

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CABLE NEWS NETWORK, INC.,)	
)	
<i>Plaintiff,</i>)	
)	
v.	)	Civil Action No. 17-1167-JEB
)	
FEDERAL BUREAU OF INVESTIGATION,)	
)	
<i>Defendant.</i>)	
)	
GANNETT SATELLITE INFORMATION)	
NETWORK, LLC, d/b/a USA TODAY, <i>et al.</i>)	
)	
<i>Plaintiffs,</i>	)	Civil Action No. 17-1175-JEB
)	
v.)	
)	
DEPARTMENT OF JUSTICE,)	
)	
<i>Defendant.</i>)	
)	
JUDICIAL WATCH, INC.,)	
)	
<i>Plaintiff,</i>)	
	)	Civil Action No. 17-1189-JEB
v.)	
)	
UNITED STATES DEPARTMENT OF JUSTICE,)	
)	
<i>Defendant.</i>)	
)	
FREEDOM WATCH, INC.,)	
)	
<i>Plaintiff,</i>)	
	)	Civil Action No. 17-1212-JEB
v.)	
)	
UNITED STATES DEPARTMENT OF JUSTICE)	
and FEDERAL BUREAU OF INVESTIGATION,)	
)	
<i>Defendants.</i>)	
)	

THE DAILY CALLER NEWS)	
FOUNDATION,)	
)	
<i>Plaintiff,</i>)	
	)	Civil Action No. 17-1830-JEB
v.)	
)	
U.S. DEPARTMENT OF JUSTICE,)	
)	
<i>Defendant.</i>)	

**THE DAILY CALLER NEWS FOUNDATION’S MEMORANDUM OF POINTS
AND AUTHORITIES IN OPPOSITION TO DEFENDANTS’ MOTION FOR
PARTIAL SUMMARY JUDGMENT AND IN SUPPORT OF ITS
CROSS-MOTION FOR SUMMARY JUDGMENT**

Plaintiff The Daily Caller News Foundation, by counsel and pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, hereby cross-moves for summary judgment against Defendants Federal Bureau of Investigation and U.S. Department of Justice. As grounds therefor, The Daily Caller News Foundation respectfully refers the Court to the accompanying Memorandum of Points and Authorities in Opposition to Defendants’ Motion for Partial Summary Judgment and in Support of The Daily Caller News Foundation’s Cross-Motion for Summary Judgment, The Daily Caller News Foundation’s Response to Defendants’ Statement of Material Facts as to Which There Is No Genuine Dispute and The Daily Caller News Foundation’s Statement of Undisputed Material Facts in Support of Plaintiff’s Cross-Motion for Summary Judgment.

Dated: November 3, 2017

Respectfully submitted,

/s/ Michael Bekesha
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CROSS-MOTION FOR SUMMARY JUDGMENT**

Plaintiff The Daily Caller News Foundation, by counsel and pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, respectfully submits this memorandum of points and authorities in opposition to the motion for partial summary judgment of Defendants Federal Bureau of Investigation and U.S. Department of Justice and in support of The Daily Caller News Foundation’s cross-motion for summary judgment.

I. Introduction.

While he was FBI Director, James Comey had nine one-on-one conversations with President Donald Trump. After he was fired, the Senate Select Committee on Intelligence asked Director Comey to testify about those interactions. Director Comey subsequently testified he contemporaneously authored at least five – and as many as nine – records about these conversations so that he had a record of what happened in case he needed to defend himself or the FBI. These records are colloquially known as the Comey Memos.

Director Comey did not create the Comey Memos for law enforcement purposes. His own testimony reveals he created them for administrative and institutional purposes. His

testimony also reveals the subject of each of the Comey Memos and, in some circumstances, specific passages from them. A mountain of information about these records exists in the public domain because of Director Comey's testimony. Defendants' withholding of the Comey Memos in their entirety is improper.

II. Factual Background.

A. The Comey Memos.

On June 8, 2017, former FBI Director James Comey testified under oath before the Senate Select Committee on Intelligence. *See* James B. Comey's Statement for the Record, Senate Select Committee on Intelligence (June 8, 2017), attached as Exhibit A to DCNF's Memorandum of Points and Authorities in Opposition to Defendants' Motion for Partial Summary Judgment and in Support of its Cross-Motion for Summary Judgment; *see also* Transcript of Senate Intelligence Committee Hearing (June 8, 2017), attached as Exhibit B to DCNF's Memorandum. Director Comey was asked "to describe [his] interactions with President-Elect and President Trump." Exhibit A at 1. In written testimony submitted to the Committee on June 7, 2017, Director Comey stated he "recall[s] nine one-on-one conversations with President Trump in four months – three in person and six on the phone." *Id.* at 2. Director Comey also testified he created records after each of those conversations. *Id.* ("I created records after conversations, and I think I did it after each of our nine conversations. If I didn't I did it for nearly all of them, especially the ones that were substantive."). Director Comey described five of those conversations in his written testimony and detailed the other four during the question and answer portion. *Id.* at 1-7; Exhibit B at 131-132.

The first conversation took place on January 6, 2017 in a conference room at Trump Tower in New York. Exhibit A at 1-2. During this meeting, Director Comey briefed President-

Elect Trump on “some personally sensitive aspects of the information assembled during” the Intelligence Community assessment concerning Russian efforts to interfere in the election. *Id.* The second conversation took place over the telephone shortly before January 20, 2017. Exhibit B at 131. Director Comey testified this conversation included a follow-up to the January 6 meeting as well as a brief discussion about whether Director Comey would remain as FBI Director. *Id.*

The third conversation occurred on January 27, 2017, when President Trump called and invited Director Comey to dinner that evening. *Id.* at 132; Exhibit A at 2-3. Director Comey testified President Trump “invited [him] to dinner that night, saying he was going to invite [Director Comey’s] whole family, but decided to have just [him] this time, with the whole family coming the next time.” *Id.* The fourth conversation occurred at dinner on January 27, 2017. *Id.* at 2-4. During that conversation, President Trump and Director Comey discussed whether Director Comey would stay on as FBI Director and revisited their conversation from January 6. *Id.*

The fifth conversation occurred in the Oval Office on February 14, 2017. *Id.* at 4-6. That conversation concerned the FBI’s investigation into Mike Flynn. *Id.* The sixth conversation, occurred on March 1, 2017. Exhibit B at 131. Director Comey testified President Trump called him “just to check in.” *Id.*

The seventh conversation occurred on March 30, 2017. Exhibit A at 6-7. On that date, President Trump and Director Comey discussed the “cloud” of the Russia investigation “that was impairing [the President’s] ability to act on behalf of the country.” *Id.* The eighth conversation also occurred by telephone. *Id.* at 7. On April 11, 2017, President Trump called Director Comey to again discuss the “cloud.” *Id.* The ninth and final conversation between President Trump and

Director Comey also occurred on the telephone. Exhibit B at 132. Director Comey does not recall when this conversation took place but testified they had a “secure call” about “an operational matter that was not related” to the Russia investigation. *Id.*

In addition to testifying about the content of the Comey Memos, Director Comey testified as to why he created the records. *Id.* at 33. He explained, “I knew that there might come a day when I would need a record of what happened, not just to defend myself, but to defend the FBI and – and our integrity as an institution and the independence of our investigation.” *Id.* He also described the records as his “recollection recorded.” *Id.* at 100. At no point did Director Comey testify he created the records for law enforcement purposes.

In addition, Director Comey testified some of the records contained classified information. *Id.* at 41-42. He does not describe how many of the records contain classified information, whether any records were entirely classified, or if he properly followed the procedures necessary to classify the records in their entirety or in part. However, at least some of the records were specifically written to not contain classified information. Exhibit A at 5 (“I immediately prepared an unclassified memo of the conversation.”).

B. DCNF’s FOIA Request.

Prior to Director Comey’s testimony, the New York Times reported Director Comey created memoranda “about every phone call and meeting he had with” President Trump. Based on this report, DCNF submitted a Freedom of Information Act request to the FBI seeking copies of all unclassified memoranda authored by former FBI Director James Comey that contemporaneously memorialized his discussions with President Trump and his aides. The FBI continues to withhold all the records in their entirety pursuant to Exemption 7.

III. Summary Judgment Standard.

In FOIA litigation, as in all litigation, summary judgment is appropriate only when the pleadings and declarations demonstrate there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986); Fed. R. Civ. P. 56(c). In FOIA cases, agency decisions to “withhold or disclose information under FOIA are reviewed *de novo*.” *Judicial Watch, Inc. v. U.S. Postal Service*, 297 F. Supp. 2d 252, 256 (D.D.C. 2004). In reviewing a motion for summary judgment under FOIA, the court must view the facts in the light most favorable to the plaintiff. *Weisberg v. U.S. Department of Justice*, 745 F.2d 1476, 1485 (D.C. Cir. 1984).

IV. Defendants Have Failed to Demonstrate They Conducted an Adequate Search.

DCNF seeks all unclassified memoranda authored by Director Comey memorializing his conversations with President Trump. Director Comey testified that he had nine one-on-one conversations with President Trump and that he believes he memorialized each of those conversations. Defendants however fail to provide any evidence whatsoever about how many records they have in their possession, how many records they located, and how many records they determined to be responsive. Based on Director Comey’s testimony, there are at least five – and as many as nine – records responsive to DCNF’s request. For DCNF and the Court to evaluate whether Defendants conducted an adequate search, Defendants must identify the number of records they located and are withholding.

Instead of identifying the number of records it located, Defendants submitted a declaration containing conclusory statements. Specifically, Mr. Hardy testified that employees of the FBI’s Records Management Division “identified what they believed to be the set of records constituting the Comey Memos[,]” and that employees of the FBI’s National Security

and Cyber Branch confirmed the records identified by RMD “were, in fact, the full set of” responsive records. Declaration of David M Hardy (filed Oct. 13, 2017) at ¶ 62. Yet the declaration is silent as to how both components reached their determination that the unidentified number of records are all the records sought by DCNF. Because Defendants have failed to even identify the number of records they located or how they know the records are all the records responsive to DCNF’s request, Defendants’ motion for partial summary judgment with respect to the adequacy of the search should be denied, and DCNF’s cross-motion should be granted.

V. Hardy’s Declaration Is Woefully Insufficient to Justify Defendants’ Claims of Exemptions.

As this Court recently stated:

FOIA was drafted with the objective of affording the public maximum access to most government records. *See Vaughn v. Rosen*, 484 F.2d 820, 823 (D.C. Cir. 1973). The government, as a result, bears the burden of demonstrating that at least one exemption applies. *See id.* In order to assist a court in its de novo review of the withholdings and to allow the party seeking access to documents to engage in effective advocacy, the government must furnish “detailed and specific information demonstrating ‘that material withheld is logically within the domain of the exemption claimed.’” *Campbell v. U.S. Department of Justice*, 164 F.3d 20, 30 (D.C. Cir. 1998) (quoting *King v. U.S. Department of Justice*, 830 F.2d 210, 217 (D.C. Cir. 1987)). This allows for “as full a public record as possible, concerning the nature of the documents and the justification for nondisclosure.” *Hayden v. National Security Agency*, 608 F.2d 1381, 1384 (D.C. Cir. 1979). Courts in this Circuit have stressed that the government cannot justify its withholdings on the basis of summary statements that merely reiterate legal standards or offer “far-ranging category definitions for information.” *King*, 830 F.2d at 221; *see, e.g., Campbell*, 164 F.3d at 30 (emphasizing that an agency’s explanations will not suffice if they “‘are conclusory, merely recit[e] statutory standards, or if they are too vague or sweeping’”) (quoting *Hayden*, 608 F.2d at 1387).

Citizens for Responsibility & Ethics in Washington v. U.S. Department of Justice, 955 F. Supp. 2d 4, 13 (D.D.C. 2013).

DCNF generally objects to Defendants’ categorical denial of its FOIA request for all unclassified memoranda authored by former FBI Director James Comey that contemporaneously

memorialized his discussions with President Trump and his aides. Defendants refuse to provide even the most basic information about the Comey Memos, such as the number of records and the dates each record was created. They also refuse to provide detailed and specific information about why they are withholding such information. They merely recite the statutory standard for withholding. Hardy Decl. at ¶ 72 (“[I]dentifying the precise number/volume of the particular – and the very narrow universe – of records sought by plaintiffs could reasonably be expected to reveal non-public information about the scope and focus of the investigation.”). Defendants’ failure to provide any meaningful information about the Comey Memos prevents DCNF from engaging in effective advocacy.¹ For this reason alone, Defendants’ motion for partial summary judgment should be denied.

VI. Defendants Are Improperly Withholding the Comey Memos.

Defendants are withholding an undisclosed number of records in their entirety pursuant to Exemption 7(A), which authorizes an agency to withhold “records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings.” 5 U.S.C. § 552(b)(7)(A). Defendants are also withholding information contained in the records pursuant to Exemptions 1, 3, 6, 7(C), and 7(E). Defendants have failed to satisfy their burdens with respect to their Exemption 1 and 7(A) claims.² To the extent they have

¹ Defendants’ categorical denial is even more egregious because, at most, nine records exist. *Citizens for Responsibility & Ethics in Washington*, 955 F. Supp. 2d at 14 (“This Circuit’s cases seem to hint at the idea of a sliding scale inversely correlating the number of withheld documents and the level of detail required to justify their withholding.”).

² The Daily Caller does not challenge the withholdings pursuant to Exemptions 3, 6, 7(C), and 7(E) to the extent they are limited to select information as described in the Hardy declaration.

satisfied their burden, Defendants' withholding of at least some of the information is improper considering Director Comey's testimony to the Committee.

A. The Comey Memos were not compiled for law enforcement purposes.

"To determine 'whether records are compiled for law enforcement purposes, this circuit has long emphasized that *the focus is on how and under what circumstances the requested files were compiled* and whether the files sought relate to anything that can fairly be characterized as an enforcement proceeding.'" *Clemente v. Federal Bureau of Investigation*, 867 F.3d 111, 119 (D.C. Cir. 2017) (citing *Jefferson v. U.S. Department of Justice, Office of Professional Responsibility*, 284 F.3d 172, 176-177 (D.C. Cir. 2002) (emphasis added)). Defendants however fail to provide any evidence of how and under what circumstances the Comey Memos were compiled.

The operative paragraph of the Hardy Declaration is paragraph 67. In it, Hardy testified:

The Comey Memos include numerous references to sensitive information directly related to the Russia investigation, including information which would reveal aspects of the investigation's subjects, scope, and focus. That investigation is clearly within the law enforcement duties of the FBI to undertake counterintelligence and national security investigations, and to detect and investigate possible violations of Federal criminal laws. *See* 28 U.S.C. § 533. Thus, information contained in the memos was compiled as part of and in relation to an investigation within the FBI's law enforcement duties; as such, that information and by extension the memos in which it is referenced were compiled for law enforcement purposes.

Hardy Decl. at ¶ 27. The first sentence simply states information contained within the Comey Memos relate to the Russia investigation. The second sentence says the Russia investigation is a law enforcement proceeding. The third sentence is conclusory in nature.

There is no evidence whatsoever the records were compiled for law enforcement purposes. The only evidence submitted by Defendants shows nothing more than Hardy believes the records were compiled for such purposes. He has no firsthand knowledge, nor claims to.

Without knowing Director Comey's intent behind writing the memos, he could not testify to their purpose.

Director Comey, on the other hand, testified about why he created the records. He explained, "I knew that there might come a day when I would need a record of what happened, not just to defend myself, but to defend the FBI and – and our integrity as an institution and the independence of our investigation." Exhibit B at 33. He authored the records not for law enforcement purposes but for administrative and institutional purposes. His testimony could not be clearer.

The location of the Comey Memos is also revealing. Hardy testified the records were found in Director Comey's archives. Hardy Decl. at ¶ 62. The records were not stored in the Central Records System, which is the system of records that ordinarily and routinely store investigative files. *See Majid v. Federal Bureau of Investigation*, 2017 U.S. Dist. LEXIS 44929, **12-13 (D.D.C. March 28, 2017). They were stored with the administrative files.

In addition, DCNF requested the Comey Memos from the FBI, not the Justice Department or Special Counsel Mueller. The FBI, not Special Counsel Mueller, located the records. Even if Special Counsel Mueller gathered the Comey Memos as part of his investigation – and Defendants present no evidence he has done so – the specific records requested by DCNF still would not have been compiled for law enforcement purposes. *Labow v. U.S. Department of Justice*, 831 F. 3d 523, 529-30 (D.C. Cir. 2016).

Simply put, the Comey Memos were not compiled for law enforcement purposes.

B. The production of the Comey Memos could not reasonably be expected to interfere with law enforcement proceedings.

Even if Defendants could demonstrate – which they cannot – the Comey Memos were compiled for law enforcement purposes, they have failed to demonstrate the production of the

records could reasonably be expected to interfere with law enforcement proceedings. The author of the Comey Memos has already made public, through testimony to the Committee, substantial information about the records. Director Comey identified the number of records, when the records were created, and why he wrote them. He has also revealed the subject of the records, the content of the records, and has even quoted from passages from some of the records. Very little, if any, information about the Comey Memos and the information contained within them remains secret. Exactly how could the release of the Comey Memos containing information already in the public domain reasonably be expected to interfere with law enforcement proceedings?

Defendants do not answer this question. Nor do they attempt to. They merely suggest they considered Director Comey's testimony. Hardy Decl. at ¶ 71. Hardy however does not identify how he reached his conclusion. Nor does he identify what specific information he reviewed when reaching his decision. His conclusory, bare bones assertion is insufficient to justify Defendants' withholding of all Comey Memos in their entirety.³

C. Defendants have failed to demonstrate the information contained within the Comey Memos was classified in accordance with the procedural requirements of the executive order.

To properly invoke Exemption 1, the withheld information "must be classified in accordance with the procedural criteria of the governing Executive Order as well as its substantive terms." *Lesar v. U.S. Department of Justice*, 636 F.2d 472, 483 (D.C. Cir. 1980).

³ At a minimum, the Court should review the Comey Memos *in camera*. *Citizens for Responsibility & Ethics in Washington*, 955 F. Supp. 2d at 13. The Court should compare the information contained within the records with the written and oral testimony of Director Comey. The Court could therefore make an informed decision about what, if any, information remains secret and whether such information should be withheld. The Court could then order the production of the Comey Memos containing the information already in the public domain.

Defendants rely on Hardy's declaration to support their claim they have satisfied Executive Order 13526's procedural criteria. The declaration however provides little more than a self-serving, conclusory statement: "I determined that the information protected pursuant to Exemption (b)(1) in the Comey Memos is currently and properly classified at the SECRET or CONFIDENTIAL level pursuant to EO 13526, and satisfies both the procedural and substantive requirements set forth in the Executive Order." Hardy Decl. at ¶ 81.

Hardy's testimony does not identify when the Comey Memos were classified. This is significant because different procedures exist for records classified prior to the receipt of a FOIA request and for records classified after the fact. Once a FOIA request has been received, a government agency can only classify material "if such classification meets the requirements of this order and is accomplished on a document-by-document basis with the personal participation or under the direction of the agency head, the deputy agency head, or the senior agency official designated under section 5.4 of this order." EO 13526, § 1.7(d). Hardy's declaration is completely silent as to when the classification took place and under what procedure.

DCNF asked for all unclassified records on June 1, 2017. June 1 is therefore the operative date. Any records classified after that date would be responsive to DCNF's FOIA request. In addition, to the extent such records have been classified in their entirety or information contained within them has been classified after the request was received, the executive order requires such classification be performed on a document-by-document basis. Defendants fail to provide the necessary evidence.⁴

⁴ To the extent the classification took place before June 1, the Daily Caller is entitled to any record that is not classified in its entirety. If information contained within one or more Comey Memos is properly classified, such information may be redacted.

D. At least some information contained within the Comey Memos has been officially acknowledged.

Director Comey indisputably testified about his nine one-on-one conversations with President Trump and the records he authored immediately following the interactions. Defendants however assert the testimony is of no consequence. *See* Hardy Decl. at ¶ 108 (“Because former-Director Comey was no longer an FBI official at the point that he provided his testimony before the SSCI, the FBI has concluded that his testimony did not and does not require any modification in its response.”). This simply cannot be the case.⁵

Contrary to Defendants’ assertions, Director Comey’s testimony cannot be compared to WikiLeaks or even a former government official’s memoir. Director Comey was asked to testify shortly after he was removed from office. He testified about conversations he had and records he authored while he was FBI director. Besides President Trump, Director Comey is the only individual that could answer the Committee’s questions or provide such information. He may have been a private citizen at the time he testified, but he was providing testimony based on actions he took while FBI director and was under oath while doing so.

Importantly, Defendants did not prevent Director Comey from testifying. Nor do they dispute, disavow, and even disagree with any of his testimony. Nor have Defendants sought to initiate an investigation against Director Comey for violating any non-disclosure agreements or removing records from the FBI when he was fired. Defendants have done little, if anything, expected of an agency facing an unauthorized leak or disclosure of information. Their silence and inaction speak volumes. *Barre*, 932 F. Supp. at 9.

⁵ To be officially acknowledged, the information requested must: (1) be as specific as the information previously released; (2) match the information previously disclosed; and (3) have already been made public through an official and documented disclosure. *Barre v. Obama*, 932 F. Supp. 2d 5, 8 (D.D.C. 2013). In this case, the only prong at issue is the third one.

Because the information contained in the Comey Memos has been disclosed by their author, the Comey Memos must be disclosed regardless of Defendants' otherwise valid claims of exemption. *Fitzgibbon v. Central Intelligence Agency* 911 F.2d 755, 765 (D.C. Cir. 1990).

VII. Conclusion.

For the reasons stated above, DCNF respectfully requests Defendants' Motion for Partial Summary Judgment be denied, DCNF's Cross-Motion for Summary Judgment be granted, and Defendants promptly produce all records responsive to DCNF's FOIA request.

Dated: November 3, 2017

Respectfully submitted,

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News Foundation*

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**THE DAILY CALLER NEWS FOUNDATION’S RESPONSE TO DEFENDANTS’
STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO
GENUINE DISPUTE AND STATEMENT OF UNDISPUTED MATERIAL
FACTS IN SUPPORT OF ITS CROSS-MOTION FOR SUMMARY JUDGMENT**

Plaintiff The Daily Caller News Foundation, by counsel and pursuant to Local Civil Rule 7.1(h), respectfully submits this response to Defendants’ statement of material facts as to which there is no genuine dispute and statement of undisputed material facts in support of its cross-motion for summary judgment:

I. The Daily Caller News Foundation’s Response to Defendants’ Statement of Material Facts As To Which There is No Genuine Dispute.

1. Undisputed.

2. Undisputed.

3. Undisputed.

4. Undisputed.

5. DCNF objects to this paragraph to the extent it contains conclusions of law instead of assertions of fact. To the extent this paragraph contains an assertion of fact, DCNF disputes the assertion. *See generally* Testimony of James B Comey before the Senate Select Committee on Intelligence.

6. Undisputed.

7. Undisputed.

8. DCNF objects to this paragraph to the extent it contains conclusions of law instead of assertions of fact. To the extent this paragraph contains an assertion of fact, DCNF disputes the assertion. *See generally* Testimony of James B Comey before the Senate Select Committee on Intelligence.

9. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

10. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

11. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

12. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

13. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

14. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

15. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

16. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

17. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

18. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

19. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

20. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

21. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph.

22. Undisputed.

23. Undisputed.

24. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph. *See Judicial Watch, Inc. v. Food and Drug Administration*, 449 F.3d 141, 145 (D.C. Cir. 2006) (noting the “asymmetrical distribution of knowledge” as between a FOIA requester and an agency in FOIA cases).

25. DCNF objects to this paragraph to the extent it contains conclusions of law instead of assertions of fact. To the extent this paragraph contains an assertion of fact, DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph. *See Judicial Watch, Inc. v. Food and Drug Administration*, 449 F.3d 141, 145 (D.C. Cir. 2006) (noting the “asymmetrical distribution of knowledge” as between a FOIA requester and an agency in FOIA cases).

26. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph. *See Judicial Watch, Inc. v. Food and Drug Administration*, 449 F.3d 141, 145 (D.C.

Cir. 2006) (noting the “asymmetrical distribution of knowledge” as between a FOIA requester and an agency in FOIA cases).

27. DCNF objects to this paragraph to the extent it contains conclusions of law instead of assertions of fact. To the extent this paragraph contains an assertion of fact, DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph. *See Judicial Watch, Inc. v. Food and Drug Administration*, 449 F.3d 141, 145 (D.C. Cir. 2006) (noting the “asymmetrical distribution of knowledge” as between a FOIA requester and an agency in FOIA cases).

28. DCNF objects to this paragraph to the extent it contains conclusions of law instead of assertions of fact. To the extent this paragraph contains an assertion of fact, the Daily Caller lacks knowledge to state whether it disputes or does not dispute this paragraph. *See Judicial Watch, Inc. v. Food and Drug Administration*, 449 F.3d 141, 145 (D.C. Cir. 2006) (noting the “asymmetrical distribution of knowledge” as between a FOIA requester and an agency in FOIA cases).

29. DCNF lacks knowledge to state whether it disputes or does not dispute this paragraph. *See Judicial Watch, Inc. v. Food and Drug Administration*, 449 F.3d 141, 145 (D.C. Cir. 2006) (noting the “asymmetrical distribution of knowledge” as between a FOIA requester and an agency in FOIA cases).

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II. The Daily Caller News Foundation’s Statement of Undisputed Material Facts in Support of its Cross-Motion for Summary Judgment.

1. On June 8, 2017, former Director of the Federal Bureau of Investigation James Comey testified under oath before the Senate Select Committee on Intelligence. *See* James B. Comey’s Statement for the Record, Senate Select Committee on Intelligence (June 8, 2017), attached as Exhibit A to DCNF’s Memorandum of Points and Authorities in Opposition to Defendants’ Motion for Partial Summary Judgment and in Support of its Cross-Motion for Summary Judgment; *see also* Transcript of Senate Intelligence Committee Hearing (June 8, 2017), attached as Exhibit B to DCNF’s Memorandum.

2. Director Comey was asked “to describe [his] interactions with President-Elect and President Trump.” Exhibit A at 1.

3. In written testimony submitted to the Committee on June 7, 2017, Director Comey stated he “recall[s] nine one-on-one conversations with President Trump in four months – three in person and six on the phone.” *Id.* at 2.

4. Director Comey testified he created records after each of those conversations. *Id.*

5. Director Comey described five of those conversations in his written testimony and detailed the other four during the question and answer portion. *Id.* at 1-7; Exhibit B at 131-132.

6. The first conversation took place on January 6, 2017 in a conference room at Trump Tower in New York. Exhibit A at 1-2. During this meeting, Director Comey briefed President-Elect Trump on “some personally sensitive aspects of the information assembled

during” the Intelligence Community assessment concerning Russian efforts to interfere in the election. *Id.*

7. The second conversation took place over the telephone shortly before January 20, 2017. Exhibit B at 131. Director Comey testified that this conversation included a follow-up to the January 6 meeting as well as a brief discussion about whether Director Comey would remain as FBI Director. *Id.*

8. The third conversation occurred on January 27, 2017, when President Trump called and invited Director Comey to dinner that evening. *Id.* at 132; Exhibit A at 2-3. Director Comey testified President Trump “invited [him] to dinner that night, saying he was going to invite [Director Comey’s] whole family, but decided to have just [him] this time, with the whole family coming the next time.” *Id.*

9. The fourth conversation occurred at dinner on January 27, 2017. *Id.* at 2-4. During that conversation, President Trump and Director Comey discussed whether Director Comey would stay on as FBI Director and revisited their conversation from January 6. *Id.*

10. The fifth conversation occurred in the Oval Office on February 14, 2017. *Id.* at 4-6. That conversation concerned the FBI’s investigation into Mike Flynn. *Id.*

11. The sixth conversation, occurred on March 1, 2017. Exhibit B at 131. Director Comey testified President Trump called him “just to check in.” *Id.*

12. The seventh conversation occurred on March 30, 2017. Exhibit A at 6-7. On that date, President Trump and Director Comey discussed the “cloud” of the Russia investigation “that was impairing [the President’s] ability to act on behalf of the country.” *Id.*

13. The eighth conversation also occurred by telephone. *Id.* at 7. On April 11, 2017, President Trump called Director Comey to again discuss the “cloud.” *Id.*

14. The ninth and final conversation between President Trump and Director Comey also occurred on the telephone. Exhibit B at 132. Director Comey does not recall when this conversation took place but testified they had a “secure call” about “an operational matter that was not related” to the Russia investigation. *Id.*

15. Director Comey testified he authored the Comey Memos for administrative and institutional purposes. *Id.* at 33.

16. At no point did Director Comey testify he created the records for law enforcement purposes. *Id.*

17. Director Comey testified at least some of the records were specifically written to not contain classified information. *Id.* at 41-42.

Dated: November 3, 2017

Respectfully submitted,

/s/ Michael Bekesha
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Exhibit A

**Statement for the Record
Senate Select Committee on Intelligence**

James B. Comey

June 8, 2017

Chairman Burr, Ranking Member Warner, Members of the Committee. Thank you for inviting me to appear before you today. I was asked to testify today to describe for you my interactions with President-Elect and President Trump on subjects that I understand are of interest to you. I have not included every detail from my conversations with the President, but, to the best of my recollection, I have tried to include information that may be relevant to the Committee.

January 6 Briefing

I first met then-President-Elect Trump on Friday, January 6 in a conference room at Trump Tower in New York. I was there with other Intelligence Community (IC) leaders to brief him and his new national security team on the findings of an IC assessment concerning Russian efforts to interfere in the election. At the conclusion of that briefing, I remained alone with the President-Elect to brief him on some personally sensitive aspects of the information assembled during the assessment.

The IC leadership thought it important, for a variety of reasons, to alert the incoming President to the existence of this material, even though it was salacious and unverified. Among those reasons were: (1) we knew the media was about to publicly report the material and we believed the IC should not keep knowledge of the material and its imminent release from the President-Elect; and (2) to the extent there was some effort to compromise an incoming President, we could blunt any such effort with a defensive briefing.

The Director of National Intelligence asked that I personally do this portion of the briefing because I was staying in my position and because the material implicated the FBI's counter-intelligence responsibilities. We also agreed I would do it alone to minimize potential embarrassment to the President-Elect. Although we agreed it made sense for me to do the briefing, the FBI's leadership and I were concerned that the briefing might create a situation where a new President came into office uncertain about whether the FBI was conducting a counter-intelligence investigation of his personal conduct.

