

# HEARING ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT

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## HEARING BEFORE THE SELECT SUBCOMMITTEE ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT OF THE COMMITTEE ON THE JUDICIARY U.S. HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTEENTH CONGRESS FIRST SESSION

THURSDAY, MAY 18, 2023

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## HEARING ON WEAPONIZATION OF THE FEDERAL GOVERNMENT

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Thursday, May 18, 2023

HOUSE OF REPRESENTATIVES

SELECT SUBCOMMITTEE ON THE WEAPONIZATION OF THE  
FEDERAL GOVERNMENT

COMMITTEE ON THE JUDICIARY

*Washington, DC*

The Subcommittee met, pursuant to notice, at 10:05 a.m., in Room 2141, Rayburn House Office Building, Hon. Jim Jordan [Chair of the Subcommittee] presiding.

*Present:* Representatives Jordan, Issa, Massie, Stewart, Stefanik, Johnson of Louisiana, Gaetz, Armstrong, Steube, Bishop, Cammack, Hageman, Plaskett, Lynch, Sanchez, Wasserman Schultz, Connolly, Garamendi, Allred, Garcia, and Goldman.

*Also present:* Representative Biggs.

Chair JORDAN. The Subcommittee will come to order.

Without objection, the Chair is authorized to declare a recess at anytime.

We welcome everyone to today's hearing on the Weaponization of the Federal Government.

The Chair now recognizes the gentleman from the great State of Utah to lead us in the Pledge of Allegiance.

ALL. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Chair JORDAN. The Chair now recognizes himself for an opening statement.

Politics is driving the addenda in Federal agencies. If you don't believe me, just read the Durham Report from three ago. No probable cause, no predicate, no evidence whatsoever, but the FBI opened a case, took a dossier, a dossier they knew was false, from a political campaign, from the Clinton campaign, to spy on a Presidential candidate and American citizens. Here's the key line from the Durham Report, "The FBI failed to uphold their mission of fidelity to the law."

They didn't follow the law. Didn't have probable cause or evidence to do what they did, an agency focused on politics.

I would argue today it's even worse, because today it's not just predial campaigns. Today it's the American people. They're the target. You're not politically correct, you're not in line with what they think should be the political position, the proper position, you're

the target. Parents attending a school board meeting, pro-lifers praying at a clinic, or Catholics simply attending mass, you could be a target.

Maybe what's just as frightening is if you're one of the good employees in our government who come forward to talk about the targeting, you then become a target. You face retaliation. If you're one of those—and I think there are thousands and thousands of good employees working across our country in the FBI and other agencies. If you're one of those good employees, driven by your commitment to the Constitution and your conscience and you come forward, they're going to come after you.

If you come forward and tell us about the radical, traditional Catholic memo, you come forward and tell us about this idea they're going to create some snitch line to report on parents going to school board meetings, you do that, they will try to crush you. They will retaliate against you. They're coming after you.

These guys today, they were brave enough. They took their oath seriously. They believe in the Constitution, the Bill of Rights, and the rule of law. They came forward and I want to thank them for doing it. Because they did, man, oh, man, have they faced retaliation.

Mr. O'Boyle was selected for a new unit, moved his family from Kansas to Quantico, Virginia. The first day he arrives here, after being selected for this new unit, serving in our military, serving well in the FBI, the first day he arrives here, they tell him his clearance is suspended. He can't get his belongings for his family. Can't get his clothes. Can't get his children's clothes, four kids and a two-week-old newborn.

Mr. Friend raised concerns about using the SWAT team to arrest someone who was willing to turn themselves in, and the FBI takes his clearance. Wouldn't even let him get access to his firearms training records, which he needs to get employment.

Mr. O'Boyle's went 200-and-some days without getting paid. Mr. Allen's went 450 days without getting paid. This is the kind of retaliation they have faced for coming forward and telling us the truth.

For Mr. Allen, he lost his clearance for simply doing his job, compiling case-related research, using open-source material, news, and articles and passing them on to people working the case. They didn't like some of the material he passed on—450 days without pay.

The retaliation isn't limited to the FBI. Democrats on this Committee also engaged in it. They leaked parts of these guys' interviews to the press. The press reported on it. Then the press had to issue corrections, *The Washington Post*, *The New York Times*, and the *Rolling Stone*, because what the Democrats told them wasn't accurate. What they reported wasn't accurate.

That's why Mr. Allen would only let Republicans talk to him. He said, "I've seen what's going on. I want to be there to provide it to the Republicans."

We've talked to over two dozen whistleblowers. People have come to us. We've interviewed several of those. Today three of them, three of those brave whistleblowers and the lawyer who represents them will tell us their story. They will tell us what happened, what

they saw, and then what happened to them because they were courageous enough to report it to Congress.

I just want to tell you guys. Get ready. Get ready because these guys are going to come after you. You know they are. Last hearing we had, we had two journalists, Democrats. Two Democrat journalists sat right where you guys did, and these guys tried to get them to divulge their sources. Someone needs to tell them how the First Amendment works.

Oh, while Mr. Taibbi, one of those award-winning journalists, sitting right where you were sitting, was testifying, guess what else was happening? The IRS was knocking on his door.

So, get ready. I know you're up to the task, because you came forward in the first place.

Thank you for your commitment to the Constitution, the First Amendment, the rule of law, and for your willingness to come forward and tell Congress what you've seen, what you've witnessed. Thank you for doing that.

Mr. Leavitt, thank you for representing them. We appreciate that.

Now, I yield to the Ranking Member for an opening statement. Ms. PLASKETT. Thank you, Mr. Chair. Good morning.

Today is our fourth hearing in this Select Committee. In our previous three hearings, we've heard my Republican colleagues and their witnesses downplay the danger of extremism in America, suggesting that the 2020 election was stolen and claimed that January 6th was anything other than an attempted insurrection, anything other than domestic terrorism.

From what I can glean about today's hearing—and I'm going to say "glean," because my Republican colleagues don't really want to us work together. They give us the bare minimum notice for hearings, no subject indicated. We learn who the hearing witnesses is from British tabloids. That's not normal in the House of Representatives.

One must wonder: Are Republicans scared of giving us the information so that we can do our own due diligence on these conspiracy theories, these ideas that they want to put forward? Indeed, today's hearing will be more of the same.

Perhaps they're too far gone to realize that, in fact, this hearing is evidence, as if we needed anymore that MAGA Republicans are a threat to the rule of law in America.

Less than two months ago, former President Trump, facing mounting investigations into his many alleged crimes, declared that, "Republicans in Congress should defund the DOJ and the FBI until they can come to their senses."

We all know that when Trump says jump, the Republicans in the House say how high. So, here we are on Police Week, watching House Republicans jump to lay the foundation to defund law enforcement.

My colleagues on the far right are on a mission to attack, discredit, and ultimately dismantle the FBI. This is defunding the police on steroids.

As part of their mission, my colleagues have brought in these former agents, men who lost their security clearances because they were a threat to our national security, who out of malice or igno-

rance or both have put partisan agenda above the oath they swore to serve this country and protect its national security.

It is everyday American taxpayer who's bearing the burden of this circus-like hearing. A year ago, Republicans promised that if they won control of Congress, they would focus on kitchen table issues like bringing down inflation. Now, we got a bait and switch.

Instead of trying to make their constituents lives' better, they're wasting time and taxpayer dollars on an endless, fruitless string of partisan investigations.

Instead of working to make America more secure, they're manufacturing opportunities to attack law enforcement agencies, even and especially on the same week that we are remembering those law enforcement personnel who lost their lives in the line of duty.

We are assembled today to hear conspiracy theories and speculations. We're going to hear alternative facts, actions and events taken far out of context. When they lack support for a baseless allegation, get this. My Republican friends will cite the absence of evidence of evidence of a cover-up. Any suggestion that Chair Jordan's witnesses are anything but victims of an oppressive, dystopia government will be met with mock outrage.

So, what we all know what we are about to see. The real question, the real thing that Americans need to be focused on is why.

My Republican colleagues would like me and others to believe that they've suddenly found religion when it comes to misconduct in law enforcement. Give me a break.

When the FBI is rifling through personal correspondence of people of color, when law enforcement tries to push policies to limit the freedom of people practicing a different religion, or unjustly pursuing people in cars who look like Philando Castile or my children or who are just going about their business or breaking down the doors of people's homes like Breonna Taylor, do you think my Republican colleagues care about that? They don't bat an eye.

When the FBI investigates conservative Christian White, men who are actually threatening violence, suddenly my Republican colleagues are rushing to defund the police. The reason we're here today is because Chair Jordan wants to make America Trump again. My Republican colleagues aren't here, representing their constituents, not my constituents. They're representing Donald Trump. They're acting as his defense attorney, his campaign operative, and everything in between.

This Committee, this Select Committee is a clearinghouse for testing conspiracy theories for Donald Trump to use in his 2024 Presidential Campaign.

What's clear from these hearings is that Donald Trump knows, just as well as I do, that the danger to him and his MAGA movement is the rule of law. That's why this Committee is working so hard to undermine the rule of law. That's why Donald Trump asked Jordan and others on this Committee to waste our time and taxpayer money, asked the Speaker of House to attack the Manhattan District Attorney, Alvin Bragg, for having the audacity to indict the former President on 34 counts of fraud. That's why this Committee hasn't given up its stolen election talking points.

Now, here we are today, going after the FBI on Donald Trump's behalf. This is not a Committee on the Weaponization of Govern-



ment. This is a Committee for the Weaponization of Government. This Select Committee is clearly focused on undermining law enforcement so extremists can undermine our elections through corruption and control our government through threats of political violence.

I hope Democrats, as well as Republicans, watch and listen this morning, because this hearing will demonstrate far better than any opening statement ever could that outside of Washington, the real divide in America is not between Democrats and Republicans. It's between people who love this country, who believe in the rule of law, who want to follow the law, and those who will fight to make our union more perfect and the people who want to tear it down the rule of law and betray our Constitution for personal, as well as political gain.

I yield back.

Chair JORDAN. The gentlewoman yields back.

Without objection, all other opening statements will be included in the record.

We will now introduce today's witnesses.

Mr. Garrett O'Boyle. Mr. O'Boyle's a whistleblower, an FBI Special Agent, most recently in the Wichita Resident Agency of the Kansas City Field Office. Prior to becoming an FBI agent, Mr. O'Boyle served our Nation as an infantryman in the United States Army for six years.

In the Army, Mr. O'Boyle was deployed to both Iraq and Afghanistan. He received numerous service wards include the Combat Infantryman Badge. Mr. O'Boyle received an Honorable Discharge from the Army.

Upon leaving, Mr. O'Boyle continued his commitment to public service, serving as a police officer in Waukesha, Wisconsin, for four years.

Mr. O'Boyle joined the FBI in 2018. As an FBI agent, Mr. O'Boyle was selected to serve on the Joint Terrorism Task Force and the SWAT team. Mr. O'Boyle graduated cum laude from Marquette University with a degree in criminology and law studies.

The FBI questions his loyalty to the Constitution and to our country.

Mr. Friend is a whistleblower and an FBI Special Agent, most recently in the Daytona Beach Resident Agency of the Jacksonville Field Office.

Prior to becoming an FBI, in 2014, Mr. Friend served as a police officer in Savannah, Georgia, in Pooler, Georgia. As an FBI agent, Mr. Friend spent seven years working human trafficking investigations and investigating crimes against children. Prior to blowing the whistle in 2022, Mr. Friend had received several awards from the FBI for his performance. Mr. Friend is a graduate of the University of Notre Dame.

Again, after this service to our country, the FBI questions his loyalty to the country.

Mr. Allen is a whistleblower and Staff Operations Specialist with an FBI—with the FBI Charlotte Field Office. Mr. Allen served 20 years—has 20 years of experience as an Intelligence Professional in the FBI, in the United States Armed Services.

Prior to joining the FBI, Mr. Allen served in the United States Marine Corps including service in Iraq, Kuwait, and Japan. In the Marines, Mr. Allen received several awards including the Navy and Marine Corps Commendation Medal and the Navy and Marine Corps Achievement Medal.

Mr. Allen received an honorable discharge from his Marine Corps duty. Again, the letter we got from the FBI, they're questioning his commitment to our country. I find that astounding.

Prior to blowing the whistle, Mr. Allen received several awards from the FBI including being selected as Employee of the Year for the Charlotte Field Office in 2019. Mr. Allen holds a Bachelor of Arts Degree from American Military University.

Mr. Tristan Leavitt. Mr. Leavitt is an attorney and the President of Empower Oversight, an organization dedicated to enhancing independent oversight of government and corporate wrongdoing.

Prior to joining Empower Oversight, Mr. Leavitt was a Senate-confirmed member of the United States Merit System Protection Board which adjudicates whistleblower retaliation claims.

Mr. Leavitt also served as the Principal Deputy Special Counsel at the Office of the Special Counsel which enforces special whistleblower laws.

Early in his career, Mr. Leavitt was a counsel for Senator Grassley on the Senate Judiciary Committee and staffer on the House Oversight and Government Reform Committee. He's graduate of Brigham Young University and Georgetown University Law Center and is considered an expert on the whistleblower law.

As far as I know, the FBI hasn't questioned his loyalty to the country.

We welcome our witnesses and thank them for appearing today. We will begin by swearing you in.

Would you please stand and raise your right hand?

Do you swear or affirm under penalty of perjury that the testimony you're about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

Let the record show that each witness answered in the affirmative.

Thank you. Please be seated.

Please know that your written testimony will be entered into the record in its entirety. Accordingly, we ask that you summarize your testimony in approximately five minutes. We're going to give you plenty of time. If you can keep it around five minutes, great. If you go over, no worries there.

We will start with Mr. O'Boyle.

Mr. O'Boyle, you're recognized for your opening statement.

#### **STATEMENT OF GARRET O'BOYLE**

Mr. O'BOYLE. Chair Jordan, Members of the Committee, thank you for addressing FBI malfeasance and allowing me to speak today.

Aside from that point of gratitude, I am sad, I am disappointed, and I'm angry that I have to be here to testify about the weaponization of the FBI and DOJ, weaponization against not only its own employees, but against those institutions and individuals that are supposed to protect the American people.

I am here today because, even though I am wrongfully suspended from the FBI, I remain duty bound to the American people to play my small role in rectifying these issues. After all, I never swore an oath to the FBI. I swore an oath to the Constitution.

I've served my Nation and community my entire adult life, first in the United States Army, then as a police officer, and last as an FBI Special Agent.

Shortly after high school, I joined The United States Army where I served in the infantry, and I was quickly promoted through the ranks. I deployed to both Iraq and Afghanistan in support of Operation Iraqi Freedom. I served in the historic 101st Airborne Division.

I received the Combat Infantryman Badge, which is awarded to those infantrymen who engage in ground combat with our Nation's enemies. The Army's official motto is, "This we'll defend."

Along with numerous others, I volunteered to serve this Nation, risking my life in combat to protect America and her values. I know some of the best men and women this country has to offer. They come from all background, races, and creeds. They helped mold me into the person I am today. Each was willing to sacrifice, and many did to protect this great Nation. It is our duty to honor their sacrifices by standing up for what is right, regardless of the difficulty.

After serving in the Army, I became a police officer. Police officers, like me, are imperfect beings. We strive to uphold the law and the Constitution, people who go to work every day, trying make their communities better, yet who nonetheless are faced with budgets cuts and calls for defunding as we continue spiraling away from law and order as a Nation.

While serving as a police officer, I finished my Bachelor's Degree, graduating with honor in criminology and law studies. I began the long road to becoming an FBI Special Agent, a position I once understood to be the pinnacle of law enforcement and a way to continue to serve this Nation and protect and defend the Constitution.

During my four years as a Special Agent, I received the highest annual review an employee can receive. I volunteered for, tried out for, and was select for an FBI SWAT team. I also volunteered for, tried out for, and was selected for a new unit the FBI created. I also received an award for my work on an antiabortion extremism case.

I've been smeared as a malcontent and subpar FBI employee. This smear stands in stark contrast to my life in public service. This smear campaign, disgusting as it is, is unsurprising. Despite our oath to uphold the Constitution, too many in the FBI aren't willing to sacrifice for the hard right over the easy wrong. They see what becomes of whistleblowers, how the FBI destroys their careers, suspends them under false pretenses, takes their security clearances and pay with no true options for recourse or remedy. This is by design. It creates an Orwellian atmosphere that silences opposition and discussion.

We know what is right to do, yet we too often refuse to do what is right because of the difficulty and suffering it incurs. I couldn't knowingly continue this path silently without speaking out against

the weaponization I witnessed, even if it meant losing my job, my career, my livelihood, my family's home, and now my anonymity.

It's up to the Members of this Committee, current and former FBI employees, and, indeed, all Americans to ensure the weaponization of our own government against the people comes to an end, no matter the personal cost.

As James Madison prudently opined,

In framing a government which is to be administered by men over men, the great difficulty lies in this. You must first enable the government to control the governed. In the next place, oblige it to control itself.

The safeguards currently in place at the FBI are clearly inadequate and must be reworked to protect whistleblowers and others who are inappropriately targeted. The FBI can extract whatever they want from me. I'm willing to bear that burden. I've sworn to defend this country from enemies, both foreign and domestic, even if that means sacrificing my life. I've lived that oath out since first enlisting in the Army, consistently saying, "Here am I. Send me."

My oath, however, did not include sacrificing the hopes, dreams, and livelihood of my family—my strong, beautiful, and courageous wife and our four sweet and beautiful daughters who have endured this process along with me.

In weaponized fashion, the FBI allowed me to accept orders to a new position halfway across the country. They allowed us to sell my family's home. They ordered me to report to the new unit when our youngest daughter was two weeks old. Then on my first day on the new assignment, they suspended me, rendering my family homeless. They refused to release our goods, including our clothes, for weeks.

All I wanted to do was serve my country by stopping bad guys and protecting the innocent. To my chagrin, bad guys have begun running parts of the government, making it difficult to continue to serve this Nation and protect the innocent. I, for one, will never stop trying. I will never forget my oath.

Thank you.

[The prepared statement of Mr. O'Boyle follows:]

**Testimony of Garret O'Boyle**  
**Before the Select Subcommittee on the**  
**Weaponization of the Federal Government**

May 18, 2023

Chairman Jordan, members of the committee, thank you for addressing FBI malfeasance and allowing me to speak today. Aside from that point of gratitude, I am sad, I am disappointed, and I am angry that I have to be here to testify about the weaponization of the FBI and DOJ. Weaponization against not only its own employees, but against those institutions and individuals that are supposed to protect the American people. I am here today because even though I am wrongfully suspended from the FBI, I remain duty bound to the American people to play my small role in rectifying these issues. After all, I never swore an oath to the FBI. I swore my oath to the Constitution.

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After serving in the Army, I became a police officer. Police officers, like me, are imperfect beings, but we strive to uphold the law and the Constitution. People who go to work every day trying to make their communities better, yet who nonetheless are faced with budget cuts and calls for defunding as we continue spiraling away from law and order as a nation.

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I couldn't knowingly continue on this path silently without speaking out against the weaponization I witnessed even if it meant losing my job, my career, my livelihood, my family's home, and now, even my anonymity. It's up to members of this committee, current and former FBI employees, and indeed all Americans, to ensure that the weaponization of our own government against the people comes to an end; no matter the personal cost.

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All I wanted to do was serve my country by stopping bad guys and protecting the innocent. To my chagrin, bad guys have begun running parts of the government making it difficult to continue to serve this Nation and protect the innocent. But I for one, will never stop trying. And I'll never forget my oath.

Chair JORDAN. Thank you, Mr. O'Boyle.

God bless you.

Mr. Friend, you're recognized for your opening statement.

# **STATEMENT OF STEVE FRIEND**

Mr. FRIEND. Thank you, Chair Jordan and the Members of the Committee.

My name is Steven Friend. I'm a Senior Fellow for the Center for Renewing America. Prior to assuming my current position, I was a Special Agent for the Federal Bureau of Investigation for 8½ years.

During that time, I investigated approximately 200 violent crimes such as aggravated assaults, murder, child abuse, rape, robbery, child molestation, child pornography, and human trafficking. I also served five years on an FBI SWAT team and spent five years as a local law enforcement officer in the State of Georgia.

In August 2022, I made protective whistleblower disclosures to my immediate supervisor, Assistant Special Agents in Charge, and Special Agent in Charge about my concerns regarding January 6th investigations assigned to my office. I believed our departures from case management rules established in the FBI's Domestic Investigations and Operations Guide could have undermined potentially righteous prosecutions and may have been part of an effort to inflate the FBI's statistics on domestic extremism.

I also voiced concerns that the FBI's use of SWAT and large-scale arrest operations to apprehend suspects who were accused of non-violent crimes and misdemeanors represented by counsel and who pledged to cooperate with the Federal authorities in the event of criminal charges created an unnecessary risk to FBI personnel and public safety.

At each level of my chain of command, leadership cautioned that, despite my exemplary work performance, whistleblower placed my otherwise bright future with the FBI at risk.

Special Agents take an oath to protect the U.S. Constitution. The dangers of Federal law enforcement overreach were hammered home to me when I was required to attend training at the Holocaust Memorial Museum and MLK Memorial. I cited my oath and training in my conversations with my FBI supervisors. Nevertheless, the FBI weaponized the security clearance processes to facilitate my removal from active duty within one month of my disclosures.

In addition to indefinite unpaid suspense, the FBI initiate add campaign of humiliation and intimidation to punish and pressure me to resign. In violation of HIPAA, individuals at the FBI leaked my private medical information to a reporter at *The New York Times*.

In violation of the Privacy Act, the FBI refused to furnish my training records for several months. To date, they only provided a portion of the records which are essential to obtaining private investigator and firearms licenses in the State of Florida.

Even after releasing some of the records, the FBI refuses to confirm their legitimacy to the Florida Department of Agriculture, rendering the few documents they have provided practically useless.

