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EXECUTIVE SESSION
Committee on the Judiciary
joint with the
Committee on Government Reform and Oversight,
U.S. House of Representatives,
Washington, D.C.

INTERVIEW OF: TRISHA B. ANDERSON

Friday, August 31, 2018

Washington, D.C.

The interview in the above matter was held in Room 2141,
Rayburn House Office Building, commencing at 10:02 a.m.

1 Mr. Parmiter. Good morning. This is a transcribed
2 interview of Trisha Anderson. Chairman Goodlatte and
3 Chairman Gowdy requested this interview as part of a joint
4 investigation by the House Committee on the Judiciary and the
5 House Committee on Oversight and Government Reform regarding
6 decisions made and not made in 2016 and 2017 by the
7 Department of Justice and the Federal Bureau of Investigation
8 regarding the 2016 Presidential election.

9 Would the witness please state her name, her last
10 position at the Federal Bureau of Investigation, and her
11 current position for the record.

12 Ms. Anderson. Trisha B., as in boy, Anderson. My last
13 position with the FBI was Principal Deputy General Counsel
14 within the Office of General Counsel, and I am currently a
15 lawyer at Covington & Burling.

16 Mr. Parmiter. Thank you. On behalf of the chairman, I
17 want to thank you for appearing today, and we appreciate your
18 willingness to appear voluntarily. My name is Robert
19 Parmiter, and I am the Majority Chief Counsel For Crime and
20 Terrorism at the House Judiciary Committee.

21 I will now ask everyone else who is here in the room to
22 introduce themselves for the record, starting to my right
23 with Art Baker.

24 Mr. Baker. Arthur Baker, Investigative Counsel,
25 Majority Staff, House Judiciary Committee.

1 Mr. Breitenbach. Ryan Breitenbach, Senior Counsel,
2 House Judiciary, majority.

3 Mr. Castor. Steve Castor with the Government Reform
4 Committee.

5 Mr. [REDACTED], FBI, Office of the General
6 Counsel.

7 Mr. [REDACTED], Associate General Counsel,
8 FBI, OGC.

9 Mr. [REDACTED], Associate General Counsel,
10 FBI, OGC.

11 Ms. Arkell. Elizabeth Arkell, Steptoe & Johnson,
12 private counsel for Ms. Anderson.

13 Mr. Herrington. Matt Herrington, Steptoe & Johnson,
14 private counsel for Ms. Anderson.

15 Ms. Hariharan. Arya Hariharan, Judiciary Committee,
16 minority.

17 Mr. Morgan. Matthew Morgan, House Judiciary Committee,
18 minority staff.

19 Mr. Hiller. Aaron Hiller, Judiciary Committee, minority
20 staff.

21 Mr. [REDACTED], FBI Congressional Affairs.

22 Mr. Buddharaju. Anudeep Buddharaju, Mr. Gowdy's staff.

23 Mr. Ventura. Chris Ventura, House majority legal staff.

24 Mr. Parmiter. The Federal Rules of Civil Procedure do
25 not apply in this setting, but there are some guidelines that

1 we follow that I'll go over. Our questioning will proceed in
2 rounds. The majority will ask questions first for an hour,
3 and then the minority will have an opportunity to ask
4 questions for an equal period of time if they so choose. We
5 will go back and forth in this manner until there are no more
6 questions and the interview is over. Typically, we take a
7 short break at the end of each hour of questioning, but if
8 you would like to take a break apart from that, please let us
9 know. We will also take a break for lunch at the appropriate
10 point.

11 As I noted earlier, you are appearing today voluntarily.
12 Accordingly, we anticipate our questions will receive
13 complete responses. To the extent you decline to answer our
14 questions or if counsel instructs you not to answer, we will
15 consider whether a subpoena is necessary.

16 As you can see, there is an official reporter taking
17 down everything we say to make a written record, so we ask
18 that you give verbal responses to all questions. Do you
19 understand that?

20 Ms. Anderson. Yes, I do.

21 Mr. Parmiter. So that the reporter can take down a
22 clear record, it is important that we don't talk over one
23 another or interrupt each other if we can help it. Both
24 committees encourage witnesses who appear for transcribed
25 interviews to freely consult with counsel if they so choose,

1 and you are appearing today with counsel.

2 Could counsel please state your name and position for
3 the record.

4 Mr. Herrington. Matt Herrington and Elizabeth Arkell
5 from Steptoe & Johnson, representing Ms. Anderson.

6 Mr. Parmiter. We want you to answer our questions in
7 the most complete and truthful manner possible, so we will
8 take our time. If you have any questions or if you do not
9 understand one of our questions, please let us know.

