

COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: STEVEN D'ANTUONO

Wednesday, June 7, 2023

Washington, D.C.

The interview in the above matter was held in room 2237, Rayburn House Office Building, commencing at 10:00 a.m.

Present: Representatives Jordan and Massie.

Appearances:

For the COMMITTEE ON THE JUDICIARY:

[REDACTED]

Also Present:

[REDACTED]

For STEVEN D'ANTUONO:

LAWRENCE BERGER, ESQ.

██████████ We'll go on the record.

Good morning. This is a transcribed interview of former FBI assistant director in charge Steven D'Antuono. Chairman Jordan has requested this interview as part of the committee's oversight of the FBI.

Would the witness please state your name for the record.

Mr. D'Antuono. Yes. Steven Michael D'Antuono.

██████████ I understand you are appearing with personal counsel today.

Can counsel please state your name for the record.

Mr. Berger. Sure. Lawrence Berger.

██████████ On behalf of the committee, I want to thank you for appearing here today voluntarily to answer our questions. The chairman also appreciates your willingness to come voluntarily.

Mr. D'Antuono. Absolutely.

██████████ My name is ██████████, and I am with Chairman Jordan's staff.

I'll now have everyone else from the committee who is here at the table introduce themselves as well.

██████████ ██████████, Chairman Jordan's staff.

██████████ ██████████ of Mr. Jordan.

Chairman Jordan. Jim Jordan.

██████████ ██████████, oversight counsel for the Democrats.

██████████ ██████████, chief oversight counsel, House Judiciary Committee, Democratic counsel.

██████████ ██████████, Mr. Jordan's staff.

██████████ ██████████, Mr. Jordan's staff.

██████████ ██████████, Mr. Jordan.

Mr. Massie. Representative Massie.

██████████, Chairman Jordan's staff.

██████████ I'd like to now go over the ground rules and guidelines that we'll follow during today's interview.

Our questioning will proceed in rounds. The majority will ask questions for the first hour, and then the minority will have an opportunity to ask questions for an equal period of time if they so choose. We'll alternate back and forth until there are no more questions, and the interview is over.

Mr. D'Antuono. Okay.

██████████ Typically, we take a short break at the end of each hour, but if you would like a break apart from that, please just let us know. Also, please feel free to consult with your counsel at any point in time.

Mr. D'Antuono. Okay.

██████████ As you can see, there is an official court reporter taking down everything we say to make a written record. So we ask that you give verbal responses to all questions. Do you understand?

Mr. D'Antuono. Yes, I do.

██████████ So the court reporter can take down a clear record, we will do our best to limit the number of staff directing questions at you during any given hour.

Please try to speak clearly so the court reporter can understand and so the folks down at the end of the table can hear you as well.

It is important we don't talk over one another or interrupt each other if we can help it, and that goes for everyone present at today's interview.

We want you to answer our questions in the most complete and truthful manner possible. So we will take our time. If you have any questions, or if you do not

understand one of our questions, please just let us know. Our questions will cover a wide range of topics. So if you need clarification at any point, just say so.

If you honestly don't know the answer to a question or do not remember, it is best not to guess. Please give us your best recollection, and it's okay to tell us if you learned information from someone else. Just indicate how you came to know the information. If there are things you don't know or can't remember, just say so, and please inform us who, to the best of your knowledge, might be able to provide a more complete answer.

Mr. D'Antuono. Okay.

██████████ You should also understand that by law you are required to answer questions from Congress truthfully. Do you understand that?

Mr. D'Antuono. Absolutely.

██████████ This also applies to questions posed by congressional staff in an interview. Do you understand this?

Mr. D'Antuono. Absolutely.

██████████ Witnesses that knowingly provide false testimony could be subject to criminal prosecution for making false statements under 18 U.S.C. section 1001. Do you understand that?

Mr. D'Antuono. I'm aware of that section, yes.

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

Mr. D'Antuono. No.

██████████ Finally, I'd like to make note that the content of what we discuss today is confidential. We ask that you not speak about what we discuss in this interview to any outside individuals, to preserve the integrity of our investigation. For the same reason, the marked exhibits that we will use today will remain with the court reporter so

that they can go in the official transcript, and any copies of the exhibits we will take back at the end of the interview.

That is the end of my opening remarks.

Is there anything that my colleagues from the minority have to add?

██████████ We have nothing to add. Thank you.

██████████ Okay.

Well, we'll now start our first hour of questioning. I'll turn it over to my colleague, ██████████

The clock now reads 10:04 a.m.

██████████ Okay. Thank you, ██████████

EXAMINATION

██████████
Q Mr. D'Antuono, we're going to go over some basic questions here just regarding your tenure at the FBI. When did you join the FBI?

A January of 1996.

Q And why did you join the FBI?

A That's a long story. I got called for -- I'm a CPA by trade. I got called by -- to become a financial analyst with the Bureau, which is basically a forensic accountant.

I don't want to bore you guys with the story, but it's -- you know, the FBI has always been a great job. I'm not one of those people that like from age 6 I wanted to be an FBI agent type stuff, right.

So it's a great opportunity. So the FBI is a good career. So I decided to join as the forensic accountant, financial analyst, you know, in the province office of the Boston division.

Q And what did you do before joining the FBI?

A I'm a CPA. Yeah, I graduated with a Bachelor of Science in accounting.

Q Can you briefly walk us through the positions that you held at the FBI?

A Yes. All right, so financial analyst from '96 to '98. I became a new agent in July of '98. I went down to Quantico, Virginia, FBI Academy. From Quantico, I went to Washington field office in November of '98 when I graduated. I worked primarily public corruption, government fraud squad. You know, served all the way through 9/11 as a brick agent on that squad, different squads, I did that.

After 9/11, I worked a couple years until '05. I went down to the FBI Academy as a white-collar crime instructor, basically a supervisory position. So supervisory position, supervisory special agent, white collar crime instructor. So I instructed all of the new agents, analysts, national academy for about 3 years, from '05 -- it's almost exact -- January of '05 to January of '08.

After that, I went back to Washington field office as a supervisory special agent for the D.C. public corruption squad, and worked from D.C. public corruption, SSA, from '08 to 2014. Almost 7 years as a supervisor, right. So I didn't just touch bases, right.

So then I went to become an ASAC, assistant special agent in charge, in the St. Louis division, the field office there, from '14 to '17. I got there right when Michael Brown got shot in August of that year. I led the civil rights investigation on Michael Brown, the crisis response -- well, the perceived crisis response for the grand jury announcement that we were expecting. I led all of that stuff with my counterpart ASAC and SAC, obviously. It wasn't just me. That was in St. Louis.

So in '17, in September, October of '17, I went to -- back to headquarters. So we're now back to this -- that's the only time I've been in the building was at this point, from 2017 as a section chief of the financial crimes section, from 2017 to 2019. So I only

did 2 years at actual headquarters. My headquarters time was at Quantico. And [REDACTED] will understand this, right. So only 2 years at the main building.

And then in '19, 2019 of October, September or October of 2019, I became the SAC in the Detroit field office, the entire State of Michigan. And then, the Director asked me to come down as the ADIC of Washington field office, which is -- I wasn't very -- I was happy in Detroit, you know, but it was 11 months in. In September I got the call from the Director asking me to come down and take the seat.

That's where I started. So I was honored to do that, but I was happy to be out of the Beltway, honestly, but I came back as the ADIC in 2020, and then served until November of last year. So 2 years as the ADIC of the WFO.

Q Thank you, sir.

So prior to retirement, your last position then was the assistant special agent in charge of the Washington field --

A Assistant director.

Q Assistant director in charge. I'm sorry. Yes, of course, ADIC.

A Yep.

Q And all of that with one headquarters, too. Well, well done.

What was the date of your retirement?

A November 30th, '22.

Q Okay.

A Yep.

Q Can you briefly describe for the committee your roles as the ADIC at Washington field in general terms?

A So it's basically I ran the field office, right, as the assistant director in charge. I had five SACs. Now it's four SACs and an IAC, which is the intelligence analyst in

charge, right. It's still at the SAC level. It's just a different name now. You have the intelligence analyst in charge of the intelligence division, but at time I took over, there were five SACs. So basically five of me from Detroit, right.

So it's a large field office, about 1800 employees, task force officers, the second largest division in the country. That's why we have an ADIC position. You know, it covers most of the northern Virginia region. Richmond has the Winchester area and stuff like that, and we have D.C.

So, you know, every program in D.C. comes under me as the ADIC, right. So criminal, CT, CI, intelligence, every matter. It's just like you're the CEO, the president of the company, you know, so.

Q Can you describe the five SACs, just sort of the branches?

A Yeah, so it was criminal, the criminal and cyber branch. I always forget the cyber portion of it, but the criminal and cyber division, the counterintelligence division. At the time I took over as the counterterrorism and crisis -- I think we named it crisis management division, right, because it had the crisis management under it. So counterterrorism of crisis management at the time I took it over. And the intelligence division and admin, administrative, or mission support is what we called it. No one likes to be the admin portion.

Q So, and you said you had retired in November of '22. When did you decide to retire?

A So all right. When you become an agent and you have the 50-year mark, right, you know, lots of times we start looking, right. So for me, I was 50 -- what was I -- yeah, I was 50. I started, you know, looking, putting feelers out there. An opportunity came calling about in the spring, I think, of '22.

Like, I was happy with my job. I really was. A lot of my positions have kind of

fallen into place at times, even the FBI in the beginning, the financial analyst. I just got a call out of the blue. I didn't put in for the financial analyst position.

So the opportunity was there. Honestly, I was hoping to continue to ascend in the Bureau, you know, but the opportunity wasn't there for me. I could see that about springtime. So I decided to take the call and start looking at the opportunity, and so you go down the path when you're at that point and see if it works. If it did, great. If I didn't, then I could continue on, right.

In this case, the opportunity was too good to pass up. I love the Bureau, I really do. I love my job. I love serving. You know, that's important for me, you know, but it was -- what might have been said out there about me running from this, I was welcoming this conversation. I really was. So that was not -- and I'm happy to be here to assist and answer your questions.

Q I'm going back to your time as ADIC at the Washington field. How often would you say you interacted with the Director of the FBI?

A Not often. I would see the Director. My tenure at WFO, obviously, was a 2-year tumultuous tenure. I don't think any other ADIC, and I've talked to a lot of them previously, had as much turmoil as the Washington field office went through at that point in time. And I wasn't -- I wasn't there during the summer under of unrest either, right. So I missed that portion. I was in Detroit.

So the Director, I would see him. He would come over, you know, to our command post just to kind of, you know say hi to the troops and thank everyone for their service there and everything that they're doing. So I'd see the Director at that point.

I would see the Director at -- when we're at SAC conferences, but those are like few and far between because of COVID, right. Again, realizing in that period of time we still have COVID, right. And that was basically my only interaction with the Director.

Q So you were the assistant director, assistant -- the ADIC, rather, in charge of the Washington field office. Of course, it's our flagship office, one of the flagship offices of the FBI.

A Yes, I consider it that.

Q And at this time, you would say it was very -- the interaction was very interspersed or not very regular with the Director even in that capacity?

A That would be correct. My direct supervisor or direct report was to the deputy director. I had --

Q So conversely, how often did you interact with the deputy director?

A All the time. He always -- phone calls --

Q Weekly? Daily? How would you --

A It depended, right. I could go days without talking to the deputy director. In contrast -- as the ADIC, in contrast with the SAC, when Dave Bowdich was the deputy director in Detroit, I barely talked to him, right. He would just -- unless something happened, right.

As the ADIC, definitely, especially stuff leading up to January 6th. The election cycle, back then in 2020, when I became the ADIC, I was talking to the deputy director a lot. And then after January 6th and all that, the deputy director and I talked a lot, you know, a lot. And I can't -- it would be phone calls. It would be just a whole host of different things. If he had a question, I answered it, right, but I did not speak -- the Director never called me.

Q Would it be fair to say that the deputy director was your regular inject thing at FBI headquarters?

A Absolutely, yes. He was my -- he's my direct boss in a sense, right. I report to the -- well, like all SAC meetings. Other than the SACs that worked for the

ADIC offices, they technically report to the ADICs. When we do performance appraisals, the deputy director was my boss.

Q Okay. Thank you for that.

And this is sort of redundant, but how often would you interact with FBI headquarters generally?

A It's -- it was on a case-by-case basis, right. So again, you know, I think ADIC, it's -- the level there is -- we're mostly on par -- the ADIC in New York, WFO, and L.A. are on par with basically the EADs, right, the executive assistant directors, right. So the AD level at headquarters is still an AD. So we're partnered up with them, too, but a lot of times, because I had SACs, the ADs would call the SACs.

For lower SCSers, the SACs, as you well know, is a larger division. So the criminal division is larger than -- my criminal division was larger than the St. Louis division, which has one SAC over it. So things like that are just a difference that people don't understand, the complexity of the Bureau.

So I would communicate with the ADs. A lot of times my conversations were with the deputy or the EAD, and the ADs would contact the SAC, but in certain circumstances, in some of these cases that you're probably going to ask me about today, I wasn't -- I was talking to the ADs, right, but it was off and on.

We're a field office, right. So we have cases -- I believe in the field office, right. We have cases in which we're just working on our own, right, and we have oversight, program management oversight by headquarters when I was on the criminal side, as you well know, as opposed to the counterterrorism side, right, or the CI side. There's a lot more program management in that respect than on the criminal side of the house, and I'm a criminal person through and through, so.

Q Thank you for that clarification.

When -- did you interact with anyone at Main Justice?

A It depended. It depended on the cases, right. So a couple of these cases, again, that you're probably going to ask me about, there was intersection with some of the DOJ components.

During the January 6th investigations, I interacted more so with the U.S. Attorney's Offices that were running the prosecutions. I had a, at the time, a daily call with the chief of the criminal or the -- John Crabb, who is the -- he was chief of criminal, but he also had the -- I don't know what title he had. I don't know if there even was a title, but he was over basically the January 6th investigations, right. So --

Q I'm sorry. Was he at Main Justice --

A He was at the U.S. Attorney's Office.

Q -- or was that the U.S. Attorney's Office?

A The U.S. Attorney's Office, yeah.

Q Okay.

A Yep.

And then occasionally I would talk to the U.S. Attorney in either district, you know, the Eastern District of Virginia, or the U.S. Attorney in D.C. But the January 6th stuff I was talking mostly to the U.S. Attorney's Office.

Every once in a while I would talk to somebody at the -- the DAG's office would come over every once in a while. A couple of the individuals, like Matt Axelrod started, right, when I was there. He was the DAD'S advisor, I believe. Again, I'm not sure what their titles were. I then went to Chris Cavanaugh, I believe, after him and then Rush Atkinson after him. So I had conversations with them.

Q Those gentlemen sequentially were where then?

A DOJ, Main --

Q Okay, at Main Justice?

A Yeah, yeah, with the DAG's office.

Q National security branch in this case or --

A No. They were -- my understanding is they were with the DAG'S office, right. So that was a lot of times during the January 6th investigation, a lot of stuff that was going through January 6th.

Q Okay.

A If I'm talking too fast, too, please slow me down. I have an accent from Rhode Island, so I'm trying to enunciate.

That was January 6th. If you're talking the Mar-a-Lago investigation, which you'll probably get to, right, you know, I know why we're here right, the Mar-a-Lago investigation would have been with the national security division, but it wasn't like constant. Like, there were times in which I had meetings with them.

Q Do you recall who you met with regarding that?

A Yeah, that would have been -- Matt Olsen was in one of the meetings I was in, George Toscas, and Jay Bratt.

Now, going back to the January 6th stuff, there was a lot of things going on and off there, too. We, when I say "we," the deputy director was basically in the lead, we would meet with DOJ every once in a while on certain issues, and in that case, national security was there, Toscas was there, George was there, Matt Axelrod was there. I don't think Olsen was in place at that time. I'm not sure if the PDAG was there. I can't remember so.

But there were other times that we were meeting with people, so but through headquarters.



Q And can you give us the titles for George Toscas and Jay Bratt?

A I don't know George's title. My understanding, he's in the national security division. I don't know his titles, yeah. Titles, they didn't mean much.

Jay, I don't know his title either, but he was basically the lead prosecutor on the Mar-a-Lago investigation, as far as I recall.

Q Okay. Thank you.

A You're welcome.

Q And what do you do now for work?

A I'm a consultant. I work for -- I'm a consultant at a Big 4 accounting firm.

Q And how long have you worked for the consulting firm?

A I started in December.

██████████ I'm sorry. Where do you work?

Mr. D'Antuono. I'm sorry. I work for a Big 4 consulting firm.

██████████ Thank you. I appreciate it.

██████████ Do you have any job-related interactions with the FBI at the consulting firm?

Mr. D'Antuono. No. I'm -- 12-1, I'm supposed to have -- I have a year moratorium that I abide by my year moratorium that, you know, I do not interact with the FBI. And no, I don't think I would even after that either so, you know, other than, you know, I have tons of friends there.

██████████
Q Okay. We're going to shift gears.

A Okay.

Q We're going to talk about Mar-a-Lago a little bit.

Are you aware of the FBI's raid on former President Trump's personal residence at

Mar-a-Lago?

A Yes. I would not call it a raid, though. It's a search.

Q You would characterize it as?

A It's a search, yeah. It's -- you know, it's a lawful search.

Q And, of course, you were still the ADIC at Washington field then?

A That is correct.

Q Which FBI field office is handling the investigation of the documents located at former President Trump's residence at Mar-a-Lago?

A When I was ADIC, it was the Washington field office.

Q Do you know if that's still the case?

A I don't know. Like you, I've read the articles about there being a grand jury down in Florida now. So I'm not sure where it went, you know, but my understanding is still the special counsel is up here. Before I left, the special counsel was being put in place. We were putting agents and analysts to help with that stuff.

You know, so Washington field office, to the best of my knowledge, is still working that or agents from that position.

Q As of the time of your retirement, your best knowledge was?

A Yeah, at the time of my retirement, yes. But my best knowledge was the fact that I know we were putting our agents and analysts that were working the prior investigation to the special counsel and resourcing that. Right now, my understanding is that we are still -- WFO is still doing that stuff.

I'm sorry. When I say we, it's the -- again, Washington field office.

Q Do you -- can you explain to the attendees here why this case was not assigned to, for example, the Miami field office?

A I have absolutely no idea. The headquarters made a decision that it was

going to be -- so there's probably a couple of investigations you want to talk about. So the Mar-a-Lago investigation, the classified document investigation, right, when that came in, we met with headquarters. The allegation came in. I remember AD Alan Kohler, and I think Kurt Ranell was in there, too, the DAD.

Counsel -- I believe our ODC was in the meeting when this all came about. So the venue would have been here for the classified documents. You know, that's in D.C., because the classified documents would have been here, right.

Now it's bringing us the --

Q By here you mean the White House?

A D.C., yeah, yeah. Sorry, yeah, D.C. area, right.

Q Okay.

A So I didn't think it was out of the ordinary that WFO would be the OO for that, the office of origin, right.

There were a lot of like -- WFO, we had enough to do, already did, you know. So when it was coming down to the search, I might have made some comments to people, like, why aren't we just transferring this down to Miami, you know.

Q Normally, would a case, in your experience, if it was in the area of responsibility in southern Florida, would your experience indicate that that would normally be a case that would be assigned, you know, to that division, in this case, Miami?

A Not in the case like this, right. So Washington field office has a lot of experience and knowledge in working public corruption cases, right. I served in the Washington field office working public corruption cases. We have a large, you know, presence, you know, where I pride ourselves on being the public corruption experts, right.

Also, it's corruption, but it's also national security, right. So being a very large

field office, second largest, and having the presence of a lot of nation state actors here and the counterintelligence program that we have at the Washington field office and dealing with classified documents, us, New York are probably the two experts in that, right. Much to New York's chagrin, I would say we are the experts, right, WFO is, right, the agents and analysts on that squad.

So the collective experience and the knowledge of dealing at some point with this, like, look, I don't -- I don't have that. Even as the ADIC, I worked a lot of criminal cases, but, you know, with the classified document stuff, I had a squad that dealt with this all the time, right. So I looked to them as my experts, the ASAC, the supervisor, and the agent.

So that's a lot of the experience of why we do it. Is there a venue? Yes, absolutely there's a venue in D.C. Would this have been better served down in the Miami field office? I'm not sure but that's a case management decision. There was no other decision being made other than at WFO we do a lot of high-profile cases, and we do a lot of these cases, much to my chagrin, because we had enough to do, you know, with a lot of stuff.

Chairman Jordan. But there was at least a discussion about who would handle it?

Mr. D'Antuono. I don't -- sir, I don't know if there was a discussion so much.

Chairman Jordan. It was a suggestion from you that maybe it would be better if Miami handled it?

Mr. D'Antuono. It was probably an offhanded discussion at the end when we were getting to that point. Like, why isn't Miami just -- why don't they do it?

Chairman Jordan. And this is just an offhanded comment that came from you while you were meeting with headquarters?

Mr. D'Antuono. Yeah, I believe. Yeah, if I remember correctly. Yeah, I think it was --

Chairman Jordan. And then headquarters said, No, we want you to do it?

Mr. D'Antuono. They didn't primarily say no. It was just kind of -- it was more of an offhanded comment. We were always expected to do it. It just -- look, I serve -- I serve a -- you know, I take orders well. It wasn't anything that I saw that was against policy or procedure. So it was perfectly fine for us to do it.

One thing with that case, though, I didn't understand -- we didn't understand why there was not a U.S. Attorney's Office assigned to it initially.

Chairman Jordan. Okay.

Mr. D'Antuono. All right. So it was -- we raised that concern. WFO raised that concern a lot with DOJ.

The U.S. Attorney's Office, as you well know, is usually the ones that, you know, hand-in-glove with DOJ. We raised our concern. We never got a good answer.

Chairman Jordan. What answer did you get?

Mr. D'Antuono. NSD is handling it.

Q As in national security division at Main Justice?

A Yeah, NSD is handling so --

Q And I believe, if I recollect, Jay Bratt may have been one of the executives?

A Jay Bratt was the lead prosecutor as far as I know, right, the lead prosecutor on the case. But I did -- we raised that concern a couple times.

I've been in the Bureau 27 years, right. I've seen a lot of different things, right. I've worked with DOJ on a lot of public corruption investigations, PIN included, right. A lot of times PIN, the public integrity section, would take over cases that the U.S.

Attorney's Office wouldn't have, right, or be conflicted out of or whatever, right.

So it wasn't completely out of the ordinary, but something like this, the severity of this, you know, we were asking for it.

Q Sure.

[REDACTED]

Q How was the case opened initially? What was the origin of it?

A Well, the origin was basically classified documents coming -- you know, that were found in the boxes, the 15 boxes of records that were delivered to NARA. So the allegation came in. My understanding --

Q Who did the allegation come from?

A NARA, National Archives.

Q Okay.

A Right. I'm not sure. I think it came from the general counsel, maybe the counsel. I'm not sure.

Q Gary Stern?

A Yeah, I'm not sure. It just came through -- it came through headquarters. Alan Kohler reached out to myself and Tony Riedlinger. Anthony Riedlinger was my SAC. We went over and met with him. We discussed it. He was like, okay.

Q And did they have the intent element? You know, because when the President leaves the White House in 2021, he's not packing his own boxes.

A I know. I'm aware of that, yeah.

Q So --

A You know, every case is about intent, right. And, again, I'm an old white-collar agent, right. It's about intent, right. And I taught this down at the Academy. You have to prove intent, right, but that's what you do an investigation for,

right. So there has to be an investigation open in order to prove intent or not prove intent, right.

So I've worked a ton of cases. I've supervised a ton of cases in which you open a case, and you don't find out anything. You find out that, okay, we can't prove this, and you close the case quietly.

There's other times you find it, and you bring it to the prosecution or you bring it forward. That happens, right. That's that balanced approach that I've always done as a supervisor of public corruption, as an agent in public corruption, an agent in government fraud. That's what you do.

So you keep that balanced approach and that's what -- that's how I led the Washington field office. That's how I was trying to lead these cases, so it was a balanced approach.

Q Okay.

So when Gary Stern brought the case to you, and he's a NARA official that's really interested in this --

A Yeah, he didn't bring it to me. He brought it to headquarters, right. So I never had a conversation with him. I don't want to insinuate that I did. My conversation was with AD Kohler and stuff.

Q Okay.

A So I don't know who brought it, but NSD was on the call. You know, we had the conversation about who is going to open it. You know, again, just -- we had enough going on. It was just like, all right, we'll do it, you know. And then we put the resources to looking into the matter.

Q Okay.

Do you have any idea who pitched the idea that the national security division was

going to operate this case, as opposed to --

A Well, it's classified documents, right. So it's classified information. So it's clearly a national security realm. It's not in a corruption realm. It's not in a CD realm. It's clearly within national security. Again, my experts, my people, my squad that has dealt with this countless numbers of times, right.

Espionage cases. They're the experts. And I get an education and it's just because, you know, when these documents come in, you know, you have to look at them and vet them and send them back to the agencies that need to tell you, Yes, they're classified or they're not, right, because in some cases, they're not, right. You know, it happens.

And so that's part of the calculus as well. That takes time, right, to go back to the agency. So we didn't know what we had. All we understood is that NARA opened up the boxes and they went, Oh, my God, these are classified documents and they closed the boxes again and called the Bureau.

Q Any idea how long was it Jay Bratt was going to be prosecuting this in D.C.?

A Yeah, I believe so. I can't speak to the idea or how long, but I know Jay was involved in the initial conversations. He was part of the national security division. They've done these cases before. That was not out of the ordinary for me. I didn't think anything was out of the ordinary.

Q What was out of the ordinary was the U.S. Attorney's Office wasn't involved?

A Correct. Just, yeah -- look, I'm going to be completely honest here at this hearing. I have no other reason to be, right. This is -- that was just how I saw things, right. It was just -- I just did not understand that, why the U.S. Attorney's Office was not involved. And maybe I'm just completely wrong on that stuff, but we raised those concerns a couple times, right.

And then when I raised those concerns to them, a couple times I got told, Well, the U.S. Attorney's Office -- we have a U.S. Attorney's Office. It's in Miami. Okay, now you do because the search is happening, but before then you didn't. So I don't know.

[REDACTED]

Q How would you characterize your role and the planning and the execution of the actual operation down in south Florida?

A Thank you for not calling it a raid.

It was a -- I was integrally involved. I was in all the meetings up to the thing. It's been reported out there that I had a dissenting view, right. Me and my people, we had a dissenting view of what to do in the case.

Now, I've said this before to several people. It's not what happened, it's not against the law, it's not against Bureau policy, right. I just didn't think it was the right direction.

In my experience, dealing with cases like this, when an attorney is involved, you give the deference to the attorney when you think the client might not be doing what they're supposed to be doing or cooperating fully, right. So our suggestion was to go to the attorney first, and give him the opportunity to say we have more evidence. We believe that there's more classified documents there. We would like, in my opinion, consent.

And if you -- I don't know what documents you have to show me today, or whatever, but there are emails that I have written back and forth that my view is we want consent. Consent, I think, is the way I worded it in my email, the fact that consent would be good. It would be the best thing for all parties. And I firmly believed that, right. For the FBI, for former President Trump, and for the country, the best scenario would have been consent.

Q And can you describe why that did not happen?

A It was not my decision, ultimately.

Q And the decision was made by?

A I would assume it was the Director and the AG, right. I was not in any of those conversations. My conversations stop with the deputy director. I voiced my opinions. My people voiced -- I voiced my opinions for my people, because I was talking to the deputy director about it. They --

Q You did, though -- I'm sorry to interrupt.

You did put in a communication that you had some concerns about not doing the normal protocol of you have attorneys working together. You have consensual parties.

A I did.

Q There's other opportunities for other tactics to be employed. You did.

So who then came back over top of that and said to the ADIC of Washington field, We're going to go this direction?

A It would have been the deputy director.

Q At that time, was that --

A Mr. Abbate, Paul Abbate.

██████████ I didn't hear what you said.

Mr. D'Antuono. Oh, sorry. Mr. Paul Abbate. Sorry.

Chairman Jordan. The referral letter comes from NARA to the Justice Department, and then at some point, they come talk to you guys saying here's what we have. There's a discussion about whether it's going to be handled -- at least something -- you raised the point, whether it's going to be Washington or Miami.

Mr. D'Antuono. I didn't raise that at that point, sir. That was way after.

Chairman Jordan. Well, tell me the timeline. When is the date that you

get -- you have this conversation about the referral that came from NARA?

Mr. D'Antuono. So when the referral came from NARA, it was, to me, a forgone conclusion that the Washington field office was going to work this, right. NARA is here in the district. The documents came here. The White House would have -- is here, obviously, right. The documents would have left here, went to wherever they went, right. You know, obviously, we knew of their Florida, right.

So the venue is here. So it was not an issue of us working the case. It was just another high-profile case I didn't need the headache on, to tell you the truth, right.

So the second part of that is when -- basically, when we were planning for the search and getting the search at that point --

Chairman Jordan. What's the time frame between that? You're talking about when you get the referral and when the search happened.

Mr. D'Antuono. So the search happens in August, right, I believe, right. I don't -- I can't remember when the referral came in. I want to say it was the spring. You guys probably know better than I do, right, at this point. Months before, say. Me making the comment about, you know, can we just transfer this down to, you know, Florida would have been right before the search.

Chairman Jordan. Okay. So after you had -- that's what I was trying to figure out. During that time frame when you get the referral to when the raid happens, it's happening after -- 91 days before elections is what I remember. I don't remember what day in August.

Mr. D'Antuono. It was August 7th or 8th I believe. Right? Yeah.

Chairman Jordan. Okay.

Mr. D'Antuono. Yeah.



Q Is it fair to say that you did not feel that the overwhelming use of force to execute the warrant, the search warrant was appropriate, and you went on paper with that and you overruled?

A No, no, no. So it wasn't the use of force, right. It was basically the --

Q Or show of force.

A It wasn't even a show of force, right, because we were all in agreement. We didn't do a show of force, right. I was adamant about that, and that was something that we agreed on, right, the FBI agreed on, right. No raid jackets, no blazed FBI. We interact. We made sure we interacted with the Secret Service to make sure we could get into Mar-a-Lago with no issues. We're not banging down any doors. We weren't bringing any like FBI vehicles, everything that was reported about helicopters and a hundred people descending on, like a Die Hard movie, was completely untrue, right. That is not how we played it.

Q How many FBI personnel would you approximate was on scene?

A I want to say it was 30 but I'm not sure. I think it was 30.

Q Were you the on-scene commander?

A No, no. My ASAC, one of my ASACs was the on-scene commander.

Q And I'm sorry. That was? Do you recall?

A Derek Pieper.

Q Derek Pieper.

██████████ I'm sorry. Who was that?

Mr. D'Antuono. Derek Pieper.

██████████ Pieper?

Mr. D'Antuono. Pieper, yeah.

████████████████████

Q I'm sorry. Continue.

A So that was -- we didn't want a spectacle, right. We just did not want a spectacle of this. And so -- and there was no reason to raid or break down a door or anything like that. We could get access to it. And then we also called the attorney, right, to make sure that they knew we were coming and this is going to happen.

We, WFO, myself, we would have liked it to have been played just it a little differently, and giving the attorney an opportunity to allow for consent. The President, former President stated to us on that June day that the -- whatever you need, you know, just ask. That's the principle we were going on, and that's how I understood it.

So for me, I've done these things before, maybe not at this level, but I've done these things before. You go to the attorney first, and you give them the opportunity to bring the client around and in line.

Now, we --

Q That had been done, to my recollection. I believe we had FBI personnel, and Mr. Bratt, if memory serves.

A That was first in June.

Q Correct.

What facts and circumstances changed that would dictate at that point, when there had been cooperation on all sides, that now, after the instructions were given, allegedly, to secure the material and believably, supposedly that was done. What changed in the 2 months?

A I don't know. Nothing changed in our minds to be able to give Mr. Corcoran the ability to talk to his client first, right.

So and I've done this a countless number of times in my career, right. If you want to go talk to someone, you have a subpoena in your pocket. You go up to the

door. You knock on the door. Tell them, we'd like to talk to you. Yeah, come on in. Have some coffee. We'll talk, right. Come in. Subpoena stays in my pocket, right.

If you say pound sand, I'm not talking to you, get out of here, okay, here's a subpoena for you. Come talk to the grand jury, right.

In a case like this, same thing, right. You have a search warrant, which is a completely lawful search warrant, right. We had PC in order to do the search warrant, right. We really did. That went through so many different hands, through general counsel, CDC, all our agents, all the DOJ attorneys. The PC was there, right.

Q The scope of that warrant seemed like it was quite -- the aperture was quite large.

A It was. It was overall governmental records.

