes through a standard process.

MR. GOWDY: Do you know whether Special Agent Strzok interviewed Huma Abedin?

MR. MCCABE: I don't know that.

MR. GOWDY: Cheryl Mills?

MR. MCCABE: I mean, I know that these people were interviewed. I can't tell you who exactly who was present for the interviews.

MR. GOWDY: Do you know who conducted the interview of Secretary Clinton herself?

MR. MCCABE: I think Peter was present for that, but I don't know if he was asking the questions.

MR. GOWDY: Going back to the word "unprecedented" that -- I don't want to interrupt you if there's something else.

MR. MCCABE: No, I was just going to say, we had agents who were present for all of those interviews as well, who had been detailed there from the Washington Field Office.

MR. GOWDY: There were agents present. There were also other people present that, again, it's just been unusual in my experience to allow fact witnesses to sit in on -- I don't want to say target because that sounds so pejorative, but target interviews.

MR. MCCABE: Yeah, I agree with you. It was unusual. It was noted by us. But I will say that the specifics around those, those are voluntary interviews that were negotiated through a kind of an extended process by the Department of Justice, and so the specifics about who would attend and who would do what were

[REDACTED]

really driven by the Department of Justice.

MR. GOWDY: Well, let me ask you this: If you want to talk to a witness, and a witness isn't all that interested in talking to you, or sets parameters or conditions that are unacceptable to you, do you have the ability to conduct an involuntary interview?

MR. MCCABE: We'd certainly subpoena someone to appear before the grand jury.

MR. GOWDY: Is that ever done?

MR. MCCABE: Is it ever done? It's frequently done.

MR. GOWDY: All the time.

MR. MCCABE: Right. Right. It was not done in this case.

MR. GOWDY: Why not?

MR. MCCABE: Because the Department of Justice decided to pursue access to individuals and access to evidence through essentially consent agreements. There was a great deal of friction between the FBI and the Department of Justice over those issues across the pendency of the investigation. And ultimately, that's their decision. We don't decide who the Department subpoenas or doesn't subpoena to appear before an interview. It's a -- that's a decision on their side of the street.

MR. GOWDY: If the Attorney General and the Deputy Attorney General were kind of out of the loop, who was making the decisions in terms of granting immunity, consent agreements, the scheduling of witness interviews? Who is the decisionmaker?

MR. MCCABE: Yeah. So the highest ranking person at the department who is involved in the investigation on a very kind of day-to-day level, was George

[REDACTED]

Toskas (ph). David Laufman (ph) reported to George Toskas (ph), and David kind of oversaw the, I guess line attorneys -- is that the right way to refer to it -- the line attorneys who were working the investigation. Richard -- help me out with Richard's last name.

[REDACTED] [REDACTED]

MR. MCCABE: [REDACTED], I'm sorry. So George was the highest ranking person at DOJ who was really in charge. I know that George discussed the case to some degree with John Carlin because John Carlin and I would discuss periodically things about the investigation, although John wasn't as actively involved in the day-to-day management of the case, that he -- in the way that he might have been on any other big case.

And I think that was also a reflection of the fact that he was in a politically appointed position.

MR. GOWDY: If I have the chronology down right, [REDACTED] is when there's a conversation of interest to a [REDACTED] that -- with Papadopoulos. [REDACTED] is when that is transmitted or information related thereto is transmitted, maybe [REDACTED]. Does that sound right? I'm looking at notes I took.

MR. MCCABE: So that information comes to us on [REDACTED] and then on [REDACTED], the team at headquarters actually opened the case, [REDACTED] [REDACTED] case.

MR. GOWDY: All right. You and I had discussed in the past, Bruce Ohr.

MR. MCCABE: Yes.

MR. GOWDY: Did you know, or do you know whether or not he met with Chris Steele in [REDACTED]

MR. MCCABE: I do not know that.

[REDACTED]

[REDACTED]

MR. GOWDY: So he would not have been meeting on behalf of the FBI if he had done that, taken that meeting?

MR. MCCABE: Not to my knowledge. At some point during the late summer, maybe into the fall, as we were investigating the Steele reporting, I became aware of the fact that Bruce Ohr had some sort of a preexisting relationship with Christopher Steele, but I did not rely on that relationship in any way. I had my own handling agent. I had my own team conducting the investigation who were meeting with Steele. So it was not particularly relevant to me.

MR. GOWDY: Here's the reason I'm asking about it, is if this was before [REDACTED] of 2016, there's this Ohr meeting with Christopher Steele. Steele told Ohr that Carter Page had met with some high-level officials in Russia. He also communicated how desperate he was that Donald Trump not be elected President. And this seems to predate the Bureau finding out from that [REDACTED] about the communication that then triggered the investigation. If it happened in [REDACTED] of 2016, it would be before then. Right?

MR. MCCABE: Bruce Ohr was meeting with Christopher Steele in [REDACTED]

MR. GOWDY: Yes.

MR. MCCABE: So on [REDACTED] is when Steele provided the first document to our agent in [REDACTED] and then he provides the second document on [REDACTED]. We, of course, here at headquarters don't know anything about that at the time. So what -- I don't know when Bruce met with Christopher Steele but it could have been, I guess theoretically, it could have been before or after those documents

[REDACTED]

came into the possession of our agent in [REDACTED].

MR. GOWDY: Here is what I'm trying to reconcile. If I heard your testimony correctly, the decision to initiate an investigation into a member of President Trump's campaign, then Candidate Trump, was made independent of any knowledge of the dossier?

MR. MCCABE: That's correct.

MR. GOWDY: But in February, someone who is not low ranking at the Department of Justice was meeting with the author of the dossier and being told that Carter Page was meeting with high-level Russians. It just --

MR. MCCABE: In February?

MR. GOWDY: No. This is [REDACTED].

MR. MCCABE: I'm not aware of that meeting. I was not -- obviously, if I'm not aware of it now, I wasn't aware of it on [REDACTED] when we opened the case.

MR. GOWDY: Well, I guess that's why we got to -- we need to talk to Bruce Ohr at some point because I have no reason to question your chronology. If something happens in [REDACTED], you don't find out about it until late [REDACTED], but a DOJ attorney that really doesn't have any jurisdiction in this area that I can determine, is meeting with this source and hearing about Carter Page and hearing that this source that we later relied upon in an affidavit, I think I got this right, is desperate that Donald Trump not get elected.

MR. MCCABE: Yeah, I -- I don't know what to say about that.

MR. GOWDY: You mentioned a long footnote in the FISA application.

MR. MCCABE: Yes, sir.

MR. GOWDY: Do you know whether or not that footnote included the name of the law firm that Christopher Steele was working for?

MR. MCCABE: Yeah, I don't believe it does. I think the footnote refers to the fact that Steele had been hired by -- I think he is referred to as an identified U.S. person. And I think the footnote goes on to refer to the fact that the identified U.S. person was hired by a U.S. law firm. That's the best of my recollection of how it's related in the footnote.

MR. GOWDY: But it could have read Steele was hired by Fusion GPS, which was hired by Perkins Coie, which was retained by the Democratic National Committee and Hillary For America. It could have read that way?

MR. MCCABE: Certainly, we would have known at that point about the identity of Fusion GPS, and likely, the identity of the law firm as well. I would suspect that we probably knew about the connection to the DNC, but I can't confirm that for you.

MR. GOWDY: Why not include that in the application?

MR. MCCABE: I think that just goes to -- I think it's probably just the way that FISA applications are written. This is my -- I'm speculating here, but did not include the identities of U.S. persons when not necessary.

MR. GOWDY: But if you were a neutral and detached arbiter of whether or not to exercise your discretion to do something or not, would it not be of interest to you that the ultimate employer of that source that you are at least 50 percent relying upon was the party other than the party of the nominee's campaign?

MR. MCCABE: Well, I think the footnote does make clear that the source was ultimately hired in an effort to collect negative information on -- I think he is referred to as candidate one -- but on Candidate Trump by a different political effort, if that makes sense. So I don't know that it would be -- it's probably just as -- I don't know that it makes a difference if the -- the source was hired by a

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competing candidate from a different party, or a competing candidate from the same party. It seems like the effort is the same. I don't know if that makes sense.

MR. GOWDY: It does, but in October, it probably wouldn't matter whether it was a competing party or the same party because the primary was over. And there were only two candidates at that point. And the campaign of one of the candidates hired the -- at least by your reading and my reading -- the author of 50 percent of the affidavit.

MR. MCCABE: I certainly understand what you're saying. You know, it's probably worth noting that. I mean, literally, every word of the FISA application, but particularly this one, and particularly that footnote, was very carefully examined, not just by the affiant, but by the several layers of attorneys, both from the FBI, and the Department of Justice who were -- who have a role in approving that package before it goes to the FISA court.

So there's -- there were many sets of eyes, and I would expect legal judgments made about how exactly we had described the, not just the source, but how the source had been hired, and who had hired them, and for what purpose.

So I would expect that those things that you are pointing out were considered in that process and, ultimately, the FISA was signed off on by the Director, and the Deputy Attorney General.

MR. GOWDY: When did you know that the DNC was the ultimate employer of Christopher Steele?

MR. MCCABE: I don't remember when exactly. I can't tell you sitting here today when exactly I knew that. I just don't remember.

MR. GOWDY: Do you remember who told you?

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[REDACTED]

MR. MCCABE: I would expect it was someone from the team, likely in a briefing about, you know, what we were doing and what progress we were making, but I don't know specifically when I learned that.

MR. GOWDY: Having litigated some, when you make a note that this source that we are relying upon is number one, not a concerned citizen; number two, is not an agent of a friendly government. It is actually someone who has been contracted twice laundered --

MR. MCCABE: Uh-huh.

MR. GOWDY: -- by the opposition party. Wouldn't that be something you would say wow, that --

MR. MCCABE: I mean, I think it was certainly relevant to us that he had been contracted by a competing candidate initially, and that ultimately, that contract had been picked up by a competing candidate from the other party. That was definitely relevant to us; one of the factors that we considered in assessing whether or not we believed his reporting.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. GOWDY: Well, you mentioned as Director Comey does from time to time, that the initial retention of Christopher Steele or Fusion GPS was by a Republican firm.

MR. MCCABE: That's my understanding.

MR. GOWDY: How would you have learned that?

MR. MCCABE: In the same way that I just related from a briefing from the

[REDACTED]

team.

MR. GOWDY: But wouldn't you have learned those at the same time since the only person that could have told you would have been the firm?

MR. MCCABE: It's likely that I would have learned that at the same time. If in those briefings we knew both ends of that connection at the same time, which I think likely did, I just can't tell you exactly when that happened.

MR. GOWDY: My friend from California went through a line of questions -- I'm sure we will come back to it -- about the memos that Director Comey -- where he memorialized conversations he had with President Trump.

Do you know whether he memorialized any conversations he had with Attorney General Lynch.

MR. MCCABE: I'm not aware of any memos he made as a result of contact with Attorney General Lynch.

MR. GOWDY: Do you know why he would have gone to great lengths to memorialize conversations with President Trump, but not other important conversations?

MR. MCCABE: I know generally why he memorialized his conversations with President Trump, but I don't know why he -- and if he decided not to do the same thing with the Attorney General.

MR. GOWDY: Why did he do it with President Trump?

MR. MCCABE: He was concerned about the frequency and the nature of his interactions with the President. And I think he felt that these were likely conversations that would be important for him to be able to recollect at some point in the future. And so he captured those recollections contemporaneous with the conversations.

MR. GOWDY: Did he start with the first conversation they had, or did they have a couple of conversations and then he started memorializing them?

MR. MCCABE: My best recollection is that the meeting in January where they briefed -- I'm sorry, the Intelligence Community assessment was their first, I think, meeting, but they may have had other -- I'm not sure, sir, to be perfectly honest. I know that he refers in his memo from the dinner that he had previously spoken to the President about his job, but I don't -- I don't remember clearly when that happened.

MR. GOWDY: I guess what I'm trying to understand is if he was concerned with the frequency of the interaction, but yet, he memorialized the very first interaction, that probably wasn't the reason that he memorialized it because that would have been the first.

So was there some other reason that he felt the need to memorialize or at least make a present sense impression of what he thought the conversation was about?

MR. MCCABE: Well, I think it's what I just related to you. I think he understood the importance of those interactions. I think he figured that they would likely be -- they could lead to issues that would be the subject of interest later, and that he needed to record his recollection of how they had taken place.

MR. GOWDY: Did he or you view President Trump's comments as an attempt to obstruct your ongoing investigation into Michael Flynn?

MR. MCCABE: We were very concerned about his comments about letting the Flynn investigation go. I mean, we certainly interpreted it as, yeah, an effort to end that investigation.

I mean I did, and I believe he agreed with that assessment.

[REDACTED]

MR. GOWDY: I don't know whether you have seen Director Comey's testimony from earlier this year where he told members of our committee -- this will be a paraphrase, but it will be pretty close -- that the senior agents who interviewed Flynn did not detect deception when they interviewed him. Have you seen that? Are you aware of that?

MR. MCCABE: I don't remember his testimony about that. But I remember that -- I remember their impression when they came back from the interview. And that's consistent with what they said when they came back from the interview. They felt like it was not clear to them that he was, you know, lying or dissembling.

MR. GOWDY: Well, if the Director of the FBI said the agents who spent -- just got through interviewing Michael Flynn did not detect deception, that's not the great beginnings of a false statement case to the FBI? It doesn't mean you can't get there, but that's usually not the great beginning when the two people who interviewed him didn't think he was lying?

[REDACTED] Five minutes.

MR. MCCABE: That's correct.

MR. GOWDY: So if Director Comey is operating under that information from agents, if the agents who interviewed Mike Flynn did not think he was lying or did not detect deception -- I want to be fair about what they said -- did not detect deception --

MR. MCCABE: Right.

MR. GOWDY: -- then what would there have been to obstruct? What was the investigation?

MR. MCCABE: Well, the conundrum that we faced on their return from the

[REDACTED]

[REDACTED]

interview is that although they didn't detect deception in the statements that he made in the interview, but the statements were inconsistent with our understanding of the conversation that he had actually had with the ambassador.

MR. GOWDY: Well, would you agree that every factually deficient statement made to a Bureau agent does not qualify as -- for criminal prosecution as a false statement?

MR. MCCABE: Every factually inconsistent statement --

MR. GOWDY: Deficient.

MR. MCCABE: Deficient statement.

MR. GOWDY: You are an FBI agent right now. If I said, hey, look, today is Thursday, and there is a great movie coming on tonight, that's not true. Is that -- does that rise to the level of a false statement to an FBI agent?

MR. MCCABE: No, of course not.

MR. GOWDY: All right. What are the elements of making a false statement to an FBI agent?

MR. MCCABE: It has to be about a material matter, and it's -- I don't want to step on your legal ability.

MR. BAKER: It is asking for a legal conclusion, or a statement.

MR. GOWDY: No, it's not. It's asking for the elements of an offense. We can go look them up. I'm not asking for his conclusion.

MR. BAKER: Based on your recollection.

MR. MCCABE: Based on my recollection and experience, it has to be a false statement about a material matter.

MR. GOWDY: What about the issue of intent?

MR. MCCABE: Of course, intentionally false.

[REDACTED]

[REDACTED]

MR. GOWDY: All right. See what I'm getting at? If Director Comey was told by the senior agents that they did not detect an intent to deceive, then that strikes me that you may have some trouble with one of the elements of the offense.

I'm not trying to play lawyer with you. I'm trying to figure out, there used to be a lot of talk about collusion. Now there's more talk about obstruction of justice.

I'm trying to understand what was being obstructed. If President Trump said, I hope you can see your way clear to letting this go, he's a good man, that is not all that different from what he said about Secretary Clinton after he won. Which is, she's been through a lot. I don't want to see her hurt.

MR. MCCABE: Yeah.

MR. GOWDY: He said that too. Did that -- would that have impacted y'all's willingness to go forward on an investigation, the fact that he said that?

MR. MCCABE: Well, we didn't have an investigation as to whether or not she had been through a lot. We did have an investigation about whether or not -- whether or not General Flynn had made false statements or -- let me check -- check that.

[REDACTED]

[REDACTED]

[REDACTED]

MR. GOWDY: Right.

MR. MCCABE: [REDACTED]

We, after the interview, had his own statements which the interviewing agents took fairly positively. That certainly didn't make the issue any clearer. But we knew that we still had a fair amount of investigation to do.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] And

now, of course, we had this statement issue kind of hanging out there as well. So we felt like we had some work to do.

[REDACTED] One minute.

MR. GOWDY: Was General Flynn initially interviewed as part of a

[REDACTED]

MR. MCCABE: He was interviewed by [REDACTED]

MR. GOWDY: Is there a -- I'm not asking you for a conclusions. Is there a crime that you can imagine that could, in theory, be covered by talking to another ambassador -- an ambassador about sanctions and whether or not they should be responded to or not responded to? Is there at least the predicate for a criminal investigation in that conversation alone?

MR. MCCABE: There certainly could be.

MR. GOWDY: What?

MR. MCCABE: You're asking me hypothetically.

MR. GOWDY: What statute would be in play?

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



MR. GOWDY: I'm with you on all that. I'm not questioning anything you did. My question is: You have already received questions. You are going to receive a lot more about obstruction of justice. I don't know the elements of obstruction of justice. I don't know if there has to be an ongoing criminal inquiry. I don't know if there has to be a predicate for a criminal inquiry.

But if the Director of the FBI had been informed by his senior agents that interviewed him that they did not believe he was being deceptive, I'm trying to understand what it was that could have been obstructed by the President saying: I hope you can see your way clear to letting this go.

MR. BAKER: May I have a moment, Mr. Chairman, just to talk to him?

MR. GOWDY: Sure, you can talk to your lawyer any time you want to.

[Discussion off the record.]

MR. BAKER: Okay.

MR. MCCABE: I'm sorry, what was the question?

MR. GOWDY: I'm not sure I'm going to be able to remember, and I'm out of time.

MR. MCCABE: So if I can just clarify. So he was interviewed by



At the time our focus was on, as I have said a couple of times, [redacted]. I would expect -- and I don't know this for a fact -- but I would expect that what Director Comey was concerned about was an effort to impede or influence us to turn off an investigation into exactly that. So I don't know that the interviewing agents' kind of thumbnail



[REDACTED]

assessment of Flynn's truth and veracity from the interview wasn't dispositive about whether or not we would continue to investigate Mr. Flynn.

MR. GOWDY: All right. I'm out of time. We will come back to it.

MR. SCHIFF: Mr. McCabe, let me just follow up on that if I could. At the time that you interviewed Flynn, it was pursuant to a [REDACTED]

[REDACTED] Is that right?

MR. MCCABE: That's right.

MR. SCHIFF: And I think Director Comey testified that the agents who interviewed him didn't discern physical indications of deception, changes in posture, in tone inflection, or eye contact? Is that your understanding as well?

MR. MCCABE: That's my general recollection, yes.

MR. SCHIFF: Now, you have been in the Bureau for how long?

MR. MCCABE: Twenty-one years.

MR. SCHIFF: And in your experience, are some people very capable liars and others not very good at hiding the truth?

MR. MCCABE: Yes, sir.

MR. SCHIFF: In the case of Mike Flynn -- and tell me if we are not allowed to discuss this here -- you had pretty good reasons [REDACTED]

[REDACTED] at least in part?

MR. MCCABE: Yes, sir.

MR. SCHIFF: And you could compare them to what he was telling the Bureau?

MR. MCCABE: That's correct.

MR. SCHIFF: And in the early part of his interviews, he was denying much of what he had said to the Ambassador, is that accurate?

[REDACTED]

[REDACTED]

MR. MCCABE: That's right. The best of my recollection is, in the

[REDACTED]

[REDACTED]

MR. SCHIFF: So he -- [REDACTED] directly contradicted what you knew to be the truth?

MR. MCCABE: That's correct.

MR. SCHIFF: Now, we know now because Mike Flynn has pled guilty to lying to the FBI.

MR. MCCABE: That's right.

MR. SCHIFF: And owing to the factual basis that was necessary for that plea, that at the time that he spoke to FBI agents and the FBI agents were unable to discern indicia of dishonesty, he was, in fact, being dishonest?

MR. MCCABE: That's apparently the case, yes.

MR. SCHIFF: We also know from Sally Yates' testimony that when she apprised the White House that Mike Flynn may be subject to compromise based on what he has said or caused others to say publicly about [REDACTED] [REDACTED] that she did not communicate to the White House at that time what the Bureau's perception of his honesty during his interview was. Do I remember that testimony correctly?

MR. MCCABE: I don't have a clear recollection of her testimony.

MR. SCHIFF: And do you have any -- well, so if Mike Flynn knew at the time he was lying --

MR. MCCABE: Yes.

MR. SCHIFF: -- even if the agents didn't, are you in a position to tell us whether the President also knew that Mike Flynn was lying?

[REDACTED]

MR. MCCABE: It's certainly possible. I can't -- I don't know that, but it's certainly possible.

MR. SCHIFF: And you wouldn't be able to tell us today whether or when the President learned that Mike Flynn had been interviewed by the FBI?

MR. MCCABE: I cannot tell you that today.

