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FBI 18-cv-01568-225	b5-per OIP (1 page)
FBI 18-cv-01568-242	b7E-4 (1 page)

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INTERVIEW
OF
JAMES RYBICKI

OSC Complaint No. HA-17-0515

Conducted by Erica Hamrick

Tuesday, May 9, 2017

9:00 a.m. - 11:17 a.m.

Office of Special Counsel Headquarters

1730 M Street NW, #218

Washington, D.C.

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A P P E A R A N C E S

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U.S. Office of Special Counsel

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U.S. Office of Special Counsel

1 P R O C E E D I N G S

2 MS. HAMRICK: Today is Tuesday, May 9th, 2017,
3 and the time is about -- just about 9 a.m. This
4 is an interview of James Rybicki.

5 And I'm saying your last name correctly?

6 THE WITNESS: Yes. Correct.

7 MS. HAMRICK: Okay. In the investigation of
8 OCS Complaint Number HA-17-0515. I'm Erica
9 Hamrick, an attorney at the U.S. Office of Special
10 Counsel. Also present with me is OSC attorney Ana
11 Galindo-Marrone.

12 As I said before we went on the record, OSC is
13 investigating allegations that FBI Director James
14 Comey violated the Hatch Act when he made public
15 announcements concerning the FBI's investigation
16 into Secretary -- former Secretary Hillary
17 Clinton's use of a personal email server.
18 Mr. Rybicki has been identified as a witness in
19 this investigation.

20 Mr. Rybicki, do you have any questions at that
21 time?

22 THE WITNESS: I do not.

1 MS. HAMRICK: And you're aware that you're
2 being recorded?

3 THE WITNESS: Yes.

4 MS. HANRICK: If you could raise your right
5 hand for the oath. Do you solemnly swear or
6 affirm under penalty of perjury that the
7 information you're about to provide is true,
8 accurate and complete to the best of your
9 knowledge and belief?

10 THE WITNESS: Yes.

11 JAMES RYBICKI

12 having been sworn by the notary public, was examined
13 and testified as follows:

14 EXAMINATION BY U.S. OFFICE OF SPECIAL COUNSEL
15 BY MS. HAMRICK:

16 Q Before we get started, did you review any
17 documents to prepare for your testimony today?

18 A I did. I reviewed the -- the letters that
19 were sent in October and November, the email -- a
20 couple of emails that the Director had sent, as well as
21 the statement from July as well. I also reviewed his
22 statement of last month before the -- I'm forgetting

1 what committee it was off the top of my head -- where
2 he talked about the investigation into Russian
3 influence of the election; and then I've reviewed
4 materials as they've come through for document
5 processing to turn over to both the OIG and Office of
6 Special Counsel.

7 Q Okay. And did you speak with anyone to
8 prepare for today's interview?

9 A I did.

10 Q Who did you speak with?

11 A I spoke to Jay Macklin and Carol Shea from the
12 Department of Justice Executive Office, U.S. Attorneys,
13 specifically to prepare for this interview. I've
14 spoken to the Director of the fact of the interview. I
15 think I probably mentioned to others that it was
16 happening, but I don't recall specifics.

17 Q Okay.

18 A Yeah.

19 Q So just to get a little bit of background
20 information, what is your current position?

21 A Sure. I'm the Director's chief of staff,
22 so -- and also the chief of staff of the FBI. I sit in

1 the Director's office to support the activities of the
2 Director.

3 Q How long have you been in this position?

4 A I took over in May of 2015. Previous to that
5 I served on detail from the Department of Justice as
6 the deputy chief of staff here, and I did that from
7 November 2013.

8 Q And do you have a career SES appointment?

9 A I do. Yes. It's -- the Bureau has a special
10 SES authority.

11 Q Okay.

12 A We don't go through the normal OPM, so I don't
13 know exactly what you call it, but it is SES.

14 Q Okay.

15 A But it's not political.

16 Q Okay. And is Director Comey your direct
17 supervisor?

18 A He is.

19 Q Are you a supervisor?

20 A I am.

21 Q How many employees do you supervise?

22 A That number just changed because we just

1 absorbed a new unit. I directly supervise -- sorry,
2 I'll double check -- five people. And then in our --
3 so the Director is -- or I'm sorry, the Director's
4 office then has a section underneath of it that
5 includes the Director's protective detail, a writing
6 unit, a bunch of folks like that. So probably in the
7 order of or so folks in the Director's office
8 proper. b7E -2

9 Q And what kind of generally -- and I know there
10 are probably numerous, but kind of general overview of
11 what your job duties are.

12 A Sure. The main thing is providing advice and
13 counsel to the Director. I'm with him most times
14 throughout the day. I tend not to sit in on all the
15 meetings with him, but try to keep the other trains
16 running, you know, during that time. But that's --
17 that's -- I would say that's the bulk of it, just
18 providing general advice to him and supporting the
19 other executives on the corridor as well.

20 Q And did you have a role in the, kind of the
21 underlying matter here, the investigation into former
22 Secretary Clinton's email server?

1 A Yes, but not on the investigative side, merely
2 as sort of an advisor with the Director as he was
3 briefed on it.

4 Q Did you participate in meetings with the
5 Director?

6 A Yes.

7 Q What about, like, decision points, decision-
8 making points, were you involved in those meetings to
9 discuss decisions to be made?

10 A Yes.

11 Q Can you describe a little bit kind of what --
12 what your role would be when it came time to make, you
13 know, a decision with respect to the investigation?

14 A Sure. I mean, ultimately the way -- so in my
15 role as chief of staff, I -- we bifurcate it a little
16 bit. I don't get involved in operational decisions.
17 Our chain of command is such that that all rises
18 through the Deputy Director, who's the senior-most
19 agent in the Bureau, and he handles the operational
20 side.

21 So as we work with -- just so it's illustrative,
22 you know, when we work with, say, the Department of

1 Justice, if a question comes in, if it deals with
2 operational, it goes to the Deputy Director. If it
3 goes to policy, you know, things of that nature, it
4 tends to come over to me. That's how we sort of split
5 the world in the advice, you know, to the -- to the
6 Director.

7 Now, that being said, right -- like I said, I was
8 in a lot of these, almost all of these meetings on --
9 you know, so I'm -- I'm involved in investigative
10 stuff, you know, that might come up with the Director,
11 but usually as just sort of another set of ears for him
12 as he's being briefed. But the sort of operational
13 chain comes through the Deputy Director.

14 Q And so we understand that with respect to this
15 investigation in particular, there was kind of a core
16 group of executive-level staff who would meet regularly
17 with the Director.

18 A Correct.

19 Q So you would be part of that kind of core
20 group?

21 A Yes.

22 Q Can you identify some of the other individuals

1 who kind of are at that executive level who --

2 A Sure.

3 Q -- would meet regularly?

4 A Yeah. Absolutely. Yeah. And it -- and I
5 should say, so my involvement -- you know, I -- you
6 know, primarily it started when I became chief of
7 staff. So that sort of May 2015 time period.

8 And so -- right. So what we would call the core
9 team would be the Deputy Director, and that spanned to
10 during this time, so Mark Giuliano, and now Andy
11 McCabe, the -- the Associate Deputy Director, Dave
12 Bowdich was involved, the EAD's Executive Assistant
13 Director for National Security, that also spanned too
14 during this time, so John Jakolone [phonetic] and Mike
15 Steinbach.

16 Then there was the, what I would say would be the
17 counterintelligence, so the counterintelligence
18 division leadership. So that would have been Bill
19 Priestap.

20 Am I speaking too fast? Are you -- okay.

21 Bill Priestap, the lead agent, Pete Strzok, the
22 lead analyst, Jon Moffa; and that would be sort of

1 the -- on the operational side.

2 Then you had the lawyers. You had Jim Baker,
3 Trisha Anderson, [REDACTED] You had [REDACTED] from
4 the Deputy Director's office, and myself. I think that
5 would be the core -- the core team. There might be
6 folks that came in on the periphery right here and
7 there, but that -- I would say that constituted the
8 core team.

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9 Q And were they -- were all of those executive-
10 level staff, were they also part of kind of the mid-
11 year exam team or was that something separate?

12 A I would say you -- you would consider it
13 separate, I think. So there was a whole separate team
14 under the counterintelligence operational side, so
15 under the Pete and John, right, working the actual
16 case, and then these were the folks that would come up
17 to brief and then to -- for decision points.

18 And the briefing cadence, as I recall, went for
19 the Director, I don't know about the Deputy or others,
20 was about once a month, you know, from the onset
21 through, I want to say spring. I don't have a great
22 time. Then it went to about every two weeks briefing,

1 and then it became about a week as it -- as things got
2 closer and closer.

3 Q And this is spring of 2016?

4 A Spring of 2016, yes. Yeah.

5 Q And so at some point the team, the actual
6 investigative team, did they make a recommendation
7 about the findings of the investigation?

8 A Yes. I would say it was both -- I would say
9 it was ongoing, so as they briefed him on sort of the
10 progress and what they were doing, there was sort of,
11 not recommendations, but just a sense of where things
12 were going all along and then a recommendation at the
13 end as well.

14 Q And when was that actual recommendation made?

15 A I don't have a specific date in my head.
16 Again, through the spring and into that July
17 announcement, it became clear as to what they were
18 finding and who they were interviewing, and that as we
19 were sort of contemplating that, and so I don't recall
20 a specific date where, you know, where a recommendation
21 came down. I do recall after Secretary Clinton was
22 interviewed, that was a -- I believe that was a

1 Saturday. Let's see, the 5th was a Tuesday, holiday
2 was the 4th. I believe it was Saturday. It was that
3 weekend. After her interview -- I'm almost positive it
4 was a Saturday -- after her interview, a conference
5 call was convened amongst that team, I believe it was
6 most of those, if not all of those participants, where
7 it was -- I'm talking about the announcement at that
8 point, where it was decided that this is what would go
9 forward.

10 And I should add, you know, it was also known
11 through our team, we knew what the recommendations of
12 the Department of Justice were as well. So, you know,
13 it sometimes gets confusing between sort of our team
14 and then DOJ, you know, the mid-year team generally,
15 and then the Department of Justice prosecutors and
16 folks working on it. They -- they also -- DOJ also was
17 talking to our folks at sort of the Pete and the John
18 level as well, so we knew their -- where they were
19 thinking about the case sort of throughout. Does that
20 make sense?

21 Q It does.

22 A In other words, so when the Director made his

1 announcement on July 5th, we knew that that would not
2 be surprising to the prosecutors, that that's where
3 they were headed as well.

4 Q So let me back up for a second. At what point
5 were the DOJ prosecutors kind of pulled into the
6 conversations about the outcome of the investigation?

7 A I would say -- so I want to be careful. I'm
8 going -- there were -- I was talking about the outcome
9 of the investigation and then how to describe it,
10 right? I just want to make sure I'm --

11 Q Well, let's talk about both.

12 A Sure.

13 Q Let's first talk about the outcome of the
14 investigation. When -- you know, when were they first
15 told, you know, or, I guess, brought -- like I said,
16 brought into the conversation about the outcome of the
17 investigation?

18 A I think it was iterative throughout, you know,
19 as -- you know, again, just as we were, I think, you
20 know, they were talking back and forth about, you know,
21 what they're seeing, what they're finding as they're
22 reviewing these emails, as they're interviewing folks.

1 And so I think they were -- I think they would say it
2 was collaborative all along, right, of -- of -- you
3 know, what -- you know, what charges might be brought,
4 those kind of things.

5 Q Were -- were DOJ prosecutors part of the mid-
6 year team?

7 A Yes.

8 Q Oh, okay.

9 A Yes. Well, I -- right. Not -- so, again, we
10 had that group here, right, the mid-year team, as we
11 would call it. So if you were to ask Department of
12 Justice, I don't think they would say they were on the
13 investigative team, but they were -- I mean, it's as if
14 there was a mid-year team and a mid-year team there
15 working, you know, hand in glove on all of these
16 things.

17 And that would have been at the NSD George
18 Toscas -- I don't know if -- George Toscas is the head
19 of -- he's the DAAG for counterterrorism and
20 counterespionage, and he is the counterespionage
21 section under him.

22 MS. GALINDO-MARRONE: And he's a DOJ?

1 THE WITNESS: He's a DOJ, correct.

2 MS. GALINDO-MARRONE: And so he would have
3 been their mid-year team?

4 THE WITNESS: Yes.

5 MS. GALINDO-MARRONE: Part of their mid-year
6 team collaborating, working side by side with the
7 FBI folks that were part of the mid-year team on
8 this side?

9 THE WITNESS: Exactly. He would probably
10 be -- the levels don't quite match up. He would
11 be just one tick above Pete and John, right? So
12 David Laufman was the head of the counterespionage
13 section. He would probably be the equivalent of
14 the Pete and John, if you were to sort of try to
15 marry up the levels on the two sides.

16 Q So was there anyone from DOJ present during
17 the meetings of like the executive-level staff, like
18 those kind of regular meetings?

19 A No.

20 Q Okay. So we kind of -- so we kind of
21 separated in terms of DOJ. We talked about outcome of
22 the investigation, then -- well, I guess before --

1 before we get to their involvement with the statement
2 or -- how did -- how did the statement -- I guess the
3 idea of the statement come about?

4 A Sure. We're talking about July 5th, correct?

5 Q Yes. I'm sorry. July 5th.

6 A The -- so in the -- sometime in the spring --
7 again, I don't remember exactly when, I -- early spring
8 I would say, the Director emailed a couple of folks --
9 I can't remember exactly; I know I was on there,
10 probably the Deputy Director, not the full, what I'll
11 call the briefing group, but a subset of that -- to
12 say, you know, again knowing sort of where -- knowing
13 the direction the investigation is headed, right, what
14 would be the most forward-leaning thing we could do,
15 right, information that we could put out about it.

16 And -- and, you know, by that -- you know, so
17 that -- and he sent a draft around of, you know,
18 what - what it might look like. From there, that went
19 back to the team, right, sort of we talked about that.
20 Okay. So what is the -- knowing, you know, if I back
21 up, it might be a little disjointed, but hopefully it
22 goes to the same answer, right?

1 As he described it, right, his -- he had three
2 main goals in terms of talking about the investigation,
3 to make sure that the sort of integrity of the
4 investigation was, you know, was protected. That would
5 have been, you know, number one, the FBI, right? To
6 make sure that people knew that the FBI did exactly
7 what we should have done in the appropriate way, right,
8 as we would in any investigation.

9 The second, the Department of Justice were at
10 large. That people need to have confidence that the
11 decisions made by the Department of Justice in this
12 case were done, again, according to how they should be
13 and the way that's expected.

14 And then three, the system of justice sort of were
15 at large, right? That people have confidence in our
16 justice system, that it's applied fairly and equally.
17 Right?

18 And so that's what I mean by lean forward. How
19 can he -- you know, how can he communicate -- again,
20 this is not -- it's still ongoing, so it wasn't
21 contemplated putting anything out at that point, but at
22 the end, right, what does this look like and -- and

1 with whom, right? Because at that point, you know, it
2 could have been the AG going out alone describing this,
3 it could have been the Director going out alone
4 describing it, it could have been the two of them
5 together. You know, it could have been any
6 combination. But just what would a -- what would
7 information about this look like.

8 So that was the early spring.

9 Q Yeah. And I think we've seen maybe that email
10 where he sent it out, it was early May of 2016; does
11 that sound about right?

12 A That sounds right. That -- quite honestly,
13 that strikes me as a little late, but may --

14 Q Okay.

15 A -- but again, I definitely remember spring. I
16 had in my head like the April timeframe, but May
17 doesn't seem out of the -- out of the realm.

18 Q Well, let me ask, before -- before he sent out
19 this draft that he had written, had -- had the group,
20 the briefing group, had you discussed the idea of doing
21 something like this or was this kind of the first time
22 you've heard about it?

1 A I don't know the answer to that sitting here.
2 I -- you know, that group, we would frequently --
3 right, we would have the update, right, where we would
4 talk about it and the, you know, we would talk about
5 just hard issues like this. I don't remember if this
6 came up before he sent that email or not.

7 Q What about just between you and the Director,
8 had you talked about it before he sent around the
9 draft?

10 A I don't recall sitting here. We certainly
11 had -- certainly after he sent it I know we talked
12 about it. I -- I just don't recall if we talked about
13 it before.

14 Q And so at that point in time, whether it was
15 April or early May, the team hadn't yet interviewed
16 Secretary Clinton --

17 A Correct.

18 Q -- but was there -- I guess, based on what
19 you're saying, it sounds like there was an idea of
20 where the outcome of the investigation was going to go?

21 A Sure. There was a -- right, there was --
22 based on -- there were two things going on, the review

1 of the documents that they were finding, right, and we
2 were getting constant updates of how many -- how many
3 they were finding, how many might be classified, what
4 we were doing with them to deconflict. And then you
5 had interviews going on at the same time, and what were
6 people -- you know, what were people saying. And
7 between those two, right, it starts to funnel up,
8 right, of, okay, we see, you know, what a case might
9 look like, that kind of thing.

10 Q Was there any -- was there any desire to have
11 the investigation and all of this wrapped up prior to
12 the party conventions that summer?

13 A No. There was -- so the Director has always
14 said, right, we need to do it well and timely, but
15 always well first, right? And so I would say, right,
16 there was -- we certainly -- you know, you're aware of
17 everything out there, right, and you're -- you're --
18 people are on all sides are saying, you know, wrap this
19 up. I think it moved -- according to how it moved, I
20 think there was -- I remember talking about it, you
21 know, we don't want this to drag on for years, right,
22 so to the extent that we can, right, move it, you know,

1 expeditiously, move it quickly, right, get it done, we
2 should, but not at the expense of doing it well.

3 Right? We would always do it well first.

4 Q So --

5 MS. HAMRICK: Do you have a question?

6 MS. GALINDO-MARRONE: I do.

7 MS. HAMRICK: Go ahead.

8 MS. GALINDO-MARRONE: So I want to go back a
9 little bit --

10 THE WITNESS: Sure.

11 MS. GALINDO-MARRONE: -- just to clarify a
12 couple of things.

13 THE WITNESS: Yep.

14 MS. GALINDO-MARRONE: So going back to when
15 you were discussing the recommendation -- it seems
16 like you were being briefed initially about once a
17 month, the executive team.

18 THE WITNESS: Yep.

19 MS. GALINDO-MARRONE: And then as it got into
20 the spring of 2016, it seemed that it moved to
21 once a week.

22 THE WITNESS: Yeah, biweekly --

1 MS. GALINDO-MARRONE: About.

2 THE WITNESS: -- and then once a week, yep,
3 exactly.

4 MS. GALINDO-MARRONE: It seems that at some
5 point, if I understood what you were saying, a
6 final recommendation was made. It seems like it's
7 sort of intuitive. As the investigation is
8 progressing and you're being briefed, it seems
9 like this executive team sees where it's going.
10 But it seemed from your testimony that at some
11 point there's a final recommendation. Was there?

12 THE WITNESS: I think that's right. I mean,
13 I -- again, I struggle sitting here. I don't
14 think --

15 MS. GALINDO-MARRONE: Sure.

16 THE WITNESS: -- I can't think of a date where
17 we said, okay, you know.

18 MS. GALINDO-MARRONE: Okay.

19 THE WITNESS: But you're absolutely right. So
20 as it -- as it works its way up, you know, I
21 definitely remember -- so as we decided, right,
22 and we can do whatever order you want to get into.

1 MS. GALINDO-MARRONE: Sure.

2 THE WITNESS: Sort of events that led up to
3 why to do it July 5th --

4 MS. GALINDO-MARRONE: We'll go there in a
5 little bit.

6 THE WITNESS: -- right? But as we -- as it
7 led up to that time, there was definitely a sense
8 of, okay, we know now for sure, right? We started
9 -- you know, for instance, the Director would pull
10 together a chart of how many times that particular
11 statute was used and, you know, what legal
12 elements are required for it. And, you know,
13 there was -- so this was all sort of on iterative,
14 right?

15 MS. GALINDO-MARRONE: Okay.

16 THE WITNESS: Going on, we're talking through
17 it as interviews are happening. And then, right,
18 at some point we said, okay, we will -- and this
19 was before the Secretary Clinton interview,
20 whether it was a week before or whether it was --
21 I just -- I don't have it clear --

22 MS. GALINDO-MARRONE: Okay.

1 THE WITNESS: -- in my head, but I distinctly
2 remember conversations that, you know, okay, so we
3 will do this press conference on July 5th unless
4 Secretary Clinton -- [REDACTED]

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5 [REDACTED]
6 [REDACTED] -- in that interview. So that's why the sort
7 of call on that Saturday becomes important after
8 the interview. It was that sort of final check
9 of, okay, team, what did the interview -- right,
10 you know, what did the interview yield. They
11 talked about what the interview yielded. Is
12 everybody of the same mind that we can still have
13 -- we still have the same conclusion and we still
14 want to announce it in the same way. And there
15 was that sort of check.

16 MS. GALINDO-MARRONE: So let me break this
17 down a little bit.

18 THE WITNESS: Yep.

19 MS. GALINDO-MARRONE: Just -- so you believe
20 there may have been some sort of final
21 recommendation --

22 THE WITNESS: Yes.

1 MS. GALINDO-MARRONE: -- some time, it seems
2 like very late June or very early July, right?

3 THE WITNESS: I think that's fair, yep.

4 MS. GALINDO-MARRONE: Would this have been
5 oral or in writing?

6 THE WITNESS: That would have been oral to my
7 knowledge.

8 MS. GALINDO-MARRONE: And who would have been
9 making that recommendation?

10 THE WITNESS: So that would have been the team
11 coming out, right?

12 MS. GALINDO-MARRONE: The mid-year team?

13 THE WITNESS: The -- right. The execu --
14 well, correct. So it would have been the actual
15 mid-year team, the worker sort of level, the line
16 level, right? Making it to their executives,
17 right? That would then brief the Director.

18 MS. GALINDO-MARRONE: Okay.

19 THE WITNESS: Exactly.

20 MS. GALINDO-MARRONE: And so it sounds like
21 after Hillary Clinton's interview on July 2nd
22 there was this conference call that was convened.

1 And I just wanted to get a little bit better
2 understanding of that conference call, like who
3 convened it, who was on it --

4 THE WITNESS: Yep.

5 MS. GALINDO-MARRONE: -- and what was the
6 purpose of that call.

7 THE WITNESS: Absolutely. So it was -- I
8 can't remember who actually convened it. I might
9 have gotten the number. I would say probably me.

10 MS. GALINDO-MARRONE: Okay.

11 THE WITNESS: I just don't -- yeah --

12 MS. GALINDO-MARRONE: Okay.

13 THE WITNESS: -- it's likely it was me that
14 would set up the number and, you know, that kind
15 of thing.

16 MS. GALINDO-MARRONE: But who requested it?
17 Let's say, what would have prompted you to set up
18 that conference call?

19 THE WITNESS: I believe it was the Director
20 who said after, right, we'll have -- the interview
21 will happen that morning and then we will
22 reconvene the team, the briefing team.

1 MS. GALINDO-MARRONE: Okay.

2 THE WITNESS: And so it was -- to my
3 knowledge, it was everybody on that briefing team
4 at the time. Everybody --

5 MS. GALINDO-MARRONE: And when you mean
6 briefing team, it's the execu -- I just want to
7 make sure --

8 THE WITNESS: The executives. No, yeah,
9 absolutely.

10 MS. GALINDO-MARRONE: -- the executive --

11 THE WITNESS: The executive --

12 MS. GALINDO-MARRONE: -- team?

13 THE WITNESS: Yeah. Yeah.

14 MS. GALINDO-MARRONE: Okay. Is this briefing
15 team?

16 THE WITNESS: Exactly.

17 MS. GALINDO-MARRONE: Okay. Got it.

18 THE WITNESS: I'll call them that for now.

19 And so executive team meaning --

20 MS. GALINDO-MARRONE: Yes.

21 THE WITNESS: -- the people in that room, mid-
22 year team being the line level --

1 MS. GALINDO-MARRONE: Yes.

2 THE WITNESS: Okay. I'll make sure -- yep.

3 MS. GALINDO-MARRONE: And so you believe the
4 Director prompted you to set up this conference
5 call --

6 THE WITNESS: Correct.

7 MS. GALINDO-MARRONE: -- and who's -- who's on
8 this conference call?

9 THE WITNESS: So I would say it was everybody
10 on the executive team --

11 MS. GALINDO-MARRONE: The executive --

12 THE WITNESS: -- I can't think of anybody that
13 was missing from there. There is an off chance
14 that they were, but -- but it would have been --

15 MS. GALINDO-MARRONE: And is there anybody
16 from the mid-year team?

17 THE WITNESS: Not to my knowledge.

18 MS. GALINDO-MARRONE: Okay. So at some point,
19 I guess before this conference call, the mid-year
20 team has already communicated --

21 THE WITNESS: Correct.

22 MS. GALINDO-MARRONE: -- to -- at the

1 executive level their findings from the interview?

2 THE WITNESS: That's right. And, you know --

3 MS. GALINDO-MARRONE: Okay.

4 THE WITNESS: -- I should say, you know, so --

5 so John and Pete, I would consider them part of

6 both teams, right? They're both part of the mid-

7 year team --

8 MS. GALINDO-MARRONE: Yes.

9 THE WITNESS: -- and the executive team, so

10 that's the bridge, right?

11 MS. GALINDO-MARRONE: Okay.

12 THE WITNESS: And sort of the chain of command

13 goes up from the line level through John and Pete

14 to our AD --

15 MS. GALINDO-MARRONE: Yes.

16 THE WITNESS: -- or counterintelligence, Bill

17 Priestap. Did I mention him in that list earlier?

18 MS. GALINDO-MARRONE: Mm-hmm.

19 THE WITNESS: Okay. I just want to make sure.

20 To the EAD, to the Deputy, that's sort of the

21 chain of command.

22 MS. GALINDO-MARRONE: Okay.

1 THE WITNESS: So that -- that -- right, that
2 would all be -- so that -- Bill and John -- I'm
3 sorry, Pete and John would be the bridge between
4 the mid-year team and the executive team --

5 MS. GALINDO-MARRONE: Okay.

6 THE WITNESS: -- on there with
7 recommendations.

8 MS. GALINDO-MARRONE: And is there anybody
9 from DOJ on this conference call?

10 THE WITNESS: Not to my knowledge.

11 MS. GALINDO-MARRONE: Not to --

12 THE WITNESS: No. In fact, I know there was
13 not.

14 MS. GALINDO-MARRONE: Okay.

15 THE WITNESS: Yeah.

16 MS. GALINDO-MARRONE: And what, again, was the
17 purpose of the conference call?

18 THE WITNESS: So the purpose was to -- to talk
19 about the interview that had happened to see what
20 -- what it yielded, what discussion -- you know,
21 and again, [REDACTED]

22 [REDACTED]

b5 -1

1 [REDACTED] we would proceed as follows, you b5 -1
2 know, with -- with the press conference that would
3 take place on July 5th.

