[redacted]

EXECUTIVE SESSION

PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

U.S. HOUSE OF REPRESENTATIVES,

WASHINGTON, D.C.

INTERVIEW OF: JAMES CLAPPER

Monday, July 17, 2017

Washington, D.C.

The interview in the above matter was held in Room HVC-304, the Capitol, commencing at 9:34 a.m.

Present: Representatives Rooney, Wenstrup, Schiff, Sewell, and Swalwell.

[redacted]

[redacted]

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[redacted]

ALSO PRESENT:

WALTER ZAMPELLA, LEGISLATIVE LIAISON

For JAMES CLAPPER:

KENNETH L. WAINSTEIN

MAIA MILLER

Cadwalander, Wickersham & Taft LLP

700 Sixth Street, N.W.

Washington, D.C. 20001

[redacted]

[redacted] Good morning, all. If we're ready, I'll read a statement on behalf of the committee and then we'll begin.

This is a transcribed interview of Director James Clapper. Thank you for speaking to us today. For the record, I am [redacted], [redacted] of the House Permanent Select Committee on Intelligence. Also for the record, as you can see, I'll have everyone do an introduction going down the row, beginning with my colleague.

[redacted], HPSCI, majority.

MR. ROONEY: Tom Rooney from Florida.

DR. WENSTRUP: Brad Wenstrup from Ohio.

MS. SEWELL: Terri Sewell, Alabama.

MR. SWALWELL: Eric Swalwell, California.

[redacted].

[redacted].

[redacted], minority.

[redacted] Thank you. Before we begin, I want to say a few things for the record. The questioning will be conducted by members and staff. During the course of this interview, members and staff may ask questions during their allotted time period. Some questions may seem basic, but that is because we need to clearly establish facts and understand the situation. Please do not assume we know any facts you have previously disclosed as part of any other investigation or review.

During the course of this interview, we will take any breaks that you desire. There is a reporter making a record of these proceedings

so we can easily consult a written compilation of your answers. The reporter may ask you to spell certain terms or unusual phrases you might use and may ask you to slow down or repeat your answers. We ask that you give complete and fulsome replies to questions, based on your best recollection.

Right now, we are cleared for the Top Secret/SCI level, and everyone in this room is also cleared to that level.

If a question is unclear or you are uncertain in your response, please let us know. And if you do not know the answer to a question or cannot remember, simply say so.

You are entitled to have a lawyer present for this interview and I see that you have brought counsel. For the record, Ken, would you please make your appearance?

MR. WAINSTEIN: Ken Wainstein, Davis Polk. Good morning.

[redacted] Thank you.

This interview will be transcribed. Because the reporter cannot record gestures, we ask that you answer verbally. If you forget to do this, you might be reminded to do so.

Consistent with the committee's rules of procedure, you and your counsel, if you wish, will have a reasonable opportunity to inspect the transcript of this interview in order to determine whether your answers were correctly transcribed. The transcript will remain in the committee's custody. The committee also reserves the right to request you return for additional questions should the need arise.

The process for the interview is as follows, sir: The majority

[redacted]

will be given 60 minutes to ask questions, immediately followed by the minority will be given 60 minutes to ask questions. Thereafter, we will take a 5-minute break, after which the majority will be given 20 minutes to ask followup questions, and the minority will be given 20 minutes to ask followup questions, with a hard stop, per your schedule, at 12:30 today. These time limits will be strictly adhered to by all sides, with no extensions being granted. Time will be kept for each portion of the interview, with warnings given at the 5-minute and 1-minute mark, respectively.

To ensure confidentiality, we ask that you do not discuss the interview with anyone other than your attorney. Our record today will reflect that you have not been compelled to appear. You are reminded that it is unlawful to deliberately provide false information to Members of Congress or staff.

Lastly, the record will reflect that you are voluntarily participating in this interview, which will be under oath.

Director Clapper, do you understand all these instructions?

MR. CLAPPER: Most of it, but I just have to tell everybody I'm a little hard of hearing, so I need you to speak up. I couldn't hear most of what you said, but that's okay.

[redacted] Okay, sir, will do.

MS. SEWELL: So long as your lawyer did.

MR. CLAPPER: The lawyer heard it.

[redacted] That's good enough, sir.

Would you please raise your right hand to be sworn, sir? Sir,

[redacted]

[redacted]

do you swear or affirm everything you are about to say is the truth, the whole truth, and nothing but the truth?

MR. CLAPPER: I do.

[redacted] Thank you, sir.

And also a gentle reminder for all: If you are speaking during this, please make sure to turn on the microphone so the court reporter can properly transcribe.

Over to you, Dr. Wenstrup.

MR. ROONEY: I'll start, [redacted] before Dr. Wenstrup goes.

General, it's good to see you again. I just wanted to welcome you and your counsel. We are, as you know, conducting a series of interviews with people to discuss the Russian involvement in our last election, along with myself, Mike Conaway on the majority side, and Trey Gowdy, along with the assistance today of Brad.

What we'd like to do is try to make the Intelligence Community better for the future, not just for this committee, but for your successor and the successors in the other agencies that are in charge of gathering the intelligence for this country for national security purposes, as you know.

We have a difficult job coming up, with the reauthorization of things like 702. So making sure that we can convince our colleagues upstairs why things like unmasking, or how to maybe better do unmasking, you know, should be part of maybe what our report shows. And so if you could help us with those type of things today, I think that we would gain the most insight and value.

[redacted]

[redacted]

As I've been saying to witnesses in the past, our job here is not to conduct a criminal investigation. Our job is to write a report dealing with the Intelligence Community and how to make it better. Any criminal activity that is gained or discovered should be under the purview of Robert Mueller. And if we ever find anything in this committee, our charge is to turn that information over to Mr. Mueller and the Justice Department.

So, while we may talk about here things like collusion, it would be in the breadth of how that affected Russian involvement in our election process, if any. But more things like, you know, the hacking and the propaganda and the things that we have talked about ad nauseam, both privately and publicly. So I want to make that absolutely clear so that, you know, despite what we see in the news sometimes, what our role is on this committee and how we are to make the Intelligence Community better, something that you've dedicated a lot of your life to.

And so, with that, to start off with our side, the majority's questions, I'm going to turn it over to Brad, and then I'll follow up after that. But the ranking member.

MR. SCHIFF: I just wanted to join in welcoming you, Director. We appreciate your long years of service to the community. Welcome back. A lot has happened since you left, much of which we want to get your expert opinion on, given your many decades of service in this area. You know, I just want to add on an additional note on my colleague's point, in terms of the issue of collusion.

[redacted]

[redacted]

One of the four areas that we've been charged with investigating is whether the Russians had the help of any U.S. persons in what they did. And while Bob Mueller will have the responsibility of prosecuting anyone who may have been involved with that, we have the responsibility of telling the American people exactly what happened and who was involved, if any U.S. people were involved. Bob Mueller is only likely to be able to speak through an indictment, if he brings an indictment. It will be our job to give the public a full accounting of what happened, whether charges are brought or not.

And one of the areas, we'll certainly want to ask your thoughts on the drafting of the unclassified and the classified assessment, but we'll also want to get your advice, given what you know that's in the public domain since you left, about the meeting with Donald, Jr. and some of the other allegations. We'll be interested to get your insights into where we might look to find further evidence that either corroborates or disproves the public allegations. So we'll be looking forward to asking you questions on that subject as well.

With that, I'll yield back. Thank you, Mr. Chair.

DR. WENSTRUP: Thank you.

EXAMINATION

DR. WENSTRUP: And, again, welcome, sir. I appreciate you being here today. You know, as I look at what we're trying to accomplish here, I look at it the same way I do in my military roles, and that's you want to do an after-action review, you want to have lessons learned, and you want to take corrective measures where needed. And in that

[redacted]

process, you look at the procedures that have been taken and how assessments are made. You've been doing this a long time, and I appreciate that.

So I want to start with trying to get an idea of what DNI's role in assessing and responding to Russian hacking of U.S. political entities was. What was the DNI's role in responding to the hacking?

MR. CLAPPER: Well, responding to the hacking is actually a policy matter. The Intelligence Community's responsibility, I believe, was to tee up the information that we gathered as we gathered it and as it evolved as we gained more insight. But doing something about it is really the realm of the policymaker.

DR. WENSTRUP: So, with that in mind, okay, so the Russian role in hacking U.S. political entities, it was first reported in July of 2016 and publicly acknowledged by you and Secretary Johnson on October 7th of 2016. And why wasn't an Intelligence Community-wide assessment of these activities ordered until December, when you acknowledged it publicly before?

MR. CLAPPER: Well, we had done a lot of reporting on it, not to the magnitude of the Intelligence Community assessment that was ordered up by President Obama the first week in December. But I think the track record will show there had been a lot of reporting on that. Certainly, we had reported it in the PDB and had rendered numerous briefings as the situation evolved over time.

DR. WENSTRUP: So why were you doing the reporting if you weren't doing an assessment of it, just reporting it?

[redacted]

MR. CLAPPER: Well, I think --

DR. WENSTRUP: Because the assessment wasn't ordered until December.

MR. CLAPPER: The assessment is a term of art that is used as a particular type of report that we would issue as a community. So an Intelligence Community assessment; a sense of the community memorandum is another vehicle; or a National Intelligence Estimate.

And so I wouldn't read a lot into the nomenclature of the report that we eventually rendered and published on the 6th of January.

DR. WENSTRUP: Well, this has a significant amount of gravity, the whole notion. And even if the President hadn't specifically ordered an assessment and given this gravity of the Russian threat, I'm just curious as to why you, as DNI, didn't order a review and report to inform the American people prior to the 2016 election when, you know, one of your specific efforts as DNI was your transparency initiative.

MR. CLAPPER: Well, in the could have, would have, should have department, I guess I could agree that maybe we should have pulled people's coat sleeves earlier in a more public way. We had a lot of debate about that, then the debate which resulted in the statement which I thought was pretty forthcoming and pretty direct that Jeh Johnson and I made on the 7th of October.

The issue, of course, at least I think in the administration's mind, was if we publicized this, do we magnify it and do we dignify what the Russians are doing? Would the administration then be seen as putting its hand on the scale? So we had all those kind of debates.

[redacted]

[redacted]

And with the benefit of 20/20 hindsight, you can say, well, perhaps we should have done -- been more public earlier.

I do think in the context of something that could be done by way of a lesson learned would be to perhaps make it [redacted]

DR. WENSTRUP: Well, I think it would have been transparent. You just used the term "hand on the scale." In what way would you be putting the hand on the scale?

MR. CLAPPER: I think the President -- not me. The President, President Obama felt I think somewhat constrained by the appearance of, for example, his making a public statement about it, and whether that would be construed as or interpreted as weighting the balance scale in favor of Secretary Clinton.

DR. WENSTRUP: Well, that's a matter of opinion, I guess, as to whether he thinks it would show favoritism to one or the other.

MR. CLAPPER: It is exactly that, sir. It is a matter of opinion.

DR. WENSTRUP: It is. But transparency would tend to balance those scales, I would think.

But on November 7th, you signed a letter to me, and it was a bipartisan letter that I had sent you, but you sent a letter back to me and the others. And in that, you stated -- and this is November

[redacted]

[redacted]

7th, before the election --[redacted]

What specific intelligence informed these assessments at that time?

MR. CLAPPER: Well, I would have to have access to the contemporary reporting that I had available at the time, and I don't have that off the top of my head. What we were seeing at this point, and I think what probably influenced that response, was the reconnoitering, if I can use that term. At that point, I think it was around some [redacted] States where we'd seen Russian activity, which was attributed to the Russians reconnoitering, not necessarily extracting or attempting to manipulate data, in various voter -- predominantly voter registration databases. The number of States went up. I don't know exactly what the count was when that letter was put together, but that's primarily what I think influenced that letter.

And, as it turned out, one of the judgments in the Intelligence Community assessment was that we didn't see any evidence of actual manipulation of voter tallies. That's not to say -- nor did we attempt to make a pronouncement about what impact any of the Russian

[redacted]

[redacted]

interference activity, as we reported out on the 6th of January, had on individual voter decisions. We could not make a judgment about that.

DR. WENSTRUP: Well, that would be pretty difficult to be able to make a judgment.

MR. CLAPPER: Well, not only difficult, we don't have -- the Intelligence Community doesn't have the authority or the expertise and capability to do that.

DR. WENSTRUP: Yes. I think you'd have to talk to every voter in America --

MR. CLAPPER: Exactly.

DR. WENSTRUP: -- to be able to establish that, and that seems like a far stretch.

So are you aware of any evidence that the vote outcome of the 2016 Presidential election was manipulated through cyber means?

MR. CLAPPER: No.

DR. WENSTRUP: Was President Putin successful in his effort to undermine the credibility of the electoral process, in your opinion?

MR. CLAPPER: I believe -- I believe he absolutely was. I believe that they were successful beyond their expectations in terms of sowing doubt and discord about the veracity or sanctity of our election process --

DR. WENSTRUP: Is there anything factual?

MR. CLAPPER: -- which I think was their first objective.

DR. WENSTRUP: Is there anything factual?

[redacted]

[redacted]

MR. CLAPPER: Well, how do you mean?

DR. WENSTRUP: Well, you just said that it didn't -- there's no evidence that the vote outcome was manipulated, but you feel that this is -- I take it --

MR. CLAPPER: I think the ensuing controversy and the controversy that was contemporary kind of makes that point. Do I have an utterance that I can quote from Putin himself that says that? No.

DR. WENSTRUP: So you're saying factually, he undermined the credibility of the electoral process?

MR. CLAPPER: That's my belief.

DR. WENSTRUP: That's an opinion. Is that correct?

MR. CLAPPER: Yes.

DR. WENSTRUP: Because, I mean, I haven't met anybody that said, oh, I changed my vote because of what the Russians did. So, again, that's another opinion. It certainly isn't a fact, though.

