

[REDACTED]

I worked from the language in the current draft. [REDACTED]

b5 -1

[REDACTED] then I propose instead the following language (with differences in red text).

[REDACTED]

b5 -1,2

b5 -1

Finally, **please note** that the investigation Code Name (which we identified as a search term) has **NOT** been publicly released. (Indeed, when combined with the case number, the Code Name is classified. By itself, it is considered law enforcement sensitive. Similarly, the file number is law enforcement sensitive and has not been publicly released. I don't know whether the number is on anything that will be provided to OSC. The number has been declassified, however.) So, to the extent that OSC wants to know what our search terms are, [REDACTED]

b5 -1

[REDACTED]

[REDACTED]

UNIT CHIEF | FOIA LITIGATION UNIT

FEDERAL BUREAU OF INVESTIGATION | OFFICE OF THE GENERAL COUNSEL

JEH SUITE [REDACTED]

OFFICE: [REDACTED] | MOBILE: [REDACTED]

b6 -1

b7C -1

[redacted] (OGC) (FBI)

From: Shea, Carol (USAEO) <Carol.Shea@usdoj.gov> b6 -1
Sent: Thursday, January 12, 2017 11:23 AM b7C -1
To: [redacted] (OGC) (FBI)
Cc: Macklin, Jay (USAEO); Bessee, Cecilia O. (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: Re: NDA Language for OSC

[redacted]
b5 -per EOUSA

Sent from my iPad

On Jan 12, 2017, at 10:15 AM, [redacted] (OGC) (FBI) [redacted] b6 -1
wrote: b7C -1

[redacted]
b5 -per EOUSA

[redacted] b5 -1,2

[redacted] b5 -1,2

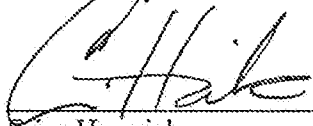
[redacted] b5 -1

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additional redactions that may be necessary to protect law enforcement sensitive information before making any such disclosure.

8. Nothing in this Agreement prevents OSC from disclosing the names of FBI employee witnesses to the President of the United States, FBI Director Comey, or other officials within the Department of Justice as part of any report of OSC's findings or recommendations. However, should OSC determine that its report in this matter should be made public, or that it is subject to disclosure under the Freedom of Information Act, 5 U.S.C. § 552, OSC will redact the names of FBI employee witnesses subject to this Agreement before making any such disclosure.

On behalf of myself and OSC, I agree to the terms of this Agreement.



Erica Hamrick
Deputy Chief, Hatch Act Unit

1/17/2017

[REDACTED] (OGC) (FBI)

From: Hamrick, Erica <EHamrick@osc.gov>
Sent: Tuesday, January 17, 2017 1:55 PM
To: Macklin, Jay (USAEO); Shea, Carol (USAEO)
Subject: signed NDA
Attachments: SCO305KON17011713521.pdf

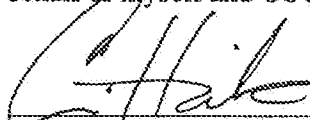
Attached is the signed non-disclosure agreement.

Erica S. Hamrick
Deputy Chief, Hatch Act Unit
U.S. Office of Special Counsel
(202) 254-3673

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Erica Hamrick
Deputy Chief, Hatch Act Unit

1/17/2017

[REDACTED] (OGC) (FBI)

From: Hamrick, Erica <EHamrick@osc.gov>
Sent: Wednesday, February 15, 2017 11:01 AM
To: Shea, Carol (USAEO)
Cc: Macklin, Jay (USAEO)
Subject: Signed Agreement
Attachments: Signed DPP NDA.pdf

Carol,

Attached is the signed agreement.

Erica

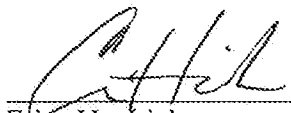
Erica S. Hamrick
Deputy Chief, Hatch Act Unit
U.S. Office of Special Counsel
(202) 254-3673

From: Shea, Carol (USAEO) [mailto:Carol.Shea@usdoj.gov]
Sent: Wednesday, February 15, 2017 10:01 AM
To: Hamrick, Erica
Cc: Macklin, Jay (USAEO)
Subject: NDA.DPP (002).docx

Erica: we are fine with your changes. I've accepted them and attached the final version here. I have additional docs to send to you later today once this is signed. Thank you.