It is important to understand that FBI counter-intelligence investigations are different than the more-commonly known criminal investigative work. The Bureau's goal in a counter-intelligence investigation is to understand the technical and human methods that hostile foreign powers are using to influence the United States or to steal our secrets. The FBI uses that understanding to disrupt those efforts. Sometimes disruption takes the form of alerting a person who is targeted for recruitment or influence by the foreign power. Sometimes it involves hardening a computer system that is being attacked. Sometimes it involves "turning" the recruited person into a double-agent, or publicly calling out the behavior with sanctions or expulsions of embassy-based intelligence officers. On occasion, criminal prosecution is used to disrupt intelligence activities.

Because the nature of the hostile foreign nation is well known, counter-intelligence investigations tend to be centered on individuals the FBI suspects to be witting or unwitting agents of that foreign power. When the FBI develops reason to believe an American has been targeted for recruitment by a foreign power or is covertly acting as an agent of the foreign power, the FBI will "open an investigation" on that American and use legal authorities to try to learn more about the nature of any relationship with the foreign power so it can be disrupted.

In that context, prior to the January 6 meeting, I discussed with the FBI's leadership team whether I should be prepared to assure President-Elect Trump that we were not investigating him personally. That was true; we did not have an open counter-intelligence case on him. We agreed I should do so if circumstances warranted. During our one-on-one meeting at Trump Tower, based on President-Elect Trump's reaction to the briefing and without him directly asking the question, I offered that assurance.

I felt compelled to document my first conversation with the President-Elect in a memo. To ensure accuracy, I began to type it on a laptop in an FBI vehicle outside Trump Tower the moment I walked out of the meeting. Creating written records immediately after one-on-one conversations with Mr. Trump was my practice from that point forward. This had not been my practice in the past. I spoke alone with President Obama twice in person (and never on the phone) – once in 2015 to discuss law enforcement policy issues and a second time, briefly, for him to say goodbye in late 2016. In neither of those circumstances did I memorialize the discussions. I can recall nine one-on-one conversations with President Trump in four months – three in person and six on the phone.

January 27 Dinner

The President and I had dinner on Friday, January 27 at 6:30 pm in the Green Room at the White House. He had called me at lunchtime that day and

invited me to dinner that night, saying he was going to invite my whole family, but decided to have just me this time, with the whole family coming the next time. It was unclear from the conversation who else would be at the dinner, although I assumed there would be others.

It turned out to be just the two of us, seated at a small oval table in the center of the Green Room. Two Navy stewards waited on us, only entering the room to serve food and drinks.

The President began by asking me whether I wanted to stay on as FBI Director, which I found strange because he had already told me twice in earlier conversations that he hoped I would stay, and I had assured him that I intended to. He said that lots of people wanted my job and, given the abuse I had taken during the previous year, he would understand if I wanted to walk away.

My instincts told me that the one-on-one setting, and the pretense that this was our first discussion about my position, meant the dinner was, at least in part, an effort to have me ask for my job and create some sort of patronage relationship. That concerned me greatly, given the FBI's traditionally independent status in the executive branch.

I replied that I loved my work and intended to stay and serve out my ten-year term as Director. And then, because the set-up made me uneasy, I added that I was not "reliable" in the way politicians use that word, but he could always count on me to tell him the truth. I added that I was not on anybody's side politically and could not be counted on in the traditional political sense, a stance I said was in his best interest as the President.

A few moments later, the President said, "I need loyalty, I expect loyalty." I didn't move, speak, or change my facial expression in any way during the awkward silence that followed. We simply looked at each other in silence. The conversation then moved on, but he returned to the subject near the end of our dinner.

At one point, I explained why it was so important that the FBI and the Department of Justice be independent of the White House. I said it was a paradox: Throughout history, some Presidents have decided that because "problems" come from Justice, they should try to hold the Department close. But blurring those boundaries ultimately makes the problems worse by undermining public trust in the institutions and their work.

Near the end of our dinner, the President returned to the subject of my job, saying he was very glad I wanted to stay, adding that he had heard great things

about me from Jim Mattis, Jeff Sessions, and many others. He then said, “I need loyalty.” I replied, “You will always get honesty from me.” He paused and then said, “That’s what I want, honest loyalty.” I paused, and then said, “You will get that from me.” As I wrote in the memo I created immediately after the dinner, it is possible we understood the phrase “honest loyalty” differently, but I decided it wouldn’t be productive to push it further. The term – honest loyalty – had helped end a very awkward conversation and my explanations had made clear what he should expect.

During the dinner, the President returned to the salacious material I had briefed him about on January 6, and, as he had done previously, expressed his disgust for the allegations and strongly denied them. He said he was considering ordering me to investigate the alleged incident to prove it didn’t happen. I replied that he should give that careful thought because it might create a narrative that we were investigating him personally, which we weren’t, and because it was very difficult to prove a negative. He said he would think about it and asked me to think about it.

As was my practice for conversations with President Trump, I wrote a detailed memo about the dinner immediately afterwards and shared it with the senior leadership team of the FBI.

February 14 Oval Office Meeting

On February 14, I went to the Oval Office for a scheduled counter-terrorism briefing of the President. He sat behind the desk and a group of us sat in a semi-circle of about six chairs facing him on the other side of the desk. The Vice President, Deputy Director of the CIA, Director of the National Counter-Terrorism Center, Secretary of Homeland Security, the Attorney General, and I were in the semi-circle of chairs. I was directly facing the President, sitting between the Deputy CIA Director and the Director of NCTC. There were quite a few others in the room, sitting behind us on couches and chairs.

The President signaled the end of the briefing by thanking the group and telling them all that he wanted to speak to me alone. I stayed in my chair. As the participants started to leave the Oval Office, the Attorney General lingered by my chair, but the President thanked him and said he wanted to speak only with me. The last person to leave was Jared Kushner, who also stood by my chair and exchanged pleasantries with me. The President then excused him, saying he wanted to speak with me.

When the door by the grandfather clock closed, and we were alone, the President began by saying, “I want to talk about Mike Flynn.” Flynn had resigned

the previous day. The President began by saying Flynn hadn't done anything wrong in speaking with the Russians, but he had to let him go because he had misled the Vice President. He added that he had other concerns about Flynn, which he did not then specify.

The President then made a long series of comments about the problem with leaks of classified information – a concern I shared and still share. After he had spoken for a few minutes about leaks, Reince Priebus leaned in through the door by the grandfather clock and I could see a group of people waiting behind him. The President waved at him to close the door, saying he would be done shortly. The door closed.

The President then returned to the topic of Mike Flynn, saying, "He is a good guy and has been through a lot." He repeated that Flynn hadn't done anything wrong on his calls with the Russians, but had misled the Vice President. He then said, "I hope you can see your way clear to letting this go, to letting Flynn go. He is a good guy. I hope you can let this go." I replied only that "he is a good guy." (In fact, I had a positive experience dealing with Mike Flynn when he was a colleague as Director of the Defense Intelligence Agency at the beginning of my term at FBI.) I did not say I would "let this go."

The President returned briefly to the problem of leaks. I then got up and left out the door by the grandfather clock, making my way through the large group of people waiting there, including Mr. Priebus and the Vice President.

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

The FBI leadership team agreed with me that it was important not to infect the investigative team with the President's request, which we did not intend to abide. We also concluded that, given that it was a one-on-one conversation, there was nothing available to corroborate my account. We concluded it made little sense to report it to Attorney General Sessions, who we expected would likely recuse himself from involvement in Russia-related investigations. (He did so two weeks later.) The Deputy Attorney General's role was then filled in an acting capacity by a United States Attorney, who would also not be long in the role.

After discussing the matter, we decided to keep it very closely held, resolving to figure out what to do with it down the road as our investigation progressed. The investigation moved ahead at full speed, with none of the investigative team members – or the Department of Justice lawyers supporting them – aware of the President’s request.

Shortly afterwards, I spoke with Attorney General Sessions in person to pass along the President’s concerns about leaks. I took the opportunity to implore the Attorney General to prevent any future direct communication between the President and me. I told the AG that what had just happened – him being asked to leave while the FBI Director, who reports to the AG, remained behind – was inappropriate and should never happen. He did not reply. For the reasons discussed above, I did not mention that the President broached the FBI’s potential investigation of General Flynn.

March 30 Phone Call

On the morning of March 30, the President called me at the FBI. He described the Russia investigation as “a cloud” that was impairing his ability to act on behalf of the country. He said he had nothing to do with Russia, had not been involved with hookers in Russia, and had always assumed he was being recorded when in Russia. He asked what we could do to “lift the cloud.” I responded that we were investigating the matter as quickly as we could, and that there would be great benefit, if we didn’t find anything, to our having done the work well. He agreed, but then re-emphasized the problems this was causing him.

Then the President asked why there had been a congressional hearing about Russia the previous week – at which I had, as the Department of Justice directed, confirmed the investigation into possible coordination between Russia and the Trump campaign. I explained the demands from the leadership of both parties in Congress for more information, and that Senator Grassley had even held up the confirmation of the Deputy Attorney General until we briefed him in detail on the investigation. I explained that we had briefed the leadership of Congress on exactly which individuals we were investigating and that we had told those Congressional leaders that we were not personally investigating President Trump. I reminded him I had previously told him that. He repeatedly told me, “We need to get that fact out.” (I did not tell the President that the FBI and the Department of Justice had been reluctant to make public statements that we did not have an open case on President Trump for a number of reasons, most importantly because it would create a duty to correct, should that change.)

The President went on to say that if there were some “satellite” associates of his who did something wrong, it would be good to find that out, but that he

hadn't done anything wrong and hoped I would find a way to get it out that we weren't investigating him.

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

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

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

April 11 Phone Call

On the morning of April 11, the President called me and asked what I had done about his request that I "get out" that he is not personally under investigation. I replied that I had passed his request to the Acting Deputy Attorney General, but I had not heard back. He replied that "the cloud" was getting in the way of his ability to do his job. He said that perhaps he would have his people reach out to the Acting Deputy Attorney General. I said that was the way his request should be handled. I said the White House Counsel should contact the leadership of DOJ to make the request, which was the traditional channel.

He said he would do that and added, "Because I have been very loyal to you, very loyal; we had that thing you know." I did not reply or ask him what he meant by "that thing." I said only that the way to handle it was to have the White House Counsel call the Acting Deputy Attorney General. He said that was what he would do and the call ended.

That was the last time I spoke with President Trump.

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Exhibit B



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Transcript of Senate Intelligence Committee Hearing

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Transcript of Senate Intelligence Committee Hearing
Conducted on June 8, 2017

1 (1 to 4)

<p style="text-align: center;">1</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 AUDIO TRANSCRIPTION OF TESTIMONY OF JAMES COMEY</p> <p>7</p> <p>8 BEFORE THE</p> <p>9 SENATE SELECT COMMITTEE ON INTELLIGENCE</p> <p>10</p> <p>11 JUNE 8, 2017</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Job No. 155272</p> <p>21 Pages: 1-176</p> <p>22 Transcribed by: Annette M. Montalvo, CSR, RDR, CRR</p>	<p style="text-align: center;">3</p> <p>1 exists to certify for the other 85 members of the</p> <p>2 United States Senate and the American people that</p> <p>3 the intelligence community is operating lawfully and</p> <p>4 has the necessary authorities and tools to</p> <p>5 accomplish its mission and keep America safe. Part</p> <p>6 of our mission, beyond the oversight we continue to</p> <p>7 provide to the intelligence community and its</p> <p>8 activities, is to investigate Russian interference</p> <p>9 in the 2016 U.S. elections. The committee's work</p> <p>10 continues. This hearing represents part of that</p> <p>11 effort.</p> <p>12 Jim, allegations have been swirling in the</p> <p>13 press for the last several weeks, and today's your</p> <p>14 opportunity to set the record straight. Yesterday I</p> <p>15 read with interest your statement for the record,</p> <p>16 and I think it provides some helpful details</p> <p>17 surrounding your interactions with the President.</p> <p>18 It clearly lays out your understanding of</p> <p>19 those discussions, actions you took following each</p> <p>20 conversation, and your state of mind. I very much</p> <p>21 appreciate your candor, and I think it's helpful as</p> <p>22 we work through to determine the ultimate truth</p>
<p style="text-align: center;">2</p> <p>1 (WHEREUPON, the following was transcribed</p> <p>2 from an audio recording, to wit:)</p> <p>3 CHAIRMAN SENATOR RICHARD BURR (R-NC): I'd</p> <p>4 like to call this hearing to order.</p> <p>5 Director Comey, and I appreciate your</p> <p>6 willingness to appear before the committee today,</p> <p>7 and, more importantly, I thank you for your</p> <p>8 dedicated service and leadership to the Federal</p> <p>9 Bureau of Investigation. Your appearance today</p> <p>10 speaks to the trust we have built over the years,</p> <p>11 and I'm looking forward to a very open and candid</p> <p>12 discussion today.</p> <p>13 I'd like to remind my colleagues that we</p> <p>14 will reconvene in closed session at 1:00 p.m. today,</p> <p>15 and I ask that you reserve for that venue any</p> <p>16 questions that might get into classified</p> <p>17 information. The director's been very gracious with</p> <p>18 his time, but the Vice Chairman and I have worked</p> <p>19 out a very specific timeline for his commitment to</p> <p>20 be on the Hill, so we will do everything we can to</p> <p>21 meet that agreement.</p> <p>22 The Senate Select Committee on Intelligence</p>	<p style="text-align: center;">4</p> <p>1 behind possible Russian interference in the 2016</p> <p>2 elections.</p> <p>3 Your statement also provides texture and</p> <p>4 context to your interactions with the President from</p> <p>5 your vantage point and outlines a strained</p> <p>6 relationship. The American people need to hear your</p> <p>7 side of the story just as they need to hear the</p> <p>8 President's descriptions of events.</p> <p>9 These interactions also highlight the</p> <p>10 importance of the committee's ongoing investigation.</p> <p>11 Our experienced staff is interviewing all relevant</p> <p>12 parties and some of the most sensitive intelligence</p> <p>13 in our country's possession.</p> <p>14 We will establish the facts, separate from</p> <p>15 rampant speculation, and lay them out for the</p> <p>16 American people to make their own judgment. Only</p> <p>17 then will we as a nation be able to move forward and</p> <p>18 to put this episode to rest.</p> <p>19 There's several outstanding issues not</p> <p>20 addressed in your statement that I hope you'll clear</p> <p>21 up for the American people today. Did the</p> <p>22 President's request for loyalty, your impression,</p>

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2 (5 to 8)

<p style="text-align: right;">5</p> <p>1 that -- that the one-on-one dinner of January 27th</p> <p>2 was, and I quote, at least in part an effort to</p> <p>3 create some sort of patronage relationship, or his</p> <p>4 March 30th phone call asking what you could do to</p> <p>5 lift the cloud of Russia investigation in any way,</p> <p>6 alter your approach of the FBI's investigation into</p> <p>7 General Flynn, or the broader investigation into</p> <p>8 Russia and possible links to the campaign. In your</p> <p>9 opinion, did potential Russian efforts to establish</p> <p>10 links with individuals in the Trump orbit rise to</p> <p>11 the level we could define as collusion? Or was it a</p> <p>12 counterintelligence concern?</p> <p>13 There's been a significant public</p> <p>14 speculation about your decision-making related to</p> <p>15 the Clinton e-mail investigation. Why did you</p> <p>16 decide publicly -- to publicly announce FBI's</p> <p>17 recommendations that the Department of Justice not</p> <p>18 pursue criminal charges? You have described it as a</p> <p>19 choice between a bad decision and a worse decision.</p> <p>20 The American people need to understand the facts</p> <p>21 behind your action.</p> <p>22 This committee is uniquely suited to</p>	<p style="text-align: right;">7</p> <p>1 And let me start by again actually thanking</p> <p>2 all the members of the committee for the seriousness</p> <p>3 in which they've taken on this task.</p> <p>4 Mr. Comey, thank you for agreeing to come</p> <p>5 testify as part of this committee's investigation</p> <p>6 into Russia. I realize that this hearing has been,</p> <p>7 obviously, the focus of a lot of Washington in the</p> <p>8 last few days. But the truth is, many Americans who</p> <p>9 may be tuning in today probably haven't focused on</p> <p>10 every twist and turn of the investigation.</p> <p>11 So I'd like to briefly describe, at least</p> <p>12 from this senator's standpoint, what we already know</p> <p>13 and what we're still investigating. To be clear,</p> <p>14 this whole investigation is not about relitigating</p> <p>15 the election. It's not about who won or lost. And</p> <p>16 it sure as heck is not about Democrats versus</p> <p>17 Republicans.</p> <p>18 We're here because a foreign adversary</p> <p>19 attacked us right here at home, plain and simple,</p> <p>20 not by guns or missiles, but by foreign operatives</p> <p>21 seeking to hijack our most important democratic</p> <p>22 process, our presidential election.</p>
<p style="text-align: right;">6</p> <p>1 investigate Russia's interference in the 2016</p> <p>2 elections. We also have a unified, bipartisan</p> <p>3 approach to what is a highly charged partisan issue.</p> <p>4 Russian activities during 2016 election may have</p> <p>5 been aimed at one party's candidate, but as my</p> <p>6 colleague Senator Rubio says frequently, in 2018 and</p> <p>7 2020, it could be aimed at anyone, at home or</p> <p>8 abroad.</p> <p>9 My colleague Senator Warner and I have</p> <p>10 worked in -- have worked to stay in lockstep on this</p> <p>11 investigation. We've had our differences on</p> <p>12 approach, at times, but I've constantly stressed</p> <p>13 that we need to be a team, and I think Senator</p> <p>14 Warner agrees with me.</p> <p>15 We must keep these questions above politics</p> <p>16 and partisanship. It's too important to be tainted</p> <p>17 by anyone trying to score political points.</p> <p>18 With that, again, I welcome you, Director,</p> <p>19 and I turn to the Vice Chairman for any comments he</p> <p>20 might have.</p> <p>21 SENATOR MARK WARNER (D-VA): Well, thank</p> <p>22 you, Mr. Chairman.</p>	<p style="text-align: right;">8</p> <p>1 Russian spies engaged in a series of online</p> <p>2 cyber raids and a broad campaign of disinformation,</p> <p>3 all ultimately aimed at sowing chaos to undermine</p> <p>4 public faith in our process, in our leadership, and,</p> <p>5 ultimately, in ourselves. And that's not just this</p> <p>6 senator's opinion. It is the unanimous</p> <p>7 determination of the entire U.S. intelligence</p> <p>8 community. So we must find out the full story, what</p> <p>9 the Russians did, and, candidly, as some other</p> <p>10 colleagues have mentioned, why they were so</p> <p>11 successful. And, more importantly, we must</p> <p>12 determine the necessary steps to take to protect our</p> <p>13 democracy and ensure they can't do it again.</p> <p>14 The Chairman mentioned elections in 2018 and</p> <p>15 2020. In my home state of Virginia, we have</p> <p>16 elections this year, in 2017. Simply put, we cannot</p> <p>17 let anything or anyone prevent us from getting to</p> <p>18 the bottom of this.</p> <p>19 Now, Mr. Comey, let me say at the outset, we</p> <p>20 haven't always agreed on every issue. In fact, I've</p> <p>21 occasionally questioned some of the actions you've</p> <p>22 taken. But I've never had any reason to question</p>

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3 (9 to 12)

9	<p>1 your integrity, your expertise, or your</p> <p>2 intelligence. You've been a straight shooter with</p> <p>3 this committee and have been willing to speak truth</p> <p>4 to power, even at the risk of your own career, which</p> <p>5 makes the way in which you were fired by the</p> <p>6 President ultimately shocking.</p> <p>7 Recall, we began this entire process with</p> <p>8 the President and his staff first denying that the</p> <p>9 Russians were ever involved, and then falsely</p> <p>10 claiming that no one from his team was ever in touch</p> <p>11 with any Russians.</p> <p>12 We know that's just not the truth. Numerous</p> <p>13 Trump associates had undisclosed contacts with</p> <p>14 Russians before and after the election, including</p> <p>15 the President's attorney general, his former</p> <p>16 national security adviser, and his current senior</p> <p>17 adviser, Mr. Kushner.</p> <p>18 That doesn't even begin to count the host of</p> <p>19 additional campaign associates and advisers who've</p> <p>20 also been caught up in this massive web. We saw</p> <p>21 Mr. Trump's campaign manager, Mr. Manafort, forced</p> <p>22 to step down over ties to Russian-backed entities.</p>	11
10	<p>1 The national security adviser, General Flynn, had to</p> <p>2 resign over his lies about engagements with the</p> <p>3 Russians. And we saw the candidate himself express</p> <p>4 an odd and unexplained affection for the Russian</p> <p>5 dictator, while calling for the hacking of his</p> <p>6 opponent. There's a lot to investigate. Enough, in</p> <p>7 fact, that then Director Comey publicly acknowledged</p> <p>8 that he was leading an investigation into those</p> <p>9 links between Mr. Trump's campaign and the Russian</p> <p>10 government.</p> <p>11 As the director of the FBI, Mr. Comey was</p> <p>12 ultimately responsible for conducting that</p> <p>13 investigation, which might explain why you're</p> <p>14 sitting now as a private citizen.</p> <p>15 What we didn't know was at the same time</p> <p>16 that this investigation was proceeding, the</p> <p>17 President himself appears to have been engaged in an</p> <p>18 effort to influence, or at least co-opt, the</p> <p>19 director of the FBI.</p> <p>20 The testimony that Mr. Comey has submitted</p> <p>21 for today's hearing is very disturbing. For</p> <p>22 example, on January 27th, after summoning Director</p>	12

1 Comey to dinner, the President appears to have

2 threatened the director's job while telling him,

3 quote, I need loyalty. I expect loyalty.

4 At a later meeting on February 14th, the

5 President asked the attorney general to leave the

6 Oval Office so that he could privately ask Director

7 Comey, again, quote, to see way clear to letting

8 Flynn go.

9 That is a statement that Director Comey

10 interpreted as a -- as a request that he drop the

11 investigation connected to General Flynn's false

12 statements. Think about it: The President of the

13 United States asking the FBI director to drop an

14 ongoing investigation. And, after that, the

15 President called the FBI director on two additional

16 occasions, March 30th and April 11th, and asked him

17 again, quote, "to lift the cloud" on the Russian

18 investigation.

19 Now, Director Comey denied each of these

20 improper requests. The loyalty pledge, the

21 admonition to drop the Flynn investigation, the

22 request to lift the cloud on the Russia

1 investigation. Of course, after his refusals,

2 Director Comey was fired.

3 The initial explanation for the firing

4 didn't pass any smell test. So now Director Comey

5 was fired because he didn't treat Hillary Clinton

6 appropriately. Of course, that explanation lasted

7 about a day, because the President himself then made

8 very clear that he was thinking about Russia when he

9 decided to fire Director Comey.

10 Shockingly, reports suggest that the

11 President admitted as much in an Oval Office meeting

12 with the Russians the day after Director Comey was

13 fired, disparaging our country's top law enforcement

14 official as a, quote-unquote, nut job. The

15 President allegedly suggested that his firing

16 relieved great pressure on his feelings about

17 Russia.

18 This is not happening in isolation. At the

19 same time the President was engaged in these efforts

20 with Director Comey, he was also, at least

21 allegedly, asking senior leaders of the intelligence

22 community to downplay the Russia investigation or to

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4 (13 to 16)

13	<p>1 intervene with the director.</p> <p>2 Yesterday we had DNI Director Coats and NSA</p> <p>3 Director Admiral Rogers, who were offered a number</p> <p>4 of opportunities to flatly deny those press reports.</p> <p>5 They expressed their opinions, but they did not take</p> <p>6 that opportunity to deny those reports. They did</p> <p>7 not take advantage of that opportunity. In my</p> <p>8 belief, that's not how the President of the United</p> <p>9 States should behave.</p> <p>10 Regardless of the outcome of our</p> <p>11 investigation into the Russia links, Director</p> <p>12 Comey's firing and his testimony raise separate and</p> <p>13 troubling questions that we must get to the bottom</p> <p>14 of. Again, as I said at the outset, I've seen</p> <p>15 firsthand how seriously every member of this</p> <p>16 committee is taking his work. I'm proud of the</p> <p>17 committee's efforts so far.</p> <p>18 Let me be clear: This is not a witch hunt.</p> <p>19 This is not fake news. It is an effort to protect</p> <p>20 our country from a new threat that, quite honestly,</p> <p>21 will not go away any time soon.</p> <p>22 So, Mr. Comey, your testimony here today</p>	15	<p>1 thank you for inviting me here to testify today.</p> <p>2 I've submitted my statement for the record</p> <p>3 and I'm not going to repeat it here this morning. I</p> <p>4 thought I would just offer some very brief</p> <p>5 introductory remarks, and then I would welcome your</p> <p>6 questions.</p> <p>7 When I was appointed FBI director in 2013, I</p> <p>8 understood that I served at the pleasure of the</p> <p>9 President. Even though I was appointed to a 10-year</p> <p>10 term, which Congress created in order to underscore</p> <p>11 the importance of the FBI being outside of politics</p> <p>12 and independent, I understood that I could be fired</p> <p>13 by a president for any reason or for no reason at</p> <p>14 all.</p> <p>15 And on May the 9th, when I learned that I</p> <p>16 had been fired, for that reason, I immediately came</p> <p>17 home as a private citizen. But then, the</p> <p>18 explanations, the shifting explanations, confused me</p> <p>19 and increasingly concerned me.</p> <p>20 They confused me because the President and I</p> <p>21 had had multiple conversations about my job, both</p> <p>22 before and after he took office. And he had</p>
14	<p>1 will help us move towards that goal. I look forward</p> <p>2 to that testimony.</p> <p>3 Thank you, Mr. Chairman.</p> <p>4 CHAIRMAN BURR: Thank you, Vice Chairman.</p> <p>5 Director, as discussed when you agreed to</p> <p>6 appear before the committee, it would be under oath.</p> <p>7 I'd ask you to please stand. Raise your right hand.</p> <p>8 Do you solemnly swear to tell the truth, the</p> <p>9 whole truth, and nothing but the truth, so help you</p> <p>10 God?</p> <p>11 MR. COMEY (off mike): I do.</p> <p>12 CHAIRMAN BURR: Please be seated.</p> <p>13 Director Comey, you're now under oath.</p> <p>14 And I would just note to members, you will</p> <p>15 be recognized by seniority for a period up to seven</p> <p>16 minutes. And, again, it is the intent to move to a</p> <p>17 closed session no later than 1:00 p.m.</p> <p>18 With that, Director Comey, you are</p> <p>19 recognized. You have the floor for as long as you</p> <p>20 might need.</p> <p>21 MR. COMEY: Thank you, Mr. Chairman.</p> <p>22 Ranking Member Warner, members of the committee,</p>	16	<p>1 repeatedly told me I was doing a great job and he</p> <p>2 hoped I would stay. And I had repeatedly assured</p> <p>3 him that I did intend to stay and serve out the</p> <p>4 remaining six years of my term. He told me</p> <p>5 repeatedly that he had talked to lots of people</p> <p>6 about me, including our current attorney general,</p> <p>7 and had learned that I was doing a great job and</p> <p>8 that I was extremely well-liked by the FBI</p> <p>9 workforce.</p> <p>10 So it confused me when I saw on television</p> <p>11 the President saying that he actually fired me</p> <p>12 because of the Russia investigation and learned,</p> <p>13 again from the media, that he was telling, privately</p> <p>14 other parties that my firing had relieved great</p> <p>15 pressure on the Russia investigation.</p> <p>16 I was also confused by the initial</p> <p>17 explanation that was offered publicly, that I was</p> <p>18 fired because of the decisions I had made during the</p> <p>19 election year. That didn't make sense to me for a</p> <p>20 whole bunch of reasons, including the time and all</p> <p>21 the water that had gone under the bridge since those</p> <p>22 hard decisions that had to be made. That didn't</p>

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5 (17 to 20)

17	<p>1 make any sense to me.</p> <p>2 And although the law required no reason at</p> <p>3 all to fire an FBI director, the administration then</p> <p>4 chose to defame me and, more importantly, the FBI by</p> <p>5 saying that the organization was in disarray, that</p> <p>6 it was poorly led, that the workforce had lost</p> <p>7 confidence in its leader.</p> <p>8 Those were lies, plain and simple, and I am</p> <p>9 so sorry that the FBI workforce had to hear them and</p> <p>10 I'm so sorry that the American people were told</p> <p>11 them.</p> <p>12 I worked every day at the FBI to help make</p> <p>13 that great organization better. And I say "help"</p> <p>14 because I did nothing alone at the FBI. There are</p> <p>15 no indispensable people at the FBI. The</p> <p>16 organization's great strength is that its values and</p> <p>17 abilities run deep and wide. The FBI will be fine</p> <p>18 without me. The FBI's mission will be relentlessly</p> <p>19 pursued by its people, and that mission is to</p> <p>20 protect the American people and uphold the</p> <p>21 Constitution of the United States. I will deeply</p> <p>22 miss being part of that mission, but this</p>	19	<p>1 for 12 minutes, Vice Chair for 12 minutes, based</p> <p>2 upon the agreement we have.</p> <p>3 Director, did the Special Counsel's Office</p> <p>4 review and/or edit your written testimony?</p> <p>5 MR. COMEY: No.</p> <p>6 CHAIRMAN BURR: Do you have any doubt that</p> <p>7 Russia attempted to interfere in the 2016 elections?</p> <p>8 MR. COMEY: None.</p> <p>9 CHAIRMAN BURR: Do you have any doubt that</p> <p>10 the Russian government was behind the intrusions in</p> <p>11 the DNC and the DCCC systems and the subsequent</p> <p>12 leaks of that information?</p> <p>13 MR. COMEY: No, no doubt.</p> <p>14 CHAIRMAN BURR: Do you have any doubt that</p> <p>15 the Russian government was behind the cyber</p> <p>16 intrusion in the state voter files?</p> <p>17 MR. COMEY: No.</p> <p>18 CHAIRMAN BURR: Do you have any doubt that</p> <p>19 officials of the Russian government were fully aware</p> <p>20 of these activities?</p> <p>21 MR. COMEY: No doubt.</p> <p>22 CHAIRMAN BURR: Are you confident that no</p>
18	<p>1 organization and its mission will go on long beyond</p> <p>2 me and long beyond any particular administration.</p> <p>3 I have a message before I close for the --</p> <p>4 my former colleagues at the FBI. But, first, I want</p> <p>5 the American people to know this truth: The FBI is</p> <p>6 honest. The FBI is strong. And the FBI is, and</p> <p>7 always will be, independent.</p> <p>8 And now to my former colleagues, if I may.</p> <p>9 I am so sorry that I didn't get the chance to say</p> <p>10 goodbye to you properly. It was the honor of my</p> <p>11 life to serve beside you, to be part of the FBI</p> <p>12 family, And I will miss it for the rest of my life.</p> <p>13 Thank you for standing watch. Thank you for doing</p> <p>14 so much good for this country. Do that good as long</p> <p>15 as ever you can.</p> <p>16 And, Senators, I look forward to your</p> <p>17 questions.</p> <p>18 CHAIRMAN BURR: Director, thank you for that</p> <p>19 testimony, both oral and the written testimony that</p> <p>20 you provided to the committee yesterday and made</p> <p>21 public to the American people.</p> <p>22 The Chair would recognize himself, first,</p>	20	<p>1 votes cast in the 2016 presidential election were</p> <p>2 altered?</p> <p>3 MR. COMEY: I'm confident. By the time --</p> <p>4 when I left as director, I had seen no indication of</p> <p>5 that whatsoever.</p> <p>6 CHAIRMAN BURR: Director Comey, did the</p> <p>7 President at any time ask you to stop the FBI</p> <p>8 investigation into Russian involvement in the 2016</p> <p>9 U.S. elections?</p> <p>10 MR. COMEY: Not to my understanding, no.</p> <p>11 CHAIRMAN BURR: Did any individual working</p> <p>12 for this administration, including the Justice</p> <p>13 Department, ask you to stop the Russian</p> <p>14 investigation?</p> <p>15 MR. COMEY: No.</p> <p>16 CHAIRMAN BURR: Director, when the President</p> <p>17 requested that you, and I quote, let Flynn go,</p> <p>18 General Flynn had an unreported contact with the</p> <p>19 Russians, which is an offense. And if press</p> <p>20 accounts are right, there might have been</p> <p>21 discrepancies between facts and his FBI testimony.</p> <p>22 In your estimation, was General Flynn at</p>

