

EXECUTIVE SESSION  
COMMITTEE ON THE JUDICIARY,  
JOINT WITH THE  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: JAMES COMEY

Monday, December 17, 2018

Washington, D.C.

The interview in the above matter was held in Room 2141,  
Rayburn House Office Building, commencing at 10:13 a.m.

Members Present: Representatives Goodlatte, Jordan, Gowdy,  
Ratcliffe, Johnson of Georgia, Meadows, Cummings, and Clay.

Chairman Goodlatte. All right. We'll go on the record. This is the continuation of the transcribed interview of Mr. James Comey.

And, Mr. Comey, do you understand that the questions you were asked at the beginning of the first day of interviews all still apply and that you are under oath?

Mr. Comey. Yes, sir. This is not under oath, but I have an obligation to tell the truth.

Chairman Goodlatte. Correct.

And we will, as we did with the first one, make every effort to have the transcription available tomorrow, and we'll get it out as quickly as we possibly can.

Let's go around the room and have everyone here introduce themselves. And I'm Bob Goodlatte, Member of Congress from Virginia.

Mr. Gowdy. Trey Gowdy, South Carolina.

Mr. Ratcliffe. John Ratcliffe, Texas.

Mr. Meadows. Mark Meadows, North Carolina.

Mr. Jordan. Jim Jordan, Ohio.

Chairman Goodlatte. All right. Let's get staff.

Ms. Shen. Valerie Shen, House Oversight, Democrats.

Mr. Hiller. Aaron Hiller, House Judiciary, Democrats.

Ms. Hariharan. Arya Hariharan, House Judiciary, Democrats.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, House Oversight, Democrats.

Mr. [\_\_\_\_]. [\_\_\_\_], FBI.

Mr. Ventura. Christopher Ventura, House Judiciary, Republicans.

Mr. Buddharaju. Anudeep Buddharaju, House Oversight, majority.

Mr. Castor. Steve Castor, OGR, majority.

Mr. Brebbia. Sean Brebbia, House Oversight, majority.

Ms. Green. Meghan Green, House Oversight, majority.

Mr. [\_\_\_\_]. [\_\_\_\_], FBI.

Ms. Doocy. Mary Doocy, Rep. Meadows.

Ms. Husband. Shelly Husband, House Judiciary, minority.

Mr. Breitenbach. Ryan Breitenbach, House Judiciary, majority.

Mr. Baker. Arthur Baker, House Judiciary, Republicans.

Mr. Somers. Zachary Somers, House Judiciary, Republicans.

Mr. [\_\_\_\_]. [\_\_\_\_], FBI.

Mr. [\_\_\_\_]. [\_\_\_\_], FBI OGC.

Mr. Kelley. David Kelley, Dechert LLP, on behalf of Mr. Comey.

Chairman Goodlatte. All right. We'll turn it to Mr. Gowdy.

Mr. Gowdy. Good morning, Director Comey.

I want to direct your attention to a February 8th memo from you. Do you have those memos in front of you? And if not, we'll get you a copy.

Mr. Comey. Thank you.

Mr. Gowdy. I believe that memo starts, "I went to the White House today for a 4 p.m. meet and greet," if that helps you.

Mr. Comey. I see it, yeah. I have it in front of me.

Mr. Gowdy. All right. Will you flip to the next page? Do you see where the first paragraph, first sentence: "He then asked me if this was a 'private conversation'"?

Mr. Comey. I see that.

Mr. Gowdy. And do you see, "I replied it was"?

Mr. Comey. I see that, yes.

Mr. Gowdy. What did you mean by "it was"?

Mr. Comey. That the two of us were speaking together alone, that there was nobody else participating in the conversation.

Mr. Gowdy. So by "private" you meant that there was nobody else in the room?

Mr. Comey. I think that's what he was asking and that's what I was replying, as best I recall, that it was just the two of us in the room, it wasn't being recorded, there was nobody else involved in the conversation.

Mr. Gowdy. So you didn't take "private" to mean confidential, that this is just between us?

Mr. Comey. That's a good question. Let me think about it for a second.

I think I took it as, is this just the two of us in this conversation?

Mr. Gowdy. But that would've been readily apparent to both

of y'all, that you were the only two in the room, wouldn't it?

Mr. Comey. Yeah, I guess that's right. That's why I'm hesitating. But, yeah, I think that's what I meant when I said this. He asked if it was a private conversation, which I took to mean is it the two of us having this conversation. I said, yes, that it was.

Mr. Gowdy. So you did not take from that any implicit confidentiality, that this is just between us?

Mr. Comey. Yeah, I don't think so. I'm hesitating because it's possible, but I don't think so.

Mr. Gowdy. Well, it strikes me the options are that it was private and that you were the only two in the room, which both of you already knew, which begs the question why he had to say it and you had to agree to it, or "private" means just between us.

Mr. Comey. Yeah, that would ask me you're asking me to try to tell you what was in his head. I don't know.

Mr. Gowdy. Well, shortly after that meeting concluded, did you memorialize that conversation?

Mr. Comey. I did.

Mr. Gowdy. And to whom, if anyone, did you share or distribute the memo?

Mr. Comey. Sometime shortly after I wrote it, I shared it with the senior leadership team of the FBI.

Mr. Gowdy. Pardon me. Could you say that again?

Mr. Comey. Shortly after I wrote it I'm looking if I put

a time on it. Shortly after I wrote it, I shared it with the senior leadership team of the FBI.

Mr. Gowdy. Would that include Andy McCabe, Jim Baker, and Jim Rybicki?

Mr. Comey. Yes.

Mr. Gowdy. Anyone else?

Mr. Comey. Possibly the head of the National Security Branch at the FBI, possibly the head of the Counterintelligence Division of the FBI.

Mr. Gowdy. When President Obama gave his "60 Minutes" interview in October of 2015 and remarked, in the midst of your Clinton investigation, that Clinton merely committed a mistake and lacked the intent to harm national security, did you address that with him personally?

Mr. Comey. I did not.

Mr. Gowdy. Did you send word through Attorney General Loretta Lynch that it is not appropriate for the head of the executive branch to comment on a pending investigation?

Mr. Comey. I did not.

Mr. Gowdy. How did you communicate to the White House that commenting on an ongoing investigation is not appropriate?

Mr. Comey. I don't recall that I did in connection with that statement by the President.

Mr. Gowdy. President Obama said of her email arrangement, "I don't think it posed a national security problem." How would he

have known that at the time?

Mr. Comey. I can't answer that question.

Mr. Gowdy. He also said, "This is not a situation in which America's national security was endangered." How would he have known that at the time?

Mr. Comey. Same answer. I can't answer that for him.

Mr. Gowdy. Did President Obama know that his emails were among those found in her emails?

Mr. Comey. I can't answer that.

Mr. Gowdy. Do you know when the President learned that some of his emails were among those found in her emails?

Mr. Comey. I can't answer that, and I don't know.

Mr. Gowdy. You never had a conversation with him about it?

Mr. Comey. No.

Mr. Gowdy. Never directed anyone at the Bureau to tell him?

Mr. Comey. No.

Mr. Gowdy. About David Petraeus, President Obama said, "I have no evidence at this point, from what I've seen, that classified information was disclosed that in any way would have a negative impact on our national security."

Do you know what evidence he would've seen at that point?

Mr. Comey. I don't. And I don't remember him saying that about Petraeus.

Mr. Gowdy. Did you brief the President on the Petraeus investigation?

Mr. Comey. No.

Mr. Gowdy. Did anyone at the FBI?

Mr. Comey. Not to my knowledge.

Mr. Gowdy. President Obama said Mrs. Clinton had not tried to, quote, "hide anything or squirrel away information." Do you know how he knew that?

Mr. Comey. I don't.

Mr. Gowdy. In fact, were all of her emails located?

Mr. Comey. You have to clarify that, Mr. Gowdy. "All of her emails," meaning what?

Mr. Gowdy. Any one that she would have generated during the time period that she was Secretary of State that possibly could've involved public record.

Mr. Comey. I don't know.

Mr. Gowdy. Well, were any destroyed?

Mr. Comey. Yes, by her

Mr. Gowdy. Then, if they were destroyed, they weren't located. I'm not trying to ask you a trick question. If they were destroyed, they weren't located.

Mr. Comey. Well, that's one of the reasons I'm hesitating, is there were emails that, by her account, were destroyed. We found a lot of emails, including after late October. Whether those that we found were the same as that which had been destroyed is impossible to answer.

Mr. Gowdy. When President Trump asked you to see your way to



letting the Flynn matter go, was it just you and him in the room?

Mr. Comey. Before I answer that, sir, my understanding is you were going to ask questions about decisions made in 2016, and that conversation occurred in February of 2017.

Mr. Gowdy. Director Comey, I understand when it occurred. We're looking at decisions made and not made in 2016 and 2017.

Mr. Comey. Okay.

Mr. Gowdy. So, when President Trump asked you to see your way clear to letting the Flynn matter go, was it just you and him in the room?

Mr. Comey. Yes.

Mr. Gowdy. So no one at the FBI knew, except you, that that comment had been made.

Mr. Comey. At the time it was made, correct.

Mr. Gowdy. All right. You decided to share it with others.

Mr. Comey. Correct.

Mr. Gowdy. Okay. So it was a conversation that only you it was a comment only you heard. I think your previous testimony was it had

[Discussion off the record.]

Mr. Comey. Sorry. Go ahead.

Mr. Gowdy. I think your previous testimony was it did not impact any decisions you made or cause you to not make decisions. Did I recall that correctly from your last time?

Mr. Comey. I think that's a fair summary of my testimony

from a week or so ago.

Mr. Gowdy. All right. So you're the only one that heard it, it had no impact on you, and you chose to share it.

Mr. Comey. Those three things are true. Implicit in your question is some connection among the three. I'm just agreeing those three things are true.

Mr. Gowdy. Okay.

Mr. Comey. It didn't have an impact on the investigation. I heard it I was the only one in the room besides the President. And I briefed the senior leadership team of the FBI.

Mr. Gowdy. What I'm trying to do, Director Comey, is contrast well, we'll do it this way. I'll ask you, when any of the comments were uttered by President Obama on either of the investigations we just went over, Petraeus or Hillary Clinton, they were public comments. Did you also gather your senior staff around to make sure that those comments did not impact any decisions they made?

Mr. Comey. I don't recall ever gathering them to discuss let me back up for a second. I don't recall talking to my senior staff about whether President Obama was going to have an impact on our investigations. I don't.

Mr. Gowdy. Can you understand my curiosity why you would publish a private comment to make sure it did not impact them but not take up a public comment to make sure it did not impact them?

Mr. Kelley. Is that a question?

Mr. Gowdy. Yes.

Mr. Comey. The public comments, because they were widely broadcast, were ones that were apparent to the senior leadership team of the FBI. If I didn't tell the senior leadership team of the FBI about my conversation with President Trump, they wouldn't otherwise know and couldn't help me figure out what to do with what was potential obstruction of justice.

Mr. Gowdy. All right. Well, let's get into that then.

After he asked you if it was a private conversation and you said it was, what did he ask you about? What was his specific question? Do you recall?

Mr. Comey. The "he" you're talking about is Reince Priebus? We're back on the February 8th

Mr. Gowdy. Back to the February 8 memo. Right after he said is this a private conversation and you said it was, what was the next issue he broached with you?

Mr. Comey. He said he wanted I'm reading from the top of my own memo, second page. He said he wanted to ask me a question and I could decide whether it was appropriate to answer. He then asked, do you have a FISA order on Mike Flynn?

Mr. Gowdy. All right. And did you answer it, or did you tell him it was inappropriate for him to ask?

Mr. Comey. In a way, both. I paused and said that I would answer here but this illustrated the kind of question that had to be asked and answered through established channels. And then I

answered his question.

Mr. Gowdy. So it is possible that a question be properly asked but it needs to go a different route. And I assume by that you meant White House Counsel needs to ask the Attorney General and then it filtered down to you?

Mr. Comey. I'm sorry. I'm not following your question, Mr. Gowdy.

Mr. Gowdy. I'm assuming that there is a category of questions that it is permissible or okay to ask but it has to be asked in a different route, through a different mechanism.

Mr. Comey. In general, yes, that there are norms and traditions and policies that guide communications. And I was trying to help him understand some of those here.

Mr. Gowdy. Does the President have the ability to end an investigation?

Mr. Comey. That's a legal question, Mr. Gowdy, I don't think I'm qualified to answer.

Mr. Gowdy. Oh, Director Comey, you've had a distinguished career in the Southern District of New York, you've worked for the Department of Justice, you've headed the world's premier law enforcement agency. You're plenty a good enough lawyer to take a crack at whether or not the Chief Executive can end an investigation.

Let me do it this way. If you don't feel comfortable, what does the word "plenary" mean?

Mr. Comey. What does the word "plenary" mean?

Mr. Gowdy. "Plenary." To say the pardon powers are plenary, what does it mean?

Mr. Comey. Yeah, I'm not expert enough to give you an expert answer on that. And as to your go ahead.

Mr. Gowdy. Do you disagree with the following?

"The Presidential pardon power extends to every offense known to the law and may be exercised at any time after its commission, either before legal proceedings are taken or during their pendency or after conviction and judgment."

Do you take exception to what I just read?

Mr. Comey. I don't think it's appropriate for me to comment on what you just read.

Mr. Gowdy. Director Comey, have you ever discussed the President's conduct in terms of either obstruction of justice or potential obstruction of justice? In any interview, have you ever discussed his comments through that lens, through that prism?

Mr. Comey. Yeah, I need you to focus the question, obviously. Do you mean when I was FBI Director did I speak to the FBI leadership team?

Mr. Gowdy. I mean any interviews in the last couple of weeks.

Mr. Comey. Oh, I've been asked many times do I think the President was guilty of obstruction of justice.

Mr. Gowdy. And my question to you is, can a President end an

investigation?

Mr. Comey. And I think that calls for a legal conclusion, a constitutional legal judgment that I'm not qualified to make.

Mr. Gowdy. Does the President have the ability to end a prosecution?

Mr. Comey. It's the same question, I think, so my answer is the same.

Mr. Gowdy. Well, Director Comey, does the pardon power only extend after a conviction?

Mr. Comey. I'm not expert enough to answer that question.

Mr. Gowdy. Was the President part of your Michael Flynn investigation?

Mr. Comey. I don't know what you mean by that.

Mr. Gowdy. Well, when two agents went over to interview Michael Flynn at the White House, was the we'll do it this way. Why did they go interview Michael Flynn?

Mr. Comey. Because they were directed to.

Mr. Gowdy. I know. By you. For what purpose?

Mr. Comey. To see if they could, by interviewing Mr. Flynn, gain an understanding about why the Vice President was making statements that purported to repeat statements he had made that were false.

Mr. Gowdy. You knew what the Vice President was saying was false, right?

Mr. Comey. Correct.

Mr. Gowdy. Had Michael Flynn ever repeated that he had never spoken to the Russian Ambassador or, if so, limited the scope of conduct to something you knew not to be true?

Mr. Comey. I'm sorry, sir. I don't understand that question.

Mr. Gowdy. Had Michael Flynn ever publicly said that he had not talked to the Russian Ambassador or limited the scope of that conversation in a way such that you knew to not be true?

Mr. Comey. I don't believe Mr. Flynn made any public comments about his interactions with the Russians certainly before the agents interviewed him on January 24th.

Mr. Gowdy. What is the Logan Act?

Mr. Comey. It's a criminal statute that, as I understand it, in general, prohibits private citizens from engaging in negotiations with foreign powers on behalf of the United States Government.

Mr. Gowdy. How many times has it been prosecuted in our country's jurisprudence?

Mr. Comey. I don't know. I have some recollection that there were prosecutions 100 years ago or something like that, but that's about all I recall.

Mr. Gowdy. Any successful prosecutions?

Mr. Comey. I don't know one way or the other.

Mr. Gowdy. So, again, I'm trying to understand. It is not the FBI's job, unless I'm mistaken, to correct false statements

that political figures say to one another. So why did you send two Bureau agents to interview Michael Flynn?

Mr. Comey. Because one of the FBI's jobs is to understand the efforts of foreign adversaries to influence, coerce, corrupt the Government of the United States. So they were sent there as part of that counterintelligence mission to try and understand why it appeared to be the case that the National Security Advisor was making false statements about his conversations with the Russians to the Vice President of the United States.

Mr. Gowdy. Had Michael Flynn previously been under investigation by the Bureau?

Mr. Comey. I can't answer that.

Mr. Gowdy. Why not?

Mr. Comey. Because I don't believe that the Bureau has ever publicly confirmed what Americans were under investigation, counterintelligence investigation, connected to the Trump campaign.

Mr. Gowdy. Well, he's pled guilty, right? Hasn't been sentenced yet, but he's pled guilty.

Mr. Comey. Yes.

Mr. Gowdy. Pled to making a false statement.

Mr. Comey. I've seen that, yes.

Mr. Gowdy. All right. Didn't plead to conspiracy, coordination, collusion with Russia.

Mr. Comey. Not to my understanding.



Mr. Gowdy. Right. Was Michael Flynn under investigation for his ties with Russia at the time you sent the Bureau agents over to interview him?

Mr. Comey. I think I'm obligated to give you the same answer. I can't comment on that.

Mr. Gowdy. And the reason you can't comment is why?

Mr. Comey. Again, there are FBI lawyers here who will tell me if I'm wrong, but I do not believe the United States Government has ever publicly confirmed what Americans were the subjects of counterintelligence investigations prior to that date.

Mr. Gowdy. Well, you said four Americans. You've said that before. Correct?

Mr. Comey. Sure. That fact is public.

Mr. Gowdy. Right. So it's four Americans. You just testified that one of the Bureau's missions is to find out whether or not people are working in concert with foreign nations?

Mr. Comey. Correct.

Mr. Gowdy. Is that why the agents went to interview Michael Flynn, to find out whether or not he was working on behalf of the Russian state?

Mr. Comey. I'd give you the same answer I gave before. The agents went to interview Flynn to try and understand why the National Security Advisor was making false statements to the Vice President of the United States about his interactions with the Russians during the transition.

Mr. Gowdy. What questions did you what two Bureau agents did you send?

Mr. Comey. Only one of them has been identified publicly, so I can do that. Peter Strzok was one of the two. The other was a career counterintelligence agent.

Mr. Gowdy. And what questions did they ask related to Flynn's relationship with Russia?

Mr. Comey. I don't know the answer to that.

Mr. Gowdy. The Bureau knew that Michael Flynn was not telling the truth. You knew that before you sent the agents over there, right?

Mr. Comey. No, I didn't know that.

Mr. Gowdy. What did you know?

Mr. Comey. I knew certain classified facts about the nature of his interactions with the Russians. I knew that the Vice President was making statements that he attributed to conversations he'd had with Mr. Flynn that were starkly at odds with those classified facts.

Mr. Gowdy. You had the option of going to the Vice President and telling him that you knew for a fact what he was being told by General Flynn was not correct. That was one option, wasn't it?

Mr. Comey. I'm not going to answer a hypothetical. We didn't do that.

Mr. Gowdy. I know you didn't, Director Comey, but it's not unfair to ask what your options were. If you're concerned that

someone is lying to the Vice President, one of your options is to go tell the Vice President, "Someone's lying to you."

Mr. Comey. Before interviewing the person who might be doing the lying?

Mr. Gowdy. Sure.

Mr. Comey. Sure, I suppose that's an option. I don't think it's one a reasonable investigator would take, but it's an option.

Mr. Gowdy. Did Mr. Flynn have the right to have counsel present during that interview?

Mr. Comey. No.

Mr. Gowdy. What was the policy the Bureau followed with other administrations if you wanted to interview an employee of that administration?

Mr. Comey. I don't know that there was a policy. My understanding was the normal practice was to coordinate an interview through the White House Counsel's Office.

Mr. Gowdy. Recently and I want to make sure I get your words right. Tell me if this fairly captures what you said in response to a question.

Mr. Kelley. Do you have a page cite?

Mr. Gowdy. No. It's an interview he gave last week.

Mr. Kelley. Do you have a copy of it?

Mr. Gowdy. No, but I'm happy to why don't I ask him if he recognizes it first, and if he wants a copy of it, I'm happy to give him one.

Mr. Kelley. He usually needs it to read along, but go ahead.

Mr. Gowdy. Well, if he needs it, Mr. Kelley, I'll be happy to give it to him. I'm not trying to trick him. But he said it, and there's a chance he may remember it.

"Something we, I, probably wouldn't have done or maybe gotten away with in a more organized investigation, a more organized administration."

Mr. Comey. Yeah, I remember saying that.

Mr. Gowdy. All right. What did you mean by "gotten away with"?

Mr. Comey. As I said, I don't think there were policies or rules I could be wrong, but I don't think so in prior administrations, but there were norms and practices, that, in a more established environment, there would've been an expectation that the FBI would coordinate the interview through White House Counsel.

Mr. Gowdy. I understand that. I'm just kind of hung up on the phrase "gotten away with."

Mr. Comey. Well, that there would've been that there wouldn't have been an opportunity to call Mr. Flynn and ask him to sit and talk to him, that, in an administration where the rhythm of the context between the FBI and the White House was more established, there would've been a strong expectation that we coordinate it through White House Counsel instead of calling the National Security Advisor directly. That's what I meant by it.

Again, I'd never worked in a transition time before, but my understanding was that, in a more established administrative environment, you wouldn't get away with just calling the witness and saying, "Can we come and talk to you?"

Mr. Gowdy. And you followed the protocol with Presidents Bush and President Obama?

Mr. Comey. I don't remember having occasion like this with either of those Presidents.

Mr. Gowdy. Why not advise General Flynn of the consequences of making false statements to the FBI?

Mr. Comey. Two reasons, really.

First, the Deputy Director called him, told him what the subject matter was, told him he was welcome to have a representative from White House Counsel there. So he knew what he was going to be asked about. He was an extraordinarily experienced person and so reasonably should be assumed to understand you can't lie to the FBI.

Second, it's not protocol. The FBI does not do that in noncustodial interviews.

And, third, you want to find out what the witness will say to you before you heat up an interview by raising the prospect that the witness might be lying to you.

Mr. Gowdy. All right. So you knew what he said before you interviewed him.

Mr. Comey. I don't understand that question.

Mr. Gowdy. You knew exactly what General Flynn had said to the Russian Ambassador before you interviewed him.

Mr. Comey. Yes.

Mr. Gowdy. Exactly what was said.

Mr. Comey. Well, I'm only hesitating because I don't know what I don't know, but we understood clearly the nature and extent of a variety of communications, telephonic, between Mr. Flynn and the Russian Ambassador.

I'm only hesitating because, if there were other communications, other phones, other means of communication, we wouldn't know that. But we had clear transcripts of the conversations that we had.

Mr. Gowdy. So if there were calls between Flynn and the Russian Ambassador that were missed, I don't think anybody expects you to know the contents of those calls. But the call in question, you knew exactly what was said.

Mr. Comey. Yes.

Mr. Gowdy. And General Flynn asked specifically whether or not he needed an attorney present, and what was the FBI's response?

Mr. Comey. I don't remember that he asked that question. I believe the Deputy Director volunteered to him that you are welcome to have somebody present from the White House Counsel's Office. And I think he said, in substance, there'd be no need for that.

Mr. Gowdy. And you don't think that's because Flynn asked; you think that's because McCabe just volunteered? "You can have someone, but it will slow up the process."

Mr. Comey. My recollection could be wrong, of course, but my recollection is that the Deputy Director offered it to him and did not add that bit about slowing the process, but said, "If you wish to, you can have somebody there from the White House Counsel's Office."

Mr. Gowdy. All right. So we have two agents that you personally sent to interview General Flynn. You knew exactly what he had said. There was no counsel present. The Bureau did not go through White House Counsel when he was not advised ahead of time of the consequences of making a false statement to the FBI.

Mr. Comey. I'm hesitating, Mr. Gowdy, just because it's a question with a bunch of different pieces. I have to take issue with one at the beginning. It may seem a small thing, but I didn't personally send the agents. I didn't know what agents would go. I wanted Flynn interviewed as soon as possible.

Mr. Gowdy. Well, Director Comey, I'm trying to come to grips with what this three word sentence means: "I sent them." What does that sentence mean to you when it's uttered by you?

Mr. Comey. Yeah, it means I wanted Flynn interviewed, which is why agents went and interviewed him at the White House. I took your question to mean that I knew the identity of the agents who were going to go. I didn't want to leave you with that

impression.

The agents went to interview Flynn because I said I want Flynn interviewed, I want him interviewed as soon as possible.

Mr. Gowdy. I'd be shocked if you handpicked the agents, Director Comey. My point was you sent them.

You knew that there was a different protocol with the Bush and the Obama administrations. You had the option of calling Don McGahn, but you decided not to do so. Either Flynn asked whether he should have a lawyer present or Andy McCabe told him it would slow him down, one or the other. And he was not advised of the consequences of making a false statement before he was interviewed.

Is all of that accurate?

Mr. Comey. No, your question's not accurate.

Mr. Gowdy. What part is inaccurate?

Mr. Comey. Well, probably a bunch, but I'll take one.

Implicit in your question was your assertion that there were two states of the world: either Flynn asked for a lawyer and was told something or was told something else. Neither of those is consistent with my recollection.

My recollection is the Deputy Director said, "If you wish to have someone there from White House Counsel, you're welcome to." I don't remember that he added "it'll slow down the process" or anything like that.

Mr. Gowdy. Well, are you familiar with Andy McCabe's memo?



Are you familiar with what he filed with the court?

Mr. Comey. Generally, yes. I haven't read it. I read press accounts of it.

Mr. Gowdy. Well, how about we get a copy of that for Director Comey so we can be working off of the same piece of paper.

While we're waiting on them to get you that document, Director Comey, how about I take that phrase out and simply insert that McCabe said, "If you have a lawyer present, we'll need to involve the Department of Justice"? Do you recall that?

Mr. Comey. I don't. He could have, but I don't recall that as I sit here.

Mr. Gowdy. Jimmy, I'm going to let you go, so we don't have to wait on this document to get here.

Mr. Jordan. Director, in the conversations that you'd had between Mr. Flynn and the Russian Ambassador, was there anything wrong in those conversations, anything said that was not appropriate, anything wrong, anything that caused you to be caused him to be under investigation just based on what he said in those conversations?

Mr. Comey. I'm pausing, Mr. Jordan, because I don't I guess I have two concerns. One is, I don't know whether the conversations I think they're still classified, the contents of those conversations. I haven't seen them in a long, long time, so I don't think I can answer that question.

Mr. Jordan. To Mr. Gowdy's question, you asked the reason you went to interview General Flynn was because statements made by the Vice President contradicted what you knew that he had said in he, Flynn had said in conversations with Ambassador Kislyak.

And all I'm asking is, was that the only reason you went to him, or was there other things that were said in his conversations with Mr. Kislyak that caused you concern and you wanted to go talk to him?

Mr. Comey. The Vice President had said that the National Security Advisor had told the Vice President that the subject of sanctions never came up in General Flynn's conversations with the Russians. That's my memory of what the Vice President said. We knew that was not true.

Mr. Jordan. You knew that sanctions had come up in the conversation.

Mr. Comey. Correct.

Mr. Jordan. But that, in and of itself, is not a problem.

Mr. Comey. Is not

Mr. Jordan. The fact that the Vice President or, excuse me, the fact that incoming National Security Advisor talks with at this time, he could've already been National Security Advisor, but incoming National Security Advisor talks with the Russian Ambassador about sanctions, that's not a problem. Your concern was that the Vice President was reporting publicly or

saying publicly that Flynn had not talked about that because Flynn had told him that.

Mr. Comey. Our concern was and Mr. Gowdy asked me about the Logan Act. That was not my focus, as I recall, at the time; that I gather there was a statute that prohibited private citizens and all that but that it wasn't something that had been prosecuted in 100 years, and so that was not our focus.

Our focus was it appeared that the National Security Advisor was lying to the Vice President about his communications with the Russians, and that made no sense to us, and we wanted to understand what is happening here.

Mr. Jordan. But my point is you knew his conversation you knew what his conversation was with the Russian Ambassador. And I'm asking, on its face, was there anything in that conversation that was wrong?

Mr. Comey. And I hesitate only with "wrong." I think a Department of Justice prosecutor might say, on its face, it was problematic under the Logan Act because of private citizens negotiating and all that business. That was not my focus at the time, as I recall.

Mr. Jordan. The day before you sent two agents over to interview General Flynn, there's a story in The Washington Post.

Maybe we can give the Director a copy of that story. Can we get a copy of that?

And I just want to read the first sentence in the story.

"The FBI in late December" well, I'll let you get a copy, if we've got one.

Do we have a copy of that? It's right here? Okay.

Let me just read it, Director.

"The FBI in late December reviewed intercepts of communications between the Russian Ambassador to the United States and retired General Mike Flynn, the National Security Advisor to then President elect Trump, but has not found any evidence of wrongdoing or illicit ties to the Russian Government, U.S. officials said."

And all I'm asking is, is that accurate?

Mr. Comey. Can I look at the article, Mr. Jordan?

Mr. Jordan. I'm sorry.

Mr. Comey. Yeah, I don't think I can answer that question, Mr. Jordan, because the answer calls for classified information.

Mr. Jordan. It "has not found any evidence of wrongdoing or illicit ties to the Russian Government exist." You can't say whether that's accurate or not?

Mr. Comey. I can't.

Mr. Jordan. Okay.

And then later down, the fourth paragraph, the paragraph that begins "Although Flynn's contacts with Russian Ambassador Kislyak," after the comma, it says, "Flynn himself is not the active target of an investigation, U.S. officials said."

Is that accurate?

Mr. Comey. I can't answer that.

Mr. Jordan. Okay.

I want to go back to memo No. 1, if we could get your first memo to

Mr. Comey. The February 8th one?

Mr. Jordan. No. I want to go back to the very first one that you did on the January 6th meeting up in excuse me, January 7th meeting in New York. Friday, the 6th, you meet. The memo is actually dated the 7th. Do you have that one?

Mr. Comey. Yes. It's in sorry.

Mr. Jordan. Okay. Who all went with you, again, to New York to brief the President elect?

Mr. Comey. I went literally by myself because I was doing other FBI business. But we met at Trump Tower with the Director of the CIA, the Director of the NSA, and the Director of National Intelligence, and a bunch of security folks, obviously.

Mr. Jordan. So just tell me, though, the head of the CIA tell me refresh my memory who everyone is again. Who's CIA?

Mr. Comey. John Brennan was then the Director of CIA. Michael Rogers was then the Director of the NSA. And Jim Clapper was the Director of National Intelligence.

Mr. Jordan. So Mr. Clapper was with you?

Mr. Comey. I'm sorry, sir?

Mr. Jordan. Mr. Clapper was there in New York?

Mr. Comey. Correct.

Mr. Jordan. Okay. And you guys, had you talked before? Because, in this memo, you said, "Clapper wanted me to speak to the President elect." So had you talked before this and kind of choreographed how the meeting was going to go and who was going to do what?

Mr. Comey. Yes. And we had briefed here on Capitol Hill that morning to the so called Gang of Eight and the day before to President Obama and his senior national security team. So we'd done the briefing twice already.

And then General Clapper, who was the leader of the team, had explained to me how it was going to go at Trump Tower.

Mr. Jordan. Okay. So you kind of orchestrated and choreographed how it was going to go at Trump Tower.

What did you brief the President on exactly?

Mr. Comey. There were two parts to this conversation. The second part was just the President elect and I alone. The first part was the Director of National Intelligence reporting to him, Mr. Trump, and his team the results of the intelligence community assessment that we had briefed here on the Hill that morning and the President the then current President the night before.

Mr. Jordan. In that first part was there anything in that first part about the dossier?

Well, let me ask it this way. Was the dossier only briefed in the second part with you and the President elect, just the two

of you? Was that the only time the dossier was brought up in that briefing?

Mr. Comey. I just want to confirm that you mean the so called Steele dossier by that term?

Mr. Jordan. Yes, the dossier.

Mr. Comey. Yeah. I don't the reason I'm hesitating is there was a portion of the Steele reporting that was the subject of my private meeting with the President elect during the prior session. I don't know whether any of the Steele materials were referenced there.

And the reason I'm hesitating, Mr. Jordan, is there was a reference to the materials in part of the written report, the intelligence community assessment that General Clapper left with the President elect.

Mr. Jordan. That's where I wanted to go. So the dossier you don't think was talked in the general talked about in the bigger, larger, general briefing, but a portion of it was discussed when you met with the President elect alone.

Mr. Comey. That's correct.

Mr. Jordan. And the portion was the salacious part about the Russian hotel.

Mr. Comey. Correct, the

Mr. Jordan. Okay.

Mr. Comey. stuff about the alleged stuff about the prostitutes.

Mr. Jordan. Why didn't you brief the President on the entire dossier? Why just that part?

Mr. Comey. Well, that's why I'm hesitating and saying I'm not sure whether it was mentioned, I don't think it was, in the first session, but it was written about in the document that was left, the so called ICA, the intelligence community assessment.

But I don't remember General Clapper talking about reporting from the Steele reports in that first session. I could be wrong, but I don't remember it. I remember it clearly in the written document that was left but not in his oral presentation.

Mr. Jordan. Did you choose just to brief the President elect on the salacious part of the dossier, or was that something Clapper and the rest of the team had instructed you to brief the President on in just the private meeting with you and the President?

Mr. Comey. Well, ultimately, it was Clapper's call. I agreed we agreed that it made sense for me to do it and to do it privately, separately. So I don't want to make it sound like I was ordered to do it.

Mr. Jordan. So I guess what

Mr. Comey. I agreed that it made sense.

Mr. Jordan. what I'm saying is, if it was I just want to know why. Why didn't you brief him on the whole thing, talk about this dossier put together by a foreign intelligence source, we have this information? Why just the salacious part? Why not



the whole thing?

Mr. Comey. I don't think again, I could be wrong that he brought it up, but I don't think he brought it up in the first session, because it wasn't central to the conclusions of the joint intelligence community assessment. There were lots of other sources to support the conclusions, and because it wasn't important to the conclusion, I don't think he brought it up in his oral presentation.

It was brought up in my just that piece, it was brought up privately, because the goal of the private session was to alert the incoming President to this piece of it that we thought was about to become public.

Mr. Jordan. Okay.

Second page of your memo, at least the way my copy is, the third to last paragraph: I said I was I said I wasn't saying this was true, only that I wanted to let him know that it had been reported and that reports were in many hands.

Do you see that?

Mr. Comey. Yes, I do.

Mr. Jordan. Next sentence, you said: I said media like CNN had them, and they were looking for a news hook.

What is a news hook?

Mr. Comey. As I understood the term used by the press people of the FBI, it was an excuse to publish some event, some reason to say something was news.

Mr. Jordan. Could a news hook be the fact that you had actually just briefed the President elect on this material? Could that be a news hook, in and of itself?

Mr. Comey. I didn't think of it that way, but I think that when CNN or one of them ultimately reported, that was, in part, the hook they had used, that it had been briefed.

Mr. Jordan. Last sentence in that paragraph: I said that it was inflammatory stuff and that they would get killed for reporting it straight up from source report.

What did you mean by that sentence?

Mr. Comey. I think what it says: that it was salacious and unverified material that a responsible journalist wouldn't report without corroborating in some way. Reporting it straight from the source reports wouldn't be corroborating it.

Mr. Jordan. So that's what I'm not understanding, is you felt this was so important that it required a private session with you and the President elect, you only spoke of the salacious part of the dossier, but yet you also say there's no way any good reporter would print this.

But you felt it was still critical that you had to talk to the President elect about it. And I would argue you created the very news hook that you said you were concerned about.

Mr. Comey. I didn't hear a question, Mr. Jordan.

Mr. Jordan. I guess the question is, if it's so inflammatory that reporters would get killed for reporting it, why was it so

important to tell the President? Particularly when you weren't going to tell him the rest of the dossier about the rest of the dossier.

Mr. Comey. Well, I don't recall saying to him and I don't read what I wrote here immediately afterwards to say this either that it wouldn't be reported. What I mean by "killed" is they'd be severely criticized for reporting it, as I believe I forget the outfit that did it BuzzFeed, I think, was severely criticized for reporting it.

So I wasn't telling him it's not going to come out. We're warning him that it may come out.

Mr. Jordan. In this meeting, did you tell the President who had financed the dossier?

Mr. Comey. No.

Mr. Jordan. Were you concerned at all that the President might get the wrong impression, that maybe, in fact, you were you had this important information, that some way you could hold that over the President's head? Were you concerned about that? And did you convey it in such a way as to make sure he didn't go away with that impression?

Mr. Comey. I was very concerned that he might interpret it as an effort to pull a J. Edgar Hoover on him.

Mr. Jordan. And how did you convey it, then, and what did you say to make sure he understood it in the proper context, or at least the context you were trying to convey it?

Mr. Comey. By explaining to him the reason that I was doing it and explaining that it was unverified, that it wasn't something that we were investigating, and then, once the conversation, in my judgment, started to go off the rails, by then telling him we were not investigating him personally.

Mr. Jordan. Okay.

Can you go to the memo No. 2, the one that's, I think, dated the 28th, January 28th, 2017, I think recounting your conversations at dinner with the President from the day before, the 27th. And I want to go to page 4 of that.

Again, this is where Mr. Gowdy was, in some ways, earlier, but I kind of want to I just want to try to understand this.

When did the White House learn that you had actually interviewed so your conversation with the President you have dinner with the President on the 27th of January. The 24th is the day 3 days earlier is when Mr. Flynn is interviewed by two agents.

When did the White House actually then learn that General Flynn had been interviewed by the FBI?

Mr. Comey. I don't know. It's hard because I don't know what you mean by "the White House." My recollection is that the Deputy Attorney General went over on the 25th and, I think, on the 26th and spoke to the White House Counsel. My recollection is that this that he had been interviewed came up then. But I don't know whether people knew about it the day we interviewed

him, people besides General Flynn.

Mr. Jordan. Did the President know?

Mr. Comey. I don't know.

Mr. Jordan. In the next to last paragraph, last sentence, you said, "I did not comment at any point during this topic" and the topic is about General Flynn "and there was no mention or acknowledgment of any FBI interest in or contact with General Flynn."

Tell me what that sentence means there.

Mr. Comey. Say again, sir?

Mr. Jordan. That last sentence you wrote, what do you mean in that sentence? What are you talking about?

Mr. Comey. Exactly what I said here, that at no time during the dinner was there a reference, allusion, mention by either of us about the FBI having contact with General Flynn or being interested in General Flynn investigatively.

Mr. Jordan. That was what I wanted to know. So this is not just referring to the President didn't bring it up. You didn't bring it up either.

Mr. Comey. Correct, neither of us brought it up or alluded to it.

Mr. Jordan. Why not? He's talking about General Flynn. You had just interviewed him 3 days earlier and discovered that he was lying to the Vice President, knew he was lying to the Vice President, and, based on what we've heard of late, that he lied to

your agents. Why not tell his boss, why not tell the head of the executive branch, why not tell the President of the United States, "Hey, your National Security Advisor just lied to us 3 days ago"?

Mr. Comey. Because we had an open investigation, and there would be no reason or a need to tell the President about it.

Mr. Jordan. Really?

Mr. Comey. Really.

Mr. Jordan. You wouldn't tell the President of the United States that his National Security Advisor wasn't being square with the FBI?

Mr. Comey. I wouldn't until our investigation I certainly wouldn't consider it while the investigation was open.

Mr. Jordan. I mean, but this is not just any investigation, it seems to me, Director. This is a top advisor to the Commander in Chief. And you guys, based on what we've heard, felt that he wasn't being honest with the Vice President and wasn't honest with two of your agents. And just 3 days later, you're meeting with the President, and, oh, by the way, the conversation is about General Flynn. And you don't tell the President anything?

Mr. Comey. I did not.

Mr. Jordan. Okay.

Mr. Meadows. So, Director Comey, let me make sure I understand this. You were so concerned that Michael Flynn may have lied or did lie to the Vice President of the United States, but that once you got that confirmed, that he had told a

falsehood, you didn't believe that it was appropriate to tell the President of the United States that there was no national security risk where you would actually convey that to the President of the United States? Is that your testimony?

Mr. Comey. That is correct. We had an

Mr. Meadows. I just find that

Mr. Kelley. Let him finish the answer.

Mr. Comey. We had an open investigation, criminal investigation, counterintelligence investigation. There was no way I would discuss that with the President.

Now, I was aware that the Deputy Attorney General had gone and voiced the Department of Justice's concerns about his susceptibility to blackmail at a high level to the White House.

But, during this dinner, it did not I did not and would not talk about a pending criminal investigation with the President.

Mr. Meadows. Well, was it a criminal investigation at that point or a counterintelligence investigation?

Mr. Comey. It was both. Every counterintelligence investigation has, as an aspect, criminal

Mr. Meadows. It has potential criminal but it was opened as a counterintelligence investigation.

Mr. Comey. Correct.

Mr. Meadows. And so, was there a criminal investigation opened at this point?

Mr. Comey. Yes.

Mr. Jordan. I mean, Director, it just strikes me as that's, it seems to me, twice in a 3 day period where you did not inform the White House of something that seemed to be pretty important information.

I want to move on to memo No. 6, which is the 3/30/17 memo, if I could.

Mr. Comey. Okay. I have it.

Mr. Jordan. Now, Director, actually, one of the things I wanted to ask you, too, is so when I went through the memos, I think on seven different occasions you referenced the fact that you are not investigating the President. And the President is pretty clear he would love for you to have made that information public, told the American people that the President, their President, the guy they elected, wasn't under investigation.

Why didn't you do that? Why wouldn't you just tell the American people he is not under investigation?

Mr. Comey. Two reasons. First, I wouldn't do it without the approval and direction of the leadership of the Department of Justice, one. Two, saying that publicly had significant consequences, both in terms of creating a duty to correct and potentially being misleading.

Mr. Jordan. At the end of this memo, you say, "I called Acting Attorney General and relayed the substance of the above and said I was telling him so he could decide what guidance to give



me, if any," which sort of squares with what you just answered what you just said to my previous question.

What did the AG say?

Mr. Comey. I don't recall him saying anything then except "Thanks for telling me," and then my conversation with the Acting AG ended. I didn't hear back from him on the subject before the President called me again 10 or so days later.

Mr. Jordan. But from March 30th, 2017, when you write this memo until you leave the FBI a month and a half later, you never heard back from the Attorney General with an answer to your question?

I mean, that's a pretty important question. The President is seven different times in your interactions with the President, he has said, "Hey, can you let the American people know I'm not under investigation?" You said, "You know what? There's a way to do this. We're going to work through proper channels. I'm going to call Dana Boente over at Justice, and we're going to get an answer." And you do that on the 30th of March. And you're still FBI Director until May 9th, I believe. So, in that 7 week time period, no answer from the Justice Department?

Mr. Comey. To be clear, I just want to correct one thing you said, Mr. Jordan. I didn't tell the President we would get an answer. I told him that I would relay his request.

Mr. Jordan. I didn't ask

Mr. Comey. I contacted

Mr. Jordan. that, but that's fine.

Mr. Comey. After the President called back and I think it was April 11th to ask about it again, the President said when I told him I had relayed his request, the President said he would have the White House Counsel follow up directly with the Department of Justice to get an answer.

And I think my chief of staff spoke to Mr. Boente at that point to tell him that we'd gotten another call, and Mr. Boente said, in substance, "Oh, God, I was hoping that would go away." And

Mr. Jordan. Wait, wait. Say that again. Acting Attorney General Boente said what?

Mr. Comey. My recollection is he said something to the effect of, "Oh, God, I was hoping that would go away" when he was contacted the second time to say the President wanted to know the answer.

Mr. Jordan. And the second time, that contact was from you or White House Counsel?

Mr. Comey. No. I'm sorry. Maybe I'm screwing it up.

The President called me March 30th. I relayed his request to the Acting Attorney General. I didn't hear back.

The President calls me again. Again, I think it's April 11th. Says, "What did you do with what I had asked?" I told him I had given it to the Acting Attorney General. And we had a conversation where he said he understood the way to proceed

was to have the White House Counsel ask the Justice Department to get out that he wasn't under investigation.

Then we gave a heads up. I think I don't think I did it directly. I think my chief of staff did it. Called Mr. Boente and said, "The President just called. Wants to know what happened with that thing." And Mr. Boente's reaction was, in substance, "Oh, God, I was hoping that would go away."

Mr. Jordan. But that's on the 10th of April.

Mr. Comey. I think the 11th of April maybe. I could have the dates wrong.

Mr. Jordan. Okay, 10th or 11th of April. So, again, you've got another month still on the job. Nothing happened?

Mr. Comey. I don't know what happened. I don't remember any further conversations that I was involved in until I was fired on May the 9th.

Mr. Jordan. Okay.

Mr. Gowdy. Director Comey, I think your counsel has a copy of one of the exhibits to the Cohen sentencing memo that purports to be the notes of Andy McCabe. Do you see that?

Mr. Comey. I see the document dated January 24th, 2017.

Mr. Gowdy. That's right. Will you look at the last paragraph with me, kind of the sentence in the middle? "I explained that I thought the quickest way to get this done was to have a conversation between him and the agents only."

Does that change your impression of whether or not the Bureau

discouraged him from having White House Counsel or other lawyers present?

Mr. Comey. Let me just read the whole paragraph, if I could. Okay. Could you say your question again, sir?

Mr. Gowdy. Well, you and I were quibbling a little bit over whether or not you took exception to something in a serial question I asked you about whether the Bureau discouraged General Flynn from having either White House Counsel or other counsel present. And you took exception to that, and that's why I went and got the document. And I'm wondering whether or not you still take exception to that in light of what you read.

Mr. Comey. I take exception to your characterization of it as discouraging. But I'm reading Andy and I'm sure Andy this wrote this accurately, that he had said the quickest way to get this done was to have a conversation between him and the agents only.

Mr. Gowdy. All right.

Mr. Comey. So I would read it as encouraging him to meet with the agents without White House Counsel present.

Mr. Gowdy. Well, what's the next sentence?

Mr. Comey. "I further stated that if Lieutenant General Flynn wished to include anyone else in the meeting, like the White House Counsel, for instance, that I would need to involve the Department of Justice. He stated this would not be necessary."

Mr. Gowdy. Then, if you look at the first sentence, "I explained to Lieutenant General Flynn that my desire was to have two of my agents interview him as quickly, quietly, and discreetly as possible."

So you've got the Deputy Director of the FBI saying let's do this quick, it's not going to be quick if you involve other people, and you do not think that that sends the

[Discussion off the record.]

Mr. Gowdy. I'm not going to make you listen to two people at the same time.

Mr. Comey. I got it. Go ahead. Sorry.

Mr. Gowdy. You do not think that that left the impression with General Flynn that he needed to go ahead and do it without counsel involved?

Mr. Comey. I can't speak to the impression it left with General Flynn. I take these words in a memo I haven't seen before, but I take them to be accurately recounting what Andy's conversation was.

Mr. Gowdy. Why was it important to do it so quickly?

Mr. Comey. I don't know what Andy meant by "quickly." I wanted it done quickly because the best investigations are done promptly, before things sit around and people have an opportunity to take your investigation in different directions. You jump on it; you go get an interview done.

Mr. Gowdy. All right. But if

Mr. Comey. That's how I've always investigated.

Mr. Gowdy. if your goal is to get the Vice President to quit misspeaking publicly, you could have told the Vice President, "Quit saying that. It's not true."

Mr. Comey. Could have. Yeah.

Mr. Gowdy. I want you to flip over to the affidavit, if you will, from Peter Strzok, who was one of the two Bureau agents that interviewed Flynn.

Mr. Comey. I'm sorry, I don't see an affidavit.

Mr. Gowdy. Page 3. Do you see that?

Mr. Comey. I'm looking for an affidavit. I don't hold on.

Mr. Gowdy. Maybe it's a 302.

Mr. Comey. I see a 302 from an interview on 7/19/2017 of Peter Strzok.

Mr. Gowdy. I am looking at one date of August 22nd, 2017.

Mr. Comey. Okay, hold on.

I got it. I'm sorry.

Mr. Gowdy. Can you look at page 3?

Mr. Comey. Oh, I see. The write up is August 22nd; the interview is 7/19. That's what was confusing me.

I got it. Page 3.

Mr. Gowdy. All right. Second full paragraph, begins "Before the interview"?

Mr. Comey. I see that, yep.

Mr. Gowdy. "Before the interview, McCabe" redacted "and others decided the agents would not warn Flynn that it was a crime to lie during an FBI interview because they wanted Flynn to be relaxed and they were concerned that giving him the warnings might adversely affect the rapport."

You could fashion an argument, Director Comey, that the purpose of an FBI interview is not so much to establish a rapport as to get the facts and the truth.

Do you believe that warning someone that there are consequences for not telling the truth adversely affects your getting the truth?

Mr. Comey. It can, yes.

Mr. Gowdy. So you did consider warning him and decided not to.

Mr. Comey. I did not.

Mr. Gowdy. But you see that McCabe and others did.

Mr. Comey. I see this paragraph in the 302 that they had a conversation about it. I wasn't present for it, but I see that they did.

Mr. Gowdy. And they made the deliberate decision not to advise him that there were consequences for lying because they, quote, "did not want to adversely affect the rapport."

Mr. Comey. I see that. Totally reasonable, consistent with the FBI's practice in thousands of interviews.

Mr. Gowdy. Well, in our next hour, Director Comey, we are

going to go we are going to contrast the decision to not allow Michael Flynn to have an attorney, or discourage him from having one, with allowing some other folks the Bureau interviewed to have multiple attorneys in the room, including fact witnesses.

Can you see the dichotomy there, or is that an unreasonable comparison?

Mr. Comey. I'm not going to comment on that. I remember you asking me questions about that last week. I'm happy to answer them again.

Mr. Gowdy. You will not say whether or not it is an unreasonable comparison to compare allowing multiple attorneys, who are also fact witnesses, to be present during an interview but discouraging another person from having counsel present?

Mr. Comey. I'm not going to answer that in a vacuum, Mr. Gowdy. Someone who has a lawyer, and you know as an investigator that person is represented to have an interview with that person that you know to be represented is a violation of your ethical duties as a lawyer and an FBI agent. So they're totally different circumstances.

Mr. Gowdy. Is that why you went through White House Counsel for the Obama and the Bush administrations?

Mr. Comey. I didn't go through White House Counsel for the Obama

Mr. Gowdy. You've said that was the protocol.

Mr. Kelley. No, that's not what he said. He said he hasn't



had experience doing that in either the Obama or Bush administrations.

Mr. Gowdy. You said the protocol was to go through White House Counsel, correct?

Mr. Comey. That was what I understood, yes.

Mr. Gowdy. Were there any deviations from that protocol?

Mr. Comey. I don't know.

Mr. Gowdy. So it was protocol and practice to go through White House Counsel to interview administration officials under Bush and Obama.

Mr. Comey. No. My understanding was, to do an interview at the White House complex, we would arrange the FBI would arrange those interviews through the White House Counsel's Office. I never participated in one, don't know of one, but I have a recollection that's what the protocol was. Not that they would have a lawyer present, but to arrange it, they would do it through the White House Counsel.

Mr. Gowdy. There's a note that Sally Yates was very upset when she learned about the interview. Is that accurate?

Mr. Comey. Yes.

Mr. Gowdy. What was she upset about?

Mr. Comey. That I had sent the agents to do the interview without telling her.

Mr. Gowdy. Why would that upset her?

Mr. Comey. Because she had been involved in conversations

about what to do about the apparent false statements that the Vice President was making publicly and felt that she should've been consulted before agents were dispatched to interview Flynn.

Mr. Gowdy. And I think your testimony was, at least once and possibly twice, she went and met with White House Counsel after your Flynn interview?

Mr. Comey. Correct. Maybe both of the next 2 days. At least one of those 2 days.

Mr. Gowdy. And she took Mary McCord with her? Does that ring a bell?

Mr. Comey. Yeah, it rings a general bell. I think so. I'm certain she went. It rings a bell that Mary McCord went, but I can't say for certain.

Mr. Gowdy. Am I mischaracterizing prior testimony by saying that the Bureau was about to wrap up its Michael Flynn investigation at the time this conversation with the Russian Ambassador took place?

Mr. Comey. I don't think that's one I can answer. In other words, I think that calls for an answer that's still classified. And I'll consult with the FBI. If they tell me it's not, I'm happy to tell you later.

Mr. Gowdy. Okay.

[Discussion off the record.]

[11:20 a.m.]

Mr. Comey. Sorry, no luck. I can't answer that question.

Mr. Gowdy. You can't answer any part of it? You can't answer that there was an investigation of Michael Flynn? You can't answer that it was about to wrap up? Both?

Mr. Comey. Either of those.

Mr. Gowdy. Okay. A couple more questions, and then we'll cede time to our colleagues on the other side.

If President Trump had told you he was going to let Michael Flynn go, is that obstruction?

Mr. Comey. I'm not going to answer a hypothetical, Mr. Gowdy.

Mr. Gowdy. Why not?

Mr. Comey. Because I'm not. It is irresponsible to answer hypotheticals. I tried to do a lot of it last time. I will answer factual questions, but the what ifs and what abouts, I'm just not going the answer those.

Mr. Gowdy. All right. Well, let me see if we can get at it this way. From a factual standpoint, what is your understanding of the power to pardon?

Mr. Comey. I'm not qualified to answer. I mean, I know the pardon power is written in the United States Constitution. It is broad. It is sweeping. Beyond that, you would have to talk to an expert.

Mr. Gowdy. What are the limitations you're right that it

is broad and sweeping. What are the limitations?

