

**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?

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16 Anderson:

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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:**

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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

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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

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**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 5<sup>th</sup> 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?

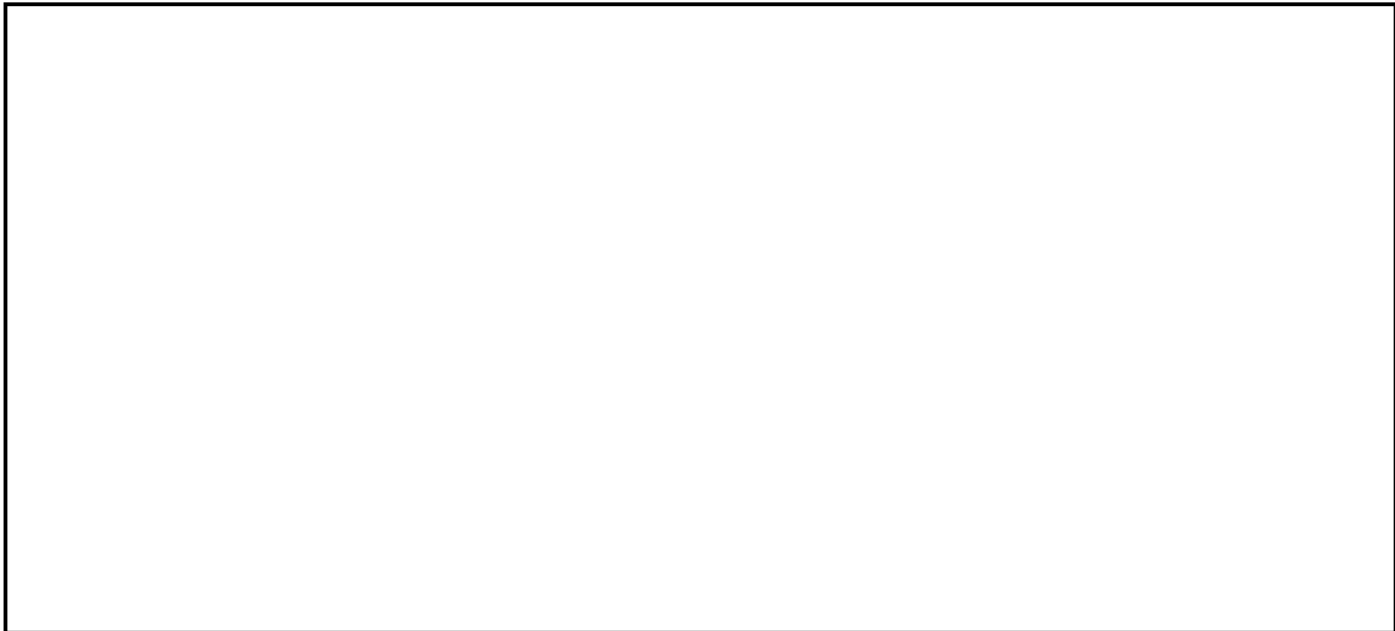
11 Anderson: Um, I don't remember precisely I think we all thought it  
12 was a hard decision. It certainly wasn't um; it certainly wasn't the  
13 only conclusion that somebody could reach. I don't remember there  
14 being any strongly held views against doing the statement, that  
15 particular statement. 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

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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 5<sup>th</sup> 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.

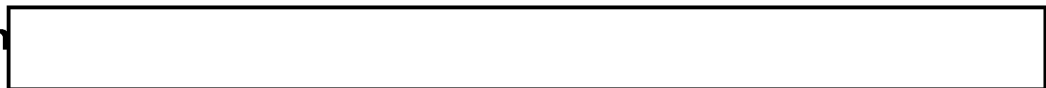
18 Galindo-Marrone: So outside of the plane incident and this, this  
19 um idea that the FBI should refer to the investigation as a matter or a  
20 security review versus a criminal investigation was there any other

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



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[Redacted]

**Galindo-Marrone:**

[Redacted]

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**Anderson**

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**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?**



1 **Anderson: That is correct.**

2 **Hamrick: When did you learn of that new evidence?**

3 **Anderson: It was sometime in October, I don't remember the precise**  
4 **date.**

5 **Hamrick: How did you learn about it?** b6 -1  
b7C -1

6 **Anderson: Um, my employee [redacted] told me. But at that point,**  
7 **its precise relevance to the investigation of the Clinton email server**  
8 **was unclear and unknown.**

9 **Hamrick: So can you tell us the progression of how it came from**  
10 **hearing about it from [redacted] to kind of understanding that there may**  
11 **be some relevance to the Clinton investigation?** b6 -1  
b7C -1

12 **Anderson: My understanding was that the team that was involved in**  
13 **the underlying investigation in which this new evidence surfaced was**  
14 **um to the extent permitted consistent with their search warrant was**  
15 **trying to do some preliminary work to um determine what if any**  
16 **materials were on the device that might bear on our investigation**  
17 **and that that work unfolded over the course of a couple of weeks.**  
18 **And there was a specific moment in time in later, in late October um**  
19 **when they had um, they knew more at that point about what was on**  
20 **the device and um brought it to executive level attention.**

1           **Hamrick: So when it was brought to the executive level, what**  
2 **were you all told about it?**

3 **Anderson: Um, so um, I'm not going to remember the precise details**  
4 **exactly but um and we obviously this is all subject to the non-**  
5 **disclosure agreement because none of this has ever been publicly**  
6 **confirmed.**

7           **Hamrick: Of course.**

8 **Anderson: But the my understanding was that we had a, in**  
9 **connection with the investigation of Anthony Weiner um in an**  
10 **unrelated matter, the FBI had taken possession of one or more of his,**  
11 **one of his laptops at least there may have been other media that**  
12 **they seized and that on that device they had identified emails of**  
13 **Huma Abedin uh that included correspondence between her and**  
14 **the former Secretary.**

