

INTERVIEW OF:

Trisha Anderson

OSC ATTORNEY:

**Erica Hamrick
Ana Galindo-Marrone**

RE: OSC HA-17-0515

DATE OF INTERVIEW:

Monday May 1, 2017



**U.S. Office of Special Counsel
1730 M St., NW, Suite 218
Washington, DC 20036
202-254-3600**

PROCEEDINGS

Hamrick: Today is Monday May 1, 2017 and the time is 1:36 pm.

This is an interview of Trisha Anderson in the investigation of OSC complaint # HA-17-0515. I'm Erica Hamrick an attorney at the U.S. Office of Special Counsel. Also present with me today here is OSC attorney Ana Galindo-Marrone. As I said before we went on the record, OSC is investigating allegations that FBI Director James Comey violated the Hatch Act when he made public announcements concerning the FBI's investigation into former Secretary Hillary Clinton's use of a personal email server. Ms. Anderson has been identified as a witness in this investigation. Ms. Anderson do you have any questions at this time?

Anderson: I do not but as I mentioned before we went on the record. My ability to refresh my recollection has been somewhat limited. I have not been able to access any documents from the relevant time period other than those that have been identified to me and so all of my answers will be to the best of my recollection as it stands today.

Hamrick: Ok and you are aware that you are being recorded?

Anderson: That is correct.

Hamrick: I'm going to read you the oath; do you solemnly swear

1 or affirm under penalty of perjury that the information you are about
2 to provide is true, accurate and complete to the best of your
3 knowledge and belief?

4 Anderson: I do.

5 Hamrick: I know that you said that your ability to review
6 documents was limited; did you review any documents to prepare
7 for today's testimony?

8 Anderson: I was sent the Bates stamped documents that I understand
9 were produced to you all that include the four Bates ranges that you
10 identified in your email but nothing else.

11 Hamrick: Did you speak with anybody to prepare for today's
12 interview?

13 Anderson: Yes, I did I spoke with [Jay Maclin] and Carol [Shea]
14 00:46:39.

15 Hamrick: What in general did you discuss with them?

b5 -3

16 Anderson:

17

18

19 Hamrick: Did you speak with anybody? Sorry, go ahead.

20 Anderson: That's in general terms what we talked about.

1 **Hamrick: Ok and did you speak with anybody else?**

2 **Anderson: No, I did not.**

3 **Hamrick: I'm going to ask a few background questions. Can**
4 **you identify what your current position is at the FBI?**

5 **Anderson: I'm Principal Deputy General Counsel. I oversee the**
6 **national security and cyber law branch of the Office of General**
7 **Counsel.**

8 **Hamrick: How long have you been in that position?**

9 **Anderson: Since June of 2014. I'm sorry, 2015.**

10 **Hamrick: What type of appointment do you have? Are you a**
11 **general schedule employee or an SES?**

12 **Anderson: I'm an SES appointee. In the FBI, I'm at a Deputy Assistant**
13 **Director level.**

14 **Hamrick: Is that non-career?**

15 **Anderson: No, it's career.**

16 **Hamrick: Career SES ok.**

17 **Anderson: Yes, mm-hmm.**

18 **Hamrick: Are you a supervisor?**

19 **Anderson: Yes I am.**

20 **Hamrick: How many people do you supervise?**

1 **Anderson:**

b7E -2

2 **Hamrick: Are they all within your branch?**

3 **Anderson: Yes, so it's** **to be precise and that includes both**
4 **attorneys and support staff.**

5 **Hamrick: What kind of generally, big picture are your job**
6 **duties?**

7 **Anderson: Both providing legal advice to FBI executives but also**
8 **managing and supervising my branch, which provides legal advice**
9 **to, principally to the counter-terrorism division of the FBI, the counter-**
10 **intelligence division and the cyber division are the three main**
11 **components that we advise.**

12 **Hamrick: Did you have any role in the underlying investigation**
13 **here in terms of the FBI's investigation into former Secretary Clinton's**
14 **use of a personal email server?**

15 **Anderson: Yes, I did at a supervisory level.**

16 **Hamrick: What was your role in the supervisory level?**

17 **Anderson: I supervised principally an attorney who was the day-to-**
18 **day legal support to the investigation. And that included sort of**
19 **weighing in on and advising on significant investigative questions**
20 **that arose.**