4 MS. GALINDO-MARRONE: Okay. Okay.

5 THE WITNESS: Yeah. And I should say, you
6 know, at some point, right, the question was
7 asked, you know, about the recommenda -- so at the
8 executive briefing, asking about what the mid-year
9 team, the actual folks thought, and I can't
10 remember -- to say -- you know, so it was
11 basically unanimous that this is the course, sort
12 of recommendation as to charging or not charging
13 Secretary Clinton.

14 Now, whether they went around and polled
15 everybody, I don't think they did, right, but
16 nobody -- I know that they asked is there anybody
17 that has reservations about this, and nobody --

18 MS. GALINDO-MARRONE: And this is as to the
19 executive team as well as the mid-year team?

20 THE WITNESS: So this is -- I'm -- I was
21 relaying the mid-year team --

22 MS. GALINDO-MARRONE: Mid-year, got it.

1 THE WITNESS: Yeah.

2 MS. GALINDO-MARRONE: It was -- it was -- it
3 was, generally speaking, unanimous --

4 THE WITNESS: Correct.

5 MS. GALINDO-MARRONE: -- was the sense that --

6 THE WITNESS: Exactly.

7 MS. GALINDO-MARRONE: -- the executive team
8 had.

9 THE WITNESS: Correct.

10 MS. GALINDO-MARRONE: Okay.

11 THE WITNESS: That we took -- yes. Exactly.

12 MS. GALINDO-MARRONE: And then I just have --
13 and then I'll pass it back to you.

14 MS. HAMRICK: No. You're fine.

15 MS. GALINDO-MARRONE: When you were talking
16 about the email from the Director sometime in the
17 spring of 2016 about -- and that he emailed the
18 subset of the executive group --

19 THE WITNESS: Yep.

20 MS. GALINDO-MARRONE: -- about what would be
21 the most forward-leaning thing that, you know, we
22 could do, the FBI could do, seeing where this was

1 going. You then described -- because I was going
2 to ask what this forward-leaning thing language
3 means and you described the Director's goals, the
4 integrity of the FBI, confidence in DOJ big
5 picture and confidence in the justice system. And
6 as part of that explanation, you -- you seemed to
7 also say that part of this discussion was if there
8 was going to be a statement, who would deliver it.
9 Was it the Director, the Attorney General or the
10 Director and the Attorney General together.

11 THE WITNESS: Correct.

12 MS. GALINDO-MARRONE: So I just wanted to
13 confirm my understanding of that statement. So
14 when this discussion is happening, right, about
15 the statement and who's going -- if there's going
16 to be a statement, what it should say and who's
17 going to deliver it, in the initial discussions
18 there is consideration for the Attorney General
19 also being part of that?

20 THE WITNESS: Yes.

21 MS. GALINDO-MARRONE: Okay.

22 THE WITNESS: Yes. I mean, I don't -- as I

1 sit here, I can't remember a specific conversation
2 where it -- but it was -- at that point it was we
3 don't -- that would be the normal course, right,
4 the --

5 MS. GALINDO-MARRONE: Sure.

6 THE WITNESS: -- Attorney General going out,
7 right? So when I say the Attorney General doing
8 it, I would say that would be shorthand for what's
9 the normal thing --

10 MS. GALINDO-MARRONE: That we would --

11 THE WITNESS: -- that might be done, right?

12 MS. GALINDO-MARRONE: Okay.

13 THE WITNESS: You know, and so there may have
14 been discussions where we actually said the
15 Attorney General. I just -- I just remember at
16 that time, in describing that email, him saying,
17 look, just all options are on the table. We don't
18 know --

19 MS. GALINDO-MARRONE: Okay.

20 THE WITNESS: -- we don't know where -- what
21 the announcement will look like, right? We need
22 to start thinking about that.

1 MS. GALINDO-MARRONE: Okay.

2 Q And so -- so let's talk about the -- I guess
3 the beginnings of this -- this idea of this public
4 statement.

5 A Sure.

6 Q To your knowledge, was the -- was the original
7 idea of doing some kind of public statement, was it
8 Director Comey's idea?

9 A Yes.

10 Q Do you know if anyone, you know, suggested it
11 to him or did he come up on it -- come up with it all
12 on his own?

13 A I don't. I mean, I know he -- I remember
14 him -- I remember him bringing the idea forth. This
15 group, you know, if I could describe it a little bit,
16 the executive group, I mean it was a very -- it became
17 a group that became very comfortable sharing their --
18 honestly sharing ideas at the table. And so I
19 described it a little bit of, you know, there was
20 always the briefing, right, the substantive briefing
21 and then a discussion of any issues that are happening,
22 right? And so it became a great council, you know,

1 that people together were bringing up ideas, right?
2 And so that's why -- if I hesitate at all, that's the
3 only reason I say, because a lot of ideas were being
4 batted around, right? And there were people making
5 suggestions and talking about them, you know, and, you
6 know, that became especially important as we went to
7 the October/November timeframe, which I'm sure we'll
8 talk about.

9 Q Mm-hmm.

10 A You know, so I just preview that as, you know,
11 that -- that's very much how it worked, right? So if
12 an idea came out, then it's a team that became very
13 comfortable with saying, well, no, I wouldn't do that
14 for these reasons, right? That kind of thing.

15 Q Okay.

16 A So did I answer the question?

17 Q You did.

18 A Okay.

19 Q So we've gotten the sense that the idea of the
20 FBI Director, you know, making a public statement about
21 a case where there are going to be no charges
22 recommended, that that's not -- that's not standard

1 operating procedure. Would that -- is that a fair --

2 A Right. So he -- right. He generally does not
3 come out and talk about cases that we haven't charged,
4 you know.

5 Q So let me ask you, so before we get more into
6 that, can you kind of walk us through, like, what the
7 typical protocol is. If it's a case where the FBI has
8 investigated, the FBI is not -- doesn't see that there
9 are any criminal charges to be had --

10 A Sure.

11 Q -- what typically would then happen?

12 A Yeah. I guess it's -- I mean it varies so
13 much, I would say, right? You know, the typical would
14 be, right, we work an investigation -- and, again, you
15 know, I can't overemphasize these, because I think it
16 gets lost a little bit in the public. When we're
17 working an investigation, we are working very, very
18 closely with the Department of Justice, right? And so
19 whether that's a U.S. Attorney's Office or whether it's
20 a main Justice component like the National Security
21 Division or Criminal Division, right, decisions are --
22 and discussions are happening constantly between the

1 two, right?

2 And so that's -- I think that causes some
3 confusion even with this investigation. It's like,
4 well, what does it -- you know, as even reporters were
5 asking, well, what does the end look like on this
6 and -- and the question of, well, do you -- do you, you
7 know, type up a report and give it to him, right? You
8 know, it's very much like I describe where it's
9 iterative and, you know, the prosecutors are knowing
10 what the investigators are doing and they're talking
11 about it, right?

12 And so it would be too hard to generalize, you
13 know, what a -- what a particular case would look like.
14 I'm trying to think of like a notable case that might
15 help inform that, but I really can't off the top of my
16 head.

17 But, right, generally if we investigate something
18 and the Department of Justice agrees, and then it's
19 usually just, you know, nothing after that.

20 Q So is -- I mean, does -- does the FBI
21 typically make some kind of recommendation to the
22 Department of Justice?

1 A Sure. I think -- and, you know, that goes to
2 the iterative part, right? I mean, it's less formal, I
3 think, than folks know. It could be written.

4 Absolutely. You know, it could be that we want to
5 bring charges and the Department of Justice doesn't.
6 I've definitely known that to happen, right, where
7 we -- and we get a declination memo from a U.S.
8 Attorney's Office or something like that, right?

9 So it could be a lot of different things. It
10 could be a written recommendation, although I can't say
11 I've honestly put eyes on one of those, but I could
12 easily see it happening. Most -- most of the time,
13 like I said, it's -- the two sides are working together
14 so closely, they know and we would orally brief them,
15 right? That kind of thing.

16 You know, and the more -- you know, the more
17 complex the case, it could go up to higher levels,
18 right? It could get appealed too. You know, so if one
19 U.S. Attorney Office declines it, it could be brought
20 to another U.S. Attorney's Office. It could be brought
21 up sort of through the Departments of the Deputy
22 Attorney General. So there's just a lot of avenues

1 that you could go.

2 Q And so -- and you used that word
3 "declination." The declination is something that
4 DOJ --

5 A Correct.

6 Q -- would do, not the FBI, right?

7 A That's right. Correct.

8 Q So -- okay. So then let's go back to this
9 particular case, unless --

10 MS. HAMRICK: Did you have any questions about
11 that?

12 MS. GALINDO-MARRONE: No.

13 MS. HAMRICK: Okay.

14 Q So -- so going back to the July 5th statement.
15 So the Director sends out this draft, you know,
16 potential statement. I guess, what -- what happens in
17 the meantime? As the investigation's wrapping up, are
18 you discussing making the public statement, are you
19 discussing other options? Like what's going on in
20 these -- these executive-level meetings?

21 A Yeah. Sure. Right. At some point, like I
22 said, you know, they're, you know, sort of -- you know,

1 you get the update and then you sort of talk about next
2 steps. You know, and when that started to become more
3 serious discussions, right, I can't -- I don't have a
4 great picture sitting here, right, definitely. So the
5 Director sends out that email, right, there's some
6 discussion, but, you know, it would be -- definitely be
7 closer to the timeframe, you know, where we actually
8 start, okay, if this is the course we're going to go,
9 right, refining the script and things like that, right?

10 So -- so, right, that's happening as the -- as the
11 funnel sort of is happening, you know, we're getting a
12 better handle on the emails, more interviews are
13 happening, right, leading up to the final interview,
14 which would be with Secretary Clinton. You know,
15 that's all happening at one time, right? And these are
16 discussions are ongoing through that. And it would be,
17 you know, sort of the team discussion.

18 Q And so at what point -- at what point is DOJ
19 brought into the discussions about the public
20 statement? Because I think you mentioned earlier, you
21 know, we talked about kind of the operational side and
22 then the public.

1 A Yep.

2 Q So when -- how -- how early on is DOJ brought
3 into that conversation?

4 A So they were not aware that we were -- that we
5 were going to do the July 5th statement until he called
6 the Attorney General that morning. So the -- there was
7 definite -- so just naturally, because the prosecutors
8 are -- they're doing the same thing we are, right?
9 They see it -- they see it winding up and they're
10 asking our mid-year team, you know, okay, so what's the
11 end look like, right? So those conversations are
12 happening.

13 The Director met with the Deputy Attorney General.
14 He meets with her -- this was Deputy Attorney General
15 Yates. He met with her monthly. And I recall at the
16 end of one of those meetings them sort of discussing
17 sort of generally, right, you know, the -- where the
18 case is headed, right? But they didn't discuss sort of
19 the end, like what would happen.

20 So July 5th the Department of Justice did not know
21 that we were going to -- that we had a statement, that
22 did not review a statement and they didn't know it was

1 happening until that morning.

2 Q And what about the -- what about the career
3 prosecutors who were kind of involved along the way?
4 Did they have any idea that the Director was
5 considering making this public statement?

6 A No, it did not.

7 Q So were other options discussed?

8 A Yes.

9 Q So what were some of the other options that
10 were considered?

11 A Again, I think, you know, I think it goes back
12 to what I was talking about earlier, sort of the, you
13 know, say nothing, right? You know, defer -- you know,
14 send -- send our recommendation over to the Department
15 of Justice, right? Let -- let the Department of
16 Justice handle it. The -- I can easily see those being
17 discussed.

18 I can't -- I can't think of any other
19 specifically, but we -- yeah, we definitely discussed a
20 number of ways to -- of doing this.

21 Q So I guess maybe -- maybe before I ask you why
22 those options weren't chosen --

1 A Sure.

2 Q -- I guess, what is -- what is your kind of
3 understanding of why the Director decided to make the
4 statement that he did on July 5th?

5 A Sure. So I think -- number one, it goes back
6 to the sort of -- those three things I talked about,
7 right? You know, insuring the credibility of the
8 investigation, and that happens sort of in my mind, in
9 his mind, on that three levels, right? The credibility
10 of what the Bureau did, the credibility of what the
11 Department of Justice did, of which we're a part,
12 right? And then people's trust of the justice system
13 generally.

14 There were a number of things that occurred
15 throughout the investigation, which would -- could
16 potentially call into question any number of those
17 three things, right? And so I think the Director would
18 speak to number one, right, just off the bat there was
19 a lot of discussion with the Department of Justice
20 specifically telling us not to call it an
21 investigation, to call it a matter.

22 I think this was actually in a news story recently

1 I saw.

2 The -- so it was -- could have been perceived as
3 an effort to minimize the investigation, right? We
4 don't do anything other than investigate; that's what
5 the FBI does.

6 MS. GALINDO-MARRONE: Can I interrupt you for
7 a moment?

8 THE WITNESS: Certainly.

9 MS. GALINDO-MARRONE: So you're talking about
10 the -- the -- in terms of the instruction to call
11 it a matter and not an investigation.

12 THE WITNESS: Correct.

13 MS. GALINDO-MARRONE: This -- this happened in
14 the fall of 2015 or are we talking about --

15 THE WITNESS: Yes. Very early on.

16 MS. GALINDO-MARRONE: And is this a meeting
17 where Director Comey is with the Attorney General?

18 THE WITNESS: Yes.

19 MS. GALINDO-MARRONE: Is there anyone else
20 present? Were you present at that meeting?

21 THE WITNESS: I was, yeah.

22 MS. GALINDO-MARRONE: You were present?

1 THE WITNESS: Yes. There was -- I'm sorry, I
2 didn't mean to interrupt.

3 MS. GALINDO-MARRONE: No, no, that's okay.
4 And so what exactly was -- so the instruction came
5 from the Attorney General?

6 THE WITNESS: Correct.

7 MS. GALINDO-MARRONE: And what was that
8 instruction again?

9 THE WITNESS: It was -- so the -- both the
10 Director -- the Director I believe was going to
11 testify, as was the Attorney General. I think
12 that was the impetus for the meeting. They were
13 both going to have public appearances I believe on
14 the Hill. I'm almost positive both were on the
15 Hill. But they -- that was the purpose of the
16 meeting, they were both going to be on -- right --
17 be asked about this and we wanted to know what to
18 say about it.

19 And at that meeting the Attorney General,
20 after discussion, and there were many folks in the
21 room. I was there. There were I'm sure -- I'm
22 sure there were others from FBI, I just can't

1 remember, including the Deputy Director. Folks
2 from the National Security Division across the
3 street. And the direction from the Attorney
4 General was, you know, if asked, to call this a
5 matter instead of investigation.

6 MS. GALINDO-MARRONE: So I didn't mean to
7 interrupt. So you were giving other reasons. So
8 the first reason why the Director decided on the
9 July 5th statement was this incident in the fall
10 of 2015 where the Attorney General instructs the
11 Director --

12 THE WITNESS: That's right.

13 MS. GALINDO-MARRONE: -- to not call the
14 investigation and investigation, instead matter.

15 THE WITNESS: That's right.

16 MS. GALINDO-MARRONE: So what else led
17 Director Comey to his decision?

18 THE WITNESS: Sure. And I think that -- so
19 that sort of puts it in the mindset of, you know,
20 this could possibly be minimized, right? Now,
21 again, and there's so many external factors,
22 right, meaning like the swirl of the campaigns and

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

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

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

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

15 Q Okay.

16 A -- I just knowing --

17 Q [REDACTED]

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

b5 -2
b7E -3

b5 -2
b7E -3

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[REDACTED]

b5 -2
b7E -3

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[REDACTED]

And I just -- I don't want to go beyond

3

there, if that's okay --

4

Q That's fine. Absolutely.

5

A -- for classified. We're certainly willing to

6

talk about it if you got the clearances and, you

7

know --

8

Q No. And our -- the Associate Special Counsel,

9

he has just obtained his appropriate clearances --

10

A Okay.

11

Q -- so I believe he will be reviewing some

12

materials related to that --

13

A Okay.

14

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

15

A Got it.

16

Q -- even though we will not.

17

A Okay. It's something that we --

18

MS. GALINDO-MARRONE: That makes it all very

19

odd.

20

THE WITNESS: It's something that we

21

documented here and that the Director has briefed

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on the Hill and so --

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Q [redacted]

b5 -2
b7E -3

A Correct.

Q Yes. We're --

A Yes.

Q [redacted]

A [redacted]

b5 -2
b7E -3

[redacted] --

Q Okay.

A -- [redacted]

MS. GALINDO-MARRONE: [redacted]

[redacted]

b5 -2
b7E -3

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

MS. GALINDO-MARRONE: -- [redacted]

THE WITNESS: Yes. [redacted]

[redacted]

b5 -2
b7E -3

MS. GALINDO-MARRONE: Okay.

THE WITNESS: Yes. Absolutely. And then the
-- oh, I'm sorry.

1 Q No, no. I was just going to say, so then
2 the -- was there a third item as well?

3 A Yes. So the third thing I would point to
4 would be the meeting with former Attorney General Lynch
5 and former President Clinton on the -- on the airplane
6 that previous week. That was probably the -- if there
7 was one event that sort of set, okay, this is -- this
8 is what we need to do now, that was the final -- oh,
9 there's other that played into it, but then there's the
10 final was that meeting. And, again, it goes to, you
11 know -- and then the former Attorney General saying
12 I'll defer to the FBI's recommendation, you know, with,
13 you know, those kinds of things.

14 That sort of set into motion the final, okay, this
15 is what we need to do and how to do it.

16 Q So -- okay. So in terms of, you know, other
17 options to accomplish the Director's goals, were there
18 any other viable options to kind of -- to end this
19 investigation and still achieve the Director's goals
20 that were considered?

21 A I mean, again, I have a recollection that we
22 talked about, you know, how -- again, how it might look

1 at the end, but this was determined sort of through
2 this process to be -- to be the best, the best way of
3 doing it.

4 Q What about, was there ever a discussion of,
5 you know, recommending that a special counsel be
6 appointed?

7 A I -- I don't have a specific recollection of
8 talking about it. I know that issue has -- was
9 generally out there and I'm worried that I'm sort of
10 conflating that with discussions in there. I would
11 find it -- I would find it likely that it was discussed
12 in the group, I just don't have any specific
13 recollection of that. I could see it -- I could see it
14 being discussed, in other words.

15 Q What about -- what --

16 A Oh, I'm sorry.

17 Q No. Go ahead.

18 A But, again, I go -- that would also not be the
19 FBI's determination. I would certainly -- you know, we
20 could -- we could say it, but that's a Department of
21 Justice determination.

22 Q Right. What about -- what about the idea of,

1 you know, sending a recommendation to DOJ and letting,
2 maybe not the Attorney General, but maybe letting the
3 career prosecutors make some kind of statement; was
4 that ever discussed?

5 A I don't -- I don't recall that specifically.
6 I think -- I think one of the reasons for not including
7 anybody at any level, the Department of Justice was to
8 provide some level of protection for that credibility
9 of the Department of Justice bucket, right? Meaning
10 this is the Bureau out there saying the conclusion of
11 the investigative side of it, right? Knowing that the
12 Attorney General still has the final say, right?
13 Remember, the Attorney General didn't recuse, she just
14 said we'll defer to the recommendation of the
15 Department of Justice. So this was merely making
16 public the recomm -- a recommendation that in normal
17 course would go over, formally, informally, to the
18 Department, right? This was merely making that public,
19 if that makes sense.

20 Q Do you think if -- if -- if that were to have
21 happened, if DOJ career prosecutor, so not the Attorney
22 General, but the career staff, if they were to be the

1 ones to have made, you know, some kind of statement
2 about the end of the investigation, do you think that
3 could have achieved the same -- the goals that Director
4 Comey will hope to achieve?

5 A I don't know. I don't recall specifically
6 talking about that at the time. I could -- I could
7 see, right, the -- in the eyes of the public, the
8 Department of Justice is the Department of Justice,
9 whether it's the Attorney General or whatever level,
10 right? And so I don't know that it's a -- would be a
11 meaningful distinction aside from taking the sort of
12 political leader out of it.

13 So -- so I don't know. I don't have a firm view
14 of that.

15 Q When you were meeting to discuss, you know,
16 the idea of making the statement on July 5th, were
17 there any -- did anyone have opposing views of why
18 maybe the statement wouldn't be a good idea, some kind
19 of cons that were discussed?

20 A There were definitely -- so there was no --
21 there was more robust discussion in the fall about
22 whether to send the letters than there was about the

1 July 5th discussion. So I don't remember anything
2 specific, right? I remember it's different than what
3 we normally do, right? I remember having to think long
4 and hard about it myself, of, okay, so -- right? And

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17 Q Did anyone express concern about the -- the

18 amount of detail that was in the statement and whether

19 that would -- is too much?

20 A Sure. Yeah, we definitely went back and forth

21 of, yeah, how much -- how much detail to provide.

22 Q Do you know why ultimately the Director

b5 -1,3

1 decided to keep the amount of detail in that he did?

2 A I think it was, you know, the team went back
3 and forth, you know, many drafts, many, you know, line
4 by line looking through that and that's ultimately
5 where we landed, you know, that -- you know, again,
6 everybody feeling comfortable with that -- with that
7 document.

8 Q So you mentioned -- [redacted]

9 [redacted]

b5 -1

10 A Mm-hmm.

11 Q So was there some kind of legal review of the
12 statement before it was made?

13 A Yes.

14 Q And who would have been responsible for that?

15 A So we had the lawyer -- so our lawyers were in
16 every discussion from the general -- you know, the
17 general counsel almost I would say was at every
18 meeting, right? But we always had a lawyer in there,
19 either Jim Baker or Trisha Anderson or [redacted]

20 Then we had [redacted] come in. She is -- I don't know
21 her exact title in OGC, but she is basically the

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22 [redacted]

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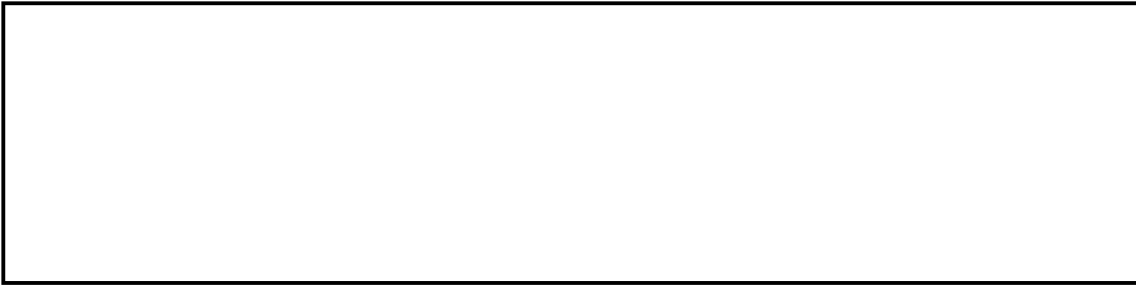
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Q Do you know whether the Hatch Act was ever considered with respect to the public statement?

A I don't recall specifically talking about the Hatch Act, especially in July. We'll talk about October, right? It was in -- the Hatch Act is mentioned in the election year sensitivities memo that --

Q Right.

A -- I mean that we talked about in July, but I don't remember a specific instance in talking about the Hatch Act. And, again, it's kind of line -- it's kind of like the fall because we weren't, in our view, doing anything for purposes of the campaign or the election, right? This was about the case that -- I don't recall anything coming up about it.

Q So you mentioned the election year sensitivities memo.

A Mm-hmm.

1 Q This is -- I think this is the memo you're
2 referring to. Just for the record, this is the
3 document with the Bate stamp that ends FBI 000012.

4 Is this the memo that you're referring to?

5 A Yes.

6 Q So --

7 A Now, I should say the -- I think it was 2016.
8 So I don't recall reviewing this for the July
9 announcement. I definitely reviewed it for the October
10 announcement --

11 Q Okay.

12 A [REDACTED] b5 per OIP
13 [REDACTED] -- and the only reason
14 I'm -- I just want to make sure on the dates. He
15 didn't have a copy of it -- I'll jump forward, but I'm
16 sure we can go back.

17 I had asked him for -- this is October -- for any
18 policies that would sort of govern this. [REDACTED] b5 per OIP

19 [REDACTED] -- this
20 is Matt Axelrod in the Office of the Deputy Attorney
21 General. He didn't have a copy of it with him, but he
22 said if you Google it, you know, it will come up. [REDACTED]

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[Redacted]

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Q Okay.

[Redacted]

b5 per OIP

Q And so was this memo considered at all in the legal review surrounding the July 5th statement?

A I don't recall reviewing this prior to the July announcement. I don't -- I don't know if it -- I don't know if the lawyers reviewed it as part of that review. We were -- we were most interested in the

[Redacted]

but I don't know other -- I don't know what else they considered.

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Q In the discussions about making this July 5th statement, was the potential impact on the presidential election considered?

A For July 5th, I don't believe so. I mean it was definitely discussed in October because of -- because of how close it was. I don't recall any specific discussions about the election or its impact in July. You know, again, not -- you know, not being

1 naïve, we knew we were operating, right, in this sort
2 of campaigning environment that was happening outside
3 of the walls here, but I don't -- I don't recall any
4 discussions where we talked about, you know, the impact
5 that this might have on a specific campaign.

6 Q Did you believe it would have an impact on the
7 election, you personally?

8 A I don't -- I don't think I considered it at
9 the time, especially as to July. It was -- yeah, I
10 don't -- I don't -- to me it was -- no matter how it
11 was announced, right, this was the ending of the
12 investigation and the timing was what it was. And so
13 whether it -- you know, it would just be -- again,
14 going back to the do it well and do it timely, this was
15 just the end, no matter who announced it, and that --
16 that was the -- you know, that was the end.

17 MS. HAMRICK: Do you have any questions before
18 I move on?

19 MS. GALINDO-MARRONE: Yeah. So I just want to
20 go back. I think that you had earlier said that
21 the DOJ did not know that the Director was going
22 to make the public statement until the morning of

1 July 5th.

2 THE WITNESS: Correct.

3 MS. GALINDO-MARRONE: How was DOJ informed?

4 THE WITNESS: The Director called. We had --

5 I think probably in the documents that you all
6 might have seen we had a checklist for what to do
7 that morning. And the Director called the
8 Attorney General as well as the Deputy Attorney
9 General.

10 MS. GALINDO-MARRONE: So was it one call and
11 they were all --

12 THE WITNESS: Two calls.

13 MS. GALINDO-MARRONE: Two separate calls?

14 THE WITNESS: Yeah. We had some -- there were
15 connection issues, you know, best laid government
16 plans. It was hard getting in touch with
17 everybody. There were two calls.