MR. SCHIFF: Or whether the President was concerned that had Flynn lied to the FBI, either with the President's knowledge or without, that it was in the President's interest to see that case go away?

MR. MCCABE: I'm sorry, you lost me about halfway through.

MR. SCHIFF: You wouldn't be able to tell us today, would you, based on the status of the investigation prior to the appointment of Special Counsel whether the President at the time that Flynn was let go and at the time of the President's conversations with Director Comey --

MR. MCCABE: Yes.

MR. SCHIFF: -- you wouldn't be able to tell us as of the time Special Counsel was appointed, whether you were aware if the President knew Flynn had lied to the FBI?

MR. MCCABE: No, sir.

MR. SCHIFF: I want to ask -- follow up with a couple of questions about the FISA application.

MR. MCCABE: Yes.

MR. SCHIFF: I have been on the committee for about a decade. This is the most scrutiny we have ever given to any FISA application. It's more than appropriate for us to scrutinize a FISA application of a U.S. citizen, so there's nothing wrong with that.

MR. MCCABE: Yes, sir.

MR. SCHIFF: But nonetheless, the amount of focus on this particular one suggests to me it is about more than just the fact that it was a FISA application.

So let me ask you this: I think there's a sense in the outside -- outside of this building, that if the FISA application was fraud in any way, then the whole investigation crumbles.

So I want to ask you: What was the role of the FISA application in this investigation? And let me ask it this way: Had the FISA application not been approved by the court, would the investigation have ended?

MR. MCCABE: No, sir. The investigation of Carter Page would have continued without the use of the FISA technique. And certainly, the investigation into Russian influence in the 2016 campaign would have continued.

MR. SCHIFF: And the [REDACTED] would have continued?

MR. MCCABE: Of course.

MR. SCHIFF: And the investigation of Flynn would have continued?

MR. MCCABE: That's correct.

MR. SCHIFF: And the investigation of Papadopoulos would have continued?

MR. MCCABE: Yes.

MR. SCHIFF: So all that would happen even if the court had turned it down?

MR. MCCABE: That's correct.

MR. SCHIFF: So if the information about Fusion GPS and an attorney, and the Democratic Party and the Washington Free Beacon, and all of that had been in the FISA application and had been turned down, the investigation would

[REDACTED]

have gone on?

MR. MCCABE: That's right. FISA is one investigative technique. We had dually predicated cases against the individuals you mentioned. We were going to investigate those cases with whatever techniques were at our fingertips. Had we decided not to pursue FISA, or had the FISA been turned down, we would have continued investigating without it.

MR. SCHIFF: If you had credible allegations that a U.S. person was essentially acting as a foreign agent of an adversarial power, would it be negligent of the FBI not to investigate that?

MR. MCCABE: Yes.

MR. SCHIFF: In this case, [REDACTED]

[REDACTED]

Correct?

MR. MCCABE: That's correct.

MR. SCHIFF: You also [REDACTED]

[REDACTED] Is that also true?

MR. MCCABE: That's correct.

MR. SCHIFF: So you apply for the FISA application. The FISA application is granted. [REDACTED] did you learn that Carter Page had

[REDACTED]

MR. MCCABE: That's our assessment, yes.

MR. SCHIFF: And it's also your assessment that [REDACTED]

[REDACTED]

[REDACTED] Is that true as well?

MR. MCCABE: That is true.

[REDACTED]

MR. SCHIFF: And as a result of the FISA, you learned that -- and other

[REDACTED]

MR. MCCABE: That's correct.

MR. SCHIFF: And in fact, as a result of your investigation and the FISA,

[REDACTED]

MR. MCCABE: That's right.

MR. SCHIFF: And in fact, Mr. Steele [REDACTED]

[REDACTED]

MR. MCCABE: He did.

MR. SCHIFF: And so if we were interested in confirming what part of the dossier is true and what part is not true, the FISA application has actually helped, has it not?

MR. MCCABE: It has.

MR. SCHIFF: Now, let me ask you about, if I could, the role of the Steele dossier because I think there's a similar theory outside the building that if the Steele dossier can be discredited, the whole investigation goes away or can be discredited.

You've already testified that the investigation began not because of the Steele dossier, but because of the information about George Papadopoulos. Is that right?

[REDACTED]

[REDACTED]

MR. MCCABE: That's correct.

MR. SCHIFF: So let's say that you never received the Steele dossier.
Would you still have [REDACTED]

MR. MCCABE: Yes. We opened the [REDACTED] case before we had the dossier.

MR. SCHIFF: And would you still have investigated Mike Flynn?

MR. MCCABE: Yes.

MR. SCHIFF: Given that some of the information in the dossier has been corroborated in part by the FISA, but through other investigative means as well, would it be negligent not to try to determine how much else of the dossier was accurate?

MR. MCCABE: It would be negligent not to determine that. That's correct.

MR. SCHIFF: Did you ever accept the dossier as the last word? In other words, you were going to rely on this and no further investigation necessary?

MR. MCCABE: No, sir.

MR. SCHIFF: Let me go back to where I had left off in terms of the interactions that the Director had with the President. He also testified about a March 30th meeting and said: On the morning of March 30th, the President called me at the FBI. He described the Russian investigation as a cloud that was impairing his ability to act on behalf of the country. He said he had nothing to do with Russia.

At the time that he said that he had nothing to do with Russia, was the FBI aware that during the campaign his organization had been seeking to do business with Russia and build a Trump Tower in Russia?

[REDACTED]

[REDACTED]

MR. MCCABE: I don't know the answer to that. So, March 30th did we know --

MR. SCHIFF: Did you know at the time the President told the Director of the FBI that he had nothing to do with Russia that, in fact, the previous year -- part of the previous year, 2 years, the President had been pursuing the building of a Trump Tower in Moscow?

MR. MCCABE: I did not know that at the time.

MR. SCHIFF: Returning to Director Comey's testimony. He said he had nothing to do with Russia. He had not been involved with hookers in Russia, and always assumed he was being recorded when in Russia. He asked what we could do to, quote, "lift the cloud." I responded that we were investigating the matter as quickly as we could and that there would be great benefit if we didn't find anything to our having done the work well. He agreed, but then reemphasized the problem this was causing him.

The President went on to say that if there was some satellite associates of his who did something wrong, it would be good to find that out, but that he hadn't done anything wrong and hoped I would find a way to get it out that we weren't investigating him.

Did you also have a meeting or discussion on the phone with Director Comey after the March 30th meeting where he discussed what took place during that meeting?

MR. MCCABE: Yes, sir.

MR. SCHIFF: Was that a phone conversation as well?

MR. MCCABE: The best of my recollection is we probably discussed it in person. I think Director Comey was in his office for that phone call.

[REDACTED]

MR. SCHIFF: Were you present during the call?

MR. MCCABE: No, sir.

MR. SCHIFF: Do you know whether other agents were in the room with him and could at least listen to his half of the conversation?

MR. MCCABE: I know that for one of the phone calls the Director's chief of staff, Jim Rybicki was in the room while the Director was on the phone call. I'm not sure if it was that call. I know there was one other phone call. I'm confused as to which one that happened.

MR. SCHIFF: Did -- well, let me continue then. I will ask you about other parts of it.

The Director goes on to say: In an abrupt shift, he turned the conversation to FBI Deputy Director Andrew McCabe saying that he hadn't brought up, quote, "the McCabe thing" because I had said McCabe is honorable, though McAuliffe was close to the Clintons and had given him (I think he meant Deputy Director McCabe's wife) campaign money, although I didn't understand why the President was bringing this up. I repeated that Mr. McCabe was an honorable person.

When you discussed this, did the Director mention this in his conversation with you as well?

MR. MCCABE: He did. It was not the first time that the President had raised me with the Director.

MR. SCHIFF: And did the Director have any understanding of why he thought the President was bringing this up?

MR. MCCABE: Understanding is probably not the right characterization. Our concern was that he was bringing it up as some sort of an almost a veiled threat.

[REDACTED]

MR. SCHIFF: That if the Director didn't lift the cloud of the Russian investigation, that he would take action against you?

MR. MCCABE: That's correct. That was my concern, and as I understand it, that was Director Comey's concern as well.

MR. SCHIFF: Director Comey continued saying: He finished by stressing the cloud that was interfering with his ability to make deals for the country, and said he hoped I could find a way to get out that he wasn't being investigated. I told him I would see what we could do and that we would do our investigative work well and as quickly as we could.

Immediately after that conversation I called Acting Deputy Attorney General Dana Boente, AG Sessions had by then recused himself on all Russia-related matters, to report the substance of the call from the President and said I would await his guidance. I did not hear back from him before the President called me again, 2 weeks later.

Is that consistent with what he related to you contemporaneous with the meeting or soon thereafter?

MR. MCCABE: Yes, with the phone call. It was a phone call between he and the President; not a meeting.

MR. SCHIFF: And did Director Comey tell you what he thought the President meant by "lift the cloud"?

MR. MCCABE: Yeah, I mean, I think Director Comey's impression was that the President was still quite frustrated with the fact that we were continuing our investigative efforts into the -- into the campaign and Russia issues.

MR. SCHIFF: And did the Director communicate that the President essentially wanted him to absolve him publicly?

[REDACTED]

[REDACTED]

MR. MCCABE: Yes. The President was interested in the Director making some sort of a public statement that the President was not under investigation.

MR. SCHIFF: Another conversation took place on April 11, 2017. Director Comey testified: "On the morning of April 11 the President called me and asked what I had done about his request that I get out that he is not personally under investigation. I replied that I'd passed this request to the Acting Deputy Attorney General, but I had not heard back. He replied that the cloud was getting in the way of his ability to do his job. He said that perhaps he would have his people reach out to the Acting Deputy Attorney General. I said that was the way his request should be handled. I said the White House counsel should contact the leadership of DOJ to make the request, which was the traditional channel. He said he would do that and added, quote, "because I have been very loyal to you, very loyal. We had that thing, you know." I did not reply or ask him what he meant by that thing.

I said only that the way to handle it was to have the White House counsel call the Acting Deputy Attorney General. He said that was what he would do, and the call ended. That was last time I spoke with President Trump.

MR. GOWDY: Adam, I don't want to interrupt you, but we don't have Director Comey's memos. We thought they were read and return.

MR. SCHIFF: This isn't his memo. This is his testimony. This is his written testimony.

MR. GOWDY: So that is not from his memo. It's from the testimony.

MR. SCHIFF: That is from the testimony. Is that correct?

[REDACTED] The June 8 written testimony to the Senate Select Committee on Intelligence.

[REDACTED]

MR. SCHIFF: So this is what he presented to Committee before he began his oral testimony.

MR. GOWDY: Okay, fair enough. Thanks.

MR. SCHIFF: I can assure you, they haven't given us the memos any more than they have given them to you.

MR. GOWDY: I thought they were read and return. And I would like to have them.

MR. SCHIFF: Yeah, I would too.

So did the Director also share this conversation with you?

MR. MCCABE: He did.

MR. SCHIFF: And what was his, as you can recall from your conversation rather than his testimony, what did he have to say in terms of the President's comments that "I have been very loyal to you, very loyal. We had that thing, you know."

What did the Director tell you he took from that?

MR. MCCABE: He was concerned. He was concerned that the President was still focused on and frustrated by our investigative efforts; the President was really insisting that the Director make some sort of a public statement that, of course, the Director was not comfortable making; and the reference to "that thing," we weren't 100 percent sure what that was. But Director Comey was, you know, interpreted it the same way that we had interpreted the prior comments about me and my wife. That it was some sort of -- it could be some sort of a, you know, a veiled threat.

MR. SCHIFF: And in this case the veiled threat would be against Director Comey?

MR. MCCABE: That's correct.

MR. SCHIFF: Along the lines of, I, the President, have been very loyal to you. I want you to lift the cloud. Otherwise, I might be less loyal to you. Is that the --

MR. MCCABE: That's correct.

MR. SCHIFF: That was the impression of Director Comey?

MR. MCCABE: It was and it was my impression.

MR. SCHIFF: On May 9th, as you know, James Comey was relieved of his role as Director of the FBI. On May 10th, during a meeting with the Russian Foreign Minister Sergey Lavrov and Russian Ambassador Kislyak, the President reportedly said: I just fired the head of the FBI. He was crazy, a real nut job. I faced great pressure because of Russia. That's taken off. Mr. Trump added: I'm not under investigation.

What do you know, if anything, about that meeting that the President had with Sergey Lavrov and Ambassador Kislyak?

MR. MCCABE: I only know what I read in the news reports.

MR. SCHIFF: Were you made aware of the memos that Attorney General Sessions and Deputy Attorney General Rosenstein wrote concerning Comey's firing before they were made public?

MR. MCCABE: That's a good question. So this is on May 9th. I became aware of Director Comey's firing when I was called out of my close-out meeting at the end of the day, probably 5:15 p.m., and I received a message that the Attorney General wanted to see me in his office.

So I went across the street. At that point I did not know that the Director had been fired. And we had not -- well, the memos had been dropped off at

the -- at FBI headquarters, but nobody -- they were kind of dropped off in an odd way, and so we the folks who received them didn't realize what they had, and they hadn't made their way upstairs to my office or the Director's office.

So I went across the street. I talked to the Attorney General, and he informed me that the Director had been fired and that I would need to serve as the Acting Director for some period of time. By the time I got back to my office, it was being widely reported on the news. Someone came into my conference room. I was with my leadership team, and informed us that someone had left a letter at SIOC, and that was when I realize what it likely was. We retrieved it from SIOC, and that's when we learned about the memorandum.

MR. BAKER: What is SIOC?

MR. MCCABE: I'm sorry, SIOC is our intake office for FBI headquarters, it's Strategic Information Operation Center.

[6:05 p.m.]

MR. SCHIFF: So you only read the memos that the deputy attorney general and the Attorney General had prepared after you learned of the firing?

MR. MCCABE: That's correct.

MR. SCHIFF: Did either of them, the Attorney General or deputy attorney general, discuss with you before the firing their intention to fire or the President's intention to fire Director Comey or the basis that they would provide the President to fire Director Comey?

MR. MCCABE: Absolutely not.

MR. SCHIFF: So the whole thing took you and the director --

MR. MCCABE: Completely by surprise.

MR. SCHIFF: -- by surprise.

MR. MCCABE: Completely by surprise, yes.

MR. SCHIFF: So who was it who informed you, again, that the Director had been fired?

MR. MCCABE: Attorney General Sessions.

MR. SCHIFF: And what did Attorney General Sessions tell you at that time was the reason that Director Comey was being fired?

MR. MCCABE: He said to me, I don't know if you've heard, but we've had to fire the Director of the FBI.

MR. SCHIFF: And what did he tell you about why the Director of the FBI was being fired?

MR. MCCABE: I guess it seems odd now in retrospect, but he didn't really say. Our conversation was very brief. I was, you know, surprised, to say the

least.

I think he said that the President had decided to fire the Director. And he immediately went into talking to me about serving as the Acting Director. He made clear that it might not be for very long, that they might appoint an interim Director to cover the period of time until a permanent Director was selected and confirmed.

He asked me if I had any questions. I said, yes, I had a lot of questions, but I was not prepared to ask them at that moment. And that was it. I left.

MR. SCHIFF: So you didn't ask him at that time why Comey had been fired?

MR. MCCABE: I didn't.

MR. SCHIFF: And he didn't offer an explanation for it?

MR. MCCABE: No, sir.

MR. SCHIFF: So he didn't discuss with you the justification that Comey, he believed, had mishandled the Clinton investigation?

MR. MCCABE: I don't remember that from our conversation.

MR. SCHIFF: And I take it he didn't discuss anything about the Russia investigation in the context of the firing?

MR. MCCABE: Not that I recall.

MR. SCHIFF: On June 8th, Director Comey, in his testimony before the SSCI, stated, "It's my judgment that I was fired because of the Russia investigation. I was fired in some way to change -- or the endeavor was to change the way the Russia investigation was being conducted."

Is that your assessment as well?

MR. MCCABE: Yes, sir.

MR. SCHIFF: And why do you assess that the reason that he was fired was to change the way the Russia investigation was being conducted?

MR. MCCABE: Well, I mean, it's, you know, it's probably an amalgam of many reasons that led up to that point. The fact that the President had communicated to Director Comey on many occasions that he was frustrated with the Russia investigation, that it was creating a cloud over his Presidency, that he was frustrated by our failure to kind of announce to the world that he was not the subject of investigation, by his desire to end the investigative activity into General Flynn, combined with the -- his overall public comments over the weeks leading up to the firing, referring to the investigation as a witch hunt, and in terms that clearly indicated he didn't think much of it.

And then of course the comments that he made after the firing, in which he stated during an interview that he was thinking of the Russia investigation when he fired the Director.

I would say all those things for me add to my assessment that that's in fact why he fired the Director.

MR. SCHIFF: Did you ever learn why the Attorney General and deputy attorney general wrote memos that may have served as a pretext for the firing of Director Comey in the sense that it didn't talk about the Russia investigation but rather about his handling of the Clinton investigation?

MR. MCCABE: I learned about some of the conversations that took place around the request by the President to the Deputy Attorney General to draft a memo about the firing.

MR. SCHIFF: And when you say you learned about it, did you learn about it from reading about it in the press or did people communicate with you about

those conversations?

MR. MCCABE: People communicated to me about it.

MR. SCHIFF: And who communicated this to you?

MR. MCCABE: The deputy attorney general.

MR. SCHIFF: And what did he tell you?

MR. MCCABE: He related to me essentially the series of events that had taken place in which he went to the White House.

MR. BAKER: If we could just have a moment, sir.

[Discussion off the record.]

MR. MCCABE: Okay. So I am being informed by counsel that I do not have clearance to discuss conversations between the President and other people.

Is that right?

MR. BAKER: That is what Scott's informed me, yes.

MR. SCHIFF: Well, we will take up that issue and may need to have you back. This has been a continuing problem. But let me try to ask it in a way you can answer it. Did the

Did the deputy attorney general tell you that Director Comey was fired because of his handling of the Clinton email investigation or because of the Russia investigation?

MR. MCCABE: The deputy attorney general told me that he wrote the memorandum justifying the firing of Director Comey, and that he did not need to include information about Russia in that memo.

MR. SCHIFF: And did the deputy attorney general tell you whether he knew that the decision to fire Director Comey had been made prior to his writing the memo or only after his writing the memo?

MR. MCCABE: So I am being informed by my counsel from the Department that the only way that the deputy attorney general would know that would have been based upon his communications with the President, and I do not have clearance to relate that information.

MR. SCHIFF: Did the deputy attorney general tell you whether he believed that his memo was being used as a pretext to fire James Comey when the reason for the firing lay elsewhere?

MR. MCCABE: I am being told that's the same question.

MR. SCHIFF: Not the same question, but it may be the same answer. I'll yield back.

MR. STEWART: Thank you.

I have a couple things I want to follow up on to questions that you have been asked previously and answered. And I just want to make sure I understand them and that there is clarity with it. And they are really quite simple, I think maybe even yes-no questions.

Did the FISA court, when it was first presented with the Steele dossier, which is where I am going to concentrate my questions because it is one of the more troubling aspects of this whole episode to me, did the FISA court know of the identities of the person who was paying and had hired Mr. Steele at the time that they made the decision whether to grant the FISA action?

MR. MCCABE: To the best of my understanding, the FISA application does not contain the identities. It merely identifies those people as an identified U.S. person or --

MR. STEWART: Okay. That's what I understood. And I got to tell you, it's my own opinion, that's astounding to me, that that would have been left out of

[REDACTED]

that FISA application. That it would have been not only with clarity, but it would seem to me that that fact was obscured in the FISA application.

Someone made the decision along the line to do that. Someone in that editing process of that page and a half footnote that you talked about has said we're not going to tell them that this is paid for by Fusion GPS through a law firm by the DNC and HRC campaign. Do you know who made that decision?

MR. MCCABE: I don't. I don't know that that decision was made, and so I don't know who could have made that decision.

MR. STEWART: Well, at some point the decision was made because it was written in such a way that that was not included.

MR. MCCABE: I don't know that that's any different from how these issues are typically addressed in FISA packages. I think the general practice is to not include the true identity of U.S. persons.

MR. STEWART: But I can understand if it's not relevant to the case or to the integrity of the decision the FISA courts have to make. But it seems to me that this would be. But putting that aside, maybe we just disagree on that.

Let me ask you just your appraisal of the Steele dossier, if you could. Do you believe that it reached a standard of credibility that was required for an FBI investigation or to initiate a FISA request?

MR. MCCABE: I think that the Steele reporting is sufficiently credible to be included with other information in a FISA package, as it was.

MR. STEWART: So you are confident of its contents?

MR. MCCABE: I know -- I will not sit here and tell you that I can vouch for all the content of the Steele reporting. [REDACTED]

[REDACTED]. We can't prove

[REDACTED]

[REDACTED]

all of it. We can't disprove all of it. I don't know that we've disproved any of it.

But nevertheless, with appropriate caveats, as we tried to do with that footnote, I think it was appropriate to put it in the FISA package.

MR. STEWART: So I want to come back to a couple questions. But since you went in that direction, let me follow up with that, if you could.