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6 (21 to 24)

21	<p>1 that time in serious legal jeopardy? And in</p> <p>2 addition to that, do you sense that the President</p> <p>3 was trying to obstruct justice or just seek for a</p> <p>4 way for Mike Flynn to save face, given he had</p> <p>5 already been fired?</p> <p>6 MR. COMEY: General Flynn at that point in</p> <p>7 time was in legal jeopardy. There was an open FBI</p> <p>8 criminal investigation of his statements in</p> <p>9 connection with the Russian contacts and the</p> <p>10 contacts themselves. And so that was my assessment</p> <p>11 at the time.</p> <p>12 I don't think it's for me to say whether the</p> <p>13 conversation I had with the President was an effort</p> <p>14 to obstruct. I took it as a very disturbing thing,</p> <p>15 very concerning, but that's a conclusion I'm sure</p> <p>16 the special counsel will work towards, to try and</p> <p>17 understand what the intention was there, and whether</p> <p>18 that's an offense.</p> <p>19 CHAIRMAN BURR: Director, is it possible</p> <p>20 that as part of this FBI investigation, the FBI</p> <p>21 could find evidence of criminality that is not tied</p> <p>22 to -- to the 2016 elections, possible collusion, or</p>	23	<p>1 try and protect the justice institution, including</p> <p>2 the FBI.</p> <p>3 CHAIRMAN BURR: In the public domain is this</p> <p>4 question of the Steele dossier, a document that has</p> <p>5 been around, now, for over a year. I'm not sure</p> <p>6 when the FBI first took possession of it, but the</p> <p>7 media had it before you had it and we had it.</p> <p>8 At the time of your departure from the FBI,</p> <p>9 was the FBI able to confirm any criminal allegations</p> <p>10 contained in the Steele document?</p> <p>11 MR. COMEY: Mr. Chairman, I don't think</p> <p>12 that's a question I can answer in an open setting</p> <p>13 because it goes into the details of the</p> <p>14 investigation.</p> <p>15 CHAIRMAN BURR: Director, the term we hear</p> <p>16 most often is "collusion." When people are</p> <p>17 describing possible links between Americans and</p> <p>18 Russian government entities related to the</p> <p>19 interference in our election, would you say that</p> <p>20 it's normal for foreign governments to reach out to</p> <p>21 members of an incoming administration?</p> <p>22 MR. COMEY: Yes.</p>
22	<p>1 coordination with Russians?</p> <p>2 MR. COMEY: Sure.</p> <p>3 CHAIRMAN BURR: So there could be something</p> <p>4 that just fits a criminal aspect to this that</p> <p>5 doesn't have anything to do with the 2016 election</p> <p>6 cycle?</p> <p>7 MR. COMEY: Correct. In any complex</p> <p>8 investigation, when you start turning over rocks,</p> <p>9 sometimes you find things that are --</p> <p>10 VOICE: (Off mike) Amen.</p> <p>11 MR. COMEY: -- unrelated to the primary</p> <p>12 investigation that are criminal in nature.</p> <p>13 CHAIRMAN BURR: Director Comey, you have</p> <p>14 been criticized publicly for the decision to present</p> <p>15 your findings on the e-mail investigation directly</p> <p>16 to the American people. Have you learned anything</p> <p>17 since that time that would've changed what you said</p> <p>18 or how you chose to inform the American people?</p> <p>19 MR. COMEY: Honestly, no. I mean, it caused</p> <p>20 a whole lot of personal pain for me, but as I look</p> <p>21 back, given what I knew at the time and even what</p> <p>22 I've learned since, I think it was the best way to</p>	24	<p>1 CHAIRMAN BURR: At what point does the</p> <p>2 normal contact cross the line into an attempt to</p> <p>3 recruit agents or influence or spies?</p> <p>4 MR. COMEY: Difficult to say in the</p> <p>5 abstract. It depends upon the context, whether</p> <p>6 there's an effort to keep it covert, what the nature</p> <p>7 of the requests made of the American by the foreign</p> <p>8 government are. It's a -- it's a judgment call</p> <p>9 based on a whole lot of facts.</p> <p>10 CHAIRMAN BURR: At what point would that</p> <p>11 recruitment become a counterintelligence threat to</p> <p>12 our country?</p> <p>13 MR. COMEY: Again, difficult to answer in</p> <p>14 the abstract. But when -- when a foreign power is</p> <p>15 using especially coercion or some sort of pressure</p> <p>16 to try and co-opt an American, especially a</p> <p>17 government official to act on its behalf, that's a</p> <p>18 serious concern to the FBI and at the heart of the</p> <p>19 FBI's counterintelligence mission.</p> <p>20 CHAIRMAN BURR: So if you've got a -- a -- a</p> <p>21 36-page document of -- of specific claims that are</p> <p>22 out there, the FBI would have to, for</p>

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7 (25 to 28)

25	<p>1 counterintelligence reasons, try to verify anything</p> <p>2 that might be claimed in there, one, and probably</p> <p>3 first and foremost, is the counterintelligence</p> <p>4 concerns that we have about blackmail? Would that</p> <p>5 be an accurate statement?</p> <p>6 MR. COMEY: Yes. If the FBI receives a</p> <p>7 credible allegation that there is some effort to</p> <p>8 co-opt, coerce, direct, employ covertly an American</p> <p>9 on behalf of the foreign power, that's the basis on</p> <p>10 which a counterintelligence investigation is opened.</p> <p>11 CHAIRMAN BURR: And when you read the</p> <p>12 dossier, what was your reaction, given that it was</p> <p>13 100 percent directed at the President-elect?</p> <p>14 MR. COMEY: Not a question I can answer in</p> <p>15 an open setting, Mr. Chairman.</p> <p>16 CHAIRMAN BURR: Okay. When did you become</p> <p>17 aware of the cyber intrusion?</p> <p>18 MR. COMEY: The first cyber -- it was all</p> <p>19 kinds of cyber intrusions going on all the time.</p> <p>20 The first Russia-connected cyber intrusion, I became</p> <p>21 aware of in the late summer of 2015.</p> <p>22 CHAIRMAN BURR: And in that timeframe, there</p>	27	<p>1 undertaken an effort to notify all the victims, and</p> <p>2 that's what we consider the entities that were</p> <p>3 attacked as part of this massive spear phishing</p> <p>4 campaign. And so we notified them in an effort to</p> <p>5 disrupt what might be ongoing.</p> <p>6 Then there was a series of continuing</p> <p>7 interactions with entities through the rest of '15</p> <p>8 into '16, and then throughout '16 the Administration</p> <p>9 was trying to decide how to respond to the intrusion</p> <p>10 activity that it saw.</p> <p>11 CHAIRMAN BURR: And the FBI, in this case,</p> <p>12 unlike other cases that you might investigate -- did</p> <p>13 you ever have access to the actual hardware that was</p> <p>14 hacked? Or did you have to rely on a third party to</p> <p>15 provide you the data that they had collected?</p> <p>16 MR. COMEY: In the case of the DNC, and, I</p> <p>17 believe, the DCCC, but I'm sure the DNC, we did not</p> <p>18 have access to the devices themselves. We got</p> <p>19 relevant forensic information from a private party,</p> <p>20 a high-class entity, that had done the work. But we</p> <p>21 didn't get direct access.</p> <p>22 CHAIRMAN BURR: But no content?</p>
26	<p>1 were more than the DNC and the DCCC that were</p> <p>2 targets?</p> <p>3 MR. COMEY: Correct. There was a massive</p> <p>4 effort to target government and nongovernmental --</p> <p>5 near-governmental agencies like nonprofits.</p> <p>6 CHAIRMAN BURR: What would be the estimate</p> <p>7 of how many entities out there the Russians</p> <p>8 specifically targeted in that timeframe?</p> <p>9 MR. COMEY: It's hundreds. I suppose it</p> <p>10 could be more than 1,000, but it's at least</p> <p>11 hundreds.</p> <p>12 CHAIRMAN BURR: When did you become aware</p> <p>13 that data had been exfiltrated?</p> <p>14 MR. COMEY: I'm not sure, exactly. I think</p> <p>15 either late '15 or early '16.</p> <p>16 CHAIRMAN BURR: And did -- did you, the</p> <p>17 director of the FBI, have conversations with the</p> <p>18 last administration about the risk that this posed?</p> <p>19 MR. COMEY: Yes.</p> <p>20 CHAIRMAN BURR: And share with us, if you</p> <p>21 will, what actions they took.</p> <p>22 MR. COMEY: Well, the FBI had already</p>	28	<p>1 MR. COMEY: Correct.</p> <p>2 CHAIRMAN BURR: Isn't content an important</p> <p>3 part of the forensics, from a counterintelligence</p> <p>4 standpoint?</p> <p>5 MR. COMEY: It is, although what was briefed</p> <p>6 to me by my folks, the people who were my folks at</p> <p>7 the time, is that they had gotten the information</p> <p>8 from the private party that they needed to</p> <p>9 understand the intrusion by the spring of 2016.</p> <p>10 CHAIRMAN BURR: Let me go back, if I can,</p> <p>11 very briefly, to the decision to publicly go out</p> <p>12 with your results on the e-mail.</p> <p>13 Was your decision influenced by the attorney</p> <p>14 general's tarmac meeting with the former President</p> <p>15 Bill Clinton?</p> <p>16 MR. COMEY: Yes. In -- in an ultimately</p> <p>17 conclusive way, that was the thing that capped it</p> <p>18 for me, that I had to do something separately to</p> <p>19 protect the credibility of the investigation, which</p> <p>20 meant both the FBI and the Justice Department.</p> <p>21 CHAIRMAN BURR: Were there other things that</p> <p>22 contributed to that that you can describe in an open</p>

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8 (29 to 32)

29	<p>1 session?</p> <p>2 MR. COMEY: There were other things that</p> <p>3 contributed to that. One significant item I can't,</p> <p>4 I know the committee's been briefed on. There's</p> <p>5 been some public accounts of it which are nonsense,</p> <p>6 but I understand the committee's been briefed on the</p> <p>7 classified facts.</p> <p>8 Probably the only other consideration that I</p> <p>9 guess I can talk about in an open setting is, at one</p> <p>10 point, the attorney general had directed me not to</p> <p>11 call it an investigation, but instead to call it a</p> <p>12 matter, which confused me and concerned me. But</p> <p>13 that was one of the bricks in the load that led me</p> <p>14 to conclude, I have to step away from the department</p> <p>15 if we're to close this case credibly.</p> <p>16 CHAIRMAN BURR: Director, my last question:</p> <p>17 You're not only a seasoned prosecutor, you've led</p> <p>18 the FBI for years. You understand the investigative</p> <p>19 process. You've worked with this committee closely,</p> <p>20 and we're grateful to you because I think we've --</p> <p>21 we've mutually built trust in what your organization</p> <p>22 does and -- and what we do.</p>	31	<p>1 leadership and, obviously, trust in your integrity.</p> <p>2 I want to go through a number of the</p> <p>3 meetings that you referenced in your testimony. And</p> <p>4 let's start with the January 6th meeting in Trump</p> <p>5 Tower, where you went up with a series of officials</p> <p>6 to brief the President-elect on the Russia</p> <p>7 investigation. My understanding is you remained</p> <p>8 afterwards to brief him on, again, quote, some</p> <p>9 personally sensitive aspects of the information you</p> <p>10 relayed.</p> <p>11 Now, you said after that briefing you felt</p> <p>12 compelled to document that conversation, that you</p> <p>13 actually started documenting it soon as you got into</p> <p>14 the car.</p> <p>15 Now, you've had extensive experience at the</p> <p>16 Department of Justice and at the FBI. You've worked</p> <p>17 under presidents of both parties. What was it about</p> <p>18 that meeting that led you to determine that you</p> <p>19 needed to start putting down a written record?</p> <p>20 MR. COMEY: A combination of things. I</p> <p>21 think the circumstances, the subject matter and the</p> <p>22 person I was interacting with. Circumstances,</p>
30	<p>1 Is there any doubt in your mind that this</p> <p>2 committee can carry out its oversight role in the</p> <p>3 2016 Russian involvement in the elections in</p> <p>4 parallel with the now special counsel that's been</p> <p>5 set up?</p> <p>6 MR. COMEY: No -- no doubt. It can be done.</p> <p>7 It requires lots of conversations, but Bob Mueller</p> <p>8 is one of this country's great, great pros, And I'm</p> <p>9 sure you all will be able to work it out with him,</p> <p>10 to run it in parallel.</p> <p>11 CHAIRMAN BURR: I want to thank you once</p> <p>12 again, and I want to turn to the vice chairman.</p> <p>13 VICE CHAIRMAN SENATOR MARK WARNER (D-VA):</p> <p>14 Thank you, Mr. Chairman.</p> <p>15 And, again, Director Comey, thank you for</p> <p>16 your service, and your comments to your FBI family I</p> <p>17 know were heartfelt. Know that even though there</p> <p>18 are some in the Administration who've tried to smear</p> <p>19 your reputation, you had Acting Director McCabe in</p> <p>20 public testimony a few weeks back and in public</p> <p>21 testimony yesterday reaffirm that the vast majority</p> <p>22 of the FBI community had great trust in your</p>	32	<p>1 first, I was alone with the President of the United</p> <p>2 States -- or the President-elect, soon to be</p> <p>3 President. The subject matter, I was talking about</p> <p>4 matters that touch on the FBI's core responsibility</p> <p>5 and that relate to the President, President-elect</p> <p>6 personally. And then the nature of the person. I</p> <p>7 was honestly concerned that he might lie about the</p> <p>8 nature of our meeting, and so I thought it really</p> <p>9 important to document.</p> <p>10 That combination of things, I'd never</p> <p>11 experienced before, but it led me to believe I've</p> <p>12 got to write it down, and I've got to write it down</p> <p>13 in a very detailed way.</p> <p>14 SENATOR WARNER: I think that's a very</p> <p>15 important statement you just made. And my</p> <p>16 understanding is that then, again, unlike your</p> <p>17 dealings with presidents of either parties in your</p> <p>18 past experience, in every subsequent meeting or</p> <p>19 conversation with this President, you created a</p> <p>20 written record.</p> <p>21 Did you feel that you needed to create this</p> <p>22 written record or these memos because they might</p>

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9 (33 to 36)

33	<p>1 need to be relied on at some future date?</p> <p>2 MR. COMEY: Sure. I created records after</p> <p>3 conversations, and I think I did it after each of</p> <p>4 our nine conversations. If I didn't, I did it for</p> <p>5 nearly all of them, especially the ones that were</p> <p>6 substantive.</p> <p>7 I knew that there might come a day when I</p> <p>8 would need a record of what had happened, not just</p> <p>9 to defend myself, but to defend the FBI and -- and</p> <p>10 our integrity as an institution and the independence</p> <p>11 of our investigative function. That's what made</p> <p>12 this so -- so difficult, is it was a combination of</p> <p>13 circumstances, subject matter, and the particular</p> <p>14 person.</p> <p>15 SENATOR WARNER: And so in all your</p> <p>16 experience, this was the only president that you</p> <p>17 felt like, in every meeting, you needed to document,</p> <p>18 because at some point, using your words, he might</p> <p>19 put out a non-truthful representation of that</p> <p>20 meeting?</p> <p>21 Now, Mark --</p> <p>22 MR. COMEY: That's right, Senator.</p>	35	<p>1 have said, that if you were -- a great deal's been</p> <p>2 made of whether the President -- you were asked to,</p> <p>3 in effect, indicate whether the President was the</p> <p>4 subject of any investigation.</p> <p>5 And my understanding is, prior to your</p> <p>6 meeting on January 6th, you discussed with your</p> <p>7 leadership team whether or not you should be</p> <p>8 prepared to assure then President-Elect Trump that</p> <p>9 the FBI was not investigating him personally.</p> <p>10 Now, my understanding is your leadership</p> <p>11 team agreed with that. But was that a unanimous</p> <p>12 decision? Was there any debate about that?</p> <p>13 MR. COMEY: Was it unanimous? One of the</p> <p>14 members of the leadership team had a view that</p> <p>15 although it was technically true, we did not have a</p> <p>16 counterintelligence file case open on</p> <p>17 then-President-elect Trump.</p> <p>18 His concern was because we're looking at the</p> <p>19 potential -- again, that's the subject of the</p> <p>20 investigation -- coordination between the campaign</p> <p>21 and Russia, because it was President Trump --</p> <p>22 President-elect Trump's campaign, this person's view</p>
34	<p>1 And I -- I -- as I said in my written</p> <p>2 testimony, as FBI director, I interacted with</p> <p>3 President Obama. I spoke only twice in three years,</p> <p>4 and didn't document it. When I was deputy attorney</p> <p>5 general, I had one one-on-one meeting with President</p> <p>6 Bush about a very important and difficult national</p> <p>7 security matter. I didn't write a memo documenting</p> <p>8 that conversation either. Sent a quick e-mail to my</p> <p>9 staff to let them know there was something going on,</p> <p>10 but I didn't feel, with President Bush, the need to</p> <p>11 document it in that way. Again, because of the</p> <p>12 combination of those factors just wasn't present</p> <p>13 with either President Bush or President Obama.</p> <p>14 SENATOR WARNER: I -- I think that is very</p> <p>15 significant. I think others will probably question</p> <p>16 that.</p> <p>17 Now, our -- the Chairman and I have</p> <p>18 requested those memos. It is our hope that the FBI</p> <p>19 will get this committee access to those memos so</p> <p>20 that, again, we can read that contemporaneous</p> <p>21 rendition so that we've got your side of the story.</p> <p>22 Now, I know members have said, and press</p>	36	<p>1 was, inevitably, his behavior, his conduct, will</p> <p>2 fall within the scope of that work. And so he was</p> <p>3 reluctant to make the statement that I made. I</p> <p>4 disagreed. I thought it was fair to say what was</p> <p>5 literally true: There is not a counterintelligence</p> <p>6 investigation of Mr. Trump. And I decided, in the</p> <p>7 moment, to say it, given the nature of our</p> <p>8 conversation.</p> <p>9 SENATOR WARNER: At that moment in time.</p> <p>10 Did you ever revisit that as a -- in -- in these</p> <p>11 subsequent sessions?</p> <p>12 MR. COMEY: With the FBI leadership team?</p> <p>13 SENATOR WARNER: With the team -- with your</p> <p>14 team.</p> <p>15 MR. COMEY: Sure, and -- and the -- the</p> <p>16 leader who had that view, it didn't change. His</p> <p>17 view was still that it was probably -- although</p> <p>18 literally true, his concern was it could be</p> <p>19 misleading, because the nature of the investigation</p> <p>20 was such that it might well touch -- obviously, it</p> <p>21 would touch the campaign, and the person at the head</p> <p>22 of the campaign would be the candidate. And so that</p>

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10 (37 to 40)

37	<p>1 was his view throughout.</p> <p>2 SENATOR WARNER: Let me move to the January</p> <p>3 27th dinner, where you said, quote, The President</p> <p>4 began by asking me whether I wanted to stay on as</p> <p>5 FBI director. He also indicated that lots of</p> <p>6 people -- again, your words -- wanted the job.</p> <p>7 You go on to say that the dinner itself was</p> <p>8 seemingly an effort to, quote, to have you ask him</p> <p>9 for your job, and create some sort of,</p> <p>10 quote-unquote, patronage relationship.</p> <p>11 The President seems, from my reading of your</p> <p>12 memo, to be holding your job, or your possibility of</p> <p>13 continuing in your job, over your head in a fairly</p> <p>14 direct way. What was your impression, and what did</p> <p>15 you mean by this notion of a patronage relationship?</p> <p>16 MR. COMEY: Well, my impression, and, again,</p> <p>17 it's my impression, I could always be wrong. But my</p> <p>18 common sense told me that what was going on is</p> <p>19 either he had concluded, or someone had told him,</p> <p>20 that you didn't -- you've already asked Comey to</p> <p>21 stay, and you didn't get anything for it, and that</p> <p>22 the dinner was an effort to build a relationship --</p>	39	<p>1 what's going on here is that he's looking to get</p> <p>2 something in exchange for granting my request to</p> <p>3 stay in the job.</p> <p>4 SENATOR WARNER: And, again, we all</p> <p>5 understand -- I was a governor, I had people work</p> <p>6 for me. But this constant request -- and, again,</p> <p>7 quoting you, him saying that he -- despite you</p> <p>8 explaining your independence, he kept coming back to</p> <p>9 "I need loyalty." "I expect loyalty."</p> <p>10 Had you ever had any of those kind of</p> <p>11 requests before from anyone else you'd worked for in</p> <p>12 the government?</p> <p>13 MR. COMEY: No. And what made me uneasy was</p> <p>14 I'm, at that point, the director of the FBI. The</p> <p>15 reason that Congress created a ten-year term is so</p> <p>16 that the director is not feeling as if they're</p> <p>17 serving at -- with political loyalty owed to any</p> <p>18 particular person.</p> <p>19 The -- the statue of Justice has a blindfold</p> <p>20 on because you're not supposed to be peeking out to</p> <p>21 see whether your patron is pleased or not with what</p> <p>22 you're doing. It should be about the facts and the</p>
38	<p>1 in fact, he asked specifically -- of loyalty in the</p> <p>2 context of asking me to stay.</p> <p>3 And, as I said, what was odd about that is</p> <p>4 we'd already talked twice about it by that point.</p> <p>5 And he'd said, "I very much hope you'll stay. I</p> <p>6 hope you'll stay."</p> <p>7 In fact, I just remembered, sitting here, a</p> <p>8 third one. When -- you've seen the picture of me</p> <p>9 walking across the Blue Room. And what the</p> <p>10 President whispered in my ear was, "I really look</p> <p>11 forward to working with you." So, after those</p> <p>12 encounters --</p> <p>13 SENATOR WARNER: And that was just a few</p> <p>14 days before you were fired?</p> <p>15 MR. COMEY: Yeah, that was on the 20 -- the</p> <p>16 Sunday after the inauguration. The next Friday, I</p> <p>17 have dinner, and the President begins by wanting to</p> <p>18 talk about my job. And so I'm sitting there</p> <p>19 thinking, wait a minute, three times we've</p> <p>20 already -- you've already asked me to stay, or</p> <p>21 talked about me staying. And my common sense --</p> <p>22 again, I could be wrong, but my common sense told me</p>	40	<p>1 law. That's why I was -- that's why I became FBI</p> <p>2 director, to be in that kind of position. So that's</p> <p>3 why I was so uneasy.</p> <p>4 SENATOR WARNER: Well, let me -- let me move</p> <p>5 on. My time's running out.</p> <p>6 February 14th -- again, it seems a bit</p> <p>7 strange. You were in a meeting, and your direct</p> <p>8 superior, the attorney general, was in that meeting,</p> <p>9 as well. Yet the President asked everyone to leave,</p> <p>10 including the attorney general to leave, before he</p> <p>11 brought up the matter of General Flynn.</p> <p>12 What was your impression of that type of</p> <p>13 action? Had you ever seen anything like that</p> <p>14 before?</p> <p>15 MR. COMEY: No. My impression was,</p> <p>16 something big is about to happen. I need to</p> <p>17 remember every single word that is spoken. And,</p> <p>18 again, I could be wrong, but I'm 56 years old, I've</p> <p>19 been -- seen a few things. My sense was the</p> <p>20 attorney general knew he shouldn't be leaving, which</p> <p>21 is why he was lingering. And I don't know</p> <p>22 Mr. Kushner well, but I think he picked up on the</p>

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11 (41 to 44)

41	<p>1 same thing. And so I knew something was about to</p> <p>2 happen that I needed to pay very close attention to.</p> <p>3 SENATOR WARNER: And I -- I found it very</p> <p>4 interesting that in the memo that you wrote after</p> <p>5 this February 14th pull-aside, you made clear that</p> <p>6 you wrote that memo in a way that was unclassified.</p> <p>7 If you affirmatively made the decision to</p> <p>8 write a memo that was unclassified, was that because</p> <p>9 you felt, at some point, the facts of that meeting</p> <p>10 would have to come clean and come clear and actually</p> <p>11 be able to be cleared in a way that could be shared</p> <p>12 with the American people?</p> <p>13 MR. COMEY: Well, I remember thinking this</p> <p>14 is a very disturbing development, really important</p> <p>15 to our work. I need to document it and preserve it</p> <p>16 in a way -- and -- and this committee gets this, but</p> <p>17 sometimes when things are classified, it tangles</p> <p>18 them up. It's hard --</p> <p>19 SENATOR WARNER: Amen.</p> <p>20 MR. COMEY: -- to share it within an</p> <p>21 investigative team. It's -- you have to be very</p> <p>22 careful about how you handle it, for good reason.</p>	43	<p>1 MR. COMEY: No.</p> <p>2 SENATOR WARNER: I think, again, this speaks</p> <p>3 volumes. This doesn't even get to the questions</p> <p>4 around the -- the phone calls about lifting the</p> <p>5 cloud. I know other members will get to that, but I</p> <p>6 really appreciate your testimony and appreciate your</p> <p>7 service to our nation.</p> <p>8 MR. COMEY: Thank you, Senator Warner.</p> <p>9 You know, I just -- I'm sitting here, we're</p> <p>10 going through my contacts with him. I had one</p> <p>11 conversation with the President that was classified</p> <p>12 where he asked about our -- an ongoing intelligence</p> <p>13 investigation. It was brief and entirely</p> <p>14 professional.</p> <p>15 SENATOR WARNER: But he didn't ask you to</p> <p>16 take any specific action on that?</p> <p>17 MR. COMEY: Oh, no. No.</p> <p>18 SENATOR WARNER: Unlike what he had done</p> <p>19 vis-à-vis Mr. Flynn and the overall Russia</p> <p>20 investigation?</p> <p>21 MR. COMEY: Correct.</p> <p>22 SENATOR WARNER: Thank you, sir.</p>
42	<p>1 So my thinking was, if I write it in such a</p> <p>2 way that I don't include anything that would trigger</p> <p>3 a classification, that'll make it easier for us to</p> <p>4 discuss within the FBI and the government and to --</p> <p>5 to hold on to it in a way that makes it accessible</p> <p>6 to us.</p> <p>7 SENATOR WARNER: Well, again, it's our hope,</p> <p>8 particularly since you're a pretty knowledgeable guy</p> <p>9 and you wrote this in a way that was unclassified,</p> <p>10 that this committee will get access to that</p> <p>11 unclassified document. I think it'll be very</p> <p>12 important to our investigation.</p> <p>13 Let me just ask this in closing: How many</p> <p>14 ongoing investigations, at any time, does the FBI</p> <p>15 have going on? Going on --</p> <p>16 MR. COMEY: Oh, tens of thousands.</p> <p>17 SENATOR WARNER: Tens of thousands.</p> <p>18 Did the President ever ask about any other</p> <p>19 ongoing investigation?</p> <p>20 MR. COMEY: No.</p> <p>21 SENATOR WARNER: Did he ever ask about you</p> <p>22 trying to interfere on any other investigation?</p>	44	<p>1 CHAIRMAN BURR: Senator Risch.</p> <p>2 SENATOR JAMES RISCH (R-ID): Thank you very</p> <p>3 much.</p> <p>4 Mr. Comey, thank you for your service.</p> <p>5 America needs more like you, and we really</p> <p>6 appreciate it.</p> <p>7 Yesterday, I got, and everybody got, the</p> <p>8 seven pages of your direct testimony that's now a</p> <p>9 part of the record here. And the first -- I read</p> <p>10 it, then I read it again, and all I could think was,</p> <p>11 number one, how much I hated the class of legal</p> <p>12 writing when I was in law school. And you were the</p> <p>13 guy that probably got the A, after -- after reading</p> <p>14 this.</p> <p>15 So I -- I find it clear, I find it concise.</p> <p>16 And having been a prosecutor for a number of years</p> <p>17 and handling hundred, maybe thousands, of cases, and</p> <p>18 read police reports, investigative reports, this is</p> <p>19 as good as it gets. And -- and I really appreciate</p> <p>20 that, not only -- not only the conciseness and the</p> <p>21 clearness of it, but also the fact that you have</p> <p>22 things that were written down contemporaneously when</p>

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12 (45 to 48)

