COMMITTEE ON THE JUDICIARY,

U.S. HOUSE OF REPRESENTATIVES,

WASHINGTON, D.C.

INTERVIEW OF: STEVEN D'ANTUONO

Wednesday, June 7, 2023

Washington, D.C.

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

Present: Representatives Jordan and Massie.

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

[REDACTED]   And I know you don't want to divulge identities and I'm not asking --

Mr. D'Antuono.   Honestly, I can't even remember the identities because it's been so long.

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

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

[REDACTED]   Okay.   Thank you.

[REDACTED]

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

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

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

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

Q   Sure.

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

Q   Sure.

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

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

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

A   That is correct.   But there are --

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

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

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

A   Correct.

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

A   Correct.   But the --

Q   And they are truthful in that affidavit, right?

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

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

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

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

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

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

A   Right.

Q   -- allow the warrant, correct?

A   Yes.   That is correct, yes.

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

A   That is correct, yes.

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

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

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

A   Yeah, he signed it.   Yeah.

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

A   It is a lawful search, yes.

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

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

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

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

A   That's correct.

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

A   That's correct, but --

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

A   That's correct.

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

A   No.