15           **Hamrick: Why was that significant?**

16 **Anderson: It was significant for, well it was potentially significant I**  
17 **guess for a couple of reasons. Um, there had been a, in the course of**  
18 **our investigation of the email server you know we never recovered**  
19 **what we believed to be the entire body of the emails that were sent**  
20 **through the private server for one um and so there was a specific**

1 period of time that was actually very close to the point in time in  
2 which the server likely would have been set up that we never  
3 recovered any of the emails from the former Secretary's Blackberry  
4 and so there was presented the possibility from this new source um  
5 that it potentially could contain some of those emails and then I  
6 guess the second aspect of it was given who Huma Abedin was and  
7 her closeness to the former Secretary that if there was anybody with  
8 whom she had ever spoken um or you know corresponded by email  
9 about the setup of the server that its possible it would have been  
10 Huma.

11 Hamrick: So in terms of meeting to discuss this new evidence  
12 are we talking about the same executives that you identified earlier  
13 in the interview?

14 Anderson: Yeah I believe so.

15 Hamrick: What did the members of that meeting discuss in terms  
16 of what to do with this evidence?

17 Anderson: So we were sort of like the structure of the earlier meetings  
18 um we met I believe it was on October 27<sup>th</sup> and the Director was  
19 briefed on what we knew about the material that was on the Weiner  
20 laptop at that point in time and that was all under the constraints of

1 the search warrant as it existed for purposes of the Weiner  
2 investigation. We had no search warrant at that point in time for  
3 purposes of the Clinton email server investigation so he was briefed  
4 on what we knew at that point in time and then we had a discussion  
5 about what we should do going forward that did include a discussion  
6 about you know whether we should seek a search warrant, how we  
7 should proceed to seek to obtain the evidence.

8 Hamrick: Ultimately, it was decided to get the search warrant?

9 Anderson: Yes, that is correct and I believe in that same meeting we  
10 did talk about and there may have been multiple meetings that day  
11 I'm not sure um in the course of those discussions we did talk about  
12 whether we needed to publicly disclose the fact that we were, we  
13 had, you know the Director had told Congress and had announced  
14 publicly that we had completed our investigation and if we were to  
15 seek a search warrant that would seem to be in contradiction with a  
16 statement that we had concluded our investigation um it was  
17 seeking a search warrant is a very significant overt, in some cases  
18 overt investigative step. And so we were in that same briefing about  
19 what we knew about material I believe we did talk about whether a  
20 public disclosure or supplementation of the record on that point

1 needed to be made.

2 **Hamrick: Was there a discussion about when the search warrant**  
3 **should be sought?**

4 **Anderson: I don't remember if there was anything explicit except um**  
5 **the sense was that we needed to seek one urgently if you know after**  
6 **we decided that was the appropriate next step that we couldn't sit**  
7 **and wait on it.**

8 **Hamrick: What was the urgency?**

9 **Anderson: That given the significance of the matter um, uh, that we**  
10 **had to proceed quickly. It was just too, too explosive for us to sit on.**

11 **Hamrick: Was there any disagreement with that course of**  
12 **action?**

13 **Anderson: No, I don't recall there being any disagreement that we**  
14 **needed to proceed immediately to seek the search warrant. I mean**  
15 **we had to do it in combination with DOJ obviously and the meeting**  
16 **did not include any DOJ personnel um so it was clear agreement**  
17 **that we needed to ask DOJ to seek the search warrant for us.**

18 **Hamrick: Was there any discussion about waiting until after the**  
19 **election to get the search warrant?**

20 **Anderson: I, I don't, on the point about whether we should seek, we**

1 should wait to seek the search warrant, I don't think there was. I  
2 mean that, I think from our perspective we would you know um, we  
3 had to, we had to do what was appropriate for the investigation and  
4 it would not have been you know we would have been um delaying  
5 um because of electoral considerations um an investigative step  
6 and that's just not what we would have done.

7 Hamrick: So you said in the meetings discussing the new  
8 evidence and getting the search warrant there was also discussion  
9 about whether or not some kind of public statement needed to be  
10 made. Who

11 Anderson: Yeah that is my recollection.

12 Hamrick: Who first raised that as an issue?

13 Anderson: I don't remember.

14 Hamrick: So what was discussed with respect to the public  
15 statement?

16 Anderson: First and foremost I think it was the congressional  
17 testimony the Director had given previously so obviously in falling  
18 closely on the heels of his July 5th statement he gave very extensive  
19 testimony publicly on the Hill um in which he described the  
20 investigation as having been completed or closed and the most

1 significant consideration was the fact that um, you know seeking a  
2 search warrant is not consistent with the completion or closure of an  
3 investigation and that this amounted, it wasn't technically a re-  
4 opening we had never we cannot administratively close an  
5 investigation until we have disposed of the evidence at issue and  
6 provided reasons that may not happen for quite some time in this  
7 particular case um but the investigation you know he had  
8 characterized it as being completed and so the concern was that by  
9 not saying something we would be, it was tantamount to concealing  
10 it, the fact that we were re-opening or seeking new investigative  
11 steps in a matter that he had characterized as completed so there  
12 was the congressional aspect of it um but also the prior public  
13 statement that it would leave a misleading impression with respect to  
14 the you know what the public knew about it as well.

