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18-cv-01766-1259 – 18-cv-01766-1273	Duplicate to 18-cv-01766-1243 – 18-cv-01766-1257

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Lisa Page

Interviews, Signed Sworn Statement, and Notes

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DATE 06-29-2018 BY [redacted] NSICG

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FBI 18-cv-01766-522

06/29/2017
Washington, District Of Columbia

LCP I, Lisa Caroline Page, having been duly sworn by Supervisory Special Agent (SSA) [redacted] hereby make the following statement to SSA [redacted] and SSA [redacted] whom I know to be SSAs of the Federal Bureau of Investigation (FBI), assigned to the Inspection Division (INSD), Internal Investigations Section (IIS): b6 -1 b7C -1

I entered on duty on [redacted] as a Professional Staff employee, and I am currently assigned to the Office of the General Counsel as a General Attorney. My primary duty is as Counsel to the FBI Deputy Director (DD). Since [redacted] I have been serving a temporary assignment to the Office of the Special Counsel led by former FBI Director Robert Mueller. b6 -1 b7C -1

I understand that this is an internal investigation regarding an allegation that Subject(s) Unknown may have provided information to the media concerning a statement made by FBI Executive Management in violation of 4.10 - Unauthorized Disclosure - Sensitive Information. I have been further advised of my rights and responsibilities in connection with this inquiry as set forth on a "Warning and Assurance to Employee Required to Provide Information" form FD-645 which I have read and signed. I understand from my review of the FD-645 that should I **refuse to answer or fail to reply fully and truthfully during this interview, I can expect to be dismissed from the rolls of the FBI.**

During my interview, I was presented with a copy of an email, dated 02/21/2017, purported to have been sent by [redacted] to the FBI Office LCP b6 -3 b7C -3

FBI 18-cv-01766-523

LCP of Public Affairs (OPA) Assistant Director (AD) Michael Kortan. I recognize the email as having been made aware of it by AD Kortan shortly after he received it. *I read and initialed the copy of the e-mail, which is attached to my statement as Exhibit #1.*

I do not know [redacted] or [redacted] who is copied on [redacted] email. I recall that AD Kortan told me that he considers [redacted] to be a respected journalist. I am not familiar with [redacted] but I believe that AD Kortan told me that one of them, possibly [redacted] is a conservative news outlet. b6 -3 b7C -3

During the interview, the interviewing agents made reference to three issues that were specifically addressed in the referenced email message from [redacted] and denoted by numbered paragraphs therein. b6 -3 b7C -3

I recall that when AD Kortan approached me with a hard copy of the e-mail, he asked me about the content of the e-mail and sought my feedback as to whether the allegations in the e-mail were accurate. The interaction I had with AD Kortan was within the scope of my duties as a legal advisor to then DD Andrew McCabe. Over the course of my tenure, I regularly communicated with AD Kortan on media-related matters. We have often discussed prospective responses to media inquiries.

Upon reading the e-mail, my initial reaction was: (1) it was wholly untrue; (2) it appeared to contain information or references to subject matter that may have been discussed during an evening "wrap up" meeting DD McCabe held at 5 p.m. on LCP

LCP Mondays through Thursdays and (3) there is no way DD McCabe would make the statements alleged in the e-mail. I have worked closely with DD McCabe since his appointment. I do not believe he would ever say those types of statements and I have never heard DD McCabe say, "Fuck Flynn," "I fucking hate Trump," or anything remotely similar.

Prior to becoming the Acting Director, DD McCabe conducted a wrap up meeting at the close of most business days. In attendance are the Executive Assistant Directors (EAD) and several ADs. I regularly attended the wrap up meetings as well.

The one portion of the e-mail that appears to contain some element of accuracy is the White House's communication with the FBI regarding a proposal to facilitate a meeting between the National Sheriff's Association (NSA) and the President, identified by the interviewing agents for ease of reference as "Issue 1."

I recall that prior to February 21, 2017, there was a discussion during a particular wrap up meeting about this request from the White House. My recollection was that Kerry Sleeper, the AD of the Office of Partner Engagement (OPE), stated that he had received a request from the White House as to whether the FBI could play a role in hosting or facilitating a NSA event the President could attend. There was some discussion and the DD decided the FBI was not going to broker a meeting between the NSA and the President, but instead could provide a point of contact and contact information. LCP

FBI 18-cv-01766-525

LCP SSA [redacted] asked if I recalled that it was actually the NSA who reached out to the FBI for a White House point of contact. Sometime after the referenced wrap up meeting, AD Sleeper and I had a discussion where AD Sleeper stated that this was the nature of the request. However, my recollection from the wrap up meeting was that in the meeting AD Sleeper stated that the White House had contacted him. b6 -1 b7C -1

Contrary to what [redacted] wrote in her e-mail to AD Kortan I never heard anyone say that former National Security Advisor Michael Flynn is the individual who contacted the FBI on behalf of the White House to request assistance with a prospective meeting between members of the NSA and President. I never heard DD McCabe make a derogatory comment about Flynn during a ''full'' wrap up meeting or at any other time. b6 -3 b7C -3

Regarding ''Issue 2'' in [redacted] message, I do not know of any agent who, as is alleged in the e-mail, ''disagreed with the nature of the Flynn interview.'' Similarly, I do not know of any agent who threatened to testify on General Flynn's behalf. b6 -3 b7C -3

Regarding ''Issue 3'' in [redacted] email, I have never witnessed nor heard of FBI employees celebrating after General Flynn was dismissed as the National Security Advisor. In fact, I do not recall Michael Flynn ever being a subject of discussion during a full wrap up meeting. The Flynn investigation may have been discussed during a hold-over meeting, which followed a wrap up meeting, in which only those who have direct involvement in the investigation would have been present. LCP b6 -3 b7C -3

LCP SSA [redacted] presented me with two printed internet articles from truepundit.com. *I read and initialed both articles, which are attached hereto as Exhibits #2 and #3.* I do not recall having seen these articles previously. One of the articles, dated March 14, 2017, is entitled "FBI's Own Political Terror Plot: DD and FBI Brass Security Conspired to Wage Coup against Flynn & Trump." This article is completely fallacious. On July 10, 2017, while looking for documents unrelated to this matter, I came across a folder which contained a printed copy of this article, which had been emailed to me by DD McCabe on October 24, 2016. I do not recall receiving or reviewing this article.

b6 -1
b7C -1

The other article, dated March 15, 2017, is entitled, "FBI DD Snaps: In Anti-Trump Tirade, McCabe Professes hatred for U.S. President to FBI Colleagues." In my opinion, this article is also a work of fiction.

Despite the inaccuracies contained in the two truepundit.com articles and the e-mail that [redacted] sent to AD Kortan, it does appear someone may have discussed with [redacted] or other members of the media, the request for FBI assistance with the proposed meeting between the NSA and the President. I do not know who that individual could be. Approximately 12-15 individuals typically attend the wrap up meeting.

b6 -3
b7C -3

I understand only specific FBI employees are authorized to communicate with members of the media about FBI business. In fact, I participated in the formulation of the new FBI corporate policy that covers engagement with the press. LCP

FBI 18-cv-01766-527

LCP I have never shared any internal FBI information with any member of the press without authorization. I have coordinated with OPA on how to fashion a response to media inquiries.

With the exception of three reporters from the New York Times, I have not had any unauthorized, direct contact with any members of the media.

One New York Times reporter with whom I have had contact is [redacted] sent me an email message at some point following Edward Snowden's release of classified information, to which I worked with OPA to craft a response. b6 -3 b7C -3

The other New York Times reporters are [redacted] and [redacted] I first met [redacted] and [redacted] during the course of several meetings with them which were authorized and attended by OPA. [redacted] and I see each other with some regularity outside my work environment [redacted] Although [redacted] knows I am an attorney for the FBI, we never discuss FBI investigations outside authorized settings. [redacted] has previously sent me an e-mail or text message asking if I would be willing to talk to him. I do not recall specifically what [redacted] wanted to talk about. I told [redacted] I would not engage in any communication with him about FBI business and to cease contact with me for this purpose. b6 -3 b7C -3 b6 -1,3 b7C -1,3 b6 -3 b7C -3

SSA [redacted] asked me if I had a reason to believe any employee who attended a wrap up meeting would disclose details about a LCP b6 -1 b7C -1

FBI 18-cv-01766-528

LCP subject discussed in those meetings. I have no basis to believe that any one individual among those who attend the wrap up may have made unauthorized disclosures of internal privileged or sensitive information to the press.

I was not aware of this specific investigation until the interviewing agents described it to me at the start of the interview. I was aware that DD McCabe had taken steps to address the problem of media leaks in general, which may have included referral of a matter to Inspection Division. I also knew that DD McCabe had requested a search of Bureau telephone and email records to locate potential patterns of contacts between employees and reporters.

On August 7, 2017, I was interviewed again, under oath and pursuant to the terms of the previously signed FD-645, by SSA [redacted] and INSD/IIS Section Chief (SC) Voviette Morgan. b6 -1 b7C -1

At the time of the second interview, I had completed my 45 day temporary assignment to the Office of the Special Counsel led by former FBI Director Robert Mueller, and returned to my position as Counsel to DD McCabe, who had completed his assignment as Acting Director and resumed his assignment as DD.

I cannot recall whether I was present for a telephone call between DD McCabe and a senior Department of Justice (DOJ) official on August 12, 2016, wherein DD McCabe said words to the effect of, ''Are you telling me that I need to shut down a validly predicated investigation?'' However, I am aware of the telephone call and I believe the DOJ official was Principal Associate Deputy Attorney General (PADAG) Matthew S. Axelrod. LCP

FBI 18-cv-01766-529

LCP If I was present during the telephone call, I believe there are three possible scenarios: (1) I was present in DD McCabe's office when PADAG Axelrod made an unscheduled call to DD McCabe and I overheard the conversation; (2) this conversation occurred during a scheduled telephone call with PADAG Axelrod regarding the Clinton Foundation investigation, for which I would have been present; or (3) DD McCabe initiated the call to PADAG Axelrod and he requested my presence. However, if I was not present, then I believe that DD McCabe later told me about the telephone call.

The interviewing agents showed me the printout of an internet article entitled, "FBI in Internal Feud Over Hillary Clinton Probe," by Devlin Barrett, The Wall Street Journal (WSJ), dated October 30, 2016. *I read and initialed the copy of the article, which is attached to my statement as Exhibit #4.*

I recall having seen this article previously and I am familiar with it. Mr. Barrett had previously published an article in the WSJ regarding DD McCabe, which was factually inaccurate. To my recollection that article was published on or about October 24, 2016. This prior article discussed the political campaign of DD McCabe's wife for a State of Virginia Senate seat and opined that DD McCabe should have recused himself from any involvement with the Hillary Clinton email investigation in light of the contributions his wife had received from a PAC associated with Governor Terry McAuliffe. My recollection is that the article misrepresented the dates that DD McCabe had operational oversight of that investigation, as well as other facts. DD McCabe did not have any involvement with the Hillary LCP

FBI 18-cv-01766-530

LCP Clinton email investigation until after his wife's campaign had ended.

Possibly in response to Mr. Barrett's October 24, 2016 story, DD McCabe prepared a timeline with the dates of his assignments within the FBI. Alternatively, the timeline might have been prepared in advance of the October 24, 2016 article. *At the request of the interviewing agents, I produced a copy of DD McCabe's timeline, which is attached hereto as Exhibit #5.*

Due to the inaccuracies in the October 24, 2016 story, DD McCabe asked AD Kortan and me to work with Mr. Barrett ''on background'' basis and provide a framework to help shape his next article. The term ''on background'' meant that, after first reaching a verbal agreement about how the statements would be attributed to a source in the printed article -- for example, we would not be referred to by name, or the FBI would not be noted as the source -- we provided accurate information to Mr. Barrett on some of the topics discussed in his article.

To the best of my recollection and according to my notes, AD Kortan and I engaged in two telephone calls with Mr. Barrett on October 27, 2016 and October 28, 2016. I believe we spent approximately one hour on the telephone with Mr. Barrett each day. AD Kortan had a copy of DD McCabe's timeline when we spoke with Mr. Barrett, and I was familiar with its content. *At the request of the interviewing agents, I produced copies of my notes, which are attached hereto as Exhibit #6.*

With respect to the three highlighted paragraphs on the last page of the exhibit, I presume the portions of those paragraphs LCP

FBI 18-cv-01766-531

that read, ''[a]ccording to a person familiar with the probes,'' ''according to one person close to Mr. McCabe,'' and ''people familiar with the conversation,'' are referring to me and AD Kortan. The ''validly predicated investigation'' that DD McCabe was referencing in the August 12, 2016 telephone call was the New York Office (NYO) investigation into the Clinton Foundation. The call referenced in the article is the same call with PADAG Axelrod, about which the interviewing agents asked me.

I speculate that Mr. Barrett contacted NYO employees regarding the Clinton Foundation investigation because he wanted to impact Hillary Clinton's candidacy for President, and was looking for an update on the investigation in order to do so. In that regard, although I could not identify anyone specifically, I am confident that NYO employees were the source of media leaks with respect to that investigation.

My opinion in reading Mr. Barrett's October 30, 2016 article is that it is more accurate than his October 24, 2016 article, but it is still contains inaccuracies. To the best of my knowledge, no FBI investigation changed as a result of the October 30, 2016 article. I would also note that the October 30, 2016 article is very lengthy and I am not the source of other portions of the article, such as the Anthony Weiner investigation or the Hillary Clinton email investigation. I have not had any direct follow-up with Mr. Barrett regarding the October 30, 2016 story.

I have been involved in similar ''on background'' telephone conversations with reporters. These telephone calls have always

FBI 18-cv-01766-532

been with AD Kortan and other authorized employees in OPA. The most recent time I had an ''on background'' telephone call with a reporter was long after the second Hillary Clinton email investigation concluded. As I recall, AD Kortan involved me at the direction of former Director James B. Comey. This is when I met with New York Times reporters [redacted] and [redacted] b6 -3 b7C -3 [redacted] as noted above. [redacted] and I live [redacted] While I also have not had any direct follow-up from these reporters on the specific story with which I had an ''on background'' telephone call, I do see them occasionally [redacted] and they have attempted to elicit my opinion on topical matters. I have refused to talk with them about substantive matters and everytime I have had contact with [redacted] or [redacted] I have reported it to DD McCabe and AD Kortan. b6 -1,3 b7C -1,3

Regarding my discussion with AD Sleeper about whether it was actually the NSA who reached out to the FBI for a White House point of contact (and not the White House), this discussion did not occur during a specific meeting and I do not recall specifically why it came up. AD Sleeper infrequently seeks me out for discussion.

I am willing to voluntarily [redacted] b7E -3 [redacted] I have no other pertinent information regarding the aforementioned allegations. I have been advised that I should submit any additional information of which I may

FBI 18-cv-01766-533

LP become aware, regarding this inquiry, to the Internal Investigations Section (IIS)/Inspection Division (INSD) or to the Office of Professional Responsibility (OPR).

I have been given the opportunity to review this statement and make any changes prior to signing it.

I was instructed on 06/29/2017 not to discuss this matter with anyone other than the person(s) conducting this interview, representatives from IIS/INSD, OPR, the FBI Ombudsman, and/or an FBI Employee Assistance Program (EAP) Counselor. I have been told that should I decide to discuss this matter with anyone else, I must first obtain authorization from the interviewer(s).

I have read this statement, consisting of this and eleven other pages and it is true and correct. LP

Lisa Caroline Page

Sworn to and subscribed before me on the 15th day of August, 2017, in Washington, District Of Columbia.

[redacted]
SSA [redacted]

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b7C -1

Witness: [redacted]
SSA [redacted]

b6 -1
b7C -1

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Ex 1

[redacted] INSD) (FBI) b6 -1 b7C -1

Subject: FW: press inquiry from 2-21-17

ALL INFORMATION CONTAINED
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DATE 06-29-2018 BY [redacted] NSICG b6 -1 b7C -1

-------- Original message --------
From: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Date: 3/9/17 9:00 AM (GMT-05:00)
To: "McNamara, Nancy (INSD) (FBI)" [redacted] b6 -1 b7C -1 b7E -4
Subject: press inquiry from 2-21-17

From: [redacted]
Sent: Tuesday, February 21, 2017 11:47 AM b6 -3 b7C -3
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>; [redacted]
Subject: Hello

Hi Mike,

I hope all is well.

Below is information I've gathered from several sources and I'm sending this to you because of its sensitivity. Please let me know if we can meet or talk by phone. I've Cc'd [redacted]on this and he's been on the long haul with me. b6 -3 b7C -3

1. POTUS wanted to meet with the sheriff's association and had Flynn call the FBI to arrange for the White House. The NSA office had called the FBI for the POC contacts for the early February discussion. After the call and request was made - Deputy Director Andy McCabe was overheard in a staff meeting saying "Fuck Flynn, and I fucking hate Trump." Ghattas was in this meeting as well.
2. There was another meeting where at least two agents disagreed with the nature of the Flynn interview threatening to testify on Flynn's behalf.
3. After Flynn resigned there were witnesses – high fives and "we got him." –

Can you please check on these – sources are solid but I'm doing everything I can to double and triple check. Also, looking for comment?
My cell is below.

Thanks,

[redacted] b6 -3 b7C -3

[redacted]

LCP 06/29/17

FBI 18-cv-01766-535

FEATURED POLITICS SECURITY

EXCLUSIVE: FBI's Own Political Terror Plot; Deputy Director and FBI Brass Secretly Conspired to Wage Coup Against Flynn & Trump

Posted on March 14, 2017 · by Investigative Bureau

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Mere days before Gen. Michael Flynn was sacked as national security advisor, FBI Deputy Director Andrew McCabe gathered more than a dozen of his top FBI disciples to plot how to ruin Flynn's aspiring political career and manufacture evidence to derail President Donald Trump, according to FBI sources.

McCabe, the second highest ranking FBI official, emphatically declared at the invite-only gathering with raised voice: "Fuck Flynn and then we Fuck Trump," according to direct sources. Many of his top lieutenants applauded and cheered such rhetoric. A scattered few did not.

LCP 06/29/17

This was one of several such meetings held in seclusion among key FBI leaders since Trump was elected president, FBI sources confirm. At the congregation where McCabe went off the political rails and vowed to destroy Flynn and Trump, there were as many as 16 top FBI officials, inside intelligence sources said. No lower-level agents or support personnel were present.

If you are among the millions of Americans who have pondered in recent months whether the Obama-era "Deep State" intelligence apparatus and FBI are working for or against Trump, this is the first definitive proof that the country's once-premiere law enforcement agency has gone rogue.

The non-elected hierarchy that steer the FBI have declared war on President Trump and his White House inner circle. Make no mistake.

Days after the McCabe tirade, Flynn was forced to resign. That was no coincidence. This is how secret coups waged by the top law enforcement personnel in the top law enforcement agency in any country operate. Efficiently. If the FBI wants you silenced or out of a job, you'll be unemployed. Ask Michael Flynn and countless others.

Part of the plan hatched at that gathering was to make sure Flynn's wiretapped conversations were leaked to the media, FBI and intelligence sources said. They were. Did the FBI leak this classified intelligence to the news media? Isn't that a question President Trump and Congress should be posing? If nothing else, McCabe and his FBI secret council are certainly now suspects of who possibly leaked the intelligence. Seems that a number of polygraphs should be in order.

Embattled FBI Director James Comey did not attend these private meetings of his interoffice revolutionaries, sources said, though he was aware of the gatherings yet did not discourage them or McCabe's inflammatory and dangerous rhetoric. Some FBI agents have questioned if the Anti-Trump attitude shared in the secret sit downs with the bureau's top brass is now the official platform of the FBI. The FBI, many agents quietly agree, has proven no friend to the newly minted US president. And they are beginning to understand why.

As far as waging political coups go. So far, so good. The FBI's secret plan to ruin Flynn worked. And fast. Flynn is long gone. Now they can focus on ruining President Trump. After all, isn't that the role of the FBI? Tampering with the president of the United States and his inner circle, neither of whom have broken any laws?

It turns out, however, the FBI isn't very good at the spy game. McCabe's dictatorial tone ruffled a number of agents at FBI headquarters who still believe the mission of the bureau is not to wage clandestine warfare against the sitting president and his administration.

McCabe and Comey did not respond to requests for comment. Flynn could not be reached for comment.

This isn't McCabe's first rodeo in the cross-hairs of controversy at the FBI where he is outranked only by Comey. In fact, McCabe garnered problematic headlines during the 2016 presidential election.

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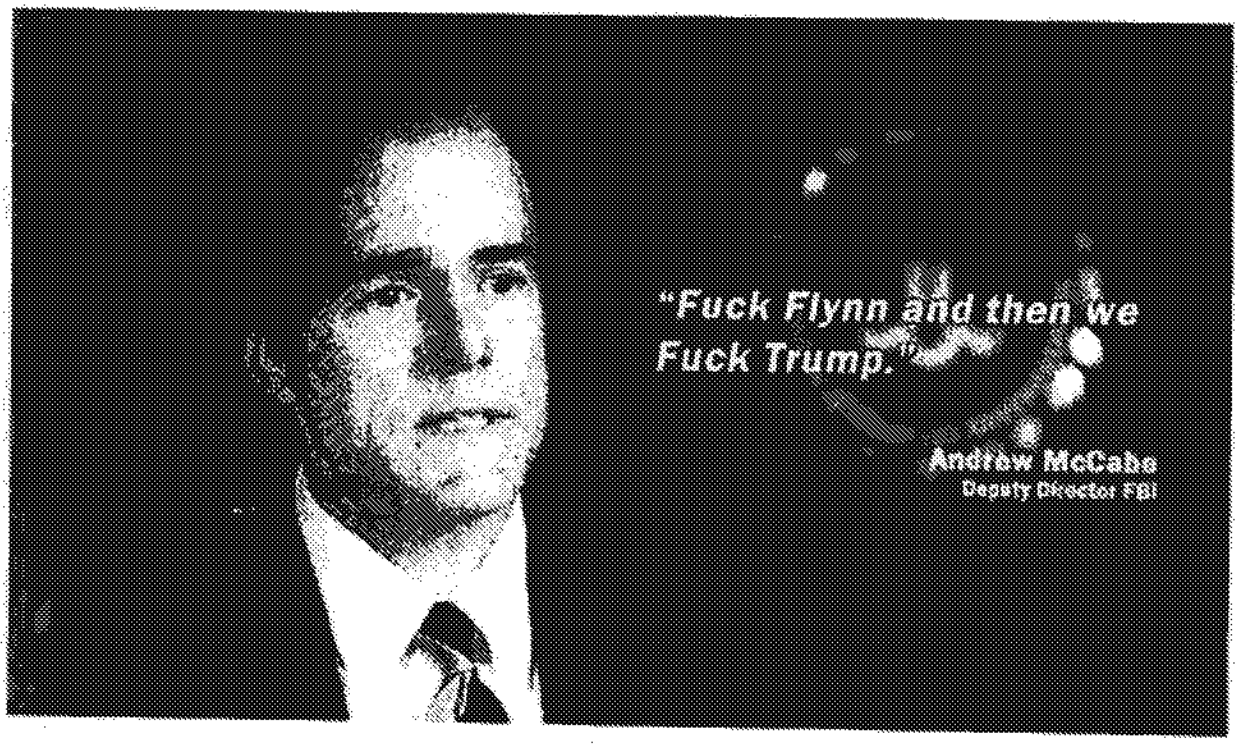

Democratic factions controlled by a Hillary Clinton insider paid the deputy director of the FBI's wife almost $700,000 in campaign funds before McCabe, who was supervising Clinton's investigation, lobbied against charging her criminally, according to records and interviews obtained by True Pundit.

Dr. Jill McCabe was a Virginia state senate candidate in 2015. Longtime Clinton family consigliere and Virginia Gov. Terry McAuliffe, sent her approximately $675,000 to fund the Democrat hopeful's campaign coffers. Dr. McCabe, a physician, is married to the FBI deputy director. Mrs. McCabe is a registered Democrat. FBI agents who work with McCabe say he and his wife were both staunch Hillary Clinton supporters.

According to one FBI insider, the McAuliffe-generated campaign funds may have ultimately bought Clinton some strategic breathing room.

"McCabe was one of the few people who backed Comey's decision not to refer Hillary Clinton to the Justice Department for indictment," a FBI source said of the July 2016 decision not to refer Clinton for criminal charges for violating email and document safeguards for classified and Top Secret national security intelligence. "McCabe and Comey are both lawyers. They aren't street agents. They're more political. We wanted her (Clinton) indicted. They did not."

Gov. McAuliffe has been an important Clinton family insider for decades. During Bill Clinton's presidential candidacy and subsequent reelection, McAuliffe often spearheaded investigations into Clinton critics and helped silence women who alleged Bill Clinton harassed or sexually assaulted them, sources said.

Ironically, McAuliffe is currently under investigation by the FBI for alleged campaign-related finance infractions.

McAuliffe's contributions to Dr. McCabe's campaign match the exact time frame of the FBI's parallel Clinton investigation. No contributions were made prior to the FBI's probe of Clinton. McCabe was overseeing personnel decisions, including assigning agents to the Clinton investigation team, at the FBI's Washington D.C.'s field office when his wife began her 2015 campaign. His wife lost the election after spending an estimated $1.8 million on the senate run. Three months later, Comey promoted McCabe to FBI Deputy Director in February 2016. The

FBI 18-cv-01766-538

promotion helped fill a very large void created by the retirement of John Giacalone, who was the supervisor of the bureau's National Security Branch and also the FBI brains and genesis behind the Clinton email and private server investigation. Since the inception of the case, Giacalone had spearheaded the Clinton investigation, and helped hand select top agents who were highly skilled but also discreet. Many of those agents were concerned when Giacalone abruptly resigned in the middle of the investigation.

FBI insiders said Giacalone used the term "sideways" to describe the direction the Clinton probe had taken in the bureau. Giacalone lamented privately he no longer had confidence in the direction the investigation was headed. He felt it was simpler to quietly step aside, walk away instead of fight to keep the investigation on its proper track. Giacalone was a true heavyweight agent at FBI. In fact, he likely should have been running the entire show. His pedigree included running and creating FBI divisions in New York, Philadelphia, Washington D.C. and even serving as deputy commander in the Iraqi theater of operations. But in the midst of the Clinton investigation, Giacalone handed the bureau his retirement papers in February 2016.

The day after Giacalone's departure, Comey tapped McCabe to help oversee the ongoing Clinton case and personally serve "as the eyes and ears" for Comey, sources confirmed. Since early July 2016, Comey has come under intense fire from critics and the majority of Americans who believe he granted Clinton a get-out-of-jail-free card by refusing to refer the case to the Justice Department for a probable slam-dunk indictment on at least one of potential dozens of criminal charges.

Now Comey, McCabe and their rogue FBI Sanhedrin face a new dilemma: Colleagues who have blown the whistle on the partisan agency, specifically how personal and political philosophies have crept into the FBI and commandeered the bureau's powerful reach and resources to tamper with law-abiding White House personnel, including the president. That's called public corruption, a crime the FBI is tasked with investigating.

Just like it "investigated" $700,000 in donations from the Clinton family to the wife of the FBI's deputy director who, during the exact time frame was tasked with overseeing the investigation of Hillary Clinton. She ultimately was never charged with any crime and McCabe received a FBI promotion. Does anyone have the phone number for the FBI's public corruption unit? Or does that line ring directly to McCabe and Comey?

We would normally demand a federal investigation into such allegations of collusion. But who would conduct it, the FBI?

-30-

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Trump SLAMS FBI; Demands Leakers Be Caught NOW

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Fueled by Hillary Clinton, White House Debated Nominating Wikileaks Founder for Obama-Controlled Drone "Kill List"

FBI Director Lobbied Against Criminal Charges For Hillary After Clinton Insider Paid His Wife $700,000

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FEATURED POLITICS

FBI Deputy Director Snaps: In Anti-Trump Tirade, McCabe Professes Hatred for U.S. President to FBI Colleagues

Posted on March 15, 2017 *by Investigative Bureau*

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Senior intelligence sources said that embattled FBI Deputy Director Andrew McCabe openly professed his disgust for President Donald Trump at a senior staff meeting while loosing his cool demeanor in the process.

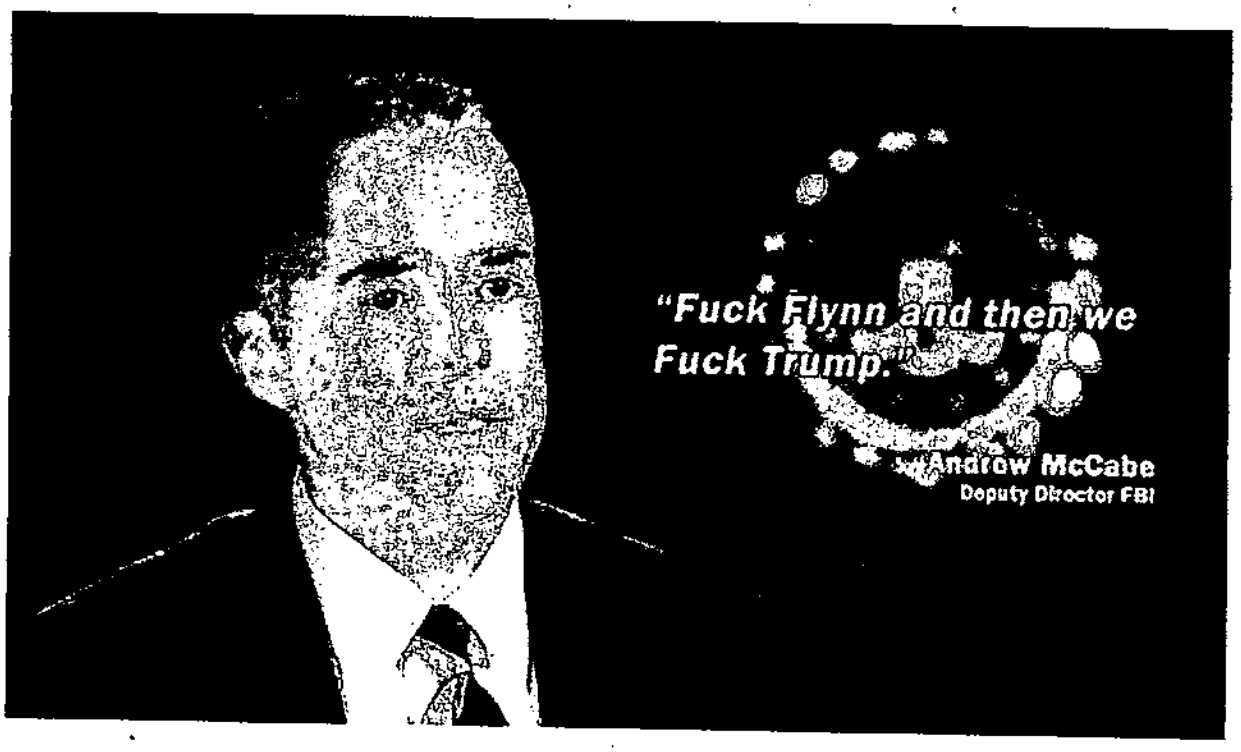
McCabe, the second in charge of the FBI, ranted at a staff meeting a week after Trump's inauguration (approx Jan 27) about the newly sworn-in president, catching many FBI agents off guard with his anti-GOP vitriol.

At the meeting, when a subject came up dealing with a request of the FBI made by then-National Security Advisor Michael Flynn dealing with the National Sheriff's Association, McCabe told the packed conference room: "I hate Trump."

Flynn's request for cooperation from McCabe and the FBI was likewise tabled, sources said. Flynn has since

been sacked and was forced to resign largely due to the FBI's conduct.

These additional troubling revelations about McCabe come a day after True Pundit exposed the deputy director as a partisan FBI agent apparently waging his own liberal-infused domestic political policy and who took part in secret meetings to derail Flynn and Trump. That in-depth story is here.



FBI 18-cv-01766-542

Mere days before Gen. Michael Flynn was sacked as national security advisor, FBI Deputy Director Andrew McCabe gathered more than a dozen of his top FBI disciples to plot how to ruin Flynn's aspiring political career and manufacture evidence to derail President Donald Trump, according to FBI sources.

McCabe, the second highest ranking FBI official, emphatically declared at the invite-only gathering with raised voice: "Fuck Flynn and then we Fuck Trump," according to direct sources. Many of his top lieutenants applauded and cheered such rhetoric. A scattered few did not.

This was one of several such meetings held in seclusion among key FBI leaders since Trump was elected president, FBI sources confirm. At the congregation where McCabe went off the political rails and vowed to destroy Flynn and Trump, there were as many as 16 top FBI officials, inside intelligence sources said. No lower-level agents or support personnel were present. ***READ MORE from True Pundit***

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b7C -1

Ex. 4
LCP
08/07/17

FBI in Internal Feud Over Hillary Clinton Probe

Laptop may contain thousands of messages sent to or from Mrs. Clinton's private server

[redacted]

The FBI Email Probe and Clinton's October Surprise

As Hillary Clinton reaches the home stretch of the election well ahead in polling over Donald Trump, new revelations from the FBI's reopening of the investigation into the Democratic candidate's emails has shifted the race. WSJ's Gerald F. Seib discusses how the information could impact both candidates.

Photo: AP

By
Devlin Barrett

Devlin Barrett
The Wall Street Journal

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- @DevlinBarrett
- Google+
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Updated Oct. 30, 2016 7:59 p.m. ET

4456 COMMENTS

The surprise disclosure that agents from the Federal Bureau of Investigation are taking a new look at Hillary Clinton's email use lays bare. just days before the election, tensions inside the bureau and the Justice Department over how to investigate the Democratic presidential nominee.

Investigators found 650,000 emails on a laptop that they believe was used by former Rep. Anthony Weiner and his estranged wife Huma Abedin, a close Clinton aide, and underlying metadata suggests thousands of those messages could have been sent to or from the private server that Mrs. Clinton used while she was secretary of state, according to people familiar with the matter.

It will take weeks, at a minimum, to determine whether those messages are work-related from the time Ms. Abedin served with Mrs. Clinton at the State Department; how many are duplicates of emails already reviewed by the FBI; and whether they include either classified information or important new evidence in the Clinton email probe.

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Capital Journal is WSJ.com's home for Election 2016 news.

- Hacked Email Appears to Show Brazile Shared Primary Debate Question With Clinton Campaign
- Investor Thiel Says Trump Gets 'Big Things' Right

- Capital Journal: FBI Email Bombshell Will Be Felt After, Not Just Before, Election
- Q&A: What We Know About the Latest Clinton Email Developments
- Reid: Comey's 'Partisan Actions' May Violate Federal Law
- SIGN UP: Capital Journal Daybreak, straight to your inbox
- Read the Letter to Congress

Officials had to await a court order to begin reviewing the emails—which they received over the weekend, according to a person familiar with the matter—because they were uncovered in an unrelated probe of Mr. Weiner.

The new investigative effort, disclosed by FBI Director James Comey on Friday, shows a bureau at times in sharp internal disagreement over matters related to the Clintons, and how to handle those matters fairly and carefully in the middle of a national election campaign. Even as the probe of Mrs. Clinton's email use wound down in July, internal disagreements within the bureau and the Justice Department surrounding the Clintons' family philanthropy heated up, according to people familiar with the matter.

The latest development began in early October when New York-based FBI officials notified Andrew McCabe, the bureau's second-in-command, that while investigating Mr. Weiner for possibly sending sexually charged messages to a teenage minor, they had recovered a laptop. Many of the 650,000 emails on the computer, they said, were from the accounts of Ms. Abedin, according to people familiar with the matter.

Democratic presidential nominee Hillary Clinton greets a crowd in Pompano Beach, Fla., on Sunday.
PHOTO: JEWEL SAMAD/AGENCE FRANCE-PRESSE/GETTY IMAGES

Those emails stretched back years, these people said, and were on a laptop that hadn't previously come up in the Clinton email probe. Ms. Abedin said in late August that the couple were separating.

The FBI had searched the computer while looking for child pornography, people familiar with the matter said, but the warrant they used didn't give them authority to search for matters related to Mrs. Clinton's email arrangement at the State Department. Mr. Weiner has denied sending explicit or indecent messages to the minor.

In their initial review of the laptop, the metadata showed many messages, apparently in the thousands, that were either sent to or from the private email server at Mrs. Clinton's home that had been the focus of so much investigative effort for the FBI. Senior FBI officials decided to let the Weiner investigators proceed with a closer examination of the metadata on the computer, and report back to them.

At a meeting early last week of senior Justice Department and FBI officials, a member of the department's senior national-security staff asked for an update on the Weiner laptop, the people familiar with the matter said. At that point, officials realized that no one had acted to obtain a warrant, these people said.

Clinton, Trump Address FBI Email Inquiry

Presidential nominees Hillary Clinton and Donald Trump addressed the FBI's new email inquiry on Monday.

Mr. McCabe then instructed the email investigators to talk to the Weiner investigators and see whether the laptop's contents could be relevant to the Clinton email probe, these people said. After the investigators spoke, the agents agreed it was potentially relevant.

Mr. Comey was given an update, decided to go forward with the case and notified Congress on Friday, with explosive results. Senior Justice Department officials had warned the FBI that telling Congress would violate policies against overt actions that could affect an election, and some within the FBI have been unhappy at Mr. Comey's repeated public statements on the probe, going back to his press conference on the subject in July.

The back-and-forth reflects how the bureau is probing several matters related, directly or indirectly, to Mrs. Clinton and her inner circle.

New details show that senior law-enforcement officials repeatedly voiced skepticism of the strength of the evidence in a bureau investigation of the Clinton Foundation, sought to condense what was at times a sprawling cross-country effort, and, according to some people familiar with the matter, told agents to limit their pursuit of the case. The probe of the foundation began more than a year ago to determine whether financial crimes or influence peddling occurred related to the charity.

New York mayoral candidate Anthony Weiner and his wife, Huma Abedin, attended a news conference in New York in 2013. Mr. Weiner had attempted to revive his career with a bid for New York City mayor, but that effort was doomed after a website published lewd photos that he had evidently sent to another woman. PHOTO: ERIC THAYER/REUTERS

Some investigators grew frustrated, viewing FBI leadership as uninterested in probing the charity, these people said. Others involved disagreed sharply, defending FBI bosses and saying Mr. McCabe in particular was caught between an increasingly acrimonious fight for control between the Justice Department and FBI agents pursuing the Clinton Foundation case.

It isn't unusual for field agents to favor a more aggressive approach than supervisors and prosecutors think is merited. But the internal debates about the Clinton Foundation show the high stakes when such disagreements occur surrounding someone who is running for president.

The Wall Street Journal reported last week that Mr. McCabe's wife, Jill McCabe, received $467,500 in campaign funds in late 2015 from the political-action committee of Virginia Gov. Terry McAuliffe, a longtime ally of the Clintons and, until he was elected governor in November 2013, a Clinton Foundation board member.

Mr. McAuliffe had supported Dr. McCabe in the hopes she and a handful of other Democrats might help win a majority in the state Senate. Dr. McCabe lost her race last November, and Democrats failed to win their majority.

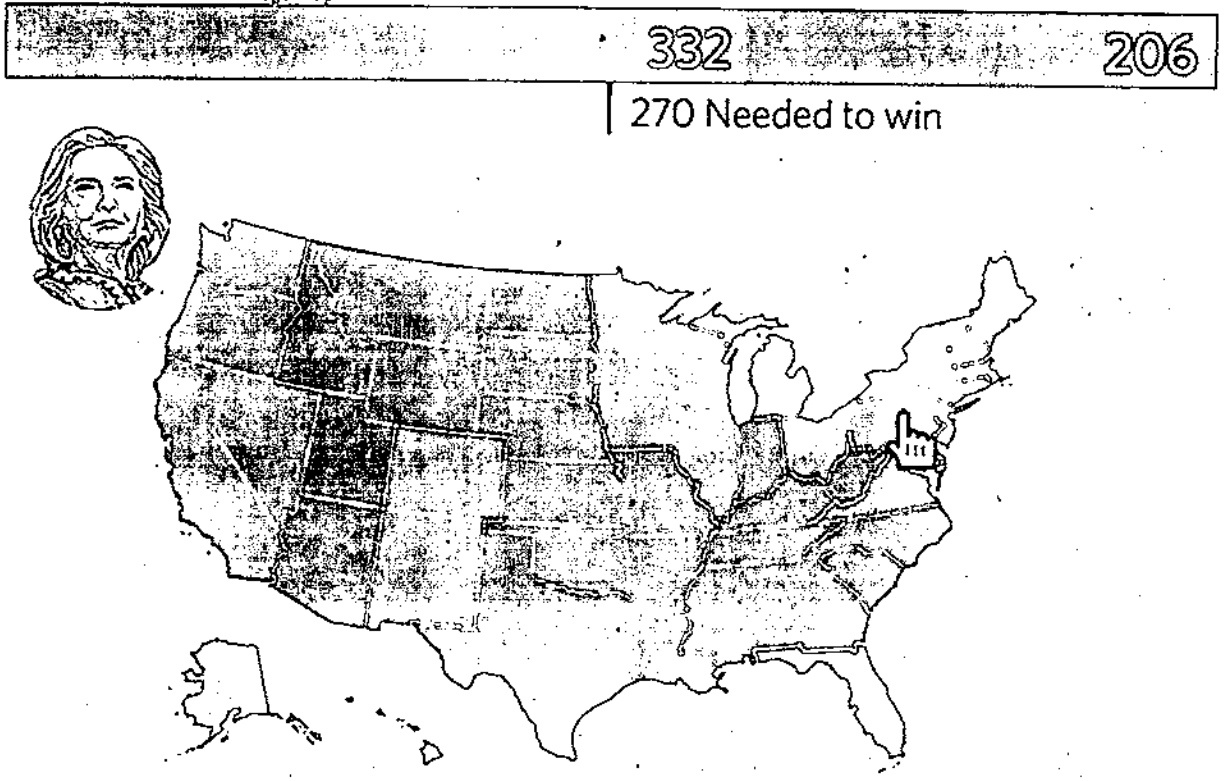
A spokesman for the governor has said that "any insinuation that his support was tied to anything other than his desire to elect candidates who would help pass his agenda is ridiculous."

Dr. McCabe told the Journal, "Once I decided to run, my husband had no formal role in my campaign other than to be" supportive.

In February of this year, Mr. McCabe ascended from the No. 3 position at the FBI to the deputy director post. When he assumed that role, officials say, he started overseeing the probe into Mrs. Clinton's use of a private email server for government work when she was secretary of state.

FBI officials have said Mr. McCabe had no role in the Clinton email probe until he became deputy director, and by then his wife's campaign was over.

Guess the 2016 Electoral College Map



But other Clinton-related investigations were under way within the FBI, and they have been the subject of internal debate for months, according to people familiar with the matter.

Early this year, four FBI field offices—New York, Los Angeles, Washington and Little Rock, Ark.—were collecting information about the Clinton Foundation to see if there was evidence of financial crimes or influence-peddling, according to people familiar with the matter.

Los Angeles agents had picked up information about the Clinton Foundation from an unrelated public-corruption case and had issued some subpoenas for bank records related to the foundation, these people said.

The Washington field office was probing financial relationships involving Mr. McAuliffe before he became a Clinton Foundation board member, these people said. Mr. McAuliffe has denied any wrongdoing, and his lawyer has said the probe is focused on whether he failed to register as an agent of a foreign entity.

Clinton Foundation officials have long denied any wrongdoing, saying it is a well-run charity that has done immense good.

The FBI field office in New York had done the most work on the Clinton Foundation case and received help from the FBI field office in Little Rock, the people familiar with the matter said.

In February, FBI officials made a presentation to the Justice Department, according to these people. By all accounts, the meeting didn't go well.

Some said that is because the FBI didn't present compelling evidence to justify more aggressive pursuit of the Clinton Foundation, and that the career anticorruption prosecutors in the room simply believed it wasn't a very strong case. Others said that from the start, the Justice Department officials were stern, icy and dismissive of the case.

"That was one of the weirdest meetings I've ever been to," one participant told others afterward, according to people familiar with the matter.

Anticorruption prosecutors at the Justice Department told the FBI at the meeting they wouldn't authorize more aggressive investigative techniques, such as subpoenas, formal witness interviews, or grand-jury activity. But the FBI officials believed they were well within their authority to pursue the leads and methods already under way, these people said.

About a week after Mr. Comey's July announcement that he was recommending against any prosecution in the Clinton email case, the FBI sought to refocus the Clinton Foundation probe, with Mr. McCabe deciding the FBI's New York office would take the lead, with assistance from Little Rock.

Director James Comey testified before the House Judiciary Committee in September on a variety of subjects including the investigation into former U.S. Secretary of State Hillary Clinton's email server. PHOTO: WIN MCNAMEE/GETTY IMAGES

The Washington field office, FBI officials decided, would focus on a separate matter involving Mr. McAuliffe. Mr. McCabe had decided earlier in the spring that he would continue to recuse himself from that probe, given the governor's contributions to his wife's former political campaign.

Within the FBI, the decision was viewed with skepticism by some, who felt the probe would be stronger if the foundation and McAuliffe matters were combined. Others, particularly Justice Department anticorruption prosecutors, felt that both probes were weak, based largely on publicly available information, and had found little that would merit expanded investigative authority.

According to a person familiar with the probes, on Aug. 12, a senior Justice Department official called Mr. McCabe to voice his displeasure at finding that New York FBI agents were still openly pursuing the Clinton Foundation probe during the election season. Mr. McCabe said agents still had the authority to pursue the issue as long as they didn't use overt methods requiring Justice Department approvals.

The Justice Department official was "very pissed off," according to one person close to Mr. McCabe, and pressed him to explain why the FBI was still chasing a matter the department considered dormant. Others said the Justice Department was simply trying to make sure FBI agents were following longstanding policy not to make overt investigative moves that could be seen as trying to influence an election. Those rules discourage investigators from making any such moves before a primary or general election, and, at a minimum, checking with anticorruption prosecutors before doing so.

"Are you telling me that I need to shut down a validly predicated investigation?" Mr. McCabe asked, according to people familiar with the conversation. After a pause, the official replied, "Of course not," these people said.

For Mr. McCabe's defenders, the exchange showed how he was stuck between an FBI office eager to pour more resources into a case and Justice Department prosecutors who didn't think much of the case, one person said. Those people said that following the call, Mr. McCabe reiterated past instructions to FBI agents that they were to keep pursuing the work within the authority they had.

Others further down the FBI chain of command, however, said agents were given a much starker instruction on the case: "Stand down." When agents questioned why they weren't allowed to take more aggressive steps, they said they were told the order had come from the deputy director—Mr. McCabe.

Others familiar with the matter deny Mr. McCabe or any other senior FBI official gave such a stand-down instruction.

For agents who already felt uneasy about FBI leadership's handling of the Clinton Foundation case, the moment only deepened their concerns, these people said. For those who felt the probe hadn't yet found significant evidence of criminal conduct, the leadership's approach was the right response.

In September, agents on the foundation case asked to see the emails contained on nongovernment laptops that had been searched as part of the Clinton email case, but that request was rejected by prosecutors at the Eastern District of New York, in Brooklyn. Those emails were given to the FBI based on grants of partial immunity and limited-use agreements, meaning agents could only use them for the purpose of investigating possible mishandling of classified information.

Some FBI agents were dissatisfied with that answer, and asked for permission to make a similar request to federal prosecutors in Manhattan, according to people familiar with the matter. Mr. McCabe, these people said, told them no and added that they couldn't "go prosecutor-shopping."

Not long after that discussion, FBI agents informed the bureau's leaders about the Weiner laptop, prompting Mr. Comey's disclosure to Congress and setting off the furor that promises to consume the final days of a tumultuous campaign.

Write to Devlin Barrett at devlin.barrett@wsj.com

E 5

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b7C -1

Page, Lisa C. (OGC) (FBI)

From: Mccabe, Andrew G. (DO) (FBI)
Sent: Sunday, October 23, 2016 4:00 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: Fwd: Wall Street Journal inquiry

This is the time line I sent Mike earlier. He cover all this with DB on background.

--

-------- Original message --------
From: "Mccabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 10/23/16 1:59 PM (GMT-05:00)
To: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: RE: Wall Street Journal inquiry

Important to point out that I consulted with HQ, Pat Kelly and WFO counsel in March of 2015 when Jill was making her decision. Kelly advised me on the Hatch act and following his advice I decided that I would play no role in the campaign. Other than appearing unidentified in one family photo that was used in a mailer, I played no role.

Timeline:

Late February to early March 2015: Jill was contacted by Lt Gov Ralph Northam and asked to consider running. She had two follow on conversations with other female, democratic state senators exploring the possibility.

March 2, 2015: NYT publishes an article detailing Clinton's use of a private email server. The State IG begins an investigation. b6 -1,3 b7C -1,3

[redacted]

March 9, 2015: I contact Chuck Roseburg and discuss the situation. He calls back later and says the D has no issue with it.

Later that day, or possibly the next day, I meet with Pat Kelley. Pat explains the Hatch Act and how, while it is permissible to support my candidate wife, I cannot engage in political activities. I decide to play no role in the

FBI 18-cv-01766-552

campaign, will attend no events, will make no communications, and will not participate in any fundrausing or support of any kind. I follow this guidance and decision for the remainder of the campaign. Other than appearing unidentified in a family photo that was used in a mailer, I play no role in the campaign.

I next meet with my WFO CDC. We devised a system by which I recused myself from overseeing all Virginia political corruption matters [redacted] b7E -1

[redacted]

On or about March 12, 2015: Jill announced she would run for VA State Senate.

July, 2015: the State IG refers the case to the FBI with the allegation that Clinton had classidied email on her personal system.

Some time thereafter, HQ opens a case. I had no role in that decision. I was not consulted in my role as WFO ADIC because (as I now know) the decision was made to investigate it at HQ with a small team. WFO provided some personnel for the effort but it was referred to as a "special" and I was not given any details about it.

In September, 2016, I was promoted to the ADD job and returned to HQ. I had no role in any investigation regarding Clinton.

On November 3, 2015, Jill lost her election for VA State Senate.

On or about February 1, 2016, I was promoted to DD and began my oversight of the Clinton email investigation. Jills campaign had ended 3 months earlier.

--

-------- Original message --------
From: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Date: 10/23/16 10:33 AM (GMT-05:00)
To: "Mccabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Subject: Wall Street Journal inquiry

Andy: Here is a crack at describing the fact sequence, in case we need to respond today. Not meant to be statement as much as something to frame a response to the specific points he raised. Please amend in any way....thanks. M.

* In March, 2015, when then-Assistant Director-in-Charge McCabe became aware of his wife Jill McCabe's intention to run for a state senate seat in Virginia, he took immediate steps to notify Washington Field office division counsel and be briefed on applicable Hatch Act requirements to ensure against any actual or perceived conflict-of-interest issues stemming from his position, and her campaign. This included recusal from any FBI case or investigative interest that could be reasonably considered to be, or in any way appear to be, a conflict of interest. When ADIC McCabe was promoted to a Associate Deputy Director at Headquarters in July/August? 2015, he consulted with the FBI's chief integrity and compliance officer to further ensure against any actual or perceived conflict stemming from that position, a position he held at the completion of Jill McCabe's campaign in November 2015.

[redacted] b6 -1,3 b7C -1,3

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Ex. 6

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b6 -1
b7C -1

10/27/16

b5 -2
b7E -1

Call w/ Korten, Devlin Barrett

[redacted]

b5 -2
b6 -3
b7C -3
b7E -1

[redacted]

Timing re DOJ mtg

[redacted]

"stand down"

[redacted]

[redacted]

-"Stand down"

[redacted]

[redacted]

"stand down"

[redacted]

[redacted]

[redacted]

Fri. Aug. 12 w/Axelrod

b5 -2
b6 -3
b7C -3
b7E -1

[redacted]

[redacted] = Can't explain why they have the wrong idea about something.

[redacted]

Andy said it's trouble for it.

[redacted]

[redacted]

= Mark:

[redacted]

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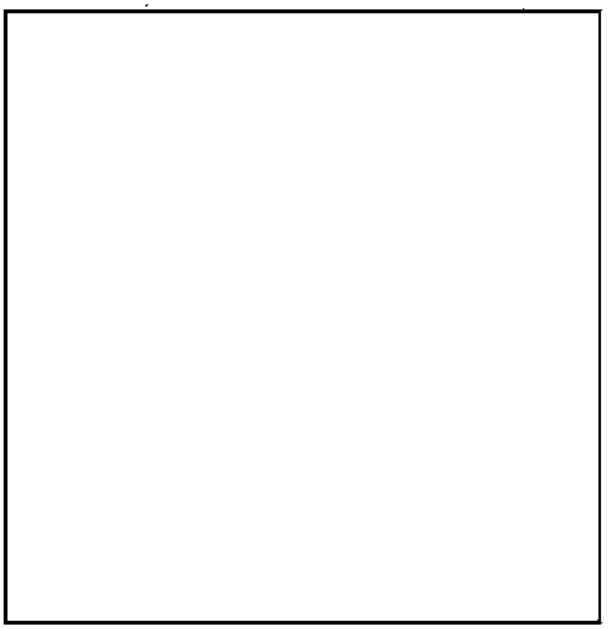
b6 -1
b7C -1



b5 -2
b7E -1

(This post-it was on the same page as the Axelrod notation so I copied it separately).

-LCP

10/28/16

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b6 -1
b7C -1

Call w/ Devlin

[redacted]

b5 -2
b7E -1

meet.

take w/ Mr McCabe
w/o, awareness/[redacted]

Senior DOJ official calls Mc McCabe to bar FBI agents in NY
are still pursuing the CF probe.

FBI 18-cv-01766-558

b5 -2
b7E -1

10/31/16 Morning mtg.

- [redacted]
- Need to figure out how to get our folks to understand why leaks hurt our organization. He's really not bothered, thinks we're making the right decision.

[redacted]

b5 -2

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

IN RE:

INTERVIEW OF LISA PAGE

September 7, 2017

Washington, D.C.

Interview of

Lisa Page

By the U.S. Department of Justice, Office of the Inspector General, at the Department of Justice Building, beginning at 9:45 a.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

b6 Per OIG
b7C Per OIG

FOR THE WITNESS:

AMY JEFFRESS, Esquire

DEPOSITION SERVICES, INC.
12321 Middlebrook Road, Suite 210
Germantown, Maryland 20874
Phone: (301) 881-3344

tenure, those emails were never recovered, but we knew they were on a BlackBerry server. And so the thinking being, like, oh my God, well what if it's that? Like, that would be, you know, hugely, or the potential to be hugely impactful because, you know, if there was a conspiracy to mishandle or there was purposeful intent to use a server in order to, you know, be what, do whatever, one would expect that happens at the beginning, you know, as decisions are being made.

And so sort of those two facts are what in my mind sort of put it over the edge. And so that evening, we brief the Director. I'm sorry --

[redacted]: October 27th? b6 Per OIG b7C Per OIG

MS. PAGE: I'm sorry. We brief the Deputy Director.

[redacted] On which date? The 26th? b6 Per OIG b7C Per OIG

MS. PAGE: No, 26th.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: It was Wednesday night. We informed the Director -- oh, I did it again. Sorry. We informed the Deputy Director, and he says, yeah, we've got to get this in front of the Director tomorrow. And so that gets scheduled for the next day. Andy is leaving town that next day, unfortunately. So he, Andy is out of town Thursday through Sunday of, in October. So the, whatever

the date is now. So the 27th through that Sunday, Andy is not, not in D.C.

So the meeting gets scheduled for the Director so we can tell him what we found and what the team thinks, which is certainly we need to go get a warrant for this information.

[redacted] But does Andy attend the meeting on October 27th, or? b6 Per OIG b7C Per OIG

MS. PAGE: No, he does not.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: Well, he tries --

[redacted] Was he on the phone, or? b6 Per OIG b7C Per OIG

MS. PAGE: Well, so that's a little more complicated.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: And it requires taking a few steps back in time to October 23rd or 24th, which is, either the 23rd or the 24th, the Wall Street Journal publishes an article alleging that Andy's wife, Andy should have -- alleging that Andy had sort of essentially engaged in misconduct in the Clinton Foundation case and had told him to stand down and all manner of other incorrect information. And had done so because of a sort of conflict of interest formed by his wife [redacted] who ran for state senate and received substantial donations to her b6 -3 b7C -3

campaign from both the Virginia Democratic Party and also the PAC controlled by Governor Terry McAuliffe.

So that article comes out on, I think it's that Sunday. It could be Monday, but I don't know with one print edition or --

[redacted] Right. b6 Per OIG b7C Per OIG

MS. PAGE: -- sort of whatever, so.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: So that article comes out on Sunday. And it is like an enormous fire storm. It is hugely, you know, it's not only all over the news, but there's just a lot of swirl and churn associated with that fact coming out. And so that is essentially Monday, for lack of a better, for purposes of the work week. Right? And, in the meantime, I understand both from Andy and partly from Baker that Baker and the Director, and Rybicki to sort of a lesser extent, are, are pretty concerned about the, the, not so much the allegations but the calls for recusal.

Grassley immediately puts out a letter calling for his recusal, and saying the entire has been tainted and, you know, blabbity, blabbity-blah. And so that's all happening, and there are clearly conversations happening between the Director and Jim Baker and I think Rybicki about -- well, let me take a step back. So then, so that's Monday. Wednesday, we sort of have, he learns this

information which is like, okay, we're going to need to reopen. This is, this is significant. Or we're going to need to at least seek a search warrant to sort of look at this material.

And so Thursday he calls into the, to the 10 o'clock call, and, at the 10 o'clock meeting with the, with the Director.

[redacted] This is the Director briefing then? b6 Per OIG b7C Per OIG

MS. PAGE: Correct. Uh-huh. 10 o'clock on, 10 o'clock Thursday morning, the whole team assembles, the original Midyear team is back again, and, to talk about what to do about it. Andy calls in and we sort of start talking about what it is we found and, you know, and very soon thereafter, like within probably minutes, Baker says, well, hold on. Can we pause for a second? And sort of turns to the Director and said, you know, I know you are still sort of, we haven't quite decided the recusal issue and whether Andy should recuse himself or not and what we should do about this. And so, you know, should he just, you know, out of abundance of caution, sort of not be on the call right now.

And the Director says, yeah, I think that's right. Andy, you're okay with that? And Andy's like, well I guess. What are you going to say if the Director

wants you to get off the call? And so he says I guess so. And so Andy got off the call.

And I, for reasons I don't necessarily probably totally thought out, but because I work for Andy raised, like, well should I step out too? Do you, you know, what, I don't know exactly what the thinking is between the Director and Jim because I'm either hearing it secondhand through Andy or sort of in, in somewhat veiled terms from Jim Baker, and so I just sort of say like do you want me to step out? And Jim says, yeah, you know, while we're working this out, why don't you step out?

So I leave. So I am actually not privy to any of the rest of the discussion on the 28th, so. I of course here after the fact some of what happens, but I am not privy to sort of the decision to seek the search warrant, the decision to write the letter to Congress, the, you know, I understand that there was robust disagreement, and it was very much a split vote, but I am not present for any of it and do not participate in any of that decision-making.

[redacted] Okay. So you leave the October 27th Director briefing --

b6 Per OIG
b7C Per OIG

MS. PAGE: 28th.

MS. JEFFRESS: 27th?

MS. PAGE: 27th. Shoot. I just screwed up

Pete opposed it. Like, Steinbach opposed it. And I can't remember [redacted] I can't remember where [redacted] was. And Baker supported, Bowdich supported. I can't remember who else I'm missing. Moffa supported. I mean, so it was just a split, that was, that was the readout that I, I got. b6 -1 b7C -1

[redacted] Okay. How did, how do you that those were the -- who did you hear that from, that those were each of the positions that they took? b6 Per OIG b7C Per OIG

MS. PAGE: I think, I think Pete and Moffa. I think I talked to both of them afterwards.

[redacted] I just want to go back quickly. b6 Per OIG b7C Per OIG

MS. PAGE: Sure.

[redacted] I haven't looked at the October 24th Wall Street Journal article in a long time. b6 Per OIG b7C Per OIG

MS. PAGE: Um-hmm.

[redacted] But what I recall is that there was discussion of a so-called stand-down order -- b6 Per OIG b7C Per OIG

MS. PAGE: Stand-down, yep. Yep.

[redacted] -- in the Clinton Foundation case. And what we've been told is that there was a discussion at some point with Axelrod in which the direction not to take investigative activity until after the election, it was discussed in connection with both Clinton Foundation and one of the Russia cases. Is that b6 Per OIG b7C Per OIG

incorrect?

MS. PAGE: That's totally incorrect.

[redacted] Okay, so -- b6 Per OIG b7C Per OIG

MS. PAGE: Yeah. And the stand-down, is a, is a, is a garble of a different -- yes. That's incorrect. And it's a super-garbled --

[redacted] Sure. b6 Per OIG b7C Per OIG

MS. PAGE: -- set of circumstances.. And ultimately, I, because the original article is so both one-sided and inaccurate, I work with Mike Horton. Andy directs me to work with Mike Horton on a follow-up story with Devlin Barrett.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: So I am a source on background with Devlin at Andy and Mike's direction in order to try to correct the inaccurate sort of representations in that article.

[redacted] Okay. Is that, is that like -- b6 Per OIG b7C Per OIG

MS. PAGE: It's the 30th or something.

[redacted] (*Indiscernible 5:15:18.) b6 Per OIG b7C Per OIG

MS. PAGE: Uh-huh. Exactly. Like, it was at the 30th-ish, 29th, something like that.

[redacted] Okay. b6 Per OIG b7C Per OIG

[redacted] So what, what is your understanding of the policy regarding overt investigative activity

before an election?

MS. PAGE: I do not have an understanding of the policy.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: It's sort of not, not at all relevant to the, this part of the discussion that --

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: This thing with respect to the Clinton Foundation in all of this.

[redacted] Sure. b6 Per OIG b7C Per OIG

MS. PAGE: So, the answer is I don't know what the policy is off the top of my head.

[redacted] Okay. b6 Per OIG b7C Per OIG

[redacted] Now, what about, for example, in Midyear, with the reopening, seeking a search warrant several days before the election, is there a policy that speaks to whether --

MS. PAGE: I don't know.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: And if they talked about it, I wasn't there.

[redacted] You weren't there. Right. b6 Per OIG b7C Per OIG

Okay.

MS. PAGE: So the, in August, well, so, I'm going to skip ahead to like Andy becoming Deputy Director.

At some point, relatively early, I don't remember when the Clinton Foundation case starts. [redacted] b7E -1

[redacted] And as, as has been briefed to me, as I participated in briefings on the topic, all were fairly stagnant.

At some point, I don't remember exactly when, but maybe -- I don't know. I mean, it could be March. It could be June. So I, I really shouldn't speculate. But at some point, [redacted]

[redacted] b7E -1

[redacted] And earlier, actually, I think it's actually in February. Yeah, sorry. Before that. I think it's in

February. And I'm not there, but [redacted] is there. And I remember she gives me a readout because she was like so unbelievably embarrassed and appalled. b6 -1 b7C -1

[redacted]

[redacted] Is that right? So maybe it's later. Okay. Well I, I can't help you with the dates.

[redacted] b6 -1 b7C -1 b7E -1

And so Andy says take the investigative steps that you can take on your own. There's plenty of things that the FBI can do that does not, that do not require, you know, departmental resources. [redacted] b7E -1

[redacted] b7E -1

[redacted] Like, go do the work that you can do on your own, and then come back to me, and we'll sort of reevaluate.

And so, they are taking these steps. And meanwhile, my understanding is New York, being New York pitches SDNY, and SDNY says no, and pitches EDNY, and EDNY says no. And they sort of tell Axelrod, you know, the FBI is still sniffing around on this. And that prompts a call on August 12th, which I only know because I had to look at this for something else, between Axelrod and Andy. And this is where the are you telling me to shut down a validly predicated investigation --

[redacted] Um-hmm. b6 Per OIG b7C Per OIG

MS. PAGE: -- sort of that statement comes from. And so, Axelrod is fuming, and he is saying I, you know, I thought that, you know, we weren't going to pursue this investigation. And Andy said, no, you said the Department

isn't going to support it, and that's fine. And I can't make the Department support it. But the FBI can take investigative steps. Are you telling me to shut -- and, and Axelrod is super-pissed off.

And Andy is saying, are you, are you telling me to, to shut down a validly predicated investigation? And Axelrod is, you know, no, I'm not saying that. Blah, blah, blah. But the, the readout that I get from, like that, the discussion is not about, at that time is not about proximity to the election. It's not, like this is August. But this is talking about activity which has occurred in the past. It's just that Axelrod is now finding out that the FBI still has this case open.

[redacted] Um-hmm. b6 Per OIG b7C Per OIG

MS. PAGE: And appeared to be under the impression that the case was closed. And Andy, as I said, Andy said, no, you guys aren't supporting it. That's fine. But I'm not closing a validly predicated investigation. They have predication. I've told them do what you can do within the authorities that you, that we as FBI agents have. Right? [redacted] b7E -1

[redacted]

Now, the reality was they didn't do much. There wasn't much to do. But that's not, you know, that's not, that's not Andy's fault.

[redacted] Right. b6 Per OIG b7C Per OIG

MS. PAGE: That's not Andy -- the stand down is, I think, a garble of a conversation that Andy has when he [redacted] essentially reflecting, like, b7E -1 you're not, we're not going to go to the Department. Like, I don't, I'm not sure that the word stand-down ever happens, but, i.e., like, stop with the pursuit. Like, I'm not going to help you fight the Department. You go build a better case. Come back to me with stronger predication or with whatever else it is you have built, and then we'll go back to the Department, and we'll, and we'll, you know, I'll fight your cause, essentially, and so.

[redacted] Um-hmm. And when was that b6 Per OIG b7C Per OIG conversation?

MS. PAGE: Earlier. I don't remember. It's whenever the, I don't remember [redacted] b7E -1

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: Whether it's in that time frame. It's, I don't know. I just don't remember. I can't, I would be totally guessing to pick out a date.

[redacted] Okay. b6 Per OIG b7C Per OIG

[redacted] So there are a handful of texts. And in the interest of time --

MS. PAGE: Yeah.

[redacted] -- we don't need to go through them unless you need to refer to them, where you're talking, you know, you say you're on the phone with Devlin Barrett. b6 Per OIG b7C Per OIG

MS. PAGE: Uh-huh.

[redacted] Who I guess is the Wall Street Journal reporter. And you don't feel so bad about throwing Matt -- b6 Per OIG b7C Per OIG

MS. PAGE: Right, right.

[redacted] I guess Matt Axelrod was who you were throwing under the bus. b6 Per OIG b7C Per OIG

MS. PAGE: Yes.

[redacted] Is that referring to the October 30th or 31st Wall Street Journal article? b6 Per OIG b7C Per OIG

MS. PAGE: Yes. Exactly.

[redacted] Okay. And you said that, you said that Andy had authorized you to provide that information. b6 Per OIG b7C Per OIG

MS. PAGE: Um-hmm.

[redacted] Okay, so including, like, information about the August 10th call? b6 Per OIG b7C Per OIG

MS. PAGE: Yes. I didn't know it, but, or --

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: Or, the 12th I think it is. I, yeah,

I didn't know it before Andy telling it to me.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: So, so yeah.

[redacted] So that's something you're doing at his direction? b6 Per OIG b7C Per OIG

MS. PAGE: Correct, correct.

[redacted] Okay. b6 Per OIG b7C Per OIG

[redacted] So did he specifically tell you tell the Wall Street Journal about the October, about the August 12th call?

MS. PAGE: The, the answer was the first article is inaccurate. We are going to paint a fully accurate picture.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: Because part of the, the -- the earlier date, whatever it is, the 23rd or whatever it is, contains information that is probably from the Department that frankly we thought was inaccurate. And so, like, you know, he says we are going to fix this story and give a complete picture. And the stand down was not, you know, was not Andy shutting down the Clinton Foundation case. Quite the contrary. The stand down was I'm not going to fight the Department and, you know, insist that they sort of support this with prosecutorial resources. But, nor am I going to shut down the investigation, you know, although

I think that's what the Department wants.

[redacted] So, I'm sorry if you already answered this, but, or already said this, but you, you were not a part of the August 12th conversation? b6 Per OIG b7C Per OIG

MS. PAGE: No.

[redacted] You didn't hear any of it or weren't present for it? b6 Per OIG b7C Per OIG

MS. PAGE: Not to my recollection.

[redacted] So when was it that Andy told you about that conversation? b6 Per OIG b7C Per OIG

MS. PAGE: I don't remember.

[redacted] Okay. So did he tell you about it in the context of you clarifying this article, or was it before then? b6 Per OIG b7C Per OIG

MS. PAGE: No, no, no. Oh, no. My recollection is that after it happens, he tells me because Matt is, was a challenging partner to work with at the Department. And so, you know, he regularly would talk to me about, like, frustrating things that might be happening. And so, sometime after the call, he tells me about the call with Matt in which, you know, he's like, ugh (phonetic sp.). You know, like it's just sort of, he wants Andy to shut the investigation down. But of course he's not going to ask for it because he knows that's a completely untenable thing to ask for.

And so instead, he's doing this sort of mealy-mouthed, like, well you're, you said you weren't going to, you know, do anything. And he's like, no, I did not. I specifically said that they can take whatever investigative steps they're going to take. We're not going to come to you. And yeah, New York went to the U.S. Attorney's Office, and he chided them for doing that because he's like we're not going to venue shop. Stop doing it. I told you what we're going to -- you know, like, so there was all that back-and-forth as well.

But, but ultimately, what was your -- oh, no. I, I learned about the fact of the call sometime after the call.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: I just surely had forgotten it by the time I was engaging with Devlin two months later. But as a part of the sort of here's the, here are the things that we think are wrong in the article, I think it was discussed again.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: Although I don't have a precise recollection of that.

[redacted] So you -- b6 Per OIG b7C Per OIG

MS. PAGE: About that, excuse me.

[redacted] So you have a conversation with Andy b6 Per OIG b7C Per OIG

where he tells you to, where he instructs you to have this background conversation with Devlin --

MS. PAGE: Correct.

[redacted] -- Devlin Barrett. b6 Per OIG b7C Per OIG

MS. PAGE: Correct.

[redacted] And was Mike Horton there for that conversation as well? b6 Per OIG b7C Per OIG

MS. PAGE: Uh-huh. Yep.

[redacted] Okay. Was anyone else there other than you and Mike? b6 Per OIG b7C Per OIG

MS. PAGE: Me and Mike, yeah.

[redacted] And so, and he is, and, and -- b6 Per OIG b7C Per OIG

MS. PAGE: I had two conversations, actually, with Devlin. But, go ahead.

[redacted] Okay. And so Andy tells you to have a background conversation to clarify or to correct the October 24th Wall Street Journal article. b6 Per OIG b7C Per OIG

MS. PAGE: Correct.

[redacted] And what specifics does he tell you to clarify? Does he give you the specifics to clarify? b6 Per OIG b7C Per OIG

MS. PAGE: I don't, I don't think it's quite that, quite that direct. I mean, part of it is I knew the facts myself. Right? And so, I knew, and I don't remember, like, when we have a particular conversation about it. But I, on the, you know, so I have the 23rd

article, just simply reading it, there are things in there that are clearly inaccurate. Right? And so, I'm certain after getting the article, Andy and I sat down as we would and said, like, well that's totally not true, because remember blah, blah, blah happened. It's like, yeah, right. And that's when you had this conversation with so-and-so. And so, my recollection is it would have happened -- what I don't recall happening is, okay Lisa, so, we're going to need to say --

[redacted] Sure. b6 Per OIG b7C Per OIG

MS. PAGE: -- blah, blah, blah, blah, blah, blah, blah. I mean, that's just sort of how we worked. And so it would have just been, my speculation, although I don't have a precise memory, is here's the article. We would have talked about it. This is what's not right about it. You know, and then engage with Devlin in that capacity.

Just so you know, because I have read the article recently, there is a whole slew of stuff in the, the 30th about the Weiner laptops and what we found and all of that. I am not the source of that stuff. So I don't know. But that was all out at that point anyway, and the letter to Congress had gone out. But, the only stuff that I'm really on that I believe that I am the source of is the stuff sort of related to the, the call

with, with Matt Axelrod and like a few other sort of corrections with respect to the Clinton Foundation, yes.

[redacted] Okay. And during the meeting where, where McCabe tells you and Horton to provide the information to clarify, does, does, I assume, so based on what you're saying, does he specifically bring up the August 12th meeting as part of that conversation?

b6 Per OIG
b7C Per OIG

MS. PAGE: I'm sure he did. Yeah. I don't remember in this exact moment, but.

[redacted] Okay.

b6 Per OIG
b7C Per OIG

MS. PAGE: I don't think I would have remembered that on my own.

[redacted] To bring, to kind of bring this back around, and with the understanding that you were not in the October 27th meeting about the statement, are you aware if the handling of the Clinton Foundation case or the ongoing Russia investigation was discussed in connection about whether to make a statement?

b6 Per OIG
b7C Per OIG

MS. PAGE: I am unaware.

[redacted] Okay.

b6 Per OIG
b7C Per OIG

[redacted] So just one more question on the, on the August 12th. Why was it necessary to, to specifically talk about the August 12th conversation and what Matt Axelrod said to clarify the October 24th Wall Street Journal article?

MS. PAGE: I would have to look at the October, I don't remember exactly, but I, my recollection is it's as [redacted] described it. There was a, a, a confluence, or a mix-up of what, of what this sort of stand-down thing was. And so the only way to explain, to separate out what the misunderstanding was, was to explain there are two different conversations. There are two different incidents which that represents. And so the only way, because the way that the journalist was representing it was the way that the New York case, presumably that the New York Office was representing it, which was Andy McCabe ordered a stand-down of the Clinton Foundation case.

That's why this was so explosive, because the suggestion is his wife gets a ton of money from McAuliffe. And he tells New York, shut down Clinton Foundation. And that's totally inaccurate. And so in order to correct that representation, we had to, we have to separate out what the two sort of misunderstandings were.

b6 Per OIG
b7C Per OIG

[redacted] Okay.

b6 Per OIG
b7C Per OIG

MS. PAGE: Does that make sense?

[redacted] Yeah, sure. I mean what, so, was this something, was communicating with the media something that you commonly did for Andy?

b6 Per OIG
b7C Per OIG

MS. PAGE: Oh, sorry. That was the first time I had ever done it.

C E R T I F I C A T E

DEPOSITION SERVICES, INC. hereby certifies that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of Inspector General in the matter of:

Interview of Lisa Page

[redacted] b6 Per OIG b7C Per OIG

[redacted] Transcriber

October 4, 2017

Date

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

IN RE: :

INTERVIEW OF LISA PAGE :

October 26, 2017

Washington, D.C.

Interview of

Lisa Page

By the U.S. Department of Justice, Office of the Inspector General, at the Department of Justice Building, beginning at 12:20 p.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

[redacted] Oversight & Review Division

[redacted] Oversight & Review Division

b6 Per OIG
b7C Per OIG

FOR THE WITNESS:

AMY JEFRESS, Esquire

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED b6 -1
DATE 07-02-2018 BY [redacted] NSICG b7C -1

INDEX

EXHIBITS

EXHIBIT NUMBER	PAGE NUMBER
None.	

PROCEEDINGS

[redacted] Okay, on the record. My name is [redacted] I'm an Investigative Counsel in the Oversight & Review Division. I'm here with [redacted] who is also an Investigative Counsel in the Oversight & Review Division. We are joining an interview that's in progress. The time now is approximately 12:20. We're at the same location, 1425 New York Avenue, in the Oversight & Review Division conference room. Those who were present earlier are all still here. That includes [redacted] Ms. Jefress, and the witness, Lisa Page. Is that correct?

MS. PAGE: Yes.

[redacted] And you are a fact witness in the review that we are looking at. We are looking at allegations regarding disclosures of nonpublic information to the media and subsequent statements related to those disclosures. You're still under oath, and to protect the integrity of our focus here, we request that you not discuss the substantive nature of our questions and the substantive nature of your answers with others with the exception of your attorney. Is that okay?

MS. PAGE: Yes.

[redacted] What did you do to prepare for this portion of the interview?

MS. PAGE: I reread my, the statement I provided to the Inspection Division related to this. I also looked at the attachments related to this in the Inspection Division matter, but also the 10/23 article, which I had not looked at prior to my Inspection Division interview or prior to sort of preparing for, for this interview.

[redacted] Anything else? b6 Per OIG b7C Per OIG

MS. PAGE: I don't think so.

[redacted] And when you say the 10/23 article, you're referring to the October 23rd, 2016 Wall Street Journal article? b6 Per OIG b7C Per OIG

MS. PAGE: Correct.

[redacted] Did you have any conversations with anyone about this upcoming interview other than your attorney? b6 Per OIG b7C Per OIG

MS. PAGE: Not to my recollection, no.

[redacted] No conversations with anyone at the FBI?

MS. PAGE: I mean, I know Jim Bakers knows I'm, I'm coming back here today. I mean, so, I think people know that I've, I'm coming back to the IG. b6 Per OIG b7C Per OIG

[redacted] With the, with the exception of telling folks at the FBI that you have an interview here today and that's where you would be, did you have any other discussions with anyone at the FBI?

MS. PAGE: I think I told Jim that I'm going back today, but it's not on, it's on stuff related to Andy.

[redacted] I see. Did you tell him what specifically? b6 Per OIG b7C Per OIG

MS. PAGE: No, I don't, I don't think I had to. I think he knew what it related to.

[redacted] Okay. Any other conversations? What about with Mr. McCabe? Is he still your -- excuse me. Is he still your supervisor?

MS. PAGE: Not exactly. I mean, I'm working for Jim Baker right now.

[redacted] Okay. b6 Per OIG b7C Per OIG

MS. PAGE: I don't think I -- no, I don't think so. b6 Per OIG b7C Per OIG

[redacted] And just so I'm clear --

MS. PAGE: Sorry. No, I don't think I had any conversations with Mr. McCabe about my presence here today. b6 Per OIG b7C Per OIG

[redacted] Okay. Well --

[redacted] Oh, I was just wondering, and does that include you didn't have any conversations with Mr. McCabe about the events that we're going to be talking to you about?

MS. PAGE: Oh, no. Correct.

FBI 18-cv-01766-585

[redacted] Okay.
MS. PAGE: Right.
[redacted] I just want to make sure we're clear.
[redacted] Well, why don't we jump right into your sworn statement to the FBI's Inspection Division. And I will get that for you here. So, I think the first one, I don't think, so I attached these to, the tabs there refer to Exhibits 4 and 6. Exhibit 4 is the, is the article, the October 30th, 2016 Wall Street Journal. Exhibit 6 Tab are your notes that you gave to Inspection Division. And, there is one other thing I was going to tell you, but it slipped my mind. Well, we'll just get to it. So I will point out, the only thing I haven't highlighted is if you look at Exhibit 4, you may recall when you interviewed and when you signed your sworn statement that on the last page of Exhibit 4, the Inspection Division highlighted the three paragraphs --
MS. PAGE: Um-hmm.
[redacted] -- to identify where you had identified that you were a source for those statements. But we'll, we'll jump into that. But I just wanted to point out, that's the only highlighting that I have not done that you'll see today.
MS. PAGE: Okay. Can I actually -- well, go

ahead.
[redacted] No, please.
MS. PAGE: So I was just going to, because, because I have re-reviewed it, when, when I was first asked by Inspection to come and talk, it was obviously about this [redacted] article that was referred I believe by Andy to Inspection Division because it was a leak that we believed came out of his RAP (phonetic sp.).
[redacted] Yes.
MS. PAGE: So when they asked me to return for some follow-up, I believed it to be follow-up with respect to the [redacted] article. When I got there, it was on this new topic, the Devlin Barrett article.
[redacted] Um-hmm.
MS. PAGE: And so, the answers I gave then, as well as the answers I gave to [redacted] and [redacted] in my last OIG interview were done without the benefit of having looked at the 10/23 article since essentially it came out, so eight or 10 months ago. So my recollection was that that article had references to a stand-down --
[redacted] Right.
MS. PAGE: -- which was the reason that Andy had asked me to engage with Mr. Barrett and Mr. Kortan. That's obviously not the case. And so I know now -- I now

know that, that my recollection was faulty with respect to that point because I have actually seen the article. So I just wanted to kind of clarify that point because I know it to be incorrect now.
[redacted] Yes. No, I appreciate you clarifying that. So that's, that's helpful. And it, and you helped me remember what I wanted to say, was that we are not going to focus on the first part of what your sworn statement is about.
MS. PAGE: Right.
[redacted] The (*indiscernible 06:12) e-mail. So we are, there might be some general statements before that topic in that, in, in your sworn statement. But, we're primarily going to be focusing on the Wall Street Journal part of it, so.
MS. PAGE: Understood.
[redacted] So, turning to Exhibit 4, which is, should be your first red tab I believe. As I understand it, that was the first time you were authorized to communicate with reporters on background. Is that right?
MS. PAGE: That's correct.
[redacted] And Mr. Andrew McCabe authorized you to go on background for that purpose, for this article?

MS. PAGE: Yes. That's correct.
[redacted] How did he convey the scope of your authorization?
MS. PAGE: That's a good question. Maybe, can you clarify what you mean?
[redacted] Well, specifically, to start with, I'm wondering was it written, was it oral?
MS. PAGE: Oh, oh. No, I think we would have had a conversation. So I, I, I knew that the 10/23 article had come out. My recollection is that it was not, it didn't tell us what, a complete picture of sort of -- or, no. I guess maybe, actually, that's probably not right.
I actually think it's that probably following that article, Barrett starts to get information with respect to maybe Clinton Foundation or, which I think it's after that happens that Kortan must approach, I suspect Kortan approaches Andy. Mike Kortan approaches Andy McCabe to say that they're making, that the reporter is making this connection between McAuliffe and the Clinton Foundation and had, you know. And so Andy authorizes me to sort of help clarify those facts.
[redacted] Okay. So, let me just unpack a couple of things. As I understood what you said, the same reporter who had done the initial story on October 23rd,

b6 Per OIG b7C Per OIG
b6 -3 b7C -3

2016, reaches out to Kortan, and that's Mr. Michael Kortan who is the head of the Office of Public Affairs at the FBI?

MS. PAGE: That's my belief, yes.

b6 Per OIG b7C Per OIG

And then Mr. Kortan talks to you and/or Mr. McCabe about Mr. Barrett doing a follow-up story?

MS. PAGE: That's correct.

b6 Per OIG b7C Per OIG

Okay.

MS. PAGE: That's my belief. I don't recall personal discussion at that point with, with Mr. Kortan. But I think because we see that he's now trying to make a connection between McAuliffe and the Clinton Foundation

b5 -1

that's why I'm engaged, to sort of help clarify those facts.

b6 Per OIG b7C Per OIG

And so, at what point or what prompts Mr. McCabe to bring you into sort of the interaction with the reporter? It's my understanding that Mr. Kortan was the only one who interfaced directly with the reporter for the prior article, the October 23rd article. Is that right?

MS. PAGE: I'm not sure. Actually, I, I don't know whether Mr. McCabe interfaced with --

b6 Per OIG b7C Per OIG

Oh, okay.

MS. PAGE: -- Mr. Barrett as well.

But, but --

MS. PAGE: I, I did not.

You didn't?

MS. PAGE: Yes. That's correct.

And, and so what, what prompts Mr. McCabe, or who is the one who, who asks for your assistance with the follow-up story?

MS. PAGE: Who asks? I assume Andy tells Kortan to talk to me about the sort of substantive underlying facts, but I don't know precisely who spoke to whom and, and how that came to be.

b6 Per OIG b7C Per OIG

Um-hmm. And more I'm just trying to figure out the circumstances, as I understand what you described there.

MS. PAGE: Um-hmm.

b6 Per OIG b7C Per OIG

The reporter reaches out to presumably Mr. Kortan. Says he's going to do a follow-up story. And I'm just trying to understand better how is it that you get roped in, if you know, or if you recall?

MS. PAGE: I don't really. I just know that I do.

b6 Per OIG b7C Per OIG

Okay. Okay.

MS. PAGE: Yeah.

So you're roped in. And do you get the authorization to speak on background orally from

Mr. McCabe?

MS. PAGE: Yes. Again, but it's, it's less formalistic than you are -- I think he just says talk to Kortan and, you know, there's this reporter who has questions about the McCabe and Clinton Foundation. And again, it's, it's pretty general, is my recollection.

b6 Per OIG b7C Per OIG

Well, how is it you know that you're to go on background? Does he instruct you or tell you, hey, Lisa, Ms. Page, I'd like you to go on background with Mike to talk to this reporter and help clear things up?

MS. PAGE: No. I get that information from Mike. Mike, at the outset of the call with, well, before the call with Devlin Barrett --

b6 Per OIG b7C Per OIG

Um-hmm.

MS. PAGE: -- sort of describes the, the ground rules.

b6 Per OIG b7C Per OIG

But even before that, as I understand that, you are not authorized in your position to talk directly to the media, is that right?

b6 Per OIG b7C Per OIG

MS. PAGE: That's correct.

So you need to be authorized by some official at the FBI who has authority to do that.

b6 Per OIG b7C Per OIG

MS. PAGE: That's correct.

So who was that with respect to

the October 30th, 2016 article?

b6 Per OIG b7C Per OIG

MS. PAGE: Mr. McCabe.

Okay, and help us understand how, what exactly does he say that in your mind signifies I am now authorized to talk to a reporter on background?

MS. PAGE: So I don't remember the precise words that he used, but it was talk with Kortan and work with this reporter on this issue.

b6 Per OIG b7C Per OIG

Okay.

MS. PAGE: I don't remember anything more specific than that.

Okay.

b6 Per OIG b7C Per OIG

MS. PAGE: But.

Was it --

MS. PAGE: But, but the, I do not think that Andy would have said on background or, you know, off the record or whatever, you know, that would have been Andy's sort of, the language that Andy used or even the sort of thing that Andy was communicating.

b6 Per OIG b7C Per OIG

And --

MS. PAGE: That's OPA's job to figure out how that engagement happens.

b6 Per OIG b7C Per OIG

Right. And so because this was the first time, this being the October 30th article, first time that you talked on background with someone from OPA

and a reporter, you have never heard Mr. McCabe say go work with Mr. Kortan and a reporter? That, that conversation never happened before?

MS. PAGE: With me?

b6 Per OIG b7C Per OIG [redacted] Yes.

MS. PAGE: No. No.

[redacted] Okay. Was your authorization ever memorialized in a written record?

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] Did you take notes in the, during the conversation where you understood Mr. McCabe to be authorizing you to work with Mr. Kortan on background?

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] So if it wasn't written in any shape or form, how, how did you, under, what did you do to determine or ensure that your future steps would be within the scope of your authorization on background?

MS. PAGE: I guess I wasn't thinking about it given that this was my first engagement with OPA, I, I don't think I was thinking about in such formal terms. I understood generally the, the topics to be covered. And my recollection in talking to, to Kortan was that that first engagement with Devlin was sort of in receive mode. So Devlin has a story. He's going to sort of tell us what he's hearing. And then we'll essentially figure out the

response once we hear sort of what the facts are. So I can't, I can't say that I gave greater thought to the scope of my authorization beyond my general knowledge that it was about the McAuliffe, Foundation, Clinton e-mail, some version therein. But I don't, in advance, I'm not sure that I knew more than that.

b6 Per OIG b7C Per OIG [redacted] Okay, so --

[redacted] Go ahead.

[redacted] Take us back to that day. Can you --

MS. PAGE: Which day, I'm sorry?

[redacted] When Mr. McCabe first says to you I want you to talk to Kortan and work with Kortan on this article, what more did he tell you about what he wanted you to do? Did you ask questions about --

b6 Per OIG b7C Per OIG MS. PAGE: I don't, I don't remember.

[redacted] -- what do you want me to do? How long did that conversation last?

MS. PAGE: Oh, I mean, probably a minute-and-a-half. I really, I don't remember, I don't remember it being deeply substantive beyond sort of the, the broad topics. And then, I think I had some understanding that we would learn more sort of what the, the story that, that, that, that Devlin Barrett was developing was.

b6 Per OIG b7C Per OIG [redacted] Okay. And what did he tell you the broad topics were going to be that would be involved in

this?

MS. PAGE: I think the foundation and some connection back to McAuliffe and his wife's run, I think, and I could be conflating that now because my original recollection was wrong, so I've been trying to kind of reconstruct my recollection. So, I, that's my, that's my best guess, but I'm not positive.

b6 Per OIG b7C Per OIG [redacted] Okay.

[redacted] And the broad, when you say the broad topics, was that from -- who relayed that information to you? Was that Kortan to you from Barrett, or Mr. McCabe to you?

MS. PAGE: I don't remember.

b6 Per OIG b7C Per OIG [redacted] Okay.

MS. PAGE: I'm sorry.

[redacted] That's okay. The details of the August 12th, 2016 conversation between Mr. McCabe and Mr. Axelrod, which is highlighted on Page 7 to 8 of your statement. Does Mr. McCabe instruct you to provide that information, or was that your decision?

MS. PAGE: I think he, I don't really remember. I think what happened is that we, Kortan and I have the initial engagement with Barrett. And that engagement, I think during the course of that engagement, that's where he first raises the, the, Andy ordered people to stand

down, if I'm not mistaken. Is that right? I can't, I didn't --

b6 Per OIG b7C Per OIG [redacted] I --

MS. PAGE: I haven't looked at my notes. Yeah, I think that's right. I just couldn't, I haven't looked at my notes again recently, recently. And so, I think, I'm pretty sure I follow up with, so we have the first conversation with Barrett in which I, my recollection is we're mostly I think in receive mode. And then, I think I follow up with Andy to sort of relay the, the substance of the discussion. And I think he reminds me of the, how can I have, how can I have been trying to stand down the Clinton Foundation case when I have that back-and-forth with Axelrod, which I am pretty sure I already knew of. I learned in real-time, you know, thereabouts.

Sort of as you, in my Inspection statements as, like, my recollection is I generally knew that he had had that back-and-forth with Matt Axelrod at the time that it, that it actually happened, or, you know, on or about August 12th, or around there. And so, my recollection is that Andy probably reminds me of the, that engagement, which is directly contrary to an order to essentially stand down the investigation. So I don't, to answer your question more specifically, I don't think that he directs me to say it. He just sort of reminds me of, of that

salient fact.

[redacted] And when you were mentioning a minute ago that you were learning about the August 12th call in real time, what, what was going on that, at the time that prompted Mr. McCabe to give you a readout of what had happened during that call?

MS. PAGE: Nothing -- what do you mean what was going on?

[redacted] I mean, was there anything specific that led him to share those details with you?

MS. PAGE: I don't think so. Those are typical of the types of details he would share with me.

[redacted] As, as I understood from some of your prior testimony, I thought you may have said something to the effect of you only knew about the call because you had to look at it for something else. Does that refresh your recollection about anything, or no?

MS. PAGE: I'm sorry? Wait, about the Axelrod call?

[redacted] Right.

MS. PAGE: That I was looking at -- I don't remember saying that. I'm sorry. Can you direct me to --

[redacted] Well, if that's your prior testimony --

MS. PAGE: Yeah, um-hmm.

[redacted] -- being on 276, Lines 15 to 18. And it may have just been an indefinite reference --

MS. PAGE: Yeah.

[redacted] -- that I read into.

MS. PAGE: No, let me check.

[redacted] 276, Lines 15 to 18.

MS. PAGE: Oh. I think I'm, I might be referencing the date, but I don't, I don't recall any, any particular thing --

[redacted] Okay.

MS. PAGE: -- which had me look for that. Yeah. My, my recollection is, as I've --

MS. JEFRESS: Date?

MS. PAGE: The date, that's what I'm saying. I think that I went back and looked because on my notes I have that, at the top of the page it says.

[redacted] Yes.

MS. PAGE: So I think I'm explaining it to my interviewers.

[redacted] I see.

MS. PAGE: I only know that right now.

[redacted] I see.

MS. PAGE: Like, I have recall of August 12th, which is a weird date to sort of randomly recall. I think what I'm doing is explaining to my interviewers I only

know that this happened on August 12th because I had to look at it for something else. The something else being the Inspection Division interview of myself.

[redacted] Okay..

MS. PAGE: That's why I had that --

[redacted] Got it.

MS. PAGE: -- recall the date which I ordinarily wouldn't have.

[redacted] Got it.

MS. PAGE: Yeah. Sorry.

[redacted] No, that's helpful. So, Mr. McCabe, as best you understand it, reminds you about this August 12th call with Mr. Axelrod. Does he give any specific detail, does he highlight any specific details about the call for you?

MS. PAGE: I, I don't recall. My, my, my guess is no, that he doesn't need to. And again, this is just speculation. But because I have at the top of my notes this random Friday, August 12th with Axelrod, I think that was all I needed to jog my recollection of the conversations.

[redacted] So, so let's turn to that for a moment now.

MS. PAGE: Sure.

[redacted] So you're looking at Exhibit 6 of

your statement, Page 3 of your notes, right?

MS. PAGE: Um-hmm.

[redacted] And this is at the top, there's a note which says Friday, August 12th with Axelrod. So, when you, when you were just saying a moment ago that you wrote that up there to jog your memory, do you believe you are expressing this statement on October 27th?

MS. PAGE: I think that -- I think. Again, I'm not positive. I think that what my notes reflect, and I mostly think this simply because of the different colors, because I wouldn't change color during the course of a single conversation unless my pen ran out of ink. It doesn't look like my pen ran out of ink. So, I think that the, the portions which are in black is again me in receive mode taking on materials from Devlin Barrett, you know, the information that, that he was conveying to us.

[redacted] And when you say, I know exactly what you're saying, but just so it's clear for the record.

MS. PAGE: Yeah.

[redacted] When you say portions in black in receive mode, you're talking about roughly the first page, the first, the bottom of Page 1 --

MS. PAGE: And --

[redacted] -- through the almost --

MS. PAGE: Three-quarters of Page 2, yeah.

[redacted] Correct. And then it transitions to red ink.
MS. PAGE: Correct.
[redacted] And who is that? What is that?
MS. PAGE: I think that's -- again, I, I, this is my speculation, but I think that's me after the call. Maybe during the call, but I think after the call jotting down my own thoughts. I think.
[redacted] Well, maybe just take a moment to scan it now and see if your, you have any --
MS. PAGE: I have.
[redacted] You have? Okay.
MS. PAGE: I just don't --
[redacted] Okay, okay.
MS. PAGE: I don't remember with precision.
[redacted] Um-hmm.
MS. PAGE: But, and then I think that the black ink is probably talking to Andy, but I'm not positive. And the reason I hesitate a little bit is because this, this part here that's still in red ink, so maybe it's on two different occasions --
[redacted] When you say the black ink, which one --
MS. PAGE: I'm sorry. This is the, now the bottom quarter of Page 3.

[redacted] Okay. Same ink --
MS. PAGE: And the black ink at the top that has Friday, August 12th with Axelrod.
[redacted] Okay.
MS. PAGE: I think those are discussions with the Deputy. And the, the only reason I hesitate is because this, the fact, the very last fact that's in red ink that starts with the words Mark, colon.
[redacted] Yes.
MS. PAGE: That is a reference to Mark Giuliano, the prior Deputy Director.
[redacted] Um-hmm.
MS. PAGE: And I didn't know this fact. So, that's the only reason I hesitate a little bit about what the notes actually represent because I had learned this from Andy. At least, I presume. I, I can't think of anybody else I would have learned it from. And so, that's the only reason I hesitate a little bit with respect to what pieces I wrote, when.
[redacted] Okay. So, I'm just going to summarize, and I want you to correct me --
MS. PAGE: Okay.
[redacted] -- if I've gotten what you best believe what this reflects. Just so I'm clear.
MS. PAGE: Um-hmm.

[redacted] So the first page and three-quarters, going to the very bottom of 2, before the red ink, that reflects receive-mode, Devlin Barrett's comments giving his account to you and Mr. Kortan?
MS. PAGE: Of that I am certain, yes.
[redacted] Okay. Then it transitions to red ink. And you believe that that reflects after the call ended with Mr. Barrett, you are writing down your thoughts.
MS. PAGE: I think so.
[redacted] Um-hmm.
MS. PAGE: Although it is possible this is also a discussion with Andy.
[redacted] Okay.
MS. PAGE: And the only reason I, or maybe part of it, you know, because there's a line there.
[redacted] Yes.
MS. PAGE: And so, maybe that line is to distinguish for myself that, from below the line, again, the line is right above the, the statement that begins Mark in red ink. So, I think it's entirely possible, I just don't have a precise recollection that below the line is a conversation with Andy. So maybe it happens at two different times, which is why there's two different inks. But my, my best belief, as I sit here today, is that most

of the red represents my thinking on the matter.
[redacted] And are you doing any of this thinking with Mr. Kortan?
MS. PAGE: Kortan wouldn't know the substance of it, so it's totally possible that I am talking him through my suggested response, which would have, the salient facts which rebut some of what Mr. Barrett had just said.
[redacted] Um-hmm.
MS. PAGE: Totally, I surely would have talked to him in advance of our next call for Barrett. So whatever happened at the time that I'm writing these notes, or whatever happened later, I, I surely would have talked to Kortan, so he sort of knew, hey, this is generally like this is why this isn't true. This is why that isn't true. And sort of got a, gave him a feel for it. But I don't recall whether I'm doing it with him in that moment. You know, because again, he's, these are substantive responses, and, and like, it doesn't substantively, you know, wouldn't substantively know any of this.
[redacted] When you're in this first call with the reporter, Devlin Barrett, you're with Mr. Kortan.
MS. PAGE: Correct.
[redacted] Was there anyone else in the room?
MS. PAGE: No.

b6 Per OIG b7C Per OIG

b6 Per OIG
b7C Per OIG [redacted] Is anyone else from the FBI listening?

MS. PAGE: Not to my knowledge.

b6 Per OIG
b7C Per OIG [redacted] So just you two?

MS. PAGE: As best I know, yeah.

[redacted] Okay. Is Mr. Kortan also taking notes during this call?

MS. PAGE: I don't think so. He's not a big note-taker. And if he, when he does, it's like four words on a page, so. I don't, I don't think so is the answer. But I don't really remember.

b6 Per OIG
b7C Per OIG [redacted] So while we're with, with the notes. Above it -- I'm sorry. Let me start over. On Page 3 -- actually, I did highlight it for you. That's good.

MS. PAGE: Ah, yeah.

b6 Per OIG
b7C Per OIG [redacted] So the highlight that Andy got in trouble for it. What, what is that in regards to?

MS. PAGE: Hmm. Sorry. Let me just reread them. So, I can certainly explain the prior. Right. So -- huh. I'm wondering if this is with Devlin. I really am not sure. I'm sorry. But anyway, so, so the, the lead bullet there, which reads can't explain why they have the wrong idea about something. This is because there was a long back-and-forth. And so maybe part of

this occurs with Barrett. I just don't, I'm not sure whether I'm conflating the first call and the second call, which is the reason I'm, I'm hesitating. But he was very adamant that --

b6 Per OIG
b7C Per OIG [redacted] Who is he?

MS. PAGE: I'm sorry. Thank you. Devlin Barrett was very adamant that the sources he spoke to, which I presume are case agent or sort of low-level supervisors, are adamant that they were told to stand down on the Clinton Foundation case. And I keep pressing, again, I don't know whether it's in this conversation or the following one, that, that, I don't, I don't, I can't tell you why they have this impression.

I can't tell you where this garble would have happened. Devlin certainly well, knows the FBI well enough to know that we are astronomically hierarchical. And so this purported order coming from the Deputy Director potentially had to travel through seven, eight, nine people for the people you are talking to, to say stand down. What I'm telling you is that doesn't make any sense in light of the August 12th Axelrod call.

And so this is my -- I'm not sure what the Andy got in trouble for it meant. I think it's -- again, I'm speculating. I think we heard, I think, maybe it's a reflection of the article, but I think we had heard at

that point this claim that like people think he's trying to kill the Clinton investigation. I'm sorry, the Clinton Foundation investigation. And so people are, you know, pissed at him. But, I'm really speculating because I don't, I don't have a precise recollection of what I'm thinking about or talking about there.

[redacted] So if we turn then to the next page, page 4 of your notes.

b6 Per OIG
b7C Per OIG

MS. PAGE: Um-hmm.

[redacted] That was --

MS. PAGE: With the Post-It note?

b6 Per OIG
b7C Per OIG [redacted] Yes.

MS. PAGE: Okay.

[redacted] So that, as I understand, from what you wrote from a little note there, that Post-It note was on Page 3, is that correct?

MS. PAGE: Correct, yeah.

[redacted] Okay.

MS. PAGE: Yeah, it was, it was, when I went to go copy these notes.

b6 Per OIG
b7C Per OIG [redacted] Um-hmm.

MS. PAGE: Which, of course, I haven't looked at probably since I made them, which following my Inspection Division interview, I went to go copy these notes, and I, this Post-It was on it. And so I don't really remember

what the purpose of it was. But since it was there, sort of to be as transparent as possible, I made a copy of it. So it's clearly related, but I don't remember what these random dates and notations are, are referencing back to.

[redacted] Okay. Can you, and if you want to look to, I'm going to segue to it soon, but if it helps you to look at the second page of your notes as well. Can you put us in the room in terms of how the conversation went when you're providing the details regarding the August 12th call between Mr. McCabe and Mr. Axelrod? How does that conversation go?

b6 Per OIG
b7C Per OIG

MS. PAGE: Wait, wait. I'm sorry. You're talking about my recounting back to Devlin Barrett?

[redacted] Yes.

MS. PAGE: Oh, okay. Sort of as I just described it to you, which is it's, it's entirely provided as a rebuttal to the claim that Andy is trying to kill the Clinton Foundation case because Barrett keeps coming to us with this, my, you know, my guys are, my sources are certain that they got the instruction to stand down. And I kept responding, I, I believe in their certainty.

b6 Per OIG
b7C Per OIG [redacted] Um-hmm.

MS. PAGE: What I'm telling you is that not only did it not happen, it's inconsistent with the fight that he has with Matt Axelrod about the fact that New York

agents are continuing to investigate the Clinton Foundation matter in August. And so, you know, I recount the, the substance of the conversation as I recall it' with, I'm sorry, to Devlin Barrett in an attempt to demonstrate that he cannot simultaneously be trying to kill the investigation while he is fighting with Axelrod about allowing the New York agents to take the investigative steps that they deem necessary without engaging prosecutorial resources.

b6 Per OIG b7C Per OIG

And are you the only one who is sharing these details regarding the conversation, the August 12th call, or is Mr. Kortan also participating?

MS. PAGE: No. I mean he, Mr. Kortan doesn't have any substantive knowledge to my knowledge, so.

b6 Per OIG b7C Per OIG

So, so the quotes attributed to Mr. McCabe that actually appear in the article on the last page.

MS. PAGE: The highlighted stuff? Uh-huh.

b6 Per OIG b7C Per OIG

The highlighted on the Exhibit 4, those would have come directly from you?

MS. PAGE: I believe so. I don't know anybody else it could be, so.

b6 Per OIG b7C Per OIG

Okay.

MS. PAGE: To the best of my, I mean, I'm not Devlin Barrett, but --

b6 Per OIG b7C Per OIG

Right.

MS. PAGE: I think that's me. Yeah. As I said in my Inspection interview.

Right. And one of the reasons I did, I am asking is, I think your statement on the bottom of 9 said something to the -- well, let's go right to it. Last line on 9, I presume --

MS. PAGE: Um-hmm.

b6 Per OIG b7C Per OIG

-- the portions of those paragraphs. And I understand what you just said. You don't know all his sources. But, do you recall --

MS. PAGE: I definitely said that, so.

b6 Per OIG b7C Per OIG

Okay.

MS. PAGE: I, I, it's in all likelihood me. But again, I don't know who else he's talking to.

Can I ask one question here?

b6 Per OIG b7C Per OIG

You can ask more than one question.

Sure. In those paragraphs that are highlighted --

MS. PAGE: Um-hmm.

- in the article.

b6 Per OIG b7C Per OIG

Here. Sorry.

What Mr. Barrett writes is that in that final, in the third paragraph that's highlighted --

MS. PAGE: Oh, actually. Can I --

b6 Per OIG b7C Per OIG

Go ahead.

MS. PAGE: Just --

Sure.

MS. PAGE: Go ahead. Sorry.

And where he has this direct quote from Mr. McCabe, it says according to people familiar with the conversation.

MS. PAGE: I don't know who people, I mean, if that's what you're asking me.

b6 Per OIG b7C Per OIG

But, what is in question is if he, if you know, was he attributing that to you and to Mike Kortan?

MS. PAGE: I, I, I don't know. I can't answer that.

Okay. Do you know of anyone other than yourself that was familiar enough with this conversation to confirm that for Mr. Barrett?

b6 Per OIG b7C Per OIG

MS. PAGE: I, I don't know, but it doesn't mean that there aren't other people. I just, I don't know.

b6 Per OIG b7C Per OIG

Okay.

MS. PAGE: Sorry. The one thing I was going to flag is that partly I think because the question with Inspection was not totally precise. So, just to be totally clear.

b6 Per OIG b7C Per OIG

Sure.

MS. PAGE: The first line of the first of the three highlighted paragraphs. So it reads, according to a person familiar with the probes, on August 12th, a senior Justice Department official called Mr. McCabe to voice his displeasure at finding that New York FBI agents were still openly pursuing the Clinton Foundation probe during the election season. I do not recall during the election season being an issue that was ever brought up between Mr. Axelrod and Mr. McCabe.

So that little fact there is not me because the only facts that I recall the frustration about was, was it being related to Clinton Foundation and the quality of the investigation which I agree was probably not particularly strong. But I don't recall ever, when, when Andy first tells me about the back-and-forth with he and Axelrod --

b6 Per OIG b7C Per OIG

Yes.

MS. PAGE: -- tying it to the period of time is not something that comes up.

MS. JEFRESS: It's under incoming.

MS. PAGE: Is it? I don't remember that.

MS. JEFRESS: (*Indiscernible 38:13.)

MS. PAGE: No, that, that, that's Devlin saying it.

MS. JEFRESS: Right, exactly.

MS. PAGE: Yes.
MS. JEFRESS: So that's, I think that's where, so you said that before you talked to him?
MS. PAGE: Correct.. Correct. Yeah. So, because that's what he --
MS. JEFRESS: That being Devlin?
MS. PAGE: What Devlin says to us --
MS. JEFRESS: Correct.
MS. PAGE: -- is well it's, it's SOP during election season. And in fact, I think my response is they're not taking overt steps. So I don't, that's not ever something that comes up in the conversation between Andy and Axelrod. And I'm pretty sure I said I think that's sort of convenient after-the-fact justification to explain this unpleasant-looking matter, which is that they don't think the Clinton Foundation is, you know, worth its salt. And, but they don't have the authority -- well, they do have the authority to shut it down, but they won't want to exercise that authority.

b6 Per OIG
b7C Per OIG

: There is, as you were mentioning, there's a lot of notes regarding stand-down and what it meant.

MS. PAGE: Uh-huh.

b6 Per OIG
b7C Per OIG

Primarily on the first, on October 27th. And that would also be on October 28th as well.

Why wouldn't it have been sufficient to simply deny that any stand-down had been issued by Mr. McCabe?
MS. PAGE: Well, because there was direct evidence to the contrary. So, I mean, a denial doesn't really get you very far. So, a denial is sufficient, and of course we did deny that it occurred. But I think presentation of a fact which is in direct contraction of the activity which purportedly occurred is the best evidence to demonstrate the erroneousness of the stand-down statement.

b6 Per OIG
b7C Per OIG

And when you say direct evidence, you're referring to what exactly?
MS. PAGE: The conversation between Axelrod and Mr. McCabe.

b6 Per OIG
b7C Per OIG

Oh. To rebut the alleged statements by the FBI agents?
MS. PAGE: No, no. The statements from other FBI agents purport Mr. McCabe --
Um-hmm. Um-hmm. Right.
MS. PAGE: -- trying, ordering a stand-down --

b6 Per OIG
b7C Per OIG

Yes.
MS. PAGE: -- of the Clinton Foundation matter.
Correct.
MS. PAGE: And so, simply saying -- the question I think you asked me was why is a denial not sufficient?

b6 Per OIG
b7C Per OIG

Right.
MS. PAGE: And so we did deny it, and we said stand-down didn't happen. But it's, it's insufficient because you can, we can demonstrate with, you know, evidence as I refer to it, the conversation between Mr. Axelrod and Mr. McCabe, that's better than a blanket denial, which could be true and could not be true. You have him taking active steps to push back on Axelrod's desire for this case to be closed, which is in direct contradiction of a purported order to stand down the case.
And did you talk to Mr. McCabe about that before you provided this information to Devlin Barrett about the conversation?

b6 Per OIG
b7C Per OIG

MS. PAGE: I think as I said earlier, when I, I believe when I sort of came back to him to give him the kind of run-down of the conversation with Barrett, he reminded me, which again is what I think that notation at the top of the notes on Page 3 is a reference of, of the stand-down. I mean, I'm sorry. Gosh. Of the Axelrod, you know, are you, are you asking me to shut down a validly predicated investigation conversation.
Um-hmm. And you understood from him raising that that he wanted you to provide that information to Mr. Barrett?

b6 Per OIG
b7C Per OIG

MS. PAGE: Yeah. I think so. I don't think

that he explicitly said go tell this to Barrett, right? But in my back-and-forth in describing, again, this is, I don't have a precise recollection of this, so this is a little bit of me filling in the gaps here. But in describing, like, having a huge focus on stand-down, you know, I probably gave more color to sort of what the, the focus is, he would have reminded me of, well that's ridiculous. We had that whole conversation with Axelrod in, in August, so.

b6 Per OIG
b7C Per OIG

Do you confirm --
MS. JEFRESS: He's not named. (*Indiscernible 42:53) in the actual call.
MS. PAGE: Oh. (*Indiscernible 43:00.) Oh, I'm sorry.
MS. JEFRESS: Your notes may have, but I'm not sure you named him, if these are your notes from what you told Devlin.
MS. PAGE: Um-hmm.
MS. JEFRESS: I'm not sure you named him.
MS. PAGE: Oh, I'm not sure if I did or not. I'm sorry. Yeah, I don't recall whether I used Axelrod or not. I'm sorry.
Yeah, at any time as we're going through --

b6 Per OIG
b7C Per OIG

MS. PAGE: Yeah.

[redacted] -- feel free to cut us off if you want to --

MS. PAGE: No, I appreciate that. No.

[redacted] Do you, you were describing that after these calls with Mr. Barrett, you would, you would give a readout to Mr. McCabe on what transpired? Is that, is that right?

MS. PAGE: I, I don't have a specific recollection of having done so, but I, that would be totally my state or practice, so I'm sure that I did.

[redacted] Did you confirm from Mr. McCabe that you provided the details on the August 12th call?

MS. PAGE: I don't remember.

[redacted] Okay, let's go to the next, the last two pages of your notes.

MS. PAGE: Okay.

[redacted] So this is, as I understand it, this would be October 28th, 2016.

MS. PAGE: Correct.

[redacted] And so, looks like we only have one color of ink. So I'll let you interpret what that means.

MS. PAGE: Your guess is as good as mine. I, this is -- no, I, because it says lead --

[redacted] Yes.

MS. PAGE: -- this is clearly Devlin telling me and Kortan here is what I think, this is, this is what the story is going to look like. And so I think this is me sort of taking those, those notes.

[redacted] And so you see I highlighted -- well, first, there's some notations in the margin that are highlighted. Can you tell us what that says and what notes that, those, what specific notes those apply to?

MS. PAGE: What notes it applies to?

[redacted] Well what --

MS. PAGE: Oh --

[redacted] What --

MS. PAGE: I think this is just an aside that he agrees to take out --

[redacted] So that first --

MS. PAGE: Mr. McCabe's, I think --

[redacted] It says take out --

MS. PAGE: Take out Mr. McCabe's role.

[redacted] Role, okay.

MS. PAGE: On easy with the investigation. I'm not sure what that means, on easy. I think that's what that says. I, I think all of this is receive mode.

[redacted] Okay.

MS. PAGE: So that's, my guess is that I kind of put that on, on an aside. Like, my guess is, again, I'm

very much speculating. But Kortan, you know, it's Kortan's job to sort of manage the, like, what's, how it's going to be referenced. You know, can you include this? Can you exclude that? Kind of, that's sort of the OPA, how stories get made.

[redacted] Um-hmm.

MS. PAGE: Sausage making.

[redacted] Um-hmm.

MS. PAGE: So maybe that's Mike saying that. I'm not, I'm not really positive. But, I don't think this is, has anything to do with me, at least.

[redacted] Do you have any idea what it means, take out Mr. McCabe's role? What does the role refer to? Any sense?

MS. PAGE: Can I just look at my notes for a second? No, I'm not really sure.

[redacted] What about the notes in the margin that I highlighted below that? What is, can you make out what that says and what that --

MS. PAGE: So, so this is, this is definitely Barrett, because I remember this, this, I think it's in the story, which is why I remember it. For agents already concerned, comma, uneasy with Mr. McCabe's -- oh. Maybe that goes up to --

[redacted] Okay.

MS. PAGE: -- there. Maybe that, that's what that little arrow is.

[redacted] Okay.

MS. PAGE: Well, that doesn't really follow. In August -- oh, that's, that's the senior DOJ. Sorry. Sorry. So back to, for agents already concerned, comma, uneasy with Mr. McCabe's role. Oh, I see role is actually down there in the paren at the bottom there.

[redacted] So his role meaning his oversight, perhaps?

MS. PAGE: Oh, yeah. Oh, that's probably right, yeah.

[redacted] Okay. And so the, the line that I highlighted in the notes for you, the, and as I interpret it, I think it says, the notes there say in August, senior DOJ official calls Mick (phonetic sp.) for McCabe. Unhappy to hear that agents in New York are still pursuing the, the CF probe. Is that right? Is that, is that what that says?

MS. PAGE: Yes.

[redacted] And does CF refer to --

MS. PAGE: Clinton Foundation, yes.

[redacted] Is that a common way that it's referred?

MS. PAGE: Yes.

[redacted] In the FBI?
MS. PAGE: I have no idea in the FBI, but in my notes.
[redacted] Okay. Okay. And so, by virtue of the fact that this notation is in, on the, on, in your notes on October 28th, does that mean you probably provided this information to Mr. Barrett before October 28th?
MS. PAGE: That's a good point. Yeah, possibly. Huh.
[redacted] Which would be consistent with the notation up above.
MS. PAGE: That's totally fair. Again, I'm just guessing that --
[redacted] Right.
MS. PAGE: -- that's what that notation above means. That's a really good point. I, I am not sure.
[redacted] Do you recall more than two calls with Mr. --
MS. PAGE: No.
[redacted] -- Barrett.
MS. PAGE: I do not. And then I gave to your colleagues, but obviously I have these couple of e-mails, which these reflect the two calls that I recall having with Mr. Kortan and Mr. Barrett.

[redacted] And was Mr. Kortan present for the entirety of both of those calls?
MS. PAGE: Yes.
[redacted] And can you tell us how long each of those calls lasted? Do you remember?
MS. PAGE: I'm guessing maybe 30 minutes to 60 minutes. I'm sort of speculating, but an hour at the most.
[redacted] Okay.
[redacted] So just one, two questions on the notes in format, again. On --
MS. PAGE: God. I'm sorry.
[redacted] So, in the beginning of the Exhibit 6.
MS. PAGE: Um-hmm.
[redacted] Page 1 of your notes, there's a big, blank space.
MS. PAGE: Yes.
[redacted] Why is that?
MS. PAGE: That's because I have notes there that are not at all relevant to the inquiry from which Inspection Division asked me to produce notes.
[redacted] Okay.
MS. PAGE: So I redacted them. The way I take notes is a single day has a running set of everything that

happens with different readings separated by sort of two spaces usually. So, whatever happened in the morning on, on 10/27 was not relevant to the, to what Inspection Division was looking at.
[redacted] Was it relevant at all to the Wall Street Journal article?
MS. PAGE: No.
[redacted] Okay. And that being the October 30th article.
MS. PAGE: No. Yes.
[redacted] What about --
MS. PAGE: If, if it was, I would have produced it.
[redacted] Okay. What about at the end of Exhibit 6? Similar question. There's a big blank.
MS. PAGE: Um-hmm.
[redacted] Actually, it's farther down, blank at the end of this. Last page.
MS. PAGE: Oh, I see. Yes.
[redacted] So this is the end of October 28th, 2016. Was that redacted too?
MS. PAGE: Yes.
[redacted] Did it relate at all to the Wall Street Journal article?
MS. PAGE: No.

[redacted] Okay. I'm going to circle back now, unless you want to have a couple additional things.
[redacted] Well, I was just wanting to make sure that I had it right in my head what the timeline is here. So the article is published on the 23rd in the Wall Street Journal.
[redacted] 30th.
[redacted] Oh, no, no. The first one.
[redacted] Okay, sorry. Sorry.
[redacted] The first one.
[redacted] Okay.
[redacted] And then at some point subsequent to that, you have a conversation with Mr. McCabe where he says I want you to work with Mike Kortan on a follow-up article.
MS. PAGE: Yes.
[redacted] Okay. And then after that, you meet with Mike Kortan?
MS. PAGE: I'm sure that I did, yes.
[redacted] Okay. In advance of actually getting on the phone with the reporter?
MS. PAGE: It might be immediately in advance of.
[redacted] Um-hmm.
MS. PAGE: So I don't know whether, I don't

recall when I had the conversation with Andy, so I don't recall whether following that conversation I had, I guess I probably had some, if nothing else, a logistical sort of planning with, with Mike Kortan. But I'm sure before the, the back-and-forth with -- I'm sorry, before the engagement with Devlin Barrett, Mike and I would have had some amount of conversation. But I don't remember if that happens that, you know, early in the week or whether we sit down before we make the phone call.

b6 Per OIG b7C Per OIG [redacted] And can you remember the details of that conversation?

MS. PAGE: No. I mean if, I -- only because I've now done this with Mike, I suspect he would sort of just be giving, like, hey, we're going to have this, we're going to talk to him. It will be on background. Like, I think he would have just sort of set sort of general ground rules. And if he already knew substantive information, he may have communicated it. But I don't have any specific recollection.

[redacted] Okay. And when you get on the call with Mr. Barrett.

MS. PAGE: Um-hmm. Yes.

[redacted] And then after that, you have a follow-up conversation with Mr. McCabe?

MS. PAGE: I believe so.

[redacted] Okay.

MS. PAGE: Again, this is, as I think I've explained, that's my speculation purely because I'm trying to figure out what my notes mean and why the colors change. So my best guess is that I have a conversation with Andy. And I expect that I would. I mean I, I have no reason to believe that I didn't, I guess would probably be the best way to say that. I don't have a precise recollection, but, that would totally have been my, my normal practice, and he would have been interested to know what he had said. So I'm sure that I did. And I think maybe that the notes after the line, as I've described, the red line on the first set of notes, maybe reflects that. But I'm really not positive.

[redacted] Okay. And then, do you remember if Mr. Kortan was a participant in the conversation you had with Mr. McCabe?

MS. PAGE: I don't remember. I would think not, but I don't remember.

[redacted] Okay. And then there was another phone call with --

MS. JEFRESS: Can we just, can I have a couple minutes just to share something?

[redacted] Sure.

[redacted] (*Indiscernible 54:06.)

[redacted] Um-hmm, yeah.

[redacted] Okay, yeah. You can use those too.

MS. PAGE: Okay.

MS. JEFRESS: Okay. (*Indiscernible 54:13.)

MS. PAGE: Yeah, it's possible.

[redacted] If that helps. I'm just, I'm just trying to --

MS. PAGE: I don't, I don't have any precise recollection, so.

[redacted] Yeah.

[redacted] So is that, you are showing her texts that --

MS. JEFRESS: Yeah.

[redacted] -- may reflect she was in a meeting with all three of them?

MS. JEFRESS: Yes.

[redacted] Okay. On October 25th?

MS. JEFRESS: Right.

[redacted] Okay.

MS. PAGE: So that seems like it would have been in, that's in advance maybe setting this sort of, Devlin has this story, He's going to run this, whatever. But I, I don't have any precise recollection. That is just speculating.

[redacted] Do you recall on the exact, do you recall the date that Mr. McCabe said, hey, Lisa, I need you to work with Mike to go on background on this story.

MS. PAGE: No, I do not.

[redacted] Were any talking points prepared --

MS. PAGE: Can I --

[redacted] Go ahead.

MS. PAGE: That, no, that no talking points were prepared. The other thing I would just note on that, while it's entirely possible that is Foundation-related, it also just might be Kortan coming in to talk about some other thing in the news. Right? That's --

[redacted] Yeah.

MS. PAGE: And just to sort of be clear because I don't have a precise recollection of that meeting.

[redacted] Okay. I mean are, were there other times as sort of your regular duties that you met with McCabe and Kortan?

MS. PAGE: Absolutely.

[redacted] Oh, okay.

MS. PAGE: Yeah.

[redacted] Because I sort of got the feeling from your, from what I've read previously that this was the very first time that substantively you were tasked with working with Mike Kortan on a story for a reporter.

FBI 18-cv-01766-596

MS. PAGE: That's correct. But it was totally common, if I was in Andy's office, and Kortan was coming in to convey such-and-such is in the news. Here's an article I want you to read. This news outlet just called me about X topic. I would, I would be present for lots of conversations like that. I had never personally engaged with a reporter on background before this engagement. But, simply being present in a meeting with Andy and Mike Kortan was, is totally commonplace.

b6 Per OIG b7C Per OIG [redacted] Okay.

[redacted] Did you schedule the call with Devlin Barrett?

MS. PAGE: No.

[redacted] That would be Mike Kortan's role?

b6 Per OIG b7C Per OIG MS. PAGE: I have no idea how to get in touch with Devlin Barrett.

[redacted] Would, were you, were you and Mr. Kortan equally engaged during the calls? How did that flow work?

MS. PAGE: No. I was mostly engaged because it was a communication of substantive information back and forth. So, Mike, might interject at moments, but I would, I would say that I was most engaged of the two of us.

b6 Per OIG b7C Per OIG [redacted] And going back to the article, October 30th article, Exhibit 4 in your statement, the

highlighted portions that the Inspection Division highlighted for you, this would be the second paragraph.

b6 Per OIG b7C Per OIG MS. PAGE: Um-hmm.

[redacted] Do you recall telling Mr. McCabe that you informed Devlin Barrett that the Justice Department official was very pissed off?

MS. PAGE: No, I don't, I don't recall what I said back to Andy, I think you're probably going to ask me whether I had done that. And I don't, I don't recall that I went back and said, hey, I told them about whatever. I imagine I, broadly speaking, described the conversation. I think that's normally what I would have done. I don't have a specific recollection. Can I just flag one thing?

b6 Per OIG b7C Per OIG [redacted] Yes, please.

MS. PAGE: I guess it's obvious, but I guess I'll just be clear. That second line in the second paragraph.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MS. PAGE: Others said, that's not me. I presume that's Matt Axelrod. Others said the Justice Department was simply trying to make sure FBI agents were following long-standing policy not to make overt investigative moves that could be seen as trying to influence election. That's analogous to the answer I gave with respect to the first line of the first paragraph that

I don't recall any election timing being a part of the conversation between Axelrod and Andy on the August 12th call.

b6 Per OIG b7C Per OIG [redacted] So on that, on the call, the particulars of it, you, you aren't present from the call, as I understand it.

MS. PAGE: I actually don't recall. I think my Inspection lays out three possibilities, which is, I'm sorry. I don't think that I was. But I don't have a precise recollection of, because it's possible -- I should take this back. I was not on the call. That's probably I think what you're asking. So, I was not one of the three, hello, Lisa Page was on this call participants. But it is possible, although I'm just not sure that I was present in the room in real-time when the call is happening. I don't think that's true. But that has certainly happened a number of times with me and Andy where he gets a, a sort of unscheduled phone call, and I would simply stay for the pendency of the call, and then we would finish whatever we were doing.

So, but I do recall in relatively close time simply because this -- well, go ahead.

b6 Per OIG b7C Per OIG [redacted] Well, you can finish your thought.

MS. PAGE: This is not a, Axelrod, this would not be surprising to people who worked with Matt Axelrod

that he would call in a fury and flustered and mad and, you know, blustery about something happening. That's a pretty common Axelrod reaction. So, him communicating that to me was not because -- Andy communicating that to me would not have been necessarily out of a, like, you know, substantive need for me to know, but more out of a, oh, I got a, you know, angry phone call from Matt today, and sort of more in a, there's not a lot of people obviously that he can share that type of detail with because he wouldn't want to affect the relationship between his other executives and the, the PADAG at the Department. And so that's the type of thing that he might share with me.

[redacted] When you say PADAG, you're referring to the Principal Deputy --

b6 Per OIG b7C Per OIG MS. PAGE: Principal Associate Deputy Attorney General, yes.

b6 Per OIG b7C Per OIG [redacted] Okay.

MS. PAGE: Which was Matt Axelrod's role.

[redacted] And so, as I understand what you're saying, is it fair to say that the call that happened on August 12th wasn't the first time Mr. McCabe had a call like that with Mr. Axelrod?

MS. PAGE: Not in substance.

b6 Per OIG b7C Per OIG [redacted] Right.

MS. PAGE: But one in which Matt Axelrod was calling over mad about something that the Bureau was doing, yes.

b6 Per OIG b7C Per OIG [redacted] Okay.

b6 Per OIG b7C Per OIG [redacted] Let me ask you a question. You had said that the second sentence in this middle paragraph --

MS. PAGE: Yes.

b6 Per OIG b7C Per OIG [redacted] -- others said the Justice Deputy Director was simply trying to make sure that FBI agents were following long-standing policy. You had said that you presumed that Matt Axelrod was the source for that. Did Devlin Barrett tell you he was talking to Matt Axelrod for this?

MS. PAGE: No, he did not.

b6 Per OIG b7C Per OIG [redacted] Then why do you presume that he was the source for that?

MS. PAGE: Because he has the most at stake in this back-and-forth statement. And I don't know, if it's not Matt, it's somebody -- I guess I should -- at the Justice Department who has spoken to Matt because they are the only two people on the conversation on August 12th. So, there would not be another person who is, has, is privy to this information.

b6 Per OIG b7C Per OIG [redacted] Okay. I was just wondering if Mr. Barrett had said to you, you know, I was told blah, blah,

blah.

MS. PAGE: Oh.

b6 Per OIG b7C Per OIG [redacted] To elicit a response from you.

MS. PAGE: Oh, yes. I think that's reflected in my notes. He did say I was told that that engagement is simply, you know, a concern about the election season. And my response back would have been that's not what was said on the call. I think that's a convenient explanation being generated after the fact. But that's not what happened at the time.

b6 Per OIG b7C Per OIG [redacted] Okay.

MS. PAGE: Yes, he did.

[redacted] When you said Mr. Axelrod has the most at stake, what did you mean by, what does that mean at stake?

MS. PAGE: Well, this is not a particularly positive reflection of Mr. Axelrod. So I would imagine that he would want to provide a response which puts him in a better light.

b6 Per OIG b7C Per OIG [redacted] But how did, with the call, the August 12th call, how did you ensure, other than the, the notation in your notes, in Exhibit 6, Friday, August 12th with Axelrod, how did you ensure the details you were providing regarding the details you were providing regarding the details of that call were accurate?

MS. PAGE: I have a pretty good memory.

[redacted] So you're relying on your memory?

MS. PAGE: Again, I don't recall whether Andy and I re-discussed the substance of the call when he reminded me of it. It's possible that we did. I just don't remember. But either way, I remember the substance of the conversation being in the context of FBI agents, you know, [redacted] b7E -1

[redacted] And so when that got back to Axelrod, he was pissed, as it says in here, because he believed that the investigation was essentially to be, you know, made dormant. And that's not ever the sort of communication that we had had with respect to Clinton Foundation as, as my, my prior statement says.

[redacted] Prior statement or OIG interview?

MS. PAGE: I'm sorry. My OIG -- thank you. Sorry. Right.

b6 Per OIG b7C Per OIG

[redacted] On September 7th?

MS. PAGE: Yes, my OIG interview says there was a meeting early on, I don't remember when, in which

[redacted] b7E -1

[redacted] And so, my guess is that Axelrod was under the impression that that meant that it was dead. This is just my speculation. When, in fact,

the communication back from Andy to Randy Coleman and therefore to the team was I'm not going to fight for DOJ resources this time.

Do what, you know, you say that there are other investigative steps that you can take. [redacted]

b7E -1 [redacted]

[redacted] And so, you know, in fairness to, to Mr. Axelrod, my, my guess is that he thought [redacted] b7E -1

[redacted] that maybe the case was dead when in fact it was not.

b6 Per OIG b7C Per OIG [redacted] Let me ask you a question about when media coverage for the Clinton Foundation more broadly. I'm wondering if you know whether or not this October 30th article was the first time that, that that, that the existence of that investigation was confirmed in any way by the FBI.

MS. PAGE: I have no idea. I'm sorry. I haven't otherwise followed -- excuse me -- followed news reporting with respect to the Clinton Foundation.

b6 Per OIG b7C Per OIG [redacted] Do you remember having any conversations with Mr. Kortan about whether that had been revealed yet or not?

MS. PAGE: I don't remember having conversations about it.

b6 Per OIG b7C Per OIG [redacted] Or the need to prevent there from being any kind of implicit FBI acknowledgment about an ongoing investigation?

MS. PAGE: I don't remember having a conversation about it. I -- no, I don't remember having a conversation about that.

b6 Per OIG b7C Per OIG [redacted] Okay. [redacted] Did Mr. McCabe ever tell you not to discuss something with the reporter?

MS. PAGE: Not to my recollection. But I don't, again, I don't remember having a deeply substantive conversation with him about what I would and wouldn't say. I think he just sort of knew I had a general knowledge of the facts. So, I don't, I don't recall a substantive back-and-forth with him about it.

b6 Per OIG b7C Per OIG [redacted] And again, there was no written e-mail, hey, Andy or Mr. McCabe, this is what I intend to say?

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] What about Mr. Kortan? Did you, did he ever tell you not to discuss something?

MS. PAGE: Not to my recollection, no.

[redacted] Was Mr. Comey aware of the

decision to call the Wall Street Journal reporter in advance of the first call?

MS. PAGE: I don't know.

b6 Per OIG b7C Per OIG [redacted] How about Jim Rybicki?

MS. PAGE: I don't know.

[redacted] Anyone other than Mr. McCabe or Mr. Kortan? Do you know if any other FBI official knew of these calls in advance?

MS. PAGE: I don't know.

b6 Per OIG b7C Per OIG [redacted] Did Mr. McCabe confer with the New York Assistant Director in Charge in advance of the call saying, hey, I'm going to talk about the Clinton Foundation investigation?

MS. PAGE: I don't know. I doubt it.

b6 Per OIG b7C Per OIG [redacted] So no notification that you're aware of?

MS. PAGE: There wouldn't need to be one, so I, I just don't know. So.

b6 Per OIG b7C Per OIG [redacted] Okay.

MS. JEFRESS: Do you mind if I just talk to her for a minute?

[redacted] Sure.

b6 Per OIG b7C Per OIG MS. JEFRESS: Okay, okay.

[redacted] Let's stop for one second.

MS. JEFRESS: Yes.

b6 Per OIG b7C Per OIG [redacted] Right around 1:30.

MS. JEFRESS: Thanks.

(Whereupon, the above-entitled matter went off the record and back on the record.)

[redacted] Okay. Back on the record after a short break. It is around 1:37. So I just want to be, have a clear understanding. Before, either before any engagement with Mr. Barrett or after the first call when you were in receive mode and understood what his story was intending to, to discuss, what was the, what was the FBI's goal or Deputy Director McCabe's goal in having you and Mr. Kortan speak to the reporter? What, what did the, what was the Deputy Director trying to accomplish?

MS. PAGE: Well, I think he was, for lack of a better expression, trying to thread the needle, right? I think he, I think we understood that there was, you know, obviously there was a claim that he's trying to kill a valid investigation for presumably inappropriate, improper reasons. And so part of it is to insure, you know, the American public that, like, that doesn't happen at the FBI; and that this is a validly predicated investigation; and if the agents believe there are necessary investigative steps, then they should take those, those steps.

At the same time, trying to be responsive, or

for lack of a better term, to the Department's view that they were not interested. You know, that whatever predicated sort of level they had, we, you know, there's, there's, there's predication somewhere between what the FBI needs to investigate and what the Department needs to sort of prosecute or, you know, support that investigation.

And so, you know, we were in this sort of gap. And so, he wasn't, um, he was respectful of the fact that, like, it is the Department's prerogative to say that they don't think that there was sufficient evidence for the Department to sort of continue, or to support the investigation. But that alone is not a reason for the FBI not to continue taking investigative steps that are within its, you know, rules, or whatever.

And so, I think the goal was to essentially communicate that. That, like, investigations don't get shut down for improper reasons. And this investigation was in fact not shut down or stood down, you know, to sort of use the terminology that the reporter used.

b6 Per OIG b7C Per OIG [redacted] Did you understand from anything that Mr. McCabe said to you that he was under pressure from others within your office, even the Director or, you know, anyone else, to convey that message; you know, we need someone to get out there and say, we just don't do

FBI 18-cv-01766-599

things like that, as the FBI?
MS. PAGE: I don't think so. I mean, I'm not aware of any pressure. But we don't do things like that, as the FBI. So I think to the extent he felt pressure, it would've been self-imposed to communicate, like, that doesn't happen, so.
b6 Per OIG b7C Per OIG Okay.
Did, the week prior to October 23rd, 2016, did the leaks regarding the Clinton e-mail investigation play any role, as well, in the decision to talk to the reporter in the Wall Street Journal, or what to discuss?
MS. PAGE: I'm not sure I'm familiar with what -- with leaks prior to October 23rd. You're talking about on the Clinton e-mail investigation?
b6 Per OIG b7C Per OIG Right.
MS. PAGE: Because it was over by then, so I'm not sure what there would've been to leak.
b6 Per OIG b7C Per OIG Maybe just generally. I don't, I'm not talking about anything specifically. Maybe there weren't any.
MS. PAGE: I'm not --
Okay.
b6 Per OIG b7C Per OIG MS. PAGE: -- I'm not familiar with --
Okay.

MS. PAGE: Right? I mean, he makes a public announcement in July, so. And obviously, gives a pretty thorough recounting of the thinking. So, I'm not familiar with any leaks related to a Clinton e-mail investigation.
b6 Per OIG b7C Per OIG Okay. Besides Mr. McCabe, with the caveats that you said earlier, did you brief anyone else on the calls, after they occurred with Mr. Barrett?
MS. PAGE: No. Not to my recollection.
b6 Per OIG b7C Per OIG Do you know if Mr. McCabe briefed anyone?
b6 Per OIG b7C Per OIG MS. PAGE: I don't know.
Was Mr. Comey or his staff informed about the substance of the disclosures provided to Mr. Barrett?
MS. PAGE: I don't know.
b6 Per OIG b7C Per OIG You personally didn't do that?
MS. PAGE: No, I did not.
Oh, and on that same topic, I'm just wondering, you know, Mr. Baker is your, technically, your boss, right?
MS. PAGE: No.
b6 Per OIG b7C Per OIG No?
MS. PAGE: I mean --
Oh, now, but not then?
MS. PAGE: Yeah.

Oh, okay. At this time did you have any discussion with him about speaking to the reporter, about being involved in this capacity?
b6 Per OIG b7C Per OIG MS. PAGE: No.
(*Indiscernible 1:13:41) with that, unless you want to ask something before this?
b6 Per OIG b7C Per OIG (No audible response.)
This is before --
Yeah. Okay.
b6 Per OIG b7C Per OIG -- this.
Then, yes.
Okay.
I'm good.
All right. We're going to get into some documents. So --
MS. PAGE: Can I just go back one point?
b6 Per OIG b7C Per OIG Yes.
MS. PAGE: Sorry. And it's only based on, sort of, my subsequent knowledge of this, the work that Mike Kortan does. You've asked a couple of times about, like, receiving written authorization.
b6 Per OIG b7C Per OIG Mm-hmm.
MS. PAGE: I'm not familiar with that ever happening, at least not in my experience. So, you know, Kortan and the Deputy Director are obviously two

individuals who have somewhat complete authority to, you know, engage the press --
b6 Per OIG b7C Per OIG Mm-hmm.
MS. PAGE: -- on matters that they seem, seem, you know, both within the law and that are at the, appropriate. So I'm not, I've never seen, I'm not familiar with there ever being written authorization required or sort of formal scoping of, kind of, information, other than, sort of, in general conversations about, you know, what the story is and what the, sort of, goals are.
But that's very much in Mike Kortan's lane to, you know. It's his job. He's done it for a really long time. To kind of craft, and shape, and engage with reporters in how stories get written and told. I was just there as the, sort of, person with substantive knowledge of the matter.
b6 Per OIG b7C Per OIG We can understand that. In our office when we're, when the OIG is going to issue a press release about something that we've done, and it's going to be quoted, there is a lot of back-and-forth e-mail traffic about what is, precisely, going to be said in that quote.
b6 Per OIG b7C Per OIG MS. PAGE: Mm-hmm.
And those kind of e-mails go back and forth. Were there any e-mails in this case, with

FBI 18-cv-01766-600

respect to the direct quote that was attributed to --
MS. PAGE: So that's --
b6 Per OIG b7C Per OIG -- Director McCabe?
MS. PAGE: -- his. You know, that's, that's Devlin putting that in quotes. That's not me saying to Devlin, hey Devlin, Matt Axelrod said, quote, blah-bitty-blah-bitty-blah-bitty-blah. Right? So he's quoting me.
b6 Per OIG b7C Per OIG Mm-hmm?
MS. PAGE: But that's not, that's not a, that's not me quoting Andy or Matt Axelrod. That's me communicating my, you know, what I understood to have transpired. Does that make sense?
b6 Per OIG b7C Per OIG it does. So you weren't given the quote by somebody and said, these are the words we want attributed --
MS. PAGE: Correct.
b6 Per OIG b7C Per OIG -- to Andy McCabe?
MS. PAGE: That's correct.
b6 Per OIG b7C Per OIG Okay. But --
MS. PAGE: It's not a press release, right? I mean --
Right. No, I understand that.
MS. PAGE: Yeah.
b6 Per OIG b7C Per OIG I understand that. I have even less familiarity with how one talks to the press than you do.

But I'm wondering if, either before or after, did you read it back and say this is what I'm attributing?
MS. PAGE: Oh, I don't recall it. I think whatever is, sort of, reflected in my notes. I don't recall it being communicated in that formal a way. You know, he didn't, at least my recollection, unless I have quotes in my notes; which I don't know if I do. But like, obviously, stand down, I have in quotes, because he talks about that a lot. But I don't recall Barrett communicating back to Kortan and I, I'm going to say, in quotes, blah-bitty-blah-bitty-blah. Like, I actually don't recall that.
b6 Per OIG b7C Per OIG Okay.
MS. PAGE: So.
Did they have any more general conversations that you can recall and tell us about, where they talked about whether there would be direct quotes as a result of the information you were providing?
MS. PAGE: I don't, I don't recall that happening on the call with me. But it's totally possible that Mike would've had additional, would have procedural, essentially, like, conversations with Devlin Barrett.
Okay.
b6 Per OIG b7C Per OIG MS. PAGE: But that's sort of in his lane.
So, circling back to the general

statement you were just making a minute ago, and correct me if I'm rephrasing this, that the authorization typically is informal in your experience. And so I want to ask a direct question. Are you aware of any written guidelines on procedures to follow, to authorize FBI employees to communicate with the media on FBI matters?
MS. PAGE: I am now, because following this same time frame, we realized that the current policy, policies, with respect to who can engage with the media were both out of date and made up of lots of dispirit policies, and that there wasn't one, kind of, particularly with respect to who is not permitted to engage with the media outside of, sort of, official channels. That it was a, there was no clear policy which stated, only these people are authorized to have contact with the media outside of a, sort of, specific engagement with OPA, our Office of Public Affairs.
MS. JEFRESS: Right.
MS. PAGE: So, over the course of the next many months, starting in, I don't know, maybe November or December, maybe January --
b6 Per OIG b7C Per OIG Mm-hmm?
MS. PAGE: -- November/December of last year, '16, or maybe January of '17, a new policy has been written, and is actually, I think, last I heard, it was

with the Department for approval with respect to who precisely can have -- you know, sorry, not unauthorized but, conversations with the media that are not, sort of, authorized by the Office of Public Affairs.
b6 Per OIG b7C Per OIG So that policy is not final yet?
MS. PAGE: It's not. I don't think. It's possible that it is and I haven't heard it. But I don't think that it is.
b6 Per OIG b7C Per OIG We're going to get to this later, but as far as you know, is that the current policy? Have you seen that document?
MS. PAGE: I have not seen this document.
b6 Per OIG b7C Per OIG Okay.
MS. PAGE: I'm sure that it is, but I don't know.
b6 Per OIG b7C Per OIG And just so that it's clear in the record --
MS. PAGE: Oh.
b6 Per OIG b7C Per OIG Yes.
- the document you've been shown is media relations at FBI Headquarters and in Field Office policy guide with the number 0809PG, dated October 13th, 2015.
b6 Per OIG b7C Per OIG Okay. We'll get to that later.
Can I ask a --

[redacted]: Sneak preview.
[redacted] -- follow-up question about what you said?
MS. PAGE: Mm-hmm.
[redacted]: Go ahead.
[redacted] You said that around the same time frame we realized the policies were --
MS. PAGE: That was --
[redacted] -- sort of scattered.
MS. PAGE: -- royal we. I mean, I think that's, that's Andy, essentially. But he asks OPA to, like, what's the rule on who can talk to the media, right? What's authorized, what's --
[redacted] Mm-hmm?
MS. PAGE: -- not authorized. And there's, it's clear there are certain people who are authorized. But there's no clear prohibition, is my recollection of what was briefed to Andy. There's no clear prohibition of what level can or cannot; if you have to be SES, or you have to be in this capacity; you have to be a head of the Division. There's no clear, sort of, guidance with respect to those people who are prohibited from having unauthorized conversations with the -- or un -- conversations without OPA, I guess, is just the best way to describe it.

[redacted] And do you know what prompted him to ask that question?
MS. PAGE: Yeah. I think it's -- well, following these articles and other ones which follow --
[redacted] These that are the subject --
MS. PAGE: I'm sorry, the subject of our discussion.
[redacted] Okay.
MS. PAGE: Yes. The Deputy asks for a pull of phone records. Not, uh, yeah, phone records, of all FBI employees related to -- I'm sorry. That's all right. All FBI employees communicating with, um, like, national press reporters, which had been limited in some way. And so, to sort of see, like, do we have a problem. Because there were a lot of leaks happening in this period of time.
[redacted] Well, roughly --
MS. PAGE: And --
[redacted] -- when does he do that? Is it in 2016?
MS. PAGE: 2016, yes. So --
[redacted] Possibly December 2016?
MS. PAGE: Totally possible. November, December, maybe January. Somewhere in this same sort of time frame.
[redacted] Before the referral to INSD

regarding the subject matter of your sworn statement?
MS. PAGE: Oh yeah. Yeah.
[redacted] And just so that was clear, and so your --
MS. PAGE: Yeah.
[redacted] -- that your (*indiscernible 1:23:14) --
MS. PAGE: I don't know when that referral happened, but --
[redacted] Right.
MS. PAGE: -- yeah.
[redacted] So the topic about the [redacted] (phonetic sp.) e-mail, that's not --
MS. PAGE: Not related, correct.
[redacted] Right.
MS. PAGE: Right.
[redacted] As I understand it, Mr. McCabe made a referral to INSD sometime in 2017.
MS. PAGE: Correct.
[redacted] And I was specifically asking you, and I wanted to make sure you understood, that this records pull of FBI employees occurs before that referral. Okay?
MS. PAGE: That is correct. It is, it is --
[redacted] Okay.

MS. PAGE: -- it is not related to that referral.
[redacted] Okay.
MS. PAGE: It is more -- it is not for any particular topic. It is more for him to assess with some actual data, and not just based on what it feels like. Whether, you know, we have a leak problem. Specifically, well, it's really full stop. And so, in order to cabin that in some way, we looked at, sort of, people who cover FBI as their beat; sort of people who are national media kind of figures. So, I don't exactly know how, how, what precise people were identified, because I didn't have a role in that.
But, to pull, to sort of have some objective evaluation of, do we have people who are not press people, and who are not the head of a Field Office. You know, so with the two categories of people where you would expect there to be media engagement. Do we have people in between those two levels, regularly engaging with press people. And the answer was yes.
And so, that is what prompted this look at both, well, what does policy say they can and cannot do. And a recognition that the policy was not particularly clear on this point. And then, the development of new policy to make explicit, sort of, the people who are authorized to

b6 Per OIG b7C Per OIG
b6 -3, Per OIG b7C -3, Per OIG

have those kinds of engagements and those who are not authorized.

b6 Per OIG b7C Per OIG [redacted] Do you know, does the policy that's being developed, does it require a written record of authorization and the scope of authorization?

MS. PAGE: I don't think so. But I don't recall precisely.

[redacted] All right. So, let's turn to --

[redacted] Oh. One last question on that.

b6 Per OIG b7C Per OIG [redacted] Mm-hmm.

[redacted] When the Deputy Director asked for that pull of records, was that because he had come up with the idea of taking a look at that, himself? Or was he tasked to do that by somebody else?

MS. PAGE: Oh, I don't think that he was, think he was tasked.

b6 Per OIG b7C Per OIG [redacted] For example, that's not something that Director Comey asked him to do?

MS. PAGE: I don't know. I don't think so, but I don't know.

b6 Per OIG b7C Per OIG [redacted] Okay.

[redacted] Were you part of the recommendation to do that?

MS. PAGE: Yeah, we talked about it, certainly. I mean, I don't know that I recommended it to him. But we

talked about, like, we've got to get a handle on what this is. Like, do we have a problem, a sort of bigger -- right? Because the -- I don't know how to better describe it. Just, there was so much media activity in this period of time --

b6 Per OIG b7C Per OIG [redacted] Right.

MS. PAGE: -- that he just wanted some objective measure to determine whether it just felt different, or whether, you know, particular Field Offices were prone to it than others; particular individuals were more prone to it than others; and sort of wanted a more objective understanding of that.

b6 Per OIG b7C Per OIG [redacted] Who, other than you and Mr. McCabe, who else was part of this records pull, phone records pull?

MS. PAGE: I don't know precisely. I mean, it would've been -- it was people in the Counterintelligence Division. So I know Bill Prestep (phonetic sp.), Pete Strzok (phonetic sp.), Mike Varacalli (phonetic sp.), were people who did it. You know, or at least were people who I was in meetings with, about it. But whether there were others, I don't know.

b6 Per OIG b7C Per OIG [redacted] Okay. All right. So let me show you, let me go through a couple of e-mails here. Take a look at, take a moment to look at this. So, what I'm

showing you now is a, it's a one-page e-mail from, it's an e-mail chain between you and Mr. Kortan, but it starts from Devlin Barrett. It's all on October 30th, before the article is published. So October 30th, 2016. And you'll note that on the bottom Mr. Barrett flags a couple of things. He's saying that the story's going to post that afternoon. And he's flagging, among other things, that the story will include a discussion.

MS. PAGE: Right, where are you?

b6 Per OIG b7C Per OIG [redacted] Oh, I'm sorry.

MS. PAGE: I'm (*indiscernible 1:28:32).

[redacted] I apologize.

MS. JEFRESS: That's okay.

[redacted] So, this would be the last paragraph.

MS. PAGE: Starting with the story?

b6 Per OIG b7C Per OIG [redacted] The story.

MS. PAGE: Okay.

[redacted] Yeah. If you read that sentence. Or I'll read it into the record. The story will then go into a long discussion of the internal conversations that have been going on, around, have more color from the August 12th McCabe-Axelrod call, though, at present, I'm disinclined to name Axelrod. So then, you respond back to Mr. Kortan, can you include me on whatever you come up

with.

What, do you, can you describe what happened? Do you recall anything happening?

MS. PAGE: I don't recall anything, no.

[redacted] Nothing jumps out in your mind?

b6 Per OIG b7C Per OIG MS. PAGE: No.

[redacted] All right. Let me show you this document. Before I do that, so, hold, before you get into the substance on that, let me just show you. So this is one example where you'll see that the time is wrong. For the record, you actually sent the reply at 3:16, although the document that I just gave you shows it, that you're responding, actually, before Mr. Barrett sent his --

MS. JEFRESS: To your service account (*indiscernible 1:29:49) that question, right?

[redacted] Something with the meantime.

b6 Per OIG b7C Per OIG MS. PAGE: I don't know.

[redacted] I mean, systems are off. But --

MS. PAGE: Yeah. Okay.

[redacted] -- I just wanted you to know that, because it looked weird to me. But in any event, and just for the record, the first document I showed you had it a Bates ending in 49874. And the document we're looking at now has a Bates ending in 49876. And so you reply to Mr. Kortan, again, stating that, hell, he might as well name

Axelrod; he's been completely screwing us lately. First, who does the first he refer to?

b6 Per OIG b7C Per OIG MS. PAGE: I would presume Barrett, but --

b6 Per OIG b7C Per OIG Okay.

MS. PAGE: -- I think that's just me being snarky.

b6 Per OIG b7C Per OIG And who does the second he refer to?

MS. PAGE: I think Axelrod.

b6 Per OIG b7C Per OIG And so what has he been doing lately that prompted that comment from you?

MS. PAGE: I don't remember precisely. When was this? Oh, my guess was probably the fury that is now upon us, following the Director's letter to the, uh, to Congress, informing them that we were reopening the Clinton e-mail investigation. And DOJ is very much, sort of, distancing themselves from the engagement that we had with them, with respect to what the Director, uh, you know, our engagement with them; our discussions about it; or, sort of, involvement in this decision making. So I think that that's probably a reflection of that, but.

b6 Per OIG b7C Per OIG Okay. So without going into too much --

MS. PAGE: Mm-hmm?

b6 Per OIG b7C Per OIG -- I'm not, because that's not in

the lane we're looking at here. Am, as I, should I understand you to say there was some working together with the Department and FBI, and now DOJ was moving away from that? Is that what you're describing?

MS. PAGE: Well, I think it's more complete to say, the FBI obviously got criticism for -- Director Comey got criticism for the statement that he made in July. And having done that without the, sort of, inclusion and participation of the Justice Department. And in this case, our decision to both, you know, seek the warrant was obviously done totally hand-in-hand with the Department. And our decision to inform Congress, and what the letter would say, and all of that, was deeply involved seniors of the Justice Department.

And so, uh, it's just a statement that notwithstanding the fact that unlike the first time where we were criticized for not including them, we have included them, and they, sort of, knew about all of the steps that we were going to take. But in press accounts surrounding this activity, were downplaying and distancing themselves from that engagement.

b6 Per OIG b7C Per OIG Okay. Now, you can hold onto what I'm going to show you next. I don't know if we'll get to more of these, but so. I'm going to point you to the exact text messages. So, if you turn to page 28 to 29.

It's in cells 209. It starts with 209. I think some of these you've seen in prior interviews. But -- and some of this, you know, I tried to give as much context as possible. But some of it doesn't relate, but.

So, there's a text on page 28, cell 209, from Mr. Strzok to you --

b6 Per OIG b7C Per OIG MS. PAGE: Mm-hmm?

b6 Per OIG -- stating -- are you with me now, or no?

MS. PAGE: Yeah. But I don't think it's, is it, is it, oh, it's from him to me?

b6 Per OIG b7C Per OIG I believe so.

MS. PAGE: Oh yeah, okay. Yep. All right.

b6 Per OIG And saying --

MS. PAGE: That seems weird, but okay.

b6 Per OIG This is all Matt. And then there's a reference to, as I interpret it, a link to a Wall -- excuse me, a Washington Post article regarding something --

b6 Per OIG b7C Per OIG MS. PAGE: Oh.

b6 Per OIG -- to the effect that DOJ warned FBI that Mr. Comey's letter to Congress was not consistent with Department policy. And if I'm misstating anything --

MS. PAGE: No, that seems right. Sorry, I was mis-looking --

b6 Per OIG b7C Per OIG No, no.

MS. PAGE: -- at the cells.

And then, if you skip 210 and go to 2011 -- actually before that it says, this is all Matt. Is that Matt Axelrod?

MS. PAGE: I presume so.

b6 Per OIG And why did Mr. Strzok think Mr. Axelrod had spoken to the Washington Post? Do you have any idea?

b6 Per OIG b7C Per OIG MS. PAGE: I don't recall what the article said.

b6 Per OIG Okay. And then, in the last text on page 28, in cell 211, you responded back, yeah, I saw; it makes me feel way less bad about throwing him under the bus in the forthcoming CF article. CF, as I understand it from before, is your shorthand for the Clinton Foundation investigation?

b6 Per OIG b7C Per OIG MS. PAGE: Correct.

b6 Per OIG What did you tell Mr. Strzok about the forthcoming article? Did you tell him that you were an authorized source for it?

MS. PAGE: I don't recall. Probably. But I don't recall.

b6 Per OIG b7C Per OIG What did you mean by throwing him under the bus?

MS. PAGE: Well, as I described earlier, I don't

think that the discussion that he had with Andy puts him in a particularly favorable light. And you know, we, you know, I understood that. But in light of the allegation that Andy was, you know, that the allegation that Andy was trying to shut down the Clinton Foundation case, you know, it was an unfortunate sort of fact or consequence, sort of, that it was sort of necessary to rebut the notion that he was trying to kill the Clinton Foundation case for inappropriate or improper reasons.

b6 Per OIG b7C Per OIG [redacted] Do you know, was Mr. Axelrod associated with any of the comments about a shutdown order? Did you ever hear about that?

MS. PAGE: Well, the quote itself is about a shutdown. Is that what you're saying?

[redacted] Well, as I'm --

b6 Per OIG b7C Per OIG MS. PAGE: So what --

[redacted] Go ahead.

MS. PAGE: Go ahead. Sorry.

[redacted] The point being that, in light of, when you said, in light of the allegation of the shutdown, that was a, for the Clinton Foundation case, which was made, or alleged against Mr. McCabe. So I was just wondering if you heard that Mr. Axelrod was associated with that allegation? Maybe that's a cleaner way to say it?

MS. PAGE: Not with that allegation. But one possible explanation is that the -- there's a garble that the stand down purported to be attributed to Andy in trying to kill the Clinton Foundation case is in fact Axelrod, right, in fact, wanting to shut down the Clinton Foundation case.

b6 Per OIG b7C Per OIG [redacted] Was that what you were thinking at the time, do you remember?

MS. PAGE: I presume so. I mean, it's sort of all part and parcel of the discussion we've had about these conversations. So, I don't know if I thought about it in those sort of precise terms, but it's entirely possible that I may have put it that way to Devlin.

b6 Per OIG b7C Per OIG [redacted] Do you remember whether you and Mr. McCabe described -- whether you and Mr. McCabe discussed that, we're going to have to do this to Axelrod? You know, like, it will be unfortunate that we're going to have to throw him under the bus, but that's what's got to happen in these circumstances?

MS. PAGE: I don't remember if we put it in those terms, necessarily. Again, as I described, it came up in the context of my recounting that Devlin is focused on this countdown and Andy reminding me of the conversation with Axelrod about shutting down validly predicated investigation.

[redacted] And do you remember him expressing any sort of sentiment, one way or the other about, you know --

b6 Per OIG b7C Per OIG MS. PAGE: I don't remember.

[redacted] -- this is going to have to happen; we're going to have to -- in order to do what we need to do, to combat the misperception, we're going to have to do this to Matt?

MS. PAGE: Not -- I don't remember an explicit conversation like that. But, whether it was explicit or implicit, I understood that the best rebuttal of this claim that Andy was trying to kill the Clinton Foundation case is his resistance and pushing back on Matt Axelrod; getting angry with him that the Clinton Foundation case was still ongoing; and Andy asking him, and sort of putting him on the spot in that conversation, are you asking me to shut down a validly predicated investigation. To which Matt sort of fumbled a no.

b6 Per OIG b7C Per OIG [redacted] Yeah. And one of the things I'm trying to get at is, I know that you feel like this is a, the very best response. You didn't come up with that on your own?

MS. PAGE: I don't think so.

b6 Per OIG b7C Per OIG [redacted] Okay.

MS. PAGE: No. I mean, I -- no, I don't think

so. I think it is Andy's reminder of the conversation which refreshes my recollection that they had had this back and forth.

[redacted] And that this is the way to handle this, when you talk to the reporter?

b6 Per OIG b7C Per OIG MS. PAGE: Implicitly, I think, yes.

[redacted] Okay.

[redacted] And then if you flip -- actually, before we get there, was there a battle between McCabe, Mr. McCabe and Mr. Axelrod, being fought through the media, whether before, you know, with these articles, that you're aware of?

b6 Per OIG b7C Per OIG MS. PAGE: No.

[redacted] Okay. If you flip one more page to page 29, so you need to skip one cell, to 213. Because again, I was trying to provide context. But there's a reply from Mr. Strzok to you, stating, yep, the whole time -- the whole tone is anti-view (phonetic sp.), just a teeny bit from us, and serves him right; he's going to be pissed. I'm assuming the him refers to Matt Axelrod?

MS. PAGE: I assume so.

[redacted] Is that what you understood at the time?

b6 Per OIG b7C Per OIG MS. PAGE: I don't. I don't remember what I understood at the time. Is it a reference to this

article? I mean, again, I don't know what's in, I think this was the same article, no?
b6 Per OIG b7C Per OIG [redacted] I'm assuming it --
MS. PAGE: I think it's the same. I assume that's right. But I --
b6 Per OIG b7C Per OIG [redacted] Assuming that is, why would Mr. Strzok say, serves him right; he's going to be pissed? What did he mean by that?
MS. PAGE: I think that's what I already answered. That there was, the Department was distancing themselves from their knowledge and participation of what the Director was going to do with respect to the reopening of the Clinton case. I think that's --
b6 Per OIG b7C Per OIG [redacted] In October?
MS. PAGE: -- the same -- correct. That's the same (*indiscernible 1:42:08).
b6 Per OIG b7C Per OIG [redacted] Okay. So after the article is published, what was your reaction? Do you have conversations with Mr. McCabe?
MS. PAGE: I don't have any specific recollection. Probably. But I don't recall. Was he okay with seeing the details provided, regarding the August 12th call?
MS. PAGE: If he wasn't, I don't remember him so saying.

b6 Per OIG b7C Per OIG [redacted] So he didn't raise any -- he didn't come to you upset?
MS. PAGE: No.
b6 Per OIG b7C Per OIG [redacted] Do you recall any reaction from Mr. McCabe with respect to the October 30th, 2016 Wall Street Journal article, after it was published, with you?
MS. PAGE: I'm -- I can't imagine we didn't have a conversation about it. I just don't have any specific recollection of what we might've said, other than, eh, did the best we could. That's my thinking about the article, at least, certainly, as I sit here today. But I, I imagine we would have. I can't imagine that we never spoke of it again. But I just don't have a precise recollection.
b6 Per OIG b7C Per OIG [redacted] Did it achieve the objective that you sat out to accomplish?
MS. PAGE: That's a good question. I don't know. You have to ask people if they think he was trying to kill the Clinton Foundation. I mean --
b6 Per OIG b7C Per OIG [redacted] From your perspective, personally?
MS. PAGE: It at least recast the inaccuracy of the stand down, which was the piece that was of the greatest concern.
b6 Per OIG b7C Per OIG [redacted] Did Mr. McCabe concur with your assessment that it achieved the objective that he wanted?

MS. PAGE: I don't remember having a formal conversation about that.
[redacted] What was Mr. Comey's reaction?
b6 Per OIG b7C Per OIG
MS. JEFRESS: Was there any --
[redacted] I'm sorry.
MS. JEFRESS: -- concern that you had gone beyond what you were supposed to do?
MS. PAGE: No.
MS. JEFRESS: Yeah.
MS. PAGE: We didn't have any discussion. He certainly did not come to me and say that I had done something wrong or that he was upset, or frustrated, or disappointed with me.
[redacted] And you've never heard that from the time the article was published to the present?
b6 Per OIG b7C Per OIG
MS. PAGE: I have on other things, but not on this.
[redacted] Okay. What was Mr. Comey's reaction? Do you know?
b6 Per OIG b7C Per OIG
MS. PAGE: I don't know.
[redacted] Did you hear about any reaction to the article, the October 30th article, after it was published, by any FBI senior managers or their staff?
b6 Per OIG b7C Per OIG
MS. PAGE: No.
[redacted] Did you have any conversations

with any FBI senior managers about the article after it was published?
MS. PAGE: No.
b6 Per OIG b7C Per OIG [redacted] Did you hear about any FBI managers raising any concerns, on seeing details of private conversations in the article?
b6 Per OIG b7C Per OIG
MS. PAGE: No.
[redacted] Did you hear about any complaint raised by Mr. Axelrod, about details of the August 12th call appearing in the article?
MS. PAGE: No.
b6 Per OIG b7C Per OIG [redacted] Any, did you hear about any complaint by any DOJ senior manager regarding concerns or complaints about the August 12th call or details thereof occurring in the article?
MS. PAGE: No.
b6 Per OIG b7C Per OIG [redacted] Since the article has been published, have you acknowledged to anyone that you were a source for those, the statements on the last page, that are highlighted?
MS. PAGE: Inspection Division.
[redacted]: Other than the Inspection Division and your attorney?
b6 Per OIG b7C Per OIG
MS. PAGE: No. I don't think so.
[redacted] Have you ever been asked?

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] What about Mr. McCabe? Has he -- did he acknowledge at the time, that he had authorized you, to anyone other than yourself and Mr. Kortan, that he authorized you to disclose the information appearing in the article in the highlighted portions?

MS. PAGE: I don't know.

[redacted] You've never heard about someone saying that he authorized you?

b6 Per OIG b7C Per OIG MS. PAGE: I'm sorry. Ask that again.

[redacted] Well, let me just restate it. Have you ever -- did anyone ever come up to you and say something to the effect, oh, I heard Mr. McCabe or Andy authorized you to make those statements --

MS. PAGE: No.

[redacted] -- that are highlighted --

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] -- in your sworn statement?

MS. PAGE: No.

[redacted] Did Mr. McCabe ever indicate to you that, we should probably keep it between us that you're the source of that information?

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] Or ask you not to say anything further about it to anybody in the office?

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] And was there any discussion within your office about, you know, wondering who would've been the source for these, this conversation that happened, only between Mr. Axelrod and Mr. McCabe?

MS. PAGE: No.

[redacted] So nobody was trying to figure out who might have sent that --

b6 Per OIG b7C Per OIG MS. PAGE: I --

[redacted] -- to the press?

MS. PAGE: -- I doubt it. I mean, this is, this is, this press work, I guess. So no, I don't think this really drew, I don't think it drew any particular attention, by anybody, for any reason.

b6 Per OIG b7C Per OIG [redacted] Okay. Let me show you this document here. So what I'm showing you is one page of handwritten notes. It's dated October 30th, 2016. With a heading, morning M-T-G, for meeting.

MS. PAGE: Mm-hmm.

[redacted] Do you recognize this handwriting?

b6 Per OIG b7C Per OIG MS. PAGE: That's mine.

[redacted] Okay. So the first line, need to figure out how to get our folks to understand why leaks hurt our organization. Can you explain for us what that note's about; who's making it and why it was said?

MS. PAGE: This is, I believe, the Director speaking. And this is, again, the sort of flurry, as I described, which follows the reopening of the Clinton e-mail investigation. And so, this is him saying he's not really bothered, i.e., by all the criticism, because he thinks we're making the right decision. And then, I'm not sure these notes --

[redacted] Well, I was mainly --

MS. PAGE: Yeah, okay.

b6 Per OIG b7C Per OIG [redacted] -- focused on the first --

MS. PAGE: Oh, okay.

[redacted] -- two lines. But do, does his concern about leaks encompass anything with respect to the October 30th, 2016, Wall Street Journal article?

MS. PAGE: I doubt it. But I don't know. I mean, he was, this is tied back to the Clinton e-mail investigation, right? Because he's talking about us making the right decision to reopen it and inform Congress. So these notes are cabined, specifically, to leaks which were swirling about the Clinton investigation.

b6 Per OIG b7C Per OIG [redacted] Okay. So, when is the last conversation you recall having with Mr. McCabe about the Wall Street Journal article? The October 30th, 2016, Wall Street Journal article?

MS. PAGE: Maybe sometime around then. I

don't --

[redacted] October 30th, 2016?

b6 Per OIG b7C Per OIG MS. PAGE: Ish, I mean.

[redacted] Yeah.

MS. PAGE: So sometime around then.

[redacted] Has it ever come up in 2017?

MS. PAGE: No. I don't -- not that I can recall.

[redacted] Nothing sticks out in your mind?

b6 Per OIG b7C Per OIG MS. PAGE: No.

[redacted] Did you and Mr. McCabe ever discuss or compile a timeline of events regarding the October 30th, 2016, Wall Street Journal article, to refresh your recollections?

MS. PAGE: For what? I'm not following you.

[redacted] I don't know. It's just an open-ended question.

b6 Per OIG b7C Per OIG MS. PAGE: No.

[redacted] What about Mr. Kortan? Have you had any conversations with Mr. Kortan about the October 30th Wall Street Journal article in 2017?

MS. PAGE: I don't think so. I don't -- I can't recall why it would've come up. So, I don't think so.

[redacted] Nothing? Nothing comes to memory?

b6 Per OIG b7C Per OIG MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] Okay. So, I'm just referring generally to the, your sworn, signed, sworn statement, reflects that you were interviewed twice by the FBI's Inspection Division; once on June 29th, 2017 and another time on August 7th, 2017. Is that right?

MS. PAGE: That's correct.

b6 Per OIG b7C Per OIG [redacted] As part of their investigation into the allegations on unauthorized disclosures to the media, in general, do you know, as part --

MS. PAGE: I don't believe it was a general -- if they have a general investigation on that --

b6 Per OIG b7C Per OIG [redacted] Oh, no, no, no.

MS. PAGE: -- I was only asked with respect to these two topics.

b6 Per OIG b7C Per OIG [redacted] Yes.

MS. PAGE: Okay.

b6 Per OIG b7C Per OIG [redacted] Sorry. Let's stick with that. That being the scope of --

MS. PAGE: Okay.

b6 Per OIG b7C Per OIG [redacted] -- that investigation. Do you know if Mr. McCabe was ever interviewed as part of that investigation by INSD?

MS. PAGE: I don't know. I presume, certainly with respect to the first one, I would presume, since he made the referral.

[redacted] Mm-hmm.

MS. PAGE: But we've not talked about it.

[redacted] No conversations about INSD interviews on that investigation?

b6 Per OIG b7C Per OIG

MS. PAGE: Not to my recollection.

[redacted] How about Mr. Kortan? Do you know if he was interviewed as part of that investigation?

MS. PAGE: I don't know. Again, I would presume so, but.

b6 Per OIG b7C Per OIG [redacted] So, on May 9th, 2017, Mr. McCabe was interviewed by INSD as part of the investigation that's the subject of your sworn statement. At any time before or after that date, did you and Mr. McCabe discuss the interview?

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] Did you have any discussions -- well, okay. On August 7th -- excuse me, on August 18th, 2017, Mr. McCabe was re-interviewed by INSD, as part of, again, that same investigation. At any time before or after that interview, did you and Mr. McCabe discuss the interview?

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] So to confirm, again, you're not aware of any INSD interviews that Mr. McCabe, but for me mentioning it, this moment?

MS. PAGE: Correct.

b6 Per OIG b7C Per OIG [redacted] And you haven't had any discussions with him about those interviews?

MS. PAGE: Correct.

[redacted] So if someone were to suggest that after one of those interviews you guys got together to square up your stories, did anything like that ever happen?

b6 Per OIG b7C Per OIG

MS. PAGE: No, never.

b6 Per OIG b7C Per OIG [redacted] And Mr. Kortan, on August 16th, 2017, he was interviewed by INSD as part of the investigation, the subject of your sworn statement. At any time before or after August 16th, 2017, did you and Mr. Kortan discuss the interview?

MS. PAGE: Unh-uh.

b6 Per OIG b7C Per OIG [redacted] And then on August 17th and 18th, 2017, Mr. Kortan was re-interviewed by INSD. At any time before or after those interviews, did you and Mr. Kortan discuss those interviews?

MS. PAGE: Nope.

b6 Per OIG b7C Per OIG [redacted] So is your question -- is your answer the same, have -- well, let me just ask the question. Have you and Mr. Kortan ever gotten together to square your stories with respect to the set of facts?

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] So, now switching to the OIG investigation, which would be the matter that we've been asking you about for, since 12/20, and more broadly, the other subjects that encompass the FBI and DOJ's action in advance of the 2016 election. Have you had discussions with Mr. Cabe [sic], Mr. McCabe, about the OIG's investigation?

MS. PAGE: Uh, in a more limited way. To the extent I have an interest in returning to my position, working for him. And I think that his understanding of the texts presented to him is not a complete reflection of both the actions I took, and the rules and policies which reflect, and which guide the actions that I am permitted to take under the Regs. I have made a few passing comments about needing to rethink, sort of, how we move forward.

b6 Per OIG b7C Per OIG [redacted] Did you have any discussions with Mr. McCabe about his or your interview with the OIG?

MS. PAGE: No.

[redacted] So never discussed anything that was raised in the interviews, topics, documents, discussed?

b6 Per OIG b7C Per OIG

MS. PAGE: Not other than as I've just described. Right? This --

[redacted] Sure.

FBI 18-cv-01766-608

MS. PAGE: -- sort of -- I don't know what he was shown and described to him, and all of that. I know what I see and how I interpret it. And my, sort of, brief discussion with respect, there's not a political bias that I've engaged in --

b6 Per OIG b7C Per OIG [redacted] Mm-hmm?

MS. PAGE: -- conduct which is prohibited by any regulation.

b6 Per OIG b7C Per OIG [redacted] I'll focus it back to us, just so I'm clear. Us being the Wall Street Journal article --

MS. PAGE: Mm-hmm.

b6 Per OIG b7C Per OIG [redacted] -- October 30th issue. Did you learn, at any time, that the OIG asked Mr. McCabe about the October 30th, 2016, Wall Street Journal article, in his OIG interview?

MS. PAGE: In his -- on the, on my activity?

b6 Per OIG b7C Per OIG [redacted] No, no.

MS. PAGE: Am I following you?

b6 Per OIG b7C Per OIG [redacted] No, no, no.

MS. PAGE: I'm sorry.

b6 Per OIG b7C Per OIG [redacted] Yep. So, Mr. McCabe was interviewed by the OIG. Are you aware of that fact?

MS. PAGE: Yes.

b6 Per OIG b7C Per OIG [redacted] Okay. Did you learn, at any time, that the OIG had asked Mr. McCabe during his OIG interview

about the October 30th, 2016, Wall Street Journal article?

MS. PAGE: No, I don't think so.

b6 Per OIG b7C Per OIG [redacted] So, you didn't have any conversations with Mr. McCabe where he said to you, hey, Lisa, the OIG asked me about the October 30th, 2016, Wall Street Journal article?

MS. PAGE: I don't think so. No.

b6 Per OIG b7C Per OIG [redacted] Did you and Mr. McCabe ever discuss a timeline of events regarding the October 30th, 2016, Wall Street Journal article, to help refresh your recollections, before or after Mr. McCabe's OIG interview?

MS. PAGE: I don't think so.

b6 Per OIG b7C Per OIG [redacted] Do you have any recollection of doing so?

MS. PAGE: (No audible response.)

b6 Per OIG b7C Per OIG [redacted] Only because you're saying, I don't think so. Do you have --

MS. PAGE: Yeah.

[redacted] -- any memory --

b6 Per OIG b7C Per OIG MS. PAGE: I --

[redacted] -- of it?

MS. PAGE: No. Not, not -- after he came back from the IG, I was waiting around for him, because they had called me, also, that same day and said, you have to be interviewed today, and I refused. I called Andy to

inform him, as my supervisor. Hey, I just got asked to be interviewed on this. And he said, stop; they've asked me to talk to them; I'm going over today. I said, okay. And so, when he came back I was there to be like, what's going on. And I had gotten some information from [redacted] And --

[redacted]

b6 Per OIG b7C Per OIG MS. PAGE: Yes. Thank you.

[redacted] Okay.

MS. PAGE: I think I asked, is it, should I be worried or should I not be worried, or something like that. And he said, no, you should be worried. And I was still taken aback. And you know, he just, I think he said, Lees (phonetic sp.), they have thousands of texts. And it just sort of threw me for a loop, because I didn't recall having -- in my mind I interpreted that to be thousands of politically oriented texts. And so I just sort of was floored about that.

And then we talked about some personal related matters. And -- anyway. The point being I don't -- that was among the most stressful moment of my entire life. So I do not have a precise recollection of whether he said that they asked about the Foundation article or whatever. I don't think so. But I am answering in that somewhat caveated way, because my memory of that discussion is super hazy in light of the, sort of, extraordinary, the

stress, and of that engagement.

b6 Per OIG b7C Per OIG [redacted] Do you -- and if you, if we wa to take a break --

MS. PAGE: Yeah.

[redacted] -- just let me know.

MS. PAGE: Let's keep going.

[redacted] With respect to texts that were, and discussion about that, was there any reference to texts, regarding the Wall Street Journal article, or your talking with the reporter?

b6 Per OIG b7C Per OIG MS. PAGE: I don't think so.

[redacted] You don't remember him saying anything like, I've got to let you know they know you're the source?

MS. PAGE: I don't think so.

b6 Per OIG b7C Per OIG [redacted] Or --

MS. PAGE: I'm sorry. No, I don't mean to -- no, I don't think so.

[redacted] Okay. And there was no effort at that moment --

b6 Per OIG b7C Per OIG MS. PAGE: I mean, he would've --

[redacted] -- to say --

MS. PAGE: -- known that. So I don't think, I don't see why that would come up. Okay, go ahead. Sorry.

[redacted] I was going to ask, you know, was

b6 Per OIG b7C Per OIG

there a portion of that conversation that had to do with you getting your stories straight --
MS. PAGE: Oh.
b6 Per OIG b7C Per OIG -- about what happened --
MS. PAGE: I don't think so.
-- with respect to the Wall Street Journal --
MS. PAGE: No.
-- article?
MS. PAGE: But again, I, I cannot describe, and even in my retelling of what I recalled in advance of meeting with I have very few distinct memories, given the stress and my disappointment in myself at having disappointed him.
So, on two occasions, once when Mr. McCabe met and was interviewed by INSD in May, and once in July at Mr. McCabe's OIG interview, Mr. McCabe stated that he didn't authorize anyone to provide information for the Wall Street Journal October 30th, 2016 article, including portions of the August 12th call. Can you explain why Mr. McCabe would have told that to both INSD and OIG, given your statement that he did authorize you to do so?
MS. PAGE: He forgot. That's why he has a me.
Did you ever has a conversation

with him about his forgetting?
MS. PAGE: I don't think so.
Why do you presume he forgot?
MS. PAGE: Because he has an enormous job and he forgets, not lots of things, but when things are done, particularly when they're done-done, and you can kind of move past them, yeah, he, that's -- it's not his responsibility to remember everything. Particularly things that aren't so notable, I suppose. So, honestly, it's why I exist, in many ways. I mean, I serve as that, hey dude, remember blah-bitty-blah, about a range of topics.
So, if Mr. McCabe said he didn't authorize you on those dates, that would not be accurate?
MS. PAGE: That is incorrect.
MS. JEFRESS: His statement is incorrect?
MS. PAGE: His statement is incorrect. Sorry.
Thank you.
MS. PAGE: Yeah.
(*Indiscernible 2:03:41).
MS. PAGE: His statement's incorrect. Yours, your statement is correct.
Now, with respect to you saying that he forgets lots of things --
MS. JEFRESS: Uh, well --

MS. PAGE: It's not his job to remember the picayune details of matters which happened eight or ten months ago. So, it's not technically my job, I just typically tend to.
MS. JEFRESS: Can I just, would Mike Kortan go to you as a source for an article, without asking Andy?
MS. PAGE: Never.
Well, then I have some questions about that, as well. Because you know that Mike Kortan talked to INSD, also.
MS. PAGE: You told me that, yeah.
Yeah, we've told you that. And he actually went through the same process that you did, in terms of working with them to put together a signed, sworn statement.
MS. PAGE: Okay.
Okay? And the information that Mr. Kortan gave to INSD was that the e-mails back and forth scheduling the meetings with Mr. Barrett didn't refresh his recollection about how this article came together; and that if that telephone call had been an on background conversation, he would expect that he would have some documentation of that, and he doesn't. He also said that nothing in the October 30th Wall Street Journal article resonates with him, that suggests that OPA had any

involvement in it at all.
MS. PAGE: Okay.
Okay? Do you have any idea why he would've made those statements?
MS. PAGE: I, Mike, I love Mike, but Mike is not a details person. And Mike deals with reporters dozens of times a day, hundreds of times a week. So, I understand that this article is a big deal to you. This article is not so memorable that I would expect Mike Kortan to necessarily have recalled it.
Okay. So if he made those statements --
MS. PAGE: I'm sure he, I mean, of course I trust that he made those statements.
Right.
MS. PAGE: He's inaccurate as well.
And so we are clear on your thinking, why isn't this article so memorable from your perspective, or the FBI's perspective, whatever you're thinking?
MS. PAGE: Well, I think you just have to put in context what we have been through in the last 18 months. So this is one article, which had important inaccuracies which we were quite concerned about, obviously. But I don't think that you can possibly comprehend the stress

FBI 18-cv-01766-610

and flurry and furor that those of us who had been involved in mid-year and Russia, over the course of the last 18 months, to include OPA, I -- and the memos, and the fire -- I mean, there is, this has been an extraordinary period of time.

And I don't think you can, having not lived it, I don't think you can possibly understand how unbelievably intense this period of time has been for all of us, including OPA. So certainly, from Mike's perspective, I would not be surprised that he has no recollection of this whatsoever. This is a -- from OPA and in terms of things that have legs, things that continue to sort of resonate that we are constantly batting back and then going back over -- for example, like the Steele dossier, right? Like this thing has been out there for, I don't even know how long. And it continues to sort of reverberate. The Devlin Barrett thing was sort of one and done. So it does not -- does not come as a particular surprise that Mike would not have a particular recollection of it.

b6 Per OIG
b7C Per OIG

[redacted]: Since that time have you been asked by Mr. McCabe to work with Mr. Kortan on any other stories?

MS. PAGE: I've been asked by Mr. Kortan to work with him on other stories, yes.

b6 Per OIG
b7C Per OIG

[redacted] And approximately how many other

stories have you worked with him on, since this time, October 30th?

MS. PAGE: Well, really, it's one story with multiple different outlets. So I'd say one story with three different media outlets, I think is accurate.

b6 Per OIG
b7C Per OIG

[redacted] Okay. And was that in 2016 or in 2017?

MS. PAGE: In 2017.

b6 Per OIG
b7C Per OIG

[redacted] How many times have you met with Mr. Kortan to provide him information on that?

MS. PAGE: Well, I mean, it would've been not me meeting with Mr. Kortan, but me meeting with Mr. Kortan and other, and reporters, to provide similar sort of on background information.

[redacted] Can you hold with that?

[redacted] Sure. Absolutely.

[redacted] We're going to pick up --

[redacted] Yeah.

b6 Per OIG
b7C Per OIG

[redacted] -- on that.

[redacted] Okay.

[redacted] Unless you have a burning --

[redacted] Nope.

[redacted] Okay.

[redacted] Go ahead.

[redacted] After your OIG, excuse me, after

the OIG first contacted you to schedule your prior interview, did you have conversations with anyone else at the FBI, other than what we've already talked about for Mr. McCabe, about the OIG investigation?

MS. PAGE: I have had some conversations with friends. This has been a, um, an unpleasant experience. And so I have -- and in particular, once the sort of shock of the investigation has worn off and I have done, sort of further, uh, I have a, I have, uh -- I'm sorry, I'm just not coming up with the word.

I am no longer so upset with myself for having made statements which could be misperceived, and knowing better the regulations which govern statements of a political nature. I am -- I have had conversations with friends about my removal from my current position --

b6 Per OIG
b7C Per OIG

[redacted] Okay.

MS. PAGE: -- and my frustration with that decision.

[redacted] And focusing specifically on the Wall Street Journal article?

b6 Per OIG
b7C Per OIG

MS. PAGE: Oh, no.

[redacted] No conversations about that, after your last interview?

MS. PAGE: No, I don't think so.

MS. JEFRESS: And can I just say, she has

e-mails, and she has pretty clear notes about what happened. I mean, I understand they're not crystal clear. But she's got a pretty good record of the calls with Devlin and the meetings with Mike Kortan. And the fact that he doesn't remember actually suggests that this did not stick out in his mind in any way. I mean, clearly the contacts happened and Michael was there. And so, I'm just unsure why -- it sounds like you're alleging that nobody else remembers this, did it actually happen. And clearly --

[redacted] I wouldn't --

b6 Per OIG
b7C Per OIG

MS. JEFRESS: -- it did. There's records that --

[redacted] -- I wouldn't read anything into it.

MS. JEFRESS: Okay. Okay.

[redacted] The questions, I'd read them pretty neutral.

b6 Per OIG
b7C Per OIG

MS. JEFRESS: Okay.

[redacted] Other than what we've stated, you know, what we told you on --

MS. JEFRESS: Yeah.

b6 Per OIG
b7C Per OIG

[redacted] -- two occasions, we have information that Mr. McCabe said (X).

MS. JEFRESS: Yeah.

[redacted] On the -- in Mr. Kortan's statement he said (X), and we're trying to --

MS. JEFRESS: You're trying to figure it out.

b6 Per OIG b7C Per OIG [redacted] -- we're trying to reconcile.

MS. JEFRESS: That's fine.

[redacted] So, I think you said this earlier. I just want to confirm this. Was your signed, sworn statement, the first time that you acknowledged to anyone other than Mr. Kortan or Mr. McCabe that you were a source for some of the statements in the October 30th, 2016 article?

MS. PAGE: I don't -- I think you -- I don't know, but I think I answered with respect to the text back and forth about --

b6 Per OIG b7C Per OIG [redacted] Oh, with Mr. Strzok?

MS. PAGE: Right. So I don't -- I don't recall what I said to him or not. Or whether --

[redacted] I see.

MS. PAGE: -- I described what I was doing or not. But beyond that, no, I don't recall having a conversation with him. Again, this has just not come up again. So no, I don't recall having --

b6 Per OIG b7C Per OIG [redacted] This being?

MS. PAGE: The October 30th article and my involvement in it.

b6 Per OIG b7C Per OIG [redacted] Have you shared a copy of your final sworn statement with anyone besides FBI's Inspection Division or your attorney?

MS. PAGE: No.

[redacted] How about drafts of your statement or notes related thereto?

b6 Per OIG b7C Per OIG MS. PAGE: Definitely not, no.

[redacted] You ever read a portion of it to Mr. McCabe?

MS. PAGE: Nope.

b6 Per OIG b7C Per OIG [redacted] Ever shown a portion of it to Mr. McCabe?

MS. PAGE: No.

[redacted] Did you have any discussions with Mr. Kortan or Mr. McCabe -- strike that. Did you have any discussions with Mr. Kortan or Mr. McCabe about their sworn statements, including drafts?

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted] (No audible response.)

[redacted] No, go ahead.

[redacted] Besides classified information, we touched on this a little, earlier, are there any -- well, I'm just, I'm going to start with that. I'll just say it cleanly. Besides classified information, are there any limitations on the Deputy Director of the FBI's ability to

provide information to the media? b6 Per OIG b7C Per OIG

MS. PAGE: Not to my knowledge.

[redacted] Are you aware if he's allowed to provide information related to an ongoing investigation?

MS. PAGE: I, I don't know. I don't know if there's policy with respect to that statement, or not.

[redacted] Did you or Mr. Kortan look at any policies before providing the information that you gave to Mr. Barrett for the October 30th, 2016 article? b6 Per OIG b7C Per OIG

MS. PAGE: I did not.

[redacted] All right. Before doing that -- so on your statement, on page 5, on the bottom. This is, I believe, what we talked about earlier. There was a reference about your working on the development of a policy, right? Do you see --

b6 Per OIG b7C Per OIG MS. PAGE: Well, yeah.

[redacted] -- let me know when you get --

MS. PAGE: But this is actually a better description of that, because I didn't write anything. I didn't -- I participated in meetings in which the policy was discussed and described. But --

b6 Per OIG b7C Per OIG [redacted] I just want to be clear that that reference to a policy that you participated in, does that refer to the --

MS. PAGE: It's the new policy, which I think

has not been put into order, yet.

b6 Per OIG b7C Per OIG [redacted] Okay.

MS. PAGE: Yeah. Or has not been made a (*indiscernible 2:15:18) or whatever.

[redacted] Okay. All right. So let me show you this document. b6 Per OIG b7C Per OIG

MS. PAGE: Okay.

[redacted] So what I'm showing you now is a document we identified earlier. It's entitled media relations at FBI HQ and in Field Offices, Policy Guide, Federal Bureau of Investigation, Office of Public Affairs. And it's dated October 13th, 2015. And so I wanted to direct your attention to page 9. It's section 3.4. And with the understanding that you have not seen this document before. b6 Per OIG b7C Per OIG

MS. PAGE: No, I have not.

[redacted] So, section 3.4 says Content of Disclosures. And the beginning of it essentially says, disclosures must not prejudice an adjudicate proceeding. And except as indicated below, must not address an ongoing investigation.

And so, you know, I'll give you a moment to look at that. It's basically talking about some exceptions for selectively releasing information in the public interest. But go ahead and look at that because I want to ask you

just two quick questions.
MS. PAGE: Okay. Okay.
b6 Per OIG b7C Per OIG So, can you explain for us that the information that you provided to Mr. Barrett for the October 30th article is consistent with respect to this section, and the fact that the Clinton Foundation was an ongoing investigation?
MS. PAGE: Absolutely.
b6 Per OIG b7C Per OIG Okay. And explain for us how.
MS. PAGE: As I described earlier, it is distinctly in the public interest to know that the FBI would not shut down or ask to stand down an investigation which is, by all descriptions, properly predicated and investigating allegations of serious criminal activity. Particularly when associated with the suggestion that it was being done for improper, you know, politically based reasons. That goes to the core of our integrity and who we are as FBI, and our ability to maintain the trust and confidence of the American people.
b6 Per OIG b7C Per OIG Is it fair to say that in doing that, that the disclosure made the FBI looked good and made Justice look bad?
MS. PAGE: That wasn't the objective. I, I -- that may have been the result. But as we described, the objective was as I just described, to sort of thread the

needle between this notion that a case was being politically sensitive or politically, uh, with a political stripe. I don't know. I can't, um, lay down the word. I need something. Blood sugar, I guess. That a --
b6 Per OIG b7C Per OIG Do you want to take a break?
MS. PAGE: No, I don't. Let's just keep going. Truly. It's, I'm just --
b6 Per OIG b7C Per OIG Okay.
MS. PAGE: -- getting less articulate. That's all. That a, that an investigation was being shut down for improper reasons. So, I mean, that was the objective.
b6 Per OIG b7C Per OIG Those allegations are being made, not necessarily against the FBI's institution, but being made against your boss, specifically, that he was acting with an ill motive.
MS. PAGE: Yes.
b6 Per OIG b7C Per OIG Yeah.
MS. PAGE: Although, from my perspective he and the Institution are one in the same. He's the number two individual. He runs the organization. So if the number two person is engaged in what would be misconduct, that is the FBI. It is not sort of unique or being referenced in his personal capacity. It's talking about his capacity as deputy director.
b6 Per OIG b7C Per OIG Did ever raise a concern for you

that what he was asking you to do might be self-interested and self-motivated?
b6 Per OIG b7C Per OIG
MS. PAGE: No.
b6 Per OIG b7C Per OIG That this might be something that he's trying to do to solidify his own personal reputation?
MS. PAGE: Not once, no.
b6 Per OIG b7C Per OIG Or create, you know, as people say, in kind of a vernacular, his own hospital bed moment, you know, where --
MS. PAGE: Oh, no. On this? No.
b6 Per OIG b7C Per OIG -- where Andy McCabe stands up to Justice and says --
MS. PAGE: No.
b6 Per OIG b7C Per OIG -- I can't believe you would ask me to do that?
MS. PAGE: No. No. Sorry.
b6 Per OIG b7C Per OIG So in your mind that's not what was going on here?
MS. PAGE: Definitely not. No.
b6 Per OIG b7C Per OIG Okay. So, staying with the current document, the FBI policy, go back one page, page 8. And up at the top, section 3.3 talks about constraints on the sharing of information with media outlets. And it talks about that, releases of information. I'm paraphrasing. Must, the last two lines, must conform with

all applicable laws and regulations.
b6 Per OIG b7C Per OIG
MS. JEFRESS: (*Indiscernible 2:21:10).
As well as policies issued by DOJ, as itemized in section 5. And you'll see section 5 is on page, um, I had a tab here, 23. It's a short listing, a summary of legal authorities. Just let me know when you're up there.
MS. PAGE: I'm sorry, what is this? What, I, I don't know where we are.
Where you are now with --
MS. PAGE: No, back --
b6 Per OIG b7C Per OIG -- 3.3.
MS. PAGE: -- what am I --
Oh, I --
MS. PAGE: -- was is this referencing back to?
b6 Per OIG b7C Per OIG I just wanted --
MS. PAGE: This matter?
-- you to see the list of --
MS. PAGE: Oh, okay.
b6 Per OIG b7C Per OIG -- legal authorities.
MS. PAGE: Okay.
And so you'll see the first one is 28CFR50.2. And then the next one is the U.S. Attorneys Manual --
MS. PAGE: Mm-hmm.

[redacted] -- Title 1-7.0 Media Relations.
MS. PAGE: Okay.
[redacted] So I wanted to point that out to you, because I'm going to give you, first, 28CRF50.2. And again, on one of those I highlighted. It looks like it's --
MS. PAGE: Yep.
[redacted] -- Ms. Page's copy. Just because I wanted to save time and let you know --
MS. JEFRESS: Okay.
[redacted] -- where I was going to go with this. But basically, this is a statement of policy regarding release of information by DOJ personnel, to the media, regarding civil and criminal proceedings. And I wanted to focus your attention on 50.2(b), which is guidelines on criminal proceedings, which apply from the time a person is the subject of a criminal investigation.
And specifically, there's sort of this transitional paragraph on page 35, in between, um, right before 50.2(b)(4). And essentially, the last sentence. Let me know if I'm going too fast. The sentence starting with, in addition. Do you see that? Where I highlighted it? Addition?
MS. PAGE: (No audible response.)
[redacted] In addition, where background

information or information relating to the circumstances of an arrest or investigation would be highly prejudicial. And in particular, this last part. Or where the release thereof would serve no law enforcement function, such information should not be made public.
MS. PAGE: Okay.
[redacted] And so, the question is, again, was the information that you and/or Mr. Kortan provided for the October 30th, 2016 article, consistent with the spirit of that last clause?
MS. PAGE: Well, not to be super lawyerly, but it's should and not shall. And honestly, I think that you can't say that there's no law enforcement served. The credibility of the FBI as an Institution seems core to its ability to execute a law enforcement function writ large. If it's not specific to that actual case, it's specific to our integrity as a whole.
[redacted] So you'd say it's consistent based on that?
MS. PAGE: I think so. Obviously, I've never --
[redacted] No, I understand.
MS. PAGE: I haven't seen this before, but.
[redacted] Oh. And I'm just wanting to ask you, look, I know there were a variety of other things going on at this time. But one of them was that there was

an active discussion about whether or not Mr. McCabe should be recused from certain investigations. Is this information that he was asking you to take to the media --
MS. PAGE: Oh.
[redacted] -- something that he was doing so that that would not happen to him?
MS. PAGE: No. No.
[redacted] And how do you --
MS. PAGE: It was not --
[redacted] -- know that?
MS. PAGE: Well, for one, I think that says (*indiscernible 2:25:02) that maybe certainly he didn't participate in the conversation, in either of the two conversations related to the reopening and whether we would inform Congress. So, from my perspective, while we were trying to -- I was trying to dissuade Jim Baker from the correctness of that decision, he was no longer participating in any of these discussions. So there was no media campaigning as, you know, they put it, (*indiscernible 2:25:34).
[redacted] He didn't even discuss with you th this was the way to get him back in?
MS. PAGE: Definitely not.
[redacted] Or that that was something he was interested to do, to shore up his personal reputation --

MS. PAGE: No.
[redacted] -- so that --
MS. PAGE: I don't see --
[redacted] -- that question --
MS. PAGE: -- how this would even truly follow a particular clear way of (*indiscernible 2:25:50) his recusal, but no. Regardless, no conversation.
[redacted] What I was asking was, the instructions he gave you to speak with Mr. Barrett, and to show him as a person who was not going to be told to stand down. He wasn't having you convey that because of concerns about his own personal reputation having been raised with respect to recusal?
MS. PAGE: Truth be told, it didn't even occur to me until you suggested it. It was all about the reputation of our organization and our attempt to defend it.
[redacted] Let's go off the record for less than a minute.
(Whereupon, the above-entitled matter went off the record and back on the record.)
[redacted] We're back on the record, after the short break. It's a little after 3:00. And let me -- actually, before I do that. Leaving aside the FBI media policy, or including it, if you know, are there any

b6 Per OIG b7C Per OIG

policies or protocols regarding providing information about other DOJ components or employees without their knowledge? Do you know?

MS. PAGE: I have no idea.

b6 Per OIG b7C Per OIG Do you, did anyone tell Mr. Axelrod what information you intended to provide to Mr. Barrett?

MS. PAGE: Not to my knowledge, but I don't know.

b6 Per OIG b7C Per OIG Do you know if -- so no understanding whether -- whether Mr. Kortan, for FBI-OPA coordinated with DOJ-OPA?

MS. PAGE: I don't know.

b6 Per OIG b7C Per OIG Okay. Or anyone else at DOJ?

MS. PAGE: I don't know.

b6 Per OIG b7C Per OIG Okay. Let me show you another document. So, it is Bates labeled on the bottom, 522765-1. And it's an e-mail chain occurring on December 22nd, 2016. And the first e-mail on the bottom of the chain is entitled Records Pull. And it's an e-mail from Peter Strzok to you, in which he's asking your thoughts.

MS. PAGE: Mm-hmm.

b6 Per OIG b7C Per OIG First of all, take a moment to look at this and let me know when you've had an opportunity to do that.

MS. PAGE: Okay.

b6 Per OIG b7C Per OIG The, I'll just read it into the record. The first two lines state, Andy -- and he's asking for your thoughts, so that's why he's saying Andy. Andy, I received word via Jen (phonetic sp.) that tomorrow morning Mike S. wants to talk about whether we have opened a leak investigation into the publicity surrounding the C-Foundation. He said he'd like to discuss, as the (D) would like to do something. And would like to do something is in quotes.

Who is Jen?

MS. PAGE: Probably Jen Boone (phonetic sp.), I think.

b6 Per OIG b7C Per OIG What position did she have, or have, has?

MS. PAGE: So she would've been a DAD, also with -- oh wait, that doesn't make sense. Well, maybe -- oh, so it doesn't -- now I'm guessing. So my guess is that Jen is Jen Boone, who is also a DAD, which is the same as Pete Strzok, of the Counterintelligence Division. My guess. Like I'm totally guessing.

b6 Per OIG b7C Per OIG Okay?

MS. PAGE: Is that Jen was probably Acting AD, such that she would've been in meetings with Mike -- I'm guessing Mike S. is Mike Steinbach (phonetic sp.).

b6 Per OIG b7C Per OIG Okay.

MS. PAGE: And so my guess is that as Acting Assistant Director she came back from a nightly RAP with Mike Steinbach, I'm guessing. Completely guessing.

Mm-hmm?

MS. PAGE: And asked Pete, hey, he wants to know these things, in her capacity as Acting Assistant Director.

b6 Per OIG b7C Per OIG Can you tell us what the leak investigation into the publicity surrounding the C-Foundation concerned?

MS. PAGE: I don't know. So, I don't -- I'm not aware of there being -- maybe there is, I don't know. I'm not aware of there being a leak investigation into the Clinton Foundation. So I don't know if Steinbach was aware or had some knowledge of the records pull that we had discussed.

b6 Per OIG b7C Per OIG Earlier?

MS. PAGE: Right.

Yes.

MS. PAGE: So I don't know if that's the harken to that. I just, I really don't know. But if there's a leak investigation with respect to the Clinton Foundation, I'm unaware of it.

b6 Per OIG b7C Per OIG When it says publicity

b6 Per OIG b7C Per OIG surrounding, do you know what that meant?

Well, my guess is, if it's a leak investigation, it's talking about articles related to the Clinton Foundation. But I don't know what he's specifically referencing.

Well, yeah, that's sort of what I was wondering. If there were any particular articles --

b6 Per OIG b7C Per OIG MS. PAGE: Not to my knowledge.

And I'm assuming the reference to (D) is Director?

b6 Per OIG b7C Per OIG MS. PAGE: Yeah, that would be my guess.

So, what did you discuss with Mr. Strzok about this, other than your comments up at the top about --

MS. PAGE: I don't, I don't even remember getting this. So I don't have any recollection beyond -- I don't have any recollection at all, actually. I just sort of see what's written on the page.

b6 Per OIG b7C Per OIG Okay. Why was he sending it to you for, kind of, preview before sending it to Mr. McCabe?

MS. PAGE: Just because he's a DAD sending it to the Deputy Director. And just want to get my thoughts on it before he did so. That's not typical. We don't usually jump like that. But obviously, as indicated here, I think he's concerned that he wasn't sure who else knows

about it, so he wasn't sure what to say about the -- the pull.

b6 Per OIG b7C Per OIG [redacted]: And about the pull, the clause, the, after the clause that you recommended taking out --

MS. JEFRESS: Go ahead. (*Indiscernible 2:32:25).

b6 Per OIG b7C Per OIG [redacted]: It's probably better if I wait.

MS. JEFRESS: Okay, she can hear you. She's getting (*indiscernible 2:32:30).

b6 Per OIG b7C Per OIG [redacted]: Okay. For the record, and you can see it. It says, but I need guidance as to how, if you'd like me to detail the media pull we did. As you may recall we have not detailed that activity other than to you and Bill.