10 If you honestly don't know the answer to a question or
11 do not remember, it is best not to guess. Please give us
12 your best recollection, and it is okay to tell us if you
13 learned information from someone else. If there are things
14 you don't know or can't remember, just say so and please
15 inform us who, to the best of your knowledge, might be able
16 to provide a more complete answer to the question.

17 Ms. Anderson, you should also understand that although
18 this interview is not under oath, you are required by law to
19 answer questions from Congress truthfully. Do you understand
20 that?

21 Ms. Anderson. Yes, I do.

22 Mr. Parmiter. This also applies to questions posed by
23 congressional staff in an interview. Do you understand this?

24 Ms. Anderson. Yes.

25 Mr. Parmiter. Witnesses who knowingly provide false

1 testimony could be subject to criminal prosecution for
2 perjury or for making false statements. Do you understand
3 that?

4 Ms. Anderson. Yes.

5 Mr. Parmiter. Is there any reason you are unable to
6 provide truthful answers to today's questions?

7 Ms. Anderson. No.

8 Mr. Parmiter. Finally, I'd like to note that, as
9 Chairman Goodlatte stated at the outset of our first
10 transcribed interview in this investigation, the content of
11 what we discuss here today is confidential. Chairman
12 Goodlatte and Gowdy ask that you not speak about what we
13 discuss in this interview to anyone not present here today,
14 to preserve the integrity of our investigation. This
15 confidentiality rule applies to everyone present in the room
16 today. That is the end of my preamble.

17 Do you have any questions before we begin?

18 Ms. Anderson. No, I do not.

19 Mr. Parmiter. Okay. The time is now 10:07 a.m. We'll
20 get started with the first round of questions and Mr. Baker.

21 EXAMINATION

22 BY MR. BAKER:

23 Q Again, thank you for coming in today. You are no
24 longer with the FBI. Is that correct?

25 A That is correct.

1 Q And when you left, you were the Principal Deputy
2 General Counsel?

3 A That's right.

4 Q What position did you enter on duty at the FBI
5 with? What was your title when you joined?

6 A Deputy General Counsel for the National Security
7 Law Branch.

8 Q For the National Security Law Branch. And was
9 there a period of time when you were also the Acting General
10 Counsel?

11 A For a short period of time, yes.

12 Q And what period of time would that have been?

13 A Roughly the month of January 2018.

14 Q So as the Acting General Counsel, that would be you
15 were acting in the capacity of the highest legal officer for
16 the FBI. Is that correct?

17 A For that month, yes.

18 Q For that month. And then as the Principal Deputy
19 General Counsel -- how many Deputy General Counsels are there
20 or were there?

21 A There are three.

22 Q There are three. So the legal Department or the
23 General Counsel's Office is divided into three branches or --

24 A That is correct.

25 Q Okay. And you were in charge of the National

1 Security Law Branch?

2 A Yes. It was renamed to the National Security and
3 Cyberlaw Branch.

4 Q National Security and Cyberlaw Branch. So, in that
5 capacity, answering to the General Counsel, you were in
6 charge of national security law matters and cyber matters?

7 A That is correct.

8 Q Okay. So you were at the FBI for how long?

9 A Three years.

10 Q Three years. And prior to the FBI, you were
11 employed where?

12 A At the Treasury Department.

13 Q When you joined the FBI -- so your whole tenure
14 essentially was in national security law? You didn't do
15 any --

16 A My whole tenure at the FBI?

17 Q At the FBI.

18 A That is correct.

19 Q Okay. So in your capacity as the Deputy General
20 Counsel, National Security Law Branch, National Security Law
21 Cyber Branch, did you have occasion to be associated with the
22 investigation known as Midyear Exam?

23 A Yes.

24 Q And what was your role in Midyear Exam at a very
25 high level? We're going to have other questions to get a

1 little deeper, but at a high level what was your role in
2 Midyear?

3 A I was a supervisor within the legal chain of
4 command.

5 Q Okay. And your involvement would have been
6 involving legal aspects of the investigation?

7 A At a supervisory level, yes.

8 Q At a supervisory level. So you would not
9 necessarily have been making legal decisions by yourself, you
10 would in most instances be reviewing legal work done by
11 others and supervising and signing off on legal products?