Q Especially based upon the fact that FBI personnel and Mr. Bratt himself had been on scene literally 2 months prior, had seen exactly where the documentation was. And so it seemed as though the search went well beyond the confines of the original areas that were believed to have been where the documents were.

A Well, the PC was there for viewing of the video that we viewed to have belief that some of the documents might be in other places at the residence.

Q In the First Lady's closet then?

A I can't speak to that, you know. So documents could be anywhere. When you're doing a document search, a white-collar search, you search everything.

Q I understand but it did seem like there was foreknowledge.

Chairman Jordan. Can you just go back? You were saying that in your experience, what happened in the first visit where there was this process of the attorneys talking and how it was handled, versus what happened in the second was unusual and against what you had recommended to happen. So you were talking about that.

Mr. D'Antuono. Yeah, so I don't know where it switched or at what point in time, but DOJ had an opinion that they weren't going to get cooperation out of the attorney, which I still think you have to give it the college try because that -- to me it's about the narrative.

Chairman Jordan. And that's what your folks who were on the ground in June recommended to you of what to do.

Mr. D'Antuono. Correct. That's what my folks from the squad level dealing with this all the way up to me through the ASAC and the SAC to myself told me.

Chairman Jordan. And was that a consistent feeling among the agents who were working the case?

Mr. D'Antuono. My understanding is yes.

Chairman Jordan. So all the agents said, You know what, we should handle this like we handled it in June. Let's have the lawyers talk, see if we can get the information that's been requested from NARA, why we got this case in the first place, let's work it out. And someone said, No, we're not going to trust what the agents say, what the head of the Washington field office says. We're going to do this search with this subpoena and go do it.

Mr. D'Antuono. With the search warrant, yes.

Chairman Jordan. I understand.

Mr. D'Antuono. Yep. Yeah, yeah. And that's -- again, that's not against policy or against the law.

Chairman Jordan. I'm not saying that. It's against practice and it's against the recommendations of the guys working it.

Mr. D'Antuono. It's -- everyone has different ways of doing investigations. I've seen it different ways, right. I could have wanted to interview this person this way, and

another case agent wants to do it this way. So there was nothing wrong with the way they wanted to do it. I just, in my experience, working 27 years in the Bureau and seeing a lot of corruption cases and a lot of attorneys, I would have preferred to do it the way we did it.

I do think there was a good likelihood that we could have got a consent and then we wouldn't have had to -- I think the Bureau -- we left -- we were left holding the bag again, right, and we cut ourselves. And that's just me.

[REDACTED]

Q To that end, I mean, were there specific instructions from either Main Justice or FBI headquarters as to how the FBI should conduct the execution of the warrant once on scene?

A No, not that I believe -- like, you guys -- again, I don't know what you know or what you've seen in the emails. So I'm just going to tell you. The email -- you know, there's an email exchange between me and George Toscas in which I basically said, you know -- he was telling us when we were going to do the search, and I'm like, We're not doing the search that day.

Q And George, I'm sorry, was?

A George Toscas. I don't remember what his title was.

Q Over at --

A Yeah, DOJ.

Q Main Justice?

A Main Justice, right.

And so if you guys want us to do the search, we're the operational lead. I'm going to tell you how to do the search, right. I'm not going to be told by DOJ -- and that's where -- we do put our foot down on that side, right. We put our foot down.

Like, we're going to do it. It's -- it all comes down to -- you know, it all comes down to officer safety. Not in this situation, obviously. We didn't -- it wasn't about officer safety, right.

But there was a way to do it. You know, if we're going to do the search, then we're going to keep it very low key and not make a spectacle of this.

Chairman Jordan. What did he tell you that would -- that led you to believe it wasn't going to be low key and not a spectacle?

Mr. D'Antuono. Oh, I didn't believe George wanted it to be a spectacle or not low key. I think they were fine with it. They just wanted us to do it on -- you're going to do it -- everyone is willing to do it on Thursday. We're not doing it Thursday, George.

Chairman Jordan. So the DOJ told you what day you were going to do the search, and you said, No, we're going to do it when you wanted to do it?

Mr. D'Antuono. They were pushing for a certain day. They were -- it was that week of that August, the week prior to it. It was national night out. You know, that Tuesday, getting emails. We're trying to decide what we're doing. I was adamant. We were adamant about, you know, talking to the attorney first. I was adamant about that with George. I got overruled in a sense, right. So, you know --

Chairman Jordan. Okay, but why did they want the date they wanted versus what the experts recommended?

Mr. D'Antuono. I don't -- I think -- again, it's speculation. There was a large concern about the documents being lost, destroyed, going someplace else, right. So in any search like that, you know, when you're dealing with stuff, whatever you're trying to find, you have the fear of, like, losing out on that evidence, right, or securing that evidence.

So there's a big fear in DOJ about the documents being leaked out, or getting into

the wrong hands, right, and I understand that, right. These are classified documents. We don't know what we're going to find, but we surmised that they were classified documents based upon what we got in the initial 15 boxes, and then 37 or 38 that were handed to us in June. We believed there were going to be more down there.

We didn't believe that the security of those documents in that storage room would suffice to secure classified documents, right. So there was that overall concern by DOJ, and that was their concern, right. I firmly believe that was their concern in their rush to get the documents.

For us, and we made comments like this, like, no one is down there anyway at this point, right. No one is living down there. It's empty. The President is gone. He was in Bedminster, or wherever he was. Let's plan this the right way. We've got time.

And the concern was -- one of the concerns when I was -- when we were formulating the attorney thing is, Well, if you tell them, now they're on alert. They might try to get rid of the documents. That's every case, right. That has nothing to do with the former President. That's everyone, right.

So we had a plan in place to have surveillance around if we needed to, right. Again, no one was there. So if they brought in -- they meaning the President's, you know, people, brought in a big box truck, we would see it, right, and we would have the search warrant in hand and be able to act at that point. So that didn't hold water for me. There were ways to do it.

And so, it's a large property. A lot of the stuff that, you know, we needed to search, that's why we brought a bunch of people into it, but their concern -- my belief is their concern was more so about the classified documents and them getting into the wrong hands because of what was there.

Now, it's been like -- we didn't -- it was best not to have the President there, the

former President there, obviously, because if he's there, that causes even more problems, right. So it's been comments or accusations thrown around that, Yeah, we didn't want the former President there.

Who wants the subject of the search present at any search you do? You don't normally want that, right. It just makes it easier and less of a spectacle at that point. And honestly, I didn't want the spectacle for obvious reasons of why we're sitting here today. You know, what it did to the country, too, right. That was my concern.

So, you know, it's a reputational risk, right, and that's the way I looked at it from the Bureau.

Sorry. I talk a lot.

Mr. Berger. It's okay. They asked you for the clarification.

██████████ Did you want -- our hour is going to be -- can we go off the record for a second.

[Discussion off the record.]

██████████ Okay, back on the record.

Mr. Massie. All right. Sorry for the disjointed questions.

Mr. D'Antuono. That's fine, sir.

Mr. Massie. I want to ask some questions about the pipe bombs --

Mr. D'Antuono. Yes.

Mr. Massie. -- that were allegedly planted on January 5th and found on January 6th. Can you describe the nature of the pipe bombs? Were they viable?

Mr. D'Antuono. So my -- the tip that we received from Quantico, from the lab down in Quantico was that they were viable devices, that they could explode and they could cause harm or death depending on the explosion, right.

Mr. Massie. Did they have explosives in them?

Mr. D'Antuono. My understanding from Quantico was that they did. They had black powder, I believe, but I'm not completely sure on that. But we were told by a lab report that they were viable devices that could explode.

Mr. Massie. Did the lab report say what the detonator mechanism was?

Mr. D'Antuono. I'm not -- I don't recall what they said the detonator mechanism was. There was a kitchen timer on top with the clips and wires and all that stuff. I'm not a bomb expert, so I don't know.

Mr. Massie. What was -- so I saw wires as well, which would presume they were electrical detonator. Were there batteries in it?

Mr. D'Antuono. I don't know all the components, sir. I really don't. I'm sorry.

Mr. Massie. The kitchen timer, how long could you set it for? What was the duration?

Mr. D'Antuono. If I remember the picture of the kitchen timer, I think it was 60 minutes. It was rudimentary, at best, yes.

Mr. Massie. Are you aware that former agent Kyle Seraphin, that he talked with technicians working in this office, said that they were not viable, that they couldn't have been -- wouldn't have exploded?

Mr. D'Antuono. So I've seen the report from Mr. Seraphin. I won't -- I'm not going to discount Kyle's view. That's his view from wherever he sits and the people he talked to. I don't know who he talked to. All I know is that we, at the Washington field office, received a report from the lab division, which are the bomb experts -- I don't know what Kyle's expertise in bomb making is -- that they were viable devices. So the only thing I could go by is what my lab said, and not what Kyle says.

Mr. Massie. Are you familiar with the diversion thesis, that these were set up to be a diversion?

Mr. D'Antuono. Yeah, I've heard people say that, but if you watch -- I've done a lot of media reports. I was trying to get the information out there, tips and stuff like that, right. I will not speculate. I'm not going to speculate on that. I think that's speculation, at best, when people say that it's a diversionary tactic.

We'll never know until we find the person that actually did -- or persons that actually did it. So I can't speculate on that. Could it have been? Yes, that's one theory. Obviously, it's one theory. But is it the only theory? I don't -- I really don't know.

Mr. Massie. It looks like the head Capitol Police believes it was a diversion.

Mr. D'Antuono. So Steve Sund, chief of police, yes. I believe he wrote that in his book. Again, it's pure speculation. There's no intelligence -- look, I ran the investigation for 2 years until I stepped out. We don't know. We don't even know the gender at this point as to -- we could speculate, and there's a lot of people that are speculating as to the gender.

Mr. Massie. How confident are you that the individual depicted in the surveillance footage on January 5th set both of those pipe bombs in place?

Mr. D'Antuono. So the video that we saw, I feel confident that by the video that we have, that that person planted those.

Mr. Massie. Do you think they intended for the bomb to go off the next day?

Mr. D'Antuono. I can't speculate on that, sir.

Mr. Massie. Well, let me ask you this: Do you think it was technically possible for a kitchen timer --

Mr. D'Antuono. No, no.

Mr. Massie. -- that has 1-hour duration --

Mr. D'Antuono. No.

Mr. Massie. -- to detonate a bomb 17 hours later?

Mr. D'Antuono. No, I don't. And I saw the same kitchen timer as you. I agree. I don't know when they were supposed to go off. Maybe they weren't supposed to go off. We can't -- we don't know. We honestly don't know, and that's some of the pain and --

Mr. Massie. Shouldn't you know these things? Like, it seems --

Mr. D'Antuono. If you don't know who the subject is, you don't know what their motive and intent is, right. So you can never find out.

Mr. Massie. Going back to the technical aspects, the bomb had a 1-hour timer.

Mr. D'Antuono. Should it have exploded in the hour? Or should it have been waiting there to -- for somebody to find? Those are the theories that we have, right. In any investigation, you hypothesize what the theory of that case is going to be.

Mr. Massie. Let me get to the waiting there for somebody to find aspect of this. Do you think it's a remarkable coincidence that they were found minutes -- a coincidence -- minutes in time just away from the initial breach of the Capitol just prior to?

Mr. D'Antuono. Yeah, I don't know. It just is a lot of coincidences happen all the time. There's a lot of unanswered questions. There really are.

Mr. Massie. How did the first -- who found the first bomb at the RNC? And how was that found?

Mr. D'Antuono. I don't recall, sir. I really don't. That was two -- I don't recall who found it.

Mr. Massie. Just to refresh your memory, it was somebody who was walking through the alley to do her laundry, supposedly.

Mr. D'Antuono. Oh, okay. Yeah, so where it was is behind a garbage -- it

wasn't a dumpster, but a can, I believe, and there was a door in the back, and then she came through to do her laundry. I believe it was right near there, yeah. I don't recall --

Mr. Massie. It seems like a remarkable coincidence that it sat there for 17 hours and then got discovered about 5 minutes before the initial breach.

Mr. D'Antuono. So I'm not sure how much foot traffic went through there, right. I don't know if you've visited that location.

Mr. Massie. I have.

Mr. D'Antuono. Okay, I have, too. It wasn't in an open area. It was kind of in that back area, right. So where the alleyway was, I'm not sure how much foot traffic was back there.

Mr. Massie. Let's talk about the DNC bomb because there is amazing foot traffic there.

Mr. D'Antuono. Yeah, absolutely. Yep. It's right on that street.

Mr. Massie. How was that one discovered?

Mr. D'Antuono. Again, I'm not sure of the specifics of who discovered that. I was in the command post that day, and all I found out was that the -- that there were pipe bombs discovered.

Mr. Massie. Was your office responsible for the investigation?

Mr. D'Antuono. Yes.

Mr. Massie. How would you characterize the resources spent on that investigation?

Mr. D'Antuono. So I was the head of the office. I put every person I possibly could, given all the other circumstances of January 6th, and every resource I possibly had to that investigation. It was a priority case from day one until the day I left, so.

Mr. Massie. But your investigation didn't find out how the bomb was discovered

at the DNC?

Mr. D'Antuono. No, this video of the person sitting on the bench and putting the device down.

Mr. Massie. Discovered, not planted. I'm sorry.

Mr. D'Antuono. Oh, discovered? It would have been. I just don't recall what it was.

Mr. Massie. Because I think it's remarkable it was discovered within minutes of the other bomb being discovered. And my staff and I found video, and I don't know if you're aware of it, that seems to indicate that a passerby in a black hoodie --

Mr. D'Antuono. Oh, okay.

Mr. Massie. -- discovered that. Remarkably coincidental time. Walked up to a Metro police car, told the Metro police, who seems to have directed that individual in the video that I've seen to a detailee of the Vice President's car, another SUV, and within minutes, they get out of their SUV, find -- the officials now see the bomb. And then incoming Vice President Kamala Harris is evacuated. This all happens within minutes.

Mr. D'Antuono. Okay.

Mr. Massie. But the individual in a hoodie going up to two police cars after he's passed by that bench, did your investigation review this video?

Mr. D'Antuono. I'm not aware of the video you're talking about, sir. I'm not.

Mr. Massie. If you had seen that video, would you be interested in speaking to that person --

Mr. D'Antuono. Absolutely.

Mr. Massie. -- who seems to have discovered that second bomb?

Mr. D'Antuono. In any investigation, whoever discovers the device is somebody you need to talk to, right, because they could be the one that planted the device in the

first place. You know, so that's just investigation 101.

So, but I am not aware of that video. I'm not aware of that person. I'm not -- I don't recall. It's 2 years ago, too, right. So there's been a lot of stuff that's happened prior to that, but I'm not aware of that, how it was discovered.

Mr. Massie. I'm not an investigator, but I would want to talk to that person --

Mr. D'Antuono. Absolutely.

Mr. Massie. -- who discovered the second bomb. I think it's remarkable nobody has mentioned that in public. If we're trying to get the public -- you know, you did a video appealing to the public to give you information.

Mr. D'Antuono. Correct, with the tips and all that stuff. That information is paramount as well, so.

Mr. Massie. So I just -- I think the timing is questionable.

The video that you did release to help the public maybe find this person who you think may have set the bombs the night before, there's two camera angles at the DNC, and we know this because the FBI released video from two camera angles. But the camera angle that would have shown the alleged perpetrator placing the bomb isn't -- wasn't released to the public.

Is there a reason you didn't release that other camera video?

Mr. D'Antuono. I don't recall what a reason would be. You know, the case agents describe -- people put those videos together for us to kind of put out there. I wasn't part of playing -- you know, I wasn't editing the videos or putting the videos together as the ADIC. I'm not sure. No one, you know, explained to me that there was -- the reason why that would have been left out.

Mr. Massie. Did they release them from the full resolution in the full frame?

Mr. D'Antuono. My understanding -- yes. My understanding, too, is the

cameras at the facilities weren't exactly the best cameras like you would expect in this day and age. I think I would have a better camera on my house than the DNC had in, you know, the areas that we were talking about.

Mr. Massie. Former FBI Assistant Director Christopher Swecker said the Bureau sometimes withholds or circulates incorrect information to protect an investigation, though he didn't know whether that was the case in the pipe bombs. Was that the case? Did you circulate any information that's not correct?

Mr. D'Antuono. Oh, God, no. No, I would never do that. Why -- you know, so I know Chris. I don't know why he's making comments like that when he doesn't know anything about the case. Those are dangerous comments to be had anyway. So he never called me and asked me my opinion, but I never released anything that was not truthful or we would never release disinformation.

We might have withheld information to not alert the person that we know more than that, but I don't believe in this case. Like, we were asking for tips at this point.

Hopefully you can see on my face that we want -- I want to find that person, right. That is a -- person or persons, right. We don't know who planted those things.

You know, to my -- before I left, the same case agents that were working this case from day one were working the case at the end. They were extremely passionate about what we were doing. We briefed the Director when he came over for a visit in October about everything.

We've put so many data scientists, computer scientists, going through every single document, every single receipt, every single component that was into that pipe bomb -- those pipe bombs to try to track down everything. And I hope the Bureau gives you a brief. I really do.

[11:00 a.m.]

Mr. Massie. We received a video of this. The alleged perpetrator uses a cell phone. Where -- that produced nothing; it's a geofence of data cell phone records?

Mr. D'Antuono. So the -- there's a lot of phone data that came in. Yes, I've seen the same video. I've watched the same video. We put out the same video. It looks like a phone. Was it a real phone, a not a real phone, was it a ruse? Was it a -- you know, I picked up my phone several times at meetings going, oh, yeah, I got to take this call, and walk out, right. The phone's not on, right. So was the person just sitting there trying to pretend like they're on a bench taking a phone call? We don't know until we find the person, right, and ask them those questions.

We did a complete geofence. We have complete data. Not complete, because there's some data that was corrupted by one of the providers, not purposely by them, right. It just -- unusual circumstance that we have corrupt data from one of the providers. I'm not sure -- I can't remember right now which one. But for that day, which is awful because we don't have that information to search. So could it have been that provider? Yeah, with our luck, you know, with this investigation it probably was, right. So maybe if we did have that -- that data wasn't corrupted -- and it wasn't purposely corrupted. I don't want any conspiracy theories, right. To my knowledge, it wasn't corrupted, you know, but that could have been good information that we don't have, right. So that is painful for us to not to have that. So we looked at everything.

And again, you were -- I think you were looking -- I would have love -- I would have given you a brief -- I would have loved to give you a brief on this stuff, right. I really would have. Because I think it's important that everyone understands, before people like Kyle Seraphin and others that are not a case agent, have no knowledge of the case, have no knowledge of what happened in the case, he also made another accusation too

that there was an individual with a Metro card. My understanding is all that was chased down. There was a lead that was chased down, but he says that we didn't chase it down. He has no clue what we did.

Mr. Massie. But you didn't have a lead on who discovered the second bomb. You didn't see that in the video?

Mr. D'Antuono. I'm not aware of that, sir. I'm just like -- as the ADIC, I'm like over -- I'm up here and everyone else is doing it. And so I was never -- I wasn't working the case. So I would --

Mr. Massie. Right. But you looked at a lot of resources --

Mr. D'Antuono. I would suspect that -- oh, sorry.

I would suspect that my squad, my agents would've chased that information down.

Mr. Massie. All right.

██████████ So just to be -- to put a fine point on it, you do not know whether they interviewed the person that discovered --

Mr. D'Antuono. I don't --

██████████ -- the file at the DNC?

Mr. D'Antuono. I don't know. If there was that video and we have that video, we definitely should have, yes. But I'm not intricately aware of every single step that we took, right, because I'm being briefed on these things, right. So --

██████████ That's all I have for now. I think our hour is just about up. We'll go off the record --

██████████ Off the record.

██████████ -- and let the Democrats ask questions.

Mr. D'Antuono. Sure, no problem.

██████████ Thank you.

[Recess.]

EXAMINATION

████████████████████
Q Good morning again, Mr. D'Antuono.

A Good morning.

Q I'm going to start with the subject of the Mar-a-Lago search.

A Sure.

Q So that search began -- or the investigation began with a referral from the National Archives and Records Administration that the FBI received on February 9th, '22. Is that correct?

A That sounds familiar, yeah.

Q And that you mentioned came to headquarters first. Is that the way it works?

A Yeah, it came -- I believe it went to headquarters first. It didn't come to us first, so definitely.

Q So it came to your attention via that referral from headquarters?

A Correct, from AD Alan Kohler I believe reached out to me, he might have reached out to SAC Riedlinger first. I'm not sure, but we went over and had a meeting. I remember sitting in Alan's office and discussed it, yeah.

Q Okay. And what was your role in the investigation?

A So as the ADIC of Washington field office, I oversee every investigation, you know, that's in the office. So -- but overseeing everything, like, thousands upon thousands of cases, you know, things come up to me, and if I have to make a decision as the ADIC, I make a decision as the ADIC. If not, the SACs make decisions. If not, the

ASACs make decisions, supervisors make decisions. So -- and that with this case being this high profile, obviously, I need to be intricately aware of what Washington field office's resources are going to be at that point in time.

Q Okay. So because of the profile of the investigation, you maybe had more knowledge of what was going on.

A Absolutely, yes.

Q Is that fair to say?

A Yes. Fair to say. Yep.

Q But there were also people beneath you who were working on this case as they would with any investigation, right?

A Yeah, absolutely. The squad -- the whole squad full of case agents -- or agents and analysts and other professional staff that were working the matter.

Q Okay. I'm going to try to walk through the process of this investigation a little more.

A Sure.

Q I understand that you may or may not recall all the details. Just say you don't know if you don't know.

A Will do.

Q Okay. So the NARA referral stated that on January 18th, 2022, which was about 3 weeks before the referral came through, in accordance with the Presidential Records Act, the agency had received from the office of former President Trump 15 boxes of records which had been transported from Trump's Mar-a-Lago property and which contained, among other things, 184 highly classified documents intermingled with other records. Is that your recollection?

A My recollection is that -- I am not sure about the doc -- how many

documents? I think at the time when we were discussing it we didn't know how many documents because they hadn't completed inventory. They just opened the box and went, oh my God, there's classified records in here, and closed the boxes. That's my understanding.

Q Okay. So you don't have --

A At the time we were talking about --

Q I'm sorry. Go ahead.

A No. I was just saying at the time we were talking about it when -- the referral first came in, I don't know how many documents were in there.

Q Okay. But you do understand that among the documents that NARA had received from former President Trump, there were what they considered highly classified documents?

A Correct, yes.

Q And that was the concern that triggered the referral?

A Absolutely, yes.

Q Okay. And do you agree that at that stage it was appropriate for them to refer that to the FBI?

A Yes. Yeah, or DOJ. I think it might have gone to DOJ first and then came to us as the investigative arm of DOJ --

Q Sure.

A -- to investigate these things, right. I don't know if it came directly to the FBI first. I'm assuming it went to DOJ and then came down to us.

Q It would be the normal course for --

A It would be the normal course.

Q -- criminal investigations --

The Reporter. You have to go one at time.

[REDACTED] I'm sorry. We'll slow down.

[REDACTED]

Q It would be the normal course for criminal investigations like that to go to both DOJ and the FBI, correct?

A It depends on which -- what the relationships were. Like, if NARA knew people over at DOJ, they would call DOJ first and then it came down to us, right. Sometimes things go to DOJ and there might be another agency that has to deal with this. But oftentimes the FBI is expected to deal with everything, not just one thing.

Q Sure. And the FBI is part of the Department of Justice, correct?

A Correct. We are the law enforcement arm of the Department of Justice.

Q And you do the investigating, correct?

A We do.

Q And DOJ does the prosecuting, correct?

A That's my understanding, yes.

Q Okay. So, so far, the process is you as you would expect it?

A Absolutely, yes.

Q Okay. Now, briefly or generally, what happened when the FBI received the referral?

A So when we received the referral, you know, like I said, we talked to AD Kohler, who has decided that we were going to open up a case. I think we were trying to decide if this is going to be a preliminary, assessment of a preliminary or a full. I didn't get into the weeds of that. We eventually -- my understanding is we eventually opened up a full investigation on it, and then we just carried it forwarded. The case agents and the ASACs and the supervisors were working the case. So --

Q Okay.

A Just like any normal case.

Q Sure. It's a criminal investigation, correct?


A No. My understanding it was a CI investigation --

Q Okay.

A -- counterintelligence. But my CI squad was working it, right. So there's classifications in the Bureau being criminal, CI, CT, right. So my counterintelligence -- I'm sorry -- CI, counterintelligence, squad was working the case. Because it was classified documents and so it's a national security type of matter.

Q Okay. So the foremost concern at this point was restoring those documents to their authorized --

A Correct, yeah. Any type of, you know, spillage in a sense, right -- using the classified term "spillage" of classified documents or potential spillage of classified documents is a concern for national security purposes. We want to get those documents back. We want to make sure the people that are viewing the documents have the respective clearances. That's why I never looked at any of the documents. I don't believe I had the clearances for some of them and I didn't want to look at them, right. So I didn't want to cause that -- more spillage.


Q So you said you didn't think you had the clearances to look at all the documents?

A My clearances are top secret, SC -- SCI. But there's a lot of other clearances, I believe, that the documents are hitting against that it just, -- there's experts. I rely on my experts and my experts are my squad.

Q So other compartments. Is that fair to say?


A Yeah, I believe so.

Q So like more class -- differently classified compartments?

A That was my understanding of what some of the documents were, yes. But I'm not sure of all the classifications are so that's not my forte.

Q Okay. Thank you.

A Yep.


Q Fair to say that -- well, actually, why is it important, in your opinion, for the FBI to locate these documents that may contain national defense information and restore them to a secure place?

A Well, it's a national security issue, or it could be, if there are classified documents that could get into the wrong hands. Like, we've had several instances across decades and decades of this country of, like, stuff getting into the wrong hands. So if they're a class -- if they're truly a classified document, they are to -- top secret or higher or just, you know, classified in any respect, they shouldn't be viewed by anyone else.

Q Okay.

A We take it seriously, right. So --

Q Okay. So in response to the referral, the FBI began an investigation into these matters that started on February 9th, '22, when the referral came through, and continued through the spring and summer of 2022. Is that correct?

A Yes, that is correct. Yes.

Q Okay. And during that time, the FBI and DOJ together made an escalating series of efforts to recover the classified documents containing national defense information that were being retained by President -- former President Trump at

unauthorized locations on his property. Is that right?

A Yes.

Q Okay. Now, these efforts included multiple communications with Mr. Trump's attorneys, correct?

A Yes. Well, I wasn't involved in any of those, but that's what I was told, yes, that DOJ had conversations with the attorney.

Q Okay. And NARA had had conversations with Mr. Trump's attorney before the referral. Is that correct?

A That's my understanding from media reports and everything else that came out, that they were trying to get the documents back. So --

Q Did NARA's referral itself refer to these communications between NARA and Mr. Trump's attorneys, do you recall?

A I'm not -- I don't recall that at all. I didn't see the referral.

Q You didn't see it yourself?

A No. No, there'd be no reason for me to have to actually see the referral.

Q Okay. I'm going to mark as exhibit 1, just because I think this might help, a application in support of -- I'm sorry. This is the affidavit in support of the application for the search warrant --

A Yep.

Q -- that ultimately was filed.

[D'Antuono Exhibit No. 1

Was marked for identification.]

████████████████████

Q Okay. Let's hope there are page numbers on this. It's kind of hard to see.

A Yeah. This is 7, 8, 9. Yes, there's pages.

Q Yep. There we go.

So there are actually page numbers on the top of the exhibit, which is from --

A Oh, yeah.

Q -- the docketing system from the Southern District of Florida where this was filed, and then there are page numbers on the bottom.

A Okay.

Q If you can see both.

A I can see both.

Q Okay. So referring to the bottom page number 14, this page is almost completely redacted other than the beginning of paragraph 39. Let me know if you've located that paragraph.

A Yes. Yep.

Q Okay. And can you just read to yourself that first sentence?

A Yes.

Q Okay. So according to that affidavit -- which is a sworn statement from a special agent, correct?

A The affidavit overall.

Q Yeah.

A Yes, yeah.

Q According to that paragraph, NARA had made a request for the missing Presidential records and continued to make requests until approximately late December 2021. Is that correct?

A That -- that's what it sounds like, yeah, from this.

Q I mean, do you have any reason to believe that that isn't true if was included in the affidavit?

A No. Absolutely no.

Q Okay. I guess my point is just there were many efforts made by NARA --

A Yeah.

Q -- even before the referral to get Mr. Trump and his staff to agree to return these records?

A That -- that was our understanding, yes.

Q Okay. And you can set that down. We might refer to it later. Thank you.

A Okay.

Q Okay. So at the beginning of this investigation, you were involved and participated in strategy discussions. Is that right?

A Yes. In the beginning and then throughout the investigation, I was just getting briefed on some of the evidence that was being found. There wasn't much strategy going on at that point. It was just doing an overall investigation, trying to find out what was -- what was there and where more stuff could be.

Q Okay. So in February 2022, you have these boxes of documents that were turned over from Mr. Trump to NARA and then from NARA to you, correct?

A Yes.

Q And they contained documents bearing classification markings, correct?

A That's my understanding, yes.

Q And there were about 15 boxes total?

A That's what I was told, yes, 15 boxes.

Q Okay.

A Is the number I --

Q And the FBI's investigation was supposed to determine what they had

initially, correct?

A Correct, yeah. What classified documents, what classification levels they're at, are they still classified. You know, that's all the components that go into an investigation like this.

Q Okay.

A You know.

Q And would you be surprised to learn that the initial review by the FBI discovered 184 documents that had markings such as confidential, top secret, secret, and additional compartment dissemination controls like H-C-S, F-I-S-A, O-R-C-O-N, N-O-F-O-R-N and S-I?

A That was my understanding.

Q Okay.

A Yeah, from some of my people.

Q I know you said you're not an expert on these classifications --

A No, no.

Q -- but do you know what H-C-S stands for?

A I believe it stands for -- it has something to do with the confidential human source information.

Q Okay. And F-I-S-A?

A FISA.

Q Okay.

A Sorry.

Q That's okay.

A I had to think about that one, visualize it.

Q It's not a test.

A Yeah, I know.

Q And O-R-C-O-N?

A I am familiar with ORCON, but it's -- I'm not like, you know, up on the --

Q Is that an additional --

A It's an additional classification, yeah. It's not a level. It just -- like dissemination.

Q Does it limit the people with a classification --

A Yeah.

Q -- who can see the document?

A Correct. It's -- yeah, dissemination control.

Q Okay. And N-O-F-O-R-N?

A Yeah, nonforeign. Yeah.

Q So no foreign people can see?

A Yeah, yeah. So again, dissemination. They are dissemination controls.

Q Okay.

A FISA is basically where it's derived from.

Q Okay. During the course of its investigation, the FBI, in April and May of 2022, the FBI interviewed witnesses. Is that correct?

A My understanding yes, it's correct.

Q And some of these witnesses included Mr. Trump's associates and staff. Is that correct?

A That is correct, yes.

Q And these witnesses told investigators that there were more boxes of records at Mar-a-Lago that could contain national defense information. Is that correct?

A That's my understanding that there were more boxes. They didn't know if

there were classified records in there or not. I don't believe -- I don't believe, to the best of my recollection, that anyone saw unclassified documents, but they -- there were more boxes.

Q One of the things that these witnesses told FBI investigators is that the boxes were similar in shape and marking to the boxes where the previous classified documents had been found. Is that correct?

A That is correct, yes.

Q And that lead investigators to think that there was a good chance that there might be more such documents in those boxes, correct?

A That led to the probable cause, yes.

Q Okay. Based on this and other evidence, DOJ officials started to become alarmed and made recommendations to you and other FBI officials to seek a search warrant at that point. Is that right?

A I --

Q To be clear, I'm talking about like May of 20 --

A Yeah, early on they wanted to do a search warrant.

Q Okay. And this was --

A That means DOJ wanted to do a search warrant.

Q Sorry, I don't mean to keep talking over you.

A No, it's all right.

Q This recommendation initially from DOJ officials to do a search warrant, which came around May of 2022, it was based on the additional evidence that the FBI had uncovered in the investigation, correct?

A Yes.

Q Okay. And the DOJ officials believed at this point that they had probable

cause for that warrant, correct?

A Yes, I believe they did. I -- again, I didn't talk to them, but they wanted to do a search. They requested I do a search.

Q Okay. And at this point you disagreed that a search was appropriate?

A I don't -- I wasn't part of that discussion initially. That was my squad was doing a lot of that stuff. The ASACs and the SACs were talking to -- were being briefed on it. I agreed with the direction my people wanted to do.

Q Which is what?

A Subpoena.

Q Okay.