Mr. Comey. The same answer I gave you earlier, I'm not qualified to answer that question.

Mr. Gowdy. If the President had told you he was going to talk to Jeff Sessions about letting Flynn go, would that constitute obstruction?

Mr. Comey. I'm not going to answer a hypothetical.

Mr. Gowdy. All right.

Mr. Jordan. Hey, can I get one more question real quick? Director, are there other versions of your memos, other drafts or other versions?

Mr. Comey. Not that I'm aware of. Than what you have here before me?

Mr. Jordan. Right.

Mr. Comey. Not that I'm aware of.

Mr. Jordan. When you the drafted memo I think last time we talked, you said put together a memo; you would meet with your top people, go through it, go over it. What kinds of changes were made? Were there changes made to the memo after you had had those discussions with the leadership of the FBI?

Mr. Comey. I don't remember any changes to memos after I initialed them and dated them and then shared them with the team. I don't remember any changes as a result of consultation with the team.

Mr. Jordan. Okay. Thank you.

Ms. Shen. So the time is 11:24. We're back on the record.

Director Comey, I'm Valerie Shen. I work for the Democratic staff on House Oversight, and I'm going to turn it over to Representative Clay for a few questions.

Mr. Clay. Thank you. And thank you for being here, Mr. Director. In the last round, you explained to Congressman Jordan that you did not want to tell the public that the President was not under investigation. One reason you said was that it would be potentially misleading. And what do you mean by that? Can you explain?

Mr. Comey. I was referring to a debate we had inside the FBI before I went to meet with the President on January the 6th. The FBI's general counsel had argued that although it was literally true that we didn't have an investigative file open on the President, to tell him that he wasn't under investigation was potentially misleading because, one, we were investigating people around him; and, two, that his conduct as the head of the campaign would inevitably come within the scope of the investigation.

Mr. Clay. And you also said that there would be a duty to correct. Can you explain what you meant by that?

Mr. Comey. If we told Congress or the American people or both that the President was not under investigation, that if at any point he became under investigation, which has happened in this case, as I understand it, special counsel has told Mr. Trump he is the subject of their investigation we would have an

obligation to correct the public record and announce that the President of the United States was now under investigation.

Mr. Clay. I see. I want to ask about your time at the Justice Department, and I realize that for most of your adult life you have been involved in law enforcement. Is that correct?

Mr. Comey. That's correct.

Mr. Clay. And so, specifically, when you served as Deputy Attorney General and named a special prosecutor in 2005 to investigate the Valerie Plame leak, what are the circumstances and considerations that go into naming a special counsel or special prosecutor?

Mr. Comey. I made the decision as the Acting Attorney General in late December of 2003 to appoint a special prosecutor to investigate in that circumstance for several reasons. First, we had an open criminal investigation that involved as subjects senior officials in the Bush administration, including people who worked in the White House, the Vice President's chief of staff, the chief political adviser, Mr. Rove, to President Bush and that, in order to ensure public faith and confidence that the investigation was being done in a fair, competent, and independent way, it was important that it be overseen by someone other than the political appointees at the Department.

Mr. Clay. So does the DOJ historically respect the independence and role of a special counsel, historically?

Mr. Comey. Yes.

Mr. Clay. And then who typically supervises the work of a special counsel, using your experience with the Plame investigation?

Mr. Comey. In the Plame investigation, the special counsel was given a written delegation of his authorities and his powers, and he was supervised by me as the Acting Attorney General. And that's a fairly typical arrangement. The special prosecutor will be supervised either by the Attorney General directly or the Deputy Attorney General.

Mr. Clay. And how easy would it have been for you to interfere or shut down the Plame investigation?

Mr. Comey. Well, hard to say. I suppose, in the abstract, there were delegated authorities to the special counsel who was a person of extraordinary integrity and reputation. So both for reasons of literal language of his delegation would make it difficult to interfere; and the nature and character of the individual involved would make it difficult to interfere; and then, third, the culture of the Department of Justice is powerful and wonderful, in my view, and that would make it very difficult for a leader to interfere.

Mr. Clay. So, in those instances, there are layers of checks and balances as far as someone being able to pull the plug on an investigation?

Mr. Comey. Correct. And I would add to that congressional oversight, the role of the inspector general, the oversight of the

press, lots and lots of things that, in a good way, make it hard for an executive to act in an improper way.

Mr. Clay. Thank you. To the best of your knowledge, has Deputy AG Rosenstein fairly and appropriately supervised Special Counsel Mueller's probe?

Mr. Comey. I can't answer that because I was fired on May the 9th before the special counsel was appointed.

Mr. Clay. Okay. What dangers or risks does the special counsel's office face with the forced resignation of Attorney General Sessions?

Mr. Comey. I can't answer that question, sir.

Mr. Clay. Okay. Do you have any concerns about the appointment of Matthew Whitaker to be Acting Attorney General?

Mr. Comey. I don't think I'm qualified to answer that question as a civilian.

Mr. Clay. Do you believe it is appropriate for him to replace Deputy AG Rosenstein as the day to day supervisor of the special counsel's investigation?

Mr. Comey. That's another one I can't see enough to answer responsibly from the outside.

Mr. Clay. But it would raise alarm bells if it occurred in your mind, to you, would it?

Mr. Comey. To my mind, sir, that's too much of a hypothetical for me to answer.

Mr. Clay. Okay. I understand that and respect it. Do you



know Matthew Whitaker either in a professional or personal capacity?

Mr. Comey. I know him a little bit from a professional capacity. He was a U.S. attorney in Des Moines as I recall when I was the Deputy Attorney General, so he was one of the 93 U.S. attorneys who reported to me.

Mr. Clay. Sure, sure. Okay. There is a longstanding Department of Justice policy against providing Congress information during ongoing criminal investigations, and could you briefly explain the rationale behind that policy?

Mr. Comey. What you said is consistent with my recollection that there from decades and decades, the Department has resisted complying with oversight requests relating to active investigations, and the reason is because it risks jeopardizing the investigation, chilling witnesses; leaks could hurt an investigation, lots of other things that you can't even predict. It is the reason we try to conduct investigations in private, and also to protect the person being investigated because there may not be charges brought.

Mr. Clay. And so that tell me and I know you don't like answering hypotheticals, but what damage might be caused if Congress were to obtain information in an ongoing criminal investigation and then share it with the target of that investigation?

Mr. Comey. Well, I can't answer, won't answer a

hypothetical. All I can say is that I can offer an explanation of the reason for the approach that the Justice Department has long taken. You don't want to do anything to jeopardize your ability to investigate successfully, and that means both to come to a fair conclusion and apprehend people who have done something that's wrong and not smear somebody who is not going to be charged, so any time you start sharing information with anyone, including Congress, you risk both of those objectives.

Mr. Clay. A growing concern of the minority members has been political interference of FBI matters on a wide variety of issue areas. Understanding that you were fired in the spring of 2017, I would like to go through a few topics a topic that may have arisen during your tenure.

Are you aware of President Trump, White House officials, or senior DOJ leadership meeting or communicating with the FBI agents, officials, or other personnel from the Criminal, Cyber, Or Counterintelligence Divisions? Are you aware of any of those meetings of the people I just Trump, White House officials, or senior DOJ leadership meeting or communicating?

Mr. Comey. I'm certainly not aware and don't remember any involving the President. It is a hard question to answer because I'm sure there are contacts between senior DOJ officials and FBI people in briefings, in meetings of all kinds. I think there were also as a matter of course, there were counterintelligence briefings given and cyber threat briefings given to the incoming

administration. I don't remember any of those with the President personally. So that's why it is hard for me to answer as to the rest.

Mr. Clay. And I'm concluding my questions and passing off to Mr. Johnson, but I just want to say thank you for your service to this country. I first met you when you became the FBI Director, and I appreciate what you have done in the area of law enforcement in this Nation, so thank you.

And to Mr. Johnson.

Mr. Comey. Thank you.

Mr. Johnson of Georgia. Thank you, Representative Clay.

And, Director Comey, I want to thank you for your service to the Nation throughout your many years of service. And I want to turn your attention now to confidential human sources and the public disclosure of sensitive information.

In previous testimony to Congress, FBI Director Christopher Wray explained the critical importance of protecting confidential human sources. He said, quote, "The day we can't protect human sources is the day the American people start becoming less safe," end quote. Do you agree with Director Wray?

Mr. Comey. Yes, I do.

Mr. Johnson of Georgia. Earlier this year, you tweeted, quote: The FBI's use of confidential human sources, the actual term, is tightly regulated and essential to protecting the country. Attacks on the FBI and lying about its work will do

lasting damage to our country. How will Republicans explain this to their grandchildren, end quote.

Director Comey, do you still stand by that statement?

Mr. Comey. Very much.

Mr. Johnson of Georgia. And I, too, am concerned about the impact Congress and the President will have on law enforcement's ability to use and retain confidential human sources. I would like to ask you about the politicized process through which the identities of several confidential human sources relating to the Russian collusion case have become public.

Are you concerned by Congress' demanding that law enforcement agencies disclose personal identifying information relating to confidential human sources, and if so, why?

Mr. Comey. Well, this is echoed in Director Wray's statement. It is very important that when we make a promise of confidentiality to a human being who is going to assist the United States of America, that we do everything possible to abide that promise, both so that future human beings will trust us and also so that he with don't jeopardize the life, the well being, the occupation, and the family of the person who is the source now.

Mr. Johnson of Georgia. What are you concerned about the fact that personal identifying information relating to human sources has been leaked to the public via Congress?

Mr. Comey. I don't know enough about any particulars to answer in the particular, and so I would have to give you the same

general answer: Any time there's an unauthorized disclosure of information about a confidential human source, it is deeply concerning, or should be, to all of us.

Mr. Johnson of Georgia. In your experience, can the leak of identifying details connected to a confidential source, such as the source's geographical location or the date on which that source conveyed a piece of information, create a potential security risk for a confidential human source?

Mr. Comey. Well, sir, I don't want to answer a hypothetical question. Again, protecting the location, the dates of meetings, all of the details of a confidential human source are essential to maintaining the integrity of the investigation and protecting their life, their livelihood, their family.

Mr. Johnson of Georgia. Other than the consequences that you spoke about earlier, what are the potential effects of revealing the identity of a confidential human source?

Mr. Comey. People get killed if their cooperation with the United States is revealed, whether they're gang members or representatives of adversary nations; people lose jobs; people's families are threatened; all the commonsense things you would expect to follow from being identified as someone who is cooperating with the United States Government.

Mr. Johnson of Georgia. How could disclosing the identity of a confidential human source also compromise our national security?

Mr. Comey. Well, again, I'm not even going to answer a

hypothetical question. But I can say this responsibly: When a source is cooperating in a terrorism case or an espionage case, for example, and they are revealed, there's obviously great jeopardy to them personally, but our ability as a country to defeat that terrorist threat or that counterintelligence threat is diminished, and, logically, our national security is diminished by virtue of that effect.

Mr. Johnson of Georgia. What effect could revealing a confidential human source have on the Department of Justice's ability to prosecute cases relying on information provided by human sources?

Mr. Comey. Well, as I said with respect to the national security impact, the impact on criminal cases can be direct if you lose a human being who could tell you what they saw, what they heard, what they found, but the knock on effects are more severe than that, and I know this from personal experience, that it chills your other witnesses to see a witness exposed and retaliated against, even if it doesn't happen to them, and that affects your ability to present a case to a jury that results in the conviction of a defendant.

Mr. Johnson of Georgia. Thank you. Earlier this year, the Carter Page FISA application was declassified and released by the Department of Justice, albeit in highly redacted form. Are you aware of any other FISA applications the Justice Department has declassified and publicly released?

Mr. Comey. I am not.

Mr. Johnson of Georgia. So it is fair to say that the public release of Carter Page's FISA application was unprecedented?

Mr. Comey. I believe it is the only time since the Foreign Intelligence Surveillance Act was passed in the late 1970s.

Mr. Johnson of Georgia. In your experience, how closely have FISA applications and related information been protected by the Department of Justice?

Mr. Comey. They are among the most important documents and processes the Department of Justice engages in, and they're held very, very tightly.

Mr. Johnson of Georgia. And why is that?

Mr. Comey. For several reasons. First, they are all classified, and so just the protection of classified information warrants treating them very, very carefully, but beyond that, they reveal sources and methods of intelligence investigations, whether those are terrorism cases or counterintelligence cases that, if disclosed, could blow the investigation, harm our national security, and put people's lives in danger. So it is taken very, very seriously by the Department of Justice, which obviously includes the FBI.

Mr. Johnson of Georgia. Has the Department of Justice regularly provided FISA applications to Congress, the Gang of Eight, or any other body of Congress or Congresspeople?

Mr. Comey. I am not aware of FISA documentation being shared

with Congress ever, with the exception of the FISA the FISA application you mentioned.

Mr. Johnson of Georgia. Are you concerned about the precedent set by the Department of Justice in releasing this FISA application to Members of Congress?

Mr. Comey. I can't answer that because I don't know what considerations went into it.

Mr. Johnson of Georgia. What are the national security implications of this breach of policy?

Mr. Comey. Well, I don't know I can't speak to whether it is a breach of policy because I don't know what the considerations

Mr. Johnson of Georgia. DOJ has basically had a policy of not providing the FISA applications to Congress, so breaching that policy, does it have national security implications?

Mr. Comey. Again, I'm not trying to be argumentative. I don't know whether they breached a policy or concluded that there were exceptional circumstances that warranted an exception to the policy. So I can't speak to that in particular. I was very concerned as a private citizen with a long background in this work when I saw that there had been a disclosure to Congress of a FISA application and then when portions of it were released for a number of the reasons that I have said earlier, but I can't speak to the thinking behind the disclosure.

Mr. Johnson of Georgia. Thank you. I appreciate that. Do



you share similar concerns when it comes to the leaking or declassifying of highly sensitive intelligence?

Mr. Comey. Yes. I think we as country have to be very thoughtful about how we handle and disclose classified information.

Mr. Johnson of Georgia. Could you again go over the negative effects of leaking or declassifying highly sensitive intelligence?

Mr. Comey. Well, they're similar to the ones that identify with respect to confidential human sources and FISA. It puts at risk sources and methods that are vital to protecting the United States. It affects our reputation with allied nations for our ability to protect classified information and to elicit their cooperation. It potentially jeopardizes ongoing cases, and it puts literal lives in danger of our agents, our sources, and our colleagues around the world.

Mr. Johnson of Georgia. Do you believe that publicly disclosing FISA sources and methods can cause damage to future FBI counterintelligence efforts?

Mr. Comey. Again, I'm going to resist answering a hypothetical, but I can address it by saying just what I said earlier: Any time you release information that is that relates to sources and methods, it risks jeopardizing the sources and methods in that particular investigation and chilling all future investigations.

Mr. Johnson of Georgia. And it can have a chilling effect

among the rank and file counterintelligence professionals. Is that fair to say?

Mr. Comey. I can't speak to because there's never been a circumstance well, let me back up. You're talking about leaks. Yes, leaks are discouraging to all of those who are responsible for protecting our Nation's secrets.

Mr. Johnson of Georgia. And, of course, you would agree that disclosing publicly our sources and methods help our foreign adversaries?

Mr. Comey. And I think I alluded to that earlier as one of the general reasons why you want to protect information is that if the bad guys find out how we do things, they're able to defeat us and harm our sources.

Mr. Johnson of Georgia. Thank you. With respect to the administration's evident mistrust of the intelligence community, the President has repeatedly and publicly disagreed with the conclusions of the intelligence agencies, especially if they conflict with his own personal interest. At the start of his Presidency, he openly disagreed with the assessment that Russia interfered in the 2016 election. Most recently, when confronted with the evidence that Crown Prince Mohammed bin Salman's involvement in the killing of Washington Post journalist and U.S. resident Jamal Khashoggi the President said, quote: It could very well be that the Crown Prince had knowledge of this tragic event. Maybe he did; maybe he didn't. We may never know all of the facts

surrounding the murder of Mr. Jamal Khashoggi, end quote.

In your experience, what impact do statements like these by the President of the United States have on the intelligence community?

Mr. Comey. That's very hard for me to answer because I don't know, for good reason, the intelligence that underlies the assessments that you made reference to. And so I can only answer in a general sense, which is any time the President runs down the men and women of the intelligence community, it is bad for those agencies and for our country in general, which is not to say there ought not to be healthy skepticism and back and forth between a consumer of intelligence and those providing the assessments, but when a President is openly running down the men and women who do that work, it is bad for our country.

Mr. Johnson of Georgia. The President has also revoked the security clearances of former intelligence community officials, such as former Directors John Brennan and James Clapper. The President has also publicly attacked the intelligence community with tweets, such as, quote: Intelligence agencies should never have allowed this fake news to, quote, leak, end quote, into the public. One last shot at me. Are we living in Nazi Germany, end quote.

How is the intelligence community supposed to navigate its relationship with a Commander in Chief who is openly antagonistic towards his own national security apparatus?

Mr. Comey. I honestly can't answer. I don't know how they do it. I'm glad that they continue to be committed to the safety and security of the United States, but I imagine their jobs are very difficult today.

Mr. Johnson of Georgia. Do such statements by the President undermine the country's national security efforts?

Mr. Comey. I don't think that's for me to say honestly.

Mr. Johnson of Georgia. What does it tell you about an individual or a leader when he is willing to undermine his own employees in such a public fashion?

Mr. Comey. I don't think that's one I'm qualified to answer. I can speak plenty, and you don't want me to talk about leadership in general, but the particular I'm not qualified to answer.

Mr. Johnson of Georgia. A few lines wouldn't hurt.

Mr. Comey. Yeah, I'm here

Mr. Johnson of Georgia. It is a

Mr. Comey. I'm here in a fact witness capacity, and so I have been very critical of this President's attacks on the rule of law and law enforcement and the truth, which deeply concerned me and should deeply concern all Americans, whether they're Republicans or Democrats, but I don't think this is the time for me to give you more of those speeches.

Mr. Johnson of Georgia. Well, thank you, and by my smile, I don't mean to minimize the harm that is being perpetrated.

Mr. Comey. No. No, sometimes you have got to smile, or you

would cry.

Mr. Johnson of Georgia. You're correct. I agree. As I'm sure you know, the President's former personal attorney Michael Cohen has been in the headlines quite a bit recently. I won't ask you any specific questions about his case, but I wanted to clarify for the record some of the legal and investigative processes that lend itself to this type of case. President Trump has kept up his drum beat against his former fixer. Most recently, the President's attacks were in response to Mr. Cohen's plea deal with the Special Counsel's Office in which he admitted to lying about the Trump Tower Moscow project and contact with Russian Government officials during the 2016 campaign. How dangerous is it to have a sitting President commenting on active criminal proceedings?

Mr. Comey. In general, it is deeply concerning when a President offers a view of a pending case, no matter who the President is, and because of its ability to of those comments to affect the case at hand and also to send dangerous messages about the commitment of this country to the apolitical exercise of investigative power.

Mr. Johnson of Georgia. The President followed up his attacks on Cohen to praise his political ally Roger Stone. The President tweeted, quote, "I will never testify against Trump," end quote, quoting Roger Stone in his tweet. And Trump goes on in his tweet: This statement was recently made by Roger Stone, essentially stating that he will not be forced by a rogue and

out of control prosecutor to make up lies and stories about President Trump. Nice to know that some people still have guts, end quote.

That was the President's tweet. Many have speculated that this is the President signaling to his allies to resist cooperating with Federal investigators and potentially qualifies as witness tampering. Is this the type of conduct that is consistent with what organized crime bosses do to signal to their associates not to cooperate with the government?

Mr. Comey. I can't answer that, well, because I don't think I'm qualified to in one respect, and, second, I would imagine that this conduct by the President may well be within the scope of the special counsel's investigation, so I don't want to be offering an opinion on it even if I knew. But I can say this without regard to that: I have a fair amount of experience with organized crime in general, and it is very important to organized crime leaders to try and enforce discipline within their organizations so people don't cooperate against them and assist law enforcement.

Mr. Johnson of Georgia. Do you believe that this could have been a signal that a pardon could be available to those who don't cooperate with the special counsel?

Mr. Comey. I can't answer that.

Mr. Johnson of Georgia. Okay. I have no further questions. Thank you.

Mr. Comey. Thank you, sir.

## EXAMINATION

BY MS. SHEN:

Q Hi, Director Comey. I just had a quick followup from I believe something you said the previous round, which is that it was your understanding that the special counsel told President Trump that he was the subject of his investigation. Is that correct?

A I have read in press accounts that the President or his counsel were informed that he was the subject of an investigation.

Q Okay. So that is, I understand, from press accounts, not your personal

A Again, there was no special counsel on May the 9th when I was fired, and so anything I know since then about these kind of things is from the media.

Q Okay. Thank you?

BY MS. HARIHARAN:

Q Hey, sir, I'm Arya from Judiciary Democrats. I just want to quickly touch on the social media disinformation campaign that was used by the Russians in 2016. To the best of your recollection, when did you first become aware of the threats of these disinformation campaigns on social medias and gaming platforms and what have you by Russia or another hostile foreign adversary?

A I don't think that's a question I can answer because it is a subject matter that the special counsel I have tried very

carefully not to talk about things I knew about the FBI's investigation of the Russian influence.

Q And so I apologize if this may cross that same line again. Did at any point do you recall if the social media companies involved in this at any point alerted the Bureau about the involvement of Russian nationals or the Russian Government or roughly when they alerted the Bureau?

A I would have to give you the same answer.

Q Prior to the 2016 election, was the FBI tracking these types of efforts, whether they were by the Russians or another government?

A I guess what I can say is prior so not having to do with the 2016 election, the Bureau as part of its counterintelligence missions spent a lot of time and effort trying to understand how foreign governments were trying to influence our government and our democratic processes, and so that would include trying to understand, are they using social media or other vehicles as part of that influence effort?

Q Before and leading into the 2016 election, did you believe the FBI was adequately prepared to deal with this type of threat, meaning from did the FBI have the necessary tools in place and the resources in your time as Director?

A I believe two things at the same time, which I think you have to as the leader of an organization like the FBI, that we had adequate resources, processes, and technology in place, but that



we were never good enough, and so you never want to be overconfident when it comes to adversaries as sophisticated as the ones we're up against. So, in general, yes, my sense was that we were adequately prepared, but I was never satisfied that we were good enough.

Q With the benefit of, you know, time and reflection what additional tools or resources do you think the Bureau should have that could make them more successful in this endeavor, like in fighting these types of campaigns moving forward?

A I don't think I can answer that, both because I would want to think it be much more thoughtful about it than just sitting here; and, second, surely a big part of whatever answer I would give you would be classified, and so, for that reason, I kind of have got to pass on both of those.

Ms. Hariharan. See, we would have asked you this when you were here before are the committee, but didn't know about it. I think unless you have anything.

Ms. Shen. I think we're just going to end our round for the time being and let the Republicans do their second round.

Mr. Comey. Okay. I'm going to take a quick bathroom break.

[Recess.]

Mr. Ratcliffe. Director Comey, are you good to go?

Mr. Comey. Yes, sir.

Mr. Ratcliffe. Director, I have handed to you an email dated June 28, 2016. Would you confirm for me that it appears to be an

email that was sent from Peter Strzok to your chief of staff Jim Rybicki?

Mr. Comey. I can't tell from this, Mr. Ratcliffe. I see email addresses; first looks like PP Strzok and then JE Rybicki.

Mr. Ratcliffe. Okay. Do you recognize those as being FBI email addresses for Peter Strzok and your chief of staff, Jim Rybicki?

Mr. Comey. I actually don't. I mean, I'm not trying to dispute that they are; I just don't remember that particular formulation of our email addresses.

Mr. Ratcliffe. But you don't have any reason to doubt if the Department produced these in the context of our investigation, that they are

Mr. Comey. No, no.

Mr. Ratcliffe. that it is an email exchange between Peter Strzok and Jim Rybicki?

Mr. Comey. I accept that.

Mr. Ratcliffe. Okay. And you see on there that it is time dated June the 28th of 2016 on the far left hand side?

Mr. Comey. Yeah. I see that.

Mr. Ratcliffe. All right. I'm going to read the content for the record. It says: Jim, I have the POTUS, hyphen, HRC emails D requested that's the letter D requested at the end of briefing yesterday. I hesitate to leave them. Please let me know a convenient time to drop them off.

Did I read that accurately?

Mr. Comey. You did.

Mr. Ratcliffe. Okay. Do you know whether or not POTUS HRC would be reference to the President of the United States and Hillary Rodham Clinton?

Mr. Comey. It seems so to me.

Mr. Ratcliffe. All right. Do you recall there being a briefing well, first of all, there's a reference to a letter D, "that D requested." In other emails, it appears that sometimes you were referred to as the Director by the letter D. Do you recall that?

Mr. Comey. Yes, I have seen that before. I think that's fairly common with the Director no matter who it is.

Mr. Ratcliffe. Okay. So it would appear from this that there had been some type of briefing the day before, with reference to yesterday, June 27, 2016, where you had requested a copy of emails between President Obama and Hillary Clinton.

Mr. Comey. I see that it says that.

Mr. Ratcliffe. Any reason to doubt that?

Mr. Comey. I don't recall it, but no reason to doubt that Jim is reporting or Pete is reporting that accurately to Jim. I don't remember asking for them, but

Mr. Ratcliffe. Well, whether you recall asking for them or not, do you remember reviewing emails between President Obama and Hillary Clinton?

Mr. Comey. I remember for sure being aware that there were communications between them and sort of the general substance of it is. I have some vague recollection of having seen them myself. I'm not certain of that, though, but I was aware that there were communications between the two of them.

Mr. Ratcliffe. So, as you sit here today, you don't recall or let me ask it this way: Do you recall anything about the content of the emails between President Obama and Hillary Clinton that are referenced in this?

Mr. Comey. Yes, I have some I have some recollection. I'm probably going to screw this up, but I can remember I think her sending him some congratulations on something, a speech or oh, I know what it was actually, that she sent him a congratulations that I think was tied to a court decision I think on the Affordable Care Act and that she was overseas somewhere and sent him a congrats or something to that effect.

Mr. Ratcliffe. Okay.

Mr. Comey. That's all the maybe others will come back to me, but I remember that in particular.

Mr. Ratcliffe. Do you have any recollection about how many emails there were?

Mr. Comey. I don't. My general sense is there weren't a lot, but there were some, but, again, I'm not certain of that.

Mr. Ratcliffe. So the email here that we're reviewing makes a reference to the briefing yesterday. The email is dated

June 28th, meaning the briefing was June the 27th of 2016, if this is accurate. The significance of that is, as we talked about last time, June 27th of 2016 was also the date that Attorney General Lynch and former President Bill Clinton met on a tarmac in Phoenix, Arizona. Do you recall whether or not this briefing was held at the FBI because of that tarmac meeting, or was it just happened to be a coincidence that it was held on that day?

Mr. Comey. It would have to have been a coincidence. I don't remember a meeting in response to the tarmac meeting.

Mr. Ratcliffe. Do you know as you sit here those emails between President Obama and Secretary Clinton, whether or not they contained any classified information?

Mr. Comey. My recollection is that they did not. They did not is my recollection. The concern was at least one of them was sent from overseas. Actually, I have some recollection one was sent from [ ] while the Secretary of State was visiting, and the concern we had was about the exposure of his unclassified email account, which was not in his name.

Mr. Ratcliffe. So, if your recollection is that they may not have contained classified information, do you know why the FBI or the Department of Justice would not have produced them to Congress in response to our request for them?

Mr. Comey. I don't.

Mr. Ratcliffe. Okay. So, but to be clear, did these emails that you reviewed, do they reflect that Hillary Rodham Clinton and

President Obama were communicating via email through an unsecure, unclassified server?

Mr. Comey. Yes, they were between her Clinton email.com account and his I don't know where his account, his unclassified account, was maintained. So I'm sorry. So, yes, there were communications unclassified between two accounts, hers and then his cover account.

Mr. Ratcliffe. Yes. And by "cover account" are you referring to the fact that President Obama emailed Secretary Clinton using a pseudonym?

Mr. Comey. Yes. I don't remember what it was, but it wasn't Barack Obama at such and such.

Mr. Ratcliffe. But the communication was to her Clinton email.com address, not a State.gov address?

Mr. Comey. That's right. The only reason I hesitate is I don't know whether I ever saw him taking the initiative of emailing her or just replying to an email she sent and that that Clinton email.com address, my recollection is, wouldn't necessarily be visible in the body of the email, but it would definitely go to that Clinton email.com email address.

Mr. Ratcliffe. Did your review of these emails or the content of these emails impact your decision to edit out a reference to President Obama in your July 5th, 2016, press conference remarks?

Mr. Comey. I don't recall as I sit here.

Mr. Ratcliffe. Do you have a recollection as to whether or not your draft remarks originally referenced President Obama and was subsequently changed to senior government official and then ultimately deleted any reference altogether?

Mr. Comey. Now that you say that actually that refreshes my recollection. There was an issue with respect to that, and it was that if the bad guys we didn't want to do anything to confirm to the bad guys that they might have Barack Obama's private cover email unclassified because let's imagine the Russians had captured that communication, they might not know what they had, and so, I remember some discussion about what we should say, if anything, in my public remarks about that. So it is too long of an answer, Mr. Ratcliffe, but yes, it does refresh my recollection.

Mr. Ratcliffe. Okay. So it was your review of those emails that caused you to change make that change, or it was not?

Mr. Comey. I don't know whether it was the review or a conversation with my staff about what they understood the risks to be associated with revealing that.

Mr. Ratcliffe. Okay. So do we have a copy of the IG report that I can hand to Director Comey? Just for reference. Go ahead, if you can. I want to just be clear on this and have you turn to page 195 of the inspector general report. The bottom paragraph, the last sentence, and I'll read it says: That use included an email exchange with the President while Secretary Clinton was on (sic) the territory of such adversary. On June the 30th, Rybicki

circulated another version that changed the second sentence to remove the reference to the President, replacing it with another senior government official. The final version of the statement omitted this reference altogether and instead read, and then it adds a sentence. Did I read that correctly?

Mr. Comey. You did.

Mr. Ratcliffe. Okay. So the timing of that, June the 30th, it appears, is when that change was made. Does that either refresh or confirm your recollection that it was your review of the emails on or about June the 28th between President Obama and Secretary Clinton that caused you to make that change?

Mr. Comey. There was definitely some discussion that must have caused me to make that change. Logically, it would include looking at the emails. The only reason I'm saying it that way is I don't specifically remember reading the emails, but someone either communicated the substance of it to me or I read it. That's what must have driven this conversation.

Mr. Ratcliffe. Well, that's why I'm asking you about the content of the emails, which we haven't had the benefit of seeing. If it wasn't the content of the emails that precipitated the references to President Obama's communications with Secretary Clinton, what was it?

Mr. Comey. I think it was the fact of his communication. I don't remember anything concerning about the substance of the communication, but the concern was we don't want the adversary to



know what they have if they collected emails that are between Hillary Rodham HRC and, you know, John Smith 97, I don't remember what it was but some innocuous seeming email account, congratulations about a court case. It wasn't the substance that would be useful to the adversary; it was knowing his email address might permit them to exploit something that they wouldn't know they had.

Mr. Ratcliffe. So and is it your recollection that the foreign adversary from where Secretary Clinton was communicating at least one of the emails was, in fact, [ ]?

Mr. Comey. I think so. I probably wasn't supposed to say that since it has been ellipsed out, but my I said this already, and so my recollection is that there was at least one communication and I don't think on the territory should be sic'd from on the territory of [ ].

Mr. Ratcliffe. Okay. So

Mr. Comey. I think the Secretary was on a plane sitting on the runway and sent an email from there.

Mr. Ratcliffe. So did you have any discussion with President Obama about his communication with Hillary Clinton on this unsecured, unclassified server?

Mr. Comey. No.

Mr. Ratcliffe. Did you have any conversation with Secretary Clinton about her communication with President Obama about communicating with him on this unsecure, unclassified server?

Mr. Comey. I didn't, and I don't remember her being asked about that during the interview.

Mr. Ratcliffe. Well, I was going get to that next, but let me just give you the opportunity. Obviously, it was just a few days after that that the FBI and the Department of Justice had the opportunity to question Secretary Clinton, and I can't find any reference in the 302 to any conversation about her communications with President Obama. I want to stop the clock and give you an opportunity, if you need to, to confirm that that representation is accurate.

Mr. Comey. Unless you want me to read the whole 302, I mean, I don't remember it being a subject in the 302. I haven't read the 302 in a very long time, but I'm prepared to accept your representation that it is not in there.

Mr. Ratcliffe. Okay. So, again, to review the timeline: June 27th, tarmac meeting between Loretta Lynch and Bill Clinton. June 28th, we have this exhibit reflecting the emails between Secretary Clinton and President Obama. You have requested reviewing them. You reviewed them. On June the 30th, your chief of staff edits out a reference to President Obama. You didn't have any you just testified you didn't have any conversation with President Obama about it. Why wouldn't investigators and prosecutors from the Department of Justice ask Hillary Clinton about this just a few days later?

Mr. Comey. I don't know for sure, but as I said earlier in

response to your questions, I'm quite certain there were no classified communications between President Obama and Hillary Clinton, and there were a small number of innocuous communications, so I could imagine the agents I don't remember this, but I can imagine the agents making a judgment that it wasn't a significant topic for their interview.

Mr. Ratcliffe. Well, one of the purposes of the interview though, Director, wasn't it to determine Hillary Clinton's knowledge or her intent about the communication of information across an unclassified server?

Mr. Comey. Yes, of classified information.

Mr. Ratcliffe. And, again, your recollection or your belief is that there was not classified information in those emails?

Mr. Comey. Correct. And I'm quite certain of that because that one would stick in my mind if she had communicated classified information with the President of the United States.

Mr. Ratcliffe. Okay. I want to turn back to what I referred to as the Comey memos. Do you still have a copy of those?

Mr. Comey. Yes, I do.

Mr. Ratcliffe. Okay. So, as I refer to those, just so the record is clear, I'm referring to it is actually a series of seven documents between January 7th, 2017, and April 11th, 2017. It is actually seven separate documents. Is that accurate?

Mr. Comey. I think that's right.

Mr. Ratcliffe. And those were all documents that you

created?

Mr. Comey. Correct.

Mr. Ratcliffe. Four of the seven documents have been determined either by you as the FBI Director or by someone else at the FBI or the Department of Justice to contain classified information. Is that correct?

Mr. Comey. Yes. I can't answer that. I can tell you that there are portions of what I had before me that words have been marked have been blacked out and a classification has been assigned to the document that looks different from the original classification.

[12:25 p.m.]

Mr. Ratcliffe. Okay. So is it fair to say, though, that four of the seven bear classification markings of either "Secret" or "Confidential"?

Mr. Comey. Let me check that.

Sorry. I think that's right. It's a little tricky because lines have been crossed out, but the maybe I should just say what they are.

The one dated the 7th of January at 1:42 bears a header and footer as "Secret." The one dated January 28th bears the header "Confidential." The one dated February the 8th bears the header and footer as "Secret." The one dated sorry. The one dated February 14th, unclassified. The one dated March 30th, unclassified. The one dated April 11th bears the header "Confidential."

Mr. Ratcliffe. Okay. And the classified portions would be reflected by those blacked out redactions, correct?

Mr. Comey. I'm sorry, say again.

Mr. Ratcliffe. The classified portions would be reflected by the blacked out redactions.

Mr. Comey. Yeah, I don't know that, because I don't know what the certainly, yes, at least in part. I don't know whether the Bureau withheld things when they redacted this for other reasons. I don't remember what these little notations in the margin mean.

Mr. Ratcliffe. And were all these generated in the course and scope and in relation to your official duties as the FBI Director?

Mr. Comey. Yes, they were generated while I was Director of the FBI.

Mr. Ratcliffe. Okay. And were they written and recorded using FBI equipment?

Mr. Comey. Some were; some weren't.

Mr. Ratcliffe. So is it fair to say that the Comey memos, as we have now described this aggregation of documents, that they are government records, were generated by you as a government agent in the course and in relation to your official government business?

Mr. Comey. I can't answer that. I can tell you how I viewed them. But the legal conclusion about the nature of the documents in terms of government property or not is not for me to make.

Mr. Ratcliffe. Okay. So then tell me how you viewed them. If they're not a government record, they must be something else.

Mr. Comey. Well, several of them I viewed as my aide memoire, things that I was writing down for the benefit of the FBI and for my personal protection.

Mr. Ratcliffe. Okay. I don't know what a personal aide

Mr. Comey. I was trying to write down what happened so I could remember it, both because I'm an FBI Director and a human being. And so it was to protect it was in my official capacity and also in my personal capacity. And so several at least

several of these I thought of as my record, not the FBI's record.

Mr. Ratcliffe. Even though, you would agree with me, I think, that but for the fact that you had been the FBI Director, you would not have had these discussions with either the President elect or the President of the United States about investigations and other matters discussed therein?

Mr. Comey. Yeah, I hope not. I think that's correct.

Mr. Ratcliffe. I heard you use that term, "aide memoire." I also heard you use reference to sort of like a diary. Do you remember saying that?

Mr. Comey. I don't, but those, in my understanding, are consistent terms.

Mr. Ratcliffe. Okay. Well, that's

Mr. Comey. You write something down so you can remember it.

Mr. Ratcliffe. All right. So if your interpretation or opinion is correct, then you were just to the extent you shared them, you'd just be sharing personal information. But, if not, if your opinion is not accurate, then you would be sharing information that belonged to the government. Correct?

Mr. Comey. I guess I'm struggling to understand the question fully, in part because you were using the term "they," and all of these were not the same, in my view.

Mr. Ratcliffe. Okay. Let's just approach it maybe broadly. Did you sign an FD 291 or an FBI employment agreement when you were the FBI Director?

Mr. Comey. I don't remember the form number, but I signed an employment agreement, yes.

Mr. Ratcliffe. Okay. Let me hand you a document. Did it look anything like this one?

Mr. Comey. I mean, I don't know for sure, but I'm sure if you're telling me this is the FBI's nondisclosure employment agreement form

Mr. Ratcliffe. I am.

Mr. Comey. I signed one that was an FBI employment nondisclosure agreement.

Mr. Ratcliffe. Well, I'm just trying to set the I don't have your actual employment agreement. I know that you signed one. But the standard FBI employment agreement states in paragraph No. 2 that "all information acquired by me in connection with my official duties with the FBI and all official material to which I have access remain the property of the United States of America."

Did I

Mr. Comey. You read that correctly.

Mr. Ratcliffe. Okay. So that's what I'm trying to determine, because the record, I think, is clear that, at least with respect to some of the Comey memos, you shared them with other people. Is that accurate?

Mr. Comey. Yes. I gave a copy the classified one stayed on the systems, obviously, of the FBI. I gave a copy of all of



them to my chief of staff and asked him to keep them in his files at the FBI.

Mr. Ratcliffe. Okay. So other than

Mr. Comey. These were at the FBI when I left the FBI.

Mr. Ratcliffe. So that would be Jim Rybicki.

Mr. Comey. Correct.

Mr. Ratcliffe. And did you do that while you were still at the FBI?

Mr. Comey. I believe so, yes.

Mr. Ratcliffe. A Okay.

Mr. Comey. I made two copies. The ones that I had written and, again, the "they" is a problem here. The ones that I had written that were not classified, in my judgment, I gave a copy to Rybicki to keep in his files, and I kept a copy in my personal safe at home.

Mr. Ratcliffe. Okay. Is your personal safe at home, was that a GSA approved storage facility?

Mr. Comey. No, not

Mr. Ratcliffe. Was it a sensitive compartmented information facility?

Mr. Comey. Was it a SCIF

Mr. Ratcliffe. Yes.

Mr. Comey. my personal safe? No, it was not.

Mr. Ratcliffe. Okay.

So, when you gave these to Jim Rybicki, was that in

connection with your departure from the FBI?

Mr. Comey. No. My recollection is I gave them to him contemporaneous with their creation.

Mr. Ratcliffe. Okay. And that's consistent with what you testified earlier, that contemporaneous with the creation of many of these you shared them with senior FBI leadership.

Mr. Comey. Correct.

Mr. Ratcliffe. I want to focus on who outside of FBI leadership had access to or possession of any of these memos.

Mr. Comey. Okay.

Mr. Ratcliffe. One person that's been identified, at least publicly, is (b)(6), (b)(7)(C) per FBI. How many of the Comey memos did (b)(6), (b)(7)(C) per FBI receive, and when did he receive them?

Mr. Comey. Yeah. I'm going to answer that I'm not going to answer communications in connection with my interactions with my counsel. And so I can answer that in this respect: I sent (b)(6), (b)(7)(C) per FBI images of one memo, the unclassified February 14th memo, for the purpose of him sharing it with a journalist.

Mr. Ratcliffe. Okay. And when did you do that?

Mr. Comey. In May of after I was fired, in May of 2017.

Mr. Ratcliffe. Now, (b)(6), (b)(7)(C) per FBI has had, apparently, a number of professions. In the public record, he's been identified by you as a friend, he's been identified by you as a (b)(6), (b)(7)(C) per FBI

he has been identified as a (b)(6), (b)(7)(C) per FBI

and I believe he has been identified by you as (b)(6), (b)(7)(C) per FBI

(b)(6), (b)(7)(C) per FBI Is that accurate?

Mr. Comey. Yes, he is (b)(6), (b)(7)(C) per FBI and has since I was fired.

Mr. Ratcliffe. Okay. So, when you shared the contents of the or you shared the February 14th memo or was it February 8th?

Mr. Comey. February 14th.

Mr. Ratcliffe. February 14th memo with (b)(6), (b)(7)(C) per FBI, in which capacity did you share it with him?

Mr. Comey. I didn't consider my transmission to him of that to be an (b)(6), (b)(7)(C) per FBI, which is why I've spoken about it. And so he was acting then in a personal capacity for me that I didn't consider to be an (b)(6), (b)(7)(C) per FBI responsibility. Full stop. He's also someone who's been (b)(6), (b)(7)(C) per FBI since I started, and so I've had a variety of communications with him and other members of my legal team that I'm not going to talk about.

Mr. Ratcliffe. Well, I appreciate you not wanting to talk about the contents of any conversations with your legal team, but I think it's entirely appropriate for us to ask about whether or not members of your legal team received documents that were ever marked "classified."

Mr. Comey. Yeah, I don't think it's appropriate well, you can ask anything you want. I'm not going to answer questions about my communications with my lawyers for the purpose of them providing me legal advice.

Mr. Ratcliffe. Do any of your lawyers have security clearances?

Mr. Comey. I don't know. They all had clearances at various points in their careers. I don't know the current state of their clearances.

Mr. Ratcliffe. Well, what I'm really trying to find out, Director, is: Four of the seven of these memos have been identified either by you or by the FBI as containing classified information. And whether they are your counsel or not, I'm trying to figure out whether or not you provided classified information to anyone that did not have security clearances.

I don't care about the content of communications that you had, beyond whether or not you provided classified information to anyone that did not have appropriate clearances to receive it.

Mr. Comey. I can't I'm not going to answer questions about my communications with my lawyers.

But I want to say, again, what's confusing about when we use the term "they," four of these memos that I created I created. They were unclassified at the time I created them. The markings that are on them now were added months later, and but I'm not going to talk about my communications with my counsel.

Mr. Ratcliffe. I understand that, but I need to ask these questions.

So did you provide any classified material and by that, I mean material that was classified at the time that you provided it

or that was later reclassified or up classified by the FBI to  
 (b)(6), (b)(7)(C) per FBI ?

Mr. Comey. The only answer I can give you is the one I gave you earlier, that I sent a single unclassified email excuse me classified memo to (b)(6), (b)(7)(C) per FBI that was unclassified then and remains unclassified.

To the extent (b)(6), (b)(7)(C) per FBI, I'm not going to talk beyond that about communications with my lawyers.

Mr. Ratcliffe. Same question as to Mr. Kelley. Did you provide classified information to David Kelley?

Mr. Comey. Same answer.

Mr. Ratcliffe. Did you provide classified information to  
 (b)(6), (b)(7)(C) per FBI

Mr. Comey. Same answer.

Mr. Jordan. Can I ask one question?

Mr. Ratcliffe. Sure.

Mr. Jordan. Was the February 14th memo the only one you gave  
 (b)(6), (b)(7)(C) per FBI

Mr. Comey. I'm not going to answer questions about communications I had with (b)(6), (b)(7)(C) per FBI in his role as a member of  
 (b)(6), (b)(7)(C) per FBI .

I gave (b)(6), (b)(7)(C) per FBI a single unclassified memo, the February 14th memo, in late May, with the understanding that he would communicate it publicly. So I didn't consider that to be an  
 (b)(6), (b)(7)(C) per FBI, because I expected it to be

communicated publicly.

Mr. Meadows. Director Comey, let me ask one followup there. When you gave those to these three individuals, I guess, that are part of your legal team now, were they part of your legal team then?

Mr. Comey. I didn't say I gave anything to three individuals. I'm not commenting one way or the other about any communications with my lawyers.

Mr. Meadows. So did you give anything to any of the three individuals that Mr. Ratcliffe mentioned prior to them being your attorney?

Mr. Comey. I'm not going to confirm I'm not saying I gave anything to my lawyers. I'm just not touching communications with my lawyers.

Mr. Meadows. Because there's an attorney client privilege, but that doesn't exist if they were not your attorneys at the time.

Mr. Comey. Here's what I can do. Before the time those three individuals became my legal team, which was at the time I was fired, I had no communications of any kind in which I shared FBI documents or my personal aide memoire with them.

Mr. Meadows. So you hired them within hours of you being fired. That's your testimony here today.

Mr. Comey. I'm not going to answer as to the specifics. But they were my legal team from shortly after I was fired.

Mr. Meadows. Well, you understand why there's an importance of the timeframe, don't you, Director Comey?

Mr. Comey. No, I don't, but I'm not going to talk about the timeframe.

Mr. Meadows. All right. I'll yield back.

Mr. Ratcliffe. Director Comey, we're focusing on the sharing of classified information, which, of course, can be a violation of the law, but it can also be a violation of your employment agreement if you share nonpublic unclassified information. Correct?

Mr. Kelley. We're here to answer questions about decisions not made and made by DOJ and the FBI in connection with the Hillary Rodham Clinton investigation and the Russian investigation. This is talking about his firing. Can you explain the relevance of these questions? Because if this continues, we're just going to call it a day.

Mr. Ratcliffe. Absolutely. Absolutely, Mr. Kelley. I'd be happy to explain it to you.

Mr. Kelley. Please do.

Mr. Ratcliffe. We have learned in the course of this investigation of incredible manifest bias from people like Peter Strzok and Lisa Page. I'm trying to determine the level of bias, if any, that Director Comey had with respect to President elect or President Trump and why he would have violated his employment agreement to share information, classified or unclassified, with

individuals who were not authorized to receive it. That's why I'm asking these questions.

So do you have an answer?

Mr. Kelley. That still seems to be outside the scope of what we agreed to come here to be interviewed about.

Mr. Ratcliffe. Well, I need to find out, are you instructing Director Comey not to answer that question?

Mr. Comey. Excuse me. I'm sorry. I'll try to answer your question.

Mr. Ratcliffe. Okay. Do you still have the employment agreement in front of you?

Mr. Comey. I do.

Mr. Ratcliffe. Okay. Item 3 says, "I will not reveal by any means any information or material from or related to FBI files or any other information acquired by virtue of my official employment to any unauthorized recipient without prior written authorization by the FBI."

Did I read that accurately?

Mr. Comey. You did.

Mr. Ratcliffe. Okay. Did you have written authorization from the FBI to share any of the Comey memos with (b)(6), (b)(7)(C) per FBI

Mr. Comey. I did not have written authorization from the FBI to share the February 14th memo, the unclassified memo, that I gave to (b)(6), (b)(7)(C) per FBI for the purpose of him communicating it publicly.



Mr. Ratcliffe. If you shared any information with David Kelley or (b)(6), (b)(7)(C) per FBI, did you have written authorization from the FBI to do that?

Mr. Comey. I'm not going to answer questions about my communications with my counsel. And I'm really struggling to understand how that reflects on my bias.

Mr. Ratcliffe. Well, do you understand that I'm currently asking questions of a former FBI Director, why he might have violated an employment agreement when there's no record that he ever violated an employment agreement with respect to anyone else?

Did you ever violate your employment agreement with respect to the dissemination of government records relating to anyone other than Donald Trump?

Mr. Comey. I disagree with the premise of your question. I don't agree that I've ever violated my employment agreement.

Mr. Ratcliffe. Well, that's why I'm asking the questions, because we're making a record for folks to determine that.

Do you know whether or not the Inspector General is investigating as to whether or not you violated your employment agreement with the FBI?

Mr. Comey. I know the Inspector General some time ago started looking at how I handled created and handled memos. I don't know what conclusion they've come to.

Mr. Ratcliffe. That's all we're trying to find out as well. That's why I'm asking the questions.

Mr. Comey. Congress is investigating whether I violated my employment agreement?

Mr. Ratcliffe. To determine whether or not you had bias that influenced the decisions made before and after the election of 2016 of Donald Trump as President of the United States.

Mr. Comey. Okay. After I was fired on May the 9th?

Mr. Ratcliffe. Well, Director, it sounds like you were sharing the information before you were fired.

Mr. Comey. You should ask me questions about that.

Mr. Ratcliffe. I have.

Mr. Comey. I missed them.

Mr. Kelley. Why don't you go back and repeat the question that you posed about when you disclosed any information

Mr. Gowdy. I chose not to interrupt you when you were talking to Director Comey.

Mr. Kelley. I'm sorry, I didn't know you were talking.

Mr. Gowdy. Just let me continue talking to him.

Director Comey, your

[Discussion off the record.]

Mr. Comey. Sorry. Go ahead.

Mr. Gowdy. Your attorney questioned the relevance of that line of questioning by Mr. Ratcliffe. I want to take another stab at letting you know why we might be interested in it.

It's been publicly reported, but I'm going to give you a chance to respond to it, that one of the reasons you instructed

(b)(6), (b)(7)(C) per FBI to provide that memo to the media was to spur the appointment of special counsel. Is that correct or incorrect?

Mr. Comey. Yes, so that to pursue the tapes.

Mr. Gowdy. Pardon me?

Mr. Comey. To pursue the tapes that President Trump had tweeted at me about. I was worried the Department of Justice, as currently led, would not go after White House tapes and that a special counsel would.

Mr. Gowdy. Okay. And you thought the appointment of special counsel on that fact pattern was important why?

Mr. Comey. Because, given the way I've seen the leadership at the Department of Justice conduct itself in connection with my firing, I was deeply concerned that it would not that leadership would not pursue the existence of tapes that would show the President and I speaking on February the 14th and reflect what was in my memo.

Mr. Gowdy. Did you really believe that there were tapes of that conversation, Director Comey?

Mr. Comey. I didn't know first of all, it never entered my mind until the President tweeted that I better hope there aren't tapes of our conversations. And, yes, honestly, it occurred to me there may be tapes. I'd heard Donald Trump liked to tape, and all of a sudden it occurred to me there may be tapes. That was the central problem with this episode; it was my word against his

Mr. Gowdy. Well, it would be incongruent for him to ask you if the conversation was private if he was taping it, wouldn't it?

Mr. Comey. You're mixing up conversations. The one you're talking about is Reince Priebus on February the 8th. The conversation I'm talking about is February the 14th when the President kicked everybody else out of the Oval Office to ask me to drop the Flynn investigation.

That was my word against his until he tweeted that I better hope there are not tapes. And it occurred to me: Oh, my gosh, there may be tapes of this. Someone's got to go get them. The current leadership of DOJ will not do that. I've got to do something to make it clear it matters why it might matter to go pursue the tapes at the White House. Only a special counsel is going to do that.

Mr. Gowdy. Speaking of the word "matter," when Loretta Lynch asked you to call it a matter and not an investigation, did you consider calling for special counsel?

Mr. Comey. I don't think I did then.

Mr. Gowdy. When her name appeared in documents that could call into question the objectivity of the Department of Justice, did you consider calling for special counsel?

Mr. Comey. Yes.

Mr. Gowdy. Why didn't you do so?

Mr. Comey. Because I decided I'd seen no indication of interference on the part of the Attorney General, so no substance

to any bias. And the perception of bias question was mitigated by the fact that these documents wouldn't be public for 50 years. And so my judgment at the time was it wasn't necessary.

Mr. Gowdy. Well, they wouldn't be public for 50 years, unless?

Mr. Comey. Unless the Russians stole them and put them out.

Mr. Gowdy. Yes.

Mr. Comey. Yeah, which didn't occur to me then. In March of 2016, that was not something I contemplated.

Mr. Gowdy. When she had a meeting with the spouse of the target of your investigation, did you consider calling for special counsel?

Mr. Comey. Yes.

Mr. Gowdy. Did you?

Mr. Comey. No.

Mr. Gowdy. So you did not call for special counsel when she asked you to refer to it as a matter and not an investigation. You did not consider calling for special counsel when you saw evidence that, if released, could call into question the objectivity of the Department of Justice. And you did not call for special counsel when she had the meeting with the spouse on the Tarmac. But you did when you were fired.

Mr. Comey. No. There's a number of problems with your question. The first is I think you said I didn't consider calling for special counsel. On the second episode I did.

Mr. Gowdy. What I meant to say was you did not call for special counsel.

Mr. Comey. Correct. I didn't.

And I didn't call for special counsel when I was fired. In fact, it didn't even occur to me immediately after the President's tweet. I woke up in the middle of the night a couple days later and it dawned on me that if there are tapes he will be heard on the tape telling me to drop the criminal investigation and something had to be done to go secure those.