12 A That is correct. That is correct.

13 Q Okay. Just to be clear, because some folks aren't
14 familiar with the FBI rank and structure, in your capacity as
15 a Deputy General Counsel, you were a lawyer for the FBI, not
16 a special agent, correct?

17 A That is correct.

18 Q And your contribution to really any case, Midyear
19 included, would not be to make investigative decisions or to
20 decide what would be investigated, although you could, in
21 theory, make a legal recommendation as to whether something
22 was an appropriate technique or a legal technique or
23 something of that nature?

24 A That's exactly right.

25 Q Okay. So, in your capacity as a Deputy General

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1 Counsel -- and that would be the role you had during the
2 pendency of Midyear, correct?

3 A That's right.

4 Q Okay. So who would you have answered to? My guess
5 is the General Counsel, who at the time would have been a
6 gentleman named James Baker?

7 A That's right.

8 Q And would there be someone -- who would he answer
9 to? So he's above you in the chain of command. Who would he
10 answer to?

11 A He reported to the Deputy Director.

12 Q And then the Deputy Director would, in turn, report
13 to the Director?

14 A That is correct.

15 Q So during your time as the Deputy General Counsel,
16 who would the Deputy Director have been?

17 A At the time I joined the FBI, it was Mark Giuliano.

18 Q Okay.

19 A And then it became Andy McCabe.

20 Q Would McCabe have been there the longest for
21 Midyear, or how would you break it down as between the two
22 deputies?

23 A I don't remember the precise date that Mark left
24 and Andy became the Deputy Director.

25 Q Okay. You've indicated you would supervise lawyers

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1 in the National Security Law Branch. Are there lawyers
2 embedded in other FBI units or components, or would the
3 lawyers that are making decisions or doing national security
4 law work be concentrated in an area somewhere near you?

5 A They're mostly within the Office of General
6 Counsel. On rare occasions, we have detailed lawyers to
7 support key executives within the FBI.

8 Q Okay. So in your -- who did you supervise as a
9 part of Midyear? Who directly was supervised by you that had
10 some role in Midyear Exam?

11 A I supervised an attorney who was the Unit Chief of
12 the Counterintelligence Law Unit, I've been instructed by the
13 FBI not to use her name; and then another attorney that was
14 under her supervision in a line attorney capacity.

15 Mr. Baker. Is the objection or the basis for not
16 naming, they're not SES employees?

17 Mr. [REDACTED] That is correct.

18 BY MR. BAKER:

19 Q So did you supervise any SES employees that would
20 have been involved in Midyear? Like, I think your rank would
21 be the section chief or someone below you.

22 A There was a section chief in between the attorney I
23 supervised -- the Unit Chief and my position. However, that
24 section chief at the time was on detail to another agency,
25 and so there were personnel who were serving on an acting

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1 basis. And given the sensitivity of the investigation, that
2 person was not involved in the case.

3 Q Okay. So you had you said two employees that were
4 primarily involved?

5 A That is correct.

6 Q The Unit Chief and then someone below the Unit
7 Chief?

8 A That is correct.

9 Q Okay. Were any of these agent attorneys?

10 A No.

11 Q Okay. So were they full-time on Midyear or they
12 still had other --

13 A They had other responsibilities.

14 Q Other responsibilities.

15 A In particular, the Unit Chief did.

16 Q Okay. So your role as the Deputy General Counsel
17 would be to supervise their work, but were you also
18 officially on the Midyear Exam team?

19 A I wouldn't have considered myself to be part of the
20 investigative team, but if you're using the word "team" in
21 the sense of the group that met with Director Comey, that's a
22 group that I was a part of.

23 Q Okay. So you were a part of the group that would
24 meet with the top-level executives at the FBI, including
25 Director Comey?

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1 A That's right. My involvement was more at the
2 executive and supervisory level.

3 Q Okay. How often would you meet with Director Comey
4 about Midyear?

5 A At the beginning of the investigation, it was less
6 frequent, maybe every few weeks or so. Toward the end of the
7 investigation, we were meeting with a greater degree of
8 frequency, at least once a week if not more regularly.

9 And I wanted to back up to your last question with
10 respect to who I supervised. Lisa Page was somebody who was
11 on our FSL chart. I think you know what the word "FSL"
12 means. But she was technically one of the attorneys who was
13 on my roster of attorneys, but the supervision was less
14 clear. She reported directly to Andy McCabe as a result of
15 the detail arrangement that we had entered into. She was
16 among those attorneys who had been detailed to key
17 executives, as I mentioned a few minutes ago. And she was --
18 for practical purposes, she was supervised by the General
19 Counsel, because of her role in advising the Deputy Director.
20 But she was on my books.