1 **Hamrick: Who was the**

2 **Anderson: In other words, I was not, I wasn't the day-to-day lawyer**
3 **providing support to the investigation but as important or significant**
4 **decision points needed to be made, I would be brought in and was**
5 **involved.**

6 **Hamrick: What is the name of the attorney who was providing**
7 **that day-to-day legal support?**

8 **Anderson:** name is

b6 -1
b7C -1

9 **Hamrick: And in your supervisory role did you participate in**
10 **meetings related to the investigation?**

11 **Anderson: Yes I did.**

12 **Hamrick: How often?**

13 **Anderson: It is hard to say. It's hard to say. There probably were**
14 **some sort of meetings; I guess it depends on what you characterize**
15 **as a meeting. I talked regularly with my employee who was more**
16 **closely involved. But in terms of formal meetings, there was no set**
17 **schedule so it probably varied over the course of the investigation.**
18 **There may have been times when there were meetings that**
19 **occurred as often as on a weekly or even more frequent basis.**

20 **Hamrick: So we understand with respect to the investigation**

1 **there was a team called the mid-year team. Were you**

2 **Anderson: Mid-year exam.**

3 **Hamrick: Mid-year exam. Were you part of the mid-year exam**
4 **team?**

5 **Anderson: I guess I wouldn't consider myself to have been part of the**
6 **investigative team it wouldn't be consistent with my role as a**
7 **supervisor. I was more involved at the FBI executive level.**

8 **Hamrick: Do you know the names of the individuals who were**
9 **on that mid-year exam team?**

10 **Anderson: I do not know all their names, I can tell you the people,**
11 **the two officials from the counter intelligence division who principally**
12 **supervised the team and managed the team. And that is Pete Strzok.**
13 **His last name is STRZOK. And Jon Moffa. MOFFA.**

14 **Hamrick: They were in supervisory roles?**

15 **Anderson: That is correct. It was not often that I had contact with the**
16 **agents and analyst below that level.**

17 **Hamrick: Ok, what about an individual named, is it Priestap?**

18 **Anderson: That is right. Bill is the head of the counter intelligence**
19 **division and Pete and Jon both report to him. I wouldn't consider him**
20 **to have been a part of the investigative team because he again is**

1 sort of operating at the executive level and Pete and Jon report up to
2 him as significant matters arise but from a day-to-day investigative
3 standpoint, I would have considered them to have been the
4 managers of the investigation.

5 Hamrick: In your role, were you involved at all in decision
6 making with respect to the investigation?

7 Anderson: I was advising on various decision points in the
8 investigation. But you know as a lawyer you know we wouldn't, it
9 would not typically be the case unless there was a legal question
10 that arose that we would dictate the outcome of a decision.

11 Hamrick: Ok so your role was in providing the legal advice?

12 Anderson: That is correct.

13 Hamrick: Would legal research be involved in that role as well?

14 Anderson: Um, my employee, not by me, typically would have done
15 the legal research directly.

16 Hamrick: Ok. And at some point did you become aware that
17 the individuals working on this mid-year exam investigation had
18 made a recommendation about the case? About the outcome of
19 the case.

20 Anderson: Um, so I would say that there wasn't a specific point in

1 time where there was a um, they came to the executives and said,
2 we have a recommendation, its more that we had been, we knew
3 what was going on in the investigation where it was headed so there
4 isn't sort of a crisp point in time where that, to say there was a clear
5 recommendation that surfaced.

6 Hamrick: When you say, sorry go-ahead.

7 Anderson: It was obvious to all of us who had been deeply; who had
8 been briefed frequently on the investigation and knew what was
9 happening where it was headed.

10 Hamrick: When you talk about us and kind of, we knew what
11 was going on. Whom specifically are you talking about?

12 Anderson: So I would say, so at the executive level you know the
13 precise contours of the group did change a little bit over time but
14 um, I mean I'm sort of referring to the group that met most regularly
15 with the Director which would include um, usually the EAD for the
16 national security branch, which at the time was Mike Steinbach.
17 Sometimes it would also include the Associate Deputy Director, Dave
18 Bowdich, our Deputy Director Andy McCabe, and then Bill Priestap
19 who is the head of the counter intelligence division, Pete Strzok, Jon
20 Moffa, Jim Baker on the legal side, the General Counsel, myself

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20



Hamrick: And in terms of these individuals meeting would that also include Director Comey?