The FBI denied my request to seek outside employment in an obvious attempt to deprive me of the ability to support my family.

Finally, the FBI Inspection Division imposed an illegal gag order in an attempt to prevent me from communicating with my family and attorneys.

Working as an FBI Special Agent was my dream job. My whistleblowing was apolitical and in the spirit of upholding my oath. Nonetheless, the FBI cynically elected to close ranks and take the messenger.

The FBI is incentivized to work against the American people and in dire need of drastic reform, particularly in these areas. The Integrated Program Management System incentivizes the use of inappropriate investigatory processes and tools to achieve arbitrary statistical accomplishments.

Mission creep within the National Security Branch has refocused counterterrorism from legitimate foreign actors to political opponents within our borders.

The FBI weaponizes process crimes and reinterprets laws to initiate pretextual prosecutions and persecute its political enemies.

Bureau intelligence analysis capability increasingly dictates operations, turning the FBI into an intelligence agency with a law enforcement capability.

FBI collusion with big tech to gather intelligence on Americans, censor political speech, and target citizens from malicious prosecution.

A dysfunctional promotion process fosters a revolving door of inexperienced, ambitious FBI supervisors ascending the management ladder within the agency.

FBI informant protocols that are broken and abusive.

The FBI skirts the Whistleblower Protection Act and exploits the security clearance revocation process to expel employees who make legally protected disclosures.

I am pleased to see the Weaponization Committee is taking testimony from FBI whistleblowers. I would also like to take this opportunity to address correspondence recently received by the Subcommittee. Yesterday, May 17, 2023, FBI Acting Assistant Director Christopher Dunham submitted a letter to this Subcommittee. Portions of his letter concerned the suspension and revocation of my security clearance.

Parenthetically, I also received a letter from the FBI Executive Assistant Director Jennifer Moore yesterday, notifying me that my security clearance was revoked. I find the timing of these letters dubious, but leave that up to the Subcommittee's determination.

Instead, I would like to address and add vital context to the portions of Mr. Dunham's letter pertaining my violation of Adjudicative Guideline J. Mr. Dunham is referring to an audio recording I created of my August 23, 2022, meeting with Jacksonville Assistant Special Agents in Charge, Coult Markovsky and Sean Ryan.

After making protective whistleblower disclosures to my immediate supervisor on August 19, 2022, ASAC Markovsky summoned me to a meeting at the FBI Jacksonville office. ASAC Markovsky told me the meeting was intended to be an opportunity to discuss my concerns. I anticipated the meeting might ultimately lead to my executive managers attempting to compel me to participate in an



activity which placed public safety at risk. I was concerned ASAC Markovsky and ASAC Ryan may threaten adverse actions toward my career, a result of my whistleblower disclosure.

Prior to the meeting, I consulted Florida law to confirm that a law enforcement exemption exists for State two-party consent restriction. I decided to record the meeting to memorialize our discussion and my concerns about the FBI's misconduct.

When I entered the FBI Jacksonville office building, ASAC Markovsky and ASAC Ryan were having a private meeting. I waited for them in the conference room. When they entered, all of us placed our cellular phones on the conference table. As an experienced investigator who has conducted hundreds of recorded interviews, I noted how both ASAC Markovsky and ASAC Ryan repeated themselves through our discussion and continually insisted I agree to their premise that I was insubordinate in refusing to perform my job.

I rebuffed each allegation and repeated that I believed I was fulfilling my oath of office by making my disclosure about the FBI's rule departures and the inappropriate risk to public safety via aggressive arrest tactics for January 6th subjects. It was my sincere belief that my ASACs were also recording our conversations.

In January 2023, I participated in an interview with the FBI Security Division. During that interview I was asked if I recorded my August 23, 2022, meeting with ASAC Markovsky and ASAC Ryan. I answered honestly that I had. Although it would seem to be an obvious and natural followup, the FBI Security Division interviewers did not request a copy of the recording.

FBI Security Division should be gravely concerned if executive managers threaten subordinate whistleblowers with adverse action. I submitted that this omission by the FBI Security Division solidifies my contention that ASACs Markovsky and Ryan created their own recording of our meeting.

The FBI was not concerned about potential whistleblower retaliation. The bureau was only interested in learning if these actions were at risk of exposure.

I pray that all members consider the information I and my fellow whistleblowers present. You may think I am a political partisan. You may think I am a grifter. You may think I'm a conspiracy theorist. It does not matter. Simply put, this Committee should avoid the temptation to impugn the character and the motivations of the messengers seated before you.

I sacrificed my dream job to share this information with the American people. I humbly ask all the Members to do your jobs and consider the merit of what I have presented.

Thank you.

[The prepared statement of Mr. Friend follows:]

**Stephen Friend Testimony**

Thank you, Chairman Jordan and members of the committee. My name is Stephen Friend. I am a Senior Fellow for the Center for Renewing America. Prior to assuming my current position, I was a special agent for the Federal Bureau of Investigation for eight and a half years. During that time, I investigated approximately 200 violent crimes such as aggravated assaults, murder, child abuse, rape, robbery, child molestation, child pornography, and human trafficking. I also served 5 years on an FBI SWAT Team and spent 5 years as a local law enforcement officer in the state of Georgia.

In August 2022, I made protected whistleblower disclosures to my immediate supervisor, Assistant Special Agents in Charge, and Special Agent in Charge about my concerns regarding January 6<sup>th</sup> investigations assigned to my office. I believed our departures from case management rules established in the FBI's Domestic Investigations and Operations Guide could have undermined potentially righteous prosecutions and may have been part of an effort to inflate the FBI's statistics on domestic extremism. I also voiced concerns that the FBI's use of SWAT and large-scale arrest operations to apprehend suspects who were accused of nonviolent crimes and misdemeanors, represented by counsel, and who pledged to cooperate with the federal authorities in the event of criminal charges created an unnecessary risk to FBI personnel and public safety.

At each level of my chain of command, leadership cautioned that despite my exemplary work performance, whistleblowing placed my otherwise bright future with the FBI at risk. Special agents take an oath to protect the US Constitution. The dangers of federal law enforcement overreach were hammered home to me when I was required to attend trainings at the Holocaust Memorial Museum and MLK Memorial. I cited my oath and training in my conversations with my FBI supervisors. Nevertheless, the FBI weaponized the security clearance processes to facilitate my removal from active duty within one month of my disclosures.

In addition to an indefinite, unpaid suspension, the FBI initiated a campaign of humiliation and intimidation to punish and pressure me to resign. In violation of HIPPA, individuals at the FBI leaked my private medical information to a reporter at the *New York Times*. In violation of the Privacy Act, the FBI refused to furnish my training records for several months. To date, they only provided a portion of the records, which are essential to obtaining private investigator and firearms licenses in the state of Florida. Even after releasing some of the records, the FBI refuses to confirm their legitimacy to the Florida Department of Agriculture, rendering the few documents they have provided practically useless. The FBI denied my request to seek outside employment, in an obvious attempt to deprive me of the ability to support my family. Finally, the FBI Inspection Division imposed an

illegal gag order in an attempt to prevent me from communicating with my family and attorneys.

Working as an FBI special agent was my dream job. My whistleblowing was apolitical and in the spirit of upholding my oath. Nonetheless, the FBI cynically elected to close ranks and attack the messenger.

The FBI is incentivized to work against the American people and in dire need of drastic reform, particularly in these areas:

- The Integrated Program Management system incentivizes the use of inappropriate investigatory processes and tools to achieve arbitrary statistical accomplishments.
- Mission creep within the National Security Branch has refocused counterterrorism from legitimate foreign actors to political opponents within our borders.
- The FBI weaponizes process crimes and reinterprets laws to initiate pretextual prosecutions and persecute its political enemies.
- Bureau intelligence analysis capability increasingly dictates operations, turning the FBI into an intelligence agency with a law enforcement capability.
- FBI collusion with Big Tech to gather intelligence on Americans, censor political speech, and target citizens for malicious prosecution.
- A dysfunctional promotion process fosters a revolving door of inexperienced, ambitious FBI supervisors ascending the management ladder within the agency.
- FBI informant protocols that are broken and abusive.
- The FBI skirts the Whistleblower Protection Act and exploits the security clearance revocation process to expel employees who make legally protected disclosures.

I am pleased to see that the Weaponization Committee is taking testimony from FBI whistleblowers. I would also like to take this opportunity to address correspondence recently received by the subcommittee. Yesterday, May 17, 2023, FBI Acting Assistant Director Christopher Dunham submitted a letter to this subcommittee. Portions of his letter concerned the suspension and revocation of my security clearance. Parenthetically, I also received a letter from FBI Executive Assistant Director Jennifer Moore yesterday notifying me that my security clearance was revoked. I find the timing of these letters dubious, but leave that up to the committee's determination.

Instead, I would like to address and add vital context to the portion of Mr. Dunham's letter pertaining to my alleged violation of Adjudicative Guideline J, which states:

"This concern is that criminal activity creates doubt about a person's judgement, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations. This includes evidence of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted."

Mr. Dunham is referring to an audio recording I created of my August 23, 2022 meeting with Jacksonville Assistant Special Agents in Charge Coult Markovsky and Sean Ryan.

After making protected whistleblower disclosures to my immediate supervisor on August 19, 2022, ASAC Markovsky summoned me to a meeting at the FBI Jacksonville office. ASAC Markovsky told me the meeting was intended to be an opportunity to discuss my concerns. I anticipated the meeting might ultimately lead to my executive managers attempting to compel me to participate in an activity which placed public safety at risk. I was concerned ASAC Markovsky and ASAC Ryan may threaten adverse actions toward my career as a result of my whistleblower disclosure.

Prior to the meeting, I consulted Florida law to confirm that a law enforcement exemption exists for the state's two-party consent restriction. I decided to record the meeting to memorialize our discussion and my concerns about the FBI's misconduct.

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the FBI Security Division solidifies my contention that ASAC's Markovsky and Ryan created their own recording of our meeting. The FBI was not concerned about potential whistleblower retaliation- the bureau was only interested in learning if these actions were at risk of exposure.

I pray all members consider the information I and my fellow whistleblowers present. You may think I am a political partisan. You may think I am a grifter. You may think I am a conspiracy theorist. It does not matter. Simply put, this committee should avoid the temptation to impugn the character and motivations of the messengers seated before you. I sacrificed my dream job to share this information with the American people. I humbly ask all members to do your jobs and consider the merits of what I have presented.

Chair JORDAN. Thank you, Mr. Friend. We appreciate your testimony.

Mr. Allen, you're now recognized for your opening statement.

#### STATEMENT OF MARCUS ALLEN

Mr. ALLEN. Thank you, Chair.

Hello. My name is Marcus Allen. I'm a Staff Operations Specialist for the FBI in the Charlotte Field Office. Due to whistleblower retaliation by the FBI, I've been suspended without pay for over a year.

Thank you to the Committee for allowing me time today to convey my concerns about the current FBI. In particular, I am concerned, and I believe this Committee should also be concerned about the FBI's use of the security clearance process to retaliate against whistleblowers.

First, though, just so you know a little bit about me, I served honorably in the United States Marine Corps from 2000–2005. I was deployed to Kuwait and served two tours in Iraq and contributed to Operation Iraqi Freedom.

During my deployments, I was exposed to live enemy fire on numerous occasions, even though I served primarily in analytical and intelligence roles.

I was awarded the Navy and Marine Corps Commendation Medal and the Navy and Marine Corps Achievement Medal. I eventually joined the FBI and was employee of the year in 2019 in the Charlotte Field Office. As the holder of a top-secret security clearance since 2001, I've been trusted with the Nation's greatest secrets.

So, why am I here today? Despite my history of unblemished service to the United States, the FBI suspended my security clearance, accusing me of actually being disloyal to my country. This outrageous and insulting accusation is based on unsubstantiated accusations that I hold conspiratorial views regarding the events of January 6, 2021, and that I allegedly sympathize with criminal conduct. I do not.

I was not in Washington, DC, on January 6th, played no part in the events of January 6th, and I condemn all criminal activity that occurred. Instead, it appears that I was retaliated against because I forwarded information to my superiors and others that questioned the official narrative of the events of January 6th. As a result, I was accused of promoting conspiratorial views and unreliable information. Because I did this, the FBI questioned my allegiance to the United States.

Since I was suspended, there's been a dearth of communication from the FBI, with interactions seemingly only being forced by actions from my counsel or Members of Congress. For example, I was not even interviewed by anyone from the FBI until May 2022. I was suspended in January 2022. This interaction with the FBI happened on the heels of a public statement from a Congressional Member in early May 2022. The Member made statements, indicating the February was conducting a purge of employees with conservative viewpoints.

Within hours of the public statements, my counsel received a phone call from the FBI, wanting to see if they could conduct an

interview. I promptly complied and did an interview with investigators within a week. Throughout this ordeal, I and my counsel have responded quickly whereas the FBI has only stonewalled. I have filed a Federal civil rights lawsuit which is pending, seeking to recover my livelihood and restore my good name.

Recently, my counsel filed a whistleblower complaint with the Justice Department's Office of Inspector General. The complaint set forth retaliation through misuse of the security clearance process, as well as reprisal against me for making a protected disclosure.

Interestingly enough, in the wake of the filing, the complaint—in the wake of filing the complaint, I received correspondence from the FBI, indicating that my clearance had now been formally revoked. This occurred after filing my complaint with the Inspector General. The new and baseless claims made in the letter had never been brought up prior to the issuance of the security clearance revocation letter. I have never had the opportunity to defend myself.

I only had one interview with the FBI which occurred a year ago after apparent prompting from Congress. In that interview the investigators toward the end of the interview uttered in response to my exasperation, "Don't sue us."

This has been a trying circumstance for me and my family. It has been more than a year since the FBI took my paycheck from me, and we're getting financially crushed. My family and I have been surviving on early withdrawals from our retirement accounts, while the FBI's ignored my request for approval to obtain outside employment during the review of my security clearance. We have lost our Federal health insurance coverage, and there's apparently no end in sight.

I'm hopeful scrutiny from Congress and from the Inspector General will deter the FBI from abusing the security clearance process to retaliate against others the way it's retaliated against me. This is why I filed the whistleblower retaliation complaint with the IG and why I'm here today to answer your questions.

Thank you.

I also have a rebuttal if the Member will allow me to—thank you.

This is a rebuttal of the FBI correspondence just recently sent to the Committee in reference to my clearance suspension and now revocation.

Calumny is not a word to be thrown around lightly. In regard to the FBI's treatment of me, it is fitting. This is conduct unbecoming of an organization given the public trust. Think about that. My treatment without a doubt has sent the chilling effect to what semblance remains of an analytical cadre. This was not a thorough investigation in my regard. I've not been afforded an opportunity to appropriately defend myself or confront the claims made against me.

Interestingly, the revocation language citing Guideline E is the first instance I've ever seen referring to the specific guidance in my case. The claim that I obstructed a lawful investigation is dubious, and I do not recall ever being admonished for such an infraction.

In regard to the paragraph in the letters, highlighting an alleged incident with a Special Agent, I have no idea what it refers to. This alleged incident did not come up at all during the alleged thorough

investigation. Again, as with Guideline E, this is the first appearance of this allegation during this entire ordeal.

Next, I do not recall ever receiving a directive to stop sending information in regard to the 6th. Why would you not want anymore information sent to you?

Furthermore, the September 29, 2021, email referred to in the letter is part of a protected disclosure. Its correspondence represents documentary evidence of a protected disclosure as a source of retaliation and reprisal.

Alternative analysis and differing viewpoints should be welcomed, even though they may not be ultimately acted on by the actual decisionmakers. Group think should not be an ethos championed in an investigative organization. To shut down differing viewpoints is the end of any analytical or investigative body. It sends a chilling effect across the workforce and does not allow for intellectual freedom which is vital to any investigative body seeking out the truth.

It is possible the ire toward my perspective could have been due to folks wanting to maintain vincible ignorance, instead of consciously and mentally transferring over to willful ignorance.

This is the end of my statement and thank you for my time.

[The prepared statement of Mr. Allen follows:]



Hello,

My name is Marcus Allen, I am a Staff Operations Specialist for the FBI in the Charlotte, NC field office. Due to whistleblower retaliation by the FBI, I have been suspended without pay for more than a year. Thank you to the committee for allowing me time today to convey my concerns about the current FBI. In particular, I am concerned – and I believe this committee should also be concerned – about the FBI’s use of the security clearance process to retaliate against whistleblowers.

First, though, just so you know a little bit about me, I served honorably in the United States Marine Corps from 2000 to 2005. I was deployed to Kuwait and served two tours in Iraq and contributed to Operation Iraqi Freedom. During my deployments, I was exposed to live enemy fire on numerous occasions, even though I served primarily in analytical and intelligence roles. I was awarded the Navy and Marine Corps Commendation Medal and the Navy and Marine Corps Achievement Medal. I eventually joined the FBI and was employee of the year in 2019 in the Charlotte Field office. As the holder of a Top Secret security clearance since 2001, I have been trusted with the nation’s greatest secrets.

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accused of promoting “conspiratorial views” and “unreliable information.” Because I did this, the FBI questioned my allegiance to the United States.

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Recently my counsel filed a whistleblower complaint with the Justice Department’s Office of Inspector General. The complaint set forth retaliation through misuse of the security clearance process as well as reprisal against me for making a protected disclosure. Interestingly enough in the wake of filing the complaint I received correspondence from the FBI indicating that my clearance had now been formally revoked. This occurred after filing my complaint with the IG. The new and baseless claims made in the letter had never been brought up prior to the issuance of the security clearance revocation letter. I have never had the opportunity to defend myself. I only had one interview with the FBI which occurred a year ago after apparent prompting from Congress. In that interview, the

investigators towards the end of the interview uttered in response to my exasperation, "Don't sue us!"

This has been a trying circumstance for me and my family. It has been more than a year since the FBI took my paycheck from me. My family and I have been surviving on early withdrawals from our retirement accounts while the FBI has ignored my request for approval to obtain outside employment during the review of my security clearance. We have lost our federal health insurance coverage. There is apparently no end in sight.

I am hopeful scrutiny from congress and from the inspector general will deter the FBI from abusing the security clearance process to retaliate against others the way it has retaliated against me. This is why I have filed a whistleblower retaliation complaint with the IG and why I am here today to answer your questions. Thank you.

Chair JORDAN. Thank you, Mr. Allen.  
Mr. Leavitt.

#### STATEMENT OF TRISTAN LEAVITT

Mr. LEAVITT. Chair Jordan, Ranking Member Plaskett, Members of the Subcommittee, thank you so much for the invitation to testify today.

I currently serve as the President of Empower Oversight. We're honored to represent Steven Friend and Marcus Allen.

FBI whistleblowers have second-class status compared to those in most Federal agencies. When Congress adopted the modern system of whistleblower protections, it prohibited retaliation against FBI whistleblowers. It gave them none of the process other Federal law enforcement agencies received like the DEA, the ATF, U.S. Marshals, and Secret Service.

Whistleblowers of those agencies can all file retaliation complaints with the U.S. Office of Special Counsel, an independent agency. FBI whistleblowers cannot.

Whistleblowers at those agencies can all appeal retaliation to the Merit Systems Protection Board on which I recently served. Until just last year, FBI whistleblowers could not. They finally got that right in last December's NDAA, but Congress must ensure that this new jurisdiction applies as intended to all FBI retaliation cases.

Many have been winding their way for years through DOJ's long and extensive process, but the laws prohibiting retaliation have been on the books that entire time. The FBI cannot claim now that these are new rights just because they now have to justify their actions before the MSPB.

Time has demonstrated, in my opinion, that it was a mistake to exclude the FBI from the standard whistleblower protection process. It discourages integrity and encourages deceit and even corruption. Congress should treat the FBI the same as all other Federal law enforcement agencies, eliminating a special exception and giving its employees access to OSC to investigate retaliation. The hardworking employees of the FBI deserve equal protection of the law.

The FBI's latest troubling practice is suspending security clearances to retaliate against whistleblower. Mr. Friend and Mr. Allen, along with Mr. O'Boyle, are just several public examples of this trend. When the FBI suspends a clearance, it also immediately suspends the employee indefinitely without pay. To make matters worse, it holds them and their families hostage by requiring them to get permission to take another job, permission the FBI routinely denies. Congress needs to ensure the FBI stops this abuse.

In light of these obstacles for FBI whistleblowers, you would think Congress would do everything that it could to welcome their disclosures here. FBI employees coming to Congress have unfortunately been shamefully treated by Democrats on this Committee. It's one thing hear allegations and find them unpersuasive or even distasteful. An office can even ignore those allegations if they choose. That's their prerogative. To go out and actively smear the individuals making disclosures is far worse.

That's what the Democrats on this Committee did when they released a March 2nd report entitled, "GOP Witnesses: What Their Disclosures Indicate About the State of the Republicans Investigations." That report was inaccurate, both on the law and on the facts. The law doesn't define the term "whistleblower." Instead, it protects from retaliation individuals who engage in protected activity.

For over a century, simply making disclosures of information to Congress has been a protected activity. Furthermore, an appropriations rider in effect at this time prohibits money from paying the salary of any Federal employee who prohibits or prevents any other Federal employee, such as FBI whistleblowers, from communicating with Congress.

The Democrats' report denied whistleblower status to individuals engaged in the precise activity the Legislative Branch has considered protected since 1912. The report's reliance on evidence for whistleblower status is also misplaced. Simply communicating a reasonable belief of misconduct is protected whistleblower activity under the law. This applies regardless of whether the whistleblower produces evidence at that time backing up their allegations.

Only protecting whistleblower disclosures accompanied by conclusive evidence, as the Democrats seem to require, would have disastrous consequences for retaliation throughout the Federal government.

My experience working for Congress was that whistleblowers brought allegations. Where the committees found those allegations worthy of further followup and Congressional action, we conducted investigations. No one expects a private citizen to investigate a crime before going to the police, and we didn't expect a whistleblower to investigate their own agency.

