

Good morning, Sub Committee Chairman Van Drew and Ranking Member Crockett.

It is an honor to appear at this hearing today. As mentioned, I have over 42 years of active experience in the criminal justice system which informs my testimony today. I served under seven FBI Directors and seven Attorney Generals. While Attorney Generals are cabinet appointments and politics goes with the position this is not and should not be the case with the FBI Director who has a ten-year term that was designed to insulate the position from politics. Indeed, during my 24 years in the FBI I can attest that politics did not drive the initiation or conduct of any FBI investigation and cases were not pursued for political purposes.

Sadly, that has not been the case at the DOJ and FBI since at least 2016.

I am not here to convey my political views. I know how federal investigations flow however and I know the laws, policies and procedures that govern FBI and DOJ operations. I am familiar with the works of this Committee as well as the DOJ Inspector General Horowitz, Special Counsel Durham and all the relevant investigations from Crossfire Hurricane to the Mar-a Lago raid. Many official actions taken by DOJ and FBI in the last 8 years were simply wrong and I share the goals of this Subcommittee that these agencies should never again be used as political weapons.

The facts speak for themselves: The US DOJ and its agencies have effectively been used as political weapons. This has taken the form of selective and hyper aggressive prosecutions of political opponents while slow walking and even sabotaging investigations of favored political figures such as Hillary Clinton and the Biden family. There has been coordination with and even funding of state prosecutions of Donald Trump. There has been use of some of the most intrusive investigative techniques against political opponents of Joe Biden and injection of personal animus and political views into investigations and prosecutions.

I am familiar with the work of the Select Subcommittee on Weaponization of the Federal Government and will not rehash all the many instances of misuse and abuse of the immense powers entrusted to the DOJ and FBI, especially over the last eight years. The scary part is that much of this weaponization was driven by an entrenched group of ideologues within the USDOJ and FBI in perfect alignment with the Biden administration that can't be chalked up to coincidence.

A well-known example is "Crossfire Hurricane" a notoriously unprejudiced investigation of the 2016 Trump presidential campaign tainted by four FISA surveillance orders based on deliberately false information contained in opposition research purchased by the FBI. This was accompanied by the unprecedented infiltration of the campaign by multiple informants. Crossfire Hurricane further involved the entrapment of a cabinet level appointee based on the pretext of an introductory intelligence briefing. Rather than target the Russian influencers and protect the unwitting campaign operatives the FBI targeted the Trump presidential campaign through those operatives. Note that when similar information was developed about the Hillary Clinton campaign, she was immediately afforded a defensive briefing.

Undeterred by the misconduct identified in the DOJ IG Horowitz and Special Counsel Durham reports regarding Crossfire Hurricane many of the same DOJ and FBI managers opened and pursued a classified documents case on the former president and then presidential candidate culminating in the dawn raid on the personal residence of Donald Trump. This raid was ostensibly to execute a search warrant and was conducted despite ongoing negotiations regarding the declassification and possible return of the documents. I ran the FBI's Criminal Division for almost three years and held various leadership positions in the most active field offices and don't remember ever working a documents case. The dramatic pre-dawn execution of a search warrant at Mar-a-Lago was an act of spite and intimidation. It was designed to undermine a presidential campaign. That is weaponization.

After the raid it was disclosed that Biden had squirreled away classified documents in multiple non-secure locations, including his own garage. It's likely that most of these date from his years as U.S. Senator and Vice President, when (unlike President Trump) he had no authority to declassify and was not even supposed to remove them from their secure locations. He was deemed "an elderly man with a poor memory" and faced no consequences.

In another example was the inexplicably tepid DOJ controlled FBI investigation of the Biden family influence peddling schemes. Despite the existence of over 170 Bank SARs, multiple credible witnesses, 20 offshore corporations, 19 million in potentially illicit proceeds from hostile and corrupt foreign governments, oligarchs and shadowy international characters seeking official favors and a laptop full of evidence the case

languished. It does not take a Mensa investigator to surmise that serious criminal activity was afoot that extended well beyond a garden variety tax and firearms case

This case was plagued by DOJ interference, attempts to slow walk the investigation past the statute of limitations, and a deceptive effort to discredit the Biden laptop. It took an alert Federal Judge to expose a clever attempt to implement a global plea bargain hidden in a plea to a simple firearms charge. The contrast with the multiple scorched earth investigations targeting DJT should be clear to any objective person.

In another example the DOJ and FBI sleepwalked through the riots of 2020 which featured attacks on federal buildings and courthouses, the cold-blooded murder and wounding of 2 Federal Protective Service contractors, assaults of over 60 US Secret Service officers and agents, arson of 97 police vehicles, assaults on over 2000 police officers and hundreds of other crimes perpetrated by well-funded anarchists imported from other states.

After ignoring this mayhem and destruction the DOJ and FBI then proceeded to form a team of 60 federal prosecutors to go after virtually every person who entered Capitol grounds on January 6.

To be clear the Jan 6 riots and Capitol takeover involved serious crimes committed by multiple bad actors but many of the trespass and other misdemeanor prosecutions were highly questionable and an entire category was invalidated by SCOTUS. It was unwarranted excess prosecution. Blanket pardons would likely not have been granted if the Biden DOJ had focused on the assaults and more serious charges.

As we now know, that at the expense of working transnational criminal enterprises, terrorists and espionage cases over 5000 FBI Agents were employed in this massive investigation targeting our own citizens, This, by far, was the most intrusive investigation ever conducted by the DOJ/FBI. They bullied wholesale tranches of information from all the large financial institutions and cell phone carriers. They accessed private information on individuals who made cell phone calls or conducted financial transactions around the Capitol on January 6. They induced Google to "geofence" the Capitol area and used the geo location features on google apps to identify people on the grounds that day.

Given the disinterest in the anarchist criminal activities and the questionable financing and crimes committed all over the country by Hamas sympathizers one can only conclude that the powers at the DOJ and FBI are only interested in activities that are engaged in by Americans perceived to be right of the political spectrum.

I could go on but in the interest of time let me close by saying it's time for the FBI to return to its core mission of dismantling transnational criminal organizations, cartels and gangs, disrupting terrorists, catching spies and tracking down cyber crime enterprises. The initiation of any type of case targeting a political campaign or political opponent should be prohibited without a court order by a panel of federal judges, like the FISA courts. Any employee of DOJ or a DOJ investigative agency should be subjected to the severest discipline if they inject politics or animus into their work. An example is the now removed FBI SAC in Miami who not only directed many of the Crossfire Hurricane missteps and the Mar-a Lago raid but made a series of anti-Trump social media postings, yet this FBI ideologue was promoted to run one of the largest FBI Field Offices in the country.

Currently the FBI Director has a statutory ten-year term. The legislative history of this statute is clear that this was designed to remove the FBI Director from politics, but by setting this term as a ceiling only, that goal is defeated. In my opinion the FBI Director should have a set term of office that transcends a two-term president. This term should be both a floor and a ceiling with removal based on clear malfeasance only.

Finally, the FBI is a highly professional investigative agency where investigative skills and acumen are honed over 20–30-year careers. Most DOJ Attorneys are just passing through to large lucrative law firm positions. The FBI Director and FBI Agents should be afforded a measure of independence from DOJ and Administration influence. The reporting structure from the FBI Director to the Attorney General should be one where the FBI investigates, and the DOJ prosecutes. No FBI investigation should be directed by a federal prosecutor and no prosecution should be directed by an FBI Agent or executive.

The weaponization must end. The FBI and DOJ must earn back the respect of the American people day by day and case by case. I look forward to answering your questions.