MR. CLAPPER: I do think, though, it did create doubt about the sanctity and security of our -- of the process. I do --

DR. WENSTRUP: And that's why we're here.

MR. CLAPPER: I do believe that.

DR. WENSTRUP: And that's part of why we're here, because this is important to all Americans that the process is one to be trusted.

So, based on the administration's public statements and actions, is it fair to conclude that the Russian hacking of U.S. political entities, which began in July of 2015, became a higher priority for the Intelligence Community after the election?

[redacted]

[redacted]

MR. CLAPPER: No, I wouldn't say that. What I would say is -- I think this perhaps gets to your question -- is there has been a certain amount of ambient involvement by the Russians, which goes back to the 60s, where they have monitored and in various ways tried to influence the outcome of the election.

The difference here was this, as it evolved, was the most direct, aggressive in its scope, and the multifaceted actions they took were unprecedented.

DR. WENSTRUP: Well, the reason I ask that question is because I'm looking at this letter from November 7th, which doesn't seem to create the level of concern and priority that we saw after the election.

MR. CLAPPER: Right.

DR. WENSTRUP: Would you agree that -- was that due to new evidence or --

MR. CLAPPER: Yes, yes.

DR. WENSTRUP: Such as?

MR. CLAPPER: [redacted]

DR. WENSTRUP: So you mentioned that Russia/Soviet Union, they've tried to interfere with us in many ways for decades.

MR. CLAPPER: Right.

[redacted]

[redacted]

DR. WENSTRUP: And I think we would all agree with that.

What would you say to the notion of where Russia is today with their attempts -- and this is just to get your opinion, if we could. I use the term for Russia in this election, it's heads I win/tails you lose, because if Mrs. Clinton wins, then they have weakened her in many ways and tried to take away some of her credibility. If Donald Trump wins, he's illegitimate.

So, in my opinion, they succeeded no matter who wins, and I'd be curious to get your opinion on their tactics.

MR. CLAPPER: Well, you can make that argument. I think they believed -- I mean, the first point, I think they had three objectives: One was to sow discord. Secondly, because of the significant personal animus that Putin had for both the Clintons, both President Clinton and Secretary Clinton, so anything you do to undermine her. And, in fact, at one point they kind of -- reading the polls, they believed that she was going to win, and then their focus seemed to turn to how could they undermine a potential Clinton Presidency.

I do think, though, they thought that President, now President Trump would be easier to deal with. He is a businessman. He'd be more willing to negotiate and make deals. And I don't think it was anything more sophisticated than that that sort of guided their objectives.

DR. WENSTRUP: On December 5th, your national intelligence officer for Russia briefed this committee, and I'm going to give you a quote here: "In terms of favoring one candidate over another, you know, the evidence is a little bit unclear."

[redacted]

[redacted]

Was this accurate and a complete assessment?

MR. CLAPPER: No, it wasn't. And as we explained at the hearing I think we had on the 10th of January, she and many others in the community were not aware of this very, very sensitive information [redacted]

DR. WENSTRUP: A couple more questions, referring to that testimony then.

Also, it was stated: It's unclear to us that the Kremlin had a particular -- that they had a particular favorite or they wanted to see a particular outcome. That is what the reporting shows.

So was this accurate and a complete assessment?

MR. CLAPPER: Well, at that time, no. [redacted] that evidence all kind of came together there about that -- at about that time, as I recollect.

DR. WENSTRUP: So those weren't accurate statements at that time, including we did not have a clear -- we did not have clear evidence to suggest that there was a desire for a particular outcome?

MR. CLAPPER: That's -- well, you know, I'd have to go back and look again, do a chronology of when we knew -- what we knew when. Again, the -- I think our end assessment was that their approach evolved. Their objectives evolved. First, sow discord. Tremendous animus towards Mrs. Clinton. And as things evolved, and when it became

[redacted]

[redacted]

evident that President Trump was a serious candidate, then I think their approach evolved as well.

DR. WENSTRUP: So you talk about timeline, and that was December 5th, and you're saying that those statements weren't accurate at that time.

MR. CLAPPER: They were not completely accurate as -- in light of what we gathered and assessed after that.

DR. WENSTRUP: So were you aware that [redacted] was coming to brief the committee on December 5th?

MR. CLAPPER: I don't know -- and, you know, we've sent a lot of people from the community up here to brief a lot of people.

DR. WENSTRUP: I would think that would be something you'd know about.

MR. CLAPPER: I believe I did know about it.

DR. WENSTRUP: So was there a decision on your part or the part of anyone in the administration to not provide Congress with the latest intelligence on this issue or not provide her with the latest intelligence on this issue?

MR. CLAPPER: No, there wasn't.

DR. WENSTRUP: I mean, that's a pretty important hearing she's coming in for.

MR. CLAPPER: Right.

DR. WENSTRUP: And wouldn't she be saying, do I have the latest intelligence? How does this go unchecked like that?

MR. CLAPPER: Well, again, I have to -- I would have to audit when

[redacted]

[redacted]

individual people were read in on certain accesses.

DR. WENSTRUP: Well, I would certainly like to know that, because one of the things we're trying to do here is come forth with best practices. This committee has a significant role. And if we're sending people from your department over here and they're not up to speed, that's an injustice to us and the American people, in my opinion.

So why was the national intelligence officer for Russia not privy to this compartmented reporting?

MR. CLAPPER: In fairness, my experience has been, certainly was over the 6-and-a-half years I was DNI, that as we gained more information, as we gained accesses, as we saw what was evolving, we would brief up more people who needed to know this information. So it certainly wasn't an intent to deceive or not to be complete.

DR. WENSTRUP: So do we need to somehow implement within the agency a criteria that if someone is coming to testify before the Intelligence Committee here in the House of Representatives that they be brought up to speed --

MR. CLAPPER: Well, what we could do --

DR. WENSTRUP: -- or does that happen automatically?

MR. CLAPPER: Well, it happens. As time unfolds and you acquire more information, that's the nature of the intelligence business. You're always dealing with incomplete facts.

[redacted]

[redacted]

[redacted]

[redacted]

But I've seen other cases where, as information evolved, as we acquire more information, et cetera, not just on this but in other instances, now, we could certainly set up a formal vetting system where all briefings before they come up here are thoroughly vetted by a committee or something like that. Now, that would slow responsiveness, because my experience has been that when something happens, people are very anxious to get whatever information we have. So --

DR. WENSTRUP: I'd rather have accurate responsiveness than inaccurate response. So --

MR. CLAPPER: Well, it is -- we do the best -- my experience, you know, we do the best we can.

DR. WENSTRUP: Well, I might have to suggest to the agency today that if it's not enough of a priority, coming to the House Intelligence Committee, to be up to speed before you get here, I don't know what is. And if the NIO for Russia didn't have enough access to inform an accurate judgment, I'm wondering what percentage of the Intelligence Community analysis on Russia during that time was effectively obsolete at the time it was given to us. And I'll move on from there.

[redacted]

[redacted]

[redacted]

[redacted].

[redacted]

[redacted]

[redacted]

MR. CLAPPER: [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

DR. WENSTRUP: [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

MR. CLAPPER: [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

DR. WENSTRUP: [redacted]

MR. CLAPPER: [redacted]

DR. WENSTRUP: [redacted]

MR. CLAPPER: [redacted]

DR. WENSTRUP: [redacted]

With that, I yield to Mr. Rooney.

MR. ROONEY: Thank you.

General, I'm going to start sort of broad and then try to narrow in on just a few things if I have time. The ranking member talked about the agreed-upon parameters of our investigation, so I'd like to sort of start with the focus there. And I know some of these might seem overly broad, but if you could help us, that would be appreciated.

We talked about, a little bit about cyber activity and the Russian role in that, and their active measures directed against us during this last campaign. You had mentioned briefly with regard to our voting capabilities and that you don't believe -- correct me if I'm wrong, if what I'm saying is wrong -- that you don't believe that they penetrated our actual machines, precinct by precinct or State by State. Is that an accurate -- as far as everything you know before you left,

[redacted]

[redacted]

is that true?

MR. CLAPPER: Well, we didn't do an assessment of all 50,000 polling places in the United States, nor could we. The statement that we made in the assessment was based on looking at the Russians and their activity and their behavior. And we didn't see any evidence of them, you know, influencing or manipulating voter tallies.

Now, the reconnoitering they did is curious. Whether that was, you know, data gathering, information gathering for the future, I don't know.

MR. ROONEY: So when you were there, you didn't see any evidence of it, but did you see evidence of like an effort of them to do that? When you talk about data gathering, what --

MR. CLAPPER: [redacted]

MR. ROONEY: Right.

MR. CLAPPER: [redacted]

MR. ROONEY: In your opinion, knowing from your body of work over government service over the years, what do you anticipate that the Russians are going to try to do next, in the next election cycle, or soon? I mean, this is strictly, you know, speculation on your part, but as far as trying to help us, you know, prepare for with data

[redacted]

[redacted]

gathering, and obviously we saw and we've heard a lot of testimony over the last few months about propaganda and what they've tried to do there. But I'm talking about specific cyber activity that the Russians have tried to accomplish and where you think that that's going with them.

MR. CLAPPER: Well, I can't envision them falling off on something that for them was very successful with very minimal resources. So I would expect them to be even -- to be emboldened, as I've said publicly before, and more aggressive about influencing elections. And I don't think they're going to care too much whether it's Democrats or Republicans.

Their principal objective remains consistently undermining the faith, trust, and confidence of the American public of the electorate in our system, and I think they'll continue to do that. And I have to believe that there was a reason, although we didn't -- we couldn't ascribe it. We don't know. We didn't have, at least that I saw, [redacted]

MR. ROONEY: Do you think it could possibly be to prepare for an election in the future, even if they didn't --

MR. CLAPPER: I think they will want to have the option of further disruption, if for whatever reason they make a determination at the time that's in their interests.

MR. ROONEY: What other cyber activity did you see when you were in office with regard to this election cycle, did you see aside from what we were just talking about?

[redacted]

[redacted]

MR. CLAPPER: [redacted]

Of course, this is apart from all the other things they did kind of in the cyber realm, which is social media trolls, fake news plants, and, of course, more traditional but much more slick and sophisticated than in the past was the propaganda promulgated by the RT Network.

MR. ROONEY: And I assume, just like with fishing through the data, that you don't believe that in the future that that's going to cease either, that this is what we have to expect?

MR. CLAPPER: No, that's what the Russians do. It's almost genetic with them. They are impelled to gather as much information, whether it has immediate utility to them or not, but for future -- for future use.

MR. ROONEY: I know it's a question, I asked this of Jeh Johnson, but I wonder if you'd weigh in. Do you see any role for the way that we conduct at the State level and local level, the way that we conduct our election process in protecting ourselves, do you have any advice with regard to cyber activity, moving forward?

MR. CLAPPER: Well, the Department of Homeland Security put out -- and it was in parallel, not part of, but in parallel to the Intelligence Community assessment -- a pamphlet on cyber best

[redacted]

practices, which was intended, I believe it was -- the plan was to distribute it to every Member in the Congress, both in the Senate and the House, as well as to State election commissions and other State election officials, to promote/recommend cyber enhancements, cybersecurity enhancements.

Frankly, maybe I was naive, but I was kind of taken aback by the pushback that Jeh got from many, many State officials who did not want the Feds messing with State and local election apparatus. And there was a lot of controversy when the recommendation -- when Jeh posited the recommendation to include the election apparatus, if I can call it that, as a part of our critical infrastructure, a lot of pushback from the States on that.

MR. ROONEY: Right. He addressed that as well. And I think it basically came to the point that the Feds are there if they need them, but not necessarily, you know, a mandate, but I hear what you're saying.

On point number two, with regard to the parameters, which the ranking member mentioned in his opening, deals with collusion and the Russian activities, including links between Russia and individuals associated with political campaigns. You had testified in the past that you saw no evidence of collusion between the Trump campaign and the Russian Government. Is that still the case or has that changed?

MR. CLAPPER: Well, no, it's not. I never saw any direct empirical evidence that the Trump campaign or someone in it was plotting/conspiring with the Russians to meddle with the election. That's not to say that there weren't concerns about the evidence we

[redacted]

were seeing, anecdotal evidence, [redacted], [redacted] But I do not recall any instance where I had direct evidence of the content of these meetings. It's just the frequency and prevalence of them was of concern.

MR. ROONEY: When you talk about anecdotal evidence of emissaries, of people that were part -- did you say part of the campaign or associated with it?

MR. CLAPPER: Well, associated with. I mean, lots of folks -- the campaign had kind of a high turnover there, so --

MR. ROONEY: And when you talk about meetings, we've met with some people in this room that were -- I guess that would fall into the category of emissaries or have some peripheral role in the campaign who had met with people of Russian origin.

I guess just trying to figure out with regard to this part of the parameters, what exactly should the Intelligence Community take from a campaign that may have emissaries or people in its universe meeting with members of the Russian world versus not seeing direct empirical evidence of collusion? How are we to answer that parameter for the future, moving forward?

MR. CLAPPER: I'm not sure I understand your question.

MR. ROONEY: I'm not sure I understand how I'm asking it either. I mean, I guess the point is or the question is, is at what time is collusion collusion and at what time is it just people that may have an affiliation with the campaign meeting or talking with, whether it

[redacted]

be the Russian ambassador or somebody that's of Russian origin, and when should that be taken as something that rises to the level of an Intelligence Community concern?

MR. CLAPPER: That's a great question, and I asked -- I really can't answer it other than the sort of visceral reaction to why all these meetings with the Russians. They are what I consider are an existential threat to this country, a country that is not interested in furthering our interests, certainly, or cooperating with us. Maybe I'm biased. You know, I'm a Cold War warrior and all that, but -- so that was of concern to me.

And certainly, it's perfectly legitimate for get-acquainted meetings, for example, with -- you know, with the ambassador or with the projected officials in the next administration. But I think there is a line there between that and violating the principle that in this country we traditionally have one President and one administration at a time. And I will tell you I had concerns about that as I watched all this before I left.