Anderson: Yes.

Hamrick: And his Chief of Staff?

Anderson: That is correct. Like I said not you know not every single meeting or discussion included exactly the same configuration of people but that is the group that would be invited to the meetings. They would attend if they were available.

Hamrick: So when you say it was obvious to us, to this kind of a group of executives you know what the outcome was going to be, I guess what was obvious about it?

Anderson: Well, I mean maybe obvious is probably not the word I should have used but we were briefed regularly on the investigative results and so it therefore wasn't, there wasn't sort of a clear, I can't give you a date or a clear moment in time or a precise meeting in which there was a recommendation formulated. It was a recommendation that emerged over time. And you know the recommendation or the conclusions are those that were outlined in

1 the July 5th statement with respect to the criminal violations at issue.

2 Or criminal statutes at issue.

3 Galindo-Marrone: I have two quick questions. The first is when
4 you were identifying those individuals at the executive level that met
5 more regularly to discuss the investigation after Mike Steinbach you
6 mentioned someone by the name of Dave, I missed the last name.

7 Anderson: Bowdich

8 Galindo-Marrone: Bowdich and who is he again?

9 Anderson: He is our Associate Deputy Director so the number three in
10 command at the FBI.

11 Galindo-Marrone: My other question; I understand what you are
12 saying that there wasn't like a formal meeting at one point where a
13 formal recommendation was made concerning the Clinton server
14 and for short I'm just going to call it the Clinton personal server
15 investigation if you don't mind, but it's a recommendation that you
16 said emerged over time because you all were being briefed
17 regularly and you could see where this was going. Is that the typical
18 process, like in an investigation of this type. Meaning do you all have
19 a formal process where the investigative team would write a memo
20 recommending what the disposition of a case is or is it less formal

1 and its just regular briefings until a recommendation emerges?

2 **Anderson:** Um, well this investigation um there is almost no parallel or
3 equivalent example that I think you can draw upon so I think this
4 investigation was unique in many ways. With respect to our
5 investigations generally I think our practices don't in terms of our
6 procedures don't fall into a single precise model in terms of exactly
7 you know how we document our thinking and how we make
8 recommendations to DOJ but again I'm not the kind of person who is
9 involved in the day-to-day work of an investigation. This was an
10 unusual one and therefore required and involved a much greater
11 degree of executive involvement than is typical.

12 **Galindo-Marrone:** So let me just explore that answer a little bit.

13 So might there be some investigations where a written
14 recommendation is made to DOJ? Sometimes?

15 **Anderson:** So I'm probably not the, I'm not the best source of
16 authority on that given that I'm not involved in the day-to-day work
17 of most investigations. I, I'm sure, I don't want to guess but I am
18 speculating a little bit here to say that it probably have been some
19 cases where a written recommendation has been provided to DOJ
20 but other circumstances I think would be more common where there

1 would be dialogue with DOJ. Or it could be the case that we might
2 you know even review their prosecution memo and sort of you know
3 engage in a dialogue in that way.

4 Galindo-Marrone: Got it but in this case there was no such
5 memo which whether you call it a prosecution memo or a memo
6 showing the reasons why not to go forward with prosecution there
7 was no such memo in this case? The Clinton server case.

8 Anderson: No there was no memo from the FBI to the DOJ making a
9 recommendation.

10 Galindo-Marrone: Ok.

11 Hamrick: So moving along to the first public statement on the
12 case or Director Comey's first statement the July 5, 2016 statement.
13 When did you first learn that Director Comey was planning to make
14 some kind of public statement about the outcome of the Clinton
15 email investigation?

16 Anderson: The idea, I'm not entirely sure exactly when the idea of
17 the public statement um first emerged. Um it was, I just, I can't put a
18 precise timeframe on it um but the idea that the Director might make
19 a public statement was something that had been discussed in a very
20 brief or fleeting way for some time in the investigation. And then I

1 believe it was in early May of 2016 that the Director himself wrote a
2 draft of that statement and so that is when the possibility of the
3 statement and our discussions about doing such a statement
4 became a little bit more concrete.