MS. PAGE: Mm-hmm..

b6 Per OIG b7C Per OIG [redacted]: So, as I read that -- well, why don't you, rather than me speculating, tell me your best understanding of what that meant.

MS. PAGE: I think that he doesn't know what Mike Steinbach is referring to.

b6 Per OIG b7C Per OIG [redacted]: Mm-hmm?

MS. PAGE: Again, if -- there couldn't be a classified leak information. I'm not aware of anything classified in Clinton Foundation. So if there was another investigation it wouldn't, I guess we wouldn't -- I don't

know, we don't really do those. So, I think he just wants guidance on, am I allowed to tell; we were quiet about the fact that we were looking, doing this look at whether there's an authorized communication with the media problem. And so he's just seeking his, the Deputies permission to disclose that pull, if that is actually your, you know, that's relevant to Mike Steinbach's inquiry.

b6 Per OIG b7C Per OIG [redacted]: So did you ever hear, beyond this document, or beyond any discussion with Mr. Strzok, that the Director wanted to do something regarding a leak investigation into the publicity surrounding the Clinton Foundation?

MS. PAGE: No. The closest I heard was all related to the pull. The sort of broad, okay, now we have this record of FBI employees having communication, unauthorized communication with the media. And I have a vague sort of sense or recollection of, like, okay, what do we do with this now. And so my guess is, again, I'm just guessing. This is a -- if I had to guess, I'm guessing that's a reflection of that. I've never heard anything with respect to a specific investigation related to Clinton Foundation.

b6 Per OIG b7C Per OIG [redacted]: So just so I'm clear, as far as you know, was there one records pull of FBI records and

communication with the media, or two? And what I mean by one or two was, was there one with respect to the one you were describing earlier, and that's the only one you know of; and nothing subsequent to that?

MS. PAGE: That's my knowledge.

b6 Per OIG b7C Per OIG [redacted]: Okay.

MS. PAGE: Inspection may have separately then pulled. I remember a conversation about it getting referred to, like, that body of material getting referred to Inspection, or Inspection coming back and wanting CD to pull again, and CD saying, no, that's your job, go to ESO (phonetic sp.). I mean, like, internal, so leave your (*indiscernible 2:35:10). But no, I'm not aware of any media pulls beyond the primary one we've already discussed that was looking broadly at FBI contacts with the media.

b6 Per OIG b7C Per OIG [redacted]: And it wasn't cabin to any, just specifically that --

MS. PAGE: No specific case, correct.

b6 Per OIG b7C Per OIG [redacted]: Okay.

MS. PAGE: It was every FBI employee.

b6 Per OIG b7C Per OIG [redacted]: Mm-hmm?

MS. PAGE: And pinging against, I mean, only official devices, obviously. Both desk and cell. And maybe e-mail. I can't remember. I don't think so, but it may have been. I don't, I can't remember. Pinging

against certain identified members of the media.

b6 Per OIG b7C Per OIG [redacted]: Okay. And just for completeness, this was, this document that I'm showing you now, Bates labeled on the bottom, 477112-1, contains further e-mail responses. One is, shows Mr. Strzok indeed sending the e-mail to Mr. McCabe, per your edit suggestions. And then Mr. McCabe responding back to Mr. Strzok with his phone number.

MS. PAGE: Cell number, yeah.

b6 Per OIG b7C Per OIG [redacted]: Cell number. And then Mr. Strzok letting you know that that in fact was sent.

MS. PAGE: To close the loop.

b6 Per OIG b7C Per OIG [redacted]: Yeah. Was there any follow-up discussion that you had about this?

MS. PAGE: Not to my recollection.

b6 Per OIG b7C Per OIG [redacted]: Nothing sticks out in your mind?

MS. PAGE: No.

b6 Per OIG b7C Per OIG [redacted]: Okay. I want to circle back to some earlier points that we talked about where on background conversations, and you were saying that there was one story with three different media in 2017. Can you tell us who the reporter is, and what the story is?

MS. PAGE: There were different reporters. There were a set from the New York Times. A, two different freelancers. I can't remember the woman's name.

A woman who was, we had almost very little engagement because it was near the end of her story, and she didn't really want much of our engagement. And then a freelancer named [redacted] (phonetic sp.). All of this was related to -- sorry. All of this was related to the Clinton e-mail investigation.

b6 -3
b7C -3

[redacted] Okay. And have any of those stories been published?

b6 Per OIG
b7C Per OIG

MS. PAGE: They have.

[redacted] Roughly when?

b6 Per OIG
b7C Per OIG

MS. PAGE: Oh God.

[redacted] Best --

MS. PAGE: Uh --

[redacted] -- I mean --

b6 Per OIG
b7C Per OIG

MS. PAGE: -- May-ish.

[redacted] Of this year?

MS. PAGE: Of this year. I mean, yeah. I know one of them is May 9th, because it was the day the Director was fired. And it was a, uh, got, it was not a particularly positive article, and it got no attention because our Director was fired, so May-ish. April, May-ish, so.

[redacted] And any other stories that you've participated in background, other than the one that we've been talking about a lot today, and this other one on the

b6 Per OIG
b7C Per OIG

Clinton e-mail?

MS. PAGE: No. I regularly will -- OPA will regularly, sort of, flag stories that are coming out for me. Or get, you know, sort of, ground truth on, hey, there's a story coming out that's going to say (X). And I will let them know, oh, that's totally not right. Or, no, the actual truth is (Y).

But not in a, not in a -- this is me informing OPA, not me with a reporter. And not me with what they do and how they engage, and sort of, whether they use the information or not. Or it's just simply to inform them so that they can, you know, appropriately respond. I have no idea. So.

[redacted] And for this story, the Clinton e-mail story, how did you receive authorization, and from whom? Was it the same process?

b6 Per OIG
b7C Per OIG

MS. PAGE: No. I think it was from Kortan, coming directly to me and Pete Strzok, saying that, you know, the Director, sort of, wants the rest of the story out; wants, sort of, the October stuff out. There are stories being ginned (phonetic sp.) or generated. I don't really, I don't really know how this works, so I don't have a particularly crisp answer.

But my understanding was that this was sort of on the Directorate infermatur (phonetic sp.) to get the,

sort of, rest of the Clinton e-mail story. That he had already told Congress in a number of settings, but had not, sort of, explained in another, any other capacity.

[redacted] So was Mr. Kortan coming to you and expressing, orally, that the Director wants, at his direction, wanted you to do this?

b6 Per OIG
b7C Per OIG

MS. PAGE: Me and Pete, yes.

[redacted] Okay. And did your participation on background for those stories, did you ever share any internal conversations like you had done in the October 30th article between FBI and DOJ officials? Did that happen there?

MS. PAGE: Uh, I don't, I don't remember. I'd have to look at the articles.

b6 Per OIG
b7C Per OIG

[redacted] And again, the articles, one came out May 9th. When were the other ones, again?

MS. PAGE: I don't know. April is my guess. But I'm --

[redacted] Okay.

b6 Per OIG
b7C Per OIG

MS. PAGE: -- guessing.

[redacted] Did any of them ever address the merits of an ongoing investigation?

b6 Per OIG
b7C Per OIG

MS. PAGE: Mm-hmm?

[redacted] I can't remember, at that time, if the e-mail investigation --

MS. PAGE: Over.

[redacted] Okay. So all of the conversations that you had on background with the reports, at the time they occurred, the investigation was done?

b6 Per OIG
b7C Per OIG

MS. PAGE: Correct.

[redacted] Okay. Did any -- strike that.

[redacted] Oh, I'm wondering, you had the sense that the Director wanted to get the rest of the story out there.

MS. PAGE: That was what was conveyed to me, yeah.

b6 Per OIG
b7C Per OIG

[redacted] Okay. Was that ever sat down in writing? Did you have any kind of written authorization?

MS. PAGE: This is not how the press world works. No.

b6 Per OIG
b7C Per OIG

[redacted] Okay. And was the information you were receiving about the Director and his interests, did you get that directly from the Director?

MS. PAGE: No. I got that from Mike Kortan.

[redacted] Okay. And did Mike --

b6 Per OIG
b7C Per OIG

MS. PAGE: And Rybicki also engaged, as my recollection. Not at the same time as us. But my understanding is that Rybicki also was, participated in similar conversations with these same outlets.

[redacted] Jim Rybicki?

b6 Per OIG
b7C Per OIG

MS. PAGE: Correct.
[redacted] Okay.
[redacted] And did Kortan say anything to you about him wanting your help with that because you had done this before; because you had done --
MS. PAGE: No.
[redacted] -- a part of the Wall Street Journal issue --
MS. PAGE: No.
[redacted] -- and helped to resolve that?
MS. PAGE: No.
[redacted] No. How many times did you have telephone calls with the reporters for those?
MS. PAGE: They were almost all in person, actually.
[redacted] Okay.
MS. PAGE: How many times? Total with all of them? Uh, I don't know. Maybe three or four with the Times. [redacted] was, he was very persistent. So that was maybe one or two in person. (Sound.) Excuse me.
And then lots of telephonic interaction. But mostly with [redacted] (phonetic sp.) as the, for intermediary, sort of, do you have more questions. And then she would come back to us. And eventually it was becoming so --

[redacted] Is she with OPA?
MS. PAGE: She is. It was becoming so fruitless that we sort of started, like, forget it, we're not engaging with him anymore. Because he keeps coming back to us with the same questions. We keep giving the same answers. And he keeps coming back wanting a better or different, or a, you know, an explanation. And we keep saying, this is what happened, I don't know what to tell you, so. Eventually that kind of trickles off.
And again, with the woman, I can't remember -- I know she and [redacted] had worked together previously, but they were working on separate stories. And I think she -- uh, I don't know, I can't, I really can't remember who she was with. But anyway, that was only one very short conversation.
[redacted] These meetings that you had with the reporters, was Mike Kortan present for all of those?
MS. PAGE: Mike Kortan, [redacted] (phonetic sp.), [redacted] Sometimes Rich Quinn (phonetic sp.). Yes, there were a number of OPA personnel presences.
[redacted] Okay. And as part of that, were you asked to share any direct quotes from --
MS. PAGE: I don't have direct quotes to share.
[redacted] So you didn't, as part of that, those media stories, share direct quotes from Mr. McCabe

to the reporters?
MS. PAGE: No. It's on background. So on background, necessarily, we wouldn't have direct quotes. because you quote somebody, usually. So, no.
[redacted] Okay. And when those on background arrangements were being with those reporters, were you a part of those discussions with Mike Kortan?
MS. PAGE: No, I was not.
[redacted] Did he give you any directions with respect to what you can say, what you can't say, because it's on background?
MS. PAGE: No.
[redacted] Okay. Did he give you any indication that things should be done differently this time than they were with the Wall Street Journal?
MS. PAGE: Nope.
[redacted] Okay.
MS. PAGE: That, we didn't ever speak about the Wall Street Journal article after the Wall Street Journal article was over, so.
[redacted] Okay. I was just wondering. You know, it sounds like that was your first time. This was your second time engaging in this way. Was there any follow-up discussion about how, we're going to do exactly the same; we're going to do it differently?

MS. PAGE: No.
[redacted] Anything like that?
MS. PAGE: No.
[redacted] Okay.
[redacted] So when you just said, a moment ago, when [redacted] was asking about direct quotes and you said, it's on background --
MS. PAGE: Right. If you're going to -- if you want a direct quote in a story --
[redacted] Mm-hmm?
MS. PAGE: -- the reporter has to quote somebody.
[redacted] Right.
MS. PAGE: Right? I understand that in the October 30th one he puts quotes around stuff. Right?
[redacted] Yeah.
MS. PAGE: But a direct quote has to be attributable to someone.
[redacted] Right.
MS. PAGE: Right? That's -- and so this is on background. So we are just talking about the, you know, facts. It's not --
[redacted] So in the October 30th article, when Mr. Barrett puts quotes around statements attributed to Mr. McCabe --

MS. PAGE: He's quoting me.
[redacted]: He's quoting you, okay.
MS. PAGE: That's my -- I mean, I don't know exactly what he's doing, because --
[redacted]: Right.
MS. PAGE: -- I'm not him. But I, as I described earlier, did not say, this is a quote.
[redacted]: Right.
MS. PAGE: Right?
[redacted]: Would that be inconsistent with your understanding of on background conversations?
MS. PAGE: I guess not. But I, it strikes me as not a particular amount of utility to provide a direct quote, which was sort of, what was being asked, if you are not going to attribute that quote meaningfully to someone.
[redacted]: Right. But in the article, October 30th article, it was attributed to Mr. McCabe.
MS. PAGE: I understand that. But --
[redacted]: Yeah.
MS. PAGE: -- that's not --
MS. JEFRESS: Are you sure that's the way it was written?
[redacted]: Well, let's take a look at it. So the highlighted portions, just let me know when you're there.

MS. PAGE: Yep.
MS. JEFRESS: Okay.
[redacted]: So the last paragraph -- I'll wait for --
MS. JEFRESS: I'm there, that's all right.
[redacted]: No.
MS. PAGE: Are you telling me that I need to --
[redacted]: Yes.
MS. PAGE: -- shut down a validly predicated investigation, Mr. McCabe asked, according to people familiar.
[redacted]: Okay.
MS. PAGE: That is not a -- as I described earlier, I am not saying to Devlin Barrett, Devlin, the quote is, are you blah-bitty- blah-bitty-blah. This is, Devlin, this is my characterization --
[redacted]: Mm-hmm.
MS. PAGE: -- that Devlin is putting in quotes, which is why it is according to people familiar with the conversation.
[redacted]: Okay. I --
MS. PAGE: Do you understand? It's not --
[redacted]: Yes, I do understand now.
MS. PAGE: -- quoting Mr. McCabe.
[redacted]: Yes.

MS. PAGE: Otherwise it would be, Mr. McCabe said, blah, blah, blah, blah, blah --
[redacted]: Yes.
MS. PAGE: -- with no further caveat.
[redacted]: Okay. Yes. I understand.
MS. PAGE: Okay.
[redacted]: The definition that you give for on background conversations in your sworn statement on page 9. Is that your personal understanding?
MS. PAGE: That was --
[redacted]: Is it according to any FBI policy, DOJ policy?
MS. PAGE: That was on the cuff, because I --
[redacted]: Okay.
MS. PAGE: -- did not know that these were conversations that they would be asking me about, because they did not tell me in advance of my meeting. So, I -- if you can direct me to how I described that?
[redacted]: Sure. It's on page 9. It's the, I think it's the second paragraph. Or the second sentence. The term on background meant that.
MS. PAGE: Yeah. This was, this was actually, I don't know how I described it.
[redacted]: Mm-hmm.
MS. PAGE: This was how it came back. Because I

imagine I probably, I'm not sure it was quite as --
[redacted]: It came back --
MS. PAGE: -- my --
[redacted]: -- from INSD?
MS. PAGE: Correct. I'm not sure my explanation was -- was quite as tight as this --
[redacted]: I see.
MS. PAGE: -- truth be told.
[redacted]: Okay.
MS. PAGE: And so, but given that INSD does this all the time --
[redacted]: Right?
MS. PAGE: -- I suspect that they provided a statement which I think is in fact accurate, an accurate description of what being on background means.
[redacted]: Okay. And are you aware of any FBI or DOJ written guidelines regarding on background conversations?
MS. PAGE: I'm not.
[redacted]: Is there anything that you want to add with respect to what we've talked about today, that you would like to, that we -- that you haven't had an opportunity to, or you just want to add?
MS. PAGE: (No audible response.)
[redacted]: Go ahead.

MS. PAGE: No, thank you.
[redacted] Well --
b6 Per OIG b7C Per OIG
[redacted] Is there anything you thought that we were going to ask you today that we haven't?
MS. PAGE: No.
[redacted] Except for RFR (phonetic sp.).
[redacted] We're going to get to that off the
b6 Per OIG b7C Per OIG
record. We want to thank you very much for your time and cooperation. It's a little before 3:30.
[redacted] And we're going to still go, I will have some (*indiscernible 2:49:52) for you.
MS. JEFRESS: Okay. And --
[redacted] On the record?
[redacted] Yes.
b6 Per OIG b7C Per OIG
[redacted] Okay.
[redacted] On the record, yes. But --
MS. JEFRESS: Okay.
[redacted] -- we can just pause it, briefly and then --
[redacted] Okay.
[redacted] -- end it.
b6 Per OIG b7C Per OIG
[redacted] I'll shut off our role.
[redacted] Oh.
[redacted] Let's shut off our --
[redacted] Before we go off the record, I did

want to remind you, please do not discuss the contents of the questions --
MS. PAGE: Sure.
b6 Per OIG b7C Per OIG
[redacted] -- that we've asked you, to anyone in the FBI, and particularly to those that might be witnesses.
MS. PAGE: I understand.
[redacted] Thank you.
b6 Per OIG b7C Per OIG
[redacted] Thank you.
MS. JEFRESS: Thank you.
[redacted] Thank you.
(Whereupon, the interview was concluded.)

CERTIFICATE

DEPOSITION SERVICES, INC. hereby certifies that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of Inspector General in the matter of:

Interview of Lisa Page

[redacted] Transcriber
b6 Per OIG b7C Per OIG

December 19, 2017

Date

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*indiscernible (21)
8:11;33:22;37:11,13;
47:25;48:5;64:5;72:6;
76:11;77:15;86:16;
103:20;113:4;117:2;
120:12,20;121:6;
126:5,9;128:13;142:11

[

[sic] (1)
97:6

A

aback (1)
100:12
ability (3)
111:25;114:18;
119:15
above (4)
24:20;26:13;42:12,
16
above-entitled (2)
60:3;121:20
Absolutely (3)
49:19;107:16;114:8
accomplish (2)
60:13;87:16
according (5)
32:7;33:3;139:10,19;
140:11
account (2)
24:4;77:14
accounts (1)
79:19
accurate (6)
55:25;103:14;107:5;
141:14,14;144:3
achieve (1)
87:15
achieved (1)
87:25
acknowledge (1)
90:3
acknowledged (2)
89:18;110:8
acknowledgment (1)
58:4
acting (4)
115:14;123:23;
124:2,7
action (1)
97:4
actions (2)
97:12,13
active (2)
36:8;120:1
activity (6)
35:8;75:4;79:20;
98:16;114:14;126:13
actual (4)
37:12;73:6;119:16;
131:7
actually (29)
6:25;8:2;9:12,14;
10:22;17:19;23:15;
26:14;30:16;32:1;41:7;
44:17;45:20;52:7;
67:11;68:25;77:11,13;
81:4;85:8;104:13;
109:5,9;112:18;
121:24;125:17;127:6;
134:15;140:22
AD (1)
123:23
adamant (3)
27:4,7,9
add (2)
141:21,23
addition (3)
118:22,23,25
additional (2)
45:2;67:21
address (2)
113:20;132:21
adjudicate (1)
113:19
advance (11)
15:5;25:10;45:20,22;
48:22;59:2,8,11;97:5;
102:11;140:17
Affairs (4)
10:2;68:17;69:4;
113:11
affect (1)
53:10
afternoon (1)
76:7
after-the-fact (1)
34:14
Again (42)
12:2,6;17:6;20:17;
21:8,14;22:5;24:19;
25:17;27:11,23;31:15;
36:17;37:2;39:25;
42:13;43:11;47:2;56:3;
58:13,18;77:25;83:21;
85:16;86:1;87:13;
90:10;92:2;95:8,19,23;
102:10;110:21,22;
118:5;119:7;126:22;
127:19;128:11;132:15,
16;135:10
against (5)
82:22;115:13,14;
128:22;129:1
agent (1)
27:8
agents (13)
30:1,7;33:6;35:16,
18;40:22;41:6,17;
51:21;54:9;56:7,21;
60:22
ago (6)
7:19;18:3;21:5;68:1;
104:3;137:6
agree (1)
33:14
agrees (1)
39:14
Ah (1)
26:16
ahead (15)
7:1;15:8;32:2,5;
49:7;52:22;70:5;82:17,
18;101:24;107:24;
111:20;113:25;126:5;
141:25
allegation (5)
82:3,4,20,24;83:1
allegations (4)
3:16;94:8;114:14;
115:12
alleged (2)
35:15;82:22
alleging (1)
109:8
allowed (2)
112:3;127:2
allowing (1)
30:7
almost (3)
21:24;130:1;134:14
alone (1)
61:13
Although (4)
24:12;52:14;77:11;
115:18
American (2)
60:20;114:19
[redacted] b6 -1 b7C -1
among (2)
76:7;100:20
amount (2)
46:7;138:13
analogous (1)
51:24
and/or (2)
10:6;119:8
Andrew (1)
8:23
Andy (51)
5:3;7:7,23;9:18,18,
21;11:8;13:16,18,19;
16:25;17:10,21;22:18;
23:16;24:13,23;26:17;
27:22;29:17;33:15;
34:13;46:1;47:6;50:8;
51:8;52:2,17;53:4;
56:3;57:1;58:19;66:10,
17;70:11,18;82:1,4,4;
83:3,23;84:12,15;
90:13;99:25;104:6;
116:11;123:3,4,5;
135:18
Andy's (3)
13:17;50:2;85:1
angry (2)
53:7;84:14
announcement (1)
63:2
answered (2)
86:10;110:13
anti-view (1)
85:18
anymore (1)
135:4
apologize (1)
76:12
appear (1)
30:16
appearing (2)
89:10;90:5
applicable (1)
117:1
applies (1)
39:9
apply (2)
39:8;118:16
appreciate (2)
8:5;38:3
approach (1)
9:17
approaches (2)
9:18,18
appropriate (1)
65:6
appropriately (2)
56:8;131:12
approval (1)
69:1
approximately (2)
3:7;106:25
April (2)
130:21;132:17
around (10)
17:20;60:1,6;70:6;
76:22;92:25;93:5;
99:23;137:15,24
arrangements (1)
136:6
arrest (1)
119:2
arrow (1)
41:2
article (83)
4:4,10,11;6:10;7:6,
12,13,18,20;8:2,25;
9:10,15;10:20,21;13:1,
24;15:13;27:25;30:16;
31:22;44:6,9,24;45:5,
15;50:4,24,25;57:17;
76:4;80:18;81:10,14,
19;86:1,2,17;87:6,10;
88:15,22,22;89:1,6,10,
15,17;90:6;92:14,23,
24;93:13,21;98:10,14;
99:1,6,10;100:22;
101:9;102:9,20;104:6,
20,24;105:8,8,18,23;
108:20;110:11,24;
112:9;114:5;119:9;
130:20;132:11;136:19,
20;137:23;138:16,17
articles (6)
71:4;85:11;125:3,7;
132:14,15
articulate (1)
115:9
aside (3)
39:13,25;121:24
assess (1)
73:5
assessment (1)
87:25
assistance (1)
11:7
Assistant (3)
59:11;124:3,7
Associate (1)
53:16
associated (3)
82:11,23;114:15
assume (3)
11:8;85:21;86:4
assuming (4)
85:20;86:3,6;125:9
astronomically (1)
27:16
attached (1)
6:8
attachments (1)
4:3
attempt (2)
30:4;121:16
attention (4)
91:14;113:13;
118:15;130:20
attorney (5)
3:22;4:15;53:16;
89:23;111:3
Attorneys (1)
117:23
attributable (1)
137:18
attribute (1)
138:15
attributed (6)
30:15;66:1,15;83:3;
137:24;138:17
attributing (2)
32:12;67:2
audible (5)
64:7;99:15;111:19;
118:24;141:24
August (34)
16:17;17:20;18:3;
19:23;20:1,13,19;21:4;
23:3;27:21;29:10;30:2,
12;33:4;37:9;38:12;

FBI 18-cv-01766-621

41:5,15;52:2;53:22; 54:21;55:21,22;76:23; 86:22;89:9,14;94:5; 95:17,17;96:10,13,16; 102:20
authorities (2) 117:6,20
authority (5) 12:23;34:17,18,19; 65:1
authorization (12) 9:3;11:25;14:7,17; 15:3;64:21;65:7;68:2; 74:5,5;131:15;133:13
authorize (4) 68:5;102:18,22; 103:14
authorized (18) 8:19,23;12:19,22; 13:5;68:15;69:4;70:13, 15,16;73:25;74:2; 81:20;90:3,5,9,14; 127:4
authorizes (1) 9:21
authorizing (1) 14:12
Avenue (1) 3:8
aware (14) 58:25;59:16;62:3; 68:4;85:12;95:24; 98:22;112:3;124:13, 14,16;126:23;128:13; 141:16
away (1) 79:3
Axelrod (53) 16:18;17:14,18; 18:18;20:13,19;21:4; 23:3;27:21;29:10,25; 30:6;33:10,16;34:13; 35:13;36:6,19;37:8,21; 51:20;52:2,24,25;53:3, 23;54:1,11,12;55:13, 17,23;56:10,24;57:10; 66:6,10;76:24;78:1,9; 81:5,8;82:10,23;83:5, 16,24;84:13;85:10,20; 89:9;91:5;122:6
Axelrod's (2) 36:8;53:19

B

back (54) 4:20,21;5:2;15:9; 16:3;19:15;29:4,13; 36:8,15;41:6;45:1; 50:21,24;51:8,10; 52:11;55:7;56:10;57:1; 60:4,5;64:16;65:24; 67:2,10,25;76:24; 81:12;84:13;85:3; 92:16;98:9;99:22; 100:4;104:18;106:13, 13;110:13;116:21; 117:11,15;120:22; 121:21,22;124:3; 128:10;129:7,18; 134:24;135:4,6; 140:25;141:2
back-and-forth (9) 17:13,18;26:25; 33:16;37:2;46:5;54:18; 58:17;65:21
background (31) 8:20,24;11:25;12:8, 9;13:5,16,25;14:12,17; 46:15;49:3;50:7; 104:21;107:14;118:25; 129:20;130:24;132:9; 133:3;136:2,3,5,11; 137:7,21;138:11; 140:8,21;141:15,17
bad (2) 81:13;114:22
Baker (3) 5:12;63:19;120:16
Bakers (1) 4:19
Barrett (56) 7:13,24;9:15;10:6, 25;12:14;15:23;16:11, 23;17:8;21:15;24:8; 25:7,10,22;27:1,7; 29:13,18;30:4,25; 31:24;32:18;36:13,16, 24;37:1;38:5;40:21; 42:7,21,25;46:6,21; 50:12,16;51:5;54:12, 25;60:8;63:7,14;67:9, 22;76:3,5;77:13;78:3; 104:19;106:17;112:9; 114:4;121:9;122:7; 137:24;139:14
Barrett's (1) 24:3
based (4) 64:18;73:6;114:16; 119:18
basically (2) 113:23;118:12
Bates (4) 77:23,24;122:17; 129:3
batting (1) 106:13
battle (1) 85:9
beat (1) 73:10
becoming (2) 134:25;135:2
bed (1) 116:8
beginning (2) 43:13;113:18
begins (1) 24:20
belief (3) 10:4,10;24:25
below (4) 24:19,22;40:18; 113:20
benefit (1) 7:18
Besides (4) 63:5;111:2,21,24
best (15) 16:7;20:12;23:23; 24:25;26:5;30:24;35:8; 47:5,8;70:24;84:11,21; 87:10;126:17;130:12
better (10) 11:18;36:6;55:19; 60:15;61:1;75:3; 108:13;112:18;126:7; 135:6
beyond (8) 15:3,20;88:7;110:20; 125:16;127:9,10; 128:14
bias (1) 98:4
big (4) 26:8;43:17;44:15; 105:8
bigger (1) 75:2
Bill (2) 75:18;126:14
bit (5) 22:19;23:14,18;37:4; 85:19
black (5) 21:14,20;22:17,22; 23:2
blah (8) 54:25,25;55:1;140:2, 2,2,2,2
blah-bitty- (2) 66:6;139:15
blah-bitty-blah (2) 103:11;139:15
blah-bitty-blah-bitty-blah (2) 66:7;67:11
blank (3) 43:17;44:15,17
blanket (1) 36:6
Blood (1) 115:4
blustery (1) 53:2
body (1) 128:9
Boone (2) 123:12,19
boss (2) 63:20;115:14
both (8) 43:2;65:5;68:9; 73:21;79:10;97:12; 102:21;128:23
bothered (1) 92:5
bottom (10) 21:22;22:25;24:2; 31:5;41:8;76:5;112:12; 122:17,19;129:4
break (4) 60:6;101:3;115:5; 121:23
brief (2) 63:6;98:3
briefed (2) 63:9;70:18
briefly (1) 142:18
bring (1) 10:17
broad (5) 15:20,25;16:9,10; 127:15
broadly (4) 51:11;57:15;97:3; 128:15
brought (1) 33:9
bullet (1) 26:23
Bureau (2) 54:2;113:11

burning (1)
107:21
bus (3)
81:14,24;83:18

C

Cabe (1)
97:6
cabin (2)
73:8;128:16
cabined (1)
92:19
call (54)
12:13,14;18:4,6,15,19;20:13,15;22:6,7,7;24:7;25:10,21;26:7;27:2,2,21;29:10;30:12;37:12;38:12;46:9,20;47:21;50:11;52:3,4,5,11,13,15,18,19;53:1,7,21,23;55:8,20,21,25;56:4;59:1,2,11;60:8;67:20;76:23;86:23;89:10,14;102:20;104:21
called (4)
33:5;50:4;99:24,25
calling (1)
54:2
calls (11)
38:5;41:16;42:18,24;43:2,5;50:18;59:8;63:7;109:3;134:13
came (12)
7:8,19;11:11;36:15;83:21;99:22;100:4;104:20;124:3;132:15;140:25;141:2
campaigning (1)
120:19
Can (61)
6:25;9:4;15:9;17:11,12;18:22;26:20;29:5,7;31:16,17;32:1;36:4,4;39:7;40:3,4,15,18;43:4;46:10;47:22,22;48:2;49:6;51:13;52:23;53:9;57:5,8;64:16;65:18;67:16;68:9;69:2,25;70:12,19;73:22;76:25;77:2;79:22;91:24;93:7;102:20;103:6;104:5;105:25;106:6,7;107:15;108:25;114:3;124:9;126:8,10;129:21;131:12;136:10;140:18;142:18
capacity (6)
64:3;70:20;115:23,23;124:7;132:3
[redacted] b6 -1 b7C -1
[redacted] b6 -1 b7C -1
[redacted] b6 -3 b7C -3
case (21)
7:25;17:13;27:8,10;29:18;36:9,10;57:13;65:25;79:10;82:5,8,21;83:4,6;84:13,14;86:13;115:1;119:16;128:18
categories (1)
73:17
caveat (1)
140:4
caveated (1)
100:24
caveats (1)
63:6
CD (2)
128:10,11
cell (6)
80:5;81:12;85:15;128:23;129:9,10
cells (2)
80:1;81:2
certain (5)
24:5;29:20;70:16;120:2;129:1
certainly (9)
26:20;27:15;52:16;74:24;87:11;88:11;94:23;106:9;120:12
certainty (1)
29:21
certifies (1)
144:2
CF (4)
41:18,21;81:14,14
C-Foundation (2)
123:8;124:11
chain (3)
76:2;122:18,20
change (2)
21:11;47:5
channels (1)
68:13
characterization (1)
139:16
Charge (1)
59:11
check (1)
19:5
[redacted] b7E -1 b6 -3 b7C -3
circle (2)
45:1;129:18
circling (1)
67:25
circumstances (3)
11:13;83:19;119:1
civil (1)
118:14
claim (4)
28:1;29:17;60:17;84:12
clarify (4)
8:3;9:5,22;10:15
clarifying (1)
8:6
classified (4)
111:21,24;126:23,24
clause (3)
119:10;126:3,4
cleaner (1)
82:24
cleanly (1)
111:24
clear (24)
5:16;6:4;12:10;21:18;23:24;32:25;49:14;51:16;60:7;68:14;69:16;70:16,17,18,21;72:3;73:23;98:10;105:17;109:1,2;112:22;121:6;127:24
clearly (4)
29:3;39:1;109:6,10
Clinton (49)
9:16,20;10:13;12:5;15:4;17:13;27:10;28:2,2;29:18;30:1;33:7,13;34:16;35:22;41:22;56:14,21;57:15,22;59:12;62:9,15;63:4;78:16;81:15;82:5,8,21;83:4,5;84:12,14;86:13;87:19;92:3,16,20;114:6;124:15,23;125:4;126:24;127:12,23;130:6;131:1,14;132:1
close (2)
52:21;129:12
closed (1)
36:9
closest (1)
127:14
Coleman (1)
57:1
colleagues (1)
42:23
colon (1)
23:8
color (4)
21:11;37:6;38:21;76:22
colors (2)
21:10;47:4
combat (1)
84:7
Comey (4)
58:25;63:12;74:18;79:6
Comey's (3)
80:22;88:3,18
coming (14)
4:20,21;27:17;29:18;49:11;50:2;108:10;128:10;131:3,5,18;132:4;135:4,6
comma (2)
40:23;41:6
comment (1)
78:11
comments (4)
24:3;82:11;97:15;125:13
common (3)
41:23;50:2;53:3
commonplace (1)
50:9
communicate (4)
8:20;61:17;62:5;68:6
communicated (2)
46:18;67:5
communicating (6)
13:19;53:3,4;66:11;67:10;71:12
communication (7)
50:21;56:13;57:1;127:4,16,17;128:1
compile (1)
93:12
complaint (2)
89:8,13
complaints (1)
89:14
complete (4)
9:11;65:1;79:5;97:11
completely (2)
78:1;124:4
completeness (1)
129:2
components (1)
122:2
comprehend (1)
105:25
concern (5)
55:6;87:23;88:6;92:13;115:25
concerned (5)
40:23;41:6;105:24;124:11;125:25
concerns (3)
89:5,13;121:12
concluded (1)
143:12
concur (1)
87:24
conduct (1)
98:7
confer (1)
59:10
conference (1)
3:9
confidence (1)
114:19
[redacted] b7E -1
confirm (5)
32:18;37:10;38:11;95:23;110:7
confirmed (1)
57:18
conflating (2)
16:4;27:2
conform (1)
116:25
Congress (6)
78:15;79:12;80:22;92:19;120:15;132:2
connection (3)
9:20;10:13;16:3
[redacted] b7E -1
consequence (1)
82:6
consistent (5)
42:11;80:22;114:5;119:9,18
constantly (1)
106:13
constraints (1)
116:22
contact (1)
68:15
contacted (1)
108:1
contacts (2)
109:7;128:15
contains (1)
129:4
Content (1)
113:17
contents (1)
143:1
context (5)
56:7;80:3;83:22;85:16;105:22
continue (3)
61:12,14;106:12
continues (1)
106:16
continuing (1)
30:1
contraction (1)
35:7
contradiction (1)
36:10
contrary (2)
17:22;35:4
convenient (2)
34:14;55:8
conversation (54)
9:9;14:3,11;15:17;16:17;17:8;21:12;24:23;27:11;29:8,11;30:3,11;32:8,18;34:12;35:13;36:5,13,16,21;

FBI 18-cv-01766-623

37:8;45:13;46:1,2,7,11,
24;47:5,16;51:11;52:2;
54:21;56:7;58:7,8,14;
83:24;84:10,16;85:1;
87:8;88:2;91:4;92:22;
102:1,25;104:22;
110:21;120:13;121:7;
128:8;135:15;139:20
conversations (36)
4:13,17;5:8,18,22;
20:21;50:6;57:24;58:1;
65:9;67:16,22;69:3;
70:23,24;76:21;83:11;
86:19;88:25;89:6;
93:20;95:3;99:4;108:2,
5,14,22;120:14;
129:20;132:10;133:2,
24;138:11;140:8,16;
141:18
convey (4)
9:2;50:3;61:24;
121:11
conveyed (1)
133:10
conveying (1)
21:16
cooperation (1)
142:9
coordinated (1)
122:12
copy (5)
28:20,24;29:2;111:1;
118:8
core (2)
114:17;119:14
correctness (1)
120:17
Counsel (2)
3:3,5
countdown (1)
83:23
Counterintelligence (2)
75:17;123:20
couple (7)
9:24;42:23;45:2;
47:22;64:20;75:24;
76:5
course (7)
16:24;21:11;28:22;
35:6;68:19;105:13;
106:2
cover (1)
73:9
coverage (1)
57:15
covered (1)
14:21
craft (1)
65:14
create (1)
116:7
credibility (1)
119:14
criminal (4)
114:14;118:14,16,17
crisp (1)
131:23
criticism (3)
79:6,7;92:5
criticized (1)
79:17
crystal (1)
109:2
cuff (1)
140:13
current (4)
68:8;69:10;108:15;
116:21
cut (1)
38:1

D

DAD (3)
123:16,19;125:21
data (1)
73:6
date (9)
19:8,13,14,24;20:7;
49:2;68:10;95:13;
144:17
dated (3)
69:22;91:17;113:12
dates (2)
29:4;103:14
day (6)
15:9,10;43:25;99:24;
105:7;130:18
dead (2)
56:25;57:13
deal (1)
105:8
deals (1)
105:6
December (5)
68:21;71:21,23;
122:18;144:15
decision (10)
16:20;59:1;62:10;
78:20;79:10,12;92:6,
18;108:18;120:17
deem (1)
30:8
deeply (3)
15:20;58:13;79:13
defend (1)
121:16
definitely (5)
31:12;40:20;111:7;
116:19;120:23
definition (1)
140:7
demonstrate (3)
30:5;35:9;36:4
denial (4)
35:4,5,25;36:7
deny (3)
35:1,6;36:2
Department (16)
33:5;51:6,21;53:12;
54:20;57:12;61:5,12;
69:1;79:3,9,11,14;
80:23;86:10;144:5
Department's (2)
61:1,10
DEPOSITION (1)
144:2
Deputies (1)
127:5
Deputy (14)
23:6,11;27:17;53:15,
16;54:8;60:11,13;
64:25;71:9;74:11;
111:25;115:24;125:22
describe (4)
70:25;75:3;77:2;
102:10
described (19)
11:14;29:16;47:12;
51:11;81:25;83:15,21;
92:3;97:24;98:2;
110:19;112:21;114:10,
24,25;138:7;139:13;
140:18,23
describes (1)
12:16
describing (5)
37:2,5;38:4;79:4;
128:3
description (2)
112:19;141:15
descriptions (1)
114:13
desire (1)
36:9
desk (1)
128:23
detail (3)
20:14;53:9;126:12
detailed (1)
126:13
details (17)
16:16;18:10,12;
20:14;29:9;30:11;
38:12;46:10;55:23,24,
25;86:22;89:5,9,14;
104:2;105:6
determine (2)
14:16;75:8
developed (1)
74:4
developing (1)
15:23
development (2)
73:24;112:14
devices (1)
128:23
Devlin (39)
7:13;12:14;14:23,24;
15:23;21:15;24:3;
25:22;26:21;27:6,15;
29:13;30:4,25;33:23;
34:6,7;36:12;37:17;
39:1;46:6;48:22;50:12,
16;51:5;54:12;66:5,6,
6;67:22;76:3;83:13,22;
106:17;109:4;139:14,
14,16,18
different (12)
21:10;22:21;24:24,
24;44:1;75:8;107:4,5;
129:21,23,25;135:7
differently (2)
136:14,25
direct (19)
18:22;32:6;35:3,7,
11;36:9;66:1;67:17;
68:4;113:13;135:22,
23,25;136:3;137:6,9,
17;138:13;140:18
direction (1)
132:6
directions (1)
136:9
directly (6)
10:19;12:20;17:22;
30:20;131:18;133:18
Director (29)
23:11;27:18;54:9;
59:11;60:11,13;61:23;
64:25;66:3;74:11,18;
78:18;79:6;86:12;92:1;
111:25;115:24;124:3,
8;125:10,22;127:11;
130:19,21;131:19;
132:5;133:8,17,18
Directorate (1)
131:25
Director's (1)
78:14
directs (1)
17:24
disappointed (2)
88:13;102:14
disappointment (1)
102:13
disclose (2)
90:5;127:6
disclosure (1)
114:21
disclosures (6)
3:16,18;63:13;94:8;
113:18,19
discuss (15)
3:20;58:11,23;60:10;
62:12;93:12;95:13,20;
96:14,19;99:9;120:21;
123:8;125:12;143:1
discussed (6)
83:15;97:20,22;
112:21;124:17;128:14
discussion (18)
10:11;17:11;24:13;
64:2;71:7;76:8,21;
82:1;83:10;88:10;91:2;
98:4;100:24;101:8;
120:1;127:10;129:14;
136:24
discussions (11)
4:25;23:5;78:19;
95:16;96:3;97:5,17;
111:14,16;120:18;
136:7
disinclined (1)
76:24
dispirit (1)
68:10
displeasure (1)
33:6
dissuade (1)
120:16
distancing (3)
78:17;79:20;86:10
distinct (1)
102:12
distinctly (1)
114:11
distinguish (1)
24:19
Division (22)
3:4,6,9;4:2,4,5;6:6,
12,18;7:7;20:3;28:24;
43:22;44:4;51:1;70:21;
75:18;89:21,22;94:4;
111:3;123:20
document (15)
69:11,12,20;77:8,12,
22,23;91:16;113:6,9,
15;116:21;122:17;
127:10;129:3
documentation (1)
104:23
documents (2)
64:15;97:21
DOJ (15)
41:5,16;56:22;57:2;
78:16;79:3;80:21;
89:13;117:3;118:13;
122:2,14;132:11;
140:12;141:17
DOJ-OPA (1)
122:12
DOJ's (1)
97:4
done (21)
6:24;7:17;9:25;38:9;
46:13;51:9,12;65:13,
20;79:8,11;88:11;
103:5;106:17;108:8;
114:16;132:10;133:4;
134:4,5;136:14
done-done (1)
103:6
dormant (1)
56:12

FBI 18-cv-01766-624

dossier (1)
106:14
doubt (3)
59:14;91:11;92:15
down (32)
17:1,12,23;22:8;
24:8;27:9,20;29:20;
34:18;35:10;36:10,20;
41:8;44:17;46:9;61:18,
19,19;67:8;82:5;83:3,
5,24;84:17;87:22;
114:12,12;115:3,10;
121:11;133:12;139:9
downplaying (1)
79:20
dozens (1)
105:6
drafts (2)
111:5,17
drew (2)
91:13,13
dude (1)
103:11
during (11)
14:10;16:24;18:6;
21:11;22:7;26:7;33:7,
8;34:9;50:18;98:25
duties (1)
49:17

E

e- (2)
58:18;131:14
earlier (14)
3:10;36:14;63:6;
81:25;110:6;111:22;
112:13;113:9;114:10;
124:18;128:3;129:19;
138:7;139:14
early (2)
46:8;56:20
easy (2)
39:20,21
edit (1)
129:6
effect (3)
18:15;80:21;90:13
effort (1)
101:19
eh (1)
87:9
eight (3)
7:19;27:18;104:2
either (4)
56:6;60:7;67:1;
120:13
election (7)
33:8,8;34:10;51:24;
52:1;55:6;97:5
electronic (1)
144:4
elicit (1)
55:3
b6 -3
b7C -3
[redacted]
else (18)
4:7;18:16;20:2,2;
23:17;25:24;26:1;
30:22;31:15;46:3;
61:24;63:7;74:14;
75:14;108:2;109:9;
122:14;125:25
e-mail (22)
8:11;15:4;62:9,15;
63:4;65:21;72:13;76:1,
2;78:16;92:4,16;
122:18,19,20;128:24;
129:4,6;130:6;131:1;
132:1,25
e-mails (6)
42:23;65:24,25;
75:24;104:18;109:1
employee (1)
128:20
employees (6)
68:6;71:11,12;72:22;
122:2;127:16
encompass (2)
92:13;97:4
end (5)
44:14,18,20;130:2;
142:21
ended (2)
24:8;93:17
ending (2)
77:23,24
enforcement (3)
119:4,13,15
engage (6)
7:24;65:2,14;68:9,
12;131:10
engaged (8)
10:14;50:6,18,20,23;
98:5;115:21;133:21
engagement (20)
13:22;14:19,23;
16:23,23,24;17:21;
46:6;50:7;55:5;57:11;
60:8;68:16;73:18;
78:17,19;79:21;101:1;
130:1,3
engagements (1)
74:1
engaging (4)
30:9;73:19;135:4;
136:23
enormous (1)
103:4
enough (2)
27:16;32:17
ensure (3)
14:16;55:21,23
entire (1)
100:20
entirely (4)
24:21;29:16;49:10;
83:12
entirety (1)
43:2
entitled (2)
113:9;122:20
equally (1)
50:18
erroneousness (1)
35:9
ESO (1)
128:11
essentially (9)
7:19;14:25;17:22;
56:11;61:16;67:22;
70:11;113:18;118:20
evaluation (1)
73:15
even (10)
12:18;13:18;61:23;
66:24;102:11;106:15;
120:21;121:5,14;
125:15
event (1)
77:21
events (3)
5:23;93:12;99:9
eventually (2)
134:24;135:9
evidence (5)
35:4,9,11;36:5;61:11
exact (2)
49:1;79:25
exactly (8)
5:11;13:4;21:17;
33:25;35:12;73:11;
136:24;138:4
example (3)
74:17;77:10;106:14
except (2)
113:20;142:6
exception (2)
3:22;4:22
exceptions (1)
113:23
exclude (1)
40:4
excuse (6)
5:9;57:21;80:18;
95:17;107:25;134:20
execute (1)
119:15
executives (1)
53:11
exercise (1)
34:19
Exhibit (11)
6:9,11,15,17;8:17;
20:25;30:19;43:14;
44:15;50:25;55:22
Exhibits (1)
6:9
[redacted]
b5 -1
[redacted]
b5 -1
existence (1)
57:18
expect (4)
47:6;73:17;104:22;
105:9
experience (3)
64:24;68:3;108:6
explain (7)
26:20,23;34:15;
91:24;102:21;114:3,9
explained (2)
47:3;132:3
explaining (2)
19:18,25
explanation (4)
55:8;83:2;135:7;
141:5
explicit (3)
73:25;84:9,10
explicitly (1)
37:1
expressing (3)
21:7;84:1;132:5
expression (1)
60:15
extent (2)
62:4;97:9
extraordinary (2)
100:25;106:5

F

fact (25)
3:14;18:1;23:7,7,13;
29:25;33:11;34:10;
35:7;42:5;55:9;56:25;
57:13;61:9,19;79:16;
82:6;83:4,5;98:22;
109:4;114:6;127:3;
129:11;141:14
facts (9)
9:22;10:15;11:10;
15:1;25:6;33:12;58:16;
96:24;137:22
fair (3)
42:13;53:21;114:20
fairness (1)
57:10
familiar (10)
32:7,17;33:4;62:13,
24;63:3;64:23;65:7;
139:11,19
familiarity (1)
66:25
far (3)
35:5;69:10;127:24
farther (1)
44:17
fast (1)
118:21
faulty (1)
8:1
favorable (1)
82:2
FBI (54)
4:18,23,25;10:3;
12:23;26:1;27:15;33:6;
35:16,18;42:1,2;51:21;
54:9;56:7;57:19;58:4;
59:7;60:21;61:5,13;
62:1,4;68:5,6;69:21;
71:10,12;72:22;73:10;
79:3,6;80:22;88:23;
89:1,4;97:4;108:3;
113:10;114:11,18,21;
115:22;116:21;119:14;
121:24;127:16,25;
128:15,20;132:11;
140:11;141:17;143:5
FBI-OPA (1)
122:11
FBI's (7)
6:6;60:10;94:3;
105:19;111:2,25;
115:13
Federal (1)
113:11
feel (4)
25:15;38:1;81:13;
84:20
feeling (1)
49:22
feels (1)
73:6
felt (2)
62:4;75:8
few (2)
97:14;102:12
Field (4)
69:21;73:16;75:9;
113:10
fight (2)
29:24;57:2
fighting (1)
30:6
figure (7)
11:13;13:21;14:25;
47:4;91:7,23;110:3
figures (1)
73:11
filling (1)
37:4
final (3)
31:25;69:5;111:2
finding (1)
33:6
fine (1)
110:5
finish (2)
52:19,23
fire (1)
106:4
fired (2)
130:19,21
first (48)

FBI 18-cv-01766-625

6:7;7:4;8:8,18,19;
13:24,24;14:19,23;
15:11;16:25;17:7;
21:21,22;24:1;25:21;
27:2;33:2,2,15;34:24;
39:6,15;45:8,10;47:13;
49:24;51:25,25;53:22;
57:17;59:2;60:8;77:22;
78:1,2;79:16;91:22;
92:10;94:24;108:1;
110:8;117:22;118:4;
122:19,23;123:3;
136:22
flag (3)
32:23;51:13;131:3
flagging (1)
76:7
flags (1)
76:5
flip (2)
85:8,14
floored (1)
100:17
flow (1)
50:19
flurry (2)
92:2;106:1
flustered (1)
53:1
focus (6)
3:19;8:8;37:5,7;
98:9;118:15
focused (2)
83:22;92:10
focusing (2)
8:14;108:19
folks (2)
4:23;91:23
follow (6)
17:7,10;41:4;68:5;
71:4;121:5
followed (2)
57:21,21
following (12)
9:14;27:12;28:23;
46:2;51:22;54:10;
57:11;68:7;71:4;78:14;
93:15;98:18
follows (1)
92:3
follow-up (10)
7:11,11;10:6;11:7,
17;45:14;46:24;70:2;
129:13;136:24
foregoing (1)
144:3
forget (1)
135:3
forgets (2)
103:5,24
forgetting (1)
103:1
forgot (2)
102:24;103:3
form (1)
14:15
formal (4)
14:20;65:8;67:5;
88:1
formalistic (1)
12:3
format (1)
43:11
forth (5)
50:22;65:25;85:3;
104:18;110:14
forthcoming (2)
81:14,19
[redacted] b7E -1
forward (1)
97:16
fought (1)
85:10
Foundation (38)
9:16,21;10:13;12:5;
15:4;16:2;17:13;27:10;
28:3;29:18;30:2;33:7,
13;34:16;35:22;41:22;
56:14,21;57:15,22;
59:13;81:15;82:5,8,21;
83:4,6;84:12,14;87:19;
100:22;114:6;124:15,
23;125:4;126:24;
127:13,23
Foundation-related (1)
49:10
four (2)
26:9;134:18
frame (3)
68:8;70:7;71:24
free (1)
38:1
freelancer (1)
130:3
freelancers (1)
129:25
Friday (4)
20:19;21:4;23:3;
55:22
friends (2)
108:6,15
fruitless (1) b6 Per OIG b7C Per OIG
135:2
frustrated (1)
88:12
frustration (2)
33:12;108:17
full (1)
73:8
fumbled (1)
84:18
function (2)
119:4,15
furor (1)
106:1
further (4)
90:25;108:9;129:4;
140:4
fury (2)
53:1;78:13
future (1)
14:16

G

gap (1)
61:8
gaps (1)
37:4
garble (2)
27:14;83:2
gave (12)
6:11;7:15,16;15:2;
25:15;37:6;42:22;
51:24;77:12;104:18;
112:8;121:9
general (13)
8:12;12:6;15:3;
46:16;53:17;58:15;
65:9;67:15,25;94:9,10,
11;144:5
generally (5)
14:21;17:17;25:14;
62:19;94:2
generated (2)
55:9;131:21
gets (1)
52:17
ginned (1)
131:21
Giuliano (1)
23:10
given (5)
14:19;66:13;102:13,
22;141:10
gives (1)
63:2
giving (3)
24:4;46:14;135:5
goal (3)
60:11,11;61:16
goals (1)
65:11
God (2)
43:12;130:11
goes (2)
40:24;114:17
[redacted]
good (10)
9:4;26:15;38:23;
42:9,17;56:1;64:13;
87:17;109:3;114:21
Gosh (1)
36:19
govern (1)
108:13
greater (1)
15:2
greatest (1)
87:23
ground (3)
12:16;46:17;131:4
guess (29)
9:12;14:18;16:7;
20:16;38:23;39:24,25;
46:2;47:5,7;51:15,15;
54:19;56:23;57:10;
70:24;78:13;91:12;
115:4;123:18,21;
124:2;125:2,11;
126:25;127:19,20;
132:17;138:12
guessing (10)
42:14;43:6;123:18,
21,25;124:4,4;127:20,
21;132:20
guidance (3)
70:21;126:11;127:2
guide (3)
69:22;97:13;113:10
guidelines (3)
68:5;118:16;141:17
guys (2)
29:19;96:6

H

half (1)
15:19
hand-in-hand (1)
79:11
handle (2)
75:1;85:4
handwriting (1)
91:20
handwritten (1)
91:17
happen (10)
29:24;36:3;60:20;
62:6;83:19;84:5;96:8;
109:9;120:6;132:12
happened (20)
14:3;16:22;17:19;
18:6;20:1;25:11,12;
27:15;44:2;52:16;
53:22;55:10;72:9;77:2;
91:4;102:4;104:2;
109:2,7;135:8
happening (6)
52:15;53:2;64:24;
67:20;71:15;77:3
happens (5)
9:17;13:22;24:23;
44:1;46:8
harken (1)
124:21
hazy (1)
100:25
head (4)
10:2;45:4;70:20;
73:16
heading (1)
91:18
Headquarters (1)
69:21
hear (9)
15:1;41:17;82:12;
88:21;89:4,8,12;126:8;
127:9
heard (11)
14:1;27:24,25;68:25;
69:7;82:23;88:14;90:8,
13;127:14,21
hearing (1)
14:25
hell (1)
77:25
hello (1)
52:13
help (6)
9:22;10:15;12:10;
13:3;99:10;134:4
helped (2)
8:7;134:10
helpful (2)
8:6;20:11
helps (2)
29:6;48:7
hereby (1)
144:2
Here's (1)
50:3
hesitate (4)
22:19;23:6,14,18
hesitating (1)
27:3
hey (13)
12:9;25:13;46:14;
49:2;51:10;58:19;
59:12;66:6;99:4;100:1;
103:11;124:6;131:4
hierarchical (1)
27:16
highlight (3)
20:14;26:14,17
highlighted (20)
6:15,18;16:18;30:18,
19;31:20,25;33:3;39:5,
7;40:18;41:14;51:1,2;
89:20;90:6,16;118:5,
22;138:24
highlighting (1)
6:23
highly (1)
119:2
himself (1)
74:13
Hmm (1)
26:19
hold (3)
77:8;79:22;107:15
honestly (2)
103:9;119:12

FBI 18-cv-01766-626

hospital (1)
116:8
hour (1)
43:7
HQ (1)
113:10
huge (1)
37:5
huh (2)
26:21;42:10
[redacted] b7E -1
hundreds (1)
105:7
hurt (1)
91:24

I

idea (10)
26:24;40:12;42:2;
50:15;57:20;74:13;
81:9;105:3;122:4;
131:13
identified (4)
6:21;73:12;113:9;
129:1
identify (1)
6:20
ie (1)
92:5
IG (2)
4:21;99:23
ill (1)
115:15
imagine (6)
51:11;55:17;87:7,12,
12;141:1
immediately (1)
45:22
implicit (2)
58:4;84:11
Implicitly (1)
85:6
important (1)
105:23
impression (2)
27:13;56:24
improper (5)
60:18;61:18;82:9;
114:16;115:11
inaccuracies (1)
105:23
inaccuracy (1)
87:21
inaccurate (1)
105:16
inappropriate (2)
60:18;82:9
INC (1)
144:2
include (5)
5:22;40:3;76:8,25;
106:3
included (1)
79:18
includes (1)
3:10
including (5)
79:17;102:20;106:9;
111:17;121:25
inclusion (1)
79:8
incoming (1)
33:20
inconsistent (2)
29:24;138:10
incorrect (5)
8:4;103:15,16,17,21
indeed (1)
129:5
indefinite (1)
19:2
indicate (1)
90:20
indicated (2)
113:20;125:24
indication (1)
136:14
individual (1)
115:20
individuals (2)
65:1;75:10
infermatur (1)
131:25
influence (1)
51:24
inform (5)
79:12;92:18;100:1;
120:15;131:11
informal (1)
68:3
information (43)
3:16;9:15;12:12;
16:11,20;21:16;36:12,
24;42:7;46:18;50:21;
54:23;57:6;65:9;67:18;
90:5,22;100:5;102:19;
104:17;107:10,14;
109:24;111:21,24;
112:1,4,8;113:24;
114:4;116:23,24;
118:13;119:1,1,5,8;
120:3;122:1,6;126:23;
131:11;133:16
informed (2)
51:5;63:13
informing (2)
78:15;131:8
initial (2)
9:25;16:23
ink (13)
21:12,13;22:2,18,20,
22;23:1,2,8;24:3,7,21;
38:21
inks (1)
24:24
inquiry (2)
43:21;127:8
INSD (15)
71:25;72:18;94:22;
95:3,11,18,24;96:11,
17;102:16,22;104:10,
18;141:4,10
Inspection (24)
4:2,3,5;6:6,11,18;
7:5,7;17:16;20:3;
28:23;31:3;32:24;
43:22;44:3;51:1;52:8;
89:21,22;94:4;111:2;
128:7,10,10
Inspector (1)
144:5
institution (3)
115:13,19;119:14
instruct (2)
12:8;16:19
instruction (1)
29:20
instructions (1)
121:9
insufficient (1)
36:3
insure (1) b7E -1
60:19
[redacted]
intend (1)
58:19
intended (1)
122:6
intending (1)
60:10
intense (1)
106:8
interaction (2)
10:18;134:21
interest (3)
97:9;113:24;114:11
interested (3)
47:10;61:2;120:25
interests (1)
133:17
interfaced (2)
10:19,23
interject (1)
50:22
intermediary (1)
134:23
internal (3)
76:21;128:12;132:10
interpret (4)
38:21;41:14;80:17;
98:3
interpreted (1)
100:15
interview (25)
3:6,25;4:5,6,14,23;
7:17;20:3;28:24;31:3;
56:15,19;95:14,20,21;
96:14;97:18;98:15,25;
99:11;102:17;108:2,
23;143:12;144:8
interviewed (10)
6:16;94:3,21;95:7,
11;96:11;98:22;99:25;
100:2;102:16
interviewers (2)
19:19,25
interviews (8)
80:2;95:4,24;96:3,6,
18,19;97:21
into (17)
6:5,22;10:17;19:4;
64:15;76:20,21;77:8;
78:22;94:8;109:14;
113:1;123:2,7;124:10,
14;127:12
investigate (2)
30:1;61:5
investigating (1)
114:14
investigation (61)
17:23;28:2,3;30:6;
33:14;36:21;39:20;
56:11,23;57:18;58:5;
59:13;60:18,21;61:7,
13,18;62:10,15;63:4;
78:16;81:16;83:25;
84:17;92:4,17,20;94:7,
11,20,22;95:4,7,11,19;
96:12;97:2,7;108:4,8;
112:4;113:11,21;
114:7,12;115:10;
118:17;119:2;123:7;
124:10,14,23;125:3;
126:25;127:12,22;
130:6;132:22,25;
133:4;139:10
investigations (2)
61:17;120:2
Investigative (7)
3:3,5;30:8;51:23;
57:5;60:23;61:14
involved (4)
15:25;64:3;79:13;
106:2
involvement (3)
78:20;105:1;110:25
Ish (1)
93:3
issue (5)
13:8;33:9;65:19;
98:12;134:8
issued (2)
35:2;117:3
itemized (1)
117:4

J

January (3)
68:21,24;71:23
Jefress (47)
3:11;19:13;33:20,22,
25;34:2,6,8;37:11,15,
19;47:22;48:5,14,17,
19;59:20,23,25;60:2;
68:18;76:13;77:14;
88:4,6,9;103:16,25;
104:5;108:25;109:12,
16,19,22,25;110:3,5;
117:2;118:10;126:5,8;
138:21;139:2,5;
142:12,17;143:10
Jen (6)
123:5,11,12,19,19,23
Jim (6)
4:19;5:1,12;59:4;
120:16;133:25
job (7)
13:21;40:2;65:13;
103:4;104:1,3;128:11
jog (2)
20:20;21:6
joining (1)
3:6
jotting (1)
22:7
Journal (28)
4:11;6:10;8:15;44:6,
24;45:6;59:1;62:11;
87:6;92:14,23,24;
93:13,21;98:10,14;
99:1,6,10;101:9;102:7,
19;104:24;108:20;
134:7;136:15,19,19
[redacted] b6 Per OIG b7C Per OIG
July (3)
63:2;79:7;102:17
jump (3)
6:5,22;125:24
jumps (1)
77:5
June (1)
94:4
Justice (10)
33:5;51:5,20;54:8,
20;79:9,14;114:22;
116:12;144:5
justification (1)
34:14

K

[redacted] b6 Per OIG b7C Per OIG
keep (6)
27:10;90:21;101:6;
115:6;135:5,7
keeps (3)
29:18;135:4,6
kept (1)

FBI 18-cv-01766-627

<table>
<tr>
<td>
29:21 b6 Per OIG b7C Per OIG
[redacted]
kill (8)
28:2;29:17;30:6;
60:17;82:8;83:4;84:12;
87:19
kind (16)
8:3;16:5;36:16;
39:24;40:4;58:4;65:8,
14,24;68:11;73:11;
103:6;116:8;125:20;
133:13;135:9
kinds (1)
74:1
knew (11)
5:7;9:9;15:6;17:14,
17;18:15;25:13;46:17;
58:15;59:7;79:18
knowing (1)
108:12
knowledge (14)
15:3;26:3;30:14,14;
58:15;64:19;65:16;
86:11;112:2;122:3,8;
124:16;125:8;128:5
known (1)
101:23
knows (3)
4:19;27:15;125:25
Kortan (85)
7:24;9:17,18,18;
10:1,1,5,11,19;11:8,17;
12:4;13:7;14:2,12,22;
15:12,12;16:11,22;
24:4;25:3,4,13,22;
26:6;30:12,13;32:13;
39:2;40:1;42:25;43:1;
45:14,18;46:4;47:16;
49:11,18,25;50:2,9,18;
57:24;58:22;59:7;
60:12;64:20,25;67:10;
76:2,25;77:25;90:4;
93:19,20;95:6;96:10,
14,17,18,23;104:5,9,
18;105:9;106:21,23;
107:10,12,12;109:4;
110:9;111:15,16;
112:7;119:8;122:11;
131:17;132:4;133:19;
134:3;135:17,18;136:7
Kortan's (4)
40:2;50:14;65:12;
110:1
b6 -1
b7C -1
[redacted]
L
labeled (2)
122:17;129:4
lack (2)
60:14;61:1
lane (3)
65:12;67:24;79:1
language (1)
13:18
large (1)
119:15
last (23)
6:17;7:17;15:17;
23:7;30:16;31:7;38:15;
44:18;68:23,25;74:9;
76:14;81:11;89:19;
92:21;105:22;106:3;
108:23;116:25;118:20;
119:3,10;139:3
lasted (1)
43:5
lately (2)
78:1,11
later (3)
25:12;69:9,24
law (4)
65:5;119:4,13,15
laws (1)
117:1
lawyerly (1)
119:11
lay (1)
115:3
lays (1)
52:8
lead (2)
26:23;38:24
leak (10)
7:7;62:18;73:7;
123:7;124:10,14,23;
125:2;126:23;127:11
leaks (7)
62:9,14;63:4;71:15;
91:23;92:13,20
learn (3)
15:22;98:13,24
learned (3)
17:15;23:15,17
learning (1)
18:3
least (7)
23:16;40:11;64:24;
67:6;75:20;87:11,21
leave (1)
128:12
Leaving (1)
121:24 b6 Per OIG
led (1) b7C Per OIG
18:10
[redacted]
Lees (1)
100:13
legal (2)
117:6,20
legs (1)
106:12
less (5)
12:2;66:24;81:13;
115:9;121:18
letter (3)
78:14;79:12;80:22
letting (1)
129:11
level (2)
61:3;70:19
levels (1)
73:19
life (1)
100:20
light (7)
27:21;55:19;82:2,3,
19,20;100:25
likelihood (1)
31:14
limitations (1)
111:25
limited (2)
71:13;97:8
line (13)
24:16,18,19,20,22;
31:7;33:2;41:13;47:12,
13;51:16,25;91:22
Lines (5)
19:1,6;92:12;116:25;
123:3
link (1)
80:17
Lisa (6)
3:11;12:9;49:2;
52:13;99:5;144:8
list (1)
117:18
listening (1)
26:2
listing (1)
117:5
little (11)
22:19;23:14,18;
28:15;33:11;37:4;41:2;
111:22;121:23;130:1;
142:9
lived (1)
106:6
location (1)
3:8
logistical (1)
46:3
long (6)
15:17;26:25;43:4;
65:13;76:21;106:16
longer (2)
108:11;120:17
long-standing (2)
51:22;54:10
look (22)
6:15;18:16;19:11;
20:2;21:13;29:6,7;
39:3;40:15;73:21;
74:13;75:25,25;112:7;
113:22,25;114:22;
119:24;122:24;127:3;
132:14;138:23
looked (10)
4:2,5;7:18;17:4,5;
19:15;28:22;73:9;
77:21;114:21
looking (9)
3:15,15;18:21;20:25;
44:4;77:23;79:1;127:3;
128:15
looks (2)
38:20;118:5
loop (2)
100:14;129:12
lot (6)
34:21;53:8;65:21;
67:9;71:15;130:25
lots (5)
50:5;68:10;103:5,24;
134:21
love (1)
105:5
low-level (1)
27:8
M
mad (2)
53:1;54:2
mail (2)
58:19;131:15
mainly (1)
92:8
maintain (1)
114:18
makes (2)
63:1;81:13
making (8)
9:19,20;40:7;68:1;
78:20;91:25;92:6,18
manage (1)
40:2
manager (1)
89:13
managers (3)
88:23;89:1,5
Manual (1)
117:24
many (6)
68:19;103:10;
106:25;107:9;134:12,
17
[redacted] b6 Per OIG b7C Per OIG
margin (2)
39:6;40:17
Mark (3)
23:8,10;24:21
material (1)
128:9
materials (1)
21:15
Matt (20)
17:18;29:25;51:20;
52:25;53:7,19;54:1,11,
12,19,20;66:6,10;
80:16;81:4,5;84:8,13,
18;85:20
matter (12)
4:4;25:1;30:2;34:15;
35:22;60:3;65:17;72:1;
97:2;117:17;121:20;
144:6
matters (4)
65:4;68:6;100:19;
104:2
may (15)
6:15;18:14;19:2;
37:15;46:18;48:15;
83:13;95:10;102:16;
114:24;126:12;128:7,
25;130:18;132:16
Maybe (33)
9:4,12,16;22:7,9,20;
24:15,18,23;26:25;
27:24;40:9,23;41:1;
43:6;47:12,13;48:22;
57:12;62:19,20;68:20,
21,24;71:23;82:24;
92:25;120:12;123:17;
124:13;128:24;134:18,
20
May-ish (3)
130:15,21,22
McAuliffe (4)
9:20;10:13;15:4;
16:3
McCabe (101)
5:9,18,23;8:23;9:19;
10:6,17,23;11:6;12:1,
5;13:2;14:1,11;15:11;
16:12,17,19;18:5;
20:12;29:10;30:16;
32:7;33:5,10;35:2,14,
18;36:6,11;38:6,11;
41:16;45:13;46:24;
47:17;49:2,18;51:4;
53:22;58:10,19;59:6,
10;61:22;63:5,9;66:3,
17;72:17;75:14;82:22;
83:15,15;85:9,10;
86:19;87:5,24;90:2,13,
20;91:5;92:22;93:11;
94:21;95:10,13,18,20,
24;97:6,18;98:13,21,
25;99:4,8;102:16,17,
21;103:13;106:21;
108:4;109:24;110:9;
111:9,12,15,16;116:11;
120:1;125:20;129:6,7;
135:25;137:25;138:17;
139:10,24;140:1
McCabe-Axelrod (1)
76:23
McCabe's (8)
39:16,18;40:13,23;
</td>
</tr>
</table>

FBI 18-cv-01766-628

b6 Per OIG
b7C Per OIG
41:7;60:11;99:11;
102:17
[redacted]
mean (52)
4:19,20;5:11;9:5;
15:18;18:7,9;30:13,24;
32:9,19;35:4;36:19;
42:6;46:12;47:4,6;
49:16;55:14,14;62:2;
63:1,23;66:21;70:10;
74:25;75:16;77:18;
81:23;83:9;84:25;86:1,
8;87:19;91:11;92:16;
93:3;101:17,21;
103:10;105:13;106:4;
107:11;109:2,6;
115:11;128:1,12,22;
130:14,17;138:3
meaning (1)
41:9
meaningfully (1)
138:15
means (5)
38:22;39:21;40:13;
42:17;141:15
meant (6)
27:23;34:22;56:24;
125:1;126:18;140:21
meantime (1)
77:16
measure (1)
75:8
media (33)
3:17;12:20;57:15;
68:6,9,12,15;69:3,21;
70:12;73:10,18;75:4;
85:11;94:9;107:5;
112:1;113:9;116:23;
118:1,14;120:3,19;
121:24;126:12;127:4,
17;128:1,14,15;129:1,
21;135:25
meet (1)
45:17
meeting (9)
48:16;49:15;50:8;
56:20;91:18;102:12;
107:12,12;140:17
meetings (6)
75:21;104:19;109:4;
112:20;123:24;135:16
members (1)
129:1
memorable (2)
105:9,18
memorialized (1)
14:8
memories (1)
102:12
memory (6)
21:6;56:1,2;93:24;
99:19;100:24
memos (1)
106:3
mentioning (3)
18:2;34:20;95:25
merits (1)
132:22
message (1)
61:24
messages (1)
79:25
met (3)
49:17;102:16;107:9
Michael (2)
10:1;109:7
Mick (1)
41:16
middle (1)
54:6
mid-year (1)
106:2
might (11)
8:12;19:7;45:22;
49:11;50:22;53:12;
77:25;91:8;116:1,4;
143:5
might've (1)
87:9
Mike (41)
9:18;12:10,13,13;
32:12;40:9;45:14,18;
46:4,6,13;49:3,25;50:8,
14,22;64:19;65:12;
67:21;75:19;104:5,9;
105:5,5,5,6,9;106:18;
109:4;123:6,24,25,25;
124:4;126:20;127:7;
133:19,20;135:17,18;
136:7
Mike's (1)
106:9
mind (9)
6:13;13:4;59:20;
77:5;93:9;100:15;
109:6;116:17;129:16
mine (2)
38:23;91:21
minute (4)
18:3;59:21;68:1;
121:19
minute-and-a- (1)
15:18
minutes (3)
43:6,7;47:23
misconduct (1)
115:21
mis-looking (1)
80:25
misperceived (1)
108:12
misperception (1)
84:7
misstating (1)
80:23
b6 Per OIG
b7C Per OIG
b6 Per OIG
mistaken (1) b7C Per OIG
17:1
Mm-hmm (24)
64:22;65:3,23;66:8;
68:22;70:4,14;74:10;
78:24;80:7;91:19;95:1;
98:6,11;117:25;
122:22;124:5;126:15,
21;128:21;132:23;
137:10;139:17;140:24
mode (6)
14:23;17:9;21:15,21;
39:22;60:9
moment (12)
20:23;21:5;22:9;
25:17;75:25;95:25;
100:20;101:20;113:22;
116:8;122:23;137:5
moments (1)
50:22
months (5)
7:19;68:20;104:3;
105:22;106:3
more (24)
11:12;13:10;15:6,13,
22;17:24;31:17;37:6;
42:18;53:6,8;57:15;
67:15;73:4,5;75:10,11;
76:22;79:5,24;85:14;
97:3,8;134:23
morning (3)
44:2;91:18;123:6
most (6)
24:25;43:8;50:23;
54:17;55:14;100:20
mostly (4)
17:9;21:10;50:20;
134:22
motive (1)
115:15
move (2)
97:15;103:7
moves (1)
51:23
moving (1)
79:3
M-T-G (1)
91:18
much (8)
40:1;65:12;75:4;
78:16,23;80:3;130:3;
142:8
multiple (1)
107:4
must (5)
9:17;113:19,20;
116:25,25
[redacted]
[redacted]
myself (4)
20:3;24:19;102:13;
108:11

N

name (4)
3:2;76:24;77:25;
129:25
named (4)
37:11,16,19;130:4
national (2)
71:12;73:10
nature (3)
3:20,21;108:14
near (1)
130:2
necessarily (5)
53:5;83:21;105:10;
115:13;136:3
necessary (3)
30:8;60:22;82:7
need (13)
12:22;20:17;49:2;
53:6;58:3;59:17;61:25;
84:6;85:15;91:22;
115:4;126:11;139:7
needed (1)
20:20
needing (1)
97:15
needle (2)
60:15;115:1
needs (2)
61:5,5
neutral (1)
109:18
New (12)
3:8;7:13;29:25;30:7;
33:6;41:17;56:9;59:10;
68:24;73:24;112:25;
129:24
[redacted]
b6 -3
b7C -3
next (6)
25:10;28:7;38:14;
68:19;79:23;117:23
nightly (1)
124:3
nine (1)
27:19
nobody (2)
91:7;109:8
nonpublic (1)
3:16
Nope (4)
96:20;107:22;
111:10;136:16
normal (1)
47:10
normally (1)
51:12
notable (1)
103:9
notation (5)
36:17;42:5,12,16;
55:22
notations (2)
29:4;39:6
note (6)
21:4;28:11,15,15;
49:9;76:5
notes (48)
6:11;14:10;17:4,6;
19:15;20:18;21:1,9;
23:15;25:12;26:7,13;
28:8,20,24;29:7;34:21;
36:18;37:15,16;38:15;
39:4,8,8,9;40:15,17;
41:14,15;42:3,6;43:11,
16,20,22,25;47:4,12,
13;55:5,22;67:4,7;
91:17;92:7,19;109:1;
111:6
note's (1)
91:25
note-taker (1)
26:9
notification (1)
59:15
notion (2)
82:7;115:1
notwithstanding (1)
79:16
November (2)
68:20;71:22
November/December (1)
68:23
number (9)

FBI 18-cv-01766-629

52:17;69:22;115:19,
20;129:8,9,10;132:2;
135:20

O

oath (1)
3:18
objective (8)
73:14;75:7,11;87:15,
25;114:23,25;115:11
obvious (1)
51:15
obviously (14)
7:5,25;42:23;53:9;
60:17;63:2;64:25;67:8;
79:6,11;105:24;
119:20;125:24;128:23
occasions (3)
22:21;102:15;109:23
occur (1)
121:14
occurred (4)
35:6,8;63:7;133:4
occurring (2)
89:15;122:18
occurs (2)
27:1;72:22
October (50)
4:10;6:10;9:25;
10:20;13:1,24;21:7;
34:24,25;38:18;42:6,7;
44:8,20;48:18;50:25;
57:16;62:8,14;69:22;
76:3,4;86:14;87:5;
88:22;91:17;92:14,23;
93:2,13,20;98:12,14;
99:1,5,9;102:19;
104:24;107:2;110:10,
24;112:9;113:12;
114:5;119:9;131:20;
132:10;137:15,23;
138:17
off (13)
13:16;38:1;51:6;
60:3;77:18;108:8;
121:18,20;135:9;
142:7,22,24,25
Office (12)
10:2;50:2;61:23;
65:19;68:16;69:4,21;
73:16;90:25;91:3;
113:11;144:5
Offices (2)
75:9;113:10
official (7)
12:23;33:5;41:16;
51:6;59:7;68:13;
128:23
officials (1)
132:11
OIG (19)
7:17;56:15,16,19;
65:19;97:1,18;98:13,
15,22,25,25;99:5,11;
102:17,22;107:25;
108:1,4
OIG's (1)
97:6
[redacted] b7E -1
once (6)
15:1;94:4;102:15,17;
108:7;116:6
one (59)
6:8,12;10:19;11:6;
22:23;27:12;30:10;
31:4,16,17;32:22;
38:21;43:10;45:8,10;
51:13;52:12;54:1;
59:17,24;64:16;66:25;
68:11;74:9;77:10;83:1;
84:2,19;85:14,15;
91:16;94:24;96:6;
105:23;106:17;107:3,
4;115:19;116:21;
117:22,23;118:5;
119:25;120:11;127:25;
128:2,2,2,3,14;129:5,
21;130:18,24,25;
132:15;134:20;135:14;
137:15
one-page (1)
76:1
ones (2)
71:4;132:16
ongoing (6)
58:5;84:15;112:4;
113:20;114:7;132:22
only (24)
6:14,23;10:19;18:15;
19:21,25;23:6,14,18;
24:15;29:23;30:10;
33:12;38:20;46:12;
54:21;64:18;68:14;
91:5;94:13;99:16;
128:3,22;135:14
onto (1)
79:22
OPA (14)
13:25;14:19;40:4;
68:16;70:11,24;
104:25;106:3,9,11;
131:2,9;135:1,20
OPA's (1)
13:21
open- (1)
93:16
opened (1)
123:6
openly (1)
33:7
opportunity (2)
122:25;141:23
oral (1)
9:7
orally (2)
11:25;132:5
order (7)
17:22;27:17;36:10;
73:8;82:12;84:6;113:1
ordered (1)
16:25
ordering (1)
35:20
ordinarily (1)
20:7
organization (3)
91:24;115:20;121:16
oriented (1)
100:16
original (1)
16:4
others (8)
3:21;51:19,20;54:8;
61:23;75:10,11,22
otherwise (2)
57:21;140:1
out (40)
6:14,23;7:8,19;9:10;
10:1;11:13,16;13:21;
14:25;21:12,13;39:14,
17,18;40:13,18;47:4;
52:8;53:5,6;61:25;
68:10;77:5;87:16;91:7,
23;93:9;106:15;109:6;
110:3;118:3;126:4;
129:16;131:3,5,20,20;
132:16;133:8
outlet (1)
50:4
outlets (4)
107:4,5;116:23;
133:24
outset (1)
12:13
outside (2)
68:12,15
over (9)
26:13;54:2;62:17;
68:19;100:3;106:2,14;
133:1;136:20
Oversight (4)
3:4,5,8;41:9
overt (2)
34:11;51:22
own (5)
22:8;84:22;116:5,8;
121:12

P

PADAG (2)
53:11,14
Page (680)
3:11,13,23;4:1,8,12,
16,19;5:1,6,11,14,17,
25;6:2,17,19,25;7:3,10,
15,23;8:10,16,22;9:1,4,
8;10:4,8,10,22,25;11:2,
4,8,15,20,23;12:2,9,12,
16,21,24;13:2,6,10,13,
15,21;14:4,6,9,13,18;
15:10,15,18;16:2,13,
15,18,21;17:4;18:7,11,
18,21,25;19:3,5,7,11,
14,16,18,21,23;20:5,7,
10,16,24;21:1,2,8,19,
21,22,23,25,25;22:3,5,
11,13,15,17,24,25;
23:2,5,10,13,22,25;
24:1,5,10,12,15,18;
25:4,9,23,25;26:3,5,8,
10,14,16,19;27:6;28:8,
8,9,11,13,16,17,19,22;
29:7,12,15,23;30:13,
17,18,21,24;31:2,8,12,
14,21;32:1,3,5,9,14,19,
22;33:2,18,21,23;34:1,
4,7,9,23;35:3,13,17,20,
22,24;36:2,14,18,25;
37:13,18,20,25;38:3,8,
13,16,19,23;39:1,9,11,
13,16,18,20,24;40:7,9,
15,20;41:1,4,11,20,22,
25;42:2,9,13,16,20,22;
43:3,6,12,15,16,18,20,
24;44:7,10,12,16,18,
19,22,25;45:16,19,22,
25;46:12,22,25;47:2,
18;48:4,6,9,21;49:4,6,
8,14,19,21;50:1,13,15,
20;51:3,7,15,19;52:7,
13,24;53:16,19,24;
54:1,7,14,17;55:2,4,12,
16;56:1,3,16,19;57:20;
58:1,6,12,21,24;59:3,5,
9,14,17;60:14;62:2,13,
17,22,24;63:1,8,11,15,
17,21,23,25;64:4,16,
18,23;65:4,23;66:2,4,9,
16,18,20,23;67:3,14,
19,24;68:7,19,23;69:6,
12,14,18;70:4,8,10,15;
71:3,6,9,17,20,22;72:2,
5,8,11,14,16,19,24;
73:1,4;74:6,15,19,24;
75:7,16;76:9,11,16,18;
77:4,6,17,19;78:3,5,9,
12,24;79:5,25;80:5,7,
10,13,15,20,24;81:2,6,
10,12,17,21,25;82:13,
16,18;83:1,9,20;84:4,9,
23,25;85:6,13,14,15,
21,24;86:4,9,15,20,24;
87:3,7,17,21;88:1,8,10,
16,20,24;89:3,7,11,16,
19,21,24;90:1,7,10,15,
17,19,23;91:1,6,9,11,
16,19,21;92:1,9,11,15,
25;93:3,5,7,10,15,18,
22,25;94:6,10,13,16,
19,23;95:2,5,8,15,22;
96:1,4,9,15,20,25;97:8,
19,23;98:1,7,11,16,18,
20,23;99:2,7,12,15,18,
20,22;100:7,9;101:4,6,
11,15,17,21,23;102:3,
5,8,10,24;103:2,4,15,
17,19,21;104:1,7,11,
16;105:2,5,13,16,21;
106:23;107:3,8,11;
108:5,17,21,24;110:12,
16,19,24;111:4,7,10,
13,18;112:2,5,10,12,
16,18,25;113:3,7,13,
16;114:2,8,10,23;
115:6,9,16,18;116:3,6,
10,13,16,19,21,21;
117:5,8,11,13,15,17,19,
21,25;118:2,7,19,24;
119:6,11,20,22;120:4,
7,9,11,23;121:1,3,5,14;
122:4,8,13,15,22;
123:1,12,16,23;124:2,
6,12,19,21;125:2,8,11,
15,18,21;126:15,19,22;
127:14;128:5,7,18,20,
22;129:9,12,15,17,23;
130:9,11,13,15,17;
131:2,17;132:7,13,17,
20,23;133:1,5,10,14,
19,21;134:1,6,9,11,14,
17;135:2,18,23;136:2,
8,12,16,18;137:1,3,8,
11,14,17,20;138:1,3,6,
9,12,18,20;139:1,7,9,
13,18,22,24;140:1,4,6,
9,10,13,15,19,22,25;
141:3,5,8,10,13,19,24;
142:1,5;143:3,7;144:8
pages (2)
38:15;144:3
Page's (1)
118:8
paragraph (9)
31:25;51:2,17,25;
54:6;76:15;118:19;
139:3;140:20
paragraphs (4)
6:18;31:10,19;33:3
paraphrasing (1)
116:25
parcel (1)
83:10
paren (1)
41:8
part (22)
8:8,15;22:20;24:15;
26:25;52:1;60:19;
74:22;75:14;83:10;
94:7,9,21;95:7,11,18;
96:11;119:3;134:7;
135:21,24;136:7
participant (1)

FBI 18-cv-01766-630

47:16
participants (1)
52:13
participate (1)
120:13
participated (4)
112:20,23;130:24;
133:23
participating (2)
30:12;120:18
participation (3)
79:9;86:11;132:8
particular (12)
19:9;73:5;75:9,10;
91:13;106:18,19;
108:7;119:3;121:6;
125:7;138:13
particularly (11)
33:14;55:16;68:11;
73:23;82:2;103:6,8;
114:15;130:20;131:23;
143:5
particulars (1)
52:5
partly (1)
32:23
passing (1)
97:14
past (1)
103:7
pause (1)
142:18
pen (2)
21:12,13
pendency (1)
52:19
people (32)
4:20;16:25;27:19,19;
28:1,3;32:7,9,20;
52:25;53:8;54:21;
68:14;70:16,22;73:9,
10,12,15,15,17,18,20,
25;75:17,20,20;87:18;
114:19;116:7;139:10,
19
per (1)
129:6
perhaps (1)
41:10
period (5)
33:18;71:15;75:4;
106:5,8
permission (1)
127:6
permitted (2)
68:12;97:13
persistent (1)
134:19
person (9)
33:4;54:22;65:16;
105:6;115:21;118:17;
121:10;134:14,20
personal (7)
10:11;100:18;
115:23;116:5;120:25;
121:12;140:9
personally (3)
50:6;63:16;87:20
personnel (2)
118:13;135:20
perspective (6)
87:20;105:19,19;
106:9;115:18;120:15
Pete (5)
75:18;123:20;124:6;
131:18;132:7
Peter (3)
122:21;130:4;135:11
phone (9)
45:21;46:9;47:21;
52:18;53:7;71:10,10;
75:14;129:7
phonetic (19)
7:8;41:16;72:13;
75:18,19,19;85:18;
100:13;123:5,12,25;
128:12;130:4;131:21,
25;134:22;135:18,19;
142:6
picayune (1)
104:2
pick (1)
107:17
picture (1)
9:11
piece (1)
87:22
pieces (1)
23:19
pinging (2)
128:22,25
pissed (5)
28:4;51:6;56:10;
85:20;86:7
planning (1)
46:4
play (1)
62:10
please (3)
7:2;51:14;143:1
point (16)
6:14,23;8:2,3;10:11,
16;28:1;42:9,17;45:12;
64:16;73:24;79:24;
82:19;100:19;118:3
points (3)
49:5,8;129:19
policies (7)
68:8,10;70:7;97:12;
112:8;117:3;122:1
policy (24)
51:22;54:10;68:8,14,
24;69:5,10,22;73:22,
23,24;74:3;80:23;
112:6,15,20,23,25;
113:10;116:21;118:12;
121:25;140:11,12
political (3)
98:4;108:14;115:2
politically (4)
100:16;114:16;
115:2,2
portion (4)
3:25;102:1;111:8,11
portions (7)
21:14,20;31:9;51:1;
90:6;102:20;138:24
position (4)
12:19;97:9;108:15;
123:14
positive (7)
16:7;21:9;22:18;
40:10;47:14;55:17;
130:20
possibilities (1)
52:8
possible (15)
24:12,21;25:5;29:2;
48:6;49:10;52:10,14;
56:5;67:20;69:7;71:22;
80:4;83:2,13
possibly (4)
42:9;71:21;105:25;
106:7
post (3)
76:6;80:18;81:8
Post-It (3)
28:11,15,25
potentially (1)
27:18
practice (2)
38:10;47:10
precise (14)
13:6;24:22;28:5;
32:24;37:3;47:8;48:9,
24;49:15;52:10;73:12;
83:12;87:13;100:21
precisely (6)
11:10;65:22;69:2;
74:7;75:16;78:12
precision (1)
22:15
predicated (7)
36:21;60:21;61:3;
83:25;84:17;114:13;
139:9
predication (1)
61:4
prejudice (1)
113:19
prejudicial (1)
119:2
prepare (1)
3:24
prepared (2)
49:5,9
preparing (1)
4:6
prerogative (1)
61:10
presence (1)
5:18
presences (1)
135:20
present (9)
3:9;43:1;50:5,8;52:5,
14;76:23;88:15;135:17
presentation (1)
35:7
presented (1)
97:11
press (11)
65:2,19;66:20,25;
71:12;73:15,19;79:19;
91:10,12;133:14
pressing (1)
27:10
pressure (3)
61:22;62:3,4
Prestep (1)
75:18
presumably (2)
11:17;60:18
presume (12)
23:16;27:8;31:7;
51:20;54:15;78:3;81:6;
83:9;94:23,24;95:8;
103:3
presumed (1)
54:11
pretty (10)
12:6;17:7,14;34:13;
53:3;56:1;63:2;109:1,
3,18
prevent (1)
58:3
preview (2)
70:1;125:20
previously (2)
49:23;135:11
primarily (2)
8:14;34:24
primary (1)
128:14
Principal (2)
53:15,16
prior (13)
4:5,6;10:20;18:14,
23;23:11;26:20;56:14,
15;62:8,14;80:2;108:1
private (1)
89:6
privy (1)
54:23
probably (23)
9:12,14;15:18;17:21;
22:18;28:23;33:14;
37:6;41:11;42:6;46:3;
47:7;51:8;52:11;78:13,
21;81:21;86:21;90:21;
123:12,23;126:7;141:1
probe (2)
33:7;41:18
probes (1)
33:4
problem (4)
71:14;73:7;75:2;
127:5
procedural (1)
67:21
procedures (1)
68:5
proceeding (1)
113:19
proceedings (3)
118:14,16;144:4
process (2)
104:13;131:16
produce (1)
43:22
produced (1)
44:12
progress (1)
3:7
prohibited (2)
70:22;98:7
prohibition (2)
70:17,18
prompted (4)
18:5;71:1;73:21;
78:11
prompts (2)
10:17;11:5
prone (2)
75:9,10
properly (1)
114:13
prosecute (1)
61:6
[redacted] b7E -1
protect (1)
3:18
protocols (1)
122:1
provide (11)
16:19;36:23;55:18;
85:16;102:18;107:10,
13;112:1,4;122:6;
138:13
provided (10)
4:1;29:16;36:12;
38:12;42:7;63:13;
86:22;114:4;119:8;
141:13
providing (6)
29:9;55:24,24;67:18;
112:8;122:1
[redacted] b7E -1

FBI 18-cv-01766-631

publicity (4)
123:7;124:10,25;
127:12
published (9)
45:5;76:4;86:18;
87:6;88:15,23;89:2,18;
130:8
pull (15)
71:9;72:22;73:14;
74:12;75:14,15;
122:20;124:16;126:2,
3,12;127:6,15,25;
128:11
pulled (1)
128:8
pulls (1)
128:14
purely (1)
47:3
purport (1)
35:18
purported (3)
27:17;36:10;83:3
[redacted] b7E -1
purpose (2)
8:24;29:1
pursuing (2)
33:7;41:17
push (1)
36:8
pushing (1)
84:13
put (8)
29:8;39:25;83:13,20;
104:14;105:21;113:1;
120:19
puts (4)
55:18;82:1;137:15,
24
putting (3)
66:5;84:16;139:18

Q

quality (1)
33:13
quarter (1)
22:25
quarters (1)
24:2
quick (1)
114:1
quiet (1)
127:2
Quinn (1)
135:19
quite (3)
105:24;141:1,6
quote (14)
32:6;65:22;66:1,6,
14;82:13;136:4;137:9,
11,17;138:7,14,15;
139:15
quoted (1)
65:21
quotes (15)
30:15;66:5;67:7,8,
11,17;123:10;135:22,
23,25;136:3;137:6,15,
24;139:18
quoting (5)
66:7,10;138:1,2;
139:24

R

raise (2)
87:1;115:25
raised (3)
89:9;97:21;121:13
raises (1)
16:25
raising (2)
36:23;89:5
ran (2)
21:12,13
random (2)
20:19;29:4
randomly (1)
19:24
Randy (1)
57:1
range (1)
103:11
RAP (2)
7:8;124:3
rather (1)
126:17
reaches (2)
10:1;11:16
reaction (6)
53:3;86:18;87:4;
88:3,19,21
read (11)
19:4;49:23;50:4;
67:1;76:19,20;109:14,
17;111:8;123:2;126:16
readings (1)
44:1
readout (2)
18:5;38:6
reads (2)
26:23;33:3
real (1)
18:4
realized (2)
68:8;70:7
really (24)
11:20;15:19;16:21;
26:11,22;28:4,25;35:5;
40:10,16;41:4;42:17;
47:14;65:13;73:8;
91:13;92:5;107:3;
124:22;127:1;130:3;
131:22,22;135:13
real-time (2)
17:15;52:15
reason (10)
7:23;22:19;23:6,14,
18;24:15;27:3;47:7;
61:13;91:14
reasons (6)
31:4;60:19;61:18;
82:9;114:17;115:11
rebut (3)
25:7;35:15;82:7
rebuttal (2)
29:17;84:11
recall (51)
6:15;10:10;11:19;
19:8,23,24;20:7,16;
25:16;30:3;31:11;33:8,
12,15;37:21;42:18,24;
46:1,2;49:1,2;51:4,7,9;
52:1,7,21;56:3;58:16;
67:3,5,9,12,16,19;74:6;
77:3,4;81:10,21,22;
86:21;87:4;92:22;93:8,
23;100:15;110:16,20,
22;126:13
recalled (2)
102:11;105:10
recast (1)
87:21
receive (7)
14:23;17:9;21:15,21;
39:22;60:9;131:15
received (1)
123:5
receive-mode (1)
24:3
receiving (2)
64:21;133:17
recently (2)
17:6,6
recognition (1)
73:23
recognize (1)
91:20
recollection (45)
4:16;7:20;8:1;9:10;
12:6;14:22;16:5,6;
17:8,17,20;18:17;
19:12;20:20;24:22;
28:5;37:3;38:9;46:19;
47:9;48:10,24;49:15;
51:13;52:10;58:12,24;
63:8;67:6;70:17;85:2;
86:21;87:9,14;95:5;
99:13;100:21;104:20;
106:10,19;125:16,17;
127:18;129:15;133:22
recollections (2)
93:14;99:11
recommendation (1)
74:23
recommended (2)
74:25;126:4
reconcile (1)
110:4
reconstruct (1)
16:6
record (24)
3:2;13:17;14:8;
21:18;60:4,4,5;69:17;
74:4;76:20;77:11,22;
109:3;121:18,21,21,22;
123:3;126:10;127:16;
142:8,13,16,25
recording (1)
144:4
records (11)
71:10,10;72:22;
74:12;75:14,15;
109:12;122:20;124:16;
127:25,25
recount (1)
30:2
recounting (3)
29:13;63:3;83:22
recusal (2)
121:7,13
recused (1)
120:2
red (9)
8:18;22:2,20;23:7;
24:2,6,21;25:1;47:13
redacted (2)
43:24;44:21
re-discussed (1)
56:4
refer (7)
6:9;36:5;40:14;
41:21;78:2,7;112:24
reference (9)
19:2;23:10;36:18;
80:17;85:25;101:8;
112:14,23;125:9
referenced (2)
40:3;115:22
references (1)
7:20
referencing (4)
19:8;29:4;117:15;
125:5
referral (6)
71:25;72:8,18,22;
73:2;94:25
referred (4)
7:6;41:24;128:9,9
referring (5)
4:10;35:12;53:15;
94:1;126:20
refers (1)
85:20
reflect (4)
21:9;42:24;48:15;
97:13
reflected (2)
55:4;67:4
reflection (5)
27:25;55:17;78:21;
97:11;127:21
reflects (5)
23:24;24:3,7;47:13;
94:3
refresh (4)
18:17;93:14;99:10;
104:19
refreshes (1)
85:2
refused (1)
99:25
regarding (19)
3:16;29:9;30:11;
34:21;55:24,25;62:9;
72:1;80:18;86:22;
89:13;93:12;99:9;
101:9;118:13,14;
122:1;127:11;141:17
Regardless (1)
121:7
regards (1)
26:18
Regs (1)
97:14
regular (1)
49:17
regularly (3)
73:19;131:2,3
regulation (1)
98:8
regulations (2)
108:13;117:1
re-interviewed (2)
95:18;96:17
relate (2)
44:23;80:4
related (20)
3:17;4:2,3;5:2,7;
29:3;33:13;63:4;71:11;
72:14;73:1;100:18;
111:6;112:4;120:14;
125:3;127:15,22;
130:5,5
relating (1)
119:1
relations (3)
69:21;113:10;118:1
relationship (1)
53:10
relatively (1)
52:21
relay (1)
17:10
relayed (1)
16:10
release (4)
65:20;66:20;118:13;
119:3
releases (1)
116:24
releasing (1)
113:24

FBI 18-cv-01766-632

[redacted] b7E -1
relying (1)
56:2
remember (55)
8:7;13:6,10;15:15,
19,19;16:13,21;18:22;
22:15;26:11;28:25;
29:3;33:21;38:13;
40:21,22;43:5;46:7,10;
47:15,18,19;56:6,6,20;
57:23;58:1,6,7,13;
78:12;83:8,14,20;84:1,
4,9;85:24;86:24;88:1;
101:12;103:8,11;
104:1;109:5;125:15;
128:8,24,25;129:25;
132:13,24;135:10,13
remembers (1)
109:9
remind (1)
143:1
reminded (3)
36:17;37:7;56:5
reminder (1)
85:1
reminding (1)
83:23
reminds (4)
17:11,21,25;20:12
removal (1)
108:15
reopen (1)
92:18
reopening (4)
78:15;86:12;92:3;
120:14
rephrasing (1)
68:2
reply (3)
77:11,24;85:17
reporter (26)
9:19,25;10:18,20;
11:16;12:4,10;13:5,8;
14:1,2;25:22;45:21;
49:25;50:7;58:11;59:1;
60:12;61:20;62:11;
64:2;85:5;101:10;
129:22;131:9;137:11
reporters (10)
8:20;65:15;71:13;
105:6;107:13;129:23;
134:13;135:17;136:1,6
reporting (1)
57:22
reports (1)
133:3
represent (2)
23:15;144:3
represents (1)
25:1
reputation (4)
116:5;120:25;
121:12,16
request (1)
3:19
require (1)
74:4
required (1)
65:8
reread (2)
4:1;26:19
re-reviewed (1)
7:4
resistance (1)
84:13
resolve (1)
134:10
resonate (1)
106:12
resonates (1)
104:25
resources (2)
30:9;57:3
respect (33)
7:11;8:1;9:16;12:25;
23:18;51:25;56:13;
57:22;66:1;68:9,11;
69:1;70:22;78:18;
86:12;87:5;92:13;
94:13,24;96:24;98:4;
101:7;102:6;103:23;
110:13;112:6;114:5;
121:13;124:23;127:22;
128:2;136:10;141:21
respectful (1)
61:9
respond (2)
76:24;131:12
responded (1)
81:12
responding (3)
29:21;77:13;129:7
response (12)
15:1;25:6;34:10;
55:3,7,18;64:7;84:21;
99:15;111:19;118:24;
141:24
responses (2)
25:18;129:5
responsibility (1)
103:8
responsive (1)
60:25
rest (3)
131:19;132:1;133:8
restate (1)
90:11
result (2)
67:18;114:24
retelling (1)
102:11
rethink (1)
97:15
return (1)
7:10
returning (1)
97:9
revealed (1)
57:25
reverberate (1)
106:16
Review (4)
3:4,6,9,15
[redacted] b7E -1
RFR (1) b6 Per OIG b7C Per OIG
142:6
[redacted]
ridiculous (1)
37:8
right (87)
5:12;6:2,5;7:22;8:10,
21;9:13;10:21;12:20;
13:23;17:1,5;18:20;
19:21;21:1;24:20;
26:20;31:1,4,6;33:25;
35:19;36:1;37:1;38:7;
41:11,18;42:15;45:4;
48:19;49:12;53:25;
56:17;60:1,15;62:16;
63:1,20;64:14;66:7,20,
22;68:18;70:12;71:11;
72:10,15,16;74:8;75:3,
6,23;76:9;77:7,15;
80:13,24;83:5;85:19;
86:5,7;92:6,17,18;
94:5;97:24;105:15;
106:14;110:16;112:11,
15;113:5;118:19;
124:19;131:6;137:8,
13,14,15,19,20;138:5,
8,9,16;139:5;141:12
role (12)
39:18,19;40:13,13;
41:7,7,9;50:14;53:19;
62:10;73:13;142:22
room (4)
3:9;25:24;29:8;
52:15
roped (2)
11:19,24
roughly (3)
21:21;71:16;130:10
royal (1)
70:10
rule (1)
70:12
rules (4)
12:17;46:17;61:15;
97:12
run (2)
16:3;48:23
run-down (1)
36:16
running (1)
43:25
runs (1)
115:20
Russia (1)
106:2
Rybicki (4)
59:4;133:21,23,25

S

salient (2)
18:1;25:6
salt (1)
34:17
same (24)
3:8;9:24;23:1;60:25;
63:18;68:7;70:6;71:23;
86:2,4,15,16;95:19;
96:22;99:24;104:13;
115:19;123:19;131:16;
133:22,24;135:5,5;
136:25
[redacted] b6 -3 b7C -3
sat (2)
87:16;133:12
Sausage (1)
40:7
save (1)
118:9
saw (1)
81:12
saying (25)
18:22;19:14;21:5,18;
33:23;35:24;40:9;
53:21;59:12;66:5;76:6;
80:14;82:14;86:25;
90:9;92:4;99:16;
101:12;103:23;123:4;
128:11;129:20;131:18;
135:8;139:14
scan (1)
22:10
scattered (1)
70:9
schedule (2)
50:11;108:1
scheduling (1)
104:19
scope (5)
9:2;14:17;15:3;74:5;
94:18
scoping (1)
65:8
screwing (1)
78:1
season (4)
33:8,9;34:10;55:6
second (12)
27:2;29:7;40:16;
51:2,16,16;54:6;59:24;
78:7;136:23;140:20,20
Section (8)
56:22;57:12;113:13,
17;114:6;116:22;
117:4,4
seeing (2)
86:22;89:5
seek (1)
79:10
seeking (1)
127:5
seem (2)
65:4,4
seems (4)
48:21;80:15,24;
119:14
segue (1)
29:6
selectively (1)
113:24
self-imposed (1)
62:5
self-interested (1)
116:1
self-motivated (1)
116:2
sending (4)
125:19,20,21;129:5
senior (6)
33:4;41:5,15;88:23;
89:1,13
seniors (1)
79:13
sense (6)
27:21;40:14;66:12;
123:17;127:18;133:7
sensitive (1)
115:2
sent (4)
77:11,13;91:8;
129:11
sentence (5)
54:6;76:19;118:20,
21;140:21
sentiment (1)
84:2
separate (1)
135:12
separated (1)
44:1
separately (1)
128:7
September (1)
56:18
serious (1)
114:14
serve (2)
103:10;119:4
served (1)
119:13
serves (2)
85:19;86:7
service (1)
77:14
SERVICES (1)
144:2

FBI 18-cv-01766-633

SES (1)
70:19
set (5)
43:25;46:16;47:13;
96:24;129:24
setting (1)
48:22
settings (1)
132:2
seven (1)
27:18
shall (1)
119:12
shape (2)
14:15;65:14
share (9)
18:10,12;47:23;53:9,
13;132:9;135:22,23,25
shared (1)
111:1
sharing (2)
30:11;116:23
shock (1)
108:7
[redacted] b7E -1
shore (1)
120:25
short (4)
60:6;117:5;121:23;
135:15
shorthand (1)
81:15
show (8)
75:23;77:7,9;79:23;
91:15;113:5;121:10;
122:16
showed (1)
77:22
showing (5)
48:12;76:1;91:16;
113:8;129:3
shown (3)
69:20;98:2;111:11
shows (2)
77:12;129:5
shut (12)
34:18;36:20;61:18,
19;82:5;83:5;84:17;
114:12;115:10;139:9;
142:22,24
shutdown (3)
82:11,14,20
shutting (1)
83:24
signed (4)
6:16;94:2;104:14;
110:7
signifies (1)
13:4
Similar (3)
44:15;107:13;133:24
simply (10)
21:10;35:1,24;50:8;
51:21;52:18,22;54:9;
55:6;131:11
simultaneously (1)
30:5
single (2)
21:12;43:25
sit (3)
24:25;46:9;87:11
skip (2)
81:3;85:15
slipped (1)
6:13
snarky (1)
78:6
Sneak (1)
70:1
solidify (1)
116:5
somebody (5)
54:19;66:14;74:14;
136:4;137:12
someone (6)
13:25;61:25;90:8;
96:5;137:18;138:15
sometime (3)
72:18;92:25;93:5
Sometimes (1)
135:19
somewhat (2)
65:1;100:23
somewhere (2)
61:4;71:23
soon (1)
29:6
SOP (1)
34:9
Sorry (49)
5:17;15:10;16:15;
18:18,22;20:10;22:24;
26:13,19,22;27:6;28:2;
29:12;30:4;31:23;32:5,
22;36:19;37:14,21,22;
41:5,6;43:12;45:9,9;
46:5;52:9;56:16,17;
57:20;64:18;69:2;71:6,
11;76:10;80:24;82:18;
88:5;90:10;94:17;
98:20;101:17,24;
103:17;108:9;116:16;
117:8;130:5
sort (113)
4:6;9:11,22;10:15,
17;11:9;12:16;13:18,
18;14:23,24;15:1,20,
22;17:10,16,25;19:24;
25:13,15;27:8;29:1,15;
34:14;36:15;37:6,39:4;
40:2,4;43:7;44:1;46:3,
13,16,16;48:22;49:14,
17,22;52:17;53:8;56:8,
13,22;58:15;61:3,6,8,
12,19;64:18;65:8,9,10,
16;67:4,24;68:13,16;
69:3;70:9,21;71:14,23;
73:9,10,14,25;75:2,11;
78:16,20;79:8,18;82:6,
6,7;83:9,12;84:2,15,18;
92:2;97:15;98:1,3;
100:14,17,25;106:12,
16,17;107:13;108:7,8;
114:25;115:22;118:18;
125:6,18;127:15,18;
131:3,4,10,19,20,24;
132:1,3;134:23;135:3;
138:14
Sound (2)
134:20;144:4 b7E -1
sounds (2)
109:8;136:22
[redacted]
sources (3)
27:7;29:19;31:11
sp (19)
7:8;41:16;72:13;
75:18,19,19;85:18;
100:13;123:5,12,25;
128:12;130:4;131:21,
25;134:22;135:19,19;
142:6
space (1)
43:17
spaces (1)
44:2
speak (4)
11:25;60:12;121:9;
136:18
speaking (3)
51:11;64:2;92:2
specific (15)
13:11;18:10;20:14,
14;38:8;39:8;46:19;
51:13;68:16;86:20;
87:8;119:16,16;
127:22;128:18
specifically (12)
5:5;9:6;17:24;62:20;
72:20;73:7;92:19;
108:19;115:14;118:18;
125:5;128:17
speculating (6)
27:24;28:4;40:1;
43:7;48:25;126:17
speculation (4)
20:18;22:6;47:3;
56:25
spirit (1)
119:10
spoke (3)
11:10;27:7;87:13
spoken (2)
54:20;81:8
spot (1)
84:16
square (2) b6 Per OIG b7C Per OIG
96:7,24
[redacted]
staff (2)
63:12;88:23
stake (3)
54:17;55:14,15
stand (12)
16:25;17:12,23;27:9,
20;29:20;36:10;67:8;
83:3;87:22;114:12;
121:10
stand- (1)
35:9
stand-down (7)
7:21;34:21;35:2,20;
36:3,19;37:5
stands (1)
116:11
start (3)
9:6;26:13;111:23
started (1)
135:3
starting (3)
68:20;76:16;118:21
starts (4)
9:15;23:8;76:2;80:1
state (2)
38:10;123:3
stated (3)
68:14;102:18;109:20
statement (37)
4:1;6:6,17;8:9,13;
16:19;21:1,7;24:20;
31:5;35:10;50:25;
54:18;56:14,15;68:1;
72:1;79:7,15;90:18;
94:2;95:12;96:12;
102:22;103:16,17,22;
104:15;110:2,8;111:2,
5;112:6,12;118:12;
140:8;141:14
statements (16)
3:17;6:21;8:12;
17:16;35:16,17;89:19;
90:14;105:4,12,14;
108:12,13;110:10;
111:17;137:24
statement's (1)
103:21
stating (3)
77:25;80:8;85:17
stay (1)
52:18
staying (1)
116:20
Steele (1)
106:14
Steinbach (4)
123:25;124:4,15;
126:20
Steinbach's (1)
127:7
[redacted] b6 Per OIG b7C Per OIG
steps (9)
14:16;30:8;34:11;
36:8;57:5;60:23,24;
61:14;79:19
stick (2)
94:17;109:6
sticks (2)
93:9;129:16
still (10)
3:10,18;5:9,10;
22:20;33:6;41:17;
84:15;100:12;142:10
stood (1)
61:19
stop (3)
59:24;73:8;100:2
stories (15)
40:5;65:15;96:7,24;
102:2;106:22,24;
107:1;130:8,23;131:3,
21;132:9;135:12,25
story (29)
9:25;10:7;11:7,18;
14:24;15:22;39:3;
40:22;48:23;49:3,25;
60:9;65:10;76:8,16,17,
20;107:3,4;129:21,22;
130:2;131:5,14,15,19;
132:1;133:8;137:9
story's (1)
76:6
straight (1)
102:2
Street (28)
4:11;6:10;8:14;44:6,
24;45:6;59:1;62:11;
87:6;92:14,23,24;
93:13,21;98:10,14;
99:1,6,10;101:9;102:6,
19;104:24;108:20;
134:7;136:15,19,19
stress (3)
101:1;102:13;105:25
stressful (1)
100:20
strike (2)
111:15;133:6
strikes (1)
138:12
stripe (1)
115:3
strong (1)
33:15
Strzok (15)
75:19;80:6;81:7,18;
85:17;86:7;110:15;
122:21;123:20;125:13;
127:10;129:5,7,10;

FBI 18-cv-01766-634

131:18
stuff (4)
5:2;30:18;131:20;
137:15
subject (6)
71:5,6;72:1;95:12;
96:12;118:17
subjects (1)
97:4
subsequent (4)
3:17;45:12;64:19;
128:4
substance (8)
17:10;25:4;30:3;
53:24;56:4,6;63:13;
77:9
substantive (12)
3:20,21;11:9;15:20;
25:18;30:14;46:17;
50:21;53:6;58:13,16;
65:16
substantively (3)
25:19,19;49:24
such-and-such (1)
50:3
sufficient (4)
35:1,5,25;61:11
sugar (1)
115:4
suggest (1)
96:5
suggested (2)
25:6;121:15
suggestion (1)
114:15
suggestions (1)
129:6
suggests (2)
104:25;109:5
summarize (1)
23:21
summary (1)
117:6
super (2)
100:25;119:11
supervisor (2)
5:10;100:1 b7E -1
supervisors (2)
27:9;56:21
[redacted]
suppose (1)
103:9
supposed (1)
88:7
sure (44)
6:3;10:22;15:6;17:7,
14;20:24;26:22;27:1,
22;31:19;32:4;33:1;
34:13;37:16,19,20;
38:10;39:21;40:16;
42:17;45:4,19;46:4;
47:11,24;51:21;52:14;
54:9;59:22;62:13,18;
69:14;72:21;92:7;
97:25;105:13;107:16;
125:25;126:1;138:21;
140:19;141:1,5;143:3
surely (2)
25:9,12
surprise (1)
106:18
surprised (1)
106:10
surprising (1)
52:25
surrounding (5)
79:20;123:7;124:10;
125:1;127:12
suspect (3)
9:17;46:13;141:13
swirling (1)
92:20
switching (1)
97:1
sworn (15)
6:6,16;8:9,13;72:1;
90:18;94:2,2;95:12;
96:12;104:14;110:7;
111:2,17;140:8
systems (1)
77:18

T

Tab (3)
6:11;8:18;117:5
tabs (1)
6:8
talk (18)
7:5;11:9;12:3,10,20;
13:5,7;15:12;36:11;
46:15;49:11;59:12,20;
62:11;70:12;85:5;
100:3;123:6
talked (14)
13:25;25:9,13;34:3;
67:17;74:24;75:1;95:2;
100:18;104:10;108:3;
112:13;129:19;141:21
talking (21)
5:23;14:22;21:21;
22:18;25:5;27:19;28:6;
29:13;31:15;49:5,8;
54:12;62:14,20;92:17;
101:10;113:23;115:23;
125:3;130:25;137:21
talks (5)
10:5;66:25;67:8;
116:22,24
tasked (3)
49:24;74:14,16
team (1)
57:2
technically (2)
63:19;104:3
teeny (1)
85:19
telephone (2)
104:21;134:13
telephonic (1)
134:21
telling (6)
4:23;27:20;29:23;
39:1;51:4;139:7
tells (2)
11:8;33:16
ten (1)
104:2
tend (1)
104:4
term (2)
61:1;140:21
terminology (1)
61:20
terms (6)
14:20;29:8;83:12,21;
104:14;106:11
testimony (2)
18:14,24
texts (6)
48:13;97:11;100:13,
16;101:7,9
Thanks (1)
60:2
thereabouts (1)
17:15
therefore (1)
57:2
therein (1)
15:5
thereof (2)
89:14;119:4
thereto (1)
111:6
thinking (10)
14:18,20;25:1,3;
28:6;63:3;83:7;87:10;
105:18,20
third (1)
31:25
thorough (1)
63:3
though (1)
76:23
thought (6)
15:2;18:14;52:23;
57:11;83:11;142:3
thoughts (5)
22:8;24:9;122:21;
123:4;125:22
thousands (2)
100:13,16
thread (2)
60:15;114:25
three (8)
6:18;33:3;48:16;
52:8,12;107:5;129:21;
134:18
three- (1)
24:1
Three-quarters (1)
21:25
threw (1)
100:14
throw (1)
83:18
throwing (2)
81:13,23
tied (1)
92:16
tight (1)
141:6
[redacted] b7E -1
timeline (3)
45:4;93:12;99:9
times (11)
24:24;49:17;52:17;
64:20;105:7,7;107:9;
129:24;134:12,17,19
timing (1)
52:1
Title (1)
118:1
today (13)
4:20,24;5:2,19;6:24;
24:25;53:7;87:11;
99:25;100:3;130:25;
141:21;142:4
together (6)
79:2;96:6,23;104:14,
20;135:11
told (15)
5:1;27:9;37:17;
51:10;54:25;55:5;
65:15;102:21;104:11,
12;109:21;121:10,14;
132:2;141:8
tomorrow (1)
123:5
tone (1)
85:18
took (1)
97:12
top (7)
19:16;20:18;21:3;
23:2;36:18;116:22;
125:13
topic (6)
7:13;8:13;50:5;
63:18;72:12;73:5
topics (7)
14:21;15:21,25;
16:10;94:14;97:21;
103:12
Total (1)
134:17
totally (14)
25:5,9;32:24,25;
38:10;42:13;47:9;50:1,
9;67:20;71:22;79:11;
123:21;131:6
touch (1)
50:15
touched (1)
111:22
traffic (1)
65:21
Transcriber (1)
144:13
transcript (1)
144:3
transitional (1)
118:19
transitions (2)
22:1;24:6
transparent (1)
29:2
transpired (2)
38:6;66:12
travel (1)
27:18
trickles (1)
135:9
tried (1)
80:3
trouble (2)
26:18;27:23
true (5)
25:14,15;36:7,7;
52:16
Truly (2)
115:7;121:5
trust (2)
105:14;114:18
Truth (4)
121:14;131:4,7;
141:8
[redacted] b7E -1
trying (32)
10:12;11:12,18;16:5;
17:12;28:1;29:17;30:5;
35:20;47:3;48:8;51:21,
23;54:9;60:13,15,17,
25;82:5,8;83:4;84:12,
20;85:16;87:18;91:7;
110:2,3,4;116:5;
120:16,16
turn (4)
20:22;28:7;74:8;
79:25
turning (1)
8:17
twice (1)
94:3
two (28)
22:21;24:23,24;26:4;
38:15;42:18,24;43:10;
44:1;50:23;54:21;
64:25;73:17,19;92:12;
94:14;102:15;109:23;
114:1;115:19,21;
116:25;120:13;123:3;

FBI 18-cv-01766-635

128:1,2;129:24;134:20
tying (1)
33:18
type (2)
53:9,12
types (1)
18:12
typical (2)
18:11;125:23
typically (2)
68:3;104:4

U

uh (14)
71:10;78:14,18;
79:15;97:8;103:25;
108:9,9;115:2;130:13,
19;132:13;134:18;
135:13
um (6)
61:9;71:12;108:6;
115:3;117:5;118:19
Um-hmm (30)
6:19;7:14;11:12,15;
12:15;18:25;21:2;
22:16;23:12,25;24:11;
25:8;28:9,21;29:22;
31:8,21;35:19,19;
36:22;37:18;40:6,8;
43:15;44:16;45:24;
46:22;48:1;51:3,18
un (1)
70:23
unauthorized (4)
69:2;70:23;94:8;
127:17
unaware (1)
124:24
unbelievably (1)
106:7
under (9)
3:18;14:15;33:20;
56:24;61:22;81:13,24;
83:18;97:14
underlying (1)
11:9
Understood (14)
8:16;9:24;14:11,21;
18:13;36:22;60:9,16;
66:11;72:21;82:3;
84:11;85:22,25
uneasy (2)
40:23;41:7
unfortunate (2)
82:6;83:17
Unhappy (1)
41:17
Unh-uh (1)
96:15
unique (1)
115:22
unless (5)
21:12;45:2;64:6;
67:6;107:21
unlike (1)
79:16
unpack (1)
9:23
unpleasant (1)
108:6
unpleasant-looking (1)
34:15
unscheduled (1)
52:18
unsure (1
109:8
up (27)
12:11;17:7,10;21:8;
33:9,19;34:12;40:24;
42:12;68:10;74:12;
76:25;83:22;84:21;
90:12;93:6,23;96:7;
101:24;107:17;108:10;
110:21;116:11,22;
117:7;120:25;125:13
upcoming (1)
4:14
upon (1)
78:13
upset (3)
87:2;88:12;108:11
use (3)
48:2;61:20;131:10
used (4)
13:7,18;37:21;61:20
usually (3)
44:2;125:24;136:4
utility (1)
138:13

V

vague (1)
127:18
valid (1)
60:18
validly (5)
36:21;60:21;83:24;
84:17;139:9
Varacalli (1)
75:19
variety (1)
119:24
vernacular (1)
116:8
version (1)
15:5
via (1)
123:5
view (1)
61:1
virtue (1)
42:4
voice (1) b7E -1
33:5

W

Wait (6)
18:18;29:12,12;
123:17;126:7;139:3
waiting (1)
99:23
Wall (29)
4:10;6:10;8:14;44:5,
23;45:5;59:1;62:11;
80:18;87:5;92:14,23,
23;93:13,21;98:10,14;
99:1,5,10;101:9;102:6,
19;104:24;108:20;
134:7;136:15,19,19
wants (6)
123:6;124:6;127:1;
131:19,20;132:5
warned (1)
80:21
warrant (1)
79:10
Washington (2)
80:18;81:8
way (21)
41:23;43:24;47:8;
56:6;57:18;67:5;70:24;
71:13;73:9;81:13;
82:24;83:13;84:2;85:4;
97:8;100:24;109:6;
120:22;121:6;136:23;
138:21
ways (1)
103:10
week (3)
46:8;62:8;105:7
weird (3)
19:24;77:21;80:15
weren't (2)
62:21;66:13
what's (8)
40:2;70:12,13;13;
83:18;86:1;100:4;
125:18
whatsoever (1)
106:11
Whereupon (3)
60:3;121:20;143:12
whole (4)
37:8;85:17,18;
119:17
who's (1)
91:25
wife's (1)
16:3
within (5)
14:16;61:14,23;65:5;
91:2
witness (2)
3:11,14
witnesses (1)
143:6
woman (2)
130:1;135:10
woman's (1)
129:25
wondering (12)
5:21;9:7;26:21;
54:24;57:16;63:19;
67:1;82:23;91:3;125:7;
133:7;136:21
word (3)
108:10;115:3;123:5
words (4)
13:6;23:8;26:9; b7E -1
66:14
worked (3)
52:25;107:1;135:11
working (7)
5:11;49:25;79:2;
97:10;104:14;112:14;
135:12
works (2)
131:22;133:15
world (1)
133:14
worn (1)
108:8
worried (3)
100:10,10,11
worth (1)
34:16
writ (1)
119:15
write (1)
112:19
writes (1)
31:24
writing (3)
24:8;25:11;133:13
written (14)
9:7;14:8,14;58:18;
64:21;65:7,15;68:4,25;
74:4;125:18;133:13;
138:22;141:17
wrong (4)
16:5;26:24;77:10;
88:12
wrote (3)
21:6;23:19;28:15

Y

year (3)
68:23;130:16,17
Yep (5)
80:13;85:17;98:21;
118:7;139:1
York (8)
3:8;29:25;30:7;33:6;
41:17;56:9;59:11;
129:24

0

06:12 (1)
8:11
0809PG (1)
69:22

1

1 (2)
21:22;43:16
1:13:41 (1)
64:5
1:23:14 (1)
72:7
1:28:32 (1)
76:11
1:29:49 (1)
77:15
1:30 (1)
60:1
1:37 (1)
60:6
1:42:08 (1)
86:16
10 (1)
7:19
10/23 (4)
4:4,9;7:18;9:9
10/27 (1)
44:3
12/20 (1)
97:3
12:20 (1)
3:7
12th (24)
16:17;17:20;18:3;
19:23;20:1,13,19;21:4;
23:3;27:21;29:10;
30:12;33:4;38:12;52:2;
53:22;54:21;55:21,22;
76:23;86:23;89:9,14;
102:20
13th (2)
69:22;113:12
1425 (1)
3:8
15 (2)
19:1,6
16 (1)
68:24
16th (2)
96:10,13
17 (1)
68:24
1-7.0 (1)

FBI 18-cv-01766-636

118:1
17th (1)
96:16
18 (4)
19:1,6;105:22;106:3
18th (2)
95:17;96:16
19 (1)
144:15

2

2 (2)
21:25;24:2
2:03:41 (1)
103:20
2:15:18 (1)
113:4
2:21:10 (1)
117:2
2:25:02 (1)
120:12
2:25:34 (1)
120:20
2:25:50 (1)
121:6
2:32:25 (1)
126:6
2:32:30 (1)
126:9
2:35:10 (1)
128:13
2:49:52 (1)
142:11
2011 (1)
81:4
2015 (2)
69:23;113:12
2016 (29)
4:10;6:10;10:1;13:1;
16:17;38:18;44:21;
62:9;71:19,20,21;76:4;
87:5;91:17;92:14,23;
93:2,13;97:5;98:14;
99:1,5,10;102:19;
107:6;110:10;112:9;
119:9;122:19
2017 (14)
72:18;93:6,21;94:4,
5;95:10,18;96:11,13,
17;107:7,8;129:21;
144:15
209 (3)
80:1,1,5
210 (1)
81:3
211 (1)
81:12
213 (1)
85:15
22nd (1)
122:19
23 (1)
117:5
23rd (6)
4:10;9:25;10:20;
45:5;62:9,14
25th (1)
48:18
276 (2)
19:1,6
27th (2)
21:7;34:25
28 (3)
79:25;80:5;81:12
28CFR50.2 (1)
117:23
28CRF50.2 (1)
118:4
28th (5)
34:25;38:18;42:6,8;
44:21
29 (2)
79:25;85:15
29th (1)
94:4

3

3 (5)
21:1;22:25;26:14;
28:16;36:18
3.3 (2)
116:22;117:12
3.4 (2)
113:13,17
3:00 (1)
121:23
3:16 (1)
77:11
3:30 (1)
142:9
30 (1)
43:6
30th (34)
6:10;13:1,24;44:9;
45:7;50:25;57:16;76:3,
4;87:5;88:22;91:17;
92:14,23;93:2,13,21;
98:12,14;99:1,5,9;
102:19;104:24;107:2;
110:10,24;112:9;
114:5;119:9;132:11;
137:15,23;138:17
35 (1)
118:19
38:13 (1)
33:22

4

4 (8)
6:9,9,15,17;8:17;
28:8;30:19;50:25
42:53 (1)
37:12
43:00 (1)
37:13
477112-1 (1)
129:4
49874 (1)
77:23
49876 (1)
77:24

5

5 (3)
112:12;117:4,4
50.2b (1)
118:15
50.2b4 (1)
118:20
522765-1 (1)
122:18
54:06 (1)
47:25
54:13 (1)
48:5

6

6 (6)
6:9,11;20:25;43:14;
44:15;55:22
60 (1)
43:6

7

7 (1)
16:18
7th (3)
56:18;94:5;95:17

8

8 (2)
16:18;116:22

9

9 (5)
31:6,7;113:13;140:9,
19
9th (3)
95:10;130:18;132:16

FBI 18-cv-01766-637

McCabe
INSD Draft Statements (3)

263D-HQ- [redacted] - 14

b6 -1
b7C -1

[redacted] (INSD) (FBI) b6 -1 b7C -1

From: [redacted] (INSD) (FBI)
Sent: Friday, May 12, 2017 12:55 PM
To: MCCABE, ANDREW G. (DO) (FBI) b6 -1 b7C -1
Cc: [redacted] (INSD) (FBI); MORGAN, VOVIETTE D. (INSD) (FBI)
Subject: Revised Statement — UNCLASSIFIED

SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED

Acting Director McCabe,
Thank you very much for your time on Tuesday. Please see the attached revised version of your statement. You will note your requested changes have been made and we added a short paragraph (beginning on page 10) relative to your recollection of circumstances pertaining to the Wall Street Journal article we reviewed with you. You will also note your title has been changed to Acting Director. Please review the statement again and make any additional changes/modifications as necessary. For your convenience, "Track Changes" has been enabled so you can make deletions and/or type your changes directly into your statement. However, if you prefer, you can certainly print the document and make hand-written changes as I will be happy to enter your changes and provide you with a fresh copy of the newly produced version.

Much appreciated Sir.

V/R,
[redacted] b6 -1 b7C -1

[redacted]

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DATE 07-02-2018 BY [redacted] NSICG b6 -1 b7C -1

SSA [redacted]
Internal Investigations Section
Inspection Division b6 -1 b7C -1
Room 3041
Desk: [redacted]
Mobile [redacted]

Classification: UNCLASSIFIED

FBI 18-cv-01766-639

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04/11/2017
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b5 -3
b6 -1,3
b7C -1,3

FBI 18-cv-01766-640

b5 -3
b6 -3
b7C -3

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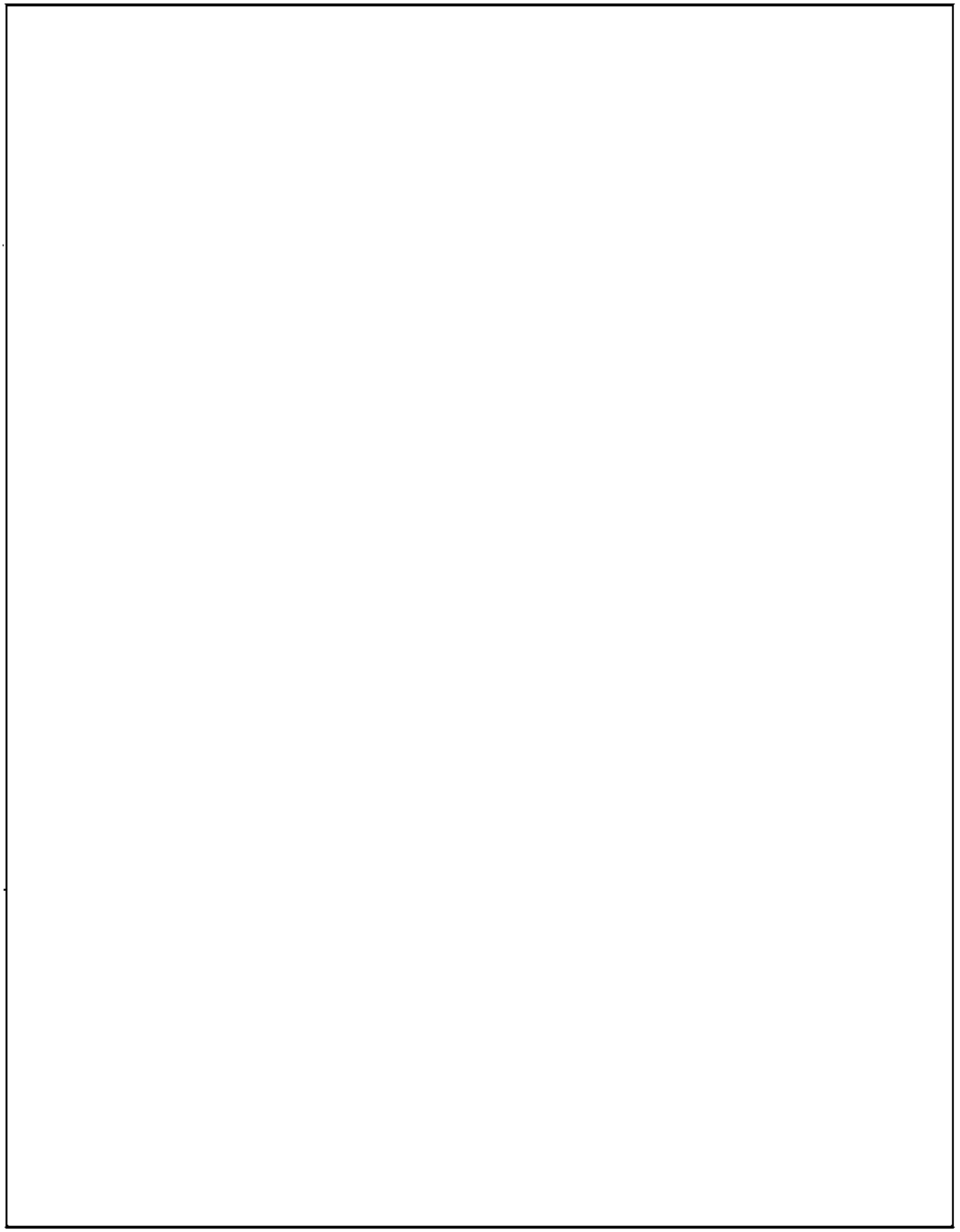
b5 -3
b6 -3
b7C -3



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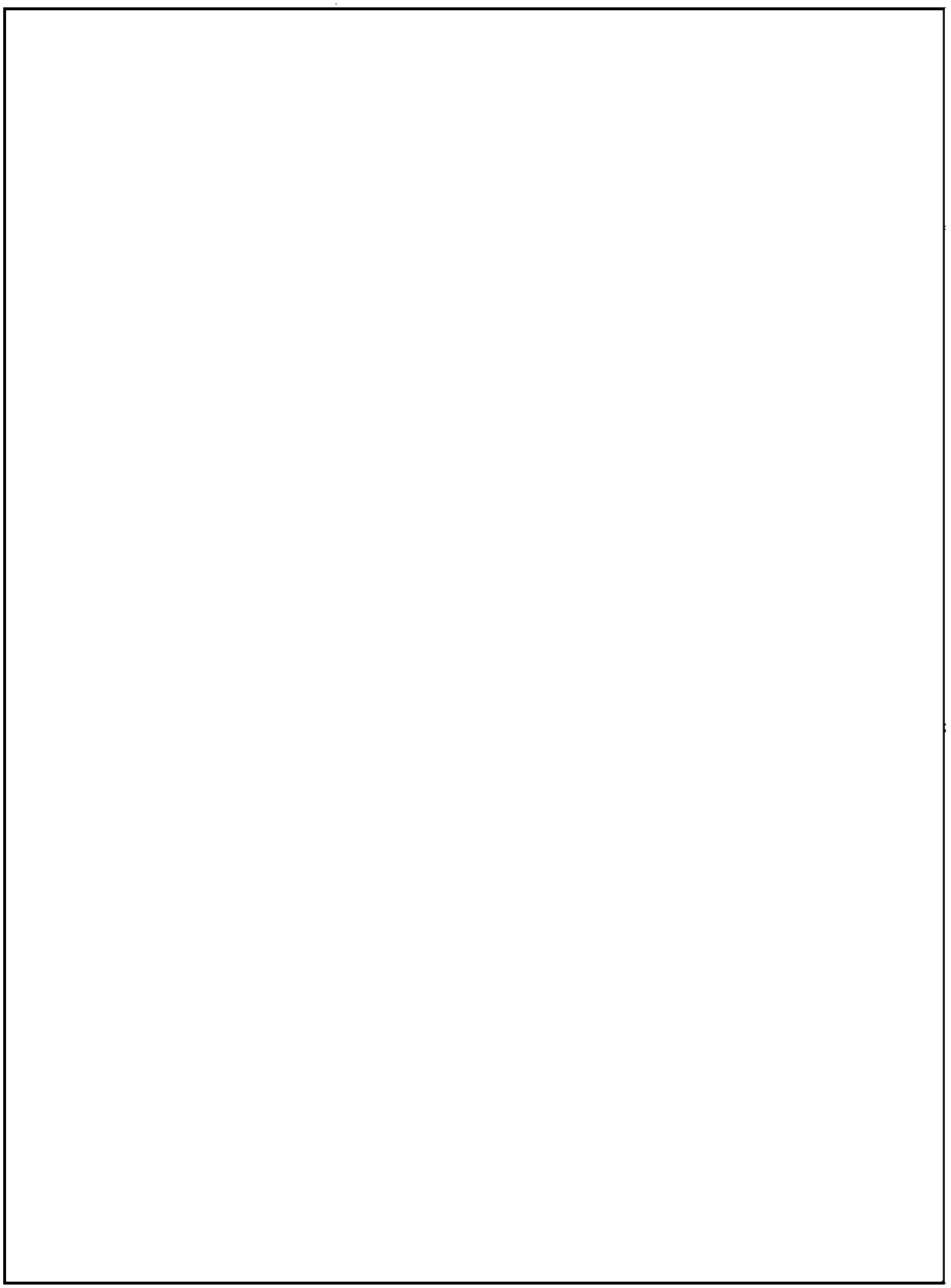
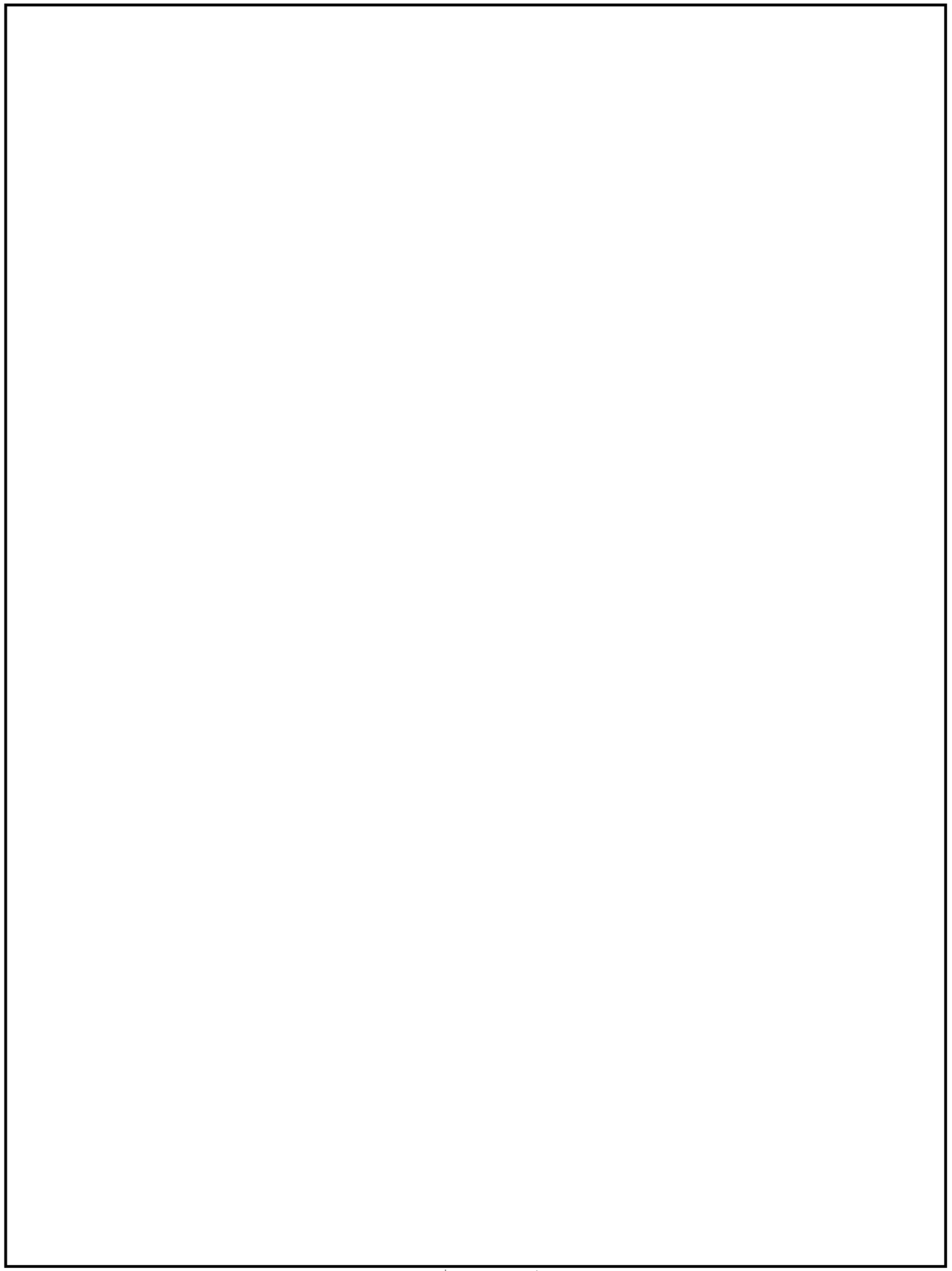
b5 -3



FBI 18-cv-01766-643

b5 -3
b6 -3
b7C -3



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b5 -3
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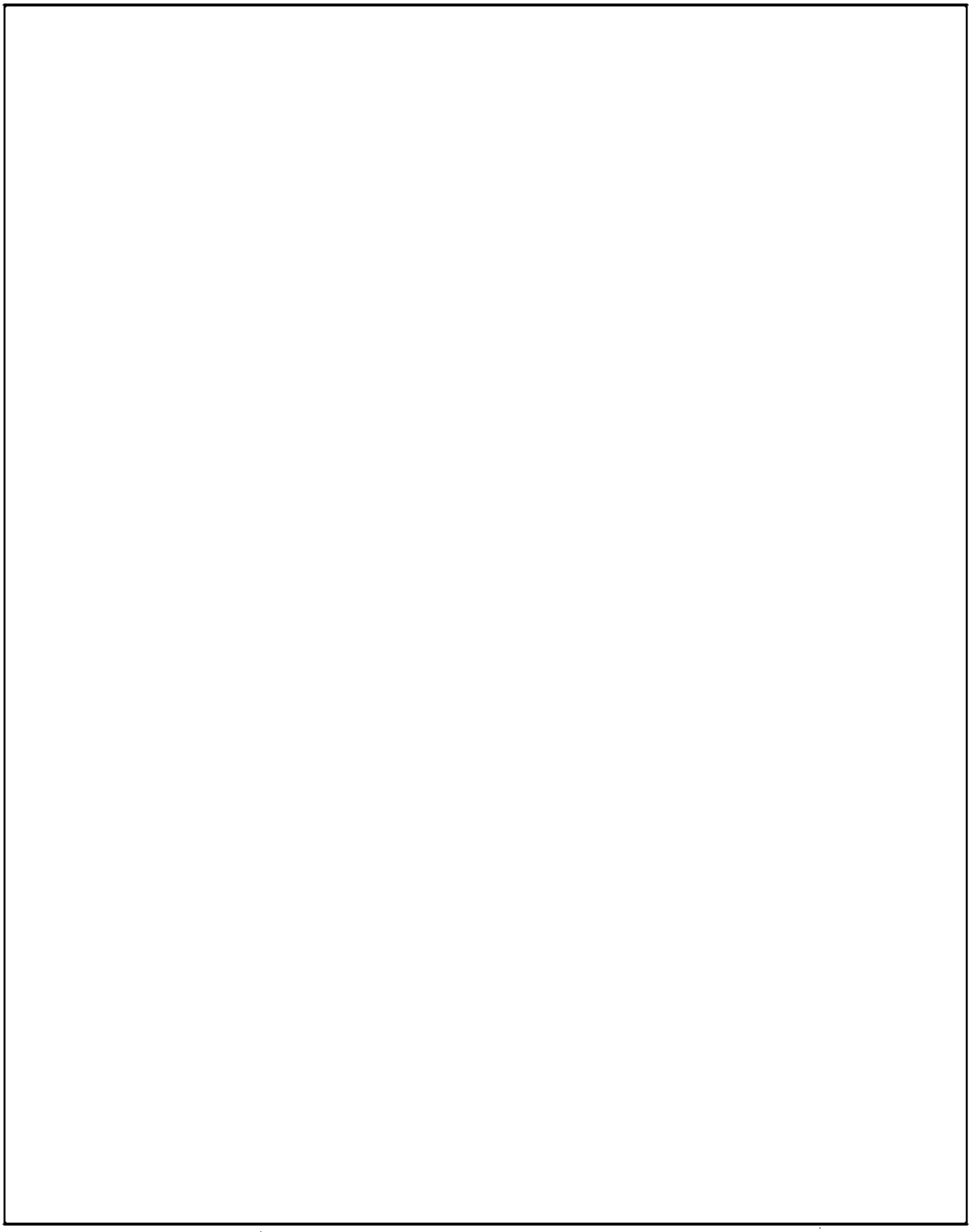
b7C -1,3

FBI 18-cv-01766-645

b5 -3
b6 -3
b7C -3

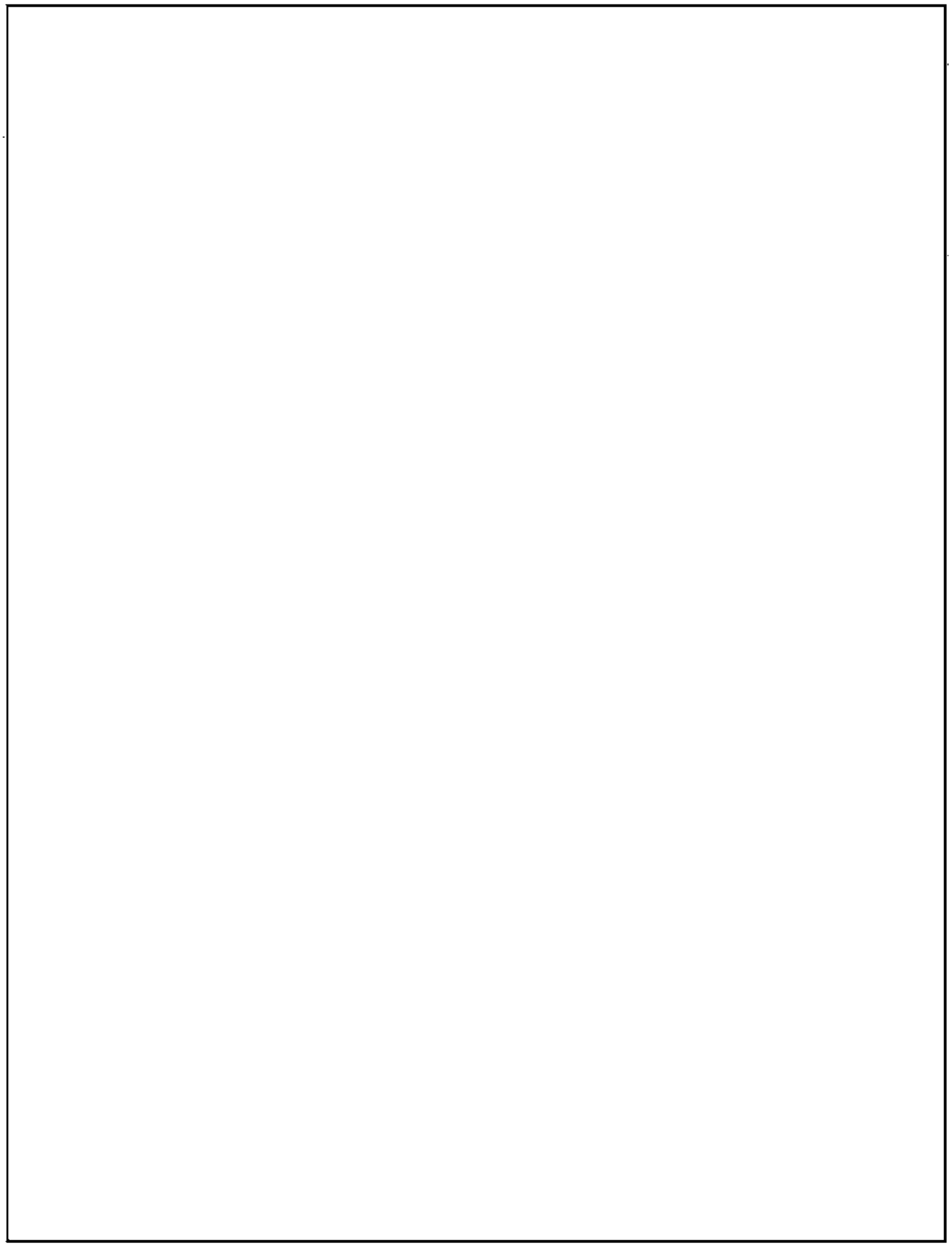
FBI 18-cv-01766-646

b5 -3
b6 -1
b7C -1



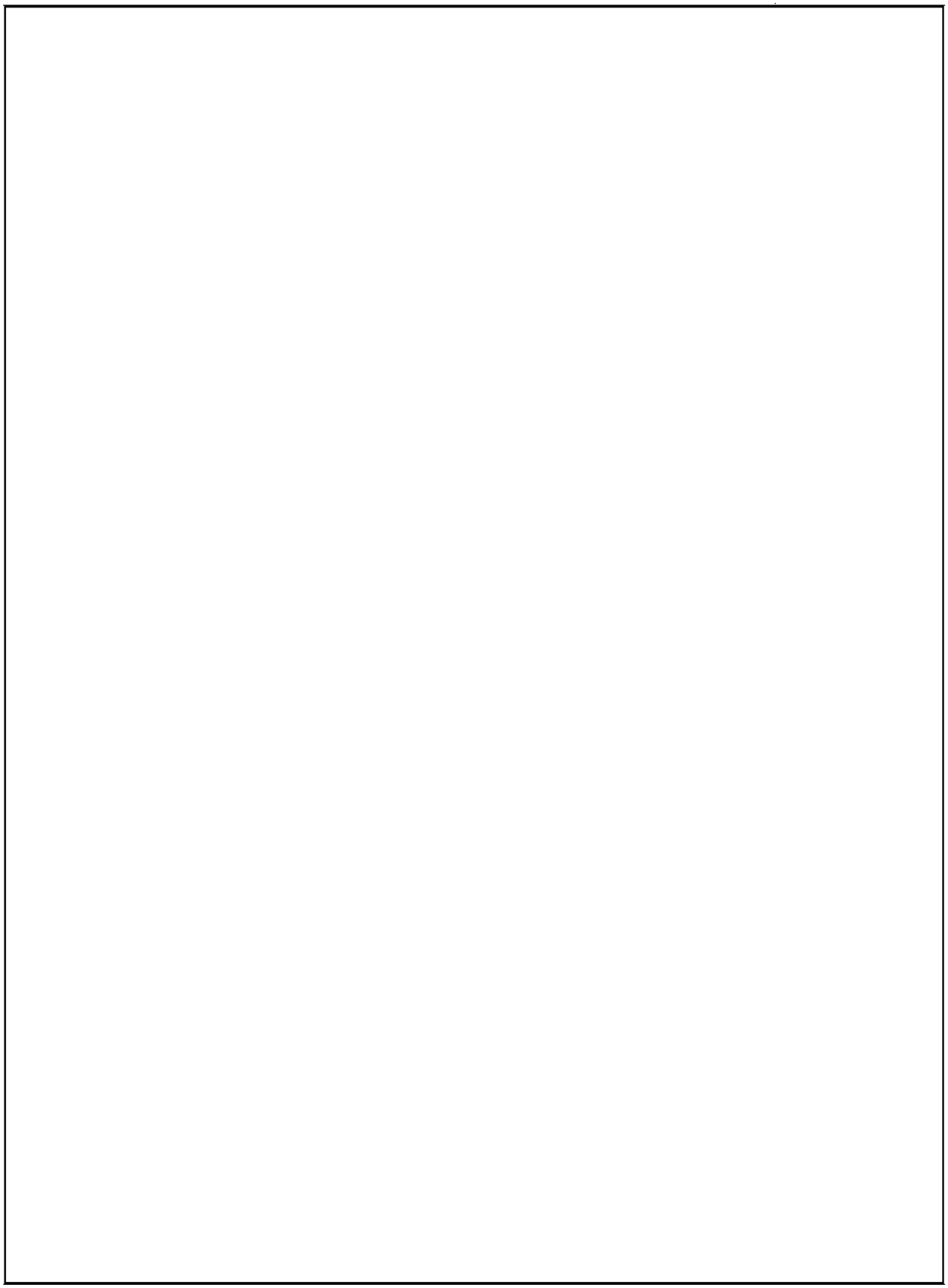
FBI 18-cv-01766-647

b5 -3
b6 -1,3
b7C -1,3



FBI 18-cv-01766-648

b5 -3
b6 -1,3
b7C -1,3



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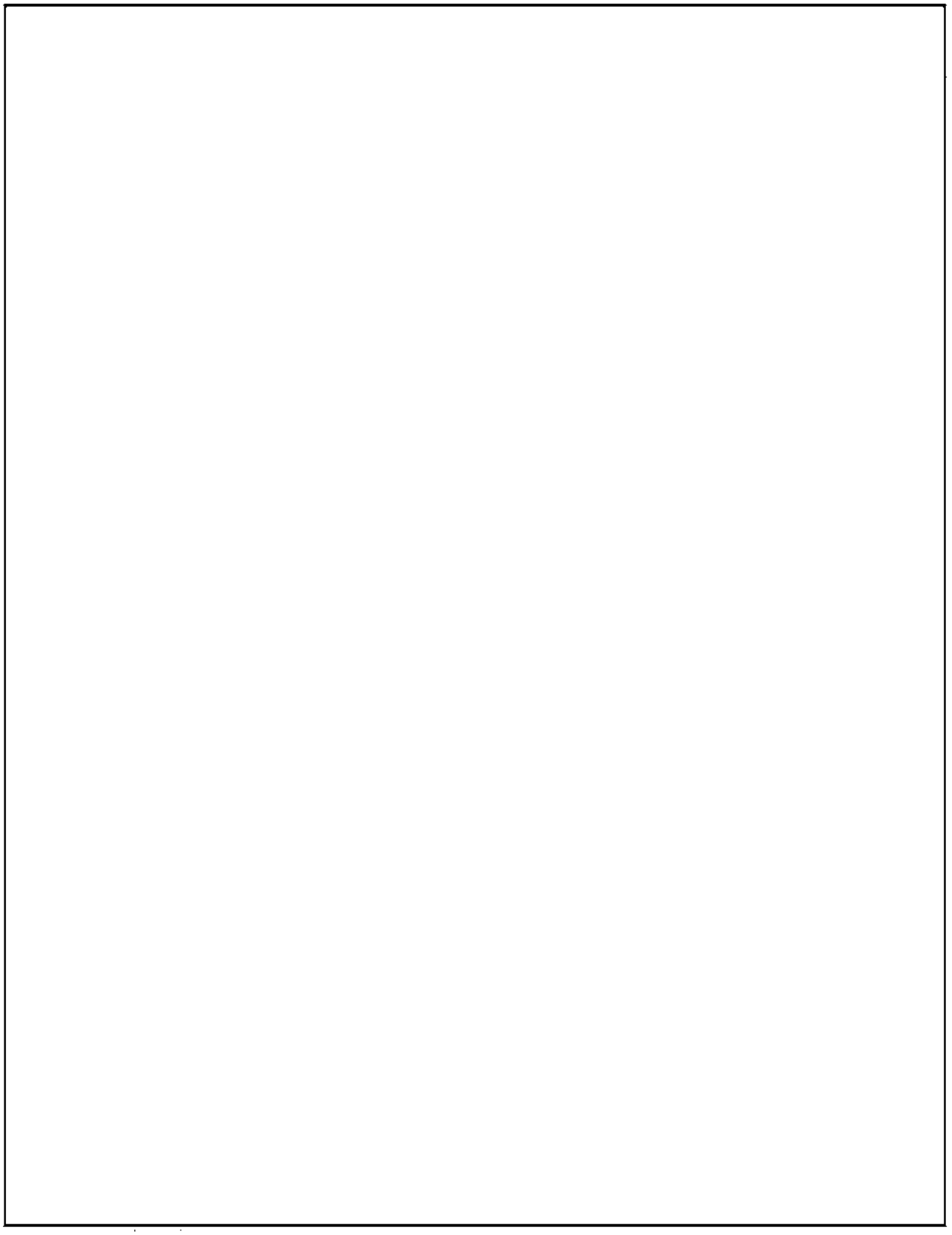
b5 -3
b7E -3



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[redacted]

b5 -3
b6 -1
b7C -1

FBI 18-cv-01766-651

[redacted] (INSD) (FBI) b6 -1 b7C -1

From: [redacted] (INSD) (FBI) b6 -1 b7C -1
Sent: Friday, June 23, 2017 12:50 PM
To: MCCABE, ANDREW G. (DO) (FBI)
Subject: RE: Your Signed Sworn Statement --- UNCLASSIFIED

SentinelCaseId: NON-RECORD

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 07-02-2018 BY [redacted] NSICG b6 -1 b7C -1

Classification: UNCLASSIFIED

10-4 Sir. The email was sent by my colleague, [redacted] b6 -1 b7C -1

We had an immediate conversation about the mis-step. I assure you, it will never happen again.

Immediately upon discovery, action was taken to confirm the inadvertent recipient did not open it and that he was directed to double delete it.

V/R, b6 -1 b7C -1

[redacted]

SSA [redacted]
Internal Investigations Section
Inspection Division b6 -1 b7C -1 b7E -4
Room 3041
Desk: [redacted]
Mobile: [redacted]

From: MCCABE, ANDREW G. (DO) (FBI)
Sent: Friday, June 23, 2017 12:45 PM
To: [redacted] (FBI); [redacted] (INSD) (FBI); [redacted] b6 -1 b7C -1 b7E -4
Subject: RE: Your Signed Sworn Statement --- UNCLASSIFIED

Classification: UNCLASSIFIED

Thanks [redacted] I trust you will treat this as sensitive INSD material and remove it from your system. Thanks, as always. b6 -1 b7C -1

[redacted] please note that I am Andrew G. McCabe.

Thanks

Andrew G. McCabe
Deputy Director
Federal Bureau of Investigation
[redacted] b6 -1 b7C -1 b7E -4

FBI 18-cv-01766-652

From: [redacted] (FBI)
Sent: Friday, June 23, 2017 12:17 PM
To: MCCABE, ANDREW G. (DO) (FBI) <AGMCCABE@fbi.sgov.gov>
Subject: FW: Your Signed Sworn Statement --- UNCLASSIFIED

b6 -1
b7C -1

Classification: UNCLASSIFIED

Sir,
I suspect this is for you.

[redacted]

[redacted]
Special Agent
[redacted]
Desk [redacted]
Cell [redacted]

b6 -1
b7C -1
b7E -4

From: [redacted] (INSD) (FBI)
Sent: Friday, June 23, 2017 10:51 AM
To: [redacted] (FBI) [redacted]
Cc: [redacted] (INSD) (FBI) [redacted] (INSD) (FBI) [redacted] MORGAN, VOVIETTE D. (INSD) (FBI) [redacted]
Subject: Your Signed Sworn Statement --- UNCLASSIFIED

b6 -1
b7C -1
b7E -4

Classification: UNCLASSIFIED

Sir,

As I briefly mentioned this morning at Starbucks, we still need to have you swear to and sign your statement in the leak investigation. You asked me to send the statement to you for review. In speaking with my colleague, SSA [redacted] he reminded me that you had previously agreed to this version of the statement and all that is necessary to come see you in person and have you sign the document. Of course, you should feel free to review the statement again and make any additional changes that you feel are necessary, keeping the track changes function on. If not, please let me know when we might be able to meet and have you swear to and sign the document.

b6 -1
b7C -1

Thank you very much,
[redacted]

b6 -1
b7C -1

<< File: Acting Dir McCabe SSS Draft 3.docx >>

SSA [redacted]
Internal Investigations Section
Inspection Division
Room 3041
Desk: [redacted]
Mobile: [redacted]

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FBI 18-cv-01766-653

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

[redacted] (INSD) (FBI) b6 -1 b7C -1

From: [redacted] (INSD) (FBI)
Sent: Friday, August 18, 2017 5:04 PM
To: MCCABE, ANDREW G. (DO) (FBI) b6 -1 b7C -1
Cc: [redacted] (INSD) (FBI)
Subject: Draft Statement — UNCLASSIFIED

SentinelCaseId: NON-RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-02-2018 BY [redacted] NSICG b6 -1 b7C -1

Classification: UNCLASSIFIED

DD McCabe,
Thank you for your time this afternoon. Attached is a current draft version of your statement. As discussed and appreciated, please re-review your statement and make modifications and corrections as appropriate to ensure its accuracy and completeness based on the circumstances you presented and we discussed.

Thank you very much for your assistance.

V/R,
[redacted] b6 -1 b7C -1

SSA [redacted]
Internal Investigations Section b6 -1 b7C -1 b7E -4
Inspection Division
Room 3041
Desk: [redacted]
Mobile: [redacted]

Classification: UNCLASSIFIED

FBI 18-cv-01766-667

04/11/2017
Washington, D.C.

b5 -3
b6 -1,3
b7C -1,3

[redacted]

b6 -1
b7C -1

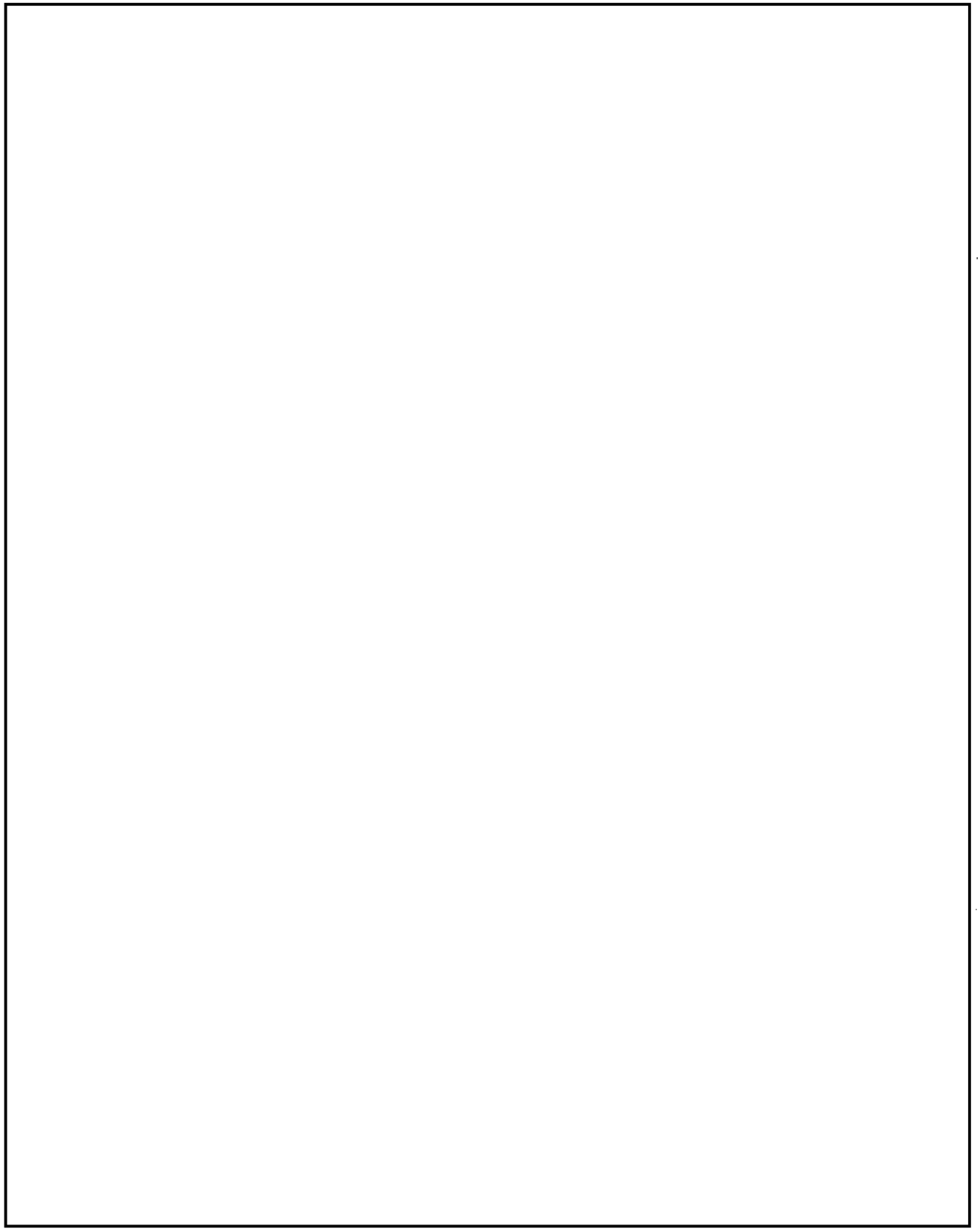
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-02-2018 BY [redacted] NSICG

FBI 18-cv-01766-668

b5 -3
b6 -3
b7C -3

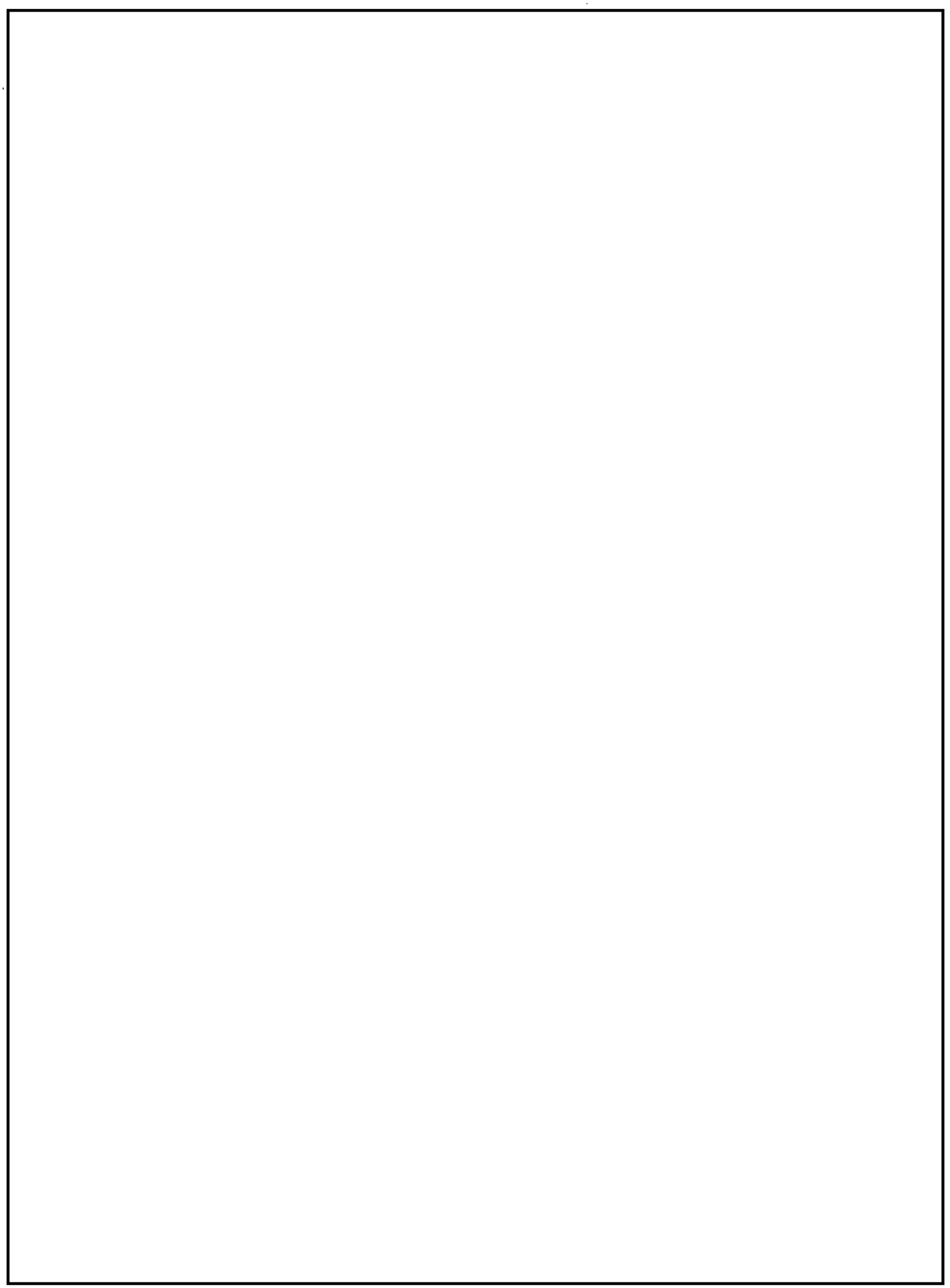
FBI 18-cv-01766-669

b5 -3
b6 -3
b7C -3



FBI 18-cv-01766-670

b5 -3



b5 -3
b6 -3
b7C -3

FBI 18-cv-01766-672

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b7C -1,3

FBI 18-cv-01766-673

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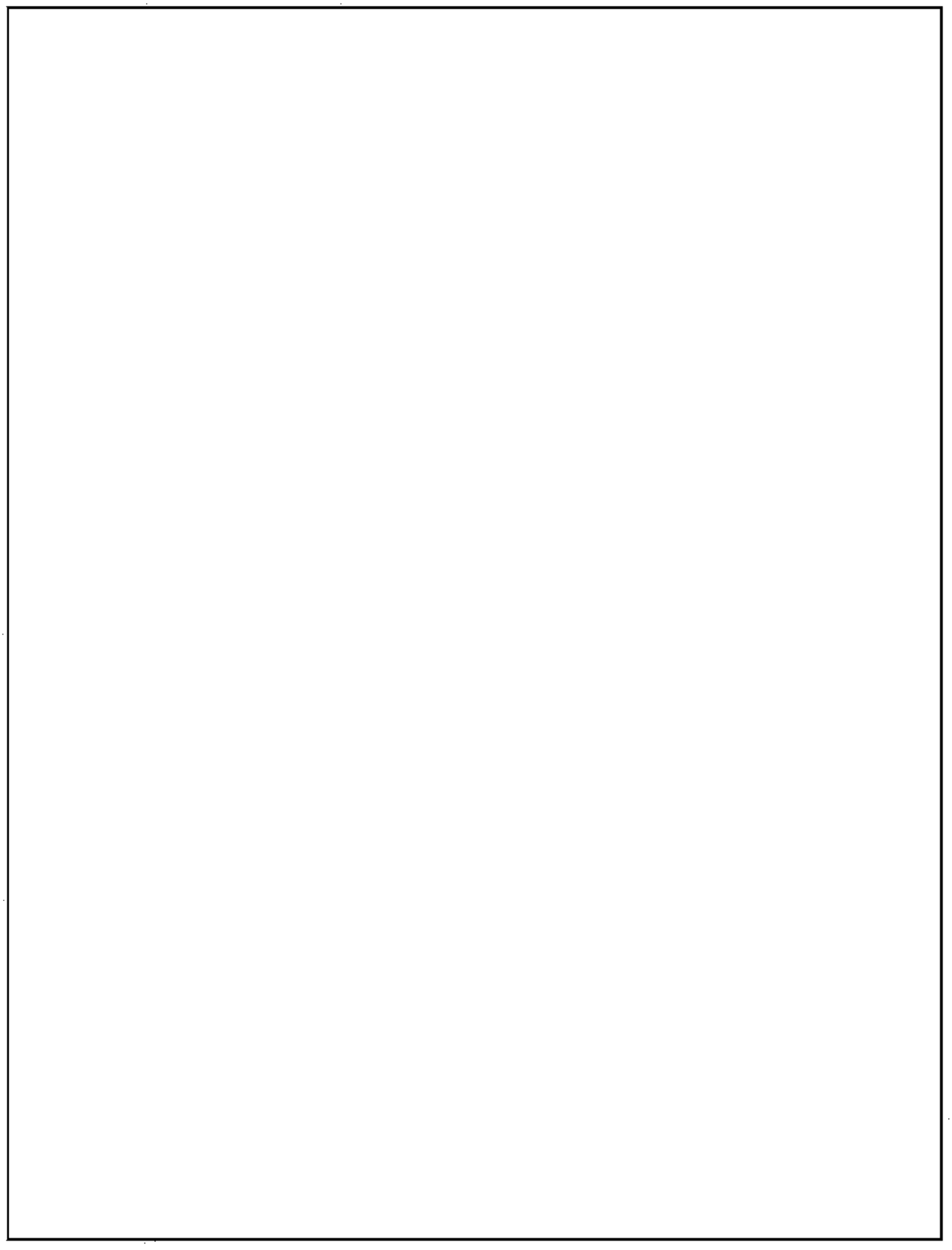
b6 -3
b7C -3



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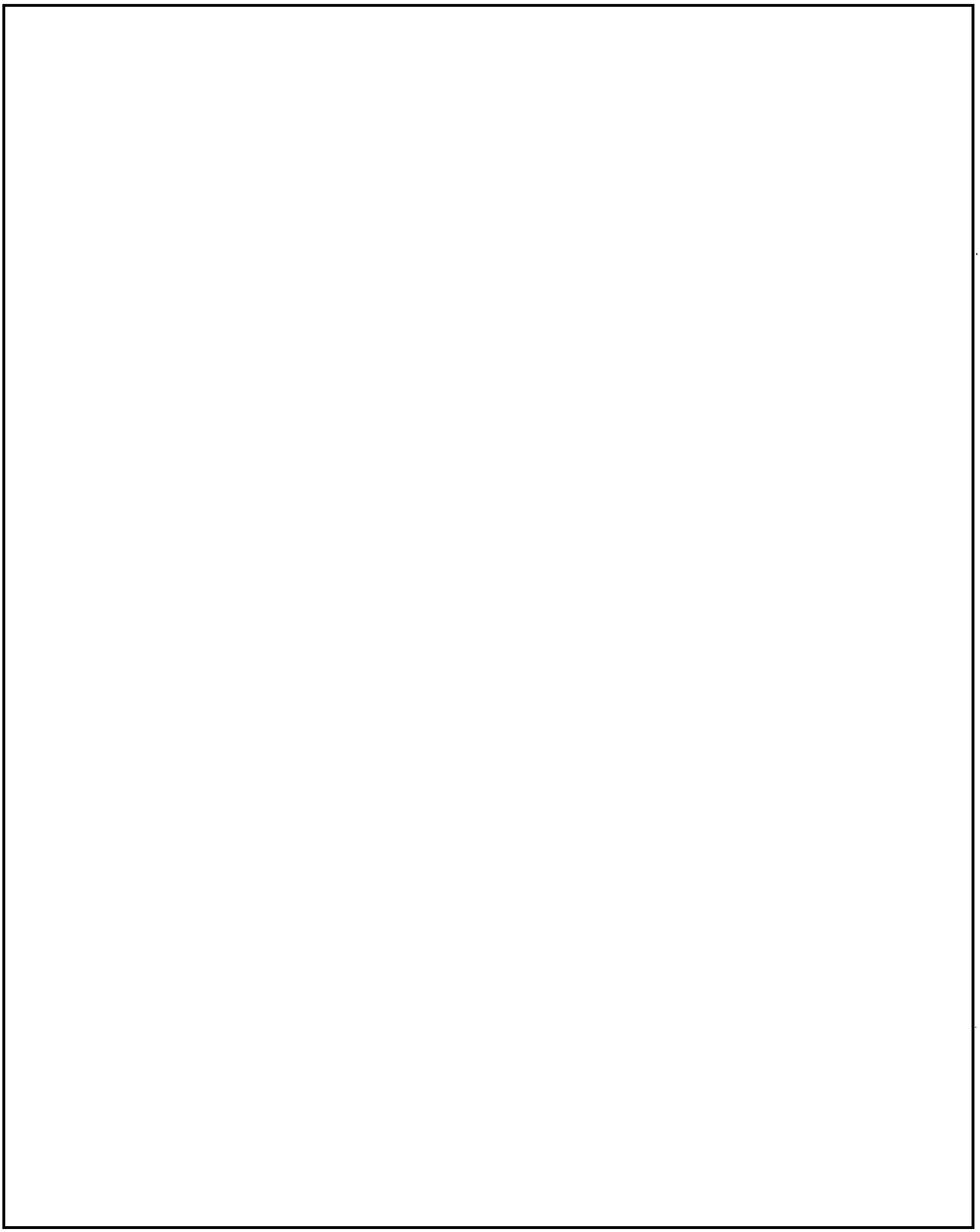

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FBI 18-cv-01766-676

b5 -3
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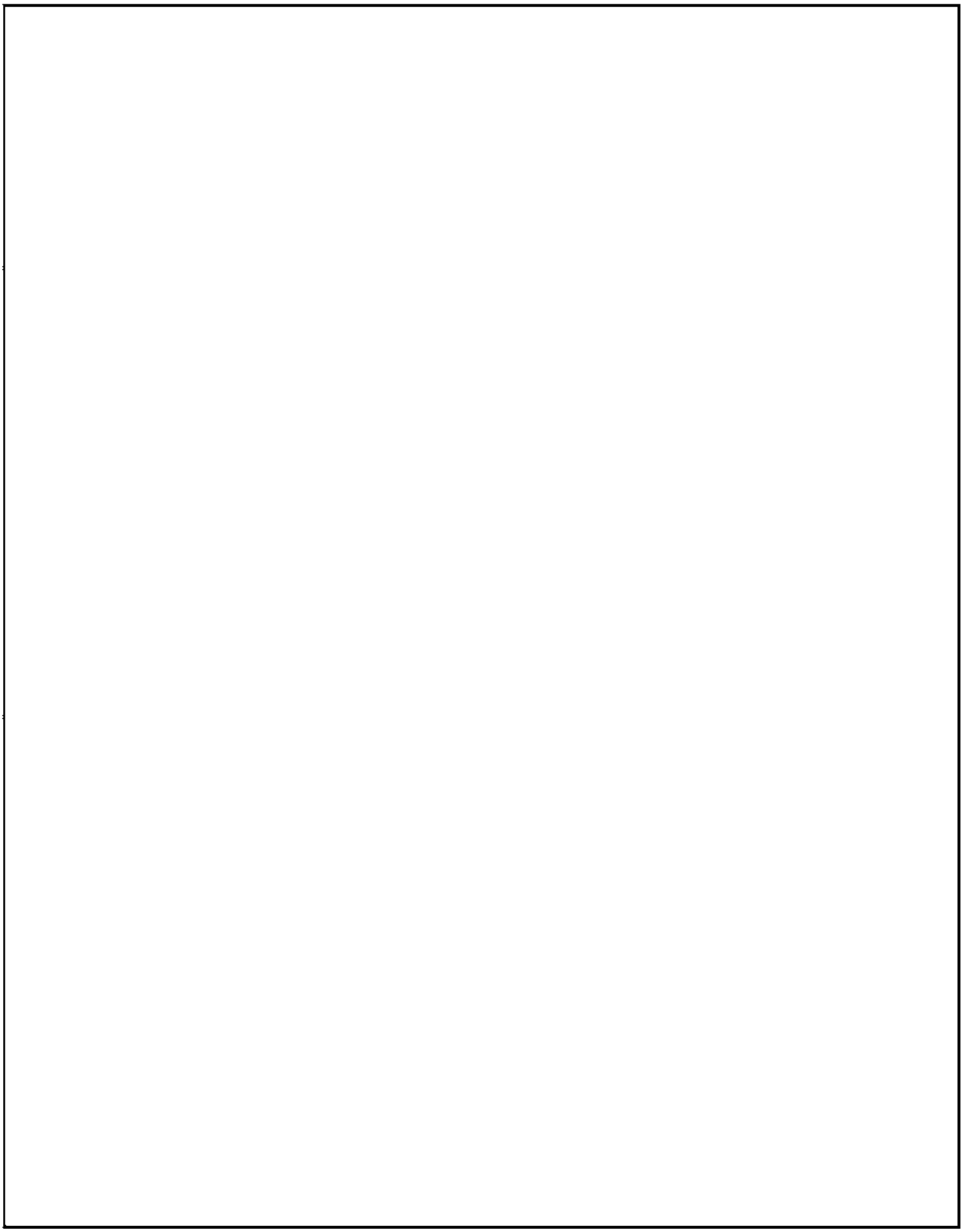
b7C -1,3

b5 -3
b7E -3



FBI 18-cv-01766-678

[redacted]

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FBI 18-cv-01766-679

James Comey Interview
11/16/2017

ALL INFORMATION CONTAINED
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DATE 07-02-2018 BY [redacted] NSICG

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UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

IN RE:

INTERVIEW OF JAMES COMEY

Thursday, November 16, 2017

Washington, D.C.

Interview of

James Comey

By the U.S. Department of Justice, Office of the Inspector General, at the Department of Justice Building before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

DANIEL BECKHARD, Oversight and Review Division

ROBERT STORCH, Office of the Inspector General

[redacted] Oversight and Review Division

b6 Per OIG
b7C Per OIG

FOR THE WITNESS:

None

MR. COMEY: Oh heck yeah.

[redacted] -- can have a field day with all of that. b6 Per OIG b7C Per OIG

MR. COMEY: I'm like yeah I'm already picturing it.

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. COMEY: But it's a, yeah, so look I know what I would do in your shoes.

[redacted] So right around this time October 21st, 23rd, 24th, is when the information about the Wall Street Journal is planning to publish an article about Andy McCabe's wife and the donations that she received from Terry McAuliffe. And so if you turn to tab 25, sorry to keep making you flip around. b6 Per OIG b7C Per OIG

MR. COMEY: It's okay.

[redacted] So behind tab 25 there's an October 21, 2016 email. It's from Andy McCabe to you, Jim Rybicki, Dave Bowdich and it says, "In the more bad news category, Mike K. informed me that Devlin Barrett at WSJ is putting together an article claiming I had a conflict of interest on Midyear as a result of [redacted] campaign connections to Governor McAuliffe. I'll work with Mike to provide same basic facts to pushback." b6 Per OIG b7C Per OIG b6 -3 b7C -3

And [redacted] if you want to jump in with any questions please feel free. b6 Per OIG b7C Per OIG

What was your reaction to this email?

MR. COMEY: What is this?

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. COMEY: Yeah, that was my reaction. It was, I'm quite certain, one never knows, but I think this was the first time I learned about any issue related to, and I had no idea that Andy had gone to Ethics Counsel, Pat Kelley and all that had gone on before. I think this is first, I'm highly confident this is the first time that I learn about this.

[redacted] Okay and what is your reaction? I mean I think you said earlier that you were concerned. What's your reaction to this email? b6 Per OIG b7C Per OIG

MR. COMEY: What's going on? What are they going to say? What is this about? What's the story with McAuliffe? I mean I have a million questions.

[redacted] Um-hum. And so he says, "I'm incredibly sorry for adding to the drama on this." b6 Per OIG b7C Per OIG

What did you understand that to mean?

MR. COMEY: That the entire Clinton email case and the source of a lot of drama and pain and that's what I took him to mean that it's, that we're getting, I'm getting, and the organization is getting brutally attacked and now this is going to add to the drama.

[redacted] Was there any particular you know drama on October 21st that he was adding to or is it your understanding it was just sort of the general criticism -? b6 Per OIG b7C Per OIG

MR. COMEY: Yeah I mean general. I'm not aware of

any, certainly I would connect it to -.

MR. BECKHARD: There's no particular reference to the more bad news. Is there some bad news?

MR. COMEY: It's always bad news. I mean that's the problem with that job.

[redacted] I think it might be that first, is the, the more bad news, the first paragraph of the -? b6 Per OIG b7C Per OIG

[redacted] The denial of service attacks. b6 Per OIG b7C Per OIG

MR. BECKHARD: Right.

MR. COMEY: Yeah because this is saying, they're not able to stop denials. They're still attempting to mitigate the second attack. Meaning there's an attack on going. I don't know which one it was. I know some important institution in American life was getting shut down by a denial of service attack. Anyhow, so this, the drama, sorry, [*3:44:20 INDISCERNIBLE].

[redacted] So this is the same day that SDNY calls down to ODAG, ODAG calls NSD and NSD calls over to the FBI, so that is not the drama that he is referring to -- b6 Per OIG b7C Per OIG

MR. COMEY: Not that I'm aware -.

[redacted] -- to your understanding? b6 Per OIG b7C Per OIG

MR. COMEY: No, my, I took this as, I take it reading it now as, the broader drama of the whole Clinton, the email investigation.

[redacted] Okay. And then October 23rd, the b6 Per OIG b7C Per OIG

document behind, McCabe says, "Not too much in the update. The only addition notable news is that Mike K. and I spent a good part of the day trying to shape the Wall Street Journal's story on my alleged conflict…" and that they're going to release it on line.

And then the next document is they do release it that evening. "Clinton Ally Aided the Campaign of FBI's Official's Wife."

Does this have any impact? I know [redacted] has questions later on like the McCabe recusal and so forth, but does this have any impact on your decision making in how to handle the additional emails found on the Weiner laptop, whether to send a letter? b6 Per OIG b7C Per OIG

MR. COMEY: No, although it had an impact on whether I wanted Andy involved in the decision about whether to send the additional letter, whether to send the October 20th letter.

[redacted] Um-hum. b6 Per OIG b7C Per OIG

MR. COMEY: He was out of town. He was on the phone. I'm trying to remember the dates. Anyhow, I will tell what I remember and then you can help me figure out the dates.

Is this getting into your part?

[redacted] It's fine. There's a natural overlap. b6 Per OIG b7C Per OIG

MR. COMEY: Okay. The, I can't sort out the days, but shortly after this, the next week is when I get to, what are we going to do about the search warrant, and then what do we do

about the request for a search warrant and that to me was an easy decision.

[redacted] Um-hum. b6 Per OIG b7C Per OIG

MR. COMEY: Said well you've got to go get them. And then the harder decision is going to be what obligation do we have in the wake of that and -. So Andy was, I think Andy was in the room for the decision about we ought to go get the search warrant and then he was out of town, because I remember him being on the phone, and I told him that I didn't want him involved in the decision about what to do about it. And he was very unhappy. I think, I may be, you'll help me I'm sure, I may be mixing this up.

[redacted] Um-hum. b6 Per OIG b7C Per OIG

MR. COMEY: But I had conversations with him where I said, I don't have time, because they were explaining to me Andy had reviewed this with his, with Pat Kelley and all this business and I said, I don't have time to sort that out. I don't need you in this decision. I don't want you involved in this decision. I don't have time to navigate whether this causes either Pat Kelley or me to have a different view of a conflict issue. That given, fairly or unfairly given the attention around this, there will be perception that you could argue, argue is a reasonable perception, that you have a conflict of some sort and I said, I don't need that hassle and so I don't need your advice on this, so you will have no further

involvement in this. And I knew he was very unhappy with that. I don't think he showed me his unhappiness, but I knew Lisa Page was very unhappy and was telling Jim Rybicki bad things about me I think, and, or not bad things about me as a person, but disagreed strongly with the decision. It was embarrassing to Andy. Because I remember having a strong reaction when Rybicki reported this to me saying, Lisa's client is the Federal Bureau of Investigation of the United States. Our client is not Andy McCabe and she you know, you want me to do it or you do it, but someone's got to make that clear to her that she's not, should never be before me advocating for Andy McCabe. She should step back. And I don't think I ever talked to Lisa directly. I think someone delivered the message to her.

And then, so I, I think I got this right, so I kicked Andy out of, removed Andy from decision making and said I need to accomplish that, we'll sort out whether it's an official recusal or what later, and then he had no further involvement in any of this until after the election. I think I got that right, but you'll press on me if I screwed it up.

[redacted] Did this press about his alleged conflict, did this make you more likely to send your letter to Congress? Did it affect your decision making?

b6 Per OIG
b7C Per OIG

MR. COMEY: No, just that I knew that whatever decision I made I shouldn't have this issue in it and that whatever implications, the facts were, what the facts are, I

don't know them all. They will be there, but it's not relevant to this decision except that I don't want to make this decision susceptible to attack by having someone involved in it that people will argue had a conflict.

[redacted] And then did he share with you his opinion of whether you should send the letter or not? b6 Per OIG b7C Per OIG

MR. COMEY: No. No. He came to me, it's coming back to me. I didn't want to embarrass him, let me see if I've got this right. My staff was hearing, I think from Lisa, that Andy thinks that there's no need for him to be removed from the case and I said to Rybicki, I don't want to embarrass Andy McCabe, but there's no fricking chance he's staying involved in this. And so I think for the good of the order, it would be wise, we have to reflect on it, center himself and then think about what would be the right thing and then come to me and tell me what he thinks the right thing to do it. I think that's it. I want to give him a chance because I knew emotions were running high. And so then he came to me, it's coming back, I can almost picture, I think it was in person, I think it was in person, and said look I've been thinking about it and I don't, I don't think there's a legal basis for recusal, but I think it's prudent that I step aside. And I said, "Andy, I think you've made the right decision." And I think that's the way I did it to try and save, because look it's, it's complicated in all organizations and I think the argument Lisa was making was, that if the Director

does this, it will undercut Andy for the long term and that an undercurrent which you may have picked up is, the sense that the rank and file don't like Andy, see him as a climber, a blue flamer, I don't know what the right terms are, but an elitist, hasn't been in the trenches, and so this, he, I think, and his staff, were always very attentive to that connection to the troops and I think Lisa's argument was, this will kill, if the Director removes Andy it will kill him with the rank and file. And I said to Rybicki, I don't buy that, but I don't really care, and that I don't have time and my instincts tell me I've got to get this out of the decision making. And so he communicated that and then Andy came in and told me he wanted to be out of the matter and I granted it. That allowed him the small face-saving thing of being able to say to the, to anybody who cared, I suggested to the Director that he remove me from the case.

[redacted] Okay. So you, he removed himself from the case, did he ever, did he come to you and voice his opinion on what you should do about the laptop and sending the letter to Congress or is he out by that point? b6 Per OIG b7C Per OIG

MR. COMEY: He's out I think. Yeah, I think, I think he was in -.

[redacted] There's an email behind tab 30 between you and Andy. b6 Per OIG b7C Per OIG

MR. COMEY: Oh, maybe this will help me.

[redacted] This is my position and chance. b6 Per OIG b7C Per OIG

MR. COMEY: Yeah, this is a different world.

[redacted] All right. b6 Per OIG b7C Per OIG

MR. COMEY: So complying with OIC's advice is a great thing, but I want something beyond that.

[redacted] Now you said that you know you just didn't have time to deal with it, you didn't have time to go through the analysis, but the allegation was presented to you on October 21st, and the Clinton Foundation Midyear wasn't an issue to be reopened and dealt with in an emergent way until October 27th. So did you take any actions or have anyone else take any actions or give McCabe the opportunity to defuse the allegation before you made a decision? b6 Per OIG b7C Per OIG

MR. COMEY: I, so he says there's something here on a Friday, the article comes out on Sunday.

[redacted] Right. b6 Per OIG b7C Per OIG

MR. COMEY: So it's bouncing around the world on Monday.

[redacted] Um-hum. b6 Per OIG b7C Per OIG

MR. COMEY: Thursday is when we have, I'm just framing this.

[redacted] Yeah. b6 Per OIG b7C Per OIG

[redacted] The meeting about the letter to Congress and all that.

MR. COMEY: I don't remember doing anything about this

because I don't remember feeling any sense of urgency again because, as I said earlier, unless I am losing my mind I did not feel a Clinton email thing coming until we're sitting there on a Thursday talking about what to do and, I don't remember it, look it's entirely possible there were all kinds of things going on, I just don't remember anything between the article hitting the world and the all of a sudden the Clinton email investigation is real and alive again, and that's when I kick Andy off of the phone. I think I told him, get off the phone. I didn't embarrass him, but just said, look go be with your family, I don't need you right now, we'll talk about it more. And then he must have come back after the weekend.

[redacted] 29th. b6 Per OIG b7C Per OIG

MR. COMEY: The 28th was a Friday.

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. COMEY: And I met with him that Monday or Tuesday and had the conversation I just talked about where he asked me to come off the investigation. But I think he told me he was going to come, I forget whether this is your question, I'm getting fried, --

[redacted] That's okay. b6 Per OIG b7C Per OIG

MR. COMEY: -- but that I think he told me when we were sitting on our couch at the beginning of that following week of the 30th -.

[redacted] The 31st. b6 Per OIG b7C Per OIG

political action campaigns that would connect to Terry McAuliffe who's a friend of the Clintons; what basis is that for recusal?

[redacted] I'm not -. b6 Per OIG b7C Per OIG

MR. COMEY: That was my, no I'm saying, I'm just trying to give you my state of mind --

[redacted] Right. b6 Per OIG b7C Per OIG

MR. COMEY: -- which is why when I saw all of this I really saw it as more of a, it's a PR thing that they've got to manage, but it became hugely significant to me once Midyear awoke from the dead.

[redacted] All right. b6 Per OIG b7C Per OIG

MR. BECKHARD: Can I interrupt for just half a second.

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BECKHARD: Maybe you were going to get to this, but given your viewpoint as you just described it, I want to take you back again to if you'd known the facts when they first became salient which would have been when he, perhaps when he became --

[redacted] DD. b6 Per OIG b7C Per OIG

MR. BECKHARD: DD.

[redacted] February 2016. b6 Per OIG b7C Per OIG

MR. BECKHARD: Okay, February 2016, but things aren't, there no mushroom cloud that requires you to make an instantaneous decision, you'd have a chance to think about it. At that stage, how would you, if you can help us know whether

you think you would have pushed him toward recusal.

MR. COMEY: I would, yeah. Not because I buy the bank, the multi-cushion bank shot, that it's an actual conflict of it, that even fits recusal standards, but because of the nature of the Midyear matter. I keep coming back to this, it's all about the credibility of the institutions and why would I onboard something that could be used to undercut the credibility of the institution when I have other executives I can -. Now Andy, we would have the same argument we had in October, and I would have said, I think, likely the same thing which is, Dude, this is going to be, I mean Mark Giuliano said to me, when that, when he came to brief me on that investigation in the summer of 2015, I forget whether I told you this, you know you're totally screwed. He said that to me and I laughed and I said, yeah, I know, yep, nobody gets out alive and the reason that is so funny is it's gallows humor, but I knew there was a fricking gallows in there and there was no way we were getting out of this without huge damage and so, why would I bring that in? And so I was frustrated that I hadn't known about this thing with Andy.

MR. BECKHARD: That would have been a non-mandatory, like you wouldn't have cared that much whether Pat Kelley had given it a [*5:08:16 INDISCERNIBLE]?

MR. COMEY: No, I would have said this is prudential. Look I love ya. I don't buy this. I think it's crap, but it brings a vector of attack to this institution and why would I

open a vector of attack to this institution, it's credibility is it's bedrock, when I don't need to.

MR. BECKHARD: Okay. b6 Per OIG b7C Per OIG

[redacted] So in response to the mushroom cloud, why doesn't the FBI then released a statement to say, and by the way you know we think these allegations are spurious, but we're going to you know recused McCabe anyway just to allay the public concerns?

MR. COMEY: Why not say that I kicked him off the thing anyway?

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BECKHARD: Or he's taken himself off.

MR. COMEY: Yeah taken himself off.

[redacted] Or he's taken himself off, yeah. b6 Per OIG b7C Per OIG

MR. COMEY: So he did recuse himself. I don't know. I think the reason, I want to separate between what I'm going to speculate now and if I actually remember talking about it. I don't, so I'm going to speculate now. Likely, it was because we didn't want to throw another log on the fire, that it would simply create a whole 'nother set of issues around why wasn't he recused in the first place, has he had any role, all those things. I think that was likely the reason. I don't remember talking about that.

[redacted] All right. b6 Per OIG b7C Per OIG

MR. COMEY: Because as you know, the world caught on

[redacted] So is it more likely that your team knows to give you a head's up [redacted] b6 Per OIG b7C Per OIG b7E -1

MR. COMEY: Yeah, yeah.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. COMEY: I'm usually receiving on those because I'm not able to keep in my head all those cases, so I trust them to tell me when there is a significant development.

[redacted] All right. 14 minutes. b6 Per OIG b7C Per OIG

MR. BECKHARD: Let me see if I can --

MR. COMEY: I've got more than 14 minutes.

MR. BECKHARD: -- race through this. And there may be a couple of things that you guys didn't cover -.

[redacted] One or two. b6 Per OIG b7C Per OIG

MR. BECKHARD: Okay. I hope you'll take my word for this. You declined to confirm the existence of the Clinton Foundation investigation in you testimony to Congress in July 2016.

MR. COMEY: Okay.

MR. BECKHARD: Does that sound right? This is one of the situations where you're asked a question about the Clinton Foundation and you said, don't confirm or -.

MR. COMEY: Yeah, that sounds right, about right.

MR. BECKHARD: Yeah. Did there come a time

subsequently when anyone in the FBI was authorized to publically confirm the Clinton Foundation investigation?

MR. COMEY: Not that I remember sitting here. Did we ever, did we confirm it while I was Director?

MR. BECKHARD: Well that's a -- we'll get to that.

MR. COMEY: Oh that's a question, sorry. Look at me following a thread.

MR. BECKHARD: So if you don't remember, I suspect I know what the answer to the next couple of questions are, but did you ever authorize anybody to publically disclose the existence of that foundation investigation?

MR. COMEY: Not that I recall. I don't know why, so not that I recall. I don't know why I would.

MR. BECKHARD: Do you recall if anybody ever asked you for authority to discuss the Clinton Foundation investigation publically?

MR. COMEY: I don't. I don't recall that.

MR. BECKHARD: All right. I'll just show you a December 2016 email and it's an email from Pete Strzok to Andy McCabe and it says that, "Received word via Jen that tomorrow morning Mike S. wants to talk about whether we've opened a leak investigation into the publicity surrounding the C Foundation. He said he would like to discuss as the D 'Would like to do something.'"

[OFF RECORD CONVERSATION.]

MR. BECKHARD: Did you know what Strzok was talking about in this email, the desire to do something?

MR. COMEY: I think he's talking about my -- there were media stories about the Clinton Foundation investigation in some form or fashion and it bugged me and I wanted to find out. I wanted it investigated and I think the challenge we faced was it wasn't classified information, so we couldn't open a leak investigation in the normal way. It was the criminal case and I'm pretty sure of this. I told him I don't care, I want to know. I want to find who is making disclosures and nail them to the wall and so see if we can do it internally. I have some recollection of that.

And then I remember Andy periodically telling me, we were pulling phone records, we were pulling text records to see if we could figure out what was going on and I remember him telling me that we were finding a disturbing number of contacts between the FBI in New York executives and media figures, not that executives can't talk to media figures, but a concerning number of contacts. I think that's what, that's a follow on to this. So I think it was me saying, I'm sick of reading about the Clinton Foundation in the newspaper, I want to find out what's going on. Sorry, that's what I think this is.

MR. BECKHARD: So did anything come of this effort that you were hoping would take place other than just determining that there were a disturbing number of contacts?

MR. COMEY: I don't think by the time I was fired five months later, I remember periodically being told they're making progress and that they were, I can't remember the names of the people, but they were finding things that were concerning to them, but I don't know what happened after I left.

MR. BECKHARD: Okay. So on the issue, the general issue of your concern about media articles about the Clinton Foundation investigation, did you have any discussions with Mr. McCabe about that?

MR. COMEY: Yeah, I think that was the one to whom I communicated my discomfort and said I want something done about this. This is terrible. It's making us look bad. I know we can't, it's not classified, so we can't make a referral, but let's find out what's going on.

MR. BECKHARD: Okay. Do you recall anything about what Mr. --

MR. COMEY: So I'm highly confident I talked to Andy about that.

MR. BECKHARD: -- what Mr. McCabe might have said to you?

MR. COMEY: No, other than he was going to march on.

MR. BECKHARD: Other than, yes sir.

MR. COMEY: He was going to march out and execute on it and I'm pretty sure he came back to me and said, I found a lot of stuff in New York and we're still working through it and

I was only there another five months, but I remember at least one or two more updates on that.

MR. BECKHARD: So could you please describe generally who in the FBI is authorized to disclose the existence of a pending investigation?

MR. COMEY: That's a great question. I think it's confined to the Director and the Deputy Director. We're the two, when I was there, we were the two authorized to make public statements. You mean publically, make a public statement not -?

MR. BECKHARD: To disclose it.

MR. COMEY: Yeah, and so it would be the Director or the Deputy Director and there's a delegation for public comment, a limited delegation, below that I think, but I think the core of it is the two of us, one of us could do it.

MR. BECKHARD: And was there a set of criteria you would consider before doing that kind of disclosure?

MR. COMEY: Sure, similar to what we did with the email investigation and the Russia investigation, that is consider whether because the default is we don't talk about it. Consider whether, I'm going to forget the language of the policy but, --

[redacted] Um-hum.

b6 Per OIG
b7C Per OIG

MR. COMEY: -- consider whether the public interest requires it and public interest would typically be connected to things like we need to reassure the public. They were

conducting activity or the activity is readily apparent or other overriding public interest. I mean you all probably know the language better than I, --

MR. BECKHARD: Sure.

MR. COMEY: -- but it's something like that, the public interest exception.

MR. BECKHARD: So would you normally participate in any kind of, I mean any kind of decision making about whether to disclose --

MR. COMEY: Yes.

MR. BECKHARD: -- in that situation?

MR. COMEY: Correct.

MR. BECKHARD: And as I understood your testimony, there was no, you recall no such discussion regarding the Clinton Foundation?

MR. COMEY: I don't know recall any such discussion. I remember intense discussion around in the fall, which we've already talked about, the Clinton emails investigation; intense discussion about Russia that ultimately led to me confirming the Department's direction in March of this year, the existence of an investigation, but not about the Clinton Foundation.

MR. BECKHARD: All right. Let me show you a Wall Street Journal article that I think we've referred to a couple of times. I believe it came out on the 30th of October and I

would direct your attention to pages eight and nine and I think it's marked there for your convenience.

There's a discussion, and I'll just read it for the record real quickly.

"According to a person familiar with the probes, on August 12, a senior Justice Department official called Mr. McCabe to voice his displeasure at finding that New York FBI agents were still openly pursuing the Clinton Foundation probe during the election season.

Mr. McCabe said agents still had the authority to pursue the issue as long as they didn't use overt methods requiring Justice Department approvals."

MR. COMEY: Um-hum.

MR. BECKHARD: It goes on to say that, "The Justice Department official was very pissed off…"

Do you recall seeing this at the time?

MR. COMEY: Let me just read the rest of this.

MR. BECKHARD: Sure.

MR. COMEY: Yes I do.

MR. BECKHARD: Well what was your reaction?

MR. COMEY: I don't remember for sure. I remember talking to Rybicki about it saying what the hell. I was very concerned about it for a number of reasons. It's funny, my, I think my first concern because I felt it was my first concern here, was that this was going to poison our relationship with

the Department of Justice.

MR. BECKHARD: That doesn't surprise.