That's also essentially how the law for remedies retaliation through the MSPB is set up where making a nonfrivolous allegation leads to discovery, interviews, and more. Simply put, the burden isn't on the whistleblower to produce the evidence at the outset. That's why there's an investigative process.

The Democrats' report also got the facts wrong. For example, they declaimed DOJ IG declined to investigate Mr. Friend's claim when, in fact, DOJ IG will be interviewing Mr. Friend tomorrow and has an ongoing investigation. DOJ IG says no one from the Democrat staff ever contacted their office to verify this claim before issuing their report. Inexcusably, a number of mainstream media stories simply repeated the Democrats' wrong information uncritically, without bothering to check the facts for themselves, which is why there are multiple retractions.

FBI whistleblowers have traveled a hard road over the years. They should be treated by Congress the same as other whistleblowers. Issuing reports smearing those who come forward from the FBI will unquestionably deter others from taking that same path.

Congress must have firsthand information about how Federal agencies are operating to perform its constitutional duty of oversight. Why would future whistleblowers bring their disclosures to Congress if they think they might be treated like this? Attacking

whistleblowers hurts this Committee and others, the House of Representatives as an institution, and Congress as a whole.

Thank you.

[The prepared statement of Mr. Leavitt follows:]

**HOUSE JUDICIARY COMMITTEE**  
**SELECT SUBCOMMITTEE ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT**  
***HEARING ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT***  
**MAY 18, 2023**

**TESTIMONY OF TRISTAN LEAVITT**  
**PRESIDENT**  
**EMPOWER OVERSIGHT**

Chairman Jordan, Ranking Member Plaskett, and members of the Subcommittee:

Thank you for the invitation to testify before you today. Empower Oversight is a nonprofit, nonpartisan educational organization dedicated to strengthening public integrity through research, education, and the help of patriotic whistleblowers. My partner Jason Foster started Empower in the summer of 2021, and I was privileged to become Empower's president on March 1 of this year. Empower is honored to represent Stephen Friend and Marcus Allen, two of the other witnesses invited to this hearing today.

I. History of FBI Whistleblower Protections

I'd like to begin by giving a quick overview of what a difficult road whistleblowers at the FBI have had over the years. The Civil Service Reform Act of 1978 established the modern system of protections for federal employee whistleblowers. Yet thanks to an amendment on the floor of the House, FBI employees were given second-class status compared to most other federal employees. They were then and are now treated differently from employees at every other federal law enforcement agency, such as the Drug Enforcement Administration; the U.S. Marshals Service; the U.S. Secret Service; and what was then called the Bureau of Alcohol, Tobacco, and Firearms, to name a few. Employees at most other federal agencies did not have a statutory restriction on who they could make protected disclosures to. In fact, in 1989 Congress amended the law to reinforce its strong view that *any* disclosure was protected. But FBI employees were only protected if their disclosure was to the Attorney General, or an employee designated by the Attorney General for such purpose. Employees at most other federal agencies could file retaliation complaints with the independent Office of Special Counsel (OSC), which could investigate. FBI employees could not. Employees at most other federal agencies could appeal retaliation to the Merit Systems Protection Board (MSPB). FBI employees could not.

Despite excluding the FBI from OSC and MSPB jurisdiction, the Civil Service Reform Act required that the Attorney General issue regulations to implement the protections for FBI whistleblowers. In 1980 the Department of Justice (DOJ) issued a bare-bones regulation stating the Attorney General could implement a stay of a retaliatory personnel action when "appropriate."<sup>1</sup> Beyond that, DOJ took no further action until over 18 years later. Fred Whitehurst's whistleblowing on the FBI crime lab got Senator Chuck Grassley heavily involved in pushing DOJ to issue regulations that provided a process for FBI whistleblowers. The final 1999 regulations expanded who a protected disclosure could be made to, designating the highest-

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<sup>1</sup> Office of Professional Responsibility; Protection of Department of Justice Whistleblowers, 45 FR 27754, 27755 (Apr. 24, 1980).

ranking official of each office (usually a Special Agent in Charge).<sup>2</sup> But even that posed extraordinary hurdles for ordinary line employees, who don't have day-to-day access to such an official.

In my view, time has demonstrated that it was a mistake to exclude the FBI from the standard whistleblower protection process. When I worked on the Senate Judiciary Committee staff as Senator Chuck Grassley's whistleblower policy expert, we invested significant energy in trying to improve those protections. At our request, the Government Accountability Office conducted a study which found various weaknesses in DOJ's process for handling FBI whistleblower complaints.<sup>3</sup> When I moved to Chairman Jason Chaffetz's House Oversight Committee staff, I negotiated the passage of the FBI Whistleblower Protection Enhancement Act of 2016,<sup>4</sup> the engrossed version of which hangs in my home office. It expanded the categories of individuals to whom FBI employees could make protected disclosures, including to supervisors in an employee's chain of command and to OSC. The new law clearly underscored that FBI whistleblowing is not some private action between individuals who happen to be federal employees, but rather a public act, promoted by Congress speaking for the American people. However, FBI whistleblowers still had no recourse outside of DOJ for remedying retaliation.

That finally changed last December, when the National Defense Authorization Act (NDAA) for Fiscal Year 2023 finally gave FBI employees the right to appeal to MSPB.<sup>5</sup> I couldn't have asked for a better way to end my term on that Board, and I commend Congress for adopting that provision. I understand the first FBI case is currently pending before MSPB, and Congress should closely monitor to ensure this jurisdictional provision applies as intended to all FBI retaliation cases that have been wending their way for years through DOJ's labyrinthine process. Laws prohibiting the FBI from retaliating against whistleblowers have been on the books for years, so the FBI can't claim these are new rights just because they now have to justify their actions before MSPB.

While giving FBI whistleblowers access to MSPB was an important step, I believe further action is needed. There is no valid reason why the FBI should be treated any differently than other federal law enforcement agencies, and Congress should eliminate the FBI's special exemption and give its employees access to OSC to investigate retaliation complaints. The hardworking employees of the FBI, among which I count a number of friends, deserve equal protection of the law, mirroring all other federal law enforcement officers.

Unfortunately, even OSC or MSPB access can't address the latest troubling pattern coming from within the FBI. A number of recent examples have surfaced of the FBI pretextually suspending security clearances as a means of whistleblower retaliation. Mr. Friend and Mr. Allen are just two public examples of this trend. OSC and MSPB do not have statutory jurisdiction to investigate or remedy this means of retaliation. Title 50 and Presidential Policy Directive 19 (PPD-19) prohibit suspending access to classified information to retaliate against whistleblowers,

<sup>2</sup> Whistleblower Protection For Federal Bureau of Investigation Employees, 64 FR 58782 (Nov. 1, 1991).

<sup>3</sup> GAO-15-112, Whistleblower Protection: Additional Actions Needed to Improve DOJ's Handling of FBI Retaliation Complaints, January 2015.

<sup>4</sup> Pub. L. 114-302 (2016).

<sup>5</sup> Pub. L. 117-263, Title LIII, Sec. 5304(a) (2022).



in some circumstances.<sup>6</sup> Yet these prohibitions are rife with legal ambiguity, and their remedial mechanisms are often too little, too late for employees whose clearances are suspended. PPD-19 has been interpreted by DOJ to only apply to a clearance adjudication, so the FBI can avoid this prohibition by leaving the whistleblower in the limbo of suspension without ever getting around to adjudicating and revoking the clearance. Title 50 is interpreted to apply to clearance suspensions, but only after a year without an adjudication. Meanwhile, when the FBI suspends a clearance it also immediately suspends the employee indefinitely without pay. To make matters worse, even though the FBI is not paying the employee, it requires them to obtain permission from the FBI to take another job—permission the FBI routinely denies. Congress should closely examine this issue to stop this sort of abuse.

## II. Recent Committee Treatment of FBI Whistleblowers

In light of the FBI's historic lack of transparency, history of whistleblower retaliation, and recent pattern of using security clearances to retaliate against employees, Congress should be doing everything it can to welcome FBI whistleblowers. It takes immense courage to draw attention to problems in the federal government, especially at an agency with a history as checkered as the FBI's. It takes even *more* courage to bring those concerns to Congress. So when Mr. Friend and others came to this Committee to share their disclosures and how those disclosures resulted in retaliation within the FBI, I know it was not a decision they made lightly.

Instead of welcoming or at least protecting such disclosures, FBI employees who have come forward to Congress have been shamefully treated by the Ranking Members and Minority staff of this Committee. It's one thing to hear allegations and not find them particularly persuasive or relevant to a particular inquiry. If an office even wants to ignore allegations, as the Minority staff appeared to have done for several months up until transcribed interviews with these witnesses were scheduled with the Committee, that's their prerogative. But it's another thing altogether to actively go out and smear the individuals disclosing those allegations. That's exactly what the Ranking Members and Minority staff of this Committee did when they released a March 2 report entitled "GOP Witnesses: What Their Disclosures Indicate About the State of the Republican Investigations."<sup>7</sup>

In the For[e]w[o]rd by Ranking Member Nadler and Ranking Member Plaskett, they wrote: "[T]he three individuals we have met are not, in fact, whistleblowers. These individuals . . . did not present actual evidence of any wrongdoing at the Department of Justice or the [FBI]." Similarly, the body of the report alleged: "[N]one of the witnesses have provided evidence related to a violation of law, policy, or abuse of authority. None are 'whistleblowers' in any sense recognized by federal law or any federal agency." These assertions are conceptually inaccurate, both in a general and in a technical sense, as well as factually inaccurate as applied to these particular cases.

Neither the Civil Service Reform Act of 1978 nor the FBI Whistleblower Protection Enhancement Act of 2016 codified a statutory definition of the colloquial term "whistleblower," which the Merriam-Webster Dictionary defines simply as "one who reveals something covert or

<sup>6</sup> 50 U.S.C. § 3341(j); PPD-19 Sec. B (Oct. 10, 2012).

<sup>7</sup> Available at [https://democrats-judiciary.house.gov/uploadedfiles/2023-03-02\\_gop\\_witnesses\\_report.pdf](https://democrats-judiciary.house.gov/uploadedfiles/2023-03-02_gop_witnesses_report.pdf).

who informs against another.” Rather, those laws protect from retaliation individuals who engage in protected activity. As noted in the FBI Prepublication Review Policy Guide the Minority staff appended to its report, simply making disclosures of any information to Congress is a protected activity.<sup>8</sup> In fact, it has been ever since the Lloyd-La Follette Act of 1912.<sup>9</sup> The relevant provision states: “The right of [federal] employees . . . to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.”<sup>10</sup> To give this provision more teeth, in fiscal year 1998 Congress gave governmentwide application to the so-called Lloyd-La Follette appropriations rider, which prohibits appropriated money from paying the salary of any officer or employee of the federal government who “prohibits or prevents, or attempts or threatens to prohibit or prevent,” any federal employee from communicating with Congress.<sup>11</sup> Thus, purporting to deny “whistleblower status” to individuals engaged in the precise activity the Legislative Branch has worked for over a century to protect is extremely shortsighted and harmful to the longstanding institutional interests of this body.

Even in a technical sense, the Minority report’s reliance on “evidence” as the determining factor is misplaced. Protected disclosures may concern “any violation of any law, rule, or regulation; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.” Yet the law protects disclosures of “*information* . . . which the employee . . . reasonably believes evidences” these categories—not, as the Minority report puts it, making claims that “provide evidence” of such.<sup>12</sup> In other words, simply communicating a reasonable belief of misconduct is protected whistleblower activity, regardless of whether the whistleblower produces evidence backing up their allegations.<sup>13</sup> It is against the law to retaliate against a whistleblower for communicating such a reasonable belief. Only protecting whistleblower disclosures accompanied by conclusive evidence, as the Minority staff report seems to require, would have disastrous consequences for retaliation in the federal government.

Turning from disclosures to alleged retaliation, the statutory scheme is somewhat like the experience I had working for Congress: whistleblowers brought allegations, and where the committees I worked on found those allegations serious and worth congressional action, we conducted investigations. No one expects a private citizen to investigate a crime before going to the police, and we didn’t expect a whistleblower to investigate their own agency. Along those lines, if an FBI employee appeals alleged retaliation to the MSPB under the new NDAA provisions, they must simply make a non-frivolous allegation that they were subjected to a personnel action for making what they reasonably believed was a protected disclosure. They are then entitled to document discovery, witness interviews, and a hearing before an administrative

<sup>8</sup> U.S. House of Representatives, Committee on the Judiciary, *GOP Witnesses: What Their Disclosures Indicate About the State of the Republican Investigations*, Mar. 2, 2023, Appendix B: Referenced Documents, p. 251 (“Prepublication Review Policy Guide,” Federal Bureau of Investigation, Information Management Division, Jan. 8, 2020, at 10).

<sup>9</sup> Act of August 24, 1912, § 6, 37 Stat. 555.

<sup>10</sup> 5 U.S.C. § 7211.

<sup>11</sup> Consolidated Appropriations Act, 2023, Pub. L. 117–328, Div. E, Sec. 713.

<sup>12</sup> 5 U.S.C. § 2303(a).

<sup>13</sup> See, e.g., *Pridgen v. Office of Management and Budget*, 2022 MSPB 31, ¶ 52.

judge. Simply put, the burden is not on the whistleblower to produce the evidence at the outset—that’s why there’s an investigation.

In addition to being wrong on the law, the Minority report also makes inaccurate claims regarding some of these whistleblowers’ cases. For instance, the report stated of Mr. Friend’s case: “The DOJ Office of Inspector General . . . declined to open an investigation into Friend’s allegations.” As I indicated a few minutes ago, this is simply false. After the Minority’s report was released I wrote seeking clarification from the DOJ OIG, which reiterated to us on March 11, 2023: “[W]e are interested in interviewing Mr. Friend about his allegations, which remain under assessment by our office.” Their interview with Mr. Friend is in fact scheduled for tomorrow. According to the DOJ OIG, no one from the Minority staff on the Committee ever contacted their office to verify whether it was investigating Mr. Friend’s allegations before inaccurately asserting otherwise in their report. Inexcusably, a number of mainstream media sources uncritically repeated the Minority report’s wrong information without ever bothering to check the facts for themselves.

### III. Conclusion

FBI whistleblowers have traveled a hard road to the protections they currently receive. They should be treated by Congress the same as other whistleblowers, both in statute and in practice. Issuing reports smearing those who come forward from the FBI and questioning their credibility will unquestionably deter others from taking that same path.

Preventing this sort of institutional harm is no doubt why the House Code of Official Conduct mandates:

[A] Member, Delegate, . . . officer, or employee of the House shall not knowingly and willfully disclose publicly the identity of, or personally identifiable information about, any individual who has reported allegations of possible wrongdoing, including retaliation, under processes and protections provided by the Civil Service Reform Act of 1978, the Whistleblower Protection Act of 1989, the Intelligence Community Whistleblower Protection Act of 1998, or any other Federal law that establishes the right for individuals to make protected disclosures to Congress.<sup>14</sup>

For Congress to perform its Constitutional duty of oversight of the Executive Branch, it must have firsthand, unvarnished information about how federal agencies are operating. But why would future whistleblowers bring their disclosures to Congress if they think they might be treated the way some on this Committee have treated these whistleblowers? Attacking whistleblowers hurts this Committee and others like it, the House of Representatives as an institution, and Congress as a whole.

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<sup>14</sup> Rule XXIII—Code of Official Conduct, Clause 20, 118<sup>th</sup> Congress.

Chair JORDAN. Thank you, Mr. Leavitt.

The recognizes the gentlelady from Wyoming for five minutes.

Ms. HAGEMAN. Thank you, Chair Jordan.

I want to thank our witnesses today for their service to our country, service which includes their willingness to provide protected disclosures to ensure that the Federal government is held accountable for wrongdoing.

We've heard their testimony, and my colleagues will ask more questions so we can further understand the wrongdoing they have exposed and the retaliation that they have now suffered.

As this hearing gets underway, I want to focus on the cultural changes that have occurred within the FBI over the last 20-plus years, fundamental changes that have led to the political capture of our flagship law enforcement agencies and with the Democrats using these agencies as their own personal political hacks.

What happened that allowed for politicization to permeate every facet of the FBI? Well, there are many things. I think we must focus on the information that was provided by retired FBI Special Agent Thomas Baker who testified before the Select Subcommittee earlier this year.

Mr. Baker explained that in the aftermath of 9/11, and on being embarrassed by being scolded by President Bush for not being able to stop it from happening, then FBI Director Robert Mueller made the decision to fundamentally change the FBI from a law enforcement body to an intelligence-driven one.

Such a redirection of the very purpose of the FBI resulted in centralizing its power in Washington, DC, while placing less emphasis on the field offices, changes that replaced agent executives in the headquarters with so-called professionals from the outside and stockpiling more and more power in D.C. and away from the country that it serves.

On 9/11 was a watershed moment for many reasons. It was a horrific terrorist attack on the shores of the United States of America. Our government's ultimate response is also tragic and by targeting—by eventually finding a way to target not the terrorists but American citizens, which is where the FBI and DOJ are at this point in time.

Both the DOJ and the FBI, they've used the FISA court to obtain illegitimate surveillance authority. They've targeted political campaigns with which they disagree. They have created a Russia, Russia, Russia hoax to cripple a duly elected President. They have targeted Catholics for exercising their faith. They've targeted parents for wanting to protect their children.

So, what we can say, in short, is that the Eye of Sauron has turned inward, and it is burning with a white-hot intensity that seeks to destroy everything in its path. What I think we can say is that as the DOJ and FBI have become more political, they have amassed more power. As they have amassed more power, they have become more political. This is a vicious cycle that must be stopped.

To be blunt, the leadership of the FBI and the DOJ are corrupt. I will name names. Christopher Wray and Merrick Garland are corrupt. They know it. We know it. The American people know it.

Congress needs whistleblowers like you so that we can conduct our oversight and correct course on these abusive Federal agencies.

Sadly, what we've already seen and what we will continue to see today is that the Democrats will not focus on the substance of what these brave men are exposing or engage in a discussion about how to protect our constitutional rights and institutions from the tyrants that are running these agencies.

Instead, what we will see is that they will deflect, they will call the witnesses names, they will scream "MAGA" and "extremist" at the top of their lungs. They will attempt to impugn your integrity. Make no mistake, they are simply trying to cover up the unforgivable and the indefensible, which is the creation of a two-tiered justice system based on political beliefs and the corruption of our political elites.

I encourage the American people to listen to these witnesses, to read the Durham Report, to study what is happening with the FBI and the DOJ, and to listen and to sift through the lies and recognize that this nonsense must stop or we're going to lose the greatest republic that's ever existed in the history of the world.

Thank you for your willingness to come here. Thank you for your willingness to stand on the wall. Thank you for your willingness to tell the truth about what these agencies are doing. America thanks you, as well.

With that, I yield back.

Chair JORDAN. The gentlelady yields back.

The Chair recognizes the gentlelady from California, Ms. Sanchez.

Ms. PLASKETT. Mr. Chair, just as a point of order, I understand, and we have been made aware from what you stated in your opening statement, as well as in a press conference earlier, that Mr. Allen did meet with you all and might have testimony that was transcribed.

Neither—and understand that he stated that he did not feel comfortable meeting with the Democrats. He's comfortable being here today in this open forum. We will be questioning him.

Will you give us a copy of that testimony that was described of your discussions with him?

Chair JORDAN. That will be up to Mr. Allen.

Ms. PLASKETT. You are in possession of them, aren't you?

Chair JORDAN. Sure yes.

Ms. PLASKETT. So, why would you not give them to us?

Chair JORDAN. Because Mr. Allen's a whistleblower, and he didn't want that to happen. We'll talk—

Ms. PLASKETT. He didn't want—but he's comfortable here in open discussion with us today?

Chair JORDAN. Sure is. You can ask him questions if you want.

Mr. GOLDMAN. You don't share your information with the minority?

Chair JORDAN. No.

Mr. GOLDMAN. The whistle—that's—

Ms. PLASKETT. You're not sharing information that you've obtained with the minority.

Chair JORDAN. The whistleblower was—the whistleblower—the whistleblower saw what you did with Mr. Friend and others, the false information you gave the press, so much so that they had to issue corrections.

Ms. PLASKETT. No. No. We've seen—

Mr. GOLDMAN. The whistleblower doesn't decide that. The Committee decides it.

Chair JORDAN. We've decided.

Ms. PLASKETT. You've decided that you're not going to share—

Chair JORDAN. Mr. Allen is here. You can ask him questions. We can talk about the testimony, but right now you're not getting the testimony. Mr. Allen's here to testify.

Ms. PLASKETT. You'll give us the testimony when? After he's left or at no point in time or when will we have that? That's only for the Republicans? Is that what you're saying?

Mr. ISSA. Mr. Chair, the gentlelady did not state a point of order.

Ms. PLASKETT. The point of order was will he be giving—

Mr. ISSA. The gentlelady out of order.

Ms. PLASKETT. —us the testimony of the witness that is here before us and that you have information of—

Mr. ISSA. Mr. Chair, I ask for a—

Ms. PLASKETT. —and that you are not sharing with the Democrats.

Mr. ISSA. Mr. Chair, I move that her—

Chair JORDAN. I was indulging the Ranking Member. The gentleman from California's right. She's not stated a point of order. That five-minute questioning, time belongs to Ms. Sanchez.

Ms. PLASKETT. So, the point of order is I would like the testimony. I move that you give us the testimony of the individuals.

Mr. GAETZ. Move to table.

Ms. CAMMACK. Second.

Chair JORDAN. There's a motion made to move to table. We will call—

Mr. ISSA. We don't, Mr. Chair, we don't have to table it.

Ms. GARCIA. We ask for a recorded vote. Mr. Chair, can we have a recorded vote?

Chair JORDAN. No, it's not a proper point of order.

Ms. PLASKETT. You just did a motion to table.

