

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: WILLIAM SWEENEY

Friday, September 28, 2018

Washington, D.C.

The interview in the above matter was held in Room 2237, Rayburn House Office Building, commencing at 10:30 a.m.

Mr. Somers. Good morning.

Mr. Sweeney. Morning.

Mr. Somers. This is a transcribed interview of William Sweeney. Chairman Goodlatte and Chairman Gowdy 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 position at the FBI for the record?

Mr. Sweeney. My name is William F. Sweeney Jr. Position is Assistant Director in Charge, FBI New York field office.

Mr. Somers. Thank you.

On behalf of the chairman, I want to thank you for appearing today, and we appreciate your willingness to appear voluntarily. My name is Zachary Somers, and I am the majority general counsel for the Judiciary Committee. I will now ask everyone else who is here in the room to introduce themselves for the record, starting to my right with Art Baker.

Mr. Baker. Arthur Baker, investigative counsel, House Judiciary Committee, majority staff.

Mr. Breitenbach. Ryan Breitenbach, senior counsel, House majority, judiciary.

Mr. Castor. Steve Castor with the House Committee on Oversight and Government Reform, majority.

Ms. Lofgren. Zoe Lofgren, Democrat from California.

Mr. [REDACTED] Special counsel, Office on Congressional Affairs,

FBI --

Ms. [REDACTED] [REDACTED] attorney with the Office of General Counsel, FBI.

Ms [REDACTED] [REDACTED] OGC, FBI.

Mr. Hiller. Aaron Hiller, counsel for House Judiciary.

Ms. Kim. Janet Kim, Oversight, minority.

Ms. Hariharan. Aria Hariharan, counsel, Judiciary, minority.

Mr. [REDACTED] [REDACTED] FBI, Congressional Affairs.

Mr. Buddharaju. Anudeep Buddharaju, House Oversight,  
Mr. Gowdy's staff.

Mr. Brebbia. Sean Brebbia, OGR, majority.

Mr. Ventura. Christopher Ventura, law clerk, House Judiciary,  
majority.

Mr. Hyman. Graham Hyman, House Oversight, minority.

Ms. Shen. Valerie Shen, House Oversight Committee, minority  
staff.

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

Mr. Somers. Thanks.

The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I would like to go over. Our questioning will proceed in rounds. The majority will ask questions for an hour, and then the minority will have the 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 will also 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 our questions, 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. We ask that you give verbal responses to all questions. Do you understand this?

Mr. Sweeney. Yes.

Mr. Somers. 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 choose, and you are appearing with counsel today.

Could counsel please state her name and position at the FBI for the record?

Ms. [REDACTED] [REDACTED] acting deputy general counsel for the Office of General Counsel, FBI.

Mr. Somers. 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 don't know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection, and it is okay to tell us if you learned the 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 our question.

Mr. Sweeney, 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. Sweeney. Yes.

Mr. Somers. This also applies to questions posed by congressional staff in an interview. Do you understand that?

Mr. Sweeney. Yes.

Mr. Somers. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Mr. Sweeney. Yes.

Mr. Somers. Is there any reason you are unable to provide truthful answers to today's questions?

Mr. Sweeney. No.

COMMITTEE SENSITIVE

Mr. Somers. Finally, I would like to note that, as Chairman Goodlatte stated at the outset of our first transcribed interview in this investigation, the content of what we discuss here today is confidential. Chairmen Goodlatte and Gowdy ask that you not speak about what we discuss in this interview to anyone not present here today to preserve the integrity of our investigation.

This confidentiality rule applies to everyone present in the room today. That is the end of my preamble.

Do you have any questions before we begin?

Mr. Sweeney. No.

Mr. Somers. All right. I will turn it over to Art to start our first round of questioning.

## EXAMINATION

BY MR. BAKER:

Q Good morning, Mr. Sweeney, I know you indicated in your introduction, you're from the New York field office. I know that to be one of the busiest, if not the busiest, office in the FBI. So we do appreciate you taking time out from your responsibilities there and coming down and participating in this interview.

As we have interviewed witnesses in our investigation and had the occasion to review various documentation that we've received, we've had various folks from the FBI, with different titles, including Executive Assistant Director and just plain Assistant Director. You come with the title Assistant Director in Charge. Could you elaborate a little bit about what that is and what that implies?

COMMITTEE SENSITIVE

A Sure. I think. So Assistant Director -- there are three Assistant Director in Charges -- Los Angeles, Washington field office, and New York. The Assistant Directors at headquarters have the title of just Assistant Director. My presumption is the "in charge" part of that title came from the fact that they were in charge of a field office. So, around the country, obviously we have special agents in charge of field offices, and the three largest field offices have an Assistant Director, with multiple special agents in charge underneath them.

Q So, not only are you from one of the busiest field offices, you are in charge of one of the busiest field offices?

A Correct.

Q And with that title, the responsibility falls on you for everything that happens in that field office?

A Correct.

Q Every violation of criminal law, every violation of national security law, every personnel matter, everything that happens in the field office, ultimately falls to you with guidance and concurrence from headquarters?

A Correct.

Q Okay. How long have you been the Assistant Director in Charge of the New York field office?

A Since September -- officially since September of 2016. I don't know the exact date. I was named to the office, I believe, in July. So I was appointed to the position, I think it was July; it might

have been August, but started in September.

Q Were you promoted in place already in the field office --

A No.

Q -- or you came from another --

A I came from Philadelphia. So I've been in New York once before as the special agent in charge of the Counterterrorism Division, and then went to Philadelphia as the special agent in charge of the Philadelphia division, and then back to New York as the Assistant Director in Charge or what we call the ADIC.

Q And you are a special agent; you have 1811 investigative powers to enforce criminal law, effect arrests, conduct search warrants, that sort of thing?

A Correct.

Q And you've been in the FBI for how long, sir?

A Since April of 1998.

Q During your tenure in the New York field office, as the Assistant Director in Charge, did you have occasion to be investigating or have in possession of the New York field office a laptop that was somehow associated to an Anthony Weiner?

A Yes.

Q And what was the nature of your investigation of the laptop initially?

A The nature of the investigation initially was crimes against children investigation, run off the violent crime branch, that involved Anthony Weiner.

Q And did the review of that laptop by your agents, your investigators, your forensics folks, did that review discover something on the laptop that was not necessarily germane to your initial investigation?

A Yes.

Q And what was that?

A Those were emails -- well, what appeared to be emails initially related to Hillary Clinton, a variety of domain names, if you will. Initially.

Q Were -- and who made this initial discovery?

A I believe the case agent made the initial discovery.

Q And a case agent is what, in general terms?

A So a case agent is a special agent who is assigned to work an investigation or has an investigation under their purview. They may work it alone. They might work it with a team, with another agent, analyst, different positions in the Bureau that assist with the case. So the case agent in this case was a special agent.

Q So, when this special agent discovered these emails, electronic communications that were not related to what they were initially looking for, did they know about this case that headquarters had Midyear Exam?

A I don't -- I don't know what he knew at the time. At the time, I don't know if he knew. I'm trying to remember if later he realized from the news. He wasn't involved in the investigation, but if he had learned from the news it was this investigation, but I can't

recall exactly how he would have known that.

Q But contemporaneous with his discoveries of these other emails, he knew based on what he or she saw, that there was some significance to what they might be, regardless of whether he or she knew about a case being worked?

A I believe that's correct.

Q And when he or she discovered these emails, what did they do?

A So I believe they reported it up -- he reported it up his chain of command, which would have been a squad supervisor, ultimately, to the special -- at the time, an acting special agent in charge of the criminal division who then reported it to me.

Q So what would your estimate be when the information traveled up the chain of command from the time of discovery by the case agent until it actually reached the top of the New York field office, you?

A Can you repeat the first part? What was the actual time?

Q From the time that the case agent discovered it, what would you estimate your awareness being? What was the lag time?

A So now I know the lag time to be about -- well, I think it was found on the 26th. And I was told on the 28th. At the time, I believe I thought it was found on the 28th.

Q Okay.

Mr. Somers. Can we just clarify that? Of September?

Mr. Sweeney. Correct. September 2016.

BY MR. BAKER:

Q But between the time of discovery by the case agent and communication to you, you've indicated, I think, there were intermediate levels of supervisors that he had reported it to, that --

A He definitely reported it. So, obviously, he did not report it to me directly. So it came to me from the acting special agent in charge, so presumably he followed through the chain of command. That's how it got to him.

Q So he probably reported it to his immediate supervisory special agent. Maybe it went to the assistant special agent in charge, then to the SA -- acting SAC and ultimately to you?

A Correct.

Q And what did you do when you became aware of it? What was your reaction when you became aware of this?

A Surprise. I reported it within minutes.

Q And you reported it to?

A To FBI headquarters. Partially by coincidence, I was already on a SVTC, a secure video teleconference. But the acting special agent in charge advised me he needed to tell me something before the end of the day. Okay. I have a SVTC, but there was a pause in the SVTC. What do you have? What is it? Gave me a quick, very quick synopsis of what he had. I jotted a couple notes down on an index card, which I don't know where that is, and then reported that in the SVTC.

Q So the index card never has been found?

A No.

Q Okay. So this SVTC is a weekly, monthly?

A It's a weekly -- so it was -- excuse me. It was at the time a weekly SVTC that occurred every Wednesday at 3 o'clock, and it was a two-part process. So there was a weekly SVTC usually -- it's called the Director's weekly SVTC.

Mr. Breitenbach. I'm sorry, SVTC stands for? Just for the record.

Mr. Sweeney. Secure video teleconference.

Weekly SVTC with the Director starts at 3 o'clock. All field offices, all SACs, all special agent in charges, are on the SVTC. That first part of the SVTC then ends, and the second part is with Assistant Directors and the three ADICs, or Assistant Director in Charges who stay behind to do -- after SVTC. And that's -- generally the purpose is described as major issues. Finance Division would have to report. Something for the Assistant Directors to know about.

That SVTC was also pretty -- both SVTCs combined is usually done by 3:30-sh. But that was every week.

BY MR. BAKER:

Q Would -- and maybe you said this -- would the Deputy Director or the Director be --

A So normally -- normally, the Director -- it's called the Director's SVTC -- weekly SVTC. Normally they are all there. So, normally, the Deputy, the Director, the EADs, all the Assistant Directors from headquarters sit in the conference room down here in the Hoover Building, and anybody else videos in. If the Director's not present for the SVTC, which happens, the Deputy Director runs the

SVTC, or the Associate Deputy Director, depending on who's on travel, who's not in. It can vary. The SVTC still occurs; it's just a different format now.

Q But on this particular one, the Deputy Director was there?

A Correct.

Q And the Director was not?

A Correct. He was not.

Q So you indicated who's on the SVTC initially and then it sort of peels away and that there's this smaller group. And that's the group you referenced what New York had found too?

A Correct.

Q How many people -- you mentioned who they would be. I think I saw the number somewhere; maybe 39 people would have been on it. Is that the first one or the peel-away?

A Well, both. So, in the room at headquarters -- so the two-part SVTC, the 3 o'clock SVTC starts. In that room, all the Assistant Directors and a gaggle of other folks, plus all the 56 SACs and probably ASACs, supervisory, intel analysts. It depends on the field office who they bring to the SVTC. When that SVTC ends, all the special agent in charges log off. All the outstations log off. And the folks that are still in the room are the folks that were originally there for the first part.

Q Okay. And those people would potentially also have staff with them that are there taking notes, or it would just be the principals?

A So, usually the only staffers would be the Chief of Staff for the Director if the Director was present, Special Assistants to the Director, the Deputy Director, maybe a couple others, but generally, I don't think the Assistant Directors brought staff into the room. It's -- I don't remember how many seats there are, but --

Q If the Director in a normal SVTC, where he might be there, who would he bring? Who would his Chief of Staff be?

A He would bring his Chief of Staff, and likely his Special Assistant would sit in. Not always. There were times where -- there will be times where somebody would be absent. They were on travel, or they were out. But usually you could see them sitting in the back.

Q Who would they specifically be for Director Comey?

A The persons?

Q Yes.

A At the time, it would have been Jim Rybicki and -- 2016 -- I think Eric Smith by that point. September -- I'm not positive about that. But September 2016, I think it was Eric Smith.

Q Who would Mr. McCabe typically have if he were present?

A So McCabe, present would be his Special Assistant, which was at the time Troy Sour -- Sours, I believe. Not positive. Have to check the -- and then I don't know if his counsel or any other staffers from his office would sit in.

Q If he were to bring --

A You can't see the whole group.

Q Sure. If he were to bring a counsel, who would that likely

have been?

A Probably Lisa Page.

Q Okay. So you're on this SVTC, and you are ready to update whatever you would normally update and -- from New York, and part of that is this discovery of something on Mr. Weiner's laptop not germane to the original investigation. What do you say? To the best of your recollection?

A So what I had was, I had, I believe I had three topics -- well, it became three topics once the laptop information was reported to me, that I was going to talk about. I believe it was an update on the Chelsea bombing, a heads-up on a -- we were hearing about a New York Times story about the lack of women executives in the Bureau, and then the third thing was the Clinton domain names that were found on the laptop of the Weiner investigation. And the number of emails. So I say emails, but the number of items that had -- that looked like they were possible emails, which was 141,000 roughly, and growing.

Q So, as you're on this SVTC going around the room, or the country by camera, however, was somebody there that also brought an update on the Midyear Exam investigation?

A No, not that I recall.

Q Would you, as the Assistant Director in Charge, know anything about it, even though you're not at headquarters working on it?

A No. I don't -- I don't know if I knew about it. I must have known. I must have known it existed. I don't know if I knew at the time it was called Midyear.

Q So you're still really bringing this to the SVTC based on just the importance of the domain --

A I'm sorry.

Q -- just on the importance of the domains, the domain names, the name of people that your investigators initially saw? That's the important part to you, why you decided to bring it to this SVTC meeting?

A Correct. I mean it's pretty obvious -- wow, that's different -- it was pretty obvious to me that this is a big deal. I'm trying to remember how much everybody knew about the email server case, and I would have to look at the old IG report, but clearly it was -- clearly it was a big deal in my mind.

