

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

INTERVIEW OF: JENNIFER LEIGH MOORE

Friday, June 2, 2023

Washington, D.C.

The interview in the above matter was held in room 2237, Rayburn House Office Building, commencing at 10:05 a.m.

Appearances:

For the COMMITTEE ON THE JUDICIARY:

██████████ GENERAL COUNSEL

██████████ SENIOR ADVISOR

██████████ SENIOR ADVISOR

██████████ COUNSEL

██████████ CHIEF COUNSEL FOR OVERSIGHT

██████████ SENIOR PROFESSIONAL STAFF MEMBER

██████████ CLERK

██████████ MINORITY CHIEF OVERSIGHT COUNSEL

██████████, MINORITY INTERN

██████████ MINORITY OVERSIGHT COUNSEL

██████████ MINORITY INTERN

██████████ MINORITY STAFF ASSISTANT

██████████ MINORITY OVERSIGHT COUNSEL

For the FEDERAL BUREAU OF INVESTIGATION:

TASHA V. GIBBS, ASSISTANT GENERAL COUNSEL,

OFFICE OF GENERAL COUNSEL

MEGAN L. GREER, ASSISTANT GENERAL COUNSEL,

OFFICE OF GENERAL COUNSEL

██████████ Good morning. This is a transcribed interview of Ms. Jennifer Leigh Moore of the FBI.

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?

Ms. Moore. I'm Jennifer Moore.

██████████ And you're here with agency counsel today.

Would the agency lawyers identify themselves?

Ms. Greer. Megan Greer from the FBI's Office of General Counsel.

Ms. Gibbs. Tasha Gibbs, FBI's Office of General Counsel.

██████████ And, Ms. Moore, you understand that agency counsel has a primary fiduciary duty to the agency, to the Bureau, and not to you individually?

Ms. Moore. I do.

██████████ But, yet, you'd like to continue with agency counsel?

Ms. Moore. Correct.

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

My name is ██████████. I'm with Mr. Jordan's House Judiciary Committee staff.

I'll now have the staffers that are here in the room identify themselves.

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

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

██████████ ██████████, chief oversight counsel, House Judiciary Committee Democrat staff.

██████████ I'm ██████████, House Judiciary Democrats.

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

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

██████████ ██████████, law clerk for Chairman Jordan's staff.

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

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

██████████ I'll go through the ground rules and guidelines that we will follow during today's interview.

Our questioning will proceed in rounds. The majority will ask questions first for 1 hour. Then the minority will have an opportunity to also ask questions for an hour. We'll alternate back and forth until there are no more questions and the interview is over.

We'll do our best to go as quickly as we can. We understand that you and your agency counsel would much rather not be here, much rather be back at work or performing your duties.

Typically we'll take a break at the end of each hour, but if you'd like to take a break apart from that, please let us know. As you can see, there is an official House reporter taking down everything we say to make the written record. So we'll try not to talk over one another.

We want you to answer our questions in the most complete and truthful manner as possible, so we'll take our time. If you have any questions or don't understand one of our questions, please let us know.

If you honestly don't know the answer to a question or do not remember, it's best not to guess. Please give us your best recollection, and it's okay to tell us if you learned information from someone else.

You also understand that, by law, you're required to answer questions before Congress truthfully?

Ms. Moore. Yes.

██████████ And that applies to interviews with congressional staffers as well?

Ms. Moore. Yes.

██████████ Witnesses that knowingly provide false testimony could be subject to criminal prosecution for false statements under 18 United States Code 1001.

Do you understand that?

Ms. Moore. Yes.

██████████ I'd like to make a note that the content of what we discuss today is confidential. Some of the information we're discussing were brought forward from whistleblowers who had the courage to come to the committee. And, while fair-minded people might disagree about the content of the whistleblower disclosures and what it means, we ought to all support the right of whistleblowers to come to Congress. And, consequently, we ask that this information today is kept confidential.

Along the same lines, the marked exhibits that we use today will remain with the court reporter so they can go in the official transcript. And we'll collect any copies to maintain the integrity of our work.

That's the end of my preamble.

██████████, do you have anything?

██████████ No. We just thank the witness for coming in again and --

Ms. Moore. Thank you.

██████████ -- taking time out of your schedule to join us today.

██████████ I'll turn it over to my colleague, ██████████.

██████████ It's 10:09. We'll start our first hour of questioning.

EXAMINATION

BY [REDACTED]:

Q Ms. Moore, thank you for being here again today.

At the time of your transcribed interview on April 24th, you were the Executive Assistant Director of the Human Resources Branch. Is that still your title?

A It is.

Q And do you continue to work out of headquarters?

A I do.

Q Do you have plans to retire?

A I do.

Q And what date is your retirement date?

A June 3rd.

Q June 3rd. Is today your last day with the FBI?

A Tomorrow will be my last day with the FBI.

Q Was this a planned retirement?

A It was.

Q And how far in advance had the retirement been planned?

A You want to specify your question?

Q Yeah. Had it been a series of months that you had planned to retire, or when did you put in your paperwork for retirement?

A I was eligible to retire on my 50th birthday, which was 2.5 years ago.

Q Uh-huh. And so you had been planning 2.5 years ago to retire?

A Yeah.

Q Okay. And, during your transcribed interview, you testified that you have participated in reviews of your performance. Is that correct?

A I have.

Q And you've generally received good markings?

A I have.

Q Have you ever been the subject of an EEO complaint?

A I have.

Q And what was the resolution of that complaint?

A I have been the named official in EEOs as I represent, much like I'm here today before the committee, because I'm the signing official for the Bureau.

Q Have you ever been the subject of an EEO complaint? Has someone filed an EEO complaint against you?

A I have.

Q And what was the resolution of that complaint?

A Because of my duties, again -- can I talk to agency counsel?

██████████ Yeah.

██████████ Go off the record.

██████████ We'll go off the record.

[Discussion off the record.]

██████████ We'll go back on the record.

Ms. Moore. Do you want to repeat the question?

BY ██████████

Q Have you ever been the subject of an EEO complaint?

A I have.

Q Okay. And what was the content of that complaint?

A I've been the subject of many because of my official duties, and, with supervisory responsibility, I'm always the named official. I've had no findings of

misconduct against me.

Q And the committee has received information from a whistleblower that you were the subject of an EEO complaint that they filed against you in 2016 that resulted in a cash settlement. Is that accurate?

A I wouldn't know about the government's cash settlement with someone. There was no finding against me. At times, the government will choose perhaps to settle because it's just less expensive than going through legal.

Q And what was the misconduct alleged in that complaint?

A I would need to know specifically what you're asking about. Again, I've had multiple EEOs filed due to the positions that I've held.

Q The one that was in 2016. Did you have multiple filed against you in 2016?

A I'll need you to tell me what the details were. I'm sorry.

Q Yeah. It's a whistleblower representation to us, so they said that they filed an EEO complaint against you that resulted in a cash settlement. Any awareness of that?

Ms. Moore. I don't know what --

Ms. Gibbs. If you don't remember, then --

Ms. Greer. Then don't.

Ms. Gibbs. Yeah.

Ms. Greer. Then don't.

Ms. Gibbs. If you don't remember, then you don't --

Ms. Moore. Can you give me any specificity around that?

██████████ We can go back to that subject.

BY ██████████:

Q But, during your transcribed interview, you described how the security

clearance adjudicative process was a two-step or a three-step process -- excuse me -- is that correct?

A It's an intake, an investigation, and adjudication, yes, ma'am.

Q And you testified that the allegation comes into the intake unit, step No. 1; there is an investigative stage, step No. 2; and then there is an adjudicative stage, step No. 3. Is that correct?

A Yes, ma'am.

Q And you said that sometimes the allegation can go directly from the intake unit to the adjudicative stage; it can sometimes bypass the investigative stage. Is that correct?

A It can, yes, ma'am.

Q And, during your transcribed interview, you described how the initial unit makes the decision whether security allegations meet the parameters for the investigative stage. Is that accurate?

A Yes, ma'am.

Q And who is on that intake unit?

A It has analysts, agents, and security specialists.

Q And who leads the intake unit?

A It has a unit chief over it.

Q And who is the unit chief over that?

A I don't know the unit chief's name.

Q How often do you interact with that unit chief at the intake unit?

A Never.

Q Never? Okay.

A If I do, it would be rarely ever. I, like -- I can't think of the last time I have.

Q And you described the parameters that the intake unit uses to determine whether to go to the investigative stage is the adjudicative guidelines. Is that correct?

A Yes, ma'am.

Q And who is the ultimate decisionmaker when it comes to suspending a security clearance?

A That rests with the security program manager, and I currently hold that position.

Q When deciding to suspend a security clearance, do you as the security program manager involve the employee's direct supervisor?

A Ask that again.

Q When --

A When I'm making a decision, do I involve the employee's direct supervisor as -- could you clarify what you're asking?

Q Correct. So you just stated that you're the ultimate decisionmaker for whether or not to suspend a security clearance. Is that correct?

A That is correct.

Q When you are making that decision, do you involve the individuals whose clearance will be suspended -- do you involve their direct supervisor?

A No.

Q Does the employee have a right to appeal the suspension decision?

A No.

Q When does the employee have a right to appeal any sort of decision that you have made?

A After a revocation decision is made.

Q And can you describe that revocation -- after the revocation decision, what

the appeal process is like?

A The individual has the ability then to receive the investigative file and to file an appeal for reconsideration of the revocation.

Q And who decides that appeal?

A The revocation reconsideration initially comes in, again, to the security program manager.

Q Uh-huh.

A After that, they can appeal to the ARC.

Q And what's the ARC?

A That is a panel of judges that make, or attorneys that make a decision that's located within the Department of Justice.

Q And what unit is the ARC in? Like, where did the attorneys come from for the ARC?

A I'm sorry. I don't know that answer.

Q Okay. So, once a employee's security clearance is suspended, the employee can no longer fulfill their duties as an FBI employee. Is that correct?

A Clearance is required to be an FBI employee, because our facilities are considered a legal minimum secret.

Q So, after security clearance is suspended, the employee is then indefinitely suspended without pay. Is that correct?

A Yes, ma'am.

Q You testified at your transcribed interview that, once you signed the security clearance suspension letter, it is given promptly to the employee. Is that correct?

A Yes, ma'am.

Q And you testified that you did not have any knowledge of who actually

delivers those letters to the employee.

A I do not.

Q Is that correct?

A No, ma'am.

Q What is the average time for a security clearance investigation to determine whether or not an individual's clearance should be revoked?

A It does range. The average can be anywhere from 30 days to 1,300 days roughly.

Q Does the FBI have any data on the average amount of days that it takes to do a security clearance --

A We do, yes, ma'am.

Q -- investigation?

And what's that? What's that number? What's the average?

A I gave you the ranges it can be. We can provide you the average if you would like that. I don't know the number off the top of my head.

Q Yeah. We would like that. Thank you.

What's the average time for an investigation to determine whether or not to suspend a security clearance?

A Those are roughly the same. I can get you the exact number. I don't know the exact number, again, off my head to give you an exact number.

Q And, once the Security Division has revoked an employee's security clearance, what happens for the employee?

A Once they revoke the clearance, then they have the right to appeal.

Q Uh-huh. And is the employee still indefinitely suspended at that point?

A Once they're revoked?

Q The security clearance is revoked.

A Well, they cannot work for the Bureau if they do not have a security clearance, so they would eventually be removed from the rolls of the FBI.

Q And what's that process entail?

A To remove them from the rolls of the FBI?

Q Uh-huh. Is there an -- is there another investigation that's done after the revocation of the security clearance --

A No, ma'am.

Q -- or is the individual just terminated from the FBI?

A There is not an additional investigation.

Q Okay. So is the individual then just terminated from the FBI?

A Then an HR action is required to remove them, yes, ma'am.

Q And what is the HR action that is required to remove the employee?

A I don't know what the name of the HR action is. I know that, once a revocation occurs and the individual no longer has a clearance, they cannot longer -- they can no longer be an FBI employee. So then they are removed from the rolls of the FBI. I'm not sure exactly what that process is called. I'm sorry.

Q And is that process housed within the Human Resources Branch?

A It is.

Q Is there an individual who is responsible for that process?

A There would probably be a multiple of two individuals. That would probably -- that's at a different level. I'm sorry. I'm -- I'm not able to tell you who those individuals are. A notification goes from Security Division to Human Resources Division, and then the outprocessing of that paperwork occurs.

Q And those divisions are both within the Human Resources Branch -- is that

correct --

A Yes.

Q -- that you oversee?

A I do.

Q Okay. And so you have no idea what kind of process the Human Resources Branch conducts to do the -- or the Human Resources Division conducts to terminate the employee?

A I think I need you to be more specific. I'm not exactly sure what you're asking me. Like, am I aware that it occurs? Yes.

Q Uh-huh.

A If you're asking me what form it happens, who exactly executes it and what that happens, I can't tell you exactly how that happens, no, ma'am. It comes out of our Performance Appraisal Unit, but beyond that; I'm sorry.

Q And who would know what that process is like?

A Well, the Assistant Director of Human Resources could speak probably more in depth to it.

Q And who is the Assistant Director?

A Michael Schneider.

Q Okay. And how often do you interact with Michael Schneider?

A On a daily basis.

Q Do you two discuss the termination of employees?

A Not usually -- no. It's usually already happened, and so those --

Q Uh-huh.

A Those mechanisms are happening below that. No, ma'am.

Q At what point does the FBI provide the employee whose security clearance

has been revoked with the materials that the Security Division relied upon to make the revocation decision?

A After the revocation decision is made and they ask to appeal that decision.

Q So, after the employee asks to appeal the decision, then they can get the materials?

A Yes, ma'am.

Q At what point is the individual who's the subject of a security clearance revocation interviewed by the FBI?

A Generally, it occurs between suspension and revocation.

Q Uh-huh.

A Sometimes they'll not be interviewed if they just determine that the interview is not necessary due to the egregiousness of the behavior.

Q And can you give us an example of when an interview wouldn't be necessary because of egregious behavior?

A If an individual was arrested for child pornography or assaulting a child and they enter a guilty plea, we generally don't have a need to interview that employee.

Q And would that be one of the cases where it would go directly from the intake unit to the adjudicative process?

A It could.

Q Is that correct?

A It could.

██████████ I'd like to offer as exhibit No. 1 a May 17th, 2022 -- excuse me -- 2023, letter from Mr. Christopher Dunham to the committee.

[Moore Exhibit No. 1

Was marked for identification.]

BY [REDACTED]:

Q I'll give you a moment to review this, ma'am.

Are you good?

A I'm familiar with the document.

Q Oh, okay. Ms. Moore, have you seen this letter before?

A I have.

Q And who wrote the letter?

A Chris Dunham.

Q Did the Human Resources Branch play any role in drafting the letter?

A We provided information on the statistical documents at the beginning.

Q And who from your team was involved in preparing the statistical information?

A This would have been the Security Division.

Q Okay. And who leads the Security Division?

A Douglas Beidler.

Q And do you know if Mr. Beidler was involved directly in getting the information prepared for Mr. Dunham?

A I would imagine that tasking for the information would have gone into Mr. Beidler's office, and then it would have come out of his office down to the team to ask them to gather the information.

Q And, besides the statistical data in the letter, did the Human Resources Branch provide any information on the security clearance revocations mentioned in the letter?

A Yes. They would have been the authors of those.

Q The Security Division was the author of those?

A Yes, ma'am.

Q Okay. Did you have any role in preparing the letter?

A I did not.

Q Did you review the letter prior to its transmittal to Congress?

A I got it about, I believe, the same time it was transmitted.

Q Did -- do you know if anyone from the Security Division was able to review the letter before it was transmitted to Congress?

A I believe the general counsel assigned to the Security Division would have reviewed the letter before it was transmitted to Congress.

Q And who is the general counsel assigned to the Security Division?

A Tasha Gibbs.

Q And do you know whose idea it was to send the May 17th letter?

A I do not.

Q How often do you interact with Mr. Dunham?

A I don't interact with him on a daily basis. I see him in our morning briefs.

Q Uh-huh.

A But I don't necessarily speak to him on a daily basis.

██████████ Let me just ask one.

BY ██████████:

Q You said Mr. Dunham wrote this letter?

A Mr. Dunham is the signature on it.

Q He signed it, right? Who wrote it? Who drafted it?

A I'm not 100 percent sure who drafted it.

Q Okay.

A I believe that the general counsel for Security Division helped draft it for

sure.

Q Okay.

A It would make sense.

BY [REDACTED]:

Q And are you aware that this May 17th letter was sent in response to your deposition subpoena?

A I am.

Q And so you had no role in preparing this letter in response to the subpoena you received?

A No, ma'am.

Q Do you know when the letter was finalized?

A I don't know when that letter was finalized.

Q And, to go through some of the specifics in the letter, on page 2 of the letter, the first draft there, the FBI provided information detailing the number of referrals for security incidents and security investigations.

Can you explain the steady rise in referrals? What have you been seeing?

A The steady rise in referrals? It's actually going down.

Q But, for fiscal year 2023 -- we're not done with fiscal year 2023, correct?

A Correct.

Q So --

A The rise is people become -- as we become more -- the Security Division has -- and I'm trying to think what year they started it -- probably about 2019 --

Q Uh-huh.

A -- 2018 -- really emphasizing operation securities throughout the organization. We do monthly newsletters, and they have posters that go up throughout

the office, and people better understand the process. People were more likely to report. It's across the board. We see it, I believe, also in our internal investigation referrals.

Q Has there been an increased focus on encouraging third-party reports or employees to report information on other employees to the Security Division?

A It's an operational security campaign. It's anybody can report anything that's of concern.

Q And what's involved in the operational security campaign? Are, like, emails sent out?

A Just like I said. We send out, like, newsletters, emails, and they have posters that go up. The security officers in the different field offices may have different emphasis.

Q Uh-huh. And then I want to direct you to the footnote on page 2 there. It says: The Security Division receives referrals from different sources, including employee self-reports, third-party reports, other FBI divisions, and other government agencies.

Do you have a breakdown of how many of the referrals came from each of those sources? Does the FBI track that?

A I don't.

Q Do you know if the FBI tracks that at all?

A I -- we don't track it as something that's ever been reported to me in that capacity. I'm not sure that we have the ability to tag that in our systems.

Q Uh-huh.

A If that's something you're looking for, again, we'd have to get you that information.

Q And you said that the Security Division pulled this information for inclusion

in the letter?

A That would be where that would come from, correct.

Q And how is this statistical information normally collected and memorialized in the FBI system?

A It would be in the database for intake.

Q Uh-huh. So the intake unit is in charge of memorializing this information?

A So memorializing it, I'm -- when you asked for it, we had them pull it.

Q Uh-huh.

A I won't say that we've been memorializing it on an annual basis before that.

Q But is it --

A I'm just not sure. So I'm not sure about that answer.

Q Is it kept and maintained on FBI's systems from year to year?

A It would be, yes.

Q Okay. Then the third graph on page 2 there, the FBI detailed the number of cases the Security Division has opened since 2020. Can you explain the difference between their -- the chart about cases opened on page 2 and then, on page 3, the total number of active security clearance investigations?

The numbers differ there. Is there, like, an -- does the active number carryover from year to year?

A It can, absolutely.

Q And do you know about how many cases carry over from the previous year?

A I don't.

Q And so, on page 4 of the letter, the chart at the top of the page details the number of suspensions and revocations by the Security Division since 2020.

If an individual is going to have their security clearance revoked, does it first have

to be suspended, or can it just be revoked automatically?

A It could go to revocation. I'm not sure I've seen any of those since I've been -- as the security program manager, I could be wrong, but I don't recall any. It could.

Q Uh-huh. And so, on the graph, the security clearance suspensions are lower than the security clearance revocations. What accounts for that difference?

A That's the carryover. So there was a -- at one point, the concept was, if the person retired or resigned from service with the FBI, they just put the investigation in abeyance. So it's set to the side.

An obligation to the Intelligence Community and C4, we're obligated to follow those investigations to conclusion. So, when I came back in, we had discovered that this was not what was occurring, and so they had to go back and open up cases that were not fully adjudicated and complete those investigations. So they're carrying quite a lot of load that they're still trying to clear.

Q And, of the 17 security clearances that were suspended in fiscal year 2020, are any of those still awaiting resolution, final adjudication?

A I don't know that information as we sit here. I'm sorry.

Q What about the 26 security clearances from fiscal year 2021? Are any of those still awaiting adjudication?

A I won't be able to answer that. I don't know.

Q For fiscal year 2022, of the 45 security clearances that were suspended, are any of those individuals still awaiting adjudication?

A I don't know specifically the number. I would believe that, since we're still early in '23, it's possible, yes. But I don't know that number.

Q And I believe you said the average length of an investigation for revocation

was anywhere between 30 days and 1,300 days. Is that correct?

A It could be anywhere in there. I don't know those numbers specifically. I know that's a range of it.

Q Uh-huh. And, in between 2021 and 2022, there was 20 more revocations. What accounts for the increase in revocations of security clearances?

A We talked a lot of time that, when we came in, we bifurcated or trifurcated our investigative group into three difference parts, and we increased the staffing in there. And that allowed them to have a faster throughput.

Q A faster throughput, meaning revocation investigations happen quicker?

A Meaning that the suspension investigations would happen quicker, correctly.

Q And, just below the graph there, it talks about the COVID-19 vaccination requirements and the reasonable accommodation requests.

The FBI stated that it received 2,878 reasonable accommodation requests, and the FBI issued 104 decisions.

What was the process for determining making final decisions on the reasonable accommodation requests?

A The office -- OEOA would make a recommendation and send it over to the Human Resources Division. It was then reviewed in Human Resources Division, and a decision was made by the -- I believe the Deputy Assistant Director.

Q And who was in charge of the review process within the Human Resources Division?

A Ultimately, it would be the Assistant Director of Human Resources who is in charge of it and responsible party. Who the actual individual that would have done it would have fallen under a section chief and a Deputy Assistant Director.

Q And do you know why there are only 104 decisions issued?

A I believe it is because an injunction occurred.

Q And did you have any involvement in the reasonable accommodation request process?

A I did not sign those, no, ma'am.

Q Who signed the decisions?

A Again, those were made, I believe, at the Deputy Assistant Director level.

There may have been a section chief.

Q Were any employees suspended without pay for not complying with executive order 1000, or one thousand -- 4043?

A Which executive order is that?

Q It's the executive order mandating the COVID vaccine.

A Were any -- yes.

Q Individuals were suspended without pay for not complying with that executive order?

A I believe they were put on absent without leave was the direction at the time.

Q And so, once the injunction occurred, were those individuals restored to their normal duties?

A They should have been.

Q Do you know for certain?

A I wouldn't be able to testify to every single one of them, but that would have been the direction if the executive order went to an injunction.

Q And do you know how many employees were put on AWOL status?

A I do not.

Q Do you know if any personnel actions were taken against them because they

were on AWOL status?

A Not specifically because of the COVID-19 vaccination, no, ma'am.

Q Were actions taken against individuals who were on AWOL status for the COVID-19 vaccine -- if they had personnel actions taken against them, what were the cause of those personnel actions if it wasn't the vaccine?

A I know that we had one individual who did not come back to work after the injunction occurred, so they had been on AWOL. And then, when they didn't come back to work and they were asked to come back to work, they continued to be on AWOL. And, after a certain number of days of AWOL, the individual can be removed from the rolls.

I know we had one of those.

Q Okay. Have you ever spoken to a journalist?

A Me?

Q Yes.

A Yeah.

Q When have you spoken with a journalist?

A In conjunction with my official duties.

Q Let's start, yes, there. In connection with your official duties, what have you spoken to reporters about?

A Bank robberies, kidnappings, criminal conduct, that type of thing.

Q Have you ever given any personal information regarding an FBI employee to a journalist?

A Never.

Q Shortly after the letter was transmitted to the committee on May 17th, The New York Times and The Washington Post had stories written and published the full text

of the letter. You know, the committee majority didn't give it to the press. Are you aware of whether someone at the FBI gave it to the press?

A To my knowledge, no one at the FBI did that.

Q To your knowledge, who else had access to the letter?

A Our Office of General Counsel.

Q And so, to your awareness, it wasn't the FBI who gave it to the press?

A To my knowledge, it was not the FBI that provided that information.

Q And, during your transcribed interview on April 24th, you testified that you were familiar with Mr. Marcus Allen, knew of his combat veteran status, and knew that he was currently suspended. Is that correct?

A Will you repeat the question? I'm sorry.

Q During your transcribed interview, you testified that you were familiar with Marcus Allen, knew of his combat veteran status, and knew that he was currently suspended. Is that accurate?

A Yes.

Q And, according to representations made by Mr. Allen's attorney to the FBI, Mr. Allen has consistently been rated as exceeding expectations during his tenure at the FBI. Is that -- does that match your recollection?

A I don't know that for a fact.

Q According to Mr. Allen's attorney, he also has received annual step increases on the GS pay scale and several awards, including Employee of the Year in 2019 at the Charlotte Field Office. Were you aware of that?

A I know that he was nominated for or received the award for 2019 Employee of the Year at the Charlotte Field Office. I'm not sure about the rest.

Q And, during your transcribed interview, you confirmed that you were aware

that you signed the January 10th, 2022, letter suspending Mr. Allen's security clearance.

Is that correct?

A That is correct.

Q Between April 24th and today, have you had time to examine the documents particular to Mr. Allen's case?

A I have looked at the suspension letters and the revocation letter, yes.

Q And, during your transcribed interview, you refused to answer questions regarding Mr. Allen's suspension because it was an ongoing investigation. Is that correct?

A I did, yes, ma'am.

Q What investigative work occurred between April 24th and May 3rd, when his clearance was revoked?

A The finish of the adjudicative process occurred.

Q And can you describe the finish of the adjudicative process?

A The adjudicative EC would have been finished making a recommendation for reinstatement of clearance, a letter for suspension, or revocation of the clearance.

Q And what's involved with finishing the EC for the revocation?

A Taking the facts and putting it into a summarized document.

Q And so I want particulars here. So what happened between April 24th and May 3rd? What investigative steps --

A An individual -- an individual finished the revocation document by finishing documenting the investigation, the facts of the investigation, and summarizing a recommendation.

Q So --

BY [REDACTED]:

Q Which individual?

A I don't know the individual's name.

Q Does the individual work for you?

A There would be a -- there would be a supervisory special agent, yes.

Q All right. And who is that?

A I don't know the specific individual on this case. If you would like the specific individual on the case -- and I'm sorry. I didn't know you --

Q So we had you come back to talk about -- and we gave you a couple names, right? So we're not talking about thousands of matters you worked on. Mr. Allen's is one of them. We gave you a couple other -- Mr. Friend's, Mr. O'Boyle -- and you're telling us you don't know who worked on the revocation of Mr. Allen's --

A On the specific investigator, no, sir, I'm sorry, I don't remember it.

Q And this person works for you?

A Yes, sir, as do almost --

Q And you don't know the name?