21 Q Okay. It's interesting, because Lisa Page was my
22 next question. Just to make a full record, you indicated an
23 acronym FSL. Is that full staffing level or --

24 A That is correct.

25 Q Okay. So that's just a number of bodies that

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1 you're allowed in your --

2 A Yes. She was on my list of FSL, of employees
3 filling my FSL.

4 Q So she's on your roster, for lack of a better word,
5 but she physically sat somewhere else?

6 A That is correct.

7 Q Who actually supervised Lisa Page, because she is
8 an attorney also. Is that correct?

9 A That's right.

10 Q And assigned on the books to your FSL as an OGC
11 body?

12 A That's right.

13 Q But she physically sat somewhere else?

14 A Yes. And she was -- she was supervised by the
15 General Counsel --

16 Q Okay.

17 A -- in her role supporting Andy McCabe. Before
18 that, she was a line attorney within the unit that the Unit
19 Chief I referred to a few minutes ago supervised.

20 Q And what was her title in Mr. McCabe's office?

21 A I believe it was Special Counsel to the Deputy
22 Director.

23 Q Okay. So you say she was supervised by OGC, but
24 she did work for Mr. McCabe. So her performance ratings and
25 all were done by OGC?

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1 A That is correct.

2 Q And they were done by whom?

3 A I think it was a combination of me and Jim.

4 Q Okay. So --

5 A Because you need to -- in the FBI, you have a
6 rating official and a reviewing official. And so I believe I
7 may have been her rating official with Jim as her reviewing
8 official.

9 Q And would Mr. McCabe have any input to her ratings
10 or any other reviews, or how would you and Mr. Baker know how
11 her performance was or what her duties were?

12 A Informally, Mr. Baker and Mr. McCabe spoke a great
13 deal about Lisa, how she was doing, what her performance was
14 like. And so the input was taken into account in that
15 manner.

16 Q Okay. And it's my understanding that she might
17 have done, as would be consistent with other FBI employees,
18 something called a self-assessment, where she documents what
19 she did, kind of evaluate her own work, and then she would
20 give that --

21 A That is correct.

22 Q -- to her superiors for your consideration?

23 A That's right.

24 Q Did she participate in that opportunity to do
25 self-assessments?

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1 A That's right.

2 Q Okay. You indicated that her title, you believe,
3 was Special Counsel. Were there any issues with what her
4 title was or what she wanted her title to be?

5 A None that I was aware of. We were -- we made an
6 effort to be consistent in how we -- in the titles that were
7 being used by those attorneys who were being detailed to
8 those key executives. And so I believe Special Counsel was
9 the title that was used by all of them.

10 Q Okay. Are you aware of her title being Special
11 Assistant and her wanting the title Special Counsel, and
12 maybe there was some issue with OGC wanting to only give
13 Special Counsel titles to people that were actually
14 elsewhere, not detailed out?

15 A I don't recall. My understanding was that we --
16 that we -- we thought she should hold the same title as the
17 other detailees to the other key executives, those executives
18 being some of the Executive Assistant Directors. They were
19 all referred to as Special Counsels.

20 Q Okay. So the title Special Counsel was not new or
21 something that was being created for her. It was the title
22 others were using from OGC that were embedded, for lack of a
23 better term, in other executives' office?

24 A That is correct. Although we didn't -- it wasn't a
25 long practice that we had had, and so at some point we did

1 have to figure out what those titles would be. And it was
2 only applicable to a very small number of people.

3 Q And these other Special Counsels, they similarly
4 answered to and were reviewed by superiors in the General
5 Counsel's Office?

6 A That's right.

7 Q It may have been another Deputy General Counsel,
8 but a similar arrangement. They're sitting elsewhere, but
9 they belong to OGC and they're rated and reviewed by OGC.

10 A That is correct.

11 Q Was there any issues that you recall in having
12 Ms. Page in the Deputy Director's Office, specifically
13 relating to Midyear, where there may have been -- were there
14 any issues with her being in the Director's Office -- in the
15 Deputy Director's Office that you recall?

16 A What do you mean by issues? Do you mean --

17 Q Was there any difficulty in other members in the
18 team or other members in the chain of command getting or not
19 getting information, because she would either get stuff
20 directly from Mr. McCabe and relay it to Peter Strzok, or she
21 would get information from Peter Strzok and relay it to
22 Mr. McCabe?

