

FITZGERALD TESTIFIES BEFORE HJC

He's just answering questions--no statement.

Sanchez Do you think a President should consult with a Special Counsel on commutation.

PF The President has the power to pardon or commute.

Sanchez: Could you go wherever the evidence brought you?

PF No, I couldn't go outside the scope. The subject matter jurisdiction was given to me, but I could follow the facts in terms of what I was investigating.

Sanchez: If Durham is given the same authority, would it be proper or improper to investigate underlying conduct.

PF I don't feel comfortable opining about decisions others make.

Sanchez: You and your team expended significant time and energy. Should you have been required to submit a report to AG?

PF I was not required to submit a report. The AG was recused. Because a charge resulted, people learned a fair amount about what we did. I believe, I think it's appropriate that when a GJ is used, we expect people to be candid, but we owe it back to people to respect the secrecy of the GJ. I don't think a public report was allowed nor should it have been called for.

Sanchez: A report to Congress?

PF The executive branch has to have space in which it can conduct business and space for prosecutors to make decisions. I see the concerns on both sides, from my narrow POV we can't break GJ rules.

Cannon: Distinction between special counsel and normal prosecutor.

PF One common misunderstanding is that we didn't follow DOJ guidelines. I was bound by those guidelines. Many of the procedures I was the decision maker. When you prosecute as USA, you have to follow the guidelines. In an ordinary case, USA has an awful lot of power. In many cases, the volume of our cases, we can bring charges that will imprison people with out possibility of parole. No wiretap without DOJ, no immunity for witnesses, no govt appeal or attorney or member of the media.

PF Did need authority on racketeering statue for Gov Ryan, sometimes those powers are circumscribed.

Cannon You do consider the prominence of someone accused of a crime. More of a priority for prosecution.

PF In case of Ryan, widespread corruption in IL is something we ought to prosecute, not because he's a public person, but for deterrent and very harmful. As with gangs, we'll go after the most harmful bc of deterrent.

Cannon You did have guidelines to balance the priorities. Do you have guildelines to help sort?

PF The most important thing is to vet the crimes, to get a team of people who have experience to bat ideas around.

Conyers Did the investigation cost 1.5 million or more than that?

PF The last number was ballpark of 2.4 million. Bookkeeping cost—salaries of all of us who worked in the case. If I worked 50 hours on this plus 50 hours on USA Chicago tat didn't get accounted. We had a pocket that was much less than that, much closer to zero, \$550,000 by last count, \$300,000 travel and much of the rest other court transcripts. Took us through trial and sentencing.

Conyers Who leaked it.

PF The name was discussed by three different

officials. One was charged with perjury. [Ut oh, Pat, what about Ari? I count 4 people]

Sanchez Do you believe that conflicts subverts the confidence in DOJ?

Sanchez Why do you recuse if there's the appearance?

PF So we can carry out justice. If I had better stockholdings, I wouldn't investigate companies that affect my wealth. I'm blessed by not having that problem.