18 MS. GALINDO-MARRONE: And who else was on the
19 call besides Director Comey and the DAG or the
20 Attorney General?

21 THE WITNESS: That is it. My recollection is
22 that the Director made them both from my office

1 because of the way we had to connect them. So I -
2 - I believe -- I'm having trouble remembering the
3 DAG call, but the AG call I definitely remember.

4 MS. GALINDO-MARRONE: Okay.

5 THE WITNESS: And he told -- he told her what
6 he was about to do and said something to the
7 effect of "I hope you understand why I'm doing it
8 this way." She attempted to ask one follow-up
9 question. I don't recall what that was. And he
10 said, "I'm sorry, I can't answer that."

11 MS. GALINDO-MARRONE: So you were on the call?

12 THE WITNESS: I was not on the phone --

13 MS. GALINDO-MARRONE: But you could hear what
14 the Director was saying?

15 THE WITNESS: Correct.

16 MS. GALINDO-MARRONE: Okay.

17 THE WITNESS: Yeah.

18 MS. GALINDO-MARRONE: Would you have been
19 present for the call with the Deputy Attorney
20 General as well?

21 THE WITNESS: I think that's right. Yeah, and
22 here's why I hesitate. We're even going back

1 putting this all back together with the Director.
2 We -- we were all struggling to remember the DAG
3 call for some reason, not because there -- there
4 was this weird -- the call through the Justice
5 Command Center, the message got garbled and so the
6 Deputy Attorney General thought that I was
7 calling, Jim Rybicki, instead of Jim Comey was
8 calling for -- you know, I don't -- I don't call
9 the DAG. So she had her staff call me back and it
10 got -- and so we were trouble just remembering,
11 okay, when did actually the Director and the DAG
12 speak.

13 MS. GALINDO-MARRONE: I see.

14 THE WITNESS: But, you know, we consider the
15 AG to be the -- that's the notification to DOJ.

16 MS. GALINDO-MARRONE: Okay. And did Director
17 Comey, when he spoke to the Attorney General, who
18 I believe is his boss, right --

19 THE WITNESS: Right. He --

20 MS. GALINDO-MARRONE: -- in the chain of
21 command?

22 THE WITNESS: -- he reports directly to the

1 Deputy Attorney General.

2 MS. GALINDO-MARRONE: Oh, okay.

3 THE WITNESS: Yeah, that's how the -- the
4 department org chart works.

5 MS. GALINDO-MARRONE: Did either of them, the
6 DAG or the Attorney General, instruct him not to
7 make the public statement?

8 THE WITNESS: No.

9 MS. GALINDO-MARRONE: Okay. And then I wanted
10 to go back to the meeting that I believe you were
11 present back in the fall of 2015 when the Attorney
12 General instructed Comey --

13 THE WITNESS: Yes.

14 MS. GALINDO-MARRONE: -- to call -- not to
15 call the investigation an investigation, but a
16 matter.

17 THE WITNESS: Yes.

18 MS. GALINDO-MARRONE: Any other FBI cases
19 where a similar instruction was given by the
20 Attorney General to not call an investigation an
21 investigation?

22 THE WITNESS: Not at that time -- not at that

1 meeting and not to my knowledge.

2 MS. GALINDO-MARRONE: Okay. And what did you
3 think of that instruction?

4 THE WITNESS: I thought it was -- I thought it
5 was odd. I thought it was, again, you know,
6 remember here we were dealing with a public
7 referral from the ICIG, right, so this was an
8 investigation that, you know, while we hadn't
9 acknowledged it, people knew it was happening. I
10 believe Secretary Clinton acknowledges it herself,
11 right? So we were in this weird space, and I
12 remember talking to the director over here of, you
13 know, it's just -- you will -- you, the
14 Department, will -- the FBI, will all lose
15 credibility if you go up to the Hill and say, you
16 know, we're not doing this, right? It just -- it
17 -- it -- at some point, right, it doesn't make
18 sense. And the -- the DOJ media guidelines,
19 right, contemplate various situations where you
20 can talk about -- can talk about pending matters,
21 right, if, you know, there's a, you know,
22 pertinent -- serious -- I don't -- I don't know

1 all of them verbatim, but, you know, if there's a
2 serious public safety, you know, there's a
3 murderer on the loose, you can talk about it. For
4 extreme public interest, right? You know, so
5 there's -- it contemplates things like that. And
6 so that was part of the process, was to go to the
7 Attorney General and say, look, we need to at
8 least acknowledge that we're doing this so as to
9 not lose credibility. And so I remember thinking
10 at the time that it was just odd that we would not
11 -- that we would not talk about it.

12 And, in fact, again, I think it was that same
13 article, which I detest leaks, but the -- I
14 remember George Toscas talking about in that
15 meeting, joking that we're -- you know, we're not
16 the Federal Bureau of Matters instead of the
17 Federal Bureau of Investigation, right? So in
18 everybody's mind it was like, hmm, this is -- you
19 know.

20 MS. GALINDO-MARRONE: And did -- did the
21 Attorney General in that meeting explain why she
22 was instructing that this thing that you were all

1 doing not be called an investigation?

2 THE WITNESS: I don't -- I don't recall
3 specifically.

4 MS. GALINDO-MARRONE: Okay. Okay.

5 Q So we're going to fast forward to October of
6 2016. I guess at some point you found out or you
7 learned that there -- there had been some new evidence
8 discovered that might be related to the Hillary Clinton
9 email investigation?

10 A Correct. So on October 27th -- so the -- on
11 the night of the 26th I was contacted by the Deputy
12 Director's Office, so the operational side of the
13 House, saying we need to -- we need to brief the
14 Director tomorrow about a -- a -- I can't remember how
15 they described it, but basically something related to
16 mid-year exam, this was called an update, which we
17 need -- we'll need his attention first thing in the
18 morning. So we set that up for the morning of the
19 27th, and the team, the executive team reassembled to
20 brief the Director on, you know, sort of what unfolded.
21 The finding of this laptop in an unrelated criminal
22 investigation.

1 Q And so what was the Director told?

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

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20 And, again, that's a -- you know, you could say,

21 well, the rest of the emails from the original mid-year

22 didn't show anything, right, so why would this be any

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1 different? In our view, [REDACTED]

2 [REDACTED]

3 [REDACTED]

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4 [REDACTED]

And so

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

7 Q Yeah. Keep going.

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

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

1 He said in July we've concluded the investigative
2 activity. That's no longer true if we authorize a
3 search warrant.

4 Q So -- okay. So with respect to the search
5 warrant, was there any discussion of the timing of
6 seeking this search warrant?

7 A There was. In that meeting it was represented
8 by -- that the investigation -- the investigative team
9 felt that it was important that we do it now. They
10 also indicated that the Department of Justice had
11 agreed as well.

12 Q Was there any discussion about just holding
13 off until the election is over and then get it?

14 A I -- I don't recall that specifically. I
15 do -- right, I do remember timing being discussed. No.
16 I would -- there was -- I don't recall anybody
17 advocating that we should hold off on the actual search
18 warrant. There was discussion - I'm sure we'll get to
19 this next - about whether we should hold off talking
20 about it --

21 Q Okay.

22 A -- until after.

1 Q Do you know why the investigative team thought
2 that -- that the search warrant needed to be sought
3 now, like immediately?

4 A I don't know the answer to that. I don't.
5 Again, I remember them saying, though, that DOJ
6 concurred and in my mind that was, okay, if DOJ
7 concurred with that, then -- but I don't recall
8 specifically.

9 Q So going then to this obligation to supplement
10 his testimony, so what did -- and this is -- now this
11 is the executive staff that's discussing --

12 A Correct.

13 Q -- or executive team?

14 A Yeah.

15 Q So what -- what was discussed with respect to
16 making some kind of supplement to his testimony?

17 A Sure. So -- so once he said we have an
18 obligation to do that, then we -- okay, so what would
19 that look like, when would it look like, all -- all --
20 that was definitely all discussed, right, with people
21 saying we're way too close to the election to say
22 anything. You know, we -- if we do say something,

1 right, it should just say, you know, we're taking this
2 step and nothing else. You know, we should say more,
3 right? It was sort of the gamut.

4 Then -- and what would that look like? Does he
5 give another press conference? Does he, right, just
6 again, similar to July, what -- what would such a thing
7 look like? In the course of those discussions, Jim
8 Baker, our General Counsel, said I think the best
9 vehicle is a letter to the Hill.

10 Q And do you know what his reasoning was for
11 that?

12 A I don't specifically. I mean I -- I think it
13 was probably a combination of things, right? That's --
14 that's who you believe the obligation is to, right?
15 Because you gave sworn testimony up there. You know,
16 we -- again, we talked -- I can't remember all the
17 sequence, but like, you know,

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And so we talked a lot about that. We talked

1 about if we sent the letter, right, what would -- what
2 would happen, right? You know, there's a chance that
3 it doesn't become public, but it's the Hill, right, and
4 there's a good chance that it does become public,
5 right?

6 And so it was I think -- I think overarching. It
7 was the best chance of doing this as quietly as
8 possible while at the same time fulfilling the
9 obligation to the committees.

10 Q So you've kind of alluded to this, but was the
11 expectation that once it's sent to the Hill, it's
12 likely going to be made public?

13 A Sure. I think we -- right. We did
14 everything, I think, that we could, right, [REDACTED]

15 [REDACTED]
16 We just it just to chair and ranking of the -- of the,
17 I think it was four committees, our appropriators and
18 authorizers. And so I think it was the best chance of,
19 you know, fulfilling the obligation and, again, not --
20 not doing it public, but thinking that it may.

21 And, you know, to illustrate that point, we -- so
22 that the email that the Director sent to the workforce

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1 about it, you know, I don't -- I can't remember if we
2 talked about this, right -- he frequently communicates
3 with the workforce, basically about big decisions. So
4 holidays and big decisions, those are the times he
5 emails the workforce. So, you know, you know, 15, 20
6 times a year the Director sends an email to the whole
7 workforce that he writes, he writes them himself.

8 And so this would obviously be a big decision.
9 What we talked about, and I can't remember if it was in
10 that meeting or subsequent to it, but before the letter
11 went out, we said, okay, we will do an email like we
12 normally do, but we're going to hold it and we're not
13 going to send it unless and until, right, if it comes
14 out, right?

15 So we said we will hold this in abeyance. You
16 know, so July, remember he sent the email and said I'm
17 walking downstairs to give this statement and put the
18 statement in, then he gave it. For October, we drafted
19 an email, had it all ready to go and said, nobody --
20 this will not go unless this becomes public by the
21 Hill. And we did not send it until after we saw it on
22 CNN, and then we said, okay, send it out to the

1 workforce. So they knew. Because it's important for
2 the Director if the FBI -- something big is happening
3 to the FBI that our workforce, who are all over the
4 world, right, know what's happening.

5 Q So did anyone express disagreement with
6 sending notification to Congress?

7 A Yes.

8 Q Who -- do you -- who specifically?

9 A I recall at times -- so two letters, I
10 remember there was more concern about the November
11 letter than the October letter, just generally. I
12 don't -- and I remember Jon Moffa being very concerned
13 about the November letter. I remember Trisha Anderson
14 raising with the October letter, you know, should -- as
15 we're -- as we're thinking about this, should we
16 consider that this could help elect Donald Trump
17 specifically. And Director saying, no, we can't -- we
18 can't consider that -- we consider that at all. We
19 can't consider it. It's just something that can't
20 enter our decision-making as we -- as we, you know,
21 figure out what we're doing here.

22 Q So at the point in time where the notification

1 goes over, was -- was everyone in agreement at that
2 point or was there still kind of some dissent in
3 that -- in that executive group that met?

4 A I think -- I don't know the answer to that. I
5 think -- so it might help if we talk about how it
6 evolved and then go back to that, if that's okay with
7 you.

8 Q Okay. Yeah, absolutely. Go ahead.

9 A Or -- or -- I can do it either way.

10 Q Yeah, that's fine.

11 A So Mr. Baker says we should send a letter to
12 the Hill. A lot of discussion on that, right? We then
13 set about to draft what that -- what that would look
14 like. And so a bunch of folks got together. I can't
15 remember who actually did the first draft. It might
16 have been [REDACTED] but it was somebody on the
17 executive team. It might have been [REDACTED] I just can't
18 remember now, did a first draft and people, you know,
19 iterated on that for a while.

20 So different from July, the Director directed me
21 to contact DOJ and have -- and tell them what we were
22 planning to do. So I called Matt Axelrod, who was the

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1 PDAG, the Principal Associate Deputy Attorney General,
2 who's basically the DAG. So it was DAG Yates still,
3 her principal deputy. I called him and told him two
4 things. One, the Director authorized FBI seeking from
5 DOJ the search warrant. [redacted]

b5 per OIP

6 [redacted]
7 [redacted]
8 [redacted]
9 [redacted]

10 And then I said, and the Director feels like he
11 has an obligation to inform Congress that this
12 happening. [redacted]

b5 per OIP

13 [redacted] The initial reaction
14 from Matt was, you know, we just don't do this. It's
15 not -- right, it's -- we just don't do this. You know,
16 we can't. [redacted]

17 [redacted]
18 [redacted]

19 We had a series of phone calls that afternoon into
20 the evening, probably overnight. At one point I called
21 him and said, can you send me any policies that you
22 think are on point to why we should or should not do

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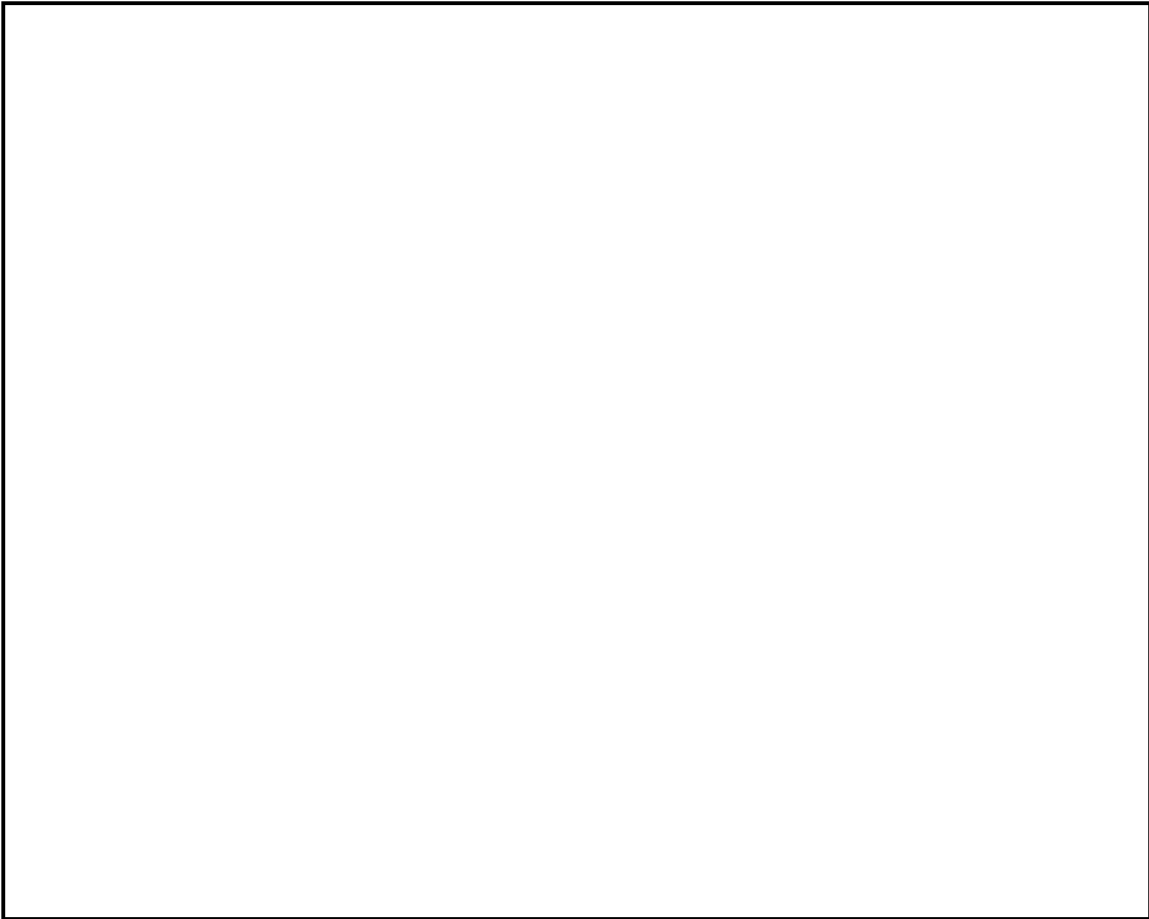
-- is it okay if I --

Q Of course. Absolutely.

[Redacted]

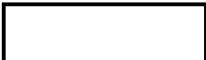
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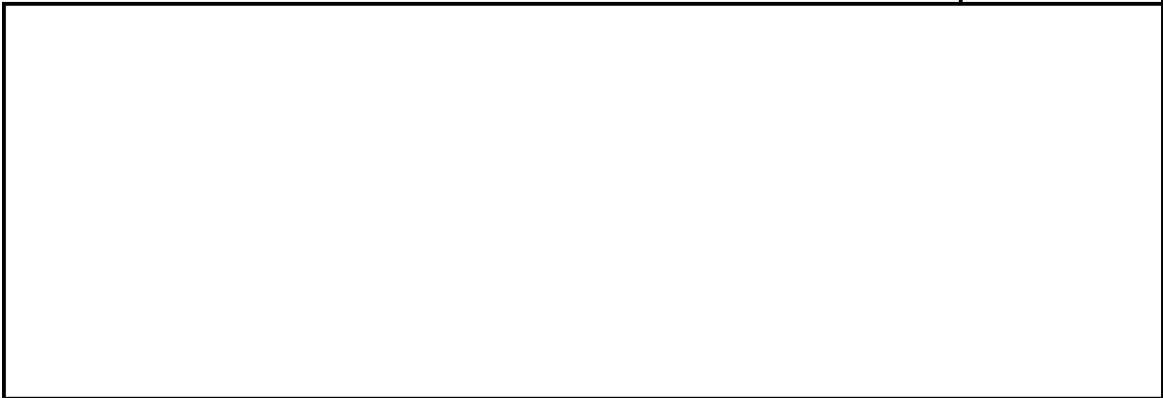


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And so I remember Matt actually -- so one of the things it says to do, right, is to contact the Public Integrity Section of the Criminal Division for further guidance. I remember Matt actually called them



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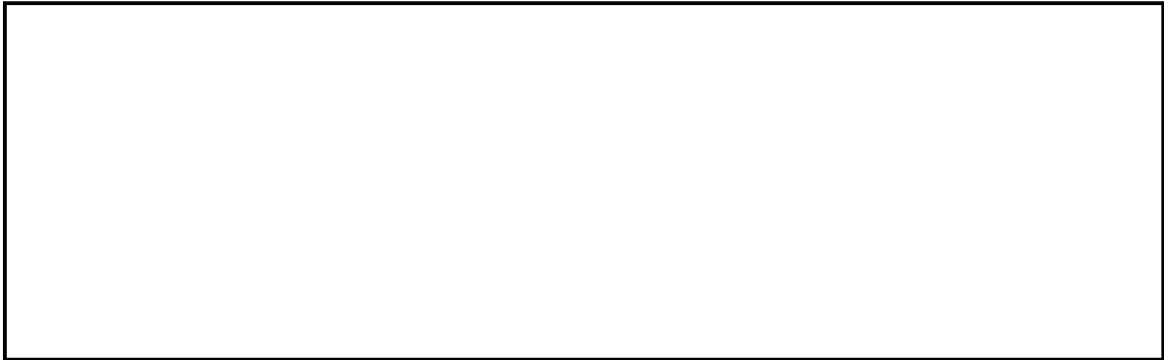
Q Do you know who he spoke with?

1 A I don't. I don't. I just -- as we were
2 walking through this, it was just one of those -- it
3 stands out in my mind that, hey, let me just call PIN,
4 you know, they call it PIN --

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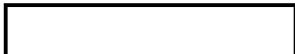
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And then I sort of -- I'm keeping the Director informed at the same time. So when Matt and I would speak, right, Matt -- we had this understanding, he knew I was speaking for the Director and I knew he was speaking for the Deputy Attorney General. That's the relationship that we had that if -- if we were both saying something, we knew we were speaking for our principals. And so that whole time I'm keeping the Director informed, I'm sure he's keeping the DAG and other leadership informed over there.



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I remember asking Matt if either the AG or the DAG -- well, and -- I'm sorry -- at some point Matt

1 came back later in the day, in that day or evening
2 saying, again, it's our strong view that this not be
3 sent. [REDACTED]

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6 I remember asking the -- I remember asking Matt if
7 the AG or the DAG wanted to speak to the Director about
8 this and he said no, didn't think it was necessary.

9 So -- so that we're -- you know, it's being
10 drafted. At some point the team -- I'm sorry -- the
11 executive team, minus the Director, minus the Deputy --
12 I'm trying to think who else -- so probably minus those
13 two. I remember gathering in a conference room down
14 the hallway here and we put what was then the sort of
15 operative statement or letter up on a screen and we
16 just went line by line through it, and everybody
17 talking about, you know -- you know, and it went from,
18 I think I alluded to it earlier, just we're taking an
19 investigative step, period, to, you know -- I'm
20 exaggerating -- three pages of a lot of detail back,
21 you know, back down to sort of where it got, which was
22 essentially a one-page, you know, statement. And a lot

1 of discussion from the executive team, again, minus the
2 Director and the Deputy, of, you know, how much detail,
3 like what is that -- what is the appropriate level of
4 detail to put in there. A lot of, lot of discussion
5 for hours on, you know, you know, what's appropriate to
6 put in this letter and how to not be alarmists, right,
7 and not to understate it. And so that was all
8 considered. And then at some point we came back to the
9 Director with that to sort of sign off on what a final
10 would look like. Again, that was happening sort of
11 Thursday into Friday.

12 So back to interactions with DOJ on that. [REDACTED]

13 [REDACTED] I

14 believe I read the letter to Matt or at least the
15 substantial -- and I remember discussing with him and **b5 per OIP**
16 George Toscas and others, you know, so they had spec --
17 they had recommendations on some things to put in. I
18 don't ultimately think we put them in, [REDACTED]

19 [REDACTED]

21 Q So let me back up for one second. You said
22 when you initially talked to Matt Axelrod that he --

1 you know, he said "we don't do this." When he was
2 saying "we don't do this," like what -- what
3 specifically was it that he was concerned about?

4 A I think it was -- I think it was do -- and,
5 you know, do something so visible close to the
6 election.

7 Q So it was the timing?

8 A It was the timing, yeah. I think it -- right,
9 I think he -- it was going to the -- yes, to the
10 timing.

11 Q What about --

12 A And also --

13 Q I'm sorry. Go ahead.

14 A I'm sorry. Just -- I would say probably to
15 some degree as well, just going back to Congress
16 supplementing in that way, right? Talking about --
17 because it went from being closed in July back to being
18 open. So I think it was -- a big part of it was that
19 as well, right?

20 Q And that was going to be my next question
21 is -- is was this a typical thing to do where an
22 investigation that's been wrapped up, but then you find

1 some new evidence potentially, is it typical that you
2 would let Congress know that that's occurring?

3 A Yeah. I think the short answer to that is no,
4 but in a typical case you probably -- you wouldn't have
5 testified about it, right? And so I think the
6 obligation becomes different at that point. So I think
7 you're absolutely right, the typical case on its own
8 without previous testimony or public statements about
9 it, no. But given that, right, then I think it does --
10 it becomes out of the -- out of the norm.

11 Q So is it fair to say that because the -- the
12 ending of the investigation was made so public, that
13 Director Comey felt the need to be public with the fact
14 that the investigation was, in fact, not ending?

15 A Well, I think it was -- you know, again, we --
16 we didn't make it -- we didn't make the October letter
17 public, right?

18 Q That's right.

19 A We sent it up there, and I think it was the --
20 it was both the testimony, right, so it was that he
21 testified of it under oath that -- and the fact that
22 that was public and the July public announcement, this

1 was out there and an investigative step was being
2 taken, right, that it was no longer true. So I think
3 that was the thing.

4 And, you know, the way I describe it to folks is,
5 you know, true, we don't normally comment at the
6 beginning of an investigation, right, which is what
7 some people think October would be, right? Okay,
8 you're taking a step, right? So you're here, you don't
9 comment on it. But the reality is we're all the way
10 over here at that point, right? You forget it's been
11 going on for a year, July happens, you're over here.
12 So it's not the typical opening where you're back at
13 the beginning.

14 Q So what about, you had mentioned earlier that
15 there wasn't -- there wasn't a discussion about the
16 timing so much of the search warrant, but that there
17 was a discussion about the timing of the notification
18 to Congress.

19 A Yep.

20 Q So what -- I guess, was it -- was it
21 considered that -- delaying the notification to
22 Congress?

1 A Well, I think -- yes. I think it was
2 considered. I think people's view was, you know,
3 number one, should we do it, right? Right? And then
4 if we do it, when do we do it. You know, and do we
5 know enough of what's there, right? Is it -- is it big
6 enough to send, right? And what would -- you know, if
7 other words, what would be the implication if we didn't
8 tell Congress, right? I remember a lot of discussion
9 about that, right? And then specifically, if the
10 election happens, right, and then we disclose it,
11 right? What -- what does that trigger, right? And so
12 I remember that all being discussed.

13 Q Okay. So I want to kind of break down --

14 A Sure.

15 Q -- some of those. Let me ask you first,
16 before we break those down. Was there any -- did you
17 discuss the idea of maybe kind of looking at some of
18 the emails first to see if there is anything new and
19 then deciding what to do about notifying Congress?

20 A I think the -- I don't remember if anybody
21 brought it up, but we couldn't. We didn't have a
22 search warrant to view those other emails. We had a --

1 so the FBI had authorization to look for certain things
2 in the unrelated investigation, but -- but once you
3 determine that it's in a separate category, we didn't
4 have authorization to do it. So we needed a search
5 warrant to do that.

6 Q But what about getting the search warrant,
7 getting the emails, taking a look and then going from
8 there, was that at all considered?

9 A I don't -- I don't remember if anybody brought
10 it up. It was the estimation of the team, though, at
11 the time that this process could take months and
12 months. You know, so there was no -- I remember being
13 briefed, like this will take three to four months
14 because of the volume that could potentially be on
15 there.

16 Q So -- okay. So then some of the other
17 options. Not -- not notifying Congress. You said the
18 ramifications of that were discussed. What were some
19 of the concerns about not -- just not notifying
20 Congress?