MR. COMEY: Yeah, and my second reaction was, what are we doing talking about what we're doing in an investigation and I don't know -- so your question was what? I have some memory, what date is this?

MR. BECKHARD: October 30th.

b6 Per OIG
b7C Per OIG

[redacted] A Sunday.

MR. COMEY: I have some memory of doing something to try and find out what happened here.

MR. BECKHARD: Okay. Did you know that this particular, well first of all, did you consider it a leak?

MR. COMEY: Yes, I, unless I authorized it or Deputy Director McCabe authorized it, I considered it an unauthorized disclosure. Not of classified information, but it, so I would, again it's interesting about whether you can leak non-classified information, I would think of it as a problematic disclosure, unauthorized disclosure.

MR. BECKHARD: Disclosure of sensitive FBI information?

MR. COMEY: Yeah. Yep.

MR. BECKHARD: And if, well did you know this was coming?

MR. COMEY: I don't think so. I don't think so.

MR. BECKHARD: Were you aware of the telephone call

between Mr. McCabe and the senior DOJ official before the article?

MR. COMEY: I don't remember. I remember that Andy was working with DOJ to try and figure out the rules of the road on the Clinton Foundation case, we talked about this earlier, where we didn't want the New York office running off and doing things that would generate attention. Probably.

[redacted] We have been told that was Axelrod, just if that helps. b6 Per OIG b7C Per OIG

MR. COMEY: Yeah, that's what I was thinking that was. At some point I knew it was Axelrod or guessed it was Alexrod. May have been Rybicki came in and said Axelrod is furious that someone at the Bureau is talking about his conversations with McCabe. Yeah, so anyhow, I'm sorry, what was your question?

I didn't authorize it. I didn't do it. I don't happen to know this. I don't know. I think I asked if something could be done to find out who did this.

MR. BECKHARD: Well the article is quite specific about what took place in a conversation, a private conversation, between McCabe and a senior official. Do you by the way happen to know who that was? Who's being referred to as far as the senior official?

MR. COMEY: I think Alexrod, Matt Axelrod.

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BECKHARD: So, did you ask Mr. McCabe if he knew

anything about this?

MR. COMEY: I was going to say I must have unless I, he may have said something to me preemptively, not preemptively, that imputes it, that intent I mean, before I asked about it. I remember talking to Rybicki and Rybicki expressing his worry that this was from Lisa Page and I don't know whether that was fair or not, but because she's very close to Andy and the thing we talked about earlier, very defensive of Andy. I can't remember. It seems likely I would have, it's possible that when he, if he raised it with me, I don't remember him telling me in response to either my question or his affirmative statement that he had authorized this. In fact my impression was the opposite and you'll have to go interview Rybicki if you haven't already, but I think I said something to him about like you've got to find, you've got to find out what's going on here. Figure out how we're going to find out what's going on.

MR. BECKHARD: You think Mr. Rybicki would know more about that?

MR. COMEY: I think so, but I'm, because the problem with being a witness is I've had some conversations, but I think Rybicki came in or called me when this appeared and said this is really bad. DOJ is going to be furious. I'm really worried Lisa Page went off the reservation or something here and I'm making this up because I don't have a clear recollection, but I must have had some conversation with Andy about it where I took from

it that he didn't do and didn't authorize it.

MR. BECKHARD: He did not tell you that he authorized it.

MR. COMEY: No, no. Nope. In fact, likely told me the opposite. Definitely didn't tell me he authorized it and I think gave me the impression he didn't know what was going on.

MR. BECKHARD: Would that have happened within a short time after the article appeared?

MR. COMEY: I would think so. I don't know where we were. Yeah, because it would have been on my, I don't know what day of the week October 30th is, but -.

[redacted] It's a Sunday. b6 Per OIG b7C Per OIG

MR. COMEY: Sunday, yeah so that, Monday we're at work and it's a, and I'm sure Rybicki raised it with me. He may have called me about this.

MR. BECKHARD: Is this one of the articles that contributed your desire for the leak investigation that we've described in connection with the prior exhibit?

MR. COMEY: Yeah, it might have been part of it. That's what I'm trying to sort out -.

MR. BECKHARD: So it was certainly not the only --

MR. COMEY: What did I commission?

MR. BECKHARD: -- article about the Clinton Foundation.

MR. COMEY: What did I commission, but I was

frustrated that there were articles about the Clinton Foundation said I wanted a look done to find out what was there. I think it was given to the Counterintelligence Division and I don't know what happened with it. So I know I should know, but I would assume this would be part of their look, but I don't know what they found. What's going to happen to me is a week from now in the shower and [SOUND] --

[redacted] You'll call? b6 Per OIG b7C Per OIG

MR. COMEY: I'll call you.

[redacted] Did Rybicki mention he had spoken to others about his concern that Lisa Page may have been the source of that as well? Or even how he sort of thought she could be the source? b6 Per OIG b7C Per OIG

MR. COMEY: I don't think he did. It's possible he was talking to Kortan, Mike Kortan.

[redacted] Um-hum. b6 Per OIG b7C Per OIG

MR. COMEY: I don't remember for sure I'm saying. I remember him, and I think I remember him feeling kind of guilty about it, but he said, I've got to be honest, I'm very concerned that Lisa Page is talking to the media.

[redacted] You know and Mike Kortan, he's obviously AD of OPA, but he's interfacing with the press about investigative details, is that what, would he always be consulting with a substantive expert in the Bureau, somebody in the supervisory chain to talk about what can be said and can't b6 Per OIG b7C Per OIG

be said?

MR. COMEY: Yes.

[redacted] Like how does Kortan operate that way, does he do anything on his own, Kortan, as far as disclosing details about an investigation? b6 Per OIG b7C Per OIG

MR. COMEY: No, not in my experience, but the way Mike worked in my experience was, he goes and talks to whoever is over that area, what can we say. Okay, what should we say? Here's what the press is saying. What can we appropriately say to push back? He's a, I mean more sophisticated than that, but he's a mouth piece.

[redacted] Yeah. Would he have any of the investigative details on his own, his normal daily business? b6 Per OIG b7C Per OIG

MR. COMEY: No. No. In fact, they keep him out of things just so he's not exposed. He didn't know that I was going to make the June 5th statement.

[redacted] July 5th. b6 Per OIG b7C Per OIG

MR. COMEY: Excuse me, July 5th statement, until, and I remember it caused a little bit of frostiness. I think he was a little bitter that I didn't tell, that he didn't know what was going on; we kept him out of Midyear. Again, just so that, because there's no need for any press and if there's a leak, I don't want anyone to say that the press guy was kept informed. So sorry for that long answer.

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. COMEY: But in theory, and I don't know how he would in practice go against this, he doesn't have independent knowledge of investigative details.

[redacted] And you know, the last thing for me, sorry to jump in. The conversation details in general they are between McCabe and who we believe to be Axelrod, I mean I know when I read the article the first time it struck me that you know it's a very, it seems like a private conversation, could not be a lot of people would have access to the details of that. b6 Per OIG b7C Per OIG

MR. COMEY: Yeah.

[redacted] Definitely not anybody in New York, I would think for this detail anyway. b6 Per OIG b7C Per OIG

Did you have any suspicions on who may have passed that information along?

MR. COMEY: Yeah, I mean cause Rybicki [*5:55:39 INDISCERNIBLE] Lisa Page, but Lisa was either on the call or Andy told her about it right after the call.

[redacted] Um-hum. b6 Per OIG b7C Per OIG

MR. COMEY: And I think they would sometimes do that where he'd have the call on the speakerphone and she'd be sitting there.

[redacted] Just in your sense of being around like, you know you mentioned earlier that Page counseled McCabe and that you know you had to remind her, have someone else remind her at one point, your client is the FBI, not Andy McCabe. b6 Per OIG b7C Per OIG

MR. COMEY: Correct.

[redacted] Did you have any sense with her, just how she behaved normally that she would talk to the media or do other major activities without first checking with Andy? b6 Per OIG b7C Per OIG

MR. COMEY: I don't think I had a sense one way or another. She was kind of Andy's right hand.

[redacted] Um-hum. b6 Per OIG b7C Per OIG

MR. COMEY: And so I don't know actually what the rhythm of that relationship is. Sometimes when you have a relationship like that, someone acts for you without conferring with you. Sometimes they check everything; I just don't know.

[redacted] All right. b6 Per OIG b7C Per OIG

MR. BECKHARD: So it seems to me there's two different sensitive pieces in here that are, have somewhat different aspects to them.

One of course is the details of a private telephone call that as you pointed out, the disclosure of which could harm the relationship of the FBI with the Department. Is this the sort of disclosure that you could ever image authorizing?

MR. COMEY: Of the call with -?

MR. BECKHARD: The call between McCabe or between the Deputy Director and the senior Department official?

MR. COMEY: I guess it's possible.

MR. BECKHARD: See this call -.

MR. COMEY: I didn't. It seems very unlikely. I

didn't do that.

MR. BECKHARD: Okay. If somebody had come to you -?

MR. COMEY: That question.

MR. BECKHARD: If somebody had come to you and said I want to tell this story about this phone call that makes the Department official look real bad and makes me look real good, --

MR. COMEY: Yeah.

MR. BECKHARD: -- what would you have said?

MR. COMEY: Well I'd ask a lot of why questions. So why? Why does that make sense? Why is that fair? Why is that in the interest of the organization? Why, why, why.

MR. BECKHARD: Can you imagine any reasons that the answer to any of those things would be, it is or yes?

MR. COMEY: Well I mean it's hard to answer in the abstract, but it's very unlikely, in fact approaching zero that I would authorize this disclosure for that reason we just talked about. And for the second reason which is it's just, not just implicitly, but explicitly confirms the existence of a criminal investigation.

MR. BECKHARD: Precisely, that was the other half of it.

MR. COMEY: That's the easy one. I don't know or there may be circumstances where, it's hard for me to imagine, but where I thought it would be reasonable to disclose some

conversation that doesn't reveal sensitive information or something, I don't know, but this seems very unlikely, approaching zero, that I would authorize a disclosure of an investigation that I had already, I think you showed me something, I declined to, we hadn't confirmed yet.

MR. BECKHARD: Right.

[redacted] How about the third prong about authorizing it in the immediate aftermath of your October 28th letter to Congress? You know that -- b6 Per OIG b7C Per OIG

MR. COMEY: Authorizing what?

[redacted] -- you're, you know you send the letter to Congress on the 28th, would you have been even less likely to authorize the disclosure to the media in the aftermath of the firestorm that erupted then? b6 Per OIG b7C Per OIG

MR. COMEY: Yeah. I had forgotten that. It's two days after that.

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. COMEY: Yeah, so just to make sure there's no fuzz on it, I did not authorize this. I would not have authorized this. If someone says that I did, then we ought to have another conversation because I, it doesn't make a lot of sense to me.

MR. BECKHARD: I understand. If you were to authorize the disclosure of the existence of a specific investigation like the Clinton Foundation investigation, would you typically do it through this kind of means or something more formal?

MR. COMEY: No we would, it would require, because it's so unusual, it would require, we'd have lots, probably endless meetings, talk about it and figure out how to disclose it, what vehicle, all those kinds of things.

I mean the disclosure, take the Russia investigation that took endless conversations and wordsmithing. I don't normally read a script in front of Congress, but did you see me testify that day, I've got the actual words written out, so I'm getting exactly right, that's the kind of way. And the same with the, even though we had the whole matter business, very, very careful in how I was going to describe it down, so sorry for that long answer. But we wouldn't be disclosing this is a criminal investigation on the back of an envelope or anonymously sourced in a newspaper.

MR. BECKHARD: Did you consider the Deputy Director's authority to disclose information to extend to disclosures of this type?

MR. COMEY: Hmmm, that's a good question. Probably not in practice, but I don't know what the theory would be if he has the same authority I do or did to make disclosures on behalf of the FBI. I don't know the answer to that, that's knowable by more expert people, but in practice, no.

MR. BECKHARD: Have you ever had experience with the Deputy Director making disclosures of this type under his authority to make disclosures?

MR. COMEY: No. The three deputies I had, I don't remember any disclosures at all without close coordination with me, and I don't remember any. I mean press releases go out and stuff like that, but I mean significant disclosures about investigations or developments or budget would always go through me, again because remember we start with the framework we had earlier. I'm the CEO. I'm responsible for how this organization interacts with the world. You're the COO, you're responsible for how this organization operates. Now those overlap to a great degree, but if we're going to be doing anything significant with Congress or the rest of the government or the media, I should know about it.

MR. BECKHARD: So if a Deputy Director wanted to disclose information of this type, you would expect him to check with you first.

MR. COMEY: I would expect that, yeah.

MR. STORCH: And I'm sorry, did you indicate that there were instances where you had such discussions with Deputy Directors about disclosures?

MR. COMEY: Well Russia and the Clinton email investigation we had extensive discussions.

MR. STORCH: Right, and was McCabe involved?

MR. COMEY: Yes and it's all running together. Not in the matter investigation piece, --

[redacted] Midyear?

b6 Per OIG
b7C Per OIG

MR. COMEY: -- but not in Midyear --

MR. STORCH: Right.

MR. COMEY: -- but in the Russia stuff, yeah.

MR. STORCH: So he would know that you would have, that would be something that would be discussed with you, regardless of the theory getting to the practice point you were making --

MR. COMEY: Yeah.

MR. STORCH: -- he would know from experience that that would be something he would need to discuss with you.

MR. COMEY: Correct. Like I said, unless I've forgotten something, it's always possible, if Andy McCabe intentionally did this article, he would know it was something that he shouldn't do with me, that he should discuss it with me first.

MR. STORCH: And this is implicit in what you said before, but you didn't have any discussions with him about that before the article obviously.

MR. COMEY: No.

MR. STORCH: And when it came out afterwards, you recollection is you believe that he said to you that the -.

MR. COMEY: That he didn't, but, and I don't remember exactly how, but I remember some form or fashion and it could have been something like can you believe this crap? How does this stuff get out kind of thing? But I took from whatever

communication we had that he wasn't involved in it, and, but this is something, I won't check, maybe you could check with Rybicki, but I'm pretty sure that I wanted this other piece to find out what's going on with what people are talking about.

MR. STORCH: And it may not have been a precise, did he say that he didn't or he didn't say that he did or do you remember?

MR. COMEY: I don't remember except I have a strong impression that he conveyed to me, it wasn't me boss. And I don't think that was by saying those works, I think it was most likely by saying, I don't know how this shit gets in the media or you know why would people talk about this kind of thing, words that I would fairly take as I, Andy, didn't do it. And I actually didn't suspect Andy, after conversations with Rybicki my worry was is his aide doing it.

MR. STORCH: Right.

MR. COMEY: And then comes the question of well would she do it without checking with Andy is a whole 'nother kettle of fish.

[redacted] Um-hum.

b6 Per OIG
b7C Per OIG

MR. BECKHARD: Did anybody tell you whether the description of the telephone call was accurate or not?

MR. COMEY: I don't remember. I don't remember. I don't think so, but I don't remember being told that. I thought the substance of it was, I think what was shocking was that it

had happened. I guess in that sense, yeah, I was being told it was accurate because it was going to infuriate the Department of Justice.

MR. BECKHARD: But it would infuriate them if it was false too.

MR. COMEY: Yeah, but that's now how I took it. So I guess in some form or fashion I was told, this is a real conversation between Andy and Axelrod and it's out in the media.

MR. BECKHARD: And you may have already answer this and if so I apologize, but can you identify any way in which this kind of disclosure would be in the best interest of the FBI?

MR. COMEY: If you make the best argument? It's hard to make the argument, but I guess you can make an argument that it sends, it keeps the [*6:05:35 INDISCERNIBLE].

I'll make an argument, that it shows the, keeps the New York office on the reservation by showing that the leadership at Headquarters is fighting for them and battling the pencil-pushing bureaucrats across the street and that you know they're trying to do the right thing by way of the investigators in New York and Andy is their champion. I could see that was an argument, and their argument that that's in the best interest of the FBI, then you have to consider all the other things that come with that - you disclosed an investigation, you pissed off people across the street.

MR. BECKHARD: If someone had come to you with that argument, here's why we should do this -.

MR. COMEY: No, no, I wouldn't have bought it.

MR. BECKHARD: Okay.

MR. COMEY: I wouldn't have bought it. Did you just ask me is there an argument?

MR. BECKHARD: No, fair enough.

MR. COMEY: It's not a great one.

[redacted] There's always an argument. b6 Per OIG b7C Per OIG

MR. COMEY: Yeah.

MR. BECKHARD: But there's not any harm associated with it -.

MR. COMEY: Sure, but people aren't, that's the way people are, they're never act thinking I'm doing something wrong. They always convince themselves that this is somehow in the interest of the organization and so that's probably the best that a person disclosing would come up with.

[redacted] Can I just ask a quick question? b6 Per OIG b7C Per OIG

MR. COMEY: Yep.

[redacted] When you decided that Andy should be recused on the Midyear investigation, did you make the same determination as to his involvement in the Clinton Foundation? He ended up recusing himself on the same day, November 1st, I believe, shortly after he spoke with you. b6 Per OIG b7C Per OIG

MR. COMEY: I don't know whether that crossed my radar

C E R T I F I C A T E

I hereby certify that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of the Inspector General in the matter of:

Interview of James Comey

[redacted] b6 Per OIG b7C Per OIG
Transcriptionist
Department of Justice
Office of the Inspector General
Oversight and Review Division

January 16, 2018
Date

Toll Records, Texts, E-mails (including Dan Beckhard E-mail)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-06-2018 BY [redacted] NSICG

b6 -1
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b6 -1
b7C -1

Texts for McCabe Interview

Date UTC	Internal Phone Number	Type of Message	From	To	Body	
2016-10-27 16:06:39, Thu		OUTBOX			Are you in with wsj now?	b6 -1 b7C -1 b7E -4
2016-10-27 16:19:42, Thu		INBOX			Going there now. I WI call you immediately after re call with devlin. Think I have Jim back in the box. Will call you as soon as devlin is done.	b6 -1 b7C -1 b7E -4
2016-10-27 16:24:56, Thu		OUTBOX			Spoke to D	b6 -1 b7C -1 b7E -4
2016-10-27 16:27:12, Thu		INBOX			K. Will call when I am done.	b6 -1 b7C -1 b7E -4
2016-10-27 17:25:41, Thu		INBOX			Can you talk now?	b6 -1 b7C -1 b7E -4

FBI 18-cv-01766-720

Texts for McCabe Interview

Date UTC	Internal Phone Number	Type of Message	From	To	Body	
2016-10-27 17:49:13, Thu		INBOX			Please call me.	b6 -1 b7C -1 b7E -4
2016-10-27 18:38:43, Thu		OUTBOX			In 10 min.	b6 -1 b7C -1 b7E -4
2016-10-27 18:39:14, Thu		INBOX			Perfect.	b6 -1 b7C -1 b7E -4
2016-10-27 20:22:50, Thu		OUTBOX			Call u in 5 min.	b6 -1 b7C -1 b7E -4
2016-10-27 20:23:17, Thu		INBOX			Okay.	b6 -1 b7C -1 b7E -4
2016-10-27 20:36:55, Thu		INBOX			Call cell when you can.	b6 -1 b7C -1 b7E -4

FBI 18-cv-01766-721

Texts for McCabe Interview

Date UTC	Internal Phone Number	Type of Message	From	To	Body	
2016-10-27 21:23:02, Thu		INBOX			We're done. He's going to look at his story again and we'll circle back with him in the morning.	b6 -1 b7C -1 b7E -4
2016-10-28 17:33:46, Fri		INBOX			Just got off with barrett. Give me a call here.	b6 -1 b7C -1 b7E -4
2016-11-01 01:40:53, Tue		INBOX			Christ. A LOT of articles tonight. MJ published, lots about MYE, and an allegation about a PI on Manafort.	b6 -1 b7C -1 b7E -4
2016-11-01 01:46:00, Tue		OUTBOX			MJ? Kelly File was really rough on me.	b6 -1 b7C -1 b7E -4
2016-11-01 01:46:51, Tue		INBOX			Mother Jones. Re western intel source reporting on trump.	b6 -1 b7C -1 b7E -4
2016-11-01 01:46:55, Tue		INBOX			I didn't watch.	b6 -1 b7C -1 b7E -4

FBI 18-cv-01766-722

Texts for McCabe Interview

Date UTC	Internal Phone Number	Type of Message	From	To	Body	
2016-11-01 01:47:49, Tue		INBOX			It's the first you've really come up since last sunday. Thought Devlin's piece was pretty benign.	b6 -1 b7C -1 b7E -4
2016-11-01 01:59:31, Tue		NBOX			And the alphabank story is in slate.	b6 -1 b7C -1 b7E -4
2016-11-01 02:06:43, Tue		OUTBOX			Awesome.	b6 -1 b7C -1 b7E -4

FBI 18-cv-01766-723

	A	B	C	D	E	F	G	H	
1	2016-10-27 21:23:02, Thu		INBOX	We're done. He's going to look at his story again and we'll circle back with him in the morning.	sms				b6 -1 b7C -1 b7E -4
2	2016-10-27 21:29:16, Thu		INBOX	I just walked in on Jim to force the issue. Me: "I'm not recused, but I'm not sitting in on this meeting."	sms				b6 -1 b7C -1 b7E -4
3	2016-10-27 21:29:40, Thu		INBOX	He told me to just go chill out for a while, so that's what I'm doing.	sms				b6 -1 b7C -1 b7E -4
4	2016-10-27 21:31:17, Thu		OUTBOX	I find that hard to believe. You don't do chill.	sms				b6 -1 b7C -1 b7E -4
5	2016-10-27 21:32:06, Thu		NBOX	Ha. This is true.	sms				
6	2016-10-27 21:59:28, Thu		INBOX	I'm not welcome at that meeting, while they discuss whether or not I should be recused. Even though technically only I have the power to recuse myself.	sms				b6 -1 b7C -1 b7E -4
7	2016-10-27 22:08:28, Thu		INBOX	One more thing to mention to you, when you have a chance.	sms				b6 -1 b7C -1 b7E -4
8	2016-10-27 23:28:41, Thu		INBOX	Jim Baker's home number is	sms				b6 -1 b7C -1 b7E -4
9	2016-10-28 00:59:59, Fri		INBOX	Please hit me up later tonight or tomorrow so I know how convo with folks went. Just want to be prepared walking into tomorrow.	sms				b6 -1 b7C -1 b7E -4

	A	B	C	D	E	F	G	H	
10	2016-10-28 01:57:44, Fri		OUTBOX	I spoke to both. Both understand that no decision will be made on recusal until I return and weigh in. Jim says his meetings were mostly about the notification and statement which the boss wants to send tomorrow. I do not agree with the timing but he is insistent.	sms				b6 -1 b7C -1 b7E -4
11	2016-10-28 01:58:21, Fri		OUTBOX	I don't think I can spare another brain cell on this tonight. Call you tomorrow?	sms				b6 -1 b7C -1 b7E -4

	A	C	D	E	F	H	
1	2016-10-27 14:26:02, Thu		OUTBOX			I obviously don't have to tell you how completely INFURIATED I am with Jim right now.	b6 -1 b7C -1 b7E -4
2	2016-10-27 14:42:59, Thu		OUTBOX			Did CF come up in any substantive way?	
3	2016-10-27 15:12:47, Thu		INBOX			No. Will stop by with [redacted].	
4	2016-10-27 15:13:01, Thu		OUTBOX			Shocking.	b6 -1 b7C -1 b7E -4
5	2016-10-27 16:21:41, Thu		OUTBOX			In with kortan now.	
6	2016-10-27 16:25:15, Thu		INBOX			Just spoke with JB...he relayed your convo...	
7	2016-10-27 16:33:42, Thu		INBOX			D is going to call Andy, we should talk before then. Have you talked with Andy, particularly w/r/t what JB subsequently told me?	b6 -1 b7C -1 b7E -4
8	2016-10-27 16:36:11, Thu		OUTBOX			He already did.	
9	2016-10-27 16:38:06, Thu		INBOX			JB told me there was no requirement to recuse you, that is was optics,we went round and round playing that out.	
10	2016-10-27 18:01:09, Thu		INBOX			I HATE NOT HAVING YOU IN THIS \U0001f621\U0001f621\U0001f621\U0001f621\U0001f621\U0001f621\U0001f621\U0001f621	b6 -1 b7C -1 b7E -4
11	2016-10-27 20:37:02, Thu		OUTBOX			Nope, just went to kortan.	
12	2016-10-27 20:38:14, Thu		INBOX			K. There's stuff from discussion today we haven't covered but you have the big stuff. Will think and write down anything else	
13	2016-10-27 21:08:18, Thu		INBOX			God I am aggravated. Call me...now have a 530 re-group.	b6 -1 b7C -1 b7E -4
14	2016-10-27 21:08:58, Thu		OUTBOX			On with Devlin still.	
15	2016-10-27 21:09:48, Thu		INBOX			Hope it's going well...	
16	2016-10-27 21:21:08, Thu		OUTBOX			I'm done..	
17	2016-10-27 21:30:44, Thu		INBOX			I'm 20 feet from you and this feels unnatural.	
18	2016-10-27 21:31:09, Thu		OUTBOX			I just walked in on Jim to force the issue. Me: "I'm not recused, but I'm not sitting in on this meeting."	b6 -1 b7C -1 b7E -4
19	2016-10-27 21:31:19, Thu		OUTBOX			He told me to just go chill out for a while, so that's what I'm doing.	
20	2016-10-28 17:18:08, Fri		INBOX			Just stopped by. Lemme know when you're back. Have a 2...	
21	2016-10-28 17:19:06, Fri		OUTBOX			Still on with devlin. Mike's phone is ON FIRE.	
22	2016-10-28 17:19:38, Fri		INBOX			It's on news	
23	2016-10-28 17:20:00, Fri		OUTBOX			Great.	
24	2016-10-28 17:29:58, Fri		INBOX			You may wanna tell Devlin he should turn on CNN , there's news going on ; (	b6 -1 b7C -1 b7E -4
25	2016-10-28 17:30:13, Fri		INBOX			Sorry ;)	
26	2016-10-28 17:30:17, Fri		OUTBOX			He knows. He just got handed a note.	
27	2016-10-28 17:33:54, Fri		INBOX			Ha. He asking about it now?	
28	2016-10-28 17:34:44, Fri		OUTBOX			Yeah. It was pretty funny. Coming now.	
29	2016-10-28 19:53:24, Fri		OUTBOX			Will be in my ofc in 2.	
30	2016-10-28 19:57:21, Fri		INBOX			K. Have to see Kortan, will stop by on the way	
31	2016-10-28 22:27:32, Fri		OUTBOX			Rybicki just called to check in. He very clearly 100% believes that Andy should be recused because of the "perception."	b6 -1 b7C -1 b7E -4
32	2016-10-28 22:30:57, Fri		INBOX			God. \U0001f621	
33	2016-10-28 22:34:58, Fri		OUTBOX			Our statement affected the stock market. \U0001f621	

	A	C	D	E	F	H
34	2016-10-30 13:50:53, Sun	[redacted]	INBOX	[redacted]		This is all Matt\n\nJustice officials warned FBI that Comey\u2019s decision to update Congress was not consistent with department policy -The Washington Post\nhttps://www.washingtonpost.com/world/national-security/justice-officials-warned-fbi-that-comeys-decision-to-update-congress-was-not-consistent-with-department-policy/2016/10/29/cb179254-9de7-11e6-b3c9-f662adaa0048_story.html?hpid=hp_hp-top-table-main_campaignprint-810pm%3Ahomepage%2Fstory
35	2016-10-30 13:56:06, Sun		OUTBOX		[redacted]	Yeah, I saw it. Makes me feel WAY less bad about throwing him under the bus in the forthcoming CF article.
36	2016-10-30 13:57:24, Sun		INBOX	[redacted]		Yep the whole tone is anti Bu. Just a tiny bit from us. And serves him right. He's gonna be pissed....
37						

b6 -1
b7C -1
b7E -4

	A	B	C	D	E	F	G	H	I	J	
1	2016-10-27 09:53:27, Thu		INCOMING							00:00:54	
2	2016-10-27 14:02:48, Thu		INCOMING							00:08:14	
3	2016-10-27 14:15:05, Thu									00:00:00	
4	2016-10-27 14:25:25, Thu		OUTGOING							00:01:06	
5	2016-10-27 14:27:42, Thu		OUTGOING							00:03:24	
6	2016-10-27 15:33:25, Thu		INCOMING							00:04:43	b6 -1
7	2016-10-27 16:15:09, Thu		INCOMING							00:04:49	b7C -1
8	2016-10-27 18:54:47, Thu		OUTGOING							00:51:32	b7E -4
9	2016-10-27 20:22:01, Thu									00:00:00	
10	2016-10-27 20:38:10, Thu		OUTGOING							00:06:30	
11	2016-10-27 20:53:21, Thu		OUTGOING							00:00:42	
12	2016-10-27 21:11:41, Thu									00:00:00	
13	2016-10-27 21:12:49, Thu		INCOMING							00:00:36	
14	2016-10-27 21:14:16, Thu		OUTGOING			*86	*86	*86		00:01:11	
15	2016-10-27 22:47:20, Thu		OUTGOING							00:04:57	
16	2016-10-27 23:02:08, Thu		OUTGOING							00:01:10	
17	2016-10-27 23:03:27, Thu		OUTGOING							00:00:48	
18	2016-10-27 23:04:25, Thu		OUTGOING							00:00:51	b6 -1
19	2016-10-27 23:06:28, Thu		OUTGOING							00:06:22	b7C -1
20	2016-10-27 23:13:38, Thu		OUTGOING							00:00:17	b7E -4
21	2016-10-27 23:23:36, Thu		INCOMING							00:00:02	
22	2016-10-27 23:24:27, Thu									00:00:00	
23	2016-10-27 23:35:48, Thu		INCOMING							00:00:29	
24	2016-10-28 00:31:57, Fri									00:00:00	
25	2016-10-28 00:32:41, Fri		INCOMING							00:00:13	
26	2016-10-28 00:58:47, Fri		OUTGOING			*86	*86	*86		00:00:47	
27	2016-10-28 00:59:53, Fri		OUTGOING							00:01:46	
28	2016-10-28 01:01:54, Fri		INCOMING							00:20:14	b6 -1
29	2016-10-28 01:02:33, Fri		INCOMING							00:00:13	b7C -1
30	2016-10-28 01:27:40, Fri		OUTGOING			*86	*86	*86		00:00:51	b7E -4
31	2016-10-28 01:28:48, Fri		OUTGOING							00:16:16	
32	2016-10-28 01:45:07, Fri		OUTGOING			*86	*86	*86		00:00:00	
33	2016-10-28 11:31:09, Fri		INCOMING							00:12:30	
34	2016-10-28 12:15:08, Fri		OUTGOING							00:07:54	
35	2016-10-28 12:51:22, Fri									00:00:00	b6 -1
36	2016-10-28 12:52:26, Fri		INCOMING							00:00:34	b7C -1
37	2016-10-28 14:25:36, Fri		OUTGOING							00:04:17	b7E -4
38	2016-10-28 17:27:51, Fri									00:00:00	
39	2016-10-28 17:37:41, Fri		OUTGOING							00:00:21	

	A	B	C	D	E	F	G	H	I	J
40	2016-10-28 17:38:16, Fri		OUTGOING							00:23:40
41	2016-10-28 18:07:50, Fri		OUTGOING							00:00:08
42	2016-10-28 19:28:33, Fri		OUTGOING			*73	*73	*73		00:00:02
43	2016-10-28 21:43:00, Fri		INCOMING							00:06:22
44	2016-10-28 22:11:11, Fri		MISSED							00:00:00
45	2016-10-28 22:12:20, Fri		INCOMING							00:00:24
46	2016-10-28 22:26:05, Fri		MISSED							00:00:00

b6 -1
b7C -1
b7E -4

From: Beckhard, Dan C. (OIG)
Sent: Tuesday, August 01, 2017 5:43 PM
To: Horowitz, Michael E.(OIG) <mhorowitz@OIG.USDOJ.GOV>; Storch, Robert P. (OIG) <rstorch@OIG.USDOJ.GOV>
Subject: FW: Call from A/Director McCabe

From: Beckhard, Dan C. (OIG)
Sent: Tuesday, August 01, 2017 5:43 PM
To: [redacted] b6 Per OIG b7C Per OIG
Subject: Call from A/Director McCabe

On Tuesday August 1 I received a call from Acting Director McCabe. He wanted to provide some additional recollections about matters we had discussed during his interview on July 27.

First, he stated that he believes that Lisa Page may have been authorized by him to work with AD Michael Kortan (Public Affairs) and to speak with the WSJ for the late October article. He said he had worked with Page on a previous WSJ article earlier in the month when they spent the day trying to correct inaccuracies. At the time the second article was being prepared, McCabe was out of town [redacted] He believes he may have authorized Page to work with Kortan and speak to Devlin Barrett (the WSJ reporter) because she had previously worked with McCabe on the issues raised by his wife's political campaign and was very familiar with those issues. [This is curious. Although the article does discuss the controversy over McAuliffe's support of [redacted] that was not the focus of the statements that appear to be coming from Page, which relate to how McCabe was caught in the middle on the Clinton Foundation investigation and describing a call from a senior DOJ official (Axelrod?) who was "very pissed off." Unfortunately, I didn't have the article at hand when McCabe called.] He said Kortan would be familiar with Page's role and authority to speak. b6 -1,3 b7C -1,3

Second, he wanted us to know that sometime in 2016 [redacted] He thought this was relevant to our questions about the nature of his relationship to Page. b6 -1 b7C -1

He also wanted to tell us that Strzok is being moved to a non-operational position in HR, and was being given this assignment by Bowditch today. He said Page is staying in OGC but will be kept away from any issues touching on the Special Counsel and will not interact with them. I asked if either of them would have any connection to other investigations touching the 2016 candidates, such as the Clinton Foundation, and he said no.

He let slip that he heard Wray was being confirmed today and commented that "that would be awesome."

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-11-2018 BY [redacted] NSICG b6 -1 b7C -1

From: Mccabe, Andrew G. (DO) (FBI)
Sent: Thursday, November 3, 2016 6:43 PM
To: Kortan, Michael P. (DO) (FBI)
Subject: Fwd: Wsj

I am curious as to why I keep stumbling across these things with no notice whatsoever from my OPA machine?

Is it too much to ask to get even the slightest heads up from your shop? Rich attended my wrap and said nothing of this.

I would like to discuss solutions tomorrow.

------ Original message ------
From: "Mccabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 11/3/16 9:36 PM (GMT-05:00) b7E -4
To: "Sweeney, William F. (NY) (FBI)" [redacted]
Subject: Wsj

Secret Recordings Fueled FBI Feud in Clinton Probe

This is the latest WSJ article.

Call me tomorrow.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-11-2018 BY [redacted] NSICG b6 -1 b7C -1

0.7.453.76967

FBI-DOJ-OIG-UNET-ELEC-0000051636

FBI-DOJ-OIG-UNET-ELEC-0000051636

FBI 18-cv-01766-731

Message

From: Mccabe, Andrew G. (DO) (FBI) [/O=FBI/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AGAGMCCA]
Sent: 10/26/2016 12:45:57 AM
To: Kortan, Michael P. (DO) (FBI) [/o=FBI/ou=First Administrative Group/cn=Recipients/cn=AGMPKORT]
Subject: RE: Wsj

Thanks

--

------ Original message ------
From: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Date: 10/25/16 7:48 PM (GMT-05:00)
To: "Mccabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Subject: RE: Wsj
Not tonight or tomorrow's paper. Will have better idea tomorrow.

--

------ Original message ------
From: "Mccabe, Andrew G. (DO) (FBI)" <Andrew.McCabe@ic.fbi.gov>
Date: 10/25/16 7:42 PM (GMT-05:00)
To: "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ic.fbi.gov>
Subject: Wsj
Any news on the next article? Do we think anything else will break tomorrow?

--

MC

EXHIBIT # 3

Kortan, Michael P. (DO) (FBI)

From: Kortan, Michael P. (DO) (FBI)
Sent: Monday, October 24, 2016 12:26 PM
To: Barrett, Devlin
Subject: RE: Happy Monday

Call me...thanks.

From: Barrett, Devlin [mailto:[redacted] b6 -3 b7C -3
Sent: Monday, October 24, 2016 11:58 AM
To: Kortan, Michael P. (DO) (FBI) <Michael.Kortan@ic.fbi.gov>
Subject: Happy Monday

Hi Mike,
So any comments/complaints/denunciations on the story? You're always welcome to tell me where I'm off-base or terrible, I don't really mind. Reporters are thin-skinned generally but frankly nothing you say could be as bad as being embraced on twitter by anti-semites.

Also, a followup:
I'm told that McCabe has, at times, supervised the McAuliffe and Clinton Foundation probes.
Specifically, I'm told that in January FBI leadership decided that the McAuliffe probe would be handled distinctly from the Foundation probe, with NY doing the Foundation and WFO doing McAuliffe - this despite there being some overlap in what is being looked at in terms of interactions with and contributions to the Foundation.
I'm also told that in the summer, McCabe himself gave some instruction as to how to proceed with the Clinton Foundation probe, given that it was the height of election season and the FBI did not want to make a lot of overt moves that could be seen as going after her or drawing public attention to the probe.
How accurate are those descriptions?
anything else I should know?

And I'm hanging at DoJ if you want to grab a bite or anything.

--
Devlin Barrett
Wall Street Journal
o [redacted]
c
t: @devlinbarrett

b6 -3
b7C -3

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-11-2018 BY [redacted] NSICG b6 -1 b7C -1

McCabe
OIG Interviews (3)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-11-2018 BY [redacted] NSICG b6 -1
b7C -1

263D-HQ-[redacted]-17 b6 -1
b7C -1

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

IN RE:

INTERVIEW OF ANDREW MCCABE

Friday, July 28, 2017

Washington, D.C.

Interview of

Andrew McCabe

By the U.S. Department of Justice, Office of the Inspector General beginning at 4:00 p.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

DANIEL BECKHARD, Oversight and Review Division

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

b6 Per OIG
b7C Per OIG

I N D E X

EXHIBITS

EXHIBIT NUMBER	PAGE NUMBER
None	

P R O C E E D I N G S

[redacted] We are on the record. It is July 28, 2017 at 4:00 p.m. We are here with Acting Director, Andrew McCabe, Acting Director of the FBI. b6 Per OIG b7C Per OIG

Present for the OIG is Assistant Inspector General for Oversight & Review, Dan Beckhard; Investigative Counsel, [redacted] and Investigative Counsel, [redacted] We are in the IG conference room at RFK. b6 Per OIG b7C Per OIG

Mr. McCabe, we have been conducting a review of various FBI and Department actions in advance of the 2016 Election. This includes former Director Comey's statements --

MR. MCCABE: Um-hmm.

[redacted] -- or a statement on July 5th, his letters to Congress in late October and early November, as well as whether any investigative actions were influenced by improper considerations. b6 Per OIG b7C Per OIG

MR. MCCABE: Okay.

[redacted] As part of this, we pulled information relating to texts and e-mails from people on the team and we have shown you a spreadsheet of e-mails between Pete Strzok and Lisa Page -- b6 Per OIG b7C Per OIG

MR. MCCABE: Text messages.

[redacted] -- texts, sorry, text messages between Pete Strzok and Lisa Page and that's what we will be talking about today. And we'll be asking you questions about specific b6 Per OIG b7C Per OIG

issues raised by the text messages and we will not be covering other issues related to [redacted] b7E -1 [redacted] --

MR. MCCABE: Um-hmm.

[redacted] -- or any issues related to that. b6 Per OIG b7C Per OIG

MR. MCCABE: Okay.

[redacted] This is a voluntary interview. What b6 Per OIG b7C Per OIG that means is if you don't want to answer a question, that's fully within your rights. That will not be held against you and we appreciate you taking the time to meet with us on such short notice.

Given the nature of this particularly, it's important that you don't discuss this with anyone else. Obviously you can tell people that you met with us, --

MR. MCCABE: Um-hmm.

[redacted] -- but we ask that you not discuss the b6 Per OIG b7C Per OIG substance of what we asked about or discussed, just to ensure that there's no coordination of anyone.

MR. MCCABE: Of course. Yep.

[redacted] And then the other concern, given one b6 Per OIG b7C Per OIG or two of these text messages, is that if any questions call for a classified response, let us know. We're in a conference room that is rated up to SECRET, --

MR. MCCABE: Okay.

[redacted] -- but we would need to switch b6 Per OIG b7C Per OIG

recorders if something calls for a SECRET response and if it's at a higher classification, we will obviously take that up in the SCIF, --

MR. MCCABE: Okay.

[redacted] -- either now or at a later date. b6 Per OIG b7C Per OIG

MR. MCCABE: Okay.

[redacted] With that, if you could raise your right hand. b6 Per OIG b7C Per OIG

Whereupon,

ANDREW MCCABE

was called upon by the United States Department of Justice, Office of the Inspector General, to provide a voluntary sworn statement and was duly sworn.

[redacted] Great, thank you. So we've given you the spreadsheet of text messages. b6 Per OIG b7C Per OIG

Let's first get some background just on your experience with Strzok, how you knew him and how, if you know, he was brought into Midyear.

MR. MCCABE: Well I know Peter from his time working counterintelligence matters, both at Headquarters and at the Washington Field Office.

[redacted] Um-hmm. Were you the SAC over there? I forget exactly. b6 Per OIG b7C Per OIG

MR. MCCABE: I was the ADIC.

[redacted] The ADIC over there, okay. b6 Per OIG b7C Per OIG

had.

MR. MCCABE: Yeah. It wasn't like secret society or something.

[redacted] Did you ever discuss why, aside from the movie or the book did you ever discuss Watergate and ongoing relevance to -- b6 Per OIG b7C Per OIG

MR. MCCABE: Uh-uh.

[redacted] -- current political situation? b6 Per OIG b7C Per OIG

MR. MCCABE: No, no.

[redacted] Okay. Is that all we have on this? b6 Per OIG b7C Per OIG

[redacted] [INAUDIBLE RESPONSE.]

[redacted] Okay. All right. So there's also information in these texts that indicates that Lisa Page has spoken to the press and we wanted to get your sense of whether we thought it was her. Let's see. Let me find this.

MR. MCCABE: Um-hmm.

[redacted] This is an article, a Wall Street Journal article, and it's dated October 30, 2016 and it's -- it's with an -- it's an exposé about the Bureau and ongoing investigations. b6 Per OIG b7C Per OIG

MR. MCCABE: And when was the -- what was the date of this?

[redacted] Oh, that October -- b6 Per OIG b7C Per OIG

[redacted] 30th, 2016.

[redacted] -- 30th, 2016. And that's Devlin

Barrett in the Wall Street Journal.

So in the spreadsheet here there are two text messages dated October 30, 2016. The first one, inbox that's for Pete Strzok. It says -- and the formatting is a little skewed, but it says, "This all Matt" - forwarding an article from the Washington Post. "Justice officials warned FBI that Comey's decision to update Congress was not consistent with department policy."

And then Lisa responds, "Yeah I saw it. Makes me feel WAY less bad about throwing him under the bus in the forthcoming CF article."

Which we're not sure what that relates to, perhaps Clinton Foundation. Do you happen to know?

MR. MCCABE: I don't know what she's referring to.

[redacted] Or perhaps a code name? b6 Per OIG b7C Per OIG

MR. MCCABE: Not one that I recall, but this thing is like right in the middle of the allegations about me, and so I don't really want to get into discussing this article with you.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. MCCABE: Because it just seems like we're kind of crossing the strings a little bit there.

[redacted] Was she ever authorized to speak to reporters in this time period, was Lisa Page? b6 Per OIG b7C Per OIG

MR. MCCABE: Not that I'm aware of.

[redacted] Okay. Because we have some texts that b6 Per OIG b7C Per OIG

pretty much on with Devlin still, still on with Devlin and who is the author, is it that -. And it's not in that sheet.

[redacted] It's under. b6 Per OIG b7C Per OIG

[redacted] Oh, is it?

[redacted] When -- no it's not on the greatest hits. It's October 27th and 28th,"On with Devlin still and still on with Devlin."

[redacted] So here, I mean I can show you. There's not much content than what you already read. This is October 27th, "Still on with Devlin." And this is around the time of the -- you know the Comey -- Comey's letter to Congress is the following day about the Weiner matter -- b6 Per OIG b7C Per OIG

MR. MCCABE: Yeah.

[redacted] -- and things like that. So there's another one in the same period, the next day that you know, still on with Devlin, but not any other context with it, just those. b6 Per OIG b7C Per OIG

MR. MCCABE: I -- not that I'm aware of.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. MCCABE: And again, I'm not even -- I don't feel comfortable getting into this with you guys, but --

[redacted] Um-hmm. b6 Per OIG b7C Per OIG

MR. MCCABE: -- I was not even in town during those days. So I can't tell you where she was or what she was doing.

[redacted] Gotcha. b6 Per OIG b7C Per OIG

C E R T I F I C A T E

I hereby certify that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of the Inspector General in the matter of:

Interview of Andrew McCabe

[redacted] b6 Per OIG b7C Per OIG
Transcriptionist
Department of Justice
Office of the Inspector General
Oversight and Review Division

October 24, 2017
Date

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

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IN RE: :

INTERVIEW OF ANDREW MCCABE :

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November 29, 2017

Washington, D.C.

Interview of

Andrew McCabe

By the U.S. Department of Justice, Office of the Inspector General, at the Department of Justice Building, beginning at 9:30 a.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted] Oversight and Review Division

[redacted] Oversight & Review Division

[redacted] Oversight and Review Division

[redacted] Oversight & Review Division

ROBERT STORCH, Oversight & Review Division

FOR THE WITNESS:

ERIC BRUCE, Esquire

b6 Per OIG
b7C Per OIG

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INDEX

EXHIBITS

EXHIBIT NUMBER	PAGE NUMBER
None.	

PROCEEDINGS

[redacted] Okay, on the record. I am [redacted] I'm an Investigative Counsel with the Oversight & Review Division in the Office of the Inspector General. I'm here with [redacted] who is also an Investigative Counsel, [redacted] also Investigative Counsel, [redacted] also Investigative Counsel, and of course Deputy Inspector General Robert Storch. And this is an interview with Mr. Andrew G. McCabe, is that right?

MR. MCCABE: That's correct.

[redacted] And you're the Deputy Director of the FBI, is that right?

MR. MCCABE: I am.

[redacted] And are you represented by counsel today?

MR. MCCABE: I am.

[redacted] Could you please identify yourself for the record? Sure.

MR. BRUCE: My name is Eric Bruce. I'm with the law firm Kobre & Kim, K-O-B-R-E, K-I-M.

[redacted] Thank you. And we're in the Oversight & Review conference room at 1425 New York Avenue. It is approximately 9:30 on November 29th. We're continuing matters that we've been discussing yesterday. This is voluntary interview, but, let me borrow this for one second, you have been designated a subject for this aspect of the review, which concerns allegations that you may have committed misconduct in connection with disclosures of nonpublic information to the media and subsequent statements related there to. And you received and signed the subject notification on October 5th, 2017, and I showed you and your counsel a copy of that for the record.

You're still under oath. Do you understand?

MR. MCCABE: I do.

[redacted] And to protect the integrity of our investigation, we request that you not discuss the contents that we discuss today. Is that all right?

MR. MCCABE: Yes.

[redacted] And consistent with standard practice, we're recording the interview. And if you don't have any other, further questions, we'll get going.

MR. MCCABE: Okay.

[redacted] So yesterday, I understand that you did review some notes and emails in preparation for the matters that we're discussing over these two days. Did you review anything with respect to the Wall Street Journal article that appeared on October 30th, 2016?

MR. MCCABE: I read the article.

[redacted] Did you review any emails related to that article?

MR. MCCABE: I don't remember emails specifically related to the article.

[redacted] Okay. Did you have any discussions with anyone with respect to that article?

MR. BRUCE: Other than counsel.

[redacted] Other than counsel in preparation for today.

MR. MCCABE: No.

[redacted] Did you review any notes related to the October 30th, 2016 article?

MR. MCCABE: I reviewed my notes from that time period. I'm not sure that there were any handwritten notes about the article, but I reviewed, I reviewed whatever handwritten notes I have from that time period.

[redacted] Okay. Nothing jumps out related to the, the Wall Street Journal article?

MR. MCCABE: Not that I recall.

[redacted] Did you compile or discuss with anyone a time line of events related to the October 30th, 2016 Wall Street Journal?

MR. BRUCE: So all your questions we can assume --

[redacted] Yes.

MR. BRUCE: -- other than any interactions --

b6 Per OIG b7C Per OIG

[redacted] Correct.
MR. BRUCE: -- you've had with me.
[redacted] Yes.
MR. BRUCE: He can have that understanding.
[redacted] Yes.
MR. BRUCE: Okay.
[redacted] It's really with the FBI. Right.
MR. MCCABE: I sent an email to Mike Kortan and in concert with the first Wall Street Journal article, which was I think on the 23rd.
[redacted] Right.
MR. MCCABE: That's the only one I'm recollecting at the moment.
[redacted] When you say you sent Mr. Kortan an email, are you referring to back then, or in preparation for this interview?
MR. MCCABE: Back then.
[redacted] Okay. So, just to recap, other than looking at the article, nothing that you looked at and no one that you talked to at the FBI to refresh your recollection regarding the Wall Street Journal article October 3rd, other than what you've already identified?
MR. MCCABE: That's correct.
[redacted] Okay.
[redacted] Before you move on, can I ask, you

mentioned that you reviewed handwritten notes that you have from the time period.
MR. MCCABE: Um-hmm.
[redacted] Did any of those handwritten notes make mention of contacts with Mike Kortan for the Wall Street Journal article?
MR. MCCABE: For the Wall Street Journal article? On the 30th, we're talking about what I'll say is Article 2.
[redacted] Sure.
MR. MCCABE: Wall Street Journal 2. I don't believe I had any handwritten notes because I, I was not in the office. I was out of town during that period.
[redacted] Okay. When you travel out of town, do you, I understand that you are a note-taker.
MR. MCCABE: Yes.
[redacted] And that you --
MR. MCCABE: Yes, I am.
[redacted] -- keep notebooks --
MR. MCCABE: Right.
[redacted] -- in chronological order.
MR. MCCABE: That's right.
[redacted] When you travel out of town, do you take those with you in case something happened?
MR. MCCABE: No.

[redacted] When you were out of town during this period of time, did you have your notebooks with you?
MR. MCCABE: I don't believe I did, no.
[redacted] Go ahead.
MR. STORCH: Just on the notes, just to --
MR. MCCABE: Yes.
MR. STORCH: -- be complete. Was there anything that you reviewed in terms of notes or any other documents that have not previously been provided to the OIG?
MR. MCCABE: I don't think so. I don't have a, I don't have perfect clarity on what was provided to the IG.
MR. STORCH: Right.
MR. MCCABE: So I don't, I don't think I could say that, but --
MR. STORCH: As far as you know, everything you reviewed, we should have. That's what I'm saying.
MR. MCCABE: I would think so.
MR. STORCH: Okay.
MR. MCCABE: But again, I say that with the caveat that I don't know what you have.
MR. STORCH: Did you --
MR. BRUCE: Because it went through OGC.
MR. MCCABE: Right.
MR. STORCH: I see. Okay. Fair enough.

Thanks.
MR. MCCABE: But we have been interacting over the last week on kind of re-review of particular periods of time and all that kind of stuff with Dan.
MR. STORCH: I don't want to go too far down this road, but --
MR. MCCABE: Yeah.
MR. STORCH: Would, are you aware of any documents that were, without getting into the reason, withheld by OGC for any reason from the OIG that you reviewed in preparation for your testimony today?
MR. MCCABE: I am not.
MR. BRUCE: But also, to be clear, just in my conversations with Dan, our understanding was OIG wanted OGC to be making the final determinations.
MR. STORCH: Yeah. That's what I said. I'm not, I'm not in any way questioning the process.
MR. BRUCE: Right.
MR. STORCH: I'm just asking whether he reviewed any documents that we don't have, to his knowledge. So it's possible OGC may have, with a very appropriate reason, that's, that's fine.
MR. BRUCE: Okay.
MR. STORCH: And we can talk with them about it.
MR. BRUCE: I understand. I think we're on the

b6 Per OIG b7C Per OIG

same page.
MR. STORCH: Okay. Close enough.
b6 Per OIG b7C Per OIG [redacted] All right. So, let me show you a copy of the October 30th, 2016 Wall Street Journal article.
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG [redacted] You've seen this before, right?
MR. MCCABE: I have, yes.
b6 Per OIG b7C Per OIG [redacted] And one occasion you saw this was your last OIG interview on July 28th, 2017. Do you remember that?
MR. MCCABE: I remember, I think it was Dan showed it to me.
b6 Per OIG b7C Per OIG [redacted] Okay. And during that interview, you were asked if Lisa Page was ever authorized to speak to the press in this period. And you said not that I'm aware of. Do you remember that?
MR. MCCABE: I remember Dan showing me a text between Lisa and Pete.
b6 Per OIG b7C Per OIG [redacted] Um-hmm.
MR. MCCABE: In which they were discussing something that Dan believed was a reference to the Wall Street Journal article. And at the time, I was not clear of what they were referring to. And I also remember not, I was not, I was concerned, as I mentioned at the, at the

beginning of that interaction about being questioned about things that were not related to the texts.
b6 Per OIG b7C Per OIG [redacted] Right.
MR. MCCABE: So I don't remember exactly what response I gave to him or what question he asked me about the article, but I do remember the article coming up. I remember him showing to me in the context of the text, and not, I wasn't comfortable saying what was, was being referred to in that.
b6 Per OIG b7C Per OIG [redacted] Okay. And I, and I recognize what, what you're saying. Just so we're speaking from the same script.
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG [redacted] So this, I'm showing you a copy of the transcript from your interview.
MR. MCCABE: Okay.
b6 Per OIG b7C Per OIG [redacted] It's on Page 31, so I'm just holding my finger there.
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG [redacted] On Line 22 to 24, take your time if you want to read that entire page, is your response and in response to the question was Lisa Page ever authorized to speak to the press in this period. And you responded on Lines 22 to 24, not that I'm aware of.
MR. MCCABE: Okay.

b6 Per OIG b7C Per OIG [redacted] And so you see you said that statement on Line, transcript page 31, lines 22 to 24, you see you made that statement, not that I am aware of?
MR. MCCABE: Yes.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. MCCABE: I see that.
b6 Per OIG b7C Per OIG [redacted] So four days later, though, on August 1st, you called Dan Beckhard who is the Assistant Inspector General for the Oversight & Review Division by phone.
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG [redacted] And said that you may believe you may have authorized Lisa Page to work with Mr. Michael Kortan and speak to the Wall Street Journal reporter for the October 30th article that's before you now.
MR. MCCABE: That's right.
b6 Per OIG b7C Per OIG [redacted] What prompted your call on that day to Mr. Beckhard?
MR. MCCABE: What prompted the call was this, this exchange, which I can talk about in more detail if you like.
b6 Per OIG b7C Per OIG [redacted] Yes.
MR. MCCABE: But essentially, after the exchange, I was concerned, I was not clear when we talked about it, like, as, as I've already said, I wasn't

comfortable commenting on what Lisa was texting about. And I couldn't, I wasn't, I don't know, I wasn't absolutely sure what she was referring to with Pete Strzok and her mentions of Devlin and all that stuff. So that, so, that was part of my reluctance to kind of get into it, and also the, my concern about this straying from the understanding that I had with Dan and coming over and talking to you all that day.
But after our exchange, I was also concerned, I had a chance to think about it more. I had a chance to think about those days and the articles and the times and dates that things came out. And kind of, kind of rethink through the course of events over that period of time, as I, as I recollect with them. And I remember interacting with Mike and Lisa around that article.
b6 Per OIG b7C Per OIG [redacted] When you say that article --
MR. MCCABE: This Wall Street Journal 2, so the --
b6 Per OIG b7C Per OIG [redacted] Meaning, when you say Wall Street Journal 2 on the record, you refer to --
MR. MCCABE: This, the October 30th.
b6 Per OIG b7C Per OIG [redacted] Okay. I'm sorry to interrupt you.
MR. MCCABE: And it was important to me that Dan and you all did not have the misimpression about the authorization that I had given to, to Mike Kortan and Lisa

Page to interact with Devlin Barrett on that article.
[redacted] And so what do you recall about that interaction as you were thinking about it again today with Ms. Page and Mr. Kortan and authorizing them to speak to the Wall Street Journal reporter for Article 2?
MR. MCCABE: Sure. Did you want me to walk through like all the events of that time?
[redacted] Yeah, sure. Sure.
MR. MCCABE: Yeah?
[redacted] Or, I mean as, as you, best you recall today, yes.
MR. MCCABE: Okay. Well it's, it's kind of hard for me to, to me the, the entire process kind of runs together and starts with the earlier Wall Street Journal article, which I learned about, I want to say Mike Kortan mentioned it to me probably on the Friday before the previous weekend. So that would have been like the 20th, if I'm doing the math right. Something like that.
[redacted] Okay. October 20th?
MR. MCCABE: Yeah. Mike Kortan made mentioned to me at one of our, our, probably in a closeout meeting or something like that, that, I don't know if he had said the Wall Street Journal, but he had gotten a media inquiry about my wife's campaign. Which is a fairly normal occurrence. Mike talks to me every day about there's a

media inquiry about this, or that, or the other thing. It's kind of, the majority of our interactions. And next thing that happened was on, it must have, I think it was on Sunday, we were leaving the house to go to an event for [redacted] And my wife [redacted] got a call on her cell phone from Devlin Barrett.
And he said, you know, introduced himself. She had no idea who he was. And he said I'm doing an article about your campaign and your, and your husband or something like that, and she said I don't wish to talk to you, and hung up the phone. And so that started a whole process. I immediately called Kortan to kind of find out what was going on, put him on notice, and then I think he started interacting with Devlin on the article. So I didn't have any direct dealings with Devlin on that.
But over the course of that day, we began this process of essentially me trying to educate Mike Kortan on what had happened, or not happened, in the course of my wife's campaign. And so it's in that context that I typed an email to him that I have seen.
[redacted] Um-hmm.
MR. MCCABE: In some of the production around this and FOIA and stuff like that, an email to him in which I had laid out some, some of the facts around my wife's campaign. Just typing in my car and, you know,

just kind of off the top of my head. So it's not a complete recitation of everything that was relevant to the issue, but it's, it's on those facts. So in any case, Mike interacted with Devlin over the course of the day in an effort to correct some of the inaccuracies in the article. Again, which is a part of what Mike Kortan does for the FBI. Yeah, that's probably half of Mike's job is taking calls from reporters and interacting with representing the positions of the FBI to the media. The other half of Mike's job is talking to me and the Director and letting us know what's happening in the media. Like what, what is the media interested in, what are they reporting on? How were they going to represent the FBI, the work that we're doing, that sort of thing.
So anyway, Mike, Mike was doing that on Sunday. I think the article maybe ended up coming out on Sunday night, maybe, online, Monday morning --
[redacted] The 23rd?
MR. MCCABE: Yeah. Monday morning in the, in the hardcopy. So Mike continued to interact with Devlin Barrett over the course of that week. And then later in the week became aware that Barrett was writing a second article.
[redacted] How did he become aware of that?
MR. MCCABE: In his interactions with Devlin

Barrett, as far as I know.
[redacted] Okay.
MR. MCCABE: Because at some point, I don't remember exactly when, Mike came to me and said there's a second article coming out. And it's going to, you know, cover the same ground as the, as, as your wife's campaign, and make all these, kind of put out there all these inaccurate and I would say unfair allegations about political influence that stem from your wife's political involvement. And in this article, he is now going to add kind of the storyline that FBI leadership and you were, you know, had made decisions in, in kind of stopping or turning off FBI investigative activity in the Clinton Foundation case. And kind of tying the whole thing together as a story about political influence and the FBI's lack of independence and how FBI leadership is making decisions based on, you know, political interference either from political activity or from the Justice Department. And that there had been an email that Justice Department wanted the case to go away, and that, you know, that essentially I think I had issued the order to stop working on the case.
So that was the story that we understood he was going to write.
[redacted] Can I ask you a question before you

b6 Per OIG
b7C Per OIG

b6 -3
b7C -3

go on?
MR. MCCABE: Yes. Uh-huh.
b6 Per OIG b7C Per OIG [redacted] Do you remember if that discussion with Mike Kortan was a discussion you would have had in person with him about what the story was going to be about?
MR. MCCABE: I don't remember that. I don't remember that.
b6 Per OIG b7C Per OIG [redacted] Do you remember where you were when you had that conversation?
MR. MCCABE: The very first conversation, I don't remember. It could have been in person. It could have been on the phone. It could have been on the phone while I was here, or it could have been on the phone while I was away because I travelled to [redacted] that weekend.
b6 -1 b7C -1
[redacted] Okay.
b6 Per OIG b7C Per OIG [redacted] For the second article.
MR. MCCABE: For the second article.
[redacted] Right.
MR. MCCABE: Yeah. I mean, Mike and I were interacting kind of all through the week leading up to my travel to [redacted] So it's hard for me to parse out now, like, what conversations took place exactly when.
b6 -1 b7C -1
b6 Per OIG b7C Per OIG [redacted] Okay. I'm just thinking these are

sort of dramatic issues that --
MR. MCCABE: Yeah --
b6 Per OIG b7C Per OIG [redacted] -- Mr. Barrett is getting ready to publish a story on.
[redacted] Yeah.
MR. MCCABE: And I was just wondering if it was set in your mind sort of where you were when he revealed that this was the direction this was going to take?
b6 -1 b7C -1
MR. MCCABE: I remember talking to Mike and Lisa from [redacted] about the story. So that would have been on the phone. I can't remember if, I think Mike and I had probably discussed the general aspects of the story before I traveled, but I can't remember exactly where that conversation was.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. MCCABE: But in any, in any case, that's the kind of continuing involvement with Devlin Barrett over the course of the week from the first story into the second story. And we find out the actual kind of real details that I have now related to you that really comes to a head while I am in [redacted] with my wife. It is also the same day that I have a series of interactions that we discussed yesterday on the, on the kind of beginning of the October meetings of the Weiner laptop and what ultimately ends up with my recusal from, from mostly
b6 -1 b7C -1

these two issues actually. So, in any case, it was a very, very busy day. And many phone calls as sorting out exactly the location of which phone calls is a little bit challenging.
But nevertheless, so Mike and I talk that day. And Lisa Page and I talk that day. And I authorize Mike to talk to Devlin Barrett to try to correct some of the, some of what I perceive to be incredibly damaging inaccuracies in that story because some of this stuff, I was not able, I wasn't able to be there and kind of interacting with Mike real-time because I was out of town. I asked Lisa Page to help him with that process.
Lisa had a lot of background knowledge about my wife's campaign, how I handled kind of FBI, you know, business during the campaign. And so anyway, I asked her to assist with Mike in the process as kind of like to help him out with some of the facts. So they, they had a series of phone calls with, with Devlin Barrett over the course of that day.
b6 Per OIG b7C Per OIG [redacted] So are you authorizing both Mike Kortan and Lisa Page to talk to Devlin Barrett for article number 2, the October 30th article?
MR. MCCABE: I am authorizing Mike Kortan and Lisa Page, yes, to, to talk about it with Devlin Barrett. I can't tell you whether it was Mike on the phone and Lisa

talking to Mike or whether they were both on the phone, but either, either way, it didn't matter. I knew they were both engaged in that, in that exchange.
b6 Per OIG b7C Per OIG [redacted] As you sit here today, do you have a recollection about whether that authorization is something you talked about with Lisa Page in person before you left town?
MR. MCCABE: I don't remember that. I do remember talking to them on the phone, and talking, speaking specifically about discussing the telephone call with Matt Axelrod and whether or not they could discuss that with Devlin Barrett. And I told them they could.
[redacted] I don't want to interrupt your flow, but should we go ahead and ask --
b6 Per OIG b7C Per OIG [redacted] Well, hold on one second. Hold on one second.
b6 Per OIG b7C Per OIG [redacted] Sorry.
[redacted] When you authorized them, as best you recall, were they both together on the phone? Was it a speaker call, speaker phone call?
MR. MCCABE: I don't remember the answer to that.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. STORCH: But you specifically recall authorizing them to speak to Devlin Barrett? You

FBI 18-cv-01766-749

specifically recall authorizing them to recount the discussion you had with Matt Axelrod.
MR. MCCABE: That's right.
MR. STORCH: And you didn't recall that when you testified previously about it, correct?
MR. MCCABE: I hadn't thought through these details in a long time. And I hadn't, I was a bit taken aback to be asked the question, to be quite frank.
MR. STORCH: Yeah. No, I get that. I understand the question about --
MR. MCCABE: Yeah.
MR. STORCH: -- what you thought was going to be covered, but in the question --
MR. MCCABE: Yeah. Yeah.
MR. STORCH: -- it didn't ask you whether you were authorized during that time period. You didn't hedge it and say, you know, I wasn't prepared for this, I don't remember, let me think about it.
MR. MCCABE: Right, yeah.
MR. STORCH: You said no, right?
MR. MCCABE: And maybe I should --
MR. STORCH: You didn't say --
MR. MCCABE: And --
MR. STORCH: (*Indiscernible 23:29.)
MR. BRUCE: Not that I'm aware of.

MR. STORCH: Not that I'm aware of. So at that time, when you're testifying --
MR. MCCABE: Uh-huh.
MR. STORCH: -- were you aware that you had authorized it in your mind?
MR. MCCABE: No, I was not thinking about that at the time.
b6 Per OIG b7C Per OIG
MR. STORCH: So, going back to the earlier question [redacted] asked, what is it that caused you to be aware between whether that was --
MR. MCCABE: Right.
MR. STORCH: (*Indiscernible 23:46.)
MR. MCCABE: Right, right. I thought a lot about it, and I went back and, and tried to kind of reconstruct in my own mind the many, many events that took place over the course of the days leading up to, and the, and the two days that I was in [redacted]
b6 -1 b7C -1
b6 Per OIG b7C Per OIG
[redacted] Was this thinking, or process, done solely by yourself, or did you talk with anyone else at the FBI?
MR. MCCABE: No, I, I thought about it on my own.
b6 Per OIG b7C Per OIG
[redacted] Did you review any of your past emails or texts while you are thinking about this issue?
MR. MCCABE: I don't remember looking at emails

or texts.
b6 Per OIG b7C Per OIG
[redacted] Well, what was it for you that sparked this recollection?
MR. MCCABE: I thought a lot about it, having been asked the question. I knew that, it was concerning to me. I thought about actually what had taken place. I thought about the telephone calls we had. And then I thought that I did not want to leave Dan or you all with the misimpression that Lisa had done something without an authorization, or Mike.
b6 Per OIG b7C Per OIG
[redacted] So between the day of your interview, July 28th with the OIG and August 1st when you called Dan Beckhard and relay this new information.
b6 Per OIG b7C Per OIG
MR. MCCABE: Um-hmm.
[redacted] You did not have any conversations with Lisa Page about the October 30th Wall Street Journal article?
MR. MCCABE: I had a conversation with Lisa Page the afternoon I got back from the meeting with Dan.
[redacted] Um-hmm.
b6 Per OIG b7C Per OIG
MR. MCCABE: And essentially reassign her --
[redacted] Right.
MR. MCCABE: -- and discuss with her the substance of what we had gone over in the interview.
[redacted] There was no discussion of I saw
b6 Per OIG b7C Per OIG

these texts about Devlin. It caught me off guard. Did you talk to Devlin during that time? That conversation didn't come up?
MR. MCCABE: No, because I knew -- no. No.
b6 Per OIG b7C Per OIG
[redacted] Well, did you talk to her at all about the fact that OIG had text messages?
MR. MCCABE: I remember telling Lisa that it was very serious what I had been called over, you know, to look at and review. And that the, you know, what the IG was looking into was very serious. And I knew she was, she was greatly impacted by that.
b6 Per OIG b7C Per OIG
[redacted] Did you talk to her about her own, personal vulnerability as a result of what we're investigating?
MR. MCCABE: No. I think she knew that she was vulnerable by the fact that I was reassigning her out of my office.
b6 Per OIG b7C Per OIG
[redacted] Did you talk to Mike Kortan in between. After your OIG interview until the time that you notified Dan on August 1st about the Wall Street Journal article.
MR. MCCABE: I don't remember talking to Mike Kortan during the time
MR. STORCH: About anything, just to be clear, because it was a --

MR. MCCABE: You know, sure. I saw him about the business, but I don't remember talking to him about this.

b6 Per OIG b7C Per OIG [redacted] And this being that you were shown text? Obviously you may not have, you may have followed what we said, hopefully, and said, but the subject of the October 30th Wall Street Journal article did not come up in the four days between the OIG interview and the notification to Dan Beckhard?

MR. MCCABE: I don't remember that. I don't remember it turning out --

b6 Per OIG b7C Per OIG [redacted] Sitting here today, you don't remember that?

MR. MCCABE: I don't. I talked to, to Dave Bowdich about the, you know, the substance of the texts.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: The issue with the texts, an talk to Karl Ghattas.

b6 Per OIG b7C Per OIG [redacted] I'm sorry. When you say the subject of the texts; you're talking about, unrelated to what we're focused --

MR. MCCABE: I'm talking about at-large.

b6 Per OIG b7C Per OIG [redacted] Yes.

MR. MCCABE: The fact that I had come over and been shown the texts and talked to Dave Bowdich, Jim

Baker

b6 Per OIG b7C Per OIG [redacted] What did you talk to Jim Baker about?

MR. MCCABE: About reassigning Lisa.

b6 Per OIG b7C Per OIG [redacted] As you talked about yesterday?

MR. MCCABE: That's right.

b6 Per OIG b7C Per OIG [redacted] Did you talk to anything else to Mr. Baker related to the OIG's investigation?

MR. MCCABE: I don't remember.

b6 Per OIG b7C Per OIG [redacted] Let me show you this document here. So what I'm showing you now is an email exchange that you had with Mr. Baker. It begins on July 28th.

MR. MCCABE: Okay.

b6 Per OIG b7C Per OIG [redacted] It begins before the OIG interview. And you reach out to him, it's on Page 2, asking him if he's around. And then after the interview ends, he responds and says let me know, let me know if you want to talk any time this weekend.

MR. MCCABE: Okay.

b6 Per OIG b7C Per OIG [redacted] That's on the bottom of Page 1. What was that conversation about? Did it relate to anything with respect to the OIG interview on that date?

MR. MCCABE: I don't know. I can't sit here and say that I have a clear recollection of this call.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: I, but Jim and I did discuss the issue of the text between Pete and Lisa.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: And the necessity, like, to, ultimately resulted in her reassignment and Pete's reassignment.

b6 Per OIG b7C Per OIG [redacted] Right.

MR. MCCABE: It was a very small group of people that I talked about that with.

b6 Per OIG b7C Per OIG [redacted] Right.

MR. MCCABE: Jim was a part of that group, Dave Bowdich, Karl Ghattas, and Bill Priestap.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. STORCH: And just to be clear, when you talk about talking to these people about the text, you don't mean, correct, related to the Wall Street Journal and your response to the question that [redacted] has pointed out about not being aware or authorizing it?

b6 Per OIG b7C Per OIG

MR. MCCABE: No, I don't --

MR. STORCH: Any discussion about that? Because that's the topic of this part of the discussions.

MR. MCCABE: Yeah.

MR. STORCH: So we understood the texts, we notified the FBI about the texts.

MR. MCCABE: Right.

MR. STORCH: Immediately so they were aware. So we understand people knew about that.

MR. MCCABE: Yeah.

MR. STORCH: Had to determine what the appropriate reaction was and it's perfectly appropriate for you to talk with him about that.

MR. MCCABE: Of course.

MR. STORCH: So the question is, did you have any discussions related to this disclosure issue, or response, anything related to that?

MR. MCCABE: I don't remember talking with him about that.

MR. STORCH: And that's the sort of thing you would remember if you had gone back and talked about that issue. That's fair, yes?

MR. MCCABE: That's fair.

MR. STORCH: Yeah, right. So pretty confident you didn't talk with anyone at the FBI, any of the individuals you mentioned or anybody else related to that topic during the period from your OIG interview --

MR. MCCABE: Yeah. I understand your question.

MR. STORCH: Yeah.

MR. MCCABE: I do not have a recollection of talking to people about that.

MR. STORCH: Right, okay. And for the record,

FBI 18-cv-01766-751

the specific people in question, Page, the others.
MR. MCCABE: Yeah.
MR. STORCH: No specific recollection of that.
MR. MCCABE: Yeah.
b6 Per OIG b7C Per OIG [redacted] And so one other question when you, on this document, the email exchange between you and Mr. Baker. Near the top of 1, you say, oh boy, rough day. Did any of that relate to the topic related to the Wall Street Journal article that the OIG asked you about that day on the email?
MR. MCCABE: I'm going to guess that what I was referring to here was learning about the fact that we might have an internal problem that could undermine the work of the special counsel.
b6 Per OIG b7C Per OIG [redacted] Um-hmm. Okay.
MR. MCCABE: I was greatly impacted by the meeting that we had. I thought we had a huge issue that we needed to get on top of very carefully, very quickly. And so I talked to the people that I rely on to make those decisions. That was my concern coming out of the meeting with Dan and, and all of you.
b6 Per OIG b7C Per OIG [redacted] I missed it.
MR. MCCABE: I don't know exactly who was there, but --
b6 Per OIG b7C Per OIG [redacted] Right, understood. Help us

understand, I appreciate that you took some time to think it through --
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG [redacted] -- before you called Dan.
MR. MCCABE: Yeah.
[redacted] As I understand this reflection was entirely yourself thinking about it, and you had mentioned a moment ago that these were dramatic issues. These involved your, your family, the first article involving your wife and her campaign. The second article involving FBI leadership, including yourself, dramatic issues you said. Why didn't that, the name Devlin Barrett, he had published more than one article at the time, why didn't that spark a memory during the initial OIG interview on July 28th for you?
MR. MCCABE: I don't know.
b6 Per OIG b7C Per OIG [redacted] You mentioned that when you saw the text --
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG [redacted] -- to Lisa, Lisa Page's text had mentioned Devlin by name.
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG [redacted] But you didn't know if it was in relation to this or something else? Do you know if Lisa Page knows anyone else named Devlin?

MR. MCCABE: I don't know.
[redacted] Okay. Do you know anyone else named Devlin?
b6 Per OIG b7C Per OIG
MR. MCCABE: I don't.
[redacted] Help us understand what your confusion was, then, about whether she could have been talking about something else other than the Wall Street Journal.
MR. MCCABE: I don't feel -- didn't feel comfortable then and really don't today saying conclusively what Lisa Page intended or was referring to or was thinking about when she texted Pete Strzok. So, I can certainly, you know, as we all can read things and interpret and jump to conclusions, but I want to be very careful about, you know, you were showing -- not you, of course. But I was learning a lot of things about Pete and Lisa during that meeting which I clearly had no idea about. And so I was very kind of, I don't know, I guess reevaluating, like, what do I really know about how these two people are, are interacting. So, in that context, I didn't feel comfortable saying, yeah, I know exactly what she's talking about here, or that she's specifically referring to this article.
b6 Per OIG b7C Per OIG [redacted] As you sit here today, do you remember any other occasions where you authorized Lisa

Page to speak with Devlin Barrett or the Wall Street Journal?
b6 Per OIG b7C Per OIG
MR. MCCABE: No.
[redacted] I want to circle back to, you had mentioned in your, you were recounting for us when you were going through this process that you remembered authorizing that you ended before we circle back on some points that you told them they could recount the August 12th call --
MR. MCCABE: Yes.
b6 Per OIG b7C Per OIG [redacted] -- that appears in the article. And if you see the article, I highlighted those portions.
MR. MCCABE: Okay.
[redacted] So that's on Pages 8 to 9, just so we're speaking from the same thing. So why don't you take a moment to, to look at that?
b6 Per OIG b7C Per OIG
MR. MCCABE: Okay.
[redacted] So was that what you had in mind when you said that you authorized them to recount the August 12th call?
MR. MCCABE: It is.
b6 Per OIG b7C Per OIG [redacted] I just want to spend a couple minutes on the background of this call. Who, who are you having this conversation with on August 12th? Because it doesn't identify in the article.

MR. MCCABE: Are you talking about this phone call, the August 12th phone call?

b6 Per OIG b7C Per OIG [redacted] Yes, yes.

MR. MCCABE: This was a conversation between myself and Matt Axelrod.

b6 Per OIG b7C Per OIG [redacted] Okay. What was going on at the time that prompted the call? Can you give us just a little background?

MR. MCCABE: Sure.

b6 Per OIG b7C Per OIG [redacted] Place us in the room, so to speak, a little bit.

MR. MCCABE: Yeah. I mean it was an issue that had been kind of simmering, particularly between Matt and myself for, for definitely several weeks, maybe a couple months. And it involved our, we had a couple field offices that were looking at the same matter, the allegations around the Clinton Foundation and, and kind of donor activity, things like that, and DOJ's concern about moving that case forward.

So, you know, I don't know quite how far back to go here, but in essence, Matt talked to me about it early on in my time as, as Deputy Director and indicated to me that he had some sort of an agreement with the prior Deputy Director that they would, at some point the FBI would come over and sit down with, meet with the

prosecutors in the Public Integrity Section and kind of lay out what they had, and that a decision would be made as to whether or not the case would essentially go forward. And that whatever the decision came out of that meeting, kind of we would, you know, we would all be bound by it. That was related to me by Matt. That's his, you know, recollection on some sort of understanding he had with Mark.

b6 Per OIG b7C Per OIG [redacted] Giuliano?

MR. MCCABE: That's right.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: Sorry. Giuliano. So at some point, after I become Deputy --

b6 Per OIG b7C Per OIG [redacted] In February 2016?

MR. MCCABE: Yeah, that's right.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: They actually have a meeting along those lines. I am not a part of it. That meeting takes place, and there's a follow-up I think phone call between someone at DOJ and Randy Coleman I think, who is the --

b6 Per OIG b7C Per OIG [redacted] The DAD?

MR. MCCABE: The DAD of CCRSB.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: Which is the criminal program. And they say that, you know, we, it's related that they don't,

they don't really think there's, you know, anything there. It's not like an official declination. I mean, they never decline a case, but they, they weren't impressed by whatever it was they heard at the meeting.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: There was still investigative interest in multiple field offices. And then this turned into like a period over a few weeks of a kind of he said-he said between the New York Field Office and the Eastern District of New York prosecutor's office. So periodically I would get asked by Diego Rodriguez, who was the ADIC at the time, like what's going on with DOJ. But support this thing because he felt like he was getting pressure from the U.S. Attorney in the Eastern District to kind of like let's get going on this case. And I would get phone calls from Matt Axelrod in the entirely opposite direction saying, essentially, why are your agents in New York reaching out to the Eastern District and inquiring about this case. I thought we had an understanding that this case was not going to go forward.

b6 Per OIG b7C Per OIG [redacted] Roughly what time frame is, is Mr. Axelrod expressing that to you?

MR. MCCABE: It's like the spring and into the summer we have multiple engagements on this topic.

b6 Per OIG b7C Per OIG [redacted] Um-hmm. Okay.

MR. MCCABE: I see him probably three days a week.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: At the, at the morning meetings with DOJ. I talk to him probably, almost every day on a whole range of, so like anything that's coming, like that's the kind of prime connection point between my office and, and ODAG. So we have a lot of interaction, and it comes up periodically. So, in any case, it was kind of a, a recurring point of like sticking point, point of friction. And that sort of culminated with this phone call. Before this happened, we had a, in an effort to kind of figure out, like organize what our field offices were doing, and was there actually a way forward without Justice support, we had convened a SVTC in which we had New York on [redacted] maybe in the room.

But in any case, a SVTC of kind of each field b7E -1 office represented, and we determined that that, or, sorry, at that SVTC that New York would kind of continue the case. [redacted] would be in support of their effort. And one of the reasons we determined that was because [redacted]

[redacted] And they also had, if I remember correctly,

[redacted]

And so that was, in essence, our direction to [redacted] were New York should continue working with what they have [redacted]

[redacted] So there's, there was work that could be done without doing, taking any overt steps like executing a search warrant or a, you know, a highly-visible subpoena, or something like that that would, A, require Department support, and B, would be, they were getting, were closing in on the election season and would be contrary to the, to the policy or the direction not to kind of do things that would cause influence in the election.

[redacted] Was there any instruction given by you or FBI headquarters, no overt activity prior to the election season to [redacted] on the Clinton Foundation investigation?

MR. MCCABE: The instruction given by me, you know, to the other, to kind of my subordinate leaders, so I am not, you know, communicating direct with the case agents [redacted]

[redacted] Right.

MR. MCCABE: But my instruction was, continue

working with what we have.

[redacted] Um-hmm. What is, when you, you mentioned the policy. Is there, is it a formal, written policy about no overt activity prior, during the election season, or was it just an informal practice that the FBI and DOJ follow?

MR. MCCABE: There is no written FBI policy. My understanding is that it's kind of a Department guideline, is my understanding.

[redacted] Is that guideline written, or is it just informal as well?

MR. MCCABE: I think it's written in like a, in a, maybe Public Integrity Section guide. I --

[redacted] Um-hmm.

MR. MCCABE: I don't think it's, I'm not sure if it's in the manual, the U.S. Attorneys Manual.

[redacted] So when you talked to the --

MR. MCCABE: I remember discussing that point specifically with John Carlin in an entirely different context.

[redacted] Okay.

MR. MCCABE: That we, we had covered yesterday.

[redacted] Right. And so I wanted to be clear on that. So do you actually remind the ADICs about this point, like, hey guys, DOJ has this policy. No overt

activity on Clinton Foundation before the election season?

MR. MCCABE: I may have. I don't remember saying that specifically, but that was kind of part of our calculation in figuring out what to do with these cases.

[redacted] Okay.

MR. MCCABE: But it was, I was absolutely clear on the fact that, in fact, told, [redacted]

[redacted] So there was specific conversation about the steps they should be taking going forward.

[redacted] And can I ask a question before we go forward?

[redacted] Um-hmm. Sure.

[redacted] Yeah. I'm just wondering, I want to make sure that I understand the concern here.

[redacted] Um-hmm.

[redacted] The reason that search warrants shouldn't be served and that there shouldn't be any kind of high-profile subpoenas, is that because the FBI didn't

want the public to know that the Clinton Foundation investigation was ongoing? I mean what, what is the reason for not taking those overt steps?

MR. MCCABE: Well, I mean, the first reason was the Department told us flat-out they were not supporting the case with legal process. So it wasn't an option, right?

[redacted] Um-hmm.

MR. MCCABE: But secondarily, the reason is in recognition of that policy or practice that we don't take overt steps, public overt steps that might influence an election in that time period. I don't even know what that time period is defined as, to be perfectly honest, but is that kind of run-up to an election.

[redacted] Do you know what --

MR. MCCABE: The case itself would have been an ongoing investigation, and therefore one that wouldn't be discussed publicly anyway. So I don't --

[redacted] Oh, okay. And why is that?

MR. MCCABE: Because it's an open investigation.

[redacted] Okay. And so at the time that you are having these discussions with Matt Axelrod --

MR. MCCABE: Um-hmm.

[redacted] -- on August 12th, the FBI hadn't made any kind of announcement about we're investigating

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Page 42

the Clinton Foundation?
MR. MCCABE: Not that I know of.
[redacted] Okay. Do you know what, I mean, was there ever an announcement by the FBI that we're investigating the Clinton Foundation?
MR. MCCABE: Not that I'm aware of.
[redacted] Okay. So even at --
MR. MCCABE: It had been discussed in the media, but I don't believe it had been officially announced by the FBI.
[redacted] Oh, okay. So even as you sit here today, you're not aware of any kind of acknowledgement that the FBI has made of that.
MR. MCCABE: I'm not aware of one.
[redacted] Okay. And is that investigation still ongoing?
MR. MCCABE: I am recused from it, so I --
[redacted] So you don't know?
MR. MCCABE: -- I don't, I don't.
[redacted] Oh, okay. But being recused from it, you're not shielded from the information that the FBI hasn't made a public statement? I mean as you sit here --
MR. MCCABE: I'm familiar with whatever the public is --
[redacted] - you're not aware of a public

Page 43

statement?
MR. MCCABE: Um-hmm.
[redacted] Either confirming or denying that --
MR. MCCABE: That's correct.
[redacted] -- investigation or talking about where it might be in the process?
MR. MCCABE: That's correct.
[redacted] Okay.
[redacted] So going back to the call, bringing us back. You were giving us, I asked for some background on sort of what was leading up to this call.
MR. MCCABE: The August 12th call?
[redacted] The August 12th call, yes. And Mr. Axelrod calls you. Where were you when the call occurs?
MR. MCCABE: I was at home.
[redacted] What's -- okay, so I assume you were alone, no one else from the FBI with you.
MR. MCCABE: That's right.
[redacted] And how do you remember that?
MR. MCCABE: Because I was, I think I was traveling that day, and I was like about to leave for the airport when I got the call on my cell phone. So it just stands out because I don't, you know, I was usually in the office for calls like this, but I was not on that occasion.

Page 44

[redacted] Okay.
[redacted] And how long does the call last approximately?
MR. MCCABE: God, I have no idea. 10 minutes?
[redacted] Okay.
MR. MCCABE: I'm just completely guessing there.
[redacted] Sure.
MR. MCCABE: I don't know.
[redacted] Was anyone else on the call on Mr. Axelrod's end, if you know?
MR. MCCABE: Not that I'm aware of.
[redacted] And does, how does the, how does the call end? Does it end as described in this last highlighted paragraph on Page 9 of the October 30th article?
MR. MCCABE: I mean, I don't know that that was the last word said, but essentially.
[redacted] Um-hmm. Okay. Did you recount these specific details of the August 12th call with Mr. Axelrod that appeared in this article to Lisa Page before the article was published?
MR. MCCABE: I recounted that phone call to several people. Lisa Page was one of them.
MR. STORCH: Can I jump in? I'm sorry.
[redacted] Yeah, go ahead.

Page 45

MR. STORCH: So just going back, just, just to, for completeness for the record, so Matt calls you at home. You're --
MR. MCCABE: He called me on my cell.
MR. STORCH: On your, you were on your cell. And he calls you, and you're at your house. And what was, what did he indicate he was calling about?
MR. MCCABE: I don't remember if there were other topics that we discussed. I mean, typically Matt and I would discuss --
MR. STORCH: You would talk every day.
MR. MCCABE: -- two or three different things on any given phone call.
MR. STORCH: You said you were traveling that day. Was it early in the morning, or do you remember?
MR. MCCABE: It was probably in the middle of the day. Yes.
MR. STORCH: And at some point, the discussion turns to the Clinton Foundation investigation, yeah?
MR. MCCABE: Yes.
MR. STORCH: And who brought that up, do you remember?
MR. MCCABE: I don't know for certain, but my -- oh, I don't want to say. I don't remember.
MR. STORCH: Okay. Well, we'll --

b6 Per OIG b7C Per OIG

MR. MCCABE: I didn't have an issue to discuss with Matt on that, on the Clinton Foundation.
MR. STORCH: Oh, okay.
MR. MCCABE: So my guess is he did, but I don't, I don't know. I don't, I don't want to, I don't want to give you the impression that I, I remember exactly one way or another.
MR. STORCH: Fair enough. And what was the substance of the discussion you had with him about the, about the case?
MR. MCCABE: As we had discussed on prior conversations, Matt was frustrated to learn that the case was still being pursued by the FBI.
MR. STORCH: Um-hmm. And the account that's given in the Wall Street Journal article, Article 2 I think you called it, is that an accurate account of the discussion that took place between you and Matt?
MR. MCCABE: In general it is accurate.
MR. STORCH: And is there anything about it in particular that you think is inaccurate?
MR. MCCABE: Nothing that jumps out at me.
MR. STORCH: And then I think you were going to get to [redacted] questions about who you spoke with. When did you speak to anybody about this conversation you had with Axelrod?

b6 Per OIG
b7C Per OIG

MR. MCCABE: In the time after the call. I mean, I was, I don't remember an exact date that I spoke to people. But periodic, you know, as it would come up, as it was relevant, I remember speaking to the Director about it. I remember speaking to, telling Randy Coleman about it. But I can't tell you exactly when that happened. Obviously as it would come up.
MR. STORCH: Sure. And you were, you were at home when you got the call?
MR. MCCABE: Yes.
MR. STORCH: Getting ready to travel. Did you speak, did you call anybody from the house before you left?
MR. MCCABE: I don't remember talking to anybody about it that day.
MR. STORCH: Okay. So when you say that --
MR. MCCABE: It's possible, but I just, I don't remember that.
MR. STORCH: Okay. So with that, you were, you were going to get into the subsequent discussions.
[redacted] Yeah. So, just to circle back on recounting these details. So you said you shared these details, these specific details about the August 12th call with Lisa Page?
MR. MCCABE: I did.

b6 Per OIG
b7C Per OIG

[redacted] Can you tell us roughly when and why and what, what prompted that?
MR. MCCABE: I can't tell you when.
[redacted] Was it before the article was published?
MR. MCCABE: Yes.
[redacted] Independent of that?
MR. MCCABE: Yes.
[redacted] Okay.
MR. MCCABE: Completely independent of the article. And in the same way that I discussed it with the Director and Randy Coleman and possibly others. I was concerned about the pressure that we were getting from the Department of Justice to cut off or stop what I saw as a valid investigation. So it wasn't about, it wasn't so much about the case. It was about our independence, our interactions with the Department of Justice, which was a subject of significance for us for a variety of reasons at that time, but not related to this specific issue. And it was concerning to me that they were taking such an active role in trying to stop an FBI investigation. That was what I was concerned with.
[redacted] Did Lisa Page have a, a substantive need to know this to follow up, or was this just sort of an FYI because she was your General Counsel

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or special counsel. I'm not sure of the exact term you have for her.
MR. MCCABE: Yes.
[redacted] What was the purpose in sharing this with her?
MR. MCCABE: Because Lisa had a lot of interaction with ODAG on my behalf and was frequently the, you know, reception point in handling all kinds of issues with ODAG. So, we would typically discuss all kinds of, you know, DOJ-related things.
[redacted] But so there was --
MR. MCCABE: Really everything.
[redacted] Sure.
MR. MCCABE: She was very involved in all the stuff that I was doing.
[redacted] This was more just an informational piece for her. She didn't have to do any substantive follow-up activity?
MR. MCCABE: There wasn't anything for her to do on it that I'm aware.
[redacted] Okay. And what about former Director Jim Comey? Do you go into the details that you've recounted for us on this August 12th call with Mr. Axelrod with him, or do you just say, hey, I got a, an annoying call from ODAG today?

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Page 50

MR. MCCABE: Yeah, we discussed the details of the call.
[redacted] Okay. And what was his reaction?
MR. MCCABE: He was as concerned about it as I was for the same reason. We were always kind of trying to keep, keep a finger on the pulse and understand kind of, you know, looking more broadly across the FBI-DOJ relationship at any given time. And this to me was a relevant factor, indicator, probably the word, as to kind of how our interaction with DOJ was going.
MR. STORCH: And in fact, a pretty dramatic discussion to be having with the Principal Deputy Assistant General of the United States?
MR. MCCABE: A very dramatic discussion. Right.
MR. STORCH: And saying are you trying to tell me to shut down a validly predicated investigation, right?
MR. MCCABE: Yeah.
MR. STORCH: Do you ever recall, you've had a long career in the FBI, having any such discussion with a high-level Department official at any point in your career before, or since other than this?
MR. MCCABE: Not like this one.
MR. STORCH: Uh-huh. And that's pretty unusual, right, to have that sort of discussion where --
MR. MCCABE: Yeah.

Page 51

MR. STORCH: -- you've got a high-level DOJ official, and you're actually confronting. So, are you telling me to shut down a valid investigation? And he eventually backs up, according to the article and says no, of course not.
MR. MCCABE: I mean, yeah, that's exactly why it concerned me as much as it did.
MR. STORCH: Sure.
MR. MCCABE: That's why I asked him that question.
MR. STORCH: Right.
MR. MCCABE: To try to draw a bead on it. What had been a series of comments and conversations where he kind of alluded to the fact and made it clear that he or they did not want this thing going forward, but without coming right out and saying stop, you know, it was, it was an effort to kind of really be very specific and see what, you know, what exactly is it you are trying to say.
MR. STORCH: And was the significance of it, was that why you briefed it to the, that, so that was the way you briefed it to the Director?
MR. MCCABE: Sure.
MR. STORCH: Sure. And relative -- you may not know the exact time. Did you do that relatively soon after the call in question?

Page 52

MR. MCCABE: I don't know exactly, but I would, I would guess yes.
MR. STORCH: Within days, is that fair?
MR. MCCABE: I think my trip that I, I think this may have been, it was a European intel partners thing.
MR. STORCH: Um-hmm.
MR. MCCABE: So I was gone for a few days. But it would have been shortly after my return.
[redacted] And do you remember --
MR. MCCABE: I think. I'm not 100 percent sure. I don't recall.
[redacted] And do you remember, you remember talking with Matt Axelrod during this heated conversation.
MR. MCCABE: Um-hmm.
[redacted] Did you --
MR. MCCABE: I mean, we weren't screaming at each other.
[redacted] Oh, okay.
MR. MCCABE: I don't want to give you the wrong idea.
[redacted] Right, right, right.
MR. MCCABE: But it was direct.
[redacted] No, but I mean, the way that it appears in print, I mean, it seems like you actually said

Page 53

are you asking me to shut down a validly predicated investigation? Do you remember saying those words?
MR. MCCABE: Yes.
[redacted] Okay.
[redacted] And when you're briefing the Director about this, and you said he was disturbed too, did you tell him, Mr. Comey, Jim, I'm going to, I'm going to share, I'm going to authorize my folks to share this with the Wall Street Journal before the article was published?
MR. MCCABE: No. I mean, I think Jim and I probably discussed this the first time a month before the article was, before we knew the article was, you know, coming.
MR. STORCH: Yeah. I think the timing is important.
MR. MCCABE: Yes.
MR. STORCH: You're talking about the, like, maybe we can just clarify it.
[redacted] Sure.
MR. STORCH: When you're talking about.
[redacted] Sure. So, we were going through a couple of minutes ago how the call happens.
MR. MCCABE: Yeah.
[redacted] You brief the Director.

b6 Per OIG
b7C Per OIG

MR. MCCABE: And within a few days, right?
b6 Per OIG b7C Per OIG [redacted] Right, right.
MR. STORCH: Within a few days.
[redacted] Right, August. We're still in August, right?
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG [redacted] And then, now I'm circling back to we're going to get into it more, but you had said that when you're interacting with and authorizing Lisa Page and Michael Kortan, you authorize them to recount the August 12th call.
MR. MCCABE: That's correct.
b6 Per OIG b7C Per OIG [redacted] So before you communicate that --
MR. MCCABE: Authorization.
[redacted] -- the authorization to Lisa Page and Michael Kortan, do you tell Mr., Comey I'm going to authorize my folks, that being Lisa Page and Mike Kortan, to recount the August 12th call?
MR. MCCABE: In October.
b6 Per OIG b7C Per OIG [redacted] In October.
MR. MCCABE: Did I discuss it just before authorizing it in October?
b6 Per OIG b7C Per OIG [redacted] Correct.
MR. MCCABE: I don't remember discussing it with him at that time.

b6 Per OIG b7C Per OIG [redacted] Okay.
MR. MCCABE: Not, not prior to the article coming out.
b6 Per OIG b7C Per OIG [redacted] Why not? Did you think, did you think this was something he might want to know about?
MR. MCCABE: I'm sure it's something it probably would have been relevant to him, and, which is why I would have told him about it after the fact. In the kind of, in the, in the process over those, that day in which this takes place, I think it's primarily that Friday, if I'm thinking the day is right. I think I traveled to
b6 -1 b7C -1 [redacted] - maybe it was Thursday.
[redacted] Okay.
MR. MCCABE: But in any case --
b6 Per OIG b7C Per OIG [redacted] October 27 or 28?
MR. MCCABE: Yeah.
[redacted] Okay.
MR. MCCABE: It's one of those two days. This came to me in the same way that I interact with Mike Kortan on issues like this every day. Several times a day, definitely several times a week, Mike Kortan, as is his job, will come to me and say this reporter is writing a story about X, and, you know, what do you think, is there any -- and the overwhelming majority of those instances is, it's good to know. And we say, okay. We're

not, we're not going to say anything. We're not going to make a statement.
In some cases, Mike Kortan will say this reporter is going to do, write about X, and he seems to have the facts all wrong. And so I will, with my knowledge, Mike Kortan will interact with the reporter to try to correct the facts that the reporter, that is included in their story. And at other times, reporters will ask for access to people for interviews, ask for access to, you know whatever FBI leadership or ask for official statements. And we transact on these things many times a day, every day, seven days a week. And I do not discuss them all with the Director.
[redacted] Um-hmm. b6 Per OIG b7C Per OIG
MR. MCCABE: It's just part of my responsibilities to --
MR. STORCH: And we'll get into a lot more detail on this I'm sure.
MR. MCCABE: Okay.
MR. STORCH: But this is the Clinton Foundation. It's right prior to the election. And you're authorizing a disclosure of a one-on-on conversation you had with the Principal Deputy Attorney General of the United States, right?
MR. MCCABE: That's right.

MR. STORCH: Relating to a disagreement as to whether or not the FBI could pursue an investigation related to the Clinton Foundation. That's something that would not be a memorable thing that you wouldn't brief to the Director, is it?
MR. MCCABE: I mean, none of these things are normal. They're all very different. In this case, I was looking at this as a potentially very, very damaging allegation about the FBI. So in other words, not, it was not a story about the Clinton Foundation. It was a story about FBI independence.
MR. STORCH: Sure.
MR. MCCABE: It was a story about how do we react to Department of Justice pressure, and is that pressure political, and therefore, are we doing our business in a political way?
MR. STORCH: And how do you, how do you react to Department of Justice pressure in the context of a politically charged investigation right before a presidential campaign?
MR. MCCABE: Well, it wouldn't matter if it was in the middle of a campaign or not.
MR. STORCH: No, but that's what this was is what I'm trying to say. Right? Is that correct?
MR. MCCABE: I mean, I was not thinking about it

FBI 18-cv-01766-758

as a campaign issue. I was thinking about it as an FBI issue.
MR. STORCH: It also implicates you personally and your wife, in that sense as well. The first article in particular and the way you were treated, right?
MR. MCCABE: The first article did. I think the first article created a false narrative that I had been exercising my judgment in a political way. And this article continued in that direction, which I thought was incredibly damaging for us as an organization.
MR. STORCH: Um-hmm.
MR. MCCABE: Damaging externally because this is certainly not an accurate picture of how the FBI works and how the, and certainly how the American people expect their FBI to work. But also incredibly damaging internally.
MR. STORCH: Sure.
MR. MCCABE: I felt like it was, it really, the story that he was proposing to write would, would greatly undermine kind of FBI credibility in the eyes of the FBI, which I thought could be very damaging to the organization.
MR. STORCH: Were there ever any other instances before or after where you authorized the disclosure of a one-on-one discussion you've had with Department

leadership about a pending investigation?
MR. MCCABE: Again, I don't see this disclosure or the August 12th conversation as a discussion about a pending investigation because we did not discuss the investigation. But I don't, I don't remember a, a personal phone call coming up in this context.
MR. STORCH: Okay.
MR. MCCABE: (*Indiscernible 1:03:17.)
MR. STORCH: Fair enough. I mean, I'm trying to get to, obviously we're trying to get to the nature of the disclosure.
MR. MCCABE: Yeah. Yeah.
MR. STORCH: So, put aside the (*indiscernible 1:03:24). Do you recall ever authorizing before or afterwards the disclosure to the media of a one-on-one discussion you had with a member of Department leadership?
MR. MCCABE: I don't recall that ever being necessary before.
MR. STORCH: And that's something you would remember if you'd done that, right? So is it fair to say you never did that?
MR. MCCABE: That's fair. That's fair.
MR. STORCH: So you never did it before or afterwards?
MR. MCCABE: I don't, I don't, I don't recall

ever doing that before.
MR. STORCH: Or after?
[redacted] No. b6 Per OIG b7C Per OIG
MR. STORCH: So this is the one time it happened?
MR. MCCABE: Yes. The one that, the one that I remember.
MR. STORCH: Right. So I think we're going to go back through the whole chronology, but just in terms, I, the reason I asked these questions is you were talking about the, Mike Kortan and the, the nature of your interactions with him, and it's not unusual to have a discussion like the present one. But, but this is the one time in your entire career where you authorized disclosure of the one-on-one discussion you had with a member of Department leadership. True?
MR. MCCABE: I think that's probably right.
MR. STORCH: Okay.
[redacted] Well, can I ask a question before -- b6 Per OIG b7C Per OIG
[redacted] Yeah.
[redacted] Help me to understand this. So, you saw what was going to be happening in the October 30th article as something that not just implicated you personally but implicated the credibility of the FBI as an institution in the eyes of the American public?

MR. MCCABE: That's right. b6 Per OIG b7C Per OIG
[redacted] So why didn't you discuss that with the Director of the FBI before you provided this information? I don't understand that.
MR. MCCABE: I guess to understand that, you have to kind of look at the context of that day and what was going on in addition to this one story, and specifically the interactions the Director and I had had earlier in that day.
[redacted] Okay. b6 Per OIG b7C Per OIG
MR. MCCABE: In which I had the day prior kind of, you know, insisted that he have a meeting about the Weiner laptop, and I felt very strongly that that had to happen that day because of all the stuff we discussed yesterday. They had that meeting. I tried to call in. He and I did not, I was essentially dropped off the call for, for classification reasons. He and I then had a phone call, at least one phone call in which he, it was clear to me he was very, very occupied on trying to sort his way through the Weiner laptop, and he specifically said he did not want to talk to me about it. He did not need me for that decision, that he didn't think that I should be weighing in on that. So we weren't, we were kind of charging in two different directions at point.
Had I been at headquarters in the Hoover

FBI 18-cv-01766-759

building, the day had been different, maybe that would have been different. But I did have the opportunity to discuss it with him in the way the request came up in terms of the interactions I was having with Kortan and Lisa. And I felt like it was the right thing to do, so I, I felt very confident doing it.

b6 Per OIG b7C Per OIG [redacted] I mean, it sounds to me like you're going from, as an institution, the FBI having this very difficult issue with respect to the Weiner laptop. I mean that was its own tempest, right?

MR. MCCABE: Of course, yeah.

b6 Per OIG b7C Per OIG [redacted] And this article that Devlin Barrett is wanting to --

MR. MCCABE: Um-hmm.

b6 Per OIG b7C Per OIG [redacted] -- publicize with respect to the politicization of decision-making --

MR. MCCABE: Yeah.

b6 Per OIG b7C Per OIG [redacted] -- seems to me to be a, a second front, a second tempest there that's just about to open up. I just, I have a hard time understanding why you didn't say, boss, this is important. This is, this is, it's about to get worse.

MR. MCCABE: Um-hmm.

b6 Per OIG b7C Per OIG [redacted] I need you to be aware of this.

MR. MCCABE: I don't know how to explain it to

you in any way other than I have. I also expected that Mike Kortan was probably having those engagements with certainly the chief of staff, possibly with the Director, talks to the Director as often as he talks to me. I did not have these engagements with Mike and Lisa in any way contemplating that they would be outside of the Director's knowledge or purview. I fully expected we would, we would get a heads up as to what was happening and what we saw coming in the media and the way we typically do that.

b6 Per OIG b7C Per OIG [redacted] Do you remember Mike or Lisa saying anything that indicated to you that that was in fact going on? You know, the current --

MR. MCCABE: That they were talking to the Director?

b6 Per OIG b7C Per OIG [redacted] Yes.

MR. MCCABE: I don't remember them saying that. It's very possible they did.

b6 Per OIG b7C Per OIG [redacted] I'm sorry to interrupt. But you didn't specifically tell them I'm not there, tell the Director. He needs to know this.

MR. MCCABE: I don't remember that. I don't remember saying that. It's possible I did, but I don't remember. But I do know that as a practice, Kortan goes direct to the Director before or after he comes to me with things very often. I can't say it's on everything, but

often. So that was certainly something that was (*indiscernible 1:08:48).

b6 Per OIG b7C Per OIG [redacted] Okay. Just to, I want to circle back just to close the loop on a couple of things as we move forward. So you shared the details of this call with Mr. Comey. And I think you mentioned Randy Coleman. Is that right? Back in, when, shortly after the call occurred?

MR. MCCABE: Yeah.

MR. STORCH: So we're back in August?

b6 Per OIG b7C Per OIG [redacted] Yeah, back in August.

MR. MCCABE: Okay.

[redacted] Or any time before the summer, 2016.

MR. MCCABE: Yeah.

MR. STORCH: I thought I'd beat your counsel.

MR. BRUCE: Thank you. Precision is important on this.

b6 Per OIG b7C Per OIG [redacted] Does Coleman get the same specific details about the call that you had with Matt Axelrod on August 12th as you share with Lisa Page and, and the Director, Mr. Comey?

b6 Per OIG b7C Per OIG MR. MCCABE: It's likely, yes.

[redacted] Other than Comey and Page and Coleman, anyone else that you shared this, these specific,

this detailed account with?

b6 Per OIG b7C Per OIG MR. MCCABE: It's certainly possible. I just can't recall the specific conversation.

[redacted] Okay. But other than those three, no one jumps out to you right now?

MR. MCCABE: I'm trying to remember. It's possible I would have discussed it with the, the head of CID, which I think was Steve Richardson at the time.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: I likely discussed it with Jim Rybicki.

[redacted] Okay. And when you say discussed, are we talking specific details?

b6 Per OIG b7C Per OIG MR. MCCABE: Sure, yeah.

[redacted] Okay. Okay.

MR. MCCABE: I'm trying to think. Maybe Jim Baker. I discussed a lot of things with Jim Baker. Both Rybicki and Baker probably more likely than Steve Richardson.

[redacted] And were you telling what happened in that August 12th conversation to these individuals?

b6 Per OIG b7C Per OIG MR. MCCABE: Yes. Yes.

[redacted] Do you remember one way or the other if you said to them, and then I said are you shutting, are you asking me to shut down a validly predicated --

MR. MCCABE: Yes.
[redacted] -- investigation?
MR. MCCABE: Yes.
[redacted] So that's something you would --
MR. MCCABE: That's something I would have included in my account of the interaction.
[redacted] To everyone you told about it?
MR. MCCABE: Probably, yeah.
[redacted] Do you remember doing that?
MR. MCCABE: I don't remember each one of these conversations, so absolutely these are the words I used, but that was what was most significant to me from the phone call.
[redacted] Okay.
[redacted] So it sounds like more than five but less than 10 people stick out in your mind.
MR. MCCABE: That's fair.
[redacted] Okay. I think we've heard a lot of this already, but I just want to pose the question so it's clear on the record.
MR. MCCABE: Okay.
[redacted] What was the purpose in authorizing Mike Kortan and Lisa Page to share the account of your August 12th call with Mr. Axelrod to the Wall Street Journal?

MR. MCCABE: Yeah. As I've said, the story was about FBI independence, and specifically, how the FBI was responding to pressure from the Department of Justice. That was the story. And in fact, the story was in its original format going to in my estimation create the grave misperception that we had ordered the termination of an investigation due to FBI, or Department of Justice pressure. And so this exchange, this phone call I thought and Mike thought and Lisa thought was the best example of the fact that the story was, that that narrative was not correct.
[redacted] And are you the one who comes up with this idea to say, hey, this is the best evidence to counter that narrative?
MR. MCCABE: I don't remember if I was the one that came up with it or if Lisa suggested it. I don't remember who suggested it. But we definitely discussed it.
[redacted] And this, so, I mean I think we had it, but I just want to put it on the record to make sure I have a clear understanding.
MR. MCCABE: Yes.
[redacted] Lisa Page and Michael Kortan did not share this account on the call to the Wall Street Journal without clearing it with you and saying, hey,

agreement that we're going to give this to him.
MR. MCCABE: That's correct.
[redacted] Okay.
MR. STORCH: In fact, if I understand your testimony, just to be clear, you had specific discussion with him. I'm not sure who brought it up, but you had a specific discussion that this conversation, the August 12th conversation, was the best way to make this point. And so it would be included in the briefing for Devlin Barrett.
MR. MCCABE: Excuse me. Yes.
[redacted] And I'll share with you that Li[redacted] Page told us that she would not have remembered the call, the August 12th call to share with Devlin Barrett, the reporter, unless you had reminded her about it. Do you have any reason to doubt her account?
MR. MCCABE: No.
[redacted] Okay.
[redacted] And as you sit here today, can you tell us as much as you can remember --
MR. MCCABE: Um-hmm.
[redacted] -- about the authorization that you gave to them? And take us back. You're on the phone. You're in[redacted]
MR. MCCABE: Um-hmm.

[redacted] You're not even in the office.
MR. MCCABE: Um-hmm.
[redacted] They bring this story to you.
MR. MCCABE: Um-hmm.
[redacted] What do you tell them to do?
MR. MCCABE: There was a series of phone calls over the course of that day. Most of them were about the same facts that were still kind of I guess at issue over my wife's campaign, a lot of stuff that had appeared in the prior story. And so that was the majority of what we had been discussing. And this angle comes up. They go back and forth. I think maybe in an initial interaction they pushed back on this narrative, telling him that it was not accurate, it wasn't correct. That's not, you know, how we do our work, and, you know, yada-yada. That wasn't having any effect.
And so we talked about, I remember talking about this conversation with Lisa and Mike. And I was, I told them you can relate this conversation to Devlin.
[redacted] Did you put any restrictions on that? Did you talk to them, you know, don't, don't have them quote me directly? I mean what, what kind of instructions did you give them about how to roll this out to him?
MR. MCCABE: I don't remember giving them

b6 Per OIG b7C Per OIG
b6 -1 b7C -1

specific instructions about that. It's kind of in the Mike Horton world. He navigates those things for me every day, and I rely on his judgment as to how to do that.

b6 Per OIG b7C Per OIG [redacted] Do you remember any limitations at all that you placed on them about --

MR. MCCABE: I don't.

[redacted] -- what they were to do or say?

MR. MCCABE: I mean, our understanding was that they would relate the content of this conversation, nothing else. I know there's a lot of other information in this article. I don't know where that information comes from. This was the, this was the issue that we discussed talking to Devlin about.

b6 Per OIG b7C Per OIG [redacted] Okay.

[redacted] Were any, did they prepare any talking points for you to review before they spoke with Mr. Barrett?

MR. MCCABE: I don't remember reviewing any talking points.

b6 Per OIG b7C Per OIG [redacted] Did -- okay. Why not, why not simply follow, as I understand, standard FBI practice and just say, you know, no comment? No comment. It's an open investigation.

MR. MCCABE: Um-hmm.

MR. STORCH: Or, let me interrupt.

MR. MCCABE: Yeah.

MR. STORCH: The, the we don't confirm or deny investigations, right? See, that's what you said earlier, the FBI had not acknowledged where there was an investigation.

MR. MCCABE: Yeah, right. I, I mean I, I have to go back to what I told you previously about how I saw the impact of the story that Devlin was proposing to write. And I certainly saw that as being a, a damaging and destructive thing to the FBI. And again, not about the case, not about whether we had acknowledged it or haven't acknowledged it. It was I think widely speculated in the press for some time. I did not authorize them to discuss the specifics of the case. I did not authorize them to talk about evidence or case strategy or what we were doing or where we were going or what office was investigating. What I authorized them to do was use this phone call as an example of the fact that we were not complying with pressure from the Justice Department to end an investigation.

MR. BRUCE: When there's a good stopping point, I could use a bathroom break.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. BRUCE: In the next five minutes, 10 minutes.

[redacted] Yeah. And that's definitely going to -- why don't we do it now? Off the record around 10 to 11:00.

(Whereupon, the above-entitled matter went off the record and back on the record.) b6 Per OIG b7C Per OIG

[redacted] Yes, we are back on the record, a little after 11 o'clock after a short break. So what I'm showing you right now are some texts that you had with Lisa Page on October 27 and 28 in between and after her calls with the Wall Street Journal reporter. And then I've highlighted your calls with her following these texts. Now, we can walk through them, but the purpose of why I did that was it was unclear to me how much contact you had. But as I understand from your testimony earlier today that you were in contact with her before the article was published, and she was giving you feedback on what the reporter was saying, and you were giving her input. Is that, is that fair?

b6 Per OIG b7C Per OIG MR. MCCABE: That's correct.

[redacted] Okay. So, and then I refer, I'll refer you here to your testimony to the OIG on July 28th --

MR. MCCABE: Um-hmm.

b6 Per OIG b7C Per OIG [redacted] -- 2017. This is Lines 30, on Page 32, Lines 5 through 24. When we're showing you the

texts, you had said I can't tell you where she was or what she was doing. I was out of town. That, that statement there was not accurate then, was it?

MR. MCCABE:

MR. BRUCE: I'm sorry. Which lines are you talking about?

b6 Per OIG b7C Per OIG [redacted] Well, specifically it's at the end, but it starts on 5, and then runs down through 24 where you said I can't tell you where she was or what she was doing.

MR. MCCABE: Yeah, and as I've said before, and she made clear, I, I was very concerned, as I think I said at that time, uncomfortable about discussing things that I thought were outside the scope that Dan had identified for me that day.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: And I felt like that's the direction that the questions were coming from. I didn't feel comfortable saying, you know, vouching for what was in Pete and Lisa's texts and saying what they meant. I had not thought about the Wall Street Journal article and the conversations we had around it in quite a long time. And so, I misspoke.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: I think that after our interaction,

I spent a lot of time thinking about it over I guess that weekend. I think it was a Friday.

b6 Per OIG b7C Per OIG [redacted] Right. It was. The interview was on a Friday, yes.

MR. MCCABE: Right. And then, you know, that's why I called Dan, because as we probably discussed that day and we talked about yesterday, my understanding was, like, if you think of something after the fact, you had told like call and tell us, you know, him, correct the record or whatever, whatever it may be. And that was the spirit in which I called. I reached out to Dan the next week to say, hey, you know, I may have left you with a misimpression. And on further recollection, yeah, I remember authorizing Lisa and Mike to talk to the Wall Street Journal.

It was important to me that you all had an accurate understanding of what I had done, but it was also important to me that you didn't, you know, start heading off in a direction on Mike and Lisa that's not, that would not have been accurate.

b6 Per OIG b7C Per OIG [redacted] Okay. And just so we're buttoning this up so the record is clear: As you sit here today, though --

b6 Per OIG b7C Per OIG MR. MCCABE: Yes.

[redacted] -- as, and you're recalling back

then, you had close and direct contact with Lisa Page on October 27th and 28th before the article, the Wall Street Journal article came out on October 30th.

b6 Per OIG b7C Per OIG MR. MCCABE: That's correct.

[redacted] Okay.

MR. MCCABE: Yeah. As I've said, we had many conversations over the course of that day.

b6 Per OIG b7C Per OIG [redacted] Right. I did see that.

MR. MCCABE: I had several conversations over the course of that day that did not relate to the Wall Street Journal article.

b6 Per OIG b7C Per OIG [redacted] Yes. And you described that yesterday.

MR. MCCABE: Right. And I don't think maybe I even, I don't know if we covered this in the last hour or so or not, but I definitely remember discussing the Wall Street Journal article, and the interactions that we had had with Devlin Barrett with Director Comey. I think that discussion was after the article appeared. I don't remember discussing it with him as we were kind of in the heat of battle trying to figure these things out on the day of the 27th, but I definitely remember discussing them with Director Comey.

b6 Per OIG b7C Per OIG [redacted] Okay. We'll get into that soon.

MR. MCCABE: Okay.

b6 Per OIG b7C Per OIG [redacted] Okay. So, moving on. This is focusing on before the article was published. I want to just hit just a couple of conversations and make sure I'm clear. You left off with Mr. Comey. We talked earlier before the break that you didn't talk with Mr. Comey before the article was published that you were going to share the account of the August 12th call with Mr. Axelrod, right?

MR. MCCABE: That's correct.

b6 Per OIG b7C Per OIG [redacted] What --

MR. MCCABE: I don't remember talking to him about that before the article came out.

[redacted] Okay. What about other FBI -- well, let me just say it like this. Other than Lisa Page and Mike Kortan, did you have any conversations with anyone else at the FBI about sharing the account of the August 12th call with Matt Axelrod with the Wall Street Journal?

MR. MCCABE: I don't remember doing that. I do remember having several conversations with Jim Baker on that same day.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: This is really just a one-day period in which this is coming up. And to be clear, on that point, so I had many conversations with Director

Comey and Jim Baker and others about our interaction with Devlin Barrett over the first Wall Street article, right? So that had been a topic of conversation over the course of that week, as I said earlier.

But in terms of the interaction and the decision to authorize Mike and Lisa to discuss that telephone conversation, the August 12th conversation, that really only came up to my recollection on that day, the 27th, when I am in [redacted] and they are in D.C. I did have conversations that day with Jim Baker. I don't remember us discussing that, but it's possible.

b6 -1 b7C -1

b6 Per OIG b7C Per OIG [redacted] Okay. Other than a possible conversation with Mr. Baker, anyone else that you may have shared that account with about discussing it with the Washington -- I'm sorry.

b6 Per OIG b7C Per OIG MR. MCCABE: I don't think so. Not --

[redacted] Discussing it with the Wall Street Journal.

MR. MCCABE: Yeah. I don't think so. Not that I remember. And again, you know, my understanding at that time and, and to this day is that that is part of my authority as Deputy Director. I am one of the few people that's authorized to disclose and to authorize others to disclose information to the media.

b6 Per OIG b7C Per OIG [redacted] Right.

FBI 18-cv-01766-763

MR. MCCABE: And that's a part of those interactions that I've had with Mike Kortan for, you know, a couple years now.

b6 Per OIG b7C Per OIG [redacted]: And we're going to get into some of that later. But just so we have a clear understanding on, on your role and --

MR. MCCABE: Okay.

b6 Per OIG b7C Per OIG [redacted]: And sort of what the scope of your authority is there.

MR. MCCABE: Okay.

b6 Per OIG b7C Per OIG [redacted]: Let's talk about after the article comes out. What is your personal reaction after it's published?

MR. MCCABE: Just kind of, I don't know. I don't know how to characterize it. I mean, I would, I was surprised by it because we knew that it was coming out. I wished it hadn't come out. That's, if that's what you're asking. I'm not --

b6 Per OIG b7C Per OIG [redacted]: Well, were you surprised? There was --

MR. MCCABE: I wasn't surprised that he, he related the conversation that we discussed with him.

b6 Per OIG b7C Per OIG [redacted]: The August 12th conversation?

MR. MCCABE: That's right.

b6 Per OIG b7C Per OIG [redacted]: The, the, so the highlighted

paragraphs in there, there was nothing in there that surprised you that Mike Kortan or Lisa Page shared with the Wall Street Journal?

MR. BRUCE: Take a minute to read it. If it's an all-encompassing question, take a minute to read it again.

MR. MCCABE: I mean, there are things in here that are not within the context of probably like this piece about others said the Justice Department is simply trying to make sure FBI agents are following long-standing policy. I don't --

b6 Per OIG b7C Per OIG [redacted]: Right. Fair enough. That, that may not, that may be a different viewpoint.

MR. MCCABE: Like, yeah, I don't, that wasn't a part of what Lisa and Mike and I discussed. Those rules discourage investigators from making such moves, and like, that's not part of what, what we discussed. So -- I'm sorry. What was the question?

b6 Per OIG b7C Per OIG [redacted]: Well, maybe I'll ask it a different way.

MR. MCCABE: Okay.

b6 Per OIG b7C Per OIG [redacted]: Is there anything in the highlighted paragraphs, or, yeah, in the highlighted paragraphs on Page 8 and 9 of the October 30th article --

MR. MCCABE: Um-hmm.

b6 Per OIG b7C Per OIG [redacted] -- where you, sitting here toda or actually even back then, where you felt Lisa Page or Mike Kortan exceeded their authority that you authorized them with.

MR. BRUCE: Well, okay. He just identified some of this he didn't think came from Lisa. Right?

b6 Per OIG b7C Per OIG [redacted] Well, yeah, I understand that. What, I mean, I'm not talking about things he -- I'm focusing on what he authorized them to do. So --

MR. BRUCE: But --

b6 Per OIG b7C Per OIG [redacted] -- he's pointed those out.

MR. MCCABE: But I guess your question doesn't specify that. So, I mean, do you want to go through sentence by sentence?

b6 Per OIG b7C Per OIG [redacted]: I mean, well sure. Let's, let's take the first paragraph.

MR. MCCABE: Okay. I mean, the first sentence, I think that was within the scope of what Lisa and Mike and I discussed.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: The second sentence that begins Mr. McCabe said agents still had the authority to pursue (*indiscernible 1:29:28). I think that's within the scope of what we discussed. Justice Department official was very pissed off. I didn't, I mean, I don't, I don't, I

don't think those are my words, very pissed off.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: But they're not a mischaracterization.

b6 Per OIG b7C Per OIG [redacted] Not inconsistent with the scope of authorization?

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

MR. STORCH: And they're in quotes, so it suggests that --

MR. MCCABE: Like, they're not my words, so I don't, I can't --

MR. STORCH: No.

MR. MCCABE: But --

MR. STORCH: Either Ms. Page or Mr. Kortan presumably said this to the reporter and he's putting them in quotes. The person close to Mr. McCabe would be --

MR. MCCABE: That's certainly likely.

MR. STORCH: Right.

MR. MCCABE: Yeah.

MR. STORCH: But regardless of the exact verbiage, that, conveying that --

MR. MCCABE: He was mad about it.

MR. STORCH: He was mad would --

MR. MCCABE: Yeah.

MR. STORCH: -- would be within the scope?

MR. MCCABE: That's right.
MR. STORCH: Okay.
MR. MCCABE: And others pressed him to explain -- and others. I mean, I think that's a fairly accurate characterization of Matt's concern on the August 12th call.
b6 Per OIG b7C Per OIG MR. BRUCE: Well, which part, just to be clear? [redacted] That sentence?
MR. MCCABE: The part that the, the phrase that begins and pressed him to explain why the FBI was still chasing a matter that the Department considered dormant. All right, starts with the and on the end of the first line. I mean that's a fairly accurate representation of what Matt expressed to me on the phone. The next sentence that begins with others, I don't know where that comes from. All others. That seems like, like somebody is explaining what the Justice Department's intention was there, and I would assume that came from somebody at the Justice Department.
b6 Per OIG b7C Per OIG [redacted] But that's not inconsistent with what you had expressed earlier about this DOJ policy about no overt actions, right, before the election?
MR. MCCABE: Yeah, but I didn't discuss that with you in the context of, like, what was their position on this issue. I was just --

[redacted] Um-hmm.
b6 Per OIG b7C Per OIG MR. MCCABE: -- kind of giving you my understanding of what DOJ policy is generally.
[redacted] Okay.
MR. MCCABE: Like --
MR. STORCH: So getting to the scope of the authorization, you didn't necessarily discuss with Page and Kortan talking to the report about the position of the Department regarding policy. That would be contrary to your view, or how --
MR. MCCABE: Right, that doesn't --
MR. STORCH: Those last, those last --
MR. MCCABE: Those words wouldn't have logically flowed from our conversation.
MR. STORCH: Right. So the last two sentences in that first paragraph more reflect sort of the other side in a way of, of the discussions?
MR. MCCABE: That's right.
MR. STORCH: Yes.
MR. MCCABE: That's how, that's how I read it.
MR. STORCH: So you're not saying they're wrong, it's not our policy. It's just it wasn't what you were authorizing them to talk about.
MR. MCCABE: That's right. That's right.
MR. STORCH: Okay.

b6 Per OIG b7C Per OIG [redacted] Okay.
MR. STORCH: All right. [redacted] And what about the last, highlighted paragraph?
MR. MCCABE: The last highlighted paragraph is within the scope of my authorization to Mike and Lisa.
b6 Per OIG b7C Per OIG [redacted] And, and just to close the loop, you didn't, after the article was published, did you ever tell Mike Kortan or Lisa Page that they did something wrong?
MR. MCCABE: I don't know. I don't remember ever telling them that.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. STORCH: Did you think they did something wrong?
MR. MCCABE: No.
MR. STORCH: So no reason you would have told them that?
MR. MCCABE: That's correct.
MR. STORCH: You saw the article come out the next day, maybe it wasn't the happiest day in your life. But having said that --
MR. MCCABE: One of many.
MR. STORCH: Yeah, right. Right? Yeah.
MR. MCCABE: No, I mean I was --

MR. STORCH: I mean, seriously, nothing, nothing --
MR. MCCABE: It wasn't --
MR. STORCH: -- about the article that you thought that they had done something wrong. They exceeded the scope of the authority (*indiscernible 1:32:53).
MR. MCCABE: No. There's a lot in the article that caused me great concern. There's all kinds of information in here that caused us to step back and wonder about, like, where is all of this coming from. But, but not that.
MR. STORCH: Right. With regard to your discussions with Page and Kortan --
MR. MCCABE: That's correct.
MR. STORCH: -- and what you authorized them, but there's nothing that caused you to think they had done something wrong.
MR. MCCABE: That's correct.
MR. STORCH: Or something beyond your authorization.
b6 Per OIG b7C Per OIG MR. MCCABE: That's right. [redacted] With respect to the purpose that you articulated earlier about sharing the August 12th account with the Wall Street Journal, and when the article came out, did you think that it achieved the intended

FBI 18-cv-01766-765

purpose?
MR. MCCABE: That's hard to assess. It certainly is, it is a point of view that was represented in the article that would not have been represented in the article had we not contributed it. That was my assessment. And I felt like it was better that it was in there.
b6 Per OIG b7C Per OIG Do you recall any specific conversations with Lisa Page after the article came out?
MR. MCCABE: I don't. I'm quite sure we did have conversations about it, but I don't, I don't recall any particularly.
MR. STORCH: And just, you mean related to the article?
b6 Per OIG b7C Per OIG Yes, thank you.
MR. STORCH: Presuming you've had lots of discussions --
b6 Per OIG b7C Per OIG MR. MCCABE: Right.
Yes.
MR. MCCABE: Right.
MR. STORCH: Right?
MR. MCCABE: Right.
MR. STORCH: That related to this article. Did you ever talk with her about it after it came out?
MR. MCCABE: I, I don't remember talking to her

about it. I would guess we probably did. I shouldn't be guessing.
b6 Per OIG b7C Per OIG Well let me, let me direct you -- I'm sorry to cut you off. You --
MR. MCCABE: Yes.
MR. STORCH: Well, you can make reasonable assumptions. Guessing is always, is a dangerous word for an agent or a prosecutor, right?
MR. MCCABE: Um-hmm.
MR. STORCH: But based on your discussions with Page, her role, the discussions you had with he previously, it would have been natural for you to have discussions after this article came out.
MR. MCCABE: Yes.
MR. STORCH: Saw the article, this was good, this was not good, that type of thing.
MR. MCCABE: Yes.
MR. STORCH: Do you anticipate you probably did that, though you may not remember them now.
MR. MCCABE: That's right.
MR. STORCH: Same thing with Kortan?
MR. MCCABE: Probably.
MR. STORCH: Okay.
b6 Per OIG b7C Per OIG Thank you. And once specific question about --

b6 Per OIG b7C Per OIG MR. MCCABE: Um-hmm.
-- a conversation that you may have had. If you turn to the texts, and let me, okay. If you look at the last page, Page 4.
b6 Per OIG b7C Per OIG MR. MCCABE: Okay.
The first row, this is on November 1st. And Lisa texts you, it reads, it's the first you really come up since last Sunday. Thought Devlin's piece was pretty benign. And then she also, the next row, she says that there is an Alfa Bank story is in Slate. And your response to that is awesome.
First, did you agree with Lisa Page's characterization that the October 30th article was pretty benign?
MR. MCCABE: Yeah, you know, I don't know. I mean, obviously I would have preferred that the article had never come out. So overall, the effect of the article was still damaging to some degree. I think that we mitigated some of that damage by at least ensuring that the opposite viewpoint was included. But if you're asking me was the article like a good thing, it was one of many articles that were distracting and, and damaging and, and, you know, to the FBI in general at that time, which there was, you know, it seemed like every other day there was another article, obviously a lot of that going on at the

time.
b6 Per OIG b7C Per OIG Right. And --
MR. MCCABE: So I wouldn't characterize overall the article as benign, but I understand my, my understanding of what she was expressing to me here was like it wasn't as bad as it could have been.
b6 Per OIG b7C Per OIG Is that -- well, I should just ask it like, what did your reference of awesome concern?
MR. MCCABE: Like, that's a sarcastic way of saying, oh, this is all just great. Like, another day, another hit. You know what I mean?
Um-hmm.
MR. MCCABE: I'm sorry to be colloquial, but that's --
b6 Per OIG b7C Per OIG No.
MR. MCCABE: I didn't actually mean things were awesome because they clear were not at that time.
Well, exactly. And you mentioned this earlier. I mean --
b6 Per OIG b7C Per OIG MR. MCCABE: It was --
We want to understand what words mean.
MR. MCCABE: Yeah.
b6 Per OIG b7C Per OIG What the intent is.
MR. MCCABE: Yeah. It was an unbelievably

stressful and challenging time for us as an organization. And also for me as an individual. I mean, this week was when we were in the kind of very, I don't want to say heated, but very demanding kind of conversations back and forth about my recusal from Midyear and, and also the Clinton Foundation. And so, and it was also right on the tail of the Director's decision to release the letter to Congress over the Weiner laptop. So there was just a torrent of media articles and congressional requests and criticism of seemingly everything we were doing on every front. So it was, it was a very busy, hectic, kind of stressful time. So, this was just another, another challenge during a very challenging week.

b6 Per OIG
b7C Per OIG

[redacted] Is it fair to say that that week was one of the busiest, stressful times for you as Deputy Director?

MR. MCCABE: Sure. Yeah.

b6 Per OIG
b7C Per OIG

[redacted] Can you think of a more busy or stressful, hectic time?

MR. MCCABE: May 9th. There's quite a lot of them over the last year.

b6 Per OIG
b7C Per OIG

[redacted] Yes. No, no.

MR. MCCABE: (*Indiscernible 1:38:38) right from Grassley.

b6 Per OIG
b7C Per OIG

[redacted] Actually, I should say for the

record that, I didn't, I should have said this earlier. There is no expectation on my part that we're going to talk about classified matters.

MR. MCCABE: Okay.

b6 Per OIG
b7C Per OIG

[redacted] And so, if -- this room is cleared for it, but --

MR. MCCABE: Yeah.

b6 Per OIG
b7C Per OIG

[redacted] -- I'm recording in a non-classified way, so.

MR. MCCABE: Yeah.

b6 Per OIG
b7C Per OIG

[redacted] If -- please stop me if that comes up so --

MR. MCCABE: Okay.

b6 Per OIG
b7C Per OIG

[redacted] -- I don't want to excuse that. But, so it's fair to say again that this was one of the busiest weeks that you've, or, memorable, stressful times?

MR. MCCABE: Yeah. I mean, the job is like that. Right? It's 36,500 people, 12,000 of whom are carrying guns around the world every day. I am responsible for all investigative and intelligence operations globally. And all of the business side of what we do, the non-operational side, ultimately reports up to me as well. So it is a very, very steady, non-stop diet of incredibly challenging problems, ones that are issues of first impression, things that in our 109-year history

we've never thought about or had to face before. The easy stuff does not make it to my office.

b6 Per OIG
b7C Per OIG

[redacted] Um-hmm.

MR. MCCABE: I only have so much bandwidth and it has to be focused on the biggest, hardest problems. Okay, we're coming through a period, as we discussed yesterday in Midyear, where it was really, you know, kind of breaking new ground in a lot of ways every day. So, that's, that's, the normal for me is incredibly challenging and fast-paced and diverse. This, this week and others --

MR. STORCH: Other kind of --

MR. MCCABE: -- raised it to an even more elevated level of intensity.

MR. STORCH: Just to clear up on one thing you said.

MR. MCCABE: Yeah.

MR. STORCH: You said you mitigated, you thought the article mitigated some of the damage. Just to be clear, do you mean, I think this might be, to clear for the record.

MR. MCCABE: Um-hmm.

MR. STORCH: Do you mean the references in here, your discussion with Matt Axelrod in terms of the damage, potential politicization of the FBI, that by including

that --

MR. MCCABE: Yeah, yeah.

MR. STORCH: -- these highlighted paragraphs, that that helped to mitigate some of the damage?

MR. MCCABE: Yeah. And I should have been clear about that. I'm, that's what I'm referring to. The fact that the article would have created a completely one-sided and inaccurate impression that the FBI was not independent, not doing our job, and we're subject to DOJ pressure and political pressure. And I think the inclusion of those, those comments around the August 12th conversation at least showed an example of the fact that that's not who we are. And so did it completely, would it have been better if the article never came out? Sure. But at least we managed to get a kind of counter narrative included in the argument, or in the article.

MR. STORCH: Sure. And that's why you'd authorized them to do it.

b6 Per OIG
b7C Per OIG

MR. MCCABE: That's correct.

[redacted] So you had mentioned earlier that you talked with then-Director Comey after the article came out --

MR. MCCABE: That's right.

b6 Per OIG
b7C Per OIG

[redacted] -- about the article?

MR. MCCABE: That's right.

Page 94

b6 Per OIG
b7C Per OIG

[redacted] Can you share with us what that conversation was like?

MR. MCCABE: Oh, I can't kind of quote from it, but I remember talking to him about kind of all the things that had happened over the course of the weekend. Not the details, of course, of the Weiner thing because that was kind of a separate issue that we weren't transacting on. But we talked about the article. I asked him his thoughts about it. He thought it was, you know, he had the same impression as I did that it was really kind of a one-sided narrative supported by a lot of spurious information.

But he thought that it was good that we at least had gotten the, the, you know, the information, that they at least presented information that indicated that, no, that's not who we are. That we are, that we're independent and doing our job. We discussed the fact that the Department was likely to be pretty angry, and specifically Matt Axelrod was, was unhappy about the fact that this may, that this made its way into the paper. Or, yeah, yeah, paper, the Wall Street Journal--

[redacted] So roughly, are you, so the article comes out on October 30th.

b6 Per OIG
b7C Per OIG

MR. MCCABE: Yes.

[redacted] Are you talking with him in person, on the phone, that day, October 30th?

Page 95

MR. MCCABE: I remember discussing it with him in person on what would have been Monday when we were back at work.

[redacted] The 31st?

b6 Per OIG
b7C Per OIG

MR. MCCABE: Yeah.

[redacted] Okay.

MR. MCCABE: But it's possible we discussed, we had talked on the phone before then as well. I don't remember.

b6 Per OIG
b7C Per OIG

[redacted] So this conversation, is it one-on-one, or is anyone else there?

MR. MCCABE: I don't remember if there was anyone else there. I remember talking to him, but I don't remember who else was there.

b6 Per OIG
b7C Per OIG

[redacted] And when you're specifically talking about the October 30th article, are you telling him at this time, hey boss, I authorized Kortan and Page to disclose the account of the August 12th call?

MR. MCCABE: Yes. He knew that.

b6 Per OIG
b7C Per OIG

[redacted] You told him that?

MR. MCCABE: Yes.

[redacted] And what was his reaction?

MR. MCCABE: He did not react negatively, just kind of accepted it. I remember talking to him because we were probably anticipating going down and having our SIOC

Page 96

meeting with DOJ that day.

[redacted] What time does that occur, again?

MR. MCCABE: Good question.

b6 Per OIG
b7C Per OIG

[redacted] Is it in the morning.

MR. MCCABE: It's like 9:00, or is it 9:30? Or I, we've shifted it quite a bit in the last few months. But it was, I would have my, I have my morning meeting with my leadership team that we meet with the Director. And then Monday, Wednesday, and Friday we would meet with the AG and the DAG and their staff. Under AG Lynch, as would happen with the AGs before her, those meetings were in SIOC in our building. And now under AG Sessions, we meet in a command center at DOJ. So it's across the street. And it's 9:30 now. I think it was probably 9:30 then, but, or maybe 9 o'clock. I'm not sure.

b6 Per OIG
b7C Per OIG

[redacted] Did he have any reaction to the fact that by disclosing the account of the August 12th call, even though it's not a direct quote attributed to you. It essentially is in substance confirming the existence of the Clinton Foundation investigation. Did he have any reaction to that?

MR. MCCABE: He did not.

MR. STORCH: Was there any discussion of that with him?

MR. MCCABE: I don't remember discussing that

Page 97

with him.

MR. STORCH: Just to go back to the discussion a little bit. So, just to put it in place, do you go into his office? Is he in your office? Do you remember that?

MR. MCCABE: It likely would have been either in his office or in his conference room.

MR. STORCH: Because that's where you talk to him generally?

MR. MCCABE: Right.

MR. STORCH: Right. Do you remember, did you go in there for the purpose of talking to him about this article, or was there other stuff you were just talking deputy to boss? And I do both, so I understand. I just want to know if you remember.

MR. MCCABE: Yeah, I, I don't remember.

MR. STORCH: Yeah. In a smaller organization --

MR. MCCABE: It's, it's likely that we had, we had a conversation after his, his meeting, his morning meeting includes like all the EADs.

MR. STORCH: Um-hmm.

MR. MCCABE: Excuse me. And a couple of the ADs and a few other various staff folks. And so we go around the table. If anyone has anything to put out, they do. And then they leave, and then we have, you know, more sensitive items that we have to discuss, or just

conversation between -- and I'm saying this is the typical occasion.
MR. STORCH: Right.
MR. MCCABE: I don't remember exactly how it played out on this date.
MR. STORCH: Right.
MR. MCCABE: In October of last year, but we have like kind of like a skinny down session that's usually myself, Rybicki, Bowdich, possibly Baker.
MR. STORCH: Do you think you brought this up during the skinny down or was it a separate discussion with the Director?
MR. MCCABE: I don't know. I don't know. It's like that it was in the skinny, but I don't remember. But he and I had several very charged discussions that day and the following day on Midyear stuff, on, on everything that had been swirling over the previous couple days.
MR. STORCH: Sure. And as you sit here today, do you specifically recall telling him that you had authorized the disclosure of the August 12th discussion?
MR. MCCABE: I am sure that I told him that I worked with Mike and Lisa, and Mike and Lisa interacted with Devlin on, on the, on the article.
MR. STORCH: And you recall --
MR. MCCABE: It's not, I don't want it to be --

MR. STORCH: -- talking about it?
MR. MCCABE: I don't want to create the misimpression, it's not like we have a, like a document that I signed of --
MR. STORCH: Yeah.
MR. MCCABE: -- here's the scope of the authorization. These things are done, you know, transactionally, conversations and understanding between people, so.
MR. STORCH: And did you say anything, was there any discussion about, you know, leaks. There was a lot of discussion during that period on leaks of information --
MR. MCCABE: Yeah, yeah.
MR. STORCH: -- I mean, all over the place, about all sorts of stuff.
MR. MCCABE: Yeah.
MR. STORCH: Any discussion about that with the Director at that point?
MR. MCCABE: With respect to the August 12th phone call?
MR. STORCH: During that discussion.
MR. MCCABE: I don't remember. I mean, we were talking about leaks all the time.
MR. STORCH: Right, right.
MR. MCCABE: So --

MR. STORCH: Okay. Well, let's talk about in connection with this article, then. You were telling him in substance, I mean, you don't remember exactly.
MR. MCCABE: Right, right, right.
MR. STORCH: So in substance, that you had talked to Lisa and --
MR. MCCABE: And Mike.
MR. STORCH: -- about talking to Barrett and giving him this information, right?
MR. MCCABE: Um-hmm.
MR. STORCH: And you talked about that with the Director, right?
MR. MCCABE: That's right.
MR. STORCH: So in the course of that discussion, did you say anything to suggest that this was in any way unauthorized or a leak or a troublesome thing or anything like that?
MR. MCCABE: No. I don't remember saying that to him.
MR. STORCH: In fact to the contrary, you had authorized it, and you were letting the Director in sum and substance know that.
MR. MCCABE: That's right.
MR. STORCH: You're looking at me.
[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. STORCH: I'm good.
[redacted] Just a second. Okay. b6 Per OIG b7C Per OIG
MR. STORCH: It makes it look like we have a grand strategy. We don't. But I think it's called that, so. If you have any strategy suggestions, you know. But seriously --
MR. BRUCE: It's ineffective representation. b6 Per OIG
MR. STORCH: Fair enough. b7C Per OIG
[redacted] For the record, Rob Storch has, is helping make this more efficient, so it's in everyone's interest. Other than the Director, do you have any other conversations with any other FBI executives at headquarters where you're telling them, talking to them about the article and telling them that you authorized Kortan and Page to --
MR. MCCABE: Um-hmm.
[redacted] -- release the, or disclose the account of the August 12th call to the Wall Street Journal? b6 Per OIG b7C Per OIG
MR. MCCABE: I probably did. Although I don't remember specific calls. I remember conversations with like Jim Rybicki and Jim Baker about the impact of the article and the kind of frosty reception we got from DOJ that morning.
[redacted] The 31st? b6 Per OIG b7C Per OIG

FBI 18-cv-01766-769

MR. MCCABE: That's right.
b6 Per OIG b7C Per OIG [redacted] Can you tell us about that?
MR. MCCABE: I think it was the 31st. It would have been a first meeting, so it's likely that day. I'd have to check my calendar. It's likely that day, yeah.
b6 Per OIG b7C Per OIG [redacted] Can you, can you tell us about that, when you say frosty meeting?
MR. MCCABE: Yeah. Matt kind of didn't speak to me at all. Which is not his way.
b6 Per OIG b7C Per OIG [redacted] Right.
MR. MCCABE: He's a very communicative person. He came in and was kind of scowling and clearly upset. And that was it. We didn't really, you know, we didn't, we didn't talk about it.
b6 Per OIG b7C Per OIG [redacted] At the meeting.
MR. MCCABE: At the meeting. A couple days later, we did.
b6 Per OIG b7C Per OIG [redacted] What happened there?
MR. MCCABE: I called him to say, look, I know you're frustrated by this. And, but, you know, you and I have to work together and, and I hope we can continue to do that sort of thing. We didn't, we didn't go into like detail about, you know, how I work with, with Lisa and Mike. I didn't discuss with him kind of the whole process behind our engagement with Devlin Barrett. It was really

just very high-level like, hey, let's put this whole thing behind us and move on because we've got a lot of work to do. And he said I appreciate you calling, and okay, and that was it.
b6 Per OIG b7C Per OIG [redacted] Did he have any advance notice that this was coming out in the Wall Street Journal?
MR. MCCABE: I don't believe so. Or not that I'm aware of.
b6 Per OIG b7C Per OIG [redacted] You didn't give him the heads up?
MR. MCCABE: I had not.
[redacted] Do this to protect the integrity of the FBI?
MR. MCCABE: I did not.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. STORCH: Did you have any discussion with Kortan and Page about whether you should contact him to let him know?
MR. MCCABE: I don't, I don't remember discussing that with them.
MR. STORCH: And afterwards, when you spoke to him, did he, I don't want to say confront, did, did you have any discussion about your having been the source of this information? Did you raise that, that you're disclosing your conversation with him?
MR. MCCABE: I don't think we talked about that

directly.
MR. STORCH: I mean, it seems kind of like a natural thing you might do, right?
MR. MCCABE: Yeah.
MR. STORCH: You and I had a discussion about some case or something.
MR. MCCABE: Yeah.
MR. STORCH: And then I read about it in the paper.
MR. MCCABE: Yeah.
MR. STORCH: I might say, hey, what's going on here?
MR. MCCABE: There was a, there was a lot of like finger-pointing back and forth across the street on this article, on many other articles before and after it. And so that's like kind of the, you know, tribally, that's our first reaction. We're always, we always think it's DOJ. They always think it's us. And so that, that's not an unfamiliar position.
MR. STORCH: During the discussion you had on the phone, he didn't raise that?
MR. MCCABE: All I remember talking to him about was like, hey, let's, let's move on.
MR. STORCH: What about the other people you mentioned about -- I'm sorry.

b6 Per OIG b7C Per OIG [redacted] No, no. Go ahead.
MR. STORCH: -- about, with regard to Rybicki and Baker and any others that you talked to afterwards about the article, any discussion with them about sort of the disclosure of this, you know, what was a one-on-one discussion?
MR. MCCABE: I mean, I probably just discussed with them the article generally. That may have come up. But I don't, I don't remember the specifics of those conversations. I know we discussed, Rybicki and I, because he's, he always goes to DOJ meetings.
MR. STORCH: Right.
MR. MCCABE: We talked about kind of the awkwardness around the meeting.
MR. STORCH: The impact of this on Matt, I would think.
MR. MCCABE: Right, right.
MR. STORCH: Right?
MR. MCCABE: That's right.
MR. STORCH: And without recalling the specifics, do they know, do you believe they know that you authorized this disclosure?
MR. MCCABE: I don't know.
MR. STORCH: Based upon your discussions with them, do you think you mentioned that in sum and substance

to Rybicki, to Baker?
MR. MCCABE: Oh, I'm sorry. I --
MR. STORCH: I don't think I was clear.
MR. MCCABE: I didn't realize who you were talking about.
MR. STORCH: I'm sorry. My apologies. In your discussions with Rybicki and Baker afterwards, again, without recalling the specific discussions.
MR. MCCABE: Yeah.
MR. STORCH: Do you think you would have informed them that you were the one, that you had authorized this disclosure?
MR. MCCABE: I think people knew that generally. Because it was my conversation --
MR. STORCH: It almost would have had to come from you, right?
MR. MCCABE: Right. And the fact that Mike and Lisa were engaging with Devlin Barrett over the article was not, was not a secret.
MR. STORCH: Although, let me, let me correct what I just said.
MR. MCCABE: Uh-huh.
MR. STORCH: It's certainly possible after August 12th or whatever it was you talked to Matt.
MR. MCCABE: Yes.

MR. STORCH: You had this discussion. You go back and tell other people at the FBI about it.
MR. MCCABE: Yeah.
MR. STORCH: They could have disclosed that without your knowledge, right?
MR. MCCABE: That's, that's possible, yes.
MR. STORCH: So if they believe that you were the one who authorized it, that would come from some discussion that you, Page, or Kortan had with them to tell them that.
MR. MCCABE: It could have. It could have drawn the --
MR. STORCH: And they in the sense it's Rybicki or Baker.
MR. MCCABE: Rybicki and Baker. It could have, but it could also have come from their knowledge of having, having had the conversation with me about it previously. Maybe they just assumed that I was the person that authorized it.
MR. STORCH: Right.
MR. MCCABE: I mean I, it's hard for me to say what Rybicki and Baker thought at that time. I can't --
MR. STORCH: Do you think, as you sit here today --
MR. MCCABE: Yeah.

MR. STORCH: -- that they know that you were the one who authorized it?
MR. MCCABE: I can't, I don't --
MR. STORCH: Baker and Rybicki.
MR. MCCABE: I don't know. And I don't feel comfortable speaking for what they think, right? I'm trying to --
MR. STORCH: Certainly the discussions you had with them and trying to get away from --
MR. MCCABE: Yeah.
MR. STORCH: -- I recall this specific discussion, or even I recall this specific language to whether you informed them in sum and substance that you were the one who had authorized this.
MR. MCCABE: I, I don't remember specifically informing them. It's certainly possible that I did. I think they know that Lisa and Mike were interacting with Devlin on this story. They would from that knowledge assume that I had authorized that because Lisa works for me.
MR. STORCH: And why do you believe that they know that Lisa and, and Mike were interacting with Devlin?
MR. MCCABE: I think that Mike, I don't, I don't believe that that was a secret.
MR. STORCH: Um-hmm.

MR. MCCABE: I wasn't there at headquarters.
MR. STORCH: Right.
MR. MCCABE: At the time, so I can't say inclusively how, you know, what Mike and Lisa might have been telling other people. But it was never my impression that that interaction was like a secret.
MR. STORCH: But in contrast you -- by contrast you, I think, you specifically recall talking to the Director and telling him that you had, in sum and substance you'd authorized it.
MR. MCCABE: That's right.
[redacted] Help us understand FBI process. How would people know that Page and Kortan were authorized by you to talk to the Wall Street Journal reporter for the October 30th article if they don't themselves tell anyone. As I understand it, you were saying there's no written record created. There's no authorization. The sources in here are not attributed to, you know, anyone in the highlighted paragraphs, or specifically any one identity. So how is it people would know other than -- well, let me just say how, how would people know?
MR. MCCABE: And by people, we're talking about Rybicki and Baker --
[redacted] Right.
MR. MCCABE: -- as the example?

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[redacted] Yes, correct.
MR. MCCABE: Okay.
[redacted] Yes.
MR. MCCABE: How would they know? If Mike Kortan is discussing with Jim Rybicki, hey, I'm talking to Devlin Barrett, and we're working on this story that he's doing about FBI shutting down cases at DOJ's request, and Page is working with me on it, that's how people would know. And Mike Kortan has those sorts of conversations with the Director and with the Director's Chief of Staff on a very regular basis. And oftentimes, Jim Baker is present for those. So I'm just giving you an example of in a, in a typical situation, that's how, you know, that's how we know things.
[redacted] So for this article, I understand you were not in the FBI building.
MR. MCCABE: Yes.
[redacted] But would Kortan, as part of his schedule, have a regular meeting with Baker, Rybicki, the Director, to tell them as, to brief, hey, FYI, remember this earlier article? The October 23rd one?
MR. MCCABE: Yeah.
[redacted] The one we issued on the record statement.
MR. MCCABE: Yeah.

[redacted] Well, guess what? Page and I are now working on background and, you know, we're going to release this account of a call. And if it didn't happen before, did it, does it happen after?
MR. MCCABE: Okay, so there's two ways that that happens. The Director has his own rap session, closeout rap. And it's not consistently on any specific day. He would typically have them once or twice a week, and oftentimes you would only find out about it like that afternoon. Like, hey, the Director wants to have a rap today. And in those rap meetings, and of course it's always dependent on like who's around.
But it would, they are typically, that invitation goes to me, the ADD, the Director's Chief of Staff, Jim Rybicki, Mike Kortan, the Assistant Director for Congressional Affairs, who at that point is probably still Stephen Kelly. Maybe it's the interim, Jason Herring. But I'm, I'm not sure. But it's essentially that, that small group of people. And so it's in that context that Mike Kortan will say exactly what you just said, right? Hey, we're working with Devlin Barrett on X, Y, Z article and here's what it looks like. Here's where he is right now.
So that's one way. And I don't know if they had a rap on that day, the 27th, which is a Thursday, or the

28th, which is a Friday. It's possible. But that's one way. The other way is if there is not a rap, Kortan typically in the afternoon just comes by. He'll come by the Director's office. He'll come by my office. And kind of make the same pronouncements.
[redacted] Can he do that, I understand given your position at the FBI.
MR. MCCABE: Yeah.
[redacted] Does Kortan have the liberty to, to make those sort of walk-bys without scheduling with, with you given how busy you and the Director are?
MR. MCCABE: Absolutely.
[redacted] Okay.
MR. MCCABE: He has that liberty. That is his practice, which has been the subject of frustration for deputy directors for years because technically Kortan is a direct report of mine, as is the Assistant Director for Congressional Affairs. However, because of the nature of their work, both of them will go direct to the Director on a drop-in basis or what-have-you. So I don't always find out what Mike knows before the Director finds out. I don't really, I understand kind of how that works, and so I'm maybe more tolerant of it than other deputies have been in the past.
I can't say to you that either of those two

things happened on the 27th or the 28th, but it's possible.
[redacted] Okay. And just focusing again on at headquarters, I just want to make sure before moving on. You identified Jim Rybicki, Jim Baker. Any other FBI headquarters executives that you may, or you recall sitting here today telling them after the article came out, hey, just FYI, you may be concerned about this. I authorized Page and Kortan to share this for the reasons you said earlier about what, what the purpose was and why you wanted to do it?
MR. MCCABE: I don't remember having that, that specific, oh, hey, I need to let you know about this prior press authorization conversation I had with Page and Baker. No. I don't remember having that conversation with any other executives. And that's not how I would characterize the conversations I had with Rybicki and Baker.
[redacted] Um-hmm.
MR. MCCABE: And possibly others. It was more in the context of, did you see this article, what do you think Lisa and Mike worked with him on X, Y, and Z. But there was all this other stuff. It's a much broader conversation about what's the impact of this article on the FBI.

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MR. STORCH: And not to belabor this, because we don't mean to, but it would be a pretty natural discussion to have with any of those folks.
MR. MCCABE: Right.
MR. STORCH: Because you're talking about the article, you're talking about the effort you made to mitigate the politicization damage, if you will.
MR. MCCABE: That's right.
MR. STORCH: And that actually was achieved, and so it would be perfectly natural for you to be talking with, maybe not everybody at the FBI.
MR. MCCABE: Right.
MR. STORCH: Whatever leaders or whatever to say, yeah, no, we had this, you know, article and we, you know, let them know about that discussion with Matt to try to, you know, make clear where we were and where we're not.
MR. MCCABE: That's, that's, yeah, that's right.
b6 Per OIG b7C Per OIG What about the field offices where they're, the Clinton Foundation investigation was going on in New York, Washington, D.C.? Are you reaching out to Bill Sweeney or Paul Abbate, talking with them after the article comes out.
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG To get their read and tell them, I

understand a lot was going on, but are you telling them things about the article?
MR. MCCABE: I don't remember having those conversations with them. And if you will recall, really, as soon as we got back into this week, a big focus of that week was my recusal from Midyear, which in my estimation meant also the Clinton Foundation. So, very quickly, I mean on the 2nd or 3rd of November, I issue the communication that says I am recused from both. And so I would not have had any conversations with Sweeney or, or anyone else about, about the case or Midyear or Foundation.
b6 Per OIG b7C Per OIG Um-hmm. Well, Bill Sweeney has said, or I guess Paul Abbate too, that you called them after the article came out with respect to leaks in general, but sort of telling them get their house in order on, on leaks.
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG Do you recall any of that conversation?
MR. MCCABE: We had a lot of conversations like that.
b6 Per OIG b7C Per OIG Anything with respect to the October 30th article, do you recall reaching out to them and telling them, you know, get their house in order on

leaks?
MR. MCCABE: Oh, yeah. I don't remember discussing this article in context with those admonishments. Bill Sweeney and I have had that conversation many times because it was our perception that there was a lot of information coming out of likely the New York Field Office, not just this article but in many other articles. And Bill and I had some heated back-and-forths over it. Paul Abbate as well, probably. I probably spoke to Paul as well. I mean, I'm trying to remember if either of them -- at one point we had, we had a hastily convened conference call with the Attorney General who delivered the same message to us. And I don't know if Paul or Bill was on that call, but I think Randy Coleman definitely was in my office.
b6 Per OIG b7C Per OIG Was that in regard to the Garner case? Okay.
MR. MCCABE: I can't tell you. But there were so many leak problems going on at that time.
b6 Per OIG b7C Per OIG Um-hmm.
MR. MCCABE: That the AG was very frustrated.
Okay.
MR. STORCH: So the message being stop leaking.
MR. MCCABE: That's right. Tell your people to stop leaking. And so, we turned around and passed the

message on.
MR. STORCH: But she wasn't saying you personally stop leaking, but FBI.
MR. MCCABE: Well, she was very --
MR. STORCH: Everybody stop leaking.
MR. MCCABE: She was very, very strong in that call. She really, I mean, pretty much admonished everybody on the call.
MR. BRUCE: Did she single anybody out? Is that what you're asking?
MR. MCCABE: I don't think so. But she made it very clear that she thought, you know, we were all leaking. I think it was all the heads of the, you know, representatives of all the components.
MR. STORCH: Um-hmm.
MR. MCCABE: And she, I have not heard her use more forceful language. It was, that's why it was (*indiscernible 2:06:12).
b6 Per OIG b7C Per OIG Do you remember when that call was or what it was in reaction to specifically?
MR. MCCABE: I, I don't, but I can figure that out.
b6 Per OIG b7C Per OIG How would you figure that out?
MR. MCCABE: I'm looking back at my notes.
Oh, one more question on those

notes. When you were talking about October 31st and having the conversations with Director Comey about the article and about the frosty meeting down at DOJ, do you have notes of those conversations?

MR. MCCABE: I'd have to look and check.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: Yeah.

[redacted] We may want you to do that.

MR. MCCABE: Okay.

MR. STORCH: Do you recall seeing any notes of them in preparation for your testimony today?

MR. MCCABE: No. I'm not sure. I don't know. It seems like that would have been within the, one of the three time periods that you guys identified.

MR. STORCH: Yeah, identified, yeah.

MR. MCCABE: And so I would have very recently looked at all of that stuff.

b6 Per OIG b7C Per OIG [redacted] If you can look again on that day for --

MR. STORCH: Yeah, maybe that would be helpful.

MR. MCCABE: Um-hmm.

b6 Per OIG b7C Per OIG [redacted] Do you keep a separate unclass and classified notebook?

MR. MCCABE: No.

[redacted] Okay.

MR. MCCABE: That's one of the reasons why I don't travel with it.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. STORCH: So might as well do that formally if we can. Can you go back and look to see if you have any notes reflecting any discussions related to the article that was, that came out on October 30th, notes before of discussions related to it, or notes afterwards related to the article, or just were disclosures made in it, or.

MR. MCCABE: Okay.

MR. STORCH: Anything related to that stuff.

MR. MCCABE: Yeah.

b6 Per OIG b7C Per OIG [redacted] Articles, Wall Street Journal articles, because we've identified October 23rd is number one. Number two, October 30th. And now I'm going to show you number three. This is a, another article that came out by the same reporter, Devlin Barrett, in the Wall Street Journal expanding upon the October 30th article with some more investigative details, and I included an email with that. There's an email chain there. And for the record, that's Bates labeled on the bottom first page, 51638. So the, just for your reference --

MR. BRUCE: 638 or 637?

b6 Per OIG b7C Per OIG [redacted] Well the first Gmail page should

be 51638. Is that not what you have?

MR. MCCABE: 36.

b6 Per OIG b7C Per OIG MR. BRUCE: We have 1636.

[redacted] Oh, okay. You're right. Thank you for pointing that out. I had one more part of the chain. Yes. So, yes, thank you for correcting that.

MR. BRUCE: Sure.

b6 Per OIG b7C Per OIG [redacted] Can you say that again for the record, just because I don't have it?

MR. BRUCE: Sure. The one that, the document that the Deputy Director McCabe and I have is, has a Bates stamp, but it's five zeros, and then it says 51636.

b6 Per OIG b7C Per OIG [redacted] Yes. So that's the first page of the email. The article that follows it is three pages. And you'll see on the last page, this is, it looks like the last paragraph, the last line is the quote, are you telling me that I need to shut down a validly predicated, predicated investigation appears, which was in the early article. So, focusing on the bottom part of the email, the email that you sent to Bill Sweeney where you said call me tomorrow. This is the latest Wall Street, WSJ article. What was that conversation about?

MR. MCCABE: I don't remember. I don't remember the conversation specifically. It's probably about leaks.

b6 Per OIG b7C Per OIG [redacted] Were you upset when you called

him?

MR. MCCABE: It's possible.

b6 Per OIG b7C Per OIG [redacted] Do you remember telling him anything to the effect of there, there will be consequences for leaks after the election, and we'll get to the bottom of them?

MR. MCCABE: I haven't, should I, should I read this article first before we start talking about it, or are you --

[redacted] I wasn't going to get into detail about it.

b6 Per OIG b7C Per OIG MR. MCCABE: Okay.

[redacted] But you're welcome to skim it if you want. I don't want you to feel that we --

MR. MCCABE: That's okay. I, I don't remember this article off the top of my head, but in any case, I don't need to read that right now. So, Sweeney and I had several conversations in which we discussed my concerns that people in New York were, were speaking either directly or ultimately to the press.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: And I can't say that --

MR. STORCH: And just by, by ultimately, do you mean through others?

MR. MCCABE: That's right.

MR. STORCH: Through like retired agents --
MR. MCCABE: The formers, whatever.
MR. STORCH: -- other people. Yeah, right.
MR. MCCABE: Right.
[redacted] Unauthorized?
MR. MCCABE: Unauthorized.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. MCCABE: Unauthorized.
[redacted] And what --
MR. MCCABE: So we had several conversations like that. I don't, I can't tell you I remember specifically the conversation that we maybe had the day after this email. But it was likely along those lines. Yes.
b6 Per OIG b7C Per OIG [redacted] Do you recall his reaction at the time? Was he supportive, defensive?
MR. MCCABE: He was kind of defensive. Understood or acknowledged the problem in that we were, you know, really embarrassing ourselves in some way by all these constant leaks to the media. And it was creating a negative impression of the FBI and our ability to, you know, handle information responsibly. So we were in agreement on that. He felt like it was unlikely that his people were involved in it.
b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: And I don't remember his reason for that, but.
b6 Per OIG b7C Per OIG [redacted] When you're having this call, are you letting him know, hey, by the way, and again, take your time. We want to focus on, on the last page. By the way, where you see these quotes, that, where my name is mentioned in this August 12th call with a senior Justice Department official, just, by the way, I'm not reprimanding, I'm not upset about that. I authorized that. Are you flagging that for him at all?
MR. MCCABE: I don't remember us going through, like, specific statements in any article.
b6 Per OIG b7C Per OIG [redacted] Um-hmm.
MR. MCCABE: It was just the overall context of like why are your people talking to the media so much? Yeah.
b6 Per OIG b7C Per OIG [redacted] But if you had done that, would that stick out in your mind?
MR. MCCABE: Like, I'm worried about everything in here except?
b6 Per OIG b7C Per OIG [redacted] Right.
MR. MCCABE: It seems like it would have, but I, I don't remember doing that.
MR. STORCH: Did you tell him about your August 12th discussion with Axelrod?

MR. MCCABE: I don't know.
MR. STORCH: Okay.
MR. MCCABE: Or did he, did he know about the phone call?
MR. STORCH: Well that's, that's a separate question I suppose, but did you tell him about it? Or do you know what he --
MR. MCCABE: Did I tell him about it in the aftermath of the August call, like not in the context of the authorization to talk to Devlin Barrett?
MR. STORCH: Yeah, was he aware of it?
MR. MCCABE: Probably.
MR. STORCH: Right, because you were talking about --
MR. MCCABE: Right. Right.
MR. STORCH: Sort of having taken a stand for the FBI.
MR. MCCABE: Right, right.
MR. STORCH: Related to an investigation they were working.
MR. MCCABE: Although, depending on the timing, I may have talked to Diego Rodriguez about it.
MR. STORCH: Who was there then.
MR. MCCABE: Who was the ADIC at the time.
MR. STORCH: Okay. In any event, you certainly

wouldn't have accused Sweeney of having, or his people --
MR. MCCABE: No.
MR. STORCH: -- or New York of having leaked that because you had authorized it?
MR. MCCABE: No. That's correct. That's correct.
b6 Per OIG b7C Per OIG MR. STORCH: Okay.
[redacted] Do you remember bringing up with him or discussing it's straining our relationship with DOJ for us to have to be putting this information out to correct the leaks that are coming out of New York?
MR. MCCABE: I remember generally discussing like this is terrible for us for many reasons. We look like we're a kind of a, a house on fire, and you're, you know, the AG is angry with us, and, you know, I'm sure we, we likely discussed all of those things.
b6 Per OIG b7C Per OIG [redacted] Well, if you go up next on the email chain, there is an email where you forward this to Mike Kortan, and then you say in the first line, I am curious as to why I keep stumbling across these things with no notice whatsoever from my OPA machine. And then, you conclude by saying I would like to discuss solutions tomorrow. And your prior sentence had said that you weren't, this wasn't flagged for you. Can you give us a little more background on this? Were you trying to stay

FBI 18-cv-01766-775

on top of this and you got blindsided?
MR. MCCABE: Yeah, this is a persistent frustration. I mean it's like I'm always frustrated by things that I find that I don't have notice about.
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b7C Per OIG
MR. STORCH: [redacted] was being tactful. When I read this, you're, you're pissed at, at Kortan, right?
MR. MCCABE: Yeah, I --
MR. STORCH: (*Indiscernible 2:14:42.)
MR. MCCABE: Yeah, I'm --
MR. STORCH: That middle sentence he didn't read, is it too much to ask that you can get --
MR. MCCABE: Yeah.
MR. STORCH: You're, you're the Deputy Director of the FBI saying is it too much to ask that you let me know what's going on?
MR. MCCABE: It's a little snarky. I don't really --
MR. STORCH: It's a little snarky.
MR. MCCABE: I don't typically write that way.
MR. STORCH: Well, right.
MR. MCCABE: I'm more deferential.
MR. STORCH: When I read this, sitting here, look, it looks like you were pretty upset. Is that a fair characterization?
MR. MCCABE: Yeah. I was frustrated. I was

frustrated by, you know, these things are coming out and, like, we don't even know what's, what's coming. We try to keep track of like when, when stories are coming out that, that we know what's going on.
MR. STORCH: Right.
MR. MCCABE: And, as I said earlier, that's part of OPA's job. That's part of Kortan's job to be kind of interacting with reporters in that way.
b6 Per OIG
b7C Per OIG
[redacted] And specifically here, we've got three articles by the same reporter, sort of hitting on this issue that you're very concerned about the FBI's integrity, politicization first article about your wife.
MR. MCCABE: Right, right.
b6 Per OIG
b7C Per OIG
[redacted] Was this something that you personally conveyed to Kortan, hey, follow this story. If this, there's more on this, I want to know about it. Had you expressed that to him?
MR. MCCABE: Kortan knows that a story like this is one that he needs to bring to my attention. Mike knows that. Mike's been doing this for many, many years. These are exactly the type of stories that he does bring to my attention. So when I just happen to see one online or somebody else sends it to me, and I haven't received it through my OPA chain, that's an issue that I will bring to his attention to say, what's going on here.

MR. STORCH: And, and just to be clear, there were three articles on the chain, but you wouldn't have been upset about the middle one because you did have discussions with them and you did know that was coming, and in fact, you helped shape that if you will. Or at least you had input on it.
MR. MCCABE: The first one started with him bringing it to my attention. Like a brief mention of Friday closeout, hey, this, this story about your, your wife and her campaign and you may be coming. And typically, I will ask him, like, when do you expect it? Do we know when it's going to run. And sometimes he knows, sometimes he doesn't. So like the first one he did that with, the second one, of course, we had the engagement over the week, and, and which leads to all of the exchanges on the 27th and the 28th.
MR. STORCH: You weren't (*indiscernible 2:16:55).
MR. MCCABE: I wasn't blindsided by any of that.
MR. STORCH: Right.
MR. MCCABE: I knew, I knew those were coming. And we, you know, engaged in the way that we did. This one, apparently I did not know that. Until you showed me this email, I didn't, I didn't even remember this story.

I always think of the Wall Street Journal as being the two stories in October.
b6 Per OIG
b7C Per OIG
[redacted] And so what, do you recall what solutions you discussed with him? Because you said, hey, I want to discuss this tomorrow.
MR. MCCABE: Um-hmm. I, I mean, this is like a kind of a topic that I had brought up with him many times. I was surprised when I received from a friend today a text about an article that, off the internet that I had no notice about. So, like, it, it still happens. It's a kind of a, and Mike has a very hard job. The media is enormous, particularly now with the Internet. So I try to stay in front of every -- I get it. I'm not, I get frustrated at times, but Mike does an excellent job for us.
b6 Per OIG
b7C Per OIG
[redacted] Well that's, I was actually going to ask you about that, what's your view of his performance? Is he not organized? Is he not, he directly reports to you, right?
MR. MCCABE: Yeah. Yeah, he does. He does. He, I think that generally Mike is incredibly good at this part of the job. This email being a rare exception, but nevertheless, Mike in terms of keeping his finger on the pulse and the reporting community, the issues that are important to us, typically Mike does a phenomenal job with

that. He knows, he's got a, you know, a long reputation in the community, in the media community. So he knows a lot of people, and he does good work with us in keeping us informed as to what's going on.

b6 Per OIG b7C Per OIG [redacted] Is he the type of person, though, who doesn't forget when you specifically ask him things or authorize him to, to talk to reporters? I mean, is that something that, does he have a memory problem?

MR. MCCABE: I can't remember.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: I'm not aware of Mike having a memory problem.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: I've never, I've never thought that, like, gee, Mike forgets a lot. No, I do not think that.

MR. STORCH: And we're going to talk about recusal later, but were you recused from this investigation at that point?

MR. MCCABE: That's a good question. I think my email went maybe on the 2nd or 3rd.

MR. STORCH: Right, the 1st. November 1st.

MR. MCCABE: The 1st? Okay. Okay.

MR. STORCH: So, yes. So, did you expect to continue to be sort of kept up to date by OPA on matters

you were recused in?

MR. MCCABE: That's a good point. Maybe that's why Mike didn't bring it to my attention. I don't, I don't know.

MR. STORCH: Did you have any discussion with him -- when you say maybe -- any discussion with him that established an explanation?

MR. MCCABE: No, I don't know.

MR. STORCH: In retrospect, do you think you should have been asking, or, put aside the berating, so, do you think you should have asked him, should be briefed on matters you were recused in or kept up to speed?

MR. MCCABE: No. No. Yeah, I didn't think about the timing here when you showed this to me.

MR. STORCH: I wasn't entirely sure of the timing. I had to check it.

MR. MCCABE: I mean, that may well be why he didn't -- I don't, I don't know. I can't, don't want to assume why --

MR. STORCH: Yeah.

MR. MCCABE: -- he did something or didn't do something.

MR. STORCH: Yeah, fair enough.

b6 Per OIG b7C Per OIG [redacted] Let me show you another document here. So, what I'm showing you now is an email from

December 22nd, well, it starts on the 22nd, the bottom part of the chain and then continues to the 23rd.

MR. MCCABE: I'm sorry, the 20, oh, December 22nd. Okay.

b6 Per OIG b7C Per OIG [redacted] 2016. The, the bottom part of the chain is an email from Pete Strzok to you about a media data pull. And the first paragraph, I'm just paraphrasing part of it. It's the middle of the first sentence. My guess wants to talk about whether we have opened a leak investigation into the publicity surrounding the C Foundation. He said he'd like to discuss as the D would like to do something. Do you recall this issue?

MR. MCCABE: I, I do. I don't recall whether or not they opened a leak investigation around the Clinton Foundation. That's something that they would not have discussed with me.

b6 Per OIG b7C Per OIG [redacted] They being who?

MR. MCCABE: Mike S, which is, I'm assuming is Mike Steinbach.

b6 Per OIG b7C Per OIG [redacted] And he formerly was the EAD of?

MR. MCCABE: National Security Branch.

b6 Per OIG b7C Per OIG [redacted] And would they have jurisdiction over internal leaks?

MR. MCCABE: Would Mike?

b6 Per OIG b7C Per OIG [redacted] Yes.

MR. MCCABE: I mean he, he could. He could refer something to Inspection Division for review.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: But what they're referring to, detail the media pull we conducted. So, that refers back to, and I don't, I can't remember exactly when we did this, but it was sometime in the fall.

b6 Per OIG b7C Per OIG [redacted] Of 20 --

MR. MCCABE: Of 20 --

[redacted] '16?

MR. MCCABE: Of 2016. In response to all of what we perceived as being unauthorized contact with the media. And the AG's admonishment to kind of get our house in order, and my admonishment to get our house in order. I initiated, I initiated a process to basically review our media policies and, and to try to kind of better communicate and hold people accountable for unauthorized releases of information. So we started this by talking to, to Mike Kortan of course. And then I asked Jackie Maguire, who is an ASAC in Birmingham and who had previously served as the media rep in the Washington Field Office. And was, you know, very, is an incredibly accomplished agent and, and also has good media experience, to come back and help us with this like longer term project of relooking at our media policy, because on

the one hand, we wanted to kind of, Director Comey was very interested in trying to find like kind of, you know, stop what we perceived as being the many leaks on all these different issues. So the one thing that we did, the first thing that we did was we looked at of our, of known, like, media phone numbers, phone numbers of, you know, reporters and their numbers of the media, we looked at FBI phones that were in contact with those phone numbers to try to develop a sense of like who was interacting on a regular basis with reporters and, or these people who had the authority to be doing that. So that's kind of the one thing.

But it, but in, in kind of thinking about that, how we hold people accountable for that activity really depends on their understanding and awareness of the policy. So that's what led to like, well, what's our policy on these interactions with the media that span a very, a very wide breadth of, of activity, right? It's not just necessarily somebody, like, talking about a case, but could be just like you're, you become friends with a reporter. And so you interact, you know, you start going out for drinks with that person every week. Is that something that we can tell FBI employees, hey, you can't do this anymore because that person is a reporter?

So that very naturally tees up the question of

like, well, what is the policy guidance we currently have about that? So that's kind of the first thing that Jackie looked at. And what came back was essentially, there was no consistent one-stop shop FBI media policy. That policy that could possibly impact employees about media relations essentially could be traced back to I think -- I'd say don't quote me on this, but that's probably a stupid thing to say.

I'm not 100 percent sure, but I think 13, 12 or 13 different kind of policy origins. Everything from like the ICDs to like DNI guidelines to our own media, FBI media, I think it's called media rep, rep policy, whatever. In any case, it was a, it was a bit of a distraction. So we felt like before we started holding people accountable in the way that we wanted to, we had to get the policy thing kind of figured out and communicated and trained and, and that turned into a much, much longer process than we anticipated back in the fall of 2016, but we, we did finally complete that about three weeks ago.

b6 Per OIG
b7C Per OIG

[redacted] Is it in a, is it a final document?

MR. MCCABE: Yes.

MR. STORCH: Has the DAG approved it yet?

MR. MCCABE: Yes.

MR. STORCH: Oh. Okay.

[redacted] Can we, can we get a copy of that?

MR. MCCABE: I don't see why not.

MR. BRUCE: Yeah, sure.

b6 Per OIG
b7C Per OIG

[redacted] Okay.

MR. MCCABE: Yeah.

[redacted] Well, just, we'll make a request on the record.

MR. STORCH: That, well, I had heard that, last we heard it was still in the DAG's Office, so.

MR. MCCABE: It was for a very long time.

MR. STORCH: For a while at least.

MR. MCCABE: Because they, they wanted to come out with kind of a policy refresh of their own, and so they didn't want us to kind of --

MR. STORCH: Yeah.

MR. MCCABE: (*Indiscernible 2:26:34.)

MR. STORCH: Yeah, right.

MR. BRUCE: And now, are you asking us to get a copy of it?

MR. STORCH: No, no, no. No.

[redacted] Not yet. We'll get it from FBI.

MR. BRUCE: I don't think that would be our role.

b6 Per OIG
b7C Per OIG

[redacted] Yeah. The, and just to circle --

MR. MCCABE: Sorry for the long answer, but.

b6 Per OIG
b7C Per OIG

[redacted] Yeah, no, no, no, no. I, it was fair. I mean, it was -- to circle back to what, the heart of what we've been talking about, this issue about publicity surrounding the C Foundation, that the Director would like to do something, the account of the August 12th call, as I understand from our earlier conversation today, that was not of a concern to the Director? Or to say it differently, what, what publicity surrounding the C Foundation was of a concern? Did you have conversations with him about that?

MR. MCCABE: I don't remember having conversation with him about that. And likely, if he was concerned about that around this time, he wouldn't have talked to me about that.

b6 Per OIG
b7C Per OIG

[redacted] Oh, because --

MR. MCCABE: Because I was recused.

[redacted] Okay.

MR. STORCH: But you knew from your discussion immediately following the October 30th article, or within days of it that you could authorize those?

MR. MCCABE: That's correct.

MR. STORCH: And he didn't express concern to you then that that was an inappropriate thing to have done.

MR. MCCABE: He didn't. I think the Director

saw that, oh, I shouldn't, I shouldn't imply what I saw. I believe at that time that that was within the scope of my authority to interact with the media. But --

MR. STORCH: You still could have expressed concerns --

MR. MCCABE: Right.

MR. STORCH: -- about whether it was the right thing to have done, right?

MR. MCCABE: Oh, yeah. Yeah. Yeah.

MR. STORCH: Bosses get to do that, right?

MR. MCCABE: Of course.

MR. STORCH: But, but I think you testified before that you did not, is that correct?

MR. MCCABE: That's right.

MR. STORCH: So he wasn't, he didn't express to you at that point or at any time thereafter that he disapproved of your having authorized the disclosures that were in the August, or that we've identified in the October 30th article?

MR. MCCABE: That's correct.

MR. STORCH: So whatever they were going to investigate here, it wouldn't have been that?

MR. MCCABE: I wouldn't think so.

MR. STORCH: Right. The Director would like to do something, there would be no reason for him to want to

do something that he's already --

MR. MCCABE: That he did --

MR. STORCH: -- that he was fine with it.

MR. MCCABE: Right, right.

MR. STORCH: Essentially. Is that fair?

MR. MCCABE: It seems fair, yeah.

MR. STORCH: Sorry.

[redacted] No, that's perfect.

MR. STORCH: Not perfect.

[redacted] Switching, moving on.

MR. STORCH: Yeah.

[redacted] I just want to make sure we cover globally communications regarding the October 30th article from the time it was published to the present. Besides conversations we've already talked about today between you and Lisa Page, are there any additional conversations from the time it was published to the present that you recall, meaningful conversations with her about the article?

MR. MCCABE: I don't recall.

[redacted] Same question with Mr. Kortan. Anything jump out in your mind from the time it was published until today?

MR. MCCABE: I don't remember any.

[redacted] So, and what about any other FBI executives? Any, recall any conversations from the time

it was published until the present that we haven't already specifically talked about?

MR. MCCABE: Yeah. And then like I said earlier, I, I'm sure we, I discussed with people around the time and in the aftermath of the article, the article, maybe what it contained, maybe the impact on DOJ. I don't remember every single one of those conversations. But --

[redacted] Um-hmm.

MR. MCCABE: -- following kind of the immediate impact of the article, I, I don't remember other conversations about it.

[redacted] So, switching, moving on. You were interviewed in May by the FBI NSD about the October 30th Wall Street Journal article. Right? Do you recall that?

MR. MCCABE: I, I do. But I don't agree with your characterization about being interviewed about that article.

[redacted] Okay. Okay. Tell me, then, what, what --

MR. MCCABE: Yeah.

[redacted] I don't want to put words in your mouth. What, what happened? Did they show you the article?

MR. MCCABE: Without going into kind of the

whole thing that led to, which I think is a different topic for today, but I had referred a leak, an internal, not a leak. Or maybe, or, unauthorized disclosure to the media matter to Inspection to investigate. And it was information that I thought may have actually emanated from one of my own internal meetings. And so I referred that to them to look into. And it was in the course of investigating that that they interviewed me, and ultimately produced a draft signed sworn statement.

[redacted] Okay.

MR. MCCABE: Keep going, or stop?

[redacted] Well, let's --

MR. MCCABE: It was, it was on the, it was on the margins, literally on the, at the end of one of those, I had several interactions with the Inspection team.

[redacted] Um-hmm.

MR. MCCABE: And at the end of one of them, one of the people on that team pulled me aside and asked me a question about the Wall Street Journal article.

[redacted] Okay. And, and just, we'll keep going with this, but let me just show you this document here. So, for the record, I'm showing you a, I believe it's identical, copy of a different print of the October 30th, 2016 Wall Street Journal article.

MR. MCCABE: Okay.

b6 Per OIG
b7C Per OIG

b6 Per OIG b7C Per OIG [redacted] I personally think the one I gave you earlier is prettier.

MR. MCCABE: Easier to read, yeah.

b6 Per OIG b7C Per OIG [redacted] Easier to read. But it in text it appears to be identical, at least on my review. Are those your initials in the upper left corner?

MR. MCCABE: They are.

b6 Per OIG b7C Per OIG [redacted] Do you recall reading that article during, I believe you were interviewed by INSD on May 9th, 2016.

MR. MCCABE: I don't remember the exact day. Actually, maybe it was that fateful day of May 9th. My recollection of the exchange was, we had met about the investigation they were doing.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: At the, at the end of that interaction, two of the Inspection Division personnel, when leaving my, or three, it was Voviette Morgan [redacted] and I can't remember the other woman's name.

b6 -1 b7C -1 MR. STORCH [redacted]?

MR. MCCABE: That's right, [redacted] and [redacted] were actually like walking out of my office into the hallway, and Voviette kind of grabbed me by the arm and said, hey, let me ask you about something else. It was like a, kind of a, a side item to what we had

talked about. I remember her showing me a version of the article. This is probably it. And she asked me if I knew about the article. I said yes, that I knew about it.

I remember being like kind of confused about why she was even bringing it up because it had nothing to do with what I had asked them to, to investigate, so I was trying to kind of connect the two and understand what the relevance was. And she asked me a question or two about it. And that was it. It was a very quick exchange.

I later received a draft signed sworn statement from Inspection that reflected it in a way that I thought was inaccurate. And Voviette raised it with me at a, at a later meeting. And I said to her, yeah, I know that article, and I authorized Lisa and Mike to talk to the Wall Street Journal. And she seemed kind of surprised by that. And she said, oh, well you know, something like oh, you should have told us that because we wasted all this time sort of thing. And I at that point pointed out to her that I think at that point I knew that you all had an interest in the article because of the interaction I had had with Dan and, and folks around the interview from the texts.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: And so I raised that with her. I said, you know, and you should coordinate with the IG

because I think they're, they're looking at the same article. And she said that she would.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: And then I later had a conversation with Nancy McNamara about this kind of overlap between what the IG was looking at and what Inspection was looking at. And she basically said that, yeah, we've met with them. We've kind of given (*indiscernible 2:35:22) or something like that, something to that effect.

[redacted] Well let's break down a little bit of this. First of all.

b6 Per OIG b7C Per OIG MR. MCCABE: Yeah.

[redacted] So your, your, do you call it an interview? The meeting with INSD, what's the terminology you would use?

MR. MCCABE: Yeah.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: I mean, I think the first one was they just wanted, I was kind of the complainant.

[redacted] Okay.

MR. MCCABE: In the, in the leak --

[redacted] Okay.

MR. MCCABE: Or not the leak, the unauthorized disclosure investigation that we were doing.

b6 Per OIG b7C Per OIG [redacted] Of the, of the other issue. Yeah.

MR. MCCABE: And so they, they met to get like the facts.

b6 Per OIG b7C Per OIG [redacted] Right.

MR. MCCABE: Like, what was it coming from.

[redacted] So when they were interviewing you in May, and they're presenting you the Wall Street Journal article from October 30th that you initialed there in front of you, you read the article during that interview?

MR. MCCABE: I don't remember reading it during that interview.

MR. STORCH: Well, let me ask you. Can you, because you, you indicated that Voviette Morgan pulled you aside.

MR. MCCABE: Yes.

MR. STORCH: So does the interview take place with all three of them first?

MR. MCCABE: Yes.

MR. STORCH: And all three of them being the three INSD folks, right?

MR. MCCABE: That's correct.

MR. STORCH: And where does that occur?

MR. MCCABE: In my office at the conference table.

MR. STORCH: Anybody else present for that?

MR. MCCABE: I don't think so.

MR. STORCH: They're taking notes, presumably?
MR. MCCABE: Yes.
b6 Per OIG b7C Per OIG MR. STORCH: Okay.
[redacted] Were you taking notes then?
MR. MCCABE: I don't think so.
MR. STORCH: So what happens next?
MR. MCCABE: We talk about the leak of information from my meeting for about an hour.
MR. STORCH: Right.
MR. MCCABE: And it concludes. I'm not sure now looking back whether it was the very first time that we had discussed, I think it may have been, we had a series of meetings. There were probably two or three different
b6 Per OIG b7C Per OIG meetings. The very first one --
[redacted] Was in April.
MR. MCCABE: Okay, that, that makes sense. We talked about like the whole thing. And then the second time they came back, that time they came back, I can't remember what was the exact purpose, but it was the same thing. We talked about Flynn stuff for the meeting and information about Flynn. And, and yeah, so we, we concluded whatever business we were doing. I think they actually showed me photographs of, they had done some work, and they determined that there were two people at the Washington Field Office who were in frequent contact

with the reporter who had come up in question with the Flynn thing.
b6 Per OIG b7C Per OIG [redacted] This is all your referral?
MR. MCCABE: That's right.
[redacted] Not the Wall Street Journal issue.
MR. MCCABE: That's right. But I mention it because they showed, they were asking me what I knew about these people and from my experience at WFO. One of them I knew, the other one I didn't. And they were showing me documents, they had also shown me documents of maybe a copy of the original email to Mike Kortan that led to the inquiry. So different things.
MR. STORCH: Um-hmm.
MR. MCCABE: And I was initialing all those things that they had shown me. And so at the end of this meeting, they're leaving. We all get up. We're done.
b6 -1 b7C -1 They're leaving. [redacted] leave. My recollection is that Voviette kind of pulls me aside to, to, to raise this other issue.
MR. STORCH: And where does that occur?
MR. MCCABE: In my, in my office.
MR. STORCH: So she hasn't left. She's still in your office?
MR. MCCABE: That's correct.
MR. STORCH: And does she give you the article

at that point?
MR. MCCABE: I thought she just showed it to me, but apparently she must have showed it to me and asked me to initial it.
MR. STORCH: On the right and not the left, right?
b6 Per OIG b7C Per OIG [redacted] Top right.
MR. MCCABE: That's right.
[redacted] Did I say left?
MR. STORCH: You did.
MR. MCCABE: And I agreed.
b6 Per OIG b7C Per OIG [redacted] Thank you for correcting.
MR. MCCABE: So we'll (*indiscernible 2:39:02).
[redacted] (*Indiscernible 2:39:02) for that. You'll have to scold my mother.
b6 Per OIG b7C Per OIG MR. STORCH: No, no. It's all good.
[redacted] I never got the sneakers left, right.
MR. MCCABE: I didn't either.
MR. STORCH: Great. So, so she shows you the article. Presumably you get an opportunity to read through it before you initial it, or?
MR. MCCABE: I remember it being like, do you, do you remember, do you know about this article.
MR. STORCH: Sure.

MR. MCCABE: And I said, yeah, I know about the article.
MR. STORCH: Are you standing at that point, or are you seated at your conference table?
MR. MCCABE: Standing I think.
b6 -1 b7C -1 MR. STORCH: Okay. And where are [redacted] and [redacted] at this point?
MR. MCCABE: I think like just outside the door, maybe in the hallway, maybe in the, in the reception room. I'm not sure.
MR. STORCH: Okay. So, I'm sorry. I just wanted to --
b6 Per OIG b7C Per OIG [redacted] No, that's fine. So, it's our understanding that you read the article and you told INSD you remembered it. Is that not correct?
MR. MCCABE: I don't remember reading the article in front of Voviette.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. MCCABE: I don't remember that. I'm sure I said I remember, I, I was familiar with the article.
[redacted] As we understand it, you told INSD that essentially, that they referred you to the last page.
MR. MCCABE: Okay.
b6 Per OIG b7C Per OIG MR. BRUCE: Of the article?
[redacted] Of this copy here, right. Which

has the first three paragraphs are the highlighted ones in much smaller print from the copy I gave you earlier.
MR. MCCABE: Uh-huh, yeah. That's --
[redacted] And they asked you to look at the article, look at those three paragraphs.
MR. MCCABE: Um-hmm.
[redacted] That you read it, you said it's an accurate conversation. And that you didn't authorize it, and you didn't know who the source was. Do you, did they get that wrong?
MR. MCCABE: They must have because I in fact saw that in the signed sworn statement that I did not sign. And one of the reasons I did not sign it, and I specifically addressed that with Voviette the next time we spoke about it.
[redacted] Okay. Before we get to that, where you, where you addressed it, let me just show you -- let me see. So after that meeting, that interview, whatever we want to term it, INSD, [redacted] sends you an email.
MR. MCCABE: Um-hmm.
[redacted] At that point you were filling former Director Comey's role as, in the acting capacity. And in the first line he says, continuing into the second, please see the attached revised version of your statement.

You will note your requested changes have been made, and we added a short paragraph beginning on Page 10 relative to your reflection of circumstances pertaining to the Wall Street article we reviewed with you.
MR. MCCABE: Um-hmm.
MR. STORCH: Your recollection.
[redacted] Thank you. Your recollection.
MR. MCCABE: Um-hmm.
[redacted] And if you turn to, turn to that, please.
MR. MCCABE: Yeah.
[redacted] And let me know when you're there. And why don't you go ahead and read that, that last paragraph.
MR. MCCABE: What page are you on again?
[redacted] Page 10.
MR. MCCABE: 10? Morgan and [redacted] provided me with a photocopy of the Wall Street Journal article --
[redacted] You can read it to yourself.
MR. MCCABE: Oh, I'm sorry.
[redacted] It's, I just want you to have it in your mind when we talk about it. It continues onto Page 11 too.
MR. MCCABE: Okay.
[redacted] So does this paragraph accurately

reflect what you conveyed to INSD?
MR. MCCABE: This does not accurately reflect my recollection of that interaction.
[redacted] On May 9th.
MR. MCCABE: That's correct.
[redacted] 2016. Can you tell us or explain to us how INSD could have left that interview with the understanding memorialized in, on the bottom of 10 carrying over to 11?
MR. MCCABE: I can't tell you what they thought.
MR. STORCH: Can I ask?
MR. MCCABE: Yeah.
MR. STORCH: First of all, in the very beginning of the paragraph on Page 10 it says Morgan and [redacted] --
MR. MCCABE: Um-hmm.
MR. STORCH: -- provided you with a copy.
MR. MCCABE: Um-hmm.
MR. STORCH: That's not consistent with what you just said earlier I think it's fair to say in terms of how that interaction took place.
MR. MCCABE: Right.
MR. STORCH: Does that refresh your recollection at all as to whether [redacted] was present as well?
MR. MCCABE: My recollection is that Voviette and I interacted over this topic.

MR. STORCH: Right.
MR. MCCABE: And that it was at the margin, so kind of at the end of a meeting, in the way that I have described. That is my recollection of how that happened.
MR. STORCH: And [redacted] this is three days afterwards, right?
MR. MCCABE: Uh-huh.
MR. STORCH: So this is that same week, seems to, this reflects that he was --
MR. MCCABE: Right.
[redacted] -- presenting it to you as well. Any understanding as to how that would be the case?
MR. MCCABE: I mean, I understand that that's what he presented. But I can't, you know, I can't speak beyond that.
MR. STORCH: That doesn't change your recollection at all in terms of --
MR. MCCABE: It does not. It does not. And I remember talking to Voviette at the following meeting where I raised this issue with them and clarified for them that that interaction was authorized, the interaction with the Wall Street Journal article.
[redacted] Yeah. And so, before we turn to that other interaction, when you received this email flagging this addition on Wall Street Journal, did you

b6 Per OIG b7C Per OIG
b6 -1 b7C -1

make any effort to contact anyone in INSD to say, hey, you got this wrong? This is not correct?

b6 Per OIG b7C Per OIG

MR. STORCH: Other than the later conversation --

[redacted]: Correct, yeah. We're just sticking sort of in, in May time frame.

b6 Per OIG b7C Per OIG

MR. MCCABE: Probably not in May.

[redacted] Um-hmm.

MR. MCCABE: I had, I'm trying to, I put, it must have been back on, I put this back on my calendar to review with them in, when I am back in my Deputy Director office.

b6 Per OIG b7C Per OIG

[redacted] Right.

MR. MCCABE: Right? So, no. I didn't address this thing while I was Acting Director. I didn't, I didn't re, you know, re-contact INSD about either issue, really. It just kind of sat there.

b6 Per OIG b7C Per OIG

[redacted]: Before that meeting where you tell them you did authorize Page and Kortan to release or disclose the account of the August 12th call, why didn't you reach out to them, to INSD, and tell them they got this wrong before they met with you?

MR. MCCABE: It just was not, it was not a pressing matter to me at that time. I mean, as I'm sure you would guess, I was pretty focused on trying to figure out how to be the Director.

b6 Per OIG b7C Per OIG

[redacted] Um-hmm.

MR. MCCABE: And so this was not something that I thought needed my immediate attention. I don't say just the Wall Street Journal tagalong piece of this, but the overall investigation into what happened to the leak of information from my meeting, it was something that I put aside while I was focusing on more important stuff.

b6 Per OIG b7C Per OIG

[redacted] Um-hmm.

MR. MCCABE: And ultimately I felt like I needed to talk to them as I got back to my Deputy Director duties, to resolve a couple of things related to this, that being one of them.

b6 Per OIG b7C Per OIG

[redacted] Um-hmm. It just, what I'm trying to understand is that earlier we had talked about that this article and this series of them, that being Article 1, 2, and 3, October 23rd, 30, and November 3rd, were kind of pretty dramatic and, and the, the allegations they were raising from your perspective about the politicization of the FBI, and it, it, INSD is taking away from these interviews, one, that you had no idea where this came from. And you didn't authorize it. And then they're putting this in a, in a statement to you. How could they have gotten that so wrong? How, how, can you help us explain how this misunderstanding could have even occurred?

MR. MCCABE: I don't know.

MR. STORCH: And just to be clear, you're, you're indicating that with INSD it was a misunderstanding, that they, you told them that you had authorized it and they just got it wrong?

MR. MCCABE: I don't remember discussing whether I authorized it in that first encounter.

[redacted] The May encounter?

b6 Per OIG b7C Per OIG

MR. MCCABE: That's right.

MR. STORCH: But --

MR. MCCABE: I remember being confused about why they were looking at it at all because it didn't seem to relate to what I had asked them to do. I remember looking at the article, and obviously I initialed it. But I don't remember having a, a deep discussion about, because I, I would have said kind of how did we get here?

MR. STORCH: Well, fair enough.

MR. MCCABE: Right?

MR. STORCH: But the purpose of them showing it to you would be to ask you about the unauthorized disclosure. No, no question about that, right? Unauthorized, about the disclosure. Right? That's what they were showing it.

MR. MCCABE: Again, I would not venture a guess at what their purpose was.

MR. STORCH: Okay.

MR. MCCABE: Because I didn't understand why they were looking at the article at all.

MR. STORCH: Right. But I guess the, the, the question is, and you can juxtapose it to what happens later in July with the OIG where we have a transcript, right?

MR. MCCABE: Okay.

MR. STORCH: There you didn't indicate you had authorized it. You had a different answer. And then you came back and contacted Dan a few days later, right? Back when INSD came in, that you talk to, and they showed you this article, and they pointed you to that same language out of the article.

MR. MCCABE: Um-hmm.

MR. STORCH: Are you indicating now that you believe you told them that you authorized and they just got that wrong somehow? Or did you similarly, as later, just not recollected that?

MR. MCCABE: I'm telling you that I don't know exactly what we discussed in that May 9th meeting. But to be perfectly honest, May 9th, prior to Director Comey's firing and learning of that from the AG later that evening, everything that happened prior to that moment is a little bit distant for me.

MR. STORCH: Sure.
MR. MCCABE: I did notice when I got this draft statement that these comments were in there, the, the material that we've read, and I did not believe that was accurate. And I thought that it was something I needed to correct in the same way that I had corrected other things that had appeared in the first draft of the signed sworn statement. It just was not a matter of pressing importance for me.

b6 Per OIG
b7C Per OIG

[redacted] Right.
MR. STORCH: What did you think was not correct when you looked at this statement?
MR. MCCABE: I knew that the disclosure was authorized.
MR. STORCH: So, and at that point you recalled that, that you had authorized it back in May?
MR. MCCABE: Yeah, I don't know that I looked at this in May.
MR. STORCH: I was just going to --
MR. MCCABE: I likely looked at this email and said I'll get to that some other time.
MR. STORCH: So when do you think you actually looked at the statement?
MR. MCCABE: I don't remember.
MR. STORCH: How long afterwards --

MR. MCCABE: I mean, months, it could have been months later.
MR. STORCH: Was it after you were interviewed by the OIG, or was it before?
MR. MCCABE: I don't, I don't remember the answer to that. I don't, I don't know. I don't want to guess for you.
MR. STORCH: Right.
MR. MCCABE: I don't know. I mean I, I remember seeing Voviette or [redacted] and commenting like, oh, I know I need, I need to do that thing.

b6 -1
b7C -1

MR. STORCH: Sure.
MR. MCCABE: And like, and them saying, yeah, don't worry about it. You've got a lot of other things going on. And so it was not something I was focused on.
MR. STORCH: And I think you indicated, and I, I won't have the exact words, but that you put it aside on a list of things you, a calendar, I think you said, of things for when you were back in the DD role.
MR. MCCABE: That's not what I meant.
MR. STORCH: Okay. I'm sorry.
MR. MCCABE: Ultimately, when I get back in the DD role, I must have instructed either my special assistant, [redacted] (phonetic sp.), or my secretary, [redacted] (phonetic sp.), like hey, get the meeting on

b6 -2
b7C -2

the calendar with Inspection about this thing.
MR. STORCH: But did you consciously, whenever it was you reviewed it, did you consciously think I'm going to put this aside and I'll get to it later back when I'm no longer the Acting Director? I thought that's what you indicated.
MR. MCCABE: I don't remember reviewing the statement while I was Acting Director. It's possible, but I don't remember when I actually, I think it's possible I just put the entire thing aside and said I'll deal with that some other time. The other time ended up being when I was back as Deputy Director.
MR. STORCH: But whenever it was you looked at it, you immediately saw that it was inaccurate in reflecting that you didn't know, hadn't authorized it, didn't know who had because at that point anyway you recalled that you had, in fact, authorized it.
MR. MCCABE: When I ultimately looked at the statement --
MR. STORCH: Yes.
MR. MCCABE: -- and I cannot tell you when that was.
MR. STORCH: Right. At that point, you realized.
MR. MCCABE: It would have occurred to me that

this is not accurate.
MR. STORCH: Okay.

b6 Per OIG
b7C Per OIG

[redacted] And just to walk back a couple of things, because INSD's version is, is at odds with what you're saying today in that as, as they've told us, during the May 9th meeting, interview, you, during the conversation, and they, it was not long. It was fairly brief. But you read the article.
MR. MCCABE: Um-hmm.

b6 Per OIG
b7C Per OIG

[redacted] You looked at the three paragraphs. You said you remember this. You gave them some background like you gave us earlier about the call, what some of the circumstances were that prompted it. And that you reflected in some way that you have no idea where this came from. And you did not authorize it. And I think someone may have even asked you who the source might have been because it was a private conversation.

b6 Per OIG
b7C Per OIG

MR. MCCABE: Um-hmm.
[redacted] And you somehow conveyed that you told so many people that you couldn't even begin to identify them. That's why there is a sentence in there I have shared the circumstances of this interaction with numerous FBI senior executives and other FBI personnel. So, their notes and then the memorialization of this interview just are in direct conflict with what we're

hearing from you today. And I'm trying to reconcile that.
MR. MCCABE: I understand that. I can't sit here and recreate for you exactly what I said or what they said in that conversation. It just, I don't remember. I remember seeing the article, as I've said already. My recollection is that that was in a very brief conversation with Voviette. I don't have perfect recall as to everything that happened in May.
[redacted] Right.
b6 Per OIG b7C Per OIG
MR. MCCABE: Or at any time for that matter. But I'm telling you what I remember of that exchange.
[redacted] Okay. So, as you sit here today, INSD got it wrong from your perspective? Or what?
MR. MCCABE: Well, I clearly did not agree with the way that it was included in the statement because --
[redacted] I know at a later point, but in May?
b6 Per OIG b7C Per OIG
MR. MCCABE: -- I didn't sign the statement.
[redacted] Um-hmm.
MR. MCCABE: And Voviette and I had a follow-up conversation about this in which I made it clear to her what the circumstances were around that authorization. So I'm not going to sit here and point a finger at INSD, or, it's, you know, this is the iterative, iterative process of coming up with a statement that, you know, everything,

it goes back and forth with edits.
b6 Per OIG b7C Per OIG
[redacted] Yeah. Let me show you this document here. So this is in June. And what's going on here is they sent your draft statement to [redacted]
b6 -1 b7C -1
MR. MCCABE: Okay.
b6 Per OIG b7C Per OIG
[redacted] And obviously you were not happy about it and let them know about it, which is a fair point. Did you, did you read the statement then? Here they are --
MR. BRUCE: Can, can we have time to look this over?
[redacted] Oh, sure, sure, sure.
b6 Per OIG b7C Per OIG
MR. BRUCE: And you can direct us to --
[redacted] Yeah, no. It's, it's, for the record I'm, I'm doing this as quickly as possible. So I, I apologize about that. And let me, as you're looking at it, I'll identify the document for the record. So, what we have here is the same draft statement, 12 pages. The reference to the Wall Street Journal article occurs in the same spot on Page 10 to 11.
b6 Per OIG b7C Per OIG
MR. MCCABE: Um-hmm.
[redacted] There's an email chain before the draft statement in which [redacted] has identified, this is on Page 2 that she saw you at Starbucks and
b6 -1 b7C -1

reminded you, probably as deferential as she could, that she still needed your, you to sign the draft statement on the leak investigation, and that you had asked her to send it to her. And so once she got back to her desk, she did that.
Unfortunately, she sent it to [redacted] who notified you of the incident. You let INSD know not to do that. And they apologized. And so, with that background, and if you need obviously more time to look at this, feel free. With that background, did this incident where they sent it to [redacted] prompt you to say, hey, what's going on with my draft statement? Where are, where is this? And look at the statements on the Wall Street Journal article?
b6 -1 b7C -1
MR. MCCABE: No. I don't. I remember, as I said to you before, interacting with [redacted] and people around the building about, and it would come to my attention that way. So I had to kind of get around to that. And that was kind of I guess the interaction here. I don't remember taking immediate action to review the statement as a result of this email.
b6 -1 b7C -1
MR. STORCH: Can I ask you?
MR. MCCABE: Um-hmm.
MR. STORCH: In the first email, the June 23rd email.