MR. ROONEY: I assume you're speaking of the General Flynn discussion with the --

MR. CLAPPER: Well, that's one, yeah. Yeah. That's one case.

MR. ROONEY: I want to talk about -- I'll skip over the third for a second and talk about briefly the fourth and then some specific questions with regard to the last election.

With the possible leaks of classified information that took place regarding the Intelligence Community assessment of these matters, can

[redacted]

you talk about that, and then maybe I'll have some specific followup questions?

MR. CLAPPER: Well, I don't -- I mean, leaks are bad, and I have spoken of this many times, publicly and in my testimony before the Senate Judiciary Subcommittee chaired by Senator Graham, made the point that leaks can be very damaging. They jeopardize sources, methods, and tradecraft, and can in some instances put assets' lives at risk. So leaks are bad.

I don't know who was responsible for these leaks. For the record, I didn't leak anything. And that was certainly one of the banes of my existence during my time as DNI.

MR. ROONEY: With regard to leaks -- if this sounds repetitive, just say so -- you stated just now that you don't believe -- that you aren't responsible for the leaks. You think that they are bad. And you said that you don't know who was responsible for those leaks. Is that correct?

MR. CLAPPER: That is correct.

MR. ROONEY: I want to talk about -- because I want to go back to leaks in a second, but before that I want to talk about this dossier -- dossier, dossier -- that Christopher Steele put together that you're familiar with that had the connection with the FBI's investigation of coordination between the Russians and the associates of President Trump. When did you first become aware of the dossier and its contents?

MR. CLAPPER: I first became aware of it when John Brennan called

[redacted]

[redacted]

me and called my attention to it. And it would have been -- it was after we started the preparation of the assessment. So it would have been sometime maybe the second week of December. I can't put an exact date, but that -- I do remember distinctly getting a phone call from John to tell me about the dossier.

MR. ROONEY: Was the material in the dossier shared with the DNI for review and comment?

MR. CLAPPER: Well, the only -- I don't know what you mean by review and comment. The only issue that came up here was how to handle it, whether to incorporate it into the formal narrative of the Intelligence Community assessment or not. And we decided to enclose a one-and-a-half-page summary of it, but not as a formal part of the Intelligence Community assessment, in the highly classified version of it.

MR. ROONEY: Before that, did the Intelligence Community, as far as you're aware, try to validate any of the dossier's sources or subsources or contents? I know you say that you added it.

MR. CLAPPER: Yeah. And the reason we handled it that way was precisely because we could not corroborate [redacted]

MR. ROONEY: Do you personally believe what's in there as --

MR. CLAPPER: [redacted]

[redacted]

[redacted] The Intelligence Community at large didn't take that on. That would be a responsibility of, if anyone, would be the FBI.

MR. ROONEY: So I know that you've testified to this before or mentioned it, and I know that this is sort of controversial, this whole scene, but adding those, what did you say, a page and-a-half or two pages when it was not corroborated the traditional way and [redacted] and there's a controversy over this, was the reason why you included it to just let the administration know that it was out there, or did you include it for some other reason?

MR. CLAPPER: No, the only purpose was to make sure that the President-elect was aware it was out there. And when we went up to brief him and his team on the 6th of January, we had deliberately planned ahead of time that we'd bring this up, but neck down just to him and to Director Comey.

And the main purpose was just to alert him that it was out there. We felt, you know, a duty to warn, if you will, that he should know.

MR. ROONEY: Do you feel like in your time in office that that would be a normal thing to do like for any President?

MR. CLAPPER: Well, this whole situation --

MR. ROONEY: Right, but --

MR. CLAPPER: -- is very abnormal. I've never seen anything like

[redacted]

it in my history, and I've worked for -- in the trenches of intelligence for every President since and including John Kennedy. I've never seen anything like it.

MR. ROONEY: Do you remember any other time in the past where you would have included stuff that was not necessarily corroborated intel to a President?

MR. CLAPPER: Yes, as long as it was so characterized. Sure. I've been asked about this before. And yes, I had occasion to brief President Obama when there was stuff out there, however uncorroborated, but just we thought he should know about it.

MR. ROONEY: How many people were there when you briefed the President or President-elect at this point?

MR. CLAPPER: On the ICA?

MR. ROONEY: Yes.

MR. CLAPPER: Well, it was the four of us: Admiral Rogers, Director Comey, John Brennan, and myself. And then it was President-elect Trump, Vice President-elect Pence, Mike Flynn, Reince Priebus. That was who was sitting at the main conference table. And then sitting along the sidelines was Mike Bossert, Mike Pompeo, Sean Spicer. I think that's it.

MR. ROONEY: Okay.

MR. CLAPPER: Tom Bossert, excuse me.

MR. ROONEY: So, based on that and getting back to the leaks --

MR. CLAPPER: Now, just one additional point. That was for the larger general briefing. And then when that was over, I think Jim Comey

[redacted]

[redacted]

said, you know, we have one more thing we'd like to discuss with you, but we'd like to do it on a one-on-one basis.

MR. ROONEY: And it was at that point you discussed the extra pages, or --

MR. CLAPPER: We didn't discuss it.

MR. ROONEY: Oh, that was something different?

MR. CLAPPER: This was -- we briefed the broad, the findings of the Intelligence Community assessment.

MR. ROONEY: Right.

MR. CLAPPER: And at the end of that, after -- which went on for an hour, I guess. At the end of that, we then -- I think it was -- and the plan was either I or Director Comey would propose necking down for one additional aspect that we just wanted to brief on a restricted basis.

MR. ROONEY: That was the Christopher Steele information?

MR. CLAPPER: Right.

MR. ROONEY: And so who was -- so were these people that you named before, were they given that intelligence too?

MR. CLAPPER: No. Well, they had -- we left a copy of the report up there, of the --

MR. ROONEY: So they all had access to it.

MR. CLAPPER: -- highly classified version, which we kept in the FBI spaces, if anyone wanted to read it.

MR. ROONEY: So the meeting after the meeting, who was there?

MR. CLAPPER: It was only, as far as I know -- I wasn't there.

[redacted]

The rest of us left. As far as I know, it was only Director Comey and the President-elect.

MR. ROONEY: Did you personally discuss the dossier or any of the other intelligence related to Russian hacking? You already said that you didn't leak it to the journalists, so I assume that's a no, correct?

MR. CLAPPER: I'm sorry?

MR. ROONEY: Did you discuss the dossier or any other intelligence related to Russia hacking of the 2016 election with journalists?

MR. CLAPPER: No.

MR. ROONEY: Did you confirm or corroborate the contents of the dossier with CNN journalist Jake Tapper?

MR. CLAPPER: Well, by the time of that, they already knew about it. By the time it was -- it was after -- I don't know exactly the sequence there, but it was pretty close to when we briefed it and when it was out all over the place. The media had it by the way. We were kind of behind the power curve, because the media, many media outlets that I understood had that, had the dossier for some time, as did people on the Hill.

MR. ROONEY: Do you have any idea how they had it, how they got it?

MR. CLAPPER: The media?

MR. ROONEY: Yes.

MR. CLAPPER: I do not.

MR. ROONEY: Like Jake Tapper and those guys. When did you first

become aware of the late December conversations between General Flynn and Ambassador Kislyak?

MR. CLAPPER: Sometime after the New Year's holiday. It would have been the first week in January. And I can't pin the date down, but it was Tuesday, Wednesday, or Thursday of that week. I don't know the exact day.

MR. ROONEY: Do you know who told you about the conversation?

MR. CLAPPER: Bob Litt, my general counsel.

MR. ROONEY: What was your response when he told you?

MR. CLAPPER: Well, I was -- I was kind of disturbed about it, frankly. We had just done -- announced sanctions on the 29th of December, you know, closing the dachas, expelling 35 of their intelligence operatives, and sanctioning some other people. So it was disconcerting, I'll put it that way, to learn of that conversation.

MR. ROONEY: Right. Did you share that --

MR. CLAPPER: Especially for me, since I have a long history with Mike Flynn.

MR. ROONEY: Well, and as you say, I mean not to editorialize here, but, you know, given our relationship with Russia over the decades, I think that, as you testified and as you stated earlier, it's certainly not something that, you know, General Flynn should have been doing, not being a member of the government.

Did you ever brief President Obama on the phone call, the Flynn-Kislyak phone calls?

MR. CLAPPER: No.

[redacted]

MR. ROONEY: Did you brief President Obama on any other intelligence involving the Trump campaign or transition team?

MR. CLAPPER: Well, we had -- by brief, I would include PDB articles that were reported. And, of course, ODNI has a responsibility for the PDB. So there was a series of reports through the summer and into the fall about, in general, Russian activity, that sort of thing.

The only time I actually had a briefing on the subject, if you want to call it that, was when the Intelligence Community assessment came out, we sent it to the White House first, my recollection is the morning of the 5th of January. And then that afternoon I had a hearing with the Senate Armed Services Committee. I remember that very distinctly. And then the next day -- because we felt obliged, since President Obama had tasked us, to brief him first.

And then the next day, we briefed the Gang of Eight here in the early morning, and then flew up to New York and briefed the President-elect and his team on the 6th of January.

MR. ROONEY: Do you know how Deputy Attorney General Yates learned of the Flynn-Kislyak phone call?

MR. CLAPPER: Well, I surmise that -- [redacted] So I'm assuming it was done under that basis.

MR. ROONEY: So you weren't with her when she learned of it? Do you know that?

MR. CLAPPER: Was I physically with her?

[redacted]

[redacted]

MR. ROONEY: Yes.

MR. CLAPPER: No.

MR. ROONEY: Okay. On January 12th of 2017, do you know how many people had knowledge of the Flynn-Kislyak phone call?

MR. CLAPPER: How many people?

MR. ROONEY: Yes.

MR. CLAPPER: No, I don't.

MR. ROONEY: Okay.

MR. CLAPPER: [redacted]

MR. ROONEY: Yeah. No, the reason for this line of questioning is we're obviously trying to figure out how something like this becomes available to people in the Washington Post and David Ignatius and the like. Do you have --

MR. CLAPPER: That's a great question.

MR. ROONEY: Okay. So you don't --

MR. CLAPPER: I don't have any --

MR. ROONEY: -- have any guidance on that?

MR. CLAPPER: I would -- I guess the inference, though, it could have been from a lot of sources.

MR. ROONEY: Yes. And that's going to lead me into my next line of questioning, which I'm running out of time. So I'm going through any questions here, a lot of which you've already answered, so if you'd just give me a second so I can skip over.

[redacted]

[redacted]

When Vice President I think elect at that point Pence defended General Flynn on television, publicly claiming that Flynn told him the calls weren't related to sanctions, did you have any communication with Vice President-elect Pence regarding the nature of those calls after he made those statements?

[10:33 a.m.]

[redacted]

[redacted]

MR. CLAPPER: No, I did not. I think that appearance, if I remember correctly, was on the 17th of January.

MR. ROONEY: Right.

MR. CLAPPER: And I was very alarmed by it after being aware of -- and all I saw, by the way, was a gist of the conversation. [redacted] But I was very concerned about it. I felt that that needed to be raised with the White House.

And I did breach that with -- I discussed it with both John Brennan and ultimately Director Comey about -- I think I did that -- I had that discussion the evening of the 19th of January. But I did not raise it directly with the Vice President-elect.

MR. ROONEY: Okay. Finally, I want to talk about unmasking, because obviously, you know, we've -- I'm the new subcommittee chairman on the NSA, along with Mr. Himes, and, you know, we've got a tough lift this fall with reauthorization.

And, you know, obviously, whether it's people on the left or people on the right, people are suspicious of the work that you guys do in the Intelligence Community, and that, you know, people are reading our emails and listening to our phone calls or, you know, in this case unconstitutionally being outed or unmasked, you know, when gathering evidence.

So to help us potentially with regard to the reauthorization, we've got a lot of information with regard to people maybe at your level or Cabinet level who can request -- and I'm not saying you do this,

[redacted]

[redacted]

but I'm saying that we've seen a wide variance on what the reason why somebody would be unmasked.

And excuse the sort of, you know, snarkiness of this, some people say, I want this person unmasked because I want them unmasked, and it's approved. And this might be more appropriate for Admiral Rogers, but -- and some people give a detailed explanation of why this person should be unmasked.

Moving forward, do you think that 702 should be reauthorized with amendments that give more detail or stay the same with regard to how a U.S. person is unmasked or a request for unmasking?

To be more clear, should the Congress reauthorize 702 with a more stringent explanation of why a U.S. person should be unmasked, even somebody as high as a Cabinet level position? Or should there be more uniformity, do you think, in the request and how it's requested?

MR. CLAPPER: Yeah. Currently, the -- for me, there's -- and I made unmasking requests not every day, but fairly often when I was -- during the 6 and a half years I was DNI and before all this came up. And really, whatever rationale people write, it really boils down to one thing, which is to understand the context of the particular SIGINT report you're reading.

So when there are references to U.S. person 1, U.S. person 2, and U.S. person 3, et cetera, it's a little hard to figure out the significance of that report. And, of course, U.S. person 1 will be a different U.S. person 1 the next report. So it's hard to read these things anecdotally or just scan through them and draw, you know, the

[redacted]

conclusions from them.

The other point important to remember is that what occasions an unmasking request is collection on a valid, foreign target, who apparently is in some sort of contact with a U.S. person.

So I did my share of unmasking. I don't know what the records were. I didn't keep records, because the practice -- the process now is that the original collecting agency is the one to whom you make a referral when you want to -- if you're an official wanting an unmasking.

And so, for me, since most of the unmasking requests that I made were a collection derived from Section 702 of the FISA Amendment Act, and so NSA would be the bean counter for that.