A I have almost 2,000 employees --

Q Okay.

A -- that work for me in the HRB branch. I don't know all their names.

Q Okay.

A I did review the documents. I just can't tell you --

Q Okay.

A -- which investigator specifically did this one off the top of my head. I'm sorry.

Q Okay.

BY [REDACTED]:

Q Did you review the EC prior to the interview today?

A I did.

Q And how long was the EC? Was the summary bulky? Was there a lot of information included in the summary?

A It was multiple pages.

BY [REDACTED]:

Q How many pages?

A I don't know exactly how many pages it was.

Q Was it 5 pages, 10 pages, 20 pages, a hundred pages?

A I don't remember exactly how many pages it was. It was several pages.

Q Right. I'm just asking. Was it a hundred pages? Was it less than 50?

A It was less than 50.

Q Was it less than five?

A It was less than 50.

Q Was it less than five?

A I don't remember that.

Q Was it more than ten?

A I don't remember, sir.

Q Was it more than 20?

A I do not remember exactly --

Q When did you last see it?

A -- how many pages it was.

Yesterday.

Q Okay. So you can't tell us whether it was five pages or 20 pages?

A I read a lot of documents yesterday.

Q All right.

A So I'm sorry. I don't know the exact page numbers.

Q All right. And you don't know the name of the -- that the staffers that worked on this?

A Not the specific staffer on a specific case.

Q Do you know any staffer that worked on it?

A I know that the unit chief is Julie Halferty.

Q Okay.

BY [REDACTED]:

Q And so all that occurred between April 24th and May 3rd, to your knowledge, is the EC was finished, the summary was compiled, and then the revocation letter was drafted. Is that correct?

A That would be correct.

Q What was your involvement in Mr. Allen's case?

A I am the security program manager, so I'm the final review that signs recommendation for the organization.

Q Uh-huh. Mr. Allen's case was included in the May 17th, 2023, letter to the committee. Is that correct?

A This letter that you're referring to here?

Q Yes, ma'am.

A Yes, ma'am.

Q And so we're going to talk about Mr. Allen for a bit. So we'll turn to his section of the letter, which is page 7.

BY [REDACTED]:

Q And, just to go back to this letter, so you're saying that you weren't

responsible for sending this to The Washington Post, to The New York Times?

A Absolutely not.

Q And you don't believe anyone at the FBI was?

A I do not.

Q Okay. So the universe of people that had this letter would be the FBI -- did DOJ get a copy?

A I was told they did, yes, sir.

Q Okay. Do you think they leaked it to the press?

A I don't know, sir.

Q Okay. Did you -- when you saw the reports --

A What I can testify to here --

Q Let me ask questions.

Ms. Greer. Let the witness finish, please.

██████████ Yeah, I don't think I had a question pending.

Ms. Moore. I wasn't finished answering my last question.

██████████ All right.

Ms. Moore. What I can testify to is what I did in my actions and what I know. I know I did not leak that document in any capacity. I have no reason to believe that anyone at the FBI leaked that document in any capacity.

Beyond that, I have no information.

BY ██████████:

Q Okay. Did you see it published in the newspapers?

A The document.

Q Did you see the public reports?

A I saw a public report, yes, sir.

Q Okay. Did it give you concern that the information was published in the newspaper?

A It surprised me.

Q Did you try to investigate whether anyone at the FBI was responsible for that?

A Did I personally?

Q Yes.

A No, sir.

Q Did you contact DOJ to see if they were responsible for it?

A No, sir. I don't have direct contact with DOJ.

Q Okay. Did you ask your -- anyone at your General Counsel's Office if they need to look into this leak?

A I asked specifically my General Counsel's Office did they send it, and I was assured absolutely not.

Q Okay. Do you know if the Inspections Division is doing an investigation of the leak?

A I don't know that answer. I'm sorry.

Q Okay. Well, if they were, they probably would contact you, certainly before your last day at work, right?

A Not necessarily, sir.

Q So the universe of recipients of this letter would be the Justice Department?

A I was told that it came to the -- the committee here --

Q Right.

A -- and the Justice Department got a copy of it.

Q Okay. So it went to the --

A And, beyond that, I have no control over the distribution.

Q So it went to Mr. Jordan, and then the minority as well?

A I don't know that it went to minority. I'm sorry. I just thought it came in to the committee. I'm sorry.

Does it say? I'm so sorry.

Q Yeah. The ranking member's copied here.

A Okay. So then I would believe that's who it went to. I'm sorry. I didn't -- I wasn't involved in that.

Q Okay. Do you know if it was sent to the Senate Judiciary Committee?

A I don't actually know who it was sent to. I know I was told that it was sent to the committee and that the Department of Justice got a copy.

Q Okay. So the universe of people that may have leaked this would be the FBI, DOJ, or the committee. Is that right?

A That's what I would relatively have to believe, yes, sir.

Q All right.

BY [REDACTED]:

Q So, on page 7 of the letter, it discusses Mr. Allen's case. Who drafted this section of the letter? You said it came from the Security Division, but who individually drafted this section?

A I do not know who individually drafted that section.

Q Would it have been the investigator responsible for Mr. Allen's case that you can't remember their name?

A I don't know who -- who drafted this section of this letter.

Q Do you know who was involved with putting together the information on the individuals discussed in the letter?

A Only the Office of General Counsel attorney was involved.

Q Okay. And who's the Office of General Counsel attorney that was involved?

A Tasha Gibbs.

Q Okay. Who approved the inclusion of Mr. Allen's section in the letter?

A I don't know who approved that.

Q Did you have any role in drafting or approving this section of the letter?

A I did not.

Q Did you have any conversations with the Office of Congressional Affairs regarding Mr. Allen's case prior to the letter's transmittal?

A Absolutely. We discussed it because, at one point, I was preparing to come to testify, and I was counseled. So we have many different discussions about Mr. Allen.

Q And what did you discuss about Mr. Allen?

A The facts surrounding his case --

Q Uh-huh.

A -- what questions we thought I might be asked in preparation since we didn't receive a list of topics.

Q Uh-huh.

A That type of thing.

Q This was prior to your April 24th transcribed interview?

A No. We would -- we do what is called prep, where we go back through, because I see a lot of documents in the course of my duties, and so we try to determine what I'm going to be asked about and what that logically would be.

Q And this occurred prior to your April 24th transcribed interview, or was this before the interview today?

A This document didn't exist before April 24th, I don't believe, dated May 17th.

Q Uh-huh.

A And so I remember I was supposed to come before the 18th. You all ordered me to appear, but I was out of town.

Q Yep.

A So we would have prepped before that, so we would have had those same similar discussions.

Q Yeah. I'm just trying to understand the world of discussions that you had with the Office of Congressional Affairs, because you said you discussed a lot about Mr. Allen's case, so I wanted to know, did you discuss it with the Office of Congressional Affairs prior to your April 24th transcribed interview?

A Let me recite. I discussed it with the attorney from the Office of --

Q Okay.

A -- public -- of Congressional Affairs.

Q Okay. And so, then, before your transcribed interview that was scheduled prior to the transmittal of the May 17th letter, did you have discussions with the Office of Congressional Affairs?

A The attorney within there, we would have, yes, ma'am.

Q And did you have discussions with the Office of Congressional Affairs specifically regarding the content regarding Marcus Allen in this letter?

A We would have talked about the situation surrounding his revocation recommendation, yes, ma'am.

Q And did you speak directly to Mr. Dunham, or did you speak to someone else in the office?

A I did not speak to Mr. Dunham. I spoke to someone else in the office.

Q Who did you speak to in the office?

A Megan Greer.

Q Megan Greer. Okay.

On page 7 of the letter, under the heading Mr. Allen's Security Clearance Suspension, it states: The Security Division opened a security investigation regarding Mr. Allen in October 2021 after receiving a referral from the FBI's Charlotte Field Office.

Do you know who submitted the referral?

A Into the -- it came from the field office.

Q Do you know who submitted the referral?

A I don't remember who it was signed out by.

Q Do you know what their role at the Charlotte Field Office was?

A It would have been in management at the role. I'm not sure if it was a signed out by their SAC or their ASAC or their chief division counsel or their CSO. One of the individuals would have been the author that sent in the referral.

Q Okay. So let's go through those titles again. It could have been the CDC, you said?

A Sure.

Q Could have been the SAC? Did you say SAC?

A Could have been the SAC. Could have been an ASAC.

Q Okay.

A Could have been the CSO. I can't -- I don't remember exactly who authored the document that came in. I'm sorry.

Q Are those the individuals at field offices that normally submit these types of referrals?

A That normally would, but, again, I would harken back to our earlier discussion. Anybody can.

Q And what leads you to believe that it was an individual at the management level at the Charlotte Field Office?

A Well, I did review the documents. I just don't remember exactly which one -- who sent this one in specifically on the authoring line. That wasn't what I was studying. I'm sorry.

Q And what were the allegations included in the referral?

A The allegations that there was a concern on statements that he had made and emails that he had sent.

Q And, with their referral, was there any documentation attached?

A I believe there were copies of the emails he had sent at that time.

BY [REDACTED]:

Q Were these public statements or just internal?

A Are you -- by "public," you mean in the newspaper, or -- do you mind --

Q Well, what were the statements in question?

A It would be statements that he made in a threat review prioritization meeting, and he had sent some emails, and he had some personal pontification in those emails. So it would be those.

Q Okay. What did he say in the meeting?

A In -- oh, God, what is it? He had -- I'm trying to remember exactly what he said in the meeting.

I'm sorry. I don't remember his exact words from the meeting, but it caused concern that his supervisor had to express to him that it was inappropriate in that platform.

BY [REDACTED]:

Q Do you remember what the supervisor was concerned about?

A That it did not sound appropriate in the sense that it sounded almost like a rhetoric -- an anti-Jan 6 rhetoric.

Q And did the supervisor describe for you what they saw as an anti-Jan 6 rhetoric?

A I believe they provided the statement in the write-up.

Q Okay. Do you remember what the statement was?

A I've already testified that I don't.

Q Okay. And the letter, in the next sentence there, it states: On January 19th, 2022, Mr. Allen's security clearance was suspended based on security concerns pursuant to National Security Adjudicative Guideline A, allegiance to the United States.

What investigative work occurred at the Security Division between October 2021, when the allegation was received, and the security clearance suspension on January 19th?

A At this point, they would have gathered documents, done some workups on computer access, instant messaging, text messages, emails, and reviewed those.

Q Do you know what documents were gathered in that period of time between October --

A It would have been the things I mentioned here.

Q Okay. Do you know what analysis of computer access was performed?

A Do you want to clarify that a little more?

Q You described how they would have looked at computer access. What did they look at regarding computer access between October 2021 and January 19th, 2022?

A In a general sense, that is a review of what kind of cases they were accessing, were they into anything that they shouldn't have been into, that type of thing.

Q And so they performed that sort of investigative work regarding Mr. Allen, to your knowledge, in that time period?

A To my knowledge, yes.

Q Did they pull instant messages?

A As a general rule, they would, yes.

Q And text messages?

A Correct.

Q And then emails? And those would all have been on Mr. Allen's FBI --

A System, correct.

Q -- systems. Okay.

Did the Security Division conduct any interviews during that period of time?

A I don't recall that they did.

Q Do you know if they've conducted interviews at any juncture in the investigation regarding --

A Absolutely.

Q -- Mr. Allen?

A Yes.

Q Do you know who they interviewed?

A I can't name every single person that they interviewed. I know they interviewed a lot of his squad mates, his supervisor, the CDC, the ASAC, some task force officers.

Q Do you know if they -- if one of the individuals interviewed was Mr. Allen's direct supervisor?

A They would have interviewed him, yes, ma'am.

Q Do you know who Mr. Allen's direct supervisor is?

A I don't know his name. I'm sorry.

Q Do you know what his position is?

A He would have been a supervisory intelligence analyst.

Q Okay.

██████████ And I'll enter as exhibit No. 2 the January 10th, 2022, letter you sent Mr. Allen regarding his security clearance suspension.

[Moore Exhibit No. 2

Was marked for identification.]

BY ██████████ :

Q Have you had sufficient time to review?

A I'm familiar with the letter.

Q Okay. So the letter is dated January 10th, 2022. Is that correct?

A Yes, ma'am.

Q Do you remember if you signed the letter on that exact date?

A The letters are dated on the day I sign them, yes, ma'am.

Q Okay. And, in the May 17th letter, which is exhibit No. 1, it states that Mr. Allen's security clearance was suspended on January 19th, 2022.

What's the 9-day delay there? Do you remember there being a delay?

A I would believe that -- and I am now making a hypothesis --

Q Uh-huh.

A -- that, because I had signed it on the 10th, they still have to prepare the package and send it to the field office, and then it has to be served. So there would have been a Federal holiday in there.

Q Uh-huh.

A And I would believe that would be the first logical time they most likely

had -- so I can sign the letter --

Q Uh-huh.

A -- effectuating it. The actual action takes effect when they serve the employee.

Q And when is the individual who receives the package and the letter -- when are they notified that you've signed the letter? Are they notified when you sign the letter? Are they notified when they receive the package?

A Are you talking about the person in a field office?

Q Correct.

A I sign the letter, and then it's transmitted back to Security Division.

Q Uh-huh?

A I have the requirement the division contact the executive management to let them know that a suspension package is inbound or a revocation package --

Q Okay.

A -- or just any type of letter is inbound so that the office doesn't just get it in their -- one day and be like, what is this; that they have an awareness that it is coming and to expect it.

Q So it would have been your understanding that, on January 10th, after you signed the letter regarding Mr. Allen, the Charlotte Field Office executive management would have been told that this package was incoming. Is that correct?

A Yes, ma'am.

Q And are you -- what's involved in the package that the Security Division puts together? What's all in that package?

A I don't create the packages myself.

Q Uh-huh.

A But, having been a chief security officer, generally you get the suspension letter.

Q Okay.

A And then usually any human resource documentation that would go with that regarding their status as a suspended employee.

Q Okay. Is any of the information regarding the referral included in that package?

A They get the letter.

Q So the letter is all they get regarding the substance of why the security clearance is being suspended?

A For suspension, correct.

Q Okay. Are you aware of who delivered your January 10th suspension letter and the Security Division's package to Mr. Allen?

A I am not.

Q On page 7 of the May 17th letter, exhibit 1, it states: Specifically, the Security Division found Mr. Allen espoused alternative theories to coworkers verbally and in emails and instant messages sent to the FBI's systems in apparent attempts to hinder investigative work.

How does the Security Division define alternative theories in this context?

A In this context, it would be theories that do not support the January 6 investigations, that the -- I think it's common knowledge that, at that time, we consider the acts of January 6 to have been criminal in nature, and so we're pursuing those as criminal investigations.

So it would be that the government was behind January 6, something along those lines, or that -- that January 6 didn't occur as it is being portrayed.

Q So how does the Security Division determine if an individual is making statements that do not support the FBI's working investigations regarding January 6th?

A Do you want to repeat that again?

Q So you said that the alternative theories they did not support the January 6th investigations that the FBI was pursuing; how did you determine if Mr. Allen's statements did not support those investigations?

A So, for the suspension of his clearance --

Q Uh-huh.

A -- we would have taken, like, individual statements that he sent. I mentioned that he sent some emails --

Q Uh-huh.

A -- that were links to stories that were contrary to facts that occurred at the Capitol that we knew.

Q Uh-huh.

A And then he espoused in them, like: Hey, you should be aware of this, be very cautious in your investigations going forward, because -- essentially that the government wasn't being forthright in what had occurred.

Q And the Security Division determined that those were alternative theories, then?

A That, at this point, there was concern, yes, ma'am.

Q And, when you say "at this point, there was concern," what was the concern?

A That the individual's trying to influence investigations positively or negatively.

Q And how did the Security Division determine that these were attempts on

Mr. Allen's part to hinder investigative activity?

A Because he sent them in emails to his colleagues and coworkers.

Q So what was the act that hindered the investigative activity? Was it just --

A He's trying to --

Q -- sending an email?

A He's trying to influence through his words and the information he provided.

BY [REDACTED]:

Q And did it influence anyone?

A Ultimately, his actions did, yes, sir.

Q Who did it influence?

A His ultimate actions that led to the revocation --

Q Uh-huh.

A -- were that he failed to provide information when asked to search a subject of January 6th, and he -- he failed to provide open-source information indicating the individual was involved in criminal activity.

Q Okay.

A It caused the agent to close the lead and not open the case and pursue it any further.

Q Okay.

BY [REDACTED]:

Q And the letter continues: Mr. Allen's supervisor admonished him to stop circulating these materials on multiple occasions.

Who is Mr. Allen's supervisor?

A I don't know his name.

Q And you said that the supervisor was interviewed by the Security Division.

Is that correct?

A He was.

Q What information did the supervisor provide to the Security Division?

A That Mr. Allen had been a good employee but that they had started raising concerns that, after approximately -- over the course of the last year-plus, that his behavior had changed some, and that they were concerned based off of statements that he had made in that TRP meeting, and that these emails that he had sent regarding the links to some different theories and his statements in support of those theories.

Q Was it only the supervisor that was concerned, or did the others raise concern as well?

A Others raised concerns during the interviews.

Q And who were those individuals that were interviewed that raised concerns?

A I can't tell you by name, but I know that the totality was that some of his coworkers, obviously the agent that closed the case or closed the lead out without pursuing the case, and then the ASAC and the CDC also had concerns.

Q And they -- were they all concerned just about the emails, or the TRP process comments? What were they concerned about?

A The totality of the actions.

Q Okay. And the totality of the actions were the emails and the statement made in the TRP process? Is that your understanding, or is there more?

A Again, when we did the interviews, in the course of the investigation, there was more that was found. Specifically, the influence placed upon the case where the information was not appropriately provided in the search.

Q And when did these interviews occur?

A From the time that the case was open, I don't believe they did any

interviews before the suspension, but from the suspension to the revocation period.

Q Were there a cluster of interviews? Did they happen over time? What was the frequency of the interviews?

A Over time.

Q Over time? So was it, like, one a month?

A I don't know that answer. I'm sorry.

Q And when was Mr. Allen interviewed by the Security Division?

A Between the time of suspension and revocation.

Q What was the date of his interview?

A I don't know the date of his interview.

Q Was that in the materials that you reviewed prior to your transcribed interview this morning?

A It would have been on the document of his 302, but I don't remember the date.

Q And did you read the content of the interview?

A I read generally the content of the interview in preparation for this, yes.

BY [REDACTED]:

Q Did you read the 302?

A Yes.

Q How long was it?

A It was on an electronics computer screen.

Q Okay.

A So I had to scroll.

Q Okay. If we're going to request the information relating to Mr. Allen, how would you recommend we characterize our request so that we capture everything?

Ms. Moore. Let me ask my counsel.

██████████ We'll go off the record.

[Discussion off the record.]

██████████ Back on the record.

Ms. Moore. Do you want to ask me that question again? I'm sorry.

██████████ Yeah.

BY ██████████:

Q If we're going to ask for all the documents referring or relating to Mr. Allen's security clearance suspension and revocation, how would we -- how would we ask for that? What would you recommend we ask for so that we don't miss anything and we get every -- all the relevant documents?

A I think you just stated it best, is that you would ask for any and all documents relative to the security decision regarding Mr. Allen.

Q Okay. Thank you.

██████████ I'd like to enter as exhibit No. 3 a September 29th, 2021, email from Mr. Allen with the subject line 6 Jan Awareness. It was sent at 7:52 a.m.

[Moore Exhibit No. 3

Was marked for identification.]

BY ██████████:

Q Ms. Moore, was this part of the referral that was made on Mr. Allen from the Charlotte Field Office to your knowledge?

A Yes, ma'am.

Q And have you seen this email before today?

A Yes, ma'am.

Q Did you review this prior to your transcribed interview this morning?

A I did.

Q Okay. And the -- the email includes -- was sent to multiple of his colleagues and contained leaks to websites. That was the characterization that was made in the May 17th letter.

The email started out with: There is a significant counterstory to the events of January 6th, 2021, at the U.S. Capitol.

The email recommended at the bottom there -- it said: Recommendation, exercise extreme caution and discretion in pursuit of any investigative inquiries or leads pertaining to the events of the day.

During the interviews that you conducted with Mr. Allen's colleagues, or the Security Division conducted, did this email come up in those interviews?

A It did.

Q Did anyone take action upon Mr. Allen's recommendation?

A In what regards?

Q Did they take action on his recommendation that they exercise extreme caution and discretion?

A To my knowledge, I think that most of them thought this was an unusual email, and they continued their investigations.

Q Why did they think it was an unusual email?

A Because it's pontificating that there's a counter story to the events that we know to have happened on January 6th.

Q And what did you understand Mr. Allen's role to be as a staff operations specialist?

A He's a support clerk.

Q And do you know what kind of job duties he's supposed to perform?

A He does -- when asked, he does open-source searches. He can cover leads.
He can serve a subpoena if it's administrative in nature.

[11:05 a.m.]

BY [REDACTED]:

Q So, during his role as a staff operations specialist, are you aware of whether or not he would send news articles, other open-source materials to individuals on the JTTF?

A He might, yes.

Q Did you -- as part of the investigation, did the Security Division look into what his job responsibilities were and what he normally did?

A Yes.

Q Okay. And was this email reviewed prior to the suspension of Mr. Allen's clearance on January 10th?

A I believe that the Security Division used this as part of that, yes.

Q What else did the Security Division use?

A It would have been any other emails that he sent, any information that they were able to glean from, like I said, the review of his accesses online, that type of thing.

Q And how many emails of Mr. Allen's did the Security Division review?

A I am not sure exactly.

Q How many -- are you aware of how many were reviewed prior to you signing the January 10th letter?

A I am not.

Q How many emails of Mr. Allen's did you review prior to signing the January 10th letter?

A I don't review the emails prior to signing the letters. I review the summary document as provided to me.

Q So you did not look at this email prior to signing the January 10th letter?

A I did not.

BY [REDACTED]:

Q And were you aware that he was the 2019 Employee of the Year at the Charlotte Field Office at this time?

A At which time?

Q When you signed the letter.

A For the suspension?

Q Yes.

A I don't remember that I do.

Q Okay. And at any point in the process did you come to learn that?

A I did.

Q Okay. You know, evidently, if he was the 2019 Employee of the Year for the field office, a certain set of folks thought he was doing a great job at some point. Correct?

A Correct.

Q And did you ever try to reconcile the fact that he has an exemplary record?

A That would have been part of the investigative steps. Yes, sir.

Q But did you sort of ask anyone, "What is going on here? This fellow was highly regarded and received GS pay scale increases, was named the 2019 Employee of the Year for the field office, and now we are essentially getting rid of him because he sent some email links here?"

A Are you talking about for the suspension or the revocation?

Q Oh, either.

A So, prior to the suspension, I did not have conversation. I utilized the

documents that were sent to me. And then we had conversations. I asked for a brief on this one because it was different than I had seen previously.

Q Right.

A And I received a brief on it. But did I specifically go, "Hey, he was Employee of the Year in 2019; justify why now you think he may not be so great"?

Q Right.

A I would have asked, "Could you please provide me the facts surrounding your recommendation," but not necessarily would I have said that he is Employee of the Year. No, sir.

Q Okay. So did you make an attempt to reconcile the fact that he's got a remarkable personnel record leading up to this when he sent a couple of links here?

A I would have looked at the totality of information provided to me and made my judgment and decision off of that.

Q Okay. So --

A The investigators would have taken all things into consideration.

Q And did they?

A And, in our adjudicative documents, it will talk about their career, the awards they received, what kind of any other disciplinary actions that of would occurred. So those are considered, yes, sir.

Q Okay. Do you know if he had any disciplinary actions?

A I don't believe he had any, no, sir.

BY [REDACTED]:

Q You said that you asked for a brief on Mr. Allen's case prior to signing the January 10th letter, and you received the brief. Is that correct?

A I cannot exactly when he did. I have definitely received a brief on Mr.

Allen, yes.

Q And who did you receive that brief from?

A It would have been from the Security Division.

Q Who from the Security Division?

A And I can't remember that name. Usually I communicate with the Assistant Director, who is Doug Beidler, and Mr. Beidler will set that up for me.

Q And how was the brief done? Was it in person, over email?

A Usually over link.

Q Okay.

A So they will be -- because they are not housed in the same building I am in, we will do it by video.

Q So what was the content of that brief? Did they discuss the specifics of Mr. Allen's case?

A They would have talked specifics of the case. Yes, ma'am.

Q And do you remember your reaction leaving the brief?

A I remember believing that it was compelling enough that I needed to sign the document. Yes, ma'am.

Q And how far ahead of the January 10th document did the brief occur?

A I don't remember. I am sorry. I just know I had one on this one because it was different.

Q And the allegations originally came in October 2021 and then you signed on January 10th, 2022. Do you know if it was still back in 2021 that you received the brief?

A I am sorry, I don't.

Q Okay.

██████████ We will go off the record. We are at the end of our hour.

[Recess.]

EXAMINATION

BY [REDACTED]:

Q Ms. Moore, I am [REDACTED] with the Democratic staff. Thank you again for joining us. It is 11:21. We are going back on the record.

Ms. Moore, I just want to first of all thank you again for returning for a second transcribed interview. And I want to go over with you briefly some of the context how we got here today.

You appeared voluntarily before this committee on April 24th, 2023, for a transcribed interview. Is that correct?

A It is.

Q And, during that interview, you were asked a series of questions about the process used by the Security Division when deciding whether to suspend or revoke an FBI employee's security clearance. Correct?

A Yes, ma'am.

Q In response to these questions, you described in significant detail the process used by your organization in making these decision. Correct?

A Yes, ma'am.

Q You explained that the Human Resources Branch only investigates allegations and information that relates to national security risks and does not consider general misconduct allegations, which instead are handled by different branch within the FBI's Inspection Division. Correct?

A Yes, ma'am.

Q You explained that decisions involving the suspension or revocation of security clearances are made with reference to the Adjudicative Guidelines. Correct?

A Yes, ma'am.

Q And this refers to the Security Executive Agent Directive for National Security Adjudicative Guidelines effective June 8, 2017. Is that correct?

A Yes, ma'am.

██████████ And I am just going to mark that one as exhibit 4 so we have it.

[Moore Exhibit No. 4

Was marked for identification.]

BY ██████████:

Q Are you familiar with these guidelines?

A I am.

Q I am going to refer to them with some of my questions. But right now I am going to continue with a little bit of background. At the time of your interview in April, you were not able to answer questions about individual employees' security clearances revocations because the review process had not yet been completed in those cases. Correct?

A Yes, ma'am.

Q You've returned today because the revocation review process for three relevant FBI employees -- Brett Gloss, Marcus Allen, and Stephen Friend -- are now complete. Correct?

A Yes, ma'am.

Q Now, on May 17, 2023, Acting Assistant Director Christopher Dunham sent a letter to Chairman Jordan in response to the committee's deposition subpoena, which was authorized on April 24th, 2023. And this letter described in further detail the reasons for the FBI decision to suspend and eventually revoke the security clearances of the three employees that I just mentioned. The majority has marked that letter already

in the record. It is exhibit 1.