23 And maybe not so much in OGC, but certainly I'm aware of
24 instances in certainly the investigative chain where folks
25 thought they were being cut out or they weren't aware of

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1 things because this sort of hot-lining information was in
2 some instances bypassing either an Assistant Director or
3 maybe even an Executive Assistant Director. Did you
4 experience that in the OGC chain?

5 A There were times -- did I experience that within
6 the OGC chain? There were times when Lisa would talk
7 directly with Jim Baker when I felt that she should be
8 talking in the first instance directly with the attorney who
9 reported to me. So -- but that was not unexpected. I see
10 that as part of the, you know, not atypical kind of
11 bureaucratic awkwardness or tension that sometimes arises
12 from the type of position that Lisa held, sort of a
13 staff-type position versus somebody who is housed back within
14 OGC.

15 It was sort of appropriate in a way for her to have a
16 lot of direct communication with Jim Baker, given that she
17 supported the deputy director of the organization, who was
18 one of Jim's chief clients, if you will. But -- so from time
19 to time, I did think that it would have been helpful if Lisa
20 had started with lawyers who were at a lower level within our
21 organization. But it never caused any great difficulty.

22 Q Okay. So it never rose to a level where you
23 counseled her about it --

24 A No.

25 Q -- to include other people? Okay.

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1 A I don't recall counselling her on it.

2 Q So how did you come to know or learn about Midyear
3 Exam? When did you learn it was open? How were you told --

4 Mr. Breitenbach. Actually Mr. Baker, can I just step in
5 real quick?

6 BY MR. BREITENBACH:

7 Q Just going back, Ms. Anderson, to you mentioned
8 that there was an attorney that you would have preferred
9 Ms. Page to have reported to before providing legal guidance
10 to Mr. McCabe. Is that how I understand?

11 A That's not what I -- that wasn't my testimony.
12 Before talking to Jim Baker.

13 Q Okay.

14 A Lisa had a lot of direct communications with Jim
15 Baker, and so there were times on certain issues where it
16 might have been preferable for Lisa to start by talking with
17 our attorneys at a lower level, but it never caused any
18 significant problems or issues for us.

19 Q Okay. So the attorney that was reporting to you
20 would have been the acting section chief. Is that correct?

21 A The acting section chief did report to me, but that
22 person was not involved in the Midyear Exam investigation.

23 Q Okay.

24 A I'm referring to the Acting Unit Chief at the time,
25 who reported to --

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1 Q I see. So it would have been the Acting Unit Chief
2 who Lisa would have reported to prior to speaking with
3 Mr. Baker regarding the Midyear Exam?

4 A Correct. Those two attorneys worked together quite
5 well, and so it was not a significant issue or one that came
6 up that created a lot of tension.

7 Q And who was that Unit Chief?

8 A I've been instructed not to name her.

9 Mr. Baker. Can you say if they're referenced by a
10 different name or code in the IG report.

11 Ms. Anderson. She was FBI Attorney 1, if that helps.

12 BY MR. BREITENBACH:

13 Q Okay. In the Office of General Counsel, is there a
14 particular rule with regard to providing formal legal
15 guidance to, as you called them, your clients inside the FBI?

16 A What kind of a rule are you referring to?

17 Q I presume there are other -- there are attorneys
18 outside of the General Counsel's Office inside the FBI?

19 A That's right.

20 Q Is it proper for those attorneys to provide FBI
21 legal guidance to their clients, or do they have clients?

22 A So it depends on whether they sit on attorney
23 positions, position descriptions. 905 is the classification
24 series under the OPM rules for persons who are authorized to
25 provide legal guidance within an agency.

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1 So my understanding of the rules is that anybody who
2 sits on an attorney billet -- or persons who do not sit on
3 attorney billets should not be providing legal guidance
4 within an agency. As a practical matter, I don't know
5 whether that happened within -- happens within the FBI.
6 There are a lot of persons who have JDs and who are lawyers
7 who sit across the agency.

8 Q Was Ms. Page sitting on an attorney billet --

9 A Yes, she was a member of --

10 Q -- as she was detailed to McCabe's office?

11 A That is correct. She was a member of the Office of
12 General Counsel.

13 Q So formally, she's still permitted to provide legal
14 guidance to whom at that point?

15 A We envisioned that the Special Counsel roles would
16 not frequently provide direct legal guidance to their -- to
17 the persons to whom they were detailed. They were there in
18 those capacities largely to serve as facilitators and
19 coordinators of legal issues and reach back to appropriate
20 parts of the Office of General Counsel in order to resolve
21 those issues.