45	<p>1 they happened, and you actually put them in quotes, 2 so we know exactly what happened and we're not 3 getting some rendition of it that -- that's in your 4 mind. So -- 5 MR. COMEY: Thank you, Senator. 6 SENATOR RISCH: -- so you're -- you're to be 7 complimented for that. 8 MR. COMEY: I had great parents and great 9 teachers who beat that into me. 10 SENATOR RISCH: That's obvious, sir. 11 The -- the Chairman walked you through a 12 number of things that -- that the American people 13 need to know and want to know. Number one, 14 obviously, we're -- all know about the active 15 measures that the Russians have taken. I think a 16 lot of people were surprised at this. Those of us 17 that work in the intelligence community didn't -- it 18 didn't come as a surprise. But now the American 19 people know this, and it's good they know this, 20 because this is serious, and it's a problem. 21 I -- I think, secondly, I gather from all 22 this that you're willing to say now that while you</p>	47	<p>1 careful in open setting, but -- 2 SENATOR RISCH: I -- I'm -- I'm not going to 3 go any further than that. 4 MR. COMEY: Okay. 5 SENATOR RISCH: So thank you. 6 In addition to that, after that, you sought 7 out both Republican and Democrat senators to tell 8 them that, "Hey, I don't know where this is coming 9 from, but this is not the -- this is not factual." 10 Do you recall that? 11 MR. COMEY: Yes. 12 SENATOR RISCH: Okay. So -- so, again, so 13 the American people can understand this, that report 14 by the New York Times was not true; is that a fair 15 statement? 16 MR. COMEY: In -- in the main, it was not 17 true. And, again, all of you know this, maybe the 18 American people don't. The challenge, and I'm not 19 picking on reporters, about writing stories about 20 classified information is, is that people talking 21 about it often don't really know what's going on, 22 and those of us who actually know what's going on</p>
46	<p>1 were director, the President of the United States 2 was not under investigation; is that a fair 3 statement? 4 MR. COMEY: That's correct. 5 SENATOR RISCH: All right. So that's a fact 6 that we can rely at this -- 7 MR. COMEY: Yes, sir. 8 SENATOR RISCH: Okay. On -- I remember, 9 you -- you talked with us shortly after February 10 14th, when the New York Times wrote an article that 11 suggested that the Trump campaign was colluding with 12 the Russians. You remember reading that article 13 when it first came out? 14 MR. COMEY: I do. It was about allegedly 15 extensive electronic surveillance -- 16 SENATOR RISCH: Correct. 17 MR. COMEY: -- communications. Yes, I do. 18 SENATOR RISCH: And -- and that upset you to 19 the point where you actually went out and surveyed 20 the intelligence community to see whether -- whether 21 you were missing something in that; is that correct? 22 MR. COMEY: That's correct. I want to be</p>	48	<p>1 are not talking about it. And we don't call the 2 press to say, "Hey, you got that thing wrong about 3 this sensitive topic." We just have to leave it 4 there. 5 I mentioned to the Chairman the nonsense 6 around what influenced me to make the July 5th 7 statement. Nonsense. But I can't go explaining how 8 it's nonsense. 9 SENATOR RISCH: Thank you. 10 All right. So -- so those three things we 11 now know regarding the active measures, whether the 12 President's under investigation and the collusion 13 between the -- the Russian -- the Trump campaign and 14 the Russians. 15 I -- I want to drill right down, as my time 16 is limited, to the most recent dust-up regarding 17 allegations that the President of the United States 18 obstructed justice. And, boy, you nailed this down 19 on page 5, paragraph 3. You put this in quotes, 20 words matter. You wrote down the words so we can 21 all have the words in front of us now. There's 28 22 words there that are in quotes, and it says, quote,</p>

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13 (49 to 52)

49	<p>1 I hope -- this is the President speaking -- I hope</p> <p>2 you can see your way clear to letting this go, to</p> <p>3 letting Flynn go. He is a good guy. I hope you can</p> <p>4 let this go.</p> <p>5 Now, those are his exact words; is that</p> <p>6 correct?</p> <p>7 MR. COMEY: Correct.</p> <p>8 SENATOR RISCH: And you wrote them here, and</p> <p>9 you put them in quotes?</p> <p>10 MR. COMEY: Correct.</p> <p>11 SENATOR RISCH: Okay. Thank you for that.</p> <p>12 He did not direct you to let it go?</p> <p>13 MR. COMEY: Not in his words, no.</p> <p>14 SENATOR RISCH: He did not order you to let</p> <p>15 it go.</p> <p>16 MR. COMEY: Again, those words are not an</p> <p>17 order.</p> <p>18 SENATOR RISCH: No.</p> <p>19 He said, "I hope." Now, like me, you</p> <p>20 probably did hundreds of cases, maybe thousands of</p> <p>21 cases, charging people with criminal offenses. And,</p> <p>22 of course, you have knowledge of the thousands of</p>	51	<p>1 hope."</p> <p>2 MR. COMEY: Those were his exact words,</p> <p>3 correct.</p> <p>4 SENATOR RISCH: Okay. You don't know of</p> <p>5 anyone that's ever been charged for hoping</p> <p>6 something; is that a fair statement?</p> <p>7 MR. COMEY: I don't, as I sit here.</p> <p>8 SENATOR RISCH: Yeah. Thank you.</p> <p>9 Thank you, Mr. Chairman.</p> <p>10 CHAIRMAN BURR: Senator Feinstein.</p> <p>11 SENATOR DIANNE FEINSTEIN (D-CA): Thanks</p> <p>12 very much, Mr. Chairman.</p> <p>13 Mr. Comey, I just want you to know that I</p> <p>14 have great respect for you. Senator Cornyn and I</p> <p>15 sit on the Judiciary Committee, so we have occasion</p> <p>16 to have you before us. And I know that you're a man</p> <p>17 of strength and integrity, and I really regret the</p> <p>18 situation that we all find ourselves in. I just</p> <p>19 want to say that.</p> <p>20 Let me begin with one overarching question.</p> <p>21 Why do you believe you were fired?</p> <p>22 MR. COMEY: Guess I don't know for sure. I</p>
50	<p>1 cases out there that -- where people have been</p> <p>2 charged.</p> <p>3 Do you know of any case where a person has</p> <p>4 been charged for obstruction of justice or, for that</p> <p>5 matter, any other criminal offense, where this --</p> <p>6 they said, or thought, they hoped for an outcome?</p> <p>7 MR. COMEY: I don't know well enough to</p> <p>8 answer. And the reason I keep saying his words is,</p> <p>9 I took it as a direction.</p> <p>10 SENATOR RISCH: Right.</p> <p>11 MR. COMEY: I mean, this is the President of</p> <p>12 the United States, with me alone, saying, "I hope"</p> <p>13 this. I took it as, this is what he wants me to do.</p> <p>14 SENATOR RISCH: You didn't --</p> <p>15 MR. COMEY: Now I -- I didn't obey that, but</p> <p>16 that's the way I took it.</p> <p>17 SENATOR RISCH: You -- you may have taken it</p> <p>18 as a direction, but that's not what he said.</p> <p>19 MR. COMEY: Correct. I --</p> <p>20 SENATOR RISCH: He said --</p> <p>21 MR. COMEY: That's why --</p> <p>22 SENATOR RISCH: He said -- he said, "I</p>	52	<p>1 believe the -- I take the President at his word that</p> <p>2 I was fired because of the Russia investigation.</p> <p>3 Something about the way I was conducting it, the</p> <p>4 President felt created pressure on him that he</p> <p>5 wanted to relieve.</p> <p>6 Again, I didn't know that at the time, but I</p> <p>7 watched his interview, I've read the press accounts</p> <p>8 of his conversations. So I take him at his word</p> <p>9 there.</p> <p>10 Now, look, I -- I could be wrong. Maybe</p> <p>11 he's saying something that's not true, but I take</p> <p>12 him at his word, at least based on what I know now.</p> <p>13 SENATOR FEINSTEIN: Talk for a moment about</p> <p>14 his request that you pledge loyalty, and your</p> <p>15 response to that and what impact you believe that</p> <p>16 had?</p> <p>17 MR. COMEY: I -- I don't know for sure,</p> <p>18 because I don't know the President well enough to</p> <p>19 read him well. I think it was -- because our</p> <p>20 relationship didn't get off to a great start, given</p> <p>21 the conversation I had to have on January 6th, this</p> <p>22 was not -- this didn't improve the relationship,</p>

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14 (53 to 56)

53	<p>1 because it was very, very awkward. He was asking 2 for something, and I was refusing to give it. But, 3 again, I don't know him well enough to know how he 4 reacted to that, exactly.</p> <p>5 SENATOR FEINSTEIN: Do you believe the 6 Russia investigation played a role?</p> <p>7 MR. COMEY: In why I was fired?</p> <p>8 SENATOR FEINSTEIN: Yes.</p> <p>9 MR. COMEY: Yes, because I've seen the 10 President say so.</p> <p>11 SENATOR FEINSTEIN: Okay. Let's -- let's go 12 to the Flynn issue.</p> <p>13 Senator Risch outlined a -- "I hope you 14 could see your way to letting Flynn go. He's a good 15 guy. I hope you can let this go."</p> <p>16 But you also said in your written remarks, 17 and I quote, that you had understood the President 18 to be requesting that we drop any investigation of 19 Flynn in connection with false statements about his 20 conversations with the Russian ambassador in 21 December, end quote.</p> <p>22 Please go into that with more detail.</p>	55	<p>1 MR. COMEY: It's a great question. Maybe if 2 I were stronger, I would have. I was so stunned by 3 the conversation that I just --</p> <p>4 SENATOR FEINSTEIN: (Inaudible).</p> <p>5 MR. COMEY: -- took it in. And the only 6 thing I could think to say, because I was playing in 7 my mind, because I could remember every word he 8 said -- I was playing in my mind, what should my 9 response be? And that's why I very carefully chose 10 the words.</p> <p>11 And, look, I -- I've seen the tweet about 12 tapes, "Lordy, I hope there are tapes." I -- I 13 remember saying, "I agree he's a good guy," as a way 14 of saying, "I'm not agreeing with what you just 15 asked me to do."</p> <p>16 Again, maybe other people would be stronger 17 in that circumstance, but that -- that was -- that's 18 how I conducted myself. I -- I hope I'll never have 19 another opportunity. Maybe if I did it again, I 20 would do it better.</p> <p>21 SENATOR FEINSTEIN: You described two phone 22 calls that you received from President Trump, one on</p>
54	<p>1 MR. COMEY: Well, the -- the context and the 2 President's words are what led me to that 3 conclusion. As I said in my statement, I could be 4 wrong, but Flynn had been forced to resign the day 5 before, and -- and the controversy around General 6 Flynn at that point in time was centered on whether 7 he had lied to the Vice President about the nature 8 of his conversations with the Russians, whether he 9 had been candid with others in the course of that.</p> <p>10 And so that happens on the day before. On 11 the 14th, the President makes specific reference to 12 that. And so that's why I understood him to be 13 saying that what he wanted me to do was drop any 14 investigation connected to Flynn's account of his 15 conversations with the Russians.</p> <p>16 SENATOR FEINSTEIN: Now, here's the 17 question: You're big. You're strong. I know the 18 Oval Office, and I know what happens to people when 19 they walk in. There is a certain amount of 20 intimidation. But why didn't you stop and say, 21 "Mr. President, this is wrong. I cannot discuss 22 this with you"?</p>	56	<p>1 March 30 and one on April 11, where he, quote, 2 described the Russia investigation as a cloud that 3 was impairing his ability, end quote, as President, 4 and asked you, quote, to lift the cloud, end quote.</p> <p>5 What -- how did you interpret that? And 6 what did you believe he wanted you to do?</p> <p>7 MR. COMEY: I interpreted that as he was 8 frustrated that the Russia investigation was taking 9 up so much time and energy, I -- I think he meant, 10 of the executive branch, but in the -- in the public 11 square in general, and it was making it difficult 12 for him to focus on other priorities of his. But 13 what he asked me was actually narrower than that. 14 So I think what he meant by the "cloud," and, again, 15 I could be wrong, but what I think he meant by the 16 "cloud" was the entire investigation is -- is taking 17 up oxygen and making it hard for me to focus on the 18 things I want to focus on.</p> <p>19 The "ask" was to get it out that I, the 20 President, am not personally under investigation.</p> <p>21 SENATOR FEINSTEIN: After April 11th, did he 22 ask you more, ever, about the Russia investigation?</p>

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15 (57 to 60)

57	<p>1 Did he ask you any questions?</p> <p>2 MR. COMEY: We never spoke again after April</p> <p>3 11th.</p> <p>4 SENATOR FEINSTEIN: You told the President,</p> <p>5 "I -- I would see what we could do." What did you</p> <p>6 mean?</p> <p>7 MR. COMEY: It was kind of a slightly</p> <p>8 cowardly way of trying to avoid telling him, we're</p> <p>9 not going to do that, that I would see what we could</p> <p>10 do. It was a way of kind of getting off the phone,</p> <p>11 frankly. And then I turned and handed it to the</p> <p>12 acting deputy attorney general, Mr. Boente.</p> <p>13 SENATOR FEINSTEIN: So I wanted to go into</p> <p>14 that. Who did you talk with about that, lifting the</p> <p>15 cloud, stopping the investigation, back at the FBI,</p> <p>16 and what was their response?</p> <p>17 MR. COMEY: Well, the FBI, during one of the</p> <p>18 two conversations -- I'm not remembering exactly, I</p> <p>19 think the first, my chief of staff was actually</p> <p>20 sitting in front of me and heard my end of the</p> <p>21 conversation, because the President's call was a</p> <p>22 surprise.</p>	59	<p>1 that was a struggle for us, because we are the</p> <p>2 leaders of the FBI. So it's been reported to us, in</p> <p>3 that I heard it and now I've shared it with the</p> <p>4 leaders of the FBI -- our -- our conversation was,</p> <p>5 should we share this with any senior officials at</p> <p>6 the Justice Department.</p> <p>7 Our -- our absolute primary concern was, we</p> <p>8 can't infect the investigative team. We don't want</p> <p>9 the agents and analysts working on this to know the</p> <p>10 President of the United States has -- has asked --</p> <p>11 and when it comes from the President, I took it as a</p> <p>12 direction -- to get rid of this investigation,</p> <p>13 because we're not going to follow that -- that</p> <p>14 request.</p> <p>15 And so we decided we gotta keep it away from</p> <p>16 our troops, but is there anybody else we ought to</p> <p>17 tell at the Justice Department. And as I laid out</p> <p>18 in my -- in my statement, we considered whether to</p> <p>19 tell the attorney general, decided that didn't make</p> <p>20 sense because we believed, rightly, that he was</p> <p>21 shortly going to recuse.</p> <p>22 There were no other Senate-confirmed leaders</p>
58	<p>1 And I discussed the lifting the cloud and</p> <p>2 the request with the senior leadership team, who</p> <p>3 in -- in -- typically, and I think in all these</p> <p>4 circumstances, was the deputy director, my chief of</p> <p>5 staff, the general counsel, the deputy director's</p> <p>6 chief counsel, and I think in a number of</p> <p>7 circumstances the number three in the FBI, and a few</p> <p>8 of the conversations included the head of the</p> <p>9 national security branch, so that group of us that</p> <p>10 lead the FBI when it comes to national security.</p> <p>11 SENATOR FEINSTEIN: Okay. You have the</p> <p>12 President of the United States asking you to stop an</p> <p>13 investigation that's an important investigation.</p> <p>14 What was the response of your colleagues?</p> <p>15 MR. COMEY: I think they were as shocked and</p> <p>16 troubled by it as I was. Some said things that led</p> <p>17 me to believe that. I don't remember exactly, but</p> <p>18 the reaction was similar to mine. They're all</p> <p>19 experienced people who had never experienced such a</p> <p>20 thing. So they were very concerned.</p> <p>21 And then the conversation turned to about,</p> <p>22 so what should we do with this information? And</p>	60	<p>1 in the Justice Department at that point. The deputy</p> <p>2 attorney general was Mr. Boente, who was acting and</p> <p>3 going to be shortly in that seat. And we decided</p> <p>4 the best move would be to hold it, keep it in a box,</p> <p>5 document it, as we'd already done, and then this</p> <p>6 investigation's going to go on. Figure out what to</p> <p>7 do with it down the road. Is there a way to</p> <p>8 corroborate this?</p> <p>9 Our view at the time was, look, it's your</p> <p>10 word against the President's. There's no way to</p> <p>11 corroborate this. That -- my view of that changed</p> <p>12 when the prospect of tapes was raised, but that's</p> <p>13 how we thought about it then.</p> <p>14 SENATOR FEINSTEIN: Thank you.</p> <p>15 Thank you, Mr. Chairman.</p> <p>16 CHAIRMAN BURR: Senator Rubio.</p> <p>17 SENATOR MARCO RUBIO (R-FL): Thank you.</p> <p>18 Director Comey, the meeting in the Oval</p> <p>19 Office where he made the request about Mike Flynn,</p> <p>20 was that the only time he asked you to hopefully let</p> <p>21 it go?</p> <p>22 MR. COMEY: Yes.</p>

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16 (61 to 64)

61	<p>1 SENATOR RUBIO: And in that meeting, as you</p> <p>2 understood it, that was -- he was asking you not</p> <p>3 about the general Russia investigation, he was</p> <p>4 asking very specifically about the jeopardy that</p> <p>5 Flynn was in himself?</p> <p>6 MR. COMEY: That's how I understood it, yes,</p> <p>7 sir.</p> <p>8 SENATOR RUBIO: And as you perceived it,</p> <p>9 while it was a request that he hoped you did away</p> <p>10 with it, you perceived it as an order, given his</p> <p>11 position, the setting, and the like, and some of the</p> <p>12 circumstances?</p> <p>13 MR. COMEY: Yes.</p> <p>14 SENATOR RUBIO: At the time, did you say</p> <p>15 anything to the President about, that is not an</p> <p>16 appropriate request, or did you tell the White House</p> <p>17 counsel, "That is not an appropriate request,</p> <p>18 someone needs to go tell the President that he can't</p> <p>19 do these things"?</p> <p>20 MR. COMEY: I didn't, no.</p> <p>21 SENATOR RUBIO: Okay. Why?</p> <p>22 MR. COMEY: I don't know. I think the -- as</p>	63	<p>1 MR. COMEY: Yes, sir, that's how I --</p> <p>2 SENATOR RUBIO: In fact, he was asking you</p> <p>3 to do what you have done here today?</p> <p>4 MR. COMEY: Correct. Yes, sir.</p> <p>5 SENATOR RUBIO: Okay. And, again, at that</p> <p>6 setting, did you say to the President that it would</p> <p>7 be inappropriate for you to do so, and then talk to</p> <p>8 the White House counsel or anybody so hopefully they</p> <p>9 would talk to him and tell him that he couldn't do</p> <p>10 this?</p> <p>11 MR. COMEY: First time, I said, "I'll see</p> <p>12 what we can do." Second time, I explained how it</p> <p>13 should work, that the White House counsel should</p> <p>14 contact the deputy attorney general.</p> <p>15 SENATOR RUBIO: You told him that?</p> <p>16 MR. COMEY: And the President said, "Okay,</p> <p>17 then I think that's what I'll do."</p> <p>18 SENATOR RUBIO: And just to be clear, for</p> <p>19 you to make a public statement that he was not under</p> <p>20 investigation would not have been illegal, but you</p> <p>21 felt it made no sense because it could potentially</p> <p>22 create a duty to correct if circumstances changed?</p>
62	<p>1 I said earlier, I think the circumstances were such</p> <p>2 that it was -- I was a bit stunned, and didn't have</p> <p>3 the presence of mind.</p> <p>4 And I don't know -- you know, I don't want</p> <p>5 to make you -- sound like I'm Captain Courageous. I</p> <p>6 don't know whether, even if I had the presence of</p> <p>7 mind, I would have said to the President, "Sir,</p> <p>8 that's wrong." I don't know whether I would have.</p> <p>9 SENATOR RUBIO: Okay.</p> <p>10 MR. COMEY: But in the moment, it -- it</p> <p>11 didn't -- it didn't come to my mind. What came to</p> <p>12 my mind is, be careful what you say. And so I said,</p> <p>13 "I agree, Flynn is a good guy."</p> <p>14 SENATOR RUBIO: So on the cloud, we keep</p> <p>15 talking about this cloud, you perceived the cloud to</p> <p>16 be the Russian investigation in general, correct?</p> <p>17 MR. COMEY: Yes, sir.</p> <p>18 SENATOR RUBIO: But his specific ask was</p> <p>19 that you would tell the American people what you had</p> <p>20 already told him, what you had already told the</p> <p>21 leaders of Congress, both Democrats and Republicans,</p> <p>22 that he was not personally under investigation?</p>	64	<p>1 MR. COMEY: Yes, sir. We wrestled with it</p> <p>2 before my testimony where I confirmed that there was</p> <p>3 an investigation, and there were two primary</p> <p>4 concerns. One was it creates a duty to correct,</p> <p>5 which I've lived before, and you want to be very</p> <p>6 careful about doing that. And, second, it's a</p> <p>7 slippery slope, because if we say the President and</p> <p>8 the Vice President aren't under investigation,</p> <p>9 what's the principled basis for -- for stopping.</p> <p>10 SENATOR RUBIO: Okay.</p> <p>11 MR. COMEY: And so the leadership at -- at</p> <p>12 Justice, Acting Attorney General Boente, said,</p> <p>13 "You're not going to do that."</p> <p>14 SENATOR RUBIO: Now, on March 30th, during</p> <p>15 the phone call about General Flynn, you said he</p> <p>16 abruptly shifted and brought up something that you</p> <p>17 call, quote-unquote, the McCabe thing.</p> <p>18 Specifically, the McCabe thing, as you understood</p> <p>19 it, was that McCabe's wife had received campaign</p> <p>20 money from what I assume means Terry McAuliffe?</p> <p>21 MR. COMEY: Yes, sir. That's what --</p> <p>22 SENATOR RUBIO: Who was very close to the</p>

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17 (65 to 68)

65	<p>1 Clintons. And -- and so why did you -- had the</p> <p>2 President at any point in time expressed to you</p> <p>3 concern, opposition, potential opposition to McCabe,</p> <p>4 "I don't like this guy because he got money from</p> <p>5 someone that's close to Clinton"?</p> <p>6 MR. COMEY: He had asked me during previous</p> <p>7 conversations about Andy McCabe and said, in</p> <p>8 essence, "How's he going to be with me as President?</p> <p>9 I was pretty rough on 'em on the campaign trail."</p> <p>10 And --</p> <p>11 SENATOR RUBIO: He was rough on McCabe?</p> <p>12 MR. COMEY: He was rough -- by his own</p> <p>13 account, he said he was rough on McCabe and</p> <p>14 Mrs. McCabe on the campaign trail, "How's he going</p> <p>15 to be?" And I assured the President, "Andy is a</p> <p>16 total pro. No issue at all. You got to know the</p> <p>17 people of the FBI, they are not" --</p> <p>18 SENATOR RUBIO: So -- so when the President</p> <p>19 turns to you and says, "Remember, I never brought up</p> <p>20 the McCabe thing because you said he was a good</p> <p>21 guy," did you perceive that to be a statement that</p> <p>22 "I took care of you," "I -- I didn't do something</p>	67	<p>1 have an investigation, all the facts came out, and</p> <p>2 we found nothing. So he agreed that that would be</p> <p>3 ideal, but this cloud is still messing up my ability</p> <p>4 to do the rest of my agenda.</p> <p>5 Is that an accurate assessment of --</p> <p>6 MR. COMEY: Yes, sir. He actually went</p> <p>7 farther than that. He -- he said, "And if some of</p> <p>8 my satellites did something wrong, it'd be good to</p> <p>9 find that out."</p> <p>10 SENATOR RUBIO: Well, that's the second</p> <p>11 part, and that is, the satellites. He said, "If one</p> <p>12 of my satellites" -- I imagine by that he meant some</p> <p>13 of the other people surrounding his campaign -- "did</p> <p>14 something wrong, it would be great to know that, as</p> <p>15 well."</p> <p>16 MR. COMEY: Yes, sir. That's what he said.</p> <p>17 SENATOR RUBIO: So are those the other --</p> <p>18 are those the only two instances in which that sort</p> <p>19 of back-and-forth happened, where the President was</p> <p>20 basically saying, and I'm paraphrasing here, "It's</p> <p>21 okay, do the Russia investigation. I hope it all</p> <p>22 comes out. I have nothing to do with anything</p>
66	<p>1 because you told me he was a good guy, so now, you</p> <p>2 know, I'm asking you, potentially, for something in</p> <p>3 return"? Is that how you perceived it?</p> <p>4 MR. COMEY: I wasn't sure what to make of</p> <p>5 it, honestly. That's possible, but it -- it was so</p> <p>6 out of context that I didn't have a clear view of</p> <p>7 what it was.</p> <p>8 SENATOR RUBIO: Now, on a number of</p> <p>9 occasions here, you bring up -- let's talk now about</p> <p>10 the general Russia investigation, okay? On page 6</p> <p>11 of your testimony, you say -- the first thing you</p> <p>12 say is: He asked what we could do to,</p> <p>13 quote-unquote, lift the cloud, the general Russia</p> <p>14 investigation.</p> <p>15 And you responded that we were investigating</p> <p>16 the matter as quickly as we could and that there</p> <p>17 would be great benefit if we didn't find anything,</p> <p>18 to having done the work well. And he agreed. He</p> <p>19 reemphasized the problems it was causing him, but he</p> <p>20 agreed.</p> <p>21 So, in essence, the President agreed with</p> <p>22 your statement that it would be great if we could</p>	68	<p>1 Russia. It'd be great if it all came out, if people</p> <p>2 around me were doing things that were wrong."</p> <p>3 MR. COMEY: Yes. As I -- I recorded it</p> <p>4 accurately there. That was the sentiment he was</p> <p>5 expressing. Yes, sir.</p> <p>6 SENATOR RUBIO: So what it basically comes</p> <p>7 down to is the President has asked three things of</p> <p>8 you: He asked for your loyalty, and you said you</p> <p>9 would be loyally honest?</p> <p>10 MR. COMEY: Honestly loyal.</p> <p>11 SENATOR RUBIO: Honestly loyal. The --</p> <p>12 the -- he asked you, on one occasion, to let the</p> <p>13 Mike Flynn thing go because he was a good guy -- by</p> <p>14 the way, you're aware that he said the exact same</p> <p>15 thing in the press the next day, "He's a good guy,"</p> <p>16 "He's been treated unfairly," et cetera, et cetera.</p> <p>17 So I imagine your FBI agents read that.</p> <p>18 MR. COMEY: I'm sure they did.</p> <p>19 SENATOR RUBIO: Your -- the President's</p> <p>20 wishes were known to them, certainly, by the next</p> <p>21 day, when he had a press conference with the prime</p> <p>22 minister.</p>

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18 (69 to 72)

69	<p>1 Going back, the three requests were: Number</p> <p>2 one, be loyal; number two, let the Mike Flynn thing</p> <p>3 go, he's a good guy, he's been treated unfairly;</p> <p>4 and, number three, can you please tell the American</p> <p>5 people what these leaders in Congress already know,</p> <p>6 what you already know, what you've told me three</p> <p>7 times, that I'm not under -- personally under</p> <p>8 investigation.</p> <p>9 MR. COMEY: Those are the three things he</p> <p>10 asked. Yes, sir.</p> <p>11 SENATOR RUBIO: You know, this investigation</p> <p>12 is full of leaks, left and right. I mean, we've</p> <p>13 learned more from the newspapers sometimes than we</p> <p>14 do from our open hearings, for sure.</p> <p>15 You ever wonder why, of all the things in</p> <p>16 this investigation, the only thing that's never been</p> <p>17 leaked is the fact that the President was not</p> <p>18 personally under investigation, despite the fact</p> <p>19 that both Democrats and Republicans and the</p> <p>20 leadership of Congress knew that and have known that</p> <p>21 for weeks?</p> <p>22 MR. COMEY: I don't know. I find matters</p>	71	<p>1 Now to my questions. In talking to Senator</p> <p>2 Warner about this dinner that you had with the</p> <p>3 President, I believe, January 27th, all in one</p> <p>4 dinner, the President raised your job prospects, he</p> <p>5 asked for your loyalty, and denied allegations</p> <p>6 against him. All took place over one supper.</p> <p>7 Now, you told Senator Warner that the</p> <p>8 President was looking to, quote, get something.</p> <p>9 Looking back, did that dinner suggest that your job</p> <p>10 might be contingent on how you handled the</p> <p>11 investigation?</p> <p>12 MR. COMEY: I don't know that I'd go that</p> <p>13 far. I -- I got the sense my job would be</p> <p>14 contingent upon how he felt I -- excuse me -- how he</p> <p>15 felt I conducted myself and whether I demonstrated</p> <p>16 loyalty. But I don't know whether I'd go so far as</p> <p>17 to connect it to the investigation --</p> <p>18 SENATOR WYDEN: You said the President was</p> <p>19 trying to create some sort of patronage</p> <p>20 relationship. In a patronage relationship, isn't</p> <p>21 the underling expected to behave in a manner</p> <p>22 consistent with the wishes of the boss?</p>
70	<p>1 that are briefed to the Gang of Eight are pretty</p> <p>2 tightly held, in my experience.</p> <p>3 SENATOR RUBIO: Finally, who are those</p> <p>4 senior leaders at the FBI that you shared these</p> <p>5 conversations with?</p> <p>6 MR. COMEY: As I said in response to Senator</p> <p>7 Feinstein's question, deputy director, my chief of</p> <p>8 staff, general counsel, the deputy director's chief</p> <p>9 counsel, and then, more often than not, the number</p> <p>10 three person at the FBI, who is the associate deputy</p> <p>11 director, and then, quite often, the head of the</p> <p>12 national security branch.</p> <p>13 CHAIRMAN BURR: Senator Wyden.</p> <p>14 SENATOR RONALD LEE WYDEN (D-OR): Thank you,</p> <p>15 Mr. Chairman.</p> <p>16 Mr. Comey, welcome. You and I have had</p> <p>17 significant policy differences over the years,</p> <p>18 particularly protecting Americans' access to secure</p> <p>19 encryption. But I believe the timing of your firing</p> <p>20 stinks. And yesterday you put on the record</p> <p>21 testimony that demonstrates why the odor of</p> <p>22 presidential abuse of power is so strong.</p>	72	<p>1 MR. COMEY: Yes.</p> <p>2 SENATOR WYDEN: Okay.</p> <p>3 MR. COMEY: Or at least consider how what</p> <p>4 you're doing will affect the boss, as a significant</p> <p>5 consideration.</p> <p>6 SENATOR WYDEN: Let me turn to the Attorney</p> <p>7 General. In your statement, you said that you and</p> <p>8 the FBI leadership team decided not to discuss the</p> <p>9 President's actions with Attorney General Sessions,</p> <p>10 even though he had not recused himself.</p> <p>11 What was it about the Attorney General's own</p> <p>12 interactions with the Russians, or his behavior with</p> <p>13 regard to the investigation, that would have led the</p> <p>14 entire leadership of the FBI to make this decision?</p> <p>15 MR. COMEY: Our judgment, as I recall, was</p> <p>16 that he was very close to and inevitably going to</p> <p>17 recuse himself for a variety of reasons. We also</p> <p>18 were aware of facts that I can't discuss in an open</p> <p>19 setting that would make his continued engagement in</p> <p>20 a Russia-related investigation problematic, and so</p> <p>21 we were -- we were convinced -- and, in fact, I</p> <p>22 think we had already heard that the career people</p>