5 Hamrick: Who originally in some of these earlier conversations
6 who originally came up with the idea or started floating around the
7 idea?

8 Anderson: I, I don't know for sure um I don't remember exactly you
9 know who made the first suggestion but I believe and the Director
10 himself would be the best authority on this. I believe the idea was the
11 Director's.

12 Hamrick: So when you found out in early May that there was,
13 that the Director had written a draft of what the statement might
14 look like, how did you learn about that?

15 Anderson: Jim Baker gave me a hard copy of it.

16 Hamrick: What was his purpose in giving you the copy?

17 Anderson: He asked me to take a look at it and just start thinking
18 about you know the wisdom of doing such a statement um the
19 content of a potential statement and any other reactions that I
20 might have to the draft.

1 **Hamrick: So what happened next with respect to the draft?**

2 **Anderson: I don't know for sure um, I don't know. There were many**
3 **iterations, at some point there were many iterations of the draft that**
4 **circulated but I would say there was a few weeks if not a month that**
5 **went by before those drafts were circulated.**

6 **Hamrick: So after Mr. Baker asked you to take a look at it and**
7 **you know take a look at it for content and consider the wisdom of**
8 **making a statement did you then meet with Mr. Baker about your**
9 **thoughts?**

10 **Anderson: I don't recall if we talked about it in advance of any**
11 **meetings with the Director directly, we may have had, Jim and I may**
12 **have spoken briefly about it in his office but I don't recall precisely.**

13 **Hamrick: Did you ever put your thoughts down in writing?**

14 **Anderson: No, not on that draft.**

15 **Hamrick: At that point in time I guess what was your**
16 **understanding of why Director Comey was planning to do this, to**
17 **make this public statement?**

18 **Anderson: I don't know that uh I can sort of pinpoint a particular**
19 **rationale at particular points in time I mean I think kind of generally**
20 **speaking my understanding you know was that this was, as I**

1 mentioned before an investigation without parallel in terms of its
2 importance to the national interest and um in terms of laying out our
3 it was also an investigation that was publicly known unlike some of
4 our other investigations that we typically wouldn't either confirm or
5 deny the existence of. And so given that um my understanding was
6 that the Director believed that it was important to the um, and that he
7 sort of owed it to the American people to lay out our conclusion in a
8 manner that would allow people to understand how we did our work
9 and why we concluded what we concluded. That it was essential to
10 the credibility of our institutions for people to have that
11 understanding.

12 Hamrick: And in terms of making such a public statement is that
13 standard protocol with respect to the end of an investigation and
14 announcing the outcome?

15 Anderson: I'm sorry part of you, you cut out a little bit, you repeat
16 your question?

17 Hamrick: Sure, making a public statement about you know the
18 results of an investigation is that standard protocol for FBI
19 investigations?

20 Anderson: No, I'm sure it's not without precedent but it is not typical.

1 **Hamrick: What is typical?**

2 **Anderson: But it is like I said, what was already somewhat unusual**
3 **was the fact that the investigation had been publicly confirmed and**
4 **so we were from that standpoint it was already somewhat unusual.**
5 **The subject herself I believe had confirmed it and so you know one**
6 **of the considerations why we don't speak publicly about our**
7 **investigations is out of fairness to the subject particularly in a case**
8 **where there is no indictment or prosecution but here was a case**
9 **where everybody knew that the FBI was investigating the former**
10 **Secretary herself had talked publicly about the fact that we were**
11 **investigating, the DOJ had confirmed that we were investigating**
12 **early into it and then ultimately the FBI, the Director did confirm it as**
13 **well so it was just already an unusual posture and were we to close**
14 **the investigation without a prosecution without explaining our**
15 **reasons I believe the director felt that the credibility of our institution**
16 **would come under such a significant degree of fire that it would be**
17 **um not something that we could withstand and he talked at great**
18 **length in many different forums about the importance of the**
19 **credibility of the FBI given our role in prosecutions and how it is an**
20 **important almost it's a resource you can't rebuild your credibility**

1 once it's been lost, so it was very important to us from that
2 institutional perspective, that people understand that we didn't just
3 um you know reach a political conclusion in the investigation.