A They -- they wanted to do a subpoena, which as a leader, as somebody -- you know, that's leading, if you have a countering opinion, then you change -- try -- you direct them differently. When you don't, you back up your people and say, you're the experts. This is what you want? Okay, I'll back you up, and we'll proceed forward. I believe -- my understanding was headquarters agreed with that too, the Director agreed with that as well. Because it went all the way up -- up to that point. That was my understanding.

Q So fair to say the people beneath you and the people above you at the FBI were essentially in consensus that a subpoena was the appropriate course?

A That's correct. That's my understanding, yes.

Q And DOJ actually agreed to do that?

A They did, yeah. I think reluctantly, but they did, yes.

Q Okay. And the subpoena, as you understand I'm sure, is actually part of a grand jury investigation. Is that correct?

A That's correct, yes.

Q And the same legal showing is required for a subpoena as is for a search warrant that is probable caused. Is that correct?

A Yeah. It's probably a lot -- it's a lot less than for a search warrant in a sense because you're just trying to get the documents from someone as opposed to actually searching someone's residence.

Q Well, sure, the process is different, correct?

A Yeah, yeah.

Q But the legal standard of probable cause exists --

A Correct.

Q -- in the grand jury as well.

A Yeah, yeah.

Q Correct?

A Yes. Yeah.

Q You cannot open a grand jury investigation without probable cause, Correct?

A Well, you know, it takes factual basis to believe that there's something going on. And you have probable cause to believe that there's, you know, a crime that was committed. So yeah.

Q Yeah. Those are two different legal standards, though, correct?

A Yes.

Q And a subpoena requires probable cause?

A It does, but it's -- it's not as -- it's not completely like a search warrant.

Q I agree. The process is not the same.

A Yeah. It's completely different, right. A grand jury, you know, is opened by the U.S. Attorney's Office on everything, on any investigation that we look into; to get bank documents, to get subscriber information, to get whatever information. So the

level of getting a search warrant and probable cause is completely different than me asking for a search warrant -- or a subpoena for someone's bank records, right. So I don't have to provide an affidavit or anything like that in order to get a subpoena, you know.

Q That's true. There may not be --

A That's what I'm saying. We don't have to write down and articulate why we believe a person has a bank account there, right. We can serve a subpoena on someone's bank that we don't even know -- we surmise that maybe they have a bank account there, right, so --

Q Well, the grand jury cannot issue a subpoena without probable cause, correct?

A Correct, yes. But -- yeah. So it's a walking legal system, though.

Q Right.

A The grand jury doesn't issue the subpoenas, right, so --

Q Well, the prosecutor needs to go to the --

A Correct, yes.

Q -- grand jury to get the subpoena.

A I know. But it's -- the civics lesson here is just different, right, you know, so --

Q Okay. So I'm marking as exhibit 2 the subpoena that was retrieved from the U.S. District Court from the District of Columbia pursuant to the grand jury investigation. This dated -- date is May 11th, 2022. So this is the subpoena that we talked about for this investigation.

A Yes, yes.

[D'Antuono exhibit No. 2

Was marked for identification.]

[REDACTED]

Q Okay. Pretty simple document.

A Uh-huh.

Q If you see, there's a, on the first page, a description of the documents that were requested by DOJ. Do you see that box in the middle?

A Yes. Yes, I do.

Q And would you mind just reading that? What are the documents that you were looking for at this point?

A Myself or to --

Q If you wouldn't mind reading it for the reporter.

A Any and all documents or writings in the custody or control of Donald J. Trump and/or the office of Donald J. Trump bearing classification markings, including but not limited to the following: Top Secret, Secret, Confidential, Top Secret/SI-G/NOFORN/ORCON -- O-R-C-O-N -- Top Secret/SI-G/NOFORN, Top Secret/HCS-O/NOFORN/ORCON, Top Secret/HCS-O/NORFORN, Top Secret/HCS-P/NOFORN/ORCON, Top Secret/HCS-P/NOFORN, Top Secret/TK/NOFORN/ORCON, Top Secret/TK/NOFORN, Secret/NOFORN, Confidential/NOFORN, TS, TS/SAP, TS/SI-G/NF/OC, TS/SI-G/NF, TS/HCS-O/NF/OC, TS/ -- sorry, we're going too fast -- HCS-O/NF, TS/HCS-P/NF/OC, TS/HCS-P/NF, TS/HCS-P/SI-G, TS/HCS-P/SI/TK, TS/TK/NF/OC, TS/TK/NF, S/NF, S/FRD, S/NATO, S/SI, C, and finally, C/NF.

Q Thank you for doing that.

A No problem. It's a tongue twister in a sense.

Q It is. But these, fair to say, are highly classified documents?

A It's fair -- yeah, again, I'm not a complete expert on all these classifications, but, yeah, some of these within here are definitely highly classified documents.

Q Okay. And just to explain how these work, the grand jury subpoena actually commands the custodian of these records to appear before the grand jury, correct?

A Correct, yes.

Q But what happens normally is, informally, the prosecutor will call and say, hey, I really want these documents listed in here and that will suffice if you turn them over in lieu of your appearance, correct?

A Absolutely, yep.

Q Okay. And that's what happened here?

A That's my belief, yes. Yep.

Q Okay. So on June 2nd, in response to this grand jury subpoena, counsel for the former President requested that FBI agents meet him the following day at Mar-a-Lago in order to pick up the documents that you just described that were responsive to the subpoena, correct?

A That is correct, yes. My understanding what I got from my people, yes.

Q Okay. And so the next day was June 3rd, 2022, correct?

A It would be in the normal course of a calendar, yes.

Q Yes. And on that day, several DOJ and FBI officials went down to Mar-a-Lago in order to accommodate this request, correct?

A Yes. I know some of my people went down there, and I believe Jay Bratt was down there. I don't know anyone else from DOJ. But yes.

Q Okay. You weren't down there yourself?

A I didn't go down there, no.

Q Okay.

A I'm leading an office. I don't need to go.

Q And on June 3rd, counsel for the former President, Mr. Corcoran, as well as a woman who's also a lawyer, Christina Bobb --

A I've heard the name.

Q -- was present. Is that correct?

A I don't know if that's correct or not. But I've heard Christina Bobb's name as an attorney for the former President.

Q Okay. Well, in this case, Ms. Bobb identified herself as the custodian of records, correct?

A That is my understanding, yes.

Q Okay. And when Mr. Bratt and the other officials arrived, Ms. Bobb handed the FBI officials a single double-wrapped Redweld envelope that contained 38 documents, correct?

A That is my understanding, yes.

Q And among these documents were documents that bore classification markings, correct?

A My understanding is yes, from my people, that's what they were.

Q Okay. And Mr. Corcoran at that time told the DOJ and FBI officials that the 38 documents bearing classification markings had come from boxes inside of storage room at Mar-a-Lago, correct?

A That's my understanding.

Q Okay. In addition to these 38 documents bearing classification markings, Ms. Bobb, the custodian of records, also handed one of the DOJ officials a certification letter, correct?

A Again, my understanding, yes.

Q Okay. I'm going to show you what's going to be marked as exhibit 3.

[D'Antuono exhibit No. 3

Was marked for identification.]

[REDACTED]

Q Again, this document was taken from the case file in the Southern District of Florida. Do you recognize this document?

A I don't. I didn't -- I probably saw the document at some point in time, I'm just not intimately aware.

Q Okay.

A But I understand my people said that she certified the records that were provided to us. So I was briefed on this.

Q Okay. All right. Take a minute to look at it --

A Sure.

Q -- because I'm sure it's been a while since you've seen it.

A Okay.

Q Okay. So in the first paragraph, the certification states that the person who signed it, which I'm going to represent to you is Christina Bobb, even though it's redacted, it says that she has been designated to serve as custodian of records for the office of Donald J. Trump for purposes of the testimony and documents subject to the subpoena. Is that correct?

A That's what it says on the document, yes.

Q Okay. It further says that: Based on the information that has been provided to me, I'm authorized to certify, on behalf of the office of Donald J. Trump, the following: A, a diligent search was conducted of the boxes that were removed from the

White House to Florida; B, the search was conducted after receipt of the subpoena in order to locate any and all documents that are responsive to the subpoena; C, any and all responsive documents accompany this certification; and D, no copy, written notation, or reproduction of any kind was retained as to any responsive document.

Is that correct?

A That's correct.

Q And finally it says: I swear or affirm that the above statements are true and correct to the best of my knowledge.

Correct?

A That's correct.

Q Okay. So when the FBI received this certification, that was significant, correct?

A Correct.

Q Why is that?

A The officer of the court certified.

Q And did that -- the fact that the former President's attorney and custodian of record had certified that they diligently searched for any responsive documents and that all of it had been turned over, did that change your opinion in what the investigation should do next?

A Yeah. When we get the documents, I believe we had a conversation -- or my squad I believe had a conversation with the DOJ, saying, all right, what next, at this point. You know, what do we do. So --

Q And what did you think should happen next?

A Honestly, it's -- you have to follow the facts and evidence of this at this point. At this point, right, we would receive documents. There was an officer of the

court that was attesting to it. You have to believe in our judicial system and people's oaths and stuff. So if they're attesting to it and it's an attorney doing it, you have to take it as truthful.

So at this point in time you also -- the documents are there. If they're classified, we have to still do the investigation to see what classified records, are they still classified. We had a whole slew, like you said, 184 before. Now we are going down to 38. We have to run down the cause of action in the case, right. So you can't just close the case, you are not just going to close it, oh, we're done. You have to see if they're classified and what the impact could that be.

And then you also have to determine what the intent is of the person or persons that either had them in their possession or not. If it's just mere possession, you know, by happenstance or not by neglect or malice, then DOJ makes the determination as the prosecutor. Like, FBI is the fact finders, we're investigators. We don't make that determination, that's DOJ, right. So we're just trying to find the facts for them, they make the determination. So it's not my job to do that.

Q Okay. So there was some reporting in The Washington Post I believe it was --

A Yeah.

Q -- about a disagreement among DOJ and FBI officials regarding what to do at this particular nexus in the investigation.

A Yeah.

Q Are you familiar with that reporting?

A I'm familiar with that reporting. It's not -- like, the way it was categorized is not completely correct, that portion of that -- that article.

Q Just to be clear, I don't need to rehash the whole article.

A Yeah. No, no, no.

Q There was some suggestion that you and perhaps other FBI officials at this stage wanted to close the investigation.

A That is absolutely false. We did not, my squad did not. You know, their -- the case is open, we still have to find out if there's truth to any of this stuff, what the intent is, what the classification. We're not just going to, done, right. That's not what we do. Like I said before in this interview, there's plenty of times when I've done investigations as you run down and you run down information, not exonerate the person, but you don't find evidence that they had intent or whatever, you close the case, you move on, right. You have to actually finish the case.

So at this juncture, there's no point that we're going to finish the case. But we had to ask the question, what next, what are we doing, right. Because otherwise, you're just stuck in the mud, what are you doing, right.

Q Right.

A So we had to push DOJ and ask those questions. So if DOJ categorized that, which I believe they did, that we wanted to shut it down is completely false.

Q Okay.

A Yep.

Q You've made that clear. I understand.

A Yeah, I'm sorry. I just -- yeah, I don't like being told I did something or said something when it's not --

Q That's true. You're the one who knows what you said.

A I take accountability for everything I do.

Q Okay. And I know you've already said that you were not present on June 3rd at Mar-a-Lago, correct?

A I was not, no.

Q Do you -- are you aware that during that same meeting where the certification was given to the DOJ officials, FBI and DOJ officials asked the attorney for Mr. Trump whether they could see the storage room where those documents had been stored?

A I was told that, yes. Yep.

Q And is it fair to say that the reason they wanted to see it is because part of their investigation was to assess how those documents were being stored and whether they were secured?

A Absolutely, yeah. If they were classified documents, we wanted to see them. And they wanted to see if there is, you know, any security around those.

Q Like a SCIF?

A Yeah. If they're classified documents, they should be in the SCIF. They should be locked behind, you know, in safes and stuff like that, if they're back in there. But we're getting information that we have all the documents. So I believe it was the FBI agents, not DOJ, that asked, hey, can we just -- and I believe they asked -- I was told they asked the President. The former President was there with the attorneys when the documents were provided to them.

Q You're saying that Mr. Trump was there himself?

A He was there. Yes. He was -- what was reported to me by my agents is the fact that Mr. Trump was there with his attorneys. I believe he was on the steps of Mar-a-Lago, whatever. And he -- and they asked him. He's like, whatever you need, you know, I'll comply, or whatever he said. You know, whatever you need, just ask. And they said -- my agents asked, could we see the storage room? And he said, yeah, sure, come on in, much to the chagrin -- again, my understanding, much to the chagrin of

the two attorneys who were never allowed that. And they went in and he showed them the storage room.

Q The storage room was not an authorized SCIF, correct?

A No. Not my understanding. I don't believe it was. I didn't see it, but it's a storage room --

Q Sure.

A -- with a bunch of boxes in it. And I don't think it would --

Q It wasn't locked, right?

A I was told it was not, no.

Q Okay. Now, in that --

A Well, it might have been locked. I'm not sure if it was like completely secure with a padlock and all that stuff. So it might have been locked. I can't say it was not locked.

Q Okay. That's fair, if you don't --

A Yeah, yeah. I just -- yeah.

Q Okay. The FBI officials that asked to see the storage room, they also asked if they could look inside the boxes that were remaining, correct?

A I'm not sure about that. I know that's what was reported, but my understanding is that we didn't, right. Because we, meaning the collective -- myself, the deputy, and all us -- were like, why didn't the agents just ask to look at the boxes, that would have solved some of these issues. So my understanding is that they didn't. I know what's been reported out there, but I don't believe -- you'd have to ask the agents that were there. I don't believe that they asked to look at the boxes.

Q Okay. So your understanding is they just asked to look at the room but not actually look inside the room?

A Correct, because we -- our -- when we were leading up to the search, we were like, oh my God, why didn't they just ask to look at the boxes, right. If he was allowing them to look at the storage room and allowing them whatever you need, the next question is can I look in some of these things and look through them. And if the former President was there and he wanted to cooperate, like he said he did, I don't -- you know, so we were like, darn it, why didn't you go one step further?

So that's what my belief is. I know what was reported out there, but my belief is that they didn't. But I'm not the one to ask that, right.

Q Okay.

A So it would be the agents.

Q Is it fair to say that you've never asked the agents who were physically there whether they did ask to --

A I never did.

Q -- look at the boxes?

A No, I never did.

Q Okay.

A So I'm getting this from my briefings as the -- from the SAC and the ASACs and stuff like that --

Q Okay.

A -- supervisor.

Q But the reason that they might have wanted to look in those boxes is because, like you said, the investigation was continuing at this point, correct?

A Yeah. You know, at this point we wanted to -- you know, we're getting the documents. You know, can we look at -- look behind the door there. And, yeah, can we see for ourselves that you got all this stuff, right. You trust but verify, right.

Q Right.

A And this is trusting, but the verification is the other side. You go, hey, can we look at it, a consent search, you know. Which we never asked for and that's why we were like, darn it, you know, we -- and I didn't -- I didn't talk to the agents about it because I don't want to make them feel bad, right. Because you don't want the ADIC going down to the agent saying, why -- you dummy, why didn't you do this, right. I don't know what I would have done in that circumstance either. I'm not going to say. I was a young agent or as the agent with the experience that they had. I don't want to, like, do that to them. So it was past that at that point, right.

Q Okay.

A We're past it, and we have to go on to the next step.

Q Got it. I don't want to put words in your mouth, but it sounds like, in a sense, you and the agents were being especially careful in this case. Is that right?

A Yeah. Any high profile -- I've worked so many public corruption investigations, high-profile cases throughout my career, you have to be careful, right. You don't want to damn someone for something that they didn't do, you know, wrong, right. So that's why we're very -- we try to keep things close to the vest in the FBI because we don't want it getting out there to damage someone's reputation. It's not right. So --

Q In particular, the former President of the United States, correct?

A Yeah. For anyone, right. Former President, President, Vice President, whatever, Congressman, Congresswoman, you don't want that information getting out there because it's a reputational thing, right.

Q But I mean, you're an FBI agent on the scene, right?

A Well, I was not on the scene.

Q Not you I mean, but your agents are on the scene there.

A Correct.

Q They know this investigation's continuing. They see these boxes, right?

A Yes.

Q And they could have asked for a consent search, like you said, right?

A They could have, yeah.

Q And if it was another person besides Mr. Trump, they might have, right?

A Maybe. I don't want to speculate on that. They could have, right.

Q I think that's not a very aggressive step, is it?

A No, it's not. But they were being cooperative, right.

Q Right.

A They were being -- to our understanding, they were being cooperative and they were turning over the documents.

Q Right. But they knew that there were more boxes that looked just like the other boxes, right?

A We believe that there were more boxes there, yes, at that point in time.

Q Right. And you know that the investigation had to go on at that point, right?

A Yeah. Obviously, it has to go on because we have to get to the logical conclusion of the investigation. We don't just willy-nilly say we're done.

Q Absolutely.

A You know.

Q And those agents could have simply asked for a consent search at that point?

A They could have, yeah.

Q But they didn't because it was Donald Trump, right?

A I mean -- well, it was only two -- I believe it was only two agents. They weren't going to be able to search every box anyway, so it's going to take a little more effort than that, right.

Q Okay.

A So they did what they did at that point in time, given the resources that they had. So I don't want to damn them for not going one step further, right.

Q Okay. All right. But like you said, the investigation did go on when everybody left Mar-a-Lago that day, right?

A Correct. Yeah, it never stopped.

Q Okay. And one of the things that happened was another grand jury subpoena was issued for surveillance video from Mar-a-Lago. Is that correct?

A Correct. It was decided -- my understanding, it was decided amongst the team, DOJ and the FBI, that we would get the video from the property to see if there was any movement of the boxes or what happened possibly to the boxes, where the storage room was, and all that stuff, so --

Q And the time period that was shown on that video surveillance included a period after Mr. Trump was notified that these documents were being asked to be preserved and to be returned and then the point where you all went down to receive those documents pursuant to the subpoena, correct?

A I'm not sure what the date range was, but that's what I was told, basically, that that date range from there to there.

Q Just the general timeframe --

A And you mean the documents going back to NARA, right? The 15 boxes?

Q Right.

A Right, going back and then up to the point where we were there.

Q Right. And DOJ, after the referral, actually issued a preservation letter. Is that right?

A Yeah. That's normal, of course, a lot of times.

Q I mean, basically, it's just formal notice to the President that you need to keep these things --

A Yeah.

Q -- where they are so that we can get back what we need, right?

A Correct. The coverup is always worse than the crime, right. So you don't want to get someone into that mode of like, hey, here's the preservation letter, make sure you don't get rid of these documents. We put them on notice that we want them, right. So if all of a sudden they're lost or destroyed or erased over, then it causes concern.

Q Absolutely. And that happens in every case, right?

A That we send preservation letters on every case almost, yeah. Not every case but, you know, a lot of cases.

Q Okay.

A You know, to banks, to subscriber information, to whoever, right. Maybe not to the subject, but yes.

Q Okay. But that surveillance video showed an employee of Mar-a-Lago moving documents from the storage room before you all got back down there to receive the responsive documents from Ms. Bobb and Mr. Corcoran, correct?

A That's my understanding. I'm not sure what the timeframe was, was it right before we got down there and the attorneys looked through the documents, or was it during the search, or it was during the NARA request.

Q Well, it was before Mr. Trump returned the responsive documents --

A Yeah.

Q -- to DOJ, right?

A Okay. To NARA. Was it to NARA? My understanding, it was to NARA before they -- before he turned over whatever boxes he turned over to NARA.

Q Okay.

A But that was my understanding. I could -- I could be commingling my understanding here of what the timelines were. But I do think there was also a period of time when we saw movement of boxes as well prior to that, right.

Q Okay.

A Prior to us getting down there, so --

Q Okay. Prior to you getting down there but after the preservation letter was issued?

A After the preservation letter. My understanding too is, like, we asked the -- we asked for the storage room to be locked, padlocked, right, which they complied with, right. And then I believe that's when we saw boxes being moved out of there, so --

Q Before the padlocking?

A After the padlocking. That's -- that was my understanding.

Q Okay.

A But I'm -- it's been a while.

Q Got it.

A So yeah.

Q Well, broad-brush here, what you saw or what your agents saw on that surveillance video was concerning. Is that fair to say?

A It was concerning that the -- in the sense that the boxes -- I think DOJ was a

little more concerned than we were, right. The boxes were being moved. We don't know what purpose they were being moved for. At that present time we hadn't talked the individual, which we all know who he is, right.

Q Right.

A We hadn't talked to him about what was in the boxes, when they were moved, why they were moved. We -- prior to the writing of the affidavit we didn't talk to him, which was one of the things we wanted to do in the course before we did the search.

Q You talked to many people, right, not just this particular employee, right?

A I don't know how many people we talked to. I don't have the whole list of interviews. Yeah, there was a lot of people that we were trying to get information to see what was down there, where it was, was stuff moved to other places, where are these documents possibly, where'd they go, where'd they come from, how they started from point A to point B, how they got to that point. So yeah, there's a whole host of people that you need to talk to, you know, including the individual that was one of the caretakers for that. So yeah.

Q Okay.

A And I'm trying not to divulge too much because there's confidentiality of like -- I don't want to, like, ruin someone, you know -- the names and stuff like that. But there was a lot of people that were giving us -- some people that were giving us information, so --

Q Okay. About documents still being onsite. Is that right?

A About boxes, documents, all that stuff, yes. Which led -- that's a lot of what's in this affidavit and, you know, witness one, witness two --

Q Right, right.

A -- the way we devised it, right. So all that's coming from interviews.

██████████ And I know you don't want to divulge identities and I'm not asking --
Mr. D'Antuono. Honestly, I can't even remember the identities because it's been
so long.

██████████ But you'd know if they were Mar-a-Lago employees, for example?

Mr. D'Antuono. That was my -- that was my understanding, yes, that they're
Mar-a-Lago or they worked for the President in some capacity, the former President in
some capacity.

██████████ Okay. Thank you.

██████████
Q So during the continued investigation that, you know, continued after
June 3rd when the responsive subpoena documents were delivered, the FBI, through
various means, including that surveillance tape and witness interviews, discovered that
former President Trump's response to the subpoena was incomplete, correct?

A We had probable cause to believe it was possibly incomplete. We
weren't --

Q Well, that's based on the evidence that you recovered, right?

A It's not -- it's not definitive, right.

Q Sure.

A So it's probable cause to believe that there are -- I think the number was
85 boxes in there. There's a large amount of boxes in that the boxes -- the information
we received prior to and that what we got in June. And then in looking at the video and
movement of the boxes, there was enough probable cause to believe that there could be
more classified documents, or also, the way the warrant's written is very broadly, other
Presidential records and governmental records, right.

Q Sure.

A So one of the things when we read the P.C. -- like, our OGC went through this with a fine-tooth comb. Our CDC, our chief division counselor, or Office of General Counsel, every attorney in the Bureau that could opine, the director's office, his attorneys, chiefs of staff, they looked at this, right, including my agents, right. And I wanted to make sure that my agents were comfortable signing the warrant. Sorry. Signing the warrant, right. Because as an agent, you're making sure that what's in here -- and a lot of it was being written by DOJ and a bunch of DOJ attorneys, right.

So DOJ attorneys are writing this with a combination of the agents, and it went back and forth with so many different revisions because there were a lot of leaps that were being taken in this document as to the probable cause, right. A lot of revisions went through. We got comfortable. I made sure, can you sign this? And they're like, yes, we're comfortable signing this, right.

Q Well, your agents wouldn't sign an affidavit that included false statements, correct?

A That is correct. But there are --

Q Okay. Are you confident that the evidence that they describe in that affidavit is correct?

A Correct. The probable cause for the search, the lawful search of Mar-a-Lago is correct, yes.

Q Okay. The probable cause is a legal determination, correct?

A Correct.

Q And the facts are something that are the responsibility of the agent to be truthful about, correct?

A Correct. But the --

Q And they are truthful in that affidavit, right?

A They are truthful, yes. But to say that there were definitely classified documents, we don't know. That's why we're doing the search.

Q Well, the affidavit doesn't say there are definitely classified documents.

A No. No, no. But there was a belief that there could be classified documents and other governmental records down there too, right. That's the -- other governmental records, Presidential records, and then on top of that, classified documents as well.

Q Right. And I mean, the point of the affidavit is that you're setting out what you found factually, correct?

A Factual, yep. Probable cause to believe that the search is warranted in this case.

Q The probable cause determination is something that the magistrate judge will determine when they --

A Right.

Q -- allow the warrant, correct?

A Yes. That is correct, yes.

Q And that's exactly what happened in this case, right?

A That is correct, yes.

Q So the facts, you're confident, are accurate, correct?

A I am confident that the facts in this affidavit are accurate.

Q Okay. And as you can see from the exhibit, the magistrate found probable cause, correct?

A Yeah, he signed it. Yeah.

Q Right. So that's why the search eventually happened?

A It is a lawful search, yes.

Q Okay. This investigation was handled differently than it would have been handled if it were not President Trump -- or former President Trump, correct?

A It was handled differently than I would have expected it to be -- that any other case is handled. I'm not sure -- like, I've never done a investigation of this magnitude on a former President, right. So I can't opine on the fact that it would be handled one way or the other.

National Security Division, DOJ Main, prosecuting this matter, you know, what's been reported out there is the fact that we had a Crossfire Hurricane hangover, which is not true, but we learned a lot of stuff from Crossfire Hurricane that headquarters does not work the investigation, it is supposed to be the field offices working the investigations. My concern is that DOJ was not following the same principles, right. So the U.S. Attorney's Office, in my opinion, should have been brought in, and we asked for it several, several times.

Q Well, let me just -- I mean, you mentioned that in the earlier hour. The National Security Division at DOJ has concurrent jurisdiction with the U.S. Attorney's Office, right?

A That's correct.

Q So they can take any national security case anywhere in the country, right?

A That's correct, but --

Q Including in Washington, D.C., right?

A That's correct.

Q And it's not unusual for them to do that when they have classified documents, right?

A No.

Q So really the process is not that different?

A It's not, but normally the U.S. Attorney's Office was involved in most of these cases. Like, it's -- DOJ can do whatever they want, right. Again, it's not against policy or procedure or anything like that. It's just like you can -- I don't know if you -- you probably haven't been able to do FOIA requests or whatever requests you've made getting the documents of the case, but my agents, which I was trying to back up, now sort of concerned about the fact that the U.S. Attorney's Office not being included in this matter. That's all.

Q Okay. Well, I mean, the U.S. Attorney's Office and Main Justice are part of the same department, right?

A They are, yeah, yeah. But U.S. Attorney's Office also have a lot of autonomy as well, right.

Q Well, I mean, in this case, Attorney General Garland has said publicly that he signed off ultimately on these decisions, right?

A That's what he said. Yeah, absolutely.

Q And he would have done that whether it was the U.S. Attorney's Office in the District of Columbia or the National Security Division, correct?

A Correct, yeah. Well -- yeah, I believe so.

Q And he's above both of them, right?

A Absolutely. The buck stops there.

Q Okay. All right. Now, when I say that this was handled differently, I'm also thinking of cases like the David Petraeus case. You're familiar with that case?

A Yes.

Q I know you didn't work that --

A I didn't work it. Yeah, I'm familiar from the media and what was reported.

Q Did you all ever discuss the operations in that case when you were considering what strategy and what process to use here?

A I didn't with my people, no.

Q Okay.

A No.

Q Well, in the case of Mr. Petraeus, you recall that -- first of all, he was a four-star Army general, right?

A That's my understanding.

Q And he, in the course of his duties, I think he was also the -- was he the Director of the CIA? I believe he was.

A I'm sorry, I don't know.

Q Regardless, he had access to some very highly classified information, right?

A Yeah. Yeah, yeah, yeah. Yep.

Q And at some point, he -- during his course of his official business, he would keep these black notebooks that contained classified information, right?

A Okay. Yeah.

Q Well, I don't know. Have you heard that? Maybe -- if you haven't --

A I don't think. I know little bits and pieces of the case. I didn't work the case, so --

Q All right. Fair to say that you know he had classified information?

A Fair to say I know he had classified, and then he was, you know, charged with all that stuff. Yes, fair to say.

Q Okay. So at some point, Mr. Petraeus was out of the Army, and he had a biographer/affair partner that he disclosed some classified information to because he allowed her access to those books, right?

A That's my understanding, yes.

Q Okay. And the FBI had to recover those books at some point, right?

A That's my understanding, yes.

Q And the way they did it was by executing a surprise search warrant, right --

A That's my understanding.

Q -- on his personal residence in Alexandria? Or Arlington. I'm sorry.

A I have no -- sorry, I don't know where he lives.

Q Let me mark this as exhibit 4.

A I only know where I was during that case and what --

Q Where were you?

A I don't know. What year was it? I can tell you where --

Q 2013.


A 2013. So I was supervisor of the public corruption squad in D.C.

Q All right.

A So I had nothing to do with this case. I had other cases going on.

[D'Antuono exhibit No. 4

Was marked for identification.]


Q Okay. This is the FBI evidence response team casebook with the Petraeus case.

A Okay.

Q There's just a couple things I want you to note. On page -- let's see. Actually, on the first -- I think it's listed as page 2 on the bottom, it's page 2 of 111. Do you see that at the bottom?

A Yep.

Q There's like a little highlight. It says, Condition of Seen on Arrival, on the top, and it mentions "Secured by"?

A Yeah.

Q Do you see that?

A WFO/SWAT.

Q Yeah. They used a SWAT team in this case, right?

A Apparently so, yes.

Q What you do think about that tactic?

A Every -- every determination or use of SWAT or not SWAT is a -- we have to determine if SWAT's necessary at that point in time. I don't know what the circumstances of this, so it's hard for me to speculate on that. He had weapons. You know, a lot of times if anyone has weapons, we're concerned about that stuff, making sure that, you know, people are safe in going in.

I can't opine on this because I don't know what type of -- if they used the full SWAT team, if they used a couple of SWAT members. I don't -- I don't know, right.

Q Fair to say that's a pretty substantial show of force compared to what you did at Mar-a-Lago. Is that right?

A Yeah. Yeah. That would definitely -- using a SWAT team any time it causes attention, right, for neighborhoods and stuff like that. So if you're talking it was in Arlington or Alexandria, it was probably close knit, there will be people out there with cameras and all that stuff, right. So --

Q But it's David Petraeus. He's not like an unknown person, right?

A Well, I don't know how known or unknown he would have been in the neighborhood.

Q I mean, he's a four-star general, right?

A Yeah, I know. But if he walked in this room I probably wouldn't recognize him, so --

Q Okay.

A I'm sorry. I just --

Q He's not Trump, but --

A Yeah. Well, correct. Yes, yes.

Q Okay. But in this case, when the FBI needed to recover potential classified documents from the home of a former government official, they did not give him any notice, right, it appears from this case file, right?

A I -- I -- I don't know if they did or didn't.

Q Well, they --

A Well, they did a search.

Q -- showed up at his door at 6 a.m. with a SWAT team.

I mean, you can see from the notes that they arrived at 6:03 a.m. with a SWAT team, right? You can look on page --

A Oh, yeah, yeah. If they arrive at 6:0 -- yeah, 6:05 -- arrival time is 6:05 a.m. -- you know, yeah, they wouldn't have given him notice. Yeah, absolutely. But I don't know what happened prior to this, right. So I wasn't part of the case, so I don't know what they did leading up to that asking for the documents back or if this is the first thing that they did in this investigation. I don't know.

Q Okay.

A Right? Which is different -- it could be different than the former President Trump investigation --

Q Okay.

A -- which we had a lot of conversations leading up to a search.

Q Okay. In the case of Mar-a-Lago, there was no SWAT team, right?

A No.

Q And, in fact, there weren't even any FBI emblazed in jackets on your team, right?

A No. We wanted to make sure that -- yeah.

Q They wore khakis, right?

A I don't know what they wore. I don't know if I prescribed them to have to wear khakis or not. So I think business attire would have been good.

Q Okay. But you did that because you did not want to show force, right?

A Yeah. I just didn't think it was nec -- in a lot of cases I don't think it's necessary to show force when someone's, you know, cooperating or not. Every search is different.

Q Okay.

A Right? So sometimes we're in suits and ties and sometimes we're not, right. So --

Q Understood. Right. But in this case, you hadn't had full cooperation because you had a false certification, right?

A Well --

Mr. Berger. Can you answer whether it's false or not?

Mr. D'Antuono. I don't know if it's false or not at that point. At this point we didn't know what was in that residence.

Mr. Berger. False assumes that the certifier knowingly misled the recipient, but I don't think he could attest to the knowingness element.


Q Well, fair to say you had a certification that they'd done this diligent search

and that they turned over all the documents, right?

A There was belief that maybe they didn't do as thorough of a search as they say they did.

Q Well, I mean, ultimately the search warrant, you found more classified documents, right?