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19 (73 to 76)

73	<p>1 were recommending that he recuse himself, that he</p> <p>2 was not going to be in contact with Russia-related</p> <p>3 matters much longer, and that turned out to be the</p> <p>4 case.</p> <p>5 SENATOR WYDEN: How would you characterize</p> <p>6 Attorney General Sessions' adherence to his recusal,</p> <p>7 in particular with regard to his involvement in your</p> <p>8 firing, which the President has acknowledged was</p> <p>9 because of the Russian investigation?</p> <p>10 MR. COMEY: That's a question I can't</p> <p>11 answer. I think it's a reasonable question. If --</p> <p>12 if, as the President said, I was fired because of</p> <p>13 the Russia investigation, why was the attorney</p> <p>14 general involved in that chain? I don't know, and</p> <p>15 so I don't have an answer for the question.</p> <p>16 SENATOR WYDEN: Your testimony was that the</p> <p>17 President's request about Flynn could infect the</p> <p>18 investigation. Had the President got what he wanted</p> <p>19 and what he asked of you, what would have been the</p> <p>20 effect on the investigation?</p> <p>21 MR. COMEY: Well, we would have closed any</p> <p>22 investigation of General Flynn in connection with</p>	75	<p>1 contacts with the Russians are still in extremely</p> <p>2 important positions of power. Should the American</p> <p>3 people have the same sense of urgency now with</p> <p>4 respect to them?</p> <p>5 MR. COMEY: I think all I can say, Senator,</p> <p>6 is it's a -- the special counsel's investigation is</p> <p>7 very important. Understanding what efforts there</p> <p>8 were or are by the Russian government to influence</p> <p>9 our government is a critical part of the FBI's</p> <p>10 mission, so -- and you've got the right person in</p> <p>11 Bob Mueller to lead it. So it's a very important</p> <p>12 piece of work.</p> <p>13 SENATOR WYDEN: Vice President Pence was the</p> <p>14 head of the transition. To your knowledge, was he</p> <p>15 aware of the concerns about Michael Flynn prior to</p> <p>16 or during General Flynn's tenure as national</p> <p>17 security adviser?</p> <p>18 MR. COMEY: I don't -- you're asking,</p> <p>19 including up to the time when Flynn was --</p> <p>20 SENATOR WYDEN: (Inaudible).</p> <p>21 MR. COMEY: -- forced to resign? My</p> <p>22 understanding is that he was, and I'm trying to</p>
74	<p>1 his statements and encounter -- statements about and</p> <p>2 encounters with Russians in the late part of</p> <p>3 December.</p> <p>4 SENATOR WYDEN: Well --</p> <p>5 MR. COMEY: So we -- we would have dropped</p> <p>6 an open criminal investigation.</p> <p>7 SENATOR WYDEN: So, in effect, when you talk</p> <p>8 about infecting the enterprise, you would have</p> <p>9 dropped something major that would have spoken to</p> <p>10 the overall ability of the American people to get</p> <p>11 the facts?</p> <p>12 MR. COMEY: Correct. And -- and as good as</p> <p>13 our people are, our judgment was we don't want them</p> <p>14 hearing that the President of the United States</p> <p>15 wants this to go away, because it might have an</p> <p>16 effect of their ability to be fair and impartial and</p> <p>17 aggressive.</p> <p>18 SENATOR WYDEN: Now, the Acting Attorney</p> <p>19 General Yates found out that Michael Flynn could be</p> <p>20 blackmailed by the Russians, and she went</p> <p>21 immediately to warn the White House.</p> <p>22 Flynn is gone, but other individuals with</p>	76	<p>1 remember where I get that understanding from. I</p> <p>2 think from Acting Attorney General Yates.</p> <p>3 SENATOR WYDEN: So former Acting Attorney</p> <p>4 General Yates testified that concerns about General</p> <p>5 Flynn were discussed with the intelligence</p> <p>6 community. Would that have included anyone at the</p> <p>7 CIA or Dan Coats' office, the DNI?</p> <p>8 MR. COMEY: I would assume yes.</p> <p>9 SENATOR WYDEN: Michael Flynn resigned four</p> <p>10 days after Attorney General Sessions was sworn in.</p> <p>11 Do you know if the attorney general was aware of the</p> <p>12 concerns about Michael Flynn during that period?</p> <p>13 MR. COMEY: I don't, as I sit here, I</p> <p>14 don't -- I don't recall that he was. I could be</p> <p>15 wrong, but I don't remember that he was.</p> <p>16 SENATOR WYDEN: And, finally, let's see if</p> <p>17 you can give us some sense of who recommended your</p> <p>18 firing. Besides the letters from the attorney</p> <p>19 general, the deputy attorney general, do you have</p> <p>20 any information on who may have recommended or have</p> <p>21 been involved in your firing?</p> <p>22 MR. COMEY: I don't. I don't.</p>

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20 (77 to 80)

77	<p>1 SENATOR WYDEN: Okay.</p> <p>2 Thank you, Mr. Chairman.</p> <p>3 CHAIRMAN BURR: Senator Collins.</p> <p>4 SENATOR SUSAN COLLINS (R-ME): Thank you,</p> <p>5 Mr. Chairman.</p> <p>6 Mr. Comey, let me begin by thanking you for</p> <p>7 your voluntary compliance with our request to appear</p> <p>8 before this committee and assist us in this very</p> <p>9 important investigation.</p> <p>10 I want, first, to ask you about your</p> <p>11 conversations with the President, the three</p> <p>12 conversations in which you told him that he was not</p> <p>13 under investigation.</p> <p>14 The first was during your January 6th</p> <p>15 meeting, according to your testimony, in which it</p> <p>16 appears that you actually volunteered that</p> <p>17 assurance; is that correct?</p> <p>18 MR. COMEY: That's correct.</p> <p>19 SENATOR COLLINS: Did you limit that</p> <p>20 statement to counterintelligence investigations, or</p> <p>21 were you talking about any kind of FBI</p> <p>22 investigation?</p>	79	<p>1 which I said, "Sir, we're not personally</p> <p>2 investigating you."</p> <p>3 SENATOR COLLINS: And then, on -- and that's</p> <p>4 why you volunteered the information --</p> <p>5 MR. COMEY: Yes, ma'am.</p> <p>6 SENATOR COLLINS: -- correct?</p> <p>7 Then on the January 27th dinner, you show --</p> <p>8 you told the President that he should be careful</p> <p>9 about asking you to investigate, because, quote, You</p> <p>10 might create a narrative that we are investigating</p> <p>11 him personally, which we weren't.</p> <p>12 Again, were you limiting that statement to</p> <p>13 counterintelligence investigations, or more broadly,</p> <p>14 such as a criminal investigation?</p> <p>15 MR. COMEY: The context was very similar. I</p> <p>16 didn't -- I didn't modify the word "investigation."</p> <p>17 It was, again, he was reacting strongly again to</p> <p>18 that unverified material, saying, "I'm tempted to</p> <p>19 order you to investigate it." And that -- in the</p> <p>20 context of that, I said, "Sir, you want to be</p> <p>21 careful about that, because it might create a</p> <p>22 narrative we're investigating you personally."</p>
78	<p>1 MR. COMEY: I didn't -- I didn't use the</p> <p>2 term "counterintelligence." I was speaking to him</p> <p>3 and briefing him about some salacious and unverified</p> <p>4 material. It was in the context of that that he had</p> <p>5 a strong and defensive reaction about that not being</p> <p>6 true. And my reading of it was, it was important</p> <p>7 for me to assure him we were not personally</p> <p>8 investigating him. And so the context then was</p> <p>9 actually narrower, focused on what I had just talked</p> <p>10 to him about.</p> <p>11 But it was very important because it was,</p> <p>12 first, true. And, second, I was very much about</p> <p>13 being in kind of a -- kind of a J. Edgar Hoover-type</p> <p>14 situation. I didn't want him thinking that I was</p> <p>15 briefing him on this to sort of hang it over him in</p> <p>16 some way. I was briefing him on it because we</p> <p>17 were -- had been told by the media it was about to</p> <p>18 launch. We didn't want to be keeping that from him.</p> <p>19 And if there was some -- he needed to know this was</p> <p>20 being said. But I was very keen not to leave him</p> <p>21 with an impression that the bureau was trying to do</p> <p>22 something to him. And so that's the context in</p>	80	<p>1 SENATOR COLLINS: And then there was the</p> <p>2 March 30th phone call in -- with the President, in</p> <p>3 which you reminded him that congressional leaders</p> <p>4 have been briefed that we were not personally -- the</p> <p>5 FBI was not personally investigating President</p> <p>6 Trump.</p> <p>7 And, again, was that statement to</p> <p>8 congressional leaders and to the President limited</p> <p>9 to counterintelligence investigations, or was it a</p> <p>10 broader statement?</p> <p>11 MR. COMEY: I --</p> <p>12 SENATOR COLLINS: I'm trying to understand</p> <p>13 whether there was any kind of investigation of the</p> <p>14 President underway.</p> <p>15 MR. COMEY: No. I'm sorry, and -- and if I</p> <p>16 misunderstood, I apologize. We briefed the</p> <p>17 congressional leadership about what Americans we had</p> <p>18 opened counterintelligence investigation cases on,</p> <p>19 and we specifically said the President is not one of</p> <p>20 those Americans, but that there was no other</p> <p>21 investigation of the President that we were not</p> <p>22 mentioning at that time. What -- the context was</p>

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21 (81 to 84)

81	<p>1 counterintelligence, but I wasn't trying to hide</p> <p>2 some criminal investigation of the president.</p> <p>3 SENATOR COLLINS: And was the President</p> <p>4 under investigation at the time of your dismissal on</p> <p>5 May 9th?</p> <p>6 MR. COMEY: No.</p> <p>7 SENATOR COLLINS: I'd like to now turn to</p> <p>8 the conversations with the President about Michael</p> <p>9 Flynn, which have been discussed at great length.</p> <p>10 And, first, let me make very clear that the</p> <p>11 President never should have cleared the room, and he</p> <p>12 never should have asked you, as you reported, to let</p> <p>13 it go, to let the investigation go.</p> <p>14 But I remain puzzled by your response. Your</p> <p>15 response was, "I agree that Michael Flynn is a good</p> <p>16 guy." You could have said, "Mr. President, this</p> <p>17 meeting is inappropriate. This response could</p> <p>18 compromise the investigation. You should not be</p> <p>19 making such a request."</p> <p>20 It's fundamental to the operation of our</p> <p>21 government that the FBI be insulated from this kind</p> <p>22 of political pressure. And you've talked a bit</p>	83	<p>1 So I would not have wanted to alert the White House</p> <p>2 that it had happened until we figured out, what are</p> <p>3 we going to do with this investigatively.</p> <p>4 SENATOR COLLINS: Your testimony was that</p> <p>5 you went to Attorney General Sessions and said,</p> <p>6 "Don't ever leave me alone with him again." Are you</p> <p>7 saying that you also told him that he had made a</p> <p>8 request that you let it go with regard to part of</p> <p>9 the investigation of Michael Flynn?</p> <p>10 MR. COMEY: No, I specifically did not. I</p> <p>11 did not.</p> <p>12 SENATOR COLLINS: Okay. You mentioned that</p> <p>13 from your very first meeting with the President, you</p> <p>14 decided to write a memo memorializing the</p> <p>15 conversation. What was it about that very first</p> <p>16 meeting that made you write a memo when you had not</p> <p>17 done that with two previous presidents?</p> <p>18 MR. COMEY: As I said, a combination of</p> <p>19 things. A gut feeling is an important overlay on</p> <p>20 it, but the circumstances that I was alone, the</p> <p>21 subject matter, and the nature of the person that I</p> <p>22 was interacting with and my read of that person.</p>
82	<p>1 today about that you were stunned by the President</p> <p>2 making the request.</p> <p>3 But my question to you is, later on, upon</p> <p>4 reflection, did you go to anyone at the Department</p> <p>5 of Justice and ask them to call the White House</p> <p>6 counsel's office and explain that the President had</p> <p>7 to have a far better understanding and appreciation</p> <p>8 of his role vis-à-vis the FBI?</p> <p>9 MR. COMEY: In general, I did. I spoke to</p> <p>10 the attorney general, and I spoke to the new deputy</p> <p>11 attorney general, Mr. Rosenstein, when he took</p> <p>12 office, and explained my serious concern about the</p> <p>13 way in which the President is interacting,</p> <p>14 especially with the FBI.</p> <p>15 And I specifically, as I said my testimony,</p> <p>16 asked the -- told the attorney general, "It can't</p> <p>17 happen that you get kicked out of the room and the</p> <p>18 President talks to me."</p> <p>19 Look, in the room -- and -- and -- but why</p> <p>20 didn't we raise the specific? It was of</p> <p>21 investigative interest to us to try and figure out,</p> <p>22 so what just happened with the President's request.</p>	84	<p>1 VOICE (off mike): The nature of that</p> <p>2 person.</p> <p>3 MR. COMEY: Yeah, and -- and, really, just a</p> <p>4 gut feel, laying on top of all of that, that this --</p> <p>5 it's going to be important, to protect this</p> <p>6 organization, that I make records of this.</p> <p>7 SENATOR COLLINS: And, finally, did you show</p> <p>8 copies of your memos to anyone outside of the</p> <p>9 Department of Justice?</p> <p>10 MR. COMEY: Yes.</p> <p>11 SENATOR COLLINS: And to whom did you show</p> <p>12 copies?</p> <p>13 MR. COMEY: I asked -- the President tweeted</p> <p>14 on Friday, after I got fired, that I better hope</p> <p>15 there's not tapes. I woke up in the middle of the</p> <p>16 night on Monday night, because it didn't dawn on me</p> <p>17 originally, that there might be corroboration for</p> <p>18 our conversation, there might be a tape. And my</p> <p>19 judgment was, I needed to get that out into the</p> <p>20 public square. And so I asked a friend of mine to</p> <p>21 share the content of the memo with a reporter.</p> <p>22 Didn't do it myself, for a variety of reasons, but I</p>

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22 (85 to 88)

85	<p>1 asked him to because I thought that might prompt the</p> <p>2 appointment of a special counsel. And so I asked a</p> <p>3 close friend of mine to do it.</p> <p>4 SENATOR COLLINS: And was that Mr. Wittes?</p> <p>5 MR. COMEY: No, uh-uh. No.</p> <p>6 SENATOR COLLINS: Who was that?</p> <p>7 MR. COMEY: A good friend of mine who's a</p> <p>8 professor at Columbia Law School.</p> <p>9 SENATOR COLLINS: Thank you.</p> <p>10 CHAIRMAN BURR: Senator Heinrich.</p> <p>11 SENATOR MARTIN HEINRICH (D-NM): Mr. Comey,</p> <p>12 prior to January 27th of this year, have you ever</p> <p>13 had a one-on-one meeting or -- or a private dinner</p> <p>14 with a President of the United States?</p> <p>15 MR. COMEY: No, I met -- dinner, no. I had</p> <p>16 two one-on-ones with President Obama that I laid out</p> <p>17 in my testimony, once, to talk about law enforcement</p> <p>18 issues, law enforcement and race, which was an</p> <p>19 important topic throughout for me and for the</p> <p>20 President, and then once, very briefly, for him to</p> <p>21 say goodbye.</p> <p>22 SENATOR HEINRICH: Were those brief</p>	87	<p>1 the kind of relationship that the President was</p> <p>2 seeking to establish with you?</p> <p>3 MR. COMEY: Sure, yes.</p> <p>4 SENATOR HEINRICH: The -- the President has</p> <p>5 repeatedly talked about the Russian investigation</p> <p>6 into the U.S. -- or the Russian -- Russia's</p> <p>7 involvement in the U.S. election cycle as a hoax and</p> <p>8 as fake news.</p> <p>9 Can you talk a little bit about what you saw</p> <p>10 as FBI director, and, obviously, only the parts that</p> <p>11 you can share in this setting, that -- that</p> <p>12 demonstrate how serious this action actually was,</p> <p>13 and why there was an investigation in the first</p> <p>14 place.</p> <p>15 MR. COMEY: Yes, sir.</p> <p>16 The -- there should be no fuzz on this</p> <p>17 whatsoever. The Russians interfered in our election</p> <p>18 during the 2016 cycle. They did it with purpose.</p> <p>19 They did it with sophistication. They did it with</p> <p>20 overwhelming technical efforts. And it was an</p> <p>21 active-measures campaign driven from the top of that</p> <p>22 government. There is no fuzz on that.</p>
86	<p>1 interactions?</p> <p>2 MR. COMEY: No. The one about law</p> <p>3 enforcement and race in policing, we spoke for</p> <p>4 probably over an hour, just the two of us.</p> <p>5 SENATOR HEINRICH: How unusual is it to have</p> <p>6 a -- a one-on-one dinner with the President? Did</p> <p>7 that strike you as odd?</p> <p>8 MR. COMEY: Yeah, so much so that I assumed</p> <p>9 there would be others, that he couldn't possibly be</p> <p>10 having dinner with me alone.</p> <p>11 SENATOR HEINRICH: If -- do you have an</p> <p>12 impression that if you had found -- if you had</p> <p>13 behaved differently in that dinner, and I am quite</p> <p>14 pleased that you did not, but if you had found a way</p> <p>15 to express some sort of expression of loyalty, or</p> <p>16 given some suggestion that the Flynn criminal</p> <p>17 investigation might be pursued less vigorously, do</p> <p>18 you think you would've still been fired?</p> <p>19 MR. COMEY: I don't know. I -- it's</p> <p>20 impossible to say, looking back. I don't know.</p> <p>21 SENATOR HEINRICH: But you felt like those</p> <p>22 two things were -- were directly relevant to your --</p>	88	<p>1 It is a high-confidence judgment of the</p> <p>2 entire intelligence community, and -- and the</p> <p>3 members of this committee have -- have seen the</p> <p>4 intelligence. It's not a close call. That</p> <p>5 happened. That's about as un-fake as you can</p> <p>6 possibly get, and it's very, very serious, which is</p> <p>7 why it's so refreshing to see a bipartisan focus on</p> <p>8 that, because this is about America, not about any</p> <p>9 particular party.</p> <p>10 SENATOR HEINRICH: So that was a hostile act</p> <p>11 by the Russian government against this country?</p> <p>12 MR. COMEY: Yes, sir.</p> <p>13 SENATOR HEINRICH: Did the President, in any</p> <p>14 of those interactions that you've shared with us</p> <p>15 today, ask you what you should be doing, or what our</p> <p>16 government should be doing, or the intelligence</p> <p>17 community, to protect America against Russian</p> <p>18 interference in our election system?</p> <p>19 MR. COMEY: I don't recall a conversation</p> <p>20 like that.</p> <p>21 SENATOR HEINRICH: Never?</p> <p>22 MR. COMEY: No.</p>

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23 (89 to 92)

89	<p>1 SENATOR HEINRICH: Do you -- do you find it</p> <p>2 odd --</p> <p>3 MR. COMEY: Not with -- not with -- not with</p> <p>4 President Trump.</p> <p>5 SENATOR HEINRICH: Right.</p> <p>6 MR. COMEY: I attended a fair number of</p> <p>7 meetings on that with President Obama.</p> <p>8 SENATOR HEINRICH: Do you find it odd that</p> <p>9 the President seemed unconcerned by Russia's actions</p> <p>10 in our election?</p> <p>11 MR. COMEY: I -- I can't answer that,</p> <p>12 because I don't know what other conversations he had</p> <p>13 with other advisers or other intelligence community</p> <p>14 leaders. So I -- I -- I just don't know, sitting</p> <p>15 here.</p> <p>16 SENATOR HEINRICH: Did you have any</p> <p>17 interactions with the President that suggested he</p> <p>18 was taking that hostile action seriously?</p> <p>19 MR. COMEY: I don't remember any</p> <p>20 interactions with the President, other than the</p> <p>21 initial briefing on January the 6th. I don't</p> <p>22 remember -- could be wrong, but I don't remember any</p>	91	<p>1 he said, but on this, he's a -- he's a dirty, rotten</p> <p>2 liar."</p> <p>3 SENATOR HEINRICH: Right.</p> <p>4 MR. COMEY: You got to take it all together,</p> <p>5 and I've tried to be open and fair and transparent</p> <p>6 and accurate. A really significant fact to me is,</p> <p>7 so why did he kick everybody out of the Oval Office?</p> <p>8 Why would you kick the attorney general, the</p> <p>9 President, the chief of staff, out, to talk to me,</p> <p>10 if it was about something else? And so that --</p> <p>11 that, to me, is -- as an investigator, is a very</p> <p>12 significant fact.</p> <p>13 SENATOR HEINRICH: And as we look at -- at</p> <p>14 testimony, or as communication from both of you, we</p> <p>15 should probably be looking for consistency.</p> <p>16 MR. COMEY: Well, in looking at any witness,</p> <p>17 you look at consistency, track record, demeanor,</p> <p>18 record over time, that sort of thing.</p> <p>19 SENATOR HEINRICH: Thank you.</p> <p>20 So there are reports that the incoming Trump</p> <p>21 Administration, either during the transition and/or</p> <p>22 after the inauguration, attempted to set up a sort</p>
90	<p>1 conversations with him at all about that.</p> <p>2 SENATOR HEINRICH: As you're very aware, it</p> <p>3 was only the two of you in the room for that dinner.</p> <p>4 You've told us the President asked you to back off</p> <p>5 the Flynn investigation. The President told a</p> <p>6 reporter --</p> <p>7 MR. COMEY: Not in that dinner.</p> <p>8 SENATOR HEINRICH: Fair enough -- told a</p> <p>9 reporter he did -- never did that. You've testified</p> <p>10 that the President asked for your loyalty in that</p> <p>11 dinner. The White House denies that.</p> <p>12 A lot of this comes down to, who should we</p> <p>13 believe? Do you want to say anything as to why we</p> <p>14 should believe you?</p> <p>15 MR. COMEY: Probably -- my mother raised me</p> <p>16 not to say things like this about myself, so I'm not</p> <p>17 gonna. I think people should look at the whole body</p> <p>18 of my testimony --</p> <p>19 SENATOR HEINRICH: Uh-huh.</p> <p>20 MR. COMEY: -- because as I used to say to</p> <p>21 juries when I talked about a witness, you can't</p> <p>22 cherry-pick it. You can't say, "I like these things</p>	92	<p>1 of back-door communication channel with the Russian</p> <p>2 government, using their infrastructure, their</p> <p>3 devices, their facilities.</p> <p>4 What would be the risks, particularly for a</p> <p>5 transition, someone not actually in the office of</p> <p>6 the President yet, to setting up unauthorized</p> <p>7 channels with a hostile foreign government,</p> <p>8 especially if they were to evade our own American</p> <p>9 intelligence services?</p> <p>10 MR. COMEY: I'm not going to comment on</p> <p>11 whether that happened in an open setting. But the</p> <p>12 risk is -- primary risk is obvious: You spare the</p> <p>13 Russians the cost and effort of having to break into</p> <p>14 our communications channels by using theirs. And so</p> <p>15 you make it a whole lot easier for them to capture</p> <p>16 all of your conversations, and then to use those to</p> <p>17 the benefit of Russia against the United States.</p> <p>18 SENATOR HEINRICH: The memos that you wrote,</p> <p>19 you wrote -- did you write all nine of them in a way</p> <p>20 that was designed to prevent them from needing</p> <p>21 classification?</p> <p>22 MR. COMEY: No. And -- and on a few of the</p>

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24 (93 to 96)

93	<p>1 occasions, I wrote -- I sent e-mails to my chief of</p> <p>2 staff or others on some of the brief phone</p> <p>3 conversations that I recall. The first one was a</p> <p>4 classified briefing. Although it wasn't in a SCIF,</p> <p>5 it was in a conference room at Trump Tower, it was a</p> <p>6 classified briefing. And so I wrote that on a</p> <p>7 classified device. The one I started typing --</p> <p>8 SENATOR HEINRICH: Gotcha.</p> <p>9 MR. COMEY: -- in the, car -- that was a</p> <p>10 classified laptop that I started working on.</p> <p>11 SENATOR HEINRICH: Any reason in a</p> <p>12 classified environment, in a SCIF, that this</p> <p>13 committee would -- it would not be appropriate to</p> <p>14 see those communications from -- at least from your</p> <p>15 perspective as the author?</p> <p>16 MR. COMEY: No.</p> <p>17 SENATOR HEINRICH: Thank you, Mr. Chairman.</p> <p>18 CHAIRMAN BURR: Senator Blunt.</p> <p>19 SENATOR ROY BLUNT (R-MO): Thank you,</p> <p>20 Mr. Chairman.</p> <p>21 Mr. Comey, when you were terminated at the</p> <p>22 FBI, I said, and still continue to feel, that you</p>	95	<p>1 going on. You now in retrospect -- or at least you</p> <p>2 now to this committee -- that these were -- you had</p> <p>3 serious concerns about what the President had, you</p> <p>4 believed, directed you to do, and had taken no</p> <p>5 action -- hadn't even reported up the chain of</p> <p>6 command, assuming you believe there is an "up the</p> <p>7 chain of command," that these things had happened.</p> <p>8 Do you have a sense of that, looking back,</p> <p>9 that that was a mistake?</p> <p>10 MR. COMEY: No. In fact, I think no action</p> <p>11 was the most important thing I could do, to make</p> <p>12 sure there was no interference with the</p> <p>13 investigation.</p> <p>14 SENATOR BLUNT: And on the -- on the Flynn</p> <p>15 issue specifically, I believe you said earlier that</p> <p>16 you believed the President was suggesting you drop</p> <p>17 any investigation of Flynn's account of his</p> <p>18 conversation with the Russian ambassador, which was</p> <p>19 essentially misleading the Vice President and</p> <p>20 others?</p> <p>21 MR. COMEY: Correct, and -- and I'm not</p> <p>22 going to go into the details, but whether there were</p>
94	<p>1 have provided years of great service to the country.</p> <p>2 I also said that I'd had significant questions over</p> <p>3 the last year about some of the decisions you made.</p> <p>4 If -- if the President hadn't terminated</p> <p>5 your service, would you still be, in your opinion,</p> <p>6 the director of the FBI today?</p> <p>7 MR. COMEY: Yes, sir.</p> <p>8 SENATOR BLUNT: So you took as a direction</p> <p>9 from the President something that you thought was</p> <p>10 serious and troublesome, but continued to show up</p> <p>11 for work the next day?</p> <p>12 MR. COMEY: Yes, sir.</p> <p>13 SENATOR BLUNT: And six weeks later we're</p> <p>14 still telling the -- were telling the President, on</p> <p>15 March the 30th, that he was not personally the</p> <p>16 target of any investigation?</p> <p>17 MR. COMEY: Correct. On March the 30th, and</p> <p>18 I think again on -- I think on April 11th as well, I</p> <p>19 told him we're not investigating him personally.</p> <p>20 That was true.</p> <p>21 SENATOR BLUNT: Well, the point to me -- the</p> <p>22 concern to me there is that all these things are</p>	96	<p>1 false statements made to government investigators,</p> <p>2 as well.</p> <p>3 SENATOR BLUNT: The -- any suggestion that</p> <p>4 the -- that General Flynn had violated the Logan</p> <p>5 Act, I always find pretty incredible. The Logan</p> <p>6 Act's been on the books for over 200 years.</p> <p>7 Nobody's ever been prosecuted for violating the</p> <p>8 Logan Act.</p> <p>9 My sense would be that the discussion, not</p> <p>10 the problem, misleading investigators or the Vice</p> <p>11 President might have been.</p> <p>12 MR. COMEY: That's fair. Yes, sir.</p> <p>13 SENATOR BLUNT: And -- and you're -- had you</p> <p>14 previously, on February the 14th, discussed with the</p> <p>15 President in the previous meeting anything your</p> <p>16 investigators had learned, or their impressions from</p> <p>17 talking to Flynn?</p> <p>18 MR. COMEY: No, sir.</p> <p>19 SENATOR BLUNT: So he said, "He's a good</p> <p>20 guy." You said, "He's a good guy." And that was --</p> <p>21 no further action taken on that?</p> <p>22 MR. COMEY: Well, he said more than that,</p>

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25 (97 to 100)

97	<p>1 but there was no -- the action was, I wrote it up, 2 briefed our senior team, tried to figure out what to 3 do with it and just made a decision, we're going to 4 hold this and then see what we make of it down the 5 road. Yes, sir.</p> <p>6 SENATOR BLUNT: Was it your view that not 7 briefing up meant you really had no responsibility 8 to report that to the Justice Department in some 9 way?</p> <p>10 MR. COMEY: I think at some point, and -- 11 and I don't know what Director Mueller is going to 12 do with it, but at some point I was sure we were 13 going to brief it to the team in charge of the case. 14 But our judgment was, in the short term, 15 doesn't make sense to -- no fuzz on the fact that I 16 reported it to the attorney general. That's why I 17 stressed he shouldn't be kicked out of the room. 18 But didn't make sense to report to him now.</p> <p>19 SENATOR BLUNT: You know, you said the 20 attorney general said, "I don't want to be in the 21 room with him alone again," but you continued to 22 talk to him on the phone. What is the difference in</p>	99	<p>1 January the 27th, and March the 30th -- it appears 2 to me that on all three of those occasions, you, 3 unsolicited by the President, made the point to him 4 that he was not a target of the -- of an 5 investigation.</p> <p>6 MR. COMEY: Correct. Yes, sir.</p> <p>7 SENATOR BLUNT: One, I thought the March 8 30th very interesting. You said, well, even though 9 you don't want -- you may not want us -- that was 10 the 27th, where he said, "Why don't you look into 11 that dossier thing more?" You said, "Well, you may 12 not want that, because then we couldn't tell you -- 13 couldn't say with -- we couldn't answer the question 14 about you being a target of the investigation."</p> <p>15 But you didn't seem to be answering that 16 question anyhow. As Senator Rubio pointed out, the 17 one unanswered, leaked question seems to have been 18 that, in this whole period of time.</p> <p>19 But you said something earlier I don't want 20 to fail to follow up on. You said after you were 21 dismissed, you gave information to a friend so that 22 friend could get that information into the public</p>
98	<p>1 being in the room alone with him and talking to him 2 on the phone alone?</p> <p>3 MR. COMEY: Yeah, I think that what I 4 stressed to the attorney general was a little 5 broader than just the room. I said, "You -- I 6 report to you. It's very important you be between 7 me and the White House, between" --</p> <p>8 SENATOR BLUNT: After that discussion with 9 the attorney general, did you take phone calls from 10 the President?</p> <p>11 MR. COMEY: Yes, sir.</p> <p>12 SENATOR BLUNT: So why did you just say you 13 need to talk to -- why didn't you say, "I'm not 14 taking that call. You need to talk to the attorney 15 general"?</p> <p>16 MR. COMEY: Well, I -- I did, on the April 17 11th call, and I reported the calls -- the March 18 30th call and the April 11th call -- to my superior, 19 who was the acting deputy attorney general.</p> <p>20 SENATOR BLUNT: And I -- I don't want to run 21 out of time here. Let me make one other point. 22 In reading your testimony, January the 3rd,</p>	100	<p>1 media.</p> <p>2 MR. COMEY: Correct.</p> <p>3 SENATOR BLUNT: What kind of information was 4 that? Wasn't that -- what kind of information did 5 you give to a friend?</p> <p>6 MR. COMEY: That the -- the -- the Flynn 7 conversation. That the President asked me to let 8 the -- the Flynn -- I'm forgetting my exact own 9 words, but the -- the conversation in the Oval 10 Office.</p> <p>11 SENATOR BLUNT: So you didn't consider your 12 memo or your sense of that conversation to be a 13 government document? You considered it to be 14 somehow your own personal document that you could 15 share with the media as you wanted to?</p> <p>16 MR. COMEY: Correct. I --</p> <p>17 SENATOR BLUNT: Through a friend?</p> <p>18 MR. COMEY: I understood this to be my 19 recollection recorded, of my conversation with the 20 President. As a private citizen, I felt free to 21 share that. I thought it very important to get it 22 out.</p>