Q And when you announced this at the SVTC meeting, what was the response from anyone?

A So the visual response, I don't really recall. The verbal response from the Deputy was, he was going to call me after. I believe he told me he was -- he was going to be en route to some other location, which I don't recall exactly, but I think it was Quantico, and that he would call me after.

Q Okay. The IG report, I believe, does indicate it was Quantico. Did he call you after the meeting?

A I called him. He didn't call me.

Q How --

Mr. Breitenbach. I am sorry. Going back real quick, So we see from the IG report that the case agent who initially found these communications had his infamous "oh shit" moment, is that -- is that

how he -- how did -- how did he eventually describe that moment to you, and was that one of the reasons why you initially brought that up on the call --

Mr. Sweeney. No. I didn't talk --

Mr. Breitenbach. -- based on his perception?

Mr. Sweeney. I didn't talk to the case agent before my call at headquarters. The only person I had heard it from was the acting special agent in charge. I don't even think I knew the case agent beforehand. Later I talked to the case agent, probably a day or two later. I'm approximating. But I don't -- I don't believe I even knew who the case agent was at the time.

BY MR. BAKER:

Q So, after the SVTC meeting, when Mr. McCabe indicated he would call you afterwards, how much time elapsed from that meeting to when you made the call to him?

A Guessing, but 2 hours or under 2 hours, hour and a half. Guessing.

Q And you called him why?

A To -- the number had changed. The number of emails, or items, had grown to 347,000.

Q Did you expect that he would have called you prior to you initiating the call, or that was inconsequential?

A I had no reason to think he wouldn't call me. But I knew this was -- the material was, one, it had changed from what I had briefed. So I wanted to make sure it was briefed additionally and

accurately. And, two, it's a big deal.

Q And what, if anything, at the time did Mr. McCabe indicate? I mean, he is receiving the updated numbers from you. What did he indicate he would do or -- anything, if anything?

A I don't recall exactly, but I think he was going to get with the team at headquarters and have them call up to us in New York.

Q Did anybody call up to New York?

A Call, I don't remember. Email, yes, the AD, Bill Priestap. Because at some point later I'm asked to provide a point of contact for his team, which was the Midyear team, for them to talk to. And that was, I think, the next day. Not positive, but I think it was the next day.

Q Did you do anything when you hung up from the call relating to this matter?

A So, at some point, I believe either before the call with McCabe or after, or both, I called numerous other -- I called Randy Coleman, who is an EAD, an Executive Assistant Director, and Mike Steinbach, who was an Executive Assistant Director on the national security side, to give them the same -- to make sure they had the same info. I knew Mike was out of town. Normally you can see Mike on the SVTC. But I have a recollection that I think I knew Mike was out of town, or not in the SVTC. But I did not want them to get blindsided by the -- I gave the info to Deputy, and I just wanted to make sure everybody's on the same page.

BY MR. SOMERS:

Q Back up 1 second to your previous response. You said -- I was just confused. You said "provide a contact." Was that you were going to provide your team with a contact, or you were providing headquarters with a contact on your team? I'm confused as to --

A Correct. So I think -- so headquarters -- I think Priestap asks me for a New York contact that his team can engage with on the laptop.

Q Did he tell you who on his team was going to engage with your team?

A I don't remember. At some point, Pete Strzok's involved. I don't think I talked to Pete Strzok verbally, but there's -- I think there was an email where Pete is given, hey, here's the -- here's the POC, but I'd have to look at old emails.

Q Was -- was Pete Strzok on that video conference?

A I don't know. I don't know. You can only see -- usually you can only see the part where the Director sits, which is a table that's not quite as wide as this. You can see like five or -- maybe four or five people across the front and maybe a couple people around the corner, but unless they move the camera, you can't see who's there.

BY MR. BAKER:

Q If I understand your testimony, when you learn of this, coming up the chain from the New York office, it sounds to me like you pretty much hit all the bases. You alert headquarters via this SVTC, where you're alerting a lot of people through that. You're not even sure who all because you can't see everybody, but a lot of people are

there, a lot of staff potentially there. So the alarm goes out there. You have a subsequent telephone call with Deputy Director McCabe, and then you alert Mr. Coleman, who I think would have been in charge of the criminal side of the house, and you alert Mr. Steinbach, who would have been in charge of the national security side of the house. Anybody else you alerted?

A Not that I recall sitting here. I may have, but I -- I'm trying to remember who was in what position, and I don't think so. I don't remember if I called Priestap, but I think I could -- I think I knew Priestap was in the room. I don't know how I would have known that, though, unless I just assumed he was an AD, and he was in there. I don't know. I don't think so.

Q So it sounds to me, in your mind, and correct me if I'm wrong, you've notified headquarters of this discovery?

A Absolutely.

Q Would your expectation have been, based on the people you talked to, that Director Comey would have been made aware of this?

A Yes.

Q And how much of a sense of urgency do you think you projected, and how much of a sense of urgency did they receive to make a determination, on the headquarter end, who they should brief up to, namely Director Comey?

A I don't -- my assumption is they would know from the way I reported it that this is a big deal. And certainly the fact -- the volume of -- the number volume, I would assume that they would take

the same sense of this is a big deal.

Q As the days go by, did you sense yourself, or did you sense from your subordinates in the New York field office, that maybe headquarters did not think it was a big deal?

A Not initially.

Q After longer than a few days, did anything register with you or your subordinates that maybe headquarters was not taking it as the big deal that you felt it should have been?

A So at the -- with subordinates at the time, no. I learned that to be different later. The only recollection I have at some point is, again, the acting special agent in charge comes and tells me that Southern District in New York is calling down to DOJ about the laptop, and he is giving me a heads-up about it. Okay. I forget exactly how that conversation went, but it was something that I, you know, definitely registered and later I talked about. I don't know if I would have necessarily called to report that, like, hey, Southern District's calling down to ODAG to give you a heads-up. I don't know if I normally would have called somebody on that, but I ended up talking to people about it.

Q What was your understanding for the reason of the call from Southern District?

A They wanted to make sure something was getting done with it.

Q Did they have reason to think something wasn't being done with it?

A So later I learned, yes. At the time, no. So I'm mixing

what I know now versus what I knew then. But I don't think I was given any impression of why -- that they thought something was wrong.

Q What did you subsequently learn?

A Subsequently learned the case agent talking to an assistant U.S. attorney thought there wasn't enough activity, and the case agent wanted to blow the whistle on that, and I -- and I believe, if I recall the report correctly, the assistant U.S. attorney then went up her chain of command, saying, hey, there's an issue here, and that's what caused the Southern District to call the DAG's office, or the ODAG, whoever they called.

Q What is your understanding of -- maybe this is going back a little bit, maybe not -- what were some of the reasons that your investigators that actually had the laptop, that were doing this examination that ultimately showed them of these Clinton emails, what was the reason they couldn't dive in a little bit further and have more of an idea of what the content of them actually were?

A That was outside the scope of the search warrant.

Q And that search warrant would have been a search warrant that New York obtained for matters related to the Weiner investigation?

A Correct.

Q Okay. So is headquarters involved in trying to get another search warrant, in trying to interface with the Southern District to figure out what the scope of that original warrant is to see if it might cover other things? I mean, what is going on to actually get authority to go in?

A So my understanding of what was going on, was headquarters was coordinating with Southern District, which included our team, to get -- to see what authorities they needed to get into the laptop for their purposes. And we had -- the Southern District had given them -- given us, which we shared with headquarters, what the parameters were to exploit the laptop, like, here's the limits of the warrant.

Q And was there any headquarter legal entity that was providing or was going to provide additional facts or probable cause boosters for what they knew in the Midyear Examination?

A I don't know. Or I don't recall how that worked. I don't -- I don't know. I presume there would be a legal component to it. They would need their own authorities, or their own probable cause. But that wasn't -- that's -- I don't know how the mechanics of that would have worked, but --

Mr. Breitenbach. Did you have a chief division counsel weighing in on the scope?

Mr. Sweeney. I don't think I talked to her. I think she was included in some of the emails and may have been involved in discussions with the criminal branch in our office, but I don't know if she was involved back and forth with headquarters. I think mostly it was Southern District.

Mr. Breitenbach. And what is her name?

Mr. Sweeney. So she's a non-SESer. She is a GS-15 in our office.

Mr. Somers. Your office did not have probable cause to swear out

a search warrant for the Clinton emails?

Mr. Sweeney. No. And I -- I mean, I knew that it wasn't our right to -- there's another case that exists. This is their purview.

Mr. Breitenbach. Real quick, going back to that initial SVTC, where you reported, did you report the actual number that you stated here in this interview, 141,000 communications?

Mr. Sweeney. Correct.

Mr. Breitenbach. Did you also report that that was growing?

Mr. Sweeney. I believe -- no. I don't think I reported it was growing in the first SVTC -- or the SVTC. I -- when it hit 347, I think I told them it was growing. Because obviously the number grew even higher. I think I told them it was still going when I told them the 347, but I don't recall exactly if I said that. I don't think when it was at 141 I knew it was still going up.

BY MR. BAKER:

Q When you had custody of this laptop, where did it physically sit when your case -- generally? I mean, not exactly work station, but it was in the New York field office, or was it at some offsite where cart -- your computer folks --

A No, I believe it was in the New York -- I'm guessing, but I believe it was -- well, I know it was in the New York field office. I don't know which building. I think it was with the case squad. I don't know the mechanics of how they -- where cart sits.

Q Sure. It's my understanding that maybe cart, maybe your case agent, something's being processed on this laptop.

A Correct.

Q And something they are looking at is not moving fast, or it's stuck or something, and that triggers them to look, and they see this big trove of other emails or communications? Is that correct?

A So I -- I believe it is [REDACTED] I think I learned this when I talked to him a couple days later, but I believe he thinks it's taking too long to do its processing, whatever the technical term is. And he goes into it -- into the data, however you do it, and clicks on an item. And when he clicks on the item, he sees an item that he thinks, this is not my case -- this is not my material. And then might click on a couple others realizing something's not right here. And that's what causes him to report it.

Q Is that [REDACTED]?

A [REDACTED]

Q And that's what triggers the reporting up the chain of command?

A Uh-huh.

Q I think he calls another agent over to look at it to maybe verify that what he thinks he sees, he sees?

A I think you're right, but I don't know if I knew that at the time.

Q Okay. So where is that laptop now?

A I think we still have it. I don't know off the top of my head, but I think we still have it.

Q So, to the best of your knowledge, it hasn't been returned to anyone or --

A I don't think so.

Q -- hasn't been destroyed?

A No. And there's -- right when we -- when we take a -- there's a mirror. It's mirrored. You don't operate off the actual device. I believe we still have it.

Mr. Breitenbach. Is that something you can get back to us, to let us know if you do have that in your possession still?

Mr. Sweeney. I presume, yeah.

Ms. [REDACTED] Sure, we can find out.

BY MR. BREITENBACH:

Q But you are aware there was an image that was made of the original laptop?

A Yeah, any -- any time -- my understanding of how the process works, any time you seize an electronic device, you are making an image of it, and you're working off the image. You're not working off the actual device.

Q So, even if the original laptop had been returned to the owner, which is actually stated in the search warrant in this particular case, you would still have possession of an image, or would that image also be destroyed or --

A So I would have to check. I know -- I don't know how long they maintain the evidence. I don't know for certain. We can check.

Q Okay.

BY MR. BAKER:

Q Was there a time when images on an individual work station were told to be eliminated during the course of processing or during the pendency of the case? Are you aware of any --

A Not that I recall.

Q Not eliminated totally, but from a particular work station?

A Oh. Yes, I think so. I'm trying to remember the name of the thing. I can't -- I can't recall the name of the technical thing, but, yes. So, if there's classified information on a unclassified device -- so the system we had, I believe, to process digital evidence is an unclassified thing. I'll come up with the name later. So, if it's discovered that there's something on there, you would have to clear that off, however the process is. I think that is -- I think that occurred at some point.

Q Okay, in your initial discussion with Mr. McCabe, did you have any followup discussions with him in close proximity to the discovery of these? I know there would have been, way down the road, probably more communications?

A I don't know what your definition of "close proximity" is, but --

Q A couple of week --

A A week, no, I don't think so.

Q Did you have any expectation from any conversation with Mr. McCabe, or any of the folks at headquarters you talked to that a team from headquarters would be coming up, or an individual from

headquarters, that somebody physically from headquarters would travel to the New York field office to look at what you found?

A I don't -- I don't remember if I -- if a team was physically coming. There certainly was going to be a team engaged to figure it out. I don't know if I was told that a team would physically come up. I think later I heard that, going, like, fast forward a month.

Q Okay.

A I don't remember exactly when I heard that folks were coming. If they were coming.

Q Would you have expected that someone from headquarters would have come earlier, or did anybody come at all?

A I don't remember if anybody came at all ever. I thought they did, but I'm not positive about that. If it -- if there were, it was limited. Would I expect that people would have to come up? I don't know if I would expect -- I certainly would have expected a team would be engaged. I don't know if they would have to be physically present to do whatever they needed to do. At some point, there was a discussion about getting a search warrant for the laptop and where that search warrant would have to be filed, either in -- excuse me -- Southern District or down here. And I believe there was discussion around that time that the laptop -- that the image would have to go to -- would move, but I'm not positive about that.

Q Do you know how that legal issue was ultimately resolved, where it was filed, and where it was drafted, the search warrant?

A I believe it was filed and drafted down here.

Q Okay.

A I don't think it was filed in Southern -- I don't know if I've ever even seen it.

Q Okay.

A I think it was filed down here.

BY MR. SOMERS:

Q Just recapping a little bit what you said. Did your team -- you ultimately had search warrants obtained. Was your team involved in the search pursuant to that search warrant?

A The --

Q The second search.

A The second search warrant?

Q The Clinton-related search warrant.

A I don't think in the end we were. I don't think in the end we were.

Mr. Breitenbach. It has been reported that the case agent initially finished the processing, the basic processing of the computer to determine how many Clinton related emails were on it on October 4th. Does that sound about right?