Mr. Gowdy. And what was it about the Department of Justice under President Trump that you did not trust enough to handle that case but you did not call for the appointment of special counsel under Attorney General Lynch?

Mr. Comey. Well, to begin with, two very different circumstances, and so they're very difficult to compare.

My concern about the then current leadership of the Department of Justice is that I did not think they'd acted in a straightforward, honorable way in connection with my firing, and so I worried that, given that, they wouldn't pursue it the way it needed to be pursued.

I knew without even talking to them I could count on the FBI to see what I saw and to try and pursue the tapes. But I didn't think that the leadership of DOJ would support them and that something had to be done to force it.

Mr. Gowdy. What was not straightforward about the way they

handled your firing?

Mr. Gowdy. Well, the memo that Mr. Rosenstein created was, to my mind, nonsense and was inconsistent with my interactions with the man just in the days before. And so I thought, I can't trust the Department of Justice leadership to pursue this.

Mr. Gowdy. Did you ever tell Deputy Attorney General Sally Yates that you were contemplating or thinking about calling for a special counsel in the Clinton investigation?

Mr. Comey. Yes, I did.

Mr. Gowdy. Why did you tell her that?

Mr. Comey. I told her that sometime in the spring when we were unable to get access to the laptops that the lawyers had used to cull Secretary Clinton's emails, the reported 60,000, cut them into 30 and 30. And I said to her, in substance, "At some point this is going to drag on to a place where it can't be credibly completed by this Department of Justice, and I'm going to call for the appointment of a special prosecutor."

Mr. Gowdy. Were you serious in that threat?

Mr. Comey. Yes.

Mr. Gowdy. So, if the Inspector General found otherwise, the Inspector General would be incorrect, that you were never seriously contemplating calling for special counsel?

Mr. Comey. I don't know what they found in that regard. I don't remember. But I was not I shouldn't say "BSing" I was not playing a game with her. There was a point at which we were

not going to be able to credibly complete that investigation and we needed special counsel to do it. I believed that then.

Mr. Gowdy. Well, I'm going to let Mr. Ratcliffe take back over his line of questioning, but I do think it is fair to ask what the relevance of a line questioning is. But the relevance is: You did take objections to spur the appointment of special counsel under the Trump administration. And there were instances that you just testified to where you actually threatened to call for special counsel. And there were other instances where, in the minds of some, you could have but you never did under the Obama administration. Correct?

Mr. Comey. No. I disagree with your summary of it.

Mr. Gowdy. All right. Tell me where I'm wrong.

Mr. Comey. The circumstances of the cases were very, very different. And the most important particular was I was still the FBI Director and in a position to see how the investigation of the Clinton classified email mishandling investigation was going and to assess it.

I was not in that position after being fired and thought: Something has to be done, and now I'm a private citizen. And so a private citizen can talk to the media about his communications with the President so long as they're not classified.

And so, in that circumstance the circumstances were totally different between the two.

Mr. Gowdy. One final question. When was Andy McCabe named



the Acting Director of the FBI after your firing?

Mr. Comey. I don't know the answer to that.

Mr. Gowdy. Well, from the time you were fired until the time he was named Acting Director, who ran the FBI?

Mr. Comey. I don't know. I have an assumption that the Deputy Director immediately became the Acting Director, but I don't know the answer to that.

Mr. Gowdy. Do you have confidence in Deputy Director McCabe, Acting Director McCabe?

Mr. Comey. Yes.

Mr. Gowdy. So what you just said about you not being there in a position to make sure it was done right, you actually had confidence in the person who replaced you. Did I hear that correctly?

Mr. Comey. I had confidence in the person that replaced me. I did not have confidence in his ability to convince the leadership of the Department of Justice to do the right thing.

Mr. Ratcliffe. Director Comey, I want to pick up where we left off. I was asking you and I believe you answered that you did not have written authorization from the FBI to release information t (b)(6), (b)(7)(C) per FBI, correct?

Mr. Comey. Correct.

Mr. Ratcliffe. Did you have written authorization from the FBI to release any of the Comey memos to anyone?

Mr. Comey. No. Well

Mr. Ratcliffe. Did I'm sorry. Go ahead.

Mr. Comey. let me hesitate. I have written authorization the substance of the Comey memos is in my book, so the FBI reviewed it and gave me written authorization to put it all there. So, at some point, yes, the substance of it.

Mr. Ratcliffe. The other requirement under an employment agreement at the FBI is to seek a determination from the FBI in writing prior to the disclosure of either classified or unclassified nonpublic information. Do you see that under number four?

Mr. Comey. Yes. That's a summary of the prepublication review process.

Mr. Ratcliffe. Okay. So did you have the written determination prior to making disclosure to (b)(6), (b)(7)(C) per FBI or anyone of the materials in the Comey memos?

Mr. Comey. I did not have any written authorization from the FBI with respect to anything related to the FBI or me until the end of 2016 in connection with my book.

Mr. Ratcliffe. Okay. And do you agree that as of the moment you were fired you were no longer empowered

Chairman Goodlatte. I think that would be the end of 2017.

Mr. Comey. I'm sorry. I said '16? Sorry. 2017.

Mr. Ratcliffe. And do you agree that as of the moment you were fired you were no longer empowered to authorize the dissemination of nonpublic government information outside of the

government?

Mr. Comey. Correct. I was no longer a I had no government authority whatsoever.

Mr. Ratcliffe. All right.

I want you to turn to the March 30 Comey memo.

Chairman Goodlatte. I wonder if we could pick this up and let Mr.

Mr. Ratcliffe. I have one question about this.

Chairman Goodlatte. Okay. Go ahead.

Mr. Ratcliffe. The March 30

Mr. Comey. Yeah, I see it.

Mr. Ratcliffe. memo?

The second to the bottom paragraph on the first page, it's a reference to a discussion between you and President Trump on that date. And there's a sentence that says: "He," referring to President Trump, I believe, "He said that if there was some satellite (Note: I took this to mean some associate of his or his campaign) that did something, it would be good to find that out but that he hadn't done anything and that I hoped I would find a way to get out that we weren't investigating him."

Did I read that correctly?

Mr. Comey. You did.

Mr. Ratcliffe. All right. So the reference there that did President Trump as you sit here today, do you have a recollection that he said it would be good to find out if

someone associated with his campaign was colluding, coordinating, conspiring with Russia? Not using those terms.

Mr. Comey. He did. Those were the good old days. He did.

Mr. Ratcliffe. So, at least as of that date, March 30th, 2017, there's nothing that's reflected in here that reflects that President Trump was in any way obstructing justice. Would you agree with that?

Mr. Comey. I don't want to quibble with you, I don't want to reach the conclusion, but I agree with your characterization. He was saying, if somebody associated with me did something wrong, it'd be good to find that out.

Mr. Ratcliffe. So he was essentially directing you, as the head of the FBI, to it'd be good to find out.

Mr. Comey. Yeah. He was supporting the notion of the investigation.

Mr. Ratcliffe. Okay.

Mr. Meadows?

Mr. Meadows. Director Comey, I want to come back to a couple of small items as it relates to the Clinton investigation, but just two very minor items. And then I'll go into some of the other things that have been covered here today.

When (b)(6), (b)(7)(C) per FBI and Mr. McCullough came to the FBI originally in what we now know is to be called the Midyear Exam, when they came to your agents, what was your initial response to their accusations?

Do you know wh (b)(6), (b)(7)(C) per FBI is?

Mr. Comey. No. I know the name McCullough. He was the  
IC

Mr. Meadows. (b)(6), (b)(7)(C) per FBI was along with him at that  
particular point. I believe you interviewed him. It was really  
the genesis of what is now the Midyear Exam.

When they came and made the allegations that they did, what  
was your initial response to that?

Mr. Comey. I had no contact with them. They met with  
someone, a case was opened, then it was briefed up. And then the  
Deputy Director came and told me about the investigation that had  
just been started.

Mr. Meadows. All right. So, as they opened up this  
investigation, they came to you with real concerns about foreign  
agents or actors actually gaining access to Hillary Clinton's  
server, and yet, in your memo of July 5th, it doesn't really  
mention anything. In fact, it goes to great lengths to not even  
address that initial concern, but more about a concern about her  
handling, either properly or improperly, of classified  
information.

Why would you have ignored the very predicate of their  
concerns when they brought it to the FBI?

Mr. Comey. A big part of the investigation was to try and  
understand whether there was evidence to support concerns that  
there'd been infiltration, access by a foreign adversary. And my

recollection is, in my July 5th statement, I specifically hit that and said

Mr. Meadows. Well, it was very nuanced. I mean, so you know, we can pull that up, but it was a very

Mr. Comey. Nuanced in a way that I think infuriated the Clinton team that I said, as I recall, we didn't find evidence, but given the nature of the adversary, we wouldn't expect to find that evidence.

Mr. Meadows. But I guess my question is, since their concern was more about foreign infiltration of a server, why did you spend the lion's share or why did your agents spend the lion's share of their information on whether it was intent or her handling of classified and not spend the majority of your time on whether a foreign actor actually did gain access?

Because, from the Inspector General's report and, you know, from the 302s, that wasn't the focus of your investigation, and yet that's what they brought to your attention. Why would you have made that decision to change it?

Mr. Comey. That's not consistent with my recollection. I think we spent a lot of time on what you said, trying to understand what did the Secretary do and what was she thinking. But my recollection is we spent a lot of time trying to understand, did anyone get access to these emails and

Mr. Meadows. Yeah, but that's not consistent with the IG's report, and it's not really consistent with what I've reviewed in

terms of your investigation.

I guess my question, then, goes a little bit further. How many times did you interview (b)(6), (b)(7)(C) per FBI and Mr. McCullough other than that initial time that they brought this to your attention? How many times did you interview them in terms of their concerns?

Mr. Comey. I know you all know this, but the transcript will contain the word "you." The Director of the FBI does not interview people. I ran a

Mr. Meadows. How many times did you assign special agents to have followup conversations where a 302 was written as it relates to their back and forth?

Mr. Comey. I don't know. And I wouldn't expect to know, as the Director. But I'm sure it's in the record someplace.

Mr. Meadows. Okay. Would it surprise you if the number was zero? Would that surprise you?

Mr. Comey. I don't have a reaction.

Mr. Meadows. If somebody brings an allegation and then you don't do any other followup interviews with them, would that surprise you?

Mr. Comey. Yeah, I actually don't have a reaction one way or another, because it's possible they had conversations with them because they were colleagues, not witnesses. They were reporting, as I understand it, all information they had collected. So I don't know that even if there were conversations it'd be reflected in a 302. But I don't have a reaction one way or another.

Mr. Meadows. Well, just to be clear, Mr. McCullough has indicated to Members of Congress that there was zero followup. And so I just think you need

Mr. Comey. And he had something to offer that wasn't offered?

Mr. Meadows. I beg your pardon?

Mr. Comey. He had something important to offer that wasn't offered?

Mr. Meadows. There are allegations they believe were largely ignored by the FBI.

Mr. Comey. I don't know what

Mr. Meadows. So let me go on a little bit further.

Andy McCabe, under questioning I don't want to characterize how he reacted, but I think it would suffice to say that he did not agree with your suggestion or demand that he recuse himself in October of 2016 as it relates to when the Clinton investigation opened back up.

Do you recall you asking him to recuse himself?

Mr. Comey. I didn't ask him, but I he said he was recusing himself and he

Mr. Meadows. Well, according to his testimony go ahead. I'm sorry. I'll let you finish.

Mr. Comey. I'm going to agree with you. Let me finish.

Mr. Meadows. I'll let you finish. Sorry.

Mr. Comey. I'm going to agree with you, that I never got to



the point where I demanded it of him. He understood how I felt about it through our staffs and came to me and said he was going to recuse himself but made clear he didn't think he needed to.

Mr. Meadows. Yeah. He indicated to this committee that he did not agree with your request or suggestion that he recuse himself. Why did you believe that he should recuse himself?

Mr. Comey. Because I had to make an incredibly important decision that was going to have, as it has had, significant public impacts. And the American people's faith and confidence that that decision and all the other decisions in the case were made for the right reasons, in the right way, was really, really important.

And I wasn't worried about actual bias by Andy, but, given all that was in the news at that point in time with respect to his wife's campaign and whatnot, I didn't want to take any chance with this decision that someone would say it was tainted. I know it's hard to imagine people would say our decisions were tainted but that our decision was tainted in any way by his involvement in it. So, in an excess of caution, I wanted him out of it.

Mr. Meadows. So you didn't believe he would do anything wrong.

Mr. Comey. I didn't believe he was acting in any point during the Clinton case with any kind of bias. But, again, there's two considerations: actual bias and perception. And there was so much happening at the end of that week that I didn't have time to sort it out, and so I just wanted him out of it.

And I understood his concern about that, but, in the interest of the FBI, I thought it important not to have him involved.

Mr. Meadows. So it was more of a political decision to recuse himself versus any wrongdoing.

Mr. Comey. No. In a judgment based on concerns about perceptions of the FBI's impartiality

Mr. Meadows. But that's a political perception.

Mr. Comey. Not in my view it's not.

Mr. Meadows. So what kind of perception is it, Director Comey? I don't if you're trying to add confidence, I mean, at some point so you're saying you were not concerned that he was going to do anything wrong.

Mr. Comey. I was not. But

Mr. Meadows. Okay.

Mr. Comey. political

Mr. Meadows. That's fine. Let me move on.

Mr. Kelley. Will you let him finish his answer, please?

Mr. Meadows. No, no. I mean, he did answer.

Mr. Kelley. You keep interrupting. I'd appreciate it if you let him

Mr. Meadows. He did answer the question.

Mr. Kelley. Let him finish.

Mr. Comey. I just wanted the record to be clear that I did not accept your characterization of it as a political decision.

Mr. Meadows. No, you made that you clear. You had already

answered that.

Mr. Comey. Okay.

Mr. Meadows. That was already asked and answered.

So Mr. Gowdy, on the previous time when you were here, Director Comey, he was asking you questions as it related to Fusion GPS and Perkins Coie and when you knew what. And I guess I want to make sure that we give you an opportunity to clarify your statement, because there may be a difference between learning and being advised of something.

Mr. Gowdy said, "When did you learn that Fusion GPS was hired by Perkins Coie?" And your response was, "I never learned that. Certainly not while I was Director."

Is that you correct?

Mr. Comey. Yeah, that's my recollection.

Mr. Meadows. All right. So when were you informed that Fusion GPS was hired by Perkins Coie? Because maybe learning and being informed are two different things. Were you informed prior?

Mr. Comey. I was not trying to slice the onion thinly here. I don't remember ever hearing the name "Fusion GPS" or the names "Perkins Coie" or "Coie." I don't even know how to say that word. I don't remember that.

I remember being told that Steele's work had been funded first by Republicans opposed to Trump, then by Democrats opposed to Trump. Maybe someone mentioned it, but I don't remember it. I don't remember the specifics

Mr. Meadows. All right. So

Mr. Comey. being communicated to me in any way.

Mr. Meadows. So what you're saying is that, in part of your investigation, you really didn't care who was funding Christopher Steele's work. Is that what you're saying? It didn't matter to you?

Mr. Comey. It mattered to me to understand what this material was that my folks were showing to me. And I believe, in the course of showing it to me, they communicated what you would expect them to communicate: that there may be bias associated with this information; it was first funded by political opponents on one side, then on the other side. I don't remember them ever giving me the details beyond that.

Mr. Meadows. All right. So, on the FOIA release two page document that was just released by the FBI, have you read that or at least parts of that?

Mr. Comey. Yes. The thing that says "Annex A" at the top?

Mr. Meadows. Yeah. And when it talks about that you were going in to inform the President that a private client had paid for the dossier I think those are the words, "private client."

Mr. Comey. No, those aren't the words. You ought to get it out.

Mr. Meadows. Well, we'll be glad to give it to you.

Mr. Comey. Yeah, I don't see the word "going in to inform the President" here.

Mr. Meadows. Well, you were using      did you use the two page as a briefer for the President?

Mr. Comey. No.

Mr. Meadows. What did you use the two pages for?

Mr. Comey. I'm going to answer this      I have to answer this very carefully, which I will.

These are two pages from a much larger classified document, classified at the TS/SCI level. And this was one of the annexes in that large document.

Mr. Meadows. Right.

Mr. Comey. There are a variety of annexes. This was not any kind of talkers. And it was something written by the intelligence community analysts who produced the larger document.

Mr. Meadows. All right. So, when you saw this, who did you think the private client was?

Mr. Comey. I don't know that I knew.

Mr. Meadows. I didn't say you knew. Who did you think it was? Obviously      are you saying you're so intellectually not curious that you would not say, "Who's the private client?"

Mr. Comey. Show me where the word "client" is. I'm struggling a little.

I see. So the sentence reads, "The source collected this information on behalf of private clients and was not compensated for it by the FBI."

I don't remember asking      other than knowing it was

political people opposed to Trump, I don't remember asking which firm, which law firm, those kinds of things. And I don't remember being told.

Mr. Meadows. So you're trying to share with this committee and I want to take you and that's why I was asking you to verify this. You expect us to believe that you got notation that a private client is there and that you didn't you weren't inquisitive enough to figure out who the private client was?

Mr. Comey. Who cares? It was Republicans

Mr. Meadows. Well

Mr. Comey. opposed to Trump

Mr. Meadows. it makes a big difference. I mean, if you

Mr. Comey. Let me finish my answer. It was Republicans opposed to Trump, and then it was Democrats opposed to Trump. There was potential bias in this information. That's really important. Whether it was Sally Smith or Joe Jones, Republican, or Sally Smith, Democrat

Mr. Meadows. Director Comey

Mr. Comey. to me, it didn't matter.

Mr. Meadows. it does make a difference. If someone is paying for this and you're actually using that information to surveil American citizens with a FISA application, it does matter to me and most Americans.

Mr. Kelley. Is that a question or an argument? Because we're out of time now.

Mr. Meadows. Counselor, you can quantify it any way that you want. You get paid big bucks to figure it out. So what I'm saying, it does matter, and that's why I'm asking the question.

Mr. Kelley. Well, that wasn't a question. It was an argument.

Mr. Meadows. My question is the same. At what point did Director Comey sir, when did you find out that the DNC, Perkins Coie, Fusion GPS, any of the above, when were you told were you ever told prior to you being fired that they had either directly or indirectly financed what is now known as the Steele dossier?

Mr. Comey. I don't remember being told anything beyond Democrats and Republicans.

Mr. Meadows. We're out of time.

Mr. Kelley. We're going to take a lunch break after this.

Mr. Cummings. Director Comey, first of all, good afternoon. I'd like to ask you about one of President Trump's latest allegations against the FBI regarding his former private attorney Michael Cohen's decision to, quote, "flip," end quote, and cooperate with the Federal law enforcement.

Yesterday morning, President Trump tweeted, and I quote: "Remember, Michael Cohen only became a 'Rat' after the FBI did something which was absolutely unthinkable and unheard of until the Witch Hunt was illegally started. They BROKE INTO AN

ATTORNEY'S OFFICE! Why didn't they break into the DNC to get the Server, or Crooked's office?", end of quote.

Director Comey, a few hours later, you responded by tweeting this, and I quote: "This is from the President of our country, lying about the lawful execution of a search warrant issued by a Federal judge. Shame on the Republicans who don't speak up at this moment for the FBI, the rule of law, and the truth," end of quote.

President Trump has tweeted many times attacking the FBI and you personally. Why do you believe that President Trump was, quote, "lying about the lawful execution of a search warrant" in the case of Michael Cohen? And is that unusual that is, to search an attorney's office?

Mr. Comey. I believe he was lying because he knows that the office was searched pursuant to a Federal judge's issuance of a search warrant, one.

Two, it is sufficiently common that the Department of Justice has a section in its procedures that lays out all the approvals that are required and the procedures that are necessary if you're going to execute a search warrant seek a search warrant for a lawyer's office.

And the notion that the President of the United States, who has taken an oath to faithfully execute the laws of the United States, is going to say that kind of thing about his own Department of Justice offended me. And so I felt I had to defend



the FBI.

Mr. Cummings. I don't know how much contact you've had with agents, but you just said you felt that you had to defend the FBI. Do you have any way of gauging the impact of such tweets on the FBI, the agents in general?

Mr. Comey. I have a general sense. It's nonscientific because it

Mr. Cummings. Yeah. I mean, as best you can, just based on what you believe.

Mr. Comey. I believe it has two impacts: It demoralizes, and it inspires.

It demoralizes, in that our Nation is led by someone who has contempt for the rule of law and the institutions that this country needs to be a healthy democracy. So it demoralizes them in that sense.

And it inspires them and reminds them of the oath they took to support and defend the Constitution of the United States. And so it wears them down, but it reminds them of why they chose to do this work. And so, in that sense, it inspires them and it energizes them to be what they are, which is honest, competent, independent people.

Mr. Cummings. You know, Mr. Comey, Martin Luther King has a quote that I love so much. He said that, at some points, silence becomes betrayal.

And it seems to me that when there is silence with regard to

issues like this, it seems like as if there's a chipping away at the very foundation of our democracy. And the FBI is one of those I consider it one of the foundations. The CIA, Office of Government Ethics, the press, the right to vote, all of those things, when you chip away at them, you're basically, I think, pulling away the fabric and the foundation of our democracy.

Do you have those similar concerns?

Mr. Comey. Yes.

You probably know this, but for most of my adult life I consider myself a Republican. And Republicans used to believe, I think, that a President's words matter, that institutions matter, that the rule of law matters, and that the truth matters.

And I get the importance of robust political disagreement. It's great and wonderful and messy. But there's a set of things that are nonnegotiable that are at the foundation of this country of ours, and I thought Republicans understood that, as well as Democrats. And those things are under attack.

And shame of on those who, because they're afraid of the base or their job or being tweeted about, don't speak up. I don't know what they're going to tell their grandchildren, because that silence is complicity. That worries me deeply.

Mr. Cummings. You know, it seems to me I tell my constituents we're going through a storm right now. And the question is not whether the storm will end; the question is, where will we be when the storm ends? What will we have? And will we

still have the same democracy?

And I tell them that my greatest fear is that a lot of the things that are happening right now will not be corrected during my lifetime. And that pains me tremendously.

How do you see us getting back on track? I mean, you've spent your whole life trying to keep us between these guardrails, and it seems as if the guardrails are being tossed aside and all kinds of things are happening. And how do you see us what do we have to do to bring us back

Mr. Comey. Yeah.

Mr. Cummings. to normal?

Mr. Comey. Yeah. We are going

Mr. Cummings. You do think that's important, I assume.

Mr. Comey. Very much so.

We are going to be okay. I'm asked all over the country that question, and people ask it with fear in their voice, "Are we going to be okay?" Republicans, Democrats, and independents. The answer is: We're going to be okay.

Because the culture of this Nation, the culture of an institution like the FBI there's no deep state. There's a deep culture, in the military, in the intelligence community, in the FBI those three I know very well a commitment to integrity and the rule of law. No President serves long enough to screw that up.

So the damage, by definition, will be short term. Still

important, but short term. How short that term is depends upon the rest of us and whether we have the courage to risk our jobs and votes against us by standing up and saying this is not who we are and speaking out.

That will cabin the damage and reduce it, but, in the long term, this will be another one of those jags in American's line that we look at and say, look at the progress we made after this.

Every time there's great change in this country, we retreat. Right? Our upward line is an upward line, but it's jagged. Right? And every so often, we go down, then we go back up.

The key to going back up is, in my view, awakening the giant. Right? That great lump in the middle of America is where our values sit. We are a center right, center left country. And every so often, the giant stirs.

And I'm going to get emotional if I say this. No one on this Earth knows this better than you, but when little girls were killed in Sunday school at the 16th Street Baptist Church, the giant stirred, and we got a Voting Rights Act and a Civil Rights Act and our line started up again.

It's up and down with us, up and down with us. The inflection back up depends upon the giant waking up. And that's not a Republican statement or a Democratic statement; that's a values statement.

And then we'll get back to disagreeing about immigration and taxes and all of those important things, but this nonnegotiable

thing, everyone should speak up about it.

Mr. Cummings. Finally, let me ask you this. What is the harm and the concern to national security when the President makes these kinds of statements, like the tweets that I just read you?

Mr. Comey. There's a risk that people not just a risk. Millions of people believe what the President says. Today, there are millions of Americans walking around thinking that the FBI is corrupt and out to get the President of the United States, that the Justice Department is corrupt and out to get the President of the United States. And they believe it because he's said it over and over again. A lot of people probably within walking distance of me right now have repeated those lies.

And that is a situation that puts us at risk in the short term, that the FBI and the Justice Department will not be trusted or believed. At a doorway trying to recruit a source, in a courtroom where they say, "I found this in the left dresser drawer of this gang member," and they won't be believed because the President of the United States has convinced millions of people that they're corrupt, when that's a lie. But millions of people believing a lie is dangerous for us again, in the short term.

Mr. Cummings. Yeah. Yeah.

Mr. Comey. We're going to be okay in the long run. That's my concern about our safety. And that's what worries the FBI agents, that they won't be trusted and believed anymore because good Americans are getting lied to so much.

Mr. Cummings. Mr. Comey, let me tell you, I've sat on the Board of Visitors for the Naval Academy for 13 years, and the thing I love about it so much is when I get a chance to meet with the midshipmen, and I see all these young men and women who are willing to die for their country. I mean, these kids are only 18, 19, and they have a long term vision you know, a long term vision. They're not going to school for tomorrow; they're going to school to make sure things are okay for generations.

And I just think we have to be the guardians of this democracy. I don't think the democracy will just I mean, if we don't guard it, I think it's like anything else; you will have problems. It's like maintenance of a house.

And so I want to thank you very much for all you've done. And I know this has been at times you can say what you want, but it has been difficult at times, because we've seen each other a number of times. But I thank you very much.

Mr. Comey. Thank you, sir.

Mr. Cummings. Thank you all.

Ms. Sachsman Grooms. Let's go off the record.

[Recess.]

[2:10 p.m.]

Mr. Gowdy. First thing I want to do, Madam Court Reporter, is thank my friends on the other side for allowing me to go out of order. They did not have to do that, and I appreciate very much them doing it.

Would you let the Director see two exhibits that I may be making reference to? One is a text, and one is a portion of the IG report.

Director, I will draw your attention towards the bottom of that page to a 26 05 04. Do you see that?

Mr. Comey. Yes, I see 05 04. How many lines up? I'm sorry.

Mr. Gowdy. One, two, three, four, five, six. It begins, "And."

Mr. Comey. Got it. "And holy"? Yeah.

Mr. Gowdy. Yeah. I'm going to skip that and just hit the salient parts since you have it in front of you: Cruz just dropped off the race. It's going to be a Clinton/Trump race. Unbelievable.

And then the response, which would be from Special Agent Strzok: What?

And then Lisa Page: You heard that right, my friend.

And then Strzok: I saw Trump won. Figured it would be a bit.

And then Page again: Now the pressure really starts to finish MYE.

And Strzok's response: It sure does. We need to talk about followup call tomorrow.

What about Trump securing the nomination would lead to the need to speed up the investigation?

Mr. Comey. I have no idea.

Mr. Gowdy. Would you agree that there should be no connection between whether or not a candidate secures a nomination and the speed with which the Bureau conducts investigations?

Mr. Comey. Yes, I agree.

Mr. Gowdy. All right. I want to move to one other I'm going to jump around, but that's just because there are a couple of different areas I want to hit. In your previous career as a prosecutor, did you ever prosecute a false statement case?

Mr. Comey. Yes.

Mr. Gowdy. Would it be accurate let's take a hypothetical that you're interviewing someone, and they make a demonstrably false statement and you confront them with it and say, "I know that's a lie." Have you lost the right to prosecute the person if they then say, "Okay, you got me"?

Mr. Comey. I'm going to try to stick to what I said before, Mr. Gowdy. I don't feel comfortable answering hypothetical questions.

Mr. Gowdy. I'm trying to make it as generic as possible. I don't see how you can lose the right now, you may not it may not have any jury appeal. I'll grant you that. And you may



decide to not exercise your discretion to go forward. But legally have you lost anything if someone lies to you and you confront them in the interview with the fact that you know it's a lie?

Mr. Comey. If the elements of the offense are a knowing false statement.

Mr. Gowdy. And where it takes place in the interview, lay aside jury appeal, lay aside whether or not you'd exercise your discretion, it's of no legal consequence?

Mr. Comey. I don't think it matters when the false statement occurs in the interview so long as it's made knowingly.

Mr. Gowdy. All right. Well, I do not have access to the Flynn 302. I don't know whether or not you've read it or not. Do you know whether the agents said, "General Flynn, we got exactly what you said verbatim, verbatim. It's a lie. Why are you lying?"

That was the question that I think you and Deputy Director McCabe said you had going into the interview: Why is he lying? Did the agents confront him with the fact that they knew it was a lie and get to that point?

Mr. Comey. I don't remember for sure the I don't remember getting the question answered about the why he's lying, even to this day, and so I don't think the interview got to that point, in part because I don't think he ever acknowledged he was lying, despite being pressed by the agents.

Mr. Gowdy. I know the agents took specific clauses that he

had uttered and repeated them back to him. What I don't know is whether they said, "General Flynn, we know exactly what you said verbatim, every word of it. Who told you to call the Russian Ambassador? Who did you report to after that call? Do you know?"

Because your testimony was it's not about the Logan Act, and you're not trying to boost up your 1001 prosecutions. You're trying to understand how this plays in with the Russia interference investigation. Did I characterize that fairly?

Mr. Comey. Yes, our focus was not the Logan Act. It was the Russian counterintelligence investigation, correct.

Mr. Gowdy. So why not confront him and say, "We know you're lying. We're not giving anything up in terms of being able to hold you accountable for that. We know you're lying. Who directed you to call the Ambassador? Who did you report to? Who specifically told you what to address in that phone call with the Ambassador?"

Mr. Comey. My recollection is they didn't get to a place, despite pressing him, where he acknowledged that he was lying, in fact, didn't acknowledge he was lying until he pled guilty in Federal court. So I don't think they ever got to that place where they could then pursue that, okay, so why, so why, so why.

Mr. Gowdy. Do you know whether they ever confronted him with any kind of memorialization of the conversation itself?

Mr. Comey. I don't. My best recollection is that they used words from the transcript to make clear to him that they were

quoting from something we had. And still, in the face of that, he didn't admit that he had had the conversations. I'm sorry. He admitted he'd had conversations but didn't have conversations about that.

Mr. Gowdy. You should have a copy of the IG report in front of you. I think it's towards the bottom of the page and maybe the last full paragraph.

Mr. Comey. This paragraph begins in April 2016?

Mr. Gowdy. I gave you our copy. Towards the end it may be the last paragraph. It was the IG concluding that there was never any serious conversation about the appointment of special counsel. And we mentioned it last time, and I want to give you a chance to read it and address it.

Mr. Comey. Okay. So I'm going to read it to myself on page 239, the paragraph beginning, "In April 2016."

Okay. I've read it.

Mr. Gowdy. What is your reaction to the IG statement that and I don't have it in front of me, so if I mischaracterize it, tell me I mischaracterized it that they found no evidence there was any serious consideration of calling for the appointment of special counsel?

Mr. Comey. I see that. I mean, that's their conclusion. I don't since they're not here, I don't have a chance to ask them what they mean by "seriously considered." I meant what I said earlier. I wasn't messing with the Deputy Attorney General. I

meant what I told her that, at some point, I'm going to call for the appointment of special counsel as we if we get deep into this thing. So it doesn't change what I said to you earlier, Mr. Gowdy.

Mr. Gowdy. Did it change her behavior? Did it change the decisions being made by the Department?

Mr. Comey. I don't know for sure, but something happened that injected energy into the prosecutors that was supportive of our effort to get the laptops. That was the sticking point. We wanted the laptops, and it was hesitancy by the line prosecutors and that, shortly after this conversation, they showed great energy in trying to get those laptops.

Mr. Gowdy. And these would be the culling laptops?

Mr. Comey. Right, the I hope the name is right the Samuelson and maybe they were both Samuelsons. Two laptops from the law firm that had deleted some emails and printed others to produce.

Mr. Gowdy. Did anyone in Midyear did any witnesses in Midyear Examination make false statements to the Bureau?

Mr. Comey. Did any witnesses in the Midyear Examination case make false statements to the witnesses I mean to the Bureau? I have some recollection. Yeah, I don't know for sure. I'll give you the full answer. I have some recollection that one of the guys you talked about last time

Mr. Gowdy. (b)(6), (b)(7)(C) per FBI

Mr. Comey. (b)(6), (b)(7)(C) per FBI or there was another fellow whose name I can't remember right now, who were involved in the maintenance of the servers. And there was an issue about whether one of them had been straight with us, I think, about whether what he knew, when he knew it, in terms of deleting the emails, something like that. I have some recollection that there was conversation about him having exposure under 1001.

Mr. Gowdy. Would it refresh your recollection to know that (b)(6), (b)(7)(C) per FBI was interviewed multiple times by the Bureau?

Mr. Comey. No.

Mr. Gowdy. The last time we were together I think Mr. Ratcliffe read you a sentence that included the representation that someone in the investigation had made misstatements to the Bureau and you agreed with that statement. Does that sound familiar?

Mr. Comey. You're asking me do I remember Ratcliffe's question to me; I don't specifically. I remember talking to Mr. Ratcliffe about who got immunity and what form of immunity it was, but I don't remember that particular phrasing.

Mr. Gowdy. How does the Bureau decide who gets charged with making a false statement and who does not?

Mr. Comey. In general, through consultation with an assistant U.S. attorney; or if it's a case the Main Justice is involved in, one of their trial attorneys.

Mr. Gowdy. Was there any conversation with respect to (b)(6), (b)(7)(C) per FBI

(b)(6), (b)(7)(C) per FBI about pursuing a false statement?

Mr. Comey. Not that I was a party to.

Mr. Gowdy. Do you know who at the Department approved the filing of charges against Michael Flynn for making a false statement?

Mr. Comey. Do I know whether the Department did?

Mr. Gowdy. Who at the Department, if there was consultation with the Department?

Mr. Comey. No. I was fired on May the 9th. I have no idea.

Mr. Gowdy. I want to ask you about the IC assessment, late 2016. Is that a fair timeframe, the intelligence community produced an assessment with respect to Russian interference?

Mr. Comey. Yes. The work was done in mostly in December of '16. I think it was finished the first I think it was finished the first couple days of '17 January.

Mr. Gowdy. Were you part of that assessment?

Mr. Comey. The FBI was. We contributed analysts to a team that the Director of National Intelligence analysts oversaw.

Mr. Gowdy. Do you recall when I use the phrase (b)(6), (b)(7)(C) per FBI material," what does that refer to?

Mr. Comey. I think it refers to material that now called the Steele dossier. I mean, I could be wrong about that, but I think that's the name that the analysts use for that material.

Mr. Gowdy. I think you're correct. So do you recall whether any, quote, (b)(6), (b)(7)(C) per FBI material or dossier material was included in the

IC assessment?

Mr. Comey. Yes. I'm going to be careful here because I'm talking about a document that's still classified. The unclassified thing we talked about earlier today, the first paragraph you can see of exhibit A, is reflective of the fact that at least some of the material that Steele had collected was in the big thing called the intelligence community assessment in an annex called annex A.

Mr. Gowdy. Do you recall the specific conversation or back and forth with then Director Brennan on whether or not the material should be included in the IC assessment?

Mr. Comey. Yes. I remember conversation let me think about it for a second.

I remember there was conversation about what form its presentation should take in the overarching document; that is, should it be in an annex; should it be in the body; that the intelligence community broadly found its source credible and that it was corroborative of the central thesis of the intelligence community assessment, and the discussion was should we put it in the body or put it in an attachment.

I'm hesitating because I don't remember whether I had that conversation I had that conversation with John Brennan, but I remember that there was conversation about how it should be treated.

Mr. Gowdy. Do you recall sharing the fruits or the results

of that conversation with your senior staff via email?

Mr. Comey. It's possible. I don't recall specifically, but if I had such a conversation about it and needed to brief the staff, email would be a logical way to do it, probably classified email at that point.

Mr. Gowdy. Which is why I'm trying to dance around it, and I'm not showing it to you.

Mr. Comey. Okay.

Mr. Gowdy. There's one word in the email that I want to ask you about.

Mr. Comey. Okay.

Mr. Gowdy. "Unverified."

Mr. Comey. Yeah. What's the question about the word?

Mr. Gowdy. The material was referred to as unverified. This is December of 2016. I'm trying to sync that up with Bureau efforts to either corroborate or contradict the assertions in the (b) (6), (b) (7) (C) per FBI material or dossier.

Mr. Comey. I don't remember using the term in an email, so that solves the classified problem. But I think we talked about this last time. The Bureau began an effort the information was from a credible source, was in its center consistent with other information we already have, right. The heart of the Steele dossier is the Russians are coming to mess with our election. That was consistent with other information we had. But it had lots of spokes off of that, and so that was from a credible source



with a known source network. The Bureau was trying to replicate the entire thing, see how many of those sources we could make our own, and that was an effort under way when I left.

And so I think when the term at least to my recollection, the term "unverified" means we haven't finished that work. We can't say this is now our work. It remains source information that we have not replicated.

Mr. Gowdy. Two more lines of inquiry. If I remember your testimony correctly, four Americans were under investigation, but you do not recall seeing the phrase "Trump campaign" in the initiation documents for the late July Russia investigation. Is the name still classified? I'll ask the Bureau lawyers.

Mr. [\_\_\_\_\_]. The name

Mr. Gowdy. Of the investigation.

Mr. Comey. Of the four individuals, you mean?

Mr. Gowdy. Just the name.

Mr. Comey. Oh, the

Mr. [\_\_\_\_\_]. Yeah, the code name is not the classified portion.

Mr. Gowdy. So it is still classified? All right. Well, then I won't give you the name, just the four individuals.

Mr. Comey. It's not.

Mr. [\_\_\_\_\_]. The code name is not.

Mr. Gowdy. It's not? Operation Crossfire, Cross Hurricane? Crossfire Hurricane?

Mr. Comey. Yes.

Mr. Gowdy. Late July 2016?

Mr. Comey. I think that was the code name for the  
investigative file that was opened in the late July of '16,  
yes.

[2:27 p.m.]

Mr. Gowdy. And you do not recall seeing the phrase "Trump campaign" in those initiation documents?

Mr. Comey. I do not. I don't remember ever seeing the initiation documents. I think the question I was asked last week was or maybe my answer was, to try and clarify, I don't remember an investigative file being opened on the Trump campaign. We were investigating four individuals.

Mr. Gowdy. Were those four individuals in some way connected with the Trump campaign?

Mr. Comey. Some were; some weren't.

Mr. Gowdy. Are you sure?

Mr. Comey. I think so. I don't think

Mr. Gowdy. Either officially or unofficially connected with the campaign. Advisors?

Mr. Comey. Well, they were all people with some connection at some point in time to the Trump campaign. But I think at the time the investigation was open and, obviously, I could be wrong about the dates, but I don't think it's accurate to say all four were associated with the Trump campaign.

Now, it may be more accurate to say just what you said, that all four either were or at some point had been associated with the Trump campaign. I think that's a fair way to say it.

Mr. Gowdy. In late July of 2016, did the Bureau have any reason to believe that candidate Trump himself was working with

Russia to influence the election?

Mr. Comey. I can't answer that. Yeah, I can't answer that.

Mr. Gowdy. Why can you not answer that?

Mr. Comey. Because I think it calls for information that falls within the special counsel's investigation, and I've been instructed by the Bureau not to be answering questions that fall within that.

Mr. Gowdy. Is there any reason the Bureau could not or did not give a defensive briefing to candidate Trump that you may want to be mindful of these new faces in your life or in your campaign's life? Does the Bureau ever do that? Do you ever give defensive briefings?

Mr. Comey. Yes, the defensive briefing is one of the tools in the counterintelligence toolbox.

Mr. Gowdy. Did you ever give any thought to giving a defensive briefing to candidate Trump?

Mr. Comey. I don't remember giving thought to it, and I don't know whether others did. I know there were counterintelligence briefings given to both campaigns that covered the threat, I think, from the major adversaries of the United States.

Mr. Gowdy. But you don't recall whether or not did you contemplate it and decide not to do it? Or do you not recall contemplating whether or not to give the candidate a defensive briefing on individuals that you were at least investigating, not

criminally but from a counterintelligence standpoint, for their potential connections with a hostile foreign power?

Mr. Comey. No. I don't remember considering that, and I wouldn't have considered it at the time.

Mr. Gowdy. All right.

I don't know whether I cede back to my friends on the other side or whether well, if I am ceding, I will thank them again for the courtesy.

#### EXAMINATION

BY MR. SOMERS:

Q Just to continue on the defensive briefing line that Mr. Gowdy was just on, I'm just trying to understand how that would work. If DOJ was considering a defensive briefing Main Justice, not FBI was considering a defensive briefing, would you not be aware of that?

A Considering a defensive briefing of whom?

Q I'm sorry. Of President Trump, or now President Trump.

A Then candidate Trump?

Q Then candidate Trump.

A I'm not going to answer the hypo, but I can answer the factual nugget within it. I don't remember DOJ the issue of DOJ being interested in a briefing being raised to me.

Q Does DOJ have the personnel, Main Justice, to do a defensive briefing, or would that more typically be done by FBI?

A It typically would be done by FBI, but it's possible

that someone in the Office of Intelligence possible someone in the Office of Intelligence at National Security Division can do a defensive briefing.

Q So, just to be absolutely clear, you never had a discussion with Loretta Lynch about doing a defensive briefing for then candidate Trump?

A I don't think so. I don't remember having any such conversation.

Q And in that period towards the end of July when Crossfire Hurricane was opened, what was your understanding of who George Papadopoulos was?

A I'm not in a position to confirm that Papadopoulos was one of the four

Q No, I'm not yeah, okay.

A You're separating

Q I'm sorry. I'm just trying to I was trying to get a time period.

A Got it.

Q Towards the end of July. And July 31st I think is when it was opened. I'm just asking you, not connected, but during that time period, who was your understanding of who George Papadopoulos was?

A I think my understanding was that he was a former foreign policy advisor to the Trump campaign.

Q Same question, same time period, with regard to Carter

Page?

A My recollection is that I understood that Carter Page, in late July of 2016, was a current I don't know whether it was foreign policy or national security advisor to the Trump campaign.

Q Were you aware that Carter Page had had previous dealings unrelated to the Trump campaign with the FBI?

A I can't answer I could answer it, but this is an area where the FBI has told me not to answer those kind of questions.

Q Okay.

BY MR. BAKER:

Q I'm going to try not to make this a hypothetical, but I really value your expertise, not just when you were the Director of the FBI but in your other assignments in public service and government.

One of the outcomes of these two investigations, the public reporting of them, the congressional interest in them, the public or a larger portion of the public that maybe wasn't previously available of the FISC is now aware that there is this other court that a lot of people just aren't familiar with.

I'm curious if, from where you've been in government, and certainly at the top of the pyramid of the FBI, do you think or have you ever and I know you're a very analytical person. I don't think you rapid fire. You analyze things before you choose a course of action. That's my impression of you.

Have you ever considered a different model for the FISC

of some of the inefficiencies of having a court that is centrally located for investigations that go all over the domain of the FBI, and some of the differences when someone appears before the FISC. It's not generally the agent that's worked the case; it's someone that has become familiar with it.

I'm just curious if you have an insight to a different model than what the current FISC is set up as and the centralization of it.

Mr. Kelley. Just to be clear for the record, when you say "FISC," you mean

BY MR. BAKER:

Q The Foreign Intelligence Surveillance Court, yes, sir.

A I remember participating in a variety of conversations since 9/11 about whether there were ways to streamline the FISA process. And that included technological conversations, organizational. Like, could we forward deploy more DOJ lawyers into field offices? Those kinds of things. And I think, as part of those conversations, I remember conversations about whether it was possible to have the FISA judges distributed around the country so it would be easier for people to appear in front of the court. I remember that.

And I also remember, from when I was Deputy Attorney General, the importance of getting the FISA court its own space, which would allow it to operate more efficiently. And that came to me because of budget stuff.



I don't remember any other restructuring ideas, or discussing them, about the Foreign Intelligence Surveillance Court's authorities generally.

Q Do you remember any arguments against decentralizing?

A Yes. Mostly against the idea of pushing more FISA drafting and review authority out to the FBI field offices and allowing U.S. attorney's offices more autonomy in developing and submitting FISAs. I remember those conversations.

And the concern, which is a very legitimate concern, is quality control and a risk that in that devolution of authority comes a necessary diminution in the standards. And if you know the FISA process, you know how high the standards are. That there was a danger that, in pushing it out too much to the field, you'd lose some of that rigor.

Q Thank you very much.

Along the same lines of FISA, when you were the Director I think you answered this in our last session. By the time a FISA application gets to you, it's been a lot of other places below you, and it has a lot of other places to go when it leaves the FBI.

What is the normal flow process for a FISA, to the best that you recall? I mean, you can make it an example where it's coming from the field or from within headquarters. I'm just curious, the different stops it makes at headquarters and at what levels it really gets the closest scrutiny.

I understand, as it sort of goes up the chain, I believe you and people immediately below you are really looking to make sure that it's gotten some of these other lower levels of review that would, I mean, I think, obviously, be more comprehensive, based on the other things you have on your plate as the Director of the FBI.

So could you just explain briefly how it flows through the FBI and at what levels people actually read the documents?

A Yeah, I probably can't with any specificity. If I actually had a live FISA in front of me, I could walk you through the signature levels.

Q To the best of your recollection.

A But it comes in at a relatively low level and then is worked in tandem by agents and lawyers within the FBI. And then there is a cascading up level of review. Comes up to my desk. My job under the statute is to certify as to the purpose of the it's a primary role of the Director certifying to the purpose of the FISA. But to understand that, I would read a summary of the FISA to understand where it was and then could see the levels of review it went through.

My sense was that the most robust review was at the assistant director level and below, but that also, my recollection is, there was a fairly robust process once it got over to the National Security Division too, where different sets of lawyers, the ones that interacted directly with the FISA Court, would

engage on it and scrub the Bureau's work.

Now, I don't remember that to be sequential. I think there's a lot of back and forth between the folks working at the National Security Division at Justice and the people working at the National Security Law Branch at the FBI or the agent personnel assigned to it, so back and forth across the street.

And then a finished product comes up to me, then goes across the street. And I didn't get the sense there was much change after my certification. It would then go to the Deputy Attorney either the Assistant Attorney General or the Deputy Attorney General after me.

I think I got that right.

Q Okay. So it's a rather lengthy process. It's nothing that's done very quickly. I mean, there can be circumstances where something is expedited, but this application for the FISA order has a lot of different stops at the Bureau, at DOJ, some back and forth, as you've indicated. And then, even when it's presented to the FISC, there can be some back and forth there between

A Right. It's one of the things that is the most labor intensive and supervision heavy that the FBI does. There are some other things I can think of that are also very, very carefully scrubbed, but it's in that top tier.

Q Okay.

Kind of related, when you were discussing or when your team

was discussing possible statutes that might be applicable to Secretary Clinton's handling of emails and security awareness, when there wasn't a statute that seemed to actually fit the conduct that was under examination, was there any discussion by the Department to at least make a note that maybe the espionage section of the statutes needed to be relooked at to maybe modernize with what currently is the state of play for some of this?

I'm just curious if there was ever a discussion about letting Congress know that there were these statutes that the Department maybe didn't feel comfortable in charging to the facts that were presented and that maybe Congress needed to do something.

Were you aware of any discussion, either the Bureau wanted to maybe revisit these with Congress or the Department did, or any tweaking of the statutes at all?

A No, not that I was aware of.

Q Okay.

Changing gears just a little bit, we have asked many of our witnesses about a particular aspect of this case that certainly the public latched on to

A "This case"?

Q The investigation of the emails.

A Got it.

Q And, really, the Peter Strzok Lisa Page emails became very popular in the media. And a lot of those emails and

A Texts.

Q texts left a lot to the reader to decide really what they thought they were talking about. And really it depended what you brought to the table, as to what you walked away thinking that the texts related to.

Several witnesses were asked about the affair that they had. And the response to that issue by some of the people that were in at least one of those individuals' supervisory chain was kind of surprising. It was to the and I'm paraphrasing something to the effect, "Well, as long as they were doing their work, I really wasn't going to be concerned with it."

And I realize that the FBI we are not the morality police, as we've been called with this line of questioning. And you certainly had a lot of on your plate to do other things. But the motto of the FBI, "Fidelity, Bravery, Integrity," has "Fidelity" as its very first word.

I wonder if someone in their supervisory chain, when they were aware of it and there were employees that supposedly went and told Mr. Strzok's supervisor about this affair if that had been taken more seriously and Mr. Strzok told to knock it off or whatever they wanted to do as far as discipline or quasi discipline, that some of those texts would have stopped and not been the trove of texts that they turned out to be and resulted in people walking away with all different opinions on what the texts actually meant.

Did you know about the affair at any time of the investigation, or was this something you learned after you left public office? Or, I mean, when did you learn about it? And what was your position or what would your position have been, as the Director, to learn that your top ranking or one of your top ranking counterintelligence folks is involved in this sort of thing?

A I never knew about it. And so everything I know about it I've learned from public reporting afterwards.

I would be very concerned, as the Director. There is H.R., which may tell you that as long as people aren't in the same supervisory chain they can do whatever they want with each other, and then there's questions about judgment.

And I actually don't see it as a fidelity question. "Fidelity" is there for fidelity to the rule of law. I see it as an integrity question, that if you are cheating on your spouse, there are integrity issues, right? You're clearly lying to your spouse; so is the other person.

And so I don't know that it would lead to automatic removal from a responsibility or a role, but it would be something I would take very seriously for the reasons I just said.

Q Thank you.

You said earlier today and, again, I'm paraphrasing the best investigations are done promptly; get it done. Do you recall that?

A Uh huh.

Q What do you know about the timeline or the lack of attention to the Weiner laptop that I think is attributed to Mr. Strzok?

And then there's a conclusion drawn that maybe that was indicative of a bias to influence something. I'm not so worried about that. I'm just what do you know about the timing or the lack thereof of looking at that laptop?

A Only what I read in the IG report, which found that there was a variety of people thinking other people were handling it, but, most importantly, found that there was not I was going to quibble with one part of your question was not an indication that the delay was reflective of any kind of bias either for or against Hillary Clinton.

But so, what I know is what I read in the IG report.

Q Okay. So do you know, as you sit here now, whether the laptop was, in fact, exploited?

A What do you mean?

Q Was it examined?

A Ever, you mean?

Q Ever.

A Well, I believe the contents of the laptop were exploited. A mere image what I was told was a mere image of the laptop was recovered as part of the search warrant in New York and that the content of it in that image was shared and exploited.

Q Do you know where the laptop is now or where it was when you left the FBI?

A I do not. I never did.

Q Okay.

Mr. Brebbia. Art, could I jump in for a couple? Thanks.

BY MR. BREBBIA:

Q Sticking on the Weiner laptop topic, you were told in a meeting on October 27th with the Midyear Exam team about the existence of the potential Hillary Clinton emails on the Weiner laptop?

Mr. Kelley. Excuse me. Could we just get your name?

Mr. Brebbia. Sure. Sean Brebbia, Oversight and Government Reform, majority.

Mr. Kelley. Okay.

Mr. Comey. I was briefed on the morning of the 27th about what had been found or what they believe was on the Weiner laptop. Sometime in, I think, the first week of October, someone said something to me, in substance, that there may be some connection between the Weiner case and Midyear.



[2:48 p.m.]

BY MR. BREBBIA:

Q That's exactly what I want to focus on.

A Okay.

Q And

A I didn't hear anything more about it until October 27th when they asked to meet with me and briefed me.

Q And October 27th, that meeting and that briefing resulted in you taking certain actions?

A Correct. The FBI and the Department of Justice decided to seek a search warrant for the contents of the Weiner laptop as it related to the Midyear case.

Q But the briefing on, I believe it was, September 28, you didn't take any actions subsequent to that information you received on September 28?

A Yeah, I don't the briefing you're talking about September 28th, as I recall, is not a briefing of me. I know this from reading the IG's report, that there was conversation between the New York office and headquarters in late September about the find on the Weiner laptop and that there was not action taken until, as you said, on October 27th. After I was fully briefed, I said, "Let's go," and the question was, what's the reason for the delay? And the IG concluded that everything that was known in late September could have been acted on then and not waited on until the end of October.

Q Right. And that's because Andrew McCabe knew about it in late September, knew about the potential for Hillary Clinton emails on the Weiner laptop, right?

A That's what the IG report says.

Q Did you the IG report also says that Peter Strzok was aware of the potential for Clinton emails on the Weiner laptop?

A As of September 28th?

Q Yes.

A I don't remember that. I mean, it says what it says obviously. I didn't write it.

Q So, when you found out on October 27th, were you made aware that Andrew McCabe had known about the emails since September 28th?

A No, I was not that I remember. I was made aware generally that we have had this for weeks and a variety of explanations were given to me I think then as to what occasioned the delay: technical, the team was disbursed, a bunch of other things.

Q So, when you found out on October 27th, did you inquire of the Midyear Exam team why they had not investigated the Anthony Weiner laptop?

A Yeah, I think so. That's what prompted the explanations that I just laid out. I think I, at some point, maybe during that morning briefing, said: When did we find this out, and what have we been doing about it, and why?

Q And according to sorry.

A Sorry, go ahead.

Q According to Peter Strzok, what reason did he give for why nothing had been done with the Weiner laptop since late September?

A I don't remember Peter Strzok I don't remember an explanation coming from Peter Strzok. It is possible he was part of a group that gave me one. I just can't remember a Peter Strzok explanation.