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26 (101 to 104)

101	<p>1 SENATOR BLUNT: So were all of your memos</p> <p>2 that you've recorded on classified or other</p> <p>3 documents memos that might be yours as a private</p> <p>4 citizen?</p> <p>5 MR. COMEY: I'm sorry, I'm not following the</p> <p>6 question.</p> <p>7 SENATOR BLUNT: Well, I think you said you'd</p> <p>8 used classified -- a classified --</p> <p>9 MR. COMEY: Oh, yes. Not the classified</p> <p>10 documents. Unclassified -- I don't have any of them</p> <p>11 anymore. I gave them to the special counsel. But,</p> <p>12 yeah, my view was that the content of those</p> <p>13 unclassified -- the memorialization of those</p> <p>14 conversations was my recollection recorded.</p> <p>15 SENATOR BLUNT: So why didn't you give those</p> <p>16 to somebody yourself, rather than give them through</p> <p>17 a third party?</p> <p>18 MR. COMEY: Because I was worried the media</p> <p>19 was camping at the end of my driveway at that point,</p> <p>20 and I was actually going out of town with my wife to</p> <p>21 hide, and I worried it would be like feeding</p> <p>22 seagulls at the beach --</p>	103	<p>1 strategy? Will they be back?</p> <p>2 MR. COMEY: Oh, it's a long-term practice of</p> <p>3 theirs. It -- it stepped up a notch in a</p> <p>4 significant way in '16. They'll be back.</p> <p>5 SENATOR KING: I think that's very important</p> <p>6 for the American people to understand, that this</p> <p>7 is -- this is very much a forward-looking</p> <p>8 investigation in terms of how do we understand what</p> <p>9 they did and how do we prevent it. Would you agree,</p> <p>10 that that's a big part of our role here?</p> <p>11 MR. COMEY: Yes, sir. And it's not a</p> <p>12 Republican thing or a Democratic thing. It really</p> <p>13 is an American thing. They're going to come for</p> <p>14 whatever party they choose to try and work on behalf</p> <p>15 of. And they're -- they're not devoted to either,</p> <p>16 in my experience. They're just about their own</p> <p>17 advantage. And they will be back.</p> <p>18 SENATOR KING: That's my observation. I</p> <p>19 don't think Putin is a Republican or a Democrat.</p> <p>20 He's an opportunist.</p> <p>21 MR. COMEY: I think that's a fair statement.</p> <p>22 SENATOR KING: With regard to the -- several</p>
102	<p>1 (Laughter.)</p> <p>2 MR. COMEY: -- if -- if it was -- if it was</p> <p>3 I who gave it to the media. So I asked my friend,</p> <p>4 "Make sure this gets out."</p> <p>5 SENATOR BLUNT: It does seem to me that what</p> <p>6 you do there is create a source close to the former</p> <p>7 director of the FBI, as opposed to just taking</p> <p>8 responsibility yourself for saying, "Here are these</p> <p>9 records."</p> <p>10 And, like everybody else, I have other</p> <p>11 things I'd like to get into, but I'm out of time.</p> <p>12 MR. COMEY: Okay.</p> <p>13 CHAIRMAN BURR: Senator King.</p> <p>14 SENATOR ANGUS KING (I-ME): Thank you.</p> <p>15 First, I'd like to acknowledge Senator</p> <p>16 Blumenthal and earlier Senator Nelson. I think the</p> <p>17 one principal thing you'll learn today, Senators, is</p> <p>18 that the chairs there are less comfortable than the</p> <p>19 chairs here. But I welcome you to the hearing.</p> <p>20 Mr. Comey, a broad question: Was the</p> <p>21 Russian activity in the 2016 election a one-off</p> <p>22 proposition, or is this part of a long-term</p>	104	<p>1 of these conversations, in his interview with Lester</p> <p>2 Holt on NBC, the President said, "I had dinner with</p> <p>3 him. He wanted to have dinner because he wanted to</p> <p>4 stay on."</p> <p>5 Is this an accurate statement?</p> <p>6 MR. COMEY: No, sir.</p> <p>7 SENATOR KING: Did you, in any way, initiate</p> <p>8 that dinner?</p> <p>9 MR. COMEY: No, he -- he called me at my</p> <p>10 desk at lunchtime and asked me was I free for dinner</p> <p>11 that night. He called himself and said, "Can you</p> <p>12 come over for dinner tonight."</p> <p>13 And I said, "Yes, sir."</p> <p>14 He said, "Will 6 work?" I think he said 6</p> <p>15 first. And then he said, "I was going to invite</p> <p>16 your whole family, but we'll do that next time. I</p> <p>17 want you to come over. And is -- is that a good</p> <p>18 time."</p> <p>19 I said, "Sir, whatever works for you."</p> <p>20 And he then said, "How about 6:30?"</p> <p>21 And I -- I said, "Whatever works for you,</p> <p>22 sir."</p>

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27 (105 to 108)

105	<p>1 And then I hung up and had to call my wife</p> <p>2 and break a date with her. I was supposed to take</p> <p>3 her out to dinner that night, and --</p> <p>4 SENATOR KING: That's one of the all-time</p> <p>5 great excuses for breaking a date.</p> <p>6 (Laughter.)</p> <p>7 MR. COMEY: In retrospect, I would have -- I</p> <p>8 love spending time my wife. I wish I'd been there</p> <p>9 that night.</p> <p>10 (Laughter.)</p> <p>11 SENATOR KING: That's one question I'm not</p> <p>12 going follow up, Mr. Comey.</p> <p>13 But in that same interview, the President</p> <p>14 said, "In one case, I called him, and in one case,</p> <p>15 he called me." Is that an accurate statement?</p> <p>16 MR. COMEY: No.</p> <p>17 SENATOR KING: Did you ever call the</p> <p>18 President?</p> <p>19 MR. COMEY: No. I -- I might -- the only</p> <p>20 reason I'm hesitating is, I think there was a least</p> <p>21 one conversation where I was asked to call the White</p> <p>22 House switchboard to be connected to him, but I -- I</p>	107	<p>1 times when you assured him he wasn't under</p> <p>2 investigation, were as of that moment. That --</p> <p>3 that's correct, is it not?</p> <p>4 MR. COMEY: Correct. Correct.</p> <p>5 SENATOR KING: Now, on the Flynn</p> <p>6 investigation, is it not true that Mr. Flynn was and</p> <p>7 is a central figure in this entire investigation of</p> <p>8 the relationship between the Trump campaign and the</p> <p>9 Russians?</p> <p>10 MR. COMEY: I can't answer that in an open</p> <p>11 setting, sir.</p> <p>12 SENATOR KING: And, certainly, Mr. Flynn was</p> <p>13 part of the so-called Russian investigation. Can</p> <p>14 you answer that question?</p> <p>15 MR. COMEY: I have to give you the same</p> <p>16 answer.</p> <p>17 SENATOR KING: All right. We'll be having a</p> <p>18 closed session shortly, so we will follow up on</p> <p>19 that.</p> <p>20 In terms of his comments to you about -- I</p> <p>21 think in response to Mr. Risch, to Senator Risch,</p> <p>22 you said he said, "I hope you will hold back on</p>
106	<p>1 never initiated a communication with the President.</p> <p>2 SENATOR KING: And in his press conference</p> <p>3 on May 18th, the President was asked whether he had</p> <p>4 urged you to shut down the investigation into</p> <p>5 Michael Flynn. The President responded, quote, No,</p> <p>6 no. Next question.</p> <p>7 Is that an accurate statement?</p> <p>8 MR. COMEY: I don't believe it is.</p> <p>9 SENATOR KING: Thank you.</p> <p>10 With regard to the question of him being</p> <p>11 under personal -- personally under investigation,</p> <p>12 does that mean that the dossier is not being</p> <p>13 reviewed or investigated or followed up on in any</p> <p>14 way?</p> <p>15 MR. COMEY: I obviously can't -- I can't</p> <p>16 comment either way. I can't talk in an open setting</p> <p>17 about the investigation as it was when I was the</p> <p>18 head of the FBI. And, obviously, it's -- it's</p> <p>19 Director Mueller's -- Bob Mueller's responsibility</p> <p>20 now, so I just -- I don't know.</p> <p>21 SENATOR KING: So, clearly, your statements</p> <p>22 to the President back in those -- these various</p>	108	<p>1 that." But when you get a -- when a President of</p> <p>2 the United States in the Oval Office says something</p> <p>3 like "I hope" or "I suggest" or -- or "would you,"</p> <p>4 do you take that as a -- as a -- as a directive?</p> <p>5 MR. COMEY: Yes. Yes, it rings in my ear as</p> <p>6 kind of, "Will no one rid me of this meddlesome</p> <p>7 priest."</p> <p>8 SENATOR KING: I was just going to quote</p> <p>9 that. In 1170, December 29, Henry II said, "Who</p> <p>10 will rid me of this meddlesome priest?" And then,</p> <p>11 the next day, he was killed, Thomas Becket. That's</p> <p>12 exactly the same situation. You're -- we're</p> <p>13 thinking along the same lines.</p> <p>14 Several other questions, and these are a</p> <p>15 little bit more detailed. What do you know about</p> <p>16 the Russian bank, VEB?</p> <p>17 MR. COMEY: Nothing that I can talk about in</p> <p>18 an open setting. I mean, I know it --</p> <p>19 SENATOR KING: Well, that takes care of my</p> <p>20 next three questions.</p> <p>21 MR. COMEY: I know it exists. Yes, sir.</p> <p>22 SENATOR KING: You know it exists.</p>

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28 (109 to 112)

109	<p>1 What is the relationship of Ambassador --</p> <p>2 the ambassador from Russia to the United States to</p> <p>3 the Russian intelligence infrastructure?</p> <p>4 MR. COMEY: Well, he's a diplomat who is the</p> <p>5 chief of mission at the Russian embassy, which</p> <p>6 employs a robust cohort of intelligence officers.</p> <p>7 And so, surely, he's witting of their very, very</p> <p>8 aggressive intelligence operations, at least some of</p> <p>9 it in the United States. I don't -- I don't</p> <p>10 consider him to be an intelligence officer himself.</p> <p>11 He's a diplomat.</p> <p>12 SENATOR KING: Did you ever -- did the FBI</p> <p>13 ever brief the Trump Administration about the -- the</p> <p>14 advisability of interacting directly with Ambassador</p> <p>15 Kislyak?</p> <p>16 MR. COMEY: I think all I can say sitting</p> <p>17 here is there were a variety of defensive briefings</p> <p>18 given to the incoming Administration about the</p> <p>19 counterintelligence risk.</p> <p>20 SENATOR KING: Back to Mr. Flynn, would</p> <p>21 the -- would closing out the Flynn investigation</p> <p>22 have impeded the overall Russian investigation?</p>	111	<p>1 this dais has, and I appreciate you and your service</p> <p>2 and what you have done for the nation for a long</p> <p>3 time, which you continue to do.</p> <p>4 I've told you before in the heat of last</p> <p>5 year, when we had an opportunity to visit</p> <p>6 personally, that I pray for you and for your family</p> <p>7 because you do carry a tremendous amount of stress.</p> <p>8 And that is still true today.</p> <p>9 MR. COMEY: Thank you.</p> <p>10 SENATOR LANKFORD: Let me -- let me walk</p> <p>11 through a couple things with you. Your notes are</p> <p>12 obviously exceptionally important, because they give</p> <p>13 a very rapid account of what you -- what you wrote</p> <p>14 down and what you perceived happened in those</p> <p>15 different meetings.</p> <p>16 Have you had the opportunity to be able to</p> <p>17 reference those notes when you were preparing the</p> <p>18 written statement that you put for us today?</p> <p>19 MR. COMEY: Yes, I -- yes. I think nearly</p> <p>20 all of my written recordings of my conversations,</p> <p>21 had a chance to review them before filing my</p> <p>22 statement.</p>
110	<p>1 MR. COMEY: No. Well, unlikely, except to</p> <p>2 the extent -- there's always a possibility, if you</p> <p>3 have a criminal case against someone and you bring</p> <p>4 in and squeeze them, you flip them, and they give</p> <p>5 you information about something else. But I saw the</p> <p>6 two as touching each other, but separate.</p> <p>7 SENATOR KING: With regard to your memos,</p> <p>8 isn't it true that in a -- in a court case, when</p> <p>9 you're weighing evidence, contemporaneous memos and</p> <p>10 contemporaneous statements to third parties are</p> <p>11 considered probative in terms of the -- the -- the</p> <p>12 validity of -- of testimony?</p> <p>13 MR. COMEY: Yes.</p> <p>14 SENATOR KING: Thank you.</p> <p>15 Thank you, Mr. Chairman.</p> <p>16 CHAIRMAN BURR: Senator Cotton -- or, excuse</p> <p>17 me, Senator Lankford.</p> <p>18 SENATOR JAMES LANKFORD (R-OK): Well,</p> <p>19 Director Comey, good to see you again.</p> <p>20 MR. COMEY: You, too.</p> <p>21 SENATOR LANKFORD: We've had multiple</p> <p>22 opportunities to be able to visit, as everyone on</p>	112	<p>1 SENATOR LANKFORD: Do you have a copy of any</p> <p>2 those notes, personally?</p> <p>3 MR. COMEY: I don't. I turned them over to</p> <p>4 Bob Mueller's investigators.</p> <p>5 SENATOR LANKFORD: The individual that you</p> <p>6 told about your memos, that then was sent on to the</p> <p>7 New York Times, did they have a copy of those memos,</p> <p>8 or were they told orally of those memos?</p> <p>9 MR. COMEY: Had a copy -- had a copy at the</p> <p>10 time.</p> <p>11 SENATOR LANKFORD: Do they -- do they still</p> <p>12 have a copy of those memos?</p> <p>13 MR. COMEY: That's a good question. I think</p> <p>14 so. I guess I can't say for sure, sitting here, but</p> <p>15 I -- I -- I guess I don't know, but I think so.</p> <p>16 SENATOR LANKFORD: So the question is, could</p> <p>17 you ask them to hand that copy right back to you, so</p> <p>18 you could hand them over to this committee?</p> <p>19 MR. COMEY: Potentially.</p> <p>20 SENATOR LANKFORD: I would like to move that</p> <p>21 from "potential" to "see if we can ask that</p> <p>22 question," so we can have a copy of those.</p>

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29 (113 to 116)

113	<p>1 Obviously, those notes are exceptionally important</p> <p>2 to us to be able to go through the process so we</p> <p>3 can -- we can continue to get to the facts as -- as</p> <p>4 we see it. As you know, the written documents are</p> <p>5 exceptionally important.</p> <p>6 Are there other documents that we need to be</p> <p>7 aware of that you used in your preparation for your</p> <p>8 written statement that we should also have, that</p> <p>9 would assist us in helping with this?</p> <p>10 MR. COMEY: Not that I'm aware of, no.</p> <p>11 SENATOR LANKFORD: Past the February the</p> <p>12 14th meeting, which is a very important meeting,</p> <p>13 obviously, as we discuss the conversations here</p> <p>14 about Michael Flynn.</p> <p>15 When the President asked you about he hopes</p> <p>16 that you would let this go, and the conversation</p> <p>17 back and forth about him being a good guy. After</p> <p>18 that time, did the President ever bring up anything</p> <p>19 about Michael Flynn again to you? You had multiple</p> <p>20 other conversations you have documented with the</p> <p>21 President.</p> <p>22 MR. COMEY: No, I don't remember him ever</p>	115	<p>1 fired Flynn, to come back in and say, I hope we can</p> <p>2 let this go, but then it never reappears again.</p> <p>3 Did it -- did it slow down your</p> <p>4 investigation or any investigation that may or may</p> <p>5 not be occurring with Michael Flynn?</p> <p>6 MR. COMEY: No, although I don't know</p> <p>7 there're any manifestations -- outward</p> <p>8 manifestations of the investigation between February</p> <p>9 14th and when I was fired. So I -- I don't know</p> <p>10 that the President had any way of knowing whether it</p> <p>11 was effective or not.</p> <p>12 SENATOR LANKFORD: Okay. That's fair</p> <p>13 enough.</p> <p>14 If -- if the President wanted to stop an</p> <p>15 investigation, how would he do that? Knowing it's</p> <p>16 an ongoing criminal investigation or</p> <p>17 counterintelligence investigation, would that be a</p> <p>18 matter of trying to go to you, you perceive, and to</p> <p>19 say you make it stop because he doesn't have the</p> <p>20 authority to stop, or how -- how would the President</p> <p>21 make an ongoing investigation stop?</p> <p>22 MR. COMEY: Again, I'm not a legal scholar.</p>
114	<p>1 bringing it up again.</p> <p>2 SENATOR LANKFORD: Did any member of the</p> <p>3 White House staff ever come to you and talk to you</p> <p>4 about letting go of the Michael Flynn case, or</p> <p>5 dropping it, or anything referring to that?</p> <p>6 MR. COMEY: No. Nope.</p> <p>7 SENATOR LANKFORD: Did the director of</p> <p>8 national intelligence come to you and talk to you</p> <p>9 about that?</p> <p>10 MR. COMEY: No.</p> <p>11 SENATOR LANKFORD: Did anyone from the</p> <p>12 Attorney General's office, the Department of</p> <p>13 Justice, ask you about that?</p> <p>14 MR. COMEY: No.</p> <p>15 SENATOR LANKFORD: Did the head of NSA talk</p> <p>16 to you about that?</p> <p>17 MR. COMEY: No.</p> <p>18 SENATOR LANKFORD: The -- the key aspect</p> <p>19 here is, if -- if -- if this seems to be something</p> <p>20 the President's trying to get you to drop it, this</p> <p>21 seems like a pretty light touch to drop it, to bring</p> <p>22 it up at that moment, the day after he had just</p>	116	<p>1 So smarter people answer this better, but I think as</p> <p>2 a legal matter, the President is the head of the</p> <p>3 executive branch and could direct, in theory, we</p> <p>4 have important norms against this, but direct that</p> <p>5 anybody be investigated or anybody not be</p> <p>6 investigated.</p> <p>7 I think he has the legal authority because</p> <p>8 all of us ultimately report in the executive branch</p> <p>9 up to the President.</p> <p>10 SENATOR LANKFORD: Okay. Would that be to</p> <p>11 you, would that be to the attorney general, would</p> <p>12 that be to who, that would do that?</p> <p>13 MR. COMEY: I suppose he could do it to --</p> <p>14 if he wanted to issue a direct order, could do it in</p> <p>15 any way, could do it through the attorney general or</p> <p>16 issue it directly to me.</p> <p>17 SENATOR LANKFORD: Well -- well, is there</p> <p>18 any question that the President is not real fond of</p> <p>19 this investigation? I -- I can think of multiple</p> <p>20 140-word character expressions that he's done</p> <p>21 publicly to express he's not fond of the</p> <p>22 investigation.</p>

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30 (117 to 120)

117	<p>1 So I've heard you share before in this</p> <p>2 conversation that you're trying to keep the agents</p> <p>3 that are working on it away from any comment the</p> <p>4 President might have made. Quite frankly, the</p> <p>5 President has informed around 6 billion people that</p> <p>6 he's not real fond of this investigation.</p> <p>7 Do you think there's a difference in that?</p> <p>8 MR. COMEY: Yes.</p> <p>9 SENATOR LANKFORD: Okay. What would that</p> <p>10 be?</p> <p>11 MR. COMEY: I think there's a big difference</p> <p>12 in kicking superior officers out of the Oval Office,</p> <p>13 looking the FBI director in the eye and saying,</p> <p>14 "Hope you'll let this go."</p> <p>15 I think if our -- if the agents, as good as</p> <p>16 they are, heard the President of the United States</p> <p>17 did that --</p> <p>18 SENATOR KING: That's you.</p> <p>19 MR. COMEY: -- there's a real risk of a</p> <p>20 chilling effect on their work. That's why we kept</p> <p>21 it so tight.</p> <p>22 SENATOR LANKFORD: Okay. Okay. You had</p>	119	<p>1 Is that how you took it, as well?</p> <p>2 MR. COMEY: Yes, sir. Yes.</p> <p>3 SENATOR LANKFORD: And then you made a</p> <p>4 comment earlier about the attorney general --</p> <p>5 previous attorney general -- asking you about the</p> <p>6 investigation on the Clinton e-mails, saying that</p> <p>7 you'd been asked not to call it an "investigation"</p> <p>8 anymore, but to call it a "matter." And you had</p> <p>9 said that confused you.</p> <p>10 Can you give us additional details on that?</p> <p>11 MR. COMEY: Well, it concerned me because we</p> <p>12 were at the point where we had refused to confirm</p> <p>13 the existence, as we typically do, of an</p> <p>14 investigation, for months, and it was getting to a</p> <p>15 place where that looked silly, because the campaigns</p> <p>16 were talking about interacting with the FBI in the</p> <p>17 course of our work.</p> <p>18 The -- the Clinton campaign at the time was</p> <p>19 using all kind of euphemisms, "security review,"</p> <p>20 "matters," things like that, for what was going on.</p> <p>21 We were getting to a place where the attorney</p> <p>22 general and I were both going to have to testify and</p>
118	<p>1 mentioned before about some news stories and news</p> <p>2 accounts. Without having to go into all the names</p> <p>3 and the specific times and to be able dip into all</p> <p>4 that, have there been news accounts about the Russia</p> <p>5 investigation, about collusion, about this whole</p> <p>6 event or accusations, that as you read the story,</p> <p>7 you were stunned about how wrong they got the facts?</p> <p>8 MR. COMEY: Yes. There's been many, many</p> <p>9 stories, purportedly based on classified information</p> <p>10 about -- well, about lots of stuff, but especially</p> <p>11 about Russia, that are just dead wrong.</p> <p>12 SENATOR LANKFORD: I was interested in your</p> <p>13 comment that you made as well, that the President</p> <p>14 said to you, if there were some satellite associates</p> <p>15 of his that did something wrong, it would be good to</p> <p>16 find that out.</p> <p>17 That the President seemed to talk to you</p> <p>18 specifically on March the 30th and say, "I'm</p> <p>19 frustrated that the word is not getting out that I'm</p> <p>20 not under investigation, but if there are people</p> <p>21 that are in my circle that are, let's finish the</p> <p>22 investigation."</p>	120	<p>1 talk publicly about it, and I wanted to know, was</p> <p>2 she going to authorize us to confirm we had an</p> <p>3 investigation.</p> <p>4 And she said, "Yes, but don't call it that,</p> <p>5 call it a matter."</p> <p>6 And I said, "Why would I do that?"</p> <p>7 And she said, "Just call it a matter."</p> <p>8 And, again, you look back in hindsight, you</p> <p>9 think, should I have resisted harder? I just said,</p> <p>10 all right, isn't worth -- this isn't a hill worth</p> <p>11 dying on, and so I just said, "Okay. The press is</p> <p>12 going to completely ignore it." And that's what</p> <p>13 happened.</p> <p>14 When I said, "We have opened a matter," they</p> <p>15 all reported, "The FBI has an investigation open."</p> <p>16 And so that concerned me because that language</p> <p>17 tracked the way the campaign was talking about the</p> <p>18 FBI's work, and that -- that's concerning.</p> <p>19 SENATOR LANKFORD: It gave the impression</p> <p>20 that the campaign was somehow using the same</p> <p>21 language as the FBI, because you were handed the</p> <p>22 campaign language and told to be able to use the</p>

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31 (121 to 124)

121	<p>1 campaign language --</p> <p>2 MR. COMEY: Yeah -- and -- and, again, I</p> <p>3 don't know whether it was intentional or not, but it</p> <p>4 gave the impression that the attorney general was</p> <p>5 looking to align the way we talked about our work</p> <p>6 with the way a political campaign was describing the</p> <p>7 same activity, which was inaccurate. We had a</p> <p>8 criminal investigation open with, as I said before,</p> <p>9 the Federal Bureau of Investigation. We had an</p> <p>10 investigation open at the time, and so that gave me</p> <p>11 a queasy feeling.</p> <p>12 SENATOR LANKFORD: Thank you.</p> <p>13 CHAIRMAN BURR: Senator Manchin.</p> <p>14 SENATOR JOE MANCHIN (D-WV): Thank you,</p> <p>15 Mr. Chairman.</p> <p>16 Thank you, Mr. Comey. I appreciate very</p> <p>17 much your being here.</p> <p>18 West Virginia is very interested in this --</p> <p>19 in this hearing that we're having today. I've had</p> <p>20 over 600 requests for questions to ask you from my</p> <p>21 fellow West Virginians, and most of them have been</p> <p>22 asked. And there's a quite a few of them that were</p>	123	<p>1 Why make such a big deal out of this Russian</p> <p>2 investigation?"</p> <p>3 Can you tell me what your thoughts would be?</p> <p>4 MR. COMEY: Yes, sir.</p> <p>5 SENATOR MANCHIN: And then the final thing</p> <p>6 is on this same topic: Did the President ever show</p> <p>7 any concern or interest or curiosity about what the</p> <p>8 Russians were doing?</p> <p>9 MR. COMEY: Thank you, Senator.</p> <p>10 As I said earlier, I don't remember any</p> <p>11 conversations with the President about the Russia</p> <p>12 election interference.</p> <p>13 SENATOR MANCHIN: Did he ever ask you any</p> <p>14 questions concerning this?</p> <p>15 MR. COMEY: Well, there was an initial</p> <p>16 briefing of our findings, and I think there was</p> <p>17 conversation there, I don't remember it exactly,</p> <p>18 where he asked questions about what we had found and</p> <p>19 what our sources were and what our confidence level</p> <p>20 was. But after that, I don't remember anything.</p> <p>21 The reason this is such a big deal has -- we</p> <p>22 have this big, messy, wonderful country where we</p>
122	<p>1 quite detailed that I'll ask in our classified</p> <p>2 hearing.</p> <p>3 I want to thank you, first of all, for</p> <p>4 coming and agreeing to be here, volunteering. But</p> <p>5 also volunteering to stay into the classified</p> <p>6 hearing.</p> <p>7 I don't know if you had a chance to watch</p> <p>8 our hearing yesterday.</p> <p>9 MR. COMEY: I watched part of it, yes, sir.</p> <p>10 SENATOR MANCHIN: And it was quite</p> <p>11 troubling. My colleagues here had some very pointed</p> <p>12 questions they wanted answers to. They weren't</p> <p>13 classified. They could have answered in this open</p> <p>14 setting. They refused to do so. So that even</p> <p>15 much -- makes us much more appreciative of your</p> <p>16 cooperation.</p> <p>17 Sir, the seriousness of the Russian</p> <p>18 aggressions in our past elections, and knowing that</p> <p>19 it'll be ongoing, as Senator King had alluded to,</p> <p>20 does -- what's your concerns there? I mean, what</p> <p>21 should American public understand? People said,</p> <p>22 "Well, this is a -- why are we worried about this?"</p>	124	<p>1 fight with each other all the time, but nobody tells</p> <p>2 us what to think, what to fight about, what to vote</p> <p>3 for, except other Americans, and that's wonderful</p> <p>4 and often painful.</p> <p>5 But we're talking about a foreign government</p> <p>6 that using technical intrusion, lots of other</p> <p>7 methods, tried to shape the way we think, we vote,</p> <p>8 we act. That is a big deal. And people need to</p> <p>9 recognize it. It's not about Republicans or</p> <p>10 Democrats. They're coming after America, which I</p> <p>11 hope we all love equally. They want to undermine</p> <p>12 our credibility in the face of the world. They</p> <p>13 think that this great experiment of ours is a threat</p> <p>14 to them, and so they're going to try to run it down</p> <p>15 and dirty it up as much as possible.</p> <p>16 That's what this is about. And they will be</p> <p>17 back, because we remain, as difficult as we can be</p> <p>18 with each other, we remain that shining city on the</p> <p>19 hill, and they don't like it.</p> <p>20 SENATOR MANCHIN: So this is extremely</p> <p>21 important. It's extremely dangerous, what we're --</p> <p>22 what we're dealing with, and it's needed, is what</p>

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32 (125 to 128)