15 Hamrick: So what was decided then in terms of what to do  
16 about the making some kind of statement?

17 Anderson: I'm sorry I think you cut off?

18 Hamrick: Oh, can you hear me now?

19 Anderson: Yeah, can you repeat your question?

20 Hamrick: What was decided with respect to the public

1 **statement what was going to be the course of action?**

2 **Anderson: Let me be clear I mean we did a congressional letter um**  
3 **that was sent only to the Congress because we thought about**  
4 **different vehicles whether the Director should make another public**  
5 **statement whether he should do a press conference um and**  
6 **because of that predominate consideration of the Director's**  
7 **congressional testimony that he, that the investigation was**  
8 **completed we concluded the appropriate vehicle was a letter to the**  
9 **Congress.**

10 **Hamrick: Did anyone feel strongly that there should be some**  
11 **kind of press conference or something like that?**

12 **Anderson: I don't recall. I don't believe so. I think that we were the**  
13 **extent that people believed that a statement was appropriate or**  
14 **some sort of supplementation of the record was appropriate, um I**  
15 **think people largely thought that the congressional letter was the**  
16 **best vehicle for it.**

17 **Hamrick: So was there disagreement about making any kind of**  
18 **statement period, whether public or a letter to Congress?**

19 **Anderson: Yes there was. There were uh significantly conflicting**  
20 **viewpoints on that issue. It was a very, very difficult decision.**



1           **Hamrick: What were some of the opposing arguments for**  
2 **sending the letter to Congress that were expressed?**

3 **Anderson: Yeah um, well uh the viewpoint that we would be, there**  
4 **was an obvious concern that the FBI would be perceived to be um**  
5 **involved in or influencing the outcome of the election there was, I'll**  
6 **just speak, I can speak most authoritatively to my own concerns and**  
7 **questions and**

[Redacted]

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8 [Redacted]

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10 [Redacted]

11 [Redacted]

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19 **Hamrick: You said ultimately you were persuaded that this was**  
20 **the right course of action?**

1 **Anderson: I think so. I think so it was really hard for me. Um I mean I**  
2 **think the morning of the, I knew the Director was going to send the**  
3 **letter out to the Hill um I wasn't sure he was doing the right thing and**  
4 **um but it depends on what you use as your metric for the right thing**  
5 **to do. I think I was worried about it for the wrong reasons. You know I**  
6 **was worried that we would impact the election and I recognize that**  
7 **was not something that we could take into account.**

8 **Hamrick: I'm going to circle back to that in a minute but was**  
9 **there anyone in those discussions who ultimately was not persuaded**  
10 **and who still at the end of the day felt like it was the wrong thing to**  
11 **do?**

12 **Anderson: I don't know. I don't know and you know it was such a**  
13 **hard call I'm not sure you know I'm having a hard time sort of**  
14 **necessarily um you know even putting a pin point on whether I was**  
15 **totally convinced at that point in time that it was the right thing to do**  
16 **or whether I mean I probably say in fairness I probably still had**  
17 **reservations about it, it was such a hard decision you know there**  
18 **were many views expressed in even the morning of that letter in a**  
19 **meeting that we had with the Director and he ultimately made the**  
20 **decision to do it that it was of two horrible options it was best**

1 protective of the FBI as an institution.

2 Hamrick: So was the concern that this letter would have an  
3 impact on the election was that discussed during any of these  
4 meetings?

5 Anderson: Well it was certainly discussed that the FBI would be  
6 perceived to be having an effect on the outcome we didn't, again  
7 we sort of, I recall this idea you know that we were not experts on  
8 that issue by far you know whether it was true whether that  
9 perception would have any merit or not I mean we had no way of  
10 knowing one way or another. We weren't competent, it's not our job,  
11 it's not our place, our role to even assess what that might possibly be  
12 but yes we were concerned that there would be a perception  
13 whichever way we went um whether we disclosed the fact of the  
14 new material you know we were going to be perceived to be  
15 impacting the outcome or whether we didn't if we had as I think the  
16 Director said; perhaps in his email to the troops it was, you know it  
17 wasn't a choice it was a choice between two acts. It was speak or  
18 conceal and if the FBI had concealed that fact um, you know the  
19 perception would have been that we had been influencing the  
20 outcome of the election in the other directions so yeah we were

1 concerned about that, that impact, long-term impact on the  
2 credibility of the FBI in either scenario.

3 Hamrick: Were any other options discussed? Rather than  
4 sending a letter to Congress, was there a discussion about not  
5 notifying Congress at all?

6 Anderson: Yes.

7 Hamrick: Was that ever really considered as an option or was it  
8 dismissed immediately?

9 Anderson: No it was not dismissed immediately because I think we  
10 you know we also knew that there were no you know and we you  
11 know we did send up the letter privately to the Hill we didn't post it  
12 on our website and we didn't publicize it, we didn't leak it to the  
13 media you know I don't believe anybody did um but we, we had an  
14 expectation that there was no way you know there were no  
15 measures that we could take that would allow us to disclose that  
16 information to the Hill without also that information becoming public  
17 just based on our collective understanding of the way things work up  
18 on the Hill.

19 Hamrick: What about waiting until some of the emails had been  
20 reviewed before notifying Congress to see whether they are what

1 you thought they might be, was that discussed at all to kind of hold  
2 off until you see what you really have?

3 Anderson: Yeah that was it kind of goes to that materiality point that I  
4 mentioned. You know without having acquired the evidence have  
5 we crossed a materiality threshold such that we needed to notify  
6 Congress or the public or is just simply the fact of seeking a search  
7 warrant sufficient so yes there was extensive discussion about that.

8 Hamrick: Was there any concern expressed with um you know if  
9 a search warrant was sought that that would somehow be leaked  
10 and it would come out?