21 A I think -- I think the general view is, the
22 Director's view is that not to -- there was no option

1 to take no action, in other words, right? Any -- even
2 not telling Congress was an -- was an act of
3 concealing, was an act of -- because of the obligation
4 that he felt, it was an act of -- it was an action,
5 right, to withhold it from them. So I know that there
6 was discussion about that of like, you know, you know,
7 could we just wait, could we do nothing? You know, but
8 the general view was that even doing that was doing
9 something. And, right, I mean he's talked about it
10 publically, right? He saw two doors, right? You know,
11 you know, one was to, you know, send the letter, one
12 was to conceal, right? And both were terrible, right?
13 And he went with the option.

14 Q Right.

15 A The other thing I -- well, actually, I don't
16 know if it's relevant here, but just so I make sure I
17 say it, right? In my view, once the Director said that
18 he had the obligation to do it, in my mind, right, he's
19 the only one that could have made that decision, right?
20 He's the only one with the obligation. So nobody else
21 could really step into his shoes, right? And as I
22 thought about how I should counsel him about it, I --

1 because he felt a personal obligation, because of
2 testimony under oath, right, once he has made that
3 decision, right, it's really -- nobody else can -- it
4 would be hard to move him off of that because of the
5 personal obligation. Does that -- does that make
6 sense? I know it doesn't fit here, but just it --
7 because he's the only one that went up and testified,
8 right, it -- it's specific to him, right? So I just
9 think it's worth noting.

10 Q So what about -- what about waiting, what, are
11 we talking about like ten days until, 11 days? What
12 about waiting until after the election? Was that
13 discussed?

14 A I don't -- again, I don't remember a specific
15 discussion about that. I just -- I remember folks
16 talking about, right, this notion of even waiting is an
17 action, right? Even waiting, right, is doing
18 something, right? That -- it just wasn't appropriate.

19 Q So was the potential impact on the
20 presidential election discussed?

21 A I think -- yes. Yes. And Trisha Anderson
22 brought up, you know, could this elect Donald Trump,

1 and the Director said we just -- it would be improper
2 to consider that. We have to -- we have to deal with
3 the facts of this case, right? And so...

4 Q Did you think that sending the letter to
5 Congress would have an effect on the election?

6 A I don't re -- I think the short answer is no.
7 Again, I go back to July, right, it -- it is -- the
8 facts are what the facts are, right? We're an
9 independent organization living in a hyper-political
10 world, right? And so I knew that -- you know, I'm not
11 naïve enough to think that we operate in a vacuum,
12 right? But in a sense, we have to be independent. And
13 it was awful, right? I remember that briefing on the
14 27th being like this is just terrible, right? Because
15 we're stuck here, right? But it is what it is, right?
16 And, you know, given this obligation, and, again,
17 taking the steps that we did to -- you know, our best
18 chance at fulfilling the obligation and not making a
19 public statement, right, I think we did it as best we
20 could.

21 MS. HAMRICK: Do you have a follow-up?

22 MS. GALINDO-MARRONE: Yeah. I just have a

1 couple. So Trisha Anderson has come up several
2 times as someone that raised concerns about how
3 the October 28 letter might affect the election or
4 concerns about the election. Did anyone else
5 raise concerns about how the letter might affect
6 the election?

7 THE WITNESS: I'm sure they did. She --
8 that's the only one I remember vividly, but I'm
9 certain that others did --

10 MS. GALINDO-MARRONE: Okay.

11 THE WITNESS: -- as part of that discussion.

12 MS. GALINDO-MARRONE: But you don't remember
13 any of the other individuals --

14 THE WITNESS: I don't.

15 MS. GALINDO-MARRONE: -- that might have?

16 THE WITNESS: I don't. I mean, again, it
17 seemed very comfortable discussing these things.
18 I -- I just remember her bringing it up and so I -
19 - I would say it's very likely others weighed in
20 to both pro and con on that.

21 MS. GALINDO-MARRONE: Sure.

22 THE WITNESS: But I can't remember anybody

1 else.

2 MS. GALINDO-MARRONE: Okay. And so I -- and I
3 may have misunderstood something. When -- let me
4 see where my notes are.

5 When the decision is made, you know, DOJ
6 agrees, the search warrant is going to be issued,
7 and this is all happening real fast, right?
8 October 27th and the letter is the 28th.

9 THE WITNESS: Correct.

10 MS. GALINDO-MARRONE: Did I understand you
11 correctly, did the Director call the Attorney
12 General to let her know that he was going to be
13 sending some notification to Congress or did I --

14 THE WITNESS: Yeah. That's not correct. So I
15 --

16 MS. GALINDO-MARRONE: Okay.

17 THE WITNESS: He asked me to call --

18 MS. GALINDO-MARRONE: I see.

19 THE WITNESS: -- Matt Axelrod.

20 MS. GALINDO-MARRONE: So Matt -- so that's the
21 communication, it's between you --

22 THE WITNESS: Correct.

1 MS. GALINDO-MARRONE: -- and Matt Axelrod, the
2 Director did not speak to the Attorney General --

3 THE WITNESS: Correct.

4 MS. GALINDO-MARRONE: -- or the DAG about
5 this?

6 THE WITNESS: That's correct.

7 MS. GALINDO-MARRONE: Okay.

8 THE WITNESS: And I think I noted, right, he
9 was willing to. In fact, I offered to, you know,
10 should the Director and the AG and/or DAG speak,
11 and Matt said he didn't think that was necessary.

12 MS. GALINDO-MARRONE: Okay.

13 THE WITNESS: Which -- which led me to believe
14 they had both been briefed and -- right -- and
15 weren't -- weren't -- specifically were not saying
16 don't send it.

17 MS. GALINDO-MARRONE: Sure.

18 THE WITNESS: And that's one of the things we
19 talked about, what if the Department of Justice
20 says -- the AG or the DAG says, do not send this
21 letter, and they did not.

22 MS. GALINDO-MARRONE: Okay. But that did not

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happen?

THE WITNESS: It did not happen.

MS. GALINDO-MARRONE: Okay.

THE WITNESS: Correct.

MS. GALINDO-MARRONE: So -- so in your con --
so you had several conversations, right, during
this 24-hour period with Matt?

THE WITNESS: Correct. Mm-hmm.



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MS. GALINDO-MARRONE: Sure.



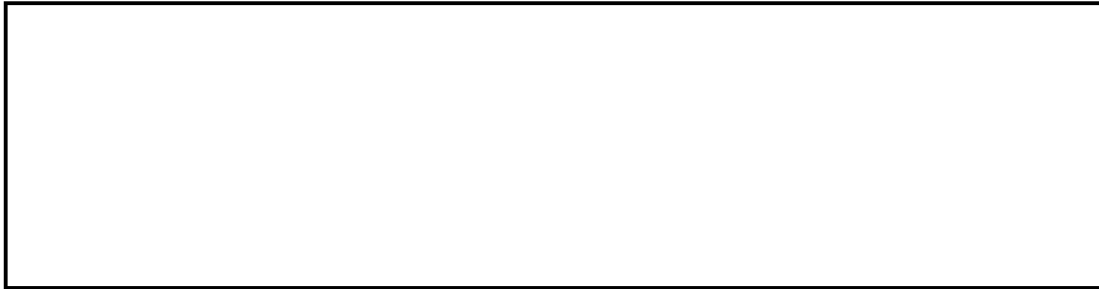
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MS. GALINDO-MARRONE: Okay.



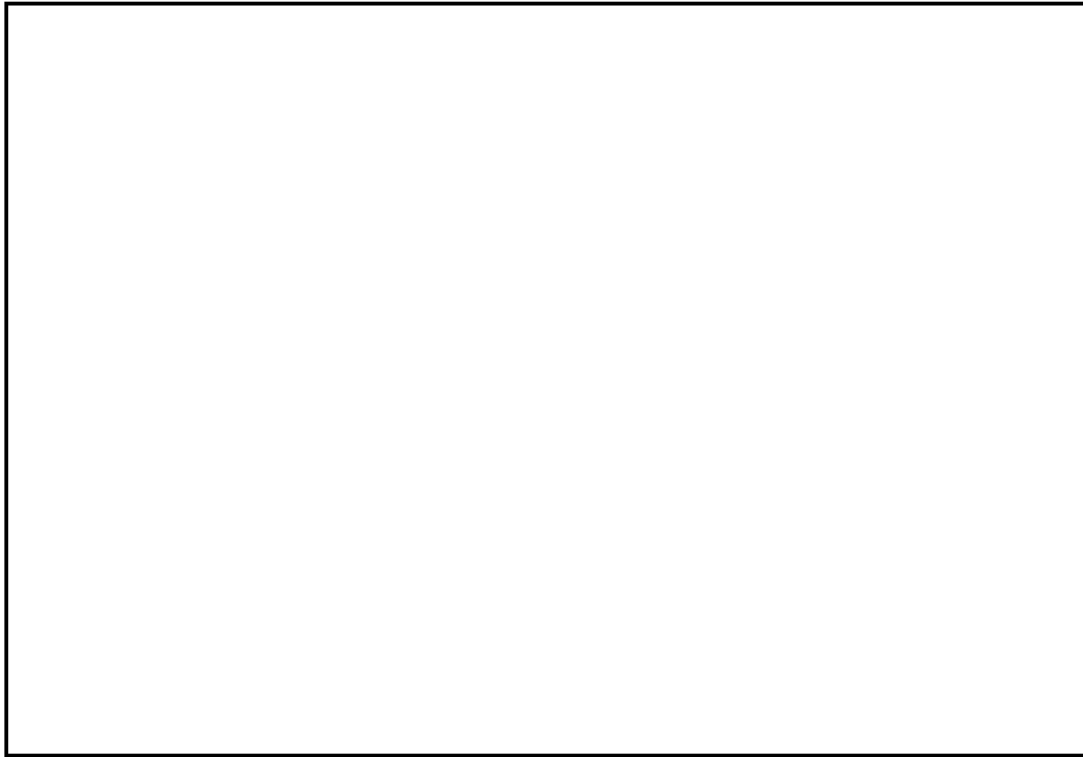
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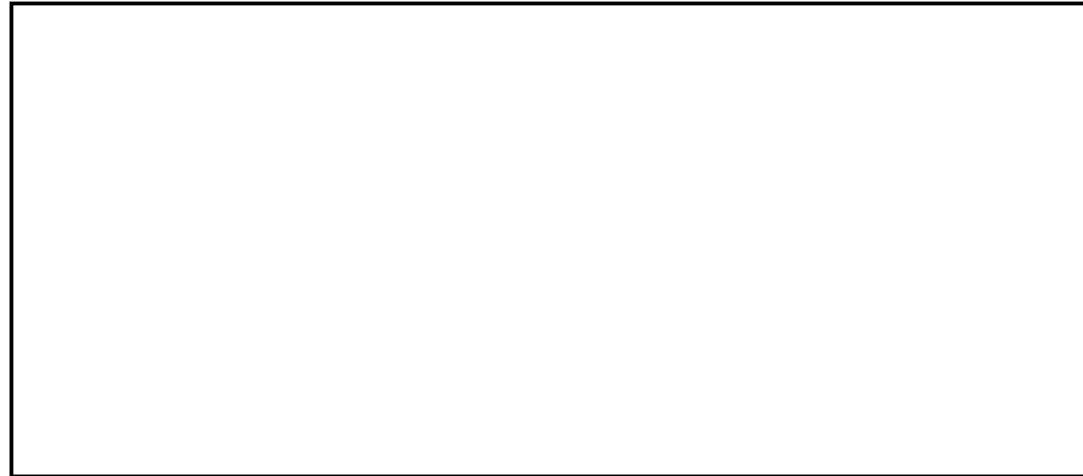
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MS. GALINDO-MARRONE: Okay.



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MS. GALINDO-MARRONE: Mm-hmm.



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MS. GALINDO-MARRONE: Sure.

THE WITNESS: And -- oh, I'm sorry.

MS. GALINDO-MARRONE: No, no. No. You can go ahead.

THE WITNESS: I was just going to add, just because I don't want to forget this, [Redacted]

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MS. GALINDO-MARRONE: So this is after October 28 --

THE WITNESS: Correct.

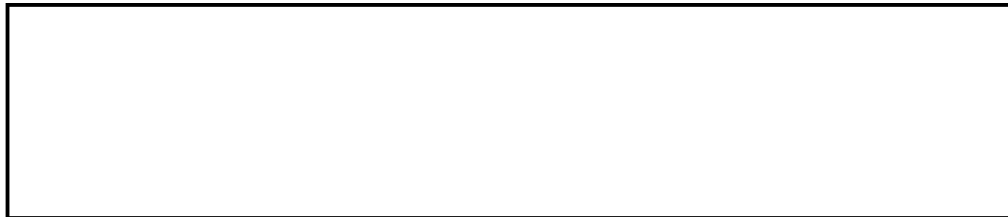
MS. GALINDO-MARRONE: -- you had this conversation --

THE WITNESS: Yeah. Just, you know, sort of --

MS. GALINDO-MARRONE: -- with --

THE WITNESS: -- and it might have actually been -- I can't re -- as you can imagine, that

1 time period is compressed down to an hour for me.
2 But I can't remember if it was after October 28th
3 or after the November letter, just talking about
4 sort of, okay, what happened during this period.



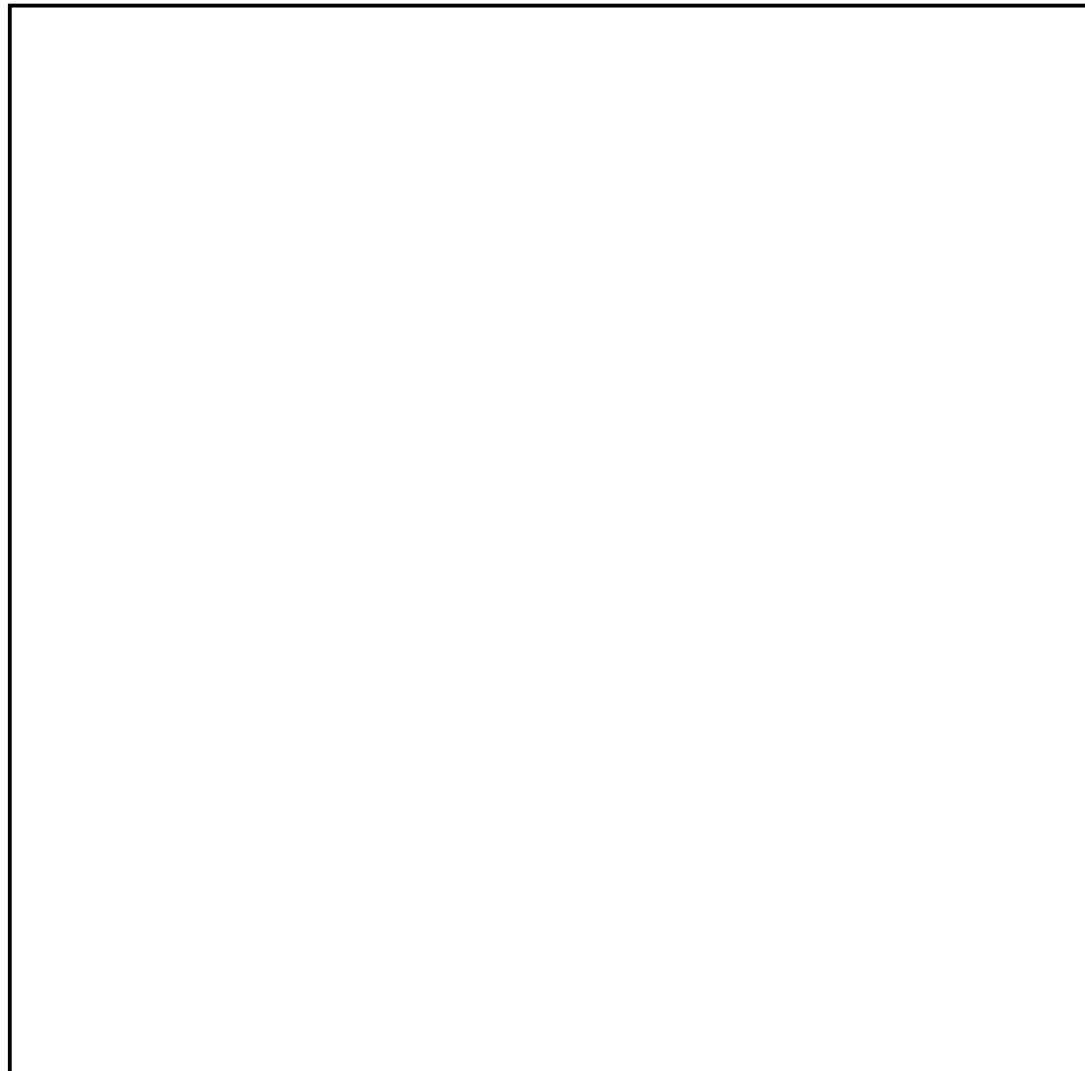
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8 MS. GALINDO-MARRONE: Okay.



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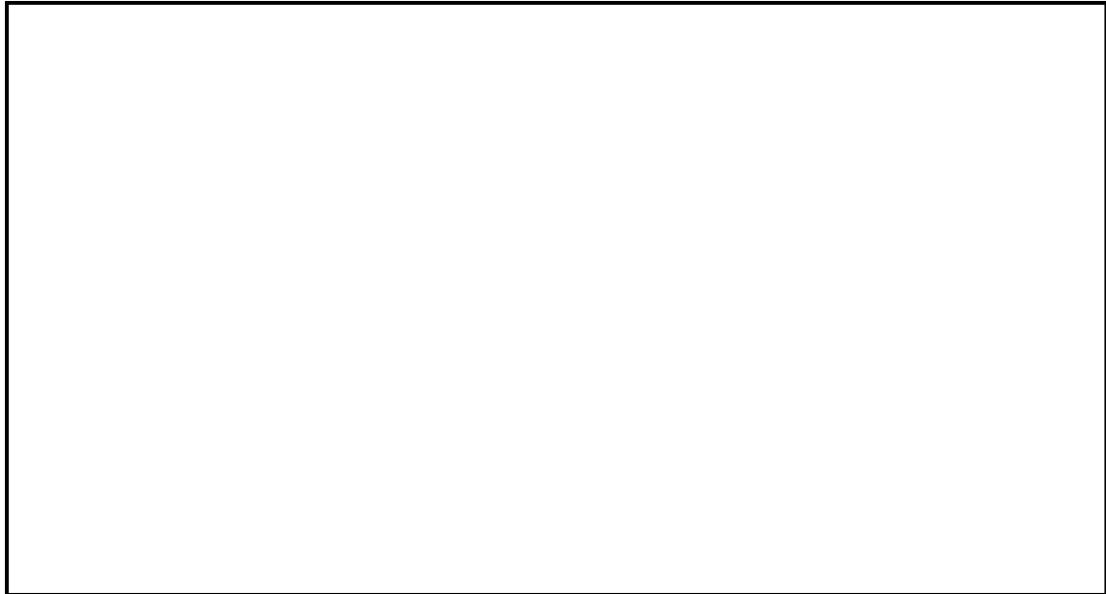
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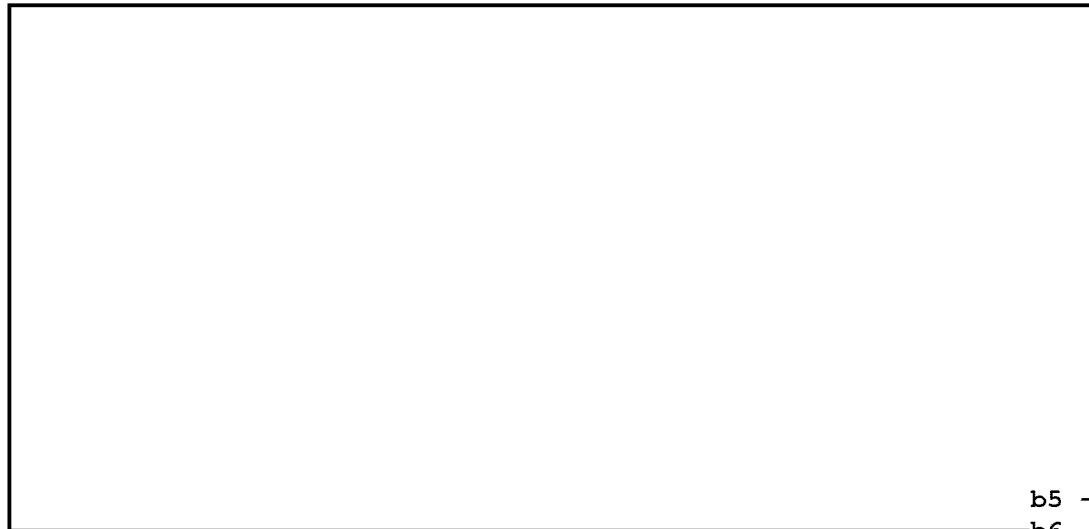
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MS. GALINDO-MARRONE: So Jim Baker, he's the
General Counsel for the FBI.

THE WITNESS: Yep.



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MS. GALINDO-MARRONE: Okay. And I had another question. I'm sorry.

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Maybe that was it. Oh. I did have one more question, but I don't know if this is going to work with where you were going or not. Let me ask it and then see where it takes us.

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So -- so you said early in the conversation about the October 28 letter, I think -- when Erica asked you about whether anyone expressed concerns

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1 about the election, I believe you said something
2 to the effect that, yes, and I think you named
3 Trisha Anderson, she raised concerns about the
4 October letter, but that there were more concerns
5 about the November letter.

6 THE WITNESS: Yes.

7 MS. GALINDO-MARRONE: So are you going to --
8 are we --

9 MS. HAMRICK: Yeah, I was going to move to the
10 November letter.

11 MS. GALINDO-MARRONE: Okay.

12 MS. HAMRICK: But you can ask your question.
13 We can use that as our jumping off point.

14 MS. GALINDO-MARRONE: So -- so I'm just
15 curious because it seems like there was, at least
16 from DOJ, you've only identified Trisha Anderson
17 as being one of the folks on the FBI side that had
18 concerns.

19 THE WITNESS: Sure.

20 MS. GALINDO-MARRONE: But in terms of DOJ, it
21 seems like there's concern there expressed through
22 Matt --

1 THE WITNESS: Oh, absolutely.

2 MS. GALINDO-MARRONE: -- about the October 28
3 letter. But you believe there was even more
4 concern about the November letter?

5 THE WITNESS: No. I'm sorry. When I -- when
6 I was answering that question I was only speaking
7 to the FBI concerns.

8 MS. GALINDO-MARRONE: Oh, okay. Okay.

9 THE WITNESS: Yes. Sorry if I caused
10 confusion.

11 MS. GALINDO-MARRONE: So that's to the FBI?

12 THE WITNESS: Yes.

13 MS. GALINDO-MARRONE: So -- so on the FBI
14 side, your sense of everything that you were
15 observing and the meetings that you were involved
16 in, there was more concern about the November
17 letter than the October 28th letter?

18 THE WITNESS: For the --

19 MS. GALINDO-MARRONE: Dealing with the
20 election, the concern that we're -- you know, what
21 obviously we're talking about is election
22 concerns.

1 THE WITNESS: I think it's the other way. I
2 think for the Bureau I think there was more
3 concern about the November letter.

4 MS. GALINDO-MARRONE: Okay. Yes.

5 THE WITNESS: Is that what you're saying?

6 MS. GALINDO-MARRONE: Yes. Yes.

7 THE WITNESS: I'm sorry.

8 MS. GALINDO-MARRONE: No, no. That's fine.

9 THE WITNESS: Yeah.

10 MS. GALINDO-MARRONE: About the November
11 letter, there was more concern --

12 THE WITNESS: Yes.

13 MS. GALINDO-MARRONE: -- on the FBI side --

14 THE WITNESS: I believe --

15 MS. GALINDO-MARRONE: -- about the November --

16 THE WITNESS: And, again, that's just based on
17 sort of atmospheric -- I can't point to anything,
18 it's just a feeling of, right, just my -- how I
19 perceived it.

20 MS. GALINDO-MARRONE: Okay. And you express --
21 - I think you said Jon Moffa was --

22 THE WITNESS: Mm-hmm.

1 MS. GALINDO-MARRONE: Anybody else, like Mike
2 Steinbach, was he concerned about the November
3 letter as well?

4 THE WITNESS: Mike was on the phone. Mike was
5 -- we had him piped him to the room on the phone.
6 I just can't remember if that was for the -- so we
7 did the identical thing, which is why I'm getting
8 confused --

9 MS. GALINDO-MARRONE: That's okay.

10 THE WITNESS: -- for the October and the
11 November letter we sat in the same conference
12 room, put the statements up on the screen, right,
13 did the same thing. I don't remember it's
14 possible.

15 MS. GALINDO-MARRONE: Okay.

16 THE WITNESS: For some reason, just like
17 Trisha for the October one, Moffa stands as the --
18 maybe the launching point for the discussion, so
19 that's why it sticks out to me. But you're
20 absolutely right, I think from the DOJ
21 perspective, I think there was much more concern
22 about the October letter --

1 MS. GALINDO-MARRONE: Okay.

2 THE WITNESS: -- than the November letter.

3 MS. GALINDO-MARRONE: And I remembered my
4 question. This is good that I went ahead a little
5 bit because I remember.

6 So in your -- going back to the conversations
7 with Matt. So Matt says at one point that he is
8 going to consult -- pursuant to the election year
9 sensitivities memo, he is going to consult with
10 the Public Integrity Division.

11 THE WITNESS: Correct.

12 MS. GALINDO-MARRONE: And did he ever get back
13 to you on what they said?

14 THE WITNESS: Yeah. My recollection is -- so
15 I don't think he took it as a -- it couldn't have
16 been a formal consult because we couldn't give
17 them the facts of the case. What he said was, let
18 me just call informally. He used to work in the
19 criminal division, that's my recollection, so I'm
20 sure he just knew folks. I think he said let me
21 just call and see what the factors are, what they
22 might consider.

1 MS. GALINDO-MARRONE: Mm-hmm.

2 THE WITNESS: And, again, I don't remember
3 him -- I'm sure we talked after that, I just don't
4 remember specifically. Okay, PIN said X, and I
5 wouldn't expect that it would be anything really
6 instructive without the facts, right? Because
7 there was too much out there, and I'm sure we
8 talked about it, but you just don't remember that
9 being a big thing, another thing that doesn't
10 really fit here, but in terms of did he violate
11 policies, did he violate practice and stuff like
12 that, one of the things we talk about here is,
13 okay, so the election year sensitivity memo, it
14 doesn't say don't take any action, it says what to
15 do if you need to take action, right? And in the
16 case of election crimes, it says to call PIN. We
17 were calling the Deputy Attorney General's Office,
18 we were doing well above and beyond. We're going
19 to the top to say this is what we need to do. In
20 that respect, we were fulfilling the spirit of the
21 guidance, which is, you know, unlike July where we
22 had to do something different, without talking to

1 him, for October, we're saying this is what we
2 need to do, right? We're consulting with you,
3 right? And they could have said no, I don't know
4 what would happen after that, right, where we go
5 from there, but we could have been ordered not to
6 do it, is one of the key things, I think.