Mr. Sweeney. I think I read the same since. I don't think I knew that at the time. I might have, but I know the number crossed over 650,000, maybe. I don't know exactly how that -- when that ended.

Mr. Breitenbach. Okay, and so the 650 --

Ms. [REDACTED] So can I -- are we asking him based on what he knew, or are you asking him based on what he's learned? Because I think he

just distinguished that he read somewhere. So if we can just be clear.

Mr. Breitenbach. Good question.

BY MR. BREITENBACH:

Q I would say what you knew at the time. Was it reported to you that --

A That he finished?

Q -- that the initial processing had been completed on October 4th of 2016?

A I don't remember that -- being told that. I don't know why I wouldn't be told that, but I don't -- I don't have a memory of being told, hey, we're done.

Q Were you -- did you ever inquire as to the final number that had been found in terms of on -- being on the laptop, with regard to Clinton-related communications?

A No, I don't think I ever inquired as to, hey, what's the exact final number. I remember being told it was over -- I want to say 650. It might be 675. Thousand.

Q So you couldn't -- if you didn't know that the initial processing had been completed on October 4th, you couldn't confirm that an email that Peter Strzok sent Lisa Page on November 3rd, indicating that your New York office completes carving on October 19th, 2016, you wouldn't be able to know whether that was accurate or not, or would you?

A I don't think I would know if that was accurate. Is that the timeline that's in the IG report?

Q Correct.

A I -- I don't think I -- I don't know if I can know that was accurate. I remember seeing a timeline, but I don't remember even what it said.

Q So you wouldn't know whether it's accurate that he is reporting the New York field office had completed its processing on October 19th, despite other indications that the agent had completed it on October 4th?

A Right. I don't -- yeah, I don't know how that -- I don't think I knew at the time he was done October 4th. And I think the first time I saw that was in the IG report.

Q Okay.

Mr. Somers. So we have two dates. We have an October 19th date for completion in an email; we also have an news report, or a news story, that has an October 4th completion date of searching for these -- the number of emails. Do you know whether either of those dates is accurate?

Mr. Sweeney. No.

BY MR. BAKER:

Q With what you knew then, not now, had you heard anything coming up from your chain of command, or anybody at headquarters that you may have just had a social acquaintance with or official relationship with? Was there any talk about the scope of the new search warrant being too narrow?

A What I knew then, no.

Q What about what you know now?

A I don't even think I was involved in those conversations. But what I know now, I think only from -- I think it's from the IG report, people saying it was too narrow. But I don't think that came across my radar back then.

Q Nothing from your case agent that you recall?

A No. The only -- the only thing I recall about the scope of a search warrant was from the Southern District Assistant U.S. Attorney stating what we could do and what we couldn't do with what we had and what authorities existed. And that was early. So that was sometime obviously after the 28th, but I think within a couple days of that, there's an email record of it.

Q Yeah, it's my understanding that your case agent, the CDC, somebody from New York, was interfacing with Southern District, and I think very early on, it was very clear that they were not supposed to be doing anything with those and that, you know, prompted or facilitated the dialogue back to D.C. to figure out what they were going to do.

When you were -- when you were having these discussions with headquarters, your initial notification, any subsequent calls you had, was it your impression that New York was supposed to do something and get back with Washington, D.C., or that Washington was supposed to take this information and do something, whatever that something might be, with the New York field office?

A My impression was Washington, D.C., was supposed to take it

and run with it, not our -- it's not ours.

Q And did they do -- did they take it and run with it like you thought they would, or should?

A Later I learned, no, from reading this report. At the time, I don't think I knew there was a potential issue until I'm told Southern District is calling down to ODAG -- or I keep saying ODAG, but down to DOJ.

Q But at the time, you thought the information you and your team were -- your subordinates, whatever communications they were having with Washington, or FBI headquarters, you, at the time, thought that everything that was supposed to be done in D.C. was, in fact, being done? You may not have seen the fruits of it yet, but you assumed it was being done?

A Correct. To include the assumption if somebody made a decision nothing could be done. It's not my -- I'm not part of that, privy to it. I have no reason to think nothing would be done inappropriately. If that's the --

Q And do you also believe that Mr. Comey would have been made aware of this?

A I would -- I would assume that would be the case, yes.

Q What you know now, was Mr. Comey advised of your concerns and your field office discovery as quickly as you would have thought he would have been?

A What I know now, no.

Q But at the time, you assumed that what you brought to that

SVTC and the subsequent conversations you had with Coleman and Steinbach, you thought you had rung the bell sufficiently loud that it would have reached the highest levels of the FBI to include the Director?

A Correct.

Q And what -- recapping what you said previously, you now know that did not happen?

A I -- based on the IG report, I know it's reported that he was told briefly, and I know he was certainly told on October 25th. But, so, yeah, if he received the briefing -- if he received the briefing that's discussed in the IG report early on, it was mentioned to him.

Q Okay.

Mr. Breitenbach. Let me go back to the search warrant itself. You had indicated you weren't sure where it was filed. We have the search warrant, and actually, we can introduce it as exhibit 1.

[Sweeney Exhibit No. 1

Was marked for identification.]

BY MR. BREITENBACH:

Q It was, in fact, filed in the Southern District of New York on October 30th of 2016.

A Okay.

Q So we have a period where you first learned about this on September 26th, there or abouts. You have then the actual laptop in your possession in the New York field office for about a month. Is

that correct?

A Yeah, that would be correct.

Q Were you asking questions as to what was happening with that laptop for that intervening period of a month?

A Not that I recall. Early on, obviously, just the assignment of the team or the, hey, here's your point of contact for your team down at headquarters. But, no, I don't think I had any conversations other than the one I referenced earlier where -- well, I obviously talked to the case agent within a couple days, and then the one from the acting special agent in charge about Southern District calling down to D.C. I don't think I had any other conversations until we get to the 25th.

So I obviously -- I tell the deputy about the ODAG -- or the call from Southern to ODAG, and later I talked to Priestap before the search warrant -- I think before the search warrant. I'd have to look at the IG report dates. Because I think there is a conversation about, they are going to do the warrant that weekend, which is the 30th.

Q Do you find it unusual that, in your position and with regard to the sensitivity of this case, that you would not have been informed that a search warrant was being issued out of your office?

A So it's issued out of the Southern District. It's not -- we're not doing the search warrant. In other words, we're not involved -- to my knowledge, we're not doing this warrant. This is agents from the Midyear team doing process in Southern District.

Q Okay, so once -- okay, I understand. So, once the

processing was done by your agents, it's eventually handed over to the Midyear team, and then they get it issued out of the Southern District?

A Correct. And so I think there was a discussion about -- at some point, there was a discussion about what district they would have to do this out of, and obviously that's based upon the presence of -- it's the jurisdiction, right? So where is the device and who would have to do the warrant. I think there was a conversation about that. I don't remember when that occurred, and I think it was after the Director gets briefed on the 25th and after the call with Southern to DOJ. Essentially, hey, let's go, what are we doing with this thing? I think that's when the discussion occurs about where do we have to do this warrant. "We" meaning -- where -- where does the government have to do this warrant. But I would have to look at the sequencing of the dates.

Q But your office has possession of the laptop, and you had already processed it.

A Yep.

Q [REDACTED]

A [REDACTED]

Q [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A I don't know. [REDACTED] I don't -- I don't know what the tech -- if there's an actual technical -- I don't know.

Q Was it eventually transferred to Quantico?

A I think it was. I don't know. We can check. I don't remember. I think -- I think it was. I just don't remember.

Q So, if it were, at that point, do you lose all insight into what is happening with regard to a search of the contents?

A Well, we wouldn't have insight. We're not doing the search. So, in other words, New York agents aren't doing this search at all, to my knowledge. This is Midyear team executing a warrant in this district for their case.

Q Did you ever hear any pushback from your agents as to why they were not engaged in exploiting the laptop rather than headquarters -- a headquarters team?

A No, I don't think so. The only push we had was to -- to include, hey, should somebody from our team be included for other reasons. But it wasn't even a -- it was not -- it wasn't a fight from the lower levels, I don't think. But as far as this Midyear, I don't -- I don't think we would have any reason to think -- or any of our subordinates would have any reason to think they should be involved

in this.

BY MR. SOMERS:

Q Were you aware that they -- I mean, obviously your team knew -- I mean, obviously, but it would appear now that your team was aware the search had not been conducted up until late October?

A Correct.

Q Were you aware of complaints within your office about the fact that a search was not conducted?

A No. The first -- the first time I think I become aware of an issue is when we were doing document production for the IG, and there's an email from the case agent to himself describing a conversation he had with an AUSA, and his concern that things weren't moving quickly enough and people were sitting on it.

Q Can I just interrupt you? Is this a copy of that email?

A Yes. Yeah, I believe it is. So I think I become aware of this during the document production to the IG, and we actually report this to our Inspection Division because I'm concerned that somebody is telling him to keep his mouth -- I'm concerned that somebody from the U.S. attorney's office is telling him not to report this. So I'm essentially now reporting an AUSA for trying to stymie this guy.

Q But you are concerned with that end of it, not with him actually wanting to whistleblow?

A No, I had no idea he wanted to whistleblow at the time.

Q And not asking the individual's name, but the author of this email is the case agent?

A Correct.

Q The case agent that originally discovered the --

A Yep.

Q -- emails?

Ms. [REDACTED] Can we identify the email?

Mr. Somers. Oh, I'm sorry. We'll mark it as exhibit 2.

[Sweeney Exhibit No. 2

Was marked for identification.]

BY MR. BAKER:

Q Do you know what happened with that inspection investigation of the possible discouraging someone from whistleblowing?

A No. I believe Inspection told the IG. I told the IG as well when I was interviewed. But I don't know what happened with it. I don't think it was -- I don't know what happened with it.

Q So, again, my review of things, I'm left with the impression you touch all the bases. You even reported this to your internal Inspection Division. I would be curious, you, as the head of a large field office, in your capacity -- I think you said SAC of Philadelphia -- if you had a case in your field office, a big, high-profile case, and sort of in the final -- in the last minute of the case, another field office finds evidence, somewhere, on a laptop, anywhere, that is potentially very relevant to the case you have, would you have required your subordinates to get that evidence quicker than was done by headquarters in Midyear?

A I think it depends on the circumstances and the complexities

of whatever the issue is. I think it's case by case. And whether or not you even have the -- if we're talking about a search warrant, whether or not probable cause exists. So I think it's hard to answer. It's a broad -- broad answer. I think it would depend on the case. There's certainly been instance where -- instances where I've wanted things, but I just can't get them, because rules are rules. I don't think it's to what you're asking.

Q If you were not the Assistant Director in Charge of New York and you were an Assistant Director back in headquarters during the time of this, would you have acted quicker in any regard? Knowing what you knew then, knowing what you know now, would you have done things differently? Your opinion.

A Knowing -- I'm pretty aggressive. I would've probably -- it's hard to second-guess somebody because I wasn't there and don't know all the facts they knew, obviously. I would be -- I certainly would have understood the significance of this and moved with speed.

Q Okay.

Mr. Baker. Where are we on time?

Mr. Breitenbach. Five minutes.

BY MR. BAKER:

Q We can get into this a little more later -- or, actually, one more thing on the laptop before I jump to something different.

With what you knew then, and I don't know where the then and the now actually, the dividing line is, because it's all kind of fluid.

Were you ever under the impression that everything on the laptop was eventually examined, whether it was related to the original case or Midyear Exam? Did you have the opinion, impression, belief, that everything, at some point, was examined on the laptop?

A Then, yes -- no, not even then. Everything -- no. So whatever was within scope of whatever warrant, yes. My -- you could have things on that laptop that are not within scope of any legal processes and that still haven't been examined, I guess. If you realized something straight up on its face, if you see a photo, for example, that has -- photo is probably a bad example. If you see a document that has nothing to do with the Weiner case or what Midyear was authorized to look at, I wouldn't expect like a deep dive -- maybe a cursory. Not within scope.

Q Was it your opinion then that everything that would have been within the scope of either warrant would have been examined -- was examined?

A I believe so, yeah.

Q Is it your opinion now that everything that was within the scope of either warrant was, in fact, examined?

A I don't know how the actual -- how the search warrant was actually executed. I think at the time, I thought they -- they went through whatever -- however the process they used, would have hit everything. My -- I know there's news reports now that -- and I don't know if they're valid -- that they did not look at everyone, but I don't know if that's true.

Q So, then, had you heard anything about deduplicating technology?

A I don't know if it was -- if I would have called it that. I think I would have assumed that we had a way to make sure we're not hitting dupes. But I probably would have thought it was either off of common words, whatever, the key words, off a key word search, or maybe if there's a document -- I'm not a cyber guy, but like an MD hash. But I would have -- I think I would have thought that, yeah, that would be a technique that they would use to -- I don't think I would have ever thought that somebody was going to sit there and physically read every email, but maybe I did. Maybe I give ourselves more credit than --

Q So do you believe everything that should have been looked -- that could have been looked at because of warrant scope, was, in fact, looked at?

A I don't -- I don't know if I'm in a position to comment on it, because I don't know how they actually did it. I don't have any reason -- I don't think I have any reason to think that it wasn't done properly, if that's the question. I just don't know the technique they used. I know obviously it was done a lot quicker than people estimated it would be. But I just don't know how they did it.

Mr. Breitenbach. Based on news reports that you mentioned, indicating that not all the emails have been exploited, can you give us any indication whether there's another review to determine whether that, in fact, is the case?

COMMITTEE SENSITIVE

Mr. Sweeney. I don't -- I have no idea. I don't know if there's another review or not. I don't even know if the news report is valid.

Mr. Breitenbach. Based on -- I am sorry.

Based on just your experience, after a case is closed, and you -- you see a news report indicating that there may or may not be additional evidence, what is the process that a case agent or an Assistant Director in Charge as yourself might take in order to determine whether you do need to re-review evidence?

COMMITTEE SENSITIVE

[11:44 a.m.]