MR. MCCABE: Yes.
MR. STORCH: From [redacted] to you, she also indicates in there that in speaking with [redacted] he reminded her, her, [redacted] that you previously agreed to this version of the statement, and all that is necessary to come see you in person and have you sign the document. Maybe a word missing there, but.
b6 -1 b7C -1
MR. MCCABE: Yeah.
MR. STORCH: But the critical point, obviously is that --
MR. MCCABE: Right.
MR. STORCH: -- [redacted] indicates that you previously had agreed to that version of the statement.
b6 -1 b7C -1
MR. MCCABE: Yeah.
MR. STORCH: He's talking on this as well.
MR. MCCABE: Right.
MR. STORCH: I notice. Do you know what she's referring to? Did you have a discussion with [redacted] between the May 9th, I think it was, visit where you were shown --
b6 -1 b7C -1
MR. MCCABE: Yeah.
MR. STORCH: -- the document and June 23rd in which you indicated that you have agreed to the version of the statement and all that was necessary was to sign it, or words to that effect?

MR. MCCABE: Wait. Wait, I don't -- he said that?
MR. STORCH: I'm sorry. Go ahead.
b6 -1,Per OIG b7C -1,Per OIG [redacted] if I follow your question correctly, is saying that he and I had had this exchange about the statement.
MR. STORCH: Right.
MR. MCCABE: I don't remember having an exchange b6 -1 b7C -1 with [redacted] about the statement. The only previous version that I would have seen would have been the one likely without the Wall Street Journal. It as a previous version of the statement that might have been the subject of our May 9th meeting.
MR. STORCH: Well, I'm sorry. And maybe I'm misunderstanding, but they forward the revised statement to you on May 12th that has the new paragraph in it.
MR. MCCABE: Right.
MR. STORCH: And then in June, there is an email b6 -1 b7C -1 that, that says that you've had a discussion with [redacted] indicating --
MR. MCCABE: Right.
MR. STORCH: -- that you previously agreed to this version of the statement.
MR. MCCABE: Yeah, I --
MR. STORCH: Which is the one that includes,

just for the record --
MR. MCCABE: Right.
MR. STORCH: -- that includes the language in which it indicates that you said you have no idea who authorized this, in substance. So that's the version of the statement that they're clearly referring to, right?
MR. MCCABE: It's likely.
MR. STORCH: Yeah, so. And it indicates there b6 -1 b7C -1 was a discussion between you and [redacted] in which you indicated you agreed with that version. Let me ask you first of all, do you recall talking to [redacted] between May 9th and June 23rd?
MR. MCCABE: I do not.
b6 -1 b7C -1 MR. STORCH: Any reason to doubt that you did or that [redacted] is making this up?
b6 -1 b7C -1 MR. MCCABE: No. I'm not, I wouldn't opine on whether -- I don't have any reason to believe [redacted] would make anything up.
MR. STORCH: Right. Fair enough.
MR. MCCABE: And I don't, as I've said to you, I remember having multiple interactions --
MR. STORCH: Right.
MR. MCCABE: -- kind of tangential, pass each b6 -1 b7C -1 other in the hallway type interactions with, with [redacted] with [redacted] likely with Voviette.

MR. STORCH: And, look. We get you're busy.
MR. MCCABE: Yeah.
MR. STORCH: You're running the FBI. So not that --
MR. MCCABE: And I also don't --
MR. STORCH: But --
MR. MCCABE: I mean, I can't sit here and say b6 -1 b7C -1 that [redacted] is accurate in his version of whatever conversation we may have had.
MR. STORCH: Well, that's what I was going to ask you. Because what, what it doesn't say is I'm too busy to look at this. I haven't seen it yet. I'm running the FBI. I'll get to it when I'm back in the DD role.
MR. MCCABE: Right.
MR. STORCH: It doesn't say anything like that.
MR. MCCABE: Right.
MR. STORCH: It says you agree with it.
MR. MCCABE: Right.
MR. STORCH: And all that's necessary is for you to sign it. So any explanation as to why they would, they, and they're all on here, why they would be under that impression? Because they clearly are, and --
MR. MCCABE: Right. I don't, I can't say why they were under that impression.
MR. STORCH: Right.

MR. MCCABE: I can tell you that it would be highly unlikely for me in one of those interactions with b6 -1 b7C -1 [redacted] to say I'm too busy for your statement right now. I'll get to it when I'm not the acting Director anymore. I likely said, oh, yeah, I've got to do that. Or, yeah, I'm sure it's fine. Or, I'm, I'm speculating.
MR. STORCH: Yeah.
MR. MCCABE: I'm offering this for, just for information. So, I don't recall having a conversation b6 -1 b7C -1 with [redacted] in which I said, oh yes, I, I agree with the version that you sent me. In fact, I didn't agree with the version he sent me, which is why I never signed it.
MR. STORCH: Right. And because I know we're trying to get to the bottom of this.
MR. MCCABE: Yeah.
MR. BRUCE: If I could just add, so on the May 12th email --
MR. MCCABE: Yeah.
b6 -1,3 b7C -1,3 MR. BRUCE: -- [redacted] does say you'll note your requested changes have been made. So it, the inference is that there was some back and forth about requested changes.
MR. MCCABE: There was --

MR. BRUCE: Right.
[redacted] Okay.
MR. BRUCE: And we added a short paragraph.
MR. MCCABE: Right.
MR. BRUCE: That there was no interaction about, to your question of how could they have come up with this impression, [redacted] could have later been thinking he had a chance to look at this, you know, 11 pages where we didn't insert something new, all right? You see what I'm saying?
MR. STORCH: Well, we've talked to [redacted] so.
MR. BRUCE: And --
MR. STORCH: And others. So. I don't think you can --
MR. BRUCE: That's an equally valid inference.
MR. STORCH: The reason -- not the reason. I'm sorry. I don't think it is equally valid. We don't need to debate it, but the, the fact of the matter is, they gave you a statement in May, on May 12th.
MR. MCCABE: Yes.
MR. STORCH: That included a paragraph recounting their understanding of what you told them about the October 30th article. That's the prior version that they're talking about here. This email reflects that you had a discussion with [redacted] in which you agreed that, to that version of the statement. And all that was

necessary was for you to sign it. As I understand your testimony is, that's not accurate. You don't know if you spoke to him, but you did not agree. Is that --
MR. MCCABE: What the email says is in speaking with my colleague, [redacted] he reminded me that you had previously agreed to this version of the statement. It does not say that [redacted] and I had a conversation in which I agreed to the statement.
MR. STORCH: Right. Fair enough.
MR. MCCABE: And that reference could very well be referring to [redacted] assumption as based on the earlier email that he sent me on May 12th. I don't, I can't sit here and tell you --
MR. STORCH: Okay.
MR. MCCABE: -- one way or the other because I'm not [redacted]
MR. STORCH: Did you have a discussion with [redacted] between May 12th and June 23rd about the statement?
MR. MCCABE: I do not remember a specific discussion with [redacted] about the statement in that time. It is possible that I had an inconsequential interaction with [redacted] like seeing in Starbucks or something like that, where, where we said, oh yeah, I've got to get to that thing. I'm sorry I'm taking so much time. I remember generally having conversations with people along

those lines, clearly one of them was with [redacted] But no, I don't remember a specific conversation with [redacted] about the details of the statement that he sent me on May 12th.
MR. STORCH: So this is not a situation where at that time you felt it was accurate and later you thought more about it and came to a different recollection?
MR. MCCABE: I'm, I'm confused about which, which two times you're referring to.
MR. STORCH: Would later, we've talked about the OIG, right?
MR. MCCABE: Right.
MR. STORCH: When, with the OIG you were asked the question, and you gave an answer that upon further reflection, you realize you may not have been completely accurate or made, made the wrong impression --
MR. MCCABE: Right.
MR. STORCH: However you want to phrase it. And so you contacted the AIG and you said, look, I want to correct that, right?
MR. MCCABE: Right. That's right.
MR. STORCH: So, so going back to this situation a few months earlier --
MR. MCCABE: Generally.
MR. STORCH: Right. Back to this situation.

MR. MCCABE: Right.
MR. STORCH: You've been given a statement, and you did not have a conversation which you said it's accurate because at the time you did not believe that statement was accurate.
MR. MCCABE: I, I see the two things as different.
MR. STORCH: Yeah.
MR. MCCABE: As I've said, and hopefully clearly, I don't remember the initial interaction in which Voviette raised the Wall Street Journal to me taking place the way it was reflected in the statement.
[redacted] So you did mention that you at a later point talked to INSD and, and said you did authorize it?
MR. MCCABE: That's right.
[redacted] And so, on August 18th, INSD comes back to you through appropriate scheduling and meets with you about it. It's our understanding that during that meeting, they, [redacted] presents you with the article again, because there has been various information that INSD has obtained through their investigation. I'm just focusing on the Wall Street Journal part. And he affirmatively raises the issue to you and says, Mr. McCabe, I've got to ask you this. I've got to come back

b6 Per OIG
b7C Per OIG
b6 -1
b7C -1
b6 -2,3
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b7C -1

to this again. Did you authorize this? And at that point, you said I did. Do you dispute that version? Did you affirmatively raise it, or did he affirmatively raise it?

MR. MCCABE: I don't remember. I don't, I don't have any reason to dispute that version.

b6 Per OIG b7C Per OIG [redacted] Okay. And then at that point, that's when, according to INSD, that's the first moment where they're getting an indication that their earlier understanding from May 9th and any draft statements that have subsequently sent to you may not be correct from your perspective. Do you have any reason to doubt that account?

MR. MCCABE: I don't. I mean, I can't -- again, you're asking me to say what INSD thought about how I was perceiving the statement it seems like.

b6 Per OIG b7C Per OIG [redacted] Well, maybe, I'll say it differently then. Prior to August 18th, when you met with INSD, at any, at any point prior to that between May 9th and August, August 18th, did you affirmatively tell INSD I authorized it? I authorized this August 12th call to appear in the article?

MR. MCCABE: No, I don't believe I did.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: But I did convene the meeting with

INSD for the purpose of telling them that I would not sign the signed sworn statement.

b6 Per OIG b7C Per OIG [redacted] Because why?

MR. MCCABE: For a variety of reasons. Specifically, there were, I thought there were inaccuracies in the statement, that being the most prominent. But also because my now understanding of the overlap between what the IG was looking at and what INSD was looking at, primarily in terms of the Flynn material.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: And so I thought it was, it was not, it was kind of an uncoordinated effort.

b6 Per OIG b7C Per OIG [redacted] Did you have any conversations with anyone at the FBI about that issue?

MR. MCCABE: I talked to Nancy McNamara about it after the meeting with INSD.

b6 Per OIG b7C Per OIG [redacted] What about Jim Baker? Did you talk to him about this issue?

MR. MCCABE: I don't remember talking to Jim Baker, but it's certainly possible. Oh, actually no. I shared the signed sworn statement with Baker. I think I emailed it to him.

b6 Per OIG b7C Per OIG [redacted] For what purpose?

MR. MCCABE: I was concerned about the fact that there, that there were these two investigations going that

seemed like in the same direction. And I said Jim, you know, take a look at this. Do you think this is something that I should do? And I also felt that, I felt bad about the fact that INSD had, had invested time and effort into this investigation. I know the signed sworn statement would likely be the end of it. And I felt like in some way I was kind of pulling the, the rug out from under their efforts by saying, hey, I can't sign this signed sworn statement. But, nevertheless, that's what I ended up doing.

b6 Per OIG b7C Per OIG [redacted] Did you have any conversation with Mr. Baker about, hey, there's an issue. They have in here that I don't know who authorized this, I don't know who the sources is. And I did authorize it. Did you have any conversation with Mr. Baker about that issue?

MR. MCCABE: I don't remember discussing that with Jim. I remember telling Jim that Inspection was looking at these matters, which were also being looked at by the IG, and asking did he think that this was, was this a good idea for me to give a signed sworn statement to Inspection and then be interviewed by the IG. That's what I asked him.

MR. STORCH: Did you understand the IG to be investigating the disclosure of information in the October 30th article? (*Indiscernible 3:09:40) at that point?

MR. MCCABE: I don't, I don't know.

MR. STORCH: Well, what did, what did you think the overlap was? I'm just trying, you indicated a couple times that you thought there was an overlap at that point and that you raised it with various people.

MR. MCCABE: I think that probably first came to my attention in the meeting about the texts.

MR. STORCH: Um-hmm.

MR. MCCABE: When Dan asked me some questions about, about the Flynn leak.

MR. STORCH: Um-hmm.

MR. MCCABE: And, and I refused to answer them.

MR. STORCH: So prior to that discussion, end of July, right?

[redacted] July.

MR. STORCH: Yeah.

b6 Per OIG b7C Per OIG [redacted] July 28th.

MR. STORCH: Thank you.

[redacted] Um-hmm.

MR. STORCH: Prior to that interview with the OIG, did you have any concerns previously that there was any overlap between what INSD was looking at, including having shown you that article and what the IG was looking at?

MR. MCCABE: Prior to that, I didn't know. I

wouldn't have had any reason to. And I mean, I don't think I would --
MR. STORCH: No. Yeah.
MR. MCCABE: -- I would have at any time said that I had complete clarity on exactly what you guys were doing, to be perfectly honest.
MR. STORCH: Okay.
MR. MCCABE: I mean, I remember, you know, I have knowledge of the January whatever letter, which is pretty broad and certainly included things that, that mentioned me directly.
MR. STORCH: Right.
MR. MCCABE: But I was surprised in that meeting with, I keep calling it the meeting with Dan just because I can't remember if you were there.

b6 Per OIG
b7C Per OIG

That's fine.
MR. STORCH: Yeah.
MR. MCCABE: I was surprised when he brought up the Wall Street Journal issue. I was surprised when he brought up the Flynn issue. And --
MR. STORCH: Well, things come up, you know, as, during investigations.
MR. MCCABE: Of course. Of course. Yeah.
MR. STORCH: And you have somebody in, and you're a busy person, and so we take the opportunity --

MR. MCCABE: Sure, sure. Yeah.
MR. STORCH: -- and ask you. You had mentioned earlier having spoken to Voviette Morgan and said that the statement was inaccurate or words to that effect.
MR. MCCABE: Um-hmm.
MR. STORCH: (*Indiscernible 3:11:36.) Was that before the meeting that

b6 Per OIG
b7C Per OIG

has mentioned, the August --

18th.
MR. STORCH: -- 18th?
MR. MCCABE: I don't remember talking about that before then.
MR. STORCH: You didn't have a separate -- I just want to be clear. You didn't have a separate discussion with her about those. It was at, when they, when you arranged for them to come back that you told INSD about it?
MR. MCCABE: That's my recollection. I don't remember another meeting about it.
MR. STORCH: Okay.

b6 Per OIG
b7C Per OIG

Between May 9, the first time INSD raises the Wall Street Journal article to you, the October 30th one, and August 18 when you tell them you authorized it, did you have any discussions with Lisa Page about this issue?
MR. MCCABE: I don't remember talking to Lisa

b6 Per OIG
b7C Per OIG

about it.

Did you talk to her about, or ask her whether she had been interviewed by INSD about the Wall Street Journal article?
MR. MCCABE: I don't remember ever asking her that.

If you had asked her, would you remember?

b6 Per OIG
b7C Per OIG

MR. MCCABE: It seems like.

What about Mike Kortan? Did you have any conversation with him about whether he had been interviewed about the INSD -- sorry -- whether he had been interviewed by INSD about the Wall Street Journal article?
MR. MCCABE: I don't remember asking Mike that.

And if you had asked him, do you think you would have remembered in that two, two-month window?

b6 Per OIG
b7C Per OIG

MR. MCCABE: I mean, it's possible, sure. I mean, it was a busy time. I don't want to --

b6 Per OIG
b7C Per OIG

Yeah.
MR. MCCABE: -- underestimate for you the number of things that I was trafficking on at that time.
MR. STORCH: Well, we're trying to get at why this changes, right?
MR. MCCABE: Yeah, yeah. I understand.

MR. STORCH: And that clear does change. So, let me ask it this way, if it would help.
MR. MCCABE: Yeah.
MR. STORCH: Did either Page or Kortan at any point tell you that they had told INSD, the OIG, or anybody else --
MR. MCCABE: Right.
MR. STORCH: -- that you had authorized this?
MR. MCCABE: No.
MR. STORCH: And which would --
MR. MCCABE: No.
MR. STORCH: I think you would agree, would be a reason one might go back to change one's story.
MR. MCCABE: Of course. Of course.
MR. STORCH: You understand, you understand where we're headed with this.
MR. MCCABE: I do understand.
MR. STORCH: Right. And so, that's the question is --
MR. MCCABE: Yeah.
MR. STORCH: -- did either of them ever tell you or did you have any reason to know that they were interviewed by INSD or the OIG in connection with this?
MR. MCCABE: No. No. And in fact, for reasons we've already discussed, Lisa and my interaction had

changed greatly at that point. We were no longer interacting on everything that came up every day. I was seeing her infrequently.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. STORCH: But she was very close to you, right?

MR. MCCABE: Yeah, she was. She was very close to me for a long time until the Dan meeting.

MR. STORCH: Right.

b6 Per OIG b7C Per OIG [redacted] July 28th.

MR. MCCABE: Okay. I'll take your word for it.

[redacted] I realize that we're getting close to lunch, so I want to stop in a moment. But before we do, does anyone have any further questions on this topic before we break for lunch?

b6 Per OIG b7C Per OIG [redacted] I have a question. And that is, do you ever remember denying to anyone that you were the person that authorized the conversation from August 12th to be given to the Wall Street Journal? Do you ever remember denying that to anybody?

MR. MCCABE: I mean I, I don't. Obviously the interaction that we talked about at the Dan meeting aside, I don't remember being asked. I mean, I had conversations with Comey about it. I've had conversations with others about it. So it's, it's not something, it wasn't widely

discussed, but it's not something that I kept secret either.

MR. STORCH: And just to be clear, when you say you don't remember being asked, when INSD shows you the October 30th article, they point you, they indicating (*indiscernible 3:15:19) to those three sort of, the key section in the article.

MR. MCCABE: Yeah.

MR. STORCH: And ask you about it. So they did ask you. You don't dispute that, right?

MR. MCCABE: Right.

MR. STORCH: And if we understand your testimony correctly, you do not believe that you told them that you didn't authorize it.

MR. MCCABE: No.

MR. STORCH: In fact, at that point, do you believe as you testify here today that you told them that you had authorized it?

MR. MCCABE: In that initial conversation?

MR. STORCH: Yes, sir.

MR. MCCABE: I do not.

MR. STORCH: What do you believe you said to them?

MR. MCCABE: I don't remember what I said to them. I remember it as being a very kind of glancing,

we're looking at this article. Kind of as I've, as I've already characterized interaction to Voviette, I do remember Voviette and [redacted] reacting with surprise b6 -1 b7C -1 when we discussed it the next time at the --

b6 Per OIG b7C Per OIG [redacted]: August 18th.

MR. MCCABE: -- August 18th meeting.

MR. STORCH: But you don't question that they clearly believed from the statements and otherwise --

MR. MCCABE: I don't, yes.

MR. STORCH: -- that you had indicated you hadn't authorized it and didn't know where it came from?

MR. MCCABE: I don't question that they, they must have had that impression or they would not have been surprised when we discussed it in detail.

MR. STORCH: Right. And presumably, they wouldn't have prepared these, this statement for you the way they did, right?

MR. MCCABE: Of course. Of course.

MR. STORCH: That's what they do in INSD is prepare statements.

MR. MCCABE: They do.

b6 Per OIG b7C Per OIG MR. STORCH: Based on interviews.

[redacted] Okay. Why don't we go off the record and talk about break around 1 o'clock.

(Whereupon, the above-entitled matter went off

b6 Per OIG b7C Per OIG the record and back on the record.)

[redacted] Okay. Back on the record after lunch break. Almost 10 to 2:00. So I want to just pick up for just one more minute or so on where we last left off with the interaction with INSD about the Wall Street Journal article.

So with the OIG, we had a transcript that we were able to put before you and say, you know, here, look at these lines. You said this on this date. And you came back and said well, I corrected those issues with Dan on August 1st. So we understand how that process worked. We're having a hard time, though, squaring and understanding again, and I just want to make sure from you that, correct anything if I, if I've misunderstood, that you meet with INSD on May 9. You go over the Wall Street Journal article. They have people sitting in on the interview whose notes contemporaneously reflect you saying that you didn't authorize it, that you had no idea where it came from. And then they contemporaneously create this draft statement and send it to you on May 12th. Are you telling us that you did not say that to them, or you don't recall saying that to them?

MR. MCCABE: I am telling you that I don't recall saying that to them. I am also telling you that I did not sign the statement because I was uncomfortable

with the way it was written.
And I do remember, although I did not remember b6 -1 b7C -1 the interaction with [redacted] the way that you described it in the, in the next meeting, I remember that as a conversation with Voviette as well. I think we did speak about it at the end of that meeting as well. She was walking out the door. Because she, I remember she kept, she kept stating to me that, like, yeah, of course, you know, you have the authority to authorize if, you know, if we'd known that, we wouldn't have wasted this time because you have the authority to authorize people to talk to the media. I indicated that I knew that.
So, I didn't sign the statement, wasn't comfortable with the way it was written, convened another meeting. When the, when the topic was addressed, I answered the question and corrected whatever misimpression they had.
b6 Per OIG b7C Per OIG [redacted] At the second August 18th meeting, regarding the Wall Street Journal?
MR. MCCABE: At the third meeting, but yeah.
[redacted] Yeah.
b6 Per OIG b7C Per OIG MR. MCCABE: Yeah. Right.
[redacted] Had --
MR. MCCABE: August 18th, right? That sounds right.

b6 Per OIG b7C Per OIG [redacted] Had you told them, had you told INSD at the first meeting, May 9th, that I have no idea where this came from?
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG [redacted] I did not authorize this. Is that something you would have remembered telling them? Because you're telling us you don't recall saying that.
MR. MCCABE: Right.
b6 Per OIG b7C Per OIG [redacted] If you had said that, do you think you would have remembered that?
MR. MCCABE: That's a hard thing for me to answer now.
b6 Per OIG b7C Per OIG [redacted] Um-hmm.
MR. MCCABE: I'm telling you I don't remember saying that.
b6 Per OIG b7C Per OIG [redacted] Yeah, yeah.
MR. MCCABE: I didn't say that when they asked me in August. I was surprised by the fact, surprised and somewhat confused by the fact of like how this connected to what, what I had asked them.
b6 Per OIG b7C Per OIG [redacted] Okay. Right. Help us to understand, it seems like the pivotal moment where your recollection is sparked is when the OIG in the July 28th interview shows you a text from Lisa Page to Pete Strzok mentioning Devlin, still on with Devlin, a reporter whose

name you had seen a lot in the fall of 2016 and that we've talked about articles involving your wife --
MR. MCCABE: Yeah.
b6 Per OIG b7C Per OIG [redacted] -- you, attacking the FBI's integrity, or, you know, implying. Is there any, just to cut to the chase, is there, is there any protection of Lisa Page going on that this went too far and, and you're now circling back to rectify it?
MR. MCCABE: No.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. MCCABE: You mean, you're talking about just generally, or are you --
[redacted] Right. Once you are aware that the OIG had information that she was the source.
MR. MCCABE: No.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. MCCABE: No. I, like I said, Lisa and Mike's involvement in that article was known by me and I believe known by others in the aftermath of the article.
MR. STORCH: So being shown the text by Dan or whomever on the 28th that showed that Lisa was in touch with Devlin, that didn't cause you to then go back and essentially change the account and say, oh yeah, I authorized this, in order to protect her essentially?
MR. MCCABE: No. No. I mean --

MR. STORCH: What would you say to somebody who said that it appears that's what happened, that the first time, or the first time, back in May you told INSD didn't know.
MR. MCCABE: Um-hmm.
MR. STORCH: No idea who did it. Told Dan essentially don't --
MR. MCCABE: Not aware of --
MR. STORCH: -- don't, don't, not aware of this.
MR. MCCABE: Right, right.
MR. STORCH: And then upon thinking about the fact that the OIG had texts that show that Lisa was in touch with Devlin, and Lisa is someone who you've worked closely with and known well for years.
MR. MCCABE: Right.
MR. STORCH: You figure, okay, the jig's up, essentially. I've got to go back and tell them I authorized it.
MR. MCCABE: What was the question? What would I tell someone?
MR. STORCH: Yeah, someone who said that, that's what, that's what was going on here, trying to protect her.
MR. MCCABE: I would say that's not what happened. I would say that the, like, the -- I don't want

to say the fact because I, I, I'm very careful about concluding what Lisa and Pete are talking about in their texts. But the fact that they would have been, the idea that they would have been talking about her interaction with Devlin would not be a surprise to me. And, and, you know, I guess that would make Pete someone else that she shared that engagement with.

MR. STORCH: Um-hmm.

MR. MCCABE: Further indicating that, that her involvement and that process was not secret. It wasn't widely known by everyone in the FBI, but among the small circle of people that were engaged on kind of Midyear issues and all the stuff that we were dealing with then, I think that that was widely known. So, I would not have had an impulse or a reason to think, oh, I have to protect Lisa from something.

MR. STORCH: So understanding that you don't recall exactly what you told them, what do you think, as you sit here today, you told Inspection Division on May 9th or whenever (*indiscernible 3:23:54)?

MR. MCCABE: As I, as I --

MR. BRUCE: Just hypothetically?

MR. STORCH: No, not hypothetically. What does he believe as he sits here today, not hypothetical in the least. What you think, as you're sitting here today.

We're trying to figure it out, right?

MR. MCCABE: Yeah.

MR. STORCH: They, we know what they think you said.

MR. MCCABE: Right --

MR. STORCH: There's no question about that. I think we all can agree, right? We've got contemporaneous notes. We've got testimony. We've got documents. No question what they think, right? We have enough (*indiscernible 3:24:14). But what you said is, you don't recall. What do you think you told them?

MR. MCCABE: Well, what I said is my recollection of the event was that I had an exchange with Voviette about it. And that I remember seeing, she showed me the article.

MR. STORCH: Right.

MR. MCCABE: And I, I don't, I can't sit here and tell you exactly what we discussed. I, I, I am, I would expect, I said that, yeah, I was familiar with the article. I don't remember reading it, but my initials are on it, in the same way that I am sure they are on the other half-a-dozen documents --

MR. STORCH: Sure.

MR. MCCABE: -- they handed me during that interview.

MR. STORCH: Sure. But their question was who authorized this, right? The, the leak stuff.

MR. MCCABE: Right.

MR. STORCH: So what do you think you told them?

MR. MCCABE: I don't know. I don't, I don't remember them asking me that question specifically. I'm not saying they didn't.

MR. STORCH: Okay.

MR. MCCABE: But I don't have a clear recollection of the exact words that the both of us used in that exchange.

MR. STORCH: And this may be obvious, but no motivation for them, for the Inspection Division to make something up or something like that?

MR. MCCABE: No. Of course not. Of course not.

MR. STORCH: Just for the record.

MR. MCCABE: But I mean, look, and I, I said this before. I'm not trying to overstate the obvious. But honestly, like, that meeting with Inspection Division on May 9th is not the thing that stands out to me in my mind of May 9th.

MR. STORCH: Right. That's fair.

MR. MCCABE: My entire world changed about two hours later.

MR. STORCH: Right. But part of the problem we

have, and we have to deal with it, it's our problem.

MR. MCCABE: Of course.

MR. STORCH: Is, we get that. Totally understand what's going on in your life and what's going on at the FBI. But, nobody says that you said, look, Jim Comey has been fired. I'm trying to run the FBI. I don't have time, I don't remember this stuff.

MR. MCCABE: Right.

MR. STORCH: Get back to me. Right? That might have been a perfectly credible thing to say.

MR. MCCABE: You mean on May 9th?

MR. STORCH: Correct, sir.

MR. MCCABE: Well, our meeting was before Jim Comey was fired.

MR. STORCH: Okay. Well, whatever.

MR. MCCABE: Yeah.

MR. STORCH: Things are going crazy. You've got a lot on your plate. But the, the problem is we've got contemporaneous notes --

MR. MCCABE: I understand.

MR. STORCH: Statements, as to what you said from the Inspection Division.

MR. MCCABE: Right.

MR. STORCH: Right?

MR. MCCABE: Right.

MR. STORCH: So.

b6 Per OIG
b7C Per OIG

[redacted] And those notes say, and testimony where they say that you recalled this, at no point did you say to them I don't recall something. It was definitive in their view that, consistent with what they expected, consistent with what the early referral of, of a private conversation you had got out. And from their perspective, it was a problem because people among your trusted ranks were, were leaking without your permission.

MR. MCCABE: I see.

b6 Per OIG
b7C Per OIG

[redacted] And, and so, so that's what we're grappling with, with that.

MR. MCCABE: I understand. I understand what you're grappling with. But I --

MR. STORCH: Yeah.

MR. MCCABE: I don't know that I can explain it.

MR. STORCH: So what do you think you said to the Inspection Division regarding authorization? And then we can move on.

MR. MCCABE: I don't know. I don't know. I don't remember discussing authorization of that article. I remember seeing the article. I recall it as Voviette showing me the article. I would not have said that I don't know the article. I would not have said that, that the conversation related in the article was not, you know,

an accurate depiction of the conversation on August 12th.

MR. STORCH: Can I ask you one other chronology question?

MR. MCCABE: Um-hmm.

MR. STORCH: I know I said we'd move on. I apologize. But when you testified before you indicated I believe that -- I'll put my sandwich down -- I believe you indicated that you were interviewed by the OIG, and then over the next, you thought about it thereafter.

MR. MCCABE: Um-hmm.

MR. STORCH: And then contacted Dan in order to make sure there was no misapprehension. Is it fair to say that prior to that, you hadn't come to the realization that, in fact, it was an inaccuracy, that it was only after the OIG that you realized you need to go back and correct?

MR. MCCABE: An inaccuracy in what?

MR. STORCH: Regarding the INSD statement and the, and the rest, because you said that you thought about it afterwards. Right? In other words, after the OIG --

MR. MCCABE: The OIG, right.

MR. STORCH: Right. So, I'm just trying to place in time when you realized that you needed to correct the OIG and therefore INSD.

MR. MCCABE: Yeah. I, I don't remember having a

detailed understanding of what was in that version of the, of the INSD statement prior to the IG meeting.

MR. STORCH: Right. And is it that meeting that triggered you to think more about this and therefore contact Dan, and then maybe you also sought the meeting with Inspection Division a couple weeks later?

MR. MCCABE: The IG meeting, of course the meeting with Dan was what prompted me to think about it and, and then contact him four days later.

MR. STORCH: Yes.

MR. MCCABE: The IG meeting was not my reason for scheduling the meeting with INSD in August.

b6 Per OIG
b7C Per OIG

MR. STORCH: Okay.

[redacted] I have one more follow-up, and I, I turn to the, this is what I'm putting back before you is the May 12th email from [redacted] to you attaching the draft statement for review. And if, if you look at the bottom paragraph there that we were looking at earlier, it captures that you said the last three paragraphs, excuse me, the first three paragraphs on the last page were an accurate depiction of the conversation. So they are noting that you conveyed that to them, that you recalled this conversation, and it was accurate. There was, the issue is did you authorize it, or do you know who the source was.

b6 -1
b7C -1

And I guess I'm struggling with understanding that you can't recall what you said, with all due respect, and I recognize you have a lot of responsibility, but given what you said earlier about that, the conversation with Axelrod was unique in your experience with ODAG that you had to push them back like you've never done before on an investigation. And that the series of Barrett, Devlin Barrett articles were unique in that it was personal with respect to your wife, attacking the FBI's impartiality, how not seeing that reference to the call wouldn't instantly trigger in your mind, I authorized this. Of course I told them that.

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

b6 Per OIG
b7C Per OIG

[redacted] Well, the call was a very monumental moment given its uniqueness in your experience.

b6 Per OIG
b7C Per OIG

MR. MCCABE: Um-hmm.

[redacted] The articles were a very unique moment in a very difficult time. How can you not recall what you said to INSD about that, in your first meeting with them?

MR. MCCABE: There's innumerable reasons why I might not recall something. Like, it's hard for me to, you know, catalogue those for you.

b6 Per OIG
b7C Per OIG

[redacted] Well, and, and maybe a better way to say it, help, if someone were to sort of say what I

said, how would you explain it outside of this room that would make sense?
MR. MCCABE: Well, I don't know how I would -- that's kind of a strange question to have to respond to. I think that, yes, this, the, the articles were a unique experience. Right? They were, and it was, it came in the middle of a very hectic and challenging time. There's no question about that.
b6 Per OIG b7C Per OIG [redacted] Right.
MR. MCCABE: Although, to be, to be fair, they were several in a long course of unique and challenging experiences. So I think you are in some ways overstating the significance of the articles or how much time, particularly in May of 2016, I was thinking about those articles and that authorization to, to, it's just, it was something that we had dealt with many months ago that I was not transacting on the days that I --
b6 Per OIG b7C Per OIG [redacted]: May 2017, just for the record.
MR. STORCH: 2017.
MR. MCCABE: May 2017. Yes.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. MCCABE: So, yeah, there is, there is a number of reasons why it's not paramount in my mind in May of 2017. I mean, I think it's --
b6 Per OIG b7C Per OIG [redacted] And --

MR. MCCABE: It's clear from the materials that you've presented that, that the INSD folks and I walked away from that, from that exchange with a difference in understanding.
b6 Per OIG b7C Per OIG [redacted] And just so the record is clear.
MR. MCCABE: Um-hmm.
[redacted] I don't think anyone has made any judgments. I just wanted to contrast statements you made earlier, and reconcile them with your statement that you didn't recall. So I didn't want that, that to have any misinterpretation.
MR. MCCABE: Okay.
MR. STORCH: Is it, is it possible that you in fact told INSD what's in their notes and statement, and you just were busy and didn't think about it and later realized it? Or, is that a possibility, or are you confident that didn't happen?
MR. MCCABE: What I'm telling you is I don't remember telling them that.
MR. STORCH: For sure.
MR. MCCABE: Right? So, and obviously from what I understand from what you've said about their notes and their testimony, as I said, we came away from this, from this interaction with a different understanding of, of the article and the authorization.

MR. STORCH: So it's, and that's what I was getting to. So it's not that you did in fact tell them what they say you did, and, and --
MR. MCCABE: I --
MR. STORCH: -- you just weren't thinking because you were busy.
MR. MCCABE: I'm not --
MR. STORCH: You had a different understanding --
MR. MCCABE: Right.
MR. STORCH: -- of what you told them?
MR. MCCABE: I am not saying they made this up; they're, they're wrong. I'm saying that this does not comport with my understanding of that conversation.
MR. STORCH: And that understanding was developed prior to the OIG interview?
MR. MCCABE: That understanding was developed prior to the OIG --
MR. STORCH: You're understanding of the discussion --
MR. MCCABE: My recollection of that meeting is based on what happened in the meeting which is prior to the IG interview.
MR. STORCH: Right. So you have that recollection of what went on prior to the interview by the OIG, that it wasn't the same as what was in the article,

in the statement.
MR. MCCABE: I guess I'm not quite sure what -- I'm a little bit confused by how you're --
MR. STORCH: And I apologize. It's probably a complex -- it's not probably, it is a complex question. You've indicated that you came away from the meeting with a different understanding of what you had told them about authorization memos reflected in their notes and the statement.
MR. MCCABE: That's right.
MR. STORCH: Right? And what I'm asking you is I'm trying to place that in time. And that's, that realization that you've had a different understanding --
MR. MCCABE: Um-hmm.
MR. STORCH: -- is prior to the OIG interview at the end of July.
MR. MCCABE: Well, I can't say that I reviewed the statement prior to the IG interview.
MR. STORCH: Right.
MR. MCCABE: But my understanding of what took place in that meeting is based on my recollection of what took place in that meeting back then.
MR. STORCH: Right. Okay.
MR. MCCABE: I don't know if that's what you're looking for.

FBI 18-cv-01766-794

MR. STORCH: We just want to find out what happened.
MR. MCCABE: Yeah.
MR. STORCH: But you don't think it's that you got it wrong, that you said it wrong to them?
MR. MCCABE: I don't know. I can't tell you whether, why, how some people remember one thing one way and I don't remember it that way.
MR. STORCH: Right.
MR. MCCABE: Is it possible that they misunderstood what I said? I guess that's possible. I, I don't --
MR. STORCH: Is it possible that you said I didn't authorize it and I don't know who did, and then later realized that was incorrect?
MR. MCCABE: No. I don't remember that happening the way you've described.
MR. STORCH: Right.
MR. MCCABE: I mean, I hate to -- --
MR. STORCH: But not to, not to belabor it. What I'm telling you, you're saying what's possible. Is it possible that you did get, get it wrong yourself and then later --
MR. MCCABE: I can tell you my, my impression when I read the statement was this is not right.

MR. STORCH: Okay.
b6 Per OIG b7C Per OIG: But the first time you overtly communicated to INSD that it wasn't right was not until the August 18th meeting with them.
MR. MCCABE: That's right. (*Indiscernible 3:36:51.)
b6 Per OIG b7C Per OIG: So the draft statement as it's existed since May 12th.
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG: I know you said you shared that with Mr. Baker. I don't, you don't have to tell me if you shared it with your attorney. But other than those two people, have you shared it with anyone else?
MR. MCCABE: I don't believe so.
b6 Per OIG b7C Per OIG: What about, have you had any discussions about your draft statement to, that INSD put together other than with Mr. Baker or your attorney?
MR. MCCABE: Well, I talked to the three from INSD.
b6 Per OIG b7C Per OIG: Yeah, other than INSD, I'm sorry.
MR. MCCABE: I also talked to Nancy McNamara.
b6 Per OIG b7C Per OIG: Okay.
MR. MCCABE: I may have also talking to -- talking, sorry. Sorry.
b6 Per OIG b7C Per OIG: That's fine.

MR. MCCABE: I may have also spoken to Dave Bowdich about it.
b6 Per OIG b7C Per OIG: What would be the reason there? Or what did you discuss?
MR. MCCABE: Again, I don't remember specific conversation, but typically, if I'm going to call Nancy McNamara in my office for a meeting, I let Dave know first because, because Nancy reports to Dave. And so, just so there's transparency of what we're doing.
b6 Per OIG b7C Per OIG: Did he give you any suggestions or recommendations on how to proceed?
MR. MCCABE: Well, I don't even remember discussing the details of the statement.
b6 Per OIG b7C Per OIG: I see. I see.
MR. MCCABE: But just maybe the concept that like, hey, I'm going to, I need to talk to Nancy about this Inspection investigation and the signed sworn statement.
b6 Per OIG b7C Per OIG: Okay.
MR. STORCH: Did -- I apologize. You probably just spoke. What, what did you discuss with Nancy when you met with her?
MR. MCCABE: Just basically a summary of what we had talked about with, what I had talked about with the Inspection team. I wanted Nancy to understand why I

wasn't signing the signed sworn statement. And also it was more important to me that she knew that there was some lack of coordination between what her folks were doing and what I, what I thought the IG was doing.
MR. STORCH: And again, that's your perception. I actually don't think there was a lack of coordination.
MR. MCCABE: Fair enough.
MR. STORCH: But that, we don't need to debate that. It's just for the record.
MR. MCCABE: Fair enough.
MR. STORCH: You know, I'm somewhat duty bound to point that out.
MR. MCCABE: Yeah, sure.
MR. STORCH: But that's your perception, and you get it, that's, that's your testimony.
MR. MCCABE: Yep. Yeah.
MR. STORCH: Fine. All right.
MR. MCCABE: That's, that's what we talked about.
MR. STORCH: Did you, did you say to her in words or substance that you think they got it wrong?
MR. MCCABE: I don't remember talking about the actual details of the statement with her.
MR. STORCH: That, is that something you would have done, or would you have stayed away from that because

it always seems so --
MR. MCCABE: It wasn't really, that wasn't as important to me at that moment --
MR. STORCH: Right.
MR. MCCABE: -- because I wasn't signing it.
MR. STORCH: Right.
MR. MCCABE: So I didn't think that, you know, I didn't go through and then, and then correct other things in the statement because I, I decided not to sign it.
b6 Per OIG b7C Per OIG Do you have notes of your meeting with Nancy?
MR. MCCABE: I, I would have to check.
b6 Per OIG b7C Per OIG Okay.
MR. MCCABE: It's possible, but not definitely.
Okay. We would like you to check that.
MR. MCCABE: Okay.
b6 Per OIG b7C Per OIG And do you remember when that meeting was?
MR. MCCABE: I don't. It would have been after the meeting on, when was the third meeting with Inspection? August 18th.
b6 Per OIG b7C Per OIG Yes.
MR. MCCABE: So it would be at some point --
After, after the 18th?

MR. MCCABE: -- after that. Probably not, not too long after.
b6 Per OIG b7C Per OIG And I guess while we're looking at the notes, if you wouldn't mind also checking if there are any notes with Mr. Baker regarding the INSD statement.
MR. MCCABE: Okay.
b6 Per OIG b7C Per OIG Moving on. Anyone have any --
MR. STORCH: Nope.
All right. So, I want to get into a little bit about, you had mentioned this earlier about policies, authorization, talking to the media, and things of that nature. Does the FBI have policies or procedures for disclosing publicly the existence of investigations to the media?
MR. MCCABE: Yes.
b6 Per OIG b7C Per OIG And describe for us the criteria used to determine whether to make such disclosures.
MR. MCCABE: I'm not sure I'm, I'm not sure I know what the criteria is.
b6 Per OIG b7C Per OIG Are there -- well, maybe a better question is are, are there any criteria before, that the FBI assesses before making any disclosure to the media of an ongoing investigation?
MR. MCCABE: I mean, I know there is a policy that refers to kind of the general prohibition and some

exceptions. But I wouldn't propose to quote it to you off, from memory.
b6 Per OIG b7C Per OIG Is there, well let me just stop for one second. With that caveat understood, that you don't have it memorized verbatim, are there, can you give us any exceptions that jump out to you that you might know?
b6 Per OIG b7C Per OIG MR. MCCABE: No. I, I wouldn't.
Okay. Is there a process that the FBI uses to evaluate if these criteria are met and what process for improving this disclosure? How does that work?
MR. MCCABE: I'm not aware of a formalized process. As I said earlier, it's kind of a series of kind of informal interactions between myself and the AD for Public Affairs, Mike Kortan.
b6 Per OIG b7C Per OIG So, would there be any internal meetings where you and Mike Kortan would meet with anyone else from the FBI like OGC?
MR. MCCABE: It's certainly possible that in any given circumstance, any given issue would come up in the context of a broader meeting that other people would be at, including OGC, including the Director, the Director's chief of staff, and others depending on the issue I guess.
What about operational divisions?

Would that be, if there is going to be a disclosure of an investigation --
MR. MCCABE: Um-hmm.
b6 Per OIG b7C Per OIG -- would the heads of that operational office be represented? Would their input be sought?
MR. MCCABE: Well typically, I guess it kind of depends on where the interest is coming from. The operational divisions are required to coordinate with the National Press Office. That's kind of where these things intersect. Like if they, if there's been an event of some kind and now we have an SAC who wants to, who, or who has been asked to participate in a press release or a, or a press conference or something, that, that could come up from the field and, and is supposed to go to the National Press Office, and that would typically be the way I found out about it unless I was conversing with the SAC before. There's just a lot of different ways that that can happen.
Is there any coordination with DOJ about making these disclosures on investigations?
b6 Per OIG b7C Per OIG MR. MCCABE: Sure, yeah.
And who would that, who would coordinate with DOJ and at what, at what office or level would that happen?
MR. MCCABE: Mike Kortan would do that.

b6 Per OIG
b7C Per OIG
[redacted] Okay.
MR. MCCABE: With, is it OPA, is that DOJ as well? OPA, I get confused.
[redacted] In your tenure as Deputy Director.
b6 Per OIG
b7C Per OIG
MR. MCCABE: Um-hmm.
[redacted] Have you ever participated in any internal meetings at the FBI where there's a discussion about whether to disclose an ongoing investigation?
MR. MCCABE: I have participated in many meetings in which we've discussed kind of media interest in a case or an issue, and what we thought our appropriate response would be.
[redacted] Did any --
b6 Per OIG
b7C Per OIG
MR. MCCABE: If any.
[redacted] I'm sorry. Did any of those involve whether or not to confirm an existing investigation that hadn't been previously confirmed?
MR. MCCABE: Sometimes we have, we have discussions about that, yeah.
b6 Per OIG
b7C Per OIG
[redacted] And so --
MR. MCCABE: Not, not frequently. Not, because it isn't, so, I don't want to create the impression that there is this formal kind of body that gets together to discuss these kind of --
b6 Per OIG
b7C Per OIG
[redacted] Okay.

MR. MCCABE: It may be one of 15 different issues that we're transacting on in relation to a particular case or event or something.
b6 Per OIG
b7C Per OIG
[redacted] Well, that's where I was going to go. So there's no, as you sit here today, the FBI doesn't have any formal procedures or practices of media, national media, X wants to know if we have this investigation. Let's convene these folks and discuss what the vehicle is going to be for disclosure and what it's going to say. There's no formal process like that?
MR. MCCABE: No.
b6 Per OIG
b7C Per OIG
[redacted] Do you now, is it standard practice when the FBI does confirm an investigation, to do it on background? Does that ever happen?
MR. STORCH: I don't know that there's a, there's a standard practice with respect to that.
b6 Per OIG
b7C Per OIG
[redacted] With respect to disclosing investigations?
MR. MCCABE: With -- I think your question is with respect to acknowledging the existence of an investigation?
b6 Per OIG
b7C Per OIG
[redacted] Right. Right. And so, well, maybe a different way to say it is does the FBI have, while there may not be a formalized process, is there a standard vehicle or method in your experience through

which the FBI confirms investigations to the public through the media?
MR. MCCABE: No. I mean, and this is actually something I discussed with Director Wray recently. There are many different ways in which that happens by implication. We discuss, we will frequently, publicly discuss or interact with let's say members of the private sector on a cyber-threat.
b6 Per OIG
b7C Per OIG
[redacted] Um-hmm.
MR. MCCABE: That, that impliedly acknowledges our investigative interest in that actor or what-have-you. There's all kinds of, you know, there's obvious work that we do a little more overtly about participating in press conferences and press releases around events or attacks, things of that nature. There is, oh, there's a ton of other things out there. So it's, it's something that he and I talked about recently about the fact that it is somewhat nebulous in terms of this kind of a range of investigations that are kind of officially acknowledged and other ones that you could as a reader of the news or what-have-you, kind of walk away with an understanding that there is some sort of, you know, FBI investigative interest in a particular matter.
b6 Per OIG
b7C Per OIG
[redacted] On that latter category, can you put a little more texture on that so we could understand

how would someone walk away with an understanding? Would it, is it through anonymous sources? What do you mean by that?
MR. MCCABE: I mean, there's many sort of, for instance, our conversations, it came up in the realm of discussing, like, how our Cyber Division interacts with elements of the private sector. And so they will have, you know, if we find out about a particular actor is targeting a particular business, we'll sit down and talk to that business about that targeting activity. So that, so that businesses can then understand --
[redacted] Oh, I see.
MR. MCCABE: -- we're investigating that actor.
[redacted] Oh, I see.
b6 Per OIG
b7C Per OIG
MR. MCCABE: Right?
[redacted] I was really focusing on the media part.
MR. MCCABE: I understand. I'm just saying kind of generally.
[redacted] But that aside, I see.
MR. MCCABE: There are many different ways that --
b6 Per OIG
b7C Per OIG
[redacted] Um-hmm.
MR. MCCABE: -- FBI investigative interest is, is either directly or impliedly revealed.

[redacted] Okay.
MR. MCCABE: And it's a, it's a subject that I think our conversation -- not really the prior conversation but our conversations basic about that fact, exactly like he was saying to me, like, how do, how do we do that? Like, how do we navigate these situations and like what's the rule? I mean there, you know, there are policies about, about disclosures, but.
[redacted] Right.
MR. MCCABE: There, the circumstances out, kind of far out-number the policy guidance.
[redacted] During former Director Comey's tenure, did he expect to be involved in decisions to disclose the existence of FBI investigations to the media?
MR. MCCABE: I would say that Director Comey, my understanding --
[redacted] Um-hmm.
MR. MCCABE: -- of his expectations.
[redacted] Yes.
MR. MCCABE: Is that he expected to know about issues that were significant on the, kind of a national level. Right? He did not expect to know about every interaction we were having with any given reporter, but when those issues because significant, I think we would have expected to know about it.

[redacted] Was disclosing the existence of an investigation, even if done on background, sort of like we see in this Wall Street Journal article, was that something Mr. Comey would have expected that you would have discussed with him first?
MR. MCCABE: Well, a couple of things that are, again, I don't, I did not approach this, and I did not look at this and see this as disclosing the existence of an investigation. However, I think the Wall Street Journal article was significant for many reasons.
[redacted] Um-hmm.
MR. MCCABE: And that's why I discussed it with them after the fact.
[redacted] Okay.
MR. MCCABE: After I returned to headquarters (*indiscernible 3:51:09).
[redacted] Well did, you had a moment ago said that Mr. Comey expected to know about significant issues. Would what you were attempting to address before the article was published, have, in your mind have fallen into a significant issue to raise to Mr. Comey?
MR. MCCABE: Yes.
[redacted] So is there any reason why you didn't talk with him about that first before it was published?

MR. MCCABE: Um-hmm. Well, I did talk to him about it eventually
[redacted] Yeah, okay.
MR. MCCABE: I think optimally, I would have talked to him about it beforehand, had I had the opportunity, had we been located in the same place and had the time and access to do it, but I didn't under the circumstances.
[redacted] Was there any other instance in your tenure as Deputy Director where you authorized the disclosure of an existing or confirmed the existence of an investigation without talking to Director Comey or now Director Wray?
MR. MCCABE: Sure. I'm sure that I have authorized interactions with the media that by implication referred to ongoing investigations. I mean, I, you know, I can't sit here and, it's not a short list. It's like a constant churn of, of issues that come to me frequently. But I'll, I can't remember this woman's name because I only remember the code name. But, for instance, there was a long article --
[redacted] And nothing classified, but --
MR. MCCABE: Yeah, this is, we're all okay.
[redacted] Okay.
MR. MCCABE: It's a closed case. I don't think

it's still classified.
MR. BRUCE: I can step out.
[redacted] Well --
MR. STORCH: You don't have to describe it.
MR. MCCABE: I just won't, I just won't use the names. There was a, there was a prominent U.S. Government employee who we had a --
[redacted] Can I stop you one second? The issue is not you. It's the recording.
MR. BRUCE: Oh, oh.
MR. STORCH: And you don't have clearance.
MR. MCCABE: Yeah.
[redacted] Right. I mean, that was part of it.
MR. BRUCE: Okay.
[redacted] The other part was that I don't want to tape classified information on this recording.
MR. MCCABE: Yes, sorry. It makes the recording much harder to --
[redacted] Yeah, exactly.
MR. MCCABE: Yeah, I won't, I won't get into anything classified.
[redacted] Okay.
MR. MCCABE: So, so just as an example, and it was probably around the same time, I can't remember, of

b6 Per OIG b7C Per OIG

Page 218

this thing.
MR. STORCH: Yes.
MR. MCCABE: But there was a, oh, there was an article about a prominent U.S. Government employee.
b6 Per OIG b7C Per OIG [redacted] Um-hmm.
MR. MCCABE: Who we had a counterintelligence investigation on. And we interacted with the, I can't remember for the life of me which, it might have been Wall Street Journal. But we interacted with, it might even have been Devlin Barrett, with the author on that article.
b6 Per OIG b7C Per OIG [redacted] Um-hmm.
MR. MCCABE: So that obviously implicates an FBI investigation. So it's like, these are the things that come up. I did not discuss that with Director Comey before I found out from Mike Kortan what was being proposed, what the reporter was asking for. I authorized access to another FBI executive who would, who would talk to the reporter about, to correct factual inaccuracies about the way they were reporting the activity around the case, and.
b6 Per OIG b7C Per OIG [redacted] After that article was published, did Director Comey approach you about this and say how did this come to be?
MR. MCCABE: No. He knew that the article was in process. This is one that was kind of in the, the kind

Page 219

of the windup for some time.
b6 Per OIG b7C Per OIG [redacted] Oh, so you're just saying you didn't, he knew about the article. He, it just wasn't that you specifically one-on-one said, hey, boss. I've given the green light to essentially give an implication about this case.
MR. MCCABE: Right. I didn't talk to him before authorizing that, so that, as part of my responsibility. He was aware of it. And we discussed the article. It was kind of, I just, I just put that out as an example of kind of --
b6 Per OIG b7C Per OIG [redacted] Um-hmm.
MR. MCCABE: -- the course of business.
MR. STORCH: Can I just quickly come back to the Clinton Foundation? I think you actually, you indicated that optimally if you had been, you would have been in the same place and had time, the opportunity, you would have let the Director know, is that correct, in advance that you were authorizing?
MR. MCCABE: I wouldn't have seen it as imperative for my authorization.
MR. STORCH: Right.
MR. MCCABE: But it was a significant issue that I would have discussed with him.
MR. STORCH: Yeah, no. Different question

Page 220

between what's legally required and what's required under the FBI policies.
MR. MCCABE: Right.
MR. STORCH: And what the Director, your boss, would expect --
MR. MCCABE: Right.
MR. STORCH: -- in terms of letting him know what's happening.
MR. MCCABE: Right.
MR. STORCH: And I think that's basically the distinction we've got. I just want to be clear. With regard to your, just the logistics of your relationship with Director Comey at the time, you could reach him whenever you needed to, right? I mean --
MR. MCCABE: I, I could reach him.
MR. STORCH: And I hope the Director, the Deputy Director and the Director, given all the important things you're dealing with, are, you know, able to reach each other wherever you are --
MR. MCCABE: Um-hmm.
MR. STORCH: -- and the like, right?
MR. MCCABE: That's correct.
MR. STORCH: So, if you had thought you needed to -- strike that. If you had thought you wanted to let him know at that point, you could have done that, yeah?

Page 221

MR. MCCABE: I'll go back to what you struck. I didn't think I needed to.
MR. STORCH: Well, that's why I struck it, because I understood the difference between what's required and what he would expect, right?
MR. MCCABE: Sure.
MR. STORCH: So we're talking about the latter now, in terms of whether the Director would expect you to let him know that --
MR. MCCABE: Right.
MR. STORCH: -- you're effectively disclosing the existence of an ongoing investigation related to the Clinton Foundation 10 days before the election. And, and given the importance of that, you, you could have reached him if, if you wanted to, right?
MR. MCCABE: A couple things. Again, that is not how I saw this disclosure.
MR. STORCH: Okay, right.
MR. MCCABE: As a disclosure about the Clinton Foundation case.
MR. STORCH: Um-hmm.
MR. MCCABE: And number two, I do not believe he would have expected to know in advance that I had authorized an interaction with the media. I do not believe that. I believe he would have expected to know

FBI 18-cv-01766-799

about the article simply because it was a high-profile, significant issue --
MR. STORCH: Right.
MR. MCCABE: -- for the FBI.
MR. STORCH: And the whole thing you've talked about in terms of the politicization concerns and the reason that you decided to authorize disclosure of the August 12th discussion with Axelrod with all the implications that has for the relations with the FBI, between the FBI and the Department of Justice, right? So it doesn't --
MR. MCCABE: So, yes --
MR. STORCH: -- it's a significant disclosure, right? And so they're --
MR. MCCABE: The issues in the article are clearly significant, yes.
MR. STORCH: The Clinton Foundation, but also the politicization issues regarding the FBI, also for your relationship between the FBI and leadership of the Department of Justice, the Principal Deputy Assistant Attorney General was very upset that this was disclosed, right?
MR. MCCABE: He was.
MR. STORCH: And that's not a surprise. You could see that he would be, right?

MR. MCCABE: Yes.
MR. STORCH: But you made a judgment that because of the politicization concerns, it was worth doing that, right?
MR. MCCABE: I think it's more complicated than that.
MR. STORCH: Okay.
MR. MCCABE: I think I made a judgment that the article as proposed would be greatly damaging to the FBI.
MR. STORCH: Fair enough.
MR. MCCABE: And so I thought it was important that the article reflected what we had actually done in terms of pushing back on DOJ influence on, on, on how we were doing our work.
MR. STORCH: Thank you.
MR. MCCABE: So, and, and to be perfectly clear, I think what I said earlier, if I didn't --
MR. STORCH: No, no.
MR. MCCABE: -- I would like to be --
MR. STORCH: Yes.
MR. MCCABE: -- I would like to be clear about this. I -- I recollect talking to Director Comey after the article when I returned to the Hoover Building, it is possible that I spoke to him at some point during that weekend before I returned.

MR. STORCH: Um-hmm.
MR. MCCABE: I just don't remember that. I'm sure that the phone records would indicate if we had had a call or an email. You know, I just don't, I just don't remember talking to him before getting back to Hoover.
MR. STORCH: And really what I was getting to is understanding that your view of your authority is you didn't have to notify him, you could have notified him if you wanted to do so.
MR. MCCABE: I could. I can contact Director Comey. It was challenging to contact him on that day.
MR. STORCH: Right. Right.
MR. MCCABE: Because of everything that he was doing and the fact that he told me he didn't want to talk to me earlier in the day.
MR. STORCH: Right.
MR. MCCABE: So there was that. And I did not believe that I needed to contact him to authorize the disclosures that I, that I authorized Mike and Lisa.
MR. STORCH: Right. And just to be clear for the record, when he said, and we talked about this yesterday, it wasn't about this that he said he didn't want to talk to you. It wasn't about the subject matter of the October 30th article.
MR. MCCABE: That's correct.

MR. STORCH: It's about other stuff.
MR. MCCABE: That's correct.
[redacted] As I understand it, correct me if I'm wrong, that the process involved when you authorize someone to, at the FBI to disclose information to the media on FBI matters is, is, I don't want this to sound crass, but nothing more than you orally telling someone you have my authorization to go interact with, whether it's Kortan, or, I don't know if you can actually tell someone to directly, can you tell someone directly to talk to the media without OPA being involved?
MR. MCCABE: I wouldn't.
[redacted] But can you?
MR. MCCABE: I wouldn't. I mean it's --
[redacted] Have you ever?
MR. MCCABE: No.
[redacted] Okay. But it, it is nothing more than -- well, I shouldn't say it like that. It can be done simply by oral instruction. It doesn't have to, there doesn't have to be any written record created?
MR. MCCABE: That's correct.
[redacted] Do you know, does the FBI or DOJ have any written guidelines on background conversations?
MR. MCCABE: I don't know.
[redacted] Did you have anyone, did you have,

b6 Per OIG
b7C Per OIG
b6 Per OIG
b7C Per OIG
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b7C Per OIG

did you have Mr. Kortan or Ms. Page check to see whether or not the disclosure of the details of your August 12th call with Mr. Axelrod regarding the Clinton Foundation investigation, whether that disclosure was consistent with the FBI's policy on disclosures to the media or any DOJ policies. Did anyone check that?

MR. MCCABE: I don't know if they did. I didn't ask them to. I expect that Mike Kortan, who kind of owns that policy and that process, as informal as it is, for the FBI is, you know, will alert me to those kind of guardrails.

b6 Per OIG
b7C Per OIG

[redacted] And Kortan didn't say anything to you, I don't know if he calls you boss or whatever, but Mr. McCabe, sorry, I know you want to release this call. This is the best evidence to counter this issue that Barrett wants to roll out, but we can't do it under policy. You didn't get any feedback like that?

MR. MCCABE: No.

MR. STORCH: Any discussion of policy at all in the discussion that led up to the disclosure?

MR. MCCABE: I don't remember discussion policy in those calls.

MR. STORCH: With any of the, I think you said Kortan and Page.

MR. MCCABE: Right.

MR. STORCH: There were several discussions, right?

MR. MCCABE: That's right.

MR. STORCH: And on the background thing, I don't know if you're going to come back. So if you are, just throw something at me, but.

MR. MCCABE: Um-hmm.

MR. STORCH: Right? It would be the first time nor the last. I've had judges and reporters do it. Reporters definitely. But no, seriously. With regard to the -- what was I going to ask about?

b6 Per OIG
b7C Per OIG

[redacted] Background conversation.

MR. STORCH: Background, thank you. Do you think it would be, the, there clearly is the ability under various policies for certain individuals at high levels, like yourself, to make a determination that it's appropriate to make a disclosure in the public interest. You know, there were a number of things, right? So, no question those policies exist. Do you think it's appropriate that even, would you think it appropriate that if a decision is made to make such a disclosure, that it be done on background as opposed to we're now, we've determined that this is appropriate disclosure, we're going to disclose?

MR. MCCABE: I'm sorry, can you tell me exactly where the question is?

MR. STORCH: Well, I'll make it shorter. Is it appropriate to disclose, if a determination is made that it's appropriate to disclose the existence of an investigation, is it appropriate to do that on background, as opposed to coming out and saying the FBI --

MR. MCCABE: Right, right.

MR. STORCH: -- determined we're going to disclose it?

MR. MCCABE: I guess I can think of different factual scenarios in which it might be advantageous to do it that way as opposed to overt ways.

MR. STORCH: Like what?

MR. MCCABE: I mean, I'm just guessing here. You're asking me to speculate.

MR. STORCH: Yep.

MR. MCCABE: So I'm speculating. But, you know, in a matter where you are correcting a factual record, you know, which reporters call us to ask us to do all the time. You might correct a fact that in some way creates that implication that there is a, there is a pre-existing investigative interest. But that might be more important to, to make sure that a story doesn't go forward alleging all kinds of incorrect things about people or whatever. So, I guess I can, I can imagine a way in which that might

b6 Per OIG
b7C Per OIG

be advantageous to do it.

[redacted] Okay. And, but, but here, just to be clear, you did not understand that you were authorizing disclosure of an investigation. At least that's not the way you viewed it.

MR. MCCABE: That is not the way I viewed it.

MR. STORCH: Why not?

MR. MCCABE: Because I didn't think that that's what the story was about. It certainly was not the purpose of, of, of referring to that conversation we discussed earlier.

MR. STORCH: Um-hmm.

MR. MCCABE: There really was not any discussion of the case, of the merits of the case, the targets and subjects of the case, the evidence in the case, so I did not see it as a disclosure about the Clinton Foundation case.

MR. STORCH: But to play devil's advocate just a bit.

MR. MCCABE: Okay.

MR. STORCH: Wouldn't disclosing to a national media outlet or anybody else --

MR. MCCABE: Um-hmm.

MR. STORCH: -- disclosing that the Deputy Director of the FBI had a discussion with the Principal

Deputy Assistant Attorney General of the United States in which you took, asked are you telling us to shut down a validly predicated investigation, and they say no, we're not telling you to do that, wouldn't that have the effect of confirming the existence of that investigation?

MR. MCCABE: I mean, I think it clearly creates that implication.

MR. STORCH: Well, I mean, there's not really a question about that. It clearly does, right?

MR. MCCABE: Yeah.

MR. STORCH: And, but, so are you saying you didn't think of it that way at the time? But you're --

MR. MCCABE: I did not.

MR. STORCH: But you acknowledge it did?

MR. MCCABE: I mean, I'm not sure I understand the difference in what you're asking.

MR. STORCH: Well, one, one's, one's a question of what's in your mind.

MR. MCCABE: Yeah.

MR. STORCH: And my understanding is your testimony is, and correct any of this if it's wrong.

MR. MCCABE: Yes.

MR. STORCH: But my, my understanding from what I've heard is that you said you didn't view it as acknowledging the existence of the Clinton Foundation

investigation. Right?

MR. MCCABE: That's right.

MR. STORCH: You were addressing this politicization issue, and you thought this call was the best way to do it, right?

MR. MCCABE: Yes, that's right.

MR. STORCH: And others did too. There was discussion, so.

MR. MCCABE: Yes.

MR. STORCH: But my question to you, which I think you've said you've agreed with, is that wouldn't the natural consequence of recounting that conversation be to acknowledge the existence of the investigation that you had the conversation about, right?

MR. MCCABE: I can see that as a natural consequence.

MR. STORCH: Right. And so, even if you didn't intend it, would you agree that that's what happened here? That this article did acknowledge the existence of the Clinton Foundation investigation?

MR. MCCABE: I think the, the entire article discusses the existence of the Clinton Foundation case, or has had many articles prior to this. I think that the inclusion of the, of the August 12th phone call was our way of trying to change the narrative about FBI influence.

MR. STORCH: I understand the purpose. But in doing that, it goes from being speculate, media talking about investigations that may be out there --

MR. MCCABE: Um-hmm, um-hmm.

MR. STORCH: -- to a person close to the Deputy Director recounting in quotes a specific discussion with a senior Department official. I'm not trying to belabor this. It's --

MR. MCCABE: But I, I --

MR. STORCH: There's no question that that acknowledges --

MR. MCCABE: I understand what you're saying. But this, I do not see this as an FBI official we are investigating the Clinton Foundation. I don't see this as the same thing.

MR. STORCH: Because it's done on background, or?

MR. MCCABE: I mean I, I get that there's all kinds of degrees of interpretation here, some of which are created by the fact that it's on background, some of which may be by the fact that I don't actually refer, or they don't refer, in the quotes from the, from the conversation to, I, I say a, a predicated case. It doesn't say the Clinton Foundation case. So, is it clear that people can interpret what they will from it? Yes, they can. But I

see it as different than like a, like Director Comey's statements on the Hill in which he acknowledged the existence of investigations into Russian collusion.

MR. STORCH: Fair enough. But I just, with regard to the not, with the quote not specifically saying which investigation, you understood that you were authorizing Page and Kortan to disclose this conversation in the context of dealing with Devlin Barrett on an article about the Clinton Foundation investigation.

MR. MCCABE: Yes.

MR. STORCH: There wasn't any question in your mind what he would write that related to, it wasn't like it could be some other investigation.

MR. MCCABE: That's right. That's right.

MR. STORCH: Right.

MR. MCCABE: Um-hmm.

MR. STORCH: Just to be clear.

[redacted] And, and just a couple minor points about, of this. If someone were an avid follower of what was happening, if anything, with respect to an investigation on the Clinton -- if anything, if the FBI had an open investigation on the Clinton Foundation. as you sit here today, is this the first, is the October 30th article the first instance that you're aware of where someone at your level is referred to with respect to there

b6 Per OIG
b7C Per OIG

being some type of investigation into the Clinton Foundation as opposed to FBI agents, quoting FBI agents. You know, at this, this article is referring to you specifically.

MR. MCCABE: Um-hmm.

b6 Per OIG b7C Per OIG: At your level.

MR. MCCABE: Well, the article refers to the conversation that I had --

b6 Per OIG b7C Per OIG: Right.

MR. MCCABE: -- with DOJ. Right.

b6 Per OIG b7C Per OIG: Right.

MR. MCCABE: So --

b6 Per OIG b7C Per OIG: The question is, prior articles, as far as I'm aware of, do not get into any specificity about any FBI official named specifically here. This is naming you specifically saying are you telling me to shut down a validly predicated investigation. I understand that Mr. McCabe asked that. If someone reads that, that gives some imprimatur almost that this exists as opposed to, as Rob, Mr. Storch was saying speculative. Do you disagree with that?

MR. MCCABE: There's a lot there. I mean, the article itself discusses me by name in many different contexts.

b6 Per OIG b7C Per OIG: Right.

MR. MCCABE: Right?

b6 Per OIG b7C Per OIG: Um-hmm.

MR. MCCABE: So, are you asking me if I'm aware of the previous article that talked about the Clinton Foundation that referred to an FBI executive?

b6 Per OIG b7C Per OIG: Right.

MR. MCCABE: I am not. But I am not an authority on every article that's been written about the Clinton Foundation.

b6 Per OIG b7C Per OIG: Okay.

MR. MCCABE: Thank God. There's a lot of those out there.

b6 Per OIG b7C Per OIG: Yeah.

MR. MCCABE: So, I kind of --

b6 Per OIG b7C Per OIG: And --

MR. MCCABE: I don't --

b6 Per OIG b7C Per OIG: Well, well going back also -- I'm sorry. I cut you off, but.

MR. MCCABE: No, I was just saying I can't assess that. Go ahead.

b6 Per OIG b7C Per OIG: When you were mentioning Mr. Comey before, and you were juxtaposing the difference when he had directly acknowledged something -- what was it you were referring to a moment ago when he directly acknowledged something?

b6 Per OIG b7C Per OIG: The Russia investigation.

b6 Per OIG b7C Per OIG: Russia? Okay.

MR. MCCABE: Russia, yes.

b6 Per OIG b7C Per OIG: And, and so, I'm sure you're aware that in July 2016, when Mr. Comey was testifying to Congress about the Clinton email investigation.

MR. MCCABE: Yeah.

b6 Per OIG b7C Per OIG: During that testimony, Mr. Comey refused to comment on the existence or nonexistence of a Clinton Foundation investigation during, during that testimony. Are you aware of that?

MR. MCCABE: I did not remember that until you mentioned it.

b6 Per OIG b7C Per OIG: Do you have any reason to, to doubt that he did that?

MR. MCCABE: No.

b6 Per OIG b7C Per OIG: And so as of October 30th, 2016, I assume then that you didn't have any information that Mr. Comey had changed his position of, of no comment with respect to the existence of a Clinton Foundation investigation?

MR. MCCABE: I'm not aware of, of anything that would indicate that.

b6 Per OIG b7C Per OIG: Okay. I know you had said that you viewed this disclosure -- well, let me say this differently. As Deputy Director, did you view the disclosure of the August 12th call as in the best interest of the FBI, when you were making that decision?

MR. MCCABE: Yes.

b6 Per OIG b7C Per OIG: And that was for the reasons you expressed earlier?

MR. MCCABE: Yes. I mean, do you really want me to go through that again, are you guys --

MR. STORCH: I got it.

b6 Per OIG b7C Per OIG: I think I have a good understanding.

MR. MCCABE: I don't think anyone around this table wants that.

b6 Per OIG b7C Per OIG: Would it be fair to say that that disclosure, though, could have a negative effect on future DOJ-FBI relations?

MR. MCCABE: I would say that it did not. So, I mean, it was a very brief period where people were frustrated at each other. But as we do with all of these situations, and there are many, we get passed our frustrations, and we continue to work on them. So I, I don't think, I can't sit here and say what it would be fair to say. I know what I experienced, which was that it did not have a lasting negative impact on our relationship with the Department.

FBI 18-cv-01766-803

b6 Per OIG
b7C Per OIG

[redacted] Well, let me ask you this, then. When you were discussing either in your own, whether you, when you were thinking about this either by yourself or discussing with Ms. Page and Mr. Kortan about disclosing the account of the August 12th call, was there any consideration about whether disclosing this could have a chilling effect on future conversations at your level on sensitive investigations with ODAG and the Principal Deputy Attorney General?

MR. MCCABE: I don't think, I didn't think, and nobody expressed to me in those conversations, that they thought there would be a lasting, chilling effect on the relationship or on our exchanges on, on cases. I think we all acknowledged that Matt would probably be angry. And obviously we did talk about how this would be perceived by if not DOJ, at least the PADAG. But we did not have a discussion about, like, and, and think that this could negatively impact FBI-DOJ relations at large.

b6 Per OIG
b7C Per OIG

[redacted] Can I ask a question there?

[redacted] Um-hmm.

[redacted] I'm wondering if when you were having your conversations with Lisa Page and Mike Kortan --

MR. MCCABE: Um-hmm.

b6 Per OIG
b7C Per OIG

[redacted] -- you talked about whether they were authorized to name Matt Axelrod by name.

MR. MCCABE: I don't think we ever seriously considered naming Matt Axelrod.

b6 Per OIG
b7C Per OIG

[redacted] So were the instructions --

MR. MCCABE: Didn't see it as necessary.

[redacted] What were the instructions that you gave them about who it was they were to identify that was on the other end of that phone call?

MR. MCCABE: I don't remember the instructions, specifically, but there was never a, like a conversation about we should name Matt or we shouldn't name Matt. I think we were all in agreement that we would do this like without, without doing that.

b6 Per OIG
b7C Per OIG

[redacted] Okay. And what is it about those conversations that makes you think you were all in agreement about that?

MR. MCCABE: Because that's the way we did it. And I don't remember us debating whether we should do that or not.

b6 Per OIG
b7C Per OIG

[redacted] Okay.

MR. MCCABE: It was just kind of assumed from the beginning.

b6 Per OIG
b7C Per OIG

[redacted] That you wouldn't take it that far?

MR. MCCABE: Yes.

[redacted] Okay.

MR. STORCH: Before we leave the conversation --

b6 Per OIG
b7C Per OIG

[redacted] Yeah.

MR. STORCH: -- can I just ask, did you, did you have any discussion about whether by confirming the discussion, the (*indiscernible 4:16:55) discussion, whatever, that would have the effect of (*indiscernible 4:17:00) Clinton Foundation investigation. Was that one, of the things that was talked about in those discussions?

MR. MCCABE: I don't remember. I don't remember us being focused on that.

MR. STORCH: Any, any (*indiscernible 4:17:14) any discussions about there's no real way to do this without acknowledging the existence of the investigation, or, tacitly or otherwise?

MR. MCCABE: Yeah.

MR. STORCH: Yeah, that impact, was that discussed?

MR. MCCABE: I don't remember discussing that. It's possible. I don't remember that the, you know --

MR. STORCH: Yeah, right. As you're here today, do you remember that being discussed?

MR. MCCABE: No, I don't.

b6 Per OIG
b7C Per OIG

MR. STORCH: Okay. [redacted] And I have one more question about that article. When you read the totality of the October 30th Wall Street Journal article.

MR. MCCABE: Um-hmm.

b6 Per OIG
b7C Per OIG

[redacted] It contains, the statements we've talked about that you authorized, there's also lots in here, things in there that you did not authorize, like the discussions of the stand down order and things of that nature, right?

MR. MCCABE: That's right.

b6 Per OIG
b7C Per OIG

[redacted] When you were talking about this article after it was published with Director Comey, others at, other executives at the FBI, DOJ, even INSD --

MR. MCCABE: Um-hmm.

b6 Per OIG
b7C Per OIG

[redacted] -- were you always careful to distinguish between the thing that you authorized versus the rest of (*indiscernible 4:18:11)?

MR. MCCABE: That's a good question. I don't, I don't know. I'm sure that Director Comey and I talked like, well, I shouldn't say sure. We likely discussed the other information in the article, and that it was not consistent with our recollection of how things had actually taken place. So, so he would, he would derive from that conversation that it wasn't, certainly wasn't part of the information I authorized Mike and Lisa to share. But I, but I can't, I don't know that I've had that kind of specific parsing out of conversation with other people.

b6 Per OIG b7C Per OIG [redacted] I'm just wondering because this is one of the articles that when people point to the FBI was having a leaking problem.

MR. MCCABE: Um-hmm.

b6 Per OIG b7C Per OIG [redacted] Right? This is one of the major pieces where people say, look the New York Field Office is credited in here. You know, FBI agents, people that know, and there's an awful lot of statements in the totality of this article that suggests that, like you said to Mr. Sweeney, they need to get their house in order.

MR. MCCABE: Yes.

b6 Per OIG b7C Per OIG [redacted] Right. And I am just wondering if when you're talking with, with, if when you're talking about it with the executives, you're careful to draw that line. You know, this a big article that contains a lot of leaks, but I authorized that part of it.

MR. MCCABE: I don't, I don't remember doing that. I mean, I don't remember doing that. But as we talked about earlier, there is certainly executives among that group who had heard this story from me before.

b6 Per OIG b7C Per OIG [redacted] Um-hmm.

MR. MCCABE: Of people who, there are, there are definitely people who knew that I had had Mike and Lisa talk to Devlin Barrett, so I can't, I can't very accurately sit here and say that those other people knew

that I had, they authorized this piece but not the rest of the page, that sort of thing.

b6 Per OIG b7C Per OIG [redacted] Okay. Was there any pushback from Sweeney when you talked to him about this, about, it seems like you have some work to do in not getting words from your mouth out into the press.

MR. MCCABE: Like, did he tell me that?

b6 Per OIG b7C Per OIG [redacted] Yeah.

MR. MCCABE: I mean, he could have. Bill and I have known each other for a long time. We have very open conversations.

b6 Per OIG b7C Per OIG [redacted] But technically --

MR. MCCABE: But --

[redacted] I mean --

MR. MCCABE: I don't remember him saying that.

[redacted] I was going to say, you're, you

b6 Per OIG b7C Per OIG are, you do outrank him, right?

MR. MCCABE: He reports to me.

[redacted] Yeah.

MR. MCCABE: Right. But like I said, I mean, Bill and I, you know, we, there, Bill and I can, can yell at each other on the phone and then call back five minutes later and, I mean, we just are very familiar. So. Bill, I'm sure, I can't imagine, I shouldn't say I'm sure. I can't imagine Bill would ever hold back telling me

something that's bothering him.

b6 Per OIG b7C Per OIG [redacted] Do you remember him bringing that up with you?

MR. MCCABE: I don't remember him saying that specifically.

MR. STORCH: I just want to ask. You mentioned a few times in different contexts that there were other people who you believe knew that Page and Kortan had, had this discussion that you had authorized this, said that you had authorized them to talk. Who are those other people, just to be clear?

MR. MCCABE: Well it's, I'm, I am speculating or guessing, not guessing.

MR. STORCH: Well based on -- I don't want you to guess.

MR. MCCABE: My interactions --

MR. STORCH: But based upon your interactions with people, who are the other people you've indicated you believe had knowledge that you authorized this.

MR. MCCABE: Likely Jim Baker.

MR. STORCH: Yeah.

MR. MCCABE: Likely Jim Rybicki.

MR. STORCH: Um-hmm.

b6 Per OIG b7C Per OIG MR. MCCABE: Possibly Bill Priestap.

[redacted] And this is solely for the October

30th article, correct?

MR. MCCABE: Um-hmm.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: Like, people who would have known that Lisa and Mike were interacting with Devlin Barrett on this, and doing so with my knowledge.

MR. STORCH: Yes, the second --

MR. MCCABE: Yeah.

MR. STORCH: And not even knowledge. I want to get to authorization, because we, it comes up in different contexts. But I just want to be clear. Who are the individuals who you believe, based on your interactions with them would have known that you authorized Lisa and Mike to talk to Barrett? You said Baker --

MR. MCCABE: I, I --

MR. STORCH: -- Rybicki.

MR. MCCABE: Right. Priestap.

MR. STORCH: Possibly Priestap. Anyone else? The Director I guess.

MR. MCCABE: The Director.

b6 Per OIG b7C Per OIG [redacted] After.

MR. STORCH: After the fact.

MR. MCCABE: Um-hmm.

MR. STORCH: Others?

MR. MCCABE: I, I would have had conversations

with Jim Baker that day. It's possible that we discussed it in those conversations. But other than that, I don't remember talking to anyone, any of these other people that day, so they would all then be after the fact.

MR. STORCH: Even after the fact, who else would know?

MR. MCCABE: I don't know. I mean, I don't know who Mike talked to about what he was doing that day. And that could be anybody.

MR. STORCH: Sure. Who else do you think, who else would you have talked to about having authorized it, even after the fact?

MR. MCCABE: I can't think of anyone else.

MR. STORCH: Okay. I just want to make sure we've captured.

MR. MCCABE: Yeah.

b6 -1,Per OIG b7C -1,Per OIG [redacted] What about [redacted] who was your former chief of staff, right? Would he have known?

MR. MCCABE: It's possible.

b6 Per OIG b7C Per OIG [redacted] Do you have any recollection of informing him before or after the fact that you authorized that?

MR. MCCABE: I don't.

b6 -1,Per OIG b7C -1,Per OIG [redacted] What about your current, is it [redacted]--

b6 -1,Per OIG b7C -1,Per OIG MR. MCCABE: [redacted]?

[redacted] Is he your current chief of staff?

MR. MCCABE: Yeah. I don't think he was even there then.

b6 Per OIG b7C Per OIG [redacted] Would you have told him after the fact if this ever came up? Do you have any specific recollection of telling him after?

MR. MCCABE: I do not.

b6 Per OIG b7C Per OIG [redacted] So I placed before you my understanding of the current FBI policy, although known to me, as I understand in talking in our conversation today that the FBI has a newly approved media policy.

MR. MCCABE: That's right.

[redacted] So --

MR. MCCABE: That wouldn't have been --

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: -- in place at the time.

[redacted] Right.

MR. STORCH: Is this the one that was in place at the time of the events?

MR. MCCABE: Yes.

MR. STORCH: Yes, okay.

b6 Per OIG b7C Per OIG [redacted] So, first of all, have you seen this document before?

MR. MCCABE: I have. Is this a good place to

take a break really quick?

[redacted] We could, yes. Absolutely.

(Whereupon, the above-entitled matter went off b6 Per OIG b7C Per OIG the record and back on the record.)

[redacted] Back on the record after a short break. So we were just about to get into what I've shown as the FBI media policy dated October 13th, 2015, which was in existence at the time of the October 30th -- did I say -- I'm repeating the date for the record because I can't remember if I said 2016 or 2015. The document is dated October 13th, 2015, FBI Media Policy, which was in existence on the date the Wall Street Journal article appeared on, approximately one year later.

So if you could turn to Section 3.4, which is on Page 9. And it talks about the contents of disclosure. Just let me know when you're there.

MR. MCCABE: Um-hmm.

b6 Per OIG b7C Per OIG [redacted] So the, the first two lines talk about, I'll read it for the record. Section 3.4, Content of Disclosure. Disclosures must not prejudice an adjudicative proceeding, and, except as indicated below, must not address an ongoing investigation. Do you see that there?

b6 Per OIG b7C Per OIG MR. MCCABE: I do.

[redacted] And then, there's a couple more

descriptive information. But in the fourth paragraph, it talks about, it is permissible in some instances to selectively release information. Do you see that there?

b6 Per OIG b7C Per OIG MR. MCCABE: I do.

[redacted] And then it talks about with, only with prior approval of, of FBI headquarter entities, and it identifies OGC and operational FBI headquarter divisions as appropriate coordinated by OPA. As I understand your earlier testimony, that did not occur with respect to the disclosure of the August 12th call for the Wall Street Journal article.

MR. MCCABE: Which specifically did not occur? You're saying that --

b6 Per OIG b7C Per OIG [redacted] The, the consultation with OGC, operational FBI headquarter divisions. I'm not saying it's required, but it didn't occur, right?

MR. MCCABE: Well, I mean, are we not addressing whether or not it was required?

b6 Per OIG b7C Per OIG [redacted] Well --

MR. MCCABE: It seems like, I mean I, I --

[redacted] I'll acknowledge the language says as appropriate.

MR. MCCABE: Yeah.

b6 Per OIG b7C Per OIG [redacted] It says, I mean --

MR. MCCABE: Where, which language are you

pointing to?
b6 Per OIG b7C Per OIG
The sentence here says, I'll read it for the record. In some instances, it is permissible to selectively release information, but only with the prior approval of FBI headquarter entities.
MR. MCCABE: Right.
In parenthesis, OGC and operational FBI headquarter divisions as appropriate --
MR. MCCABE: As appropriate, coordinated by OPA.
b6 Per OIG b7C Per OIG
-- coordinated by, OPA under the careful supervision of OPA.
MR. MCCABE: Okay.
So, did any of that coordination occur before the disclosure happened to the Wall Street Journal?
MR. MCCABE: I was not a part of coordination that's described here. I cannot tell you if Mike Kortan was engaged in that sort of coordination. That would be his role. And I don't, I don't know if it happened or not.
b6 Per OIG b7C Per OIG
Okay. And he, he didn't give you any specific information when he said I did this, did this coordination?
MR. MCCABE: No. Not that I recall.
b6 Per OIG b7C Per OIG
And then, the last paragraph,

starting with for example. It talks about it may be permissible to selectively release information --
MR. MCCABE: Yes.
b6 Per OIG b7C Per OIG
-- to assure the public that an investigation is in progress.
MR. MCCABE: Um-hmm.
Can you just describe in your own words how the disclosure that was, that you authorized to the Wall Street Journal on October 30th was consistent with what's discussed here?
MR. MCCABE: Well I, as I said before, I do not believe that the disclosure I authorized addressed an ongoing investigation.
b6 Per OIG b7C Per OIG
Okay.
MR. MCCABE: I've talked at length about the reasons for the disclosure and why I saw that as different than the disclosure that addressed a specific case. And so that's kind of how I see what I did in conjunction with this policy.
b6 Per OIG b7C Per OIG
Okay. So, is it fair to say that you personally, as you sit here today, and it may be even back then too. So make any correction as need be, did not see that this, this section applicable to your disclosures that you made, that you authorized to the Wall Street Journal on October 30th?

MR. MCCABE: I don't believe -- yes. I think that's accurate.
b6 Per OIG b7C Per OIG
Okay.
MR. MCCABE: I think that's accurate.
And you didn't see it applicable the and now?
b6 Per OIG b7C Per OIG
MR. MCCABE: That's right. That's right.
Okay. Was any consideration given at the time when you were talking with Mr. Kortan and Ms. Page about how we're going to respond to what we think Mr. Barrett's article is going to cover about the fact that Mr. Comey had literally that day or the next day made notice to Congress about the reopening of the Clinton investigation and how doing this might already throw more gas onto the fire in already turbulent times for the FBI? Was there any thought about that?
MR. MCCABE: No. I don't remember us discussing that. Our conversations were focused on the story and, and what Devlin had reported to Mike in terms of what he was going to publish.
b6 Per OIG b7C Per OIG
Yesterday, you had mentioned that, that you were bothered by a leak that only a small number of people were privy to in a meeting with the then-Attorney General, then-Director Comey where it was insinuated that it was done by the FBI. Was the

disclosure of the private conversation that you had with Mr. Axelrod, how was that at all different from what happened there?
MR. MCCABE: I think, if I recall the email you showed me yesterday, right, what I was frustrated by was the --
b6 Per OIG b7C Per OIG
Um-hmm.
MR. MCCABE: -- was the, I don't know, it was an inaccurate accusation or an insinuation, whatever it was, the suggestion by DOJ that it was the FBI people who were in the area that were responsible for the leak.
b6 Per OIG b7C Per OIG
Um-hmm.
MR. MCCABE: That, that was --
Okay.
MR. MCCABE: (*Indiscernible 4:31:47) that was the source of my frustration that was reflected in the email.
Okay. And again, correct me if I'm, because I'm recalling what you said.
b6 Per OIG b7C Per OIG
MR. MCCABE: Um-hmm.
And if I'm saying anything incorrectly, I want you to correct me, that I thought part of what you were articulating was not only the insinuation that the FBI did it, but it was only a small number of people privy to that information, and therefore the

suggestion that leaks that only small, a small number of people had access to would become public was, was disturbing to you. Is, am I, did I misunderstand that from yesterday?

MR. MCCABE: I don't think I was focused on like the number of people so much as it's, as like it was using that as an example like kind of, wow, they're, if they're saying that FBI is responsible for this information, then they are, you know, by definition saying it was either me or, or those other people on the email, four or five people on it. And that seemed a little unfair to me at the time. But this is a process that we go through with probably regularity now.

b6 Per OIG
b7C Per OIG

Um-hmm.

MR. MCCABE: And each one of these issues. I was interviewed a few months ago about a very similar issue on a totally different leak matter. And like I said before, it very frequently gets into, like, people on our side of the street thing DOJ is responsible, DOJ thinks that this, this is like a constant conversation between DOJ and the FBI. And almost all the time what we find out ultimately, if we ever get to the bottom of it, is that it wasn't any of the small number of people that were engaged in the conversation or present for the brief or had exposure to the intel. It's like, somebody who knows

somebody who was told by someone else. It's four rings of connections away, so.

b6 Per OIG
b7C Per OIG

Okay.

MR. MCCABE: This process of pointing the finger at each other is not particularly productive.

Um-hmm. Let me show you another document there. That's portions of the Office of the United States Attorney's Manual on Media Relations, Section 1-7.000.

MR. MCCABE: Okay.

b6 Per OIG
b7C Per OIG

And this is on page, let me see here, Page 7, Section 1-7.530 talks about disclosure of information concerning ongoing investigations.

MR. MCCABE: Okay.

b6 Per OIG
b7C Per OIG

Do you know if Mr. Kortan or Ms. Page considered what any aspect of, of this policy in making the disclosure to the Wall Street Journal?

MR. MCCABE: I don't know that they did. I don't remember discussing that with them.

b6 Per OIG
b7C Per OIG

Is Kortan responsible for, I know you talked a moment ago about he, I think you said he, so let me ask it again. I apologize if I'm repeating myself. Is it -- is Mike Kortan responsible for making sure that disclosures comply with the FBI media policy?

MR. MCCABE: Yes.

b6 Per OIG
b7C Per OIG

Does he have a similar responsibility with respect to ensuring that disclosures comply with any applicable DOJ policies?

MR. MCCABE: Yes, I think so. And he certainly is responsible for kind of coordinating with and interacting with DOJ on media matters. And that seems to me that would be where that would come out.

And then focusing where I was highlighting a moment ago on this section.

b6 Per OIG
b7C Per OIG

MR. MCCABE: Um-hmm.

1-7.530, was the disclosure in your view consistent with this provision here about disclosing information concerning ongoing investigations?

MR. MCCABE: For the reasons I previously stated, I don't believe that the disclosure I authorized is inconsistent with this.

b6 Per OIG
b7C Per OIG

Because you, because?

MR. MCCABE: Because I was not authorizing the disclosure of the existence, nature, or progress of things that are, that are cited here. I don't, I don't profess to have great experience reading this regulation. But again, my purpose was to address the information in the article relative to FBI independence. And that's what I, that is the reason why I disclosed the substance of a phone call.

b6 Per OIG
b7C Per OIG

Did any, after the article was published, did any FBI executive, then-Director Comey, Jim Baker, anyone who you have significant interaction with at that level come up to you and say, you know, we're disclosing, we're confirming the existence of an ongoing investigation here. What happened?

MR. MCCABE: No.

b6 Per OIG
b7C Per OIG

No, that subject never came up, confirming an existing investigation on the Clinton Foundation with respect to the disclosure that you authorized?

MR. MCCABE: No.

b6 Per OIG
b7C Per OIG

Okay.

I'm just wondering for clarification, with the previous policy, you said you didn't think that the Section 3.4 applied to what you were disclosing.

MR. MCCABE: I'm sorry. What page is that on again?

b6 Per OIG
b7C Per OIG

It's on Page 9.

MR. MCCABE: Thank you.

I thought I heard you say you didn't think this applied because you weren't really disclosing information about the existence of an investigation. And I'm wondering if your opinion with respect to 1-7.530 is

the same, that you feel like it didn't apply, or that what you did was consistent. I didn't understand what you had said.

MR. MCCABE: I'm not sure I know there is a difference between does not apply or is consistent with.

b6 Per OIG b7C Per OIG [redacted] Oh, I mean, one has to do with whether a policy was followed.

MR. MCCABE: Okay.

b6 Per OIG b7C Per OIG [redacted] One has to do with whether the policy applies at all. And so I'm just asking --

MR. MCCABE: I guess, I guess my, maybe to be more clear about my comments about 3.4, I don't believe that what I, what I authorized disclosed was inconsistent with the policy.

b6 Per OIG b7C Per OIG [redacted] Oh, okay. I thought, I thought you, I understood you to say that that policy doesn't apply at all because what you were doing didn't fall within what's contemplated by that policy.

MR. MCCABE: And I feel like that's the same thing. Because I believe what you and I just said is kind of two ways of saying the same thing.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. MCCABE: And I know Mr. Bruce thinks there's a better way.

MR. BRUCE: If, if, if what -- I'll try. This

is just an effort, so shoot me down if you will. Is what you're saying that you don't believe either policy applies and therefore the disclosure you made was not inconsistent with those limitations in those policies?

MR. MCCABE: You just combined us.

MR. BRUCE: I did indeed.

MR. MCCABE: I think that, I think that's right. I mean, like, essentially, I don't believe that what I authorized addressed an ongoing investigation.

MR. BRUCE: And so --

MR. MCCABE: So whether you feel like that means the policy didn't apply to what I did, or I didn't, it wasn't inconsistent with, to me that's the same thing.

MR. BRUCE: Right. You've got a policy that limits being able to disclose investigations, I'll say. And so you're not disclosing an investigation, either the policy doesn't apply or the disclosure that you have authorized is not inconsistent with that limitation.

MR. MCCABE: I think that's right.

MR. BRUCE: Is that what --

MR. MCCABE: Yeah.

MR. BRUCE: I mean, it sounds like that's where you are. But it's your --

MR. MCCABE: It sounds that way to me as well.

MR. BRUCE: Nothing.

[redacted] I don't have anything else to ask at this moment. Is there anything that you would like to add that we have not given you an opportunity or that you feel you want to say? That we welcome.

MR. MCCABE: If I could just address the purpose behind the disclosure. No, I'm just kidding. No, I --

[redacted] Wow, look at the time.

MR. MCCABE: I know, I was like -- b6 Per OIG b7C Per OIG

MR. STORCH: I'm fine.

[redacted] Okay. Well --

MR. BRUCE: But if there is, we'd like the chance to, you know, reflect and come back as you offered before.

MR. MCCABE: Yeah.

[redacted] Absolutely. b6 Per OIG b7C Per OIG

MR. MCCABE: Yeah.

[redacted] And to the extent this wasn't reflected formally on the record, we want to thank you very much for your time on this matter. We recognize that you are a very busy person. So I don't want that to get lost in anything. So, we will go off the record on the portion of the matter that we've been talking about since this morning at around 3:15-ish. Thank you very much.

MR. MCCABE: Okay, thank you.

(Whereupon, the interview was concluded.)

CERTIFICATE

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Interview of Andrew McCabe

[redacted] Transcriber b6 Per OIG b7C Per OIG

December 8, 2017

Date

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*

*Indiscernible (27)
22:24;23:12;59:8,13;
64:2;80:23;85:6;90:23;
117:18;126:8;128:17;
136:16;144:8;148:13,
14;176:25;179:6;
183:6;190:20;191:10;
203:5;215:16;240:4,5,
10;241:14;253:15

A

aback (1)
22:8
Abbate (3)
114:22;115:14;116:9
b6 Per OIG [redacted]
b7C Per OIG
ability (2)
122:21;227:14
able (6)
20:10,10;37:24;
185:8;220:18;259:15
above-entitled (3)
72:4;184:25;248:3
absolutely (6)
13:3;40:6;66:11;
112:12;248:2;260:15
accepted (1)
95:24
access (5)
56:9,10;216:7;
218:17;254:2
accomplished (1)
133:23
according (2)
51:4;174:8
account (20)
46:14,16;65:1;66:6,
23;67:24;68:16;76:7,
16;77:14;85:24;95:18;
96:17;101:18;111:3;
137:5;154:19;174:13;
188:23;238:5
accountable (3)
133:17;134:14;
135:15
accurate (24)
46:16,18;58:13;
69:14;73:3;74:17,20;
82:5,13;150:8;158:5;
161:1;168:8;171:2;
172:6,16;173:4,5;
195:1;196:21,23;
252:2,4;261:3
accurately (3)
151:25;152:2;242:25
accusation (1)
253:9
accused (1)
125:1
achieved (2)
85:25;114:9
acknowledge (4)
230:14;231:13,19;
249:21
acknowledged (9)
71:4,11,12;122:18;
212:19;233:2;235:23,
25;238:14
acknowledgement (1)
42:12
acknowledges (2)
212:10;232:11
acknowledging (3)
211:20;230:25;
240:12
across (4)
50:7;96:13;104:14;
125:20
acting (5)
150:23;154:14;
160:5,8;169:4
action (1)
164:20
actions (1)
82:22
active (1)
48:20
activity (11)
17:13,18;34:18;
38:17;39:4;40:1;49:18;
134:14,18;213:10;
218:19
actor (3)
212:11;213:8,13
actual (2)
19:19;205:23
actually (26)
20:1;24:6;35:17;
37:14;39:24;51:2;
52:25;80:2;89:16;
90:25;114:9;129:16;
141:5;142:12,22;
146:23;158:22;160:9;
175:20;205:6;212:3;
219:15;223:12;225:9;
232:21;241:20
AD (1)
208:15
add (4)
17:10;111:14;
169:18;260:3
added (2)
151:2;170:3
addition (2)
61:7;153:25
additional (1)
139:16
address (5)
154:13;215:19;
248:22;256:22;260:5
addressed (6)
150:14,17;186:15;
251:12,17;259:9
addressing (2)
231:3;249:17
ADIC (2)
36:11;124:24
ADICs (1)
39:24
adjudicative (1)
248:21
admonished (1)
117:7
admonishment (2)
133:13,14
admonishments (1)
116:4
ADs (1)
97:21
advance (3)
103:5;219:18;221:23
advantageous (2)
228:11;229:1
advocate (1)
229:18
Affairs (3)
111:16;112:18;
208:16
affirmatively (4)
173:24;174:3,3,20
aftermath (3)
124:9;140:5;188:19
afternoon (3)
24:19;111:10;112:3
afterwards (9)
59:15,24;103:20;
105:3;106:7;119:8;
153:6;158:25;195:20
AG (6)
96:10,10,12;116:21;
125:15;157:23
again (29)
8:20;14:3;16:6;59:2;
71:10;77:20;79:6;
91:15;96:2;106:7;
113:3;118:18;120:8;
123:4;151:15;156:24;
173:21;174:1,14;
185:13;204:5;205:5;
215:7;221:16;237:8;
253:18;255:22;256:22;
257:19
agent (2)
87:8;133:23
agents (8)
36:17;38:23;79:10;
80:22;122:1;234:2,2;
242:7
ago (9)
31:8;53:23;135:19;
198:16;215:17;235:24;
254:16;255:21;256:9
agree (10)
88:12;140:16;
162:14;168:17;169:11,
12;171:3;181:12;
191:7;231:18
agreed (10)
148:11;165:4,13,23;
166:22;167:10;170:24;
171:6,8;231:11
agreement (5)
34:23;68:1;122:23;
239:11,15
AGs (1)
96:11
AG's (1)
133:13
ahead (7)
8:4;21:14;44:25;
105:1;151:13;166:3;
235:20
AIG (1)
172:19
airport (1)
43:22
alert (1)
226:10
Alfa (1)
88:10
allegation (2)
37:25;57:9
allegations (4)
4:2;17:8;34:17;
155:17
alleging (1)
228:23
all-encompassing (1)
79:5
alluded (1)
51:14
almost (5)
37:5;106:15;185:3;
234:19;254:21
alone (1)
43:17
along (3)
35:17;122:13;171:25
Although (6)
101:20;106:20;
124:21;186:2;198:10;
247:10
always (12)
50:5;87:7;104:17,17,
18;105:11;111:12;
112:20;126:3;129:1;
206:1;241:12
American (2)
58:14;60:25
among (3)
190:11;194:8;242:19
analyzed (1)
38:7
analyzing (1)
40:9
Andrew (5)
3:9;163:4;164:6,11;
261:8
b7E -1 [redacted]
angle (1)
69:11
angry (3)
94:17;125:15;238:14
announced (1)
42:9
announcement (2)
41:25;42:4
annoying (1)
49:25
anonymous (1)
213:2
answered (1)
186:16
anticipate (1)
87:18
anticipated (1)
135:18
anticipating (1)
95:25
anymore (2)
134:24;169:5
apologies (1)
106:6
apologize (5)
163:17;195:6;201:4;
204:20;255:22
apologized (1)
164:8
apparently (2)
128:24;148:3
appear (1)
174:22
appeared (6)
4:23;44:20;69:9;
75:19;158:7;248:13
appears (5)
33:11;52:25;120:18;
142:5;189:2
applicable (3)
251:23;252:5;256:3
applied (2)
257:16,23
applies (2)
258:10;259:2
apply (5)
258:1,5,16;259:12,
17
appreciate (2)
31:1;103:3
approach (2)
215:7;218:22
appropriate (16)
9:21;29:5,5;173:18;
210:11;227:17,20,20,
23;228:3,4,5;249:8,22;
250:8,9
approval (2)
249:6;250:5
approved (2)

FBI 18-cv-01766-810

135:23;247:12
approximately (3)
3:23;44:3;248:13
April (1)
146:15
area (1)
253:11
argument (1)
93:16
arm (1)
142:24
around (26)
13:15;15:22,24;
27:16;34:17;72:2;
73:22;91:19;93:11;
97:22;105:14;111:12;
116:25;132:14;137:13;
140:4;143:21;162:22;
164:17,18;184:24;
212:14;217:25;218:19;
237:12;260:23
arranged (1)
179:15
article (245)
4:23,24;5:1,3,5,11,
14,17;6:9,19,21;7:6,8,
9;10:5,23;11:6,6;
12:15;13:15,16;14:1,5,
15;15:8,14;16:6,16,23;
17:5,10;18:18,19;
20:21,22;24:17;25:21;
26:7;30:9;31:9,10,13;
32:23;33:11,12,25;
44:15,20,21;46:15,15;
48:4,11;51:4;53:9,13,
13;55:2;58:4,6,7,9;
60:23;62:12;70:11;
72:15;73:21;75:2,3,11,
17,19;76:2,6,12;77:2;
78:11;79:24;84:8,20;
85:4,7,24;86:4,5,9,14,
23;87:13,15;88:13,16,
17,21,25;89:4;92:19;
93:7,14,16,21,24;94:8,
22;95:16;97:12;98:23;
100:2;101:14,23;
104:15;105:4,8;
106:18;109:15;110:15,
21;111:22;113:7,21,
24;114:6,14,23;115:2,
15,24;116:3,7;118:3;
119:7,9,17,19;120:14,
19,22;121:8,16;
123:12;127:12;129:9;
137:19;138:19;139:13,
18;140:5,5,10,14,18,
24;141:19,24;142:8;
143:2,3,14,20;144:2;
145:7,8;147:25;
148:21,24;149:2,14,17,
20,24;150:5;151:4,18;
153:22;155:15,15;
156:14;157:3,13,14;
161:8;162:5;163:20;
164:14;170:22;173:20;
174:22;176:25;177:23;
179:21;180:4,13;
183:5,7;184:1;185:6,
16;188:18,19;191:15,
20;194:21,22,23,24,25;
199:25;200:25;215:3,
10,20;216:21;218:4,10,
21,24;219:3,9;222:1,
15;223:9,12,23;
224:24;231:19,21;
233:9,24;234:3,7,23;
235:4,8;240:24,25;
241:9,18;242:9,15;
245:1;248:12;249:11;
252:11;256:23;257:1
articles (18)
13:11;88:22;90:9;
104:15;116:8;119:14,
15;127:10;128:2;
188:2;197:8,17;198:5,
13,15;231:23;234:13;
242:2
articulated (1)
85:23
articulating (1)
253:23
ASAC (1)
133:20
aside (11)
59:13;131:10;
141:18;145:13;147:18;
155:7;159:17;160:4,
10;182:22;213:20
aspect (2)
4:2;255:16
aspects (1)
19:12
assess (2)
86:2;235:20
assesses (1)
207:22
assessment (1)
86:6
assist (1)
20:16
Assistant (7)
12:8;50:13;111:15;
112:17;159:24;222:20;
230:1
assume (6)
5:23;43:16;82:18;
108:19;131:19;236:18
assumed (2)
107:18;239:20
assuming (1)
132:18
assumption (1)
171:11
assumptions (1)
87:7
assure (1)
251:4
at-large (1)
26:22
attached (1)
150:25
attaching (1)
196:16
attacking (2)
188:4;197:9
attacks (1)
212:14
attempting (1)
215:19
attention (8)
127:19,22,25;128:8;
131:3;155:3;164:18;
177:7
Attorney (9)
36:14;56:23;116:12;
203:12,17;222:21;
230:1;238:9;252:24
Attorneys (1)
39:16
Attorney's (1)
255:8
attributed (2)
96:18;109:18
August (68)
12:8;24:12;25:20;
33:8,20,24;34:2;41:24;
43:12,13;44:19;47:23;
49:23;54:4,5,10,18;
59:3;64:10,11,21;
65:21;66:24;68:7,14;
76:7,17;77:7;78:23;
82:5;85:23;93:11;
95:18;96:17;98:20;
99:19;101:18;106:24;
123:7,24;124:9;137:5;
138:18;154:19;173:17;
174:18,20,20,21;179:7,
22;182:18;184:5,6;
185:11;186:18,24;
187:18;195:1;196:12;
203:4;206:22;222:8;
226:2;231:24;237:2;
238:5;249:10
author (1)
218:10
authority (11)
77:22;78:9;80:3,22;
85:6;134:11;138:3;
186:9,11;224:7;235:8
authorization (24)
13:25;21:5;24:10;
54:14,15;68:22;81:6;
83:7;84:6;85:20;99:7;
109:17;113:14;124:10;
162:22;194:18,21;
198:15;199:25;201:8;
207:11;219:21;225:8;
245:10
authorize (28)
20:6;53:8;54:10,17;
71:13,14;77:6,23;
130:7;137:20;150:8;
154:18;155:21;161:15;
173:14;174:1;176:14;
183:14;185:18;186:9,
11;187:5;196:24;
202:14;222:7;224:18;
225:4;241:4
authorized (81)
10:15;11:22;12:13;
21:18;22:16;23:5;
32:25;33:19;58:24;
60:14;71:17;77:23;
80:3,9;85:15;93:18;
95:17;98:20;100:21;
101:14;105:22;106:12;
107:8,19;108:2,14,19;
109:10,13;113:9;
123:9;125:4;138:17;
143:14;153:21;156:5,
7;157:10,17;158:14,
16;160:15,17;167:5;
174:21,21;176:13;
179:22;181:8;182:18;
183:18;184:11;188:24;
189:18;192:2;197:11;
216:10,15;218:16;
221:24;224:19;238:25;
241:3,13,22;242:16;
243:1;244:9,10,19;
245:13;246:11,21;
251:8,12,24;256:15;
257:11;258:13;259:9,
18
authorizing (19)
14:4;20:20,23;21:25;
22:1;28:18;33:7;54:9,
22;56:21;59:14;66:23;
74:14;83:23;219:8,19;
229:3;233:7;256:18
Avenue (1)
3:23
avid (1)
233:19
aware (33)
9:8;10:17;11:24;
12:3;16:22,24;22:25;
23:1,4,10;28:18;29:1;
42:6,12,14,25;44:11;
49:20;62:24;103:8;
124:11;130:11;188:13;
189:8,9;208:13;219:9;
233:24;234:14;235:3;
236:4,11,22
awareness (1)
134:15
away (11)
17:20;18:15;108:9;
155:19;199:3,23;
201:6;205:25;212:21;
213:1;255:2
awesome (3)
88:11;89:8,17
awful (1)
242:8
awkwardness (1)
105:14
Axelrod (24)
21:11;22:2;34:5;
36:16,22;41:22;43:14;
44:20;46:25;49:24;
52:14;64:20;66:24;
76:8,17;92:24;94:18;
123:25;197:5;222:8;
226:3;238:25;239:2;
253:2
Axelrod's (1)
44:10

B

back (91)
6:15,17;23:8,14;
24:19;29:14;33:4,7;
34:20;43:9,10;45:1;
47:21;54:7;60:9;64:4,
7,10,11;68:23;69:12,
13;71:7;72:5,6;74:25;
80:2;85:9;90:4;95:2;
97:2;104:14;107:2;
115:5;117:24;119:5;
133:5,24;135:3,6,18;
137:2;146:11,18,18;
154:9,9,10;155:10;
157:11,11;158:16;
159:19,22;160:4,12;
161:3;163:1;164:4;
168:13;169:23;172:22,
25;173:18,25;179:15;
181:13;185:1,2,10;
188:8,22;189:3,17;
193:9;195:15;196:15;
197:6;201:22;219:14;
221:1;223:13;224:5;
227:5;235:17;243:22,
25;248:4,5;251:22;
260:12
back-and- (1)
116:8
background (19)
20:13;33:23;34:8;
43:11;111:2;125:25;
161:12;164:9,10;
211:14;215:2;225:23;
227:4,12,13,22;228:5;
232:16,20
backs (1)
51:4
bad (2)
89:6;176:3
Baker (39)
27:1,2,8,12;30:7;
65:17,17,18;76:20;
77:1,10,13;98:9;
101:22;105:3;106:1,7;

FBI 18-cv-01766-811

107:14,15,22;108:4;
109:23;110:11,19;
113:5,15,18;175:17,20,
21;176:12,15;203:11,
17;207:5;244:20;
245:14;246:1;257:3
bandwidth (1)
92:4
b7E -1
Barrett (36)
14:1;15:6;16:21,22;
17:1;19:3,17;20:7,18,
21,24;21:12,25;31:13;
33:1;62:12;68:10,14;
70:17;75:18;77:2;
100:8;102:25;106:18;
110:6;111:21;119:18;
124:10;197:7,8;
218:10;226:16;233:8;
242:24;245:5,14
Barrett's (1)
252:11
based (10)
17:17;87:10;105:24;
171:11;184:22;200:21;
201:21;244:14,17;
245:12
basic (1)
214:4
basically (4)
133:15;144:7;
204:23;220:10
basis (3)
110:11;112:20;
134:10
Bates (2)
119:22;120:11
bathroom (1)
71:22
battle (1)
75:21
bead (1)
51:12
beat (1)
64:16
became (1)
16:22
Beckhard (4)
12:8,18;24:13;26:9
become (4)
16:24;35:13;134:20;
254:2
beforehand (1)
216:5
began (1)
15:16
begin (1)
161:20
beginning (5)
11:1;19:24;151:2;
152:13;239:21
begins (5)
27:12,14;80:21;
82:10,15
behalf (1)
49:7
behind (3)
102:25;103:2;260:6
belabor (3)
114:1;202:20;232:7
below (1)
248:21
benign (3)
88:9,14;89:4
berating (1)
131:10
b6 Per OIG
b7C Per OIG
Besides (1)
139:14
best (8)
14:10;21:18;67:9,13;
68:8;226:15;231:5;
237:2
better (6)
86:6;93:14;133:16;
197:24;207:20;258:24
beyond (2)
85:19;153:15
big (2)
115:5;242:15
biggest (1)
92:5
Bill (13)
28:12;114:22;
115:13;116:4,8,14;
120:20;243:9,21,21,23,
25;244:24
Birmingham (1)
133:20
bit (11)
20:3;22:7;34:11;
96:6;97:3;135:13;
144:10;157:25;201:3;
207:10;229:19
blindsided (2)
126:1;128:19
body (1)
210:23
borrow (1)
3:25
boss (6)
62:21;95:17;97:13;
219:4;220:4;226:13
Bosses (1)
138:10
both (9)
20:20;21:1,3,19;
65:17;97:13;112:19;
115:9;192:10
bothered (1)
252:22
bothering (1)
244:1
bottom (10)
27:20;119:22;
120:19;121:6;132:1,5;
152:8;169:16;196:17;
254:22
bound (2)
35:5;205:11
Bowdich (5)
26:15,25;28:12;98:9;
204:2
boy (1)
30:7
Branch (1)
132:21
breadth (1)
134:18
break (9)
71:22;72:7;76:5;
144:10;182:15;184:24;
185:3;248:1,6
breaking (1)
92:8
brief (8)
53:25;57:4;110:20;
128:8;161:8;162:6;
237:18;254:24
briefed (3)
51:20,21;131:11
briefing (2)
53:5;68:9
bring (5)
69:3;127:19,21,24;
131:3
bringing (5)
43:10;125:8;128:8;
143:5;244:2
broad (1)
178:10
broader (2)
113:23;208:22
broadly (1)
50:7
brought (6)
45:21;68:6;98:10;
129:7;178:18,20
Bruce (54)
3:19,19;5:6,22,25;
6:2,4,6;8:23;9:13,18,
23,25;22:25;64:17;
71:21,24;73:5;79:4;
80:5,10;82:7;101:7;
117:9;119:24;120:3,7,
10;136:3,18,22;
149:24;163:11,14;
169:18,21;170:1,3,5,
11,14;190:22;217:2,10,
15;258:23,25;259:6,10,
14,20,22,25;260:11
building (5)
62:1;96:12;110:16;
164:17;223:23
b6 -1
b7C -1
busiest (2)
90:15;91:16
business (8)
20:15;26:2;57:16;
91:21;146:22;213:9,
10;219:13
businesses (1)
213:11
busy (12)
20:2;90:11,18;

FBI 18-cv-01766-812

112:11;168:1,12;
169:3;178:25;180:19;
199:15;200:6;260:20
buttoning (1)
74:21

C

calculation (1)
40:4
calendar (4)
102:5;154:9;159:18;
160:1
call (92)
12:17,19;15:5;21:10,
20,20;27:24;33:9,20,
23;34:2,2,7;35:19;
37:12;43:9,11,12,13,
14,22;44:2,9,13,19,22;
45:13;47:1,9,12,23;
49:23,25;50:2;51:25;
53:23;54:11,18;59:6;
61:15,16,18,18;64:5,7,
20;66:13,24;67:8,24;
68:13,14;71:18;74:9;
76:7,17;82:6;95:18;
96:18;99:20;101:18;
111:3;116:12,14;
117:7,8,19;120:21;
123:3,7;124:4,9;137:6;
144:13;154:19;161:12;
174:21;197:10,14;
204:6;224:4;226:3,14;
228:19;231:4,24;
237:2;238:5;239:7;
243:22;249:10;256:25
called (14)
12:8;15:12;24:13;
25:8;31:4;45:4;46:16;
74:6,11;101:4;102:19;
115:14;120:25;135:12
calling (3)
45:7;103:3;178:14
calls (16)
16:8;20:2,3,18;24:7;
36:15;43:14,24;45:2,6;
69:6;72:10,11;101:21;
226:13,22
came (42)
13:12;17:4;35:4;
55:19;62:3;67:16;75:3;
76:12;77:8;80:6;82:18;
85:25;86:9,24;87:13;
93:14,21;102:12;
113:7;115:15;119:7,
17;135:3;146:18,18;
155:20;157:11,12;
161:15;172:7;177:6;
182:2;184:11;185:9,
19;187:3;198:6;
199:23;201:6;213:5;
247:6;257:8
campaign (13)
14:24;15:9,19,25;
17:6;20:14,15;31:10;
57:20,22;58:1;69:9;
128:10
can (78)
5:22;6:4,25;9:24;
12:20;17:25;32:13,13;
34:7;40:17;44:24;48:1;
53:19;60:19;68:19,20;
69:19;72:12;87:6;
90:18;94:1;102:2,6,6,
21;112:6;117:21;
118:18;119:5,5;120:8;
125:24;126:11;134:23;
136:1,1;145:11;
151:19;152:6,11;
155:23;157:5;163:11,
11,14;164:22;169:1;
170:13;191:7;194:16,
19;195:2;197:18;
202:24;208:5;209:18;
212:24;213:11;217:2,
8;219:14;224:10;
225:9,10,13,18;227:25;
228:10,25,25;231:15;
232:24,25;238:19;
240:2;243:21,21;251:7
capacity (1)
150:23
[redacted] b7E -1
car (1)
15:25
career (3)
50:19,20;60:14
careful (5)
32:15;190:1;241:12;
242:14;250:11
carefully (1)
30:18
Carlin (1)
39:19
carrying (2)
91:19;152:9
case (49)
7:24;16:3;17:14,20,
22;19:16;20:1;34:19;
35:3;36:3,15,19,20;
37:9,18,21;38:22;41:6,
16;46:10,12;48:16;
55:14;57:7;71:11,14,
15;104:6;115:11;
116:17;121:16;134:19;
135:13;153:12;210:11;
211:3;216:25;218:20;
219:6;221:20;229:14,
14,15,15,17;231:22;
232:23,24;251:17
cases (4)
40:4;56:3;110:7;
238:13
catalogue (1)
197:23
category (1)
212:24
caught (1)
25:1
cause (2)
38:15;188:22
caused (4)
23:9;85:8,9,16
caveat (2)
8:21;208:4
CCRSB (1)
35:22
cell (4)
15:6;43:22;45:4,5
center (1)
96:13
certain (2)
45:23;227:15
certainly (20)
32:13;58:13,14;63:3;
64:1;65:2;71:9;81:17;
86:3;106:23;108:8,16;
124:25;175:20;178:10;
208:20;229:9;241:21;
242:19;256:4
certifies (1)
261:2
chain (8)
119:21;120:6;
125:18;127:24;128:2;
132:2,6;163:23
challenge (1)
90:13
challenging (8)
20:4;90:1,13;91:24;
92:10;198:7,11;224:11
chance (4)
13:10,10;170:8;
260:12
change (5)
153:16;181:1,13;
188:23;231:25
changed (3)
182:1;192:23;236:19
changes (4)
151:1;169:22,24;
180:24
characterization (4)
82:5;88:13;126:24;
140:17
characterize (3)
78:15;89:3;113:17
characterized (1)
184:2
charged (2)
57:19;98:15
charging (1)
61:24
chase (1)
188:6
chasing (1)
82:11
check (7)
102:5;118:5;131:16;
206:12,15;226:1,6
checking (1)
207:4
chief (6)
63:3;110:10;111:14;
208:24;246:18;247:2
chilling (2)
238:7,12
chronological (1)
7:21
chronology (2)
60:9;195:2
[redacted] b7E -1
churn (1)
216:18
CID (1)
65:8
circle (7)
33:4,7;47:21;64:3;
136:24;137:2;190:12
circling (2)
54:7;188:8
circumstance (1)
208:21
circumstances (6)
151:3;161:13,22;
162:22;214:10;216:8
cited (1)
256:20
clarification (1)
257:15
clarified (1)
153:20
clarify (1)
53:19
clarity (2)
8:11;178:5
classification (1)
61:17
classified (7)
91:3,9;118:23;
216:22;217:1,17,22
clear (46)
9:13;10:23;12:24;
25:24;27:24;28:14;
39:24;40:6;51:14;
61:19;66:20;67:21;
68:5;73:12;74:22;76:4,
24;78:5;82:7;89:17;
92:15,20,20;93:5;
106:3;114:16;117:12;
128:1;156:2;162:21;
179:13;181:1;183:3;
192:9;199:1,5;220:11;
223:16,21;224:20;
229:3;232:24;233:17;
244:11;245:11;258:12
clearance (1)
217:11
cleared (1)
91:5
clearing (1)
67:25
clearly (12)
32:17;102:12;
162:14;167:6;168:22;
172:1;173:10;184:8;
222:16;227:14;230:6,9
Clinton (40)
17:13;34:17;38:18;
40:1;41:1;42:1,5;
45:19;46:2;56:20;57:3,
10;90:6;96:20;114:20;
115:7;132:14;219:15;
221:13,19;222:17;
226:3;229:16;230:25;
231:20,22;232:14,24;
233:9,21,22;234:1;
235:4,9;236:6,10,20;
240:6;252:13;257:9
Close (9)
10:2;64:4;75:1;
81:16;84:7;182:5,7,12;
232:5
closed (1)
216:25
closely (1)
189:14
closeout (3)
14:21;111:6;128:9
closing (1)
38:12
code (1)
216:20
Coleman (7)
35:20;47:5;48:12;
64:6,19,25;116:15
colleague (1)
171:5
collect (1)
37:24
colloquial (1)
89:13
collusion (1)
233:3
combined (1)
259:5
Comey (36)
49:22;53:7;54:16;
64:6,22,24;75:18,23;
76:4,5;77:1;93:21;
118:2;134:1;182:24;
193:6,14;214:15;
215:4,18,21;216:12;
218:14,22;220:13;
223:22;224:11;235:21;
236:5,8,19;241:9,16;
252:12,24;257:2
Comey's (4)
150:23;157:22;
214:12;233:1
comfortable (7)

FBI 18-cv-01766-813

11:8;13:1;32:10,21;
73:19;108:6;186:14
coming (29)
11:6;13:7;16:16;
17:5;30:20;37:6;51:16;
53:14;55:3;59:6;63:9;
73:18;76:24;78:16;
85:10;92:6;103:6;
116:6;125:11;127:1,2,
3;128:4,10,22;145:4;
162:25;209:8;228:6
command (1)
96:13
comment (4)
70:22,22;236:9,19
commenting (2)
13:1;159:10
comments (4)
51:13;93:11;158:3;
258:12
committed (1)
4:3
communicate (2)
54:13;133:17
communicated (2)
135:16;203:3
communicating (2)
38:22;40:10
communication (1)
115:9
communications (1)
139:13
communicative (1)
102:11
community (3)
129:24;130:2,2
compile (1)
5:19
complainant (1)
144:19
complete (4)
8:7;16:2;135:19;
178:5
completely (5)
44:6;48:10;93:7,13;
172:15
completeness (1)
45:2
complex (2)
201:5,5
complicated (1)
223:5
comply (2)
255:24;256:3
complying (1)
71:19
components (1)
117:14
comport (1)
200:13
concept (1)
204:15
concern (10)
13:6;30:20;34:18;
40:21;82:5;85:8;89:8;
137:7,9,22
concerned (12)
10:25;12:24;13:9;
48:13,22;50:4;51:7;
73:12;113:8;127:11;
137:13;175:24
concerning (4)
24:5;48:20;255:13;
256:13
concerns (6)
4:2;121:18;138:5;
177:21;222:6;223:3
concert (1)
6:9
conclude (1)
125:22
concluded (2)
146:22;260:25
concludes (1)
146:10
concluding (1)
190:2
conclusions (1)
32:14
conclusively (1)
32:11
conducted (1)
133:5
conference (6)
3:22;97:6;116:12;
145:22;149:4;209:14
conferences (1)
212:14
confident (3)
29:17;62:6;199:17
confirm (3)
71:2;210:16;211:13
confirmed (2)
210:17;216:11
confirming (6)
43:3;96:19;230:5;
240:3;257:5,9
confirms (1)
212:1
conflict (1)
161:25
confront (1)
103:21
confronting (1)
51:2
confused (6)
143:4;156:11;172:8;
187:19;201:3;210:3
confusion (1)
32:6
Congress (3)
90:8;236:6;252:13
congressional (3)
90:9;111:16;112:18
conjunction (1)
251:18
connect (1)
143:7 b6 -1
connected (1) b7C -1
187:19
[redacted]
connection (4)
4:3;37:7;100:2;
181:23
connections (1)
255:2
consciously (2)
160:2,3
consequence (2)
231:12,16
consequences (1)
121:5
consideration (2)
238:6;252:8
considered (3)
82:11;239:2;255:16
consistent (11)
4:15;135:4;152:18;
194:5,6;226:4;241:19;
251:9;256:12;258:2,5
consistently (1)
111:7
constant (3)
122:20;216:18;
254:20
consultation (1)
249:14
contact (13)
72:13,15;75:1;
103:16;133:12;134:8;
146:25;154:1;196:5,9;
224:10,11,18
contacted (3)
157:11;172:19;
195:11
contacts (1)
7:5
contained (1)
140:6
contains (2)
241:2;242:15
contemplated (1)
258:18
contemplating (1)
63:6
contemporaneous (2)
191:7;193:19
contemporaneously (2)
185:17,19
content (2)
70:9;248:19
contents (2)
4:13;248:15
context (16)
11:7;15:19;32:20;
39:20;57:18;59:6;61:6;
79:8;82:24;111:20;
113:21;116:3;123:14;
124:9;208:22;233:8
contexts (3)
234:24;244:7;245:11
continue (7)
37:20;38:4,25;40:8;
102:21;130:25;237:21
continued (2)
16:20;58:9
continues (2)
132:2;151:22
continuing (3)
3:24;19:17;150:24
contrary (3)
38:13;83:9;100:20
contrast (3)
109:7,7;199:8
contributed (1)
86:5
convene (2)
174:25;211:8
convened (3)
37:15;116:12;186:14
conversation (90)
18:10,11;19:14;
24:18;25:2;27:21;
33:24;34:4;40:15;
46:24;52:14;56:22;
59:3;65:3,21;68:7,8;
69:18,19;70:9;77:3,7,7,
13;78:22,23;83:14;
88:2;93:12;94:2;95:10;
97:18;98:1;103:24;
106:14;107:17;113:14,
15,24;115:20;116:5;
120:22,24;122:12;
137:6,12;144:4;150:8;
154:3;161:7,17;162:4,
6,21;168:9;169:10;
171:7;172:2;173:3;
176:11,15;180:11;
182:18;183:19;186:5;
194:7,25;195:1;
196:21,23;197:4;
200:13;204:6;214:3,4;
227:12;229:10;231:12,
14;232:22;233:7;
234:8;239:9,25;
241:21,24;247:11;
253:1;254:20,24
conversations (52)
9:14;18:24;24:15;
46:12;51:13;66:11;
73:22;75:7,9;76:3,15,
20,25;77:10;86:9,11;
90:4;99:8;101:12,21;
105:10;110:9;113:17;
115:4,10,21;118:2,4;
121:18;122:10;137:9;
139:15,16,18,25;140:7,
11;171:25;175:13;
182:23,24;213:5;
214:4;225:23;238:7,
11,22;239:14;243:11;
245:25;246:2;252:18
conversing (1)
209:17
conveyed (4)
127:15;152:1;
161:19;196:22
conveying (1)
81:21
[redacted] b7E -1
coordinate (3)
143:25;209:9,23
coordinated (3)
249:8;250:9,10
coordinating (1)
256:5
coordination (7)
205:3,6;209:19;
250:13,16,18,23
copy (10)
4:7;10:4;11:14;
136:1,19;141:23;
147:11;149:25;150:2;
152:16
corner (1)
142:6
corrected (3)
158:6;185:10;186:16
correcting (3)
120:6;148:12;228:18
correction (1)
251:22
correctly (3)
37:25;166:5;183:13
Counsel (12)
3:3,6,6,7,14;4:7;5:6,
7;30:14;48:25;49:1;
64:16
counter (3)
67:14;93:15;226:15
counterintelligence (1)
218:6
couple (18)
33:22;34:14,15;
53:23;64:4;76:3;78:3;
97:21;98:17;102:16;
155:11;161:3;177:3;
196:6;215:6;221:16;
233:18;248:25
course (39)
3:7;13:13;15:16,18;
16:4,21;19:18;20:19;
23:16;29:7;32:16;51:5;
62:11;69:7;75:7,10;
77:3;94:5,6;100:14;
111:11;128:14;133:19;
138:11;141:7;178:23,
23;181:14,14;184:18,
18;186:8;192:15,15;
193:2;196:7;197:12;
198:11;219:13

FBI 18-cv-01766-814

cover (3)
17:6;139:12;252:11
covered (3)
22:13;39:22;75:15
crass (1)
225:7
crazy (1)
193:17
create (4)
67:5;99:2;185:19;
210:22
created (5)
58:7;93:7;109:17;
225:20;232:20
creates (2)
228:20;230:6
creating (1)
122:20
credibility (2)
58:20;60:24
credible (1)
193:10
credited (1)
242:7
criminal (1)
35:24
criteria (4)
207:16,19,21;208:10
critical (1)
165:9
criticism (1)
90:10
culminated (1)
37:11
curious (1)
125:20
current (4)
63:12;246:24;247:2,
10
currently (1)
135:1
cut (4)
48:14;87:4;188:6;
235:18
Cyber (1)
213:6
cyber-threat (1)
212:8

D

DAD (2)
35:21,22
DAG (2)
96:10;135:23
DAG's (1)
136:9
damage (5)
88:19;92:19,24;93:4;
114:7
damaging (10)
20:8;57:8;58:10,12,
15,21;71:9;88:18,22;
223:9
Dan (30)
9:4,14;10:12,18,22;
12:8;13:7,23;24:8,13,
19;25:20;26:9;30:21;
31:4;73:14;74:6,11;
143:21;157:11;177:9;
178:14;182:8,22;
185:10;188:20;189:6;
195:11;196:5,8
dangerous (1)
87:7
data (1)
132:7
date (8)
27:22;47:2;98:5;
130:25;185:9;248:9,
12;261:17
dated (2)
248:7,11
dates (1)
13:12
[redacted] b6 -3 b7C -3
Dave (6)
26:14,25;28:11;
204:1,7,8
day (67)
12:18;13:8;14:25;
15:16;16:4;19:22;20:2,
5,6,19;24:11;30:7,10;
37:5;43:21;45:11,15,
17;47:15;55:9,11,20,
21;56:12,12;61:6,9,11,
14;62:1;69:7;70:3;
73:15;74:7;75:7,10,22;
76:21;77:8,10,21;
84:21,21;88:24;89:10;
91:19;92:8;94:25;96:1;
98:15,16;102:4,5;
111:7,25;118:18;
122:12;142:11,12;
182:2;224:11,15;
246:1,4,8;252:12,12
days (21)
4:21;12:7;13:11;
23:16,17;26:8;37:1;
52:3,8;54:1,3;55:18;
56:12;98:17;102:16;
137:20;153:5;157:11;
196:9;198:17;221:13
DC (2)
77:9;114:21
DD (3)
159:19,23;168:13
deal (2)
160:10;193:1
dealing (3)
190:13;220:18;233:8
dealings (1)
15:15
dealt (1)
198:16
debate (2)
170:17;205:8
debating (1)
239:17
debriefing (1)
38:5
December (3)
132:1,3;261:15
decided (2)
206:9;222:7
decision (7)
35:2,4;61:22;77:5;
90:7;227:21;237:3
decision-making (1)
62:16
decisions (4)
17:12,17;30:20;
214:13
declination (1)
36:2
decline (1)
36:3
deep (1)
156:15
defensive (2)
122:16,17
deferential (2)
126:21;164:1
defined (1)
41:13
definitely (10)
34:14;55:21;67:17;
72:1;75:16,22;116:15;
206:14;227:10;242:23
definition (1)
254:9
definitive (1)
194:4
degree (1)
88:18
degrees (1)
232:19
delivered (1)
116:13
demanding (1)
90:4
deny (1)
71:2
denying (3)
43:3;182:17,20
Department (28)
17:19,20;38:11;39:8;
41:5;48:14,17;50:20;
57:14,18;58:25;59:16;
60:16;67:3,7;71:19;
79:9;80:24;82:11,19;
83:9;94:17;123:8;
222:10,20;232:7;
237:25;261:5
Department's (1)
82:17
dependent (1)
111:12
depending (2)
124:21;208:24
depends (2)
134:15;209:8
depiction (2)
195:1;196:21
DEPOSITION (1)
261:2
deputies (1)
112:23
Deputy (25)
3:7,11;34:22,24;
35:13;50:12;56:23;
77:22;90:15;97:13;
112:16;120:11;126:13;
154:10;155:10;160:12;
210:4;216:10;220:16;
222:20;229:24;230:1;
232:5;237:1;238:9
derive (1)
241:20
describe (3)
207:16;217:4;251:7
described (6)
44:13;75:12;153:4;
186:3;202:17;250:17
descriptive (1)
249:1
designated (1)
4:1
desk (1)
164:4
destructive (1)
71:10
detail (6)
12:20;56:18;102:23;
121:10;133:5;184:14
detailed (2)
65:1;196:1
details (17)
19:20;22:7;44:19;
47:22,23,23;49:22;
50:1;64:5,20;65:13;
94:6;119:20;172:3;
204:13;205:23;226:2
determination (2)
227:16;228:3
determinations (1)
9:15
determine (2)
29:4;207:17
determined (5)
37:19,22;146:24;
227:23;228:8
develop (1)
134:9
developed (2)
200:15,16
devil's (1)
229:18
Devlin (50)
13:4;14:1;15:6,14,
15;16:4,20,25;19:17;
20:7,18,21,24;21:12,
25;25:1,2;31:12,21,25;
32:3;33:1;62:12;68:9,
14;69:19;70:13;71:8;
75:18;77:2;98:23;
102:25;106:18;108:18,
22;110:6;111:21;
119:18;124:10;187:25,
25;188:22;189:13;
190:5;197:7;218:10;
233:8;242:24;245:5;
252:19
Devlin's (1)
88:8
Diego (2)
36:11;124:22
diet (1)
91:23
difference (6)
38:7;199:3;221:4;
230:16;235:22;258:5
different (35)
39:19;45:12;57:7;
61:24;62:1,2;79:13,20;
134:4;135:10;141:1,
23;146:13;147:12;
157:10;172:7;173:7;
199:24;200:8;201:7,
13;209:18;211:1,23;
212:5;213:21;219:25;
228:10;233:1;234:23;
244:7;245:10;251:16;
253:2;254:17
differently (3)
137:8;174:18;237:1
difficult (2)
62:9;197:18
direct (11)
15:15;38:22;52:23;
63:24;75:1;87:3;96:18;
112:17,19;161:25;
163:14
direction (8)
19:8;36:16;38:3,14;
58:9;73:18;74:19;
176:1
directions (1)
61:24
directly (10)
69:22;104:1;121:20;
129:18;178:11;213:25;
225:10,10;235:23,24
Director (86)
3:11;16:10;34:22,24;
47:4;48:12;49:22;
51:21;53:6,25;56:13;
57:5;61:3,8;63:3,4,14,
20,24;64:22;75:18,23;
76:25;77:22;90:16;
96:8;98:12;99:18;
100:12,21;101:11;
109:9;110:10,20;
111:6,10,15;112:11,17,

FBI 18-cv-01766-815

19,21;118:2;120:11;
126:13;134:1;137:4,7,
25;138:24;150:23;
154:10,14,25;155:10;
157:22;160:5,8,12;
169:5;208:23;210:4;
212:4;214:12,15;
216:10,12,13;218:14,
22;219:18;220:4,13,16,
17,17;221:8;223:22;
224:10;229:25;232:6;
233:1;237:1;241:9,16;
245:19,20
directors (1)
112:16
Director's (6)
63:6;90:7;110:10;
111:14;112:4;208:23
disagree (1)
234:21
disagreement (1)
57:1
disapproved (1)
138:17
disclose (14)
77:23,24;95:18;
101:17;154:19;210:8;
214:14;225:5;227:24;
228:3,4,9;233:7;
259:15
disclosed (4)
107:4;222:21;
256:24;258:13
disclosing (16)
96:17;103:24;
207:13;211:17;215:1,
8;221:11;229:21,24;
238:4,6;256:13;257:5,
17,23;259:16
disclosure (55)
29:9;56:22;58:24;
59:2,11,15;60:14;
98:20;105:5,22;
106:12;141:3;144:24;
156:21,22;158:13;
176:24;207:22;208:11;
209:1;211:9;216:11;
221:17,19;222:7,13;
226:2,4,20;227:17,21,
23;229:4,16;236:25;
237:2,15;248:15,20;
249:10;250:14;251:8,
12,16,17;253:1;255:12,
17;256:11,15,19;
257:10;259:3,17;260:6
disclosures (12)
4:4;119:9;138:17;
207:17;209:20;214:8;
224:19;226:5;248:20;
251:23;255:24;256:2
discourage (1)
79:16
discuss (30)
4:12,13;5:19;21:11;
24:23;28:1;45:10;46:1;
49:9;54:21;56:13;59:4;
61:2;62:3;71:14;77:6;
82:23;83:7;97:25;
102:24;125:22;129:5;
132:11;204:4,21;
210:24;211:8;212:6,7;
218:14
discussed (51)
19:12,23;41:18;42:8;
45:9;46:11;48:11;50:1;
53:12;61:14;65:7,10,
12,17;67:17;70:13;
74:6;78:22;79:15,17;
80:19,24;92:6;94:16;
95:7;105:7,10;121:18;
125:16;129:4;132:16;
140:4;146:12;157:21;
181:25;183:1;184:4,
14;191:18;210:10;
212:4;215:5,12;219:9,
24;229:11;240:16,20;
241:17;246:1;251:10
discusses (2)
231:22;234:23
discussing (31)
3:24;4:21;10:21;
21:10;39:18;54:24;
69:11;73:13;75:16,20,
22;77:11,14,17;95:1;
96:25;103:19;110:5;
116:3;125:9,12;156:6;
176:16;194:21;204:13;
213:6;238:2,4;240:17;
252:17;255:19
discussion (69)
18:3,4;22:2;24:25;
28:20;45:18;46:9,17;
50:12,14,19,24;58:25;
59:3,16;60:13,15;68:5,
7;75:19;92:24;96:23;
97:2;98:11,20;99:11,
12,17,21;100:15;
103:15,22;104:5,20;
105:4,6;107:1,9;
108:12;114:2,15;
123:25;131:5,6;
137:18;156:15;165:18;
166:19;167:9;170:24;
171:17,20;177:13;
179:14;200:19;210:7;
222:8;226:19,20,21;
229:13,25;231:8;
232:6;238:17;240:3,4,
4;244:9
discussions (26)
5:5;28:21;29:9;
41:22;47:20;83:17;
85:13;86:17;87:10,11,
13;98:15;105:24;
106:7,8;108:8;119:6,8;
128:4;179:23;203:16;
210:19;227:1;240:7,
11;241:5
dispute (3)
174:2,6;183:10
distant (1)
157:25
distinction (1)
220:11
distinguish (1)
241:13
distracting (1)
88:22
distraction (1)
135:14
District (3)
36:10,14,18
disturbed (1)
53:6
disturbing (1)
254:3
diverse (1)
92:10
Division (11)
3:4;12:9;133:2;
142:17;190:19;192:13,
19;193:22;194:18;
196:6;213:6
divisions (5)
208:25;209:9;249:8,
15;250:8
DNI (1)
135:11
document (14)
27:10;30:6;99:3;
120:10;131:24;135:21;
141:21;163:3,18;
165:6,22;247:24;
248:10;255:7
documents (7)
8:8;9:9,20;147:10,
10;191:8,22
DOJ (33)
35:20;36:12;37:5;
39:6,25;50:10;51:1;
82:21;83:3;93:9;96:1,
13;101:23;104:18;
105:11;118:3;125:9;
140:6;209:19,23;
210:2;223:13;225:22;
226:5;234:10;238:16;
241:10;253:10;254:19,
19,21;256:3,6
DOJ-FBI (1)
237:16
DOJ-related (1)
49:10
DOJ's (2)
34:18;110:7
done (22)
23:19;24:9;38:8;
59:20;74:17;85:5,16;
99:7;123:17;137:24;
138:8;146:23;147:16;
197:6;205:25;215:2;
220:25;223:12;225:19;
227:22;232:16;252:25
donor (1)
34:18
door (2)
149:8;186:7
dormant (1)
82:11
doubt (4)
68:16;167:14;
174:12;236:15
down (20)
9:5;34:25;50:16;
51:3;53:1;65:25;73:8;
95:25;98:8,11;110:7;
118:3;120:17;144:10;
195:7;213:9;230:2;
234:17;241:5;259:1
draft (14)
141:9;143:10;158:2,
7;163:4,19,24;164:2,
12;174:10;185:20;
196:16;203:7,16
dramatic (6)
19:1;31:8,11;50:11,
14;155:17
draw (2)
51:12;242:14
drawn (1)
107:11
drinks (1)
134:22
drop-in (1)
112:20
dropped (1)
61:16
due (2)
67:7;197:2
during (30)
7:13;8:1;10:14;
20:15;22:16;25:2,23;
29:20;31:14;32:17;
39:4;52:14;90:13;
98:11;99:12,21;
104:20;142:9;145:8,9;
161:5,6;173:19;
178:22;191:24;214:12;
223:24;236:8,10,10
duties (1)
155:11
duty (1)
205:11

E

EAD (1)
132:20
EADs (1)
97:19
earlier (37)
14:14;23:8;61:9;
71:3;72:14;76:4;77:4;
82:21;85:23;89:19;
91:1;93:20;110:21;
113:10;127:6;137:6;
140:4;142:2;150:2;
152:19;155:14;161:12;
171:12;172:23;174:9;
179:3;196:18;197:4;
199:9;207:10;208:14;
223:17;224:15;229:11;
237:6;242:19;249:9
early (4)
34:21;45:15;120:18;
194:6
Easier (2)
142:3,4
Eastern (3)
36:9,14,18
easy (1)
92:1
edits (1)
163:1
educate (1)
15:17
effect (11)
69:16;88:17;121:4;
144:9;165:25;179:4;
230:4;237:15;238:7,
12;240:5
effectively (1)
221:11
efficient (1)
101:10
effort (9)
16:5;37:12,22;51:17;
114:6;154:1;175:12;
176:4;259:1
efforts (1)
176:8
either (21)
17:18;21:2,2;43:3;
81:14;97:5;112:25;
116:11;121:19;148:19;
154:15;159:23;181:4,
21;183:2;213:25;
238:2,3;254:9;259:2,
16
election (11)
38:13,15,18;39:4;
40:1;41:12,14;56:21;
82:22;121:5;221:13
electronic (1)
261:4
elements (1)
213:7
elevated (1)
92:14
else (32)
23:19;27:7;29:19;
31:24,25;32:2,7;43:17;
44:9;64:25;70:10;
76:16;77:13;95:11,13,
14;115:11;127:23;
142:24;145:24;181:6;

FBI 18-cv-01766-816

190:6;203:13;208:19;
229:22;245:18;246:5,
10,11,13;255:1;260:1
email (40)
6:8,15;15:20,23;
17:19;27:11;30:6,10;
119:21,21;120:14,19,
20;122:13;125:18,18;
128:25;129:22;130:21;
131:25;132:6;147:11;
150:20;153:24;158:20;
163:23;164:21,24,25;
166:18;169:19;170:23;
171:4,12;196:16;
224:4;236:6;253:4,17;
254:10
emailed (1)
175:22
emails (5)
4:20,25;5:2;23:24,25
emanated (1)
141:5
embarrassing (1)
122:19
employee (2)
217:7;218:4
employees (2)
134:23;135:5
encounter (2)
156:7,8
end (16)
44:10,13,13;71:19;
73:8;82:12;141:14,17;
142:16;147:15;153:3;
176:6;177:13;186:6;
201:16;239:7
ended (4)
16:16;33:7;160:11;
176:9
ends (2)
19:25;27:17
engaged (5)
21:3;128:23;190:12;
250:18;254:23
engagement (3)
102:25;128:15;190:7
engagements (3)
36:24;63:2,5
engaging (1)
106:18
enormous (1)
129:12
enough (15)
8:25;10:2;46:8;59:9;
79:12;101:8;131:23;
156:17;167:19;171:9;
191:9;205:7,10;
223:10;233:4
ensuring (2)
88:19;256:2
entire (6)
11:21;14:13;60:14;
160:10;192:23;231:21
entirely (4)
31:7;36:16;39:19;
131:15
entities (2)
249:6;250:5
equally (2)
170:14,16
b6 -1
b7C -1
[redacted]
essence (2)
34:21;38:3
essentially (20)
12:23;15:17;17:21;
24:21;35:3;36:17;
44:17;61:16;96:19;
111:18;135:3,6;139:5;
149:22;188:23,24;
189:7,17;219:5;259:8
established (1)
131:7
estimation (2)
67:5;115:6
European (1)
52:5
evaluate (1)
208:10
even (26)
41:12;42:7,11;69:1;
75:15;80:2;92:13;
96:18;108:12;127:2;
128:25;143:5;155:24;
161:16,20;204:12;
215:2;218:9;227:20;
231:17;241:10;245:9;
246:5,12;247:3;251:21
evening (1)
157:24
event (5)
15:4;124:25;191:13;
209:11;211:3
events (6)
5:20;13:13;14:7;
23:15;212:14;247:20
eventually (2)
51:4;216:2
everybody (3)
114:11;117:5,8
everyone (2)
66:7;190:11
everyone's (1)
101:10
evidence (6)
37:24;38:6;67:13;
71:15;226:15;229:15
exact (8)
47:2;49:1;51:24;
81:20;142:11;146:19;
159:17;192:10
exactly (26)
11:4;17:4;18:24;
19:13;20:3;30:23;
32:21;46:6;47:6;51:6,
18;52:1;89:18;98:4;
100:3;111:20;127:21;
133:6;157:21;162:3;
178:5;190:18;191:18;
214:5;217:20;227:25
example (9)
67:9;71:18;93:12;
109:25;110:12;217:24;
219:10;251:1;254:7
exceeded (2)
80:3;85:5
excellent (1)
129:14
except (2)
123:20;248:21
exception (1)
129:22
exceptions (2)
208:1,6
exchange (15)
12:20,24;13:9;21:3;
27:11;30:6;67:8;
142:13;143:9;162:11;
166:5,8;191:13;
192:11;199:3
exchanges (2)
128:16;238:13
Excuse (4)
68:11;91:14;97:21;
196:19
executing (1)
38:9
executive (3)
218:17;235:5;257:2
executives (8)
101:12;113:6,16;
139:25;161:23;241:10;
242:14,19
exercising (1)
58:8
exist (1)
227:19
existed (1)
203:8
existence (23)
96:20;207:13;
211:20;214:14;215:1,
8;216:11;221:12;
228:4;230:5,25;
231:13,19,22;233:3;
236:9,20;240:12;
248:8,12;256:19;
257:5,24
existing (3)
210:16;216:11;257:9
exists (1)
234:19
expanding (1)
119:19
expect (10)
58:14;128:11;
130:24;191:19;214:13,
22;220:5;221:5,8;
226:8
expectation (1)
91:2
expectations (1)
214:18
expected (9)
63:1,7;194:5;214:20,
25;215:4,18;221:23,25
experience (7)
133:24;147:8;197:5,
15;198:6;211:25;
256:21
experienced (1)
237:23
experiences (1)
198:12
explain (7)
62:25;82:4,10;152:6;
155:24;194:16;198:1
explaining (1)
82:17
explanation (2)
131:7;168:20
exposure (1)
254:25
express (2)
137:22;138:15
expressed (6)
82:14,21;127:17;
138:4;237:6;238:11
expressing (2)
36:22;89:5
extent (1)
260:17
externally (1)
58:12
eyes (2)
58:20;60:25

F

face (1)
92:1
fact (53)
25:6,16;26:24;30:12;
40:7,7;50:11;51:14;
55:8;63:11;67:4,10;
68:4;71:18;74:8;93:6,
12;94:16,18;96:17;
100:20;106:17;128:5;
150:11;160:17;169:12;
170:17;175:24;176:4;
181:24;183:16;187:18,
19;189:12;190:1,3;
195:14;199:14;200:2;
212:17;214:4;215:13;
224:14;228:20;232:20,
21;245:22;246:4,5,12,
21;247:6;252:11
factor (1)
50:9
facts (7)
15:24;16:3;20:17;
56:5,7;69:8;145:2
factual (3)
218:18;228:11,18
Fair (35)
8:25;29:15,16;46:8;
52:3;59:9,20,22,22;
66:17;72:18;79:12;
90:14;91:15;101:8;
126:23;131:23;137:2;
139:5,6;152:19;
156:17;163:8;167:19;
171:9;192:22;195:12;
198:10;205:7,10;
223:10;233:4;237:14,
23;251:20
fairly (4)
14:24;82:4,13;161:7
fall (4)
133:7;135:18;188:1;
258:17
fallen (1)
215:20
false (1)
58:7
familiar (4)
42:23;149:20;
191:19;243:23
family (1)
31:9
far (8)
8:16;9:5;17:1;34:20;
188:7;214:11;234:14;
239:22
fast-paced (1)
92:10
fateful (1)
142:12
FBI (140)
3:12;6:7,20;16:7,9,
13;17:11,13,16;20:14;
23:20;28:24;29:18;
31:11;34:24;38:17,18;
39:5,7;40:25;41:24;
42:4,10,13,21;43:17;
46:13;48:21;50:19;
56:10;57:2,9,11;58:1,
13,15,20,20;60:24;
61:3;62:8;67:2,2,7;
70:21;71:4,10;76:13,
16;79:10;82:10;88:23;
92:25;93:8;101:12;
103:12;107:2;109:12;
110:7,16;112:7;113:5,
25;114:11;117:3;
122:21;124:17;126:14;
134:7,23;135:4,11;
136:21;139:24;140:13;
155:19;161:23,23;
168:3,13;175:14;
190:11;193:5,6;
207:12,22;208:10,19;
210:7;211:5,13,23;
212:1,22;213:24;
214:14;218:12,17;

FBI 18-cv-01766-817

220:2;222:4,9,10,18,
19;223:9;225:5,6,22;
226:10;228:6;229:25;
231:25;232:13;233:21;
234:2,2,15;235:5;
237:3;241:10;242:2,7;
247:10,12;248:7,11;
249:6,7,15;250:5,8;
252:15,25;253:10,24;
254:8,21;255:24;
256:23;257:2
FBI-DOJ (2)
50:7;238:18
FBI's (5)
17:16;127:11;188:4;
197:9;226:5
February (1)
35:14
feedback (2)
72:16;226:17
feel (11)
32:9,9,21;73:19;
108:5;121:14;164:10;
258:1,19;259:11;260:4
felt (15)
36:13;58:18;61:13;
62:5,6;73:17;80:2;
86:6;122:23;135:14;
155:9;172:6;176:3,3,6
few (11)
36:8;52:8;54:1,3;
77:22;96:6;97:22;
157:11;172:23;244:7;
254:16
field (13)
34:15;36:7,9;37:13,
18;38:4,18;114:19;
116:7;133:21;146:25;
209:15;242:6
figure (7)
37:13;75:21;117:21,
23;154:24;189:16;
191:1
figured (1)
135:16
figuring (1)
40:4
filling (1)
150:22
final (2)
9:15;135:20
finally (1)
135:19
find (9)
15:12;19:19;111:9;
112:20;126:4;134:2;
202:1;213:8;254:21
finds (1)
112:21
fine (8)
9:22;139:3;149:13;
169:6;178:16;203:25;
205:17;260:9
finger (5)
11:18;50:6;129:23;
162:23;255:4
finger-pointing (1)
104:14
fire (2)
125:14;252:15
fired (2)
193:6,14
firing (1)
157:23
firm (1)
3:20
first (61)
6:9;18:11;19:18;
31:9;41:4;53:12;58:4,
6,7;77:2;80:16,17;
82:12;83:16;88:6,7,12;
91:25;102:4;104:17;
119:22,25;120:13;
121:8;125:19;127:12;
128:7,13;132:7,8;
134:5;135:2;144:11,
18;145:16;146:11,14;
150:1,24;152:13;
156:7;158:7;164:24;
167:11;174:8;177:6;
179:20;187:2;189:2,3;
196:20;197:19;203:2;
204:7;215:5,24;227:8;
233:23,24;247:23;
248:18
five (5)
66:15;71:24;120:12;
243:22;254:10
flagged (1)
125:24
flagging (2)
123:10;153:25
flat-out (1)
41:5
flow (1)
21:13
flowed (1)
83:14
Flynn (6)
146:20,21;147:2;
175:9;177:10;178:20
focus (2)
115:5;123:5
focused (7)
26:21;92:5;154:24;
159:15;240:9;252:18;
254:5
focusing (8)
76:2;80:9;113:3;
120:19;155:7;173:23;
213:16;256:8
FOIA (1)
15:23
folks (9)
53:8;54:17;97:22;
114:3;143:21;145:19;
199:2;205:3;211:8
follow (6)
39:6;40:11;48:24;
70:21;127:15;166:4
followed (2)
26:5;258:7
follower (1)
233:19
following (6)
72:11;79:10;98:16;
137:19;140:9;153:19
follows (1)
120:14
follow-up (4)
35:19;49:18;162:20;
196:14
forceful (1)
117:17
foregoing (1)
261:3
forget (1)
130:6
forgets (1)
130:15
formal (4)
39:3;210:23;211:6,
10
formalized (2)
208:13;211:24
formally (2)
119:4;260:18
format (1)
67:5
former (4)
49:21;150:23;
214:12;246:18
formerly (1)
132:20
formers (1)
122:2
forth (5)
69:12;90:5;104:14;
163:1;169:23
forths (1)
116:9
forward (11)
34:19;35:4;36:20;
37:14;40:16,18;51:15;
64:5;125:18;166:15;
228:23
found (2)
209:16;218:15
Foundation (41)
17:14;34:17;38:19;
40:1;41:1;42:1,5;
45:19;46:2;56:20;57:3,
10;90:6;96:20;114:20;
115:7,12;132:11,15;
137:4,9;219:15;
221:13,20;222:17;
226:3;229:16;230:25;
231:20,22;232:14,24;
233:9,22;234:2;235:5,
9;236:10,20;240:6;
257:10
four (5)
12:7;26:8;196:9;
254:10;255:1
fourth (1)
249:1
frame (2)
36:21;154:5
frank (1)
22:8
free (1)
164:10
frequent (1)
146:25
frequently (5)
49:7;210:21;212:6;
216:18;254:18
friction (1)
37:11
Friday (7)
14:16;55:10;74:2,4;
96:9;112:1;128:9
friend (1)
129:8
friends (1)
134:20
front (5)
62:19;90:11;129:13;
145:8;149:17
frosty (3)
101:23;102:7;118:3
frustrated (9)
46:12;102:20;
116:21;126:3,25;
127:1;129:14;237:19;
253:5
frustration (3)
112:15;126:3;253:16
frustrations (1)
237:21
fully (1)
63:7
further (5)
4:17;74:13;172:14;
182:14;190:9
future (2)
237:15;238:7
FYI (3)
48:25;110:20;113:8

G

Garner (1)
116:16
gas (1)
252:15
gave (9)
11:5;68:23;142:1;
150:2;161:11,12;
170:18;172:14;239:6
gee (1)
130:15
General (17)
3:4,8;12:9;19:12;
46:18;48:25;50:13;
56:23;88:23;115:16;
116:13;207:25;222:21;
230:1;238:9;252:24;
261:5
generally (10)
83:3;97:8;105:8;
106:13;125:12;129:21;
171:25;172:24;188:12;
213:19
gets (2)
210:23;254:18
Ghattas (2)
26:18;28:12
Giuliano (2)
35:9,12
given (21)
13:25;38:16,20;
45:13;46:15;50:8;
112:6,11;144:8;173:2;
182:19;197:4,15;
208:21,21;214:23;
219:5;220:17;221:14;
252:8;260:3
gives (1)
234:19
giving (7)
43:10;69:25;72:16,
17;83:2;100:9;110:12
glancing (1)
183:25
globally (2)
91:21;139:13
Gmail (1)
119:25
God (2)
44:4;235:11
goes (5)
63:23;105:11;
111:14;163:1;232:2
[redacted] b6 Per OIG b7C Per OIG
good (18)
55:25;71:21;87:15,
16;88:21;94:12;96:3;
101:1;129:21;130:3,
20;131:2;133:23;
148:16;176:20;237:10;
241:15;247:25
Government (2)
217:6;218:4
grabbed (1)
142:23
grand (1)
101:4
grappling (2)
194:12,14
Grassley (1)
90:24
grave (1)
67:5

FBI 18-cv-01766-818

great (4)
85:8;89:10;148:20;
256:21
greatly (5)
25:11;30:16;58:19;
182:1;223:9
green (1)
219:5
ground (2)
17:6;92:8
group (4)
28:8,11;111:19;
242:20
guard (1)
25:1
guardrails (1)
226:11
guess (30)
30:11;32:18;46:4;
52:2;61:5;69:8;74:1;
80:12;87:1;111:1;
115:14;132:9;154:24;
156:24;157:4;159:7;
164:19;190:6;197:1;
201:2;202:11;207:3;
208:24;209:7;228:10,
25;244:15;245:19;
258:11,11
guessing (6)
44:6;87:2,7;228:14;
244:13,13
guidance (2)
135:1;214:11
guide (1)
39:13
guideline (2)
39:8,10
guidelines (2)
135:11;225:23
guns (1)
91:19
guys (4)
39:25;118:14;178:5;
237:8

H

half (2)
16:7,10
half-a-dozen (1)
191:22
hallway (3)
142:23;149:9;167:24
hand (1)
134:1
handed (1)
191:24
handle (1)
122:22
handled (1)
20:14
handling (1)
49:8
handwritten (5)
5:13,15;7:1,4,12
happen (9)
61:14;96:11;111:3,4;
127:22;199:17;209:18,
24;211:14
happened (25)
7:24;15:3,18,18;
37:12;47:7;60:5;65:20;
94:5;102:18;113:1;
140:23;153:4;155:5;
157:24;162:8;189:2,
25;200:21;202:2;
231:18;250:14,19;
253:3;257:6
happening (6)
16:11;60:22;63:8;
202:17;220:8;233:20
happens (6)
53:23;111:6;129:10;
146:6;157:5;212:5
happiest (1)
84:21
happy (1)
163:7
hard (9)
14:12;18:23;62:20;
86:2;107:21;129:11;
185:12;187:11;197:22
hardcopy (1)
16:20
harder (1)
217:19
hardest (1)
92:5
hastily (1)
116:12
hate (1)
202:19
head (4)
16:1;19:21;65:7;
121:16
headed (1)
181:16
heading (1)
74:18
headquarter (5)
249:6,7,15;250:5,8
headquarters (7)
38:17;61:25;101:13;
109:1;113:4,6;215:15
heads (4)
63:8;103:9;117:13;
209:4
heard (8)
36:4;66:18;117:16;
136:8,9;230:24;
242:20;257:22
hearing (1)
162:1
heart (1)
137:2
heat (1)
75:21
heated (3)
52:14;90:4;116:8
hectic (3)
90:11,19;198:7
hedge (1)
22:16
help (11)
20:12,16;30:25;32:5;
60:21;109:12;133:24;
155:23;181:2;187:21;
197:25
helped (2)
93:4;128:5
helpful (1)
118:20
helping (1)
101:10
hereby (1)
261:2
here's (3)
99:6;111:22,22
Herring (1)
111:18
hey (28)
39:25;49:24;67:13,
25;74:12;95:17;103:1;
104:11,23;110:5,20;
111:10,21;113:8,13;
123:4;127:15;128:9;
129:4;134:23;142:24;
154:1;159:25;164:12;
176:8,12;204:16;219:4
high (1)
227:15
high-level (3)
50:20;51:1;103:1
highlighted (11)
33:12;44:14;72:11;
78:25;79:23,23;84:4,5;
93:3;109:19;150:1
highlighting (1)
256:9
highly (1)
169:2
highly-visible (1)
38:10
high-profile (2)
40:25;222:1
Hill (1)
233:2
himself (1)
15:7
history (1)
91:25
hit (2)
76:3;89:11
hitting (1)
127:10
Hold (5)
21:15,15;133:17;
134:14;243:25
holding (2)
11:18;135:14
home (3)
43:15;45:3;47:9
honest (3)
41:13;157:22;178:6
honestly (1)
192:19
Hoover (3)
61:25;223:23;224:5
hope (2)
102:21;220:16
hopefully (2)
26:6;173:9
Horton (1)
70:2
hour (2)
75:15;146:8
hours (1)
192:24
house (9)
15:4;45:6;47:12;
115:16,25;125:14;
133:13,14;242:10
huge (1)
30:17
hung (1)
15:11
husband (1)
15:9
hypothetical (1)
190:24
hypothetically (2)
190:22,23

I

ICDs (1)
135:11
idea (13)
15:8;32:17;44:4;
52:21;67:13;155:20;
161:14;167:4;176:20;
185:18;187:2;189:6;
190:3
identical (2)
141:23;142:5
identified (9)
6:22;73:14;80:5;
113:5;118:14,15;
119:15;138:18;163:24
identifies (1)
249:7
identify (5)
3:17;33:25;161:21;
163:18;239:6
identity (1)
109:19
IG (15)
8:12;25:9;143:25;
144:6;175:8;176:19,
21,23;177:23;196:2,7,
11;200:22;201:18;
205:4
[redacted] b7E -1
imagine (3)
228:25;243:24,25
immediate (3)
140:9;155:3;164:20
immediately (4)
15:12;29:1;137:19;
160:14
impact (10)
71:8;101:22;105:15;
113:24;135:5;140:6,
10;237:24;238:18;
240:15
impacted (2)
25:11;30:16
impartiality (1)
197:9
imperative (1)
219:21
implicated (2)
60:23,24
implicates (2)
58:3;218:12
implication (5)
212:6;216:15;219:5;
228:21;230:7
implications (1)
222:9
impliedly (2)
212:10;213:25
imply (1)
138:1
implying (1)
188:5
importance (2)
158:9;221:14
important (13)
13:23;53:16;62:21;
64:17;74:16,18;
129:25;155:7;205:2;
206:3;220:17;223:11;
228:22
impressed (1)
36:3
impression (13)
46:6;91:25;93:8;
94:10;109:5;122:21;
168:22,24;170:7;
172:16;184:13;202:24;
210:22
imprimatur (1)
234:19
improving (1)
208:11
impulse (1)
190:15
inaccuracies (4)
16:5;20:9;175:6;
218:18
inaccuracy (2)
195:14,17
inaccurate (7)

FBI 18-cv-01766-819

17:8;46:20;93:8;
143:12;160:14;179:4;
253:9
inappropriate (1)
137:23
INC (1)
261:2
incident (2)
164:7,11
included (9)
56:8;66:6;68:9;
88:20;93:16;119:20;
162:15;170:20;178:10
includes (3)
97:19;166:25;167:3
including (5)
31:11;92:25;177:22;
208:23,23
inclusion (2)
93:11;231:24
inclusively (1)
109:4
inconsequential (1)
171:21
inconsistent (7)
81:5;82:20;256:16;
258:13;259:3,13,18
incorrect (2)
202:15;228:24
incorrectly (1)
253:22
incredibly (7)
20:8;58:10,15;91:24;
92:9;129:21;133:22
indeed (1)
259:6
independence (5)
17:16;48:16;57:11;
67:2;256:23
Independent (4)
48:7,10;93:9;94:16
indicate (4)
45:7;157:9;224:3;
236:23
indicated (17)
34:22;63:11;94:14;
145:12;159:16;160:6;
165:23;167:10;177:3;
184:10;186:12;195:6,
8;201:6;219:15;
244:18;248:21
indicates (4)
165:3,12;167:4,8
indicating (5)
156:3;157:16;
166:20;183:5;190:9
indication (1)
174:9
indicator (1)
50:9
individual (1)
90:2
individuals (4)
29:19;65:21;227:15;
245:12
ineffective (1)
101:7
inference (2)
169:22;170:14
influence (6)
17:9,15;38:15;41:11;
223:13;231:25
informal (4)
39:5,11;208:15;
226:9
information (42)
4:4;24:13;42:21;
61:4;70:10,11;77:24;
85:9;94:11,13,14;
99:12;100:9;103:23;
116:6;122:22;125:10;
133:18;141:5;146:8,
21;155:6;169:10;
173:21;176:24;188:14;
217:17;225:5;236:18;
241:18,22;249:1,3;
250:4,22;251:2;
253:25;254:8;255:13;
256:13,22;257:24
informational (1)
49:17
informed (3)
106:11;108:13;130:4
informing (2)
108:16;246:21
infrequently (1)
182:3
initial (6)
31:14;69:12;148:4,
22;173:10;183:19
initialed (2)
145:7;156:14
initialing (1)
147:14
initials (2)
142:6;191:20
initiated (2)
133:15,15
innumerable (1)
197:21
input (3)
72:17;128:6;209:5
inquiring (1)
36:18
inquiry (3)
14:23;15:1;147:12
INSD (55)
142:9;144:14;
145:19;149:14,21;
150:19;152:1,7;154:1,
15,20;155:19;156:3;
157:12;162:13,23;
164:7;173:14,17,22;
174:8,15,19,20;175:1,
8,16;176:4;177:22;
179:15,20;180:3,12,13;
181:5,23;183:4;
184:19;185:5,15;
187:2;189:3;195:18,
24;196:2,12;197:19;
199:2,14;203:3,16,19,
20;207:5;241:10
INSD's (1)
161:4
insert (1)
170:9
insinuated (1)
252:25
insinuation (2)
253:9,23
insisted (1)
61:12
Inspection (18)
133:2;141:4,15;
142:17;143:11;144:6;
160:1;176:17,21;
190:19;192:13,19;
193:22;194:18;196:6;
204:17,25;206:22
Inspector (4)
3:4,8;12:9;261:5
instance (4)
213:5;216:9,20;
233:24
instances (4)
55:25;58:23;249:2;
250:3
instantly (1)
197:11
institution (2)
60:25;62:8
instructed (1)
159:23
instruction (4)
38:16,20,25;225:19
instructions (5)
69:23;70:1;239:3,5,8
integrity (6)
4:11;35:1;39:13;
103:11;127:12;188:5
intel (2)
52:5;254:25
intelligence (1)
91:20
intend (1)
231:18
intended (2)
32:11;85:25
intensity (1)
92:14
intent (1)
89:24
intention (1)
82:17
interact (8)
14:1;16:20;55:19;
56:6;134:21;138:3;
212:7;225:8
interacted (5)
16:4;98:22;152:25;
218:7,9
interacting (16)
9:2;13:14;15:14;
16:8;18:22;20:11;
32:20;54:9;108:17,22;
127:8;134:9;164:16;
182:2;245:5;256:6
interaction (33)
11:1;14:3;37:8;49:7;
50:10;66:6;69:12;
73:25;77:1,5;109:6;
142:17;143:20;152:3,
20;153:21,21,24;
161:22;164:19;170:5;
171:21;173:10;181:25;
182:22;184:2;185:5;
186:3;190:4;199:24;
214:23;221:24;257:3
interactions (20)
5:25;15:2;16:25;
19:22;48:17;60:12;
61:8;62:4;75:17;78:2;
134:17;141:15;167:21,
24;169:2;208:15;
216:15;244:16,17;
245:12
interacts (1)
213:6
intercepts (1)
40:14
interest (11)
36:7;101:11;143:20;
209:8;210:10;212:11,
23;213:24;227:17;
228:22;237:2
interested (2)
16:12;134:2
interference (1)
17:18
interim (1)
111:17
internal (6)
30:13;132:23;141:2,
6;208:17;210:7
internally (1)
58:16
internet (2)
129:9,12
interpret (2)
32:14;232:25
interpretation (1)
232:19
interrupt (4)
13:22;21:13;63:18;
70:25
intersect (1)
209:11
interview (37)
3:8,25;4:16;6:16;
10:10,14;11:15;24:12,
24;25:19;26:8;27:15,
16,22;29:20;31:15;
74:3;143:21;144:14;
145:8,10,15;150:18;
152:7;161:6,25;
177:20;185:17;187:24;
191:25;200:15,22,24;
201:15,18;260:25;
261:8
interviewed (12)
140:13,17;141:8;
142:9;159:3;176:21;
180:3,12,13;181:23;
195:8;254:16
interviewing (1)
145:5
interviews (3)
56:9;155:20;184:22
into (34)
9:9;13:5;19:18;
25:10;36:8,23;47:20;
49:22;54:8;56:17;
75:24;78:4;94:19;97:3;
102:22;115:5;121:10;
132:10;135:17;140:25;
141:7;142:23;150:24;
155:5;176:4;207:9;
215:21;217:21;233:3;
234:1,14;243:6;248:6;
254:18
introduced (1)
15:7
invested (1)
176:4
investigate (3)
138:22;141:4;143:6
investigating (8)
25:14;41:25;42:5;
71:17;141:8;176:24;
213:13;232:14
investigation (82)
4:12,27:8;38:19;
41:2,17,20;42:15;43:5;
45:19;48:15,21;50:16;
51:3;53:2;57:2,19;
59:1,4,5;66:2;67:7;
70:23;71:5,20;96:20;
114:20;120:18;124:19;
130:19;132:10,14;
142:14;144:24;155:5;
164:3;173:22;176:5;
197:7;204:17;207:23;
209:2;210:8,17;211:7,
13,21;215:2,9;216:12;
218:7,13;221:12;
226:4;228:5;229:4;
230:3,5;231:1,13,20;
233:6,9,13,21,22;
234:1,17;236:1,6,10,
21;240:6,12;248:22;
251:5,13;252:14;
257:6,9,24;259:9,16
investigations (16)
71:3;175:25;178:22;
207:13;209:20;211:18;

FBI 18-cv-01766-820

212:1,19;214:14;
216:16;232:3;233:3;
238:8;255:13;256:13;
259:15
Investigative (12)
3:3,5,6,7,17:13;36:6;
91:20;119:20;212:11,
22;213:24;228:22
investigators (1)
79:16
invitation (1)
111:14
involve (1)
210:16
involved (7)
31:9;34:15;49:14;
122:24;214:13;225:4,
11
involvement (4)
17:10;19:17;188:18;
190:10
involving (3)
31:10,11;188:2
issue (46)
16:3;23:24;26:17;
28:2;29:9,15;30:17;
34:12;46:1;48:19;58:1,
2;62:9;69:8;70:12;
82:25;94:7;115:8;
127:11,24;132:12;
137:3;144:25;147:5,
19;153:20;154:15;
173:24;175:14,18;
176:12,15;178:19,20;
179:24;196:24;208:21,
24;210:11;215:21;
217:9;219:23;222:2;
226:15;231:4;254:17
issued (2)
17:21;110:23
issues (19)
19:1;20:1;31:8,12;
49:8;55:20;91:24;
129:24;134:4;185:10;
190:13;211:2;214:21,
24;215:19;216:18;
222:15,18;254:15
item (1)
142:25
items (1)
97:25
iterative (2)
162:24,24

J

Jackie (2)
133:19;135:2
January (1)
178:9
Jason (1)
111:17
jig's (1)
189:16
[redacted] b6 -3 b7C -3
Jim (31)
26:25;27:2;28:1,11;
49:22;53:7,11;65:10,
16,17;76:20;77:1,10;
101:22,22;110:5,11;
111:15;113:5,5;
175:17,19;176:1,17,17;
193:5,13;244:20,22;
246:1;257:2
job (12)
16:7,10;55:22;91:17;
93:9;94:16;127:7,7;
129:11,14,22,25
[redacted] b6 -1 b7C -1
Journal (76)
4:23;5:17,21;6:9,21;
7:6,7,11;10:4,23;
12:14;13:17,20;14:5,
14,23;24:16;25:20;
26:7;28:16;30:9;32:8;
33:2;46:15;53:9;66:25;
67:25;72:10;73:21;
74:15;75:3,11,17;
76:18;77:18;79:3;
85:24;101:19;103:6;
109:14;119:14,19;
129:1;140:14;141:19,
24;143:15;145:6;
147:5;151:18;153:22,
25;155:4;163:20;
164:14;166:11;173:11,
23;178:19;179:21;
180:4,13;182:19;
185:6,16;186:19;
215:3,10;218:9;
240:25;248:12;249:11;
250:15;251:9,25;
255:17
Journal- (1)
94:20
judges (1)
227:9
judgment (4)
58:8;70:3;223:2,8
judgments (1)
199:8
July (13)
10:10;24:12;27:12;
31:15;72:21;157:6;
177:14,15,17;182:10;
187:23;201:16;236:5
jump (4)
32:14;44:24;139:21;
208:6
jumps (3)
5:16;46:21;65:5
June (6)
163:3;164:24;
165:22;166:18;167:12;
171:18
jurisdiction (1)
132:22
Justice (18)
17:19,20;37:15;
48:14,17;57:14,18;
67:3,7;71:19;79:9;
80:24;82:17,19;123:7;
222:10,20;261:5
juxtapose (1)
157:5
juxtaposing (1)
235:22

K

Karl (2)
26:18;28:12
keep (9)
7:19;50:6,6;118:22;
125:20;127:3;141:11,
20;178:14
keeping (2)
129:23;130:3
Kelly (1)
111:17
kept (5)
130:25;131:12;
183:1;186:7,8
key (1)
183:6
kidding (1)
260:6
Kim (1)
3:20
K-I-M (1)
3:20
kind (147)
9:3,4;13:5,12,12;
14:12,13;15:2,12;16:1;
17:7,11,12,14;18:22;
19:17,19,23;20:10,14,
16;23:14;32:18;34:13,
17;35:1,5;36:8,14;
37:7,10,13,18,20;
38:14,21;39:8;40:3,24;
41:14,25;42:12;50:5,6,
9;51:14,17;55:8;58:20;
61:6,11,24;69:8,22;
70:1;75:20;78:14;83:2;
90:3,4,11;92:7,12;
93:15;94:3,4,7,10;
95:24;98:8;101:23;
102:8,12,24;104:2,16;
105:13;112:4,22;
122:17;125:14;127:7;
129:7,11;133:13,16;
134:1,2,11,13;135:2,
10,16;136:13,14;140:9,
25;142:23,25;143:4,7,
15;144:5,8,19;147:18;
153:3;154:16;155:16;
156:16;164:18,19;
167:23;175:12;176:7;
183:25;184:1;190:12;
198:4;207:25;208:14,
14;209:7,10,12;210:10,
23,24;212:18,19,21;
213:18;214:10,21;
218:25,25;219:10,10;
226:8,10;235:14;
239:20;241:24;251:18;
254:7;256:5;258:20
kinds (6)
49:8,9;85:8;212:12;
228:24;232:19
knew (26)
21:2;24:5;25:4,10,
15;29:2;53:13;78:16;
95:19;106:13;128:22,
22;137:18;143:2,3,19;
147:7,9;158:13;
186:12;205:2;218:24;
219:3;242:23,25;244:8
knowledge (11)
9:20;20:13;56:6;
63:7;107:5,16;108:18;
178:9;244:19;245:6,9
known (12)
134:5;186:10;
188:18,19;189:14;
190:11,14;243:10;
245:4,13;246:18;
247:10
knows (8)
31:25;112:21;
127:18,19;128:13;
130:1,2;254:25
Kobre (1)
3:20
K-O-B-R-E (1)
3:20
Kortan (80)
6:8,14;7:5;12:14;
13:25;14:4,15,20;
15:12,17;16:6;18:4;
20:21,23;25:18,23;
54:10,16,17;55:20,21;
56:3,6;60:11;62:4;
63:2,23;66:23;67:23;
76:15;78:2;79:2;80:3;
81:14;83:8;84:9;85:13;
87:21;95:17;101:15;
103:16;107:9;109:13;
110:5,9,18;111:15,20;
112:2,9,16;113:9;
125:19;126:6;127:15,
18;133:19;139:20;
147:11;154:18;180:10;
181:4;208:16,18;
209:25;218:15;225:9;
226:1,8,12,24;233:7;
238:4,22;244:8;
250:17;252:9;255:15,
20,23
Kortan's (1)
127:7

L

labeled (1)
119:22
lack (3)
17:16;205:3,6
laid (1)
15:24
language (6)
108:12;117:17;
157:13;167:3;249:21,
25
laptop (5)
19:24;61:13,20;62:9;
90:8
large (1)
238:18
last (28)
9:3;10:10;44:2,13,
17;75:15;83:12,12,15;
84:3,5;88:4,8;90:21;
96:6;98:7;120:15,16,
16;123:5;136:8;
149:22;151:13;185:4;
196:19,20;227:9;
250:25
lasting (2)
237:24;238:12
later (28)
12:7;16:21;78:5;
102:17;130:18;143:10,
13;144:4;154:3;157:6,
11,18,23;159:2;160:4;
162:16;170:7;172:6,
10;173:14;192:24;
196:6,9;199:15;
202:15,23;243:23;
248:13
latest (1)
120:21
latter (2)
212:24;221:7
law (1)
3:20
lay (1)
35:2
leaders (2)
38:21;114:13
leadership (9)
17:11,16;31:11;
56:10;59:1,16;60:16;
96:8;222:19
leading (3)
18:22;23:16;43:11
leads (2)
40:11;128:15

FBI 18-cv-01766-821

leak (16)
100:16;116:19;
132:9,14;141:2,3;
144:21,23;146:7;
155:5;164:3;177:10;
192:2;252:22;253:11;
254:17
leaked (1)
125:3
leaking (7)
116:23,25;117:3,5,
13;194:9;242:3
leaks (14)
99:11,12,23;115:15,
17;116:1;120:24;
121:5;122:20;125:11;
132:23;134:3;242:16;
254:1
learn (1)
46:12
learned (1)
14:15
learning (3)
30:12;32:16;157:23
least (12)
61:18;88:19;93:12,
15;94:12,14;128:6;
136:11;142:5;190:25;
229:4;238:16
leave (5)
24:8;43:21;97:24;
147:17;239:25
leaving (4)
15:4;142:18;147:16,
17
led (4)
134:16;141:1;
147:11;226:20
[redacted] b6 Per OIG b7C Per OIG
left (11)
21:6;47:13;74:12;
76:4;142:6;147:22;
148:5,9,17;152:7;
185:4
legal (1)
41:6
legally (1)
220:1
length (1)
251:15
less (1)
66:16
letter (2)
90:7;178:9
letting (4)
16:11;100:21;123:4;
220:7
level (7)
92:14;209:23;
214:22;233:25;234:6;
238:7;257:4
levels (1)
227:15
liberty (2)
112:9,14
life (3)
84:21;193:4;218:8
light (1)
219:5
likely (22)
64:23;65:10,18;
81:17;94:17;97:5,17;
102:4,5;116:6;122:13;
125:16;137:12;158:20;
166:11;167:7,25;
169:5;176:6;241:17;
244:20,22
limitation (1)
259:18
limitations (2)
70:4;259:4
limits (1)
259:15
line (8)
5:20;11:20;12:2;
82:13;120:16;125:19;
150:24;242:15
Lines (10)
11:24;12:2;35:18;
72:24,25;73:5;122:13;
172:1;185:9;248:18
Lisa (90)
10:15,19;11:22;
12:13;13:1,15,25;19:9;
20:6,12,13,21,24,25;
21:6;24:9,16,18;25:7;
27:4;28:2;31:20,20,24;
32:11,17,25;44:20,23;
47:24;48:23;49:6;54:9,
15,17;62:5;63:5,10;
64:21;66:23;67:9,16,
23;68:12;69:18;72:9;
74:14,19;75:1;76:14;
77:6;79:2,15;80:2,6,
18;84:6,9;86:9;88:7,
12;98:22,22;100:6;
102:23;106:18;108:17,
19,22;109:4;113:22;
139:16;143:14;179:23,
25;181:25;187:24;
188:7,17,21;189:12,13;
190:2,16;224:19;
238:22;241:22;242:24;
245:5,13
Lisa's (1)
73:20
list (2)
159:18;216:17 b7E -1
literally (2)
141:14;252:12
[redacted]
[redacted]
located (1) b7E -1
216:6
location (1)
20:3
logically (1)
83:13
logistics (1)
220:12
long (14)
22:7;44:2;50:19;
73:22;130:1;136:10,
25;158:25;161:7;
182:8;198:11;207:2;
216:21;243:10
longer (4)
133:24;135:17;
160:5;182:1
long-standing (1)
79:10
look (29)
25:9;33:16;61:6;
88:4;101:3;102:19;
118:5,18;119:5;
125:13;126:23;141:7;
150:4,5;163:11;
164:10,13;168:1,12;
170:8;172:19;176:2;
185:8;192:17;193:5;
196:17;215:8;242:6;
260:7
looked (13)
6:19;118:17;134:5,7;
135:3;158:12,17,20,23;
160:13,18;161:10;
176:18
looking (25)
6:19;23:25;25:10;
34:16;50:7;57:8;
100:24;117:24;144:1,
6,6;146:11;156:12,13;
157:3;163:17;175:8,9;
176:18;177:22,23;
184:1;196:18;201:25;
207:3
looks (3)
111:22;120:15;
126:23
loop (2)
64:4;84:7 b7E -1
[redacted]
lost (1)
260:21
lot (34)
20:13;23:13;24:4;
32:16;37:8;49:6;56:17;
65:17;66:18;69:9;
70:10;74:1;85:7;88:25;
90:20;92:8;94:11;
99:11;103:2;104:13;
115:1,21;116:6;130:3,
15;159:14;188:1;
193:18;197:3;209:18;
234:22;235:11;242:8,
15
lots (2)
86:16;241:3
lunch (3)
182:13,15;185:3
Lynch (1)
96:10

M

machine (1)
125:21
mad (2)
81:22,23
Maguire (1)
133:20
major (1)
242:5
majority (3)
15:2;55:24;69:10
makes (4)
101:3;146:16;
217:18;239:14
making (9)
9:15;17:17;79:16;
167:15;207:22;209:20;
237:3;255:17,23
managed (1)
93:15
Manual (3)
39:16,16;255:8
many (27)
20:2;23:15,15;56:11;
75:6;76:25;84:23;
88:21;104:15;116:5,7,
19;125:13;127:20,20;
129:7;134:3;161:20;
198:16;210:9;212:5;
213:4,21;215:10;
231:23;234:23;237:20
[redacted]
margin (1) b6 Per OIG
153:2 b7C Per OIG
margins (1)
141:14
[redacted] b6 Per OIG b7C Per OIG
material (2)
158:4;175:9
materials (1)
199:1
math (1)
14:18
Matt (28)
21:11;22:2;34:5,13,
21;35:6;36:16;41:22;
45:2,9;46:2,12,17;
52:14;64:20;76:17;
82:14;92:24;94:18;
102:8;105:15;106:24;
114:15;238:14,25;
239:2,10,10
matter (19)
21:2;34:16;57:21;
72:4;82:11;141:4;
154:23;158:8;162:10;
170:17;184:25;212:23;
224:23;228:18;248:3;
254:17;260:19,22;
261:6
matters (8)
3:24;4:21;91:3;
130:25;131:12;176:18;
225:6;256:6
Matt's (1)
82:5
[redacted] b6 Per OIG b7C Per OIG
may (82)
4:3;9:21;12:12,13;
26:5,5;40:2;51:23;
52:5;74:10,12;77:13;
79:13,13;87:19;88:2;
90:20;94:19;105:8;
113:6,8;118:8;124:22;
128:10;131:17;140:13;
141:5;142:9,12;145:6;
146:12;152:4;154:5,6;
156:8;157:21,22;
158:16,18;161:6,16;
162:8,17;165:19;
166:13,16;167:12;
168:9;169:18;170:18,
18;171:12,18;172:4,
15;174:10,11,19;
179:20;185:15,20;
187:2;189:3;190:19;
192:12,20,21;193:11;
196:16;198:14,18,20,
23;203:8,23;204:1;
211:1,24;232:3,21;
251:1,21
maybe (40)
16:16,17;22:21;
34:14;37:16;39:13;
53:19;55:12;62:1;
65:16;69:12;75:14;
79:19;84:21;96:15;
107:18;111:17;112:23;
114:11;118:20;122:12;
130:21;131:2,6;140:6,
6;141:3;142:12;
147:10;149:9,9;165:7;
166:14;174:17;196:5;
197:24;204:15;207:20;
211:23;258:11
McCabe (1207)

FBI 18-cv-01766-822

3:9,10,13,16;4:10,14,18,24;5:2,9,12,18;6:8,12,17,23;7:3,7,11,16,18,20,22,25;8:3,6,10,14,18,20,24;9:2,7,12;10:6,8,12,18,21;11:4,13,16,19,25;12:4,6,11,16,19,23;13:17,21,23;14:6,9,12,20;15:5,22;16:19,25;17:3;18:2,7,11,19,21;19:2,6,9,16;20:23;21:8,21;22:3,6,11,14,19,21,23;23:3,6,11,13,21,25;24:4,14,18,21,23;25:4,7,15,22;26:1,10,14,17,22,24;27:4,6,9,13,19,23;28:1,4,8,11,19,22,25;29:3,7,11,16,21,23;30:2,4,11,16,23;31:3,5,16,19,22;32:1,4,9;33:3,10,13,17,21;34:1,4,9,12;35:10,12,15,17,22,24;36:6,23;37:1,4;38:20,25;39:7,12,15,18,22;40:2,6;41:4,9,16,20,23;42:2,6,8,14,17,19,23;43:2,4,7,12,15,18,20;44:4,6,8,11,16,22;45:4,8,12,16,20,23;46:1,4,11,18,21;47:1,10,14,17,25;48:3,6,8,10;49:3,6,12,14,19;50:1,4,14,17,22,25;51:6,9,12,22;52:1,4,8,11,15,17,20,23;53:3,11,17,24;54:1,6,12,14,19,21,24;55:2,6,14,16,18;56:15,19,25;57:6,13,21,25;58:6,12,18;59:2,8,12,17,22,25;60:6,17;61:1,5,11;62:11,14,17,23,25;63:13,16,21;64:9,12,15,23;65:2,6,10,14,16,22;66:1,3,5,8,10,17,21;67:1,15,22;68:2,11,17,21,25;69:2,4,6,25;70:6,8,18,24;71:1,6;72:19,23;73:4,11,17,25;74:5,24;75:4,6,9,14,25;76:9,11,19,23;77:16,19;78:1,7,10,14,21,24;79:7,14,21,25;80:12,17,21,22;81:3,7,10,13,16,17,19,22,24;82:1,3,9,23;83:2,5,11,13,18,20,24;84:5,11,16,19,23,25;85:3,7,14,18,21;86:2,10,18,20,22,25;87:5,9,14,17,20,22;88:1,5,15;89:3,9,13,16,20,23,25;90:17,20,23;91:4,7,10,13,17;92:4,13,17,22;93:2,5,19,23,25;94:3,23;95:1,5,7,12,19,21,23;96:3,5,22,25;97:5,9,15,17,21;98:4,7,13,21,25;99:2,6,13,16,19,22,25;100:4,7,10,13,18,23;101:16,20;102:1,3,8,11,16,19;103:7,10,13,18,25;104:4,7,10,13,22;105:7,13,17,19,23;106:2,4,9,13,17,22,25;107:3,6,11,15,21,25;108:3,5,10,15,23;109:1,3,11,22,25;110:2,4,17,22,25;111:5;112:8,12,14;113:12,20;114:4,8,12,18,24;115:3,18,21;116:2,18,21,24;117:4,6,11,16,21,24;118:5,7,9,12,16,21,24;119:1,11,13;120:2,11,23;121:2,7,12,15,22,25;122:2,4,6,8,10,17;123:1,11,14,19,22;124:1,3,8,12,15,18,21,24;125:2,5,12;126:2,7,9,12,16,19,21,25;127:6,13,18;128:7,19,22;129:6,20;130:9,11,14,20,23;131:2,8,13,17,21;132:3,13,18,21,24;133:1,4,9,11;135:22,24;136:2,5,10,12,16,25;137:11,16,21,25;138:6,9,11,14,20,23;139:2,4,6,19,23;140:3,9,16,21,25;141:11,13,17,25;142:3,7,11,16,21;143:24;144:4,12,16,18,21,23;145:1,4,9,14,17,20,22,25;146:2,5,7,10,16;147:4,6,14,21,24;148:2,8,11,13,19,23;149:1,5,8,16,19,23;150:3,6,11,21;151:5,8,11,15,17,20,24;152:2,5,10,12,15,17,21,24;153:2,7,10,13,18;154:6,8,13,22;155:2,9;156:1,6,9,11,18,24;157:2,8,15,20;158:2,13,17,20,24;159:1,5,9,13,20,22;160:7,18,21,25;161:9,18;162:2,10,14,18,20;163:5,6,22;164:7,11,15,23;165:1,8,11,14,16,21;166:1,8,17,21,24;167:2,7,13,16,20,23;168:2,5,7,14,16,18,23;169:1,9,17,20,25;170:4,19;171:4,10,15,19;172:8,12,17,21,24;173:1,6,9,16,25;174:5,14,23,25;175:4,11,15,19,24;176:16;177:1,6,9,12,25;178:4,8,13,18,23;179:1,5,10,17,25;180:5,9,14,18,21,25;181:3,7,9,11,14,17,20,24;182:7,11,21;183:8,11,15,19,21,24;184:6,9,12,18,21;185:23;186:20,22,24;187:4,8,11,14,17;188:3,9,11,15,17,25;189:5,8,10,15,19,24;190:9,21;191:2,5,12,17,24;192:3,5,9,15,17,23;193:2,8,11,13,16,20,23,25;194:10,13,16,20;195:4,10,17,21,25;196:7,11;197:13,16,21;198:3,10,20,22;199:1,6,12,18,21;200:4,7,9,11,16,20;201:2,10,14,17,20,24;202:3,6,10,16,19,24;203:5,9,14,18,21,23;204:1,5,12,15,23;205:7,10,13,16,18,22;206:2,5,7,12,14,17,20,24;207:1,6,15,18,24;208:8,13,20;209:3,7,21,25;210:2,5,9,14,18,21;211:1,11,19;212:3,10;213:4,13,15,18,21,24;214:2,10,15,18,20;215:6,12,15,22;216:1,4,14,23,25;217:5,12,18,21,24;218:3,6,12,24;219:7,13,20,23;220:3,6,9,15,20,22;221:1,6,10,16,19,22;222:4,12,15,23;223:1,5,8,11,16,19,21;224:2,10,13,17,25;225:2,12,14,16,21,24;226:7,14,18,21,25;227:3,7,25;228:7,10,14,17;229:6,8,13,20,23;230:6,10,13,15,19,22;231:2,6,9,15,21;232:4,9,12,18;233:10,14,16;234:5,7,10,12,18,22;235:1,3,7,11,14,16,19;236:3,7,12,16,22;237:4,7,12,17;238:10,23;239:1,4,8,16,20,23;240:8,14,17,21;241:1,7,11,15;242:4,11,17,22;243:7,9,13,15,18,20;244:4,12,16,20,22,24;245:2,4,8,15,17,20,23,25;246:7,13,16,19,23;247:1,3,8,13,15,17,21,25;248:17,24;249:4,12,17,20,23,25;250:6,9,12,16,24;251:3,6,11,15;252:1,4,7,17;253:4,8,13,15,20;254:5,15;255:4,10,14,18,25;256:4,10,14,18;257:7,12,18,21;258:4,8,11,19,23;259:5,7,11,19,21,24;260:5,8,14,16,24;261:8

McNamara (4)
144:5;175:15;203:21;204:7

mean (112)
14:10;18:21;28:16;34:12;36:2;41:2,4;42:3,22;44:16;45:9;47:2;51:6;52:17,24,25;53:11;57:6,25;59:9;62:7,9;67:19;69:22;70:8;71:6;78:15;79:7;80:8,13,15,17,25;82:4,13;84:25;85:1;86:13;88:16;89:11,16,19,22;90:2;91:17;92:20,23;99:14,22;100:3;104:2;105:7;107:21;114:2;115:8;116:10;117:7;121:24;126:3;129:6;130:7;131:17;133:1;137:2;144:18;153:13;154:23;159:1,9;168:7;174:14;178:1,8;180:18,19;182:21,23;188:11,25;192:17;193:11;198:24;202:19;207:24;212:3;213:2,4;214:7;216:16;217:13;220:14;225:14;228:14;230:6,8,15;232:18;234:22;237:7,18;242:18;243:9,14,20,23;246:7;249:17,20,24;258:6;259:8,22

Meaning (1)
13:19

meaningful (1)
139:18

means (1)
259:11

meant (3)
73:20;115:7;159:20

media (55)
4:4;14:23;15:1;16:9,11,12;42:8;59:15;63:9;77:24;90:9;122:20;123:15;129:11;130:2;132:6;133:5,13,16,21,23,25;134:6,7,17;135:4,5,11,12,12;138:3;141:4;186:12;207:11,14,22;210:10;211:6,7;212:2;213:16;214:14;216:15;221:24;225:6,11;226:5;229:22;232:2;247:12;248:7,11;255:8,24;256:6

meet (6)
34:25;96:8,9,13;185:15;208:18

meeting (76)
14:21;24:19;30:17,20;32:17;35:5,17,18;36:4;61:12,15;96:1,7;97:18,19;102:4,7,15,16;105:14;110:19;118:3;143:13;144:14;146:8,20;147:16;150:18;153:3,19;154:17;155:6;157:21;159:25;161:6;166:13;173:20;174:25;175:16;177:7;178:13,14;179:7,18;182:8,22;184:6;186:4,6,15,18,20;187:2;192:19;193:13;196:2,3,5,7,8,11,12;197:19;200:20,21;201:6,21,22;203:4;204:7;206:10,19,21,21;208:22;252:23

meetings (11)
19:24;37:4;96:11;105:11;111:11;141:6;146:13,14;208:18;210:7,10

meets (1)
173:18

member (2)
59:16;60:15

members (1)
212:7

memorable (2)
57:4;91:16

memorialization (1)
161:24

memorialized (1)
152:8

memorized (1)
208:5

memory (4)
31:14;130:8,12;208:2

memos (1)
201:8

mention (4)
7:5;128:8;147:6;173:13

mentioned (23)
7:1;10:25;14:16,20;29:19;31:8,17,21;33:5;39:3;64:6;89:18;93:20;

FBI 18-cv-01766-823

104:25;105:25;123:7;
178:11;179:2,7;
207:10;236:13;244:6;
252:21
mentioning (2)
187:25;235:21
mentions (1)
13:4
[redacted]
b6 -1
b7C -1
merits (1)
229:14
message (3)
116:13,23;117:1
messages (1)
25:6
met (7)
142:13;144:7;145:1;
154:21;174:18;204:22;
208:10
method (1)
211:25
Michael (4)
12:13;54:10,16;
67:23
middle (6)
45:16;57:22;126:10;
128:3;132:8;198:7
Midyear (6)
90:5;92:7;98:16;
115:6,11;190:12
might (22)
30:13;41:11;43:6;
55:5;92:20;104:3,11;
109:4;119:4;161:16;
166:12;181:13;193:9;
197:22;208:6;218:8,9;
228:11,20,22,25;
252:14
Mike (101)
6:8;7:5;13:15,25;
14:15,20,25;15:17;
16:4,6,15,15,20;17:4;
18:4,21;19:9,11;20:5,6,
11,16,20,23,25;21:1;
24:10;25:18,22;54:17;
55:19,21;56:3,6;60:11;
63:2,5,10;66:23;67:9;
69:18;70:2;74:14,19;
76:15;77:6;78:2;79:2,
15;80:3,18;84:6,9;
98:22,22;100:7;
102:24;106:17;108:17,
22,23;109:4;110:4,9;
111:15,20;112:21;
113:22;125:19;127:19;
129:11,14,21,23,25;
130:11,15;131:3;
132:18,19,24;133:19;
143:14;147:11;180:10,
14;208:16,18;209:25;
218:15;224:19;226:8;
238:22;241:22;242:23;
245:5,14;246:8;
250:17;252:19;255:23
Mike's (4)
16:7,10;127:20;
188:18
mind (15)
19:7;23:5,15;33:18;
66:16;123:18;139:21;
151:22;192:21;197:11;
198:23;207:4;215:20;
230:18;233:12
mine (1)
112:17
minor (1)
233:18
minute (3)
79:4,5;185:4
minutes (6)
33:23;44:4;53:23;
71:24,25;243:22
misapprehension (1)
195:12
mischaracterization (1)
81:4
misconduct (1)
4:3
misimpression (5)
13:24;24:9;74:13;
99:3;186:16
misinterpretation (1)
199:11
misperception (1)
67:6
missed (1)
30:22
missing (1)
165:7
misspoke (1)
73:23
b6 -1
b7C -1
[redacted]
misunderstand (1)
254:3
misunderstanding (3)
155:24;156:4;166:15
misunderstood (2)
185:14;202:11
mitigate (2)
93:4;114:7
b6 -1
b7C -1
mitigated (3)
88:19;92:18,19
[redacted]
[redacted]
b6 -1
b7C -1
moment (15)
6:13;31:8;33:16;
157:24;174:8;182:13;
187:22;197:15,18;
206:3;215:17;235:24;
255:21;256:9;260:2
Monday (4)
16:17,19;95:2;96:9
month (1)
53:12
b6 Per OIG
b7C Per OIG
months (7)
34:15;96:6;159:1,2;
172:23;198:16;254:16
monumental (1)
197:15
more (40)
12:20;13:10;31:13;
49:16;50:7;54:8;56:17;
65:18;66:15;83:16;
90:18;92:13;97:24;
101:10;112:23;113:20;
117:17,25;119:20;
120:5;125:25;126:21;
127:16;155:7;164:9;
172:7;185:4;196:4,14;
205:2;212:13,25;
223:5;225:7,17;
228:22;240:23;248:25;
252:14;258:12
Morgan (5)
142:18;145:12;
151:17;152:14;179:3
morning (9)
16:17,19;37:4;45:15;
96:4,7;97:18;101:24;
260:23
most (3)
66:12;69:7;175:6
mostly (1)
19:25
mother (1)
148:15
motivation (1)
192:13
mouth (2)
140:23;243:6
move (6)
6:25;64:5;103:2;
104:23;194:19;195:5
moves (1)
79:16
moving (6)
34:19;76:1;113:4;
139:10;140:12;207:7
much (19)
48:16;51:7;68:20;
72:13;92:4;113:23;
117:7;123:15;126:11,
14;135:17,17;150:2;
171:24;198:13;217:19;
254:6;260:19,23
multiple (3)
36:7,24;167:21
must (8)
15:3;148:3;150:11;
154:9;159:23;184:13;
248:20,22
[redacted]
myself (5)
34:5,14;98:9;208:15;
255:22