A Correct.

Q So, in fact, they had not turned over all the documents, right?

A That is -- but prior -- well, your question was prior to the search. After the search, yeah, it does not look like they were --

Q Well, I actually wasn't asking what was in your mind at the time. I'm just saying, like, you've got a certification on June 3rd, right?

A Uh-huh.

Q Right?

A Yeah.

Q And that certification said that all of the responsive documents had been turned over, right?

A That's what the certification says, yes.

Q In fact, they had not been, right?

A Now that we know, no, they had not been.

Q No, right? Because the search warrant actually yielded many additional documents bearing classification markings, right?

A That's correct. My understanding was over a hundred or more, I believe, if I get the number correct.

Q Right. And let's just -- we keep talking about classified documents. The Federal statutes that were at issue in this case were 18 U.S.C. 793, which is part the

Espionage Act, right?

A Uh-huh, yes. I believe, yes.

Q 18 U.S.C. 2071 and 18 U.S.C. 1519, correct?

A Okay.

Q I mean, it's in the --

A It's in the --

Q -- document in front of you if you want to look at it.

A Yeah, no, that's fine. I trust you.

Q Okay. Well, you don't have to trust me.

A Well, if it's in the affidavit, which is public record.

Q Yeah. You should see the --

A Yeah, 1519, 2070 -- sorry. 1519, 2071.

Q Okay.

A And then 2201 as well, and then 3301 too.

Q Okay.

A Those are under 44, so --

Q Right. And just to be clear, you understand that those statutes don't refer to classified information, right?

A No. Some -- these don't.

Q Do you want to see the statutes?

A Yep. No, I can see them. No, I remember reading the affidavit, I read it.

Some of the discussion was at the time that we are searching for other than classified documents.

Q The Espionage Act, for example, refers to information's considered national defense information. The Espionage Act was enacted in 1917, right? Are you aware

that it was enacted in 1917?

A I was not aware it was enacted in 1917.

Q Okay. It was before the modern classification system existed, right?

If you don't know, you don't know.

Mr. Berger. If you don't know, you don't know?

Mr. D'Antuono. Yeah, I don't know.

[D'Antuono exhibit No. 5

Was marked for identification.]



Q Just marking as exhibit 5 a copy of 18 U.S.C. 793. This is statutory authority from which the FBI and the DOJ proceeded when they searched Mar-a-Lago, right?

A Uh-huh.

[12:04 p.m.]

[REDACTED]

Q Okay. Read it. I think it's highlighted in your -- yeah, it is.

A Yeah, I see it talks about that.

Q Section 793 is entitled, "Gathering, Transmitting, or Losing Defense Information." So defense information is what you're looking for, right, under the statute?

A You're correct. Well, anything could --

Q Well, I'm just talking about the statute.

A Yeah, yeah. Under the statute definitely, yeah.

Q Right.

A Well, under the statute it says classified.

Q Right. It doesn't say classified information, does it?

A No, it doesn't. No, it's just broadly termed "defense information," yeah.

Q And the reason is because there was no classification system at the time that this statute was enacted, right?

A Makes sense, yes.

Q Right. And it's still the Federal law that you have to -- that there is a crime if you lose the so-called, quote, defense information, or mishandle it or --

A Yeah.

Q -- do any of the things listed in the statute, right?

A That's what the statute states, yes.

Q Okay. So --

A Unauthorized possession to access control, yep.

Q Okay. And I'm just going to represent to you that the other statutes in here

are similar.

A Okay.

Q But that's the point. The point is, even if there wasn't classified information, or that the information had been somehow declassified, the FBI's investigation would've continued, right?

A That's correct. That's the statute that we would've investigated.

Q Right. That's what the Espionage Act says.

A Yep.

Q Okay. I think I went through most of this. Pardon me. One second.

[Discussion off the record.]

██████████ Yeah. I think that's it for now. We can go off the record.

Thank you.

[D'Antuono Exhibit No. 6

Was marked for identification.]

██████████
Q We'll go back on the record. It's 12:11.

Mr. D'Antuono, we -- my colleagues spoke about a Washington Post article, and I'm going to enter that as exhibit No. 6. The article was posted on March 1, 2023, titled, "Showdown Before the Raid: FBI Agents and Prosecutors Argued Over Trump." Feel free to take a moment to review.

A I've read it. Trust me.

Q You've read it? Okay.

So the second paragraph, the second sentence states: "But two senior FBI officials who would be in charge of leading the search resisted the plan as too combative and proposed instead to seek Trump's permission to search his property, according to the

four people who spoke on the condition of anonymity to describe a sensitive investigation."

Do you know who the two senior FBI officials were?

A Well, one would be me. And I don't want to -- I believe the other one probably would be Tony, Anthony Riedlinger.

Q Okay.

A He's going to kill me for, you know, bringing up his name.

Q That's okay. What was his title?

A He's the SAC, special agent in charge. So he reported to me. He was the counterintelligence SAC. He was the one leading -- you know, his people would be working the case, the ASAC would be underneath him, and then he's the SAC, so --

Q Do you ever remember describing the plan as too combative?

A I don't believe I used the "too combative," you know, terminology. I think The Post sometimes takes liberties with words, so --

Q And two more paragraphs down, the really short one says, "Starting in May, FBI agents in the Washington Field Office had sought to slow the probe, urging caution, given its extraordinary sensitivity," the people said.

Do you remember those events?

A Not -- not slow the probe. It just -- you know, in May, this is -- I believe we were talking about the search, right. And I think I said "they," meaning DOJ wanted to do a search immediately, right. After the information came in they wanted to search. They wanted to search the residence. We felt that, you know, in this case, the subpoena was more warranted, right. The boxes were turned over by NARA -- to NARA by the former President and his people, found classified documents in it. To us, that related just to immediate search.

Every case is different, right. Every case agent is different. Every ADIC, SAC, the bases of how we come up with theorizing how to do an investigation is different. So from the Petraeus case to this, like I have no involvement in that, right, so I don't know how that was worked. In this case, to me, as a white-collar agent, as someone that has done these high-profile cases, maybe not the President, Tony as well, is the fact that -- and the squad is that we should do a subpoena first and request the records. I don't know. Is it right or is it wrong? Who knows, right? Someone else to decide, but that's kind of the path that we chose.

Q And do you think the suggestion of doing the subpoena first before the search, do you think DOJ officials took that as an attempt to slow the probe?

A They may have, yeah. Yeah. There was consternation from both sides, you know. DOJ wants stuff. We were pushing back. That's the beauty of our system, right. It's like, that's the judicial system in a sense. That's how DOJ -- somebody mentioned they prosecute, we investigate. They don't like hearing that comment, right, but that's the truth of the matter, right. They're the prosecutors. We're the investigators. There's things that we opine from an investigative standpoint that needs to be done.

Now, the prosecutors disagree with it. It happens all the time. So that's why I laugh at the showdown and all that stuff. These are conversations I had with U.S. attorneys -- AUSAs and U.S. attorneys and everyone else throughout my whole career. This was not a showdown. This is just a general discussion. This is an everyday discussion. So if somebody took it the other way, I'm sorry, but that's -- that was just the general discussion that we would have in every case. Every case.

Q And if we flip to the next page, the sixth paragraph down.

A You're making me count. This is like a quiz today.

Q Yeah. I'll read it. It says, "The FBI agents' caution also was rooted in the fact that mistakes in prior probes of Hillary Clinton and Trump had proved damaging to the FBI, and the cases subjected the Bureau to sustain public attacks from partisans, the people said."

I know last hour you mentioned some things that were learned from the Crossfire Hurricane investigation?

A Correct.

Q And you mentioned the aspect of the headquarters running the investigation --

A Yeah.

Q -- instead of field offices. Can you describe what your concerns were?

A Yeah. You know, right now in this country, in this world, perception is not reality a lot of times, right, and it rules over it. So, you know, it's unfortunate that we as leaders, in trying to determine courses of action, that we have to take things into consideration that are not normal, right.

In this -- in a matter like this, you have to be consistent, in my opinion. This is Steve D'Antuono's opinion, right. You have to be consistent in the way that you investigate. And so, when you learn of things that have happened in the past, you want to stay consistent and balanced, which is what I was always trying to just achieve throughout every single one of my investigations that I lead or did my -- on my own as a brick agent is consistency.

Because once you're not consistent, that's when people have cause to -- it's like being an umpire. I've used this analogy several times. I was an umpire as a kid. An umpire has to call a consistent game for both teams, right. And there's no teams here, but, come on, we all realize that, right. So you have to be consistent. And when

somebody is in that position and you're not consistent, that's when it's not good. It's not.

So in this, we were just -- we had -- you learn from the past things that happened, and we just wanted to make sure that it was being consistently followed for reputational stuff. And, hey, I'll take the blame, accountability, whatever, but I was -- for me, the reputational risk to the Bureau, to the country, and to everything else, maybe I shouldn't put that on my shoulders, but I did as a leader. That's fine. Fault me for that. Whatever. But the reputational risk that we had to the breakdown of the trust of the FBI, that was -- that was in the back of my mind. I'm sorry, you know.

Q And is it accurate to say that one of the issues that you flagged as being inconsistent was a U.S. Attorney's Office not being involved?

A Yeah. For me, that's always been -- regardless of what the DOJ Main's, you know, mandate is to do, they usually always, in my 27 years of -- I've seen them involved in the U.S. Attorney's Office, you know. So this, to me, wasn't a consistent -- it wasn't consistent. So when I see inconsistencies, I'm going to call question to that for my own edification too.

So when somebody asks me later on, it's like, I can -- I can explain. Well, we asked that question. We pointedly asked them, and they answered, okay. Well, at the end of the day, DOJ is our parent corporation, and we do what they tell us to do, right. And so was it completely against policy? Was it completely against the law? No, absolutely not. But that's just the way they chose, and it's fine. I'm a good soldier, I'll march on, right, and we did. And we did. And we did the investigation to the best that we could.

Q And last hour when you were discussing how headquarters was not supposed to run investigations, it was supposed to be the field offices, you mentioned

you were worried that the Department of Justice wasn't following that same protocol.

A Yeah. In a sense, like, you know -- and maybe they don't have too, right, I don't -- you know, but that was what we learned from Crossfire Hurricane, right. And the Bureau has taken those points to heart, right. We don't want to make the same mistakes. When I say "we," you know, the collective SACs, you know, ADICs, headquarters, we don't want to make those -- we don't want to make issues for ourselves. Why would we want to, right? And that's just calling the reputational risk and the Bureau into question. None of us want to sit there.

You read article after article about the Bureau being biased and politicalized and whatever, so you don't want to play into that. So you have to take, like the Director says, you've got to take the lessons and make sure we don't do the same thing, and we were collectively not -- trying to not do that in this case, you know.

Q And was the concern about the DOJ not following the same protocol, was that in regards to the -- only the National Security Division being involved and not a U.S. Attorney's Office?

A Yeah. And, again, I'm not sure if it's a protocol or not, right, but just the way we've always operated, the way I always operate, the way my people, right, I'm getting an understanding from my people working these cases before, right. They're the experts. I keep saying that, right. They're the experts. I didn't work classified cases before. They're telling me like, boss, this is not normal, right. The U.S. Attorney's Office should be involved. Okay.

As the ADIC, I'm the champion for them because I'm the one that's talking to the leaders, and so I have to take what my people tell me and champion that, right. That's what you do as a leader, right. You disagree with it, then you have to have a conversation with them and disagree and you come to an agreement. But that's my

responsibility as a leader.

So I don't know every bit and piece of investigation. You can't. If you're doing that as a leader, you're not doing anything what you're supposed to be doing as a leader, right, for every other case. So that was my understanding from them.

My understanding from my past experience working public corruption investigations, not national security, right, not national security, was that a U.S. Attorney's Office was usually involved, you know. And we kept getting the response back, we're good, we're good, blah, blah, blah, and okay, that's fine. We marched on. We did what we were supposed to do, and we continued to investigate, you know, but we had disagreements. But that's --

Q Yeah.

A Every case you have disagreements. And I laugh about this with some of the AUSAs that I'm still friends with, like, Oh, my God, we had not fist to cuffs but we were arguing constantly, right, just different directions and stuff like that. So to me this is just normal.

Q Yeah. On the fourth page of the article --

A Yes. Sorry, I talk a lot.

Q We want you to explain. It's not --

A Yep.

Q Yeah. I think it might be before the white page. There's a sentence that -- kind of midway down that says, "But they said national security prosecutors."

A Yes.

Q I'll read that. And it says, "But they said national security prosecutors pushed back, and instead urged FBI agents to gather more evidence by conducting follow-up interviews with witnesses and obtaining Mar-a-Lago surveillance video from the

Trump Organization."

The court sought surveillance video footage by subpoena in late June. I just kind of wanted to ask you about how the FBI came in possession of the surveillance video?

A My understanding of how -- it was a subpoena request, as was discussed before. And I believe the chronological -- yeah, it's after the June 3rd, right. So my understanding was the team got together and decided, you know, DOJ wanted to get the surveillance videos, and we said, okay. And then we put resources to viewing the surveillance videos, you know. And then we saw what we saw in the videos, my agents and analysts did, which is recorded in the affidavit as to what they've witnessed.

Q So the Trump Organization turned over the surveillance videos?

A That's my understanding, yeah. Yeah. They're responsive to the subpoena, so --

Q Okay. One more page over.

A Sure. Yeah, that's fine.

██████████ Was that another data point that settling this via cooperation was a legitimate pathway?

Mr. D'Antuono. Yeah, in the sense they complied with the subpoena, right. Initially, the first subpoena, we weren't getting much compliance with that, so I think that might have been what led to DOJ's, like, mentality of that, the attorney wasn't being compliant. They had to push for compliance, like, Hey, we've got to get these documents, and that's when the June 3rd meeting happened, right, eventually. You know, like you guys know the process, right. If they're not going to comply, we're going to hold them to comply, come to a grand jury and they agree to.

So there was some consternation back and forth, I think, between DOJ and the attorneys for former President Trump. I wasn't involved in any of that stuff. I know

my agents were somewhat involved. I think there's a lot of just like head butting between attorneys. I don't know if they had personal relationships between Jay and Everett(ph), I'm not sure. It happens, you know. It happens on other things. So the compliance with this subpoena, yeah, it just lends --

██████████ But there was surveillance coverage?

Mr. D'Antuono. Yeah. There was surveillance coverage, not primarily of -- my understanding was not -- what was told to me by my people that there wasn't exactly a camera on the door. There was a camera, like, in the vicinity of the door, so, you know.

██████████
Q And so, if we're looking at the section under, "A rift within the FBI" --

A Yep.

Q -- it says, "Against the backdrop, Bratt and other senior national security prosecutors, including Assistant Attorney General Matt Olsen and George Toscas, a top counterintelligence official, met about a week before the August 8th raid with FBI agents on their turf, inside an FBI conference room. The prosecutors brought with them a draft search warrant."

Do you remember this meeting occurring?

A Oh, yeah.

Q And who all was in attendance at the meeting besides Bratt, Olsen, and Toscas? Was that all from DOJ?

A No. It was -- okay, so it was Jason Jones, our OGC, general counsel, FBI OGC, right; Matt Olsen; I believe Jay was over here, Jay; I don't know if Julie, I think her last name is Edelstein, I don't know if Julie was there or not. I'm not sure. George was on the phone. I remember that. Alan Kohler, our AD of counterintelligence; myself; and Tony Riedlinger, my SAC. That's all I could recall. I think there were other people

in the room, but I'm not sure, so -- but those are the big players, so.

Q And is it accurate that prosecutors brought with them a search warrant, a draft search warrant?

A They may have. I don't think we passed around the search warrant. We discussed the search warrant. We discussed the probable cause of the search warrant. Jason, my general counsel, opined that there was probable cause. He believed that there was enough probable cause in the search warrant.

Because that was one of the things that, I guess, headquarters put on this discussion as to it was going to be reviewed by the general counsel, right. The general counsel was going to make an opinion as to the probable cause, which we all looked at too, and my -- so I have a chief division counsel as well within -- and ADCs within Washington field office, all field offices do, that they look through warrants, they do a lot of our legal work. They are our legal advisers, in a sense.

But, so Jason opined that there was enough probable cause. I wasn't disagreeing with the probable cause. I just wanted to make sure my agent, who was signing this, was comfortable with signing it. I've been involved in situations in which sometimes the agents are not comfortable with it. They are just good soldiers, and they believe that, you know, well, the attorneys wrote this or helped with this, and I'm supposed to sign it.

Well, that's not how I operate, right. It's like, you make sure that you're the one attesting to this. The attorney is not attesting to anything on this document. This is an affidavit by a special agent of the FBI. You make sure that every I is dotted, every T is crossed. If you don't have comfortability with this, you don't sign it. I'm sorry. I'm not being made to do anything of my agent -- that's just the way I operate, and that's how I've always done for 27 years. And, you know, not trying to push on my agents, but, you know, everyone is different, right, so --

Chairman Jordan. So in this meeting there were you, Mr. Jones, Mr. Kohler from the FBI?

Mr. D'Antuono. Yes.

Chairman Jordan. And then from DOJ were Bratt, Olsen, and Toscas.

Mr. D'Antuono. And, yeah, Tony Riedlinger too, SAC Riedlinger.

Chairman Jordan. Riedlinger. And so there were four from the FBI, three from Justice?

Mr. D'Antuono. Yeah. And there might have been more from the FBI. I think there was a DAD for George -- for Alan, but I don't recall her name, sir.

Chairman Jordan. Who gave the information to The Washington Post about this meeting?

Mr. D'Antuono. Well, I have no idea from DOJ, but I can tell you, I dispelled some of the stuff that was coming up. I was asked, so --

Chairman Jordan. Wait, wait, but this information from this news story, did you, Mr. Riedlinger, Mr. Jones, or Mr. Kohler give this information to the FBI?

Mr. D'Antuono. They -- I don't know who gave it to, right. So after this came out, this is after I retired, right, so The Post --

Chairman Jordan. I'm not worried about that. That's fine. You cleared it up after the fact.

Mr. D'Antuono. Yeah, yeah, I cleared it up. I don't know who gave the information, but I'm like, Wow, you -- somebody was taking notes in this meeting, because if you could -- I don't remember everything I always say.

Chairman Jordan. If you were guessing, I mean --

Mr. D'Antuono. I don't want to guess, sir.

Chairman Jordan. I understand.

Mr. D'Antuono. Yeah.

Chairman Jordan. But do you think it would be your FBI agents, or do you think it would be folks from the Justice Department?

Mr. D'Antuono. I really don't. I don't want to guess, sir. I just don't, so --

Chairman Jordan. Okay.

Mr. D'Antuono. I don't think it was my FBI agents, put it that way.

Chairman Jordan. You don't think it was your FBI agents?

Mr. D'Antuono. In my opinion, my opinion, and everyone has -- I had that disagreement with the attorney a couple weeks ago, stuff doesn't come out of the FBI. Like -- like, I've never leaked anything.

Chairman Jordan. I'm not saying --

Mr. D'Antuono. Yeah, no. And I know FBI, right. We don't -- we take our oath extremely important, sir.

Chairman Jordan. Thanks.



Q A little bit further down, it says, "Tempers ran high in the meeting." Would you agree with that statement?

A No, it's like, I don't -- well, maybe their tempers did. I -- you know, my personality is -- I'm from Rhode Island, right, and so, I speak it like it is, right. I'm a northerner, so I tell it like it is. And sometimes I wear my emotions on my sleeve or whatever, and so -- but to me, it wasn't tempers. I was just like, I was asking questions that they weren't -- they were giving answers to, and they didn't like me asking the questions. But I'm sorry, I am the ADIC of WFO, I'm a senior government official, I'm a senior Bureau official, and I'm going to ask a damn question. And I'm not just going to take it lightly what DOJ tells me to do. That's just not how I operate, you know.

And I might have said, and I think it was reported in there, like, if I'm ordered to do something, I'm going to do it, but I'm going to ask questions first, because I want to make sure I have comfortability in anything I do, because I'm not taking in the shorts for somebody else.

And that's kind of how -- I asked several questions, some of what we discussed here about, you know, the U.S. Attorney's Office, and all of a sudden they're like, nope, NSD is working this. Fine, okay. That's your answer. But I asked the question, right. So if their -- their tempers ran deep, it wasn't mine. I was just trying to do the best thing for all parties. That's all I cared about. So --

Q And a little bit along that same line, you know, two more paragraphs down, it said, you questioned why the search would target presidential records as well as classified records, particularly because the May subpoena had only sought the latter. Is that accurate?

A Yes. Yeah, I asked that. It's like, so it was brought up in the last -- you know, the affidavit was written based upon presidential records and other governmental records, and, you know, classified documents were in there as well, right. So the statutes that were -- we discussed before were viable statutes, right. We investigate those things, we do, under the, you know, National Security Act. I got an education today as to where that came from, which is great, right. I love history.

So, but that -- my concern, again, was the FBI getting involved in something that maybe NARA -- I made this comment in the meeting, like why is NARA not here? It's their records. The presidential -- their presidential records. They're the ones trying to get them back. Why is NARA not involved? Why is this always coming to the FBI? Why are we always taking everything and taking the responsibility of everything, right? Where's the other parties to this? And they're like, we don't need NARA. NARA is

going to leak this. That's what they said, NARA is going to leak this. And I'm like, all right. So you can't -- I can't argue with that, right, and so --

[REDACTED]

Q Just to be clear, DOJ officials said NARA is going to leak this?

A That's what they said.

Q And I think we pretty much established, although you wanted to be polite about this, that either Olsen, Bratt, or Toscas leaked everything in the meeting to The Washington Post?

A I don't know who leaked. Was it them or was it somebody else that they talked to or described the meeting to? Like, I went back and talked to a bunch of my SAC peers and stuff like that about the meeting. I'm like, Oh, my God, this is what just happened, because I'm a -- you all have peers, you all have people you talk to, you all have confidants, mentors, people that you're like, this just doesn't seem -- you know, so you talk.

So I don't know if it's them, and I don't want to, like, damn Matt and -- they're good people. They really are. Matt, Jay, and George, they're good people. And I don't know but maybe there was somebody else that they tangentially said it too. I don't know who leaked this, but they had some pretty good information.

Q This is a long --

A Well, yeah, they're putting words in my mouth too that -- like I don't appreciate the reputation that -- my reputation that has gotten crushed out there for stuff like this, that I didn't do anything wrong, you know. It's like I question things. I'm sorry that I, as an FBI senior official, actually question DOJ, but I think that's somewhat my job, isn't it, as a leader? That's how I took my oath, you know. And that's how I took my position, you know. So and I did it to the day I left the Bureau. I did it from the

beginning to the end.


Q Okay. Circling back to where the --

A Yeah, so the presidential records, you know, that type of stuff, I asked about that, and the response was, you know, we don't want NARA in this. I'm like, all right, Well, I said -- and I made this quote, I made this comment, I think it's in there, I'm not sure, it might be in another article, you know, I said we're not the presidential records police, right. I said that. We're not -- FBI should not be the presidential records police, right.

We've got enough responsibilities in this country, CI, CT, violent crime, everything I had to do in Washington Field Office was a mess. People just don't understand the -- what we have to do in a field office. And then to lop something else on to us, especially at the Washington Field Office when we're trying to protect this Nation's -- this Nation, you know, the Capitol from CI and CT threats, it was just, come on.

Like, and that squad, that squad that was dealing with this stuff, had other espionage cases that they could've been handling too, right. So, you know, things like that, it's like, if somebody else can do it, I'm a firm believer in that, if other agencies can do this stuff too, let them do it. Why does it always have to come to the FBI? That was my take on that stuff.

But at the end of the day -- bless you, sir -- at the end of the day, we're the law enforcement arm of the DOJ. I believe in that. I truly believe in that, that we were the law enforcement arm of DOJ, and that they're our parent corporation, and if we need to do stuff, we need to do it, you know. But you need to question too, not blind loyalty, so -- sorry, I made a speech. That's not good.


Q If we flip the page to the next page, there's a discussion about -- in the

second paragraph that says, "FBI agents on the case worried the prosecutors were being overly aggressive." Then it kind of goes into what you've testified about regarding how you wanted to seek consent from Trump's attorneys to search.

And I know the last hour you went through kind of the timeline with my colleagues about, you know, when the subpoena was issued, when the DOJ was speaking with Trump's attorneys, when NARA was speaking with President Trump's attorneys. Even though all of that occurred in this meeting that occurred the week before the raid, you still agreed that you should seek consent from President Trump's attorney. Is that accurate?

A Yeah. We believe, my team and myself, believe that that was accurate, that the -- the first person we should have went to is the attorney. He was involved, given the deference, even though, you know, there was belief -- but DOJ had a different belief, and I don't -- you know, that's their belief. We as investigators believed one thing. We thought, you know, we could talk to the attorney. You know, there was -- we actually had a script that we wrote to talk to the attorney.

You know, we didn't believe that Jay had a very good relationship with the attorney. We didn't think he would be the one that should deliver it because of the relationship, and it's like, it's all about relationships, right. It's like, I've built a career around relationship-building and getting information out of people and making people -- not making people do stuff but, you know, getting people to, you know, consent and stuff like that or to talk to you. And so, you want to put the best person in the position to do that.

And so we felt strongly that it could've worked, and we wanted to give it a try, but we were -- they felt differently, and they convinced my bosses that their course of action was correct. Deputy tells me -- believes what they're saying, and Steve just, you know,

do it, make it happen. Roger that, sir. I'm on it. We'll make it happen, but we need to do the operation this way. Absolutely, yeah, we're not going to -- you know.

We're all -- and then we had a meeting right before -- a couple days, like that Thursday or Friday, with George and Jay to discuss the operation and stuff like that. And, you know, I wanted to make sure my people were comfortable doing it. And we got it done, you know. We got it done in the most expeditious way we could and safest, and we were trying to be very quiet about it just for the reputation of the former President, as well as for the reputation of the Bureau and everyone else.

So, I cared about the optics, I really did, for both sides, you know. And, again, blame me for that. That's fine, whatever. Maybe that's not my job, but that's how I felt my job was, so, you know --

Q And you testified earlier about how your team could've done surveillance, was prepared to do surveillance on Mar-a-Lago to make sure the documents didn't leave the premises. And it's quoted a couple paragraphs down in the letter. It says, your team said they could keep surveillance on Mar-a-Lago and act quickly if they saw any scramble to move evidence.

What kind of techniques was your team prepared to use to make sure the documents weren't moved?

A Yeah, we were just -- I think I've said before that our understanding was no one was looking at the property at that point. It's a very, very large property. No one was living there. There was caretakers, people there, and stuff like that. The service is always there, I believe, protecting it.

So, you know, we would've put a surveillance team around it. I'm not sure what the components of the surveillance team were. We didn't get into that specificity, but we were going to surveillance team some sorts around it to see what the comings and

goings were, if they decided, like, if we were going down the road of talking to the attorney and then someone decide that we're going to try and go destroy evidence or move the evidence, right, if we see a big box truck coming in. And, you know, at that point, we would've had a search warrant in hand and signed, right.

Just because -- and I made this comment too, right. Just because you have a search warrant, you have probable cause for a search warrant doesn't mean you have to actually do the search warrant. I've heard plenty of times that I've had probable cause to do a search warrant, but you don't do it, right. Other people disagree with that, right. In my opinion, in my experience, just because you have the right to do a search warrant doesn't mean you do it all the time, right.

There's reasons for it, safety issues, there's other ways, or there's other ways of getting documents, right. So in this case their fear of -- DOJ's fears of this stuff being destroyed or moved or whatever, we were just trying to alleviate that. Like, boss, I said to one of the deputy directors, boss, I can -- we'll just put a surveillance team around it. We'll make sure. If they do, here's a search warrant, and we'll enact it, we'll start it right then and there.

The Bureau comes with a lot of resources and flexibility in what we can move and when we need to move, right. And that's -- that was -- I firmly believe, my team firmly believes that we could do -- we could protect that. I just -- I guess we didn't convince our DOJ counterparts of that.

Q And during the first hour you briefly discussed conversations with the Secret Service. Who was interacting with the Secret Service?

A I don't -- I don't remember. I don't know if it was my ASAC or SSA. I think my ASAC or my SSA. I don't recall. I really don't. But we were -- FBI was interacting with the service. I don't want to speculate as to who and stuff like that, but it was one

of the leads for the detail.

Q Do you know what FBI was discussing with the Secret Service? Were you briefed on those?

A No. I was -- broadly. All I understood, because one of the concerns was -- not concern. It was like, you know, someone, a comment, which I think is absurd, but, you know, Oh, is the Service going to block us from going in? It's like, come on, the Service is not going to block us from going in. You know, this is a duly, lawful search. The service isn't going to do that, right. We had no concerns about that.

Somebody brought it up, and we just -- I remember the conversation like, No, we've already been in contact with the service. We've been in contact with the team lead. We will be in contact with the team lead. They'll know that we're coming or to open up the gate, because we have a lawful search warrant, right, so there was no issues, you know. So that was kind of -- to me, I just put that out of mind, out of sight.

Q And after this meeting that's been described in the Washington Post article, the decision was to move forward with the search warrant, and then I believe you stated that there was some operational discussions. Is that correct?

A Yeah.

Q Do you know how many discussions there were or meetings, I guess?

A So I was only -- I was involved in this meeting, and I was involved in the meeting prior to the search, a couple days before. I can't remember the date. It was probably on a Friday. I think we did the search on a Monday, Tuesday. I don't recall. I think it was that Friday. So we had an overall meeting to discuss the operational-type stuff.

Q And was DOJ involved in that meeting as well?

A Yeah, Jay Bratt and George Toscas were on that meeting. It was a Teams

call.

Q And was that when they discussed what date to do the search? I believe you discussed that.

A So that came from an email exchange between me and George Toscas.

Q Okay.

A Yep.

Q And did that happen before this meeting a couple days before?

A Yeah. Yeah. That was all -- that was after this meeting, but before the search. So I don't -- I don't -- I don't have my calendar. I didn't keep anything. So this meeting happened, and then we left this meeting still hoping that we could get them to, you know, change their mind and do it the way we wanted to do it, which is, again, people blast me for that. I wasn't trying to stop anything. I wasn't trying to stop the investigation or throw the investigation out or anything like that. But I just thought there was a different way of doing it, right, and to retrieve the documents that we needed to retrieve.

The Tuesday after -- I think this might have been on Monday. Tuesday -- or this could've been on Tuesday. It was National Night Out in the city. I remember specifically because I was at National Night Out in D.C. with Tony and several of my other folks, and the deputy director came and all that stuff. And we had a conversation about it.

George had sent this email that was out there and said, Hey, Steve, you know, the agents are ready to do the search, you know, we're good to go, something like that. We're good to go, we're going to do it Thursday or Friday, let's discuss it. And I wrote, George, I'm out at National Night Out. We're not -- I don't have time to discuss this right now.

I kind of got, not upset, but it's like, you're talking about my agents? Like they're my agents, not yours. They're mine. I just -- I talked to the ASAC and the SSA, they're not -- we have a different plan for this, my agents. So don't tell me what my agents -- I didn't say this, but in the back of my mind, I was like, don't tell me what my agents want to do because my agents tell me completely different, right.

So that's why I said, We don't have time for this, Tony and I are out, and we'll discuss this tomorrow at the call. And I might have said that we are going to, you know -- I might have been very strong with George saying we are going to talk to the attorney, you know, and we're not going to do it this -- before -- something like that. I don't know. It's in the email. I don't have the email. And he shot back and emailed later and said some other nasty stuff, but, you know -- and then I talked to my deputy director, and he said, you know, we're just going to go forward with the search.

[REDACTED]

Q What type of nasty stuff did he say?

A Something about my gruff and something demeanor is often cute, or whatever, but not in this case, and he kind of tried to put me in my place, which I didn't take -- you know, I took a little umbrage to that.

Chairman Jordan. From the Post story, FBI agents wanted to call Corcoran, President Trump's lawyer, once they arrived in Mar-a-Lago and wait for him to fly down and join the search. Prosecutors said that would not work.

That's how it happened?

Mr. D'Antuono. Yeah. They just disagreed that it was -- they just didn't believe that Mr. Corcoran was going to comply, you know.


Chairman Jordan. So they wouldn't even -- in other words, you said, okay, how about instead of us trying to work it out with the lawyer ahead of time, what if when we

get there, we call the lawyer then, have them come over, do the search, and they said no to that?

Mr. D'Antuono. Yeah. There was a bunch of iterations that we were just trying -- I try to compromise on things, or I try to negotiate and stuff like that.

Chairman Jordan. I can see what you're trying to do, yeah.