8. Nothing in this Agreement prevents OSC from disclosing the DPP information to the President of the United States, FBI Director Comey, or other officials within the Department of Justice as part of any report of OSC's findings or recommendations. However, should OSC determine that its report in this matter should be made public, or that it is subject to disclosure under the Freedom of Information Act, 5 U.S.C. § 552, OSC will redact the DPP information subject to this Agreement before making any such disclosure.

On behalf of myself and OSC, I agree to the terms of this Agreement.



Erica Hamrick
Deputy Chief, Hatch Act Unit

2/15/17

February 15, 2017

[REDACTED] (OGC) (FBI)

From: Shea, Carol (USAEO) <Carol.Shea@usdoj.gov>
Sent: Thursday, February 23, 2017 3:12 PM
To: Bessee, Cecilia O. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: FW: Signed ACP NDA
Attachments: SCO305KON17022313430.pdf

[REDACTED]
b5 -per EOUSA
b6 -1
b7C -1

From: Hamrick, Erica [mailto:EHamrick@osc.gov]
Sent: Thursday, February 23, 2017 1:47 PM
To: Macklin, Jay (USAEO) <JMacklin@usa.doj.gov>; Shea, Carol (USAEO) <CShea@usa.doj.gov>
Subject: Signed ACP NDA

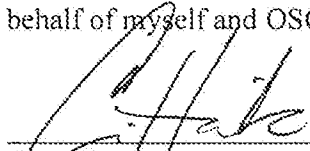
Attached is the signed NDA regarding ACP materials.

Erica

Erica S. Hamrick
Deputy Chief, Hatch Act Unit
U.S. Office of Special Counsel
(202) 254-3673

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On behalf of myself and OSC, I agree to the terms of this Agreement.



Erica Hamrick
Deputy Chief, Hatch Act Unit



February 23, 2017

From: [REDACTED] (OGC) (FBI)

b6 -1
b7C -1

Sent: Tuesday, January 10, 2017 4:30 PM

To: Bessee, Cecilia O. (OGC) (FBI) ; [REDACTED] (OGC) (FBI) ; [REDACTED] (OGC) (FBI)

Subject: NDA Language re: FOIA

b5 -1, per EOUSA

[REDACTED]

[REDACTED]

b5 -1,2

[REDACTED]

b5 -1, per EOUSA

[REDACTED]

b5 -1,2

[REDACTED]

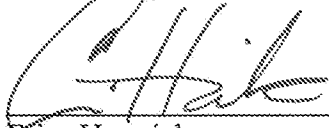
b5 -1

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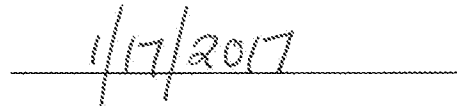
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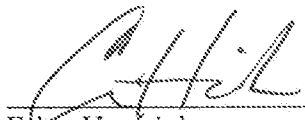


Erica Hamrick
Deputy Chief, Hatch Act Unit



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Erica Hamrick
Deputy Chief, Hatch Act Unit



February 15, 2017

1 issue that may have raised concerns for the FBI and in particular
2 Director Comey about then Attorney General Lynch?

3 Anderson: Um, let me just add to what you included in your question
4 which was as I mentioned you know DOJ is managed at the top by
5 way more political appointees than the FBI so just by virtue of its
6 structure and composition um you know um that we are viewed as
7 more independent which you know I think appropriately viewed as
8 more independent than the Department of Justice um there wasn't
9 anything that gave us substantive concerns or at least gave me
10 substantive concerns about her impartiality but there was something
11 that we um and I'm not going to be able to talk about this very

b5 -2

12 extensively on an



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Galindo-Marrone:

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b5 -2

7

Anderson

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Galindo-Marrone:

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Anderson: Correct.

11

Galindo-Marrone: I don't have any other questions.

12

Hamrick: Ok so let's jump forward through the summer of 2016.

13

Anderson: If we could, I'd appreciate the opportunity for a two-minute break.

14

15

Hamrick: Absolutely I'm going to stop the recorder right now. Its

16

2:25 p.m.

17

Hamrick: The recorder is back on 2:27pm. We are going to shift

18

to October 2016, that timeframe and at some point in October you

19

learned that there had been some new evidence discovered related

20

to the Clinton email investigation?