Q According to Andrew McCabe, what explanation did he give you for no for the Weiner laptop not being investigated when they found out about it early September?

A I don't know that he did because you'll remember that I wanted him out of the conversations about what to do about it, and so he was on the phone when we first started discussing it and then dropped off, and I don't think he and I discussed it ever again actually because he recused himself.

Q Who gave you the explanation for why nothing had been done with the Weiner laptop since the Midyear Examination team had found out about it in late September 2016?

A I'm sorry if I didn't say this earlier; I meant to. I don't remember, except I remember learning in the group discussions that morning, which involved six or seven or eight or more people, that the variety of reasons that had led to the delay it wasn't a huge focus of mine, so I'm trying to figure

out, so what do I do now that the Department of Justice and the FBI want to get a search warrant. So I can't attribute the explanations to any particular people. I can list all the people that I think were at the meeting, but it was from that group of people that I gained an understanding that there were a bunch of different reasons why we had delayed.

Q You have described the situation you got put in at the end of October as an almost existential threat to the FBI, that on one path of concealing it led to ruin. Is that a fair characterization of some statements that you have made in your book and elsewhere?

A Yes, I thought of the path of concealing it as catastrophic impact to the institutions of justice, both the FBI and the Justice Department as a whole.

Q And finding out about this information in late October versus late September made a bad situation worse, is that also fair to say?

A Sure, in the sense that you if you could have investigated it and completed it a month earlier, you would have had much less prospect of having an impact on an election.

Q And so didn't you inquire as to why of your team why no one had investigated the laptop for a month?

A I think I didn't I already answer this question like three times? I asked them or they volunteered the history of this and said: We have had problems with the technology; something was

sent down that was corrupted; the team was disbanded; people thought other people were taking action on it.

And again, to my mind, I don't know whether you have led a large organization, but I have an incredibly difficult decision to make on behalf of an organization. I'm not spending a lot of time looking backwards. I'm looking forward saying, how do we do the right thing here?

BY MR. SOMERS:

Q Within that, staying on the Weiner laptop, did anyone at the FBI express concern to you about the scope of the search warrant for that laptop?

A The scope of the search warrant for the warrant that the Bureau sought for the Clinton emails?

Q On the Weiner laptop, particularly the temporal scope.

A No, not that I recall.

Q Because I think the last time we were here, you testified basically something to the extent that, obviously, in looking at the emails, you would want to look at the emails at the very beginning when she set the server up in order to understand why that was done. Was that roughly your testimony?

A Yeah. My understanding was the scope was going to be her tenure as Secretary of State.

Q So, if there was if the search warrant did not cover that time period, that would be concerning?

A I would want to understand why.

Q What about the end, would you make the same comment? I mean, once would it be important to know or to see the emails after, you know, there was a discovery that there was something wrong with the server after there was an investigation opened?

A After she had left as Secretary of State?

Q Yes.

A Yeah, I don't know how you would get those.

Q Well, if you're looking at an investigation as to why the server was created, wouldn't there be a possibility there would be discussion via email on that server as to, "Well, we screwed up here," after the investigation was discovered?

A I can't answer that because I don't know what went into that, but I don't know how you would I just don't know is the answer. I just don't know how you would shape the search warrant for her mishandling unless you had evidence of obstruction or something, I don't know how you would shape the search warrant's scope to go beyond her tenure of Secretary of State.

Q Do you think that was the only thing valid for the search warrant in scope was the day she started, the day she left as Secretary of State?

A That's what my common sense tells me. I don't know whether they went otherwise.

Q All right. Just to jump around here a little bit, I have got questions I'll probably jump a little bit. Where did you get your understanding of the DOJ policy on whether gross

negligence could be charged under the Espionage Act? I believe last time you were here, you testified that you had an understanding that gross negligence couldn't be charged.

A Not that it couldn't be charged, but that it was understood in the legislative history as something closer to willful misconduct, one; and, two, that it had never been charged once in 100 years and never convicted under. So I got that from lawyers in the General Counsel's Office, so Jim Baker, Tricia Anderson, (b)(6), (b)(7)(C) per FBI. I'm sure there were others, as well.

Q And that was their explanation of their understanding or that's what they were told by the FBI I'm sorry, by Main Justice?

A I'm sure it was a mix. I don't remember sitting here today what the mix was. I remember getting the legislative history myself to read it of the statute, and so I didn't have to rely on anybody else to characterize that for me, but I don't know what the mix was.

Q All right. To jump around again, was there any consideration ever to charging anyone else other than Hillary Clinton in connection with the Midyear Exam investigation?

Mr. [\_\_\_\_\_]. Obviously, it's a yes or no question; we can start with that.

Mr. Comey. I guess I'm struggling with the word "consideration." So I would say yes.

Mr. Somers. But there were obviously no charges brought?

Mr. Comey. Yeah, there weren't any brought that I'm certainly that I'm aware of.

Mr. Somers. Any attempt to leverage anyone with charges to for immunity or something else along those lines in the Midyear Exam investigation?

Mr. Comey. I can't answer that. I mean, I don't I don't remember it clearly enough and wasn't present, obviously, because I'm the Director of the organization with conversations with the lawyers for individual subjects, so it wouldn't surprise me if there were, but I don't know of any.

Chairman Goodlatte. Mr. Comey did any country other than Russia attempt to influence the 2016 election?

[Discussion off the record.]

Mr. Comey. I don't think I can answer that, Mr. Chairman.

Chairman Goodlatte. And what's the reason?

Mr. Comey. I believe that's across the line the FBI told me to steer stay on one side of.

Chairman Goodlatte. We need a reason why the FBI told you to steer clear of that.

Mr. [\_\_\_\_\_]. First, I think it is impacting the Special Counsel's Office purview; and, second of all, if you're going so far as to ask who were those investigations may be on, we

Chairman Goodlatte. I haven't asked that yet.

Mr. [\_\_\_\_\_]. I understand that. I just don't want the witness to blurt something out either.



Chairman Goodlatte. He doesn't seem disposed to blurt things out. He can answer a straightforward question of, did any country other than Russia attempt to influence the 2016 election?

Mr. Comey. So I can give you this answer. One of the things I don't want to do is give adversaries we're in an unclassified setting an idea of what we didn't know as well as know, so the answer would be I believe so nations other than Russia.

Chairman Goodlatte. Did the FBI have any evidence that another country was attempting to influence Hillary Clinton or her Presidential campaign?

Mr. Comey. Mr. Chairman, I want to be careful answering that question because, again, I don't want to give a negative answer or a positive answer will give information to an adversary that I don't want to give them, and so I'm sure the FBI maybe could arrange for a briefing of you on that, sir, but I don't think I can responsibly answer that in an open setting.

Chairman Goodlatte. Did the FBI provide Mrs. Clinton with any defensive briefings during this time?

Mr. Comey. My recollection is that both candidates were offered, and I think both took counterintelligence briefings from the intelligence community run by the Director of the National Intelligence in which the Bureau participated.

Chairman Goodlatte. Would those defensive briefings, would they have included discussions and a briefing regarding interference in the campaign?

Mr. Comey. I don't know for sure. I think, though, that they were confined to these are the bad guys out there, the things they tried to do, and the kind of things you ought to be aware of as a candidate for President of the United States. I don't know that it extended to specifics about either this is what may be happening with your campaign or things to watch out for in your campaign. I just don't know.

Chairman Goodlatte. Would you have conducted those briefings yourself?

Mr. Comey. No, the Director of National Intelligence organized them and had participants there from the relevant agencies. I think, in fact, they were run by the National Counterintelligence Executive, who reported to the Director of National Intelligence, at that point Jim Clapper, and that they ran them and brought in the experts from around the community. As the Director, I would have had no involvement with that.

Chairman Goodlatte. We haven't talked about a timeframe, but when it later became clear that the FBI had concerns about individuals that were later the subject of ongoing investigations, was a defensive briefing offered to candidate Trump or later President Trump?

Mr. Comey. Not to my knowledge, other than the general one we just talked about.

Chairman Goodlatte. And what would be the reason for not alerting the candidate or the President to the potential

interference?

Mr. Comey. For the same reason that my general counsel was concerned about me telling the President elect he wasn't under investigation. You're going to touch even if he is not you're going to touch pretty close to him and his campaign, and you would want to be very, very thoughtful about how you did that so you didn't smear innocent people or blow an investigation.

Chairman Goodlatte. Sure. Well, this wouldn't be conclusory. I mean, it wouldn't be like telling somebody he is not under investigation. It would be simply advising them of things to be cautious about so they don't jeopardize national security or do other things that would be obviously a problem for them individually but also a problem for the country.

Mr. Comey. I hear what you're saying. I just, for a variety of reasons, I don't think that happened.

Chairman Goodlatte. Did the FBI or any government agency ever record President Trump or surreptitiously obtain recordings or transcripts of recordings, whether audio or video, of President Trump?

Mr. Comey. Not to my knowledge.

Chairman Goodlatte. And what about recordings or surveillance of his family members?

Mr. Comey. Not to my knowledge.

Chairman Goodlatte. Okay. That's all I have. Thank you.

Mr. Breitenbach. Sir

Mr. Kelley. Give me one second.

Mr. Breitenbach. Sure.

Mr. Comey. Mr. Chairman, it occurs to me I may not have been clear about the difference between a defensive briefing, which I think we talked about earlier, and those intel briefings they got. A defensive briefing, at least in the way I understand the Bureau uses the term, is specific to warn you about someone who may be coming after you or some particular vulnerability, and that's a dicey thing to do when you're investigating people around the person who might be briefed. The ones that the DNI arrange for are the broader ones saying: Look, here's what the bad guys do around the world; you should be sensitive to these threats to your networks and those kinds of things. And I'm worried I confused the two.

Chairman Goodlatte. I understand, and now that you have made clear your understanding of the distinction between the two, let me ask you again, was Hillary Clinton ever provided with a defensive briefing?

Mr. Comey. Not to my knowledge, no, nor was President Trump.

Chairman Goodlatte. subject related to her or her campaign?

Mr. Comey. Not to my knowledge, no.

Chairman Goodlatte. And was Donald Trump ever provided with a defensive briefing?

Mr. Comey. No, same answer. They both got the general

threat briefing but not a defensive briefing in the way I understand the term.

Chairman Goodlatte. Thank you very much.

Mr. Baker. Just a quick followup to the chairman's question. Would you as the Director necessarily know about defensive briefings given?

Mr. Comey. Not in general, but to the President of the United States or to one of the two candidates, very, very unlikely that I wouldn't be told.

Mr. Baker. Thank you.

Mr. Somers. Just to clarify that to any candidate Presidential candidate, same question, would you have been aware?

Mr. Comey. I would expect so. My mind was going to the period of 2016 when it was candidate Trump and candidate Clinton. I would be very surprised if a defensive briefing was given to them without talking to me first, whether a year earlier when there were 15 or 18 Republican candidates, it is possible that someone would go alert a candidate to a threat without telling me, still unlikely, but not as unlikely as when it is down to two.

Mr. Baker. Thank you.

Mr. Parmiter. Sir, good afternoon. I'm Robert Parmiter with the Judiciary Committee majority staff. Just a couple of followup questions on recordings, and then I have one other question as we're getting short on time during this hour. I believe the last time you were here 10 days ago, the subject of the FBI policy on

noncustodial interviews came up and, you know, the recording of those or the nonrecording of those. Do you recall that discussion?

Mr. Comey. I do.

Mr. Parmiter. When we had Mr. Papadopoulos before the committee for a transcribed interview, he stated that he believed he had been recorded by multiple individuals, including the FBI. Do you know whether or not that statement is accurate?

Mr. Comey. Can I just ask you a question?

[Discussion off the record.]

Mr. Comey. Okay. Great. Yes. I don't know of any such thing.

BY MR. PARMITER:

Q Okay. Can I show you a New York Times article from April 22nd of last year? I have got a couple copies of it. It is entitled "Comey Tried to Shield the FBI from Politics. Then He Shaped an Election." It is a lengthy article, and I'm not asking you to read it all right now, but I would like to direct your attention to a couple of quotations. One is on the first page where the article refers to a couple of quotes that are attributed to you from closed door meetings. Do you see where I'm pointing?

A I see it. Yes. It begins, "Should you consider."

Q Right. There's one there and then there's one in the following paragraph where it starts, "If we ever start considering." And then so I guess I would ask, you know, did you

authorize disclosures of that information from that meeting to The New York Times?

A No.

Q And then I'll direct you to

A And I don't know what meeting they're talking about, but I didn't authorize any such disclosure.

Q Okay. Let me direct you to another page in here. I believe on your copy, it is going to be page 4 towards the bottom. It is a quote from George Toscas, and correct me if I'm wrong, but at the time Mr. Toscas was a Deputy Assistant Attorney General in the National Security Division. Is that your understanding?

A Yes.

Q And the quote from Mr. Toscas, somewhat in jest, says: I guess you're the Federal Bureau of Matters now.

Do you recall the meeting that that occurred in?

A Yes, I do.

Q Okay. And do you recall anyone did you authorize any disclosures from that meeting of information to the press?

A No, no, huh uh.

BY MR. BREITENBACH:

Q Sir, Ryan Breitenbach with Judiciary majority. You stated earlier something to the effect I wrote down here that you spent a lot of time in the Hillary Clinton email investigation in trying to determine whether there had been any foreign access to any of her emails. Do you recall saying that today?

A Yeah, I didn't, but the investigative team did.

Q That's right. At any point did you actually learn that a foreign actor had obtained access to any of Hillary Clinton's emails?

A No. And, again, but the team said we wouldn't expect to see the digital dust that would indicate that.

Q Okay. I just want to introduce into the record an email. This is I'll give you a copy here. It is an email from the current, I believe, head of the counterintelligence division Bill Priestap sending to Peter Strzok entitled Midyear Exam, and it is forwarding an email from Peter Strzok to your former chief of staff Jim Rybicki, copying Andrew McCabe, Bill Priestap, and Jonathan Moffa, who I believe is one of the chief analysts on the case. And I would like you to turn just to, while you're looking at it, to page the second page, and there are numbered paragraphs, and please look at paragraph No. 4, and I'll read it out loud. It says "The state," and it is under a heading "Accuracy/Clarification Considerations," and, again, this is an email sent by Peter Strzok, and it states: The statement that, quote, we assess it is reasonably likely that hostile actors gained access to Secretary Clinton's private email account is too strong. It is more accurate to say we know foreign actors obtained access to some of her emails and, parenthetical, including at least one secret one via compromises of the private email accounts of some of the her staffers.



And it goes on. In reading that statement is that something that you had ever heard while on this case as Director?

A Yes.

Q So would it be accurate to say that, based off of this statement, that at least one of Hillary Clinton's classified emails was obtained by a foreign actor?

A I actually don't remember that piece, but I do remember being told that a foreign actor had infiltrated someone's email account with whom she occasionally emailed and obtained access to their email, so it would include emails the Secretary had sent back and forth with that person. I don't remember being told that one of those was classified.

Q You don't remember you weren't on this particular email, but you don't recall Peter Strzok or anybody on your investigative team indicating that, despite the fact that the access by the foreign actor had been through, according to this, some of her associate's email accounts, that at least some of her email at least one in this case, marked secret had been accessed by a foreign actor?

A First of all, there were no emails that I ever saw that were marked secret, but I don't remember ever being told that an email Hillary Clinton sent to another person was then obtained by a foreign adversary and that that email contained classified information.

Q Does it surprise you to see this statement at the

moment?

A The only piece of it being the piece about one of them being containing secret information. I remember being told somebody she is emailing with she emailed a lot of people one person she is emailing with, that person's Gmail account, I think it was, has been penetrated by a foreign adversary, and because they penetrated it, they're getting everything in that person's inbox. In that inbox, among the hundreds of emails, are email communications with Hillary Clinton, not that the adversary got into Hillary Clinton's system. That's what I remember. I don't remember being told that one of the emails harvested by the foreign adversary from that other person's Gmail box contained secret information. I don't remember that.

Q Do you think that would have changed at all in any way your analysis of the case by knowing that a foreign actor had, in fact, accessed some of her email?

A No.

Q And, in fact, not only some of her email, but according to this statement, a secret email?

A No. It wouldn't have. I would have been keen what I'm worried about is people reading this transcript is they're not going to understand what you and I are talking about. I never saw any evidence and if you have it, I would love to see it that a foreign adversary gained access to Hillary Clinton's email server. This is about people out the spokes of the wheel, one of

the persons who got emails from her had their system hacked, and the adversary got it that way; that I knew. It doesn't change my view of the case at all. I didn't know that and I don't even know today whether it is true that one of those in that guy's email box contained secret information and that the adversary likely got that. I didn't know that. That wouldn't change my view of the case overall.

Q Well, all we know is what Peter Strzok is reporting here, that a classified email of Mrs. Clinton's had been obtained by a foreign actor, and as I understand it, you did not know that, within another associate's emails, that, in fact, one of Mrs. Clinton's emails that had been classified was, in fact, accessed by a foreign actor?

A We're going down this rabbit hole again. None of them have been classified. They all contained discussions about stuff that was secret. I did not know, and it wouldn't change my view, but I didn't know, at least I don't think I did, that there was one of those in somebody else's email box that an adversary might have gotten access to. I didn't know that.

Mr. Breitenbach. Okay. Thank you.

BY MS. SHEN:

Q Hi. We're back on the record. Director Comey, I just had one quick followup question. I believe last round there was discussion about defensive briefings to the campaign, and I believe at one point you said that you did not the FBI did not

provide defensive briefings to either the Trump campaign or the Clinton campaign, correct?

A Correct. And I distinguished those from general threat briefings.

Q And I believe you also said that, not only did they not happen, but you would not have considered giving a defensive briefing to the Trump campaign regarding the four individuals that were under investigation. Is that correct?

A Correct.

Q And can you explain why?

A Because the investigations were under way. It was early. We didn't know whether we had anything. We wouldn't want to either alert people that we were investigating them or, by doing a defensive briefing, smear people who were innocent. And the candidate himself was not under investigation, but people around were, and so you risk both of those harms by alerting the candidate to the investigation: smearing innocent people and also alerting them to your ongoing investigation.

Q And so you didn't see any pros to giving defensive briefing? I understand the risk that you're outlining, but were there any other considerations that you had that might lead you to want to give such a defensive briefing to the Trump campaign?

A Not that I was aware of.

Ms. Shen. Okay. Thank you. That's the end of our round.

Ms. Sachsman Grooms. So thank you very much. We're done for

the day.

[Whereupon, at 3:18 p.m., the interview was concluded.]

EXECUTIVE SESSION  
COMMITTEE ON THE JUDICIARY,  
JOINT WITH THE  
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: JAMES COMEY

Friday, December 7, 2018

Washington, D.C.

The interview in the above matter was held in Room 2141, Rayburn House Office Building, commencing at 10:12 a.m.

Members Present: Representatives Goodlatte, Issa, King, Gohmert, Jordan, Buck, Ratcliffe, Gaetz, Biggs, Nadler, Jackson Lee, Cohen, Deutch, Bass, Gowdy, Sanford, Meadows, Hurd,

Cummings, Cooper, Krishnamoorthi, Gomez, and Plaskett.

Chairman Goodlatte. This is a transcribed interview of James Comey. Chairman Gowdy and I requested this interview as part of a joint investigation by the House Committee on the Judiciary and the House Committee on Oversight and Government Reform into decisions made and not made by the Department of Justice and the Federal Bureau of Investigation regarding the 2016 Presidential election.

Would the witness please state his name and the last position he held at the Federal Bureau of Investigation for the record?

Mr. Comey. Certainly, Mr. Chairman. My name is James Brien Comey, Jr., and my last position was Director until May 9th of 2017.

Chairman Goodlatte. I want to thank you for appearing today. My name is Bob Goodlatte. I am chairman of the Judiciary Committee, and I will now ask everyone else who is here in the room, other than Mr. Comey's personal counsel, who we will get to in a moment, to introduce themselves for the record.

Mr. Gowdy. Trey Gowdy, South Carolina.

Mr. Ratcliffe. John Ratcliffe, Texas.

Mr. Meadows. Mark Meadows, North Carolina.

Mr. Jordan. Jim Jordan, Ohio.

Mr. Biggs. Andy Biggs, Arizona.

Mr. Buck. Ken Buck, Colorado.



**(b)(6), (b)(7)(C) per FBI** FBI.

Ms. Bessee. Cecilia Bessee, FBI.

Mr. Parmiter. Robert Parmiter, House Judiciary Committee staff.

Mr. Baker. Arthur Baker, House Judiciary Committee staff.

Mr. Somers. Zach Somers, House Judiciary Committee, majority.

Mr. Nadler. Jerrold Nadler, New York.

Mr. King. Steve King, Iowa, Four.

Mr. Gomez. Jimmy Gomez, California.

Mr. Cooper. Jim Cooper, Fifth District of Tennessee.

Mr. Cohen. Steve Cohen, Memphis.

Ms. Bass. Karen Bass, California.

Mr. Cummings. Elijah Cummings, Maryland.

Ms. Jackson Lee. Sheila Jackson Lee, Texas.

Mr. Krishnamoorthi. Raja Krishnamoorthi, Illinois.

Mr. Breitenbach. Ryan Breitenbach, House Judiciary Committee staff.

Mr. Ventura. Chris Ventura, House Judiciary Committee staff.

Ms. Husband. Shelley Husband, House Judiciary, majority.

Mr. Castor. Steve Castor, Oversight and Government Reform.

Mr. Buddharaju. Anudeep Buddharaju, Oversight and Government Reform.

Ms. Doocy. Mary Doocy.

Ms. Greene. Emily Greene.

Mr. Gaetz. Matt Gaetz, Florida, House Judiciary  
Committee.

Mr. Ritchie. Branden Ritchie, House Judiciary, majority.

**(b)(6), (b)(7)(C) per FBI** FBI Congressional Affairs.

Ms. Hariharan. Arya Hariharan, House Judiciary, minority

Ms. Shen. Valerie Shen, House Oversight and Government  
Reform.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, House  
Oversight.

Mr. Thadani. Akhil Thadani, House Judiciary, Democrat.

Mr. Gohmert. Louie Gohmert.

Mr. Sanford. Mark Sanford, House Judiciary.

Mr. Apelbaum. Perry Apelbaum.

Mr. Hiller. Aaron Hiller, House Judiciary, minority.

Chairman Goodlatte. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I'd like to go over. Our questioning will proceed in rounds. The majority will ask questions first for an hour, and then the minority will have an opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more questions and the interview is over.

Typically, we take a short break at the end of each hour

of questioning, but if you would like to take a break apart from that, please let us know. We also may take a break for lunch at the appropriate point.

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

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

Mr. Comey. Yes, sir.

Chairman Goodlatte. So that the reporter can take down a clear record, it is important that we don't talk over one another or interrupt each other if we can help it. Both committees encourage witnesses who appear for transcribed interviews to freely consult with counsel if they so choose, and you are appearing today with counsel.

Could counsel for Mr. Comey please state their names for the record?

Mr. Kelley. Yes, Mr. Chairman. It is David N. Kelley from Dechert LLP.

Chairman Goodlatte. We want you to answer our questions in the most complete and truthful manner possible, so we will

take our time. If you have any questions or if you do not understand one of our questions, please let us know. If you honestly do not know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection. It is okay to tell us if you learned information from someone else. If there are things you don't know or can't remember, just say so, and please inform us who, to the best of your knowledge, might be able to provide a more complete answer to the question.

Mr. Comey, you should also understand that, although this interview is not under oath, you are required by law to answer questions from Congress truthfully.

Do you understand that?

Mr. Comey. Yes, I do, sir.

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

Mr. Comey. Yes, sir.

Chairman Goodlatte. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements.

Do you understand this?

Mr. Comey. Yes, I do.

Chairman Goodlatte. Is there any reason you are unable to provide truthful answers to today's questions?

Mr. Comey. No, sir.

Chairman Goodlatte. Finally, I'd like to just note that, as was discussed last weekend with your attorneys with regard to withdrawing your motion to quash our subpoena, we anticipate, after speaking with the Clerk's Office, that we will be able to provide a copy of the transcript of today's interview sometime tomorrow.

In the meantime, as we also discussed with your attorneys, you are free to discuss today's interview publicly once it is concluded. Chairman Gowdy and I ask that everyone else here in the room also refrain from speaking publicly about today's interview until it has concluded.

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

Mr. Gaetz. Matt Gaetz from Florida. I wanted to state that I was not a party to any such agreement and don't consider myself bound by it. I also don't know of any provision in the Constitution, the rules of the House, or any Federal law that would prohibit members of the committee from engaging in free speech, debate, and opining at any time.

Mr. Gowdy. Mr. Chairman, I think -- I do intend to comply with the representations we made to this witness. I would encourage all of my colleagues to do so. There's a reason that we have something called the rule of completeness. It is manifestly unfair to take part of what someone says and disregard the whole. I also think there's an argument to be made that when

the chairman of a committee makes a representation to a witness, that it should not only bind the members of the committee, but it also reflects poorly on the House as an institution to not abide by what the chairman represented.

So I will abide by what the chairman agreed to with this and other witnesses, and I would encourage all of my colleagues to do so, if, for no other reason, to protect the integrity of the House and because that's what serious investigations do.

Mr. Nadler. Mr. Chairman.

Chairman Goodlatte. The gentleman from New York, the ranking member.

Mr. Nadler. Thank you. Mr. Chairman, I find myself in rare but happy agreement with Mr. Gowdy. I think representations were made to the witness. I think we ought to be bound by it.

And I think that if Mr. Gaetz does not consider himself bound by it, he should perhaps be asked to leave at this point, as should anybody else who tells us upfront they will not feel bound by what this committee has represented to the witnesses.

Chairman Goodlatte. I will not ask him to leave since he hasn't violated the commitment we have made. However, I would ask him to respect that this is a representation made by all of the members of these two committees by the chairmen of the committees. And, yes, you did not make the representation yourself; I understand that. But it is important that we respect

the integrity of this interview.

And, with that, the time --

Mr. Gohmert. Mr. Chairman, may I ask a question? Wasn't the terms that you just dictated part of an agreement that was in lieu of litigation, sort of a settlement agreement rather than litigate the subpoena?

Chairman Goodlatte. It is correct that, in the proceedings that were ongoing last weekend with regard to Mr. Comey's motion to quash the subpoena that I issued, that an understanding was reached that he would appear voluntarily for a private transcribed interview with the conditions that I read a moment earlier.

Mr. Gohmert. So it is actually an agreement between the parties that ended litigation, which normally is enforceable.

Chairman Goodlatte. I think that is correct.

The time is now 10:20. We will get started with the first round of questions.

Mr. Kelley. If I may, Mr. Chairman, before we start, I appreciate very much you having read the terms of the agreement, which you did so accurately, and we appreciate that. And given the comments of Mr. Gaetz, we appreciate and will be sure that the chairmen of both committees will do the best they can to ensure that the terms of the agreement are abided.

Mr. Comey is here voluntarily, as you said, for the interview. He looks forward to answering your questions

concerning the subject matter that you laid out. We are getting a little bit late start, but we have a hard stop at 4:15, and we think we can get a lot done until that time. Should there be any additional questions thereafter, we can certainly talk about how to accomplish that best, should there be a need to schedule a subsequent opportunity to interview him. We also would like your indulgence for maybe a short 30-minute, if less, break for lunch.

Chairman Goodlatte. We definitely will take that into account.

And, with that, the chair recognizes the chairman of the Oversight Committee, Mr. Gowdy.

Mr. Gowdy. Good morning, Director Comey. I'm going to go through the first series of questions in an unusually leading way, but that is in the interest of time and --

Chairman Goodlatte. I think we have to say that if we do have a hard stop today at 4:15, we're going to have to agree that we will continue it at another time, because we, I think, run the risk that we'll not ask all the questions that need to be asked by that time.

Mr. Kelley. And as I said, Mr. Chairman, if there are additional questions and a compelling need to have another opportunity, we can talk about how to schedule that.

Mr. Meadows. Mr. Chairman, I guess what I would rather do is have -- before we get into questioning, let's have an



understanding that the 4:15 hard stop is new information right now. And I think in a spirit of being here voluntarily, we need to have an understanding that if all the questions are not asked and answered, that an agreement to agree in the future is certainly a problem, Mr. Chairman.

Mr. Kelley. What I agreed to do in the future, sir, is to schedule another time.

Mr. Meadows. That's fine. As long as we're agreeing to schedule another time, that's fine.

Mr. Gowdy. Director Comey, Peter Strzok was an FBI agent who was assigned to the Clinton Espionage Act investigation. Do I have that right?

Mr. Comey. That is correct.

Mr. Gowdy. What was his title?

Mr. Comey. His title was special agent. I think he had a variety of different supervisory assignments during the pendency of that investigation from mid-2015 to the end of '16. I don't remember exactly what those were.

Mr. Gowdy. Did he interview witnesses?

Mr. Comey. Did he interview witnesses? Yes, he did during the Clinton investigation, is my understanding.

Mr. Gowdy. Did he review documents?

Mr. Comey. My understanding is, yes, he did review documents.

Mr. Gowdy. Did he provide advice, counsel, insight to you

in your role as the Director?

Mr. Comey. I don't -- I'm just hesitating over the description of advice, counsel. He was a supervisory special agent of some role who would periodically brief me on the status of the investigation, was his primary responsibility as it related to me.

Mr. Gowdy. Let me see if I can ask the question more artfully. Did he help you prepare or edit your July 5th press statement?

Mr. Comey. July 5th press statement? Yes, he did help edit that.

Mr. Gowdy. Lisa Page, she was an attorney with the FBI in 2016. Is that right?

Mr. Comey. Lisa Page, yes, that is correct. Lisa Page was an attorney I think before 2016, but certainly during 2016 assigned to the Office of General Counsel.

Mr. Gowdy. What role did she have with the Clinton Espionage Act investigation?

Mr. Comey. Lisa Page's role in the investigation into whether Hillary Clinton had mishandled classified information was in her capacity as a lawyer assigned to support the Deputy Director of the FBI, Andrew McCabe.

Mr. Gowdy. Did she assist you in drafting or editing your July 5th press statement?

Mr. Comey. I believe she did assist in drafting -- or

editing the statement of July 2016.

Mr. Gowdy. So, from January 2016 up until your July 5th press statement, it is fair to say that both Special Agent Peter Strzok and FBI Attorney Lisa Page were working on the Clinton Espionage Act or mishandling of classified information investigation?

Mr. Comey. The reason I'm hesitating, Mr. Gowdy, is I've never applied the label of Espionage Act investigation. It was an investigation into the mishandling of classified information. I don't mean to quibble, but that's how I thought of it and talked about it.

Yes, they each participated in some respect in that investigation or in our public statement about the investigation and things like that.

Mr. Gowdy. February of 2016, Lisa Page wrote: Trump simply cannot be President.

February of 2016, Peter Strzok wrote: Trump's abysmal, hoping people will just dump him.

February of 2016, Lisa Page wrote: She might be our next President. The last thing you need us going in there loaded for bear.

March 2016, Lisa Page wrote: Trump is a loathsome human.

March of 2016, Strzok wrote: Trump's an idiot.

March of 2016, Strzok wrote: Hillary should win 100 million to zero.

Do you recall whether the Democrat primary was still ongoing in March of 2016?

Mr. Comey. I'm not in a position to answer -- you gave a long preamble to that about things that I don't know from my own knowledge. So I'm going to exclude that part of your preamble and just answer the question at the end.

Do I know whether the Democratic primary was ongoing in March of 2016? I think so, yes.

Mr. Gowdy. Well, let me back up, in fairness to you, and ask whether or not you've had a chance to read any of the text exchanges between Peter Strzok and Lisa Page?

Mr. Comey. I've seen some of them in the open source, in the media, obviously, since I was fired as Director.

Mr. Gowdy. Did you read any of them in preparation for today?

Mr. Comey. No, I did not.

Mr. Gowdy. So, if you are correct that the Democratic primary was still open in March of 2016, I read that as Special Agent Peter Strzok commenting that she should win the primary 100 million to zero.

And I guess an alternative reading of that would be that he already had her as the nominee and she should win the general 100 million to zero.

Is there another reading other than those two, winning the primary or winning the general?

Mr. Comey. I'm not in a position to interpret their text exchanges, so I can't answer that.

Mr. Gowdy. In the course of human history, has anyone won an election 100 million to zero, to your knowledge?

Mr. Comey. In the United States?

Mr. Gowdy. Anywhere.

Mr. Comey. I don't mean to be facetious. I can't speak to Stalin's reelection or Mao Tse-tung reelection campaigns. In --

Mr. Gowdy. 100 million to zero is a lot.

Mr. Comey. Sure. I'm not trying to be facetious, but I remember as a student the vote in Soviet Russia was 99.9 percent to --

Mr. Gowdy. We are going to get to Russia in a little bit. We'll get to Russia in a little bit.

Mr. Comey. So in the -- I can answer your question, Mr. Gowdy. In the United States, I'm not aware of any such lopsided vote.

Mr. Gowdy. So, in March of 2016, Peter Strzok is investigating Secretary Clinton -- we'll use your phrase -- for the alleged mishandling of classified information. And at least according to this text, he has her winning the primary and/or the general election. Is that fair?

Mr. Comey. I can't answer that because I don't know the text or what the intention was. So I'm just not the witness to

answer that.

Mr. Gowdy. How about the plain language of the text, what do you interpret that to mean?

Mr. Comey. I really can't without knowing them and knowing the context of them. I'm just not your best witness to answer that.

Mr. Gowdy. July of 2016, do you know which agent interviewed Secretary Clinton?

Mr. Comey. I believe two FBI agents participated in the July interview of Secretary Clinton, one of which was Peter Strzok, and the other was another veteran special agent.

Mr. Gowdy. Do you know the other veteran special agent's name?

Mr. Comey. I think so. I'm hesitating only because I may butcher his name, and I don't know whether the FBI wants the names of special agents on a public record. So I think I know his name.

Ms. Bessee. If the agent is not at the SES level and above, you probably cannot state the name.

Mr. Gowdy. When you say "probably cannot," is that a legal prohibition, or is that an FBI policy prohibition?

Ms. Bessee. An FBI policy and a DOJ policy prohibition.

Mr. Gowdy. Does the FBI take the position that that's binding on Congress?

Ms. Bessee. Based on my direction from the FBI Director and from the Deputy Attorney General's Office, that is our

direction. We can go back and ask the question if we can reveal the name.

Mr. Gowdy. Well, how about do that for me. For the meantime, we'll just refer to that person as FBI Agent 1.

Director Comey, after the Clinton interview on July 2nd, if memory serves, 2016, FBI Agent 1 wrote: "I'm done interviewing the President," dash, and then typed 302.

Another FBI employee responded: You interviewed the President, question mark.

And FBI Agent 1 wrote back: You know, HRC.

A couple days later, you were before Congress, and you said, among other things, "The decision was made and the recommendation was made the way you would want it to be, by people who didn't give a hoot about politics."

Now, Representative Ratcliffe is going to go into how that decision was made. My question to you is, had you known about these texts, would you have kept Peter Strzok and Lisa Page on the Espionage Act/mishandling of classified information case?

Mr. Comey. In your question, Mr. Gowdy, you talked about texts that I'm not aware of that involve an agent other than Peter Strzok or FBI employee other than Peter Strzok and Lisa Page, so I can't answer that part of it.

To the extent you're asking about communications of Page and Strzok, if I had known about those things that they were communicating that I've seen in open source, I would not have

had them stay on the -- playing any role in connection with that investigation.

Mr. Gowdy. Would you have fired them?

Mr. Comey. That I can't answer in the abstract. I'd certainly want the FBI disciplinary process to work and to look at it, to decide whether discipline was appropriate and what that would be. But I can't answer the ultimate question.

Mr. Gowdy. But if I understood your answer to the first part of that correct, you would not have allowed them to remain on the Clinton investigation had you been aware of those texts.

Mr. Comey. My judgment would have been -- and based -- the challenge for me is I haven't read all the texts, but based on what I saw -- have seen in the media since I left the FBI, that unless there was some explanation for that that I was missing, in my judgment, they wouldn't have remained part of the investigation.

Mr. Gowdy. Well, I don't want you to answer that question in the abstract. Peter Strzok did offer a justification. He said that he was not biased for Clinton or against Trump. Not that his bias didn't impact his work, he got around to that later. He just said he wasn't biased.

So, if you had brought him in and he had said, "Oh, but, Director Comey, I know I said he was a loathsome human being and I know I said that she should win 100 million to zero, but that doesn't mean I can't do my job," because that is certainly what



he told my Democrat colleagues, which they bought, so my question is, would you have bought that? Would you have left him on the investigation had you known about these texts?

Mr. Comey. I would have certainly been open to listening to any explanation, but when you're the leader of a justice agency, the appearance of bias is as important as the existence of actual bias.

And although I have seen no evidence of any bias in any of the participants in that effort, the appearance of bias would have been very important to me. So I -- again, it's hard to go back and live a life you didn't live, but I would imagine my judgment would have been you can't remain on the case.

Mr. Gowdy. When Special Counsel Mueller was made aware of the texts, he did immediately kick Strzok off of his team. Do you have any reason to disagree with his decision?

Mr. Comey. No. I don't know the details of his decision, but, again, I've seen the open source reporting to that. And if that's true, it's a reasonable decision by a reasonable leader.

Mr. Gowdy. And you believe, as we sit here today, that had you been aware of the texts contemporaneously, you too would have kicked Strzok off of the Midyear Exam investigation?

Mr. Comey. I think I answered that one already. I would certainly be open to an explanation that I don't know, can't imagine sitting here. But absent an explanation, the appearance

issue would have been very important to me, and it's unlikely I would have left him on the case.

Mr. Gowdy. Why is the appearance of bias as insidious as actual bias?

Mr. Comey. The appearance of bias is as important. I don't know exactly what the word "insidious" means, so I'm not saying that one. It's as important as actual bias because the faith and confidence of the American people that your work is done in an independent, fair, and competent way matters enormously. And so a reasonable appearance of bias can corrupt that faith in your work as much as actual bias can.

Mr. Gowdy. Had you known about the texts contemporaneously, would you have allowed Peter Strzok and Lisa Page to move from the Espionage Act or mishandling investigation to the Russia investigation?

Mr. Comey. I would have thought of it the same way, in that if either bias or appearance of bias, political bias, is very important to not have as part of your investigative work. So I would have thought that way about any investigation that was likely to touch the public interest in the way that that investigation did. So most likely I would think about it the same way.

Mr. Gowdy. Well, I don't want to put words in your mouth, but I do want to gain as much clarity as I can into this. You -- if I understand you correctly, you believe you would have

not kept them on either investigation, but you would be open to an explanation, but you can't think of what that explanation could have been that would have persuaded you to keep them?

Mr. Comey. That's right. I try as a leader always to be open to things I might be missing, but absent something like that, I think it's likely -- again, it's hard to live a life you didn't live. But it's likely I wouldn't have kept them on the case for that reason, the reasons I said.

Mr. Gowdy. If you had gained familiarity with a text from Lisa Page where she said, "Please tell me Trump won't ever be President," and Strzok responded, "No, no, he won't, we'll stop it," do you think you would have kept them on the investigation?

Mr. Comey. I think of -- again, assuming you're recounting actual texts, I would think of it in the same way I thought of the ones you recounted earlier. I'd be concerned about bias or the perception of bias, and -- so I think about it the same way I thought about the earlier text you laid out.

Mr. Gowdy. Well, I want to remain open-minded to any other interpretations of that text, but what other interpretation could there be: Please tell me he won't be President. No, period, no, comma, He won't. We'll stop it.

What explanation could there be that was benign enough to leave them on the very investigation they were commenting on?

Mr. Comey. I don't know. And that -- I think that's what it means to be open-minded, to give people a chance to explain

something and then to think about their explanation. I don't know what it would be, and maybe there's none, but -- yeah, that's how I would think about it.

Is there some explanation for this? If there is, tell me what it is, and then I'll make a judgment based on that. I can't get inside the head of people writing texts that I never saw, so that's why it's a little tricky for me to answer.

Mr. Gowdy. What was the Russia investigation? When you hear the phrase "Russia investigation," what do you think?

Mr. Comey. To my mind, the term "Russia investigation" often refers to two different things: First, the investigation to understand what are the Russians doing to interfere in our election during the 2015-16 period; and then, second, it's often used to refer to the counterintelligence investigations that the FBI opened in late July.

And so I hear it used interchangeably there, and those two things obviously connect, but I've always thought of it in two separate elements.

Mr. Gowdy. Okay. We'll go with that. Late July of 2016, the FBI did, in fact, open a counterintelligence investigation into, is it fair to say the Trump campaign or Donald Trump himself?

Mr. Comey. It's not fair to say either of those things, in my recollection. We opened investigations on four Americans to see if there was any connection between those four Americans

and the Russian interference effort. And those four Americans did not include the candidate.

Mr. Gowdy. Do you recall who drafted the FBI's initiation document for that late July 2016 Russia investigation?

Mr. Comey. I do not.

Mr. Gowdy. Would you disagree that it was Peter Strzok?

Mr. Comey. I don't know one way or the other.

Mr. Gowdy. Do you know who approved that draft of an initial plan for the Russia investigation in late July 2016?

Mr. Comey. I don't.

Mr. Gowdy. Would you disagree that it was Peter Strzok?

Mr. Comey. That Peter Strzok approved? I don't know one way or the other.

Mr. Gowdy. Drafted and approved it.

Mr. Comey. I don't know one way or the other.

Mr. Gowdy. Have you read that initiation document?

Mr. Comey. I don't think so. I don't remember ever seeing it.

Mr. Comey. Do you recall seeing the phrase "Trump campaign" in that initiation document?

Mr. Comey. Well, I don't remember seeing it, ever seeing it, so certainly don't remember any portion of it, because I don't remember ever seeing it.

Mr. Gowdy. If it said Trump campaign, do you still have the same answer you had when I asked you whether or not it involved

the Trump campaign?

Mr. Comey. That's a question, Mr. Gowdy, I can't answer without having seen the document. So I'd be speculating about a document I don't think I've ever seen.

Mr. Gowdy. Well, I want to be fair to you and make sure I understand your testimony. You have not, did not read the FBI initiation document that launched the Russia investigation, or you read it and do not recall what it said?

Mr. Comey. I don't remember ever seeing it.

Mr. Gowdy. How does the FBI launch counterintelligence investigations? What documents are required?

Mr. Comey. I don't know for sure because it's opened far below the Director's level. But there's documentation in criminal investigations and in counterintelligence investigations to explain the predication for the opening of a file, that is, the basis for the opening of a file.

Mr. Gowdy. Who at the FBI has the authority to launch a counterintelligence investigation into a major political campaign, and would that eventually have to be approved by you?

Mr. Comey. I don't know for a variety of reasons. I've never encountered a circumstance where an investigation into a political campaign was launched, and so I don't know how that would be done. And -- so that's my best answer to that question.

Mr. Gowdy. When did you learn there was a counterintelligence investigation into potential Russian ties

with the Trump campaign?

Mr. Comey. I was briefed sometime at the end of July that the FBI had opened counterintelligence investigations of four individuals to see if there was a connection between those -- any of those four and the Russian effort.

Mr. Gowdy. And who were those four individuals?

Mr. Comey. I don't think that the Bureau has said that publicly, and so I'm not going to answer that unless it's okay with the government.

Mr. Gowdy. Well, lucky for us we have the Bureau right here with us.

Ms. Bessee. Mr. Chairman, my understanding, this is an unclassified setting, and also anything that goes to the special counsel's ongoing investigation would be off limits for this witness to be able to respond to if they are individuals that are currently being looked at or investigated as part of the Russian investigation, the ongoing Russian investigation.

Mr. Gowdy. Let me make sure I understand the Bureau's position. The former Director, actually the Director at the time, can confirm publicly that there is a counterintelligence investigation, but he cannot now tell us who that counterintelligence investigation involved?

Ms. Bessee. That is correct.

Mr. Gowdy. Director Comey, can you tell us the factual predicate that may have led to the launching of that

counterintelligence investigation?

Mr. Comey. I don't think that I can describe the factual predicate for two reasons: I don't remember precisely; and to the extent I remember, I think those are classified facts that implicate the concern the Bureau just expressed.

Mr. Gowdy. Some of our friends in the media use the word "collusion" from time to time. What is the crime of collusion?

Mr. Comey. What is the crime of collusion? I do not know. I've never heard the term "collusion" used in the way it's been used in our world over the last couple years before that. I don't know of a crime that involves collusion. I think in terms of conspiracy or aiding and abetting.

Mr. Gowdy. With counterintelligence investigations, is there always a criminal component or sometimes a criminal component?

Mr. Comey. Counterintelligence investigations involve an effort to understand the plans and intentions and activities of a foreign adversary. Sometimes that leads to the use of criminal tools to disrupt. Sometimes it involves other tools to disrupt. So criminal is an element of counterintelligence investigations always because it's a potential tool to disrupt.

Mr. Gowdy. Do you recall your March 2017 testimony in an open setting before the House Intelligence Committee?

Mr. Comey. In a general way.

Mr. Gowdy. It was when I believe the Bureau first confirmed



the existence of a counterintelligence investigation.

Mr. Comey. Okay. I remember that. I remember generally it was in March, but sure.

Mr. Gowdy. Do you recall in what way you used the word "criminal" and at what point in your testimony?

Mr. Comey. Without looking at the testimony, I don't.

Mr. Gowdy. Do you recall Rod Rosenstein's memo appointing special counsel?

Mr. Comey. No, I don't.

Mr. Gowdy. What is the difference between collusion and conspiracy?

Mr. Comey. I don't know because I don't know what collusion means. It's a term I haven't heard in my career in the Justice Department, so I don't know.

Mr. Gowdy. Let's assume that collusion and conspiracy are synonyms, and we'll just use the word "conspiracy" because the word "collusion," despite its nonstop use, has no criminal consequences.

Would it be a crime to access the DNC server or Podesta's email without permission or in an unlawful way?

Mr. Comey. That's a hard one to answer in the abstract. It's potentially a crime whenever someone either, without authorization, enters a computer system or conspires to enter a computer system without authorization.

Mr. Gowdy. Did the FBI, in July of 2016, have any evidence

anyone in the Trump campaign conspired to hack the DNC server?

Mr. Comey. Did we have evidence in July of '16 that anyone in the Trump campaign conspired to hack the DNC server? The challenge in answering that is -- and please don't take this nonanswer to imply that there is such information.

I just -- I don't think that the FBI and special counsel want me answering questions that may relate to their investigation of Russian interference during 2016. And I worry that that would cross that line, Mr. Gowdy.

Mr. Gowdy. All right. Well, I'm not asking you what happened after the initiation. July 2016, when this was launched, when Peter Strzok drafted the initiation documents, did the FBI have evidence at the time that any member of the Trump campaign conspired to access the DNC server?

Mr. Comey. And, again, the challenge with answering that is it's a slope to answering questions about what we did or didn't know about Russian activity and the connection of any Americans to it during 2016, and I think that implicates the same problem I just talked about.

Mr. Gowdy. Well, Director, we're trying to understand what the factual predicate for launching a counterintelligence investigation was.

Mr. Comey. Sure. I understand the gravamen of your question.

Mr. Gowdy. You can't tell us, or you won't tell us?

Mr. Comey. Probably a combination of both; that is, as I said in response to your earlier question, I don't remember seeing the opening memos on counterintelligence cases opened in late July, so I can't recall exactly what the predication was.

But, to the extent I recall facts developed during our investigation of Russian interference and the potential connection of Americans, I think that's a question that the FBI doesn't want me answering. So it's both a can't and a won't.

Mr. Gowdy. Do you believe your firing is evidence of obstruction of justice?

Mr. Comey. I don't know that I can answer that question because I'm not -- because I'm a witness, in a sense. I don't know the universe of facts that would reflect on that, so I can't answer it.

Mr. Gowdy. Have you ever had conversations with Rod Rosenstein where he indicated that he did not believe the contents of the memo he drafted?

Mr. Comey. I've never had any conversation with Rod Rosenstein about the memo he drafted, assuming you mean the memo that related to my firing.

Mr. Gowdy. Yes.

Mr. Comey. I've never had any conversation with him about that at all.

Mr. Gowdy. Have you read the memo?

Mr. Comey. Yes.

Mr. Gowdy. Do you think it lays out a defensible case for terminating you as the FBI Director?

Ms. Bessee. Mr. Chairman, to the extent that question goes -- again, goes to the special counsel's investigation into obstruction, the witness will not be able to answer.

Mr. Gowdy. I think the whole world has read the memo and -- or most of the world. My question is whether or not Director Comey -- I think he's already answered he had no conversations with Rod Rosenstein.

My question is, whether or not -- and he's entitled to his opinion -- whether or not he believes that that framed a sufficient factual basis for his termination as the FBI Director.

Ms. Bessee. He is entitled to his opinion, but to the extent -- because he also stated that he is also a witness in the investigation.

Mr. Gowdy. Which investigation is he a witness in?

Ms. Bessee. To the special counsel. He said he is a potential witness.

Mr. Gowdy. Well, you just said witness. Is there an obstruction of justice investigation?

Ms. Bessee. I believe there is an investigation that the special counsel is looking into.

Mr. Gowdy. Well, we all know that. Is it an obstruction of justice investigation?

Ms. Bessee. Mr. Chairman, can you rephrase the question,

please?

Mr. Gowdy. Yes. We all know that. Is it an obstruction of justice investigation?

Ms. Bessee. Can you rephrase the question for the witness?

Mr. Gowdy. Yes. Director Comey, you're familiar with the memo drafted by Rod Rosenstein. You have not talked to Rod Rosenstein, as I understand your testimony. Do you believe the memo, just on the cold four pages of the memo, four corners of that document, do you believe it provides sufficient basis for your termination? Even if you would have done it differently, is it a basis for your termination?

Mr. Comey. I can't answer that, Mr. Chairman, because it requires me to get into the mind of the decisionmaker, who is the President, and I'm not in a position to do that.

Mr. Gowdy. Do you have any evidence the memo was subterfuge to fire you, but not for the -- but for a different reason?

Mr. Comey. I have no evidence at all about how the memo came to be created. I know that it was part of the documentation that was attached, what was sent to me, delivered to the FBI on the day I was fired. That's the only thing I have personal knowledge of.

Mr. Ratcliffe. Director Comey, I'd like to ask you some questions about the events surrounding your July 5th, 2016, press conference to announce your decision not to charge Hillary Clinton for the mishandling of classified information.

One of the things that happened the week before that press conference was, on June 27th of 2016, a meeting between Attorney General Lynch and former President Bill Clinton, a meeting that got a lot of attention. Do you recall that?

Mr. Comey. I do recall press coverage of a meeting on June 27th. Mr. Ratcliffe, one thing I have to make sure is clear. You said my decision not to prosecute Hillary Clinton. I made a recommendation on behalf of the FBI to the Department of Justice. I just want to make sure that's precise. I do recall the coverage around that meeting.

Mr. Ratcliffe. And that is a meeting that took place on a tarmac in Phoenix, Arizona?

Mr. Comey. That's my recollection, yes, sir.

Mr. Ratcliffe. Do you agree that any discussion about the Hillary Clinton mishandling classified information investigation, as you called it today, between the Attorney General and the spouse of the subject of the investigation would have been inappropriate?

Mr. Comey. Any discussion of the substance of the investigation? Potentially inappropriate. Again, I'd have to understand whether there was some other appropriate basis for the communication, but it would be concerning.

Mr. Ratcliffe. Potentially inappropriate is your answer. Also potentially illegal?

Mr. Comey. Well, that one's a hard one to answer. Any

conversation is potentially illegal, depending on what people talk about. And so it would be potentially inappropriate, absent some explanation that would move it into the range of appropriate. That's why I'm giving you that answer because I don't know what was talked about.

Mr. Ratcliffe. Highly unusual for an Attorney General to meet with the spouse of the subject of one of her investigations. Do you agree with that?

Mr. Comey. I would agree with that.

Mr. Ratcliffe. And important to find out as much detail as possible about that conversation. Would you agree with that?

Mr. Comey. I don't know that I would agree with that because the fact of the communication is in some ways more important than the substance of it. So I don't think I'd agree with that in the abstract.

Mr. Ratcliffe. Did you recall that Attorney General Lynch subsequently admitted that her actions in meeting with former President Clinton cast a shadow over the Department of Justice?

Mr. Comey. I actually don't remember that.

Mr. Ratcliffe. Do you remember what you said about the meeting on the tarmac?

Mr. Comey. I don't. I mean, if you give me more context, maybe I'd remember.

Mr. Ratcliffe. Do you recall saying it was part of your decision, one of the factors in your decision to take the, I

think, unprecedented step of holding the press conference on July 5th of 2016?

Mr. Comey. Yes. I remember it being a factor, an important factor in my decision to step away from the Attorney General. I think I've talked about it in a variety of different contexts. But I was very concerned by the appearance of that interaction.

Mr. Ratcliffe. You mentioned it was one of a number of things that caused you to take that action, correct?

Mr. Comey. Correct.

Mr. Ratcliffe. One of those I believe you've testified previously was the fact that the Attorney General had asked you to refer to this investigation as a matter, correct?

Mr. Comey. That is correct.

Mr. Ratcliffe. One of the other things that you were concerned about was material or documentation, as yet unverified, indicating some possible agreement between Attorney General Lynch and the Clinton campaign about the investigation, correct?

Mr. Comey. Not that second piece because I've been very -- tried to be very careful in public comments about this. There was material that had not been verified that I believed if it became public would be used to cast doubt on whether the Attorney General had acted appropriately with respect to the investigation. I haven't gone -- I don't think I'm allowed to



go beyond that in characterizing that material.