Chair JORDAN. No, it's not a motion to table.

Ms. PLASKETT. Your side just did a motion to table.

Chair JORDAN. It's not a proper motion.

The Chair has recognized the gentlelady from California, Ms. Sanchez for her five minutes of questioning.

Ms. WASSERMAN SCHULTZ. I have a point of inquiry. Can I ask you a question?

Chair JORDAN. Sure.

Ms. WASSERMAN SCHULTZ. Mr. Chair?

Chair JORDAN. Oh, it is, yes. It's Ms. Sanchez's time.

Ms. WASSERMAN SCHULTZ. Can I ask the Chair a question?

Chair JORDAN. After Ms. Sanchez, I'll gladly take your question.

Ms. Sanchez. We will restore the five minutes for Ms. Sanchez.

Ms. SANCHEZ. I find it incredible that evidence that one side has garnered is not going to be shared with the other side. That is not how committees work.

Chair Jordan, Ranking Member Plaskett, I think it's important that we recognize this hearing for what it actually is. Make no mistake. This hearing is a vehicle to legitimize the events of January

6th and the people who perpetrated it. Why? Because Donald Trump is running for President again.

If you normalize the events of January 6th, if you repeat his election fraud lies, then maybe he doesn't seem quite so extreme. Maybe it will be easier to overturn a free and fair election the next time.

For those of you who have forgotten, on January 6th, a mob of people, who believed Donald Trump's lie that the 2020 election was stolen, stormed the Capitol, seeking to stop the certification of the 2020 Presidential election. They erected some gallows on the lawn just outside this room. They ran through the halls, looking to find and hang the Vice President of the United States.

It was a shocking moment of political violence, and many of us on this dais, including myself, were there that day. We all felt the fear of knowing that there were people roaming the Capitol, looking to kill us. Clearly some of have us quickly forgotten that.

I've heard my colleagues on the other side of the aisle suggest that, quote, "the FBI was participating in the insurrection." They called the rioters who attacked the Capitol "peaceful patriots" and "political prisoners." They described the violence on January 6th as akin to a, "normal tourist visit." It was not.

Last year, the Judiciary Committee even had to entertain a resolution on the repeatedly discredited Ray Epps conspiracy theory.

Mr. Allen, your security clearance was first suspended on January 10, 2022. Is that correct? Yes or no will suffice.

Mr. ALLEN. Yes.

Ms. SANCHEZ. The FBI's reason to behind your suspension was that it found you to have, "expelled conspiratorial views, both orally, in writing, and promoted unreliable information," which indicates support for the events of January 6th. Is that correct, yes or no?

Mr. ALLEN. That is the language that they placed on the letter, ma'am.

Ms. GARCIA. That's a yes, then. Do you believe it's important for Federal agents to have allegiance to the United States, yes or no?

Mr. ALLEN. It is absolutely important that personnel—

Ms. SANCHEZ. I'll take that as a yes.

Mr. ALLEN. —in the government have allegiance to the United States.

Ms. SANCHEZ. Do you believe you should have allegiance to the United States to possess a security clearance, yes or no?

Mr. ALLEN. Absolutely.

Ms. SANCHEZ. Do you believe your obligation as a Federal agent should supersede your First Amendment right, yes or no?

Mr. ALLEN. Can you please rephrase the question, ma'am?

Ms. SANCHEZ. Do you believe that your obligation as a Federal agent should supersede your First Amendment right, yes or no?

Mr. ALLEN. Can you please rephrase the question again, ma'am?

Ms. SANCHEZ. Do you believe that you have an obligation to serve as a Federal agent, regardless of what your personal political beliefs are?

Mr. ALLEN. Yes. I have an obligation to serve the United States of America.

Ms. SANCHEZ. Thank you.

Do you believe that FBI agents should be permitted to express support for individuals who stormed the Capitol on January 6th, yes or no?

Mr. ALLEN. I believe agents have to do their jobs, ma'am.

Ms. SANCHEZ. Do you believe that agents should be permitted to express their support for individuals who stormed the Capitol on January 6th, yes or no? It's a simple question.

Mr. ALLEN. No. You're supposed to be apolitical, ma'am, and do your job—

Ms. SANCHEZ. So, is that a no.

Mr. ALLEN. —as a person. You're supposed to be apolitical and do your job—

Ms. SANCHEZ. I'm asking you for a simple yes or no.

Mr. ALLEN. Can you please restate the question?

Ms. SANCHEZ. Not a difficult question.

Do you believe that FBI agents should be permitted to express support for individuals who stormed the Capitol on January 6th?

Mr. ALLEN. You should not be voicing support for criminal conduct.

Ms. SANCHEZ. OK. Thank you.

Mr. ALLEN. You have to do your job apolitically, ma'am.

Ms. SANCHEZ. Thank you.

Mr. Allen, have you ever used Twitter, yes or no?

Mr. ALLEN. I have utilized Twitter, yes, ma'am.

Ms. SANCHEZ. OK. Is your account @MarcusA97050645.

Mr. ALLEN. That is absolutely not my account, ma'am.

Ms. SANCHEZ. OK. That's not your account. Well, on December 5, 2022, an account under the name Marcus Allen retweeted a tweet that said—

Mr. ALLEN. That is not my account, ma'am.

Ms. SANCHEZ. You haven't let me finish the question, sir.

Mr. GAETZ. It might have been a football question.

Ms. SANCHEZ. You haven't let me finish the question.

On December—and the time is mine.

On December 5, 2022, an account under the name of Marcus Allen retweeted a tweet that said, "Nancy Pelosi staged January 6th Retweet if you agree."

Do you agree with that statement? Yes or no?

Mr. ALLEN. That is—I don't—no, ma'am. That's not my account at all. I have no idea—

Ms. SANCHEZ. I'm asking whether you agree with that statement, yes or no?

Mr. ALLEN. Can you please rephrase the statement?

Ms. SANCHEZ. Yes.

Chair JORDAN. The time of the gentlelady—

Ms. SANCHEZ. Do you believe—

Chair JORDAN. The time of the gentlelady has expired.

Ms. SANCHEZ. —Nancy Pelosi staged January 6th? I just want him to answer the question.

Chair JORDAN. He'll answer. He's answer. I'm just telling you your time's up.

Ms. SANCHEZ. Do you believe that Nancy Pelosi—do you agree with the statement this person tweeted that Nancy Pelosi staged January 6th?



Mr. ALLEN. I don't—

Ms. SANCHEZ. Yes or no.

Mr. ALLEN. No.

Ms. SANCHEZ. Thank you. I yield back.

Chair JORDAN. The Chair recognizes the gentlewoman from New York, Ms. Stefanik.

Ms. STEFANIK. I yield to the Chair.

Ms. PLASKETT. Mr. Chair, I think you were going to indulge the Congresswoman from Florida and her point of inquiry?

Chair JORDAN. The gentlelady from Florida's recognized.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chair.

It's my understanding—

Chair JORDAN. What's your—are you making a point of order?

Ms. WASSERMAN SCHULTZ. No, I'm asking you a question.

Chair JORDAN. OK.

Ms. WASSERMAN SCHULTZ. A point of inquiry.

Chair JORDAN. OK.

Ms. WASSERMAN SCHULTZ. It's my understanding that the minority in this Committee under the rules is entitled to the same testimony, information, and documents that the majority is entitled to. So, I'm not aware that you're able to withhold information from the minority that we would need to use to prepare for a—

Chair JORDAN. When it comes to whistleblowers, you're not. I would just remind the Committee, everyone, look, when it comes to whistleblower—

Mr. GOLDMAN. That's not right.

Chair JORDAN. You are not.

Mr. GOLDMAN. That's not right.

Chair JORDAN. It's shocking—

Mr. GOLDMAN. That's not right.

Chair JORDAN. It's shocking that the gentleman from—

Mr. GOLDMAN. We talked so much about the whistleblower in the impeachment—

Chair JORDAN. It's shocking that the gentleman from New York would say that—

Mr. GOLDMAN. —you knew all the information we had.

Chair JORDAN. —when you were part of the investigation with an anonymous whistleblower.

Mr. GOLDMAN. We gave you all the information we had.

Mr. ISSA. Mr. Chair, I can't hear five people at once. Could we have regular order?

Ms. WASSERMAN SCHULTZ. Mr. Chair, I—

Chair JORDAN. The Chair recognizes—

Ms. WASSERMAN SCHULTZ. I'm inquiring, and I was not in that hearing.

Chair JORDAN. I told that you when it comes to whistleblowers, you are not entitled to it. That is at the discretion of Mr. Allen.

Ms. WASSERMAN SCHULTZ. Mr. Chair, these individuals been determined not to be whistleblowers.

Chairman JORDAN. He said he has not agreed with that.

These are not whistleblowers. They've been determined by the agency not to be whistleblowers. Are you deciding that they're whistleblowers?

Chair JORDAN. Yes, the law decides. Did you not listen to Mr. Leavitt's testimony? Did you not read the law?

Ms. PLASKETT. His attorney—

Chair JORDAN. The law decides that they are whistleblowers.

Ms. PLASKETT. —is asserting—his attorney is asserting that they are whistleblowers.

Chair JORDAN. The Chair recognizes the gentlelady from New York.

Ms. PLASKETT. The law has not determined they are whistleblowers.

Chair JORDAN. The gentlelady from New York has witness recognized.

Ms. PLASKETT. The law has not determined they are whistleblowers.

Ms. STEFANIK. My time.

Ms. PLASKETT. His attorney is just asserting that.

Chair JORDAN. The gentlelady from New York.

Ms. STEFANIK. Thank you, Mr. Chair. I have lost my voice. I am yielding to Mr. Gaetz.

Mr. GAETZ. I thank the gentlelady not only for yielding, but for her extensive work on these issues, not only during our hearings, but during the many depositions we've taken to develop evidence and to bring it forward for the majority, the minority, and all of the country.

Mr. GOLDMAN. Did you give us that evidence?

Mr. GAETZ. I know that if the gentlelady from New York—

Mr. GOLDMAN. Are you going to give us that evidence?

Mr. GAETZ. —was able to speak that she'd certainly—

Chair JORDAN. The time belongs the gentleman from Florida.

Mr. GAETZ. She'd certainly be here to do so.

Mr. Allen, we just astonishingly heard a Democrat on this Committee question your allegiance to the United States. How many tours in Iraq did you do?

Mr. ALLEN. I did two tours in Iraq, sir.

Mr. GAETZ. For how many decades have you held a security clearance?

Mr. ALLEN. For two decades, sir.

Mr. GAETZ. Ever been called into question before?

Mr. ALLEN. No, sir.

Mr. GAETZ. You also received the Employee of the Year Award for the Charlotte Field Office. Is that right?

Mr. ALLEN. That is correct, sir.

Mr. GAETZ. Did you receive any medals during your Service for the Marine Corps and the United States Navy?

Mr. ALLEN. I did, sir. As a member of the Marine Corps, I received two—a Navy Commendation Medal and a Navy Achievement Medal.

Mr. GAETZ. Seems to me your allegiance to the United States is pretty well established over multiple decades wearing the uniform, fighting for our country. I am proud that you continue to fight for our country as a whistleblower here making a disclosure to the U.S. Congress.

Mr. Allen, is it your belief that you were retaliated against because you shared an email that questioned the truthfulness of FBI Director Christopher Wray?

Mr. ALLEN. Yes, sir.

Mr. GAETZ. You believed that he wasn't truthful based on testimony he'd given to the U.S. Senate. Isn't that right?

Mr. ALLEN. Yes, sir.

Mr. GAETZ. In that testimony to the Senate, you believe that Christopher Wray indicated that there were no confidential informants and no FBI assets that were present at the Capitol on January 6th that were part of the violent riot. Isn't that right?

Mr. ALLEN. Yes, sir.

Mr. GAETZ. Please play the video.

We're now going to hear from George Hill, who worked at the Boston Field Office.

[Video shown.]

Mr. GAETZ. So, Mr. Allen, you got retaliated against for the very thing—for saying the very thing that the Washington Field Office was telling Boston.

When the Boston Field Office was saying, "We're not going to go and investigate people that just showed up at a rally without sufficient criminal predicate," the Washington Field Office told Boston, "Well, you know what? We can't give you the evidence because it might disclose the very CIs and UCs that you are concerned about."

That doesn't surprise you, Mr. O'Boyle, does it?

Mr. O'BOYLE. No, sir.

Mr. GAETZ. The reason it doesn't surprise you is that in a different part of the country you saw that same pressure from the Washington Field Office. Did they ever try to get you to do something that was outside the normal order of law enforcement activity?

Mr. O'BOYLE. Yes, sir.

Mr. GAETZ. What did the Washington Field Office try to get you to do that violated the law and regulations?

Mr. O'BOYLE. They tried to get me to serve a Federal grand jury subpoena when there was no proper predicate to do so.

Mr. GAETZ. The reason there was no predicate was because it was based on an anonymous tip, right?

Mr. O'BOYLE. That's correct.

Mr. GAETZ. Time and again the Washington Field Office was trying to pressure you without corroboration to go start process on people. Isn't that right?

Mr. O'BOYLE. Yes, sir.

Mr. GAETZ. So, while I agree that January 6th was a violent day, a bad day, a day that nobody wants to relive, violence on January 6th doesn't justify weaponizing the government against people who were innocent and did nothing wrong.

Thank you for blowing the whistle on that.

I yield back.

Mr. GOLDMAN. Mr. Chair, I have a sincere point of inquiry.

Rule XI, Clause 2—

Chair JORDAN. The gentleman is not recognized.

The Chair now recognizes—

Mr. GOLDMAN. I have a question about the rules.

Chair JORDAN. —Mr. Lynch for five minutes of questions.

Mr. GOLDMAN. A point of order, a question about the rules.

Ms. SANCHEZ. Parliamentary inquiry.

Chair JORDAN. Point of order. State your point of order.

Mr. GOLDMAN. The point of order is, why does Rule XI, Clause 2, Subsection (e)(1)(A), not apply to this Subcommittee? I can read for you:

Each committee shall keep a complete record of all Committee action which shall include—(i) in the case of a meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to . . . . Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto.

Why does that not apply? Where is the whistleblower exception in the rules of Congress—

Chair JORDAN. It's the prerogative—

Mr. GOLDMAN. —that says that does not apply?

Chair JORDAN. It's the prerogative of the Committee to decide. We have the—

Mr. GOLDMAN. No, it's not. It's the rules of the House.

Chair JORDAN. We have the whistleblower testimony. The whistleblower does not wish that to be made available to the Democrats at this time.

Mr. GOLDMAN. The whistleblower doesn't make Committee rules, sir.

Chair JORDAN. Mr. Lynch is recognized for five minutes of questioning.

Mr. CONNOLLY. You're making it up.

Mr. LYNCH. Mr. Chair, is the ruling of the Chair always unquestioned, or do we have a vote on how some of these issues are decided?

Chair JORDAN. If you state a proper point of order and there's some kind of—

Mr. GOLDMAN. I just did state a proper point of order.

Chair JORDAN. The gentleman from Massachusetts is recognized for five minutes of questions.

Mr. LYNCH. Mr. Friend, I want to ask some questions about—surrounding the circumstances of the removal of your clearance by the FBI.

Mr. Friend, I'd like to ask you about your move to the Domestic Terrorism Unit. You originally transferred to Daytona from the FBI's Omaha Field Office, Sioux City Resident Agency, in June 2021. Is that correct?

Mr. FRIEND. Yes.

Mr. LYNCH. Were you assigned to the Joint Terrorism Task Force at the end of September 2021, correct?

Mr. FRIEND. Yes. I was reassigned.

Mr. LYNCH. OK. You had been exclusively working on child sex abuse material, known as CSAM, cases. Is that correct?

Mr. FRIEND. Prior to that point, yes.

Mr. LYNCH. That was before you moved to the JTTF. Isn't that right?

Mr. FRIEND. Yes.

Mr. LYNCH. Did you stop working on child abuse cases after October 1, 2021?

Mr. FRIEND. No, I did not.

Mr. LYNCH. Well, in fact, the FBI planned to find a replacement for you when you moved from one position to the other. Is that correct?

Mr. FRIEND. Which office are you referring to?

Mr. LYNCH. So, when you were moved from the child sexual abuse cases and moved to the JTTF, you were informed that the FBI would find a replacement for your other position. Is that correct?

Mr. FRIEND. No, that's not correct at all. I was told that those cases were going to be considered a local matter going forward, they would not be resourced, and that I was going to be reassigned to work on domestic terrorism cases.

At the time, my supervisor retired, and his interim told me there was not enough work to do, so, until a full-time replacement could come in, to continue to work on the child pornography investigations and make myself available for domestic terrorism cases.

Then when my new supervisor arrived early in 2022, I explained that arrangement to him, and he agreed that was the best use of my time.

Even though I was told to, on my time sheet, account for my actions as being solely devoted to domestic terrorism, I was in a situation where I was essentially only working child pornography and human trafficking cases.

Mr. LYNCH. I just want to point out that in your interview with the Committee you stated that you were told you could balance both until a permanent replacement arrived. That was during your transcribed interview. Are you restating that or disputing that now?

Mr. FRIEND. I'm not disputing that. It was unofficially said, "Just keep doing what you're doing, but on paper and on your time sheet we're going to put you down as a domestic terrorism agent."

Mr. LYNCH. You said here they told you that you could balance both responsibilities until your replacement arrived. Are you disputing that now?

Mr. FRIEND. I'm disputing that there was no replacement that was going to be arriving, ever. I was told that violation was not going to be worked after I was moved over to the Joint Terrorism Task Force. Then, subsequently, while I—

Mr. LYNCH. Here you're saying that you were allowed to do both jobs until your replacement arrived. So, your assumption then was not that the replacement was not going to arrive, right?

Mr. FRIEND. Are you talking about a replacement for my supervisor or a replacement for me?

Mr. LYNCH. For the responsibilities that you were doing under the child sex abuse cases.

Mr. FRIEND. There was no replacement that was going to arrive in our office. Those cases were going to be no longer worked.

Mr. LYNCH. That would be conjecture on your part at that point, right?

Mr. FRIEND. No, I was told that.

Mr. LYNCH. OK.

You continued to work the child abuse cases until you were suspended in 2022, correct?

Mr. FRIEND. Yes.

Mr. LYNCH. OK. In fact, you even received an award for your CSAM work in July 2022, correct?

Mr. FRIEND. Yes.

Mr. LYNCH. Now, you got this award after you took on all the child exploitation cases for the local sheriff's office earlier that same year, while also working your JTTF responsibilities, correct?

Mr. FRIEND. Yes.

Mr. LYNCH. OK. You took on the role of a full-time employee assigned to work child abuse investigation cases, correct?

Mr. FRIEND. I took on the role of whatever I was needed to work. I made myself available to work domestic terrorism, but there was not enough work to do.

Mr. LYNCH. So, could you tell us that you were reassigned—so first you tell us that you were reassigned and told that the CSAM cases weren't a priority. Then you tell us that not only did they plan on replacing you, but they also let you continue working those cases until you were suspended. Is that correct?

Mr. FRIEND. Yes. It was no longer a priority on paper. This is the way that the FBI allocates its manpower resources. So, on paper, I was not supposed to be recording my work on those cases. Then, within my office, which was not in the Jacksonville headquarters, my frontline supervisor agreed that my time was better spent working on CSAM cases.

Mr. LYNCH. All right.

Mr. Chair, my time has expired.

Chair JORDAN. The gentleman's time has expired.

The Chair recognizes the gentlelady from Florida for five minutes.

Ms. CAMMACK. Thank you, Mr. Chair.

Thank you to all our gentlemen for appearing before us today and coming forward. I want to thank you again for your courage today and for your service to our Nation.

As we predicted, our Democrat colleagues have immediately opened up with claims of conspiracy theories, MAGA extremism, and mock outrage. It seems the only ones displaying mock outrage up here today are, in fact, the Democrats, because, according to them, journalists who appear before us aren't journalists and you here today are not whistleblowers. We, in fact, know that you are. Interesting times.

The line about Republicans defunding police, that one seems to be particularly special, because, respectfully, to my colleagues on the other side of the aisle, as the wife of a SWAT medic, as the wife of a first responder, currently, who has served our community for the last 16 years, I can tell you with certainty that no one—no one—hates a bad cop more than a good cop. No one.

I see, from you nodding your head, that you agree with that sentiment.

It is inaccurate and wrong to make that assumption, that Republicans want to defund police. It is false.

Because forcing a political agenda down the throats of our hard-working men and women of the FBI with the threat and then sub-

sequent follow-through of retaliation because they are whistleblowers, because they didn't want to break the law, because they knew that it was wrong to target Americans without cause, and they swore an oath to the United States Constitution, not to a political party—that makes them whistleblowers. That makes them courageous for coming forward and telling the truth.

Gentlemen, I'm going to ask you all to please turn on microphones because we're going to go really fast, OK?

Mr. Friend, during your service with the FBI, you served on the FBI SWAT team, correct?

Mr. FRIEND. Yes.

Ms. CAMMACK. As you heard, my husband is a SWAT medic and has been part of joint operations with the FBI.

So, I would like to know, what is the threshold for these call-outs? Can you briefly detail the type of crimes warranted for an FBI SWAT team call-out?

Mr. FRIEND. There's a threat matrix, the SWAT matrix, to utilize a tactical team, but it could be as easy as somebody being in possession of a firearm or a request from a local agency just to use the FBI SWAT team.

Ms. CAMMACK. OK. So, Mr. Friend, your security clearance was suspended by the FBI after raising concerns for the use of excessive force with regards to the use of FBI SWAT teams to your direct supervisor, correct?

Mr. FRIEND. Yes.

Ms. CAMMACK. Would you consider this retaliation?

Mr. FRIEND. Yes.

Ms. CAMMACK. Thank you.

Mr. O'Boyle, you were suspended without pay from the FBI on September 23rd, correct?