The only exception -- now, the question is, should there be a more rigorous process for that, where, for example, you put the DNI in charge of approving or not unmasking requests. Right now, the only population that the DNI has responsibility for governing when it comes to unmasking are Members of Congress.

And you'll recall the long -- the discussion we had in this committee which eventuated in an Intelligence Community directive, that I believe I signed out before I left, which memorialized the famous Gates memorandum in 1992 governing incidental collection of Members of Congress. But that is the only group of people that the DNI, for example, has any governance authority over.

MR. ROONEY: But do you think -- and this is my final question -- do you think that the justification for -- I get the whole U.S. person number 1, if it doesn't make sense in the context of what

[redacted]

you're reading, that it needs to be unmasked for your sake of understanding what you're reading.

But do you think that -- and what was your justification when you'd say, okay, U.S. person number 1, I want this person unmasked? Did you give details as to why --

MR. CLAPPER: No. No, I didn't.

MR. ROONEY: Do you think that you should have and people at your level?

MR. CLAPPER: Well, given the responsibilities of the DNI, I felt that if I asked for unmasking of this -- normally it would be all the people mentioned in one report, all the U.S. persons. It was to understand the context, to understand the significance. And that would be kind of the standard justification.

I think, frankly, it would be hard to write a detailed justification given the ambiguity of these reports when you read them baldly when they mention U.S. person 1, 2, 3, et cetera.

MR. ROONEY: Thank you, General.

Adam.

[redacted] Over to the minority.

MR. SCHIFF: Thank you, Mr. Chairman.

I'm going to go back over some of the areas that you've been asked about and then I've got a few areas in addition before my colleagues.

The Kremlin preference for Donald Trump, you mentioned there were three -- basically three motives the Russians had: The first was to sow discord; the second was to harm Hillary Clinton any way they could;

[redacted]

[redacted]

and the third was a preference for Donald Trump.

I've heard at least one of my colleagues, not here today but in the past, publicly cast doubt on that third conclusion that the Russians affirmatively wanted to help Donald Trump. And I think the basis of it is that briefing that we received from briefers who may not have been read in to the most sensitive intelligence, and some of the intelligence may not have been manifest until after that briefing.

And I think my colleague has, you know, a good point. It wouldn't have been the first time where we had a briefing from people who were not read into things and where we got a misleading impression. And I don't think there was my motive or intent behind it, but that is an issue.

But I want to get to the core piece, which is, you know, what will ultimately go into our report, and that is the IC's ultimate conclusion that one of the motives was to help -- affirmatively help Donald Trump. Do you have any -- do you have confidence in that assessment based on --

MR. CLAPPER: I do.

MR. SCHIFF: -- [redacted]

MR. CLAPPER: I do.

MR. SCHIFF: And you mentioned that -- and this I'm interested in as well, because I think Director Comey testified to the same thing, that the basis for the preference for Donald Trump was largely that this was a businessman and they had good history of working deals with business people.

MR. CLAPPER: That, and as Director Comey also pointed out, you

[redacted]

know, it kind of started with a very strong animus for the Clintons, particularly for Hillary Clinton, who Putin personally held responsible for fomenting what he considered an attempted color revolution in 2011. Plus, he felt just disrespected by both of the Clintons. So it started with that.

And then -- so just about anybody besides Hillary Clinton, I think, would probably be appealing to the Russians. And the fact that he was not a politician, a businessman, a dealmaker, et cetera, I think, and, you know, he apparently had prior dealings in Russia, made him more appealing to them than certainly she did.

MR. SCHIFF: Isn't it likely also, though, that the candidates' respective positions on key national security interests of the Russians would have played into their decision-making?

MR. CLAPPER: Well, I think so. I think, you know, obviously they're very interested in being free of the sanctions. When you look at it, the sanctions, in terms of impact on the Russian GDP, is actually not all that great, 1.5 to 2 percent maybe, but I think it had more to do with the image, the optic of being sanctioned and being sanctioned so uniformly by the United States and certainly European countries. So they wanted to be free of that.

MR. SCHIFF: So the receptivity to potentially revisiting the sanctions that Mr. Trump expressed on the campaign trail, that would have been attractive to the Russians?

MR. CLAPPER: Certainly, yes, it would have.

MR. SCHIFF: And if the Russians got any message from the Trump

[redacted]

campaign that they would also be receptive to a repeal of the Magnitsky Act, would that also have been attractive to the Russians?

MR. CLAPPER: Yes, and, of course, that's since come out in light of the meeting.

MR. SCHIFF: And the Magnitsky Act, was that something of very personal distaste to Mr. Putin?

MR. CLAPPER: Yes. Yes, it was. And I also think that, again, going back to why the resentment about sanctions is because it did have personal impacts on many of his oligarchal buddies, and for that matter, himself.

So it had less to do, I think, with impact on Russia as much as or more impact on him and his cronies, on top of, you know, the Panama Paper publication and the anti-doping report, which he took as personal affronts. So for all those reasons, he found Mr. Trump much more appealing.

MR. SCHIFF: Would Mr. Trump's position, his comments belittling NATO, also have been attractive to the Russians?

MR. CLAPPER: Oh, sure, absolutely.

MR. SCHIFF: And likewise, his support for Brexit or further departures from the European Union, is that consistent with Russian --

MR. CLAPPER: Absolutely. The Russians are very bent on driving wedges between and among European nations and a wedge between Europe as a collective and the United States.

MR. SCHIFF: [redacted]

[redacted]

[redacted]

[redacted]

MR. CLAPPER: [redacted]

MR. SCHIFF: [redacted]

MR. CLAPPER: [redacted]

MR. SCHIFF: I want to turn to the comments that you made today, but also in the past, with reference to what you observed on the issue of collusion. I think you testified at some point in the Senate, or maybe it was said in an open statement, that you weren't necessarily in the chain of information that was being developed by Director Comey and his investigation. Can you explain that?

MR. CLAPPER: Right. First, we didn't have any evidence of collusion certainly that met the evidentiary threshold that would make its way into the Intelligence Community assessment. That was point

[redacted]

[redacted]

one. There was nothing in the assessment, [redacted] alluding to any collusion.

My practice as DNI was to defer both to Director Mueller and then Director Comey on whether one -- when and what to tell me about sensitive criminal investigations, if they devolved to that, particularly involving U.S. persons.

MR. SCHIFF: Now, Director Comey testified in open session in March that he began a counterintelligence investigation of Trump campaign associates in July of last year.

MR. CLAPPER: Right.

MR. SCHIFF: Were you aware in July of last year that he had opened that investigation?

MR. CLAPPER: What I was aware of at that point only were the financial activities for Trump associates. That's all I knew about in the way of an investigation on the part of the FBI. I learned that informally from Director Comey.

MR. SCHIFF: And what financial activities are you referring to?

MR. CLAPPER: Well, I don't know what they were. It was questionable business deals, involving people who were allegedly Trump associates, with the Russians.

MR. SCHIFF: But the details of those business transactions or what Mr. Comey was investigating was not something that would have been brought to your attention?

MR. CLAPPER: It was not shared with me, no.

MR. SCHIFF: And whatever evidence Mr. Comey would have

[redacted]

developed between July of last year and the time you left on the issue of collusion would not necessarily have been shared with you?

MR. CLAPPER: Well, there's two conditions here: Either he had evidence and didn't share it or he hadn't developed evidence yet, and I don't know what the facts are there.

MR. SCHIFF: But he wasn't briefing you on the progress of his investigation?

MR. CLAPPER: No.

MR. SCHIFF: I just -- I ask because I want to set the limits of what you would have been aware of at the time that you were the DNI. So if there was evidence of collusion, it would not necessarily have been brought to your attention?

MR. CLAPPER: Again, I left it to the discretion of the directors, both directors that I worked with, of the FBI to make that judgment as to whether and when and what to tell me about such investigations, particularly if it was going to evolve into a criminal investigation.

MR. SCHIFF: Now, the Steele dossier contained a number of reports of interactions between Trump campaign people and the Russian Government and Russian individuals, and those were based on sources and on subsources. That dossier included reports of, you know, salacious activity in hotel rooms with the now President.

But they also contained reports that Trump campaign people were meeting with Russians and agreeing to receive damaging information about Hillary Clinton in exchange for relief from sanctions. That was also part of this, the memorandum, wasn't it?

[redacted]

MR. CLAPPER: I believe so.

MR. SCHIFF: And in that respect, there were reports of actual collusion that could be corroborated or not corroborated, but there were reports of collusion?

MR. CLAPPER: I believe that's right.

MR. SCHIFF: And reports -- you said that some of the dossier [redacted] in the sense that some of the language used by Mr. Steele's sources about the Russian derogatory view of Secretary Clinton was [redacted] --

MR. CLAPPER: Right.

MR. SCHIFF: -- about the Russian derogatory view towards Secretary Clinton?

MR. CLAPPER: Correct.

MR. SCHIFF: And Mr. Steele himself was someone known to U.S. intel, wasn't he?

MR. CLAPPER: Yes. He was certainly known to the FBI. He'd been, what I believe they considered, a credible source for at least [redacted]

MR. SCHIFF: And from what you know, the FBI thought highly of Mr. Steele?

MR. CLAPPER: I can't say that. I can just say that I do know they considered him a credible source.

MR. SCHIFF: And the report -- the dossier reports of an agreement or a sought-after agreement between the Trump campaign people and the Russians to trade dirt on Hillary for sanctions relief, is that, in

[redacted]

[redacted]

your view, corroborated at least in part by what we now know about the Don, Jr., Paul Manafort, and Jared Kushner meeting with Russian representatives?

MR. CLAPPER: It would appear so.

MR. SCHIFF: Prior to going to the meeting with the President where the presence of the meeting was necked down so that the dossier could be briefed to the President, did you have a discussion with Director Comey and others prior to that about whether to brief the President on the dossier?

MR. CLAPPER: Yes, we did.

MR. SCHIFF: And --

MR. CLAPPER: And the agreement was that one of us, at the end of it, when the briefing seemed to come to an end, that one of us would suggest to the President-elect -- I think Jim actually did it -- that we neck down, that we had something additional to discuss with him, but we thought it should be done on a one-on-one basis.

MR. SCHIFF: And why was it felt that that ought to be done on a one-on-one basis?

MR. CLAPPER: Well, again, you know, we were trying to be deferential to what was in this report. It was pretty salacious, and just thought that was a better -- a more discrete way to handle it. Again, since we [redacted] --

[redacted]

MR. SCHIFF: But it was --

MR. CLAPPER: And the main point was to let him know of its

[redacted]

existence.

MR. SCHIFF: And it was the consensus view of those who were in that pre-meeting discussion that whether it could be corroborated or not, it was important for the President to at least know of its existence?

MR. CLAPPER: Yes. We -- we, Director Rogers, Comey, Brennan, and I, caucused on that ahead of time and came to that agreement and how we would handle it.

MR. SCHIFF: And how was it determined that Mr. Comey should be the one to deliver --

MR. CLAPPER: Because the source was an FBI source, and we thought that was the logical one of us to speak to it.

MR. SCHIFF: After the meeting, did you get any readout from Director Comey about how that part of discussion went?

MR. CLAPPER: Not much. He told me later that the President-elect was very defensive about it.

MR. SCHIFF: Director Comey testified in open session about a number of meetings with the President, including one in which he was asked by the President to drop the Flynn case. Did Mr. Comey thereafter ever discuss with you that meeting with the President?

MR. CLAPPER: The only discussion I had with Director Comey about that whole subject was on the 27th of January. I was out to the Bureau for their farewell for me. And I had met briefly with Director Comey before the ceremony, and he had just received apparently a phone call from President Trump asking him to dinner. And he was, as I said

publicly, he was uneasy with that.

MR. SCHIFF: Did he tell you why he was uneasy with it?

MR. CLAPPER: Because he thought it impacted the optic, if not the substance, impacted his autonomy, the independence of his Bureau and of him as its director.

MR. SCHIFF: And I know this was after you had left, but did he ever follow up with you to tell you how that meeting went?

MR. CLAPPER: No, he did not.

MR. SCHIFF: Did anyone else ever report to you that they thought the President had asked them to do something they considered inappropriate?

MR. CLAPPER: Anyone else besides this case? This instance? Besides --

MR. SCHIFF: Besides what you've already said about Director Comey, did anyone ever reach out to you from the IC to tell you that they thought that something they were being asked to do, either by the President or by their superiors in the IC, was inappropriate?

MR. CLAPPER: I don't think so. It doesn't come readily to mind, no.

MR. SCHIFF: You were asked about the Flynn conversation. And that conversation was with the Russian ambassador?

MR. CLAPPER: Right. The one in question, on the 29th of December, was with the ambassador, yeah.

MR. SCHIFF: At the time that the sanctions were imposed, the Russians didn't react. They didn't respond. Was that contrary to

[redacted]

your expectation?

MR. CLAPPER: [redacted]

MR. SCHIFF: And was an effort made to find out why the Russians didn't react?

MR. CLAPPER: Well, we -- I think our antenna was up certainly as, you know, what's the explanation for that, and we soon learned it.

MR. SCHIFF: And by you soon learned it, what are you referring to?

MR. CLAPPER: Well, the conversation that General Flynn had the same day essentially neutering -- my characterization -- the sanctions that had just been imposed.

MR. SCHIFF: [redacted]

MR. CLAPPER: [redacted]

MR. SCHIFF: [redacted]

MR. CLAPPER: [redacted]

MR. SCHIFF: [redacted]

MR. CLAPPER: [redacted]

[redacted]

[redacted]

MR. SCHIFF: Would it be logical -- if you're looking for an explanation for the reason why the Russians didn't respond, their atypical reaction to these sanctions, and you find a conversation with a Russian ambassador, would it be logical to want to know who that Russian ambassador was talking to?

MR. CLAPPER: Yes. And, of course, he had been. -- I believe it was known that Mike Flynn was talking to Kislyak before the 29th of December.