22 In other words, in order to preserve that relationship
23 between the General Counsel and the Deputy Director in this
24 particular instance, Lisa was not the person who was expected
25 to provide legal guidance directly to Andy McCabe, but she

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1 might identify or spot legal issues and bring them back to
2 the Office of General Counsel, find the right experts and tee
3 them up, up the chain of command and help resolve those
4 issues. And that's the role that we envisioned for Lisa.

5 Q Are you aware whether she did provide legal
6 guidance to Mr. McCabe?

7 A I don't know whether she provided any direct legal
8 guidance to Mr. McCabe that wasn't previously -- wasn't
9 coordinated with anybody else in OGC.

10 Q So if she were providing legal guidance, her duty,
11 so to speak, was to return back to the General Counsel's
12 Office, to either you or the Acting Unit Chief that you
13 mentioned, in order to inform you of the legal guidance that
14 she envisioned providing to Mr. McCabe?

15 A Certainly, if it was a significant issue, if it was
16 something that as to which it was appropriate for somebody at
17 a higher level to be weighing in on. If there were some sort
18 of minor issue, I wouldn't -- you know, I would expect that a
19 staff member could resolve it.

20 But we didn't have any written rules on it and it was a
21 position that was of relatively recent creation, and so --
22 but we were trying to work out our practices and ensure that
23 OGC maintained appropriate supervision and involvement in the
24 legal guidance that was being given at that high level within
25 the FBI.

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1 Q I see. Was she the first Special Counsel for
2 Mr. McCabe?

3 A She was -- it depends -- so she was -- she actually
4 served in a detail capacity to support him when he was
5 Executive Assistant Director overseeing the National Security
6 Branch. And I believe that was the first time such a
7 position had been created. And she was the first Special
8 Counsel, to my knowledge, who came from within the FBI Office
9 of General Counsel who supported the Deputy Director. Mark
10 Giuliano, for example, had had other lawyers supporting him,
11 but, as I understand, they had been detailed from outside of
12 the FBI from DOJ.

13 Q Not lawyers inside of the General Counsel's Office,
14 as Ms. Page had been?

15 A That is correct.

16 Q Okay, thank you.

17 BY MR. BAKER:

18 Q When you would have these meetings with Director
19 Comey, besides the two lawyers that worked for you that may
20 or may not have gone to them, who else would have been in
21 regular attendance at those high-level meetings?

22 A The persons who were in regular attendance,
23 although the particular slate of attendees did fluctuate a
24 bit, depending on who was absent for travel or other related
25 reasons. That list would include the Deputy Director,

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1 sometimes the Associate Deputy Director, the Executive
2 Assistant Director for the National Security Branch, the
3 Assistant Director for Counterintelligence, the two leads on
4 the Midyear case, one being the lead investigative person,
5 who was Pete Strzok, the other being the lead analytical
6 person, which was [REDACTED] Jim Baker, the General Counsel,
7 myself, Jim Rybicki, who was the Chief of Staff to the
8 Director. And the attorney who worked for me, FBI Attorney
9 1, as identified in the IG report, she was also part of that
10 group.

11 Q So you had indicated the Deputy Director had turned
12 over at least once, Mark Giuliano and then Andy McCabe. What
13 about the Associate Deputy Director who was that during this
14 time and did that change over?

15 A It was -- when the Midyear Exam case started, it
16 was Kevin Perkins, but I don't recall him being involved. It
17 became Dave Bowdich, and I do recall him attending a meeting
18 too from time to time.

19 Q And Mr. Bowdich is now the Deputy Director is your
20 understanding?

21 A That is correct.

22 Q Okay. And then who would the EADs have been?

23 A When the case started, I believe it was John
24 Giacalone. Then it became Mike Steinbach.

25 Mr. Herrington. And there were two EADs at that time?

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1 Ms. Anderson. No, one EAD. John Giacalone was the
2 first. He retired from the FBI, and Mike Steinbach took his
3 position.

4 BY MR. BAKER:

5 Q And then who would have been the AD?

6 A The AD was -- when the case started, it was Randy
7 Coleman. He retired from -- or he was promoted to a
8 different role within the FBI, and the AD became Bill
9 Priestap.

10 Q Did you -- this is going back to a question we
11 asked earlier. Did you ever hear specifically either
12 Mr. Giacalone or Mr. Steinbach complain about the role of
13 Lisa Page, not necessarily her role in what she had
14 responsibility for, but because she had access to Mr. McCabe
15 and she also would get information from Strzok, that those
16 people, Steinbach or Giacalone and I guess Priestap to a
17 certain extent, they would probably be the ones most affected
18 by information not coming through them. Did you ever hear
19 any one of them specifically complain about that?