Mr. Ratcliffe. It was information that would, you believe, if released, have caused some to question the objectivity of the Department of Justice?

Mr. Comey. Correct.

Mr. Ratcliffe. Was there anything in that information that also would have raised questions about your objectivity or ability?

Mr. Comey. Not to my knowledge.

Mr. Ratcliffe. Did you share with the Attorney General or the Deputy Attorney General or anyone at Main Justice your concerns that this information raised about the Attorney General's either real objectivity or the perception of her objectivity?

Mr. Comey. Yes.

Mr. Ratcliffe. Who? Who did you raise that with?

Mr. Comey. My recollection is that, at some point in the first half of 2016, both the Deputy -- that the Deputy Attorney General was briefed on the nature of that material, and at some time after that, the Attorney General was briefed and interviewed about the nature of that material.

Mr. Ratcliffe. Do you know who the Attorney General was interviewed by?

Mr. Comey. I don't know for sure. I believe one of the participants in the conversation was the Deputy Director. At

that point, it was Andrew McCabe. But there were others present as well, is my recollection. I was not there.

Mr. Ratcliffe. Was there a discussion about the Attorney General needing to recuse herself as a result of that information?

Mr. Comey. Not to my knowledge.

Mr. Ratcliffe. In the event of an Attorney General recusal, what does the Department of Justice policy say about a succession order of authority?

Mr. Comey. My recollection is that the Department of Justice policy then makes the Deputy Attorney General the Acting Attorney General for purpose of that matter, that case.

Mr. Ratcliffe. So, at that point, in the days leading up to the July 5th press conference, had you concluded or did you think that Attorney General Loretta Lynch should not be able to make a decision about whether to prosecute Hillary Clinton for the mishandling of classified information?

Mr. Comey. I don't remember reaching that conclusion. I remember being concerned about whether she should remain involved, especially after the tarmac visit, tarmac conversation. But before I had an opportunity to discuss that with anyone at DOJ, the Attorney General announced that she would not recuse but would accept my recommendation and that of the career prosecutors.

Mr. Ratcliffe. And 5 days after that tarmac incident, the

FBI and prosecutors from the Department of Justice did, in fact, interview Secretary -- former Secretary Clinton, correct?

Mr. Comey. I think it was 5 days.

Mr. Ratcliffe. It was on July 2nd.

Mr. Comey. It was the Saturday after that tarmac meeting.

Mr. Ratcliffe. You mentioned some of the agents earlier. Do you know how many folks combined, from the FBI and the Department of Justice, were present for the interview of Secretary Clinton?

Mr. Comey. The DOJ team for the interview of Secretary Clinton I think -- I could be wrong, but I think was five people: two special agents from the FBI and three lawyers from the Department of Justice.

Mr. Ratcliffe. You did not participate in the interview?

Mr. Comey. No, sir.

Mr. Ratcliffe. Who drafted the questions that Secretary Clinton was going to be asked?

Mr. Comey. I don't know.

Mr. Ratcliffe. Did you participate at all in the questions?

Mr. Comey. No, I did not.

Mr. Ratcliffe. Why wasn't that interview recorded?

Mr. Comey. The interview wasn't recorded because the FBI does not record noncustodial, voluntary interviews.

Mr. Ratcliffe. Why wasn't that interview conducted before

a grand jury?

Mr. Comey. I don't recall exactly. I think for a number of strategic reasons. You'll know, as an experienced person, that the grand jury is often a limiting way to conduct a wide-ranging interview, but I don't remember for sure.

Mr. Ratcliffe. Let me see if I can refresh your recollection. I think you had a conversation with Inspector General Horowitz about that. On page 141 of the inspector general's report --

Mr. Kelley. Can we have a copy of that so we can follow along?

Mr. Ratcliffe. Does someone have an extra copy?

Page 141, the top of the page. See where it says: "Comey told us"?

Mr. Comey. Yes, sir.

Mr. Ratcliffe. So I'm reading for the record: Comey told us that he did not remember discussing with anyone the possibility of subpoenaing Clinton before the grand jury. However, he stated: At that point, I really didn't think there was a there there. And the question was, is she going to lie to us?

Did I read that correctly?

Mr. Comey. Yes, you read it correctly.

Mr. Ratcliffe. Does that refresh your recollection?

Mr. Comey. It really doesn't. I'm sure I said this

because it's a transcript from the IG interview, but I don't -- I honestly don't remember saying that. It seems reasonable, though.

Mr. Ratcliffe. Well, as you read that, if it's accurately -- if you're accurately quoted, it sounds like you had your mind made up about whether or not Hillary Clinton was going to be prosecuted for the mishandling of classified information before her interview.

Mr. Comey. I don't think that's exactly right. My judgment going into the interview was that we had not found sufficient evidence to recommend prosecution for any substantive offenses related to the mishandling of classified information. Still a possibility that she would lie to us and give us an opening to prosecute her or that there would be further investigation. But going into it, based on almost a year of investigation, I didn't see a substantive case there.

Mr. Ratcliffe. Do you recall, Director Comey, an exchange that you and I had? You appeared before the House Judiciary Committee on September 28th of 2016, and I asked you a question. I said: Did you make the decision not to prosecute or not to charge Hillary Clinton for the mishandling of classified information before or after her July 2nd, 2016, interview? And your answer was: After.

Do you recall that?

Mr. Comey. Yep.

Mr. Ratcliffe. When I asked you how that could possibly be the case, your response was: If colleagues of ours think I'm lying, please have them contact me privately.

Now, I will tell you, Director, when I asked you that question and you gave me that answer, there were a number of things that I was not aware of. One of the things that I didn't know was that the day before the interview, the Hillary Clinton interview on July 1st, Lisa Page texted Peter Strzok about Loretta Lynch and her decision to follow your recommendation, and said, quote: Yeah, it's a real profile in courage, since she -- meaning Lynch -- knows no charges will be brought.

Do you recall reading that text anywhere, or hearing about it?

Mr. Comey. I don't remember I read it. I think I've heard about it in the media.

Mr. Ratcliffe. It's also in the inspector general report. Did you read the inspector general report?

Mr. Comey. I did, so I must have seen it there. Yes, I read it, so I must have seen it there.

Mr. Ratcliffe. Well, the text doesn't -- doesn't say that Hillary Clinton might not be charged or that charges probably won't be brought. It says that the Attorney General knows that charges won't be brought.

Do you have any explanation for why Lisa Page, Peter Strzok, and Attorney General Loretta Lynch might have known that Hillary

Clinton wasn't going to be charged before her July 2nd, 2016, interview if you hadn't made the decision yet?

Mr. Comey. I don't. I don't know what she means in there or what the nature of the communication was.

Mr. Ratcliffe. Could it be based on one of the other things that I didn't know when you and I had that exchange, and that was the fact that I didn't know that 2 months before that July 2nd interview, on May the 2nd, you had actually circulated a draft memo of a public announcement stating that neither you nor any reasonable prosecutor would charge Hillary Clinton with the mishandling of classified information. Do you recall that?

Mr. Comey. I'm sorry. Recall what, Mr. Ratcliffe?

Mr. Ratcliffe. Recall that memo?

Mr. Comey. Sure. I recall a variety of drafts in May of that memo.

Mr. Ratcliffe. Would you agree with me that that draft of that memo certainly would be or its contents would appear to be inconsistent with the testimony that I just related that you and I had in September of 2016?

Mr. Comey. No, I don't agree.

Mr. Ratcliffe. Who's Jim Rybicki?

Mr. Comey. Jim Rybicki was my chief of staff. As -- I'm sorry.

Mr. Ratcliffe. One of the things that I didn't know when you and I had that exchange was how Mr. Rybicki was going to

testify. And he has testified that the only charges that could have come out of her interview would have been false statements to an FBI agent, not any violations of the Espionage Act.

Would you agree with Mr. Rybicki's testimony?

Mr. Comey. No, I would not. I'm not familiar with it, but assuming it's what you just summarized, I would not.

Mr. Ratcliffe. Well, I think I've related to you that at least a number of folks -- Peter Strzok, Lisa Page, Loretta Lynch, Jim Rybicki -- all seem to have the idea that Hillary Clinton wasn't going to be charged for the mishandling of classified information -- she might be charged for lying to the FBI -- but that she wasn't going to be charged for the mishandling of classified information.

Do you still think that the answer that you gave me on September 28 of 2016 was an accurate statement?

Mr. Comey. I do.

Mr. Ratcliffe. Do you think that that statement was at all misleading to me or other Members of Congress?

Mr. Comey. I guess I can't speak to your mental state. It wasn't intended to be misleading.

Mr. Ratcliffe. You didn't answer my question when I asked it by saying: Well, I had pretty much made the decision that she wasn't going to be charged because everyone knew I had circulated a draft memo.

You didn't say to me what you said to the inspector general,



that you really didn't think there was no there there. You just said no.

Do you think that's a candid statement?

Mr. Comey. I do. I do.

Mr. Ratcliffe. So your testimony then is the same as it is today, that when you went into the Hillary Clinton -- or when the FBI and the Department of Justice went in to interview Hillary Clinton, a decision had not been made about whether or not to prosecute her for anything and all charges were still on the table at that point?

Mr. Comey. Correct. The final decision of what our recommendation would be had not been made.

Mr. Ratcliffe. The final decision.

Mr. Comey. Well, sure. You'd be incompetent if you didn't have a view of the case after a year. And, as I said, as I said to the inspector general, it didn't look to me like there was a substantive case there. But you're about to interview the subject, and so you want to keep your mind open to the possibility that you will develop something that needs to be pursued.

Mr. Ratcliffe. Well, that's a great explanation. Why didn't you give me that explanation in September of 2016 when I asked you that question?

Mr. Comey. It's an explanation, Mr. Ratcliffe, that's entirely consistent with the answer I gave you. I don't remember you asking me to explain why I say that. If you did, I'm sorry

if I didn't answer that question, but they're consistent.

Mr. Ratcliffe. So it was a serious interview with Hillary Clinton that was about to take place intended at getting at the truth of everything that was troubling you?

Mr. Comey. That's not how I thought about it. It was about interviewing the subject near the close of a year-long investigation.

Mr. Ratcliffe. Okay. So, when the team of FBI agents and lawyers interviewed Hillary Clinton, what questions did they ask Secretary Clinton about the tarmac meeting?

Mr. Comey. I don't know.

Mr. Ratcliffe. Would that be reflected in the 302 or in the FBI summary of the interview?

Mr. Comey. I would expect so. You're asking about whether they asked Hillary Clinton about the meeting that Bill Clinton had with Loretta Lynch.

Mr. Ratcliffe. Yes.

Mr. Comey. I don't know whether they asked that. I would expect if it was asked, it would likely be reflected in the 302.

Mr. Ratcliffe. Would you like to review those?

Mr. Comey. Not unless you really want me to.

Mr. Ratcliffe. Well, I've read them, and I've asked folks about them. There's no mention of the word "tarmac" or "Loretta Lynch" anywhere that appears in the 302 or the summary that the FBI has made publicly available.

So my question is, do you know whether or not any questions were asked about that tarmac meeting?

Mr. Comey. It's the same answer; I don't know.

Mr. Ratcliffe. So 5 days after the Attorney General meets with the spouse of a subject on a tarmac, the meeting that a lot of folks are talking about and that raised concerns enough to be one of the reasons that caused you to take the actions that you took in holding the press conference, none of those folks in the room thought about asking Hillary Clinton any questions about that?

Mr. Comey. I don't know what they thought. And, as I said earlier, I don't know whether she was asked about that.

Mr. Ratcliffe. Would that have been a reasonable question to Secretary Clinton, what did your husband discuss about this case, if anything, 5 days ago with the Attorney General?

Mr. Comey. I don't know the answer to that. As it relates to her mishandling of classified information as Secretary of State, I don't know.

Mr. Ratcliffe. Well, I thought you were looking for any crimes, not just the mishandling of information.

Mr. Comey. The FBI doesn't investigate people to find any crimes.

Mr. Ratcliffe. I didn't say investigate people, but in the course of investigating if you become aware of things that cause concern to investigators, like you've expressed you had, isn't

there an obligation to pursue that?

Mr. Comey. Hard to answer in the abstract. Depends upon what the facts were that you had. But sure, if you develop facts in the course of an investigation of the possible commission of another crime, in almost all circumstances, you follow up on it. I don't know what that would drive, in terms of the interview of Hillary Clinton.

Mr. Ratcliffe. So do you know what questions the agents or prosecutors asked Hillary Clinton about that troubling information that we talked before about potential compromise of Attorney General Lynch with respect to her objectivity?

Mr. Comey. I don't know whether they asked any questions that related to Loretta Lynch or Hillary Clinton.

Mr. Ratcliffe. If they did, it should be reflected in the 302 or the FBI summary of the interview, correct?

Mr. Comey. You would expect that in the ordinary course. The only reason I'm hesitating is that I don't know whether questions were asked about that, but if questions are asked and the answer may implicate -- may be considered classified, sometimes that's not put in the 302. But I don't know whether that's the case here.

Mr. Ratcliffe. Weren't those questions that you wanted answered?

Mr. Comey. Of Hillary Clinton?

Mr. Ratcliffe. Of anyone that could answer a question

about whether or not there was any problem with the objectivity of the Attorney General, based on contacts with the Clinton campaign.

Mr. Comey. I did not see anything that led me to conclude that Loretta Lynch was acting inappropriately in supervising the Department of Justice in that investigation. The appearance of conflict or the appearance that she was compromised in some fashion was what drove me to separate myself from her in July.

Mr. Ratcliffe. So, as you've already mentioned, one of the things you thought might happen or you wanted to find out was whether or not Hillary Clinton might lie during that interview. Knowingly making a false statement to the FBI is a crime, correct?

Mr. Comey. That is correct.

Mr. Ratcliffe. Making a false public statement ordinarily is not a crime, correct?

Mr. Comey. That is correct. Thank goodness, for a lot of people.

Mr. Ratcliffe. But false statements made in public can be evidence of knowledge or intent, absence of mistake, or provide all kinds of other evidentiary context, correct?

Mr. Comey. Potentially, yes.

Mr. Ratcliffe. In fact, correct me if I'm wrong, but wasn't David Petraeus' comments, false comments in public a basis for why you argued that he had knowledge or intent to commit the crime of mishandling classified information?

Mr. Comey. I don't remember that about the Petraeus case, that public statements figured in it.

Mr. Ratcliffe. You don't recall, or it didn't happen?

Mr. Comey. Well, I don't remember it being a feature, so it's possible I'm just not remembering or that it didn't happen. It just -- as I think about that case, I don't remember anything about public statements as a factor in that case. I remember a lot about lying to the agents during an interview, but not public statements.

Mr. Ratcliffe. All right. So let me ask you about Hillary Clinton's public statements. Do you recall Secretary Clinton publicly stating that she neither sent nor received classified information?

Mr. Comey. I don't specifically in her public statements, so I don't specifically.

Mr. Ratcliffe. If there were those public statements, would you have expected the agents to ask her about that during her interview?

Mr. Comey. I don't know. I would expect them to ask about what she was thinking when she communicated in the way she did, but whether to ask her, "Did you say on the campaign trail X or Y," I don't know. That would be up to their judgment.

Mr. Ratcliffe. Do you recall Secretary Clinton making that same statement under oath before Congress?

Mr. Comey. I don't.

Mr. Ratcliffe. Do you recall -- maybe I can refresh your recollection. I think, on October 22nd of 2015, in response to a question from Congressman Jordan, Secretary Clinton said, quote, "There was nothing marked classified in my emails either sent or received," end quote.

Does that refresh your recollection about Secretary Clinton making that statement?

Mr. Comey. I don't -- it doesn't help me with her testimony, but I actually do remember being asked, maybe by Mr. Jordan, when I testified about whether that was accurate or not.

Mr. Ratcliffe. Is it accurate?

Mr. Comey. My recollection is there were -- I hope I don't get this wrong. In some email, there was a letter C deep in the email to mark some of the paragraphs that looked to us like portion markings, as I recall. And I'm sorry if I'm misrecalling that, but I have the recollection of that.

Mr. Ratcliffe. Well, I have your public statement on July 5th. I think you mentioned the fact that there were actually three emails that were marked classified.

Mr. Comey. When I talked on July the 5th?

Mr. Ratcliffe. Yes.

Mr. Comey. Okay.

Mr. Ratcliffe. Any reason to --

Mr. Kelley. Do you have a copy of that statement we can

take a look at?

Mr. Ratcliffe. I do.

Do you have -- as you review that, do you independently have a recollection about Hillary Clinton's July 2nd interview where agents asked her questions about those classification markings, whether it appeared on one document or multiple documents?

Mr. Comey. I don't.

Mr. Ratcliffe. You don't have any recollection?

Mr. Comey. No, I don't have an independent recollection, sitting here, of what they asked her about that. I have some recollection that the topic came up, but I don't remember what was asked or said about that.

Mr. Ratcliffe. What do you recall about -- you mentioned the letter C coming up during that interview and what that might mean?

Mr. Comey. I don't -- I'm sorry. Do you want me to still look at the statement? So far, I haven't found the thing about the C, so I'll pause there for a second.

I don't remember what came up in her interview about that. What I was referring to earlier is I remember some member I think of the Judiciary Committee asking me about that portion marking that appeared -- I was thinking in one email, but it sounds like you think there's more than one.

I don't see anything, sir, in my statement -- I could be missing it -- about the portion marking.



Mr. Ratcliffe. I will resume with that when we resume our questioning.

Mr. Comey. Okay.

Chairman Goodlatte. I think, in the interest of expediency, we'll proceed with the Democrats right now, and then we'll take a 30-minute lunch break after the Democrats.

[11:32 a.m.]

Ms. Chen. Okay. The time is 11:32, and we're back on the record for the Democrat's first round.

Mr. Cohen, if you would like to ask a few questions.

Mr. Cohen. Are we ready?

Mr. Comey. Yes, sir.

Mr. Cohen. Thank you. I'm Steve Cohen from Tennessee.

First thing I'd like to ask you, Mr. Comey, is, Mr. Trump asked you once to lay off the Flynn investigation, and I was just wondering what your reaction was to his having pled guilty and him having, according to Mr. Mueller, provided much truthful information that is apparently going to be a part of the investigation that Mr. Mueller is pursuing.

What was your reaction? Did you feel kind of good that you didn't tell Mr. Trump that you would be loyal and drop that investigation? How did it make you feel?

Mr. Comey. Well, there was no chance at all that I was going to abide that direction to let that go. When I saw the public accounts of his plea and cooperation, I felt, as a citizen, glad that he was held accountable for his crimes and that he was assisting the United States. So it seemed to me like a just outcome.

Mr. Cohen. Did Mr. Trump or anybody else in the administration ever ask you anything about specifics about the Russia involvement in the 2016 election?

Ms. Bessee. Congressman, to the extent it goes into the purview of the special counsel, the witness will not be able to answer that question.

Mr. Cohen. Let me ask you this, Mr. Comey: There was a memo that some had said had something to do -- and you maybe even said -- had something to do with your going forth on July 5 to announce that you and not the Attorney General was going to not investigate and go further with the Clinton email investigation, and that that memo was something that the FBI had in their possession for some time concerning, allegedly, Attorney General Lynch communicating to Ms. Renteria that this was going to be kind of not going to be pursued and not to worry about it. And then later, I think, many think that that was really a Russian operative that got somehow some information that wasn't true and got it into the Justice Department.

Do you know what I'm talking about?

Mr. Comey. I know generally, and I have to tread carefully here, because I think the underlying material is still classified. So there was material -- this is what I've said publicly, and so I'll say it again, there was material that was classified that if unclassified, released, would open the Attorney General up to the accusation -- whether it was true or not -- the accusation that she had not been acting fairly and impartially in overseeing the investigation.

So far as I knew at the time, and still think, the material

itself was genuine, which is a separate question, though, from whether it was what it said was accurate.

Mr. Cohen. When you say it was genuine, I mean, did you not think that at this point that it was conjured up by the Russians to try to maybe influence actions at the Justice Department or at the FBI?

Mr. Comey. We didn't think that at the time. I don't know whether that view has changed.

Mr. Cohen. Okay. Was Peter Strzok considered the top counterintelligence FBI agent?

Mr. Comey. I don't know whether Peter Strzok was considered the top. He was very highly regarded as a counterintelligence professional, and I saw that borne out in the nature and quality of his work with me. But whether he's the top or not, I don't know, but certainly among the best.

Mr. Cohen. In the past, had his work not resulted in the outing of some Russian spies and their being returned to Russian, expelled from this country?

Mr. Comey. I don't remember specifically. I just remember his reputation was very, very strong in the counterintelligence world.

Mr. Cohen. So it would make sense that he would be assigned to this investigation?

Mr. Comey. It would make sense that he'd be assigned to the investigation into the potential mishandling of classified

information by Secretary Clinton. It would also make sense he'd be assigned to the Russia investigations.

Mr. Cohen. And what was Ms. Page's reputation as an attorney and as a public servant?

Mr. Comey. Ms. Page was less well-known. She was a more junior attorney assigned to the deputy attorney -- excuse me, the deputy director, so I knew less about her. In my interactions with her, what I liked about her is she would be candid and blunt and often disruptive in a meeting, which I kind of liked. The FBI can be very hierarchal. She would tend to speak up even when, in a normal FBI meeting, it wasn't her turn, and I found that very helpful.

Mr. Cohen. The attacks that Mr. Trump has made on the FBI and the Justice Department, and particularly Mr. Strzok and Ms. Page and you and others, can you tell us how that's affected the morale of the FBI?

Mr. Comey. It's hard for me to give you a high-confidence answer because I'm not there any longer, so I'll give you my sense, which I think is right but I don't have high confidence in it, is that it has hurt morale in some senses, and in other senses, has redoubled the commitment of the people of the FBI to its mission and its apolitical nature. So I think it's actually a tale of two cities in that way.

Mr. Cohen. When you were at the FBI, did you have any reason to investigate the people who propagated stories that Seth Rich

was murdered by folks within the DNC or other democratic operatives or any of the people that talked about this pizza operation, the pizzagate thing? Did you ever investigate the people that started those conspiratorial stories?

Mr. Comey. I don't remember. I don't remember investigations on those topics. I remember at one point receiving an email from someone, a private citizen, to my personal account, raising issues about the -- is it Ping Pong? Whatever the pizza place was that was involved in some conspiracy theories. I remember sending it to my staff saying, make sure this gets to the appropriate place, but I don't know whether there were investigations.

Mr. Cohen. If Mr. Mueller were fired, how would that affect further investigations of crime that are ongoing now?

Mr. Comey. I don't know at this point. I don't know. And as an informed outsider, I think that it would -- you'd almost have to fire everyone in the FBI and the Justice Department to derail the relevant investigations, but I don't know exactly what the effect would be.

Mr. Cohen. Mr. Trump has said that the folks that work for him are 12 angry Democrats. Do you know those 12 or so people --

Mr. Comey. I don't.

Mr. Cohen. -- who they are?

Mr. Comey. I know by name some of them, and I think I've met some of them personally, but I don't know them well.

Mr. Cohen. Do you know if any of them are angry?

Mr. Comey. Not to my knowledge, but I'm sure they're like all normal humans; sometimes they're happy, sometimes they're sad, sometimes they're angry, but I can't comment on that characterization beyond that.

Mr. Cohen. All right. Despite the emails between Mr. Strzok and Ms. Page, was there anything you ever saw that you believe caused the FBI or the Justice Department, particularly the FBI, to not operate and investigate in an unbiased fashion?

Mr. Comey. No, I never saw -- and in those two people's cases -- I never saw any indication at all of bias by Mr. Strzok or Ms. Page. And, in fact, Peter Strzok helped draft my letter to Congress on October 28th that Hillary Clinton blames for her defeat. So it's hard for me to see how he was on Team Clinton secretly at that point in time. And he also was one of the handful of people in the entire world who knew we were investigating four Americans who had some connection to Mr. Trump during the summer of 2016, and he didn't tell a soul. So it's hard to reconcile that with his being on Team Clinton.

And so all of that is consistent with my view, I never saw any indication of anything but the facts and the law from those people.

Mr. Cohen. Thank you for your testimony. And thank you for your service to our country.

I yield.

Mr. Nadler. Thank you.

Mr. Comey, I've been troubled by escalating attacks against the Department of Justice, the Special Counsel's Office, and the FBI, attacks against the independence of the institutions, the integrity of their employees, and the legitimacy of the Department of Justice and FBI investigations.

As I'm sure you're aware, President Trump and his allies have repeatedly described Special Counsel Mueller and his investigation as illegitimate and politically biased.

On November 27th, President Trump tweeted in reference to the special counsel, quote: The fake news media builds Bob Mueller up as a saint, when in actuality, he's the exact opposite. He is doing tremendous damage to our criminal justice system where he's only looking at one side and not the other. Heroes will come of this and it won't be Mueller and his terrible gang of angry Democrats. Look at their past and look where they come from. And now a \$30 million witch hunt continues and they have got nothing but ruined lives. Where is the server? Let these terrible people go back to the Clinton Foundation and Justice Department, close quote.

On December 3rd, President Trump tweeted, quote: Bob Mueller, who is a much different man than people think, and his out-of-control band of angry Democrats don't want the truth, they only want lies. The truth is very bad for their mission, close



quote.

I'll note that Robert Mueller is well-known to be a lifelong Republican.

Now, generally speaking, does being identified as a Democrat mean a prosecutor would be too conflicted to conduct a fair investigation of a Republican or vice versa?

Mr. Comey. No, it does not.

Mr. Nadler. Are you aware of any, quote, "conflicted" people on the special counsel's team?

Mr. Comey. I am not.

Mr. Nadler. Do you agree with the characterization that the special counsel's investigation is a witch hunt?

Mr. Comey. I do not.

Mr. Nadler. What is your general impression of the individuals on the special counsel's team?

Mr. Comey. I know them by reputation, and it's an all-star team of people whose names I've known for years as great Federal prosecutors. Others are unknown to me. But I know the reputation and substance of the person leading them, the best. Although we're not friends, I admire Bob Mueller. He is more than people realize.

Mr. Nadler. Do you agree with the characterization that the special counsel's team is out of control and are not seeking the truth?

Mr. Comey. I don't have any reason to believe that's true.

Mr. Nadler. And how confident are you that the members of the special counsel team are conducting the investigation based solely on the facts and the law and not on their political affiliation?

Mr. Comey. I've seen no indication. Again, all I follow it through is the public media. I've seen no indication of that in the media. And, again, I also know the person who leads them and the kind of culture he creates, and it's one of integrity.

Mr. Nadler. Why do you think the President publicly attacks Robert Mueller and his investigators as frequently as he does? Is it to undermine public confidence in their findings or some other reason?

Mr. Comey. I don't know.

Mr. Nadler. Do you agree with the President's characterization that Robert Mueller is damaging the criminal justice system?

Mr. Comey. I do not.

Mr. Nadler. How would you characterize the special counsel investigation and its importance, not only to our national security, but as a means of restoring public confidence in our elections and law enforcement agencies?

Mr. Comey. Watching it from the outside, my judgment as an experienced prosecutor and investigator is it's been conducted with extraordinary speed, with extraordinary professionalism, and zero disclosure outside of public court

filings. It represents the way our criminal justice system is supposed to work in investigating, and I believe it's incredibly important to the rule of law in this country that the work be allowed to finish.

Mr. Nadler. Now, you may have answered this already, but one specific assertion is that you and Special Counsel Mueller are, quote, "best friends."

On September 5th, President Trump brought up Special Counsel Mueller in an interview with The Daily Caller stating, quote: And he's Comey's best friend, and I could give you a hundred pictures of him and Comey hugging and kissing each other. You know he's Comey's best friend, close quote.

Are you best friends with Robert Mueller?

Mr. Comey. I am not. I admire the heck out of the man, but I don't know his phone number, I've never been to his house, I don't know his children's names. I think I had a meal once alone with him in a restaurant. I like him. I am not a -- I'm an associate of his who admires him greatly. We're not friends in any social sense.

Mr. Nadler. Thank you. I will not ask whether you've ever hugged and kissed him.

Mr. Comey. A relief to my wife.

Mr. Nadler. On page 88 of your book, A Higher Loyalty: Truth, Lies in Leadership, you recount a hospital scene during the Bush administration with then-FBI Director Robert Mueller.

In the first full paragraph you wrote, quote: Mueller and I were not particularly close and had never seen each other outside of work, but I knew Bob understood and respected our legal position and cared deeply about the rule of law. His whole life was about doing things the right way, close quote.

How do you know Robert Mueller cares deeply about the rule of law and doing things the right way?

Mr. Comey. Well, from watching him work. I was his supervisor when I was deputy attorney general and he was the FBI director. But most importantly, through that incident, watching him be prepared to resign, to end his career, because he thought the Bush administration was doing things inconsistent with the law, and he wasn't going to be any part of it, wasn't going to have it. And that strength bolstered me during that difficult period but was just typical of the way he approached things.

Mr. Nadler. And he was at that point part of the Bush administration. Is that correct?

Mr. Comey. Correct. He was the FBI director.

Mr. Nadler. And how confident are you that he will do things the right way with respect to the special counsel investigation?

Mr. Comey. There are not many things I would bet my life on. I would bet my life that Bob Mueller will do things the right way, the way we would all want, whether we're Republicans or

Democrats, the way Americans should want.

Mr. Nadler. And is it fair to say that there are no facts that you know of to support the notion that Special Counsel Mueller is politically motivated or biased?

Mr. Comey. I don't know of any. I'm smiling at this moment because I can't imagine any, given the nature of that person and his life.

Mr. Nadler. And it's still accurate that you're not particularly close to Robert Mueller?

Mr. Comey. It is accurate.

Mr. Nadler. On October 17th, the FBI responded to a Freedom of Information Act request for, quote, "photographs of former FBI Director James Comey and Robert Mueller hugging and kissing each other," by saying "no responsive records were located."

I assume you're not aware of any such photographs?

Mr. Comey. I'm not aware of any such photograph. I have never hugged or kissed the man. Again, I'm an admirer but not that kind of admirer.

Mr. Nadler. The FBI and the Department of Justice have been more broadly accused of conducting investigations driven by political bias instead of just by the facts and the rule of law.

During your tenure at the FBI and the Department of Justice, were you aware of any FBI investigation motivated by political bias?

Mr. Comey. None. Never.

Mr. Nadler. Were you aware of any Justice Department investigations that were motivated by political bias?

Mr. Comey. Never. None.

Mr. Nadler. On May 22nd, Republican Members of Congress introduced House Resolution 907 requesting that the Attorney General appoint a second special counsel to investigate misconduct at the Department of Justice and the FBI.

That resolution alleged, quote, "Whereas, there is an urgent need for the appointment of a second special counsel in light of evidence that raises critical concerns about decisions, activities, and inherent bias displayed at the highest levels of the Department of Justice and the Federal Bureau of Investigation regarding FISA abuse, how and why the Hillary Clinton email probe ended, and how and why the Donald Trump-Russia probe began," close quote.

Is there any evidence of inherent bias displayed at the highest levels of the DOJ and the FBI regarding how and why the Hillary Clinton email probe ended?

Mr. Comey. Not that I'm aware of.

Mr. Nadler. Are you aware of any evidence of inherent bias displayed at the highest levels of the DOJ and the FBI against Donald Trump as part of the Trump-Russia investigation?

Mr. Comey. I am not.

Mr. Nadler. Are you aware of any actions ever taken to

damage the Trump campaign at the highest levels of the Department of Justice or the FBI?

Mr. Comey. I am not.

Mr. Nadler. Are you aware of any actions ever taken to personally target Donald Trump at the highest levels of the Department of Justice or the FBI?

Mr. Comey. I am not.

Mr. Nadler. And you have previously noted, I believe, that if Agent Strzok, who had expressed his personal political opinions negatively about then-candidate Trump, had wanted to misuse his office to damage the Trump campaign, he could easily have done so by leaking information about the fact that there was an ongoing investigation. Is that not correct?

Mr. Comey. Certainly, yes.

Mr. Nadler. And he could have done that, but he did not do that?

Mr. Comey. He did not.

Mr. Nadler. That would be evidence that he was not doing anything to bring his political opinions into making judgments at the FBI?

Mr. Comey. Certainly inconsistent with the conspiracy theory that he was trying to hurt Donald Trump. If you're going to have a conspiracy theory, you've got to explain all the facts. And it's hard to reconcile his not leaking that Trump associates were under investigation and his drafting of a letter to Congress

on October 28th that Secretary Clinton believed hurt her chances of being elected.

Mr. Nadler. At a campaign rally in August, President Trump said, quote, "Our Justice Department and our FBI have to start doing their jobs and doing it right and doing it now because people are angry. People are angry," close quote.

In another rally in September, the President said, quote, "Look what's being exposed at the Department of Justice and the FBI. You have some real bad ones. You see what's happening at the FBI. They're all gone. They're all gone. But there's a lingering stench and we're going to get rid of that too," close quote.

Do you agree with the President's characterization that the Department of Justice and the FBI are not doing their jobs?

Mr. Comey. I do not.

Mr. Nadler. Do you believe there are some "real bad ones" at the FBI or DOJ?

Mr. Comey. I do not.

Mr. Nadler. Are you at all concerned that the President of the United States is trying to smear and undermine the credibility of his investigators at the Justice Department?

Mr. Comey. Deeply concerned. I think the part of that that's right is that people are angry. Some people are angry because they've been lied to for so long about the nature and quality of the FBI and the Department of Justice.



Mr. Nadler. I'm sorry. Lied to --

Mr. Comey. Lied to by the President and his supporters about the nature and quality of the Department of Justice and the FBI. It's shortsighted, and anybody who knows those organizations, knows it's not true.

Mr. Nadler. And what implications might there be under the Justice Department and the rule of law?

Mr. Comey. Those kind of lies hurt the ability of the FBI to be believed at a doorway or in a courtroom. That makes all of us less safe. These are honest institutions made up of normal flawed human beings, but people committed to doing things the right way. When they're lied about constantly, it hurts the faith and confidence of the American people in them, and that is bad for all of us. I don't care what your political stripe is.

Mr. Nadler. And how does that impact our national security?

Mr. Comey. Our national security turns upon the ability of an FBI agent to convince the girlfriend of a jihadi that we will protect her if she cooperates with us. If we're seen as a political group of one kind or another, an untrustworthy group, that trust is eroded and the agent loses the ability to make that case. If a jury doesn't believe an FBI agent when he or she says, I found this or I heard this in the course of this case, we're less safe because the case can't be made.

Mr. Nadler. Okay. And these are direct consequences of statements made, such as I've quoted, by the President and by other people who go along with him?

Mr. Comey. I believe they are.

Mr. Nadler. And what impact do you believe that actions of this Congress' resolutions, such as H.R. 907 that I quoted a few minutes ago, and investigations, frankly, such as this one, have on the ability of the Justice Department to conduct fair and thorough investigations and prosecutions?

Mr. Comey. To the extent it echoes the lies and the smears from the President, it simply increases the chances that the Department of Justice and the FBI's credibility will be undermined.

I'm a big fan of oversight and truth-seeking, but when people veer from truth-seeking into trying to find any excuse to bad-mouth an organization that's investigating the President, we've lost our way.

Mr. Nadler. Would you be surprised to know that criminal defendants are using attacks similar to those levied by the President and Republicans?

Mr. Comey. No.

[Comey Exhibit No. 1

Was marked for identification.]

Mr. Nadler. And I want to introduce an exhibit. It's an article from the Huffington Post. The headline, Trump's FBI

Attacks Are Helping Accused Terrorists Defend Themselves in Court.

This article details the defense of three alleged domestic terrorists in Kansas. They are anti-Muslim militia members accused of planning to bomb an apartment complex with predominantly Somali immigrant residents.

Defense counsel argued the men were targeted by, quote, "a biased FBI conspired against them in the lead up to the 2016 election due to their political beliefs," close quote.

What is your reaction to that?

Mr. Comey. Well, again, I don't know the particular case, but taking the news article at face value, it's an example of the kind of thing that I worry about. When corrosive attacks are directed at our institutions of justice, we will all pay a price for that.

Mr. Nadler. And, therefore, you'd believe that the current political rhetoric endorsed by the President and his allies, such as I've quoted, is potentially damaging to law enforcement's ability to keep Americans safe?

Mr. Comey. I do. I'm not against criticizing law enforcement organizations or law enforcement leaders. I've been criticized, I think, reasonably. But when you attack the fiber of the institution and say it's corrupt and untrustworthy and aiming at political enemies, you do lasting damage to an institution this country relies upon, and everybody should

realize that's a mistake.

Mr. Nadler. Thank you. I have no further questions.

Ms. Jackson Lee.

Ms. Jackson Lee. Good morning, moving into good afternoon. Thank you for your presence here.

I want to put on the record that Democrats never received a copy of the agreement. So I hope that, in short order, the majority will provide us with the agreement regarding the quashing of the subpoena.

Mr. Kelley. I will be more than happy to, and its merely an email correspondence.

Ms. Jackson Lee. I appreciate getting something in writing. Thank you so very much.

Let me thank you, Mr. Comey, for your service to the Nation. I share your view that the American people would have been better served if the lame duck House Republican majority of this committee had scheduled a public hearing instead of a private interview behind closed doors to discuss matters that are vital to the health of our democracy.

I fully expect that to be a standard practice for this committee in the 116th Congress under a new Democratic majority. So I have several questions, which I'd like to lay the predicate for.

Dealing with the FBI investigation of Secretary Clinton's emails, the investigation was an outgrowth of the House

Republican Benghazi investigation. A sad investigation, which we now know, because it was confirmed by House Majority Leader McCarthy that it was for one purpose. It had at its principal aim was to undermine and damage the public image and standing of Secretary Hillary Clinton, whom House Republicans feared would be the 2016 Democratic Presidential nominee.

You'll recall that House Republicans relentlessly questioned, second-guessed, and attacked her integrity and that of career FBI agents when you announced at your famous July 5th, 2016, press conference that the FBI concluded that there was no evidence to support a finding Secretary Clinton had violated the law. House Republicans bitterly criticized you and questioned the integrity and legitimacy of the investigation.

For your part, you were confident enough in the determination reached by the FBI that you've stated under oath the case itself was not a cliffhanger and that no reasonable prosecutor would ever bring such a case on these facts. House Republicans disagreed with you extensively. They wanted you to prosecute Secretary Clinton regardless of the facts.

And from July 2016 through October 2016, House Republicans engaged in an almost daily ritual of holding hearings, desperately trying to tear down your investigation and your recommendation. They did not stop attacking you until October 28th, the day you sent your letter to the congressional leaders announcing that, in an unrelated investigation, the FBI

had learned of the existence of emails that appeared to be pertinent to an investigation of Secretary Clinton's email server.

House Republicans promptly leaked your update, according to the media, characterizing your action as a decision by the FBI to reopen its investigation, even though the FBI had not at that time reviewed any of the emails in question and notwithstanding the fact that you advised them the FBI was not then in a position to assess whether or not this material may be significant.

For the next 8 days, a period in which millions of Americans were casting their ballots during early voting, the baseless claims of House Republicans were repeated ad nauseam by them and candidate, Mr. Trump, dominating media coverage in the final days, and did not stop even after your announcement 2 days before the election on November 5th, 2016. That upon further review, that the FBI had again found no basis to believe that Secretary Clinton had committed a crime.

Given this chronology and the benefit of hindsight, do you regret not following the Justice Department's policy and practice of refraining from taking investigatory or prosecutory actions that could affect the outcome of an election to be held within the ensuing 60 days of an election?

Mr. Comey. I don't. I regret being involved at all, but even in hindsight, I think that that was the decision I had to

take. And I don't want to quibble, but there's no policy around taking action in a runup to an election, but there's a really important norm that I believe in. If you can avoid it, you take no action in the runup to an election. It might have an impact on the election, I believe in that, even today.

Ms. Jackson Lee. Well, I can't put words in your mouth, but you were, in essence, engaged or interfering or participating in an election of the known and documented leaders of the free world.

I would consider the elections of the President of the United States in a world context as one of the most significant elections that we would ever have in the world.

Again, would you not consider that maybe in that context that the timing was very difficult?

Mr. Comey. Oh, excruciating. Causes me great pain even to sit here and talk about it today, but the two alternatives I saw, I chose the least bad. I still think the other alternative was worse. And as between bad and worse, I had to choose bad. I wish we weren't involved, but given that we were involved, we tried to make the right decision for the right reasons.

Ms. Jackson Lee. You sent a letter dated October 28th, 2016, to indicate that there was a reopening of the investigation. I count the numbers of addressees as 16.

Why would you need to send -- did you send this classified? Did you send this with an indication that this was not to be

exposed to the media? Did you make the point or have your liaisons make the point to the Members of Congress that this should not have been exposed?

Mr. Comey. I don't know for sure. It wasn't classified. It was a private communication to the eight chairs and rankings of the committees that had received information from the FBI. And the Congressional Affairs staff of the FBI thought those were the people it ought to go to. It was not, as you said earlier, we didn't release anything to the public, but it wasn't classified.

Ms. Jackson Lee. But I think you can -- would you pretty well agree that 16 addressees is almost inevitably going to be released?

Mr. Comey. Yes.

Ms. Jackson Lee. Do you think that the FBI could have been more cautious, whether you did government affairs, 8 days out or how many days out before the election?

Mr. Comey. I don't know, is the honest answer. The staff that works Congressional Affairs thought we had to inform these eight committee chairs and rankings. And so I think about it the way you do, that raised the serious prospect it would be released to the public, and -- but that was a risk we thought we had to run.

Ms. Jackson Lee. Why did not Attorney General Lynch or Deputy Attorney General Yates not make the announcements of



July 5th, October 28th, or November -- 2016?

Were they consulted? Did they concur in your judgment?

Mr. Comey. Separate incidents. July 5th, I informed them that I was going to make an announcement, and so they weren't consulted on the substance of the announcement.

The October 28th letter, I informed them the day before that I thought I had to inform Congress but would be happy to discuss it with them. And they said they didn't wish to discuss it with me.

And so in the first instance, I don't think they had much opportunity to engage with me on it because I said I think I need to do this separately. In October, they did but chose not to take the chance -- take the opportunity.

Ms. Jackson Lee. Why wouldn't you yield to Deputy Attorney General Yates to make that announcement? Is that not the normal protocol in any structured law enforcement versus prosecutor from the low level -- let me not call local district attorneys low level -- but from the level of local government all the way up to the Federal Government, that the district attorney, the prosecutor, the attorney general, the attorney general of the State of whatever, makes the announcement regarding any prosecutorial stance?

Mr. Comey. Definitely.

Ms. Jackson Lee. And then why was that not done here?

Mr. Comey. First of all, to agree with the first part of

your question, yeah, the normal circumstances, the Attorney General would make that announcement with the FBI director --

Ms. Jackson Lee. Absolutely.

Mr. Comey. -- standing next to her. Absolutely. And so I had never even actually heard of a circumstance where the FBI made an announcement separate from the -- without coordinating it with the Attorney General. I thought we had to do that if the American people are going to have confidence that the result was apolitical.

Now, it would have been great if Loretta Lynch had recused herself and made Sally Yates the acting attorney general. I think what I would have done in that circumstance is hand it to Sally, who did not have the issues that Loretta had -- I like them both -- but didn't have the issues that Loretta had with potential appearance of bias, but Loretta announced that she would not recuse herself. She would just accept my recommendation and that of the career prosecutors.

And so I felt like I didn't have the option to hand it to Sally because Loretta had stayed in charge. That makes sense. And so I called each of them and said, I'm going to make an announcement this morning. I'm not going to coordinate it with you. I hope when you see it, you'll understand why.

And the goal was to make sure the American people knew, this wasn't the Obama administration. This wasn't some political fix. There was no case there because apolitical professionals

thought so.

Ms. Jackson Lee. Let me move on.

It is true, is it not, that Secretary Clinton's campaign was not the subject of a Federal counterintelligence investigation by our Nation's law enforcement?

Mr. Comey. To my knowledge, it was not.

You're saying the Clinton campaign?

Ms. Jackson Lee. Yes.

Mr. Comey. To my knowledge, it was not.

Ms. Jackson Lee. But the same is not true with respect to the Trump campaign, which was under investigation for colluding with a hostile foreign power to influence the outcome of the 2016 election?

Mr. Comey. The Trump campaign was not under investigation. The FBI, in late July, opened counterintelligence investigations of four Americans to see if they were working in any way with the Russians to influence our elections.

Ms. Jackson Lee. Those individuals were affiliated with the campaign? I believe they were in some form.

Mr. Comey. At least some of them were. The FBI and the Department of Justice have not confirmed the names of those folks publicly, which is why I'm not going into the specifics.

Ms. Jackson Lee. However, during the discovery of that investigation, which was comparable to an investigation of

another candidate, that information was not announced or presented to the American people or asked of the Attorney General to make a statement based upon the facts that the FBI had. No announcement was made about that. Is that correct?

Mr. Comey. That's correct. And it was treated the way the Clinton investigation had been treated. We said nothing during the beginning of it. It wasn't until the following spring that we confirmed to Congress that there even was an investigation of any sort without naming the people. So the rule actually was consistently applied.

Ms. Jackson Lee. But you never ever came to the American people during the election to indicate that there were investigations of principals that may have been involved in the Trump campaign on any matter?

Mr. Comey. That's correct, because of our policies and approach to those investigations, all investigations.

Ms. Jackson Lee. Let me offer to say, I don't know if the American people could decipher between the distinction. What is left in the minds is you announced one, you didn't announce the other.

Mr. Comey. Yeah, I agree with that --

Ms. Jackson Lee. When you met with the President at the White House on January 27th, 2017, the meeting during which he asked you to let Flynn go, did the President know at the time that the FBI was investigating Russia's interference in the 2016

elections?

Mr. Comey. The meeting you're referring to was Valentine's Day, February 14th of 2017, not the 27th. And I don't know --

Ms. Jackson Lee. I stand corrected. Thank you.

Mr. Comey. I don't know what the President knew at that point.

Ms. Jackson Lee. What did you understand the President to be asking for when he requested that you let Flynn go? To stop investigating Michael Flynn's conduct or stopping investigating Russian interference of the 2016 election?

Mr. Comey. The first. As I've testified, I understood him to be directing me -- asking, but I took it as a direction -- to drop an investigation of Flynn's interaction with the FBI over his conversations with the Russians in the transition.

Ms. Jackson Lee. What was your impression of that request?

Mr. Comey. That it was improper and that I was not going to abide by it.

Ms. Jackson Lee. Were you silent at that time or did you indicate that to the President?

Mr. Comey. My recollection is he said something about Flynn being a good guy and that he hoped I would let it go. And I answered, "I agree he's a good guy," or words to that effect, but I didn't agree to his request. I actually just commented on part of what he had said.

Ms. Jackson Lee. And did you pursue responding back to him

or was there silence after that? Meaning, did you engage subsequent to that of his point? Because, obviously, when the President of the United States speaks, and though you're in an independent agency, he might believe that work should begin on responding to his request.

Mr. Comey. I don't know what he believed. I never spoke to him about it again.

Ms. Jackson Lee. Did you feel a certain pressure?

Mr. Comey. I felt that he was asking me, directing me to drop a criminal investigation, which I thought was improper, so I went back, wrote a memo about it, briefed the leadership of the FBI so we could figure out what to do about it.

[Comey Exhibit No. 2

Was marked for identification.]

Ms. Jackson Lee. This is my last question, and it requires an exhibit. Pages 68, 69 of the transcript from former FBI General Counsel James Baker.

The question was: "You had said that the President's firing of Director Comey, you considered to be a threat to national security. And my question was, in what way was it a threat to national security?"

The answer was: "So the investigation at a high level was about Russia, period, full stop. And it was trying to assess, in this particular instance, what the Russians were doing or had done with respect to the 2016 Presidential election. We are

trying to investigate what the Russians did and what any -- and whether there were any Americans or others who had done things in support of those efforts, either knowingly or unknowingly, so that we could understand the full nature and scope of what the Russians had attempted to do.

And so to the extent that this action of firing Director Comey may have been caused by or was the result of a decision to shut down that investigation, which I thought was a legitimate investigation, then that would frustrate our ability to some degree to ascertain what the Russians as well as any other Americans or others had done in furtherance of the objectives of the Russian Federation.

So not only -- I guess the point is not only would it be an issue about obstructing the investigation, but the obstruction itself would hurt our ability to figure out what the Russians had done and what is and what would be the threat to the national security. Our inability or our -- the inability or the delays, the difficulties that we might have with respect to trying to figure out what the Russians were doing, because our main objective was to thwart them."

Director Comey, do you agree with Mr. Baker's assessment that President Trump's firing you was a threat to national security?

Mr. Comey. I don't know enough to say to the -- if it's true that the firing was designed to thwart the Russian

investigation, then I would agree, understanding of what Russia was doing. But I don't know enough about the reasons -- what the real reasons were for the firing to give you a definitive answer.

Ms. Jackson Lee. Well, Mr. Comey, didn't you write memos about the conversation? Wasn't it important enough to you as a law enforcement officer who deals with national security to solidify or to cement your memory in a memo?

Mr. Comey. Sure.

Ms. Jackson Lee. So wouldn't that lead to a conclusion that this was really a dangerous posture to be in and it might jeopardize national security?

Mr. Comey. Sure, it might. I just can't answer the ultimate question as to whether it did because I don't know for certain what the motivation was in firing me.

Ms. Jackson Lee. In hindsight as well?

Mr. Comey. Well, I've heard President Trump say on television that he fired me because of the Russia thing.

Ms. Jackson Lee. So with that in mind, would you say that was a threat to national security?

Mr. Comey. If that was the reason for the firing. But I've also heard him say other things at other times that that wasn't the reason, and so it's really not -- I'm not able to answer it because I can't see enough of the facts. I'm sure that's something the special counsel is examining.



Ms. Jackson Lee. Do you agree that your firing could have threatened the ability of the FBI to learn what the Russians as well as any other Americans or others had done in the furtherance of the objectives of the Russian Federation?

Mr. Comey. Potentially.

Ms. Jackson Lee. In the past 18 months since that testimony, do you feel more certain that you were fired because of the Russian investigation? If so, why?

Mr. Comey. I'm still in the same place, that I've heard the President say that, but I've also heard him say different things. So I can't answer the question.

Ms. Jackson Lee. Is there any need to further investigate Hillary Clinton's emails based upon the decision that you made not to prosecute?

Mr. Comey. Not that I can possibly see.

Ms. Jackson Lee. You consider this case closed?

Mr. Comey. Yes. There's no serious person who thinks there's a prosecutable case there. And so, not that can I see.

Ms. Jackson Lee. I yield. Thank you.

Mr. Cummings. Thank you very much.

Director Comey, Elijah Cummings, the ranking member of the Oversight Committee.

You've already testified to Congress about the Russia investigation a number of times. The last time was June 2017 during the Senate Intelligence Committee hearing, so that was

about 18 months ago.

During your June 2017 testimony before the Senate Intelligence Committee, you stated, and I quote, "The Russia investigation itself is vital because of the threat, and I know I should have said this earlier, but it's obvious if any Americans were part of helping the Russians do that to us, that is a very big deal," end of quote.

Director Comey, can you elaborate on what, quote, "the threat," unquote, is that makes the Russia investigation so vital?

Mr. Comey. The aim of the Russian effort in 2016 was to destabilize, undermine, damage our democracy. That was their overwhelming goal. And so you have a foreign nation that is attacking the United States of America in an effort to undermine that which is essentially us, our democratic process. So that's a very serious threat. And understanding whether any Americans were part of that effort is incredibly important because the threat of those Americans by virtue of their alliance with the Russians would pose to our country.

Mr. Cummings. Can you describe for us the magnitude of the national security threat the FBI was investigating?

Mr. Comey. Well, I don't know that I can say it better than I just said it. We saw, as did the rest of the intelligence community, in 2016, the Russians engaged in a widespread, sophisticated effort to undermine this democracy, to hurt one

of the candidates, Secretary Clinton, and to help the other candidate, Donald Trump. Given the stakes of the election and the nature that we are a democracy, it is hard to imagine anything more important than understanding and thwarting that threat.

Mr. Cummings. If someone were to impede or prematurely halt the special counsel's Russia investigation, how severe would the implications be to our national security, in your opinion?

Mr. Comey. Well, in my opinion, it would undermine our national security by not holding accountable people who might have been involved in either the Russians or people who worked with them, first. And second, it would send an absolutely appalling message about the rule of law in this country of ours.

Mr. Cummings. And would there also be severe implications for our democracy and the rule of law?

Mr. Comey. Yes. The Russians' goal was for everyone in the world to have doubt about the nature and credibility of the American democracy, to dirty it up so it's not a shining city on the hill. So their attack had implications for that, the role of the American democratic experiment. And if someone were to order it stopped, the investigation into that, it would have a similar effect.

Mr. Cummings. You stated it was, quote, "obvious," end quote, that any Americans helping the Russians interfere with our election is a big deal. And I agree.

Can I ask you to spell out in as basic terms as possible why that would be a very big deal? I also think it is a big deal that the President's campaign chairman and his national security advisor both pleaded guilty to committing crimes. Michael Flynn and the President's national security advisor pleaded guilty to having lied to the FBI about his contacts with the Russian Government, about sanctions. So the national security advisory lied about his contacts with the foreign government over a national security issue.

How serious of a national security risk is it to have the national security advisor lying about his contacts with a foreign government adversary to the FBI and the American people?

Mr. Comey. Mr. Cummings, I don't think I can answer the last part of that question because it touches on the work of the special counsel.