7 MS. GALINDO-MARRONE: Do you think -- does he
8 need a break or --

9 MS. HAMRICK: Do you need a break?

10 THE WITNESS: I'm okay. But -- I'm mean --

11 MS. GALINDO-MARRONE: Do you need a break?

12 MS. HAMRICK: No, I don't.

13 THE WITNESS: You're welcome to stop for a
14 minute, if you --

15 MS. HAMRICK: No, we're good. We're good.

16 Q. So, actually before we get to the November 6th
17 letter, I do want to ask some questions about the
18 October 28th email that the Director sent.

19 A. Sure.

20 Q. I'm just going to give you a copy in case you
21 want to look at it.

22 A. Thank you.

1 Q. You kind of alluded already a little bit to
2 it, I think you said that, you know, the Director was
3 -- any kind of big decision point or, you know, big
4 thing going on at the FBI and holidays, he would email
5 all the staff and you've explained how this didn't go
6 out until the Director became aware that the
7 notification of congress had been reported on --

8 A. Yes.

9 Q. -- CNN?

10 A. Yep.

11 Q. A couple of things, were you at all involved
12 in drafting this email?

13 A. Yes.

14 Q. Okay.

15 A. I should say he drafts them and I would say
16 I'm involved in the editing of it.

17 Q. In the editing?

18 A. Yeah.

19 Q. Okay. Okay. So there are a couple of
20 questions in terms of the language of the email that I
21 wanted to ask about. You know, he in the -- let's see.
22 In the second paragraph, he talked about not wanting to

1 create a misleading impression. What is -- what is he
2 trying to say there about creating a misleading
3 impression? What's your understanding of what he is
4 saying?

5 A. Mm-hmm. I mean, my best read would be that he
6 said the FBI is taking -- in July taking no further
7 investigative steps. And now that we were going to --
8 in the search warrant in October, that it would -- that
9 that's no longer accurate.

10 Q. And then what about the next statement there,
11 he says, you know, in trying to strike that balance in
12 a brief letter in the middle of an election season
13 there is a significant risk of being misunderstood.
14 That reference to, you know, the middle of an election
15 season and being misunderstood, what is your
16 understanding of what the Director is trying to say
17 there?

18 A. Sure. I think that -- I think he's probably
19 alluding to what I tried to capture, which is this -- a
20 lot is happening outside of this building, right, and
21 sort of, you know, the election or with the campaigns
22 and the election, right, and so we are operating as an

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

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

12 A. Sure.

13 Q. When does that happen?

14 A. Yeah. So let me walk you through. So a
15 letter goes out on the 28th, that's a Friday, I
16 believe, right? Thursday, Friday. Yeah. Right. At
17 some point I would say early the next week. So there's
18 an a lot of stuff there and we're getting updates from
19 the team of this is what we're finding, there's a lot
20 of sort of

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15 And so then again, the marching orders are still, you
16 know, do it well first, right, and then timely, right?
17 You do what you can do.

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

1 quickly, within days. So the mid-year team is still
2 doing their thing, they're reviewing it. They're
3 seeing emails that we had seen before. And so they're
4 not finding the six-month emails that we talked about,
5 right? They've found -- they found a lot of new
6 emails, right? So it's kind of when people say we
7 didn't find anything, that's not accurate. We did find
8 new stuff. But nothing that would change our view of
9 the original conclusion in July. That's the upshot.

10 So that's all happening. So the team is -- and
11 it's getting closer and closer, so that I believe my
12 recollection is that we met on Friday. I'm a little
13 fuzzy on that. The executive team, we definitely did a
14 call on Saturday to get an update. So, again, the
15 executive team did a conference call at the Director's
16 direction to get a status update of where we were,
17 because we were -- remember, we were within, you know,
18 a shot of getting it done. Might have had two calls
19 that Saturday. And I remember late Saturday -- late
20 Saturday night, then, the team saying, we will probably
21 be done tomorrow, that Sunday. So the Director said,
22 okay, if that's the case -- I can't remember if we did

1 a call on Sunday morning. I can't remember if we did a
2 call on Sunday morning. We did meet here at
3 headquarters on Sunday, the team said we completed --
4 we completed the review. It hasn't yielded anything
5 new. So the Director said I want to reconvene at
6 headquarters for the team to brief me on that, right,
7 on what you found. And then talk about, you know, what
8 we should do. So team assembled here, brief the
9 Director. It was, as I said, we found new emails, but
10 nothing that would change our view of the -- of July
11 and it's our recommendation that we're done with that.

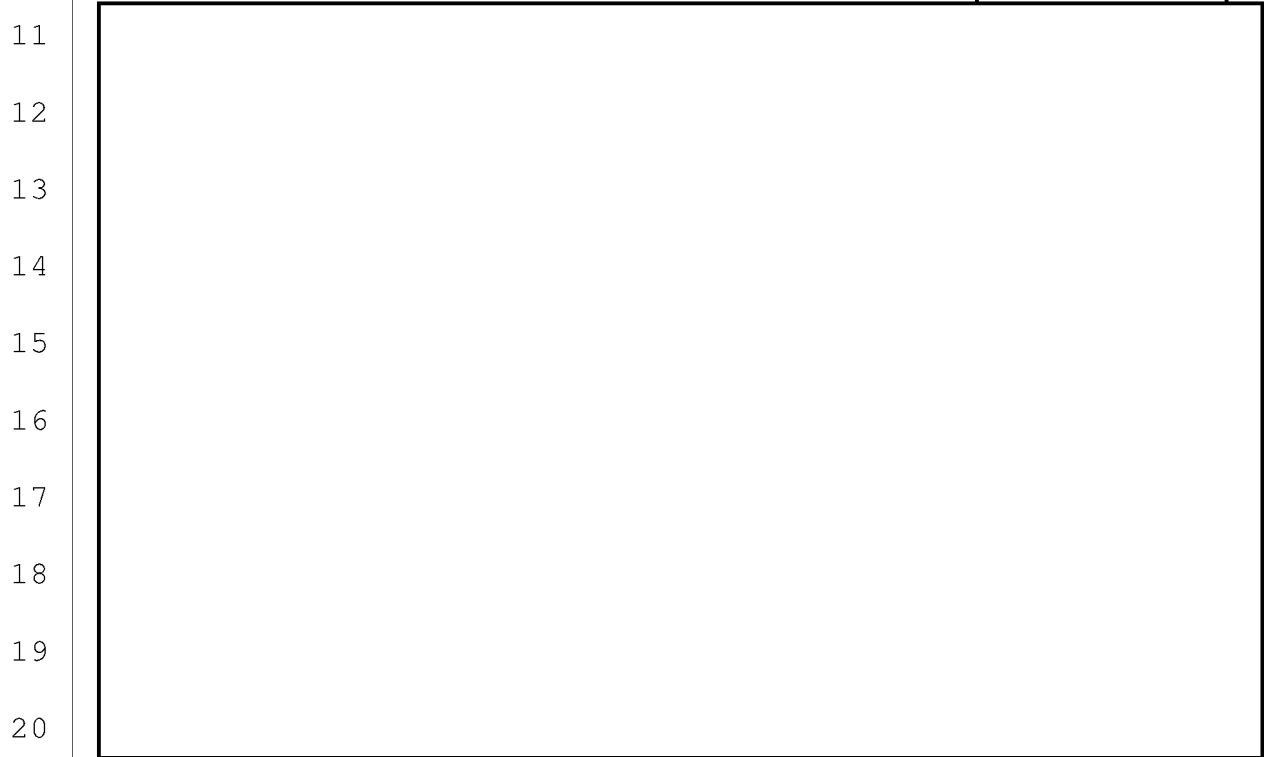
12 So then it's the question of, what to do. And
13 everybody thought the appropriate thing would be to put
14 it -- again, supplement, do another letter to the Hill,
15 explaining what was found and that that was done. So
16 same process again. I think -- and so while all that
17 is going on, I'm keeping Matt Axelrod updated, so in
18 that week, into the weekend, I'm talking to him, this
19 is what we're hearing, so I'm providing constant
20 updates to DOJ. You know, this is what we're finding,
21 right? And so I just don't remember now when we
22 started drafting the second letter, whether that was

1 Saturday or Sunday -- is that critical? Or -- so we --
2 you know, we discussed, you know, how it should look
3 like, again same process again, we get in the
4 conference room, we pull it up on the screen, drafts go
5 back and forth. This time we did provide a draft to
6 DOJ. So they have -- we emailed it to them, this is
7 what we're intending to say. They weighed in. We did
8 a separate conference call with DOJ. I believe it was
9 Jim Baker, myself, and Pete Strzok on the FBI side.

10 With Matt Axelrod, Scott Skolls (phonetic),

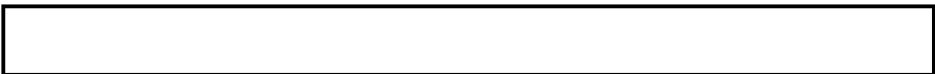


b5 per OIP



21 Q. Do you know why?

22 A.



b5 per OIP

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Q. And then what about internally here at the FBI? You've alluded, as Ana was asking you about earlier, there was some disagreement here about sending this November 6th letter?

A. Mm-hmm.

Q. So what were the concerns expressed about not wanting to send it?

A. Yeah. I think that the big -- again, this is sort of what I attribute to Jon Moffa is that we're now within a day or two of the election, and just, you know, October, we said we were doing it, we didn't think we would be finished, so, you know, is it appropriate to send a letter and can we craft a letter in such a way that it won't cause, you know, more problems.

Q. Was his thought that you should wait until after the election at that point?

A. I don't recall. I don't recall him saying we

1 should wait or not send it. I don't know.

2 Q. Did anyone express the view that as close as
3 you are to the election you just need to wait till
4 after the election is over?

5 A. I can't remember somebody specifically saying
6 that. I wouldn't find that unlikely. In fact, I think
7 it's likely that somebody would say, you know, should
8 we wait? Yeah. But I don't recall a specific argument
9 to that effect.

10 Q. Was the potential impact on the election
11 discussed?

12 A. We definitely talked about, right, you know,
13 again, how to craft some -- how to craft language,
14 right, that would not, you know, again, we're done, so
15 it's the view that we should send this. Which is I
16 think even ultimately Jon came around to, we need to
17 send a letter, I think then it became, again, what do
18 we say in there to operate, again, independently as we
19 are, but in the midst of all that's going on around us.

20 Q. Was that DOJ election sensitivities memo
21 discussed at all with respect to this November 6th
22 letter?

1 A. I don't recall any specific discussion of it.

2 Q. What about the Hatch Act, was it discussed at
3 all with respect to the November 6th letter?

4 A. No, not to my recollection.

5 Q. Do you know if any kind of legal review of the
6 letter was done?

7 A. Yes. Again, our -- Jim Baker, his legal team
8 was in there, I don't know if -- we might have sent it
9 back to I can't remember. I just can't
10 remember on that one. But Jim Baker and the legal team
11 were in on all of the discussions and the drafting
12 sessions on all of them.

13 MS. HAMRICK: Do you have any questions about
14 November 6th?

15 MS. GALINDO-MARRONE: No.

16 Q. Okay. So just kind of shifting gears a little
17 bit now to other FBI investigations.

18 A. Sure, because we know now that the FBI has
19 an -- investigation concerning links between
20 individuals associated with Donald Trump's campaign and
21 the Russian government and potential coordination in
22 Russia's efforts to interfere with the 2016 election.

b6 -1
b7C -1

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

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

8 A. Mm-hmm.

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

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

b7E -3

1 on case A, to think about case B. And, in fact, I
2 don't recall that coming up at all, right? So it
3 just -- the way cases are done, right, they're totally
4 distinct and separate to what you're doing over here to
5 appropriately have no bearing on what you're doing over
6 here in my mind. So I bring that up as just the sort
7 of foundation. And then so if you were to disregard
8 that and you were to say, okay, you know, you know, the
9 election is happening, and, you know, why wouldn't you
10 sort of balance the scales right? Again, it's --

11 Q. Right, two opposing candidates, right?

12 A. Again, I want to be careful. I'm not saying
13 that's what happened or I would everybody --

14 Q. Right.

15 A. -- think, but if you were predisposed to think
16 that, right. Even the -- so July the Director spoke
17 because the investigative activities were done, right?
18 We considered it closed for all intents and purposes,
19 in July, right? That's why he spoke. He only sent the
20 letter in October because there was another step,
21 right? And that was an occasions -- so we hadn't
22 talked about it before, or even acknowledged it, right?

1 Except, you know, until well after it had started. So
2 with the Russia, the [REDACTED] into Russian
3 influence, that had just started in July. [REDACTED]

4 [REDACTED]

b7A -1
b7E -3

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] So to me it's -- does that answer the
9 question --

10 Q. Mm-hmm.

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

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

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

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

11 In the case of the Russian influence, starting in
12 July [REDACTED]

13 [REDACTED]
14 [REDACTED] So again, you'd have to go back to where
15 I started with the two unrelated -- just because you
16 have here our job was not to again we were not trying
17 to get involved in campaigns or election at all. So it
18 would be totally inappropriate to -- just because you
19 have said something about, you know, case A, who
20 happens to be candidate A, right, to say something
21 about case B and candidate B in attempt to balance in
22 some way.

b7A -1
b7E -3

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

10 A. Not to my recollection. I mean Trisha brought
11 up the one thing I mentioned about that. I don't have
12 any specific recollection, no. It's the same --
13 practically speaking, it's the same team because it

14 So it
15 wouldn't be -- everybody would have that knowledge
16 already.

17 Q. Right.

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

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

b7E -3

1 involvement in the presidential election and I think
2 the Director went over there and met with officials at
3 the White House to discuss making some kind of public
4 statement. Are you aware of those meetings?

5 A. I am. Yep.

6 Q. Were you present during those meetings?

7 A. I was not.

8 Q. Okay.

9 A. Yeah. These were principal level meetings --

10 Q. Okay.

11 A. -- at the White House.

12 Q. Did Director Comey brief you about the meeting
13 after the fact?

14 A. Yes.

15 Q. So what is your understanding of what was
16 being discussed at those meetings?

17 A. Sure. And, again, I want to be a little
18 careful because those meetings are classified, and so I
19 just want to be careful.

20 Q. Whatever you can share.

21 A. So let me take you back to that August. The
22 Director -- so increasing concern about potential

1 Russian meddling in our election. And there's a lot of
2 inner agency meetings happening all over the place
3 about what to do about it. Director testified on the
4 Hill. And so one idea he had, right, because in his
5 view, if the -- if the American people were inoculated
6 to the fact that Russian could meddle in the campaign
7 or the election, people would be sensitized to it such
8 that if they're seeing things out there, right, they
9 would know, okay, this could be Russian interference,
10 something like that. So he drafted and proposed

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17 The Director -- so again, just being careful
18 about the substance of the meetings, the Director's
19 view was the inoculation happened through various
20 things, I think Senator Fineststein, couple other members
21 came and talked about it, this was being discussed in
22 the public such that the inoculation had taken place

b5 -1

1 already, meaning, didn't really need to send it
2 anymore. So when the idea of doing anything else, he
3 thought the time had passed, and it would perhaps be
4 too close to the election to have an impact.

5 Q. So his position was that they should not make
6 some kind of public statement about it?

7 A. I want to be careful. Just because of the --
8 I'll tell you what he told me about the subject, which
9 was he didn't think -- how did you phrase it?

10 Q. That a public statement should be made?

11 A. Yes.

12 Q. Okay.

13 A. Correct.

14 Q. And you said he thought it was too close to
15 the election at that point?

16 A. Yes.

17 Q. And too close how, exactly?

18 A. I think just too close to have an impact.
19 Right? At that point there's no reason for -- there's
20 no reason for it at that point, again, going back to
21 the inoculation theory, right, that -- it had -- in his
22 view, it had happened, right? And so sending it at

1 that time really doesn't do anything.

2 Q. In terms of making the public aware?

3 A. In terms of making the public aware.

4 Q. Because the Hill, Congress, had started
5 talking about it or made it public, is that the
6 inoculation?

7 A. Congress had talked very -- you know, it
8 started to pick up traction in various -- you know, the
9 media was talking about it, right -- I mean -- yes.
10 Yes.

11 Q. Going back to other investigations going on,
12 we understand that there's also an FBI investigation
13 regarding the Clinton Foundation, and that this was
14 also has been going on -- I guess the question is,
15 again, why not make some public statement about this
16 investigation the Clinton Foundation investigation when
17 the Director had been so public with respect to the
18 Clinton email investigation?

19 A. So I don't know if I can comment on other
20 investigations.

21 Q. Okay.

22 A. I'm happy to -- I don't know what the rules

1 are on that. I'm happy to check with Jay if you want
2 me to. If it's -- I could.

3 Q. Here's -- we're --

4 MS. GALINDO-MARRONE: We're not trying to get
5 to any of the facts --

6 THE WITNESS: -- sure.

7 MS. GALINDO-MARRONE: -- of that
8 investigation. It's more, I think, in line with
9 the same question Erica asked about the decisions
10 that were made about whether to go public or not
11 on the Russian meddling or Russian influence case
12 versus the Clinton email, why statements were made
13 publicly about the Clinton versus the Russia
14 meddling.

15 THE WITNESS: Yeah.

16 MS. GALINDO-MARRONE: It's that same type of
17 question. Without getting into any of the facts
18 or --

19 THE WITNESS: Sure. And I think I can answer
20 in that way. Without acknowledging the existence
21 of another investigation, I think I would go back
22 to the first answer, which is every case stands on

1 its own, right, even with -- [REDACTED]

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[REDACTED]

[REDACTED] I have haven't made that leap before in my head, I'll say it out loud here for the -- every case stands on its own. Just because you do something here on case A, so if case A is the Secretary Clinton email investigation, right, that we thought was concluded and we took a step here, it does not mean that a case even involving her in case B should bear any, you know -- I think, I think I would --

MS. HAMRICK: Should not bear any...

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

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

MS. GALINDO-MARRONE: Uh-uh.

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

A. No.

b7E -3

1 Q. Do you believe he intended to have an effect
2 on the presidential election when he sent his
3 October 28th letter to Congress?

4 A. No.

5 Q. What about when he sent the November 6th
6 letter to Congress?

7 A. No.

8 Q. Is there anything that you think we should
9 know or that you want to add before we turn the
10 recorder off?

11 A. No. I think -- I would go back to the
12 beginning, right, which is in all of this, we did
13 everything -- two things. Operating as an independent
14 investigative body, right, in the middle of a very
15 contentious election, but even beyond that, just a
16 contentious time in history is very difficult, right?
17 And so I think as decisions were presented, right, all
18 along here, I think we operated within the facts that
19 we had and within the bounds of sort of constraints we
20 were given, and in every step did made every effort to
21 minimize, whatever the public -- confusion that the
22 public may have about why we were doing certain things,

1 and always with that -- with the three sort of buckets
2 that I talked about at the beginning, making sure that
3 the public knew the FBI's investigation was done
4 confidently and thoroughly, that DOJ made appropriate
5 decisions, right, as you're thinking about charging
6 somebody and that they have faith in their criminal
7 justice system, so...

8 MS. GALINDO-MARRONE: I want to discuss
9 something with you for like a minute before we
10 wrap up the investigation. Where could I talk
11 to --

12 THE WITNESS: Certainly.

13 MS. GALINDO-MARRONE: It'll be a minute at
14 most.

15 THE WITNESS: Absolutely. Am I okay here?

16 MS. HAMRICK: I'm just going to stop the
17 recorder for one second, it's 11:15.

18 [Off the record.]

19 MS. HAMRICK: The recorder is back on. It's
20 about 11:17.

21 We are done with our questions. Anything else
22 you want to add?

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THE WITNESS: Nothing else.

MS. HAMRICK: Okay. So I'm going to now
officially end the interview, and it's 11:17.

[The interview concluded at 11:17 a.m.]

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CERTIFICATE OF TRANSCRIBER

I, [REDACTED] do hereby certify that
this transcript was prepared from audio to the best of
my ability.

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I am neither counsel for, related to, nor
employed by any of the parties to this action, nor
financially or otherwise interested in the outcome of
this action.

07/07/2017

DATE

[REDACTED]

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b6 -3

0	132:20	81:20 82:4 90:2,3	alluding 112:19
000012 59:3	6	90:4 121:2	american 128:5
07/07/2017 136:12	6th 110:16 118:17	action 80:5,6,8,11	amount 56:18
1	119:8 120:21	90:1,4 91:17 97:5	57:1
11 91:11 126:6	121:3,14 133:5	109:14,15 122:22	ana 3:10 119:6
11:15 134:17	[Redacted]	136:7,9	analyst 10:22
11:17 1:12 134:20	9 b7E -2	activities 6:1	[Redacted]
135:3,4	9 1:11 3:3	123:17	[Redacted]
15 75:5	9:00 1:12	activity 71:2	[Redacted]
17-0515 1:6 3:8	9th 3:2	acts 98:3	[Redacted]
1730 1:16	a	actual 11:15 12:5	[Redacted]
2	a.m. 1:12,12 3:3	12:14 26:14 32:9	[Redacted]
20 75:5	135:4 b7E -3	71:17	[Redacted]
2013 6:7	[Redacted]	ad 30:14	[Redacted]
2015 6:4 10:7	[Redacted]	add 13:10 100:7	[Redacted]
46:14 48:10 65:11	[Redacted]	133:9 134:22	[Redacted]
2016 12:3,4 19:10	[Redacted]	address 114:8	[Redacted]
22:20 33:17 59:7	[Redacted]	advice 7:12,18 9:5	[Redacted]
68:6 121:22 122:4	[Redacted]	80:18	[Redacted]
126:21	[Redacted]	advisor 8:2	[Redacted]
2017 1:11 3:2	[Redacted]	advocating 71:17	[Redacted]
218 1:16	[Redacted]	affect 93:3,5	[Redacted]
24 96:7	[Redacted]	affirm 4:6	[Redacted]
26th 68:11	[Redacted]	afternoon 78:19	[Redacted]
27th 68:10,19	[Redacted]	ag 19:2 63:3 64:15	[Redacted]
70:14 92:14 94:8	[Redacted]	82:21 83:4,7	[Redacted]
113:3	[Redacted]	95:10,20	[Redacted]
28 93:3 100:14	[Redacted]	agency 128:2,16	[Redacted]
103:21 105:2	[Redacted]	128:16	[Redacted]
28th 94:8 101:2	[Redacted]	agent 8:19 10:21	[Redacted]
105:17 110:18	[Redacted]	agreed 71:11	[Redacted]
113:15 133:3	[Redacted]	agreement 77:1	[Redacted]
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5th 13:1 14:1 17:4	[Redacted]	108:4	[Redacted]
17:5 24:3 25:3	[Redacted]	airplane 52:5	[Redacted]
32:3 41:14 43:5	[Redacted]	alarmists 84:6	[Redacted]
43:20 45:4 48:9	[Redacted]	[Redacted]	[Redacted]
55:16 56:1 60:8	[Redacted]	[Redacted]	[Redacted]
60:15,18 62:1	[Redacted]	[Redacted]	[Redacted]

b7E -3

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<p>appropriators 74:17 approximately 69:14 april 19:16 20:15 argument 120:8 artfully 70:11 article 67:13 aside 55:11 asked 32:7,16 47:17 48:4 59:17 94:17 96:12 103:22 131:9 asking 32:8 39:5 43:10 82:17,21 83:6,6 98:12 99:20 101:5 119:6 assembled 117:8 asserting 102:10 assistant 10:12 associate 10:11 50:8 78:1 associated 121:20 associates 126:8 atmospheric 106:17 attempt 125:21 attempted 63:8 attention 68:17</p>	<p>attorney's 38:19 40:8,20 79:2 attorneys 5:12 56:13 99:1 attribute 119:13 audio 136:3 august 127:21 authority 6:10 96:11,12,21,21 102:10 authorization 89:1,4 authorize 70:10 70:11 71:2 authorized 78:4 80:7 authorizers 74:18 authorizing 99:18 99:19 avenues 40:22 aware 4:1 21:16 43:4 50:14 51:5 51:12 103:7 111:6 127:4 130:2,3 awful 92:13 axelrod 59:20 77:22 84:22 94:19 95:1 117:17 118:10</p>	<p>115:8 118:5 121:9 125:14 127:21 129:20 130:11 131:21 133:11 134:19 b7E -3 background 5:19 <div style="border: 1px solid black; height: 20px; width: 100%;"></div> bad 115:12 baker 11:2 57:19 73:8 77:11 102:5 102:12 118:9 121:7,10 balance 112:11 123:10 125:21 <div style="border: 1px solid black; height: 20px; width: 100%;"></div> based 20:18,22 70:15 106:16 basically 32:11 57:21 68:15 75:3 78:2 bat 45:18 bate 59:3 batted 37:4 bear 132:10,12 bearing 123:5 beginning 87:6,13 133:12 134:2 beginnings 36:3 belief 4:9 believe 12:22 13:2 13:5 25:19 27:19 29:3 47:10,13 50:11 58:1 60:18 61:6 63:2 64:18 65:10 66:10 69:17 73:14 84:14 95:13 99:7 104:1 105:3 106:14 113:16 116:11 118:8,10 128:14 132:18 133:1 believed 103:7</p>	<p>best 4:8 53:2,2 62:15 73:8 74:7 74:18 92:17,19 112:5 136:3 better 27:1 42:12 beyond 50:2 109:18 133:15 bifurcate 8:15 big 34:4 49:9,17 51:6,9,10 75:3,4,8 76:2 85:18 88:5 109:9 111:3,3 119:12 bill 10:18,21 30:16 31:2 binding 102:14 bing 114:18 bit 5:19 8:11,16 22:9 24:5 25:17 27:1 36:15,19 38:16 79:1 108:5 111:1 121:17 125:8 biweekly 22:22 blow 124:18,18 blurred 82:18 body 133:14 boss 64:18 bounds 133:19 bowdich 10:12 break 25:16 88:13 88:16 110:8,9,11 bridge 30:10 31:3 brief 11:17 26:17 40:14 68:13,20 112:12 117:6,8 127:12 briefed 8:3 9:12 12:9 22:16 23:8 50:21 89:13 95:14 102:9 briefing 11:18,22 17:11 19:20 27:22 28:3,6,14 32:8</p>
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b7E -3