MR. SCHIFF: So an unmasking request to find out who the Russian ambassador was talking to to explain why the Russians were not responding to U.S. sanctions, that would have been a legitimate unmasking request?

MR. CLAPPER: Well, I think it's -- it would be legitimate, in my mind, for just about any U.S. person -- I mean, this has been a standard thing we've done going back to the Soviet era, [redacted]. So it wouldn't have been done specifically.

I don't know the circumstances of the unmasking, you know. That's a better question to direct to the FBI or the DOJ.

MR. SCHIFF: But if the Russians are talking to U.S. persons and you're trying to understand why the Russians didn't respond, why the

[redacted]

[redacted]

Russians acted very atypically, it would be necessary to know who they were talking with to try to figure that out?

MR. CLAPPER: Well, as I say, Congressman Schiff, the explanation evinced itself pretty early. So we didn't have to dwell for a long time on trying to agonize over, gee, why they'd behave that way, which is, you know, very non-typical for them. We didn't have to wait very long for an explanation, at least the one that was satisfactory to me.

MR. SCHIFF: I mean, the reason I ask the question obviously, is, number one --

MR. CLAPPER: I mean, and part of this, you have to allow for, well, Russia is a bureaucracy too. It would take them some time to identify the names of people and prepare a notification to the United States.

And it's through the normal diplomatic processes by which you PNG people. It wouldn't necessarily be something that would happen overnight. But it certainly was curious that after the 29th, the 30th, the 31st, they didn't react as we would have expected them to.

MR. SCHIFF: [redacted]

MR. CLAPPER: [redacted]

MR. SCHIFF: [redacted]

MR. CLAPPER: [redacted]

[redacted]

[redacted]

MR. SCHIFF: And the second conflation is there's no evidence that I've seen in this connection that any unmasking request was inappropriate; indeed, it would've been negligent not to find out why the Russians didn't respond the way they did.

MR. CLAPPER: That's my view.

MR. SCHIFF: But the unmasking is being conflated with the leaking, which is improper. But to use the unmasking as another reason not to reauthorize 702, a statute that wasn't implicated, is yet another reason, in my view, that 702 is being assailed on a basis that really doesn't apply here.

MR. CLAPPER: That's right, Congressman Schiff. And unfortunately, this stuff is pretty arcane and technical. And I don't think the public gets into this, into the details and the technical aspects to understand the differences between a Title I FISA and the resultant unmasking and a section 702 FISA Amendment Act unmasking. And those are pretty arcane.

MR. SCHIFF: Let me turn to a couple other incidents that have happened since you left that I'd like to get your insights on. The first involves a man named Porter Smith, who recently passed away. He's the subject of a couple open source reports. And the reporting is that he was attempting to gather opposition research from foreign

[redacted]

[redacted]

hackers, likely Russian hackers, pertaining to the Hillary Clinton emails.

The allegation is also that he was in touch with Michael Flynn and others associated with the campaign, and he was putting word out essentially to these foreign hackers that he would be interested in these stolen emails, this dirt on Hillary, and what's more, he could be a conduit back to the campaign.

For the Russian hackers getting this message, Russian hackers that may be working either in concert with the Russian Government or on an ad hoc basis with the Russian Government, how would the Russian Government likely receive that inquiry? Would they see that as an opportunity? What kind of response would you think they would take?

MR. CLAPPER: Well, purely speculation, but just knowing Russians are opportunistic to a fare thee well, and also, by the way, their services are very competitive. We saw that in the run-up to the election. So any way the Russians and any one of their services saw an opportunity to exploit, to gain insight, to gain information that they could use for leverage later, they would.

MR. SCHIFF: Now, the assessment indicates that the [redacted]

MR. CLAPPER: Yes, and with deniability, because [redacted]

[redacted]

[redacted]

[redacted]

MR. SCHIFF: [redacted]

MR. CLAPPER: [redacted]

MR. SCHIFF: [redacted]

MR. CLAPPER: [redacted]

MR. SCHIFF: [redacted]

[redacted]

[redacted]

MR. CLAPPER: [redacted]

MR. SCHIFF: [redacted]

MR. CLAPPER: [redacted]

MR. SCHIFF: Okay. Well, we'll try to follow up on those lines of inquiry. Thank you.

Similar questions with respect to the public allegations about a meeting between Donald Trump, Jr., Paul Manafort, Jared Kushner --

MR. CLAPPER: And others.

[redacted]

[redacted]

MR. SCHIFF: -- and others, with Veselnitskaya, Rinat Akhmetshin, a translator, a British promoter Goldstone, we don't know even who the identity of the interpreter is. What would be necessary to find out the identity of the interpreter who was present in that meeting?

MR. CLAPPER: Well, if -- well, certainly the other participants might -- one of them might know who the translator was. Perhaps the Russian attorney would know that or the other Russian personage there, the former military officer.

I don't know if there are any kind of records kept by the Secret Service, because I think at the time of the meeting he was the nominee -- President Trump was then the nominee. So I don't know, but Secret Service would have some record of who was entering Trump Tower.

MR. SCHIFF: The meeting, as it's been laid out in the emails, provides evidence that the Russians reached out to Donald Trump, Jr., claiming to have dirt on Hillary Clinton. They did so in a trail that begins with the Russian chief prosecutor, goes to a Russian oligarch, goes from the oligarch who did business with Donald Trump to the oligarch's son, the pop singer, through the pop singer's agent to Donald Trump, Jr., and also potentially directly to Rona, the President's assistant.

Is that chain indicative of Russian tradecraft? Would the Russians be likely to use cutouts in an approach to the campaign?

MR. CLAPPER: It certainly is. And this whole thing to me was the typical soft approach, which is kind of typical of Soviet Russian

[redacted]

[redacted]

tradecraft. And I think the first entrance -- their first objective here was determine interest on the part of Donald Trump, Jr. Would he take the bait, which he did. And that's probably all they wanted to accomplish for this initial meeting.

MR. SCHIFF: And part of that -- the message he would have gotten back would have been Donald Trump, Jr., saying he would love to get the information. But also would it also have been a message that he reached out and brought other high-level people in the Trump campaign into the meeting at really a critical time when the candidate is seizing the nomination?

MR. CLAPPER: I think that simply served to amplify in the eyes of the Russians the intense interest in gathering dirt on Hillary Clinton, going to him. But he then brought in other senior officials in the campaign. So I think from their standpoint, they kind of struck gold there.

Again, I think their only objective was to determine a level of interest, and it turned out -- it appeared to be pretty intense.

MR. SCHIFF: And what's the implication of their bringing up the Magnitsky Act during that meeting where they're responding to the campaign interest and dirt on Hillary Clinton?

MR. CLAPPER: Well, all I know is what I'm reading in the media, Congressman. It appears to me that that was an objective, and perhaps what was intended was at some point some sort of quid pro quo for relief of the Magnitsky Act in return for dirt on the opposition candidate.

MR. SCHIFF: Now, if this was the initial approach, as you

[redacted]

suspect, what would you expect to follow? What would the Russians' next step likely be?

MR. CLAPPER: Well, they will, I would guess -- again, stereotypical pattern here would be they would look for some other way, some other means, and I don't know what that is, to follow up on -- given the interest. Now, again, this -- I'm purely -- I'm speculating here. I honestly don't know.

But it would be strange to me if making this soft approach -- and, of course, they did, you know, a very intricate daisy chain of personages involved in it, that they found that there was great interest in this, that they wouldn't have followed up and taken advantage somehow.

Now, I don't know -- again, I'm speculating, and I'm only extrapolating based on what I know of how the Russians typically do these things.

MR. SCHIFF: Now, in Donald, Jr.'s email, he suggested the best time would be late summer. This meeting was in June. At the end of July, the Russians began dumping the stolen Hillary Clinton emails. Could the dumping of the emails have been the Russian response, or would you expect there to have been an effort to further curry favor with the campaign by a more direct we're doing this for you, we're giving this to you?

MR. CLAPPER: Well, I'm -- again, I'm extrapolating here, but I would think they would want to achieve as much leverage as possible and make sure that there was a relationship between the attempt at

[redacted]

reaching out and their delivery in return for some commitment, I guess, on Magnitsky relief. But, again, I don't know this. I don't have any evidence of it. I'm just -- I'm surmising.

MR. SCHIFF: And if you were, again, to go about trying to determine what the IC might have in its holdings on this subject, you would want to get whatever -- you would want to search the IC database for the oligarch, the oligarch's son, the Russian lawyer, the Russian interpreter, if we can find the identity of the interpreter, and the --

MR. CLAPPER: I assume the special counsel is doing that.

MR. SCHIFF: Well, we need to do the same. And I suppose with the Russian lobbyist, who's a dual citizen. Then you would use the other procedures that you mentioned before in order to gather insight into whether --

MR. CLAPPER: Well, dual citizen is a little different category, since, you know, he can be subpoenaed and all that, I would think.

MR. SCHIFF: Are there any other steps that we should take in terms of what the IC may be in possession of that would help us determine whether there were subsequent steps the Russians took to follow up on the initial meeting?

MR. CLAPPER: Well, I can't -- off the top of my head, I can't think of any, Congressman Schiff. I think that if a specific -- as specific as can be -- as it can be made, which is hard here. But certainly, we do know some of the individuals involved in the meeting, and if there are any electronic reflections of communications, either by phone or email for many of them.

[redacted]

[redacted]

Certainly, the lawyer's presence here would govern that. I would personally be interested in that, you know, what was the basis for her visa. I believe she was here at the time as an attorney representing a company that was involved in a money laundering court proceeding. So I would certainly be interested to -- I think it would be interesting to sort of play that out.

MR. SCHIFF: Lastly, I want to, before I hand it off to my colleagues, ask you about public reports that the administration may give back these properties that were a part of the sanctions over the Russian hacking. How would the Russians interpret that? First of all, what can you tell us about how those facilities were being used? Were they being used to spy on --

MR. CLAPPER: [redacted] That's what they used it for. And so, to me, it's, you know, why do that? What have the Russians done to deserve that?

MR. SCHIFF: [redacted]

MR. CLAPPER: Oh, yeah, for years.

MR. SCHIFF: And if we were to give those properties back without obtaining anything for it, what message are the Russians likely to get from that?

MR. CLAPPER: Well, I think they'd -- I think they'd feel like a major concession that they didn't do anything for to gain. And they

[redacted]

really can't reciprocate because the comparable -- the analogous property in the -- in Russia is -- doesn't compare.

MR. SCHIFF: I'm going to hand it over to my colleagues. Do you want a break at all before we continue? We are about an hour and a half in.

MR. CLAPPER: That would be a good idea. I'm an older guy.

By the way, I do need to add to the record. On the attendees at the Trump Tower briefing on the 6th of January, the other attendee was Ted Gustaro, who was the designated briefer for President-elect Trump. He was also present since he was the custodian for the hard copy report. I just want to add that to the record.

MR. ROONEY: The minority's time ends at 20 til, but we'll certainly delay that so long as the witness needs to take a break, and then we'll go right into our 20-minute/20-minute redirects.

Thank you.

[Brief recess.]

MR. ROONEY: All right. We will go to a quarter of and then we'll get into our 20-minute/20-minute. Sir, if you want to take another break in 20 minutes, we can do that.

MR. CLAPPER: Well, I have a commitment at the SSCI to do the same thing all afternoon. So I would like to get --

MR. ROONEY: Yeah. Well, I don't have any other questions. I do want to make one thing before the minority continues on their line of questions for the next 20 minutes with regard to Title I versus 702.

I am fully aware that they are not the same thing. And I'm fully

[redacted]

aware that when we're talking about 702 we're talking about collecting on foreigners that goes through the FISA court, whereas Mr. Kislyak was here, and General Flynn is an American citizen who was here. I get that.

I'm saying that if you don't think that our job is immensely harder for reauthorizing 702 because of the unmasking of that, which wasn't 702, and I understand that, then I think that we probably need to powwow together as an Intelligence Committee and figure out how we're going to move forward.

I think it's going to make it increasingly more difficult, regardless of the fact that it was Title I and not 702. We're having trouble in our own committee getting people to agree whether or not 702 should be reauthorized.

So people upstairs, as you know, on your side of the aisle and on our side of the aisle, think that there's a government conspiracy with people like General Clapper listening to our phone calls and reading our emails.

And to minimize that as -- so that we don't understand that this was 702 versus Title I, I think misses the whole point that we've got an extremely difficult task ahead of us this fall in trying to allow the Intelligence Community to keep gathering this information.

And I get that it was Title I in this case, but they don't care upstairs. And I hope that you understand that. I hope that you understand that I understand that. And, you know, your exchange with General Clapper that this was, you know, some kind of misperception

[redacted]

on my part misses the point politically that we're going to have a really tough job with reauthorization, regardless of if it was Title I versus 702.

So I just want to make the minority clear, and I hope that you understand that I know. And as Trey Gowdy said in the open hearing, nobody out on the countryside gives a hill of beans what 702 versus Title I is. It is our job to get that reauthorized. And I hope that we can, but it's going to be very difficult with unmasking of U.S. citizens to the press.

MR. SCHIFF: And, Tom, I'm not referring to you. I understand what you're saying, and I'm not suggesting you don't appreciate the difference between the two. I am saying that I think it's part of our responsibility, you know, both here but also upstairs, to make sure people understand that unmasking is not the same thing as leaking, because right now they think it's the same thing.

MR. ROONEY: I agree.

MR. SCHIFF: And I still -- and maybe you have stuff that we haven't seen, but I still haven't seen the evidence of a systemic problem with unmasking. So while there's been a lot of talk about unmasking, and the White House likes to talk about unmasking, my concern is that the effort to push the unmasking issue is really damaging prospects for 702 when we haven't seen a problem with 702.