I can answer the first part, which is, the reason it's a big deal is you have an adversary nation attacking America. If Americans in our country are assisting them, it's aiding and abetting the enemy in attacking our country.

We take it seriously when people were helping German saboteurs infiltrate Long Island during World War II. We take it seriously when scientists are selling secrets to the Soviets about our nuclear capabilities. I take it just as seriously if there are Americans who were -- and I'm not saying that there were -- but if there were Americans who were assisting this

attack on our democracy, it's of the same type, which is why I said it's so obvious.

Mr. Cummings. The President's national security advisor has access to our country's most closely held secrets. The Russians knew that, and they had talked to Flynn and what he talked about, and they knew that Flynn and others in the White House were lying about those communications.

Does that create the concern that the national security advisor had been compromised by a foreign adversary?

Mr. Comey. I think I have to give you the same answer about the particular, that even though the man has pled guilty, it's still something I think is within the purview of the special counsel, so I ought not to be opining on it.

Mr. Cummings. All right. What is the risk to our country of having the person with access to our most closely held secrets be compromised or potentially compromised by a foreign adversary? And I'm not saying that you're concluding that it happened. I am just asking, what's the risk, if that were the case?

Mr. Comey. Thank you for that.

Mr. Cummings. You follow me?

Mr. Comey. Yeah, I follow you, and I'd like to take it to one more level of abstraction.

Mr. Cummings. Sure.

Mr. Comey. Not talk about any particular person.

A big part of the FBI's counterintelligence work in the United States is trying to understand whether foreign adversaries have gained any leverage over anyone in a position to influence a policy of the United States Government or to reveal its secrets. And so it's at the heart of our counterintelligence work, because that's how the bad guys overseas hurt us. One of the ways is they co-opt people, recruit them, or coerce them into giving up information that's inconsistent with American interest. And so it's a critical issue without regard to the person.

Mr. Cummings. Okay. When Deputy Attorney General Sally Yates learned of the significant national security risk, she went over and warned the White House counsel, who was Don McGahn.

Proper protocol when the White House learned about that potential national security risk would have been for the White House to suspend General Flynn's access to classified information while they looked into the matter, but they didn't do that. So we've been told that General Flynn held his active clearance until he was fired by the White House about 18 days later.

In your experience at the FBI, when the FBI learned that an individual who had an active security clearance might be a risk to our national security, did the FBI follow the standard procedure I described and suspend that individual's security clearance pending an investigation?

Mr. Comey. Well, obviously I can't comment on the particulars of the Flynn case.

Mr. Cummings. Right.

Mr. Comey. But in general --

Mr. Cummings. Would that be -- no, you go ahead.

Mr. Comey. A normal response would be to suspend their clearance, but there may be operational reasons why you wouldn't do that. Say you have somebody inside the FBI you think might be a spy. You don't want to alert them to the fact that you're on to them. Suspending their clearance might alert them that you're on to them. So you might instead just try to put them in a bit of a box and restrict the information there without them knowing.

Mr. Cummings. Assuming -- so the question then becomes, in your opinion, why would a suspension of a clearance be significant there, assuming you don't have that history that you just stated?

Mr. Comey. Well, if we had someone in the FBI that we thought might be working for a foreign power, you want to stop the damage. And so that's why the normal practice, absent operational concerns, would be to stop the damage by cutting off their access to information that they might give to the adversary.

Mr. Cummings. Just a few more questions.

You have decades of dedicated service to our country and

have served in senior roles at the Department of Justice and as the head of the FBI, and so I want to get your views about national security.

Do you think that President Trump's actions pose a treat to our national security? Can you explain?

Mr. Comey. Well, I think -- maybe the best answer I can give is, I think the relentless attacks on the institutions of justice are something we will all be sorry we stood silent, if we stood silent and watched that happened. Because those institutions, the Justice Department and the FBI, and the rest of the intelligence community, are essential to our national security, that they are credited and believed, which they should be. And when you run them down for political reasons, you may see a short-term gain; you see a long-term damage to our country and its security.

Mr. Cummings. Where do we go from here, Mr. Comey, and how do we rebuild after the attacks on our democratic institutions and the constant breaching of our ethical norms?

Mr. Comey. Well, our consolation should be the depth and strength of America's values. The FBI will be fine. It will snap back, as will the rest of our institutions. There will be short-term damage, which worries me a great deal, but in the long run, no politician, no president can, in a lasting way, damage those institutions, because their values are too strong. The American military, the intelligence community, the law



enforcement community, it would take generations to screw them up in a permanent way. So we're going to be okay.

What falls to all of us is to speak up so that we reduce the damage in the short run and don't become numb to something that, frankly, we should all be ashamed of. And I think a whole lot of people will be ashamed of some day that they stood silent while this happened.

Mr. Cummings. Well, thank you for your service, sir.

Mr. Gomez. Thank you.

Mr. Comey, Congressman Jimmy Gomez from California.

A few questions. There have been a lot of discussion about bias here. I wanted to bring up the potential nominee for the next Attorney General of the United States, Bill Barr.

Bill Barr has stated that he sees more reason for the Department of Justice to investigate Hillary Clinton's tenure as Secretary of State than investigate conspiracy between the Trump campaign and Russia. Do you think this is a useful and reasonable allocation of DOJ or FBI resources?

Mr. Comey. I don't. So it's hard for me to react, Congressman, to a statement. I don't know what he meant by that or what the full context was. Unless there are facts that I didn't see when I was Director of the FBI, I don't see a basis for continued investigation on the email front. I don't know what he -- I can't imagine he saw something as a private citizen, so I don't know what to think of that. And I think very highly

of him. I mean, I used to work for him. I probably know him better than I know Bob Mueller. I probably just damned him by saying he's a friend of mine, but I respect him. I just don't know what he meant by that.

Mr. Gomez. Do you think Bill Barr may be acting out of political motivation when suggesting a new Clinton probe?

Mr. Comey. I don't know.

Mr. Gomez. Bill Barr supported Trump during the campaign. And then during the campaign, he also publicly supported your decision to disclose the Clinton investigation had been reopened. Later, however, he supported President Trump's decision to fire you on the basis that you, quote/unquote, sandbagged the Department of Justice with your unilateral action on the Clinton probe.

Do you think that Bill Barr is fit to oversee the FBI and the special counsel investigation in a nonpartisan manner if he were to return to serve as Attorney General?

Mr. Comey. I think he's certainly fit to be Attorney General. As I said, I think very highly of him. Whether he should be involved in those particular cases or not is a question I can't answer. I'm sure he'll reflect on it carefully, he's a very smart guy, and get expert advice on it. I just can't answer it without knowing more.

Mr. Gomez. What factors would he take into consideration if he were to be involved in overseeing the special counsel

investigation?

Mr. Comey. Well, most importantly you want to consider, any time you are a leader of an institution of justice, whether there's a reasonable appearance that you lack the impartiality necessary to be involved in a particular case. And so you'd want to look at prior statements, prior engagement in litigation, those kinds of things to see whether reasonable folks could have a doubt about whether you are calling it as you see it or on one team or the other. And given the things you just laid out, it raises a question with respect to him, so I'm sure he's going to want to look at it, as will the Senate, very closely.

Mr. Gomez. What do you think may be the factors that led President Trump to nominate or will nominate Bill Barr as Attorney General?

Mr. Comey. I don't know. I know Bill for years and his record as a lawyer and as the Attorney General, and I think they're impressive. But I don't know what the President was thinking.

Mr. Gomez. I do believe that Congress has a role in the oversight of the executive branch. My concern is what are the lines of that oversight. What factors could you take into account that oversight leads to interference with an ongoing investigation? Or is there anything in your mind that would be off limits?

Mr. Comey. Well, hard to answer in the abstract. I mean,

I can say this: I'm a big fan of oversight. My staff used to think I was kidding when I said I want to come here and answer every question when I was Director of the FBI.

I think it's important that this branch of government exercise its power. I think one of the really bad things about the drift of American history, in my lifetime, is this organization, this institution has given up a lot of its power. And so I like the idea of oversight.

That said, investigations have to be done with a Lady Justice with a blindfold on, and so you really can't have oversight by a political branch of ongoing investigations and still credibly claim that the Lady Justice is wearing the blindfold. So what I would suggest is you do oversight after investigations are completed to see if the institution was acting in an appropriate way.

As I said, when I moved to quash the subpoena, I support oversight of the executive branch. I just have concerns about interference with ongoing investigations, and when oversight moves from seeking truth to seeking something else, it concerns me.

Mr. Gomez. Some of the questions that have been brought up to me from my constituents relate to the decision to reveal the Hillary Clinton investigation 11 days before an election but not regarding the individuals that were being investigated in regards to any potential conspiracy with the Trump

administration or the Russian Government.

Can you get into that a little bit? I know you did earlier, but there is still -- you're getting shots from both sides of the aisle and on some of the decisionmaking. And my constituents are really interested in that response.

Mr. Comey. Yes. It's a reasonable question, yes. Everybody seems to think I'm on somebody else's side, but the treatment of the two cases illustrates the rule.

In the Clinton investigation, we didn't say anything about that investigation for a year, except simply 3 months in to confirm that we had an investigation. And that was an investigation that began publicly, with a public referral. So the whole world knew we had it. We formally confirmed it after investigating for 3 months, then we said nothing until it was done.

That's the way we treated the Russian counterintelligence investigations. We opened them in late July, didn't know whether we had anything. In fact, when I was fired as director, I still didn't know whether there was anything to it. And so we would never consider making a statement about classified investigations that were just beginning.

The problem in late October was we -- me and Loretta Lynch -- had told the world, "We're done with the Clinton email investigation. Move on." And I got hammered in this room by Republicans, and in many other rooms. And I stood my ground and

said, "No, there's no there, there. Move on."

On October 27th, I learned that that was no longer true. And I had my team telling me, not only is it no longer true, but the result may change from our review of these hundreds of thousands of emails, and we can't finish it before the election.

And so what do I do? Do I stay silent and leave the Congress and the American people relying on something I now know is a lie or do I speak? And those are two really bad options. And my choice was to take the least bad. Tell Congress what I told you repeatedly is no longer true and try to make sure it's, "we don't know," "we're not sure," but to speak. Because to conceal would be to destroy the FBI and the Department of Justice.

Forget Hillary Clinton's Presidency, although that would be severely damaged if she became President on that basis. I made the judgement that the Department of Justice and the FBI will be ruined if I concealed a lie from this Congress. Reasonable people can disagree about that, but it illustrates that we treated the two consistently. And what trapped us in October was we had told everybody it was over in the summertime.

Mr. Gomez. Thank you.

Ms. Sachsman Grooms. We're out of time.

We'll go off the record.

[1:00 p.m.]

Mr. Gowdy. We'll go back on the record.

Director Comey, I'm going to summarize from a portion of what we refer to as the Comey memos. This one is from February of 2017. I don't know whether or not you have a copy of your memos or whether or not you have recollection of what's in them.

Mr. Kelley. We don't have copies with us. If you want to give them to us, it might expedite things.

Mr. Gowdy. And, again, this is one from February of 2017.

Mr. Comey. Which date in February?

Mr. Gowdy. I want to say it's the 14th, but I could be wrong -- 14th.

Mr. Comey. Okay. Got it.

Mr. Gowdy. And at the top, it says, "I attended an Oval Office" -- you got that one?

Mr. Comey. I got it.

Mr. Gowdy. Fourth paragraph, and just tell me whether or not I'm fairly summarizing this. I'm not going to read it all, but: He -- and I assume "he" is the President, President Trump -- began by saying he wanted want to talk about Mike Flynn. That's in quotes. He said that, although Flynn hadn't done anything wrong in his call with the Russians, he had to let him go because he misled the Vice President, whom he described as a good guy. Now, was the "he" -- is the "he" modifying Vice President Pence or Mike Flynn, when you say whom he described

as a, quote, good guy?

Mr. Comey. I took him to be meaning Mr. Flynn is a good guy.

Mr. Gowdy. Okay. He explained that he just couldn't have Flynn misleading the Vice President. In any event, he had other concerns about Flynn; he had a great guy coming in, so he had to let Flynn go. Have I fairly summarized that paragraph?

Mr. Comey. Yes.

Mr. Gowdy. All right. Next page, second full paragraph, I think. Yeah, second full paragraph, it begins: He then.

You got it?

Mr. Comey. Got it.

Mr. Gowdy. He then returned to the topic of Mike Flynn, saying: Flynn's a good guy and has been through a lot. He misled the Vice President, but he didn't do anything wrong in the call. Said: I hope you can see your way clear of letting this go, to letting Flynn go. He is a good guy. I hope you can let this go. I replied by saying I agree he is a good guy, but said no more.

Have I fairly described that paragraph?

Mr. Comey. Yes. In fact, I think you read it.

Mr. Gowdy. Do the contents of that paragraph, are they sufficient to launch an obstruction of justice investigation?

Mr. Comey. Potentially.

Mr. Gowdy. What part of it potentially could lead to the



initiation of an obstruction of justice investigation?

Mr. Comey. The President asking -- one interpretation of it is the President asking the FBI to drop a criminal investigation.

Mr. Gowdy. Did you act or fail to act in any way in the Flynn matter because of what the President said to you?

Mr. Comey. Act or fail to act? I didn't abide this direction. In fact, kept it to a fairly small group in FBI headquarters so it would not have any impact on the investigation.

Mr. Gowdy. But I'm asking you specifically --

Mr. Comey. I took acts -- the reason I'm hesitating is I took acts to make sure it had no impact on the investigation.

Mr. Gowdy. I'm with you, but it did not -- did his comments prevent you from following the leads that you thought should have been followed?

Mr. Comey. No.

Mr. Gowdy. Did his comments prevent you from taking any act as the Director of the FBI that you thought were warranted by the other fact pattern?

Mr. Comey. No. This had -- I did not abide this. And it did not affect the investigation, so far as I'm aware, in any way.

Mr. Gowdy. Did you initiate an obstruction of justice investigation based on what the President said?

Mr. Comey. I don't think so. I don't recall doing that, so I don't think so.

Mr. Gowdy. Would you recall initiating a criminal investigation into the President of the United States?

Mr. Comey. Yes, I'm sorry. I didn't personally, but I took it also to mean, did anyone else in the FBI open a file with an obstruction heading or something? Not to my knowledge is the answer.

Mr. Gowdy. Did you talk to Andy McCabe the day you were fired?

Mr. Comey. I don't think so. I don't think -- it's possible, but I don't think so.

Mr. Gowdy. Did you talk to Lisa Page the day you were fired?

Mr. Comey. That I'm sure of. No.

Mr. Gowdy. Did you talk to Peter Strzok the day you were fired?

Mr. Comey. No.

Mr. Gowdy. Do you know whether or not an obstruction of justice investigation was launched the day you were fired?

Mr. Comey. I don't.

Mr. Gowdy. If Flynn had said, "Director Comey" -- I'm sorry.

If President Trump had said, "Director Comey, General Flynn made a mistake, and he didn't have the intent to violate the law," would you have viewed that as obstruction?

Mr. Comey. I can't answer that hypothetical.

Mr. Gowdy. Well, we're going to have to get our way through it a little bit. Is someone saying, "Look, he just made a mistake" -- mistake is a defense to certain crimes, right? So that could be interpreted as didn't commit a criminal offense.

Mr. Comey. The reason I don't feel comfortable going into hypotheticals is obstruction is a crime that turns on intent, and I can't speak in -- either in fact or in hypotheticals to intent here.

Mr. Gowdy. Well, what was the President's intent when -- in your opinion, when he said, "I hope you can see your way clear to letting this go"?

Mr. Comey. I don't know for sure.

Mr. Gowdy. So it would be the failure of an essential element of an obstruction of justice case if the person who received that information did not view it as an attempt to impact his decisionmaking?

Mr. Comey. I don't think that's right as a matter of law. I don't think the reaction of the object of the obstructive effort, their perception, is dispositive.

Mr. Gowdy. Were you obstructed?

Mr. Comey. Because I think I could have -- I could endeavor to obstruct something and you not realize what I'm doing.

Mr. Gowdy. Were you obstructed?

Mr. Comey. Well, I don't know -- there was no impact, so

far as I'm aware, on the investigation, from this conversation.

Mr. Gowdy. If he had said, "Look, General Flynn doesn't have the intent to commit a crime," how would you have viewed that?

Mr. Kelley. Do you understand the question?

Mr. Comey. Yeah, I still would not offer an opinion as to what his intention was in doing that. I would find it very concerning, just as I found this very concerning, but I didn't then, and I don't now, have an opinion on the ultimate question about whether it was obstruction.

Mr. Gowdy. Well, the reason I ask general -- Director Comey, is, there was another Chief Executive who referred to an ongoing criminal matter by saying she made a mistake, and she lacked criminal intent. Did you view that as potentially obstruction of justice?

Mr. Comey. Talking about President Obama now?

Mr. Gowdy. Yes.

Mr. Comey. I didn't see it as -- through the lens of obstruction of justice. I saw it as threatening our ability to credibly complete the investigation.

Mr. Gowdy. In what way?

Mr. Comey. The President of the United States offering a view on a matter or a case that's under investigation, when that President is of the same party as the subject of the investigation and working for her election, would tend to cast doubt in

reasonable people's minds about whether the investigation had been conducted and completed fairly, competently, and independently.

Mr. Gowdy. So, if it doesn't rise to the level of obstruction, how would you characterize the Chief Executive saying that the target of an investigation that was ongoing simply made a mistake and lacked the requisite criminal intent?

Mr. Comey. It would concern me. It concerns me whenever the Chief Executive comments on pending criminal investigations, something we see a lot today, which is why it concerned me when President Obama did it.

Mr. Gowdy. Well, it concerns me too, Director Comey. I'm also concerned that people treat similarly situated people the same. And did you make a memo after President Obama said she made a mistake and lacked the requisite criminal intent?

Mr. Comey. He said that on FOX News.

Mr. Gowdy. Right.

Mr. Comey. I did not make a memo about the FOX News broadcast.

Mr. Gowdy. Did you have a meeting with your investigative team to make sure that they were not in any way impacted by what he said?

Mr. Comey. No.

Mr. Gowdy. Who is Christopher Steele? Well, before I go to that, let me ask you this.

At any -- who interviewed General Flynn, which FBI agents?

Mr. Comey. My recollection is two agents, one of whom was Pete Strzok and the other of whom is a career line agent, not a supervisor.

Mr. Gowdy. Did either of those agents, or both, ever tell you that they did not adduce an intent to deceive from their interview with General Flynn?

Mr. Comey. No.

Mr. Gowdy. Have you ever testified differently?

Mr. Comey. No.

Mr. Gowdy. Do you recall being asked that question in a HPSCI hearing?

Mr. Comey. No. I recall -- I don't remember what question I was asked. I recall saying the agents observed no indicia of deception, physical manifestations, shiftiness, that sort of thing.

Mr. Gowdy. Who would you have gotten that from if you were not present for the interview?

Mr. Comey. From someone at the FBI, who either spoke to -- I don't think I spoke to the interviewing agents but got the report from the interviewing agents.

Mr. Gowdy. All right. So you would have, what, read the 302 or had a conversation with someone who read the 302?

Mr. Comey. I don't remember for sure. I think I may have done both, that is, read the 302 and then spoke to people who

had spoken to the investigators themselves. It's possible I spoke to the investigators directly. I just don't remember that.

Mr. Gowdy. And, again, what was communicated on the issue of an intent to deceive? What's your recollection on what those agents relayed back?

Mr. Comey. My recollection was he was -- the conclusion of the investigators was he was obviously lying, but they saw none of the normal common indicia of deception: that is, hesitancy to answer, shifting in seat, sweating, all the things that you might associate with someone who is conscious and manifesting that they are being -- they're telling falsehoods. There's no doubt he was lying, but that those indicators weren't there.

Mr. Gowdy. When you say "lying," I generally think of an intent to deceive as opposed to someone just uttering a false statement.

Mr. Comey. Sure.

Mr. Gowdy. Is it possible to utter a false statement without it being lying?

Mr. Comey. I can't answer -- that's a philosophical question I can't answer.

Mr. Gowdy. No, I mean, if I said, "Hey, look, I hope you had a great day yesterday on Tuesday," that's demonstrably false.

Mr. Comey. That's an expression of opinion.

Mr. Gowdy. No, it's a fact that yesterday was --

Mr. Comey. You hope I have a great day --

Mr. Gowdy. No, no, no, yesterday was not Tuesday.

Mr. Comey. Oh, see, I didn't even know that. Yeah.

Mr. Gowdy. So is it possible to make a false statement without having the intent to deceive?

Mr. Comey. Yes.

Mr. Gowdy. All right. Is making a false statement without the intent to deceive a crime?

Mr. Comey. I don't know. I can't answer that without thinking better about it.

Mr. Gowdy. So would it, therefore, be relevant, whether or -- I'll let you finish talking to your lawyer.

Mr. Comey. Sorry, go ahead.

Mr. Gowdy. Would it, therefore, be relevant whether or not General Flynn had an intent to deceive?

Mr. Comey. Let me step away from the case. In investigating any false statement case, you want to understand, did the defendant, the subject, know they were making a false statement? Because you aren't prosecuted for accidents, slips of memory, things like that. So, in any false-statement case, it's important to understand, what's the proof that they knew what they were saying was false?

Mr. Gowdy. And, again -- because I'm afraid I may have interrupted you, which I didn't mean to do -- your agents, it



was relayed to you that your agents' perspective on that interview with General Flynn was what? Because where I stopped you was, you said: He was lying. They knew he was lying, but he didn't have the indicia of lying.

Mr. Comey. Correct. All I was doing was answering your question, which I understood to be your question, about whether I had previously testified that he -- the agents did not believe he was lying. I was trying to clarify. I think that reporting that you've seen is the product of a garble. What I recall telling the House Intelligence Committee is that the agents observed none of the common indicia of lying -- physical manifestations, changes in tone, changes in pace -- that would indicate the person I'm interviewing knows they're telling me stuff that ain't true. They didn't see that here. It was a natural conversation, answered fully their questions, didn't avoid. That notwithstanding, they concluded he was lying.

Mr. Gowdy. Would that be considered Brady material and hypothetically a subsequent prosecution for false statement?

Mr. Comey. That's too hypothetical for me. I mean, interesting law school question: Is the absence of incriminating evidence exculpatory evidence? But I can't answer that question.

Mr. Gowdy. Well, you used to be the United States Attorney for the Southern District of New York. Would you have turned over that information?

Mr. Comey. I can't answer that in the abstract. I just can't. It depends upon too many unique circumstances to a case.

Mr. Gowdy. Who is Christopher Steele?

Mr. Comey. My understanding is that Christopher Steele is (b)(6), (b)(7)(C) per FBI who prepared a series of reports in the summer of 2016 that have become known as the Steele dossier.

Mr. Gowdy. How long did he have a relationship with the FBI?

Mr. Comey. I don't know.

Mr. Gowdy. Did you ever meet him?

Mr. Comey. No.

Mr. Gowdy. Never met him, never talked to him?

Mr. Comey. Sorry.

Okay. No, I never met him, never spoken to the man.

Mr. Gowdy. When did you learn he was working for Fusion GPS?

Mr. Comey. I don't know that I ever knew that -- certainly while I worked at the FBI. I think I've read that in open source, but I didn't know that while I was FBI.

Mr. Gowdy. Who did you think he was working for?

Mr. Comey. I thought he was retained as part of a Republican-financed effort -- retained by Republicans adverse to Mr. Trump during the primary season, and then his work was underwritten after that by Democrats opposed to Mr. Trump during

the general election season.

Mr. Gowdy. When did you learn that his work went from being financed by what you described as Republicans to what you described as Democrats?

Mr. Comey. Sometime in September, October, is my best guess. I don't remember for sure, when I was briefed on the materials that had been provided to the FBI.

Mr. Gowdy. Well, ordinarily, it wouldn't be important whether it was December or October, but --

Mr. Comey. September or October.

Mr. Gowdy. Right. Ordinarily, it wouldn't be important. Just so happens, in this fact pattern, it might be.

Pardon me?

Mr. Kelley. I thought you said "December or October."

Mr. Gowdy. Oh, December -- or September?

Mr. Kelley. You said September first; he said --

Mr. Gowdy. Ordinarily -- let me correct it then.

Ordinarily, it wouldn't be important whether it was September or October. In this fact pattern, it may be. Do you have any recollection, did anything else happen in September or October that may refresh your recollection on when you learned it?

Mr. Comey. No. It was either September/October, is my best recollection. If I had to say, which I will, more likely September than October, but I'm really not certain.

Mr. Gowdy. Do you know whether you learned it before there were any court filings or pleadings filed in connection with the Russia investigation?

Mr. Comey. Court filings? I don't remember court filings. Oh, you're talking about FISA? Sorry.

Mr. Gowdy. I was trying to avoid use of the word, but that's okay.

Mr. Comey. I think it's been used publicly, which is why I just used it.

Mr. Gowdy. I think it has too, but that doesn't mean it should have been.

Mr. Comey. Yeah.

I certainly learned of it before the end of October. And I think the filing that you're referring to obliquely was at the end of October sometime. So it was before that.

Mr. Gowdy. When did you learn that Fusion GPS was hired by Perkins Coie?

Mr. Comey. I never learned that, certainly not while I was Director.

Mr. Gowdy. Well, when did you learn the DNC had hired Perkins Coie?

Mr. Comey. I never learned that. Again, while I was Director. I think I've read it in the media, but, yeah, even today, I don't know whether it's true.

Mr. Gowdy. Now, when you say you never learned it but may

have read it in the media --

Mr. Comey. After I left as Director.

Mr. Gowdy. While you were the Director, you never knew that the DNC hired a law firm that hired an oppo research firm that hired Christopher Steele?

Mr. Comey. No, I don't think so. I don't have any recollection of being told that or reading that or learning that while I was Director.

Mr. Gowdy. Is it relevant to you who was paying Chris Steele?

Mr. Comey. Yes, in the sense that I thought it was important to understand that it was politically motivated effort, first by Republicans, then by Democrats.

Mr. Gowdy. Whose obligation in the Bureau would it have been to bring it to your attention?

Mr. Comey. I don't know about your use of the word "obligation." I'd have to think that through more carefully, but I do know that I was told about it, I think, by the general counsel, but I'm not sure. And I don't know whether that stemmed from an obligation.

Mr. Gowdy. All right. We'll get at that another way. The word "obligation" stemmed from the fact that this is a counterintelligence investigation into a political campaign. I think you testified -- and I hope you agree -- the source who was paying for that information would be relevant.

Mr. Comey. First of all, I have to disagree with your assertion that it was a counterintelligence investigation into a political campaign. I've said that earlier, that it wasn't. It was four counterintelligence files on four Americans. The --

Mr. Gowdy. I know you said that, Director Comey, but I think you --

Mr. Kelley. Let him finish his answer, please.

Mr. Comey. Who -- who paid and the particulars of who paid would be important to people working the case, but the level of specificity that the Director needed to know is, to my mind, a different question.

Mr. Gowdy. If the Director were signing a court filing that had a representation in it, the Director would want to know whether or not those representations were accurate.

Mr. Comey. The Director would want to know that the process -- carefully constructed process of the FBI had been followed, that the right people had reviewed things, that the right signoffs had been held, before I would sign the certification that came with it. That's probably the most I can say about the role of the Director in a FISA.

Mr. Gowdy. Was Christopher Steele also working with or for the Bureau while he was working for Fusion GPS?

Mr. Comey. I don't know.

Mr. Gowdy. Do you know whether the FBI was paying Christopher Steele for any of his work in the fall -- summer or

fall of 2016?

Mr. Comey. My recollection is that the FBI was not paying him, that the FBI had reimbursed him for some travel expenses and had raised the prospect that if there was fruitful further work, he could be paid for it. But my recollection is that he was not paid. These are the things I remember learning when I was Director. Could be wrong, but I think that's what I was told.

Mr. Gowdy. I think you have answered the next question then. Assuming that you are incorrect and the FBI was paying him, you don't recall how much the FBI paid him?

Mr. Comey. Well, as I said, my recollection is that he was reimbursed for expenses and that he was not paid for his work in connection with the Russia subject, but that the prospect was raised. So, of course, given that I don't recall that he was paid for his work, the answer would be I don't recall how much he was paid because he wasn't paid, in my recollection.

Mr. Gowdy. When the Bureau uses sources or informants, are there agreements signed? Are there certain obligations on behalf of the source or the informant?

Mr. Comey. Yeah, I'm not expert enough to answer that. I'm sure that there are, but I don't know the particulars.

Mr. Gowdy. Is it -- would it be unusual for the FBI to tell a source or an informant, you can't commit any other crimes while you're working for the Bureau?

Mr. Comey. I believe that's the case.

Mr. Gowdy. Would it be unusual for the Bureau to tell a source or an informant, you can't have media contacts while you're working for the Bureau?

Mr. Comey. I don't know whether that's part of the standard warnings or directions to a source.

Mr. Gowdy. And you're not familiar --

Mr. Kelley. Excuse me. One second, please.

Mr. Comey. Okay, thank you.

I'm sorry. Go ahead.

Mr. Gowdy. How did Chris Steele's information reach the FBI?

Mr. Comey. I don't know for sure. I have some recollection that he passed it to an agent that he knew and that that agent sent it on to headquarters. I think that's the way in which it reached the Counterintelligence Division, but I don't remember the specifics of that.

Mr. Gowdy. How did the Bureau investigate whatever information Steele provided?

Mr. Comey. I don't know in particular. I know that the Counterintelligence Division was investigating various aspects of the reports he had supplied, and that investigation was ongoing when I was fired.

Mr. Gowdy. Do you know whether the Bureau endeavored to either contradict or corroborate factual assertions made in what has later been described as the Steele dossier?



Mr. Comey. My understanding is that that effort -- that an effort was under way to try to replicate, either rule in or rule out, as much of that collection of reports that's commonly now called the Steele dossier as possible, and that that work was ongoing when I was fired.

Mr. Gowdy. When did that work begin?

Mr. Comey. My recollection is sometime in '16, but I don't know when.

Mr. Gowdy. Before or after it was used in a court filing?

Mr. Comey. I think before that. I think -- I think when it was received, there was an effort immediately to try and evaluate it to understand it, and that continued over the next 6 months.

Mr. Gowdy. What is the basis of your belief that there was an immediate attempt to corroborate or contradict the underlying factual assertions?

Mr. Comey. I have some recollection, vague, of being told we're trying to assess this to understand what we can make of it, what parts we can rely on, what parts we can't. But I don't -- I don't remember more than that.

Mr. Gowdy. Was Steele the original source of the information, or did he himself have sources and subsources?

Ms. Bessee. Mr. Chairman, to the extent that it goes -- your line of questioning goes beyond Christopher Steele in particular and into other sources that may impact special

counsel's investigation, I will have to instruct the witness not to answer the questions.

Mr. Gowdy. He can't answer whether Chris Steele was the original source for all of the information in the Steele dossier?

Ms. Bessee. To the extent it goes into --

Mr. Gowdy. I didn't mention the phrase "special counsel."

Ms. Bessee. I know you have not, Mr. Chairman.

Mr. Gowdy. I'm just asking the former Director of the FBI, who received information from a source, whether that source had knowledge of the underlying accuracy of that information or whether the source was relying on other sources. I don't know how that implicates anything Bob Mueller's doing.

Ms. Bessee. If the source relies on other information, because this is all part of an ongoing investigation, it may impact --

Mr. Gowdy. How?

Ms. Bessee. Why don't we have the witness -- if it impacts the investigation, because the witness has knowledge as to whether it would or not, he may not be able to answer the question. So I will have the witness --

Mr. Gowdy. That's a different answer if he doesn't -- if he doesn't have recollection.

Do you know whether Chris Steele relied on sources and subsources to compile the information that ultimately made it to the FBI?

Mr. Comey. My recollection is he did have a source network of sources and subsources and that this collection of reports reflected reporting by those, that source network.

Mr. Gowdy. Did the FBI make any effort to identify those sources and subsources that Steele would have relied upon?

Mr. Comey. Yes.

Mr. Gowdy. With success?

Mr. Comey. I don't remember, and I think I don't remember because the work was not finished before I left.

Mr. Gowdy. I'm not asking you for names, but I'm asking you for a sense of scope. How many sources and subsources did Steele rely upon?

Ms. Bessee. Mr. Chairman, again, the number or the how many sources or subsources would go to things involved in the special counsel investigation. So the witness will not be able to answer that.

Mr. Gowdy. For the life of me, I don't understand how that could possibly be so. What I do know to be so is I need -- and think I have a right -- to ask the former Director of the FBI, given the fact that we've already established Steele had sources and subsources, whether or not the Bureau made an effort to contact and corroborate or contradict the information provided by those sources. Is it the Bureau's position that I'm incorrect?

Ms. Bessee. Could we have a minute to talk to the witness?

Mr. Gowdy. Well, if it's -- yeah, if we can toll the clock. I mean, I'm already running out of time.

Mr. Comey. Can I have your question again, Mr. Gowdy?

Mr. Gowdy. Pardon me?

Mr. Comey. What's the question again?

Mr. Gowdy. God, if I remember. I think it was whether or not the Bureau made any effort -- oh, I think what I asked is whether or not you had an idea the scope, the breadth, of the number of sources or subsources Steele relied upon.

Mr. Comey. I don't. I have a recollection that there were a variety of sources and subsources, but I don't have a sense of the scope.

Mr. Gowdy. Do you have a sense that the Bureau was able to identify every source and subsurface Steele relied upon?

Mr. Comey. I don't know one way or another.

Mr. Gowdy. I'm going to let Mr. Ratcliffe take over from here, other than I'm going to ask you whether hearsay is ordinarily admissible in court or not.

Mr. Comey. Is this a quiz?

Mr. Gowdy. No. Well, if I didn't think you could answer it, I wouldn't have asked you. I know you know the answer.

Mr. Comey. It depends upon whether it fits within one of the exceptions to the hearsay rule.

Mr. Gowdy. Assuming -- what's the general rule? We won't get to the exceptions. The general rule, is hearsay admissible

or not admissible?

Mr. Comey. Well, the general rule is that hearsay is not admissible unless it falls within one of the exceptions to the hearsay rule.

Mr. Gowdy. Right. And we're going to assume for the sake of argument that there's no exception unless you can identify one. What is the definition of -- well, is it an out-of-court statement offered to prove the truth of the matter asserted?

Mr. Comey. Yes, that's my recollection.

Mr. Gowdy. All right.

Mr. Kelley. You know, Mr. Gowdy, we've agreed to be here to talk about the questions and decisions made and not made in connection with the investigation of Russia and Clinton's emails.

Mr. Gowdy. Yes.

Mr. Kelley. And we've been very patient, but why don't we get to the point instead of asking ridiculous questions about the definition --

Mr. Gowdy. The fact that you think it's ridiculous is of no consequence to me whatsoever, Mr. Kelley.

Mr. Kelley. I'm sure it's not.

Mr. Gowdy. It's not. And I've asked almost every other witness, none of whom had an attorney that didn't understand the relevance of that question. So that's between you and Mr. Comey. But the reason that I want to ask about hearsay is

the ability to rely upon information that cannot be cross-examined. That's why I want to ask about it. And if you can't see that, then y'all can discuss that on the next break, but I'm going to go back into it, and for now, it will be Mr. Ratcliffe's turn.

Mr. Ratcliffe. Mr. Comey, do you recall that you signed a FISA application on October 21st, 2016, relating to Carter Page?

Mr. Comey. I don't recall the date. I do remember signing such a FISA in October.

Mr. Ratcliffe. Would you have reviewed the FISA application before you signed it?

Mr. Comey. Yes.

Mr. Ratcliffe. Do you recall that the FISA application would have been titled -- or was titled "verified application"?

Mr. Comey. No, I don't recall that.

Mr. Ratcliffe. Don't all FISA applications state that they are verified applications?

Mr. Comey. I don't know. I don't -- sitting here today, I can't remember the word "verified."

Mr. Ratcliffe. What did the FISA application that you signed on October 21st of 2016, aver in terms of probable cause for a warrant on Carter Page?

Ms. Bessee. Congressman, he can only respond to information that's not classified or that's been put out there

in the public. If there is something that he can look at, because, as you know, part of that -- parts of that application is classified.

Mr. Ratcliffe. I was told that -- that the Director didn't want to review any classified information today and that he came here without any provisional clearances because he didn't want them, but yet he was prepared to answer any questions that may pertain to classified information. Is that incorrect?

Mr. Kelley. That is incorrect. We were told in advance that this would not deal with anything law enforcement sensitive or classified information.

Mr. Ratcliffe. Who told you that?

Mr. Kelley. House counsel. Not so much who told me, so much as a representation made before a United States district judge.

Mr. Meadows. So, Mr. Chairman, I would recommend that there are two different statements that the attorney just made. One was classified; the other was law enforcement sensitive. I can't imagine that House counsel would have inadvertently agreed to that. We need to check with Mr. Hungar and make sure that we're consistent with that.

Chairman Goodlatte. We'll do that. The House counsel's position is very clear, that the Congress does not recognize an ongoing investigation prohibition on answering questions. We do obviously recognize a classified, and we're prepared to create

that environment, if necessary, to ask that question in that environment.

Mr. Ratcliffe. Did the FISA application that you certified, or verified, allege that there was probable cause to believe that Carter Page was working for or with the Russian Government?

Mr. Comey. I don't remember specifically. My recollection is it was -- it was submitted to the court as part of an application where the Department of Justice was alleging that he was an agent of a foreign power, namely, the Russian Federation, but I can't remember what it said about probable cause.

Mr. Ratcliffe. Would it have averred that there was probable cause to believe that he was in a position to influence the Trump campaign or Trump campaign officials?

Mr. Comey. I don't remember that.

Mr. Ratcliffe. But you did review it?

Mr. Comey. Yes. I remember reading it for the purpose of signing the certification that the FBI Director has to sign.

Mr. Ratcliffe. Do you recall that part of the probable cause submitted to the court was the -- what you've referred to as the Steele dossier?

Mr. Comey. I don't.

Mr. Ratcliffe. Following up on Mr. Gowdy's question about Christopher Steele, do you know whether he had any direct



knowledge about collusion, coordination, or conspiracy between anyone associated with the Trump campaign, or was it based on other sources and subsources?

Mr. Comey. My recollection is that it was the latter, that he didn't have personal knowledge of most, maybe all, of the things that were in the reports, but they were reported to him by sources and that the, sort of, the core allegation of the dossier, as I recall, was that there was an effort to coordinate with the Russian interference campaign, but that was not the product of Steele's personal knowledge is my -- I could be wrong about that, but that's my recollection.

Mr. Ratcliffe. All right, so, if there were other sources or subsources, would you agree that that information would be double and triple hearsay?

Mr. Comey. I don't know. Could be. I don't know.

Mr. Ratcliffe. Do you know whether each application -- or do you know whether the application that you signed states that the FBI has reviewed this verified application for accuracy?

Mr. Comey. I don't remember that specifically. It sounds like the kind of thing that would be in there as a matter of course, but I don't remember.

Mr. Ratcliffe. And what would be the purpose of verifying to the FISA court that the Department of Justice and the FBI have corroborated the allegations?

Mr. Comey. Well, you're trying to convince a Federal judge

that you have probable cause, and so the better you can present your evidence and the way it might overlap or interlock, the better the chance you have of convincing the judge you have probable cause.

Mr. Ratcliffe. So I want to relate to you some of the testimony that we've already received. FBI Deputy Director Andy McCabe testified before Congress that the FBI could provide no points of verification to verify the Steele information other than the fact that Carter Page had traveled to Russia in July of 2016. Were you aware of that when you signed the application on October 21st of 2016?

Mr. Comey. I don't remember any of that right now.

Mr. Ratcliffe. Bill Priestap who -- what does Bill Priestap do at the FBI?

Mr. Comey. I think he's still the Assistant Director in charge of the Counterintelligence Division.

Mr. Ratcliffe. Okay. He testified that corroboration of the Steele dossier was in its, quote/unquote, infancy, at the time of the application that you signed on October 21st, 2016. Did you know that?

Mr. Comey. I don't remember hearing that, but that makes sense to me, if my recollection is correct, that we got it in September or maybe October. It would, by definition, be in its infancy in October.

Mr. Ratcliffe. All right. And do you know when

Christopher Steele was terminated as a source for the FBI?

Mr. Comey. I don't. And I don't know for a fact that he was terminated.

Mr. Ratcliffe. So have you reviewed any FBI source validation report on Christopher Steele?

Mr. Comey. I have not.

Mr. Ratcliffe. So you don't know whether or not such a report would reflect that, as of November 1st of 2016, Christopher Steele's reporting in the Steele dossier was determined by the FBI to be only, quote, minimally corroborated, end quote?

Mr. Comey. I don't know that.

Mr. Ratcliffe. So those things that I've just related to you about testimony as I've represented it from Andy McCabe and Bill Priestap, and the report as I've represented it to you from the FBI, does that cause you any concern about the fact that you signed a verified application for a warrant to surveil Carter Page when the Steele dossier was only minimally corroborated or in its infancy in its corroboration?

Mr. Comey. I don't know enough or remember enough 2 years later to have a reaction. I don't know their testimony. I haven't looked at the thing.

Mr. Ratcliffe. I'm just asking you to accept what I've represented as true, and if it is true, does that cause you concern? Should the FISA court have been granting warrants

where the information submitted and verified, in fact, had only been minimally corroborated?

Mr. Comey. Yeah, I can't answer that because I -- look, I accept what you're saying, but I don't know what else you're not telling me that was in the FISA application and what was done. I just don't know enough about what happened to offer a view one way or the other.

Mr. Ratcliffe. Okay. Well, do you recall that, on numerous occasions subsequent to October 21st of 2016, you, in your capacity as the FBI Director, referred to the Steele dossier as salacious and unverified?

Mr. Comey. Yes. I don't know that I was referring to all of it. Maybe I was, but I had in mind some particular portions of it that were salacious and unverified.

Mr. Ratcliffe. But, again, your characterization of it was that it was unverified, even though you had verified it to the court?

Mr. Comey. Well, it was coming to us from a reliable source with a track record, and it's an important thing when you're seeking a PC warrant. But what I understand by verified is we then try to replicate the source information so that it becomes FBI investigation and our conclusions rather than a reliable source's. That's what I understand it, the difference to be. And that work wasn't completed by the time I left in May of 2017, to my knowledge.

Mr. Ratcliffe. Well, when you talk about getting a warrant and the PC and the importance there, isn't it important for the judge to be able to weigh the reliability and the credibility of all the sources for the information, particularly those that saw or heard the relevant information that serves as the predicate for seeking the warrant?

Mr. Comey. Not necessarily. I mean, I can imagine -- I think I've dealt with warrants where you just identify that your primary CI, or primary source, has subsources, and so long as the court is aware of that phenomenon and that you're speaking to the reliability of the primary source, to my mind, that's a totally legit warrant application.

Mr. Ratcliffe. Who is (b)(6), (b)(7)(C) per FBI --

Mr. Comey. And I don't remember this one well enough to comment on it. I'm thinking about other criminal cases I've worked.

Mr. Ratcliffe. Who is (b)(6), (b)(7)(C) per FBI [REDACTED]

Mr. Comey. A lawyer in the General Counsel's Office.

Mr. Ratcliffe. Do you know if she was involved in the preparation of the FISA application?

Mr. Comey. I don't.

Mr. Ratcliffe. If she testified -- and I'll represent to you that she testified that the FISA court -- it was 49-51, maybe 50-50, that the FISA court would have approved the warrant without the Steele dossier. If I represent that to you, does

that cause you concern that the court was relying on a document that was largely unverified and minimally corroborated?

Mr. Comey. No. Because it asked me to assume the truth of the last part of your question, and I don't know that to be the case.

Mr. Ratcliffe. Who -- you've already said you're not sure that Christopher Steele was terminated as a source for the FBI, correct?

Mr. Comey. Correct.

Mr. Ratcliffe. If he was terminated as a source for the FBI, it would be improper for him to continue to do work for the FBI. Would you agree with that, as a source?

Mr. Comey. I guess I don't know what "work" means. I would say in general, but I would imagine there would be circumstances where someone -- in fact, I know -- sorry, go ahead.

Mr. Ratcliffe. So let me see if I can break it down. So does the FBI -- the FBI has an entire manual, don't they, on governing the use of confidential human sources?

Mr. Comey. Yes.

Mr. Ratcliffe. All kinds of rules and validations, correct?

Mr. Comey. Correct.

Mr. Ratcliffe. And if Christopher Steele was, in fact, terminated, it would have been for violating those standards or rules or validations?

Mr. Comey. I don't know for sure. It could be for violating them, but -- I don't know for sure whether it could be something else too.

Mr. Ratcliffe. As you've sat here today -- as you sit here today, have you heard anything about the fact that Christopher Steele was terminated for leaking information to the press?

Mr. Comey. As I sit here today, since I left the FBI, I've read stuff in the media about that. I don't believe I had ever heard anything about that while I was still at the FBI.

Mr. Ratcliffe. Okay. So, if Christopher Steele -- again, I know you don't know whether he had been terminated, but if he was and he continued to provide information as a source to the FBI, who would have authorized that?

Mr. Comey. I don't know. And it's too much of a hypothetical for me to even begin to answer. I don't know. Because I don't know -- I don't know whether any of the -- the preamble to your question is true.

Mr. Ratcliffe. Are you aware that Christopher Steele had a relationship -- and by "relationship," I mean a working relationship -- with Bruce Ohr?

Mr. Comey. Am I aware that he had a working relationship with Bruce Ohr? No.

Mr. Ratcliffe. Are you aware of any communications or contact between Christopher Steele and Bruce Ohr?

Mr. Comey. I am not aware.

Mr. Ratcliffe. Who is Bruce Ohr?

Mr. Comey. He's a lawyer for the Department of Justice, who I don't know exactly what his job was. I remember him from the Southern District of New York. But a DOJ lawyer.

Mr. Ratcliffe. Would you expect a DOJ lawyer to be part of the chain of custody of evidence relating to the Steele dossier or a FISA application?

Mr. Comey. I'm not sure I know what that means. Chain of custody with respect to a FISA application. With respect to the -- I just don't understand that question.

Mr. Ratcliffe. Yeah. Should a DOJ lawyer be used as a cutout to transfer evidence in connection with a FISA application?

Mr. Comey. I don't know.

Mr. Ratcliffe. Who would have approved that?

Mr. Comey. I don't know. I keep trying to imagine circumstances in which -- I'm not familiar with a circumstance in which it's happened, but I don't know enough --

Mr. Meadows. Are you aware of any other time where a DOJ attorney actually acted as a conduit to provide information that would go into a FISA application?

Mr. Comey. What do you mean by "conduit"?

Mr. Meadows. Well, with Mr. Ohr, Mr. Steele, it's been widely reported -- I'm sure you've read the reports, Director Comey, but in testimony, we would have an interaction between



Mr. Steele, Mr. Simpson, and Mr. Ohr, and then that information was given to two individuals at the FBI, [REDACTED] [REDACTED]. Are you aware of any other time where a DOJ attorney was used in that manner to give information that ultimately went into a FISA application?

Mr. Comey. I can't remember a circumstance like that.

Mr. Meadows. So the answer is no?

Mr. Comey. Well, yeah, I -- I'm only hesitating because it's possible. I just -- in my personal experience, I've not -- I don't remember anything like that.

Mr. Meadows. All right.

I yield back.

Mr. Ratcliffe. Director Comey, does the FBI and the Department of Justice, is there a duty to present exculpatory evidence to the FISA court?

Mr. Comey. I don't know whether there's a legal duty. We certainly consider it our obligation, because of our trust relationship with Federal judges, to present evidence that would paint a materially different picture of what we're presenting.

Mr. Ratcliffe. So, if there was -- if the FBI and the Department of Justice had information that was contradictory to the predicate for which the warrant is being sought before the FISA court, you would expect that information to be presented to the court so that they could weigh the sufficiency of all of the information?

Mr. Comey. In general, I think that's right. You want to present to the judge reviewing your application a complete picture of the evidence, both its flaws and its strengths.

Mr. Ratcliffe. What's a defensive briefing?

Mr. Comey. In the counterintelligence world, it's a mechanism by which the FBI will alert somebody to a counterintelligence threat that might tend to defeat the threat.

Mr. Ratcliffe. Are they done for Presidential candidates?

Mr. Comey. Not routinely. What's routinely done for candidates is a general briefing of -- what I meant by "defensive briefing" is it's specific to you and threats we see at you. With candidates, my recollection is we gave a general counterintelligence briefing about the threat coming from different nations.

Mr. Ratcliffe. Do you recall doing that for Secretary Clinton when she was the nominee?

Mr. Comey. I don't. But I assume that someone did.

Mr. Ratcliffe. Okay. Do you know if one was done for candidate Trump?

Mr. Comey. Again, I don't know for sure, but I expect it was done, just as it was done for Secretary Clinton.

Mr. Ratcliffe. Where would I get that information? Who would I ask, since you don't know?

Mr. Comey. Probably the Director of National Intelligence's Office. I have some recollection that they

arranged for briefings of the candidates once they were nominated, and then part of that briefing would include a threat briefing from the FBI about the counterintelligence threat.

Mr. Ratcliffe. So you -- you would not have participated in that, is what it sounds like.

Mr. Comey. Yeah, I did not. That's why I don't have any recollection of it, but --

Mr. Ratcliffe. But someone from the FBI would have?

Mr. Comey. Yes.

Mr. Ratcliffe. Do you know who that would have been?

Mr. Comey. No. And it could have been -- let me just add this for clarity as you're looking -- there was an FBI senior executive who was assigned to the Director of National Intelligence as the National Counterintelligence Executive, NCIX or something, it may well have been that executive who works for the DNI doing it, but who that person -- sorry.

Mr. Ratcliffe. So I'm going to ask the question -- I think I know the answer based on what you've just said. But at the time a defensive briefing was done for candidate Trump, do you know if the FBI had any evidence that anyone associated with the Trump campaign had colluded or conspired or coordinated with Russia in any way?

Mr. Comey. I don't know the dates, whether -- I don't know whether it was before late July when we opened the four counterintelligence files, or not. And so, if it was after July

29th, then the answer would be, yes, we had some reason to suspect that there were Americans who might have assisted the Russians. If it was before then, the answer is no.

I can't remember when the conventions were and that sort of thing.

Mr. Meadows. So your testimony here today is that, before July 31st of 2016, you had no indication that there was someone wanting to intrude into the Trump campaign?

Mr. Comey. I don't know when I learned anyone wanted to intrude into the Trump campaign. I knew as of late July that the Russians had a massive effort to mess with our democracy ongoing. I don't think before the end of July I had any information that Americans might be assisting that effort.

Mr. Meadows. And so at what point did George Papadopoulos come on your radar, Director Comey?

Mr. Comey. Late July, which is what -- oh, sorry.

Mr. Meadows. So, you're saying late July --

Ms. Bessee. Congressman?

Mr. Meadows. Well, hold on. Hear me out. Hear the question. Because we've had other testimony that would indicate, in a nonclassified setting, that goes right to the heart of this matter, even from Mr. Papadopoulos himself. So, prior to July 31st of 2016, when you opened what is now known as, I guess, Crossfire Hurricane, or this investigation, was there no effort on part -- on the part of the FBI or no

knowledge -- let me correct that -- no knowledge on the part of the FBI of anybody, George Papadopoulos or any others, that potentially could have been involved in this Russian narrative?

Mr. Comey. This -- Counsel, this I've said publicly, and it's been cleared, I think, in my book, so I'm going to say it again. My recollection is the first information we had, certainly the first information that came to my attention that Americans might be working with the Russians as part of their efforts, came at the end of July -- I think the 31st is too late, but the last week of July -- when we received information from an allied nation about the conversations their ambassador had in England with George Papadopoulos.

That was the beginning of it, which is the first time we turned to trying to figure out whether any Americans were working with the Russians.

Mr. Meadows. So any information that was collected prior to that would have been done without the FBI's knowledge, without your direct knowledge? Is that what you're telling me?

Mr. Comey. I don't know what you mean by "any information that was collected."

Mr. Meadows. So any counterintelligence collection that was done by the FBI would have been done without your knowledge prior to the last week of July 2016?

Mr. Comey. I'm sorry to keep quibbling, but I don't know what you mean by "any information collected." The FBI has lots

of collection going on all the time.

Mr. Meadows. As it relates to Russian interference and the potential use of people within the Trump campaign, was there any initiation on the part of the FBI to collect information prior to the last week of July of 2016? And if so -- well, answer that question.

Mr. Comey. So I want to make sure I'm getting it right. Was there --

Mr. Meadows. I want you to get it right, too, because it's at conflict with -- what you're saying is at conflict with what we've had in other testimony.

Mr. Comey. Okay. Well, I mean, I can't help that. I'll tell you what I -- what I know, that, if you're asking, was there any information that the FBI had that people associated with the Trump campaign might be working with the Russians -- if we had any such information before the end of July? Is that the question?

Mr. Meadows. Well, you can answer that question.

Mr. Comey. Yeah, I'm not aware of any information before the end of July on that subject --

Mr. Meadows. Right.

Mr. Comey. -- and it was our first information at the end of July that prompted the opening of those four files.

Mr. Meadows. So, prior to the end of July, did you direct or did you have knowledge of the FBI trying to collect information

about the possible Russian-Trump campaign -- and I won't use the word "collusion" -- but interactions as it relates to the 2016 Presidential election?

Mr. Comey. Not that I'm aware of. I'm sure there was lots of effort to figure out what the heck was going on with the Russians because we saw their effort blossom in the middle of June. But I'm not aware of any information before that at the end of July about the possibility that Americans were working with the Russians.