11 Anderson: Yes.

12 Hamrick: What was that concern exactly? Did you hear that,  
13 were you cut off?

14 Anderson: Yes, I'm sorry my answer was yes.

15 Hamrick: Ok and what

16 Anderson: We were concerned even though we were going to seek  
17 the search warrant, we were going to seek it under seal um that the  
18 reality was that it would be publicly known.

19 Hamrick: Let me ask you to take a look at one of the  
20 documents. I think it may be the one, it's an email and the Bates

1 stamp is OSC HA-17-0515, FBI 001577.

2 Anderson: I'll let you know as soon as I've got it up. The last four 1577  
3 you said?

4 Hamrick: Yes.

5 Anderson: Ok.

6 Hamrick: This is an email, the top email is dated October 27, <sup>b6 -1</sup>  
<sup>b7C -1</sup>  
7 2016 from James Rybicki to James Comey. If you'll go down there is  
8 some back and forth with drafts and in the email from  to  
9 the group, the one that is 5 o'clock p.m. she says; All, I've attached a  
10 new draft in which we attempt to address Trisha's comments. I'm  
11 assuming she is talking about your comments?

12 Anderson: Yeah.

13 Hamrick: And do you recall what those comments were?

14 Anderson: Um, I'm not sure um precisely which comments that is a  
15 reference to I think at some point um I had commented on an earlier  
16 draft that we needed to, that it needed to that it needed to be styled  
17 more closely as a disclosure to Congress consistent with  
18 conversations, the discussions that had occurred earlier in the day.

19 Hamrick: When you say stylistically boars a disclosure to  
20 Congress what exactly do you mean by that?

1 **Anderson: Um, is consistent with um the outcome of the discussions**  
2 **to that point that we were planning to um make the disclosure in a**  
3 **communication to Congress and the draft just simply wasn't as I**  
4 **recall, um I don't recall a first draft being written um in that, framed in**  
5 **that precise way.**

6 **Hamrick: I see. At some point and this touches on what you**  
7 **were talking about earlier with respect to the perception that the FBI**  
8 **would have some kind of impact on the election. Was there ever a**  
9 **comment made during one of the meetings about how the**  
10 **notification to Congress might hurt Hillary Clinton and help Donald**  
11 **Trump in the elections.**

12 **Anderson: You mean substantively?**

13 **Hamrick: Yes.**

14 **Anderson: In other words like anybody saying is this actually you**  
15 **know we are concerned because this will help Hillary or will hurt her**  
16 **and help Donald Trump?**

17 **Hamrick: Yes.**

18 **Anderson: No, I don't recall there being any comments to that effect.**

19 **Hamrick: Did you believe that sending this notification to**  
20 **Congress would impact the election?**



1 **Anderson: I was worried that it would um and this goes back to what**  
2 **I was saying a little bit earlier. I was worried that it would and I**  
3 **recognized that that was not something that we should be taking into**  
4 **account and so those were my private concerns and I did not share**  
5 **that point of view in the meeting.**

6 **Hamrick: With respect to the notification was there a legal**  
7 **review done to make sure there weren't any concerns legally with**  
8 **sending this notification to Congress?**

9 **Anderson: Um, I mean I don't know exactly what you mean, there**  
10 **was no sort of formal legal review however if Jim Baker or [redacted] and I**  
11 **had identified any legal issues we most certainly would have**  
12 **ensured that they were addressed but we did not, none of us**  
13 **identified any, I don't recall identifying any legal issue that we**  
14 **thought about.**

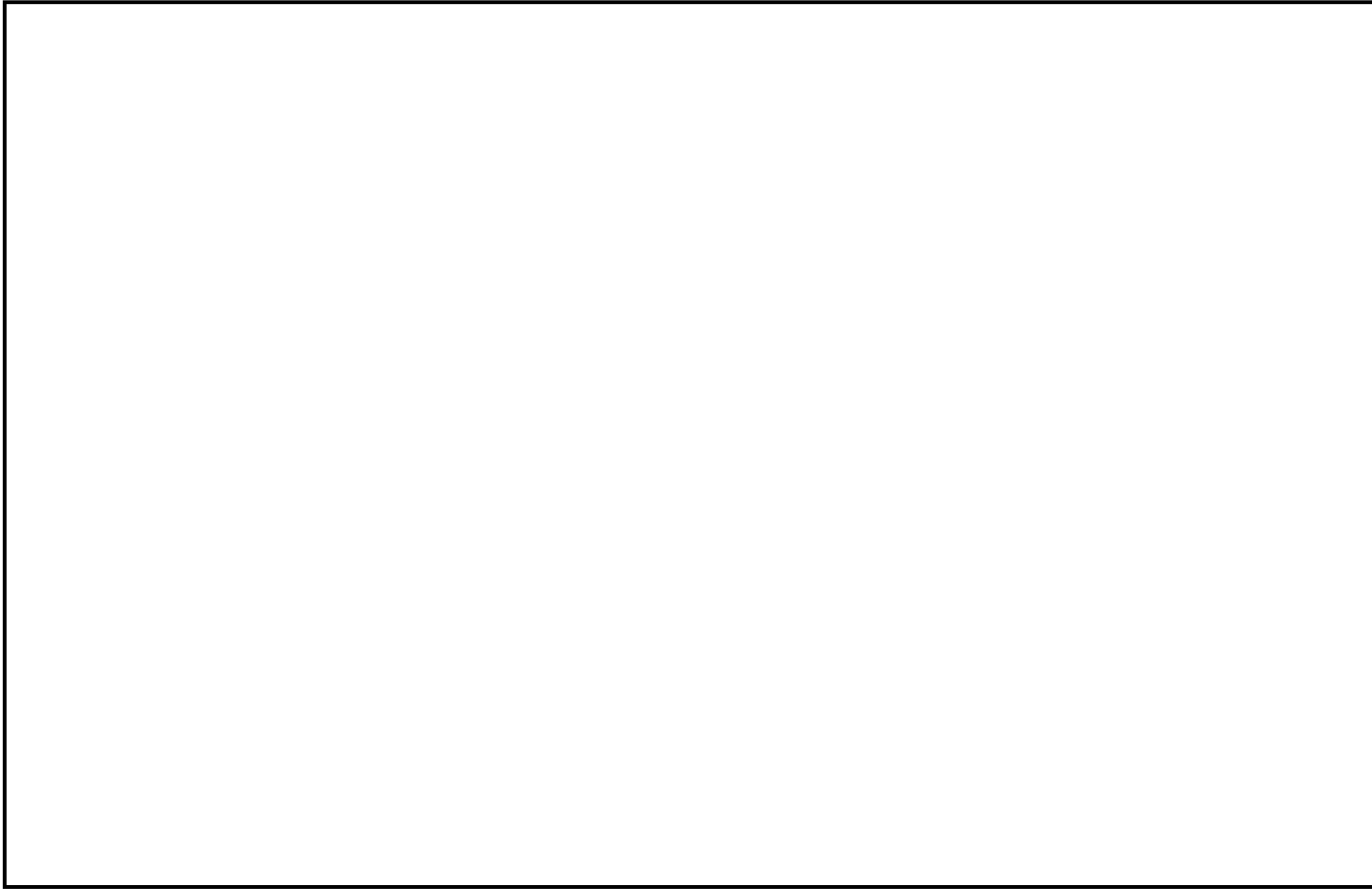
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15 **Hamrick: Was the Hatch Act ever considered as a potential**  
16 **legal issue?**