Mr. Gowdy had some questions for you where he was essentially asking -- and I am paraphrasing and I think you'll know -- your efforts to corroborate the dossier and some of the facts. And he asked you for an example of facts that you were able to corroborate.

And in your answer you said, for example, that [REDACTED]

[REDACTED]

Help me understand your appraisal of the dossier by telling me what you think is the most damaging or damning or important piece of evidence that's contained in the dossier that you now know is true.

MR. MCCABE: Well, as I tried to explain before, there is a lot of information in the Steele reporting. We have not been able to prove the accuracy of all the information.

MR. STEWART: Okay. So what is one that you have been able to --

MR. MCCABE: Sir, I'm not the right person to ask in terms to parse out every fact in the Steele reporting.

MR. STEWART: How come?

MR. MCCABE: Because I am not involved in the reporting and the investigative activity that takes place.

MR. STEWART: But you --

MR. MCCABE: I've indicated where we have recorded that activity.

[REDACTED]

MR. STEWART: But you said you consider it credible.

MR. MCCABE: Yes.

MR. STEWART: And so I am asking you, tell me something credible in that report that's important.

MR. MCCABE: I have already stated that we assess that Carter Page

[REDACTED]

[REDACTED]

[REDACTED] --

MR. STEWART: How do you know that that's true?

MR. MCCABE: As I said, sir, it's an assessment based on other information that's come to us.

MR. STEWART: Do you know it's true or is that just your best guess?

MR. MCCABE: It's an assessment.

MR. STEWART: And help me understand what an assessment is.

MR. MCCABE: That's our educated guess based on evidence.

MR. STEWART: So it's your best guess. You don't know if it's true or not.

MR. MCCABE: That's correct.

MR. STEWART: Okay. I am going to ask the question one more time, because I think it's important for you to be able to answer this. Tell me the most damaging thing that you know of in this dossier that you have been able to verify is true. The most -- the thing that strengthens --

MR. MCCABE: Sir, I can't answer that question off the top of my head.

MR. STEWART: -- the thing that strengthens your ability to go before the FISA court and say, we want to open this investigation based on this piece of information.

MR. MCCABE: Sir, I can't give you that kind of detail off the top of my head. I would be happy to go back and take another look at the report and answer your question.

MR. STEWART: I've got to tell you, I think that's a -- I don't think that's a detail. I think that's a very important piece of information.

This dossier is one of the fundamental pieces of evidence that you presented before the FISA court. It seems to me that you would be able to tell me something in there that was substantial that you knew was true that you could say to the FISA court, so this is why we are asking you to do this.

MR. MCCABE: Yeah. So as you know, I was not the affiant on the package. I think there are probably other witnesses who could answer your question in more granularity.

MR. STEWART: Did you sign any of the FISA?

MR. MCCABE: I authorized, I think, the last -- the last reauthorization.

MR. STEWART: Did that include the dossier as part of that application?

MR. MCCABE: It did.

MR. STEWART: So you are signing that saying that you are authenticating that this is true.

MR. BAKER: If I could have a moment.

MR. MCCABE: So, sir, I am signing the approval for the FBI, which is relying on the facts as related by the affiant and the process that we have in place to corroborate those facts and to record the information behind each one of those facts.

MR. STEWART: Okay. So you wouldn't sign that, though, if you didn't believe in the veracity of what you were presenting to the court.

MR. MCCABE: I believe in the statements as related by the affiant. And part of my belief is founded upon the process that I know the investigators and the affiant have to go through not just in putting the package together, but of course conducting the investigation.

MR. STEWART: And who is the affiant in this case?

MR. MCCABE: I don't remember. I think you have the FISA package, though.

MR. STEWART: I want to go back to what you said about your efforts to verify the information here. And I got to tell you, I just can't -- I can't believe that you can't answer that question. I just -- that's just astounding to me. But I will put that aside.

Tell me about your efforts to substantiate the source or the subsources of this dossier.

MR. MCCABE: Yeah. So we have conducted significant investigation along those lines.

MR. STEWART: And who have you talked with? Were you able to talk to any of the sources?

MR. MCCABE: Yes, sir.

MR. STEWART: Were you able to talk to some --

MR. BAKER: Can you just clarify? When you say we, I want to be clear, what did you personally do versus what did the FBI do?

MR. MCCABE: Yeah. I am speaking on behalf of the FBI.

MR. BAKER: Please be clear.

MR. MCCABE: I am sorry about that. So I have not interviewed any of the sources. I have not done that investigative -- taken those investigative steps

myself. I have been briefed by the teams the results of their efforts.

MR. STEWART: We have some discrepancies, and maybe it's a matter of a timeline, but as of October 31st, which was 4 or 5 weeks ago, there was described at that time that none of the sources or subsources had been verified. That was by Mr. -- yeah, Priestap. I want to pronounce his name correctly.

So at that point they had not verified any of them. Can you describe to us who you have been able to verify and what elements of that dossier have been verified since?

MR. MCCABE: I can't give you that level of detail here tonight, sir.

MR. STEWART: What do you think when Mr. Comey describes the dossier as unsubstantiated? How do you respond to that?

MR. MCCABE: I am sorry, what was the --

MR. STEWART: Mr. Comey has described the dossier as salacious and unsubstantiated. Was he wrong in describing it that way?

MR. MCCABE: I don't remember when he described it that way.

MR. STEWART: It was this summer, June.

MR. MCCABE: Is that the description that he when he discussed --

MR. STEWART: Unverified.

MR. MCCABE: I'm sorry?

MR. STEWART: Unverified and salacious. Maybe I said unsubstantiated before. If I did --

MR. MCCABE: I can't speak to why he referred to it that way.

MR. STEWART: Okay. Well, it's interesting that he considered it unverified.

MR. MCCABE: Director Comey was very familiar with the Steele reporting

[REDACTED]

and was involved in not only our assessments that led to its inclusion in the FISA package, but also how we broached the issue of including it in the Intelligence Community assessment.

MR. STEWART: Why would he describe it as unverified?

MR. MCCABE: I don't know.

MR. STEWART: How much time have I taken?

[REDACTED] There is still 15 minutes left.

MR. STEWART: Okay. And Mr. Gowdy, you want to take time, I suppose.

MR. GOWDY: I want you and Mr. Hurd to take all the time you want, because I am sure Mr. Schiff and I will be here later than you all.

MR. STEWART: I would like to come back to some of these things, but I will yield to -- go ahead, Mr. Hurd.

MR. HURD: Deputy Director, thanks for being here. You have a hard ass job. I get it. I spent 9-1/2 years as an undercover officer in the CIA. I had the opportunity to serve alongside many of your legats, some of the finest people I know. I had the opportunity to work shoulder to shoulder with these folks [REDACTED] [REDACTED] as well, and worked with [REDACTED]. So I am actually a fan of the organization.

And I have some procedural questions. Is it common to use uncorroborated information that is based on unknown subsources to ask for a FISA request or a FISA warrant? Uncorroborated intel and unknown subsourcing, is that a common practice?

MR. MCCABE: I can't speak to whether or not it's common. I don't -- I wouldn't characterize the Steele reporting as completely uncorroborated. There

[REDACTED]

[REDACTED]

were certainly aspects of the reporting that we were able to corroborate. But as I said earlier, I think accurately caveated and described to the court, it is merely information you make available to the court and they can place whatever emphasis or discretion they have on it.

MR. HURD: I have been unable to read the footnote. So I apologize for asking ignorant questions. Was influence as well as inform one of the caveats in the footnote?

MR. MCCABE: I don't remember that.

MR. HURD: The original intelligence that we received from a [REDACTED] [REDACTED] about Papadopoulos, was influence and inform a potential disclaimer in that initial reporting source to your understanding?

MR. MCCABE: I don't remember that.

MR. HURD: Did the [REDACTED] directly approach the legat or was that information that went through [REDACTED] and then got passed to the legat?

MR. MCCABE: My understanding is they approached the State Department, and the State Department passed it to the legat.

MR. HURD: Why did the legat in [REDACTED] take 3 months to report the information to headquarters?

MR. MCCABE: He, as I understand, wasn't sure where to report that information, and he made some efforts to report it back to his field office, and then to the Criminal Division at headquarters, none of whom were aware of the existence of the team investigating the political influence matters. And so it took him some time to get it to the right place.

MR. HURD: Is it a common practice in the FBI to not ask -- I know this is a

[REDACTED]

weird double negative -- to not ask sources about their additional sources of income?

MR. MCCABE: To not ask --

MR. HURD: So you're running sources. Is it common practice to understand where their source of income is as an issue of motivation or potential future vulnerability?

MR. MCCABE: It's certainly possible, certainly relevant.

MR. HURD: So is it common to not gather that information?

MR. MCCABE: I can't speak to how common it is to not do something.

MR. HURD: So would Christopher Steele, in his previous -- it was known to the FBI that he had plenty of contacts with the press and had worked with the press on numerous occasions. Is that correct?

MR. MCCABE: No, I don't think that's correct.

MR. HURD: Okay.

MR. MCCABE: I think our -- in fact, I think our assessment of the Steele reporting ending up in the hands of members of the press was that it was likely being shared by the people that had contracted the reporting.

MR. HURD: Gotcha.

MR. MCCABE: According to Steele, he provided the reporting only to the individual who contracted it and then to us.

MR. HURD: So in the acquisition chain of the information it was clearly documented that this information was originally collected for someone else and they were sharing this. He was additionally sharing this to the FBI.

MR. MCCABE: That's my understanding.

MR. HURD: And is it your understanding that when he was sharing that

information, whether the original source that he collected it for knew that he was also sharing it with the FBI?

MR. MCCABE: That's a good question. I don't know the answer to that, although I do know that he was ultimately -- source relationship was terminated because he shared the fact -- because he exposed the relationship to others. But I don't know if that exposure is the one that led to the termination.

MR. HURD: Gotcha. And I want to make sure I am clear. You, in a question of my colleague Mr. Stewart, you implied that the Steele dossier, the information from the Steele dossier alone would not have been enough to get a FISA -- go to the FISA court. Because you said the information from the Steele dossier, along with other information, is what led you to take this to -- led the FBI to take this to the FISC court. So is the implication that that information alone was not enough to go to a FISA court?

MR. MCCABE: Let me be clear. I don't want to rely on implication. My position is that anything less than the package that went to the FISA court would not have been enough. We put in that information that we thought was necessary.

MR. HURD: Gotcha. I will yield back to my colleague.

MR. STEWART: I will just follow up -- thank you -- I will just follow up with two questions, and it is along the same lines.

Would you say that the veracity of the dossier is more or less credible than most of the evidence that you have presented before the FISA courts?

MR. MCCABE: I couldn't possibly make that assessment for you. I don't -- I can't characterize the veracity of all the evidence that we have ever put in front of the FISA court.

[REDACTED]

MR. STEWART: I don't understand why. I mean, some evidence is stronger, some is not. You couldn't venture an opinion on whether this is stronger evidence or less strong than others?

MR. MCCABE: No, sir.

MR. STEWART: Okay. Let me ask it this way. Are you aware of any other evidence presented to the FISA courts that has been described as unverified and salacious by the Director of the FBI?

MR. MCCABE: I am not aware of evidence presented to the FISA court that's been described in that way.

MR. STEWART: Okay. Would that indicate to you that the Director believes this evidence was less -- had less credibility than some of the other evidence usually put before the courts?

MR. MCCABE: I think probably the way that we handled the Steele reporting in the ICA is instructive to that point. We did not believe that the information in the Steele reporting was to the same level of credibility and trustworthiness as the rest of the intelligence that went into the assessment, which is why it's handled and referred to in an appendix and not in the main body of the report.

However, [REDACTED]

[REDACTED] It was certainly relevant to the same tasking that we had received from the President. And we also felt that the information was likely going to be widely available because it seemed to be all over town, that it was something that the President and the President-elect should know about.

MR. STEWART: Last question, going back to something you said earlier. You said you don't remember when you found out when that it was Mr. Steele who

[REDACTED]

had been -- and that he had been paid by the DNC. Is that true? You don't remember when that information --

MR. MCCABE: I do not.

MR. STEWART: Do you remember -- did you know that -- the DNC essentially was the source of funding for this dossier. Did you know that when you signed the document to present this to the FISA court?

MR. MCCABE: I don't know the answer to that.

MR. STEWART: Okay. Mr. Hurd.

MR. HURD: You have alluded to a [REDACTED] on you all's analysis of what has been corroborated with the Steele dossier.

MR. MCCABE: Yes.

MR. HURD: Is that a document that you would provide access to this committee? I know it's probably a working document, and we would recognize it's up to a certain point --

MR. MCCABE: Right.

MR. HURD: -- and it may not be a complete review. But is that something that we would be able to have access to and review?

MR. MCCABE: It's my understanding that they are going through the process of making that available now.

MR. HURD: Because I think some of the question is the veracity of some of the dossier information. And there has been conflicting information from the work that this committee is doing. And so I think that, as the repository of you all's understanding of this, would be insightful for this committee.

MR. MCCABE: I agree. It's a document definitely relevant to your work, and it's one that we're trying to make available to the committee now.



MR. HURD: Gotcha.

MR. MCCABE: Yep.

MR. HURD: So is it something you are working on in retrospect or is it something that's already been completed?

MR. MCCABE: No, it's something that we worked on up until the point that we kind of handed off the matter to the special counsel's office. So it's a bit of a snapshot in time. It will freeze in the beginning of May.

MR. HURD: Sure. Snapshot in time is -- it's good for us. So thank you, sir.

MR. MCCABE: Yep.

MR. HURD: And I yield back to my colleague.

MR. CONAWAY: This may have already been asked, but you said the FISA on Carter Page was based in the dossier and previous information you had about him in your files existing.

MR. MCCABE: Yes, sir.

MR. CONAWAY: From our understanding, [REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: To the best of my recollection, sir, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. CONAWAY: So was his interaction delivering pizza or was it just -- I



[REDACTED]

mean, was it something germane to the charge?

MR. MCCABE: No, sir, [REDACTED]

[REDACTED]

MR. CONAWAY: [REDACTED]

MR. MCCABE: I don't know enough about that underlying case to opine on whether he was or not.

MR. CONAWAY: I got you. Thanks.

MR. MCCABE: He clearly wasn't charged, so that tells you something.

MR. CONAWAY: I guess in my head I am thinking obviously the Bureau keeps things forever. And I didn't know how -- that answer is you didn't charge him with anything, you didn't follow up, you didn't find him to be a problem, and yet 2 years later, 3 years later, because of that previous interaction, he is already -- you feel like that's enough to move forward on this on an otherwise innocent American citizen.

MR. MCCABE: He is a guy who definitely caused us concern, right? We interviewed him probably, I want to say, at least two times during the course of those -- of that prior investigative activity.

How they sized him up at that time I can't say exactly, but I do believe that

[REDACTED]

[REDACTED]

MR. CONAWAY: Okay. I got you. I appreciate that. Thanks.

MR. MCCABE: Sure.

MR. STEWART: I don't want to monopolize everyone's time, but thank you for letting me take just a few more minutes, Mr. Gowdy and Chairman.

In the footnotes that we have talked about quite extensively here, it's my

[REDACTED]

[REDACTED]

understanding that it refers to a law firm, not a specific firm, but a law firm itself. It also says a named U.S. person. But is it your understanding that it does mention a U.S. political party or it does not mention a U.S. political party?

MR. MCCABE: I don't remember that it mentions a political party. I think what it says is that it was -- it was originally contracted for a political opponent. Is that right? It refers to the fact that it was essentially produced by someone who is a political opponent.

MR. STEWART: Can you describe your role in the decision to brief the summary of the dossier to President-elect Trump?

MR. MCCABE: Can I describe my role in that?

MR. STEWART: In that decision.

MR. MCCABE: Well, I participated in conversations in the consideration of how to handle the Steele reporting with respect to the ICA. And ultimately it ended up being included in attachment A rather than in the main body of the report.

MR. STEWART: Why was it included as an attachment? Do you know?

MR. MCCABE: It was included in as an attachment --

MR. STEWART: Rather than in the body.

MR. MCCABE: Because we saw it differently, and I think the rest of the IC saw it differently than the intelligence that was included in the report.

MR. STEWART: Differently as in less credible?

MR. MCCABE: I think yes, we were not as confident about its credibility as we were with the other intelligence that we included in the report, largely based on the fact that it was derived from subsources who we had yet to identify.

MR. STEWART: Would you describe yourself as more comfortable with

[REDACTED]

[REDACTED]

the dossier than you were at that time?

MR. MCCABE: I'm sorry?

MR. STEWART: Are you more comfortable with the credibility of the dossier than you were at this time when it was included in annex A --

MR. MCCABE: You mean, am I more comfortable with the credibility today than I was when?

MR. STEWART: Yes. Do you think it's more credible now than you believed it was at that time?

MR. MCCABE: I think that our folks have done a fair amount of work on trying to track down and vet the information in the Steele reporting since the time --

MR. STEWART: Has that work made you more comfortable and more believing in its credibility?

MR. MCCABE: I think generally, yes, but I can't speak to the specifics. I understand the amount of work that we have placed and the [REDACTED]

[REDACTED]

MR. STEWART: Let me ask you to follow up on that. What do you know now -- because you just said you are more comfortable in its credibility -- what have you learned that made you more comfortable, more believing of its credibility now that you didn't know now because of the hard work of your agents?

MR. MCCABE: I think that our folks have done a solid job in shedding light [REDACTED]. And I think that that work has not exposed any weaknesses or failures in the reporting.

MR. STEWART: So can you give me an example of --

MR. MCCABE: I cannot, sir. I'll have to rely on the [REDACTED] and other witnesses to do that for you.

[REDACTED]

MR. STEWART: All right. Okay. Thank you, Mr. Chairman, I yield back.

MR. GOWDY: Special Agent McCabe, I have got 4 minutes. I don't think it's really fair to you to start a line of inquiry and then conclude in 4 minutes. So I am going to shoot it over to Adam and then come back when he is through.

MR. MCCABE: Okay.

MR. SCHIFF: Mr. McCabe, I don't want to get into specific questions about the sources, but to the degree that you have been able to identify the sources, are they in a position such that the information that's attributed to them they would be situated to be able to report?

MR. MCCABE: Yes.

MR. SCHIFF: Let me go back to what I had been asking you about just for clarification. One of the things we are charged with doing is looking into the government's response to the Russia active measures campaign.

If the FBI Director was let go as a way of influencing that, that's obviously a pretty key issue for us.

And along those lines, if the memo that was -- memos that were written were written with an eye towards providing a cover for the true explanation for the firing, that's of significance to us.

If I understand correctly, you are not invoking privilege today, but you are declining to answer questions that involve information gathered as a result of conversations with the President and the deputy attorney general.

MR. BAKER: Excuse me. Can I just consult on that to make sure what we are invoking?

MR. SCHIFF: Yeah. My understanding was you are not invoking privilege, but you are saying that you are at this point not authorized to discuss

[REDACTED]

that, and you are not foreclosing that you could seek authorization to discuss that.

MR. BROWER: I think in prior testimony the Attorney General and the deputy attorney general both indicated they don't have authorization to talk about their communications with the President. And we are in the same place here. We don't have authorization.

MR. SCHIFF: Well, in the case of the Attorney General, the Attorney General would be the one to authorize the Attorney General, unless the President is seeking to invoke privilege. Are you aware of any invocation by the President of executive privilege?

MR. MCCABE: Me?

MR. SCHIFF: Well, you or counsel. I need to know whether you're refusing to answer these questions on the basis of a claim of executive privilege by the President or whether there is some other basis.

MR. BROWER: To my knowledge, the President has not -- the issue is not that we are invoking. The issue is we don't have authorization to disclose. And without authorization to disclose, we cannot.

MR. SCHIFF: Authorization from whom?

MR. BROWER: It would be authorization from the White House.

MR. SCHIFF: Okay. We will have to pursue this, because that's not how the executive privilege works. But in any event, I won't belabor it.

Let me turn to the subject of text messages, if I could. There is an ongoing Department of Justice inspector general investigation of the handling of the email investigation. Is that right?

MR. MCCABE: That's true. Yes.

MR. SCHIFF: And in the context of that investigation, the inspector

[REDACTED]

general's office identified text messages that they thought may display a bias among some of the agents involved?

MR. MCCABE: That's correct.

MR. SCHIFF: And those were brought to the attention of the special counsel?

MR. MCCABE: I assume so. They were brought to my attention, and my understanding is they were brought to the special counsel's attention at the same time.

MR. SCHIFF: There were allegations last year that there was a bias within the Bureau among some of the agents against Hillary Clinton. One article referred to the FBI as Trumpland.

Do you know whether the Inspector General's investigation has also uncovered text messages or other communications that indicate a bias moving in the opposite direction, that is against Hillary Clinton?

MR. MCCABE: I am not aware of any other text messages coming to the attention of or being investigated by the inspector general.

MR. SCHIFF: Now, when you say you are not aware of that, is that because that information hasn't been shared with you or have you been informed of the negative, that is the inspector general has told you: We have found no evidence of a bias in the opposite direction?

MR. MCCABE: I have not been told that by the inspector general, just to be clear. I am stating that I have not been notified that they are.

MR. SCHIFF: Well, let me ask you this. The inspector general is doing an investigation of how the Clinton email investigation was handled.