Mr. Meadows. So --

Mr. Comey. That's what led to the opening of those --

Mr. Meadows. So, if Mr. Baker or anyone within the FBI had actively engaged in that prior to the last week of July of 2016, that would have been without your knowledge?

Mr. Comey. See I don't --

Mr. Meadows. That's what you're testifying --

Mr. Comey. -- it's possible I knew at the time. I don't remember any information before the end of July that bore on that topic.

Mr. Gowdy. Director, we only have a couple minutes before it's the Democrats' turn. I think during the last time we talked -- well, the first time we talked, you said you did not talk to Rod Rosenstein after you received word that you had been terminated?

Mr. Comey. That's correct.

Mr. Gowdy. Have you had a conversation with the President since you were terminated?

Mr. Comey. No.

Mr. Gowdy. Have you had a conversation with Jeff Sessions?

Mr. Comey. No.

Mr. Gowdy. Did you have a conversation with Bob Mueller from the time you were terminated until the time he was appointed special counsel?

Mr. Comey. No.

Mr. Gowdy. Did you have a conversation with anyone who is currently on Special Counsel Mueller's team between the time you were terminated and the time special counsel was appointed?

Mr. Comey. No.

Mr. Meadows. Let me ask one clarifying question, if you don't mind.

Director Comey, you were saying that you had no knowledge that Perkins Coie was actually involved with the Democrat National Committee and involved in this particular investigation that ultimately was initiated. Is that correct?

Mr. Comey. I, when I was FBI Director, don't remember ever being told anything about Perkins Coie. I think I've since read stuff in the media, but not when I was Director.

Mr. Meadows. So are you saying that James Baker, your general counsel, who received direct information from Perkins Coie, did so and conveyed that to your team without your



knowledge?

Mr. Comey. I don't know.

Mr. Meadows. What do you mean you don't know? I mean, did he tell you or not?

Mr. Comey. Oh, I -- well --

Mr. Meadows. James Baker, we have testimony that would indicate that he received information directly from Perkins Coie; he had knowledge that they were representing the Democrat National Committee and, indeed, collected that information and conveyed it to the investigative team. Did he tell you that he received that information from them? And I can give you a name if you want to know who he received it from.

Mr. Comey. I don't remember the name Perkins Coie at all.

Mr. Meadows. What about Michael Sussmann?

Mr. Comey. I think I've read that name since then. I don't remember learning that name when I was FBI Director.

I was going to ask you a followup, though. When you say "that information," what do you mean?

Mr. Meadows. Well, it was cyber information as it relates to the investigation.

Mr. Comey. Yeah, I have some recollection of Baker interacting with -- you said the DNC, which sparked my recollection -- with the DNC about our effort to get information about the Russian hack of them --

Mr. Meadows. Yeah, that's -- that's not -- that's not what

I'm referring to.

Mr. Comey. -- but I don't -- I don't remember anything beyond that.

Mr. Meadows. And so I can give you something so that you -- your counsel can look at it and refresh your memory, perhaps, as we look at that, but I guess my concern is your earlier testimony acted like this was news to you that Perkins Coie represented the Democratic National Committee, and yet your general counsel not only knew that but received information from them that was transmitted to other people in the investigative team. And I find it interesting that the Director would not know about that because it is not normal that your general counsel would be a custodian of evidence. Is that correct? Was it -- was it normal that people sought out your general counsel to make them aware of potential concerns? Is that normal?

Mr. Comey. I kind of think it is not as uncommon as you're suggesting it is.

Mr. Meadows. Well, Mr. Baker thought it was uncommon. He said he couldn't ever recall it ever happening before.

Mr. Comey. I don't know what the "it" is. What I'm struggling with here is --

Mr. Meadows. Where someone reaches out to the general counsel to give them evidence to say that they want the FBI to look into it. He couldn't recall another time. And you're saying it's not uncommon.

Mr. Comey. Used to happen to me all the time. People would email me, saying, check this out, check that out, so --

Mr. Meadows. It may happen with the Director, but it didn't happen with the general counsel.

Mr. Comey. Okay. That surprises me a little bit, but in any event, I don't remember him raising it. I don't think it's particularly noteworthy that he wouldn't tell me, but I don't know enough to react to it.

Mr. Meadows. So he says a unique situation that had only, in his mind, happened twice in his history with the Bureau, and you're saying that it was so unique there that -- yet he did not tell you about that? Is that your testimony?

Mr. Comey. No.

Mr. Meadows. That's not your testimony?

Mr. Comey. No.

Mr. Meadows. Or he didn't tell you?

Mr. Comey. No. I -- I didn't -- I heard you characterizing my testimony as me saying it's so unique. I don't remember --

Mr. Meadows. I'm saying he said it was unique; did he tell you?

Mr. Comey. I'm struggling because I haven't seen his testimony. So maybe you could let me look at it during the break, and then I can answer on our next round.

Mr. Meadows. Yeah, it's -- it's just a two -- two

sentence, and I'll read it to you: It was unusual for me to be the recipient of information directly from the public or a lawyer or anyone else about an allegation of a crime, close quote.

Mr. Comey. Okay. I mean, I accept your reading of it. It doesn't change my reaction that it doesn't -- I don't remember it. Second, it doesn't strike me as extraordinary that, if that had happened, he wouldn't give me the particulars.

Mr. Meadows. We're out of time.

[Recess.]

[2:12 p.m.]

Ms. Sachsman Grooms. Okay. We'll go back on the record. It is 2:12. I just have a little bit of cleanup from the last round, and then I'll pass off to the members.

BY MS. SACHSMAN GROOMS:

Q In the last round, you were talking about the importance of the FBI and DOJ sharing the complete picture of the evidence with the FISA court. Is that accurate?

A Yes.

Q Okay. Does that require every detail of that information or a general picture?

A No, it doesn't -- look, I don't think there's a Brady obligation that applies in the probable cause presentation requirement context or you have to turn over your entire file. You have a general duty of candor to the court, so you try to make them generally aware of the state of the evidence that they're relying upon.

Q And I think this might have gotten a little bit garbled through the questions in the last round. I think you said that it was relevant to you to provide to the court the information regarding who was paying Christopher Steele. Is that accurate?

A I don't remember whether I focused on it at the time. I think it's important that any material issue of bias be surfaced for a court about one of your sources, and so I think it made sense for the Department of Justice to alert the court

that there was politically motivated financial support for this effort.

Q And so in order to do that, you thought it was important to say the sort of general statement that it had been funded or politically motivated in the financing by Republicans or Democrats in general?

A Right. And the particulars of which Democrats, which Republicans, I wouldn't think would be important to the court. They'd want to be aware of the general bias, and that's my reaction.

Q Okay. And I wanted to be really clear on that because, in the last round, I think there were a number of questions about the particulars of whether you knew or the court knew that the DNC had specifically paid Perkins Coie as a law firm and that had been the conduit to paying Christopher Steele.

Did you think the particulars of that were important to either your analysis or to the FISA court?

A No, I wouldn't think so. It actually doesn't even seem important to me now, who cares what particular organizations or particular people. The court needed to be aware that there's a potential for bias because there's a political motivation to the support for this effort.

Q Did you then or do you know have any concerns about the process that occurred around the Carter Page FISA?

A I do not.

Q In the last round, I think you were asked a number of questions around the timing of the initiation of the Russia investigation as it pertains to the connection to U.S. persons. And I think during that you said that was towards the end of July that that occurred. Is that right?

A That's my recollection, yes.

Q I think the underlying questions that came up have to do with some actions that were taken by Peter Strzok and by others in the time period before the end of July. They traveled to London, they did investigatory work on a number of different things.

If they were doing that work, is it fair to say that that work would not have been part of investigating U.S. persons connected to the Russians in that time period prior to the end of July?

A I don't know. If my recollection is correct that we opened the cases on the U.S. persons at the end of July, then it's possible there was work being done immediately before that to flesh out and understand the information that would then predicate the cases that would be opened at the end of July, but I don't know that. I remember the cases being opened at the end of July, and I don't know the nature and quality of any work that went on before that.

Q But Peter Strzok and his team were working on larger scale Russia things before that, right?

A Right, to try to understand what are the Russians doing, what's the scope of it, what's its intention.

Q And without getting into the particulars of what they were doing, those things could have included traveling to foreign countries or interviewing witnesses, et cetera?

A Of course. I just don't remember it.

Q And then I just had one more thing. At the end of the last round, there was a long discussion about Mr. Baker and his testimony and how he had testified that there was this unique instance, and I just wanted to read into the record some of his testimony from his second day when he came back, because we saw him twice.

And in that, at the very beginning, he said he wanted to bring up this thing that he had not recalled from the previous one, and I'm just going to read from the record. He said: So I recalled after, just actually a few days ago, that another incident when this time an attorney on behalf of a client came to me and wanted -- came specifically to me and wanted to make information available to the FBI in the form of electronic media that he wanted to get into the --

Mr. Jordan asked: Different case or same case?

Mr. Baker said: Different case.

Mr. Jordan said: Okay.

Mr. Baker said: Well, a completely different case, different attorney, different client, but insisted on meeting



only with me or the Director, and then he did not have the material with him at the time. We had to actually dispatch FBI agents to go to a -- from a field office to go to collect this material. It was in the -- to the best of my recollection, it was roughly in the late summer, fall of 2016 timeframe.

So I just wanted to clarify that for the record.

Mr. Krishnamoorthi. Director Comey, thank you for coming, and thank you for your service to your country.

In March 2017, you disclosed in public testimony that the FBI had begun an investigation into, quote: The Russian Government's efforts to interfere in the 2016 Presidential election, including, quote, the nature of any links between individuals associated with the Trump campaign and the Russian Government and whether there was any coordination between the campaign and Russia's efforts, close quote.

When did the FBI first learn of credible evidence that the Russian Government was trying to interfere in the 2016 Presidential election?

Mr. Comey. I believe it was with the release in mid June of the DCLeaks and Guccifer 2.0 stolen emails.

Mr. Krishnamoorthi. Mid June 2016?

Mr. Comey. Correct.

Mr. Krishnamoorthi. Were you, at that time, aware of the meeting at Trump Tower on June 9th, 2016, between Donald Trump, Junior, Paul Manafort, Jared Kushner, and some Russian

nationals?

Mr. Comey. I think that's a question that I can't answer because it dives into a nonpublic level of detail about the Russia investigation.

Mr. Krishnamoorthi. Okay. So in mid June 2016, you first learned about the Russian Government's interference or attempt to interfere in the 2016 Presidential election. When did the FBI first learn of credible evidence that individuals associated with the Trump campaign may be coordinating with the Russian Government?

Mr. Comey. The first I'm aware of that was the end of July of 2016, which is what led us to open counterintelligence cases on four different Americans.

Mr. Krishnamoorthi. Okay. And what was your reaction to this?

Mr. Comey. I don't remember a particular reaction, other than that it was going to be very important that we do this in a close hold way so that we don't alert the people we're going to investigate that we're looking at this and so that the investigation is able to be done in a quality way in the middle of a political season. I remember being concerned about that. And then just open minded about whether there's anything to it or not. I couldn't tell at the beginning whether there was.

Mr. Krishnamoorthi. Have you ever been affiliated with any kind of investigation similar to this where a foreign government

may be coordinating or somehow connecting with a political campaign of the United States?

Mr. Comey. Not -- I don't remember. I've been involved with a lot of cases where foreign governments may be connected in an illicit way to public figures. That's a big part of the FBI's counterintelligence work. I don't remember a campaign context.

Mr. Krishnamoorthi. Got it. Has the FBI ever investigated the potential coordination between a Presidential campaign and a foreign adversary before?

Ms. Bessee. Congressman, to the extent it goes to any -- any investigative activity that the FBI may be investigating, the witness will not be able to answer to either confirm or deny. Do you want to ask that question in general? I don't know how you ask that hypothetically, but --

Mr. Krishnamoorthi. No, this is about past, not the current Mueller investigation or any current investigation.

Mr. Comey. I don't remember being involved in any such investigation prior to 2016.

[Comey Exhibit No. 3

Was marked for identification.]

Mr. Krishnamoorthi. Okay. I would like to introduce the following document from the Baker transcript, page 72. This is the transcript of former FBI general counsel James Baker's October 18th, 2018, interview with the committees.

It begins, question: And what was the initial concern/issue raised in the investigation?

Answer: Well, the initial -- the initial issue was whether there had been interactions of an unlawful nature or that were a threat to the national security or both in connection with the -- at least some people in the now President's campaign with the Russian Federation, witting or unwitting.

Question: And these were related to George Papadopoulos?

Answer: Yes. Information that he conveyed, yes.

Question: Can you confirm that the initial allegation that started the Russia counterintelligence investigation had nothing to do with the Steele dossier?

And there's an interruption by the counsel to caution him to answer in an unclassified setting.

And then he answers, answer: Based on the information that I have seen in the public domain, I think I can answer it. And I think the answer is it did not have to do with the dossier.

Director Comey, do you agree with Mr. Baker that the initial allegation in the FBI's counterintelligence operation into the Trump campaign's potential coordination with the Russian Government, quote/unquote, had nothing to do with the Steele dossier?

Mr. Comey. Yes. That's correct.

Mr. Krishnamoorthi. And do you agree the initial allegation was actually related to information that George

Papadopolous conveyed?

Mr. Comey. That he conveyed to a diplomat that was then conveyed to the U.S. several months after he first conveyed it, yes.

Mr. Krishnamoorthi. Thank you.

Let me go into another topic. So earlier in these proceedings, I had the chance to question Peter Strzok about leaks from the FBI, and we had this exchange.

This is me asking the question: Could you explain to me a little bit about Director Comey's fear of leaks from the New York field office and how that, in your view, affected the revelation of the warrant for Weiner's laptop?

Answer from Strzok: You have to ask Director Comey that. I think there was discussion I remember and particularly some of it was in the context of reporting from Mr. Giuliani and others about connections to New York.

So let me just ask you what I asked him. How concerned were you about leaks from the New York field office to Rudy Giuliani or other media personalities in 2016?

Mr. Comey. I was concerned that there appeared to be in the media a number of stories that might have been based on communications reporters or nonreporters like Rudy Giuliani were having with people in the New York field office. In particular, in I want to say mid October, maybe a little bit later, Mr. Giuliani was making statements that appeared to be based on his

knowledge of workings inside the FBI New York. And then my recollection is there were other stories that were in the same ballpark that gave me a general concern that we may have a leak problem -- unauthorized disclosure problem out of New York, and so I asked that it be investigated.

Mr. Krishnamoorthi. Oh, okay. So the investigation began at some point after you asked for the investigation to start?

Mr. Comey. I think sometime in October, maybe they didn't get going on it until November, an effort led by our internal affairs component, as I understand it, began to try and understand, do we have leaks and what are they?

Mr. Krishnamoorthi. And to your knowledge, has anyone been held accountable for these purported leaks?

Mr. Comey. Not to my knowledge. The investigation ultimately led to disciplining of FBI Deputy Director McCabe because the investigation turned up communications that he had apparently authorized about a pending investigation of the Clinton Foundation, but I don't know beyond that.

Mr. Krishnamoorthi. How about anything related to the New York field office?

Mr. Comey. I don't -- I never got a report out on that before I was fired.

Mr. Krishnamoorthi. I see. Okay. Here's the concern, Director Comey. If no one's been held accountable, especially from the New York field office, and if there are leaks from the

New York field office to potentially people like Rudy Giuliani, who's the current lawyer for the President, then they have an active window into the investigation of them, and that's why I think a lot of people are concerned about whether that investigation concluded or not.

Who would we talk to about this particular issue if we wanted to learn the status of that investigation?

Mr. Comey. Well, the FBI, whoever you normally talk to there, would be the place to start. I don't know whether they're in a position to comment or not. I don't know what its status was when I was fired in May.

Mr. Krishnamoorthi. Got it.

Okay. Next topic. The Washington Post reported previously and The Atlantic confirmed that former acting FBI Director McCabe opened an obstruction of justice investigation into the President after your firing. Prior to that, had an obstruction of justice investigation been opened into the President or other senior officials with regard to Michael Flynn?

Mr. Comey. Not to my knowledge, no.

Mr. Krishnamoorthi. Okay. I was reading in your book that on February 14th, 2017, after your conversation with the President, you then returned to your car and then emailed your colleagues about this particular conversation with regard to Mr. Flynn.

What came of that at that point? Did you hold off on a

potential investigation into obstruction of justice or what was your -- what was your thought process there? Because I know that you also said in the book that you didn't know who to go to, you couldn't go to Sessions and the Deputy Attorney General was -- I'll let you answer.

Mr. Comey. I met with the senior leadership team of the FBI, shared with them a memo that I created about the February 14th conversation, and we debated what to do. And because we didn't feel we could go to Attorney General Sessions because he was about to be recused, there was no Deputy Attorney General because Mr. Rosenstein had not been confirmed yet, and we didn't want to do anything that might chill the investigative team. We decided that we would simply hold on to it, keep the information close hold until the Department of Justice sorted out how they were going to supervise this and then we could bring them into it and figure out what should we do to investigate this. And so that's why I say, to my knowledge, no investigation was opened on the obstruction of justice at that point.

Mr. Krishnamoorthi. Okay.

Mr. Comey. We held it, and we actually never got to the chance -- the Department of Justice didn't get to the point of figuring out how they were going to supervise the investigation until after I was fired.

Mr. Krishnamoorthi. Why -- for a layperson who may not understand why you even thought about this amounting to potential



obstruction of justice, can you walk us through that? Why is this something that might cause the concern about an allegation of obstruction of justice?

Mr. Comey. Well, the President of the United States asked me, directed me in my apprehension of it to drop a criminal investigation, and so that is an extraordinary use of power and could amount to obstruction of justice. That is a corrupt endeavor to impede the administration of justice. I don't know what the answer is to the ultimate question, but given that, it was something that needed to be investigated.

Mr. Krishnamoorthi. And is the reason why you say "could" because you need to get to the intent behind why the investigation is being asked to be dropped?

Mr. Comey. Correct.

Mr. Krishnamoorthi. Okay. You know, we are going to be in the majority in the House starting in January, and so one of the questions that folks like myself have is, stepping back for a second, you know, you were there for quite a while during the Russia investigation, from end of July 2016 through the time that you were let go in May 2017. So almost 1 year. You learned a lot probably during that time.

What lessons did you learn during that time that would inform us as we conduct oversight, not necessarily from the standpoint of a forensic criminal investigation, but from the standpoint of protecting our democracy?

Mr. Comey. I don't know that I can give you a thoughtful enough answer sitting here after 5 hours of questions. I'd have to think about that one because it's an important question I would not want to answer causally. So I'm going to have to take a rain check on that one. Yeah.

Maybe the one thing is, as you exercise incredibly important oversight power, I said earlier, I think this branch of government has neglected its authorities and needs to assert its authorities, but in doing that, to be sensitive about the need to coordinate with ongoing investigations so nothing happens to affect or to cast doubt on the credibility of an ongoing investigation.

Mr. Krishnamoorthi. Very good. Let me just make sure I don't have a final question here for you.

I think that's it for me. Thank you.

Mr. Comey. Thank you.

Mr. Deutch. Mr. Comey, thanks for being here. Nice to see you again.

Mr. Comey. You too.

Mr. Deutch. Just one quick followup to what you just said that this branch that has neglected its responsibilities shouldn't act in a way that would cast doubt on any of the investigations. You're referring -- are you referring to the actions of this branch in recent days or years?

Mr. Comey. Not in the second part of that sentence; in the

first part, yes, generally. But what I meant by the second one is special counsel's investigation is going to be ongoing, I would assume, when the majority changes, and I think it's just very important for whoever is in the majority to be sure to be sensitive to the need to balance oversight with an ongoing criminal investigation. That's what I meant by that.

Mr. Deutch. I appreciate that.

I wanted to pick up on this last line of questions. There were press reports that on May 10th, 2017, the day after the President fired you, he met with Russia's foreign minister and the Russian ambassador in the Oval Office, and told them, quote: I just fired the head of the FBI. He was crazy, a real nut job. I face great pressure because of Russia. That's taken off, closed quote.

Then the next day, President Trump stated during a nationally televised interview with Lester Holt that, quote, "this Russia thing," close quote, was on his mind when he decided to fire you.

And then during your June 2017 Senate Intelligence Committee hearing, you were asked why you believe President Trump fired you, and you responded, and I quote you: I guess I don't know for sure. I believe I take the President at his word that I was fired because of the Russia investigation. Something about the way I was conducting it the President felt created pressure on him that he wanted to relieve, closed quote.

Do you still believe that the President fired you because of the Russia investigation?

Mr. Comey. I think on balance that I do. The only hesitation I have is I've seen the President since saying other things that it wasn't because of that, and so I'm in a position where I can't know for sure.

Mr. Deutch. When you stated, "I take the President at his word," were you referring to either his meeting with the Russians or his interview with Lester Holt?

Mr. Comey. Both, but more so to the Holt interview because it was on the record. I don't know whether the Washington -- I think it was The Washington Post reporting on that encounter with the Russian ambassador and foreign minister was accurate, so I tend to put more weight on his own words speaking to Lester Holt.

[Comey Exhibit No. 4

Was marked for identification.]

Mr. Deutch. I'd like to introduce exhibit 4. It's the Baker 10/3/18 transcript, pages 147 to 148. That's the transcript of former FBI general counsel James Baker's October 3rd interview with the committee.

It reads, question: Can you explain what the atmosphere was like at the FBI after the President fired Comey?

Answer: I'm not sure that I can reduce it to one or two words. It was an, I guess, horrible atmosphere. It was shock, dismay, confusion at least initially that night and then -- and

then a sense of resolve that came pretty quickly as well to continue the FBI's mission. And as I was saying earlier to the Congressman, make sure that we were all adhering to our oaths to the constitution and executing our responsibilities.

Question: Was there concern at the FBI that the President had fired Director Comey because he was trying to obstruct the FBI's investigation into the Russia matter?

Answer: Yes.

Question: Was that the concern you had?

Answer: Yes.

Question: Was that concern shared by others?

Answer: I think so, yes.

Question: Who? Who else?

Answer: The leadership of the FBI, so the acting director. I can't remember if we appointed an acting deputy director immediately. The heads of the national security apparatus, the national security folks within the FBI, the people that were aware of the underlying investigation and who had been focused on it.

And, Director Comey, did you share Mr. Baker's concern that the President had fired you because he wanted to obstruct or impede the FBI's investigation into the Russia matter?

Mr. Comey. I did because of his words.

Mr. Deutch. And does it surprise you to hear that the leadership, the national security officials at the FBI were

concerned that President Trump fired you in an attempt to obstruct the FBI's investigation into the Russia matter?

Mr. Comey. No, it doesn't surprise me at all.

Mr. Deutch. Turning just for a moment before I wrap up to summer -- earlier summer of 2018, July 29th, in fact, the President tweeted, and I quote: There is no collusion. The Robert Mueller rigged witch hunt headed now by 17, increased from 13, including an Obama White House lawyer, angry Democrats, was started by a fraudulent dossier paid for by crooked Hillary and the DNC. Therefore, the witch hunt is an illegal scam.

Mr. Comey, was the FBI's investigation into Russian interference and potential coordination with the Trump campaign started by a fraudulent dossier?

Mr. Comey. It was not.

Mr. Deutch. Can you explain how you know that?

Mr. Comey. Because I know what the basis was for starting the investigation. It was the information we'd received about a conversation that a Trump foreign -- campaign foreign policy adviser had with an individual in London about stolen emails that the Russians had that would be harmful to Hillary Clinton. It was weeks or months later that the so-called Steele dossier came to our attention.

Mr. Deutch. Was there anything illegal or improper about the way the FBI started the Trump-Russia investigation?

Mr. Comey. No. And, in fact, I would hope that

Republicans and Democrats would agree that we would have been derelict not to investigate.

Mr. Deutch. On May 20th, 2018, President Trump tweeted, again I quote: I hereby demand, and will do so officially tomorrow, that the Department of Justice look into whether or not the FBI/DOJ infiltrated or surveilled the Trump campaign for political purposes, and if any such demands or requests were made by people within the Obama administration.

Director Comey, do you believe the FBI or DOJ ever investigated the Trump campaign for political purposes?

Mr. Comey. I not only don't believe it, I know it not to be true.

Mr. Deutch. I'm sorry, would you repeat that?

Mr. Comey. I know it not to be true. I know that we never investigated the Trump campaign for political purposes.

Mr. Deutch. Did President Obama or anyone in his administration ever make a demand or a request the FBI or DOJ infiltrate or surveil the Trump campaign?

Mr. Comey. No, not to my knowledge.

Mr. Deutch. And, Mr. Comey, how would you have reacted if you had received a request of this nature from any administration?

Mr. Comey. Well, they wouldn't -- no one would dare ask me or anybody else at the FBI that because they know the reaction, which would be not only no, but hell no.

Mr. Deutch. In the tweet I read, President Trump appears to be directly demanding that the Department of Justice launch an investigation into his political opponents. You've already stated the answer to a request like that would be hell no. And why is that, Mr. Comey?

Mr. Comey. Because that represents the final corruption and destruction of our system of justice. If we start investigating people by fiat from the leader because of their political affiliation, what are we anymore, which is why it has been so dispiriting not to see both sides of the political aisle react to this with shock and loud voices. It's just not who we are. I don't care who the President is, it's not who we are.

Mr. Deutch. I appreciate that.

My final question just refers to something you said earlier today. You said that there's no crime of collusion as it's used, I think, in terms of conspiracy or aiding and abetting. I haven't heard the term collusion in my years at Justice.

This investigation or I would say just to try to make this easier for you to answer, given your description of collusion, collusion would not be the basis for an investigation conducted by the FBI?

Mr. Comey. Right, because it's not a thing in the criminal statutes, that I understand at least. It would be investigating where anyone conspired with the Russians or aided and abetted the Russians.



Mr. Deutch. Thank you, Mr. Comey. I appreciate it.

Ms. Plaskett. Good afternoon. Good afternoon, everyone.

Mr. Comey, before we begin, I wanted to ask a question from the last round just as a point of clarification. In the discussion about why you put -- in late October made an announcement again about the Hillary Clinton email investigation, you said it was for consistency. What precluded or what made you believe or the FBI not believe that allowing the public to be aware of the investigation of Russia and possible interference or aiding and abetting by Trump aides in his campaign would justify that as well?

Mr. Comey. Why wouldn't we announce --

Ms. Plaskett. Why wouldn't you have announced that?

Mr. Comey. Well, for a number of reasons. It would -- there wouldn't be any policy exception that would permit it; that is, it would jeopardize the ongoing investigation and it would be brutally unfair because we didn't know whether we had anything. We literally just started. And as I said, by the time I was fired, we still hadn't come to a conclusion. And so we'd be revealing something that was inherently misleading and jeopardizing our ability to investigate by revealing it.

It's for that reason -- I actually don't remember any discussion about whether to reveal that we had these classified counterintelligence files. Instead, what we debated a lot was should we tell the American people that the Russians are messing

with our election more broadly.

Ms. Plaskett. But you stated in the last round that when you made the announcement in October about new emails, you didn't know what it would conclude either. So why would you make the announcement if you had no idea what those second round of emails might lead you to believe?

Mr. Comey. I see. Because we had already, not only told the world about the Clinton Foundation -- excuse me, the Clinton investigation at its conclusion, we had then vigorously defended, in my view, rightly, the result and told people to move on, this was done well, this was done competently and honestly, you can trust your FBI.

Now I know that's not true, and so that leaves me with two choices: I can either let the American people continue to rely upon something I know not to be true --

Ms. Plaskett. Which part was not true?

Mr. Comey. That the case is done, you can move on.

Ms. Plaskett. Okay. That the case was done.

Mr. Comey. -- or I can tell Congress that what I said repeatedly is no longer true. Both of those are bad options. One, in my view, is catastrophic, that concealing from the American people and Congress that what we told you over and over and over again in the summer is no longer true would be devastating to the organizations. Now, reasonable people can disagree about that, but those were the two choices. And so it

wasn't we were beginning a new investigation; we were restarting an investigation that the whole world knew about and was relying upon what were now false statements about it being completed. And then obviously critical to that was my troop saying, not only can we not finish this before the election, the result may change, because in this huge trove of emails appear to be emails that were missing from her Blackberry that we never found before.

And so given that constellation of circumstances, I really didn't feel like I had any choice. I had to choose speaking over concealing.

Ms. Plaskett. Okay. Thank you. Thank you for that clarification.

Mr. Comey. Yeah. Good question.

Ms. Plaskett. What I wanted to ask a few questions about the body of evidence you're aware of related to President Trump and obstruction of justice. And I'm referring to your book, A Higher Loyalty: Truth, Lies in Leadership. And on page 271, you write in the first full paragraph, I'm quoting: I also don't know whether the special counsel will find criminal wrongdoing by the President or others who have not been charged as of this writing. One of the pivotal questions I presume that Bob Mueller's team is investigating is whether or not, in urging me to back the FBI off our investigation of his national security advisor and firing me, President Trump was attempting to obstruct justice, which is a Federal crime. It's certainly possible

there is at least circumstantial evidence in that regard, and there may be more that the Mueller team will assemble, end of quote.

So I guess my first question was, were you aware of individuals charged -- that were charged as of that writing?

Mr. Comey. I don't think I meant -- I can't think of anybody I was thinking of, if that makes sense.

Ms. Plaskett. Right.

Mr. Comey. I wasn't -- I don't -- maybe that's an awkward sentence construction, but I don't think I was trying to carve somebody out.

Ms. Plaskett. But were you, in your mind, thinking of people who you believe would probably be charged but had not been charged as yet?

Mr. Comey. I don't think so.

Ms. Plaskett. Okay. And what were the circumstantial evidence that you were referring to?

Mr. Comey. That the President of the United States asked me to drop a pending criminal investigation.

Ms. Plaskett. And that's --

Mr. Comey. And did it after clearing the room and removing my boss and the Vice-President of the United States from the room in order to speak to me alone.

Ms. Plaskett. Okay. And those were the only pieces of circumstantial evidence that you had?

Mr. Comey. That's all I can think of right now.

Ms. Plaskett. Okay. And do you consider President Trump asking you to back off the FBI -- back the FBI off of investigating then national security advisor the circumstantial evidence, right?

Mr. Comey. Well, a piece of it, yes, and the manner in which it was done.

Ms. Plaskett. And the manner in which it was done.

Do you consider President Trump firing you a circumstantial evidence of attempting to obstruct justice?

Mr. Comey. Potentially, and that would require a lot of facts I can't see, so I wouldn't give you as strong an answer there. It's potentially circumstantial evidence. The first bit, the Oval Office conversation is circumstantial evidence.

Ms. Plaskett. So we've talked about the Oval Office incident as well as your firing as potential circumstantial evidence. Can you identify anything else outside of those things that's circumstantial or potentially direct evidence of President Trump attempting to obstruct justice, including public information and recent events?

Mr. Comey. I don't think that's for me to answer.

Ms. Bessee. Okay. I was going to say the same thing the witness said. To the extent, because he's also a potential witness for an ongoing investigation, he may be limited to what -- or he may not be able to answer the question.

Ms. Plaskett. Would he be able to answer the question related to those things that have occurred after his firing?

Ms. Bessee. To the extent that he has knowledge of them based on his -- because he's a potential witness -- it depends on the question, so maybe if you ask the question we can assess --

Ms. Plaskett. So the question would be, can you identify any circumstantial or direct evidence that you may have obtained after being fired which would lead you to believe that the President has obstructed justice?

Mr. Comey. I don't think I can answer that for this reason, that I'm not aware of any evidence that might be responsive to that question that's not in the public realm.

Ms. Plaskett. Right.

Mr. Comey. And so the next part of it would require me to characterize tweets and statements and things, which I don't think I can do.

Ms. Plaskett. You can't characterize tweets? I characterize them.

Mr. Comey. That's what I'm saying. You're as qualified to do it as I, and so I don't think I ought to be in a position of trying to characterize things that are publicly available.

Ms. Plaskett. Well, I think because of your years of experience having prosecuted people, you would be able to identify what a jury would find as circumstantial better than most of us in this room. But if not, we can move on.

Mr. Comey. But I'm a potential witness.

Ms. Plaskett. Got it.

Mr. Comey. So I just think it's a slippery slope for me to start characterizing public information.

Ms. Plaskett. Sure. You stated that attempting to obstruct justice, even if it does not work, is still a Federal crime. Would you agree?

Mr. Comey. That's my recollection.

Ms. Plaskett. And there's been a growing narrative amongst conservative media that obstruction of justice is a mere process crime, that even if President Trump did obstruct justice, it really isn't that big of a deal if Special Counsel Mueller can't also demonstrate that he committed the ostensible underlying crime of colluding with or aiding and abetting with Russia to interfere with the election. Do you agree with that?

Mr. Comey. No, and I've been hearing that for 30 years. Crimes that involve investigation -- that involve attacks on the criminal justice system, perjury, false statements, obstruction of justice, jury tampering, are things -- are statutes that Congress passed to protect the core of this country's rule of law, and so I never think of them as process crimes. They're serious and important Federal crimes.

Ms. Plaskett. And how important do you think it would be if the President of the United States attempted to impede a criminal investigation into his associates or his campaign?

Mr. Comey. I don't think I'm comfortable answering with respect to the President, but I don't have to because I can answer generally. I think it's very serious when anybody endeavors to obstruct the due administration of justice.

Ms. Plaskett. Well, if it was -- anybody would be a very serious thing, but how much more serious would that issue be to the functioning of our democracy if it was, in fact, the President?

Mr. Comey. You know, I'm worried about offering that opinion. I think it's very important that all of us in senior leadership positions in the government uphold our oaths, and critical to the President's oaths is to ensure that the laws are faithfully executed. So if someone who's taken that oath is obstructing justice, as we learned 45 years ago in Watergate, it's an incredibly important offense.

Ms. Plaskett. And does that present a national security threat?

Mr. Comey. That's a hard one to answer. It would depend upon who it is and the circumstances and whatnot. I don't think I can answer that in the abstract.

Ms. Plaskett. Okay. Thank you.

Mr. Comey. Thank you.

Ms. Jackson Lee. Sheila Jackson Lee. Mr. Comey, it looks like we're going to be doing a bionic, I may be talking really fast and meteoric, and so I may be looking to put things in the



record and not really seeking a question.

So let me just do this. On the overall obstruction of justice, New York Times article that indicated they had it however here: Mr. Comey's firing was more unusual and important because he was overseeing the Russia investigation, a certain number of experts said. Questions about what will happen with that investigation now that he is gone are the main reason they said his firing is likely to be highly significant, with long-term ramifications for policy and government. These experts came from the University of Chicago, Denver, Harvard, Maryland, University of Virginia, Yale University.

Do you, frankly, think that your firing without determination of why will have long-term policy and governmental impact?

Mr. Comey. I don't know. It'll depend upon whether the law is able to work as intended and the special counsel can complete his work. I don't know where he'll end up, so it's hard for me to answer at this point.

Ms. Jackson Lee. Let me answer -- or ask some questions regarding the inspector general's report. I think it was around the 26th that -- September 26 that you received some indication about the Weiner laptop, 2016. And it started in New York, and people started to see emails flourishing, and FBI agents thought it was crucial -- I'm looking for my materials here -- thought it was crucial that you -- that they begin to investigate. And

it seems that there was some suggestion in the IG's report of a question whether there was unnecessary delay.

Mr. Comey. Yes, I remember that.

Ms. Jackson Lee. But it seems that he concluded that no emails, texts, anything, conversations he could find to suggest that it was purposeful delay, and I think that's important to be on the record. Do you agree with that?

Mr. Comey. I agree. I've seen -- I didn't realize until I read the IG's report that chronology, because it wasn't presented to me for decision until the end of October, but there was reason to believe it would have been ready for decision earlier than that. But I never saw any indication that that was intentional delay.

Ms. Jackson Lee. So let me read this last text or last comment. As I said, I'm going to go as quickly as I can.

The last paragraph on that particular section regarding Mr. Weiner's laptop: Comey, Lynch, and Yates face difficult choices in October 2016. However, we found it extraordinary that Comey assessed that it was best that the FBI Director not speak directly with the Attorney General and Deputy Attorney General about how best to navigate this most important decision and mitigate the resulting harms, and that Comey's decisions resulted in the Attorney General and Deputy Attorney General concluding that it would be counterproductive to speak directly with the FBI Director. We believe that open and candid

communications among leaders in the department and its components is essential for the effective functioning of the department.

Without you suggesting what their thoughts were, upon reflection, because this, as I started out, was an election of the leaders of the free world, one of them was going to be elected. And I know earlier in his report you had -- it was an assumption that Secretary Clinton would win, and I don't consider that a factual basis to not do something, and then the idea that you didn't want to be in the -- in the position of concealing.

Upon reflection or not reflection, why did you not speak to or find it important to speak to both the deputy and the Attorney General so there could have been a collaborative decision on what to do?

Mr. Comey. That's a really good question. My thinking at the time was, I need to give them the chance to take this decision from me, but I also need to give them the chance to avoid it, and so that's what I did. I told them, I think I -- I had my staff tell them -- I think I need to tell Congress about this, but I'd be happy to talk to you. And they came back saying, we think it's a bad idea, but we don't want to talk to him.

I read that -- I may be wrong, but I read that as them saying, over to you Jim. And this drives my wife crazy that I was willing to take that hit, but I thought it was important that if they don't want to be involved in the decision, that I make the

decision. Now, what I maybe should have done was say, no, back to you Loretta and Sally, but that felt cowardly to me at the time. And if I were to live life over again, I might have marched across the street and said, hey, you folks see it differently than I and why, instead of the way I approached it. But I gave them the chance and they said, don't need to talk to you.

Ms. Jackson Lee. So we look at good practices, can we leave it on the point that, yes, march across the street and you sit down as a group and make the final decision? Would that have been, you know, without saying it was cowardly, without saying they didn't want to do it, but that's sort of DOJ, because you were having something so much so at a heightened level that that would have been the better practice?

Mr. Comey. Maybe, but I actually don't want to -- I really like those two people. I don't let them too much off the hook. They're the Attorney General and the Deputy Attorney General of the United States for heaven's sakes. They know that I think I have to do this thing, so call me up and talk to me about it, give me your views of it, you're my boss. But instead, they communicate back saying over to you, Jim.

So I'm not sure I want to take all the fault for that. I agree with you. I think the best practice would have been the three of us to sit down and talk it through.

Ms. Jackson Lee. Okay. I will -- the point behind that was that maybe the October 5th did not need to be announced only

primarily because you were just in the midst of your October 28 -- just in the midst of the investigation, and I don't think you would have been considered a concealer if you were just in the midst of the investigation.

But let me quickly go to this issue here. Let me raise this question, and then I have about 1 minute and 50 seconds or something to ask these questions here.

Director Comey, in your June 8, 2017, written testimony to the Senate Intelligence Committee, you wrote about a February 14, 2017, meeting with President Trump in which he stated, quote, I hope you can see your way clear to letting this go, to letting Flynn go. He's a good guy. I hope you can let this go.

You then described your reaction, quote, I had understood that the President to be requesting that we drop any investigation of Flynn in connection with false statements about his conversations with the Russian ambassador in December.

Director Comey, is that still your understanding?

Mr. Comey. Yes.

[Comey Exhibit No. 5

Was marked for identification.]

Ms. Jackson Lee. And I'd like to introduce the following document as exhibit 5, which is pages 90 to 91 of the transcript from former FBI general counsel James Baker's October 18, 2018, interview with the committee.

And just in going to that earlier comment, you obviously you see now, today, of the final results of Director Flynn in terms of the Mueller indictment on the very facts that you were dealing with, and I just want to put that on the record.

I would like to introduce the following exhibit, No. 5, and which is pages 90 to 91 of the transcript from former FBI general counsel James Baker's October 18, 2018, interview with the committee. It reads: Did you also have concerns that the statements by the President were requesting that the FBI drop the investigation of General Flynn?

Mr. Comey. I'm sorry, I thought you were reading his statement.

Ms. Jackson Lee. The answer is yes. Forgive me.

And why would it be concerning if the President asked the FBI to drop the investigation of his national security advisor?

You said: Well, it's an --

Mr. Comey. Jim Baker said.

Ms. Jackson Lee. Jim Baker.

It's an investigation, period. It's the President, I mean, I guess you would say breaking the norm in that sense, the President actually intervening --

Let me be very clear. I'm reading Jim Baker's comments. Thank you very much.

-- intervening while it's going on with respect to a particular investigation.

It also goes back to what we talked about earlier. It has to -- it's not just some investigation; it's an investigation that is also related to the investigation -- or to Russia -- to the Russia matter that we were investigating, right? So it was not a free-standing independent investigation; it was something related to these other things. So it was alarming in that regard too.

Do you share Mr. Baker's concerns about the President asking the FBI to drop the investigation of his national security advisor? Do you agree that the Flynn investigation was related to the Russia matter?

Mr. Comey. I do.

Ms. Jackson Lee. The transcript continues: Is it alarming even if the FBI has no intention of dropping the investigation?

Well, we didn't have any intention of dropping the investigation, so -- but it's alarming nonetheless, yes, because we'll know at a minimum the existence of the fact of the -- at a bare minimum, the fact of this conversation. Just again, looks bad if it were ever to -- if it was ever -- would look bad if it was ever to become public, because it looks like the President's trying to put his finger on the scale to cause the investigation to go into a particular way, and that would hurt the FBI's credibility, reputation for independence. That was very alarming.

Question: You said it would look like that to the public. Did you believe that that's what actually was going on?

The answer: The President was trying to put his finger on the scale. Yes, that's what I thought was going on.

Do you agree with Mr. Baker's assessment that President Trump was trying to put his finger on the scale by asking you to drop Flynn's investigation?

Mr. Comey. Potentially. As I said earlier, I would want to understand more about the President's intent before I reached a conclusion.

Ms. Jackson Lee. And so you think potentially, not affirmatively?

Mr. Comey. Well, it would look like the President was trying to put his finger on the scale, but I understand the term "put his finger on the scale" to mean obstructing justice. And as I said earlier, I'd want to know more of the facts, which I'm sure the special counsel's work to understand, about the President's intent before I reached that conclusion.

Ms. Jackson Lee. And you don't believe that the statement on public television "it was a Russia thing" is an affirmative statement without qualification by the President of the United States? It was a Russia thing that I fired Mr. Comey on.

Mr. Comey. Oh, I do. And the only thing I added, though, is since then he has said other things trying to, it seems, walk that back. And so again, I rely on his words. I saw him say



that, but I've since seen him try to say other things.

Ms. Jackson Lee. Well, you're a quintessential law enforcement officer and you know that is probably the tendency of any witness to walk back. Is that not true?

Mr. Comey. No, the tendency of this witness is trying to be fair and open minded.

Ms. Jackson Lee. No, I'm projecting it to the President. Anybody who's being asked about something they said and it gets a lot of fury, it is a tendency to walk back.

Mr. Comey. Well, it depends upon the person. Some people will try to walk back things, others not.

Ms. Jackson Lee. Were you also worried that it would hurt the FBI's credibility and reputation for independence?

Mr. Comey. Yes.

Ms. Jackson Lee. Thank you.

Mr. Comey. Thank you.

Mr. Raskin. Mr. Comey, I'm Jamie Raskin from Maryland. I want to start, Director Comey, with your written testimony of the Senate Intelligence Committee on June 8th of 2017, when you wrote about your famous dinner with President Trump at the White House on January 27th. And you said that the President was trying to, quote, create some sort of patronage relationship. And at one point he said to you, quote, I need loyalty. I expect loyalty. Is that your recollection?

Mr. Comey. Yes.

Mr. Raskin. Okay. On pages 237 and 238 of your book, *A Higher Loyalty*, you also recount your dinner with President Trump and your reaction to this request. At the bottom of page 237 you write, quote, to my mind, the demand was like Sammy the Bull's Cosa Nostra induction ceremony with Trump in the role of the family boss asking me if I have what it takes to be a made man. I did not and would never.

Can you just elaborate on why that was the first thing that came into your mind, this comparison to a made boss ceremony for La Cosa Nostra?

Mr. Comey. It was an impression that kept popping into my head when I interacted with President Trump, and particularly it started when I watched him interact as President-elect that first week of January at Trump Tower, and I kept trying to push it away because it seemed too dramatic. But his leadership style -- I'm not trying to suggest he's out robbing banks -- but his leadership style reminded me of that of a mafia boss, of a Cosa Nostra boss, because it's all about me, what you can do for me, it's all about your loyalty to me. It's not about any higher values or institutional values. It's about how are you feeding me the boss, how are you taking care of me the boss.

Mr. Raskin. And that was novel to your experience in terms of dealing with Presidents of the United States?

Mr. Comey. Correct. I dealt closely with three, and this was the first time I'd had that reaction.

Mr. Raskin. Okay. And just to be clear, what is your loyalty to, as the director of the FBI or a law enforcement official?

Mr. Comey. To a variety of external values, most importantly, the Constitution and the laws of the United States, and then to the regulations that restrict and govern the FBI, and also to the values that make the FBI such an important part of American life: integrity, independence, competence, and fairness.

Mr. Raskin. Has anything happened since these events that have changed your perception of the President's modus operandi in terms of his dealing with his subordinates and people who work for the government?

Mr. Comey. No. I think people who thought maybe I was being dramatic have come to believe that maybe I wasn't being dramatic in that observation.

Mr. Raskin. Yeah. How many -- have you ever prosecuted mafia bosses?

Mr. Comey. Yes.

Mr. Raskin. How many?

Mr. Comey. Well, not the -- I've prosecuted capos. I'm sitting next to an organized crime prosecutor. So I've prosecuted probably five to seven senior leaders. I've never prosecuted the boss of an organized crime family.

Mr. Raskin. Got you. The President's former personal

attorney, Michael Cohen, has been in the headlines recently. I'm not going to ask you specific questions about his case, but I wanted to clarify for the record some of the legal and investigative processes that lend itself to that type of case.

You may recall that when Mr. Cohen's apartment, office, and hotel room were first raided by the FBI in April of this year, the President attacked these steps. He declared that, quote, attorney-client privilege is dead. It was, quote, a total witch hunt. And he described the investigation as a, quote, disgraceful situation and an attack on our country.

Now, the raid was conducted by the FBI pursuant to a search warrant and at the direction of the Office of the U.S. Attorney for the Southern District, I think. Can you walk us through the steps that the FBI and DOJ take before approving a search warrant on an attorney and seizing documents that might include potentially privileged materials?

Mr. Comey. In very shorthand I will. It's a complicated process, but it involves a long series of approvals because it's what we would call a sensitive investigative matter. It touched on attorney-client relationships potentially, which are the core of our Nation, and so it would require approval to a very high level in the FBI, a very high level in the Department of Justice, and then have to go to a Federal judge.

Mr. Raskin. Okay. Was there anything that took place in these investigative steps that destroyed the attorney-client

privilege such that it would justify the President's statement that the attorney-client privilege is dead?

Mr. Comey. Well, I can answer in general, because I don't know that case. The entire sensitive investigative matter process is designed to be respectful of the privileges that might be touched by a search on a lawyer's office.

Mr. Raskin. Okay. President Trump has kept up his drum beat against his former lawyer. Most recently, the attacks were in response Mr. Cohen's plea deal with the special counsel's office in which he admitted to lying about the Trump Tower Moscow project in contact with Russian Government officials during the 2016 campaign.

The President responded within hours tweeting, quote: Michael Cohen asks judge for no prison time. You mean he can do all of the terrible unrelated to Trump things having to do with fraud, big loans, taxes, et cetera, and not serve a long prison term? He makes up stories to get a great and already reduced deal for himself and get his wife and father-in-law who has the money, question mark, off scot-free. He lied for this outcome and should, in my opinion, serve a complete sentence.

I would like to draw on your years of experience as an organized crime prosecutor and senior DOJ official and head of the FBI to unpack some of the prosecutorial methods that are under attack by the President.

First, why do criminal defendants such as Michael Cohen

decide to change course and flip?

Mr. Comey. I can only answer that in general not about the case in particular.

Mr. Raskin. In general.

Mr. Comey. Because they conclude that it's in their self-interest to try to obtain a reduction in their sentence by providing substantial assistance to the people of the United States by helping solve other crimes.

Mr. Raskin. Yes. At certain points, I think the President has meditated the possibility of making it a crime to flip or saying it should be against the law to flip. What do you make of that suggestion, as a prosecutor?

Mr. Comey. It's a shocking suggestion coming from any senior official, no less the President. It's a critical and legitimate part of the entire justice system in the United States.

Mr. Raskin. Does the government routinely grant defendants who cooperate with the government and render honest testimony reduced sentences in exchange for their cooperation?

Mr. Comey. Routinely, the prosecutors ask the judge to take that substantial assistance into account and reduce their sentences.

Mr. Raskin. Okay. So it's not directly up to the prosecutor --

Mr. Comey. Correct.

Mr. Raskin. -- but they will recommend to the court, if the person follows through --

Mr. Comey. Right, if they tell the truth and provide substantial assistance in the investigation or prosecution of others.

Mr. Raskin. Yes. You know --

Mr. Comey. That's how we make mob cases, terrorism cases, child abuse cases, drug cases, kidnapping cases. It's essential to the workings of our criminal justice system.

Mr. Raskin. Yes. It may be difficult to extricate ourselves from the last couple of years, but if we were to go back to a more innocent time, would you agree that it's dangerous or would you disagree that it's dangerous to have a sitting President commenting on active criminal proceedings and investigations and trying to interfere in them?

Mr. Comey. I think we have become numb to lying and attacks on the rule of law by the President, all of us have to a certain extent, and it's something we can't ever become numb to.

Mr. Raskin. Okay. I will close with that. Thank you very much, Director Comey.

Ms. Hariharan. It is 3:13, and we'll go off the record.

[Recess.]

[3:23 p.m.]

Chairman Goodlatte. Back on the record.

Mr. Jordan. Mr. Chairman, is it okay? Okay, thank you.

Director, let me just go back and try to clear up a few things probably mostly for me. The last hour I think you were talking about this with the minority as well.

You have your meeting with the President in February of 2017, where the President talks about can you see your way clear to go easy on Mike Flynn or whatever, something to that effect. You then had a meeting with your senior staff and wrote a memo memorializing what took place in your meeting with the President. Is that right?

Mr. Comey. Correct. I met with the senior leadership team and prepared and reviewed with them a memo.

Mr. Jordan. Say it again. I'm sorry. Prepared to what?

Mr. Comey. I prepared and then reviewed with them my memo.

Mr. Jordan. So they worked on the memo with you?

Mr. Comey. No. I wrote the memo. I gave them a copy of it to read, and then we sat down and talked.

Mr. Jordan. You sat down and talked about it, okay. And who all was in that meeting, again?

Mr. Comey. I don't know for sure, but I'm sure Deputy Director McCabe was there; General Counsel Baker was there; my chief of staff; Jim Rybicki was there. I believe the number three at the FBI at that point, who was the Associate Deputy



Director, was there.

Mr. Jordan. That individual's name?

Mr. Comey. At that point, it was David Bowdich.

Mr. Jordan. Bowdich, okay.

Mr. Comey. And then I believe that -- and this I'm less certain of -- that the head of the National Security Branch, Carl Ghattas, was there, and -- or Bill Priestap, the head of Counterintelligence. I'm not sure about with the last two guys, but I think it's a possibility.

Mr. Jordan. Deputy Director McCabe, Chief Counsel Baker, Chief of Staff Rybicki, Mr. Bowdich, Mr. Ghattas, Mr. Priestap.

Mr. Comey. That's the universe of people I think could have been there.

Mr. Jordan. You think they were all there. Was Peter Strzok there?

Mr. Comey. I'm sorry. I didn't say I think they were all there. I said that's the universe of people who could have been there. I'm certain about McCabe, Rybicki, and Baker.

Mr. Jordan. You're certain of the top three?

Mr. Comey. Yeah.

Mr. Jordan. The other three that you mentioned could have been there.

Mr. Comey. Yeah.

Mr. Jordan. What about Mr. Strzok?

Mr. Comey. I don't remember him being there.

Mr. Jordan. And Ms. Page?

Mr. Comey. I don't remember her being there.

Mr. Jordan. And what did McCabe, Baker, and Rybicki advise you to do, and then any of the others who -- if you can remember, what did they advise you to do after you showed them the memo and then talked about your -- you know, what had happened with you and the President?

Mr. Comey. I don't remember who said what, but I remember two points of consensus: We were all very concerned about it; and, second, we agreed that we ought to hold it very close, not brief the investigative team at this point and not go over and talk to the leadership of the Department of Justice, to hold onto it until we got a new Deputy Attorney General and they sorted out how they were going to supervise the Russia investigation.

Mr. Jordan. Why did you decide not to share it with the leadership of the Justice Department?

Mr. Comey. Because we believed that the Attorney General, Mr. Sessions, was --

Mr. Jordan. Excuse me one second. I've got to move. I'm having trouble seeing you here.

Mr. Comey. We believed that the Attorney General, Mr. Sessions, was on the cusp of recusing himself from anything related to Russia, so it didn't make any sense to brief him on it, and that there was no Deputy Attorney General at that point.

Mr. Jordan. Why would you make that assumption? I mean,

just because -- I mean, first of all, if he was on the cusp of leaving, that's a judgment call. Maybe he was; maybe -- I can't recall exactly what was going on in February.

But he's still the Attorney General. He had not recused himself. If this is something important enough for you to memorialize, talk to your top people, why not then share it with the top law enforcement official in the government?

Mr. Comey. Because we believed -- it turns out correctly -- that he was about to step out of any involvement, anything related to Russia.