1 insofar as she knew about it. DOJ confirmed it you know they
2 backpedaled a little bit after that and then we did eventually
3 publicly confirm it so it was the fact that we were investigating her
4 use of the private email server was unclassified it was publicly
5 known and by the time we talked about anything publicly it was a
6 completed at that point in time investigation. We did not talk about
7 any of our investigative steps along the way prior to July 5th. The
8 investigation was confirmed and we said nothing more about it until
9 we had completed our work. On the other hand, the matter that the
10 Director confirmed in his congressional testimony until he confirmed
11 it and he did so in a very limited way, he did not disclose very
12 much at all about the investigation. To that point it was a classified
13 fact it was not publicly confirmed and it remains on-going and so
14 consistent with that idea that it is an on-going counter intelligence
15 classified national security investigation you know we have not, the
16 FBI to date has not talked publicly about its investigative steps,
17 about who the subjects are, about the scope, the contours, et
18 cetera. And so I think they are two, the similarity between the two
19 matters in terms of parallel of you know you drew a parallel that
20 they were both concerning presidential candidates um, I think that

1 **Anderson: I wanted to supplement my prior answer with one other**
2 **factor with respect to why the Clinton but not the Russia**
3 **investigation you know the public disclosures. I think just one thing**
4 **to stress too from my own perspective with it being a counter**
5 **intelligence, the Russia investigation being a counter intelligence**
6 **investigation you know there with the investigation being on going**
7 **the disclosure of anything about the investigation any details about**
8 **it could have the potential to interfere with or undermine our ability**
9 **to actually gather evidence.**

10 **Hamrick: Sure.**

11 **Anderson: You know we are talking about an investigation of a**
12 **hostile foreign power who would be crazy not to take steps to**
13 **defend itself against an FBI investigation to change its tactics, its**
14 **measures that sort of thing and you know in contrast with the**
15 **Clinton matter not only was it completed um but we had all of the**
16 **physical evidence in our possession there was no possibility at the**
17 **point of which we made any of these statements of any outside**
18 **interference with our investigation so that is, I just wanted to**
19 **elaborate a little bit on that.**

1 **Galindo-Marrone: And I have a follow up on that and you've**
2 **used counter intelligence to describe the investigation regarding**
3 **we'll call it the Russia/Trump campaign. The Clinton email**
4 **investigation that would not be characterized as a counter**
5 **intelligence investigation or would it be?**

6 **Anderson: You cut off could you repeat?**

7 **Galindo-Marrone: Would the Clinton email investigation be**
8 **considered also a counter intelligence investigation or something**
9 **different?**

10 **Anderson: I guess technically I'm not sure how its classified in our**
11 **file series that would really be the authoritative view on it but if its**
12 **technically classified as a counter intelligence investigation it was**
13 **handled by the counter intelligence division. The handling of**
14 **classified information is just a very different type of investigation.**

15 **Galindo-Marrone: Then**

16 **Anderson: Even if it yeah.**

17 **Galindo-Marrone: I see. Then the one involving Russia and**
18 **counter intelligence?**

1 **Anderson: Exactly involving the actions of a hostile foreign power.**

2 **Galindo-Marrone: Ok**

3 **Hamrick: So going back to the FBI's investigation into the**
4 **Clinton Foundation; and the fact that the same kind of public**
5 **statements about that investigation were not made as with the**
6 **Clinton email investigation; can you provide some context for us in**
7 **terms of why they would have been handled differently?**

8 **Anderson: Um, I can only speak from my own personal**
9 **perspective. I know very little and have had no involvement in the**
10 **Clinton Foundation matter but again you know my understanding is**
11 **its not a publicly confirmed investigation to the extent there is one**
12 **its still ongoing I don't know anything about you know its**
13 **conclusions, its contours, its status, and or its you know at the end of**
14 **the day whether it has any, whether it has any bearing on any**
15 **matters of similar significance to the national interest. So that's**
16 **really all I know and all I can say on that.**

17 **Hamrick: So I just have three wrap up questions and then if**
18 **there is anything that you want to add you certainly may so do you**

1 all that, that we just -- you know, again, the
2 concern was to protect the integrity of the
3 investigation, right? And so those things were
4 external, right, but it -- but it naturally comes
5 in of, right, that the public might feel as the
6 outcome of the investigation. Does that make
7 sense?

8 So it's the, you know, effort to minimize.

9 The next big thing is [REDACTED]

b5 -2

10 [REDACTED] I'll do -- I mean if you
11 just give me a moment, I'll try to see if I can
12 formulate a way to talk about it.

13 So the -- I don't think I can do it in a
14 way --

15 Q Okay.

16 A -- I just knowing --

17 Q [REDACTED]

b5 -2

18 [REDACTED]
19 [REDACTED]
20 A Yes. Yeah. It was something I would, right,
21 goes to directly to sort of the second bucket that I
22 talked about, which is the credibility of the

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[REDACTED]

[REDACTED]

And I just -- I don't want to go beyond
there, if that's okay --

Q That's fine. Absolutely.