Mr. D'Antuono. It was just trying to like, Okay, why don't we just do it this way, then. How about, like, we have the search warrant, we're ready to go, we've got 30 people there, staged, and then try to call their attorney, right. They didn't want to do that either. And, again, it's their belief. You have to talk to them as to what mindset they had. I don't know what their mindset was. They are entitled to their belief about what the attorney would or would not have done. That's based upon their thought. My people were telling me their interaction with the attorney is they thought that this was going to work. My people were telling me.


Q So you have 30 agents on the scene?

A Approx -- I don't know.

Q Approximately?

A Yeah. Could've, yeah.

Q You have video surveillance in the area?

A Well, we could've.

Q That you had access to?

A We could've, yes. Yeah.

Q Right. And they still would not wait for Mr. Corcoran to arrive. At that point, there's no -- no evidence is escaping. There's no box truck that's going to be driven in, correct?

A Again, I wasn't on scene. I don't -- you know, it was improbable something like that would happen, like that would be able to take the documents out or set fire, whatever.

Q You're just trying to deescalate the situation, correct, by having Mr. Corcoran there?

A Yes. You know, I think at the time we didn't know where Mr. Corcoran was too, right. So I think their concern, DOJ's concern was, well, by the time it's going to take them to fly there or, you know, the former President to fly there, it's going to take too much time. And that's where I was like, well, put a surveillance around it. We'll do -- we could do what we -- you have concerns, I'll try to alleviate those concerns.

But apparently, we did not alleviate their concerns, so they made the decision, which is perfectly fine, you know. They just had a different belief than we did. And I was just -- as a leader, I was just trying to take what my people said, use my own experience, and kind of say, Okay, I see plausibility here, and in my experience we usually go to the attorneys first, you know. If there's no attorney involved then maybe you go straight to the search warrant, right. I've done that plenty of times.

Q So that would have been the ordinary course of action?

A In certain circumstances, yeah. Yeah, yeah. Yeah. So -- maybe. Maybe not. I don't know. So every case is different. This case is completely different, right, so --

Q Fair enough.

Mr. Massie. I just have some quick follow-up questions about the pipe bomb investigation that happened while you were in charge there.

Mr. D'Antuono. Absolutely.

Mr. Massie. We've got the January 5th pipe bomb suspect who's seen on video

meandering about for several minutes.

Mr. D'Antuono. Correct.

Mr. Massie. And I asked you, was there an effort to use geofencing, to use the data to identify the suspect or to track the suspect, because we see in the video then what looks like they're using a phone. And can you tell me, you said that there was some data that was lost or corrupted by the telecom provider. Can you tell me that again?

Mr. D'Antuono. My understanding was that we had -- we would try to get cell phone data from those days from everyone, right, every carrier, T-Mobile. I don't want to like name --

Mr. Massie. Right. All of them.

Mr. D'Antuono. All of them, right, because that's what we do. And so these questions, ah, did you do this? Yeah, we did. We did them all, right. There was one provider -- I can't remember and I don't want to speculate as to the provider, but there was one provider that the data for I believe January 5th and possibly January 6th was corrupt and we couldn't get it.

Mr. Massie. What was your reaction when they told you we can't get that data because it's corrupt?

Mr. D'Antuono. Oh, great, you know, that's -- that's wonderful, right. That, like, really screws up everything, right, because that's -- you hope to have all the data, right, as an investigator you want all the data. But things happen in investigations. This has happened before with bank statements or bank account information or corrupted data or email servers and whatever. Things happen, right. And it's just like, oh, Jesus, you know.

Mr. Massie. In an investigation this important, has it ever happened with a

telecom provider in your experience?

Mr. D'Antuono. I don't know, like this --

Mr. Massie. For you in the ones that you've covered.

Mr. D'Antuono. Well, this is the highest profile investigation I would've done. I've had corrupted data before in other cases and stuff like that and subscriber information, other matters. I don't -- I don't put any thought that there was any reason for that data to be corrupted. I really don't. I think it was just happenstance. It was just dumb, bad luck on all our parts, because we're still waiting to find out who the hell this person was. And it just sucks for everyone.

Mr. Massie. Okay. I think earlier you -- and I don't want to mischaracterize this, so I want to give you another chance. When I asked about the quality of the DNC video cameras --

Mr. D'Antuono. Yeah.

Mr. Massie. -- to me, they don't seem as good as your average gas station. And given that Watergate and things like that have happened here, I would expect a little more in the quality. Is it fair to say that they are lower quality than you would expect?

Mr. D'Antuono. Yeah. Well, for this day and age, yes, absolutely. But I believe what my people -- because we discussed that, right, with my agents and stuff like that. And they're like, Yeah, the camera system was not that good, right. And it's just unfortunate, again, another unfortunate. There wasn't a lot of video around there. People surmise and suspect that, oh, there's all this video all over the country, all over D.C. It's not true, right. Ring cameras, all that stuff, if you look at it, and I've talked to people about this, right, because we've gotten that bash, and I don't like the Bureau being bashed for stuff that we've looked at. We've gone through neighborhood searches. We've asked everyone for their Ring camera stuff. Not everyone subscribes.

If you look at the row houses, they're pretty far off the street, right, so they're not going to capture that movement sometimes, right.

Mr. Massie. Right.

Mr. D'Antuono. So there's a lot of that. So DNC, I was -- we were flabbergasted by the fact that they don't have a very good system of video. But again, it's something you have to ask them, and I think they've upgraded their system to the point now, but they didn't, so --

Mr. Massie. What was the chain of custody of that video? Can you -- are you sure it didn't get compressed or degraded? Did it go through a contractor before -- between the DNC and the FBI? Do you guys hire outside contractors?

Mr. D'Antuono. We don't. If we're getting video evidence, we don't hire outside contractors. We would get it directly from DNC, but I can't opine on that because I don't know what the procedures were that my agents and analysts followed to get that. You'd have to go through the records and the chain of custody for the case.

Mr. Massie. I think you agreed earlier that the two people who found the pipe bombs would naturally be suspects. Is that true?

Mr. D'Antuono. Well, yeah. It's -- I think in any investigation, you know, if the person that's finding the evidence there could possibly be a suspect and you kind of rule them out, right, by talking to them and getting evidence. So I would suspect that my agents would've ran that to ground and ruled them out.

Mr. Massie. So -- but the person who found -- you either haven't identified the person who found the second pipe bomb, or did you?

Mr. D'Antuono. I -- honestly, sir, I don't know the granularity of everything my agents and analysts did in that matter. It's just -- it's a whole host of stuff that's going on. As the ADIC, as like any senior leader, I'm getting briefed on things, and that part

never came up, so --

Mr. Massie. Given that, you know, 1-hour kitchen timer can't detonate a bomb 17 hours later --

Mr. D'Antuono. That's correct.

Mr. Massie. -- it seems likely that these were meant to be found the day of. And one of them we do know who found it, Karen -- Karlin Younger. Do you know how she was ruled out as a suspect or an unwitting accomplice to somebody?

Mr. D'Antuono. I don't know. Again, it would be in the case file. The Bureau should be able to give you those answers.

Mr. Massie. That's my final question. Who is the person who would know the answer to these questions at the FBI?

Mr. D'Antuono. You know, the case agents would. You know, honestly --

Mr. Massie. Did they work for you?

Mr. D'Antuono. Yeah.

Mr. Massie. What were their names?

Mr. D'Antuono. I don't recall at this point, so -- it's just names sometimes escape me, so --

Mr. Massie. Was there a supervisor between you and them?

Mr. D'Antuono. Yes, there were several supervisors between me and them, so --

Mr. Massie. Can you give us their names?

Mr. D'Antuono. Could you just find out those -- I don't want to like put people on the spot and stuff like that. I really don't. You know, could you just find out from the Bureau and that stuff? Just because it's just like --

████████████████████

Q Can you just tell us titles?

A Yeah, it would be supervisory special agent, and then there would be the ASAC, and then there would be the SAC, so those three.

Q So the line agent, okay.

A Yeah.

Q Supervisory special agent?

A Yeah. They're hardworking people, right.

Mr. Massie. I understand.

Mr. D'Antuono. I don't want to put them in a bind, you know.

Mr. Massie. We can -- I guess, now that we know their titles, we could find out. Thank you.

Mr. D'Antuono. Yeah. It's the standard hierarchy of the Bureau, right. It's like those -- that case came under a supervisor that would've supervised that investigation, right, and everything that transpired, the ASAC at WFO, an ASAC and an SAC, and then the ADIC obviously. That's why I was like four levels removed. And I'm not like in the granularity of everything that's being done, you know, at that present time.

Mr. Massie. But you did appear on camera making appeals and giving details to the public?

Mr. D'Antuono. Correct. Well, we needed information for the public. We -- what was -- the briefings I was getting from my agents and analysts was like, we need more tips, right. We need more of that information. So we collectively, the FBI, with headquarters, Washington Field Office, OPA, the deputy, everyone opined that, you know, okay, this is good. Put this out there. Because in a lot of circumstances, and I disagree with Chris Swecker in this, we put out information in order to elicit information, right. So we have to put out something in order to get people to respond.

We got a lot of tips. Now, a lot of them didn't lead to the -- you know, lead to anything, but some of them do, right. And same thing with the January 6th stuff, we put a lot of information on that, and we were getting people responding, right. So it was the same course of action here that we didn't have enough information. Our leads weren't turning into it. So we turned to the public. Again, be it right or be it wrong, the public helped a lot in this investigation, and they help in a lot of investigations, so, you know, that was our rationale.

Mr. Massie. But there's -- still nobody has been arrested as a suspect?

Mr. D'Antuono. I wish somebody would've. I really do. It's like, it's a case that I wish we would find the person for the good of everyone, right, for the -- for people to stop speculating, one, and causing rumors and innuendos out there that the Bureau is not doing what we're supposed to be doing.

We put -- when I was there for 2 years it was a high priority, as much detail as they want, we put every resource that we could. We did every check, every lab test, every data. We ran this through systems back and forth, up and down, sideways, all over the place. And I wish you could talk to the case agents and the data analysts, and you -- I honestly believe you would get an understanding that we didn't just put this to bed and not want to find the person.

Do I look like a person that doesn't want to find this person?

Mr. Massie. You do not.

Mr. D'Antuono. I don't, right. And if I could have talked to you back then, you would've gotten the same response from me that you're getting now that we put every matter to it, right. And so when I was doing the media stuff, they were asking me the same questions, but I couldn't say everything, right. You just can't.

Chris is right in some sense, you can't give all the information. I don't know.

I'm more communicative than most probably. I'm a lot more transparent than most, right, most FBI agents than maybe you've talked to, right. That's just me. It's, like -- I believe in educating and understanding the process, because without that, you're not going to get the true understanding of what we actually did and people are just going to speculate. That's bad for everyone.

Mr. Massie. All right. Thank you.

Mr. D'Antuono. So, sorry, sir.

[REDACTED]

Q Mr. D'Antuono, for Mr. Massie's edification, just to clarify that, because we may not be as familiar with Bureau structure.

A Yep.

Q So, A, this would still be, to your knowledge, would still be a high priority with your success?

A Yeah, I know Dave.

Q So the ADIC?

A Yeah, the ADIC, I saw him last weekend at memorial service. Absolutely. This is still a high priority for the WFO as far as I know, yes.

Q And then, B, of course, the SAC in this situation would've been under the counterterrorism branch, I would assume --

A It was under counterterrorism.

Reporter. Wait for him to finish the question.

Mr. D'Antuono. I'm sorry.

[REDACTED]

Q It would be under the counterterrorism branch in Washington Field?

A That is correct.

Q And then that, of course, lineage would've been underneath that. Your assistant --

A Correct.

Q -- special agent in charge, I'm assuming, who would've had domestic terrorism, maybe it was divided or bifurcated?

A So there were three branches. It might have been -- that particular matter for case manager purposes might have been put under a different branch under the CT. I forget if it was under branch two. I don't think it was under branch three, so --

Q Okay. And then for members of this committee, if they wanted an informational briefing on the status, your best recommendation, of course, I suppose, would go through FBI legislative affairs but --

A Absolutely. That's -- the general course of action, as you well know, is go through, you know, legislative affairs, and then they determine who's the best person to come talk, so, you know.

Q Sir?

Mr. Massie. No. I think I need to have a meeting with legislative affairs and share some of this video of what appears to be the second pipe bomb being found by somebody in a hoodie at the DNC.

Mr. D'Antuono. Now, I will say, a hoodie wasn't uncommon back then, remember that, right?

Mr. Massie. Right.

Mr. D'Antuono. So everyone was hoodie'd up and masked. So that's why a lot of the -- well, the questions were getting was like, how can you find out what this person's gender is? It's like, my God, they're in a hoodie, gloves, mask. That was not out of the ordinary. And we talked to a lot of people that you saw in that video, like the

person walking the dog, I think there was a person walking the baby, and all that stuff -- not walking the baby, but, you know, walking the carriage, you know, the -- so a lot of speculation out there of what did the Bureau do. We did a lot of that, right.

And a lot of those leads didn't amount to anything because they didn't see anything out of the ordinary. You can't believe that they didn't, because you were taking that from a hindsight, you know, armchair quarterback, Monday morning quarterback view. But back then, you've got to realize, it was COVID, you know. Everyone was hoodie'd up in masks. I still -- but today, if you see somebody in a hoodie, like I saw a couple, you know, days ago, in a mask, that's suspect now, right.

Mr. Massie. Right.

Mr. D'Antuono. And I'm like, I'm staying away from that person in the city, so --

Mr. Massie. Thank you.

Mr. D'Antuono. Sorry.

Chairman Jordan. Did you know if the prosecutors -- going back to the Mar-a-Lago situation. Do you know if those prosecutors have now moved from this investigation and working with you to the special counsel's investigation?

Mr. D'Antuono. My understanding is they -- I was told that Jay moved over under Jack Smith. That's what I was told.

Chairman Jordan. Jay?

Mr. D'Antuono. Jay Bratt.

Chairman Jordan. So what about Mr. Olsen and Mr. Toscas?

Mr. D'Antuono. Mr. Olsen is like the AAG, so he's top guy for national security as far as, you know, in that.

Chairman Jordan. Understand.

Mr. D'Antuono. And George is, I think, a higher official above Jay as well.

Chairman Jordan. But the key guy, Jay?

Mr. D'Antuono. That's my understanding, sir, yes.

Chairman Jordan. He's moved over. And have you had any -- you -- the special counsel is named the 15th. You retired, I think, the 30th of November.

Mr. D'Antuono. Yes.

Chairman Jordan. Did you have any interaction with the special counsel in that 2-week timeframe?

Mr. D'Antuono. I did not. He was still over at the Hague. I think he had a biking injury to his leg, so it took him some time to get over, so I never did.

Chairman Jordan. I remember those news reports. No phone calls with him? No emails with him?

Mr. D'Antuono. No, no.

Chairman Jordan. Anyone else that he put together on the team?

Mr. D'Antuono. No, no. Other than U.S. Attorney's Office people and stuff like that that I believe eventually went over to the team for the other matters as well.

Chairman Jordan. What about your -- any of the agents who had worked on the case?

Mr. D'Antuono. So I do not talk to -- I just saw them at a memorial service, my assistant, my executive assistant just passed due to 9/11 cancer.

Chairman Jordan. I'm sorry to hear that.

Mr. D'Antuono. So we just had a memorial service on Friday. I'm a strong believer and I'm not putting my people in a position that I'm not putting them in, right, so I purposely do not ask questions.

Chairman Jordan. I understand that. I appreciate that. I'm saying in that 2-week timeframe, from the 15th to the 30th.

Mr. D'Antuono. So we hadn't solidified what was going over at that point, but what I suggested to the deputy was that the case agents that were working this, I think it was like four or five, a couple analysts and the forensic accountants that were working some of the cases, like the other part -- not the Mar-a-Lago side, the classified document side would go over.

But no one in the Bureau likes independent counsel investigation -- not no one. I shouldn't say that. But it just -- you don't want to get sucked into an independent counsel investigation because you get lost, right. So they wanted to tether back to WFO for their own sake so that they don't get lost. It's just -- it's unfortunate.

I went through the whole Clinton administration when there was independent counsel, as I was a young agent back then, you know, all the other stuff. So I understand, right. So what we tried to do with Jack, and I believe this because I -- I believe this happened is that they're still tethered to Washington Field Office. So they work for the independent special counsel, but they're still tethered to Washington Field Office.

Chairman Jordan. Thanks.

Mr. D'Antuono. Yep.

[REDACTED]

Q Have you ever had any interactions with a lawyer named Sophia Brill at the Justice Department?

A Does not ring a bell, no.

Q She was on the special counsel's team.

A Yeah, so I didn't have any interaction with special counsel's team. Like I know a couple of the people that went over from the U.S. Attorney's Office in name only. Again, I haven't talked to them at all. But I was on my way out, you know, so I was just

trying to -- to the last day, I was just trying to manage and make sure my people were taken care of, so I was trying to broker the -- which the deputy director agreed with and they brokered that deal.

[REDACTED]

Q Mr. D'Antuono, we're going to slide back to January 6th, if we may, writ large. Were you or anyone else at FBI headquarters aware of planned protests to take place in and around the Capitol on January 6th?

A Yes.

Q To what degree were you aware or briefed in advance?

A So we had a lot of briefings, a lot of discussions leading up to January 6th with my intelligence folks, with all my CT, criminal, everyone. It was all my executive management and then headquarters as well, so --

Q How would you characterize the types of information that were coming in from what types of sources or, you know -- I'm --

A Well, you know, a lot of it was stuff that was put out in open-source information, right. Some of the stuff is from CHS information.

Q Sure.

A You know, it's just a whole collection of where we usually gather our intelligence for these things, right. Partners, right, MPD, Capitol Police, Park, right, Secret Service. We were sharing, right. We were consistently trying to share the information. And I think it's been, you know, obviously reported out there the fact that, you know, we had a different take on, like, January 6th at this point. It felt that it was going to be something different than the last two protests, November and December, so --

Q Would it be fair to say that those -- there were preemptive, you know,

intelligence sharing and planning meetings prior to January 6th that --

A Yeah.

Q -- were happening?

A I might not have been involved in every single one of them. My intelligence analysts were involved in things, right, and I was getting briefed at the end --

Q Sure.

A -- you know, as to how those meetings were, and there was a lot of information coming out. The week leading up to January 6th, I think it was that, you know, the holiday week and stuff like that, there was a lot more conversations between me and the deputy director, Dave Bowdich as well, you know, kind of going, Oh, this has a different feel to it, you know.

Q Sure.

A And so a lot of questions were going back to my people to get the answers. We were going back to our partners and definitely sharing that information. We, when I say "we," collectively, as a law enforcement community here in the city, I can't speak for all of them, but I firmly believe that we all knew that about 20,000 to 25,000 people were going to be coming in the city that day, amassing on the Ellipse, right, and then the end result was going to be at the U.S. Capitol. I knew that. I'm not -- we connected the dots, as much as people say we didn't. We're not dumb. I'm not dumb, right. We connected the dots.

Honestly, we had a document which was open-source document from one of the groups. I don't remember what. But it was -- showed a map of the U.S. Capitol and it showed where all the -- it was like a Disney map or a Busch Gardens map, right. It was very color code and stuff. It showed all like the East Lawn, West Lawn, who was going to be speaking on each, which time and all that stuff.

It's out there. The OIG has a copy of it. I've spoken to the OIG for 6 hours about this stuff or more. You know, that stuff -- that's the intelligence that led us to believe that there is going to be people amassing on the Capitol lawn in droves, right.

Q Commensurate with Bureau protocol or their command post setup at either Washington Field or headquarters in the SIOC or both?

A Yeah. We -- WFO had it, and I do believe there was a sister one at headquarters at SIOC, right. But WFO would've been the lead, right. SIOC would've been -- well, we wouldn't -- I put a big responsibility on my people to make sure that we were in contact with them, right, because you have to have their information flow, right.

So we set up ours on January 5th, the day before. We shut it down probably that night, whenever, like, you normally do if there's no activity going on. I don't remember the time. We had a final brief out on that time. We shut it down, and then picked it back up the next day, I think at 6:00. I'm not sure. I'd have to look at the thing. But I was in early. I was in. My people were in. We were monitoring with our TFOs and stuff like that.

Q Okay. So it would be fair to characterize there was a lot of front-end sharing and multilateral sharing as we often do with partners at that, there were command posts set up, there was a lot of, kind of, front-loaded awareness and preparation prior to the events on --

A Absolutely. Absolutely.

Q Thank you. So with that in mind then, the committee has received testimony that domestic terrorism subjects who indicated a desire to attend the January 6th protest were physically surveilled from various field offices up to the border of Washington Field Office, at which point, a handoff of surveillance from field office to field office would take place. Were you aware of that activity?

A So I was aware of like -- one of the questions I had leading up to this is like, what CHS information do we have to know that there are people coming into the city, right. The thing with D.C. is the fact that, and this is, again, my opinion, there's not a big domestic terrorism nexus here, right. It's D.C., right. But we are the end point for a lot of the anger, right, so we receive everything.

So prior to this, I brought the two other protests, and my question back to headquarters is like, we need to know who is coming into my territory so we need to prepare for this stuff. So that was a lot of the questions going back and forth. So I would question my people, they were questioning headquarters, and we were trying to flow that information. So a lot of that stuff is going at the lower levels, not on my level.

But my understanding was there were a lot of CHSes -- not a lot. I shouldn't say a lot. There was a handful of CHSes that they were trying to get information, then there were a lot -- there were some people that were planning to travel that we were trying to dissuade from traveling, because we felt that they would've been violent here, right, so --

Q And by that, sir, are you referring to subjects in that case of active domestic terrorism investigations or CHSes or both?

A No, not CHSes.

Q You had said dissuaded.

A Not the CHSes but the actors, the DT actors or the people that we were -- Chairman Jordan. People the CHSes were telling you about?

Mr. D'Antuono. Correct, yeah. We would've used CHSes to -- or anything, any means. Like, I think in some cases, we might have used like, you know, police officers or whoever to go talk to the person, Hey, you know, type stuff and dissuade them from coming here because we felt through CHS information or other information -- again, I don't have all the particulars -- that they might have been coming here to -- it just

wasn't -- we didn't want violence, right.

So we tried to dissuade and not arrest so much, right, because there's nothing to arrest them on, right. But if there was other actions that we could've put into place because we believe people were possibly coming here to do nefarious acts, then we have all the policies that we can do. But that was a lot of the plan. A lot of that was being done by headquarters. I had my own mission trying to figure out the preparation here in D.C. That's what headquarters is for, right. That's what CTD is for. That's what DTOS is for. They program manage this stuff. They're supposed to look at the national, the field offices, know what they're providing and then at the end result, right.

And so there's a lot of times -- my problem with sometimes like, we find out, I found out, WFO, I was like, what the hell, that would've been nice to know prior to this, right, but we don't find out until later because communication isn't there all the time, which is unfortunate, so --

Q I know we're nearing the end of our hour here. I will ask though, was the -- the physical surveillance of the subjects, how many would you guesstimate that actually traveled in of the bad guys that were not dissuaded, and how were they covered once they were here?

A I don't -- I don't have those answers because, again, it was a long time ago. That would've been in a lot of SITREPs, or it would've been --

Q Dozens? You know, I --

A Probably more than a dozen, I think at the time, but I couldn't give you a number. If I give you a number, I would just be guessing, and that's not right, right. So there was a handful of people that they were worried about that they were trying to dissuade from coming, right. There was CHS information that was coming in. There was open-source information too, right. There's all that stuff that we could see.

I don't know all the particulars because I wasn't working those particulars, right. I was the end result of that stuff. So something like that would have to be asked of someone like CTD or DTOS, the people that were running that stuff, so --

Chairman Jordan. Are there 1023s on these individuals?

Mr. D'Antuono. Well, 1023 is the report of CHS information. So if we're talking to a CHS and gaining information, we should be recording that on a 1023. Sometimes not all information is captured on it, because there's negative information, they didn't provide anything, right. So you have a contact, you know, all that. But if there's information from a CHS, it should go on. That's our administrative policy.

Chairman Jordan. All right. And you've got extensive experience putting together 1023s? You've done that?

Mr. D'Antuono. Yeah. You know, so the delta system came out after I was a supervisor, so I wasn't -- I was a supervisor dealing with -- delta is our confidential human source system, right. 1023s, all that stuff was afterwards, right. So I wasn't running CHSes then. I was supervisor. Supervisors don't run CHSes. They shouldn't. So I was supervising that action. So, yeah, I'm intricately aware, but I'd be lying to you if I said I physically typed a 1023 before.

Chairman Jordan. But you have some familiarity with that?

Mr. D'Antuono. Absolutely, yeah. No, I was there when the system was being built and had a lot of input.

Chairman Jordan. We'll have some questions about that in the next hour.

Mr. D'Antuono. Excellent. I look forward to it.

██████████ Thank you, sir. And that does wrap up our second hour, so --

██████████ We'll go off the record.

[Discussion off the record.]

[1:22 p.m.]

[REDACTED] We can go on the record.

[REDACTED]

Q Welcome back, Mr. D'Antuono. I just had a couple questions. It's not going to take an hour.

A Okay. I talk a lot, so it may take an hour.

Q That's okay. Back to the Mar-a-Lago search subject.

A Yes.

Q You said many times that it was your preference at various points in the investigation to proceed in a cooperative fashion rather than by the use of a search warrant, correct?

A That's correct, yeah.

Q Okay. And it is true, isn't it, that there were many efforts made by NARA and by DOJ and the FBI to get cooperation from Mr. Trump? Is that right?

A That is completely true, yes.

Q NARA was discussing with Mr. Trump's attorney for months the return of those records, right?

A That is correct.

Q And it didn't work out, right?

A Completely, I say no, it didn't work out because there's a lot more records down at Mar-a-Lago.

Q Exactly.

A Yep.

Q And when DOJ was persuaded by you and other FBI officials to go ahead with the subpoena before their initial desire to do a search warrant in June, they were

trying to proceed in a cooperative fashion, right?

A Yeah. We had to convince them to do the subpoena initially, yes.

Q But you persuaded them, right?

A We did. Yeah, yeah. Much -- yeah. They were reluctant, but, yeah, we persuaded them.

Q Ultimately, that's the course they agreed to, right?

A Correct. It was a little back and forth, but yes.

Q I'm sorry. Back and forth. Is that what you said?

A There was a back and forth, yes.

Q In response to the subpoena, the -- well, let's just say President Trump and his staff were not fully responsive to the subpoena, correct?

A Yes. Initially, they were not -- the first subpoena, right, you're talking?

Q Right, the one -- I'm sorry. I'm talking about the subpoena for documents that was served on June 3rd or June 2nd.

A Yes. Yeah, there weren't -- they weren't being as cooperative or responsive. So DOJ reached back out to them to, in a sense, compel them, in a sense, say, you know, we really need these documents, you know. And so --

Q Oh, I see. You're saying initially when they were given the subpoena from the grand jury, they didn't immediately respond with documents?

A Correct.

Q Mr. Bratt and others had to actually say, hey, you really need to respond to the subpoena?

A Yeah, and my understanding from my team, when I was getting briefed off my team was the fact that, you know, at that point, to Jay and the team, just, well, we're just going to do a search, right, or something like that. We're going to take other action.

And we were -- the FBI team was more adamant, like, just compel them, right. Just compel them, right. And so that's what we did agree to.

And my understanding is that the Director opined on that and that the deputy opined on it and got some higher ups at DOJ to agree to that and say, look, you've got to compel him first, right. We're not going to just do a -- serve a subpoena and then all of a sudden follow up with a search warrant. Compel them to see what we get from him.

So that's what happened. My understanding is that's what happened. Jay, I think, had a conversation with everyone, I'm assuming, and then they came forward with the documents that they had.

Q Okay. So I actually didn't fully understand that then.

A Okay.

Q So, initially, there was the subpoena that the grand jury issued, which was actually, if I recall, signed in May. I think it was May -- I want to say the 19th. It's part of our exhibit.

A Yeah, it's the one you showed me.

Q Yes, right.

A Yep.

Q And it was actually -- because Mr. Trump was not responsive to the subpoena itself, that is initially what created the concern among DOJ officials that they were going to need to do something even more --

A Yeah, absolutely.

Q -- forceful, like a search warrant, at that point. Is that right?

A Correct, yeah, because the concern is, obviously, it's a classified document. We have some hundred or so, whatever is found in NARA, 13, 14, 15, boxes. So --

Q But I mean in terms of cooperation. They didn't respond to the subpoena

initially, correct?

A My understanding is they didn't fully comply with the subpoena. I don't know if they didn't respond. I can't say they didn't respond. Like, I don't know -- I think they -- I'll be speculating if I said this, but my understanding is that they were in contact, possibly, but they didn't comply and give us the documents yet, right. You know what I'm saying?

Q You just used the word "compel." You said that you encouraged DOJ to compel the subpoena. What did you mean by that?

A So because the doc -- because they weren't providing the documents by the date that's on there, right.

Q Right.

A So if anyone gets a subpoena, right --

Q May 24th.

A -- the normal course -- yeah. Normal course of action is here's the subpoena. We require the documents by May 24th.

Q Right.

A When it's coming up to May 22nd, May 23rd, where are the documents, right. And so you have to compel them and say, either you're going to come forward to the grand jury and explain why you did not -- don't have these documents to produce or you're going to produce the damn documents, right. And so that's the course of action.

So we wanted DOJ to compel and have that conversation with Mr. Corcoran to say, hey, look, we need these documents, right. And then I'm assuming, because they didn't hit the date, that by the time June came up, because they would have been in not compliance with that subpoena --

Q Right. May 24, '22, they would have needed to produce the documents.

A Yeah. There was an agreement there between DOJ and the attorney to produce them on June 2nd, right. Because in that timeframe, from that point on to June 2nd, they were not in compliance, and they could have been held, you know --

Q In contempt.

A Correct.

Q Right.

A Yeah. That's the heaviness people don't understand about a subpoena, right. There's a contempt charge too.

Q Right. And the point that I'm trying to make here is this was another instance in which Mr. Trump and his staff were being noncompliant with DOJ --

A Absolutely.

Q -- even under a subpoena, correct?

A Absolutely. No, I don't disagree with that, and it's -- that's the normal -- not the normal course, but you can -- in any investigation you understand who the subject of that investigation is and you understand what motivates that person. It's not -- it was not out of the ord -- we weren't surprised by it. I wasn't surprised by it. If anyone was surprised by it, then they haven't been paying attention for the past couple years.

Q Understood. I'm just trying to clarify --

A Yeah, I know. Yeah, yeah.

Q I'm trying to clarify just -- you had said many times that it was your preference to seek cooperation from Mr. Trump, right?

A Correct.

Q And what I was saying is this record shows there were many opportunities for Mr. Trump to cooperate, correct?

A Absolutely. And June 2nd they did comply, and they gave us some records. It just wasn't enough.

Q Right. Again --

A Again, it wasn't enough.

Q -- on June 2nd and thereafter, the FBI had discovered that still there was not compliance with the subpoena fully, correct?

A Yep. And that's why I don't -- I don't, like, completely disagree with DOJ's process on this and the way they wanted to do it. That's why I've said before, like, I don't disagree with it. I just -- I believe in a different view sometimes, and you have to explore all views, right.

Q Right.

A So that's what I was just trying to get out with -- but it was the belief of my team that it would have worked, right, that the talking to Mr. Corcoran would have worked, right. And so I'm getting it from my team, right, the agents, the supervisors, the ASAC that had inter -- I didn't have any interaction with Mr. Corcoran, right, but they formally believed.

So as the ADIC, as the leader, I'm trying to go, okay, I understand, but going to try it this way. DOJ decides a different route, that's fine. It's all good.

Q I understand your position.

A Yeah.

Q I'm just saying, for the record, do you understand that Mr. Bratt was also communicating with Mr. Corcoran, correct?

A My understanding is that he was, yes.

Q And he was getting the feeling that Mr. Corcoran was not cooperating, correct?

A You'd have to talk to Mr. Bratt about that.

Q Okay. But if he did feel that --

A That's what he conveyed to us -- yeah. Yeah, that's what he conveyed to us.

Q Okay.

A But I also understand that Jay -- through my team -- that Jay had a contentious relationship with Mr. Corcoran.

Q I understand. And maybe some of the reason could be that Mr. Bratt was not getting compliance even when he went through the process of getting a grand jury subpoena, correct?

A Correct, because of the head bashing between him and the other attorney, which is never a good thing.

Q Sure. For whatever reason, Mr. Bratt had sought a subpoena and gotten one, correct?

A He did.

Q And he did not get compliance by the date of the return on the subpoena, which was the 24th of May, correct?

A My understanding is he did not, but I don't know what led up to that. I don't know how the --

Q Sure.

A -- conversation went.

Q We don't know that. We just know that there was no compliance by the 24th, correct?

A That's as far as the records show, yes.

Q And so Mr. Jay's position was, we tried cooperation. Now we're going to

try the next level of compulsion, correct?

A That was their take on it, yeah.