20 A I didn't have any -- I don't believe I heard either
21 of them -- neither of them personally complained to me, but I
22 was aware of their concerns.

23 Q So you were aware there were concerns with them,
24 but you don't recall anything directly from them to you about
25 the issue?

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1 A I don't remember them either raising concerns with
2 me.

3 Q What had you heard about the concerns?

4 A That there were concerns about Lisa bypassing the
5 chain of command. As you know, the FBI is a very chain of
6 command organization.

7 Q Do you know if Mr. McCabe was aware that some of
8 his agent executives were concerned that they were being
9 bypassed on information on what, by all accounts, was a
10 sensitive, critical investigation?

11 A My understanding was that he was aware.

12 Q And did he do anything to ensure that those
13 executives, the agent executives of his would get the
14 information that they felt they were being denied by her
15 bypassing them, or he was aware but didn't do anything, your
16 opinion?

17 A My understanding was that he did talk to Lisa on
18 several occasions, that he and she talked about it, because
19 Lisa was interested in -- she didn't want to create tension
20 or cause problems, and so she wanted to find a way to work
21 amicably with those executives.

22 Q And did you indicate earlier that you would have
23 been, I think you made a distinction between a rating
24 official and a reviewing official, and you were the rating
25 official for Lisa Page?

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1 A I recall that's how we handled it, yes.

2 Q So what was your assessment of her as a lawyer? I
3 mean, did she get good ratings, good reviews?

4 A Yes. Lisa was a terrific lawyer.

5 Q Okay. And you got along with her?

6 A I did.

7 Q Okay. So we now have an idea who from the Bureau
8 was at these meetings. Who from the Department of Justice
9 would have either come to the meetings you were at or been on
10 a phone or conference call or video, or who from the
11 Department would have been representing the Department at
12 these meetings?

13 A The meetings with Director Comey?

14 Q Yes.

15 A They were internal FBI meetings. They did not
16 include the Department of Justice.

17 Q So did you go to meetings where there were
18 representatives from the Department there?

19 A Yes, from time to time I did.

20 Q So were these a higher -- at the same level that
21 the Director and Deputy Director would be, or were these a
22 lower level employee from the Department?

23 A I recall -- there were -- well, it depends on the
24 meeting. There wasn't a particular -- it wasn't always the
25 same with respect to every meeting.

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1 Q So who -- if you were asked who from the Justice
2 Department was on the Midyear team, what names did you see at
3 these meetings, whether they were always there, occasionally
4 there, big meeting, little meeting? Who from the Department
5 participated in any capacity on Midyear?

6 A The two main prosecutors who were -- who I would
7 say were involved in the case at a line level from a -- that
8 really had the day-to-day responsibility were [REDACTED]
9 and [REDACTED]. There were prosecutors from EDVA who
10 were also involved. [REDACTED] was one of them. [REDACTED]
11 [REDACTED] was the other. And then David Laufman was
12 [REDACTED] supervisor, and David reported to George Toscas.

13 Q So were the meetings just general like progress,
14 where are we at meetings, or were there specific tasks and
15 issues to address at different meetings or --

16 A I presume that there were such meetings that
17 occurred. I would not be involved in the sort of general
18 progress updates or things that the people with more
19 immediate responsibility for the case would -- those types of
20 meetings that those people would have. I was more involved
21 in meetings with DOJ when there were specific issues that
22 came up that required high-level supervisory or executive
23 engagement.

24 Q And the ones you were at, they would be more
25 law-related, or you could have been at others just as a

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1 lawyer?

2 A I could have been at others as a lawyer.

3 Q But were you ever at meetings where the topic of
4 the meeting was law, specifically what charges might be
5 appropriate, if any charges would be appropriate? Were there
6 ever meetings you were at where different statutes were
7 discussed?

8 Mr. Herrington. Meetings with the DOJ or anyone?

9 Mr. Baker. Either or. Internal to FBI, with DOJ, a
10 mixture, any time where the topic of the meeting was a lawyer
11 focus, was a legal focus. We've got this big investigation
12 going. My understanding, resources were pulled from
13 Washington field. You've indicated some of the prosecutor
14 resources are from other places. I'm assuming there had to
15 be some meetings at some point. We've got this big thing
16 going on.