With respect to each of these employees for the subject of today's interview, were the investigative, adjudicative and review steps that you described in your April 24, 2023, interview followed?

A Yes, ma'am.

Q You were also asked during your previous transcribed interview whether the FBI uses security clearance suspension decisions to retaliate against or punish any employee by essentially forcing them into a situation where they cannot work for the FBI on an active duty paid status while their clearance is suspended, but they also cannot appeal their suspension while the final revocation decision is pending. Do you recall these questions?

A I do recall the questions.

Q And you answered emphatically on April 24th that the FBI does not suspend clearances or of employees in a punitive or retaliatory fashion. Correct?

A That is correct.

Q Do you stand by that answer today?

A I do.

Q You explained that the sole focus of the FBI's decision whether to suspend or revoke an employee's security clearance is to determine whether, based on the considerations enumerated in the Adjudicative Guidelines, the employee's continued possession of a security clearance giving them access to classified information would pose a threat to national security. Correct?

A Yes, ma'am.

Q Do you stand by that answer today?

A I do.

Q Are you confident that the FBI's decision to revoke the security clearance of Brett Gloss was not punitive or retaliatory in any way?

A Correct.

Q Are you confident the FBI's decision to revoke the security clearance ever Marcus Allen was not punitive or retaliatory in any way?

A I am.

Q Are you confident that the FBI's decision to revoke the security clearance of Stephen Friend was not punitive or retaliatory in any way?

A I am.

Q And are you confident that the FBI's decisions to suspend and eventually revoke the security clearances of these three FBI employees was instead lawful and based on a fair and impartial consideration of the evidence and the factors set forth in the Adjudicative Guidelines?

A I am.

Q Okay. Let's talk about Mr. Allen since we spoke of him earlier. And I think we have already had the letter marked exhibit 2 in this record; the January 10th letter that you signed and sent to Mr. Allen has already been entered into the record.

There was a letter of revocation, a permanent letter of revocation. Is that correct?

A Yes.

Q Okay. And that is not exhibit 2. That will be a different exhibit.

A Yes, ma'am.

█ That one I am going to mark that as exhibit 5.

[Moore Exhibit No. 5

Was marked for identification.]

BY [REDACTED]:

Q It has got two pages. Sorry to confuse you.

A It is okay.

Q So exhibit 5 in front of you know now, Ms. Moore, is the security revocation or the notice of security clearance revocation for Marcus Allen. Is that correct?

A Yes, ma'am.

Q Okay. And, according to that letter and your recollection, is it true that Marcus Allen's security clearance was revoked by the FBI on May 3rd, 2023?

A I executed the letter on May 3rd. Yes, ma'am.

Q Okay. And I guess you explained earlier that there is some process after that by which the employee would be notified or sent a package regarding --

A Correct. Yes, ma'am.

Q And did that happen in this case?

A Yes, ma'am.

Q With respect to Mr. Allen, the Security Division opened a security investigation regarding him on October 21 after receiving a referral from the FBI's Charlotte Field Office. Is that correct?

A That is correct.

Q And Allen's clearance was initially suspended on January 19 based on security concerns under Adjudicative Guideline A, which is allegiance to the United States. Is that correct?

A Yes, ma'am.

Q The specific security concerns that resulted in the initial suspension of Mr. Allen's security clearance stem from evidence he espoused conspiracy theories to coworkers verbally, in emails and instant messages sent on FBI systems in attempts to

hinder lawful FBI investigations. Is that correct?

A Yes, ma'am.

Q For example, and we have seen this in this record exhibit No. 3, which shared an email that Mr. Allen sent on September 29th. Do you have that in front of you?

A I do, yes, ma'am.

Q So the investigation revealed that, on September 29, 2021, Mr. Allen send an email using his official FBI email account to multiple colleagues within the FBI that contained links to conspiracy websites and urged recipients to, quote, exercise extreme caution and discretion in pursuit of any investigation inquiries or leads pertaining to the events of January 6th.

Is that correct?

A That is correct.

Q Now this email was not the only email that was the subject of the security review for Mr. Allen. Is that correct?

A That is correct.

Q In fact, there were multiple emails. Correct?

A Yes, to my knowledge. Yes, to my recollection.

Q Okay. In addition to emails, there were multiple statements made by Mr. Allen of the same sort to colleagues within the FBI. Is that correct?

A That is correct.

Q Okay. The investigation also revealed that, on another occasion, Mr. Allen sent an email from his FBI account with a link to a conspiracy website that wrongly asserted, quote, "Now it's clear that Federal law enforcement had some degree of infiltration among the crowds gathered at the Capitol on January 6th," end quote, to

which Mr. Allen commented, quote, "brings up some serious concerns about USG participation," end quote.

Is that your understanding of some of the evidence underlying Mr. Allen's security clearance suspension?

A Yes, ma'am.

Q Are you familiar with claims that the FBI, quote, infiltrated the crowd on January 6th and somehow orchestrated the event as a false flag operation to implicate Trump supporters?

A I have heard that this is a conspiracy theory. Yes, ma'am.

Q Are you aware of any evidence that would support this false flag theory?

A Absolutely not.

Q Why is it concerning when FBI employees like Mr. Allen use their official FBI email address to espouse baseless conspiracy views that falsely accuse the FBI of improper conduct?

A It begins to cause concern as to their ability to effect investigations that are lawful and thorough and unbiased in nature.

Q And, in Mr. Allen's case, what evidence, if any, have you seen that his actions and espousal of these views actually did interfere with lawful FBI investigations?

A Mr. Allen was given a lead, which is a request to run open-source information on an individual who is a potential subject of a January 6th investigation. He did not provide any information back, stating instead that he found no evidence of criminal activity or unlawful behavior. The agent at that time, they enclosed the lead, marked it of no value, and no case was opened.

Subsequently, additional information came forward out of another office that was again forwarded back to the Charlotte Field Office where they were asked to relook at

this lead. When they opened it back up, the agent asked a different analytical entity to run the exact same open-source information, and that information brought back positive results that lead to the opening of a case against a January 6th subject.

Q Okay. And that -- pardon me?

██████████ So is it accurate to say that the information Mr. Allen provided in the first place stating that there was no evidence of wrongful activity was in fact a false statement?

Ms. Moore. That would be correct.

██████████ Thank you.

BY ██████████:

Q And that investigation that was reopened, the case of the January 6th subject, in that case, after the other employee had found information that should have been found by Mr. Allen because it was publicly available, the FBI learned that the subject had actually physically assaulted U.S. Capitol Police Officers on January 6th. Is that correct?

A Correct.

Q And that was the nature of the criminal offense that the FBI was investigating in that case?

A That is correct.

Q The information that that second FBI employee found was readily available in public sources and should have been discovered by Mr. Allen when he was previously asked to do an open-source research on that subject. Is that correct?

A Absolutely. Specific if someone had been named 2019 Employee of the Year, I expect a lot more.

Q Well, there was some discussion of that earlier, Ms. Moore, about Mr.

Allen's performance. Is it fair to say that it's possible you can have an employee in the FBI who is both a high performer in terms of his duties generally but also a security risk?

A Robert Hansen was promoted to a supervisory level.

Q And can you explain how that is an example of somebody who is both a security risk and a high performer?

A Robert Hansen was trading information to the Soviets, who was absolutely not aligned to the United States' best interest. And it's very possible for someone to, again, admit one thing while being someone else.

Q And, as the security manager in your position, is it your job to evaluate someone's general performance as an FBI employee?

A I -- as a security manager, it's not my job to evaluate their general performance. It's my job to evaluate if their actions and their performance pose a risk to national security.

Q And that's your foremost concern in that position -- -

A Always.

Q -- correct, national -- the interest of preserving the national security?

A Yes, ma'am.

Q Now, in the end, with respect to Mr. Allen, the Security Division investigators determined that Mr. Allen had obstructed the FBI's lawful investigation of the criminal subject that we mentioned earlier. Correct?

A Yes, ma'am.

Q And did you agree with this determination?

A I did.

Q Why is it a concern that Mr. Allen obstructed a lawful FBI investigation of a criminal subject?

A The FBI is charged with investigating criminal activity. His actions caused an individual who had intended to do harm to the United States Government not to be appropriately investigated in a timely manner.

Q Okay. Now we mentioned it was a letter revoking Mr. Allen's clearance -- mentions Adjudicative Guideline A, which is allegiance to the United States. It also mentions Adjudicative Guideline E. Is that correct?

A Yes, ma'am.

Q And E refers to personal conduct. Is that correct?

A Yes, ma'am.

Q Are you familiar with Guideline E?

A I am. Yes, ma'am.

Q Guideline E states, in significant, relevant respect: Conduct involving questionable judgment, lack of candor, dishonestly, or unwillingness to comply with rules and regulations, can raise questions about an individual's reliability, trustworthiness and ability to protect classified or sensitive information.

The guideline goes on to say: Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

Are you familiar with this aspect of Guideline E?

A I am.

Q Do you believe that Guideline E supports the decision to suspend Allen's security clearance?

A Absolutely.

Q And why is that?

A Because his actions were intentional in nature and they were intended to

impede an investigation.

Q Now the Security Division conducted a thorough investigation before finally revoking Mr. Allen's security clearance. Is that correct?

A That is correct.

Q And, during that investigation, the division reviewed documents, interviewed witnesses, and ultimately interviewed Mr. Allen himself. Is that correct?

A Yes, ma'am.

Q When you signed off on the revocation decision with respect to Mr. Allen, did you review all of that information in totality?

A What I review it is a summary document that I am provided that summarizes the entire investigation. Investigations are very long. There's lots of interviews, and so it's summarized down to me. I base my information off of that.

Q Is there any one single thing that you focused on or did you consider everything in its totality?

A I am charged by the United States Government at looking at the whole person. So that's all the positive and all the negative information that is found. I use a whole-person concept when rendering a decision as a security program manager.

Q And, in Mr. Allen's case, did you look at him under that whole-person standard?

A Yes, ma'am.

Q All right. The Security Division investigation revealed that Mr. Allen expressed sympathy for persons or organizations that advocate, threaten, or use force or violence or other illegal means to prevent the Federal Government personnel from performing their official duties. Is that correct?

A Yes, ma'am.

Q The division concluded that Mr. Allen's sympathies influenced his work product and resulted in him failing to provide relevant information to an FBI employee that impacted the FBI's ability to accomplish its mission. Correct?

A Yes, ma'am.

Q In light of this conclusion and the evidence underlying it, do you believe that the suspension and revocation of Mr. Allen's security clearance was motivated by animus?

A No.

Q Was it done to punish him for his political or ideological beliefs?

A Absolutely not.

Q What was the motivation behind the FBI's decision to suspend and revoke Mr. Allen's security clearance?

A Protection of national security information.

Q As you have stated -- actually you haven't.

[Discussion off the record.]

BY [REDACTED]:

Q Ms. Moore, with respect to -- was it exhibit 1 -- the letter from Mr. Dunham, May 17, 2023, you indicated that you personally did not pull together the information in this letter. Correct?

A No, ma'am.

Q But you reviewed it before coming here today. Is that right?

A Yes, ma'am.

Q And, on page 2, 3 and 4, there are some charts that offer visuals for some of the data that the FBI pulled. Is that correct?

A Yes, ma'am.

Q And the majority asked you a couple of questions suggesting that there was a trend or some significant increase in cases as time has gone on. Do you recall those questions?

A Yes, ma'am.

Q Now, how many employees does the FBI have?

A 38,222.

Q Okay. So, on page -- and how many contractors?

A Roughly 40,000, contractors, detailees, and task force officers.

Q Okay. And all of those people would potentially be subject to security review if there was an issue with their clearance?

A They absolutely are.

Q And their cases would be included in these statistics?

A Yes, ma'am.

Q Okay. So let's look, for example, on page 4 of exhibit 1. This is the fiscal year suspensions and revocations.

A Yes, ma'am.

Q Do you have that in front of you?

A Yes, ma'am.

Q So this chart shows, for example, that, in fiscal year 2021, there were 37 revocations. Correct?

A Yes, ma'am.

Q And, in fiscal year 2022, there were 57 revocations. Correct?

A Yes, ma'am.

Q So that is an increase of how many cases?

A I don't like to do math in public, but it's 20.

Q I have confidence that you can answer that question. I think you are right.
It's 20. So 20 cases out of, again, how many employees?

A 38,222 employees and an additional roughly 40,000 detailees, contractors,
or task force officers.

Q Okay. So is that 20 a significant number in light of the number of people
that are the subject potentially of those investigations?

A It's not. Additionally we get -- we get probably about 1,400 complaints that
we might receive that we sort through in a given year. And so it's not that many cases
that fall that way. No, ma'am.

Q Okay.

BY [REDACTED]:

Q You were asked earlier some questions about whether you remember
certain people or whether you knew who worked on certain matters. And, just to make
this clear for the record, how many employees total do you directly oversee?

A It is roughly -- it's close to 2,000.

Q Okay?

A That are in my branches. Yes, ma'am.

Q And could you estimate about how many documents you look through in a
day, roughly?

A A lot.

Q Maybe what percentage of your time, maybe that is a better way to phrase
it, what percentage of your time you spend looking at documents?

A A lot. Probably half my day reviewing documents, reading documents. I
oversee a lot of different things from training, human resources, security, and then all of
our business analytics and statistics. And so, between those four groups, I spend a lot of

time. I also oversee disciplinary appeal reviews. So it's a lot. It's just a lot.

Q Okay. And you said that tomorrow is your last day with the agency.

Correct?

A Yes, ma'am.

Q So is it possible that, in recent days, you have had to actually review even more documents because you are trying to wrap things up?

A Yes, ma'am.

Q Okay. You were also asked a number of questions about the timing of the May 17th letter?

A Yes, ma'am.

Q And what processes might have taken place after the FBI -- after it sent by the FBI. You had no role in the transmittal of the letter? Correct?

A No, ma'am, I did not.

Q And you didn't have any role in the drafting of the letter? Correct?

A No, ma'am.

Q You appeared for a transcribed interview in April. Correct?

A Yes, ma'am.

Q And the majority actually asked you to come back for a deposition on May 10th. Correct?

A Yes, ma'am.

Q And is it accurate that they threatened to subpoena you and hold you in contempt if you didn't appear on the 10th?

A That is correct.

Q And you in fact had a personal conflict. Correct?

A I did. Yes, ma'am.

Q And you had a personal conflict that was scheduled to continue for a number of days. Correct?

A Yes, ma'am.

Q Is it accurate that you offered to change your personal travel to appear on the 17th?

A I did offer to change, and I did change in hopes that we would come to an agreement.

Q Okay. So you were willing to appear in person on May 17th?

A Yes, ma'am.

Q And the majority didn't take you up on that. Correct?

A That is correct.

Q Even though they had threatened to hold you in contempt if you didn't appear the week before?

A That is correct. Yes, ma'am.

██████████ All right. We can go off the record.

[Discussion off the record.]

BY ██████████:

Q The time is 11:45 a.m.

Ms. Moore, when we wrapped up the first hour of questioning, we were discussing exhibit No. 3, which was the September 29th email from Mr. Allen.

A Yes, ma'am.

Q As part of the Security Division's review of this email, did they look at the articles that were linked?

A Ma'am, I am not 100 percent sure. But I would believe by logical investigation that would be yes.

Q Have you ever reviewed the --

A I --

Q Have you ever reviewed the articles that were linked in this email?

A Not myself, no, ma'am.

Q And do you know if it was the email itself or the articles that lead the Security Division to believe that Mr. Allen was espousing alternative theories?

A It would have been the totality of everything that they had in front of them, not just one email and not just one statement.

Q Okay. And so alternative theories came from the May 17th letter in that last paragraph there. It says: Specifically, the Security Division found Mr. Allen espoused alternative theories to coworkers verbally and in emails.

Ms. Gibbs. Which page are you on, may I ask?

██████████ Page 7.

Ms. Gibbs. Okay.

Ms. Moore. Yes, ma'am, what about page 7?

BY ██████████:

Q On page 7, that last paragraph there it says: Specifically, the Security Division found Mr. Allen espoused alternative theories to coworkers verbally and in emails and instant message sent on the FBI systems in apparent attempts to hinder investigative activity.

Did I read that correctly?

A Yes, ma'am.

Q And then, in exhibit No. 2, which is the January 10th suspension letter.

A Yes, ma'am.

Q Second paragraph, it says: The Security Division has learned you have

espoused conspiratorial views both orally and in writing and promoted unreliable information which indicates support for the events of January 6th.

A Yes, ma'am.

Q So, on January 10th, it was referred to conspiratorial views, and in the May 17th letter, it was alternative theories. Why wasn't conspiratorial views mentioned in the --

A I don't know, ma'am. That would be the writer's wording.

Q And what information did the Security Division have at the time of the January 10 letter that he was espousing conspiratorial views?

A Again, it's the same thing we have discussed right there. It's emails. It's statements that he made orally and in writing and instant messages.

Q And, in your April 24th transcribed interview, we kind of discussed your review process of these letters, and you might make some suggestions, but they may differ based on who wrote the letter. Is that correct?

A Yes, ma'am.

Q And do you know how the individual author of this particular letter, how they defined "conspiratorial views"?

A Not the individual author, but I understand the totality of what they were writing there.

Q Okay. And what did you understand their definition of "conspiratorial views" to include?

A Alternate views to what was known as public knowledge of the events of January 6th.

Q And, at the time of the drafting of this email, going back to the email exhibit 3, the second sentence says: There is a good possibility the D.C. elements of our

organization are not being forthright about the events of the day or the influence of government assets.

Do you know if, in his interview with the Security Division, was Mr. Allen asked about this sentence?

A He was asked about the document, yes, ma'am.

Q And do you know if he was asked about this specific statement in the email?

A He was asked about the document, so that would cover all statements made in the email. Yes, ma'am.

Q And do you know what the content of his testimony was regarding --

A I believe he was asked about why he distributed this. And he said that the Holy Spirit called upon him to do it.

Q Okay. And are you aware that, during Mr. Allen's transcribed interview with the committee, he said that, when he wrote this email and this sentence, he was referring to the veracity of Director Wray's testimony before the Senate Judiciary Committee?

A I don't have his testimony in front of me. I am sorry.

Q And do you know if he spoke about that in his interview with the Security Division?

A I don't remember specifically. I am sorry. I would have to rereview the document. Do you want to ask me that again?

Q Are you aware of whether, during his interview with the Security Division, whether it came up that Mr. Allen was questioning the veracity of Director Wray's testimony?

A I do believe he mentioned that during the interview. Yes, ma'am.

Q Do you remember what the content of the discussion -- within the interview

was?

A I believe he thought that Director Wray had lied in a statement that he made.

Q And are you aware that his supervisor at the time when this email was sent September 29th, are you aware that his supervisor called him into his office?

A I am aware that his supervisor counseled him.

Q And what do you remember the content of that counseling to be?

A I don't. I know that he was counseled in regard to statements he made at a TRP. And I know that his supervisor had counseled him in regards to the appropriateness of the messages that he was sending.

Q And, according to Mr. Allen's testimony before the committee, during this meeting that took place, his supervisors felt that they had to defend the Director's testimony. Are you aware of that?

A I have never heard that.

Q And that Mr. Allen was put into a position where he had to explain the content of the email. Are you aware of that occurring in that meeting?

A I believe he would have to explain the content of the email because there was concern around the basis behind the email regarding the D.C. elements to our organization are not being forthright. So I think there was some concern that we have factual information that happened on January 6th. What he was putting out was contrary to the factual information that the public has on January 6th, and they wanted to confirm what he was doing here.

Q And are you aware that, in the Revolver News article that he included here in the email, it mentioned a New York Times article that had just been published that found that there was an informant within one of the groups of Proud Boys that was texting or

communicating with his FBI handler real-time updates. Are you aware of that?

A I haven't read those articles. No, ma'am.

Q And he was questioning Director Wray's testimony regarding whether or not the FBI had assets or sources, informants within the crowd at the events that occurred at the Capitol.

A I know that he --

Q Are you aware of that?

A I know that he personally questioned if Director Wray was honest in his testimony.

Q Are FBI employees able to question the veracity of the Director's testimony?

A Of course.

Q But he was being called into his supervisor's office regarding this email that questioned the veracity of the testimony?

A I don't believe that's exactly what this email says.

Q What do you believe the email says?

A I believe this email says that the D.C. elements for our organization are not being forthright about the elements of the day. I think we are conflating the issue here. Again, the security suspension is not based off of one statement or one act. It is the totality and the whole person.

Q Because Mr. Allen said that, during his security interview, there was this email and then some Skype instant messages that were exchanged that were shown to him in the security clearance interview. So, to Mr. Allen, this was the totality of what the Security Division was investigating regarding his alleged misconduct. Are you aware of that?

A According to Mr. Allen, that's what he was shown. I'm not aware of that,

but --

Q Do you know what he was shown in the interview?

The Reporter. You have to go one at a time, please.

BY [REDACTED]:

Q Are you aware of what Mr. Allen was shown in his Security Division interview?

A Not specifically. No, I am not.

Q Would that have been recorded anywhere?

A They record the results of the interview in the FD-302, which is the results of investigation interview.

Q And you said you had reviewed the 302 prior to your testimony?

A I had -- but I can't -- it doesn't specifically say he was shown this and this and this. So I am sorry.

Q Did you review the 302 prior to your testimony today?

A I did read the 302, yes, ma'am.

Q And when did you review the 302?

A Yesterday.

Q So, in your review yesterday, did you notice in the 302 what documents were shown to Mr. Allen?

A I didn't specifically. No, ma'am. I knew that they had included the emails -- some emails that he had sent, and then the IM exchanges, instant messages exchange from system, I knew that was mentioned. But I can't tell you exactly verbatim what they gave him. I am sorry.

Q And, according to Mr. Allen's testimony before this committee, he explained his use of the word "possibility" in the September 29th email to his supervisor. Are you

aware of any sort of conversations regarding the use of the word "possibility" in this email?

A I am not. Not to my recollection right now.

Ms. Gibbs. I'm sorry. When you say "his testimony to the committee," what testimony are you referring to?

██████████ Mr. Allen sat for a transcribed interview with the committee.

Ms. Gibbs. Okay. So it's --

Ms. Moore. I don't have that --

Ms. Gibbs. It's not something she would have --

Ms. Moore. I said that earlier. I don't have that.

BY ██████████:

Q And I am just representing to you what he said in a transcribed interview. He described how the exchange with his supervisor, how they went through the email, and he describes that he used the word "possibility" as analytical language, and that seemed to calm his supervisor, calm his -- he called it emotions but kind of calmed his demeanor against Mr. Allen. Are you aware of any sorts of these conversations?

A No, ma'am.

Q Do you know if the supervisor mentioned during his interview that the use of certain words in the email came up when he was counseling?

A I don't. No, ma'am.

Q Did the supervisor let the Security Division know that he had canceled Mr. Allen on that day?

A The supervisor was interviewed, and in his interview, I remember that he stated that he had provided counseling. I don't know the specific day or right after this was sent or anything along those lines, no, ma'am.

Q So it wasn't specifically mentioned, to your recollection, in the interview of the supervisor that he counseled Mr. Allen on September 29th?

A Not on the specific date. Again, I know that he was counseled again on the TRP and the emails that he had sent and some statements that he had made. I don't know exactly what date he was counseled on.

Q And, during the last round you discussed with my colleagues, the incident where, on page 8 of the May 17th letter, reading from the last full paragraph, it says: The FBI found that Mr. Allen failed to provide relevant information to an FBI special agent regarding subjects who were allegedly involved in criminal activity at the U.S. Capitol on January 6th, 2021. Was this special agent interviewed by the Security Division?

A Yes, ma'am.

Q And when did the special agent notify the Security Division that this incident had occurred with Mr. Allen?

A When she was interviewed.

Q So it was after the suspension of Mr. Allen's security clearance?

A That is correct.

Q What was the date of the incident?

A I don't know the date of the incident.

Q Was it mentioned in the 302 from the interview?

A It would have been.

Q Did you review that 302 prior to --

A I don't remember the date.

Q Did you review the 302 from the interview with the special agent prior to your testimony today?

A I did.

Q And you remember that the date was mentioned in the 302, or do you have a recollection?

A I remember her discussing in her 302 this incident. I don't remember a specific date. No, ma'am. If she said it in the 302, I don't remember.

Q In the interview with the Security Division with this special agent in question, did she say that she raised this issue with her supervisor?

A I don't remember her saying that in this document. At the time, I don't believe she thought it was a concern.

Q Do you know if she mentioned it to Mr. Allen?

A To my knowledge, she didn't state that.

Q Okay, because when Mr. Allen testified before the committee at the public hearing on May 18th, he said that he had no awareness of this incident. Are you aware of that?

A I don't have the testimony from the committee. I am sorry.

Q Would it surprise you to learn that Mr. Allen had no awareness of this incident?

A I would be surprised that Mr. Allen didn't have any awareness since he ran the lead. He marked it as no criminal activity so he clearly covered it.

Q But did the special agent ever bring it to his attention that he missed something?

A To my knowledge, the special agent didn't interview and state that she had, no.

Q Okay. And so do you know the range of time when the special agent asked Mr. Allen to look into this individual, he gave his reporting back to the special agent, and then the special agent asked another FBI employee to do open-source searches, do you

know what time elapsed between those two?

A I don't.

Q And, as I mentioned earlier, according to Mr. Allen, the documents that were shown to him in the security interview by the Security Division was the May 29th email that we have been referring to today and then an exchange of Skype instant messages. Have you reviewed those instant messages?

A I didn't read them in their totality, I reviewed them.

Q Okay. Can you describe the content of those instant messages, what you understand them to be?

A They were him and another coworker talking about everything from the environment to family to thoughts.

Q And you said environment, family and thoughts. Just their thoughts in general or thoughts about specific --

A I reviewed them; I didn't study them. It was conversations between two individuals.

Q Okay. Did you review the instant messages prior to signing the January 10th suspension letter?

A No, ma'am.

Q Did you just review them prior to today's interview?

A Again, I'm the security program manager, I review the recommendation that came to me and the facts that are put forth. So, in preparation for this, I tried to refamiliarize myself because I knew that y'all would ask certain -- not knew, but I suspected you were going to ask me more questions, and I wanted to be able to be as forthright in disclosing as we possibly could because that was the agreement that I had made with you the last time I was here. But I don't know all these things by heart. I

wasn't the investigator on the case; that's not my job. I make the ultimately decision based off the recommendation that's put forward.

Q By the time that you signed Mr. Allen's revocation letter on May 3rd, had you read the instant message exchanges?

A No.

Q No. Okay. So, before you revoked Mr. Allen's clearance, you had not read the instant messages?

A No.