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17 **Anderson:** [redacted]  
18 [redacted]  
19 [redacted]  
20 [redacted]

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11 **Hamrick: Do you think that the decision to notify Congress**  
12 **about this new evidence; do you think that that ran counter to that**  
13 **DOJ policy about taking steps so close to an election?**

14 **Anderson: No, I don't believe so.**

15 **Hamrick: Why not?**

16 **Anderson: We had, I guess for two principle reasons one we**  
17 **collectively as a group and the Director personally we had no intent**  
18 **to influence the outcome of the election we were not taking steps for**  
19 **purposes of influencing the outcome one way or another so that is**  
20 **point number one and then point number two was that even if we**

1 didn't intend any impact but there was one you know that we, that  
2 was going to happen regardless of whether we wanted it to or not  
3 that there was no way that we could avoid it. Whether we disclosed  
4 or didn't disclose that either of those two steps could theoretically  
5 have an impact on the election we didn't know whether it would or  
6 wouldn't you know as I said we recognize that we are not you know  
7 our job is investigating criminal matters not predicting um the  
8 influence of events on the outcome of elections but we um there was  
9 no path clearly available to us that we believed would completely  
10 insulate us or completely insulate the FBI from any potential  
11 allegation or appearance of involvement in the election. Had we  
12 you know if we disclosed the perception could be that we were  
13 trying to help Trump and if we didn't disclose we would be accused  
14 of having concealed the fact in order to help Hillary Clinton and so  
15 there was no path available to us that would not be perceived to  
16 have an impact on the election.

17 Hamrick: In the email that we just looked at the, on the second  
18 page of the email it talks about, attachment incorporates Jim Baker's  
19 comments; it does not address Trisha's from her recent email. I don't  
20 think we ever received that email in the document production that

1 was done in response to our request. Do you know if that email still  
2 exists or if it was produced?

3 Anderson: I have no idea, as I said I couldn't personally do a search  
4 of my emails from that time period so I don't know sitting here today  
5 whether the email still exists or um whether it was produced or could  
6 be produced or anything to that effect.

7 Hamrick: So let me just ask a follow up. Typically, so this would  
8 have been an email I suspect from October 27, 2016, right?

9 Anderson: Mm-hmm.

10 Hamrick: What is your process you talked about archived  
11 emails, how does it work at the FBI is it every three months I know  
12 different agencies have different procedures for archiving. What  
13 would normally be archived in terms of your emails?

14 Anderson: The archiving isn't automatic but we have a certain  
15 limited capacity especially on the unclassified side in terms of how  
16 large the inbox can be and so you get notifications on that side  
17 when you are getting close to the limit and if you reach the limit you  
18 can't send or receive any email so it's up to the individual user to  
19 take action to archive your email to make sure that your size limit or  
20 size of your inbox is maintained below that limit so you can continue

1 to send and receive emails.

2 Hamrick: And this type of email where it seems like you were  
3 giving your comments about some action that the Director was  
4 going to take; is this an email that you would normally archive?

5 Anderson: Yeah you don't, I don't pick or choose the, you just  
6 archive the whole inbox.

7 Hamrick: Oh so you just archive so

8 Anderson: Yeah, so it I mean so there's something you can do in  
9 outlook to archive your messages but I'm not sure the user even has  
10 the capability you just archive based on date range so and I you  
11 know it was certainly not be my, I do not delete my emails other than  
12 meeting cancellation notices and things like that or a notification  
13 that somebody has read an email things like that that don't need to  
14 be preserved, I don't delete any substantive emails whether they be  
15 sent by me or to me and so I, my expectation would be that  
16 anything that was on my system would be archived.

17 Hamrick: Ok.

18 Anderson: And just so, you know the individual users at the FBI don't  
19 have any involvement in pulling emails for production. It all happens  
20 behind the scenes and so I had no involvement in the searches of

1 any emails or review or production or anything like that.