125	<p>1 you're saying?</p> <p>2 MR. COMEY: Yes, sir.</p> <p>3 SENATOR MANCHIN: Do you believe there were</p> <p>4 any tapes or recordings of your conversations with</p> <p>5 the President?</p> <p>6 MR. COMEY: It never occurred to me until</p> <p>7 the President's tweet. I -- I'm not being</p> <p>8 facetious, I hope there are, and I'll consent to the</p> <p>9 release of them.</p> <p>10 SENATOR MANCHIN: So both of you -- both of</p> <p>11 you are in the same findings here, you both hope</p> <p>12 there's tapes and recordings?</p> <p>13 MR. COMEY: Well, I mean, all I can do is</p> <p>14 hope. The President surely knows whether he taped</p> <p>15 me. And if he did, my feelings aren't hurt.</p> <p>16 Release the entire -- release all the tapes. I'm</p> <p>17 good with it.</p> <p>18 SENATOR MANCHIN: Got you. Got you.</p> <p>19 Sir, do you believe that Robert Mueller,</p> <p>20 the -- our new special investigator on Russia, will</p> <p>21 be thorough and complete, without political</p> <p>22 intervention? And would you be confident on these</p>	127	<p>1 model, especially for kids, that we -- we are a</p> <p>2 functioning, adult democracy.</p> <p>3 SENATOR MANCHIN: And you also mentioned you</p> <p>4 had -- I think, what, six -- six meetings -- three</p> <p>5 times in person, six on the phone, nine times in</p> <p>6 conversation with the President. Did he ever at</p> <p>7 that time allude that you were not performing</p> <p>8 adequately? Ever indicate that at all?</p> <p>9 MR. COMEY: No. In fact, the contrary,</p> <p>10 quite often. Yeah, he called me one day. I was</p> <p>11 about to get on a helicopter. The head of the DEA</p> <p>12 was waiting in the helicopter for me. And he just</p> <p>13 called to check in and tell me I was doing an</p> <p>14 awesome job, and wanted to see how I was doing. And</p> <p>15 I said, "I'm doing fine, sir." And then I finished</p> <p>16 the call and got on the helicopter.</p> <p>17 SENATOR MANCHIN: Mr. Comey, do you believe</p> <p>18 you would have been fired if Hillary Clinton had</p> <p>19 become President?</p> <p>20 MR. COMEY: That's a great question. I</p> <p>21 don't know. I don't know.</p> <p>22 SENATOR MANCHIN: You have any thoughts</p>
126	<p>1 findings and recommendations?</p> <p>2 MR. COMEY: Yes. Bob Mueller is one of the</p> <p>3 finest people and public servants this country's</p> <p>4 ever produced. He will do it well. He is a dogged,</p> <p>5 tough person, and you can have high confidence that</p> <p>6 when it's done, he's turned over all the rocks.</p> <p>7 SENATOR MANCHIN: You've been asked a wide</p> <p>8 variety of -- of questions today, and we're going to</p> <p>9 be hearing more, I'm sure, in our classified</p> <p>10 hearing. Something I'll often ask folks when they</p> <p>11 come here, what details of this saga would be --</p> <p>12 should we be focusing on, and what would you</p> <p>13 recommend us do differently, or to adjust our</p> <p>14 perspective on this?</p> <p>15 MR. COMEY: I don't know. I -- and one of</p> <p>16 the reasons that I'm pleased to be here is I think</p> <p>17 this committee has shown the American people,</p> <p>18 although we have two parties and we disagree about</p> <p>19 important things, we can work together when it</p> <p>20 involves the core interests of the country. So I</p> <p>21 would hope you'll just keep doing what you're doing.</p> <p>22 It's -- it's good in and of itself, but it's also a</p>	128	<p>1 about it?</p> <p>2 MR. COMEY: I might have been. I -- I don't</p> <p>3 know. Look, I -- I've said before, that was an</p> <p>4 extraordinarily difficult and painful time. I think</p> <p>5 I did what I had to do. I knew it was going to be</p> <p>6 very bad for me personally, and the consequences of</p> <p>7 that might have been, if Hillary Clinton was</p> <p>8 elected, I might have been terminated. I don't</p> <p>9 know. I really don't.</p> <p>10 SENATOR MANCHIN: My final question will be,</p> <p>11 after the February 14th meeting in the Oval Office,</p> <p>12 you mentioned that you asked Attorney General</p> <p>13 Sessions to ensure that you were never left alone</p> <p>14 with the President.</p> <p>15 Did you ever consider why Attorney General</p> <p>16 Sessions was not asked to stay in the room?</p> <p>17 MR. COMEY: Oh, sure, I did, and -- and</p> <p>18 have. And, in that moment, I knew --</p> <p>19 SENATOR MANCHIN: Did you ever talk to him</p> <p>20 about it?</p> <p>21 MR. COMEY: No.</p> <p>22 SENATOR MANCHIN: You never had a discussion</p>

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129	<p>1 with -- with Jeff Sessions on this?</p> <p>2 MR. COMEY: No. Not at all.</p> <p>3 SENATOR MANCHIN: On any of your meetings?</p> <p>4 MR. COMEY: No, I don't --</p> <p>5 SENATOR MANCHIN: Did he inquire -- did</p> <p>6 he -- did he show any inquiry whatsoever what was</p> <p>7 that meeting about?</p> <p>8 MR. COMEY: No. You're right, I did say to</p> <p>9 him -- I'd forgotten this. When I talked to him and</p> <p>10 said, "You have to be between me and the President,</p> <p>11 and that's incredibly important," and I forget my</p> <p>12 exact words, I passed along the President's message</p> <p>13 about the importance of aggressively pursuing leaks</p> <p>14 of classified information, which is a -- a goal I</p> <p>15 share. And I passed that along to -- to the</p> <p>16 attorney general, I think it was the next morning,</p> <p>17 in our -- in a meeting. And -- but I did not tell</p> <p>18 him about the Flynn part.</p> <p>19 SENATOR MANCHIN: Do you believe this will</p> <p>20 rise to obstruction of justice?</p> <p>21 MR. COMEY: I don't know. That -- that's</p> <p>22 Bob Mueller's job to sort that out.</p>	131	<p>1 SENATOR COTTON: In your statement for the</p> <p>2 record, you cite nine private conversations with the</p> <p>3 President, three meetings and two phone calls.</p> <p>4 There are four phone calls that are not discussed in</p> <p>5 your statement for the record. What happened in</p> <p>6 those phone calls?</p> <p>7 MR. COMEY: The President called me, I</p> <p>8 believe, shortly before he was inaugurated, as a</p> <p>9 follow-up to our conversation -- private</p> <p>10 conversation on January the 6th. He just wanted to</p> <p>11 reiterate his rejection of the allegation and talk</p> <p>12 about -- he thought about it more, and why he</p> <p>13 thought it wasn't true -- the -- the verified --</p> <p>14 unverified and salacious parts. And -- and during</p> <p>15 that call, he asked me again, "Hope you're going to</p> <p>16 stay, you're doing a great job." And I told him</p> <p>17 that I intended to.</p> <p>18 There was another phone call that I</p> <p>19 mentioned, I think was -- could have the date</p> <p>20 wrong -- March the 1st, where he called just to</p> <p>21 check in with me as I was about to get on the</p> <p>22 helicopter.</p>
130	<p>1 SENATOR MANCHIN: Thank you, sir.</p> <p>2 Mr. Chairman.</p> <p>3 CHAIRMAN BURR: Senator Cotton.</p> <p>4 SENATOR TOM COTTON (R-AR): Mr. Comey, you</p> <p>5 encouraged the President to release the tapes. Will</p> <p>6 you encourage the Department of Justice or your</p> <p>7 friend at Columbia or Mr. Mueller to release your</p> <p>8 memos?</p> <p>9 MR. COMEY: Sure.</p> <p>10 SENATOR COTTON: You said that there -- you</p> <p>11 did not record your conversations with President</p> <p>12 Obama or President Bush in memos. Did you do so</p> <p>13 with Attorney General Sessions or any other senior</p> <p>14 member of the Trump Department of Justice?</p> <p>15 MR. COMEY: No.</p> <p>16 SENATOR COTTON: Did you --</p> <p>17 MR. COMEY: I think it -- I'm sorry.</p> <p>18 SENATOR COTTON: Did you record</p> <p>19 conversations in memos with Attorney General Lynch</p> <p>20 or any other senior member of the Obama Department</p> <p>21 of Justice?</p> <p>22 MR. COMEY: No, not that I recall.</p>	132	<p>1 There was a secure call we had about an --</p> <p>2 an operational matter that was not related to any of</p> <p>3 this, about something the FBI was working on. He</p> <p>4 wanted to make sure that I understood how important</p> <p>5 he thought it was, a totally appropriate call.</p> <p>6 And then the fourth call -- I'm probably</p> <p>7 forgetting. May have been the -- I may have meant</p> <p>8 the call, when he called to invite me to dinner.</p> <p>9 I'll think about as I'm answering other questions,</p> <p>10 but I think I got that right.</p> <p>11 SENATOR COTTON: Let's turn our attention to</p> <p>12 the underlying activity at issue here: Russia's</p> <p>13 hacking into those e-mails and releasing them, and</p> <p>14 the allegations of collusion.</p> <p>15 Do you believe Donald Trump colluded with</p> <p>16 Russia?</p> <p>17 MR. COMEY: That's a question I don't think</p> <p>18 I should answer in an open setting. As I said, that</p> <p>19 we -- we didn't -- when I left, we did not have an</p> <p>20 investigation focused on President Trump. But</p> <p>21 that's a question that'll be answered by the</p> <p>22 investigation, I think.</p>

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34 (133 to 136)

133	<p>1 SENATOR COTTON: Let me turn to a couple of</p> <p>2 statements by one of my colleagues, Senator</p> <p>3 Feinstein. She was the Ranking Member on this</p> <p>4 committee until January, which means she had access</p> <p>5 to information that only she and Chairman Burr did.</p> <p>6 She's now the senior Democrat on the -- on the</p> <p>7 Judiciary Committee, meaning she has access to the</p> <p>8 FBI that most of us don't.</p> <p>9 On May 3rd, on CNN's Wolf Blitzer's show,</p> <p>10 she was asked, "Do you believe, do you have evidence</p> <p>11 that there was, in fact, collusion between Trump</p> <p>12 associates and Russia during the campaign?"</p> <p>13 She answered, "Not at this time."</p> <p>14 On May 18th, the same show, Mr. Blitzer</p> <p>15 said, "The last time we spoke, Senator, I asked if</p> <p>16 you had actually seen any evidence of collusion</p> <p>17 between the Trump campaign and the Russians, and you</p> <p>18 said to me, and I'm quoting you now -- you said,</p> <p>19 'Not at this time.' Has anything changed since we</p> <p>20 last spoke?"</p> <p>21 Senator Feinstein said, "Well, no. No, it</p> <p>22 hasn't."</p>	135	<p>1 MR. COMEY: Yes.</p> <p>2 SENATOR COTTON: Did you have, at the time</p> <p>3 that story was published, any indication of any</p> <p>4 contact between Trump people and Russians,</p> <p>5 intelligence officers, other government officials or</p> <p>6 close associates of the Russian government?</p> <p>7 MR. COMEY: This one, I can't answer,</p> <p>8 sitting here.</p> <p>9 SENATOR COTTON: We can discuss that in a</p> <p>10 classified setting then.</p> <p>11 I want to turn attention now to Mr. Flynn</p> <p>12 and the allegations of his underlying conduct, to be</p> <p>13 specific, his alleged interactions with the Russian</p> <p>14 ambassador on the telephone, and then what he said</p> <p>15 to senior Trump Administration officials and</p> <p>16 Department of Justice officials.</p> <p>17 I understand there are other issues with</p> <p>18 Mr. Flynn related to his receipt of foreign moneys</p> <p>19 or disclosure of potential advocacy activity on</p> <p>20 behalf of foreign governments. Those are serious</p> <p>21 and credible allegations that I'm sure will be</p> <p>22 pursued, but I want to speak specifically about his</p>
134	<p>1 Do you have any reason to doubt those</p> <p>2 statements?</p> <p>3 MR. COMEY: I don't doubt that Senator</p> <p>4 Feinstein was saying what -- what she understood. I</p> <p>5 just don't want to go down that path, first of all,</p> <p>6 because I'm not in the government anymore, and</p> <p>7 answering in the negative, I just worry, leads me</p> <p>8 deeper and deeper into talking about the</p> <p>9 investigation in an open setting. I don't -- I -- I</p> <p>10 want to be -- I'm always trying to be fair. I don't</p> <p>11 want to be unfair to President Trump. I'm not</p> <p>12 trying to suggest by my answer something nefarious,</p> <p>13 but I don't want to get into the business of saying</p> <p>14 not as to this person, not as to that person.</p> <p>15 SENATOR COTTON: On February 14th, the New</p> <p>16 York Times published a story, the headline of which</p> <p>17 was, "Trump Campaign Aides Had Repeated Contacts</p> <p>18 With Russian Intelligence."</p> <p>19 You were asked earlier if that was an</p> <p>20 inaccurate story, and you said, in the main. Would</p> <p>21 it be fair to characterize that story as almost</p> <p>22 entirely wrong?</p>	136	<p>1 interactions with the Russian ambassador.</p> <p>2 There was a story on January 23rd in the</p> <p>3 Washington Post that says -- entitled, "FBI reviewed</p> <p>4 Flynn's calls with Russian ambassador but found</p> <p>5 nothing illicit."</p> <p>6 Is this story accurate?</p> <p>7 MR. COMEY: I don't want to comment on that,</p> <p>8 Senator, because I -- I'm pretty sure the bureau has</p> <p>9 not confirmed any interception of communications.</p> <p>10 And so I don't want to talk about that in an open</p> <p>11 setting.</p> <p>12 SENATOR COTTON: Would it be improper for an</p> <p>13 incoming national security adviser to have a</p> <p>14 conversation with a foreign ambassador?</p> <p>15 MR. COMEY: In my -- in my experience, no.</p> <p>16 SENATOR COTTON: But you can't confirm or</p> <p>17 deny that the conversation happened, and we would</p> <p>18 need to know the contents of that conversation to</p> <p>19 know if it was, in fact, improper?</p> <p>20 MR. COMEY: Yeah, I don't think I can talk</p> <p>21 about that in an open setting. And, again, I've</p> <p>22 been out of government now a month, so I don't -- I</p>

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137	<p>1 also don't want to talk about things when it's now</p> <p>2 somebody else's responsibility. But maybe in the --</p> <p>3 in the classified setting, we can talk more about</p> <p>4 that.</p> <p>5 SENATOR COTTON: You stated earlier that</p> <p>6 there wasn't an open investigation of Mr. Flynn in</p> <p>7 the FBI. Did you or any FBI agent ever sense that</p> <p>8 Mr. Flynn attempted to deceive you, or made false</p> <p>9 statements to an FBI agent?</p> <p>10 MR. COMEY: I don't want to go too far.</p> <p>11 That was the subject of the criminal inquiry.</p> <p>12 SENATOR COTTON: Did you ever come close to</p> <p>13 closing the investigation on Mr. Flynn?</p> <p>14 MR. COMEY: I don't think I can talk about</p> <p>15 that in an open setting, either.</p> <p>16 SENATOR COTTON: We can discuss these more</p> <p>17 in a closed setting, then.</p> <p>18 Mr. Comey, in -- in 2004, you were a part of</p> <p>19 a well-publicized event about a intelligence program</p> <p>20 that had been recertified several times, and you</p> <p>21 were acting attorney general when Attorney General</p> <p>22 John Ashcroft was incapacitated due to illness.</p>	139	<p>1 that led me to intend to resign, consider to resign.</p> <p>2 No, sir.</p> <p>3 SENATOR COTTON: Thank you.</p> <p>4 CHAIRMAN BURR: Senator Harris.</p> <p>5 SENATOR KAMALA HARRIS (D-CA): Director</p> <p>6 Comey, I want to thank you. You are now a private</p> <p>7 citizen, and you are enduring a Senate Intelligence</p> <p>8 Committee hearing, and each of us get seven minutes</p> <p>9 instead of five, as yesterday, to ask you questions.</p> <p>10 So thank you.</p> <p>11 MR. COMEY: Now I'm -- I'm between</p> <p>12 opportunities now, so --</p> <p>13 SENATOR HARRIS: Well, you're -- you are --</p> <p>14 (Laughter.)</p> <p>15 SENATOR HARRIS: I'm sure you'll have future</p> <p>16 opportunities.</p> <p>17 You know, you and I are both former</p> <p>18 prosecutors. I'm not going to require you to</p> <p>19 answer, I just want make a statement that in -- in</p> <p>20 my -- my experience of prosecuting cases, when a</p> <p>21 robber held a gun to somebody's head and -- and</p> <p>22 said, "I hope you will give me your wallet," the</p>
138	<p>1 There was a dramatic showdown at the hospital here.</p> <p>2 The next day, you've said that you wrote a</p> <p>3 letter of resignation, and signed it, before you</p> <p>4 went to meet with President Bush to explain why you</p> <p>5 refused to certify it. Is that accurate?</p> <p>6 MR. COMEY: Yes, I think so.</p> <p>7 SENATOR COTTON: At any time in the three</p> <p>8 and half months you were the FBI director during the</p> <p>9 Trump Administration, did you ever write and sign a</p> <p>10 letter of recommendation and leave it on your desk?</p> <p>11 MR. COMEY: Letter of resignation? No, sir.</p> <p>12 SENATOR COTTON: Letter of resignation.</p> <p>13 MR. COMEY: No, sir.</p> <p>14 SENATOR COTTON: So despite all of the</p> <p>15 things that you've testified to here today, you</p> <p>16 didn't feel this rose to the level of an honest but</p> <p>17 serious difference of legal opinion between</p> <p>18 accomplished and skilled lawyers in that 2004</p> <p>19 episode?</p> <p>20 MR. COMEY: I wouldn't characterize the</p> <p>21 circumstances of 2004 that way. But to answer, no,</p> <p>22 I -- I didn't find -- encounter any circumstance</p>	140	<p>1 word "hope" was not the most operative word at that</p> <p>2 moment. But I'll -- you don't have to respond to</p> <p>3 that point.</p> <p>4 I have a series of questions to ask you,</p> <p>5 and -- and they're going to start with, are you</p> <p>6 aware of any meetings between the Trump</p> <p>7 Administration officials and Russian officials</p> <p>8 during the campaign that have not been acknowledged</p> <p>9 by those officials in the White House?</p> <p>10 MR. COMEY: That's not a -- even if I</p> <p>11 remember clearly, that's a not a question I can</p> <p>12 answer in an open setting.</p> <p>13 SENATOR HARRIS: Are you aware of any</p> <p>14 efforts by Trump campaign officials or associates of</p> <p>15 the campaign to hide their communications with</p> <p>16 Russian officials through encrypted communications</p> <p>17 or other means?</p> <p>18 MR. COMEY: I have to give you same answer,</p> <p>19 Senator.</p> <p>20 SENATOR HARRIS: Sure.</p> <p>21 In the course of the FBI's investigation,</p> <p>22 did you ever come across anything that suggested</p>

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141	<p>1 that communications, records, documents or other</p> <p>2 evidence had been destroyed?</p> <p>3 MR. COMEY: I think I've got to give you the</p> <p>4 same answer, because it -- it would touch on</p> <p>5 investigative matters.</p> <p>6 SENATOR HARRIS: And are you aware of any</p> <p>7 efforts or potential efforts to conceal</p> <p>8 communications between campaign officials and</p> <p>9 Russian officials?</p> <p>10 MR. COMEY: I think I have to give you the</p> <p>11 same answer, Senator.</p> <p>12 SENATOR HARRIS: Thank you.</p> <p>13 As a former attorney general, I have a</p> <p>14 series of questions about your connection with the</p> <p>15 attorney general during the course of your tenure as</p> <p>16 director.</p> <p>17 What is your understanding of the parameters</p> <p>18 of General Sessions' recusal from the Russia --</p> <p>19 Russia investigation?</p> <p>20 MR. COMEY: I think it's described in a</p> <p>21 written release or statement from DOJ, which I don't</p> <p>22 remember, sitting here, but the gist was he would be</p>	143	<p>1 the attorney general would not have any connection</p> <p>2 with the investigation, to your knowledge?</p> <p>3 MR. COMEY: I don't know for sure. I know</p> <p>4 that he had consulted with career ethics officials</p> <p>5 that know how to run a recusal at DOJ, but I don't</p> <p>6 know what mechanism they set up.</p> <p>7 SENATOR HARRIS: And the attorney general</p> <p>8 recused himself from the investigation, but do you</p> <p>9 believe it was appropriate for him to be involved in</p> <p>10 the firing of the chief investigator of that case --</p> <p>11 of that Russia interference?</p> <p>12 MR. COMEY: That's something I can't answer,</p> <p>13 sitting here. It -- it's a reasonable question, but</p> <p>14 that would depend on a lot of things I don't know,</p> <p>15 like what did he know, what was he told, did he</p> <p>16 realize that the President was doing it because of</p> <p>17 the Russia investigation. Things like that. I just</p> <p>18 don't know the answer.</p> <p>19 SENATOR HARRIS: You've mentioned in your</p> <p>20 written testimony and here that the President</p> <p>21 essentially asked you for a loyalty pledge. Are you</p> <p>22 aware of him making the same request of any other</p>
142	<p>1 recused from all matters relating to Russia and the</p> <p>2 campaign, or activities of Russia and the '16</p> <p>3 election, I think. Something like that.</p> <p>4 SENATOR HARRIS: Is -- so is your knowledge</p> <p>5 of the extent of his recusal based on the public</p> <p>6 statements he's made, or the --</p> <p>7 MR. COMEY: Correct.</p> <p>8 SENATOR HARRIS: Okay. So was there any</p> <p>9 kind of memorandum issued from the attorney general</p> <p>10 or the Department of Justice to the FBI, outlining</p> <p>11 the parameters of his recusal?</p> <p>12 MR. COMEY: Not that I'm aware of.</p> <p>13 SENATOR HARRIS: And do you know if he</p> <p>14 reviewed any FBI or DOJ documents pertaining to the</p> <p>15 investigation before he was recused?</p> <p>16 MR. COMEY: I don't. I don't know.</p> <p>17 SENATOR HARRIS: And after he was recused?</p> <p>18 I'm assuming it's the same answer.</p> <p>19 MR. COMEY: Same answer.</p> <p>20 SENATOR HARRIS: And as -- aside from any</p> <p>21 notice or memorandum that was not sent or was, what</p> <p>22 mechanism or processes were in place to ensure that</p>	144	<p>1 members of the Cabinet?</p> <p>2 MR. COMEY: I am not.</p> <p>3 SENATOR HARRIS: Do you know one way or</p> <p>4 another what he --</p> <p>5 MR. COMEY: I don't know one way or another.</p> <p>6 I never heard anything about it.</p> <p>7 SENATOR HARRIS: And you mentioned that</p> <p>8 on -- you had the conversation where he hoped that</p> <p>9 you would let the Flynn matter go on February 14th</p> <p>10 or thereabouts. It's my understanding that</p> <p>11 Mr. Sessions was recused from any involvement in the</p> <p>12 investigation about a full two weeks later.</p> <p>13 To your knowledge, was the attorney</p> <p>14 general -- did he have access to information about</p> <p>15 the investigation in those interim two weeks?</p> <p>16 MR. COMEY: I -- I don't -- I -- in theory,</p> <p>17 sure, because he's the attorney general. I don't</p> <p>18 know whether he had any contact with any materials</p> <p>19 related to that.</p> <p>20 SENATOR HARRIS: To your knowledge, was</p> <p>21 there any directive that he should not have any</p> <p>22 contact with any information about the Russia</p>

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145	<p>1 investigation between the February 14th date and the</p> <p>2 day he was ultimately recused -- or recused himself,</p> <p>3 on March 2nd?</p> <p>4 MR. COMEY: Not to my knowledge. I don't</p> <p>5 know one way or another.</p> <p>6 SENATOR HARRIS: And did you speak to the</p> <p>7 attorney general about the Russia investigation</p> <p>8 before his recusal?</p> <p>9 MR. COMEY: I don't think so, no.</p> <p>10 SENATOR HARRIS: Do you know if anyone in</p> <p>11 the department, in the FBI, forwarded any documents</p> <p>12 or information or memos of any sort to the attention</p> <p>13 of the attorney general before his recusal?</p> <p>14 MR. COMEY: I don't -- I don't know of any,</p> <p>15 remember any, sitting here. It's possible, but I --</p> <p>16 I don't remember any.</p> <p>17 SENATOR HARRIS: Do you know if the attorney</p> <p>18 general was involved, in fact involved, in any</p> <p>19 aspect of the Russia investigation after his recusal</p> <p>20 on the 2nd of March?</p> <p>21 MR. COMEY: I don't. I would assume not,</p> <p>22 but I don't -- I don't -- let me say it this way. I</p>	147	<p>1 "What am I going to do?" But I don't have a clear</p> <p>2 recollection of that. He didn't say anything.</p> <p>3 SENATOR HARRIS: And on that same February</p> <p>4 14th meeting, you said you understood the President</p> <p>5 to be requesting that you drop the investigation.</p> <p>6 After that meeting, however, you received</p> <p>7 two calls from the President, March 30th and April</p> <p>8 11th, where the President talked about a cloud over</p> <p>9 his presidency.</p> <p>10 Has anything you've learned in the months</p> <p>11 since your February 14th meeting changed your</p> <p>12 understanding of the President's request? I guess</p> <p>13 it would be what he has said in public documents or</p> <p>14 public interviews?</p> <p>15 MR. COMEY: Correct.</p> <p>16 SENATOR HARRIS: Okay. And is there</p> <p>17 anything about this investigation that you believe</p> <p>18 is in any way biased or is -- is -- is not being</p> <p>19 informed by a -- a process of seeking the truth?</p> <p>20 MR. COMEY: No. The -- the appointment of a</p> <p>21 special counsel should offer great -- especially</p> <p>22 given who that person is -- great comfort to</p>
146	<p>1 don't know of any information that would lead me to</p> <p>2 believe he did something to touch the Russia</p> <p>3 investigation after the recusal.</p> <p>4 SENATOR HARRIS: In your written testimony,</p> <p>5 you indicate that you -- when you -- after you were</p> <p>6 left alone with the President, you mentioned that it</p> <p>7 was inappropriate and should never happen again to</p> <p>8 the attorney general. And, apparently, he did not</p> <p>9 reply, and you write that he did not reply.</p> <p>10 What did he do, if anything? Did he just</p> <p>11 look at you? Was there a pause for a moment? What</p> <p>12 happened?</p> <p>13 MR. COMEY: I -- I don't remember real</p> <p>14 clearly. I -- I have a recollection of him just</p> <p>15 kind of looking at me -- and there's a danger here</p> <p>16 I'm projecting onto him, so this may be a faulty</p> <p>17 memory -- but I kind of got -- his body language</p> <p>18 gave me the sense like, "What am I going to do?"</p> <p>19 SENATOR HARRIS: Did he shrug?</p> <p>20 MR. COMEY: I -- I don't remember clearly.</p> <p>21 I think the reason I have that impression is I have</p> <p>22 some recollection of almost an imperceptible, like,</p>	148	<p>1 Americans, no matter what your political affiliation</p> <p>2 is, that this will be done independently,</p> <p>3 competently, and honestly.</p> <p>4 SENATOR HARRIS: And do you believe that he</p> <p>5 should have full authority, Mr. Mueller, to be able</p> <p>6 to pursue that investigation?</p> <p>7 MR. COMEY: Yes, and I -- and knowing him</p> <p>8 well over the years, if there's something that he</p> <p>9 thinks he needs, he will -- he will speak up about</p> <p>10 it.</p> <p>11 SENATOR HARRIS: Do you believe he should</p> <p>12 have full independence?</p> <p>13 MR. COMEY: Oh, yeah. And he wouldn't be</p> <p>14 part of it if he wasn't going to get full</p> <p>15 independence.</p> <p>16 SENATOR HARRIS: Thank you.</p> <p>17 CHAIRMAN BURR: Senator Cornyn.</p> <p>18 SENATOR JOHN CORNYN (R-TX): Thank you,</p> <p>19 Mr. Chairman.</p> <p>20 Mr. Comey, I'll repeat what I've said at</p> <p>21 previous hearings, that I believe you're a good and</p> <p>22 decent man who's been dealt a very difficult hand,</p>

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149	<p>1 starting back with the Clinton e-mail investigation.</p> <p>2 And I appreciate your willingness to appear here</p> <p>3 today voluntarily and answer our questions and</p> <p>4 cooperate with our investigation.</p> <p>5 As a general matter, if an FBI agent has</p> <p>6 reason to believe that a crime has been committed,</p> <p>7 do they have a duty to report it?</p> <p>8 MR. COMEY: That's a good question. I don't</p> <p>9 know that there's a legal duty to report it. They</p> <p>10 certainly have a cultural, ethical duty to report</p> <p>11 it.</p> <p>12 SENATOR CORNYN: You're unsure whether they</p> <p>13 would have a legal duty?</p> <p>14 MR. COMEY: It's a good question. I've not</p> <p>15 thought about it before. I don't know where the</p> <p>16 legal -- there's a statute that prohibits misprision</p> <p>17 of a felony, knowing of a felony and taking steps to</p> <p>18 conceal it, but this is a different question.</p> <p>19 And so, look, let me be clear, I would</p> <p>20 expect any FBI agent who has reason -- information</p> <p>21 about a crime being committed to report it.</p> <p>22 SENATOR CORNYN: Me, too.</p>	151	<p>1 investigation of the FBI or Director Mueller's</p> <p>2 commitment to get to the bottom of this from the</p> <p>3 standpoint of the FBI and the Department of Justice;</p> <p>4 would you agree with that?</p> <p>5 MR. COMEY: Correct, especially the</p> <p>6 appointment of Director -- Former Director Mueller,</p> <p>7 is a critical part of that equation.</p> <p>8 SENATOR CORNYN: Let me take you back to the</p> <p>9 Clinton e-mail investigation. I think you've been</p> <p>10 cast as a hero or a villain, depending on the --</p> <p>11 whose political ox is being gored, at many different</p> <p>12 times during the course of the Clinton e-mail</p> <p>13 investigation, and even -- even now, perhaps.</p> <p>14 But you clearly were troubled by the conduct</p> <p>15 of the sitting attorney general, Loretta Lynch, when</p> <p>16 it came to the Clinton e-mail investigation. You</p> <p>17 mentioned the characterization that you'd been asked</p> <p>18 to accept that this was a "matter" and not a</p> <p>19 criminal investigation, which you've said it -- it</p> <p>20 was.</p> <p>21 There was the matter of President Clinton's</p> <p>22 meeting on the tarmac with the sitting attorney</p>
150	<p>1 MR. COMEY: But where you rest that</p> <p>2 obligation, I don't know. It exists.</p> <p>3 SENATOR CORNYN: And let me ask you, as a</p> <p>4 general proposition, if you're trying to make an</p> <p>5 investigation go away, is firing an FBI director a</p> <p>6 good way to make that happen? By that, I mean --</p> <p>7 MR. COMEY: Yeah.</p> <p>8 SENATOR CORNYN: -- doesn't --</p> <p>9 MR. COMEY: It doesn't make a lot of sense</p> <p>10 to me, but I'm -- I'm obviously hopelessly biased,</p> <p>11 given that I was the one fired.</p> <p>12 (Laughter.)</p> <p>13 SENATOR CORNYN: I understand, it's</p> <p>14 personal.</p> <p>15 MR. COMEY: No, given the nature of the FBI,</p> <p>16 I meant what I said. There's no indispensable</p> <p>17 people in the world, including at the FBI. That --</p> <p>18 there's lots of bad things about me not being at the</p> <p>19 FBI. Most of them are for me. But the work's going</p> <p>20 to go on as before.</p> <p>21 SENATOR CORNYN: So nothing that's happened</p> <p>22 that you've testified to here today has impeded the</p>	152	<p>1 general, at a time when his wife was subject to a</p> <p>2 criminal investigation, and you've suggested that</p> <p>3 perhaps there are other matters that you may be able</p> <p>4 to share with us later on in a classified setting.</p> <p>5 But it seems to me that you clearly believe</p> <p>6 that Loretta Lynch, the attorney general, had a --</p> <p>7 an appearance of a conflict of interest on the</p> <p>8 Clinton e-mail investigation; is that correct?</p> <p>9 MR. COMEY: I think that's fair. I didn't</p> <p>10 believe she could credibly decline that</p> <p>11 investigation, at least, not without grievous damage</p> <p>12 to the Department of Justice and to the FBI.</p> <p>13 SENATOR CORNYN: And under Department of</p> <p>14 Justice and FBI norms, wouldn't it have been</p> <p>15 appropriate for the attorney general, or if she had</p> <p>16 recused herself, which she did not do, for the</p> <p>17 deputy attorney general to appoint a special</p> <p>18 counsel?</p> <p>19 That's essentially what's happened now with</p> <p>20 Director Mueller. Would that have been an</p> <p>21 appropriate step in the Clinton e-mail</p> <p>22 investigation, in your opinion?</p>