Q Okay. And, according to Mr. Allen's testimony at his transcribed interview before the committee, he described the instant message exchanges between him and another colleague where they discuss the events of January 6th how hot the political climate was at the time and how a small percentage of the people can politically move the dial in the country.

Is this what you remember the instant messages to include?

A I can remember they included some of those statements.

Q And do you know if the individual who was communicating with Mr. Allen in these instant messages, are they also under investigation?

A I wouldn't be able to discuss about anyone else's investigative status.

Q Do you know if they are --

A I am not going to discuss anybody else's investigative status.

Q Would it be odd if the other person wasn't under investigation and Mr. Allen was under investigation?

A Not necessarily, if the other person's comments were benign in nature and that one individual in a two-sided conversation was much more vocal or opinionated.

Q And were Mr. Allen's comments in this exchange not benign?

A I would not describe his comments as I recollect them to have been benign. I remember they were cause of concern. And the other employee was providing different information than he was. Like: I don't see it that way. I don't think you are right. Have you really thought this through?

Those would be less concerning statements.

Q And can you describe some of the content of Mr. Allen's statements that you found concerning or problematic?

A Again, they were -- you kind of went down that road you stated it earlier. And I cannot -- I wouldn't be able to quote any of them. It was just the rhetoric of them about there being -- like not being forthright with what was being provided, there being this alternate story that wasn't being provided.

Q Okay. And, going back to page 8 of the May 17th letter, at the bottom of page, the letter states: Mr. Allen expressed sympathy for persons or organizations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means in an effort to prevent Federal Government personnel from performing their official duties.

What information did the Security Division have that provided that these, that he had expressed sympathy for persons or organizations that advocate or threaten to use force?

A So it's the totality of the actions. Again, we have talked about this. Right? So it's the rhetoric that he espoused. It's the instant messages. It's the actions that he took that prevented an agent from following thoroughly through on a lead of an individual that had assaulted a law enforcement officer and caused that individual not to forward through that case. So those are the type of actions he intentionally influenced an investigation.

Q And how did the Security Division determine that he intentionally influenced the investigation?

A The totality of his actions, when you layer them upon each other.

Q Describe the totality of his actions.

A I just did.

Q Can you redescribe them?

A The totality of his --

Q Let me finish the question first for Penny.

A I'm sorry.

Q The totality of his actions that lead the Security Division to conclude that he had espoused sympathies for individuals, what information led them to that?

A So, again, we use a whole-person concept for review. We do all positive and all negatives. They would have looked at his performance record. They would have looked at his emails. They would have taken into consideration interviews with colleagues and coworkers. They would have looked at his instant messages. All of those things, his work product, all of those things are taken into consideration for a whole-person concept that led them to this conclusion.

Q Okay. And, taking some of those individually, the emails that he sent, where in his emails did he express sympathy for these individuals?

A It's the totality of the actions.

Q Were there specific statements that Mr. Allen made that led the Security Division to believe this?

A When Mr. Allen stated that there was no criminal activity that was found in an open source for an individual that we were considering a subject who had assaulted law enforcement actions, that would be an action.

Q And was Mr. Allen asked about this at his Security Division interview?

A Those were found after his interview.

Q Has Mr. Allen ever been asked by the FBI prior to the revocation of his security clearance about that matter?

A About the specific of the PASMI search?

Q Yes, ma'am.

A No.

Q So Mr. Allen, as I said earlier, had no knowledge of this when he testified before the committee, you said that the special agent never brought it to his attention, never told that special agent supervisor. Is that correct?

A To my knowledge, I am it not aware of that.

Q So the first time that the FBI was aware of this was at the special agent's Security Division interview regarding Mr. Allen?

A Correct.

Q Okay. And, during Mr. Allen's Security Division interview, was he asked about these alleged sympathies these that he professed?

A I am sorry; ask me that again.

Q During Mr. Allen's Security Division interview, was he asked about these alleged sympathies that he was espousing?

A He was asked about his actions that led to the interview. Yes, ma'am.

Q And what was Mr. Allen's response to those allegations?

A Mr. Allen's response was that he believed that the Holy Spirit had called him to share this with the individuals on his squad in the field office.

Q Did he ever say that he aligned himself with the individuals who participated in the events at the Capitol on January 6th?

A He emphasized a sympathy to the individuals.

Q When you say "emphasized a sympathy," what do you mean by that?

A That, again, when you take in totality everything that was provided, to include his interview, it evolved into an allegiance concern.

Q Okay.

A In his interview, it became clear that he was struggling between friend and foe, like he couldn't figure out what was truth and what wasn't.

Q And what you do mean by what was truth and what wasn't?

A There is facts regarding January 6th that are facts. He doesn't align to those facts. He does not believe that the United States Government is honest in those facts.

Q And did Mr. Allen, in his interview, was he ever asked if he aligned himself with the individuals who participated in the events at the Capitol on January 6th?

A I am sorry; I don't remember that specifically being asked of him or not asked of him.

Q Did Mr. Allen in his interview with the Security Division ever explicitly state that he aligned himself with the individuals who participated in the events at the Capitol on January 6th?

A I don't specifically remember what he stated in regards to his interview. But our decision to revoke his clearance is not based off of one interview or one statement that he makes in an interview. It's based off the totality of the facts. At times when we interview individuals, they are less than forthright with us.

Q And do you know -- I talked about this meeting that occurred between Mr. Allen and his supervisor, and I believe the CDC may have been there as well on September 29th, after he sent the email where they were defending the Director's

testimony, according to Mr. Allen, and he was, you know, stating the reasons for, including certain statements in his email. Was the supervisor mad that he was questioning the Director's testimony?

A I am sorry; I wasn't there that day. I don't know.

Q Did the supervisor represent in his Security Division meeting the content of I think he used the word "counseling" that he provided Mr. Allen?

A I think it was because Mr. Allen's comments were concerning in regards to the email that he was putting out and the rhetoric that was contrary to known facts regarding January 6th.

Q Even though The New York Times had put out a news story at that point in time that there was at least one informant in the crowd that was reporting back to their FBI handler?

A Again, I haven't read The New York Times article. I can't provide any information on that.

Q Okay. Are you aware of whether Mr. Allen submitted a request for outside employment?

A I believe y'all asked me about this previously -- or I've heard that.

Q And did he submit?

A I don't know that personally.

Q Are you aware that, when he testified before this committee, he had still not heard back from the FBI on his request for outside employment?

A I don't have the transcripts of his appearance in front of the committee.

Q And how long does the FBI have to respond to an individual's request for outside employment?

A I don't believe there is actually a set number of days.

Q Okay. What's the average time period in which the FBI responds?

A I would say usually within 2 weeks.

Q Within 2 weeks?

A But it can be longer.

Q Okay. And I will represent to you it had been more than 2 weeks at that point in time.

Are you aware if the FBI has resolved Mr. Allen's outside employment request?

A Mr. Allen's outside employment request doesn't come to me. It would go to his field office.

Q Okay.

A And so I have never seen anything regarding Mr. Allen's outside employment request.

Q Who at the field office is in charge of outside employment requests?

A Usually they go through the chief security officer, but then they are reviewed by the Office of Integrity and Compliance.

Q And Office of Integrity and Compliance is separate from the Human Resources?

A Yes, ma'am.

Q Okay. And, prior to the submission of the outside employment request, Mr. Allen submitted a prayer journal in October 2022 for prepublication review but never heard back from the FBI. Were you aware of this?

A I heard that he had done this. I know that you all have asked about this. Unfortunately, I don't have anything to do with prepublication review. That falls outside my branch.

Q Was the Security Division aware of his request to publish a prayer journal?

A I am not sure. I am sorry, I don't know.

Q Does the Security Division normally get information regarding outside employment requests or prepublication review requests while an individual's clearance is suspended and they are undergoing an investigation?

A They usually -- prepublication requests, again, don't come through Security Division. That is a whole different group within the organization. Outside employment requests generally would go from the field office into Security Division, but they are reviewed by our Office of Integrity and Compliance. The Security Division is the archival receptacle for holding them. We don't approve them or deny them.

Q So how did you become aware of the prayer journal, was it just from representations by the committee or --

A It's either here or something that I have heard subsequently in prep, but I am not familiar with that at all.

Q During your --

A As far as my -- it hasn't come in front of me. I wasn't asked for it. I wasn't asked to approve it. I wasn't asked to intervene in anything with it. No, ma'am.

Q During your preparation for your transcribed interview this morning, did you look into any outside employment requests that Mr. Allen may have made?

A I did not.

Q Did you review the facts surrounding the submission of the prayer journal?

A I did not.

Q What is Mr. Allen's current status with the Bureau?

A His clearance has been revoked, and I believe we are in the 30-day window of his response to if he would like to be appeal the revocation.

Q Has Mr. Allen responded yet?

A I am not aware that he has.

Q Okay.

A But I wouldn't be briefed at that at this point.

Q When do you get briefed?

A I usually would get it once of revocation would be -- once the appeal is in and they are pushing the revocation package through to -- for reconsideration.

Q And what is included in the revocation reconsideration package?

A It would be any mitigating information that the individual provides.

Q Okay. And you are the official that reviews the mitigating evidence. Or who reviews the mitigating evidence?

A The mitigating evidence will be reviewed within the Adjudications Unit and then provided to me.

Q And then you make the final decision on the appeal. Is that correct?

A Yes, ma'am.

Q And then the individual also has an appeal to judges or lawyers at DOJ. Is that correct?

A The ARC, yes, ma'am.

Q Yes, okay. What was the date of the Bureau's last communication with Mr. Allen?

A I'm sorry; I don't know that.

Q Do you know if it was the revocation letter?

A I don't know.

Q Has the Bureau provided Mr. Allen with the opportunity to review all of the materials relied upon as the basis for his security clearances revocation?

A Generally the process would be they would come in and say, "Hey, I want to

repeal this revocation," and then you begin the redaction process, and then they get all the documents.

Q How long does the redaction process normally take?

A It depends. I don't do redaction either. That's done through a different group.

Q And what is redacted when it goes to the individual whose clearance has been revoked?

A Sometimes it's identifying information of individuals that have provided information that have requested confidentiality.

Q Okay. If the individual has not requested confidentiality, is their named released?

A I am not sure. I don't do the redactions, and I don't oversee them.

Q So what all is provided? What all would be provided to Mr. Allen after he appeals the decision for the revocation? Are the 302s provided to Mr. Allen?

A Any information utilized in the decisionmaking towards the revocation will be provided to him, any and all.

Q Any and all. So that would be the emails --

A Anything that has been used for the revocation decision he will get.

Q So I want to be specific about the materials. So the 302s, would he get access to those if they were relied upon?

A And I am going to end up answering the same thing over and over again. If it was the 302 that was relied upon for the revocation, absolutely, yes.

Q Okay. And if it was an instant message relied upon?

A Yes, ma'am.

Q And the emails relied upon?

A Yes, ma'am.

Q Okay. Did the FBI unlawfully retaliate against Mr. Allen for raising concerns about the veracity of Director Wray's testimony?

A The FBI absolutely did not retaliate against.

[12:15 p.m.]

BY [REDACTED]:

Q And what's the basis for your conclusion?

A That I use the whole person concept regarding security clearances. I'm not involved in any type of retaliation or anything. I take my job very seriously.

Q Uh-huh.

A I'm very loyal to this country --

Q Uh-huh.

A -- myself. And I've been charged with making unbiased decisions.

Q Uh-huh.

A His investigation has nothing to do with the statement that he made about the director at all.

Q Does it raise any concerns that this whole security process was kicked off by a September 29th email that questioned the veracity of the director's testimony?

Ms. Gibbs. I think you're misstating the email.

[REDACTED] Okay.

Ms. Moore. Yeah, absolutely.

Ms. Gibbs. Let's take a look at the email.

[REDACTED] Uh-huh.

Ms. Moore. This email doesn't say anything about the director's testimony at all.

BY [REDACTED]:

Q Okay.

A None. Zero.

Q We'll read this. It says: There is a good possibility the D.C. elements of our organization are not being forthright about the events of the day or the influence of

government assets.

And with that, Mr. Allen said he was referring to the director's testimony.

A But that's not what this email says. So when my intake --

Q Uh-huh.

A -- unit gets it, that's not what they're looking at. They're looking at the facts that come in. It had nothing to do about Director Wray's testimony.

Q Uh-huh.

A It had to do with the fact that his allegiance seemed to be off.

Q And did Mr. Allen describe how he was questioning Director Wray's testimony with this statement in his Security Division interview?

A I can't remember exactly what he said, if it related specifically to this.

What he said --

Q Uh-huh.

A -- that I do remember specifically from his interview was the reason he shared this --

Q Uh-huh.

A -- was because the Holy Spirit told him to.

Q Okay. Do you know if he mentioned --

A I don't know if the Holy Spirit told him that the director --

Q Uh-huh.

A -- lied. I don't know. He said he shared this stuff because of that.

Q Uh-huh.

A What I remember reading didn't specifically relate one to the other.

Q Do you know if he ever brought up the director's testimony in his Security Division interview?

A I do believe in his Security Division interview he discussed that, yes.

Q So if that is why he sent this email or used the wording "there's a good possibility the D.C. elements of our organization are not being forthright about the events of the day or the influence of government assets," and that was a reference to the director's testimony, does it concern you that this is the email that kicked off the Security Division investigation of Mr. Allen?

A Mr. Allen's Security Division investigation was --

Q Uh-huh.

A -- based off of information provided by the Charlotte division. It was not because he questioned the veracity of the director of the FBI. It was the totality of his actions. And all suspensions and revocations have been reviewed under the whole person concept in totality of all of his actions, not a statement.

Q Uh-huh. And this is the email that was shown to Mr. Allen at his security interview. Is that correct?

A I know that he saw this one. I'm not sure what else --

Q Okay.

A -- he was shown.

Q And so Mr. Allen was suspended on January 19th, 2022. And then his revocation was official on May 3rd, 2023, so roughly a year and a half. Is that correct?

A That would sound -- monthwise, yes, ma'am.

Q Is that a normal time period for these investigations, a year and a half?

A Investigations can take a very short period of time -- I kind of talked about them -- sometimes as little as 20 days, even less, and sometimes up in the thousands of days.

Q Okay.

A So his is not outside the norm, no, ma'am.

Q Okay. And is, like, the investigative file that the Security Division reviewed for Mr. Allen, is that a bulky file?

A It would be, yes, ma'am.

Q Okay. I want to move to discussing Mr. Steve Friend. During your transcribed interview on April 24th, you testified that you were familiar with Mr. Friend, knew of his suspension, and knew he ultimately resigned. Is that correct?

A Yes, ma'am.

Q Are you aware that Mr. Friend had received performance awards throughout his career at the FBI for various tasks, as well as for his overall performance?

A That would have been part of his final write-up, yes, ma'am.

Q And during your transcribed interview, you confirmed that you were aware that you signed the September 16th, 2022, letter, suspending his security clearance. Is that correct?

A I did, yes, ma'am.

Q Between April 24th and today, have you had time to examine the documents particular to Mr. Friend's case?

A I have reviewed them.

Q And you've reviewed all of the 302s or emails that would have been involved in Mr. Friend's case?

A I read most of them, yes, ma'am.

Q And when did you read those?

A Yesterday.

Q Yesterday. Okay. And during your transcribed interview, you refused to answer questions regarding Mr. Friend's suspension because it was an ongoing

investigation. Is that correct?

A Yes, ma'am.

Q What investigative work occurred between April 24th and May 16th when his clearance was revoked?

A It would have been the logical investigative steps where they interview individuals, we look at computer access, those type of logical steps. I cannot tell you every single step that was taken because I don't know every single step. I wasn't the investigator.

Q So after April 24th, 2023, the Security Division was still interviewing individuals in Mr. Friend's case?

A I apologize. Would you ask your first question again? I must have misunderstood --

Q Yeah.

A -- what you asked me.

Q What investigative work occurred between April 24th, 2023, and May 16th, 2023?

A From April -- my understanding was, in April, that that case had been moved to the Adjudications Unit. If you'll remember --

Q Uh-huh.

A -- when we talked, I said that I would come back after the adjudication was complete --

Q Uh-huh.

A -- because I did know at that point that it had probably been moved over to adjudications and it would be imminently forthcoming.

Q Okay.

A I knew those were close. So my -- at that point it would be the Summary EC being done, all the facts checked and double checked and put into a document for my review.

Q Okay. And so do you know when it moved over to the adjudicative stage?

A I'm sorry, I don't know the date it did.

Q And do you know -- we were just talking about Mr. Allen. Was his case in the adjudicative stage when you testified here before the committee?

A From what I remember, yes, ma'am, it was.

Q Okay. Have you read the Summary EC?

A For?

Q Mr. Friend.

A Yes, I have.

Q And how long was that Summary EC?

A It was many -- it was multiple pages.

Q Multiple pages? More than 10?

A I can't tell you how many pages. I read it on a computer. So I don't know exactly how many pages. I'm --

Q Did --

A -- scrolling.

Q Did you have to scroll a lot?

A I had to scroll.

Q Okay. And who wrote the Summary EC?

A I don't remember who the investigator was that wrote it.

Q Do you remember any of the investigators on Mr. Friend's case?

A Not specifically I don't, no, ma'am. I know, again, Julie Halferty was the

unit chief. It would have gone from her through Dena Perkins. It would have gone through our legal, Tasha Gibbs --

Q Uh-huh.

A -- and then up through the section chief, the deputy assistant director, the assistant director, and then to me.

Q And I'm sorry, I can't remember if you said Julie or Julia. But Julie?

A It -- it's Julie Halferty.

Q Okay.

A Don't ask me how to spell it. I'm sorry. I don't know.

Q We'll just call her Ms. Julie.

A It could be -- it's Julie, I think.

Q Okay. Did she sign off on the Summary EC or --

A She did.

Q Okay.

A They would have, yes.

Q So she would have to approve every --

A And I'm going to be honest with you.

Q Yep.

A I'm so sorry if I --

Q Uh-huh.

A -- misstate this, so --

Q Okay.

A I'm trying to be really careful.

Julie would normally be the unit chief. I didn't check to see who actually signed it. There could have been an acting --

Q Uh-huh.

A -- on the desk that day. But by all typical processes, whomever was the unit chief on that specific day --

Q Uh-huh.

A -- would have signed it, which is Julie at this time.

Q Okay.

A And was then, unless she was out.

Q And what was your involvement in Mr. Friend's case?

A I'm, again, the security program manager.

Q Did you perform any investigative work?

A I did not.

Q You reviewed all the investigative material, though, correct?

A In preparation for today, I went through the file. I didn't review every 1A in everything, but I tried to get a good overview of the file so we could discuss it.

Q And prior to signing the September 16th, 2022, suspension letter, what documents had you reviewed regarding Mr. Friend's case?

A For that I review what came up for me, which is the recommendation for suspension.

Q Okay. And did that include a package of information?

A It would include a document, a summary document of the reason, yes, ma'am, along with the actual suspension letter that's served to the employee.

Q And do you know who prepared that summary document?

A I don't know who the investigator is, no, ma'am.

Q And would that investigator have also authored the suspension letter?

A More likely than not, yes, ma'am, it's usually the same person, unless they've

transferred or it's been transferred.

Q And I'm assuming you don't remember who --

A I don't.

Q -- authored the letter?

A I didn't look at that part. I'm sorry.

Q And you signed the May 16th, 2023, revocation letter for Mr. Friend?

A I did, yes, ma'am.

Q What documents did you review prior to signing the revocation letter?

A Again, I would have reviewed the summary document that came with it.

Q How long was the summary document?

A It was pages. I had to scroll.

Q Pages. You had to scroll. Okay.

And Mr. Friend's case was included in the May 17th, 2023, letter to the committee, correct?

A Yes, ma'am.

Q And it's on page 9. Sorry. We'll flip --

A It's the date.

Q -- to page 9 now.

A I get --

Q Yeah. Do you know who provided the information for this section of the letter?

A The information, it looks like it's contingent upon Security Division investigation. So it would have come somewhere within Security Division would have provided the document. I know that the Office of General Counsel, Tasha Gibbs, who is assigned to Security Division, would have reviewed this.

Q And who authored this section?

A I don't know that answer.

Q And Ms. Gibbs would have reviewed this section --

A Yes, ma'am.

Q -- as written?

A Yes, ma'am.

Q And then it would have been sent to Mr. Dunham for inclusion?

A Yes, ma'am.

Q Okay.

A That's how I believe it worked.

Q Did you have any role in drafting or approving this section?

A I didn't, no, ma'am.

Q Did you have any conversations with the Office of Congressional Affairs regarding Mr. Friend prior to the letter's transmittal?

A We discussed it because I have the general counsel that signed to --

Q Uh-huh.

A -- OCA as preparation for that, yes, ma'am.

Q And did you discuss Mr. Friend's case with the Office of Congressional Affairs prior to your testimony today?

A I did. In regards to prepping for my testimony, which I didn't clearly state on the last thing, I talked to them about Mr. Friend not in relation to the letter but in relation to my prep for coming over.

Q Okay. On page 9 of the letter, in the first paragraph under Mr. Friend's security clearance suspension, it states: The Security Division opened a security investigation regarding Mr. Friend in September 2022, after receiving a referral from the

FBI's Jacksonville Field Office.

Do you remember who submitted the referral?

A It came through their management, and I believe their chief security officer and ASAC and the SAC -- oh, wait, wait, wait, wait. Hold on.

No. That's not how it happened in this one.

Q Okay.

A This came in to us -- what was -- how we opened it, the information came from our Insider Threats Office.

Q Okay.

A I'm so sorry.

Q And who from the Insider Threats Office?

A I don't know the individual within there that sent it over. There's a process that if something rises to their concern, they'll send it over to us. So I'm sorry.

Q And what rose to the level of concern for the Insider Threat in this case?

A That it was the totality of the actions that had been reported to us to date.

Mr. Friend had plugged in an unauthorized --

Q Uh-huh.

A -- unregistered, what we would find out was a personally owned thumb drive into an FBI secure system --

Q Uh-huh.

A -- and downloaded a significant number of documents.

Q Okay.

A That gets flagged.

Q Uh-huh.

A We had received a referral prior to that from the Jacksonville Field Office.

Q Okay.

A In the totality, that's what opened the case.

Q And the referral specifically from the Jacksonville Field Office --

A Was not opened initially.

Q -- who did that come --

A I don't know. I didn't look at that part of the referral. I'm sorry.

Q And it wasn't opened initially. Why wasn't it opened initially?

A Initially it looked like misconduct.

Q Okay.

A Just employee misconduct. It wasn't until we had the security concern that it really fell into our lane.

Q And what type of misconduct?

A It was refusal to participate in a -- as a transport agent in a lawful arrest.

Q As a transport agent, is that what you said?

A Yes, ma'am.

Q And what's a transport agent?

A It's the individual that drives the car after the person's arrested over to the United States Marshals Office and checks them in.

Q So was it your understanding that Mr. Friend was supposed to be the transport agent that day?

A Yes, ma'am.

Q And are you aware that he raised concerns to his chain of command regarding the use of the SWAT team for this particular arrest warrant?

A Subsequently I'd be made aware of that, yes, ma'am.

Q And are you aware that he first went to his ASACs?

A I thought he went to his supervisor.

Q You're right. He did go -- so he went to his supervisor and then he went to the ASACs. Is that your understanding?

A I don't believe he went to the ASACs. I believe he was called in by the ASACs.

Q Okay. And what do you understand the chain of events to be there?

A That there was concern --

Q Uh-huh.

A -- because it was a lawful warrant --

Q Okay.

A -- and that he had not read any of the documents surrounding it.

Q Uh-huh.

A He was just refusing to go.

Q And who told you that he was refusing to go?

A Well, I subsequently read it in the file.

Q Okay. And who made the representations that Mr. Friend refused to go?

A I believe the special agent in charge or one of the ASACs.

Q Okay. And do you know who the special agent in charge of the Jacksonville Field Office is?

A It's Sherri Onks, O-n-k-s.

Q And are you aware that after his meeting with the ASACs, they ordered him to take AWOL status on the day of the raid?

A I subsequently read that, yes, ma'am.

Q Okay. And are you aware of whether or not he was ordered to go on AWOL prior to the day he was supposed to be AWOL?

A I wasn't part of those conversations. I've been -- I've -- somewhere I've been briefed that along the way, yes, ma'am.

Q That he was ordered to go AWOL status?

A I think there was, from what I was briefed --

Q Uh-huh.

A -- that I remember -- this is not my firsthand recollection.

Q Uh-huh.

A I was not in the room.

Q Uh-huh.

A -- was that because we needed to know who was going to be on the arrest, who was going to be on the transport, we couldn't have someone just not show up or call out at the last minute. You'd like to preplan that, so for the safety of all involved and to --

Q Uh-huh.

A -- make sure there's no confusion.

And so I think at that point, because he refused to participate, he didn't want to read the affidavit, he was put out on AWOL.

Q Okay. And Mr. Friend has represented to the committee that he never refused to participate in the raid. Are you aware of that?

A I'm not.

Q Did he discuss that in his Security Division interview?

A I don't remember that, no, ma'am.

Q Okay. And so, obviously, if he's ordered to take AWOL status, he cannot show up to participate in the search and arrest warrant, correct?

A Correct. And so and, again, I think I've talked about that initially. When

that came in, that doesn't fall under Security Division.

Q Uh-huh.

A That's a misconduct concern, and that goes in a different stream, not ours.

Q But this was considered as part of his security clearance investigation?

A It was in the totality of the person --

Q Uh-huh.

A -- because remember we talked about --

Q Uh-huh.

A -- I look at all their awards, their behavior, any disciplinary, and any actions that occur that we find during the course of the investigation, because we look at the whole person --

Q Uh-huh.

A -- not just one incident.

Q And how did the Security Division determine that it was misconduct if Mr. Friend was ordered to go on AWOL status?

A Again, we don't look --

Q Uh-huh.

A -- or -- I'm sorry. Ask me that again. I'm not sure what --

Q Because you initially said the referral that came from the Jacksonville Field Office appeared to be misconduct. Is that correct?

A It did.

Q And how does that determination that it appears to be misconduct get made?

A The intake unit makes the decision on does this rise to the level of something that is a risk to national security.

Q Uh-huh.

A So someone who doesn't want to go do something doesn't necessarily rise to a level of national security. So it's misconduct, like, hey, that's between you and your employee. That's going to have to go down the inspection, internal investigation route.

Q Uh-huh.

A That's not us.

Q And there's a difference between refusing to go do something and being ordered to take AWOL status.

Was Mr. Friend ever able to refuse to participate in the raid?

A I'm not part of those conversations, and I can't testify to that.

Q Okay. Do you know if those conversations occurred within the Security Division? Were they aware of those conversations?

A I am aware that, what you have told me today, that there was a conversation -- and I don't know if it's Friend that has said this or if I've read it somewhere -- was that he was ordered to take AWOL and so he didn't participate.

Q Okay.

A I know that originally he refused to participate.