Mr. Sweeney. So I think after I saw the news report, which was recent, I called the -- or I was in conversation with the acting executive assistant director; "Hey, do we know, is this true?" And it's up to him to -- it's not my purview, but it's up to them to figure out -- obviously, he wasn't there at the time, but get back with the Counterintelligence Division and see, was everything done correctly? I don't --

BY MR. BREITENBACH:

Q So you've actually made a call to the current EAD after that story --

A The acting EAD.

Q And are you referring to the RealClearInvestigations article?

A I don't know what article it was. I remember seeing an article. I don't remember where it was.

Q And who is the current EAD?

A Mike McGarrity. Well, he's an acting EAD.

Q Mike?

A Michael McGarrity.

Q Thank you.

A Let me -- I might be mixing up conversations. I might have talked about it with the ADD. I don't remember. I might have talked about it with the ADD. But it wasn't like, "Hey, this is an issue." We talk all the time.

Mr. Baker. That would be associate deputy director?

Mr. Sweeney. Correct.

I would have to think about that. But I definitely talked to somebody about it. "Hey, did you see this article" kind of thing, but not a -- I'm not, obviously, directing anybody. But I'm a news junkie. But I definitely had a conversation with somebody. I think it was Mike. It might have been Paul, but I think it was Mike. I could find out.

Mr. Breitenbach. I understand you wouldn't know, as the person in charge of the field office, exactly everything that was or wasn't looked at. Was the representation made on any SVTC as the year went on that everything had been looked at?

Mr. Sweeney. I don't think so. I don't recall anybody talking about it after -- on a SVTC? No. I don't think so.

Mr. Breitenbach. Okay.

I think we're out of time. Thank you.

[Recess.]

Ms. Kim. We are back on the record. The time is 11:46.

Good morning, Mr. Sweeney. My name is Janet Kim. I am a counsel for Ranking Member Elijah Cummings of the House Oversight Committee. I will be asking you some questions today.

Mr. Sweeney. Okay.

#### EXAMINATION

BY MS. KIM:

Q I'd like to go back to the chain of individuals who reported the discovery of the emails on the Weiner laptop up to you. So you

stated earlier that the case agent was the first to discover the emails. Is that correct?

A I'm sorry, can you -- the case agent was the first to discover it? Yeah, I believe that is correct.

Q And who did the case agent report to?

A The case agent reports to a squad supervisor.

Q And who does a squad supervisor report to?

A An assistant special agent in charge.

Q And who does the assistant special agent in charge report to?

A To a special agent in charge.

Q And who does the special agent in charge report to?

A To me. To the assistant director in charge. There's a lot of "in charges."

Q So you've named at least five individuals in the New York field office who would've had knowledge that the Clinton emails were on the laptop by the time that information got to you. Who else in the New York field office, to your knowledge, knew about the existence of the Clinton emails and the Weiner laptop?

A Probably a bunch of people. I don't know exactly who, but probably the squad --

Q So the other members of the squad that the squad supervisor was overseeing?

A Uh-huh. That's a guess, but my assumption would be the squad.

Q Did you discuss this with your management team at all?

A Probably. I don't think anybody was in the room when I reported it, but later, obviously, people were aware of it.

Q Understood.

Peter Strzok has testified to our committees that he immediately instructed FBI agents working on the Midyear Exam matter who reported to him to follow up with the New York field office regarding the Weiner laptop when he learned about the new emails in late September 2016.

The Inspector General's report also states that a conference call between Mr. Strzok's team and the New York field office team occurred on September 29th.

Do you have any reason to question Mr. Strzok's testimony on this matter or the Inspector General's report on these facts?

A No.

Q Were you aware that Mr. Strzok's agents followed up with the New York field office upon receipt of the initial information about the Weiner laptop?

A I think so. On the 29th? I think so.

Q I'd like to ask you about the events that would have occurred after Mr. Strzok's agents followed up with New York about this. So is my understanding correct that the New York field office continued to process the data on the laptop?

A I believe that is correct. It continued -- I don't know if an agent physically does anything, but I think the processes continued.

Q So the New York field office and the Midyear Exam team at

headquarters have a conference call in late September 2016. The New York field office continues to process the data. What's the next step in the chain?

A I don't know. I think the Midyear team is attempting to determine if they can get a warrant, would be my understanding of the next step.

Q So the next step in your understanding is -- is the next step in your understanding the contact between the SDNY prosecutors and the Midyear executive team down in Washington?

A No. So there's an email -- I don't remember the exact date, but there's an email, which I believe is generated by Southern District, which gives the scope of what activity can be done with the laptop and what the parameters of the warrant are. That is shared with the headquarters folks. I know I shared that with the AD, Bill Priestap, and I believe it's shared with a number of other people. You'd have to look at the email.

Q And is the timeframe in which this scope is shared the same timeframe in which you're informing executives at FBI headquarters about the existence of the email, so the September 28th-29th timeframe when you're discussing this with Mr. Priestap, with Mr. Steinbach, and with Mr. Coleman?

A No. So, if you're making a timeframe, it's not discussed that first day. It's within a couple days of that. I want to say within the next day or two. The date will be on the email. But I'm not having other conversations -- I'm not having other verbal

conversations with any of those folks. At this point, that team has that info in an email.

Q So I want to make sure I understand you correctly. In the September 28th timeframe, within a day or two of the first time you informed Mr. McCabe about the existence of the emails --

A Uh-huh.

Q -- you also reach out and discuss this with other members of the executive team such as Mr. Steinbach, Mr. Priestap, and Mr. Coleman?

A Right. So the calls with Steinbach and Coleman are the same day, on the 28th. I believe I said I talked to Priestap either by email or by phone which is the same day. But then the email that we're talking about is, I believe, a day, maybe two days later. But I don't think it's on the same day that I alert headquarters, "Hey, there's this trove of emails."

Q Understood. So, as part of informing them initially over a course of several days about the existence of the emails, you send them an email about the scope of the warrant that SDNY has on the laptop. Is that right?

A No. So the first day, the 28th, I tell the deputy, the EAD -- the two EADs and, I believe, the AD. During the SVTC is the initial report of the 141,000. During a phone call is the 347. And then that stops. I don't have another conversation with -- I don't believe I have another conversation with any of those guys.

The next conversations are separately with EAD asking for a point

of contact for his team to deal with New York.

And then I believe subsequent to that is the email to that level, to AD Priestap and, I believe, below, of what the scope -- our current scope is and what can and cannot be looked at and how. I don't think I share that with anybody about Priestap. And I don't think I have any conversations with anybody above Priestap about the scope limitation.

Q Thank you for the precision. I think you and I are actually agreeing here. We're just differing on what we're defining as the initial period.

A Okay.

Q So all I'm saying is, between the first time that you informed Andy McCabe and maybe 3 or 4 days subsequent to that, you had a series of communications with individuals at FBI headquarters, including about the scope of the SDNY warrant on the laptop. That's correct?

A Correct.

Q And during this period, the FBI New York field office was continuing to process the Weiner laptop. Is that correct?

A Correct.

Q And sometime during this timeframe, also, there was a call between the New York field office and the FBI headquarters Midyear Exam team agents. Is that correct?

A I believe that's correct. I think that occurs on the 29th.

Q Yes.

A The video call? Yeah, I think that's the 29th.

Q What is the next contact between the New York field office and the Washington, D.C., Midyear headquarters team that you're aware of?

A The one I know of is the weekend where the search is occurring. I think there were others, but I don't know what the dates were.

Q So you are not aware of any communications from the New York field office to the Midyear Exam team stating that the processes running on the laptop had been completed?

A I don't think I was, no.

Q Mr. Sweeney, Mr. Priestap came into us and had a transcribed interview much like this. In that interview, he stated the following. I'll read his quote to you.

"All I know is, both in counterintelligence generally and in this case specifically, to obtain the necessary legal approval to search that laptop often takes a while. And so the timeframe, in my opinion, between when the FBI learned about it" -- the Weiner laptop -- "to when we received the search warrant approval was in no way abnormal. I'd actually argue it was pretty quick overall. Especially the more, let's call it, politically sensitive cases are, the legal approvals necessary to take investigative action are often delayed, and they're often delayed for good reason as very smart people take hard looks at the issues involved."

Do you agree with Mr. Priestap's characterization that a month was not an unusual time for the FBI to process the data on the laptop

and decide whether it would seek legal process to review the data on the laptop?

A No.

Q You don't agree with Mr. Priestap. Why is that?

A I don't think it necessarily takes a month to figure that out.

Q So you are disagreeing with his characterization that in politically sensitive cases a month is not an unusually long amount of time?

A I think it depends on the case. It's a case-by-case instance. But, obviously, we've taken action on things quicker than month and longer than a month.

Q How much insight do you have into the running of the Midyear Exam investigation?

A Not much.

Q So did you staff the Midyear Exam investigation, the portion of it that concluded with Director Comey's public announcement on July 5th?

A Did I staff it?

Q Yes. Did you work as an agent on it?

A No, no, no, no, no.

Q Were you involved with any of the investigative decisions?

A No.

Q Are you aware of how much data was reviewed by that team during that portion of the investigation?

A I don't recall if I'm aware of the amount. No, I don't think I was.

Q Are you aware of how many witnesses were interviewed and what the witnesses said?

A Nope.

Q So when you say that you disagree with Mr. Priestap's characterization of the length of time, what are you basing that statement on?

A His statement seems overly broad, that in a politically sensitive investigation it could take that long. My answer is it depends on the investigation.

Q So --

A It's fact-dependent.

Q You say it's fact-dependent. Do you have the facts with the Clinton Midyear Exam case to determine how long it should've taken the FBI to act on the Weiner laptop?

A I have the general facts of we had the laptop when we received it. That's the facts that I have.

Q But you don't have, for example, the facts that someone like Mr. Priestap would have had about how much of the data on the Weiner laptop would have been an overlap from the data that they had already reviewed in the case. Is that correct?

A Nobody would've at that point had -- nobody would've known what the overlap was.

Q But you, in particular, did not have inside knowledge --

A Nope.

Q -- about the amount of data that had been reviewed or the scope of data that had been reviewed already by the Midyear Exam team and the scope of data that existed on the Weiner laptop?

A At the time, very limited knowledge, if any.

Q Did you have knowledge about the types of domain names that the Midyear Exam team was targeting in its search in the Clinton emails?

A I don't recall. I may have from public information, but I don't recall exactly.

Q So is it accurate to say, then, that your disagreeing with Mr. Priestap's general characterization is based, one, on the fact that you think he's being too broad and, secondly, on your general experience as a manager at the FBI but not on any particular knowledge of the Midyear Exam case?

A I think that's fair.

Q Mr. Sweeney, there is a theory that Peter Strzok attempted to bury the existence of the new emails on the Weiner laptops in the September and October 2016 timeframe.

The Inspector General's report is quite clear that you reached out to multiple senior officials at the FBI. It states that on September 28th you reported on a secure video teleconference for FBI assistant directors, which approximately 39 senior FBI executives attended, that there was a significant number of emails discovered on the Weiner laptop. Is that correct?

A Correct.

Q The Inspector General's report also states that you reached out to two executive assistant directors at FBI headquarters that same day. Is that correct?

A Correct.

Q And which executive assistant directors did you call?

A Mike Steinbach and Randy Coleman.

Q And the Inspector General's report also states that you reached out separately to Assistant Director Bill Priestap to inform him about the Weiner laptop emails. Is that correct?

A Yeah, correct. I believe that's correct, yep.

Q And you already stated that you also called Deputy Director Andrew McCabe to personally brief him about the increasing number of emails discovered on the laptop on September 28th. Is that correct?

A Correct.

Q In your estimation, how many senior FBI officials, other than Peter Strzok, knew about the existence of Midyear Exam-related emails on the Weiner laptop as of September 30, 2016?

A Well, at least the -- I would say at least 40-plus.

Q So that would be more than 40, including the other assistant directors on your call with the deputy director, the deputy director, Mr. Priestap, Mr. Steinbach, Mr. Coleman, Mr. Strzok, and whoever Mr. Strzok had instructed to reach out to the New York field office?

A Right. Yep.

Q Are you personally aware of any actions that Peter Strzok took to bury or backburner the Weiner laptop?

A No.

Q Given the number of senior FBI officials who knew about the existence of the Weiner laptop and the emails on it, if Peter Strzok had wanted to bury the Weiner laptop, would that have been possible?

A No, I don't think so.

Q To your knowledge, did the FBI ultimately review the relevant data on Anthony Weiner's laptop that related to the Midyear investigation?

A Ultimately review the relevant -- sorry, I couldn't -- relevant information? I believe so, yes. Other than the report, the news report -- which I don't know if it's valid -- described, yeah.

Q Do you have any reason to believe that the Midyear team's review of the new emails found on the Weiner laptop was anything less than impartial or complete?

A No.

Q Do you have any reason to believe that the FBI or the Justice Department ignored any probative data on the Weiner laptop?

A No.

Q Have you ever seen any evidence that the Justice Department or the FBI buried or minimized relevant probative evidence of Secretary Clinton's guilt?

A No.

Q Have you personally seen any evidence of political appointees at the Justice Department giving inappropriate instructions

about the conduct of the Midyear Exam investigation?

A No.

Q Have you seen any evidence of political appointees at the Justice Department attempting to inject the Clinton email investigation with improper considerations, such as political bias?

A No.

Q In your discussions with my colleagues on the other side, you were asked about a range of dates. You said that you were uncertain about some of the dates. I think that indicates that your memory seems to be a little hazy at times with regard to specific facts or specific dates. Is that right?

A I don't -- I think it's a mix of being interviewed multiple times and learning things as the last 2 years has gone through and trying to stay specific with -- trying to focus on what did I know at that moment versus what do I know occurred at that moment now. As an example, this email in front of me.

Q Understood. Where dates or facts in your recollection conflict with what we have heard from the Inspector General's report, which is more reliable?

A I don't think I know of dates that conflict. That I have that conflict with the IG's report?

Q I think some of the September 2016 dates you mentioned.

A Do you have an example of that? I don't --

Q I'm asking as a general matter. So, when a fact that you've recollected in this round or in the previous round disagrees for some

reason with the Inspector General's report, which would you put more confidence in?