And so I am concerned that all this gets conflated. And I think we're in the best position in this committee to be making the case. And so I think we've got to do all we can to say, you know, what 702

[redacted]

is used for, what leaking is and how that's different from unmasking; and that, you know, the case-in-chief here, central assault on 702 was over Mike Flynn, which had nothing to do with 702. And so that's my concern. But I --

MR. ROONEY: I agree. I'm just saying that we all have to be working together. And whether or not unmasking -- the line of questioning of what I was trying to say with unmasking deals with the fact that, you know, maybe it will be an argument for the people upstairs that unmasking is important if we somehow tighten it up a bit with how people request an unmasking to go forward.

So I think all these things are things that we should be discussing together as a committee to try to get reauthorization. And that's why I asked that question of General Clapper with regard to how people are unmasked, because I honestly want to know if it can be done better. And so we'll talk about this at a later date, but I just -- I appreciate what you said.

MR. SCHIFF: And, Tom, I hope you know, I'm not trying to cast any aspersions on you.

MR. ROONEY: Well, I appreciate that.

MR. SCHIFF: You're a great member of the committee, and I think you've taken all this very seriously.

MR. ROONEY: Well, I feel like being the subcommittee chairman to the NSA that it's going to fall on myself and Jim to try to convince our colleagues upstairs why it's a good thing to reauthorize, and I think that we've got a huge hurdle to cross. So I'm probably showing

[redacted]

[redacted]

some frustration.

MR. SCHIFF: If we have any problem, I am more than willing to blame Jim Himes, but only because he's not here.

MR. ROONEY: Thank you.

MR. SCHIFF: Director, just one last question before I turn it over to my colleague. Who would hold the security clearance for White House personnel? There's been an issue raised about whether Jared Kushner should continue to have his clearance. Who would be the holder of that clearance?

MR. CLAPPER: Well, the NSC would. I mean, again, I'm responding based on my knowledge of the prior administrations. I don't know how anything works now in this administration. But the National Security Council staff would hold the clearances for people assigned there.

MR. SCHIFF: And in your experience, let's say this didn't --

MR. CLAPPER: Well, I should say, in the case of rotationals, you know, detailees from various components as opposed to sort of the permanent cadre, their clearances would probably be held by the donating donor agency. But would it have to be approved, vetted and approved by the NSC, and, again, that's --

MR. SCHIFF: So would it be an element of the IC, though, that would be the doing the review of someone's clearance if there was raised a question about whether they should retain that clearance?

MR. CLAPPER: Well, in the case -- yes, in the case of Mike Flynn, at least before, when he was in retired status after DIA, his clearance would still be held by DIA. As a matter of fact, I know that for a

[redacted]

fact.

MR. SCHIFF: But you don't know who in particular holds the clearance for Mr. Kushner?

MR. CLAPPER: I do not, because he's not a government employee prior to his appointment as an advisor. So I don't know who would hold it.

MR. SCHIFF: In your experience, and taking someone who is not the President's son-in-law, just an ordinary public servant, if they failed to disclose multiple meetings with Russians, if the allegations were correct that he had a discussion about setting up a secret back channel with the Russians through Russian diplomatic facilities, and participated in a meeting to get -- to invite Russian Government involvement in the U.S. election, would that person ever continue to hold a clearance?

MR. CLAPPER: Well, it would certainly cause great concern on the part of -- if it were just a, you know, civil service employee, for example, who were to do that, and at a minimum, at least suspend the clearance and investigate the facts and circumstances of those contacts.

Perhaps they were innocent; perhaps it was just an understandable failure of memory. You know, those things would have to be adjudicated. But until those were cleared up, and since there appears to be a pattern of it, I think that would be of concern to a clearance-granting entity.

MR. SCHIFF: With that, I yield to Ms. Sewell.

[redacted]

MS. SEWELL: So, Director Clapper, my question is really -- I have three questions really. The first question is regarding how would you characterize the nature of the Russians' interference in our election?

Would you characterize -- I mean, given the fact that -- what you knew prior to January 20th and now subsequently what has been publicly leaked or alleged, how would you characterize the nature of Russia's interference? Would you specifically constitute it a hostile act? You have obviously --

MR. CLAPPER: A what?

MS. SEWELL: A hostile act.

MR. CLAPPER: Oh.

MS. SEWELL: Would you -- given your years of experience and exposure to this type of -- you said earlier that you had never seen anything like this. So can you help us characterize --

MR. CLAPPER: Well, I will tell you how it struck me. In my 50-plus years in the intel business, I've seen a lot of bad crap -- that's a technical term -- and none that disturbed me more than this. [redacted] I remember being --

MS. SEWELL: There's no doubt in your mind --

MR. CLAPPER: -- actually being nauseous. It just viscerally affected me like nothing I've ever experienced since I got in the intel business in 1963.

[redacted]

[redacted]

MS. SEWELL: So would you say that there's no doubt --

MR. CLAPPER: So, yes, it is an assault on us. It's an attempt to undermine one of the basic pillars of this country. And everyone, regardless of party affiliation, party stripes, ought to be concerned about that.

MS. SEWELL: And what do you think is an appropriate response?

MR. CLAPPER: Well, I consider the sanctions that we ultimately did take on the 29th -- announced on the 29th of January, as merely a first step. And I think the expectation was that there would be more things done to penalize the Russians after that. But that was a good initial step, but there should have been a lot more.

[redacted]

MS. SEWELL: Do you feel like this current administration is doing what it should do in an appropriate response to this interference?

MR. CLAPPER: Well, no, I haven't seen them do anything other than to ask Putin. The President asked him, did you do it? And Putin, of course, said no. Just asking kind of bothered me.

[11:38 a.m.]

[redacted]

[redacted]

MS. SEWELL: Is there any doubt in your mind that the interference was not only purposely done by the Russians, but authorized by the highest levels of the Kremlin?

MR. CLAPPER: No doubt in my mind.

MS. SEWELL: I know that our President has said that he thinks it's Russia, and others have also interfered. How would you respond --

MR. CLAPPER: That was news to me when he made the speech in Poland, that there were others involved. Well, I don't -- I was not aware of any evidence of anybody else being involved in this other than the Russians. It was them and nobody else that we had evidence of.

MS. SEWELL: Since the dissemination of the assessment and the inauguration, more information about the Russian meddling has emerged. Most recently, you were quoted in the media saying that you don't believe that the emails associated with the meeting that Donald Trump, Jr. had took with the Russian Government lawyers are the only evidence of collusion between Donald Trump and the Russians. To the contrary, you explained -- and I think this was in Cipher Brief. To the contrary, you explained that the Russian offer to provide the Trump campaign with negative materials about their competitors certainly comports with traditional Russian tradecraft to give leverage and influence any way that they could.

In this classified venue, why do you believe that more evidence of collusion will emerge?

MR. CLAPPER: Well, I don't know that it will, but I find it hard

[redacted]

[redacted]

to believe that the entire boundary of evidence here is just bound up in those -- in that email exchange in early June of 2016. I just find that hard to believe that that was it. That was a one-time anecdote, and nothing else happened. I find that hard to accept.

MS. SEWELL: Do you believe that -- how would you characterize Donald Jr.'s -- Donald Trump, Jr.'s accepting this meeting? Was it concerning to you that he accepted it? Do you think that it's something that most folks, given the same circumstances, would?

MR. CLAPPER: I mean, his reaction, "I love it," I think it kind of, to me at least, speaks volumes.

MS. SEWELL: Was it problematic?

MR. CLAPPER: Yes, it was.

MS. SEWELL: How else would you characterize sort of the development?

MR. CLAPPER: I guess it does -- it does prove one thing, that we were not surveilling Trump Tower, because we would have known about that contemporaneously.

MS. SEWELL: So my other question really is about the emails that we received from Jared -- well, what we know about the backdrop from Kushner, the son-in-law, with respect to sort of back-channel contact with Russian officials. You commented publicly that, quote, "My dashboard warning light was clearly on, and I think that was the case with all of us in the Intelligence Community. Very concerned about the nature of these approaches to the Russian," end quote.

MR. CLAPPER: Yes, and I think John Brennan spoke to that when

[redacted]

[redacted]

he testified before your committee about the concerns we had, not understanding necessarily the content of these interactions with the Russians, but certainly what we were anecdotally seeing. Just these -- the meetings were a source of concern to all of us. So that was my comment. And this is before I left the government.

MS. SEWELL: Right.

MR. CLAPPER: That my dashboard warning lights were on just because of that.

MS. SEWELL: Since the reporter was asking about classified information, you were unable to confirm or respond in detail. [redacted]

MR. CLAPPER: [redacted]

And so that's one thing that became directly visible, where we were aware of the content of such an engagement between Flynn and Kislyak. [redacted]

[redacted]

[redacted] so it made you wonder. You know, I think any responsible official in a position like DNI or National Security Adviser, we are all concerned about it.

MS. SEWELL: I know that on March 5th you were asked whether intelligence exists that could definitely answer the question of whether there was collusion, and you said that there was no evidence of collusion at the time.

MR. CLAPPER: Well, the context of that conversation with Chuck Dodd on Meet the Press was -- that was right after the President's tweet about surveilling Trump Tower. And so that was -- the first point was to deny that. I did consult with both Director Comey and I think spoke with Rick Leggett just to be sure.

And then what I did say, that we didn't have any evidence of collusion, that was -- found its way into the Intelligence Community assessment. And there is nothing in there, in certainly the highly classified version or the unclassified version, about that.

MS. SEWELL: Do you still stand --

MR. CLAPPER: The inference is there, but I wasn't -- as I said, I was not aware, to my knowledge, of any direct content knowledge of collusion between the Trump camp and the Russians.

MS. SEWELL: And since then, you have given the context of all the stuff that's been coming out in the public domain, you did say in the Cipher Brief that, quote, "I'll leave it up to the special counsel to determine whether the legal threshold of collusion was breached, but from this layman's point of view, it certainly appears that way

[redacted]

[redacted]

to me."

Can you elaborate on what led you to --

MR. CLAPPER: No, I can't. I think the statement stands -- it speaks for itself. I don't --

MS. SEWELL: Do you stand by that?

MR. CLAPPER: I can't make a judgment about what the legal threshold, legal definition of -- or if there is one, collusion here. I can't judge that. It just looks kind of funny to me, you know, walks like a duck, quacks like a duck, it's probably collusion. But I'm just a layman. And I'm out of the government, I'm a private citizen. I don't have access to, thank God, the classified information anymore.

MS. SEWELL: No, but you have 30-plus years of experience in the IC. And what you're saying, if I can just infer, is that --

MR. CLAPPER: Well, collusion is -- again, that is a legal, much more of a legal term, and I'm not competent to make that call.

MS. SEWELL: But at the very least, would you be concerned about the pattern that we've been seeing out of this administration?

MR. CLAPPER: Sure, absolutely. I'm very concerned about it.

MS. SEWELL: My last question. To the extent that we really should be forward leaning, because we know that you've said and IC has said that the Russians will do this again, what recommendations would you make to us, as policymakers --

MR. CLAPPER: Well, a number of things.

MS. SEWELL: -- to get at this?

MR. CLAPPER: One, we absolutely positively must secure our

[redacted]

[redacted]

voting apparatus.

MS. SEWELL: And does that mean imposing minimum standards of, you know, security, cybersecurity standards?

MR. CLAPPER: Well, I mean, that would have to be legislated, I think.

MS. SEWELL: Right, right.

MR. CLAPPER: That's not something that can be done just via the executive branch.

MS. SEWELL: No, I hear you.

MR. CLAPPER: But that's point one. Secondly is educating the public, which is one of the objectives we had by publishing the unclassified version of the Intelligence Community assessment. Frustrating to some because, well, it didn't have all the substantiating information. [redacted]

So those are two big things I think we must do. I also think it might be -- as I alluded earlier, it might be useful -- in fact, I think there may be news accounts I've read about your authorization act, which injects or requires some mandatory reporting --

MS. SEWELL: Yes.

MR. CLAPPER: -- on the part of the Intelligence Community, which should be made public on a timely basis if there is any evidence that the IC detects of such interference.

MS. SEWELL: Yes, but we would limit that to Federal elections.

[redacted]

[redacted]

MR. CLAPPER: Rather than getting involved and agonizing over the politics of whether and when to go public on such interference.

MS. SEWELL: You think it should just be mandatory?

MR. CLAPPER: Yes. Then there's no doubt, and we won't have the pulling and hauling between the parties over whether it's appropriate to report or not, or the accusations that were made by some on the Hill that the Intelligence Community was being used as a tool.

MS. SEWELL: Do you think that there's sufficient checks and balances currently between the Department of Homeland Security, the FBI, ODNI, there's enough that we could really get to the heart of potential cyber attacks that would happen, or do you think that we need to put in more belts and suspenders types of provisions that --

MR. CLAPPER: Well, I'm not sure how you legislate you need to gain insight faster. You know, I think we did a reasonably good job under a very, very turbulent, controversial, politically fraught campaign. And I don't know that I could recommend to you, other than ensuring that if there is evidence detected of interference that that be promptly reported publicly.

MS. SEWELL: Thank you.

MR. SWALWELL: Thank you, Director Clapper.

When you briefed President-elect Trump about Russia's interference campaign, how would you describe his response or understanding of it?

MR. CLAPPER: Well, first of all, he was very solicitous, courteous, solicitous, even complimentary during the hour,

[redacted]

[redacted]

hour-and-a-half we were there. He really couldn't push back very much against the -- on the cyber and forensic evidence, because it was, as laid out by Admiral Rogers, pretty, pretty compelling. So we didn't hear anything about the 400-pound guy in his bed in New Jersey or any of that stuff.

He did allow as how he didn't believe in [redacted]

So I would say it was a professional exchange. He got off on wouldn't it be great if we could get along with the Russians? I said, yeah, sure, if we found some convergence of our interests. But I'm in the trust but verify camp when it comes to Russia. I mean, maybe I've just been around too long.

MR. SWALWELL: Would you describe his reaction to receiving the report as matching his public statements around Russia's interference campaign?

MR. CLAPPER: I'm sorry?