4 Hamrick: So what typically would have been the protocol in a
5 case that didn't have the same kind of unusual circumstances here
6 where the FBI's investigation didn't result in the FBI's determination in
7 any criminal wrongdoing; what typically would have happened?

8 Anderson: Well again, I can't you know there isn't a single as I
9 mentioned before in one of my answer there isn't a model or single
10 process that every investigation follows but often what happens, you
11 know there is a prosecution memo that DOJ will write and that will be
12 the document that either memorializes DOJ's conclusions that you
13 know in consultation with the FBI they've decided that there is no
14 prosecution that should go forward. Often no public announcement
15 will be made in a context in which nobody you know where there is
16 no public confirmation or disclosure of the investigation in the first
17 place then obviously, if the result is the opposite if there is
18 prosecution, you know an indictment or complaint will proceed.

19 Hamrick: Going back to the draft that the Director put together
20 in early May; were there meetings to discuss the draft, how did this

1 **draft evolve into the actual statement that was made on July 5.**

2 **Anderson: Yeah, so in that timeframe there were frequent meetings**
3 **with the Director. I don't know precisely how frequent. Perhaps in**
4 **some instances occurring on a weekly basis and those meetings**
5 **would typically proceed in sort of two parts. The first part would**
6 **involve an update on the investigation, usually given by Pete Strzok**
7 **and Jon Moffa, and then the second part of the discussion would**
8 **typically turn to the idea of the public statement and perhaps not in**
9 **every meeting, but to the extent we talked about it that is sort of how**
10 **we structured the meetings. And then it was sort of in that timeframe,**
11 **maybe June. I'm not really quite sure that there were more drafts that**
12 **were circulated you know by email.**

13 **Hamrick: And the meetings to discuss the public statement;**
14 **these are the same group of executives that you identified earlier**
15 **that would be at these meetings?**

16 **Anderson: That's right and the focus typically we'd spend the first**
17 **half of the meeting or more talking about the investigation itself and**
18 **then in the second half turn to other steps that included the possibility**
19 **of a public statement.**

20 **Hamrick: Did you ever provide your advice or input about the**

1 public statement?

2 Anderson: I'm sure I did.

3 Hamrick: And what was that?

4 Anderson: Um, it would be hard to sum up and I'm not sure I could
5 remember every single comment that I made about the public
6 statement. Um, I was convinced at the time that it was the right thing
7 to do and I probably expressed that point of view in meetings with
8 the Director.

9 Hamrick: Was there anyone at those meetings who did not think
10 it was the right thing to do?

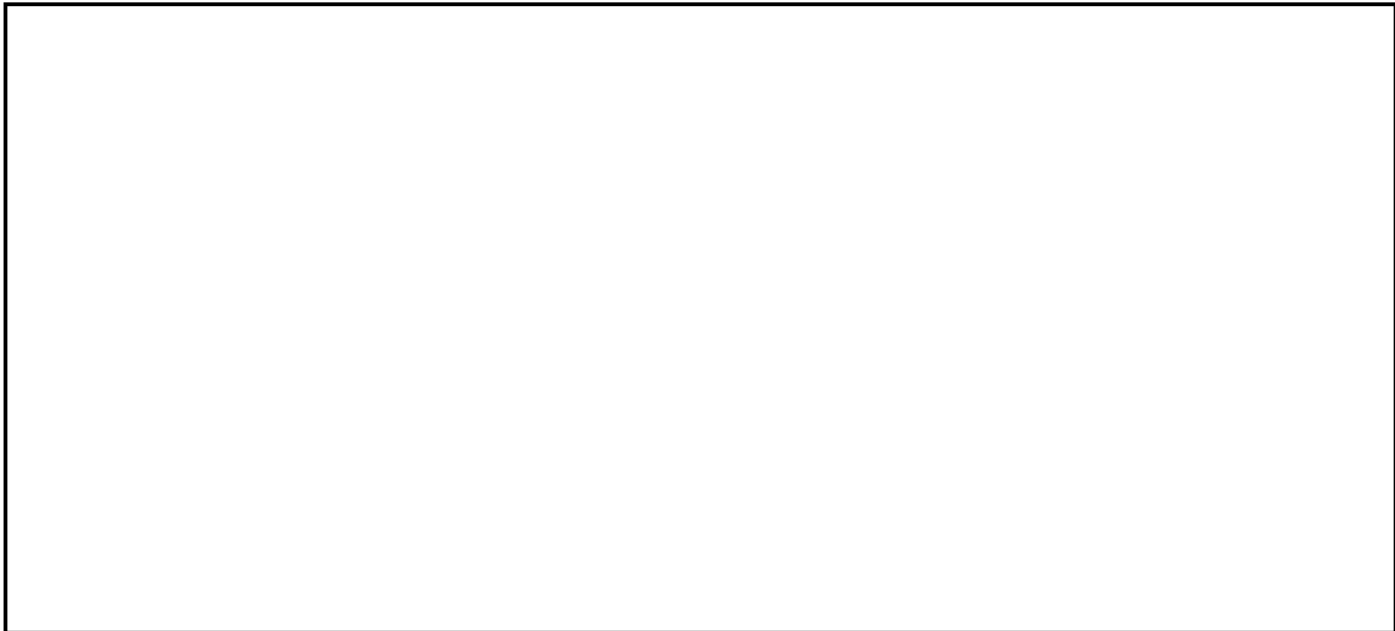
11 Anderson: Um, I don't remember precisely I think we all thought it
12 was a hard decision. It certainly wasn't um; it certainly wasn't the
13 only conclusion that somebody could reach. I don't remember there
14 being any strongly held views against doing the statement, that
15 particular statement. But as for you know people expressing
16 dissenting views at various points along the way um there might
17 have been I'm not really quite sure.