b7E -4

<p>36:20,20 92:13 bring 40:5 123:6 126:6 bringing 36:14 37:1 93:18 brought 14:15,16 15:3 40:19,20 42:19 43:2 88:21 89:9 91:22 126:10 bucket 49:21 54:9 buckets 134:1 building 112:20 bulk 7:17 bunch 7:6 77:14 bureau 6:9 8:19 45:10 54:10 67:16 67:17 106:2</p>	<p>campaign 58:17 61:5 121:20 128:6 campaigning 61:2 campaigns 48:22 112:21 125:17 candidate 125:20 125:21 candidates 123:11 capture 112:19 captured 51:12 98:7 career 6:8 44:2 54:3,21,22 118:11 careful 14:7 123:12 124:5 127:18,19 128:17 129:7</p>	<p>134:12 certificate 136:1 certify 136:2 chain 8:17 9:13 30:12,21 64:20 chair 74:16 chance 29:13 74:2 74:4,7,18 92:18 change 116:8 117:10 changed 6:22 characterize 118:18 charge 99:13 charged 38:3 charges 15:3 37:21 38:9 40:5 charging 32:12,12 134:5 chart 24:10 65:4 check 7:2 25:8,15 131:1 checklist 62:6 chief 5:21,22 6:6 8:15 10:6 chosen 44:22</p>	<p>132:7,20 clinton's 3:17 7:22 26:21 close 60:20 72:21 85:5 98:3 120:2 129:4,14,17,18 closed 85:17 123:18 closely 38:18 40:14 closer 12:2,2 42:7 116:11,11 cnn 75:22 111:9 collaborating 16:6 collaborative 15:2 combination 19:6 73:13</p>
<p style="text-align: center;">c</p>	<p>carol 5:11</p>	<p>charging 32:12,12 134:5</p>	<p>come 5:4 9:4,10 11:16 17:3 36:11 36:11 38:3 57:20 59:22 93:1 113:3 126:2</p>
<p>c 2:1 3:1 cadence 11:18 call 6:13 10:8 13:5 15:11 17:11 25:7 26:22 27:2,6,18 28:18 29:5,8,19 31:9,17 45:16,20 45:21 46:10 48:4 48:13 62:10,19 63:3,3,11,19 64:3 64:4,8,9 65:14,15 65:20 78:18 81:3 81:4 94:11,17 108:18,21 109:16 114:1 116:14,15 117:1,2 118:8 122:10 called 43:5 62:4,7 68:1,16 77:22 78:3,20 80:16 98:11 114:16 calling 64:7,8 109:17 calls 62:12,13,17 78:19 81:12 116:18</p>	<p>case 11:16 13:19 18:12 21:8 37:21 38:7 39:13,14 40:17 41:9 43:18 58:18 86:4,7 92:3 97:22 108:17 109:16 110:20 116:22 123:1,1 125:4,6,11,19,21 126:7 131:11,22 132:5,6,6,9,10,14 cases 38:3 65:18 79:3 80:1 122:14 122:20,20 123:3 124:13 132:2 category 89:3 cause 119:18 caused 49:17 105:9 119:1 causes 39:2 center 64:5 certain 89:1 93:9 133:22 certainly 20:10,11 21:16 46:8 50:5 53:19 122:16</p>	<p>check 7:2 25:8,15 131:1 checklist 62:6 chief 5:21,22 6:6 8:15 10:6 chosen 44:22 <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px 0;"></div> clarify 22:11 <div style="border: 1px solid black; width: 150px; height: 100px; margin: 5px 0;"></div> clear 12:17 24:21 clearances 50:6,9 clinton 12:21 20:16 24:19 25:4 31:22 32:13 42:14 52:5 56:8 66:10 68:8 122:6,17 124:19 125:5 126:5 130:13,16 130:18 131:12,13</p>	<p>come 5:4 9:4,10 11:16 17:3 36:11 36:11 38:3 57:20 59:22 93:1 113:3 126:2 comes 9:1,13 49:4 75:13 96:10 99:7 115:7 126:14 comey 3:14 6:16 46:17 48:17 55:4 62:19 64:7,17 65:12 86:13 122:1 124:18 127:12 132:18 comey's 36:8 comfortable 36:17 37:13 57:6 93:17 coming 26:11 58:19 83:4 123:2 126:19 command 8:17 30:12,21 64:5,21 comment 87:5,9 130:19 commenting 97:5 committee 5:1</p>

b5 -1
b7E -3

committees 74:9 74:17 common 97:6,20 98:6 communicate 18:19 communicated 29:20 communicates 75:2 communicating 114:9 communication 94:21 communications 102:9 comparison 124:12 complaint 1:6 3:8 complete 4:8 completed 117:3,4 complex 40:17 complicated 114:10 component 38:20 compressed 101:1 con 93:20 96:5 conceal 90:12 concealing 90:3 concern 49:2 56:17 76:10 98:13 104:21 105:4,16 105:20 106:3,11 107:21 127:22 concerned 49:18 56:14 76:12 85:3 107:2 114:15 concerning 3:15 121:19 132:20 concerns 56:12 89:19 93:2,4,5 103:22 104:3,4,18 105:7,22 118:17 119:10	concluded 71:1 132:8 135:4 conclusion 25:13 51:17 54:10 116:9 concurred 72:6,7 concurrent 58:2 conducted 1:10 conference 13:4 25:3 26:22 27:2 27:18 29:4,8,19 31:9,17 32:2 73:5 83:13 107:11 116:15 118:4,8 confidence 18:10 18:15 34:4,5 confidently 134:4 confirm 34:13 confirmed 122:2 122:11 confirming 122:5 conflating 53:10 confused 107:8 confusing 13:13 confusion 39:3 105:10 119:1 133:21 congress 76:6 78:11 85:15 86:2 87:18,22 88:8,19 89:17,20 90:2 92:5 94:13 96:17 102:11 111:7 126:3 130:4,7 133:3,6 connect 63:1 connection 62:15 cons 55:19 consent 56:8,12 consented 128:12 consider 11:12 30:5 64:14 76:16 76:18,18,19 81:13 92:2 108:22 122:13 126:8	consideration 34:18 considered 44:10 52:20 58:6 60:7 60:14,17 61:8 84:8 87:21 88:2 89:8 123:18 considering 44:5 57:8 constant 21:2 117:19 constantly 38:22 102:19 constituted 11:7 constraints 133:19 consult 56:13 108:8,9,16 consultation 59:12 consulting 110:2 contact 77:21 80:14 contacted 68:11 contain 69:18 contemplate 66:19 contemplated 18:21 contemplates 67:5 contemplating 12:19 contentious 133:15,16 context 99:12 convened 13:5 26:22 27:3,8 conventions 21:12 conversation 14:16 35:1 43:3 100:17 103:7,11 103:20 conversations 14:6 25:2 43:11 96:6 102:18,22	108:6 coordination 121:21 copy 59:15,21 110:20 core 9:15,19 10:8 11:5,5,8 correct 3:6 9:18 16:1 17:4 20:17 26:14 29:6,21 33:4,9 34:11 41:5 41:7 46:12 47:6 51:2 62:2 63:15 68:10 72:12 94:9 94:14,22 95:3,6 96:4,8,18 98:5 100:15 108:11 129:13 correctly 3:5 94:11 corridor 7:19 couldn't 88:21 council 36:22 counsel 1:15 2:4,7 3:10 4:14 5:6 7:13 50:8 53:5 57:17 73:8 90:22 102:6 136:6

b7E -3

<p>craft 119:17 120:13,13</p> <p>create 112:1 114:18</p> <p>creating 112:2</p> <p>credibility 45:7,9 45:10 49:22 54:8 56:10 66:15 67:9</p> <p>crimes 79:18 109:16</p> <p>criminal 38:9,21 68:21 69:3,6 80:15 108:19 134:6</p> <p>critical 118:1</p> <p>curious 104:15</p> <p>current 5:20</p>	<p>deciding 88:19</p> <p>decision 8:7,7,13 11:17 48:17 51:15 70:9 75:8 76:20 90:19 91:3 94:5 111:3 126:3</p> <p>decisions 8:9,16 18:11 38:21 75:3 75:4 131:9 133:17 134:5</p> <p>declination 40:7 41:3,3</p> <p>declines 40:19</p> <p>deconflict 21:4</p> <p>defer 44:13 52:12 54:14</p> <p>definite 43:7</p> <p>definitely 19:15 23:21 24:7 40:6 42:4,6 44:19 55:20 56:20 59:9 60:19 63:3 72:20 116:13 120:12 122:21</p> <p>degree 85:15</p> <p>delaying 87:21</p> <p>deleted 114:2</p> <p>deliver 34:8,17</p> <p>department 5:12 6:5 8:22 13:12,15 15:11 18:9,11 38:18 39:18,22 40:5 43:20 44:14 44:15 45:11,19 50:1 53:20 54:7,9 54:15,18 55:8,8 65:4 66:14 70:11 71:10 79:9 95:19 97:3,4</p> <p>departments 40:21</p> <p>deputy 6:6 8:18 9:2,13 10:9,11 11:4,19 17:10</p>	<p>30:20 40:21 43:13 43:14 48:1 59:13 59:20 62:8 63:19 64:6 65:1 68:11 78:1,3 82:10 83:11 84:2 109:17 118:11</p> <p>describe 8:11 14:9 36:15 39:8 87:4</p> <p>described 18:1 34:1,3 36:19 68:15</p> <p>describing 19:2,4 35:16</p> <p>desire 21:10 98:2 126:21</p> <p>detail 6:5 7:5 56:18,21 57:1 83:20 84:2,4</p> <p>determination 53:19,21</p> <p>determine 89:3</p> <p>determined 53:1</p> <p>detest 67:13</p> <p>developed 115:1</p> <p> b5 -1</p> <p>different 40:9 56:2 70:1 77:20 81:16 86:6 99:15 101:10,13 109:22 125:9 128:12</p> <p>difficult 114:16 133:16</p> <p>dings 114:4</p> <p>direct 6:16</p> <p>directed 77:20</p> <p>direction 17:13 48:3 116:16</p> <p>directly 7:1 49:21 64:22 97:12</p> <p>director 3:13 4:20 5:14 6:2,16 7:3,13 8:2,5,18 9:2,6,10 9:13,17 10:9,11</p>	<p>10:13 11:19 13:22 17:8,10 19:3 20:7 21:13 24:9 26:17 27:19 29:4 33:16 34:9,10 36:8 37:20 41:15 42:5 43:13 44:4 45:3 45:17 46:17 47:10 47:10 48:1,8,11 48:17 49:18 50:21 55:3 56:22 58:2 61:21 62:4,7,19 62:22 63:14 64:1 64:11,16 66:12 68:14,20 69:1 70:5 74:22 75:6 76:2,17 77:20 78:4,10 82:6,9,14 82:16 83:7,11 84:2,9 86:13 90:17 92:1 94:11 95:2,10 100:10 101:6 102:14,17 110:18 111:2,6 112:16 116:21 117:5,9 122:1 123:16 124:18 127:2,12,22 128:3 128:17 130:17 132:18</p> <p>director's 5:21 6:1 7:3,5,7 11:4 34:3 51:13 52:17,19 68:12 89:22 116:15 128:18</p> <p>disagreement 76:5 119:7</p> <p>disclose 88:10</p> <p>discovered 68:8</p> <p>discuss 8:9 43:18 55:15 88:17 127:3 134:8</p> <p>discussed 19:20 44:7,17,19 53:11</p>
d			
<p>d 3:1</p> <p>d.c. 1:17</p> <p>daag 15:19</p> <p>dag 62:19 63:3 64:2,9,11 65:6 78:2,2 82:14,22 83:4,7 95:4,10,20</p> <p>date 12:15,20 23:16 136:13</p> <p>dates 59:14 115:20</p> <p>dave 10:11</p> <p>david 16:12</p> <p>day 7:14 82:19 83:1,1 100:9 119:14</p> <p>days 91:11,11 116:1 126:6</p> <p>deal 92:2</p> <p>dealing 66:6 105:19 126:7</p> <p>deals 9:1</p> <p>decided 13:8 23:21 45:3 48:8 57:1</p>			

<p>53:14 54:4 55:19 60:19 71:15 72:15 72:20 88:12 89:18 91:13,20 118:2 120:11,21 121:2 126:9 127:16 128:21 discussing 22:15 41:18,19 43:16 72:11 79:16 84:15 93:17 97:17 discussion 31:20 34:7,14 36:21 42:6,17 45:19 47:20 53:4 55:21 56:1 57:16 71:5 71:12,18 77:12 78:12 84:1,4 87:15,17 88:8 90:6 91:15 93:11 107:18 121:1 discussions 34:17 35:14 38:22 42:3 42:16,19 53:10 56:6 60:15,21 61:4 73:7 118:16 121:11 disjointed 17:21 disregard 123:7 dissent 77:2 distinct 123:4 distinction 55:11 distinctly 25:1 division 10:18 38:21,21 48:2 80:15 108:10,19 114:17 118:13 [redacted] document 5:4 57:7 59:3 60:5 73:18 79:5 97:11 97:15 documented 50:21</p>	<p>documents 4:17 21:1 60:4 62:5 doing 12:10 19:20 21:4 22:2 35:7 36:7 39:10 43:8 44:20 53:3 58:16 63:7 66:16 67:8 68:1 74:7,20 76:21 90:8,8 91:17 103:4 109:18 116:2 119:15 123:4,5 124:15 129:2 133:22 doj 13:14,16 14:5 15:5,22 16:1,16 16:21 31:9 34:4 41:4 42:18 43:2 54:1,21 61:21 62:3 64:15 66:18 72:5,6 77:21 78:5 84:12 94:5 97:20 99:10 104:16,20 107:20 117:20 118:6,8,16 120:20 134:4 donald 76:16 91:22 121:20 don't 58:14 doors 90:10 double 7:2 downstairs 75:17 draft 17:17 19:19 20:9 41:15 57:22 77:13,15,18 118:5 drafted 75:18 83:10 118:14 128:10,14 drafting 103:4 111:12 117:22 121:11 drafts 57:3 84:19 111:15 118:4</p>	<p>drag 21:21 driving 51:13 duties 7:11 e e 2:1,1 3:1,1 ead 30:20 ead's 10:12 earlier 30:17 42:20 44:12 61:20 83:18 87:14 119:7 early 17:7 19:8,10 20:15 26:2 43:2 46:15 103:20 113:17 122:4 ears 9:11 easily 40:12 44:16 [redacted] b5 -1 editing 111:16,17 effect 63:7 92:5 104:2 120:9 132:19 133:1 effort 46:3 49:8 133:20 efforts 121:22 either 57:19 65:5 69:15 77:9 82:21 83:4 elect 76:16 91:22 election 5:3 58:10 58:17,20 60:17,21 61:7 71:13 72:21 79:8,15,18 82:1 82:16 85:6 88:10 91:12,20 92:5 93:3,4,6 96:9,19 97:6,15 98:4 99:14 102:12 103:1 104:1 105:20,21 108:8 109:13,16 112:12 112:14,21,22 119:14,21 120:3,4 120:10,20 121:22 122:19,20 123:9</p>	<p>125:17 126:6 127:1 128:1,7 129:4,15 132:19 133:2,15 elements 24:12 email 3:17 4:19 7:22 19:9 20:6 33:16 35:16 42:5 58:1 68:9 74:22 75:6,11,16,19 110:18 111:4,12 111:20 114:22 122:6,17 124:19 130:18 131:12 132:7,21 emailed 17:8 33:17 84:20 118:6 emails 4:20 14:22 42:12 69:16,18,21 70:13 75:5 88:18 88:22 89:7 97:13 113:11 114:1,15 116:3,4,6 117:9 employed 136:7 employees 6:21 58:3 ends 59:3 enshrine 98:18 enter 76:20 122:22 environment 61:2 equally 18:16 equivalent 16:13 erica 1:10 2:3 3:8 103:21 131:9 [redacted] especially 37:6 58:8 61:9 119:3 126:2 esq 2:3,6 essentially 83:22 estimation 89:10 evening 78:20 83:1</p>
---	---	--	---

b5 -1

b6 -1
b7c -1

<p>event 49:9 52:7 events 24:2 everybody 25:12 28:3,4 29:9 32:15 57:6 62:17 69:10 80:6 83:16 117:13 123:13 126:15 everybody's 67:18 evidence 68:7 86:1 evident 115:21 evolved 77:6 exact 57:21 78:8 exactly 6:13 16:9 17:7,9 18:6 23:3 26:19 28:16 33:6 33:11 47:4 115:3 115:9 129:17 exaggerating 83:20 exam 11:11 68:16 examination 4:14 examined 4:12 example 114:20 exceptions 79:3 execu 26:13 28:6 executive 5:12 9:16 10:1,12 11:9 16:17 22:17 23:9 28:10,11,19 29:10 29:11 30:1,9 31:4 32:8,19 33:7,18 36:16 41:20 68:19 72:11,13 77:3,17 83:11 84:1 116:13 116:15 executives 7:19 26:16 28:8 existence 51:5 122:2,5 131:20 expect 109:5 expectation 74:11 expected 18:13 expeditiously 22:1</p>	<p>expense 22:2 expert 57:22 expertise 114:1 explain 67:21 explained 111:5 explaining 117:15 explanation 34:6 exposure 56:15 express 56:17 76:5 106:20 120:2 expressed 103:22 104:21 119:10 extend 132:2 extent 21:22 external 48:21 49:4 extreme 67:4 eyes 40:11 55:7</p> <p style="text-align: center;">f</p> <p>fact 5:14 31:12 67:12 82:1 86:13 86:14,21 95:9 120:6 123:1 127:13 128:6 factors 48:21 81:12 108:21 facts 92:3,8,8 108:17 109:6 131:5,17 133:18 fair 26:3 38:1 86:11 fairly 18:16 faith 134:6 fall 46:14 48:9 55:21 58:16 65:11 familiar 99:11 far 82:3 fast 10:20 68:5 94:7 fbi 3:13 5:22 16:7 18:5,6 33:22 34:4 37:20 38:7,8 39:20 41:6 46:5 47:22 59:3 65:18</p>	<p>66:14 76:2,3 78:4 89:1 102:6 104:17 105:7,11,13 106:13 111:4 112:6 118:9 119:6 121:17,18 130:12 fbi's 3:15 52:12 53:19 134:3 federal 67:16,17 feel 49:5 51:11 70:16 feeling 57:6 106:18 feels 78:10 felt 70:21 71:9 86:13 90:4 91:1 figure 76:21 final 23:6,11 25:8 25:20 42:13 52:8 52:10,14 54:12 84:9,19 financially 136:8 find 53:11,11 85:22 113:10 116:7,7 120:6 finding 12:18 14:21 21:1,3 68:21 113:19 116:4 117:20 findings 12:7 30:1 fine 33:14 50:4 77:10 78:7 81:15 106:8 finestein 128:20 finished 113:11 119:4,16 firm 55:13 first 14:13,14 19:21 21:15 22:3 48:8 68:17 69:15 70:1,4 77:15,18 78:17 88:15,18 115:16 118:22 131:22</p>	<p>fit 91:6 109:10 five 7:2 foggy 115:21 folks 7:6,7 11:6,16 13:16,17 14:22 16:7 17:8 32:9 40:3 47:20 48:1 77:14 87:4 91:15 102:21 104:17 108:20 114:16 115:1 119:2 128:15 follow 63:8 92:21 102:2,4 follows 4:13 32:1 forget 87:10 100:8 forgetting 4:22 formal 40:2 108:16 formally 54:17 former 3:16 7:21 52:4,5,11 formulate 49:12 forth 14:20 36:14 56:20 57:3 118:5 forward 13:9 17:14 18:18 33:21 34:2 59:15 68:5 found 68:6 69:7 116:5,5 117:7,9 117:15 foundation 123:7 130:13,16 four 74:17 89:13 113:6 fraud 122:20 frequently 20:2 75:2 friday 84:11 113:15,16 115:20 116:12 fulfilling 74:8,19 92:18 109:20</p>
---	---	--	---

full 17:10	103:14 104:7,11	115:13 116:11,18	85:9,15,20 87:11
fully 124:11	104:14,20 105:2,8	131:17	89:7 94:6,12
funnel 21:7 42:11	105:11,13,19	giuliano 10:10	96:16 99:13 100:7
further 80:15	106:4,6,8,10,13	give 39:7 49:11	101:14 103:17,18
112:6 125:9	106:15,20 107:1,9	73:5 75:17 80:18	104:7,9 108:6,8,9
fuzzy 116:13	107:15 108:1,3,12	108:16 110:20	109:18 110:20
g	109:1 110:7,11	114:20 115:20	111:4 112:7 113:6
g 3:1	121:15 131:4,7,16	given 65:19 86:9	114:6,13 115:10
galindo 2:6 3:11	132:17 134:8,13	92:16 133:20	117:17 120:19
15:22 16:2,5 22:6	gamut 73:3	giving 48:7 58:2	122:4 124:17
22:8,11,14,19	gap 69:14	80:17 115:8	126:1,4 129:20
23:1,4,15,18 24:1	garbled 64:5	globally 118:18	130:11,11,14
24:4,15,22 25:16	gathering 83:13	glove 15:15 ^{b7E} -3	134:16 135:2
25:19 26:1,4,8,12	gears 121:16		good 55:18 74:4
26:18,20 27:5,10	general 7:10,18	go 6:12 13:8 20:20	108:4 110:15,15
27:12,16 28:1,5	34:9,10,18 35:6,7	22:7,8 24:4 40:17	google 59:22
28:10,12,14,17,20	35:15 40:22 43:6	41:1,8 42:8 50:2	gotten 27:9 37:19
29:1,3,7,11,15,18	43:13,14 46:17	53:17,18 54:17	govern 59:18
29:22 30:3,8,11	47:5,11,19 48:4	59:16 61:20 65:10	government 62:15
30:15,18,22 31:5	48:10 49:18 50:2	66:15 67:6 70:11	70:19 121:21
31:8,11,14,16	52:4,11 54:2,12	75:19,20 77:6,8	great 11:21 36:22
32:4,18,22 33:2,5	54:13,22 55:9	82:18 85:13 92:7	42:4
33:7,10,12,15,20	57:16,17 59:13,21	96:16 97:18 100:5	group 9:16,20
34:12,21 35:5,10	62:8,9,20 63:20	110:4 111:5 118:4	15:10 17:11 19:19
35:12,19 36:1	64:6,17 65:1,6,12	118:19,20 125:14	19:20 20:2 33:18
41:12 46:6,9,13	65:20 67:7,21	131:10,21 133:11	36:15,16,17 53:12
46:16,19,22 47:3	73:8 78:1 80:1	goals 18:2 34:3	77:3
47:7 48:6,13,16	82:10 89:21 90:8	52:17,19 55:3	guess 14:15 16:22
50:18 51:10,15,20	94:12 95:2 97:2,4	goes 9:2,3 17:22	17:2 20:18 29:19
61:19 62:3,10,13	102:6 124:21	30:13 40:1 44:11	36:2 38:12 41:16
62:18 63:4,11,13	general's 109:17	45:5 49:21 52:10	44:21 45:2 68:6
63:16,18 64:13,16	118:12	77:1 113:15	87:20 122:9
64:20 65:2,5,9,14	generalize 39:12	going 12:12 14:8	126:21 130:14
65:18 66:2 67:20	generally 7:9	19:2,3 20:20,22	guidance 80:16,20
68:4 92:22 93:10	13:14 33:3 38:2	21:5 22:14 23:9	109:21
93:12,15,21 94:2	39:17 43:17 45:13	24:16 31:21 34:1	
94:10,16,18,20	53:9 76:11 80:17	34:1,8,15,15,17	guidelines 66:18
95:1,4,7,12,17,22	81:13	35:6 37:21 41:14	
96:3,5,9,14,19	george 15:17,18	41:19 42:8 43:5	h
97:18 98:2,6,14	67:14 84:16	43:21 47:10,13,16	ha 1:6 3:8
98:19 99:5,16	118:12	52:1 61:14,21	hallway 83:14
100:3,5,13,16,20	getting 21:2 42:11	63:22 68:5 70:7	hamrick 1:10 2:3
101:8,11,17,21	62:16 89:6,7 99:9	72:9 74:12 75:12	3:2,7,9 4:1,15
102:2,5,8 103:6	107:7 113:18	75:13 80:9,21	22:5,7 33:14
			41:10,13 61:17