Mr. O'BOYLE. I was initially suspended on the 26th. The suspension of pay came a little bit later.

Ms. CAMMACK. Thank you for that clarification.

You had raised concerns to your chain of command. When no action was taken, you reported these concerns then to Congress, Correct?

Mr. O'BOYLE. Correct.

Ms. CAMMACK. Once you contacted Congress, you were then suspended. Your top-secret security clearance was then suspended for those protected disclosures to Congress, correct?

Mr. O'BOYLE. Correct.

Ms. CAMMACK. That seems like retaliation, no?

Mr. O'BOYLE. It does to me.

Ms. CAMMACK. OK.

Mr. Allen, you were suspended from the FBI without pay on January 10th, correct?

Mr. ALLEN. That is correct.

Ms. CAMMACK. You were suspended because you sent links to your squad to provide situational awareness about the FBI investigation on January 6th, correct?

Mr. ALLEN. Yes.

Ms. CAMMACK. Yes or no, wasn't open-source searches and sharing of information part of the duties of your job?

Mr. ALLEN. Yes.

Ms. CAMMACK. Subsequently, after doing your job and your supervisors not liking the tone of the open-source articles you provided, because it didn't fit the FBI's narrative, your security clearance was revoked, correct?

Mr. ALLEN. Yes.

Ms. CAMMACK. To all our whistleblowers, yes or no: Do you believe that the retaliation pattern has a cooling effect on other agents from coming forward or speaking up? Yes or no?

Mr. O'Boyle?

Mr. O'BOYLE. Absolutely.

Mr. FRIEND. Yes.

Mr. ALLEN. Yes.

Ms. CAMMACK. Do you believe that the FBI is purposefully hostile to you for that reason, to keep agents from speaking up?

Mr. O'BOYLE. Yes.

Mr. FRIEND. Yes, without question.

Mr. ALLEN. Yes.

Ms. CAMMACK. So, I think it's clear we have a pattern here. If you speak up about the abuses you are seeing as an agent or are sharing information that may not fall in line with the FBI's political narrative, you will be suspended without pay, have your security clearance revoked, and your life will be turned upside-down.

It's pretty clear that the MO is: If you don't comply, they will retaliate. If you don't agree with the political agenda, you get suspended. They do it in such a way to deter others from speaking up and speaking out.

That, ladies and gentlemen, is the weaponization of government. That is the weaponization of government. That is why we are here today. Not because we have a political agenda. Not because we are here to go over events of the past. We want to fix it. We have to expose it, stop it, and prevent it from happening again. That is why we are here.

These men are whistleblowers. The gentlemen who came before us in previous hearings, they were journalists. Just because you don't address them as such does not mean that they are not who they say they are. They have been retaliated against.

Regardless of your party affiliation, this behavior is unacceptable, and we need to stop it. Republicans, Democrats, independents alike, this is a concern we should all share. This is the weaponization of government. It is our job, our constitutional duty, to stop it.

With that, I yield back.

Chair JORDAN. The gentlelady yields back.

The Chair recognizes—

Ms. PLASKETT. Oh, I'm so sorry. Wasserman Schultz.

Chair JORDAN. The gentlelady from Florida is recognized, Ms. Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chair.

Mr. Chair, I ask unanimous consent to enter into the record this document that clearly indicates the questions of allegiance to the United States on the part of Mr. Allen that were specifically the reasons for the revocation of his security clearance, in spite of the gentlelady from Florida's assertions to the contrary.

Chair JORDAN. Without objection.



Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Friend, I find some humor in the irony of Republicans inviting you here the same week Congress is focused on honoring law enforcement. You've repeatedly made calls to undermine our law enforcement agencies. Since being rightly suspended, you've led Republican calls to defund law enforcement, recently describing the FBI as a "feckless, garbage institution." Since joining Twitter in November, no less than 40 times you've called for our brave law enforcement personnel to be defunded.

You even urged local police to sabotage criminal investigations by urging citizens to, and I quote, "pressure your sheriffs to refuse to cooperate with FBI investigations." That is not only reckless advice, it's a recipe for allowing more criminals to run loose in our neighborhoods. Perhaps Chair Jordan can explain why Republicans are promoting defunding law enforcement and increased crime before our Subcommittee today.

Mr. Friend, your motivations appear to be, today, crystal-clear. For months, you've pressured Republicans to call you to a hearing. In fact, in December, you said Chair Jordan and Republicans took your complaint of alleged FBI wrongdoing and, quote, "used it for campaign rocket fuel and four-minute appearances on *FOX News*."

I'll admit, you're right; Republicans are using you. It goes both ways. You're engaging in the self-promotion of your new book that's about to be released. What great timing, to be on TV and in Congress right before your book tour starts. It's quite coincidental.

Let's try to move past your financial exploitations and talk about your objection to the use of a SWAT team to arrest a January 6th suspect in August 2022. You repeatedly stated that you objected to the use of a SWAT team for the arrest of Tyler Quintin Bensch, a man who was involved in the January 6th attack on the Capitol.

Mr. Friend, you did not participate in any decisions about the use of the SWAT team, nor were you a member of that SWAT team, correct? Just yes or no.

Mr. FRIEND. I was not a member of that SWAT team.

Ms. WASSERMAN SCHULTZ. You didn't participate in any decisions about the use of that SWAT team, correct?

Mr. FRIEND. Correct.

Ms. WASSERMAN SCHULTZ. Thank you.

You also testified that being a gun owner is the reason why a SWAT team could be used to arrest a suspect according to the SWAT team official protocols.

Mr. Friend, I'd like to ask you to take a look at the screen. Those are—on the screen are two images of the only member of the Three Percenters arrested in your area that day.

For those who don't know, the Anti-Defamation League describes the Three Percenters as a militia movement with, quote, "a track record of criminal activity ranging from weapons violations to terrorist plots and attacks."

As you can see in the pictures of Mr. Bensch at the Capitol on January 6th, he's in full tactical gear, wearing chemical-irritant canisters on his tactical vest and a black radio and antenna on his left, with a GoPro-style camera mounted on his right shoulder.

The FBI knew Mr. Bensch to be both armed and dangerous. The good men and women within Federal, State, and local law enforce-

ment know that making the right decision on bringing qualified backup to dangerous situations has life-or-death consequences.

It's a decision that has particular resonance for law enforcement in my own community. A little over a year before Mr. Bensch was arrested, two FBI agents in my district in Sunrise, Florida, were shot and killed on the front doorstep while trying to serve an arrest warrant on child pornographers. They were just trying to do their jobs protecting the American people when the suspect opened fire and started shooting from inside.

In fact, these brave agents who work for what you call a feckless and garbage institution lost their life doing the very work you claim it neglects—chasing down people who exploit children.

So, yes or no, Mr. Friend, knowing what you know now about Mr. Bensch, that he was known to be heavily armed and a member of a terrorist group, was it appropriate for the FBI to use a SWAT team as a precaution to protect FBI personnel and other law enforcement officers that day? Yes or no?

Mr. FRIEND. I can't answer that with a yes or no. I can give you a little bit of context.

Ms. WASSERMAN SCHULTZ. I'd like to—

Mr. FRIEND. Anybody that's—

Ms. WASSERMAN SCHULTZ. —know whether you—

Mr. FRIEND. In my—

Ms. WASSERMAN SCHULTZ. —still think it was inappropriate.

Mr. FRIEND. I've arrested over 150 violent criminals in my career. Never had to use a SWAT team to do it.

Ms. WASSERMAN SCHULTZ. OK.

Mr. FRIEND. The reason for that is because individuals—

Ms. WASSERMAN SCHULTZ. On that day, yes or no—

Mr. FRIEND. —were cooperative with us.

Ms. WASSERMAN SCHULTZ. Reclaiming my time, can you give me a yes-or-no answer or even indicate whether you have changed your mind that using a SWAT team to arrest that gentleman was inappropriate?

Mr. FRIEND. My opinion remains to be, anybody who is being cooperative and pledged to surrender in the case of—

Ms. WASSERMAN SCHULTZ. OK.

Mr. FRIEND. —law enforcement, incurring criminal charges—

Ms. WASSERMAN SCHULTZ. So, the answer is no. You also claim—

Mr. FRIEND. —a SWAT team is not necessary for that.

Ms. WASSERMAN SCHULTZ. Reclaiming my time, you also claim that your top-secret security clearance was improperly revoked. Yet, an independent investigation concluded that you demonstrated a number of security concerns, which included that you refused to execute a court-ordered arrest warrant and when you downloaded documents from intelligence systems to an unauthorized removable flash drive.

The cherry on top could be your unauthorized recording of executive management, which I'm sure you know violates Florida law, along with your unsanctioned interviews with *Sputnik News*, established by the Russian Government in 2014 and fully owned by the Kremlin and Putin's cronies.

Chair JORDAN. The time of the gentlelady—has expired.

Ms. WASSERMAN SCHULTZ. I think it's clear who is weaponizing government.

I yield back.

Chair JORDAN. The gentleman from Florida is recognized for five minutes.

Mr. STEUBE. Thank you, Mr. Chair.

Mr. Friend, do you want to quickly respond to that because she cut you off? I'm going to let you respond to those questions.

Mr. FRIEND. Yes, I can quickly respond to that.

So, the—bring up—so the—

Mr. STEUBE. Well, let me help you.

Mr. FRIEND. Yes, go ahead.

Mr. STEUBE. So, instead of using a SWAT team, if a suspect is being cooperative—and in your testimony and in your experience as an FBI agent and law enforcement officer, it's not necessary to use a SWAT team to go in with guns ablazin' and pulled out and going after an individual when that individual is cooperating. Wasn't that part of your testimony?

Mr. FRIEND. That's part of my testimony, and it's part of what I brought forward in my whistleblower disclosure.

Mr. STEUBE. That's in your experience as—how many violent criminals have you arrested?

Mr. FRIEND. I've arrested over 150, and I have five years of SWAT experience.

Mr. STEUBE. You didn't have to use—there wasn't necessity in some of those circumstances to use a SWAT team because the individual was cooperating.

Mr. FRIEND. Never a single time.

Mr. STEUBE. In your testimony, the individual that you were referring to that a SWAT team should not have been used on, but was being used on for political purposes was somebody that was cooperating, correct?

Mr. FRIEND. Yes.

Mr. STEUBE. Based on your testimony, everybody else's testimony—which, by the way, I want to thank you guys for being here. I know it takes a lot of courage to do it. I want to thank you for your service. As a military veteran myself, who served probably—I was probably in Iraq when some of you guys were there, I want to thank you for that.

I want to thank you for standing up for the Constitution and for America. Because I know that this is difficult to go through, what your families are going through, being barricaded out of having your personal belongings, not being able to get pay, the FBI taking away your security clearances so you can't get a job. I commend you for standing up for American values and commend you for standing up for what you believe are huge misgrievances that are going on at the FBI.

Based on your testimony, the report that we have seen, the FBI has turned into the enforcement arm of the Democratic Party, going after pro-life individuals, going after individuals who were not in restricted areas on January 6th, who were not violent on January 6th, using SWAT teams to go after them to try to intimidate them.

Then when officers like yourself, who have served our country, who have served the FBI, who have served in law enforcement, suddenly want to raise concerns and use the whistleblower status to be able to say, “Hey, you know, this isn’t right, this isn’t the way that we should be treating any of these individuals, this isn’t fair,” suddenly, the FBI is shutting you out, taking away your clearances, taking away your pay, and shutting you down so that your families can’t even survive financially.

So, I want to thank you for your testimony here today. I hope the American people will gloss over the lies that have been perpetrated on you today for the truth that is underneath every single one of your statements: Egregious abuse, misallocation of law enforcement resources, and misconduct in leadership ranks of the FBI.

I have been here five years, and during that period of time Director Wray and AG Garland have both sat at desks just like that, under oath, and testified that they would not retaliate against whistleblowers.

It is my understanding, Mr. Friend, that you went through all the required regulations at the FBI to raise your concerns to your supervisors. Is that correct?

Mr. FRIEND. Yes.

Mr. STEUBE. So, you followed inside protocol for the FBI, utilizing whistleblower statute protection information regulations through the FBI, to make your complaints and information be known.

Mr. FRIEND. Yes.

Mr. STEUBE. You did that to your supervisors.

Mr. FRIEND. Three levels of supervisors.

Mr. STEUBE. Three levels of supervisors. The response to that was losing your security clearance, shutting you out, losing your job, and taking away your pay.

Mr. FRIEND. That’s correct.

Mr. STEUBE. I’m so frustrated and angry. I don’t have—only 1½ minutes to try to display the level of corruption, weaponization, politicization that has occurred at the highest levels of the FBI and the DOJ.

Both Director Wray and Merrick Garland have sat there and testified that there’s no retribution for whistleblowers. “No, we don’t retaliate against whistleblowers.” We have testimony—and I’m a lawyer, too, and testimony is a fact in evidence—that is exactly what is going on in the FBI and the DOJ.

Just quickly, talk about how the inflation, Mr. Friend, of the domestic violence—or the statistics as it relates to January 6th, how they were inflating those statistics to make it look like there was a bunch more cases than there really was.

Mr. FRIEND. Well, typically, you would investigate January 6th as one case with lots of subjects. Instead, the decision was made to open up a separate case for every single individual there and, instead of on paper investigating them from the Washington Field Office, spreading and disseminating those to the field offices around the country if the individual lived in that area.

So, in effect, made it look like there was domestic terrorism cases and activities that were going on around the 56 field offices when,

in fact, the cases were really all from Washington, DC, and Washington Field Office had a task force that was responsible for calling the shots in all those cases.

Mr. STEUBE. Thank you guys for being here. My time's expired.

Chair JORDAN. The gentleman yields back.

We have votes on the floor, to our witnesses, so we will take a break now. We will stand in recess until five minutes after the close of the vote, the final vote, on the floor. You guys are welcome to wait here in the back.

The Committee stands in recess.

[Recess.]

Chair JORDAN. The Committee will come to order.

The Chair recognizes the lady from Texas. Excuse me.

Mr. GOLDMAN. Mr. Chair, could I make a point of order?

Chair JORDAN. Yes.

Mr. ALLEN. Mr. Chair, may I be recognized?

Chair JORDAN. The gentleman is recognized, Mr. Allen.

Mr. ALLEN. Yes, sir. I just want to make clear that what I wanted to avoid was the minority staff leaking portions of my transcript to the press without me having the opportunity to respond. Now, that I'm here, I can respond and be judged in the court of public opinion. I have no objection to both sides having access to read the transcript, and I look forward to reviewing it myself.

Mr. GOLDMAN. Well, it's not of—

Chair JORDAN. All right. Thank you.

Mr. GOLDMAN. —much help when you give it to us during the hearing.

I have a point of order, Mr. Chair, if I may be recognized.

Chair JORDAN. The gentleman's recognized for a point of order.

Mr. GOLDMAN. I point the Chair to Rule X, Clause 9(g), which, in conjunction to Rule XI, Clause 2(e), which I read earlier, states that:

... each staff member appointed pursuant to a request by minority party members ... shall be accorded equitable treatment with respect to ... the accessibility of Committee records.

Now, the Chair is correct in pointing out that there are restrictions on whistleblower disclosures. However, those restrictions pertain to the House as a whole. They do not mention any distinction between the majority and the minority.

Instead, what we have are two clear rules that require the majority to provide information to the minority that is Committee property, which would be any meetings between the Committee Members or staff with any potential witnesses.

So, I would move for the Chair to agree to order that all materials, notes and otherwise, related to these witnesses before us be provided to the minority, according to the rules of the House.

Chair JORDAN. Overruled.

Mr. Allen, we thank you for your willingness to make that—

Mr. GOLDMAN. I move for a recorded—appeal the ruling of the Chair.

Mr. ISSA. I move to table.

Mr. GOLDMAN. I'd ask for a recorded vote.

Chair JORDAN. The gentleman's asked—we will—the Committee will suspend while we have the clerks—I think we have to have the clerks at the table to tally the vote.

Mr. ISSA. Gentlemen, I'm afraid you're excused for a little while.

Chair JORDAN. Just one second. If you could just step back real—we'll have the clerk—it'll be really quick.

The clerks will—

VOICE. You don't have to go.

Chair JORDAN. We can probably let you just stay right there. The clerks—you might need to lend one microphone.

The clerk will call the roll.

THE CLERK. Mr. Jordan?

Chair JORDAN. Yes.

THE CLERK. Mr. Jordan votes yes.

Mr. Issa?

Mr. ISSA. Yes.

THE CLERK. Mr. Issa votes yes.

Mr. Massie?

Mr. MASSIE. Yes.

THE CLERK. Mr. Massie votes yes.

Mr. Stewart?

Mr. STEWART. Yes.

THE CLERK. Mr. Stewart votes yes.

Ms. Stefanik?

[No response.]

THE CLERK. Mr. Gaetz?

Mr. GAETZ. Yes.

THE CLERK. Mr. Gaetz votes yes.

Mr. Johnson of Louisiana?

Mr. JOHNSON of Louisiana. Yes.

THE CLERK. Mr. Johnson of Louisiana votes yes.

Mr. Armstrong?

Mr. ARMSTRONG. Yes.

THE CLERK. Mr. Armstrong votes yes.

Mr. Steube?

[No response.]

THE CLERK. Mr. Bishop?

Mr. BISHOP. Yes.

THE CLERK. Mr. Bishop votes yes.

Ms. Cammack?

[No response.]

THE CLERK. Ms. Hageman?

[No response.]

THE CLERK. Ms. Plaskett?

Ms. PLASKETT. No.

THE CLERK. Ms. Plaskett votes no.

Mr. Lynch?

[No response.]

THE CLERK. Ms. Sanchez?

[No response.]

THE CLERK. Ms. Wasserman Schultz?

[No response.]

THE CLERK. Mr. Connolly?

[No response.]

THE CLERK. Mr. Garamendi?  
 Mr. GARAMENDI. No.  
 THE CLERK. Mr. Garamendi votes no.  
 Mr. Allred?  
 Mr. ALLRED. No.  
 THE CLERK. Mr. Allred votes no.  
 Ms. Garcia?  
 Ms. GARCIA. No.  
 THE CLERK. Ms. Garcia votes no.  
 Mr. Goldman?  
 Mr. GOLDMAN. No.  
 THE CLERK. Mr. Goldman votes no.  
 Chair JORDAN. The clerk will report.  
 THE CLERK. Mr. Chair, there are eight ayes and five noes.  
 Chair JORDAN. The motion to table is approved.  
 The Chair recognizes the gentlelady from Texas, Ms. Garcia.  
 Ms. GARCIA. Thank you, Mr. Chair.  
 Mr. O'Boyle, have you publicly shared what you discussed with Chair Jordan's staff before today?  
 It's a yes or no.  
 Mr. O'BOYLE. Did I publicly do what?  
 Ms. GARCIA. Share. Share. Like—  
 Mr. O'BOYLE. With whom?  
 Ms. GARCIA. With the public.  
 Mr. O'BOYLE. About which part of my testimony?  
 Ms. GARCIA. Any of your testimony, sir, that you shared with Jordan's staff, have you shared that with the public or this Committee?  
 It's a yes or a no, sir. It's really not that hard.  
 Mr. O'BOYLE. I don't believe so.  
 Ms. GARCIA. You don't believe that's so. OK.  
 During your transcribed interview on February 10th, did you explain to the Committee Counsel the content of what you had previously shared with Chair Jordan's staff?  
 Mr. O'BOYLE. To some degree, regarding the questions that were asked on that day.  
 Ms. GARCIA. To some degree. So that is a yes?  
 Mr. O'BOYLE. Yes, to some degree.  
 Ms. GARCIA. OK. You shared it only with the lawyers?  
 Mr. O'BOYLE. Mr. Gaetz was present for part of that testimony as well.  
 Ms. GARCIA. OK.  
 So, the only people who know the wrongdoing you claim to have uncovered at the FBI, to your knowledge, are Chair Jordan's staff, Congressman Estes, and maybe now Congressman Gaetz?  
 Mr. O'BOYLE. I also shared some of my disclosures with my chain of command prior to coming to—  
 Ms. GARCIA. No, I'm talking about your testimony here today in this Committee.  
 Mr. O'BOYLE. Right. That includes some of what I had provided to my chain of command as well.  
 Ms. GARCIA. Well, that's not the question.

So, the FBI has said that it cannot comment on ongoing adjudication matters. Do you know if your security clearance suspension decision is still under adjudication with the FBI?

Mr. O'BOYLE. Oddly enough, I received an email last week from the FBI attempting to schedule an interview with me for tomorrow, which I find as no coincidence heading into the hearing today. Prior to that email—

Ms. GARCIA. So, it's still being adjudicated; the answer is yes?

Mr. O'BOYLE. Prior to that email, I had not been aware.

Ms. GARCIA. All right. So, it's still being adjudicated.

In her April 24th transcribed interview, Executive Assistant Director Moore told us when Mr. Jordan's counsel asked you about your case that she, quote, "is not allowed to discuss any ongoing security investigations."

So, you're still being investigated. So, neither you nor the FBI can help us understand what information you shared and when you shared it.

Mr. O'BOYLE. Well, I have provided that information to Members of this Subcommittee who I believe will take it seriously.

Ms. GARCIA. Well, no, you've submitted it to the Chair and the Committee's staff. As you've been hearing this morning, a lot of that—most of that we have not seen, as Democrats. It's not been shared. It's not been shared pursuant to the laws, our rules. It's not been shared just even in keeping with a notion of fairness. In any proceeding like this—

Mr. O'BOYLE. Well, in notion of fairness, you claim that we aren't whistleblowers—

Ms. GARCIA. So, we don't know what was disclosed. The Committee counsel hasn't had the opportunity to assess the information you shared with Jim Jordan's staff. Yet, here we are hearing on the matter.

There's been no transparency, no real effort to inform. It's just a partisan, political stunt that is more interested in attacking the FBI than helping whistleblowers. In Texas, we would just say that this is just a lot of hot air blowing here, and it ain't a whistleblower.