2 Galindo-Marrone: Let me circle back to one thing. To recap  
3 when you were describing the different considerations in play for the  
4 concerning the October 28 congressional letter I think you  
5 mentioned and I want to make sure I understood you correctly that I  
6 think you said with respect to that letter the one that went out  
7 October 28 to Congress the FBI did not leak that letter or make a  
8 public statement concerning that letter, right?

9 Anderson: I don't believe, I mean, I'm not aware of anybody at the  
10 FBI who leaked it or um made any public statements about it, we  
11 sent the letter up to the Hill.

12 Galindo-Marrone: But I think you also said that, but the  
13 expectation would this be fair to say of you all that were in the room  
14 making this decision was that even though on your end no one was  
15 going to be leaking this that the likelihood would be that once the  
16 Hill got this letter it would go public?

17 Anderson: Yeah that was, we, the reality was that I think we no  
18 matter what steps we took no matter what caveats we put on the  
19 letter no matter what conversations even people might try to have  
20 with congressional leaders that there was no way the letter wouldn't

1 become public um we had no option to preserve its confidentiality  
2 just simply with respect to the Hill it just simply wasn't realistic even if  
3 that was our desired outcome.

4 Galindo-Marrone: And did I understand you correctly that there  
5 was a similar view with respect to the search warrant, that the belief  
6 was even if you all had not sent the letter to Congress that the search  
7 warrant would become public as well?

8 Anderson: Um, I think yeah we, I mean, probably with a less, a lower  
9 degree of certainty but we certainly knew that was a possibility.

10 Galindo-Marrone: Ok.

11 Anderson: And if I could just clarify one thing.

12 Galindo-Marrone: Sure.

13 Anderson: You asked me whether anyone or whether I was  
14 concerned about substantively impacting the outcome of the  
15 election and I said that I was worried about that and I characterized  
16 my concerns as being private concerns. I wanted to underscore that  
17 you know I recognize the distinction between my own you know  
18 private concerns as a private citizen as a member of the electorate  
19 and my you know the concerns that were legitimate for me to take  
20 into consideration as an official of the FBI so I did not in any fashion

1 **express those concerns those private concerns in the course of the**  
2 **meetings with the Director.**

3 **Hamrick: Ok. So after or around the same time the notification**  
4 **to Congress went up Director Comey also sent an email to I guess all**  
5 **FBI employees and in case you need to refresh it is Bates stamp**  
6 **document that ends 1127. And it was sent Friday October 28 2016**  
7 **3:08 p.m. Do you know what email I am talking about?**

8 **Anderson: Yeah, sorry let me just pull it up here.**

9 **Hamrick: Sure. Sure.**

10 **Anderson: Ok yes.**

11 **Hamrick: Were you involved at all in drafting or editing this**  
12 **email?**

13 **Anderson: Not drafting but I believe that a draft was circulated to the**  
14 **same group that I've referenced previously for any edits.**

15 **Hamrick: Do you recall if you had any edits to it?**

16 **Anderson: Um, I don't recall for certain but I don't believe I did.**

17 **Hamrick: Prior to seeing the email, did you know that the**  
18 **Director was planning on emailing all the FBI employees, prior to**  
19 **seeing the draft?**

20 **Anderson: Yeah, I think he did mention it in the meeting.**



1           **Hamrick: What was his reasoning for why he wanted to do that?**

2           **Anderson: Um, you know I, it would be hard for me to say for**  
3           **certain you know it was not the focus of our conversations um the**  
4           **Director is, as you may know has um he um he does communicate**  
5           **frequently with the FBI population as a whole and given the**  
6           **significance of what he was doing it was no surprise to me that he**  
7           **wanted to do something like this.**

8           **Hamrick: Did you have any reaction to his desire to send this**  
9           **email out?**

10          **Anderson: Uh no not in this particular case. To me the substance of**  
11          **the email dovetails entirely with our actual in our letter to the Hill**  
12          **and you know it struck me as highly consistent with what we had**  
13          **discussed in the meeting so no I didn't have any concerns with it.**

14          **Hamrick: And you said the Director communicates frequently**  
15          **with the FBI staff, does he usually send these kind of emails about the**  
16          **FBI's investigations?**

17          **Anderson: No but going back to something I said at the very**  
18          **beginning of the interview this was an investigation that was without**  
19          **parallel or precedent.**

1           **Hamrick: So there's, in the second paragraph of the Director's**  
2 **email he talks about ordinarily we don't tell Congress about on-**  
3 **going investigations and he says I also think it would be misleading**  
4 **to the American people were we not to supplement the record. What**  
5 **is your understanding of what he means by that?**

6           **Anderson: I think simply it's a reference or I would read this to be a**  
7 **reference back to the July statement that we had, he had sort of**  
8 **made significant statements in two forums to the effect that the FBI**  
9 **had completed the investigation and one was in his congressional**  
10 **testimony the other was in the July statement and so you know just**  
11 **as we would, it would be misleading by omission given his prior**  
12 **statement that we completed the investigation not to supplement**  
13 **the record that we are taking additional investigative steps.**

14           **Hamrick: What about that next sentence where he references**  
15 **the fact that you are in the middle of an election season. What is**  
16 **your understanding of that statement? Or what he is trying to**  
17 **convey?**

18           **Anderson: Are you talking about the last sentence?**

19           **Hamrick: Right, "in trying to strike that balance in a brief letter**

1 and in the middle of an election season there is significant risk of  
2 being misunderstood but I wanted you to hear it directly from me.”

3 Anderson: Well obviously you would need to speak to the Director to  
4 know precisely what his intended meaning was but I read that as a  
5 reference back to the concerns that we had discussed in the  
6 meeting about the perceptions of the FBI um being misunderstood as  
7 seeking to influence the election one way or another.