MR. MCCABE: That's right.

MR. SCHIFF: Certain text messages have been disclosed to the press as a result.

MR. MCCABE: Yes, sir.

MR. SCHIFF: By a decision of the Department of Justice to do so.

MR. MCCABE: That's my understanding.

MR. SCHIFF: Other text messages that the inspector general may have uncovered, or emails or other communications in the opposite direction, have not been made public.

MR. MCCABE: That's my understanding.

MR. SCHIFF: If they exist.

MR. MCCABE: Yes, sir.

MR. SCHIFF: And presumably, the inspector general is looking at the question of bias running in any direction, correct?

MR. MCCABE: Presumably.

MR. SCHIFF: Do you know why the decision was made to release some text messages but potentially not release others?

MR. MCCABE: I do not.

MR. SCHIFF: Was the concern ever discussed at the Bureau that this might give the public impression that, to the degree agents had opinions on the Presidential election, they only ran in one direction?

MR. MCCABE: We didn't have that discussion.

MR. BAKER: Just to be clear, you didn't have that discussion?

MR. MCCABE: I didn't have that discussion.

MR. SCHIFF: In your experience, is it an aberration to be disclosing employee communications during the pendency of an inspector general



investigation?

MR. MCCABE: I have never seen this happen before.

MR. SCHIFF: Has that caused consternation within the FBI why private communications would be disclosed to the press even before the inspector general's work is done?

MR. MCCABE: It's hard for me to characterize what everybody's thinking. Some people have definitely communicated that to me, that they are concerned about the disclosure that took place and what that portends for future disclosures.

MR. SCHIFF: Did the Department seek your counsel as to whether these should be made public?

MR. MCCABE: They did not seek my counsel, no.

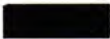
MR. SCHIFF: You can see why I would be concerned with a partial disclosure during the middle of an investigation, can you not?

MR. MCCABE: I do. I see it. Yes.

MR. SCHIFF: Let me go to one last subject matter and then turn it over to my colleagues.

We have had testimony from some of the individuals affected by the issue of the

[REDACTED]





MR. MCCABE: [REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

MR. MCCABE: That's correct.

MR. SCHIFF: [REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]



[REDACTED]

MR. BAKER: Best of your recollection today.

MR. MCCABE: I can't remember.

MR. SCHIFF: [REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED] [REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]



[Redacted]

MR. MCCABE: I did.

MR. SCHIFF: [Redacted]

[Redacted]

MR. MCCABE: [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

MR. SCHIFF: [Redacted]

MR. MCCABE: Yes, sir.

MR. SCHIFF: [Redacted]

MR. MCCABE: Yes, sir.

MR. SCHIFF: [Redacted]

[Redacted]

MR. MCCABE: [Redacted]

[Redacted]

MR. SCHIFF: [Redacted]

[Redacted]



MR. MCCABE: That's right. Yes.

MR. SCHIFF: [REDACTED]

MR. MCCABE: [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

MR. MCCABE: [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: That's correct.

MR. SCHIFF: [REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED] [REDACTED] [REDACTED]



[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: That's correct.

MR. SCHIFF: At this point let me yield to Mr. Castro.

MR. CASTRO: I just have really one line of questioning for you. Do you know when did Director Comey first feel that his job might be threatened under President Trump?

MR. MCCABE: I don't know the answer to that. I mean, I think we, as I have stated, were concerned by the interactions he had had with the President. I



think he captured those concerns accurately in his testimony and in the memos.

MR. CASTRO: Do you recall when the first interaction was?

MR. MCCABE: His first interaction with the President? I don't. I think it predated the first memo, which was as a result of the ICA briefing in New York. But I can't remember exactly what that was.

MR. CASTRO: Was it before or after Michael Flynn was interviewed about his conversations with the Russians?

MR. MCCABE: Did you remember the date of the ICA briefing?

The ICA briefing was January 6th. The interview of General Flynn was the 24th --

MR. CASTRO: Of January?

MR. MCCABE: -- of January.

MR. CASTRO: Okay.

MR. BAKER: Somewhere in there.

MR. MCCABE: It was definitely the 24th, because I saw him again on the 27th. That's correct.

MR. CASTRO: Yeah. After the President had taken office.

MR. MCCABE: The interview of General Flynn, of course.

MR. CASTRO: I guess what's kind of odd here is that the FBI goes and interviews General Flynn and decides that he doesn't seem to be deceptive in his account of his conversation with the Russians. The FBI seems to give this person a lot of benefit of the doubt, which I think seems unusual for the FBI.

So I guess this is a scenario that I need to ask you about, because I think it's -- to be thorough we got to pursue it. You have an FBI Director who wants to stay in his job, a President who is threatening to -- basically issuing a veiled threat

[REDACTED]

to take away his job if he doesn't let Mike Flynn off the hook. And then the FBI is saying, well, this guy didn't really do anything, he didn't seem like he was lying. The FBI Director comes and describes that to us.

One could say that perhaps the FBI Director was influenced by Mr. Trump's threats and was trying to keep his job. What do you make of that?

MR. MCCABE: I don't think that's accurate. I think a lot has been made, certainly we have talked about it this afternoon, about the interviewer's impressions of General Flynn on the day of the interview. And it is true that they returned to the office and said, hey, we didn't -- he didn't seem like he was obviously lying. But we knew that day that his statements were inconsistent with

[REDACTED]

And I should also point out that the team at the Department of Justice was -- did not credit the -- didn't put much weight on the interviewer's assessment. So there was really no change in status. There was no backing off of the investigation on General Flynn as a result of the interviewer's impression.

MR. CASTRO: But that decision was not the FBI's, that was the Justice Department's, correct?

MR. MCCABE: No, our investigation continued, despite the fact that we had this somewhat anomalous reaction by the interviewers.

MR. CASTRO: In your career, how often have you seen FBI agents go to an interview, know ahead of time that somebody has said something, hear that person describe something that's inaccurate, and then come away and say they weren't really lying?

MR. MCCABE: It was odd. It was not the reaction I expected from them. But we had -- we knew we had a lot of work left to do. There were all sort of

[REDACTED]

[REDACTED]

steps that we hadn't taken yet, like we were pursuing phone records and toll records at that time. There were all kinds of really very basic foundational investigative activity that had to take place and we were committed to getting that done.

MR. CASTRO: Was it your perception that Mr. Comey was an honest broker throughout this process?

MR. MCCABE: Mr. Comey?

MR. CASTRO: Yes. Director Comey.

MR. MCCABE: Of course. Yes.

MR. CASTRO: Okay. I yield back to the ranking member.

MR. SCHIFF: Mr. Swalwell.

MR. SWALWELL: Thank you, Deputy Director. And thanks for your service to the FBI.

MR. MCCABE: Thank you.

MR. SWALWELL: Mr. McCabe, were any of the sources that Mr. Schiff alluded to that informed the Steele report that you were knowledgeable of, were any of them U.S. citizens or U.S. persons?

MR. MCCABE: Any of the sources that informed the [REDACTED] reporting --

MR. SWALWELL: That was a clumsy way. Earlier you told Mr. Schiff that you were familiar with some of the sources for the Steele dossier. Is that right?

MR. MCCABE: I can't sit here and tell you individuals' identities. I don't know that level of detail. [REDACTED]

[REDACTED] But I don't -- I am not sure of their USPER status.

MR. SWALWELL: Do you know if any of them are U.S. citizens?

[REDACTED]

[REDACTED]

MR. MCCABE: I don't know that.

MR. SWALWELL: And that would be important for compelling them to testify in a criminal jury -- a grand jury or jury trial, right?

MR. MCCABE: Yeah.

MR. SWALWELL: Director Comey told our committee on March 2nd that no decision had been made up until that point as to whether Michael Flynn should be charged. Is that your recollection of the chronology, was that as of March 2nd no decision had been made which the FBI to recommend charging or by the Department of Justice to pursue charges?

MR. MCCABE: That's correct.

MR. SWALWELL: So would it be fair to say that on February 15th, when Director Comey met with President Trump one on one in the Oval Office, that a decision had not been made yet as to whether or not a false statement had been made by Michael Flynn?

MR. MCCABE: I think that's accurate, yeah.

MR. SWALWELL: And at that point, at least to your knowledge, agents would have been collecting other information outside of just their observation of General Flynn when they interviewed him?

MR. MCCABE: That's absolutely right. As I have stated, even following the interview on the 24th, we had a lot of work left to do in that investigation. I don't believe that status would have changed materially by February 15th.

MR. SWALWELL: From [REDACTED], that was the first day that the investigation was opened, up until special counsel took over the investigation, when had a grand jury first been convened?

MR. MCCABE: Hmm. Okay. So I am being told I can't talk about the

[REDACTED]

grand jury matters.

MR. SWALWELL: Okay. Sure. Can you tell us whether a grand jury was convened between [REDACTED] and when special counsel?

MR. MCCABE: I can't answer that. I'm being told -- I'm sorry, I'm being told I can't answer that.

MR. SWALWELL: Prior to special counsel taking over the Russia investigation, was Attorney General Sessions interviewed with respect to the Russia investigation by the FBI or Department of Justice?

MR. MCCABE: Was Attorney General Sessions interviewed by the FBI?

MR. SWALWELL: Right.

MR. MCCABE: Not to my knowledge.

[7:05 p.m.]

MR. SWALWELL: And you are familiar with the [REDACTED]

MR. MCCABE: I'm familiar with those reports.

MR. SWALWELL: And to your knowledge, prior to Special Counsel being appointed, Attorney General Sessions or Senator Sessions had not been interviewed by the FBI about those contacts or his testimony to the Senate about not having those contacts?

MR. MCCABE: That's correct.

MR. SWALWELL: How many witnesses have been interviewed by the FBI with respect to the Russia investigation prior to Special Counsel being appointed?

MR. MCCABE: How many witnesses had been interviewed by the FBI prior to the involvement of the Special Counsel? I don't know the answer to that.

MR. SWALWELL: Is it something that you can give us a ballpark figure on.

MR. MCCABE: I wouldn't feel comfortable making --

MR. SWALWELL: And I ask only because Mr. Schiff alluded to Mr. Papadopoulos's plea on January 27th, which is an interesting -- I'm sorry, let me rephrase that. Mr. Papadopoulos' first interview was January 27, 2017, as the statement of facts informs us, which was also the day that you testified that Mr. Trump had called Director Comey and invited him to dinner. Is that right?

MR. MCCABE: I don't have independent knowledge of exactly the date that Mr. Papadopoulos was interviewed. I haven't reviewed the charging document that you are referring to.

MR. SWALWELL: Have you seen the statement of facts?

MR. MCCABE: I have not.

[REDACTED]

MR. SWALWELL: Okay. If indeed Mr. Papadopoulos was interviewed by the FBI on January 27, 2017, and that was the same day that Mr. Trump invited Director Comey to the White House for dinner, would it be important to the FBI to know whether Mr. Papadopoulos had told individuals on the campaign or individuals at the White House that he had been approached by the FBI?

MR. CONAWAY: Four minutes.

MR. MCCABE: It would be important for us to know who Mr. Papadopoulos had shared the facts of that interview with. Yes.

MR. SWALWELL: And were you guys up on a wire with Mr. Papadopoulos at that point, January 27, 2017?

MR. MCCABE: [REDACTED]

MR. SWALWELL: To your knowledge, was Mr. Papadopoulos the first person that was contacted by the FBI with respect to the Russia investigation as far as an in-person interview?

MR. MCCABE: I don't know the answer. It's possible that Mr. Flynn was.

MR. SWALWELL: Okay, that's right, earlier about the Kislyak --

MR. MCCABE: The 24th, right. But there could have been others. That's just giving you my best guess.

MR. SWALWELL: Do you know what time of day Mr. Papadopoulos was contacted?

MR. MCCABE: I do not.

MR. SWALWELL: Is there a practice of when to contact a witness if you want to interview them without them being able to prepare?

MR. MCCABE: I mean, that's all very case and fact specific.

[REDACTED]

[REDACTED]

MR. SWALWELL: Sure.

MR. MCCABE: It could be wildly different case to case. Depends on where the person is and, you know, whether or not you want to approach them at work, or near their work, or away from their home, or -- it's a lot of different factors go into that.

MR. SWALWELL: You're familiar that in January 2017 President-Elect Trump tweeted publicly complaining about leaks coming out of the Intelligence Community. Are you familiar with those tweets?

MR. MCCABE: Generally, I don't -- there's a lot of tweets. I can't say that I remember that one specifically, but I'm generally familiar with his --

MR. SWALWELL: Are you familiar with him comparing the Intelligence Community to Nazi Germany?

MR. MCCABE: I remember that one.

MR. SWALWELL: And your testimony to us today is that [REDACTED] is when the investigation on a member of the Trump campaign opened?

MR. MCCABE: [REDACTED] was the date that we opened the umbrella investigation looking into the possibility of Russian influence on the campaign.

MR. SWALWELL: And that included looking at a member of the Trump campaign. Is that correct?

MR. MCCABE: Sure, so from that umbrella case then we opened the [REDACTED] that went along with it within the next few days.

MR. SWALWELL: And just about a week prior to opening that investigation, Donald Trump had become his party's nominee for President. Is that right?

MR. MCCABE: I don't know the date that he got the nomination, but I will

[REDACTED]

take your word for it.

MR. SWALWELL: And to your knowledge, is it accurate to say that from [REDACTED] until November 8th, when Donald Trump was elected President, there was no press reporting or any leaks about any FBI investigation into anybody on his campaign?

MR. MCCABE: Yeah, to the best of my recollection, no. Not that I'm aware of.

MR. SWALWELL: How much more time do I have?

MR. CONAWAY: One minute.

MR. SWALWELL: Okay. [REDACTED]

MR. MCCABE: Yes.

MR. SWALWELL: [REDACTED]

MR. MCCABE: [REDACTED]

[REDACTED] But I'm not aware of our contact with her on that issue.

MR. SWALWELL: And how would you assess the character of James Comey from your knowledge of working with him?

MR. MCCABE: Of James Comey?

MR. SWALWELL: Yes.

MR. MCCABE: He is a man of the absolute highest character. I hold him in incredibly high esteem.

MR. SWALWELL: Thank you. I yield back.

MR. GOWDY: Special Agent McCabe, do you need a break?

MR. MCCABE: I think I'm okay.

MR. GOWDY: All right. I'm going to hand general counsel what's been marked as exhibit 1.

[McCabe Exhibit No. 1

Was marked for identification.]

MR. GOWDY: It is not marked very fancifully, but I wanted you to have it. I think it is what Mr. Schiff was asking you about, and it purports to be, and I have no reason to believe it is not, it is a written opening statement, for want of a better phraseology, by Director Comey for the Senate Select Committee.

MR. MCCABE: Okay.

MR. GOWDY: Before we get to that, I want to wrap up Michael Flynn. It is not lost on me that he went into a courtroom, raised his hand, said I admit to all of the elements of the offense and pled guilty. So, you know, part of why we're relitigating it, it may seem meaningless, he admitted to it. Whether or not anybody else thought he was lying or not, he said he was.

I do think it is important to understand the chronology. If I have it right, in July of 2016, a matter or an investigation was begun into Michael Flynn.

MR. MCCABE: I think it was August, that first week of August but --

MR. GOWDY: All right. August of 2016.

MR. MCCABE: Uh-huh.

MR. GOWDY: Did the Bureau interview him at any point between August and late December of 2016?

MR. MCCABE: Not that I'm aware of.

MR. GOWDY: Why not?

MR. MCCABE: It's not uncommon that you would not immediately go out and interview the subject of an investigation.

MR. GOWDY: You are correct. It is not uncommon. Director Comey said the Bureau was on the verge of closing the matter at the end of December 2016. Do you agree or disagree with --

MR. MCCABE: I think that, to the best of my recollection, our assessment by the kind of middle of December was that we really had not substantiated anything particularly significant against General Flynn.

MR. GOWDY: So would it be fair to say the Bureau was contemplating closing the investigation?

MR. MCCABE: I don't think a closure would have been soon, but we were keeping a close eye on what kind of progress were we making and I think our assessment at that time was we weren't making a lot of progress.

MR. GOWDY: Did you have plans to interview him before you closed the matter?

MR. MCCABE: I wouldn't characterize it as plans. That would be kind of the normal way to do that, but we weren't in the planning -- the closing planning phase.

MR. GOWDY: Why did the Bureau interview General Flynn when they did? What was the reasoning for the interview?

MR. MCCABE: Because the -- I'm trying to reassemble this chronology in my mind, but to the best of my recollection, we interviewed General Flynn at that time because of the existence of the -- of his conversation, the record of his conversation with Ambassador Kislyak had become widely known through press reporting.

██████████

And at that point, there was really -- there was no -- that part of the investigation had become so widely known there was no -- there was no reason to continue, kind of, in a covert investigative posture and so we wanted to sit down with General Flynn and understand, kind of, what his thoughts on that conversation were.

MR. GOWDY: Was he interviewed because the Vice President relied upon information from him in a national interview?

MR. MCCABE: No. I don't remember that being a motivating factor behind the interview.

MR. GOWDY: So he would have been interviewed even separate and apart from the fact that former Acting Attorney General Yates believe that he had mislead the Vice President, and that needed to be addressed?

MR. MCCABE: He would have been interviewed either way.

MR. GOWDY: Okay. Look at the committee exhibit 1. I think it is a 7-page document. The first page is not numbered. Do you have that in front you?

MR. MCCABE: I do. I do.

MR. GOWDY: Go to the very bottom, last paragraph, kind of in the middle -- pardon me?

MR. SCHIFF: What document are you referring to?

MR. GOWDY: The same one you've been using all day. The Senate Select opening. Yeah, you inspired me to go get it. So thank you for doing that.

In the middle of the last paragraph --

MR. MCCABE: Of the first page?

MR. GOWDY: First page.

██████████

MR. MCCABE: Okay.

MR. GOWDY: "We also agreed I would do it alone to minimize potential embarrassment to the President-elect."

What potential embarrassment were you worried about?

MR. MCCABE: Now, I'm reading this for the first time. But as I read this paragraph, it appears to me that Director Comey is referring to the briefing that they participated in at Trump Tower over the ICA. It is agreed that -- and I think this is referring, my best understanding is that he is likely referring to the concerns that I talked about earlier this evening, where we were concerned about talking about this sort of salacious material with the President-elect and we didn't want to do it in a way that, you know, might make him uncomfortable.

MR. GOWDY: Well, at the risk of asking leading questions because I don't want to prompt an objection from my friend from California, but I don't think this point matters a whole lot, not only was he the President-elect, he is a husband and a father, and some of the allegations in the dossier are pretty salacious and embarrassing and incendiary.

MR. MCCABE: Yes sir.

MR. GOWDY: What Director Comey was referring to as potentially embarrassing would be embarrassing for any man in that situation?

MR. MCCABE: Of course, that's right. That's right.

MR. GOWDY: All right, now --

MR. SCHIFF: I have no objection to that line of questioning.

MR. GOWDY: Flip to the second page kind of in the middle, it's the paragraph that begins "in that context."

MR. MCCABE: Okay.

MR. GOWDY: "I discussed with the FBI's leadership team whether I should be prepared to assure President-Elect Trump we were not investigating him personally. That was true; we did not have an open counterintelligence case on him."

So if it is true that someone is not the target of an investigation, what is wrong with asking that you say so publicly?

MR. MCCABE: Well, our way of handling these things is that we don't confirm or deny the existence of an investigation. And we get this question frequently. And to essentially, go down the road of confirming the nonexistence of a case, you put yourself in a position of essentially ruling out the negative, and therefore identifying the positive. Does that make sense?

MR. GOWDY: It does, and I think the Bureau may have fallen a little bit into that trap in the fall of 2016 when Director Comey testified that a matter was ended and he thought that he had assured Congress that he would alert them if that changed. He did alert them in a very public way with a letter that my Democrat colleagues, probably rightfully take exception to both of those letters.

So I do get the reason it's not done. My point is not to quarrel with the Bureau's policy. My point is this is someone who has been assured privately he is not the target of an investigation.

MR. MCCABE: Right.

MR. GOWDY: Is it unreasonable for that person who is not a former Federal prosecutor, not a former U.S. Attorney not a Bureau agent to say, okay, if that's true, why can't you say that publicly?

MR. MCCABE: Is it unreasonable for him to ask that?

MR. GOWDY: Is it is unreasonable for a person to say if I'm not the target

[REDACTED]

of an investigation, can you at least let people know that? I get why you didn't. I'm not quarreling with your policy.

MR. MCCABE: Yeah, I mean, I think in the abstract way that you have defined the question, no. But that request didn't come under those terms. The request came to Director Comey in the context of a very clear frustration with the existence of the Russia investigation writ large.

MR. GOWDY: But why? Why was he frustrated? Was he frustrated because he thought he was going to jail, or was he frustrated because it had placed a cloud over what he perceived to be the first few months of his Presidency?

MR. MCCABE: I don't know. I can only refer to what Director Comey relayed to us --

MR. GOWDY: Which was what?

MR. MCCABE: -- which was that he made the statement about the cloud over his work.

MR. GOWDY: Right. "I felt compelled to document my first conversation with the President-elect in a memo."