Q Okay. And on May 7 -- in the May 17th, 2023, letter, at the bottom of the page there, it says: On September 3rd, 2022, Mr. Friend entered FBI space and downloaded documents from FBI computer systems to an unauthorized removal flash drive. The FBI then required Mr. Friend to attend a security awareness briefing regarding his actions, but he refused to do so.

Did I read that correctly?

A Which page are you on?

Q On page 9, at the very bottom.

A Okay. Which one -- okay. You started there. Okay.

Q Okay. Yeah. Would you like me to reread?

A No. That's okay. No, that's what it says. You can read.

Q Okay. According to Mr. Friend's testimony, he did not refuse to attend the security awareness briefing. Are you aware of that testimony?

A I am not aware of that testimony, no, ma'am.

Q After learning from his supervisors that the training was a disciplinary action, he requested to have an attorney present. Are you aware of his request?

A I'm not.

Q Friend testified that his supervisor said he was not allowed to have an attorney present and he was -- he asked to have documentation provided as for why he could not have an attorney present. And that was never provided to him, even though his supervisor said that they would.

A Somewhere in here I'm going to have to stop you, because --

Q Yeah.

A You've lost me now.

Q Okay.

A So he did not attend a security awareness briefing.

Q Correct.

A That, I know for a fact.

Q Okay.

A He was scheduled to come and attend --

Q Uh-huh.

A -- a security awareness briefing. So all the other, like, he wants an attorney --

Q Yep.

A -- and -- none of that has to do with me. He didn't attend the security awareness briefing.

Q Do you know if the fact that he asked to have an attorney present, was that ever considered by the Security Division?

A That would not have been considered by the Security Division, nor are attorneys allowed to be present during security awareness briefings.

Q Okay. And were the facts, as Mr. Friend has presented the facts, that his supervisor said that he would get back to him on that, was that ever considered by the Security Division?

Ms. Gibbs. When you say presented the facts, to who?

██████████ To the committee.

Ms. Moore. Okay.

Ms. Gibbs. I just want to make sure we're --

Ms. Moore. I'm not aware of his testimony to the committee.

BY ██████████:

Q And he never received further communication from his supervisor on whether or not he could have an attorney present. Are you aware of that fact?

A I'm not aware of that fact, no, ma'am.

Q Okay. And that was why he did not attend the training. Are you aware of that?

A What I'm aware of is that --

Q Uh-huh.

A -- Mr. Friend did not attend the training -- or attend the security awareness briefing.

Q Uh-huh. Okay. And on May 16th, 2023, the FBI revoked Mr. Friend's clearance. Is that correct?

A That is correct.

Q And you signed that communication?

A Yes, ma'am.

Q Do you know when Mr. Friend received that communication?

A I don't.

Q And -- but Mr. Friend had already resigned at that point in time. Is that correct?

A Yes, ma'am. We discussed earlier that some of this backlog and why it's --

Q Uh-huh.

A -- so many days is because we are obligated with the security -- the community of the intel -- intelligence community to follow through on misconduct invest -- not misconduct but security investigations as it relates to an individual's suitability to hold a clearance.

Q Okay. And on page 10 of the letter, under the inset portions of the guidelines there, it says: In addition to the security concerns that resulted in the suspension of Mr. Friend's security clearance, the investigation yielded evidence of additional security concerns.

What investigative steps led to the new evidence?

A Interviews, searches of publicly available social media inform -- PASMI, review of computer access, those same things that we've discussed previously.

Q And who was interviewed for Mr. Friend's investigation?

A It would have been his colleagues, his coworkers, his supervisors.

Q Do you know specific individuals who were interviewed?

A I can't give you specifically the names outside of I know the special in agent in charge was, the ASAC was.

Q Uh-huh.

A I don't know his supervisor's name. And then many of his colleagues, task force officers were all interviewed.

Q And was a 302 produced for every single interview?

A Yes, ma'am.

Q Did you review all those 302s prior to today?

A I read through most of them. I didn't review them in detail.

Q Okay. And when was Mr. Friend interviewed by the Security Division?

A I don't know the date, but it was between his suspension and revocation.

Q Okay. And his clearance was suspended on September 16th, 2022, and then it was revoked on May 16th, 2023.

Do you remember if it was in 2022 that he was interviewed?

A I don't remember specifically.

Q Okay. And then directly below the paragraph that I just read from, it states: Mr. Friend participated in multiple, unapproved media interviews, including an interview with a Russian Government news agency.

Did you review those media interviews?

A I didn't review them myself, no, ma'am.

Q What did you review regarding the interviews?

A I read through his file, but I didn't specifically read that. I read about -- I know that this was in there. It was summarized for me.

Q Uh-huh.

A But I didn't read the interviews themselves, no, ma'am.

Q Okay. And Mr. Friend learned about some of the these media interviews when -- during his Security Division interview. Are you aware of that?

A He would have been asked about them, yes, ma'am.

Q And he only became aware that a portion of an interview he gave appeared on Russia Today in that Security Division interview. Are you aware of that?

A I am aware that he stated that one of the interviews he didn't know was Russian.

Q Okay. And so you're aware that he disputes that he appeared on Russia Today?

A There were more than one interview with a foreign news organization.

Q Uh-huh.

A He disputes one of the interviews that he believes was compiled from another.

Q And did those -- did those facts get considered by the Security Division?

A Of course. We consider the whole person. We consider all good things that they've done and all actions that have been taken.

Q Uh-huh.

A Absolutely.

Q And during your transcribed interview on the 24th, you were asked about Mr. Friend's request for outside employment. Do you remember that?

A I do.

Q And do you remember how many times Mr. Friend sought approval for outside employment?

A I don't know specifically how many times. I know specifically the one we asked -- were asked about.

Q Okay. Would it surprise you that he had sought approval for outside employment twice before?

A No.

Q Okay. And Mr. Friend's first request for outside employment was denied.

Did you review the denial --

A I did not.

Q -- of the request?

A No, ma'am.

Q Do you know who denied the first request?

A I don't.

Q And then the second request for outside employment, he also included a request for his firearms training records. Do you remember that?

A I am very familiar with that one, yes, ma'am.

Q And you said it was a mistake that his firearms records were not provided to him. Do you remember that?

A They were provided to him.

Q Okay.

A They were not provided him in a timely manner.

Q Okay. And you described a mistake that occurred at the Bureau regarding the firearms records.

A Yes.

Q Between the time of April 24th and now, have you discovered who was responsible for that mistake?

A Again, we talked about it in my last transcribed interview.

Q Uh-huh.

A He sent in his request for his firearms records to the Firearms Training Unit.

Q Uh-huh.

A The Firearms Training Unit --

Q Uh-huh --

A -- when they didn't know how to give him the records, called Information Management Division.

Q Uh-huh.

A When -- we've talked about this. We -- for out of 38,000 FBI employees, we have very few that are ever suspended.

Q Uh-huh.

A And a general employee may not come in contact with a suspended employee. So the supervisor in the Firearms Training Unit gets a call from an individual who is suspended.

Q Uh-huh.

A He doesn't -- most general employees don't even understand the difference between suspension and revocation.

Q Uh-huh.

A It's just not just something they come across. And so he's like, I don't know how to provide this information. So it gets referred over to Information Management Division, who then misunderstand it to be a terminated employee. And they're like, oh, in order for terminated employees to get their training records, they have to file a Freedom of Information Act.

Q Uh-huh.

A So that is what gets relayed to him, which was wrong.

Q Uh-huh.

A We could have gotten him those records sooner.

Q Uh-huh.

A But it got convoluted. And by the time we finally figured out or it was brought to our attention --

Q Uh-huh.

A -- that's when I'm like, get him the records.

Q Uh-huh.

A But it wasn't intentional by anybody. It was a convolution of his status.

Q And has any new training or newsletters or emails been sent out about how to deal with these sorts of requests?

A So the individuals in that chain obviously --

Q Uh-huh.

A -- were counseled and said, hey --

Q Okay.

A -- here's the difference. Here's that.

So I can assure you they won't make that mistake again. But for our entire --

Q Okay.

A -- population of 38,000 employees, no.

Q And Mr. Friend also testified about how individuals at the FBI leaked his personal medical records to a New York Times reporter. Do you have any awareness about this?

A No.

Q And who's the custodian at the FBI of medical records? What unit or division is that held within?

A Those are held within medical, which falls under HRB, but I'm not sure if

those are stored at IMD or if they're maintained strictly within the medical group.

Q Okay. So you don't have any awareness of this allegation by Mr. Friend?

A I know he's alleged this.

Q Okay.

A I have no idea what he's referring to or what medical records he has -- he's talking about at all.

Q When you heard about this allegation from Mr. Friend, did you do any sort of investigating?

A No. I heard about it yesterday.

Q Okay. Between yesterday and today --

A No.

Q -- have you done anything?

A No.

Q Do you plan to take any actions on this?

A No.

Q Do you -- the individual who takes over in your role after June 3rd, will this be part of the brief to them to look into whether or not medical records were inappropriately released to a reporter?

A If Mr. Friend would like to write us a letter --

Q Uh-huh.

A -- alleging what it was and what information it was --

Q Uh-huh.

A -- that was released and who it was released to --

Q Uh-huh.

A -- that will be reviewed.

Q Okay.

A But just general things that are said out in the universe, we don't necessarily follow through on them, no.

Q Has Mr. Friend been provided with all the materials relied upon for his security clearance adjudication?

A He will if he asks for reconsideration of the revocation.

Q And it's your understanding that he hasn't asked for that yet?

A I don't know if he has or not, no, ma'am.

██████████ Okay.

We'll go off the record. We're at the end of our time.

[Discussion off the record.]

██████████ We'll go back on the record.

BY ██████████:

Q Who's going to be taking your job now?

A They have not named my successor at this time.

Q Is there going to be an interim?

A Yes, sir, there will be. His name is Timothy Dunham.

Q And have you had some transition meetings with Mr. Dunham?

A Not really. We've met today. We met -- this morning for about 15 minutes.

Q Okay.

A And we met yesterday for about 30.

Q Okay. That's the totality of your transition?

A At the moment.

Q And today's your last day at the FBI?

A Yes, sir.

Q So you don't plan any future --

A I will be available for any and all contact that's needed. Mr. Dunham has served in my absence before.

Q Uh-huh.

A I think, as we know, I've unfortunately had a family issue that I've been out for the last couple of months on, and he has filled in in that. So he's largely up to speed.

Q Okay.

A He's my primary fill-in.

Q Okay. And is he up to speed with all the information on Mr. Friend's case?

A No, sir.

Q Is he up to speed with all the information on Mr. O'Boyle's case?

A No, sir.

Q Is he up to speed with all the information on Mr. Allen's case?

A No, sir. People who are not directly related to these would not be briefed on them until the time it was necessary. So when he comes in as the acting, if this is something that he gets called to testify on or he has to lay in on, so if the revocation reconsideration comes in, then he will.

Q Outside of your --

A So we just don't brief random people.

Q Well, he's not a random person. He's taking your job.

A He's coming in --

Q He's your deputy.

A He -- but not right at this moment. He wouldn't --

Q Okay. Well, he's not a random person. That's a ridiculous

characterization.

A I'm sorry. I'm just trying to --

Ms. Moore. I'm so sorry.

██████████ I said that's a ridiculous characterization. He is the number two official in your organization.

Ms. Moore. I apologize. As a general rule, we only discuss the stuff, again, with need-to-know. And until he is actually my acting or signing something, he has no need to know about it.

██████████ Okay. In your opinion, I guess.

██████████ Okay. We'll go off the record. Thank you.

[Recess.]

██████████ Back on the record, please.

BY ██████████:

Q Ms. Moore, let's just return briefly to Mr. Allen's security revocation decision, if we could. There was discussion in the last hour about the fact that one particular email that he sent on September 29th was the initial basis for his referral.

Do you recall those questions?

A I do recall those questions. It was one of the items, yes, ma'am.

Q Right. And you made very clear, I think, over and over that it was not just one thing, it was many things, correct?

A Yes, ma'am.

Q But with respect to the beliefs that he expressed in that email, regardless of how you characterize them, whether he's talking about Director Wray's testimony or not, is it fair to say that it's not clear on the face of the email what he's referring to?

A That would be correct.

Q Because he doesn't mention Director Wray by name at all, correct?

A That is correct.

Q Regardless, suppose, if you would, that Mr. Allen had sent that same email from his personal email account and to individuals that he knew outside of the FBI. Would that have been a concern to you in your position as security manager?

A We wouldn't look at what he did from his personal email to a friend, no, ma'am.

Q So what's the difference? Why does it matter that he sent it from his FBI email to FBI colleagues?

A It appears that he is attempting to influence their decision and thought-making process.

Q And is it fair to say that he's trying to influence them specifically with respect to a lawful mission of the FBI, which in this case was the investigation of crimes occurring at the U.S. Capitol on January 6th?

A Yes, ma'am.

Q Okay. Now, referring to exhibit No. 1, that May 17th letter --

A Yes, ma'am.

Q -- from Mr. Dunham, there is a footnote that was included. It's footnote 4, and I think it's on page 6.

A Yes, ma'am.

Q Okay. Could you take a look at that and let me know when you've had a chance to review it?

A Yes, ma'am.

Q Okay.

A I'm good. Yes, ma'am.

Q Oh, excellent. Would you mind reading that footnote?

A It is important to distinguish between criminal conduct and an individual who is engaged in First Amendment protected activity. Other FBI employees who attended events on January 6, 2021 -- but who did not commit criminal conduct, such as trespass into a restricted zone -- did not receive security clearance suspensions or revocations.

Q Now, I understand that that footnote was dropped in a discussion of a different employee, Mr. Gloss. But the footnote states clearly that the Security Division and the FBI was aware that other FBI employees had attended January 6th events in protest, presumably, protected First Amendment activities. Correct?

A Yes, ma'am.

Q And those people were not subject to security investigations and review. Is that correct?

A That's correct.

Q And why weren't they subjected to security investigations based on First Amendment protected activities?

A Because we don't review people's conduct based off of First Amendment protected activities. FBI employees are entitled to those.

Q Now, isn't it fair to say that what distinguishes these other FBI employees, say the ones who went to demonstrations, you know, peaceful demonstrations on January 6th but did not engage in crimes, what distinguishes them from Mr. Allen is the fact that Mr. Allen obstructed a lawful FBI investigation and used his official position and his FBI email account to promote views of disinformation about the FBI and to discourage other FBI employees from doing their work?

A That would be correct, yes, ma'am.

Q I'm going to move to Mr. -- discussion of Mr. Friend.

Now, Mr. Friend's security clearance was revoked by the FBI on May 16th, 2023, correct?

A Yes, ma'am.

██████████ Do we already have that as an exhibit?

██████████ I don't believe we do.

Ms. Moore. I don't have his revocation letter, no, ma'am.

██████████ So that revocation letter I'm going to mark as exhibit 6.

[Moore Exhibit No. 6

Was marked for identification.]

BY ██████████:

Q Okay. And we also have exhibit 1 still which discusses the same process.

A Yes, ma'am.

Q The Security Division opened a security investigation regarding Mr. Friend in September 2022, after receiving referral from the FBI's Jacksonville Field Office, correct?

A Yes, ma'am -- or -- I'm sorry. We opened our investigation based off of a referral from the Insider Threat Office.

Q You indicated that before. Thank you.

A Yes, ma'am.

Q And where is Insider Threat Office?

A It's located in Huntsville, Alabama.

Q Okay. So it's not a part of the FBI headquarters?

A It's conceived -- our Huntsville, Alabama, is like our HQ2 location. So it's a campus that's just located in Huntsville. Our technology entities are going to be located there.

Q Mr. Friend's clearance was initially suspended on September 16th, 2022, based on concerns under Adjudicative Guidelines E, personal conduct; and K, handling protected information. Is that correct?

A Yes, ma'am.

Q Okay. And the specific concern that resulted in this initial suspension was stemming from an incident that occurred in August of '22, correct?

A Yes, ma'am.

Q And that incident, we spoke of it a little bit in the last hour. I'm going to get into it in a little more depth.

That -- in that incident, Mr. Friend refused to participate in the execution of a court-authorized arrest of a criminal subject. Is that correct?

A So Mr. Friend did that. I want to be really clear just to specify. We opened our case based off of the referral from Insider Threat where he put an unauthorized thumb drive into an FBI-controlled access system, a secret system, and began downloading a bulk of information.

Q Okay. You said that too.

A I'm sorry.

Q That's fine.

A I want to make sure we're really clear. Like, his refusal --

Q Yeah.

A -- was not the opening of our investigation.

Q Okay. So the initial referral from the Insider Threat Office, that's under Adjudicative Guideline K, handling protected information, correct?

A Yes, ma'am.

Q And the fact that he put an unauthorized flash drive into an FBI system is just

automatically a security trigger that no one would have the discretion of ignoring initially. Is that correct?

A That is correct.

Q And that's because you don't know at that stage how serious a threat that kind of thing could be. But given the top secret information that's kept in FBI systems, you could imagine a serious problem if you don't investigate, correct?

A Yes, ma'am.

Q And so you looked into it, right?

A Yes, ma'am.

Q All right. And during that initial investigation is when you learned of this other incident which occurred in August '22 regarding the refusal to participate in the arrest?

A Sort of, yes, ma'am. So originally we had been made aware of the August refusal to participate in the lawful transport of the subject. We did not open off of that one. When we got the Insider Threat, we opened off of that. And then you begin combining all the information to make a whole person review, yes, ma'am.

Q Okay. And I guess you might have said this earlier too, but when he initially stuck the unauthorized flash drive in the FBI system and downloaded the documents, that's what triggered the order or the request that he attend the security briefing, correct?

A Yes, ma'am. That is our standard procedure for initially -- some people plug in, like, a phone and they want to charge their phone, how you can do that with a cord. Well, you used to could do that in our system. And so that will also, because you can download information, so it triggers it.

So what we ask is that the employee must come in and have a security awareness

briefing. They must surrender the device to us so we can review the device to determine if any classified information was inappropriately placed on it, and they must acknowledge to never do this action again.

Q And that requirement that he attend a security access briefing, that's a requirement that would have happened in any case if any employee had done what he'd done, correct?

A Yes, ma'am.

Q And his response to that request was to not attend, correct?

A That's correct.

Q And there was some discussion earlier that he thought he could have an attorney. Do you recall that discussion?

A I don't rem -- I remember that being asked about it, yes, ma'am.

Q Do you recall, during the investigation of his case, anyone telling you that he was requesting an attorney?

A No, ma'am.

Q And does an employee have a right to counsel when he attends a security access briefing at the FBI?

A They do not.

Q So if he did make that request, he was simply mistaken, correct?

A That is correct. As a condition of your employment, you're required to participate in internal investigations and, additionally, security investigations.

Q And that requirement of your employment is made clear to FBI agents from the beginning of their employment. Isn't that right?

A It's clear to all FBI employees, yes, ma'am.

Q And also with respect to your clearance generally, Federal employees are not

given any right to hold a security clearance. Is that right?

A That is correct.

Q It's rather a privilege. Is that right?

A Yes, ma'am.

Q And in the process of reviewing security clearances, you're guided by an executive order that tells you you need to -- you need make your decisions with the utmost concern being national security, correct?

A That's what my obligation is to, yes, ma'am.

Q And there's no reasonable doubt standard as there is in the criminal context, correct?

A That's correct. Any doubt has to go to national security.

Q Very well. So in this case, when he chose not to attend the security briefing, the FBI was required to follow the guidelines under Guideline K, correct?

A Yes, ma'am.

Q And essentially to draw an adverse inference about his ability to protect classified information. Is that right?

A Yes, ma'am.

Q Okay. Now, beyond that, his investigation continued to reveal more security concerns. Is that right?

A Yes, ma'am.

Q And so now we're getting to the August '22 incident. Is that right?

A Yes, ma'am.

Q Okay. So in August of '22, Mr. Friend was given an order from a superior to participate, I think you said, as the driver in a court-ordered arrest of a January 6 criminal suspect. Is that right?

A Yes, ma'am.

Q And Mr. Friend resisted that request. Is that right?

A Yes, ma'am.

Q And, in fact, he refused to participate in the execution of that court-authorized search and arrest of the suspect, right?

A Yes, ma'am.

Q And there was discussion earlier about whether you could really characterize his actions as a refusal.

Do you recall that discussion?

A I do, yes, ma'am.

Q Are you aware that Mr. Friend gave a declaration essentially under oath under 28 U.S.C. Section 1746 about these events? And this was a declaration that he made on September 21st, '22.

I'm going to mark it as exhibit 7.

[Moore Exhibit No. 7

Was marked for identification.]

BY [REDACTED]:

Q First, are you aware of that declaration?

A I'm not personally aware of it.

Q Okay.

A I'm sorry.

Q That doesn't surprise me.

It includes a cover page that was faxed to the IG.

A Okay.

Q But -- I'm going to hand you this. And, honestly, the only thing you really

need to focus on right here is page -- there are no page numbers. Sorry.

A Okay.

Q But if you flip to -- that will be one, two, three, four -- the sixth page. So it might be kind of like page 3 on the back, I think. And there should be like a numbered paragraph 11 on that page.

A Yes, ma'am.

Q Okay. So directing your attention to that paragraph -- and this would be down near the bottom. I think it's the -- it's the second to last sentence, full sentence. It starts --

A Okay.

Q -- "I told him." Let me know when you've located that sentence.

A "I told him." I've got it or -- you want the full sentence?

Q In just one second. I just want to make sure you have where I'm talking about, because I know I'm giving you --

A I have a half.

Q -- a long document.

A I have a sentence that's started, "I told him that." And that's a half a sentence, yes, ma'am.

Q Sorry.

A Yes, that's half a sentence. But, yes, ma'am, because I think it starts up that, He has stated that he wished I just.

Q Yes, yes.

A Yes, ma'am.

Q Okay. So to be fair, let me have you take just a moment to look at that paragraph so you understand the context. I don't want you to ask -- I don't want to ask

about something that you don't --

A Okay.

Q If you don't mind starting just with paragraph 11. And I know paragraph 11 continues --

A Yes, ma'am.

Q -- to the next page, but you don't have to keep turning. Just --

A I'm good. Yes, ma'am.

Q Okay. So fair to say that paragraph 11, in that paragraph, Stephen Friend is discussing this August incident where he refused to participate in the arrest of the J6 suspect. Is that right?

A Yes, ma'am.

Q Okay. And I guess my whole point here is to notice that he says, he admits in the declaration, quote: I told him -- meaning his superior -- that I was going to refuse to participate in any J6 cases.

Do you see that statement?

A Yes, ma'am.

Q So is there any doubt that what he was doing was refusing to participate?

A No, ma'am.

Q Okay. This incident itself involved the use of a FBI SWAT team to execute the arrest, correct?

A Yes, ma'am.

Q And I -- you were a line agent at one point in your career. Is that right?

A Yes, ma'am. I was also part of the SWAT team.

Q Oh, excellent. So you understand the SWAT matrix and how that works.

Is that right?

A Yes, ma'am.

Q All right. In this case, Mr. Friend was not part of that SWAT team. Is that correct?

A He was a member of SWAT previously, but at this time he was not, no, ma'am.

Q Was he familiar with the SWAT matrix in this case?

A He -- in this case, I don't believe he reviewed any of the documents in this case. I think he refused to also review any documents as they tried to help him understand the parameters of the arrest, and he refused to do that. So I would say, no, he was not.

Q Okay. And just briefly -- I don't need to get into details here. But when the FBI decides to use a SWAT team, is it fair to say that they do that because of danger to the agents who are executing the warrant, maybe the suspect is particularly dangerous, or a risk there would be flight or damage to evidence? Is that the kind of thing that you consider when you decide whether or not to use a SWAT team?

A We actually -- partially, yes, ma'am. So we will use a SWAT team if the situation calls for it. And so we do have a matrix. And it will say if they've previously been convicted of a crime that involved a handgun or a weapon, have they ever assaulted a law enforcement officer, are there violent dogs on the premises, are there excessive cameras, those type of things.

And so, again, it's much like building a cake we talked about. You start looking at those, and then it rises to the level of a SWAT team. We use agents a lot for different arrests. We use SWAT teams when very specific elements are hit.

Q Okay. And one of those is danger to the officers who are executing the warrant. Is that right?

A Absolutely. Our agents are very valuable to us.

Q And in the case here that Mr. Friend was objecting to, the SWAT team was charged with arresting a suspect named Tyler Bensch, B-e-n-s-c-h. Is that correct?

A Yes, ma'am.

Q And Mr. Bensch was a member of the right wing militia group, the Three Percenters, correct?

A Yes, ma'am.

Q And Mr. Bensch had posted videos of himself out outside the Capitol on January 6th, wearing body armor, a gas mask, and holding an AR-15 style weapon. Is that correct?

A Yes, ma'am.

Q And this was information that he posted and was publicly available for people to see, correct?

A Yes, ma'am.

Q And this information was known to the FBI when they decided to use the SWAT team in this case, correct?

A Yes, ma'am.

Q Did anyone explain that to Mr. Friend?

A My understanding was that they attempted to explain this to him, along with showing him the lawful court-authorized warrants. And he did not want to hear any of the information.

Q Okay. And I don't recall this for sure, So I'm just going to ask you. Around that time there was a high-profile incident in which one or maybe two FBI agents had been killed executing an arrest warrant. I believe it was in Miami.

Do you recall that incident?

A I'm very familiar with that.

Q Do you know when that happened in relation to this incident?

A It happened in February.

Q And this -- so the previous February. Is that right?

A It happened in -- this is '23. '22. February of 2021.

Q And it was a female officer. Is that right?

A It was. Laura.

Q Yes. Do you think Mr. Friend was aware of that incident?

A He absolutely was.

Q And were the people who made the decision to use the SWAT team to protect those officers aware of that decision?

A Absolutely.

Q I'm sorry if it's --

A We're fine.

Q Let me know --

A We're good.

Q Okay. All right. Just stepping outside a little bit. Are FBI agents allowed to declare themselves conscientious objectors with respect to certain kinds of criminal cases that the FBI is lawfully investigating?

A No, ma'am.

Q And what would happen if they did?

A That would go down a misconduct avenue to review that individual to determine if they're still suitable for work.

Q Okay. In this case -- and I think it was apparent in that declaration that you just looked at -- some of the things that Mr. Friend objected to with respect to January

6th cases included his belief that uniformly defendants who are charged in the District of Columbia are subjected to extended pretrial detention.

Are you familiar with that claim?

A I am familiar with that.

Q Do you believe that's true?

A I do not.

Q If it were true that some defendants were subjected to unfair or extended pretrial detention, isn't it true that that claim could be raised by the defendant to a magistrate judge in the district?

A Absolutely.

Q But it wouldn't be raised by -- to a Federal -- to a FBI agent. Is that right?

A That is correct.

Q In fact, FBI agents are not trained on constitutional issues as they apply to detention because that process happens after the FBI agent's role in the process is over. It happens when the case is already in a court and a Federal magistrate or a Federal judge is monitoring that process. Is that right?