MR. SWALWELL: Would you describe his reaction to receiving the report from you and the IC privately, does it comport with or match his public statements?

MR. CLAPPER: No, it didn't, when he characterized us, inferred that we were Nazis in his press conference I think on the 10th of January, which caused me to call him. And amazingly, he took my call. I just -- I just felt I had to defend the Intelligence Community against a characterization like that.

[redacted]

[redacted]

MR. SWALWELL: What was his reaction to that?

MR. CLAPPER: Well, he was -- you know, he just said, well, you understand how I feel about this dossier. And what he wanted me to do is put out a public statement completely rebutting the dossier, which I couldn't and wouldn't do.

MR. SWALWELL: What did he ask specifically for you to do?

MR. CLAPPER: I'm sorry?

MR. SWALWELL: So he asked you to put out a statement rebutting the dossier?

MR. CLAPPER: Yes, he did. And I put out a statement explaining all that, by the way.

MR. SWALWELL: And to your knowledge, did he ask anyone else to put out a statement rebutting the dossier?

MR. CLAPPER: Well, I've read that he approached DNI Coats and Director Rogers about it, about -- well, I guess that had to do with rebutting the -- or curtailing the FBI investigation. I guess I misspoke there. So no, I don't -- I guess I can't -- I can't recall a case of which you're asking.

MR. SWALWELL: Have any parts of the dossier been proven to be false, to your knowledge?

MR. CLAPPER: No. Much of it has not been corroborated as true either.

MR. SWALWELL: That's correct. [redacted]

[redacted]

[redacted]

[redacted]

MR. CLAPPER: I don't recall him reciting the names.

MR. SWALWELL: He told you there were [redacted]

MR. CLAPPER: Yes.

MR. SWALWELL: Are you familiar with General Flynn in 2015 going to Moscow for an RT celebration?

MR. CLAPPER: I heard about it from DIA.

MR. SWALWELL: And with your knowledge in the Intelligence Community and at ODNI, what type of understanding would a former DIA director have as to who RT was and what their connection to Russia's intelligence service was?

MR. CLAPPER: Well, Mike was a career intelligence officer in the Army, and, you know, I salute his service in the Army. But he certainly knew, you know, what the -- or he should have known the Russians. I do think the Russians, even during the time he served as director of DIA, were wooing him.

MR. SWALWELL: What makes you say that?

MR. CLAPPER: I was wooed by the Russians when I was director of DIA in the early nineties, you know. And they had me come into their headquarters just like he bragged he was the first one ever. Well, no, I did in 1992, and I'm sure there were others before me. And the Russians do that.

And I think he felt he had a special cachet with the Russians, because he had -- particularly with the GRU, because he had both Special Operations and intelligence background. And he was unique that way,

[redacted]

at least in modern times, of a DIA director that had those credentials. So I think he felt that he -- he could do business with the Russians. And that's based on discussions I had with him when he was still director.

MR. SWALWELL: What did you make, just as a layperson, of General Flynn sitting next to Vladimir Putin at an RT dinner?

MR. CLAPPER: Well, I was certainly taken aback by it. I wondered what was he doing there. My understanding from DIA was he didn't exactly represent -- because they briefed him up, which is a courtesy that is offered to former directors of agencies -- briefed him up, at his request, before he went.

I don't know that he explained to them what the purpose of this trip was and whether it was paid for, all that. My impression is they didn't tell him that -- he didn't tell the DIA that.

MR. SWALWELL: And I guess not with -- as a layperson, somebody with intelligence experience, an expert opinion in the field, what do you make of him receiving payment from RT to give a speech there? Is that part of the Russian way or the soft approach?

MR. CLAPPER: It's pretty well-known what -- I believe, at least in intelligence annals, what RT is really all about. It's predominantly funded by the Russian Government as it's considered a propaganda arm. And the CEO of RT is a friend, a confidante of Putin's.

MR. SWALWELL: Finally, Director, over your 50-plus years of service to our country and in the community, when you look at the number of contacts that Donald Trump, his family, his campaign, and his

businesses had with Russia prior to the election, during the transition, and during the early part of his administration, can you put that in context with other campaigns that you've observed?

MR. CLAPPER: Well, I, first of all, wasn't in a position necessarily to observe campaigns --

MR. SWALWELL: I guess has anything like this ever landed on your radar?

MR. CLAPPER: -- as this one, going back over that 50-plus years. I just -- as I said, my dashboard warning lights were on just because of the number of these meetings that we sort of anecdotally detected, just by virtue of collection activities on foreign targets. And it was of concern.

MR. SWALWELL: Were there countries other than Russia?

MR. CLAPPER: I don't know of a case. Again, my database here isn't equally comprehensive, going back over the history of our political campaigns, but I certainly am not aware of nor have I read of that much engagement with particularly our primary adversary, the nation-state that poses an existential threat to this country, and has embarked on a very aggressive modernization campaign of their strategic weaponry, which -- and they only have one adversary in mind for. They're in violation of the INF Treaty. So, in the context of that, it makes you wonder.

MR. SWALWELL: Were there countries other than Russia that you saw the Trump campaign communicating with?

MR. CLAPPER: Yes.

[redacted]

MR. SWALWELL: Who?

MR. CLAPPER: [redacted]

MR. SWALWELL: What was the nature of those contacts?

MR. CLAPPER: I don't know.

MR. SWALWELL: Any other country?

MR. CLAPPER: [redacted]. But, again, I'm -- at least my mental database here, I don't -- I can't dredge up for you the content of those meetings.

MR. SWALWELL: Thank you.

And I thank Mr. Rooney for extending the time.

EXAMINATION

BY [redacted]:

Q Director, thank you for being here. My name is [redacted]. I'm a member of the majority staff. I just wanted to follow up on several items that we've discussed so far here today, and I'll try to be as concise as I can.

Was it your testimony earlier that you did, in fact, discuss the so-called dossier with CNN journalist Jake Tapper?

MR. CLAPPER. Well, after it was out, yeah.

Q And by out, what do you mean by that?

MR. CLAPPER. Well, once it was public. It wasn't -- you know, it wasn't like this is an Intelligence Community document or anything. This was out in the media.

Q And what were the nature of those conversations?

MR. CLAPPER. I don't remember specifically.

[redacted]

[redacted]

Q Did you discuss the dossier with any other --

MR. CLAPPER. I may -- I probably said much of what I said here, that it was not a part of our report, and the reason was because we could not corroborate the second-, third-order assets that were used, apparently, to put the dossier together.

Q Did you discuss --

MR. CLAPPER. Our primary purpose -- I do remember this -- was that we felt obliged to alert then President-elect Trump that it was out there.

Q Did you discuss the dossier with any other journalists besides Mr. Tapper?

MR. CLAPPER. I could have. I don't remember specifically talking about the dossier.

Q Now, you mentioned earlier that you issued a public statement in connection with your subsequent phone call with President Trump after the dossier leaked.

MR. CLAPPER. Right.

Q And in that statement, you said that the Intelligence Community had not made any judgment that the information in this document is reliable, correct?

MR. CLAPPER. Yes, I think that's what I said.

Q So, in retrospect, even though, given that you hadn't validated or made any judgment on the information, do you still believe it was the correct decision to include this as an annex to a compartmented report briefed to the President and President-elect?

[redacted]

[redacted]

MR. CLAPPER. Yes, I do.

Q And is that because of the duty to warn or for some other reason?

MR. CLAPPER. No, that was the basic reason. It was that he should know about it. And, as I said earlier, we did have discussion about whether should that report have been included in the report, the formal assessment itself. And our judgment was not to do that, because of the inability to corroborate, either rebut or confirm much of what was in that dossier. But yeah, I do think, for records purposes, it was important that it at least be appended to the classified version.

Q And subsequently, have you ever characterized that decision to include the dossier as an annex to the ICA as a model or exemplar for IC professionals to follow going forward?

MR. WAINSTEIN: It wasn't annexed. I believe it was a summary. That is not the whole --

[redacted]: That's right. That's right.

MR. CLAPPER. Well, I think for the highly classified version -- well, what -- that's a great question. What's a model for what is an abnormal, unusual, unique situation here? And so the reason we didn't formally include it was because of tradecraft concerns that mainly centered around veracity or the inability to verify the veracity of the sources.

BY [redacted]:

Q Now, it's been your repeated testimony today, as I understand it, that there was no -- you're not aware of any direct

[redacted]

evidence of collusion between Russia and the Trump campaign during your service as DNI. Is that correct?

MR. CLAPPER. That's right.

Q And Ms. Sewell brought up earlier in an interview you did in March with Chuck Todd of NBC, wherein you said there was no evidence of that included in our report, which you testified?

MR. CLAPPER. Yes, that's right. We didn't have evidence of collusion that met -- that found its way into the report. I did make that statement.

Q And then, after followup questions from Mr. Todd --

MR. CLAPPER. I said, not to my knowledge.

Q -- you said: At the time, we had no evidence of such collusion.

MR. CLAPPER. That's right.

Q And then subsequently, I believe --

MR. CLAPPER. That met the evidentiary bar. Again, you know, I know it's cool to take individual sentences, but you got to understand the context of the entire exchange with Chuck Todd.

Q Well, after you said, there is no evidence of that included in the report, he said, I understand that, but does it exist? And you said, not to my knowledge.

MR. CLAPPER. That's right.

Q And you were asked: If it existed, it would have been in this report? You answered, this could have unfolded or become available in the time since I left the government, implying that it

[redacted]

was not available prior to January 20th.

MR. CLAPPER. No. It could have been available, but not made available to -- it could have been -- it could have existed, but not made available to me, or it could not have existed. I don't know.

Q But you subsequently followed up, because he sort of asked several questions on this point, that at the time we had no evidence of such collusion. That is what you told him, correct?

MR. CLAPPER. That's right. We had no evidence that met the evidentiary threshold of the confidence levels that we were striving for in that community assessment.

Q But at that time, you didn't provide that additional caveat about confidence levels, correct?

MR. CLAPPER. Well, I think I did. If I recall the transcript -- I'll have to go back and re-read the transcript.

Q On March 6, you gave an interview to ABC News, where you said there was no evidence whatsoever at the time of collusion between the Trump campaign and the Russians. Do you recall telling that to ABC News, Brian Ross?

MR. CLAPPER. I didn't have any evidence -- I don't care how you want to caveat it -- of collusion.

Q Right. So in March -- that's sort of the question I'm hoping to get some clarification on -- is on two successive days in March, you said at the time, whether or not it existed, you didn't have any evidence of collusion. And I'm wondering what's changed from then until now, where it's gone from no evidence to sort of no direct

[redacted]

evidence?

MR. CLAPPER. Well, I don't see a real difference. That's just an adjective. I don't get what you're getting at here.

Q I'll move on. So --

MR. CLAPPER. And there's certainly been evidence suggestive of it that's come out. Witness the June meeting and the lead-up -- and the email exchanges.

Q Well, that was actually the next thing I was going to ask you about. When did you first become aware of the meeting between Trump campaign officials, including Donald Trump, Jr., and the Russian lawyer that's been widely reported in the press?

MR. CLAPPER. Well, I think I saw it on television whenever it came out, last weekend or whenever it was.

Q So you weren't aware of that meeting prior to January 20th?

MR. CLAPPER. No, I was not.

Q So any discussion about a quid pro quo or the assessment that there would be additional evidence out there, that's based on your judgment as an intel professional, not from any evidence, right?

MR. CLAPPER. Exactly. As I said, I just find it hard to believe that there was just this one anecdote, this one email trail for over 6 days and the meeting, and that was it, nothing else happened. I just find that kind of hard to believe.

Q And the same for the assessment that these individuals were perhaps acting as cutouts to the Russian Government or security services, that's just an assessment based on what you've read in the

[redacted]

open press?

MR. CLAPPER. Yes, that's a judgment that I've made and others have as well, experienced intelligence officers.

Q [redacted]

MR. CLAPPER. [redacted]

Q [redacted]?

MR. CLAPPER. [redacted]

Q [redacted]

MR. CLAPPER. [redacted]

Q [redacted]

MR. CLAPPER. [redacted]

Q [redacted]

[redacted]

[redacted]

[redacted]

MR. CLAPPER. [redacted]

[redacted]

Q [redacted]

[redacted]

MR. CLAPPER. [redacted]

[redacted]

[redacted]

Q You also stated that you didn't personally brief the President on this information. Is that correct?

MR. CLAPPER. I did not.

Q Do you know whether he was briefed on that conversation?

MR. CLAPPER. I don't know for sure. I can't testify to that.

Q You also said earlier that you expected -- after the measures of our government were announced on the 29th, you expected the Russian Government to reciprocate by expelling the same number of U.S. personnel from Russia. Is that right?

MR. CLAPPER. That's right.

Q [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Q [redacted]

[redacted]

[redacted]

MR. CLAPPER. [redacted]

Q [redacted]

MR. CLAPPER. [redacted]

Q Turning to the ICA, my understanding is that the date of last information was December 29th, and that it was published on January -- sent to the White House on January 5th, and published and briefed all around on January 6th.

Can you just tell us what happened between December 29th and January 5th or 6th?

MR. CLAPPER. Well, I don't --

Q Other than the New Year's holiday.

MR. CLAPPER. -- know exactly the date, but what the main -- our main involvement at ODNI was to provide top cover for the people, the cell of people, [redacted] who were putting this together, and to see if there were any internal problems, internal obstacles, and provide top cover to allow them to get their work done and to get this done.

And so they worked over holidays and all that in order to finish -- finish the ICA, because President Obama made it very clear he wanted it done before the end of his administration. So we hustled

[redacted]

[redacted]

to get it -- to comply with that direction.

Q Can you elaborate on what you mean by provide top cover? Top cover against what sort of fire?