Mr. Jordan. I understand that. But just because you believe he's about to do something doesn't change the fact that he's the Attorney General and, frankly, as the Attorney General for our government, should receive that kind of information, I would think.

Mr. Comey. It's a judgment call we made that it was prudent to wait, given our expectation he wouldn't be the Attorney General in a matter of days with respect to that topic.

Mr. Jordan. Okay. So, if you're that concerned about Mr. Sessions, why didn't you share it with the Deputy Attorney General?

Mr. Comey. There was no Deputy Attorney General at that point in time.

Mr. Jordan. Ms. Yates had already stepped down.

Mr. Comey. Correct.

Mr. Jordan. Okay. So who is number three at the Justice Department? Why not share it with them?

Mr. Comey. I don't know who was number three at that point. There was an acting -- there was a U.S. Attorney acting as the Deputy Attorney General, who we knew would be in the seat only until Rod Rosenstein was confirmed. And so it didn't make sense to brief a matter like that to him, it was our judgment, and so we would just hold it.

And there was no -- we saw no investigative urgency. If there was something we had to do right away, we might have thought about it differently, but given how we thought about the investigative state in which it was, it made sense to hold onto it.

Mr. Jordan. I just want to be clear. So you knew at the time that there was no Deputy Attorney General; Ms. Yates had stepped down. You knew at the time that Jeff Sessions was the Attorney General, but you thought he may be recusing himself at some point in the near future. And you also knew at the time Rod Rosenstein had been nominated to fulfill or to fill the DAG position. Is that all right?

Mr. Comey. Correct.

Mr. Jordan. That was what you knew and assumed at the time. And so you made a decision we're going to wait until Mr. Rosenstein has the position and we're going to go talk to him?

Mr. Comey. I think what we decided was -- I don't think we were that specific. We said: Let's wait until the Department of Justice gets its leadership team on and figures out how it wants to staff the -- this case. Because you'll recall, during his confirmation hearing, one of the things Rod Rosenstein had promised the Senate was he would think about whether to appoint a special prosecutor once he became Deputy Attorney General.

Mr. Meadows. So how did you know that he was on the cusp, according to your words, the cusp of recusal? How would you know that?

Mr. Comey. A couple of reasons. It seemed like an obvious case for recusal, given his role in the campaign. And I think -- in fact, I know we had been told by that point that the career officials at the Department of Justice were recommending that he recuse himself. I think we knew that at that point. So it seemed a foregone conclusion the Attorney General was going to step out of Russia matters.

Mr. Meadows. So who told you?

Mr. Comey. I don't remember.

Mr. Meadows. Why would they have told you?

Mr. Comey. Well, the person who told me would have been someone on my senior team.

Mr. Meadows. Yeah, but why would that have been communicated? Before a recusal actually took place, why would

they be communicating that to you, Director Comey?

Mr. Comey. Why would my staff be telling me?

Mr. Meadows. No. Why would someone at the Department of Justice tell you that Jeff Sessions is going to recuse himself that would actually change your actions and what you decided to do?

Mr. Comey. First of all, I know I said this before, but no one told me from the Department of Justice. If your question is, why would someone at the Department of Justice tell someone at the FBI, that I don't know.

Mr. Meadows. So who told you? I mean, obviously, it changed your decision. So you're saying that you have no knowledge of who told you that Jeff Sessions was on the cusp of recusal?

Mr. Comey. Yeah. It didn't --

Mr. Meadows. That's your testimony?

Mr. Comey. It didn't change my decision. It was --

Mr. Meadows. Well, it obviously did because you didn't take it to the Attorney General, which is the highest law enforcement officer. You didn't take it to him. So your testimony just now suggested that it did change your actions.

Mr. Comey. No. I'm suggesting it was a factor in a decision I made. It was reality, and I stared at that reality and, based on that reality, I made a decision. The decision was, let's hold onto it until they sort out their leadership.

Mr. Jordan. Didn't in your memos you highlight the idea that if the President has something like what he told you in this meeting that prompted the memo and prompted this meeting, that there's a proper chain he's supposed to follow? In fact, the President should go to the Attorney General. They should look at the information, and then they should bring it to you as the director of the FBI.

You laid out a chain and a sequence that should happen if the President wants to get information to you, but it seems to me here we are now, you have this information that should be, I think, shared with the Attorney General and wasn't.

Mr. Comey. I'm not sure I follow your question, Mr. Jordan. I don't remember a conversation with the President in this context about who he should talk to.

Mr. Jordan. I think you, if I remember your memo -- I have to go back and look -- but if I remember your memo, one of the things you talked about is that if the President wants to share information like he shared with you about General Flynn, he should do that through the appropriate channels, being through the Attorney General, then through the Attorney General, Justice Department, and then it comes to you, as the Director of the FBI.

Mr. Comey. Yeah. I'm not recalling that. He wasn't sharing information about Mr. Flynn. He was asking me to drop an investigation of Flynn.

There are other contexts in which at the end of March or

April where I told the President that the way it should work if he has an inquiry is to have the White House counsel call over to the leadership of the Department of Justice and do it that way.

Mr. Jordan. Okay. Okay. I want to move on to -- I want to go back to Bruce Ohr and Christopher Steele real quick, if I can. Do you know Bruce Ohr personally?

Mr. Comey. Yes. Not well. I've met him, and he was a prosecutor in New York around the time that I was a prosecutor in New York.

Mr. Jordan. And did you -- just to recap, I think Mr. Gowdy was here earlier today. Did you know that Christopher Steele was giving information to Mr. Ohr?

Mr. Comey. I didn't know that, and I don't know that for a fact.

Mr. Jordan. So you didn't know that Christopher Steele was passing information to Mr. Ohr and he was then providing it -- Mr. Ohr was then providing it to the FBI?

Mr. Comey. I don't know if that's true, and I didn't know anything like that when I was Director.

Mr. Jordan. Did you know if Christopher Steele had any bias against President Trump?

Mr. Comey. No.

Mr. Jordan. Did you -- I'm just curious your thoughts. Maybe you can't comment on this. But why did the FBI need Bruce



Ohr? If you were getting information directly from Mr. Steele, why did you need Bruce Ohr to also get information from Mr. Steele and then give it to the FBI?

Mr. Comey. I can't answer that because I don't -- as I said in response to your earlier questions, I don't know anything about a Bruce Ohr connection to Mr. Steele.

Mr. Jordan. Why was Christopher Steele terminated, his relationship with the FBI terminated, in November of 2016?

Mr. Comey. I don't know.

Mr. Jordan. Okay. Did you know that the FBI continued to use Mr. Steele's information after he was terminated by the FBI?

Mr. Comey. What do you mean by use his information?

Mr. Jordan. The fact that after he's terminated, he continues to give information to Bruce Ohr, who Bruce Ohr, after each and every time he communicates with Christopher Steele, then sits down with the FBI, and there are, my understanding, several 302s, I think more than a dozen 302s that talk about those interactions that Mr. Ohr had with Mr. Steele.

Mr. Comey. I don't know anything about that.

Mr. Jordan. Okay. Were you aware that Christopher Steele had met with representatives in the media in September of 2016?

Mr. Comey. No.

Mr. Jordan. So didn't know anything about that and didn't know that he had met with Mr. Isikoff with Yahoo News?

Mr. Comey. No. And I don't even know whether that's true,

but I didn't know anything about it.

Mr. Jordan. Okay. It's been reported that there's a series of emails that talk about the idea that Christopher Steele -- not the idea, the fact that Christopher Steele had met with representatives in the press in September of 2016. Do you know anything about that series of emails?

Mr. Comey. No. I don't -- no, I don't remember anything about it. Don't think I ever got an email about it or saw an email about it.

Mr. Gowdy. Director Comey, what element was missing in July of 2016, when you had the press conference, that might have been found in October on Anthony Weiner's computer?

Mr. Comey. I don't know it's an element, but what was -- the key ingredient that was missing in the Clinton investigation was any indication that she knew she was doing something she shouldn't be doing. And so what the Weiner trove potentially held was evidence of that intention, especially in the form of the emails from her BlackBerry during her first 3 months as Secretary of State.

Mr. Gowdy. Tell me how the existence of that information may have impacted the element of intent.

Mr. Comey. Again, I don't know that I'd call -- I don't know whether I would describe it as an element. My understanding is -- and I remember you and I talking about this it seems like years ago -- the Department of Justice has always required before

it will bring that misdemeanor indications of intention or harm to the United States or obstruction of justice, those kinds of things. And that was the ingredient we didn't have in the Clinton case.

And so the Weiner trove held the prospect that we -- because it might contain evidence of the beginning of her use of her unclass system, might hold that evidence.

Mr. Gowdy. Well, I'm sure you can see, because a smart guy and a good lawyer, the next question is, how can you begin to even draft a non-pros memo if you haven't interviewed two dozen witnesses, including the target, but you're already drafting a non-pros, but the moment you find out that there may be a computer you have not accessed, you reopen the investigation; whatever you found on Weiner's computer, could you not have also found when you were interviewing the two dozen witnesses?

Mr. Comey. Potentially. What I was doing in May was 10 months into an investigation, seeing on the current course and speed where it's going to end, planning. Just -- I'm sure you did too. I drafted plenty of indictments before I finished investigations because it looked like we were going to get enough to charge a person. And so that's what it was about.

And, again -- I know I said this in response to the Democrats' questions -- the prospect, what made Weiner's computer a horse of a different color was the size of the trove and the emails potentially from the first 3 months as Secretary

of State a very different kettle of fish.

Mr. Gowdy. Is it because -- and, again, I know you don't like answering hypos, and I don't actually like asking them -- but what in particular the beginning stages of her tenure would have addressed an element that you thought was missing?

Mr. Comey. Oh, that's easy to answer. If there was going to be evidence that she knew she was communicating in a way she shouldn't, explicit evidence, common sense tells you it's likely to be at the beginning when someone encountered her mode or means of communication and said: Hey, boss, you know you can't do that. You know you can't talk about this kind of thing or that kind of thing on an unclass system.

It's much more likely to be at the beginning, which we never found, those 3 months, than much later.

Mr. Gowdy. All right. Well, let me ask you about the beginning. Bryan Pagliano, when the FBI interviewed him, who did he say instructed him to set up the server?

Mr. Kelley. I'm sorry. Who is the name, please?

Mr. Gowdy. Bryan Pagliano.

Mr. Comey. I don't remember.

Mr. Gowdy. Do you remember Bryan Pagliano?

Mr. Comey. Yeah, I remember the name.

Mr. Gowdy. A Department of State employee who, by all indications, set up the server for Secretary Clinton. Do you know whether he was asked what he was told about why this was

being done?

Mr. Comey. I don't today.

Mr. Gowdy. Could that witness also have provided some evidence of intent, based on those conversations?

Mr. Comey. The guy who set up the server?

Mr. Gowdy. Sure.

Mr. Comey. Maybe. Maybe.

Mr. Gowdy. Do you know where he worked?

Mr. Comey. No. I mean, I'm sure I did at some point. I don't remember.

Mr. Gowdy. He worked at the Department of State, or he was paid by the Department of State. Did the Bureau pull any hour sheets or performance evaluations to see whether or not he actually did work at the Department of State?

Mr. Comey. I don't know.

Mr. Gowdy. Did the Bureau talk to his supervisor?

Mr. Comey. I don't -- I don't remember certainly today. I don't know whether I ever knew that.

Mr. Gowdy. What was he granted immunity for and from?

Mr. Comey. I don't recall. I'm sure I knew 2 years ago, but I don't remember.

Mr. Gowdy. Who is **(b)(6), (b)(7)(C) per FBI**

Mr. Comey. Another one of the figures somehow in the setup of the server or something. I can't -- I remember the name, but I don't remember what his role was.

Mr. Gowdy. He worked at Platte River. Does that refresh your recollection?

Mr. Comey. Platte River Networks, yeah. I forget whether they supplied the server or one of the servers. They were involved in the setup or maintenance of the Secretary's private email server.

Mr. Gowdy. Were they also involved in any deletions of her emails?

Mr. Comey. I don't know. It sounds familiar, but I honestly can't remember.

Mr. Gowdy. Do you recall the product BleachBit?

Mr. Comey. Oh, yes, I do.

Mr. Gowdy. Do you know where that came from?

Mr. Comey. I certainly don't today. I don't know whether I ever did.

Mr. Gowdy. Do you recall a conference call between Cheryl Mills, David Kendall, perhaps Heather Samuelson, and Platte River about the time the public learned she had this unusual email arrangement?

Mr. Comey. Vaguely. I'm not sure I remember those participants.

Mr. Gowdy. Do you recall emails being destroyed by Platte River after the public learned that she had this email arrangement?

Mr. Comey. Yes. That rings more of a bell. I remember

something about -- and I don't know whether it was (b)(6), (b)(7)(C) per FBI or not -- but somebody having failed to do what they asked him to do and panicking and going back and deleting emails on one of the old servers maybe.

Mr. Gowdy. That is definitely one version of how that conference call went, that he in the past had been told to have a short retention, and he got on the phone with some of Secretary Clinton's attorneys and had -- I won't use the word -- but an oh-something bad moment and realized he had not done it. There are other versions that we don't have access to because privileges were asserted surrounding that conversation. Do you recall anything about that?

Mr. Comey. No. I remember privilege issues, but not about that conversation.

Mr. Gowdy. Who made the decision to allow Cheryl Mills and Heather Samuelson to sit in on Secretary Clinton's interview?

Mr. Comey. I think the DOJ did, although I'm trying to remember whether I knew personally. FBI people knew about it and didn't object to it.

Mr. Gowdy. They did or did not?

Mr. Comey. Did not, to my recollection.

Mr. Gowdy. We've interviewed some Bureau employees who thought it was a very unusual arrangement that they were not familiar with. How would you describe allowing multiple fact witnesses to be present while a fact witness is being

interviewed?

Mr. Comey. Certainly unusual in that you had two people who had been witnesses, who were the Secretary -- the subject's lawyers, who after we cleared as to them were allowed to attend the interview. Unusual.

Mr. Gowdy. When you say "unusual," in the time you spent in the Southern District and at the FBI and the Department of Justice, can you recall another time where fact witnesses also served as potential counsel?

Mr. Comey. Yes. I can't -- and we would have to negotiate that with -- I'm trying to remember the terms -- a Curcio hearing and having all kinds of discussions about how to handle it in a charged case.

I don't know that I can remember -- sitting here, I can't remember an uncharged, so an investigative stage case, where a lawyer for the subject emerged as a fact witness. I can't. I'm sure if I have more time to think about it, maybe I will, but I can't right now.

Mr. Gowdy. Why does the Bureau typically not interview multiple fact witnesses at the same time?

Mr. Comey. Because you'd ideally like people not to know what others' stories are so they're not able to get their story together.

Mr. Gowdy. Some of the same reasons they have a sequestration rule. So you don't want witnesses to hear other



witnesses.

Mr. Comey. Yeah, ideally. You want to keep them all in separate boxes.

Mr. Gowdy. So why was this interview handled differently?

Mr. Comey. I don't remember for sure. I think a key factor was they were her lawyers, and so our ability to keep them from talking to each other was slim to none regardless and that they had been -- we had finished our evaluation of them as potential subjects. And so I think the judgment of the team was it's unusual, but it's really not something that's going to hurt our investigation.

Mr. Gowdy. Can you think of another investigation you were involved with where that happened?

Mr. Comey. No.

Mr. Gowdy. Did you interview Patrick Kennedy?

Mr. Comey. I didn't interview anybody.

Mr. Gowdy. Did the Bureau interview Patrick Kennedy?

Mr. Comey. State Department official?

Mr. Gowdy. State Department official.

Mr. Comey. I don't know. It rings some bell, but maybe I know his name from something else.

Mr. Gowdy. Did the Bureau gain an understanding of how she could have kept her emails from the time she separated from service at the State Department, but yet felt the need to delete them in March of 2015?

Mr. Comey. I don't know.

Mr. Gowdy. Destruction of evidence can be considered evidence of what?

Mr. Comey. It can either be a separate offense or evidence of consciousness of guilt.

Mr. Gowdy. Of the statutes the Bureau had under investigation -- and what I mean by that is the fact pattern may have applied to certain statutes -- which statutes do you recall were at issue or at play in this investigation?

Mr. Comey. I don't know if I remember even the numbers anymore. I think it was 18 U.S.C. 1924, which I think is the misdemeanor, and 793, which is a variety of sections relating to espionage, mishandling of classified information, theft of classified information. I think those were the two. I could be wrong about that. I've tried to suppress it, but I think those are the two.

Mr. Gowdy. So maybe a felony retention, a gross negligence standard, also a felony, I think, and then a misdemeanor? Does that sound right?

Mr. Comey. Yes. Maybe you can help me. I think it was 793 and 1924. I think 1924 is the misdemeanor. 793 --

Mr. Gowdy. You are correct. 1924, you are correct. 793, and there's a section (f), which is gross negligence, and then there's a section (d), which is a higher level of scienter. Does that sound right?

Mr. Comey. It does sound right.

Mr. Gowdy. In your judgment, what element was missing that prevented or thwarted a successful -- well, let me ask you this: Is it your position there was insufficient evidence to charge or your position that there was insufficient evidence, even if charged, to secure a conviction?

Mr. Comey. As I recall, our judgment was that, given the way the Department of Justice for 50 or 100 years had treated those statutes, we did not have sufficient evidence of intent for any -- anybody in the counterespionage section to bring those charges, that they would never bring a gross negligence prosecution, and that all the misdemeanor cases involved some other element of proof that raised it up to the level at which they would bring that statute to bear.

So I don't -- I don't think we spent a lot of time figuring out whether we had a beyond a reasonable doubt case, because it was so obvious we had a case that nobody would prosecute.

Mr. Gowdy. Had there ever been prosecutions under the gross negligence statute?

Mr. Comey. One, as I recall, since 1917.

Mr. Gowdy. Was the statute ever used in applications for search warrants?

Mr. Comey. I don't know. I don't know if I ever knew that.

Mr. Gowdy. So, as we sit here today -- and I know you and I have had this conversation, and it's been a while -- your best

explanation for what was lacking -- I get the fact the statute wasn't used that often, but no statute is used for the first time until it is.

So what -- did you view the statute as being unconstitutional? Did you view it as being so vague as to not sustain a conviction, or was there an element of the statute you think was missing?

Mr. Comey. See if I get this right. My recollection is not crystal clear at this point. I remember learning that there were grave reservations for decades in the Department of Justice about the constitutionality of 793(f), I think it is, and an understanding -- and I confirmed that understanding by reading the legislative history myself -- that when Congress passed that statute and made it a felony in 1917, their intention was for the definition of gross negligence to approach willfulness, very similar to the kind of intention that the Department of Justice would require for a 1924 prosecution.

And we had proof that got us nowhere near willfulness. And so our judgment was we got no chance on 793, even if they would bring the second prosecution in American history in this context, and we sure got no chance on the intention requirement that they've imposed on the statute forever. And so our judgment was, look, we worked this hard; we're nowhere near where anybody would bring this.

It turns out I got criticized that my case for having no

case was not strong enough. The inspector general hit me that I should have told the public they also would never bring a case where the people communicating all had a clearance and a need to know the information, and that Director Comey failed to be accurate with the American people in saying not only was this no case; it was more of a no case than he realized.

Mr. Gowdy. All right. You have smart lawyers at the Department, smart lawyers at the Bureau. So you knew all of that pretty early on in the investigation. This is one of the first things you're going to ask is, what is the case law? Have there been other prosecutions?

Mr. Comey. Yeah. I didn't know it to that level of detail until the spring, but I knew from just talking to our troops early on it's going to be a hard case to make, given the way the Department of Justice has always understood these statutes. Let's get at it, see what we can find.

Mr. Gowdy. So what were you looking for? What could have changed that analysis? What specific piece or pieces of evidence could have changed that?

Mr. Comey. Significant evidence of knowledge of lawlessness, the nature of the unlawful conduct, significant evidence of communication with people without a clearance or a need to know, significant evidence of obstruction of justice and false statements by the subject, and probably other things that are in the other cases, but those are three that pop into my head

2 years on.

Mr. Gowdy. Did you find any evidence of either successful or attempted foreign intrusions in her server?

Mr. Comey. My recollection is that we did not find evidence that foreign actors had intruded into the server, but that our experts thought we wouldn't see it, given the nature of the server and the nature of the adversary. That's my best recollection.

Mr. Gowdy. So there was no draft of your July 5th statement that may have included any language about possibly hostile actors having access to emails?

Mr. Comey. I don't remember for sure, but it wouldn't surprise me if there were because I was trying to describe what our folks said, which is: We don't see the evidence, but given the nature of the actors, we wouldn't be likely to see the evidence. But I don't remember exactly how I phrased it.

Mr. Gowdy. So you don't recall a draft that may have used phrases like likelihood, significant likelihood edited down to a potential?

Mr. Comey. I don't, sitting here. It wouldn't surprise me, though, as part of the editing process.

Mr. Gowdy. If there had been evidence, in your judgment, would that have met the allowed access by people without sufficient security classifications?

Mr. Comey. Not necessarily, because the kind of evidence I understand that DOJ looks for is I intentionally shared

information with you, who didn't have a clearance. The carelessness involved in having a system that a bad guy could hack into is a different sort, and so that's not what I was talking about earlier.

Mr. Gowdy. Did all of Secretary Clinton's attorneys have the requisite security clearances?

Mr. Comey. Not to my knowledge. Not all of them, no.

Mr. Gowdy. Do you recall which ones did not, and would they have been any of the ones who actually culled through her emails?

Mr. Comey. I don't recall as to people. I have some recollection that maybe David Kendall from another case had a clearance or something. But of the attorneys, surely not all of them had the requisite clearance to be viewing classified information.

Mr. Gowdy. Would that have met the evidentiary burden for an element if you gave emails to someone who did not have a security clearance?

Mr. Comey. No. DOJ would laugh us across the street if we came over with that, that someone in the course of legal representation had their lawyer review something. No chance.

Mr. Gowdy. It sounds to me, though, with all due respect, that you are describing an intent statute, an intent to disseminate or share classified information with somebody who is not entitled to it. So why would Congress come up with a gross negligence standard if we're going to read it as intent?

Mr. Comey. I don't know for sure. You'd have to ask the 1917 Congress. But my recollection of the reading the history of it is there was a movement to try and have the espionage statute sweep more broadly than just intentional misconduct. And there was a debate in Congress, which is why people who voted it for it said: I'll go along with gross negligence, but it better be up at the willful level, close to intentional misconduct. But I don't know beyond that.

Mr. Gowdy. Do you know whether anyone at the Bureau or the Department shared questions with Ms. Mills' or Samuelson's attorney before the interview?

Mr. Comey. No, I don't.

Mr. Gowdy. Would you be surprised if that happened? Is that outside the normal protocol, from your experience?

Mr. Comey. I don't know. It would depend. I guess I could imagine it if they were negotiating over privileged spheres and trying to navigate privilege. I could imagine an investigator sharing, "Look, this is what I want to talk about, this, this and this," to try and avoid a privilege assertion, but I don't know.

Mr. Gowdy. What other investigatory tools did you have other than a voluntary interview?

Mr. Comey. With respect to?

Mr. Gowdy. Either Mills, Samuelson, Kendall, Pagliano,

(b)(6), (b)(7)(C) per FBI



Mr. Comey. Conceivably, you could -- lots of investigative tools, but the closest to an interview would be a grand jury subpoena, questioning someone in the grand jury.

Mr. Gowdy. And tell me why that was not done for any of the witnesses.

Mr. Comey. I don't know for sure. The judgment of the investigative team surely that it wasn't necessary. My recollection, which is not crystal clear, as to Secretary Clinton is that there were more degrees of freedom in doing an interview than doing it in a grand jury setting, where, as you know, it's very restrictive.

Mr. Gowdy. I do know that. I also know, unless something's changed, the attorney's not allowed in a grand jury when a witness is being interviewed, and there would be no situation under which multiple witnesses would be interviewed at the same time by a grand jury.

Mr. Comey. That's right.

Mr. Gowdy. Fair?

Mr. Comey. Fair, although, as you know, because this is what gums it up, the witness can ask to go outside and consult with their attorney --

Mr. Gowdy. Absolutely.

Mr. Comey. -- as frequently as they like during a grand jury proceeding.

Mr. Gowdy. Absolutely. So what I'm trying to get at is,

what do you give up by using the grand jury?

Mr. Comey. What did the --

Mr. Gowdy. What do you give up? What investigatory advantage do you lose? If you have a choice between a voluntary interview and a grand jury appearance, what are you risking losing with the grand jury interview?

Mr. Comey. A number of things. If you're going to talk about TS/SCI information, you have a real problem with the grand jury. You'll have to clear a grand jury, which is really tricky, and both because of the intrusion on their private lives and just how difficult it is to clear 23 U.S. citizens who have been summoned for jury duty.

And so you have to figure out what can we discuss in the grand jury and what can't we discuss in the grand jury. So what you're gaining with the informal interview is, in a SCIF, an agility that you wouldn't have in a grand jury and then the ability of a group of investigators all to fire at the person and watch and poke and watch and poke in a way you can't in a grand jury.

Mr. Gowdy. Well, I'm out of time. I'm going to let Ratcliffe go. But I do need you to -- if the witnesses don't have clearances, then how much conversation would there be with those witnesses about classified information over which they had no clearance?

Mr. Comey. I think they gave everybody in that room an

interim clearance to discuss TS/SCI information that day. So you were able to give interim clearances to a small group of people.

Mr. Gowdy. I was more referring to the lawyers that may have culled through the emails when they were asked to do so, and do you know whether they had clearances when they went through her emails?

Mr. Comey. As I said earlier, I'm sure at least some of them didn't. Maybe all of them didn't. I have some recollection that maybe David Kendall or somebody had a clearance, but certainly not all of them.

Mr. Gowdy. And he would have had a clearance -- well, who represented David Petraeus?

Mr. Comey. Maybe it was David Kendall. Maybe that's why I'm remembering it.

Mr. Gowdy. It was.

Mr. Comey. He's an experienced lawyer who has represented a lot of people in classified investigations.

Mr. Gowdy. He is.

Mr. Comey. Maybe he did. But others, I'm sure they all didn't have clearances.

Mr. Gowdy. And I think Congressman Ratcliffe made reference to the fact that you -- or at least there are quotes attributed to you -- are not happy with the decision to let him plead to a misdemeanor as opposed to a felony. Is that true?

Mr. Comey. That's true.

Mr. Gowdy. And part of it was because you assigned a higher level of knowledge or duty to him, given his role as a general?

Mr. Comey. And the nature of the offense was just proof that he knew he was doing something he shouldn't do was overwhelming, and on top of that, he lied about it to the FBI.

Mr. Gowdy. Right. I really am going to let John go now. He lied to the FBI; that is a crime. Lying to the public is not, as we've established. But is it not evidence of intent and/or consciousness of guilt? I mean, Secretary Clinton told the public that no classified information traversed her server, and that was false, right?

Mr. Comey. She maintained that -- as I recall, that she did not -- she thought she had successfully talked around the classified subjects. And the challenge for the prosecutors and investigators was proving that is false.

Mr. Gowdy. Well, and it would have been really interesting had she phrased it to the public: I did my best to avoid talking around any documents that may have been classified.

But that is not what she said. She said: No classified information was either sent or received.

Do you recall that?

Mr. Comey. Generally. I think that's right. And, as you said, during her interview, she maintained that: I believed we had successfully talked -- we had not crossed the line. We had

talked around these subjects and were sufficiently vague as to not implicate the classification requirements.

Mr. Gowdy. She also said that no records were destroyed, that they were all retained. Do you recall her saying that?

Mr. Comey. I don't remember. I believe you, but I don't remember that.

Mr. Gowdy. Do you recall her saying her attorneys were overly inclusive in what they considered to be public as opposed to private?

Mr. Comey. No, I don't remember that one.

Mr. Gowdy. You agree false statements sometimes is as much evidence of intent as you're going to get?

Mr. Comey. In some cases.

Mr. Gowdy. Demonstrably false exculpatory statements.

Mr. Comey. Hard to answer in the abstract, but in some cases it can be your best evidence.

Mr. Jordan. Thank you, Mr. Chairman.

Director, I want to have you look at an email, if you would, please. I'm more concerned with the second email where the from line is McCabe, Andrew McCabe. I'll give you a minute to look it over and then just want to run through it.

Mr. Comey. The one dated Sunday, January 8th?

Mr. Jordan. Yes, 12:08.

Mr. Comey. Okay, I've read it.

Mr. Jordan. Okay. So in the first line: "According to

Kortan, CNN is close to going forward with the sensitive story."

What is "the sensitive story"?

Mr. Comey. I think it is the salacious -- the sexual details from a portion of the Steele dossier.

Mr. Jordan. Okay. What's been commonly called the salacious and unverified, that part of the dossier?

Mr. Comey. That's what I call it, yep.

Mr. Jordan. All right. Second paragraph: "CNN states that they believe the pressure has built and is unavoidable."

Actually, let's go to the: "Mike relates that he will try to skirt the most controversial stuff, focus on the question of possible compromise generally."

What does "possible compromise" refer to?

Mr. Comey. I don't know what he means. It means in the beginning, it sounds like he'll try to avoid the sex stuff, but I don't know what he means by "focus on the question of possible compromise generally."

Mr. Jordan. You read that the way I do. The most controversial stuff is what you just told me the sensitive story is. But the second clause, the question of possible compromise generally, you don't know what that means?

Mr. Comey. I don't. Yeah, I don't know what he means.

Mr. Jordan. Okay. Next sentence: "The trigger for them is they know the material was discussed in the brief and presented in an attachment."

I have an idea what I think that sentence means, but you tell me, if you would.

Mr. Comey. I take that as a reference to someone has told them that the President-elect was briefed on this controversial stuff, and -- yeah, that he was briefed on this controversial stuff and that their knowledge of that is what is triggering them to do the reporting.

My recollection is, we understood that CNN had the salacious and unverified information, which was one of the reasons we told the President-elect about it. And in it's kind of a bootstrapping, they're now saying, we have found out that the President-elect was briefed on it and so we're going to go with it. That's what -- I could be wrong about that, Mr. Jordan, but that's how I understand that.

Mr. Jordan. That's exactly how I read it. Now, just to be clear, the material that was discussed in the brief, that's the brief you gave the President-elect?

Mr. Comey. Correct.

Mr. Jordan. All right. And somehow someone told CNN that you had done just that?

Mr. Comey. It appears so from this email. That's how I'm reading --

Mr. Jordan. Any idea who told them that?

Mr. Comey. Say again, I'm sorry?

Mr. Jordan. Any idea who told them that you had actually

briefed the President-elect about this subject?

Mr. Comey. No.

Mr. Jordan. No idea?

Mr. Comey. No idea.

Mr. Jordan. It's been reported that Mr. Clapper may have been involved in giving that information to CNN. Any indication that that's accurate?

Mr. Comey. No. Same answer, I don't know.

Mr. Jordan. Okay. What's the attachment?

Mr. Comey. I don't see an attachment.

Mr. Jordan. The trigger for them is they know the material was discussed in the brief that you gave to the President-elect on January 6 and presented in an attachment.

Did you give -- was there some attachment?

Mr. Comey. Oh, I see. I think I know what that means.

Mr. Jordan. What is that?

Mr. Comey. The way in which -- I just want to be careful here because I don't want to talk about classified information. I believe they're discussing the literal format, written format in which material was presented to the President-elect's team and to the President-elect, and they're referring to some of the material being in an attachment and not in the body of the document. That's what I understand that to mean.

Mr. Jordan. So, in other words, you told the President certain things, but you also left him some kind of attachment,



some written, some piece of paper or something as well, and they knew about that?

Mr. Comey. Yeah. And that's a garble, because that -- I take them to mean an attachment, but the attachment, to my recollection, didn't contain the salacious and unverified stuff, and that that was simply conveyed orally from me to the President-elect.

Mr. Jordan. I understand. Any idea how they got -- how CNN gets ahold of the attachment that you gave the President of the United States?

Mr. Comey. I don't understand it to be saying that they have the attachment. I read this sentence to say the trigger for them is they know the material was discussed in the brief and presented in an attachment.

Mr. Jordan. Okay. So they didn't physically have that, they just knew that that's how it was presented to the President?

Mr. Comey. I don't know. I'm just reading this.

Mr. Jordan. All right. Next sentence: "So far it does not look like they will characterize FBI efforts."

What does that mean?

Mr. Comey. I don't know for sure, but I have enough of a reaction I'll offer it to you, that I take this as likely being that the FBI Director briefed the President-elect about this material. I could be wrong about that, but I don't know what other FBI efforts he could be referring to.

Mr. Jordan. So Andy McCabe is telling you, so far, based on what he has learned or Mr. Kortan has learned, that CNN is going to run with this story, but they don't fully know that you're the individual who briefed the President on this issue? That's what that sentence is about?

Mr. Comey. Yeah, that's how I'm reading it. And I could be wrong, but I'm reading this as CNN has somehow gotten on to the idea that the President-elect was told about certain information, but they actually don't know who did the telling, which is an indication -- I could be wrong about this too -- that it didn't come from the FBI.

Mr. Jordan. In the question section, he says, "a few questions," and he has two here. Asking you: "Do you have any guidance on who, if any, we should notify?"

Did you notify anyone about this?

Mr. Comey. I don't remember. I don't remember notifying anybody, but it's possible.

Mr. Jordan. He suggests that you tell Deputy Attorney General Yates. Did you do that?

Mr. Comey. I don't remember doing that.

Mr. Jordan. What about, he next says, "the briefing partners." Did you let them know?

Mr. Comey. I don't -- it's possible. I don't remember doing that, though, and I take that to mean the directors of CIA, NSA, and National Intelligence, but I don't remember doing that.

Mr. Jordan. That was my next question. The briefing partners are who, those individuals?

Mr. Comey. That's what I understand this to mean.

Mr. Jordan. And those would be the individuals who accompanied you to New York for this briefing with the President?

Mr. Comey. Correct.

Mr. Jordan. President-elect at the time?

Mr. Comey. Correct.

Mr. Jordan. Okay. Okay. That's all I got. Thank you.

Mr. Ratcliffe. Director Comey, I want to pick up where we were talking earlier, and I want to give you back your statement from your July 5th press conference.

Setting aside the questions about whether or not Secretary Clinton had the intent to or was just reckless or careless in mishandling classified information, do you take issue with the characterization by your former general counsel, Jim Baker, who told this committee that Secretary Clinton's mishandling of classified -- that Secretary Clinton mishandled classified information in a manner that he described as appalling?

Mr. Kelley. Could we see that portion of the transcript, please?

Mr. Ratcliffe. I don't have the portion. I'll represent to you --

Mr. Kelley. And which day was that testimony?

Mr. Ratcliffe. If you want to take the time, it's referred

to in the inspector general report, and I'll find where he represented, not just to this committee, but to the inspector general and used the word "appalling." You want me to do that?

Mr. Kelley. Yes, sir.

Mr. Ratcliffe. Okay.

Mr. Kelley. If you're going to refer to transcripts, we ought to take a look at them.

Mr. Ratcliffe. Let me just ask you, Director, whether it's in the transcript or not, was Hillary Clinton's mishandling of classified information appalling?

Mr. Comey. It's not -- I accept your representation. It's not a term that I have used. I think of it as really sloppy and --

Mr. Ratcliffe. Okay, really sloppy? Look at your press conference. I guess by your counting, it looks like Hillary Clinton mishandled classified information on at least -- and by mishandled, I mean that classified information went across an unclassified device or server -- on at least 110 emails and 52 email chains. Is that right?

Mr. Comey. I think that's right.

Mr. Ratcliffe. And that eight of those were top secret. She mishandled top secret information at least eight times, by your counting?

Mr. Comey. That's correct.

Mr. Ratcliffe. And that she mishandled classified

information at a secret level 36 times, by your counting?

Mr. Comey. That's right. These are all -- this is what makes up the 110 or whatever it is.

Mr. Ratcliffe. Exactly. She mishandled confidential information at least eight times, by your counting?

Mr. Comey. Correct.

Mr. Ratcliffe. Doesn't -- your statement doesn't reflect it, but do you know if any of those were special access program, SCI, Sensitive Compartmentalized Information? Do you know if any of those were releasable only to five allied partners?

Mr. Comey. I don't -- I don't remember. I believe some of the topics that were discussed in the top secret category were also designated as Sensitive Compartmented Information. I'm not certain of that, but I believe that to be the case. I don't know with respect to the other restrictions on dissemination.

Mr. Ratcliffe. Okay. So -- and I found the reference in the inspector general report where page 166 --

Mr. Kelley. Thank you. 166?

Mr. Ratcliffe. 166, the bottom paragraph: Baker told the OIG that he thought the conduct of former Secretary Clinton and her aides was appalling with respect to how they handled classified information, and arrogant in terms of their knowledge and understanding of these matters.

Did I read that correctly?

Mr. Comey. Yes, sir.

Mr. Ratcliffe. So he says appalling and you say really sloppy. Okay.

And as Congressman Gowdy related, Secretary Clinton, about that mishandling, made a number of statements under oath -- or made a number of statements in public that were inaccurate, and I represented to you that at least one occasion she made that statement under oath when she said, I never sent or received classified information, correct?

Mr. Comey. Yes, she did say that.

Mr. Ratcliffe. I want to let you take a look at -- we were looking for it before, but Hillary Clinton's 302. And on the page that I've referenced, I found the place where the agents and prosecutors were reviewing with her an email that had been marked. Do you find where I'm following?

Mr. Comey. The bottom paragraph?

Mr. Ratcliffe. Yes. Take a second and read that.

Mr. Comey. [Reviewing.]

Mr. Ratcliffe. All right. Does that refresh your recollection about, during the interview, Secretary Clinton being confronted with emails that had been marked classified?

Mr. Comey. It looks like at least one. Here's the confusion, though. It had portion markings on the original. I think what they're explaining here is the overall document marking had been added later.

Mr. Ratcliffe. Okay.

Mr. Comey. But it was definitely she was asked about a C, which those of us who know this business, that was a portion marking for a confidential classification.

Mr. Ratcliffe. Okay. But they had a discussion about that. So during at least in the time that she was being interviewed, she understood that she had either sent or received information that had been marked classified?

Mr. Comey. She appears to from this, yep.

Mr. Ratcliffe. Do you recall that in the course of the Midyear investigation, that the FBI became aware that personal aides, Huma Abedin, and Hillary Clinton's lawyer, Cheryl Mills, also mishandled classified information?

Mr. Comey. I don't -- I don't remember specifically. I remember there was some -- no, that was after. I --

Mr. Ratcliffe. And, again, by mishandled, I'm referring to classified information going across an unclassified device that they -- personal or work device that they had.

Mr. Comey. I don't remember that about Ms. Mills. I remember a concern about that about Ms. Abedin, but what I was remembering is from the Weiner stuff from after -- I remember that being an issue after October 27th or 8th.

Mr. Ratcliffe. All right. Congressman Gowdy asked you about (b)(6), (b)(7)(C) per FBI I was surprised that you didn't really remember the role that he played in this, so let me -- do you recall that (b)(6), (b)(7)(C) per FBI was an employee at the Platte River

Network who intentionally destroyed evidence known to be subject to a congressional subpoena and a preservation order and then lied to the FBI about it?

Mr. Comey. I think so. I think Mr. Gowdy refreshed me on that. And which was the reason, as I recall, that there was an issue as to whether he would get any kind of immunity in exchange for his testimony thereafter.

Mr. Ratcliffe. But he did receive immunity?

Mr. Comey. Yeah. I just couldn't remember, in response to Mr. Gowdy's questions about him and the other guy, what the form of immunity was.

Mr. Ratcliffe. All right. So I guess as I try and summarize what I've heard today, Hillary Clinton mishandled classified information more than a hundred times. She made false statements about it. The FBI was aware that at least one of her aides also mishandled classified information. And one of the folks employed on behalf of Secretary Clinton intentionally destroyed evidence known to be subject to a congressional subpoena and preservation order and lied to the FBI about it.

And on July 5th, 2016, you stood before the American people and said that neither you nor any reasonable prosecutor would bring any charges in this fact pattern. Is that accurate?

Mr. Comey. Yep. I believed it then, I believe it now. And anybody that thinks we were on team Clinton trying to cut



her a break is smoking something.

Mr. Ratcliffe. I'll object to everything after "yep" as nonresponsive to my question.

But is Jim Baker a reasonable prosecutor?

Mr. Comey. Yeah, I think he is. He hasn't done a lot of criminal prosecution, he's in the intelligence world, but I think he's a reasonable prosecutor.

Mr. Ratcliffe. Do you recall what Jim Baker's response was on May the 2nd when you presented him with the non-pros memo or exoneration memo about whether or not Hillary Clinton should be charged with mishandling classified information?

Mr. Comey. You mean my draft of a possible public statement?

Mr. Ratcliffe. Yes.

Mr. Comey. I don't remember exactly. He was a big part of the editing process.

Mr. Ratcliffe. Let's see if I can find what -- Mr. Baker -- well, let me -- do we have the Baker transcript?

Mr. Jordan. Director, I'm just curious, where did the names Midyear Exam and Crossfire Hurricane come from?

Mr. Comey. I don't know for sure. What I was long told is that the names for all of these things came from some random name generator in the bowels of the Counterintelligence Division. I never had any information to the contrary, but

occasionally I would see names that seemed like they couldn't be random. Those both seem kind of random to me.

Mr. Jordan. So is it customary for any investigation the FBI does, it receives some code name or some name?

Mr. Comey. I think no. Almost -- maybe all of the classified counterintelligence investigations are given a code name that's unclassified so that people who are outside of a classified space can make reference to it without giving anything away.

Mr. Jordan. Is this a random list, you know, that sometimes we hear some algorithm giving us this -- spitting us out this information, or are these just people on the investigation coming up with a name that they choose?

Mr. Comey. I don't know. I never found -- I was curious about the name Midyear Exam, so I used to ask. Never found any reason to think it was connected in any way to the case or the circumstances of it. But there were -- as I said, there were other cases where I saw names -- I can't remember right now -- that seemed like they were tailored. This one didn't seem tailored to me.

Mr. Jordan. Does the same answer apply to Crossfire Hurricane?

Mr. Comey. Yes.

Mr. Jordan. Okay.

Mr. Ratcliffe. Mr. Comey, I want you to have the benefit

of the transcript. I highlighted my exchange with Mr. Baker on page --

Mr. Kelley. Do you know what the date of this testimony was? The second day? Did he testify about this subject on the first day?

Mr. Ratcliffe. He did not.

Mr. Comey. Where are we? I'm sorry, sir.

Mr. Ratcliffe. Page 152. I asked the question: All right. And I have reason to believe that you originally believed it was appropriate to charge Hillary Clinton with regard to violations of the law, various laws, with regard to the mishandling of classified information. Is that accurate?

Mr. Baker's answer was yes.

Did you find that?

Mr. Comey. I'm reading the rest where he explains.

Mr. Ratcliffe. He does, and I will just -- the conversation continues, as you'll see, that he explained that you persuaded him that Hillary Clinton should not be charged after reviewing a binder of emails.

Mr. Kelley. Could you point to the spot where it says Mr. Comey persuaded him?

Mr. Ratcliffe. No. I'm not referring to the transcript there. I said I was paraphrasing it.

Do you see that?

Mr. Kelley. I'm sorry, I misunderstood the question.

You're paraphrasing what?

Mr. Ratcliffe. So my question -- I read the question and the answer. The question was to Mr. Baker: I have reason to believe that you originally believed it was appropriate to charge Hillary Clinton with regard to violations of the law, various laws, with regard to the mishandling of classified information. Is that accurate?

And his response was yes.

Then I was commenting that he went on to explain that he had -- whether he was persuaded or changed his mind after reviewing a binder of emails. I was offering that in fairness to the witness.

Mr. Kelley. I just thought -- maybe I misheard you. I thought you said that Mr. Comey had persuaded him. I didn't see that in the transcript.

Mr. Ratcliffe. I may have been mistaken.

Do you recall, Director Comey, having a conversation with Mr. Baker about this issue?

Mr. Comey. I don't. I mean, I remember him editing my statement. And he also -- he says here, I discussed it internally and eventually became persuaded that charging her was not appropriate, and he goes on to explain why. But I don't know with -- he says with a number of different folks. I don't know who he talked to.

I don't remember him being of the view at any point that

she should be prosecuted. But in any event, by the time we got to May, he definitely wasn't expressing that view. He was helping me understand how we might close this thing in a transparent way.

Mr. Ratcliffe. So in your transcript statement, you closed your remarks by saying -- have you got those?

Mr. Comey. Yes.

Mr. Ratcliffe. -- that we, referring to the FBI, we did the investigation in a professional way. Only facts matter, and the FBI found them here in an entirely apolitical and professional way.

Do you see that?

Mr. Comey. Yep. I got it.

Mr. Ratcliffe. In light of the text messages of Agent Strzok and Attorney Lisa Page and Agent 1 and all of the folks that have been referred to today, do you still believe that?

Mr. Comey. Yes, very much.

Mr. Ratcliffe. Our time expired?

Chairman Goodlatte. I'll just put this on the record now. This does not complete the questions that we have, and I know there have been some discussions about scheduling a second date and we would like to get that finalized for everybody's planning purposes.

Mr. Kelley. Mr. Somers and I have spoken about that, and we've agreed to return on Monday, the 17th of December. But we

would like to know in advance how much more, many rounds you need. I mean, we went through a full day today.

Chairman Goodlatte. Got it. We'll do the best we can on that. And we will --

Mr. Gaetz. Before we go off the record, Mr. Chairman, I have a question. The rules that I don't consider myself bound by but that were expressed earlier in the committee, do those carry over to the subsequent questioning of the witness, or is it the interpretation of the chairs that during the -- that this is a suspension of the questioning but not a suspension of the rules package which you believe binds the members?

Mr. Goodlatte. I was just about to get to that. I think that the best way to proceed would be to release the transcript tomorrow, and it will be available at some point tomorrow, and that comment by Mr. Comey and anyone else is fair game after the conclusion of this. And then we'll impose the same rules when we get to the second one.

Mr. Kelley. We agree that's appropriate.

Mr. Goodlatte. Very good.

Ms. Sachsman Grooms. Back on the record. Just two quick follow-up questions.

[4:29 p.m.]

Ms. Sachsman Grooms. At the end of the last round, Mr. Ratcliffe went through kind of a summary of what I interpreted to be his conclusions about the Clinton case. He went through Clinton misclassified information, she made false statements, the FBI knew that her staff had mishandled unclassified information. He went through a number of different things. At the end, he asked you about your decision not to move forward to prosecute or recommend prosecution of the case.

I just wanted to clarify, when you were answering that, were you adopting that set of sort of summary comments by Mr. Ratcliffe or were you just commenting on that last bit?

Mr. Comey. I was answering his question, which was, do you have a different view -- or do you have the same view of the case today, is what I understood it to be. And the answer is, absolutely, I do.

Ms. Sachsman Grooms. And just to be clear, I didn't hear you say any time during today that you had uncovered any proof that Secretary Clinton had made false statements. Is that accurate?

Mr. Comey. That's correct.

Ms. Sachsman Grooms. Okay. Thank you. That's all I had. We can go off the record.

[Whereupon, at 4:38 p.m., the interview was recessed, to

reconvene on Monday, December 17, 2018.]



## HPSCI Russia Investigation Interview Transcripts



### Unclassified Hearings and Interviews

Transcript 1: Full Committee Open Hearing on Russian Active Measures Investigation with FBI Director James Comey and NSA Director Mike Rogers, March 20, 2017, pp. 1-222.

Transcript 2: Full Committee Open Hearing with former CIA Director John Brennan, May 23, 2017, pp. 1-94 *[found in classified folder on CD]*.

Transcript 3: HPSCI, Executive Session Interview of Director of National Intelligence Dan Coats, June 22, 2017, pp. 1-32 *[found in classified folder on CD]*.

Transcript 4: HPSCI, Executive Session Interview of Evelyn Farkas, June 26, 2017, pp. 1-72.

Transcript 5: HPSCI, Executive Session Interview of John Podesta, June 27, 2017, pp. 1-56.

Transcript 6: HPSCI, Executive Session Interview of Michael Caputo, July 14, 2017, pp. 1-110.

Transcript 7: HPSCI, Executive Session Interview of Jared Kushner, July 25, 2017, pp. 1-128.

Transcript 8: HPSCI, Executive Session Interview of JD Gordon, July 26, 2017, pp. 1-136.

Transcript 9: HPSCI, Executive Session Interview of Andrew Brown, August 30, 2017, pp. 1-57.

Transcript 10: HPSCI, Executive Session Interview of Yared Tamene, August 30, 2017, pp. 1-53.

Transcript 11: HPSCI, Executive Session Interview of Roger Stone, September 26, 2017, pp. 1-121.

Transcript 12: HPSCI, Executive Session Interview of Boris Epshteyn, September 28, 2017, pp. 1-97.

Transcript 13: HPSCI, Executive Session Interview of Matt Tait, October 6, 2017, pp. 1-81.

Transcript 14: HPSCI, Executive Session Interview of Jonathon Safron (via telephone), October 12, 2017, pp. 1-27.

Transcript 15: HPSCI, Executive Session Interview of Peter Fritsch, October 18, 2017, pp. 1-16.

Transcript 16: HPSCI, Executive Session Interview of Thomas Catan, October 18, 2017, pp. 1-13.

Transcript 17: HPSCI, Executive Session Interview of Brad Parscale, October 24, 2017, pp. 1-145.

Transcript 18: HPSCI, Executive Session Interview of Michael Cohen, October 24, 2017, pp. 1-186.

Transcript 36: HPSCI, Interview of Alexander Nix (via video-teleconference), December 14, 2017, pp. 1-98.

Transcript 37: HPSCI, Executive Session Interview of Debbie Wasserman-Schultz, December 18, 2017, pp. 1-56.

Transcript 38: HPSCI, Executive Session Interview of Michael Sussman, December 18, 2017, pp. 1-93.

Transcript 39: HPSCI, Executive Session Interview of Rob Goldstone, December 18, 2017, pp. 1-175.

Transcript 40: HPSCI, Executive Session Interview of David Kramer, December 19, 2017, pp. 1-101.

Transcript 41: HPSCI, Executive Session Interview of Felix Sater, December 20, 2017, pp. 1-142.

Transcript 42: HPSCI, Executive Session Interview of Dana Rohrabacher, December 21, 2017, pp. 1-186.

Transcript 43: HPSCI, Executive Session Interview of Jake Sullivan, December 21, 2017, pp. 1-71.

Transcript 44: HPSCI, Executive Session Interview of Rhona Graff, December 22, 2017, pp. 1-143.

Transcript 45: HPSCI, Executive Session Interview of David Kramer, January 10, 2018, pp. 1-24.

Transcript 46: HPSCI, Executive Session Interview of Steve Bannon, January 16, 2018, pp. 1-261.

Transcript 47: HPSCI, Executive Session Interview of Rick Dearborn, January 17, 2018, pp. 1-150.

Transcript 48: HPSCI, Executive Session Interview of Corey Lewandowski, January 17, 2018, pp. 1-175.

Transcript 49: HPSCI, Executive Session Interview of Steve Bannon, February 15, 2018, pp. 1-57.

Transcript 50: HPSCI, Executive Session Interview of Hope Hicks, February 27, 2018, pp. 1-208.

Transcript 51: HPSCI, Executive Session Interview of Corey Lewandowski, March 8, 2018, pp. 1-112.

Transcript 52: HPSCI Minority, Interview of Christopher Wylie, April 25, 2018, pp. 1-190.

Transcript 53: HPSCI Minority, Interview of Simona Mangiante, July 18, 2018, pp. 1-222.

Transcript 19: HPSCI, Executive Session Interview of Carter Page (Redacted for Release), November 2, 2017, pp. 1- 243.

Transcript 20: HPSCI, Executive Session Interview of Irakly Kaveladze, November 2, 2017, pp. 1-119.

Transcript 21: HPSCI, Executive Session Interview of Keith Schiller, November 7, 2017, pp. 1-165.

Transcript 22: HPSCI, Executive Session Interview of Glenn Simpson, November 8, 2017, pp. 1-19.

Transcript 23: HPSCI, Executive Session Interview of Rinat Akhmetshin, November 13, 2017, pp. 1-166.

Transcript 24: HPSCI, Executive Session Interview of Glenn Simpson, November 14, 2017, pp. 1-165.

Transcript 25: HPSCI, Executive Session Interview of Anatoli Samochnov, November 28, 2017, pp. 1-77.

Transcript 26: HPSCI, Executive Session Interview of Erik Prince (Redacted for Release), November 30, 2017, pp. 1-105.

Transcript 27: HPSCI, Executive Session Interview of Jeff Sessions, November 30, 2017, pp. 1-120.

Transcript 28: HPSCI, Executive Session Interview of John Podesta, December 4, 2017, pp. 1-61.

Transcript 29: HPSCI, Executive Session Interview of Diane Denman, December 5, 2017, pp. 1-72.

Transcript 30: HPSCI, Executive Session Interview of Shawn Henry, December 5, 2017, pp. 1-80.

Transcript 31: HPSCI, Executive Session Interview of Donald Trump Jr., December 6, 2017, pp. 1-238.

Transcript 32: HPSCI, Executive Session Interview of Walid Phares, December 8, 2017, pp. 1-114.

Transcript 33: HPSCI, Executive Session Interview of Michael Goldfarb, December 12, 2017, pp. 1-48.

Transcript 34: HPSCI, Executive Session Interview of Sam Clovis, December 12, 2017, pp. 1-147.

Transcript 35: HPSCI, Executive Session Interview of Marc Elias, December 13, 2017, pp. 1-103.