18 Hamrick: Were you ever asked to provide advice from a legal
19 perspective in terms of the legality of making such a statement?

20 Anderson: I was not, there were a couple of issues that we did

1 consider and by we, I mean collectively OGC so for instance

2
3
4
5
6
7
8



9 **Hamrick: What memo was that?**

10 **Anderson: I don't know the precise title or date but it's in among the**
11 **Bates stamped documents that were produced to you all that asked**
12 **just kind of in a, obviously the document speaks for itself but asks**
13 **DOJ employees to think carefully about investigative, overt**
14 **investigative steps um in close proximity to an election.**

15 **Hamrick: So was there a discussion specifically around that**
16 **particular memo and policy?**

17 **Anderson: Um, there may have been a couple of passing remarks**
18 **made in meetings but we didn't have an extensive, um as a large**
19 **group there was not really an extensive discussion of it, we looked at**
20 **in and**

1 [REDACTED] so it was not, there was not a lot of time in those
2 meetings devoted to discussion of the memo.

3 Hamrick: Did anyone write kind of a memo or analysis or
4 anything in regard to that memo and how the Director's statement
5 wouldn't violate the policy?

6 Anderson: I'm not aware of any memo. On the DOJ memo.

7 Hamrick: Do you have a question?

8 Galindo-Marrone: Real quick so you mentioned the DOJ, I'm
9 going to call it the policy memo concerning overt steps or actions
10 leading up to an election. Did any, it seems like there wasn't
11 anything in writing analyzing that issue.

12 Anderson: That's right.

13 Galindo-Marrone: But there was some obvious discussion about
14 it at least some consideration given to it. Would part of that
15 consideration have also included the Hatch Act, did that come up in
16 any conversations?

17 Anderson: I don't believe so directly I mean the um, the DOJ memo
18 obviously talks about the Hatch Act and even the first part of the
19 memo you know closely dovetails with the Hatch Act but I don't
20 recall there being discussions specifically of the Hatch Act in any of

1 the meetings. I think partly because we, you know we were also
2 incredibly interested in trying to be apolitical about the whole thing I
3 mean doing our work you know as the Director said in his statement
4 in an honest, competent, thorough way without any regard to you
5 know what impact our actions might have in the outside world.

6 Hamrick: So at the point in time when different drafts are going
7 back and forth of this statement. At that point in time was it still an
8 idea that the public statement was going to be made or had it been
9 solidified that this was definitely going to happen it was just a matter
10 of how it was going to read?

11 Anderson: Um, it's kind of hard to say I don't really remember um, I
12 mean I think uh my sense is that you know if anybody had felt very
13 strongly at the last minute you know even up until the last minute that
14 it shouldn't be done that the Director would have you know happily
15 entertained discussions um you know and but I don't, I guess I really
16 don't recall.