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153	<p>1 MR. COMEY: Yes, certainly a possible step.</p> <p>2 Yes, sir.</p> <p>3 SENATOR CORNYN: And were you aware that</p> <p>4 Ms. Lynch had been requested numerous times to</p> <p>5 appoint a special counsel, and had refused?</p> <p>6 MR. COMEY: Yes, from -- I think Congress</p> <p>7 had -- members of Congress had repeatedly asked.</p> <p>8 Yes, sir.</p> <p>9 SENATOR CORNYN: Yours truly --</p> <p>10 MR. COMEY: Okay.</p> <p>11 SENATOR CORNYN: -- did on multiple</p> <p>12 occasions.</p> <p>13 And that heightened your concerns about the</p> <p>14 appearance of a conflict of interest with the</p> <p>15 Department of Justice, which caused you to make what</p> <p>16 you have described as an incredibly painful decision</p> <p>17 to basically take the matter up yourself, and led to</p> <p>18 that July press conference.</p> <p>19 MR. COMEY: Yes, sir. I can -- after the --</p> <p>20 President Clinton -- former President Clinton met on</p> <p>21 the plane with the attorney general, I considered</p> <p>22 whether I should call for the appointment of a</p>	155	<p>1 subject of an FBI investigation, do you think it's</p> <p>2 unreasonable for them to want the FBI director to</p> <p>3 publicly announce that, so that this cloud over his</p> <p>4 Administration would be removed?</p> <p>5 MR. COMEY: I think that's a reasonable</p> <p>6 point of view. The concern would be, obviously,</p> <p>7 because if that boomerang comes back, it's going to</p> <p>8 be a very big deal, because there will be a duty to</p> <p>9 correct.</p> <p>10 SENATOR CORNYN: Well, we -- we saw that in</p> <p>11 the Clinton e-mail investigation, of course.</p> <p>12 MR. COMEY: Yes, I recall that.</p> <p>13 SENATOR CORNYN: I know you do.</p> <p>14 So let me ask you, finally, in the minute</p> <p>15 that we have left, there was this conversation back</p> <p>16 and forth about loyalty, and I think we all</p> <p>17 appreciate the fact that an FBI director is a unique</p> <p>18 public official in the sense that he's not -- he's a</p> <p>19 political appointee in one sense, but he has a duty</p> <p>20 of independence to pursue the law pursuant to the --</p> <p>21 the constitutional laws of the United States.</p> <p>22 And so when the President asked you about</p>
154	<p>1 special counsel, and had decided that that would be</p> <p>2 an unfair thing to do, because I knew there was no</p> <p>3 case there. We had investigated very, very</p> <p>4 thoroughly. I know this is a subject of passionate</p> <p>5 disagreement, but I knew there was no case there.</p> <p>6 And calling for the appointment of special counsel</p> <p>7 would be brutally unfair because it would send the</p> <p>8 message, a-ha, there's something here.</p> <p>9 That was my judgment. Again, lots of people</p> <p>10 have different views of it. But that's how I</p> <p>11 thought about it.</p> <p>12 SENATOR CORNYN: Well, if the special</p> <p>13 counsel had been appointed, they could've made that</p> <p>14 determination that there was nothing there and</p> <p>15 declined to pursue it, right?</p> <p>16 MR. COMEY: Sure, but it would've been many</p> <p>17 months later, or a year later.</p> <p>18 SENATOR CORNYN: Let me just ask you to --</p> <p>19 given the experience of the Clinton e-mail</p> <p>20 investigation and what happened there, do you think</p> <p>21 it's unreasonable for anyone, any President who has</p> <p>22 been assured on multiple occasions that he's not the</p>	156	<p>1 loyalty, you got in this back-and-forth about, well,</p> <p>2 I'll pledge you my honesty. And then it looks like,</p> <p>3 from what I've read, you agreed upon honest loyalty,</p> <p>4 or something like that.</p> <p>5 Is that the characterization?</p> <p>6 MR. COMEY: Yes.</p> <p>7 SENATOR CORNYN: Thank you very much.</p> <p>8 MR. COMEY: Thank you, sir.</p> <p>9 CHAIRMAN BURR: Senator Reed.</p> <p>10 SENATOR JACK REED (D-RI): Thank you,</p> <p>11 Mr. Chairman.</p> <p>12 Thank you, Director Comey.</p> <p>13 There have been press reports that the</p> <p>14 President, in addition to asking you to drop the</p> <p>15 Flynn investigation, has asked other senior</p> <p>16 intelligence officials to take steps which would</p> <p>17 tend to undermine the investigation into Russia.</p> <p>18 There's been reports that he's asked DNI</p> <p>19 Coats and Admiral Rogers to make public statements</p> <p>20 exonerating him or -- or taking the pressure off</p> <p>21 him, and also reports about Admiral Rogers and</p> <p>22 Director Pompeo to intervene and reach out to the</p>

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157	<p>1 FBI and ask them.</p> <p>2 Are you aware of any of these, or do you</p> <p>3 have any information with respect to any of these</p> <p>4 allegations?</p> <p>5 MR. COMEY: I don't. I'm aware of the</p> <p>6 public reporting, but I had no contact, no</p> <p>7 conversation with any of those leaders about that</p> <p>8 subject.</p> <p>9 SENATOR REED: Thank you.</p> <p>10 You have testified that you interpret the</p> <p>11 discussion with the President about Flynn as a</p> <p>12 direction to stop the investigation; is that</p> <p>13 correct?</p> <p>14 MR. COMEY: Yes.</p> <p>15 SENATOR REED: You've testified that the</p> <p>16 President asked you to lift the cloud by essentially</p> <p>17 making public statement that exonerated him and</p> <p>18 perhaps others. You refused, correct?</p> <p>19 MR. COMEY: I didn't -- I didn't do it. I</p> <p>20 didn't refuse the -- the President. I told him we</p> <p>21 would see what we could do, and then the second time</p> <p>22 he called, I told him, in substance, that's</p>	159	<p>1 it, because of the duty to correct and the slippery</p> <p>2 slope problem.</p> <p>3 SENATOR REED: And, again, also, you've</p> <p>4 testified that the President asked you repeatedly to</p> <p>5 be loyal to him, and you responded you would be</p> <p>6 honestly loyal, which is, I think, your way of</p> <p>7 saying, "I'll be honest, and I'll be the head of the</p> <p>8 FBI and independent." Is that fair?</p> <p>9 MR. COMEY: Correct. I tried "honest"</p> <p>10 first. And also, I mean, you see it in my</p> <p>11 testimony, also tried to explain to him why it's in</p> <p>12 his interest, and every President's interest, for</p> <p>13 the FBI to be apart, in a way, because its</p> <p>14 credibility is important to a President and to the</p> <p>15 country.</p> <p>16 And so I tried to hold the line, hold the</p> <p>17 line. It got very awkward. And I then said,</p> <p>18 "You'll always have honesty from me." He said,</p> <p>19 "honest loyalty," and then I acceded to that as a</p> <p>20 way to end this awkwardness.</p> <p>21 SENATOR REED: At the culmination of all</p> <p>22 these events, you're summarily fired, without any</p>
158	<p>1 something your lawyer will have to take up with the</p> <p>2 Justice Department.</p> <p>3 SENATOR REED: And part of the underlying</p> <p>4 logic was that we've -- we've discussed many times</p> <p>5 throughout this morning -- is the duty to correct.</p> <p>6 That is one of -- a theoretical issue, but also a</p> <p>7 very practical issue. It -- was there -- your</p> <p>8 feeling that the direction of the investigation</p> <p>9 could, in fact, include the President?</p> <p>10 MR. COMEY: Well, in theory. I mean, as I</p> <p>11 explained, the concern of one of my senior leader</p> <p>12 colleagues was, if you're looking at potential</p> <p>13 coordination between the campaign and Russia, the</p> <p>14 person at the head of the campaign is the candidate.</p> <p>15 So, logically, this person argued, the -- the</p> <p>16 candidate's knowledge, understanding, will logically</p> <p>17 become a part of your inquiry, if it proceeds.</p> <p>18 And so I understood that argument. My view</p> <p>19 was that -- that what I said to the President was</p> <p>20 accurate and fair, and fair to him. I resisted the</p> <p>21 idea of publicly saying it, although, if the Justice</p> <p>22 Department had wanted to, that -- I would've done</p>	160	<p>1 explanation or anything else.</p> <p>2 MR. COMEY: Well, there was an explanation.</p> <p>3 I just don't buy it.</p> <p>4 SENATOR REED: Well, yes.</p> <p>5 So you're fired. So do you believe that you</p> <p>6 were fired because you -- you refused to -- to take</p> <p>7 the President's direction? Is that the ultimate</p> <p>8 reason?</p> <p>9 MR. COMEY: I don't know for sure. I know I</p> <p>10 was fired -- again, I take the President's words. I</p> <p>11 know I was fired because of something about the way</p> <p>12 I was conducting the Russia investigation was, in</p> <p>13 some way, putting pressure on him, in some way,</p> <p>14 irritating him, and he decided to fire me because of</p> <p>15 that.</p> <p>16 SENATOR REED: Now --</p> <p>17 MR. COMEY: I -- I can't go farther than</p> <p>18 that.</p> <p>19 SENATOR REED: The Russian investigation, as</p> <p>20 you've pointed out, and as all my colleagues have</p> <p>21 reflected, is one of the most serious hostile acts</p> <p>22 against this country in our history, undermining the</p>

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161	<p>1 very core of our democracy and our elections, is not 2 a discrete event. It will likely occur, it's 3 probably being prepared now for '18 and '20 and 4 beyond. And yet the President of the United States 5 fires you because, in your own words, some relation 6 to this investigation. 7 And then he shows up in the Oval Office with 8 the Russian foreign minister, first, after 9 classifying you as crazy and a real nut job, which I 10 think you've effectively disproved this morning. He 11 said, "I face great pressure because of Russia. 12 That's taken off." 13 Your conclusion would be that the President, 14 I would think, is downplaying the seriousness of 15 this threat, in fact, took specific steps to stop a 16 thorough investigation of the Russian -- Russian 17 influence, and, also, from what you've said, or what 18 has been said this morning, doesn't seem 19 particularly interested in these hostile threats by 20 the Russians? Is that fair? 21 MR. COMEY: I don't know that I can agree to 22 that level of detail. There's no doubt that it's a</p>	163	<p>1 path, of not doing it? 2 MR. COMEY: I -- I'm not going to sit here 3 and try and interpret the President's tweets. It -- 4 to me, its major impact was -- as I said, occurred 5 to me in the middle of the night, holy cow, there 6 might be tapes. And if there tapes, it's not just 7 my word against his on -- on the direction to get 8 rid of the Flynn investigation. 9 SENATOR REED: Thank you very much. 10 CHAIRMAN BURR: Senator McCain. 11 SENATOR JOHN McCAIN (R-AZ): In the case of 12 Hillary Clinton, you made the statement that there 13 wasn't sufficient evidence to bring a suit against 14 her, although it had been very careless -- in their 15 behavior. But you did reach a conclusion in that 16 case that it was not necessary to further pursue 17 her. Yet at the same time, in the case of Mr. Comey 18 [sic.], you said that there was not enough 19 information to make a conclusion. 20 Tell me the difference between your 21 conclusion as far as former Secretary Clinton is 22 concerned and -- and Mr. -- Mr. Trump.</p>
162	<p>1 fair judgment -- it's my judgment, that I was fired 2 because of the Russia investigation. I was fired, 3 in some way to change -- or the endeavor was to 4 change the way the Russia investigation was being 5 conducted. 6 That is a -- that is a very big deal, and 7 not just because it involves me. The nature of the 8 FBI and the nature of its work requires that it not 9 be the subject of political consideration. And on 10 top of that you have the Russia investigation itself 11 is vital, because of the threat. And I know I 12 should've said this earlier, but it's obvious. If 13 any Americans were part of helping the Russians do 14 that to us, that is a very big deal. And I'm 15 confident that if that is the case, Director Mueller 16 will find that evidence. 17 SENATOR REED: Finally, the President 18 tweeted that James Comey better hope that there are 19 no tapes of our conversation before he starts 20 leaking to the press. Was that a rather unobvious 21 attempt to intimidate you from testifying, and 22 intimidate anyone else who seriously crosses his</p>	164	<p>1 MR. COMEY: The Clinton investigation was a 2 completed investigation that the FBI had been deeply 3 involved in, and so I had an opportunity to 4 understand all the facts and apply those facts 5 against the law as I understood them. This 6 investigation was underway, still going when I was 7 fired. So it's nowhere near in the same place. At 8 least it wasn't when I was -- 9 SENATOR McCAIN: But it's still ongoing? 10 MR. COMEY: Correct. Insofar as I know. It 11 was when I left. 12 SENATOR McCAIN: That investigation was 13 going on. This investigation is going on. You 14 reached separate conclusions. 15 MR. COMEY: No, that one was done. I -- 16 that -- 17 SENATOR McCAIN: That investigation of any 18 involvement of Secretary Clinton or any of her 19 associates is completed? 20 MR. COMEY: Yes. As of July the 5th, the 21 FBI completed its investigative work, and that's 22 what I was announcing, what we had done and what we</p>

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165	<p>1 had found.</p> <p>2 SENATOR McCAIN: Well, at least in the minds</p> <p>3 of this member, there's a whole lot of questions</p> <p>4 remaining about what went on, particularly</p> <p>5 considering the fact that, as you mention, it's a,</p> <p>6 quote, big deal, as to what went on during the</p> <p>7 campaign. So I'm glad you concluded that part of</p> <p>8 the investigation, but I -- I think that the</p> <p>9 American people have a whole lot of questions out</p> <p>10 there, particularly since you just emphasized the</p> <p>11 role that Russia played. And, obviously, she was a</p> <p>12 candidate for President at the time, so she was</p> <p>13 clearly involved in this whole situation where fake</p> <p>14 news, as you just described it, "big deal," took</p> <p>15 place.</p> <p>16 And you're going to have to help me out</p> <p>17 here. In other words, we're complete -- the</p> <p>18 investigation of anything that former Secretary</p> <p>19 Clinton had to do with the campaign is over and we</p> <p>20 don't have to worry about it anymore?</p> <p>21 MR. COMEY: With respect to Secretary -- I'm</p> <p>22 not -- I'm a little confused, Senator. With respect</p>	167	<p>1 SENATOR McCAIN: But you reached the</p> <p>2 conclusion that there was no reason to bring charges</p> <p>3 again Secretary Clinton. So you reached a</p> <p>4 conclusion.</p> <p>5 In the case of Mr. Comey, you -- President</p> <p>6 Comey [sic.] --</p> <p>7 MR. COMEY: No, sir.</p> <p>8 SENATOR McCAIN: -- I mean, excuse me, case</p> <p>9 of President Trump, you have an ongoing</p> <p>10 investigation.</p> <p>11 So you got one candidate who you're done</p> <p>12 with and another candidate that you have a long way</p> <p>13 to go. Is that correct?</p> <p>14 MR. COMEY: I don't know how far the -- the</p> <p>15 FBI has to go, but, yes, that -- the Clinton e-mail</p> <p>16 investigation was completed, the investigation of</p> <p>17 Russia's efforts in connection with the election,</p> <p>18 and whether there was any coordination, and, if so,</p> <p>19 with whom, between Russia and the campaign --</p> <p>20 SENATOR McCAIN: You just made it -- you</p> <p>21 just made it --</p> <p>22 MR. COMEY: -- was ongoing when I left.</p>
166	<p>1 to Secretary Clinton --</p> <p>2 SENATOR McCAIN: Yeah.</p> <p>3 MR. COMEY: -- we investigated criminal</p> <p>4 investigation in connection with her use of a</p> <p>5 personal e-mail server --</p> <p>6 SENATOR McCAIN: I understand.</p> <p>7 MR. COMEY: -- and that's the investigation</p> <p>8 I announced the conclusion of on July 5th.</p> <p>9 SENATOR McCAIN: So -- but at the same time</p> <p>10 you made the announcement there would be no charges</p> <p>11 brought against then Secretary Clinton for any</p> <p>12 activities involved in the Russia involvement in</p> <p>13 our -- engagement in our election.</p> <p>14 I don't -- I don't quite understand how you</p> <p>15 could be done with that, but not complete -- done</p> <p>16 with the whole investigation of their attempt to</p> <p>17 affect the outcome of our election.</p> <p>18 MR. COMEY: No. I'm sorry, we're not -- at</p> <p>19 least, when I left -- when I was fired on May the</p> <p>20 9th, there was still an open, active investigation</p> <p>21 to understand the Russian efforts and whether any</p> <p>22 Americans work with them.</p>	168	<p>1 SENATOR McCAIN: You just made it clear in</p> <p>2 what you said, this is a, quote, big deal, unquote.</p> <p>3 I think it's hard to reconcile, in one case</p> <p>4 you reach complete conclusion, and the other side,</p> <p>5 you have -- you have not, and you -- in fact,</p> <p>6 obviously, there's a lot more there, as we know, as</p> <p>7 you called it a, quote, big deal. She's one of the</p> <p>8 candidates. But in her case you say there will be</p> <p>9 no charges, and in the case of President Trump,</p> <p>10 there -- the -- the investigation continues.</p> <p>11 What has been brought out in this hearing</p> <p>12 is, is more and more emphasis on the Russian</p> <p>13 engagement and involvement in this campaign. How</p> <p>14 serious do you think this was?</p> <p>15 MR. COMEY: Very serious. But I want to say</p> <p>16 some -- be clear. It was -- we have not announced,</p> <p>17 and there was no predication to announce, an</p> <p>18 investigation of whether the Russians may have</p> <p>19 coordinated with Secretary Clinton's campaign.</p> <p>20 Secretary Clinton's campaign --</p> <p>21 SENATOR McCAIN: Oh, but they may not have</p> <p>22 been involved with her campaign, they were involved</p>

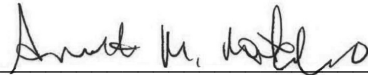
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169	<p>1 with the entire presidential campaign, obviously.</p> <p>2 MR. COMEY: Of course. Yes, sir. And that</p> <p>3 is an investigation that began last summer, and, so</p> <p>4 far as I'm aware, continues.</p> <p>5 SENATOR McCAIN: So both President Trump and</p> <p>6 former candidate Clinton are both involved in the</p> <p>7 investigation. Yet one of them, you said there's</p> <p>8 going to be no charges, and the other one, the</p> <p>9 investigation continues. Well, I think there's a</p> <p>10 double standard there, to tell you the truth.</p> <p>11 Then, when the President said to you -- you</p> <p>12 talked about the April 11th phone call, and he said,</p> <p>13 quote, Because I've been very loyal to you, very</p> <p>14 loyal. We had that thing, you know.</p> <p>15 Did that arouse your curiosity as what,</p> <p>16 quote, that thing, was?</p> <p>17 MR. COMEY: Yes.</p> <p>18 SENATOR McCAIN: Why didn't you ask him?</p> <p>19 MR. COMEY: It didn't seem to me to be</p> <p>20 important for the conversation we were having, to</p> <p>21 understand it. I took it to be some -- an effort</p> <p>22 to -- to communicate to me this -- that there is a</p>	171	<p>1 members of the Administration or members of the</p> <p>2 campaign could potentially be used to coerce or</p> <p>3 blackmail the Administration?</p> <p>4 MR. COMEY: That's a subject for</p> <p>5 investigations, not something I can comment on,</p> <p>6 sitting here.</p> <p>7 SENATOR McCAIN: But you've reached that</p> <p>8 conclusion as far as Secretary Clinton was</p> <p>9 concerned, but you're not reaching a conclusion as</p> <p>10 far as this Administration is concerned. Are you</p> <p>11 aware of anything that would lead you to believe</p> <p>12 that information exists that could coerce members of</p> <p>13 the Administration or blackmail the Administration?</p> <p>14 MR. COMEY: That's not a question I can</p> <p>15 answer, Senator.</p> <p>16 CHAIRMAN BURR: Senator's time's expired.</p> <p>17 SENATOR McCAIN: Thank you.</p> <p>18 CHAIRMAN BURR: All time's expired for the</p> <p>19 hearing.</p> <p>20 Can I say, for members, we'll reconvene</p> <p>21 promptly at 1:00 p.m. in the hearing room. We have</p> <p>22 a vote scheduled for 1:45. I would suggest that all</p>
170	<p>1 relationship between us where "I've been good to</p> <p>2 you, you should be good to me."</p> <p>3 SENATOR McCAIN: Yeah, but I -- I think it</p> <p>4 would intensely arouse my curiosity if the President</p> <p>5 of the United States said, "We had that thing, you</p> <p>6 know." I'd like to know what the hell that thing</p> <p>7 is, particularly if I'm the director of the FBI.</p> <p>8 MR. COMEY: Yeah, I -- I get that, Senator.</p> <p>9 Honestly, I'll tell you what, this is speculation,</p> <p>10 but what I concluded at the time is, in his memory,</p> <p>11 he was searching back to our encounter at the dinner</p> <p>12 and was preparing himself to say, "I offered loyalty</p> <p>13 to you, you promised loyalty to me," and all of a</p> <p>14 sudden, his memory showed him that did not happen,</p> <p>15 and I think he pulled up short.</p> <p>16 That's just a guess, but I -- I -- a lot of</p> <p>17 conversations with humans over the years --</p> <p>18 SENATOR McCAIN: I think I would have had</p> <p>19 some curiosity if it had been about me, to be honest</p> <p>20 with you.</p> <p>21 So are you aware -- anything that would</p> <p>22 believe you to believe that the President or the</p>	172	<p>1 members promptly be there at 1:00. We have about</p> <p>2 three minutes.</p> <p>3 I'd like to have order. Photographers --</p> <p>4 photographers, return to where you were, please.</p> <p>5 This hearing's not adjourned yet. Either that, or</p> <p>6 we'll remove you.</p> <p>7 To members, we have about three minutes of</p> <p>8 updates that we would love to cover as soon as we</p> <p>9 get into the closed session, before we have an</p> <p>10 opportunity to spend some time with Director Comey.</p> <p>11 Based on our agreement, it would be my</p> <p>12 intentions to adjourn that closed hearing between</p> <p>13 2:00 and 2:10, so that members can go vote, and I</p> <p>14 would urge you to eat at that time.</p> <p>15 Jim, several of us on this committee have</p> <p>16 had the opportunity to work with you since you</p> <p>17 walked in the door. I want to say, personally, on</p> <p>18 behalf of all this -- all the committee members,</p> <p>19 we're grateful to you for your service to your</p> <p>20 country, not just in the capacity as FBI director,</p> <p>21 but as prosecutor, and, more importantly, being</p> <p>22 somebody that loves this country enough to tell it</p>

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173	<p>1 like it is.</p> <p>2 I want to say to your workforce that we're</p> <p>3 grateful to them, with the level of cooperation that</p> <p>4 they have shown us, with the trust we've built</p> <p>5 between both organizations, the Congress and -- and</p> <p>6 the bureau. We couldn't do our job if it wasn't for</p> <p>7 their willingness to share candidly with us the work</p> <p>8 that we need to see.</p> <p>9 This hearing's the ninth public hearing this</p> <p>10 committee has had this year. That is twice the</p> <p>11 historical year-long average of this committee. I</p> <p>12 think the Vice Chairman and my's biggest challenge</p> <p>13 when this investigation has concluded is to return</p> <p>14 our hearings to the secrecy of a closed hearing, to</p> <p>15 encourage our members not to freely talk about</p> <p>16 intelligence matters publicly, and to respect the</p> <p>17 fact that we have a huge job.</p> <p>18 And that's to represent the entire body of</p> <p>19 the United States Senate and the American people, to</p> <p>20 make sure that we work with the intelligence</p> <p>21 community to provide you the tools to keep America</p> <p>22 safe, and that you do it within the legal limit, or</p>	175	<p>1 continue to do. And I think it is very important</p> <p>2 that all Americans realize that threat is real. It</p> <p>3 is continuous. It is not just towards our nation.</p> <p>4 It is all -- towards all Western democracies. And</p> <p>5 we have to come to a solution set.</p> <p>6 Thank you, Mr. Chairman.</p> <p>7 CHAIRMAN BURR: Director Comey, thank you</p> <p>8 once again on behalf on the committee.</p> <p>9 This hearing's adjourned.</p> <p>10 (WHEREUPON, the audio recording ends.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
174	<p>1 those limits that are set by the executive branch.</p> <p>2 We could not do it if it wasn't for a</p> <p>3 trusted partnership that you have been able to lead,</p> <p>4 and others before you.</p> <p>5 So as -- as we depart from this, this is a</p> <p>6 pivotal hearing in our investigation. We're</p> <p>7 grateful to you for the professionalism you've shown</p> <p>8 and your willingness.</p> <p>9 I will turn to the Vice Chairman.</p> <p>10 SENATOR WARNER: I simply want to echo, one,</p> <p>11 again, the thanks for your appearance. And there</p> <p>12 clearly still remain a number of questions. And the</p> <p>13 one thing I want to commit to you, and, more</p> <p>14 importantly, I think, Chairman, I want to commit to</p> <p>15 all those who are still potentially watching and</p> <p>16 following, there's still a lot of unanswered</p> <p>17 questions, and we're going to get to the bottom of</p> <p>18 this. We're going to get the facts out. The</p> <p>19 American people deserve to know.</p> <p>20 There's the questions around implications of</p> <p>21 Trump officials and the Russians, but there's also</p> <p>22 the macro issue of what the Russians did and</p>	176	<p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2</p> <p>3 I, Annette M. Montalvo, do hereby certify</p> <p>4 that the foregoing transcript is a true and correct</p> <p>5 record of the recorded proceedings; that said</p> <p>6 proceedings were transcribed to the best of my</p> <p>7 ability from the audio recording as provided; and</p> <p>8 that I am neither counsel for, related to, nor</p> <p>9 employed by any of the parties to this case and have</p> <p>10 no interest, financial or otherwise, in its outcome.</p> <p>11</p> <p>12 </p> <p>13 _____</p> <p>14 Annette M. Montalvo, CSR, RDR, CRR</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

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<p>29 108:9 2nd 145:3, 145:20</p> <hr/> <p>3</p> <hr/> <p>30 5:4, 11:16, 56:1, 64:14, 80:2, 94:15, 94:17, 98:18, 99:1, 99:8, 104:20, 118:18, 147:7 36 24:21 3rd 98:22, 133:9</p> <hr/> <p>4</p> <hr/> <p>45 171:22</p> <hr/> <p>5</p> <hr/> <p>56 40:18 5th 48:6, 164:20, 166:8</p> <hr/> <p>6</p> <hr/> <p>6 104:20 600 121:20 6th 31:4, 35:6, 52:21, 77:14, 89:21, 131:10</p> <hr/> <p>8</p> <hr/> <p>85 3:1</p> <hr/> <p>9</p> <hr/> <p>9th 15:15, 81:5, 166:20</p>		
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CABLE NEWS NETWORK, INC.,)	
)	
<i>Plaintiff,</i>)	
)	
v.	)	Civil Action No. 17-1167-JEB
)	
FEDERAL BUREAU OF INVESTIGATION,)	
)	
<i>Defendant.</i>)	
)	
GANNETT SATELLITE INFORMATION)	
NETWORK, LLC, d/b/a USA TODAY, <i>et al.</i>)	
)	
<i>Plaintiffs,</i>	)	Civil Action No. 17-1175-JEB
)	
v.)	
)	
DEPARTMENT OF JUSTICE,)	
)	
<i>Defendant.</i>)	
)	
JUDICIAL WATCH, INC.,)	
)	
<i>Plaintiff,</i>)	
)	
v.	)	Civil Action No. 17-1189-JEB
)	
UNITED STATES DEPARTMENT OF JUSTICE,)	
)	
<i>Defendant.</i>)	
)	
FREEDOM WATCH, INC.,)	
)	
<i>Plaintiff,</i>)	
)	
v.	)	Civil Action No. 17-1212-JEB
)	
UNITED STATES DEPARTMENT OF JUSTICE)	
and FEDERAL BUREAU OF INVESTIGATION,)	
)	
<i>Defendants.</i>)	
)	

THE DAILY CALLER NEWS)	
FOUNDATION,)	
)	
<i>Plaintiff,</i>)	
	)	Civil Action No. 17-1830-JEB
v.)	
)	
U.S. DEPARTMENT OF JUSTICE,)	
)	
<i>Defendant.</i>)	

[PROPOSED] ORDER

Upon consideration of The Daily Caller News Foundation's Opposition to Defendants' Motion for Partial Summary Judgment and its Cross-Motion for Summary Judgment and the entire record herein, it is hereby ORDERED that:

1. Defendants' Motion for Partial Summary Judgment is denied;
2. The Daily Caller News Foundation's Cross-Motion for Summary Judgment is granted; and
3. Defendants are to promptly produce all records responsive to The Daily Caller News Foundation's FOIA request.

SO ORDERED.

Dated:

The Hon. James E. Boasberg