[D'Antuono Exhibit No. 7

Was marked for identification.]

[REDACTED]

Q Okay. So now I just want to introduce what's exhibit 7, which is the actual search and seizure warrant that was issued by the magistrate judge in the U.S. District Court for the Southern District of Florida. And there's a few pages, which includes the return on the warrant.

A Yep.

Q Once you've had a chance to look at it, I'm not going to ask you details.

A That's fine.

Q But just a general refresher on what was recovered when that warrant was executed.

A Yeah. It's just the 597, which was the property receipt.

Q Yeah. And the property receipt actually itemizes the things that were recovered by the FBI that day. Is that right?

A Yes. Not in specifics but more generalization, right, obviously. There's some specific match in here, but for the most part, it's just generalization.

Q Okay. And so on page 5 under the page number for the docket system, which appears on the top of the page, there's a set of lines, Description of Items, and the first says four documents. Is that right?

A Yes, I see that.

Q And then it's got 29, 30, 31, 32, and 33, which are boxes, correct?

A Yeah. It looks that way.

Q And those contained documents, as far as you know, or do you know?

A I don't know what they contained.

Q Okay.

A They could have contained anything. There's a whole host of stuff that they contained.

Q Got it. And if you turn the page to page 6, again with the docketing system, page 6, there's a further set of descriptions of various items that include, No. 1, an executive grant of clemency for Roger Stone, Jr.?

A Uh-huh.

Q 1A, information regarding the President of France. 2, leather-bound box of documents. Is that correct so far?

A Yeah. Yeah, yeah, absolutely.

Q You're the witness, not me.

A Sorry. That's what's written on the document, so yes.

Q 2A, various classified/TS/SCI documents, correct?

A That's correct.

Q And that refers to top secret compartmented information?

A Correct, yep.

Q That's highly classified, correct?

A Yeah, it is just compartmentalized, you know. It depends on what the document is.

Q Sure. No. 3, potential Presidential record, correct?

A Correct.

Q No. 5 and No. 6 say binder of photos, correct?

A That's correct.

Q No. 7 says handwritten note, correct?

A Correct.

Q I'm going to skip over some of this stuff to number 10A, which says, miscellaneous secret documents. Is that correct?

A That is correct.

Q Number 11A, miscellaneous top secret documents, correct?

A That is correct.

Q Number 13A, miscellaneous top secret documents again?

A That's correct.

Q Number 14A, miscellaneous confidential documents, correct?

A Correct.

Q And turning to the next page, page 7, line item 15A, miscellaneous secret documents, correct?

A That is correct.

Q 19A, confidential document, correct?

A Correct.

Q And 23A, miscellaneous secret documents, correct?

A That's correct.

Q 24A, miscellaneous confidential documents, correct?

A Correct.

Q 26A, miscellaneous top secret documents, correct?

A That's correct.

Q And finally, 28A, miscellaneous -- I believe it says top secret documents again, correct?

A Yeah, it does. Somebody initialed that typo in the top.

Q Okay. And at the bottom is the signature of Christina Bobb, attorney, correct?

A That's correct, yep.

Q Okay. And that means she was there to, I guess --

A As a representative to, you know, keeping the record as to what we took, right. We always have to give a record and inventory of what we initially took.

Q Understood.

A So yeah.

Q And finally, the last page, as you see, is a photograph. Do you see that photo?

A Yes.

Q And that is a photograph taken by the evidence technicians at the search warrant execution. Is that right?

A That would be my understanding, yes.

Q Okay. And that's some of the documents that they saw during the execution of the warrant that they recovered, correct?

A That's my understanding, yes.

Q Okay. And you can see in the picture that some of these documents had cover pages that say things like Secret/SCI, correct?

A That is correct.

Q Or Top Secret/SCI, correct?

A Correct.

Q Okay. And those documents are things that the FBI has an interest in recovering and having -- be assured that they're being stored safely, correct?

A That is correct.

Q Okay. You've talked a lot about your concerns that you shared with DOJ during this process, and you've characterized them as just kind of part of the normal back and forth between FBI and DOJ when they're discussing strategy.

A Correct.

Q Is that right?

A Yes.

Q Okay. And would you say that that's basically what happened here?

A Oh, yeah, absolutely. Yeah.

Q And you don't disagree with the ultimate conduct of the investigation, given the outcome, which was the recovery of all of these documents, correct?

A No.

Q And do you believe that anyone was motivated by animus in their choices here?

A No.

Q Do you believe that Mr. Bratt, for example, was simply trying to do his job as a National Security Division attorney to help the DOJ recover what he thought was important national defense information?

A Yeah, I believe Jay was doing his job, yes.

Q Okay. One other thing. Recently, on May 31st of 2023, multiple news outlets reported that DOJ prosecutors had obtained a audio recording of Mr. Trump in which he discusses holding on to a classified document that he knows is classified. Have you heard that reporting?

A I've read the reporting, honestly, but I have not -- I have no idea.

Q You have no knowledge of whether it's --

A No, I don't believe it was found when we were -- when I was the ADIC.

Q I'm sorry. What was that?

A I don't believe it was -- I left in November, end of November. So I believe that was found after I left. So I have no knowledge of it, other than the report.

Q Oh, you have no knowledge of the evidence itself?

A Yeah, no, I don't believe that was found prior to me leaving --

Q Understood.

A -- or retiring.

Q But you heard the report --

A I heard the report, yes.

Q -- about the audio recording?

A Absolutely, yes.

Q Okay.

A Yep.

Q So my question was, like, according to the reporting, again, this recording was allegedly made during a July 2021 meeting at Trump's Bedminster Golf Club in New Jersey. Did you hear that?

A I read the article, yes.

Q Okay. And according to the reporting, the recorded -- in the recorded conversation, Mr. Trump tells listeners that if he could show them this document that's classified, then they would see that General Milley had produced a military plan to attack Iran during his administration. That was the reporting, correct?

A That's my understanding, yes.

Q Okay. And there were people in that room as this audio recording was being made, correct?

A That's what they reported, yes.

Q Okay. And those people, according to the reporting, did not hold security clearances themselves that would have allowed them to hear the information in this classified report?

A That is correct.

Q Okay. Now, if this reporting is accurate, hypothetical, I know you don't understand if it is, but if this reporting is accurate, the audio recording would be very powerful evidence that Trump knowingly and unlawfully retained national defense information after he left office, would it not?

Mr. Berger. I don't think he can answer that.

Mr. D'Antuono. I can't answer.

Mr. Berger. There are so many elements to whether there's a crime or not?

██████████ Well, the question was whether it would be evidence of it, not whether there's a crime --

Mr. Berger. Would it be evidence of it? I don't even think he can answer that.

██████████ Why?

Mr. Berger. Because we'd have to understand, first of all, what the elements of the relevant statute is, what the accused -- what the crime --

██████████ Well, I produced the statute for you.

Mr. Berger. Well, what is the statute? Why don't you show us what it is.

██████████ It's marked as -- what is that exhibit?

██████████ I took it back.

Mr. Berger. Show it to us again so I can see it.

██████████ It's exhibit -- what is it?

██████████ No. 5.

Mr. Berger. So the elements -- I'm looking at the elements and it's -- you have to

have an intent to be used to injure the United States or to take the advantage -- exploit an advantage of a foreign nation. I don't know how anyone can sit here --

[REDACTED] I'm sorry. Where are you looking?

Mr. D'Antuono. 793.

Mr. Berger. 793.

Mr. D'Antuono. For the purpose of obtaining information --

Mr. Berger. Obtaining it because you believe that the information is to be used, the injury of the United -- you're using it for the injury of the United States or you're using it to advantage a foreign nation. Those are elements of this crime.

[REDACTED] I'm sorry. I'm not asking you --

Mr. Berger. He's not in a position to answer that. He's not in a position to answer that.

[REDACTED] -- to opine on whether the elements have met. I'm asking if it's evidence relevant to the --

Mr. Berger. I'm going to direct him not to answer.

[REDACTED] -- investigation.

Well, he's here voluntarily.

Mr. Berger. I'm going to tell you not to answer.

Mr. D'Antuono. I'm going to take the advice of my counsel.

Mr. Berger. All right. Thank you.

[REDACTED]

Q Just to be clear, how many years did you serve in the FBI?

A Twenty-seven.

Q Okay. And you --

A Approximately. Twenty-six and ten months.

Q And you served in roles, everything from case agent through supervisory, all the way up to ADIC, correct?

A Correct, yeah.

Q So you would have understanding of what is and is not evidence in your -- as part of your experience, right?

A Uh-huh, yes.

Q Okay. But you're still being directed not to answer whether something is --

Mr. Berger. He's being directed not to answer, end of story, that question.

██████████ I understand. I understand. He's here voluntarily. So if he chooses to answer, he can still answer.

██████████ Okay.

Mr. Berger. I told him not to and he's not. He's absolutely --

██████████ I heard you.

Mr. Berger. -- unequivocally not going to answer, no matter how many times you ask him.

██████████ We're not asking him. We're just --

Mr. Berger. That's it.

██████████ We heard you.

Mr. Berger. Move on to the next question and we're good.

██████████ Okay.

██████████ In addition, the audio recording demonstrates a significant national security risk, if it is true, posed by the former President.

Mr. Berger. Don't answer.

Mr. D'Antuono. I --

Mr. Berger. You're not answering.

██████████ You have no opinion about sharing -- if someone were to share classified information with people without a clearance, do you agree that that poses national security risk?

Mr. Berger. Don't answer.

Again, I haven't even determined what's classified, what's not classified. There are so many elements.

██████████ It's a hypothetical question.

Mr. Berger. I don't want him asking --

██████████ Okay.

Mr. Berger. -- answering hypothetical questions. No one has asked any hypothetical questions right now.

██████████ Just to be clear, you also, in your role as ADIC, oversaw the counterintelligence section of WFO, right?

Mr. D'Antuono. That's correct, yes.

██████████ So you regularly did oversee and have to make a determination of whether items were, in fact, classified or not, correct? Or whether the importance of -- you had to make decisions regarding classified evidence. Is that fair to say?

Mr. Berger. Yeah, when he has the totality of the circumstances --

██████████ I understand. I'm asking the client.

Mr. Berger. Correct. When there's -- when you have all the information and you have all the particulars -- when you have all the information and you have all the particulars, you're in a position to make assessments, I'm sure.

██████████ Okay. I'm sorry. I'm actually asking your client.

██████████

Q In his experience, having served 28-some years in the FBI, including as ADIC

of the Washington field office --

A Yes.

Q -- you did, in fact, oversee the Counterintelligence Division?

A I did, yes.

Q And the Counterintelligence Division handled classified evidence, correct?

A They did, correct.

Q And so you were a supervisor above that?

A Yes.

Mr. Berger. Yes. Okay.

██████████ Okay. Do you believe it's a national security risk if someone divulges top secret information or secret information to someone without a clearance?

Mr. Berger. She's asking a hypothetical question in the abstract.

Mr. D'Antuono. Yes.

Mr. Berger. You can answer that. Thank you.

Mr. D'Antuono. Yes. If national security information is leaked out or provided out to people that don't have a clearance or a need-to-know, that's -- yeah, that's not good for anyone. We take that -- I take that strongly.

██████████ Okay.

██████████
Q Are you familiar with calls for the defunding of the FBI?

A Yes.

Q Okay. How do you feel about that?

A I don't agree with it.

Q Okay. Why?

A Want the soapbox version?

Q Sure. Your version.

A My version is the FBI is an institution that we need in this country, and further chipping away at the foundation of the Bureau is not a good thing for this country. You know, we do a lot of stuff.

If people -- if someone's kid got kidnapped right today, who would you call? You'd want the FBI on it, right? But nowadays, we're in this position of not trusting anything the FBI says, not trusting probably what I say here, right. There's going to be people that will see this transcript at some point in time and say -- and don't believe me. I don't understand why. I don't know what I ever did to make people not believe what I have to say but believe what others have to say.

Look at the facts and circumstances. I built a career on the facts and evidence and collecting it.

You know, so defunding the FBI is a bad thing for this country. Defunding all law enforcement is a bad thing for this country. That's just my opinion.

Q How about even the political calls to defund the FBI? When somebody stands up in a committee hearing, for example, and says that we should defund the FBI, whether or not they ever intend to follow through, when they make those kind of calls, does that, in your mind, undermine the legitimacy of the FBI and make it harder for people to do their jobs in the agency?

A Yes. In my opinion, it's just like the more the American people hear about not trusting the FBI, it's not a good day for this country. It's not a good day for the FBI. And we need all law enforcement, not just the FBI. We just need all trust, right. It comes out to trust, and there's no trust in this country anymore in our institutions, which is, to me, sad.

Q And do you believe in the mission of the FBI?

A Yes.

Q And do you believe that most people that you've encountered in your career who are in the FBI are well-meaning FBI employees who are trying their best to do their job?

A Oh, absolutely, yeah. Through and through.

Q Are you familiar with the claim that the January 6th insurrection was a, quote, false flag operation, that somehow the U.S. Government and the FBI was responsible for that attack?

A Yes. Yeah, yeah.

Q What is your opinion of that theory?

A Well, they're basically talking about me, you know, because I led the office, and it's not true, absolutely not true.

██████████ Okay. That's all I have.

Do you have anything?

██████████ No, I don't have anything. We can go off the record. Thank you.

[Recess.]

██████████ Okay. We're back on the record.

██████████

Q We are going to go back, Mr. D'Antuono, to January 6th, a day that I'm sure you know well.

A Uh-huh.

Q We're talking about -- we left off with some of the surveillance, preparatory activities that may have been going on in advance of the event. Of course, a key feature of conducting surveillance is remaining inconspicuous and, you know, blending into the crowd.

Is it fair to assume then that FBI personnel in the crowd had to at least possibly feign aggression so as not to highlight themselves by acting different than those around them?

A We didn't have people in the crowd.

Q We didn't have any --

A FBI did not have people in the crowd. To my knowledge, we did not. We had like -- I think, [REDACTED] you're familiar with eye teams and stuff like that that we've done --

Q Sure.

A -- you know, in past, you know, protests or a demonstra -- or whatever, right --

Q Yes.

A -- that we've had with the knowledge that there's going to be violence or something like that, right.

In this case, to my knowledge, as the ADIC of WFO, we did not have eye teams. Secret Service was responsible for the Ellipse. U.S. Park Police was responsible for the parks. Capital Police was responsible for the Capitol Grounds. And then everything else in between is FPS usually, right?

Q Sure.

A Or MPD, right. So there was enough coverage, and we were never asked to do anything like eye teams that we've done in like inaugurations or all the special events, NSSEs. You hear about NSSEs all the time. Why wasn't this an NSSE type stuff, right.

So in this -- for this particular matter, we didn't have people in the crowds. We were getting reports from -- the way the command post works is we have task force officers within the command post, which we were getting reports from their people that

were on the ground or that were viewing it, right, because that's their responsibility. That's not the FBI's responsibility to watch peaceful protestors. It's just a process. You know what I'm saying?

Q Yeah, I do, and I appreciate that clarification for the committee.

And so the task force officers would have been in touch with their own agencies who would have had personnel represented on the ground. But the Bureau themselves were not in plain clothes on the ground?

A To my knowledge, I did not have anyone there, and that would have been something that should have been brought up to my response, because as the leader of the office, that would have been my direction to do that, and that would not have been my direction.

Q Okay. Understood.

A So if that happened, then I'm going to be pissed with some people.

Q Regarding -- we talked a little bit about some of the very, you know, robust, preemptive activities that you would assume were occurring at a, you know, at a sharing level with all the partners, State, local, Federal, you know, the folks that you'd normally work with.

Were there any investigations involving the events of January 6th, you know, proactively or, I guess, presumptively opened prior to actually January 6th? If that makes sense.

Were there cases that were opened in advance? And I don't want to speak for you because I know there might be some administrative files opened on things. But as far as operational cases, was there anything that was open in advance that you assumed there may be an activity that necessitated opening a case?

A I don't believe so, but I would have to look back at like the records. Again,

this is -- well, we'll say 2.5 years ago, right. So I don't recall there being cases specifically opened for January 6th.

Now, there were speculation, there were other cases, obviously, throughout the country that might have involved actors that were coming to D.C. Those cases were -- may have been at WFO, but they might have been at other offices, but I can't definitively say yes or no on that.

Q I understand that you had -- we had subjects traveling in from other areas of responsibility. That's a different scenario.

A Yeah.

Q Okay.

A There would have been Guardians opened, like leading up to January 6th, if there was information that came in. And that's Guardian, G-u-a-r-d-i-a-n, right -- Guardians open to take in the tip or the information that was coming in, whatever it was, and then working through logical, like, is this a threat or is this not a threat.

If it came to the point where there was some validity to this, we may have opened up a case at that point, but I can't definitively say yes or no that we did.

Q Understood.

A We may have and we may not have.

Q I appreciate the clarification. Thank you.

All right. Moving on, did FBI headquarters or any FBI field offices initiate investigative activities to cover the event?

A Well, FBI headquarters does not initiate investigative activity. They would, you know, direct or program manage it, right. I don't -- I can't answer for the other field offices. Again, I believe there were other cases that were around the country.

Q Can you explain for maybe some of the others in the room what that would

look like in an event of this size? How perhaps -- as the ADIC of Washington field, if it's happening in your space, sort of what that looks like administratively. Like, how are you covering that event?

A Well, so -- covering the January 6th event or --

Q In advance.

A Well, in advance we're preparing for the possibility of violence, right. So, you know, the FBI is not -- we don't have the responsibility of being the CDU, the crisis disruption unit, right. We're not on the front lines. We're not law enforcement in which we have riot gear on or anything like that preparing for stuff like that.

Our role, because we're very sensitive to the fact of the Constitution and our ability to protect the American people and uphold the Constitution, that's ingrained in what we do. Want to make sure that we're not trampling on people's constitutional rights. So it's a balancing act.

So we want to help law enforcement, provide them with everything we possibly can to provide them the intelligence that we know -- credible intelligence, right, credible and actual intelligence that we can provide them that they can then do their job and protect whoever they need to protect, right. They have the mission.

And there's been comments out there, I said this, I said that. But, you know, I firmly believe, it's like MPD was the main component here to protect the city, that 3,000-plus strong, sworn officers strong, you know, they have -- they've always taken that role, right.

FBI isn't on the streets. You don't want an FBI agent in that role. You really don't. We have a lot of guns and, you know, we train differently than others, right. And we don't train for a simple disturbance. So we provide the intelligence.

Q No, understood. And there are command posts proactively stood up to

sort of triage and disseminate the activity coming in?

A And the information that, like you alluded to before as to how we were leading up to this, we were having meetings. My people were having meetings with their counterparts of all these different agencies, collecting information, intelligence. What do they have? What do we have? And they're discerning as to who gets, you know -- where the information is shared.

We shared as much -- like, I believe fully that we share until it hurts, right. We share as much as we possibly can because we don't want a situation that happened. And so, unfortunately, it still did.

Q So we have a lot of -- I'm sorry. The FBI has a lot of -- it happens. The FBI has a lot of investigative resources, as everyone in this room understands. Things like CHS, as we're going to talk about a little bit more later.

But leveraging current platforms that may have been in existence, were there any -- did we have any physical surveillance teams out and about?

Based on your last answer, I'm assuming that may not, but I don't want to put words in your mouth. Pole cameras or electronic surveillance, anything of that that proactively deployed? Maybe leveraging other existing cases that would have been in the vicinity is how I'm envisioning that may have occurred, but I don't want to speak for you.

A Again, I started as an ASAC in St. Louis during the Michael Brown situation. I got an education in civil disturbance, right. I got an education in what we do as the Bureau and what we can and can't do from a legal perspective and elsewhere, right. So there's things that we can and can't do, and we're not supposed to be watching peaceful protests, right, unless there is articulable, factual basis to believe that there's some officer safety issues or violence happening and stuff like that.

So I take that extremely to heart, okay. So my -- to my knowledge, we did not have pole cams up. We didn't have any of that stuff up to watch peaceful protests, right.

Now, when information was coming in, and it might have led to the fact -- like, I remember there was like information that came in that somebody had, you know, a gun stock in their -- underneath their waist coat or whatever. So, oh, wait, gun stock? You know, stock of a gun, right, a long gun or whatever. I don't remember what it was, but I think it was described more as like a long gun or something like that. That's concerning, right.

So now we're going to investigate. We're going to, with our partners, investigate. That might come through Park Police, might come through MPD, we don't know. So you have to stop, go and investigate that. That's what the FBI does, right.

So as you well know, the gun laws in this city are completely not broad, right. They're very, very specific. You cannot bring a gun into this city like that, right. So that would have been something we would investigate. That's what we're there to do, and that's what we did.

So there could have been times that we did send people down there for surveillance of those purposes, but the overall, we're not surveilling. Again, there's plenty of law enforcement here in this city. It's not St. Louis. It's not Detroit. There's plenty of Federal law enforcement: MPD, Park Police, Secret Service, Capitol Police.

Q Understood.

A There are enough eyes there. They didn't need a bunch of FBI agents.

Q Having said that, though, the committee has received information that there were some FBI SWAT teams predeployed.

A Yes.

Q Are you aware of that --

A Absolutely.

Q -- or can you speak to some of what that may have entailed?

A I'm the one that ordered it. So I'm the one to speak to, and I wish people would have spoken to me before.

So when we're preparing for situations, right, again, the responsibility of the FBI is to not be the riot police or the control, right. But if something happened, a terrorist attack in the city, violence in the city, any type of violent activity, we want our tactical teams in place, right.

And I had an enhanced team at WFO. It's a double team in a sense, more than other field offices have, right. So we put them on call. Like, we -- or on the bags, as we call it, right, in the possibility that things happen.

Again, going back to my St. Louis days. We had our tactical team responding there too. We get a call out to help the county police with a barricade situation, barricade subject. That night when -- a November night, we respond because they asked us to. That's what our job is, to help them, right. We try to provide support. We're not going to [REDACTED], but we're going to go help them because the SWAT team is working.

Two of my agents get shot, right. Bad night. But that was our job, to help our brothers and sisters in law enforcement to do that. That's what we do, right.

So in the case of January 6th, if violence erupted anyplace in the city and we needed to call out for tactical, we were prepared. If it happened at the Capitol, if it happened at the Ellipse. Also, if MPD had their hands full, and then there was violent activity, and they had tactical teams do it, we could have responded to that, right.

Q Sure. How many SWAT teams do you recall? I understand your enhanced

SWAT team at Washington field.

A Yes. So we had two teams. One was on call in the morning shift and then we were prepared to bring the other ones in at 2 -- like 2 or 3 I believe, right. So that's our team.

It was decided, through my conversations with Deputy Director Bowdich at the time, he's just like, Steve, I think we might need another SWAT team. Boss, that's your call. Yeah, let's do it. Whatever makes you comfortable, boss, right.

And so I called Baltimore. Jenn was up there. Jenn Boone was the SAC up there at the time. She said, absolutely, whatever resource you need. We called Baltimore because they're right next door, right.

So we decided, me and my SWAT team lead, and my ASACs are over that, we tried to put them in place as to where they should be. I suggested an offsite facility that we have here in D.C. They suggested out in Maryland because it would have -- tactically it would have been better.

Q Yeah.

A If something happened in Virginia or Arlington, to get around the beltway, right.

So we put thought, like a lot of thought into this. This is not just willy-nilly like we're making this stuff up. There's a lot of thought and process that went into this. So those are the three tactical teams. And then also HRT was on standby too.

Q Okay.

A Which, in a case like this, in my experience, never have HRT on standby for something like this. That's severity that we in the FBI took to this matter, right. HRT, 20 minutes out by helo, right. The problem was like where they land. And then that's a story for another time. You can read the IG report on that, I guess, unless you want to

talk about it. But that was HRT as well.

So that's the severity that we put to this.

Q So an awful lot of predeployed assets.

A ERTs, CMTs, everyone else, yes.

Q Okay. We're shifting gears over to confidential human sources, CHSes, of course. There's been a lot of information of all types floating about about CHSes deployed here, there, everywhere.

Were FBI CHSes proactively deployed to the Capitol on January 6th of 2021?

A I didn't deploy -- my people, to my knowledge -- I didn't. WFO did not predeploy any CHSes. I can't speak for anything else that happened, but I know we did not. WFO did not. I didn't do it.

Q In your role as ADIC, you're of a high degree of confidence that Washington field did not?

A Correct. Washington field did not have C -- now --

Q Can you explain for the committee who may not understand what the protocol is for traveling CHSes from other field offices and how that's supposed to work?

A Yeah. It's supposed to work that the field office is supposed to notify the receiving field office that someone's coming to town or whatnot. That should be happening at the ground level, right. In most circumstances, when you go into someone else's territory, you're supposed to get approval from the SAC. It's dumbed down all the way down to the ASAC and SACs half the time, right.

So even like -- even in Baltimore coming -- you know, which is right next door, coming into WFO, technically, they're supposed to tell us when they're coming into WFO's territory. Realistically, does it always happen? No. And that's what causes some consternation, like, why are you doing an operation in our city? You know, and

the reason for that is because if there's a shooting or something happens, you need to know, right.

If all of a sudden FBI agents get into a shooting and I'm getting called by the deputy director saying your people are -- my people aren't deployed. What the hell's going on? Then that's a bad day. That's a problem, right. So that's normally what happens.

Q So what is your -- based upon that -- and thank you for the explanation for the committee.

What is your degree of confidence on that, that there were not other, perhaps, FBI CHSes that may have been onsite on January 6th?

A So my understanding now is there were CHSes onsite. So back then I didn't know that there were going to be CHSes onsite. I didn't.

Q Sure. And when you say now, with, of course, the benefit of hindsight, which we always bat a thousand, but with that being knowledge now, would that revise your prior, you know, understanding that Washington field may have had?

A Washington field may have had, but I believe my people would have told me if our CHSes were involved.

Q So you're referring to other divisions?

A Correct, right. So -- and I don't want to say that we didn't know, being WFO. I may not have known as the ADIC from up here, right. And, again, it gets delegated down. So the supervisors, those are the people you need to ask, or the ASACs, did they know that these people, particular people were traveling in, like the ones that are known to this day.

Like, I found out afterwards, through the course of the investigation of, like, this CHS from X city was -- you know, that's -- but the question that's always asked out there is

like, do we have CHSes in the crowd, right. So when we -- when we polled the field offices to find out if they're CHSes, the thing with the CHS is like -- and it's like there's a distinction that needs to be made.

Now, WFO may have had a CHS in the crowd that was a drug CHS, violent crime CHS, that didn't tell us they were going, right. People have a citizen's right to go and protest. We're not going to stop them from doing that. As you well know, we had FBI agents there. We had other government officials. People are there, right. That's -- I firmly believe that's their citizen's right, right.

So if a CHS was there and then we found out afterwards, that doesn't necessarily mean that there was malicious, nefarious action by the FBI to put that person there, right. They might have just been there and then told us after the fact that they went. That happens all the time. We don't have that much control over CHSes, right. The ones that are working off matters, yes, but the other ones, it's interesting.

So there's a lot of --

Q I understand the assessment.

A Yeah. There's a lot of other things that could have been involved, and it's not always malicious and nefarious, especially on the part of the FBI, especially on the part of the FBI.

██████████ And how did you come to learn that there were CHSes onsite?

Mr. D'Antuono. Through the course of the investigation, as we were going through the investigation, it would have come up. I think at some point in time we were like -- it was chaotic, right. Obviously, January 6th, chaotic for you all here, chaotic for us during the investigation, crisis. January 20th, we still have the inauguration to come up, right. There's a lot going on, right.

So as these things were being put in place, I don't remember at what point, but I

think at one point we were like, we need to know how many CHSes were here, because that's going to be a question. You know, I'm not dumb. I've been through this before. We know this question is coming, right.

So I think we asked headquarters to do a poll or put out something to people saying was any CHSes involved. And I think that's when we started getting responses back.

I think also through the course of some investigations we would find out that there was a CHS involved. I remember particularly there was one from like Kansas City or whatever. That was like, okay.

Chairman Jordan. Were they known CHSes or unknown CHSes or both?

Mr. D'Antuono. Well, I think they were both. I think they were --

Chairman Jordan. So you now know that there were CHSes that the FBI knew ahead of time were going to be here on January 6th and that there were also some unknown CHSes who, on their own accord, decided to come here on January 6th?

Mr. D'Antuono. That is my belief, yeah. The one in particular I'm remembering was the Kansas City CHS that I believe the case agent knew he was coming because I think he told them, if I recall. It's possible WFO knew. I didn't know. And again, the --

Chairman Jordan. We now understand that there were confidential human sources that the FBI knew ahead of time were going to be here and those that they didn't know were going to be. There were both of those?

Mr. D'Antuono. I believe that, yes, through the course of what I learned after January 6th, yes.

██████████

Q And with the Kansas City confidential human source -- I believe we're talking about the same individual -- I think they were the subject of a New York Times article.

A I'm not sure.

Q And may have been reporting back to his FBI handler.

A Correct, yes.

Q Is that your recollection?

A While they were -- yeah, that's my --

Q While they were in the crowd.

A While they were in the crowd, I think, saying that they were going in. They were trying to stop some of the action happening and they left or whatnot. Yeah, that was -- but I'm not sure if that handler knew that he was coming or not.

Q Uh-huh.

A I want to say yes, but I'm not sure, right. That's, again, a question for headquarters or DTAS or whoever.

Q And when that poll came back from headquarters of how many --

A I'm not sure if there was a poll or not, but yes.

Q Yes.

A Okay. Yeah.

Q After you were learning of confidential human sources, were you able to quantify how many? Was it a handful? More than 10? More than 20?

A I think it was maybe a -- I think it was a handful, but I'm not -- I'm not honestly sure, right.

Q Okay.

A The ones that were bubbled up to us were like my level, because I was trying to deal with issues, right. As the ADIC, you have to fire a man or fire a woman that -- you know, a lot of stuff comes up and you have to deal with issues, right.

So some of these were like, oh, God, you know, what are we going to do about

this? We wanted to make sure we got it right, right. And we wanted to make sure we knew who was our -- so my recollection is maybe a handful of people, but I can't say for sure.

Q And kind of just -- not to speed ahead a little bit, but when did the WFO begin investigations that -- of individuals regarding events that occurred on January 6th?

A Immediately. Absolute -- it was -- I can't pinpoint. Once we got through the crisis, right, that's when you turned on the investigative wheel, right, and the gears. So once the -- I think you guys got back into session at like 8 or 9 or whatever, but we were still in the building, tact teams, evidence response teams, all that stuff till like 1, 2, or 3 o'clock in the morning, I believe, if my log -- like HRT didn't leave until like 3 -- I think 2 or 3 in the morning.

So throughout that, we started trying to figure out why this happened, right. Who did it? And who was doing what, right. It was just like any case, but it was a immense case, so --

Q And at what point during the day did HRT deploy, and at what point in the day did the SWAT teams deploy? If you can walk through that.

A Yeah. So I don't remember all the times, right. You'd have to -- I don't know if you have access to the logs, the surveillance logs, all that -- not surveillance logs. I mean the command post logs that we put together for everyone and their brother, OIG.

If I remember correctly the times that the Capitol was being breached or whatever, it was like 1, 2 o'clock. I think 2 o'clock or whatever.

I received a call -- we received a call through our command post for support, tactical support. Can you send the tact team? Because I had said previously to Steve Sund and everyone else that we have our tact teams on, right. So they can call out.

We have to go through our authority, right, go through CDC authority to make

sure that it's something we can do. That was like a no-brainer answer in 30 seconds, right. Yes, deploy. My tact team, I believe, got here within 10 minutes. That was one.

And then the other tact team came from the Maryland area. They would go in on scene. We redeployed them to the Capitol. They got here probably about a half hour later or something like that. And HRT, the call out to them, I think -- I don't know what time, but after the other two tact teams. And then they had to deploy here.

And that was the logistical problem with HRT, because they had to land someplace. I was not allowing them to land on the front lawn of the Capitol or anywhere in the vicinity. That would have been a bad day. And so we had to land them someplace else, and then figure out logistics of getting them from here to -- from there to the Capitol.

I'm dealing with everything else as the ADIC. I have a lot of people that are handling that stuff, so -- the logistics, so -- but I don't know times. You'd have to look -- if I gave you times, I would be -- I might not be right.

Q I'm sorry. I jumped in the timeframe a little bit.

A That's all right.

Q Did you receive any sort of direction from headquarters about how to pursue investigations into the events that occurred at the Capitol on January 6th?

A Yes.

Q And what were those directions?

A So -- all right. So initially, after a couple of days, right, maybe it was a week, everything blends together for me at this point in time, we wanted -- me and my team -- well, some -- well, my SACs and myself, my advisers, we were opening this case under a criminal investigation, under CID, right, criminal, under what we classify as a 72

case, which is obstruction, right.