N

name (13)
3:19;31:12,21;123:6;
142:19;188:1;216:19,
20;234:23;238:25,25;
239:10,10
named (3)
31:25;32:2;234:15
names (1)
217:6
naming (2)
234:16;239:2
Nancy (9)
144:5;175:15;
203:21;204:6,8,16,21,
25;206:11
narrative (7)
58:7;67:10,14;69:13;
93:15;94:11;231:25
National (6)
132:21;209:10,15;
211:6;214:21;229:21
natural (6)
87:12;104:3;114:2,
10;231:12,15
naturally (1)
134:25
nature (7)
59:10;60:11;112:18;
207:12;212:15;241:6;
256:19
navigate (1)
214:6
navigates (1)
70:2
Near (1)
30:7
nebulous (1)
212:18
necessarily (2)
83:7;134:19
necessary (6)
59:18;165:5,24;
168:19;171:1;239:4
necessity (1)
28:4
need (15)
48:24;61:22;62:24;
113:13;120:17;121:17;
159:11,11;164:9;
170:16;195:15;204:16;
205:8;242:10;251:22
needed (10)
30:18;155:3,9;158:5;
164:2;195:23;220:14,
23;221:2;224:18
needs (2)
63:20;127:19
negative (3)
122:21;237:15,24
negatively (2)
95:23;238:18
nevertheless (3)
20:5;129:23;176:9
New (21)
3:22;24:13;36:9,10,
17;37:16,20,23;38:4,
23;40:10,13;92:8;
114:21;116:7;121:19;
125:3,11;166:16;
170:9;242:6
newly (1)
247:12
news (1)
212:20
next (13)
15:2;71:24;74:11;
82:14;84:21;88:9;
125:17;146:6;150:14;
184:4;186:4;195:9;
252:12
night (1)
16:17
nobody (2)
193:5;238:11
non- (1)
91:8
none (1)
57:6

FBI 18-cv-01766-824

nonexistence (1)
236:9
non-operational (1)
91:22
nonpublic (1)
4:4
non-stop (1)
91:23
Nope (1)
207:8
nor (1)
227:9
normal (3)
14:24;57:7;92:9
note (2)
151:1;169:21
notebook (1)
118:23
notebooks (2)
7:19;8:2
notes (30)
4:20;5:10,12,13,15;
7:1,4,12;8:5,8;117:24;
118:1,4,10;119:6,7,8;
146:1,4;161:24;
185:17;191:8;193:19;
194:2;199:14,22;
201:8;206:10;207:4,5
note-taker (1)
7:15
notice (8)
15:13;103:5;125:21;
126:4;129:10;158:2;
165:17;252:13
notification (2)
4:6;26:9
notified (4)
25:20;28:24;164:7;
224:8
notify (1)
224:8
noting (1)
196:22
November (5)
3:23;88:6;115:8;
130:22;155:16
NSD (1)
140:13
number (13)
20:22;119:15,16,17;
180:21;198:23;221:22;
227:18;252:22;253:24;
254:1,6,23
numbers (4)
134:6,6,7,8
numerous (1)
161:23

O

oath (1)
4:9
obtained (1)
173:22
obvious (3)
192:12,18;212:12
Obviously (13)
26:5;47:7;59:10;
88:16,25;156:14;
163:7;164:9;165:9;
182:21;199:21;218:12;
238:15
occasion (3)
10:9;43:25;98:2
occasions (1)
32:25
occupied (1)
61:19
occur (7)
96:2;145:21;147:20;
249:9,12,16;250:14
occurred (3)
64:8;155:25;160:25
occurrence (1)
14:25
occurs (2)
43:14;163:20
o'clock (3)
72:7;96:15;184:24
October (58)
4:6,23;5:11,20;6:22;
10:4;12:15;13:21;
14:19;19:24;20:22;
24:16;26:7;44:14;
54:19,20,22;55:15;
60:22;72:9;75:2,3;
79:24;88:13;94:22,25;
95:16;98:7;109:15;
110:21;115:24;118:1;
119:7,15,16,19;129:2;
137:19;138:19;139:13;
140:13;141:23;145:7;
155:16;170:22;176:24;
179:21;183:5;224:24;
233:23;236:17;240:24;
244:25;248:7,8,11;
251:9,25
ODAG (6)
37:8;49:7,9,25;
197:5;238:8
odds (1)
161:4
off (21)
16:1;17:13;25:1;
48:14;61:16;72:2,4;
74:19;76:4;80:25;81:1;
87:4;121:16;129:9;
184:23,25;185:5;
208:2;235:18;248:3;
260:21
offered (1)
260:12
offering (1)
169:9
Office (34)
3:4;7:13;25:17;36:9,
10;37:8,19;43:24;69:1;
71:16;92:2;97:4,4,6;
112:4,4;116:7,15;
133:22;136:9;142:22;
145:22;146:25;147:21,
23;154:11;204:7;
209:5,10,16,23;242:6;
255:7;261:5
offices (7)
34:16;36:7;37:13,21;
38:4,18;114:19
official (9)
36:2;50:20;51:2;
56:11;80:24;123:8;
232:7,13;234:15
officially (2)
42:9;212:19
often (3)
63:4,25;64:1
oftentimes (2)
110:11;111:9
OGC (9)
8:23;9:10,15,21;
208:19,23;249:7,14;
250:7
OIG (34)
8:9;9:10,14;10:10;
24:12;25:6,19;26:8;
27:14,22;29:20;30:9;
31:15;72:21;157:6;
159:4;172:11,13;
177:21;181:5,23;
185:7;187:23;188:14;
189:12;195:8,15,20,21,
24;200:15,17,25;
201:15
OIG's (1)
27:8
once (4)
87:24;111:8;164:4;
188:13
one (100)
4:1;6:12,20;10:9;
14:21;21:15,16;30:5;
31:13;37:22;41:17;
42:14;43:17;44:23;
46:6;50:22;55:18;60:4,
6,6,13,13;61:7,18;65:5,
23;66:10;67:12,15;
77:22;84:23;88:21;
90:15;91:15;92:15;
106:11;107:8;108:2,
14;109:19;110:21,23;
111:24;112:1;116:11;
117:25;118:13;119:1,
16;120:5,10;127:19,
22;128:3,7,13,14,24;
134:1,4,11;140:7;
141:6,14,17,17;142:1;
144:18;146:14;147:8,
9;150:13;155:12,20;
166:10,25;169:2;
171:15;172:1;179:22;
181:13;185:4;195:2;
196:14;202:7,7;208:4;
211:1;217:8;218:25;
230:17;240:6,23;
242:2,5;247:19;
248:13;254:15;258:6,9
one- (1)
95:10
one-day (1)
76:23
one-on-on (1)
56:22
one-on-one (5)
58:25;59:15;60:15;
105:5;219:4
ones (3)
91:24;150:1;212:20
one's (3)
181:13;230:17,17
one-sided (2)
93:7;94:10
one-stop (1)
135:4
ongoing (13)
41:2,17;42:16;
207:23;210:8;216:16;
221:12;248:22;251:13;
255:13;256:13;257:5;
259:9
online (2)
16:17;127:22
only (13)
6:12;77:8;92:4;
111:9;166:9;195:14;
216:20;249:5;250:4;
252:22;253:23,24;
254:1
on-one (1)
95:11
onto (2)
151:22;252:15
OPA (10)
125:21;127:24;
130:25;210:2,3;
225:11;249:8;250:9,
10,11
OPA's (1)
127:7
open (6)
40:13;41:20;62:19;
70:22;233:22;243:10
opened (2)
132:9,14
operational (6)
208:25;209:5,9;
249:7,15;250:8
operations (1)
91:21
opine (1)
167:16
opinion (1)
257:25
opportunity (6)
62:2;148:21;178:25;
216:6;219:17;260:3
opposed (5)
227:22;228:6,12;
234:2,19
opposite (2)
36:16;88:20
optimally (2)
216:4;219:16
option (1)
41:6
oral (1)
225:19
orally (1)
225:7
order (10)
7:21;17:21;115:16,
25;133:14,14;188:24;
195:11;241:5;242:10
ordered (1)
67:6
organization (4)
58:10,22;90:1;97:16
organize (1)
37:13
organized (1)
129:18
original (2)
67:5;147:11
origins (1)
135:10
others (20)
30:1;48:12;77:1,23;
79:9;82:3,4,15,16;
92:11;105:3;113:20;
121:24;170:12;182:24;
188:19;208:24;231:7;
241:9;245:24
otherwise (2)
184:8;240:13
ourselves (1)
122:19
out (106)
5:16;7:13,14,23;8:1;
13:12;15:12,24;16:16;
17:5,7;18:23;19:19;
20:2,11,17;25:16;
26:11;27:15;28:17;
30:20;35:2,4;36:18;
37:13;40:4;43:23;
46:21;51:16;55:3;65:5;
66:16;69:23;73:2;
74:11;75:3,21;76:12;
78:12,16,17;80:11;
84:20;85:25;86:9,24;
87:13;88:17;93:14,22;
94:22;97:23;98:5;
103:6;111:9;112:21,
21;113:8;114:21,23;
115:15,24;116:6;
117:9,22,23;119:7,18;
120:5;123:18;125:10,
11;127:1,3;134:22;

FBI 18-cv-01766-825

135:16;136:13;139:21;
142:22;143:18;154:20,
25;157:14;176:7;
186:7;191:1;192:20;
194:7;202:1;205:12;
208:6;209:17;212:16;
213:8;214:10;217:2;
218:15;219:10;226:16;
228:6;232:3;235:12;
241:24;243:6;254:21;
256:7
outlet (1)
229:22
out-number (1)
214:11
outrank (1)
243:17
outside (4)
63:6;73:14;149:8;
198:1
over (37)
4:21;9:2;13:7,13;
15:16;16:4,21;19:17;
20:18;23:16;24:24;
25:8;26:24;34:25;36:8;
55:9;69:7,8;74:1;75:7,
9;77:2,3;90:8,21;94:5;
98:17;99:14;106:18;
116:9;128:15;132:23;
152:9,25;163:12;
185:15;195:9
overall (4)
88:17;89:3;123:14;
155:5
overlap (5)
144:5;175:8;177:3,4,
22
Oversight (3)
3:3,22;12:9
overstate (1)
192:18
overstating (1)
198:12
overt (9)
38:9,17;39:4,25;
41:3,11,11;82:22;
228:12
overtly (2)
203:2;212:13
overwhelming (1)
55:24
own (10)
23:15,22;25:12;
62:10;111:6;135:11;
136:13;141:6;238:2;
251:7
owns (1)
226:8

P

PADAG (1)
238:16
page (93)
10:1,15;11:17,21,22;
12:2,13;14:1,4;20:6,12,
21,24;21:6;24:16,18;
27:15,20;30:1;31:25;
32:11;33:1;44:14,20,
23;47:24;48:23;54:9,
15,17;64:21,24;66:23;
67:23;68:13;72:9,25;
75:1;76:14;79:2,24;
80:2;81:14;83:7;84:9;
85:13;86:9;87:11;88:4,
4;95:17;101:15;
103:16;107:9;109:13;
110:8;111:1;113:9,14;
119:22,25;120:13,15;
123:5;139:16;149:22;
151:2,15,16,23;152:14;
154:18;163:21,25;
179:23;181:4;187:24;
188:7;196:20;226:1,
24;233:7;238:4,22;
243:2;244:8;248:15;
252:10;255:11,12,16;
257:18,20
Pages (5)
33:14;120:14;
163:19;170:8;261:3
Page's (2)
31:20;88:12
paper (3)
94:19,20;104:9
paragraph (17)
44:14;80:16;83:16;
84:4,5;120:16;132:7;
151:2,14,25;152:14;
166:16;170:3,20;
196:18;249:1;250:25
paragraphs (10)
79:1,23,24;93:3;
109:19;150:1,5;
161:11;196:19,20
paramount (1)
198:23
paraphrasing (1)
132:7
parenthesis (1)
250:7
parse (1)
18:23
parsing (1)
241:24
part (33)
13:5;16:6;28:11,21;
35:18;40:3;56:15;
77:21;78:1;79:15,17;
82:7,9;91:2;110:18;
120:5,19;127:6,7;
129:22;132:2,5,8;
173:23;192:25;213:17;
217:13,16;219:8;
241:22;242:16;250:16;
253:22
participate (1)
209:13
participated (2)
210:6,9
participating (1)
212:13
particular (7)
9:3;46:20;58:5;
211:3;212:23;213:8,9
particularly (5)
34:13;86:12;129:12;
198:14;255:5
partners (1)
52:5
pass (1)
167:23
passed (2)
116:25;237:20
past (2)
23:23;112:24
Paul (5)
114:22;115:14;
116:9,10,14
pending (2)
59:1,4
people (76)
28:8,15;29:2,24;
30:1,19;32:20;44:23;
47:3;56:9;58:14;66:16;
77:22;91:18;99:9;
104:24;106:13;107:2;
109:5,13,20,21,22;
110:8;111:19;116:24;
121:19;122:3,24;
123:15;125:1;130:3;
133:17;134:10,14;
135:15;140:4;141:18;
146:24;147:8;161:20;
164:17;171:25;177:5;
185:16;186:11;190:12;
194:8;202:7;203:13;
208:22;228:24;232:24;
237:18;241:25;242:2,
6,7,22,23,25;244:8,11,
18,18;245:4;246:3;
252:23;253:10,25;
254:2,6,10,11,18,23
perceive (1)
20:8
perceived (3)
133:12;134:3;238:15
perceiving (1)
174:16
percent (2)
52:11;135:9
perception (3)
116:5;205:5,14
perfect (4)
8:11;139:8,9;162:7
perfectly (7)
29:5;41:13;114:10;
157:22;178:6;193:10;
223:16
performance (1)
129:18
period (17)
5:13,15;7:2,13;8:2;
10:16;11:23;13:13;
22:16;29:20;36:8;
41:12,13;76:24;92:6;
99:12;237:18
periodic (1)
47:3
periodically (2)
36:10;37:9
periods (2)
9:3;118:14
permissible (3)
249:2;250:3;251:2
permission (1)
194:9
persistent (1)
126:2
person (16)
18:5,12;21:6;81:16;
94:25;95:2;102:11;
107:18;130:5;134:22,
24;165:6;178:25;
182:18;232:5;260:20
personal (4)
25:13;59:6;78:12;
197:8
personally (6)
58:3;60:24;117:3;
127:15;142:1;251:21
personnel (2)
142:17;161:23
perspective (4)
155:18;162:13;
174:12;194:7
pertaining (1)
151:3
Pete (10)
10:19;13:3;28:2;
32:12,16;73:20;132:6;
187:24;190:2,6
Pete's (1)
28:5
phenomenal (1)
129:25
phone (45)
12:10;15:6,11;18:13,
13,14;19:11;20:2,3,18,
25;21:1,9,19,20;34:1,2;
35:19;36:15;37:11;
43:22;44:22;45:13;
59:6;61:18,18;66:13;
67:8;68:23;69:6;71:18;
82:14;94:25;95:8;
99:20;104:21;124:4;
134:6,6,8;224:3;
231:24;239:7;243:22;
256:25
phones (1)
134:8
phonetic (2)
159:24,25
photocopy (1)
151:18
photographs (1)
146:23
phrase (2)
82:9;172:18
pick (1)
185:3
picture (1)
58:13
piece (5)
49:17;79:9;88:8;
155:4;243:1
pieces (1)
242:6
pissed (3)
80:25;81:1;126:6
pivotal (1)
187:22
place (22)
18:24;23:16;24:6;
34:10;35:19;46:17;
55:10;97:3;99:14;
145:15;152:20;173:11;
195:23;201:12,21,22;
216:6;219:17;241:20;
247:17,19,25
placed (2)
70:5;247:9
places (1)
38:7
plate (1)
193:18
play (1)
229:18
played (1)
98:5
please (4)
3:17;91:11;150:25;
151:10
point (52)
17:3;34:24;35:13;
37:7,10,10,10;39:18,
25;45:18;49:8;50:20;
61:24;68:8;71:21;
76:25;86:3;99:18;
111:16;116:11;130:19;
131:2;138:16;143:18,
19;148:1;149:3,7;
150:22;158:15;160:16,
23;162:16,23;163:9;
165:9;173:14;174:2,7,
19;176:25;177:4;
181:5;182:1;183:5,16;
194:3;205:12;206:24;
220:25;223:24;242:2
pointed (4)
28:17;80:11;143:18;
157:13
pointing (3)
120:5;250:1;255:4
points (4)

FBI 18-cv-01766-826

33:8;70:16,19;
233:19
policies (10)
133:16;207:11,12;
214:8;220:2;226:6;
227:15,19;256:3;259:4
policy (45)
38:14;39:3,4,7,25;
41:10;79:11;82:21;
83:3,9,22;133:25;
134:16,17;135:1,4,4,
10,12,16;136:13;
207:24;214:11;226:5,
9,17,19,21;247:10,12;
248:7,11;251:19;
255:16,24;257:15;
258:7,10,14,16,18;
259:2,12,14,17
political (9)
17:9,9,15,17,18;
57:15,16;58:8;93:10
politically (1)
57:19
politicization (9)
62:16;92:25;114:7;
127:12;155:18;222:6,
18;223:3;231:4
portion (1)
260:22
portions (2)
33:12;255:7
pose (1)
66:19
position (5)
82:24;83:8;104:19;
112:7;236:19
positions (1)
16:9
possibility (1)
199:16
possible (33)
9:21;47:17;63:17,22;
65:2,7;77:11,12;95:7;
106:23;107:6;108:16;
112:1;113:2;121:2;
160:8,9;163:16;
171:21;175:20;180:18;
199:13;202:10,11,13,
21,22;206:14;208:20;
223:24;240:18;246:1,
19
possibly (7)
48:12;63:3;98:9;
113:20;135:5;244:24;
245:18
potential (1)
92:25
potentially (1)
57:8
practice (8)
4:16;39:5;41:10;
63:23;70:21;112:15;
211:13,16
practices (1)
211:6
Precision (1)
64:17
predicated (8)
50:16;53:1;65:25;
120:17,18;230:3;
232:23;234:17
pre-existing (1)
228:21
preferred (1)
88:16
prejudice (1)
248:20
preparation (5)
4:20;5:7;6:16;9:11;
118:11
prepare (2)
70:15;184:20
prepared (2)
22:17;184:16
present (8)
60:13;110:12;
139:14,17;140:1;
145:24;152:23;254:24
presented (3)
94:14;153:14;199:2
presenting (2)
145:6;153:11
presents (1)
173:20
presidential (1)
57:20
press (12)
10:16;11:23;71:13;
113:14;121:20;209:10,
13,14,16;212:13,14;
243:6
pressed (2)
82:3,10
pressing (2)
154:23;158:8
pressure (10)
36:13;48:13;57:14,
15,18;67:3,8;71:19;
93:10,10
presumably (4)
81:15;146:1;148:21;
184:15
Presuming (1)
86:16
prettier (1)
142:2
pretty (12)
29:17;50:11,23;88:9,
13;94:17;114:2;117:7;
126:23;154:24;155:17;
178:10
previous (7)
14:17;38:1;98:17;
166:9,11;235:4;257:15
previously (13)
8:9;22:5;71:7;87:12;
107:18;133:21;165:4,
13;166:22;171:6;
177:21;210:17;256:14
Priestap (4)
28:12;244:24;
245:17,18
primarily (2)
55:10;175:9
prime (1)
37:7
Principal (5)
50:12;56:23;222:20;
229:25;238:8
print (3)
52:25;141:23;150:2
prior (31)
34:23;38:17;39:4;
46:11;55:2;56:21;
61:11;69:10;113:13;
125:23;157:22,24;
170:22;174:18,19;
177:13,20,25;195:13;
196:2;200:15,17,21,24;
201:15,18;214:3;
231:23;234:13;249:6;
250:5
private (5)
161:17;194:6;212:7;
213:7;253:1
privy (2)
252:23;253:25
probably (41)
14:16,21;16:7;19:12;
37:1,5;45:16;50:9;
53:12;55:6;60:17;63:2;
65:18;66:8;74:6;79:8;
87:1,18,22;95:25;
96:14;101:20;105:7;
111:16;116:9,10;
120:24;124:12;135:7;
143:2;146:13;154:6;
164:1;177:6;201:4,5;
204:20;207:1;217:25;
238:14;254:13
problem (9)
30:13;122:18;130:8,
12;192:25;193:1,18;
194:8;242:3
problems (3)
91:24;92:5;116:19
procedures (2)
207:12;211:6
proceed (1)
204:11
proceeding (1)
248:21
proceedings (1)
261:4
process (28)
9:17;14:13;15:12,17;
20:12,16;23:18;33:6;
41:6;43:6;55:9;102:24;
109:12;133:15;135:18;
162:24;185:11;190:10;
208:9,11,14;211:10,24;
218:25;225:4;226:9;
254:12;255:4
produced (1)
141:9
production (1)
15:22
productive (1)
255:5
profess (1)
256:20
program (1)
35:24
progress (2)
251:5;256:19
prohibition (1)
207:25
project (1)
133:25
prominent (3)
175:7;217:6;218:4
prompt (1)
164:12
prompted (6)
12:17,19;34:7;48:2;
161:13;196:8
pronouncements (1)
112:5
propose (1)
208:1
proposed (2)
218:16;223:9
proposing (2)
58:19;71:8
prosecutor (1)
87:8
prosecutors (1)
35:1
prosecutor's (1)
36:10
protect (5)
4:11;103:11;188:24;
189:22;190:15
protection (1)
188:6
provided (5)
8:9,11;61:3;151:17;
152:16
provision (1)
256:12
Public (13)
35:1;39:13;41:1,11;
42:22,24,25;60:25;
208:16;212:1;227:17;
251:4;254:2
publicity (3)
132:10;137:4,8
publicize (1)
62:15
publicly (3)
41:18;207:13;212:6
publish (2)
19:4;252:20
published (18)
31:13;44:21;48:5;
53:10;72:16;76:2,6;
78:13;84:8;139:14,17,
22;140:1;215:20,25;
218:21;241:9;257:2
pull (2)
132:7;133:5
pulled (2)
141:18;145:12
pulling (1)
176:7
pulls (1)
147:18
pulse (2)
50:6;129:24
purpose (16)
49:4;66:22;72:12;
85:22;86:1;97:11;
113:10;146:19;156:19,
25;175:1,23;229:10;
232:1;256:22;260:5
pursue (2)
57:2;80:22
pursued (1)
46:13
purview (1)
63:7
push (1)
197:6
pushback (1)
243:3
pushed (1)
69:13
pushing (1)
223:13
put (21)
15:13;17:7;59:13;
67:20;69:20;97:3,23;
103:1;131:10;140:22;
154:8,9;155:6;159:17;
160:4,10;185:8;195:7;
203:16;212:25;219:10
putting (4)
81:15;125:10;
155:22;196:15

Q

quick (2)
143:9;248:1
quickly (4)
30:18;115:7;163:16;
219:14
quite (7)
22:8;34:20;73:22;
86:10;90:20;96:6;
201:2
quote (7)
69:22;94:3;96:18;
120:16;135:7;208:1;
233:5

FBI 18-cv-01766-827

quotes (5)
81:8,16;123:6;232:6,22
quoting (1)
234:2

R

raise (6)
103:23;104:21;147:19;174:3,3;215:21
raised (6)
92:13;143:12,24;153:20;173:11;177:5
raises (2)
173:24;179:21
raising (1)
155:18
Randy (5)
35:20;47:5;48:12;64:6;116:14
range (2)
37:6;212:18
ranks (1)
194:8
rap (6)
111:6,7,10,11,25;112:2
rare (1)
129:22
re (1)
154:15
reach (5)
27:15;154:20;220:13,15,18
reached (2)
74:11;221:14
reaching (3)
36:18;114:21;115:24
react (3)
57:14,17;95:23
reacting (1)
184:3
reaction (9)
29:5;50:3;78:12;95:22;96:16,21;104:17;117:20;122:15
read (28)
4:24;11:21;32:13;79:4,5;83:20;104:8;114:25;121:7,17;126:6,11,22;142:3,4;145:8;148:21;149:14;150:7;151:13,19;158:4;161:8;163:9;202:25;240:24;248:19;250:2
reader (1)
212:20
reading (5)
142:8;145:9;149:16;191:20;256:21
reads (2)
88:7;234:18
ready (2)
19:3;47:11
real (2)
19:19;240:11
realization (2)
195:13;201:13
realize (3)
106:4;172:15;182:12
realized (5)
160:24;195:15,23;199:16;202:15
really (31)
6:7;19:20;32:10,19;36:1;49:12;51:17;58:18;76:23;77:7;88:8;92:7;94:10;102:13,25;112:22;115:4;117:7;122:19;126:17;134:14;154:16;206:2;213:16;214:3;224:6;229:13;230:8;237:7;248:1;257:23
realm (1)
213:5
real-time (1)
20:11
reason (29)
9:9,10,22;40:23;41:3,4,9;50:5;60:10;68:16;84:17;123:1;138:25;167:14,17;170:15,15;174:6,12;178:1;181:13,22;190:15;196:11;204:3;215:23;222:7;236:14;256:24
reasonable (1)
87:6
reasons (15)
37:22;48:18;61:17;113:9;119:1;125:13;150:13;175:4;181:24;197:21;198:23;215:10;237:5;251:16;256:14
reassign (1)
24:21
reassigning (2)
25:16;27:4
reassignment (2)
28:5,6
recall (50)
5:18;14:2,11;21:19,24;22:1,4;50:18;52:12;59:14,17,25;65:3;86:8,11;98:19,24;108:11,12;109:8;113:6;115:4,19,24;118:10;122:15;129:3;132:12,13;139:17,19,25;140:14;142:8;162:7;167:11;169:10;185:22,24;187:7;190:18;191:11;194:4,22;197:2,18,22;199:10;250:24;253:4
recalled (4)
158:15;160:17;194:3;196:22
recalling (4)
74:25;105:20;106:8;253:19
recap (1)
6:18
received (5)
4:5;127:23;129:8;143:10;153:24
recently (3)
118:16;212:4,17
reception (3)
49:8;101:23;149:9
recitation (1)
16:2
recognition (1)
41:10
recognize (3)
11:10;197:3;260:19
recollect (2)
13:14;223:22
recollected (1)
157:19
recollecting (1)
6:13
recollection (30)
6:21;21:5;24:3;27:24;29:23;30:3;35:7;74:13;77:8;142:13;147:18;151:6,7;152:3,22,24;153:4,17;162:6;172:7;179:17;187:23;191:13;192:10;200:20,24;201:21;241:19;246:20;247:7
recommendations (1)
204:11
reconcile (2)
162:1;199:9
reconstruct (1)
23:15
re-contact (1)
154:15
record (45)
3:2,18;4:8;13:20;29:25;45:2;66:20;67:20;72:2,5,5,6;74:10,22;91:1;92:21;101:9;109:17;110:23;119:22;120:9;136:7;141:22;163:16,18;167:1;184:24;185:1,1,2;192:16;198:18;199:5;205:9;224:21;225:20;228:18;248:4,4,5,9,19;250:3;260:18,21
recording (6)
4:16;91:8;217:9,17,18;261:4
records (5)
38:6;40:8,9,12;224:3
recount (6)
22:1;33:8,19;44:18;54:10,18
recounted (2)
44:22;49:23
recounting (5)
33:5;47:22;170:21;231:12;232:6
recreate (1)
162:3
rectify (1)
188:8
recurring (1)
37:10
recusal (4)
19:25;90:5;115:6;130:18
recused (7)
42:17,20;115:9;130:18;131:1,12;137:16
reevaluating (1)
32:19
refer (6)
13:20;72:20,21;133:2;232:21,22
reference (6)
10:22;89:8;119:23;163:20;171:10;197:10
references (1)
92:23
referral (2)
147:3;194:6
referred (7)
11:9;141:2,6;149:22;216:16;233:25;235:5
referring (15)
6:15;10:24;13:3;30:12;32:11,23;93:6;133:4;165:18;167:6;171:11;172:9;229:10;234:3;235:24
refers (3)
133:5;207:25;234:7
reflect (5)
83:16;152:1,2;185:17;260:12
reflected (7)
143:11;161:14;173:12;201:8;223:12;253:16;260:18
reflecting (2)
119:6;160:15
reflection (3)
31:6;151:3;172:15
reflects (2)
153:9;170:23
refresh (3)
6:20;136:13;152:22
refused (2)
177:12;236:9
regard (6)
85:12;105:2;116:16;220:12;227:10;233:5
regarding (9)
6:21;83:9;139:13;186:19;194:18;195:18;207:5;222:18;226:3
regardless (1)
81:20
regular (3)
110:11,19;134:10
regularity (1)
254:13
regulation (1)
256:21
relate (6)
27:21;30:8;69:19;70:9;75:10;156:13
related (30)
4:5,25;5:3,10,16,20;11:2;19:20;27:8;28:16;29:9,10,19;30:8;35:6,25;48:19;57:3;78:22;86:13,23;119:6,8,9,12;124:19;155:11;194:25;221:12;233:12
Relating (1)
57:1
relation (2)
31:24;211:2
relations (5)
135:5;222:9;237:16;238:18;255:8
relationship (6)
50:8;125:9;220:12;222:19;237:24;238:13
relative (3)
51:23;151:2;256:23
relatively (1)
51:24
relay (1)
24:13
release (9)
90:7;101:17;111:3;154:18;209:13;226:14;249:3;250:4;251:2
releases (2)
133:18;212:14
relevance (1)
143:8
relevant (6)
16:2;37:24;38:2;47:4;50:9;55:7
relooking (1)
133:25
reluctance (1)
13:5
rely (2)
30:19;70:3
remember (227)
5:2;10:11,12,17,18,24;11:4,6,7;13:14;17:4;18:3,7,8,9,12;

FBI 18-cv-01766-828

19:9,11,13;21:8,9,21;
22:18;23:25;25:7,22;
26:2,10,11,13;27:9;
29:11,14;32:25;37:25;
39:18;40:2;43:19;45:8,
15,22,24;46:6;47:2,4,5,
14,18;52:10,13,13;
53:2;54:24;59:5,20;
60:7;63:10,16,21,22,
23;65:6,23;66:9,10;
67:15,17;68:20;69:17,
25;70:4,18;74:14;
75:16,20,22;76:11,19,
20;77:10,20;84:11;
86:25;87:19;94:4;95:1,
9,12,13,14,24;96:25;
97:4,10,14,15;98:4,14;
99:22;100:3,18;
101:21,21;103:18;
104:22;105:9;108:15;
110:20;113:12,15;
115:3;116:2,11;
117:19;120:23,23;
121:3,15;122:11;
123:1,11,23;125:8,12;
128:25;130:9;133:6;
137:11;139:23;140:7,
10;142:11,19;143:1,4;
145:9;146:19;148:23,
24;149:16,19,20;
153:19;156:6,11,13,15;
158:24;159:5,9;160:7,
9;161:11;162:4,5,11;
164:15,20;166:8;
167:21;171:19,25;
172:2;173:10;174:5;
175:19;176:16,17;
178:8,15;179:10,18,25;
180:5,8,14;182:17,20,
23;183:4,24,25;184:3;
186:2,2,4,7;187:14;
191:14,20;192:6;
193:7;194:21,22;
195:25;199:19;202:7,
8,16;204:5,12;205:22;
206:18;216:19,20;
217:25;218:8;224:2,5;
226:21;236:12;239:8,
17;240:8,8,17,18,20;
242:17,18;243:15;
244:2,4;246:3;248:10;
252:17;255:19

remembered (6)
33:6;68:13;149:15;
180:16;187:6,10

remind (1)
39:24

reminded (4)
68:15;164:1;165:4;
171:5

reopening (1)
252:13

rep (3)
133:21;135:12,12

repeating (2)
248:9;255:22

report (2)
83:8;112:17

reported (1)
252:19

reporter (20)
12:14;14:5;55:22;
56:4,6,7;68:15;72:10,
17;81:15;109:14;
119:18;127:10;134:21,
24;147:1;187:25;
214:23;218:16,18

reporters (9)
16:8;56:8;127:8;
130:7;134:7,10;227:9,
10;228:19

reporting (3)
16:13;129:24;218:19

reports (4)
91:22;129:19;204:8;
243:18

represent (2)
16:13;261:3

representation (2)
82:13;101:7

representatives (1)
117:14

represented (6)
3:14;37:16,19;86:3,
4;209:5

representing (1)
16:9

reprimanding (1)
123:9

reputation (1)
130:1

request (4)
4:12;62:3;110:7;
136:6

requested (3)
151:1;169:22,23

requests (1)
90:9

require (1)
38:11

required (6)
209:9;220:1,1;221:5;
249:16,18

re-review (1)
9:3

resolve (1)
155:11

respect (21)
4:22;5:5;27:22;62:9,
15;85:22;99:19;
115:15,23;197:2,9;
211:16,17,20;233:20,
25;236:20;249:10;
256:2;257:10,25

respond (2)
198:4;252:10

responded (1)
11:23

responding (1)
67:3

responds (1)
27:17

response (8)
11:5,21,22;28:17;
29:10;88:11;133:11;
210:12

responsibilities (1)
56:16

responsibility (3)
197:3;219:8;256:2

responsible (7)
91:20;253:11;254:8,
19;255:20,23;256:5

responsibly (1)
122:22

rest (3)
195:19;241:14;243:1

restrictions (1)
69:20

result (3)
25:13;40:11;164:21

resulted (1)
28:5

rethink (1)
13:12

retired (1)
122:1

retrospect (1)
131:9

[redacted] b6 Per OIG b7C Per OIG

return (1)
52:9

returned (3)
215:15;223:23,25

revealed (2)
19:7;213:25

Review (17)
3:4,22;4:2,20,22,25;
5:10;12:9;23:23;25:9;
70:16;133:2,15;142:5;
154:10;164:20;196:17

reviewed (11)
5:12,14,14;7:1;8:8,
17;9:11,19;151:4;
160:3;201:17

reviewing (3)
38:6;70:18;160:7

revised (2)
150:25;166:15

Richardson (2)
65:8,19

right (352)
3:9,12;4:13;6:7,11;
7:20,22;8:13,24;9:18;
10:3,7;11:3;12:16;
14:18;18:20;22:3,19,
20;23:11,13,13;24:22;
27:6;28:7,10,25;29:17,
25;30:25;35:10,15;
38:24;39:23;41:7;
43:18;50:14,16,24;
51:11,16;52:22,22,22;
54:1,2,2,4,5;55:11;
56:21,24,25;57:19,24;
58:5;59:20;60:8,17;
61:1;62:5,10;64:7;
65:5;71:3,6;72:8;74:3,
5;75:8,14;76:8;77:2,
25;78:24;79:12;80:6;
81:18;82:1,12,22;
83:11,15,18,24,24;
84:2,24,24;85:12,21;
86:18,20,21,22;87:8,
20;89:2;90:6,23;91:18;
93:23,25;97:9,10;98:3,
6;99:24,24;100:4,4,4,9,
12,13,23;102:1,10;
104:3;105:12,17,17,18,
19;106:16,17;107:5,
20;108:6;109:2,11,24;
111:21,23;114:4,8,12,
18;116:24;120:4;
121:17,25;122:3,4;
123:21;124:13,15,15,
18,18;126:6,20;127:5,
13,13;128:21;129:19;
130:22;134:18;136:17;
138:6,7,8,10,14,24;
139:4,4;140:14;
142:21;145:3,19;
146:9;147:4,6;148:5,6,
7,8,18;149:25;152:21;
153:1,6,10;154:12,13;
156:9,18,21,22;157:4,
7,11;158:10;159:8;
160:23;162:9;165:11,
16;166:7,17,21;167:2,
6,19,22;168:14,16,18,
23,25;169:4,15;170:1,
4,9;171:9;172:11,12,
17,20,21,21,25;173:1,
16;177:14;178:12;
180:24;181:7,18;
182:6,9;183:10,11;
184:15,17;186:22,24,
25;187:8,21;188:13;
189:10,10,15;191:1,5,
7,9,16;192:2,3,22,25;
193:8,9,23,24,25;
195:20,21,22;196:3;
198:6,9;199:21;200:9,
23;201:10,11,19,23;
202:9,18,25;203:3,5;
205:17;206:4,6;207:9;
211:22,22;213:15;
214:9,22;217:13;
219:7,22;220:3,6,9,14,
21;221:5,10,15,18;
222:3,10,14,22,25;
223:4;224:12,12,16,20;
226:25;227:2,3,8,18;
228:7,7;230:9;231:1,2,
5,6,14,17;233:14,14,
15;234:9,10,11,25;
235:1,6;240:19;241:6,
7;242:5,12;243:17,20;
245:17;246:18;247:13,
18;249:16;250:6;
252:7,7;253:5;259:7,
14,19

rings (1)
255:1

road (1)
9:6

Rob (2)
101:9;234:20

Robert (1)
3:8

[redacted] b7E -1

Rodriguez (2)
36:11;124:22

role (9)
48:21;78:6;87:11;
136:23;150:23;159:19,
23;168:13;250:19

roll (2)
69:23;226:16

room (7)
3:22;34:10;37:17;
91:5;97:6;149:9;198:1

rough (1)
30:7

Roughly (3)
36:21;48:1;94:21

row (2)
88:6,9

rug (1)
176:7

rule (1)
214:7

rules (1)
79:15

run (2)
128:12;193:6

running (2)
168:3,12

runs (2)
14:13;73:8

run-up (1)
41:14

Russia (3)
236:1,2,3

Russian (1)
233:3

Rybicki (20)
65:11,18;98:9;
101:22;105:2,10;
106:1,7;107:13,15,22;
108:4;109:23;110:5,
19;111:15;113:5,17;
244:22;245:16

FBI 18-cv-01766-829

S

SAC (2)
209:12,17
said- (1)
36:8
same (37)
10:1;11:12;17:6;
19:22;33:15;34:16;
48:11;50:5;55:19;
64:19;69:8;76:21;
87:21;94:9;112:5;
116:13;119:18;127:10;
139:20;144:1;146:19;
153:8;157:13;158:6;
163:19,21;176:1;
191:21;200:25;216:6;
217:25;219:17;232:15;
258:1,19,21;259:13
sandwich (1)
195:7
sarcastic (1)
89:9
sat (1) b6 -1 b7C -1
154:16
[redacted]
saw (18)
10:9;24:25;26:1;
31:17;48:14;60:22;
63:8;71:7,9;84:20;
87:15;138:1,1;150:12;
160:14;163:25;221:17;
251:16
saying (58)
8:17;11:8,11;32:10,
21;36:17;40:3;50:15;
51:16;53:2;63:10,16,
22;67:25;72:17;73:19,
20;83:21;89:10;98:1;
100:18;109:16;117:2;
125:22;126:14;159:13;
161:5;166:5;170:9;
176:8;185:17,22,24;
187:7,15;192:7;
200:11,12;202:21;
213:18;214:5;219:2;
228:6;230:11;232:12;
233:5;234:16,20;
235:19;243:15;244:4;
249:13,15;253:21;
254:8,9;258:21;259:2
scenarios (1)
228:11
schedule (1)
110:19
scheduling (3)
112:10;173:18;
196:12
scold (1)
148:15
scope (11)
73:14;78:8;80:18,23;
81:5,25;83:6;84:6;
85:6;99:6;138:2
scowling (1)
102:12
screaming (1)
52:17
script (1)
11:12
search (2)
38:9;40:23
season (4)
38:13,18;39:5;40:1
seated (1)
149:4
second (20)
4:1;16:22;17:5;
18:18,19;19:19;21:15,
16;31:10;62:18,19;
80:21;101:2;128:14;
146:17;150:24;186:18;
208:4;217:8;245:7
secondarily (1)
41:9
secret (5)
106:19;108:24;
109:6;183:1;190:10
secretary (1)
159:24
Section (10)
35:1;39:13;183:7;
248:14,19;251:23;
255:9,12;256:9;257:16
sector (2)
212:8;213:7
Security (1)
132:21
seeing (8)
118:10;159:10;
162:5;171:22;182:3;
191:14;194:22;197:10
seem (1)
156:12
seemed (4)
88:24;143:15;176:1;
254:11
seemingly (1)
90:10
seems (16)
52:25;56:4;62:18;
82:16;104:2;118:13;
123:22;139:6;153:8;
174:16;180:9;187:22;
206:1;243:4;249:20;
256:6
selectively (3)
249:3;250:4;251:2
send (2)
164:3;185:20
sends (2)
127:23;150:19
senior (3)
123:7;161:23;232:7
sense (5)
58:4;107:13;134:9;
146:16;198:2
sensitive (2)
97:25;238:8
sent (11)
6:8,14;120:20;163:4;
164:6,11;169:12,13;
171:12;172:3;174:11
sentence (11)
80:14,14,17,21;82:8,
14;125:23;126:10;
132:8;161:21;250:2
sentences (1)
83:15
separate (6)
94:7;98:11;118:22;
124:5;179:12,13
series (8)
19:22;20:18;51:13;
69:6;146:12;155:15;
197:7;208:14
serious (2)
25:8,10
seriously (4)
85:1;101:6;227:10;
239:1
served (2)
40:24;133:21
SERVICES (1)
261:2
session (2)
98:8;111:6
Sessions (1)
96:12
set (1)
19:7
seven (1)
56:12
several (12)
34:14;44:23;55:20,
21;75:9;76:20;98:15;
121:18;122:10;141:15;
198:11;227:1
shape (1)
128:5
share (11)
53:8,8;64:21;66:23;
67:24;68:12,14;76:7;
94:1;113:9;241:23
shared (11)
47:22;64:5,25;77:14;
79:2;161:22;175:21;
190:7;203:10,12,13
sharing (3)
49:4;76:16;85:23
shielded (1)
42:21
shifted (1)
96:6
shoot (1)
259:1
shop (1)
135:4
short (5)
72:7;151:2;170:3;
216:17;248:5
shorter (1)
228:2
shortly (2)
52:9;64:7
show (10)
10:3;27:10;119:16;
131:24;140:23;141:21;
150:17;163:2;189:12;
255:6
showed (13)
4:7;10:13;93:12;
128:24;131:14;146:23;
147:7;148:2,3;157:12;
188:21;191:14;253:5
showing (14)
10:18;11:7,14;27:11;
32:15;72:8,25;131:25;
141:22;143:1;147:9;
156:19,23;194:23
shown (8)
26:4,25;147:10,15;
165:20;177:23;188:20;
248:6
shows (3)
148:20;183:4;187:24
shut (7)
50:16;51:3;53:1;
65:25;120:17;230:2;
234:16
shutting (2)
65:24;110:7
side (5)
83:17;91:21,22;
142:25;254:19
sign (13)
150:13,13;162:18;
164:2;165:6,24;
168:20;171:1;175:1;
176:8;185:25;186:13;
206:9
signed (14)
4:6;99:4;141:9;
143:10;150:12;158:7;
169:13;175:2,21;
176:5,8,20;204:17;
205:1
significance (3)
48:18;51:19;198:13
significant (11)
66:12;214:21,24;
215:10,18,21;219:23;
222:2,13,16;257:3
signing (2)
205:1;206:5
similar (2)
254:16;256:1
similarly (1)
157:18
simmering (1)
34:13
simply (4)
70:21;79:9;222:1;
225:19
single (2)
117:9;140:7
SIOC (2)
95:25;96:12
sit (24)
21:4;27:23;32:24;
34:25;42:11,22;68:19;
74:22;98:18;107:23;
162:2,12,23;168:7;
171:13;190:19;191:17;
211:5;213:9;216:17;
233:23;237:22;242:25;
251:21
sits (1)
190:24
Sitting (6)
26:12;80:1;113:7;
126:22;185:16;190:25
situation (4)
110:13;172:5,22,25
situations (2)
214:6;237:20
skim (1)
121:13
skinny (3)
98:8,11,14
Slate (1)
88:10
small (8)
28:8;111:19;190:11;
252:22;253:24;254:1,
1,23
smaller (2)
97:16;150:2
[redacted] b6 -1 b7C -1
snarky (2)
126:16,18
sneakers (1)
148:17
solely (2)
23:19;244:25
solutions (2)
125:22;129:4
somebody (8)
82:16,18;127:23;
134:19;178:24;189:1;
254:25;255:1
somehow (2)
157:18;161:19
someone (16)
35:20;161:16;
189:13,20,21;190:6;
197:25;213:1;225:5,7,
10,10;233:19,25;
234:18;255:1
sometime (1)
133:7
sometimes (3)

FBI 18-cv-01766-830

128:12,13;210:18
somewhat (3)
187:19;205:11;
212:18
soon (3)
51:24;75:24;115:5
sorry (36)
13:22;21:17;26:19;
35:12;37:20;44:24;
63:18;73:5;77:15;
79:18;87:4;89:13;
104:25;106:2,6;132:3;
136:25;139:7;149:11;
151:20;159:21;166:3,
14;170:16;171:24;
180:12;197:13;203:20,
24,24;210:15;217:18;
226:14;227:25;235:18;
257:18
sort (29)
16:14;19:1,7;29:13;
34:23;35:7;37:11;
43:11;48:25;50:24;
61:19;78:8;83:16;
102:22;105:4;112:10;
115:16;124:16;127:10;
130:25;143:18;154:5;
183:6;197:25;212:22;
213:4;215:2;243:2;
250:18
sorting (1)
20:2
sorts (2)
99:15;110:9
sought (2)
196:5;209:6
sound (2)
225:6;261:4
sounds (5)
62:7;66:15;186:24;
259:22,24
source (6)
103:22;150:9;
161:16;188:14;196:25;
253:16
sources (3)
109:17;176:14;213:2
sp (2)
159:24,25
span (1)
134:17
spark (1)
31:14
sparked (2)
24:3;187:23
speak (12)
10:15;11:23;12:14;
14:4;21:25;33:1;34:10;
46:24;47:12;102:8;
153:14;186:5
speaker (2)
21:20,20
speaking (9)
11:11;21:10;33:15;
47:4,5;108:6;121:19;
165:3;171:4
special (3)
30:14;49:1;159:23
specific (31)
30:1,3;40:14;44:19;
47:23;48:19;51:17;
64:19,25;65:3,13;68:5,
7;70:1;86:8;87:24;
101:21;106:8;108:11,
12;111:7;113:13;
123:12;171:19;172:2;
204:5;232:6;241:24;
247:6;250:22;251:17
specifically (35)
5:3;21:10,24;22:1;
32:22;39:19;40:3;61:8,
20;63:19;67:2;73:7;
94:18;95:15;98:19;
108:15;109:8,19;
117:20;120:24;122:12;
127:9;130:6;140:2;
150:14;175:5;192:6;
219:4;233:5;234:4,15,
16;239:9;244:5;249:12
specificity (1)
234:14
specifics (3)
71:14;105:9,21
specify (1)
80:13
speculate (2)
228:15;232:2
speculated (1)
71:12
speculating (3)
169:7;228:17;244:12
speculative (1)
234:20
speed (1)
131:12
spend (1)
33:22
spent (1)
74:1
spirit (1)
74:11
spoke (9)
46:23;47:2;70:16;
103:20;116:10;150:15;
171:3;204:21;223:24
spoken (2)
179:3;204:1
spot (1)
163:21
spring (1)
36:23
spurious (1)
94:11
squaring (1)
185:12
[redacted] b6 Per OIG b7C Per OIG
[redacted] b6 Per OIG b7C Per OIG
staff (8)
63:3;96:10;97:22;
110:10;111:15;208:24;
246:18;247:2
stamp (1)
120:12
stand (2)
124:16;241:5
standard (5)
4:15;70:21;211:12,
16,25
standing (2)
149:3,5
stands (2)
43:23;192:20
Starbucks (2)
163:25;171:22
start (3)
74:18;121:8;134:21
started (5)
15:11,14;128:7;
133:18;135:14
starting (1)
251:1
starts (4)
14:14;73:8;82:12;
132:1
stated (1)
256:15
statement (77)
12:2,3;42:22;43:1;
56:2;73:2;110:24;
141:9;143:10;150:12,
25;155:22;158:3,8,12,
23;160:8,19;162:15,18,
25;163:4,9,19,24;
164:2,13,21;165:5,13,
24;166:6,9,12,15,23;
167:6;169:3;170:18,
25;171:6,8,18,20;
172:3;173:2,5,12;
174:16;175:2,6,21;
176:5,9,20;179:4;
184:16;185:20,25;
186:13;195:18;196:2,
17;199:9,14;201:1,9,
18;202:25;203:7,16;
204:13,18;205:1,23;
206:9;207:5
statements (12)
4:5;56:11;123:12;
164:14;174:10;184:8,
20;193:21;199:8;
233:2;241:2;242:8
States (4)
50:13;56:23;230:1;
255:8
stating (1)
186:8
stay (2)
125:25;129:13
stayed (1)
205:25
steady (1)
91:23
Steinbach (1)
132:19
stem (1)
17:9
step (2)
85:9;217:2
Stephen (1)
111:17
steps (5)
38:9;40:15;41:3,11,
11
Steve (2)
65:8,18
stick (2)
66:16;123:18
sticking (2)
37:10;154:5
still (17)
4:9;36:6;42:16;
46:13;54:4;69:8;80:22;
82:10;88:18;111:17;
129:10;136:9;138:4;
147:22;164:2;187:25;
217:1
stop (14)
17:22;48:14,21;
51:16;91:11;116:23,
25;117:3,5;134:3;
141:11;182:13;208:3;
217:8
stopping (2)
17:12;71:21
Storch (571)
3:8;8:5,7,13,16,19,
22,25;9:5,8,16,19,24;
10:2;21:24;22:4,9,12,
15,20,22,24;23:1,4,8,
12;25:24;28:14,20,23;
29:1,4,8,13,17,22,25;
30:3;44:24;45:1,5,11,
14,18,21,25;46:3,8,14,
19,22;47:8,11,16,19;
50:11,15,18,23;51:1,8,
11,19,23;52:3,7;53:15,
18,21;54:3;56:17,20;
57:1,12,17,23;58:3,11,
17,23;59:7,9,13,19,23;
60:2,4,8,18;64:10,16;
68:4;70:25;71:2;81:8,
12,14,18,20,23,25;
82:2;83:6,12,15,19,21,
25;84:2,14,17,20,24;
85:1,4,12,15,19;86:13,
16,21,23;87:6,10,15,
18,21,23;92:12,15,18,
23;93:3,17;96:23;97:2,
7,10;16,20;98:3,6,10,
18,24;99:1,5,10,14,17,
21,24;100:1,5,8,11,14,
20,24;101:1,3,8,9;
103:15,20;104:2,5,8,
11,20,24;105:2,12,15,
18,20,24;106:3,6,10,
15,20,23;107:1,4,7,13,
20,23;108:1,4,8,11,21,
25;109:2,7;114:1,5,9,
13;116:23;117:2,5,15;
118:10,15,20;119:4,12;
121:23;122:1,3;
123:24;124:2,5,11,13,
16,19,23,25;125:3,7;
126:5,8,10,13,18,20,
22;127:5;128:1,17,21;
130:17,22,24;131:5,9,
15,20,23;135:23,25;
136:8,11,15,17,20;
137:18,22;138:4,7,10,
12,15,21,24;139:3,5,7,
9,11;142:20;145:11,15,
18,21,24;146:1,3,6,9;
147:13,20,22,25;148:5,
10,16,20,25;149:3,6,
11;151:6;152:11,13,16,
18,22;153:1,5,8,16;
154:3;156:2,10,17,19;
157:1,4,9,16;158:1,11,
15,19,22,25;159:3,8,
12,16,21;160:2,13,20,
23;161:2;164:22,24;
165:2,9,12,15,17,22;
166:3,7,14,18,22,25;
167:3,8,14,19,22;
168:1,3,6,10,15,17,19,
25;169:8,15;170:10,12,
15,20;171:9,14,17;
172:5,10,13,18,22,25;
173:2,8;176:23;177:2,
8,11,13,16,18,20;
178:3,7,12,17,21,24;
179:2,6,9,12,19;
180:23;181:1,4,8,10,
12,15,18,21;182:5,9;
183:3,9,12,16,20,22;
184:7,10,15,19,22;
188:20;189:1,6,9,11,
16,21;190:8,17,23;
191:3,6,16,23;192:1,4,
8,12,16,22,25;193:3,9,
12,15,17,21,24;194:1,
15,17;195:2,5,11,18,
22;196:3,10,13;
198:19;199:13,20;
200:1,5,8,10,14,18,23;
201:4,11,15,19,23;
202:1,4,9,13,18,20;
203:1;204:20;205:5,8,
11,14,17,20,24;206:4,
6;207:8;211:15;217:4,
11;218:2;219:14,22,
25;220:4,7,10,16,21,
23;221:3,7,11,18,21;
222:3,5,13,17,24;
223:2,7,10,15,18,20;

FBI 18-cv-01766-831

224:1,6,12,16,20; 225:1;226:19,23; 227:1,4,8,13;228:2,8, 13,16;229:7,12,18,21, 24;230:8,11,14,17,20, 23;231:3,7,10,17; 232:1,5,10,16;233:4, 11,15,17;234:20; 237:9;239:25;240:2, 10,15,19,22;244:6,14, 17,21,23;245:7,9,16, 18,22,24;246:5,10,14; 247:19,22;260:9
stories (3)
127:3,21;129:2
story (35)
17:15,23;18:5;19:4, 10,12,18,19;20:9; 55:23;56:8;57:10,10, 13;58:19;61:7;67:1,4, 4,10;69:3,10;71:8; 88:10;108:18;110:6; 127:15,18;128:9,25; 181:13;228:23;229:9; 242:20;252:18
storyline (1)
17:11
straining (1)
125:9
strange (1)
198:4
strategy (3)
71:15;101:4,5
straying (1)
13:6
Street (83)
4:22;5:17,21;6:9,21; 7:6,7,11;10:4,23; 12:14;13:17,19;14:5, 14,23;24:16;25:20; 26:7;28:16;30:9;32:7; 33:1;46:15;53:9;66:25; 67:24;72:10;73:21; 74:15;75:2,11,17; 76:17;77:2,17;79:3; 85:24;94:20;96:14; 101:18;103:6;104:14; 109:14;119:14,19; 120:21;129:1;140:14; 141:19,24;143:15; 145:6;147:5;151:4,18; 153:22,25;155:4; 163:20;164:14;166:11; 173:11,23;178:19; 179:21;180:4,13; 182:19;185:5,15; 186:19;215:3,9;218:9; 240:25;248:12;249:11; 250:14;251:9,24; 254:19;255:17
stressful (5)
90:1,12,15,19;91:16
strike (1)
220:24
strong (1)
117:6
strongly (1)
61:13
struck (2)
221:1,3
struggling (1)
197:1
Strzok (4)
13:3;32:12;132:6; 187:24
stuff (20)
9:4;13:4;15:23;20:9; 49:15;61:14;69:9;92:2; 97:12;98:16;99:15; 113:23;118:17;119:12; 146:20;155:7;190:13; 192:2;193:7;225:1
stumbling (1)
125:20
stupid (1)
135:7
subject (11)
4:1,6;26:6,20;48:18; 93:9;112:15;166:12; 214:2;224:23;257:8
subjects (1)
229:15
subordinate (1)
38:21
subpoena (1)
38:10
subpoenas (1)
40:25
subsequent (2)
4:5;47:20
subsequently (1)
174:11
substance (13)
24:24;26:15;46:9; 96:19;100:3,5,22; 105:25;108:13;109:10; 167:5;205:21;256:24
substantive (2)
48:24;49:18
suggest (1)
100:15
suggested (2)
67:16,17
suggestion (2)
253:10;254:1
suggestions (2)
101:5;204:10
suggests (2)
81:9;242:9
sum (4)
100:21;105:25; 108:13;109:9
summary (1)
204:23
summer (2)
36:24;64:13
Sunday (4)
15:4;16:15,16;88:8
supervision (1)
250:11
support (4)
36:12;37:15,21; 38:11
supported (1)
94:11
supporting (1)
41:5
supportive (1)
122:16
suppose (1)
124:6
supposed (1)
209:15
Sure (90)
3:18;5:13;7:10;13:3; 14:6,8,8;26:1;34:9; 39:15;40:19,21;44:7; 47:8;49:1,13;51:8,22, 23;52:11;53:20,22; 55:6;56:18;57:12; 58:17;65:14;67:21; 68:6;76:3;79:10;80:15; 86:10;90:17;93:14,17; 96:15;98:18,21; 111:18;113:4;118:12; 120:7,10;125:15; 131:15;135:9;136:3; 139:12;140:4;146:10; 148:25;149:10,19; 154:23;158:1;159:12; 163:13,13,13;169:6; 179:1,1;180:18; 185:13;191:21,23; 192:1;195:12;199:20; 201:2;205:13;207:18, 18;209:21;216:14,14; 221:6;224:3;228:23; 230:15;236:4;241:16, 17;243:24,24;246:10, 14;255:23;258:4
surprise (3)
184:3;190:5;222:24
surprised (12)
78:16,19,21;79:2; 129:8;143:15;178:13, 18,19;184:14;187:18, 18
surrounding (3)
132:10;137:4,8
SVTC (3)
37:15,18,20
Sweeney (9)
114:22;115:10,13; 116:4;120:20;121:17; 125:1;242:10;243:4
swirling (1)
98:17
Switching (2)
139:10;140:12
sworn (11)
141:9;143:10; 150:12;158:7;175:2, 21;176:5,9,20;204:17; 205:1

T

table (4)
97:23;145:23;149:4; 237:13
tacitly (1)
240:13
tactful (1)
126:5
tagalong (1)
155:4
tail (1)
90:7
talk (62)
9:24;12:20;15:10; 20:5,6,7,21,24;23:19; 25:2,5,12,18;26:17; 27:2,7,18;28:14;29:6, 18;37:5;45:11;61:21; 69:21;71:15;74:14; 76:5;78:11;83:23; 86:24;91:3;97:7;100:1; 102:14;109:14;124:10; 130:7,17;132:9; 143:14;146:7;151:22; 155:10;157:12;175:18; 180:2;184:24;186:11; 204:16;213:9;215:24; 216:1;218:17;219:7; 224:14,23;225:10; 238:15;242:24;244:10; 245:14;248:18
talked (57)
6:20;12:24;21:6; 26:14,25;27:5;28:9; 29:14;30:19;34:21; 39:17;69:17;74:7;76:4; 93:21;94:8;95:8;100:6, 11;103:25;105:3,13; 106:24;124:22;137:14; 139:15;140:2;143:1; 146:17,20;155:14; 170:10;172:10;173:14; 175:15;182:22;188:2; 203:18,21;204:24,24; 205:18;212:17;216:5; 222:5;224:21;235:4; 238:24;240:7;241:3, 16;242:19;243:4; 246:8,11;251:15; 255:21
talking (87)
7:8;13:8;16:10;19:9; 21:1,9,9;25:22;26:2,20, 22;28:15;29:11,24; 32:7,22;34:1;43:5; 47:14;52:14;53:18,21; 60:10;63:13;65:13; 69:17;70:13,16,19; 73:6;76:11;80:8;83:8; 86:25;94:4,24;95:13, 16,24;97:11,12;99:1, 23;100:8;101:13; 104:22;106:5;109:8, 22;110:5;114:5,6,10, 22;118:1;121:8; 123:15;124:13;133:18; 134:19;137:3;153:19; 165:15;167:11;170:23; 175:19;179:10,25; 188:11;190:2,4; 203:23,24;205:22; 207:11;216:12;221:7; 223:22;224:5;232:2; 241:8;242:13,13; 246:3;247:11;252:9; 260:22
talks (8)
14:25;63:4,4;248:15; 249:2,5;251:1;255:12
tangential (1)
167:23
tape (1)
217:17
targeting (2)
213:9,10
targets (1)
229:14
team (4)
96:8;141:15,18; 204:25
technically (2)
112:16;243:12
tees (1)
134:25
telephone (3)
21:10;24:7;77:6
telling (38)
25:7;47:5;51:3; 65:20;69:13;84:12; 95:16;98:19;100:2; 101:13,14;109:5,9; 113:7;115:1,16,25; 120:17;121:3;157:20; 162:11;175:1;176:17; 185:21,23,24;187:6,7, 14;199:18,19;202:21; 225:7;230:2,4;234:16; 243:25;247:7
tempest (2)
62:10,19
tenure (3)
210:4;214:13;216:10
term (3)
49:1;133:25;150:19
termination (1)
67:6
terminology (1)
144:14
terms (15)

FBI 18-cv-01766-832

8:8;60:9;62:4;77:5;
92:24;129:23;152:19;
153:17;175:9;212:18;
220:7;221:8;222:6;
223:13;252:19
terrible (1)
125:13
testified (3)
22:5;138:12;195:6
testify (1)
183:17
testifying (2)
23:2;236:5
testimony (15)
9:11;68:5;72:14,21;
118:11;171:2;183:12;
191:8;194:2;199:23;
205:15;230:21;236:8,
11;249:9
texted (1)
32:12
texting (1)
13:1
texts (20)
11:2;23:24;24:1;
25:1;26:15,17,20,25;
28:23,24;72:8,12;73:1,
20;88:3,7;143:22;
177:7;189:12;190:3
texture (1)
212:25
Thanks (1)
9:1
then- (1)
252:23
then-Director (3)
93:21;252:24;257:2
thereafter (2)
138:16;195:9
therefore (6)
41:17;57:15;195:24;
196:4;253:25;259:3
thinking (17)
14:3;18:25;23:6,18,
24;31:7;32:12;55:11;
57:25;58:1;74:1;
134:13;170:7;189:11;
198:14;200:5;238:3
third (2)
186:20;206:21
though (7)
12:7;74:23;87:19;
96:18;130:5;185:12;
237:15
thought (55)
22:6,12;23:13,21;
24:4,6,7,8;30:17;
36:19;37:24;38:1;58:9,
21;64:16;67:8,9,9;
73:14,21;85:5;88:8;
92:1,18;94:9,12;
107:22;117:12;130:14;
141:5;143:11;148:2;
152:10;155:3;158:5;
160:5;172:6;174:15;
175:5,11;177:4;195:9,
19;205:4;210:11;
220:23,24;223:11;
231:4;238:12;252:16;
253:22;257:22;258:15,
15
thoughts (1)
94:8
three (22)
37:1;45:12;65:4;
118:14;119:17;120:14;
127:10;128:2;135:19;
142:18;145:16,18,19;
146:13;150:1,5;153:5;
161:10;183:6;196:19,
20;203:18
throw (2)
227:6;252:14
Thursday (2)
55:12;111:25
times (14)
13:11;55:20,21;56:8,
12;90:15;91:16;116:5;
129:7,14;172:9;177:4;
244:7;252:15
timing (4)
53:15;124:21;
131:14,16
b7E -1
[redacted]
today (38)
3:15;4:13;5:8;9:11;
14:3,11;21:4;26:12;
32:10,24;42:12;49:25;
68:19;72:15;74:22;
80:1;98:18;107:24;
111:11;113:7;118:11;
129:8;137:6;139:15,
22;141:2;161:5;162:1,
12;183:17;190:19,24,
25;211:5;233:23;
240:19;247:11;251:21
together (6)
14:14;17:15;21:19;
102:21;203:17;210:23
told (40)
21:12;33:8;40:7;
41:5;55:8;66:7;68:13;
69:18;71:7;74:9;84:17;
95:20;98:21;143:17;
149:14,21;156:4;
157:17;161:5,20;
170:21;179:15;181:5;
183:13,17;187:1;1;
189:3,6;190:18,19;
191:11;192:4;197:12;
199:14;200:10;201:7;
224:14;247:5;255:1
tolerant (1)
112:23
tomorrow (3)
120:21;125:23;129:5
ton (1)
212:15
took (8)
18:24;23:15;31:1;
46:17;152:20;201:20,
22;230:2
top (6)
16:1;30:7,18;121:16;
126:1;148:7
topic (10)
28:21;29:20;30:8;
36:24;77:3;129:7;
141:2;152:25;182:14;
186:15
topics (1)
45:9
torrent (1)
90:9
totality (2)
240:24;242:8
Totally (2)
193:3;254:17
touch (2)
188:21;189:13
town (7)
7:13,14,23;8:1;
20:11;21:7;73:2
traced (1)
135:6
track (1)
127:3
trafficking (1)
180:22
trained (1)
135:17
transact (1)
56:11
transacting (3)
94:7;198:17;211:2
transactionally (1)
99:8
Transcriber (1)
261:13
transcript (5)
11:15;12:2;157:6;
185:7;261:3
transparency (1)
204:9
travel (5)
7:14,23;18:23;47:11;
119:2
traveled (2)
19:13;55:11
traveling (2)
43:21;45:14
travelled (1)
18:15
treated (1)
58:5
tribally (1)
104:16
tried (2)
23:14;61:15
trigger (1)
197:11
triggered (1)
196:4
trip (1)
52:4
b6 -1
troublesome (1)
b7C -1
100:16
[redacted]
True (1)
60:16
trusted (1)
194:8
try (9)
20:7;51:12;56:7;
114:15;127:2;129:12;
133:16;134:9;258:25
trying (34)
15:17;48:21;50:5,15;
51:18;57:24;59:9,10;
61:19;65:6,16;75:21;
79:10;108:7,9;116:10;
125:25;134:2;143:7;
154:8,24;155:13;
162:1;169:16;177:3;
180:23;189:22;191:1;
192:18;193:6;195:22;
201:12;231:25;232:7
turbulent (1)
252:15
turn (6)
88:3;151:9,9;153:23;
196:15;248:14
turned (3)
36:7;116:25;135:17
turning (2)
17:13;26:11
turns (1)
45:19
twice (1)
111:8
two (26)
4:21;20:1;23:17;
32:20;45:12;55:18;
61:24;83:15;111:5;
112:25;119:16;129:1;
142:17;143:7,8;
146:13,24;172:9;
173:6;175:25;180:16;
192:23;203:12;221:22;
248:18;258:21
two-month (1)
180:16
tying (1)
17:14
type (5)
87:16;127:21;130:5;
167:24;234:1
typed (1)
15:19
typical (2)
98:1;110:13
typically (12)
45:9;49:9;63:9;
111:8,13;112:3;
126:19;128:11;129:25;
204:6;209:7,16
typing (1)
15:25

U

ultimately (10)
19:25;28:5;91:22;
121:20,23;141:9;
155:9;159:22;160:18;
254:22
Um-hmm (139)
7:3;10:6,20;11:13,
19;12:11;15:21;24:14,
20;26:16;27:25;28:3;
30:15;31:3,19,22;
35:23;36:25;37:3;39:2,
14;40:19,22;41:8,23;
43:2;44:18;46:14;52:7,
15;54:6;56:14;58:11;
62:14,23;68:21,25;
69:2,4;70:24;72:23;
73:16;76:22;79:25;
81:2;83:1;87:9;88:1;
89:12;92:3,22;97:20;
100:10;101:16;108:25;
113:19;114:24;115:13,
18;116:20;117:15;
118:21;122:25;123:13;
129:6;140:8;141:16;
142:15;143:23;147:13;
150:6,21;151:5,8;
152:15,17;154:7;
155:1,8,13;157:15;
161:9,18;162:19;
163:22;164:23;175:10;
177:8,11,19;179:5;
187:4,13;189:5;190:8;
195:4,10;197:16;
199:6;201:14;203:9;
209:3;210:5;212:9;
213:23;214:17;215:11;
216:1;218:5,11;
219:12;220:20;221:21;
224:1;227:7;229:12,
23;232:4,4;233:16;
234:5;235:2;238:20,
23;241:1,11;242:4,21;
244:23;245:2,23;
248:17;251:6;253:7,
12,20;254:14;255:6;
256:10
unauthorized (10)
100:16;122:5,6,8;
133:12,17;141:3;
144:23;156:20,22
unbelievably (1)
89:25

FBI 18-cv-01766-833

unclass (1)
118:22
unclear (1)
72:13
uncomfortable (2)
73:13;185:25
uncoordinated (1)
175:12
under (11)
4:9;96:10,12;168:21,24;176:7;216:7;220:1;226:16;227:14;250:10
underestimate (1)
180:21
undermine (2)
30:13;58:20
understood (8)
17:23;28:23;30:25;122:18;208:4;221:4;233:6;258:16
unfair (2)
17:8;254:11
unfamiliar (1)
104:19
Unfortunately (1)
164:6
unhappy (1)
94:18
unique (5)
197:5,8,17;198:5,11
uniqueness (1)
197:15
United (4)
50:13;56:23;230:1;255:8
unless (2)
68:15;209:17
unlikely (2)
122:23;169:2
unrelated (1)
26:20
unusual (2)
50:23;60:12
up (66)
11:6;15:11;16:16;18:22;19:25;23:16;25:3;26:7;37:9;43:11;45:21;47:3,7;48:24;51:4;59:6;62:3,20;63:8;67:12,16;68:6;69:11;74:22;76:24;77:8;88:8;91:12,22;92:15;98:10;103:9;105:8;125:8,17;129:7;130:25;131:12;134:25;143:5;147:1,16;160:11;162:25;167:15,18;170:6;176:10;178:18,20,21;182:2;185:4;189:16;192:14;200:11;208:21;209:14;213:5;218:14;226:20;244:2;245:10;247:6;257:4,8
upon (5)
105:24;119:19;172:14;189:11;244:17
upper (1)
142:6
upset (6)
102:12;120:25;123:9;126:23;128:3;222:21
use (5)
71:17,22;117:16;144:15;217:5
used (3)
66:11;192:10;207:17
uses (1)
208:10
using (1)
254:6
usually (2)
43:23;98:9

V

valid (4)
48:15;51:3;170:14,16
validly (6)
50:16;53:1;65:25;120:17;230:3;234:17
variety (2)
48:18;175:4
various (4)
97:22;173:21;177:5;227:15
vehicle (2)
211:8,25
venture (1)
156:24
verbatim (1)
208:5
verbiage (1)
81:21
version (20)
143:1;150:25;161:4;165:5,13,23;166:10,12,23;167:5,10;168:8;169:12,13;170:22,25;171:6;174:2,6;196:1
versus (1)
241:13
view (8)
83:10;86:3;129:17;194:5;224:7;230:24;237:1;256:12
viewed (3)
229:5,6;236:25
viewpoint (2)
79:13;88:20
visit (1)
165:19
voluntary (1)
3:25
vouching (1)
73:19
Voviette (20)
142:18,23;143:12;145:12;147:18;149:17;150:14;152:24;153:19;159:10;162:7,20;167:25;173:11;179:3;184:2,3;186:5;191:14;194:22
vulnerability (1)
25:13
vulnerable (1)
25:16

W

Wait (2)
166:1,1
walk (5)
14:6;72:12;161:3;212:21;213:1
walk-bys (1)
112:10
walked (1)
199:2
walking (2)
142:22;186:7
Wall (80)
4:22;5:17,21;6:9,21;7:5,7,11;10:4,22;12:14;13:17,19;14:5,14,23;24:16;25:20;26:7;28:16;30:8;32:7;33:1;46:15;53:9;66:24;67:24;72:10;73:21;74:14;75:2,10,16;76:17;77:2,17;79:3;85:24;94:20;101:18;103:6;109:14;119:14,18;120:21;129:1;140:14;141:19,24;143:15;145:6;147:5;151:3,18;153:22,25;155:4;163:20;164:14;166:11;173:11,23;178:19;179:21;180:4,13;182:19;185:5,15;186:19;215:3,9;218:8;240:25;248:12;249:11;250:14;251:9,24;255:17
wants (6)
111:10;132:9;209:12;211:7;226:16;237:13
warrant (1)
38:9
warrants (1)
40:23
Washington (4)
77:15;114:21;133:21;146:25
wasted (2)
143:17;186:10
way (70)
9:17;21:2;37:14;46:6;48:11;51:20;52:24;55:19;57:16;58:5,8;61:20;62:3;63:1,5,9;65:23;68:8;79:20;83:17;89:9;91:9;94:19;100:16;102:9;111:24;112:2,2;122:19;123:4,6,8;126:19;127:8;128:23;135:15;143:11;153:3;158:6;161:14;162:15;164:18;171:15;173:12;176:7;181:2;184:17;186:1,3,14;191:21;197:24;202:7,8,17;209:16;211:23;218:19;228:12,20,25;229:5,6;230:12;231:5,25;239:16;240:11;258:24;259:24
ways (8)
92:8;111:5;198:12;209:18;212:5;213:21;228:12;258:21
Wednesday (1)
96:9
week (20)
9:3;16:21,22;18:22;19:18;37:2;55:21;56:12;74:12;77:4;90:2,13,14;92:10;111:8;115:5,6;128:15;134:22;153:8
weekend (6)
14:17;18:16;27:18;74:2;94:5;223:25
weeks (5)
34:14;36:8;91:16;135:19;196:6
weighing (1)
61:23
Weiner (6)
19:24;61:13,20;62:9;90:8;94:6
welcome (2)
121:13;260:4
weren't (8)
36:3;52:17;61:23;94:7;125:24;128:17;200:5;257:23
WFO (1)
147:8
what-have-you (3)
112:20;212:11,21
what's (29)
16:11;36:12;43:16;104:11;113:24;126:15;127:2,2,4,25;129:17;130:4;134:16;144:14;163:3;164:12;193:4,4;197:13;199:14;202:21;214:7;220:1,1,8;221:4;230:18;251:10;258:17
whatsoever (1)
125:21
whenever (4)
160:2,13;190:20;220:14
Whereupon (4)
72:4;184:25;248:3;260:25
wherever (1)
220:19
whole (9)
15:11;17:14;37:6;60:9;102:24;103:1;141:1;146:17;222:5
whomever (1)
188:21
who's (1)
111:12
whose (2)
185:17;187:25
wide (1)
134:18
widely (4)
71:12;182:25;190:11,14
wife (8)
15:5;19:21;31:10;58:4;127:12;128:10;188:2;197:9
wife's (7)
14:24;15:19,25;17:6,9;20:14;69:9
window (1)
180:17
windup (1)
219:1
wish (1)
15:10
wished (1)
78:17
withheld (1)
9:10
Within (12)
52:3;54:1,3;79:8;80:18,23;81:25;84:6;118:13;137:19;138:2;258:17
without (18)
9:9;24:9;37:14;38:8;51:15;67:25;105:20;106:8;107:5;112:10;140:25;166:11;194:9;216:12;225:11;239:12,12;240:12
b7E -1
[redacted]
woman's (2)
142:19;216:19
wonder (1)

FBI 18-cv-01766-834

85:9
wondering (7)
19:6;40:20;238:21;
242:1,12;257:14,25
[redacted] b6 -1 b7C -1
word (5)
44:17;50:9;87:7;
165:7;182:11
words (16)
53:2;57:9;66:11;
81:1,10;83:13;89:21;
140:22;159:17;165:25;
179:4;192:10;195:20;
205:21;243:5;251:8
work (18)
12:13;16:14;30:14;
38:8;58:15;69:15;95:3;
102:21,23;103:2;
112:19;130:3;146:24;
208:12;212:12;223:14;
237:21;243:5
worked (4)
98:22;113:22;
185:11;189:13
working (8)
17:22;38:4;39:1;
110:6,8;111:2,21;
124:20
works (3)
58:13;108:19;112:22
world (3)
70:2;91:19;192:23
worried (1)
123:19
worry (1)
159:14
worse (1)
62:22
worth (1)
223:3
wow (2)
254:7;260:7
Wray (2)
212:4;216:13
write (6)
17:24;56:4;58:19;
71:9;126:19;233:12
writing (2)
16:22;55:22
written (10)
39:3,7,10,12;109:16;
186:1,14;225:20,23;
235:8
[redacted] b6 -1 b7C -1
WSJ (1)
120:21

Y

yada-yada (1)
69:15
year (3)
90:21;98:7;248:13
years (4)
78:3;112:16;127:20;
189:14
yell (1)
243:21
Yep (2)
205:16;228:16
yesterday (13)
3:24;4:19;19:23;
27:5;39:22;61:15;74:7;
75:13;92:7;224:22;
252:21;253:5;254:4
York (17)
3:22;36:9,10,17;
37:16,20,23;38:4,23;
40:10,13;114:21;
116:7;121:19;125:3,
11;242:6

Z

zeros (1)
120:12

1

1 (4)
27:20;30:7;155:16;
184:24
1:03:17 (1)
59:8
1:03:24 (1)
59:14
1:08:48 (1)
64:2
1:29:28 (1)
80:23
1:32:53 (1)
85:6
1:38:38 (1)
90:23
10 (12)
44:4;66:16;71:24;
72:2;151:2,16,17;
152:8,14;163:21;
185:3;221:13
100 (2)
52:11;135:9
109-year (1)
91:25
11 (5)
72:7;151:23;152:9;
163:21;170:8
11:00 (1)
72:3
12 (2)
135:9;163:19
12,000 (1)
91:18
12th (53)
33:9,20,24;34:2;
41:24;43:12,13;44:19;
47:23;49:23;54:11,18;
59:3;64:21;65:21;
66:24;68:8,14;76:7,17;
77:7;78:23;82:6;85:23;
93:11;95:18;96:17;
98:20;99:19;101:18;
106:24;123:7,25;
137:5;154:19;166:16;
169:19;170:18;171:12,
18;172:4;174:21;
182:18;185:20;195:1;
196:16;203:8;222:8;
226:2;231:24;237:2;
238:5;249:10
13 (2)
135:9,10
13th (2)
248:7,11
1425 (1)
3:22
15 (1)
211:1
16 (1)
133:10
1636 (1)
120:3
1-7.000 (1)
255:9
1-7.530 (3)
255:12;256:11;
257:25
18 (1)
179:22
18th (12)
173:17;174:18,20;
179:8,9;184:5,6;
186:18,24;203:4;
206:22,25
1st (8)
12:8;24:12;25:20;
88:7;130:22,22,23;
185:11

2

2 (10)
7:9,11;13:17,20;
14:5;20:22;27:15;
46:15;155:16;163:25
2:00 (1)
185:3
2:06:12 (1)
117:18
2:14:42 (1)
126:8
2:16:55 (1)
128:18
2:26:34 (1)
136:16
2:35:22 (1)
144:8
2:39:02 (2)
148:13,14
20 (3)
132:3;133:8,9
2015 (3)
248:7,10,11
2016 (17)
4:23;5:11,21;10:4;
35:14;64:14;132:5;
133:11;135:18;141:24;
142:10;152:6;188:1;
198:14;236:5,17;
248:10
2017 (8)
4:6;10:10;72:24;
198:18,19,20,24;
261:15
20th (2)
14:17,19
22 (3)
11:20,24;12:2
22nd (3)
132:1,1,4
23:29 (1)
22:24
23:46 (1)
23:12
23rd (10)
6:10;16:18;110:21;
119:15;132:2;155:16;
164:24;165:22;167:12;
171:18
24 (5)
11:20,24;12:2;72:25;
73:8
27 (2)
55:15;72:9
27th (6)
75:2,22;77:8;111:25;
113:1;128:16
28 (2)
55:15;72:9
28th (13)
10:10;24:12;27:12;
31:15;72:21;75:2;
112:1;113:1;128:16;
177:17;182:10;187:23;
188:21
29th (1)
3:23
2nd (2)
115:8;130:21

3

3 (1)
155:16
3.4 (4)
248:14,19;257:16;
258:12
3:09:40 (1)
176:25
3:11:36 (1)
179:6
3:15:19 (1)
183:6
3:15-ish (1)
260:23
3:23:54 (1)
190:20
3:24:14 (1)
191:10
3:36:51 (1)
203:6
3:51:09 (1)
215:16
30 (2)
72:24;155:16
30th (41)
4:23;5:11,20;7:8;
10:4;12:15;13:21;
20:22;24:16;26:7;
44:14;60:22;75:3;
79:24;88:13;94:22,25;
95:16;109:15;115:24;
119:7,16,19;137:19;
138:19;139:13;140:14;
141:24;145:7;170:22;
176:25;179:22;183:5;
224:24;233:23;236:17;
240:25;245:1;248:8;
251:9,25
31 (2)
11:17;12:2
31st (4)
95:4;101:25;102:3;
118:1
32 (1)
72:25
36 (1)
120:2
36,500 (1)
91:18
3rd (4)
6:22;115:8;130:21;
155:16

4

4 (1)
88:4
4:16:55 (1)
240:4
4:17:00 (1)
240:6
4:17:14 (1)
240:10
4:18:11 (1)
241:14
4:31:47 (1)

FBI 18-cv-01766-835

253:15

5

5 (2)
72:25;73:8
51636 (1)
120:12
51638 (2)
119:23;120:1
5th (1)
4:6

6

637 (1)
119:24
638 (1)
119:24

7

7 (1)
255:12

8

8 (3)
33:14;79:24;261:15

9

9 (8)
33:14;44:14;79:24;
96:15;179:20;185:15;
248:15;257:20
9:00 (1)
96:5
9:30 (4)
3:23;96:5,14,14
9th (17)
90:20;142:9,12;
152:4;157:21,22;
161:6;165:19;166:13;
167:12;174:10,19;
187:2;190:20;192:20,
21;193:11

FBI 18-cv-01766-836

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

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IN RE: :

INTERVIEW OF ANDREW MCCABE :

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December 4, 2017

Washington, D.C.

Interview of

Andrew McCabe

By the U.S. Department of Justice, Office of the Inspector General, at the Department of Justice Building, beginning at 9:14 a.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

b6 Per OIG
b7C Per OIG

ROBERT STORCH, Oversight & Review Division

FOR THE WITNESS:

ERIC BRUCE, Esquire

ALL INFORMATION CONTAINED
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DATE 07-12-2018 BY [redacted] NSICG

b6 -1
b7C -1

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that week, the story, this story comes out on Monday the 20-whatever.

MR. STORCH: 4th.

[redacted] 4th. b6 Per OIG b7C Per OIG

MR. MCCABE: 4th, right. Over the next two days, I think Wednesday, the Weiner laptop issue really comes to fruition. Really kind of in the second part of the day, series of phone calls, what-have-you. I tell the Director that he needs to have a meeting on it the next day. We set that up. I, I am not around for it because I'm traveling to [redacted] I call in on the phone. b6 -1 b7C -1 And the first 30 seconds of the, of, they're all I guess in the, I assume in the Director's conference room. I'm on the phone.

And in the first probably minute or two of the meeting, Jim Baker proposes that I should not be included in the meeting because, as he says at the time, we might discuss classified and you're on an open line. And I remember thinking, that's, I can't, I can't think of what classified stuff we'd be talking about here, but, whatever. I thought he was being kind of classically Baker cautious.

[redacted] But he didn't say -- b6 Per OIG b7C Per OIG

MR. MCCABE: He didn't say --

[redacted] -- because I'm concerned about -- b6 Per OIG b7C Per OIG

MR. MCCABE: -- because you should recuse. No.

[redacted] -- the possibility of a recusal, or the possibility of the conflict? b6 Per OIG b7C Per OIG

MR. MCCABE: Not to me.

[redacted] Or the allegation of the conflict is raising concerns here at headquarters. b6 Per OIG b7C Per OIG

MR. MCCABE: No.

MR. STORCH: Just generally, any, any -- and you did talk about this last week. But any reference to any issue related to conflict at all?

MR. MCCABE: No.

MR. STORCH: Under whatever language.

MR. MCCABE: No.

MR. STORCH: It was just the might discuss classified that you recall?

MR. MCCABE: It was might discuss classified, so I dropped off the call. And I cannot say, obviously, what they talked about when I was off the call. I did have a follow-up call with Director Comey, and he basically took the position of I don't need you involved in this. I know what I'm going to do. And, you know, kind of I'm keeping you out of this. I don't need your, I don't need you to weigh in.

[redacted] Because of the allegation of the conflict? b6 Per OIG b7C Per OIG

MR. MCCABE: No.

[redacted] Why was Comey telling you he didn't need you involved in it? b6 Per OIG b7C Per OIG

MR. MCCABE: He did not say. He didn't say, he was like, the impression that I got was he had already made his decision, and so --

[redacted] About what? b6 Per OIG b7C Per OIG

MR. MCCABE: About what he was going to do with the Weiner laptop.

[redacted] And the search warrant and the letter to Congress? b6 Per OIG b7C Per OIG

MR. MCCABE: I mean, I wasn't in the meeting, so I don't know actually what they decided, but that was my impression.

[redacted] You're the Deputy Director, though, and you've been on this case for, since its inception. b6 Per OIG b7C Per OIG

MR. MCCABE: Yes.

[redacted] And all of a sudden, when it rears its head at the most inopportune time, and the Director says I don't need you, you are not asking why you don't need me, or how could this decision be, you know, what's your basis for the decision? b6 Per OIG b7C Per OIG

MR. MCCABE: I had all of those concerns. But the Director was clear in our phone call that he did not want to discuss them. He said I don't need you to do

this. I'm going to keep you out of this. And, you know, don't, don't worry about it.

[redacted] Do you recognize that it's because of the allegation of a conflict? b6 Per OIG b7C Per OIG

MR. MCCABE: I'm trying to remember what I thought then. I was, you know, greatly concerned about how the, how they would, what they would decide and how they would decide it. That's really what I was focused on.

[redacted] Did you -- b6 Per OIG b7C Per OIG

[redacted] Did -- go ahead.

MR. MCCABE: Um-hmm.

[redacted] Did you later come to learn that there were concerns and discussions around your recusal status, and that that might have been motivating the Director's take on why you shouldn't participate?

MR. MCCABE: When I came to work that following Monday, that's when I started to have these discussions with Jim Baker and others, and the Director about should I or should not, should I not recuse.

[redacted] All right. But back to the 27th. You said that you, you got off the phone call per Jim Baker's discussion. b6 Per OIG b7C Per OIG

MR. MCCABE: That's right.

[redacted] And that you had a follow-up b6 Per OIG b7C Per OIG

conversation with the Director. In between getting off the phone call and your follow-up discussion with the Director that same day --

MR. MCCABE: Yes.

[redacted]: -- did you have a phone conversation with Lisa Page? b6 Per OIG b7C Per OIG

MR. MCCABE: It's possible, but I don't remember.

[redacted] Would she have told you that she was also kicked out of the meeting? Did she tell you she was also kicked out of that meeting? b6 Per OIG b7C Per OIG

MR. MCCABE: I remember, I know that now. I don't know if she told me that at that moment, but it's certainly possible.

[redacted]: Did you discuss the fact that, that the recusal issue was raised at the 27th meeting? b6 Per OIG b7C Per OIG

MR. MCCABE: I don't remember discussing it with Lisa Page. We may have, but I don't remember that.

[redacted]: So you don't remember having any forewarning before you spoke to the Director that the recusal issue was on the table for both you and Lisa Page? b6 Per OIG b7C Per OIG

MR. MCCABE: I remember talking to Jim Baker later that day.

[redacted] Before or after you spoke to the Director? b6 Per OIG b7C Per OIG

MR. MCCABE: It would have been after.

[redacted] Okay. And that's when you first learned of the recusal issue? b6 Per OIG b7C Per OIG

MR. MCCABE: He, he may have raised it to me.

[redacted] When Lisa Page contacted you, we have some, we have a text that says, oh, they're not going to put the recusal in the letter, referencing the October 28th letter. b6 Per OIG b7C Per OIG

MR. MCCABE: Okay.

[redacted] Were you concerned that the Director's desire or concerns about your conflict may be revealed in the October 28th letter? b6 Per OIG b7C Per OIG

MR. MCCABE: I was very concerned about them making a decision on my recusal. But I don't remember --

[redacted] As of the 27th? b6 Per OIG b7C Per OIG

MR. MCCABE: -- thinking about it in the letter. It's likely, but I, I don't have a, I, it's hard for me to sort out exactly what I was thinking. There was a lot going on that day. It likely, that was probably part of it, but I don't have a specific recollection of it.

[redacted] There is a -- b6 Per OIG b7C Per OIG

[redacted] When, yeah, when is it, when is the first time that you clearly recognize that recusal, your recusal is on the table?

MR. MCCABE: It may have been the 27th.

[redacted] But from who? From Lisa, from the Director, from Baker?

b6 Per OIG
b7C Per OIG

MR. MCCABE: I don't remember. I don't believe the Director, because our conversation was very short, and he was very kind of vague. So likely from, from later conversations I had with Lisa Page.

MR. STORCH: Can I ask you about the conversation with the Director?

MR. MCCABE: Yes.

MR. STORCH: Just to follow up from what you had testified to in the last, last week? The case has run together. But, my recollection, correct me if I'm wrong, is you said that when you were on the conference call and Baker raised the question on something being discussed classified or something and you need to get off.

MR. MCCABE: Yeah.

MR. STORCH: The Director said he'd call you later. When you talk to the Director later, what is your recollection of that discussion?

MR. MCCABE: It was very brief. I was in the car, and I was driving a rental car.

MR. STORCH: These guys I'm sure know. Did he call you, or did you call him? If you remember.

MR. MCCABE: I don't remember.

MR. STORCH: Okay. Fair enough. It's --

MR. MCCABE: Logically it would seem like he called me, but I don't, I don't remember.

MR. STORCH: The question was more of habit (*indiscernible 1:54:07). Okay. So what was the discussion?

MR. MCCABE: I just remember him saying, he was very kind of, his normal kind of casual self. And he said don't worry about this, kind of I got this. I don't need you involved in this decision. I'm keeping you out of this. And, you know, enjoy your trip, and I'll talk to you when you get back, sort of thing.

MR. STORCH: Any discussion about why he would be keeping you out of it?

MR. MCCABE: No. I don't remember a specific discussion about that.

MR. STORCH: Yeah. Did you, at the time --

MR. MCCABE: It was very clear to me --

MR. STORCH: Yeah.

MR. MCCABE: -- that he had made his decision.

MR. STORCH: Yeah.

MR. MCCABE: And that was it.

MR. STORCH: Sure, he's --

MR. MCCABE: It was not, this was not for discussion. It was like, I'm telling you what I'm, what I'm doing here, and that's how it is.

MR. STORCH: So going back a little bit to [redacted] questions. When the Director says I'm keeping you out of this, that's something you've been involved with.

b6 Per OIG
b7C Per OIG

MR. MCCABE: Um-hmm.

MR. STORCH: It's a pretty big matter.

MR. MCCABE: Yeah.

MR. STORCH: Any, any thinking on your part about why he would be keeping you out of it?

MR. MCCABE: I probably did.

MR. STORCH: Yeah.

MR. MCCABE: But Rob, I can't sit here and tell you --

MR. STORCH: Sure.

MR. MCCABE: -- that I have a specific recollection of exactly what I thought.

MR. STORCH: Yeah, fair enough.

MR. MCCABE: I had a series of incredibly heated and important phone calls for the rest of that day.

MR. STORCH: Sure.

MR. MCCABE: Not the least of which involved my [redacted]

b6 -1
b7C -1

MR. STORCH: Yeah, okay.

MR. MCCABE: And so it was a particularly, you know, busy and tumultuous day.

MR. STORCH: Let me ask one, final question.

MR. MCCABE: Yeah.

MR. STORCH: Any reason you can think of why he would be keeping you out of it other than the potential conflict and the other issues?

MR. MCCABE: I'm not aware of --

MR. STORCH: Just to make sure it isn't something like --

MR. MCCABE: I'm not aware any other reason. No.

MR. STORCH: Yeah, right. Okay.

[redacted] On October 27th -- b6 Per OIG b7C Per OIG

MR. MCCABE: Yeah.

[redacted] -- do you have recollections about discussing these issues with Baker and/or Rybicki? There's -- b6 Per OIG b7C Per OIG

MR. MCCABE: I remember talking to Jim Baker. I don't remember talking to Jim Rybicki, but I may have.

[redacted] Okay. And, and what were those conversations about? For your information, there is, we have a text that you sent on the evening of, of the 27th to Lisa Page where you say you had spoken to both. Both understand that no decision will be made on recusal until I return and weigh in. Jim says his meetings were mostly about the notification and statement which the boss wants b6 Per OIG b7C Per OIG

MR. MCCABE: No, I --

MR. STORCH: You did it.

MR. MCCABE: This is like one line. I can handle that.

[redacted] So it was the -- b6 Per OIG b7C Per OIG

MR. MCCABE: Although maybe not. I inartfully did it before.

MR. STORCH: For the record, I didn't --

MR. MCCABE: Yeah.

[redacted] And so let's, let's talk about the Clinton Foundation recusal, because, was that on a different track in terms of the timing of the recusal on that? b6 Per OIG b7C Per OIG

MR. MCCABE: No. That was simply my thought that if you recuse because of this perceived conflict with Clinton matters, that that should logically extend to the Foundation.

[redacted] So there's not sort of a distinction of these are running on different tracks or anything along those lines? Because -- b6 Per OIG b7C Per OIG

MR. MCCABE: Not that the recusal decisions were different. It was kind of the same ball of wax.

[redacted] Our information is you had a conversation with Bill Sweeney about recusal on Clinton Foundation in October 26. So this is before you even left b6 Per OIG b7C Per OIG

on your trip. There's a conversation you have with Sweeney where you say that you're going to be, you're going, well let me, let me not paraphrase.

MR. MCCABE: Yeah.

[redacted] I can show you the, the email that sort of records that conversation. It's at 38, Tab 38. Turn to that real quick. And this is a memorialization of that call from the perspective of Sweeney, and I just wanted you to address that. b6 Per OIG b7C Per OIG

MR. MCCABE: I don't remember that.

[redacted] That doesn't refresh your recollection? Because this sort of would move back the time period in terms of what we've just been discussing in, in, in relation to recusals from Clinton matters. And it looks here as if these, he, what he's taking, the takeaway is that you, you are recusing yourself from the Clinton Foundation case. b6 Per OIG b7C Per OIG

MR. MCCABE: Yeah, I, I can see that there --

[redacted] Something formal, a formal email to come later, I guess. But, yeah. But, so. b6 Per OIG b7C Per OIG

MR. MCCABE: I can see that here, but I, I don't remember talking to him about that.

[redacted] You do remember the call with the Attorney General regarding the Garner leaks? b6 Per OIG b7C Per OIG

MR. MCCABE: I do. Yes, I do.

[redacted] And that, you recall having a, a follow-up or a skinny-down conversation with him after the AG dropped off the call? b6 Per OIG b7C Per OIG

MR. MCCABE: I don't. I, and I think we talked about this call last week. Right, you didn't --

[redacted] You did, but not with us. b6 Per OIG b7C Per OIG

MR. MCCABE: Right.

[redacted] And we're not, we're not addressing it in terms of, you know.

MR. MCCABE: Yeah. I, and I couldn't remember at the time whether Sweeney was involved in it or not. But I remember Randy Coleman being in my office and we took it, like, on the, on the speakerphone in my office. But that's the best of my recollection of that whole thing.

[redacted] So that -- b6 Per OIG b7C Per OIG

MR. MCCABE: They --

[redacted] That wouldn't comport with what you're describing about your, you were fighting recusal up through and including the meeting with Comey, which would have been on November 1, or up close to November 1, right?

MR. MCCABE: That's correct.

[redacted] So this would not -- b6 Per OIG b7C Per OIG

[redacted] Did you --

[redacted] -- be consistent with that

recollection that you've described for us and --

MR. MCCABE: It's not --

[redacted] -- what you walked us through. b6 Per OIG b7C Per OIG

Right? Yeah.

MR. MCCABE: It's not, and I, I, like I said, I don't remember discussing that with Bill at the time.

[redacted] So, so then, did you, but between b6 Per OIG b7C Per OIG October 23rd, the article coming out, and November 1, your recusal, can you describe any significant or any participation really in either the Clinton Foundation matter or the Hillary Clinton email server matter? Did you participate in any, in any way during that period of time?

MR. MCCABE: On Clinton Foundation? No. I don't recollect participating in Clinton Foundation stuff that week. I mean, Midyear was constantly coming up.

[redacted] Sure. b6 Per OIG b7C Per OIG

MR. MCCABE: And of course the whole Weiner laptop thing --

[redacted] Sure. b6 Per OIG b7C Per OIG

MR. MCCABE: -- kicked off that week.

[redacted] The search warrant, the letter to b6 Per OIG b7C Per OIG Congress.

MR. MCCABE: Yeah. Of course, I wasn't involved in that, but it just, in more of the where is the Weiner

laptop? What are we doing? We need to have a meeting on it.

[redacted] Right. Sort of set that up, and then you, you weren't there. b6 Per OIG b7C Per OIG

MR. MCCABE: Which would have been the 26th probably. That's the day, if that's Wednesday.

[redacted] Um-hmm. So -- b6 Per OIG b7C Per OIG

[redacted] But let me just, so did you ever --

MR. MCCABE: I'm sorry. Would it be possible to take a quick restroom break?

[redacted] Sure. b6 Per OIG b7C Per OIG

MR. MCCABE: I've had quite a lot of water here.

[redacted] Yes. b6 Per OIG b7C Per OIG

[redacted] We will take a break. Thanks.

(Whereupon, the above-entitled matter went off the record and back on the record.)

[redacted] We're back on record. So, we were talking about the Clinton Foundation recusal and the question that I asked you with regard to the Sweeney contact on October 26th. So, again, that didn't prompt any recollections about, about this issue? b6 Per OIG b7C Per OIG

MR. MCCABE: It doesn't. As I said, I recall the phone call with the AG. That was startling. I don't remember talking to Sweeney about that. I suppose it's possible that I may have referred to the concept if that

was being discussed generally at the time. But I would not have said to Bill Sweeney, like, I'm thinking about recusing.

[redacted] Were you aware of Lisa Page having a view that perhaps there is a better argument to recusal on Clinton Foundation as opposed to an argument as to recusal on Clinton email server? b6 Per OIG b7C Per OIG

MR. MCCABE: I don't remember that.

[redacted] Okay. So you recuse on November 1 from both the Clinton Foundation and Clinton email server. b6 Per OIG b7C Per OIG

MR. MCCABE: Yes.

[redacted] We discussed last week in the context of, with [redacted] in particular, I think he showed you a couple of documents that -- b6 Per OIG b7C Per OIG

MR. MCCABE: Mr.?

[redacted]

[redacted]

MR. MCCABE: Oh, [redacted] yeah. b6 Per OIG b7C Per OIG

[redacted] Okay.

MR. MCCABE: [redacted] yes.

[redacted] He showed you a couple of, of documents that pertained to, to questions I want to ask you about.

MR. MCCABE: Okay.

[redacted] We've got them here as well. b6 Per OIG b7C Per OIG

MR. MCCABE: Okay.

[redacted] If you want to look, refer back to them, but. b6 Per OIG b7C Per OIG

MR. MCCABE: Okay.

[redacted] But they're essentially documents where you are interacting with Bill Sweeney with regard to leaks in the Clinton Foundation matter. And these all are after, I'm sorry, the one document is after November 1st. It's on November 3rd, where you're sending him, you're transmitting to Sweeney a copy of that Wall Street Journal article. I guess the third in the series. b6 Per OIG b7C Per OIG

MR. MCCABE: Um-hmm.

[redacted] That, that highlights the Clinton Foundation issues. And, and then you're, you have conversations about the leak issues that pertain to Clinton Foundation issues. b6 Per OIG b7C Per OIG

MR. MCCABE: Um-hmm.

[redacted] So, I know he asked you this in a different context. With our lens now, I want you to, to articulate for us why it is that that wouldn't be participation on the Clinton Foundation case after you've already recused yourself on it. b6 Per OIG b7C Per OIG

MR. MCCABE: Yeah. I would not have seen it that way. I would have seen it as a kind of logical follow-up to an ongoing conversation that Bill and I had

had over the course of several weeks over this general issue of leaks coming out of New York. And it had to do with, you know, people talking about the Midyear investigation, kind of general sentiments in New York that were pretty riled up after Director Comey's statement in July. And so I would have seen it as just not transacting on the case itself, but this was me saying to Bill I, kind of I told you to get your house in order sort of thing.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. MCCABE: And I, I should look at the document to be sure that I know what I'm --

[redacted] Okay.

MR. MCCABE: -- referring to, but. b6 Per OIG b7C Per OIG

[redacted] And, and -- okay. And then, in fairness to you, the document is, I can give you that. I'll just hand it to you.

MR. MCCABE: Um-hmm. Yeah.

[redacted] So this is the one that you -- b6 Per OIG b7C Per OIG

MR. MCCABE: This is to Mike Kortan?

[redacted] Yeah.

MR. MCCABE: Oh, the below one.

[redacted] Well, the below one is, you -- b6 Per OIG b7C Per OIG

MR. MCCABE: Yeah.

[redacted] -- you're giving, see, this is --

MR. MCCABE: Yeah.

[redacted] November 3rd, and you're sending that to -- b6 Per OIG b7C Per OIG

MR. MCCABE: Okay.

[redacted] -- Bill Sweeney. And our information is, you had conversations with him post-November 1, around this time period. b6 Per OIG b7C Per OIG

MR. MCCABE: Yeah.

[redacted] And that pertain to, someone could look at this, and someone could say -- b6 Per OIG b7C Per OIG

MR. MCCABE: Um-hmm.

[redacted] -- you're participating on this Clinton Foundation matter because, and you just recuse yourself. b6 Per OIG b7C Per OIG

MR. MCCABE: Yeah.

[redacted] Well, so you're now, you're outside your scope here of -- b6 Per OIG b7C Per OIG

MR. MCCABE: I understand how someone could say that, looking at this email. What I was doing was telling Bill Sweeney to take some action to limit the amount of information that was coming out of his field office, which I perceived out of his field into the media. And as I said, it was a continuation of an ongoing conversation, problems that had been simmering in New York for months.

I do not see this as weighing in and transacting on the case. I'm not making decisions about the case.

I'm not asking him about the case. I'm merely saying, Bill, you're in charge of New York. You need to get your people under control.

[redacted] And also another document that you were shown last week in a different context, I want to show you. b6 Per OIG b7C Per OIG

MR. MCCABE: Um-hmm.

[redacted] And the same question essentially here. This is an email to, from Pete Strzok to you. And it seems like there would have been a subsequent conversation. But it's referencing an open leak investigation into the publicity surrounding the Clinton Foundation, and then a detailed media pull that had been conducted. Again, any sense to the Clinton Foundation being invoked in this email and, and some instructions or guidance that may, that may have gone to him and that that impacts your, the question of having been recused. Now, this is December 22nd, so it would have been, you know, a month prior. b6 Per OIG b7C Per OIG

MR. MCCABE: Um-hmm. Um-hmm. Well, so you're asking me should Pete have been saying that Mike was interested in finding out about the Clinton Foundation?

[redacted] Well --

MR. MCCABE: Is that right? b6 Per OIG b7C Per OIG

[redacted] I guess I'm asking you, it seems

C E R T I F I C A T E

DEPOSITION SERVICES, INC. hereby certifies that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of Inspector General in the matter of:

Interview of Andrew McCabe

[redacted] b6 Per OIG b7C Per OIG

[redacted] Transcriber

January 17, 2018

Date

William Priestap MOI
12/27/2017

ALL INFORMATION CONTAINED
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Case Number:	**Reporting Office:**
E2017012	OFFICE OF OVERSIGHT AND REVIEW

Re: Interview of William Priestap, Assistant Director of the Counterintelligence Division, FBI Headquarters.

On December 27, 2017, Investigative Counsel [redacted] conducted a telephonic interview of Mr. Priestap to determine if he had any knowledge regarding the disclosure of the August 12, 2016 telephone conversation between FBI Deputy Director Andrew G. McCabe and an unnamed senior Department official on the Clinton Foundation investigation that appeared in the Wall Street Journal on October 30, 2016.

b6 Per OIG
b7C Per OIG

BACKGROUND

In his OIG interview on November 28, 2017, Deputy Director McCabe identified Mr. Priestap as someone who "possibly" knew that McCabe authorized Lisa Page and Mike Kortan to disclose the account of his August 12, 2016 telephone call with Matt Axelrod regarding the Clinton Foundation investigation to the Wall Street Journal.

On August 15, 2017, Mr. Priestap signed a sworn statement with FBI INSD in which he stated, among other things, that he was not the source of the information regarding the McCabe-Axelrold August 12 telephone call on the Clinton Foundation investigation that appeared in the October 30, 2016 Wall Street Journal article. That article was included as Exhibit 2 to Priestap's sworn statement and the portions on the August 12 telephone call that appeared in the article were highlighted on the last page of the article. Mr. Priestap was e-mailed his signed sworn statement in advance of our conversation on December 27, with reference made to Exhibit 2, the highlighted portions.

DISCUSSION

Mr. Priestap stated that he read his entire signed sworn statement before I called and related the following with respect to the October 30, 2016 Wall Street Journal article:

1. He did not know who the source was who disclosed the account of August 12 call between McCabe and the unnamed DOJ official re: Clinton Foundation investigation.

Investigative Counsel and Signature:	**Date:**

 This document contains neither recommendations nor conclusions of the IG. It is the property of the IG and is loaned to your agency, it and its contents are not to be distributed outside of your agency.

FBI 18-cv-01766-860

2. He had heard rumors that Lisa Page might have been a source, but did not pay much attention to them. It was speculation based on someone who might try to defend McCabe and been close to him to have access to the information, and did not reference the topic of authorization.

3. He was never told and never heard that someone at the FBI had been authorized to disclose the account of the August 12 call to the Wall Street Journal. He "absolutely would have remembered" something like that.

4. He was never told and never heard that someone at the FBI had been authorized to talk to the Wall Street Journal about the Clinton Foundation case. He "would have remembered that because it's not the norm."

FBI 18-cv-01766-861

James Baker Interview
12/18/2017
(Relevant Excerpts)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-12-2018 BY [redacted] NSICG

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CERTIFICATE

DEPOSITION SERVICES, INC. hereby certifies that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of Inspector General in the matter of:

Interview of [redacted] b6 -2 b7C -2

[redacted] Transcriber b6 Per OIG b7C Per OIG

December 28, 2017

Date

FBI 18-cv-01766-863

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

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IN RE: :

INTERVIEW OF JAMES BAKER :

----------X

December 18, 2017

Washington, D.C.

Interview of

James Baker

By the U.S. Department of Justice, Office of the Inspector General, at the Department of Justice Building, beginning at 1:00 p.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

b6 Per OIG
b7C Per OIG

FOR THE WITNESS:

NONE

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email or something like that. I don't specifically remember it from that time period when I, like I don't even know when it was going on honestly. What I do remember is learning about it from Andy when I was talking to him about what to do in light of the revelations about the big contribution to McAuliffe, or from McAuliffe. And so then he sort of talked to me about what had happened and what he had done and how things had been handled. And I mean, he went into much greater detail about it then. But when he was telling me all that my recollection is like I'm learning, my recollection today is I'm learning things that I didn't know before --

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: -- when he was telling me that.

[redacted] All right. So why don't we just focus on that conversation with Andy? b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted] Can you, you know, try and flush that out for us? What was he telling you? What was he trying to do? What was the purpose? What was the predicate for it? b6 Per OIG b7C Per OIG

MR. BAKER: Okay. So, this is the, this is, and you mentioned the Wall Street Journal. I couldn't remember how we came aware, became aware of the contribution from McAuliffe's Foundation. I think it was

approximately 600,000, something like that, to Andy's wife's campaign. So that becomes an issue. To the best of my recollection I didn't know about that before it hit the press. And my, based on the conversations I had with Director Comey he didn't know about it either until it came out in the press. And so, once that came out, and I'm happy to dive into details, but basically I had a series of conversations with Andy and with the director about what do we do. What's the right thing to do here? And so, yeah. I kind of went back and forth over some period of time. I don't know, it seems to me like a, like it was a long time but it probably was fairly compressed. And having conversations with them culminating eventually in a, for me a very challenging conversation where I had to tell Andy, Andy, I really do think you need to recuse yourself from this. I think it's better that you do it than have the boss order you to do it. And he was not happy about it, had lots of questions for me about it. And we had what I would say is a good argument back and forth. Intense.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: Very intense.

[redacted] I have a lot of those. b6 Per OIG b7C Per OIG

MR. BAKER: But good, you know, in the sense that we were honestly talking about all the issues and

going back and forth. And he was, I would say things to him and he would push back. And then I would push back and we went through it. But it was very challenging and I knew how important, you know, Andy's reputation is to him and the appearance of impropriety and so it was a very difficult conversation. So, and then at the same time I was having separate conversations with the director about the issue, trying to figure out exactly how to navigate this and what the right thing to do was, so. I can go into any detail on any of those if you want to --

[redacted]: We -- b6 Per OIG b7C Per OIG

MR. BAKER: -- but that's the basic idea.

[redacted]: I do want to -- b6 Per OIG b7C Per OIG

MR. BAKER: And so that, it was so --

[redacted]: And we can either do it now or we can, b6 Per OIG b7C Per OIG you know, go more --

MR. BAKER: Whatever is --

[redacted] -- chronological. But you know, b6 Per OIG b7C Per OIG that's, that, a time period based on the texts and the emails and the information we have is the late October, early November timeframe.

MR. BAKER: Yeah, that makes sense. When it was, when everything, it was when the Weiner email stuff surfaced all --

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. BAKER: -- again and the --

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. BAKER: -- case is now in a different status than it had been before. And --

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. BAKER: -- that was going all through, through all that. And I also remember having to, this was another painful moment. We were on a conference call talking about what to do with respect to the Weiner email matter. I'll just call it that. The Weiner laptop matter is a better way to say it. And they were, you know, the director and several others of us, and I can go through that if you want. But, you know, Andy was on the phone and at some point in time somebody made a reference I think to the Clinton Foundation maybe it was. Or some other reference and I had to basically like kick Andy off the phone.

[redacted]: Why would a reference to the Clinton Foundation mean you had to kick Andy off the phone? b6 Per OIG b7C Per OIG

MR. BAKER: Because it was, I think it was after the time that we had been having, I'm trying to remember now. I can't remember if he had recused himself. The recusal question, it just, Andy was recused in the matter that we were discussing. I think it was the Clinton, I think the topic of the Clinton Foundation was referenced.

[redacted]: Start, why don't you start there? What, so Comey had no idea about the financial contributions? b6 Per OIG b7C Per OIG

MR. BAKER: That's what he told me.

[redacted] And you didn't either. b6 Per OIG b7C Per OIG

MR. BAKER: Correct.

[redacted] And neither of you, and you were also surprised that Andy hadn't given you this information. I mean, there's two levels here, right? One, there's money. And two, why don't we know about it. b6 Per OIG b7C Per OIG

MR. BAKER: Yes, we did discuss that, yep.

[redacted]: And what was the director's position? b6 Per OIG b7C Per OIG

MR. BAKER: He, his reaction, I don't know his position. I mean, his reaction was, I'm surprised that Andy didn't tell me about this.

[redacted]: Uh-huh. Does he think it's significant? b6 Per OIG b7C Per OIG

MR. BAKER: Just generally?

[redacted] Well, both in terms of money and in terms of, you know, where Andy stands in the FBI on some of the most important cases that -- b6 Per OIG b7C Per OIG

MR. BAKER: He didn't --

[redacted] -- it's working on? b6 Per OIG b7C Per OIG

MR. BAKER: I guess he didn't slice it. I guess that's implicit. He didn't really, I don't remember him

talking about that. But yeah, that this seemed like a lot of money and coming from Terry McAuliffe. Now whether Andy actually knew about the contribution or not, I think Andy has told me subsequently he didn't know about it at the time and found out about it later himself. So, but had he known I guess he and I both would have expected that Andy would have told us. And I think we kind of assumed at the, at least at the outset that Andy knew about it.

[redacted] Right. And so did the director initially decide to take any specific actions in response to that information? b6 Per OIG b7C Per OIG

MR. BAKER: Initially?

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: I don't think so. I don't remember him saying anything like that.

[redacted] All right. So, we don't believe that Andy had recused himself on the Foundation until November 1st just based on -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- you know, what we've heard in this email. And you're in the middle of a discussion on Midyear, which is -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- the most important case the FBI is b6 Per OIG b7C Per OIG

working on at the time, and the week before the election. And you say out of the blue in the meeting, Andy, I think you need to get off the phone call, and the director agrees with you?

MR. BAKER: I didn't say that last part. I said something along the lines of, like literally like, you know, I'm making, for the record I'm making a T with my hands like in basketball, a timeout.

[redacted] And Andy's on the call by -- b6 Per OIG b7C Per OIG

MR. BAKER: Andy's on the phone call --

[redacted] Right. He's -- b6 Per OIG b7C Per OIG

MR. BAKER: -- because I don't remember where the heck he was, but.

[redacted] He's [redacted] b6 -1,Per OIG b7C -1,Per OIG

MR. BAKER: Okay. And Lisa's in the room I'm pretty sure.

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: The director and a series of other people related to the --

[redacted] Midyear team. b6 Per OIG b7C Per OIG

MR. BAKER: Midyear team.

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: I must have been thinking about the [redacted] the Clinton Foundation for some reason. I believe that I thought that Andy had, b7E -1

sitting here today I think that at that time I had thought that Andy was recused on the Clinton Foundation matter. Somebody mentions something about the Clinton Foundation. I can't remember specifically what. And I just like literally say time out, wait a minute. I think since we just had a reference to that, I think Andy's recused from that so on the, sort of like out of an abundance of caution I think Andy should probably drop off the phone call at this point in time. And that's what we did.

[redacted] And what was the director's response? b6 Per OIG b7C Per OIG

MR. BAKER: Kind of like okay, good. Good catch. Good catch, Jim.

[redacted] So, the director also thinks he's recused from the Clinton Foundation? b6 Per OIG b7C Per OIG

MR. BAKER: I don't, I, he didn't say that.

[redacted] I mean, don't you have Lisa -- b6 Per OIG b7C Per OIG

MR. BAKER: I don't know --

[redacted] -- Page right there to say, he's not recused from anything. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, she didn't say it though at the time.

[redacted] What was -- b6 Per OIG b7C Per OIG

MR. BAKER: She said nothing about that. She, Andy I think was not happy to be thrown off the phone call but --

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: -- readily agreed to it --

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: -- and just dropped off. So I could sense a slight bit of irritation in his voice but --

[redacted] What did he say? b6 Per OIG b7C Per OIG

MR. BAKER: He didn't say much. He just, okay, you know, kind of a little bit sharply, honestly, being thrown off an important phone call by me. So, and Lisa didn't say anything at the time. But then I think after that then Lisa, you know, I think she complained to me about having done that. That it was bad for Andy to be thrown off that call. It was an important call and so on and so forth. But I said I, it seems like once you bring up the topic of the Clinton Foundation, he's recused from that. I don't know how you continue the conversation with him on the phone call.

[redacted] So she never objected to your assumption that he had been recused on the Clinton Foundation? And he could have been. You know, the 26th he had called Sweeney. The phone conversation is the 27th. I just, we're not real sure of the timing here. b6 Per OIG b7C Per OIG

MR. BAKER: I don't remember her, I don't remember her saying that specifically. Her being Lisa, I don't remember that.

[redacted] All right. But Lisa gets thrown out too. b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted] She doesn't leave the meeting? b6 Per OIG b7C Per OIG

MR. BAKER: The meeting? That meeting?

[redacted] Is there some conversations to the effect of well, if he's recused what about me? b6 Per OIG b7C Per OIG

MR. BAKER: Yes, there was a conversation about that. I just, I don't know if it was during that phone call or not. And there was a period of some time where that was up in the air and then I went and spoke to Andy about it. I'm sorry, not Andy. I went and spoke to the director about it and asked him, what am I going go to do about Lisa Page? If Andy's out is Lisa Page out too? And we had a conversation, well, Lisa Page is a lawyer for the FBI. And she wasn't involved in the campaign for [redacted] or, you know, [redacted]. And she works for Andy but she's not Andy and so Director Comey thought no, she doesn't have to be recused. She should stay on the team. b6 -3 b7C -3

[redacted] Any concern that she would be unable to keep information from Andy since they were so close and this was such a high level investigation? b6 Per OIG b7C Per OIG

MR. BAKER: I think I told her that she had to be careful about that. Like I said, like okay, we've worked, at some point in time I recall that I told Lisa,

okay, I've worked this out with the director. I've talked to him. You stay on the case. You're not recused. But you have to be careful about discussing these matters with Andy. Something along those lines. Just a, like a person to person, in-person conversation.

[redacted] All right. Was there any discussion when you were dropping Andy from the call that he wasn't being dropped because of the recusal issue, he was being dropped because you were going to talk about classified information?

MR. BAKER: No, I don't remember that.

[redacted] Okay.

MR. BAKER: That was certainly not in my mind at the time.

[redacted] When you said, you know --

MR. BAKER: No, it was Clinton Foundation. Today I'm sitting here saying Clinton Foundation. Just to be clear, that's what I recall sitting here today.

[redacted] Uh-huh.

MR. BAKER: That that's the term that came up and that's why I thought he should drop off.

[redacted] All right. Did you want to say something?

[redacted] That was my question.

[redacted] Oh, okay.

b6 Per OIG
b7C Per OIG

All right. So, we also know that, oh so 27th, we believe the call was around 10 o'clock in the morning. You know --

MR. BAKER: Okay.

[redacted] -- just based on the -- b6 Per OIG b7C Per OIG

MR. BAKER: Can I just back up --

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: -- on the classified thing just to be clear?

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: Because I, you know, I'm just, like I'm, I don't recall. There was classified aspects with respect, there were classified aspects in the Clinton Foundation case but there was really no reason to discuss those on that phone call. There was no reason to talk about classified. That had to do with the actual transmission of classified material back and forth and that really is only classified if you're talking about the specifics of what was talked about in those emails and so on.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: But generally speaking, the rest of it is not classified so I don't even know why that would be a consideration at that point in time. In that, given the context of that conversation, I'm surprised to even

hear that.

[redacted] I, yeah. But -- b6 Per OIG b7C Per OIG

MR. BAKER: I'm just saying.

[redacted] But you were talking about Midyear anyway. Really, I mean, the conversation really, the meeting was Midyear. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, the meeting was Midyear. Yeah.

[redacted] And you know, how you're going to inform Congress. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted] So do you know why there would have been a reference to Clinton Foundation as regards to that meeting that would have prompted you to kick him off the phone? b6 Per OIG b7C Per OIG

MR. BAKER: Here's what I recall sitting here today. That somebody had made, I guess it was the New York team in the process of executing the search warrant the --

[redacted] For? b6 Per OIG b7C Per OIG

MR. BAKER: The Weiner search warrant.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: So they got the search warrant for the Weiner.

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: I think that's scheduled to --

[redacted] -- to be briefed -- b6 Per OIG b7C Per OIG

MR. BAKER: -- to be briefed the following day.

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: And so people are, I assume, I must have been told something about it. I don't specifically remember what or when because I, I didn't walk into the meeting on the 27th cold like -- b6 Per OIG b7C Per OIG

[redacted] Uh-huh.

MR. BAKER: -- having never heard of this before.

[redacted] Uh-huh. Or the recusal issue. b6 Per OIG b7C Per OIG

MR. BAKER: Or the recusal issue I guess. No, I, it has to be the case because I was thinking about the Clinton Foundation in the middle of the phone call. So, I guess what this reflects is at the time there was what seemed to be an appearance issue in general with respect to [redacted] b7E -1 all of that. And in the following days I was trying to sort it out and figure out what is the sensible thing to do here.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: And is there a basis for recusal, an actual basis for recusal? I'm in the process of, I guess, of trying to do, not guess. I was in the process of

trying to do some analysis of this and trying to figure out what to do. So I do some level of gathering of the facts on my own. I have a conversation with Pat Kelly to try to get some guidelines and assistance to help navigate how to deal with this. It looks like there should be recusals if necessary because of this. But exactly what and what's it, what is it covering and the scope of it and so on I hadn't figured out yet.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: And yet, when the phone call comes, I knew enough that it, we needed to be cautious because it could result in these recusals --

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: -- if they didn't already exist.

[redacted] All right. And I don't know if this helps refresh your recollections at all. These are just two more emails that you have with Pat Kelly on the 27th. b6 Per OIG b7C Per OIG

MR. BAKER: 27th, okay.

[redacted] Right. So Lisa pointed out the recusal, a recusal issue on the 26th. And then 27th is the phone conversation, your meeting with Pat Kelly, some back and forth regarding, you know, how to put it in place. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh. Okay.

[redacted] But Pat Kelly essentially tells you, b6 Per OIG b7C Per OIG

according to his email tracker, that he thinks that McCabe should recuse himself.

MR. BAKER: Yeah.

[redacted] On [redacted] essentially is what he's talking about, [redacted] Right? Because he says you came to him to talk about the [redacted]?

b6 Per OIG
b7C Per OIG
b7E -1

MR. BAKER: I must have then, I must have had it in my mind at that point in time that there was a distinction betwee[redacted]

b7E -1

[redacted] You don't think you were talking about Russia already, were you?

b6 Per OIG
b7C Per OIG

MR. BAKER: No, I don't think so.

[redacted] All right. So, once --

b6 Per OIG
b7C Per OIG

MR. BAKER: I'll see what Mike says but --

[redacted] Yeah.

b6 Per OIG
b7C Per OIG

MR. BAKER: Yeah, okay. Go ahead, I'm sorry.

[redacted] All right. So once Pat Kelly says he thinks that McCabe should be recused does that end your need to do any additional research? I mean, is that it? Or can you trump Kelly?

b6 Per OIG
b7C Per OIG

MR. BAKER: I guess if I thought Pat was legally wrong or something. But I didn't think he was wrong because of my conversation with him and the independent

research that I was doing. Pat gave me a clearer and, he gave me a clearer framework to understand these issues.

[redacted] Do you remember what that was? b6 Per OIG b7C Per OIG

MR. BAKER: Well, it's these. He was talking about these various statutes slash regulations and how to think about, he says it sort of in here. Not legally required but recommend recusal. He doesn't, well, he doesn't say, appearance, blah, blah, blah. No, it's in the other. It's later. It's the people, it's the overlap of the people --

[redacted] Right, right, right. b6 Per OIG b7C Per OIG

MR. BAKER: -- that he references in his April 7th, or April 11th document. So that was sort of the framework that he gave me to think about it more clearly.

[redacted] I'm sorry, the overlap of the people in -- b6 Per OIG b7C Per OIG

MR. BAKER: The people between --

[redacted] Oh, the April -- b6 Per OIG b7C Per OIG

MR. BAKER: [redacted] b7E -1

[redacted] The fact that there are -- b6 Per OIG b7C Per OIG

MR. BAKER: The players that are similar.

[redacted] -- that there are similar players although -- b6 Per OIG b7C Per OIG

MR. BAKER: The same players.

[redacted]: He's concluding there that they're legally attenuated to cases but they had similar players. b6 Per OIG b7C Per OIG

MR. BAKER: Similar players.

[redacted]: But that was enough -- b6 Per OIG b7C Per OIG

MR. BAKER: But that was enough back in this timeframe. Yeah, I was, when he came out with the April thing I was a bit surprised because it seemed to be more permissive or less that there had to be a recusal. In my conversation with him back on the, what was, the 27th of October I walked away from that thinking more like yeah, you know, it's, the overlap of the players is enough.

[redacted] Okay. b6 Per OIG b7C Per OIG

[redacted]: So your takeaway then from, in terms of his analysis is that, though it isn't legally required, that what then follows? I mean, if he's not legally required then why recuse?

MR. BAKER: Because, of out an appearance and out of an abundance of caution. Out of an, because of an appearance problem and out of an abundance of caution.

[redacted]: So would that -- b6 Per OIG b7C Per OIG

MR. BAKER: That it would be, that even though it's a loss to the institution to have Andy recuse himself from it, in light of these facts with this large contribution it just looks bad enough that he should recuse himself.

[redacted] Does that mean that he should then recuse himself or does that, is that up to then the employee, in this case the deputy director, given his position, to ultimately make the call? And he, there wouldn't be any sort of ethical exposure that he would have if he made the decision to stay on?

b6 Per OIG
b7C Per OIG

MR. BAKER: Maybe, as a technical matter that may be true. My assessment and the director's assessment was that it just, it looked bad enough for the institution and for Andy for him to stay on these matters and that he should recuse himself out of an appearance and out of an abundance of caution.

[redacted] And that's where you're saying as a technical matter that it, if he had stayed on that your perception or your view of what the recommendation was, that he didn't have any, there wouldn't be any sort of exposure either legally or in terms of the ethics regulations?

b6 Per OIG
b7C Per OIG

MR. BAKER: I'm not sure that I specifically thought through that aspect of it. The idea was that I thought that he should recuse himself. The director thought that he was, should recuse himself. And it was a matter of me trying to persuade Andy that that was the right course of action.

[redacted] So sitting here today though, in

b6 Per OIG
b7C Per OIG

terms of what you understand Pat Kelly's advice to be on this question, what is your view as to whether, let's just say hypothetically he decided to stay on and you all let him make that decision. You didn't overrule him. Whether, if he had stayed on there was any kind of, that there would be any kind of regulation. Or given these facts, given all these facts, whether he would have been in violation of any kind of regulation or law.

MR. BAKER: Yeah. So thinking back on it, with Pat's, I think Pat's, my recollection of my understanding of Pat's recommendation was that Pat also agreed that it, from an appearance perspective Andy should recuse himself. Therefore, I guess if I think about it for a second, because it's an appearance there's some level of choice available there. Therefore, the employee would not be violating technically the rules if he stayed on the case. But that it looks bad enough and it's close enough to the edge that it's a better idea, it's better judgment to back off of the case.

[redacted] Going forward? b6 Per OIG b7C Per OIG

MR. BAKER: Going forward, yeah. I guess that's how I would answer your question.

[redacted] All right. So Andy is out of town and Lisa Page is at headquarters with you. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] And what are your discussions with the two of them? b6 Per OIG b7C Per OIG

MR. BAKER: I don't remember talking to Andy on the phone about it. I remember talking to him in person about it when he comes back.

[redacted] Just, and just so you know, we do have his call logs and it looks like he had a conversation with you the night of the 27th. b6 Per OIG b7C Per OIG

MR. BAKER: He did?

[redacted] And two following conversations on the 28th, one in the morning -- b6 Per OIG b7C Per OIG

MR. BAKER: On the phone with me?

[redacted] On the phone. You know, one lasts for like, you know, 16 minutes. The next day you have two different ones, one at 7:00 a.m., one at 5:00 p.m. They're shorter but several minutes each. I think one's seven, one's five or something like that. b6 Per OIG b7C Per OIG

MR. BAKER: I don't remember those in, I don't remember those conversations in particular.

[redacted] So, according to Andy's texts he talked to you that night and he talks to the director that night. And said that he, the, no, the director and said that -- b6 Per OIG b7C Per OIG

MR. BAKER: The night of the 27th?

[redacted] The night of the 27th. To convince b6 Per OIG b7C Per OIG

you all not to make a recusal decision until he returned. And generally about the statement that you were about to issue and his opinion about the wisdom of that.

MR. BAKER: The statement we were about to issue?

[redacted] Oh, yeah, the October 28th letter. b6 Per OIG b7C Per OIG

MR. BAKER: Oh, yeah. Okay.

[redacted] So, I mean, were you aware that, of his position on the October 28th letter that might bring you back to this phone call? b6 Per OIG b7C Per OIG

MR. BAKER: Let me think about it for a second. I'm trying to recall. I think I remember being in the car talking to him about this, now that you say this. And I think I was telling him what we had decided to do.

[redacted] In terms of what, Midyear? b6 Per OIG b7C Per OIG

MR. BAKER: In terms of the letter. I was just informing him that this is what we're doing.

[redacted] So you would have been relaying the, what occurred in that October 27th meeting? Is that -- b6 Per OIG b7C Per OIG

MR. BAKER: No, I'm just relaying the decision --

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: -- that came out.

[redacted] The ultimate decision, okay. b6 Per OIG b7C Per OIG

MR. BAKER: That today, Andy, I'm, because this

is in, you're saying the phone, the letter's on the 28th?

[redacted] And it was supposed to be released at 9:00 a.m. That's the plan. b6 Per OIG b7C Per OIG

MR. BAKER: Okay. So I think --

[redacted] So the only plead to you can come in on the 27th. b6 Per OIG b7C Per OIG

MR. BAKER: The only what can come in?

[redacted] You know, the only discussion with you about the letter can occur on the 27th essentially. I mean, you talked to him at 7, I'm sorry, 10:00, or 9:00 p.m. on the 27th. b6 Per OIG b7C Per OIG

MR. BAKER: 9:00 p.m. on the 27th.

[redacted] 9:00 p.m., and then a 7:00 a.m. on the 28th and then the letter goes out and you speak to him again later in the evening. I think around 5:00 p.m. b6 Per OIG b7C Per OIG

MR. BAKER: Okay. So, what I think, remembering here today, or sitting here today what I think I remember is that the phone call that night was directly about the recusal issue as opposed to the substance of the meeting. And that Andy and I had this discussion. So I must, by that point in time I must have known enough about the overlap between the parties and so on. Because that's reflected, that would have been in this Pat Kelly phone call or discussion earlier in the day. And so, I think that conversation with Andy was about that. And it was a

somewhat tense and, it was more intense. It was an intense conversation because obviously it was a big deal what we were deciding to do. Andy had a sense of what we were going to do. I mean, he knew what the conversation was about.

[redacted] And you're talking about, not about the recusal but about the letter to Congress? b6 Per OIG b7C Per OIG

MR. BAKER: No. So, Andy, the, so we start having this conversation about what are we going to do with these, now that we know about these emails. That's in the morning I guess --

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: -- right? I'm trying to remember this based on the bits that you've given me here, so --

[redacted] I wish I could give you more. b6 Per OIG b7C Per OIG

MR. BAKER: I threw Andy off the phone call.

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: And then I was busy the rest of the day with other things. Now that you say this about a phone call what I seem to recall is a conversation with Andy in the evening, not about Midyear and what we were going to do but about the recusal issue. And then I, so that's that, I think that's that. And then I, what I seem to recall is then having a conversation later with Andy simply telling him the letter is coming out. Like this is

the decision that has been made. This is what's coming out and, you know, this is what we're doing. And then just, you know, so to the extent that you need to be aware of that as deputy director of the FBI, you're aware of what we're about to do here.

[redacted] In that evening conversation with Andy what do you remember the outcome being? b6 Per OIG b7C Per OIG

MR. BAKER: Him not being happy. As, and feeling as though we are about to make a big decision and we're not getting input from the deputy director. And that's a big deal.

[redacted] Is he mad, is he unhappy about the recusal issue or the decision to issue the letter without his input -- b6 Per OIG b7C Per OIG

MR. BAKER: So recusal --

[redacted] -- or both? b6 Per OIG b7C Per OIG

MR. BAKER: Recusal issue.

[redacted] He's upset about the recusal issue. b6 Per OIG b7C Per OIG

MR. BAKER: Oh, well, to issue the letter without his opinion? I don't even think he was focused on the letter. It was just that we were deciding it without him.

[redacted] To issue the letter? b6 Per OIG b7C Per OIG

MR. BAKER: Well, we're deciding whether to issue a letter. I can't remember what he knew about the

letter and when. That's point number one.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: So, my recollection of the phone call in the evening was that it was about the recusal issue, not about the letter and not about the substance of the decision. It was, because in my mind if he was recused then he's recused and he's out of the discussion. And I didn't think, I believe that I thought that it's safer right now for him to just stay out of it because there's this murkiness about what exactly to do. And he hasn't recused himself yet but it looks like he should and so maybe I shouldn't talk to you about this, Andy. It's better if you just stay out of it, that kind of thing.

[redacted] So just so you know, and you can look at this, we have a text from Andy to Lisa Page. It's approximately at 10:00 p.m. on the 27th, even though you won't be able to figure that out. And she's giving him your home phone number and asking him if she, you had, if he has spoken with you and the director. And the text from McCabe to Lisa is, I spoke to both, meaning you and the director. Both understand that no decision will be made on recusal until I return and weigh in. Jim says, and I take that to be you as opposed to the director. Jim says his meetings were mostly about the notification and statement, which the boss wants to send tomorrow. I do b6 Per OIG b7C Per OIG

not agree with the timing but he is insistent. So, it looks like you had a conversation, that McCabe recalls a conversation with you the night of the 27th with respect to the recusal --

MR. BAKER: Uh-huh.

[redacted] -- that the decision will be put off. And with respect to the statement, which is going forward. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh. Okay.

[redacted] So -- b6 Per OIG b7C Per OIG

MR. BAKER: I didn't recall that but --

[redacted] Okay. All right. So, he's unhappy. When does the -- b6 Per OIG b7C Per OIG

MR. BAKER: Can I just --

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah. Which one is it?

[redacted] It's the one with the flag. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted] In yellow. The time -- b6 Per OIG b7C Per OIG

MR. BAKER: We can't tell the time --

[redacted] Well, it's four hours off. So it's not 2:00 a.m. on the 28th. It's -- b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted] -- 10:00 p.m. on the 27th. It's Greenwich Mean Time thing. b6 Per OIG b7C Per OIG

MR. BAKER: Okay. I didn't recall, I don't

recall that part of the conversation but, in any event.

[redacted] Do you recall having a conversation with him when he's out of town when he says, don't make the decision until I come back and plead my case, or however he phrased it?

b6 Per OIG
b7C Per OIG

MR. BAKER: Well, now that I see that, I mean, that --

[redacted] Yeah.

b6 Per OIG
b7C Per OIG

MR. BAKER: -- makes sense. I don't specifically remember that today, but.

[redacted] When do you, when was the decision actually made? I mean, do you think the decision was made by the director that Andy was going to need to recuse himself on the 27th? Was it made --

b6 Per OIG
b7C Per OIG

MR. BAKER: No, I wouldn't say that. Well, I don't remember.

[redacted] Well, can you describe your conversations with the director and how they led up to the ultimate decision that Andy was going to need to recuse himself?

b6 Per OIG
b7C Per OIG

MR. BAKER: So the basic idea is that based on the article, based on what happened in connection with the contribution, based on what it is we're about to do slash doing slash have done with respect to the Clinton email matter, it would be better if Andy recused himself at this

point in time.

[redacted] Right. And did the director -- b6 Per OIG b7C Per OIG

MR. BAKER: And so --

[redacted] -- come up with that right away? Was b6 Per OIG b7C Per OIG
that a, you know, an --

MR. BAKER: No, it was --

[redacted] -- evolution over time, or? b6 Per OIG b7C Per OIG

MR. BAKER: It was, I'm surprised we didn't know about this before. Huh, this doesn't look good. Huh, Andy should recuse himself. Sort of it was not like all in the same conversation. It was a couple of conversations over some short period of time that I recall. But that increasingly it may, it, to both of us increasingly over time it made sense for Andy to recuse himself.

[redacted] And did -- b6 Per OIG b7C Per OIG

MR. BAKER: And that it was a matter of explaining that to Andy and persuading him that that was the right course of action.

[redacted] Was the director more concerned with b6 Per OIG b7C Per OIG
the allegations of the politicization that he brought to the FBI or the fact that his wife received so much money from the McAuliffe campaign and the Virginia PAC's? Or what was, or the fact that you were opening the Midyear again?

MR. BAKER: Okay.

[redacted] -- pass it over to [redacted], if that -- b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted] -- works for you. b6 Per OIG b7C Per OIG

MR. BAKER: Sounds good.

[redacted] All right. So it's 4 o'clock and I'm going to go off. b6 Per OIG b7C Per OIG

(Whereupon, a short recess was taken.)

[redacted] Okay, on the record. I am [redacted] I'm an investigative counsel with the Oversight and Review Division. I'm here with [redacted] and, who's also an investigative counsel, and [redacted] is here again still. She was in the first session. This is a continuation interview with Mr. Jim Baker. You're the FBI general counsel, right? b6 Per OIG b7C Per OIG

MR. BAKER: Yes.

[redacted] And we are starting the second part at around 4:15. The first part addressed recusal issues prior to the 2016 election and with respect to Mr. McCabe, deputy director FBI. You are, this is a voluntary interview again. You are a fact witness. You're still under oath. And if you don't have any questions we'll just jump right into it. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted] So the heart of the matter, what b6 Per OIG b7C Per OIG

we want to talk to you in the second part is allegations of misconduct in connection with disclosure of non-public information to the media and subsequent statements related thereto. We're primarily focusing on one article, a Wall Street Journal article that appeared on October 30th, 2016. And we'll jump into that momentarily. Just to kind of, and we'll give it to you in one second, just to kind of set a little of the tying the seams together from where we were early this afternoon, you had and you saw the first article on October 23rd in the Wall Street Journal which reported campaign contributions that Mr. McCabe's wife received from PAC's associated with Governor McAuliffe. The same reporter published an article about essentially a week later. And that's what I'm going to show you right now. So this is the article that appeared online October 30th. The part that we're most interested in is, I've highlighted it. It's on pages eight to nine because it concerns some internal conversations between Mr. McCabe and a senior DOJ official. But you're welcome to skim that. What goes on in this article is it highlights what's going on in the beginning about the Weiner laptop and the emails that could be --

MR. BAKER: Uh-huh.

[redacted] -- discovered. And then it expands the allegations of potential conflict of interest

b6 Per OIG
b7C Per OIG

beyond Clinton email investigation into Clinton foundation. So that's where he's expanding it here. And what we're focused on here is these highlighted paragraphs on eight to nine. So why don't you take a moment to look at that.

MR. BAKER: Okay. Okay, I've read the highlighted parts.

[redacted] Okay. And if you need, for context if you want to look at other parts of it by all means we can -- b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted] -- take time to do that now or after or anytime you want. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted] With respect to the highlighted portion that you just read on pages eight to nine did you recall reading it at the time? Is it familiar to you either, first then and now? b6 Per OIG b7C Per OIG

MR. BAKER: So, I don't remember reading this at the time. I don't remember reading it at the time.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: Somewhere along the way I heard that this was, and I believe Lisa Page had been authorized by Andy to do this. Somewhere along the way I heard that from Andy and/or Lisa.

[redacted] When do you recall you heard that? b6 Per OIG b7C Per OIG

MR. BAKER: In the last few months.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: So relatively recently.

[redacted] Was it in connection with a investigation that INSD was doing that may have touched upon this article? b6 Per OIG b7C Per OIG

MR. BAKER: I don't remember now.

[redacted] Okay. What, who brought it to your attention then? b6 Per OIG b7C Per OIG

MR. BAKER: I think it was Andy and/or Lisa telling me that you guys were looking at this.

[redacted] Oh, okay. And can you just fill us in on kind of sort of what the conversation's like and how this comes up? Is this after Mr. McCabe is interviewed? b6 Per OIG b7C Per OIG

MR. BAKER: I don't remember. I don't know when you guys have interviewed folks.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: Let me try to think about it.

[redacted] So within the last couple months -- b6 Per OIG b7C Per OIG

MR. BAKER: It's in the last couple months or so, yeah.

[redacted] Summer? Are we in short sleeves? b6 Per OIG b7C Per OIG

MR. BAKER: No, no, no. It's more recently than that. It's like, yeah, conversations about just Lisa and/or Andy telling me that there was, that you guys were looking at this --

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: -- an aspect of it. That, that's all I can remember.

[redacted] Would there any, what would be the reason that they would be sharing that with you? b6 Per OIG b7C Per OIG

MR. BAKER: Just a general, I mean, we've had conversations about production of documents and people looking for documents and Andy's notebooks and I got involved in all that relatively recently. And I don't know if you know about the notebook 35 that I got involved in.

[redacted] Yes.

[redacted] I've heard there's issues but I've -- b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, so --

[redacted] -- sort of stayed afar from that. b6 Per OIG b7C Per OIG

MR. BAKER: And so somewhere along the way in those conversations about producing documents and what, you know, the general scope of what you guys were looking at somehow one of the two of them, or both, have told me that this is what you're looking at.

[redacted] I see. b6 Per OIG b7C Per OIG

MR. BAKER: But that's, other than telling me that this is what you're looking at I can't remember what else they've said about it.

[redacted] But was there a reason that Mr. McCabe, and correct me if I'm wrong because I can't remember if you said Lisa said or Mr. McCabe said -- b6 Per OIG b7C Per OIG

MR. BAKER: One, it was one, it probably was both of them. I don't specifically remember but it's probably both of them.

[redacted] Was there, do you remember what prompted them to say, get into the issue of authorization as opposed to just the OIG is looking at this article? b6 Per OIG b7C Per OIG

MR. BAKER: They're looking at this article and what role they played in it. That was --

[redacted] I see. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, that's what it was about.

[redacted] And how long did this conversation last about? b6 Per OIG b7C Per OIG

MR. BAKER: Very short, yeah.

[redacted] Okay. Did you have any specific questions about it? b6 Per OIG b7C Per OIG

MR. BAKER: About what?

[redacted] About, you know, their role in it or -- b6 Per OIG b7C Per OIG

MR. BAKER: I don't remember, so I don't remember this article at the time. I don't remember, I'm sure you'll ask me specific questions but --

[redacted] Yes, yeah. b6 Per OIG b7C Per OIG

MR. BAKER: -- like when they said this to me it was something that I just really didn't know anything about.

[redacted] Okay. Did they have -- b6 Per OIG b7C Per OIG

MR. BAKER: That was kind of my reaction to it.

[redacted] Sorry. b6 Per OIG b7C Per OIG

MR. BAKER: Like, okay.

[redacted] Did they have the article in front of them -- b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted] -- when they mentioned that to you? b6 Per OIG b7C Per OIG

MR. BAKER: No, no.

[redacted] Who else was in the room other than you, Page, and Deputy Director? b6 Per OIG b7C Per OIG

MR. BAKER: I'm not even sure it was with both of them. I think it was separately that it was raised with me.

[redacted] So you're, are you saying that both McCabe and Page separately told you that the OIG is looking at this article that I put before you, the October b6 Per OIG b7C Per OIG

30th in Wall Street Journal?

MR. BAKER: I believe that's correct.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: That they both separately have just mentioned that this is an article, this is what you guys are looking at.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: You are looking at this and they are having to answer questions and there's documents that are being pulled and this kind of thing.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: Because I have been involved in those, that part of the aspect of it.

[redacted] I see. b6 Per OIG b7C Per OIG

MR. BAKER: The document production.

[redacted] Okay. Did they tell you questions they were asked about? b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted] Just that this was a topic? b6 Per OIG b7C Per OIG

MR. BAKER: That this was a topic.

[redacted] Okay. And I think you said before this recent conversation you had no knowledge that Page and/or McCabe had any role in this article? b6 Per OIG b7C Per OIG

MR. BAKER: I don't remember knowing about this thing about the time or that this was even an issue until they mentioned it to me.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: Like I just don't remember there being a big problem with it. I don't think, I don't recall any contemporaneous conversations. I mean, this was back right in the middle of the whole, you know, the, everything I was describing to, earlier today.

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: Right, this is the October 30th so yeah, I don't remember this being a focus of me at that time. Or hearing about this. I mean, there were so many things going on back then.

[redacted] Right. And you talked in the first session about this is still during that sort of critical week. b6 Per OIG b7C Per OIG

MR. BAKER: Yes.

[redacted] The first article comes out the 23rd. There's those conversations with the director about conference calls, what are we going to do, notifying Congress whether to, what's going to go on there. So the email, laptop is a big thing. More just kind of setting the context. Well, why don't I go through -- b6 Per OIG b7C Per OIG

I'm going to go through a series of questions

but if you want to ask him some additional ones about this. Or if you want to wait --

[redacted] No, I can wait. b6 Per OIG b7C Per OIG

[redacted] A lot of this might be just for, to make sure I hit the questions.

MR. BAKER: Sure.

[redacted] So you may not have had no involvement or may not have had discussions. But just for completeness I'm going to go through it. b6 Per OIG b7C Per OIG

MR. BAKER: Sure.

[redacted] So is it fair to say that you saw the, and I'll put this before you just in case you want to just have it handy. I'm going to go, so this is my copy of the October 23rd article. b6 Per OIG b7C Per OIG

MR. BAKER: This is the prior one we looked at earlier?

[redacted] Yeah, the prior one -- b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted] -- that -- b6 Per OIG b7C Per OIG

MR. BAKER: All right.

[redacted] -- details the campaign contributions that then raised the -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- appearance issue. Which spurs all sorts of conversations with you, between you and the b6 Per OIG b7C Per OIG

director abut what do we do, is this something that Mr. McCabe needs to recuse for appearance purposes. And so then that again leads to the October 30th article --

MR. BAKER: Uh-huh.

[redacted] -- which is expanding these potential appearance issues to Clinton Foundation. So just so you have that before you. Did you know that there was going to be, it sounds like you didn't but for, did you know that there was going to be a follow up article a week later? Did you have any advance notice about that? b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted] Before the article 30th article was published did you have any discussions with FBI leadership or any FBI executives about providing the details of the account of McCabe's August 12th call with a senior DOJ official that's, that appeared in that article? b6 Per OIG b7C Per OIG

MR. BAKER: No. I, no, I have no recollection of that.

[redacted] So no conversations with former Director Comey? b6 Per OIG b7C Per OIG

MR. BAKER: About this?

[redacted] About whether, about, yes. Specifically referring to the details of the August 12th call that are, that appear in the article. So it would be, yeah, it'd be most of those three paragraphs. The b6 Per OIG b7C Per OIG

second, well, the second one contains statements that are not necessarily appearing in the call. But most of the questions focus on sharing the account and details of this private conversation between McCabe and an unnamed DOJ official.

MR. BAKER: I don't remember that, no. I don't remember discussing it with the director, no.

[redacted] What about with McCabe before the article is published? b6 Per OIG b7C Per OIG

MR. BAKER: No, I don't remember that either.

[redacted] What about Mike Kortan? b6 Per OIG b7C Per OIG

MR. BAKER: About this one?

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: No, I don't recall anything about this in particular. Or in general.

[redacted] Okay. And you mentioned in the first session that you attend FBI executive management meetings. The director holds morning and afternoons. Deputy holds morning and afternoons, right? b6 Per OIG b7C Per OIG

MR. BAKER: In, at this period of time, yes.

[redacted] And the -- b6 Per OIG b7C Per OIG

MR. BAKER: Not, the director didn't have one every single day but almost every day the deputy director had one.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: If the director didn't have one also.

[redacted] And sometimes there's smaller groups to discuss sensitive matters -- b6 Per OIG b7C Per OIG

MR. BAKER: Yes, that's true.

[redacted] -- after the skinny down's or one after's. I know they each have different names. b6 Per OIG b7C Per OIG

MR. BAKER: Yes. So, yes, they do. So, and Kortan usually attends those.

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: And Kortan will talk about whatever people are working on and so on.

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: And, what people are working on, in other words, the reporters are working on. I, could he have mentioned this? It's certainly possible. I don't have any particular recollection about this article, so.

[redacted] And my -- b6 Per OIG b7C Per OIG

MR. BAKER: Because my reaction, like when Andy and Lisa told me this thing recently I was like, I don't even remember that. I mean, I just didn't remember that at all.

[redacted] Uh-huh. If Kortan had said at one of these meetings where he's in attendance, you're in attendance -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- we're going to share the details of an account of a conversation that Andy had with a senior DOJ official, is that something you think you would remember? Would you have questions about hey, wait a second, whoa, that's an internal conversation. What are we sharing and why?

b6 Per OIG
b7C Per OIG

MR. BAKER: I mean, that kind of thing would be discussed.

[redacted] Uh-huh.

b6 Per OIG
b7C Per OIG

MR. BAKER: So A, I don't particularly remember this, as I said. It's a hard question to answer because Kortan does so much work that I don't see and he did have lots of interactions with the press all the time to try to correct the record, to explain things, to put things in context, to help the press understand things. To tell them like whatever you're trying to publish has no resemblance whatsoever to reality --

[redacted] Sure.

b6 Per OIG
b7C Per OIG

MR. BAKER: -- so you should go back and check your facts and things like that.

[redacted] But here we're dealing with internal deliberations.

b6 Per OIG
b7C Per OIG

MR. BAKER: Right.

[redacted] Arguably, you know, could be

b6 Per OIG
b7C Per OIG

privilege. Could be deliberative process. Is that something he would flag for your review?

MR. BAKER: Not necessarily for my review. He would, no. Not necessarily. He would, he might bring it up in one of these afternoon sessions most likely. Not probably in the morning.

[redacted] With the deputy or the director? Because I know they both held them.

b6 Per OIG
b7C Per OIG

MR. BAKER: It could be either.

[redacted] Okay.

b6 Per OIG
b7C Per OIG

MR. BAKER: He might bring it up. But he might just go off and try to solve it on his own or he might have a sidebar conversation with the deputy director. He had those all the time under multiple deputies that I saw. So, that I would necessarily be party to. And he, this is not a thing that he would have to like clear with me.

[redacted] I see.

b6 Per OIG
b7C Per OIG

MR. BAKER: But I, but at the same time, I suspect he would not do it on his own.

[redacted] And would --

b6 Per OIG
b7C Per OIG

MR. BAKER: Because he wouldn't even have the substantive knowledge -- sorry. He wouldn't even have the substantive knowledge to say all this. He would have to have somebody else convey this to him.

[redacted] If he had conferred with others

b6 Per OIG
b7C Per OIG

above him --

MR. BAKER: Uh-huh.

[redacted] -- to share this account with the Wall Street Journal, let's say that's McCabe or Comey, is it, would it be their practice to inform you just for situational awareness on --

b6 Per OIG
b7C Per OIG

MR. BAKER: Not --

[redacted] -- something like this?

b6 Per OIG
b7C Per OIG

MR. BAKER: No, not necessarily. No.

[redacted] When do you get informed on disclosures to the media?

b6 Per OIG
b7C Per OIG

MR. BAKER: If, so this is a challenging question to answer I guess. So it depends what you mean by disclosures to the media. So, right, we're interacting, we, the FBI, interact with the media at different levels frequently. Right? So there's Kortan's office that interacts with people. Then there are reporters that they want to bring in to have a, you could have a press conference with the director. You could have off the record discussions with people. We bring people in to talk about various topics, inscription, for example, other topics. We grant interviews. We have background conversations, off the record conversations, not for attribution to explain all kinds of things. So, I don't know. There's so many different types of interactions

with the press over the course of the time that I've been at the FBI, which is four years now. I don't know how to describe them in a concise way. They're multifaceted. They're --

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: -- at different levels.

[redacted] Well, I guess I was just wondering in your experience, you've been in the general counsel now for four years -- b6 Per OIG b7C Per OIG

MR. BAKER: Right.

[redacted]: -- approximately? b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted]: If there, during your tenure as general counsel if there were particular issues or that your involvement or counsel or guidance was sought before disclosures were made of a -- b6 Per OIG b7C Per OIG

MR. BAKER: Before disclosures were made. So, I don't know about that. Just I'm trying to think. Before disclosures were made?

[redacted] Right, to the media. Because I know -- b6 Per OIG b7C Per OIG

MR. BAKER: Yes. Yes.

[redacted]: And so if you can just give us some examples of what types of disclosures those are or were. b6 Per OIG b7C Per OIG

MR. BAKER: Okay. So --

[redacted]: And it can be brief. I'm not looking for a -- b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted]: -- a longwinded, just to kind of get a sense so we can sort of see what you would have been notified of or not. b6 Per OIG b7C Per OIG

MR. BAKER: Let me just phrase it as interactions with the press --

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. BAKER: -- as opposed to disclosures per se.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. BAKER: I want to like think about that a bit more. But interactions with the press, sometimes I would be asked to have interactions with the press. Sometimes I would be asked, my, Kortan will just come down to my office and say, what do you think about this. Sometimes it will be in the context of one of these meetings with the director or deputy director that we just described. Sometimes it'll be one of these stay behind's with respect to, you know, after one of the briefings, one of the morning briefings with the director, for example.

[redacted]: Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: People will stay behind and I can imagine people have been informed about those too. You've

heard about that, right?

[redacted]: Yes. b6 Per OIG b7C Per OIG

MR. BAKER: That sometimes people sitting on, right. So --

[redacted]: Right, that's what I was alluding to with the skinny down's, the one after's -- b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, the skinny down's. Exactly, right. Yeah, so --

[redacted]: I know they have all these different names for them. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, there's elements like that. So, at, in those sessions people talk about what the press is writing, what the press is doing, what they've asked us for, what we're going to give them, what we're not going to give them, how we're going to interact with them. Sometimes it involves disclosures that you were talking about I think. We're affirmatively telling them, this is what's happening inside the FBI and so on. But sometimes it's simply to, as I said earlier, wave them off a story, tell them that's not, we have no factual basis for that. It's so complicated that I'm not sure I can --

[redacted]: Well, let me ask -- b6 Per OIG b7C Per OIG

MR. BAKER: -- precisely answer it for you.

[redacted]: Let me ask a more specific question. Here the nature of the conversation, as I read b6 Per OIG b7C Per OIG

it, effectively confirms an investigation based upon the nature of the account that's being disclosed.

MR. BAKER: Uh-huh.

[redacted]: And so as a matter of practice or policy would FBI personnel involve you in discussions on disclosing pending investigations to the media? And what the language should say and what type of vehicle it would be in? b6 Per OIG b7C Per OIG

MR. BAKER: I'm trying to recall a specific example where we did that to reveal a specific investigation.

[redacted]: What about Clinton email? b6 Per OIG b7C Per OIG

MR. BAKER: Well, that's the one that is the most, you know, well known, right? And so I assume at some point in time over the next several days I'll be talking about it, talking to you guys about that in particular, but --

[redacted]: Russia? b6 Per OIG b7C Per OIG

MR. BAKER: There's that one. There's Russia, right? But that was approved by the Department of Justice and so on and there was agonizing over how to do that and when and where and what circumstances. I, off the top of my head I can't recall, other than those two, examples where we authorized a specific disclosure about a specific investigation, confirming that which had not otherwise

been in the press.

[redacted]: Were you involved in those two examples? b6 Per OIG b7C Per OIG

MR. BAKER: The Clinton email and Russia?

[redacted]: Yes. b6 Per OIG b7C Per OIG

MR. BAKER: Yes.

[redacted]: Okay. Well, we'll pick up on some more of that later. I just was trying to get a sense as I go through some of these questions about what, as a matter of practice, FBI executives or personnel would notify you of interactions or disclosures to -- b6 Per OIG b7C Per OIG

MR. BAKER: There's no, there, you know, there's no systematized formal reason to, or expectation that they must consult with the general counsel --

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. BAKER: -- to get approval.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. BAKER: If they ask me it's because I happen to be in the room at the time or somebody says, we should run that by Jim. Or I'd like to bounce it off Jim, see what he thinks. In terms of just interactions with the media. It's, or we need Jim's help getting on the phone and explaining X, Y, or Z to some reporter about, you know, how national security law works or something like that.

[redacted]: Okay.

MR. BAKER: So --

[redacted]: All right.

MR. BAKER: -- it's very ad hoc I guess I would say. It's an ad hoc process.

[redacted]: All right. Well, that'll be helpful. That I think will expedite some questions later on.

MR. BAKER: Okay.

[redacted]: But going back now, again, I want to hit through a bunch of questions to exhaust what you may know or don't know before the article was published.

MR. BAKER: Okay.

[redacted]: And then I'm going to hit some questions after the article was published. And so it sounds like before the article was published that you were not aware in any way from anyone or any document that the details of this August 12th call that McCabe had with the DOJ official would be included in this October 30th article?

MR. BAKER: I don't remember any conversations about this at the time.

[redacted] And the, that you had no knowledge prior to publication that it would be included?

MR. BAKER: Correct.

b6 Per OIG
b7C Per OIG

[redacted]: Okay. In your tenure as FBI general counsel are you aware of, or maybe I should say does the FBI typically disclose internal conversations between the deputy director and senior DOJ officials to the press?

MR. BAKER: No.

[redacted] Would that be a concern from your view?

MR. BAKER: Well, it depends what they're talking about, right? So --

[redacted]: Well, here specifically.

MR. BAKER: Well, I have to, to be honest with you, I'm not sure I really understand what is being said in this. I just, I don't --

[redacted] Well maybe --

MR. BAKER: -- recall having read this before. And reading it just now I'm not really sure what the heck is the, what it's about.

[redacted]: I'm wondering --

MR. BAKER: It's hard for me to figure it out.

[redacted] Why don't I, I will stop the recorder for a moment and let you read the article --

MR. BAKER: The whole thing?

[redacted]: Yeah, if you think that would help. I mean --

b6 Per OIG
b7C Per OIG

MR. BAKER: Well, let me, how about if I just reread these passages again. The highlighted excerpts.

[redacted]: Sure. b6 Per OIG b7C Per OIG

MR. BAKER: So on August 12th of 2016 --

[redacted]: Yeah, I mean, I can -- b6 Per OIG b7C Per OIG

MR. BAKER: -- supposedly a Department of Justice official calls McCabe to say that they're, I'm upset that they're, we are still pursuing the investigation. Okay.

[redacted]: Would it help to back up just a couple of paragraphs? b6 Per OIG b7C Per OIG

[redacted]: Yeah.

[redacted]: Because we don't -- b6 Per OIG b7C Per OIG

[redacted]: So, yeah, [redacted] makes a good point. And in fact, you had talked about this earlier. I didn't want to necessarily summarize everything for you. But there is discussion about the first session, your recollection of a meeting where there were four different aspects of the Clinton Foundation.

MR. BAKER: Yes.

[redacted]: And the article talks about how -- b6 Per OIG b7C Per OIG

MR. BAKER: The article talks about that too?

[redacted]: Yeah, the -- b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted]: -- article talks about how Mr. b6 Per OIG b7C Per OIG

McCabe sort of refocused the investigation. So this starts on, the first part's about the email. So, we can scratch that because that's not what we're focused on.

MR. BAKER: Okay.

[redacted]: And those highlighted parts don't bear upon that. It's the bottom, the last paragraph on page four where it says, new details show that, do you see where I am there?

MR. BAKER: Where are you?

[redacted]: Bottom of page four.

MR. BAKER: Oh, four. Oh, sorry.

[redacted]: The last paragraph there?

MR. BAKER: Okay.

[redacted]: If you start there, go on to five and six and seven. That's going to give you --

MR. BAKER: Okay.

[redacted]: -- a good lead-in.

MR. BAKER: Okay.

[redacted]: And actually, it'd be probably best to finish that entire page --

MR. BAKER: Okay.

[redacted]: -- so you'll have the entire flavor.

MR. BAKER: Okay, sounds good. Okay.

[redacted]: Yeah. So, as I was trying to

b6 Per OIG b7C Per OIG

summarize earlier, you can see the reporter is now taking this notion or the fact that Mr. McCabe's wife had received substantial donations from McAuliffe associated PAC's. And whether or not now there's an appearance issue conflict of interest with respect to Clinton Foundation probe and there's a whole bunch of internal details regarding that investigation --

MR. BAKER: Uh-huh.

[redacted] -- that are talked about here, including an allegation of a stand down order and then what that means. So, with that context I had asked you before we had you take a look to get a little more flavor of what was going on. Does the FBI typically disclose details of internal conversations between high ranking FBI and DOJ officials. And you were saying that you didn't necessarily see the point in isolation. I'm not sure if in reading the, some of the pages before and the rest of it, if that's still your answer. But I guess the question, I'll still ask in your time as general counsel have you seen high level official internal conversations disclosed before in the paper like this?

b6 Per OIG
b7C Per OIG

MR. BAKER: I can't recall, I don't recall any other ones, right. This strikes me as very detailed and specific. And I can't recall other instances like that but I, you know, I don't read literally everything that,

you know, all the articles that are out there about the FBI. But, so I don't recall other instances like this that come to mind in this context where we are disclosing internal, you know, conversations about what was happening with respect to a particular investigation.

[redacted]: And here the nature of that conversation is a high profile investigation. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: The Clinton Foundation right before the election. b6 Per OIG b7C Per OIG

MR. BAKER: Right.

[redacted]: So, would it be fair to say that that would be a significant issue to disclose to the national media? b6 Per OIG b7C Per OIG

MR. BAKER: A, yeah. Yes, I would think so. Yes, sure.

[redacted]: And were you aware, did former Director Comey, as a matter of practice did he want to be involved in significant disclosures to the media before they occurred? b6 Per OIG b7C Per OIG

MR. BAKER: I don't remember him saying like a policy or a preference or anything like that. Again, you know, court, the director had his wraps at the end of the day --

[redacted]: Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: -- with, you know, the deputy director, the associate deputy director, me, his chief of staff, head of congressional affairs, and head of public affairs, Mike Kortan. At those sessions interactions with the press, how to handle the press, how to deal with them would come up. And if, so that would happen. And then the director knew that there were these other interactions that the deputy director had with Mike Kortan all the time and Mike Kortan reported to the deputy director. So I think Director Comey would know that press matters are being managed at a high level with Kortan being able to report directly to the deputy director.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: I don't remember him like saying things have to be handled a certain way or certain types of things have to be reported to me, that kind of thing. But interactions with the media were treated like an important thing.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: And so, and important matters in terms of, Kortan would bring up important things that were being discussed with the media.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: Or being in, you know, that were in the media or being discussed with the media or that the

media was asking about. So, that's the best way I can answer you. I don't remember like particular edicts about this is what should be brought to me, no, you can handle this on your own, that kind of thing. It was just not as precise as that because dealing with them, with them being the media, is just so challenging and it's nuanced.

[redacted]: Well, let's bring -- b6 Per OIG b7C Per OIG

MR. BAKER: I don't know if that's helpful but --

[redacted]: No, no. Well, let's put it, I understand what you're saying, that you didn't, you're not aware of any specific -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: -- practice that Comey had in place. But let's put it in context of what you were talking about in the first segment. This article is on October 30th. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: It's coming right on the heels of intense conversations that you're having with the deputy director -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: -- and the director about Mr. McCabe's potential appearance issues and that it doesn't look good. b6 Per OIG b7C Per OIG

MR. BAKER: The recusal whole thing --

[redacted]: The whole recusal thing, yes. b6 Per OIG b7C Per OIG

MR. BAKER: Right.

[redacted]: And what do you do and how do you go about it. And if the thought process was the Wall Street Journal is doing another article that's going to expand the appearance issue to Clinton Foundation and we're going to counter that narrative by showing we fought back, meaning the FBI fought back against DOJ, as referenced here. Isn't that something you think the director, and potentially you would want to know about as you're sort of grappling with some of these appearance issues on the first article? b6 Per OIG b7C Per OIG

MR. BAKER: Well, I'm just pausing because it seems like it should have been coordinated with the director. Whether it had to be coordinated with me I don't know. Again, I just, they don't, it's not the, the leadership doesn't engage with me on every legal, every media matter. So I don't feel as though I participate in all these things, it's not a required thing.

[redacted]: I see. b6 Per OIG b7C Per OIG

MR. BAKER: And it's much more ad hoc in terms of when they have conversations with me. But, you know, interacting with the director is a regular thing that happens in terms of dealing with the media, used to happen

in this timeframe. So, yeah. So important disclosures one would think would be brought up with the director.

[redacted] Uh-huh. And from what you said earlier, McCabe, Mr. McCabe knew the director was reviewing this appearance issue from, I think it was, maybe you saw, I don't know if you showed him more of the text or if you just referenced it. That you spoke to Mr. McCabe after the October 27th call and I think he had indicated that the director spoke with him too. So he was at --

b6 Per OIG
b7C Per OIG

MR. BAKER: Yes. Okay.

[redacted] He was at least aware that you two were thinking about these issues, right? So, given what you know about what Mr. McCabe knew then he ought to have coordinated some of this with the director if --

b6 Per OIG
b7C Per OIG

MR. BAKER: It would be logical to me that he would have coordinated.

[redacted] Okay.

b6 Per OIG
b7C Per OIG

MR. BAKER: I don't know how else to answer it. Yes, that would, yes.

[redacted] Because he doesn't report to you?

b6 Per OIG
b7C Per OIG

MR. BAKER: He doesn't report to me. And I report to --

[redacted] Okay.

b6 Per OIG
b7C Per OIG

MR. BAKER: -- to Andy. Right.

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: Now Andy --

[redacted] Can I ask -- b6 Per OIG b7C Per OIG

MR. BAKER: You know, so, you know, Andy has said that in reference to this he did, when these prior conversations, now you just reminded me --

[redacted] Hold on, when you say this you're talking about the October 30th article? b6 Per OIG b7C Per OIG

MR. BAKER: In respect to this October 30th article, right.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: Andy did mention to me that like, you know, hey, he has, as deputy director he is authorized to himself have interactions with the media and to have, and to authorize others to have interactions with the media.

[redacted] And part of what we're wondering about this time period in October is whether anyone mentioned in your presence, we have a plan to counter this narrative about Andy having conflict of interest. b6 Per OIG b7C Per OIG

MR. BAKER: I don't specifically remember that, the media thing being brought up. This was, you know, the, as I said earlier, I think, the issue of his recusal and how he handled all this and should he have recused himself before and what does it mean for his status as the

deputy director and it'll be undercut and all this stuff. That is what like I was, recall being focused on. And in this time period, when was this again, October 30th?

[redacted] Right. So this is a week, again, a week after the earlier article, three days before the conversation on October 27th where you, in abundance of caution -- b6 Per OIG b7C Per OIG

MR. BAKER: Three days after?

[redacted] Yeah. It's, so that is after the conference call where -- b6 Per OIG b7C Per OIG

MR. BAKER: Three days after, yeah.

[redacted] -- you ask Mr. McCabe to basically hang up. b6 Per OIG b7C Per OIG

MR. BAKER: But a couple days before he actually recused himself.

[redacted] Correct. Or maybe one day. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted] Two days. Two days. b6 Per OIG b7C Per OIG

MR. BAKER: My recollection was I was focused on the substance of is he going to recuse himself or not, not on like what the hell the media was saying.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: So, they were just, to me there was so many articles about so many different aspects of this thing at the time I couldn't possibly keep up with it.

But I don't recall anything being brought to my attention about this at the time.

[redacted] In the meetings, the smaller meetings that would occur where Mike Kortan debriefed people about -- b6 Per OIG b7C Per OIG

MR. BAKER: Right.

[redacted]: -- important media events, is there a person in that room that takes notes of what gets said? b6 Per OIG b7C Per OIG

MR. BAKER: Well, people take notes but there's no note taker.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: You know what I mean? There's like nobody assigned to take the notes.

[redacted] All right. b6 Per OIG b7C Per OIG

MR. BAKER: So --

[redacted] Is there anybody in that room that's known for taking particularly good notes, accurate, firm notes? b6 Per OIG b7C Per OIG

MR. BAKER: I mean, you know, Andy has, is probably the most prolific note taker in this timeframe. Andy would take the most notes. I mean, I'm like, you know, Steve Kelly (phonetic sp.) I think who was the assistant director for commercial affairs at the time. And I guess was Bowdich the ADD back then I guess? If anybody's going to take notes it would be Andy.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: I would guess of those, of that crowd he's probably the best note taker.

[redacted] So, but as you sit here today, b6 Per OIG b7C Per OIG correct me if I'm wrong, I think you mentioned this earlier, as you sit here today this article is the only instance that you're aware of where a private conversation between the, a deputy director of the FBI and a senior DOJ official on a sensitive investigation were disclosed to the press, was disclosed to the press?

MR. BAKER: I mean, I can't think of another example. Yeah, sitting here right now I can't think of anything. As you pointed out, this, well, I can't even remember how the Clinton investigation itself was disclosed. But that had happened --

[redacted] Testimony to Congress. b6 Per OIG b7C Per OIG

MR. BAKER: Was that how it was?

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: By whom?

[redacted] Mr. Comey. b6 Per OIG b7C Per OIG

MR. BAKER: By Comey? Okay. And then the Russia one, which was also in congressional testimony. But those weren't, like he wasn't revealing discussions that had happened internally.

[redacted] Uh-huh. I mean, again, I don't b6 Per OIG b7C Per OIG

want to put words in your mouth but it seems like this would be something significant that you'd --

MR. BAKER: I'm certainly --

[redacted]: -- remember. b6 Per OIG b7C Per OIG

MR. BAKER: Look, I'm certainly aware of other authorized disclosures to the press.

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. BAKER: But of specific conversations like this that had occurred, you know, internal conversations, I can't remember other ones off the top of my head. I just, nothing leaps out to me. I'm sure you could do a Google search and figure out if there had been such a thing. But I don't remember anything off the top of my head.

[redacted]: The October, excuse me, the August 12th conversation, had anyone ever recounted the details of that call to you that Mr. McCabe had with this DOJ official? b6 Per OIG b7C Per OIG

MR. BAKER: The DOJ official?

[redacted]: Before it appeared in this article. Were you aware of that? Do you know what it was about? b6 Per OIG b7C Per OIG

MR. BAKER: Well, I can see what it was about, you know, just by reading the article. But I don't remember having heard of it before. You know, I told you

earlier that in my conversations with Andy about the recusal he had referenced the meeting that's discussed in the prior part of the article.

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: I think that's what --

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: -- this is was reference to, yeah. So --

[redacted] And I think that meeting occurred, just for reference for the record, well, there was one in February. I think there was another one in April. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted] I can't, the article might identify it too. b6 Per OIG b7C Per OIG

MR. BAKER: So that's what I remember Andy telling me about. I don't remember --

[redacted] Of 2016. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah. I don't remember him telling me about this interaction with the DOJ official.

[redacted] Do you know who that DOJ official is? Did anyone ever tell you before this interview today? b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted] Do you know who it is sitting here today just by reading the article? b6 Per OIG b7C Per OIG

MR. BAKER: I don't know. I could guess it's

one of two people, but.

[redacted] Who would your guess be? With the qualification that it is a guess. b6 Per OIG b7C Per OIG

MR. BAKER: It's a guess. It's a total guess. My guess would be it's either George Toscas from the National Security Division or Matt Axelrod from the DAG's office.

[redacted] And again, with the caveat that you're making a guess, why do you guess those two people? b6 Per OIG b7C Per OIG

MR. BAKER: Because of the, because they might have been involved in, because of their positions they might have been involved in knowing these facts or such a conversation, had it happened, I assume it did but, anyway. Such a conversation, had it happened, likely would have involved one of those two because of their position and then sort of the displeasure sort of, they don't hesitate to give, they didn't, well, George is still there. They didn't hesitate to express in strong terms their personal views, professional views --

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: -- about what we were doing, course of action in a case, things like that. They're assertive people and don't hesitate to tell us what they think.

[redacted] Before the article was published, so before October 30th, 2016, were you aware if anyone at b6 Per OIG b7C Per OIG

the FBI had been tasked to speak to the Wall Street Journal reporter for this story?

MR. BAKER: No. Well, say that again. Before --

[redacted]: For -- b6 Per OIG b7C Per OIG

MR. BAKER: Before when?

[redacted] Before the article was published. b6 Per OIG b7C Per OIG

So before --

MR. BAKER: No.

[redacted] -- October 30th, 2016? b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted] Now, you had mentioned earlier b6 Per OIG b7C Per OIG that recently you became aware --

MR. BAKER: Yes.

[redacted] And you were saying a moment ago b6 Per OIG b7C Per OIG that Mr. McCabe I think was talking to you about authorization and that he had, he has authority. Why was he emphasizing that point?

MR. BAKER: We were just talking about it generally, about the matter that you guys were looking at. And he was saying at some, again, I can't remember, distinguish these conversations precisely. Some combination of him and/or Lisa saying that Lisa, that Andy had authorized Lisa to have this conversation.

[redacted] Did he say exactly what, did he b6 Per OIG b7C Per OIG

say to you that, as you're sitting here now, that he, and you're seeing the highlighted portions here, that he authorized specifically the release of an account of a call that he had with DOJ?

MR. BAKER: No, I don't remember him telling me that. It was some, there was some Devlin Barrett article that Andy had authorized Lisa to talk to him. And that he, as deputy director, had that authority anyway. He didn't specifically say anything about having, that, whether Comey had been aware of it or had blessed it or anything.

[redacted] Did you see it as odd, why is he telling you this? b6 Per OIG b7C Per OIG

MR. BAKER: He was just telling, he was telling me about what was going on and what was happening and it was in the context of a larger conversation. I'm trying to remember what it was about or how we got onto the topic.

[redacted] Was it, did it come up at all in the connection with the OIG had shown Mr. McCabe information and it had, it then led to a discussion between you, Ms. Page, and Mr. McCabe about reassigning Ms. Page? b6 Per OIG b7C Per OIG

MR. BAKER: I don't think so.

[redacted] Okay. But that ultimately b6 Per OIG b7C Per OIG

happened, right?

MR. BAKER: That is the, well, so one might say there's been two reassignments.

[redacted] Right, I'm focusing on the first one. b6 Per OIG b7C Per OIG

MR. BAKER: On the first one?

[redacted] Right. b6 Per OIG b7C Per OIG

[redacted] When was that approximately, the first reassignment?

MR. BAKER: It was whenever, so I can't remember when Lisa left the special counsel's office. I just have trouble remembering when that was. It's a bit of a blur to me. But she left and came back and there was a question of what to, it was like what to do, what she was going to do. She was tired. She had personal issues that she was dealing with with her family she explained to me at the time. And god, I'm trying to remember all these conversations. At that point in time somehow, I can't remember exactly, I'd have to think about it a bit, we decided that it didn't make sense for Lisa to continue to do that role for Andy. And then the whole business about the texts came up.

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: And, right, and I didn't know who it was but somebody from the IG's office informed Andy of the

texts.

[redacted] So -- b6 Per OIG b7C Per OIG

MR. BAKER: And so then it was like Lisa can't do this work for me anymore. We need to figure something out here. Jim, she's actually your attorney. She's always been, you know, because she's always been --

[redacted] Uh-huh, on paper. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, on paper she's been on loan from --

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: -- OGC to Andy in her various roles that she's worked for him. And then, so she needs to go back to OGC and what are we going to do with her, and that's a whole long conversation. I don't know if --

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: -- you want to go into that now. But anyway --

[redacted] Well, in your mind is that the first reassignment where the issue of the -- b6 Per OIG b7C Per OIG

MR. BAKER: That's the first reassignment.

[redacted] -- text comes up? b6 Per OIG b7C Per OIG

MR. BAKER: Yes.

[redacted] So, and I'm just trying to see if we can pin down when you remember this conversation with Andy and separately Lisa about October 30th -- b6 Per OIG b7C Per OIG

MR. BAKER: More recently than that.

[redacted] So it's more recently than the issue with the texts? b6 Per OIG b7C Per OIG

MR. BAKER: Correct.

[redacted] Okay. I'm just trying to figure out what would prompt that and, if you know -- b6 Per OIG b7C Per OIG

MR. BAKER: You know, I mean, I, I'm trying to remember now. Because you know, I got involved in this notebook 35 thing not that long ago. Do you know about that?

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: And so, and we've been talking lately about now we have to produce all the documents that we produced to you guys to the Hill and so we're trying to figure out what to do about that. And so, it was in some part, and I've also had conversations, you know, honestly with folks. How are you doing? How's everything?

[redacted] Sure. b6 Per OIG b7C Per OIG

MR. BAKER: What's happening, you know?

[redacted] I've got an OIG interview -- b6 Per OIG b7C Per OIG

MR. BAKER: I got an OIG interview and it's been X number of hours with those guys.

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: And so on and so forth. So it's in that context that it just, you know, kind of came up. And

the gravamen of it is that there was this article in the Wall Street Journal that Andy had authorized Lisa to talk to the press. I can't, some, there was some mention of Kortan but I don't remember exactly like if Kortan was present or not. I don't remember that exactly. And I think that's basically it.

[redacted] Other than -- b6 Per OIG b7C Per OIG

MR. BAKER: But I don't remember, like the specifics, I don't ever remember having read this article, frankly --

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: -- until today. And when they've made these references I haven't really understood like the context. I don't really know what it, I didn't know until today what it was that --

[redacted] So no information -- b6 Per OIG b7C Per OIG

MR. BAKER: -- she was --

[redacted] -- that he was authorizing a -- b6 Per OIG b7C Per OIG

MR. BAKER: Particular disclosure or something like that.

[redacted] Or what the purpose of it was. b6 Per OIG b7C Per OIG Did you get into what the purpose of it --

MR. BAKER: No.

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: I don't think he said anything about

the purpose of it. No.

[redacted] Okay. Other than McCabe and Page did you have any other conversations with anyone at the FBI recently about -- b6 Per OIG b7C Per OIG

MR. BAKER: This?

[redacted] -- this authorization to the Wall Street Journal? b6 Per OIG b7C Per OIG

MR. BAKER: I'm trying to remember if Kortan had said anything to me about it. He, because he seems like a logical person who would have said something to me about it. But I don't recall that.

[redacted] Can I ask -- b6 Per OIG b7C Per OIG

MR. BAKER: Bless you.

[redacted] Thank you. b6 Per OIG b7C Per OIG

[redacted] When Mr. McCabe was describing to you, this is an issue of a statement that I authorized --

MR. BAKER: Uh-huh.

[redacted] -- was he certain that it was something he authorized or was he equivocal about that? Did he say, it was something I may have authorized, I may have done? Or did he say, this is something I did? b6 Per OIG b7C Per OIG

MR. BAKER: Good question. I don't remember. But he, but yeah, from the context it seemed as though he was saying well, I have the authority. I've always had the authority to, myself, speak to the press or to

authorize others to speak to the press. Therefore, it sounded like there wasn't a question. It was just he had authorized it. That's how I would interpret. He didn't literally say that.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: But from the context it seemed to me like he was saying yeah, I authorized this. I have the authority to do this and I did it.

[redacted] Okay. And -- b6 Per OIG b7C Per OIG

MR. BAKER: That's, I mean, I'm putting, those are not literally the words he said but that's how I interpreted it.

[redacted] Sure. Was there anything about it, about your conversation with him that suggested he was assuming that he authorized it but couldn't be sure one way or the other? b6 Per OIG b7C Per OIG

MR. BAKER: That he couldn't be sure one way or the other. It just wasn't that detailed.

[redacted] Okay. Is it fair to say it seemed more certain in his mind -- b6 Per OIG b7C Per OIG

MR. BAKER: It seemed --

[redacted] -- than what I'm suggesting? b6 Per OIG b7C Per OIG

MR. BAKER: So, it's, I guess, again, these are not literally the words he said. But it's that you guys were looking at a Devlin Barrett article of some sort.

And the question was, there was a disclosure and was, and Lisa made the disclosure. Was she authorized to do it or not? Hey, I have the authority to authorize disclosures. I have the authority to speak to the press myself. So, it was an authorized disclosure. It was more like that. The nuances, I don't think there was much more than that, honestly.

[redacted]: Okay. Was he seeking any kind of legal advice -- b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted] -- from you? b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted] So, I'm going to switch now to issues that may have come up after the article came out. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted] So it would include October 31 or October 30th after the article, 2016, came out to the present. So, it sounds like, I was going to ask you what your reaction was when you saw these details here in this article. But it sounds like you are, have no recollection of reading the highlighted portions prior to today? And I'll -- b6 Per OIG b7C Per OIG

MR. BAKER: I'm not saying it didn't happen.

[redacted] Yeah, yeah. I'm going to show you -- b6 Per OIG b7C Per OIG

MR. BAKER: I'm just saying I don't recall it.

[redacted] Let me show you one document in case it prompts some memory. So what I'm showing you now, well, it's a four page document. And it is, it's about a half an hour after the article came out. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] You'd have to minus, well, it's a long -- b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, whatever. Okay.

[redacted] But it basically, Bill Priestap is sending that to you, the associate deputy director, and Mike Steinbach. And on page four the, on page four you'll see the fourth paragraph down has the highlighted portions that we're talking about. Now, they may have been sending it to you for an entirely different reason. I don't know. b6 Per OIG b7C Per OIG

MR. BAKER: Did he say why or just, it's just a --

[redacted] It's, that's it. Anyways, I'm only putting this before you now to see if this prompts any, jogs any memory on your part about any discussions you had or thoughts you had or anything of that nature. b6 Per OIG b7C Per OIG

MR. BAKER: No. Honestly, this is exactly the kind of thing I wouldn't read.

[redacted] And why is that? b6 Per OIG b7C Per OIG

MR. BAKER: It's just too long. I just have, I

would see, I, most like I would see this and just like my brain would freeze.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: There was some, so I'm trying to remember now. There was some hard copy of an article that I got. I don't know if, was this on the front page? There's some article that I saw the hard copy of having to do with Andy and Clinton generally. And I sort of picture it like it was on the front page above the fold. Maybe it was this thing.

[redacted] I think it was the first one. b6 Per OIG b7C Per OIG

[redacted] Yeah, I think it was the first one too.

MR. BAKER: The first one? Really? Okay.

[redacted] The October 23rd one. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted] I think. That -- b6 Per OIG b7C Per OIG

[redacted] Yeah, because there's a comment that's --

[redacted] Yes.

[redacted] -- above the fold. b6 Per OIG b7C Per OIG

[redacted] Yes, I think I've seen that too.

MR. BAKER: Okay. So that one I, somebody gave me a copy of that and I either read it or tried to read it or read most of it or something. So maybe it's this other

one.

[redacted] So again, I'm going to tick through a bunch of questions for completeness after the article appeared just so I'm, it's on the record. So is it fair to say that after the article was published -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- you do not recall anyone at FBI executive management meetings raising the fact that an account of McCabe's August 12th call with a DOJ official was published in the Wall Street Journal and it had been authorized? Do you recall that ever coming up at a meeting? b6 Per OIG b7C Per OIG

MR. BAKER: I can't, I don't recall that. Up until these recent things we talked about a few minutes ago.

[redacted] Sure. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, I'm just struggling. I was just trying to think of it. I can't think of anything. You know, articles and the press, there's just so, there are so many articles and people make reference to them in so many different ways. And Devlin Barrett's name has come up repeatedly over time but I don't remember, I can't recall further conversations about this in particular.

[redacted] And again, from my characterization being, I think you acknowledged earlier b6 Per OIG b7C Per OIG

that you do not recall, at least as, during your tenure as general counsel --

MR. BAKER: Uh-huh.

[redacted] -- another instance of a one on one private conversation between the deputy director of the FBI and a senior DOJ official. The account being published in a paper regarding a sensitive high profile investigation right before the election. Putting those, the, my characterization out there to see if that jogs your memory at all about whether this came up or not at any FBI executive management meeting after the article was published.

b6 Per OIG
b7C Per OIG

MR. BAKER: No, I don't remember this coming up. You know, there was one, just as you say that, so there was one other, there was a conversation that was had, for example, I don't remember when this was exactly. Earlier this year I think, with respect to the President's comments about him having been the subject of surveillance.

[redacted] Yes.

b6 Per OIG
b7C Per OIG

MR. BAKER: Do you remember all that?

[redacted] Yes.

b6 Per OIG
b7C Per OIG

MR. BAKER: And so there was an incident where several of us, FBI and DOJ, were on the phone one evening, a conference call. And then an account of that appeared

in the press like the next day.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: And DOJ was very upset about it and blamed it on the FBI. I don't know if anybody at the FBI disclosed that and so on but that was, thinking back on your various conversations here, I don't know that that was authorized, unauthorized. I don't know who made that, you know, disclosure. But it did seem pretty close to the, the article the next day, and I can't remember what publication it was in, maybe the New York Times or, well, probably New York Times or Washington Post. It was pretty close to the facts and so it was concerning for sure.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted] Well, let me tick through a bunch of people. Again, I recognize this may not have happened but I'm just going to go through it. b6 Per OIG b7C Per OIG

MR. BAKER: Sure.

[redacted] Is it fair to say that your first conversation that you recall with Mr. McCabe about the Wall Street, this October 30th Wall Street Journal article was recently? Was there anything before that? And I'm, now I'm talking contemporaneously after the article came out October 30th -- b6 Per OIG b7C Per OIG

MR. BAKER: No. No --

[redacted] -- 31st? b6 Per OIG b7C Per OIG

MR. BAKER: -- nothing like that. No, not at that time. I just, I don't remember it being discussed at that time.

[redacted] And again, to kind of put it in context for what you were dealing with to see if it stimulates any other memory or not, at that time you're, this is October 30th. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] The next day you're going to have, as you described earlier, one of the most challenging conversations you've had in your career -- b6 Per OIG b7C Per OIG

MR. BAKER: Right.

[redacted] -- with Mr. McCabe. And it's going to be about appearance issues stemming from this earlier article, October 23rd. b6 Per OIG b7C Per OIG

MR. BAKER: Right.

[redacted] Would you have expected Mr. McCabe in the context of that conversation to have raised to you that he had authorized an account of a private conversation with him and a DOJ official so you could factor that into your assessment and discussions with him and the director? b6 Per OIG b7C Per OIG

MR. BAKER: That's a good question. You know, I don't, it's a hard one for me to answer right now. I

guess from his perspective I'm not sure that it would really matter given the, given what I was thinking about and how my analysis was proceeding in conversation with Pat Kelley and so on. So, I don't --

[redacted] Well let me ask you a different -- well, go ahead. I'm sorry. b6 Per OIG b7C Per OIG

MR. BAKER: Sitting here today it like doesn't make me angry that he didn't tell me this I guess.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: And so I think my analysis and the way I was looking at this problem back in the day, I am not sure that this would have made a difference if I had known this fact.

[redacted] You had talked about in the first segment about how when the subject Clinton Foundation came up -- b6 Per OIG b7C Per OIG

MR. BAKER: Yes.

[redacted] -- that you were advising Andy, Mr. McCabe, to stay away from those conversations out of an abundance of caution because no decisions had been made at that time. b6 Per OIG b7C Per OIG

MR. BAKER: Right.

[redacted] So this is the October 27th conversation. b6 Per OIG b7C Per OIG

MR. BAKER: Right.

[redacted] So, this article comes out on October 30th. If Mr. McCabe had authorized anyone to talk to the Wall Street Journal it would have been October 27th, 28th, 29th. Would you have expected that he would have similarly, hearing what your concerns were and the director's, not taken an active role himself or his staff in anything related to Clinton Foundation?

b6 Per OIG
b7C Per OIG

MR. BAKER: Well, he was on notice I guess that I had expressed concerns about it.

[redacted] Uh-huh.

b6 Per OIG
b7C Per OIG

MR. BAKER: At least. And so, I guess I would have counseled him to stay away from the whole topic during that time period until we sorted it out. That's kind of, you know, I, as I described earlier to you, he wasn't in, he wasn't out. But he wasn't completely in either and caution was advisable and so that's what I thought was the appropriate thing at the time. The caution was the, caution with dealing with Clinton Foundation related matters was appropriate in that timeframe.

[redacted] And I may have missed this from the earlier segment so forgive me. Did he receive that similar message from the director when the director talked to him?

b6 Per OIG
b7C Per OIG

MR. BAKER: I don't know. I, that's a great

question. I don't know.

[redacted] Does releasing this information about this high level discussion with the DOJ comport with your notion of what it would mean to be cautious around the issue with the Clinton Foundation?

MR. BAKER: Okay. So, would it be, so let's, assuming he had authorized this --

[redacted] Uh-huh.

[redacted] Right.

MR. BAKER: -- because we haven't actually, you haven't told me that. And so I don't know exactly what the facts are that you guys have uncovered. But anyway, so, but assuming he had authorized this, in this timeframe I guess I probably would have counseled against it.

[redacted] And it, is it fair to say, based upon what you know of the director's thinking then, that he would have counseled similarly because you had mentioned that, just on the basis of the October 30th, excuse me, 23rd article, as I understood you said the director's intuitive thought --

MR. BAKER: Uh-huh.

[redacted] -- process was appearance-wise it looks bad. Stay away.

MR. BAKER: Uh-huh.

[redacted] Here you have the same big blowup

b6 Per OIG
b7C Per OIG

discussion about the campaign contributions and now they're talking about Mr. McCabe's oversight of Clinton Foundation. So the question would be knowing what you know about the director's thinking is it your sense that he would have similarly given the same counsel?

MR. BAKER: Probably. In part, so, but with respect to both of us I guess in part because it's, of the caution thing that I talked about. Frankly, also I don't see how this benefits him all that much. I don't get, just sitting here today looking at it, and maybe I'm missing something. And you know, I quickly read the article but I don't get how this would be perceived to benefit Andy all that much honestly. Given the, given sort of the contours of the article I just don't see what this gets him all that much. Maybe I'm missing something.

[redacted] Well, would you, what would you say to the argument of this was necessary to counter the narrative that is presented in the article that the FBI is politicized. It's sort of taking the October 23rd article and giving it a lot more texture -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- about why there's a potential of -- b6 Per OIG b7C Per OIG

MR. BAKER: Politicization, yeah.

[redacted] Yes, thank you. And here it's b6 Per OIG b7C Per OIG

showing the FBI basically countering --

MR. BAKER: I see.

[redacted] -- those attacks. b6 Per OIG b7C Per OIG

MR. BAKER: I see. I see. Is resisting, because we're resisting DOJ's efforts to try to shut it down.

[redacted] Right, DOJ pressure or whether DOJ is itself politicized. What would you say if that were the purpose, if someone came to you -- b6 Per OIG b7C Per OIG

MR. BAKER: Well could you, my guess if you're inclined to do this, if you think therein has to be some type of disclosure to the press does it actually have to discuss that particular conversation? Couldn't there be something more generic that accomplishes the same goal I guess. If other people, and again, I'm assuming that this is, assuming that it makes sense to do this, and I'm not saying it does, but to counter the narrative in the way you just described.

[redacted] I'm sorry, but isn't this very dramatic? b6 Per OIG b7C Per OIG

MR. BAKER: This is very specific and, yeah.

[redacted] Because like, you know, he's being accused of tanking the Clinton Foundation by the FBI and his response is to leak something that says -- b6 Per OIG b7C Per OIG

MR. BAKER: I push back on something, yeah.

[redacted] And it's not just I push back. Are you telling me -- b6 Per OIG b7C Per OIG

MR. BAKER: Oh, yeah.

[redacted] -- I have to shut down a validly predicated investigation? b6 Per OIG b7C Per OIG

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: I get it now, yeah. No, I understand.

[redacted] It's been suggested to us that, given the timeframe and everything that was going on, that doing something like this was vitally necessary to protect the integrity of the FBI so that America and the voters could be reassured that the FBI was, you know, at its position doing its work. Do you agree with that? b6 Per OIG b7C Per OIG

MR. BAKER: Well, again, I'm sort of like absorbing all this having not read this before that I can recall. Does it do that? I mean, I guess it does. I guess it does. If you read it just the way that [redacted] just said as well. If you read it in that context of us, you know, us being the FBI, saying this very dramatically to the, to DOJ. I guess it can be read to counter that narrative, yes. b6 Per OIG b7C Per OIG

[redacted] Do you remember discussions at the time of there being something vitally necessary to do in this way? b6 Per OIG b7C Per OIG

MR. BAKER: Not that I can recall. My conversations were, at that time were focused mainly on talking to the director and the group when we met with the director, as I recall. And so --

[redacted] Which group? b6 Per OIG b7C Per OIG

MR. BAKER: The --

[redacted] Midyear? b6 Per OIG b7C Per OIG

MR. BAKER: The Midyear group --

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: -- and the director. And with sort of the rim but philosophical recognition that we, there were, we only had two doors in front of us. They both led to hell. And so we were going to hell anyway. So, there you go. Like there was no, there really kind of was no point in countering any narrative. We were just going to do what we thought was right given the box that we found ourselves in. I'm sure we'll get to this at some point in the next couple days. And that was sort of the focus that I had. I don't recall people talking to me or being involved in conversations about trying to change, you know, the narrative or trying to massage the narrative or anything like that. It was just like we're so screwed that it doesn't really matter. And so like we're just going to do our best. We're going to try to do a professional, independent, competent job, et cetera. And,

but like other times people have talked about trying to, you know, change the narrative or influence, you know, the press. Or they're going to go off of this article. It's all wrong. Somebody needs to talk to them. Should we talk to them? What are we going to say? Maybe we can't say anything. No, we can't say this. We can't say that. Those kind of conversations where it's much more kind of granular and focused on trying to shape the narrative and so on and so forth. This was like so many multitude of degrees beyond that kind of activity. This kind of strikes me as sort of a lower level effort to influence the narrative when the narrative is at a much higher level and going at a trajectory that it was not possible to change through something like this.

[redacted] That one vignette is not going to change anybody's mind? b6 Per OIG b7C Per OIG

MR. BAKER: Not at that point in time I didn't, I wouldn't say.

[redacted] Let me bring you back to the first segment. You had mentioned that one of the concerns expressed to you in some robust conversations that you had with Ms. Page or, and/or Mr. McCabe was that if Mr. McCabe has to recuse on Clinton email and/or Clinton Foundation that it would undercut his standing in the FBI -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- and, or his stature in the FBI. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] Because he would be out of the most important case then pending. And it would be feeding the narrative of the October 23rd article that the FBI thinks something's wrong, that aura of something wrong and weaken his position inside and out of the FBI. Does putting, authorizing the account of the August 12th call where Mr. McCabe is fighting back -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- sort of a check against if he's ultimately recused because it's out there in the public that he fought back and was trying to fight back against DOJ for whatever reason, for -- b6 Per OIG b7C Per OIG

MR. BAKER: For allegations that he was in the tank for --

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah. Yeah, it's, it fights back against that I would think. Yeah.

[redacted] And so even if he ultimately has to recuse -- b6 Per OIG b7C Per OIG

MR. BAKER: This is out there though.

[redacted] -- this is out there? b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh. Uh-huh.

[redacted] Is that one way to look at it? b6 Per OIG b7C Per OIG

MR. BAKER: That's one way to look at it I think, yeah.

[redacted] Did you want to ask anything about that? Okay. b6 Per OIG b7C Per OIG

MR. BAKER: I mean, whether that's a sensible course of action or not is a separate question at this time. But that is --

[redacted] Well -- b6 Per OIG b7C Per OIG

MR. BAKER: -- one way to look at it, yeah.

[redacted] Well, and one thing I was wanting to ask you is if it accomplishes that it's doing something for Andy but not necessarily the FBI, right? b6 Per OIG b7C Per OIG

MR. BAKER: Well, I mean, I guess. I don't know. I'm reflecting on that. Maybe, it's aggressively saying that we, you know, we had to push back on, you know, influence from DOJ to try to shut down, you know, a validly predicated investigation, right? So it shows, it's a counter narrative. I, yeah.

[redacted] And when you said it's a separate question of whether it's sensible or not I understand you to say that you wouldn't have advised this then in that moment that was happening? b6 Per OIG b7C Per OIG

MR. BAKER: It's hard for me to say, right? Because I'm sitting here today and looking at it --

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: -- in the, in, you know, the calm light of day, so to speak. But again, I just, the fire hose of the narrative that was going on, this seemed to me like, you know, blowing through a straw at it or something to fight back against it. It just was not going to change anything.

[redacted] Right. And I was more specifically focused on what you were, I understand there were, the larger Midyear reopening and everything that was happening with Congress and the public. I was focusing on the fact that you and then Director Comey were grappling with the appearance issues and how to, that it didn't look good. And so this seems like it's stepping into troubled waters more than one on two. Based upon what you were dealing with.

b6 Per OIG
b7C Per OIG

MR. BAKER: Uh-huh. Yes, probably. If I can just, just as it --

[redacted] Yes.

b6 Per OIG
b7C Per OIG

MR. BAKER: Just if I can digress for one second.

[redacted] Sure.

b6 Per OIG
b7C Per OIG

MR. BAKER: I mean, look, you guys are going to do your evaluation and try to figure out what this all means and assess what we all did and so on. It's very difficult for me to explain to you, you, it's probably

self-evident to some degree. But the amount of stress that people were under at the time and trying to make difficult decisions, extremely difficult decisions, unparalleled in the nation's history, quite frankly. In a extremely compressed timeframe under intense scrutiny with all kinds of questions being asked about, or raised about people's ethics and their prior conduct and so on and so forth. And so, I guess my pitch is, you know, at least that should be factored into how people reacted, how people thought, whether they made sensible decisions under the circumstances. The time that you had to make a decision was so compressed and the information available and you're relying on your best judgment. There's almost no time to go out and do legal research. There was very limited time to consult with the kind of people you'd want to consult with and so on. It was a pretty grim time and so, anyway, I just, it occurs to me to say to you at some point so I've just said it. So --

[redacted]: No, no. I appreciate that because you, at the end we always want you to have an opportunity to add things if you haven't had an opportunity to do that. So you can do that now --

b6 Per OIG
b7C Per OIG

MR. BAKER: Okay.

[redacted] -- here at any point.

b6 Per OIG
b7C Per OIG

MR. BAKER: Okay.

MR. BAKER: So, when you have that conversation with Mr. McCabe in his office on October 31st --

MR. BAKER: I think that's when it was.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: I don't remember the date specifically. It was around that timeframe.

[redacted] Okay. Because I was going to ask if it was before, do you, did you typically attend back in October 2016 the Monday morning meetings at DOJ with the SIOC, with DOJ at the SIOC? b6 Per OIG b7C Per OIG

MR. BAKER: October 16?

[redacted] Would you go as a matter of practice or only -- b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted] -- specific issues? b6 Per OIG b7C Per OIG

MR. BAKER: Seldom.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: I would very seldom go.

[redacted] When you had this conversation with Mr. McCabe shortly after this article appeared, the October 30th one, does Mr. McCabe share anything with you about what his interaction with DOJ is like? b6 Per OIG b7C Per OIG

MR. BAKER: So, I don't, so after the October 30th run, yeah. Okay.

[redacted] Because they're meeting DOJ senior b6 Per OIG b7C Per OIG

officials probably at the meeting.