8 Hamrick: Ok, so then the final notification to Congress came on  
9 November 6th. I guess at some point in time you learned that the  
10 team had quickly reviewed the newly discovered emails and that  
11 that review was finished, right?

12 Anderson: That is correct, we were at that point having daily if not  
13 more frequently than daily phone calls about the status of the  
14 investigative step, the email review.

15 Hamrick: What were you told about the results of the review?

16 Anderson: Um, I'm not going to remember all the precise details  
17 exactly of what we were told. Um, so there are others who could  
18 speak to that but um my understanding was that we uh did not  
19 uncover any, we didn't uncover the emails from that period of time  
20 that I had mentioned earlier where we didn't have any, we had not

1 previously uncovered those emails so we didn't fill that gap that we  
2 didn't identify any emails between Huma and the former Secretary  
3 concerning the setup of the server um but that there were, we did  
4 identify a number of classified emails um most or all of which we had  
5 previously seen I think ultimately we didn't, they didn't entirely  
6 overlap with the um, I just don't remember precisely. I don't think  
7 they totally overlapped with what we had previously seen in terms of  
8 the classified emails that had gone through the server but they  
9 largely overlapped with the ones we had previously seen. But then  
10 there were a couple of other um, uh there were, there was one other  
11 thing that struck us all and I'm a little bit curious which was um we  
12 saw there was some evidence of I believe it was a classified email  
13 having been forwarded by Huma or from Huma's account to  
14 Anthony Weiner and that was among the evidentiary conclusions  
15 that or among the evidence that was identified.

16 Hamrick: Was there a meeting with the executives that you  
17 identified earlier to kind of discuss what to do now at this point?

18 Anderson: Um, yes I can't remember exactly you know the precise  
19 configuration of meetings or conference calls but yes there was  
20 discussion about what to do next although I think it was fairly brief

1 because I think at that point we had, I'm trying to remember  
2 exactly but I think we had already talked over the course of the  
3 week about needing to do another disclosure to Congress.

4 Hamrick: Who had raised that idea?

5 Anderson: I don't recall.

6 Anderson: So what specifically was discussed with respect to an  
7 additional disclosure to Congress?

b5 -3

8 Anderson: [redacted]

9 [redacted] I would say that was  
10 the predominate consideration.

11 Hamrick: What were the reasons for notifying Congress?

b5 -3

12 Anderson: [redacted]

13 [redacted]  
14 [redacted]  
15 [redacted]  
16 [redacted]  
17 [redacted]

1

2

3 **Hamrick: Did anyone disagree with sending this additional**  
4 **notification to Congress?**

5 **Anderson: I don't believe so. I don't recall, in contrast with the**  
6 **October 28<sup>th</sup> letter I don't recall there being any significant**  
7 **disagreement that this was the right thing to do once we had**  
8 **completed or substantially completed the review of the new**  
9 **emails.**

10 **Hamrick: So you agreed with that decision?**

11 **Anderson: I did.**

12 **Hamrick: What about Mike Steinbach, did he agree?**

13 **Anderson: I don't recall. I don't remember, I don't remember any**  
14 **body expressing any significant disagreement but I don't recall any**  
15 **particular statements made by Mike Steinbach.**

16 **Hamrick: During the discussions about sending this additional**  
17 **notification, was there any conversation about any potential**  
18 **impact on the election?**

1 **Anderson: I don't recall any new or separate conversation about**  
2 **that issue. I think we had fully hashed out and this is just to the best**  
3 **of my memory the whole you know this time period there were a lot**  
4 **of meetings, a lot of discussions and it is hard to remember**  
5 **precisely which and over a very compressed period of time over a**  
6 **week or so, sorry I just got another call coming in and it distracted**  
7 **me. I'm sorry so there were a lot of meetings a lot of discussions**  
8 **over a very compressed time period and it is hard to remember**  
9 **exactly what was said in connection with the October 28 letter**  
10 **versus the November 6 but we had, my feeling at this point in time**  
11 **is that we had really fully hashed through in connection with the**  
12 **October 28<sup>th</sup> letter the idea that the FBI would be perceived**  
13 **whichever course of action it took as having impacted the**  
14 **outcome of the election that because we had fully hashed through**  
15 **that in connection with the October 28<sup>th</sup> letter I don't remember**  
16 **there being any new significant extensive discussion about the**  
17 **issue in connection with the subsequent letter.**

1           **Hamrick: Was in terms of any kind of legal review of the**  
2 **decision to send the letter, was the Hatch Act ever discussed or**  
3 **considered?**

4 **Anderson: I mean no, no other than what I've already mentioned in**  
5 **terms of the review of the DOJ policy which um I can't remember**  
6 **whether it happened in connection with the July 5<sup>th</sup> statement or**  
7 **the October 28<sup>th</sup> letter and no it just uh no it was not something that**  
8 **we explicitly considered in connection with the November letter.**

9           **Hamrick: Are you doing ok do you need to take a break**  
10 **because we are at a natural pause point so do you need to take a**  
11 **little break or are you good to go?**

12 **Anderson: I will take you up on that. I'm going to put you on mute**  
13 **for a minute or two and I'll be right back.**

14           **Hamrick: Ok, I'm going to stop the recorder at 3:18. It's 3:19**  
15 **p.m. so we are going to shift gears in terms of questioning. We are**  
16 **going to ask you a couple questions about other FBI investigations.**  
17 **We know now that there was an investigation at least as early as**  
18 **July of 2016 concerning individuals associated with the Trump**



1 campaign and the Russian government and whether there was any  
2 coordination between the campaign and Russia's efforts to interfere  
3 with the 2016 presidential election and this obviously wasn't  
4 publicly confirmed by Director Comey until March of this year but  
5 during all of this that is going on with the public statements  
6 concerning the Clinton email investigation and then the October 28  
7 notification to Congress, was there ever any discussion with Director  
8 Comey about making this other investigation public prior to the  
9 election, this investigation involving Russia and potential ties to the  
10 Trump campaign? I know that was a long-winded question.