So in our mind it was obstruction. So obstruction of Congress, right, a proceeding of Congress. Everyone can disagree or not disagree with the statute, whatever, but that's what we needed to open up a case under. So we opened it up under the umbrella with components of domestic terrorism, assaults against Federal officers, 176, which would be insurrection matters, and then other, right, if I remember the org chart that we had.

I believe, I'm almost positive, that we -- my criminal folks opened up a case in D.C. and actually opened up the investigation under the classification. We're a field office, right. We can run the investigation the way we determine to run the investigation. Headquarters found out that we did it that way, and I got a call from the deputy director saying that -- or someone. I think it was from the deputy, and just disagreeing with the way we opened it.

Well, he's my boss and, you know, I gave him my opinion as to why we needed to open it this way. He disagreed with it and said we're going to open it up under, you know, CTD, and they're going to program manage it in DTAS and all that stuff. And, again, I gave my opinion, like I think you see here that I give, but at the end of the day, there's nothing wrong with the way he wanted to open it. It was just, from my sense, my case management, the way my people articulated it to me, the way I saw it -- and I'm a criminal -- I worked criminal most of my career, right.

As an ASAC, SAC in Detroit, and then as the ADIC, I've always seen CI, CT, right, DT matters as well. And I understand the policies and procedures and how we do that stuff. So it's not -- it wasn't wrong to do it the way they wanted to do it. It wasn't wrong the way I wanted to do it either. I thought it would have been cleaner doing it the way we wanted to do it.

CID, in my opinion, has more resources to provide. They were going to offer a bunch of resources for us to provide. DTAS at the time didn't have as much people under them at that point to program manage the severity of this case. We saw it throughout the Washington field office as we were running these investigations, a lot of speculation that has come out from people and stuff that has been thrown at Washington field office after this. And so I could tell you that from the Washington field office perspective, that was not the way we wanted to work it.

Now, again, there's a DT nexus to this, right. You know, we worked -- the conspiracy cases were under my direction, right, so -- but I'm not -- I wasn't sure if everyone needed to be under a 266. So -- and not everyone is, right. There's a lot of AFO cases. There's a lot of 176 cases. Those are classifications, right.

██████████ Do you recall how soon after the events you probably had that conversation with the deputy director as far as, you know, redirecting which headquarters entity would program manage it, you know, from CID to CTD? Was it days? Was it -- I know it's probably a mind melt as far as all that stuff, but what's your best estimate?

Mr. D'Antuono. I don't know, right. Everything blends together at that point in time. I'm not sure if it's weeks or months. It was probably within the first couple of weeks at least. It makes sense, because we were trying -- from a case management standpoint, we needed to figure this thing out. Best estimate at that point in time, there was 2,000 to 2,500 people that came into the Capitol or in the vicinity of what we would consider, me and my team would consider the restricted area.

I didn't believe that the restricted area went all the way to the grass, right. So working with the U.S. Attorney's Office and coming to an agreement with them, which they're very, very good, Matt and John Crabb and everyone there, it was fantastic

working with them. We decided that the steps, the scaffolding, you know, that area and then, obviously, if you entered the Capitol, you have to be looked at, right.

We have a responsibility to everyone in this country to do our due diligence to investigate, regardless of how you entered the Capitol, right. So that is my firm belief, right. And so we investigate; they prosecute, right. So in that respect of knowing the severity that we're going to have to do with this, we needed to case manage it, and I wasn't going to be able to do it from WFO. Just was not going to be possible, right.

So -- and I think this gets to your next questions as to the case management of it being in other field offices, stuff like that. I didn't have the resources to be able to do every single one of these cases and do my CI mission and my CT mission and my violent crime mission and protect this country from all those other actors that are in this city and do 2,000 to 2,500 cases as well.

And all those individuals went to other areas of the country because they weren't here, right. They're not residing here. So we needed Dallas or L.A. or Florida, whatever, to open up those cases. We were basically on the hook at the end because we're WFO and the U.S. Attorney's Office is here, which was decided by DOJ that the U.S. Attorney's Office was going to prosecute all these cases.

There's a lot of U.S. attorneys that disagreed with that across the country. They wanted to prosecute the cases in their -- but DOJ decides. Okay, fine. No problem, right.

So I'm probably getting ahead of you guys.

[REDACTED] And with the deputy director, did you have an understanding of why he wanted to classify the cases and use CTD?

Mr. D'Antuono. I can spec -- through my 27 years in the Bureau and seeing a lot of different things, I can speculate as to why, right. In my opinion, it's not from

politicalization of the Bureau. It's not to pad numbers for DT cases. It's not, right. That's just me, Steve D'Antuono, the way I understand it.

I've seen countless number of times in the Bureau, after 9/11, in which CTD gets the program responsibility for cases. Take, for example, the Las Vegas shooter, right. A tragic day. CID was running that case. We were program managing that case. I was in CID as a section chief at that time.

The AD was told by the deputy director -- I think it was AD McCabe at that time -- you're not program managing this anymore. It's going to CT. CID was like, what? That's just wrong, right. This is a -- there's no ideology here. We don't know it, right.

But the Bureau has a tendency to always go to the ideo -- like go to -- it's terrorism first and it's criminal after, much to the chagrin of law criminal agents, right. And it's not the Guardian cases, and it's not the padding numbers. It's just the way people have been brought up since 9/11.

A lot of our senior leaders are CTD people, right. They're not -- I don't know why there's not a lot of criminal people in it like myself, but a lot of our senior leaders are CTD. So they want it under their program. They understand that. There's things that we can do, tools, different tools that we can use, all that stuff, that we don't do on the criminal side.

So, you know, and there's -- but there's complexities to it too. Like in 266 cases, domestic terrorism, you have to open up a case on each individual, which is bizarre to me, but it's policy, right. It's just the way it is.

We don't do that in gang cases. We don't do that on violent crime. We don't do that on white collar cases. But on, you know, terrorism cases, that's what you do. It's policy.

[REDACTED]

Q It is policy, but you can understand the inevitable optic of --

A Absolutely.

Q -- a predicate event and a defined area of responsibility, a bad day for all of America, and then 2,500 cases scattered throughout the country that very easily tend to paint a picture of this broad-based, diabolical, metastasizing threat picture, which was honestly based on a very bad day and moment in time in one place.

A Yeah.

Q And the optic is --

A I get it. It's just -- it's not like -- I think you understand -- I understand the optic for the FBI, right. So that's not the optic WFO was trying to portray. I was really just trying to get the cases done, right, at the end of the day. And what's the most efficient and effective way of getting it done is spreading the cases out amongst the field offices.

We wanted to open up the criminal matters and do it that way. There were some DT components, obviously. There are some DT components to this, but I don't believe -- it's just my belief. I don't believe the deputy or the Director or anyone in that chain was trying to pad the numbers. In my conversations, I know them all personally, I don't see it that way, right.

And, look, I know what's been said out there by people. Like, I didn't get any extra bonus for putting a DT -- having 2,000 DT cases. I really don't, right. I didn't get a bonus when I left, right. It's like, I don't care about that. You can interview anyone that worked for me. I actually said that. I don't care about this stuff. I just want to do the job.

And so when I put things in place, I was a hybrid, like criminal and DT or CT when

they're doing crisis stuff, right, because it takes everyone to do it.

Chairman Jordan. You said you wanted to do the job.

Mr. D'Antuono. Yeah.

Chairman Jordan. And you felt the best way to do the job was for them to be assigned to the Criminal Division, not the Counterterrorism Division. And you said you had more resources, more people to handle the job in the Criminal Division. Is that right?

Mr. D'Antuono. That's correct.

Mr. Jordan. Okay.

Mr. D'Antuono. Yes.

Chairman Jordan. And then you also said that within 2 weeks of this terrible event, that within 2 weeks is when you had this conversation with the deputy director, and he instructed you, no, we're not going to do it that way. We're going to do it through the Counterterrorism Division.

Mr. D'Antuono. I think it was 2 weeks. I'm not sure. Like, I can't recall when Dave Bowdich left, because I don't -- it wasn't really -- I don't believe it was with Mr. Bowdich. I believe it was with Mr. Abbate. So it could have been a little bit longer than 2 weeks. I'm not -- yeah, I would have -- you'd have to check the records on that. I just -- I don't want to give you an answer that is not correct, sir. I believe it was with Deputy Director Abbate at the time. So I don't remember when Mr. Bowdich left.

Chairman Jordan. And just to go back when -- your service, Mr. D'Antuono, did you -- so from '96 to 2022, always had good recommendations, good evaluations, good always?

Mr. D'Antuono. Absolutely, sir.

Chairman Jordan. Is there certain awards you may have won or commendation

you received?

Mr. D'Antuono. I didn't care. I pride myself, but I didn't care about awards, sir.

Mr. Jordan. I understand. I'm the same way.

Mr. D'Antuono. I don't have like -- I don't have the director's award or the AG's award or anything like that. And I'm surprised I rose to the level of the ADIC with the mouth that I have and the opinion I have, because I did not -- from day one, how I entered, how I left was the same.

[2:19 p.m.]

Chairman Jordan. Yeah, we can pick that up in the few hours we've spent with you. But always stellar evaluations throughout your --

Mr. D'Antuono. As far as I know, yeah. I don't think I got any bad --

Chairman Jordan. You kept moving up, right?

Mr. D'Antuono. I kept moving up. But that doesn't preclude somebody from moving up, as you probably well know, right, so --

Chairman Jordan. Yeah.

Mr. D'Antuono. -- but not that I know of. I didn't have any, you know, problems with evaluations.

Chairman Jordan. Yeah, I find that interesting, and yet -- that you were suggesting some recommendations you made being, you know, overturned by folks.

Mr. D'Antuono. Well, I -- yeah, I have opinions of that, right? So I'll let those people believe what they want to believe, right? They don't listen to sometimes the experience that people have, and they discount it, so -- that's fine.

[REDACTED]

Q And the committee has learned that there were nationwide phone calls with field offices, kind of, coordinating --

A Oh, yeah. Okay.

Q And Mr. Thibault may have been involved, Timothy Thibault. Do you remember these calls?

A So I don't believe Tim was involved in that. And so --

Q Okay.

A -- I'll just lay it out, that Tim's a friend --

Q Uh-huh.

A -- right? I started with Tim. He came in in, I think, '97; I came in in '98.

We were on the same squad together. I've known Tim 25-plus years, right?

What's been said about Tim is not true --

Q Uh-huh.

A -- is my opinion. I was the one -- as the ADIC, I was the one who had to deliver the news to him, so was there. I was the one who had to make the decision to move him on. He understood. He completely took responsibility for, you know, what he did.

Q Uh-huh.

A But if you look at Tim Thibault's record and look at the cases he prosecuted, you'll see there's no -- there's no politics there. He's a good guy.

Q Do you remember nationwide calls?

A I don't believe Tim was involved in any of those calls.

Q Okay.

A So there were nationwide calls at different points of time, in conjunction with DTOS, right, "DTOS" being the Domestic Terrorism Operations Section, right?

Through the course of the investigations, there were times in which we needed to talk to field offices to make sure that, you know, we're all communicating about the cases, right?

Q Uh-huh.

A And so WFO was in a precarious situation. I think this is where we get the knock. We're in the precarious situation of being DTOS, which I said several times to my people -- we've all said this, amongst my SACs and myself and ASACs -- like, we shouldn't be DTOS. That's not my function. I'm a field office, okay? I have responsibility for the field office. I'm not program management.

But DTOS had issues because there weren't as many people there, right? They just couldn't program-manage the severity of these cases, as many cases as there were. So there were times that came up, the field office had questions, and they weren't posing them to DTOS; they were posing them to my people. So, you know, there were questions that people had, and we tried to answer them.

This was a priority case -- these cases were a priority case from the Director and the Deputy Director. They were a priority. They both said it several times to all the SACs, the ADICs, and everyone out there that they're priority cases and we're gonna put the full force of the FBI to investigate all these cases. That was the direction we received at WFO.

When another field office would ask questions and say, we're not going to do something, I -- we get it. I get it, right?

Q Uh-huh.

A CDCs, legal people, have opined upon this as policy -- opined upon this. Don't take it up with WFO; take it up with headquarters, right?

Q Uh-huh.

A Because we're just trying to do our job, right?

And that's kind of what my people did. So the reports of all the supervisors and ASACs and the people that are trying to direct things -- Tim was not involved, as far as I know, in any of those -- he didn't work DTOS.

So, if he was involved in a nationwide call, it might've been -- the only thing I can surmise, it might've been during a command post, in which -- or during the initial course of the investigations when we had the command post up, from, like, January throughout the inauguration, and then some for the investigation, of briefings --

Q Uh-huh.

A -- right, a briefing as to what we're seeing on some of these things, some of these cases.

That's the only thing I can surmise, but you'd have to ask him, you know? And he would be the one to be able to tell you that. But he wasn't involved in the domestic terrorism matters. He barely was involved in this case, because after that was all done, he went back to his ASAC job.

Q Uh-huh.

And who was your counterpart at DTOS? Who did you speak with the most there?

A So it would've been Steve Jensen. I believe Steve was initially the -- yeah, I believe Steve was the DTOS section chief, yep.

Q So, if WFO needed to get in touch with Mr. Jensen, would you reach out to him, or were others reaching out to him?

A Yeah, it depended, right? So, as the ADIC, I would talk to anyone. It doesn't matter what level it was, right, you know? But Steve was section chief. That's a couple levels -- so his counterpart would've been the SACs, right?

Q Uh-huh.

A But because of the profile of this case, I was directed by the Deputy Director to be intricately involved with the January 6th investigations.

So I had a call every single day -- I don't know when 'til when, but it was a very long period of time -- with the U.S. Attorney's Office and John Crabb. Like I said before, John was leading, you know, the January 6th stuff. So we would just have a call to make sure there were no issues.

And in a case this complex, there were issues. There were minor issues and the big issues, the discovery issues. And with an attorney here, you understand, like, the

severity of the discovery in a case like this. Like, making sure that you get it right for discovery purposes is immense. This is a case like no other in this country. Unprecedented. 9/11 was so tragic, but it wasn't as involved, as many subjects as we had in this case.

So there's a lot of those issues, from administrative to CHSes, to just, you know, operational, to, you know, we need to go arrest this person or that person, that were decided on. And the things were going up to the DAG and up to the Deputy Director and back down to me, and I was going back up.

So, for communication purposes, the Deputy asked me to talk to John Crabb, who is not really my counterpart. The U.S. Attorney is my counterpart, right?

Q Uh-huh.

A John was low. But I don't care. I've known John for 20, 20-plus years. I'll talk to anyone. If we can resolve this stuff, let's do it.

So John, myself, Steve Jensen, my SACs, my ASACs, my SSAs, we're all on a call, mostly, every single day. It weaned at a certain point in time. We started going every other day, then once a week, blah, blah, blah. But in the beginning, it was every day that we were talking.

So Steve would've been on those calls. So we talked a lot. And sometimes Steve would reach out to me; sometimes he would reach out to the SACs. But we were all just trying to get to the root of, like, some of these issues and make sure that they weren't bigger issues -- case-manage correctly.

Q Uh-huh.

And to the extent that a field office had a concern or had a question about information they had received from DTOS or WFO regarding a January-6th-related case --

A Yeah.

Q -- would they reach out to DTOS or reach out to the WFO?

A Well, they should've been reaching out to DTOS, but they reached out to us. Because, again, we were the liaison between them and the U.S. Attorney, right? The U.S. Attorney's Office, for a time, was right across the street from Washington Field Office.

So we knew this was going to happen when we set it up this way, right? It's just -- it's inevitable. If the U.S. Attorney's Office wants something, they're going to come to the people that they know, and it's us, right?

Q Uh-huh.

A So, when there were issues, they were going back and forth, because the AUSAs are trying to work with the person in Dallas, Omaha, wherever it was. We were unfortunately in the middle of a lot of these situations.

Q Uh-huh.

A And then I'm in the middle, as the ADIC, getting the questions from the Deputy, which I don't even know the answers to half the time, so I have to reach down, because this is involving another field office and he's hearing stuff from other people.

Q Uh-huh.

A So it was this roundabout communication game that took up a lot of my time.

Q And would the WFO, through you, try to answer those questions, or would they give them to DTOS?

A Normally, we would try to answer the questions because it was the most efficient and effective way of doing it. And the supervisors or the agents or the ASACs would. A lot of times, what I would say to them was, like, look, if you need to raise this up the chain, raise it up the chain. Right?


Q Uh-huh.

A Have an ASAC call. Have an SAC call. If I need to call, I'll call.

And so there's a lot of different issues that came up with, you know, cases -- not opening a case, not wanting to open a case -- you know, all the stuff that you've probably heard about, right? And I'm not dumb; I know this is what you've heard about, and I know what you're getting at. That would've come through.

And I'm not sure what my supervisors and ASACs -- I wasn't in the room with them, right? But when I had conversations with an SAC, it was just like, "Look, you know, I completely agree. I understand you don't have the resources here, you don't have the resources there, you know. But you heard as well as I did, the Deputy Director and the Director have a priority. They want this case as a priority. I don't know what you want me to tell you, but, you know, I'm going to have to go back to the Deputy and say I had the conversation, and he's just going to call you. So cut out the middleman, because I have other things to do, and go right directly to the Deputy Director."

And I'm not sure what happened in a lot of these things. A lot of times, like, people were just, you know, "I don't have the resources to do this. This is an RA." You know? And, look, I've supervised RAs. I know what some people have said, right? You can't do everything in an RA. If you have a two-man RA, good luck.


Q Beyond resources, though, were some of those questions about whether there -- on a case-by-case basis, or a lead-by-lead basis perhaps --

A Yeah.

Q -- about sufficient predication? Were there discussions about predication?

A Yeah, absolutely.

Q About protected First Amendment activity --

A That's a --

Q -- that may or may not have gone on, and just merely, you know, being here wasn't predication, so to speak? Were there concerns voiced to you by others?

A There were concerns, not specifically voiced to me, but I believe there -- I know that there was to others, right?

And so there's a lot of legal complexities in these cases, a lot of policies, procedures, all that stuff, within DT cases, right? And I'm not an attorney, but we got legal opinions to do -- and that's not an excuse, right? It's just definitely not an excuse. But there's our legal people, our CDCs, in the field offices who would confer and say, "Well, we see it this way." And if, you know, attorneys --

Q Did you have a lot of pushback?

A Um --

Q There were so many leads going out. And we're talking thousands of cases --

A Yeah.

Q -- potentially. Was there pushback, again, beyond resources? I understand --

A Yeah, yeah. No, there was pushback, but it never got to the point where it was just, like, pushback like it was -- it was sort of like when I was trying to talk to the DOJ, providing a different opinion, right? And then we come to an agreement, like, "Okay, well, all right, I see your point now. Okay, we can do it under this," right?

And that happened a lot, right? That happened in a lot of cases, that -- and people could say we -- "we," WFO -- like, strong-armed them into that. To me, that's not true. I didn't strong-arm anyone into doing anything. And I'm pretty sure my people wouldn't have done that either. It just -- if the CDCs agreed and DTOS agreed

and the OGC agreed that it was within policy to open up that Guardian or open up that case, then that's what we did, you know -- they did.

I don't know, to the point of, like, how much other people had consternation about that.

Q Appreciate that. Thank you.

A Yeah.

Q I'm certain that was quite a goat rodeo to attempt to manage.

A Yeah.

██████████ Mr. Jordan, did you have some questions?

Chairman Jordan. Do you think there would be -- the dossier was used as part of the premise for getting the FISA warrant. Would there be 1023s on the reports given to the FBI from Christopher Steele?

Mr. D'Antuono. I don't know anything about that case, sir. I don't. I just --

Chairman Jordan. I'm not -- I'm just saying, in general --

Mr. D'Antuono. Yeah, yeah.

Mr. Jordan. -- would you expect there to be 1023s on the reports given to the FBI by Christopher Steele?

Mr. D'Antuono. If Christopher Steele -- and hypothetically, right -- for process, if Christopher Steele was a CHS opened up by the Bureau, right, and there was conversations with him as a CHS, the memorialization of those conversations --

Chairman Jordan. Would, in fact, be a 1023.

Mr. D'Antuono. -- would be a 1023. That's just process.

Now, if there wasn't evidentiary conversation, if there was nothing to put in a 1023, you might not find a 1023.

Chairman Jordan. Okay.

Mr. D'Antuono. All right? That happens, so --

Chairman Jordan. Okay.

[REDACTED]

Q The committee has been told about information that Bank of America voluntarily provided to the FBI. Do you have any knowledge or awareness of the list that was provided?

A So I heard about it after the fact --

Q Uh-huh.

A -- that it happened, I think through the news reports.

Q "After the fact" meaning when? Just recently or --

A No, no, no. After, like, when we were going through the case and stuff like that, so -- the January 6th investigation. Like, I read on a report or something like that.

But I believe headquarters would've handled that. I don't know -- like, I don't think we did at WFO.

Q So you never saw the Bank of America list?

A Again, I was up here --

Q Uh-huh.

A -- so I wouldn't have seen something granular -- like, that granular.

Q Did any of your subordinates raise it to you?

A Not that I recall, no.

Q Another January-6th-related --

Chairman Jordan. Can I go back on the same --

[REDACTED] Oh. Yep.

Chairman Jordan. So when did you learn that Bank of America had provided information on people, their customers, who were in the D.C. area on January 5th, 6th, or

7th?

Mr. D'Antuono. Honestly, sir, I don't remember. It was probably through the course of the investigation at some point in time. It could've been weeks, it could've been a couple months afterwards. Whenever the article or report came out -- or, there was -- I think there was an article or a media report about it. That's probably when I heard about it. Up to that point, I hadn't heard about it.

Chairman Jordan. So you heard about it and you saw it in the press.

Mr. D'Antuono. Yes.

Chairman Jordan. But, then, did someone confirm that that, in fact, had happened?

Mr. D'Antuono. I don't know, because it wasn't something that I would've had to deal with. I had other things going on.

Chairman Jordan. Uh-huh.

Mr. D'Antuono. So, you know, in my experience, when there is terrorism-related crises or active-shooter situations or whatever, there's questions relating to people and, you know, financial information, and that's part of the normal course of the investigation, that we try to ferret out as to, you know -- that's part of the process.

Chairman Jordan. I see. So how do you -- you sort of ferret out financial information.

Mr. D'Antuono. Yep.

Chairman Jordan. How is that done?

Mr. D'Antuono. Normally through subpoenas, yes.

Chairman Jordan. Right.

Mr. D'Antuono. Yes. Or an NSL too, right? You know, an NSL is a subpoena for the national security stuff, so --

[REDACTED]

Q Would you characterize it as unusual, that that voluminous of a data set was just provided without process?

A I don't have enough information to be able to say it's unusual or not. I do know, in my experience of, like, dealing with white-collar cases, a lot of times there's informal information that you just ask if someone has a bank account, you know, information and stuff like that, and you don't get anything specific, right? You just know the -- to be able to go through and subpoena that, those records, at that point in time.

Q Did the Bureau follow up, to your knowledge, with process to go deeper if need be?

A I don't know. Honestly, I don't know anything about that, because it had nothing to do with what I requested or, to my knowledge, WFO requested. I don't know.

Q So headquarters would be the likely best place for those types of answers?

A There was a lot of people doing different things during January 6th and trying to run down information. Yes.

Q Okay.

A But WFO, to my knowledge -- to my knowledge, me and WFO did not have anything to do with that request.

Q And so you don't know if any investigations were predicated upon that information, specifically, in your field office?

A I don't know. I don't know the answer to that.

Chairman Jordan. Did any of the folks who worked for you at the Washington Field Office bring up Bank of America data on the people they were investigating? Did that come up in conversation with the agents working these cases?

Mr. D'Antuono. I don't recall that, no. And, again, the granularity like that wouldn't have bubbled up to me, you know? It would just be through the normal course of investigative, you know, techniques and stuff like that, if that information came up. So I was dealing with a lot of issues, right, if issues came up, fires and stuff like that.

Chairman Jordan. Were there any situations where a private company would give you information without first having a subpoena?

Mr. D'Antuono. Not that I recall. But there were a lot of complexities to the fact that, when companies have information, they can or cannot share that, right? So, being an all white-collar-crime agent and stuff like that, we have FIRREA laws, right? So, you know, Right to Financial Privacy Act. A lot of parameters around that.

Other information can be duly turned over by the company because they have the information for us. So, take a receipt or information that a private company has. They don't need a subpoena -- in my opinion, they don't need a subpoena, sometimes, to turn that stuff over.

So, when we go talk to the company -- and this is just hypothetical, right? -- I'm going to talk to any type company, and they say, "Hey, I want a subpoena for this," okay, we'll get you a subpoena, but you don't require the subpoena, right? There are certain parameters that require subpoenas.

So there might have been stuff that some company turned over I'm not sure of that would've not fallen under a subpoena requirement.

██████████

Q And another January-6th-related investigation we've become aware of is regarding a bus trip that 140 individuals from --

A Yeah.

Q -- Boston to D.C. rode together. The two individuals who organized the bus

actually entered the Capitol, and so they were investigated and, I believe, prosecuted.

And then there were some allegations that the WFO or DTOS had asked the Boston Field Office to investigate the other individuals on the bus.

A Yeah.

Q Do you have any recollection of that event occurring?

A So I recollect the information about the bus trip or whatever, the bus being here, shortly after January 6th, when we were trying to figure out who was here and all that stuff and was there a concerted effort to do this.

Q Uh-huh.

A I'm not -- like, I didn't have any involvement in what -- I know who provided the information to you all, or at least I was told, right?

Q Uh-huh.

A I never had a conversation with Joe Bonavolonta, the SAC -- it never raised to my level -- about their concerns about it. So I don't have, like, firsthand knowledge of what happened there.

I know what was said. I don't recall any of what was said happening at WFO or my people saying that type of stuff. But I don't have the specifics, right? If I had the specifics, I might be able to -- you know.

Q Uh-huh. And if SAC Bonavolonta contacted WFO or DTOS regarding this bus trip, who would he have contacted? Who would've been his point of contact, do you surmise?

A He most likely would've called me.

Q Okay.

A Because I know Joe, right? Joe and I came up in the Bureau together. He would've called me -- he's called me on other things too, right? Not these things, right,

but other matters, like, that don't involve stuff like this. So I would've surmised he would've called me. If he didn't call me, he would've called my SAC for counterterrorism, so --

Q And if one of his ASACs was communicating with the WFO or DTOS, who would the ASAC have gone through? What would their contemporary have been?

A It's usually ASAC to ASAC --

Q Okay.

A -- usually. You know, sometimes it goes ASAC to supervisor too, right? It depends. It's like, it depends if people care about titles and stuff like that, so -- or levels. And so the ASAC could've just called their counterpart ASAC there or one of the supervisors, so -- or a supervisor calls a supervisor, or whatnot, so -- yeah.

██████████ I think we're nearing the end of our hour.

We'll go off the record. Thanks.

[Recess.]

██████████ We can go back on the record, please. It's 2:50.

Hello again, Mr. D'Antuono.

Mr. D'Antuono. Hi.

██████████

Q Okay. A couple of questions, I guess, on the subject of the January 6th investigation.

A Sure.

Q You understand that the suggestion that the confidential human sources who were associated with the FBI and in the crowd on January 6th -- that the implication of that is this theory that somehow the FBI was directing those people and, again, orchestrating sort of a false flag. Do you understand that that's the suggestion?

A Absolutely, I understand that, yes.

Q And what is your response to that?

A That that is furthest from the truth.

Q Okay.

A It is -- like I explained in the last session, there was no nefarious or malicious -- in my opinion, no nefarious or maliciousness to having a CHS in the crowd, possibly going to the protest. That's, you know, what we have CHSes for all the time. You know, it was -- none of this was orchestrated by the FBI, nor myself, as has been talked about in other veins, you know, so --

Q Okay.

And then you talked quite a bit in the last hour about the organization of the January 6th cases, how they were classified --

A Yeah.

Q -- the relationship between headquarters and the field office. Do you recall those questions?

A I do, yes.

Q And isn't it fair to say that January 6th -- the investigations that followed were truly unprecedented in the criminal history of events of the United States?

A Oh, my good- -- it was the most unprecedented -- yeah, definitely, you know.

Q And that's the kind of situation where you'd expect program management to come in, correct?

A Yes. Yes.

Q Because it's unique, correct?

A Well, program management helps in cases when they're vast amongst -- all over the place, right? So, like, with this being a nationwide -- it wasn't just centered -- it

was centered here in D.C., but obviously it was nationwide. We've said that before within the Bureau, that this is not just WFO's problem or D.C.'s problem; this is a nationwide issue, right? Because everyone that -- not everyone, but most of the people that were here on that day that did whatever acts that they did, legal or not legal, went back to their hometowns in the country. So --

Q Right.

A -- there needed to be some sort of program management aspect to bring all that under, which -- you know, every division does program management. CID does program management; CTD. Headquarters' function is program management.

Q Okay. And just for the record, could you explain what "program management" means in this context?

A Yeah. It's not so much a direct -- like, from a CID perspective, right, from a criminal perspective, right, program management isn't about directing the traffic and how to do investigations. From CID's perspective, it's providing resources for the field offices to do the investigations, right?

So, as a section chief, I oversaw every single white-collar-crime case in the Bureau, all the public corruption and all that stuff. I had, like, 3,000. Did I really oversee every single one? No, but I had people to do it.

And so they were checking on the case, making sure that it was progressing forward in a reasonable manner. If there were issues came up or there were monetary issues that needed to be -- you know, a bribe payment or other authorities that needed headquarters' approval, that's what they're there for, from a program management standpoint.

Counterterrorism Division and Counterintelligence Division, different style of program management. They have a lot more oversight and direction as to how

investigations -- the process of investigations are, right, and what's going to take place, more so than CID.

Q Okay.

A So there's differing -- I'm just trying to explain -- there's differing levels and nuances of program management within the FBI. It's not one-size-fits-all.

Q Okay.

And you mentioned resources. That's one important component that can come from the program management, correct?

A Correct.

Q But, also, consistency is another issue, correct? Like, if you have a case like January 6th, where, again, as you just described, it's reaching all over the country, there's a value in having consistency in your investigatory and prosecutorial choices, correct?

A Yes. But there was a difference in a lot of these cases. So it wasn't cookie-cutter with January 6th.

Q Of course. No, that's not what I was implying. Yeah, of course it's going to be based on the defendant and the facts, right?

A Yeah. Well, it's also based upon what they did, right?

Q Of course.

A So we have assault-against-Federal-officer cases, which are not DT- or CTD-focused.

Q Sure.

A They're criminally focused, right?

Q But if you had similarly situated defendants, say, like, that entered the same area in the U.S. Capitol, you would want the FBI in Alabama and the FBI in Rhode Island to take the same approach in terms of whether that was the restricted area, for example,

and whether you would prosecuted a person who was here.

A So that comes down to a prosecution, not an investigation.

Q Well, even in the investigation stage, all I'm saying is, like, you want some consistency with respect to these novel issues that were presented to the investigators regarding discovery, regarding --

A Yeah.

Q You know, I mean, sedition is not a crime that is charged that often in the United States, correct?

A Yep.

Q But if somebody needed to look at that in this case, you want to make sure that, wherever you are in the country, you have a uniform understanding of the law. Is that fair to say?

A That's fair to say, but that's not how we set it up at WFO --

Q Okay.

A -- because Washington Field Office was doing most of the seditious cases. And then, from a prosecutorial standpoint, the U.S. Attorney's Office here was told -- well, they were doing all the prosecutions, right? So --

Q Yep.

A -- we try not to get involved in that for consistency's sake if a prosecution was going to take place.

Investigations, it depends on the -- it depends on the case, it depends -- like, Washington Field Office's DTOS is not telling every field office to do it one way or the other. There is no cookie-cutter way to do investigations. That's the problem, right?

I understand what you're saying. So the consistency portion of program management is to make sure it's consistent across the board. I don't know if really a

program manager gets to that level.

Q No, I wasn't trying to imply that the prosecutions were going to be consistent. I'm saying the novel issues that you were presented with for discovery, for example.

A Well, so discovery was run out of Washington Field Office --

Q Okay.

A -- right? We were the all -- we were taking every single -- I had a supervisor assigned to discovery, I had agents, we had TDY bodies, all at WFO, which was where a lot of these conversations were happening with other field offices --

Q Okay.

A -- you know? For a consistency portion, yes.

[REDACTED]

Q And I think you just said, and I just want to emphasize this, that the Washington Field Office was not telling other field offices how to run their cases.

A No. No. That should not have happened. You know, we may have given, like, you know, nudges, like, you know, "This is what headquarters expects. This is what the Deputy Director expects. Take it up with them --

Q Right.

A -- DTOS, if you have an issue." That's headquarters' job, is to program-manage these things, not Washington Field Office's job. We were adamant about that.