Now I think you and I had discussed earlier that Director Comey's impetus behind memorializing this was the frequency of the contact he was having with the President-elect. This seems to suggest he began to memorialize him with the very first conversation. Is that the way you read it?

MR. MCCABE: That's what he is saying here in this paragraph.

MR. GOWDY: So it would not have been because he was concerned about the frequency of the interaction with the President-elect because he began to memorialize it from the very first conversation.

[REDACTED]

It's not a trick question.

MR. MCCABE: I don't know that -- I can't -- I don't know that I can agree with that. I'm not 100 percent sure that this was actually the first conversation that they had. I think they may have had conversations before this. Maybe this was their first face-to-face conversation. I don't know the answer to that.

MR. GOWDY: Can we agree 100 percent that the Director himself said, "I felt compelled to document my first conversation with the President-elect in a memo."

MR. MCCABE: That is clearly what he has said in this document.

MR. GOWDY: All right. Fair enough. Page 3. You see a little description of a small oval table in the second paragraph. Two Navy stewards.

MR. MCCABE: Yes.

MR. GOWDY: What you don't see in this, but you will see in the memos is a conversation that Director Comey had with those two Navy stewards about height requirements and whether or not you're eligible for military service because of height requirements.

So that, who you wouldn't be surprised, former U.S. attorney, former -- current head of the FBI, detail of a small oval table, detail of height requirements, center of the green room. What I don't see in here is him representing that he felt pressure to drop something.

Am I missing in this memo or any of the other memos where he documented that he felt like the President was asking him to drop an ongoing criminal probe?

MR. MCCABE: I can't say why he included that detail in this document or in his memos or why he didn't include other --

MR. GOWDY: In the grand scheme of things, if you are looking back on a conversation with the President of the United States, if you felt pressure to drop an ongoing probe, is it unreasonable to believe that that would have made its way into a memo?

MR. MCCABE: To the best of my recollection, sir, from the conversation I had with him, not from the documents, his concern from this interaction at dinner regarded the President's comments about loyalty. That's the best of my recollection about this.

MR. GOWDY: Right. And when we get to that, which is on the next page, "I paused, and then said, 'You will get that from me.' As I wrote in the memo I created immediately after the dinner, it is possible we understood the phrase 'honest loyalty' differently."

Is it possible that they understood the phrases differently? Comey seemed to think they could have.

MR. MCCABE: I mean, I'm not going to reinterpret the former Director's words --

MR. GOWDY: Well, he said it himself. He allowed for the possibility that the President may have interpreted what he was asking differently from the way that the former Director interpreted it.

MR. MCCABE: He did.

MR. GOWDY: All right next paragraph. "During the dinner, the President returned to the salacious material I had briefed him on about January the 6th."

And we will skip down. "He said he was considering ordering me to investigate the alleged incident to prove it didn't happen." I correctly replied that he should give that some additional thought. And then we have it again "because

██████████

it might create a narrative that we were investigating him personally, which we weren't."

Again, this is not a former United States Attorney in the Southern District of New York. This is not an FBI agent. It's not in this, but it is in the memos, and I would invite your attention to the memos. This was someone who was being accused of some pretty unusual sexual matters in public. So is it really unreasonable for a husband and a father to say, if you can get me out from under this cloud, will you do it? Is that unreasonable? If the cloud to him was the salaciousness of the criminal of the sexual matters, is that unreasonable to ask that?

MR. MCCABE: You're asking me to speculate as to what the President was referring to? Is that right?

MR. GOWDY: No, I'm not. I'm asking you to do no more speculation than the other side has asked you to do over what cloud the President thought he was under.

You and I agree he is not the target of any counterintelligence or criminal probe?

MR. MCCABE: I don't believe that he made the comments about the cloud in this context. My understanding, and based on my conversations with Director Comey, is his reference to the cloud over his Presidency was made in the phone calls in March and April, and in that context, Director Comey understood that he was referring to the investigation, not the mentions of the sexual activity from the Steele reporting.

MR. GOWDY: All right, but he's not the target of an ongoing Bureau criminal investigation. Agreed? He wasn't at the time?

██████████

MR. MCCABE: He was not at the time.

MR. GOWDY: He was not the target of an ongoing counterintelligence probe by the Bureau?

MR. MCCABE: His campaign was.

MR. GOWDY: He was not.

MR. MCCABE: Correct. But as I've already discussed, there was kind of an ongoing issue that we were grappling with, specifically in the context of confirming that he was not under investigation because we weren't sure that that was 100 percent accurate since we were investigating the activity of his campaign and activity that, by virtue of the fact that it was his campaign, could be ultimately attributed to him.

MR. GOWDY: Is there any law or statute that prohibits the Bureau from confirming or not confirming the existence of an investigation?

MR. MCCABE: I'm not aware of a law or statute that --

MR. GOWDY: It's a policy.

MR. MCCABE: It's a policy.

MR. GOWDY: It's a Department of Justice policy, probably for lots of really good reasons, but it's a policy, right?

MR. MCCABE: That's my understanding.

MR. GOWDY: So when you were the Acting Director of the FBI, could you have done so if you wanted to, what would have been the repercussions?

MR. MCCABE: I'm not sure there would not have been repercussions.

MR. GOWDY: From whom? Who can discipline the head of the FBI?

MR. MCCABE: As the Acting Director of the FBI, I think I'm -- I think the Inspector General likely could have taken issue and investigated.

MR. GOWDY: He could have looked at it, but I'm not sure there was much he could have done about it.

MR. MCCABE: The Deputy Attorney General. I mean, I reserve my comments about the IG.

MR. GOWDY: All right. Flip to page 5. "The President began by saying Flynn hadn't done anything wrong in speaking with the Russians."

MR. MCCABE: I'm sorry, where are you?

MR. GOWDY: Top of page 5.

MR. MCCABE: Okay.

MR. GOWDY: "The President began by saying Flynn hadn't done anything wrong in speaking with the Russians."

Are you aware of any criminal code section that would have been implicated by Flynn talking to the Russian Ambassador during the transition period?

MR. MCCABE: Other than the Logan Act, no.

MR. GOWDY: I'm laughing only because we spent most of the day discussing two statutes that have never ever been enforced -- so the gross negligence standard, and the classified email, and the Logan Act. Has there been a prosecution under either one of those?

MR. MCCABE: Not that I'm aware of.

MR. GOWDY: All right. So, absent wanting to make new law, you can't think of a criminal code section other than the Logan Act that could have been implicated by Flynn talking to the Russians in the transition period?

MR. MCCABE: I haven't done a legal analysis on any possible criminal implications of his contact with his conversation with Ambassador Kislyak, but of

course, that was not the subject of our investigation. Our investigation was to try to determine the substance and the impact of General Flynn's interactions and relationships with Russian Government officials.

MR. GOWDY: [REDACTED]

MR. MCCABE: [REDACTED]

MR. GOWDY: [REDACTED]

MR. MCCABE: [REDACTED]

MR. GOWDY: You had it shortly after, right?

MR. MCCABE: Sure.

MR. GOWDY: I assume you had it. The Washington Post had it. The New York Times had it. I assume the Bureau had it.

MR. MCCABE: We did.

MR. GOWDY: Third paragraph. "The President then returned to the topic of Mike Flynn saying: "He is a good guy and he has been through a lot."

Is that obstruction?

MR. MCCABE: I'm not going to -- you're asking me to give you legal interpretation of that statement kind of in the abstract sense, and I don't think I can do that.

MR. GOWDY: Well let me ask you this: How long have you been in law enforcement?

MR. MCCABE: Twenty-one years.

MR. GOWDY: Have you ever had anyone approach you on behalf of a defendant that is about to be sentenced or someone that you're investigating and putting in a good word for them?

MR. MCCABE: I can't think of an instance off the top of my head, but it's certainly possible.

MR. GOWDY: You must have been out of a field office for a while. You must have been at headquarters for a long time because it's not unusual for someone to say, hey, I hope this person doesn't get the book thrown at them. They are not a bad person. It happens at every courtroom across America all day long.

MR. MCCABE: I'm sure it does, sir.

MR. GOWDY: Well, is there anything eye-catching to you in the President telling the former Director, "He is a good guy and has been through a lot"?

MR. MCCABE: I think the fact that they are discussing the ongoing FBI investigation is troubling to me.

MR. GOWDY: Troubling because of -- troubling in what way? The President is the head of the executive branch, right?

MR. MCCABE: Yes, he is.

MR. GOWDY: Does the President have pardon powers?

MR. MCCABE: He does.

MR. GOWDY: Are they plenary?

MR. MCCABE: Certainly.

MR. GOWDY: Can he pardon someone even before you get a conviction?

MR. MCCABE: That's my understanding.

MR. GOWDY: So the head of the executive branch who has the full ability to pardon anyone even before a conviction, and you were troubled that he said he's a good guy whose been through a lot.

MR. MCCABE: Yes, troubled because it is not, in my experience, it's not

common the President of the United States to weigh in on a specific criminal matter despite the fact that he has pardon power.

MR. GOWDY: Were you equally troubled -- did you watch the Super Bowl a couple of years ago? Did you see President Obama's interview with Bill O'Reilly.

MR. MCCABE: I don't remember that.

MR. GOWDY: Were you equally troubled when he said there was not an smidgeon of corruption during the pendency of an IRS investigation?

MR. MCCABE: I don't remember that comment, sir.

MR. GOWDY: You don't remember it.

MR. MCCABE: I don't.

MR. GOWDY: It got a lot of play. The President of the United States --

MR. MCCABE: Uh-huh.

MR. GOWDY: -- in the middle of an ongoing probe, said there's not a smidgeon of corruption.

What about when he commented on Secretary Clinton while you all were in the middle of investigating the email server? How did you take that?

MR. MCCABE: It was concerning to us.

MR. GOWDY: Not concerning enough to put it in a memo. Did you bring it to anybody's attention, take it to the AG's attention?

MR. MCCABE: I'm not aware that President Obama expressed that to the Director of the FBI. So I think the situation was a little bit different.

MR. GOWDY: How? How is it different to say to the entire country as opposed to saying it to the head of the FBI?

MR. MCCABE: Because they think of the circumstances of a private

[REDACTED]

one-on-one meeting with the President of the United States and the Director of the FBI is kind of a unique and rare occurrence. I don't think Director Comey had any such interactions with President Obama. Not that I'm aware of. And certainly, not about that statement. I would have heard that.

MR. GOWDY: Did he take his concerns to anyone at the Department of Justice?

MR. MCCABE: Ultimately, he talked to the acting Deputy Attorney General.

MR. GOWDY: Who was that?

MR. MCCABE: Acting, Dana Boente.

MR. GOWDY: About this, about feeling the pressure?

MR. MCCABE: I mean, I know that he had a conversation with Mr. Boente after the first phone call in March to discuss his discomfort with these -- with the conversations that he had been having with the President, and also to let DOJ know to try to stay within the requirements of the contacts policy.

MR. GOWDY: "I understood the President to be requesting that we drop any investigation of Flynn in connection with false statements about his conversation with the Russian Ambassador in December. I did not understand the President to be talking about the broader investigation into Russia or possible links to his campaign. I could be wrong, but I took him to be focusing on what just happened with Flynn's departure and the controversy around his account of his phone calls. Regardless, it was very concerning given the FBI's role as an independent investigative agency."

I agree. There are an independent investigative agency. I would invite your attention to not just this portion of the memo that is including his opening

[REDACTED]

statement, but all eight of them because I have read them twice. Have you read them, all eight?

MR. MCCABE: Yes.

MR. GOWDY: Did you read the section where he said it wasn't proper for you to be having this conversation with me. It should be done from you to the Department of Justice and then down to me.

MR. MCCABE: I remember that.

MR. GOWDY: All right. So we are quarreling about the method by which a message is communicated? He had no problem if the conversation had gone from himself to the Department of Justice, down to the head of the FBI. So was it the conversation that was improper, or was it who he was having it with?

MR. MCCABE: I don't know that you can separate those two things.

MR. GOWDY: But he did. Because he laid out the path by which that could be communicated. Agreed?

MR. MCCABE: Yeah. That's the path that's required by the White House contacts policy.

I'm sorry.

MR. GOWDY: March 31st, page 6. Middle. He described the Russian investigation as quote "a cloud" that was impairing his ability to act on behalf of the country. He said he had nothing to do with Russia, had not been involved with hookers in Russia, and had always assumed that he was being recorded.

So then we have this phrase, "cloud," and then one sentence removed from the salacious allegations of sexual misconduct. You don't think there is any way the cloud could have been a personal familial cloud, and --

MR. MCCABE: Well, I'm just reading the document. He said he

described the Russia investigation as a cloud. So I assume that's what he's referring to.

MR. GOWDY: Yeah, but part of the Russia investigation involved a dossier that had some very salacious allegations in it, didn't it? I mean, I know you have not covered it before. I would invite you to go back and reflect on those eight memos again. I've read them.

I'm not defending what the President asked and the manner in which he did it. I don't think it is unreasonable for a husband and a father who is not the target of an ongoing probe to ask: Can you let other people know that? I think there's one memo where he makes specific reference to questions he was getting from his wife and his kids. Do you remember that one?

MR. MCCABE: Generally.

MR. GOWDY: All right. When did you learn that, is it Special Agent Page? Is she an agent?

MR. MCCABE: No, sir, she is an attorney.

MR. GOWDY: When did you learn that Ms. Page and Special Agent Strzok were involved in a relationship with one another?

MR. MCCABE: That would have been July 27th of 2017.

MR. GOWDY: 2017?

MR. MCCABE: That's right.

MR. GOWDY: So you didn't know any in 2016 when the texts that Adam referenced were produced to us, you weren't aware of it then?

MR. MCCABE: I don't think the -- I don't think the texts were produced to you in 2016.

MR. GOWDY: No, no, no. The texts were from 2016. They were

produced a week ago.

MR. MCCABE: Right. No, sir, I didn't have any knowledge of those texts until the Inspector General shared them with me on the 27th of July.

MR. GOWDY: I'm with you there. I'm wondering about knowledge of the relationship.

MR. MCCABE: I did not know about the relationship until the Inspector General said that, through his review of the texts, that they thought there was a personal relationship.

MR. GOWDY: All right. And just to kind of set the scene. March of 2016, was the investigation into Secretary Clinton's email server still ongoing?

MR. MCCABE: March of 2016? Certainly.

MR. GOWDY: This is Page -- "God Trump," there's no punctuation between the two, but I'm assuming she wasn't using those words together. "God Trump is a loathsome human." What does the word "loathsome" mean?

MR. MCCABE: Pretty bad.

MR. GOWDY: Reprehensible?

MR. MCCABE: Sure.

MR. GOWDY: Is that fair?

MR. MCCABE: That's fair.

MR. GOWDY: And Strzok said, "Yeah, he may win." This is March 26th and was Strzok involved in the investigation of Secretary Clinton's email?

MR. MCCABE: Yes, sir, he was.

MR. GOWDY: What role did he play?

MR. MCCABE: He was -- he had a leadership role over the investigation. He's, you know, the person right beneath the AD of the Counterintelligence

Division.

MR. GOWDY: Did she have a role in the investigation?

MR. MCCABE: She did as kind of an adviser, and someone who was on the team that was kind of considering what we were doing in the case.

MR. GOWDY: We are still in March of 2016. And this is Strzok, "OMG he's an idiot." And then we have Strzok saying, "God Hillary," here there's no punctuation, but I'm assuming he is not using those two words together, "God Hillary should win 100 million to zero."

What do you think when you hear that an agent assigned to investigate something says that someone should win 100 million to zero?

MR. MCCABE: It is awful. It's awful. I was shocked when I heard it on July 27th. I was disappointed, surprised, and still am.

MR. GOWDY: My time is up. Adam, if you give me 15 seconds.

MR. SCHIFF: Sure.

MR. GOWDY: That zero -- is there something that you want to say?

MR. MCCABE: Just to see if we could take a quick restroom break.

MR. GOWDY: We can do it now and come back later.

[Recess.]

MR. SCHIFF: Just turning to some of the areas that my colleague covered, in the written testimony of the Director's -- concerning the February 14th Oval Office meeting, he stated: "The President began by saying Flynn hadn't done anything wrong in speaking with the Russians."

In Mike Flynn's statement of the offense, he acknowledges informing high- and senior-transition officials of his contacts with the Russian Ambassador. Do you know, or did you find out prior to the appointment of the Special Counsel

whether the President was saying that Flynn hadn't done anything wrong in speaking with the Russians because the President was aware from the transition team that Flynn had, in fact, done that, or it was done with his acquiescence. Do you know whether either of those were the case?

MR. MCCABE: I don't know that.

MR. SCHIFF: The Director testified about his reservations in terms of making a public statement about the President's status. And as I understand it from your testimony, it sounds like there were two concerns. One is that his campaign was under investigation.

MR. MCCABE: That's correct.

MR. SCHIFF: So in terms of representing publicly that he was not under investigation, that might actually not turn out to be correct if the investigation of the campaign led to him?

MR. MCCABE: That's correct. It would also have put us in the awkward position of then going out and having to change the statement that we had made earlier and it seemed to be -- that would be a concerning place for us to be.

MR. SCHIFF: Now, my colleague asked you about whether it would violate any laws to be secretly communicating with the Russian Ambassador and the Logan Act was brought up. And I want to ask you about that because there's been a lot diminishing the significance of the Logan Act because it hasn't been utilized before.

MR. MCCABE: Uh-huh.

MR. SCHIFF: If someone violates a U.S. law, does the FBI generally view it as worthy of investigation regardless of whether that particular statute has been used or used recently?

MR. MCCABE: Of course. That's not a factor in our decision to initiate an investigation.

MR. SCHIFF: It would be the Justice Department's decision whether to seek to prosecute someone under a statute that hadn't been used before?

MR. MCCABE: Of course.

MR. SCHIFF: But if you have credible evidence that someone is violating a current U.S. law, it is not something to be ignored?

MR. MCCABE: That's right.

MR. SCHIFF: And to your understanding, was the Logan Act designed to legislate effectively that you only have one government at a time, and that private parties were not to undermine the existing government, if you know?

MR. MCCABE: Yeah, I don't know. I'm not an expert on the Logan Act, so I shouldn't opine.

MR. SCHIFF: Would you agree there's a distinction between a friend or a loved one, and a courtroom somewhere in the country vouching for a defendant before sentencing as being a good guy, and the President of the United States in a private meeting with the head of the FBI asking him to let a case go?

MR. MCCABE: That seems different to me.

MR. SCHIFF: And the fact that the President has the power of pardon doesn't change that, does it?

MR. MCCABE: No, it does not.

MR. SCHIFF: The fact that Nixon had the power to pardon the burglars of the Watergate Hotel wouldn't make him any more -- wouldn't make it any more appropriate for him to have a conversation with the then FBI Director about letting the burglars go?

[REDACTED]

MR. MCCABE: I don't want to speculate on historical matters, but I can tell you that it's -- the fact of the President's pardon power didn't really impact how we perceived the conversation between the President and the Director.

MR. SCHIFF: Now, I do agree with the colleague, frankly, my colleague, that I don't think it would be particularly appropriate for the President to be intervening with the Department of Justice or the FBI when it comes to an investigation that involves his own campaign, but there is nonetheless an explicit policy against the President of the United States directly communicating with the head of the FBI over a pending criminal matter. Is there not?

MR. MCCABE: Yes, there is.

MR. SCHIFF: And by engaging in that conversation about Mike Flynn, the President was violating that policy?

MR. MCCABE: That would be my understanding of the policy. That's right.

MR. SCHIFF: We have the added fact in this circumstance that the President, after Director Comey testified, essentially said that he was lying about his interactions with the President on the subject of Mike Flynn. Did he not?

MR. MCCABE: I'm generally familiar with those comments, yes.

MR. SCHIFF: So the President disputes what the Director testified to and what the Director related to you contemporaneous with those meetings?

MR. MCCABE: Apparently.

MR. SCHIFF: Going back to Mr. Papadopoulos and the timing of his interview by the FBI and the President reaching out to the Director of the FBI. Would you be able to report back to us the time of his interview?

MR. MCCABE: I don't see why not.

[REDACTED]

MR. SCHIFF: Do you happen to know, so that we might seek phone records because at this point we don't have Mr. Papadopoulos' cooperation with us as much as he is cooperating with counsel, do you happen to know what phone service Mr. Papadopoulos used?

MR. MCCABE: I don't know that.

MR. SCHIFF: Let me turn to the issue of the text messages. Was a text message written by Mr. Strzok on April 15th that provided, "I want to believe the path you threw out --" let's see, make sure. I guess this is a text message between Mr. Strzok and Lisa Page. And I'm not sure which direction it's headed.

"I want to believe the path you threw out for consideration in Andy's office that there's no way he gets elected, but I'm afraid we can't take that risk. It's like an insurance policy, an unlikely event you die before you're 40."

Which direction was that text message headed? Was it from, if you know, Mr. Strzok to Lisa Page, or from Lisa Page to Mr. Strzok?

MR. MCCABE: I'm not sure I know.

MR. SCHIFF: Okay. My staff informs me that was written by Mr. Strzok.

Do you know what path Mr. Strzok is referring to that, I guess, Lisa Page would have thrown out for consideration in Andy's office, what that refers to?