A That is correct.

Q The other issue that Mr. Friend raised with his superiors and others, as he objected to January 6 cases, regarded jury composition. Do you recall that complaint on his part?

A I do.

Q And I believe that he said he believed that anyone charged in the District of Columbia would be subjected to an -- a biased or impartial jury. Do you recall that claim?

A I do.

Q Do you think that that is true?

A I do not.

Q Again, if a person, a defendant in a criminal case, had a concern about jury bias, they'd be able to raise that issue in -- after arraignment when his case was in front of a Federal judge or magistrate. Is that right?

A It would not be to the FBI. It would be later, yes, ma'am.

Q All right. And FBI agents are not trained on constitutional issues under the Sixth Amendment regarding jury composition. Is that right?

A Yes, ma'am.

Q Okay. All right. So that's the August 22nd incident.

He letter marked as exhibit 1, the May 17th Durham -- or Dunham -- sorry -- Dunham letter also says that one of the bases for Mr. Friend's suspension of his security clearance was that he was espousing to superiors an alternative narrative about the crimes that occurred at the Capitol on January 6th. Is that right?

A It was, yes, ma'am.

Q And the nature of those alternative views are basically what we just described regarding pretrial detention and jury composition. Is that right?

A Yes, ma'am.

Q Why was this behavior of concern to the FBI?

A Again, it goes to his general conduct and his ability to carry out the duties of his job.

Q And if he had espoused his views privately and they didn't interfere with the execution of his professional obligations as an FBI agent, would the Security Division have been as concerned?

A No.

Q Would they have been concerned at all?

A If it had come to our attention, perhaps. But that's a First Amendment right. Not solo. You can pontificate that as a First Amendment right, so no.

Q So the main concern, fair to say, is that it was interfering with his work and, in this case, actually culminated in his refusal to participate in a court-authorized arrest. Is that right?

A That is correct.

Q Okay. In addition to what we've described already, the security investigation of Mr. Friend revealed that on September 3rd, '22 -- I'm sorry. That -- this says that he entered the workspace and downloaded documents from a system. This is the initial incident. Is that right?

A Yes, ma'am.

Q Okay. So disregard that.

A That's okay.

Q Okay. I'm sorry.

All right. I just want to note one thing about Guideline E in the Adjudicative Guidelines. You're familiar with Guideline E. Is that right?

A Yes, ma'am.

Q And that section of the guidelines specifically says that when an employee is directed and fails to participate in a security process, like a security access briefing, the guideline says, quote: Will normally result in an unfavorable -- and then ellipses -- security clearance action.

Are you familiar with that part of Guideline E?

A I am.

Q And can you explain a little bit about what that means while you're doing the

security review?

A Sure. You have to be an active part of a security review; otherwise, you're an obstacle to it. And so, again, as part of that ability to have a clearance, you must comply with security investigations or security briefings or any aspect of that.

So his refusal to come in is an indication to us that he no longer cares about security.

Q And is it fair to say that the guideline is directing security managers like yourself to exercise less discretion in this context? Like, it's --

A Yes.

Q -- it's more significant --

A It is.

Q -- in your security analysis.

A It is.

Q And that's because it directly relates to security and his willingness to --

A To comply.

Q -- abide by your rules. Is that correct?

A People make mistakes. Like we kind of mentioned earlier that sometimes people will plug in an iPhone to charge it because it's the most convenient thing at their desk and they don't have any receptacles or something along those lines. That's an accident.

They come in. I'm really sorry, I didn't mean to do this. I won't do that again. Here's my phone, whatever you need to do to clean it up, or whatever that is.

That wasn't the case. When they refuse to come in, then it's an obstinance factor, and it begins to weigh into their ability to follow all security guidelines.

Q And that's your ultimate objective, right, is to determine whether this person

is willing to keep national secrets safe? Is that right?

A Yes, ma'am.

Q Everything that you look at is meant to go ultimately to that conclusion when you decide whether or not this is a safe risk for the --

A Yes, ma'am.

Q -- for the United States. Is that right?

A Yes, ma'am.

Q All right. Ultimately, the FBI determined, pursuant to the guidelines, including Guideline E, that it had to mitigate its security concerns by suspending Mr. Friend's clearance. Is that right?

A Yes, ma'am.

Q And then after a thorough review, the FBI concluded that it had to revoke his clearance. Is that right?

A Yes, ma'am.

Q Do you agree with the decision to suspend Mr. Friend's security clearance?

A I do. We had to at that time remove the threat to national security.

You're required to distance the two. So the suspension was necessary.

Q And do you agree that the ultimate decision to revoke his clearance was necessary?

A Yes, ma'am.

Q For the same reasons?

A Yes, ma'am.

Q Was this decision to suspend and later revoke his security clearance consistent with the guidelines provided in the SEAD, National Security Adjudicative Guidelines?

A Yes, ma'am.

Q Okay. You answered a lot of these questions. I'm just going to skip ahead.

A Okay.

Q We talked a little bit about this, but the evidence in the investigation showed that Mr. Friend participated in multiple unapproved media interviews. Is that right?

A Yes, ma'am.

Q And there was some discussion about whether he didn't know that one of the media interviews was a Russian news agency. Do you recall discussion?

A I do, yes, ma'am.

Q And I believe that your answer in response to that was that there was multiple foreign media interviews. Is that right?

A There was more than one, yes, ma'am.

Q Can you explain what your recollection is with respect to that?

A I remember there were two that were from an adversarial country. One, he stated that he knew he did. And, two, the second one was that it was a conglomeration of other interviews that he had done that someone put together. And so he said that one wasn't his.

But, again, it's not a single action or a single interview. It was the totality, and it just wasn't those two. There were U.S. domestic ones where he disclosed information that, again, was not authorized publicly.

Q So there was an unauthorized disclosure of information. That was one concern, right?

A Yes, ma'am.

Q But also, he was supposed to have gotten approval -- I guess it's -- I'm sorry.

What office is it that would have given him approval for a media interview?

A Office of Public Affairs.

Q Oh, right. OPA?

A Yes, ma'am.

Q So he at one point told investigators that he had obtained approval from OPA. Is that right?

A Yes, ma'am. That would be untrue.

Q And how did you discover that that was not true?

A We interviewed the Office of Public Affairs, the individual who is authorized to approve media. And they didn't do it.

Q So in this case, there was the unauthorized discussion with the media and also a lack of candor with respect to this lie. Is that right?

A That would be true.

Q And did that lack of candor or lie cause additional security concerns?

A It does, yes, ma'am.

Q And why is that?

A It goes under general conduct. Again, now you're -- not only have you intentionally violated a security rule by refusing to comply, you're now in other areas not being forthright and truthful. And so it becomes, what are you being forthright and truthful with?

Q Right. And also -- so Mr. Friend in that case lied to investigators about whether he'd received approval for these media interviews. But on the other hand, he admitted that he publicly released sensitive FBI information on his personal social media accounts without authorization.

Do you recall that admission?

A Yes, ma'am.

Q Okay. And was that part of your security review?

A It was, yes, ma'am.

Q Did this conduct raise additional security concerns for the FBI?

A It absolutely does. He readily admitted that he disclosed information that he was not authorized to disclose.

Q And what kind of harm could come from that kind of disclosure?

A You could harm future investigations, the reputation of the organization, reputation of other agents. It just undermines the entire organization and puts individuals at risk.

Q Are FBI agents in Mr. Friend's position aware that they need to have approval before they speak with media and reveal information?

A They are. We have media training every year.

Q All right. Finally, the evidence in the investigation of Mr. Friend showed that he secretly recorded a meeting with FBI management in apparent violation of Florida law. Is that correct?

A Yes, ma'am.

[1:22 p.m.]

BY [REDACTED]:

Q And this triggered an additional concern under Adjudicative Guideline J, I believe, criminal conduct. Is that correct?

A Yes, ma'am.

Q Why is it a concern if an FBI agent commits a violation of State law?

A Because we expect our employees -- all employees to abide by all rules and regulations of the State or Federal Government.

Q I mean, to be a law enforcement officer, you might be expected to follow the law. Is that right?

A You would be expected to, yes, ma'am.

Q All right. In the end, the Security Division investigators determined that security concerns under guidelines E, personal conduct; J, criminal conduct; K, handling of protected information; and M, use of information technology, together warranted the revocation of Mr. Friend's security clearance. Is that right?

A Yes, ma'am.

Q And taken in its totality, do you agree with that determination?

A Yes, ma'am. We do the whole person review, as we've discussed numerous times. We take into all the accolades, all the behavior, all any prior awards or disciplinary actions, and then the actions of the investigation.

Q Was the suspension or revocation of Mr. Friend's security clearance motivated by animus?

A No.

Q Was it done to punish him for his political or ideological beliefs?

A No.

Q What was the motivation behind the FBI's decision to suspend and later revoke Mr. Friend's security clearance?

A Separate a risk from national security.

Q All right. Wasn't the FBI's true motive to protect the national security of the United States against a potential serious risk posed by Mr. Friend's continued access to top secret information?

A Yes, ma'am.

Q All right. And as you've stated before, there were other FBI employees who had expressed political and ideological views similar to Mr. Friend's who were not subject to security clearance review by the FBI. Is that right?

A That is true.

Q And isn't it fair to say that what distinguishes these other FBI employees from Mr. Friend is the fact that Mr. Friend refused to participate in the execution of a court-authorized search and arrest of a criminal suspect; he mishandled protected FBI information -- information systems -- excuse me -- then refused to participate in remedial security training; he engaged in unauthorized media interviews, including with a news agency of an adverse nation, and then lied to investigators about first obtaining authorization to participate in the interviews; and, finally, that he engaged in criminal conduct in violation of Florida State law?

A Yes, ma'am.

██████████ Okay. One second. Off the record.

[Discussion off the record.]

BY ██████████:

Q Ms. Moore, can you remind me, how long have you been with the FBI?

A Twenty-eight years.

Q And you've been promoted a number of times, correct?

A Yes, ma'am.

Q Okay. There was some discussion in the earlier hour about whether certain individuals had received performance awards or positive performance reviews. You've participated in a number of performance reviews for yourself, correct?

A Yes, ma'am.

Q Have you ever had a negative performance review?

A I have not.

Q Have you received any performance awards?

A Yes, ma'am.

Q Can you tell us about any of those?

A I've received sustained performance, outstanding performance awards, which are -- it's a medal --

Q Uh-huh.

A -- for being selected as one of the highest performers in the office. I've received those multiple times. Incentive awards, again, for being one of the top 15 performers; on-the-spot awards; time-off awards. I received a multitude. I've been very fortunate.

Q I appreciate it.

██████████ All right. Thank you.

We can go off the record.

[Recess.]

██████████ We'll go back on the record. It's 1:41 p.m.

BY ██████████:

Q Ms. Moore, last round, you were discussing Mr. Friend's case and the use of

the SWAT matrix, correct?

A Yes, ma'am.

Q And you're familiar with the SWAT matrix?

A I am.

Q And would it concern you if an individual was cooperating with an investigation, willing to turn themselves in? How does that factor in to the SWAT matrix?

A It can factor in, but, again, we'll take the totality of the person and the situation.

Q So it doesn't matter if the person is cooperating or is willing to turn themselves in?

A It depends.

Q Okay. What does it depend upon?

A If we believe them to be truthful and truly cooperating and in the best interests of the government.

Q If the individual's attorney had represented that they were willing to turn themselves in, do you take that as a truthful representation?

A I wouldn't know. I wasn't part of that investigation.

Q Okay. I want to turn to Special Agent Garrett O'Boyle. Are you familiar with his case?

A I am familiar with Garrett O'Boyle.

Q What is the status of Mr. O'Boyle's security clearance investigation?

A Mr. O'Boyle's security clearance investigation -- he is under suspension, and it is in -- currently, I am aware that it is in adjudication.

Q Adjudication?

How long do you foresee the adjudication process taking?

A That part, I don't know. I did ask, because I had hoped that it would come out before we came here so we'd be fully able to talk about everything. So I'm not sure.

Q Do you think it'll be soon?

A I think it'll be in the next -- within the month, I would think.

Q Okay. Uh-huh. And what investigative steps has your office taken -- the Security Division taken regarding Mr. O'Boyle's security clearance investigation between the transcribed interview on April 24th and today?

A I can't talk about the specific steps. I can talk about everything up to the suspension that I personally signed, because I won't be the one in seat to sign the revocation. I can tell you that I'm aware that he did not comply with the deadline for an interview, which currently is viewed as failure to cooperate.

Q And --

Ms. Greer. I would -- sorry. If I could just put something on the record.

It has obviously been the FBI and the department's position that we prefer that all of the clearance adjudications continue to their full adjudication before discussing them with the committee. That has been sort of longstanding executive branch position.

But in an effort to provide the committee additional information and given the fact that EAD Moore will no longer be the security program manager who will sign off on the adjudication -- on the final adjudication of Garrett O'Boyle, and recognizing the committee's specific interest in pursuing this information, she is prepared to discuss what information that she has about Mr. O'Boyle's suspension today.

██████████ Okay.

BY ██████████:

Q And --

██████████ Let me just add something.

██████████ Yep.

██████████ Megan, you just said the adjudication process, but Ms. Moore said the revocation papers, like it's already a foregone conclusion that Mr. O'Boyle --

Ms. Gibbs. I'm not sure.

Can you just read back what she said about that? I just want to make sure that we all the have the same understanding.

██████████ Can we go off the record?

[Discussion off the record.]

BY ██████████:

Q I thought I heard you say that you will not be signing the revocation papers. Is it your understanding that Mr. O'Boyle's -- ultimately will have his security clearance revoked permanently?

A I don't know, because I don't know what the recommendation will actually come up as, and I apologize if I stated that. It's a recommendation either for a security awareness briefing, a letter, or a revocation, or no action.

Q Okay. Have you discussed any of these cases -- Mr. Friend, Mr. O'Boyle, Mr. Allen -- with anyone outside of your group? Like, who in the FBI have you discussed these cases with?

A Office of General Counsel, the deputy director, and the assistant director of Security Division.

Q Okay. So you have spoke -- you have communicated with the deputy director about these cases?

A Not in detail.

Q Okay.

A He knows I'm here today. He knows I'm testifying. He walked past yesterday when I -- they were looking for me to sign some other paperwork, and I was in a prep for this.

Q Okay.

A He clearly knows those things.

Q Okay. And what can you tell us about the nature of your conversations with the deputy director about these three individuals?

A We haven't talked about them in detail in sense of like -- like we have today or any of that. I'll tell him that, hey, I know that that one is over in adjudication. I really had hoped it would come out so we could talk about it fully. That type of stuff, but not specific details.

Q Okay. So there's been no coordinated understanding that these individuals will have their, you know, security clearances revoked permanently?

A Absolutely not, no. Oh, and I've also talked about it with the associate deputy director, who sits above me.

Q Okay.

BY [REDACTED]:

Q And you briefly mentioned that Mr. O'Boyle was failing to cooperate with the investigation. Is that correct?

A My understanding was he was given a date to have an interview done, and he did not comply with that date or respond to us in a manner.

Q And do you know when that date was?

A I don't.

Q Okay. Was that supposed to be after your April 24th?

A It was.

Q Okay. And so what other steps have been taken by the Security Division between April 24th and today?

A I can't talk about those.

Q But you just spoke about --

A I told you the one thing that I do know.

Q -- a interview that was supposed to --

A Because I asked specifically, is this an adjudication? Was there any chance this will be done? And I --

Q So you don't know what other investigative steps have been taken or you can't talk about those?

A Both.

Q Both. Okay. But you could talk about how he hasn't -- failed to cooperate with the investigation?

A I can tell you that, yes.

Q Okay. So you can't tell us any other investigative steps that the Security Division has taken?

A From suspension to current, no, I can't.

Q Okay.

A I can talk about anything before the suspension.

Q Okay. Do you remember signing Mr. O'Boyle's September 23rd, 2022, letter?

A I know that I signed it on that date, yes, ma'am.

Q We'll enter that as exhibit No. 8.

[Moore Exhibit No. 8

Was marked for identification.]

BY [REDACTED]:

Q Have you had sufficient time to review, Ms. Moore?

A I'm familiar with it, yes, ma'am.

Q Okay. So in the letter, you wrote, the second sentence: The suspension of your security clearance is based on security concerns related to Adjudicative Guideline K, handling protected information; and Guideline M, use of information technology of the National Security Adjudicative Guidelines for determining eligibility for access to classified information or eligibility to hold a sensitive position.

What information did you have to support these security concerns at that time?

A We received a referral from our Insider Threat Office that there had been an individual who had leaked information on an FBI criminal investigation.

Q And what was the context of the individual leaking?

A The individual leaked investigative information that compromised the case and had been interviewed apparently, like, behind a shield. And so that had opened up a leak case. It had come in as a referral.

They had done a workup on the case. They can see who all's accessed a case, what subfiles were accessed, if something was downloaded, if a snipping tool was used to snip out certain pieces of the case and drop it into another file.

And so through their independent investigation, they had determined that Garrett O'Boyle was the individual who was inappropriately accessing the file.

Similarly, at the same time, the investigative field office had conducted a review of the case file, because as a case agent, you can see who's accessing your file, you can run an audit report. They also ran an audit report of every individual that had accessed the case file. They ran a spreadsheet. They took out everyone who was authorized to be in the case, everyone who was a participant or had covered a lead at any point in the

case, and they too independently came up with Garrett O'Boyle was inappropriately accessing the case file.

Q And the criminal investigative case file, what did it pertain to?

A I'm not -- because it's an ongoing still criminal matter --

Q Uh-huh.

A -- I've been asked not to discuss it.

Q And were there other individuals on the audit that the office flagged?

A There were not other individuals specifically, because the individual had provided an interview. And in the course of that interview, they spoke about very specific information within the file and very specific information within very specific subfiles of the case.

Garrett O'Boyle was the only one who accessed all of those things that were discussed in there, and nobody else did it. So there were other people that had gone into the file to cover a lead or you -- but no one else had accessed actually the exact same things that were discussed in that interview.

Q And you said the individual in the interview was covered by a shield. Is that correct?

A It was.

Q And how did the FBI determine that it was Mr. O'Boyle behind that shield?

A At the time, the belief that it was Mr. O'Boyle was the one behind the shield based off of the leak information that we could tell who had accessed information, what specific information they had said, and what had been done at that point.

Does that make sense?

Q Yes. And what information does the FBI have now that it was Mr. O'Boyle behind the shield?

A I can't talk about that.

Q Okay. Does the FBI still --

A Because that comes after the suspension.

Q Does the FBI still believe that it was Mr. O'Boyle behind the shield?

A I can't talk about that. Our basis for the suspension up to that point was that it was Mr. O'Boyle that was in that case file --

Q Okay.

A -- and that downloaded information, that snipped information out of the case file, and that removed it from the system unauthorized.

Q So is that the only information received in the referral?

A For the suspension.

Q Okay. And then has there been additional information within the referral or was it just the --

A That was the information we received in the referral.

Q Okay. And so was that the sole basis for his suspension?

A That was what led to it, from what I reviewed, because I can't -- I can only go up to the suspension. That was the result, suspension, as we were looking to remove, again, the threat to national security. And at that moment, Mr. O'Boyle appeared to be a threat to national security.

Ms. Greer. Sorry. Could we go off the record for just 1 minute?

██████████ Off the record.

[Discussion off the record.]

██████████ We can go back on the record.

BY ██████████:

Q Please continue.

A I apologize. There was additional information.

Q Okay.

A When they were doing the workup on Mr. O'Boyle, the Insider Threat Office additionally looked at other things that he had accessed, and they determined that he had accessed multiple Guardian investigations of January 6 subjects that he was not -- have any part into, no lead value into. He had accessed and downloaded that information without authorization.

Q Okay. And so those were the only two allegations referred to in the referral?

A Yes, ma'am.

Q Okay. Has additional information been found?

A I can't talk about anything from the suspension beyond.

Q Okay. And what's the -- why are we stopping at the suspension?

A Because that's what I signed.

Q Okay.

A So for a revocation or a letter or no action or a counseling, I won't be the one to review those, and so I did not review all of that, because I wasn't authorized by the agency. I can only authorize to talk about my own personal actions at that time.

Q Have you been involved at all in the investigation?

A No, ma'am.

Q Have you had any briefs on the investigation?

A Let me think about that one second, because it's hard to -- because we get briefs -- I was briefed on this initially when it came in, because it was a huge concern to us to have that type of information.

I don't think -- oh, I have been briefed on Mr. O'Boyle, because you all asked about

the timeline. So I have been briefed on the timeline subsequently to that, yes, ma'am --

Q Okay.

A -- as to how we got there. I've been briefed on what happened in his move, because you all were interested in that, and those pieces, but not about the investigation.

Q Okay. And have you discussed the investigation with the Office of Congressional Affairs in regards to your interview today?

A In prep for this.

Q Okay.

A I want to clarify one other little piece.

Q Uh-huh.

A In hypothetical, if one case touches another case, I may be briefed on another case that gives some information to this, but I made the decision on that, but not -- and I may know --

Q Okay.

A -- it because of that, but not this.

Q Okay.

A Does that -- are you tracking what I'm saying there?

Q Uh-huh.

A Okay.

Q And so what did you discuss with the particulars of the investigation with the Office of Congressional Affairs prior to today's interview?

A Just exactly what my parameters were that I would be allowed to discuss.

Q Have you reviewed any documentation regarding Mr. O'Boyle's case prior to today's interview?

A I interviewed the stuff at the suspension.

Q Okay. So you reviewed the suspension letter?

A Yes, ma'am.

Q Did you review the suspension packet?

A I went -- yes, ma'am. That would be -- so the letter is attached to like a packet. And so I went back and reread the packet, yes, ma'am. And then I asked for clarifying details if there were any I needed.

Q Okay. Has the FBI conducted -- Security Division conducted any interviews of witnesses in regards to Mr. O'Boyle's case?

A That would have followed after the suspension. I'm sorry. I can't discuss that.

Q Okay. But you could discuss that they wanted to interview Mr. O'Boyle?

A I could tell you that they would, yes, ma'am.

Q Okay. Are there any other individuals that they wanted to interview?

A In a course of any normal investigation, we would interview any and all individuals that we would believe would be pertinent into that investigation. We would run instant messages. We would look for text messages, emails. All of those things we've talked about in the other case, those would be things that would, again, continue on after suspension. But I can't talk specifically about what they're doing in Mr. O'Boyle's case.

Q Prior to the suspension, did the Security Division have any interaction with Mr. O'Boyle's chain of command?

A Yes. They would have told him that the -- it was inbound, that a suspension was coming, yes.

Q Did they discuss any particulars about why the suspension was occurring

with --

A They would have, yes, ma'am.

Q Okay. And at the time, as you know, Mr. O'Boyle was between moves.

He was moving from Kansas to Virginia.

Which chain of command did the packet go to and the suspension letter go to?

A The suspension letter would ultimately go to his Virginia -- what would have been his Virginia chain of command. But it's very specific to know that Security Division opened the investigation on August 1st.

Q Uh-huh.

A He applied for the job that he received in March and was selected for it in May and accepted transfer orders in June. He had already scheduled to have his house packed up. It was packed up and moved on August 10th.

So there was very -- we did not know, like, he was packing up his house or any of those things. We knew that he was -- had been accepted for a new job. As part of the package, we would understand that when we were looking. But as part of that course, that was the timeline we were working with.

Q Okay. So then the -- the suspension package would have gone to his new office, you stated, correct?

A Yes, ma'am.

Q And why was the decision to send it to the new office?

A Because he had already left his old office.

Q Okay. And when was your understanding of when his last day was with the Wichita resident agency?

A We were trying to determine that, because there is some gray in there in the sense of he had his house packed up on August 10th, 11th, and the 12th, if I'm not

mistaken, but he didn't take any leave for that. And that's unusual, because generally you have to be there when your house is packed up. Perhaps his wife with three kids --

Q Yeah.

A -- or two kids covered it for him. I'm not sure. So the first lead that I could find was in September.

Q Okay.

A So it started like -- I'm not going to get -- but it was very -- it was very soon, and it was all maternity leave. He had started with --

Q Yep.

A -- a biological birth leave, and it looked like he took about a week of that. And then he started admin leave that you're entitled to when you move. And I don't know why he switched, because he could have done biological birth leave for 12 weeks. And then he took admin leave, and then he reported to the office.

Q Okay. And so did the Wichita resident agency have any awareness as to whether or not Mr. O'Boyle was going to have his security clearance suspended?

A They would have been briefed on it, yes, ma'am --

Q Okay.

A -- that we've got that -- because we were trying to locate exactly where he was at that point.

Q When was the Wichita resident agency or Kansas City field office briefed?

A I'm not going to be able to tell you exactly. I will tell you that there were conversations, because once he came on our radar and we realized that he had downloaded the documents and we were looking that he still was actively accessing cases, it then becomes a concern like, how do I stop this as quick as possible?

He was out on leave already, and so the determination was we will just go ahead

and cut that access since he's not in the office. And so that gave us some breathing room to get everything in order to do the documents.

Remember we talked about it's like that seven-step chain of --

Q Uh-huh.

A Well, you've got holidays in there, and you've got weekends in there, and you've got people on leave in that chain, and so that we would have time to appropriately route it through all the -- the approval process.

Q Okay. And so at your transcribed interview on April 24th, we discussed Mr. O'Boyle's move and how his personal belongings were packed up, as you just mentioned, August 10th, 11th, and 12th, that shipped to Virginia. And then he came here. He gets suspended on his first day at the office, and he's unable to access his personal belongings.

Between August 24th and today, have you looked into why the FBI failed to provide Mr. O'Boyle with access to his belongings?

A His belongings were moved by a professional moving company. The moving company is the one that he has to access his belongings to. The FBI didn't deny him access to his belongings.

Q And according to Mr. O'Boyle, he tried numerous times with the -- I don't know if it was like a storage facility, but the moving company. He tried to get access with the FBI, and they were going back and forth with one another.

Did you see any of those conversations or any correspondence?

A I got briefed on it to some to degree, because I was trying to, again, determine whether his household goods goes in. I didn't see this correspondence he has. I don't have that, because that would be with him and a private company, so I don't have the private moving company.

But the Bureau paid for the move to go to Virginia. For him to then -- what he asked us, my understanding is he asked us then to move his goods back to Kansas City, and we're not going to do that. But that he could pay -- I think the company said that -- all right. Excuse me. He didn't ask us. He asked the company to move his goods back to Kansas City, and they said, Sure, but this is how much it's going to cost you, and he didn't want to pay that fee for them to move it back. We wouldn't move it back at that point.

Q Was there any -- did you see any correspondence between Mr. O'Boyle and the FBI regarding obtaining access to his goods?

A I didn't see any correspondence regarding that, no, ma'am.

Q Okay. In regards to the allegations that came in via the referral about Mr. O'Boyle being behind that screen in the media interview that we spoke about earlier, has the FBI made any sort of determination about the veracity of those allegations?