How far that was taken, though, when I'm up here, SAC, ASAC, SSA, and all the agents here, who knows, right? Because people might've said stuff that I don't know that they said. So I can't --

Q Understood. Understood.

A -- 100 percent --

[REDACTED]

Q Okay. Your background, substantively, in most of your career, was in the criminal context. Is that right?

A Yeah. So I -- most of it was in --

Q That's all.

A Yeah, yeah.

Q That was the question.

A Yeah.

Q And I'm just saying, in the --

A Well, it's like, as an ASAC and as an SAC, I did have CI and CT experience too --

Q Okay.

A -- because I was over a whole field office for almost a year in Detroit. So I don't want to be painted into a picture of all I have is criminal experience. I have plenty of CI and CT experience as well. I just never worked the cases -- which you don't need to do in the Bureau. You don't. As a leader, you don't need to do that.

Q Okay.

Fair to say that some of the facts that you were presented with in these cases could fall equally under a Criminal Division or DTOS? It's sort of redundant, in a sense, or either one of them could have proceeded?

A Yeah. So DTOS -- most of the time when you're doing a domestic terrorism, it's a criminal violation anyways, half the time, all right? Because there is no DT statute, as --

Q Right.

A -- we well know, right? And so most of that's coming under there. So it's apples and oranges.

And I'm not trying to portray that I was any different. Like, it was -- I just thought it would've been easier doing it the way we wanted to do it, like, under the umbrella of a criminal case, with branches. The Deputy decides it's another way? No big deal, you know?

Q Right.


A We did it the way he wanted it done. That's fine. "Roger that, sir. I'm onboard. Let's do it."

Q So you have no problem with the way they proceeded. Is that right?

A No, I don't have a problem with it. No. It just -- and it's not -- it was not nefarious, opening up DT cases. Like, in my opinion, there's no padding of the numbers. It meant nothing. In any context, from metrics, bonuses, or whatever else was said, it had no bearing whatsoever on what my counterpart peers and myself were doing.

I can't speak from headquarters, like, from the -- from the standpoint of how many cases we have and what they're trying to -- you know, show what they have. I don't know what people's motivations are on that. I don't want to believe it was nefarious or malicious. I don't lie. What's the point, right, in my opinion.

But, you know, I could speak for WFO and myself, that I didn't care if it was a DT case or it was a criminal case.


Q Were there tools available under criminal that wouldn't have been available under CID or vice versa?

A Nah, not really.

Q Okay.

A No. It was just -- from our standpoint, it was more or less -- so, from Washington Field Office's point, like, my CID branch -- my criminal branch was bigger than --

Q Okay.

A -- CT, right? CT was, I think, my smallest branch. It was just, you know -- or close to. So I have more resources in criminal.

Q Okay.

A Also, other than, like, violent crime -- like, there's white-collar crime that other agencies do. Violent crime, drugs other agencies do as well, right?

Q Uh-huh.

A Counterterrorism, counterintelligence no one else does. That's the Bureau, right? So am I going to be taking my agents from there and resource them to this and not be able to do the CT/CI mission? That's not good, in my opinion, right? We need to continue doing this.

So I had -- at one point in time, I had CI agents working a lot of these cases. Well, my SAC was like, "Boss, we've got things we could be" -- that's a bad day.

Q Uh-huh.

A Okay, we need to get these people off this case --

Q Right.

A -- and put them here. I have more resources in CID to work those things. Which, they're already working all the AFO cases, which is assault-against-a-Federal-officer cases, or the other cases that were not deemed, like, domestic terrorism. There were other cases that weren't all deemed domestic terrorism cases, right? But it came under the umbrella of mostly DT and CTD, right?

Q Uh-huh.

A But there were 365 officers -- or, 365 subjects, I believe, 160-something officers that were assaulted that day.

Q Right.

A There were a lot of cases that were worked by my criminal folks. So I don't want to imply that it was all worked by DT folks. It was worked by criminal as well.

Q Right.

A We were pulled in a lot of directions.

Q Right. You had to put a lot of resources on it.

A Absolutely. And as a manager, as a leader, I've got to decide what --

Q Right.

A -- best resources to put in place to be able to do my other jobs too, you know?

Q Right.

I'm sorry. How many police officers did you say were assaulted?

A I want to say it was, like, 160, 165.

Q Okay.

A There's -- you can look it up.

Q Yeah.

A There's been media reports on all that stuff. They have all the figures.

Q Yeah. Okay.

████████████████████

Q You would agree, though, that this was a very important investigation?

A Absolutely. Yeah, yeah. No, we put a priority to this. I believed in what the Deputy Director and the Director were saying, that this was a priority. You know, I said from day one that we were going to try to figure out why this happened, what

happened. Yeah, it was absolutely a priority, and my people at WFO know that I considered it a priority.

Q And did you follow many of the cases as they proceeded through prosecution and trial, just even in the news?

A Here and there. There were so many cases.

Some of the -- like, the seditious conspiracy cases or the conspiracy team cases, you know, the Oath Keepers/Proud Boys cases that came out, yeah, I needed to keep on track of that stuff, because those are unprecedented cases, as you said. Like, seditious conspiracy and stuff like that, that isn't normally charged, you know? So that I made sure.

But the other misdemeanor cases, some of the assaults-against-Federal-officers cases, obviously Officer Sicknick, right, all those things -- you know, the officer that died -- you know, those are -- made sure that we kept track. But all the 2,000-plus cases? No.

Q Did you guys also handle the one involving Officer Fanone?

A Yeah, I believe we -- yeah, we would've. Yeah.

The Officer Sicknick case, I think Capitol Police might've been running that, with cooperation with us.

Q Uh-huh.

A But it was just -- you know, still, we were all involved in all those things.

██████████

Q On Officer Sicknick, we've heard some testimony from people who say that, you know, his death wasn't the result of January 6th. Do you have a response to that?

A You know, I don't -- I'm not a doctor.

Q Uh-huh.

A I just know what the report said.

Q Yeah.

A I've seen the video.

Q Uh-huh.

A You know, other than that, it's like, I'm -- my opinion is, he died after January 6th and everything that he went through.


Again, I'm not a doctor. I don't know if -- like, it's not as clear-cut as he was shot --

Q Right.

A -- you know? But, yeah, I believe it was a law enforcement officer that died doing his duties, which is absolutely horrible.

Q Thank you.

A Yep.


Q I guess my final question: Are you proud of what the FBI did in that investigation?

A Absolutely. Yes.

Q Can you explain?

A You know, unprecedented.

A lot of the reports that came out were the fact that, you know, we didn't do enough, we didn't protect -- like, there was an intelligence failure. It was not an intelligence failure. In my opinion, it was a security failure. There wasn't enough protection that day.

I and my people -- I sent about 250 agents down there, plus -- all the components of ERT, everyone else -- to help the Capitol Police and our brothers and sisters, Capitol

Police and MPD and the rest of everyone else that responded that day, to push the people out of the Capitol and take the Capitol back, as my Deputy Director said we were going to do.

So that was important. And, then, after the fact, of trying to bring people to justice that perpetrated illegal acts, yes, you know, I firmly believe that, you know, what my people did in an unprecedented situation and continue to do is we follow the facts and evidence of cases. And that is what we did in this, with no bias whatsoever, one way or the other.

██████████ That's all I had. Thank you.

██████████ Thank you.

Mr. D'Antuono. Thank you.

██████████ We can go off the record.

[Discussion off the record.]

██████████ All right. We are back on the record at 3:08.

Q Okay. We're going back in time to your time as a special agent in charge of Detroit. You were in that position, I believe, in November of 2020?

A No. It would've been 2019. So I think I started in October 2019.

Q You started -- okay. And then when did you head back this way for ADIC --

A Well, I think it was actually September of 2019 I got to Detroit, Michigan.

And then October 16, 2020, I took over Washington Field Office.

Q All right.

A So I was notified September of 2020 by the Director that I was getting the job. That's why a lot of the reports that say it was, like, days before January 6th are completely untrue --

Q Yeah.

A -- you know, so -- it was just --

Q It seems like there were a lot of reports about a lot of things that aren't necessarily right.

A Yes.

Q Okay.

So this may be even faster. Were you there at all when the Whitmer investigation --

A Yes, I was.

Q -- unfolded? We had some just general questions about some of that.

A Absolutely.

Q But, again, we'll move through these fairly quickly.

Okay. So, while SAC in FBI Detroit, in conjunction with the Department of Justice, as you know, filing a complaint against the six -- it was six men -- for an alleged plot to kidnap the Governor. Do you recall essentially why that investigation was opened, what the predicate was, at a high level?

A What I recall the predication being was that we had individuals that were conspiring to -- I'm not sure if it raised to that level of the Governor at that point or how we opened up the matter, but it was a domestic terrorism case that they were perpetrating to -- or, looking to conspire to -- I'm not sure what the definition or the opening of that case was, but it was a domestic terrorism case. I --

Q Yeah.

A I'd be --

Q I've seen the affidavit. I was just curious what --

A Yeah. I'd be giving, like, erroneous information, and I don't want to say

what I believe now in my head. That was 3-plus years ago, right?

Q No, that's fine.

A But it was a domestic terrorism case. There were a lot of conversations about, like, how to open it, what to open it under, all that stuff. And we went through the whole complexities of the policy and procedures that you go through for domestic terrorism cases. So, again, the CDCs opine on it, which is unusual -- not "unusual," but happens in all DT cases because that's policy. So --

Q And I know domestic terrorism cases are unique within the terrorism sphere of operations because of the U.S.-person status and things of that nature.

A Absolutely, yeah, versus --

Q Can -- better you than I -- can you maybe articulate for this committee just a little bit as to some of the steps you may have to jump through in that sort of investigation, for domestic terrorism?

A Yeah. So, because it's a U.S. person, it's extremely sensitive, right? We don't want to be opening a case on a U.S. person that is wrong, right, not factually based, right? And so the predication -- there's a high level of predication, which, at the end of the day, we have to have the CDC opine on that, the Chief Division Counsel, opine on making sure that we're within the parameters to open up a case. So it's one of the higher sensitive cases in the Bureau.

Q Do you recall any external pressure, outside of just the investigation and the facts that supported that, to open up the investigation?

A Oh, absolutely not, no. I never got any external pressure on that.

Q At the time as you were SAC, were you briefed that several of the defendants in the case were allegedly destitute at the time of their recruitment by the FBI? Were you aware of some of their status?

A I was not briefed or aware that they were destitute, no.

Q For example, according to one of the defense attorneys, one defendant was living in a basement of a vacuum repair shop in Grand Rapids in a strip mall, with no running water, toilet, et cetera.

I was just wondered if any of those details were --

A I was aware that he was living at the basement of a vacuum shop, but I was not aware of the no running water and no toilet. I don't believe that ever came up to me.

Q I know there were multiple sources employed in the investigation. Was the original source reporting used to predicate this investigation -- to your extent, was it corroborated, from what you saw, through --

A At this point, I can't opine on that. Again, that was a long time ago. And if I saw the case file or whatever, I could give you more of a definitive answer on that.

Q Sure.

A But it's too long of a period of time, you know?

Q Understood.

At any point from the initial receipt of source reporting, did either FBI headquarters or DOJ provide any direction or guidance with respect to this investigation or its steps, to your knowledge?

A Well, yeah, because it's a DT case, so it comes into the DTOS and program management of headquarters, right? So there would've been opinions thrown back and forth, and I believe there was conversations going back and forth between my people and DTOS and our CDC and everyone to say, is there enough predication to open the case? Because they have to come under that program management, and you have to have a conversation with headquarters.

Q Sure.

A Unlike in, like, a criminal case, where you just open up it on your own and just work it.

Q Yeah. And that is a distinction which you made for the committee earlier --

A Correct.

Q -- with regards to terrorism and counterintelligence investigations.

A Yes.

Q To my understanding, those were more headquarters-driven programs in that regard.

A You're correct.

Q According to evidence presented at the trial, the FBI's case involved at least 12 confidential human sources, CHSes, as well as undercover employees.

Does that sound accurate, from what you recall?

A I don't remember, at the moment, the number. Again, it was a long time ago.

Q Would you have by chance recalled if any of those CHSes had issues with their past reporting?

A I don't -- I can't recall about that stuff.

Q And would it have been normal or would you have been briefed or asked about, inquired about the reliability of any of those CHSes, as the SAC?

A I wouldn't have. I'm the SAC. I have an ASAC, a supervisor, and the case agents dealing with this. There were several ASACs because it crossed a lot of different territories, the Eastern and Western District of Michigan. Two U.S. Attorney's Offices involved too.

I was getting briefed on it. I wasn't involved in the inner workings of what was

going on.

██████████ So you would say your ASACs were more involved?

Mr. D'Antuono. Absolutely. Yeah. Well, that's the normal course of everything, right?

██████████ Uh-huh.

Mr. D'Antuono. So, as the SAC, you're leading the office. You're getting briefed on certain things and certain cases that are important, through, like, the \$50,000 white-collar case all the way up to the DT case. So you have conversations all the time with your ASACs --

████████████████████
Q So your National Security Branch ASAC in that case.

A Correct.

Q How many ASACs did you have in Detroit at that time? Do you recall --

A I think it was --

Q -- how that was broken down?

A -- five.

Q It seems in later years that that --

A Five. Yes.

Q -- sort of --

A Five and an SSIA, which was a supervisory intelligence analyst.

Q Do you recall if terrorism and counterintelligence were broken out, or were they under one ASAC?

A So, at that time, counterterrorism was -- I had an NSB ASAC, National Security Branch ASAC, right?

Q Okay.

A The way the field office was, we also had ASAC out in Grand Rapids, which was the Western District, right? That covered the Western District. I had an ASAC that was responsible for the Eastern District RAs --

Q Okay.

A -- right? A national security ASAC, a violent crime ASAC, a white-collar ASAC, admin ASAC, and then an SSIA. That's six, right? I think I got that right.

Q Yep. Yep.

A So the thing --

Q Three programmatic ASACs and two ASACs that covered resident agencies --

A Correct.

Q -- territorially?

A But, you know, [REDACTED] like, all the cases I worked out of RAs, we have a responsibility to the RA to come under that ASAC.

Q For the program?

A And then the program NSB is involved in that. So there was a complexity there with the way it was structured. I walked into that structure; I changed the structure afterwards -- not after -- you know, before the Whitmer --

Q So this may have actually had a couple different ASACs involved. And --

A It did.

Q -- I guess the nature of my colleague's question would be, if we were going to seek perhaps further information about that particular case, what would your recommendation be? Who would have more granular knowledge per se?

A Okay. There were three ASACs, to my knowledge, that were dealing with that matter.

Q Any still current in the Bureau, to your knowledge?

A Two are, I believe, yes.

Q All right. Anyone in particular whose name comes to mind if we did have further questions along those lines?

A I don't want to throw them under the bus.

[REDACTED]

Q Were you familiar with any of the CHSes that were used in the Whitmer plot? Did you have any knowledge about them?

A No, other than after -- like, I'm here. When the trial was going on, I started reading the reports and stuff like that. No, I just -- that stuff didn't really -- there were no issues that were coming up, right? If there was an issue I needed to deal with as an SAC, I would've dealt with it, but, honestly, in that case, there were really no issues that came up.

Q Uh-huh. And are you --

A To my level.

Q Do you remember a CHS named Dan Chappel?

A No.

Q No?

A Other than, I'd probably remember him from the media reporting and stuff like that, the trial.

Q Do you ever remember it coming up during the course of the case, plans to take similar action regarding the Virginia Governor?

A Yes, I do remember there was a -- there was information that was coming out that the Virginia Governor, you know, might've been involved in this conspiracy as well. Not "involved," but --

Q Yeah.

A -- the action against him. He wasn't involved in a conspiracy.

Q And were you learning that at the time that the case was occurring, or did you learn that after the fact?

A No, I believe I learned that during the case.

Q Uh-huh.

A There were a lot of other -- there were a couple other DT cases around the country that we were working, too, at that point in time.

Q Uh-huh.

A I don't remember all the case numbers or anything like that at this point, but there were other cases that were involved -- I think the group was called The Base, I believe, right?

So there were other things that were involved there. From a program management aspect, that's why DTOS was involved in a lot of these things, right, in trying to -- as somebody asked what program manager -- like, making sure the dots were being crossed amongst all the field offices and that people had the flow of information that was correct, right? And that happens a lot, DTOS and CID and CTD making sure that people weren't stepping on each other.

Q Did you ever interact with the Virginia Field Office that had responsibility over --

A That would've been Richmond. No, I don't believe I had a call with Richmond Field Office. Now, my people might've, right? My ASAC and stuff like that, but --

Q Uh-huh.

A -- you know.

Q Were you ever briefed on any conversations that took place between the

Richmond Field Office and your field office?

A I don't recall. I really don't. I may have been, but I don't recall what my ASACs would've told me, at this point, so --

Q And was there a regular briefing that you had with your ASACs regarding this specific case?

A No.

Q Okay.

A This is -- this is not, like -- it wasn't, like, this huge case, like, that I needed to be briefed on all the time.

Q Uh-huh.

A So I had meetings weekly with my ASACs. We all sat on the same floor and all that stuff, most of us. Out in Grand Rapids, the ASACs sat in Grand Rapids. But we were all in communication through Teams meetings.

Also, you've got to realize, I believe this was -- case is opened; COVID happened.

Q Uh-huh.

A Right? So that threw in a whole different complexity to this case as well, right? Because, for a time, when everyone else was out of the offices, we were out of the offices. So a lot of what I was dealing with was keeping the morale and my office functioning along all lines.

So this case would've just been one case out of so many others. It wasn't that, like, "Oh, my gosh, this is the most incredible case in the world"-type stuff. No. I had a violent crime issue in Detroit too, right?

Q Uh-huh.

A So I was dealing with a lot of violent crime stuff. That was the summer, you know, we had the unrest. I was dealing a lot with that too.

So this is just one -- that's why a lot of this reporting that came out, I'm like, this is just a normal case. This wasn't botched. It was just a normal case. And it wasn't that, like, spectacular.

Q Uh-huh.

A I don't know. I didn't see it that way.

Q And you said you followed the trials when they occurred, or saw some reporting on the trials?

A Well, yeah, I did, because of what was being said about me, being botching the investigation and how I ran that into ground, and then I became the ADIC of WFO and the Director put me down there to run the false-flag operation. I wanted to -- I had a vested interest in seeing what happened with the trial, you know?

Q Uh-huh.

A And it was also my old field office too.

But there were a lot of issues that popped up in that trial, or before the trial, that were completely out of the control of the FBI -- completely out of control of the FBI and myself and my ASACs, you know, that caused a lot of questions with that.

Q Uh-huh.

A You know, you don't have a crystal ball to know that one of your agents is going to commit domestic abuse against his wife.

Q Uh-huh.

A Who was an undercover agent as well, which causes problems.

And anyone that's ever worked cases, prosecuted or investigated cases, it's not about the evidence; it's about the people presenting the evidence. Like, if you can't attack the evidence, you attack the person.

Q Uh-huh.

A So that was just like, oy vey, you know? That's not good.

Q And when you were reading the reports about how you had, as you said, botched the investigation, what were some of the ways that they said you had botched the investigation?

A There was no specifics.

Q No specifics? Just --

A Oh, no.

Q -- that it was botched?

A It's just that it's me and I'm the ADIC of WFO and I obviously botched the investigation.

Q Uh-huh. And --

A There was so much innuendo and speculation that was so untrue. And there were people here in this -- the other building that made accusations against me in a committee hearing.

Q And do you remember during the trials the defense attorneys brought up the entrapment?

A Yes.

Q What did you make of those arguments?

A So, in my opinion, there's no entrapment issues, right?

Q Okay.

A So cases like this, domestic terrorism or IT cases or whatever, right, when there's a -- when information comes in that somebody wants to do an illegal act, be it an IT case or a DT case -- and I'll go back to St. Louis to give you an analogy, right?

So, during St. Louis -- and this is probably little-known, but -- during St. Louis, leading up to the announcement, we had information that came in that a couple of

New-Black-Panther-movement individuals wanted to get a bomb and throw it at Bob McCullough -- McCulloch, I think, is Bob's last name -- the prosecutor --

Q Uh-huh.

A -- and Chief Belmar, I believe. They wanted to throw bombs at them and blow them up.

We get that information from a CHS or -- I forget where we got it from, but I think it was a CHS. So the SOP in the Bureau is what we normally do, is, we're going to try to corroborate that information, and we're going to send in the CHS to record the conversation.

You record the conversation, the people saying in their own words, yeah, they want an explosive. We tell the CHS, we got a guy -- or a girl -- right? "You need explosives? We can help you with that." They say, "Yeah, absolutely, we're going to do it." That's in their own words, right? We're not putting that in their mind, but if they want something, guns or whatever, that's the standard operating procedure, right?

That case, we eventually prosecuted those two individuals because we took them down during a -- when they were going to buy the explosive from an undercover FBI agent.

Q Uh-huh.

A All right? It's the same thing -- DT case, New Black Panther movement.

Fast forward, now I'm in Detroit. Same type of scenario, different players. Same SOP, right? Take it from an IT perspective. We have an individual that wants to, you know, do harm to an Army Reserve center. Same thing. Or go shoot up the CIA headquarters. Same thing.


Q I know undercover operations were utilized in that particular case with

Whitmer.

A Yep.

Q Was that a Group 1 or a Group 2? And we can describe for the committee what the difference is. Do you recall?

A I don't recall. But the -- you know, I've forgotten a lot of the policies as to what raises to the level of a Group 1 versus Group 2, right?

Q Usually the scope and scale of --

A Yeah. I want to say it would've been a Group 1 most likely because of the sensitivity of that and also involving the Governor, I think. I want to say it would've been a Group 1. But there's really --

Q So Group 1 was being approved at headquarters --

A Yeah.

Q -- and Group 2 in the field. Do you recall any stipulations in those approvals? You know how oftentimes they'll stipulate --

A Yeah, yeah. Yeah.

Q -- perhaps "yes, but," you know.

A That's another -- yeah.

Q But do you recall any particular right or left bumpers on the use of that undercover operation?

A I don't. I don't recall, like, the -- well, I don't recall if it was a Group 1 or a Group 2, so I wouldn't recall the stipulations on that. If I saw a document in front of me --

Q That's fair.

A -- yeah, I could read that for you, if you had a document.

But, you know, undercover operations are very sensitive operations, all right?

We had two U.S. Attorney's Offices that were overseeing this, right? I'm not an attorney; I've said that several times, right? So, from an entrapment issue, the attorneys, the agents, everyone is looking at -- or, listening to the recordings. Entrapment is a big issue in undercover operations. We want to make sure we're not entrapping anyone. It was the opinion of the U.S. Attorney's Office, the prosecutors -- not my opinion, not the investigators' opinion -- to prosecute this case the way that they did, with the opinion that there was no entrapment.

So they say we entrapped? We got a ton of people, attorneys that are much smarter than I am, saying that we didn't. So that's why I take umbrage with the fact that we botched anything.

[REDACTED]

Q I know earlier we asked about the role of confidential human sources and undercovers in January 6th.

A Yeah, yeah.

Q Are you aware of the Ray Epps story?

A Yep. I am very aware of that.

Q What can you tell us about your awareness of the Ray Epps situation?

A I feel awful for Mr. Epps because he has been wrongly accused of being a CHS and I think it's ruined his life.

Q Okay.

A So it's horrible. And, to my knowledge, I know nothing about Mr. Epps being a CHS for the Bureau.

Q Uh-huh.

A As far as I'm aware, he was not a CHS for the Bureau or had anything to do with the FBI.

Q Okay. Do you know why he wasn't -- you know, after January 6th, he was featured on the FBI's -- I think they had a "most wanted" poster --

A Yeah.

Q -- and he was one of the --

A Yeah. So, when we were coming up with, like, who's who, right, at the scene, like, my agents and analysts were poring over so much video, right? So we were trying to figure out what people did and if they did an illegal act, right? So, in order for us to identify people, we asked for the help of the public, right?

Q Uh-huh.

A So one idea was to put their photos on a website.

Q Uh-huh.

A Why he was taken off or not taken off, there was a -- I didn't have this discussion -- there was a discussion that happened someplace else, and I heard about it. And I'm like, "Just take him off, and explain why you took him off."

But I think the rationale of how it went, no one explained. And the Bureau, in my opinion, just doesn't explain very well --

Q Right.

A -- right? We don't give the narrative, so people come up with a narrative. And then when they come up with the narrative, the Bureau doesn't correct the narrative --

Q Okay.

A -- right?

And so it was an unfortunate -- I feel absolutely awful for Mr. Epps that it came to that and no one was responding. And then all this rumor and innuendo was out there by media and everyone else that we could've maybe answered but maybe -- I'm also

not -- like, I'm a realist too. A lot of people don't believe what the FBI has to say nowadays anyway, so we could say until we're blue in the face, "I'm saying right here that Ray Epps is not a CHS" and people are not going to believe me.

Q Right.

And you're aware of the YouTube footage of him talking the day before January 6th about how we're going to do this and we're going to do that and --

A I've never watched the video. I've heard about the video. I've read the media reports and stuff like that. But I've never watched it, so I can't, you know, opine on that.

I've heard the media reports about, like, how he said, like, don't do this, don't to that --

Q Right.

A -- we're going to do this, type stuff. He's not a CHS for the Bureau --

Q Okay.

A -- you know? As far as Steve D'Antuono, ADIC of WFO: I don't know of Mr. Epps being a CHS for the Bureau, unequivocally.

Q Uh-huh. Okay.

And do you know if the FBI interviewed him about what his role in January 6th was?

A So it'd be speculation. Like, if he was on our photo lineup, we should've interviewed him --

Q Okay.

A -- right? And I do believe he was interviewed, but I'm not 100 percent sure. I'd have to check with my people.

Q Okay.

And are you aware -- I mean, there are some trials proceeding in the present day where it's been represented that Mr. Epps whispered in their ear, you know, you should do this or you should do that. Are you aware of that?

A Only in what I heard from the media reports.

Q Right.

A But, you know, as far as I know, he was not directed by the FBI to do anything. I don't know that he's a CHS for the Bureau. I don't have that -- you know. But I think the Bureau -- I believe the Bureau has answered the fact that he was not a CHS, so --

Q And so you're not sure whether the FBI came to a conclusion about why Mr. Epps was saying what he was saying the day before but then decided not to go in the building? Or --

A I think that's more of a question for Mr. Epps, but I do --

Q Right.

A -- think we probably interviewed him to make sure that -- you know, to carry the investigation further, right, to see if he did any illegal acts or not. And then he was washed out and not being the subject and not prosecuted.

Q Okay. Even though he was on the Capitol Grounds and he was in restricted space?

A Well, so the restricted space is -- you know, I think I described before, like, it depends on where he was, right?

Q Right.

A So restricted space -- and I'm going to use, like, 3rd Street over here, right? So the grass area here with the restricted -- that was deemed restricted initially, right? And you go all the way to the Capitol over here, with the scaffolding and the stairs.

Q Uh-huh.

A I don't know where Mr. Epps was, but, in my mind, in my opinion, what I discussed with the U.S. Attorney's Office and with DOJ and I think we ultimately compromised on was, this was not going to be prosecuted.

Q Okay.

A If we prosecuted this many people, we'd be at this for decades --

Q Uh-huh.

A -- you know? And, in my opinion, they didn't -- there was nothing wrong here, right? We needed to do what's the most priority, right? And that was the people that incited the riot, the people that broke stuff, stole stuff, broke in, you know, the assaults against Federal officers, domestic terrorism, you know, all that stuff.

[3:31 p.m.]

[REDACTED]
Q Okay.

So you don't have any specific information on Mr. Epps that would help our Members understand the apparent conundrum?

A I do not. And that's something I was never briefed on at all. Again, it didn't even raise to the level of the ADIC at WFO because there was nothing there there.

Q Right.

A There was nothing. You know, this is like -- when we saw the reports, we were like, "What is this? This is wrong."

Q Were you ever a part of communications regarding the media response to Mr. Epps -- the Mr. Epps story?

A No. That wouldn't have even come under me anyways. That would've been handled by OPA and the Deputy's office, the Director's office, or whatever, as to the response.

Like, even at WFO, like, the thing at WFO is like, even if we wanted to make a media response on something like January 6th, it went all the way up to headquarters.

Q Right.

A I couldn't decide, as the ADIC, what to do --

Q Okay.

A -- in that kind of bind, right? So -- which is fine.

Q Okay.

[REDACTED] All right. We're going to go off the record.

[Recess.]

[REDACTED] Okay. We can go back on the record. It's 3:34.

[REDACTED]

Q Okay. Mr. D'Antuono, regarding the Whitmer case when you were in the Detroit Field Office, you discussed reports -- or, criticism that you had botched the investigation. Do you recall those questions and answers?

A Vividly, yes.

Q Okay. Is it fair to say that you couldn't have botched it too badly because the lead defendants in the Federal case, Adam Fox and Barry Croft, were both convicted at trial? Mr. Fox was sentenced to 16 years in prison; Mr. Croft, 19 years and 7 months, correct?

A That is correct, yes.

Q And that was a verdict by a jury on charges of kidnapping, conspiracy, and conspiracy to use a weapon of mass destruction, with respect to Mr. Fox; and then Mr. Croft, same charges but also possession of an unregistered destructive device, correct?

A That's correct, yes, as far as I know, yeah.

Q Yeah. Those are serious charges, right?

A Oh, absolutely, yeah. Yeah.

Q And the confidential human source that was used in that case that was discussed earlier, Mr. Chappel, I know that you said your memory of this isn't super-sharp, but do you recall that he actually approached the FBI and that it wasn't the other way around? He came to the FBI via local law enforcement, correct?

A I believe so, yeah. I'm not, like, 100 percent sure, but, yes.

Q And he was someone who had sympathies with this group and wanted to kind of train with them, in his own words --

A Uh-huh.

Q -- and then became concerned with some of the things that he heard on his own, correct?

A That's my recollection, yes.

Q And he went to local law enforcement that he had personal relationships with, and then local law enforcement went to the FBI, correct?

A It sounds correct, yes.

Q And, ultimately, someone at the FBI asked him at that point to continue his connection with this group and to become a source for the FBI?

A That's what we normally do, yes.

Q Okay.

And in the handling of Mr. Chappel and other CHSes in that particular case, was there anything that you thought was inappropriate or unusual?

A Not that I saw or witnessed, no.

Q And did you think that case was properly predicated?

A Absolutely, yes.

Q Okay.

I'm going to have marked as exhibit 8 -- this is just the press release from the United States Attorney's Office that announced the sentence in the cases that we mentioned.

A Thank you.

[REDACTED] We should probably mark them as 8 and 9.

[REDACTED]

Q Yeah. Sorry, 8 and 9. There's actually a separate release for each of the defendants.

A Okay.

Q But they're stapled together.

A Oh, okay.


Q Yeah, they're connected, but they're actually two different press releases.

[D'Antuono Exhibit No. 8

Was marked for identification.]

[D'Antuono Exhibit No. 9

Was marked for identification.]


Q I'm just introducing that. You've already testified to the sentence, which is just written out in this exhibit.

A Yeah, one's DOJ, and one is the Western District.

Q Okay.

Now, regarding the use of confidential human sources and undercover officers, those law enforcement methods or tools are used in a variety of criminal cases, correct?

A Absolutely, yes.

Q They're used frequently in narcotics cases?

A Yes.

Q Also in child exploitation cases?

A Correct.

Q You'll often have an undercover officer who is posing as a child, for example?

A Correct, yep.

Q And that type of technique is very important in gaining evidence in those cases, right?

A Absolutely, yes.

Q Even though theoretically a defendant could raise the defense of

entrapment, often those cases still garner enough evidence to overcome that at trial, correct?

A The majority, I believe, do, yes.

Q And in this case that's what happened?

A Absolutely, yes.

Q Okay.

Do you think that it was important for the FBI to investigate the plot to kidnap and kill Governor Whitmer?

A Absolutely.

Q And why is that?

A It's a serious matter. You know, to conspire to, you know, kidnap and possibly kill a Governor -- or anyone, for that matter; it doesn't even have to be a Governor -- is a serious thing. You know, we take violent crime completely serious, right? And, in this case, there was a conspiracy to do that.

Q And would the FBI's handling of the case have been any different if you'd been investigating a plot to kidnap a Republican State official?

A God, no. No. Absolutely not.

Q Was the investigation politically motivated in any way?

A Absolutely not. No.

Q And was there any outside influence from headquarters or any part of Department of Justice, outside of the field office, that was trying to influence your steps?

A I never talked to anyone at headquarters or DOJ about this matter until it came down to the final operation.

Q Okay.

That's all I had. Off the record.

██████████ Thank you. We're done.

[Whereupon, at 3:39 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

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

Witness Name

Date