MR. CLAPPER. Critics, outsiders, anybody that wanted to inject themselves, either internal or external to the community, and allow them to -- give them the latitude. And we didn't give them any editorial windage on the conclusions or the writing of it. We had to orchestrate some very sensitive clearance accesses among the three agencies who were involved.

Q And what was your role in reviewing, editing, adjudicating any disputes with respect to the ICA?

MR. CLAPPER. Very minimal, other than make sure it got done. I did read a draft of it, just for overall awareness and quality of the work and did the -- you know, the evidence, that did it comport on an evidentiary basis with what the stream of reporting that we'd been seeing [redacted]

And, again, I tried to -- I guess the only issue was the one confidence level that Admiral Rogers personally lowered. That was not an institutional call. That was his own personal call, and that's his prerogative.

Q And did you make any personal edits, adjustments, recommendations?

MR. CLAPPER. I did not.

Q And do you recall roughly when you had the opportunity to review the ICA?

[redacted]

[redacted]

MR. CLAPPER. I know 2:30 on the 5th of June -- the 4th of June, I guess. I don't know when it was. I reviewed it. I know I stayed quite late to review it, because I was going to brief President Obama on it on the 5th. So probably the 3rd or 4th.

Q And just for the record, that's January, not June, right?

MR. CLAPPER. Yes. If I said June, I misspoke. January.

Q So the ICA was directed on or about December 9th?

MR. CLAPPER. It was sometime during the first week of December. I don't remember the exact date.

Q And you mentioned that President Obama wanted it done prior to him leaving office.

MR. CLAPPER. Exactly.

Q In my understanding, it's not -- or often, whether we like it or not, intel products can sometimes take quite a bit longer. What was his reason for directing a hard date as to when the report had to be released?

MR. CLAPPER. He wanted it out before the end of his term to pass on to the next administration. He wanted all the reporting, or as much as we could gather up in that timeframe, and put it together in one report, as opposed to all these separate streams of reporting we had. Get it all in one place. And he wanted to hand -- his intent was to hand it off to the next administration, to the President-elect and President Trump and to the Congress. And he also mandated that, to the maximum extent possible, that we issue an unclassified version for the benefit of the public.

[redacted]

[redacted]

Q And given that the report was directed by the President on or about December 9th, and the date of information was December 29th, was there any concern that over that 20-day period that, given how quickly it was put together, that something might be missed or incorrect or rushed in any way?

MR. CLAPPER. Well, you always have that concern. It doesn't matter how long the report -- such a document takes. And there is no fixed timeline for length of time it takes to do an ICA.

Q But there was in this case, right?

MR. CLAPPER. I'm sorry?

Q There was a fixed timeline in this case, right?

MR. CLAPPER. No, I'm just saying there is no fixed dead -- there's no fixed rule book on how long it takes to do an Intelligence Community assessment.

Q So was there any concern about having a fixed timeline in this case?

MR. CLAPPER. Well, sure. I mean, the Intelligence Community operates under tight deadlines all the time. And, you know, you always are concerned about that, you know, that you've compromised accuracy or completeness, sure. But we've done estimates that take months that you have the same concern.

[redacted]: I think we just have a couple minutes left. I'm going to turn it over to my colleague, [redacted] to ask our last questions.

[redacted] Thanks, [redacted]

BY [redacted]

[redacted]

[redacted]

Q And thank you, General Clapper, for being here, and for your many years of service to our country.

Real quick, going back in time a little bit, at the end of 2015 there was a Wall Street Journal article regarding NSA collection of U.S. person information related to Members of Congress or staff. The week after that article, you came in with Admiral Rogers and you briefed the committee on the inaccuracies of the article and setting the record straight.

And at that briefing, I think majority, minority, you and Admiral Rogers all agreed on the necessity of Gates procedures.

MR. CLAPPER. Of what?

Q The Gates procedures.

MR. CLAPPER. Yes.

Q So, kind of tying it back into the idea of the sanctity, as you mentioned earlier, of our elections, but also one of the great things about our country is the peaceful transition of power.

Do you think that we should have a similar type of procedures related to the U.S. Presidential transition team or even Presidential campaigns, where the dissemination of that type of information should be informed to Congress?

MR. CLAPPER. It should be reported to Congress?

Q It's just your opinion.

MR. CLAPPER. I don't know. Again, this whole evolution is a very unusual situation. I mean, I can understand a congressional interest in it, so I guess -- I mean, I wouldn't have any reason to oppose that.

[redacted]

Put it that way.

Q Thank you. Then so fast forwarding in time, on March 1st, 2017, the New York Times published an article stating that the Obama administration rushed to preserve intelligence on Russian election hacking. And I'm quoting from the article here. It says that, "Some White House officials scrambled to spread information about Russian efforts to undermine the Presidential election and about possible contacts between associates of President-elect Donald J. Trump and Russians across the government."

So is this article accurate?

MR. CLAPPER. The opposite was true.

Q The opposite was true?

MR. CLAPPER. Yes. Because of the sensitivity, particularly for the super-duper classified version of that report, the interest was more in protecting it. So the places that had access to it were basically the three contributing agencies and ODNI.

Q So there was no effort on behalf of the administration --

MR. CLAPPER. No, not that I'm aware of.

Q -- to send this stuff all across the government?

MR. CLAPPER. No.

Q Okay. And then my final question, there was an earlier line of questioning regarding searching through NSA stores using U.S. person identifiers. And it happened to make me think about the ability for NSA to search in its stores using U.S. person identifiers, specifically in the 702 collection, which is an issue. This U.S. person query line

[redacted]

of questioning has certainly been discussed over the past few years.

Would you please explain, over your course as being DNI, why, if Congress were to put in some sort of probable cause requirement or change the way the Intelligence Community is able to search in its 702 data, how that would impact the Intelligence Community negatively?

MR. CLAPPER. Well, it would -- the immediate impact I can think of is whether, if there is an extremis situation, unless there were, you know, some safety valve there where if for whatever reason that, you know, you have to -- you want to have that outlet in case of a circumstance like that.

Q And also, just to follow up, do you know regarding the dossier that was discussed earlier, do you know who paid Mr. Steele to conduct the information or the investigation that would lead to the dossier?

MR. CLAPPER. I don't know -- well, if there was -- if there was payment for the document, and I don't know that, it would probably have been the FBI. But, again, you'd have to ask them. I don't know personally if there was some compensation arrangement there or not.

[redacted] Thank you, sir.

MR. SCHIFF: Thank you, Director. I just have a couple more questions, then I'll hand it off to my staff. We're almost at the end.

You mentioned that while Mike Flynn was the director of the DIA that the Russian intel agencies, GRU or others, had made an effort to -- and I can't remember the term you used for it.

MR. CLAPPER: Woo.

[redacted]

[redacted]

MR. SCHIFF: To woo him.

MR. CLAPPER: As they had me when I was director of DIA.

MR. SCHIFF: What efforts did they make to woo Michael Flynn? And you mentioned that he thought that he might have some special ability to cultivate that relationship. Can you describe that for us?

MR. CLAPPER: That is simply my amateur analysis, because he was very big on engaging with the GRU. He visited there and had the GRU chief visit him. I did the same thing when I served as director of DIA in the early nineties, and had an engagement with the Russians, tried to partner with them, which was completely unsuccessful.

So I have a very jaundiced view of dealing with the Russians. And I tried to impart some fatherly advice to Mike Flynn when he was engaging with them, because I said, you know, my own experience when I was the director of DIA.

MR. SCHIFF: Now, the GRU is one of the two main agencies that was involved in the hacking of emails. Do you know whether Mr. Flynn, after he left the DIA, maintained any relationship with GRU?

MR. CLAPPER: I do not.

MR. SCHIFF: Do you know whether, when he went to Moscow on the RT-supported trip, whether he also had GRU meetings?

MR. CLAPPER: I don't know that. It would have not been unusual, I think, for him, as a former director of DIA, to have met with the GRU. I doubt if they did. Well, I don't know. But, again, I don't know that he did.

MR. SCHIFF: Can you tell us a little bit about the circumstances

[redacted]

in which Mike Flynn left the DIA?

MR. CLAPPER: Well, bear in mind I'd known him a long time and I was a co-officiant at his promotion ceremony to three-star general in the Woman's Memorial, and he worked for me for about 11 months at ODNI, and was fine.

He went to DIA, and he had issues there. And my concern was his impact on the Agency. And Dr. Mike Vickers, who was my successor as Under Secretary of Defense for Intelligence, was -- for him, it was a case of flat-out insubordination. So Mike Vickers and I had a number of discussions about it, and he was adamant about ending Mike Flynn's tenure as DNI -- as DIA director. As a Defense agency, he kind of had the primacy there.

So we met with General Flynn -- I think this was in early 2014, I'll say about February of 2014 perhaps -- and laid it out for General Flynn. And he actually took it very well. He was very graceful about it. At no time was there any discussion about his strident views on ISIS. That never came up. It wasn't a topic of discussion, and it wasn't -- it didn't bear on the decision to curtail his time as DIA director. We told him he could stay until the summer of 2014, so he could get his 3 years in as a lieutenant-general, which is the minimum you need to retire in that grade.

So it was some months later, I think July of 2014, when he had a magnificent farewell, retirement and award ceremony for him, which both Dr. Vickers and I participated. And he seemed fine.

MR. SCHIFF: So you mentioned he had issues at DIA and that also

[redacted]

there was an issue of insubordination with Director Vickers. What were the issues at DIA?

MR. CLAPPER: Well, his rather erratic management style, just constantly changing things. His reorganization of DIA, which wasn't a bad idea. It actually presaged CIA's modernization, which Director Pompeo, he doesn't like that term, but, anyway, the reorganization at CIA and the setting up mission centers. And so it was a good idea, but it was -- the execution was very -- was bad, and it was very hard on the employees.

And then, of course, there was the infamous Flynn facts, where General Flynn was convinced that the Iranian Darkan [phonetic] was behind the Benghazi attack, which wasn't the case, and he kind of pounded the employees there to go find some evidence that would back up his supposition. So he had cases like that. But he was -- it was just bad for the Agency and, you know, the morale of the employees was going down.

MR. SCHIFF: In what way was he insubordinate to Director Vickers?

MR. CLAPPER: I don't know the exact issues, but it centered around the Defense Clandestine Service, which was a big important initiative for Dr. Vickers. And you'd best talk to him about it.

MR. SCHIFF: The explanation that he gave for being pushed out was that he was speaking truthfully about the threat posed by ISIS, and that that was evidently, in his view, inconsistent with the political narrative the White House wanted to tell. Did you ever see

[redacted]

[redacted]

any evidence of that?

MR. CLAPPER: No. That wasn't -- that was not a factor for me, and nothing -- you know, I didn't think he said anything untoward about that.

MR. SCHIFF: And either during or after his departure, did he demonstrate any bitterness towards the IC as a result of how he left the IC?

MR. CLAPPER: Well, not that I was aware of at the time. That's as I recounted. The last time I actually had contact with him at all, personal contact, was the ceremony I think in July of 2014.

And I never -- the next time I had any contact with him, I had two telephone conversations with him during the transition, which were professional and courteous.

MR. SCHIFF: Did he ever demonstrate a particular grudge towards the CIA?

MR. CLAPPER: Well, he had issues with the CIA when he served in Afghanistan. And that was part of the article that he had his name on, which was quite critical of intelligence in and of Afghanistan. And I think there was perhaps at that time some animus towards CIA.

MR. SCHIFF: Let me hand it over to staff now.

BY [redacted]

Q Sir, I just have two quick questions. My colleague asked you about the short timeline you had in the IC to prepare the Intelligence Community assessment of Russian interference. Sir, do you have any reason to believe the ICA contains unsupported

[redacted]

[redacted]

conclusions?

MR. CLAPPER. No.

Q And you stand by its findings?

MR. CLAPPER. I do. I did and do.

Q You mentioned also that, as you sit here today, you're not aware of direct evidence of collusion. In the email exchange outlining the meeting between the Russian Government lawyer and senior Trump campaign officials, is that evidence of at least an intent to collude?

MR. CLAPPER. Well that's -- again, from a layman's perspective only, that's what it appears to me.

Q And we look forward to, as a committee, exploring those issues, that if, in fact, damaging material is passed, as it was implied in the email, and if the campaign took any actions in response to that, does that sound like collusion?

MR. CLAPPER. Well, again, from a layman's perspective, if -- yes, it does.

[redacted] Thank you. Thank you very much, sir.

BY [redacted]

Q I just have one question.

MR. CLAPPER. Do you have a microphone? I can't hear you.

Q I'm sorry. Getting away from collusion, from an intelligence perspective, from a HUMINT recruitment cycle, counterintelligence, as you're watching these contacts and looking at it from the Russian objective, are you seeing their objectives being met?

[redacted]

[redacted]

MR. CLAPPER. Well, I can't -- I don't know, you know, specifically, because I don't have any insight into that sort of thing now. I probably wouldn't have even if I had access to classified information.

But certainly, the approach they took here is very stereotypically Soviet/Russian practice. A soft approach, plausible deniability, determine if there is interest, which there was, and that's probably all they wanted to determine for that encounter.

Q And the ICA dealt with an entire influence campaign, not one activity, but an entire campaign.

MR. CLAPPER. Right.

Q When you look at the campaign and you look at the Russians establishing a network, that would include, from your experience, both people who may knowingly be cooperating, may unknowingly be cooperating, may think they're building world peace, et cetera, but meanwhile that can all, from Putin's perspective, all work to accomplish his objectives?

MR. CLAPPER. Yes. And I think John Brennan has spoken to that, that people can be recruited and coopted, perhaps unwittingly, until it's too late. And that is, again, the soft approach that Russians have long used.

[redacted] I have no other questions. Thank you.

[redacted] That's it, sir. Thank you.

MR. SCHIFF: Director, thank you very much for your service and for coming in again.

[redacted]

[redacted]

MR. CLAPPER: Sure. Thank you.

[Whereupon, at 12:32 p.m., the interview was concluded]

[redacted]