A -- for classified. We're certainly willing to
talk about it if you got the clearances and, you
know --

Q No. And our -- the Associate Special Counsel,
he has just obtained his appropriate clearances --

A Okay.

Q -- so I believe he will be reviewing some
materials related to that --

A Okay.

Q -- so that he will at least be aware of it --

A Got it.

Q -- even though we will not.

A Okay. It's something that we --

MS. GALINDO-MARRONE: That makes it all very
odd.

THE WITNESS: It's something that we
documented here and that the Director has briefed
on the Hill and so --

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Q

[REDACTED]

b5 -2

A

Correct.

Q

Yes. We're --

A

Yes.

Q

[REDACTED]

A

[REDACTED]

b5 -2

[REDACTED] --

Q

Okay.

A

-- [REDACTED]

MS. GALINDO-MARRONE:

[REDACTED]

[REDACTED]

b5 -2

THE WITNESS: It -- right. It was --

MS. GALINDO-MARRONE: --

[REDACTED]

THE WITNESS: Yes.

[REDACTED]

[REDACTED]

b5 -2

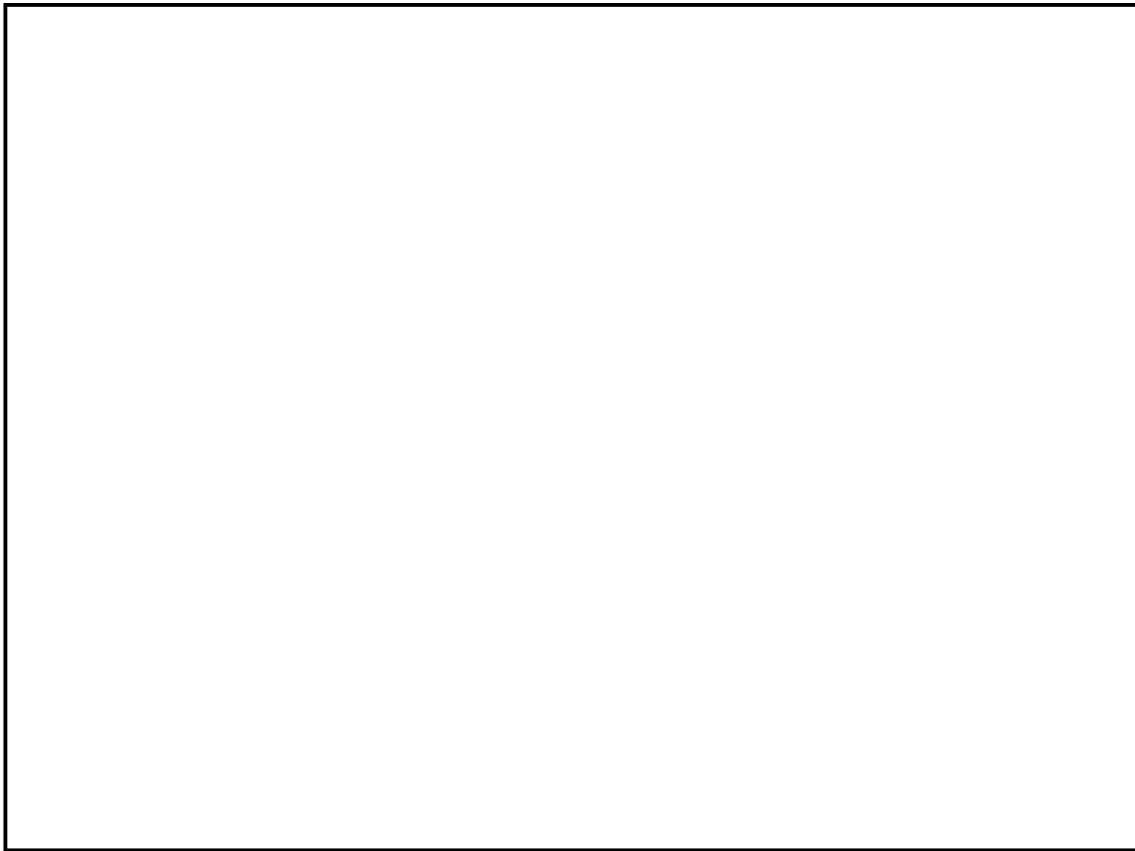
MS. GALINDO-MARRONE: Okay.