<p>92:21 104:9,12 110:9,12,15 121:13 132:12,15 134:16,19 135:2 hand 4:5 15:15 handle 42:12 44:16 51:18 handles 8:19 hanrick 4:4 happen 27:21 38:11 40:6 43:19 74:2 96:1,2 110:4 113:13,20 happened 31:19 46:13 54:21 78:13 101:4 123:13 128:19 129:22 happening 5:16 24:17 34:14 36:21 38:22 40:12 42:10 42:11,13,15 43:12 44:1 61:2 66:9 76:2,4 78:12 82:20 84:10 94:7 112:20 116:10 123:9 128:2 happens 41:16 45:8 87:11 88:10 125:20 happy 130:22 131:1 hard 20:5 39:12 56:4 62:16 91:4 hatch 3:14 58:5,8 58:9,15 60:6 81:20 82:4 121:2 head 5:1 12:15 15:18 16:12 19:16 25:1 39:16 97:14 132:4 headed 14:3 17:13 43:18 headquarters 1:15 117:3,6</p>	<p>hear 63:13 heard 19:22 70:16 78:6 hearing 117:19 help 39:15 76:16 77:5 hesitate 37:2 63:22 114:6 hey 81:3 126:7 higher 40:17 hill 47:14,15 50:22 66:15 70:18 73:9 73:18 74:3,11 75:21 77:12 82:2 117:14 128:4 130:4 hillary 3:16 26:21 68:8 122:6,16 history 133:16 hmm 30:18 37:9 57:10 58:22 67:18 96:8 99:16 106:22 109:1 112:5 119:9 122:8 124:10 hold 71:17,19 75:12,15 holding 71:12 holiday 13:1 holidays 75:4 111:4 honestly 19:12 36:18 40:11 hope 55:4 63:7 hopefully 17:21 hour 96:7 101:1 hours 84:5 house 68:13 70:19 70:20 126:21 127:3,11 hyper 92:9</p>	<p>i icig 66:7 125:7 idea 17:3 19:20 20:19 36:3,7,8,14 37:12,19 44:4 53:22 55:16,18 88:17 128:4 129:2 ideas 36:18 37:1,3 identical 107:7 identified 3:18 69:8,12 104:16 identify 9:22 illustrate 74:21 illustrative 8:21 imagine 100:22 immediately 72:3 impact 60:16,21 61:4,6 91:19 120:10 129:4,18 impetus 47:12 implication 88:7 implications 58:4 important 25:7 37:6 56:12 70:4 71:9 76:1 103:12 impression 112:1 112:3 improper 74:15 92:1 inappropriate 125:18 incident 48:9 included 102:20 includes 7:5 including 48:1 54:6 increasing 127:22 independent 92:9 92:12 113:1 133:13 independently 120:18 124:14 132:13</p>	<p>indicated 71:10 individuals 9:22 56:16 93:13 121:20 influence 5:3 124:3 125:11 131:11 inform 39:15 78:11 103:3 informally 54:17 108:18 information 4:7 5:20 17:15 19:7 51:11 73:20 informed 62:3 82:7,14,15 initial 34:17 78:13 initially 22:16 84:22 inner 128:2,15,16 inoculated 128:5 inoculation 128:19,22 129:21 130:6 instance 24:9 58:14 institution 113:1 instruct 65:6 instructed 65:12 instructing 67:22 instruction 46:10 47:4,8 65:19 66:3 instructive 81:16 109:6 instructs 48:10 insuring 45:7 integrity 18:3 34:4 49:2 80:15 108:10 intended 132:18 133:1 intending 118:7 intents 123:18</p>
--	--	--	---

b7A -1

b7E -3

b7E -3

<p>interactions 84:12 interest 67:4 interested 60:12 136:8 interfere 121:22 interference 122:18 128:9 internally 119:5 interrupt 46:6 47:2 48:7 interview 1:2 3:4 5:8,13,14 13:3,4 24:19 25:6,8,9,10 25:11 26:21 27:20 30:1 31:19 42:13 135:3,4 interviewed 12:22 20:15 interviewing 12:18 14:22 interviews 21:5 24:17 42:12 intuitive 23:7 investigate 39:17 46:4 investigated 38:8 investigating 3:13 investigation 3:7 3:15,19 5:2 7:21 8:13 9:15 12:7 14:6,9,14,17 16:22 17:13 18:2 18:4,8 20:20 21:11 23:7 38:14 38:17 39:3 45:8 45:15,21 46:3,11 48:5,14,14 49:3,6 51:18 52:19 55:2 56:11 61:12 65:15 65:15,20,21 66:8 67:17 68:1,9,22 69:3,7,14 71:8 79:18 85:22 86:12 86:14 87:6 89:2</p>	<p>121:19 122:3,6,7 122:10,17,18 124:2,19,22 125:2 125:6 126:5 130:12,16,16,18 131:8,21 132:7,21 134:3,10 investigation's 41:17 investigations 121:17 130:11,20 investigative 8:1 9:9 12:6 15:13 54:11 71:1,8 72:1 83:19 87:1 112:7 113:10 123:17 133:14 investigators 39:10 involved 8:8,16 9:9 10:12 44:3 102:8 105:15 111:11,16 125:17 involvement 10:5 17:1 127:1 involving 132:2,9 issue 53:8 issued 94:6 issues 20:5 36:21 62:15 78:9 it'll 134:13 item 49:9 52:2 iterated 77:19 iterative 14:18 24:13 39:9 40:2</p> <p style="text-align: center;">j</p> <p>j 136:2,13 jakolone 10:14 james 1:4 3:4,13 4:11 jay 5:11 131:1 jim 11:2 57:19 64:7,7 73:7 102:5 102:12 103:6</p>	<p>114:11 118:9 121:7,10 job 7:11 125:16 john 10:14 11:15 13:17 16:11,14 30:5,13 31:2,3 joking 67:15 jon 10:22 76:12 106:21 119:13 120:16 judiciary 70:20 july 4:21 12:16 14:1 17:4,5 24:3 25:3 26:2,21 32:3 41:14 43:5,20 45:4 48:9 55:16 56:1 58:8,13 59:8 60:8,10,15,18,22 61:9 62:1 70:18 71:1 73:6 75:16 77:20 85:17 86:22 87:11 92:7 109:21 112:6 116:9 117:10 122:4 123:16,19 124:3 124:18 125:12 132:20 jump 59:15 jumping 104:13 june 26:2 justice 5:12 6:5 9:1 13:12,15 15:12 18:9,11,14 18:16 34:5 38:18 38:20 39:18,22 40:5 43:20 44:15 44:16 45:11,12,19 50:1 53:21 54:7,9 54:15 55:8,8 64:4 70:12 71:10 79:10 95:19 134:7</p>	<p style="text-align: center;">k</p> <p>keep 7:15 57:1 70:7 keeping 82:6,13 82:14 117:17 key 110:6 kind 7:9,10,20 8:11 9:15,19 10:1 11:10 14:5 15:4 16:18,20,20 19:21 21:9 27:14 36:7 37:14 38:6 39:21 40:15 42:21 44:3 45:2 52:18 54:3 55:1,18 57:11 58:15,15 72:16 74:10 77:2 80:12 80:18 88:13,17 100:2 111:1,3 116:6 121:5,16 126:22 127:3 129:6 kinds 52:13 knew 13:11,18 14:1 18:6 61:1 66:9 76:1 82:9,9 82:12 92:10 108:20 134:3 know 6:13 7:9,16 8:13,22 9:3,5,9,10 10:5,6 11:19,20 12:20 13:10,12,14 14:14,15,18,19,20 14:20 15:3,3,15 15:18 17:9,12,16 17:16,17,20 18:4 18:5,19 19:1,5 20:1,2,4,11 21:6,8 21:16,18,21,22 23:17,20 24:8,9 24:11,12 25:2,10 27:14 30:2,4 31:12,20 32:2,6,7 32:10,16 33:21</p>
--	--	---	---

<p>35:13,18,20 36:10 36:10,13,15,19,22 37:5,6,10,10,20 38:4,13,15 39:4,7 39:8,9,13,19 40:1 40:3,4,14,16,16 40:18 41:15,22,22 41:22 42:2,6,7,11 42:14,17,21 43:10 43:17,20,22 44:11 44:13,13,13 45:7 47:17 48:4,19 49:1,8 50:7 52:11 52:12,13,16,22 53:5,8,19 54:1 55:1,5,10,13,15 56:5,6,9,11,16,22 57:2,3,3,5,5,16,20 58:5 59:22 60:10 60:11,13,13,22,22 61:4,13,16,21 62:15 64:8,14 66:5,8,13,16,21 66:21,22 67:1,2,4 67:15,19 68:20 69:20 72:1,4,22 73:1,2,10,15,17 74:2,19,21 75:1,5 75:5,16 76:4,14 76:20 77:4,18 78:8,14,15,17 79:3,9,20,22 80:2 80:9,9,12,18,22 81:4,11,19 83:3,9 83:17,17,19,21,22 84:2,5,5,16 85:1,5 86:2,15 87:4,5 88:2,4,5,6 89:12 90:5,6,6,7,10,11 90:11,16 91:6,22 92:10,16,17 94:5 94:12 95:9 96:15 98:12,15,17,21 99:2,4,13,17,17</p>	<p>100:2,10,10,18 101:14,15 103:17 105:20 109:21 110:3 111:2,3,21 112:11,14,21 113:2 114:4,11 115:11,16 116:17 117:7,20 118:2,2 118:21 119:15,16 119:18 120:1,7,12 120:14 121:5,8,18 122:1,1,3 123:8,8 123:9 124:1,13,17 124:20,20 125:2 125:19 126:2,3,7 128:9 130:7,8,19 130:22 132:10 133:9 knowing 17:12,12 17:20 39:9 49:16 54:11 113:3 126:5 knowledge 4:9 26:7 28:3 29:17 31:10 36:6 66:1 126:15 known 13:10 40:6 80:10</p> <p style="text-align: center;">b7E -3, 4 1</p> <p>[Redacted]</p> <p>laid 62:15 landed 57:5 lane 113:22 language 34:2 111:20 120:13 laptop 68:21 69:7 69:8 large 18:10,15 late 19:13 26:2 115:18,21 116:19 116:19 laufman 16:12 launching 107:18</p>	<p>[Redacted]</p> <p>lawyer 57:15,18 lawyers 11:2 57:15 60:11 lead 10:21,22 leader 55:12 leadership 10:18 82:15 leading 42:13 leaks 67:13 lean 18:18 leaning 17:14 33:21 34:2 leap 132:3 learned 68:7 led 24:2,7 48:16 95:13 legal 24:11 57:11 60:8 121:5,7,10 letter 73:9 74:1 75:10 76:11,11,13 76:14 77:11 83:15 84:6,13,14 86:16 90:11 92:4 93:3,5 94:8 95:21 96:16 101:3 102:11 103:21 104:4,5,10 105:3,4,17,17 106:3,11 107:3,11 107:22 108:2 110:17 112:12 113:15 117:14,22 118:14,17,19,20 119:1,3,8,17,17 120:17,22 121:3,6 123:20 133:3,6 letters 4:18 55:22 76:9 114:4 letting 54:1,2 level 9:16 10:1 11:10 13:18 16:17 26:15,16 28:22 30:1,13 41:20 54:7,8 55:9 84:3</p>	<p>127:9</p> <p>levels 16:10,15 40:17 45:9 line 26:15 28:22 30:13 57:3,4 58:15 83:16,16 131:8 link 122:16,19,21 links 121:19 122:20</p> <p>[Redacted]</p> <p>list 30:17 little 5:19 8:11,15 17:21 19:13 22:9 24:5 25:17 27:1 36:15,19 38:16 79:1 82:18 108:4 111:1 115:21 116:12 121:16 125:8 127:17 living 92:9 long 6:3 56:3 longer 70:22 71:2 87:2 112:9 115:12 look 17:18 18:22 19:7 21:9 35:17 35:21 39:5,13 43:11 52:22 67:7 72:19,19 73:4,7 77:13 84:10 89:1 89:7 110:21 118:2 looked 97:12 looking 57:4 88:17 114:14 looks 114:3 loose 67:3 lose 66:14 67:9 lost 38:16 lot 9:8 37:3 40:9 40:22 45:19 73:22 77:12 78:12 83:20 83:22 84:4,4 88:8 112:20 113:18,19 113:21 114:5</p>
---	--	---	---

b5 per OIP

b6 -1
b7C -1

116:5 128:1
loud 80:9 132:4
lynch 52:4

m

m 1:16
macklin 5:11
magazine 98:22
main 7:12 18:2
38:20
making 8:8 26:9
26:16 37:4,20
41:18 44:5 51:15
54:15,18 55:16
60:15 72:16 76:20
92:18 97:21
124:22 127:3
130:2,3 134:2
manageable
115:14

march 122:2,11
marching 115:15
mark 10:10
marrone 2:6 3:11
15:22 16:2,5 22:6
22:8,11,14,19
23:1,4,15,18 24:1
24:4,15,22 25:16
25:19 26:1,4,8,12
26:18,20 27:5,10
27:12,16 28:1,5
28:10,12,14,17,20
29:1,3,7,11,15,18
29:22 30:3,8,11
30:15,18,22 31:5
31:8,11,14,16
32:4,18,22 33:2,5
33:7,10,12,15,20
34:12,21 35:5,10
35:12,19 36:1
41:12 46:6,9,13
46:16,19,22 47:3
47:7 48:6,13,16
50:18 51:10,15,20

61:19 62:3,10,13
62:18 63:4,11,13
63:16,18 64:13,16
64:20 65:2,5,9,14
65:18 66:2 67:20
68:4 92:22 93:10
93:12,15,21 94:2
94:10,16,18,20
95:1,4,7,12,17,22
96:3,5,9,14,19
97:18 98:2,6,14
98:19 99:5,16
100:3,5,13,16,20
101:8,11,17,21
102:2,5,8 103:6
103:14 104:7,11
104:14,20 105:2,8
105:11,13,19
106:4,6,8,10,13
106:15,20 107:1,9
107:15 108:1,3,12
109:1 110:7,11
121:15 131:4,7,16
132:17 134:8,13

marry 16:15
match 16:10
materials 5:4
50:12
matt 59:20 77:22
78:13,14 80:13,16
82:5,7,8,21,22
83:6 84:14,22
94:19,20 95:1,11
96:7,11 100:9
102:10,10 103:1,7
104:22 108:7,7
117:17 118:10

matter 7:21 45:21
46:11 48:5,14
61:10,15 65:16
113:4

matters 66:20
67:16

mccabe 10:11
mean 8:14 15:13
18:18 23:12 28:5
34:22 36:13,16
38:12 39:20 40:2
47:2 48:6 49:10
52:21 56:7 58:13
60:18 73:12 90:9
93:16 97:3 98:12
99:8 110:10 112:5
126:10 130:9
132:9

meaning 28:19
48:22 54:9 101:14
129:1

meaningful 55:11
115:1

means 34:3 114:2

meddle 128:6

meddling 128:1
131:11,14

media 66:18 130:9

meet 9:16 10:3
117:2

meeting 46:16,20
47:12,16,19 52:4
52:10 55:15 57:18
65:10 66:1 67:15
67:21 70:15 71:7
75:10 102:19
127:12

meetings 7:15 8:4
8:8 9:8 16:17,18
41:20 43:16
105:15 127:4,6,9
127:16,18 128:2
128:18

meets 43:14

members 128:20

mention 30:17
mentioned 5:15
42:20 49:10 57:8
57:8 58:10,20
87:14 126:11

merely 8:1 54:15
54:18

message 64:5

met 43:13,15 77:3
116:12 127:2

mid 11:10 13:14
15:5,10,14,14
16:3,5,7 26:12,15
28:21 29:16,19
30:6 31:4 32:8,10
32:21,22 43:10
68:16 69:13,21
113:21 115:18
116:1

middle 112:12,14
113:1 133:14

midst 120:19

mike 10:14 107:1
107:4,4

mind 25:12 45:8,9
67:18 72:6 81:3
81:12 90:18
122:13,22 123:6

minds 119:1

mindset 48:19

minimize 46:3
49:8 133:21

minimized 48:20

minus 83:11,11,12
84:1

minute 110:14
134:9,13

misleading 112:1
112:2

b7E -3
b5 per OIP

b5 per OIP

b7E -3

[redacted] okay]

<p>[redacted]</p> <p>mistaken 99:8</p> <p>misunderstood 94:3 112:13,15 113:7</p> <p>mm 30:18 37:9 57:10 58:22 96:8 99:16 106:22 109:1 112:5 119:9 122:8 124:10</p> <p>moffa 10:22 76:12 106:21 107:17 119:13</p> <p>moment 46:7 49:11 103:3</p> <p>month 4:22 11:20 22:17 116:4</p> <p>monthly 43:15 98:22</p> <p>months 69:15 70:1 70:4 89:11,12,13 115:5,5,5</p> <p>morning 27:21 43:6 44:1 61:22 62:7 68:18,18 117:1,2</p> <p>motion 52:14</p> <p>move 21:22 22:1 61:18 91:4 104:9</p> <p>moved 21:19,19 22:20</p> <p>moving 113:9</p>	<p>naturally 43:7 49:4</p> <p>nature 9:3</p> <p>naïve 61:1 92:11</p> <p>near 97:5</p> <p>necessary 83:8 95:11</p> <p>need 18:10 21:14 35:21 52:8,15 67:7 68:13,13,17 68:17 80:5 86:13 109:15,19 110:2,8 110:9,11 120:3,16 126:8 129:1</p> <p>needed 72:2 89:4 115:3</p> <p>neither 136:6</p> <p>never 83:4 84:20</p> <p>new 7:1 25:4 31:22 68:7 86:1 88:18 116:5,8 117:5,9</p> <p>news 45:22</p> <p>night 68:11 82:19 116:20</p> <p>norm 86:10</p> <p>normal 6:12 35:3 35:9 54:16</p> <p>normally 56:3 75:12 87:5</p> <p>notable 39:14</p> <p>notary 4:12</p> <p>noted 95:8</p> <p>notes 94:4</p> <p>notification 64:15 76:6,22 87:17,21 94:13 111:7</p> <p>notify 126:3</p> <p>notifying 88:19 89:17,19</p> <p>noting 91:9</p> <p>notion 91:16</p> <p>november 4:19 6:7 37:7 76:10,13</p>	<p>101:3 104:5,10 105:4,16 106:3,10 106:15 107:2,11 108:2 110:16 118:17 119:8 120:21 121:3,14 133:5</p> <p>nsd 15:17 118:12</p> <p>number 3:8 6:22 18:5 27:9,14 44:20 45:5,14,16 45:18 81:14 88:3 128:12</p> <p>numerous 7:10</p> <p>nw 1:16</p> <p style="text-align: center;">o</p> <p>o 3:1</p> <p>oath 4:5 86:21 91:2</p> <p>obligation 70:16 70:21 72:9,18 73:14 74:9,19 78:11 86:6 90:3 90:18,20 91:1,5 92:16,18</p> <p>observing 105:15</p> <p>obtained 50:9</p> <p>obviously 75:8 105:21</p> <p>occasions 123:21</p> <p>occurred 45:14</p> <p>occurring 86:2</p> <p>ocs 3:8</p> <p>october 4:19 37:7 58:9 59:9,17 60:19 68:5,10 75:18 76:11,14 86:16 87:7 93:3 94:8 100:13 101:2 103:21 104:4 105:2,17 107:10 107:17,22 110:1 110:18 112:8 119:15 123:20</p>	<p>124:4 126:2,20 133:3</p> <p>odd 50:19 66:5 67:10</p> <p>offered 95:9</p> <p>office 1:15 2:4,7 3:9 4:14 5:5,12 6:1 7:4,7 11:4 38:19 40:8,19,20 59:12,20 62:22 68:12 109:17 118:12</p> <p>official 118:11</p> <p>officially 135:3</p> <p>officials 127:2</p> <p>ogc 57:21</p> <p>oh 15:8 51:22 52:8 53:16 65:2 100:4 103:16 105:1,8</p> <p>oig 5:5</p> <p>okay 3:7 5:7,17 6:11,14,16 10:20 15:8 16:20 17:20 19:14 21:8 23:17 23:18 24:8,15,18 24:22 25:2,9 26:18 27:10,12 28:1,14,17 29:2 29:18 30:3,11,19 30:22 31:5,14 32:4,4 33:10 34:21 35:12,19 36:1 37:15,18 41:8,13 42:8 43:10 47:3 49:15 50:3,10,13,17 51:8,20 52:7,14 52:16 56:4 59:11 60:2 63:4,16 64:11,16 65:2,9 66:2 68:4,4 70:8 70:15 71:4,21 72:6,18 75:11,22 77:6,8 79:12,15</p>
<p>[redacted]</p> <p>murderer 67:3</p>			
<p style="text-align: center;">n</p>			
<p>n 2:1 3:1</p> <p>name 3:5 81:7,8</p> <p>named 104:2</p> <p>national 10:13 38:20 48:2 73:19 118:13</p>			

b6 -1
b7C -1

<p>80:2,3 81:10,15 87:7 88:13 89:16 93:10 94:2,16 95:7,12,22 96:3 98:19 99:5 101:4 101:8 103:14 104:11 105:8,8 106:4,20 107:9,15 108:1 109:4,13 110:10 111:14,19 111:19 113:9 114:14 115:12 116:22 121:16 123:8 127:8,10 128:9 129:12 130:21 134:15 135:2 older 60:1 once 11:20 22:16 22:21 23:2 72:17 74:11 89:2 90:17 91:2 ones 55:1 59:19 ongoing 12:9 18:20 42:16 onset 11:20 [redacted] open 85:18 opening 87:12 operate 92:11 120:18 122:14 operated 133:18 operating 38:1 61:1 112:22 124:14 133:13 [redacted] operative 83:15 opm 6:12 opposed 122:6 opposing 55:17 123:11</p>	<p>optimistic 115:11 option 89:22 90:13 options 35:17 41:19 44:7,9,22 52:17,18 89:17 oral 26:5,6 orally 40:14 order 7:7 23:22 ordered 110:5 orders 115:15 ordinarily 81:17 ordinary 114:10 org 65:4 organization 92:9 original 36:6 69:13,21 113:21 116:9 b7E -4 osc 1:6 3:10,12 [redacted] outcome 14:6,8,13 14:16 16:21 20:20 49:6 136:8 outside 61:2 112:20 overarching 74:6 overemphasize 38:15 overnight 78:20 oversight 70:19 overt 98:3 overview 7:10 p p 2:1,1 3:1 [redacted] pages 83:20 113:6 [redacted] paragraph 111:22 part 9:19 11:10 15:5 16:5,7 30:5,6 34:6,7,19 40:2 45:11 60:11 67:6 85:18 93:11 103:12</p>	<p>participants 13:6 participate 8:4 particular 9:15 24:10 39:13 41:9 parties 136:7 party 21:12 pass 33:13 passed 99:18 129:3 pdag 78:1 penalty 4:6 pending 66:20 people 7:2 18:6,10 18:15 21:6,6,18 28:21 37:1,4 66:9 72:20 77:18 87:7 98:17 99:4 114:18 116:6 128:5,7 people's 45:12 88:2 perceived 46:2 106:19 period 10:7 69:19 70:4 83:19 96:7 101:1,4 periphery 11:6 b5 -1 [redacted] person 132:3 personal 3:17 91:1 91:5 personally 61:7 perspective 107:21 pertinent 66:22 pete 10:21 11:15 13:17 16:11,14 30:5,13 31:3 118:9 phone 63:12 78:19 107:4,5 phonetic 10:14 118:10</p>	<p>phrase 129:9 pick 130:8 picture 34:5 42:4 49:17 piece 51:7,9,11 114:5 [redacted] b5 per OIP pin 81:3,4,17 109:4,16 piped 107:5 place 32:3 80:8 128:2,22 planning 77:22 plans 62:16 played 52:9 point 12:5 13:8 14:4 18:21 19:1 20:14 23:5,11 24:18 29:18 32:6 35:2 41:21 42:18 42:18 52:3 56:7 66:17 68:6 70:9 74:21 76:22 77:2 78:20,22 79:7,21 79:22 82:17,22 83:10 84:8 86:6 87:10 97:12 98:18 99:4 101:15 104:13 106:17 107:18 108:7 111:3 113:9,17 115:10,19 119:21 124:5 126:20 129:15,19,20 points 8:7,8 11:17 policies 59:18 78:21 100:11 109:11 policy 9:3 98:8 101:6,17,19 political 6:15 55:12 92:9 polled 32:14</p>
--	--	---	--

b5 -1

b6 -1,3
b7C -1
b7E -4

<p>position 5:20 6:3 96:22 129:5</p> <p>positive 13:3 47:14 103:4</p> <p>possible 74:8 82:3 107:14 115:22</p> <p>possibly 48:20</p> <p>potential 41:16 60:16 91:19 120:10 121:21 127:22</p> <p>potentially 45:16 49:19 86:1 89:14 113:7</p> <p>practically 126:13</p> <p>practice 79:10 80:1 97:4,19 98:7 101:9,13,21,22 102:3,4 109:11</p> <p>predisposed 123:15 124:7</p> <p>prepare 4:17 5:8 5:13</p> <p>prepared 136:3</p> <p>present 3:10 16:16 46:20,20,22 63:19 65:11 127:6</p> <p>presented 96:21 133:17</p> <p>president 52:5</p> <p>presidential 60:16 91:20 127:1 132:19 133:2</p> <p>press 25:3 32:2 73:5</p>	<p>principal 78:1,3 127:9</p> <p>principals 82:13</p> <p>prior 21:11 58:2 60:9 124:20 b5 -1</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>pro 93:20</p> <p>probably 5:15 7:6 7:10 16:9,13 17:10 27:9 52:6 62:5 73:13 78:20 83:12 85:14 86:4 98:21 112:18 116:20</p> <p>problems 119:19</p> <p>procedure 38:1</p> <p>proceed 32:1</p> <p>process 53:2 67:6 89:11 117:16 118:3</p> <p>processing 5:5</p> <p>progress 12:10</p> <p>progressing 23:8</p> <p>prompted 27:17 29:4</p> <p>proper 7:8</p> <p>properly 73:20</p> <p>proposed 128:10</p> <p>prosecution 79:18</p> <p>prosecutor 54:21</p> <p>prosecutors 13:15 14:2,5 15:5 39:9 43:7 44:3 54:3</p> <p>protect 49:2</p> <p>protected 18:4</p> <p>protection 54:8</p> <p>protective 7:5</p> <p>protocol 38:7</p> <p>provide 4:7 54:8 56:21 118:5</p> <p>providing 7:12,18 117:19</p>	<p>public 3:14 4:12 36:3,7 37:20 38:16 41:18 42:19 42:22 44:5 47:13 49:5 54:16,18 55:7 58:6 61:22 65:7 66:6 67:2,4 69:4 74:3,4,12,20 75:20 80:11,14 86:8,12,13,17,22 86:22 92:19 97:21 98:3 108:10 126:22 127:3 128:22 129:6,10 130:2,3,5,15,17 131:10 133:21,22 134:3</p> <p>publically 70:17 90:10 97:10</p> <p>publicly 122:11 125:7 131:13</p> <p>pull 24:9 118:4</p> <p>pulled 14:5</p> <p>purpose 27:6 31:17,18 47:15</p> <p>purposes 58:17 123:18</p> <p>pursuant 108:8</p> <p>put 17:15 40:11 56:9 75:17 83:14 84:4,6,17,18 107:12 113:5,6 117:13</p> <p>puts 48:19</p> <p>putting 18:21 64:1 73:18</p>	<p>126:1 130:14 131:9,17</p> <p>questions 3:20 41:10 61:17 110:17 111:20 121:13 132:15 134:21</p> <p>quickly 22:1 73:19 82:20 116:1</p> <p>quiet 80:9</p> <p>quietly 74:7</p> <p>quite 16:10 19:12</p>
		<p>q b7E -4</p>	<p style="text-align: center;">r</p> <p>r 2:1 3:1</p> <p>raise 4:4 78:9 93:5</p> <p>raised 93:2 104:3</p> <p>raising 76:14</p> <p>ramifications 89:18</p> <p>ranking 74:16</p> <p>reaction 78:13</p> <p>read 84:14 112:5</p> <p>ready 75:19</p> <p>real 94:7</p> <p>reality 87:9</p> <p>really 39:15 79:17 79:19 81:15 90:21 91:3 98:17,17 99:3 109:5,10 113:2 124:5,6 129:1 130:1</p> <p>realm 19:17</p> <p>reason 37:3 48:8 59:13 64:3 69:17 107:16 129:19,20</p> <p>reasoning 73:10</p> <p>reasons 37:14 48:7 54:6</p> <p>reassembled 68:19</p> <p>recall 5:16 11:18 12:19,21 20:10,12 43:15 54:5 55:5 58:7,18 59:8 60:9</p>