By having this hearing before the majority makes even basic information about your claims available to us, Chair Jordan is doing us all a disfavor. We're meeting without knowing.

In his opening remarks, he said that he had brought you here to have you tell us what you have seen and what you have witnessed. Yet, we really still don't know, because you haven't told us anything. I went through your whole witness statement, and there's nothing in there about what you saw or what you heard. It's just—

Mr. O'BOYLE. That's not true. That's not true.

Ms. GARCIA. It's just a bio and your political statements.

Mr. O'BOYLE. That's false.

Ms. GARCIA. I read the whole thing, sir.

Mr. O'BOYLE. That's false.

Ms. GARCIA. So, by having this hearing today before the majority makes even basic information about your claims available to us, Chair Jordan is just doing us all a disservice. He's doing the minority a disservice by not allowing us to vet your claims to be able to



adequately ask you questions. Frankly, he's doing you a disservice, sir, by all the lights and cameras before his claims have even been examined.

More than that, this hearing is an insult to the brave whistleblowers out there who do risk their careers for the good of their country. This circus of unvetted, secret accusations put at risk the critical role whistleblowers play in holding the powerful accountable.

Most whistleblowers aren't interested in being political pawns in congressional Republicans' games. Playing politics and holding up this scheme as whistleblowers will make other public servants fearful of coming forward out of fear they'll just be used.

Whistleblowers serve an important purpose in this country. They're often brave individuals who help root out corruption and make our democracy stronger.

In fact, just this last February, whistleblowers who had been fired by Texas Attorney General Ken Paxton in retaliation for accusing him of crimes came to a settlement with the attorney general.

Chair JORDAN. The time of the gentlelady has expired.

Ms. GARCIA. He had to settle—

Chair JORDAN. The time of the gentlelady has expired.

Ms. GARCIA. —for \$3.3 million because—

Chair JORDAN. The Chair now recognizes the—

Ms. GARCIA. —he wanted to make sure some information didn't get out.

Chair JORDAN. The Chair recognizes the gentleman from California.

Ms. GARCIA. That's what whistleblowers do.

Mr. ISSA. Would the gentlelady—this is my time. I've been recognized. Thank you.

Mr. O'Boyle, is it true that you have 157 pages of questions that were asked you on a bipartisan basis that are in the record?

Mr. O'BOYLE. To my knowledge, that's correct.

Mr. ISSA. Mr. Friend, isn't it true that for those several hours you accumulated 198 pages of Q&A, half of the time being yielded to the Democrats, for your interview?

Mr. FRIEND. Yes.

Mr. ISSA. I yield time to the Chair.

Chair JORDAN. Someone needs to tell the Democrats—I thank the gentleman for yielding.

Someone needs to tell the Democrats, you came and talked to this Committee because you're a whistleblower.

Isn't that right, Mr. Leavitt?

Mr. LEAVITT. Yes, sir.

Chair JORDAN. That's exactly how it works.

Mr. LEAVITT. May I take a moment to address this idea that these aren't whistleblowers?

Chair JORDAN. Sure.

Mr. LEAVITT. The law—

Chair JORDAN. You need to educate the Members on the other side of the dais here.

Ms. PLASKETT. I don't need educating.

Mr. LEAVITT. The way that the law—

Ms. PLASKETT. I'm educated.

Ms. GARCIA. Mr. Chair? I do not need to be demeaned.

Mr. ISSA. This is my time. Stop the clock.

Ms. GARCIA. —I am a lawyer, just like this gentleman is. I, too, have read the law. We just have a big—

Chair JORDAN. It's not your time.

Ms. GARCIA. —difference of opinion on exactly—

Chair JORDAN. The time belongs to—

Ms. GARCIA. —what he says and what I say.

Chair JORDAN. The time belongs to me. Mr. Leavitt has been asked a question.

Ms. PLASKETT. You need to stop demeaning your colleagues.

Mr. LEAVITT. So, the whistleblower statutes protect protected activity, right? One doesn't have to be retaliated against to be a whistleblower, right? We all agree, that's not the way that it should happen.

What's being discussed today is that you're not a whistleblower unless you both share this—engage in protected activity and then are retaliated against and then go through this process.

The Department of Justice Inspector General is currently investigating the claims of Mr. Friend and Mr. Allen. That's exactly what—I don't know what perfect whistleblower there would be, but when you—if they did that, these are the steps they would take. So, by this definition, they're not considered a whistleblower for—

Chair JORDAN. Mr. O'Boyle, you went up your chain of command with your concerns. Is that right?

Mr. O'BOYLE. Yes, sir. I initially started with them, and those initial complaints fell on deaf ears.

Chair JORDAN. Then you came to the House Judiciary Committee with those concerns. Is that right?

Mr. O'BOYLE. After going to my local Congressman, then I came to the Judiciary Committee.

Chair JORDAN. Exactly like the law prescribes for you to do when you see something that is wrong. You did that, so did Mr. Friend, and so did Mr. Allen.

I yield back to the gentleman from California.

Mr. ISSA. Mr. Leavitt, briefly, am I correct that, starting with a resolution in 1778, whistleblowers have been recognized by our government, by our Congress, and that's been amended again in 1978, 1984, and 1994? The most recent one, in 2012, passed unanimously in this House. Is that correct?

Mr. LEAVITT. Absolutely. We recognize whistleblowers for their patriotic duty.

Mr. ISSA. You know what's amazing is, when I authored the 2012, along with Mr. Jordan and others, there wasn't any question, but that we wanted to better protect whistleblowers' ability to come to us with what they believed was accurate information.

Isn't the belief of accurate information the basis?

Mr. LEAVITT. Yes. Reasonable belief.

Mr. ISSA. So, is there any question but that people can have a reasonable belief, for example, that going after everyone who came in on January 6th on a bus and getting their financial records from Bank of America would be inappropriate and getting their gun purchases for their entire lives would be inappropriate? Isn't there a

reasonable belief that this might not be appropriate to do and necessary?

Mr. LEAVITT. Yes. We believe disclosing that was protected.

Mr. ISSA. So, people have made appropriate statements, including about January 6th and some excesses that occurred afterwards in the investigation that violated people's constitutional right to privacy, correct?

Mr. LEAVITT. Yes.

Mr. ISSA. So, here we have people who were talking about MAGA in 20—January 6th, but, in fact, they're missing the point. Each of these whistleblowers came forward with what is clearly protected disclosure and they've had it systemically released, and they've had it—they've been systemically treated in a way after they came forward that looks like, smells like, and including so-called mistakes, represents retaliation.

Is that correct?

Mr. LEAVITT. Yes. That's why the Inspector General opened investigations into these disclosures.

Mr. ISSA. So, as we sit here today, we've missed one important point, haven't we? That each of these individuals came to the Committee with valid claims, that at least need to be investigated, of wrongdoing by our premier law enforcement organization.

Mr. LEAVITT. Yes. Congress protects those disclosures.

Mr. ISSA. As we sit here today, each of these individuals has been stripped of his clearance, stripped of his ability to work, and stripped of his pay.

In your background and history, have you ever seen as straightforward a retaliation as current employees being denied their ability to work, their pay, and their benefits after they've made these kinds of claims?

Mr. LEAVITT. No. This is why there's a problem, because it's their clearance that was used as the means of retaliation.

Mr. ISSA. Well, but, also, in the case of Mr. Allen, he just—and Mr. O'Boyle—they're just also not getting any work. I mean, they're—

Mr. LEAVITT. That's the point, yes. Once they suspend your clearance, they also simultaneously put you on suspension. That's not something that's appealable to the MSPB, like a normal firing or demotion is.

Mr. ISSA. If they were most other workers in government, they'd still have their jobs and be paid even if they weren't working, correct? This is uniquely a form of retribution they're able to do to law enforcement?

Mr. LEAVITT. If you're suspended—yes, there—it gets nuanced, but certainly with a clearance, that's a surefire way they can just get them out of the way when they want.

Mr. ISSA. Thank you.

Mr. Chair, I yield back.

Chair JORDAN. The gentleman yields back.

The Chair recognizes the gentleman from Virginia, Mr. Connolly.

Mr. CONNOLLY. Thank you.

Chair JORDAN. I just would point out, I think this is the first time we've been—our sympathies are with your staff. I know you

had that terrible incident that happened, so—and you’ll get your full five minutes.

Mr. CONNOLLY. Thank you, Mr. Jordan. I really appreciate that.

I must say, my friend from California, I don’t know where this concern for whistleblowers and protecting whistleblowers was in the Ukraine episode, in that perfect phone call Donald Trump had with President Zelensky, in which a whistleblower, Colonel Vindman, was, in fact, subsequently punished for reporting on that phone call, which led to the impeachment of the President of the United States.

So, wouldn’t it be nice if we were consistent on our concerns about whistleblowers?

Mr. ISSA. Would the gentleman yield?

Mr. CONNOLLY. No, I will not.

Mr. Leavitt—

Mr. LEAVITT. Yes, sir.

Mr. CONNOLLY. I have five minutes, and I haven’t got time.

Mr. Leavitt, you represent an organization—you’re president of the organization called Empower Oversight. Is that correct?

Mr. LEAVITT. Yes.

Mr. CONNOLLY. Empower Oversight represents an FBI agent, or a former FBI agent, Mr. George Hill, whom we heard from a little earlier.

Mr. LEAVITT. Well, no, actually. Mr. Hill did not have counsel for his transcribed interview, so my partner, Jason Foster, agreed to sit in on his interview just for procedural—

Mr. CONNOLLY. OK. So, you were sort of like a surrogate counsel but not formally? You have no formal relationship with Mr. Hill?

Mr. LEAVITT. Correct.

Mr. CONNOLLY. Why did you choose to help him in a deposition?

Mr. LEAVITT. Well, I didn’t. Again, my partner, Jason Foster—

Mr. CONNOLLY. Well, Empower Oversight.

Mr. LEAVITT. Yes. We were informed that he didn’t have any counsel, and both of us have experience sitting in many congressional transcript interviews.

Mr. CONNOLLY. Your view is he is also a valid whistleblower?

Mr. LEAVITT. Again, he’s not my client. I can’t speak to his claims. I do have the view that going out and—again, the idea—attacking someone, saying, “You haven’t yet been given the magic wand of whistleblower status,” I believe that’s inappropriate. I’m not familiar with all the substance of his personnel actions.

Mr. CONNOLLY. Huh. Well, might it cause you some concern—let me show some tweets on the screen from Mr. Hill.

This one—he had theories about January 6th, that it was instigated by the deep state, not by insurrectionists who were up to no good, seeking to hang the Vice President—Republican Vice President, I might add—of the United States or other depredations; it was the deep state that led to this.

Are you familiar with that tweet?

Mr. LEAVITT. No.

Mr. CONNOLLY. Here’s another one. Are you familiar with this tweet—in which he talked, again, that the deep state is real—on the January 6th insurrection?

Mr. LEAVITT. Just to be clear, I'm not familiar with any of his tweets. We just believe that it can be helpful for people to have counsel, and we were willing to assist in that way.

Mr. CONNOLLY. Well, but isn't it also helpful to kind of know a little bit of background when you are providing counsel?

Mr. LEAVITT. We were there for the procedural counsel of the interview, not to represent him in all his interests.

Mr. CONNOLLY. I understand, but wouldn't you want to be curious about his status and what led him to be—

Mr. LEAVITT. I'm sure it's quite possible that my co-counsel, Jason Foster, is familiar with these. I literally wasn't even an employee of Empower at that time. I was still sitting on the Merit Systems Protection Board.

Mr. CONNOLLY. What's your view? Do you believe that January 6th was instigated by the deep state?

Mr. LEAVITT. Define the "deep state," sir.

Mr. CONNOLLY. I don't know.

Mr. LEAVITT. I sure don't either.

Mr. CONNOLLY. Oh, good. All right.

Mr. ISSA. Great question.

Mr. CONNOLLY. Because it is a phrase frequently used by the former President of the United States, so it's out there. You don't know what it means.

Mr. LEAVITT. Obviously, at the Merit Systems Protection Board, we dealt with people at all layers of bureaucracy—

Mr. CONNOLLY. Yes. Well, I actually kind of share that with you. I don't know what it means either. I think it's kind of made up, like a bogeyman, so that we can use it as a catch-all.

I must say, on this hearing, you have employment grievances. That doesn't make you whistleblowers. Maybe those grievances are legitimate, or maybe some aspects of it are legitimate. All of you have careers, and I'm sorry for the situation in which you find yourselves. This is not a forum for individual members of any agency, Federal agency, unless there's a broad pattern of discrimination or a violation of law, to air their grievances, their employment grievances.

I must say, listening to this hearing, I don't walk away convinced of anything other than we're listening to sad tales of certain individuals about their situation. The enumeration of grievances does not constitute whistleblower status. I'm not quite sure why we had this hearing. I certainly don't think it proves some consistent pattern of wrongdoing by the Federal Bureau of Investigation.

I've heard some things here that run counter to the history of the FBI. The gentlelady, I think, from Florida said, like, a new idea, that they got into the intelligence business. That would've come as news to J. Edgar Hoover, who loved intelligence and, in fact, preferred it over some forms of law enforcement. He had a whole network in South America he had to dismantle when President Truman told him he had to get out of that business.

So, thank you for being here, but I must tell you, I leave more skeptical and with more questions about the nature of this hearing than I began.

I yield back.

Chair JORDAN. The gentleman yields back.

Mr. ISSA. Mr. Chair, if I could sink a very short point of privilege.

For the record, I left Congress in 2019 and returned in 2021. I believe the gentleman saw an absence of conduct by me when I wasn't in Congress.

Mr. CONNOLLY. I must say, I'm so fond of my friend from California it was like he was still here.

Mr. ISSA. I thank my good friend from Virginia.

Yield back.

Chair JORDAN. Yes. I would just point out before I recognize the gentleman from Louisiana that, just for the Committee's benefit—

Ms. GARCIA. Mr. Chair?

Chair JORDAN. —Mr. Vindman was not the whistleblower.

Ms. GARCIA. Mr. Chair?

Mr. GOLDMAN. He was retaliated against—

Chair JORDAN. The whistleblower remained—

Mr. GOLDMAN. —for testifying pursuant to a lawful subpoena.

Chair JORDAN. The whistleblower remained anonymous. Unlike Mr. Allen, we never saw—Mr. Allen's willing to give us the transcript. We never saw the transcript from the anonymous whistleblower.

Mr. GOLDMAN. What are you talking about? There was a complaint that was publicly disclosed.

Chair JORDAN. The gentleman from Louisiana.

Ms. GARCIA. Mr. Chair, parliamentary inquiry.

Chair JORDAN. The gentlelady may state—well, I've already recognized Mr. Johnson.

Mr. JOHNSON of Louisiana. Thank you, Mr. Chair.

Ms. GARCIA. Mr. Chair?

Mr. JOHNSON of Louisiana. The Democrats, our friends on the other side of the aisle, are trying their best to obscure the purpose of this hearing and to pretend like they don't understand the meaning of it.

Here it is: Activists in the FBI and the Department of Justice have weaponized the full weight of their agencies against everyday Americans.

It's alarming. The examples that have been highlighted by this Committee are shocking to the sensibilities of all the people that we represent, and they want us to get action, answers, and accountability.

The FBI—here's a couple examples:

The FBI sought to label concerned parents at school board meetings "domestic terrorists."

We know that they sought to recruit spies and informants inside the congregations of traditional Catholic churches.

We know that they worked with the social media platforms hand-in-hand, almost as partners, over the last two election cycles to censor and silence conservatives online that they disagreed with. Sometimes they were candidates.

Now, the people at this table, who are patriots, who this bothered their consciences, who knew that this was against their oaths of service in their duty, spoke up, and they're being retaliated against.

Mr. O'Boyle, I wanted to just discuss one of these examples. In your transcribed interview with Committee Members, you stated that Federal law enforcement involvement at school board meetings would, in your words, "absolutely chill parents from exercising their First Amendment rights."

Can you explain a little bit more about what you mean by that?

Mr. O'BOYLE. Yes. So, one of the examples given in the congressional letter included an example where a neighbor—or, somehow, someone knew a parent that they believed was extreme and so they called the FBI and reported that parent to the FBI.

When citizens in this country get to a point where they can call the most powerful law enforcement agency in the world on their neighbor just because they disagree with them, that is chilling to the First Amendment rights of the people who are getting the FBI called on them.

Mr. JOHNSON of Louisiana. That is absolutely right. The parents who are concerned about their kid's education have a right to come to the school board meeting and express those sentiments, and they should not have fear of the Federal government investigating them or doing as you testified and explained to us, that the FBI Counterterrorism and Criminal Divisions came together to create a unique threat tag to label these parents domestic terrorists.

Mr. O'Boyle, is it accurate to say that you tried to fix all these issues within the FBI through the chain of command and that it was only after no action was taken that then you came forward to Congress to disclose this information?

Mr. O'BOYLE. It's accurate that we did discuss it at the squad level. The FBI is set up in a way where line agents, like me, or line supervisors even, they're not going to be able to accomplish fixing such a vast problem from the inside of the FBI.

Mr. JOHNSON of Louisiana. What you've done is exactly what Federal law requires of you. We recognize—as was said here a moment ago, we recognize and protect whistleblowers for their patriotic duty. Why? Because it's essential to maintain the rule of law and to make sure that corruption does not fester throughout the government.

Isn't it true that once the FBI found out you spoke to Congress that your security clearance was then suspended?

Mr. O'BOYLE. Yes, I believe that's what happened.

Mr. JOHNSON of Louisiana. What effect has this had on your ability to provide for your young family?

Mr. O'BOYLE. I've since had to rely on charity, because the FBI stopped paying me and there's no other way for me to make a living. I know from other whistleblowers that the FBI routinely denies them the ability to get outside employment. Then, as a special agent, you can only make \$7,500 a year outside of your government salary.

So, you're really stuck between a rock and a hard place, because, on one hand, we want to try to get our jobs back because we are trying to do our patriotic duty, but, on the other hand, we still have families to take care of. It's essentially a death sentence in the modern era.

Mr. JOHNSON of Louisiana. Yes. Talk about a chilling effect, right? Not only have we chilled the rights of parents to go and ex-

press their views, but any other whistleblower better take note, right? They better take note, you may not be able to feed your family. It's disgusting.

Your security clearance was wrongfully suspended. You have no recourse, right? Because here's the thing: If you wrongfully strip clearances, the FBI is the one that you appeal to, right? The FBI is supposed to investigate itself? Is that right?

Mr. O'BOYLE. That's correct.

Mr. JOHNSON. I just want everybody to understand—I've only got 40 seconds left—the FBI investigating itself.

This is why we're here, folks. This Committee, we have jurisdiction over Department of Justice, over the FBI. We are the checks and balances in the system. We have to draw this attention to this because it's our oversight duty. We're all trying to fulfill our responsibilities and our patriotic duties here.

I am grateful to you men for your willingness to stand forward and take the arrows as you have, even from Members of Congress over here who are trying to disparage you. It's disgusting.

[Applause.]

Mr. JOHNSON of Louisiana. I thank you for your patriotic responsibility.

Look, the free speech of parents is chilled. The speech and the duty of whistleblowers is chilled. We've got a problem, folks, and we're trying to fix it.

I'm out of time. I yield back.

Chair JORDAN. The gentleman yields back.

The Committee will—

Ms. GARCIA. Mr. Chair, I have a parliamentary inquiry.

Chair JORDAN. The Committee will be in order.

Members of the audience should refrain from any type of applause or anything.

Ms. GARCIA. Parliamentary inquiry.

Chair JORDAN. The Chair recognizes the gentleman from Virginia for a unanimous consent request.

Mr. CONNOLLY. I thank the Chair.

Ms. GARCIA. Mr. —

Mr. CONNOLLY. I ask unanimous consent to enter into the record the interview of George Hill, dated February 7th, with the Judiciary Committee, in which he explicitly identifies Empower Oversight, Mr. Jason Foster, as his counsel for the record.

I thank the Chair.

Chairman JORDAN. Without objection.

Chair JORDAN. The Chair now recognizes Mr. Garamendi for his five minutes.

Ms. GARCIA. Mr. Chair, I have a parliamentary inquiry.

Chair JORDAN. Mr. Garamendi is recognized.

Ms. GARCIA. Mr. Chair, I have a parliamentary inquiry.

Chair JORDAN. Mr. Garamendi is recognized.

Ms. GARCIA. Mr. Chair, I have a parliamentary inquiry.

Chair JORDAN. We can do this all day.

Mr. Garamendi is recognized.

Ms. GARCIA. OK, let's do it all day. Mr. Chair, I have a parliamentary inquiry.

Chair JORDAN. You're not recognized.



Ms. GARCIA. Mr. Chair, there's a Member on this side of the dais who has not been waived in on Committee. We'd like to know, is he asking to be waived in, or is he going to sit in the audience, or has he joined somebody's staff since he's against the wall?

Chair JORDAN. Mr. Garamendi is recognized.

Ms. GARCIA. Mr. Chair, can I have an answer to my question, please?

Chair JORDAN. He's a colleague. He's not been waived in.

Mr. Garamendi is recognized.

Ms. GARCIA. Well, we'd be happy to waive him in if he wants to sit in, but he's up in the dais area, but he's not in the audience.

Chair JORDAN. If we waive him in—

Ms. GARCIA. He's actually standing where—he's actually sitting where, most times, staff stands.

Mr. JOHNSON of Louisiana. As is customary in the Congress.

Chair JORDAN. Yes. Yes.

Mr. JOHNSON of Louisiana. Anything to obscure the facts. Anything to stall the Committee hearing. Unbelievable.

Ms. GARCIA. No, I'm not stalling. I think we need to follow procedures—

Chair JORDAN. Mr. Garamendi is recognized for his five minutes.

Ms. GARCIA. OK.