A I'd go with the Inspector General report dates.

Q Thank you.

[Sweeney Exhibit No. 2

Was marked for identification.]

BY MS. KIM:

Q I'd like to discuss exhibit 2, the email that you have in front of you.

So, as far as you can tell, the original email is entitled "Letter to Self." It appears to be from an individual in the New York field office to another individual in the New York field office.

Do you think I'm correct in characterizing this as an email that an individual in the New York field office sent to him- or herself?

A Correct.

Q Okay. And this individual is complaining, I guess, or listing facts about the way that he or she is perceiving that headquarters is processing the Weiner laptop and the new emails on the Weiner laptop. Is that a fair characterization?

A Say that one more time. He's saying what?

Q He's characterizing what he perceives to be headquarters' response or lack of response to the Weiner laptop.

A That's correct.

Q The title of this individual, as we see on the signature block on the second page, is a special agent. The affiliation is "violent

crimes against children." If you had to take your best case, what is the rank of this individual?

A Special agent.

Q Special agent in the New York field office?

A Uh-huh. Correct.

Q You stated that, as the assistant director in charge of the New York field office, you do not have insight into the way that headquarters was running the FBI Clinton investigation.

A That's generally correct. Right.

Q What kind of insight would a special agent in the New York field office working in violent crimes against children have had in the way that the Midyear Exam team was running the investigation?

A My presumption is none. I don't believe this agent was ever assigned to it.

Q So this agent is listing a set of concerns that he or she has personally but is not, in fact, conveying information that he or she has about the actual way that the investigation is being conducted in Washington. Is that correct?

A I believe that's correct. Right.

Q That would be my assumption. Is that your assumption as well?

A I'm just trying to remember when he -- this is October 20th, so I'm assuming he's not referring to -- his only exposure is what he knows after he found the laptop. He knows no connection to Midyear other than what he's working.

Q Okay. Thank you.

[Sweeney Exhibit No. 3

Was marked for identification.]

BY MS. KIM:

Q I'd like to introduce a document I guess I'll label exhibit 3. This is a November 4th, 2016, article from The Guardian. I'll give you a moment to review it.

A Okay.

Q Are you familiar with this article?

A I think I've seen it before. I don't know if it was in The Guardian, but --

Q So I'll characterize for the record that the article is entitled "The FBI Is Trumpland: Anti-Clinton Atmosphere Spurred Leaking, Sources Say." It was published on November 4th, 2016, a couple days before the election -- a few days before the election, excuse me. And it characterizes a deep antipathy to Hillary Clinton within the FBI. Is that a correct characterization of the article?

A Yes.

Q Is that consistent with your personal experience in the FBI?

A No.

Q Have you ever heard of antipathy towards Hillary Clinton within the New York field office?

A No, not as -- no, only as a -- only professionally, I think, as people working a case, as with any other subject.

Q Can you elaborate on that? I don't think I understand what

you mean.

A Yeah. No different than if you have a case on a subject and you're trying to work a case on an individual, not a professional -- or, rather, not an unprofessional disdain for the person, but just trying to get to the facts of a case, not like this.

Q So is it your statement here today that you have never heard anyone at the New York field office express an opinion expressing antipathy towards Hillary Clinton?

A No, I don't think that would be fair either. I don't have specifics, but, clearly, people have political opinions.

Q And some of those political opinions in the New York field office of the FBI were anti-Clinton political sentiments. Is that accurate?

A I don't know if I've ever heard any, myself, directly. I don't know if I -- I know there's an impression, especially from news reports like this, that that is the case. I don't think that's the case.

Q Have you heard it characterized to you by others who have heard directly?

A Not that I can think of, no.

Q In your estimation, how many individuals in the New York field office had contemporaneous knowledge that the FBI had taken custody of Mr. Weiner's laptop in the investigation into Anthony Weiner?

A Initially, probably only that squad. But by the time it

hit -- by the time the -- end of October, when it was public, obviously everybody.

Q So by the end of October when you mean it was public, you mean when Director Comey sent his letter to Congress?

A Correct.

Q But prior to that, is it your belief that it was just the chain of folks who had reported up to you, the five individuals we had discussed before and the squad that the squad supervisor was overseeing who knew about the Weiner laptop?

A So, generally, that's probably correct. There's probably the CART team or the computer analysis folks, but generally not the audience -- or the group of people would be much smaller than, obviously, when it got public, yeah.

Q If you had to estimate, would it be more or fewer people than 20 people who knew about the Weiner laptop?

A That's probably a close call. I don't know how big the squads are.

Q So around 20, is that accurate?

A That's probably accurate. That's a guess, because I don't know what the agents are saying to each other. But my guess is they held this pretty close.

Q So around 20 individuals in the New York field office had contemporaneous knowledge that the Weiner laptop contained emails that may be relevant to the Midyear Exam investigation?

A At the time it was taken, that's a guess. I'm trying to

remember the size of the squads, but it certainly wasn't hundreds. I don't think it would have been more than 40. I think it's safe to say a small group. But I just -- I don't know. Obviously, that shifts.

Q On October 25th and 26th, 2016 -- so this would be before Director Comey wrote to Congress to inform them about the new emails -- Rudy Giuliani made a series of television appearances. In those telephone interviews, Mr. Giuliani suggested that the Trump campaign had a couple of things up our sleeves that should turn things around.

He repeated these claims a couple of days later. On October 28, 2016, in a radio interview, Mr. Giuliani said he was in contact with a few active agents who obviously don't want to identify themselves.

On November 4th, in an appearance on "Fox and Friends," Mr. Giuliani was asked if he had known in advance about the FBI's possession of the Weiner laptop before Director Comey wrote his letter to Capitol Hill. He responded, "Did I hear about it? You're darn right I heard about it."

Are you aware of these statements by Mr. Giuliani?

A I am.

Q Were you contemporaneously aware of these claims by Mr. Giuliani?

A I don't know if I was aware of all of them, but I think the first one you mentioned, yes, I believe so. I don't remember if I knew the Fox one you just talked about at that moment, but I certainly later heard all that.

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Q Do you know how Mr. Giuliani learned about the FBI's possession of the Weiner laptop before Director Comey wrote his letter to Congress?

A No. And I don't know if he actually did. I thought I read that he corrected it; he actually did not have contact with an active agent. So, no.

Q Did you actively speak with Mr. Giuliani about the FBI's possession of the Weiner laptop?

A No.

Q Do you know anyone who spoke with Mr. Giuliani about the FBI's possession of the Weiner laptop?

A No.

Q Upon hearing about Mr. Giuliani's claims, did you undertake any internal investigation to determine whether any active FBI agents in the New York field office were providing information to Mr. Giuliani?

A This is -- what are the dates? October?

Q October 25th and 26th.

A I undertook actions around those dates. I don't recall if it was specific to Mr. Giuliani.

Q Can you tell us what actions you undertook?

A So, obviously, there was a series of concerns about leaks. We spoke to the one case team by phone. And based on, I think it was a different news report, we had ESOC runs -- I have no idea what the acronym stands for. Security Operations Center -- I forget what the

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"E" is -- running phone numbers. But we don't do that investigation. We push it to our Inspection Division.

Q So was the Inspection Division instructed to open a formal investigation into leaks about the Weiner laptop?

A They were instructed to open an investigation. I think it was about the Weiner laptop. Let me correct that. I don't know if it was specific to the Weiner laptop or specific to leaks about one of the other articles. But they were definitely instructed to open an investigation, I believe.

Q What is the status of that internal investigation?

A No idea. Well, everything went to the IG. And ongoing, is my understanding.

Q And to what --

A Ongoing.

Q Is ongoing.

Do you know whether any active agents told retired agents or others outside of the FBI about the existence of the emails on the Weiner laptop?

A I don't know if they did.

Q You said that you spoke with the case team by phone. Did you personally speak with the case team?

A So the Weiner team, no -- and which was just a case agent -- about leaks? I don't think I did. And I don't remember who was on the phone call, but I don't think it was the Weiner case agent.

There were other issues, certainly the ASAC, who had the acting

SAC, a supervisor but not of the violent crime squad of the branch, dealing with other matters about leaks in general.

Q So is it accurate to say you had a call with a case team that was not the Weiner laptop/Clinton email case team about just unauthorized disclosures of information in general but not specifically about the leaks of information to Mr. Giuliani or leaks of information about the Weiner laptop?

A Yeah, I don't remember being specific about Mr. Giuliani.

Q You said that you were contemporaneously aware of Mr. Giuliani's statements. Can you explain to me why you personally didn't undertake an investigation to determine who was providing this information to Mr. Giuliani?

A So the field office doesn't have authority to do an investigation. We did the ESOC polls, or the -- we would contact security to poll phone numbers, but it's within the purview of the Inspection Division.

Q Did the Inspector General interview you as part of the Midyear Exam review?

A Yes. Yeah, that's this. Yes.

Q And did the Inspector General's office ask you about how information about the Weiner laptop leaked to Mr. Giuliani?

A I don't think they did. There was a separate group of Inspector General folks on leaks, but I don't think they brought up Giuliani.

Q I want to make sure I'm understanding you correctly. So

there was an IG investigation that wasn't the Midyear review investigation team that came to talk to you about just leaks in general out of the New York field office?

A Not leaks in general. A particular individual, not related to -- if I recall correctly, not related to this, meaning this topic.

Q But you have not --

A There are other interviews that are ongoing related to leaks about all of this stuff.

Q But you have not yet been interviewed by the Justice Department Inspector General about the leaks about the Clinton emails on the Weiner laptop.

A I don't remember being -- I mean, I had a lot of interviews. I don't remember them asking me that. They might've. I don't remember them asking -- I don't think they asked me that. I don't remember.

Q Have any internal investigators at the FBI asked you about the leaks to Mr. Giuliani or about the Clinton emails on the Weiner laptop?

A No, I don't think so.

Q Have any internal investigators from the Justice Department asked you about it?

A No. The only people that have interviewed us are IG agents. I think they're all agents.

Q Mr. Giuliani has also claimed that Director Comey's decision to send the October 2016 letter to Congress reopening the probe was influenced by pressure from a group of FBI agents. Are you familiar

with that claim?

A Yeah.

Q What's your opinion on that claim?

A I don't believe it, but I think the IG report talks about somebody saying that that was part of the decision matrix. I don't remember. I'd have to reread the report, but I think it's also mentioned in the IG report.

Q Did you personally ever provide comment or information to anyone at headquarters about the possibility that FBI agents in the New York field office might commit unauthorized leaks about the email on the Weiner laptop?

A No, I don't think so.

Q Did you ever express concern to anyone that FBI agents in the New York field office might commit unauthorized leaks about the emails on the Weiner laptop?

A No.

Q Did you ever hear contemporaneously from anyone within the FBI that Director Comey's decision to send the October 20th letter was impacted by concerns about unauthorized leaks regarding the emails on the Weiner laptop?

A Not until later.

Q And who did you hear it from later?

A Hear it, no. Read it. I think it was Jim Baker's comments in the IG report.

Q In the IG report. But you didn't -- no one personally told

you.

A Not that I recall, no.

Q The IG report also described a conversation between Attorney General Loretta Lynch and Director Comey. Attorney General Lynch described Mr. Comey's concerns about leaks when deciding what to do after submitting the October 2016 letter to Congress.

She said -- and I'm quoting from the IG report -- "Comey said it's clear to me that there is a cadre of senior people in New York who have a deep and visceral hatred of Secretary Clinton, and he said it is -- it is deep. It's -- and Comey said -- he said it was surprising to him or stunning to him."

Has Director Comey ever told you there is a cadre of senior people in New York that has a deep and visceral hatred of Secretary Clinton?

A No.

Q Do you know where he would have gotten that belief?

A No.

Q Do you have any knowledge of whether any senior FBI agents in New York have a deep and visceral hatred of Secretary Clinton?

A No.

Q You have not seen any evidence to indicate that anyone in the New York field office who was a senior agent has a deep or visceral hatred of Secretary Clinton?

A No.

Q Have you ever heard a senior FBI official in the New York field office express a derogatory opinion about Secretary Clinton?

A As a subject, maybe -- no, I don't think so. I'm trying to figure out -- like, as a case agent working a subject, no different than they would characterize their subjects. But not in a political sense, I don't think.

Q You said as a case agent characterizing a subject. For what case would they have been characterizing Secretary Clinton?

A So there were reports, I think -- I don't want to get into other cases, but --

Ms. [REDACTED]. Yeah, if it goes into ongoing investigations, he may not be able to answer.

BY MS. KIM:

Q But you're discussing purely instances in which FBI officials were discussing their work as FBI agents, not in the sense of any kind of personal political beliefs about Secretary Clinton?

A No. Correct.

Q When the Inspector General interviewed you about the Midyear Exam review, did the Inspector General ask you about potential biases against Secretary Clinton within the FBI?

A Yes, but if I recall correctly, more specifically, one of the questions was did I see bias by Mr. Strzok. I think that was the basis of the questions.

Q So --

A I don't remember if it was -- I think they actually used the word "bias." But it was focused on that, did I see anything inappropriate there.

And there were other questions during the interview about leaks. I think that was the only bias question, I think.

Q So the focal point of the IG's investigation was whether Peter Strzok himself was demonstrating political bias in favor of or against Hillary Clinton, not whether anyone else in the New York field office had political bias for or against Hillary Clinton. Is that correct?

A With my interview, I think that is correct.

Q So the IG did not ask you any questions about potential bias against Hillary Clinton from within the New York field office.

A I don't remember being asked that. They might've, but I don't remember being asked that.

Q Mr. Sweeney, the FBI and the Justice Department are under a litany of attacks from others in government about whether the Justice Department is capable of conducting investigations that are objective or whether the Justice Department is conducting investigations driven by political bias.

During your tenure, have you been a part of any FBI investigation motivated by political bias?

A No.

Q During your time at the FBI, are you aware of any Justice Department investigations motivated by political bias?

A No.

Q Have you ever personally worked on a case where you felt the FBI was not acting as an honest broker or following the facts where

they led?

A No.