b6 -1
b7C -1

<p>60:20 61:3 63:9 68:2 69:16 71:14 71:16 72:7 76:9 103:2 119:22,22 120:8 121:1 123:2 recognizing 81:21 recollection 52:21 53:7,13 62:21 97:1,10 108:14,19 116:12 121:4 126:10,12 recomm 54:16 recommenda 32:7 recommendation 12:6,12,14,20 22:15 23:6,11 25:21 26:9 32:12 39:21 40:10 44:14 52:12 54:1,14,16 78:17 117:11 recommendations 12:11 13:11 31:7 84:17 recommended 37:22 recommending 53:5 reconvene 27:22 117:5 record 3:12 59:2 134:18 recorded 4:2 recorder 133:10 134:17,19 recuse 54:13 refer 79:14 reference 112:14 referral 66:7 103:8 referred 125:7 referring 59:2,4 60:5 refining 42:9</p>	<p>reform 70:19 refresh 79:5 regarding 130:13 regular 16:18 regularly 9:16 10:3 related 50:12 68:8 68:15 136:6 relationship 82:11 83:5 relaying 32:21 relevant 90:16 relying 96:14 remember 17:7,9 19:15 20:5 21:20 23:21 25:2 27:8 32:10 35:1,15 36:13,14 48:1 54:13 56:1,2,3 58:14 63:3 64:2 66:6,12 67:9,14 68:14 69:4 70:18 71:15 72:5 73:16 75:1,9,16 76:10 76:12,13 77:15,18 78:5 79:1,4,6,11 79:14,16 80:13,16 80:19,19,20 81:13 81:14,14 82:4,15 82:17,21 83:3,6,6 83:13 84:15 88:8 88:12,20 89:9,12 91:14,15 92:13 93:8,12,18,22 97:8 99:9 100:8 101:2,5 102:16,17 107:6,13 108:5 109:2,4,8 116:17 116:19,22 117:1 117:21 120:5 121:9,10 126:19 remembered 108:3</p>	<p>remembering 63:2 64:10 103:11 repeat 101:12 report 39:7 reported 111:7 reporters 39:4 reports 64:22 represented 71:7 requested 27:16 required 24:12 reservations 32:17 respect 8:13 9:14 58:6 71:4 72:15 97:21 109:20 120:21 121:3 124:19 126:5 130:17 responsible 57:14 rest 69:21 revelation 25:5 review 4:16 20:22 43:22 57:11 58:3 60:8,12 102:12 113:11 117:4 121:5 reviewed 4:18,21 5:3 59:9 60:11 reviewing 14:22 50:11 59:8 60:9 69:8 115:7 116:2 right 4:4 9:7 10:8 11:6,15 14:10 15:2,9,10 16:11 17:13,15,19,22 18:1,5,7,15,17,22 19:1,11,12 20:3,3 20:21 21:1,7,8,14 21:15,15,17,21,22 22:1,3 23:12,19 23:21 24:6,8,14 24:17 25:9 26:2 26:11,13,16,17</p>	<p>27:20 30:2,6,10 31:1 32:6,15 34:14 35:3,7,11 35:21 36:20,22 37:1,4,11,14 38:2 38:2,13,14,18,21 39:1,7,11,17 40:2 40:6,8,15,18 41:6 41:7,21 42:3,4,5,9 42:9,10,13,15 43:8,11,17,18 44:13,15 45:7,9 45:12,17,18 46:3 47:16 48:12,15,20 48:22 49:3,4,5,20 51:14 53:22 54:9 54:11,12,18 55:7 55:10 56:2,3,4,9 57:18 58:9,12,18 61:1,11 63:21 64:18,19 66:7,11 66:16,17,19,21 67:4,17 69:22 70:1,3 71:15 72:20 73:1,3,5,13 73:14,21 74:1,2,3 74:5,13,14 75:2 75:13,14 76:4 77:12 78:15 79:11 79:15,16,19,19 80:1,3,6,8,12,14 80:21 81:17,18 b5 per OIP 82:2,8,19 84:6 85:8,16,19 86:5,7 86:9,17,18,20 87:2,6,7,8,10 88:3 88:3,5,6,8,9,10,11 88:11 90:1,5,9,10 90:10,12,12,14,17 90:18,19,21 91:2 91:3,8,8,16,17,17 91:18 92:3,7,8,10 92:12,13,14,15,15 92:19 94:7 95:8</p>
--	---	---	--

<p>95:14 96:6,12,16 97:2,2,6,7,21 98:11,13,16 99:10 99:14,15,20,22 100:9 101:10,19 102:21 103:2 106:18 107:12,20 109:6,15 110:2,3 110:4 112:20,22 113:4,5,16,16,21 114:3,21 115:12 115:14,14,16,16 115:19 116:5,6 117:6,21 118:22 119:3 120:12,14 122:15,20 123:2,3 123:10,11,11,14 123:16,17,19,21 123:22 124:4,4,8 125:5,7,8,13,20 126:17 128:4,8,16 129:19,21,22 130:9 132:1,7 133:12,14,16,17 134:5 rises 8:17 risk 112:13 <div style="border: 1px solid black; height: 20px; width: 100%;"></div> role 7:20 8:12,15 room 28:21 47:21 83:13 107:5,12 118:4 rubicon 99:19 rules 130:22 running 7:16 99:14 russia 122:10 124:2 131:13 russia's 121:22 126:22 russian 5:2 121:21 122:18 124:2 125:11 128:1,6,9</p>	<p>131:11,11 rybicki 1:4 3:4,18 3:20 4:11 64:7 114:11 <div style="border: 1px solid black; height: 20px; width: 100%;"></div> s s 2:1 3:1 safety 67:2 sake 60:4 <div style="border: 1px solid black; height: 20px; width: 100%;"></div> sat 107:11 saturday 13:1,2,4 25:7 116:14,19,19 116:20 118:1 saw 46:1 75:21 90:10 113:21 saying 3:5 20:19 21:6,18 23:5 35:16 37:13 52:11 54:10 63:14 68:13 70:2 72:5,21 76:17 78:5 79:12 79:15 80:21 82:12 83:2 85:2 95:15 106:5 110:1 112:4 116:20 119:22 120:5 123:12 125:2 says 77:11 80:5,14 95:20,20 108:7 109:14,16 112:11 scales 123:10 <div style="border: 1px solid black; height: 20px; width: 100%;"></div> screen 83:15 107:12 118:4 script 42:9 scrub 115:22 search 70:10,12 71:3,4,6,17 72:2 78:5 80:7,11 87:16 88:22 89:4 89:6 94:6 99:19 112:8 114:9,11,19 115:1</p>	<p>searching 114:21 115:2 season 112:12,15 second 14:4 18:9 49:21 84:21 111:22 117:22 134:17 secretary 3:16,16 7:22 12:21 20:16 24:19 25:4 31:22 32:13 42:14 56:8 66:10 128:13 132:7 section 7:4 15:21 16:13 80:15 81:20 security 10:13 38:20 48:2 73:19 118:13 see 13:1 21:8 31:19 38:8 40:12 43:9,9 44:16 49:11 53:13,13 55:7 64:13 80:21 81:11 84:13,19 88:18 94:4,18 97:13 103:3,19 108:21 111:21 seeing 14:21 33:22 116:3 128:8 seek 70:12 seeking 71:6 78:4 seen 19:9 62:6 116:3 sees 23:9 senator 128:20 send 44:14,14 55:22 73:17 75:13 75:21,22 77:11 78:16,21 88:6 90:11 95:16,20 98:22 119:11,17 120:1,15,17 129:1 sending 54:1 76:6 82:2 92:4 94:13</p>	<p>118:17 119:7 129:22 sends 41:15 42:5 75:6 senior 8:18 sense 12:11 13:20 24:7 33:5 37:19 49:7 54:19 66:18 80:2 91:6 92:12 105:14 124:12 <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> sensitized 128:7 sent 4:19,20 17:17 19:10,18 20:6,8 20:11 57:22 58:2 74:1,11,22 75:16 83:3 86:19 102:11 110:18 118:15,22 121:8 123:19 128:14 133:2,5 sentence 113:5 separate 11:11,13 11:13 62:13 89:3 118:8 123:4 separated 16:21 september 70:20 sequence 73:17 series 78:19 serious 42:3 66:22 67:2 served 6:5 server 3:17 7:22 ses 6:8,10,13 sessions 121:12 set 9:11 27:14,17 29:4 52:7,14 68:18 70:3 77:13</p>
---	---	---	--

b5 -1

b5 per OIP

b5 per OIP

<p>settled 79:8 share 127:20 sharing 36:17,18 shea 5:11 shifting 121:16 shoes 90:21 short 74:14 86:3 92:6 98:10 shorthand 35:8 shot 116:18 show 56:10 69:22 side 8:1,20 11:1,14 16:6,6,8 42:21 54:11 68:12 104:17 105:14 106:13 118:9 sides 16:15 21:18 40:13 sign 84:9 signature 136:12 significant 112:13 similar 65:19 73:6 78:6 sit 5:22 7:14 35:1 103:10 sitting 20:1,10 23:13 42:4 126:18 situations 66:19 <div style="border: 1px solid black; height: 20px; width: 100%;"></div> skolls 118:10 <div style="border: 1px solid black; height: 20px; width: 100%;"></div> solemnly 4:5 somebody 77:16 81:12 120:5,7 134:6 sorry 7:1,3 17:5 31:3 47:1 51:22 53:16 63:10 82:22 83:10 85:13,14 100:4 101:11 103:15 105:5,9 106:7</p>	<p>sort 8:2 9:4,11,12 10:7,22 12:9,10 12:19 13:13,17,19 16:14 17:12,19 18:3,14 23:7 24:2 24:13 25:6,8,15 25:20 26:15 30:12 30:20 32:11 40:21 41:22 42:1,11,17 43:16,17,18 44:12 45:6,8 48:19 49:21 52:7,14 53:1,9 55:11 59:18 61:1 68:20 73:3 79:7,8 80:6 82:6 83:14,21 84:9,10 97:6 98:8 98:10 100:18 101:4 106:17 112:21 113:20 118:11 119:3,13 123:6,10 128:15 133:19 134:1 sought 72:2 sound 19:11 81:8 sounds 19:12 20:19 26:20 space 66:11 spanned 10:9,13 speak 5:7,10 45:18 64:12 82:8 83:7 95:2,10 speaking 10:20 33:3 82:9,10,12 97:10 105:6 113:8 126:13 speaks 79:17 spec 84:16 special 1:15 2:4,7 3:9 4:14 5:6 6:9 50:8 53:5 specific 12:15,20 35:1 53:7,12 56:2 56:16 58:14 60:21</p>	<p>61:5 91:8,14 103:11 120:8 121:1 126:12 specifically 5:13 44:19 45:20 50:1 54:5 55:5 58:7 68:3 71:14 72:8 73:12 76:8,17 80:19 82:4 85:3 88:9 95:15 101:5 102:16 103:2 109:4 120:5 specifics 5:16 80:17 spent 97:16 spirit 109:20 split 9:4 spoke 5:11 64:17 80:22 123:16,19 spoken 5:14 70:17 81:5 spring 11:21 12:3 12:4,16 17:6,7 19:8,15 22:20 33:17 staff 5:21,22 6:6 8:15 9:16 10:7 11:10 16:17 54:22 64:9 72:11 111:5 stamp 59:3 stand 81:7 122:15 standard 37:22 stands 81:3 107:17 125:4 131:22 132:5 start 35:22 42:8 115:6 started 4:16 10:6 24:8 42:2 117:22 124:1,3 125:15 130:4,8 starting 125:11 starts 21:7</p>	<p>statement 4:21,22 17:1,2,3 34:8,13 34:15,16 36:4,7 37:20 41:14,16,18 42:20 43:5,21,22 44:5 45:4 48:9 54:3 55:1,16,18 56:18 57:12 58:1 58:3,6 60:8,16 61:22 65:7 75:17 75:18 83:15,22 92:19 98:8 112:10 125:1 126:22 127:4 129:6,10 130:15 132:20 statements 86:8 97:21 98:3 107:12 131:12 status 116:16 statute 24:11 stay 82:2 114:13 steinbach 10:15 107:2 step 73:2 83:19 87:1,8 90:21 123:20 132:8 133:20 steps 42:2 56:5 92:17 99:22 112:7 126:4 sticks 97:14 107:19 stood 69:9 stop 110:13 134:16 story 45:22 70:6 street 1:16 48:3 strike 112:11 strikes 19:13 strong 78:16 83:2 struggle 23:13 struggling 64:2 98:11</p>
--	--	---	---

b7E -3

b7E -4

<p>strzok 10:21 118:9 stuck 92:15 stuff 9:10 56:9 70:2 109:11 113:18 114:5 116:8 subject 125:7 129:8 subsequent 75:10 subset 17:11 33:18 substance 128:18 substantial 84:15 substantially 60:3 substantive 36:20 sucked 113:2 suggested 36:10 suggestions 37:5 summer 21:12 sunday 116:21 117:1,2,3 118:1 118:15 supervise 6:21 7:1 supervisor 6:17 6:19 supplement 70:16 70:21 72:9,16 117:14 supplementing 85:16 support 6:1 supporting 7:18 sure 5:21 7:12 8:14 10:2 14:10 14:12 17:4 18:3,6 20:21 22:10 23:15 24:1,8 28:7 29:2 30:19 35:5 36:5 37:7 38:10 40:1 41:21 45:1,5 47:21,22 48:18 56:20 59:14,16 69:2 71:18 72:17 74:13 82:14 88:14 90:16 93:7,21</p>	<p>95:17 97:1 98:14 98:20,20 99:1,2 100:3 102:18,19 102:22 104:19 108:20 109:3,7 110:19 112:18 113:12 114:13 115:8 121:18 122:13 127:17 131:6,19 134:2 surprising 14:2 surrounding 60:8 swear 4:5 swirl 48:22 sworn 4:12 73:15 system 18:14,16 34:5 45:12 134:7 systems 70:3</p> <hr/> <p style="text-align: center;">t</p> <hr/> <p>table 35:17 36:18 take 32:3 56:5 80:4,6 89:11,13 90:1 99:22 109:14 109:15 115:4,5 127:21 taken 87:2 126:4 128:22 takes 103:19 talk 14:11,13 20:4 20:4 31:18 36:2 37:8 38:3 42:1 49:12 50:6 56:9 56:15 58:8 66:20 66:20 67:3,11 77:5 99:6 100:1 109:12 117:7 118:13,13 134:10 talked 5:2 16:21 17:19 20:8,11,12 25:11 42:21 45:6 49:22 52:22 56:5 56:6 58:13 59:19 61:4 69:5 73:16 73:22,22 75:2,9</p>	<p>79:1 80:3 84:22 90:9 95:19 97:2 97:15 99:2 102:22 103:5 109:3,8 111:22 113:5 116:4 120:12 123:22 128:11,11 128:15,21 130:7 134:2 talking 13:7,17 14:8,20 17:4 18:2 21:20 24:16 33:15 37:5 39:10 44:12 46:9,14 53:8 55:6 58:7,14 66:12 67:14 71:19 79:3 79:4 82:4,16 83:17 85:16 91:11 91:16 97:8 99:22 100:9 101:3 105:21 109:22 117:18 125:6,8 130:5,9 talks 60:5 79:2 team 10:9 11:5,8 11:11,13 12:5,6 13:5,11,13,14 15:6,10,13,14,14 16:3,6,7 17:19 20:15 22:17 23:9 25:9 26:10,12,15 27:22,22 28:3,6 28:12,15,19,22 29:10,16,20 30:7 30:9 31:4,4 32:9 32:19,19,21 33:7 37:12 42:17 43:10 57:2 68:19,19 71:8 72:1,13 77:17 78:6 83:10 83:11 84:1 89:10 102:19 113:10,19 115:4 116:1,10,13 116:15,20 117:3,6</p>	<p>117:8 121:7,10 126:13 teams 30:6</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <p>tell 69:6 70:5,6 77:21 88:8 98:15 129:8 telling 45:20 90:2 102:17 ten 91:11 tend 7:14 tends 9:4 terms 16:21 18:2 46:10 51:17 52:16 101:17,19 102:9 104:20 109:10 111:20 122:5 130:2,3 terrible 90:12 92:14 test 115:8 testified 4:13 70:17,18,20 86:5 86:21 91:7 122:1 128:3 testify 47:11 testimony 4:17 23:10 70:22 72:10 72:16 73:15 86:8 86:20 91:2 thank 110:22 that's 85:22 theory 129:21 thing 7:12 17:14 21:9 27:15 33:21 34:2 35:9 37:14 40:15 43:8 49:9 52:3 67:22 68:17 73:6 85:21 87:3 90:15 96:20 100:2 101:15 107:7,13 109:9,9 111:4</p>
---	---	---	--

b7E -4

<p>114:12 116:2 117:13 126:11 things 9:3 12:1,11 15:4,16 20:22 22:12 40:9 42:9 45:6,14,17 49:3 52:13 67:5 70:3 73:13 78:4 79:4 80:10,12,14 82:19 84:17 89:1 93:17 95:18 97:5 99:3 109:12 110:6 111:11 113:20 122:21 128:8,12 128:20 133:13,22 think 5:15 11:4,13 14:18,19 15:1,1 15:12 19:9 21:19 21:20 23:12,14,16 26:3 29:12 32:15 38:15 39:2,14 40:1,3 42:20 44:11,11,18 45:5 45:17,22 47:11 48:18 49:13 54:6 54:6,20 55:2 56:3 57:2 59:1,7 60:1 61:8,20 62:5 63:21 66:3 67:12 69:5 73:8,12 74:6 74:6,13,14,17,18 77:4,5 78:22 79:6 79:7,20 80:5 81:5 81:19 83:3,8,12 83:18 84:18 85:4 85:4,8,9,18 86:3,5 86:6,9,15,19 87:2 87:7 88:1,1,2,20 89:21,21 91:9,21 92:4,6,11,19 95:8 95:11 96:11 98:9 100:10,12 101:6 101:20 103:9,21 104:2 106:1,2,2</p>	<p>106:21 107:20,21 108:15,20 110:6,7 111:2 112:18,18 113:7 114:7,12 115:6,9,10 117:16 118:19,22 119:1,2 119:2,12,16 120:6 120:16,17 122:2 123:1,15,15 127:1 128:20 129:9,18 131:8,19,21 132:1 132:10,11 133:8 133:11,17,18 thinking 13:19 35:22 67:9 74:20 76:15 81:15,21 134:5 third 52:2,3 thoroughly 134:4 thought 31:21 32:9 64:6 66:4,4,5 69:12 72:1 78:6 90:22 101:22 102:14 115:4,4 117:13 119:20 129:3,14 132:8 thousands 113:11 <div style="border: 1px solid black; height: 40px; width: 100%;"></div> thursday 84:11 113:16 tick 16:11 till 120:3 time 3:3,21 7:16 8:12 10:7,10,14 11:22 19:21 20:14 21:5 24:7 26:1 28:4 35:16 40:12 42:15 55:6 61:9 65:22 67:10 69:19 70:4 74:8 76:22 82:7,13 89:11</p>	<p>97:17 101:1 113:10 118:5 125:9,12,14 129:3 130:1 133:16 timeframe 19:16 37:7 42:7 timely 21:14 61:14 115:16 times 7:13 24:10 70:21 75:4,6 76:9 93:2 timing 61:12 71:5 71:15 85:7,8,10 87:16,17 title 57:21 today 3:2 4:17 today's 5:8 told 14:15 63:5,5 69:1,2 70:8 78:3 101:7 129:8 tomorrow 68:14 116:21 tool 114:18 115:2 115:6,7,8 top 5:1 39:15 109:19 toscas 15:18,18 67:14 84:16 118:12 totally 122:13 123:3 125:18 touch 62:16 traction 130:8 trainings 99:2 trains 7:15 transcriber 136:1 transcript 136:3 tried 112:19 trigger 88:11 <div style="border: 1px solid black; height: 40px; width: 100%;"></div></p>	<p>trouble 63:2 64:10 true 4:7 70:22 71:2 87:2,5 trump 76:16 91:22 122:10 126:8 trump's 121:20 trust 45:12 try 7:15 16:14 49:11 trying 39:14 81:22 82:1,2 83:12 112:2,11,16 125:16 131:4 tuesday 1:11 3:2 13:1 turn 5:5 133:9 two 11:22 16:15 19:4 20:22 21:7 39:1 40:13 62:12 62:13,17 70:21 76:9 78:3 83:13 90:10 99:8 100:9 116:18 119:14 123:11 124:13 125:15 133:13 type 39:7 131:16 types 80:10 typical 38:7,13 85:21 86:1,4,7 87:12 114:9 typically 38:11 39:21</p> <hr/> <p style="text-align: center;">u</p> <hr/> <p>u.s. 2:4,7 3:9 4:14 5:12 38:19 40:7 40:19,20 79:2 97:9 98:22 uh 132:17,17 ultimately 8:14 56:22 57:4 79:7 84:18 120:16 128:15</p>
--	--	---	--

b7E -3

b7E -3

unanimous 32:11 33:3	101:10,14 116:8 117:10 120:2,15 128:5,19 129:22	washington 1:17 way 8:14 18:7,13 23:20 25:5,14 44:3 49:12,14 53:2 63:1,8 69:17 72:21 77:9 85:16 87:4,9 103:3 106:1 113:22 114:7,22 119:18 122:14 123:3 125:22 131:20	withhold 90:5 witness 3:6,18,22 4:3,10 16:1,4,9 22:10,13,18,22 23:2,12,16,19 24:2,6,16 25:1,18 25:22 26:3,6,10 26:13,19 27:4,7 27:11,13,19 28:2 28:8,11,13,16,18 28:21 29:2,6,9,12 29:17,21 30:2,4,9 30:12,16,19 31:1 31:6,10,12,15,18 32:5,20 33:1,4,6,9 33:11,19 34:11,20 34:22 35:6,11,13 35:20 46:8,12,15 46:18,21 47:1,6,9 48:12,15,18 50:20 51:14,16,21 62:2 62:4,12,14,21 63:5,12,15,17,21 64:14,19,22 65:3 65:8,13,17,22 66:4 68:2 93:7,11 93:14,16,22 94:9 94:14,17,19,22 95:3,6,8,13,18 96:2,4,8,13,18 97:1 98:1,5,9,15 98:20 99:6,17 100:4,7,15,18,21 101:9,13,19,22 102:4,7,16 103:9 104:6,19 105:1,5 105:9,12,18 106:1 106:5,7,9,12,14 106:16,22 107:4 107:10,16 108:2 108:11,14 109:2 110:10,13 131:6 131:15,19 132:13 134:12,15 135:1
underlying 7:21	views 55:17		
underneath 7:4	violate 109:10,11		
understand 9:14 63:7 94:10 126:20 130:12	violated 3:14 100:11 101:6		
understanding 27:2 34:13 45:3 82:8 112:3,16 122:9 127:15	visible 85:5 vididly 93:8 volume 89:14		
understate 84:7	w	ways 44:20	
understood 23:5	wait 90:7 119:20 120:1,3,8	we've 19:9 37:19 71:1 115:13	
unfolded 68:20	waiting 91:10,12 91:16,17	week 12:1 22:21 23:2 24:20 52:6 113:17 115:19,19 115:21 117:18	
unit 7:1,6	walk 38:6 113:14	weekend 13:3 117:18	
unrelated 68:21 69:3,6 89:2 122:14 124:13 125:15	walking 75:17 79:11,14 81:2	weeks 11:22	
update 20:3 42:1 68:16 116:14,16	walls 61:3	weigh 102:13	
updated 99:9 117:17	want 11:21 14:7 14:10 21:21 22:8 23:22 25:14 28:6 30:19 40:4 50:2 59:14 61:19 70:5 70:5,10 84:13,19 88:13 97:18 100:8 110:17,21 114:7 115:20 117:5 123:12 124:5 127:17,19 129:7 131:1 133:9 134:8 134:22	weighed 93:19 118:7	
updates 21:2 113:18 117:20	wanted 27:1 34:12 47:17 65:9 83:7 111:21 118:19,19 119:2	weighing 81:17	
upshot 116:9	wanting 111:22 119:11	weird 64:4 66:11 69:5 99:12	
use 3:17 104:13	warrant 70:10,12 71:3,5,6,18 72:2 78:5 80:7,11 87:16 88:22 89:5 89:6 94:6 99:19 112:8	welcome 110:13	
usually 9:11 39:19		went 3:12 11:18 11:22 17:18 32:14 37:6 56:20 57:2 75:11 79:5 81:19 83:16,17 84:13 85:17 90:13 91:7 108:4 124:18 127:2	
v		whatsoever 122:19	
vacuum 92:11		white 126:21 127:3,11	
varies 38:12		willing 50:5 95:9	
various 66:19 128:19 130:8		winding 43:9	
vehicle 73:9 115:11		wing 114:3	
verbal 84:20			
verbatim 67:1			
version 60:1			
versus 131:12,13			
viable 52:18			
view 55:13 58:16 70:1 83:2 88:2,22 89:21,22 90:8,17			

b5 per OIP

[word - yielding]

word 41:2 114:21	77:10 81:9,11
words 13:22 53:14	85:8 86:3 92:22
78:8 88:7 90:1	94:14 98:9 100:18
work 8:21,22	102:1 104:9 106:9
38:14 97:3 103:18	108:14 111:18
108:18 115:6	113:14,16 119:12
worked 37:11	120:8 124:11
worker 26:15	125:4,13 127:9
workforce 74:22	131:15
75:3,5,7 76:1,3	year 11:11 13:14
working 11:15	15:6,10,14,14
13:16 15:15 16:6	16:3,5,7 26:12,15
38:17,17 40:13	28:22 29:16,19
works 23:20 65:4	30:7 31:4 32:8,19
world 9:5 76:4	32:21,22 43:10
79:19 92:10	58:10,20 68:16
126:14	69:13,21 75:6
worried 53:9	79:8,15 82:16
worth 91:9	87:11 96:9,19
wrap 21:18	97:16 99:7 103:1
132:16 134:10	108:8 109:13
wrapped 21:11	113:21 116:1
85:22	122:2,12
wrapping 41:17	years 21:21 99:8
writes 75:7,7	yep 22:13,18 23:2
writing 7:5 26:5	25:18 26:3 27:4
written 19:19 40:3	29:2 33:19 43:1
40:10 98:8	87:19 96:13 98:1
wrote 51:1	102:4,7 111:10
x	127:5
x 109:4	yield 25:10 115:10
y	yielded 25:11
yates 43:15 78:2	31:20 117:4
yeah 5:18 10:4,4	yielding 115:9
12:4 19:9 22:22	
27:11 28:8,13,13	
31:15 32:5 33:1	
38:12 41:21 44:19	
46:21 49:20 51:5	
51:19 56:20,21	
61:9,19 62:14	
63:17,21 65:3	
70:7 72:14 77:8	