MR. MCCABE: I have no idea what they are referring to in this text. I don't know. The text obviously didn't come to me, but I don't know what they are talking about.

MR. SCHIFF: None of us expect FBI agents, more than anybody else, not to have opinions about Presidential candidates. The question is whether those opinions influence the exercise of their responsibilities.

MR. MCCABE: That's right.

[REDACTED]

MR. SCHIFF: What is your experience with Mr. Strzok as an agent, his professionalism, his performance of his duties?

MR. MCCABE: Well, one of the reasons why I was so shocked by the texts when they were shared with me in July is that they are -- and disappointed, quite frankly, is because they are so, they stand in such contrast to my experiences working both with Peter Strzok and Lisa Page.

I know Peter to be an accomplished, experienced, really a counterintelligence expert. He focused most of his career on counterintelligence work in the FBI, a former Army officer. And I relied on Peter -- we all did -- to play a very important role in many important cases, not just the Clinton email case, or the [REDACTED] case, but, you know, Peter has been involved in many other important cases before -- before those.

At no time did I ever see Peter exhibit the positions, or the opinions that are contained in those texts. At no time did I ever see him express those sort of opinions or thoughts in the course of his duties. So I was quite surprised to see them when I did.

[REDACTED]

[8:04 p.m.]

MR. SCHIFF: So the disdain that he shows for Mr. Trump, Mr. Sanders, I believe he had some choice words to say about Congress, those were not sentiments that he shared with you?

MR. MCCABE: No, sir, they were not.

MR. SCHIFF: Did you ever have any reason to believe or see any indication his private personal views of any of the candidates influenced the exercise of his duties?

MR. MCCABE: No, sir, I did not. And, you know, Peter did not work on either case in isolation. It was very much a small, kind of closely held team, but one that was involved at the absolute highest levels. We were -- they were briefing me and the Director of the FBI on an incredibly regular basis.

So there was many other -- not many, but there was a small group of senior leaders and investigators involved in virtually every decision of that case.

MR. SCHIFF: And the decisions that were made, were the decisions made jointly in terms of any significant turning point in the investigation?

MR. MCCABE: They were, with mine and the Director's participation in most cases.

MR. SCHIFF: And did Mr. Strzok ever urge you to take an action on the basis of his antipathy towards any candidate?

MR. MCCABE: He did not.

MR. SCHIFF: I would like to ask you about some of the other parts of the investigation before the appointment of special counsel.

With respect to Mr. Papadopoulos, do you know whether he was involved in organizing meetings between then-candidate Trump and heads of state, such as

[REDACTED]

Egyptian President al-Sisi?

MR. MCCABE: I am not aware of that.

MR. SCHIFF: Did you have any information about Joseph Mifsud prior to the appointment of special counsel, who he was, what his connections to the Kremlin might be?

MR. MCCABE: I just very vaguely remember the name being discussed, but I can't recall the details, the specific details as to who he was or why he was significant to us. That is Mifsud, right?

MR. SCHIFF: Mifsud. Or Mifsud. I actually have it spelled both ways here.

MR. MCCABE: The name I remember is Mifsud, M-i-f-s-u-d. Again, I don't really recall the details of why we were interested in him.

MR. SCHIFF: Christopher Steele did not write about Deutsche Bank in the dossier that I am aware of, but did express concerns about Deutsche Bank to others in terms of possible Russian money laundering or securitization of loans. To your knowledge, were those concerns shared with the FBI by Mr. Steele?

MR. MCCABE: I don't remember hearing that.

MR. SCHIFF: And prior to the appointment of special counsel did the FBI make any effort to determine whether Russian financing might be a lever the Russians were using over the President?

MR. MCCABE: Can you repeat the question?

MR. SCHIFF: Yes. Prior to the appointment of special counsel, did the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]

So that one I remember, but that's all I have on that.

MR. SCHIFF: Let me yield to my colleague. And I want to make sure we go to Jackie. Why don't we go to Jackie and we'll come back to it.

Okay. Ms. Speier.

MS. SPEIER: Thank you.

Thank you for your service.

MR. MCCABE: Thank you.

MS. SPEIER: There is a couple of questions I would like to ask at the front end, and then I would like to go over the dossier with you and see to what extent you can provide us with any additional information.

You opened a case on Carter Page before you had the dossier. You have said that a number of times this afternoon. You also opened a case on [REDACTED] before you had the dossier, correct?

MR. MCCABE: That's correct.

MS. SPEIER: And you opened a case on Michael Flynn before you had the dossier.

MR. MCCABE: That's correct.

MS. SPEIER: So in all three of those cases, you opened them because you had information that did what?

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

MS. SPEIER: So it wasn't until you had the information about George Papadopoulos that you triggered these [REDACTED]

[REDACTED]

MR. MCCABE: That's correct.

MS. SPEIER: And at that point had Flynn already made his trip to Russia to the RT gala?

MR. BAKER: Excuse me. I am sorry.

MR. MCCABE: So just to be clear, before I get to your answer, [REDACTED]

[REDACTED]

[REDACTED] So some of the things that we talked about a while ago.

MS. SPEIER: But that was years previously. He had been off your radar screen for some time, correct?

MR. MCCABE: It was an ongoing preliminary inquiry.

MS. SPEIER: Oh, it was ongoing.

MR. MCCABE: So kind of a lower level of investigation.

[REDACTED]

[REDACTED]

MS. SPEIER: All right.

MR. MCCABE: And I'm sorry, what was your other question?

MS. SPEIER: Can you repeat it?

[The reporter read back the record as requested.]

MR. MCCABE: I don't know exactly when he made that trip, but it was prior to the initiation of our investigation, because that was one of the things we knew about General Flynn and his interactions with Russians.

MS. SPEIER: But it wasn't that trip to Russia that triggered opening the investigation. It was George Papadopoulos' --

MR. MCCABE: Right. Not by itself. The simple fact that he had traveled there in the abstract was not -- would not have caused us to initiate an investigation.

[REDACTED]

MS. SPEIER: Did President Obama ever contact you about the investigation?

MR. MCCABE: Me personally? No.

MS. SPEIER: To your knowledge, did he ever contact Director Comey?

MR. MCCABE: Like a one-on-one contact, no. In fact, I don't think, to my knowledge -- I'm not aware that they ever discussed it.

MS. SPEIER: And to your knowledge did he ever --

[REDACTED]

MR. BAKER: What is the it?

MR. MCCABE: The Russia investigation. I'm sorry.

MS. SPEIER: And to your knowledge, did President Obama ever contact then-Attorney General Lynch about the Russia investigation?

MR. MCCABE: I don't know that.

MS. SPEIER: On January 27th, Director Comey is invited to dinner very late in the day --

MR. MCCABE: Yes.

MS. SPEIER: -- to meet with the President. On January 26th, Acting Attorney General Sally Yates went to the White House to inform the counsel there that Mr. Flynn may have been compromised. Is that correct?

MR. MCCABE: She went to the White House -- that is my best recollection, that it was on or about the 26th that she went to the White House to talk to White House Counsel. Because I know it was after our interview, and our interview took place on the 24th. So Ms. Yates went to the White House to talk to White House Counsel either on the 25th or the 26th. I am not 100 percent sure.

MS. SPEIER: So it is likely then that the counsel, the general counsel in the White House, had informed the President, which might have triggered the dinner invitation. Is that -- that's speculation, I realize.

MR. MCCABE: Yeah. I can't speculate on the likelihood of that.

MS. SPEIER: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: It is a really good question, and not one probably that I can



explain perfectly.

[REDACTED]

[REDACTED]

[REDACTED]

MS. SPEIER: [REDACTED]

[REDACTED]

MR. MCCABE: I have not.

MS. SPEIER: Has anyone within the FBI?

MR. MCCABE: [REDACTED]

[REDACTED]

MS. SPEIER: Okay.

Could we go through the dossier? Do you have a copy of it there?



[REDACTED]

MR. MCCABE: I do not.

MR. BAKER: We might have one.

[REDACTED] To be clear, we will have to rely on the one that was published by BuzzFeed publicly.

MR. MCCABE: Okay.

[REDACTED] That is the only version that we have available to us here.

MR. MCCABE: I will use your version. I can't confirm that it is the same.

MR. SWALWELL: But if you wanted to make available your copy --

MS. SPEIER: All right. There it is. All right.

So the U.S. Presidential election, Republican candidate Donald Trump's activities in Russia and compromising relationship with the Kremlin. Let's just take -- let's take the summary on that first page. How much of that, if any of it, have you been able to source or to confirm?

MR. MCCABE: I am not going to be able to speculate for you off the top of my head what the results of our investigative team had concluded by May 17th. I mean, I could better answer your question if we had the [REDACTED] where we could kind of go through fact by fact what we have been able to confirm and what we haven't. But I would just be kind of guessing at that off the top of my head.

MR. SWALWELL: Just because it's been referred to, let's mark the BuzzFeed dossier as exhibit 2, if that's okay with the chair.

[McCabe Exhibit No. 2

Was marked for identification.]

MS. SPEIER: All right. So our ability to go through this is going to --

MR. MCCABE: I am really not the right person to do that with you.

MS. SPEIER: All right. I think at this point I will cede my time because

[REDACTED]

[REDACTED]

the next thing I need to do is going to take more time.

MR. SWALWELL: Mr. McCabe, on May 10th President Trump met with -- and it was alluded to earlier -- Sergey Kislyak and Foreign Minister Lavrov in the Oval Office, the day after James Comey was fired. Director Comey told this committee on March 2nd in closed session that [REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]

MR. SWALWELL: Yes.

MR. MCCABE: [REDACTED]

[REDACTED]

MR. SWALWELL: [REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]

MR. SWALWELL: With respect to General Flynn, would you agree that separate from the criminal liability that he potentially could have been exposed to, as Mr. Gowdy was questioning you, that there was also a counterintelligence concern as to whether his contacts with Russians could amount to putting him in a position where he could be extorted or subject to blackmail or used for espionage purposes?

MR. MCCABE: Certainly.

[REDACTED]

MR. SWALWELL: And can you elaborate a little bit on that?

MR. MCCABE: Sure. So our CI concerns were really the foundation of why we opened the case. As I said earlier, we opened it in an effort to shed light on individuals in the campaign who might be interacting with -- cooperating with Russian efforts to influence the 2016 elections.

Within that scope, it is possible that you could come across criminal activity, from false statements to acts of espionage. There is a lot of potential there.

MR. SWALWELL: If you are managing an investigation and you find out that one of your investigators has a perceived bias about an individual that is the target or subject of the investigation, is it appropriate to either, A, keep them on the investigation, or B, remove them?

MR. MCCABE: Well, I did that. I removed Pete Strzok from that -- from the special counsel's team for that reason.

MR. SWALWELL: And why is a perceived bias almost as bad as if there was an actual bias? Or is that a consideration? Mr. Schiff talked about whether the agent's political views ever affected his work, and you testified that to your knowledge it had not. So would you agree that at the very least there was at least a perceived bias on his part about candidate Trump?

MR. MCCABE: Well, only after I saw the texts. The possibility of bias on behalf of Mr. Strzok or Ms. Page for that matter --

MR. SWALWELL: Yeah, why is that of importance for the independence of the investigation?

MR. MCCABE: It was important to me because I did not want to take -- I didn't want to take any chance whatsoever of placing the work of Special Counsel Mueller's efforts in jeopardy. And so that is why I moved to remove Pete that day.

[REDACTED]

MR. SWALWELL: Thank you.

MR. GOWDY: Special Agent McCabe, who was the affiant on the first FISA application?

MR. MCCABE: I don't know the answer to that.

MR. GOWDY: In your experience, who had been affiants on FISA applications?

MR. MCCABE: It would usually be a supervisory special agent at headquarters.

MR. GOWDY: Could it have been Peter Strzok?

MR. MCCABE: That would be highly unlikely. It was not Peter Strzok, I am being told. I don't know the name of the person who was --

MR. GOWDY: The name is redacted. That is why I am asking.

MR. MCCABE: So it is definitely not Peter Strzok, because his name would not have been redacted. It's redacted because the person who is the affiant is not an SES-level official, and that's kind of how we do the cut line on redaction of names.

I have read the name recently. I don't remember that person's name. But I do remember it was a supervisory special agent, so a GS-14 agent at headquarters. That is definitely not Peter Strzok.

MR. GOWDY: All right. We will bounce around a little bit, but it's not to trick you, it's just to try to wrap some things up.

MR. MCCABE: Understood.

MR. GOWDY: The difference between extremely careless and grossly negligent.

MR. MCCABE: You are asking me what the difference is between those

[REDACTED]

two?

MR. GOWDY: If there is one.

MR. MCCABE: I am really not comfortable rendering a legal opinion as to what the difference is.

MR. GOWDY: I'm not asking you your legal opinion, just the phrases, extremely careless, grossly negligent. If you were going to define grossly negligent, how would you do it?

MR. MCCABE: Grossly negligent is really negligent.

MR. GOWDY: What if you couldn't use the word negligent in your definition, had to use another word for negligent?

MR. MCCABE: Really reckless. I mean, you are asking me to speculate as to how to define -- I mean, the terms are obviously different. They are very closely related.

MR. GOWDY: They are pretty closely related. The first draft of what some people call the exoneration letter, or exoneration memo, I don't know if that is the right way to phrase it, but the first draft --

MR. MCCABE: This is the July statement?

MR. GOWDY: It's the July statement, but the drafts were percolating around before then. What is the first time you saw one of the drafts?

MR. MCCABE: I don't remember the date that I first saw it, but I remember it was something that the Director had worked on over the weekend and that he shared with a small group of us when he came back into the office.

MR. GOWDY: Could it have been May?

MR. MCCABE: It's possible.

MR. GOWDY: Do you know if there were witness interviews done in the

course of that investigation after you saw that first draft?

MR. MCCABE: Yes.

MR. GOWDY: Do you know whether Secretary Clinton herself was interviewed after that draft?

MR. MCCABE: I do.

MR. GOWDY: Why would you begin to work on a memo, a letter, an email, a speech if you hadn't interviewed all the witnesses?

MR. MCCABE: I think that we -- I think that Director Comey was preparing for the eventuality of that possible conclusion to the investigation.

MR. GOWDY: You may can think of a third. I can only think of two conclusions, either charge or don't charge. Am I missing one?

MR. MCCABE: Not that I am aware of.

MR. GOWDY: So was there equal effort put into drafting an inculpatory speech --

MR. MCCABE: Not that I am aware of.

MR. GOWDY: -- one announcing the -- well, if you haven't interviewed the target yet, and you have no idea what she is going to say, then why would you not spend equal time on both?

MR. MCCABE: Well, I don't think that had we the opportunity to charge or had the decision been made that we had the evidence that we needed to seek -- to recommend to the Department that Secretary Clinton be charged, under that scenario we would likely not have been making an announcement.

MR. GOWDY: Why would the same perceived conflicts not exist with the Department?

MR. MCCABE: Because I think the indictment would have stood on its

own.

MR. GOWDY: You don't get to make the decision on an indictment by yourself. You have to run that by an AUSA, don't you?

MR. MCCABE: Of course. Of course. Had we been in the position to go to the Department and say, "Hey, here is the evidence we have, and we think that, you know, we think the case should go forward," then presumably the case would have gone forward with an indictment. I guess what I am trying to say is the indictment would have filled the shoes of the statement.

MR. GOWDY: So whatever concerns Director Comey had with the Department of Justice would not have existed had you gone the other way with your recommendation.

MR. MCCABE: I think it would have been a very different scenario.

MR. GOWDY: How?

MR. MCCABE: Yeah. They are yelling at me not to speculate.

MR. GOWDY: Well, here, let me help you. I don't want you getting yelled at, especially not by a lawyer.

You can't indict. You don't have the power to indict.

MR. MCCABE: That's correct.

MR. GOWDY: That's an AUSA.

MR. MCCABE: Yep.

MR. GOWDY: You either make a recommendation -- actually, lots of times you guys don't even make recommendations. You just produce what you found.

MR. MCCABE: Uh-huh.

MR. GOWDY: So this is already an unusual fact pattern.

Can you see how it doesn't engender public confidence if there was an

[REDACTED]

exoneration memo being written but not the other side of it when there were still a half dozen to a dozen interviews yet to be done? Can you see how it might appear that maybe the decision had already been made?

MR. MCCABE: Certainly I can see how it would appear that way to people who weren't involved in the investigation. I do.

I think that's a little bit different than the question of, like, why would you draft a statement explaining why you weren't seeking charges and not draft a statement explaining why you were seeking charges? Because typically in the "I am seeking charges" category, the statement would be -- you wouldn't be making a statement because you would be concerned about prejudicing the prosecution.

MR. GOWDY: I don't know, Special Agent McCabe, did you happen to see the press conference when Michael Grimm was indicted?

MR. MCCABE: I did not.

MR. GOWDY: I have seen shorter closing arguments --

MR. MCCABE: I did not.

MR. GOWDY: -- than that press conference.

So it's not beyond the realm of possible for a Federal prosecutor to have a press conference even making a charging decision. It happens a lot. Sometimes they go into great detail.

So was there any thought given into drafting an inculpatory document as opposed to an exculpatory document?

MR. MCCABE: Not that I'm aware of.

MR. GOWDY: Who was on the [REDACTED] team?

MR. MCCABE: So that would have been Director Comey --

MR. BAKER: Stay above the level of SES. SES and above.

[REDACTED]

[REDACTED]

MR. MCCABE: Okay. So you are referring to all those people involved in these discussions and concerns. I am sure if you spoke to some of the agents they probably wouldn't think of us as being teammates.

So Director Comey, myself, Mr. Baker, Peter Strzok, for some period Trisha Anderson, although she was out on maternity leave for some time. Lisa Page. John Maffa (ph). Bill Priestap. I don't want to leave him out. [REDACTED]. James Rybicki was present for some of those conversations as well. Michael Steinbach (ph), of course, until he left. Prior to that, John Jagalon (ph). That really predated my involvement in the case. I may be leaving some folks out, but that is the majority of it.

MR. GOWDY: What was Agent Strzok's role, if any, on leads provided by the CIA?

MR. MCCABE: His role in leads provided by the CIA? I mean, Peter would have reviewed -- would have been privy to that information, would have, you know, been in the kind of decisionmaking process I guess about how -- what investigative steps would have been taken as a result of -- I am not sure which leads exactly you are referring to, but generally that would have been his role.

MR. GOWDY: I know we have touched on Bruce Ohr. Tell me again when you realized that he was talking to the FBI.

MR. MCCABE: Bruce Ohr?

MR. GOWDY: Yeah.

MR. MCCABE: Talking to the FBI?

MR. GOWDY: Or being debriefed by the FBI. I assume there wouldn't be 302s if he weren't being debriefed by the FBI.

MR. MCCABE: Yeah. I have not seen those 302s, so I am not sure. As

[REDACTED]

[REDACTED]

I said earlier, at some point I became aware of the fact that Bruce had some sort of relationship with Chris Steele, but I don't know exactly when that was in the investigation.

MR. GOWDY: When did you become aware that Bruce Ohr's wife was an employee of Fusion GPS?

MR. MCCABE: I read that in the paper last week.

MR. GOWDY: You didn't know it until then?

MR. MCCABE: No, I don't know Bruce's wife, and did not know what she did for a living.

MR. GOWDY: I am going to go back to the text we left off with, a hundred million to zero. I read that to mean the candidate himself wouldn't vote for himself. Is that how you read zero, not a single solitary vote?

MR. MCCABE: I hadn't really thought about that.

MR. GOWDY: Now that you think about it, zero is a pretty lonely number, isn't it? Not a single solitary person in the entire country.

MR. MCCABE: It seems that way.

MR. GOWDY: If you had seen that text or known about that text sooner, would you have removed him from any other investigations he was on related to either Donald Trump or Hillary Clinton?

MR. MCCABE: I am reluctant to speculate about the hypothetical, but I cannot imagine a scenario in which that text or texts like that wouldn't have been deeply concerning to me.

MR. GOWDY: I don't want you to speculate. The second you learned of these texts from Michael Horowitz, what did you do?

MR. MCCABE: I came back to the office. I was serving as Acting Director

[REDACTED]

[REDACTED]

at that time. I discussed what I had seen and what I now knew about Pete and Lisa's texts with a very small group of senior leaders, and I made the decision to reassign both of them that evening.

MR. GOWDY: And how would that --

MR. MCCABE: I had a conversation about where that would be and where they would go.

MR. GOWDY: And how would that analysis have been different had you learned it in the summer of 2016 and not the summer of 2017?

MR. MCCABE: I don't know how it would have been different. I don't know that it would have been different.

MR. GOWDY: Why did you think it was important to remove him from the special counsel's investigatory team?

MR. MCCABE: I thought that as long as the inspector general was pursuing -- was looking into whether or not they had -- the two were politically biased, that they should not be in a position to impact the special counsel's work until the inspector general had concluded his investigation.

MR. GOWDY: Looking in April of 2016, and this is Ms. Page, "So, look, you say we text on that phone when we talk about Hillary because it can't be traced."

What does that suggest to you, concern about something being traced? Was it a government phone?

MR. MCCABE: It was.