Q Have you ever personally worked on a matter where you felt that prosecutors from the Justice Department were not acting as honest brokers or following the facts where they led?

A Can you ask that one more time?

Q Have you ever personally worked on a matter where you felt that the Justice Department was not acting as an honest broker or following the facts where they led?

A No. I wouldn't want to get into prosecutorial decisions, but no. I think the answer is no.

Q I just want to elaborate. So have there been instances where you disagreed with prosecutorial decisions?

A I think I can -- yeah.

Q Have you ever felt that those disagreements were based on anything but kind of legitimate strategic differences?

A Potentially.

Q Can you describe what other aspects those decisions would've been based on?

A Personal -- I think personal differences of opinion with agents working a matter. I think that's about it.

Q So you have witnessed instances where you felt Justice Department lawyers were acting in bad faith out of a disagreement with FBI investigators?

A I don't know if I would describe it as "bad faith." I don't

know the definition of "bad faith." There were other reasons. There's clearly other reasons a prosecutor -- I was concerned -- could be concerned that a personal beef get in the way of a decision.

Q Can I ask you about a specific -- what specifically you're thinking about right now?

A I think it would be an ongoing -- could be an ongoing matter.

Q So there's an ongoing matter where you feel that the Justice Department was not acting as an honest broker or following the facts where they lead?

A I'd have to think about it, but potentially. I think it's been resolved. But I don't know if I want to get into it too much if it's an ongoing matter. I'd probably talk with the folks here first.

Ms. Kim. Do you want to consult with your client?

Ms. [REDACTED]. Yeah.

[Discussion off the record.]

Ms. [REDACTED]. Can you rephrase the question?

To the extent that you're asking a question that may impact prosecutorial decisions in any ongoing investigation, he will not be able to answer, or I will instruct him not to answer. So if you can rephrase, and then maybe he can try to answer you generally, without going into any specifics.

Ms. Kim. Sure. Let me repeat the question.

BY MS. KIM:

Q Have you ever personally worked on a matter where you felt that the Justice Department was allowing improper considerations, such

as political bias, to interject into the case instead of following the facts where they lead?

A No, not political bias.

Q Are you aware of any actions taken to damage the Trump campaign at the highest levels of the Department of Justice or the FBI?

A No.

Q 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?

A No.

Q Are you aware of any evidence that President Obama ordered any investigative activity that was biased in favor of Clinton or against Trump?

A No.

Q Are you aware of any evidence that President Obama ordered a wiretap of Donald Trump or the Trump campaign?

A No.

Q Are you aware of any deep-state conspiracy against Donald Trump or the Trump campaign involving anyone from the FBI or the Department of Justice or President Obama?

A No.

Q On December 3rd, 2017, the President tweeted, "After years of Comey, with the phony and dishonest Clinton investigation (and more), running the FBI, its reputation is in Tatters -- worst in History! But fear not, we will bring it back to greatness."

As of December 3rd, 2017, do you agree with the President's statement that the FBI's reputation was in tatters and was the worst in history?

A No.

Q Do you have any reason to believe the President's characterization that the Clinton investigation was, quote, "phony and dishonest"?

A No.

Q What kind of impact do statements like these have on the morale of rank-and-file FBI agents?

A I generally think it's ignored. People obviously hear it, but most everybody I know does their work. And you're asking a guy with a Philly-New York attitude, so whatever.

Q True.

In your experience, is that also the same for the public? Do statements from the President calling the Department of Justice and the FBI dishonest and in tatters affect the public's confidence in the FBI and the FBI's ability to protect our national security?

A I think it's a broad -- I guess everybody has their own opinion, and depends on the circumstance that you were to encounter the FBI with, I guess.

Q Do you remember when you found out that Director Comey was fired?

A Yes.

Q What was your personal reaction to that news?

A I was not sure that I heard it accurately. I was in my car, and I heard Wolf Blitzer advise that they had breaking news coming from the White House following some commercial. So I waited for the commercial and heard that he -- I think it was reported first that he resigned, but he might have said fired, whatever it was, and then my phone blew up. And then I had to turn around and go back to the office instead of my kid's birthday.

Q I'm very sorry to hear that.

A It might've been better for me to go back to the office.

Q What was your personal reaction?

A "Wow. Okay." Surprised. Maybe I wasn't surprised. I don't know. I'm -- okay. Like, we'd push on.

Q At the White House press briefing the day after Director Comey was fired, the White House press secretary, Sarah Huckabee Sanders, stated that the termination had occurred because, and I quote, "most importantly, the rank and file of the FBI had lost confidence in their director."

Looking back on the lead-up to his firing, do you agree with Ms. Sanders that the rank and file of the FBI had lost confidence in Director Comey?

A No. I think if you looked at the rank and file, I don't think the -- I think that statement is broad.

Q So you haven't seen personal evidence that the rank and file of FBI agents had lost confidence in Director Comey at the time of his firing.

A There is obviously certain ones that weren't happy with his decisions, but as a broad rank and file, I don't know if I could characterize it that way.

Q On the same day President Trump tweeted, "James Comey will be replaced with someone who will do a far better job, bringing back the spirit and prestige of the FBI."

Do you agree with the President's assertion that there was some problem with the spirit and prestige of the FBI under Director Comey's leadership?

A I think if you were to ask most of our partners, our law enforcement partners and our global partners, the prestige is pretty well established worldwide.

Q Following the release of the Inspector General's report, President Trump stated, "I think Comey was the ringleader of this whole, you know, den of thieves. They were plotting against my election."

Do you have any reason to believe that the FBI is a den of thieves?

A No.

Q Did you personally witness anyone at the FBI attempting to plot against Donald Trump's election?

A No.

Q Do you have any reason to believe that the vast majority of FBI agents are Democrats or biased in favor of Democrats?

A I wouldn't know what their affiliation is.

Q Are FBI agents allowed to have personal political affiliations?

COMMITTEE SENSITIVE

A Yes.

Q And when the FBI staffs a politically sensitive investigation, does the FBI consider the personal political persuasion of its agents in making staffing decisions?

A No.

Q In fact, that's explicitly illegal, is it not?

A I believe that is correct.

Q How do FBI agents know not to let political bias interfere with their work?

A How do they not know?

Q How do they know?

A Could you say that one more time?

Q How do FBI agents know not to let political bias interfere with their work?

A Well, I mean, there's ethics guidelines that people have been trained on, and I would assume that people, agents, know it naturally. But there's obviously policies. I couldn't give you the name and title of the policies. But there's the Hatch Act training we go through and the ethics training. I don't know how to better describe it.

Q Thank you.

In your time at the FBI, have you seen evidence of anybody applying political bias in their investigation --

A No.

Q -- of any subject matter?

A No.

COMMITTEE SENSITIVE

Q I will represent to you that James Comey, Rod Rosenstein, and Robert Mueller are all Republicans. Do you have any reason to believe that Jim Comey's political affiliation affected the way that he investigated Secretary Clinton's email server?

A No.

Q Do you have any reason to believe that Rod Rosenstein's political affiliation will prevent a thorough and fair investigation of the Trump campaign's potential ties with Russia?

A No.

Q Do you have any reason to believe that Robert Mueller's political affiliation will prevent a thorough and fair investigation of the Trump campaign's potential ties with Russia?

A No.

Q President Trump has called James Comey a leaker and a liar. Has Director Comey ever lied to you?

A Not that I know of.

Q Are you aware of any instances of Director Comey lying?

A No.

Q Have you worked with confidential human sources?

A Worked with confidential human -- yeah. Yes.

Q Department of Justice, I understand, has a strong policy against revealing information from confidential human sources or against information that could reveal the identity -- they have a policy against revealing information that could identify a confidential human source. Is that also your understanding?

A Yes, broadly. Obviously, there's instances where we would have to, but, yeah, I think that's correct.

Q There is a vigorous offensive underway attempting to reveal several confidential human sources connected to the Trump-Russia collusion investigation.

What effect could revealing confidential human sources for political reasons or under political pressure have on the Justice Department's ability to retain or recruit confidential human sources in the future?

A I think, generally, revealing the identity of a human source, that's not following a protocol, right? In other words, if you have -- I mean, obviously, sometimes you have to out a source in a trial, et cetera. But if a source doesn't feel confident that their identity will be held, it may potentially make it more difficult to recruit others in the future or maintain their cooperation on an ongoing matter, if there was one that existed.

Ms. Kim. Thank you. I think that ends our round of questioning. The time is 12:45.

[Recess.]

[12:50 p.m.]

Mr. Baker. Okay. The time is 12:50, and we are back on the record.

Our process here lends itself to a lot of duplicity. We sort of tag out, and our colleagues come in, and they tag out, we come in. So I apologize if we cover some ground that's been covered, but we try as best we can to listen to what's going on while we're not actually at the table.

BY MR. BAKER:

Q You had indicated, I think towards the end of the last round, that you've been interviewed a lot about these matters. So that, in and of itself, I think, is good preparation for today. I'm just curious, what else did you do to prepare for today, specifically?

A Met yesterday briefly. Read or skimmed some of the emails, one of which you guys gave me. Actually, I don't know if this was in what I saw previously, was it?

And then briefly looked at the GI report yesterday afternoon, chapter 9 in particular, and not for very long. Literally scrolled real quick.

And then had a conversation a couple days ago with one of my press people about one of the emails I saw in the material. It's, like, a one-sentence email. I just wanted to try to remember why I was asked about that.

That was it, I think.

Q Had you previously read the IG report?

A So there were two. I read the first one completely. And the current one, I have read chapter 9, skimmed through a bunch of others, and looked at the appendices.

Q Did you have occasion to talk to any colleagues either at headquarters or New York that we have talked to as part of our investigation?

A I don't know everybody you've talked to, but I imagine I've talked to just about anybody you've -- I mean, I've talked to everybody. So I don't know everybody you guys have talked to, but probably a good chance that I've --

Q Did you talk to anyone that specifically mentioned that they had been before Congress to talk about these matters?

A No. Well, I know Priestap has been here. I have not talked to him about testimony. I know Giacalone has been here. I haven't talk to him about his testimony, other than he said it was fine. I knew Steinbach was coming. I never talked to him about it. I'm sure there's a variety of other names.

Q How did you know that those individuals you just listed had either been or were possibly coming in?

A Press reports --

Q Okay.

A -- I think is first where we would hear about it. I think almost always press reports is where you hear about it first.

Q Did you have occasion to review either directly or anything derived from what you believed were transcripts from previous

interviews that we've done?

A No.

Q Okay.

I want to go back -- it sounds like you're very well prepared.

I want to go back --

A It's funny, I don't feel that way.

Q I think it's from -- you indicated the number of interviews you've been through. I mean, I know a lot of the topics are different -- the topics are the same, but maybe the interest is maybe more or less depending on what body you're before, and maybe the emphasis is on something a little more or less depending on what the forum is.

You had mentioned earlier when -- and I think it's called the self-to-self email, note, or whatever from the case agent --

A Yep.

Q -- from himself to himself, I believe you had indicated when you became aware of that, you referred that to the FBI's office of inspections based on, I believe, the AUSA's tone about him not coming forward. And I believe you did that as a belief that possibly it was chilling or prohibiting legitimate whistleblowing activity. Is that correct?

A Correct.

Q When did you report that -- when did you become aware of the email?

A The exact date? I don't know. It was during the -- so the

IG requested documents. My OPR supervisor, which is a supervisor I have whose sole purpose is to deal with internal inspections -- Office of Professional Responsibility. We call her the OPR supervisor, but she's not from OPR. She was handling document production for one or the other inspection or the IG and made me aware of, "Hey, there's an email here," and I read the email and called down to headquarters.

Q So your referral was fairly contemporaneous with you becoming aware of it?

A Oh, yeah. I think I was getting coffee and standing in the room when she gave it to me. I think I went -- I think I brought it up right after that.

Q So she was involved in document production. That's one of the documents that's coming through her flow. But she had a knowledge or background in OPR matters, so she was, I mean, coincidentally but uniquely, a person to spot a potential OPR issue in there.

A Yeah, I guess that's fair to say. Yeah.

Q And then is it correct that an FBI employee, an FBI official, an FBI executive -- do you have an obligation to report what you believe to be potential wrongdoing?

A Oh, yeah.

Q And by other department employees, which would include the U.S. attorney's office?

A That's a good -- I probably do. I don't know what the exact rule is, but I just assume I do.

Q And let's assume there is a rule, which I believe there is --

A I'll go with you.

Q -- a failure to do that would, in and of itself, be wrongdoing on your part or the part of whoever became aware of the potential wrongdoing and didn't do anything with it.

A Yeah.

Q I think we talked briefly in our last round that you were not aware of what the outcome was of the internal OPR inquiry. Are you aware of any facts or circumstances that you didn't know then that would maybe shed light on why the AUSA took that stance with the agent? Like, possibly they were friends, and she thought maybe he was talking about going to the media rather than going to an entity that would entertain a whistleblower allegation.

A Is there a media reference in here? That sounds familiar, but I don't know why that -- I don't recall exactly why that sounds familiar.

Q It's my understanding that they had a relationship, a social relationship. In his talking to her about his angst and belief that maybe he would become a whistleblower, that somehow she thought he meant that he would be disclosing 6E information possibly to the media, and that's what her pulling him back was about. I'm wondering if you've heard anything like that.

A I think I -- I think this is the first time I'm hearing they had a relationship.

Q No, I don't mean --

A Not that. Okay.

Q I mean a friendly relationship.

A Okay. You're gonna make me do another report.

Q No, no, no, no, no. To be very clear, no. But my next question, it will go in that direction. But this question, it's a friendly relationship, a confidant relationship, not just an investigator, a prosecutor. They have a relationship where they sit down, they talk about life things and those things, and running it off of her because she's got a legal mind. She's listening to him because they're friends, and he's got an issue of something that's frustrating him. And she has information that it's maybe the press he's going to, and concerned that it might involve 6E information. Because I think there's a reference in there that you will be prosecuted --

A Yeah, there is a reference for prosecution.

The media thing sounds familiar, and I don't know why. I don't know if I read that in one of the reports or -- I don't know if that came up in one of the IG interviews. I don't remember. But it sounds familiar. But I don't remember why it sounds familiar.