17 Hamrick: Were other options discussed in terms of different ways
18 to wrap up this investigation aside from making a public statement?

19 Anderson: I don't remember precise alternative options that were
20 discussed but I believe there were other options discussed in the

1 course of our many discussions about it.

2 Hamrick: Was the appointment of a special counsel ever
3 discussed?

4 Anderson: Yes it was. We were asked to consider, I mean there were
5 numerous congressional letters that were asking for the appointment
6 of a special counsel.

7 Hamrick: Can you describe what those discussions were like?

8 Anderson: Uh, I don't have a great memory of exactly what was
9 discussed and with whom except that I just remember that we did
10 talk about it at various points in time of whether the Director should or
11 should not make a recommendation to the Attorney General that
12 was the appointed

13 Hamrick: Was anyone in favor of doing that?

14 Anderson: Um, I don't remember.

15 Hamrick: What about reasons for not doing that, were those
16 discussed?

17 Anderson: I presume so but I don't remember any specifics. I don't
18 recall and one thing I just want to clarify, I don't recall that we ever
19 discussed in that large, that group of people that I named, in that
20 large group seeing the idea of a special counsel being um, or the

1 Director himself could not have appointed a special counsel but he
2 would have, he could have recommended the attorney general that
3 [when] the appointed um, I don't recall in those big group meetings
4 talking about the issue but there may have been other smaller
5 meetings that occurred on the issue and I don't remember the
6 precise details of who was in favor and on what basis or whether
7 there was any um you know views against it that sort of thing.

8 Hamrick: What about the idea of not making a public statement
9 but just per standard you know somewhat standard procedure just
10 send the recommendation over to DOJ and let them deal with it, was
11 that option discussed at all?

12 Anderson: I'm sure it was discussed at some point um, not probably
13 not in exactly the way that you've formulated it um but the idea of
14 um you know staying quiet and letting DOJ decide what to do or not
15 do with it um that was probably discussed at some point.

16 Hamrick: Was there any concern expressed by the Director in
17 going that route?

18 Anderson: Um, yeah there were a lot of concerns um and uh you
19 know concerns I mean I think those concerns escalated over time.

20 Hamrick: Can you describe that a little bit for us?

1 **Anderson: I wouldn't say it, it was probably not super explicitly**
2 **discussed but um you know it was really clear um especially in the**
3 **weeks leading up to the statement um that at least the public**
4 **perception would be that the Attorney General herself was not**
5 **maintaining an appropriate degree of independence with respect to**
6 **the decision making in this investigation and I'm referring to, I mean I**
7 **think there were concerns even preceding this but um you know the**
8 **incident that was extensively reported in the media involving the**
9 **Attorney General's meeting with former President Clinton on the**
10 **airplane tarmac.**

11 **Hamrick: And you said there were concerns even before that**
12 **incident what were some of the other concerns?**

13 **Anderson: Well the Department of Justice you know compared to the**
14 **FBI is um you know run much more heavily by political appointees,**
15 **people who are beholden to the President, the FBI by tradition and**
16 **by just by virtue of the composition of our executive core is much**
17 **more apolitical and independent, the only political appointee is the**
18 **director and his term set by statute is 10 years in part as a reflection**
19 **of that tradition of independence and so in terms of thinking about**
20 **who might um you know as I said the facts of the investigation had**

1 already been publicly confirmed and in terms of thinking through
2 who might describe the conclusion announce them to describe
3 them in some fashion you know the FBI Director is more as a
4 practical matter more independent and you know would be
5 perceived as more independent than the Attorney General and so
6 then layering on you know the public reporting about that meeting
7 that occurred with the former president and Attorney General Lynch,
8 it just only further solidifies um the perception, the idea that the
9 public would perceive her to be less independent than the FBI
10 Director.

11 Hamrick: Did Director Comey ever express you know in addition
12 to kind of the perception that the attorney general might not be
13 impartial um any actual concern that he had about her impartiality?