A I'm going to break this down because I don't think I quite understand your question.

So, again, there was an individual who was behind a screen that provided an interview. The interview that he provided was very detailed and discussed very specific things from a case file.

The suspension is based off of the access of that case file and that very, very specific information that was provided. Regardless of who was standing behind that screen, the only way that person got that information from our investigation was Garrett O'Boyle's access, other than individuals who have a right to be in the case that were case file agents who did not leak that information. Garrett O'Boyle was the flaming gun for us.

Q Okay. And have those other individuals who were the case agents been

interviewed regarding their access?

A They have.

Q And they all definitively stated they did not?

A They did not leak the information. They're the ones that brought it, again, to the attention that their case had been leaked.

Q In between the date that the allegations were received and the suspension, was Mr. O'Boyle asked about this interview?

A I'm sorry. From the date that -- no.

Q No, he wasn't asked --

A No.

Q -- between --

A That date? No. And the suspension? No. We moved to suspend to remove the threat from the national security. So, no, he was not interviewed prior to suspension.

Q So prior to suspension, he wasn't asked if he leaked the information?

A No.

Q And he wasn't asked if he was the individual who was behind the screen in the --

A No.

Q -- media interview? Okay.

And you said it's -- his case is now in the adjudicative process. Is that correct?

A Yes, ma'am.

Q You said hopefully soon?

A Yes, ma'am.

Q And once the adjudicative process happens, will Mr. O'Boyle have access to

all of the information relied upon by the FBI in making these decisions?

A If he asks for reconsideration, yes, ma'am, he will.

Q Okay.

Ms. Greer. If he's revoked.

Ms. Moore. If he's -- I'm so sorry. Yes. If he is revoked, yes. I'm sorry.

BY [REDACTED]:

Q Do you know if Mr. O'Boyle has requested outside employment?

A I don't know that, no, ma'am.

Q Okay. And do you know if Mr. O'Boyle submitted a leave election form once his pay was suspended?

A Not that I'm -- I don't know anything about that, no, ma'am.

Q Okay.

A I'm not saying he didn't. I just am not aware of it.

Q So during the transcribed interview on April 24th, my colleagues entered as an exhibit, which we can enter as an exhibit now, the FD-889, the FBI Information Technology and Information Systems Rules of Behavior for General Users Agreement Form.

A Okay.

Q That will be exhibit No. 9.

[Moore Exhibit No. 9

Was marked for identification.]

Ms. Moore. Do you want me to read the whole thing or do you want to direct me --

[REDACTED] No. I'm sorry.

Ms. Moore. This I recall is more than five pages.

BY [REDACTED]:

Q Are you generally familiar with this document?

A I'm generally familiar, yes, ma'am. I cannot quote it to you.

Q And on page -- I think it's 8 of 9 here -- there's an acknowledgement. Have you signed this as an employee of the FBI, the acknowledgement?

A I have, yes, ma'am.

Q Okay. And can you just generally describe what's in this, the rules of behavior?

A I can give you a general overview, but if you're going --

Q That's great.

A -- to get specific, we're going to -- it's going to talk about what you can and cannot do when accessing government information systems and the expectations of any information system that you access or even what you bring in and take out of the facility.

Q And does it describe whether or not on like the unclassified system, you can share sensitive information or operational information?

A If you want to point me to that paragraph, I'll read it and make sure what it says.

Q There's a couple spots. On page 4, the "a" at the very bottom, or on page 3, 6a and 6b has some.

A All right.

Q Okay. Did I accurately describe --

A Do you want to tell me what you -- how you read it?

Q Yeah. What kind of information can be shared on the different systems, the classified and unclassified system, and making sure you're sharing the correct information on each system.

A It generally talks about that, but that leads in, as required, a part of official duties, so --

Q Okay. And do you have to sign the acknowledgement yearly or --

A I can't remember how often we sign it. I want to feel like it's yearly when we do our infosec security.

Q And is there training that goes along with this?

A There is. Information security training, yes, ma'am.

Q Okay. And I want to jump to your time as special agent in charge of the Washington field office of the Intelligence Division.

A Yes, ma'am.

Q And when were you the special agent in charge of the Intelligence Division there?

A From October of 2019 through June of 2021.

Q June 2021, did you become the EAD?

A I became the assistant director of Security Division.

Q Okay. And then the EAD?

A Yes, ma'am.

Q Okay. And are you familiar with, during your time as the special agent in charge of the Intelligence Division during the pandemic, there were some emails that you wrote with the subject line, Captain's Log, Day --

A I did, yes, ma'am.

Q Yes. Okay. And --

A I believe those were leaked, yes, ma'am.

Q Yes. And they were leaked. The -- and they were posted on a website. Do you remember?

A I do remember being advised they were posted on a website. I didn't personally go to the website.

Q Yeah. And did the FBI request that they be taken down by the website, are you aware of?

A I was advised that they probably were, yes, ma'am.

Q Okay. And why was the FBI advising that they be taken down?

A Because it was disclosing the identities of many FBI employees. And as we've talked about previously, there's been an increase in threats to FBI employees in the current atmosphere.

Q Okay. And did this only begin with COVID? I know they have like a range of days, like Captain's Log, day No. 1, or day No. 250. Did it only begin with the COVID quarantine or were you doing those prior to the COVID pandemic?

A I started those during COVID.

Q Okay. And when you were sharing this information with your team prior to the pandemic, how -- what form did that take?

A I started in October of -- what did I say, 2019?

Q 2019.

A And we started those in March.

Q Yeah.

A So I don't remember that I was sending out weekly emails prior to that, no, ma'am. This was an attempt to continue to communicate with a dispersed workforce.

Q Okay. And between October 2019 and March 2020, when the kind of COVID pandemic hits beginning peak, did you do any sort of weekly meetings with your team where you discussed similar information or have any sort of correspondence where similar information was discussed?

A I met weekly with my managers.

Q Okay.

A My direct reports, yes.

Q And were your managers and direct reports included on the captain's logs emails?

A They would have been, yes, ma'am.

Q Were all of the employees under your supervision included on those emails?

A For the captain's logs?

Q Yes, ma'am.

A Yes, ma'am.

Q Okay. And would all of the -- you just said it was the managers that attended the weekly meetings that you held. Is that correct?

A Yes, ma'am.

Q Okay. Did you compile any sort of handouts that you dispersed at the weekly meetings about accomplishments of the Intelligence Division or --

A No.

Q -- various operations?

A Not that I recall.

Q Okay. And you said that the FBI was concerned about disclosing employee names publicly.

Did it ever concern you, when you were compiling these emails with special agents' names, what operations they were working on, other employees, that they could leak?

A No. At that time, I was naive.

Q Okay. And in these emails, you discussed various operations that the team

was working on, and it included like photo contests and updates. Is that correct?

A Photo contests, like we had a best Christmas light --

Q Yes.

A -- display contest or an ugly --

Q Yes.

A -- sweater contest. There were no photo contests of any ongoing investigations.

Q I'm sorry if I -- if you misunderstood. I was talking about -- so you gave updates on what everyone was doing. You gave shout-outs for different individuals who had had great successes. And in addition, you discussed, like, the photo contest, that you were having Christmas lights. You discussed births for the unit.

A Yes.

Q Is that correct?

A That is correct.

Q And individuals moving to and from the unit?

A Correct.

Q Okay. Were you aware if any other special agents in charge were doing similar emails?

A They were.

Q And what field offices were they affiliated with, do you remember?

A Many.

Q Many?

A Yeah.

Q And they were going out to everyone within the division that they oversaw?

A Yes.

Q Okay. When you were drafting these emails, what kind of consideration went into what should be included?

A Extensive consideration went in.

Q Okay.

A I spent hours --

Q Can you tell --

A -- writing those.

Q Okay. Can you tell me a little bit about the process?

A Each of my substantive divisions would send -- or branches -- excuse me -- would send me the accomplishments and the accolades for their week. And then I would take some of that and compile that, trying to recognize employees to know that they were still being seen and heard even though we all weren't together.

Q Uh-huh. And at the time, you said it didn't concern you that it could be leaked, the information, the operations that different units within your division was working on?

A I didn't give very specifics on operations. It would be anything that was generic in nature, like, hey, great job on the surveillance this week, or, hey, we got an indictment. So no.

Q In several of the emails, you reference information that's classified, so you couldn't go into a lot of details.

What kind of steps did you take to make sure that the information you were sharing wasn't classified?

A The document was reviewed by multiple people before I sent it out.

Q And who were the emails reviewed by?

A My special assistant did.

Q Uh-huh.

A And then, again, each of my branches sent up the information that was directly taken from their reports.

Q Okay. So did you copy and paste what the --

A Not necessarily copy and paste, no.

Q Okay. So it was only the special assistant who reviewed, or did you send it out to the other management?

A It depends upon who was -- for weeks. So some weeks a special assistant may have reviewed it. Maybe one week it would be an ASAC and a special assistant -- maybe it was an SIA -- to make sure that it was resonating with the employees, that type of stuff.

Q Okay. And what was the special assistant's role in reviewing?

A Grammar, grammatic, making sure I didn't miss anything or add something I shouldn't, any of those type of things.

Q Were they checking to make sure the information you were sharing wasn't sensitive in nature?

A They would have.

Q Okay. And how did they decide what was sensitive and what was not sensitive?

A To the best of their ability and training.

[Moore Exhibit No. 10

Was marked for identification.]

BY [REDACTED]:

Q Okay. Let's -- I'll enter as -- I think I'm on exhibit No. 10 here. Day 275.

A Do you want to point me to what you want to talk about or do you --

Q Yeah.

A -- want me to read the whole thing before we talk about it?

Q Whatever you're most comfortable with. I'm happy just pointing to you where --

A Why don't you do that.

Q The first paragraph, it starts out: What an amazing week it was. I can't even wait to tell you about IS-2. Okay. I can't really tell you about what IS-2 is doing, because it is both classified and special access program, but wow. I mean, wow, wow, wow. In very generic terms, they have acquired something from an adversary. The something is insane -- off the charts.

Did it concern you that you were talking about something that could be sensitive here?

A Obviously. That's why I'm using very generic terms.

Q Uh-huh. And you still shared it with -- in the email?

A There is nothing in that email that is classified.

Q Were you concerned at all that this could become public or someone could have accessed the unclassified FBI system?

A There is nothing about that paragraph that discusses what we were talking about. It's very generic and benign.

[Moore Exhibit No. 11

Was marked for identification.]

BY [REDACTED]:

Q Okay. Let's go to exhibit No. 11. This is day 261.

A Do you want to firm with me?

Q Yes, definitely. So third page.

A What part?

Q The second paragraph there. I'll read it.

There was a BEAR sighting. Yep, it has been a long time since we were able to report on a bogie bear. You know all the details and even a definition of a bogie bear is classified, but a shout-out to Oscar Team who responded quickly. Awesome job on short notice.

Did it concern you about including this in the email since the details and definition of a bogie bear are classified?

A It did, and so I had it reviewed by the assistant special agent in charge over that to make sure that it was benign enough that it wouldn't be classified.

Q And did they rule that it was benign enough?

A They did.

Q Okay. And when you were unable to do these, like, weekly reports, others would step in and do them, correct?

A That would be correct.

Q And to your knowledge, who all did these logs besides you?

A Each of my special agent in charge and each of my SIAs. My ASACs.
Excuse me. Special agent in charge.

Q How many -- at the time that you were the special agent in charge of the Intelligence Division, how many ASACs did you have?

A Two.

Q Two? And were they in charge of specific subject matter areas?

A Yes.

Q What subject matter areas?

A They each had a branch.

Q Okay.

A One of them had surveillance assets.

Q Surveillance?

A And one of them had human assets.

Q Okay.

Okay. And then exhibit No. 12, day 55.

[Moore Exhibit No. 12

Was marked for identification.]

Ms. Greer. While we're passing out this exhibit, I would just request for the record that to the extent that any transcript would ever be released publicly, that these documents in particular contain not only non-SES information, but information about --

██████████ Family members.

Ms. Greer. -- family members, children. So we would just respectfully request an opportunity to redact as always.

██████████ Okay.

Ms. Moore. Do you want to point me to what part you want to talk about?

██████████ Yes. Page -- the second page there. And then the second to last full paragraph beginning, "In February 2020."

BY ██████████:

Q States: In February 2020, Legat Abu Dhabi specifically requested the assistance of IA/Reports Officer Rosemary Rice and C12 -- CI-2 SA Grant Parrish regarding intelligence pertaining to petroleum tanker Nautic, aka Gulf Sky. Both the DOJ and Department of Treasury were highly interested in this vessel and sought any information connecting it -- connecting it to ongoing investigations. IA Rice and SA Parrish were specifically tasked with this request due to prior success in working with Legat Abu Dhabi

on another high-profile case that received the attention of the National Security Council. IA Rice took point on researching Nautic and provided the results of a deep-dive intelligence review to all the Abu Dhabi ALATs. Thank you Rosemary and Grant for going above and beyond to assist our colleagues outside the AOR.

Did I read that correctly?

A You did.

Q And at the time this email was sent, it was May 10th, 2020. Was the investigation into the Nautic petroleum tanker done at that point in time, do you remember?

A I'm not sure.

Q Okay. And did this -- the last email we discussed, an ASAC reviewed for --

A This would probably --

Q -- information?

A -- have been replied to -- provided by an SIA.

Q Okay. And it was the special assistant then -- your special assistant who reviewed to make sure nothing was sensitive?

A Correct.

Q Correct? Okay.

Ms. Gibbs. I'm sorry. When you say sensitive -- can you just clarify what you mean by sensitive?

██████████ Like sensitive, for official use only, law enforcement sensitive.

Ms. Gibbs. Yeah. So I think that's --

Ms. Moore. That's different.

Ms. Gibbs. Yeah, that's different.

Ms. Moore. Classified is different than sensitive. It's very different.

██████████ Yeah.

Ms. Moore. Sensitive can be processed on an unclassified machine, and it's in the course of someone's official duties.

██████████ Yeah.

Ms. Moore. So I don't know what you're asking in this paragraph. You were trying to insinuate something here?

██████████ No. I'm --

Ms. Gibbs. I just want to make sure you were speaking about the same thing.

██████████ Yes.

Ms. Gibbs. Because I don't think you two have the same understanding of what sensitive means.

██████████ I was just making sure whether -- did the special assistant -- I was assuming you weren't sharing classified information, so did they review it for sensitive information as well or just for classified?

Ms. Moore. No. They reviewed it for classified information.

██████████ Okay. Okay.

Ms. Greer. Would you recall specifically who reviewed this language for you?

Ms. Moore. I don't.

BY ██████████:

Q And during the course of your work at the Human Resources Branch, do you communicate with other branches of the FBI?

A Of course.

Q And how often do you communicate with other branches?

A Of the FBI? On a daily basis.

Q Yes, ma'am.

And when you're communicating with other branches, do you communicate mainly email, in person?

A Do you want to specify what you're talking about communicating? Like, what are we communicating about? Are we communicating with the other executive assistant directors? Am I -- are you asking me if I personally talk to other ADs? Are you asking if my ADs talk to other ADs? What -- I don't understand the question.

Q Just very broadly, how do you communicate with others at the FBI? We'll start with that.

A We communicate in all means. We can communicate personally. We can communicate in writing form. We can communicate via telephone. We can attend Teams meetings with each other. We can attend SCION meetings with each other. So any broad number of ways.

Q Okay. And have you ever used a personal device to communicate with other -- with others at the FBI?

A Sure. I have friends that are in the FBI.

Q Okay. About official business?

A No.

Q You've never used a personal device to communicate about personal --

A No.

Q -- not -- excuse me -- official business?

A No.

Q Okay. Does the Human Resources Branch, does it ever use Signal or Telegram?

A The Human Resources Branch?

Q Yes.

A No.

Q Do you use Signal or Telegram to communicate?

A I do.

Q Okay. In a personal capacity or in an official capacity?

A In a personal capacity.

Q In a personal capacity.

And do you communicate with other FBI employees in a personal capacity on Signal or Telegram?

A I have.

Q Okay. And what instant messaging capabilities do you use for official FBI business --

A Skype --

Q -- you personally?

A -- or Teams.

Q Okay.

██████████ I think that was my last question, but just let me -- we'll go off the record.

[Recess.]

██████████ We can go back on the record.

EXAMINATION

BY ██████████:

Q All right. One quick little set of questions about Mr. Friend again before we move on.

In the last hour, the -- there were some questions about what Mr. Friend might have known regarding the SWAT matrix in the relevant case where he was asked to

execute that warrant. Do you recall those questions?

A Yes, ma'am.

Q And I believe the suggestion was that Mr. Friend might have known that the suspect was willing to cooperate. Did you get that impression from the questions?

A I did, yes, ma'am.

Q Do you know the answer of what Mr. Friend knew about the suspect's intention to cooperate?

A I don't specifically know. I know that he declined the opportunity to read the warrant or to have any discussion regarding that decision. He just felt himself that it was wrong.

Q So as far as you know, Mr. Friend never spoke to the suspect personally before the warrant was executed, right?

A That is correct.

Q And he didn't read the warrant affidavit. Is that what you're saying?

A Yes, ma'am.

Q So we have no reason to believe that he actually -- the suspect actually was going to cooperate?

A That's correct.

Q Okay.

All right. Moving on to Mr. O'Boyle. Are you familiar with Garrett O'Boyle?

A I am familiar with his case. I don't know him in any capacity.

Q His security review case?

A Yes, ma'am.

Q Okay. Do you know what his position is within the FBI?

A He is a special agent.

Q Okay. And I learned something new in the last hour, so I want to ask a few questions if you can follow up, but I understand if you cannot.

Is it fair to say that the initial security clearance review for Mr. O'Boyle was initiated by the threat -- Insider Threat -- I'm sorry. What did you call it? Insider Threat group?

A Insider Threat Office, and that is 100 percent correct. The complaint came in to Security Division from the Insider Threat Office.

Q And that's the same office that you spoke of earlier with regard to Mr. Friend's use of an unauthorized thumb drive?

A Yes, ma'am.

Q Okay. So like you said earlier, is it fair to say that when that threat was -- or when that referral was generated by the Insider Threat Office, it was an automatic trigger?

A Yes, ma'am.

Q Okay. So no one had any discretion in that case to report the conduct once they learned that the files had been accessed in an unauthorized manner?

A Yeah. There's no discretion in that. All FBI employees are obligated to report.

Q Okay. And it -- fair to say that, once the investigation began, that was the -- there was a level of urgency about that investigation that might have been a little unusual. Is that fair to say?

A When it came into Security Division, there was a level of urgency because of the identity of the individual, and it appeared that he was still accessing case files and information that he wasn't authorized to have access to and disclosing it, because we had seen information obviously in public forums.

Q So when the referral came in, you -- people at the FBI had already seen the information in public?

A Yes, ma'am.

Q Okay. Was that part of the initial referral? The -- I'm sorry. I'll be clear. Was the information that came out in the public forum part of the initial referral?

A That was the referral, was that the information had been seen publicly.

Q Okay. And then looking back is when it was discovered that those files had been accessed in an unauthorized manner?

A Yes, ma'am.

Q Okay. Why was there such urgency in that case? Can you explain why the FBI generally would be concerned about that kind of ongoing access?

A It shows a disregard for, one, need to know, or basic security of any information. You don't have a right to go into a file, download information, and disclose it publicly.

Q Where was the public disclosure?

A I cannot tell you. I know that it was to a media organiz- -- I do know who it was. It was Project Veritas who did the interview of the individual behind the screen.

Q Did you see the interview yourself?

A I didn't watch it myself, no, ma'am.

Q Okay. And the subject of the interview was January 6 cases?

A No. I believe the subject of the interview was an ongoing criminal case in a field office.

Q One particular case?

A Yes, ma'am.

Q Is that case still ongoing?

A Yes, ma'am.

Q Did Mr. O'Boyle have any official connection to that investigation?

A None at all.

Q From the investigation that the FBI did into the unauthorized access to those case files, do you know if -- do you know if they discovered how many files had been accessed?

A So they had -- they went through and did a history of what Mr. O'Boyle accessed. Eventually that was what would be leading up to the suspension and where we realized that he had also started accessing other cases and other leads -- Guardian cases, we call them -- and had been downloading those cases without what was an apparent need to know or authority to be within those files.

Q So you say that he didn't have an apparent need to know. Is that because he wasn't assigned to any of those investigations?

A Yes, ma'am.

Q And it wasn't within his field --

A Purview.

Q -- of purview?

A Yes, ma'am.

██████████ The cases -- the other Guardian leads or the other information he was downloading, about how many leads or cases did that involve?

Ms. Moore. So up to the suspension, it was just a couple. I can't remember exactly how many. I can't talk about what they've determined since the suspension has occurred, but up to the suspension, it was a few.

██████████ So up to the suspension, you were able to determine he had downloaded a certain number -- he didn't -- it -- I'm sorry. But it's possible that you

were able to run -- to make further determinations after the suspension, but you can't talk about that?

Ms. Moore. I can't talk about those.

██████████ Okay.

██████████ Was any of the information that he leaked to Project Veritas personal information regarding witnesses or criminal suspects or non-FBI agents?

Ms. Greer. I'm sorry. Off the record for one second.

[Discussion off the record.]

Ms. Moore. So let me -- let me try to clarify. So, again, what we know from the insider threat up to the suspension was that Mr. O'Boyle was the only individual, based off of the interview that was public, that had access to all of those information unauthorized. I can't tell you who was behind the screen that was --

██████████ Right.

Ms. Moore. -- the actual individual that provided the interview. He is the -- what we would call the linchpin of all those pieces that that individual behind that screen spoke about.

BY ██████████:

Q Okay. So I'll clarify my questions. I'm not asking about the person behind the screen necessarily. But --

A Okay.

Q -- the information itself, just focusing on the information that was revealed. First of all, do you know when that Project Veritas interview was?

A I don't remember specifically, no, ma'am. And I don't actually -- because I know you just asked me that question, I didn't watch the interview, and so I don't know specifically everything he discussed.

Q Okay. But the information revealed in that interview, did it include any personal identifying information about non-FBI employees that might have been like, say, a victim in a criminal case?

A I believe that it did, yes, ma'am.

Q Do you know -- I'm not asking for that person's information, but, like, for example, did it include any references to a crime victim?

A I'm sorry, I can't speak to that.

Q Okay.

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

Q And when you say you believed it did include some personal information, are you just saying there were -- there was information about people that might have been connected in some way to the investigation?

A Correct.

Q Okay. What about information about FBI agents who were working on the case, was there anything leaked?

A I do remember being briefed that that was part of it, yes, ma'am.

Q Okay. And did that cause any concerns for the FBI?

A Absolutely, as we try not -- I mean, working for the FBI in itself is not classified or anything along those lines, but people become very passionate about certain cases that we work and people become targets because of those cases.

Q Do you know if that happened in this case?

A I can't talk about that.

Q Okay.

A I'm sorry.

Q All right. So Mr. O'Boyle's security clearance is ongoing. You already said

that. Is that right?

A The investigation continues, yes, ma'am.

Q Okay. And for that reason, you're somewhat limited today into what you can talk about?

A I can only talk about the events up to the suspension. I can't talk anything beyond the suspension.

Q Okay. From what you know -- now, first of all, that limitation that you're under right now, the reason that you're limited is out of concerns for fairness in the adjudicative process basically, right?

A Yes, ma'am.

Q Fairness to him. Is that right?

A Yes, ma'am.

Q Okay. But you know that Mr. O'Boyle's security clearance was suspended based on an allegation that he had made unauthorized disclosures of what you considered law enforcement sensitive materials to the media. Is that right?

A That he had made inappropriate access and downloaded information he was not authorized to, and misused information systems.

Q Okay. You clarified that. I'm sorry. That was a bad question --

A That's okay.

Q -- because you -- you're not sure who it was that actually gave the interview. You just know that the information originally that was accessed unlawfully by Mr. O'Boyle?

A Correct.

Q Okay. And that conduct was a violation of Adjudicative Guideline K, handling protected information?

A Yes, ma'am.

Q Okay. And Guideline K, which I think you're familiar with, states, in part, quote, Conditions which may be disqualifying include disclosure of protected information to unauthorized persons, including the media.

But, also, accessing information is prohibited conduct under that guideline. Is that right?

A Yes, ma'am.

Q Okay. And just generally, why would it be a concern at the FBI if an employee was accessing this protected information without authorization?

A We are very specific regarding need to know, and if you don't have a need to know of something, you should not be accessing that. It's a risk to national security. We don't want excessive people involved in any case or information that don't have -- that they do not have a need or a right to be in.

Q Okay. Are you confident that the suspension of Mr. O'Boyle's security clearance was not motivated by animus?

A I am 100 percent confident of that.

Q And was it -- the decision done to punish him for his political or ideological beliefs?

A Absolutely not.

Q Are you confident that the true motive behind the FBI's decision to suspend his security clearance was to protect the national security of the United States against a serious potential risk posed by Mr. O'Boyle, who was continuing to access secret information?

A Yes, ma'am.

Q Are you familiar with allegations that Mr. O'Boyle has made that the FBI

intentionally timed the notification of his security clearance suspension letter in a punitive fashion so that he would have incurred the hardship of executing a move to a new duty station before receiving the information that his clearance was suspended?

A I am -- I am familiar with the accusation.

Q And what's your response to that?

A That that is not accurate.

Q And how do you know it's not accurate?

A Because I'm the one that signed that security suspension letter, and I would never do that to an employee.

Q And at the time that you signed it, I think you explained in detail what the timeline was for his move, but did you know his -- whether he had packed up his goods, for example, at that time?

A At that exact moment, I didn't know. I knew that he had moved, so I -- by logical explanation that if you're moving or reporting to a new duty station, as a general rule, you've packed up, you've moved, you've moved forward.

Again, I kind of say that with surprise, because I did know that he had had a new baby. We had been made aware that he was out of the office, because we were trying to quickly figure out how to limit his access to information systems, but yet still give us enough time to do the appropriate document and get everything approved through the chain.

But it's not always a given that someone packs up and moves just because they get a promotion. Sometimes the families stay behind, and that's not also unusual.

Q Okay. Is it fair to say you were simply following your normal course of action as the package was being prepared and notifying him as soon as you could?

[2:44 p.m.]

Ms. Moore. That's correct.

BY [REDACTED]:

Q Are you aware that Mr. O'Boyle raised the issue of improper notice at a hearing before the Merit Systems Protection Board in April of 2023?

A I know that Mr. O'Boyle had a Merit Systems Protection Board hearing. I wasn't -- I am not positive of what that entailed. I was not part of that board.

Q Okay. So you don't know that -- you are not aware of the outcome, they found that the FBI had not improperly handled that notice?

A I am aware that his complaint in front of the merit protection board was denied.

Q Okay. So essentially, just to be clear, the board made a favorable finding for the FBI in the notice issue?