Q Okay. Fair enough.

So you've opened the door to transition to a different type of friendly relationship. You're the head of a huge FBI field office. You deal with investigative decisions, and you deal with personnel decisions. You have a lot of people driving around in government vehicles under your supervision. You have a lot of people running around with guns under your supervision. And you have a lot of people just interacting with each other and maybe making decisions that aren't

the best decisions to make. You have a lot of responsibility and a lot of people under you that can do a lot of things that cause you a lot of problems.

That's the setup to the question.

You mentioned earlier your New York field office is big enough where you have SACs, special agent in charge, the rank that manages other field offices, your office is so big, that is a lower rank, and you have more than one SAC. You have an SAC that's in charge of national security matters.

A Two -- used to be separated. So one is -- there's an SAC for CT, counterterrorism, and there's an SAC for counterintelligence.

Q Okay. If one of your employees comes and reports to you with a sense of urgency and there is something bothering them and it prompts the need to report this to you, that one of your executives in a national security capacity is having an affair with another employee, what would you do? Or, as the field office director in charge of the field office, is that a problem for you? Is it something you take action on? Do you not get involved?

I'm just curious what you -- I mean, you've indicated you're an aggressive individual. You've promptly reported what you believe to be an OPR matter. Something has been reported to you about two employees having an affair, one of which is an executive in a national security capacity.

A I think we would have reported it to Inspection, unless, like, it was already authorized somehow, which is rare.

Q An affair could be authorized?

A Oh, I'm sorry. I thought relationship. Affair, yeah, no. If it was a subordinate, we would've reported it.

Q What if it's not a subordinate, not in the same performance appraisal, kind of, chain of command, but it's two employees, one in the national security capacity, fairly high executive? Is it a special concern because it's involving someone in a national security matter that's being polygraphed on things and has special access? Is that not any special concern?

A So I don't recall something like that in our office, but I think I would've reported it. And my guess is, over the course of time, that the concern about blackmail that would be there isn't -- I think it would be reported.

Q Okay. Now, to be clear, this is not based on any scenario in your field office. This is a hypothetical.

A Okay. I thought you were surprising me.

Q No. No. I mean, the Bureau is a very regimented, very -- there's a manual for everything, my understanding, there's a rule for everything, there's a regulation for everything. And the difference, the little bit of nuance that's added, are personalities that are put in charge of different things. And, I mean, you indicated earlier you might do something a little more aggressively than somebody else might do.

So, I mean, I'm just curious what you would do. And it sounds like you would report or evaluate or do something. It doesn't sound

like you would just let it be.

A If it was in the chain of command, I think I -- I'm assuming I would certainly report it. Outside chain of command, I don't know if we have a standard for that. I don't know.

Q Okay.

A I don't know.

Q Towards the end of the last round, my colleague spent a good amount of time talking about leaks in the FBI. I don't know if she touched on this, I apologize if she did, but I want to drill down again.

Did Mr. McCabe call you about leaks coming out of the New York office at any time?

A Yes.

Q And what was the nature of that conversation?

A There were at least two conversations, maybe more than that. The first -- I'm trying to think of the timing, but the first conversation was related to the Garner civil rights investigation, which is what spurred the phone call with the AG. And then the second one was -- I think it was a Sunday, and I believe it was a Wall Street Journal article. And then the third time was driving in in the morning, where I'm tasked to call him -- asked to call him in an email. And that is also one of the articles related to the, I think, Clinton Foundation.

Q What was the nature of his calls? What was he telling you to do?

A So, in the Sunday call -- I believe it was a Sunday, but in

the call on one of the evenings, basically to make it stop. There's going to be a consequence for this. Did he get into it after the election. Basically, make it stop.

And then the conversation driving in in the morning was, there was another leak, and we had a back-and-forth about that as well. But the leaks must stop. And I might be mixing up which call he said we'll get into this afterwards, meaning after the election.

I'd have to look at the IG report, but I think those were the three times we talked about leaks individually. There were conversations, certainly, with all SACs at an SAC conference, and I don't remember when. It was here in D.C. I think it would have been in the spring of 2017, so I think it's after all this.

Q Okay.

Mr. Somers. What was the second leak or second phone call, what was that regarding?

Mr. Sweeney. It's a news article. There's an email exchange --

Mr. Somers. Yeah, but do you know the content of the --

Mr. Sweeney. The article?

Mr. Somers. Yeah, the article.

Mr. Sweeney. If I saw the banner, I might remember. I think it's the one with the quotes, the attribution about the call with the PADAG. If I could see the link, I'd remember -- maybe remember.

BY MR. BAKER:

Q Did you ever get a call from then-Attorney General Lynch about leaks, directly from her?

A I was told to be on a call with her. It was me from New York, Deputy McCabe, EAD Coleman, and then Eastern District of New York, I believe the U.S. attorney and some of his team -- I don't remember who -- DOJ, I believe Civil Rights personnel -- I'm not positive -- but some folks from DOJ.

So it was a conference call. And it was a conference call about leaks on the Garner matter, which was the -- if you're familiar with the police incident in Staten Island, the alleged chokehold, and leaks on the decision about who was prosecuting that matter, Eastern District of New York or DOJ. And disagreements over whether or not it should be prosecuted had all come out in the paper, and it was not good.

Q We've talked a little bit about categorizing your answers to what you knew then and what you know now. In the "what you know now" category, with some of the IG reporting and still investigating, I believe, media leaks at the FBI, were any of the call -- are you familiar that the IG found impropriety with media leaking?

A Yes. From that first report?

Q Yes.

A Yes. I think, right, both they believe there was a culture of -- problem, and you have the appendices with the --

Q Correct.

A -- map. I don't know if -- map, whatever, chart. I think that chart was blanked out. I think they're all redacted names. From what I understand, I don't know if the chart is -- the chart I had seen, some of those names were authorized contact. Doesn't mean they're

authorized to leak, but they're authorized to have contact with the media.

But as far as the ongoing stuff, I don't know what the status is.

Q So my understanding is that, in addition to a lot of people at a variety of ranks that were having unauthorized contact, not media representatives of, you know, official contact, that in addition to there being this wide number of contacts by a wide range of people at all different ranks, there was also gift giving and acceptance by FBI employees, reporters giving gifts of golfing outings, social events that would not be open to the public, that sort of thing. I think that's the basis of the ongoing.

Were you familiar with that part of the IG's finding?

A I don't think so. I think I've heard -- I've heard that described. I don't remember if I watched that when he testified or it's in the report. I don't know -- that's still ongoing.

Q Correct.

A I think that's the part that's still ongoing. And I don't think I realized that he attributed all of those, in that appendices, as unauthorized contact or discussions. I didn't know they made a determination on what the discussions were, and maybe they have. Maybe they have text messages or something.

Q I'm just going by an overall -- I've seen the chart, but the overall finding was that there were a lot of unauthorized, people that shouldn't be involved in media contacts, involved in media contacts at all different levels, and then the gift gifting.

You, again, as an assistant director in charge, you have a media component in the field office.

A Correct.

Q You, I'm assuming -- correct me if I'm wrong -- would be shocked, appalled, and, again, probably referring to OPR if your media people were taking gifts from reporters.

A Correct.

Q So, assuming that the IG has found this, I mean, you'd be shocked by that, I assume? That there are employees taking gifts from media people?

A Now I would not -- I mean, obviously he's determined that something has occurred. So now am I shocked -- I would be -- I'm surprised that there were people that would be acting that way.

Q Were you aware or did you become aware as the IG report was released in media coverage, however you found out, were any of the media leaks that some of the FBI executives were reported to be involved in, were any of these the ones that the New York office was admonished for?

I think one of the ones you said was the Wall Street Journal article that your office was told to, you know, stop the media leaking or whatever. Did you subsequently find out that any of the accusations leveled at your office were, in fact, leaks from coming from FBI headquarters?

A Yeah, it's a tricky -- there are things in the article that, in my opinion, clearly came from headquarters, which, now knowing from the IG report, are attributed to headquarters. I don't think that

necessarily means other things in that article didn't come from somewhere else.

I think that's probably the fair way to answer. So, yes, there are articles where we were told to cease the leaks that included leaks that are from headquarters.

Q Okay. How does that make you feel?

A Not good.

Q Okay. Backing up to our last hour, but to be clear, back on the laptop, you don't know specifically, as we sit here now, where that laptop is.

A No. And my concern is I'm going to get out of here and somebody says, oh, you know, we still have the laptop. I don't know. I'll find out. I don't know. But I very well could have it sitting in my office and not realize it.

Q Random question, if you know. Our colleagues talked a little bit about confidential human sources in the last hour. As far as you know, did the New York office ever handle Christopher Steele as a source?

A I think --

Ms. [REDACTED]. Do you know?

Mr. Sweeney. Yeah, I think I know. So I'm good to answer it?

Ms. [REDACTED]. Can we confer?

Mr. Baker. Yes.

[Discussion off the record.]

Mr. Sweeney. I can just answer?

Yeah, I think he was.

Mr. Baker. Okay. Do you know for what time period?

Mr. Sweeney. No. I don't.

Ms. [REDACTED]. So a question like -- he's answered the question, but, okay, let's -- let's -- questions like that, to the extent that they go into or impact anything that may be ongoing, I will instruct him not to answer.

BY MR. BAKER:

Q Kind of an opinion question here. I've heard -- I have had occasion to talk to current and former FBI agents, mostly all field people. They believe the reputation of the FBI -- and I think the IG either explicitly or alludes to it, that the reputation of the FBI has really been done some damage by these texts.

Whether they show bias, whether they imply bias, whether they can be read to look like bias, the fact that so much was put into texts that is subject to so many different interpretations. I hear from former and current agents that the texts alone has created an environment for them where they just wonder and are concerned when the reputation of the FBI gets back to its high-water mark.

Do you sense in the New York office there's any morale deficit because of this investigation, specifically the texts, or any part of it, that kind of hinders the esprit de corps and that fidelity, bravery, integrity that keeps the Bureau going?

A I think it's a nuanced answer maybe. So I think sometimes it depends on who you individually talk to. Broadly, in the New York

office, broadly, I think no. It's a high-pace, busy place.

I think, individually, people find that it is annoying. It puts bad light on the texts, and what has come out puts bad light. But I think it's also been described by many people as, this was a handful of individuals, this is not representative of the organization.

And then when you see -- and I obviously can't, nor am I allowed to speak for the whole Bureau, but when you see the type of work that's occurring in New York and what the agents and the analysts and the task force officers accomplish, there's no change in attitude, speed, professionalism, dedication. If you were to ask partners, they're still calling for us. I mean, it sounds opinionated, I guess, but, you know, you call the FBI to get stuff done. I think we even saw that this week.

I think it's -- certainly, people would say they get grief about it from family members, but I don't think that changes the mission or the attitude.

So I don't know if that's answering your question or not.

Q If it's not classified, how big is the FBI field office in New York?

A [REDACTED]

Q And is it the largest field office?

A Oh, yeah.

BY MR. BREITENBACH:

Q I have some one-off questions.

So the IG mentions the Clinton Foundation investigation. Are you aware on the Weiner laptop whether there were any emails mentioning or referring to the Clinton Foundation at all?

A I'm not aware if there are or were.

Q Is that something you would want to know?

A At the time, yeah.

Q Would you want to know that currently?

A I don't think I can answer for currently.

Q Well, let's just say if -- let's, in a hypothetical, presume that an investigation is still ongoing with regard to the Clinton Foundation. What would it take in order for the New York field office to be able to review that laptop for whatever possible indication of Clinton Foundation material?

A So, like any matter, if you were seeking information, you would need probable cause or the proper legal process, at a minimum, to look for that information.

Q And how would you develop probable cause currently with regard to the Weiner laptop?

Ms. [REDACTED]. Are we still on your hypothetical?

Mr. Breitenbach. I am.

Ms. [REDACTED]. Okay.

Mr. Sweeney. If you were, in this hypothetical, to develop probable cause, you would have to show that there was some indication that that laptop was used, that the material would be there, relevant,

potentially, depending on the particular hypothetical, recency. I think there would be a variety of issues to work through.

BY MR. BREITENBACH:

Q So, going back to real life, if, in fact, there is indication -- well, let's say that currently there is indication that there are, and were, plenty of emails with Clinton email dot-com domain information on the laptop. Does that, in and of itself, indicate that there may be Clinton Foundation information?

A I don't know if those domain names would indicate that, necessarily. I don't know. I don't know enough about the domain names that were found, other than what was initially given to me, which I don't recall exactly how they were worded.

Q Do you think it's important that the laptop is reviewed in current circumstances to determine whether there is Clinton Foundation information on that laptop?

Ms. [REDACTED]. May I confer with the witness?

Mr. Breitenbach. Yes.

[Discussion off the record.]

Mr. Sweeney. Can you ask that one more time so I can remember what you had asked.

BY MR. BREITENBACH:

Q I'm not sure if I can. I think the general question is, if we now know that there is Clinton-related information on that particular Weiner laptop, and that laptop is located somewhere -- we just don't know where -- currently, is it important when you're running

an investigation, or have run an investigation, to ensure that you have obtained all of the necessary information on that particular laptop for your investigation?

A I think it probably depends on what you're doing with the investigation. I think it also probably depends on if you think there's an association between something that leads you to believe that the other something is going to also be there. Like, I think I would have to have something to say, well, this stuff is here, so then that means that this must be here too. I don't know if I would --

Q Well, should the Clinton Foundation investigation remain open, is it important for you to be able to exploit that laptop?

A I think it, again, depends on -- it's trying to follow logical investigative steps. You want to take all logical investigative steps related to investigation. But I don't know if that would necessarily mean that particular step is -- I don't know the facts enough to know if that would be the necessary logical step to take, depending on what you know or not know with your investigation.

I don't know if that makes any sense.

Q Well, as an agent with the FBI, if you have an investigation open on a particular entity, like the Clinton Foundation, and you know that there is indication of communications related to Clinton as a whole, would it not be important to ensure that you obtain all the evidence that is potentially out there?