Mr. ISSA. Mr. Chair, I ask that Mr. Garamendi's time be restored, since it was taken by inappropriate behavior.

Chair JORDAN. The gentleman is recognized.

Mr. GARAMENDI. Thank you, Mr. Chair.

This hearing, as similar hearings, tends to devolve into shouting back and forth and accusations back and forth.

I'm trying to understand the testimony by the witnesses and their lawyer. I'm trying to find the issue that is pertinent to the Committee.

Yes, we do investigations, presumably to write law to address problems.

I've listened as best I could as the conversations have gone back and forth, and I'm still trying to really figure out why we are spending time here if, indeed, our task is to address problems, in this case in the FBI, and how we might find a solution to those problems.

There appears to be but one issue, as I can try to understand it, and that is the use of the security issue makes it difficult for the participant, whistleblower, to find satisfaction.

Is that the case, Mr. Leavitt?

Mr. LEAVITT. Yes, sir. There are limited protections. One of them came after the Whistleblower Protection Enhancement Act of 2012, just an executive—

Mr. GARAMENDI. So, your recommendation is a change in the whistleblower law as it applies to, I suppose, all Federal agencies?

Mr. LEAVITT. Yes. Because, as it is right now, for DOJ employees, they have to wait a year after being suspended before they can go anywhere to appeal, as a whistleblower, the suspension of their clearance.

Mr. GARAMENDI. I see. So, have you made a specific recommendation to the Committee as to the change of law that would address the problem that you have identified?

Mr. LEAVITT. That's why I'm here right now. I just made it.

Mr. GARAMENDI. OK. So, you believe you have, other than—I would appreciate inviting your specific change to the law.

Mr. LEAVITT. I'd be happy to. To the extent that it's helpful—

Mr. GARAMENDI. No, it's my time.

There are other things going on here. Mr. Friend, you have a very interesting backgrounds obviously in the FBI and beyond. You've also had a very interesting tour on Twitter.

I find it most interesting during our break to go and vote. The majority, including some Democrats, voted to express support for law enforcement officers and condemning efforts to defund and dismantle local law enforcement agencies.

Specifically condemning, this is the joint resolution, House Resolution 49, concurrent resolution, condemns and calls to defund, disband, dismantle, and abolish the police.

Mr. Friend, have you ever put a tweet out to defund, disband, dismantle, and abolish the FBI?

Mr. FRIEND. I have.

Mr. GARAMENDI. The FBI is a police agency. Yes?

Mr. FRIEND. The FBI is—it's my understanding that they're a domestic intelligence agency with law enforcement capability.

Mr. GARAMENDI. They are a police agency. Thank you.

I suppose consistency is the hotgoblin of a small mind.

Nonetheless, at least one of the witnesses here wants to disband the FBI, which would be counter to what we just voted on, on the floor of the House of Representatives.

There are plenty of problems. There is a formal process for whistleblowers to have their issues adjudicated. In 2012, Members of this Committee voted for it. I certainly voted for it in 2012. There appears to be a glitch. It would seem to me that we would be useful to use our time to delve into this glitch.

If we determine that it is a problem, then the appropriate thing to do would be the Chair of the Appropriations—excuse me—of the Judiciary Committee to put forth a bill to address the problem.

The shouting back and forth has done little to illustrate or provide information on the details of the problem. Definitely, I agree with those who say we ought to not defund the police, including Democrats.

Chair JORDAN. The gentleman's time has expired.

Mr. ARMSTRONG. Mr. Chair, I ask unanimous consent to allow Mr. Biggs to sit on the dais.

Chair JORDAN. Without objection.

The Chair now recognizes the gentleman from North Carolina, Mr. Bishop.

Mr. BISHOP. Thank you, Mr. Chair.

I will say I've sat, struggling to figure out what I think the Americans who may watch this hearing are to take from it. It is troubling.

An aspect of the Ranking Member's opening statement was interesting. I heard part of that it really stuck with me. It suggested—this is not what she said, specifically, but it's sort of a paraphrase of what I heard her saying to you witnesses, especially the three who've been serving the country as FBI agents and before.

It was sort of like: So, your lives have been turned up down by the FBI in retaliation for raising questions about abuses of the rights of Americans? Good. How do you like it?

That's kind of what I heard. It seemed that her perspective, she went on and talked about how people had been victimized by police across the country. ACAB is the idea and it's almost like there—since she thinks there are victims aplenty, it's OK if you're victimized.

There's a supreme irony in that, isn't there? One of you was concerned about the improvident use of a SWAT team. They—that's been ridiculed.

Another of you has been concerned about whether—about the investigation of people by the preeminent law enforcement agency in the country for nothing more than being on a bus, to travel to a place where there was a speech by the President and so forth. A couple of people on that bus were subsequently looked at. Your concern was whether the investigation was adequately predicated for those people, and that's ridiculed. It's astonishing.

One of you was concerned about whether the FBI sending people out to interview persons who are going to a school board meeting and expressing their views. Because all they were engaged in was First Amendment activity, that's not an adequate predication for the attention, investigative attention, of law enforcement. That's ridiculed. I don't quite get it.

I will say this. In this process, fair cross-examination and even the impeachment of the credibility of witnesses is appropriate. Now, I will say the things that have been attempted as impeachment of credibility here, no court in the country would allow because they are not fair mechanisms for attempting to do that.

What has struck me, is that these whistleblowers have, your comportment, your demeanor, your poise, your articulation, and your discipline has been exemplary at every point, even as the Members on the dais beclown themselves. It's quite a testament, and it deepens something.

I worried, to be candid about this hearing, because many Americans, it is my impression—and we're continuing to investigate—many Americans have been victimized by the distortions that have occurred in the leadership of the FBI. I worried that we might have that. Have you ever heard the quote—it's sort of used in athletics—“never tell anyone your troubles. Half the people don't care, and the other half are glad it happened to you.”

That's a supremely pessimistic world view. I don't really subscribe to it, but you've heard that out there. This is making a clear point and I commend each of you for what you've done here, coming here, and demonstrating who you are and letting yourself be attacked in this way, because you've borne it really remarkably well.

I think Americans need to hear it because there are other glimpses of just how the victimization has gone on and how it's victimization at scale.

This is one fact that's struck me. The Bank of America records, the story that Bank of America turned over the credit card transactions, whether for an aircraft or a lodging or the purchase after cup of coffee, for everyone who decided to come to Washington, to

be in the Washington area, the six Northern Virginia area, that's one of the things that you asked questions about.

There are victims all over the place. All the people who suffered when the FBI and the Department of Homeland Security got involved in censorship with social media platforms, millions and millions of tweets and narratives being taken down, that is victimization at scale. It must be resolved.

The fact that those who profess to be most concerned about victimization of people by law enforcement in this country join in the victimization of you. I think that's the takeaway at least for me from this hearing.

My time has expired.

Chair JORDAN. The gentleman's time has expired.

The Chair now recognizes Mr. Allred. The gentleman from Texas is recognized.

Mr. ALLRED. I yield my time to Mr. Goldman.

Mr. GOLDMAN. Thank you.

I thank the gentleman for yielding.

I want to thank those of our witnesses here who have served in the military, for your military service. I want to thank you for coming in. We on this side support whistleblowers. I certainly support whistleblowers, and you and the Committee majority can be certain that we will follow all House rules to maintain the confidentiality of whistleblowers until they have been publicly identified, as you all now have here.

What our concern with is not really at the bottom whether or not you are whistleblowers. That's something that neither you can determine, or Mr. Leavitt can determine, or we can determine. That's something that we understand is being adjudicated and ultimately could end up in court where the ultimate determination would be.

Our concern is that you have met with the Committee majority, perhaps several times. You have provided information, documents, and testimony. We're in the dark, and that's not how Congress work. That's not how Committees work.

I'm sure, Mr. Leavitt, you would agree with me that when you were on the Hill, that's not how things work. So that is—

Mr. LEAVITT. Depending on the sorts.

Mr. GOLDMAN. That is what—sorry?

Mr. LEAVITT. I just said depending on what was happening. I've seen examples of congressional staff retaliate against whistleblowers, and I've also seen those whistleblowers then refuse to engage with those congressional staff.

Mr. GOLDMAN. Fair enough. Maybe that happens, but we even been given the opportunity to do that in violation of Committee rules.

Ultimately, what we are here for is because these three individuals are expressing in various degrees their objection to their treatment with the FBI. They have also in varying degrees expressed support for the January 6th insurrection and in some cases have even allowed those personal views to influence their official duties.

Now, the allegations that we are dealing with here today and the reason why whether or not people are whistleblowers matters or your credibility matters is you're just the three individuals, three

people in an organization of tens of thousands who are making these allegations. So, credibility does matter.

I was a Federal prosecutor for 10 years, working alongside the good men and women of the FBI. I never once had a political conversation. I never once had any politics interfere with the work that we were doing as part of our official duties. If I did, I would certainly call it out and report it up the chain. That is not appropriate.

I am alarmed on their behalf that so many of the good men and women of the FBI are being called out for being, quote, "what one of my colleagues said is a political arm of the Democratic Party."

Now, you all would agree, really quick, that credibility matters. Right? You're all agents or current or former agents at the FBI.

Is that right, Mr. O'Boyle? Correct?

Mr. O'BOYLE. Yes.

Mr. GOLDMAN. Mr. Friend?

Mr. FRIEND. Yes.

Mr. GOLDMAN. Mr. Allen, right?

Mr. ALLEN. I'm a Staff Operations Specialist, sir.

Mr. GOLDMAN. So, you don't believe credibility matters?

Mr. ALLEN. Credibility does matter, sir. I'm a Staff Operations Specialist. That's my official role.

Mr. GOLDMAN. Let's take the Chair's opening statement for a second. He said in his opening statement about the John Durham Report that Mr. Durham found that there was no predicate and no basis to open the investigation. I'm going to read you a paragraph from page 295 of the Durham Report. It says:

Under the FBI's guidelines, the investigation could have been opened more appropriately as an assessment or preliminary investigation. FBI investigations opened as preliminary investigations, short of full investigations, if necessary and appropriate, may be escalated under the guidelines by converting to a full investigation with supervisory approval.

Mr. O'Boyle, does that sound like Mr. Durham determined that there was no basis at all to open an investigation, as the Chair said?

Mr. O'BOYLE. I would have to have more information. Based on what you just read, it sounds to me like based on FBI rules, a preliminary investigation ought to have been opened, if anything was going to be opened at all. It sounds like it was opened straight as a full investigation.

Mr. GOLDMAN. Right.

Mr. ALLEN. I also don't—

Mr. GOLDMAN. You understand that the difference is really just based on timelines and slightly narrower range of authorities, but that preliminary investigations are often escalated to full investigations after some additional investigation. Right?

Mr. O'BOYLE. They're also often just shut down.

Mr. GOLDMAN. Sure. Right. Of course.

I see that my time is about to expire, and I look forward to my additional questions.

I would just note for all of us here that to use three individuals' personal experiences, including determinations based on a number of different levels of review at the FBI that you no longer warrant your security clearance, is a very bold and unfounded statement—

Chair JORDAN. The time of the gentleman has expired.

Mr. GOLDMAN. —to use to claim that the FBI is a weapon of the Democratic Party.

I yield back.

Chair JORDAN. The gentleman from Kentucky is recognized for five minutes.

Mr. MASSIE. Americans are upset, and they are angry that the government's been weaponized against them. I think they're better served if we remain dispassionate in reviewing this evidence. I have to admit I came here today, trying to be dispassionate. I'm feeling emotion. I'm feeling disgust.

Before us, among these witnesses, is represented decades of exemplary service in the military, in the FBI, service to our country for which your families have sacrificed, for which you have sacrificed to give this service.

Now, the other side of the aisle just wants to disparage you for bringing forth facts that the American people need to know, that we need to know if we're going to change these whistleblower laws so that you are not punished for bringing us the truth.

This is our fourth—or we've had four hearings and I'm noticing a disturbing trend here. Big business is working with the government to weaponize against the American people. The government says, well, this is OK because we're not violating the Constitution. The big business is doing this voluntarily. We saw this with the social media companies.

I want to play testimony from a whistleblower who's not here with us today, if you could cue that up, about how we've seen in this instance one of the biggest corporations in America working with the FBI to violates civil liberties.

[Video shown.]

Mr. MASSIE. I find that testimony chilling. That was the retired FBI Supervisory Intelligence Analyst George Hill who gave us that testimony.

What he said there is that Bank of America compiled a list of everybody who used a credit card or a debit card between January 5th–7th inside of Washington, DC, and gave that to the FBI.

Before they did, they looked at anybody who'd ever purchased a firearm, according to their records, and elevated those people to the top of the list. They didn't geofence it to Washington, DC. You could have, as Mr. Hill testified, you could have bought a gun in 1999 in Iowa with a Bank of America card. Then you got heightened tension, and it was given to the FBI.

Now, whether the FBI asked for this or whether they did this voluntarily is very chilling because Bank of America has a lot of issues in front of the government. This is where you get into this unhealthy feedback loop.

Bank of America spent a quarter of million dollars lobbying us on the American Rescue Plan, issues related to Paycheck Protection Program, general issues related to data security, and general issues related to interchange, and general issues related to privacy, the irony of it. Bank of America is violating your privacy, working hand in glove with the FBI.

Now, the FBI will say: We didn't ask for this. They just gave it to us. It doesn't matter. It's a violation when you get to this level of cooperation.

Now, I want to turn to something else that's troubling me very much. The whistleblowers here before us today have described incentive-based payments related to increasing the number of criminal investigations.

Mr. Friend and Mr. Allen, you've talked about this.

Mr. Friend, can you tell us what that's about and why that might be unhealthy?

Mr. FRIEND. It's extremely unhealthy. It's called Integrated Program Management. It's a process the FBI uses annually to essentially establish arbitrary metrics for itself to achieve as far as opening a certain number of cases and using certain tools and getting certain accomplishments.

Mr. MASSIE. In football terms, this sound eerily similar to the Saints' Bounty-gate. You folks remember that. In that scandal, coaches would pay players cash bonuses for hits that would result in injuries to other players. Players would receive additional pay if their tackle resulted in an opposing player being taken out of the game. These noncontract bonuses were part of an underground culture that incentivized dirty behavior. When the activity was exposed, the Saints' organization was widely condemned. The defensive coach was initially suspended indefinitely. The head coach was suspended for an entire season.

Somebody at the FBI needs to be suspended for the dirty tactics that they've used. If we recognize it in sports, it's not hard to recognize it here in government.

I yield back the balance of my time.

Chair JORDAN. The gentleman yields back.

The Chair recognizes the gentleman from New York, Mr. Goldman.

Mr. GOLDMAN. Thank you, Mr. Chair.

I'm going to move quickly through a couple of different questions. We established earlier credibility matters certainly for witnesses who appear before us.

Mr. O'Boyle, do you know who Kash Patel is?

Mr. O'BOYLE. I do.

Mr. GOLDMAN. Have you received any money from Kash Patel or his organization?

Mr. O'BOYLE. I have.

Mr. GOLDMAN. When you previously met with the majority members and/or majority staff of this Committee, was Kash Patel present for that meeting?

Mr. O'BOYLE. No.

Mr. GOLDMAN. To your knowledge, has Kash Patel ever spoken to the Committee Members on your behalf?

Mr. O'BOYLE. Not that I know of.

Mr. GOLDMAN. Not that you know of?

Was anyone present for your previous meetings with Committee Members and staff on the majority that were not Members of this Committee or staff of this Committee?

Mr. O'BOYLE. My counsel.

Mr. GOLDMAN. Your counsel? Anyone else?

Mr. O'BOYLE. I don't think so, no.

Mr. GOLDMAN. Is Kash Patel helping you finance your counsel?

Mr. O'BOYLE. Not that I'm aware of.

Mr. GOLDMAN. OK. Mr. Friend, what about you? Do you know Kash Patel, as well?

Mr. FRIEND. Yes.

Mr. GOLDMAN. Did you receive any money from Kash Patel?

Mr. FRIEND. Yes, he gave me a donation last November.

Mr. GOLDMAN. A donation.

Mr. GOLDMAN. Yes.

Mr. GOLDMAN. Are you a charitable organization?

Mr. FRIEND. I was an unpaid, indefinitely suspended man trying to feed his family. He reached out to me and said he wanted to give me a donation.

Mr. GOLDMAN. Did he have any—was he present for any of your meetings with Committee Members or staff?

Mr. FRIEND. No.

Mr. GOLDMAN. How many times did you meet with the Committee Members or staff prior to your transcribed interview?

Mr. FRIEND. I never met with them prior to my transcribed interview.

Mr. GOLDMAN. Did you speak to them on the phone?

Mr. FRIEND. Yes.

Mr. GOLDMAN. All right. So, you spoke to them on the phone.

Mr. FRIEND. Yes. I spoke to them on the phone, corresponded.

Mr. GOLDMAN. Did you provide documents?

Mr. FRIEND. Yes, I gave them my written declaration.

Mr. GOLDMAN. Did they ask you whether they could share that with the minority?

Mr. FRIEND. I don't know. At the time I don't believe they were actually in the majority.

Mr. GOLDMAN. Did they ask you whether they could share the documents?

Mr. FRIEND. I don't remember if they did or didn't.

Mr. GOLDMAN. I want to focus a little bit on that SWAT case that you mentioned, Mr. Friend, where the SWAT team was used to make an arrest of someone associated with the domestic violent extremist group.

That was not your case?

Mr. FRIEND. That was a case that was within my office. The Joint Terrorism Task Force sort of ran all the cases together.

Mr. GOLDMAN. OK. Did you work on that case?

Mr. FRIEND. My name is on it. I did not perform work for it.

Mr. GOLDMAN. Got it. What evidence did you have that this defendant had offered to surrender to the FBI?

Mr. FRIEND. The evidence I had was in his conversation with the individuals he—from my office who spoke to him. He said that he would cooperate.

Mr. GOLDMAN. So, he said he would cooperate with the FBI, but he never told you that he would surrender to an arrest. Those are two different things. You agree, right?

Mr. FRIEND. No, I wouldn't. If somebody told me that if you need anything from me, just let me know, I'll cooperate and I would in-



interpret that to mean I would reach out to them if I had a criminal charge.

Mr. GOLDMAN. Really?

Mr. FRIEND. Yes.

Mr. GOLDMAN. Interesting. That's certainly not my experience.

Mr. Allen, you passed around information to other members of the FBI related to January 6th. Is that right?

Mr. ALLEN. Yes, sir.

Mr. GOLDMAN. You were admonished by your supervisor not to do that. Is that right?

Mr. ALLEN. I was not, sir.

Mr. GOLDMAN. You were not.

So, when it says here in the FBI's letter to Mr. Jordan of yesterday that your supervisor admonished you to stop circulating these materials on multiple occasions, you're saying right now that the FBI is lying to this Committee?

Mr. ALLEN. That statement that they wrote is inaccurate.

Mr. GOLDMAN. OK. Did you write to your colleagues to, quote, "exercise extreme caution and discretion in pursuit of any investigative inquiries or leads pertaining to the events of January 6th"?

Mr. ALLEN. Yes, I corresponded with my team—

Mr. GOLDMAN. Did you write that?

Mr. ALLEN. Yes, I wrote those words and the correspondence.

Mr. GOLDMAN. OK. That was after you had been admonished not to send information about January 6th, right?

Mr. ALLEN. I was not admonished to not send information.

Mr. GOLDMAN. You do agree that your personal opinion should not influence your official duties, don't you?

Mr. ALLEN. No, you should be objective and analytical in all the decisions and information.

Mr. GOLDMAN. No, that was—sorry. That was my question. Your personal views should not influence your official duties.

Mr. ALLEN. No. You should be objective in doing the conduct of your job.

Mr. GOLDMAN. Now, Mr. Friend and Mr. O'Boyle, I don't have much time. You agree that you were field agents. Correct?

Mr. O'BOYLE. Correct.

Mr. GOLDMAN. You understand chain of command, do you not, Mr. O'Boyle?

Mr. O'BOYLE. I do.

Mr. GOLDMAN. Right. So that if you make a suggestion to a supervisor and your supervisor overrules you, that's the nature of the business, isn't it?

Mr. O'BOYLE. Not if it's a violation of a law or a rule.

Mr. GOLDMAN. You make decisions about whether grand jury subpoenas should be served or not as a field agent of the FBI?

Chair JORDAN. The time of the gentleman is expired.

Mr. O'BOYLE. If I have a reasonable belief, I can make a protected disclosure, which is what I've done.

Mr. GOLDMAN. OK. Do you think you make those decisions—

Chair JORDAN. The time of the gentleman is expired.

The gentleman yields back.

The Chair recognizes himself.

Mr. O'Boyle, why do you think they came down on you so darn hard? Deep down, what do you think their motivation is?

Mr. O'BOYLE. I think they want to—the agency as a whole wants to get rid of people who simply just don't tow the line that they want. They don't want critical thinkers. They don't want people who raise valid questions to their chain of command.

Chair JORDAN. They want to send a message, don't they?

Mr. O'BOYLE. Absolutely.

Chair JORDAN. They want to make you an example, don't they?

Mr. O'BOYLE. Yes.

Chair JORDAN. They don't care. They want to send that message so hard, so strong. They don't care that you served six years in the Army, member of the 101st Airborne, took enemy fire, was selected for a special new unit they were putting in Quantico.

They wanted to send such a message that they said: If we can get this guy, we can get this guy to be quiet, we can get everybody to be quiet. That's what they were doing, wasn't it?

Mr. O'BOYLE. Yes, sir, especially since I had just had a baby who was two weeks old and we had just sold our House.

Chair JORDAN. Just to put the emphasis on it, they said we're going to do it the day he arrives. The day we've worked with him, we've selected him, he's done a great job in the FBI, he served our country, took an oath to the Constitution, took an oath to defend this country, he's going to move. We're going to send all his stuff in this van. We're going to do that.