A They did. And that was what one of the reasons, I won't go on, but I thought that I could come today and openly talk about Mr. O'Boyle. That was why I was briefed. As a general rule, I wouldn't just be briefed on the outcome of those boards. It was only because we were trying to see what was still pending litigation and what I could or could not talk about today.

Q I understand. You were trying to be cooperative with the committee?

A Yes, ma'am.

[Discussion off the record.]

BY [REDACTED]:

Q The letter in our exhibit 1 from Mr. Dunham refers to another FBI employee, Mr. Brett Gloss. Are you familiar with the discussion of Mr. Gloss?

A I am familiar with Mr. Gloss, yes ma'am.

Q Okay. Mr. Gloss' security clearance was revoked by the FBI on May 3rd, 2023. Is that right?

A Yes, ma'am. May 2nd, 2023.

Q Okay. I am sorry. Yeah, I have the wrong date there. Thank you. May 2nd.

And we have I believe --

Ms. Gibbs. He may have gotten it on --

Ms. Moore. He may have gotten it on a different day. I would have to see the letter itself.

██████████ Let me pull out the letter now.

Mr. Moore. But I believe I signed it on the 2nd?

██████████ All right. I am going to mark this as exhibit -- where are we? 13?

[Moore Exhibit No. 13

Was marked for identification.]

BY ██████████:

Q So exhibit 13 it says, May 2nd on the letter. So it looks like the revocation was May 2nd. Is that right?

A Yes, ma'am. That's when I signed it.

Q Got it. Okay. The Security Division opened an investigation regarding Mr. Gloss in August of 2021 after receiving referral from the FBI's Washington Field Office. Is that correct?

A Yes, ma'am.

Q And Mr. Gloss' clearance was initially suspended based on concerns under the adjudicative guidelines (a), allegiance to the United States, guideline (e), personal

conduct and guideline (j), criminal conduct. Is that right?

A Yes, ma'am.

Q Now the specific security concerns that resulted in his suspension stem from evidence, according to the letter, that, quote, "Mr. Gloss was in a restricted area of the U.S. Capitol Grounds on January 6th, 2021." Is that right?

A Yes, ma'am.

Q And the exhibit 1, May 17 letter there is a discussion here I guess on page 6, just to direct you to that.

The security division's investigation revealed that Gloss had committed a criminal trespass into the restricted zone at the Capitol on that day. Is that right?

A That is correct.

Q And that is a violation of Federal law. Is that right?

A Yes, ma'am.

Q Based on this conduct, the FBI determined that Gloss, "Showed questionable judgment and inability to follow rules and regulations, indicating Mr. Gloss may not properly safeguard classified or sensitive information. Is that right?

A Yes, ma'am.

Q Do you agree with this determination with respect to Mr. Gloss?

A I do.

Q And why do you agree?

A Because of his actions that he took. So we received a referral from the Washington Field Office based off of AdTech data that indicated that an employee, Mr. Gloss, had entered the restricted area on January 6th. We opened an investigation. We do the logical steps again emails, instant messages, computer access, generally those open-source searches that we can do through PASMI. Okay, I don't have to explain that

again. And that information indicated that Mr. Gloss was indeed inside a restricted zone at the Capitol intentionally.

We subsequently interviewed Mr. Gloss. And Mr. Gloss, on a map, indicated where he was, which again indicated that he was within the restricted zone. He then told us a story that he was directed there by an individual in a -- like a construction-type vest, or like an orange vest. As we all know, there's lots of cameras in that area that we all have access to now. Mr. Gloss did not come in contact with anybody in an orange vest. There was no one at any point in that area directing anybody into restricted zones.

Additionally, he made statements to us about being gassed. We have pictures that he transmitted to other FBI employees that clearly show him within the restricted zone. And again, we have his own admission as to where he was.

Q And the fact that he was in the restricted zone, that conduct alone is the violation of Federal law. Is that right?

A That is.

Q Because it was marked and it was clearly restricted, being in that area was a crime?

A Yes, ma'am.

Q Okay. And he sounds like was not forthcoming when the security interviewers were talking to him about that day. Is that right?

A That is correct.

And I do want to clarify for our purposes as well, conviction of a crime or even being fully charged of a crime does not mitigate the guideline for criminal conduct.

Q Meaning that the guideline (j), criminal conduct, adjudicative guideline is broader than merely having been convicted? Is that right?

A Yes, ma'am.

Q Or even having been charged?

A Yes, ma'am.

Q Okay. So if the FBI determines that the conduct would have amounted to a crime, that would have be sufficient under guideline (j)?

A Yes, ma'am.

Q And in this case that's what the FBI determined?

A That is what the Security Division determined. Yes, ma'am.

Q Okay. And your investigation according to the letter included other evidence, for example, video and photographic evidence that showed Mr. Gloss in the vicinity of this restricted area, even after witnesses in that same area could be seen protesting violently and climbing scaffolding. Is that right?

A Yes, ma'am.

Q And also people around him were, at that time, struggling with law enforcement visibly who were trying to maintain barriers.

A That is correct.

Q The law enforcement was trying to maintain the barriers. There were people struggling against the law enforcement and you could see that Mr. Gloss was right there in that mix, maybe not struggling himself, but in that restricted area at that time?

A He was clearly in that mix. He was clearly seeing the contact. He was in the area which most people refer to a hangman's noose area. He even mentions in one of his emails how he -- or text messages, excuse me, how he's glad that they have been able to enter the Capitol so maybe they'll all stop getting gassed as much now. So he's clearly in the area where, you know, pepper spray is being utilized.

Q So he can see that law enforcement is struggling at that time to gain control of the area?

A Yes, ma'am.

Q And he is not leaving, he is staying intentionally, right?

A Yes, ma'am.

Q And you said the area is referred to as the hangman's noose area? Is that right?

A Yes, ma'am.

Q Is that referring to the gallows, essentially a noose that was hanging by the Capitol when the crowd was yelling for Vice President Pence?

A Yes, ma'am.

Q So that was going on at the time that Mr. Gloss was in that area? Is that right?

A Yes, ma'am.

Q Do you know if he participated in that?

A The video doesn't indicate that he participated, but he was clearly there.

Q And aware of that going on at the same time?

A Yes, ma'am. Although he told our investigators he wasn't and that he didn't see any clashes, which our investigation reveals, again, not everyone is truthful with us when we interview them and they like to tell a story that perhaps mitigates their actions. But the video does -- clearly shows where he was.

Q Yeah. I would imagine and correct me if I am wrong, but when you investigate and speak to a subject like the person whose appearance here is being reviewed, you are not obligated to take what they say at face value. Are you?

A No, ma'am.

Q And as an FBI agent, you are not trained to do that when you speak to criminal suspects or anyone in fact. Right?

A That is correct. And again, when we are using for security adjudications we use the whole-person concept. We use what they tell us, along with the facts that we have gathered in the course of the investigation.

Q And you are able to then use your judgment and show -- and decide where the evidence leads you. Is that right?

A Yes, ma'am.

Q And in this case, the evidence led the Security Division to conclude that Mr. Gloss was a security risk and that he had engaged in conduct under the adjudicative guidelines that we mentioned, (a), (j) and (e). That caused the FBI to question whether he was willing to maintain the FBI's standards in -- with respect to his clearance. Is that right?

A Yes, ma'am.

Q You already mentioned that Mr. Gloss showed a lack of candor with his false and misleading statements. Is that right?

A Yes, ma'am.

Q And did that make it even more troubling to the FBI if you were to continue his clearance?

A Yes, ma'am.

Q The Security Division investigation also revealed that Mr. Gloss had shared photos of FBI special agents who were engaged in the performance of their official duties. And he shared that with an individual conspiracy theorist who is known to post sensitive FBI information publicly. Isn't that right?

A Yes, ma'am.

Q Could that conduct have jeopardized the safety of FBI agents?

A Absolutely.

Q And why is that of concern to the FBI?

A Again, we value our agents very much. They are carrying out a constitutional obligation that they have in the course of their official duties. And we do not expose each other unnecessarily.

Q At that time, were you aware that there were increases in threats to FBI agents around the country?

A Yes, ma'am. Yes, ma'am.

Q And in your opinion, does this kind of behavior contribute to that, increase the threat to FBI agents?

A It does. Yes, ma'am.

Q Did this play a role in the FBI's decision to suspend and eventually revoke Mr. Gloss' security clearance?

A It was considered in the whole-person concept.

Q Was suspension or revocation of Mr. Gloss' security clearance motivated by animus?

A No, ma'am.

Q Was the decision to suspend and later revoke his clearance intended to punish him for his political or ideological views?

A No.

Q Are you aware, as you said before, that there are other FBI employees, besides Mr. Gloss, who have expressed political beliefs that are supportive of former President Trump, but who have never been the subject of an FBI security investigation based on their beliefs?

A Absolutely.

Q In fact, there are even FBI employees who were present on January 6th

doing peaceful demonstrations that were not subject to security clearance review?

A Correct.

Q Is it fair to say what distinguished Mr. Gloss from those other employees, including some who demonstrated lawfully on the 6th, is that Mr. Gloss committed a crime, he lied to security investigators, and expressed support for crimes against the United States?

A Yes, ma'am.

Q **Moving on from Mr. Gloss, are you familiar with someone named Kyle Seraphin?**

A I am familiar with Kyle Seraphin.

Q How are you familiar with him?

A Kyle Seraphin was the subject of a security investigation, and ultimately a revocation.

Q Okay. And I understand that you were actually recused from working on that investigation. Is that right?

A I did have to become recused. Yes, ma'am.

Q Okay. Despite your recusal, have you ever seen the FBI's letter revoking his clearance?

A I don't think I ever saw the actual letter. No, ma'am.

Q I am going to mark it as exhibit 14.

[Moore Exhibit No. 14

Was marked for identification.]

BY [REDACTED]:

Q I'll let you take a look at it since you have not seen it.

A Yes, ma'am. I have now read it.

Q Okay. And just for the record, the quality of this exhibit is not great and that is because this is a letter that Mr. Seraphin posted on his Twitter and it was difficult to print out, but that's the source of this.

So the letter to Mr. Seraphin informing him of his security clearance revocation states that the security adjudication revealed -- security concerns under adjudicative guideline (e) personal conduct, (k) handling protected information and (l) outside activities. Do you see that on the letter?

A I do. Yes, ma'am.

Q Okay. The letter further states the security investigation revealed that Seraphin had, quote, "demonstrated a repeated pattern of unwillingness to comply with numerous FBI rules and regulations," unquote, which included, but were not limited to, disregarding safe weapons-handling policy, engaging in disruptive and inappropriate behavior by routinely using derogatory, racist, sexist or homophobic language that offended coworkers, and making unauthorized releases of sensitive information. Do you see that in the letter?

A I do.

Q Would this type of behavior -- excuse me. Why would this type of behavior be of concern to the FBI under the guidelines?

A Under the guidelines, this individual, again, his unwillingness to comply with rules and regulations would be in direct conflict with SEAD 4 in the security executive agents directive and all of the adjudicative guidelines. And you would want to separate the risk from national security.

Q There is a pretty good variety of misconduct or whatever you want to call it, security concerns, in this particular case. Is that right?

A Yes, ma'am.

Q I mean, it ranges from offensive behavior that is disruptive in the workplace to mishandling weapons. Is that right?

A Yes, ma'am.

Q And that is a new one in the cases that we have discussed so far, the mishandling of weapons. Can you say a little bit -- I know you don't know this case in particular, but what kinds of things would be included in that?

A Well, so I knew his case initially until I had to be recused. In his specific case, the mishandling of the weapon was they were at a firearms range, the firearms instructor had called for the line to be holstered safe. And they check, everybody confirms, everybody's holstered safe. The firearms instructor then announces that he is moving forward to fix a broken target. As he moves forward, Kyle Seraphin pulled his gun, shot across the range diagonal in front of the firearms instructor as he moves forward to fix the target and shot the target he was going to fix.

Q Wow.

Why is that behavior a concern to the FBI?

A That is threatening and intimidating behavior, unacceptable. It shows a complete misunderstanding of rules and safety. Again, it goes to his whole-person concept as well.

Q And would it lead the FBI to be concerned about Mr. Seraphin's mental state in any way?

A I would think that that would be concern. I will tell you, that had that come in alone as a standalone allegation, it would have been sent through misconduct. It was the totality of all of his actions that brought that specific thing into the security adjudication. Additionally, I had to be recused because Mr. Seraphin expressed his desire to use me as a target.

Q During the investigation he expressed that?

A He communicated with another FBI employee who provided us those communications. And in that, he specifically indicated that he wanted to use me and another female executive as targets.

Q Was the firearms instructor also a female?

A I don't know that answer.

Q The letter also states that Seraphin made repeated media appearances in which he disclosed the existence of FBI investigations, FBI methods and capabilities and the identities of active FBI personnel without authorization. Do you see that in the letter?

A Yes, ma'am.

Q Why would this kind of conduct raise security concerns for the FBI?

A I think and we have already talked about if you don't know what to keep safe and secure, then we can't trust you with national security information. And you have a blatant disregard for rules and regulations.

Q Do you know if Kyle Seraphin is still an employee of the FBI?

A Kyle Seraphin is not. I do know that he is not an employee of the FBI.

Q Okay. Do you know what he does for a living now?

A I believe he runs a podcast.

Q Are you familiar with the podcast, The Kyle Seraphin Show?

A Oh, I've been told about it. Yes, ma'am.

Q Are you aware that Mr. Seraphin refers to himself as, quote, "a whistleblower," and that he devotes much of his energy to fundraising off of his whistleblower claims?

A I am aware of that. Yes, ma'am.

Q Are you familiar with Mr. Seraphin's GiveSendGo campaign?

A I was only recently made aware of that, but yes, ma'am. But not as the course of any adjudicative action.

Q Okay. So this information is things -- information that came to you after you were recused?

A Yes, ma'am. Yes, ma'am.

Q Are you aware that Mr. Seraphin claims to have raised over \$590,000 with his GiveSendGo fundraising campaign?

A I was not aware that he was claiming that.

Q Okay.

A I was recently made aware that he wrote two checks to two of the other individuals that we have discussed in this investigation. But I wasn't aware of what he was saying he had raised or had not raised.

Q Yeah. I am going to mark as exhibit 15, images of those checks.

[Moore Exhibit No. 15

Was marked for identification.]

BY [REDACTED]:

Q Okay. So exhibit 15 is a photograph of two checks that was attached to a tweet from Kyle Seraphin and that's the source of this document. So -- and I think you were just getting to this. So you were aware that Mr. Seraphin gifted large amounts of money, in this case, \$255,194 each to two FBI employees, Mr. Allen, Mr. Marcus Allen, that we discussed earlier, and to Mr. Garrett O'Boyle who we also discussed earlier. Do you remember that?

A Yes, ma'am.

Q Or we should say at least it appears that, because this check was posted on

Twitter and we can see the photograph. Is that right?

A Yes, ma'am.

Q So the tweet -- can I have the next --

I am going to mark this exhibit 16, the actual tweet from Mr. Seraphin that was connected to these images.

[Moore Exhibit No. 16

Was marked for identification.]

BY [REDACTED]:

Q So on May 30th, 2023, are you aware that Mr. Seraphin tweeted that he was, quote, "sending the first of two checks today," unquote, from his GiveSendGo fundraiser, and then attached this photo in exhibit 16, showing two checks in the amount of \$255,194 to Garrett O'Boyle and Marcus Allen?

A I did not see this. I don't follow Mr. Seraphin. But I was aware, someone mentioned to me yesterday in the course that did you know that Kyle Seraphin had posted that he was going to give Marcus Allen and Garrett O'Boyle \$255,000.

Q Okay. Can you see in, I guess the photograph, or either exhibit, it might be easier to look at the photograph, can you see on the memo line of the checks what is written?

A It says a gift, quote, "Hold the line," unquote.

Q Now that's what it says on the check to Mr. O'Boyle, right?

A That is what it says on the check to Mr. O'Boyle, yes.

Q And Mr. Allen, it says something similar. Do you see what that says?

A It says, "holding the line, a gift."

Q So he actually uses the word gift, right?

A Yes, ma'am.

Q And he tells you or tells Mr. Allen and Mr. O'Boyle holding the line is why they are receiving that gift, right?

A Yes, ma'am.

Q As a law enforcement officer, do you know what he means by holding the line? If you don't, that's fine.

A I know as military that they use it as in when you are defending the home front, that you hold the line. But I am not sure for law enforcement, no, ma'am. It's not a term I use.

Q Okay. Does it suggest to you that Mr. Allen and Mr. O'Boyle are being given this money partly because of their role with the FBI?

A I read it that they are aligned in some way.

Q Okay. Fair enough. You don't know exactly --

A No, ma'am, sorry.

Q -- what's in Mr. Seraphin's mind anyway, right?

A No, ma'am. I am sorry.

Q Now, you know Mr. O'Boyle in the context of the security review that we discussed earlier, right?

A Yes, ma'am.

Q Okay. Is Mr. O'Boyle currently a Federal employee?

A Yes, ma'am.

Q And is he still employed by the FBI?

A Yes, ma'am.

Q Okay. Mr. Allen, is he a Federal employee?

A He technically is a Federal employee until his time runs on his request for reconsideration or the reconsideration is completed.

Q And that has not been done yet, isn't that right?

A No, ma'am.

Q Okay. As a Federal employee yourself, at least for another day, do you understand that Federal employees are required to follow Federal ethics rules restricting their ability to accept gifts from outside sources when the gifts are related to their official positions?

A Yes, ma'am.

Q And are you aware that these regulations, which are codified in 5 CFR 2635, subpart (b), which I'll introduce as exhibit 17, prohibit an employee from accepting cash gifts of any kind from outside sources when the gift relates to the employees position in the government?

A I didn't know that specific statute, but we are provided ethics briefs about what we can and cannot accept. Yes, ma'am.

Q Okay. I mean, this is going to be -- what did I say, 17?

[Moore Exhibit No. 17

Was marked for identification.]

BY [REDACTED]:

Q I am just going to direct you to this one section --

A Thank you.

Q -- because it's long. Okay. So on the second page of the document, section 2635.202 titled, General prohibition or solicitation or acceptance of gifts (b), it says, prohibition on accepting gifts. The language reads, an employee may not, and then part two, accept a gift given because of the employee's official position. Do you see that?

A Yes, ma'am.

Q Okay. And then if you skip forward one page, so now you are on page 3 under paragraph (b), there is the definition of the word "gift," right off the bat, it tells you gift includes any gratuity. Do you see that?

A Yes, ma'am.

Q That means cash, right?

A Yes, ma'am.

Q And as a Federal employee, did you understand that you cannot accept cash from outside people that's directed at you because of your job?

A Yes, ma'am.

Q In any amount, correct?

A Correct. We've terminated people for it, right.

Q And then if you turn to page 7, there is section, I guess it's paragraph (e), little (e).

A Yes, ma'am.

Q It says, given because of the employee's official position, it defines what that means. A gift is given because of the employee's official position. If a gift is from a person other than an employee, or would not have been given had the employee not held the status, authority or duties associated with the employee's Federal position?

A Yes, ma'am.

Q Okay. So in that case, it just means because these guys were FBI agents, that's why they were given this money. Is that right?

A I would logically assume that seems to be the appearance since Stephen Friend wasn't provided infor -- it doesn't look like there was a check that was posted that he was given one and he's not an employee any longer.

Q As far as we know?

A Correct.

Q Okay. So is it fair to say that Mr. Seraphin appears to have provided a gift to Mr. Allen and Mr. O'Boyle in the amount of \$255,194 each, because they are FBI employees who are raising complaints about the FBI?

A Do you want to repeat that question?

Q Yeah, I read it real fast. I am sorry. But is it fair to say that it appears Mr. Seraphin has provided a gift to Mr. Allen and Mr. O'Boyle in the amount of \$255,194 each because they are FBI employees who are raising complaints about the FBI?

A I can't speculate to why he gave it to them. I can say that they are both FBI employees. He gave them both money and they are both part of what I am being questioned about today.

Q Understood.

A And I don't know exactly why he gave them.

Q I mean, there's a hint a little bit, isn't there, in the memo line where he praises them for, quote, "holding the line."

A Yes, ma'am.

Q And both of these men had testified before this committee approximately 12 days before these checks were cut. Is that right?

A Yes, ma'am.

Q And I understand that you don't know what's in Mr. Seraphin's mind, but could this be -- could this apparent violation of the ethics rules for Federal employees raise additional security concerns for the FBI if Mr. O'Boyle and Mr. Allen were still security clearance holders?

A If we had FBI employees that were receiving large sums of cash from an outside entity, it would cause concern. There's a requirement to report over a certain

dollar value, I don't know what that is. I didn't realize we would talk about that. But you have to report that. And then we kind of look and see where that's coming from, is it an inheritance, what that is.

Q Okay. And does it matter that this was an apparent violation of ethics rules for the security clearances purposes?

A For a clear violation of ethics rules, we would consider it, though, potentially in a whole-person concept again as one more rule that, perhaps, isn't being followed.

Q Okay. Aside from potential security risks and concerns that are the subject of most of this hearing, does it raise any broader concerns for you, just as a FBI employee, about the motivation of the FBI employees who appeared to be fundraising off of public criticism of the FBI?

A Yes.

Q And why is that?

A I don't know -- you are breaking down the organization and -- you work for and the allegiance that you've taken to the Constitution. And so, it would cause a concern that you are profiting from -- you are creating a negative publicity.

Q Right. And does it also raise any concerns in your mind about whether the concerns they have are sincere because they also are profiting by making those concerns?

A I guess you could draw that parallel, but that is not what I would be concerned about. For me, I am most concerned again about their allegiance to the United States, their behavior as it relates to all of the adjudicative guidelines and the totality of the whole person as it relates to national security.

Q Mr. Seraphin chose to tweet out the photos of these checks intentionally to draw attention to these illegal gifts. When he could have just privately given the money to Mr. O'Boyle and Mr. Allen. Do you find that surprising in any way?

A I am afraid I don't find anything Mr. Seraphin does surprising.

Did the Committee redact these two pictures or did Mr. Seraphin redact --

Q He did.

A It's nice that he choose to redact something in relation to him, but when he released all the pages of my weekly captain's logs, he couldn't have the courtesy to release or redact anybody else's children's name or any other FBI employee's name. I am glad he continues to look out for himself.

Q Well, it says something about him, I suppose, right?

A Yes, ma'am.

Q Now Seraphin's public announcement of an illegal gift got attention on Twitter from some high-profile conservatives. Do you think it's possible that Mr. Seraphin is publicizing this fundraising because he believes it will help him raise even more money from a segment of the public that he and his allies have already tried very hard to stoke outreach from by promoting this information about the FBI?

A Again, I am going to say I can't even begin to fathom what Kyle Seraphin thinks, or what his motivations are. I think that is a logical parallel that could be drawn is that he's obviously trying to draw -- drum up more money. But again, I can't begin to speculate.

Q Okay. Finally, the fact that Seraphin, O'Boyle, and Allen, and others, appear to be using this very public criticism of the FBI to make substantial amounts of money, does that make the alleged concern seem any less credible?

A No, ma'am.

Q Oh, just one other thing, this is a small thing, but there were a series of questions about the captain's log emails that you were sending out during COVID --

A Yes, ma'am.

Q The emails that you sent out, is it fair to say those were meant in some sense to reconstruct the sort of atmosphere of in-person workplaces. Is that right?

A It was. In a dispersed workforce, it's very hard to fill part of the greater whole. And we were receiving lots of wellness concerns about employees that were feeling disassociated. And so it was an intent to remember that you belong to a bigger thing, that we're seeing you, you're heard, we are still here, you are there, but we are still on the same team.

Q So if you had been in the office, as you had been before COVID, you would have a lot of personal conversations with people about Christmas lights, or other things that were the subject of those emails, right?

A Indeed that is true. We had had a contest, like, right before COVID at Christmas for gingerbread house construction and it was squad versus squad and who won. And we did a lot of those things to try to build a camaraderie amongst the organization.

What I can say without a doubt is had I known that those would have been leaked, I would have done something different. I would have never put that many employees names out there in the public, much less their newborn children for -- in the hostile environment that we currently live in towards FBI employees.

Q Understood.

BY [REDACTED]:

Q Do you know if any of the employees who are mentioned in those logs that were leaked or their children, do you know if there's been any threats to life or safety of those individuals? You don't have to get into specifics, but just generally if you know.

A We have stood up an entire threat unit to address threats that the FBI employees' facilities are receiving. It is unprecedented. It's a number we've never had

before.

Q How big is the unit?

A It's going to be about 10 people when it's finished. We just -- we are still in the process of staffing it right now. But their sole mission on a daily basis is threats to FBI employees at facilities.

Q Based on the captain's log?

A Not just the captain's log.

Q Okay.

A But just in general.

BY [REDACTED]:

Q Have those threats increased with this committee's hearing, for example, on May 18th regarding the FBI alleged, quote, "whistleblowers"?

A I would have to ask for the numbers to be pulled. They report them to us on a monthly basis is what our trend is. I know that from October, which was the new fiscal year, until about April 1st, we had had more threats in that period of time than we had had in the entire previous year.

Q What period was that? I'm sorry.

A From May 1st of 2022 -- I'm sorry. Excuse me. From the fiscal year so the beginning -- October 1st, 2022, until roughly March 31st -- 30 days, 31st day of 2023 we had received more threats against FBI people and facilities than we had in the entire previous year.

Q And has that trend seemed to continue, if you know?

A Yes, ma'am.

BY [REDACTED]:

Q Quickly, what's been marked as exhibit 12, it's the Captain's Log Quarantine

Day 55, you were asked about the Nautic, a/k/a Gulf Sky. Do you recall that?

A Yes, ma'am.

Q Your email is dated Sunday, May 10, 2020, 11:20 p.m., correct?

A Yes, ma'am.

Q Is that an accurate representation of when you sent the email?

A Most likely. Yes, ma'am.

Q I want to introduce -- I have no idea what exhibit number we are on.

Exhibit 18.

[Moore Exhibit No. 18

Was marked for identification.]

BY [REDACTED]:

Q A case caption and a forfeiture page, so forgive me, it is going to take me a second to read it. It is United States of America v. \$2,340,000 associated with Petroleum Tank Nautic, with International Maritime Organization number 9150377, held by Liberian Company 1, and \$9,998,941.91 associated with the Petroleum Tanker Nautic. With International Maritime Organization number 9150377, held at U.S. Bank 1.

And I am just going to ask you about the front page of the document.

A Okay. Thanks.

Q And let me know when you are ready to continue.

A I am ready to continue.

Q Do you see at the up top where it has the case number and document number and a filing date?

A I do. Yes, ma'am.

Q Can you please say for the record what the filed date is on this case?

A May 1st, 2020.

Q So that was actually 9, 10 days before your email, correct?

A Yes, ma'am.

Q Okay. So this was already in the public eye at this time?

A Yes, ma'am.

██████████ Okay. Thank you. I don't think I have anything else.

██████████ We can go off the record.

[Whereupon, at 3:22 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