A This is back to a hypothetical, right?

Q No, I think just in your experience as an FBI agent.

A I mean, if you're an FBI agent, you want to be as thorough in understanding of the information that's potentially out there relevant to your subject. Sometimes you can do it, and sometimes you go with what you have authority to do. I don't know how else to describe that.

Q Okay. Thank you.

We're aware that Huma Abedin was interviewed in January of 2017. Did that interview occur by agents in your field office?

A I don't think so, but I don't know.

Q Are you aware whether any agents in your field office have interviewed Anthony Weiner?

A I believe yes.

Q Did any of those interviews include questions to Mr. Weiner about whether he ever had access to classified information?

A I don't know the answer to that. I would have to look at a 302 or --

Q Well, based on the IG report, we now know that there was classified information on the Weiner laptop. Do you know why Mr. Weiner would not have been interviewed with regard to whether he had access to classified information?

A I don't know, unless his counsel got involved. I have no idea if -- I don't know. I don't know if they tried to. I don't know.

Q So is that something you would recommend? Now that we know what we know in the IG report, that there was classified information located on Huma Abedin's computer -- I'm sorry -- on Anthony Weiner's

computer, based on both forwarding of emails from Huma Abedin to that computer and however else, we just don't know -- I think Mr. Weiner indicates that he had backed up her computer, and that's how those communications ended up on his. But now that we know that there was classified information on his computer, is it important for us to learn whether he ever had access to that information?

A Potentially. I don't know all the other facts around it. Potentially.

Q In what cases would it not be worthwhile to determine whether classified information had been obtained or accessed by somebody without the necessary clearances or need to know?

A If they already know how he got it or if they can tell that he had access to it by some other method. Otherwise, I think you're right.

Q Do you know whether Ms. Abedin was ever asked by any agents as to how classified information resulted on his computer?

A I don't know for a fact. I thought there was an explanation for that with automatic backups, but I don't remember why I thought that. So maybe I'm presuming that she was asked by the team, but I don't know that for a fact.

Q Okay.

Switching back to our conversation on leaks --

A Okay.

Q Sorry to jump around. You indicated you had a discussion with the AG and it focused on the Garner matter. Was there any

discussion by the AG about someone potentially -- or concerns about somebody potentially leaking information regarding the Clinton email investigation?

A No. Not that I recall.

Q Did you ever have any discussions with anyone in FBI headquarters or the Department of Justice regarding leaks concerning the Clinton email investigation?

A Not that I recall. No, I don't think so. Only when the letter was being sent here to the Hill did I have a conversation about potential leak.

Mr. Somers. I'm sorry, which letter?

Mr. Sweeney. The letter announcing that they were reopening the investigation.

BY MR. BREITENBACH:

Q That that letter or the --

A That the letter would leak.

Q -- indication of the letter could be leaked prior? Were there concerns that the letter prior to passage to Congress would be leaked?

A No. Were there concerns about that the letter would be leaked before it got to here?

Q Yes.

A No. The discussion I had was, no offense meant, but, once the letter got to here, who would leak.

Q No offense taken.

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A Sorry, folks. It is what it is.

Mr. Baker. So it wasn't that the fact that the investigation had been reopened would leak from the Bureau prior to a letter getting here, or a decision that there needed to be a letter because there would probably be a leak from headquarters or elsewhere that the case had been reopened, that's not what it was, in your view? It was that once it got here it would leak?

Mr. Sweeney. I don't recall the former, where there was discussion about, "Hey, we have to do this because it's going to leak." I had a discussion with AD Priestap that, you send this letter up here, it's going to leak.

Mr. Breitenbach. Well, sending a letter, though, to Congress, how is it viewed in terms of a leak if --

Mr. Sweeney. The letter will get out and --

Mr. Breitenbach. -- it would become public?

Mr. Sweeney. Just that a letter will get -- the fact that we reopened that letter is going to get out to the public. Obviously, the Bureau hadn't released the letter to the public, so -- I mean, that was my conversation.

Mr. Baker. I was of the belief, maybe incorrectly, that part of the decisionmaking factor on the Director, in notifying Congress via a letter, was that the fact that there was this relook, reinvestigation, would leak out, and that would get in front of him. Hence, a letter being sent to formally notify a certain segment of Congress, before a leak got out, that there was investigative activity that was starting

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anew.

Mr. Sweeney. No, I think you're right. I think your characterization of that was his mental processes is accurate. But the question is, was there conversation with me that we were concerned that it was going to leak before that letter? No, not that I'm aware. I don't recall being involved in any conversation about the Weiner laptop potentially leaking or a reopening up until the time the letter was about to be sent -- was being sent that day. I got notified the letter was being sent the day it was sent.

Mr. Baker. Okay.

BY MR. BREITENBACH:

Q Based on what you know now, do you believe, as the IG indicated, that Peter Strzok placed the Trump investigation or prioritized the Trump investigation over the Clinton investigation?

A I think that's what he says. I would have to read it to make sure that interpretation is accurate. But I --

Q Well, let me go back in time. Based on the time period that you were aware that the laptop itself was in your possession, in the FBI's possession, and that there was indication that there were Clinton-related emails, not just emails related to matters under which Mr. Weiner is in jail for currently, but Clinton-related matters. A month passes. I think you said in the prior testimony that you didn't necessarily agree with Mr. Priestap that a month is a normal amount of time to wait in a case such as this.

Based on your feeling that a month was potentially too long -- and

I don't want to put words in your mouth, but that's what I took from your testimony -- is it your opinion that it was Mr. Strzok's decision to wait a month before exploiting the laptop?

A What I don't know is if it was an affirmative decision to wait or whether it was not enough energy put behind asking for followup, where are we on this. I just don't know that answer, if that makes sense. I don't even know if I'm making a difference between the two.

But I don't know if I would even know if there was an affirmative decision where, "Hey, we're not going to do anything with this because we're doing this, we have to prioritize this," as opposed to just the natural followup that a manager would have had, "Hey, where are we on this? Where are we on this? Where are we on this? Where are we on this?" Like, I don't know what kind of followup existed or didn't exist.

Q Was there a sense, though, that this information -- I know you mentioned previously that it was important, and you've testified to the IG that the newfound information on the laptop was important -- but that this was at least something that I would say in the history of the FBI was an extremely big case? The Clinton email investigation, that is.

A Correct.

Q And you were aware of that when you first made that call and spoke with Mr. McCabe about the numbers of emails that had been newly found.

A Correct.

Q So I think it stands to reason, then, that somebody at headquarters who has been involved in a case over the amount of time that Mr. Strzok was, when they first learn about the potential -- and I think it turns out to have been about 694,000 items, at least, found on that laptop, related to Clinton, that that would be something that would be worthwhile exploiting as quickly as possible?

A I would agree with that, yeah.

Q And that is where your potential disagreement with Mr. Priestap lies?

A Yeah, I think my disagreement with the characterization earlier is I just thought it was a broad answer. It is case-dependent. It is right -- depends on the issues of that particular case. But to say generally, hey, it's a normal -- we take this on and make a decision. Maybe it's personality-dependent too. I just think it's a broad answer, especially -- I just think it's a broad answer.

Q Thank you.

Mr. Somers. Do you have any knowledge of the search that was eventually conducted on the laptop pursuant to that second search warrant?

Mr. Sweeney. Yeah, little bit. I know it was done. And I know they were using the -- what did you call it? The de- -- de-whatever.

Mr. Baker. De-duplicity software.

Mr. Sweeney. De-duplication.

Mr. Baker. De-duplication.

Mr. Sweeney. So I knew that was done. I believe they expected

it was going to take a long time to do the search. And I think -- obviously, it was done quickly, and --

BY MR. SOMERS:

Q That's my question. So when you say you know the search was done, but you don't know really what was done, what was looked at.

A No.

Q Are you surprised at the reported short period of time that they searched through 600,000-plus emails?

A I think I could say "yes" and "no" at the same time. So it's a lot of things to get through, but I also know that when we put resources behind an issue to get through material quickly, we can sometimes do pretty wild stuff as an organization. I just don't know the mechanics of how they did it.

Q And do you happen to know the resources that were put behind this search?

A I don't know what -- so that's what I don't know. I didn't know at the time how it was done. I don't know how to describe it better.

Q Do you have any idea how many emails related to the Weiner investigation your agents looked at on that laptop?

A No. Somebody probably told me at some point, but I don't know.

Q Do you know how long they -- for what period of time they searched the laptop?

A No, I would have to check. Like, how many months or weeks?

No. But I know it was -- and we were looking -- and I know they focus on images and videos and the exchanges that occurred with the victim. And I don't know what kind of automated processes they may be using to, you know, run through the imagery. I don't know. I could find out, but --

Q Do you think it was longer than a single weekend?

A Oh, yeah. Yeah, I think that's fair.

Q One more question. Sorry. It's completely different subject.

So, on November 1st, Deputy Director McCabe recused himself from the Clinton Foundation and the Clinton email investigations. It says in the IG report that he sent emails to FBI executives and officials overseeing those investigations. Did you receive such an email?

A No.

Q So were you aware that Deputy Director McCabe had recused himself?

A So, as far as that email goes, I became aware. But I was aware when he told me in a phone call following the AG's phone call that he was thinking about recusing himself. And in the course of that conversation, my impression was he did recuse himself, because he tells me to go through EAD Coleman, and I confirmed that. And so I just assumed that he did recuse himself, as far as my purposes.

Q When was that?

A That was the date of the AG phone call, which was the week of the 20th, 24th, 25th, or 26th. It's in the report.

COMMITTEE SENSITIVE

Q Of October?

A Yep.

Q But were you aware on November 3rd that he had recused himself, when he made that phone call about the leaks, in the Clinton Foundation?

A Yes. So -- yes. I'm just trying to get the sequence in my head. It's November 3rd, the nighttime -- November 3rd is the call with the --

Q I'm sorry. The article is November 3rd. The conversation is November 4th.

A Fourth. Yeah, so I had -- there was a first phone call, which was at night, about leaks. And I call EAD Coleman and Steinbach after I get the call from McCabe. One of my conversations with one of them, you know, I'm not sure I should be having these conversations, because I was under the impression he was already recused. And so that call occurs after that conversation I had on whatever that night was. Yeah, so I was under the impression that he had recused himself.

Q But that's your impression; you were never told that he recused --

A No. He told me to go through Randy Coleman in a phone call that occurred right after the AG's phone call.

Q So, in the IG report, it says you had a 10-minute-long phone conversation with him on November 4th regarding leaks in the Clinton Foundation investigation. In 10 minutes, no content of the investigation came up?

COMMITTEE SENSITIVE

A No. And that call probably included other things. I don't think the whole 10 minutes was about the leak -- or it could've been. It could've been a debate. But I might have given him updates on other stuff, sort of parry the phone call a little bit, "All right, done, let's talk about something else."

But, no, there wasn't any conversation about investigative activity in the Clinton stuff. In other words, I didn't get any direction from him on the Clinton case or what to do or not to do, other than have the leaks stop.

Q And he received no updates from you on the --

A No. Not that I recall. The -- no. Post that? No.

Q And prior to the recusal, is he someone you would talk to about the Clinton Foundation case?

A So, go back to -- so --

Q Prior to -- I'm sorry.

A No, on the question we were just talking about. On the Weiner laptop, I don't think I was given instruction that he was recused from that initially. I'd have to go back and read that again. So I'm trying to remember if he got an update on the Weiner laptop post-November 4th.

Q Yeah, I'm just asking about the two investigations it says he was recused from, the Clinton Foundation investigation and the Clinton email investigation. So my --

A Yeah.

Q -- first question -- well, my question is, prior to the

recusal, is he someone you would talk to about either of those investigations? "He" being Andy McCabe.

A He could be. The email investigation is referring to the Midyear investigation, so I wouldn't be talking to him about that. The other reference --

Q Clinton Foundation.

A Yeah.

Q All I'm getting at is, I'm surprised that you were not formally told that he was recused. But we'll leave it at that then.

BY MR. BAKER:

Q We talked just a second ago about one of the reasons given for the delay in taking action on the laptop from headquarters was that it was a priority issue; a Russian matter was taking priority over it.

One of the other reasons that the IG heard and examined was that the Midyear team was waiting for additional information about the contents of the laptop from the New York office, which was not provided until late October. That was an excuse that headquarters had given.

What are your thoughts on that? The IG did not find it a credible excuse based on their finding that everything that needed to be known was known in early October and there was no reason for the delay. But headquarters seems to say they're waiting for New York office to do something in late October.

A News to me. I agree with that assessment.

Q The assessment of the IG.

A Correct.

Q You indicated earlier you had read chapter 9 in preparation for today and maybe some other stuff at another time. Of your knowledge --

A Skimmed chapter 9.

Q Okay, skimmed chapter 9. Of your knowledge of what's in the IG report and even what you've heard from other people that may have read it cover to cover, is there anything that you take issue with in the report that you don't believe is correct or is factually inaccurate?

A Potentially the description of the October 25th SVTC.

Q And what do you --

A I know from reading -- or skimming chapter 9 that the Director doesn't recall having a meeting with me about the laptop.

Q Okay. Separate and apart -- anything else?

A I don't think so.

Q Okay.

Separate and apart from anything relating to the laptop, are you aware of New York division being cut any investigative lead from headquarters or another field office on Midyear Exam?

A Not that I recall. Not that I recall.

Q Okay.

Is there anything you want to tell us before -- because we're not going to have another round here -- anything you want to tell us that we haven't asked that you feel is important?

A No.

[1:49 p.m.]

Mr. Baker. Just a point of clarification from one of my colleagues. You indicated, to my last question about issues or potential concerns about inaccuracies, you referenced the 10/25 SVTC. Is it 10/25 or 9/25?

Mr. Sweeney. October.

Mr. Baker. October. Thank you.

Mr. Sweeney. I don't think the report is wrong. Just that the director doesn't have a recollection of it.

Mr. Baker. Okay. Thank you very much.

Ms. Kim. We're done.

Ms. Hariharan. We don't have another round. We're good.

[Whereupon, at 1:50 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

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Witness Name

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Date