THE WITNESS: Yes. Absolutely. And then the

-- oh, I'm sorry.

1 Q And so what was the Director told?

2 A Sure. So he was told, we have this -- in the
3 unrelated criminal investigation, I'm only -- I just
4 can't remember what's public on that and not, so I
5 think he's talked about it, so if it seems weird, just
6 tell me and I'll -- in an unrelated criminal
7 investigation they found a laptop and in the course of
8 reviewing that laptop, they identified what could have



b7E -4

20 And, again, that's a -- you know, you could say,
21 well, the rest of the emails from the original mid-year
22 didn't show anything, right, so why would this be any

1 different? In our view, [REDACTED]

2 [REDACTED]

3 [REDACTED]

b7E -4

4 [REDACTED]

And so

5 the Director -- tell me if you want -- do you want me
6 to tell the story?

7 Q Yeah. Keep going.

8 A Okay. So -- so that's what he was told was on
9 there. So there were -- there was a decision point.
10 Do you want to authorize a search warrant or more
11 artfully, do you authorize us to go to the Department
12 of Justice to seek a search warrant to preview those
13 emails, and his answer to that was yes. So that was on
14 the 27th.

15 In that same meeting he said, okay, based on what
16 I've heard, I feel an obligation to supplement
17 having -- having spoken publically and having testified
18 on the Hill, so he -- remember, he testified in July
19 before House Oversight and Government Reform and in
20 September before House Judiciary. Having testified
21 those two times, he felt an obligation to supplement
22 his testimony to there because it was no longer true.

1 independent institution in the middle of that. And
2 there is again, you know, it really sucked having this
3 come up on the 27th and knowing what we had to do,
4 right? And so there's a -- no matter what we do,
5 right, if we put out that one sentence that we talked
6 about if, we put out the three, four pages, it's going
7 to be potentially misunderstood. That's where I think
8 he would be what he would be speaking to there.

9 Q. Okay. So then moving on. At some point in
10 time you find out that the investigative team has
11 finished their review of all these thousands of emails?

12 A. Sure.

13 Q. When does that happen?

14 A. Yeah. So let me walk you through. So a
15 letter goes out on the 28th, that's a Friday, I
16 believe, right? Thursday, Friday. Yeah. Right. At
17 some point I would say early the next week. So there's
18 an a lot of stuff there and we're getting updates from
19 the team of this is what we're finding, there's a lot
20 of sort of technical things that have to happen, which
21 is what we saw in the original mid-year, right? A lot
22 of -- this is where I get way out of my lane in techno

1 expertise, [REDACTED]

b7E -4

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] There's a -- I hesitate this might be

7 classified. I want to think of a way to say it.

8 Because of Ms. Abedin's -- because of the address that

9 she's communicating with, it makes a typical search

10 very complicated. So it wouldn't be the ordinary, you

11 know, search for [REDACTED] because of -- I

b6 -1
b7C -1

12 think because of another thing that might be

13 classified. I'm not sure, so I'm going to stay away

14 from it. It's okay, but it made the -- it made looking

15 for the emails that we would be concerned about very

16 difficult. And our folks -- it's called OTD,

17 Operational Technology Division at Quantico, they

18 always Bing people, they were able to create a tool to

19 make it so they could search. And so what they had to

20 do was -- I'll just give you an example. It would be

21 as if you were searching for the word "of," right, in

22 an email. There's just no way you can -- that's not a

1 meaningful search. And so the OTD folks developed a
2 tool that made it so if we were searching for "of" it
3 would get you exactly what you needed. So that's why
4 we thought it would take, or the team thought it would
5 take months and months and months because they didn't
6 think this tool -- this would work. So they start
7 their reviewing, OTD comes up with this tool that can
8 test the tool to make sure it's actually giving back
9 what they think it's yielding, actually exactly what
10 they think it's going to yield. So at some point in
11 that vehicle it becomes, you know, it's optimistic
12 that, okay, this isn't as bad, right, it's no longer
13 here, we've got it down to here. It's getting down to
14 here, right? So it becomes more manageable, right?
15 And so then again, the marching orders are still, you
16 know, do it well first, right, and then timely, right?
17 You do what you can do.

18 The -- so that would get you to like mid to late
19 week that next week, all right. At some point
20 Friday -- I don't want to give dates because I'm a
21 little foggy on them. Late week it becomes evident
22 that it might be possible for this scrub to be done

1 And, you know, Director Comey, you know, testified I
2 think in March of this year and confirmed the existence
3 of the investigation, but we know that now that was
4 going on at least as early as July of 2016.