11 Anderson: Yeah, um, I guess I'm pausing because of um, I'm  
12 thinking, I guess in terms of like the scope of your inquiry um you  
13 know and I guess this, uh anyhow could you rephrase the question?

14 Hamrick: Right, so I'm not asking any specifics about the  
15 investigation or what was going in July. I want to know whether  
16 there was any discussion or if anyone raised the issue of whether  
17 the fact that the FBI has this investigation should be made public,  
18 going back to the 2016 timeframe when all this stuff with the Clinton

1 email investigation is being wrapped up was there any discussion  
2 about you know well should this investigation be public?

3 Anderson: I'm not aware of any such discussions.

4 Hamrick: Were you at all involved in your role there, were you  
5 involved in I don't want to ask a question I can't ask. If there had  
6 been those types of discussions would you have been involved in  
7 them or was that separate from your role there?

8 Anderson: Um, well I can't say for certain that if there were any  
9 such discussions that I would have been involved but the uh, it  
10 would have been within my supervisory responsibilities to supervise  
11 the same attorney in connection with  work on the Russia b6 -1  
b7C -1  
12 related investigation.

13 Hamrick: Ok and to your knowledge, it was never raised that  
14 potentially we should be making the fact that there is this  
15 investigation public as well?

16 Anderson: Um, certainly not raised by us. I guess I'm trying to think  
17 about whether, I certainly and I don't recall it ever being

1 mentioned in connection with, I just don't remember and I don't  
2 recall there being any such discussions.

3 Hamrick: So what we are trying to ponder and maybe you can  
4 just give us some thoughts on this. You know there was this pretty  
5 high profile investigation involving one of the presidential  
6 candidates that you know the FBI spoke very publicly about on  
7 several occasions, well publicly and then notification to Congress.  
8 At the same time knowing that it had another significant  
9 investigation involving the other presidential candidate and why  
10 the two were treated differently when they both involved  
11 presidential candidates in the months leading up to the 2016  
12 election.

13 Anderson: Yeah well certainly, I can sort of, I mean I can speak  
14 from my own perspective and you know certainly um in terms of  
15 why you know why the two things can be differentiated. As I  
16 mentioned at an earlier point in the interview the Clinton email  
17 investigation was you know it was publicly confirmed you know  
18 even before the FBI did anything to confirm the facts of the  
19 investigation I believe the former Secretary herself acknowledged it

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 5<sup>th</sup>. 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 [REDACTED]

15 [REDACTED] 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

b7A -1  
b7E -3

1 is not even necessarily an accurate characterization but to the  
2 extent there is that similarity it stops there.

3 Hamrick: Ok.

4 Anderson: At least that is the way I would think about it.

5 Hamrick: {Ana do you have any follow up questions on that}

6 I'm just going to put you on pause for one second ok Ms.

7 Anderson?

8 Anderson: Yes.

9 Hamrick: So let me ask you a similar question with respect to  
10 the investigation involving the Clinton foundation, you know, what  
11 are your thoughts in terms of why that was treated differently than  
12 the investigation involving the former Secretary's emails in terms of  
13 the public announcement about it, the confirmation about it and  
14 what have you.

15 Anderson: Well if I could just back up.

16 Hamrick: Sure.

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**

b7A -1  
b7E -3

5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]

10 **Hamrick: Sure.**

b7A -1  
b7E -3

11 **Anderson: You know we are talking about an**

[REDACTED]

12 [REDACTED]  
13 [REDACTED]

14 [REDACTED] **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 [redacted]

2 [redacted]

3 [redacted] The Clinton email b7A -1  
b7E -3

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 [redacted] counter intelligence investigation or something  
9 different? b7E -3

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. b7A -1  
b7E -3

17 Galindo-Marrone: I see. [redacted]

18 [redacted]

1 **Anderson:**

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 **believe that Director Comey intended to have an effect on the**  
2 **presidential election when he made his July 5<sup>th</sup> statement about the**  
3 **results of the Clinton email investigation?**

4 **Anderson: Absolutely not. Everything I mean he, everything I've**  
5 **heard him say, everything I know about him is just so consistent**  
6 **with the idea that we do our work in an apolitical way, we are not,**  
7 **we are professional investigators, we are to do our work without**  
8 **regard to um the politics of how you know of what might result from**  
9 **our work.**

10 **Hamrick: Same question with respect to the October 28<sup>th</sup>**  
11 **notification to Congress. Do you believe Director Comey intended**  
12 **to have an impact on the presidential election?**

13 **Anderson: Same answer, absolutely not, if there had been an**  
14 **option that we had identified that would have allowed us to avoid**  
15 **the perception that we were affecting the outcome of the election.**  
16 **He would have been all in favor of it. We all would have been in**  
17 **favor of it but we saw no such alternative available to us.**

1           **Hamrick: What about the November 6 notification to**  
2           **Congress? Do you believe he intended; Director Comey intended**  
3           **to have an impact on the presidential election by sending that**  
4           **letter?**

5           **Anderson: Absolutely not. Same answer.**

6           **Hamrick: Ok is there anything that you want add or that we**  
7           **didn't cover that you think is relevant to our investigation?**

8           **Anderson: Um, I can't think of anything at the moment.**

9           **Hamrick: Ok, Ana do you have any?**

10          **Galindo-Marrone: I do not.**

11          **Hamrick: All right, I'm going to turn off the recorder it is 3:33**  
12          **p.m.**