MR. BAKER: There could be.

[redacted] Does he get into any discussion with you about what the interaction is like, whether it's different, whether they're happy, upset? b6 Per OIG b7C Per OIG

MR. BAKER: Well, so we knew there was a level of upset at DOJ about the letter, the one --

[redacted] The October 28th? b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, yeah, yeah. There was, they were upset about that.

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: But that's, I mean, that's what I remember.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: They were upset about that, yeah.

[redacted] So no recollection about DOJ's view about this article that Mr. McCabe shared to you in that conversation -- b6 Per OIG b7C Per OIG

MR. BAKER: This article?

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: The one we're talking about, the October 5th one?

[redacted] October 5th, right. b6 Per OIG b7C Per OIG

MR. BAKER: And specifically the disclosure of private conversation.

MR. BAKER: I don't remember anything, no. In distinct contrast to that one I referenced a while ago where I knew they were quite angry about it. But I don't remember hearing, that's just, I have a general unfamiliarity until very recently about this whole thing to begin with. I didn't really hear about it, well, I didn't hear about it before. I didn't hear about it afterwards. I just don't remember it.

[redacted] Yeah. So I'm going to try and expedite some questions about, given that under, given your interaction with the article. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted] Did Mr. McCabe tell you, other than your recent conversation as you sit here today, from the time this article came out until the present, did Mr. McCabe tell you about any conversations he had with anyone else about this article? b6 Per OIG b7C Per OIG

MR. BAKER: Would you say that again? Sorry.

[redacted] Sure. b6 Per OIG b7C Per OIG

MR. BAKER: From the time of the article until today?

[redacted] Yeah. Has Mr. McCabe told you about other conversations he's had with others in the FBI -- b6 Per OIG b7C Per OIG

MR. BAKER: Other people about this?

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: I don't think so. Not that I can think of off the top of my head. Let me just --

[redacted] And -- b6 Per OIG b7C Per OIG

MR. BAKER: I'm trying to think of it. I don't --

[redacted] And specifically what about former Director Jim Comey. Did he mention -- b6 Per OIG b7C Per OIG

MR. BAKER: That he discussed this --

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: -- with Comey?

[redacted] Did he say he discussed this with Comey and what Comey's reaction was? b6 Per OIG b7C Per OIG

MR. BAKER: I don't recall that. No, I can't remember any conversation like that.

[redacted] Is it fair to say you did not discuss it with Comey? b6 Per OIG b7C Per OIG

MR. BAKER: This article?

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: I can't remember discussing it with Comey.

[redacted] If -- b6 Per OIG b7C Per OIG

MR. BAKER: The prior one, yes.

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: But I don't remember discussing this

article with Comey.

[redacted] If Comey had told you about the October 30th article, that I know it was authorized and it was a good thing to counter the one sided narrative -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- is that something you think you'd remember today? b6 Per OIG b7C Per OIG

MR. BAKER: If Comey had told me that?

[redacted] Yes. That this information was provided to counter the narrative that the FBI's independent and not politicized. Do you think you'd be able to testify confidently of that fact? b6 Per OIG b7C Per OIG

MR. BAKER: If he had told me that?

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: Well, I don't remember such a conversation so I wouldn't testify to that. So, but I would say I think, I probably would remember it but I don't remember it. I'm not saying he didn't tell me. I'm not saying, I can't say --

[redacted] Right. You have no memory -- b6 Per OIG b7C Per OIG

MR. BAKER: I have no memory of him discussing this article with me or saying that he authorized it or saying that it was a good idea or anything along those lines.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: I don't just, I just don't remember.

[redacted] Do you have, did you, do you recall having -- strike that. Let me start over. Do you recall having any conversations with anyone at the FBI, other than the ones you've identified so far with McCabe and Page --

MR. BAKER: Uh-huh.

[redacted] -- about this October 30th article, and specifically the account of the August 12th call being shared to the Wall Street Journal?

MR. BAKER: I can't remember if at some point in time Kortan said something to me. Something in my mind says he told me something about this but I don't really remember.

[redacted] Okay.

MR. BAKER: Well, I don't remember any --

[redacted] Yeah.

MR. BAKER: -- specifics about it.

[redacted] Well, let's, okay. Because I was going to try and explore some specifics. Let me attempt to. You can say you don't remember but, I mean, what was the context? Was it in the context of this was a leak?

MR. BAKER: No.

[redacted] This was a problem? This is a good thing?

b6 Per OIG
b7C Per OIG

MR. BAKER: It was more along the lines of yeah, the IG's office is looking at this article, this Devlin Barrett article, you know, the, involving Andy and Lisa. That kind of thing. It was like that kind of a passing reference. I don't specifically remember that conversation. I sort of remember it.

[redacted] Was it more in a, more recent -- b6 Per OIG b7C Per OIG

MR. BAKER: More recent timeframe, yeah.

[redacted] Like you had with McCabe and Page? b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. BAKER: But it was like a passing thing in the hallway. Can we go off the record for one second?

[redacted] Sure. At 5:40. b6 Per OIG b7C Per OIG

(Whereupon, a brief recess was taken.)

[redacted] Back on the record after a short break around 6:41. So, we were asking you when you may have recalled talking with Mr. Kortan about the October 30th, 2016 Wall Street Journal article and you had said that you thought it was more recently. Is there anything else you recall about what the context was for that? b6 Per OIG b7C Per OIG

MR. BAKER: Yeah. The basic idea is that there are any number of investigations going on of folks at the FBI because of our activities over the past several years. And so from time to time people commiserate about the fact

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

[redacted] And do you -- b6 Per OIG b7C Per OIG

MR. BAKER: And it was relatively recently. Last few weeks maybe, something like that.

[redacted] Do you think -- b6 Per OIG b7C Per OIG

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

[redacted] Okay. Going back b6 Per OIG b7C Per OIG contemporaneously after the article came out --

MR. BAKER: Yes.

[redacted] If it had been known that the account of the August 12th call between McCabe and the senior DOJ official had been authorized -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- would that have been sort of common knowledge in executive management's seventh floor? Would that have been a big deal? If folks, I understand there was a lot going on so I don't want to minimize how much was going on. But if folks took the time and read the paragraph where the account on this high profile investigation before the election would folks been, would managers have been talking about that? b6 Per OIG b7C Per OIG

MR. BAKER: Not necessarily. It would not have surprised me, it would not surprise me and would have not surprised me back in that, those days if the way it worked, and I don't know how it exactly worked, if it had worked that Andy had had a conversation with Lisa and with Kortan and authorized him to go off and do this and that's what they did. That would not surprise me.

[redacted] And it could have remained -- b6 Per OIG b7C Per OIG

MR. BAKER: And that other people wouldn't necessarily know about it. Yes, it could have remained opaque to them or however you want to say it.

[redacted] I'll ask you one other person. Jim Rybicki -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: Do you frequently have interaction with him -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: -- in daily FBI -- b6 Per OIG b7C Per OIG

MR. BAKER: Yes.

[redacted]: -- matters? b6 Per OIG b7C Per OIG

MR. BAKER: Yes.

[redacted]: Do you recall having any conversations with Jim Rybicki about this article -- b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted]: -- at any time? b6 Per OIG b7C Per OIG

MR. BAKER: No. Not at any time, no.

[redacted]: If he had told you that he was worried that someone leaked this, this being the account of the August 12th call to the Wall Street Journal, and he had a concern about that -- b6 Per OIG b7C Per OIG

MR. BAKER: That he had told me that he was worried that somebody had leaked this?

[redacted]: Yes. If he had told you that at the time is that something that you'd likely remember today? b6 Per OIG b7C Per OIG

MR. BAKER: I would think so.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. BAKER: But I don't recall that.

[redacted] Uh-huh.

[redacted] Can I ask just knowing what you know about Jim Comey --

MR. BAKER: Uh-huh.

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

MR. BAKER: Well, so A, it calls for pure speculation on my part, right? So I'm kind of reluctant to do that. I guess my reaction is I think he would have thought about it kind of the same way that I described earlier which is this is probably just not worth it. The narrative is going on. The fire hose is just going. This is not going to be enough to change it. You're having to disclose some private, there's just some, you know, a conversation with DOJ. DOJ is probably going to be upset about it. It's probably not going to change the narrative. It's probably not worth doing. I'm guessing that that probably would have been his reaction to this, you know? Even if, you know, even if he was inclined to do it I think he would have decided not to do it because it just wasn't going to accomplish the goal. That's kind of my reaction to it.

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

[redacted]: And what about, I mean, you're both, you and Mr. Comey both former DOJ-ers in the office of the deputy attorney general. Do you think that, well, I ask you. If someone had come to you beforehand would that have factored in to the assessment that look, we work with DOJ, DOJ is going to be furious if we release something like this? b6 Per OIG b7C Per OIG

MR. BAKER: Yes. I would say yes.

[redacted]: Is it -- b6 Per OIG b7C Per OIG

MR. BAKER: Well, I think we would have thought about that.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: Whether we still do it or not is a different matter.

[redacted] Sure. b6 Per OIG b7C Per OIG

MR. BAKER: But, yeah. DOJ's reaction, we would have thought about that.

[redacted]: Is it fair to say that if this had been authorized that it could have a chilling effect in the immediate thereafter with DOJ and high level discussions given the fact that they don't stay private? b6 Per OIG b7C Per OIG

MR. BAKER: Yes. And I base that answer on the fact that this other article that I made reference to about the president's being wiretapped and so on. They were quite angry about that and it had, at least to me, a

perceptible chilling effect.

[redacted]: Which might militate in favor of not disclosing it once you -- b6 Per OIG b7C Per OIG

MR. BAKER: It would be a fact that you would definitely want to think about, yeah. I don't remember hearing at the time that this had had, this particular, we're talking about today, had had such an effect. I don't recall conversations along those lines. As I said, I just didn't hear about this all that much.

[redacted]: Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: Well, at all.

[redacted]: Okay. I'm just going to show you a couple other documents just to see if they stimulate any other memories or discussions. So -- b6 Per OIG b7C Per OIG

MR. BAKER: Hopefully it's not some email showing a deep analysis of me by this article.

[redacted]: No, I can assure you that's not going to be the case. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted]: So, I realize I'm pressing you on a lot of stuff. b6 Per OIG b7C Per OIG

MR. BAKER: That's all right.

[redacted]: Because we want to make sure that we've exhausted what you know as much as possible. So, believe it not, Devlin Barrett had found time to write a b6 Per OIG b7C Per OIG

third article --

MR. BAKER: Okay.

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

b6 Per OIG
b7C Per OIG

MR. BAKER: Uh-huh.

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

b6 Per OIG
b7C Per OIG

MR. BAKER: Uh-huh.

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

b6 Per OIG
b7C Per OIG

MR. BAKER: Right. Yeah. It's kind of like a rehash of this.

[redacted]: Yeah.

b6 Per OIG
b7C Per OIG

MR. BAKER: Yeah.

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

b6 Per OIG
b7C Per OIG

MR. BAKER: Uh-huh.

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

MR. BAKER: Uh-huh.

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

Is that right?

MR. BAKER: Uh-huh.

[redacted]: Yeah, November 1st he recused.

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

MR. BAKER: Not in this context, no. I don't remember that. Talking about leaks in that context? No, I don't. That becomes a huge issue later on where there are leaks of a variety of different things and people are extremely focused on that. But right, this was November 3rd? I --

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

[redacted]: Yes. b6 Per OIG b7C Per OIG

MR. BAKER: Right in this timeframe I don't remember that off the top of my head.

[redacted]: There was, just to pump your recollection -- b6 Per OIG b7C Per OIG

[redacted]: Yeah, yeah. Go. b6 Per OIG b7C Per OIG

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

[redacted]: Yes. b6 Per OIG b7C Per OIG

[redacted] -- particularly about the Gardner (phonetic sp.) case.

[redacted]: Correct. b6 Per OIG b7C Per OIG

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

[redacted]: And actually, I'm glad you raised that. b6 Per OIG b7C Per OIG

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

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

MR. BAKER: Uh-huh.

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

b6 Per OIG
b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: -- where I'm reading?

b6 Per OIG
b7C Per OIG

MR. BAKER: Yep.

[redacted]: So if, in fact, that did occur would --

b6 Per OIG
b7C Per OIG

MR. BAKER: October 26th?

[redacted]: Uh-huh.

b6 Per OIG
b7C Per OIG

[redacted]: We talked about it in the first session a bit.

[redacted]: Right.

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

b6 Per OIG
b7C Per OIG

[redacted]: If, in fact, McCabe said that --

MR. BAKER: Uh-huh.

[redacted]: -- would you have viewed it, would you have advised that he not take an active role on the October 30th article in disclosing -- b6 Per OIG b7C Per OIG

MR. BAKER: Oh, I see.

[redacted] -- the account of the August 12th call regarding the Clinton Foundation investigation? b6 Per OIG b7C Per OIG

MR. BAKER: I'm sorry, I'm just looking at this. Sweeney sends this on the 31st, so --

[redacted]: Yeah. Right. I mean, take it for what it is. It's my understanding that he intended to do it on the 26th and didn't get around to it until the 31st. b6 Per OIG b7C Per OIG

MR. BAKER: So, but if he had done this, in fact, on the 26th should he have been involved in the article on the 30th?

[redacted]: In the first place, right. Or his staff, tasking his staff to do it on his behalf. Because the staff isn't authorized. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh. Well, I don't know. It doesn't look good. You're sitting here asking me about it so, you know, it doesn't look good. And whether he technically had to recuse because it doesn't actually have anything to do with the case talking to the --

[redacted]: Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: If you think about it talking to the

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

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. BAKER: That he, it's a conversation that happened in the past. He's relaying it today. It's not directly on the case. As a technical matter he probably didn't have to recuse himself from doing that but it's probably not advisable to do it.

[redacted]: Right. And I'm thinking from -- b6 Per OIG b7C Per OIG

MR. BAKER: Because of the appearance of it.

[redacted]: Right. Similar like when you were saying in the earlier segment, there was no requirement. It was an appearance issue. Technically if he had ignored your advice and the director wasn't going to compel him to get off of -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: -- Clinton email. It was unclear I think to you sitting here that the law required him to be recused. But, so right. I was applying the same appearance -- b6 Per OIG b7C Per OIG

MR. BAKER: Yeah. But --

[redacted]: -- sort of rationale -- b6 Per OIG b7C Per OIG

MR. BAKER: -- it's probably not, he was probably not legally required not to have that

conversation. If that's a correct grammatical --

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: The law didn't require him not to have that conversation or authorize that conversation with the Wall Street Journal, whatever the facts were.

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. BAKER: But it was probably better for him to stay away from conversations having to do with the Clinton Foundation, in case, for the reasons we talked about earlier.

[redacted]: Okay. b6 Per OIG b7C Per OIG

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

MR. BAKER: I didn't know that. Until this --

[redacted]: As far as we -- b6 Per OIG b7C Per OIG

MR. BAKER: Until this moment I didn't know that.

[redacted]: Well, and to set the record, in July 2016 Mr. Comey in testifying about the letter that was -- b6 Per OIG b7C Per OIG

MR. BAKER: July 2016, okay.

[redacted]: In testifying about the Clinton email -- b6 Per OIG b7C Per OIG

MR. BAKER: The press conference?

[redacted]: And Hill testimony. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted]: I can't remember which committee. Might have been judiciary, I can't remember. But he was specifically asked by Representative Chaffetz, are you guys looking at Clinton Foundation in connection with Clinton email? b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: Because you said you're not, you know, you're not pursuing this now. And he said, I'm not going to confirm or deny any investigation. b6 Per OIG b7C Per OIG

MR. BAKER: No, I didn't remember that. Okay.

[redacted]: In accordance with standard practice. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

MR. BAKER: It's even more reason to be careful about doing it and, as I said earlier, weigh against doing it in light of all the other factors that I described. It doesn't help, or it doesn't make me think that it's more advisable to make a disclosure like that.

[redacted]: And again, taking my facts as true, the fact that Comey testified in July 2016 that he b6 Per OIG b7C Per OIG

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

MR. BAKER: I don't, I, yeah. There were articles about it, right, but I guess I had not focused on the fact that we had not actually officially disclosed it. I'm unaware of official, of an official disclosure of it.

[redacted]: And again --

b6 Per OIG
b7C Per OIG

MR. BAKER: I guess at all until when you just told me.

[redacted] -- assuming that that's the case, would you be surprised if Director Comey, three months after he tells Congress, I'm not going to answer any questions about whether there's a Clinton Foundation investigation or not, would you be surprised if his reaction to this article, if McCabe said, I authorized this, if he said that's a good thing, or I'm okay with that?

b6 Per OIG
b7C Per OIG

MR. BAKER: If he said that?

[redacted]: Yes.

b6 Per OIG
b7C Per OIG

MR. BAKER: I don't know. I mean, I guess I'm surprised a little bit, yeah.

[redacted] You'd be surprised if he was okay with it?

b6 Per OIG
b7C Per OIG

MR. BAKER: Yeah, I'm a little surprised. Yeah. Given all the factors, I mean, I, yeah. I would have thought that he would have thought that it was not an advisable thing to do at the time.

[redacted]: And to be clear, I wasn't saying he did, in fact --

MR. BAKER: No, I get it. I get it.

[redacted]: Okay.

MR. BAKER: If he said that --

[redacted]: He said that, yes.

MR. BAKER: -- I'm trying to sort of like --

[redacted]: Yes.

MR. BAKER: -- think.

[redacted]: Yes.

MR. BAKER: I've been trying to --

[redacted]: Yes.

MR. BAKER: -- imagine him --

[redacted]: Yes.

MR. BAKER: -- actually saying that --

[redacted]: Yes.

MR. BAKER: -- today, for example. And that would surprise me a bit.

[redacted]: Okay. Let me show you another document. So this is an email November 7th, 2016 and it's from Pete --

b6 Per OIG
b7C Per OIG

MR. BAKER: When is this, November --

[redacted]: 7th -- b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, okay.

[redacted]: -- 2016. It's from Pete Strzok to you and the subject is quick chat. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted]: And I'm assuming in the first line the Lisa is a reference to Lisa Page. b6 Per OIG b7C Per OIG

MR. BAKER: Probably.

[redacted]: And in the second line [redacted] being [redacted] b6 -1,Per OIG b7C -1,Per OIG

MR. BAKER: Probably.

[redacted]: Do you know what the project they're talking about here, the scope of project, what this is about? b6 Per OIG b7C Per OIG

MR. BAKER: November? Okay, wait a second. Jim, do you have 15 minutes tomorrow? No, I cannot remember what this is about. I'm sorry, I just, I honestly don't remember what this is about.

[redacted]: Well, keep that handy. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted]: Because I'm not sure if it links up to this document. So, what I'm showing you now is an email from December 2016, right before Christmas actually, almost a year ago. So the bottom part of the chain, b6 Per OIG b7C Per OIG

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

MR. BAKER: Okay.

[redacted]: And the subject is media data poll. And I'm going to jump first to the, the bottom paragraph talks about guidance on how, if you'd like me to, this is Strzok to McCabe, to detail the media poll. As you may recall, we have not detailed that activity other than to you and Bill. So I'm wondering if this email, the December '16 email relates to a media poll and if that's what the November 2016 email relates to as well. If you know. b6 Per OIG b7C Per OIG

MR. BAKER: I don't really, I don't really know.

[redacted]: Were you ever asked for guidance about doing a broad FBI poll of [redacted] b6 Per OIG b7C Per OIG b7E -6

MR. BAKER: It came up at some point, yes. I can't remember when though. Yeah, there had been concern, I think it was around, there were general complaints about leaks from New York and leaks from other people and where are all these leaks coming from. And so, yeah, I attended a meeting I think with Andy McCabe and I think our insider threat folks. And so like [redacted] (phonetic sp.), I don't know if you know him. But anyway -- b6 -1 b7C -1

[redacted]: I've heard the name. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah. Anyway, they were tasked with [redacted] b7E -6 [redacted] -- I'm sorry. Just give me one sec.

[redacted]: It's okay. b6 Per OIG b7C Per OIG

MR. BAKER: Running those through our, not [redacted] -- b7E -6

[redacted]: Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: -- [redacted] b7E -2 That was the basic task.

[redacted]: And what was your role in that? b6 Per OIG b7C Per OIG Were you --

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

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

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

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

[redacted] I see. b6 Per OIG b7C Per OIG

MR. BAKER: Like poll, you know, [redacted] b7E -6

[redacted] That's how somebody would talk about it.

[redacted] Okay. Do you know if the account that, of the August 12th call that appeared in a October 30th Wall Street Journal article, did that come up in any b6 Per OIG b7C Per OIG

of the conversations about leaks?

MR. BAKER: I don't remember that, no.

[redacted] Did you give any counsel for or against the [redacted]? Or what was your stance? b6 Per OIG b7C Per OIG b7E -6

MR. BAKER: I, my reaction was yeah, you can do it. I mean, you can do it. I mean, these activities that you're talking about, [redacted] b7E -6

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

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: And I wasn't saying that it was a

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

[redacted]: Okay. As you sit here today is it fair to say that your understanding is that Mr. McCabe may have authorized some portion of the October 30th Wall Street Journal but you're not sure specifically what part? b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, I don't have any idea.

[redacted]: And other than -- go ahead. b6 Per OIG b7C Per OIG

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

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted]: And other than that recent conversation you'd had no other conversations or learned in any way about any authorization in connection with the October 30th Wall Street Journal article? b6 Per OIG b7C Per OIG

MR. BAKER: Not that I can recall sitting here today.

[redacted]: Okay. Did you ever discuss with Mr. McCabe a pending sworn statement that he had with INSD b6 Per OIG b7C Per OIG

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

MR. BAKER: I don't recall that, no.

[redacted]: Any discussion about INSD has an investigation pending regarding the Wall Street Journal article on October 30th, so does OIG? There needs to be coordination -- b6 Per OIG b7C Per OIG

MR. BAKER: No, I don't recall anything like that.

[redacted]: Do you remember giving him advice not to sign a signed sworn statement that had been presented to him by INSD? b6 Per OIG b7C Per OIG

MR. BAKER: In this?

[redacted]: Or at any time. b6 Per OIG b7C Per OIG

MR. BAKER: I'm, the thing we talked about earlier, what was the person's name again? The, in that matter we talked about --

[redacted]: Oh. b6 Per OIG b7C Per OIG

MR. BAKER: -- at the end?

[redacted]: [redacted] (phonetic sp.)? b6 -3,Per OIG b7C -3,Per OIG

[redacted]: Oh, [redacted]

[redacted]:

MR. BAKER: [redacted] b6 -3,Per OIG b7C -3,Per OIG

[redacted] [redacted] yes.

MR. BAKER: I seem to recall that there was a

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

[redacted] Right. b6 Per OIG b7C Per OIG

MR. BAKER: And it seems to me there was another one that was like being brought up. Because I do sort of remember telling him like oh, I have, some signed sworn statement. I thought it was that, the [redacted] thing. b6 -3 b7C -3

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: But I was, and I had concerns about the way it was drafted and so on. I don't think it was about this though, the Wall Street Journal thing. I don't think --

[redacted] Well, there was one -- b6 Per OIG b7C Per OIG

MR. BAKER: I could be wrong but I --

[redacted] I'm sorry to interrupt. There was one with Flynn. b6 Per OIG b7C Per OIG

MR. BAKER: Was it with Flynn?

[redacted] It was one with Flynn involving a, Flynn and I forgot who the other person -- b6 Per OIG b7C Per OIG

MR. BAKER: An EEO case or whatever --

[redacted] Well, this one was concerning a [redacted] email -- b6 Per OIG b7C Per OIG b6 -3 b7C -3

[redacted] yeah.

[redacted] that's the part, the press b6 -3,Per OIG b7C -3,Per OIG

media --

[redacted] Who wrote about Flynn [redacted] case. b6 -3,Per OIG b7C -3,Per OIG

[redacted] Oh, I see. Okay.

MR. BAKER: Oh, maybe that was it. Maybe that was it.

[redacted] And so what do you recall, do you recall looking at the draft statement? b6 Per OIG b7C Per OIG

MR. BAKER: I recall looking at, I thought it was this. Maybe I'm wrong. The [redacted] thing. Maybe I'm wrong. But I remember looking at a signed sworn statement and thinking that it was just like poorly drafted, poorly worded. You know, had him just saying things. I don't know. I just, I can't remember the specifics of it. I just didn't like the way it was written or worded. It just seemed too, he was taking on too much to sign such a thing. And were there to be a document that he would submit in this context it would need to be much tighter and needed to be reworked. It seemed like an early draft as opposed to a final draft. b6 -3 b7C -3

[redacted] And when you were doing this review do you remember seeing any inclusion about the, this October 30th Wall Street Journal article? b6 Per OIG b7C Per OIG

MR. BAKER: I don't honestly remember this thing.

[redacted] Do -- b6 Per OIG b7C Per OIG

MR. BAKER: If I did like I just simply have blanked it out from my mind if I did that. But I just don't remember it.

[redacted] Do you typically though review these pending statements of FBI leadership? b6 Per OIG b7C Per OIG

MR. BAKER: No.

[redacted] So why, what about this one that you were reviewing? b6 Per OIG b7C Per OIG

MR. BAKER: I think it was this [redacted] thing that came to me because, I don't know why it came to me. Andy had me look at it for some reason. I think he wanted me to get a, first of all, he wanted me to get a copy of the old pleadings and his old statement and everything else that had to do with the case. He asked about that. And then I think in the context of that he gave me some other drafts, signed sworn statement that somebody had written, and asked me to take a look at it. And I was like, this thing is like not a good draft. This needs to be reworked. But typically, no. There's signed sworn statements that are done all the time. Like if they're in the context of an EEO case or something like that my employment lawyers, you know, my employment lawyers, the employer, the employee, the employment law folks in OGC, excuse me, typically will look at those things. If it's in some other type of civil matter we have two units of b6 -3 b7C -3

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

[redacted]: So did you think it was odd that he was asking this of you? b6 Per OIG b7C Per OIG

MR. BAKER: Well, it had to do with Flynn and all this so it was fairly controversial. So, if I'm recalling it correctly. So, it didn't bother me. It didn't seem inappropriate or anything like that.

[redacted]: Do you have anything you want to ask? b6 Per OIG b7C Per OIG

Do you?

MR. BAKER: You want me to step out?

[redacted]: No, okay. We're good. Let me stop for one second. b6 Per OIG b7C Per OIG

MR. BAKER: Sure.

(Whereupon, a brief recess was taken.)

[redacted]: Okay. Back on the record after a short break. So let me show you a copy of something I said I had. If not I'll show you my copy but let me see. I think I do have it. I think I do have it. Let's see. b6 Per OIG b7C Per OIG

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

b6 -1
b7C -1

[redacted] If you want --

[redacted]: -- go ahead and look at it.

[redacted] If you want to read the beginning and see if --

b6 Per OIG
b7C Per OIG

[redacted]: Yeah. No --

[redacted] -- this is the one you had --

[redacted]: Yes.

[redacted] -- had in mind that might help out.

[redacted]: Yeah.

b6 Per OIG
b7C Per OIG

MR. BAKER: This is an April dated? Okay.

[redacted]: Well, the investigation --

MR. BAKER: This --

[redacted]: -- and portions of it began in April.

b6 Per OIG
b7C Per OIG

MR. BAKER: And I'm sorry, the [redacted] article is about the [redacted] case?

[redacted]: Right.

b6 -3
b7C -3

b6 Per OIG
b7C Per OIG

MR. BAKER: Okay. All right.

[redacted]: We're not focused on that but that's in that statement. (b6 Per OIG, b7C Per OIG)

MR. BAKER: Okay. Okay. I mean, I've looked through it quickly but --

[redacted]: In reading through it does that look like the draft statement that you had previously advised, given some advice to Mr. McCabe about? (b6 Per OIG, b7C Per OIG)

MR. BAKER: It could be. But it seems like it's got way more stuff in here than I remember. I mean, it covers so many different topics.

[redacted]: It may have been an earlier draft. I don't know. (b6 Per OIG, b7C Per OIG)

MR. BAKER: This could be an earlier draft or a later draft that people got. This was August 12th? It's --

[redacted]: Right. (b6 Per OIG, b7C Per OIG)

MR. BAKER: Attached to the current draft of your statement. And you know, so --

[redacted]: And you saw -- (b6 Per OIG, b7C Per OIG)

MR. BAKER: -- it seems like it covers a lot of stuff beyond what I recall, or what I told you a few minutes ago about just being focused on the --

[redacted] (b6 -3,Per OIG, b7C -3,Per OIG)

MR. BAKER: -- on the [redacted] case. And then this

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

[redacted]: Uh-huh. b6 Per OIG b7C Per OIG

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

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. BAKER: -- and so on and so forth. That kind of looks familiar to me.

[redacted]: Uh-huh. b6 Per OIG b7C Per OIG

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

[redacted]: Okay. But -- b6 Per OIG b7C Per OIG

MR. BAKER: Like he'd have to review these things extremely careful, make sure that every word was

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

[redacted] And in looking at the document right now today that I'm showing you, with the understanding it may not have been what you saw earlier -- b6 Per OIG b7C Per OIG

MR. BAKER: Right.

[redacted] -- do you recall any conversation about the Wall Street Journal article and it being in the statement? b6 Per OIG b7C Per OIG

MR. BAKER: I don't remember that at all, no.

[redacted] And any discussion about an OIG investigation overlapping with the OIG investigation? Did I say OIG -- b6 Per OIG b7C Per OIG

[redacted]: You said OIG twice.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

[redacted]: With an INSD.

[redacted] I meant to say INSD overlapping with OIG investigation.

MR. BAKER: He, so I don't specifically remember that. He probably told me hey, this is what this is, I think he told me like what this was is all, what this was

all about and can you look at this and see if I should do it. But I, again, I think it was somehow in connection to the [redacted] matter that had been brought up, not having to do with OIG or Inspection Division or anything like that. I don't recall that part of it. b6 -3 b7C -3

[redacted]: Okay. All right. Let me show you, this actually was sent to you before. It wasn't for this purpose. So, for my purposes whether you looked at it beforehand or not does not matter to me. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

[redacted]: Although for Wednesday's session, just so you know, I think they will want you to look at that beforehand if you have not -- b6 Per OIG b7C Per OIG

MR. BAKER: I have looked at it.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. BAKER: I'm not going to say I've studied every --

[redacted]: Yeah, sure. b6 Per OIG b7C Per OIG

MR. BAKER: -- single word of it but, yeah.

[redacted]: So what I'm showing you is the FBI media policy dated October 13th, 2015. It's my understanding that there might have recently been a revised version of this. But this was in effect at the time the October 30th, 2016 article came out. b6 Per OIG b7C Per OIG

MR. BAKER: Okay.

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

MR. BAKER: Uh-huh.

[redacted] -- at the top?

MR. BAKER: Yep.

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

MR. BAKER: Uh-huh.

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

MR. BAKER: I see.

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

b6 Per OIG
b7C Per OIG
b6 Per OIG
b7C Per OIG
b6 Per OIG
b7C Per OIG
b6 Per OIG
b7C Per OIG
b6 Per OIG
b7C Per OIG

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

MR. BAKER: Not to my recollection.

[redacted]: And you'll see the last paragraph where it gives examples of when it may be permissible to release, selectively release information about ongoing investigations. Would the disclosure in the October 30th Wall Street Journal article where it's, and I'm just, I'm opening it now so you have it handy. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: Where in my read of it, that it's effectively disclosing that an investigation exists. Particularly with the quote, are you telling me to shut down a validly predicated investigation. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: Whether that disclosure would be consistent with this FBI policy about when it's appropriate to do it? b6 Per OIG b7C Per OIG

MR. BAKER: Well, so for me to give you a legal analysis of the FBI policy, I mean, I guess it says it raises, so paragraph one, two, three, four. Paragraph four raises the possibility that it could be permissible to make a selective release of information.

[redacted]: Sure. b6 Per OIG b7C Per OIG

MR. BAKER: Okay? Only with approval of so and so, OGC and the operational divisions and so on.

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. BAKER: It cites an example then below. It says, but it says for example --

[redacted]: Yes. b6 Per OIG b7C Per OIG

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

[redacted]: Well, and so I don't know if it gets that specific but on page seven that's 3.1. It talks about who's authorized to speak to the media. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted]: And clearly, I'll wait for you to get there. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted]: It's the first two lines. Without restriction the director, deputy director, associate deputy director -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: -- and AD for OPA and OPA personnel designated by AD are authorized to speak to the media in conformance with this policy. b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: And also from your days at DOJ if you turn to I think it's page, section five. That would be -- b6 Per OIG b7C Per OIG

MR. BAKER: Section five.

[redacted]: -- towards the end, 23 is the other parts that the releases must comply with. b6 Per OIG b7C Per OIG

MR. BAKER: Section five, yeah.

[redacted]: Yeah. And I understand you hadn't thought about this before so I'm not expecting -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted]: It is what it is, confined to you looking at this at this moment. But is this the type of thing that Director Comey would want your view on before a b6 Per OIG b7C Per OIG

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

MR. BAKER: If there were to be a formal legal assessment then the answer would be yes.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. BAKER: But if he just wanted a, if he just wanted a view about it the answer is maybe. I mean, not necessarily.

[redacted]: Okay. b6 Per OIG b7C Per OIG

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

[redacted]: Yeah. And I think it's the appendix basically states that the policy applies to all FBI employees D1. Now, I'll wait for you to get there. b6 Per OIG b7C Per OIG

MR. BAKER: Yep.

[redacted]: Now obviously you have a great deal of knowledge in how much authority or leeway senior b6 Per OIG b7C Per OIG

leadership has on deviating from applicable policies --

MR. BAKER: I guess I would assess that the director and the deputy director can amend, modify, make exceptions to an internal FBI policy at any time.

[redacted]: Okay. b6 Per OIG b7C Per OIG

[redacted] I just don't --

MR. BAKER: Because they would have -- excuse me. They would have had -- sorry. They, it would have gone, in the first instance it would have to go up to them for approval, or to at least the deputy. I would think on this kind of thing. And so he could alter it.

[redacted]: Yeah, this was approved in the back just on that note by then Deputy Director Mark Giuliano on C1 and Mike Kortan. Not C1. It's, sorry, the page before that. Oh, it was, was it there? It was definitely here. b6 Per OIG b7C Per OIG

MR. BAKER: Well, in any event --

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, I see it. It's on A1.

[redacted] A1, sorry. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah. Approvals, yeah. Final approval Mark Giuliano. So, you know, so therefore, I would assume that, again, consistent with other law the deputy director could wave this policy, make an amendment to it, an exception. Yeah.

[redacted] I just wanted to make sure that I heard you correctly because you were each sort of talking over each other. b6 Per OIG b7C Per OIG

MR. BAKER: Sorry.

[redacted] When you were taking all of the exceptions under 3.4 -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- is what you said that in your view the disclosure that's made in the October 30th Wall Street Journal article, it would be a challenge to fit that into the exceptions as listed -- b6 Per OIG b7C Per OIG

MR. BAKER: Into the cited examples, yes.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: I think it, yes.

[redacted] Specifically the -- b6 Per OIG b7C Per OIG

MR. BAKER: Those seem to be for other types of circumstances, not for --

[redacted] The disclosure of a private conversation -- b6 Per OIG b7C Per OIG

MR. BAKER: In this context.

[redacted] In this context between DOJ and FBI? b6 Per OIG b7C Per OIG

MR. BAKER: You might be able to imagine that it was relevant in some other context. I wouldn't want to speculate on that right now, honestly. But --

[redacted] But as far as the examples to 3.4 -- b6 Per OIG b7C Per OIG

MR. BAKER: It doesn't seem to fit this particular case.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BAKER: That's right.

[redacted] Great. b6 Per OIG b7C Per OIG

MR. BAKER: So to do so one would have to either think it's consistent with the policy for other reasons or the deputy director is waiving the policy or amending it and making this disclosure, assuming that's what happened.

[redacted] And I wanted to ask you the same question just with one other document. This is referenced in, on page 23 section five. As one of the policies that still must be complied with -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] -- when disclosures, and maybe you may remember this from your DAG days. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted] That sounded like dog days. b6 Per OIG b7C Per OIG

MR. BAKER: You sent this to me, yeah.

[redacted] Right. So, yes. Again, that's going to come up more on Wednesday, which will be on the department, FBI actions and advance the election year stuff. What I wanted to ask you was, this would be on page seven. This concerns disclosures regarding ongoing investigations, 1-75.30. b6 Per OIG b7C Per OIG

MR. BAKER: 1.75 what?

[redacted]: Five -- b6 Per OIG b7C Per OIG

[redacted] Three zero.

MR. BAKER: Three zero?

[redacted]: Three zero. And it's heading, b6 Per OIG b7C Per OIG disclosure of information concerning ongoing investigations. And take a moment to read that. And again, it's just the same question. Whether or not the disclosure of the account of the August 12th call that you see in the October 30th Wall Street Journal article would be consistent with this section.

MR. BAKER: Uh-huh. I'm sorry, what's your question? I was reading it, sorry.

[redacted]: Oh, just again, same question as b6 Per OIG b7C Per OIG we had with the FBI policy. Whether the disclosure of the August 12th account --

MR. BAKER: Uh-huh.

[redacted] -- conversation between McCabe and b6 Per OIG b7C Per OIG the unnamed senior DOJ official, whether the discussion there regarding the Clinton Foundation investigation would be consistent with this section.

MR. BAKER: Well, so this was a matter that had already received substantial publicity, right? So that's number one.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: Even though we hadn't confirmed it. I mean, I guess the, you know, the director had been asked about it. People were talking about it, right? And then the second part, or about which the community needs to be reassured that the appropriate law enforcement agencies investigating the incident. So, I guess, you know, or released, blah, blah, blah. Comments or confirmation about an ongoing investigation may need to be made. So, you could argue that the first two parts of that apply to this situation. That if you're trying to reassure the public like hey, you know, we're not dropping the ball. We're all over the Clinton Foundation. In fact, we're pushing it back against DOJ and they're trying to shut us down. Even though it seems weird in this context but in any event, given the policy we're looking at, to be saying that about DOJ. Nevertheless, you know, one might construe this to be consistent with that for that purpose. Also I guess I would point you to page, what is this page?

[redacted]: Yeah, there's many pages -- b6 Per OIG b7C Per OIG

MR. BAKER: Page two, yeah.

[redacted] -- in here. Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: You know, these, sort of the overarching principles, 1-7.110, interest must be balanced.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. BAKER: You know, these guidelines recognize three principle interests that must be balanced. The right of the public to know, an individual right to a fair trial, and the Government's ability to effectively enforce the administration of justice. I mean, you might argue that both the first part, the right of the public to know, and the Government's ability to effectively enforce the administration of justice could be an issue here. Which would then give I guess interpretive guidance to the provision that you had cited before on page seven.

[redacted] Yeah, seven. b6 Per OIG b7C Per OIG

MR. BAKER: So --

[redacted] Well -- b6 Per OIG b7C Per OIG

MR. BAKER: -- that's an off the cuff --

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. BAKER: -- legal analysis of this, right.

[redacted] If you were the decider on this, if Comey delegated this to you to make the call because you're the general counsel, and with the caveat that it'd be off the cuff, and someone presents that argument to you would that be persuasive for you? To then go to DOJ and say, well, I guess you'd have to consult with DOJ, right? The last sentence B, on B, in these unusual circumstances -- b6 Per OIG b7C Per OIG

MR. BAKER: Yeah.

[redacted] -- the involved investigative agency will consult and obtain approval from the United States attorney or the department division handling the matter prior to disseminating any information to the media. Which might be an awkward situation -- b6 Per OIG b7C Per OIG

MR. BAKER: I would seriously doubt that they would ever approve it.

[redacted] It would be awkward. b6 Per OIG b7C Per OIG

MR. BAKER: Put gently, yeah.

[redacted] It'd be a tough conversation to have. b6 Per OIG b7C Per OIG

MR. BAKER: Yeah. There's no way they would approve that. I would be quite shocked.

[redacted] If that provision weren't there, if that sentence weren't there -- b6 Per OIG b7C Per OIG

MR. BAKER: Uh-huh.

[redacted] If there were no prior consultation required of DOJ and you were the decider, again, off the cuff, you haven't thought through all the ramifications, would that be a persuasive argument for you? The one you made. b6 Per OIG b7C Per OIG

MR. BAKER: The problem with the argument that I just made is that it, this disclosure is, to put it bluntly, it throws DOJ under the bus.

[redacted] Yes. b6 Per OIG b7C Per OIG

MR. BAKER: And so the extent to which we're trying to reassure the public that we are, what's the word from this thing?

[redacted]: Administration of justice? b6 Per OIG b7C Per OIG

MR. BAKER: Yeah, right. It reassured, you know, the Government's ability to effectively enforce the administration of justice. So I'm just focused on that. Then I'm not sure that that, that this accomplishes that goal. Unless you say at the, you know, at the end it does say, are you telling me just I need to shut down a validly predicated investigation? And the person says, of course not. So, indicating that DOJ had raised concerns and so on. But I think it would be a challenging argument to make for sure.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. BAKER: That this disclosure would comply with or be read to be consistent with that prong of the policy.

[redacted]: We're now at the point of the end.

[redacted]: I'm good. b6 Per OIG b7C Per OIG

[redacted] Do you have anything else you want to add that we didn't give you an opportunity? We definitely heard your point earlier about the moment in time when all this was happening.

MR. BAKER: Uh-huh.

[redacted] If you wanted to add anything to that or add anything different from that we definitely welcome that if you have anything you'd like to add.

b6 Per OIG
b7C Per OIG

MR. BAKER: Well, I mean, I guess just along these lines with respect to the regulations and so on. With dealing with the press, right, I mean, it's, you have very little time because they're rushing to deadlines. They're rushing because they have deadlines. They want to publish right away. They have their competitors who may have some aspect of the same story. And so they're pushing, pushing, pushing and they want answers right away. And so decision makers are regularly forced to decide something with very little time, very little opportunity to consult, even within the Bureau, with the right people to get different perspectives, let alone to do like actual legal analysis and pull out the regs and look at them. It's just, there almost always is, there's almost never enough time to do all that. And so it is a, I think, as you guys think about your assessment of people's conduct and so on, I just, again, would urge that. That it's, we could sit here now and pull out these things and look at it and debate it and you just don't have time because there's a, you know, five o'clock deadline and they're pushing and they want to talk to you right now. That kind of thing.

[redacted] Uh-huh. Okay. Well, we appreciate that. And I definitely want to put on the record thank you for all your time and cooperation. I know we're asking you to spend a good deal of time with us this week so we definitely appreciate that.

MR. BAKER: It's my pleasure so, thank you.

[redacted] Thank you.

[redacted] Thank you very much.

[redacted] Off the record at around 6:40.

(Whereupon, the interview was concluded.)

b6 Per OIG
b7C Per OIG

b6 Per OIG
b7C Per OIG

C E R T I F I C A T E

DEPOSITION SERVICES, INC. hereby certifies that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of Inspector General in the matter of:

Interview of James Baker

[redacted]

[redacted] Transcriber

b6 Per OIG
b7C Per OIG

January 2, 2018

Date

[redacted] Interview

b6 -2
b7C -2

12/14/2017

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-12-2018 BY [redacted] NSICG

b6 -1
b7C -1

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FBI 18-cv-01766-1014

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

----------X

IN RE: :

INTERVIEW OF [redacted] : b6 -2 b7C -2

----------X

December 14, 2017

Washington, D.C.

Interview of

[redacted] b6 -2 b7C -2

By the U.S. Department of Justice, Office of the Inspector General, at the Department of Justice Building, beginning at 1:00 p.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division b6 Per OIG b7C Per OIG

[redacted], Oversight & Review Division

[redacted] Oversight & Review Division

FOR THE WITNESS:

NONE

INDEX

EXHIBITS

EXHIBIT NUMBER	PAGE NUMBER
None.	

PROCEEDINGS

[redacted] I am [redacted] I'm an Investigative Counsel with the Oversight & Review Division in the Office of the Inspector General. I'm here with [redacted] who is also an Investigative Counsel, as well as [redacted] who is an Investigative Counsel too, and Special Agent [redacted] The date is December 14th, 2017 at approximately 1:00 p.m. This is an interview with [redacted] Is that correct?

[redacted] Correct.

[redacted] And what is your current title?

[redacted] to the Director.

[redacted] The FBI Director?

[redacted] Correct. Yes.

[redacted] Okay. And we are in the Oversight & Review Division conference room, 1425 New York Avenue, Washington, D.C. This is a voluntary interview, and you are a fact witness. We are here to discuss three matters with you today. One is actions by the Department, Department of Justice, and the FBI in advance of the 2016 election, recusal issues related to some of those actions, and allegations regarding disclosures of nonpublic information to the media before the 2016 election and subsequent statements related thereto.

To protect the integrity of our investigation, we request that you not discuss the contents of this interview with others. Is that okay?

[redacted] Absolutely.

[redacted] And our standard practice is to record all interviews, which we're doing, and have them taken under oath. And you understand that. We've talked about that before, right?

[redacted] I do.

[redacted] So if you don't have any questions and you're ready, we'll have you raise your right hand and get sworn in and get started.

[redacted] Let's do it.

Whereupon,

[redacted]

was called upon by the United States Department of Justice, Office of the Inspector General, to provide a voluntary sworn statement and was duly sworn.

[redacted] Okay, great. So as I mentioned, we're going to start with the allegations regarding disclosures of nonpublic information to the media in advance of the 2016 election.

[redacted] Okay.

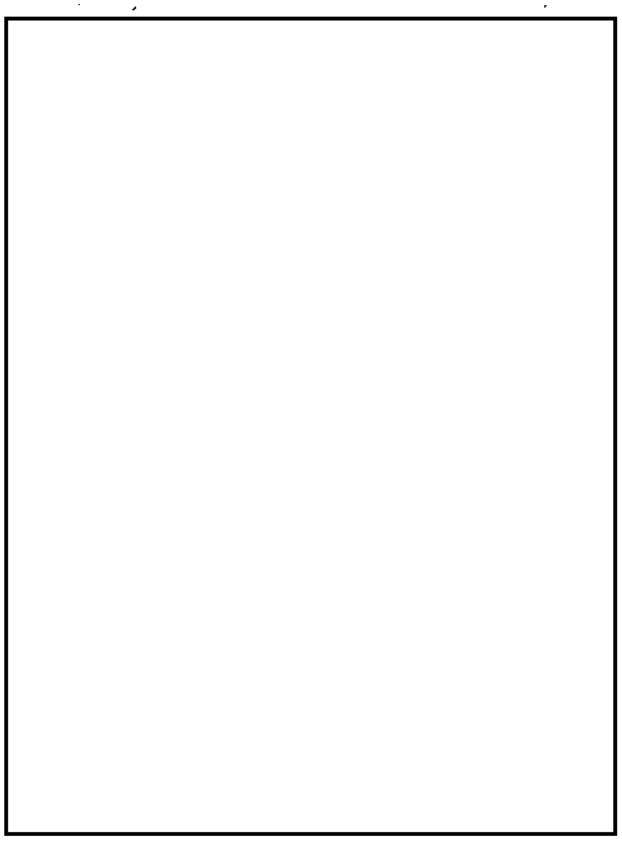
[redacted] And subsequent statements related thereto. But before jumping into that, can you just give us a brief overview of your FBI career, your start date to the present?

[redacted] Sure.

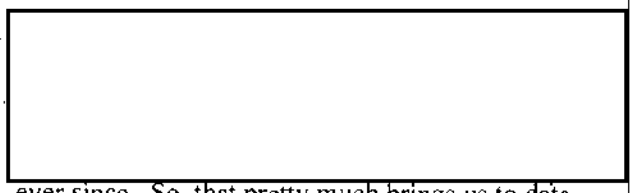
[redacted] Just a brief sketch.

[redacted] Yes. It's not that colorful. I came in on [redacted]

[redacted]



b6 -2
b7C -2



b6 -2
b7C -2

ever since. So, that pretty much brings us to date.

b6 Per OIG
b7C Per OIG

: I'd say that's pretty accomplished, at least from my perspective. So, I want to get an overview, if you could, of your focusing just on the time period that you were

b6 -2
b7C -2

is it also Chief of Staff too?

b6 -2
b7C -2

: It is. And so, it's a great question. So initially with

b6 -2,Per OIG
b7C -2,Per OIG

- Okay.

: -- it was a bit of a power play on my part to assume the title of chief of staff. And I'll put it bluntly. We had Department of Justice folks that had been interested in that position before there was a chief of staff position formerly held by somebody who I really admired, Joanna Baltes. And I worked with her. I don't know if you know her or not, but she --

b6 -2,Per OIG
b7C -2,Per OIG

I've heard the name.

: Yeah, very capable, really good. She was the chief of staff for Mark, even though she was not really the chief of staff. She held the chief of

staff title, but my role as

b6 -2
b7C -2

really ran the staff. She was a close advisor to Mark. And so I said I didn't want that to happen again to my, to my successor, so I wanted to put that stamp on it so the next person that came along had the chief of staff title. So that's, that's how it was. It was

b6 -2,Per OIG
b7C -2,Per OIG

Okay. And so, if you could give us sort of, and all of the questions from here on out will focus on your, your time frame as chief of staff for Deputy Director McCabe.

b6 -2,Per OIG
b7C -2,Per OIG

: Yep.

: If, there is a couple questions where I'll make it a little broader-ended, but if you have any confusion, just let me know. But for purposes of right now, focusing on the period where you were Chief of Staff for Deputy Director McCabe, can you tell us what your primary duties and functions were in that capacity?

: Sure. So I was, as his

b6 -2
b7C -2

I was primarily responsible for, you know, making sure that the schedule was, you know, was crafted, worked with the executive assistant to make sure that the meetings were, were set and that the, the Deputy Director had advanced knowledge of what the meetings were, so I was involved in some prep to the extent that he needed prep

for any meetings.

I then also ran a staff of about eight or nine people depending on which day of the week you were looking at it, because there were folks who would come in and out periodically. That was several GS-15 MAPAS. One was a GS-15 Special Advisor and one was a GS-15 Supervisory Special Agent who was working on special projects. We also had various folks, we had executive assistants, and we had some other folks that kind of came in on special projects who was part of the deputy's staff.

So I primarily kept him and kept his schedule, like any special assistant would, kept him, you know, kept his schedule, made sure that he was at the appointed place on time, and just kept of gave him -- I took some notes in those meetings that I did attend. And, and just kind of gave him counsel when and if he asked or when and if I thought it was necessary. And I would sort of open the day with him, and then I would try to close the day with him.

b6 -2,Per OIG
b7C -2,Per OIG

Alone?

: It changed. So, when I was with Mr. Giuliano, I was the, you know, and after Joanna Baltes left, I was the sole counsel to him, both in the morning and the afternoon, in the evenings. When Deputy Director McCabe came on, he brought on a couple of individuals that

he really had great, sort of great confidence in, [redacted] and Lisa Page. [redacted] had always played a role in the staff and before was [redacted] So [redacted] was a fixture on the floor and a pseudo-member of the staff. And he really worked as sort of a freelancer. He was assigned to the staff, but he prepped the Director as well as the Deputy.

When Deputy Director McCabe came on, he brought Lisa Page into staff as his special counsel. And so she came over from OGC. She had worked with him and, and you have to forgive me, I don't know all the particulars. But I believe she worked with him as his special counsel in both his roles as Assistant Director in Counterterrorism Division, and as a, as the Executive Assistant Director for National Security Branch. And so in those capacity, she worked for him as a primary special counsel and as a confidant.

So she came onto the role, and so there were three of us in many instances. And so my role as [redacted] Chief of Staff sometimes now became three, three people in the room with him, counseling. [redacted] So was it typical, though, at the end of a day during your time as chief of staff to Deputy

Director McCabe, that the three of you would, you being Page, [redacted] and yourself, and Mr. McCabe would meet in the morning alone, just, just you four, and then at the end of the day you four. Would that be a common occurrence?

[redacted] In the morning, it was typically something that was not as formal. So I would say that in the morning I would come in and say, you know, here's your calendar, we're going to get going. Here's, here are the issues of the day and kind of brief him very quickly. A lot of times, Lisa and [redacted] were not there. Sometimes they were. It was not a formal meeting for them. This was something I kind of prepped him in before we went in. And the, the time I think was a 7:45 meeting with all of his Executive Assistant Directors, Assistant Directors, and some other special staff in his Deputy Director's conference room. So that was really the most formal meeting of the day. That was the opening.

[redacted] I'm sorry to interrupt you. Was that the, is that led by the Deputy Director?

[redacted] It's led by the Deputy.

[redacted] And does that have any particular name?

[redacted] We call that the, I think we just, various, various names. I think the morning operational

update.

[redacted] Okay.

[redacted] Yeah, yeah.

[redacted] And that would be, is that, is that similar to the wrap at 5:00 p.m. with the same individuals?

[redacted] Much smaller in the evening.

[redacted] Okay.

[redacted] So in the evening, you typically have the Executive Assistant Director for National Security, for Criminal, for, or for CCRSB, which is our Criminal Cyber, you know, Support and Response Branch. I think that's the title of it.

[redacted] Um-hmm.

[redacted] But CCRSB, and then you have the EAD for the Intelligence Branch, and that's really about it for those EADs. The EAD for Human Resources Branch, for Information Technology Branch, and for Science and Technology Branch typically did not attend the wrap.

[redacted] Okay.

[redacted] Typically because he was really more focused on operational matters at the, at the closeout.

[redacted] Okay.

[redacted] And you would also typically have the Assistant Director for Counterterrorism there, and

perhaps even the Assistant Director for Counterintelligence. You might also have the, Mike Kortan, who was our Assistant Director for Public Affairs.

[redacted] At which one?

[redacted] At the wrap.

[redacted] At the wrap.

[redacted] At the evening wrap.

[redacted] Was he more often there than not?

[redacted] More often than not, as well as counsel, General Counsel Baker.

[redacted] Um-hmm.

[redacted] And you would also have Assistant Director for Congressional Affairs at the time, at that time I think it was Steve Kelly.

[redacted] Um-hmm.

[redacted] So now it would be Greg Brower. He's in those meetings.

[redacted] Were you a regular attendee of the, both the evening wrap and the morning meeting?

[redacted] I was, the morning meeting and the evening wrap, yeah.

[redacted] Okay. So the, the evening wrap, that was more operational focus, significant issues? Is that what's going on with that?

[redacted] It was. It was really just to close

b6 -1
b7C -1
b6 -1
b7C -1
b6 -2
b7C -2
b6 Per OIG
b7C Per OIG
b6 -1
b7C -1
b6 -2
b7C -2
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b7C -1
b6 Per OIG
b7C Per OIG
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b7C -2,Per OIG
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b7C Per OIG
b6 -2,Per OIG
b7C -2,Per OIG
b6 -2
b7C -2

out, like what, what actions took place, you know, in the theater today? What did we do out there? You know, basically what investigations of note happened during the day that may, that may need to be briefed to the Director either at night by the Deputy or things that they need to tackle for the morning. I actually found the evening wrap to be more productive, just in terms of people were more at ease. It was a more conversational tone, a little more jocularity --

b6 -2,Per OIG b7C -2,Per OIG

[redacted] Um-hmm.

[redacted] Simply because it was just a smaller crowd and you didn't have the folks lining the room and, you know, you didn't have the briefer there. I should also mention that in the morning meeting, the FBI briefer would be there briefing portions of the Presidential Daily Brief.

[redacted] Okay. I keep going back and forth. So --

b6 -2,Per OIG b7C -2,Per OIG

[redacted] And I will, too, as I kind of remember different parts.

[redacted] Yeah, no. That's fine. So, the morning brief, I'll ask you a bunch of questions and then circle back to the evening brief. The morning brief, roughly, I mean, you gave us a flavor of who would attend. But roughly how many people would be in that meeting?

b6 -2 b7C -2

[redacted] You could have anywhere from 25 to 35.

b6 -2,Per OIG b7C -2,Per OIG

[redacted] Okay.

[redacted] That's just a rough number, but I could come back to you with actually a much better number than that.

b6 -2,Per OIG b7C -2,Per OIG

[redacted] No, that, I was just more --

[redacted] If, as I dust for prints.

[redacted] -- curious on a, a rough number at least for, for my purposes. Where would that, where was that meeting held?

b6 -2 b7C -2

[redacted] In the Deputy Director's conference room.

b6 -2,Per OIG b7C -2,Per OIG

[redacted] Okay.

[redacted] And that's on the seventh floor in the, between the One Corridor and the Zero Corridor. So that's the, it's enclosed. It's in a SCIF.

b6 Per OIG b7C Per OIG

[redacted] Okay. And what you had mentioned a moment ago, that the focus of the evening wrap was more operational. What was the primary focus of the morning meeting?

b6 -2 b7C -2

[redacted] The morning wrap was really to take the, the brief. So the brief would come in and brief the Deputy on, you know, the, the issues that were in the, the PDB or some of the issues, some of the items that were in

the PDB that folks in the room were generally cleared to hear. A lot of it was FBI, CIA, NSA, DIA information that was collected overnight --

b6 -2,Per OIG b7C -2,Per OIG

[redacted] Okay.

[redacted] -- and processed as, as intelligence products for the, for the intelligence community.

b6 Per OIG b7C Per OIG

[redacted] Would Mike Kortan attend the morning briefings?

b6 -2 b7C -2

[redacted] He would. And he would as, I think sometimes he would attend the morning meetings, and then sometimes he would attend the Director's. He's always, he always attended the Director's meeting, which was held just after that.

b6 -2,Per OIG b7C -2,Per OIG

[redacted] Okay.

[redacted] So, we'll get to that, I suspect in a minute.

b6 -2,Per OIG b7C -2,Per OIG

[redacted] Yes. Yeah.

[redacted] So I think he would typically attend the morning brief. And so, you know, but sometimes if you miss the, the one with the Deputy Director, he would definitely attend the one with the Director. But I think more often than not he would attend both.

[redacted] And the morning one you said was at 7:45?

b6 -2,Per OIG b7C -2,Per OIG

[redacted] I believe it was at 7:45. It

varied. So I think at one point it was 7:30, and I think we moved it to 7:45. And you'll have to forgive me. I don't remember at what point --

b6 -2,Per OIG b7C -2,Per OIG

[redacted] No, that's fine.

[redacted] -- in the chronology we changed the time.

b6 Per OIG b7C Per OIG

[redacted] Would anyone else from the Deputy Director McCabe's staff be a regular attendee other than yourself at the morning meeting?

b6 -1,2 b7C -1,2

[redacted] and I would say 50 percent of the time, Lisa Page would be there.

b6 Per OIG b7C Per OIG

[redacted] Would Mike Kortan notify Deputy Director McCabe of significant media issues at the morning meetings?

b6 -2,Per OIG b7C -2,Per OIG

[redacted] He would.

[redacted] Okay.

[redacted] Yeah. Because as a rule, we went around the room every morning so if anybody had any concerns or issues, they would raise them. You know, they would raise them there.

b6 Per OIG b7C Per OIG

[redacted] And similar questions for the evening meeting. Would Kortan raise any significant upcoming press media stories at the evening wrap?

b6 -2 b7C -2

[redacted] He would. And I believe that, you know, those discussions were a little bit more

conversational. You know, it wasn't quite as, because in the morning, you'd have a lot more folks there and it seemed to be a little bit more formal and stodgy simply because there's just more folks in the room and it seemed to be a more formal meeting. The evening meeting, it would be a much more conversational kind of thing. But yeah, he would definitely be there.

b6 -1,Per OIG b7C -1,Per OIG

[redacted]: And would [redacted] and Page be regular attendees at the evening wrap?

b6 -2 b7C -2

[redacted]: Yes. Yeah. More so for sure for Lisa in the evening than, than the morning. She was more of the, arrived a little later and then, you know, worked a little later was her kind of.

b6 Per OIG b7C Per OIG

[redacted]: Okay. And before going off into some other meetings that I have questions about, just sort of general work.

b6 -2,Per OIG b7C -2,Per OIG

[redacted]: Sure.

[redacted]: You had mentioned about folks who were in the office that you supervised, roughly 8 to 9.

b6 -2,Per OIG b7C -2,Per OIG

[redacted]: Um-hmm.

[redacted]: Could identify what their names were and what positions they held?

[redacted]: Of course. [redacted] He was a GS-15 Special Advisor.

b6 -1,2,Per OIG b7C -1,2,Per OIG

[redacted]: Do you know how to spell?

[redacted]

[redacted]: Um-hmm.

b6 -1,2,Per OIG b7C -1,2,Per OIG

[redacted]: First name [redacted]

[redacted]

[redacted]: What function did he have in the office?

b6 -2 b7C -2

[redacted]: He was a special, he was essentially another special assistant.

[redacted]: I see.

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[redacted]: He didn't travel. He attended some meetings. He wouldn't typically attend the morning meeting or the evening meetings.

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[redacted]: Okay.

[redacted]: He would help plan certain things. He handled a lot of the performance evaluations and a lot of the things that we did for the SACs. So as, as part of the Deputy Director's roles and responsibilities, he had oversight of, I think, as I understand it, he's got the largest direct report number in the executive branch. I think he's got at any one time over 80-some direct reports. That includes the EADs, DADs, and then you've got anywhere, 62 to 63 Special Agents in Charge. And eight Assistant Directors in Charge in the field. They were all directly reporting to McCabe.

b6 Per OIG b7C Per OIG

[redacted]: I see.

[redacted]: So as a result of that, that's a heavy lift for a staff to process, you know, performance plans and doing those sorts of things. So he was one of the folks that did that. And he had a, he was very good at it. We also had [redacted] b6 -2 b7C -2

b6 -1 b7C -1

first name [redacted]. She was a GS-15 Special Assistant and had been there with the previous two Deputy Directors, both Mark Giuliano and Sean Joyce. [redacted] b6 -1 b7C -1

[redacted]

She had primary oversight of the Deputy's work with the International Association of Chiefs of Police, where as part of our annual Special Assistants, or, I'm sorry, as part of our annual Special Agents in Charge Conference, we always collocated those like once a year with the International Association of Chiefs of Police meeting. And so she did a lot of that interplay and liaison with the IACP to make sure that the issues that the folks are having in the field, we knew about it and worked with our, our Office of Partner Engagement, OPE, to talk about, hey, these are the things that are resonating right now with the state and local police force. And so she did a lot of that liaison with IACP. And she also helped put together our two Special Agents in Charge

conference every year and lots of other special projects.

The third was [redacted] b6 -1 b7C -1

first name [redacted]. She was a GS-15 Special Assistant, and she was also there for Mr. McCabe, Mr. Giuliano and Mr. Joyce. The, both of, really both of these two very competent professionals had a diminished role under the Deputy McCabe's, just his idea of the staff. And he, he put more emphasis on, or I shouldn't say emphasis. He worked more closely with Lisa and [redacted] than he did with the, with that part of staff. b6 -1 b7C -1

So [redacted] was primarily responsible for putting together those conferences, for working on speeches. She did a lot of the speech writing for the Deputy, and she put together a lot of the trip planning. Her and [redacted] both put together a lot of the trip planning. So whenever the Deputy's Office traveled anywhere, they put together an itinerary and a good, professional product to make sure that we knew what we were doing with the field office or LEGAT. b6 -1 b7C -1 b6 -1 b7C -1

The, another individual was [redacted] b6 -1 b7C -1

[redacted]. She was a GS-15 special advisor, and she was a, she, her role was primarily responsible for liaison with our Special Agents in Charge Advisory Committee, and she and I were also putting together a, what we call the new Strategic Review Office. Under Mark Giuliano, we were

able to seek his approval to put together an office which has now become our lessons learned shop for the organization, where we're sort of going out and conducting reviews of whether it was the Malheur Wildlife Refuge Occupation, now we're out there doing the Las Vegas shooting, and we're learning lessons from that, writing reports, and reabsorbing that information back in the organization. That was her primary responsibility. She built that unit as a part of the Deputy Director's Office.

To go back to [redacted], she is now working as a [redacted]

[redacted] So, of those folks, none of them are now in the Deputy's staff.

[redacted]: Okay.

[redacted] is gone, [redacted] is gone, [redacted] is gone, [redacted] is, is with me now in the Director's Office.

[redacted] Okay. So those were four people. Were there any other, other than let's say Admin support, were those primary the eight to nine?

[redacted] Yeah, yeah. It was.

[redacted] Other than Page and [redacted]?

[redacted]: So [redacted], Page, and then we had one more who was the Deputy Director's protective detail body.

[redacted] Okay.

[redacted]: And that was [redacted] would, obviously, conduct and support all of the Director's protection or the Deputy Director's protection and his travel and would travel with the boss when, when he's gone.

[redacted] So did the five, did [redacted] did they report to you?

[redacted] They did.

[redacted]: What about Page and [redacted]?

[redacted]: On paper.

[redacted] Okay.

[redacted] Yes.

[redacted] Okay.

[redacted]: Actually, I should caveat that. [redacted] did report. I did write his PAR. So I did write his performance appraisal report or review. I did not write Lisa Page's PAR. She was really assigned to the Office of General Counsel, but sort of habitually assigned to the Deputy's office or sliced over, as you would say,

as we say in the military, over to the Deputy's office as his primary special counsel. And so, I did not have direct oversight or any sort of responsibility for writing her performance eval.

[redacted]: So did she report directly to Mr. McCabe?

[redacted]: Yes.

[redacted]: Okay.

[redacted]: I mean, I think that's fair to say. And, and I think the way that, you know, the Deputy and I had several discussions about this. And, and so it was, it was something where I said I would be happy to manage that for you, you know, as I was the SES and they were 15s. And I think [redacted] So that would have been something I could have easily done. But he wanted to have sort of unfettered access I think is what he referred to it as by those two to him.

[redacted]: So, if most -- well, let me see, how would I say this? If anyone on the staff, Deputy Director's staff wanted to meet with Mr. McCabe, did he have an open-door policy, or did they have to clear it with you?

[redacted]: They would typically ask myself or [redacted]: And I did not give you that name. Her now name is [redacted]

[redacted]: Okay.

[redacted]: She was his executive assistant. She worked briefly under Mark Giuliano for several months before his retirement, and then became his primary, I wouldn't say gatekeeper. But she sat in a, in a room, you know, in a foyer just outside of the Deputy's office. So, if it were somebody trying to get a meeting with them, with the, with the Deputy, they would to go either [redacted] or I. And, and as my office is sort of a, now it's Mr. [redacted] office. But that is like, it's like, we call it the fatal funnel in law enforcement.

[redacted] Um-hmm.

[redacted]: And it is, literally, at any one time you would have two to three, you know, EADs in there or just, just because it's the, it's a very close, people are always in there. And it was a great place to, to kind of, to kind of wait and see if the Deputy is, is he out of there? Can I strike? You know, can I get in there? You know, when, when I can I get in. So there was a lot of activity in that office.

[redacted] But who had to, did the staff have to check with you or [redacted] to get a meeting with the Director?

[redacted] You mean --

[redacted] Deputy Director, I'm sorry.

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b6 -2,Per OIG
b7C -2,Per OIG

[redacted] You mean the other portions of the staff?

[redacted] Right.

[redacted] Most of them would as a courtesy.

[redacted] Okay.

[redacted] If there was something they were working on specifically for the Deputy and, you know, I was not a, I tried not to be a gatekeeper of anything, you know. So I would, I would say I know he's, I'd look at his calendar and say he's really busy right now. Or, he's got about 15 minutes of desk time; why don't you duck your head in there and say a couple, you know, just, if you could just take a couple minutes that would be great. So I would, I would say that to them. And so they would typically, the others, [redacted] they would typically walk by and say, hey, is the boss in? Do you mind if I jump in there for a second? So that is the way that worked. With Page and [redacted] no. They would just walk in.

[redacted] And did McCabe want it that way?

[redacted] Yes.

[redacted] Okay.

[redacted] Yeah.

[redacted] All right.

[redacted] It was, we'd have, and we had

several conversations about that, one in particular where I had disagreed with some of the actions that Lisa had taken during a pre, you know, a pre, I'd say a nondescript, a meeting that she took an active role and didn't really understand the particulars of it, and was probably a little bit disrespectful to the Assistant Director that was briefing the Deputy.

And so I had a discussion with her afterwards and said that's not the way we typically handle things on the staff. She was new to the staff, and I was trying to educate her to the way that, look, we are, we are not that way. We don't wear the Deputy's rank on our shoulder.

[redacted] Um-hmm.

[redacted] And that was something that the staff and I always, we were, and I believe that we serve the entire floor and not just the Deputy.

[redacted] The seventh floor.

[redacted] Yes.

[redacted] Which is often known as the executive management floor?

[redacted] That is correct. And the reason, I think it's just not good government. If, if an Executive Assistant Director or an AD doesn't know why there's an issue and they can't get in to see the Deputy, and. I made sure that if the Deputy knew somebody and was a part,

it was a part of that person's roles and responsibilities, I made sure that their Special Assistant and that Executive knew it. Without breaking confidences of course, but I just wanted to make sure that they could track and make sure that the Deputy had an issue on something, if he was tracking something that was important, that they knew before it became an issue that they couldn't correct. So that was just part of my task.

I don't know if others had that view, but that is always something that I've, I've told my successor. I said you serve not only the deputy, but you really serve the floor.

[redacted] That issue that you're thinkin[redacted] of, I'll, I'll characterize it, not you. But being, speaking out of turn or speaking in a way not reflective of the Deputy's office, roughly what month and year was that?

[redacted] So --

[redacted] A best approximation.

[redacted] I'm going to guess it was late-winter of 2016. So that could have been, it could have been as early as February. It could have been March. But it was around that time where she was new to the staff and kind of disrespectful in her questioning of the AD, you know, sitting at a table. My role as the Chief of Staff

[redacted] I was always, I parked myself in the back chair. I'm not responsible for anything. I don't have a portfolio other than the Deputy and the staff.

[redacted] Right.

[redacted] And so it's not my position to, to question other executives about their activities, and so.

[redacted] Do you remember what the subject matter was?

[redacted] Yeah, it was the Office of, it was a briefing by the Office of Private Sector, by the Assistant Director, Brad Brekke.

[redacted] Okay. So nothing related to Midyear?

[redacted] Negative. No, no.

[redacted] Or recusal issues?

[redacted] No, no.

[redacted] Okay.

[redacted] This was just more of a personality issue.

[redacted] I see.

[redacted] And I just --

[redacted] Okay.

[redacted] I, for background, I provide it.

[redacted] Okay. Did anyone in the Deputy

Director's office have responsibility for press or media issues?

[redacted]: No. I would think that there was a movement under Mr. Giuliano that lived briefly under, under Deputy Director McCabe where they were trying to come up with a, sort of a comprehensive communication strategy. That was an outgrowth of our Office of National Policy, which was run by Sasha O'Connell. And she was an enormously talented executive that worked, she was a Section Chief working as the lead for the Office of National Policy, dealt with policy across the, the intelligence community and, and the FBI's role in that and would fight for, you know, the FBI's position and their policy at the White House.

She, I think as part of Mr. Giuliano's vision was to sort of come up with a more comprehensive way, how do we get out good messaging across the organization, not piecemeal. And so she was working on some of that. But at the time, she was never given authority to speak directly, you know, she was, it was not her role. It was still Mr. Kortan's role to work with the press.

So, to answer your question directly, there was nobody on the staff that had responsibility to address the media in any consistent way.

[redacted]: During your time when you were

Chief of Staff to Mr. McCabe, were individuals on the staff ever authorized to speak to the media?

[redacted]: There were probably occasions, but I can't recall specifics. I know I've spoken to the media on a couple of occasions with the permission of Mr. McCabe. The, one of it was just, one of the individuals was trying to get a meeting with Mr. McCabe. I think they both had some, some, I don't remember what the, what the commonality was, whether it was basketball or something. But she felt that she had some, something that she wanted to, clearly she was trying to get, you know, get on the inside with the deputy. And I spoke with her about it, but never in, never in reference to Midyear or any other, any of the other sensitive matters that were discussed.

[redacted]: These are the times that you engage with the press?

[redacted]: Yes, yes.

[redacted]: Okay. So, when that happened, can you just, was the process, can you just describe how that worked? Was it, was it simply just a matter of Mr. McCabe telling you [redacted] want you to talk to --

[redacted]: No, no, no. It was really, it was, you know, they would reach out independently because they knew the position. It was pretty easy to piece together my position. And so I would get calls occasionally, and

typically my standard process was to reach out to Rich Quinn or Mike Kortan to say, hey, I was just called by [redacted] or [redacted], or I was called by, I think that really was the only one that I was ever called by. And I would say, hey, what do you, will you handle it? And so Rich would typically call them back.

And in one instance, I told the Deputy, if she wants to talk to me about getting, talking to you about having some sort of a, maybe a, a sit-down with the Deputy to have some sort of a, not a 60 Minutes interview but some sort of an interview I think that she was trying to go for. And I, I met with her to, to briefly discuss that. I asked them, I said do you, would you want me to pursue that? And he said that's fine. Make sure you, you know, work with Kortan and Quinn. So that was, I did, and he had no interest in pursuing that.

[redacted]: So it's a verbal authority --

[redacted]: It's just a verbal.

[redacted]: I see.

[redacted]: Yeah.

[redacted]: When other individuals on the staff were authorized to talk to the press, would they notify you --

[redacted]: No.

[redacted]: -- before they did that?

[redacted]: No. Not as a matter of course. I mean, and I don't know of any instance where, I suspect there was a time when, you know, [redacted] or [redacted] were able to talk to the press about an IACP matter, you know, something, something that was relevant to our work with the state and local partners. But even then, I could not identify a specific instance. My guess is that they have done and they have worked with our press office to produce releases I think for, for the press. But I can't identify an instance in my mind where they would have had a direct phone call with the press.

[redacted]: And I just want to make sure I understand this. So, is it correct that there were instances when you were Chief of Staff to Deputy Director McCabe where individuals on the staff were authorized to speak to the media, but they didn't have an obligation to notify you in advance? Is that right?

[redacted]: I believe there was, there was some instances where Lisa Page and, and I think at the time Peter Strzok were doing interviews with the press. And I think those were formal interviews set up by OPA. I was not aware. I mean, I was aware of it only vaguely or obliquely that they were doing them, and I could not tell you when that happened. I don't know if I remember if I was still on the Deputy's staff or I was now with Director

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Comey at the time. But I knew that the interviews were happening.

[redacted] I see. I see.

[redacted] But as a matter of course, I was not involved or counseled or asked.

[redacted] Okay. So, there was no, I just want to, I just want to understand, was there any requirement, though, to notify you that McCabe said hey --

[redacted] No requirement.

[redacted] Okay.

[redacted] And in fact, I'm not sure we even had the discussion.

[redacted] Okay.

[redacted] But I think as a staff, you know, as the chief of staff or, you know, and I have to put aside [redacted] and Page.

[redacted] Okay.

[redacted] When I, when I refer to staff, I'm primarily referring to those four or five other individuals that worked with me and worked, and then that I wrote their performance reviews. Those other two had direct access to Deputy McCabe.

[redacted] Um-hmm.

[redacted] And they took marching orders from him separate and apart from, from me. I would

occasionally work with them, but after our initial dustup in February or whenever that was, in 2016, it became a pretty, it was unfortunate, but it was, it was not a productive relationship between Lisa and I. So, as a matter of course, they had access to him and would follow his direction or would support him in ways that I was not aware.

[redacted] So is it fair to say that after that dustup in February 2016, you're referring to the instance where you spoke to Lisa about --

[redacted] Um-hmm.

[redacted] -- this is not the way you should be talking to other executive managers?

[redacted] Correct. Correct.

[redacted] Did she --

[redacted] And I made that, and I made that known to the Deputy.

[redacted] I see.

[redacted] I made that known to the Deputy. As I recall, I went into the Deputy to talk to him about it, again, one morning or one evening. And [redacted] was in talking to the Deputy sort of pleading Lisa's case, you know, that, you know, I kind of came down on her pretty hard. And that's just not the way I like to do business. And so I, and so I came in. I saw the

conversation happening. I just, I told him, hey, this is exactly how the conversation went. And I just, I just didn't think it was our place to be sitting at the table and, and you know, sharp-shooting other executives unless the Deputy specifically asked us to do that.

[redacted] Is it fair to say that after that incident, you two separately just went about your business and didn't really --

[redacted] We did. And it was unfortunate. It was not good government. I say I work for the whole floor. But it just did not seem to be a very productive relationship. And so there were kind of two staffs, and we would sort of, and the Deputy knew about it. He knew my feelings, and he knew I was sensitive to the issue of time management because they were very aggressive with keeping the Deputy and taking a lot of his time. And so it was, it was disruptive in a way that a lot of the other staff didn't have time with the Deputy that they used to under previous deputies where they had better access.

And, and then also, too, I think the executives in the hallway, they felt that the, they were kind of on the outside looking in from time to time because of the fact that [redacted] he kept such close counsel with those two that they didn't have --

[redacted] and Page?

[redacted] and Page, yeah. And look, they are incredibly bright people, so I don't want to say that, and I think he was pragmatic in the view that they brought more to the table. [redacted] was not a distraction. He was a very hard worker. But I think he was pragmatic in the view that they brought so much to the table that any other I'd say collateral damage is probably too strong a word, or maybe it's not. But any other problems that resulted in it was worth the work that they provided him. And I think he, he trusted them implicitly.

[redacted] I just want to go over a couple of other meetings to make sure I understand whether you are a regular attendee of those. The, you had mentioned the Director's morning meeting. Were you a regular attendee of that meeting?

[redacted] I was. Um-hmm.

[redacted] Was anyone else from the Deputy Director's staff a regular attendee of those?

[redacted] What about Lisa Page?

[redacted] She was not a typical attendee at that meeting.

[redacted] Okay. Did the Director during the time, again, that you were chief of staff to Deputy McCabe, did he hold any other regularly-held meetings

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other than the morning meeting?
[redacted] Yeah, we held the weekly executive, the weekly EAD meeting, and we typically held that on Tuesday I think at 9:30. And that was a meeting that we, we kind of talked about longer-range issues, not more daily operational issues that we did during the, during the other meetings. But this was more of a longer-term event where we talk about more strategy within, and maybe even some succession planning discussions.
[redacted] Okay.
[redacted] Where I would typically remove myself from those discussions because I was, I guess I could have been part of that succession planning discussion. And I didn't want to, I didn't want to cool the discussion, so I would, I would, many people would say that I removed myself from more meetings than, than most people in my position simply because I was [redacted] I've held a TS clearance since [redacted] And I understand compartmentalization very well. And, and I, the last thing I want to do is infringe on somebody else's freedom to talk openly about an issue. So I typically would step out.
[redacted] Maybe to be, to be a little more efficient, at least the way I'm going about things right now, what other meetings, regularly-held meetings by

either the Director or Deputy did you attend at which press issues came up during the week? So, we've identified --
[redacted] Yeah. So the morning, yeah, those two morning meetings for sure and the evening meeting.
[redacted] And just so we're clear on the record, you're talking about the Deputy and the Director's morning meetings?
[redacted] The Deputy Director's meeting at 7:45, which would go to 8:15.
[redacted] Okay.
[redacted] And, and then we would go down, and we would sit with the Director from 8:15 to, you know, 8:45 or whatever. And in those meetings, AD Kortan was present, so there was always, you know, in the primary table, you would have, you know, the Director and the Deputy and, you know, the EAD for National Security and all of the EADs around the table, the Associate Deputy Director, Rybicki as the Chief of Staff, and I was back in the corner. And then all of the other chairs would be lined with other Assistant Directors, General Counsel, the AD for Congressional Affairs, AD for Public Affairs, so all of those folks would be present.
So once the, once the conversation went around the table, they would go to the back row, and the Director

would walk around, hey, are there any issues of concern on this end. And he would end with Kortan, just hey, what other issues can we worry about? He would give him a brief synopsis, hey, there's a story on whatever, and so they would have a quick conversation. He was the last one typically at every meeting to speak other than the Director.
[redacted] Okay. So other than the, the Deputy's morning and evening meeting, and the Director's morning meeting, were there any other regularly-held meetings --
[redacted] The evening wrap?
[redacted] Evening wrap.
[redacted] As I said before, AD Kortan was typically present. Not always, but typically present, and there would be discussions of media there at the evening wrap.
[redacted] Okay.
[redacted] And then there is the weekly SVTC, which I think you're probably aware of. It happens at 3 o'clock on Wednesday.
[redacted] Okay.
[redacted] And that was something that was started by Director Comey. And it was where primarily, primarily geared towards working with the specialists,

making sure that they were communicating because there's always been a headquarters-field disconnect.
[redacted] Um-hmm.
[redacted] And so it was Director Comey's desire to make sure that the field was working, that it understood what was happening within the beltway. So I largely wrote that agenda during my tenure.
[redacted] What day was, was that?
[redacted] Those were Wednesdays.
[redacted] Wednesdays, okay. And media issues could come up in those because it was --
[redacted] Only as a, only as, you know, if the Director brought them up to, to talk about different stories that came up or anything like that where he may counsel the field about, hey, this is something that we're going to have to work through. It's, you know, it's a challenge for us. They've got the story wrong. Or that, you know, he didn't typically dwell on media during that event. And it was not something where media was primarily discussed. It was more operational in nature.
[redacted] Did you attend the, the regularly-scheduled SIOC meetings with FBI and DOJ in the morning?
[redacted] I started under Mr. Giuliano but stopped under Deputy McCabe.
[redacted] Okay. All right. We're going to

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get into some documents. We don't have many. This is a thin folder. So, I'm not going to get into this too much, but I want to show you that just for reference.

b6 -2,Per OIG b7C -2,Per OIG [redacted]: Okay.

[redacted]: That was an article that came out on October 23rd, 2016 in the Wall Street Journal.

b6 -2,Per OIG b7C -2,Per OIG [redacted]: Okay.

[redacted]: And it preceded this article, which is, came out a week later on October 30th, 2016. And that, the second one is the one I'm primarily going to focus on. But I wanted you to have this if you want to take a moment to skim maybe this one, the October 23rd article, just so that's sort of fresh in your mind.

b6 -2,Per OIG b7C -2,Per OIG [redacted]: Okay.

[redacted]: So mainly I just wanted you to see that for context. That's not the heart of what I wanted to ask, but I will ask a couple quick questions before we get into --

b6 -2,Per OIG b7C -2,Per OIG [redacted]: Sure.

[redacted]: -- the October 30th article. Do you remember that article at all?

[redacted]: I don't.

b6 -2,Per OIG b7C -2,Per OIG [redacted]: Okay.

[redacted]: No.

[redacted]: So, I guess it would be fair to

say that you didn't have any involvement in work before the article was published?

[redacted]: No, no.

b6 -2,Per OIG b7C -2,Per OIG [redacted]: Okay.

[redacted]: I'm not even aware of the author.

[redacted]: Okay, okay.

[redacted]: I should say I, I didn't even know that his wife had run for office until sort of later in his tenure as Deputy.

b6 -2,Per OIG b7C -2,Per OIG [redacted]: Okay.

[redacted]: I didn't, I just didn't know. I think it was just an offhanded conversation where he said that his wife had ran. I go, I didn't know that. So I didn't even know she ran. So, but yeah. I mean I, I've since read several articles, but I've never read this one.

b6 -2,Per OIG b7C -2,Per OIG [redacted]: Okay.

[redacted]: Not to my knowledge.

[redacted]: I'll ask you one other question just to the extent -- well, let me show you a document. I'm going to show you one other document with the purpose of, of perhaps jogging some memory. So let me show you this document. So this is an email, and it's labeled on the bottom, actually, let me show you this with it too. So, I'm showing you two documents right now.

b6 -2 b7C -2 [redacted]: Okay.

b6 Per OIG b7C Per OIG [redacted]: One is an email that came out October 24th, and there's an email chain. The subject matter is updated McCabe guidance note for SACs. The top of the email chain has an email from you to Lisa Page, [redacted] (phonetic sp.), Mike Kortan, with a copy to [redacted] (phonetic sp.), [redacted] (phonetic sp.), stating the DD just approved and Mike has the final. And the other document that I gave you there was --

b6 -1 b7C -1

b6 -2,Per OIG b7C -2,Per OIG [redacted]: Was this the attachment?

[redacted]: That would be the attachment, right. I don't know that your email included the attachment, but,

[redacted]: I think, yeah, I do, I do remember this.

b6 -2,Per OIG b7C -2,Per OIG [redacted]: Okay.

[redacted]: I do remember this. And I, I think I, I vaguely remember this email.

b6 -2,Per OIG b7C -2,Per OIG [redacted]: So --

[redacted]: This was something I would go in and would show the Deputy. Kortan would send me an email saying, hey, this is our guidance to the field, as my role as the chief of staff, I would go in and say, dutifully say, hey, just take a look at this. Does this look good to you. And he'd say yes. And so we'd have Kortan say it was good.

b6 Per OIG b7C Per OIG [redacted]: And so the reason I put that in front of you was to see if that jogged any memory. Do you have any recollection of this guidance to the SACs being issued in connection with the October 23rd article?

b6 -2 b7C -2 [redacted]: I, I guess I wasn't savvy enough to realize -- I mean, I knew that, obviously I knew this would become an issue. But I had probably never read the article.

b6 -2,Per OIG b7C -2,Per OIG [redacted]: Okay.

[redacted]: I just didn't. I mean, I know, I know that guidance went out to the field, and I was his primary voice to the field, and I, I could send emails out to the field as approved by him. But in many instances, I, you know, I was, I didn't need to read the, read the actual news article that this discussed, so.

b6 Per OIG b7C Per OIG [redacted]: Do you recall having any substantive involvement in the SAC guidance?

b6 -2,Per OIG b7C -2,Per OIG [redacted]: No.

[redacted]: Okay.

[redacted]: No. I mean, I was, I wouldn't have written any of this. I mean, I probably would have read through it, but I wouldn't have read it in --

b6 Per OIG b7C Per OIG [redacted]: All right. Well, keep that handy just in case it, you need it for any reference.

b6 -2 b7C -2 [redacted]: Okay.

[redacted]: I want to focus primarily now on the October 30th, 2016 article.

[redacted]: Okay.

[redacted]: So, that's actually by the same reporter. It comes out a week later.

[redacted]: As this reporter?

[redacted]: Correct.

[redacted]: Okay.

[redacted]: And the first article was, as you, when you read it you saw was focusing on the fact that Mr. McCabe's wife had received some campaign donations from political action committees associated with Governor McCabe.

[redacted]: Right.

[redacted]: And it raises some issues about conflict of interest with the Clinton Midyear review. This story, the October 30th, this sort of expands into the Clinton Foundation investigation and raises issues there as well. Feel free to read it. The part I want to focus on I've highlighted on Pages 8 to 9. That's sort of the heart of what we want to talk to you about today, those highlighted areas. But if you need it, I, you know, you're welcome if you want to, you can absolutely read the entire article.

[redacted]: No, this is -- oh, I do remember. I

do remember this. Okay. I remember reading this for sure.

[redacted]: At the time?

[redacted]: Contemporaneous, yeah. I mean probably days or a week after or something.

[redacted]: So can you tell us when you were reading it now and you just said I remember this with respect to the highlighted paragraphs, can you just tell us, you know, what, what you remember, and?

[redacted]: I remember more about the discussion of the event after. So in recent months, there has been some discussion about this, about this paragraph. [redacted] who has my job now, and I have discussed it. And I know at the time, I believe Ms. McNamara was looking into possible leaks of information. And so we talked about it, and we wondered who could have done it. And I am not here to tell you I know who did it because I certainly don't. But I know, you know, who wasn't in the room. That we me.

[redacted]: You were not in the room?

[redacted]: No. When this phone call happened, I was not.

[redacted]: So, and you're talking about you were not in the room for the August 12th phone call that's mentioned, reported in this October 30th article?

[redacted]: Correct.

[redacted]: Okay. So --

[redacted]: Nor did I have any discussions with the Deputy about the call.

[redacted]: Okay.

[redacted]: And, and wouldn't even, and I don't know the person with whom he was speaking with at Department of Justice. I believe it was --

[redacted]: That's referenced in the article?

[redacted]: That's correct.

[redacted]: You believe?

[redacted]: I could, it may have been the AAG. It may have been, certainly I don't believe it was the DAG. But I think that, you know, at any given time, Andy was called by the DAG or the AAG, and so there was a lot of phone calls going back and forth. I'm not even sure I knew when the call was happening. I just, I knew of the call, but I was certainly not in the room for the call.

[redacted]: What else were you talking about with [redacted] with respect to these highlighted paragraphs? Did you speculate who --

[redacted]: I speculated.

[redacted]: -- who it could be and --

[redacted]: Yeah.

[redacted]: -- can you --

[redacted]: Just speculated.

[redacted]: With the caveat that it is speculation?

[redacted]: Total speculation. And given my previous discussions about the person that we've already talked about, I would feel like I'm kind of piling on. But I think Ms. Page was in the room. I don't know. I'm almost positive, but I believe that was the case, and that's the case in hindsight. But I don't know, having sat here, I think she would have been the only one else that would have been in the room.

[redacted]: So, in reading this, as --

[redacted]: It could have been [redacted] It could have been the three of them. It may have just been her.

[redacted]: When you, when you read this contemporaneously, that was before you had conversations with [redacted] about it?

[redacted]: Yeah, months before.

[redacted]: When you read it at the time, were you concerned about a private conversation from the Deputy being reported?

[redacted]: Incredibly, yeah.

[redacted]: And so what, what did you do? What was your reaction?

b6 -2
b7C -2

[redacted]: Well, I mean, I just, you know, I think, I don't know if the Deputy and I ever had any conversations about it. You know, but it was just, by then I had been so, for reasons that I think we already discussed, I had sort of withdrawn from that portion of the, of, of the portfolio. I think you and I talked on the phone that I was not in any of the Midyear meetings.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted]: Um-hmm.

[redacted]: I knew of the meetings. I knew when they were happening. But I didn't have any working knowledge. In fact I, I knew Ms. Page, I knew Pete Strzok, I knew of course AD Priestap and, and at the time EAD Steinbach, who was the National Security Branch EAD, were always involved with the Deputy as was the General Counsel Baker. But they were very compartmentalized meetings. And so when there was a Midyear meeting, I never attended.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted]: Would they be noted on Mr. McCabe's calendar?

[redacted]: They would. They would.

[redacted]: And they would go into his conference room?

b6 -2
b7C -2

[redacted]: They would go in his conference room and the Deputy's conference room. I'm sorry, either his office, because they were typically smaller group

meetings, so they would happen in his office. And I should caveat my involvement in Midyear by saying that I was present, that I can remember, at three meetings.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted]: Um-hmm.

[redacted]: Of substance. The first one was the summer, I believe it was the summer. And I, so I brought my books, just to refer to it, when John Giacalone, who was the EAD for National Security Branch before Mike Steinbach, brought in news during a wrap with Mr. Giuliano that we have the server, or we, there is evidence of a server. And so I remember Mr. Giuliano saying something like, all right, lock the doors. And at the time, we had no knowledge of the content. Obviously this is was brand new information. And he made, he gave me pretty good advice. He said, you don't need, you know, want to be a part of this. You know, essentially, this is not something you need to worry about.

I felt a little hurt at the time. You know, you know, like, not hurt, but just, I felt, you know, hey, I'm not, you know, but, it was just, I think it was not, it was going to be worked by special, again, a special group. So when Deputy McCabe came in, he brought in Lisa Page and

b6 -1
b7C -1

[redacted] and I was, I was not part of those Midyear groups, the one, with one exception. I was in here briefing the Deputy on another matter. And I think

EAD Coleman, he may have been AD of Counterintelligence at the time, but then he became EAD of CCRSB, came in with Lisa Page, Jim Baker, and the Deputy. And there may have been one other person there in the room, but I don't know.

[redacted]

[redacted] And I could only piece, I didn't know the specifics of it, but it sounded like a

b7E -1

[redacted]

[redacted]: Um-hmm.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted]: And that there was, Ms. Page was trying to brief things to the Deputy that were squarely in the roles and responsibilities of Mr. Coleman, who was the executive. And they had a, kind of a combative, they had sort of a, an open argument there in front of the Deputy and, and General Counsel Baker where he said something to him like, hey, I, I'm going to brief this. You know, it's his, it's his Counterintelligence Division. But yet she was briefing it, and he had mentioned, she said don't you want to know my opinion. And he said, no, I don't.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted]: That was Coleman?

[redacted]: That was Coleman, yeah. So, they had that brief discussion. And I, and having not been and present at any of the other meetings, I couldn't really understand what the, the nuances of what they were all, you know, what the, who was providing the information,

b7E -1

[redacted]

[redacted] But I, I do remember that meeting, being in there. But really, I was not at, it just happened to be a group of folks discussing Midyear while I was there already talking about another issue.

[redacted]: And I think that's actually [redacted]

b6 -2,Per OIG
b7C -2,Per OIG
b7E -1

[redacted]: I think that's right. Yeah, I th that's right. But I, I don't believe that the, I don't believe that [redacted]--

[redacted]: (*Indiscernible 57:58).

[redacted]: Right. There was a third party, I believe, [redacted]--

b6 -2,Per OIG
b7C -2,Per OIG

[redacted]: Right.

b7E -1

[redacted]: And I don't know [redacted]

[redacted]

b6 -2,Per OIG
b7C -2,Per OIG

[redacted]: Okay.

[redacted]: Are you okay if we wait to hit these topics?

b6 -2,Per OIG
b7C -2,Per OIG

[redacted]: Oh, yeah, yeah, yeah.

[redacted]: Okay. So, and he will get to those later. Understanding that Midyear wasn't substantively what you were involved with as the Chief of Staff, would that include the Clinton Foundation investigation too?

[redacted] That was the third meeting.
[redacted] I see. Sorry.
[redacted] That, that I, I will tell you that -- no, no, I didn't quite get there and lost my train of thought. The third meeting was more Clinton Foundation-based. And that was a meeting we held with [redacted] I think.
[redacted] Roughly when is this?
[redacted] I want to say summer of --
[redacted] Okay.
[redacted] -- summer of 2016. I couldn't give you a, I could probably go in here and find a, find a date for you, if I can read my chicken scratch. But that's why I brought the books. But, I was present --
[redacted] We might do that after.
[redacted]: Okay. It will take some time, so you don't want to waste a lot of tape.
[redacted] Okay. Right, yeah.
[redacted]: But I was present at that meeting, and there were discussions about should we proceed with the investigation of the Clinton Foundation.
[redacted] I see.
[redacted]: And I offered my one piece of

advice, which may be relevant. The only time that I probably would weigh in on something like this, I think the discussion was should we continue to pursue the Clinton Foundation investigation in the run-up to the election. And, you know, I think there was just people were voicing their opinions. And, you know, as a, you know, as a case agent in the field, as whatever, I could not imagine not pursuing an investigation for any reason. I know that there are political issues at stake, and I think my advice to, or my, my discussions with the Deputy Director were we have kind of two choices. And I'm paraphrasing here.

We either stop the investigation, we continue the investigation, and that might, you know, if people knew that there was an investigation of the Clinton Foundation, that may impact voters' opinions one way or another. I mean, that might be a small number of people that are affected. If you stop the investigation, and you reopen the investigation after the election, and we find things in the investigation that lead, that lead us down the path that we should have known this before the election and we're forced to impeach, you know, or that there's potential for impeachment of a sitting president, I go, what is more damaging? Where are we? I mean, it's a tough, tough, and I said you've got to continue the

investigation. That's just my perspective as a, as an agent from the field. And I think he, you know, nodded his head and talked about it. A lot of people were weighing their opinions, but, and that was my, that was mine.
[redacted] Can I jump in with just one question?
[redacted] Yeah, yeah. Go ahead.
[redacted] Who chaired that meeting?
[redacted]: It was the Deputy.
[redacted]: Okay. so it was McCabe?
[redacted] Yeah.
[redacted] Thank you.
[redacted] And at that meeting, were, was there already an open, predicated investigation on the Clinton Foundation?
[redacted] Yes. And that was opened by, as I understand it, and this is a conversation I just had with Assistant Director Dave Resch from Training Division last night. I just happened to be talking to him, and we talked a little bit about the Clinton Foundation case. [redacted]

[redacted] So --
[redacted] Which was why he was in that meeting, essentially.
[redacted] I see. [redacted] that happened before the meeting you're just talking about?
[redacted] Oh, for sure. And I couldn't tell you [redacted]
[redacted] So, at that meeting, is there any discussion about no overt investigative steps?
[redacted] You're asking me to remember. I think there, I think there were. I think that there were things that we are not going to proceed. I think there was some discussion that we are not going to do anything else until. And I think that until was discussion with DOJ.
[redacted] I see.
[redacted]: That's, that's my recollection.
[redacted] Okay.
[redacted]: But I could, I could even be wrong there.
[redacted] So, would, did you have, while I understand Midyear you state you were not involved in, just by virtue of how it was compartmentalized. Were you

aware of and in meetings with the Deputy on Clinton Foundation?

[redacted] No.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Okay.

[redacted] Nor was I, in fact, and I can't remember if we had a name for that one too, I think. Is that --

[redacted] I did not see -- oh, you mean.

b6 -2,Per OIG
b7C -2,Per OIG

other than Midyear --

[redacted] I think there was.

[redacted] Midyear was the Clinton -- Midyear was the Clinton email.

[redacted] I think that was Crossfire.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Oh, Crossfire.

[redacted] Crossfire Hurricane, I believe.

[redacted] Okay. Okay.

[redacted] But I'm not positive.

[redacted] Okay. Irrespective of the absence of substantive involvement, were you still, though, meaning, when you read this article at the time, the highlighted portions, concerned that your boss's private conversations are, are appearing in the paper?

b6 -2
b7C -2

[redacted] Yeah, and I, and I seem to remember at the time I go, who, who could benefit? You know, and I think, I remember thinking to myself as I read the, the

piece, I'm like what, to what end, and who benefits from, you know, from pushing it. Is it, nobody, nobody seemed to benefit from it, to be honest with you. And so I thought was, was there somebody on the other side. And so my initial suspicions led to, well certainly it's nobody in our staff. You know, that was my initial reaction. Like, why would anybody do this?

[redacted] The Deputy's staff?

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Correct.

[redacted] Um-hmm.

[redacted] Or whoever was in the room with the Deputy.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Um-hmm.

[redacted] And I thought, there's no reason we would ever, and it just didn't seem to serve any purpose. Not only is it not right to talk to the media about specifics of private conversations and about cases like this, but it just didn't seem to make any sense. So, I thought was there somebody on the other side with the caller from DOJ, whether that was the AAG or somebody else over there that, that leaked it? That was my initial suspicion. And I, I couldn't tell you who was on the other side or who was in the room with the person who was on the other side.

b6 Per OIG
b7C Per OIG

[redacted] But given your concern that you

just articulated, did you not, did you talk to the Deputy about that, that, look, boss, your private conversations are appearing in the paper; what's going on with that?

[redacted] I don't, I don't know if I did. And it probably was a failure on my part. I mean it was, I don't think at the time it was one of those things where, you know, he knows this business. He knows, he trusts in the people that he's working with in this thing. And I, and I, I don't think I had a specific conversation with him about it. In retrospect, I should have. I mean, I, I absolutely should have. I wasn't, in fact, so I didn't probably take care of him as good as I should have in that, in that, in that way.

b6 -2
b7C -2

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Let me --

[redacted] And I, and I do fault myself. Just so, I fault myself, too, for not being more forceful with, you know, sort of the, the Lisa Page piece. I should have been more aggressive with that.

[redacted] In what respect?

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] I just think it frustrated the rest of the hallway. And I, I told him, I said that was kind of my big failing in my eyes as his chief of staff that I was not able to, to get the EADs in to see him more often.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] So --

[redacted] And I think that was part of, yeah.

[redacted] So when you said the rest of the hallway, you're talking about other executive managers who are waiting to see the Deputy?

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Correct.

[redacted] Yeah.

[redacted] Correct. So as much as I talk about good government, you know, trying to make sure that I was serving the whole floor, I didn't do what I should have done to make them, to get them in there as often as I should.

[redacted] So is it fair to say you were chief of staff to two deputies?

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Two deputies.

[redacted] For approximately a year-and-a-half?

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Correct.

[redacted] As you sit here today, are you aware of other instances where Deputy Directors of the FBI, where their private conversations with DOJ officials were disclosed to the media?

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Never.

[redacted] Other than this October 30th article?

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Never. Yeah.

[redacted] So that's not something obviously

then that Deputy Directors were doing during your time?

[redacted]: No.

[redacted] And when you were mentioning a few minutes ago that you suspected someone could have leaked the account. I'm assuming you were saying without authorization. Is that what you were thinking?

[redacted] I would, I would almost assume that, yeah. I mean I just can't imagine that the Deputy would have authorized the leak. It just doesn't seem to serve, I mean, I guess it serves, it serves the purpose of the Deputy by saying, hey look, do you want us to shut this thing down? I guess it serves Andy in that way, but it really, it really highlights a dysfunction between the FBI and the, and DOJ. And to that end, it doesn't really serve the greater good.

[redacted] Um-hmm.

[redacted] Those are things that we need to take, take care of in-house, and why we would push this out to show that kind of, it just makes no sense to me. Maybe I'm naïve in that way. I just don't think, maybe I don't think the long game. But, but to me, I can't imagine. I can't imagine Deputy Director McCabe authorizing that. It just seems anachronistic to me.

[redacted] And why is that?

[redacted]: It's knowing him as a, as a person.

[redacted] I see.

[redacted]: I can't imagine that he would, he would authorize somebody to release that. I really can't. I just can't. As I sit here, it just doesn't make sense to me. He is a, he is, he is a very good investigator. He's a very smart guy. And I, I don't think that serves any purpose. I mean, it serves some, maybe some initial, immediate. It's just, you know, maybe some immediate, pushing the ball maybe five yards down the field. But really, in the end of the day, it's more of a, it's more of a sack in my view.

[redacted] When you suspected a moment ago, I think you identified Lisa Page. What was the reason that you had those suspicions?

[redacted] Mainly because if there was any interaction with DOJ, that because she was a former DOJ attorney, those sorts of interactions with folks on that side of the street, I had no connections over there. I talked occasionally with, with a couple of folks on that side of the street, but I had no, no, I didn't know the, I don't know them over there. And so if there was something that was involving Main Justice, that was something that she would typically be involved in.

And could I, can I tell you right now that she was definitely in that room? I would say with 80 percent

certainly probably. But I don't, I can't be, I can't be for sure.

[redacted] Were there any other individuals at the FBI, I won't restrict it just to the Deputy Director's staff, at the time who you had suspicions that they could have leaked this information to the media?

[redacted]: No, no. And I, I think I, you know, I just don't follow it. I think I did at the time as not part of the Midyear team, notwithstanding the fact this was the Deputy's, the information that was put out. I just, it was not something that I followed closely.

[redacted]: And here, just to you I'll correct. This, this portion concerns Clinton Foundation.

[redacted]: Right, right.

[redacted] As opposed to the media part.

[redacted]: I guess I blur the two sometimes.

[redacted]: I see.

[redacted]: Yeah.

[redacted] Before the article was published, had anyone ever recounted the details of that, of the August 12th call that McCabe had with someone at DOJ to you?

[redacted]: No.

[redacted] So the article was the first time you'd had --

[redacted]: First time I'd ever seen it, yeah.

[redacted]: Gained information about the August 12th call?

[redacted]: Yeah, yeah.

[redacted] Did you ever have any conversation --

[redacted]: I knew, I think I knew that there was a call.

[redacted]: I see.

[redacted]: But I, I don't know, I didn't know the substance of the call.

[redacted] Okay.

[redacted]: Just because I was, you know, I was just not in the room.

[redacted] Did you ever ask, did you ever have any conversations with Mr. McCabe about this article, whether it's the highlighted portions or any part of it?

[redacted]: I don't believe so. And again, I mean, potentially another lackluster effort on my part for not protecting the Deputy in ways that I should have, but I don't think I, I don't remember having a specific conversation about that.

[redacted]: So, I'm going to ask you some questions just for completeness, just so I've checked it off. But, so is it fair to say before the article was

b6 -2,Per OIG b7C -2,Per OIG
b6 -2 b7C -2
b6 -2,Per OIG b7C -2,Per OIG
b6 -2,Per OIG b7C -2,Per OIG
b6 Per OIG b7C Per OIG
b6 -2 b7C -2
b6 Per OIG b7C Per OIG
b6 -2 b7C -2
b6 -2,Per OIG b7C -2,Per OIG
b6 -2,Per OIG b7C -2,Per OIG
b6 -2,Per OIG b7C -2,Per OIG
b6 -2,Per OIG b7C -2,Per OIG
b6 -2,Per OIG b7C -2,Per OIG
b6 -2 b7C -2
b6 Per OIG b7C Per OIG

published, you didn't know that any of the information in the highlighted paragraphs would be part of the story?

[redacted]: No.

[redacted]: And before the article was published, you weren't aware that anyone in the Deputy's office was tasked to work on the story?

[redacted]: No.

[redacted]: Or speak to the media?

[redacted]: No.

[redacted]: And I think we talked about earlier, well we definitely talked about earlier, if someone had been tasked in the Deputy's office to talk to the media for this October 30th article, you, that's not something that you would have been notified in advance about?

[redacted]: I would say that if it was one of the other staff members that I talked to you about, they would have told me. They would not have any, they were so removed from both of those things, did not attend any of the meetings, and would not have had any individual information about this whatsoever.

[redacted]: And you were referring to --

[redacted]

[redacted]: They would have notified you as a courtesy?

[redacted]: They would notify me as a courtesy, but the fact, the odds of them being involved in any of this are so remote, they're not even worth mentioning.

[redacted]: Do you recall any general reaction anywhere on the seventh floor when, around the time of October 30th, 2016 when, with respect to Mr. McCabe's private conversations being out there in the media?

[redacted]: I think there was a general concern. I don't even remember him briefing it, you know, or discussing it during a morning meeting. I do know that, I believe, you know, that Nancy McNamara was looking into it, and had been given taskings by the Deputy or others, I assume it was the Deputy, to look into where this could have come from.

[redacted]: And when did you learn that?

[redacted]: It just, just, in sort of the, probably that week. You know, I just, you just hear rumblings that, hey, she's looking to see where this, you know, where this thing could have come from. And I remember [redacted] and I had a conversation some months ago, probably in April, probably, I say April, probably in this early to late-spring. Early-spring, mid-spring --

[redacted]: This year?

[redacted]: -- of 2017.

[redacted]: Okay.

[redacted]: And we were talking about this. And he goes, and he goes, I would tell, he goes when Nancy, because Nancy asked him, she goes, who would have had access to this information? He said, well, I would have told you I would have, but I wasn't there because I hadn't yet come from [redacted] would have had access, but he wasn't in the meeting.

[redacted]: How did he know that?

[redacted]: I think only through our discussions and probably through, I don't know if he had independent information about me not being in the meeting but may have been from [redacted] now. She may have known. But, yeah, and I just, I was not involved in any of those Midyear discussions, you know, except for that, those three that I mentioned to you earlier, and the Clinton Foundation discussion. So, he said, so that leaves us with one person.

[redacted]: I see.

[redacted]: And that was where we kind of made this.

[redacted]: Did you have any subsequent conversations with [redacted] about this issue?

[redacted]: We have, we've all speculated. I mean we, we, you know, we're agents. You know, so we

talk. You know, so we, he had his own disagreements with, with Ms. Page. And, and so I think he and I would sort of commiserate from time to time, probably unfairly on her behalf. You know, about things that maybe, you know, we weren't involved in that seemed to be continuing leading to problems. And I think we just speculated that it was her. Of course, at the time I was thinking was it somebody across the street that was doing it on our behalf, or.

[redacted]: At DOJ?

[redacted]: Yeah, yeah. But, that doesn't make sense because that, that suggests, that doesn't make sense that it would be a DOJ person because it's really helpful to Mr. McCabe, at least in the short term.

[redacted]: Um-hmm. Did either you or [redacted] ever ask Lisa Page about this conversation of Mr. McCabe's appearing in the article?

[redacted]: I never did. He may have.

[redacted]: Did he tell you about that?

[redacted]: If he did, it was very obliquely, and I just, I don't remember the, the conversation. He may have said something to, to him about, I know he, he cautioned her on several occasions, and this is now after I'm down with Director Comey. But I know he cautioned her that she was providing him, she was communicating with him

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b7C -2,Per OIG

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b6 Per OIG
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b7C -1,2,Per OIG

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b6 -2,Per OIG
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b6 -1,2,Per OIG
b7C -1,2,Per OIG

b6 -1,2
b7C -1,2

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b6 Per OIG
b7C Per OIG

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b7C -2,Per OIG

b6 -1,Per OIG
b7C -1,Per OIG

b6 -2,Per OIG
b7C -2,Per OIG

too much.
[redacted] McCabe?
[redacted] Yeah. And it was putting him in a bad position.
[redacted] Sort of where you were before?
[redacted]: I'm sorry?
[redacted] Where you were before where, well, strike that. What did you mean by that, put him in a bad position?
[redacted] Well, I think because she was constantly updating him on things and information that may have not been fully vetted or fully investigated, because she, you know, I think she prided herself on being one to really want to, you know, discuss the issues with him personally. And I think she was very involved in it. So I think she felt obligated to provide him updates on things all the time. And I think [redacted] was like, hey look, this is not helpful. You know, you're not, we don't know the things that you're telling to be fact. You know, let the investigators investigate it, and then let's brief him, you know, with the entire team, as opposed to just running in there, you know, every 15 minutes with information that may or may not be, you know, accurate. I think that was his cautionary tale.
[redacted] Okay.

[redacted]: And I don't know if she took, took his advice on that or not.
[redacted] So, no discussions that you can recall with Mr. McCabe about the highlighted portions appearing in the article?
[redacted]: No.
[redacted] One of the reasons I asked, I was trying to get a sense of the meetings that you regularly attend as, I think you anticipated this a couple minutes ago. Did this issue ever come up at any of the executive management meetings, the fact that the Deputy's private conversations on a sensitive investigation are appearing in a, in the Wall Street Journal?
[redacted] Yeah. I think, I think, I don't know if they mentioned the article, you know, specifically in meetings. But I think what this instigated was our new media policy. So, I know there was some churn, you know, about, you know, obviously about this, this story and maybe others. I don't know if this one, but, there were discussions out there that, hey, we need to get a handle on the information that's getting out to the press because it's, it's not helpful. And so I think what he did was they were deciding how are they going to attack this?
And so I think they looked at the media policy and realized we didn't really have a formal, or we had

lots of formal media. We had lots of media policies, but they were all over the place. They were in electronic communications. They were in, you know, standard operating procedures from field offices about who is authorized to speak to the media. So one of the things that I did at Andy's request was to bring back Jackie McGuire. She was a brand new ASAC in Birmingham, very skilled, very polished young executive. She was down in Birmingham and had worked in the media I think previously. And we brought her back. I remember making the phone call to her saying, hey, we just need you back here for two weeks. And that was, that was about a month later than this. This is October.
[redacted]: End of October, beginning of --
[redacted]: End of October. So it would have been, it would have been the 1st of December I think I would have called her and said, hey, we need, the Deputy would like to have you come back for two weeks on a TDY to kind of look at our media policy and come up with a way to really formulate the new, you know, what our media policy should look like moving forward. And that two weeks turned into almost a year. So she's been back here the entire time.
[redacted]: As I understand, was that due to, to leaks in general, or any specific leaks, or?

[redacted] I think it was leaks in general
[redacted] Okay.
[redacted] I think this probably maybe was the straw that broke the camel's back.
[redacted]: This being?
[redacted] I think this, this issue here.
[redacted] The highlighted paragraph?
[redacted] The highlighted paragraph. Yeah. But I think, too, I think after looking at that, they realized we don't have a good media policy, and so they brought, we brought her back to kind of do it. And she just unveiled the media policy. It just came out. I think it was just approved. It's pretty substantive.
[redacted] So, as I take it, your understanding -- well, let me ask something different. If Mr. McCabe had told you that he authorized the disclosure of the details of the August 12th call that appears in this Wall Street Journal article on October 30th, 2016, that's something you'd remember, right?
[redacted]: I would remember, and I would be shocked.
[redacted] Okay. And that would be something that you would be able to testify confidently of, right?
[redacted] Certainly.
[redacted] Okay. And so similar question

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b6 Per OIG b7C Per OIG
b6 -2,Per OIG b7C -2,Per OIG
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b6 -2,Per OIG b7C -2,Per OIG

about the, all these executive meetings that happened that you regularly attended.

[redacted]: Um-hmm.

[redacted]: If someone who at the FBI who had -- actually, let me, let me skip this. I'm going to ask that question but a little bit differently.

[redacted]: Okay.

[redacted] You don't recall at any of these executive management meetings someone standing up and saying I authorized the disclosure of the August 12th call and the details?

[redacted] I don't remember, but I, I would think I'd remember that. I, I don't remember that at all.

[redacted] Okay.

[redacted] And I would tell you too, [redacted]

[redacted]

[redacted]: It's, it's pretty horrible. I think at the end of the week [redacted]

[redacted]

[redacted]

[redacted] So there are days that I am not, and if you want to go through there, and you'll see days where I'm not quoting.

[redacted] Yes.

[redacted]: Or I'm not jotting anything down because I'm just not in the office.

[redacted] Well, let me ask you this. You know, understanding that you're not present at every meeting. You are, though, on the seventh floor, executive management.

[redacted]: On the same floor.

[redacted] If someone at the FBI had authorized the disclosure of the account of Mr. McCabe's August 12th call to the Wall Street Journal, would you

expect that you would have learned about that fact in your role as Chief of Staff?

[redacted]: Absolutely. I would think that there, we would have known that. And quite frankly, we would not have had substantive discussions to the contrary. You know, I would not have had that conversation I told you that I had with [redacted] about who did this. Because it would have, it would have, that conversation would have, would not have happened because we would have known that Andy or somebody else said I authorized the release of it, and then we wouldn't have questioned it. So I, you know what I mean? I don't think that conversation would have taken place had we known that there was some, some authority granted to release this information.

[redacted]: So, and that conversation with [redacted] you said happened in April 2017?

[redacted] I think, well yeah. Late, late, and I, and I, that could be within months.

[redacted] Approximate.

[redacted] You know, that could be March. It could be May. But I remember driving back. Again, on one of my probably Monday trips back to D.C. having this conversation.

[redacted] You know Bill Sweeney, right, the

ADIC in New York?

[redacted]: I do.

[redacted] He had a prior, he had your predecessor, he was your predecessor a couple of deputies ago.

[redacted]: Two, two deputies ago.

[redacted]: Right.

[redacted] With Sean Joyce, yeah. I spoke with him this morning.

[redacted] Sean Joyce or Bill Sweeney?

[redacted] Bill Sweeney, yeah. Bill Sweeney, yeah.

[redacted] So he's familiar with the seventh floor, the way that works and all that?

[redacted]: He is.

[redacted] Did you all ever talk about the account of the August 12th phone call that McCabe had appearing in the Wall Street Journal article?

[redacted] We, we talk a lot. We talk, he knows [redacted] so he keeps me awake. You know, so he's driving to his place between Philly and New York. And so we kind of keep each other on, between the white and the yellow. And so, we talk about a number of issues. And a lot of it, you know, Bill has such a cheerful disposition, he keeps me, he humors me when I

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b7C -2,Per OIG

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b6 -2,3
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b6 -2,3,Per OIG
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b6 -2
b7C -2

drive home. So, but we talk a lot about, you know, this kind of stuff. Whether we had a specific discussion about this I, I can't recall. It would, we probably did, but I don't remember the substance of it.

b6 Per OIG b7C Per OIG

: Would you have any reason to doubt discussions where Mr. Sweeney may have said to you something to the effect of [redacted] this has to be someone close to McCabe, someone on the seventh floor?

b6 -2 b7C -2

: Probably we would have had something similar. I mean we, we knew. We've always suspected, you know, and I, I think he was, I think he had a more positive view of Lisa Page -- that's who we're referring to -- than I did. And, you know, I would, you know, I told him, I said this is, you know, it's very disruptive. You know, this, this thing is really causing a lot of, of my, a lot of my time. I really think a lot about this. And, and I just, I worry that, that we're not serving the greater good, not serving the floor by having this one person in there, you know, usurping a lot of the Deputy's time.

So we talk a lot about that. And we, we make, you know, much like [redacted] and I do or others talk about who could it have been. And not just this, but just in general, you know. And I say, and I pointed to this, I'm pointing at the leak.

b6 -1 b7C -1

: The, the October 30th article?

: The highlighted portions. Correct. Yeah. We, we probably had a discussion about it, but I can't remember the specifics.

b6 -2,Per OIG b7C -2,Per OIG

b6 Per OIG b7C Per OIG

: Did he ever have any follow-up conversations, he being Mr. Sweeney, follow-up conversations with you where he said I've done some digging on my own, and here is my conclusion?

b6 -2 b7C -2

: I think he was concerned that people were looking at New York. I remember him voicing that to me, as like, hey, I think people are looking at me, or not me, but they're looking at my crew up here as being folks who could have leaked some information. And I think his discussion was people need to start looking at the floor. You know, looking in-house before they point fingers at, you know, like New York. And I think, I mean, as any good leader does, they, this is like I told you earlier, I would be shocked if somebody on the Deputy's staff would, would have done that. And I think he probably felt the same up in New York with his team. You know, I think it's always natural to point the finger in another direction. But I know we had that discussion. I remember him talking to me about that on the drive home.

b6 Per OIG b7C Per OIG

: And after you had that conversation, did you do any follow-up?

: No, no. I mean, I knew AD McNamara had, you know, was doing something internally, and so, you know, if it's an OPR and Inspection issue, I'm not, I don't try to intercede in that in any way. I'm not going to conduct my own, private investigation or start asking around. Obviously there are discussions in the hallway, water cooler discussions about what's going on.

b6 -2 b7C -2

b6 Per OIG b7C Per OIG

: Um-hmm.

: And we talk about things like that. We, we want, you know, we, but we don't know. But I wasn't interviewing people or shaking people down or, you know.

b6 -2 b7C -2

: Um-hmm.

: Give them the third degree.

b6 -1,2,Per OIG b7C -1,2,Per OIG

: Other than [redacted] and Bill Sweeney, do you recall having any other discussions with anyone else at the FBI regarding the account of Mr. McCabe's August 12th phone conversation appearing in the Wall Street Journal?

: No. No.

: Can I ask a question?

: Go head, yeah.

: So, when did you go to work for Director Comey? Was it after this?

: I think [redacted]

b6 -2,Per OIG b7C -2,Per OIG

b6 -2 b7C -2

b6 Per OIG b7C Per OIG

: Okay. Are you aware either during the time that you were working for Deputy Director McCabe, or after you left and went to work for Director Comey, about Director Comey knowing about this or having a discussion with Andrew McCabe about his words appearing in the Wall Street Journal?

: No, no. I never had a discussion with Director Comey about this and did not know he had a prior conversation with Mr. McCabe.

b6 -2 b7C -2

b6 Per OIG b7C Per OIG

: Okay. You never scheduled a meeting for the two of them to go ahead and talk about this?

: No. In the Deputy's, in the Director's office, it's slightly different. So as the [redacted] for the Director, I don't typically manage the calendar. I have access to the calendar. I don't, I can see the meetings, but I don't, as a matter of course, schedule the meetings unless it's something that I've talked specifically to the Director about or the chief of staff.

b6 -2 b7C -2

b6 Per OIG b7C Per OIG

: Um-hmm.

: That's usually the chief of staff's responsibility.

b6 -2,Per OIG b7C -2,Per OIG

: Okay. And do you ever remember any conversations between Deputy Director McCabe and Mike Kortan about his words appearing in the Wall Street

Journal and the release of a private conversation?
[redacted]: I don't. I mean, I, I, my suspicions are they had ample discussions about this.
[redacted]: Um-hmm.
[redacted]: But I don't recall any specific discussions. But, or that I was present during those discussions.
[redacted]: Okay. Nothing like Deputy Director McCabe calling Mike Kortan into his office and saying how do things like this happen, where did this come from?
[redacted]: Look, he's had a number of heated discussions with a lot of executives. And typically, if he's going to be there, you know, he's going to have a heart-to-heart or a, a confrontation with (*indiscernible 1:28:54) I don't want to be there to cause further embarrassment. And so I would not have probably stayed for that conversation.
[redacted]: You were close enough to the Deputy Director, though, to observe at least what he was, how he was reacting. And I'm wondering when this information came out in the Wall Street Journal, do you remember any of his reactions the day after?
[redacted]: I don't.
[redacted]: Okay.
[redacted]: And he is incredibly good at, you

know, when we talk about compartmentalization, I mean, he is, he is incredibly mentally strong. He's as mentally, as mentally tough a guy as I have probably ever known. So he has this great ability to just keep focusing on the work. You know, he'll have, you know, discussions with, you know, his executives where he's displeased. And he will get animated in meetings, but he's really, he can continue to plow ahead. That's something I've always admired about him.
So I, I don't remember the discussion. And I'm sure there was a discussion. I mean I, I would think that as a matter of course you'd be calling your AD for OPA in your office, and it's possible that I even made the call to bring Kortan down. But whether or not I, I know I would not have stayed there for the discussion.
[redacted]: Is there anything in your notebooks there for the time period --
[redacted]: Well --
[redacted]: Oh, you don't want to do that yet? Okay, okay.
[redacted]: Well, because it might take a little time.
[redacted]: Oh, okay. Go ahead.
[redacted]: I can get, I do have dates in here, so I could probably get to October pretty quick.

[redacted]: Okay.
[redacted]: I mean, that's --
[redacted]: We can stop for a moment.
[redacted]: Yeah, the question is can I read my, read my --
(Whereupon, the above-entitled matter went off the record and back on the record.)
[redacted]: Back on the record after a short break. It is around 2:35. So, we were asking you for your recollection of conversations with McCabe or conversations that McCabe had with others about his private conversation appearing in the, in the Wall Street Journal. And you, we asked you to look at some notes to see if you have any follow-up information about that. And if you do, just get back with us on that.
Do you recall, did anyone ever tell you that Mr. McCabe was upset that his private conversations appeared in the Wall Street Journal article?
[redacted]: I don't recall that conversation specifically. I mean, I, I think there was a general sense that there was displeasure there about, about the leaks. And I think that would have happened at any of the morning meetings where he would say hey, look, this is, you know, we can't, can't do this. Or, I'm just paraphrasing, but I, I suspect that there were instances

where he showed the displeasure.
[redacted]: Did, I mean, did you, did you ever hear, about even if you didn't have a specific conversation, did you ever hear from someone else that, hey, Andy is really upset about his private conversation appearing in the Wall Street Journal? Did that ever happen?
[redacted]: It doesn't ring a bell to me.
[redacted]: Okay.
[redacted]: That's not to say that it didn't happen. I just, I just don't recall --
[redacted]: Sure. No, I'm, I'm stressing --
[redacted]: One conversation in, you know, a year it's, it's hard to --
[redacted]: What about with respect to Director Comey? Did you ever hear that Director Comey was upset that McCabe's private conversations with DOJ were appearing in the Wall Street Journal?
[redacted]: If he did, I don't, he, he would not have, I don't think at the time it would have been, I would just have moved down there with him, so I don't think we would have had that relationship at the time.
[redacted]: Okay.
[redacted]: I mean I, I guess I recall just a general displeasure, you know, about, you know, these

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b6 -2,Per OIG
b7C -2,Per OIG

kinds of things. I mean, leaks aren't, you know, leaks aren't something that we enjoy. So I just, you know, in retrospect, I'm thinking, hey, you know, it sounded right. I do recall just a general unease on the floor about this kind of thing.

b6 Per OIG b7C Per OIG

So it sounds, as I'm, as I understand you, is it fair to say that you did not hear a reaction from Mr. Comey that he was okay with the private conversations --

b6 -2,Per OIG b7C -2,Per OIG

No. No.

-- appearing in the paper?

And I say no. I've never heard him say that he was okay with it.

b6 -2,Per OIG b7C -2,Per OIG

Um-hmm.

And I would be shocked if he were okay with it. I just can't, it just doesn't seem like his style to me, knowing him how, that I, like I do now. Just like I said, I think I would be shocked if I, if I found out that Mr. McCabe approved this or sanctioned it in any way.

b6 Per OIG b7C Per OIG

And what is it about Mr. Comey's style, you had elaborated earlier about why you would be surprised if Mr. McCabe did it. But what about Mr. Comey's style? What would, what is it about his style that you'd be shocked if he authorized --

b6 -2 b7C -2

Just the things that he said. You know, he's, he's, I mean, he talks a lot about, you know, you know, leadership, you know, process, you know, integrity, thoroughness, competency, independence. And none of this, none of this follows his ideals that I, that I know of. I mean, he was, he, one thing, you know, we talk a lot in the organization about having Director's priority initiatives. You know, and those are things that, you know, Cyber, we're rebuilding our Cyber work force, or digital transformation. You know, leadership.

We don't need to have, and I've always been an advocate, we don't need to have Director priority initiatives because he tells us what those are. At every speech, you know, independence, competency, you know, diversity. We know what his, what he, what he was all about. And that just doesn't mesh with how I know the man. I can't imagine that.

b6 Per OIG b7C Per OIG

Can I ask another, oh, I don't want to --

b6 Per OIG b7C Per OIG

Go ahead if you have something else to say.

b6 Per OIG b7C Per OIG

Well, yeah. I'm wanting to know if you know whether Andy McCabe ever actually said this?

b6 -2 b7C -2

I don't know that. Absolutely not. Yeah, I mean, I don't know that. Great question, but I, I

don't think I have ever heard him say it. I mean it's --

Which part are you referring to?

b6 -2,Per OIG b7C -2,Per OIG

I'm referring to whether --

Are you asking me to shut down a validly predicated investigation?

b6 Per OIG b7C Per OIG

Yeah, when he's quoted here. Do you know if those are --

I do not know. Yeah.

-- words that ever left his mouth?

b6 -2,Per OIG b7C -2,Per OIG

I do not know that.

Do you know anything about --

That's the heart of the whole conversation I guess.

b6 Per OIG b7C Per OIG

Do you know anything about, something that goes along with that, though, that he's getting pressured to close it down, the Clinton Foundation investigation, that would kind of go with that type of --

Pressured internally or externally?

Externally.

b6 -2,Per OIG b7C -2,Per OIG

Either, either or?

I guess that there it looks like it would be from DOJ.

b6 -2 b7C -2

Yeah. I don't know that either. I mean, I would tell you that I know there were, I think Lisa, in that one meeting that we talked about before

where I advocated that we just need to continue the investigation, and we wouldn't, and I said we would never do that in any other way.

You know, but there were other people who seemed to believe that, hey, there is some, some law on the books or some policy that we can't proceed with these kinds of investigations because they are so disruptive during a political campaign. And I think there is something out there that says we have to really sort of modify our behavior in that way. But I think Lisa took the opposite view of me in that, you know, we need to, you know, we probably need to not pursue it.

That's my, that's my recollection. It could be, it could be wrong. But I believe she was in the room that day during this meeting. And I think she was giving him a, you know, a different view, which was let's shut it down. Let's wait until after the election and then open it back up after. Again, that's just my recollection.

b6 Per OIG b7C Per OIG

So it sounds -- I just want to for completeness on the record make sure I understand this subject to you, you know, check-ins and stuff in your notes.

b6 -2,Per OIG b7C -2,Per OIG

Right.

It sounds like you don't recall Mr. McCabe having any specific conversation with any other

FBI executive about the fact that his private conversations were appearing in the October 30th Wall Street Journal article?

[redacted] I don't recall that. No. And that's not to say it didn't happen.

[redacted] No, no, no.

[redacted] I just certainly don't recall it.

[redacted] Right. As you sit here today.

[redacted] No.

[redacted] And again, if you find something that --

[redacted] Right.

[redacted] -- that that happened. Do you recall anyone at the FBI, other than conversations that we've identified with [redacted] Mr. Sweeney, being upset about McCabe's private conversation appearing in this Wall Street Journal article.

[redacted] That Sweeney was upset?

[redacted] No, no. Other than conversations you had with, that we've already talked about --

[redacted] Oh, with other than those?

[redacted] Other than those two that we talked about. Do you recall anyone else at the FBI expressing to you or whether you heard about from others people being upset?

[redacted] Yeah. [redacted] (phonetic sp.) [redacted] obviously, and myself, we talked about it a lot.

[redacted] Does he work at the FBI?

[redacted] He does, yeah.

[redacted] Okay.

[redacted] and he came in as the GS-15 Supervisory Special Agent on the Deputy's staff in August of 2016.

[redacted] Can you spell that one more time?

[redacted] He also did not attend any of the, any of the Midyear meetings or any of the Clinton Foundation meetings. He's, he was primarily helping the Deputy's Office work on our Office of Private Sector engagement. So he's really involved with that. But he and I would talk, you know, occasionally, hey, you know, this is no good. You know, just as, as agents and as friends talk.

[redacted] And you specifically remember talking about this conversation with him?

[redacted] I don't know if it was about this one or just in general. And we, we had a lot of discussions about the floor and, you know, about Lisa, who he was not a fan of either. So we commiserated.

[redacted] Was he a direct report? Maybe I

missed the date, but was he a direct report to you on the Deputy's staff?

[redacted] He was. He was.

[redacted] So he, was he --

[redacted] I'm sorry. And so that was late, yeah, so he came in in August of 2016.

[redacted] Okay.

[redacted] So just at the tail end of my term there.

[redacted] I see. Okay.

[redacted] So I didn't put him, I didn't factor him in there --

[redacted] That's fine.

[redacted] -- because he kind of was a late entrant.

[redacted] Okay.

[redacted] Into the, into the fray. And I think he got there late, late-August of 2016. Because he left this year to do a 12-month TDY. I think he left in July of 2017.

[redacted] Okay. I'm going to go to another document.

[redacted] That's fine. So, let me show you this document here. So that is an email from December, December 2016. And it's referencing a media pull. And

there's a reference to, the bottom part is an email from Pete Strzok to Andy McCabe about Mike S. wants to talk about whether we have opened a leak investigation into the publicity surrounding the C Foundation. He said he'd like to discuss this, that D would like to do something. Do you see that there?

[redacted] Um-hmm.

[redacted] At this date, are you still the Chief of Staff, or are you transitioning to, or have you already transitioned to the Director's Office?

[redacted] I have already left. Yeah. I'm down, I think, I think my last day on the Deputy's staff was [redacted]

[redacted] Okay.

[redacted] Yeah.

[redacted] Do you remember this issue about the D, I'm assuming that's the Director, wanting to do something about leaks and publicity surrounding the C Foundation?

[redacted] Yeah. I have not seen the email, but I assume this is Mike Steinbach that he's referring to. I think. I assume it's Mike Steinbach.

[redacted] Um-hmm.

[redacted] I guess. But I have not seen the email, and I don't, I'm not aware of the, the issue.

b6 -2
b7C -2

b6 -2,Per OIG
b7C -2,Per OIG

b6 -1
b7C -1

b6 -2,Per OIG
b7C -2,Per OIG

b6 -2,Per OIG
b7C -2,Per OIG

b6 -1,2
b7C -1,2

b6 -2,Per OIG
b7C -2,Per OIG

b6 -1,2
b7C -1,2

b6 -1,2,Per OIG
b7C -1,2,Per OIG

b6 Per OIG
b7C Per OIG

b6 -2
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b6 Per OIG
b7C Per OIG

b6 -2,Per OIG
b7C -2,Per OIG

b6 -2,Per OIG
b7C -2,Per OIG

b6 -2,Per OIG
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b6 Per OIG
b7C Per OIG

b6 -2
b7C -2

b6 -2,Per OIG
b7C -2,Per OIG

b6 -2,Per OIG
b7C -2,Per OIG

b6 Per OIG b7C Per OIG [redacted] What I'm also wondering is, do you know if, so no specific recollection about a leak investigation being opened in connection with publicity surrounding the C Foundation?

b6 -2 b7C -2 [redacted] I think we, yeah, I mean, I think that there was a general sense that AD McNamara was doing something internally.

b6 -2,Per OIG b7C -2,Per OIG [redacted] I see.

[redacted] Yeah. But I, I didn't know to what end, and I assume it was --

[redacted] I see.

b6 -2,Per OIG b7C -2,Per OIG [redacted] -- I assume it was this sort of the broader view. Which one are you pointing to?

[redacted] Oh, so I'm wondering if, what you're talking about the, the broader review and the revising the media policy, that this email relates to that effort.

b6 -2 b7C -2 [redacted] No, I think this is more specifically related to the, the investigations, the internal investigations that, that AD McNamara would have been pursuing.

[redacted] Oh, I see.

b6 -2,Per OIG b7C -2,Per OIG [redacted] On leak investigations.

[redacted] I see. Okay.

[redacted] And I think, because I knew that she

b6 -1 b7C -1 had, and that's when [redacted] and I probably had a substantive discussion because AD McNamara had done some initial work, and I think had started to ask around --

b6 -2,Per OIG b7C -2,Per OIG [redacted] I see.

[redacted] -- about who had access to certain, certain data.

b6 -2,Per OIG b7C -2,Per OIG [redacted] I see.

[redacted] And so she was, and so I, I sensed it was this, looking at this, it makes sense that it's the AD McNamara investigation.

b6 -2,Per OIG b7C -2,Per OIG [redacted] Okay.

[redacted] To the extent that it even is even open. I mean, at any given time, it sounds like now we've got multiple IGs, multiple internal investigations, and so I can't keep track of them all. I kind of, I'm kind of a head-in-the-sand, I mean, I'm not, if I'm not doing the bad thing, then I'm not worried about the bad thing. You know, but I should have probably taken a larger role in securing the Deputy and making sure that he was not, you know, at risk.

b6 -2,Per OIG b7C -2,Per OIG [redacted] Going back to the highlighted portions on the October 30th article.

[redacted] Um-hmm.

[redacted] Is that something both in your time as Deputy for McCabe and when you were, and then

b6 -2 b7C -2 including the time when you were [redacted] for Director Comey, is this just, is this information something that Comey would have been -- is this information something before it was disclosed that Comey would have wanted to be involved in?

b6 -2 b7C -2 [redacted] I don't think so. For sure. Yeah, this was something that I think that the Deputy would have briefed Director Comey on. Whether they would have, probably would not have briefed it in an open forum. They probably would have done, because it's usual the deputy and maybe the ADD would attend closeouts with the Director that were not open to others. And so they talked about any number of, you know, sensitive matters, you know, in the, in the evenings. And those are typically happening anywhere between, you know, 4:00 and 6:00, you know, depending on the Director's schedule.

b6 Per OIG b7C Per OIG [redacted] So whether it was either formally written in a policy or Director Comey's informal practice, did you, did he expect to be involved in decisions to disclose investigations to the media, do you know?

b6 -2 b7C -2 [redacted] I don't think we have ever had that discussion, but I would think that if anything was disclosed to the media, that the boss would have been tracking it and would have had some say into it.

b6 Per OIG b7C Per OIG [redacted] Okay.

b6 -2 b7C -2 [redacted] He had a pretty good finger on the pulse of things, and the morning meetings were fairly robust. He was, he was, he did fly at the, you know, at the 50,000 foot level. He was much more of a CEO than a COO. But something like this, I think he would have, he would have been involved in.

b6 Per OIG b7C Per OIG [redacted] And when, you're, for the record, you're referring to the highlighted paragraphs --

[redacted] The media -- yes.

b6 -2,Per OIG b7C -2,Per OIG [redacted] -- in the October 30th --

[redacted] Correct.

[redacted] -- Wall Street Journal article.

[redacted] So if there was some strategy, if there's, if, if the discussion is that there is some strategy internally to put this information out with, you know, either Director McCabe's knowledge and his tacit consent, I cannot imagine. I mean, I cannot imagine him doing that without Director Comey's knowledge.

b6 Per OIG b7C Per OIG [redacted] And what is it about the information there that would warrant Director Comey's involvement?

b6 -2 b7C -2 [redacted] Well, I mean it, it seems, you know, no its surface that it's, that it's putting DOJ in a position where we're asking them, they're, you know, hey, are you, for political reasons, asking us to shut down an

investigation? This, the statement, you know, as I look at the statement, I'm not going to say it contradicts what I saw and heard during the meeting that we talked about

b7E -1

[redacted] Because I think there was very much in those -- and now, granted, this is several months after that. And I would have missed many of those meetings that would have happened in between.

But it seems to me, this seems to be much more combative and much more solidly on the ground that, yes, we're pursuing this. But that's not the sense that I got from that meeting in, in the middle of the summer, whenever I can find that meeting. Because it seemed very, at that point, that we didn't know whether or not we were going to pursue it.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Um-hmm.

[redacted] So I find this a little striking that we are now going to go in October and say, yeah, we're full into this thing. We're full into this investigation. You guys are telling us to close it down. When my last brush with it was that we didn't even know what we were going to do with it. And I was advocating, you know, that we should continue. But I don't know, I don't know, I think, I know Bill Sweeney has stronger feelings about it because he was close with it because he

had part of the investigation up there.

b6 Per OIG
b7C Per OIG

[redacted] Was the fact that it involved a high-profile, is the fact that the highlighted portions reference a high-profile, sensitive investigation of the Clintons, does that fact weigh in favor or against Director Comey wanting to --

b6 -2
b7C -2

[redacted] It weighs in favor of Director Comey's wanting to be involved.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Beforehand?

[redacted] Beforehand. I would, I would think. I cannot imagine -- first, I can't imagine that we would release it and, and it's very self-serving. I mean, I guess we, you know, I just can't imagine us having that kind of a strategy to do that. But, you know, I'm, you know, I'm wearing Captain America cufflinks, so I, you know, I'm just, so I just don't think that, I don't think in those terms. I guess I don't think in that, in that way.

b6 Per OIG
b7C Per OIG

[redacted] I know you attended a lot of meetings where Mike Kortan would say these are the articles that the press is working on. Do you remember in late-October 2016, any discussion from Mike Kortan about

b6 -3
b7C -3

either the first article that had to do with [redacted] and campaign contributions, follow-ups to that article? do you remember him briefing either Mr. McCabe or Mr.

Comey about the series of articles that we presented to you?

b6 -2
b7C -2

[redacted] No. If he, if he would have done it, he would have done it privately, and he would not have done it in, in the public.

b6 Per OIG
b7C Per OIG

[redacted] Why do you say that? Because it sounds like briefing, that he was the last person to talk at the Director's meetings.

b6 -2
b7C -2

[redacted] He was, but he would have, but he, but there is, and you've probably heard this term before, but there is always the one after. I've got one thing for after. I've got one thing for after. And it was pretty, pretty commonplace that, you know, if you've got one thing for after, it's a sensitive matter. Specifically if it was brought up by Priestap, but he's got one after on Midyear, I would step out. Or if somebody else had one after, or AD Kortan. But he was always in the hallway. I mean, he is in the hallway, he's probably in the hallway at any time, seven or eight times a day. So he could have easily been able to just duck in to talk to the boss on this matter personally.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Which matter?

[redacted] The, the, this, is that what you're referring to?

b6 Per OIG
b7C Per OIG

[redacted] Right. The --

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Yeah.

[redacted] -- whether to release that private conversation.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] I never heard that conversation.

[redacted] Okay. Let me ask you this about the interactions with Mr. Kortan. I mean, does Mr. Kortan have the reputation as somebody who always seeks permission before his contacts with the press, or is he more of a request forgiveness kind of guy if he gets out in front of his bosses?

b6 -2
b7C -2

[redacted] I think he's, I think he's pretty much in the camp of, you know, talking this out first. I mean, he's got numbers, you know, he's got incredible contacts with the community. He's been doing this for years. He did it during the Mueller era, and he's done it with both Director Mueller, Directors Mueller, Comey, and, and now with Wray. And he's been extended a couple of times. He's now no longer an agent. He's now back on as a contract employee. But I suspect that he would have, I can't imagine him doing this on his own.

b6 -2,Per OIG
b7C -2,Per OIG

[redacted] Okay.

[redacted] Yeah.

[redacted] Do you have any information about him being involved in getting this private conversation out to the Wall Street Journal for use in this article?

[redacted] No. No knowledge at all.
[redacted] Do you have any knowledge of other times where Mike Kortan might let something out that his bosses were not pleased about, one might say?
[redacted] Nothing specific. I mean, I know that there were times where, you know, Andy or even Mark Giuliano were frustrated with, you know, some issue. But I could not tell you what those specific issues were in retrospect. Look, you know, you know, executives get mad at other executives all the time. But I don't remember the conversation specifically with Kortan on this issue, and I'm referring to the highlighted portions, or any other thing. I mean, I know he talks to the boss. He talks to both Mr. McCabe and Director Comey all the time. And a lot of those conversations, I would say 95 percent of those conversations are outside of my purview.
[redacted] Okay.
[redacted] Just because I'm running the staff and I'm doing other things and now as Director Wray's [redacted] even as Director Comey's [redacted] I have a section of about 100 people that I lead. I have both the AG's protective detail, the Deputy Director, the Deputy's protective detail. I have the Strategic Review Officer on Lessons Learned Shop, I have Executive Secretariat and the Director's Coordination

Operations Unit. So that's about 100 folks. So, I don't travel with the boss maybe but a third or half the time.
[redacted] Um-hmm.
[redacted] So, so I don't, I'm just not in all those meetings. I do run a section of people, so I just don't hear a lot of the meetings that, that, hear a lot of the conversations that are held probably.
[redacted] Okay.
[redacted] Nor would I expect to. I'm not in his office all the time.
[redacted] But that, again, I think earlier you had said that doesn't, I'm asking, it doesn't change your testimony earlier that if that conversation and the highlighted portions had been authorized, you would have expected you would have heard that.
[redacted] I would, for sure. Yeah. I mean this is -- yes. I would, I would have heard about that. Because, you know, and again, I would not have had these curious conversations with [redacted] about why, where is this coming from? Why, you know, what are the leak investigations? What, you know, if we're doing leak investigations, I mean, it seems like if they, if they authorized the use of this information, why do we have a leak investigation?
[redacted] Okay.

[redacted] So. And that's just my, that's my view on that.
[redacted] You also indicated much earlier than when we're talking, that you were aware of times when Lisa Page and Pete Strzok were engaged with the media.
[redacted] There was one instance when I believe it was an authorized interview.
[redacted] Tell us about that.
[redacted] And I, I, I only know that they were doing a formal interview, and I believe it was down at OPA. And I just, I only know it because I think there were, there was some reference to it either in a meeting or in passing, but I know that there was some, maybe Lisa had mentioned it. But I think Lisa was helping Strzok, I think Strzok was the one that was being interviewed, as I recall.
[redacted] Okay.
[redacted] I don't think she was being interviewed. But I think she was helping Pete prep for the, for the interview. And I don't even know what outlet it was for. But I just, I just have a recollection, a vague recollection of them doing something, and I assume it was with OPA's permission down in the OPA's formal interview room. I assume it was completely sanctioned (*indiscernible 1:52:47). So, that's my only

recollection.
[redacted] Do you know what the topic of that interview was?
[redacted] No. I suspect it was, I mean I would have to assume it was Midyear or, or maybe it was just some, some other discussion about Counterintelligence Division at large and a much more broader perspective of it. But.
[redacted] And can you place in time approximately when that interview occurred?
[redacted] I mean, it's got to be late 2016, early-2017 maybe.
[redacted] Okay.
[redacted] And again, very broad. I just had a recollection of that happening, but I don't know, again, I didn't even see the interview.
[redacted] Um-hmm.
[redacted] And I don't know what outlet it went to.
[redacted] Other than that, are there any other times that you're aware of Lisa Page being authorized to engage with the media in any way?
[redacted] No. No. Again, not being in a lot of those conversations she had with the Deputy, he may have provided that. I would be suspicious of that claim.

b6 -2,Per OIG b7C -2,Per OIG
b6 -2 b7C -2
b6 Per OIG b7C Per OIG
b6 -2 b7C -2
b6 -2,Per OIG b7C -2,Per OIG
b6 -2,Per OIG b7C -2,Per OIG
b6 -2 b7C -2
b6 -1 b7C -1
b6 Per OIG b7C Per OIG
b6 -2,Per OIG b7C -2,Per OIG
b6 -1,2 b7C -1,2
b6 -2,Per OIG b7C -2,Per OIG
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b6 Per OIG b7C Per OIG
b6 -2 b7C -2
b6 -2,Per OIG b7C -2,Per OIG
b6 -2,Per OIG b7C -2,Per OIG
b6 Per OIG b7C Per OIG
b6 -2 b7C -2

I just can't, I just can't imagine the Deputy, you know, saying to anybody outside of Kortan I need you to go and talk to somebody about this. It just doesn't seem as the man that I know. It just doesn't seem appropriate.

b6 Per OIG b7C Per OIG

Um-hmm.

We're at the part of our matter where we don't have any further questions. Is there anything else you'd like to add that you were going to say but we didn't give you an opportunity, or you just want to add on the subject?

b6 -2 b7C -2

No. But I just, I do apologize. I thought I brought the right books. This is my current book, so I clearly must have missed a book here, and it, so I will go back and look, and I will copy the portions and give them to Nancy, and we'll get them down here to you.

b6 Per OIG b7C Per OIG

Yeah. I mean if, if you think there is stuff relevant there.

b6 -2,Per OIG b7C -2,Per OIG

Yeah.

Sure.

Oh, and speaking of Nancy, I did have one more question on that.

b6 -2,Per OIG b7C -2,Per OIG

Sure.

Can you tell us how you first became aware that Nancy was potentially conducting an

investigation into leaks?

b6 -2 b7C -2

I think it was, you know, either a general sense, you know, in the, you know, that it, you know, just on the floor. I mean, you hear things that, you know, she's, she's doing something. Or it could have been a subject, subsequent conversation I had with [redacted] now that I'm down in the Director's office, where we said, yeah, Nancy came and asked me, you know, who all has access to the deputy. And so, so I knew that she was doing something, but I didn't know to what end, and nor do I know if she's still doing it or if that has now been assumed by your office. So I, I don't know if those are still active or not.

b6 -1 b7C -1

b6 Per OIG b7C Per OIG

All right. That's all I had.

Well, before we go off the record, it looks like exactly at 3 o'clock, I want to thank you very much for your time and cooperation.

b6 -2,Per OIG b7C -2,Per OIG

Thank you.

After we -- go ahead.

I do want to add one thing. I did say a lot about Ms. Page today. And she is a, you know, I don't want to sound like she is a villain. But, you know, she's obviously a very talented person. I know Andy puts great trust in her, and she is a very, very smart person. And I think, you know, she's in a tough spot now,

obviously. So I don't want you to think that I'm piling on, you know, to her. That's not my style. But I, it's just my observations.

b6 -2,Per OIG b7C -2,Per OIG

Okay.

And my concerns.

We appreciate that, and again appreciate all your time and cooperation. Thank you so much. Off the record.

(Whereupon, the above-entitled matter went off the record and back on the record.)

b6 -2,Per OIG b7C -2,Per OIG

We're going back on record here at 3:10 and continuing the interview of [redacted] and the former Chief of Staff to Deputy Director McCabe. This time focused on questions around recusal, the allegations that we are investigating that, regarding his recusals from certain investigations. So, just one quick reminder in terms of the process. This is, this is continuing in an unclassified setting.

All right.

So if I ask you a question, just --

Okay.

b6 -2,Per OIG b7C -2,Per OIG

-- it calls for classified information, let us know before you answer. When, when Mr. McCabe came on as Deputy Director, did you know if he was recused from any particular cases?

b6 -2,Per OIG b7C -2,Per OIG

I did not.

Okay. When, when was the first time you were aware that there was a question that, around his recusal from a case or cases?

b6 -2 b7C -2

You know, I guess it would have been, I guess it would have been some discussions over the, over the email investigation. And --

b6 Per OIG b7C Per OIG

Meaning the Clinton email investigation?

b6 -2 b7C -2

The Clinton email investigation, yeah. The email investigation. And, and you know, it's my, as I recall, I think that's what led to a discussion about his wife having run for office, which I was not aware of.

b6 -2,Per OIG b7C -2,Per OIG

Okay.

And, you know, at the time I just thought, oh, that's interesting. And I also got the sense, and I've never asked him about his politics directly other than I think he's more of a, you know, a fiscal conservative, you know, policy conservative guy and more socially liberal. I always assumed he was more of a Republican, just in my view.

b6 -2,Per OIG b7C -2,Per OIG

Um-hmm. Um-hmm.

And I thought, you know, I was like, I was always curious as to how those sort of divided

James Rybicki Interview
12/05/2017

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-17-2018 BY [redacted] NSICG

b6 -1
b7C -1

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b6 -1
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UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

IN RE:

INTERVIEW OF JAMES RYBICKI

December 5, 2017

Washington, D.C.

Interview of

James Rybicki

By the U.S. Department of Justice, Office of the Inspector General, at the Department of Justice Building, beginning at 10:00 a.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

b6 Per OIG
b7C Per OIG

FOR THE WITNESS:

NONE

INDEX

EXHIBITS

EXHIBIT NUMBER	PAGE NUMBER
None.	

PROCEEDINGS

[redacted] Okay, on the record. I am [redacted] I'm an investigative counsel with the Oversight and Review Division, and in the Office of Inspector General. And I'm here with [redacted] who is also an investigative counsel with the Oversight and Review Division. And this is an interview with James Rybicki. Is that correct?

MR. RYBICKI: Correct.

[redacted] And you are currently the chief of staff to the director of the FBI, is that right?

MR. RYBICKI: Correct.

[redacted] And we are -- well, first the date is December 5th, 2017 approximately 10:00 a.m. We are in the Oversight and Review Division conference room at 1425 New York Avenue, Washington, D.C. This is a voluntary interview. You are a fact witness. We are reviewing allegations of misconduct in connection with disclosures of nonpublic information to the media and subsequent statements related thereto. To protect the integrity of our investigation we request that you don't disclose the contents of what we discuss today. Is that okay?

MR. RYBICKI: Yes.

[redacted] And as you know, our standard practice is to record all interviews and have them taken

under oath. Do you understand?

MR. RYBICKI: I do.

[redacted] If you're ready we'll have you sworn in and get started.

MR. RYBICKI: Yes.

[redacted] Can you raise your right hand, please?

MR. RYBICKI: Sure.

Whereupon,

JAMES RYBICKI

was called upon by the United States Department of Justice, Office of the Inspector General, to provide a voluntary sworn statement and was duly sworn.

[redacted] Okay, great. Thank you. So we're going to jump into a document I believe you've seen before. But we're going to ask a bunch of questions about that because we've developed more information in the course of our review. So the first document here is a Wall Street Journal article from October 30th, 2016. Take as much time as you want to look at that but you'll notice what I am going to focus on mostly is on page eight to nine. I've highlighted several, it looks like three paragraphs there and that's where we're going to spend the bulk of our discussion. But again, I want you to feel like you can look at as much as you want.

MR. RYBICKI: Sure. Do you think I should read it just to refresh generally or do you think --

[redacted] Yeah, why not?

[redacted] Sure, go ahead.

[redacted] Why not?

MR. RYBICKI: Okay.

[redacted] And I'll just stop the recording just so --

MR. RYBICKI: Okay.

[redacted] -- it's not dead space.

MR. RYBICKI: Sure.

[redacted] At --

MR. RYBICKI: I mean, I don't have to if you think it's --

[redacted] Oh, no. I think it's --

MR. RYBICKI: I can carry on. I just --

[redacted] -- better if you --

[redacted] Yeah.

MR. RYBICKI: Okay.

[redacted] It might bring good context back to you.

MR. RYBICKI: Okay.

[redacted] So we're just going to stop the recording at like 10:01 as Mr. Rybicki reads the exhibit, the Wall Street Journal article, October 30th, 2016.

b6 Per OIG b7C Per OIG

MR. RYBICKI: Okay.
(Whereupon, a brief recess was taken.
b6 Per OIG b7C Per OIG Okay. We are back on the record after just stopping for a moment to look at the Wall Street Journal article October 30th, 2016 that we're going to spend some time on today. I assume you've seen this article before?
MR. RYBICKI: Yes.
b6 Per OIG b7C Per OIG Did you see it when it came out at the time?
MR. RYBICKI: I'm sure that I did.
b6 Per OIG b7C Per OIG Uh-huh.
MR. RYBICKI: Yeah.
b6 Per OIG b7C Per OIG What was your reaction when you saw that?
MR. RYBICKI: I don't have a clear recollection of the first time I read it or if it was brought to my attention. Again, a story like this I definitely would have read at the time. I don't recall my initial reaction. I'm just trying to think, not having a clear recollection of even when I saw it for the first time. I don't know what my reaction was.
b6 Per OIG b7C Per OIG And specifically the highlighted paragraphs. Let's just, that's where, again, as I mentioned before we went off the record to look at the

document, that's where we're going to spend the bulk of our time.
MR. RYBICKI: Sure.
b6 Per OIG b7C Per OIG What was your reaction when you saw that portion of the article?
MR. RYBICKI: I don't have a clear recollection. I know, I guess I'm a little, I want to be careful because now, having talked about this before, I just don't know --
b6 Per OIG b7C Per OIG Uh-huh.
MR. RYBICKI: -- what I felt then as to, you know, having it --
b6 Per OIG b7C Per OIG Okay.
MR. RYBICKI: -- drawn to my attention. Is that --
b6 Per OIG b7C Per OIG Sure. I think --
MR. RYBICKI: I'm aware that I might be --
b6 Per OIG b7C Per OIG Yes.
MR. RYBICKI: -- conflating what I thought about then versus what I've, you know, thought about later about it.
b6 Per OIG b7C Per OIG Well, let me ask you this. When you first, did you first see this article alone or were you in the company of someone?
MR. RYBICKI: I can't say. I don't know.
b6 Per OIG b7C Per OIG What was your reaction -- let me

start differently.
MR. RYBICKI: In other words, I don't know if it was brought to my attention. I don't think I --
b6 Per OIG b7C Per OIG Yes.
MR. RYBICKI: Unless I read it in Eclipse. You know, we get the Eclipse every morning. You know, could have read it there. But they usually are the short versions so usually then it's brought to my attention. Either, you know, public affairs or somebody else brings it to our attention.
b6 Per OIG b7C Per OIG Do you recall discussing this article with Director Comey?
MR. RYBICKI: I don't have a recollection of specifically. Again, it's, I think it's something likely we would have talked about.
b6 Per OIG b7C Per OIG Uh-huh.
MR. RYBICKI: I just, I can't have a clear picture of a, either a one on one or a group discussion but it certainly could have happened.
b6 Per OIG b7C Per OIG So we've been told that Director Comey was very concerned when he saw this highlighted part of the article and that he discussed it with you.
MR. RYBICKI: It's very likely that he would have. I mean, something, I just don't have a clear picture of that discussion in my head.

b6 Per OIG b7C Per OIG We were told that you said to Mr. Comey, this is really bad. DOJ is going to be furious. And you were really worried that Lisa Page went off the reservation and disclosed this information to the media without getting authorization from Deputy Director Andrew McCabe. Does that sound at all familiar? Is that --
MR. RYBICKI: I know that, so I don't, I know that I was concerned. Again, I just don't know if it was on the, I don't recall directly if it was one on one with Director Comey. I don't recall if it was later on that I had the concern. If it was sort of the day out. But I knew once this sort of, this paragraph, having discussed, again, I don't remember if it was the director or with a group. I just don't remember those dynamics. That this was a one on one conversation, right? Clearly the deputy director was talking to a singular person. I believe it was Matt Axelrod --
b6 Per OIG b7C Per OIG Uh-huh.
MR. RYBICKI: -- at the Department. You know, I remember general discussions about concern that this was a one on one conversation and how could that have come out. And I do remember specific concerns that, you know, so it was, so it had to have come from one of, one of those two parties had to have told other people, right? Because it was a one on one conversation. I remember then having

concerns at some point that, you know, it could have come from Mr. McCabe's staff and specifically Lisa Page. And I just don't remember now why that, I don't know if it was in the context of, you know, discussing this story or other events that were going on or just the media generally at that time.

b6 Per OIG b7C Per OIG [redacted] Uh-huh. Well, let me just, this is helpful and I just want to make sure I understand.

MR. RYBICKI: Sure.

b6 Per OIG b7C Per OIG [redacted] If any of these statements that we were told, if they're accurate from what you remember. Do you remember saying to then Director Comey, this is really bad, DOJ is going to be furious, with respect to the highlighted portions here?

MR. RYBICKI: I don't remember saying that specifically but I could easily see myself having that reaction.

b6 Per OIG b7C Per OIG [redacted] So you have no reason to doubt that you said that?

MR. RYBICKI: I have no reason to doubt that. Yeah.

b6 Per OIG b7C Per OIG [redacted] What about the next statement? And again, this is not a verbatim quote. It's just sort of the expression that --

MR. RYBICKI: Sure.

b6 Per OIG b7C Per OIG [redacted] -- you were really worried that Lisa Page went off the reservation and disclosed this information to the media without getting authorization from Deputy Director Andrew McCabe. Is that, do you recall saying that?

MR. RYBICKI: I don't recall saying that. And again, I generally remember having that concern.

b6 Per OIG b7C Per OIG [redacted] Uh-huh.

MR. RYBICKI: I don't remember verbatim, and I know you're not saying --

b6 Per OIG b7C Per OIG [redacted] Uh-huh.

MR. RYBICKI: -- it's verbatim. But generally --

b6 Per OIG b7C Per OIG [redacted] But you were worried that Lisa Page may have disclosed this without obtaining any authorization from Andy McCabe to disclose this to the Wall Street Journal?

MR. RYBICKI:

b6 Per OIG b7C Per OIG [redacted] I don't remember that sort of chain specifically. I remember having that concern of the, you know, I guess of the people as you pull the circle out, right?

b6 Per OIG b7C Per OIG [redacted] Uh-huh.

MR. RYBICKI: I remember having a concern that it could have been Lisa Page. I just don't remember that,

you know, going down that sort of linear of concern that she didn't get authorization from the deputy director. And again, I'm not saying it's not accurate. I'm just I don't recall it specifically.

b6 Per OIG b7C Per OIG [redacted] So it, so when the article comes out at that point in time do you have any knowledge whatsoever whether anyone at the FBI has authorized the disclosure of the one on one conversation between Andy McCabe and Matt Axelrod?

MR. RYBICKI: No, I don't recall that at all.

b6 Per OIG b7C Per OIG [redacted] Okay. So then you h[illegible] concern. What happens next?

MR. RYBICKI: It's hard to say because I don't remember the, I don't remember the actual conversation --

b6 Per OIG b7C Per OIG [redacted] Uh-huh.

MR. RYBICKI: -- about it. I'm, you know, a lot of this stuff, as we, you know, discussed previously in interviews, a lot of stuff during that week. I mean, stuff was just happening so quickly. You know, I don't remember if Matt Axelrod contacted me about it, if I talked to Matt Axelrod about it. You know, if he indeed was upset about it. I'm just trying to --

b6 Per OIG b7C Per OIG [redacted] Well, yeah. Perhaps --

MR. RYBICKI: -- think a little bit.

[redacted] Perhaps we could break down a

couple of pieces on how they unfold. So, this article comes out on a Sunday --

b6 Per OIG b7C Per OIG

MR. RYBICKI: Uh-huh.

[redacted] -- evening, or afternoon actually. I think it's first posted online around 3:30-ish.

b6 Per OIG b7C Per OIG

MR. RYBICKI: Okay.

[redacted] Would Mike Kortan have given you any advance notice? Is that his job to give you advanced notice of significant stories that are about to break involving the FBI?

MR. RYBICKI: Sure, absolutely. Yes, he, you know, frequently does give us a head's up if he knows from the paper, from the reporters that an article is coming out.

b6 Per OIG b7C Per OIG [redacted] In sitting here today, in looking at this article would this qualify in your mind as a significant article that is consistent with the time Mike Kortan would give you a head's up about --

b6 Per OIG b7C Per OIG

MR. RYBICKI: Yes. Yes.

[redacted] And is Mike Kortan giving you a head's up just for your situational awareness or is it mainly to let you know to inform the director? How does that work?

MR. RYBICKI: I can't say definitively on that. I mean, I guess I would use my sort of judgment. I mean,

he would keep, Mike would keep sort of leadership involved. Sometimes he would, you know, so he would come tell me about things. He reports to the deputy director so frequently he would go to the deputy director or the associate deputy director, you know, to talk about these things. Sometimes he would go right to the director but that was more infrequent. So then I would sort of decide whether, you know, either to tell the director from, you know, from Mike's head's up just depending on the context of it.

b6 Per OIG b7C Per OIG [redacted] So, was it Mike Kortan's practice that if he sent you information about an article in advance would he then take the additional step of informing the director or was he assuming that you, as chief of staff to the director, would do that for him?

MR. RYBICKI: I can't say for sure. I would say he probably thought I would, I would say he probably thought I would tell the director, yes. Although I can't be sure. We didn't really have a set procedure for it.

b6 Per OIG b7C Per OIG [redacted] Uh-huh. But that's been your assumptions and understanding?

MR. RYBICKI: Yeah. I think I would, I think that's fair because I would normally, if I get a head's up from Mike, again, depending on what it is I would usually let the director know. I mean, it also depends on sort of

when it happens. I mean, you know, if we're in the office, you know, like I said, sometimes Mike would go directly to the director. Or --

b6 Per OIG b7C Per OIG [redacted] Right.

MR. RYBICKI: -- sometimes he would tell the deputy, you know. You know, then it would go up to the director. So I guess there's a number of different courses it could take. But --

b6 Per OIG b7C Per OIG [redacted] What about --

MR. RYBICKI: Oh, sorry.

[redacted] I'm sorry, I cut you off. Go ahead.

MR. RYBICKI: No, no, I was just going to say but, yeah. I mean, there was definitely a lot of cases where he would tell me something and then I would let the director know, so.

b6 Per OIG b7C Per OIG [redacted] Uh-huh. What about sort of this article in particular, the October 30th, a fast moving development. You may be aware that, so the reporter here is Devlin Barrett. And he had written an article the week before on October 23rd-ish and this came online October 23rd in the online edition. I think print edition was October 24th. Where it was mainly about Mr. McCabe's wife had ran for the Virginia Senate and received a lot of money from political action committees associated with

Governor McAuliffe and so that created a big brouhaha the week earlier. Do you have any memory of that article?

MR. RYBICKI: I do but from the previous --

[redacted] Okay.

MR. RYBICKI: -- interview that we had --

b6 Per OIG b7C Per OIG [redacted] Sure.

MR. RYBICKI: -- when --

[redacted] Okay.

MR. RYBICKI: Yeah.

[redacted] So, the only reason I throw that out there is, so I guess, I think that one came out sort of same sequence, Sunday, Monday. And so if you had gotten advance notice of an article like this that was sort of a fast moving development of an earlier story, again on a Sunday, are you going to contact the director? Are you going to wait until Monday morning?

MR. RYBICKI: It would depend. I mean, I could easily see me contacting the director depending on, you know, what's in the story. If I think he needs a head's up, yeah.

[redacted] What about this one in particular? Is this one that you would contact him about?

b6 Per OIG b7C Per OIG

MR. RYBICKI: I think so. I don't remember, again, I'm conflating stories possibly. I do remember because there was a, I just can't remember if it was this

one now, where we were concerned about the timeline of when, what it said about when the director was notified about the Weiner laptop.

b6 Per OIG b7C Per OIG [redacted] Oh.

MR. RYBICKI: Am I conflating that with a different one or --

b6 Per OIG b7C Per OIG [redacted] I don't know. But I was going to, we don't need to get, I wasn't going to get too heavily into it. But if you want to see for reference the bottom here has the, this is the October 23rd article --

MR. RYBICKI: That's the one from the week before?

b6 Per OIG b7C Per OIG [redacted] The week before where the FBI issued, and it's in there, a statement on the record about Mr. McCabe's role in the Clinton email --

b6 Per OIG b7C Per OIG MR. RYBICKI: Uh-huh.

[redacted] -- investigation and sort of what his, when he first became deputy director and things like that.

b6 Per OIG b7C Per OIG MR. RYBICKI: Got you.

[redacted] So, did you want to look at that or not?

MR. RYBICKI: I'm sorry. I lost the beat on the question. You wanted to know if I gave him a head's up about this one?

b6 Per OIG b7C Per OIG [redacted] No. I thought you were unsure if you did and so --

MR. RYBICKI: Oh, I'm sorry. Yes.

b6 Per OIG b7C Per OIG [redacted] And so if you wanted to look at that one we can do that too.

MR. RYBICKI: Yes, I'm sorry.

b6 Per OIG b7C Per OIG [redacted] Actually why don't we do that? Let's --

b6 Per OIG b7C Per OIG [redacted] Yeah. No, I think that that's -- [redacted] I think it'll be good context. So --

MR. RYBICKI: Stop and read this one?

[redacted] Yeah.

b6 Per OIG b7C Per OIG MR. RYBICKI: Yep.

[redacted] I will stop the recording at 10:20-ish.

(Whereupon, a brief recess was taken.)

b6 Per OIG b7C Per OIG [redacted] Okay, back on the record. So I was showing you a, the, an October 23rd article that appeared in the Wall Street Journal by the same reporter, which was essentially getting into Mr. McCabe's wife's Senate campaign, PAC money she received from political action committees associated with Governor McAuliffe. And it addresses Mr. McCabe's role and oversight of I think the Clinton email foundation or when he became deputy

director. So, and the reason I just wanted to show you that was we had been talking about, and I was trying to get an understanding of, it's things break on a Sunday. What your practice is on notifying the director, here then Director Comey. And so sticking with the, well, we'll go back I guess to the, let's talk a moment about the October 23rd article.

MR. RYBICKI: Sure.

b6 Per OIG b7C Per OIG [redacted] First, do you remember that article at all?

MR. RYBICKI: I do.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. RYBICKI: Yeah.

[redacted] And what do you remember about it?

MR. RYBICKI: Mostly in the context, again, of previous interviews --

b6 Per OIG b7C Per OIG [redacted] I see.

MR. RYBICKI: -- where this has come up. You know, I'm sure, again, I'm sure I read it at the time. I'm sure it was discussed at the time. But my, when I think about it I go back to previous interviews where we talked about not to the reading of it.

[redacted] Sure.

b6 Per OIG b7C Per OIG MR. RYBICKI: If that makes sense.

[redacted] Do you have any recollection of

when that story hit notifying the director? Came out on a Sunday night, the October 23rd one.

MR. RYBICKI: I don't have a specific recollection. It's certainly, I think it's something I probably, again, depending on what was going on and how busy it was and the timing, I could see, I mean, because it involved the deputy director I could see notifying the director if he wasn't already, if I wasn't, if I didn't think he was already aware. Or if we didn't have a head's up, you know, for instance, the Friday before, you know, I had discussed it in the office --

b6 Per OIG b7C Per OIG [redacted] I see.

MR. RYBICKI: -- then I'm, you know. If I thought he had no knowledge of it and it hit and I didn't think he had otherwise seen it I could see me giving a head's up to him.

b6 Per OIG b7C Per OIG [redacted] And so I wanted to show you this one to juxtapose the October 30th one which comes out a week later sort of expanding on some of the themes in the earlier article. Just to make sure whatever you were recalling wasn't --

MR. RYBICKI: Oh.

b6 Per OIG b7C Per OIG [redacted] -- confusing the two.

MR. RYBICKI: Yeah.

[redacted] And so the October 30th article,

that comes out on a Sunday.

b6 Per OIG b7C Per OIG MR. RYBICKI: Uh-huh.

[redacted] Do you notify the director about that one? Do you have any recollection about that?

MR. RYBICKI: I can't, I'm a little bit, I'm worrying that I'm conflating it with this one, again, that talked about the director's, when he was briefed on the laptops.

b6 Per OIG b7C Per OIG [redacted] I see.

MR. RYBICKI: And that sort of chain of events. And I just can't remember, I don' think it was this one but I, now I'm confusing it.

b6 Per OIG b7C Per OIG [redacted] Okay. Okay. Well, circling back to, where we started with some of this was sort of advanced notice, Mike Kortan, how that works.

b6 Per OIG b7C Per OIG MR. RYBICKI: Sure.

[redacted] Do you notify the director? And I want to circle back to you had said that your concern, focusing on the October 30th article, the highlighted parts, that there's, the article discloses a one on one conversation between Deputy Director McCabe. It doesn't identify the senior department official but it's your understanding that's Matt Axelrod?

b6 Per OIG b7C Per OIG MR. RYBICKI: I believe so.

[redacted] Who was then the principal deputy

attorney general?
MR. RYBICKI: Correct.
b6 Per OIG b7C Per OIG: And why do you have that understanding?
MR. RYBICKI: I don't remember if I, again, I don't know if it comes from previous interviews or back at the time or, yeah, or back at the time. I remember a discussion, I can't remember if it was refreshed or original, about this conversation between the deputy and Matt Axelrod.
b6 Per OIG b7C Per OIG: Okay.
MR. RYBICKI: That's my recollection.
b6 Per OIG b7C Per OIG: Were you, aside from this article did Mr. McCabe or anyone on his staff ever share with you the details of the August 12th call that's sort of summarized here before the article appeared?
MR. RYBICKI: I cannot recall. I can see it happening I just can't remember that specific conversation. I don't recall a one on one conversation, you know, whether it came up in a group or other briefing.
b6 Per OIG b7C Per OIG: Now, in August when this happens, August 2016, this is a pretty, I mean, significant conversation, right? I mean, as described here --
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG: Since you've been chief of staff

have you ever heard of a situation, other than as described here, where the deputy director is basically telling the then principal deputy attorney general, are you telling me to shut down a validly predicated investigation? Has a similar circumstance like that come up?
MR. RYBICKI: Not to my recollection. You know, there's always any number of issues --
b6 Per OIG b7C Per OIG: Right.
MR. RYBICKI: -- happening in sort of certainly contentious conversations all over. But yeah, not, I can't recall any of that pattern like that.
b6 Per OIG b7C Per OIG: So it seems like that's something you'd remember in August 2016. I mean, is that fair to say?
MR. RYBICKI: Yeah. It's hard to say. I mean, it, it's certainly significant.
b6 Per OIG b7C Per OIG: Right.
MR. RYBICKI: You know, just the way I bucket things in my role, right, the, you know, on that operational side of the house, which I continue this to be. Maybe that's the deputy director's lane, right? And while I certainly interact, you know, I'm the director's chief of staff and I know these things are going on all the time in I'm sure, I mean, conversations, right? The,

and focusing on the press as well, right, as we all did. I don't know if I would have had a, I don't know what my role would have been specifically on that, if it, if that makes sense. I don't know if I'm articulating that --
b6 Per OIG b7C Per OIG: No, I understand --
MR. RYBICKI: -- well.
b6 Per OIG b7C Per OIG: -- what you're saying.
MR. RYBICKI: Yeah.
b6 Per OIG b7C Per OIG: And correct me if I'm wrong, it sounds like you're saying that you're not, operational issues are not necessarily at a day to day matter something you need to be steeped in. Is that fair or no?
MR. RYBICKI: I think that's fair. I mean, I'm sorry, I don't want to sort of undersell my role but I, you know. Just the way I triage things --
b6 Per OIG b7C Per OIG: Uh-huh.
MR. RYBICKI: -- in this role, right? I mean, if something is being handled or something, say on the operational side, right? And I'm less pointing to this example. I'm just trying to give you --
b6 Per OIG b7C Per OIG: Right.
MR. RYBICKI: -- a, you know. You know, if the deputy director is handling it as sort of an operational matter, right, I'd sort of put that in his lane, in his bucket. Does that --

b6 Per OIG b7C Per OIG: Uh-huh.
MR. RYBICKI: Does that make sense?
b6 Per OIG b7C Per OIG: Sure.
MR. RYBICKI: Again, not, I'm really less talking about this one but just generally.
b6 Per OIG b7C Per OIG: But this seems like, just again, to push to, because I want to make sure we're --
MR. RYBICKI: Sure.
b6 Per OIG b7C Per OIG: -- we've exhausted your thoughts on this.
MR. RYBICKI: Yeah.
b6 Per OIG b7C Per OIG: And this seems like a pretty big deal in the sense of, a pretty significant disagreement between two high ranking officials that, even if you're not, if that's not in your lane the director would want to know about it just for the relationship purposes.
MR. RYBICKI: Yes.
b6 Per OIG b7C Per OIG: And that that would be, I mean, had you ever experienced something similar in a disagreement like that, again, since you've been chief of staff?
MR. RYBICKI: I mean, yes, we've, there's been a lot of contentious conversation, right? I mean, it --
b6 Per OIG b7C Per OIG: Right.
MR. RYBICKI: So I don't mean to be --

[redacted] No, no. I --
MR. RYBICKI: -- you know, flippant on it.
[redacted] Right.
MR. RYBICKI: You know, that I, so I, as to this, I mean, I don't have a specific recollection of discussing this. But I could easily see it, yeah. So I don't want to diminish it either. I could, I understand, yeah, definitely significant. And it's something likely that was discussed. I mean, I'm sure of it. I just don't have a sense of, you know, from that August time to here, where that was or who took it, you know.
[redacted] Well, let me say it this way. I think you're, I think we both, I think you've acknowledged that it was a significant event.
MR. RYBICKI: Sure.
[redacted] It was a significant investigation.
MR. RYBICKI: Yes.
[redacted] High profile, before the election. All agree?
MR. RYBICKI: Yes.
[redacted] If those details had been shared with you before the article came out is it likely that you would have read this and said, I remember hearing about this at the time?

MR. RYBICKI: Oh, at the time of the article?
[redacted] Yes, before the article came out.
MR. RYBICKI: I think that's a fair assumption. Again, I can't --
[redacted] Okay.
MR. RYBICKI: I can't picture it here but I think it's a fair assumption, yes.
[redacted] Okay.
MR. RYBICKI: Yep.
[redacted] But sitting here today you have no specific recollection of Andy McCabe or anyone, or any other FBI executive telling you about this conversation and what happened?
MR. RYBICKI: I don't. I mean, I --
[redacted] Including the director.
MR. RYBICKI: I don't. I mean, I, again, I could say it's likely to have happened. I just, sitting here I can't put a sort of place and time conversation to it.
[redacted] Okay. I mean, the FBI typically doesn't disclose this type of information to the media. In your experience do they? I mean --
MR. RYBICKI: Correct.
[redacted] -- one on one private conversations?

MR. RYBICKI: No.
[redacted] With high ranking officials?
MR. RYBICKI: Yes.
[redacted] So, is that why you felt it would be a concern when you, I was sort of paraphrasing what we understood you expressed to Director Comey. But is that fair?
MR. RYBICKI: I think that's fair. Again, I can't remember my initial read on it.
[redacted] Uh-huh.
MR. RYBICKI: Or if this was after a discussion with folks and, you know, but I think that's fair. I mean, any time, you know, any time communications are either one on one or sensitive or declassified --
[redacted] Right.
MR. RYBICKI: -- would be discussed it would be problematic.
[redacted] And again, here it was a high profile investigation before the election --
MR. RYBICKI: I wouldn't even go, yes, that's correct but I wouldn't even go that far. I mean, you're talking about, you know, at the very basic level a conversation between two high ranking officials, you know, FBI and DOJ. I would, even if it wasn't a, you know, a high profile case before the election I would be concerned

about it.
[redacted] So then what do you, again, I, as I understand you had some concerns about Lisa Page. Is that right?
MR. RYBICKI: Yeah, that's my recollection.
[redacted] So what did you do? Did you do anything to follow up on it?
MR. RYBICKI: I don't know that I did. I remember having those concerns generally but I don't think I did anything to follow up on it.
[redacted] I mean, did you think that the deputy director just rolled this out? Or are you thinking you have concerns about Lisa Page because this isn't something the FBI typically does?
MR. RYBICKI: Yeah, I don't, so again, I don't, I'm having trouble with this specific but the, you know, at, or at the time I guess. I don't, I guess my assumption would be it probably wasn't Mr. McCabe talking about it, right? Just knowing the media and, right, it's probably not Mr. McCabe going out and talking about the conversation.
[redacted] Because, for the reasons you expressed earlier or different?
MR. RYBICKI: Well, I think, or the reason I just explained. Just --

FBI 18-cv-01766-1051

b6 Per OIG b7C Per OIG [redacted]: Yeah.
MR. RYBICKI: Just knowing, you know, knowing how sort of the media works and, you know, it would be unlikely that, you know, because I think in here it doesn't, you know, according to a person familiar. I don't know. I suppose it could have been him but I --
b6 Per OIG b7C Per OIG [redacted]: Uh-huh.
MR. RYBICKI: -- I don't remember thinking it was either Mr. McCabe or Mr. Axelrod. That, you know, it must have been somebody else and then thinking, okay, where could it have, you know, come from besides them.
b6 Per OIG b7C Per OIG [redacted] And so you have concerns where, beyond that. Do you express those concerns to Director Comey?
MR. RYBICKI: I don't remember if I did. Again, I remember having the concern. I just don't remember, I don't have a clear recollection of that. Possible, certainly, in discussing it.
b6 Per OIG b7C Per OIG [redacted] And one of the things that you just said was that in reviewing this it's possible that the information could come from Andy McCabe. But you just said, I don't remember thinking it was. Can you tell us why that is?
MR. RYBICKI: Well, just in the, again, I don't have a clear recollection of my initial reading of it,

right? So, just to --
[redacted] Right. No, we can --
MR. RYBICKI: Yeah.
b6 Per OIG b7C Per OIG [redacted] -- set that aside. I'm just --
MR. RYBICKI: Yeah.
[redacted] -- saying, you know, what's your basis for the statement that you just said?
MR. RYBICKI: I think knowing, again, just having read it again here and how it's worded, according to a person familiar, right? And just knowing sort of how the media works generally I would say it's, it would be unlikely for one of those two participants to be sort of the source of it. That's just me. I mean, I'm not saying, I don't know how much to credit it or not but that's how I sort of think about it.
[redacted] Okay.
b6 Per OIG b7C Per OIG MR. RYBICKI: Yeah.
[redacted] And without tying you down in time about --
MR. RYBICKI: Sure.
b6 Per OIG b7C Per OIG [redacted] -- whether it was the first time you read it or that afternoon or whatever, back in October, early November --
MR. RYBICKI: Uh-huh.
b6 Per OIG b7C Per OIG [redacted] -- when this article comes out do

you remember anyone else in the executive management there at the FBI sharing with you concerns they may have had about this conversation getting out?
MR. RYBICKI: So, after the story came out?
b6 Per OIG b7C Per OIG [redacted] Uh-huh.
MR. RYBICKI: I don't. I can't recall specific conversations on it. I mean, it's, again, it's --
b6 Per OIG b7C Per OIG [redacted] And we're not looking for --
MR. RYBICKI: It's likely, yeah.
[redacted] We're not looking for you to tell us word for word.
MR. RYBICKI: Sure.
b6 Per OIG b7C Per OIG [redacted] You know, we're just trying to get a general impression. When this information came out was it something that everybody accepted as information that was within the plan that people were supposed to be releasing to the media? Or is this the kind of thing that caught people's attention and made them concerned that people might be talking out of school to the media?
MR. RYBICKI: I don't know. I'm just trying to think --
b6 Per OIG b7C Per OIG [redacted] Okay, sure.
MR. RYBICKI: If you'll --
[redacted] Take all --
MR. RYBICKI: -- give me a minute. Yeah,

just --
b6 Per OIG b7C Per OIG [redacted] Take all the time you need.
MR. RYBICKI: -- to see if I can --
[redacted] Because that's really one of the essential things we're trying to figure out about this.
MR. RYBICKI: Sure. Yeah. You know, as we've discussed in other interviews, I mean, these, you know, again, these things are coming out so quickly, right? And that's why I have a hard time. So for me in my role, right, I sort of triage it, deal with it, and then move on, right? And again, that's part of the problem I have remembering a lot of the specifics, right, because it's, you're just rolling from one thing to another. So I, sitting here I can't think of concerns that were, you know, specific conversations. I mean, I suppose I could be refreshed, right, if you --
b6 Per OIG b7C Per OIG [redacted] Well, let me --
MR. RYBICKI: Yeah.
[redacted] Go ahead.
[redacted] We were told, again, one of the reasons we wanted to talk to you again is because, as I mentioned earlier, we've developed some additional information.
b6 Per OIG b7C Per OIG MR. RYBICKI: Right.
[redacted] We were told that Mr. Comey

expressed to you that he was very concerned about this highlighted paragraph.
MR. RYBICKI: Uh-huh.
b6 Per OIG b7C Per OIG: That he felt it would poison the relationship with DOJ. And why the hell is someone disclosing and discussing what the FBI is doing on an investigation? Is that right? I mean, I don't, do you have any recollection of that?
MR. RYBICKI: I don't recall that specifically. I, you know, I could easily see it happening --
b6 Per OIG b7C Per OIG: Right.
MR. RYBICKI: -- as he, you know, as we talk or if we're talking about this article and he expresses. So, yes, I could easily see him expressing that concern. I just, I don't remember that conversation.
b6 Per OIG b7C Per OIG: Do you have any reason to doubt that account?
MR. RYBICKI: No.
b6 Per OIG b7C Per OIG: Okay.
MR. RYBICKI: No. Yeah.
b6 Per OIG b7C Per OIG: And again, I think you may have said this already but I want to be sure. Were you aware that the details of the August 12th call that's discussed in the October 30th article would be included in the article before it was published?

MR. RYBICKI: I don't recall that specifically, no.
b6 Per OIG b7C Per OIG: Okay. So, no recollection of any discussions with anyone like Mike Kortan about this?
MR. RYBICKI: I don't. Again, I mean, he frequently does have head's up and, right, and things like that, you know, where he'll share with us. You know, and so it's possible but I don't have a specific recollection on that.
b6 Per OIG b7C Per OIG: Did, and I think I asked you whether Director Comey asked you to do any follow up to find out who did this, right?
MR. RYBICKI: I don't remember if you did.
b6 Per OIG b7C Per OIG: Okay. Well, let's, I'll ask that.
MR. RYBICKI: Yeah. I don't recall. No, I don't recall any discussions. I mean, it's possible that he did but I don't recall a specific conversation on that.
b6 Per OIG b7C Per OIG: Was that, is that something you think would have likely occurred?
MR. RYBICKI: I guess it would depend. I mean, if, you know, if he had said he was very concerned about it and, you know, that could be a natural outgrowth of that. So, you had said was it likely to have occurred?
b6 Per OIG b7C Per OIG: Yes. Yeah.
MR. RYBICKI: Yeah. I mean, I think it's

possible. And again, if he was concerned I could see that being a natural question. Follow up with Mike Kortan. Follow up, you know, something like that.
b6 Per OIG b7C Per OIG: Do you recall doing that?
MR. RYBICKI: Follow up with DOJ. I don't. I don't.
b6 Per OIG b7C Per OIG: Is there any reason for Director Comey to have told us that? That he asked you to follow up?
MR. RYBICKI: Is there any reason that, not that I can think of.
b6 Per OIG b7C Per OIG: Okay. Well, let's walk --
b6 Per OIG b7C Per OIG: Well, I wanted to ask --
b6 Per OIG b7C Per OIG: Go ahead.
b6 Per OIG b7C Per OIG: You know, it sounds to me like during this time period things were happening very quickly.
MR. RYBICKI: Oh, yeah. Yep.
b6 Per OIG b7C Per OIG: What kind of notes do you take so that you can keep your duties and responsibilities straight when you're operating in that kind of environment?
MR. RYBICKI: Sure. Not, I don't take, I'm just not a note taker. Again, I usually, my, I just triage and move, right. That's usually how I operate. You know, so

email is probably the closest thing to, you know, to do it. But you know, I usually action it and then --
b6 Per OIG b7C Per OIG: Okay. So you don't --
MR. RYBICKI: -- move along.
b6 Per OIG b7C Per OIG: -- keep a running punch list of things the director has asked you to take care of, for example?
MR. RYBICKI: I do. You know, I'll make notes. Not, well, notes is the wrong word but, you know, just, you know, to do, right. And sort of check them off and then, yeah.
b6 Per OIG b7C Per OIG: And do you keep those after the fact or what do you do with them?
MR. RYBICKI: I don't. They're usually illegible so I just, you know, and just, you know, shred them usually.
b6 Per OIG b7C Per OIG: Okay.
MR. RYBICKI: Yeah.
b6 Per OIG b7C Per OIG: Because I, you know, I can't even envision all of the very many things that your job must entail.
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG: But I imagine being organized and remembering what it is you're supposed to be doing from day to day would be extremely important.

MR. RYBICKI: That's right, you know. Again, but a lot of the, you know, again, the function is, right, just action, and action, action, right? And so I'm just constantly pushing this stuff out, right. And so it's, you know, it's usually taken care of very quickly if that makes sense, right?

[redacted]: Uh-huh.

b6 Per OIG b7C Per OIG

MR. RYBICKI: So, yeah.

[redacted]: Let me ask you this. Let's walk through sort of the series of events that day. So again, I started, we had, we started the article comes out Sunday.

MR. RYBICKI: Sure.

b6 Per OIG b7C Per OIG

[redacted]: Monday, so that's October 31st. It's our understanding that there's usual, there's usually a director's Monday morning meeting. Is that right?

MR. RYBICKI: Correct. There's a, yes. There is a, I just, all the times have changed so I'll just --

b6 Per OIG b7C Per OIG

[redacted]: Sure.

MR. RYBICKI: I'll just talk about the meeting. There's a --

b6 Per OIG b7C Per OIG

[redacted]: Director Comey's tenure.

MR. RYBICKI: Correct.

[redacted]: Okay.

MR. RYBICKI: Yeah. So there's a, the deputy

director and sort of the operational meeting first and then the director typically has a meeting.

b6 Per OIG b7C Per OIG

[redacted]: Do you attend the deputy director meeting?

MR. RYBICKI: I do not.

b6 Per OIG b7C Per OIG

[redacted]: Okay.

MR. RYBICKI: Yeah. I mean, there's been occasions where I have but --

b6 Per OIG b7C Per OIG

[redacted]: Sure. But not a standing?

MR. RYBICKI: Routinely, no.

[redacted]: Okay.

MR. RYBICKI: And then the director's meeting, so it's most of that group from the deputy's meeting minus a couple folks. And then on Monday, Wednesday, Friday there is the DOJ meeting where, it used to be in SIOC. I just can't, I think it was still in SIOC at that point. Now it's at DOJ.

b6 Per OIG b7C Per OIG

[redacted]: And that happens after the director's Monday morning meeting?

MR. RYBICKI: On Monday, Wednesday, and Friday.

[redacted]: Yeah.

MR. RYBICKI: Yep.

b6 Per OIG b7C Per OIG

[redacted]: And can you tell us how you spell SIOC? Someone else brought that up.

MR. RYBICKI: Oh, sure. S-I-O-C, Strategic

Information and Operation Center.

b6 Per OIG b7C Per OIG

[redacted]: Okay. And that's not a classifie acronym or anything --

MR. RYBICKI: It is not.

b6 Per OIG b7C Per OIG

[redacted]: Okay.

MR. RYBICKI: No. Yeah, it's basically our justice command center.

b6 Per OIG b7C Per OIG

[redacted]: Oh, sure.

MR. RYBICKI: That's where the --

[redacted]: I've --

MR. RYBICKI: Yeah.

b6 Per OIG b7C Per OIG

[redacted]: I've heard of that.

MR. RYBICKI: Same thing, yeah.

[redacted]: Okay.

[redacted]: So the Monday morning meeting, October 31st. This article is already out there.

b6 Per OIG b7C Per OIG

MR. RYBICKI: Uh-huh.

[redacted]: Mr. McCabe's there. You're there, right?

MR. RYBICKI: I don't remember specifically.

[redacted]: Should be?

b6 Per OIG b7C Per OIG

MR. RYBICKI: I should be, yeah.

[redacted]: And the director's there?

MR. RYBICKI: Uh-huh.

[redacted]: Does anyone talk about this? Does

it come up? Do you recall talking with Mr. McCabe or there being a group discussion about it?

MR. RYBICKI: I don't recall specifically. I would say it's likely, especially if people were concerned or if it was sort of dominating the news. Or, you know, so Mike Kortan is in --

b6 Per OIG b7C Per OIG

[redacted]: Right.

MR. RYBICKI: -- that email. If he brought it up. So I --

b6 Per OIG b7C Per OIG

[redacted]: You mean meeting?

MR. RYBICKI: In the meeting, yep.

[redacted]: Okay.

MR. RYBICKI: So I would say, you know, something like this, it's likely it came up. I just don't recall specifically that meeting.

[redacted]: And then there's a skinny down. Is that after the director's meeting?

b6 Per OIG b7C Per OIG

MR. RYBICKI: Yes. If there's something, you know, it's usually sensitive investigations or, you know, a public corruption case, a terrorism case, a counterespionage case. People will ask to stay after to talk about it.

[redacted]: Do you always stay for those?

MR. RYBICKI: I usually do, yes.

b6 Per OIG b7C Per OIG

[redacted]: Okay.

MR. RYBICKI: Not always. There's some things that I wouldn't be read into but the majority of the time I would be there.

b6 Per OIG b7C Per OIG [redacted]: So again, sticking with, on October 31st, the morning thereof just the director's Monday morning and the skinny down. We have this article coming out on, where it's referencing disclosing the details of a conversation between the deputy director and the principal deputy attorney general about whether or not a Clinton Foundation investigation is going to be shut down. Do you have any recollection of that coming up?

MR. RYBICKI: I don't recall it specifically. Again, I would say it's very likely --

b6 Per OIG b7C Per OIG [redacted]: Uh-huh.

MR. RYBICKI: -- that it would have come up, whether in the full meeting or the after, but I don't recall.

b6 Per OIG b7C Per OIG [redacted]: Is that the type of issue that would be an appropriate subject for those two venues?

MR. RYBICKI: Certainly. So, in the director's meeting, again, Mike Kortan's in there and he's usually, he'll talk about sort of the topics of the day or stories of the day and I could see this being one of them. So yes, it would be appropriate. Yep.

b6 Per OIG b7C Per OIG [redacted]: Do you have any recollection of

anyone saying, how the hell did this happen? Or this is great that this happened? I mean, this is a pretty big deal.. Again --

MR. RYBICKI: Yep

b6 Per OIG b7C Per OIG [redacted]: -- I'm just struggling to figure out how, you know, what people's reactions are to this.

MR. RYBICKI: Sure. You know, again, I, sitting here I can't envision that meeting or a reaction either way. You know, again, something that was likely discussed. You know, especially if that, was that a Monday?

b6 Per OIG b7C Per OIG [redacted]: Yes.

MR. RYBICKI: You know, especially if there was a DOJ meeting coming up I could see --

b6 Per OIG b7C Per OIG [redacted]: We're going to get to that --

MR. RYBICKI: -- people saying, you know, we're going to talk to, you know, we'll be over there with DOJ, right?

b6 Per OIG b7C Per OIG [redacted]: Right.

MR. RYBICKI: So I could see that coming up.

b6 Per OIG b7C Per OIG [redacted]: And in fact, it was a Monday.

MR. RYBICKI: So, yeah.

b6 Per OIG b7C Per OIG [redacted]: Right. And we have heard from others who we talked to that there was, in fact, a DOJ meeting at SIOC after the director's meeting and the

skinny down --

MR. RYBICKI: Uh-huh.

b6 Per OIG b7C Per OIG [redacted]: -- on this day.

MR. RYBICKI: Uh-huh.

b6 Per OIG b7C Per OIG [redacted]: Can we hold that for one second?

[redacted]: Sure.

[redacted]: We'll get there in one second.

[redacted]: Okay.

[redacted]: Do you have any recollection of talking to Mr. McCabe during the director's meeting or the skinny down about, or anyone talking to Mr. McCabe about this article and what people thought and how this happened?

MR. RYBICKI: I don't. Again, I think it's, and I'll say it again, I think it's something that likely was discussed, right? Especially if there was a lot of concern or, you know, if this had just come out. So I would say likely, indeed very likely that it was discussed. I just don't, I can't picture myself in that room having a discussion.

b6 Per OIG b7C Per OIG [redacted]: If Mr. McCabe or Mr. Kortan had said during that meeting, either the director's meeting or the skinny down --

MR. RYBICKI: Uh-huh.

b6 Per OIG b7C Per OIG [redacted]: -- that they worked with a

reporter to share this information to address concerns about the allegations or attacking the credibility of the FBI, is that something that you think you'd remember? The deputy director or Mike Kortan saying yes, we worked to disclose the details of this conversation, is that something you'd remember? I mean, it's a pretty significant disclosure, isn't it?

MR. RYBICKI: Yeah, it's, I would say it's significant. You know, again, I can't, I'm having trouble, again, because I'm having trouble placing the meeting, right, to even --

b6 Per OIG b7C Per OIG [redacted]: Uh-huh.

MR. RYBICKI: -- get that far.

[redacted]: And that's why I'm pushing you to say --

MR. RYBICKI: Sure.

[redacted]: I understand that you've gone to probably hundreds of these meetings.

b6 Per OIG b7C Per OIG

MR. RYBICKI: Yep.

[redacted]: And I completely recognize that over the last year there's been a lot of challenging important events so I fully recognize that too. At the same time, again, we are talking about something that I think you'd acknowledged earlier that it's not often, and I don't think, I think you said you haven't seen another

occasion where there's this dispute between senior high ranking officials --
MR. RYBICKI: Sure.
b6 Per OIG b7C Per OIG [redacted] -- being disclosed in the media. And so, a private one on one conversation. And so I'm pushing you to say, not to say but to think about --
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG [redacted] -- if that had been discussed in any shape or form do you think you'd remember that? That if someone said hey, we felt this was appropriate to address issues that the article was taking on?
MR. RYBICKI: I think it's fair to say it would be memorable. I think, you know, there's a number of instances where, you know, OPA will be working, you know, on stories and things like that, right? So I don't want to conflate, I, so I guess the short answer is I don't, I still don't have a specific recollection of, to the direct question of, you know, we worked specifically on this story to address those concerns. I don't recall that.
b6 Per OIG b7C Per OIG [redacted] And then the next part of it is had that been said do you agree that that would be a memorable event because of the nature of the disclosure?
MR. RYBICKI: I think so. Not, yes. Not necessarily the nature of the, well, when you say nature, I get concerned, again, because it's discussions between,

that's what you mean, not necessarily the content.
[redacted] Right.
MR. RYBICKI: That's what you're --
[redacted] We're, I mean, when I, so specifically when I said nature of the disclosure I was, I believe I was, well, I was sticking with just what you had articulated earlier when we began. That hey, look, it doesn't matter high profile, before the election or not --
MR. RYBICKI: That's right.
b6 Per OIG b7C Per OIG [redacted] -- you have a private call between two high ranking officials, FBI, DOJ.
MR. RYBICKI: That's right.
b6 Per OIG b7C Per OIG [redacted] And so that's --
MR. RYBICKI: Right.
b6 Per OIG b7C Per OIG [redacted] That's why I was sticking with that concept.
MR. RYBICKI: Yeah.
b6 Per OIG b7C Per OIG [redacted] Do you think that, so you'd agree that that would be a memorable event that you, for you?
MR. RYBICKI: Yes. Although I, yes, I think it would be, it would be important, right? You know, in theory it'd be memorable but again, I, you know, not having the, not remembering the actual meeting, right, I just --
b6 Per OIG b7C Per OIG [redacted] Right. And so I get that. And so

that's why I can't, I recognize what you're saying. And so I'm trying to push it a step farther, which is you can't remember the meeting and so if this had come up do you think you would have remembered the meeting? Being someone saying, we worked with the Wall Street Journal and disclosed this private one on one conversation.
MR. RYBICKI: I would say yes. It's probable, yes, I think that's accurate.
[redacted] Okay. And then [redacted] was going to segue into --
b6 Per OIG b7C Per OIG [redacted] Sure. I --
[redacted] -- after this it's our understanding that there --
I don't know, were you going to hit something first before --
b6 Per OIG b7C Per OIG [redacted] Well, let me --
[redacted] -- the SIOC meeting?
[redacted] Let me ask you this. So, I mean, getting ready to go down to SIOC --
MR. RYBICKI: Uh-huh.
b6 Per OIG b7C Per OIG [redacted] -- to have this meeting --
MR. RYBICKI: Yep.
[redacted] -- there's this mention of a private conversation in the Wall Street Journal between two of the people that are going to be sitting in the room with you.

b6 Per OIG b7C Per OIG MR. RYBICKI: Yep.
[redacted] I'm wondering if before you headed down to SIOC there was any reaction from Andy McCabe. And I'm wondering really specifically kind of just two ends of the spectrum.
b6 Per OIG b7C Per OIG MR. RYBICKI: Sure.
[redacted] Right? Because I can envision a person could react by saying oh, well I authorized that.
b6 Per OIG b7C Per OIG MR. RYBICKI: Yeah.
[redacted] It was necessary to do and I've got the authority to do that.
b6 Per OIG b7C Per OIG MR. RYBICKI: Right.
[redacted] I can envision on the other hand that a person would say no, it was a surprise to me. I have no idea --
MR. RYBICKI: Yeah.
b6 Per OIG b7C Per OIG [redacted] -- how that got out.
MR. RYBICKI: Or this is an outrage and how did this get out there?
[redacted] It's an --
b6 Per OIG b7C Per OIG MR. RYBICKI: Yeah.
[redacted] We got to figure this out.
MR. RYBICKI: Yeah.
[redacted] Right? Do you remember a reaction from him that tended towards either end of that spectrum?

And take as long as you --
MR. RYBICKI: Sure.
b6 Per OIG b7C Per OIG -- need to to answer that --
MR. RYBICKI: Yeah.
b6 Per OIG b7C Per OIG -- question.
MR. RYBICKI: Yeah, I don't, you know, I go back to I don't know, I can't place myself in that room.
b6 Per OIG b7C Per OIG Right. But I'm not --
MR. RYBICKI: I know how --
b6 Per OIG b7C Per OIG I'm not asking you to place --
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG -- yourself in the room or to tell me any direct quotes --
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG -- or anything.
MR. RYBICKI: Just the --
b6 Per OIG b7C Per OIG I'm just wondering as a result of this --
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG -- you interact with Deputy Director McCabe on a fairly frequent basis.
MR. RYBICKI: Yes.
b6 Per OIG b7C Per OIG Do you remember him having a reaction either of those directions with respect to seeing his name in this article in this way?