5 In terms of not confirming the existence of that
6 investigation, as opposed to the Hillary Clinton email
7 investigation --

8 A. Mm-hmm.

9 Q. -- I guess what is your understanding of why
10 the, I'll call it the Trump/Russia investigation, why
11 that was not publicly confirmed until March of this
12 year?

13 A. Sure. In my mind I consider them totally
14 unrelated. In this way our cases operate on their own,
15 right, they all stand on their own and there is no --
16 so there certainly was no link between the Hillary
17 Clinton email investigation and the counterintelligence
18 investigation to Russian interference with the
19 election. So no link there whatsoever. Some of our
20 cases have links, right, in election fraud cases and
21 things like that, but here, definitely no link. So it
22 wouldn't even enter my mind to, if you're taking action

1 Except, you know, until well after it had started. So
2 with the Russia, the CI investigation into Russian
3 influence, that had just started in July. It was in
4 its infancy, right? If you get to October, right, it
5 really -- at that point -- again, I want to be careful
6 what I say about it, but you -- there's really nothing
7 to say, even if you were predisposed to say something,
8 right? So to me it's -- does that answer the
9 question --

10 Q. Mm-hmm.

11 A. -- fully? Yeah. I don't even like the
12 comparison because it doesn't make sense to me of --
13 you know, they're two unrelated cases that are
14 operating independently and what you do here has
15 absolutely nothing to do with what you're doing over
16 there.

17 Q. What about, if you know, maybe not going into
18 the blow-by-blow that Director Comey went into in July
19 with respect to the Clinton email investigation, but,
20 you know, sometime prior to that, you know, both he and
21 the Attorney General had acknowledged that there is
22 this investigation. What about even just making a

1 statement like that acknowledging that, yes, there is
2 this investigation, but, you know, not saying anything
3 more about it? Why wasn't that done?

4 A. Yeah, again, every case stands on its own,
5 right? And again, you're with the with the Clinton
6 investigation, you're talking about a case that was
7 publicly referred by the ICIG and the subject, right,
8 was talking about it, right, and so a little bit
9 different. And we were further along by the time it
10 was acknowledged.

11 In the case of the Russian influence, starting in
12 July there would be nothing to say at that time,
13 right? And you -- yeah, there would be nothing to say
14 at that time. So again, you'd have to go back to where
15 I started with the two unrelated -- just because you
16 have here our job was not to again we were not trying
17 to get involved in campaigns or election at all. So it
18 would be totally inappropriate to -- just because you
19 have said something about, you know, case A, who
20 happens to be candidate A, right, to say something
21 about case B and candidate B in attempt to balance in
22 some way.

1 Q. That was going to be my next question. Did
2 that at all come up, you know, especially in October
3 when, you know, you -- the decision to notify Congress
4 about these steps that are going to be taken with
5 respect to the Clinton investigation, knowing it's
6 11 days before the election, did anyone bring up a,
7 hey, you know, we also have this case dealing with
8 these Trump associates, do we need to consider that at
9 all? Was that ever discussed?

10 A. Not to my recollection. I mean Trisha brought
11 up the one thing I mentioned about that. I don't have
12 any specific recollection, no. It's the same --
13 practically speaking, it's the same team because it
14 comes from the counterintelligence world. So it
15 wouldn't be -- everybody would have that knowledge
16 already.

17 Q. Right.

18 A. So was it said? Sitting here, I can't
19 remember it coming up.

20 Q. So we understand that at some point in October
21 of 2016 there was, I guess, a desire by the White House
22 to make some kind of public statement about Russia's

1 its own, right, even with -- I think you can
2 extend that to even cases involving the same
3 person. I have haven't made that leap before in
4 my head, I'll say it out loud here for the --
5 every case stands on its own. Just because you do
6 something here on case A, so if case A is the
7 Secretary Clinton email investigation, right, that
8 we thought was concluded and we took a step here,
9 it does not mean that a case even involving her in
10 case B should bear any, you know -- I think, I
11 think I would --

12 MS. HAMRICK: Should not bear any...

13 THE WITNESS: It's out there independently of
14 what you did here in case A.

15 MS. HAMRICK: Do you have any questions before
16 I wrap up?

17 MS. GALINDO-MARRONE: Uh-uh.

18 Q. So do you believe that Director Comey intended
19 to have an effect on the presidential election when he
20 made his July 5th statement concerning the Clinton
21 email investigation?

22 A. No.

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