MR. GOWDY: Both her phone and his were government phones?

MR. MCCABE: That's my understanding. But I don't know -- I can't sit here and tell you exactly what phone numbers they were texting from, but that's

[REDACTED]

been my assumption all along, was that they were -- that these texts were available to the inspector general because they were conducted on Bureau-issued telephones.

MR. GOWDY: In June of 2016, that's I guess a couple of weeks before Director Comey's press conference, "Hi. I'm just leaving my meeting now. How we make law in this country is offensive and irresponsible."

I am not quarrelling with the conclusion she reached, but do you know what meeting she was making reference to?

MR. MCCABE: I do not.

MR. GOWDY: Then Strzok followed up, "I know it is. It's why I loathe Congress. Can't wait to hear the story."

MS. SPEIER: That's common.

MR. GOWDY: Was it some trip they made to Capitol Hill?

MR. MCCABE: I don't know, sir.

MR. GOWDY: Now this is July of 2016.

MR. MCCABE: Okay.

MR. GOWDY: And refresh my recollection. Investigation [REDACTED] connected with the Trump campaign began when?

MR. MCCABE: I'm sorry, could you repeat the question?

The [REDACTED] and then the Flynn case was opened on the [REDACTED]. The case itself, the umbrella case was opened on the [REDACTED]

MR. GOWDY: Was Mr. Strzok involved in all four of them?

MR. MCCABE: I have seen the opening document from the [REDACTED], and he was the approver on that document. I haven't seen the opening documents of the

[REDACTED]. But I would expect he likely was.

MR. GOWDY: All right. So this is July 19th, 2016, the text.

MR. MCCABE: Okay.

MR. GOWDY: And a [REDACTED] later his name is on what you said is an opening document into --

MR. MCCABE: That's right.

MR. GOWDY: -- [REDACTED]?

MR. MCCABE: Well, the opening document to the umbrella case is the only one that I've reviewed.

MR. GOWDY: I'm not going to be able to capture this because I'm not sure what the word says, so I'll skip it. "TURN IT ON, TURN IT ON," all caps, "the douche bags are about to come out." Do you know who he was referring to?

MR. MCCABE: I do not.

MR. GOWDY: The President, now President, then candidate Trump's family, his wife and kids.

MR. MCCABE: I did not know that.

MR. GOWDY: This is July 27th. And again, the investigation was opened what [REDACTED]

MR. MCCABE: That's right.

MR. GOWDY: This is Ms. Page. "Yeah, it's pretty cool. She just has to win now. I'm not going to lie, I got a flash of nervousness yesterday about Trump."

Then we have August of 2016, August the 6th of 2016. This is Ms. Page, "And maybe you're meant to stay where you are because you're meant to protect the country from that menace."

Can you shed any light on what she may have meant by "where you are"?

MR. MCCABE: I cannot.

MR. GOWDY: You have been an investigator for a long time. How many years?

MR. MCCABE: Twenty-one years.

MR. GOWDY: What do you think she meant by that?

MR. MCCABE: I am not going to opine on what two people communicating on a private text that I wasn't included on were referring to. I don't know, sir.

MR. GOWDY: And then Special Agent Strzok's response was, "I can protect our country at many levels." Any idea what he could have meant by that?

MR. MCCABE: I don't.

MR. GOWDY: Can you see how the timing might not be confidence inspiring?

MR. MCCABE: I don't think any of it is confidence inspiring. I think it's -- it's tragic.

MR. GOWDY: August 26th, 2016. This is Special Agent Strzok. "Just went to a southern Virginia WalMart. I could smell the Trump support."

Now, October the 20th of 2016, and the FISA application would have been made when?

MR. MCCABE: I have [REDACTED] the court authorized the surveillance. So the package was in process the days leading up to that likely.

MR. GOWDY: This is Special Agent Strzok. "I am riled up. Trump is an F'ing idiot, unable to provide a coherent answer."

How many Andys are there in the leadership ranks at the Bureau?

MR. MCCABE: I am only aware of me. Well, it depends on what you define as leadership ranks. If you're referring to the seventh floor, I am the only one I am aware of.

MR. GOWDY: What I am trying to figure out, Mr. Deputy Director --

MR. MCCABE: That's right. There was another one who is gone now.

MR. GOWDY: Here is what I am trying to figure out. This is August of 2016.

MR. MCCABE: Okay.

MR. GOWDY: It's right after the investigation has been launched, before the first FISA application, but after the investigation has been launched.

MR. MCCABE: Okay.

MR. GOWDY: And this is Special Agent Strzok. "I want to believe the path you threw out for consideration in Andy's office."

I have never been to your office. I don't know if there are lots and lots of rooms. I don't know if you make it available for other people to use when you are not there. Is any of that possible, they could have been in your office without you being there?

MR. MCCABE: It's possible, sir. I have one room. And it's certainly possible that they could have been in there when I was not there.

MR. GOWDY: Did they come to brief you or visit with you frequently?

MR. MCCABE: Page and Strzok? They were frequently in my office.

MR. GOWDY: Together?

MR. MCCABE: Sometimes together, sometimes separately.

MR. GOWDY: Is there any other Andy he could have been referring to?

MR. MCCABE: I don't know who he was referring to. I have just been

reminded there was another Andy who worked essentially across the hall from me at the time, but I don't know who he was referring to.

MR. GOWDY: Who is that Andy?

MR. MCCABE: Andrew Castor (ph).

MR. GOWDY: Did he go by Andrew or Andy?

MR. MCCABE: Andy.

MR. GOWDY: What was his role?

MR. MCCABE: He was the -- a associate assistant deputy director.

Sorry, it took me a minute to pull that one back together. He essentially worked for the ADD, who is the associate deputy director. He is the guy that handles the role that I was in before I was deputy. He handles all the business side of the Bureau.

MR. GOWDY: Would that have been someone that they reported to or had reason to talk to --

MR. MCCABE: It's certainly somebody they could have spoken to, could have had a conversation with. I don't know. I can't say who they were referring to.

MR. GOWDY: "I want to believe the path you threw out for consideration in Andy's office that there's no way he gets elected."

Can you see how a person might understand the "he" to be Trump in a two-person race where the other was a female?

MR. MCCABE: I can certainly see how you would assess that.

MR. GOWDY: "But I'm afraid we can't take that risk." What do you think the word "risk" modifies? What do you think -- what risk do you think they are talking about?

[REDACTED]

MR. MCCABE: The "he" getting elected?

MR. GOWDY: That's a reasonable construction of it, I think. What was your reaction when you read that?

MR. MCCABE: I was shocked. Shocked, confused, surprised. As I said before, I have no idea what they are referring to. I cannot think of a single conversation that I have participated in that fits the description laid out in that text.

MR. GOWDY: Can you think of any conversations that took in your presence where people were musing about what life would be like under one candidate or the other if they won?

MR. MCCABE: Not particularly, sir. I cannot. We didn't discuss things like that.

MR. GOWDY: There is a little bit of conflict between how the Bureau remembers the DNC server hack and how others at the DNC remember it. What is your recollection of how the Bureau learned about it, and what steps did you take to alert the DNC?

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Our cyber folks -- and I don't know, my assumption is that they were cyber folks at the Washington field office -- contacted the DNC, the individual who had been identified to them by the DNC as the person responsible for securing their systems. Essentially, contact was made and it was explained: Hey, you should go look for these indicators on your system, and if you see this, you should let us know and then we will figure out next steps. And they never received a response

[REDACTED]

[REDACTED]

to that contact.

[REDACTED]

[REDACTED]

[REDACTED]

MR. GOWDY: Is that the way you would have made contact with any other entity, you would have had -- I don't use the phrase low level in reference to FBI agents, but a line agent? Would a line agent have made a call to someone in the cyber department at any entity, political or otherwise?

MR. MCCABE: Line agents make those kind of calls every day.

MR. GOWDY: So Director Comey doesn't make those calls?

MR. MCCABE: No, sir. No, sir.

MR. GOWDY: And Deputy Director McCabe doesn't make those calls?

MR. MCCABE: I do not.

MR. GOWDY: So you handled it the same way you would anyone else who had been potentially victimized by this?

MR. MCCABE: That's correct. It's notable as well, I should point out that the activity that led to that notification affected many, many, many victims at the same time. So there is a lot of that sort of notification work going on in the same way with all sorts of different victims, potential victims.

MR. GOWDY: Did the Bureau ever make an effort to access the server itself, the DNC server?

MR. MCCABE: I don't recall exactly what we asked for. My recollection is that we did not get a kind of cooperative response from the DNC, which is not -- that's not uncommon. But it's not -- typically, what we ask for is not access to a server or a piece of equipment, but rather access to logs from the system to

[REDACTED]

be able to try to determine if the indicators of the intrusion are present in the system. And I don't believe we ever got that sort of cooperation from the DNC.

MR. GOWDY: Do you know why there was a lack of cooperation from the DNC?

MR. MCCABE: I do not.

MR. GOWDY: Is it a potential violation of a criminal code to intrude on someone's server without their permission? Are there any criminal code sections that are implicated?

MR. MCCABE: Of course.

MR. GOWDY: Did you consider using -- would you consider the server to be evidence in that potential crime?

MR. MCCABE: It's possible, but without confirmation that the activity that we are concerned about even took place, I don't know that you'd be at a point where you're confident that you had probable cause to indicate that there was evidence of a crime on the server.

MR. GOWDY: All right. You can ask, which doesn't require probable cause, you can ask the owner of the server to produce it; or you can wait until there is probable cause to believe that a crime was committed and that that's part of an evidentiary scheme that you would want.

Did you ever contemplate at any point in the process gaining access to the server, either by subpoena, search warrant?

MR. MCCABE: Certainly you are not asking me personally. I did not engage in that sort of investigative --

MR. GOWDY: What you know about the Bureau's effort. The reasons it's important is that there is a division of thought on whether the -- well, Director

[REDACTED]

Comey's testified, Jeh Johnson's testified. There's another school of thought on whether or not the Bureau and DHS needed access to that server and I am just trying to reconcile the differences.

MR. MCCABE: We had over a course of many months numerous interactions with the DNC. This is the best of my recollection as to how that took place. I have described how the early interactions took place and were not productive.

Eventually, we kind of escalated our contact with individuals at the DNC. My best recollection is that we requested that sort of access to logs, things of that nature, and we did not get that.

We don't typically force victims to provide information if they don't want to cooperate with an inquiry. So that's something that we balance, and it's typically something that we balance in particularly cyber cases, where oftentimes we are dealing with entities that are trying to be very quiet about the fact that they have vulnerabilities that may have been exploited.

MR. SWALWELL: Mr. McCabe, my good friend from South Carolina referenced a draft report being written in the Clinton investigation, and I don't know if it would surprise you to learn, as I am learning right now, a Bloomberg news story from yesterday that this committee, as you sit here as a witness and we go to New York tomorrow to interview witnesses, the chairman of the committee told Bloomberg that this committee's staffers have begun drafting parts of the final report.

So it sounds like in large investigations you want to get started on drafting a report as you continue to learn information. Is that just what an investigation would entail?

[REDACTED]

[REDACTED]

MR. MCCABE: That's correct.

MR. SWALWELL: Part of our committee's role in this investigation is to understand what the government response was. Could you give us an overview of your knowledge of, prior to the [REDACTED] you to George Papadopoulos back in 2016, [REDACTED]

[REDACTED]

And again, you don't have to go into great detail. I don't want to jeopardize sources and methods. But we do need to understand what that looked like.

MR. MCCABE: Yeah. And I am very sensitive about kind of getting too

[REDACTED]

[REDACTED]

MR. SWALWELL: Can you talk a little bit just about the squads and the coverage of individuals?

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SWALWELL: What is an IO?

MR. MCCABE: Intelligence officers. I'm sorry.

MR. SWALWELL: Just for the record.

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SWALWELL: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: Right.

MR. SWALWELL: [REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SWALWELL: In 2016, what was your estimate of the number of Russian intelligence officers and just individuals associated with Russian intelligence services who were operating in the United States?

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

MR. SWALWELL: [REDACTED]

[REDACTED]

MR. MCCABE: Absolutely.

MR. SWALWELL: -- as far as sources or part of the network?

MR. MCCABE: [REDACTED]

[REDACTED] [REDACTED]

MR. SWALWELL: Once you were [REDACTED] [REDACTED] with respect to Mr. Papadopoulos, did the FBI do anything to expand its coverage of Russian individuals or focus on the Presidential campaigns to see if they were trying to reach out or approach individuals on the campaigns?

MR. MCCABE: We refocused, maybe reallocated is too strong a word, but [REDACTED]

[REDACTED]

[REDACTED]

MR. SWALWELL: Once you learned about the approach to Mr. Papadopoulos, was any defensive briefing given to candidate Trump or anyone on the Trump team?

MR. MCCABE: We participated in intelligence briefings that were provided

[REDACTED]

[REDACTED]

to both candidate Trump and candidate Clinton after each were designated the nominees of their respective parties. So we participated in briefings to the two candidates, the two Vice Presidential candidates, and I think there were also separate briefings, one each, for campaign staff, select campaign staff.

MR. SWALWELL: Who participated in the briefing of candidate Trump? If you know.

MR. MCCABE: I don't remember.

MR. SWALWELL: Do you know whether candidate Trump was advised specifically about Russians and their interest in Mr. Trump or his campaign?

MR. MCCABE: That's really our role in those briefings. Those briefings are arranged by the DNI, and kind of each agency is given a block of time and kind of a topic to address. And that's really the purpose of the FBI involvement in those briefings, is to provide what we consider a defensive briefing to make it clear to the candidates and their select staff the fact that they are targets and will likely attract that sort of contact from the intelligence officers.

MR. SWALWELL: Was there any information specific to Russia that was conveyed to candidate Trump?

MR. MCCABE: I would have to look back at what the folks briefed, but I cannot fathom that Russia was not included in that briefing.

MR. SWALWELL: And today, knowing that Russia did interfere in the elections, that the ICA has been produced, one of the conclusions of the ICA was that Russia is conducting a lessons learned campaign to potentially attack us again.

What has changed at the FBI as far as its coverage of Russia, particularly [REDACTED], and also of any interests they may have in

[REDACTED]

[9:05 p.m.]

MR. SWALWELL: Did you observe the testimony that representatives from Facebook, Google, and Twitter provided to Congress about interference in the 2016 election?

MR. MCCABE: I did not.

MR. SWALWELL: You are familiar that social media platforms in the United States were weaponized by the Russians?

MR. MCCABE: Yes.

MR. SWALWELL: Is there any recommendations you would make to us about any duty to report that perhaps social media companies should have as far as notifying the FBI, if they were to see or observe activity on their platforms before the FBI is able to be alerted to it?

MR. MCCABE: Yeah, I mean, there's -- we have seen a pretty significant shift in the approach that the social media companies are taking for that activity now from where they were back in 2016, more cooperation, better transparency, reporting when they see that activity, is something that's always going to help us try to stay ahead of the threat.

MR. SWALWELL: Finally, public reports as well as some of the guilty pleas that have been obtained in Special Counsel's prosecution, we have learned of different approaches that Russians made to individuals on the Trump campaign and many times offering dirt on a political opponent. The same question with respect to social media.

Do you believe that it would assist our ability to protect against an attack by Russia or any country if there was a duty to report requirement on an individual if they were contacted by a foreign national as it related to a political campaign?



I will just give you an example. In 2000, the Gore campaign received the debate prep book for the Bush campaign from a foreign national and provided it to the FBI. There is no duty to do so, but they -- I think most people agree -- did the right thing there. As it stands today, it doesn't seem that there was a duty for anyone on the Trump campaign or the Clinton campaign to come forward if they were offered dirt on their opponent.

Would that assist the FBI in its investigations if there was such a duty to at least alert the FBI in a situation like that?

MR. MCCABE: It's hard for me to speculate on possible -- what would likely be possible legislative actions, but I will say it's better for us to know. That being said, there are all kinds of other considerations that the department, and of course, you all would have to factor into creating such a legal obligation, but speaking just for the investigators, it's always better for us to know what the adversary is up to.

MR. SWALWELL: Well, thank you, again, Mr. McCabe. You have provided a lot of color to our ongoing investigation. With that I yield to Ms. Speier.

MS. SPEIER: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]





[REDACTED]

MS. SPEIER: [REDACTED]

[REDACTED]

MR. BAKER: [REDACTED]

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MS. MOYER: [REDACTED]

MR. MCCABE: [REDACTED]

MS. SPEIER: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MS. SPEIER: [REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]



[REDACTED]

MS. SPEIER: [REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]

[REDACTED]

MS. SPEIER: [REDACTED]

[REDACTED]

MS. SPEIER: [REDACTED]

MR. MCCABE: [REDACTED]

MS. SPEIER: [REDACTED]

MR. MCCABE: [REDACTED]

MS. SPEIER: [REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]

MS. SPEIER: [REDACTED]

[REDACTED]

MR. MCCABE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MS. SPEIER: And as it related to Attorney General Lynch, you didn't inform her about this until August of 2016?

I may not be saying you specifically.

MR. MCCABE: I'm not sure that's right. I think it was probably July.

MS. SPEIER: So I was briefed and my recollection is that this was around August of last year. This is her testimony. "I received a request for a confidential meeting with Deputy Director McCabe." This is Loretta Lynch's testimony to us. But she is under the impression that it was in August.

MR. MCCABE: I could find out the date. We obviously have the date.

MS. SPEIER: But it was for a substantial period of time after you received it, and after it was the tipping point for Director Comey to have that press conference.

MR. MCCABE: I don't know that I would refer to it as the tipping point. It was definitely a factor that he considered. I'm sure it had an impact on his decision. But --

MS. SPEIER: It says -- this is Director Comey. "It had a huge impact on my decision to step away and announce the results separately because I thought it was going to come out any day."

MR. MCCABE: Okay.

MS. SPEIER: That was his testimony May 4th.

Okay. Now, one of the issues we have spent little time on in this entire investigation is probably the one that's the most important to the American electorate, and that is voting machines.

Now, the ICA, in its original report that it provided all of us, made the

[REDACTED]

[REDACTED]

statement that, in fact, the Russians got into voting records in a number of States, [REDACTED], but that it did not appear that they got into the election machines. Is that an area of review that you undertook, or was that Homeland Security?

MR. MCCABE: So it is work that we did, and we did to some extent jointly with DHS, but our cyber folks were basically alerting us to the Russian cyber activity that we were finding in different States around the country, in which we'd see Russian cyber activity hitting on essentially election-related systems, none that were involved in tallying votes, but like voter registration databases and things of that nature. So that's on the one hand.

On the other hand, we thought it was important to find out more about potential vulnerabilities in voting machines themselves, so we took it upon ourselves to go out and figure out who made those machines, were they are kind of industry leaders that were responsible for the majority of the machines out there. That's, of course, what we determined. And then we met with those companies to better understand whether or not -- you know, just how vulnerable those machines might be.

MS. SPEIER: And you came away with the impression that they weren't very vulnerable it sounds like.

MR. MCCABE: They certainly could be. But they -- the voting machines were not, under normal circumstances, connected to the internet. So it's not that you couldn't get malware on a voting machine, but you'd have to do it with some physical presence.

MS. SPEIER: There was a hackathon in Las Vegas earlier this year called Defcon (ph). They had purchased 10 voting machines, and before the weekend

[REDACTED]

[REDACTED]

was over, they were able to hack into every one of them. Did you ever contemplate interviewing any of those hackers? Did you have any FBI agents there to observe their efforts?

MR. MCCABE: It's certainly possible. I'm not aware of that, but that's possible.

MS. SPEIER: Were you aware of the fact that these election companies do not allow those cities, counties, States, that contract with them to red team the software or the machines?

MR. MCCABE: I'm not aware of that.

MS. SPEIER: Does that concern you in terms of the reliability of these machines?

MR. MCCABE: Oh, I mean, I think we are concerned about those machines and the entire process. I think we discovered that it's certainly possible to introduce malware to those machines in a way that would provide someone the opportunity to corrupt the way the machines are used and tally votes.

MS. SPEIER: One of the hackers I talked to, I asked the question: The

[REDACTED]

[REDACTED] And his response to me was, there's no way they could tell. Does that bother you?

MR. MCCABE: Sure. Yeah.

MS. SPEIER: All right. I have one last question. Do I have -- 6 minutes. Okay. One last question. Foreign Corrupt Practices Act, is that an area in which you have jurisdiction?

MR. MCCABE: Does the FBI have jurisdiction?

MS. SPEIER: Yes.

[REDACTED]

[REDACTED]

MR. MCCABE: Yes, ma'am.

MS. SPEIER: Have you undertaken any investigations of real estate holdings of Donald Trump under the Foreign Corrupt Practices Act?

MR. MCCABE: As I sit here today, I'm not aware of any.

MS. SPEIER: All right, thank you. I yield.

BY [REDACTED]

Q Thanks. [REDACTED] for the minority.

I have a few mostly cleanup questions. The first is, our colleagues in the majority asked you a question about 302s that have been made available to certain members and staff for the committee by the Department of Justice. Some of them relate to debriefings Bruce Ohr, the DOJ official, received with regard to his contacts with Christopher Steele. And based on what was represented by the majority, it appears that at least one of them, if not the first, occurred in [REDACTED] [REDACTED], I understand before the opening of the [REDACTED] 2016.