MR. RYBICKI: I don't. I don't. I think the, you know, like we've talked about, I could see discussing it in the big meeting.
b6 Per OIG b7C Per OIG Uh-huh.
MR. RYBICKI: I could see discussing it in the --
b6 Per OIG b7C Per OIG Is the big meeting the director's meeting?
MR. RYBICKI: The director's meeting, yep. I could see it coming up sort of, you know, just hey, this article is out here. You know, I could see it coming up if there was a skinny down, you know. You know, a small group after that in preparation for the DOJ meeting in SIOC. I could see --
b6 Per OIG b7C Per OIG Uh-huh.
MR. RYBICKI: You know, I could see conversations on the margins even, right, of those meetings. You know, again, knowing that you're going to walk down and, you know, see, you know, DOJ at the very least, right. Even if you didn't know who it was at that point. I could easily see that happening but I don't, to your point --
b6 Per OIG b7C Per OIG Right.
MR. RYBICKI: -- I can't see clearly a reaction --

MR. RYBICKI: Because --
MR. RYBICKI: -- right now.
b6 Per OIG b7C Per OIG -- I know from our prior discussions that doing the things that Director Comey needed you to do --
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG -- and meeting his needs was something you took very, very seriously.
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG And I'm imagining that an article like this, unless he knew about it ahead of time --
MR. RYBICKI: Unless he, Director Comey?
b6 Per OIG b7C Per OIG Unless he, Director Comey, knew this was coming --
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG -- could put him in a bind --
MR. RYBICKI: Meaning that this information is out there for --
b6 Per OIG b7C Per OIG Yeah, he has to go walk into a meeting with Matt Axelrod --
MR. RYBICKI: Sure.
b6 Per OIG b7C Per OIG -- and this has just been published.
MR. RYBICKI: Sure.
b6 Per OIG b7C Per OIG Yeah. I'm wondering if you remember, you know, without saying in what context or on

what day or direct quotes or anything like that, I'm wondering if you remember him having that concern or articulating that concern or discussing that concern with you.
MR. RYBICKI: Yeah. I just don't. I could, but again, I could, I would say it's not only likely, it's probable that he did. I just --
b6 Per OIG b7C Per OIG Uh-huh.
MR. RYBICKI: I can't, you know.
b6 Per OIG b7C Per OIG And why do you put that in the probable category?
MR. RYBICKI: Just because of the, for all the reasons you articulated, right. I mean, if you have a, you know, a story out there that, you know, talks about, you know, number one, talks about the Bureau, right? Number two --
b6 Per OIG b7C Per OIG Uh-huh.
MR. RYBICKI: -- talks about sort of interactions between the Bureau and DOJ, right? That, you know, could be sensitive, right? Then I would say it's, you know, and in light of, you know, going down to the SIOC meeting where you're going to talk to, I could see him being concerned about that.
b6 Per OIG b7C Per OIG Okay.
MR. RYBICKI: And especially it being the deputy

director.
[redacted] Right. Right. Do you have a present recollection as we sit here today of him being not concerned? Because some of the people that we've talked to have said no, you know. Director Comey was told about this and he was fine with it.
MR. RYBICKI: I, no, I don't have a clear recollection that he was unconcerned or fine with it. No.
[redacted] No?
MR. RYBICKI: Un-unh.
[redacted] Is that something that you would put in the probable category the way that you just did?
MR. RYBICKI: That he was unconcerned with it or --
[redacted] That he was unconcerned. This was the kind of thing that, no, it was fine to do.
MR. RYBICKI: No. No. I would say no, he wouldn't, certainly wouldn't condone it. Whether he, I think he would have been concerned about it, yeah.
[redacted] Okay. And why?
MR. RYBICKI: Again, just because it's, you know, it's FBI. It's deputy director of the FBI. And because it's talking about communications with the Department of Justice, right, that shouldn't be out there.
[redacted] Right.

Do you mind if I ask about what the director had said to Congress in July?
[redacted] Sure, go for it.
[redacted] Okay.
Because one of the things that we understand was going on as part of this dynamic is, and you may remember this, the director went to Congress in July.
MR. RYBICKI: Uh-huh.
[redacted] And one of the questions he was asked specifically was about whether there was an investigation into the Clinton Foundation. Do you remember that?
MR. RYBICKI: I don't. If you refresh I'm sure I could, I know he was asked --
[redacted] Okay.
MR. RYBICKI: -- about it on the Hill. I just --
[redacted] Right.
MR. RYBICKI: Yeah.
[redacted] Because the sense that we got from reading the reports was that the FBI was not probably confirming the assistance of any kind of investigation into the Clinton Foundation. That there was speculation, this was a time of great speculation.
MR. RYBICKI: Sure.

[redacted] Right.
MR. RYBICKI: Yep.
[redacted] But that the FBI had chosen not to confirm that.
MR. RYBICKI: Help out.
[redacted] And the first mention that we've ever seen of it is in --
MR. RYBICKI: Is here?
[redacted] -- is here.
MR. RYBICKI: I don't remember that. I don't remember that, that concern being articulated with this. So you're taking this to shut down, you know, him saying valid predicate as a --
[redacted] A confirmation.
MR. RYBICKI: -- a confirmation of the investigation? I don't recall that. I'm just not sure if it had been --
[redacted] Okay.
MR. RYBICKI: -- disclosed before. I don't think it had been. But I don't remember that concern about this.
[redacted] Okay.
MR. RYBICKI: Yeah.
[redacted] I was just wondering if you remembered the director being concerned about, I

specifically did not want this confirmed in the press and now here it is.
MR. RYBICKI: Yeah, not, no, not as to this. I don't remember that.
[redacted] Okay.
[redacted] So --
[redacted] Should we talk about --
[redacted] Let's stick with --
MR. RYBICKI: -- the DOJ meeting?
[redacted] Yeah.
[redacted] Yeah.
[redacted] So, you want to --
[redacted] Go ahead.
[redacted] We were mentioning the DOJ meeting.
MR. RYBICKI: Sure.
[redacted] And sort of leading towards it. Do you remember the interaction between Matt Axelrod and Mr. McCabe at the time?
MR. RYBICKI: I don't. I, well, again, this is where I worry about through the interviews where I'm --
[redacted] Uh-huh.
MR. RYBICKI: -- no projecting. I remember it being tense but, again, I'm worried that that was refreshed in the previous interview.

b6 Per OIG b7C Per OIG

Page 58

[redacted] All right. Well, let me --
MR. RYBICKI: And I --
[redacted] Go ahead.
MR. RYBICKI: So, Matt and I worked, Matt Axelrod and I worked together very frequently. So, you know, talked frequently, you know, and as I said earlier, had a number of, you know, extremely heated exchanges. So it was not, so the sort of temperature range, it would be hard to remember a, you know, so a specific instance where he was, you know, extremely upset in this meeting. I'm just saying that for illustrative purposes, right? It would be hard to differentiate that for me I think.
[redacted] From --
[redacted] Are you telling us he runs hot?
MR. RYBICKI: No. He has, he was, he's, we, he, I think he, I think we both valued the relationship and we had a free flowing, he would not hide anything, right. So, maybe. No, but he would not hide his feelings with me. We'll just, which I appreciated.
[redacted] You were about to say it would be hard to differentiate between --
MR. RYBICKI: You know --
[redacted] -- him,being upset from --
MR. RYBICKI: From just, from another instance perhaps where --

Page 59

[redacted] I see.
MR. RYBICKI: Right.
[redacted] Well --
MR. RYBICKI: In other words, you know --
[redacted] Let me ask you this. Would it be fair to say at that meeting, because it sounds like maybe there was more than one occasion during that week, that period, that month. Would it be fair to say on October 31st when your FBI contingent, who goes again? You go, the director, the deputy director?
MR. RYBICKI: Right. I'm just trying --
[redacted] Just as a matter of standard that's --
MR. RYBICKI: I'm just trying to remember because it's --
[redacted] Yeah.
MR. RYBICKI: -- it's now changed.
[redacted] I see.
MR. RYBICKI: And so it, it changed when the administration changed. So at that time when it was at SIOC it was the director, the deputy director. And you know, I was not going routinely to SIOC.
[redacted] Uh-huh.
MR. RYBICKI: That's interesting. Now I'm just thinking that. This is actually through, so when I became

Page 60

chief of staff I adopted the practice that [redacted] so I used to go, let me step back. When I was deputy chief of staff I sued to go to SIOC. When I became chief of staff I stopped going largely to SIOC and my [redacted] went, along with our [redacted] And I would only go periodically. And then I started going again when the administration changed. So I'm not even sure that I was there --
[redacted] So --
MR. RYBICKI: -- at that meeting --
[redacted] I'm sorry, I cut you off. Yeah, October 2016 are you as a matter of routine practice going to the SIOC meetings or no?
MR. RYBICKI: I don't think I was at that point
[redacted] Okay.
MR. RYBICKI: Yeah. No, I'm just trying to, now that I'm piecing it all back together.
[redacted] So who, the [redacted] would have gone?
MR. RYBICKI: Yeah. So the --
[redacted] Who was that?
MR. RYBICKI: [redacted]
[redacted] Okay.
MR. RYBICKI: Yeah. And our [redacted] was [redacted]

Page 61

[redacted] How do you spell her last name?
MR. RYBICKI: [redacted]
[redacted] Oh, no, I'm sorry, [redacted]
MR. RYBICKI: Oh, [redacted] I'm sorry. It's a male. It's --
[redacted] Oh, sorry.
MR. RYBICKI: [redacted] sorry, I can't air spell. [redacted]
[redacted] Okay.
MR. RYBICKI: And then so at the table it would have been the, again, this was at the time, director, deputy director, the EAD for national security who would have been Mike Steinbach at that time.
[redacted] Uh-huh.
MR. RYBICKI: And then the, our representative from another Government agency. And then a couple of the other EAD's would periodically go. It was just a different mixture at that time. Plus then the deputy chief of staff in the director's office, the special counsel in the director's office, and then a couple of folks from the director of intelligence, the briefer side.
[redacted] And who from DOJ would be there do you know?
MR. RYBICKI: At that time it was the, was it the attorney general, the deputy attorney general, their

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chiefs of staff, the AG's counsel for national security, who was Denise Cheung, the, some folks from the deputy staff. Oh, that's right, the DAG staff I should say.

b6 Per OIG b7C Per OIG [redacted] Right.

MR. RYBICKI: Like I think Tashina Gauhar.

[redacted] Uh-huh.

b6 Per OIG b7C Per OIG MR. RYBICKI: And then some NSD folks. So George Toscas, Stu Evans, [redacted]

[redacted] Did Matt Axelrod routinely go to these meetings?

MR. RYBICKI: Yes. Right. I'm sorry, I said chief of staff, didn't I?

b6 Per OIG b7C Per OIG [redacted] Uh-huh.

MR. RYBICKI: Yeah. So, at that time it was the AG's chief of staff and the PADAG.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. RYBICKI: That's right, because I don't think there, the DAG's chief of staff did not go at that time.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. RYBICKI: You're right.

[redacted] So, whether you were there or not, do you recall either personally observing or receiving an account from someone from the FBI who attended that Matt Axelrod was frosty or scowling the entire meeting? Does

that stick out in your mind?

MR. RYBICKI: It does but I, I'm pretty sure that was, that I was told that in a previous interview.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. RYBICKI: I'm placing that more recent than the meeting.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. RYBICKI: Boy, I wish I could remember if I was at that meeting or not. Because that --

b6 Per OIG b7C Per OIG [redacted] Do you recall having any direct conversations with Matt Axelrod on this?

MR. RYBICKI: I don't but I'm certain it's something that we would have talked about.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. RYBICKI: Just because of the nature of our interaction.

b6 Per OIG b7C Per OIG [redacted] So you wouldn't doubt it if we were told that you said to Director Comey that Axelrod called and was furious that someone disclosed his private conversations with Mr. McCabe?

MR. RYBICKI: I could see that, yes.

b6 Per OIG b7C Per OIG [redacted] Do you have any specific recollection though as you're sitting here today about that?

MR. RYBICKI: I do not.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. RYBICKI: I don't. I mean, again, very likely.

[redacted] Do you remember whether in the context of conveying that information to Director Comey his reaction was well, that's to be expected but this had to be done? Or whether Director Comey's reaction was, you know, this has poisoned that relationship and never should have happened?

MR. RYBICKI: I'm sorry. Relaying to Director Comey a conversation with Matt Axelrod?

b6 Per OIG b7C Per OIG [redacted] Uh-huh.

MR. RYBICKI: That he called me and that --

[redacted] He called you and, you know.

MR. RYBICKI: No, I don't remember specifically. The, this had to be done, it doesn't sound like him, Director Comey.

b6 Per OIG b7C Per OIG [redacted] Why is that?

MR. RYBICKI: It's, those words, you know, it just, it doesn't sound like him.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. RYBICKI: Poisoned the relationship sounds more like him. Again, I don't know if you're expressing a thought or verbatim, just as I think of --

b6 Per OIG b7C Per OIG [redacted] No, I'm --

MR. RYBICKI: -- Director Comey, yeah.

[redacted] I'm thinking about thoughts --

b6 Per OIG b7C Per OIG MR. RYBICKI: Yeah.

[redacted] -- you know? I'm trying to --

MR. RYBICKI: Yeah.

[redacted] -- gauge from what you can remember about all of this. If Director Comey seemed okay with the fact that this information had gotten out --

b6 Per OIG b7C Per OIG MR. RYBICKI: Yeah.

[redacted] -- or if Director Comey seemed to think that this was a problem.

MR. RYBICKI: I don't remember specifically. I mean, part of the problem too is that Director Comey, much like Director Chris Wray, doesn't get like, he's not, there's no yelling. There's no, right. So it's hard to, it's even hard for me to decipher like is he furious or is he, right. And could be for others as well, right? So that's why to, without recalling the specific conversation or even to generalize is very hard to, you know. In other words, if Director Comey was yelling and throwing books he was so mad, that I would remember, right. But it's usually more nuanced, right.

b6 Per OIG b7C Per OIG [redacted] Uh-huh. Is what you're telling us he's just not the kind of guy that gets mad and throws books?

MR. RYBICKI: Correct. That's right, yeah.
[redacted] Yeah. No, I'm just trying to get from you some read if you can remember about this period in time of what the director's reaction was to seeing this private conversation in print.
MR. RYBICKI: Yeah.
[redacted] And you know, you spend more time with the director than a lot of folks.
MR. RYBICKI: Yes.
[redacted] We're hoping you may have a recollection one way or the other.
MR. RYBICKI: Yeah, and I'm really struggling. And, you know, partly for the reasons I talked about in terms of how I triage things. But also, you know, just remembering this period, right. We're in between the two letters, right. I mean, there's just so much going on at that time.
[redacted] And for the record, we know what you're saying, but you're talking about the two notification letters to Congress about restarting the Clinton --
MR. RYBICKI: Correct.
[redacted] -- email investigation?
MR. RYBICKI: That's right.
[redacted] Right.

MR. RYBICKI: That's right.
[redacted] And we recognize that and that's one of the reasons why we are pushing on some issues because we want to make sure we have an absolute understanding.
MR. RYBICKI: Sure.
[redacted] And to see what is consistent with what we've heard or what may not be.
MR. RYBICKI: Sure.
[redacted] Based on your interfacing with all these issues.
MR. RYBICKI: Absolutely.
[redacted] I want to tick off some names to make sure, again, that we've exhausted this.
MR. RYBICKI: Sure.
[redacted] This would be either before or after the conversation, I'm sorry, before or after the article came out.
MR. RYBICKI: The, okay, this --
[redacted] October 30th, right.
MR. RYBICKI: The October 30th, got it.
[redacted] So Mike Kortan.
MR. RYBICKI: Uh-huh.
[redacted] It's my understanding from earlier today that you don't recall discussing this article. And

again, my questions are solely confined to --
MR. RYBICKI: Yep.
[redacted] -- the highlighted parts where the details of a private one on one conversation on the Clinton Foundation investigation, with those details between Mr. McCabe and Mr. Axelrod are being disclosed in print in the Wall Street Journal. Do you recall any conversations with Mr. Kortan about that, either before or after the article comes out and the immediate aftermath?
MR. RYBICKI: I can't place a specific conversation either before or after. But again, would be likely that we would have discussed. You know, certainly after and if he had information that this was coming out then before.
[redacted] What about [redacted]? Well, what is his role in comparison to Mr. Kortan? How do they differ?
MR. RYBICKI: He is, I don't know what his formal title is. Might be [redacted] or something along those lines in the press office. So he operates, I don't know if he's on the executive staff there. But he, so Mike Kortan is the assistant director and I don't know where, I don't know if [redacted] reports directly to him or to Mike's secretary --
[redacted] --

MR. RYBICKI: Oh, I'm sorry. Yeah, you're right. [redacted] sorry. Mike Kortan is the assistant director. [redacted] I believe, is on his sort of executive staff type role. Maybe like [redacted] But I don't know if [redacted] reports directly to Mike Kortan or to his section chief.
[redacted] What role did [redacted] serve for Director Comey?
MR. RYBICKI: I, so he was in, they worked together previously.
[redacted] They, Comey and [redacted]?
MR. RYBICKI: Correct, yep.
[redacted] Okay.
MR. RYBICKI: They, I know Director Comey had [redacted] pull articles or, you know, track news stories and things like that that he would send to him.
[redacted] Why did he did that?
MR. RYBICKI: I think because of his comfort level with him and that he would, you know, and he was just a very thorough person. That practice started, I actually didn't know he was doing it at first. And one of the things I asked Director Comey, I said, we can make sure it's going through the sort of OPA chain, right. That it's, you know, that OPA is fully looped in on there because, you know, it could be duplicate in a lot of ways.

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And so, they did that, you know. So he would pull, just to, you know, again, he was very, not only would he, I guess it's different than like the, you know, the morning clips --

[redacted] From OPA?

MR. RYBICKI: -- that you get, right.

[redacted] Uh-huh.

MR. RYBICKI: You know, it's more of a, you know, a larger sample.

[redacted] When did you become aware that [redacted] was tracking these stories that you suggested to Director Comey that it be looped through a more formal chain?

MR. RYBICKI: I don't know. I don't remember when that was.

[redacted] Sometime after the first notification to Congress on the Clinton email investigation?

MR. RYBICKI: I can't even say it was --

[redacted] Okay.

MR. RYBICKI: -- near that time. I just, I don't remember.

[redacted] Okay. Well, would this October 30th, 2016 Wall Street Journal article, would that be an example of a type of story that [redacted] would have

been tracking?

MR. RYBICKI: As it, sure, if it relates to the FBI, yes. Yeah.

[redacted] Well, does this --

MR. RYBICKI: Yes.

[redacted] -- relate --

MR. RYBICKI: Absolutely. I'm sorry, yeah. I phrased that incredibly, it certainly does. And it would likely be tracked.

[redacted] Do you recall discussing this article with [redacted] whether individually or in a group?

MR. RYBICKI: I don't.

[redacted] Is, had you, let me state this differently. Previously at any time prior to today or including today have you discussed articles that [redacted] sent around?

MR. RYBICKI: I don't know if we discussed individual articles. I, I've certainly talked to him about stories and things like that. But yeah, I don't recall specifics on that.

[redacted] Okay. More I was just trying to get a sense of whether it'd be your normal practice to talk to him about stories he sent around in a group setting, individually, or whether that had ever been done.

MR. RYBICKI: No. No, it certainly wasn't my practice. Whether it had ever been done, I can't recall a specific instance.

[redacted] Okay.

MR. RYBICKI: But --

[redacted] But you don't recall it on the October 30th, 2016 article?

MR. RYBICKI: I don't.

[redacted] Okay.

MR. RYBICKI: I don't, no.

[redacted] What about Lisa Page? Earlier you had said you had concerns that she might have provided this information to the Wall Street Journal, that being the context of the, the contents of the McCabe, Axelrod call as highlighted in this article. Did you ever talk to her about it?

MR. RYBICKI: I don't recall specifically.

[redacted] Do you think you would remember if you said hey, Lisa, did you do this? Did you get authority to do this?

MR. RYBICKI: Yes. I would, yes. I would have recalled that.

[redacted] Okay. What about anyone on Mr. McCabe's staff like Eric Smith? I think he was the chief of staff at the time.

MR. RYBICKI: He was the chief of staff at the time, yep.

[redacted] Did you discuss this article with him on, and whether or not anyone had disclosed this information on Mr. McCabe's staff?

MR. RYBICKI: I don't recall.

[redacted] Is it something that would stick out on your mind if you had discussed it with him?

MR. RYBICKI: I don't know that it would necessarily. Just the way the offices interacted, because he's now in our office. He's a --

[redacted] Yes.

MR. RYBICKI: -- section chief in the director's office. I, so I don't know if it would stand out or not.

[redacted] Who would be your most, in the director's office if you had issues, like let's say you want, let's just not, we won't speak hypothetically. If you had specific concerns about this article that you wanted to talk to who do you go to first? Do you go directly to the deputy, Mr. McCabe, or do you go to someone on his staff?

MR. RYBICKI: Oh, it would, it's so dependent on the circumstance. I, you know, certainly interact with the deputy director, right. I mean, that would, it would be appropriate for me to talk to the deputy director --

[redacted] That was my question.
MR. RYBICKI: Yes. Yeah.
[redacted] Okay.
MR. RYBICKI: I mean, we certainly, you know, as I explain that sort of, you know, the deputy and I are the two direct reports to the director, right?
[redacted] I see.
MR. RYBICKI: And so, you know, I try to, again, how I thought of the job and pocketed everything, right, I mean, he is in complete command of the operational side of the house.
[redacted] Uh-huh.
MR. RYBICKI: But that also includes the offices of public affairs and congressional affairs, right. The, all the external --
[redacted] Right.
MR. RYBICKI: -- affairs offices. So they all report to him and I'm always careful, right, the FBI is very hierarchical, right? So very careful to make sure the chain of command is intact. With that said, there's a lot of sort of bleed over as you can imagine, especially on the public affairs world, congressional affairs, you know, OGC, right, that affects both offices. And so, all that is to say, yeah, it's, the deputy director and I, you know, communicate, you know, directly. The associate

deputy director, so at the sort of chief of staff level me communicating with those folks plus the EAD's is sort of natural.
[redacted] Okay.
MR. RYBICKI: Yeah.
[redacted] So on this article, the October 30th, 2016 you had concerns it could be Lisa Page. You had concerns it's a private conversation, high ranking officials. Do you pick up the phone and say, Andy, what's going on here? Is this, what happened here?
MR. RYBICKI: Yeah.
[redacted] Are you involved with this?
MR. RYBICKI: No, I don't think I did.
[redacted] Do you think that would, you'd remember if you did that?
MR. RYBICKI: I think I would, yes.
[redacted] And why don't you think you did?
MR. RYBICKI: I don't know the answer to that. I don't know if it's because, you know, again, if folks were discussing it already, right, that it, I didn't think it was necessary.
[redacted] But you don't have any recollection of folks discussing it, right?
MR. RYBICKI: That's what I'm, yeah. I'm just, you know, hypothetical if it --

[redacted] Uh-huh.
MR. RYBICKI: You know, if it was already sort of being teed up as an issue and, you know, then I probably wouldn't. You know, again, without recalling that specific, I mean, this was just a thought, you know. So I don't recall doing anything with it. I don't really know why.
[redacted] But it'd be the type of thing that would be natural for you, given the concerns, to say what's going on?
MR. RYBICKI: I don't know. That might be too strong. I just don't remember at the moment, right. I mean, certainly, you know, it's certainly important, certainly, right. I just don't remember at the moment in the context of everything else that was going on how I sort of triaged it, right?
[redacted] Uh-huh. But if the director had concerns and asked you to follow up I think earlier you said, I may have asked you do you have any reason to doubt if the director asked you --
MR. RYBICKI: Yep.
[redacted] -- and I think you said, I have no reason to doubt that. So if that had happened would your natural response be to pick up the phone and say Andy, what's going on? How did this happen?

MR. RYBICKI: It would either be, I'm trying to think how I would have approached it. I don't know if I would go to him first or to Mike Kortan first, right, to try to figure out --
[redacted] Okay.
MR. RYBICKI: If that was the sort of, you know, if I, you know, if what we're talking about, the director said, if he sort of gave a definitive order, right, go follow up on this or --
[redacted] Right, I'm concerned about --
MR. RYBICKI: Like and it was understood to be --
[redacted] -- this -
MR. RYBICKI: Yeah.
[redacted] I'm --
MR. RYBICKI: Yeah, get to the bottom of this, right.
[redacted] Right.
MR. RYBICKI: I probably would go to Mike Kortan first. I don't know why I say that, I'm just thinking about how I would operate, and see what he knew about it. I'm sorry, yeah.
[redacted] No, no. Go ahead.
MR. RYBICKI: Rather than the deputy. And again, I don't know why I think that way. That could just

be me sitting here now, but --
b6 Per OIG b7C Per OIG [redacted] But as you sit here today do you have any recollection of doing that, going to Kortan or McCabe and saying, what gives? How did this happen?
MR. RYBICKI: I don't. Yeah, not that I can recall.
b6 Per OIG b7C Per OIG [redacted] Did you have any, so a lot of these articles, you know, this article in particular, the October 30th one, the stuff I haven't asked you about has a lot of discussions about what was going on in New York, FBI agents concerns. Did you have any discussions with the assistant director in charge there, Bill Sweeney, about what this article and disclosures and leaks and things like that?
MR. RYBICKI: Yeah. I can't remember, and this is where I was alluding to earlier. I can't remember if it was this article or another article. I remember talking to him about leaks generally, right, and a concern. But I just, I can't remember if it was this one or not.
b6 Per OIG b7C Per OIG [redacted] Here. I'm going to show you this for the record. This is a November 3rd article and it's by the same reporter. So now you're going to, now you're looking at three articles by the same reporter --
MR. RYBICKI: Uh-huh.

b6 Per OIG b7C Per OIG [redacted] -- in basically two weeks, 10 days' timeframe. A lot of it is talking, November 3rd article talks a lot about the Clinton Foundation, internal details again. It mentions a couple other things that weren't in the October 30th article. But you'll see on page three there is a reference to the quote that appears in the October 30th article. I think it's at the end, are you telling me to shut down a validly --
MR. RYBICKI: Oh, okay.
b6 Per OIG b7C Per OIG [redacted] -- predicated investigation, so.
MR. RYBICKI: Okay.
[redacted] But there are more details about confidential human source that New York had on Clinton Foundation.
MR. RYBICKI: And is this the one where they talk about sort of the timeline of when Director Comey was notified?
b6 Per OIG b7C Per OIG [redacted] That may not be.
MR. RYBICKI: Is it another one?
[redacted] Why don't we take a second to stop?
MR. RYBICKI: Okay. Then we can --
b6 Per OIG b7C Per OIG [redacted] And we can talk about some other stuff, yeah.
MR. RYBICKI: Yep.

(Whereupon, a brief recess was taken.)
b6 Per OIG b7C Per OIG [redacted] Okay, back on the record after a short break. It is now almost 11:30.
So I'm showing you what I'll call as article three, which came out in the Wall Street Journal on November 3rd, 2016. And it is another article about internal details regarding the Clinton Foundation investigation that the FBI had. And I gave that to you because there was a little more information there that wasn't in the October 30th article about information, investigative details that the New York Field Office had. And it also includes the quote that director, Deputy Director McCabe reportedly said that was in the October 30th article. That being, are you telling me that I need to shut down a validly predicated investigation. And so I wanted you to see that because I was asking you if you had any conversations with ADIC Sweeney about leaks and things appearing in the Wall Street Journal regarding the Clinton Foundation investigation. So that was sort of the background that I wanted to present for you.
MR. RYBICKI: Got you.
[redacted] And so did you have any conversations with ADIC Sweeney?
b6 Per OIG b7C Per OIG
MR. RYBICKI: Yes. I, I'm not recalling this article as well. I just --

b6 Per OIG b7C Per OIG [redacted] This being the last one, the number third --
MR. RYBICKI: I'm sorry, the third. Yeah.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. RYBICKI: November 3rd article. These two, and again, maybe it's just because of the previous interviews, I recall these but I'm not recalling this one as much for some reason.
b6 Per OIG b7C Per OIG [redacted] So you recall the first two but not the third?
MR. RYBICKI: Correct, yeah. Just in terms of memory on it. So yes, I recall having conversations with ADIC Sweeney generally. I don't remember specifically talking to him about this one, if that's the question. Or is it that --
[redacted] And, okay.
MR. RYBICKI: Or any of them?
b6 Per OIG b7C Per OIG [redacted] Yeah. Well, let's --
MR. RYBICKI: Yeah.
[redacted] Let's, outside of the articles specifically do you remember talking with, what do you remember talking to him about in connection with leaks and Clinton Foundation?
MR. RYBICKI: I don't remember, so it's a little, I'm getting a little confused. I'm still

recalling another article --
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. RYBICKI: -- where it talks about the timeline --
b6 Per OIG b7C Per OIG [redacted] Okay. When you say timeline --
MR. RYBICKI: -- of --
[redacted] I know you've mentioned that a couple times.
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG [redacted] What timeline again?
MR. RYBICKI: It was specifically the timeline of when, sort of when Director Comey specifically was notified of the Weiner laptop.
[redacted] I see.
b6 Per OIG b7C Per OIG MR. RYBICKI: I don't think it was --
[redacted] Okay.
MR. RYBICKI: -- this article because it, because that one I definitely remember talking to Bill Sweeney about --
[redacted] Okay.
b6 Per OIG b7C Per OIG MR. RYBICKI: -- to help get a timeline on that.
[redacted] So related to Clinton email investigation, not --
b6 Per OIG b7C Per OIG MR. RYBICKI: Correct.
[redacted] -- Clinton Foundation?

MR. RYBICKI: Not Clinton Foundation.
b6 Per OIG b7C Per OIG [redacted] Okay.
MR. RYBICKI: That's right.
[redacted] We were told that ADIC Sweeney talked to you about these Wall Street Journal articles. I'm not sure which one in particular.
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG [redacted] But that he, with respect to the quote that we've been focusing on in the October 30th one, are you telling me that I need to shut down a validly predicated investigation, and also just the general one on one private conversation that was disclosed in the October 30th article --
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG [redacted] -- that this, that ADIC Sweeney expressed to you that this is coming from the seventh floor. Does that sound right? Do you have any recollection of that?
MR. RYBICKI: I don't. I could see it being likely, again. I don't recall the specific conversation or him saying that but I have no reason to doubt, you know. Frequently we, I, you know, because of his role we would frequently talk usually, you know, driving home --
b6 Per OIG b7C Per OIG [redacted] Right.
MR. RYBICKI: -- from work and --

[redacted] I understand he's a frequent --
MR. RYBICKI: Yeah.
b6 Per OIG b7C Per OIG [redacted] -- talker on his --
MR. RYBICKI: He's a talker, yeah.
[redacted] -- long commute so --
MR. RYBICKI: So a lot, and it's the Hill and he's the SAC advisory.
b6 Per OIG b7C Per OIG [redacted] Yeah.
MR. RYBICKI: You know, so a lot of issues come up so I would, so yes, he calls on commutes. And so, but I can't recall specific conversation but I would say it's something that is likely that we talked about, yes.
b6 Per OIG b7C Per OIG [redacted] When he says --
MR. RYBICKI: In the context of events at that time and --
[redacted] Sure. When he says it, the reference to seventh floor --
b6 Per OIG b7C Per OIG MR. RYBICKI: Uh-huh.
[redacted] -- what does that encompass?
MR. RYBICKI: Basically the executive suite, so EAD's and above.
b6 Per OIG b7C Per OIG [redacted] I see. Okay. It's also we, our, well, we've been also told that ADIC Sweeney had concerns that perhaps, not definitively, that Lisa Page may have disclosed this information to the Wall Street Journal.

And that he expressed that concern to you and you, in some form or fashion, also had a similar reaction. Does that stick out in your mind?
MR. RYBICKI: It does, yeah. And I remember talking to him about that. Yes, I remember him expressing concern and me echoing concern, yeah.
[redacted] So help --
[redacted] Oh, I'm sorry.
b6 Per OIG b7C Per OIG [redacted] Sure.
[redacted] Just tell us as much as you --
[redacted] Yes.
[redacted] -- can about that.
b6 Per OIG b7C Per OIG MR. RYBICKI: Sure.
[redacted] That's where I was going to go.
MR. RYBICKI: Yeah. And it's partly, you know, so ADIC Sweeney worked for Deputy Director Joyce --
b6 Per OIG b7C Per OIG [redacted] Right.
MR. RYBICKI: -- as his special assistant so he knows sort of a lot of the --
b6 Per OIG b7C Per OIG [redacted] How things work.
MR. RYBICKI: How things work and everything, and especially on the deputy director's staff. I remember having a conversation, where it was in the sequence I'm not sure, but I remember --
b6 Per OIG b7C Per OIG [redacted] You mean date sequence or article

sequence?
MR. RYBICKI: Both.
[redacted]: Okay.
MR. RYBICKI: Actually, you know, yes, both.
[redacted] But is it fair to say it was contemporaneous in the October, early November 2016 timeframe?
MR. RYBICKI: I'm going to say yes without actually having a, I would say everything would point to that, yes.
[redacted]: Okay.
MR. RYBICKI: I just can't --
[redacted]: If I told you that it was on October 30th and November 4th would you have any reason to doubt that?
MR. RYBICKI: I would have no reason to doubt that.
[redacted] Okay.
MR. RYBICKI: Yeah.
[redacted] Okay.
MR. RYBICKI: Just given the context. I'm sorry, you --
[redacted] Oh no, I was going to say, so getting back to what you remember.
MR. RYBICKI: Yep. So, because I, this was in

the, I mean, there was just a lot of information coming out generally, right. And there was, and so that, I remember that being the sort of hey, there's just leaks coming from everywhere, right. And I do remember him talking about Lisa Page and I remember me, and I don't know if it was based on my thought from here, you know, expressing a similar concern of, you know. Just thinking about the universe of people, you know, not knowing definitively but just thinking who would have access to certain information.
[redacted] And then what did you do after you had that conversation? Was it anything that you thought okay, someone else has a similar thought and you do something else? And if so, why not?
MR. RYBICKI: I don't believe I did anything. I don't think I went that far down. You know, I guess maybe just thinking about it, there was conjecture at that point. And without knowing, you know, just, again, just thinking about the universe of people but not having anything to point to it or any, you know, that, so I guess it's fair to say the level of concern didn't rise to the threshold that, you know. Certainly if I thought somebody was leaking classified information --
[redacted] Sure.
MR. RYBICKI: -- and really crossed the line,

right, you know, I would, that would be one thing. You know, I've on a couple of occasions, I don't know how many, talked to folks, folks that are interacting with the press to express, you know, be careful of the line of, right. There is a, especially with classified information there is a line you cannot cross, right. But I don't, yeah, I don't think I did anything.
[redacted] Well, help us understand because the wall, in the sense of we're on the outside looking in.
MR. RYBICKI: Uh-huh.
[redacted] So, we've talked about this would be a concern, this being the highlighted portions that are disclosed, one on one private conversation, high ranking officials. You're now hearing from the head official of one of the most significant FBI offices who also used to serve in a capacity that you currently serve having a similar concern. Wouldn't that motivate some type of what's going on here?
MR. RYBICKI: I don't know is the short answer. Again, I, I'm trying to remember the context of which this was all happening. Which was --
[redacted] Uh-huh.
MR. RYBICKI: -- you know, leaks, perceived leaks everywhere, right?
[redacted] Uh-huh.

MR. RYBICKI: And I'm saying leaks, not necessarily meaning --
[redacted]: Classified.
MR. RYBICKI: -- classified but just --
[redacted]: Sure.
MR. RYBICKI: -- information getting out in the public.
[redacted] Right. So for here, the article we've been talking about, no one is saying this is a classified, an unauthorized disclosure of classified information.
MR. RYBICKI: Right.
[redacted] So, obviously we can characterize it different ways but --
MR. RYBICKI: Yeah.
[redacted] -- we're not saying it's classified.
MR. RYBICKI: Sure. So I, so I guess in the context, right, I think it was, you know, again, you're right. I mean, you have the ADIC of New York saying it but, you know, again, you know, in the course of just, I don't know what else we might have talked about there, right. You know, what else was happening around there. I guess nothing, I don't think I did anything with it and I don't know that it rose to the level of thinking that I

b6 Per OIG b7C Per OIG

should do anything with it but I'm not.
[redacted] And again, help us understand why, what could have possibly been the reason why you wouldn't have?
MR. RYBICKI: Why I wouldn't have done anything with it?
[redacted] Right.
MR. RYBICKI: I can't say for sure. I mean, again, I don't, because, again, it's, you know, we're talking about, say, this one, for instance.
[redacted] And you know, this --
MR. RYBICKI: Yeah, yeah.
[redacted] -- October 30th.
MR. RYBICKI: Yeah. And without knowing more than just sort of simple being aware, you know, again, knowing who could have had access to the information and who could have just, I don't know that there was anything to do, right.
[redacted] Is it fair to say that in your conversations with ADIC Sweeney that both of you were viewing these three paragraphs that are highlighted in the October 30th Wall Street Journal article as an unauthorized disclosure of information?
MR. RYBICKI: I don't think so. Say that one more time. I just want to make sure you're --

[redacted] Okay. What I'm saying is you relayed to us that you definitely do remember talking to Bill Sweeney --
MR. RYBICKI: Yes.
[redacted] -- about being concerned --
MR. RYBICKI: Yes.
[redacted] -- that Lisa Page was the source of the private conversation --
MR. RYBICKI: Yes.
[redacted] -- between McCabe and Axelrod being in the paper.
MR. RYBICKI: Yes.
[redacted] Okay. What I'm wondering is was it both of your senses that that was unauthorized?
MR. RYBICKI: It certainly, I don't know what I thought at the time. I certainly view it as sensitive. I don't view it as a leak of classified information, like we've talked about. I just don't know if I thought at the time like this is a, you know, that sort of --
[redacted] Uh-huh.
MR. RYBICKI: -- unauthorized leak.
[redacted] Do you remember when you were talking to Mr. Sweeney if you guys were talking about whether you believe that Andy told her to do it?
MR. RYBICKI: I don't recall that specifically.

I don't have any reason to, kind of he is relaying that.
I don't have any reason to doubt that.
[redacted] I don't want to put words in your mouth but it sounds to me like what you were talking about with ADIC Sweeney about you both having this concern about Lisa Page was that it was a concern she had done something wrong. Is that fair?
MR. RYBICKI: I think that's, yes, I think that's fair. I mean, I just want to be careful. You know, looking back I can think one way but what I was thinking at the time, that's what I'm, that's the only reason I'm hesitating. Does that --
[redacted] Right, right, right.
MR. RYBICKI: -- make sense?
[redacted] Yeah, no. No, and I'm, I mean, that's why I've got you focused on this conversation that you remember --
MR. RYBICKI: Yeah.
[redacted] -- with Mr. Sweeney.
MR. RYBICKI: Yep.
[redacted] Because in our mind if Lisa Page were authorized to do that then there would be no concern.
[redacted] Well, maybe.
[redacted] Maybe.
MR. RYBICKI: Yeah, that's what I was going to

say, maybe.
[redacted] Yeah.
MR. RYBICKI: Maybe there'd still be concern. That, and then that's the only reason I hesitated.
[redacted] Right. I think that's kind of what we're trying to sort out.
MR. RYBICKI: Yeah. So I guess going back to that earlier question, I don't know, I can't recall specifically talking about whether the deputy director authorized her to do that. I just don't, I don't remember that.
[redacted] Uh-huh.
MR. RYBICKI: But could have.
[redacted] Right.
MR. RYBICKI: And I don't remember at the time thinking, you know, the unauthorized part is I guess what I'm getting --
[redacted] Well, let me ask you this.
MR. RYBICKI: -- hung up on.
[redacted] As you sit here today have you at any time ever learned that someone at the FBI had authorized the disclosure of the details of the August 12th call between McCabe and Axelrod in the October 30th Wall Street Journal article?
MR. RYBICKI: Not to my recollection.

b6 Per OIG b7C Per OIG [redacted]: You've never heard anyone had ever authorized that?

MR. RYBICKI: I don't recall anyone authorizing it.

b6 Per OIG b7C Per OIG [redacted]: And you, that sounds like something you'd remember if you, if someone had told that to you?

MR. RYBICKI: It is. I mean, again, I, with, I guess I index more on classified information, right?

b6 Per OIG b7C Per OIG [redacted]: Uh-huh.

MR. RYBICKI: Like I, to me, right, that's a huge red line, right. And then when you get here, so that's where I get a little bit --

b6 Per OIG b7C Per OIG [redacted]: And I get that.

MR. RYBICKI: Yeah.

b6 Per OIG b7C Per OIG [redacted]: But again, we are talking about --

MR. RYBICKI: Absolutely.

b6 Per OIG b7C Per OIG [redacted]: -- some high ranking officials, private conversation --

MR. RYBICKI: Yep.

b6 Per OIG b7C Per OIG [redacted]: -- dirty laundry aired in the paper. I mean, that's --

MR. RYBICKI: Absolutely.

b6 Per OIG b7C Per OIG [redacted]: -- not classified but problematic, right?

MR. RYBICKI: Yep. Yes.

b6 Per OIG b7C Per OIG [redacted]: So do you think you, if someone had said oh, you might be worried about that but don't be because X authorized it --

MR. RYBICKI: I think I would be. I think I would remember.

b6 Per OIG b7C Per OIG [redacted]: Okay.

MR. RYBICKI: Yes.

b6 Per OIG b7C Per OIG [redacted]: Yeah. I mean, certainly as you sit here today you don't think Directory Comey authorized this?

MR. RYBICKI: I don't, no, I don't believe so.

b6 Per OIG b7C Per OIG [redacted]: Okay.

MR. RYBICKI: Yeah.

b6 Per OIG b7C Per OIG [redacted]: And what makes you feel that way?

MR. RYBICKI: I guess I don't know for sure. It's just I don't recall anything that led me to, would lead me to think that he did, right. No.

b6 Per OIG b7C Per OIG [redacted]: Okay. Do you remember seeing or observing anything that would lead you to believe that Andy McCabe authorized this?

MR. RYBICKI: No, I don't.

b6 Per OIG b7C Per OIG [redacted]: Okay.

MR. RYBICKI: Again, not for any, just that I don't remember anything being said or conversations that

would lead me to believe that.

b6 Per OIG b7C Per OIG [redacted]: So, if, we've been told that Director Comey expressed he didn't know how this happened, that Mr. McCabe expressed he wasn't involved with it. Do you have any recollection, involved with disclosing this information?

MR. RYBICKI: And, I'm sorry, I lost for one, you, you've been told that both the director and the deputy didn't --

b6 Per OIG b7C Per OIG [redacted]: We --

MR. RYBICKI: Is that what you're saying?

b6 Per OIG b7C Per OIG [redacted]: We've been told that Director Comey was told by Deputy Director McCabe --

MR. RYBICKI: Oh, I'm sorry. Okay.

b6 Per OIG b7C Per OIG [redacted]: -- that he, Deputy Director McCabe, had nothing to do with it. He didn't know how this happened.

b6 Per OIG b7C Per OIG MR. RYBICKI: Got it.

b6 Per OIG b7C Per OIG [redacted]: Is that something you've ever heard? Is that something that is consistent with your recollection? Is that wrong? Is that inconsistent with your recollection?

MR. RYBICKI: I can't, I don't, I can't recall any conversations on it so I can't say either way --

b6 Per OIG b7C Per OIG [redacted]: Okay.

MR. RYBICKI: -- whether it would be right or wrong.

b6 Per OIG b7C Per OIG [redacted]: So, and just to be a little bit more direct, Director Comey, now I'm saying specifically, Director Comey told us that in some form or fashion Director McCabe expressed to him something like, can you believe this crap? How does this stuff get out? Which Director Comey understood as Mr. McCabe wasn't involved in authorizing the disclosure of this information to the Wall Street Journal.

MR. RYBICKI: That Deputy Director McCabe said, I don't know how this crap gets out?

b6 Per OIG b7C Per OIG [redacted]: Correct.

MR. RYBICKI: And Director Comey said what?

b6 Per OIG b7C Per OIG [redacted]: He understood that as --

MR. RYBICKI: He didn't --

b6 Per OIG b7C Per OIG [redacted]: -- Mr. McCabe wasn't involved in authorizing the disclosure of this information to the Wall Street Journal and didn't know how it happened. Do you have any recollection of that? Do you have any reason to doubt that account?

MR. RYBICKI: I don't have any recollection of it. I don't have any reason to doubt it.

b6 Per OIG b7C Per OIG [redacted]: Okay.

b6 Per OIG b7C Per OIG [redacted]: Do you have any information or any

suggestions to us about how we could go about figuring out whether that is, in fact, true?
MR. RYBICKI: Whether Deputy Director McCabe told Director Comey that?
[redacted] Yeah.
MR. RYBICKI: No. I mean, if that's, I'm just trying to think about it now, you know. If Director Comey said that's the conversation they had, you know, I don't, the, you talking about just how you might go about --
[redacted] I'm --
MR. RYBICKI: Like talking to Deputy Director McCabe or --
[redacted] You --
MR. RYBICKI: -- or other individuals or --
[redacted] You certainly have more information than we do about, you know, if there were a concern on deputy director, I mean if there was a concern on Director Comey's mind, for example, who would he share that with?
MR. RYBICKI: A concern that something came out? Yeah, I mean, he would --
[redacted] Yeah.
MR. RYBICKI: -- share it with me. He would share it with the deputy director, the ADD, general counsel.
[redacted] Are there people who no longer work

at the FBI, you know, for example I'm thinking like his former chief of staff or others that he's close to that you know the director to have had a habit of sharing his concerns with?
MR. RYBICKI: I mean, sure. I mean, he, you know, [redacted] was his chief of staff and, you know. I, you know, I could see him talking to him. You know, I don't know if he would disclose the exact information but maybe, you know, the type of problem, I think like that.
[redacted] Did you hear a similar account from anyone else at the FBI about what I just told you, that Director Comey in some form or fashion expressed, I asked Andy about this or Andy came up to me and said he didn't do it, he wasn't involved with it, he doesn't know how it happened?
MR. RYBICKI: Yeah.
[redacted] Did you hear an account from anyone like that? Or did you hear the opposite, that Andy McCabe said he was involved, he didn't do it?
MR. RYBICKI: Yeah. No, sitting here I can't think either way.
[redacted] Okay. Did Director Comey tell you about any conversations he had with Mike Kortan about the disclosure of these details in the Wall Street Journal

article, the highlighted portion?
MR. RYBICKI: None that I can recall. None that I can recall but I, if he had them I, you know --
[redacted] Right.
MR. RYBICKI: It's possible that he had them certainly but none that I can recall.
[redacted] And a minute ago you had mentioned [redacted] Do you recall Director Comey telling you about any conversations he had with [redacted] about the disclosure of the details of the August 12th call in the Wall Street Journal?
MR. RYBICKI: No, I can't recall any.
[redacted] What about Jim Baker, do you ever have conversations with him?
MR. RYBICKI: Do I? Certainly.
[redacted] Yeah.
MR. RYBICKI: Yep.
[redacted] Did you have any conversations with Mr. Baker about the disclosure of the contents of the August 12th call between McCabe and Axelrod and the Wall Street Journal?
MR. RYBICKI: None that I can recall. But could have. I mean, he certainly would be in that sort of circle that, you know.
[redacted] What about conversations that

Comey that, let me start over. Did Director Comey tell you about any conversations he had with Jim Baker about the disclosure of the details of the August 12th call and the Wall Street Journal?
MR. RYBICKI: Not that I can recall.
[redacted] Any FBI executives, did Director Comey tell you about any conversations he had with any FBI executives about the disclosure of these details in the August 12th call?
MR. RYBICKI: I, again, sitting here I can't think of any. You know, but again, I want to be careful too because it's certainly possible that, you know, in the stay after or something like that it could have come up. I just can't think of any sitting here.
[redacted] Do you remember you related to us a conversation that you remember having with Mr. Sweeney about this information and about concerns about Lisa Page?
MR. RYBICKI: Uh-huh.
[redacted] Do you remember having a similar conversation about the concerns that you had about Lisa Page with anybody else there in FBI executive management?
MR. RYBICKI: I don't think I did. You know, I think I said the, you know, on many occasions, you know, as people were interacting with the press I've cautioned, right, people about going too far. And so I don't know if

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that fits the sort of criteria you're thinking of.
[redacted] I'm wondering about specific questions about Lisa Page.
MR. RYBICKI: Yeah.
[redacted] And whether or not she might be in touch with the media and providing information that otherwise ought not be appearing in the papers.
MR. RYBICKI: No, I, so, again, there was a concern that I had. And again, the time period I'm, is a little more squishy. Could have been around this, but as folks were interacting with the press, right, I don't know if I thought at the time or think now that they went too far. But just very concerned that people were talking to the press, you know. Even authorized, right, even with OPA I had a concern about just people being careful. And I knew, you know, Lisa Page and others were talking to the press, you know, with OPA. But again, they, I still think you have to be careful there as well.
[redacted] What did you know that Lisa Page was talking to the press about with OPA?
MR. RYBICKI: You know, a lot of it was around, you know, sort of the triage stories after, you know, the Clinton email investigation and things like that. I think that's a general sort of category.
[redacted] Okay.

MR. RYBICKI: Yeah.
[redacted] Do you know one way or the other as you sit here today whether Lisa Page was talking to the press about this private conversation?
MR. RYBICKI: I don't, no.
[redacted] What about Mike Kortan?
MR. RYBICKI: I don't. I mean, that he released it or, I mean --
[redacted] Participated in it, yeah.
MR. RYBICKI: I don't.
[redacted] Okay.
MR. RYBICKI: Again, there was probably, and the only reason I hesitate because I can see coming off of this a lot of discussion, you know, even with the press about this sentence, right, as you --
[redacted] Sure.
MR. RYBICKI: -- go back to it and things like that. But who disclosed it, you know, no.
[redacted] Okay. I want to --
[redacted] Let me just --
[redacted] Go ahead.
[redacted] -- finish that thought.
MR. RYBICKI: Sure.
[redacted] Do you ever remember hearing anybody taking credit for having disclosed this to the media?

MR. RYBICKI: No, not that I recall.
[redacted] Do you remember there being a search for the source?
MR. RYBICKI: I don't have a specific recollection. I know there were efforts, sort of administrative efforts in response to some articles but I just can't remember if this was one of them. Polling --
[redacted] Right.
MR. RYBICKI: Poll records and things like that. I just don't remember if it was connected to this one.
[redacted] We might get, we'll probably get to that soon.
MR. RYBICKI: Okay.
[redacted] But if you had --
[redacted] No, go ahead.
[redacted] Okay. I want to switch gears for a teeny bit. This was a, we sort of touched on this a little bit. During Director Comey's tenure did he expect to be involved in decisions to, of significant disclosures to the press?
MR. RYBICKI: I guess I would need more context I don't --
[redacted] Sure. So, private conversations between high level officials, is that something that he expected to be involved in?

MR. RYBICKI: I don't --
[redacted] If that, if this had just come up on the, at the, let's say, you know, the Monday morning meeting someone wanted to do it. Would he expect to be involved in that type of decision?
MR. RYBICKI: It's hard to say in the abstract. I mean, the, our press rules have changed. But at the time, right, it allowed certain executives to --
[redacted] Sure.
MR. RYBICKI: -- speak to the press. The director, deputy director, ADD, like, you know, the AD --
[redacted]: Uh-huh.
MR. RYBICKI: -- for public affairs, and the SAC's in their jurisdictions. So, it's just hard for me to categorically answer that. Whether he, there was an expectation that, you know, that it would come up to him. So I don't know if I can say that for sure.
[redacted]: What about an investigation, would he expect to be involved in decisions to disclose the existence of an investigation or confirm the existence of an investigation?
MR. RYBICKI: I think that's right. You know, especially because the guidelines being what they are, right, both FBI's and DOJ's --
[redacted] Uh-huh.

b6 Per OIG b7C Per OIG

MR. RYBICKI: -- I would think that, I would think that's something he would definitely want to be aware of. Again, I'm only hesitating because there might be a exigent circumstance in a, right. But I would think something like that would at least come up to the deputy director, if not the director.

b6 Per OIG b7C Per OIG [redacted] Did you ever participate in that process with the director where there was an evaluation of whether to disclose an investigation?

MR. RYBICKI: Yes.

b6 Per OIG b7C Per OIG [redacted] And was, how often did that happen?

MR. RYBICKI: I would say --

b6 Per OIG b7C Per OIG [redacted] That he participated in?

MR. RYBICKI: I would say infrequently.

[redacted] Uh-huh.

MR. RYBICKI: I mean, the one I'm thinking about is the Midyear investigation.

b6 Per OIG b7C Per OIG [redacted] Uh-huh.

MR. RYBICKI: And then the --

[redacted] That's the Clinton email.

MR. RYBICKI: The Clinton email, yep. And I just want to be careful with the recorders that --

b6 Per OIG b7C Per OIG [redacted] Yes, don't say anything classified.

MR. RYBICKI: Yeah, and another one I can think of.

[redacted] Okay.

b6 Per OIG b7C Per OIG MR. RYBICKI: Yeah.

[redacted] So was there a formal process where, with internal meetings and discussions about whether this should be done or not?

MR. RYBICKI: There was definitely discussion. Formal process, it was infrequent enough that I don't know that there was a process for it.

b6 Per OIG b7C Per OIG [redacted] I see, okay.

MR. RYBICKI: I believe --

[redacted] So is it fair to say the FBI doesn't as a routine matter disclose the existence of ongoing investigations to the press?

MR. RYBICKI: Sure, consistent with the guidelines. Absolutely.

b6 Per OIG b7C Per OIG [redacted] Okay. Is that, if you did, when that does happen is that something that the FBI coordinates with DOJ?

MR. RYBICKI: Yes. I'm just trying to think of the Clinton email investigation --

b6 Per OIG b7C Per OIG [redacted] Uh-huh.

MR. RYBICKI: -- and I think the answer was yes to that. And the other one I was referencing, I think the answer is yes to that as well, so.

[redacted] Okay.

b6 Per OIG b7C Per OIG MR. RYBICKI: So, yeah.

[redacted] I'm moving on to this unless you want to do that.

b6 Per OIG b7C Per OIG [redacted] No, I think that's good.

[redacted] Well, let me show you, and I do want you to take the time to read this next part in here. So this is an email from October 30th, 2016. And it's bates labeled on the bottom in the right corner 34866. It's an email chain. The email is essentially an email from Devlin Barrett at 1:54 p.m. to Mike Kortan and the subject is, story is filed to my editors. And then Mike Kortan forwards that email to you. For the record, I'll tell you that the time that he actually forwarded it to you was about 10 minutes later, 2:05 p.m.

b6 Per OIG b7C Per OIG MR. RYBICKI: Oh, I see there's --

[redacted] But for some reason the processing system from FBI to DOJ or OIG messed that up so I'm not sure why that is. But in the native format I can tell you that it is 2:05 p.m., which was before the article was published --

b6 Per OIG b7C Per OIG MR. RYBICKI: Okay.

[redacted] -- at around 3:30. So, take a moment to look at this because I want to ask you a bunch of questions about it.

MR. RYBICKI: Sure. Okay.

b6 Per OIG b7C Per OIG [redacted] Okay. First of all, do you remember getting this email?

MR. RYBICKI: I don't.

b6 Per OIG b7C Per OIG [redacted] Okay. Well, I want to walk through a bunch of aspects of it so I can understand it.

b6 Per OIG b7C Per OIG MR. RYBICKI: Sure.

[redacted] So, when Mike Kortan forwards this email to you had you had any prior discussion about what Barrett is previewing to Kortan? Because there's no message that Kortan says. So I'm just trying to figure that out.

MR. RYBICKI: Yeah, not that I can recall. I don't know that it would be out of the ordinary.

b6 Per OIG b7C Per OIG [redacted] For him to do it like this?

MR. RYBICKI: For him to do it like that, yeah. Just, you know, because the, you know, in other words, if it didn't say, I'm going to do a story this afternoon, he might put something like that. But if the context isn't there I would say not out of the ordinary.

b6 Per OIG b7C Per OIG [redacted] So would this be an example of, earlier you had mentioned Kortan will give you advanced head's up of significant stories. Is this one way he does it by email?

MR. RYBICKI: Yes.
[redacted] Okay. And so you'll see he changes the title to Wall Street Journal from, story is filed to my New York editors.
MR. RYBICKI: Uh-huh.
[redacted] Did that have any significance for you, either then or now?
MR. RYBICKI: I don't recall it from then. Now, no. Just that, you know, he would signify that it's going to come out from the Wall Street Journal.
[redacted]: Okay.
MR. RYBICKI: This article.
[redacted] And so earlier you had said that when you get something like this from Kortan before an article comes out that you in practice would inform the director. Is this something that you did here or would have done here?
MR. RYBICKI: Again, I don't recall the email specifically. I would say probably yes. I would probably let the director know, you know. So in the absence of Mike saying, I've already informed --
[redacted] Correct.
MR. RYBICKI: -- you know, X, right, I would say probably I would have forwarded it to the director.
[redacted] And why is that?

MR. RYBICKI: Mostly for the, because of the, I'm thinking about the time period in which --
[redacted]: Uh-huh.
MR. RYBICKI: -- it's happening, right?
[redacted] Right.
MR. RYBICKI: You know, so the, you know, the October letter had just gone out.
[redacted] Two days earlier.
MR. RYBICKI: Two days earlier, right. Friday, right? Yeah.
[redacted] The 28th?
MR. RYBICKI: Yeah, the 27th was the meeting. 28th, yes, that's right. And because it, you know, I would say mostly for the beginning of the email.
[redacted]: Right. Just on that point --
MR. RYBICKI: Yes.
[redacted] -- I mean, reading that today, that's a pretty big deal, right?
MR. RYBICKI: Yeah.
[redacted]: That's a lot of internal information that's going to --
MR. RYBICKI: Yep.
[redacted] -- hit the paper.
MR. RYBICKI: Uh-huh.
[redacted] What --

MR. RYBICKI: Yes.
[redacted]: So what, I mean, obviously, I mean, if you recall your action back then obviously we'd like that. But if not, I mean, I'm imagining as you're sitting here today, I mean, that would be a concern, right?
MR. RYBICKI: Yes.
[redacted] And so that would be significant enough to raise to the director?
MR. RYBICKI: I believe so, yeah.
[redacted] Okay. What about the next paragraph?
MR. RYBICKI: Whether that enough would be to raise to the director?
[redacted] Right, whether that's also significant.
MR. RYBICKI: I, you know, just my initial would be the top paragraph would be sort of what I would be interested in. So I think altogether it would be worth going. Yeah. But I mean, it's enough, I mean, both concerning and the information that's out there but just as a head's up that --
[redacted] Uh-huh.
MR. RYBICKI: -- this information will be out, right? That's the other --

[redacted] Right. I mean --
MR. RYBICKI: -- piece of this, right? You know, just a head's up like hey, this is going to be out there.
[redacted] Right. I mean, this, I mean, again, I'm on the outside and I'm looking at it going back in time.
MR. RYBICKI: Uh-huh.
[redacted]: But just the four corners of this document it seems like there's a lot of internal details about Midyear investigation and Clinton Foundation that are about to be published that would be problematic for the FBI that I'd want to alert the director.
MR. RYBICKI: That sounds right.
[redacted] Okay. Then you'll see the third paragraph. It begins with, and I'll read that. The story will then go into a long discussion of the internal conversations that have been going on, around. Have more color from the August 12th McCabe, Axelrod call, though at present I'm disinclined to name Axelrod. Did you know the story would address that call, the contents of that call before the article came out?
MR. RYBICKI: It's hard to say. You mean the --
[redacted] The reference there.
MR. RYBICKI: The, yeah, it's hard to say

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because I just don't recall the email.
[redacted] Okay.
MR. RYBICKI: So I'm not sure.
[redacted] Well, sitting here today does this jog any memory for you about oh, yeah, I remember getting this and I remember seeing that reference to the call?
MR. RYBICKI: It doesn't. It doesn't.
[redacted] Do you remember calling Mike Kortan about this after you received this saying, what's going on here? I mean, just, there's a reference, is it fair to say that there's a reference to the deputy director and the principal deputy attorney general, a phone conversation that a reporter knows about?
MR. RYBICKI: Hard to say because I don't remember it.
[redacted] Uh-huh.
MR. RYBICKI: I would, you know, again, sitting here just reading it --
[redacted] Yeah.
MR. RYBICKI: -- I think I'd be more concerned about the, and again, it might just have been where we were at the time, I'm much more concerned about the information about the email investigation.
[redacted] Okay.
MR. RYBICKI: So I might have been indexing on

that over this.
[redacted] Uh-huh. Well --
MR. RYBICKI: But hard to say.
[redacted] Well, on that, I mean, do you have specific recollection of that being, in and of itself, the first paragraph, significant and concerning enough that you are alerting and talking to the director and Kortan about how is this getting out in the press? What is our response to this? What's going on?
MR. RYBICKI: Sure.
[redacted] Right. So do you have a memory of having --
MR. RYBICKI: Oh.
[redacted] -- follow up with Kortan or --
MR. RYBICKI: I don't. It's --
[redacted] Comey?
MR. RYBICKI: No, it's something, you know, again, I could certainly see alerting the director. I could certainly see either Mike calling me, you know, after he sent it or me calling him to get more info. But I don't remember that specifically.
[redacted] So no recollection of picking up the phone and saying, what's going on here?
MR. RYBICKI: No.
[redacted] Is that something that you likely

would have done?
MR. RYBICKI: Yes.
[redacted] Okay.
MR. RYBICKI: Yeah.
[redacted] So, can you help us understand, I'm just trying to see how I can phrase this. Again, now it's, you know, on the October 30th article we've got mainly about the Clinton Foundation. Well, the reference there that I was focusing on. But now it's sort of, this email is a sum, sort of a short sum of the article in its totality. But --
MR. RYBICKI: Uh-huh.
[redacted] -- internal details about two investigations before the election, high profile. Wouldn't, would that stick out in your mind if you had picked up the phone and said hey, boss, brace yourself. I know we just sent a letter two days ago but it's about to get worse?
MR. RYBICKI: I suppose but, again, the, at least how I operate, the, it's more about the immediacy, right? Like --
[redacted] Uh-huh.
MR. RYBICKI: -- hey, we've got, we have to deal with this, right? Is that the point you were trying to make like hey, there, we have a leak problem, or?

[redacted] Well, everything. I mean, you know, this is getting out. What's going on?
MR. RYBICKI: Yeah.
[redacted] Just like figuring this out.
MR. RYBICKI: Yeah. I, so I don't know. What I would say though, again, you know, so much of it is just the rapid fire. Hey, dealing with this story, right? Dealing with, you know, or whatever story is coming up.
[redacted] When you say this story, which one again?
MR. RYBICKI: Well, whatever this --
[redacted] Oh, this article?
MR. RYBICKI: Yeah.
[redacted] The --
MR. RYBICKI: I'm sorry, the, you know --
[redacted] -- totality of it?
MR. RYBICKI: The totality, right.
[redacted] Okay.
MR. RYBICKI: So I don't know that I would have been thinking at the time what's the root cause of this problem. More of how do we react to this now that it's out.
[redacted] Uh-huh.
MR. RYBICKI: Does that make sense?
[redacted] Right. So this is about to come

out and it's going to come out shortly. Again --
MR. RYBICKI: Uh-huh.
[redacted] -- it came out around 3:30, 4:00 in the afternoon. So about two hours, a little less than two hours. And, you know, Barrett's headline to Kortan says, story is filed to my editors. I mean, do you pick up the phone to call Andy McCabe and say, you know, what's going on here? I mean, your name with a call with Axelrod is about to hit the press. What's going on?
MR. RYBICKI: I don't know the specific. I just can't recall that. And it's really hard for me to --
[redacted] Right.
MR. RYBICKI: -- sitting here, think about what I would have done. It's just, I don't know.
[redacted] Well, I recognize, again, I'll, that busy time you were dealing with a lot. But help us understand because you are the chief of staff to the director.
MR. RYBICKI: Yep.
[redacted] A major story is about to hit two days after the notification to Congress. Sensitive details on two investigations before the election, including a reference, whether you focused on it or not, with a deputy director and principal deputy attorney general phone call. Help us understand why nothing jumps

out in your mind? If you had done anything would that have stood out for you today?
MR. RYBICKI: Yeah. I mean, again, I could certainly see it forwarding to, you know, I don't know, you know, sitting here I'm not, I'm just not recalling it enough to know what I did. But what I would have done, right, was probably contact the director, let him know it's coming. You know, try to get from Mike Kortan, you know, a little more on, you know, what he's doing, if we're reacting to it, those kind of things. I mean, you know, I'm just trying to place all the things. I mean, Sunday at 2:05 --
[redacted] Right.
MR. RYBICKI: -- I probably still would have been [redacted] right? You know, I'm thinking --
[redacted] Right.
MR. RYBICKI: -- you know, I'm there with my [redacted]
[redacted] Right, help us understand.
MR. RYBICKI: Right. I mean, there's a lot --
[redacted] Do you check your --
MR. RYBICKI: Frequently --
[redacted] I understand, you know, busy week and I don't know what your practice is, so, but I'll just ask. When you go [redacted] do you silence your Government

device so you're not disturbed?
MR. RYBICKI: I usually have it that way in case something comes up, you know, so --
[redacted] So you, it buzzes?
MR. RYBICKI: Yes.
[redacted] Okay.
MR. RYBICKI: Yep.
[redacted] Will you check it [redacted]?
MR. RYBICKI: Yes. [redacted]
[redacted]
[redacted] Okay.
MR. RYBICKI: -- [redacted]
[redacted]
[redacted] Okay.
MR. RYBICKI: So tell me if this is not relevant.
[redacted] No, no. It --
[redacted] Oh no, go ahead. It's very helpful.
MR. RYBICKI: Yeah.
[redacted] It's relevant --
MR. RYBICKI: Yeah.
[redacted] -- because I want to know if you would have looked at it --
MR. RYBICKI: Yeah. So --
[redacted] -- or not --

MR. RYBICKI: So my recollection is --
[redacted] -- at the time.
MR. RYBICKI: Yeah, at that time, so in 2016 our
[redacted]
[redacted] Okay. But you would, you'd check your Government device in case something, emergency --
MR. RYBICKI: Sure.
[redacted] -- comes up?
MR. RYBICKI: Yep.
[redacted] Okay. So if you have, if you received this while you were [redacted] what would you have done?
MR. RYBICKI: Really depends. I mean, if I think it's, you know, if I think it's coming out right away probably got it right away to the director. And if I

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think, you know, and again, if we're looking for some sort of reaction or, you know, either Mike Kortan calls or, you know, I could have called him.

[redacted] Yeah. Is your practice more to forward the email or call you, call the boss, call Kortan? What's your practice in something like this?

MR. RYBICKI: I don't know if I have a practice. It really probably depends on the time of day, time of night, circumstance. Probably too much to say practice because I could easily just think of picking up the phone or just forwarding it on, depending on also how much information I have about it, those kind of things.

[redacted] And again, I mean, it seems like, from my perspective, that this article was a big deal. Maybe I'm overestimating it but do you have any specific recollection of, you're [redacted] at the time or maybe you're not. Maybe you have some [redacted] and therefore, you get this and you remember stepping out and dealing with it. With Kortan or Comey or McCabe or anyone?

MR. RYBICKI: Yeah. I don't specifically. And only because it's happened so many times.

[redacted] Okay.

MR. RYBICKI: On so, I can't, I mean, it could have happened but it's not like this is the first time,

you know, this is the first time it happened and I had to step out, right. I mean, it's happened many, many times and so that's, so it did happen. I think that's why it wouldn't stand out. But no, I can't remember specifically on this one.

[redacted] Let me ask you about the timing of this.

[redacted] Yeah.

[redacted] So this is the day before Halloween.

MR. RYBICKI: Uh-huh.

[redacted] And I don't know if your [redacted] has like a fall festival or other activities that are planned, you know, [redacted] --

MR. RYBICKI: Uh-huh.

[redacted] -- around celebrating those kind of times. Do you remember if, on October 30th, it was sort of normal [redacted] for you or whether there were other planned activities in the afternoon?

MR. RYBICKI: Sure. No, it would be easy because we don't, we wouldn't have it on a Sunday. So --

[redacted] Okay.

MR. RYBICKI: -- if we, we would, probably that, maybe that Saturday but not on Sunday.

[redacted] Oh, okay.

MR. RYBICKI: So I can say that pretty

definitively.

[redacted] And there aren't other things that you recall doing on the day before Halloween that would have, you know, taking you out of your normal routine? Like some people go pick apples. Some people go to a hayride or a corn maze or something like that.

MR. RYBICKI: Yeah, I don't think so. Unless [redacted] so, no, not that I can think of.

[redacted] Okay.

MR. RYBICKI: Yeah.

[redacted] And what time is it typical for you to [redacted]?

MR. RYBICKI: It depends. It really depends on the Sunday.

[redacted] Uh-huh.

MR. RYBICKI: Sometimes a couple hours after it ends. Sometimes sooner.

[redacted] So can you give us a --

MR. RYBICKI: Sometimes we go to visit people.

[redacted] Right.

MR. RYBICKI: It really depends.

[redacted] So is that, you know, what would be the earliest that you would likely [redacted] on

a regular day?

MR. RYBICKI: [redacted] in 2016 because it changes every year.

[redacted] And this wasn't a normal week, right? I mean, this is before the election, congressional --

MR. RYBICKI: Sure.

[redacted] -- notification --

MR. RYBICKI: Yep.

[redacted] -- had just occurred.

MR. RYBICKI: Yep.

[redacted] Were you at that time leaving [redacted] so you could deal with business? Do you have that recollection? The last week of October, early November?

MR. RYBICKI: I certainly could have been. I just, I don't remember. I mean, I've, again, I've left [redacted] early for work things and I just, I can't remember.

[redacted] Do you ever go into the office on a Sunday?

MR. RYBICKI: Not usually. I have before. What I will sometimes do is go to, we have an offsite that's

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[redacted] then I'll go into there.
[redacted] Uh-huh. Do you live in [redacted]?
MR. RYBICKI: No, we live in [redacted]
[redacted] Oh, you do?
MR. RYBICKI: Yeah.
[redacted] Oh, okay.
MR. RYBICKI: So [redacted] and so I can go into there.
[redacted] Oh, okay.
MR. RYBICKI: Yeah.
[redacted] The way this email is set up, just the Barrett to Kortan and the subject line and a couple things in it I wanted to flag. Does that in your mind reflect in any way from past experience that Kortan has prior knowledge or is involved in this story or vice versa?
MR. RYBICKI: I don't know if I can say for sure. I mean --
[redacted] Well, as you read it now does this reflect to you that Kortan was connected to the story? That he contributed to it? That he was aware of it in any way? Or does this read to you more like he's just getting this for the first moment and passing it onto you?
MR. RYBICKI: Well, the, I guess the original subject line, story is filed to my New York editors, would

make me think, you know, it's like he's referencing the, you know, the story or the story we discussed or something like that.
[redacted] Prior awareness, is that what you're saying or no?
MR. RYBICKI: I think so, just by the way that's worded.
[redacted] Yeah.
MR. RYBICKI: But that's simply sitting here.
[redacted] Sure.
MR. RYBICKI: You know --
[redacted] Right, and that's what I'm asking.
MR. RYBICKI: Yeah, story is filed to my New York editors. That seems to indicate, you know, that they at least talked about it before. But then the body almost seems like new because it says, I'm doing a story in which, right, it makes it seem new so it's a little confusing to me.
[redacted] As you're looking at this with respect to this question do you have any reason to think at the time that Kortan or Page were connected to this story? That they contributed to it beforehand?
MR. RYBICKI: Based on this?
[redacted] Yes.
MR. RYBICKI: No. No, I really, I couldn't

really say based on this.
[redacted] Okay. What about at any time after this email did you have any reason to believe that Mike Kortan or Lisa Page was a source for the details of the August 12th call that are referenced in this email or in the article?
MR. RYBICKI: I don't think I have, I would have enough at that time.
[redacted] At the time of this email?
MR. RYBICKI: At the time of the email.
[redacted] Okay.
MR. RYBICKI: Yeah.
[redacted] And I think, I can't remember if we asked after. But let me just ask this now open-ended. As you sit here today do you have any reason to believe after the date of this email that Mike Kortan or Lisa Page was a source for the details of the August 12th call in the October 30th Wall Street Journal article?
MR. RYBICKI: Can you unpack that just a little bit? I just want to --
[redacted] Sure. Yeah. I just want to know if, at any time after this email, so it's still in that small window before the article was published.
MR. RYBICKI: Yeah.
[redacted] But to today, so sitting here

today, whether at any time you had any reason to believe that Mike Kortan or Lisa Page were a source for the disclosure of that McCabe Axelrod call in the article?
MR. RYBICKI: Well, I guess per previous discussion, right, there was at least a thought I had that --
[redacted] Right.
MR. RYBICKI: -- of the pool, right?
[redacted] Right. But as far as I understand it that was sort of a, you were just working back on --
MR. RYBICKI: Conjecture, you know.
[redacted] Right.
MR. RYBICKI: Yeah.
[redacted] Do you have any more specific basis from that conjecture moment to today that they were a source for that disclosure of the August 12th call?
MR. RYBICKI: I don't believe so.
[redacted] Okay.
[redacted] You never heard Lisa Page say yes, I gave that to the Wall Street Journal?
MR. RYBICKI: Not to my recollection, no.
[redacted] You never heard Andy McCabe say yes, I authorized Lisa Page to release that?
MR. RYBICKI: No. No.
[redacted] Or what about Mike Kortan, did you

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ever heard Mike Kortan say, I'm not aware of how this happened? Have you ever heard him say this, that? With respect to this --

MR. RYBICKI: Yeah.

b6 Per OIG b7C Per OIG [redacted] -- article?

MR. RYBICKI: I was going to say yes, globally. With respect to this article I don't recall. I just don't, I don't recall either way on that.

b6 Per OIG b7C Per OIG [redacted] And just to make sure the record's clear, I know what you said but have you ever heard Mike Kortan say the opposite, which would be Director McCabe knew about this? He told Page and I to work with the reporter to disclose the details of the call, did you ever hear anything like that?

MR. RYBICKI: No, I don't recall that.

b6 Per OIG b7C Per OIG [redacted] Did you have anything else on that?

b6 Per OIG b7C Per OIG [redacted] No, I don't.

[redacted] So keep this email handy.

MR. RYBICKI: Okay.

b6 Per OIG b7C Per OIG [redacted] And then I want to show you another document. So what I'm showing you now are, for October 29th, 2016 and October 30th, 2016. These are the call detail records for Deputy Director McCabe.

MR. RYBICKI: Okay.

b6 Per OIG b7C Per OIG [redacted] And you'll see that in row 16 I have highlighted a call that Director McCabe made to you.

MR. RYBICKI: Uh-huh.

b6 Per OIG b7C Per OIG [redacted] Do you see that?

MR. RYBICKI: I do.

[redacted] So that's on, again, this is a little weird but it says the 30th but it, the way this got processed through steel tie line (phonetic sp.), something like four hours behind. So this is something like, and you have, and it's in Military time. For the record I'll tell you it's more like 9 o'clock at night on Saturday and the call was about four minutes, four minutes and 33 seconds.

MR. RYBICKI: So this one you're saying is 9 o'clock Saturday night?

[redacted] Correct.

b6 Per OIG b7C Per OIG MR. RYBICKI: Okay, got it.

[redacted] Do you recall what you discussed with Mr. McCabe during that phone conversation?

MR. RYBICKI: I don't.

b6 Per OIG b7C Per OIG [redacted] Do you have any reason to believe that the Wall Street Journal, the October 30th Wall Street Journal article came up in that in any way or fashion?

MR. RYBICKI: I don't remember the call at all so I --

[redacted] Okay.

b6 Per OIG b7C Per OIG MR. RYBICKI: -- I don't know either way.

[redacted] Is that the, sort of along the line of questioning I was asking earlier, is that the type of thing that you'd remember if Mr. McCabe had said Jim, I just want to give you the head's up. There's an article that's about to hit. I've worked with Kortan and Page on it. I am, I've authorized them to disclose my conversation with Axelrod because I think it'll be helpful to the FBI. Is that the type of thing you think you'd remember?

b6 Per OIG b7C Per OIG MR. RYBICKI: I think so.

[redacted] Okay. So then the article comes out --

MR. RYBICKI: And I should add --

b6 Per OIG b7C Per OIG [redacted] Go ahead.

MR. RYBICKI: -- just especially in the context of those days, right.

b6 Per OIG b7C Per OIG [redacted] Right.

MR. RYBICKI: You know, if I could remember it now I would think at some point in that time period --

b6 Per OIG b7C Per OIG [redacted] That's what I meant, yeah.

MR. RYBICKI: Yes. That it would all sort of piece together.

b6 Per OIG b7C Per OIG [redacted] Correct.

MR. RYBICKI: Yeah.

b6 Per OIG b7C Per OIG [redacted] I meant back then.

MR. RYBICKI: I think that's right.

[redacted] That's the type of thing you remember?

b6 Per OIG b7C Per OIG MR. RYBICKI: Yeah.

[redacted] So then from row 16 if you go to row, in between 24, 25-ish.

b6 Per OIG b7C Per OIG MR. RYBICKI: Uh-huh.

[redacted] That's when the article comes out, around 3:30-ish p.m. So the way the math I do is you got to do the Military time and then sort of minus four hours for the way this got processed. So that's sort of the way I'm coming out with 3:30-ish there. Just sort of I guess --

MR. RYBICKI: 3:30 on Sunday?

b6 Per OIG b7C Per OIG [redacted] Yeah, just sort of --

MR. RYBICKI: Got it.

[redacted] -- trust me on that.

MR. RYBICKI: Uh-huh. Yep.

[redacted] Or I'll represent that that's what it is.

MR. RYBICKI: Yep. I will --

b6 Per OIG b7C Per OIG [redacted] So --

MR. RYBICKI: -- stipulate to that.

b6 Per OIG b7C Per OIG [redacted] -- on row 25 you may not recognize that number but that's at 4:02 so the article has been out for a half an hour. And McCabe, Director McCabe is calling Lisa Page and they're talking for nine minutes, eight minutes --

MR. RYBICKI: Got it.

b6 Per OIG b7C Per OIG [redacted] -- and 59 seconds. And then the next row looks like Director McCabe is trying to reach you.

MR. RYBICKI: Uh-huh.

b6 Per OIG b7C Per OIG [redacted] And it's only 33 seconds but he's leaving either a message or you're telling him that you're going to call him back. So that's about 4:13.

MR. RYBICKI: Okay.

b6 Per OIG b7C Per OIG [redacted] You see that there? That's row 26.

MR. RYBICKI: Uh-huh, I do.

b6 Per OIG b7C Per OIG [redacted] Any recollection of that?

MR. RYBICKI: I don't.

[redacted] Okay. So then if you jump down two more rows obviously you do call him back --

MR. RYBICKI: Uh-huh.

b6 Per OIG b7C Per OIG [redacted] -- around a minute or so later. And you and Mr. McCabe speak for about eight minutes. And at this time the article has been out for less than an

hour.

MR. RYBICKI: Uh-huh.

b6 Per OIG b7C Per OIG [redacted] Do you recall discussing the article at this time?

MR. RYBICKI: I do not.

b6 Per OIG b7C Per OIG [redacted] Is it fair to say that this would have been a likely subject of the conversation?

MR. RYBICKI: I think so. If it was within an hour of it coming out.

b6 Per OIG b7C Per OIG [redacted] Is it fair to say that if Mr. McCabe had said to you, I authorized this disclosure about my call with Axelrod, just so you know, you'd remember that?

MR. RYBICKI: I think I would.

b6 Per OIG b7C Per OIG [redacted] Do you remember that coming up at all?

MR. RYBICKI: I don't.

b6 Per OIG b7C Per OIG [redacted] What about the reverse, do you remember Director McCabe saying, I don't know how this happened? I'm pissed, we need to get to the bottom of this.

MR. RYBICKI: I don't.

b6 Per OIG b7C Per OIG [redacted] Would that stick out in your mind if that happened?

MR. RYBICKI: In the --

b6 Per OIG b7C Per OIG [redacted] In the negative.

MR. RYBICKI: In the negative, yes. And especially in the timeframe, right, if it, you know, if this was being discussed I think it would, yes.

b6 Per OIG b7C Per OIG [redacted] So it would stick out in the negative or the positive?

MR. RYBICKI: Both ways.

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. RYBICKI: Both ways.

[redacted] Okay. Go ahead.

MR. RYBICKI: And I should also say, depending on the, so it's this article, right?

[redacted] Right. So we're talking about the October 30th article.

MR. RYBICKI: Got it.

b6 Per OIG b7C Per OIG [redacted] And I'm specifically just focusing on the highlighted parts.

MR. RYBICKI: Right.

b6 Per OIG b7C Per OIG [redacted] But, right. So --

MR. RYBICKI: I'm just wondering because there's a lot in this article.

b6 Per OIG b7C Per OIG [redacted] There is a lot in there, right.

MR. RYBICKI: Yeah.

[redacted] And it's summarized in that email that I just showed you.

b6 Per OIG b7C Per OIG

MR. RYBICKI: Right.

[redacted] So you got that email from, to put it all in context here now, you get this email from Kortan at 2:05.

MR. RYBICKI: Yep.

[redacted] The article comes out at 3:30

b6 Per OIG b7C Per OIG MR. RYBICKI: Uh-huh.

[redacted] And then less than an hour after the article hits the world McCabe is calling you or you're calling him back and you guys are talking for eight minutes.

MR. RYBICKI: Yep.

b6 Per OIG b7C Per OIG [redacted] So, is it fair to say that this is a topic of conversation?

MR. RYBICKI: Absolutely. I, so, yes. I'm just, because I can't recall the conversation. I'm just wondering when you say this is a topic --

b6 Per OIG b7C Per OIG [redacted] First I meant just --

MR. RYBICKI: -- about the highlighted --

[redacted] -- the article as a whole.

MR. RYBICKI: The article? Yes, I think that's right. Yeah.

b6 Per OIG b7C Per OIG [redacted] And then I'm switching to would it be natural that you would have asked him what about this private conversation that's in there?

MR. RYBICKI: I can't say --
[redacted]: Uh-huh.
MR. RYBICKI: -- for sure because I don't remember my initial reading of it. And again, I'm trying to put myself back in that October timeframe, right. There's so many, you know, like I said when I read this, this is, the first paragraph is actually the one that jumped out at me more than the --
[redacted]: Right.
MR. RYBICKI: -- call, right. So it, so I can't say for sure.
[redacted]: But then you're seeing, I'm sorry to cut you off but --
MR. RYBICKI: Yep.
[redacted]: And tell me if I'm wrong. I recognize not a lot of detail in the email about the call if you don't even know about the call --
MR. RYBICKI: Yep.
[redacted]: -- at the time. But then --
MR. RYBICKI: Certainly.
[redacted]: -- I assume you're reading it in the article or talking about it.
MR. RYBICKI: Sure.
[redacted]: Is it more likely to stick out in your mind one way or the other of McCabe saying, I don't

know how this happened, I wasn't involved with it versus, I was involved with it and I did it to counter a narrative in the story.
MR. RYBICKI: The latter --
[redacted]: Okay.
MR. RYBICKI: -- more likely.
[redacted]: To stick out in your mind?
MR. RYBICKI: Yep.
[redacted]: Because why?
MR. RYBICKI: I think it would just be, I don't know. I can't articulate it but it would --
[redacted]: I'm sorry.
MR. RYBICKI: No, it would just be surprising. It would be, yeah, surprising is probably the right word for it. You know --
[redacted]: And why do you say that?
MR. RYBICKI: -- in the negative that he had authorized it or had --
[redacted]: Why?
MR. RYBICKI: -- said it. I would just, it would just seem odd to me that in the context, right, that he would disclose a private conversation like that. Unless there was, right, unless it was attributed, right. I could see it being, you know --
[redacted]: Right.

MR. RYBICKI: -- Deputy Director McCabe said, right. Something like that. Less likely to stand out in my mind that, you know, I don't know where this came from or --
[redacted]: Let me ask you this just to sort of take you back to that weekend. It's our understanding that on the couple of days before this article came out that Deputy Director McCabe took a personal trip to [redacted]. And so he was out of the office for a couple of days. Do you remember him doing that?
MR. RYBICKI: I do simply because on the 27th when the, right, the 30th --
[redacted]: Yes.
MR. RYBICKI: The 27th when the case was briefed he called in for that. So I don't recall specifically that he was in [redacted] but I know he was out of the office on the 27th and I think the 28th. So I knew he was on travel.
[redacted]: Uh-huh. And so I'm wondering if on this Sunday when you're having this call, you know, is the fact that he's recently been out of the office and he's been in [redacted] does that help you to remember what you were talking about or how you might have been talking about it?
MR. RYBICKI: It doesn't, no.

[redacted]: I want to see if I can sum this up, what we've just said in a, if I understand you correctly. If I'm understanding you correctly are you saying that it would more likely stick out in your mind on the October 30th conversation with McCabe at 4:14 if McCabe had said to you, I authorized this. I told Page and Kortan they could do this. But you have no specific recollection of that happening?
MR. RYBICKI: Yes. And just to be crystal clear, I think the, right, I would be more likely to remember it --
[redacted]: Yes.
MR. RYBICKI: -- right? Or --
[redacted]: Is it --
MR. RYBICKI: -- if it was discussed later I think people would have, right, that would have come out --
[redacted]: Okay.
MR. RYBICKI: -- in discussions, right, more than if it was don't know how this happened. Does that make sense?
[redacted]: Yeah. So I think you were saying two things just now and I want to make sure I understand that too.
MR. RYBICKI: Certainly.

b6 Per OIG b7C Per OIG b6 -1 b7C -1

b6 Per OIG b7C Per OIG [redacted] So you're saying in that one on one conversation when you speak for eight minutes and 22 seconds on, at 4:14 on October 30th, an hour, less than an hour after the article comes out, if McCabe had said Jim, look, I worked with Kortan and Page. We felt that this article had some very damaging allegations against the FBI and we thought this call was the best evidence to counter that narrative. If he had said that to you you would have remembered that?

MR. RYBICKI: I believe so.

b6 Per OIG b7C Per OIG [redacted] But you have no specific memory of that?

MR. RYBICKI: Correct. Or --

[redacted] And if he --

MR. RYBICKI: -- the call, frankly, but --

b6 Per OIG b7C Per OIG [redacted] Right.

MR. RYBICKI: -- I don't dispute it certainly.

[redacted] And if he had said something to that effect I think you were then just also saying that that would have likely engendered further conversation after?

MR. RYBICKI: Yes, I believe so. And, right. Which could have happened, right, if --

b6 Per OIG b7C Per OIG [redacted] Right.

MR. RYBICKI: -- the discussions on the Monday were --

[redacted] Right.

MR. RYBICKI: -- how did this happen?

b6 Per OIG b7C Per OIG [redacted] Right.

MR. RYBICKI: Those kind of things.

[redacted] But you have no recollection of that occurring?

MR. RYBICKI: I do not.

b6 Per OIG b7C Per OIG [redacted] Meaning, the that being McCabe saying --

MR. RYBICKI: On the call.

[redacted] Yeah.

b6 Per OIG b7C Per OIG MR. RYBICKI: Yes.

[redacted] On the call with you, I worked with Kortan and Page. I authorized it. And then that spurred subsequent conversation about the fact that McCabe authorized the disclosure of his private conversation.

MR. RYBICKI: Correct.

[redacted] In later FBI meetings?

MR. RYBICKI: Right.

b6 Per OIG b7C Per OIG [redacted] Okay.

[redacted] And can I ask you a question about the conversation that you do remember having with Mr. Sweeney?

MR. RYBICKI: Sure.

[redacted] If Deputy Director McCabe had told you, I authorized that, I worked with Lisa Page and Mike Kortan to put that out there, your conversation with Mr. Sweeney would be different, right?

MR. RYBICKI: Sure, I think that's right. I think that's right. Now again, you know, I also want to be careful just because the recollections that, so, yes. I think you're absolutely right to that point. The, you know, folks were talking to the media, right, but in authorized capacity. So I just want to be careful that I'm not, I don't remember it specifically this one, right?

[redacted] Uh-huh.

b6 Per OIG b7C Per OIG MR. RYBICKI: And it --

[redacted] The October 30th?

MR. RYBICKI: The October 30th. But they were talking, right, with OPA --

b6 Per OIG b7C Per OIG [redacted] Right.

MR. RYBICKI: -- in the sanction matter, right?

[redacted] Correct.

MR. RYBICKI: But as to this everything is as we talked about, yeah.

b6 Per OIG b7C Per OIG [redacted] The October 30th?

MR. RYBICKI: The October 30th, yeah.

[redacted] Okay.

MR. RYBICKI: Yeah. But your point is, yep.

b6 Per OIG b7C Per OIG Yes.

[redacted] And just one more question on this highlighted chart here. The last highlighted line on line 32 reflects that about a half an hour after you spoke with Mr. McCabe Mr. McCabe called Director Comey --

b6 Per OIG b7C Per OIG MR. RYBICKI: Uh-huh.

[redacted] -- at around 4:41 on Sunday and they spoke only for a minute and 39 seconds. Do you see that there?

b6 Per OIG b7C Per OIG MR. RYBICKI: I do, 32?

[redacted] Yep. Do you have any recollection of what Mr. McCabe and Mr. Comey talked about in that conversation?

b6 Per OIG b7C Per OIG MR. RYBICKI: I do not.

[redacted] Do you have any recollection of Mr. Comey calling you back after this call that he has with McCabe saying, McCabe told me he authorized this?

b6 Per OIG b7C Per OIG MR. RYBICKI: I do not.

[redacted] Or McCabe told me he wasn't involved with this?

MR. RYBICKI: I don't.

b6 Per OIG b7C Per OIG [redacted] Okay.

[redacted] I'm going to go another document unless you have a --

b6 Per OIG b7C Per OIG [redacted] Oh, I just wanted to ask the same

question that I had.
Which is if the director had subsequently told you, I asked Andy and he authorized it --
MR. RYBICKI: Uh-huh.
b6 Per OIG b7C Per OIG: -- your conversation with Mr. Sweeney would have been different. Is that correct?
MR. RYBICKI: I think that's correct. Yeah. I think that's correct. Yeah.
b6 Per OIG b7C Per OIG: So I'm going to show you --
MR. RYBICKI: And again --
b6 Per OIG b7C Per OIG: Go ahead.
MR. RYBICKI: I'm sorry, can I jump back to that one just for --
b6 Per OIG b7C Per OIG: Any time.
MR. RYBICKI: Yeah. That, because I think the, as we talked about, the conversation with ADIC Sweeney was sort of, I don't think it was limited to just this, right?
b6 Per OIG b7C Per OIG: Not just limited to the conversation with Axelrod.
MR. RYBICKI: Right.
b6 Per OIG b7C Per OIG: It touched on a number of other topics.
MR. RYBICKI: Yeah, exactly. So when you say, I just want to make sure I'm being clear when I answer. It would diminish, I agree with your point.

b6 Per OIG b7C Per OIG: Right.
MR. RYBICKI: I guess it would, you know, but there could be other things as well, right?
b6 Per OIG b7C Per OIG: Sure.
MR. RYBICKI: Because it's all --
b6 Per OIG b7C Per OIG: I mean, the point that I'm trying to make is discussions you and Bill Sweeney had about Lisa Page, if you --
MR. RYBICKI: There was concern there.
b6 Per OIG b7C Per OIG: Right, about that concern. If you knew that Andrew McCabe had authorized the release of the details of this August 12th call --
MR. RYBICKI: Right.
b6 Per OIG b7C Per OIG: -- I don't see any reason for you and Bill Sweeney to be talking about your concerns about Lisa Page.
MR. RYBICKI: I think that's right, yep.
b6 Per OIG b7C Per OIG: Okay.
b6 Per OIG b7C Per OIG: I'm going to show you this document and then I'm just teeing it up so we can get to the heart of the matter.
MR. RYBICKI: Sure.
b6 Per OIG b7C Per OIG: Okay. So, and I'll give you time to look at that.
MR. RYBICKI: Okay.

b6 Per OIG b7C Per OIG: So, what I'm showing you right now is an email from [redacted] to, an email chain that includes Director Comey, yourself, Mike Kortan, Richard Quinn, [redacted] Joshua Campbell, [redacted] And the subject is, Sunday evening coverage. b6 -1 b7C -1
MR. RYBICKI: Uh-huh.
b6 Per OIG b7C Per OIG: And it says all, please see the coverage from major news outlets and other pieces that stood out from the past 24 hours. Please let me know if you have any questions. Thank you. And the date is October 30th, 2016 at 7:02 p.m. And if you turn to page two you will see that the second item is Wall Street Journal, FBI, an internal feud over Hillary Clinton probe. And it says subscription. There's a short summary. And then at the end there's a parenthetical at the paragraph saying note, remainder of this article is at the end of this email.
MR. RYBICKI: Uh-huh.
b6 Per OIG b7C Per OIG: And you see, and if you turn to pages four, at the bottom of four there's a bolded italicized note that says note, here is the remainder of the WSJ article. Do you see that?
MR. RYBICKI: Uh-huh.
b6 Per OIG b7C Per OIG: And it goes on from four to five to six to seven. And if you see on page six towards the

bottom where according, do you see that there? This would be, there's an indentation beginning the Washington Field Office. Do you see that?
MR. RYBICKI: I do, uh-huh.
b6 Per OIG b7C Per OIG: End of that paragraph.
MR. RYBICKI: Yep.
b6 Per OIG b7C Per OIG: Jump to the next line.
MR. RYBICKI: Uh-huh.
b6 Per OIG b7C Per OIG: According to a person familiar to the probes, that all the ways down to then sort of the last paragraph on that page, first line. Are you telling me that I need to shut down a valid predicated investigation? So you see that the portions of the article that --
MR. RYBICKI: I do.
b6 Per OIG b7C Per OIG: -- I've highlighted are included --
b6 -1,Per OIG b7C -1,Per OIG
MR. RYBICKI: Uh-huh.
b6 Per OIG b7C Per OIG: -- in this email from [redacted] And then you responded back to him that evening, thank you, very helpful. Again, the timing got screwed up. I think you did it around 7:30-ish so it was fairly soon thereafter. So my question is here you have an email where [redacted] now is flagging all the articles, including the Wall Street Journal article that we've been spending a

lot of time talking about today. Did this spur subsequent conversations among this email chain about what's going on here? How did this happen? Because Kortan's now on this. So are people now saying, and so was Quinn who, Quinn is his deputy, right?

MR. RYBICKI: Correct.

[redacted]: Does he substitute for Kortan when Kortan's not around at that time?

MR. RYBICKI: He does. Or he did, yep.

[redacted]: What abou[redacted]who's she?

MR. RYBICKI: She is[redacted]in OPA. She's in OPA. She might be[redacted]I can't remember her exact position.

[redacted]: How about Joshua Campbell?

MR. RYBICKI: He was at the time the director's special assistant. He's an agent.

[redacted]: Okay.

MR. RYBICKI: Yeah.

[redacted]: Director Comey's special agent?

MR. RYBICKI: Correct.

[redacted]: No longer?

MR. RYBICKI: Correct.

[redacted]: Okay. So all these people would have a need to know about this, these articles? Is that why[redacted]is sending it to them?

MR. RYBICKI: I don't know the, I don't know how they selected --

[redacted]: Okay.

MR. RYBICKI: -- who it went to.

[redacted]: But it's a small group.

MR. RYBICKI: Yeah, uh-huh.

[redacted]: I think we got five people --

MR. RYBICKI: Yes, OPA, so director's office and public affairs.

[redacted]: Okay. And you and the, who are the representatives from the director's office there?

MR. RYBICKI: The director, myself, Josh Campbell, and[redacted]

[redacted]: Okay. And what was[redacted]position again?

MR. RYBICKI:[redacted]

[redacted]: Okay. Does she still have that position?

MR. RYBICKI: She does.

[redacted]: Okay. So did this email, and specifically the inclusion of the Wall Street Journal in its totality as part of the email, spur subsequent conversation about, you know, who authorized this? Is this authorized? Specifically the McCabe Axelrod call?

MR. RYBICKI: I don't recall. I don't recall

any.

[redacted]: So just to run through these people here for completeness. Do you recall any conversations with[redacted]beyond your reply here, thank you, very helpful?

MR. RYBICKI: I don't.

[redacted]: And all the questions are only confined to the Wall Street Journal article.

MR. RYBICKI: Sure.

[redacted]: And specifically the disclosure of the McCabe Axelrod call.

MR. RYBICKI: Got you. I don't recall any.

[redacted]: What about Mike Kortan?

MR. RYBICKI: I don't. I don't, so I don't recall any but I would say it would, if there were any discussions about it it would be likely that he would be include, especially in the meetings the next day or, you know, calls that Sunday if there were any. Again, I'm just not recalling specifics.

[redacted]: And again, maybe I should say it like this. Here we have this email in the evening, right? It's around, we'll go with the[redacted]mail, 7:02 p.m.

MR. RYBICKI: Uh-huh.

[redacted]: Which you received.

MR. RYBICKI: Yep.

[redacted]: You have the Kortan email earlier, a couple hours earlier in the afternoon before the article came out.

MR. RYBICKI: Yep.

[redacted]: The article comes out. There's conversations between you and McCabe. Given the frequency of all those hits on this article within the 12 hour period is this, is that likely to come up the next morning?

MR. RYBICKI: I think so.

[redacted]: At the Monday morning meeting?

MR. RYBICKI: I think so.

[redacted]: Okay. But no recollection one way or the other about anyone saying who did this, how this happened?

MR. RYBICKI: No. I mean, again, not that it wasn't. I just, I don't recall any specifics.

[redacted]: Okay. What about Director Comey after this, in response to this email chain, do you have any conversation with him that jumps out at you?

MR. RYBICKI: I don't. Again, I mean, it's likely that I told him about it and, you know, and an article like this I think we would be talking about reaction and things like that but I don't recall a specific.

b6 Per OIG b7C Per OIG
b6 -1,Per OIG b7C -1,Per OIG
b6 Per OIG b7C Per OIG
b6 Per OIG b7C Per OIG
b6 Per OIG b7C Per OIG
b6 -1 b7C -1
b6 Per OIG b7C Per OIG
b6 -1,Per OIG b7C -1,Per OIG
b6 -1,Per OIG b7C -1,Per OIG
b6 Per OIG b7C Per OIG
b6 Per OIG b7C Per OIG
b6 -1 b7C -1
b6 Per OIG b7C Per OIG
b6 Per OIG b7C Per OIG
b6 Per OIG b7C Per OIG

b6 Per OIG b7C Per OIG [redacted] Do you recall anyone, again, with respect to the documents on October 30th that I've been showing you, the Kortan email, the [redacted] email, and now, and the article, someone saying hey, this leak or this disclosure of the McCabe Axelrod call, we got to figure out what happened. I mean, this, who among our trusted staff is putting this out to the media?

b6 -1 b7C -1

MR. RYBICKI: I, we didn't. I hope that we did. I don't recall specifically but, so I could certainly see it.

b6 Per OIG b7C Per OIG [redacted] Do you remember Kortan saying anything to that effect?

MR. RYBICKI: I don't. I don't. But again, I would hope that we would have talked about it at the time. I just, I can't sitting here --

b6 Per OIG b7C Per OIG [redacted] Okay.

MR. RYBICKI: -- recall.

[redacted] Do you have anything else on that or no?

b6 Per OIG b7C Per OIG [redacted] I don't.

[redacted] Okay. Let me show you this document and this is actually the last document so we are nearing the end. So I'm showing you an email from December 2016. And it references a leak investigation, the first chain, the bottom part of it.

MR. RYBICKI: Uh-huh.

b6 Per OIG b7C Per OIG [redacted] It's entitled media data poll and it's from Pete Strzok, Peter Strzok to Andrew McCabe. But the first paragraph references whether or not a leak investigation has been opened into the publicity surrounding the C Foundation, that the director would like to do something.

MR. RYBICKI: Uh-huh.

b6 Per OIG b7C Per OIG [redacted] Did you ever hear about that?

MR. RYBICKI: I did.

[redacted] Tell us about that. What did you hear?

MR. RYBICKI: This was sort of in the context of just leaks generally in that timeframe that were happening. They were happening quite frequently. And I remember them talking about, I can't remember who brought it up but I definitely remember the subject of being poling, what we could do administratively which was poling toll records and --

b6 Per OIG b7C Per OIG [redacted] FBI toll records?

MR. RYBICKI: FBI toll records. And the lead, I believe this is where they set about to identify FBI employees that were having contacts with the media. And then they would go, you know, figure out what they were, you know, basically what they were talking to them about,

if they were frequent and those kind of things.

[redacted] Was the October 30th article that we've been spending our time talking about, was that within the ambit of the publicity surrounding the Clinton Foundation that was a concern to the director?

MR. RYBICKI: I don't recall specifically. I think it was just the general atmosphere we were in. Now, they could have had specifics in mind but --

b6 Per OIG b7C Per OIG [redacted] Uh-huh.

MR. RYBICKI: -- I think it was just the general like there's been a number of disclosures coming out. You know, we need to figure out, you know, who was talking about this, right? Which then sort of led to the, in, starting in December I believe, a review of our FBI's media policy. Which was then just reissued this past month.

b6 Per OIG b7C Per OIG [redacted] As a final revised --

MR. RYBICKI: As a final revised policy.

[redacted] Okay.

MR. RYBICKI: So that process, so it was sort of this, right, all these disclosures coming out. This was just a piece of it, right, to try to get a handle on, you know, are there, you know, who, are there people having frequent contacts with the media. Which led to then a discussion of do we need to tighten up our policy, which

started in December of last year.

b6 Per OIG b7C Per OIG [redacted] Were you involved in that process of revising the policy?

MR. RYBICKI: I was. So we pulled back a ASAC, Jackie Maguire --

b6 Per OIG b7C Per OIG [redacted] Uh-huh.

MR. RYBICKI: -- who, to do it and she read it. So I was involved in sort of the, you know, getting it cleared through DOJ and those kind of things. But she led the review and then the working group on it.

b6 Per OIG b7C Per OIG [redacted] Is she still at headquarters or no?

MR. RYBICKI: She, that's an interesting question. She, it was, she's up for the Quinn position in OPA.

b6 Per OIG b7C Per OIG [redacted] Oh, okay.

MR. RYBICKI: That board just met last week so I don't know if she's, I'm pretty sure she's still, she's around. She's either in Birmingham or here. She was --

b6 Per OIG b7C Per OIG [redacted] I see.

MR. RYBICKI: -- detailed to OPA for this project.

b6 Per OIG b7C Per OIG [redacted] Got it.

MR. RYBICKI: And she may likely be part of OPA shortly.

b6 Per OIG b7C Per OIG [redacted]: At the time this effort began, meaning sort of poll that FBI records to see if there's a leak problem and revising the policy, which sounds like it just happened --

MR. RYBICKI: Uh-huh.

b6 Per OIG b7C Per OIG [redacted]: -- did you at any time during that timeframe become aware that someone at the FBI had authorized the details of the McCabe Axelrod call that are highlighted in the October 30th article?

MR. RYBICKI: No. I, no. I don't think I knew the results of any of the poll, no.

b6 Per OIG b7C Per OIG [redacted]: Oh, okay. But aside from the, okay. So, no knowledge about results from the poll. And then aside from the poll, independent of that, from those two points in time, from December 2016 to the present, did you ever become aware that anyone at the FBI had authorized the disclosure of the details of the McCabe Axelrod call in the October 30th Wall Street Journal article?

MR. RYBICKI: No.

b6 Per OIG b7C Per OIG [redacted]: I have a question. And that is one of the folks that we talked to indicated to us that it wasn't a secret about who was the source of information for this McCabe Axelrod call. That it was actually kind of common knowledge around the FBI executive suite about

how this got out. From your perspective was it common knowledge?

MR. RYBICKI: No, I wouldn't say it was common knowledge for me. I would say --

b6 Per OIG b7C Per OIG [redacted]: Because as you sit here today you don't really know how it got out, right?

MR. RYBICKI: That's right. That's right. And again, my, you know, as I've described it conjecture, or whatever you're talking about, just is, comes from being up in that, you know, the seventh floor, as we've talked about. And just knowing who would have access to information and then things like that.

b6 Per OIG b7C Per OIG [redacted]: Yeah.

MR. RYBICKI: So, no. I would not, I wouldn't say it was common knowledge.

b6 Per OIG b7C Per OIG [redacted]: Okay. Would it be fair to characterize yourself as a person who up in those executive suites, if there's common knowledge to be had, typically has that common knowledge?

MR. RYBICKI: I would say yes, although the director's office can be isolated from the rest of the executive suite in some cases.

b6 Per OIG b7C Per OIG [redacted]: Okay. I imagine that's by design. Because there are some things the director needs to handle that --

MR. RYBICKI: By design and --

b6 Per OIG b7C Per OIG [redacted]: -- might be kept away?

MR. RYBICKI: Yeah. By design and by culture, right.

b6 Per OIG b7C Per OIG [redacted]: Yeah.

MR. RYBICKI: Yeah.

[redacted]: Okay.

[redacted]: Is it fair to say though that if it were common knowledge within the confines of the director's office that Kortan or Page had been working on this that you would have knowledge about it?

b6 Per OIG b7C Per OIG

MR. RYBICKI: I think so, yeah.

[redacted]: Or if Andy McCabe had authorized it?

MR. RYBICKI: I think so.

b6 Per OIG b7C Per OIG [redacted]: Okay.

[redacted]: Do you, I'm going to do the close up. Do you have anything else or no?

[redacted]: No, I think that that --

[redacted]: Okay.

b6 Per OIG b7C Per OIG [redacted]: -- covers it.

[redacted]: Okay.

Do you have anything that you want to add that we didn't cover, that you think we should know, that you want to elaborate on?

b6 Per OIG b7C Per OIG

MR. RYBICKI: Yeah, I don't think I do.

[redacted]: Okay. Well, it's a little before 1:00. We just want to thank you very much for your time and cooperation. I understand we went a little longer but we appreciate all your time.

MR. RYBICKI: Absolutely.

b6 Per OIG b7C Per OIG [redacted]: Thank you very much.

[redacted]: We appreciate it.

(Whereupon, the interview was concluded.)

CERTIFICATE

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Interview of James Rybicki

b6 Per OIG
b7C Per OIG

[redacted] Transcriber

January 3, 2018

Date

FBI 18-cv-01766-1085

A

above (1)
84:21
absence (1)
110:20
absolute (1)
67:4
absolutely (9)
13:11;67:12;71:7;
94:17,23;107:17;
137:15;144:8;161:6
abstract (1)
105:6
accepted (1)
32:15
access (3)
87:9;90:16;159:11
according (4)
30:5;31:9;149:1,9
account (5)
34:17;62:24;97:21;
99:11,18
accurate (4)
10:11;12:3;48:8;
162:3
acknowledged (2)
26:13;45:24
acronym (1)
40:3
action (7)
15:25;18:23;37:2;
38:3,3,3;112:3
activities (2)
123:12,18
activity (1)
122:17
actual (2)
12:14;47:23
actually (10)
13:4;18:7;59:25;
69:21;86:4,9;108:15;
138:7;154:22;158:24
AD (1)
105:11
ADD (4)
98:23;105:11;
132:15;160:23
additional (2)
14:13;33:22
address (4)
45:1;46:11,19;
113:21
addresses (1)
18:24
ADIC (11)
80:17,23;81:13;83:4,
15;84:23;85:16;89:20;
90:20;92:5;146:16
administration (2)
59:20;60:7
administrative (1)
104:6
administratively (1)
155:18
adopted (1)
60:1
advance (3)
13:8;14:13;16:13
advanced (3)
13:8;21:15;109:23
advisory (1)
84:7
affairs (8)
8:9;74:14,14,17,22,
22;105:13;151:9
affects (1)
74:23
aftermath (1)
68:9
afternoon (6)
13:4;31:22;109:19;
118:4;123:18;153:2
AG's (2)
62:1,15
again (123)
4:24;6:18,24;8:14;
9:8,13;10:23;11:7;
12:3;14:24;16:15,24;
19:15,19;20:5;21:6;
22:5;25:4,6,20;27:4,
16;28:8,18;29:2,15;
30:15,24;31:8,9;32:7;
33:8,11,20,21;34:21;
35:5;36:1,24;38:1,2,
10;42:4,13,21;43:3,7,9;
44:14,15;45:9,10,23;
46:25;47:22;51:18;
53:6;54:21;57:20,24;
59:9;60:6;61:11;64:2,
23;67:14;68:1,11;70:2;
74:8;75:19;76:4;77:25;
79:4;81:6;82:10;83:20;
87:18;88:20;89:19,21;
90:2,9,9,15;94:8,16;
95:24;101:10,11;
102:8,9,17;103:12;
106:3;110:18;113:6;
114:17,21;115:18;
116:6,19;117:6,10;
118:1,15;119:3;122:1,
13;125:20;131:6;
138:4;144:6;146:10;
149:21;151:15;152:18,
20;153:16,21;154:1,
13;159:8
against (1)
142:6
agency (1)
61:16
agent (2)
150:16,19
agents (1)
78:11
ago (2)
100:7;116:17
agree (4)
26:20;46:21;47:18;
146:25
ahead (14)
5:4;15:12;33:19;
36:14;52:11;57:13;
58:3;77:23;103:21;
104:15;120:18;132:16;
136:10;146:11
air (1)
61:7
aired (1)
94:21
alert (1)
113:13
alerting (2)
115:7,18
allegations (3)
3:18;45:2;142:6
allowed (1)
105:8
alluding (1)
78:16
almost (2)
80:3;127:15
alone (1)
7:22
along (4)
37:4;60:5;68:20;
132:3
Although (3)
14:18;47:20;159:20
altogether (1)
112:19
always (4)
23:8;41:23;42:1;
74:18
ambit (1)
156:4
among (2)
150:2;154:6
Andrew (4)
9:5;11:4;147:11;
155:3
Andy (16)
11:16;12:8;27:11;
30:21;49:3;75:9;76:24;
91:24;95:21;99:14,14,
19;118:7;129:22;
146:3;160:13
appeared (2)
18:20;22:16
appearing (2)
80:18;102:7
appears (1)
79:6
apples (1)
124:5
appreciate (2)
161:5,8
appreciated (1)
58:19
approached (1)
77:2
appropriate (4)
42:19,24;46:10;
73:25
approximately (1)
3:14
b6 Per OIG
b7C Per OIG
aren't (1)
124:2
around (19)
13:5;71:17,24;89:23;
102:10,21;108:24;
113:18;118:3;123:13,
15;133:11;134:23;
145:7;149:22;150:8;
152:22;157:19;158:25
article (120)
4:19;5:25;6:5,7;7:5,
22;8:12,22;12:5;13:1,
13,16,17;14:12;15:18,
20;16:2,13;17:10;
18:19;19:7,10;20:20,
25;21:19,20;22:13,16;
26:23;27:1,2;31:25;
34:13,24,25;38:11;
40:16;42:6;44:12;
46:11;50:25;51:11;
52:10;67:18,25;68:9;
70:24;71:11;72:7,15;
73:3,18;75:6;78:8,13,
17,17,22;79:3,5,7;80:4,
6,10,14,25;81:5;82:1,
17;83:13;85:25;89:8;
90:22;93:24;100:1;
108:21;110:12,15;
113:22;116:7,10;
117:12;122:14;128:6,
18,23;129:3;130:5,7;
131:23;132:6,13;
133:10;134:2,25;
135:4;136:12,14,21;
137:6,9,20,21;138:22;
140:7;142:4,6;148:16,
22;149:14,25;152:8;
153:2,5,7,23;154:4;
156:2;158:9,19
articles (10)
69:15;71:16,19;78:8,
24;81:20;83:5;104:6;
149:24;150:24
articulate (1)
139:11
articulated (3)
47:7;53:13;56:11
articulating (2)
24:4;53:3
ASAC (1)
157:4
aside (4)
22:13;31:4;158:12,
14
aspects (1)
109:7
assistance (1)
55:22
assistant (7)
68:19,22;69:2,4;
78:12;85:18;150:16
associate (2)
14:5;74:25
associated (2)
15:25;18:23
assume (2)
6:6;138:21
assuming (1)
14:14
assumption (3)
27:3,7;29:18
assumptions (1)
14:21
atmosphere (1)
156:7
attacking (1)
45:2
attend (1)
39:3
attended (1)
62:24
attention (6)
6:18;7:13;8:3,8,10;
32:18
attorney (8)
22:1;23:3;42:9;
60:25;61:25,25;
114:12;118:24
attributed (1)
139:23
August (16)
22:15,21,22;23:14;
26:10;34:23;93:22;
100:10,20;101:3,9;
113:19;128:5,17;
129:16;147:12
authority (2)
49:11;72:20
authorization (4)
9:5;11:3,16;12:2
authorized (27)
12:7;49:8;92:22;
93:10,22;94:2;95:4,10,
21;102:14;129:23;
132:8;135:11;139:18;
141:6;143:15,17;
144:2,10;145:17;
146:3;147:11;151:23,
24;158:8,17;160:13
authorizing (3)
94:3;97:9,18
Avenue (1)
3:16
aware (11)
7:16;15:19;20:9;
34:22;70:10;90:15;
106:3;126:21;130:1;

FBI 18-cv-01766-1086

158:7,16
awareness (2)
13:21;127:4
away (4)
121:25,25;125:3;
160:2
Axelrod (33)
9:17;12:9,20,21;
21:23;22:10;30:9;
52:20;57:18;58:5;62:9,
25;63:11,18;64:11;
68:6;72:14;91:10;
93:23;100:20;113:19,
20;118:8;129:3;132:9;
135:12;146:19;151:24;
152:11;154:5;158:8,
18,24

B

back (32)
5:20;6:3;18:18;19:6,
21;21:13,18;22:6,7;
31:22;50:6;60:2,17;
80:2;86:24;92:10;93:7;
103:17;112:3;113:6;
125:16;129:10;133:2;
134:13,21;137:10;
138:5;140:6;145:16;
146:12;149:20;157:4
background (1)
80:20
bad (2)
9:2;10:13
Baker (3)
100:13,19;101:2
Barrett (4)
15:20;108:12;
109:11;126:12
Barrett's (1)
118:5
Based (4)
67:10;87:6;127:23;
128:1
basic (1)
28:22
basically (5)
23:2;40:6;79:1;
84:20;155:25
basis (3)
31:7;50:21;129:15
bates (1)
108:10
beat (1)
17:23
became (4)
17:18;18:25;59:25;
60:3
become (3)
70:10;158:7,16
beforehand (1)
127:22
began (2)
47:7;158:1
beginning (2)
111:14;149:2
begins (1)
113:16
behind (1)
131:9
besides (1)
30:11
best (1)
142:7
better (1)
5:17
beyond (2)
30:13;152:4
big (7)
16:1;25:12;43:2;
51:3,7;111:18;122:14
Bill (5)
78:12;82:18;91:3;
147:7,15
bind (1)
52:16
Birmingham (1)
157:19
bit (7)
12:24;21:5;94:13;
97:3;104:17,18;128:20
bleed (1)
74:21
board (1)
157:17
body (1)
127:15
bolded (1)
148:20
books (2)
65:20,25
boss (2)
116:16;122:5
both (13)
26:13;58:16;74:23;
86:2,4;90:20;91:14;
92:5;96:8;105:24;
112:20;136:7,9
bottom (7)
17:9;77:16;108:10;
135:20;148:20;149:1;
154:25
Boy (1)
63:8
brace (1)
116:16
break (4)
12:25;13:9;19:3;
80:3
brief (3)
6:2;18:17;80:1
briefed (2)
21:7;140:14
briefer (1)
61:21
briefing (1)
22:20
bring (1)
5:20
brings (1)
8:9
brought (6)
6:17;8:3,8;39:24;
41:8;155:16
brouhaha (1)
16:1
bucket (2)
23:19;24:25
bulk (2)
4:24;7:1
bunch (3)
4:16;108:25;109:7
Bureau (2)
53:15,19
business (1)
125:17
busy (3)
20:6;118:16;119:23
buzzes (1)
120:4

C

call (48)
22:15;34:23;47:10;
72:15;80:4;93:23;
100:10,20;101:3,9;
113:19,21,21;114:6;
118:7,8,25;122:5,5,5;
128:5,17;129:3,16;
130:13,24;131:2,12,24;
134:13,21;135:12;
138:10,16,17;140:20;
142:7,15;143:11,14;
145:16;147:12;151:24;
152:11;154:5;158:8,
18,24
called (7)
4:11;63:19;64:13,14;
122:3;140:15;145:5
calling (9)
114:8;115:19,20;
120:12;121:8;134:4;
137:9,10;145:16
calls (3)
84:10;122:2;152:18
came (20)
6:9;15:21;16:11;
20:1;22:20;26:23;27:2;
32:4,14;41:14;67:18;
80:5;98:19;99:14;
113:22;118:3;131:23;
140:3,7;153:3
campaign (1)
18:22
Campbell (3)
148:4;150:14;151:13
Can (49)
4:6,25;5:16;18:5;
22:17;30:22;31:2;33:3;
36:11,20;39:23;44:5;
49:7,13;65:6;66:3;
69:22;74:21;78:5;
79:22,23;85:12;89:13;

b6 Per OIG
b7C Per OIG

b6 -1
b7C -1

FBI 18-cv-01766-1087

92:10;97:6;100:2,3,6,
22;101:5;103:13;
105:17;107:1;108:20;
109:7,14;116:5,6;
123:25;124:9,20;
126:8,17;128:19;
141:1;143:22;146:12;
147:20;159:21
can't (58)
7:24;8:17;13:24;
14:16,18;16:25;21:5,
11;22:8,18;23:12;27:4,
6,18;28:9;32:6;33:14;
37:19;39:16;43:8;
44:19;45:9;48:1,3;
50:7;51:24;53:9;61:7;
68:10;70:19;72:2;
78:15,16,19;84:11;
86:12;90:8;93:8;96:23,
23,24;99:21;100:12;
101:10,14;104:7;
118:11;122:24;123:4;
125:21;128:13;137:16;
138:1,10;139:11;
150:12;154:15;155:16
capacity (2)
88:16;144:10
care (2)
37:6;38:5
careful (11)
7:7;74:18,19;88:4;
92:9;101:11;102:15,
18;106:23;144:7,10
carry (1)
5:16
case (7)
28:25;41:20,20,21;
120:2;121:16;140:14
cases (2)
15:14;159:22
categorically (1)
105:15
category (3)
53:11;54:12;102:24
caught (1)
32:17
cause (1) b6 -1
117:20 b7C -1
cautioned (1)
101:24
celebrating (1)
123:15
Center (3)
40:1,7;126:7
certain (3)
63:12;87:10;105:8
certainly (34)
8:19;20:4;23:10,17,
23;30:18;42:20;54:18;
68:12;71:8,19;72:1;
73:23;74:4;76:13,13,
14;87:22;91:15,16;
95:9;98:15;100:6,15,
23;101:12;115:18,19;
119:4;125:19;138:20;
141:25;142:17;154:9
certifies (1)
162:2
chain (10)
11:19;21:10;69:23;
70:13;74:20;108:11;
148:2;150:2;153:19;
154:25
challenging (1)
45:21
changed (6)
38:18;59:17,19,20;
60:7;105:7
changes (2)
110:3;125:6
[redacted] b6 -1 b7C -1
characterize (2)
89:13;159:17
charge (1)
78:12
chart (1)
145:3
check (4)
37:10;119:21;120:8;
121:15
Cheung (1)
62:2
chief (24)
3:10;14:15;22:25;
23:24;25:20;60:1,3,4,
18;61:19;62:12,15,18;
69:6;72:24;73:1,13;
75:1;99:2,6;118:17;
150:11,12;151:16
chiefs (1)
62:1
[redacted] b6 -1 b7C -1
chosen (1)
56:3
Chris (1)
65:14
[redacted]
circle (3)
11:21;21:18;100:24
circling (1)
21:13
circumstance (4)
23:5;73:23;106:4;
122:9
classified (12)
40:2;87:23;88:5;
89:3,4,10,10,17;91:17;
94:9,24;106:25
clear (11)
6:16,20;7:6;8:17,24;
30:17,25;54:7;130:10;
141:9;146:24
cleared (1)
157:9
Clearly (2)
9:15;51:24
Clinton (24)
17:15;18:25;42:10;
55:11,23;66:21;68:5;
70:17;79:3,13;80:7,18;
81:23;82:22,25;83:1;
102:23;106:21,22;
107:22;113:11;116:8;
148:13;156:4
clips (1)
70:4
close (3)
99:2;126:1;160:17
closest (1)
37:1
color (1)
113:19
Comey (53)
8:12,21;9:2,10;
10:12;19:5;28:6;30:14;
33:25;35:11;36:8;52:4,
12,13;54:5;63:18;64:5,
11,17;65:1,7,10,13,20;
69:8,11,14,22;70:12;
79:16;82:12;95:10;
96:3,13;97:4,5,8,14;
98:4,7;99:13,23;100:8;
101:1,1,7;115:16;
122:19;145:5,12,16;
148:3;153:18
Comey's (5)
38:22;64:7;98:18;
104:18;150:19
comfort (1)
69:18
coming (22)
13:13;33:8;42:7,11;
43:14,20;51:10,11;
52:14;68:13;83:16;
87:1,4;103:13;117:8;
119:8;121:24;133:14;
135:9,15;156:11,21
command (3)
40:7;74:10,20
committees (2)
15:25;18:23
common (7)
158:25;159:1,3,15,
18,19;160:9
communicate (1)
74:25
communicating (1)
75:2
communications (2)
28:13;54:23
commute (1)
84:5
commutes (1)
84:10
company (1)
7:23
comparison (1)
68:16
complete (1)
74:10
completely (1)
45:20
completeness (1)
152:3
concept (1)
47:16
concern (38)
9:11,20;11:7,20,24;
12:1,12;21:18;28:5;
30:16;34:14;44:17;
53:2,3,3;56:11,20;
78:19;85:1,6,6;87:7,
21;88:12,17;92:5,6,22;
93:3;98:16,17,19;
102:9,15;112:5;147:9,
10;156:5
concerned (19)
8:21;9:8;17:1;28:25;
32:18;34:1;35:21;36:1;
41:4;46:25;53:23;54:4,
19;56:25;77:10;91:5;
102:13;114:20,22
concerning (2)
112:21;115:6
concerns (23)
9:22;10:1;29:3,9,13;
30:12,13;32:2;33:14;
45:1;46:19;72:12;
73:18;75:7,8;76:9,18;
78:11;84:23;99:4;
101:17,20;147:15
concluded (1)
161:9
condone (1)
54:18
conference (1)
3:15
confidential (1)
79:13
confined (2)
68:1;152:8
confines (1)
160:9
confirm (2)
56:4;105:20
confirmation (2)
56:14,15
confirmed (1)
57:1
confirming (1)
55:22
conflate (1)
46:16
conflating (4)
7:18;16:24;17:5;
21:6
confused (1)
81:25
confusing (3)
20:23;21:12;127:18
Congress (5)
55:2,7;66:20;70:17;
118:21
congressional (3)
74:14,22;125:9
conjecture (4)
87:17;129:11,15;
159:8
connected (3)
104:10;126:20;
127:21
[redacted] b6 -1 b7C -1
connection (2)
3:18;81:22
consistent (4)
13:17;67:7;96:20;
107:16
constantly (1)
38:4
contact (3)
16:15,22;119:7
contacted (1)
12:20
contacting (1)
16:18
contacts (2)
155:23;156:24
contemporaneous (1)
86:6
content (1)
47:1
contentious (2)
23:11;25:23
contents (4)
3:22;72:14;100:19;
113:21
context (19)
5:20;10:4;14:9;
18:10;19:15;52:25;
64:5;72:14;76:15;
84:14;86:21;88:20;
89:19;104:21;109:20;
132:17;137:3;139:21;
155:13
contingent (1)
59:9
continue (1)
23:21
contributed (2)
126:21;127:22
conversation (64)
9:15,21,25;12:8,14;
21:21;22:9,19,19,23;
25:23;27:12,18;28:23;
29:21;32:3;34:15;

FBI 18-cv-01766-1088

35:17;42:8;45:5;46:5;
48:6,24;64:11;65:18;
66:5;67:17;68:4,11;
75:8;83:12,20;84:11;
85:23;87:12;88:13;
91:8;92:16;94:19;98:8;
101:16,20;103:4;
114:13;131:19;132:9;
135:7;137:14,16,25;
139:22;141:5;142:2,
20;143:16,17,23;
144:3;145:13;146:5,
16,18;151:23;153:20
conversations (27)
23:11,25;27:25;32:7;
33:15;51:17;63:11,20;
68:8;80:17,23;81:12;
90:20;95:25;96:24;
99:24;100:9,14,18,25;
101:2,7;104:23;
113:18;150:2;152:4;
153:6
conveying (1)
64:5
cooperation (1)
161:4
coordinates (1)
107:20
corn (1)
124:6
corner (1)
108:10
corners (1)
113:9
correctly (2)
141:3,3
corruption (1)
41:20
couldn't (1)
127:25
counsel (7)
3:3,6;60:5,24;61:20;
62:1;98:24
counter (2) b6 -1
139:2;142:7 b7C -1
counterespionage (1)
41:21
couple (12)
13:1;39:14;61:16,20;
79:4;82:8;88:2;124:18;
126:12;140:7,9;153:2
course (2)
4:18;89:21
courses (1)
15:8
cover (1)
160:24
coverage (2)
148:5,8
covers (1)
160:21
crap (2)
97:7,12
created (1)
16:1
credibility (1)
45:2
credit (2)
31:14;103:25
criteria (1)
102:1
cross (1)
88:6
crossed (1)
87:25
crystal (1)
141:9
culture (1)
160:3
currently (2)
3:10;88:16
cut (3)
15:11;60:11;138:13
cyber (1)
126:7

D

DAG (1)
62:3
DAG's (1)
62:18 b6 -1
damaging (1) b7C -1
142:6
[redacted]
data (1)
155:2
date (5)
3:13;85:25;128:16;
148:10;162:17
[redacted]
day (15)
9:11;24:11,11;37:25,
25;38:10;42:22,23;
44:3;53:1;122:8;123:9;
124:3;125:1;152:17
days (7)
111:8,9;116:17;
118:21;132:18;140:7,
10
days' (1)
79:2
DC (1)
3:16
dead (1)
5:10
deal (7)
25:13;33:10;43:3;
111:18;116:23;122:14;
125:17
dealing (4)
117:7,8;118:16;
122:19
December (5)
3:14;154:24;156:14;
157:1;158:15
decide (1)
14:7
decipher (1)
65:16
decision (1)
105:5
decisions (2)
104:19;105:19
declassified (1)
28:14
definitely (9)
6:18;15:14;26:8;
82:18;91:2;106:2;
107:8;125:5;155:17
definitive (1)
77:8
definitively (4)
13:24;84:24;87:9;
124:1
Denise (1)
62:2
Department (5)
4:11;9:19;21:22;
54:24;162:5
depend (2)
16:17;35:20
dependent (1)
73:22
depending (6)
14:9,24;16:18;20:5;
122:11;136:11
depends (6)
14:25;121:23;122:8;
124:15,15,23
DEPOSITION (1)
162:2
Deputy (67)
9:5,15;11:4;12:2;
14:3,4,5;15:6;17:18;
18:25;20:7;21:21,25;
22:9;23:2,3,22;24:23;
29:12;38:25;39:3;42:8,
9;45:4;50:20;53:25;
54:22;59:10,21;60:3,5,
18;61:12,18,25;62:2;
73:20,24,25;74:5,24;
75:1;77:24;80:12;
85:16,22;93:9;96:9,13,
15;97:11;98:3,11,17,
23;105:11;106:5;
114:11,12;118:24,24;
130:24;140:1,8;144:1;
150:5;151:16
deputy's (1)
39:13
described (3)
22:23;23:2;159:8
design (3)
159:23;160:1,3
detail (2)
130:24;138:16
detailed (1)
157:21
details (25)
22:15;26:22;34:23;
42:8;45:5;68:4,5;79:4,
12;80:7,11;93:22;
99:25;100:10;101:3,8;
113:10;116:13;118:22;
128:4,17;130:13;
147:12;158:8,17
developed (2)
4:17;33:22
development (2)
15:19;16:14
device (2)
120:1;121:16
Devlin (2)
15:20;108:12
didn't (20)
12:2;14:19;20:8,9,
14;51:20;62:12;69:21;
75:20;87:21;96:3,9,16;
97:16,19;99:15,20;
109:19;154:8;160:24
differ (1)
68:17
different (8)
15:7;17:6;29:23;
61:18;70:3;89:14;
144:4;146:6
differentiate (2)
58:12,21
differently (2)
8:1;71:15
diminish (2)
26:7;146:25
direct (6)
46:17;50:13;53:1;
63:10;74:6;97:4
directions (1)
50:24
directly (6)
9:9;15:3;68:23;69:5;
73:20;74:25
director (163)
3:11;8:12,20;9:5,10,
13,16;10:12;11:4;12:2;
13:22;14:3,4,5,6,8,14,
15,18,25;15:3,7,16;
16:15,18;17:2,18;19:1,
4,5;20:1,7,8;21:3,17,
21;23:2;24:23;25:15;
27:15;28:6;29:12;
30:13;35:11;36:7;37:6;
38:22;39:1,2,3;42:8;
45:4;50:20;52:4,12,13;
54:1,5,22;55:1,7;
56:25;59:10,10,21,21;
61:11,12,21;63:18;
64:5,7,10,17;65:1,7,10,
13,14,20;66:8;68:22;
69:3,8,14,22;70:12;
73:24,25;74:6,24;75:1;
76:17,20;77:7;78:12;
79:16;80:12,13;82:12;
85:16;93:9;96:3,8,12,
13,15;97:4,5,6,8,11,14;
98:3,4,7,11,17,17,23;
99:3,13,23;100:8;
101:1,6;104:18;
105:11,11;106:6,6,8;
110:16,20,24;112:9,14;
113:13;114:12;115:7,
18;118:18,24;119:7;
121:25;130:11,24;
131:2;134:3,8;135:19;
140:1,8;144:1;145:5;
146:2;148:3;150:19;
151:12;153:18;155:6;
156:5;159:24
director's (26)
21:7;23:22,23;38:16;
39:12,19;40:23;41:17;
42:5,20;43:25;44:10,
22;51:7,9;61:19,20;
66:4;73:13,16;85:22;
150:15;151:8,11;
159:21;160:10
Directory (1)
95:10
dirty (1)
94:21
disagreement (2)
25:13,20
disclose (11)
3:21;11:16;27:21;
45:5;99:8;105:19;
106:9;107:14;130:13;
132:8;139:22
disclosed (14)
9:4;11:2,15;46:4;
48:6;56:19;63:19;68:6;
73:4;83:12;84:25;
88:13;103:18,25
discloses (1)
21:20
disclosing (3)
34:6;42:7;96:5
disclosure (21)
12:8;45:7;46:22;
47:5;89:10;90:23;
93:22;97:9,18;99:25;
100:10,19;101:3,8;
129:3,16;135:11;
143:17;152:10;154:5;
158:17
disclosures (5)
3:18;78:13;104:19;
156:11,21
discuss (2)
3:22;73:3
discussed (21)

FBI 18-cv-01766-1089

8:22;9:12;12:17;
19:20;20:11;26:9;
28:16;33:7;34:23;
43:10;44:16,19;46:8;
68:12;71:16,18;73:8;
127:2;131:18;136:4;
141:15
discussing (13)
8:11;10:4;26:6;
30:18;34:6;51:2,5;
53:3;67:25;71:10;
75:20,23;135:3
discussion (13)
4:24;8:18,25;22:8;
28:11;41:2;44:20;
103:14;107:8;109:10;
113:17;129:5;156:25
discussions (12)
9:20;35:4,16;46:25;
52:3;78:10,11;107:6;
141:19;142:25;147:7;
152:16
disinclined (1)
113:20
dispute (2)
46:1;142:17
disturbed (1)
120:1
Division (3)
3:4,7,15
document (9)
4:15,18;7:1;113:10;
130:22;145:23;147:20;
154:22,22
documents (1)
154:2
doesn't (12)
21:21;27:21;30:5;
47:8;64:16,20;65:14;
99:15;107:14;114:7,7;
140:25
DOJ (21)
9:2;10:13;28:24;
34:5;36:5;39:15,17;
43:14,17,24;47:11;
51:13,19;53:19;57:9,
14;60:25;61:22;
107:20;108:19;157:9
DOJ's (1)
105:24
dominating (1)
41:5
don' (1)
21:11
don't (272)
3:21;5:13;6:16,19,
22;7:6,8,24;8:2,3,13,
24;9:7,8,9,10,13,14;
10:3,3,15;11:6,9,19,25;
12:4,10,13,14,19;
16:23;17:7,8;18:7;
20:3;22:5,6,19;24:2,2,
4,14;25:25;26:5,7,9;
27:14,16;29:8,9,15,15,
17;30:6,8,15,16,17,22,
24;31:14;32:6,20;34:7,
9,15;35:1,5,8,13,15,16,
17;36:5,6,23;37:3,14;
40:20;41:3,14;42:12,
16;44:14,19;45:25;
46:15,16,17,19;48:14;
50:6,7;51:1,1,21;53:5;
54:7;55:13;56:10,10,
16,19,20;57:4,20;
60:14;62:17;63:12;
64:2,15,23;65:12;
67:25;68:18,21,22,23;
69:5;70:14,14,22;
71:13,18,20;72:6,8,10,
17;73:6,9,14;75:13,17,
18,19,22;76:6,6,11,12,
14;77:2,20,25;78:5;
79:20;81:13,24;82:15;
83:19,20;87:5,15,16;
88:2,6,7,19;89:22,24,
25;90:9,17,24;91:15,
17,18,25;92:1,2,3;93:8,
10,10,15;94:3;95:3,10,
12,12,16,17,22,25;
96:23;97:12,22,23;
98:8;99:8;101:22,25;
102:11;103:5,7,10;
104:4,10,22;105:1,17;
106:24;107:9;109:5,
15;110:8,18;114:1,14;
115:15,21;117:5,19;
118:10,14;119:4,24;
122:7,21;123:11,20;
124:7;125:20;126:17;
128:7;129:17;130:7,8,
8,15,18;131:20,24;
132:2;134:19;135:17,
19,22;138:3,17,25;
139:10;140:3,15;
141:20;142:17;144:11;
145:21;146:17;147:14;
151:1,1,25,25;152:6,
12,14,14,14;153:17,21,
24;154:9,13,13,20;
156:6;157:18;158:10;
159:6;161:1
done (13)
64:7,16;71:25;72:2;
90:5;92:6;107:7;
110:17;116:1;118:14;
119:1,6;121:22
doubt (12)
10:18,20;34:16;
63:17;76:19,23;83:21;
86:15,16;92:2;97:21,
23
down (23)
12:1,25;23:4;31:18;
41:16;42:6,11;44:1,11,
23;48:19;49:3;51:12,
19;53:21;56:12;79:8;
80:15;83:10;87:16;
134:20;149:10,12
drawn (1)
7:13
driving (1)
83:23
duly (1)
4:13
duplicate (1)
69:25
during (8)
12:18;36:16;44:10,
22;59:7;104:18;
131:19;158:6
duties (1)
36:20
dynamic (1)
55:6
dynamics (1)
9:14

E

EAD (1)
61:12
EAD's (3)
61:17;75:2;84:21
earlier (20)
16:2,14;20:20;29:23;
33:22;45:24;47:7;58:6;
67:24;72:11;76:18;
78:16;93:8;109:23;
110:13;111:8,9;132:4;
153:1,2
earliest (1)
124:25
early (4)
31:23;86:6;125:18,
21
easily (7)
10:16;16:18;26:6;
34:10,14;51:21;122:10
easy (1)
123:19
echoing (1)
85:6
Eclipse (2)
8:5,6
edition (2)
15:22,22
editors (5)
108:13;110:4;118:6;
126:25;127:14
effect (2)
142:19;154:12
effort (1)
158:1
efforts (2)
104:5,6
eight (5)
4:21;134:5,24;
137:10;142:2
Either (24)
8:9,18;14:8;26:7;
28:14;30:9;43:8;44:22;
49:25;50:24;62:23;
67:16;68:8,11;77:1;
96:24;99:22;110:7;
115:19;122:2;130:8;
132:2;134:12;157:19
elaborate (1)
160:25
election (7)
26:19;28:19,25;47:8;
116:14;118:22;125:8
electronic (1)
162:4
else (14)
8:9;30:10;32:1;
39:24;76:15;87:13,14;
89:22,23;99:12;
101:21;130:16;154:18;
160:18
email (52)
17:15;18:25;37:1;
41:8;66:23;70:17;
82:22;102:23;106:21,
22;107:22;108:9,11,11,
11,14;109:4,10,25;
110:18;111:14;114:1,
23;116:10;122:5;
126:11;128:3,5,9,10,
16,22;130:19;136:24;
137:2,3;138:16;148:2,
2,17;149:19,23;150:2;
151:20,22;152:21,22;
153:1,19;154:3,3,23
emergency (1)
121:16
employees (1)
155:23
encompass (1)
84:19
end (6)
49:25;79:7;148:15,
16;149:5;154:23
ended (1)
125:3
ends (2)
49:4;124:19
engendered (1)
142:20
enough (7)
107:9;112:9,13,20;
115:6;119:6;128:8
entail (1)
37:21
entire (1)
62:25
entitled (1)
155:2
environment (1)
36:22
envision (4)
37:20;43:8;49:7,13
Eric (1)
72:24
especially (12)
41:4;43:10,13;44:16;
53:25;74:21;85:22;
88:5;105:23;132:17;
136:3;152:17
essential (1)
33:5
essentially (2)
18:21;108:11
evaluation (1)
106:8
Evans (1)
62:8
even (17)
6:21;25:14;28:20,21,
24;37:19;45:11;51:17,
20;60:7;65:16,19;
70:19;102:14,14;
103:14;138:17
evening (4)
13:4;148:5;149:20;
152:21
event (3)
26:14;46:22;47:19
events (5)
10:5;21:10;38:10;
45:22;84:14
everybody (1)
32:15
everywhere (2)
87:4;88:24
evidence (1)
142:7
exact (2)
99:8;150:13
exactly (1)
146:23
example (6)
24:20;37:7;70:25;
98:18;99:1;109:22
exchanges (1)
58:7
executive (9)
27:12;32:1;68:21;
69:4;84:20;101:21;
158:25;159:18,22
executives (3)
101:6,8;105:8
exhausted (2)
25:9;67:14
exhibit (1)
5:24
exigent (1)
106:4
existence (3)
105:20,20;107:14
expanding (1)
20:19
expect (3)
104:18;105:4,19
expectation (1)
105:16

FBI 18-cv-01766-1090

expected (2)
64:6;104:25
experience (2)
27:22;126:14
experienced (1)
25:19
explain (1)
74:5
explained (1)
29:25
express (2)
30:13;88:4
expressed (9)
28:6;29:23;34:1;
83:16;85:1;96:3,4;
97:6;99:13
expresses (1)
34:13
expressing (4)
34:14;64:23;85:5;
87:7
expression (1)
10:24
external (1)
74:15
extremely (3)
37:25;58:7,10

F

fact (8)
3:17;37:12;43:21,24;
65:8;98:2;140:21;
143:16
fair (24)
14:23;23:14;24:12,
13;27:3,7;28:7,8,12;
46:12;59:6,8;86:5;
87:21;90:19;92:7,9;
107:13;114:11;135:6,
10;137:13;159:16;
160:8
fairly (2)
50:21;149:22
fall (1)
123:12
familiar (4)
9:6;30:5;31:10;
149:9
far (6)
28:21;45:13;87:16;
101:25;102:13;129:9
farther (1)
48:2
fashion (4)
85:2;97:5;99:13;
131:23
fast (2)
15:18;16:14
FBI (44)
3:11;12:7;13:10;
17:13;27:12,20;28:24;
29:14;32:2;34:6;45:3;
47:11;54:22,22;55:21;
56:3;59:9;62:24;71:3;
74:18;78:11;80:8;
88:15;93:21;99:1,12;
101:6,7,21;107:13,19;
108:19;113:13;132:10;
142:6;143:19;148:13;
155:20,21,22;158:2,7,
16,25
FBI's (2)
105:24;156:14
feel (2)
4:24;95:15
feelings (1)
58:18
felt (5)
7:10;28:4;34:4;
46:10;142:5
festival (1)
123:12
feud (1)
148:13
Field (2)
80:11;149:2
figure (8)
33:5;43:5;49:22;
77:4;109:12;154:5;
155:24;156:12
figuring (2)
98:1;117:4
filed (5)
108:13;110:4;118:6;
126:25;127:13
final (2)
156:17,18
find (1)
35:12
fine (3)
54:6,8,16
finish (1)
103:22
fire (1)
117:7
first (31)
3:13;4:18;6:17,21;
7:22,22;13:5;17:18;
19:9;31:21;39:1;48:15;
56:6;69:21;70:16;
73:19;77:3,3,20;81:9;
109:3;115:6;121:5;
122:25;123:1;126:23;
137:18;138:7;149:11;
154:25;155:4
fits (1)
102:1
five (2)
148:24;151:7
flag (1)
126:13
flagging (1)
149:24
flippant (1)
26:2
floor (3)
83:17;84:17;159:10
flowing (1)
58:17
focus (1)
4:21
focused (2)
92:16;118:23
focusing (5)
21:19;24:1;83:9;
116:9;136:16
folks (14)
28:12;39:14;61:21;
62:2,7;66:8;75:2,19,
23;88:3,3;102:11;
144:9;158:22
follow (10)
29:7,10;35:11;36:2,
3,5,8;76:18;77:9;
115:14
foregoing (1)
162:3
form (4)
46:9;85:2;97:5;
99:13
formal (4)
68:19;70:12;107:5,9
format (1)
108:20
former (1)
99:2
forward (1)
122:5
forwarded (2)
108:15;110:24
forwarding (2)
119:4;122:11
forwards (2)
108:14;109:9
foundation (16)
18:25;42:10;55:11,
23;68:5;79:3,14;80:7,
19;81:23;82:25;83:1;
113:11;116:8;155:6;
156:5
four (8)
1,13:9;131:9,12,12;
133:12;148:20,20,24
frankly (1)
142:15
free (1)
58:17
frequency (1)
153:6
frequent (4)
50:21;84:1;156:1,24
frequently (10)
13:12;14:4;35:6;
58:5,6;83:22,23;
119:22;121:10;155:15
Friday (4)
20:10;39:14,20;
111:9
frosty (1)
62:25
full (1)
42:16
fully (2)
45:22;69:24
function (1)
38:2
furious (4)
9:2;10:13;63:19;
65:16
further (1)
142:20

G

gauge (1)
65:6
Gauhar (1)
62:5
gave (4)
17:24;77:8;80:8;
129:20
gears (1)
104:16
General (17)
3:5;4:12;9:20;22:1;
23:3;32:14;42:9;61:25,
25;83:11;98:23;
102:24;114:12;118:25;
156:7,10;162:5
generalize (1)
65:19
generally (11)
5:2;10:6;11:7,13;
25:5;29:9;31:11;78:18;
81:13;87:2;155:14
George (1)
62:8
gets (2)
65:24;97:12
given (4)
13:7;76:9;86:21;
153:6
gives (1)
78:4
giving (2)
13:20;20:15
globally (1)
130:6
goes (2)
59:9;148:24
good (3)
5:20;18:10;108:6
Government (3)
61:16;119:25;121:16
Governor (2)
16:1;18:23
great (3)
4:14;43:2;55:24
group (10)
8:18;9:14;22:20;
39:13;41:2;51:13;
71:12,24;151:5;157:10
guess (24)
7:7;11:21;13:25;
15:7;16:11;19:6;29:17,
17;35:20;46:16;70:3;
87:16,20;89:18,24;
93:7,16;94:9;95:16;
104:21;126:24;129:4;
133:15;147:2
guidelines (2)
105:23;107:17
guy (1)
65:24
guys (2)
91:23;137:10

H

habit (1)
99:3
half (2)
134:3;145:4
Halloween (2)
123:9;124:3
hand (2)
4:6;49:13
handle (2)
156:22;159:24
handled (1)
24:18
handling (1)
24:23
handy (1)
130:19
happen (8)
43:1;76:25;78:4;
106:12;107:19;123:3;
143:3;150:3
happened (25)
8:19;27:13,17;43:2;
44:13;64:9;75:10;
76:23;96:3,17;97:19;
99:16;122:22,25;
123:1,2;130:2;135:20,
24;139:1;141:20;
142:23;153:15;154:6;
158:4
happening (12)
12:19;22:18;23:10;
34:10;36:16;51:21;
88:21;89:23;111:4;
141:8;155:15,15
happens (4)
12:12;15:1;22:21;
39:18
hard (16)
12:13;23:16;33:9;
58:9,12,21;65:15,16,
19;105:6,14;113:23,
25;114:14;115:3;
118:11
haven't (2)
45:25;78:9

FBI 18-cv-01766-1091

hayride (1)
124:6
he'll (2)
35:7;42:22
he's (18)
42:21;58:15;65:14,24;68:21;73:11,11;84:1,4,7;99:2;119:9;126:22;127:1;134:11;140:21,21;150:16
head (2)
8:25;88:14
head's (14)
13:12,18,21;14:9,23;16:19;17:24;20:9,16;35:6;109:24;112:22;113:3;132:6
headed (1)
49:2
headline (1)
118:5
headquarters (1)
157:11
hear (6)
99:11,18,19;130:14;155:9,12
heard (11)
23:1;40:12;43:23;67:8;94:1;96:20;129:19,22;130:1,2,10
hearing (3)
26:24;88:14;103:24
heart (1)
147:21
heated (1)
58:7
heavily (1)
17:8
hell (2)
34:5;43:1
Help (10)
56:5;82:21;85:7;88:8;90:2;116:5;118:16,25;119:19;140:22
helpful (5)
10:8;120:18;132:9;149:21;152:5
hereby (1)
162:2
hesitate (1)
103:13
hesitated (1)
93:4
hesitating (2)
92:12;106:3
hey (11)
46:10;47:7;51:10;72:19;87:3;113:3;116:16,23,25;117:7;154:4
hide (2)
58:17,18
hierarchical (1)
74:19
high (14)
25:14;26:19;28:2,18,23,25;46:1;47:8,11;75:8;88:13;94:18;104:24;116:14
highlighted (18)
4:22;6:23;8:21;10:14;21:19;34:2;68:3;72:15;88:12;90:21;100:1;131:2;136:17;137:19;145:3,3;149:16;158:9
Hill (2)
55:16;84:6
Hillary (1)
148:13
hit (7)
20:1,14;48:14;111:23;118:9,20;132:7
hits (2)
137:9;153:7
hold (1)
44:5
home (5)
83:23;124:8,25;125:3,16
hope (2)
154:8,14
hoping (1)
66:10
hot (1)
58:14
hour (9)
121:5;134:3;135:1,9;137:8;142:3,4;145:4;153:7
hours (9)
118:4,5;120:13;121:6;124:18;131:9;133:12;148:9;153:2
house (4)
23:21;74:11;124:14;126:1
huge (1)
94:12
human (1)
79:13
hundreds (1)
45:18
hung (1)
93:19
hypothetical (1)
75:25
hypothetically (1)
73:17

I

I'd (3)
24:24;113:13;114:20
I'll (15)
5:7;35:14;37:8;38:18,20;44:15;80:4;108:14;113:16;118:15;119:24;126:1;131:10;133:21;147:23
I'm (173)
3:3,5;6:11,20;7:7,16;12:3,3,16,22;15:11;16:24;17:23;18:3,6;19:19,19,20;20:13;21:5,5,6,12;23:23,25;24:4,9,13,19,20;25:4;26:9;29:16;31:4,13;32:20;36:23;38:3;43:5;45:9,10,14;46:5;48:2;49:2,4;50:8,10,17;52:10,24;53:1;55:13;56:16;57:21,24;58:10;59:11,14,24;60:7,11,16,17;61:3,4;62:11;63:2,5,12;64:10,25;65:2,4;66:2,12;67:17;69:1;71:7;74:18;75:24,24;77:1,10,15,20,22;78:21;80:4,24;81:3,7,25,25;83:6;85:8,23;86:8,21;88:20;89:1;90:1;91:1,13;92:11,12,15;93:17;96:7,14;97:4;98:6,10;99:1;102:2,9;106:3,17;107:21;108:4,19;109:12,19;111:2;112:4;113:6,6,20;114:3,22;116:6;117:15;119:5,5,11,15,17;120:9;121:10,11,12;122:15;125:4;127:12,16;130:1,22;133:14;135:20;136:16,20;137:15,16,23;138:4,12,15;139:12;140:19;141:3;144:11;145:23;146:9,12,24;147:6,19,20;148:1;152:18;154:23;157:18;160:17
I've (17)
4:22;7:19;40:10,12;49:10;71:19;88:2;92:16;101:24;110:21;125:20,20;132:7,8;149:16;154:2;159:8
idea (1)
49:15
identify (2)
21:22;155:22
illegible (1)
37:15
illustrative (1)
58:11
imagine (3)
37:23;74:21;159:23
imagining (2)
52:10;112:4
immediacy (1)
116:20
immediate (1)
68:9
important (4)
37:25;45:22;47:21;76:13
impression (1)
32:14
INC (1)
162:2
include (1)
152:17
included (2)
34:24;149:17
includes (3)
74:13;80:12;148:3
Including (4)
27:15;71:16;118:23;149:24
inclusion (1)
151:21
inconsistent (1)
96:21
incredibly (1)
71:8
indeed (2)
12:21;44:18
indentation (1)
149:2
independent (1)
158:14
index (1)
94:9
indexing (1)
114:25
indicate (1)
127:14
indicated (1)
158:22
individual (1)
71:19
individually (2)
71:11,25
individuals (1)
98:14
info (1)
115:20
inform (2)
13:22;110:15
information (46)
3:19;4:17;9:4;11:3;14:12;27:21;30:21;32:14,15;33:23;40:1;45:1;52:17;64:5;65:8;68:13;72:13;73:5;80:9,10;84:25;87:1,10,23;88:5;89:6,11;90:16,23;91:17;94:9;96:6;97:9,18,25;98:15;99:9;101:17;102:6;111:21;112:21,24;114:23;122:12;158:23;159:12
informed (1)
110:21
informing (1)
14:14
infrequent (2)
14:7;107:9
infrequently (1)
106:15
initial (5)
6:19;28:9;30:25;112:17;138:4
Inspector (3)
3:4;4:12;162:5
instance (5)
20:10;58:9,24;72:3;90:10
instances (1)
46:14
intact (1)
74:20
integrity (1)
3:20
intelligence (1)
61:21
Interact (3)
23:23;50:20;73:23
interacted (1)
73:10
interacting (3)
88:3;101:24;102:11
interaction (2)
57:18;63:16
interactions (1)
53:19
interested (1)
112:19
interesting (2)
59:24;157:13
interfacing (1)
67:10
internal (8)
79:3;80:7;107:6;111:20;113:10,17;116:13;148:13
interview (7)
3:7,17;16:5;57:25;63:3;161:9;162:8
interviews (8)
3:25;12:18;19:16,21;22:6;33:7;57:21;81:7
into (13)
4:15;17:9;18:21;42:2;48:10;52:19;55:11,23;113:17;125:22;126:1,8;155:5
investigation (31)
3:21;17:17;23:5;26:17;28:19;34:7;42:10;55:11,22;56:16;66:23;68:5;70:18;79:10;80:8,15,19;82:23;83:11;102:23;105:18,20,21;106:9,18;

FBI 18-cv-01766-1092

107:22;113:11;114:23;
149:13;154:24;155:5
investigations (4)
41:19;107:15;
116:14;118:22
investigative (3)
3:3,6;80:11
involved (19)
14:2;20:7;75:12;
96:4,5;97:8,17;99:15,
20;104:19,25;105:5,
19;126:15;139:1,2;
145:20;157:2,8
involving (1)
13:10
isn't (3)
29:13;45:7;109:20
isolated (1)
159:21
issue (2)
42:18;76:3
issued (1)
17:14
issues (7)
23:8;24:11;46:11;
67:3,11;73:16;84:9
it'd (3)
47:22;71:23;76:8
it'll (2)
18:10;132:9
it's (139)
5:10,14,15;8:8,14,14,
23;10:23;11:12;12:3,
13;13:5;17:14;19:3;
20:4;21:22;23:16,17;
26:8;27:7,17;29:19;
30:20;31:9,11;32:7,7,
9;33:12;35:8,16,25;
38:4,5,15;39:13,17;
40:6;41:4,14,19;42:7,
13;44:14,15;45:6,8,8,
24;46:12,25;48:7,12;
49:20;53:6,6,20;54:21,
22,22,23;59:15,17;
61:4,5;63:12;64:19;
65:15,16,21;67:24;
69:23,24;70:3,8;73:22;
74:24;75:8,19;76:13;
78:22;79:7;81:6,24;
84:6,11,22;85:15;
87:21;89:16;90:9;
95:17;100:5;101:12;
105:6,14;108:9,11;
110:9;111:4;112:20;
113:23,25;115:15,17;
116:7,9,17,20;117:21;
118:1,11,14;119:8;
120:10,18,20;121:24,
24;122:22,25;123:2;
125:3;127:1,17;
128:22;131:10,11;
134:11;136:12,24;
140:6;147:5;151:5;
152:22;153:21;155:2,
3;161:2
italicized (1)
148:21
item (1)
148:12

J

Jackie (1)
157:5
James (3)
3:7;4:10;162:8
January (1)
162:15
Jim (4)
100:13;101:2;132:5;
142:4
job (3)
13:8;37:20;74:9
jog (1)
114:5
Josh (1)
151:12
Joshua (2)
148:4;150:14
Journal (33)
4:19;5:25;6:5;11:17;
18:20;48:5,24;68:7;
70:24;72:13;80:5,18;
83:5;84:25;90:22;
93:24;97:10,19;99:25;
100:11,21;101:4;
110:3,10;128:18;
129:20;131:22,23;
148:13;149:25;151:21;
152:8;158:18
Joyce (1)
85:16
judgment (1)
13:25
July (2)
55:2,7
jump (4)
4:15;134:20;146:12;
149:7
jumped (1) b6 -1 b7C -1
138:8
jumps (2)
118:25;153:20
jurisdictions (1)
105:14
Justice (4)
4:12;40:7;54:24;
162:5
juxtapose (1)
20:18

K

keep (6)
14:1,1;36:20;37:5,
12;130:19
kept (1)
160:2
[redacted] b6 -1 b7C -1
kind (16)
32:17;36:19,21;49:4;
54:16;55:22;65:24;
92:1;93:5;119:10;
122:12;123:15;143:5;
156:1;157:9;158:24
knew (9)
9:12;52:11,13;77:21;
102:16;130:12;140:17;
147:11;158:10
knowing (11)
29:19;30:2,2;31:8,
10;51:18;87:8,18;
90:14,16;159:11
knowledge (12)
12:6;20:14;126:15;
158:13,25;159:2,4,15,
18,19;160:9,11
knows (3)
13:12;85:19;114:13
Kortan (58)
13:7,18,20;21:15;
35:4;36:2;41:6;44:21;
45:4;67:22;68:8,16,22;
69:2,6;77:3,19;78:3;
99:24;103:6;108:12,
14;109:9,11,12,23;
110:14;114:9;115:7,
14;118:5;119:8;122:2,
5,19;126:12,14,20;
127:21;128:4,16;
129:2,25;130:1,11;
132:7;137:3;141:7;
142:5;143:15;144:3;
148:3;150:7;152:13;
153:1;154:3,11;160:10
Kortan's (4)
14:11;42:21;150:3,8
[redacted]

L

labeled (1)
108:10
lane (3)
23:22;24:24;25:15
laptop (2)
17:3;82:13
laptops (1)
21:8
largely (1)
60:4
larger (1)
70:9
last (9)
45:21;61:1;81:1;
125:18;145:3;149:11;
154:22;157:1,17
later (7)
7:19;9:10;20:19;
108:16;134:23;141:15;
143:19
latter (1)
139:4
laundry (1)
94:21
[redacted] b6 Per OIG b7C Per OIG
lead (4)
95:18,20;96:1;
155:21
leadership (1)
14:1
leading (1)
57:17
leak (7)
91:17,21;116:25;
154:4,24;155:4;158:3
leaking (1)
87:23
leaks (9)
78:13,18;80:17;
81:22;87:3;88:23,24;
89:1;155:14
learned (1)
93:21
least (5)
51:20;106:5;116:20;
127:15;129:5
leaving (2)
125:15;134:12
led (4)
95:17;156:13,24;
157:9
left (2)
125:2,20
less (7)
24:19;25:4;118:4;
134:25;137:8;140:2;
142:3
Let's (12)
6:24;18:8;19:6;
35:14;36:12;38:9;57:8;
73:16,17;81:18,20;
105:3
letter (2)
111:7;116:17
letters (2)
66:16,20
level (6)
28:22;69:19;75:1;
87:21;89:25;104:24
light (1)
53:21
likely (34)
8:14,23;26:8,23;
27:17;32:9;35:19,23;
41:4,14;42:13;43:9;
44:15,18,18;53:6;64:3;
68:12;71:9;83:20;
84:12;115:25;124:25;
135:7;138:24;139:6;
140:2;141:4,10;
142:20;152:16;153:8,
22;157:24
limited (2)
146:17,18
line (12)
87:25;88:4,6;94:12;
126:12,25;131:8;
132:4;145:3,3;149:7,
11
linear (1)
12:1
lines (1)
68:20
Lisa (30)
9:3;10:2;11:2,14,25;
29:3,13;72:11,19;75:7;
84:24;87:5;91:7;92:6,
21;101:17,20;102:3,16,
19;103:3;128:4,16;
129:2,19,23;134:4;
144:2;147:7,16
list (1)
37:5
little (17)
7:7;12:24;21:5;80:9;
81:25,25;94:13;97:3;
102:10;104:18;118:4;
119:9;127:17;128:19;
131:7;161:2,4
live (2)
126:2,3
long (4)
50:1;84:5;113:17;
120:10
longer (3)
98:25;150:21;161:4
look (10)
4:20,25;6:4,25;
17:21;18:4;47:7;
108:25;142:5;147:24
looked (1)
120:23
looking (9)
13:15;32:8,10;78:24;
88:9;92:10;113:6;
122:1;127:19
looks (2)
4:22;134:8
looped (2)
69:24;70:12
lost (2)
17:23;96:7
lot (30)
12:16,18;15:14,24;
25:23;33:12;38:2;
44:16;45:21;66:8;

FBI 18-cv-01766-1093

69:25;74:21;78:7,10;
79:2,3;84:6,9;85:19;
87:1;102:21;103:14;
111:20;113:10;118:16;
119:20;136:21,22;
138:16;150:1

M

mad (2)
65:21,24
Maguire (1)
157:5
mainly (3)
13:22;15:23;116:8
major (2)
118:20;148:8
majority (1)
42:2
makes (5)
19:24;24:4;38:6;
95:15;127:17
Malani (1)
62:8
male (1)
61:5
management (2)
32:1;101:21
many (7)
37:20;88:3;101:23;
122:22;123:2,2;138:6
[redacted] b6 Per OIG b7C Per OIG
margins (1)
51:17
math (1)
133:11
Matt (14)
9:17;12:9,20,21;
21:23;22:10;52:20;
57:18;58:4,4;62:9,24;
63:11;64:11
matter (9)
24:11,24;47:8;59:12;
60:12;107:14;144:18;
147:21;162:6
may (12)
11:15;15:19;32:2;
34:21;55:6;66:10;67:8;
76:19;79:18;84:24;
134:1;157:24
Maybe (16)
23:22;58:18;59:6;
69:4;81:6;87:16;92:23,
24;93:1,3;99:9;122:15,
16,17;123:23;152:20
maze (1)
124:6
McAuliffe (2)
16:1;18:23
McCabe (80)
9:6;11:4,16;12:9;
21:21;22:14;27:11;
29:18,20;30:9,21;41:1;
44:10,11,21;49:3;
50:21;57:19;63:20;
68:6;72:14;73:20;78:4;
80:13;91:10;93:23;
95:21;96:4,13,16;97:6,
8,11,17;98:3,12;99:20;
100:20;113:19;118:7;
122:19;129:3,22;
130:11,24;131:2,19;
132:5;134:3,3,8,24;
135:11,19;137:9;
138:25;140:1,8;141:5,
6;142:4;143:9,16;
144:1;145:5,5,12,17,
17,19;147:11;151:24;
152:11;153:6;154:5;
155:3;158:8,17,24;
160:13
McCabe's (8)
10:2;15:23;17:15;
18:21,24;40:18;72:24;
73:5
[redacted] b6 -1 b7C -1
mean (105)
5:13;8:24;12:18;
13:25,25;14:25;15:1,
14;16:17;20:6;22:22,
23;23:14,16,25;24:13,
17;25:18,22,23,25;
26:5,9;27:14,16,20,22;
28:13,21;29:11;31:13;
32:7;33:7,15;34:7;
35:5,16,20,25;39:7;
41:10;43:2;45:6;47:1,
4;48:18;53:13;64:2;
65:13;66:16;73:24;
74:4,10;76:5,13;85:25;
87:1;89:20;90:8;92:9,
15;94:8,22;95:9;98:6,
17,20;99:5,5;100:23;
103:7,8;105:7;106:17;
111:17;112:2,3,4,5,20,
20;113:1,5,5,23;
114:10;115:4;117:1;
118:6,8;119:3,10,11,
20;121:23;122:13,24;
123:2;125:8,20;
126:18;147:6;153:16,
21;154:6 b6 -1 b7C -1
Meaning (4)
52:17;89:2;143:9;
158:2
meant (3)
132:22;133:2;137:18
media (19)
3:19;9:4;10:5;11:3;
27:21;29:19;30:3;
31:11;32:17,19;46:4;
102:6;103:25;144:9;
154:7;155:2,23;
156:15,24
meeting (48)
38:16,20;39:1,2,4,12,
13,15,19;40:15;41:10,
11,15,17;42:16,21;
43:8,14,25,25;44:10,
22,22;45:11;47:23;
48:3,4,17,21;51:3,7,8,
9,13;52:7,20;53:22;
57:9,15;58:10;59:6;
60:10;62:25;63:6,9;
105:4;111:12;153:11
meetings (10)
45:18;51:18;60:13;
62:10;107:6;121:7,9,
11;143:19;152:17
memorable (4)
46:13,22;47:19,22
memory (5)
16:2;81:12;114:5;
115:11;142:11
mention (2)
48:23;56:6
mentioned (5)
6:25;33:22;82:7;
100:7;109:23
mentioning (1)
57:14
mentions (1)
79:4
message (2)
109:12;134:12
messed (1)
108:19
met (1)
157:17
Midyear (2)
106:18;113:11
might (18)
5:20;7:16;32:19;
68:19;72:12;76:11;
89:22;95:3;98:9;102:5;
104:11;106:3;109:20;
114:21,25;140:23;
150:12;160:2
[redacted]
Mike's (2)
14:9;68:24
Military (2)
131:10;133:12
mind (16)
13:16;55:1;63:1;
73:8;85:3;92:21;98:18;
116:15;119:1;126:13;
135:23;138:25;139:7;
140:3;141:4;156:8
minus (2)
39:13;133:12
minute (4)
32:25;100:7;134:23;
145:8
minutes (9)
108:16;125:3;
131:12,12;134:4,5,24;
137:11;142:2
misconduct (1)
3:18
mixture (1)
61:18
moment (7)
6:4;19:6;76:12,14;
108:25;126:23;129:15
Monday (14)
16:12,16;38:14,16;
39:14,19,20;40:15;
42:6;43:11,21;105:3;
142:25;153:11
money (2)
15:25;18:22
month (2)
59:8;156:16
more (38)
4:17;14:7;59:7;63:5;
64:23;65:22;66:7;70:8,
12;71:22;79:12;80:9;
90:14,25;94:9;97:4;
98:15;102:10;104:21;
113:18;114:20,22;
115:20;116:20;117:21;
119:9;122:4;126:22;
129:14;131:11;134:21;
138:8,24;139:6;141:4,
10,19;145:2
[redacted] b6 -1 b7C -1
morning (11)
8:6;16:16;38:16;
39:19;40:15;42:5,6;
70:3;105:3;153:9,11
most (3)
39:13;73:15;88:15
mostly (4)
4:21;19:15;111:1,14
motivate (1)
88:17
mouth (1)
92:4
move (3)
33:10;36:25;37:4
moving (3)
15:18;16:14;108:4
much (14)
4:20,25;31:14;65:13;
66:16;81:8;85:10;
114:22;117:6;122:9,
11;124:9;161:3,7
must (2)
30:10;37:20 b6 Per OIG b7C Per OIG
[redacted]
myself (5)
10:16;44:19;50:7;
138:5;151:12

N

name (4)
50:25;61:1;113:20;
118:8
names (1)
67:13
narrative (2)
139:2;142:8
national (2)
61:12;62:1
native (1)
108:20

FBI 18-cv-01766-1094

natural (6)
35:22;36:2;75:3;
76:9,24;137:24
nature (5)
46:22,24,24;47:5;
63:15
near (1)
70:21
nearing (1)
154:23
necessarily (5)
24:11;46:24;47:1;
73:10;89:2
necessary (2)
49:10;75:21
need (12)
17:8;24:12;33:2;
50:3;80:14;83:10;
104:21;135:20;149:12;
150:24;156:12,25
needed (1)
52:4
needs (3)
16:19;52:7;159:24
negative (4)
136:1,2,6;139:17
New (10)
3:16;78:10;79:13;
80:11;89:20;110:4;
126:25;127:13,16,17
news (3)
41:5;69:15;148:8
next (9)
10:22;12:12;46:20;
108:8;112:11;134:8;
149:7;152:17;153:8
night (4)
20:2;122:9;131:11,
15
nine (2)
4:22;134:4
None (4)
100:2,2,6,22
nonpublic (1)
3:19
normal (4)
71:23;123:17;124:4;
125:7
normally (1)
14:23
note (4)
36:24;148:16,21,21
notes (3)
36:19;37:8,9
notice (5)
4:20;13:8,9;16:13;
21:15
notification (4)
66:20;70:17;118:21;
125:11
notified (3)
17:2;79:17;82:13
notify (2)
21:3,17
notifying (3)
19:4;20:1,7
November (8)
31:23;78:22;79:2;
80:6;81:5;86:6,14;
125:18
NSD (1)
62:7
nuanced (1)
65:22
number (10)
15:7;23:8;46:13;
53:15,16;58:7;81:2;
134:2;146:21;156:11

O

o'clock (4)
121:4,5;131:11,15
oath (1)
4:1
observing (2)
62:23;95:20
obtaining (1)
11:15
obviously (4)
89:13;112:2,3;
134:21
occasion (2)
46:1;59:7
occasions (3)
39:8;88:2;101:23
occurred (3)
35:19,23;125:13
occurring (1)
143:7
October (60)
4:19;5:25;6:5;15:18,
21,21,23;17:10;18:19;
19:6;20:2,18,25;21:19;
31:22;34:24;38:14;
40:16;42:5;59:8;60:12;
67:20,21;70:23;72:7;
75:6;78:9;79:5,7;
80:10,13;83:9,12;86:6,
14;90:13,22;93:23;
108:9;111:7;116:7;
123:16;125:18;128:18;
130:23,23;131:22;
136:14;138:5;141:5;
142:3;144:14,15,22,23;
148:11;154:2;156:2;
158:9,18
odd (1)
139:21
off (9)
6:25;9:3;11:2;15:11;
37:10;60:11;67:13;
103:13;138:13
Office (21)
3:4;4:12;15:2;20:11;
61:19,20;68:20;73:11,
14,16;80:11;125:22;
140:9,17,21;149:3;
151:8,11;159:21;
160:10;162:5
offices (5)
73:10;74:13,17,23;
88:15
official (2)
21:22;88:14
officials (9)
25:14;28:2,23;46:2;
47:11;75:9;88:14;
94:18;104:24
offsite (1)
125:25
often (2)
45:24;106:11
OGC (1)
74:23
OIG (1)
108:19
once (1)
9:12
one (100)
8:18,18;9:9,9,15,15,
21,21,23,23,25,25;
12:8,8;16:11,21,22;
17:1,6,11,25;18:5,12;
20:2,18,18;21:4,6,11,
20,20;22:19,19;25:5;
27:24,24;28:14,14;
30:19;31:12;33:4,13,
20;42:23;44:5,7;46:5,
5;48:6,6;53:15;55:5,9;
59:7;66:11;67:3;68:4,
4;69:21;78:9,19;79:15,
19;81:1,7,14;82:18;
83:6,9,11,12;88:1,13,
13,15;89:9;90:10,24;
92:10;96:7;103:2;
104:7,10;106:17;
107:1,25;109:24;
117:9;123:5;124:8;
131:14;138:7,25;
142:1,2;144:11;145:2;
146:13;153:13;158:21
ongoing (1)
107:15
online (3)
13:5;15:21,22
only (12)
16:10;53:6;60:6;
70:2;92:11;93:4;
103:13;106:3;122:22;
134:11;145:8;152:7
onto (1)
126:23
OPA (14)
46:14;69:23,24;70:5;
102:15,17,20;144:16;
150:11,12;151:8;
157:15,21,24
opened (1)
155:5
open-ended (1)
128:14
operate (3)
36:25;77:21;116:20
operates (1)
68:20
operating (1)
36:21
Operation (1)
40:1
operational (6)
23:21;24:10,19,23;
39:1;74:10
opposite (2)
99:19;130:11
order (1)
77:8
ordinary (2)
109:15,21
organized (1)
37:23
original (2)
22:9;126:24
others (4)
43:24;65:17;99:2;
102:16
otherwise (2)
20:15;102:7
ought (1)
102:7
out (114)
6:9;9:11,21;11:21;
12:6;13:2,14;16:11,11;
20:1,18;21:1;26:23;
27:2;29:12,20;31:25;
32:3,4,14,19;33:5,8;
35:12;38:4,11;40:16;
42:7;43:6;44:17;49:17,
19,22;51:11;52:18;
53:14;54:24;56:5;63:1;
65:8;67:18;68:9,13;
73:8,14;77:4;80:5;
85:3;87:2;89:6;93:6;
97:7,12;98:1,19;
109:13,15,21;110:10,
15;111:7;112:21,24;
113:3,22;115:8;
116:15;117:2,4,22;
118:1,1,3;119:1,2;
121:24;122:18;123:2,
4;124:4;126:7;132:14;
133:10,14;134:2,25;
135:9,23;136:5;137:6;
138:8,24;139:7;140:2,
7,9,16,21;141:4,17;
142:4;144:3;148:9;
153:3,5,20;154:6,7;
155:24;156:11,12,21;
159:1,6
outgrowth (1)
35:22
outlets (1)
148:8
outrage (1)
49:18
outside (3)
81:20;88:9;113:6
over (7)
23:11;43:17;45:21;
74:21;101:1;115:1;
148:13
overestimating (1)
122:15
Oversight (4)
3:3,6,15;18:24

P

PAC (1)
18:22
PADAG (1)
62:15
page (41)
4:21;9:3;10:2;11:2,
15,25;29:3,13;72:11;
75:7;79:6;84:24;87:5;
91:7;92:6,21;101:17,
21;102:3,16,19;103:3;
127:21;128:4,16;
129:2,19,23;130:12;
132:7;134:4;141:6;
142:5;143:15;144:2;
147:8,16;148:11,25;
149:11;160:10
pages (2)
148:20;162:3
paper (4)
13:13;91:11;94:22;
111:23
papers (1)
102:7
paragraph (11)
9:12;34:2;112:12,18;
113:16;115:6;138:7;
148:15;149:5,11;155:4
paragraphs (3)
4:23;6:24;90:21
paraphrasing (1)
28:5
parenthetical (1)
148:15
part (10)
8:21;33:11;46:20;
55:6;65:13;93:16;
108:8;151:22;154:25;
157:24
participants (1)
31:12
participate (1)
106:7
Participated (2)
103:9;106:14
particular (4)
15:18;16:21;78:8;
83:6

FBI 18-cv-01766-1095

parties (1)
9:24
partly (2)
66:13;85:15
parts (3)
21:20;68:3;136:17
passing (1)
126:23
past (3)
126:14;148:9;156:15
pattern (1)
23:12
people (26)
9:24;11:21;32:16,18;
41:4,21;43:16;44:12;
48:25;54:4;87:8,19;
98:25;101:24,25;
102:13,15;124:5,5,21;
141:16;150:4,23;
151:7;152:3;156:23
people's (2)
32:18;43:6
per (1)
129:4
perceived (1)
88:23
Perhaps (4)
12:23,25;58:25;
84:24
period (8)
36:16;59:8;66:3,15;
102:9;111:2;132:21;
153:8
periodically (2)
60:6;61:17
person (8)
9:16;30:5;31:10;
49:8,14;69:20;149:9;
159:17
personal (1)
140:8
personally (1)
62:23
perspective (2)
122:14;159:1
Pete (1)
155:3
Peter (1)
155:3
phone (9)
75:9;76:24;114:13;
115:23;116:16;118:7,
25;122:10;131:19
phonetic (2)
62:8;131:8
phrase (1)
116:6
phrased (1)
71:8
pick (4)
75:9;76:24;118:6;
124:5
picked (1)
116:16
picking (2)
115:22;122:10
picture (4)
8:18,25;27:6;44:19
piece (3)
113:2;132:24;156:22
pieces (2)
13:1;148:8
piecing (1)
60:17
pissed (1)
135:20
place (5)
27:18;50:7,10;68:10;
119:11
placing (2)
45:10;63:5
plan (1)
32:16
planned (2)
123:12,18
please (3)
4:7;148:7,9
Plus (2)
61:18;75:2
pm (6)
108:12,16,21;
133:11;148:11;152:22
pocketed (1)
74:9
point (16)
10:1;12:6;39:16;
51:21,22;60:14;86:9;
87:18,20;111:15;
116:24;132:21;144:8,
25;146:25;147:6
pointing (1)
24:19
points (1)
158:15
poison (1)
34:4
poisoned (2)
64:8,22
policy (5)
156:15,18,25;157:3;
158:3
poling (2)
155:18,18
political (2)
15:25;18:22
Poll (6)
104:9;155:2;158:2,
11,13,14
Polling (1)
104:7
pool (1)
129:8
portion (2)
7:5;100:1
portions (3)
10:14;88:12;149:13
position (4)
150:13;151:15,18;
157:14
positive (1)
136:6
Possible (7)
30:17,20;35:8,16;
36:1;100:5;101:12
possibly (2)
16:24;90:3
posted (1)
13:5
practice (14)
3:25;14:11;19:4;
60:1,12;69:20;71:23;
72:2;110:15;119:24;
122:4,6,7,9
predicate (1)
56:13
predicated (5)
23:4;79:10;80:15;
83:11;149:12
preparation (1)
51:13
present (4)
54:3;80:20;113:20;
158:15
press (17)
24:1;57:1;68:20;
88:4;101:24;102:11,
14,17,20;103:4,14;
104:20;105:7,10;
107:15;115:8;118:9
pretty (10)
22:22;25:12,13;43:2;
45:6;63:2;111:18;
123:25;124:9;157:18
previewing (1)
109:11
previous (8)
16:3;19:16,21;22:6;
57:25;63:3;81:6;129:4
previously (3)
12:17;69:10;71:15
principal (5)
21:25;23:3;42:9;
114:12;118:24
print (3)
15:22;66:5;68:7
prior (5)
52:3;71:15;109:10;
126:15;127:4
private (18)
27:24;46:5;47:10;
48:6,23;63:19;66:5;
68:4;75:8;83:12;88:13;
91:8;94:19;103:4;
104:23;137:25;139:22;
143:17
probable (4)
48:7;53:7,11;54:12
probably (23)
14:17,17;20:5;29:18,
20;37:1;45:18;55:21;
76:4;77:19;103:12;
104:11;110:19,19,24;
119:7,14;121:12,25;
122:8,9;123:22;139:14
probe (1)
148:13
probes (1)
149:10
problem (7)
33:11;65:11,13;99:9;
116:25;117:21;158:3
problematic (3)
28:17;94:24;113:12
procedure (1)
14:19
proceedings (1)
162:4
process (6)
106:8;107:5,9,10;
156:20;157:2
processed (2)
131:8;133:13
processing (1)
108:18
profile (5)
26:19;28:19,25;47:8;
116:14
project (1)
157:22
projecting (1)
57:23
protect (1)
3:20
provide (1)
4:12
provided (1)
72:12
providing (1)
102:6
public (7)
8:9;41:20;74:14,22;
89:7;105:13;151:9
publicity (2)
155:5;156:4
published (5)
34:25;52:22;108:22;
113:12;128:23
pull (3)
11:21;69:15;70:1
pulled (1)
157:4
punch (1)
37:5
purposes (2)
25:16;58:11
push (2)
25:7;48:2
pushing (4)
38:4;45:14;46:6;
67:3
put (10)
24:24;27:18;52:16;
53:10;54:11;92:3;
109:20;137:2;138:5;
144:3
putting (1)
154:7

Q

qualify (1)
13:16
quickly (4)
12:19;33:8;36:17;
38:5
Quinn (4)
148:4;150:4,4;
157:14
quite (1)
155:15
quote (4)
10:23;79:6;80:12;
83:9
quotes (2)
50:13;53:1

R

raise (3)
4:6;112:9,14
ran (1)
15:24
range (1)
58:8
ranking (8)
25:14;28:2,23;46:2;
47:11;75:8;88:13;
94:18
rapid (1)
117:7
Rather (1)
77:24
reach (1)
134:8
react (2)
49:8;117:21
reacting (1)
119:10
reaction (17)
6:14,20,22;7:4,25;
10:17;43:8;49:3,24;
50:24;51:25;64:6,7;
66:4;85:2;122:2;
153:24
reactions (1)
43:6
read (19)
5:1;6:17,19;8:5,7;
18:12;19:19;26:24;
28:9;31:9,22;42:2;
66:3;108:8;113:16;
126:19,22;138:6;157:7
reading (7)
19:22;30:25;55:21;
111:17;114:18;138:4,

FBI 18-cv-01766-1096

21
reads (1)
5:24
ready (2)
4:3;48:19
really (19)
9:2,3;10:12;11:1;
14:19;25:4;33:4;49:4;
66:12;76:6;87:25;
118:11;121:23;122:8;
124:15,23;127:25;
128:1;159:6
reason (29)
10:18,20;16:10;19:1;
29:24;34:16;36:7,10;
76:19,23;81:8;83:21;
86:14,16;90:3;92:1,2,
12;93:4;97:20,23;
103:13;108:18;127:20;
128:3,15;129:1;
131:21;147:14
reasons (5)
29:22;33:21;53:13;
66:13;67:3
recall (80)
6:19;8:11;9:9,10;
11:5,6;12:4,10;22:17,
19;23:12;32:6;34:9;
35:1,15,16,17;36:4;
41:1,3,15;42:12,17;
46:19;56:16;62:23;
63:10;67:25;68:7;
71:10,21;72:2,6,17;
73:6;76:6;78:6;81:7,9,
12;83:20;84:11;91:25;
93:8;94:3;95:17;96:23;
100:2,3,6,8,12,22;
101:5;104:1;109:14;
110:8,18;112:3;114:1;
118:11;124:3;130:7,8,
15;131:18;135:3;
137:16;140:15;151:25,
25;152:3,12,15;153:17,
24;154:1,9,17;156:6
recalled (1)
72:22
recalling (8)
20:21;65:18;76:4;
80:24;81:7;82:1;119:5;
152:19
received (5)
15:24;18:22;114:9;
121:21;152:24
receiving (1)
62:23
recent (1)
63:5
recently (1)
140:21
recess (3)
6:2;18:17;80:1
recognize (7)
45:20,22;48:1;67:2;
118:15;134:1;138:16
recollection (47)
6:16,21;7:6;8:13;
19:25;20:4;21:4;22:12;
23:7;26:5;27:11;29:5;
30:17,25;34:8;35:3,8;
42:11,25;44:9;46:17;
54:3,8;63:23;66:11;
75:23;78:3;83:18;
93:25;96:5,21,22;
97:20,22;104:5;115:5,
22;121:1;122:16;
125:17;129:21;134:18;
141:8;143:6;145:11,
15;153:13
recollections (1)
144:7
record (11)
3:2,25;6:3,25;17:14;
18:18;66:18;78:22;
80:2;108:14;131:10
record's (1)
130:9
recorders (1)
106:23
recording (4)
5:7,24;18:15;162:4
records (6)
104:9;130:24;
155:19,20,21;158:2
red (1)
94:12
reference (9)
17:9;79:6;84:17;
113:24;114:6,10,11;
116:8;118:23
referenced (1)
128:5
references (2)
154:24;155:4
referencing (3)
42:7;107:25;127:1
reflect (2)
126:14,20
reflects (1)
145:4
refresh (2)
5:2;55:13
refreshed (3)
22:8;33:16;57:25
regarding (2)
80:7,18
regular (1)
125:1
reissued (1)
156:15
relate (1)
71:6
related (3)
3:20;82:22;101:15
relates (1)
71:2
relationship (5)
25:16;34:5;58:16;
64:8,22
relayed (1)
91:2
Relaying (2)
64:10;92:1
release (2)
129:23;147:11
released (1)
103:7
releasing (1)
32:16
relevant (2)
120:16,20
remainder (2)
148:16,21
remember (137)
9:13,14,20,22;25;
10:3,11,12,15;11:7,9,
19,20,24,25;12:14,14,
20;16:23,24,25;19:9,
14;21:11;22:5,7,8,18;
23:14;26:24;28:9;29:9;
30:8,15,16,16,22;32:1;
34:15;35:13;40:20;
45:3,6;46:9;48:3;
49:24;50:23;52:25;
53:2;55:6,12;56:10,11,
20;57:4,18,23;58:9;
59:14;63:8;64:4,15;
65:6,12,21;66:3;70:14,
22;72:18;75:15;76:12,
14;78:15,16,17,19;
81:13,21,22,24;82:18;
85:4,5,22,24;86:24;
87:3,4,5;88:20;91:2,
22;92:17;93:10,15;
94:6;95:6,19,25;
101:15,16,19;103:24;
104:2,7,10;109:4;
114:5,6,8,15;115:21;
122:18;123:4,16;
125:20,21;128:13;
131:24;132:5,11,20;
133:5;135:12,15,19;
138:4;140:10,22;
141:10;143:23;144:11;
150:12;154:11;155:16,
16,17
remembered (3)
48:4;56:25;142:9
remembering (4)
33:12;37:24;47:23;
66:15
reply (1)
152:4
report (1)
74:18
reportedly (1)
80:13
reporter (7)
15:19;18:20;45:1;
78:23,24;114:13;
130:13
reporters (1)
13:13
reports (5)
14:3;55:21;68:23;
69:5;74:6
represent (2)
133:21;162:3
representative (1)
61:15
representatives (1)
151:11
request (1)
3:21
reservation (2)
9:4;11:2
respect (7)
10:13;50:24;83:8;
127:20;130:3,7;154:2
responded (1)
149:20
response (4)
76:24;104:6;115:9;
153:19
responsibilities (1)
36:20
rest (1)
159:21
restarting (1)
66:20
result (1)
50:17
results (2)
158:11,13
return (1)
124:14
reverse (1)
135:18
Review (6)
3:4,6,15;4:18;
156:14;157:10
reviewing (2)
3:17;30:20
revised (2)
156:17,18
revising (2)
157:3;158:3
Richard (1)
148:3
right (263)
3:11;4:6;9:15,24;
11:22;14:6;15:4;22:23;
23:9,18,20,22,25;24:1,
17,19,21,24;25:23,24;
26:3;28:15;29:4,19,19;
31:1,2,10;33:8,10,11,
12,16,24;34:7,11;35:6,
12;36:25;37:10;38:1,2,
3,4,6,16;40:19;41:7;
43:18,19,23;44:16;
45:11;46:15;47:2,9,12,
14,21,23,25;49:7,12,
24;50:8;51:17,20,23;
52:2;53:13,15,19,20;
54:2,2,24,25;55:18;
56:1;58:1,11,17;59:2,
11;62:3,4,11,17,21;
65:15,17,17,21,22;
66:1,15,16,24,25;67:1,
20;69:2,23;70:6;73:24;
74:6,9,14,16,18,19,23;
75:20,23;76:12,14,16;
77:3,8,10,17,18;78:18;
83:3,17,24;85:17;87:2,
4;88:1,5,6,24;89:8,12,
19,20,23;90:7,18;
92:13,13,13;93:5,14;
94:9,11,12,25;95:18;
97:1;100:4;101:25;
102:11,14;103:15;
104:8;105:8,22,24;
106:4;108:10;110:23;
111:4,5,9,10,13,15,18;
112:6,15,25;113:1,2,5,
14;115:11;116:21,24;
117:7,17,25;118:12;
119:7,13,15,16,19,20;
121:4,24,25;123:2;
124:22;125:2,2,8;
127:12,17;129:5,7,8,9,
12;132:18,19;133:3;
136:3,12,13,18,19,22;
137:1,22;138:5,9,10;
139:14,21,23,23,25;
140:2,12;141:10,13,16,
19;142:16,22,23,24;
143:2,4,20;144:4,5,6,8,
9,11,16,17,18;146:17,
20;147:1,3,10,13,17;
148:1;150:5;152:21;
156:13,21,22;159:6,7,
7;160:4
rise (1)
87:21
role (11)
17:15;18:24;23:20;
24:3,14,17;33:9;68:16;
69:4,7;83:22
rolled (1)
29:12
rolling (1)
33:13
room (5)
3:15;44:20;48:25;
50:7,12
root (1)
117:20
rose (1)
89:25
[redacted] b6 -1 b7C -1
routine (3)
60:12;107:14;124:4
Routinely (3)
39:10;59:22;62:9
row (6)

FBI 18-cv-01766-1097

131:1;133:7,8;134:1,
8,15
rows (1)
134:21
rules (1)
105:7
run (1)
152:2
running (1)
37:5
runs (1)
58:14
Rybicki (876)
3:7,9,12,23;4:2,5,8,
10;5:1,6,9,11,13,16,19,
22,24;6:1,8,11,13,16;
7:3,6,10,13,16,18,24;
8:2,5,13,17,23;9:7,19;
10:9,15,20,25;11:6,9,
12,18,24;12:10,13,16,
24;13:3,6,11,19,24;
14:16,22;15:5,10,13;
16:3,5,7,9,17,23;17:5,
11,16,20,23;18:3,6,12,
14;19:8,11,13,15,18,
24;20:3,13,22,24;21:2,
5,10,16,24;22:2,5,12,
17,24;23:7,10,16,19;
24:6,8,13,17,22;25:2,4,
8,11,17,22,25;26:2,4,
15,18,21;27:1,3,6,9,14,
16,23;28:1,3,8,11,16,
20;29:5,8,15,24;30:2,8,
15,24;31:3,5,8,17,20,
24;32:4,6,9,12,20,23,
25;33:3,6,18,24;34:3,9,
12,18,20;35:1,5,13,15,
20,25;36:5,10,18,23;
37:4,8,14,18,22;38:1,8,
13,17,20,23,25;39:5,7,
10,12,20,22,25;40:4,6,
9,11,13,17,20,22,24;
41:3,8,11,13,18,24;
42:1,12,15,20;43:4,7,
13,16,20,22;44:2,4,14,
24;45:8,13,16,19;46:3,
7,12,23;47:3,9,12,14,
17,20;48:7,20,22;49:1,
6,9,12,16,18,21,23;
50:2,4,6,9,11,14,16,19,
22;51:1,5,9,16,24;52:1,
2,6,9,12,15,17,21,23;
53:5,9,12,18,25;54:7,
10,13,17,21;55:8,13,
16,19,25;56:2,5,8,10,
15,19,23;57:3,9,16,20,
23;58:2,4,15,22,24;
59:2,4,11,14,17,19,24;
60:10,14,16,20,22,24;
61:2,4,7,10,15,24;62:5,
7,11,14,17,21;63:2,5,8,
12,15,21,25;64:2,10,
13,15,19,22;65:1,3,5,9,
12;66:1,6,9,12,22,24;
67:1,6,9,12,15,19,21,
23;68:2,10,18;69:1,9,
12,14,18;70:6,8,14,19,
21;71:2,5,7,13,18;72:1,
5,8,10,17,21;73:1,6,9,
13,22;74:2,4,8,13,17;
75:5,11,13,16,18,24;
76:2,11,21;77:1,6,11,
14,16,19,24;78:5,15,
25;79:9,11,15,19,22,
25;80:21,24;81:3,5,11,
17,19,24;82:3,6,9,11,
15,17,21,24;83:1,3,7,
14,19,25;84:2,4,6,9,14,
18,20;85:4,13,15,18,
21;86:2,4,8,12,16,19,
21,25;87:15,25;88:10,
19,23;89:1,4,6,12,15,
18;90:5,8,12,14,24;
91:4,6,9,12,15,21,25;
92:8,14,18,20,25;93:3,
7,13,15,19,25;94:3,8,
11,15,17,20,23;95:1,5,
8,12,14,16,22,24;96:7,
11,14,18,23;97:1,11,
14,16,22;98:3,6,11,14,
19,22;99:5,17,21;
100:2,5,12,15,17,22;
101:5,10,18,22;102:4,
8,21;103:1,5,7,10,12,
17,23;104:1,4,9,13,21;
105:1,6,10,13,22;
106:1,10,13,15,17,20,
22;107:1,4,8,12,16,21,
24;108:3,17,23;109:2,
5,8,14,17;110:1,5,8,12,
18,23;111:1,4,6,9,12,
16,19,22,24;112:1,7,
10,13,17,24;113:2,8,
14,23,25;114:3,7,14,
17,20,25;115:3,10,13,
15,17,24;116:2,4,12,
19,23;117:3,5,11,13,
15,17,19,24;118:2,10,
13,19;119:3,14,17,20,
22;120:2,5,7,9,12,15,
19,21,24;121:1,3,17,
19,23;122:7,21,24;
123:10,14,19,22,25;
124:7,12,15,18,21,23;
125:2,10,12,14,19,24;
126:3,5,7,10,17,24;
127:6,9,11,13,23,25;
128:7,10,12,19,24;
129:4,8,11,13,17,21,
24;130:4,6,15,20,25;
131:3,5,14,17,20,24;
132:2,12,15,17,20,23;
133:1,3,6,9,16,18,20,
23,25;134:6,10,14,17,
19,22;135:2,5,8,14,17,
22,25;136:2,7,9,11,15,
18,20,23;137:1,5,7,12,
15,19,21;138:1,3,10,
14,18,20,23;139:4,6,8,
10,13,17,20;140:1,11,
14,25;141:9,13,15,19,
25;142:10,13,15,17,22,
25;143:3,5,8,11,13,18,
20,25;144:5,13,15,18,
20,23,25;145:6,10,14,
18,21;146:4,7,10,12,
15,20,23;147:2,5,9,13,
17,22,25;148:6,18,23;
149:4,6,8,15,18;150:6,
9,11,15,18,20,22;
151:1,4,6,8,12,16,19,
25;152:6,9,12,14,23,
25;153:4,10,12,16,21;
154:8,13,17;155:1,8,
10,13,21;156:6,10,18,
20;157:4,7,13,17,21,
24;158:5,10,20;159:3,
7,14,20;160:1,3,6,12,
15;161:1,6;162:8

S

SAC (1)
84:7
SAC's (1)
105:14
same (7)
16:12;18:20;40:13;
45:23;78:23,24;145:25
sample (1)
70:9
sanction (1)
144:18
Saturday (3)
123:23;131:11,15
saw (4)
6:15,21;7:5;8:21
saying (48)
10:12,15;11:5,6,10;
12:3;24:7,10;31:6,14;
43:1,16;45:4;48:1,5;
49:8;52:25;56:12;
58:11;66:19;78:4;
83:21;89:1,9,16,20;
91:1;96:11;97:4;
110:21;114:9;115:23;
121:12;127:5;131:14;
135:19;138:25;141:4,
22;142:1,19;143:10;
145:17;148:16;150:4;
153:14;154:4,11
school (1)
32:19
scowling (1)
62:25
screwed (1)
149:21
search (1)
104:2
second (4)
44:5,7;79:20;148:12
seconds (5)
131:13;134:7,11;
142:3;145:8
secret (1)
158:23
secretary (1)
68:24
section (2)
69:6;73:13
security (2)
61:12;62:1
seeing (5)
50:24;66:4;95:19;
114:6;138:12
seem (2)
127:17;139:21
seemed (2)
65:7,10
seems (7)
23:13;25:6,12;
113:10;122:13;127:14,
16
segue (1)
48:10
selected (1)
151:2
Senate (2)
15:24;18:22
send (1)
69:16
sending (1)
150:25
senior (2)
21:22;46:1
sense (12)
19:24;24:4;25:2,13;
26:10;38:6;55:20;
71:23;88:9;92:14;
117:24;141:21
senses (1)
91:14
sensitive (5)
28:14;41:19;53:20;
91:16;118:21
sent (5)
14:12;71:17,24;
115:20;116:17
sentence (1)
103:15
sequence (4)
16:12;85:23,25;86:1
series (1)
38:10
seriously (1)
52:8
serve (5)
69:7;88:16,16;
120:12;121:8
[redacted] b6 -1 b7C -1
SERVICES (1)
162:2
set (4)
14:19;31:4;126:11;
155:22
setting (1)
71:25
seven (1)
148:25
seventh (3)
83:16;84:17;159:10
several (1)
4:22
shape (1)
46:9
share (6)
22:14;35:7;45:1;
98:18,22,23
shared (1)
26:22
sharing (2)
32:2;99:3
She's (6)
150:11;157:14,18,
18,18,19
short (6)
8:7;46:16;80:3;
88:19;116:10;148:14
shortly (2)
118:1;157:25
shouldn't (1)
54:24
show (8)
19:1;20:17;78:21;
108:7;130:21;146:9;
147:19;154:21
showed (1)
136:25
showing (6)
18:19;80:4;130:22;
148:1;154:3,23
shred (1)
37:15
shut (7)
23:4;42:10;56:12;
79:8;80:15;83:10;
149:12
sick (1)
124:8
side (4)
23:21;24:19;61:21;
74:10
significance (1)
110:6
significant (16)
13:9,17;22:22;23:17;
25:13;26:8,14,16;45:7,
9;88:15;104:19;
109:24;112:8,16;115:6
signify (1)
110:9
silence (1)
119:25
similar (8)

FBI 18-cv-01766-1098

23:5;25:19;85:2;
87:7,13;88:17;99:11;
101:19
simple (1)
90:15
simply (2)
127:9;140:11
singular (1)
9:16
SIOC (14)
39:15,16,24;43:25;
48:17,19;49:3;51:14;
53:22;59:21,22;60:3,4,
13
S-I-O-C (1)
39:25
sit (7)
54:3;78:2;93:20;
95:9;103:3;128:15;
159:5
sitting (19)
13:15;27:10,17;
33:14;43:7;48:25;
63:23;78:1;99:21;
101:10,14;112:5;
114:4,17;118:13;
119:5;127:9;128:25;
154:15
situation (1)
23:1
situational (1)
13:21
six (2)
148:25,25
skinny (6)
41:16;42:6;44:1,11;
23;51:12
small (3)
51:12;128:23;151:5
Smith (1)
72:24
solely (1)
68:1
somebody (3)
8:9;30:10;87:22
someone (15)
7:23;34:5;39:24;
46:10;48:5;62:24;
63:19;73:21;87:13;
93:21;94:6;95:2;105:4;
154:4;158:7
Sometime (1)
70:16
Sometimes (8)
14:2,6;15:2,5;
124:18,19,21;125:25
soon (2)
104:12;149:22
sooner (1)
124:19
sorry (28)
15:10,11;17:23;18:3,
6;24:14;60:11;61:3,4,
6,7;62:11;64:10;67:17;
69:1,2;71:7;77:22;
81:3;85:8;86:22;96:7,
14;117:15;121:13;
138:12;139:12;146:12
sort (82)
9:11,12;10:23;11:19;
12:1;13:25;14:1,7,25;
15:17;16:11,14;17:17;
20:19;21:10,14;22:15;
23:10;24:14,23,24;
27:18;28:5;30:3;31:10,
12,15;33:10;37:10;
38:10;39:1;41:5;42:22;
51:10;53:18;57:17;
58:8;69:3,23;74:5,21;
75:1,2;76:2,16;77:6,8;
79:16;80:19;82:12;
85:19;87:3;90:15;
91:19;93:6;100:23;
102:1,22,24;104:5,17;
112:18;116:9,10;
121:5;122:1;123:16;
129:10;132:3,23;
133:12,13,14,17;140:5;
146:17;149:10;155:13;
156:13,20;157:8;158:2
sound (5)
9:6;64:16,20;83:17;
162:4
sounds (8)
24:10;36:15;59:6;
64:22;92:4;94:5;
113:14;158:3
source (9)
31:13;79:13;91:7;
104:3;128:4,17;129:2,
16;158:23
sp (2)
62:8;131:8
space (1)
5:10
speak (4)
73:17;105:10; b6 -1
134:24;142:2 b7C -1
[redacted]
specific (29)
9:22;20:3;22:18;
26:5;27:11;29:16;32:6;
33:15;35:8,17;46:17;
58:9;63:22;65:18;
68:10;72:3;73:18;76:5;
83:20;84:11;102:2;
104:4;115:5;118:10;
122:15;129:14;141:7;
142:11;153:25
specifically (40)
6:23;8:14;10:2,16;
11:20;12:4;24:3;34:9;
35:1;40:20;41:3,15;
42:12;46:18;47:5;49:4;
55:10;57:1;64:15;
65:12;72:17;81:13,21;
82:11,12;91:25;93:9;
97:4;110:19;115:21;
122:21;123:4;136:16;
140:15;144:11;151:21,
24;152:10;154:9;156:6
specifics (5)
33:12;71:21;152:19;
153:17;156:8
spectrum (2)
49:5,25
speculation (2)
55:23,24
spell (3)
39:23;61:1,8
spend (4)
4:23;6:6;7:1;66:7
spending (2)
149:25;156:3
spoke (2)
145:4,8
spur (2)
150:1;151:22
spurred (1)
143:16
squishy (1) b6 -1,Per OIG
102:10 b7C -1,Per OIG
[redacted]
stand (3)
73:14;123:4;140:2
standard (2)
3:24;59:12
standing (1)
39:9
start (2)
8:1;101:1
started (7)
4:4;21:14;38:11,11;
60:6;69:20;157:1
starting (1)
156:14
state (1)
71:14
statement (4)
4:13;10:22;17:14;
31:7
statements (2)
3:20;10:10
States (1)
4:11
stay (3)
41:21,23;101:13
steel (1)
131:8
steeped (1)
24:12
Steinbach (1)
61:13
step (4)
14:13;48:2;60:2;
123:2
stepping (1)
122:18
stick (10)
57:8;63:1;73:7;85:3;
116:15;135:23;136:5;
138:24;139:7;141:4
sticking (4)
19:5;42:4;47:6,15
still (12)
39:16;46:17;81:25;
93:3;102:17;119:14;
121:12,13;128:22;
151:17;157:11,18
stipulate (1)
133:25
stood (2)
119:2;148:9
stop (5)
5:7,23;18:12,15;
102:9,21
stopped (1)
60:4
stopping (1)
6:4
stories (10)
13:9;16:24;42:22;
46:15;69:16;70:11;
71:20,24;102:22;
109:24
story (28)
6:18;10:4;16:14,19;
20:1;32:4;46:19;53:14;
70:25;108:13;109:19;
110:3;113:16,21;
117:7,8,9;118:6,20;
126:15,20,25;127:2,2,
13,16,22;139:3
straight (1)
36:21
Strategic (1)
39:25
Street (33)
4:19;5:25;6:5;11:17;
18:20;48:5,24;68:7;
70:24;72:13;80:5,18;
83:5;84:25;90:22;
93:24;97:10,19;99:25;
100:11,21;101:4;
110:3,10;128:18;
129:20;131:22,22;
148:12;149:25;151:21;
152:8;158:18
strong (1)
76:12
struggling (2)
43:5;66:12
Strzok (2)
155:3,3
Stu (1)
62:8
stuff (8)
12:17,18,19;38:4;
78:9;79:24;97:7;
121:11
subject (7)
42:19;108:13;
126:12,25;135:7;
148:5;155:17
subscription (1)
148:14
subsequent (4)
3:19;143:16;150:1;
151:22
subsequently (1)
146:2
substitute (1)
150:7
sued (1)
60:3
suggested (1)
70:11
suggestions (1)
98:1
suite (3)
84:20;158:25;159:22
suites (1)
159:18
sum (3)
116:10,10;141:1
summarized (2)
22:16;136:24
summary (1)
148:14
[redacted] b6 -1
b7C -1
Sunday (17)
13:2;16:12,15;19:3;
20:2;21:1;38:12;
119:12;123:20,23;
124:16;125:23;133:16;
140:20;145:7;148:5;
152:18
suppose (3)
30:6;33:15;116:19
supposed (2)
32:16;37:24
Sure (104)
4:8;5:1,4,11;6:11;
7:3,15;10:8,9,25;
13:11;14:16,19;16:6;
19:8,19,19,20,23;
20:20;21:16;23:25;
25:3,7,8;26:9,15;
31:20;32:12,22;33:6;
34:22;36:23;38:13,19;
39:9,25;40:8;43:7;

FBI 18-cv-01766-1099

44:6;45:16;46:3;48:11;
49:6;50:2;52:21,23;
55:3,13,25;56:16;
57:16;60:7;63:2;67:4,
6,9,14,15;69:23;71:2;
74:19;83:6;84:16;85:9,
13,24;87:24;89:5,18;
90:8,25;95:16;99:5;
103:16,23;104:23;
105:9,17;107:16;
108:20;109:2,8;114:3;
115:10;121:17;123:19;
125:4,10;126:18;
127:10;128:21;130:9;
138:3,11,23;141:23;
143:25;144:5;146:24;
147:4,22;152:9;157:18
surprise (1)
49:14
surprising (2)
139:13,14
surrounding (2) b6 -1
155:6;156:4 b7C -1
[redacted]
Sweeney (21)
78:12;80:17,23;
81:13;82:19;83:4,15;
84:23;85:16;90:20;
91:3,23;92:5,19;
101:16;143:24;144:4;
146:6,16;147:7,15
switch (1)
104:16
switching (1)
137:23
sworn (3)
4:4,13,13
system (1)
108:19

T

table (1)
61:10
taker (1)
36:24
talk (18)
14:5;19:6;33:21;
34:12;38:20;40:25;
41:22;42:22;43:17;
53:22;57:7;71:24;
72:15;73:19,25;79:16,
23;83:23
talked (25)
7:8;8:15;12:21;
19:22;21:7;43:24;51:2;
54:4;58:6;63:13;66:13;
71:19;83:5;84:12;88:3,
11;89:22;91:18;
127:15;144:21;145:12;
146:16;154:14;158:22;
159:10
talker (2)
84:3,4
talking (55)
9:16;19:2;25:5;
28:22;29:18,20;32:19;
34:13;41:1;44:10,11;
45:23;54:23;66:19;
77:7;78:18;79:2;81:14,
21,22;82:18;85:5;87:5;
89:9;90:10;91:2,23,23;
92:4;93:9;94:16;98:9,
11;99:7;102:13,16,20;
103:3;115:7;134:4;
136:13;137:10;138:22;
140:23,23;144:9,16;
147:15;150:1;153:23;
155:16,25;156:3,12;
159:9
talks (5)
53:14,15,18;79:3;
82:3
Tashina (1)
62:5
teed (1)
76:3
teeing (1)
147:20
teeny (1)
104:17
telling (11)
23:3,4;27:12;58:14;
65:23;79:8;80:14;
83:10;100:8;134:12;
149:11
temperature (1)
58:8
tended (1)
49:25
tense (1)
57:24
tenure (2)
38:22;104:18
terms (2)
66:14;81:11
terrorism (1)
41:20
that's (107)
4:23;6:24;7:1;14:20,
23;17:11;18:9;21:23;
22:12,15;23:13,22;
24:13;25:15;27:3;28:8,
12,20;29:5;31:13,15;
33:4,9,11;34:23;36:25;
38:1,14;40:2,9;45:14;
47:1,3,9,12,13,15;48:1,
8;59:13,24;62:3,17;
64:6;65:18;66:1,24;
67:1,2;75:24;81:14;
83:3;85:14;92:8,9,11,
11,16,25;93:4,5;94:11,
13,22;98:6,8;102:24;
105:22;106:2,21;
108:6;111:13,18,20,21;
112:15,21,25;121:11;
123:3,3;125:25;127:6,
9,12;131:6;132:7,22;
133:3,4,10,13,21;
134:2,13,15;137:21,25;
144:5,6;146:7,8;
147:17;157:13;159:7,
7,23
themes (1)
20:19
theory (1)
47:22
there'd (1)
93:3
there's (39)
15:7;21:20;23:8;
25:22;38:15,15,17,21,
25;39:7;41:16,18;42:1;
45:21;46:1,13;48:23;
65:15,15;66:16;74:20;
87:3;108:17;109:11;
113:10;114:10,11;
119:20;132:6;136:20;
138:6;148:14,15,20;
149:2;153:5;156:11;
158:2;159:18
thereafter (1)
149:23
therefore (1)
122:18
thereof (1)
42:5
thereto (1)
3:20
they're (4)
10:11;37:14;68:25;
134:4
thinking (20)
29:12;30:8,10,22;
59:25;65:2;77:20;87:7,
9,17,19;89:25;92:11;
93:16;99:1;102:1;
106:17;111:2;117:20;
119:15
third (4)
81:2,3,10;113:15
thorough (1)
69:20
though (4)
63:23;113:19;117:6;
160:8
thought (20)
7:18,19;14:17,18;
18:1;20:14;44:12;
64:24;74:9;76:5;87:6,
12,13,22;91:16,18;
102:12;103:22;129:5;
142:7
thoughts (2)
25:9;65:2
three.(6)
4:22;78:24;79:6;
80:5;90:21;120:13
threshold (1)
87:22
throw (1)
16:10
throwing (1)
65:20
throws (1)
65:24
tick (1)
67:13
tie (1)
131:8
tighten (1)
156:25
timeframe (6)
79:2;86:7;136:3;
138:5;155:14;158:7
timeline (7)
17:1;79:16;82:4,5,
10,11,21
times (5)
38:18;82:8;122:22;
123:2,16
timing (3)
20:6;123:6;149:21
title (2)
68:19;110:3
today (23)
3:22;6:6;13:15;
27:10;54:3;63:23;
67:25;71:15,16;78:2;
93:20;95:10;103:3;
111:17;112:5;114:4;
119:2;128:15,25;
129:1,15;150:1;159:5
together (4)
58:5;60:17;69:10;
132:24
told (29)
8:20;9:1,24;10:11;
33:20,25;36:8;54:5;
63:3,18;83:4;84:23;
86:13;91:24;94:6;96:2,
8,12,13;97:5;98:4;
99:12;130:12;141:6;
144:1;145:17,19;
146:2;153:22
toll (3)
155:19,20,21
took (3)
26:11;52:8;140:8
top (1)
112:18
topic (2)
137:14,17
topics (2)
42:22;146:22
Toscas (1)
62:8
totality (4)
116:11;117:16,17;
151:22
touch (1)
102:6
touched (2)
104:17;146:21
towards (3)
49:25;57:17;148:25
track (1)
69:15
tracked (1)
71:9
tracking (2)
70:11;71:1
Transcriber (1)
162:13
transcript (1)
162:3
travel (1)
140:18
triage (5)
24:15;33:10;36:24;
66:14;102:22
triaged (1)
76:16
trip (1)
140:8
trouble (3)
29:16;45:10,10
true (1)
98:2
trust (1)
133:19
trusted (1)
154:6
try (4)
74:8;77:4;119:8;
156:22
trying (27)
6:20;12:22;19:2;
24:20;32:13,20;33:5;
48:2;59:11,14;60:16;
65:4;66:2;71:22;77:1;
88:20;93:6;98:7;
107:21;109:12;116:6,
24;119:11;125:4;
134:8;138:4;147:6
turn (2)
148:11,19
two (29)
9:23;20:23;25:14;
28:23;31:12;42:19;
47:11;48:24;49:4;
53:16;66:15,19;74:6;
79:1;81:5,9;111:8,9;
116:13,17;118:4,5,20,
22;121:6;134:21;
141:23;148:12;158:15
tying (1)
31:18
type (11)
27:21;42:18;69:4;
70:25;76:8;88:17;99:9;
105:5;132:4,10;133:4
typical (1)
124:13

FBI 18-cv-01766-1100

typically (4)
27:20;29:14;39:2;
159:19

U

unauthorized (5)
89:10;90:23;91:14,
21;93:16
unconcerned (3)
54:8,13,15
under (1)
4:1
undersell (1)
24:14
understood (4)
28:6;77:11;97:8,15
unfold (1)
13:1
[redacted] b6 -1 b7C -1
United (1)
4:11
universe (2)
87:8,19
Unless (9)
8:5;52:11,12,13;
108:4;124:7;139:23,
23;145:23
unlikely (2)
30:4;31:12
unpack (1)
128:19
unsure (1)
18:1
Un-unh (1)
54:10
up (70)
13:12,18,21;14:9,23;
15:6;16:20;17:24;
19:18;20:10,16;22:20;
23:6;29:7,10;35:6,11;
36:2,3,5,9;39:24;41:1,
9,14;42:11,15;43:14,
20;48:3;51:10,11;75:9;
76:3,18,24;77:9;84:10;
93:19;99:14;101:13;
105:2,16;106:5;
108:19;109:24;112:22;
113:3;115:14,22;
116:16;117:8;118:7;
120:3;121:18;122:10;
126:11;131:23;132:6;
135:15;141:2;147:20;
149:21;153:8;155:17;
156:25;157:14;159:10,
17;160:18
upon (1)
4:11
upset (3)
12:22;58:10,23
use (1)
13:25
used (3)
39:15;60:2;88:15
usual (1)
38:15
usually (17)
8:7,8;14:24;36:24,
25;37:2,14,16;38:5,15;
41:19,24;42:21;65:22;
83:23;120:2;125:24

V

valid (2)
56:13;149:12
validly (4)
23:4;79:8;80:15;
83:10
valued (1)
58:16
various (1)
121:14
venues (1)
42:19
verbatim (4)
10:23;11:9,12;64:24
versa (1)
126:16
versions (1)
8:8
versus (2)
7:19;139:1
vice (1)
126:15
view (2)
91:16,17
viewing (1)
90:21
Virginia (1)
15:24
visit (1)
124:21
voluntary (2)
3:16;4:13

W

wait (1)
16:16
walk (5)
36:12;38:9;51:19;
52:19;109:6
Wall (34)
4:19;5:25;6:4;11:17;
18:20;48:5,24;68:7;
70:24;72:13;80:5,18;
83:5;84:25;88:9;90:22;
93:24;97:9,18;99:25;
100:11,20;101:4;
110:3,10;128:18;
129:20;131:22,22;
148:12;149:25;151:21;
152:8;158:18
Washington (2)
3:16;149:2
wasn't (17)
17:8;20:8,8,21;
28:24;29:18;72:1;
80:10;96:4;97:8,17;
99:15;125:7;139:1;
145:19;153:17;158:23
way (29)
23:19;24:15;26:12;
43:9;50:25;54:12;
66:11;73:10;77:25;
92:10;95:15;96:24;
99:22;103:2;109:24;
120:2;126:11,14,22;
127:6;130:8;131:7,23;
132:2;133:11,13,13;
138:25;153:13
ways (5)
69:25;89:14;136:7,9;
149:10
we'd (1)
112:3
we'll (7)
4:3;19:5;43:17;44:7;
58:19;104:11;152:22
we're (28)
4:15,16,23;5:23;6:5;
7:1;15:1;25:7;32:8,10,
13;33:5;34:13;43:15,
16;47:4;66:10,15;77:7;
88:9;89:16;90:9;93:6;
119:10;121:4;122:1;
124:9;136:13
we've (24)
4:17;8:20;25:9,22;
33:6,22;51:2;54:4;
56:6;67:8,14;83:9;
84:23;88:11;89:9;
91:18;96:2,12;116:7,
23;141:2;149:25;
156:3;159:10
Wednesday (2)
39:14,20
week (11)
12:18;15:20;16:2;
17:11,13;20:19;59:7;
119:23;125:7,18;
157:17
weekend (1)
140:6
weeks (1)
79:1
Weiner (2)
17:3;82:13
weird (1)
131:7
weren't (1)
79:5
what's (15)
16:19;31:6;75:9;
76:10,25;88:18;114:9;
115:9,23;117:2,20;
118:7,9;122:6;150:2
whatsoever (1)
12:7
Whereupon (5)
4:9;6:2;18:17;80:1;
161:9
who's (2)
60:25;150:10
whole (1)
137:20
wife (1)
15:23
wife's (1)
18:21
window (1)
128:23
wish (1)
63:8
within (5)
32:16;135:8;153:7;
156:4;160:9
without (10)
9:5;11:3,15;31:18;
52:25;65:18;76:4;86:8;
87:18;90:14
witness (1)
3:17
won't (1)
73:17
wondering (11)
49:2,4;50:17;52:24;
53:2;56:24;91:13;
102:2;136:20;137:17;
140:19
word (4)
32:11,11;37:9;
139:14
worded (2)
31:9;127:7
words (6)
8:2;59:4;64:19;
65:20;92:3;109:18
work (7)
13:23;83:25;85:20,
21;98:25;125:21;
130:12
worked (12)
44:25;45:4;46:18;
48:5;58:4,5;69:9;
85:16;132:7;142:5;
143:14;144:2
working (4)
46:14;129:10;
157:10;160:10
works (3)
21:15;30:3;31:11
world (2)
74:22;137:9
worried (5)
9:3;11:1,14;57:24;
95:3
worry (1)
57:21
worrying (1)
21:6
worse (1)
116:18
[redacted] b6 -1 b7C -1
worth (1)
112:19
wouldn't (15)
28:20,21;42:2;54:18,
18;63:17;76:4;88:17;
90:3,5;116:15;123:4,
20;159:3,14
Wray (1)
65:14
written (1)
15:20
wrong (6)
24:9;37:9;92:7;
96:21;97:2;138:15
WSJ (1)
148:22

Y

year (3)
45:21;125:6;157:1
yelling (2)
65:15,20
Yep (55)
18:14;22:24;27:9;
36:18;37:22;39:22;
41:11;42:24;43:4;
45:19;46:7;48:22;49:1;
50:11,14,19;51:9;52:6,
9,15;56:2;68:2;69:12;
73:2;76:21;79:25;82:9;
83:7,14;86:25;92:20;
94:20;95:1;100:17;
106:22;111:22;118:19;
120:7;121:19;125:12,
14;133:20,23;137:5,
12;138:14,18;139:8;
144:25;145:11;147:17;
149:6;150:9;152:25;
153:4
York (8)
3:16;78:10;79:13;
80:11;89:20;110:4;
126:25;127:14
you'd (12)
23:14;45:3,6,24;
46:9;47:18;75:14;94:6;
121:15;132:5,10;
135:12
you'll (6)
4:20;32:23;79:5;
110:2,113:15;131:1
you're (47)
4:3;11:10;24:7,10,
10;25:14;26:13;28:21;
33:13;36:21;37:24;
40:18;47:3;48:1;51:18;
53:22;56:12;62:21;

FBI 18-cv-01766-1101

63:23;64:23;65:23;
66:19,19;69:1;78:23,
23;88:14;89:19;90:25;
96:11;102:1;112:4;
120:1;122:16,17;
127:5,19;131:14;
134:12,12;137:9;
138:12,21;140:20;
142:1;144:8;159:9
you've (10)
4:15;6:6;22:25;
25:20;26:13;45:17;
82:7;94:1;96:8,19

1

1:00 (1)
161:3
1:54 (1)
108:12
10 (2)
79:1;108:16
10:00 (1)
3:14
10:01 (1)
5:24
10:20-ish (1)
18:16

b6 -1
b7C -1

11:30 (1)
80:3
12 (1)
153:7
12th (12)
22:15;34:23;93:23;
100:10,20;101:3,9;
113:19;128:5,17;
129:16;147:12
1425 (1)
3:15
16 (2)
131:1;133:7

2

b6 -1
b7C -1

2:05 (4)
108:16,21;119:12;
137:4

b6 -1
b7C -1

20 (1)
125:3
2016 (19)
4:19;5:25;6:5;22:22;
23:14;60:12;70:24;
72:7;75:7;80:6;86:6;
108:9;121:3;125:5;
130:23,23;148:11;
154:24;158:15
2017 (1)
3:14
2018 (1)
162:15
22 (1)
142:2
23rd (5)
15:22;17:10;18:19;
19:7;20:2
23rd-ish (1)
15:21
24 (2)
133:8;148:9
24th (1)
15:23
25 (1)
134:1
25-ish (1)
133:8
26 (1)
134:16
27th (4)
111:12;140:11,14,17
28th (3)
111:11,13;140:17
29th (1)
130:23

3

3 (1)
162:15
3:30 (4)
108:24;118:3;
133:16;137:6
3:30-ish (3)
13:5;133:11,14
30th (44)
4:19;5:25;6:5;15:18;
20:18,25;21:19;34:24;
67:20,21;70:24;72:7;
75:7;78:9;79:5,7;
80:10,14;83:9,13;
86:14;90:13,22;93:23;
108:9;116:7;123:16;
128:18;130:23;131:7,
22;136:14;140:12;
141:5;142:3;144:14,
15,22,23;148:11;
154:2;156:2;158:9,18
31st (4)
38:14;40:16;42:5;
59:9
32 (2)
145:4,10
33 (2)
131:12;134:11
34866 (1)
108:10
39 (1)
145:8
3rd (4)
78:22;79:2;80:6;
81:5

4

4:00 (1)
118:3
4:02 (1)
134:2
4:13 (1)
134:13
4:14 (2)
141:5;142:3
4:41 (1)
145:7
4th (1)
86:14

5

59 (1)
134:7
5th (1)
3:14

7

7:02 (2)
148:11;152:22
7:30-ish (1)
149:22

9

9 (3)
121:4;131:11,14

FBI 18-cv-01766-1102

William Sweeney
Interviews and Notes

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b6 -1
b7C -1

2639-HQ-[redacted]-22

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UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

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IN RE: :

INTERVIEW OF WILLIAM SWEENEY :

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August 2, 2017

New York, New York

Interview of

William Sweeney

By the U.S. Department of Justice, Office of the Inspector General, at the Federal Bureau of Investigation, beginning at 10:25 a.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

[redacted] Oversight & Review Division

b6 Per OIG
b7C Per OIG

FOR THE WITNESS:

NONE

DEPOSITION SERVICES, INC.
12321 Middlebrook Road, Suite 210
Germantown, Maryland 20874
Phone: (301) 881-3344

general thing that management are calling individual employees throughout the division, or is there something specific to him that you, management was concerned about?