When the day he arrives, we're going to suspend him. We're not going to let his family get their belongings. We're not going to let him get his clothes for his kids, his winter coats for his children. We're going to send a message.

They did. They suspended you. They took your pay. They don't let you get health insurance. They made life miserable for you to send a message. Because you know what? You reported on the first big screw-up they had in this administration, the first big one. You reported to us as a whistleblower about the school boards issue. The Biden Administration, they thought this was going to be a win for them politically. They thought it was going to make Terry McAuliffe Governor of Virginia, and it back fired.

They looked at 25 parents who were reported on the snitch line that was set up with this memorandum from the Attorney General. They looked at 25 parents. How many of them do you think were actually ever investigated and prosecuted? How many do you think were prosecuted, Mr. O'Boyle?

Mr. O'BOYLE. If I had to guess, I'd say zero.

Chair JORDAN. Zero. Zero.

You came to us because you said this is wrong. This is wrong to set up some Federal snitch line. Some neighbor called in because they don't like their neighbor's politics, reporting to the FBI. Go and investigate these parents.

They said we got to get this guy. We got to get Garrett O'Boyle because you had the courage to step forward.

It's not just with this issue, because we have the memorandum from the Richmond Field Office about Catholics. Right? If you're pro-life, pro-family, and you're Catholic, look out. The FBI wanted

to put people inside the church, inside the parish to spy on fellow citizens.

Does that surprise you, Mr. O'Boyle, that this actually happened in the Richmond Field Office?

Mr. O'BOYLE. It doesn't, not anymore.

Chair JORDAN. Scary. You know that he memorandum, by the way? It was signed off by five people in that office. One of them was the Chief Division Counsel, a lawyer. A lawyer who supposedly went to law school and probably had a course on the Constitution signed off on that memorandum. Scary stuff. Scary stuff.

Mr. Allen, you served 20 years. You had a security clearance for 20 years. You served our country as well. Right?

Mr. ALLEN. Yes, sir.

Chair JORDAN. Honorably discharged?

Mr. ALLEN. Yes, sir.

Chair JORDAN. Won medals from the Marine Corps?

Mr. ALLEN. Yes, sir.

Chair JORDAN. They came after you, too, didn't they?

You simply did—Mr. Goldman asked you a few questions. You were simply doing your job. Your job as an analyst is to compile information, open-source information, present that to your colleagues so they're fully informed about the case. Is that right?

Mr. ALLEN. Yes, sir, that's right.

Chair JORDAN. You that job, didn't you?

Mr. ALLEN. Yes, sir.

Chair JORDAN. You followed your oath, right?

Mr. ALLEN. Yes, sir.

Chair JORDAN. You adhered to the rule of law.

Mr. ALLEN. Correct, sir.

Chair JORDAN. You were consistent with the Constitution just like the oath you took when you signed both to serve our country in the military and at the FBI.

Mr. ALLEN. Yes, sir.

Chair JORDAN. You did the same thing, didn't you, Mr. Friend?

Mr. FRIEND. Yes, sir.

Chair JORDAN. Yet, you felt the full weight of the Federal government come down on you guys. Of course, they timed it perfectly. They sent the letter to us yesterday. We knew they would. We knew it was going to happen that way. As Mr. Boyle said earlier, he's getting his hearing tomorrow.

Right, Mr. O'Boyle?

Mr. O'BOYLE. That's when they tried to schedule it. We've not heard back.

Chair JORDAN. Yes, thank you. Thank you for your service to the country. Mr. Bishop was right. The poise, the way you've handled yourself, the gentlemen way you've handled yourself, the way you've served our country, it does not go unnoticed. The American people appreciate what you've done for our country and what you are doing for our country. God bless you.

I yield back.

I now recognize the Ranking Member from the Virgin Islands.

Ms. PLASKETT. Thank you, Mr. Chair.

At least you got a document from the FBI. We here, your colleagues in Congress, don't get documents from you, don't get material from you.

Chair JORDAN. That document was sent to Chair Nadler—

Ms. PLASKETT. This is my—

Chair JORDAN. —Ranking Member Nadler.

Ms. PLASKETT. This is my five minutes. This is my five minutes.

Chair JORDAN. I understand.

Ms. PLASKETT. I didn't ask you—

Chair JORDAN. I'll give you extra time, but it went to Chair Nadler—

Ms. PLASKETT. I didn't yield to you.

Chair JORDAN. —or Ranking Member Nadler.

Ms. PLASKETT. I didn't yield to you.

Not Mr. Allen's testimony, not a lot of testimony but, I do and am concerned when I hear about people not being able to provide for their families. That does upset me as a parent, as a daughter of law enforcement, a granddaughter of law enforcement.

I don't come from a place where I do not respect law enforcement, and I understand the sacrifices that they and their families make.

Mr. Allen, do you know who Brian Regan is?

Mr. ALLEN. The name Brian Regan?

Ms. PLASKETT. Yes. Do you know who that is?

Mr. ALLEN. I'm not aware of a—

Ms. PLASKETT. OK. Brian Regan was an Air Force individual, an Air Force Airman who sold classified information to China, Iraq, and Libya.

Mr. O'Boyle do you know who Reality Winner is?

Mr. O'BOYLE. I believe I have heard that name before.

Ms. PLASKETT. Yes. Reality Winner was an Air Force also, an NSA contractor who in 2018 pleaded guilty to multiple violations of Espionage Act as a contractor who leaked information about the Russian interference the 2016 elections.

Do either—any of you up here, sitting there know who Jack Teixeira is? Right? We all know who he is. He's the young man and the National Guardsman in Massachusetts who leaked massive amounts of classified information.

So, because someone served our country in the military and that they do work for a Federal agency does not exempt them immediately from being someone who could potentially commit espionage or lose security clearances.

We give everybody a pass just because they served our country? We respect their service. If they break the law, then that means that they have to face the consequences. If individuals do things that they're in the process and it determines that they are, in fact, have to have their security clearances removed, then that's what happens.

So, my father served. All my uncles served. People in my family served in the military, and we all respect that. That does not give individuals a pass and means that they cannot be questioned about their security clearances and their allegiances later on to the country.

My colleague, Mr. Goldman, asked questions about Kash Patel, his engagement, his involvement with some of the witnesses here. Even another one of my colleagues brought up a tweet, brought up testimony from Mr. Hill. He was just in awe and could not believe. He was chilled by what he said about Bank of America.

I'm chilled by that same individual saying that the FBI are six brown shirts, that they're Nazis, that the law enforcement agency are, in fact, Nazis. That's a more chilling component to me.

This is more of the same that we see each and every time that we're here. First, just it was demonstrated in the process that we're in right now, an unwillingness to follow precedent, follow the rules. The rules don't apply when it comes to the Republicans. They want a different set of rules for themselves than everyone else. They want a different set of rules for their political beliefs than other individuals have. Individuals who are espousing their beliefs on the job where they're not supposed to, it's OK when it's their beliefs. If it were somebody else, then a different set of rules would apply to them, hiding information.

It's all part and parcel of the Republicans' attempt to make Americans distrust our rule of law, so that when 2024 comes around and, should their candidate not win, more and more people will not believe the truth.

The truth matters. The truth matters. Hiding information and stating a lie over and over again does not make it true. We will continue to, yes, be concerned.

Mr. Chair, I continue to say that there are, I believe, areas that I think that we can work on. I have not had a discussion with you. I've sent you letters about what I believe those areas are. No response with regard to that, but in their time—

Chair JORDAN. The time of the gentlelady has expired.

Ms. PLASKETT. I'm happy to do that with you.

Thank you so much, Mr. Chair.

Chair JORDAN. The gentleman recognizes the gentleman from Utah for five minutes.

Mr. STEWART. Thank you, Mr. Chair.

To the witnesses, I actually am missing another event. I could not leave until I had the opportunity to thank you. Thank you for your courage. Thank you for your honesty. Honestly, I apologize for some of the behavior and the words of my colleagues. It reflects poorly on Congress. It makes us appear childish and as if rudeness is intellect, as if accusations is fact.

You all have done exactly the opposite in the face of accusations, in the face of insinuations. Comparing you as military members to known traitors and, therefore, we shouldn't believe you, it's just simply outrageous. It's childish. You haven't done that. You've done exactly the opposite.

I want you to know that the American people have listened to you, and they can see your demeanor. They can see your sincerity. They can see and respect the service that you have rendered, and that's what they will remember from this. They won't remember some objection about, well, we weren't given this document. They won't remember who Kash Patel is. Who even knows what—has anything to do with this.

They're smart enough to know this isn't about January 6th. This isn't about a previous election or the next election. They're smart enough to hear your words and to measure your sincerity and to know whether you're telling the truth. I'm telling you that as someone who sat on the Intelligence Committee for years and used to be a defender of the FBI and to watch their activity over the last few years, I completely believe you because I've seen it again and again and again.

Probably the most concerning thing I've seen in Congress is this weaponization of Federal agencies. We give them enormous power. You had enormous power, and we can't give agencies like the FBI incredible abilities to go surveil, to monitor, to read, and to observe American citizens and then just say: Go do what you want. Don't come talk to us. Don't tell us what you're doing.

That is exactly the opposite. They should and they must be able to have oversight by Congress and they simply don't. That forces you, as whistleblowers, to come forward through another vehicle.

I'd be curious to know. You had friends in the FBI. You were well-respected.

I mean, Mr. Allen, you're the employee of the year, for heaven's sake. Have any of your friends reached out and tried to support you in this? My point in asking that is, I wonder if they're too scared. I wonder if they're scared to be associated with you. I wonder if the FBI tactics of isolating you have worked.

Mr. O'Boyle, have you had friends reach out in support?

Mr. O'BOYLE. Very, very few.

Mr. STEWART. Why is that, do you think?

Mr. O'BOYLE. I think their First Amendment Rights have been chilled, as well. I know for a fact that my former supervisor had a meeting with my squad, shortly after I was suspended. He told them that I was going to be arrested, fired, and charged. So, if that's not chilling, I don't know what is.

Mr. STEWART. Mr. Friend?

Mr. FRIEND. I echo what Mr. O'Boyle said. I've had very few reach out to me, and those who have, have used encrypted ways to do it because they fear retribution.

Mr. STEWART. They're afraid to reach out to you, respected colleagues, people they've worked out for years. They're afraid to reach out to you. It's very clear the FBI has been able to achieve that goal.

Mr. Allen, your experience, former employee of the year?

Mr. ALLEN. I've had a few colleagues reach out who are no longer with the office just to check in periodically which has been appreciated. Other than that, I've been pretty much, like, ghosted by everybody.

Mr. STEWART. Honestly, shame on those agents who respect you and know you and don't have the courage to reach out and support you.

There are members of my family who are FBI agents. I love and respect them, but we have deep concerns about the agency used to work with.

I want to read you something. This should frighten people. It should get their attention, I hope, if it doesn't. The East German Stasi, one of the most effective, oppressive agencies in the history

of the world, this is what they would do. They devised a strategy and tactics to disintegrate a target's personal circumstances.

Surely that has happened to you. Their career, surely that has happened to you. Not only your career as an FBI but they preclude you from working anywhere else. For heaven's sake, you have to ask others to help you to maintain just food on the table for your families.

How can anyone on the other side of the aisle say that's OK with me? Further Stasi tactics, ruin their relationships and their reputation in the community. Tell me that hasn't happened to each of you.

I yield back. Thank you.

Chair JORDAN. The gentleman yields back.

I appreciate that.

The gentleman recognizes—the gentleman from Florida is recognized.

Mr. GAETZ. So, which Americans were being targeted? Now, August 2, 2022, a media organization obtained a copy of a document, which whistleblowers subsequently authenticated to the Committee, that is styled, "The FBI's Domestic Terrorism Symbols Guide on Militia Violent Extremists."

Mr. O'Boyle, are you generally familiar with that guide?

Mr. O'BOYLE. Yes.

Mr. GAETZ. That guide identified certain things that made people more likely to be deemed a threat or terrorists, didn't it?

Mr. O'BOYLE. Yes.

Mr. GAETZ. Wasn't one of those things just the number "2" and the letter "A" next to each other?

Mr. O'BOYLE. Yes, it was.

Mr. GAETZ. In your experience as a law enforcement official, does putting the word—the letter "2" and "A" next to each other make someone more likely to be violent other lawbreaking?

Mr. O'BOYLE. No.

Mr. GAETZ. If someone signified the right, that they support the right to bear arms, was that also something in the symbol guide?

Mr. O'BOYLE. Yes.

Mr. GAETZ. How about this one? This one really got me. The Betsy Ross flag, was the Betsy Ross flag in the terrorism symbol guide?

Mr. O'BOYLE. It was.

Mr. GAETZ. What about the Betsy Ross flag makes someone more likely to be a violent extremist?

Mr. O'BOYLE. I wish there was a reasonable explanation for that question.

Mr. GAETZ. There isn't. People blew the whistle and said this stuff is crazy. Americans are being targeted.

Mr. Friend, you ever been to a school board meeting?

Mr. FRIEND. Yes, I have.

Mr. GAETZ. The FBI ever sent to you the parking lot after school board meeting?

Mr. FRIEND. Yes, they have.

Mr. GAETZ. In the parking lot of the school board meeting, where the FBI sent you, you were taking down information regarding people's license plates.

Mr. FRIEND. That's correct.

Mr. GAETZ. Now, it wasn't the first time you'd been to a school board meeting, was it?

Mr. FRIEND. No, I went on my own as a private citizen.

Mr. GAETZ. As a parent.

Mr. FRIEND. Yes.

Mr. GAETZ. So, there you were. It must have been quite an interesting perspective. There you were, taking the down the information of people, parents attending school board meetings on behalf of the FBI. You had been one of those parent at a school board meeting.

How did that feel?

Mr. FRIEND. Well, after I attended privately, my colleagues teased me that they were probably going to start investigating me.

Mr. GAETZ. You used to go after the worst of worst, didn't you?

Mr. FRIEND. Yes, I believe so.

Mr. GAETZ. You went after people who looked at child porn.

Mr. FRIEND. Yes.

Mr. GAETZ. People who were sexually exploiting children.

Mr. FRIEND. Yes.

Mr. GAETZ. Then you were in the parking lot of a school board meeting, taking down the information of parents.

What happened to the cases that you were working to protect our communities from the worst predators that exist?

Mr. FRIEND. I was told they were not to be resourced. Then, after I was suspended, they were handed off to local law enforcement.

Mr. GAETZ. Wow. So, the FBI just decided it was more important to have you in that parking lot of that school board meeting than getting the worst of the worst away from people that they could harm.

Mr. FRIEND. That's correct.

Mr. GAETZ. You deserve the consequences you are getting, according to the Ranking Member.

Mr. O'Boyle, the Ranking Member said that when people break the law, they deserve the consequences they get. It doesn't matter that they served in the military.

So, what law did you break before the FBI packed up all your stuff and moved it across the country to Virginia?

Mr. O'BOYLE. No true law. The only thing I broke was not towing the line for the FBI. Like I said when I opened, my oath is to the Constitution, not to the FBI.

Mr. GAETZ. Our laws provide you avenues to talk to Congress, to talk to your supervisors about those concerns. Right?

Mr. O'BOYLE. Correct.

Mr. GAETZ. So, you didn't deviate from that, did you?

Mr. O'BOYLE. No.

Mr. GAETZ. You didn't go to the media first, did you?

Mr. O'BOYLE. No.

Mr. GAETZ. You used what the law provided. Your family has paid an exquisite price for that, haven't they?

Mr. O'BOYLE. They have.

Mr. GAETZ. How old were your children when they moved you across the country?

Mr. O'BOYLE. Six, five, three, and two weeks.



Mr. GAETZ. A two-week-old baby.

Mr. GAETZ. A two-week-old baby.

Could you get your stuff?

Mr. O'BOYLE. Six weeks later.

Mr. GAETZ. Oh, so for six weeks almost every possession to your name, the FBI had and wouldn't give back to you. How did you—what time of year was it? Was it winter? Summer?

Mr. O'BOYLE. When I reported, it was in September. So, when we were traveling, it was summertime essentially. So, we had basically summer clothes. Then we were basically stranded in Wisconsin, which is where we're from. It gets cold there pretty quick.

Mr. GAETZ. Well, I'll take your word for it. I'm a Florida man.

What was it like when you had to go and explain to your wife that you didn't have coats for your children, because the FBI wouldn't give them back to you?

Mr. O'BOYLE. It was horrible. I mean, we were asking family for clothes and—excuse me. It was a difficult time.

Mr. GAETZ. Yes. You became a charity case, didn't you?

Mr. O'BOYLE. I did. Now, I get derided for that. I never thought I'd have to accept charity in my life. I thought I would be able to take care of my family, but I'm grateful for everyone who has provided charity to me. That even includes a former colleague's church. I would name the church to give them recognition, but I'm too worried that the FBI would send informants to infiltrate that church, as well.

Mr. GAETZ. Yes. Well, they've already done that with the Catholics.

I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from North Dakota is recognized.

Mr. ARMSTRONG. Thank you, Mr. Chair.

The Mueller—or the Durham Report dropped this week and it's an absolute—I mean, the politically motivated misconduct by the FBI and the DOJ is outlined in very, very specific detail. It's an absolutely damning indictment on the FISA Court.

The response from DOJ and Director Wray continues to be that all the people engaged in that conduct are no longer with the DOJ or the FBI, and Director Wray has emphasized the importance of doing things the right way. Essentially, it's all in the past. Nothing to see here. Just trust us.

Mr. Allen, do you think the FBI leadership does things the right way?

Mr. ALLEN. No, sir.

Mr. ARMSTRONG. Mr. Friend?

Mr. FRIEND. No, sir.

Mr. ARMSTRONG. Mr. O'Boyle.

Mr. O'BOYLE. No, sir.

Mr. ARMSTRONG. The Durham Report detailed that submitted warrant applications to the FISA Court without interviewing witness, failed to correct warrants after learning more information about a witness's reliability, failed to disclose exculpatory testified a secret court, omitted information that contradicted what they had told the Court previously when they were trying to get extensions. In one case, they actually fabricated an application for the warrant.

In a letter dated on May 15th, the DOJ informed us that we don't have to worry about it anymore because they revised some forms, issued a whole bunch of new guidance. They promised us that they have a better way to maintain files. They implemented more training. The FBI loves training. Bureaucrats love training. They have more internal oversight. They have a rigorous and robust oversight program. They instituted technical updates. They automated workflow.

You know what's not mentioned anywhere in that letter? Consequences. There are no consequences, no penalty, and no punishment. So, if there's no consequences, there's no prosecutions, then there is no incentive for the DOJ or the FBI to hold themselves accountable.

The single best way for the American people to learn about the abuses carried out by our government is by whistleblower testimony. So, the single most effective way to keep these things from coming to light is to make sure it is known that dissent will not be tolerated and speaking out will be dealt with severely.

Just this week, the IRS whistleblower was removed from a case at the request of the DOJ in a clear case of retaliation and violation of the law.

So, Mr. Allen, when we're talking about this and what you all have gone through, and your families have gone through is just heart-wrenching and Congressman Gaetz just walked through it.

What are the consequences moving forward for your colleagues on whistleblowers?

Mr. ALLEN. I think in light of what's happened to us and what's happened to all the people involved with that investigation, it definitely has to send a chilling effect across the agency. There's just an incongruence in how personnel at a high level have been treated and how we've been treated.

Mr. ARMSTRONG. Mr. Friend, with this public setting. We're in testimony. Can you tell the American people what has happened in your life since you have come forward and given this information?

Mr. FRIEND. Well, thank you for that.

Beyond leaking my medical information to *The New York Times* and insinuating that I was under disciplinary action for shooting a firearm in my back yard inappropriately, I was also denied the opportunity to seek outside employment on two occasions, denied my training records which, in essence, is denying me outside employment.

The Inspector General is now aware of the illegal and improper gag order that was issued on me that basically told me that I was not allowed to speak to my family or my attorney about the existence of an investigation.

Mr. ARMSTRONG. So, somebody—if one of your former colleagues is looking at this and watching this and they have information that they think is subject to, being shed light on what the American people, do you think how you've been treated would give them pause?

Mr. FRIEND. It has. That's why they launched the information to me, and that's how I've been able to expose more things now from the outside.

Mr. ARMSTRONG. Mr. O'Boyle, we just heard from your interaction with Mr. Gaetz and how all this occurred and all the hardships you've gone through.

If one of your really good friends, your former colleagues, came to you and said, I have this thing that is being covered up and I think the American people need to know about it, what advice would you give them?

Mr. O'BOYLE. I'd tell them first to pray about it long and hard. I would tell them I could take it to Congress for them or I could put them in touch with Congress, but I would advise them not to do it.

Mr. ARMSTRONG. So, you would legitimately try to protect one of your colleagues from doing what you have done.

Mr. O'BOYLE. Absolutely.

Mr. ARMSTRONG. How do you think that solves being able to shed light on corruption, weaponization, any kind of misconduct that exists with the American people?

Mr. O'BOYLE. It doesn't solve it, but the FBI will crush you. This government will crush you and your family if you try expose the truth about things that they are doing that are wrong, and we are all examples of that.

Mr. ARMSTRONG. I can't think of a more sobering way to end a hearing.

I yield back.

Chair JORDAN. The gentleman yields back.

I want to thank, I know we say this every hearing that we thank the witnesses and I mean it every time. I really mean it. Thank you for coming forward, sharing your story, and standing up for the Constitution, doing your duty. We appreciate it.

Mr. Leavitt, thank you for your representation of these individuals.

We thank you for the powerful testimony that you gave and the way you gave it and the way you've conducted yourselves.

With that, without objection, all Members will have five legislative days to submit additional written questions for witnesses or additional materials for the record.

Without objection, the hearing is adjourned.

[Whereupon, at 12:39 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by Members of the Select Subcommittee on the Weaponization of the Federal Government can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=115972>.