14 Anderson: No. I don't recall. I, my recollection is that um it really was
15 about; it really was a matter more of perception than of reality. I
16 don't believe anybody, first of all the Attorney General herself, we
17 don't really quite know how much detail she was briefed on the
18 investigation but she didn't have any, she didn't have direct contact
19 with us or with the investigative team on the matter as to what DOJ
20 was briefing her on and keeping her in the loop on you know we

1 didn't really know for sure but there was never, there was never a
2 feeling that, I don't think, I certainly didn't have the feeling, you know
3 you'd have to speak to others in terms of what their feelings were but
4 I certainly didn't have the feeling that there was any sort of improper
5 influence that she was directing down the chain of command.

6 Hamrick: When you were discussing or the group was discussing
7 the idea of the public statement, was the potential impact on the
8 presidential election considered or discussed at all?

9 Anderson: Um, no not in the, not um, not in the sense that we were, I
10 mean we didn't know, we didn't know what the, we're not; I mean it
11 was discussed in the sense that um, we didn't think it was
12 appropriate for us to take it into consideration. We recognized that
13 we are, we are simply not competent to even know what that impact
14 might be, in other words we are FBI you know we are the FBI the
15 bureau of investigations, we are not the bureau of policy or uh
16 political analysis or election predictions and so it really was not our
17 business um you know because it was outside our competence,
18 outside our jurisdiction outside you know our authority to even
19 consider that and so it was, my recollection is that it was discussed
20 only in so far as you know we recognize that we couldn't take that

1 into consideration nor should we for any reason. We were trying to
2 do um you know the one thing I do recall being a sense of was in
3 terms of the timing um that we wanted to get out of the way of the
4 election as much as possible and I'm speaking with respect to the
5 July statement right now so in other words we wanted to wrap it up
6 quickly um because we wanted the bureau to have no part in any
7 way to the extent that was possible and so you know my sense from
8 the meetings that we had was that we were trying to wrap things up
9 as quickly as possible and just get out of the way of the political
10 cycle. Get the FBI out of the equation, proved not to be possible but,
11 later on, but um that didn't factor into the thinking in terms of timing it
12 was more sort of let's step out of the way, let's not be a factor.

13 Hamrick: Did you yourself at the time did you think that the July
14 5th statement could have an impact or have an effect on the
15 election?

16 Anderson: I couldn't say one way or another. I'm not an expert in
17 that and I didn't know.

18 Hamrick: Ana, do you have some questions?

19 Galindo-Marrone: So I wanted to go back to some of the
20 concerns that you mentioned may have been present concerning

1 former Attorney General Lynch's impartiality or not. So there is the
2 plane incident, which as you said was publicized, but are you aware
3 of an earlier incident in the fall of 2015 where Director Comey was
4 given some instruction by Attorney General Lynch to describe the
5 investigation not as a criminal investigation but something else like a
6 matter when talking to the press?

7 Anderson: Um, I don't, no I was not aware of any explicit
8 conversation between the Attorney General and the Director, we did
9 know that there was a desire by DOJ that it not be referred to as a
10 criminal investigation publicly because there were some jokes made
11 about it that we were the, you know they were asking us to be the
12 Federal Bureau of Matters in fact I think at one point they called it a
13 security review.

14 Galindo-Marrone: And how did you become aware of that?

15 Anderson: I don't recall precisely but I was never, I don't believe I
16 ever heard about or was ever told about any conversation directly
17 between the Attorney General and the director about the issue.

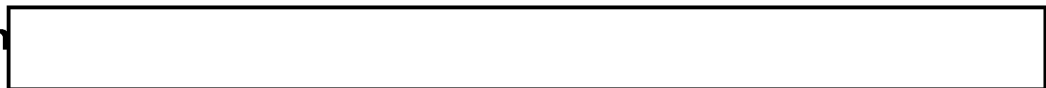
18 Galindo-Marrone: So outside of the plane incident and this, this
19 um idea that the FBI should refer to the investigation as a matter or a
20 security review versus a criminal investigation was there any other

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
b7E -3

12 extensively on an



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

[Redacted]

Galindo-Marrone:

[Redacted]

[Redacted]

Anderson

[Redacted]

b5 -2
b7E -3

Galindo-Marrone:

[Redacted]

[Redacted]

Anderson: Correct.

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

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

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

Hamrick: Absolutely I'm going to stop the recorder right now. Its 2:25 p.m.

Hamrick: The recorder is back on 2:27pm. We are going to shift to October 2016, that timeframe and at some point in October you learned that there had been some new evidence discovered related to the Clinton email investigation?