MR. SWEENEY: No. So there is a call. So, in and around this time frame, there is, the Garner case is going on. Right? So you have the Garner, so stuff leaks in the Garner case.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: There is I think at this point Clinton Foundation stuff. Like, I have notes. I got called by the AG. I have them in my desk.

[redacted]: Which AG? Just out of curiosity. b6 Per OIG b7C Per OIG

MR. SWEENEY: Lynch.

[redacted] Lynch, all right. b6 Per OIG b7C Per OIG

MR. SWEENEY: So, there's a series of things that have leaked, and Garner was the big one. Garner was the thing that, I think spurs, I mean, I can go grab them if you want them. But, so, this comes on the heels of the Chaves (phonetic sp.) leak, which I think you're familiar with. And so we get instructed by the AG. So on that phone call is myself, Deputy Director McCabe, and Randy Coleman. And we get ripped by the AG on leaks. And that she directs us to specifically go to our people and warn them of the behavior, and we are to use specific words to describe her demeanor. She is beyond upset. I mean, I

have them written down. She, she uses words.

So we do a, a couple of us do a conference call. McGarrity is with me. I do it from a Federal Law Enforcement Foundation event in I think the Waldorf Hotel. I have McGarrity next to me, I believe, on the phone. And we talk to Khouzami and a crew of people that were working something. I think it was, I think it was Garner, but it might have, it's a whole crew of people. I don't know if he was on that call. Hey, listen. It's basically like people shouldn't leak. So we have done that several, not called several times. But, like, Mike McGarrity has pushed out email to his supervisors about leaks. Ever since we've gotten there, we've been trying to crack down, especially post-Chaves. Something is wrong here. And so that goes all the way back to this Khouzami thing, right?

[redacted]: Uh-huh. b6 Per OIG b7C Per OIG

MR. SWEENEY: So it's that crew, Chaves, there's, these guys have all been here forever. And my opinion, they're just, I have no indication that Khouzami leaked something directly. I don't. I just have my concerns that something is not right. So we pull ESOC records. And everything we pull, we forward to Inspection, which I presume it gets to you guys. But I don't, I don't know if [redacted] was on that call. But that would, the timing of that would have been around b6 -1 b7C -1

October I think. So it would have been in the middle of this.

[redacted]: So have you heard anything about specific employees being called, though, by managers and warned about leaks? b6 Per OIG b7C Per OIG

[redacted]: On an individual basis. b6 Per OIG b7C Per OIG

[redacted]: Yeah.

MR. SWEENEY: No, unless the supervisors are doing it. But, I mean, we've been hammering ASACs. We've brought up leaks consistently since I've been here. It's got to stop. Particularly, the judge has been all over us in the Chaves, all over the government on the Chaves thing. We have another supervisor presumably is, you guys are handling because Inspection is not on a, [redacted] b6 -1 b7C -1

[redacted]

[redacted]: Um-hmm. And how do you know, what do you mean Inspection is not, do you know for sure that Inspection is not doing anything about it? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, I'm assuming. But it was, we referred it, and we got, we referred a number of things

[redacted] b6 -1 b7C -1

C E R T I F I C A T E

DEPOSITION SERVICES, INC. hereby certifies that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of Inspector General in the matter of:

Interview of William Sweeney

b6 Per OIG
b7C Per OIG

[redacted]

[redacted] Transcriber

August 29, 2017

Date

FBI 18-cv-01766-1108

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

IN RE:

INTERVIEW OF WILLIAM SWEENEY

November 8, 2017

New York, New York

Interview of

William Sweeney

By the U.S. Department of Justice, Office of the Inspector General, at the Federal Bureau of Investigation New York Field Office, beginning at 10:05 a.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted], Oversight and Review Division

[redacted] Oversight and Review Division

[redacted] Oversight & Review Division

b6 Per OIG
b7C Per OIG

FOR THE WITNESS:

NONE

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so I don't know if this is direct to me, or if I am one of --

[redacted] A whole list. b6 Per OIG b7C Per OIG

MR. SWEENEY: -- blind copy.

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Because he'll send out emails like, hey, great story about Trooper Whatever. And it's like, I rarely replied to the guy.

[redacted] You didn't reply here. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, because he, he's, you're a bunch of --

[redacted] Yeah. So, you know, as far as like this, you know, this Wall Street Journal article about McCabe and it's about his wife's campaign and all that, was this like a big topic of conversation when it came out? Was this like, I mean, it seems like, I mean, we've seen a lot of like mentions of it just in emails generally. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. I think everybody was chatting about it. It was, and so, if I recall, and I'm, I might be wrong, the article written by Devlin Barrett.

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Right? And so, Devlin, that, so there was the, Devlin Barrett is also the guy that wrote the articles on the Clinton Foundation --

[redacted]: The ones that come like a week -- October 30th. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, with the conversations about McCabe and ODAG.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Right? There was a strong belief that people up here were leaking info.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yet to be proven. The problem with that one article is nobody up here would have been privy to those conversations. So, my interpretation is somebody down there is basically doing exactly what they're accusing these guys up here. Right? It's --

[redacted]: Well, we have some questions for you on the 2nd, two calendar entries and phone calls about it. And I'll get to it right here in a minute. We're just, we're almost there anyway. But, on the, so the 24th, go back to your calendar entry, first that page. You know, this is where you have that phone call with McCabe and McGarrity. You told us last time you called McGarrity, who was getting a ride home with Andy McCabe I think. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. Yep.

[redacted]: That's what you told us. And like. b6 Per OIG b7C Per OIG

MR. SWEENEY: So I think, so I was calling, my, I mark it as tel call with DD, just because I have it. So

I entered it after the fact.

[redacted] Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: But I was calling McGarrity to talk to him because there was an article on Garner. There is a --

[redacted]: And McGarrity is on the way up here? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, he's due to report.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: We had talked a couple of times about things. But we also talked about [redacted] b6 -1 b7C -1

[redacted]

There was a supervisor in [redacted]

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Who had come to me before I left [redacted] complaining about the way New York had handled an [redacted] Ultimately, this has now turned into, we have [redacted] b6 -1 b7C -1

[redacted]

[redacted] --

[redacted]

MR. SWEENEY: [redacted] b6 -1,Per OIG b7C -1,Per OIG

[redacted] Yeah.

MR. SWEENEY: I can't remember the name of the reporter. But the agent, [redacted] before I left New York, the [redacted] who had previously [redacted] b6 -1 b7C -1

[redacted] had told Mike

Harpster, and Mike Harpster replaced me in New York. We did a briefing down there with [redacted] hey, so what's, [redacted] So in that conversation, which I'm initially calling McGarrity. And it's like, hey, how is Andy doing, because this article is out.

b6 -1
b7C -1

[redacted]: Um-hmm.

b6 Per OIG
b7C Per OIG

MR. SWEENEY: McGarrity tells me, hey, he's in the car, like he's going, hey, he's in the car. Like.

Q.

[redacted]: Yeah.

b6 Per OIG
b7C Per OIG

MR. SWEENEY: On speaker. Like don't -- oh, like good catch. But then, hey, well, while you're here, we've got, might as well update you on a couple other things. And that's how this, that's how these topics. And then just general, hey, how are you doing with this? I mean, you're getting crushed.

[redacted]: So starting --

b6 Per OIG
b7C Per OIG

MR. SWEENEY: I mean how are you physically, or personally.

[redacted]: And starting with the article, obviously McCabe gets affected by that because it's a personal attack on him.

b6 Per OIG
b7C Per OIG

MR. SWEENEY: Totally.

[redacted]: Like what's, what's is response to that? What's he say to you about the article? b6 Per OIG b7C Per OIG

MR. SWEENEY: He's fine. Yeah, yeah. I think he says he's fine. So, you know, I don't know if he said he was fine in that phone call. He's subsequently like, right, so he's been under attack basically for a year now.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: And I think he's gotten, my impression is he's gotten to the point of just letting it roll, because a lot of this stuff is not right or proper. Whoever is trying to.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: But, I don't know if he said he's, it must have been. He didn't complain about it.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Several calls later where he's annoyed about the leaks, like.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: I'm getting ripped.

[redacted]: And when we, we, we're talking about this now, but when we talked, after we interviewed last time, you gave me a phone call a few days later and mentioned you also, even though it's not in your calendar, you thought you had mentioned McCabe -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, I thought I mentioned it.

person is what their preference is. And all these folks are invited. And I don't remember what that QSR was about, but Hayden Temin runs them. She's the head of RPO.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: The Resource Planning Office. And it's basically metrics.

[redacted]: Got you. And so you, last time we talked, we're not going to go through all of this again, but you know, the QSR, and then there is a, also a discussion about messaging. b6 Per OIG b7C Per OIG

MR. SWEENEY: Um-hmm.

[redacted]: About the Clinton matter. And you talk about post-election messaging at this point. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. So what happens is, the QSR, so this is why I make entries like this.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: The QSR goes, but then they ask, I think it's the EADs to stay. Some of the ADs, if not all the ADs, and I forget who asks who to stay. But a small group is asked to stay, and I'm asked to stay on, and Paul Abbate is asked to stay behind. And Paul is still the ADIC.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: And the question came up around messaging, because obviously by this point, going back to

up at that. I'm like, whatever.

[redacted]: This is Kallstrom? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. You know, whatever. He's really like old, whatever. He's an angry man. I don't know why, but he's an angry man. So I don't, so I don't remember, back to your question. No, I --

[redacted]: Can I jump in one second?

[redacted]: Yeah. b6 Per OIG b7C Per OIG

[redacted]: Can you recap on the, the disagreement you had on the messaging, yourself and Abbate you said? Can you, what was it --

MR. SWEENEY: There was, there was, I don't remember if Abbate was in the room. It was a bunch of EADs at a minimum. But some people thought, yeah, there should be more messaging. And Paul and I were definitely, no. You would have to talk to Paul.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

[redacted]: Yeah.

MR. SWEENEY: I don't want to, Paul has got a pretty, Paul is a good, good man. I think. He'll, he'll remember a lot of this stuff too.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Because Paul and I also get calls around this time. I think Paul specifically was told get his house in order about the leaks, and I received a

similar message but not that phrase.

[redacted]: From? b6 Per OIG b7C Per OIG

MR. SWEENEY: From the Deputy.

[redacted]: The Deputy? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: And I think that comes up in a couple days here. So, you know, from that SVTC to the, when it skinnies down just to you, the Director, and the Deputy Director, how does that transition happen? How is it, how do you know to stay on the line, or? How do they say, okay, we're, everybody else -- b6 Per OIG b7C Per OIG

MR. SWEENEY: I think it was Andy said everybody else can leave. Bill, can you stay behind?

[redacted]: And, I mean, no offense to you, why are you chosen to stay on with the Director and Deputy there? Is it just because it's Foundation-related thing? Or Weiner? Or what? b6 Per OIG b7C Per OIG

MR. SWEENEY: So, I, initially I didn't know.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: And then when the room clears, he starts talking about the Weiner laptop. And it gets into this conversation about Clinton Foundation. But I think, I think the point of him skinnying down was to brief the Director on the Weiner laptop.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

because we're so close. Which I get. I think I actually say which I was a corruption agent, I get.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: And Andy says, no, we need to move forward consistent with DOJ guidelines. Like, he's, he puts a finer point on it.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: And that's what then gets me to call these guys, like hey, what exactly -- yeah, because Richardson is like, no, that's contrary to what we were told. No overt legal process to be sought. But I don't think, Richardson is not talking about the Weiner laptop. We're, this is Clinton Foundation stuff.

[redacted]: Yeah. And so, you know, and we talked about this last time. The, you know, a lot of this Clinton Foundation stuff predates your coming to New York. And so your understanding, what you told us last time was that the Deputy Director had told no overt legal process b6 Per OIG b7C Per OIG

[redacted] b7E -1

[redacted] The Deputy --

MR. SWEENEY: Yeah. He told me that.

[redacted]: And he told you that in August? b6 Per OIG b7C Per OIG

MR. SWEENEY: August. It was right before I reported. It was maybe the week before I got here maybe.

[redacted]: And what, how, why did he call you b6 Per OIG b7C Per OIG

about that in August?

MR. SWEENEY: So, that is because, I believe that is because he gets that call from ODAG.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Saying why is New York [redacted]

[redacted] b7E -1

[redacted] My assumption, I don't know this for a fact, but my assumption is they called Iris in ODAG.

[redacted] Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: And my assumption is based on the news articles. That then causes ODAG to call the Deputy's office, why are you guys shopping this case around? Which gets in the whole -- right? And so that has come up again. That came up a second time more recently. [redacted]

[redacted] b7E -1

[redacted] What's the deal here? We get answers as to why they're not going to do it. Now they're not going to do it. [redacted]

[redacted]

[redacted] b7E -1

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: And I don't know who that call went to, whether it was to Andy or to Dave or who. But there's definitely a, I believe, obviously not personally involved in the calls, but my impression is there was a second why are you shopping this case around.

[redacted]: Um-hmm. So when -- b6 Per OIG b7C Per OIG

MR. SWEENEY: And that's what --

[redacted]: So when Andy calls you in August after this kind of bubbles up, did he tell, is his message pretty clear, no, no overt legal process -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted] b6 Per OIG b7C Per OIG b7E -1

MR. SWEENEY: Yep.

[redacted] I mean -- b6 Per OIG b7C Per OIG

MR. SWEENEY: [redacted] b7E -1

[redacted] It probably was.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: [redacted] b7E -1

[redacted] and, and he's right. Like, that's not what you do.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: And so my impression here is, maybe George doesn't quite, like maybe, hey guys, there's ways you do [redacted] b7E -1 And banging around like a Russian sub is not it.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: And so I call, I ask Andy -- and that call, when, whenever that was, I ask Andy if I'm, if he's calling Harpster, who is the SAC at the time, who is now at Philly, or am I? And he asked me, I'll call Harpster.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Hey, Mike, this is what I've discovered. No, we're not doing anything. Like, we were, we're not shopping around. Like, we get into that whole conversation.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: But that's unrelated to the Weiner laptop.

[redacted]: Yeah. It predates it, obviously. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: And so this conversation with the b6 Per OIG b7C Per OIG

Director back on October 25th, this comes up. And you pretty much relate what you just told me. We were told on, and you say the Director is, I think what you said is the Director is like what do you mean.

MR. SWEENEY: Yeah.

[redacted]: And that's where McCabe jumps in and kind of gives it a little finer reading? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, like hey, consistent with guidelines, yeah.

[redacted]: When McCabe talked to you in August, did he mention the phone call with the, with the ODAG? b6 Per OIG b7C Per OIG

MR. SWEENEY: I think he -- I think he did, saying he got a, he got a call saying why are we shopping it around.

[redacted]: Did he say who he got a call from? b6 Per OIG b7C Per OIG

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

[redacted]: All right. b6 Per OIG b7C Per OIG

MR. SWEENEY: I think later, I, I believe based upon reading articles, it's Axelrod.

[redacted] Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: But I, I don't think he mentioned that to me.

[redacted]: And why do you believe it's Axelrod just based on the articles? b6 Per OIG b7C Per OIG

MR. SWEENEY: Just the positions and the

MR. SWEENEY: No.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. SWEENEY: Not that I remember.

[redacted]: And then the next email you'll see, there's an invite. This is, the Garner call happens the next day, the one with the Attorney General. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: Where Rybicki sends out an invite, or asks [redacted] (phonetic sp.) to send an invite to you. b6 Per OIG b7C Per OIG b6 -1 b7C -1

MR. SWEENEY: Yes.

[redacted]: That's on the 26th. b6 Per OIG b7C Per OIG

MR. SWEENEY: So, I know that's coming, though, the day before I think.

[redacted]: Um-hmm. Yeah, this is the 25th. Yeah, you, that's when the invite gets sent to you. b6 Per OIG b7C Per OIG

MR. SWEENEY: The 25th at 6:49? Or these are wrong times? We don't, so, I really have to think about the sequencing, but I, because I, if I recall right, they wanted the Director on the call. And headquarters was like, no, we're not giving you the Director, but we'll give you McCabe, Coleman, and Sweeney.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: And that's how, and I think Rybicki, I talked to Rybicki about, hey, what did, what

are, what is this call? And basically I'm going to get chewed out kind of call.

[redacted]: Yeah. So before we get to that, you know, we mentioned that conversation you had with Richardson. This is, you know, after you get out of the meeting, you know. b6 Per OIG b7C Per OIG

MR. SWEENEY: Um-hmm.

[redacted]: You talk to Richardson. Do you, I mean, you have all the Clinton Foundation information here we talked about. You mention Weiner. Do you think you, I know you said this a while ago. Do you talk with him about Weiner at all? b6 Per OIG b7C Per OIG

MR. SWEENEY: No, I don't think so. Because at that point I really want to make sure that I brief the boss right on this overt guidance --

[redacted]: It's all (*indiscernible 1:27:05). b6 Per OIG b7C Per OIG

MR. SWEENEY: -- thing.

[redacted]: Um-hmm. I mean, do you brief him on kind of what went down on the call, kind of why you're bringing, why you're calling him about it? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. Yeah, I must have. If I put Weiner in, yeah, I must have said, hey, the laptop got briefed, or, but it was really Priestap's problem, the laptop.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: That's not a Richardson issue.

[redacted]: And where was Richardson? Where was he AD at the time? Do you remember? b6 Per OIG b7C Per OIG

MR. SWEENEY: He was Criminal, CID.

[redacted]: Yeah, he was CRIM. b6 Per OIG b7C Per OIG

MR. SWEENEY: Still is.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Oh, yeah, because then I talked to Rybicki.

[redacted]: Yeah, so Rybicki is later that evening, 7:15. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: And -- b6 Per OIG b7C Per OIG

MR. SWEENEY: So I, I was, I had asked, during that call, I asked Rybicki if he was in on the SVTC. And he said no. He left to try to set the example to have all the other hanger-oners (phonetic sp.), the special assistants leave.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: But then --

[redacted]: Meaning the, the earlier -- b6 Per OIG b7C Per OIG

MR. SWEENEY: The SVTC.

[redacted]: The earlier SVTC? Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Because Andy asked everybody to leave except, basically, I, and it might even be, Jim

might have left before even the conversation about the media part. I, I, you'd have to ask him. I don't remember. But, but then he talks about the coming call with Lynch.

[redacted]: Yeah. And then Lynch, the Garner case is big. You know, you mention also a brief discussion about Weiner, Clinton Foundation guidance. What is, I mean, is Rybicki up-to-speed on that? I mean is he, does he know what the Weiner laptop even means at this point. If he isn't on that SVTC, what does he know about the Weiner laptop? b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't know. That's a good question. I don't know.

[redacted]: I mean, did he ask you what you were talking about when you mentioned Weiner? b6 Per OIG b7C Per OIG

MR. SWEENEY: Not to my knowledge.

[redacted]: And do you recall anything about your discussion, what that discussion entailed? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. No. I might have been more worried, more worried at that point about what is this call I'm getting put on with the AG.

[redacted]: Yeah. I'm sure that was probably you're, it looks, and that's the first thing you list. I'm sure that's the primary thing. b6 Per OIG b7C Per OIG

MR. SWEENEY: It wasn't, it wasn't good.

[redacted]: And what do you mean by conflict issue? b6 Per OIG b7C Per OIG

MR. SWEENEY: Conflict issue. Oh. I think I mean Clinton Foundation.

[redacted]: That whole thing we just talked about, the -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, with McCabe, is he conflicted, was there a conflict of interest?

[redacted]: Did you raise that issue with McCabe yet? Any talk about that about, given the Wall Street Journal article -- b6 Per OIG b7C Per OIG

MR. SWEENEY: No.

[redacted]: -- allegations whether he was -- b6 Per OIG b7C Per OIG

MR. SWEENEY: No. That comes up the next day.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Where he then tells me he's recused. Tells me and Coleman he's recused, or that he's recusing himself, rather.

[redacted]: And so what does, what's Rybicki say when you bring, you all talk about the conflict issue? b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't remember. I don't, I don't remember.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't even know if, I'm trying to think if I would have -- I don't know. And I want to

make sure that that's not a Clinton Foundation conflict issue. I'm trying to think if there was a conflict issue with Garner, like, if, if our agent, if we used the same agents. I don't remember. It has to be Clinton Foundation.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't remember.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. SWEENEY: Hmm.

[redacted]: If you look through the back of, b6 Per OIG b7C Per OIG before you get to 26, there is an email chain with, the top chain is you and [redacted], but [redacted], is it [redacted] (phonetic sp.)? b6 -1 b7C -1

MR. SWEENEY: Yeah. This is in, before 26?

[redacted]: Yeah, just before. It's the last b6 Per OIG b7C Per OIG email of that. There's like, it's a two or three-page email, so.

MR. SWEENEY: Yeah.

[redacted]: You know, you're making remarks to b6 Per OIG b7C Per OIG the Agents Association, it looks like.

MR. SWEENEY: Yes. The retired guys probably.

[redacted]: Yeah, or something like that. But b6 Per OIG b7C Per OIG you know, your response here, actually, the thanks [redacted], is what I was going to ask you about. This is b6 -1 b7C -1 where talking points comes up.

later in the day because you're busy.

MR. SWEENEY: So Paul is like a late-riser, I think. Don't tell him I said that. But like, Paul will usually call, like, 10 of 8:00, right as he's walking in the building at Hoover. You can hear him. And it's, it's his way to quick call, make contact, BS, and then Paul is off being Paul. He's --

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: We were probably just BS'ing.

[redacted]: Yeah. So on your calendar, this is the 11:30 a.m., you have a 15-minute call with Deputy and Coleman. If you go to that one prior, it's the handwritten one. Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: That's after, after the AG phone call?

[redacted]: Yeah, after the AG phone call. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. I called them back. So we, we, the AG phone call, and you see the notes, she was not happy.

[redacted]: Yeah. Actually, the notes, and most of these seems like they relate to the Garner. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: But the bottom right-hand corner, not forum shopping, observations, go forward and do what you have to do, July 5th, on record recusing himself from b6 Per OIG b7C Per OIG

Foundation case. Before we get to the recusal part --

MR. SWEENEY: That's, this is separate. So that's -- not forum shopping.

[redacted]: I mean, July -- b6 Per OIG b7C Per OIG

MR. SWEENEY: This is the guidance he gives. I must have said not, we were not forum, they were, they were forum shopping.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't know what observations means. But Andy must have said to Randy and I go forward and do what you have to do.

[redacted]: And this would be the Foundation case or the Weiner? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, Foundation.

[redacted]: And then why, July 5th is the date of Comey's statement. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: And so why is it on there, do you recall? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. I don't know. I, I don't know.

[redacted]: Okay. And all the other notes, I think all these relate to Garner it looks like, based on a quick review. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: I'm not going to go through those with you because at this point I'm not looking at Garner. You have a note, your email to self here. b6 Per OIG b7C Per OIG

MR. SWEENEY: Um-hmm.

[redacted]: This is about the recusal? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yep.

[redacted]: Just flip through it there. It's the October 31st mail, and it's about this phone call you have with McCabe and Coleman. b6 Per OIG b7C Per OIG

MR. SWEENEY: I meant to do it that day, and then remembered I had not done it. And I remembered to do it on the 31st. I just did it to myself basically because I thought, you know what? He's not going to remember to do this.

[redacted]: Yeah. So, I mean, that was actually my question is why the 31st? It's just you finally got around to it? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. I remembered, like, you know what? I never did that.

[redacted]: So, this call with Coleman and McCabe here, this is after the Garner thing, you guys get back on. How does it start? Does it, do you talk about Garner for a while, or is it straight into Foundation? b6 Per OIG b7C Per OIG

MR. SWEENEY: No, we talk about Garner and getting ripped by the AG, and none of us were happy, and

it's like, really?

[redacted]: Yeah. So how does -- b6 Per OIG b7C Per OIG

MR. SWEENEY: So basically (*indiscernible 1:37:40). It was like, really, you just slept through that?

[redacted]: Yeah. So how does it transition to Clinton-related matters, whether Foundation, Weiner, or anything? b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't, I don't remember. It might be because of all the different leaks and stories. I don't remember. But it must have been -- I don't know. It's got to be because of the leaks, and the news articles, and hey, listen, while we're on it, I'm, I'm out. Because I had asked, all right, so who is my, I'm going to go to Coleman. That's got to be how it turned, I don't remember.

[redacted]: And does he say why he's recusing himself from Clinton Foundation? b6 Per OIG b7C Per OIG

MR. SWEENEY: I think abundance of caution. It wasn't anything. I think it was just optic. I think it was --

[redacted]: Did it relate back to the Wall Street Journal article earlier in the week? b6 Per OIG b7C Per OIG

MR. SWEENEY: I guess, but I would be guessing.

[redacted]: And so, so is it clear, then, he's b6 Per OIG b7C Per OIG

out of that, and you, you speak to Coleman on anything you need? How about, how about Weiner? That obviously involves Hillary Clinton too. Did he recuse from Weiner in this conversation, or is this only talking about Clinton Foundation?

MR. SWEENEY: I don't remember him recusing himself from Weiner. I don't, I don't recall.

[redacted]: All right. b6 Per OIG b7C Per OIG

MR. SWEENEY: That's a good question.

[redacted]: I mean, do you ever get a formal notification about this recusal? b6 Per OIG b7C Per OIG

MR. SWEENEY: No.

[redacted]: I mean what, I mean -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Seen one since?

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Only in the press.

[redacted]: Yes. b6 Per OIG b7C Per OIG

MR. SWEENEY: And the, and then last week in the notes that were released by the senator or whoever it was.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Which was (*indiscernible 1:39:26) because he did it on November 1st. According to that email he did on November 1st. And only to a couple of people.

[redacted]: Um-hmm. Did McCabe say who else b6 Per OIG b7C Per OIG

he'd informed of this recusal, you know?

MR. SWEENEY: No. He was just telling us both, hey, I want to be clear, I'm recusing myself.

[redacted]: Do you know if he informed the Director or Jim Baker or anybody else at headquarters? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. He said he was going to, he was going to have, and I think he had couched it as like, hey, this is not final. Like he still, he like pauses throughout. Like hey, I'm not, like I'm going to do this, but I'm still going to think about it, but no, I'm doing this. But I think he said he was, I don't, I don't want to -- I'm not going to swear to it. I don't know, I think he says he still has to talk about it.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Because I follow up with, but so I'm clear, I'm going to Coleman? Because I wanted to be clear, like, partly for him. Like, hey, so I'm going to Coleman. Yeah, you're going to, you're going to Randy. Okay.

[redacted]: So if that was going to change, he's going to have to call you back and tell you I'm back in the mix now or whatever it was. Like, you were, it's going straight through Coleman from now on. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. And so then that, what then happens I think is that weekend we get the call, Paul and

I get the calls. I call, I think I call Paul to tell him this happened. But then that weekend where we get the calls about the leaks, et cetera, et cetera, et cetera. And, because the articles by that point were killing Andy. I would then call Randy to say, hey, I got this call. And I called Steinbach, because I was given direction to do stuff. I called. Hey, this is what I'm being told to do. I'm not --

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: -- sure this, like, this is just going to make it worse. I'm leaving it alone.

[redacted]: This is about -- b6 Per OIG b7C Per OIG

MR. SWEENEY: This is about leaks.

[redacted]: Cracking down on leaks? b6 Per OIG b7C Per OIG

MR. SWEENEY: Cracking down on leaks, like, and, like we've cracked down on leaks. Because after the AG call, we get the Garner team on the phone, Mike McGarrity and I, and hit them on leaks. And we had been all over leaks already. Anyway.

[redacted]: So, how does this call end? b6 Per OIG b7C Per OIG

MR. SWEENEY: Oh, yeah.

[redacted]: Recusal and whatever else. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, it wasn't contentious at all. It was easygoing. I mean, I talk to Andy.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

know, we keep our mouth shut on this?

MR. SWEENEY: Yep.

[redacted] And then, if you flip to the last email in this tab, there is a, [redacted] sends or forwards you an email chain from, this is Devlin Barrett writing his second article. This is the one that comes out, ends up on the 30th.

b6 Per OIG
b7C Per OIG
b6 -1
b7C -1

MR. SWEENEY: Hmm. Okay.

[redacted]: Did --

b6 Per OIG
b7C Per OIG

MR. SWEENEY: Yeah, I vaguely remember it.

[redacted]: I mean, was this, do you recall having any discussions with your folks up here, OPA, about this article before it comes out, apart from, other than this being forwarded to you?

b6 Per OIG
b7C Per OIG

MR. SWEENEY: No, I don't think so. And my roger, thanks is a standard. Like, I have a hotkey.

[redacted]: Yeah.

b6 Per OIG
b7C Per OIG

MR. SWEENEY: Basically it either says 10-4, roger, thanks. And I, so somebody doesn't think I'm constantly blowing them off, I hit one or the other.

[redacted]: Yep, yep. You have a copy too, don't you?

b6 Per OIG
b7C Per OIG

MR. SWEENEY: A copy? Do I?

[redacted] Yeah, I though it said copy a couple times, but --

b6 Per OIG
b7C Per OIG

MR. SWEENEY: No I, I might have used to when we had the 5s.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: When they switched to the 7s and all the things changed, it pissed me off. Everything changed. You can't just have standard --

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: -- sentences anymore because if you type, then it puts, it's whatever. It's not worth discussing here, but.

[redacted]: Did Devlin Barrett ever contact you about this article? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. I don't think I've ever, I might have met him once.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't think I've ever met him -- what's interesting, so, I don't know who's looking at leak stuff, but I had always thought Barrett was assigned to D.C. I know he ran into people at DOJ Main Justice. But I believe that Devlin Barrett used to be assigned up here. There was a whole crew of reporters. So all the reporters there that constantly, the[redacted] et cetera, I believe b6 -3 b7C -3 all worked together at one point for the AP.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Covering EDNY.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. SWEENEY: So the natural assumption is well they know all the New York agents that are up here. But I don't think I've ever met the guy.

[redacted]: You know, and at this point, is the Clinton Foundation, it's not publicly acknowledged at this point. Is the FBI publicly acknowledging the Clinton Foundation investigation at any time during this period? b6 Per OIG b7C Per OIG

MR. SWEENEY: Not that I recall.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. SWEENEY: I think there's a vague reference in the Director's testimony, or a non-reference. Like somebody asked something, and he parries.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: But I'd have to go back through the testimony.

[redacted]: Got you. So if you go to 29, this is just, we talked about this last time. There is, you know, you've got to, this is a Saturday after the letter goes out. You have a call to Steinbach. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yep.

[redacted]: It's not, it doesn't show up on your phone log. Is this, you mention being in the living room. Is it your home phone maybe? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. Definitely on my cell phone.

We looked, and it's not on there that I can recall anyway.

MR. SWEENEY: Yeah. I gave you stuff, anything that I found I had related to this, I gave you. If I didn't have it, you know (*indiscernible 1:59:14).

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: You'll probably get them all anyway. No. I don't know why I talked to him. What time was that?

[redacted]: It was 4:23 p.m., as long as -- b6 Per OIG b7C Per OIG

MR. SWEENEY: I was driving home from (*indiscernible 1:59:34) because right after the letter broke, I started getting calls from people to include [redacted] b6 -3 b7C -3

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Which I didn't answer.

[redacted]: I know I, there's email where you say he tried to call you and you just -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: -- texted them to call headquarters. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. There's no way. No, I don't, I didn't remember calling Bowdich.

[redacted]: Okay. Okay. So on the 30th, now this is when the Wall Street Journal article comes out on the 30th. b6 Per OIG b7C Per OIG

MR. SWEENEY: Sunday night.

[redacted]: Do you recall getting a phone call from Bill Priestap about this article? Even though it's not on your calendar, but him calling you about it, even in advance of coming out, or, somehow on Sunday? b6 Per OIG b7C Per OIG

MR. SWEENEY: No.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. SWEENEY: Did I?

[redacted]: Well, no. I mean, I'm looking at other emails about, when he's talking about when I call you, rather than (*indiscernible 2:00:35). It's not on your call logs that I picked up. b6 Per OIG b7C Per OIG

MR. SWEENEY: No. I don't recall getting a call from him.

[redacted]: All right. So there is a, the phone call here with Rich Quinn of OPA. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: He, did you talk to him about the article? Do you know what you all talked about? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. But I, I don't remember what I talked to him about unless it was, hey, these guys are calling me, meaning like the [redacted] types. b6 -3 b7C -3

[redacted] Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: No, I mean, I've known Rich forever too. I might have just been BS'ing about the article. But I don't --

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't remember. It's short, though.

[redacted]: So the next call on here, you know, McCabe calls you about the article. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yep.

[redacted]: Yeah, the text on here, concern over leaks. Need to advise folks of media policy. And, describe this conversation. b6 Per OIG b7C Per OIG

MR. SWEENEY: Not happy. And so I think, so let me back up to the Rich Quinn thing. So that says OPA.

[redacted]: Um-hmm. He's at Headquarters OPA I think. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, yeah. I don't know why I would have, I don't know why I would have typed OPA. I know who Rich Quinn is, like.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: I thought the sequence of calls, I thought I had Paul Abbate call me first.

[redacted]: Uh-huh. b6 Per OIG b7C Per OIG

MR. SWEENEY: Telling me he just got a call from the DD. And the DD was ticked. Get your house in order. Heads up, I'm just giving you a heads up because you're probably going to get the same call. Hey, why is he even calling me about this stuff? A general conversation with

Paul about the leaks. Oh, no. This says Paul after, and Andy did call me. And I thought I talked to Paul afterwards.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Okay, I did get that call. He did, Andy did not use the term with me about getting your house in order, but he was ticked about the leaks.

[redacted]: And so obviously the article, we've got it. It's Clinton Foundation, and then it goes into the headquarters, you know, the call between ODAG and McCabe. I mean, when you looked at the article itself, like, we're not going to go through it line-by-line, what was your impression of the article? Like, where did you think it was being sourced to? b6 Per OIG b7C Per OIG

MR. SWEENEY: My impression was it was sourced to somebody up in the seventh floor.

[redacted]: And -- b6 Per OIG b7C Per OIG

MR. SWEENEY: And I developed the impression initially in the, so having been a special assistant, very few people are allowed in somebody's calls.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: And my impression would be, if it was run anything like when I was there, it would be the special assistant, and he has his legal counsel, Lisa Page. That generally, you're not going to describe a

phone call you had with the ODAG's Office to other people. Like, why would you do that?

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: And that somebody is consciously trying to put a good spin on. So now at this point, I think there have been other stories that ran on Andy. And now there's a positive spin coming out.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: I also, I don't remember the exact sequence, but I talked to different people on the, in the, in that period, to include like [redacted] b7E -1

[redacted]

I think [redacted] telling me at some point he was getting calls from guys at that level talking about how they would, how to get good, a good spin out, if you will. Like, hey, we've got to rectify this record. Because it, this is not a game we play. Like, we don't, I'm not playing this game.

[redacted] Yeah. [redacted] b6 Per OIG b7C Per OIG b7E -1

MR. SWEENEY: Yeah.

[redacted] Who is he getting calls from about trying to rectify -- b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't remember him telling me.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: But --

[redacted]: Does Kortan ring a bell? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. I don't doubt it. So we have our own, and I don't know how far down the path you want to go. My own guesswork versus, I'm not sure I want to do this on --

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: -- on this thing.

[redacted] b6 Per OIG b7C Per OIG b7E -1

MR. SWEENEY: [redacted]

[redacted]? Okay. b6 Per OIG b7C Per OIG b7E -1

MR. SWEENEY: [redacted] --

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. SWEENEY: -- angle to this whole thing. Right? And so he would have been, his team, going back to all the stuff back in the summer about who is doing what

[redacted] b7E -1

But my impression reading the article is somebody is, they're not making DOJ look favorable, obviously. Somebody is protecting Andy.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: And there's somebody close is

giving up stuff.

[redacted]: So, you know, Lisa Page is his special assistant, his counsel, whatever the title is. I'm not entirely sure. Do you have any, have you worked with her before? What do you know about her? b6 Per OIG b7C Per OIG

MR. SWEENEY: Hard-charger. Very loyal to her boss. Wants to be involved in everything.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Was involved in the Midyear stuff. Was involved in the Clinton Foundation stuff. At some point, after I'm, after Andy tells me he's recused, there was a SVTC, so, you know, way after actually.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: When Bowdich now gets involved. Where Lisa Page was going to sit in. And I believe I bring up with both Paul Abbate and Dave, why is somebody who works for Andy who is recused sitting in these meetings or going to sit in on meetings? And Dave had her cut out.

[redacted]: Um-hmm. So what -- b6 Per OIG b7C Per OIG

[redacted]: What was that SVTC about, Clinton Foundation?

MR. SWEENEY: Yeah.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. SWEENEY: More recent. More recent. Not

around this time frame. It would have been --

[redacted]: After that. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, because Randy Coleman is gone. Bowdich then, Abbate becomes the EAD. And then rather than Abbate being [redacted] b7E -1

[redacted] Rather than giving, rather going to McCabe and up, for some reason it goes to Dave. And my guidance before was I wasn't reporting to Dave. I was reporting to Randy.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: But at some point, Dave becomes involved, and I don't know how that decision, like I don't know how that happened.

[redacted]: So, these, as far as, you know, Midyear you're not involved in, but you see Clinton Foundation. How does Lisa Page's role in this case compare to that of, like, your time as special assistant, you know, when you're at that role? I mean, is it similar, or is it different? Like, how would you contrast that? b6 Per OIG b7C Per OIG

MR. SWEENEY: Completely different.

[redacted]: And describe how. b6 Per OIG b7C Per OIG

MR. SWEENEY: So, well first of all, she's an

attorney. I'm not.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: So we did not, so when I was special assistant for Joyce, I was, they did not have an attorney. There was not a chief of staff thing or whatever you want to call it. It was me, and then there were two or three staff members.

[redacted] Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: There were lawyers that were of counsel. So [redacted] (phonetic sp.) was one of them. b6 -1 b7C -1 But even though they did a lot of this stuff for the Deputy for prep work, like on D.C.'s, D.C.'s policy issues, really they were assigned to the Director. They were the Director's special counsel for national security or whatever.

When Mark Giuliano became the Deputy, he wanted to bring over an attorney named Joanna Baltas (phonetic sp.). Joanna Baltas gets brought in, into this role. I was sort of on my way out. But there was a battle, well, who is this person? There is an SES special assistant. What is this person's role exactly? But whatever. He's the Deputy.

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: That pattern then follows with Andy. So, Andy had, when Andy was the EAD, Lisa Page

worked on his staff. And so at the time, major decisions, Snowden, 702, all that stuff, she was always the, the legal eagle that was dealing with that. Very sharp. Anyway, so he goes to WFO. I don't know where, I forget where she went. And then when he comes back as Deputy, he brings her on board.

My impression from talking to people, very involved in everything.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Whereas, when I was there, either the deputy would tell you, hey, I need you to track this, or you would track it on your, but I wouldn't, I wasn't sitting in on case updates, that kind of stuff.

[redacted]: Were you aware of people -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Unless it was with the Deputy.

[redacted]: -- voicing kind of chain of command concerns with her about, you know -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Me?

[redacted]: No, yeah, people voicing to you or just in general talking about, you know, Lisa Page. It's kind of like subverting the chain of command, and that she may take reports from the DAD level, AD level straight to the Deputy instead of going up the normal chain. b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't know if it was laid out exactly that way, but concerns that she was a problem

causing issues.

[redacted]: What -- b6 Per OIG b7C Per OIG

MR. SWEENEY: How things were reported, getting involved in things. It, representing, you would have to talk to like Steinbach, they have all complained.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

[redacted]: To who?

MR. SWEENEY: To each other, among ourselves, and I believe also the, the Deputy.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't know that for a fact, but. I have never talked to the Deputy about it.

[redacted]: Um-hmm. So on this call here, on the 30th where he talks, you know, and not get your house in order to you but something to that effect. I mean, is there any discussion of that conversation, his conversation in there about, is he saying, like, any discussion, did he say anything about that part of the article? The first part obviously is Foundation news. The second part kind of is about this thing between Axelrod and him. I mean, does he say anything about that point about why that's there, or? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. Not to my recollection.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: And I think I carefully pushed

back on the, if I recall, some of these conversations (*indiscernible 2:11:06) now, but if I recall, I kind of pushed back on the, hey, this is not, New York wasn't privy to some of this stuff.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Without looking like I'm defending, because I have my own, I still have my own suspicions about New York

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: But this is not New York.

[redacted]: Did you have any response to that, the fact that, you know, New York couldn't lick some of this stuff? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. I'm, I'm trying to remember the actual, it wasn't, because the conversation wasn't all bad. It wasn't all, like, it was still me, hey, how are you.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: I mean, how are you, hey, I get it, you're going --

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: This is, this is BS that somebody is putting this stuff out.

[redacted]: Yeah. Did you either ask him or at least think about yourself, like, aren't you recused from b6 Per OIG b7C Per OIG

Clinton Foundation matters? Didn't you tell me that five days, four days ago? Like, why are you calling me about this?

MR. SWEENEY: I didn't ask him that. I mentioned it to Abbate.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Like, you know, I'm annoyed. Why am I getting yelled at about this stuff when I'm not even supposed to be at this point dealing with this stuff. I mentioned, I, that's why I call Coleman.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: I'm pretty sure I called Steinbach. Yeah, I did.

[redacted]: You did. I saw that. b6 Per OIG b7C Per OIG

MR. SWEENEY: To make sure that, no, I just had this phone call with the Deputy. And I think I mentioned to Coleman, like hey, I'm supposed to be going to you. Now, this is a little different because this is not about the case. This is about the Deputy making sure people aren't leaking stuff.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Which is fair I think.

[redacted]: And then, you know, and I don't know what recusal covers and doesn't cover. It's just one of those things that's got, and so what's Coleman, starting b6 Per OIG b7C Per OIG

with Coleman, what's his reaction when you call him about this and the conversation you had with McCabe?

MR. SWEENEY: I don't remember, but it wasn't, like, it wasn't negative. It wasn't bad. It wasn't --

[redacted]: There's an email. So, you forward him the Wall Street Journal article. Like, after this conversation it looks like. b6 Per OIG b7C Per OIG

MR. SWEENEY: Coleman?

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Oh. Maybe --

[redacted]: At 6:39, you forward him the article at 6:39 p.m. So it looks like right when you finish the, it says, Randy, this is the article. So, keep going. It's one more page over. There you go. I think that would be it. Oh, one more. b6 Per OIG b7C Per OIG

MR. SWEENEY: Hmm.

[redacted]: And the time stamp matches up with your log. So it looks like it's right after your call with him. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. I, maybe he didn't know about the article. I don't know. I sent it to Paul too I guess, huh?

[redacted]: Yeah, you sent it to a couple of different people after this too. b6 Per OIG b7C Per OIG

MR. SWEENEY: Okay.

[redacted]: It looks like Rich Quinn is the one who sends it to you. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: Is that pretty typical to get something? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: Because that's his job, OPA. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: And then Steinbach, your conversation with Steinbach, you know, you talk about discussion of how to handle discussion with CF team. Is this how to handle the leak discussion? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. Basically how to handle what Andy had told me that, like, he wants another, he wants a conversation with these, with the Clinton Foundation team about the leaks, et cetera, et cetera. And at this point, I'm not comfortable with, so, why are you, this is not smart.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: I'm going to put Andy in a worse position. And he's just, he's angry. Right? I get it. And Mike is, oh, I wouldn't do it. Just leave it.

[redacted]: Yeah. And why did -- b6 Per OIG b7C Per OIG

MR. SWEENEY: You've already talked to him.

[redacted]: Why did you think it's not smart, b6 Per OIG b7C Per OIG

just?

MR. SWEENEY: Because, so I know he's recused himself. He's angry. He's, it's going to look like he's targeting New York people. And you're going to get all, if it is somebody from up here, you're going to get all sorts of like counter (*indiscernible 2:15:04), right?

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: It's just, this is not smart.

[redacted]: And just, and one question, why are you talking to Steinbach about this since, you know, the Clinton Foundation wouldn't be in his chain. It would be in -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Good friend.

[redacted]: Just a friend? You mean -- b6 Per OIG b7C Per OIG

MR. SWEENEY: I've worked with him --

[redacted]: He's obviously the EAD. He's a link to -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Worked with him forever. Well, we were partners in ITOS. And I, before he retired, I talked to him all the, every morning.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: And saying, or at night, you know. We always talk.

[redacted]: So the -- b6 Per OIG b7C Per OIG

MR. SWEENEY: He's smart too.

[redacted]: Yeah. So the Wall Street Journal article, you also, the next day you forward it to Harpster, and you also forward it to McGarrity the next morning. b6 Per OIG b7C Per OIG

MR. SWEENEY: Um-hmm.

[redacted]: And then I think you even forward it, you forward it to John Brosnan too, the, on the November 1st. And who, who is Brosnan? b6 Per OIG b7C Per OIG

MR. SWEENEY: Brosnan just worked, Brosnan is, right now he's a section chief in CID, worked for me in -- a good friend. Worked for me in Philly, known him for a long time.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Just probably just BS'ing.

[redacted]: He pops up on the phone log a fair amount too. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, he's, he's good. He's, if I can get him to work up here, I will. Him and [redacted] b6 -1 b7C -1

[redacted] Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: He's just a, a good guy.

[redacted]: I mean, do you recall a discussion in these kind of recusal-type Foundation issues with these guys on the phone, like? b6 Per OIG b7C Per OIG

MR. SWEENEY: Not Brosnan.

[redacted]: You know, McGarrity is here, b6 Per OIG b7C Per OIG

obviously, so that's --

MR. SWEENEY: McGarrity, yeah. Harpster maybe. But if, if I am talking to Harpster about this, it's more like did you know any of, like, you were here. Like, what is this stuff?

[redacted]: Yeah. Did people, are people, when they're talking about this article, are they commenting on that, you know, the first time I read it, a private conversation between an official in ODAG and the Deputy Director being quoted in the paper seems kind of unusual. Was that the reaction among folks up here too? What was, did you people talk about that?

b6 Per OIG
b7C Per OIG

MR. SWEENEY: I don't think anybody up here talked about it.

[redacted]: Um-hmm.

b6 Per OIG
b7C Per OIG

MR. SWEENEY: I talked about it certainly with [redacted] Rybicki. I don't remember if I ever talked with about Bowdich, but with Steinbach, like hey, this is, this is coming from up there.

b6 -1
b7C -1

[redacted]: And, you know, [redacted] you have in your notes here. What did, when did you talk to Rybicki, or like what did, do you recall that conversation with Rybicki, kind of his take on it or how that came up?

b6 -1,Per OIG
b7C -1,Per OIG

MR. SWEENEY: I think he was concerned about Lisa Page.

[redacted]: Did he tell you that? b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't, I don't want to put words in his mouth. I don't, if there was a confirmation of it, it was a typical Rybicki um-hmm, like.

[redacted]: Yeah. What gave you the impression that he was concerned about Lisa Page might be a better way to put it? b6 Per OIG b7C Per OIG

MR. SWEENEY: I think just, oh man, I would have to, man, I wish I recorded this. Probably just the way, the response.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Like, it was not a, yeah, I think you're right. I mean, a couple of us it seemed pretty clear. This is close.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

[redacted]: There's all these people concerned about Page it seems, even Rybicki. Did it ever filter up to the Director?

MR. SWEENEY: No idea.

[redacted]: So if you go to November 2nd, your time around, this is a phone call to Rybicki. The 2 Tab, yeah. It's the, flip over. It's the second page of the notes. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, Lisa Page?

[redacted]: Not yet. You get, that's coming up, b6 Per OIG b7C Per OIG

headquarters asked New York to do certain things, and that --

MR. SWEENEY: No. And I don't think I ever heard that until --

[redacted]: Okay. b6 Per OIG b7C Per OIG

[redacted]: We're not saying that, but, you know.

[redacted]: We're just trying to cover all the --. b6 Per OIG b7C Per OIG

[redacted]: We're just trying to figure out -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, yeah, yeah. No. Okay, I get it.

[redacted]: Trying to prove a negative in some places. b6 Per OIG b7C Per OIG

MR. SWEENEY: Right, I know.

[redacted]: November 4th, flip to that. There's a couple of calls. This would be the last I think we need to ask you about. You know, the first one is, McCabe calls you again. And this is another Wall Street Journal article comes out I think on the 3rd. Describe that call with McCabe, the one on the 4th. b6 Per OIG b7C Per OIG

MR. SWEENEY: Same kind of thing. Hey, this is, basically this is outrageous. Maybe there will

be, we'll get to the bottom of it [redacted] b7E -1
They've got to stop.

[redacted]: Is it Foundation-related stuff b6 Per OIG b7C Per OIG
again?

MR. SWEENEY: Yeah, I think so. I don't --
it must be.

[redacted]: I think, I don't have -- b6 Per OIG b7C Per OIG

MR. SWEENEY: It's got to be.

[redacted]: Yeah. If you actually -- well, b6 Per OIG b7C Per OIG
hang on a second. If you look, just behind Tab 3. I
don't have the article --

MR. SWEENEY: So this is, so the, the one,
the ODAG conversation came out over the weekend,
right?

[redacted]: Yes, October 30th. b6 Per OIG b7C Per OIG

[redacted]: So this is the --

MR. SWEENEY: Yeah, so --

[redacted]: This is the article he forwards b6 Per OIG b7C Per OIG
you the night before. And he says call me tomorrow.

MR. SWEENEY: Yeah.

[redacted]: I don't have the article there. b6 Per OIG b7C Per OIG
But it's --

MR. SWEENEY: [redacted] b6 Per OIG b7C Per OIG b7E -1

[redacted]

[redacted]--

MR. SWEENEY: [redacted] b7E -1

[redacted]

[redacted]: Something like that. b6 Per OIG b7C Per OIG

MR. SWEENEY: So, he's, he's angry.

[redacted]: Yeah. And again, does the issue with, you know, recusal, does that come up at all? Does he mention Clinton Foundation recusal again? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. And I don't, it's not worth, it's not that kind of call, so.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Roger that.

[redacted]: Yeah. And then you later, I mean, pretty shortly after call [redacted] who works for McCabe. b6 Per OIG b7C Per OIG b6 -1 b7C -1

MR. SWEENEY: Yes.

[redacted]: And so, I mean how do you, who is [redacted], and how do you know him? b6 Per OIG b7C Per OIG b6 -1 b7C -1

MR. SWEENEY: [redacted] at the time. He, [redacted] (phonetic sp.) [redacted] routinely, we BS about problems with, same thing with [redacted] Lisa Page. And basically I'm calling [redacted] like, hey, please call me. This is somebody close. This is not coming from b6 -1 b7C -1

here.

[redacted]: So again, you're saying this is not, you're not worried about New York on this one, it's like. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. I'm, because I've mentioned --

[redacted]: Yeah. And what's [redacted] response? He says he, you know, was not present for the call cited in the article. b6 -1,Per OIG b7C -1,Per OIG

MR. SWEENEY: Yeah, he says he's not present. Because now I'm trying to sort of do my own, little, I'm, I'll get to the bottom of this. He wasn't present for the phone calls.

[redacted]: Did he tell you who was? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. I, that's not him saying LP. That's me saying it, and I leave that note that way because I don't want to disparage somebody if it's wrong.

[redacted]: Yeah. Does he mention Page, or do you all talk about Page in that call? b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't remember if it is that call, but we have talked about it in calls. I don't remember if it was that call, but it must have been if I put LP.

[redacted]: And then, you know, later that b6 Per OIG b7C Per OIG

morning there's a teleconference with the Clinton Foundation and Weiner teams on leaks. Is it just a don't leak talk again?

MR. SWEENEY: Yeah. That was, this is the 4th. How does that week --

[redacted]: That's Friday the 4th. b6 Per OIG b7C Per OIG

MR. SWEENEY: So what's the, is the 26th the week before?

[redacted]: Yeah, the week before the, the letter went out one week early. The letter goes out the 28th, which is the Friday before. b6 Per OIG b7C Per OIG

MR. SWEENEY: So I must have gotten, so I, I had thought, I remember -- so this is the Federal Law Enforcement Foundation.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: I sit up in a hallway with Mike on a phone and talk to a team about leaks. And this goes back to something you asked me in the last interview. I thought we did this after the Attorney General crushed us.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: But, it must have been after Andy called and we got everybody on a phone call.

[redacted]: If I remember right -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Because you asked before, like,

hey, did you guys like try to quash, like the, right? Somebody was, it was something, it was like along the lines it was somebody trying to report something, and you guys cracked down. But this I think is what people must be referring to. Like, we get --

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: -- the team, like hey, just for the record, you can't, we can't have leaks up here.

[redacted]: Got you. Now, you talked to Randy Coleman later that day, 5:45 p.m. Why are you all talking about the initial notification on Weiner when he was in San Antonio, about DD already aware, going through kind of that conversation? b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't know. It might be on the -- when did I talk to Rybicki about it? The 2nd?

[redacted]: It was the 2nd. b6 Per OIG b7C Per OIG

MR. SWEENEY: So I might just be, it might be a follow-up to that, like hey. I think, because I don't know if I had ever gotten Randy back, like, I had talked to Steinbach on that Saturday, the 30th, or whatever it was. I think it's just me trying to, hey, you were, you had this.

[redacted]: And, you know, and according to the phone log, right before you talked to Coleman, you, there's a three-minute call with Steinbach too, b6 Per OIG b7C Per OIG

the same day. Do you recall that?

MR. SWEENEY: No.

[redacted]: I mean, I guess it, it comes up after --

b6 Per OIG
b7C Per OIG

MR. SWEENEY: Like --

[redacted]: You know, it comes up after, it says check in, is the, it's just --

b6 Per OIG
b7C Per OIG

MR. SWEENEY: It's probably the, the --

[redacted]: Yeah.

b6 Per OIG
b7C Per OIG

MR. SWEENEY: I always just, I just called it BS with Mike, but we probably had the shooting that day too.

[redacted]: Yeah.

b6 Per OIG
b7C Per OIG

MR. SWEENEY: Which was, was that this November?

[redacted]: There's a bunch of things. NYPD shooting right here, so something happened.

b6 Per OIG
b7C Per OIG

MR. SWEENEY: Oh, yeah. Tazullo (phonetic sp.) got killed. I think it was Tazullo.

[redacted]: Okay. But, yeah, as far as, you think this maybe, check-in with Randy, just following up about Rybicki's call about the time line and getting all of that straight?

b6 Per OIG
b7C Per OIG

MR. SWEENEY: I think so, yeah. I don't know for sure, but that must be because I don't know why I

would have talked to him about it.

[redacted]: And then you call Rybicki back that evening, or you, I don't know if you call him. You guys talk again that evening. And actually, you do talk for 30 minutes, and this call is 33 minutes. And your log is more or less right. Which, you know, you talk about, you know, the text, your check-in discussion, source of leaks, Page, Anderson article, and then a position in the ADIC's office. Like, I mean, I mean it's a half an hour. It's like a long time. Like, what's the discussion on leaks relate to, and like, are you all supposed to be talking about Lisa Page? What's Rybicki saying about it?

b6 Per OIG
b7C Per OIG

MR. SWEENEY: So, so it's, like all these different topics come up in the course of that conversation, so I'm trying to create a GS-15 position here. I mean, that whole thing is about trying to give professional staff the ability to move up because otherwise they're stuck. Source of leaks, I, I must have during that been more specific like, hey, this is coming from up there.

[redacted]: Um-hmm.

b6 Per OIG
b7C Per OIG

MR. SWEENEY: Anderson article, what's, I don't know what that is, Anderson article. Oh, Anderson is quoted in something I think. Bob

Anderson?

[redacted]: I don't know. b6 Per OIG b7C Per OIG

MR. SWEENEY: But it wasn't that, it wasn't favorable.

[redacted]: So who is Bob Anderson? b6 Per OIG b7C Per OIG

MR. SWEENEY: Bob Anderson was the AD -- no. He was EAD before -- Coleman?

[redacted]: Oh. b6 Per OIG b7C Per OIG

MR. SWEENEY: That can't be right. He was an EAD when he retired. I think. He might, he was definitely the AD of CD.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't remember if he moved up to EAD, but whatever.

[redacted]: Retired FBI guy. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: Out-ranked. b6 Per OIG b7C Per OIG

MR. SWEENEY: And so he was commenting, at some point there's an article where he's quoted. And it wasn't helpful.

[redacted]: Um-hmm. Is this about the whole Clinton -- b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: -- Weiner laptop, things like that? b6 Per OIG b7C Per OIG

MR. SWEENEY: I think so, yeah. I think so. Yeah, it's, it has to be.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. SWEENEY: Because it doesn't make, it's, yeah. It, I could probably find it somewhere. But, it wasn't, but so we BS'ed about that.

[redacted]: And as far as, when, when you mention more specific Lisa Page here, what was Rybicki's reaction to that? b6 Per OIG b7C Per OIG

MR. SWEENEY: I don't remember, but I think maybe agreement. I don't, I don't --

[redacted]: Did he have any other theories about the source of these leaks? b6 Per OIG b7C Per OIG

MR. SWEENEY: Not that I know of.

[redacted]: Was there any discussion about whether that may have been authorized? Whether it wasn't a leak in the sense that maybe Page had been authorized to give this stuff to the Journal? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. No. Not that I recall. I have heard that since, but not from him.

[redacted]: How did you hear it? Who did you heard it from? b6 Per OIG b7C Per OIG

MR. SWEENEY: Inspection. As we dig into the leaks, like, I haven't, we've been trying to give Inspection like a who's who in the zoo.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: With your guys, whoever is working that. And like McGarrity observed Lisa Page with Kortan before one of these key stories in June I think it was.

[redacted]: He saw them together? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah. It was before a story came out. I think it was June. I have a note somewhere. But I sent a note down, I want to say June 14th or 15th was the article, 14th, he saw her and Kortan together for an hour-and-a-half in the courtyard of the Hoover building. And there was some big, some story came out the next day. And so we reported, like hey, this, something's not right here.

[redacted]: So, you know, Kortan, he's AD in OPA. I don't know how long he's been in that role. I think for a while. What's your interactions with him like? I mean, do you deal with him much? b6 Per OIG b7C Per OIG

MR. SWEENEY: Rich Quinn is more responsive, so. Rich Quinn I've known for a long time.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: I know Kortan too, but Rich Quinn, Rich Quinn I'll just call and BS with.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: So Rich Quinn follows up on

things. Like, you get, he answers the phone for starters. But Kortan, I will call if there is some major thing, like, hey, you really need to be. So like last weekend I was, I forget what it was. Oh, the [redacted] thing. b7E -1

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: My impression, so during the Clinton, when all the Clinton Foundation leaks were going on, [redacted] (phonetic sp.), who is one of the media people downstairs, pointed out to me that there's a daily press summary that's done called OPA Horizon. b6 -1 b7C -1

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Have you guys seen these?

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: Okay. So in the Horizon, she's like, hey listen, I delete them. I have a rule set up that just auto-deletes them because it's junk mail. You know, do you read these things? No. Well, in there it says who, it's like a summary. Like, they get called by whoever. We did not provide information on the case. But then there's another line that says OPA provided background or context on background.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: What does that mean? She's

like, so hey, boss, you know, everybody keeps talking about we're the people here. So [redacted] must have been one of the people on this, or at some point I must have talked to the media people about leaks. Hey, everybody keeps saying we have a leak thing, but they're actually giving background. They're writing it in their own notes that they've given background on these cases. b6 -1 b7C -1

So we pointed that out to Inspection. Hey, I don't know who is giving background, but nobody is calling us asking us is the context even correct. So it's not like you get a call from Kortan or whoever.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Hey, we're going to be dealing with CNN or whoever it is. Is this accurate? Nobody has been checking. People are just putting their theories out there. My impression is the OPA folks have got to be, are close. And you, and perhaps people need to consciously work on, there's --

[redacted]: In your, you know, during this time period, you know, 2016 roughly, in your visits to the Hoover building, do you ever see reporters walking around with unescorted access around Hoover? b6 Per OIG b7C Per OIG

MR. SWEENEY: No. Not in the Hoover building. But I am aware they do it in Main Justice

at DOJ.

[redacted]: Have you heard that in Hoover? You said you're not aware of Hoover? b6 Per OIG b7C Per OIG

MR. SWEENEY: I have not even heard of that in Hoover. In fact, a number of us have talked about it. I think even with, I've even talked about it with Rybicki, certainly Steinbach, Coleman, Andy. Hey, I know based upon, one of them told us, I can't remember which one, they have badges to Main Justice, and they walk around the hallway. So Main Justice is killing us, but they have offices right in DOJ. Like who, NYPD does that. We don't do that. But, if we want to start nipping the culture in the bud, we've got to start with, it would help if we could get DOJ to.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. SWEENEY: But whether or not anybody brings that up to a high level at DOJ hasn't told me the story.

[redacted]: (*Indiscernible 2:40:22.) b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah, right.

[redacted]: OPA folks were close with media, is that what you mean? b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: Did you, as far as Kortan particularly, was he particularly close to any of the b6 Per OIG b7C Per OIG

FBI executives? Do you know if he is like close friends with any of the, you know, the higher-ups at headquarters? Obviously he knows everybody.

MR. SWEENEY: Yeah. He's been there forever. He mostly sort of, he, he was stuck there all day. He would leave at whenever at night.

[redacted]: Do you know if -- yes. b6 Per OIG b7C Per OIG

MR. SWEENEY: So I don't know how close people are,

[redacted]: Do you know if he calls up retired senior FBI officials and has them talk to reporters on his behalf? b6 Per OIG b7C Per OIG

MR. SWEENEY: My impression is that it's, yeah, that's done.

[redacted]: Okay. b6 Per OIG b7C Per OIG

[redacted]: One other thing.

MR. SWEENEY: Whatever it is, go for it.

[redacted]: Well, I'll let you go first. b6 Per OIG b7C Per OIG

[redacted]: Did, did you ever have much interaction with Pete Strzok?

MR. SWEENEY: Yeah, I was classmates, I was roommates with him at Quantico.

[redacted]: Oh, wow. b6 Per OIG b7C Per OIG

MR. SWEENEY: I have plenty, I have plenty of, but, obviously I knew him on Quantico, roommate in

Quantico. And then obviously I know he was on the Midyear team. He's now a DAD in HRD. I know he went to Special Counsel. And every now and then I'll have conversation with him. During some of this stuff checked in on him, hey, how are you doing.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. SWEENEY: Not particularly, I don't know any of his kids or anything like that. But always had the impression pretty squared away.

[redacted]: You know, we know after the election, this is like the day after the election, it's actually November 9th, Rybicki sends you an email just, the boss is thinking about doing a draft email for the employees. And he wants comments on it. And he wondered if you had any recommendations of five to six SACs to send it to. And you throw out Lee, Abbate, Bretzing, Fife (phonetic sp.), Shaw, and Barnhart. b6 Per OIG b7C Per OIG

MR. SWEENEY: Yeah.

[redacted]: And then he sends it out to that group. And it's like, you know, and I don't think a statement -- b6 Per OIG b7C Per OIG

MR. SWEENEY: It never goes out.

[redacted]: It never goes out. But there's two versions and all that. I mean, is he, is he b6 Per OIG b7C Per OIG

C E R T I F I C A T E

DEPOSITION SERVICES, INC. hereby certifies that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of Inspector General in the matter of:

Interview of William Sweeney

[redacted] b6 Per OIG b7C Per OIG

[redacted]
Transcriber

January 15, 2018

Date

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-19-2018 BY [redacted] NSICG

b6 -1
b7C -1

October 30, 2016

Sunday

October 2016

Su	Mo	Tu	We	Th	Fr	Sa
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23	24	25	26	27	28	29
30	31					

November 2016

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SUNDAY

30

7 AM
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12 PM
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[redacted]

b6 -1
b7C -1

Telcal w/Rich Quinn (OPA)

Telcal w/DD re: WSJ article

Telcal w/Paul Abbate re: DD call

[redacted]

b6 -1
b7C -1

Telcal w/EAD Coleman re: WSJ and DD c

7:05pm - 7:14pm Telcal w/EAD Steinbach

Daily Task List

Arrange by: Due Date

Notes

FBI DOJ OIG ELEC 037723

FBI 18-cv-01766-1175

October 30, 2016
Sunday

2:00 PM - 4:30 PM	[redacted]	b6 -1 b7C -1
4:56 PM - 5:03 PM	**Telcal w/Rich Quinn (OPA)**	
5:11 PM - 5:23 PM	**Telcal w/DD re: WSJ article** Telcal from DD re: concern over leaks and need to advise folks of media policy	
5:37 PM - 6:00 PM	**Telcal w/Paul Abbate re: DD call**	
6:00 PM - 8:00 PM	[redacted]	b6 -1 b7C -1
6:34 PM - 6:40 PM	**Telcal w/EAD Coleman re: WSJ and DD call**	
7:05 PM - 7:14 PM	**Telcal w/EAD Steinbach** advice on how to handle discussion with CF team	

FBI DOJ OIG ELEC 037724
FBI 18-cv-01766-1176

Unknown

From: SWEENEY, WILLIAM F. (NY) (FBI)
Sent: Monday, October 31, 2016 4:15 PM
To: SWEENEY, WILLIAM F. (NY) (FBI)
Subject: --- UNCLASSIFIED

SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED

On 10/26/2016, during a telcal conversation with DD McCabe and EAD Coleman, DD McCabe advised he wanted to be on the record recusing himself from the Clinton Foundation case. He stated he may make a more formal decision at a later time, but for now that is what he was doing. I advised I would communicate information re: CF to EAD Coleman. The telcal followed a previous call with the AG re: the Garner investigation where the AG admonished those on the call about leaks in the Garner investigation. EAD Coleman, DD McCabe and I were also on the AG call as was EDNY USA, and DOJ HQ personnel.

Classification: UNCLASSIFIED

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DATE 07-19-2018 BY [redacted] NSICG

b6 -1
b7C -1

E2017001-0000572789-1
FBI 18-CV-01766-1177

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DATE 07-19-2018 BY [redacted] NSICG

b6 -1
b7C -1

November 4, 2016

Friday

November 2016

Su	Mo	Tu	We	Th	Fr	Sa
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13	14	15	16	17	18	19
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December 2016

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25	26	27	28	29	30	31

FRIDAY

4

7 AM — **Telcal w/DD McCabe re: leaks and WSJ a**

Telcal w/ [redacted] b6 -1 b7C -1

8

26th Annual FLEF Luncheon
Waldorf Astoria, Astor Room
9 — Sweeney, William F. (PH) (FBI)

10

Telconf w/CF and Weiner teams on leak

11

12 PM

1

2

3

4 — **Telmsg for Dave Bowdich**

Telmsg to NYPD PC O'Neill on NYPD sho

Brief Telcal w/ [redacted] **on NYPD Sho** b6 -1 b7C -1

5

Telcal w/Randy Coleman

Telcal w/Steinbach

6

Telcal w/ [redacted] **re: CT Threat** b6 -1 b7C -1

7:30pm 7:45pm Telcal w/Ehrie re: Triage Process for AQ threat namechecks

8:57pm 9:03pm Telcal from Rebecca (Senator Shumer's Office re: Election CT Threat

Daily Task List

Arrange by: Due Date

Notes

FBI DOJ OIG ELEC 037730

FBI 18-cv-01766-1178

November 4, 2016
Friday

6:58 AM - 7:06 AM — **Telcal w/DD McCabe re: leaks and WSJ article**
Will be consequence and get yo bottom of it post elec. Need leaks to stop. Damaging to org.

7:25 AM - 7:30 AM — **Telcal w/** [redacted] b6 -1 b7C -1
DD's call; source of leaks [redacted] not present for telcal cited in article; LP?

8:30 AM - 2:00 PM — **26th Annual FLEF Luncheon -- Waldorf Astoria, Astor Room**
AGENDA ATTACHED

The individuals listed on the required line have been RSVPd to this event, your folks are receiving awards.

Timeline 2016 2.doc

POC [redacted] b6 -3 b7C -3

Breakfast: 9am
Lunch: 11am-2pm

10:45 AM - 10:55 AM — **Telconf w/CF and Weiner teams on leaks**

4:00 PM - 4:15 PM — **Telmsg for Dave Bowdich**
[redacted] would give msg to call. Leaving for airport b6 -1 b7C -1

4:15 PM - 4:15 PM — **Telmsg to NYPD PC O'Neill on NYPD shooting**

4:40 PM - 4:40 PM — **Brief Telcal w/** [redacted] **on NYPD Shooting and CT Threat** b6 -1 b7C -1

5:45 PM - 6:05 PM — **Telcal w/Randy Coleman**
recalled initial notification on Weiner when he was in San Antonio; advised DD; DD already aware; NYPD shooting; advised what Weiner CA initially found on laptop; source of leaks

5:45 PM - 5:50 PM — **Telcal w/Steinbach**
Check-in; NYPD shooting

6:35 PM - 6:40 PM — **Telcal w/** [redacted] **re: CT Threat** b6 -1 b7C -1

6:50 PM - 7:20 PM — **Telcal w/Rybicki**
Check-in; discussion re: source of leaks; L. Page; Anderson article; GS-15 position in ADIC office;

FBI DOJ OIG ELEC 037731

FBI 18-cv-01766-1179

Paul Abbate Interview
11/22/2017
(Relevant Excerpts)

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DATE 07-19-2018 BY [redacted] NSICG

b6 -1
b7C -1

2635-HQ-[redacted]-23

b6 -1
b7C -1

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

IN RE:

INTERVIEW OF PAUL ABBATE

November 22, 2017

Washington, D.C.

Interview of

PAUL ABBATE

By the U.S. Department of Justice, Office of the Inspector General, at the Department of Justice Building, beginning at 11:30 a.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted], Oversight and Review Division

[redacted], Oversight and Review Division

b6 Per OIG
b7C Per OIG

FOR THE WITNESS:

None.

DEPOSITION SERVICES, INC.
12321 Middlebrook Road, Suite 210
Germantown, Maryland 20874
Phone: (301) 881-3344

[redacted]: And obviously, with the election thing, but then after the election, presumably -- b6 Per OIG b7C Per OIG

MR. ABBATE: It's been a very slow process even this year, yeah. No doubt.

[redacted]: Where is the hold up? b6 Per OIG b7C Per OIG

MR. ABBATE: Um --

[redacted]: Is it FBI or DOJ? Or -- b6 Per OIG b7C Per OIG

MR. ABBATE: I would say more on the, um, DOJ side.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. ABBATE: Because if you remember, like, early in the year we still had holdover from the prior administration with, uh, you know, Yates and Axelrod and others still being in there, for a period of time. And then the new administration, the transition, they come in. And I think, you know, uh, you know, they had to get a handle on it and sort of take a period of time to figure things out, as well.

[redacted]: So, you know, one of the things we've seen pop up, you know, we're obviously looking into October, in general, about the Weiner laptop and what have you. And you know, there's a, late October, October 30, there's a Wall Street Journal article that is all about the Clinton Foundation. b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah.

[redacted]: And I'm sure you know which one I'm talking about. It's a whole leak and we have a copy around to look at it line by line. But it's an article that has talk about, you know, dispute between Headquarters and the field about what to do in the Clinton Foundation. And toward the backside, back of the article, there's a, it has a discussion of, um, a conversation between McCabe and a senior official. b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah.

[redacted]: About the Clinton Foundation case. And the upshot is, um, the senior DOJ official is telling him not to take steps for the election. And McCabe says something like, are you telling me to shut down a valid and predicated investigation. b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah.

[redacted]: Or something like that. Do you recall this coming up, at the time? b6 Per OIG b7C Per OIG

MR. ABBATE: Well --

[redacted]: Like this -- b6 Per OIG b7C Per OIG

MR. ABBATE: -- I remember the article. And I remember it because, um, McCabe called me and he called Bill.

[redacted]: Mm-hmm? b6 Per OIG b7C Per OIG

MR. ABBATE: He basically yelled at us both.

[redacted]: About this article? b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah.

[redacted]: So when he called you, like, what did he say? b6 Per OIG b7C Per OIG

MR. ABBATE: He was like, he said, hey, you've got to get your house in order, over there. Those were the words he used.

[redacted]: And -- b6 Per OIG b7C Per OIG

MR. ABBATE: He told me, you need to get your house in order of there; people are speaking out of school. I mean, he was implying that people, not me, but people at the Washington Field Office and/or the New York Field Office were talking to the media about these things.

[redacted]: Potentially leaking this information to the media? b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah. And he had this idea, you know, that they were in -- there were a lot of, um, there were issues. But again, he was the ADIC before me. There were issues already between him and the investigative team, because they, I believe, I can't, you know, just from what I've heard, that the recusal or lack of recusing himself from it was like a significant issue --

[redacted]: Mm-hmm. b6 Per OIG b7C Per OIG

MR. ABBATE: -- for people in the FBI and, well, people involved in this investigation.

[redacted]: Clinton Foundation -- b6 Per OIG b7C Per OIG

MR. ABBATE: Just that --

[redacted]: -- investigation, you mean? b6 Per OIG b7C Per OIG

MR. ABBATE: Absolutely.

[redacted]: He was given -- b6 Per OIG b7C Per OIG

MR. ABBATE: And McAuliffe --

[redacted]: -- his wife's campaign -- b6 Per OIG b7C Per OIG

MR. ABBATE: -- and McAuliffe.

[redacted]: -- and McAuliffe's donation to his wife's campaign, and all of that. b6 Per OIG b7C Per OIG

MR. ABBATE: Really, at WFO it revolved around [redacted]-- b7E -1

[redacted]: Oh? b6 Per OIG b7C Per OIG

MR. ABBATE: -- because he had, um, again I don't have direct knowledge of this, but you know, he was the ADIC over there. [redacted] And there was a bunch of stuff, I guess, that occurred, regarding him being involved or not involved and recusing himself or not recusing himself. And, I think, the investigators felt like, you know, obviously, he shouldn't have been involved -- b7E -1

[redacted]: Mm-hmm? b6 Per OIG b7C Per OIG

MR. ABBATE: -- in any of this stuff. And --

[redacted]: In his wife's campaign? b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. ABBATE: And the meetings with McAuliffe, and the money, and all of that kind of stuff. I'm not saying he did anything wrong.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. ABBATE: I'm just saying, these are the things that I think he always had an issue with. That and this, sort of, idea that they were coming after him. And then it, and then this thing comes out and, uh, yeah, he was pretty, uh --

[redacted]: So apart from getting -- b6 Per OIG b7C Per OIG

MR. ABBATE: -- fired up about that.

[redacted]: Apart from get your house in order, you know, like, stop leaks at WFO, did he give you other guidance? Did he say things about the article in particular? b6 Per OIG b7C Per OIG

MR. ABBATE: I don't remember talking in detail about the article. It was just like, hey, you better get your house in order over there, like. And I remember, I didn't, I just kind of listened. And I had to think about, like, you know, like what am I going to do with this. Because I thought, I remember I had to talk with Bill about this after, because he got -- you know, we, when we conferred, like, I think he had called Bill right before or after me.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. ABBATE: And done the same thing with him. And I thought it was kind of bullshit that he'd be calling me and saying this stuff.

[redacted]: And why did you feel that way? b6 Per OIG b7C Per OIG

MR. ABBATE: Because he shouldn't have even been involved in this.

[redacted]: Mm-hmm. b6 Per OIG b7C Per OIG

MR. ABBATE: Well, that's my feeling, you know.

[redacted]: You know, he actually recuses himself from Clinton Foundation matters right around the same time period. I think the e-mail goes out November 1st. b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah.

[redacted]: Had he called you prior to that on the phone, like, listen, I'm going to recuse -- b6 Per OIG b7C Per OIG

MR. ABBATE: No.

[redacted]: -- you know, maybe that week? This was the first you heard about it, in the e-mail he sent out, saying, I'm recusing? b6 Per OIG b7C Per OIG

MR. ABBATE: I didn't -- I'd have to look back through my e-mails, like, to be certain whether or not somebody shared that e-mail with us or forwarded it. It's possible.

[redacted]: I'm not sure you were on the actual e-mail, actually. b6 Per OIG b7C Per OIG

MR. ABBATE: I don't think I was. Because what I do remember is once I got over there, to Headquarters, in 2017, I remember Dave Bowdich telling me, hey, Andy's recused; I'm taking over Clinton Foundation now.

[redacted]: Mm-hmm. b6 Per OIG b7C Per OIG

MR. ABBATE: You know? Andy's out, and he told me he's out of everything.

[redacted]: Mm-hmm. b6 Per OIG b7C Per OIG

MR. ABBATE: And I was like, okay. Then he told me, but we're trying to keep it quiet, you know. And I was like --

[redacted]: Did he say why they were trying to keep it quiet? b6 Per OIG b7C Per OIG

MR. ABBATE: No. I knew what he meant.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. ABBATE: Because the whole thing was embarrassing. And they don't want to put him out there, you know. Again, I, I'm, you know.

[redacted] And going back to this one phone call, was there any discussion or did he mention to you, mention that, you know, one of the things, details in this Clinton Foundation article is the private conversation, seemingly, between McCabe and a senior DOJ official. Do you know -- b6 Per OIG b7C Per OIG

MR. ABBATE: This piece right here?

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. ABBATE: I remember looking at that and talking with Bill about that. And I thought, well, whatever this meeting was, it was clearly just a small group of people in there. So the leaker on this is, like, from within the meeting. Or it's --

[redacted]: Yep. b6 Per OIG b7C Per OIG

MR. ABBATE: -- being put out there to make him look good.

[redacted]: Yeah, well that, obviously, seems like, on its face, that's not something you or anybody at WFO would even have knowledge of. b6 Per OIG b7C Per OIG

MR. ABBATE: No.

[redacted]: It's a -- b6 Per OIG b7C Per OIG

[redacted]: To come to you, on these quotes look like --

MR. ABBATE: Yeah.

[redacted]: -- (*indiscernible 00:52:17). b6 Per OIG b7C Per OIG

MR. ABBATE: Exactly. That's why --

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. ABBATE: -- it's sort of offensive.

[redacted]: Did that, was that ever mentioned on the call? I mean -- b6 Per OIG b7C Per OIG

MR. ABBATE: I don't --

[redacted]: -- I'm sure somebody brought it up b6 Per OIG b7C Per OIG

before too long, but.

MR. ABBATE: I hadn't, I think when he called me I had not read the article yet. So it was sort of like, hey, tell me that this article, or I had a general knowledge that there was some type of article. But I hadn't, I didn't actually go back and read the article and have that capture my attention until after --

[redacted]: Yeah. And when you saw -- b6 Per OIG b7C Per OIG

MR. ABBATE: -- the call.

[redacted]: Did you -- b6 Per OIG b7C Per OIG

MR. ABBATE: And I remember talking, focusing on that. I talked with Bill about that. And thinking, oh, this is bullshit, you know what I mean. None of us would've been privy to this.

[redacted]: Mm-hmm. b6 Per OIG b7C Per OIG

MR. ABBATE: And it's very self-serving.

[redacted]: Did you have any discussion with Bill or anybody else about, theories about where that, that particularly came from? Was that information about that call? b6 Per OIG b7C Per OIG

MR. ABBATE: Yes.

[redacted]: And what was -- who did you talk to? And what did you -- what was the theory? b6 Per OIG b7C Per OIG

MR. ABBATE: Somebody had suggested that it could've been Lisa Page. That she would've been in the

meeting, and she would've had reason to, you know, you know, like, put a statement out there, um, from his inner-circle, to make it --

[redacted]: Mm-hmm? b6 Per OIG b7C Per OIG

MR. ABBATE: -- in a, put it out there in a positive way.

[redacted]: And so, Lisa Page is his counsel to the Deputy Director or some -- b6 Per OIG b7C Per OIG

MR. ABBATE: Mm-hmm.

[redacted]: -- title like that, in his office. What was -- I mean, had you dealt with her before? What was your, kind of, any history with her? b6 Per OIG b7C Per OIG

MR. ABBATE: I don't have any history with her. I didn't -- until I got over there to Headquarters, um, what I found is what, she was in every meeting. Um, literally --

[redacted]: Is that normal? b6 Per OIG b7C Per OIG

MR. ABBATE: I don't know. Because I, I don't know what their practice had been, over there. But, you know, we have multiple meetings per day. We have morning briefings. And we have a close-out meeting. And what -- I know that there was a lot of friction between her and various executives at Headquarters, because she would be in every meeting and with Andy everywhere; and she was always inserting her opinion. She was one of the most

vocal people in the room, always. And always inserting herself. So I think, I didn't -- you know, I' the type of person that, um, you know, I, I do what I need to do to get the job done in the right ways. And I, um, you know, like work well with everyone. So I never had any issues with her, directly. But I did hear that. And I did observe her, in all the meetings, like --

[redacted]: Mm-hmm. b6 Per OIG b7C Per OIG

MR. ABBATE: -- acting that way. And I could see how it would rub people the wrong way.

[redacted]: Somebody relatively junior, basically, kind of, telling people at a much higher level? b6 Per OIG b7C Per OIG

MR. ABBATE: That could be part of it. I wouldn't even, I don't even know what her level is, there, but.

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. ABBATE: You know, she was clearly, like, a trusted, um, close, confident -- close confidant of his, like, in always.

[redacted]: Was there any concern about, you know, through her, maybe subverting the chain of command, too? Like, getting information from an AD level or DD level, and bypassing, kind of, chain of command, and getting straight to the Director, through Page, or maybe even directly with McCabe? b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah, I think that was going on, as well.

[redacted]: And in general, what have you heard about that? b6 Per OIG b7C Per OIG

MR. ABBATE: Just that she would go direct with people, or EADs, or whoever, to request information or to get things done, type of stuff.

[redacted]: What is her current role, to your knowledge, Ms. Page? b6 Per OIG b7C Per OIG

MR. ABBATE: Um, I don't know. I'd see her over there. I had heard that when they formed the, uh, when the Special Counsel was Former Director Mueller was, um, named as the Special Counsel and they formed that office, that she was assigned there.

[redacted]: Mm-hmm. b6 Per OIG b7C Per OIG

MR. ABBATE: But she was still sitting -- she maintains an office -- I know this because it's, like, not far across the hall from mine. So, a lot of times I'll go out and I'll see her sitting in there. She seems to have been there consistently. It was my understanding she was with the Special Counsel. But then, I -- and I don't know if this is true. But then I heard, subsequently, that there was an issue and that she had been moved out of there. And then I saw her, briefly, come back into the fold, like, up at Headquarters. And started to reappear

in the meetings for a brief time. And people noted that. But then, more recently, I haven't seen her. She's clearly still in the building and in an office there, that she's always occupied.

[redacted]: Yeah. b6 Per OIG b7C Per OIG

MR. ABBATE: But I haven't seen her in the general meetings --

[redacted]: Got you. b6 Per OIG b7C Per OIG

MR. ABBATE: -- lately. So I don't know what's going on behind the scenes --

[redacted]: Mm-hmm. b6 Per OIG b7C Per OIG

MR. ABBATE: -- as far as --

[redacted]: Was she still with McCabe? Or is she with somebody, like, do you know who she's working for? b6 Per OIG b7C Per OIG

MR. ABBATE: I don't know.

[redacted]: Is she -- b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah.

[redacted]: You're on, I assume, you're on the Seventh Floor? b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah, yeah.

[redacted]: And so where is her office, like, actually physically located? Is it attached to, like, any suite of, kind of like, Director -- isn't there a Director Suite, Deputy Director Suite and, I think, like that? b6 Per OIG b7C Per OIG

Like, where does she physically sit?

MR. ABBATE: She's on, uh, so there's like a main hallway.

[redacted]: Yeah? b6 Per OIG b7C Per OIG

MR. ABBATE: And then there's a back hallway, which is where the EADs and the Director are. She's on the main hallway. And she has an individual office there, sort of, at the one end --

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. ABBATE: -- of the hall.

[redacted]: But it's not with the rest of OGC? Is that right? b6 Per OIG b7C Per OIG

MR. ABBATE: It's not. No, she has own individual office that only she occupies. And it's on the Seventh Floor Corridor.

[redacted]: Got you. b6 Per OIG b7C Per OIG

[redacted]: Um, there was another -- so that, the October 31st we just talked about. There was another article on November 3rd, that comes out, about the Clinton Foundation. I believe we've got that here:

[redacted]: Yeah, we do. b6 Per OIG b7C Per OIG

[redacted]: Do you recall getting a second call from McCabe, as well, after another Clinton Foundation article about --

MR. ABBATE: Oh.

[redacted]: -- getting (*indiscernible 00:57:51)? b6 Per OIG b7C Per OIG

MR. ABBATE: This is on the turmoil?

[redacted]: Yeah, turmoil -- b6 Per OIG b7C Per OIG

MR. ABBATE: Okay.

[redacted]: -- in FBI. b6 Per OIG b7C Per OIG

MR. ABBATE: Right.

[redacted]: I think Priestap sends it to you and Bill Sweeney. And this, it's an article about in-fighting, within the Bureau. And it focuses on Clinton Foundation some. b6 Per OIG b7C Per OIG

[redacted]: You can take the paperclip off and go through it. b6 Per OIG b7C Per OIG

[redacted]: But anyway, do you recall getting any call from McCabe after this article came out, about, you know, leaks again? b6 Per OIG b7C Per OIG

MR. ABBATE: I don't. I don't remember anything on this.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah, I don't even remember -- obviously, I got it. But I don't remember --

[redacted]: Well, it's, you know, there's a lot happening -- b6 Per OIG b7C Per OIG

MR. ABBATE: -- Priestap's --

[redacted]: -- November 2nd. b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah. I imagine Bill would've sent it, because again, it's making reference to the, you know, [redacted]-- b7E -1

[redacted] Yeah. b6 Per OIG b7C Per OIG

MR. ABBATE: -- [redacted] b7E -1

[redacted] I don't think that -- I think the only time that he engaged me about leaks or anything like that was that one call relative to the October article. Um, but aside from that, generally, he was on a -- you know, in the larger groups, there were a lot of, um, there was a lot of talk about leaks --

[redacted]: Mm-hmm? b6 Per OIG b7C Per OIG

MR. ABBATE: -- in the FBI, and the efforts to, um, you may have heard this, but, um, they put in motion an effort to revise and reaffirm our media contacts policy. And he was, he talked about that a number of times.

[redacted]: Mm-hmm? b6 Per OIG b7C Per OIG

MR. ABBATE: In terms of, like, you know, getting things under control and --

[redacted]: McCabe? b6 Per OIG b7C Per OIG

MR. ABBATE: Yeah, yeah.

[redacted] Making it clear who could speak to the media, and -- b6 Per OIG b7C Per OIG

MR. ABBATE: Yes.

[redacted]: -- who couldn't? b6 Per OIG b7C Per OIG

MR. ABBATE: Exactly.

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. ABBATE: Yep.

[redacted]: And who revised the policy? Do you know? b6 Per OIG b7C Per OIG

MR. ABBATE: Um --

[redacted]: Who spearheaded that effort? b6 Per OIG b7C Per OIG

MR. ABBATE: -- the main person they brought in was, uh, Jacqueline Maguire (phonetic sp.).

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. ABBATE: She's an ASAC in Birmingham. And she came back. She's been back TDY for a long time. She was working on that. Um, they actually haven't even -- it's been in motion probably for like a year now. But they haven't put it back out. I don't know if you'd even consider it a revision, so much as a reaffirmation of what the guidance has been all along. I think it was just a feeling that people weren't adhering to the --

[redacted]: Mm-hmm? b6 Per OIG b7C Per OIG

MR. ABBATE: -- policy. And, uh, you know, having contacts with the media that they shouldn't otherwise have had, given their role. You know?

[redacted] Back to what we were talking about just a little while ago. b6 Per OIG b7C Per OIG

C E R T I F I C A T E

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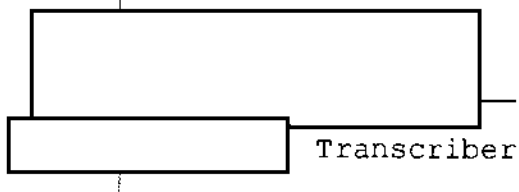
Interview of Paul Abbate



b6 Per OIG
b7C Per OIG

Transcriber

January 16, 2018

Date

David Bowdich Interview
10/30/2017
(Relevant Excerpts)

ALL INFORMATION CONTAINED
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FBI 18-cv-01766-1200

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

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IN RE: :

INTERVIEW OF DAVID BOWDICH :

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October 30, 2017

Washington, D.C.

Interview of

David Bowdich

By the U.S. Department of Justice, Office of the Inspector General, at the Department of Justice Building; beginning at 10:50 a.m. before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

b6 Per OIG
b7C Per OIG

FOR THE WITNESS:

NONE.

DEPOSITION SERVICES, INC.
12321 Middlebrook Road, Suite 210
Germantown, Maryland 20874
Phone: (301) 881-3344

MR. BOWDICH: Okay.

[redacted]: Do you know, I mean, Mike Kortan had a keyword alert with the articles. Devlin Barrett, who was the author of the article. b6 Per OIG b7C Per OIG

MR. BOWDICH: Um-hmm.

[redacted]: Do you know how much advance notice the Bureau got about this coming out? b6 Per OIG b7C Per OIG

MR. BOWDICH: I have no idea.

[redacted] Okay. b6 Per OIG b7C Per OIG

MR. BOWDICH: And I also don't know if Priestap sent, here I'm looking at my response --

[redacted]: Yeah, so that's the other. So if you flip to that part. That's what I was, the next page over. That, this is the article. b6 Per OIG b7C Per OIG

MR. BOWDICH: It's very unusual for me to take something out like that. I don't know what that is.

[redacted]: So, well those are just ellipses. You know, so this article here is, this is an article that comes out in the Wall Street Journal October 30th. And it's about, this is after the letter to Congress, so it's about the Clinton email case. But it's also about Clinton Foundation. b6 Per OIG b7C Per OIG

MR. BOWDICH: Okay.

[redacted]: And about the summary of the article, and you're welcome to read it, is about how b6 Per OIG b7C Per OIG

Clinton Foundation agents are mad at the Bureau because they wanted to push this, but they were shut down by DOJ. And if you look at Page, in particular, if you look at Page 4, that kind of mid-paragraph, according to a person familiar with the probes, there is a, there is a whole, a conversation between a senior DOJ official and Andy McCabe.

MR. BOWDICH: Um-hmm.

[redacted]: About Clinton Foundation. b6 Per OIG b7C Per OIG

MR. BOWDICH: Okay.

[redacted]: And the senior official we believe is Matt Axelrod, who was the PADAG. b6 Per OIG b7C Per OIG

MR. BOWDICH: Okay.

[redacted]: But, you know, there's a whole thing about where they're talking about Clinton Foundation, and McCabe tells Axelrod, are you telling me I need to shut down a validly predicated investigation? And Axelrod says, of course not, of course not. It's our understanding this was a private conversation between, only one-to-one between McCabe and Axelrod. Do you recall there being discussion at the Bureau about how this made it to the Wall Street Journal at the time? This would be right -- b6 Per OIG b7C Per OIG

MR. BOWDICH: No, but I remember read this saying, interesting.

[redacted]: Yeah, what was your reaction when you read this? b6 Per OIG b7C Per OIG

MR. BOWDICH: I don't know. I don't want to speculate. I do believe, though, that, I, I do believe this, I had a, a concern that this might have come from our organization.

[redacted]: And what, I mean, why was, how did, why did you feel that way? What was your, why were you concerned about that? b6 Per OIG b7C Per OIG

MR. BOWDICH: Because it was obviously a private conversation. And my concern was this. If we're going to, and around this time, we were really concerned with leaks in our own organization, particularly up in New York.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. BOWDICH: You know, we were going out, hammering folks that, hey, find these leaks, because we need to get these people, and we need, we need to chop them, and we need to get rid of them if we can. And I saw this, And I remember thinking that's not good. Because if that came out of our agency at a high level, and I don't know how it wouldn't have, we're speaking out of both sides of our mouth. Now, I don't know who that came from or where that came from, but I, I definitely had concerns.

[redacted]: Um-hmm. And when, you know, so Bill b6 Per OIG b7C Per OIG

Priestap forwards this to you, Mike Steinbach, and Jim Baker. And you respond, you know, the first, thanks, Bill. I hear you.

MR. BOWDICH: And I don't know. I had no idea why that's out of there or what he said.

[redacted]: But did, I mean, I don't think you said anything. I think he just forwarded you an article is what it looks like to us. b6 Per OIG b7C Per OIG

MR. BOWDICH: But for me to say I hear you, I would assume he said something. And you've got two dashes here.

[redacted]: It might have followed up a conversation you all had, too. I don't know. It didn't look like anything was missing from the email itself. b6 Per OIG b7C Per OIG

MR. BOWDICH: That could be.

[redacted]: I mean, do you recall talking to Bill about this article? b6 Per OIG b7C Per OIG

MR. BOWDICH: I don't, but I obviously did.

[redacted]: Um-hmm. b6 Per OIG b7C Per OIG

MR. BOWDICH: I do remember this article specifically because I remember reading this thinking this is not good.

[redacted]: Did you have concerns about the information originating from a specific person? b6 Per OIG b7C Per OIG

MR. BOWDICH: No, I didn't, I didn't know. I

didn't know who it would be.

[redacted]: I think before you said, though, that you were going around trying to counsel against leaks around this time, and that this, I don't know if you were indicating that maybe this article coming out kind of undermined the effort?

MR. BOWDICH: Well, if it came from us.

[redacted]: Right, okay.

MR. BOWDICH: And looking at the content of it, there is no gain for Axelrod for that to come from him.

[redacted]: Right, right.

MR. BOWDICH: So.

[redacted]: It doesn't make Axelrod look good.

MR. BOWDICH: Yeah, exactly. That's why my initial suspicion, and I have nothing --

[redacted]: Um-hmm.

MR. BOWDICH: -- tangible, but my initial suspicion was that came from us.

[redacted]: And then, do you recall discussing this article with either McCabe or Comey?

MR. BOWDICH: I do not.

[redacted]: Okay. So, let's see. So, one question I had about this. So we talked about the recusal earlier where McCabe sends you the email November 1st, and others saying I'm recusing myself voluntarily from the

b6 Per OIG
b7C Per OIG

Midyear investigation.

MR. BOWDICH: Okay.

[redacted]: Did he do a similar recusal from the Clinton Foundation investigation at that time as well? b6 Per OIG b7C Per OIG

MR. BOWDICH: Did he what?

[redacted]: Did he recuse from the Clinton Foundation investigation at the same time as he did Midyear, that November 1st? Was there any similar email about recusing from any Clinton Foundation investigation? b6 Per OIG b7C Per OIG

MR. BOWDICH: I know he recused himself. I don't know exactly when. I think it was around the same time, and I don't recall if there was a specific email.

[redacted]: Okay. Was it -- so. b6 Per OIG b7C Per OIG

MR. BOWDICH: Around the same time.

[redacted]: Around the same time? b6 Per OIG b7C Per OIG

MR. BOWDICH: Yeah.

[redacted]: All right. b6 Per OIG b7C Per OIG

MR. BOWDICH: And, and just to answer your question, because I want to make sure I'm being 100 percent truthful. Did I have suspicions of who may have done this? Yes, but I kept those to myself.

[redacted]: Okay. And who, who did you suspect? b6 Per OIG b7C Per OIG

MR. BOWDICH: Do I have to come out with that?

[redacted]: Is there a particular person you b6 Per OIG b7C Per OIG

suspected of originating the information?

MR. BOWDICH: Okay, yes.

[redacted]: Okay, and who was that? b6 Per OIG b7C Per OIG

MR. BOWDICH: I was concerned it might be Lisa.

[redacted]: Okay. And what made you b6 Per OIG b7C Per OIG
concerned about that?

MR. BOWDICH: I don't know who all was privy to that meeting. But she was very close to the Deputy.

[redacted]: Did you have any -- b6 Per OIG b7C Per OIG

MR. BOWDICH: But I have nothing --

[redacted]: Okay. This is just your b6 Per OIG b7C Per OIG
suspicion.

MR. BOWDICH: -- to tie her to that.

[redacted]: Understood. b6 Per OIG b7C Per OIG

MR. BOWDICH: This is just my spidey-sense.

[redacted]: Okay. b6 Per OIG b7C Per OIG

[redacted]: And, well, I don't want to (*indiscernible 1:42:48).

[redacted]: Go ahead if you've got something. b6 Per OIG b7C Per OIG

[redacted]: Where do you, how do you draw the line at the FBI between if somebody is authorized to talk to reporters versus a leak or --

MR. BOWDICH: So that's what I didn't know, is, was someone authorized. I don't know. Now, if you're authorized, that's a whole different thing.

[redacted]: And who would do the authorizing? Kortan or McCabe or the Director basically, or? b6 Per OIG b7C Per OIG

MR. BOWDICH: Kortan is given free reign, and he does a good job. He knows where the line is, from what I've seen anyways. And he certainly has the authority to authorize. Andy and I do by the new policy. The old policy, I'd have to look at to remember. But --

[redacted]: When did the new policy come out? b6 Per OIG b7C Per OIG

MR. BOWDICH: I don't even know if it's come out yet.

[redacted]: Oh, okay. b6 Per OIG b7C Per OIG

MR. BOWDICH: But we've drafted it.

[redacted]: So under the new policy, you, ADD, DD, and Director have authority to authorize? b6 Per OIG b7C Per OIG

MR. BOWDICH: To speak directly to the media and authorize, yeah, (*indiscernible 1:43:43).

[redacted]: And what about, like, if you look at that article, and you have specific conversations, you know, at a high level, like quoted and things like that. If you have authorization to talk to the media or authorize people to talk to the media, is there a limit, though, on like case-sensitive details that you're supposed to be able to give out, or is there some kind of parameters on it? b6 Per OIG b7C Per OIG

MR. BOWDICH: I don't know if there's ever been

any stated parameters. I mean, most of us know you've got to be careful with an open investigation.

[redacted]: Right. b6 Per OIG b7C Per OIG

MR. BOWDICH: Now, on this --

[redacted]: There seems to be a lot of case details in these, in these articles. b6 Per OIG b7C Per OIG

MR. BOWDICH: Yeah. Yeah.

[redacted]: Is that usually something that you stayed away from? b6 Per OIG b7C Per OIG

MR. BOWDICH: Not normally. I mean, not normally. We try to stay away from it. And again, I want to make clear, I am trying to be 100 percent, I am being 100 percent forthright. My suspicions and what I know are two different things.

[redacted]: Understood. b6 Per OIG b7C Per OIG

[redacted]: No, understood completely.

MR. BOWDICH: I just want to be careful with that.

[redacted]: Last question on this. If you go to Tab 25, I think if you flip the page, it's, you know, b6 Per OIG b7C Per OIG

[redacted]

MR. BOWDICH: [redacted] -- okay.

[redacted] b6 Per OIG b7C Per OIG b7E -1

C E R T I F I C A T E

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Interview of David Bowdich

[redacted] b6 Per OIG b7C Per OIG

Transcriber

December 1, 2017

Date

Matthew Axelrod Interview
08/25/2017
(Relevant Excerpts)

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FBI 18-cv-01766-1212

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

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IN RE: :

INTERVIEW OF MATTHEW AXELROD :

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August 25, 2017

Washington, D.C.

Interview of

Matthew Axelrod

By the U.S. Department of Justice, Office of the Inspector General, at the Department of Justice Building, before:

FOR THE OFFICE OF THE INSPECTOR GENERAL:

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

[redacted] Oversight and Review Division

b6 Per OIG
b7C Per OIG

FOR THE WITNESS:

ADAM LURIE, Esquire

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MR. AXELROD: Okay.

[redacted]: -- and knock that out and then we'll come back out. b6 Per OIG b7C Per OIG

[redacted]: You can call the -- b6 Per OIG b7C Per OIG

[redacted]: My only worry is if it runs into your time.

(Whereupon, a brief recess was taken.)

[redacted]: There we go. We're back on the record. It is approximately 1:20 and we're not operating your recorder yet because we just -- b6 Per OIG b7C Per OIG

[redacted]: It is. I just turned it on.

[redacted]: Oh, it is? Okay. b6 Per OIG b7C Per OIG

[redacted]: I mean, we can replace the batteries on there if they go.

[redacted]: All right.

[redacted]: So if you want to get going I'll -- b6 Per OIG b7C Per OIG

[redacted]: Sure.

So I'm showing you a Wall Street Journal article. I think it's dated October 30th by Devlin Barrett. And there's a portion of that article starting on page eight that purports to pertain to discussions that an unnamed senior Department official may have had with the FBI. And we are likely looking at who may have leaked that information to the Wall Street Journal. Do you recall reading that article at the time?

MR. AXELROD: Yes.

[redacted]: And do you recall being upset about that article at the time? b6 Per OIG b7C Per OIG

MR. AXELROD: Yes.

[redacted]: And why was that? b6 Per OIG b7C Per OIG

MR. AXELROD: Because the Deputy Director Andy McCabe and I, you know, worked very closely together. Had a number of sort of sensitive difficult conversations. And I didn't think it was, you know, it made it very hard for us to do our jobs if those conversations then ended up in the newspaper.

[redacted]: Did you have a sense at the time who might have been the source of the information in the journal? b6 Per OIG b7C Per OIG

MR. AXELROD: The FBI but I don't know who within the FBI.

[redacted]: Okay. You didn't suspect a particular person had leaked that information? b6 Per OIG b7C Per OIG

MR. AXELROD: Well, no. I mean, look, it, I didn't think Andy would do that. So, but the call had two people on it.

[redacted]: Okay. Was it just you and -- b6 Per OIG b7C Per OIG

MR. AXELROD: Yeah, it's me and Andy.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. AXELROD: So, and I knew I hadn't given it

to Devlin. Although Devlin called me about it --

[redacted]: Uh-huh. b6 Per OIG b7C Per OIG

MR. AXELROD: -- before he wrote the story. But I didn't read out the conversation to Devlin.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. AXELROD: And so it was either Andy or someone Andy, you know, briefed on the conversation. Or I don't know, maybe it's possible Andy documented the conversation and someone saw the document. I don't know but it was someone, my impression was it was definitely the Bureau.

[redacted] Uh-huh. b6 Per OIG b7C Per OIG

MR. AXELROD: And I, Devlin told me as much.

[redacted]: So did you subsequently have a conversation with Andy about this article? b6 Per OIG b7C Per OIG

MR. AXELROD: Yes.

[redacted]: Okay. And what did you talk about in that conversation? b6 Per OIG b7C Per OIG

MR. AXELROD: I said that, basically what I just told you.

[redacted]: Sure. b6 Per OIG b7C Per OIG

MR. AXELROD: Look, we work really closely together. I really like working with you but I can't do my job and you can't do your job if, right, conversations the two of us have, you know, end up in the newspaper. I

think that was probably all I said. I mean, my reaction, I also thought that it was unfair because there were, the Bureau was trying to spin this conversation as some evidence of political interference, which was totally unfair. But I don't think I raised that so that was probably my reaction to, you know, the how this, you know, reading this article. I don't think I raised that with Andy. You know, I don't think I made any accusations or, you know, tried to defend myself. I think it was much more a, like a trying to get past it, right. Like we, we're colleagues. We work together well. But it, we can't, you know, work like, you know, with our conversations ending up in the paper and he apologized.

[redacted]: Okay. What did he say when he apologized? b6 Per OIG b7C Per OIG

MR. AXELROD: I don't remember specifically.

[redacted]: Okay. b6 Per OIG b7C Per OIG

MR. AXELROD: He, it wasn't an apology in a way that I was like ah ha, you're the one who fed it to the --

[redacted]: Sure. b6 Per OIG b7C Per OIG

MR. AXELROD: No, I didn't take that. I think he, you know, he apologized that sort of it was, you know, that, you know, he agreed that that wasn't the way we were supposed to, you know, to work together and that that wasn't fair to me.

C E R T I F I C A T E

DEPOSITION SERVICES, INC. hereby certifies that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of Inspector General in the matter of:

Interview of Matthew Axelrod

[redacted] b6 Per OIG b7C Per OIG

[redacted] Transcriber

February 5, 2018

Date

WSJ Articles
(including 10/30/2016 initialed by McCabe)

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FBI in Internal Feud Over Hillary Clinton Probe

Laptop may contain thousands of messages sent to or from Mrs. Clinton's private server

The FBI Email Probe and Clinton's October Surprise

As Hillary Clinton reaches the home stretch of the election well ahead in polling over Donald Trump, new revelations from the FBI's reopening of the investigation into the Democratic candidate's emails has shifted the race. WSJ's Gerald F. Seib discusses how the information could impact both candidates.

Photo: AP

By
Devlin Barrett

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Updated Oct. 30, 2016 7:59 p.m. ET

4456 COMMENTS

The surprise disclosure that agents from the Federal Bureau of Investigation are taking a new look at Hillary Clinton's email use lays bare, just days before the election, tensions inside the bureau and the Justice Department over how to investigate the Democratic presidential nominee.

Investigators found 650,000 emails on a laptop that they believe was used by former Rep. Anthony Weiner and his estranged wife Huma Abedin, a close Clinton aide, and underlying metadata suggests thousands of those messages could have been sent to or from the private server that Mrs. Clinton used while she was secretary of state, according to people familiar with the matter.

It will take weeks, at a minimum, to determine whether those messages are work-related from the time Ms. Abedin served with Mrs. Clinton at the State Department; how many are duplicates of emails already reviewed by the FBI; and whether they include either classified information or important new evidence in the Clinton email probe.

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- Q&A: What We Know About the Latest Clinton Email Developments
- Reid: Comey's 'Partisan Actions' May Violate Federal Law
- SIGN UP: Capital Journal Daybreak, straight to your inbox
- Read the Letter to Congress

Officials had to await a court order to begin reviewing the emails—which they received over the weekend, according to a person familiar with the matter—because they were uncovered in an unrelated probe of Mr. Weiner.

The new investigative effort, disclosed by FBI Director James Comey on Friday, shows a bureau at times in sharp internal disagreement over matters related to the Clintons, and how to handle those matters fairly and carefully in the middle of a national election campaign. Even as the probe of Mrs. Clinton's email use wound down in July, internal disagreements within the bureau and the Justice Department surrounding the Clintons' family philanthropy heated up, according to people familiar with the matter.

The latest development began in early October when New York-based FBI officials notified Andrew McCabe, the bureau's second-in-command, that while investigating Mr. Weiner for possibly sending sexually charged messages to a teenage minor, they had recovered a laptop. Many of the 650,000 emails on the computer, they said, were from the accounts of Ms. Abedin, according to people familiar with the matter.

Democratic presidential nominee Hillary Clinton greets a crowd in Pompano Beach, Fla., on Sunday.
PHOTO: JEWEL SAMAD/AGENCE FRANCE-PRESSE/GETTY IMAGES

Those emails stretched back years, these people said, and were on a laptop that hadn't previously come up in the Clinton email probe. Ms. Abedin said in late August that the couple were separating.

The FBI had searched the computer while looking for child pornography, people familiar with the matter said, but the warrant they used didn't give them authority to search for matters related to Mrs. Clinton's email arrangement at the State Department. Mr. Weiner has denied sending explicit or indecent messages to the minor.

In their initial review of the laptop, the metadata showed many messages, apparently in the thousands, that were either sent to or from the private email server at Mrs. Clinton's home that had been the focus of so much investigative effort for the FBI. Senior FBI officials decided to let the Weiner investigators proceed with a closer examination of the metadata on the computer, and report back to them.

At a meeting early last week of senior Justice Department and FBI officials, a member of the department's senior national-security staff asked for an update on the Weiner laptop, the people familiar with the matter said. At that point, officials realized that no one had acted to obtain a warrant, these people said.

Clinton, Trump Address FBI Email Inquiry

Presidential nominees Hillary Clinton and Donald Trump addressed the FBI's new email inquiry on Monday.

Mr. McCabe then instructed the email investigators to talk to the Weiner investigators and see whether the laptop's contents could be relevant to the Clinton email probe, these people said. After the investigators spoke, the agents agreed it was potentially relevant.

Mr. Comey was given an update, decided to go forward with the case and notified Congress on Friday, with explosive results. Senior Justice Department officials had warned the FBI that telling Congress would violate policies against overt actions that could affect an election, and some within the FBI have been unhappy at Mr. Comey's repeated public statements on the probe, going back to his press conference on the subject in July.

The back-and-forth reflects how the bureau is probing several matters related, directly or indirectly, to Mrs. Clinton and her inner circle.

New details show that senior law-enforcement officials repeatedly voiced skepticism of the strength of the evidence in a bureau investigation of the Clinton Foundation, sought to condense what was at times a sprawling cross-country effort, and, according to some people familiar with the matter, told agents to limit their pursuit of the case. The probe of the foundation began more than a year ago to determine whether financial crimes or influence peddling occurred related to the charity.

New York mayoral candidate Anthony Weiner and his wife, Huma Abedin, attended a news conference in New York in 2013. Mr. Weiner had attempted to revive his career with a bid for New York City mayor, but that effort was doomed after a website published lewd photos that he had evidently sent to another woman. PHOTO: ERIC THAYER/REUTERS

Some investigators grew frustrated, viewing FBI leadership as uninterested in probing the charity, these people said. Others involved disagreed sharply, defending FBI bosses and saying Mr. McCabe in particular was caught between an increasingly acrimonious fight for control between the Justice Department and FBI agents pursuing the Clinton Foundation case.

It isn't unusual for field agents to favor a more aggressive approach than supervisors and prosecutors think is merited. But the internal debates about the Clinton Foundation show the high stakes when such disagreements occur surrounding someone who is running for president.

The Wall Street Journal reported last week that Mr. McCabe's wife, Jill McCabe, received $467,500 in campaign funds in late 2015 from the political-action committee of Virginia Gov. Terry McAuliffe, a longtime ally of the Clintons and, until he was elected governor in November 2013, a Clinton Foundation board member.

Mr. McAuliffe had supported Dr. McCabe in the hopes she and a handful of other Democrats might help win a majority in the state Senate. Dr. McCabe lost her race last November, and Democrats failed to win their majority.

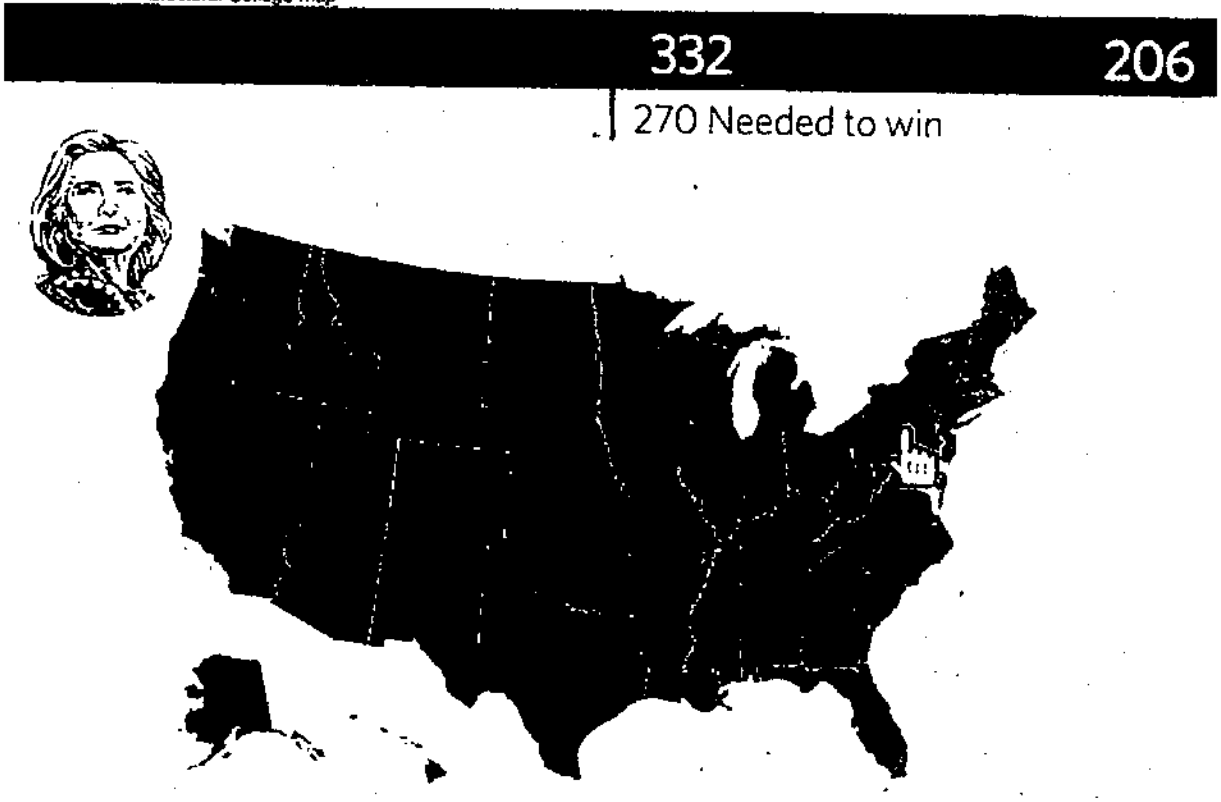
A spokesman for the governor has said that "any insinuation that his support was tied to anything other than his desire to elect candidates who would help pass his agenda is ridiculous."

Dr. McCabe told the Journal, "Once I decided to run, my husband had no formal role in my campaign other than to be" supportive.

In February of this year, Mr. McCabe ascended from the No. 3 position at the FBI to the deputy director post. When he assumed that role, officials say, he started overseeing the probe into Mrs. Clinton's use of a private email server for government work when she was secretary of state.

FBI officials have said Mr. McCabe had no role in the Clinton email probe until he became deputy director, and by then his wife's campaign was over.

Guess the 2016 Electoral College Map



But other Clinton-related investigations were under way within the FBI, and they have been the subject of internal debate for months, according to people familiar with the matter.

Early this year, four FBI field offices—New York, Los Angeles, Washington and Little Rock, Ark.—were collecting information about the Clinton Foundation to see if there was evidence of financial crimes or influence-peddling, according to people familiar with the matter.

Los Angeles agents had picked up information about the Clinton Foundation from an unrelated public-corruption case and had issued some subpoenas for bank records related to the foundation, these people said.

The Washington field office was probing financial relationships involving Mr. McAuliffe before he became a Clinton Foundation board member, these people said. Mr. McAuliffe has denied any wrongdoing, and his lawyer has said the probe is focused on whether he failed to register as an agent of a foreign entity.

Clinton Foundation officials have long denied any wrongdoing, saying it is a well-run charity that has done immense good.

The FBI field office in New York had done the most work on the Clinton Foundation case and received help from the FBI field office in Little Rock, the people familiar with the matter said.

In February, FBI officials made a presentation to the Justice Department, according to these people. By all accounts, the meeting didn't go well.

Some said that is because the FBI didn't present compelling evidence to justify more aggressive pursuit of the Clinton Foundation, and that the career anticorruption prosecutors in the room simply believed it wasn't a very strong case. Others said that from the start, the Justice Department officials were stern, icy and dismissive of the case.

"That was one of the weirdest meetings I've ever been to," one participant told others afterward, according to people familiar with the matter.

Anticorruption prosecutors at the Justice Department told the FBI at the meeting they wouldn't authorize more aggressive investigative techniques, such as subpoenas, formal witness interviews, or grand-jury activity. But the FBI officials believed they were well within their authority to pursue the leads and methods already under way, these people said.

About a week after Mr. Comey's July announcement that he was recommending against any prosecution in the Clinton email case, the FBI sought to refocus the Clinton Foundation probe, with Mr. McCabe deciding the FBI's New York office would take the lead, with assistance from Little Rock.

Director James Comey testified before the House Judiciary Committee in September on a variety of subjects including the investigation into former U.S. Secretary of State Hillary Clinton's email server.
PHOTO: WIN MCNAMEE/GETTY IMAGES

The Washington field office, FBI officials decided, would focus on a separate matter involving Mr. McAuliffe. Mr. McCabe had decided earlier in the spring that he would continue to recuse himself from that probe, given the governor's contributions to his wife's former political campaign.

Within the FBI, the decision was viewed with skepticism by some, who felt the probe would be stronger if the foundation and McAuliffe matters were combined. Others, particularly Justice Department anticorruption prosecutors, felt that both probes were weak, based largely on publicly available information, and had found little that would merit expanded investigative authority.

According to a person familiar with the probes, on Aug. 12, a senior Justice Department official called Mr. McCabe to voice his displeasure at finding that New York FBI agents were still openly pursuing the Clinton Foundation probe during the election season. Mr. McCabe said agents still had the authority to pursue the issue as long as they didn't use overt methods requiring Justice Department approvals.

The Justice Department official was "very pissed off," according to one person close to Mr. McCabe, and pressed him to explain why the FBI was still chasing a matter the department considered dormant. Others said the Justice Department was simply trying to make sure FBI agents were following longstanding policy not to make overt investigative moves that could be seen as trying to influence an election. Those rules discourage investigators from making any such moves before a primary or general election, and, at a minimum, checking with anticorruption prosecutors before doing so.

"Are you telling me that I need to shut down a validly predicated investigation?" Mr. McCabe asked, according to people familiar with the conversation. After a pause, the official replied, "Of course not," these people said.

For Mr. McCabe's defenders, the exchange showed how he was stuck between an FBI office eager to pour more resources into a case and Justice Department prosecutors who didn't think much of the case, one person said. Those people said that following the call, Mr. McCabe reiterated past instructions to FBI agents that they were to keep pursuing the work within the authority they had.

Others further down the FBI chain of command, however, said agents were given a much starker instruction on the case: "Stand down." When agents questioned why they weren't allowed to take more aggressive steps, they said they were told the order had come from the deputy director—Mr. McCabe.

Others familiar with the matter deny Mr. McCabe or any other senior FBI official gave such a stand-down instruction.

For agents who already felt uneasy about FBI leadership's handling of the Clinton Foundation case, the moment only deepened their concerns, these people said. For those who felt the probe hadn't yet found significant evidence of criminal conduct, the leadership's approach was the right response.

In September, agents on the foundation case asked to see the emails contained on nongovernment laptops that had been searched as part of the Clinton email case, but that request was rejected by prosecutors at the Eastern District of New York, in Brooklyn. Those emails were given to the FBI based on grants of partial immunity and limited-use agreements, meaning agents could only use them for the purpose of investigating possible mishandling of classified information.

Some FBI agents were dissatisfied with that answer, and asked for permission to make a similar request to federal prosecutors in Manhattan, according to people familiar with the matter. Mr. McCabe, these people said, told them no and added that they couldn't "go prosecutor-shopping."

Not long after that discussion, FBI agents informed the bureau's leaders about the Weiner laptop, prompting Mr. Comey's disclosure to Congress and setting off the furor that promises to consume the final days of a tumultuous campaign.

Write to Devlin Barrett at devlin.barrett@wsj.com

Secret Recordings Fueled FBI Feud in Clinton Probe

Agents thought they had enough material to merit aggressively pursuing investigation into Clinton Foundation

Secret recordings helped fuel a dispute among FBI agents and prosecutors as to whether to pursue an investigation into the Clinton Foundation. WSJ's Christopher Matthews has exclusive details on Lunch Break With Tanya Rivero. Photo: Associated Press

By
Devlin Barrett and

Secret recordings of a suspect talking about the Clinton Foundation fueled an internal battle between FBI agents who wanted to pursue the case and corruption prosecutors who viewed the statements as worthless hearsay, people familiar with the matter said.

Agents, using informants and recordings from unrelated corruption investigations, thought they had found enough material to merit aggressively pursuing the investigation into the foundation that started in summer 2015 based on claims made in a book by a conservative author called "Clinton Cash: The Untold Story of How and Why Foreign Governments and Businesses Helped Make Bill and Hillary Rich," these people said.

Starting in February and continuing today, investigators from the Federal Bureau of Investigation and public-corruption prosecutors became increasingly frustrated with each other, as often happens within and between departments. At the center of the tension stood the U.S. attorney for Brooklyn, Robert Capers, who some at the FBI came to view as exacerbating the problems by telling each side what it wanted to hear, these people said. Through a spokeswoman, Mr. Capers declined to comment.

The roots of the dispute lie in a disagreement over the strength of the case, these people said, which broadly centered on whether Clinton Foundation contributors received favorable treatment from the State Department under Hillary Clinton.

Senior officials in the Justice Department and the FBI didn't think much of the evidence, while investigators believed they had promising leads their bosses wouldn't let them pursue, they said.

These details on the probe are emerging amid the continuing furor surrounding FBI Director James Comey's disclosure to Congress that new emails had emerged that could be relevant to a separate, previously closed FBI investigation of Mrs. Clinton's email arrangement while she was secretary of state.

On Wednesday, President Barack Obama took the unusual step of criticizing the FBI when asked about Mr. Comey's disclosure of the emails.

Amid the internal finger-pointing on the Clinton Foundation matter, some have blamed the FBI's No. 2 official, deputy director Andrew McCabe, claiming he sought to stop agents from pursuing the case this summer. His defenders deny that, and say it was the Justice Department that kept pushing back on the investigation.

At times, people on both sides of the dispute thought Mr. Capers agreed with them. Defenders of Mr. Capers said he was straightforward and always told people he thought the case wasn't strong.

Much of the skepticism toward the case came from how it started—with the publication of a book suggesting possible financial misconduct and self-dealing surrounding the Clinton charity. The author of that book, Peter Schweizer—a former speechwriting consultant for President George W. Bush—was interviewed multiple times by FBI agents, people familiar with the matter said.

The Clinton campaign has long derided the book as a poorly researched collection of false claims and unsubstantiated assertions. The Clinton Foundation has denied any wrongdoing, saying it does immense good throughout the world.

Mr. Schweizer said in an interview that the book was never meant to be a legal document, but set out to describe "patterns of financial transactions that circled around decisions Hillary Clinton was making as secretary of state."

As 2015 came to a close, the FBI and Justice Department had a general understanding that neither side would take major action on Clinton Foundation matters without meeting and discussing it first. In February, a meeting was held in Washington among FBI officials, public-integrity prosecutors and Leslie Caldwell, the head of the Justice Department's criminal division. Prosecutors from the Eastern District of New York—Mr. Capers' office—didn't attend, these people said.

The public-integrity prosecutors weren't impressed with the FBI presentation, people familiar with the discussion said. "The message was, 'We're done here,' " a person familiar with the matter said.

Justice Department officials became increasingly frustrated that the agents seemed to be disregarding or disobeying their instructions.

Following the February meeting, officials at Justice Department headquarters sent a message to all the offices involved to "stand down," a person familiar with the matter said.

Within the FBI, some felt they had moved well beyond the allegations made in the anti-Clinton book. At least two confidential informants from other public-corruption investigations had provided details about the Clinton Foundation to the FBI, these people said.

The FBI had secretly recorded conversations of a suspect in a public-corruption case talking about alleged deals the Clintons made, these people said. The agents listening to the recordings couldn't tell from the conversations if what the suspect was describing was accurate, but it was, they thought, worth checking out.

Prosecutors thought the talk was hearsay and a weak basis to warrant aggressive tactics, like presenting evidence to a grand jury, because the person who was secretly recorded wasn't inside the Clinton Foundation.

FBI investigators grew increasingly frustrated with resistance from the corruption prosecutors, and some executives at the bureau itself, to keep pursuing the case.

As prosecutors rebuffed their requests to proceed more overtly, those Justice Department officials became more annoyed that the investigators didn't seem to understand or care about the instructions issued by their own bosses and prosecutors to act discreetly.

In subsequent conversations with the Justice Department, Mr. Capers told officials in Washington that the FBI agents on the case "won't let it go," these people said.

As a result of those complaints, these people said, a senior Justice Department official called the FBI deputy director, Mr. McCabe, on Aug. 12 to say the agents in New York seemed to be disregarding or disobeying their instructions, these people said. The conversation was a tense one, they said, and at one point Mr. McCabe asked, "Are you telling me that I need to shut down a validly predicated investigation?" The senior Justice Department official replied: "Of course not."

Write to Devlin Barrett at devlin.barrett@wsj.com and Christopher M. Matthews at christopher.matthews@wsj.com

Corrections & Amplifications:
Peter Schweizer is the author of "Clinton Cash." An earlier version of this article misspelled his surname as Schweitzer. (Nov. 2, 2016)

Appeared in the November 3, 2016, print edition as 'Secret Recordings Fueled FBI Feud in Clinton Probe.'

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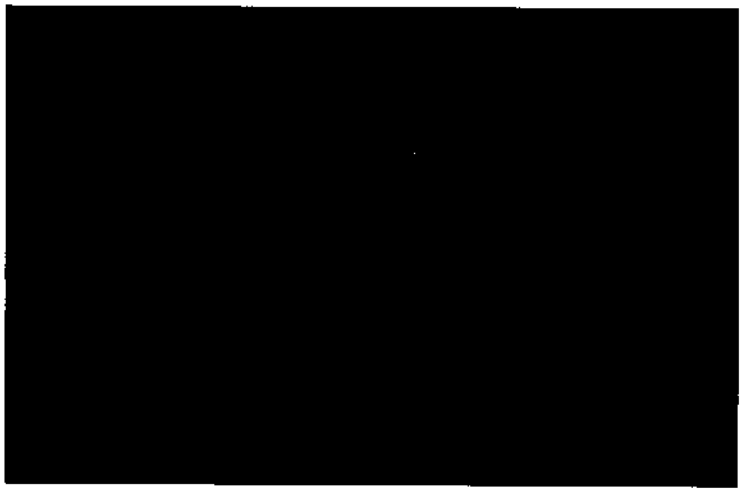
http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114

POLITICS

Clinton Ally Aided Campaign of FBI Official's Wife

Group linked to Virginia Gov. Terry McAuliffe donated nearly half a million dollars to 2015 state Senate candidate



Campaign finance records show Virginia Gov. Terry McAuliffe's political-action committee donated $467,500 to the 2015 state Senate campaign of Dr. Jill McCabe, who is married to Andrew McCabe, now the deputy director of the FBI. *PHOTO: PAUL J. RICHARDS/AGENCE FRANCE-PRESSE/GETTY IMAGES*

By DEVLIN BARRETT
Oct. 23, 2016 7:41 p.m. ET

The political organization of Virginia Gov. Terry McAuliffe, an influential Democrat with longstanding ties to Bill and Hillary Clinton, gave nearly $500,000 to the election campaign of the wife of an official at the Federal Bureau of Investigation who later helped oversee the investigation into Mrs. Clinton's email use.

Campaign finance records show Mr. McAuliffe's political-action committee donated $467,500 to the 2015 state Senate campaign of Dr. Jill McCabe, who is married to Andrew McCabe, now the deputy director of the FBI.

The Virginia Democratic Party, over which Mr. McAuliffe exerts considerable control, donated an additional $207,788 worth of support to Dr. McCabe's campaign in the form of mailers, according to the records. That adds up to slightly more than $675,000 to her candidacy from entities either directly under Mr. McAuliffe's control or strongly influenced by him. The figure represents more than a third of all the campaign funds Dr. McCabe raised in the effort.

Mr. McAuliffe and other state party leaders recruited Dr. McCabe to run, according to party officials. She lost the election to incumbent Republican Dick Black.

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A spokesman for the governor said he "supported Jill McCabe because he believed she would be a good state senator. This is a customary practice for Virginia governors... Any insinuation that his support was tied to anything other than his desire to elect candidates who would help pass his agenda is ridiculous."

Among political candidates that year, Dr. McCabe was the third-largest recipient of funds from Common Good VA, the governor's PAC, according to campaign finance records. Dan Gecker received $781,500 from the PAC and $214,456 from the state party for a campaign that raised $2.9 million, according to records; and Jeremy McPike received $803,500 from the PAC and $535,162 from the state party, raising more $3.8 million that year for his candidacy.

The governor could recall only one meeting with Mr. McCabe—when he and other state Democrats met with the couple on March 7, 2015, to urge Dr. McCabe to run, according to the spokesman.

The FBI said in a statement that during his wife's campaign Mr. McCabe "played no role, attended no events, and did not participate in fundraising or support of any kind. Months after the completion of her campaign, then-Associate Deputy Director McCabe was promoted to Deputy, where, in that position, he assumed for the first time, an oversight role in the investigation into Secretary Clinton's emails."

FBI 18-cv-01766-1231

FBI officials said that after that meeting with the governor in Richmond on March 7, Mr. McCabe sought ethics advice from the bureau and followed it, avoiding involvement with public corruption cases in Virginia, and avoiding any campaign activity or events.

Mr. McCabe's supervision of the Clinton email case in 2016 wasn't seen as a conflict or an ethics issue because his wife's campaign was over by then and Mr. McAuliffe wasn't part of the email probe, officials said.

"Once I decided to run," Dr. McCabe said, "my husband had no formal role in my campaign other than to be a supportive husband to me and our children. As a federal official...everyone who participated in our campaign understood and respected that he could not participate."

Mr. McCabe is a longtime FBI official who focused much of his career on terrorism. His wife is a hospital physician who campaigned in northern Virginia, where the couple live with their children.

The 2015 Virginia State senate race was Dr. McCabe's first run for office and her campaign spent $1.8 million. The race was part of Mr. McAuliffe's failed effort to win a Democratic majority in the Virginia legislature, which would have given him significantly more sway in Richmond, the state capital.

Mr. McAuliffe has been a central figure in the Clintons' political careers for decades. In the 1990s, he was Bill Clinton's chief fundraiser and he remains one of the couple's closest allies and public boosters. Mrs. Clinton appeared with him in northern Virginia in 2015 as he sought to increase the number of Democrats in the state legislature.

Dr. McCabe announced her candidacy in March 2015, the same month it was revealed that Mrs. Clinton had used a private server as secretary of state to send and receive government emails, a disclosure that prompted the FBI investigation.

At the time the investigation was launched in July 2015, Mr. McCabe was running the FBI's Washington, D.C., field office, which provided personnel and resources to the Clinton email probe.

That investigation examined whether Mrs. Clinton's use of private email may have compromised national security by transmitting classified information in an insecure system. A review of Mrs. Clinton's emails concluded that 110 messages contained classified information. Mrs. Clinton has said she made a mistake but that she never sent or received messages that were marked classified.

At the end of July 2015, Mr. McCabe was promoted to FBI headquarters and assumed the No. 3 position at the agency. In February 2016, he became FBI Director James Comey's second-in-command.

As deputy director, Mr. McCabe was part of the executive leadership team overseeing the Clinton email investigation, though FBI officials say any final decisions on that probe were made by Mr. Comey, who served as a high-ranking Justice Department official in the administration of George W. Bush.

Mr. McAuliffe has been under investigation for months by the FBI's Washington field office, a probe that includes an examination of donations made on behalf of a Chinese businessman, according to people familiar with the matter. His lawyers have denied any wrongdoing and said the investigation is seeking to determine if Mr. McAuliffe may have violated a law requiring people to register as agents of a foreign entity.

It was unclear the extent to which Mr. McCabe may have recused himself from discussions involving Mr. McAuliffe. When Mr. McCabe's wife began her campaign, he shied away from involvement in Virginia public corruption cases, according to officials.

Once the campaign was over, officials said, Mr. McCabe and FBI officials felt the potential conflict-of-interest issues ended.

Write to Devlin Barrett at devlin.barrett@wsj.com

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THE WALL STREET JOURNAL.

ELECTION 2016

FBI in Internal Feud Over Hillary Clinton Probe

Laptop may contain thousands of messages sent to or from Mrs. Clinton's private server

As Hillary Clinton reaches the home stretch of the election well ahead in polling over Donald Trump, new revelations from the FBI's reopening of the investigation into the Democratic candidate's emails has shifted the race. WSJ's Gerald F. Seib discusses how the information could impact both candidates. Photo: AP

By

Devlin Barrett

Updated Oct. 30, 2016 7:59 p.m. ET

FBI 18-cv-01766-1234

The surprise disclosure that agents from the Federal Bureau of Investigation are taking a new look at Hillary Clinton's email use lays bare, just days before the election, tensions inside the bureau and the Justice Department over how to investigate the Democratic presidential nominee.

Investigators found 650,000 emails on a laptop that they believe was used by former Rep. Anthony Weiner and his estranged wife Huma Abedin, a close Clinton aide, and underlying metadata suggests thousands of those messages could have been sent to or from the private server that Mrs. Clinton used while she was secretary of state, according to people familiar with the matter.

It will take weeks, at a minimum, to determine whether those messages are work-related from the time Ms. Abedin served with Mrs. Clinton at the State Department; how many are duplicates of emails already reviewed by the FBI; and whether they include either classified information or important new evidence in the Clinton email probe.

Officials had to await a court order to begin reviewing the emails—which they received over the weekend, according to a person familiar with the matter—because they were uncovered in an unrelated probe of Mr. Weiner.

The new investigative effort, disclosed by FBI Director James Comey on Friday, shows a bureau at times in sharp internal disagreement over matters related to the Clintons, and how to handle those matters fairly and carefully in the middle of a national election campaign. Even as the probe of Mrs. Clinton's email use wound down in July, internal disagreements within the bureau and the Justice Department surrounding the Clintons' family philanthropy heated up, according to people familiar with the matter.

The latest development began in early October when New York-based FBI officials notified Andrew McCabe, the bureau's second-in-command, that while investigating Mr. Weiner for possibly sending sexually charged messages to a teenage minor, they had recovered a laptop. Many of the 650,000 emails on the computer, they said, were from the accounts of Ms. Abedin, according to people familiar with the matter.

FBI 18-cv-01766-1235

Democratic presidential nominee Hillary Clinton greets a crowd in Pompano Beach, Fla., on Sunday. PHOTO: JEWEL SAMAD/AGENCE FRANCE-PRESSE/GETTY IMAGES

Those emails stretched back years, these people said, and were on a laptop that hadn't previously come up in the Clinton email probe. Ms. Abedin said in late August that the couple were separating.

The FBI had searched the computer while looking for child pornography, people familiar with the matter said, but the warrant they used didn't give them authority to search for matters related to Mrs. Clinton's email arrangement at the State Department. Mr. Weiner has denied sending explicit or indecent messages to the minor.

In their initial review of the laptop, the metadata showed many messages, apparently in the thousands, that were either sent to or from the private email server at Mrs. Clinton's home that had been the focus of so much investigative effort for the FBI. Senior FBI officials decided to let the Weiner investigators proceed with a closer examination of the metadata on the computer, and report back to them.

At a meeting early last week of senior Justice Department and FBI officials, a member of the department's senior national-security staff asked for an update on the Weiner laptop, the people familiar with the matter said. At that point, officials realized that no one had acted to obtain a warrant, these people said.

FBI 18-cv-01766-1236

Presidential nominees Hillary Clinton and Donald Trump addressed the FBI's new email inquiry on Monday.

Mr. McCabe then instructed the email investigators to talk to the Weiner investigators and see whether the laptop's contents could be relevant to the Clinton email probe, these people said. After the investigators spoke, the agents agreed it was potentially relevant.

Mr. Comey was given an update, decided to go forward with the case and notified Congress on Friday, with explosive results. Senior Justice Department officials had warned the FBI that telling Congress would violate policies against overt actions that could affect an election, and some within the FBI have been unhappy at Mr. Comey's repeated public statements on the probe, going back to his press conference on the subject in July.

The back-and-forth reflects how the bureau is probing several matters related, directly or indirectly, to Mrs. Clinton and her inner circle.

New details show that senior law-enforcement officials repeatedly voiced skepticism of the strength of the evidence in a bureau investigation of the Clinton Foundation, sought to condense what was at times a sprawling cross-country effort, and, according to some people familiar with the matter, told agents to limit their pursuit of the case. The probe of the foundation began more than a year ago to determine whether financial crimes or influence peddling occurred related to the charity.

FBI 18-cv-01766-1237

New York mayoral candidate Anthony Weiner and his wife, Huma Abedin, attended a news conference in New York in 2013. Mr. Weiner had attempted to revive his career with a bid for New York City mayor, but that effort was doomed after a website published lewd photos that he had evidently sent to another woman. PHOTO: ERIC THAYER/REUTERS

Some investigators grew frustrated, viewing FBI leadership as uninterested in probing the charity, these people said. Others involved disagreed sharply, defending FBI bosses and saying Mr. McCabe in particular was caught between an increasingly acrimonious fight for control between the Justice Department and FBI agents pursuing the Clinton Foundation case.

It isn't unusual for field agents to favor a more aggressive approach than supervisors and prosecutors think is merited. But the internal debates about the Clinton Foundation show the high stakes when such disagreements occur surrounding someone who is running for president.

The Wall Street Journal reported last week that Mr. McCabe's wife, Jill McCabe, received $467,500 in campaign funds in late 2015 from the political-action committee of Virginia Gov. Terry McAuliffe, a longtime ally of the Clintons and, until he was elected governor in November 2013, a Clinton Foundation board member.

FBI 18-cv-01766-1238

Mr. McAuliffe had supported Dr. McCabe in the hopes she and a handful of other Democrats might help win a majority in the state Senate. Dr. McCabe lost her race last November, and Democrats failed to win their majority.

A spokesman for the governor has said that "any insinuation that his support was tied to anything other than his desire to elect candidates who would help pass his agenda is ridiculous."

Dr. McCabe told the Journal, "Once I decided to run, my husband had no formal role in my campaign other than to be" supportive.

In February of this year, Mr. McCabe ascended from the No. 3 position at the FBI to the deputy director post. When he assumed that role, officials say, he started overseeing the probe into Mrs. Clinton's use of a private email server for government work when she was secretary of state.

FBI officials have said Mr. McCabe had no role in the Clinton email probe until he became deputy director, and by then his wife's campaign was over.

Guess the 2016 Electoral College Map

But other Clinton-related investigations were under way within the FBI, and they have been the subject of internal debate for months, according to people familiar with the matter.

FBI 18-cv-01766-1239

Early this year, four FBI field offices—New York, Los Angeles, Washington and Little Rock, Ark.—were collecting information about the Clinton Foundation to see if there was evidence of financial crimes or influence-peddling, according to people familiar with the matter.

Los Angeles agents had picked up information about the Clinton Foundation from an unrelated public-corruption case and had issued some subpoenas for bank records related to the foundation, these people said.

The Washington field office was probing financial relationships involving Mr. McAuliffe before he became a Clinton Foundation board member, these people said. Mr. McAuliffe has denied any wrongdoing, and his lawyer has said the probe is focused on whether he failed to register as an agent of a foreign entity.

Clinton Foundation officials have long denied any wrongdoing, saying it is a well-run charity that has done immense good.

The FBI field office in New York had done the most work on the Clinton Foundation case and received help from the FBI field office in Little Rock, the people familiar with the matter said.

In February, FBI officials made a presentation to the Justice Department, according to these people. By all accounts, the meeting didn't go well.

Some said that is because the FBI didn't present compelling evidence to justify more aggressive pursuit of the Clinton Foundation, and that the career anticorruption prosecutors in the room simply believed it wasn't a very strong case. Others said that from the start, the Justice Department officials were stern, icy and dismissive of the case.

"That was one of the weirdest meetings I've ever been to," one participant told others afterward, according to people familiar with the matter.

Anticorruption prosecutors at the Justice Department told the FBI at the meeting they wouldn't authorize more aggressive investigative techniques, such as subpoenas, formal witness interviews, or grand-jury activity. But the FBI officials believed they were well within their authority to pursue the leads and methods already under way, these people said.

About a week after Mr. Comey's July announcement that he was recommending against any prosecution in the Clinton email case, the FBI sought to refocus the Clinton Foundation probe, with Mr. McCabe deciding the FBI's New York office would take the lead, with assistance from Little Rock.

FBI 18-cv-01766-1240

Director James Comey testified before the House Judiciary Committee in September on a variety of subjects including the investigation into former U.S. Secretary of State Hillary Clinton's email server. PHOTO: WIN MCNAMEE/GETTY IMAGES

The Washington field office, FBI officials decided, would focus on a separate matter involving Mr. McAuliffe. Mr. McCabe had decided earlier in the spring that he would continue to recuse himself from that probe, given the governor's contributions to his wife's former political campaign.

Within the FBI, the decision was viewed with skepticism by some, who felt the probe would be stronger if the foundation and McAuliffe matters were combined. Others, particularly Justice Department anticorruption prosecutors, felt that both probes were weak, based largely on publicly available information, and had found little that would merit expanded investigative authority.

According to a person familiar with the probes, on Aug. 12, a senior Justice Department official called Mr. McCabe to voice his displeasure at finding that New York FBI agents were still openly pursuing the Clinton Foundation probe during the election season. Mr. McCabe said agents still had the authority to pursue the issue as long as they didn't use overt methods requiring Justice Department approvals.

FBI 18-cv-01766-1241

The Justice Department official was "very pissed off," according to one person close to Mr. McCabe, and pressed him to explain why the FBI was still chasing a matter the department considered dormant. Others said the Justice Department was simply trying to make sure FBI agents were following longstanding policy not to make overt investigative moves that could be seen as trying to influence an election. Those rules discourage investigators from making any such moves before a primary or general election, and, at a minimum, checking with anticorruption prosecutors before doing so.

"Are you telling me that I need to shut down a validly predicated investigation?" Mr. McCabe asked, according to people familiar with the conversation. After a pause, the official replied, "Of course not," these people said.

For Mr. McCabe's defenders, the exchange showed how he was stuck between an FBI office eager to pour more resources into a case and Justice Department prosecutors who didn't think much of the case, one person said. Those people said that following the call, Mr. McCabe reiterated past instructions to FBI agents that they were to keep pursuing the work within the authority they had.

Others further down the FBI chain of command, however, said agents were given a much starker instruction on the case: "Stand down." When agents questioned why they weren't allowed to take more aggressive steps, they said they were told the order had come from the deputy director—Mr. McCabe.

Others familiar with the matter deny Mr. McCabe or any other senior FBI official gave such a stand-down instruction.

For agents who already felt uneasy about FBI leadership's handling of the Clinton Foundation case, the moment only deepened their concerns, these people said. For those who felt the probe hadn't yet found significant evidence of criminal conduct, the leadership's approach was the right response.

In September, agents on the foundation case asked to see the emails contained on nongovernment laptops that had been searched as part of the Clinton email case, but that request was rejected by prosecutors at the Eastern District of New York, in Brooklyn. Those emails were given to the FBI based on grants of partial immunity and limited-use agreements, meaning agents could only use them for the purpose of investigating possible mishandling of classified information.

Some FBI agents were dissatisfied with that answer, and asked for permission to make a similar request to federal prosecutors in Manhattan, according to people familiar with the matter. Mr. McCabe, these people said, told them no and added that they couldn't "go prosecutor-shopping."

Not long after that discussion, FBI agents informed the bureau's leaders about the Weiner laptop, prompting Mr. Comey's disclosure to Congress and setting off the furor that promises to consume the final days of a tumultuous campaign.

FBI 18-cv-01766-1242

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

March 7, 2018

PERSONAL

b6 -1
b7C -1

Mr. Andrew G. McCabe

[redacted]

b6 -1
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Dear Mr. McCabe:

I have completed my review of an administrative inquiry, investigated by the Department of Justice, Office of Inspector General (OIG), regarding allegations that you: (1) lacked candor in an interview with the OIG on July 28, 2017, and in a second interview with the OIG on November 29, 2017, in violation of FBI Offense Code 2.6 (Lack of Candor – Under Oath); (2) lacked candor when discussing a October 30, 2016 *Wall Street Journal* article with the FBI Director, and in an interview with FBI's Inspection Division on May 9, 2017,[1] in violation of Offense Code 2.5 (Lack of Candor – No Oath); and (3) disclosed, without authorization, an FBI investigation, in violation of Offense Code 4.10 (Unauthorized Disclosure – Sensitive Information).[2] Based on a preponderance of the evidence, I conclude the allegations are substantiated. Based on the circumstances of this case, and considering the 12 *Douglas* Factors, including, but not limited to, consistency with precedent, the Penalty Guidelines, prior disciplinary history, and aggravating/mitigating factors, I propose dismissing you from the rolls of the FBI.[3]

Fedexed on 3/7/18

DISCUSSION

October 23, 2016 *Wall Street Journal* Article

On October 23, 2016, the *Wall Street Journal* (WSJ) published an online article written by Reporter which stated that the Virginia Democratic Party and a political action committee (PAC) run by the Virginia Governor donated nearly $675,000 to your wife's unsuccessful 2015

[1] The OIG found that you lacked candor under oath when you spoke to Inspection on May 9, 2017. However, it is unclear from the case file whether you were under oath at the time you spoke with investigators about the article in question. Accordingly, I find the May 9 interview is more appropriately considered not under oath.

[2] This administrative inquiry was opened after January 1, 2017, and thus will be analyzed under the FBI's 2017 Offense Codes and Penalty Guidelines.

[3] Pursuant to the Deputy Attorney General's Memorandum dated May 27, 2008, to the Director of the FBI, the Justice Department has retained final decision-making authority over adverse actions impacting the Deputy Director of the FBI.

Hand D. [redacted] 3/7/18 b6 -1 b7C -1 Called 3/7/18

state senate campaign.[4] The article described the Governor's close connection to Bill and Hillary Clinton, and noted that you were an FBI official "who later helped oversee Investigation #1."[5]

The WSJ article resulted in significant public discussion as to whether your subsequent oversight of Investigation #1 was appropriate given your wife's connection to the Governor and the Virginia Democratic Party. Your Special Counsel told the OIG, "[s]o that article comes out on Sunday. And it is like an enormous fire storm. It is hugely, you know, it's not only all over the news, but there's just a lot of swirl and churn associated with that fact coming out."[6] According to the OIG's investigation, a Senator immediately called for your recusal. On October 27, 2016, in a meeting on Investigation #1, the FBI General Counsel (GC) suggested that you, present by telephone, not be present for the discussion on Investigation #1. The GC acknowledged that the question of whether you should recuse yourself had not yet been settled, but out of an abundance of caution, the GC felt you should not be in the meeting. The Director agreed and you ended your call into the meeting.[7]

On October 24, 2016, Reporter emailed the Assistant Director, Office of Public Affairs, to ask additional questions for a follow-up story he was working on.[8] In that email, Reporter asked about your involvement in Investigation #2, among other things.[9] Specifically, Reporter's email said that he was told that:

> in the summer, McCabe himself gave some instruction as to how to proceed with the [Investigation #2] probe, given that it was the height of election season and

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[4] The print edition of the article was published on October 24, 2016.

[5] The article acknowledged that you played no role in your wife's 2015 state senate campaign and that you were promoted to FBI Deputy Director, with oversight of Investigation #1, months after your wife's defeat. You did not have an oversight role in Investigation #1 when your wife was running for office.

The FBI Director told the OIG that he first learned of the issue regarding your wife and her connection to the Governor when you emailed the Director on October 21, 2016, two days before the article was released, stating, "[The Office of Public Affairs (OPA)] informed me that [Reporter] at WSJ is putting together an article claiming I had a conflict of interest on [Investigation #1] as a result of [your wife's] campaign connections to Governor []. I'll work with [OPA] to provide some basic facts to pushback." On October 23, 2016, you emailed the Director and wrote, "Not too much in the update. The only additional notable news is that [OPA] and I spent a good part of the day trying to shape the Wall Street Journal's story on my alleged conflict...," which you noted was to be released online.

[6] Special Counsel OIG interview, 9/7/2017, pg. 253.

[7] In your 12/4/2017 interview with the OIG, you stated that you dropped out of the call because the GC brought up the need to discuss classified information and you were on an open line. You denied that you were asked to leave the meeting due to the possibility of recusal or a conflict of interest.

[8] Assistant Director has since retired from the FBI.

[9] Investigation #2 was a separate and distinct investigation from Investigation #1. Although Investigation #1 was publicly acknowledged by the FBI, Investigation #2 was not. When the Director was asked during Congressional testimony whether the FBI was involved in Investigation #2, he declined to answer.

FBI 18-cv-01766-1244

> the FBI did not want to make a lot of overt moves that could be seen as going after [] or drawing attention to the probe.

Reporter's email asked Assistant Director if this was accurate and if there was anything else Reporter should know.

You were notified that Reporter was working on a follow-up story that would cover your oversight of Investigation #2 in the face of Reporter's earlier article that the gave significant campaign contributions to your wife. Special Counsel stated that you both believed that narrative being developed by the WSJ was inaccurate and you authorized Special Counsel to speak to Reporter "to fix this story and give a complete picture."[10] Special Counsel stated, "Andy [McCabe] directs me to work with [Assistant Director] on a follow-up story with [Reporter]...So I am a source on background with [Reporter] at Andy [McCabe] and [Assistant Director's] direction in order to try to correct the inaccurate sort of representations in that article."[11] Special Counsel advised that this was the first time she had communicated with the media in her official capacity at the FBI.

Special Counsel and Assistant Director were scheduled to speak with Reporter for the first time on October 27, 2016, in "receive mode," to hear what Reporter's story intended to address. Special Counsel and Assistant Director would then discuss an appropriate response and speak to Reporter a second time. You were on personal travel from Thursday, October 27 – Sunday, October 30, 2016. Despite this, you maintained close contact with your Special Counsel regarding her and Assistant Director's progress with Reporter. According to text messages, on October 27, 2016, at 12:06 pm, you texted Special Counsel, "Are you with wsj now." Special Counsel texted back that she was "going there now" and would call you "immediately after re call with [Reporter]." A little over an hour later, Special Counsel texted you asking if you were free to talk. Telephone records show that you and Special Counsel spoke by telephone at 2:54 p.m. for approximately 51 minutes. According to Special Counsel, she briefed you on her conversation with Reporter and a purported "stand down" order that you had issued to agents working on Investigation #2. You and Special Counsel discussed the inaccurate and inflammatory nature of Reporter's information. According to Special Counsel, you cited your August 12, 2016 phone call with the DOJ Principal Associate Deputy Attorney General (PADAG) in which PADAG expressed anger at you that the FBI had not shut down Investigation #2 based on PADAG's misunderstanding of the situation. In that call, you pushed back against PADAG and told him that the FBI would continue to take appropriate and logical investigative steps in Investigation #2. You then asked if PADAG was telling you "to shut down a validly predicated investigation," which PADAG said he was not. According to Special Counsel, you wanted to provide an account of your conversation with PADAG to rebut the false "stand down" scenario that had been shared with the WSJ. Special Counsel's notes of her conversation with you on October 27 include a notation "Fri. Aug 12 with [PADAG]" to remind her to discuss the telephone call with Reporter.

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[10] Special Counsel OIG interview, 9/7/2017, pg. 280.

[11] Special Counsel OIG interview, 9/7/2017, pg. 272.

FBI 18-cv-01766-1245

Text messages and phone records show that immediately before Special Counsel and Assistant Director spoke with Reporter for the second time on October 27, 2016, you called Special Counsel and you spoke for six minutes. Special Counsel and Assistant Director than spoke to Reporter from 4:45 p.m. to 5:21 p.m. According to Special Counsel's contemporaneous notes and testimony to the OIG, in this call to Reporter she responded to claims regarding FBI leadership's handling of Investigation #2 and provided the account of the August 12 phone call between you and PADAG. Later that evening, Special Counsel texted you, "We're done. He's going to look at this story again and we'll circle back with him in the morning."

On October 28, 2016, Special Counsel and Assistant Director spoke to Reporter a third time. He gave them a preview of his revised story, which now included a report on the PADAG phone call. After this call ended, Special Counsel texted you, "Just got off with [Reporter]. Give me a call here." You called Special Counsel and you spoke for 23 minutes.

October 30, 2016 *Wall Street Journal* Article

On October 30, 2016, Reporter's follow-up article was published online.[12] The article mentioned the Director's stunning disclosure two days earlier, on Friday, October 28, that the FBI was taking another look at Hillary Clinton's emails days before the presidential election and discussed tension inside the FBI and DOJ on how best to proceed. The article again mentioned the Governor's campaign contributions to your wife's failed state senate campaign in 2015 and discussed your efforts to refocus Investigation #2.[13] The article reported that agents had been told to "[s]tand down" on Investigation #2 and that "the order had come from the deputy director – Mr. McCabe," but also that "[o]thers familiar with the matter deny Mr. McCabe or any other senior FBI official gave such a stand-down instruction." The article described the August 12 conversation between you and PADAG (the latter identified only as a "senior Justice Department official"), stating:

> According to a person familiar with the probes, on Aug. 12, a senior Justice Department official called Mr. McCabe to voice his displeasure at finding that New York FBI agents were still openly pursuing the [Investigation #2] probe during the election season. Mr. McCabe said agents still had the authority to pursue the issue as long as they didn't use overt methods requiring Justice Department approvals.
>
> The Justice Department official was "very pissed off," according to one person close to McCabe, and pressed him to explain why the FBI was still chasing a matter the department considered dormant…

[12] The print edition of the article was published on October 31, 2016.

[13] This represented the first public acknowledgment that the FBI had opened a criminal investigation into Investigation #2. The Director had previously declined to answer questions about the existence of an investigation of Investigation #2.

FBI 18-cv-01766-1246

> "Are you telling me that I need to shut down a validly predicated investigation?" Mr. McCabe asked, according to people familiar with the conversation. After a pause, the official replied "Of course not," these people said.

Meeting with the Director on October 31, 2016

The following day, Monday morning, October 31, 2016, the Director held a staff meeting, attended by you and Special Counsel, among others. During the meeting, according to Special Counsel's contemporaneous notes, the Director said, "Need to figure out how to get our folks to understand why leaks hurt our organization." In his statement to the OIG, the Director advised that he remembered reading the October 30, 2016 WSJ article and thinking, "what the hell[,]" "I was very concerned about it for a number of reasons[,]" "this was going to poison our relationship with the Department of Justice."[14] The Director went on to say that his second reaction was, "what are we doing talking about what we're doing in an investigation..."[15] He considered it a disclosure of sensitive FBI information. The Director stated, "I don't have a clear recollection, but I must have had some conversation with Andy [McCabe] about it where I took from it that he didn't do [it] and didn't authorize it."[16] When questioned further by the OIG whether you told him that you authorized the disclosure, the Director stated, "No, no. Nope. In fact, likely told me the opposite. Definitely didn't tell me he authorized it and I think gave me the impression he didn't know what was going on."[17] When asked again if you told him that you authorized Special Counsel to speak to the WSJ, the Director stated that you said, "something like can you believe this crap? How does this stuff get out kind of thing? But I took from whatever communication we had that he wasn't involved in it..."[18] The Director stated that he did not suspect that you were the source of the disclosure based on what you told him the morning after the article came out.

The Director told the OIG it is "very unlikely" "in fact approaching zero" that he would have authorized disclosure of the PADAG telephone call if asked ahead of time. The Director stated that part of the reason for declining to disclose that information is that it explicitly confirms the existence of a criminal investigation.[19] The Director advised that when he disclosed the existence of Investigation #3 to Congress, he did so reading from a script that was carefully drafted and considered. He stated that disclosing a criminal investigation anonymously sourced in a newspaper is not something the FBI would do. Regarding the October 30, 2016 WSJ article, the Director stated, "I did not authorize this. I would not have authorized this."[20] The Director

[14] Director OIG interview, 11/16/2017, pgs. 301-302.

[15] Director OIG interview, 11/16/2017, pg. 302.

[16] Director OIG interview, 11/16/2017, pgs. 304-305.

[17] Director OIG interview, 11/16/2017, pg. 305.

[18] Director OIG interview, 11/16/2017, pgs. 314-315.

[19] Director OIG interview, 11/16/2017, pg. 310.

[20] Director OIG interview, 11/16/2017, pg. 311.

FBI 18-cv-01766-1247

further stated that as the Director of the FBI, significant disclosures about investigations would always go through him because he is responsible for how the FBI interacts with the world. The Director stated that if the Deputy Director wanted to disclose information regarding an ongoing investigation, he would expect the Deputy Director to check with him first.

Inspection Division Interview on May 9, 2017

The FBI Inspection Division was tasked with investigating various media leaks. One of the leaks pertained to an article published by [redacted] reporting that you had made derogatory comments about the former National Security Advisor and the President during a private FBI executives meeting. On May 9, 2017, Section Chief (SC) and Supervisory Special Agent (SSA) #1 interviewed you in your office concerning the leaks.[21] SC and SSA #1 (and SSA #2) had previously interviewed you in April 2017, following which SSA #1 had prepared and emailed to you a signed, sworn statement for your review, editing (if necessary), and signature. This May meeting was to go over the previously emailed statement about the Circa article and to ask you about the October 30 WSJ article. SC advised that they met with you in the privacy of your office.

b6 -3
b7C -3

After going over changes to the previously emailed statement, SC showed you a copy of the October 30 WSJ article, and directed your attention to the first three paragraphs on the last page which discussed the PADAG conversation. SSA #1 stated, "we paused and let him read, read the article. I mean, he read the article, not just that piece. I think he refreshed his memory and flipped through the article."[22] You initialed the article to acknowledge that you read it.

According to SSA #1, you indicated the WSJ article was "somewhat familiar" because you recalled reading it when it came out in October 2016.[23] SSA #1 stated that you said you did not know who leaked the information, "[You] didn't authorize it. [You] didn't direct anybody to give it out."[24] SSA #1 recalls asking you who you thought could have disclosed the information about your private telephone conversation because it seemed likely that only a few people would have been present during the phone call. According to SSA #1, you said you could not recall how many people were present or how many people you told the story to because you had related the story many times. At this point in time, SSA #1 considered you the victim of the leak.[25]

[21] May 9, 2017, is the same day that the Director was fired and you became Acting Director of the FBI. This occurred after your meeting with Inspection.

[22] SSA #1 OIG interview, 10/5/2017, pg. 26.

[23] SSA #1 OIG interview, 10/5/2017, pg. 26.

[24] SSA #1 OIG interview, 10/5/2017, pg. 29.

[25] SSA #1 took contemporaneous notes throughout your interview.

FBI 18-cv-01766-1248

SC's account of the May 9 interview of you is consistent with SSA #1's. She stated that you read the article and although she could not remember what you said verbatim, "the overarching issue, or take-away from it was that [you] did not grant anyone permission to divulge the information to the media. That [you] personally hadn't shared the information. And [you] hadn't granted anyone else permission to. And that [you] did consider it a media leak[.]"[26]

On May 12, 2017, SSA #1 sent you an email attaching a revised version of your signed, sworn statement, "You will note that your requested changes have been made, and we added a short paragraph, in parenthesis beginning on page 10, relative to your recollection of circumstances pertaining to the [October 30] Wall Street Journal article we reviewed with you." The paragraph read:

> On 05/09/2017, SC [] and SSA [#1] provided me with a photocopy of a Wall Street Journal article, dated 10/30/2016, and requested I evaluate and assess the content of the first three paragraphs appearing on the last page for accuracy. My assessment of the referenced portion of the article is that it is basically an accurate depiction of an actual telephonic interaction I had with a Department of Justice (DOJ) Executive. Since this event, I have shared the circumstances of this interaction with numerous FBI Senior Executives, and other FBI personnel. I do not know the identity of the source of the information contained in the article. I gave no one authority to share any information relative to my interaction with the DOJ Executive with any member of the media. *I initialed the photocopy of the article, which is attached to my statement as Exhibit #5.*

(Emphasis in original.) SC stated that there was no doubt in her mind that you told her that you did not authorize the disclosure to the WSJ and that you did not know who had disclosed the information to the WSJ. SC stated that she stands by what is contained in your draft statement.[27] The statement is consistent with contemporaneous notes taken by SSA #1 during the interview.

When you failed to sign and return the statement to Inspection, it was emailed it to you again by Inspection on June 23, 2017.

OIG Interview on July 28, 2017

On July 28, 2017, the OIG interviewed you under oath regarding a separate matter. The OIG told you that it would not be covering issues related to your recusal in a different investigation. The OIG showed you certain text messages exchanged between your Special Counsel and Counterintelligence Deputy Assistant Director (DAD).[28]

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[26] SC OIG interview, 12/20/2017, pg. 14.

[27] SC OIG interview, 12/20/2017, pg. 40.

[28] Special Counsel has since been reassigned to the Office of General Counsel. DAD has since been reassigned to the Human Resources Division.

FBI 18-cv-01766-1249

The OIG referred you to the October 30, 2016 WSJ article written by Reporter and told you there was information in the Special Counsel/DAD texts also on October 30, 2016, indicating Special Counsel had spoken to the press. The OIG showed you a text in which DAD forwarded a *Washington Post* article that was critical of the FBI to Special Counsel, and DAD wrote, "This is all [PADAG]." Special Counsel responded, "Yeah, I saw it. Makes me feel WAY less bad about throwing him under the bus in the forthcoming [Investigation #2] article."

The OIG told you it believed Special Counsel's October 30 text related to the WSJ's article later that same day revealing Investigation #2 and the PADAG telephone conversation. You responded, "I don't know what she's referring to."[29] You then stated the OIG's questions exceeded the scope of the OIG's current investigation for which it was questioning you, and that you did not want to "get into discussing the article" with the OIG. The OIG asked, "Was she ever authorized to speak to reporters in this time period, was [Special Counsel]?" You responded, "Not that I'm aware of."[30] You went on to say, "I was not even in town during those days. So I can't tell you where she was or what she was doing."[31]

Your Phone Call to OIG on August 1, 2017

Four days later, on August 1, 2017, you called the Assistant Inspector General to provide additional information about matters discussed during your July 28 OIG interview. The Assistant Inspector General memorialized the phone conversation in an email, which reads in relevant part:

> First, he [McCabe] stated that he believes that [Special Counsel] may have been authorized by him to work with [Assistant Director] (Public Affairs) and to speak with the WSJ for the late October article. He said he had worked with [Special Counsel] on a previous WSJ article earlier in the month when they spent the day trying to correct inaccuracies. At the time the second article was being prepared, McCabe was out of town [redacted] He believes he may have authorized [Special Counsel] to work with [Assistant Director] and speak to [] (the WSJ reporter) because she had previously worked with McCabe on the issues raised by his wife's political campaign and was very familiar with those issues.

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Inspection Division Interview of Special Counsel on August 7, 2017

On August 7, 2017, Special Counsel was interviewed by SC and SSA #2. The investigating agents showed Special Counsel the October 30 WSJ article and she acknowledged that she was familiar with it. Special Counsel told SC and SSA #2 that you told her to work with Assistant Director to speak with Reporter "on background" and provide him with information to help shape his next article. She advised that she spoke to Reporter by telephone on October 27

[29] Andrew McCabe OIG interview, 7/28/2017, pg. 31.

[30] Andrew McCabe OIG interview, 7/28/2017, pg. 31.

[31] Andrew McCabe OIG interview, 7/28/2017, pg. 32.

FBI 18-cv-01766-1250

and 28, 2016. Special Counsel signed a sworn statement to this effect on August 15, 2017. Special Counsel was also interviewed by the OIG on September 7 and October 26, 2017, in which she gave the same account.

Inspection Division Interview on August 18, 2017

After learning from Special Counsel that you authorized her to speak to Reporter, SSA #2 and SSA #1 re-interviewed you on August 18, 2017. SSA #1 showed you the earlier draft statement that Inspection prepared for you to sign (you never did) and the October 30 WSJ article again. SSA #1 stated that he asked you, "I want to ask you about this article because we're, we're having conflicting information. And so I need to know from you, did you authorize this article? Were you aware of it? Did you authorize it?"[32] SSA #1 advised that you read the article and said, "yep. Yep I did."[33] SSA #1 was taken aback and stated that he told you, "sir, you understand that we put a lot of work into this based on what you've told us. I mean, and I even said, long nights and weekends working on this, trying to find out who amongst your ranks of trusted people would, would do something like that." According to SSA #1, you "kind of just looked down, kind of nodded, and said, yeah, I'm sorry."[34] You apologized and told SSA #1 and SSA #2 that "there was a lot going on then."

SSA #1 reported the new information to his supervisors in the Inspection Division and recommended they turn the matter over to the OIG. The Assistant Director, Inspection Division, agreed and referred the matter to the OIG. The OIG formally accepted the referral on August 31, 2017.

OIG Interview on November 29, 2017

Authorization

On November 29, 2017, the OIG interviewed you under oath again, this time focusing on the WSJ disclosure. During the interview, you told the OIG that you authorized Assistant Director and Special Counsel to speak to Reporter to try to correct what you perceived as "incredibly damaging inaccuracies" in his story.[35] You described the first WSJ article as "creat[ing] a false narrative that I had been exercising my judgment in a political way. And this article continued in that direction, which I thought was incredibly damaging for us as an organization."[36] You stated that you thought having Assistant Director and Special Counsel

[32] SSA #1 OIG interview, 10/5/2017, pg. 45.

[33] SSA #1 OIG interview, 10/5/2017, pg. 46.

[34] SSA #1 OIG interview, 10/5/2017, pgs. 47-48.

[35] Andrew McCabe OIG interview, 11/29/2017, pg. 20.

[36] Andrew McCabe OIG interview, 11/29/2017, pg. 58.

FBI 18-cv-01766-1251

speak to Reporter "was the right thing to do" and that you "felt very confident doing it."[37] When asked what sparked your recollection of authorizing Assistant Director and Special Counsel, you denied speaking to Special Counsel or Assistant Director about the matter, and simply stated that you thought a lot about it.

FBI Director

The OIG asked you if, prior to authorizing Special Counsel and Assistant Director to speak to Reporter, you discussed the matter with the Director. You stated that you did not remember discussing it with the Director beforehand, but did recall discussing the article with the Director in person on Monday, October 31, the day after the article was published:

> [W]e talked about the article. I asked him his thoughts about it. He thought it was, you know, he had the same impression as I did that it was really kind of a one-sided narrative supported by a lot of spurious information. But he thought that it was good that we at least had gotten the, the, you know, the information, that they at least presented information that indicated that, no, that's not who we are. That we are, that we're independent and doing our job. We discussed the fact that the Department was likely to be pretty angry, and specifically [PADAG] was, was unhappy about that the fact that this may, that this made its way into the paper.

The OIG asked you, "are you telling him at this time, hey boss, I authorized [Assistant Director] and [Special Counsel] to disclose the account of the August 12th call?" You stated, "Yes. He knew that." The OIG repeated, "You told him that?" You stated, "Yes." The OIG asked you for the Director's reaction. You stated, "He did not react negatively, just kind of accepted it." The OIG continued to question you and asked, "Did he have any reaction to the fact that by disclosing the account of the August 12th call, even though it's not a direct quote attributed to you. It essentially is in substance confirming the existence of [Investigation #2]. Did he have any reaction to that?" You replied, "He did not."[38]

You further claimed that the fact that Assistant Director and Special Counsel spoke to Reporter was not a secret and that people generally knew you authorized the disclosure because it was your private conversation with PADAG that was disclosed.[39]

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[37] Andrew McCabe OIG interview, 11/29/2017, pg. 62.

[38] Andrew McCabe OIG interview, 11/29/2017, pgs. 94-96.

[39] Andrew McCabe OIG interview, 11/29/2017, pg. 106.

FBI 18-cv-01766-1252

Interviews with Inspection Division

The OIG also questioned you about your interviews with Inspection. You incorrectly recalled being interviewed by SC, SSA #1, and SSA #2 on May 9, 2017.[40] You advised that as SSA #2 and SSA #1 were walking out of your office, SC "kind of grabbed [you] by the arm" to ask you something.[41] You advised that SC then showed you the October 30 WSJ article. You told her that you knew about the article. You stated that you do not recall reading the WSJ article when SC handed it to you.[42] You stated:

> I remember being like kind of confused about why she was even bringing it up because it had nothing to do with what I had asked them to, to investigate, so I was trying to kind of connect the two and understand what the relevance was. And she asked me a question or two about it. And that was it. It was a very quick exchange.[43]

You stated that you later received the draft statement from Inspection "that reflected [the interview] in a way that I thought was inaccurate."[44]

You were asked whether you believed you told SC, SSA #2, and SSA #1 that you gave authorization for the WSJ disclosure, and that their recollections to the contrary are wrong. You stated, "I'm telling you that I don't know exactly what we discussed in that May 9th meeting. But to be perfectly honest, May 9th, prior to Director []'s firing and learning of that from the AG later that evening, everything that happened prior to that moment is a little bit distant for me."[45]

You stated that you raised the issue of the inaccurate statement with SC in a later meeting and told her that you authorized Special Counsel and Assistant Director to speak to Reporter. You said that SC seemed surprised and you suggested that she coordinate with the OIG. You stated that you did not attempt to correct the statement when you received the drafts by email. You stated that you were the Acting Director at the time and were focused on that. You stated that once you got back to your Deputy Director role, you worked to resolve the outstanding issues with Inspection. You told the OIG that you did not remember when you actually looked at the draft statement but that it could have been months later.

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[40] You repeatedly told the OIG that all three Inspection Division investigators, SC, SSA #1, and SSA #2, were present. In fact, only two investigators were present during the interviews on May 9 (SC and SSA #1) and August 18 (SSA #1 and SSA #2). However, all three were present when they first interviewed you in April 2017.

[41] Andrew McCabe OIG interview, 11/29/2017, pg. 142.

[42] Andrew McCabe OIG interview, 11/29/2017, pg. 145.

[43] Andrew McCabe OIG interview, 11/29/2017, pg. 143.

[44] Andrew McCabe OIG interview, 11/29/2017, pg. 143.

[45] Andrew McCabe OIG interview, 11/29/2017, pg. 157.

FBI 18-cv-01766-1253

ANALYSIS

A. Lack of Candor – Under Oath

According to FBI Offense Code 2.6, employees are prohibited from "[k]nowingly providing false information in a verbal or written statement made under oath. This misconduct includes false statements, misrepresentations, the failure to be fully forthright, or the concealment or omission of a material fact/information."

1. Interview with OIG on July 28, 2017

During your July 28, 2017 interview under oath with the OIG, after being shown Special Counsel's October 30 text concerning having thrown PADAG "under the bus" in a forthcoming article, you falsely stated that you were not aware that Special Counsel was authorized to speak to reporters at that time. You also falsely stated that because you were out of town,you did not know where Special Counsel was or what she was doing at that time. In fact, as you later admitted, you did authorize Special Counsel to speak to Reporter for the October 30 WSJ article, and you were aware of what she was doing because you stayed in constant contact with her through texts and phone calls. Although you did not know you were going to be questioned about the WSJ article before sitting down with the OIG on July 28, the interview was voluntary and you had the opportunity to end it at any time. Instead, you provided false information.

2. Interview with OIG on November 29, 2017

I further find that you lacked candor under oath during your November 29, 2017 OIG interview when you falsely told the OIG that: (a) you told the Director on October 31, 2016, that you had authorized the disclosure to the WSJ and that the Director agreed it was a "good" idea; and (b) you did not deny to the Inspection agents on May 9 that you had authorized the disclosure to the WSJ.

As discussed below, I credit the Director's recollection of his conversation with you regarding the WSJ article on October 31, the gist of which was that you had not authorized the leak the prior day and did not know who was behind it. Accordingly, I find your statement to the OIG that you told the Director you authorized the disclosure to the WSJ and that the Director agreed it was a "good" idea is false.

Also, as discussed below, the testimony of SC and SSA #1, SSA #1's contemporaneous notes of the interview, and the draft statement prepared shortly thereafter show that you denied authorizing the disclosure in your interview with Inspection on May 9. Your statement to the contrary is false.

Based on a preponderance of the evidence, I conclude the allegation that you violated Offense Code 2.6 is substantiated.

FBI 18-cv-01766-1254

B. Lack of Candor – No Oath

According to FBI Offense Code 2.5, employees are prohibited from "[k]nowingly providing false information when making a verbal or written statement, not under oath, to a supervisor, another Bureau employee in an authoritative position, or another governmental agency, when the employee is questioned about his conduct or the conduct of another person. This misconduct includes false statements, misrepresentations, the failure to be fully forthright, or the concealment or omission of a material fact/information."

1. Meeting with the Director on October 31, 2016

You lacked candor in your conversation with the Director on October 31, 2016, when you discussed the October 30 WSJ article. The Director told the OIG, "I don't have a clear recollection, but I must have had some conversation with Andy [McCabe] about it where I took from it that he didn't do [it] and didn't authorize it."[46] When questioned further as to whether you told the Director that you authorized the disclosure, the Director stated, "No, no. Nope. In fact, likely told me the opposite. Definitely didn't tell me he authorized it and I think gave me the impression he didn't know what was going on."[47] Again, the Director later stated when asked if you told him about authorizing Special Counsel to speak to the WSJ, you said, "something like can you believe this crap? How does this stuff get out kind of thing? But I took from whatever communication we had that he wasn't involved in it..."[48] The Director stated that he did not suspect that you were the source of the disclosure based on what you told him the morning after the article came out. Although it appears that the Director never directly asked you if you authorized, or made the disclosure, your overall statements to the Director were deceptive. You owed it to the Director, your immediate supervisor and the Director of the FBI, to be forthcoming and transparent in your discussions with the Director about any matter, much less one of such significance.

The Director was concerned about leaks in general and this disclosure in particular because he was concerned it would poison the FBI's relationship with DOJ. Therefore, I do not credit your account that you told the Director that you authorized the disclosure and that the Director "did not react negatively, just kind of accepted it." Additionally, your failure to be forthright with the Director is consistent with your behavior in denying authorizing the disclosure up until you were confronted with Special Counsel's texts by the OIG on July 28, 2017. I therefore credit the Director's account.

2. Interview with INSD on May 9, 2017

SC and SSA #1 both stated that you told them on May 9, 2017, that you did not know who authorized the disclosure of the PADAG call to the WSJ. SC stated that there was no doubt

[46] Director OIG interview, 11/16/2017, pgs. 304-305.

[47] Director OIG interview, 11/16/2017, pg. 305.

[48] Director OIG interview, 11/16/2017, pgs. 314-315.

FBI 18-cv-01766-1255

in her mind that you told her that you did not authorize the disclosure to the WSJ and that you did not know who disclosed the information to the WSJ. SSA #1 stated that you told him, "[you] didn't know who gave it out. [You] didn't authorize it. [You] didn't direct anybody to give it out." SSA #1 noted that you took time to read the WSJ article and initialed it, indicating that you reviewed it. You had an opportunity to refresh your recollection of the article at issue and still gave a false answer. SC and SSA #1's accounts are consistent with each other and are corroborated by SSA #1's contemporaneous notes of the interview and the draft statement that SSA #1 prepared for your signature shortly after the interview. I credit their account of their May 9 interview and find that you lacked candor in your May 9 interview with Inspection.

Based on a preponderance of the evidence, I conclude the allegation that you violated Offense Code 2.5 is substantiated.

C. Unauthorized Disclosure

According to FBI Offense Code 4.10, without authorization, employees are prohibited from "disclosing or attempting to disclose the FBI's, or another agency's, sensitive material."

There is a general prohibition on disclosing information about an ongoing criminal investigation. Investigation #2 was especially sensitive, having, as it did, a connection to a presidential campaign. The Director declined to confirm the existence of Investigation #2 in his testimony to Congress in July 2016. When questioned by the OIG, the Director stated that nobody in the FBI was authorized to publically confirm Investigation #2. The Director considered the information contained in the October 30 WSJ article to be a disclosure of sensitive FBI information. The Director advised that the default rule is that the FBI does not discuss open investigations but would consider whether the public interest requires it. Your decision to confirm the existence of Investigation #2 through an anonymously sourced quote, recounting the content of a phone call with a DOJ Executive, was not within the public interest exception.

Based on a preponderance of the evidence, I conclude the allegation that you violated Offense Code 4.10 is substantiated.

PENALTY DETERMINATION

In proposing an appropriate penalty, I considered the 12 *Douglas* Factors, including, but not limited to, consistency with precedent, the FBI's Penalty Guidelines, prior disciplinary history, and aggravating/mitigating factors.

The investigation establishes you violated FBI Offense Code 2.6 (Lack of Candor – Under Oath). The standard penalty is dismissal. This Offense Code does not include a mitigated or aggravated range.

The investigation establishes you violated FBI Offense Code 2.5 (Lack of Candor – No Oath). The standard penalty is a 14-day suspension. Mitigating factors warrant a letter of

FBI 18-cv-01766-1256

censure to a ten-day suspension, and aggravating factors warrant a 20-day suspension to dismissal.

The investigation establishes you violated FBI Offense Code 4.10 (Unauthorized Disclosure - Sensitive Information). The standard penalty is a seven-day suspension. Mitigating factors warrant a letter of censure to a five-day suspension, and aggravating factors warrant a ten-day suspension to dismissal.

I have considered all mitigating factors supported by the record, including, but not limited to, your 21 years of remarkable FBI service and your truly outstanding performance record. At the time of the misconduct, you were facing unprecedented and unimaginable pressure and challenges. Notwithstanding all relevant and significantly mitigating factors, however, I find that dismissal is appropriate because all FBI employees know that lacking candor under oath results in dismissal and that our integrity is our brand. Without it, we are nothing. As the Deputy Director, you held the second-highest position in the FBI and are expected to comport yourself with the utmost integrity. Despite this, you repeatedly lacked candor with the Director of the FBI, the OIG, and the FBI's Inspection Division. Your lack of candor is incompatible with the FBI's Core Values. Based on the circumstances of this case, I propose dismissing you for your 2.6, 2.5, and 4.10 offenses.

CONCLUSION

In sum, I propose dismissing you from the rolls of the FBI. The Deputy Attorney General will make the final decision in this matter.[49]

Sincerely yours,

Candice M. Will
Assistant Director
Office of Professional Responsibility

[49] You are admonished not to discuss this matter with anyone other than OPR, the FBI's Employee Assistance Program, the FBI's Ombudsman, or an attorney who has signed the appropriate Nondisclosure Agreement. Neither you, your attorney, nor anyone acting on your behalf should contact any witness or potential witness about this inquiry without first obtaining approval from DOJ OIG or FBI OPR. In addition, you are admonished that any redacted materials or other FBI documents you review in connection with this inquiry are the property of the FBI, and you are prohibited from photocopying or removing such documents from FBI space. You may take notes concerning the content of such material, but those notes may be used only to facilitate your participation in this disciplinary inquiry and for no other purpose.

FBI 18-cv-01766-1257

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FBI 18-cv-01766-1258