So the question we have is, did the Bureau in any way rely on information that Bruce Ohr received and provided to an FBI agent in the course of the debriefing in [REDACTED] to decide to open the [REDACTED]

A I am not aware of that reliance.

Q Okay. Related to that is whether or not any of the information that Bruce Ohr provided in July of 2016, which we were only able to view on a read-and-return basis at DOJ, so we don't have the materials in front of us, whether or not the information about Bruce Ohr, Bruce Ohr's wife's relationship, or work for Fusion GPS at all factored into the decision on [REDACTED] [REDACTED]?

[REDACTED]

[REDACTED]

A I'm not aware that it factored in. I was not aware of that information at all until I read it in open source last week. So, no.

Q Okay, there is a -- this is on a separate matter. There was a line of questioning about whether or not the FBI ever had access to the DNC servers?

A Yes, I'm aware of the line of questioning.

Q Yes. So to be precise, we have received in the committee testimony, including by the cybersecurity firm that the DNC contracted with named CrowdStrike, that, in fact, it is not the best practice to provide access to the FBI of the physical servers themselves which is actually would be an archaic means of trying to determine whether or not there may have been cyber activity, foreign cyber activity, but instead, that images are provided. And the term "images" was described to us as a technical term, where it actually -- by imaging the servers, you could actually have a broader -- sorry, a more comprehensive log of what occurred that is more helpful, and that that imaging was provided to the FBI. Are you aware of this information?

A I am not.

Q Okay.

A That is consistent with my understanding of the fact that we review logs. We don't go and grab people's servers and bring them back to the office.

Q Right. This discrepancy or misunderstanding has led to public debate as well about whether or not the FBI, and why not, so why did the FBI not have access to the physical servers, and based on the testimony we have received, it would suggest that that is not actually the route the FBI or the cybersecurity firms take. Instead, they provide these digital images.

A That's my understanding.

[REDACTED]

[REDACTED]

Q Moving on. Do you know what date the FBI opened an investigation into the DNC hack itself?

A I do not.

Q The public record, and I'm going to confirm this here, was that the investigation -- that the FBI confirmed on July 25, of 2016 so this would have been

[REDACTED] But the FBI confirmed publicly on July 25, 2016, that it had opened an investigation into the hacking of the DNC computer network. This was the same day that then Candidate Trump tweeted, quote, "The new joke in town is that Russia leaked the disastrous DNC emails which should never have been written, (stupid) because Putin likes me."

One question that we have had is whether at some point the investigation into the DNC hack became rolled into the CI investigation that was open, the umbrella investigation because ultimately it involved the same actors on the Russian side. So if you could speak to that?

A Yeah, so I wouldn't characterize it as rolled into. The investigation of the DNC hack was being pursued by our Cyber Division with, of course, the assistant, with the Washington Field Office, I think was the field office in kind of -- that had that investigation assigned to them. But there was a very high degree of coordination between our Cyber Division at headquarters, and our Counterintelligence Division at headquarters to ensure that my CI folks' understanding of the Russian target was informing what the cyber folks were seeing and looking for, and what the cyber folks were finding as a result of the Russian hacking activity, was informing how my CI folks understood the threat and the Russian's interest in influencing the election.

[REDACTED]

Q I'm sorry, I believe our time is up. I will have just have a few more cleanup questions right after their questions.

A Okay.

MR. GOWDY: Special Agent McCabe, I want to thank you for your time. It has been a long day, but it is an important fact pattern, and I appreciate the manner in which you have treated it that way.

MR. MCCABE: Yes.

MR. GOWDY: I have only got a couple more areas and we will be able to wrap them up in this time.

MR. MCCABE: Okay.

MR. GOWDY: Three of them are not comfortable for me to ask you about, but it would be irresponsible for me not to.

MR. MCCABE: Okay.

MR. GOWDY: So we will get into it, and then we will close with something that's really important.

MR. MCCABE: Okay.

MR. GOWDY: Back to Director Comey's written testimony before the Select Committee. On page 7 -- you don't have to look at it. You are welcome to if you want to.

"In an abrupt shift he turned the conversation to FBI Deputy Director Andrew McCabe saying he hadn't brought up, quote, 'the McCabe thing' because I had said McCabe was honorable, although McAuliffe was close to the Clintons and had given him (I think he meant Deputy Director McCabe's wife) campaign money."

What is, was, your relationship, if any, with Terry McAuliffe?

MR. MCCABE: I have no relationship with Terry McAuliffe.

MR. GOWDY: Do you have a personal relationship with Secretary Clinton?

MR. MCCABE: No, I do not.

MR. GOWDY: Have you ever had any business transactions with former Governor McAuliffe?

MR. MCCABE: Have I personally --

MR. GOWDY: You personally.

MR. MCCABE: -- had business transactions? Absolutely not.

MR. GOWDY: All right. I want to go.

MR. BAKER: Let me ask you one question.

MR. MCCABE: I did, so I don't consider that to be a relationship, and it's certainly not a business transaction, but I did meet with -- I attended a meeting with Governor McAuliffe as my wife was considering running for State senate in Virginia in March of 2015. And I'm happy to go through all of the details about that with you if you'd like. We will be here for quite a bit longer, but I'm happy to cover that with you if you want to go into that area.

MR. GOWDY: I don't know whether he is an attorney or not. I don't know whether he did criminal work. He would have had no reason to contact you on a professional basis given what he did before he was Governor. I don't even know what he did, but --

MR. MCCABE: No, I never -- I've never spoken to the man before that meeting with him on March 7, 2015. And I've never spoken to him since then.

MR. GOWDY: All right. I don't like quoting newspaper articles, but I think I'm the only one in Congress who doesn't like doing it.

MR. MCCABE: Just this one time.

MR. GOWDY: One time. The texts came after a meeting involving Miss Page, Mr. Strzok, and FBI Deputy Director Andrew McCabe according to people close to the pair and familiar with their version of events. At the meeting Miss Page suggested they could take their time investigating the alleged collusion because Mrs. Clinton was likely to win, the people said."

The part of that that I'm going to ask you about is, this is reporting that people close to either Miss Page or Mr. Strzok, or both, have said you were the Andy McCabe and that the meeting was about the likelihood of her electoral success and whether you could ramp up, or tap down the investigation into his campaign.

MR. BAKER: Excuse me. For the record, what's the newspaper?

MR. GOWDY: Wall Street Journal.

MR. MCCABE: Well, I'm not familiar with that reporting other than what you just read. I have no recollection of ever having participated in a conversation with Lisa Page or Pete Strzok about ramping up or tamping down the investigation of -- I can't remember how you referred to it there -- of that would have been then Candidate Trump, because of Hillary Clinton's possibility of winning the election.

I don't know who these people are who are reporting these things.

MR. GOWDY: That's the challenge with reporting is you don't have to list a name.

MR. MCCABE: Yeah, I don't --

MR. GOWDY: It's hard to cross-examine someone if you don't know who they are.

MR. MCCABE: Yeah, I don't have any, as I've said before, I don't have

any idea what they are referring to in that text.

MR. GOWDY: And you don't recall that conversation taking place in your presence, and whether it took place in your office without your presence. You wouldn't be able to speak to it anyway?

MR. MCCABE: I don't recall that conversation taking place. I don't ever recall hearing Pete and Lisa talk about making decisions in the investigative work that we did based on their personal political beliefs. And I certainly never engaged in that sort of talk or decisionmaking.

MR. GOWDY: In October of 2016, Director Comey wrote Congress. I think his purported reason, what he said he felt like he had to do was supplement testimony he had given before the Oversight and Government Reform Committee. I think, in particular, maybe Tim Walberg's line of questions, maybe Johnny Ratcliffe. I don't remember who it was. But he felt the need to let Congress know that the investigation had reopened.

Was there any discussion of notifying Congress or supplementing the record in a private way as opposed to a public letter?

MR. MCCABE: I cannot answer that because I did not participate in any of the discussions around the first or second letters to Congress related to the Weiner laptop.

MR. GOWDY: You were the Deputy Director at the time?

MR. MCCABE: Yes, sir.

MR. GOWDY: Why would he have not availed yourself of expertise on a decision like that?

MR. MCCABE: Yeah, again, so this calls for a somewhat expanded answer. So feel free to cut me off if I'm going in places you are not interested.

[REDACTED]

I insisted that Director Comey participate in a meeting on, I think it was probably Thursday, October 27th if I have the day correct, to discuss the Weiner laptop issue. I was scheduled to travel the next day, so I wasn't going to be there. I was going to call into the meeting. When I called into the meeting, I was basically dropped from the call. I was told that they were concerned that there might be classified material discussed as a part of the meeting, and therefore, I shouldn't be dialing in from an unclassified phone. And so I hung up.

And when I returned to the office the following Monday, that's when we began a series of conversations, myself, Mr. Baker, and others, and ultimately the Director, as to whether or not I should recuse from the midyear investigation as a result of the public interest that had been generated by two Wall Street Journal articles. Ultimately at the Director's request, I recused from that investigation, and then have not participated in it since then.

That was a request that I did not agree with, a request I did not support, a recusal that I did not believe was called for, but I did it because Director Comey asked me to do it.

MR. GOWDY: Well, what reason did he give you for asking you to recuse yourself because you seem to feel pretty passionate that that was not necessary for you to be able to do your job.

MR. MCCABE: Yeah. His reason was that the amount of kind of public interest that had been generated by The Wall Street Journal articles put him in a position where it would be, you know, kind of easier just to kind of, if asked, to be able to resolve the issue, I guess, by saying that I was not involved in the decisionmaking on the case going forward.

MR. GOWDY: I don't recall The Wall Street Journal articles. I don't know

[REDACTED]

what those articles, what would they have been about?

MR. MCCABE: There was an article -- I can't remember the dates on the articles. I think the first one was maybe October 23rd, so it was the prior week was the first article that The Wall Street Journal released about my wife and her campaign and the fact that she had received campaign contributions from the Virginia Democratic Party, which was controlled by Governor McAuliffe, and from a PAC that was also controlled by Governor McAuliffe.

The following weekend, the same weekend of my travel and the meeting that I was dropped from, the Journal did a second article that basically plowed the same ground, and then added a kind of a whole narrative involving the Clinton Foundation case, and my involvement in that, and some back and forth that we had with the Department of Justice over the Clinton Foundation case.

MR. BAKER: May I have a minute, Mr. Chairman?

[Discussion off the record.]

MR. GOWDY: I take it you did not believe the recusal was necessary or warranted?

MR. MCCABE: That's correct. I also believed it would potentially harm our -- the perception of our investigation.

MR. GOWDY: If you recused yourself, or if you did not?

MR. MCCABE: If I recused myself it would, quite naturally --

MR. GOWDY: Be like a tacit admission that something --

MR. MCCABE: That's right. That's right, and it would cast the work that we had done under undue suspicion.

MR. GOWDY: It was kind of late in the game to do the recusal, wasn't it? This was the Clinton email server investigation, right?

MR. MCCABE: That's correct.

MR. GOWDY: That had ended and only reopened into the public's minds eye because of a public letter that Director Comey sent to Congress.

MR. MCCABE: That's correct.

MR. GOWDY: All right. I will treat you like I do every other witness. I'm going to ask you the same series of questions I ask every other witness.

MR. MCCABE: Okay.

MR. GOWDY: So no one can say I treated you differently.

MR. MCCABE: I'm happy to take whatever questions you have.

MR. GOWDY: Three inflexion points I want you to focus on.

MR. MCCABE: I'm sorry?

MR. GOWDY: Three inflexion points, three kind of points that I'm going to center these questions around.

Number one is the hack of the DNC server.

MR. MCCABE: Okay.

MR. GOWDY: Number two -- they are not in chronological order -- the accessing of John Podesta's email.

MR. MCCABE: Okay.

MR. GOWDY: And third would be the dissemination by WikiLeaks or whomever, of the proceeds of those two unlawful acts.

MR. MCCABE: Okay.

MR. GOWDY: The hacking of the server, the accessing of Podesta's email. Do you have any evidence regardless of whether or not you believe it and regardless of whether or not it comes from a source that would be admissible in any court, so I'm giving you free rein to use hearsay, and even if you say I heard it

like with the stuff with DOJ, and Debbie Wasserman Schultz, heard it, read it, maybe didn't believe it, Donald Trump colluded, conspired, confederated with anyone to hack the DNC server.

MR. MCCABE: Do I personally have --

MR. GOWDY: Or have you seen evidence?

MR. MCCABE: Right, have I personally seen evidence or information that shows Donald Trump's involvement in the DNC hack?

MR. GOWDY: Yes.

MR. MCCABE: No, sir.

MR. GOWDY: His involvement in the accessing of John Podesta's email?

MR. MCCABE: Do I personally see information or evidence that points to President Trump's personal involvement in the hacking of John Podesta's email, no, sir.

MR. GOWDY: Do you know whether or not it violates any criminal code section to disseminate information that has been acquired via a hack? So in this hypothetical, you didn't participate in the hack. Someone else did it. But you are going to participate in the dissemination of the proceeds.

MR. MCCABE: Yeah, I don't want to -- I don't want to speculate on that. I can't answer that for you definitively tonight.

MR. GOWDY: All right. Well let me ask it differently. Is there any evidence, do you have any evidence that Donald Trump himself participated in the decision to disseminate or the timing of the dissemination of the information gleaned during either of those two criminal acts, the hacking of the server and the hacking of Podesta's email?

MR. MCCABE: I personally haven't seen information that would indicate

[REDACTED]

that, that would indicate Donald Trump's personal involvement in those criminal actions.

MR. GOWDY: Okay. Thank you, Deputy Director. That's all I've got.

MR. SWALWELL: I don't have any further questions, [REDACTED]

BY [REDACTED]

Q If I can just ask, you just answered three very narrow questions about whether or not you were personally aware of any evidence that Donald J. Trump himself was involved in either the DNC hack, the hack of the Podesta emails, or, and to be precise, the dissemination once that information was hacked, presumably to the entities like WikiLeaks, the cutout entities that ultimately disseminated publicly.

If we can take you back to have a broader question related to that, which is, are you aware of whether the FBI had suspicions that the Trump campaign may have received foreknowledge of, A, the existence of stolen information about Clinton, possibly in the form of thousands of emails? I think the quote "thousands of emails" comes from the statement of the offense that George Papadopoulos pleaded guilty to. So I will leave it there, first.

A I'm sorry, you lost me about halfway through.

Q Yeah, so just because the question you answered was very narrow?

A Very narrow, that's right.

Q So the broader question is, whether or not the FBI was in receipt of any information that pointed to the possibility that the Trump campaign or Trump campaign associates had foreknowledge about the existence of the -- of information that may have been stolen from the DNC or the Clinton campaign?

A I'm trying to think. I don't remember that. Can I have just a

[REDACTED]

second?

Q Sure. And we have the statement of the offense, as well.

MR. BAKER: What document is that?

MR. SWALWELL: We will mark, without objection, exhibit 3, George Papadopoulos' Statement of Defense.

[McCabe Exhibit No. 3

Was marked for identification.]

MR. MCCABE: Okay.

BY [REDACTED]

Q The statement of Defense that George Papadopoulos pled guilty to.

A Okay, so your question is: Does the FBI have this information now?

Or am I --

Q So the question would be, and based on the same baseline that we have applied for all of the other questions until the point that the special counsel, Robert Mueller, was appointed, were you aware whether the FBI had knowledge that the Trump campaign itself had foreknowledge before these emails were published publicly, that they knew about the existence of these emails?

A No. I am not -- I am not personally aware of whether or not the FBI had information that would indicate that the Trump campaign had foreknowledge. As close as I could get to that, and what I am aware of is the original statement referred to us attributed to Papadopoulos, which was that the Russians suggested that they could help with the anonymous release of information.

Q Okay. Thank you.

A Yep.

Q One issue that we have had to clear up as well goes to the question

[REDACTED]

of the -- whether or not the conversations between Michael Flynn and Ambassador Kislyak in late December --

A Yes.

Q -- were ever quote "unmasked" and then leaked to the public, and the then Director Comey, in testimony to the committee on March 2, 2016, went into some detail quoting from what he called quote "tech cuts" and --

MR. BAKER: 2016, or 2017?

[REDACTED] I'm sorry, his testimony was on March 2, 2017.

MR. BAKER: I think you said 2016.

BY [REDACTED]

Q But it related to conversations in December of 2016. He said specifically about these tech cuts: "We did not disseminate this take in any finished intelligence, although our people judged it was appropriate for reasons that I hope are obvious to have Mr. Flynn's name unmasked." And he was referring to those specific tech cuts.

"We have received testimony from other senior officials in the Obama administration who have said that they themselves never saw any disseminated reporting of those conversations either."

[REDACTED]

[REDACTED]

[REDACTED]

A To my recollection, the best of my recollection is that the substance or [REDACTED] in finished intelligence products. However, they were shared with a small number of people outside our organization.

[REDACTED]

[REDACTED]

For instance, they came up -- we found them through an effort -- without getting into too long of an explanation -- in an effort to respond to a tasking from [REDACTED], and so the results of what we found were communicated to the Agency, who I think had the pen on that response.

[REDACTED]

MR. BAKER: Excuse me.

[Discussion off the record.]

MR. MCCABE: [REDACTED]

[REDACTED]

MR. BAKER: SMPs are standard minimization procedures.

MR. MCCABE: I'm sorry. I should have said that. The SMPs are the standard minimization procedures that are defined under the FISA Act.

BY [REDACTED]

Q Okay, the reason I ask is specific to the investigation of this committee. There has been a prong that emerged as a result of the last parameter that is part of the agreed parameters to the investigation that focuses on possible leaks related to the Intelligence Community assessment, the ICA?

[REDACTED]

[REDACTED]

A Yes.

Q The prong that emerged was an investigation into whether or not there was quote-unquote "improper unmasking" by senior Obama administration officials, and that was premised on the leak of Mr. Flynn's name in press reporting, I think beginning in a report by David Ignatius in The Washington Post, and then subsequent reporting. But all of it, this unmasking investigation was premised on what we have learned since, and your testimony is consistent with this, that there was never any intelligence product.

So no transcript or summary of Flynn's conversations with Kislyak that were ever masked, and therefore, there were no unmasking requests that could have been made for these nonexistent reports.

So we just want to make sure that we have for the record a clear as possible understanding of exactly what the product was that was created, how it was disseminated internally or discussed internally, and whether or not there was any unmasking linked to that report?

If you have anything else to add to that, but that was the reason for why I was asking the specific line of questioning.

A I think your description is accurate. It's probably a misnomer to refer to it as a product. It wasn't an intelligence product as we use that term. There

[REDACTED]

[REDACTED]

[REDACTED]

I do not believe that that summary was ever masked. I'm also not familiar with any requests that we received to unmask anything. I'm not -- I'm not aware that -- if we got one, it would strike me as unnecessary if nothing was masked.

[REDACTED]

[REDACTED]

Q My final question, and we had an entire line of questioning that we won't go into given the time, about the U.S. Government's response in 2016 and what insight you could share about the role the FBI played, for example, in the [REDACTED], in the interagency discussions, and ultimately, in the decisions that led up to the removal of the 35 Russian intelligence officers or suspected intelligence officers and the sanctions. We'll leave that to discussions with other FBI officials to get a clear record of that --

A Okay.

Q -- as well. But I did want to, just to clarify one matter that you were asked about. You were read excerpts by both the minority and the majority from the June 8, 2017, official submission written submission by Mr. Comey to the Senate Select Committee on Intelligence?

A Yes.

Q It is part of a much longer transcript where Mr. Comey was asked very specific questions about a variety of issues. But he was specifically asked a question that our colleagues in the majority asked you to opine on. And the question was from Senator Warner. He was asked -- this was Comey was asked -- "What was it about that meeting," and he's talking about the first meeting on January 6th at Trump Tower -- "What was it about that meeting that led you, Mr. Comey, to determine that you needed to start putting down a written record?"

And Mr. Comey responded the following: A combination of things. I think the circumstances, the subject matter, and the person I was interacting with. Circumstances first. I was alone with the President of the United States, or the President-Elect, soon to be President.

The subject matter, I was talking about matters that touch on the FBI's core

[REDACTED]

[REDACTED]

responsibility and that relate to the President, President-Elect personally, and then the nature of the person. I was honestly concerned he might lie about the nature of our meeting, so I thought it important to document. That combination of things I had never experienced before, but had led me to believe I've got to write it down and write it down in a very detailed way.

I don't know if you have anything to add to that, but we wanted to make sure that that was included in the record in terms of Mr. Comey's explanation as to why he decided he needed to start creating a written record as early as the January 6th meeting with the President-elect.

A That's consistent with my conversations with Director Comey.

Q Thank you.

MR. SWALWELL: We don't have anything further. Thank you again, Deputy Director, for spending so much time with us today --

MR. MCCABE: Sure.

MR. SWALWELL: -- and providing great insight into our investigation.

Yield back.

MR. QUIGLEY: Thank you, sir, we are adjourned. We appreciate your time.

[Whereupon, at 9:54 p.m., the interview was concluded.]

[REDACTED]