17 Are there laws that may have been violated here and, if
18 so, what are they? Any meetings like that?

19 Ms. Anderson. So I never --

20 Mr. [REDACTED] Ms. Anderson, before you answer. For this
21 line of questioning for today, our understanding of the
22 Department's position as of right now is that if you know
23 someone not to be an SESer at the Department of Justice that
24 you discuss that person but not identify them by name.

25 If the committee had a -- if the committees have a

1 different understanding of the Department of Justice's
2 position at this time, please let us know and we will do our
3 best to check on that. But going forward for today, we would
4 ask you to bear that in mind.

5 BY MR. BAKER:

6 Q My interest right now is just were there
7 discussions of possible statutes that could have been
8 violated or that if the investigation went on things to look
9 for that maybe there's a statute that looks like it might be
10 close but the facts don't show that. Just anything where
11 there was a discussion about a statute that might be applied
12 should charges be warranted.

13 A I presume there were such meetings with DOJ, but I
14 was not a part of such meetings. That would not be
15 consistent with my role in the case.

16 Q Okay. So what kind of product would you review
17 from the two lawyers that you supervised? What did they
18 contribute to the Midyear team?

19 A So the Acting Unit Chief that I referenced earlier,
20 FBI Attorney 1, she -- the role she played was that she
21 provided legal guidance directly to the investigative team
22 within the FBI on issues such as the investigative strategies
23 that might be pursued, means by which different types of
24 evidence might be acquired, applications of the DIOG and
25 whether certain thresholds were met that would allow for the

1 use of particular investigative techniques. Those types of
2 issues.

3 If there was a search warrant that was being obtained,
4 she would help develop the search warrant affidavit, would
5 review it, would help review arguments for probable cause,
6 things like that. She worked very closely with the team on
7 those types of questions.

8 And she also worked with the prosecutorial team on legal
9 issues that would arise. I'll give you an example of one
10 that came up with some frequency. We had lots of
11 negotiations, as I think you're aware, with outside counsel
12 representing various parties who had material that at one
13 point contained emails that might have been relevant to our
14 investigation, such as laptops or Blackberries.

15 And so my attorney was involved with the prosecutorial
16 team in negotiating the term -- not -- she was not directly
17 negotiating, but involved in discussing the parameters of the
18 search, of the consent that might be given and what that
19 would allow us to do and that sort of thing, and then in
20 memorizing it with the outside counsel.

21 Q So it sounds like she gave a wide variety of legal
22 advice to this team, I mean, anything that -- it sounds like
23 she was kind of just a general resource for legal things that
24 they might be doing, because it sounds like they discussed
25 investigative strategy, search warrant strategy. Who would

1 she have interacted with at the Department?

2 A You'd want to talk to her directly about that. I
3 don't want to -- I can make presumptions about who it was,
4 but I don't know to a certainty.

5 Q Okay. But she would be the one to ask who she
6 worked with at the Department?

7 A That's right.

8 Q So when you reviewed or rated her, did you have any
9 outside input from the Department about what she was doing on
10 Midyear for purposes of rating?

11 A No. That would not be something that would be
12 consistent with our practice in completing the evaluation
13 process.

14 Q Okay. So it sounds like this attorney is giving a
15 wide variety of legal advice. Did she ever express an
16 opinion to you of frustration with any aspect of the
17 investigation where her advice was not being heeded in any
18 capacity or advice she was giving?

19 A Not being heeded by whom?

20 Q By the people she's giving the advice to, people on
21 the team. She's making a recommendation of something and
22 she's being overridden on it. There's somebody else -- and
23 again, it could be the Department or it could be internal to
24 the Bureau -- that's not taking her advice.

25 A I don't recall any specific instances, but

1 absolutely, in the course of any sort of investigation you're
2 going to have disagreements within the team and instances in
3 which lawyers who are participating in conversations aren't
4 necessarily going to have the prevailing view on different
5 issues.

6 Q But none of these issues or disagreements were so
7 tense or intense that you got involved to mediate anything,
8 as her supervisor?

9 A I don't recall there being anything.

10 Q Okay. Did she ever express frustration about the
11 pace of the investigation?

12 A There was -- yes, she probably did to me. As is
13 discussed in the IG report, there was some tension between
14 the FBI investigative team and the DOJ prosecutors and
15 disagreements about the methods by which evidence was
16 pursued. In general, the DOJ prosecutors preferred to work
17 through consent, whereas the FBI team felt in certain
18 instances that compulsory process would have been warranted.

19 However, from what I saw and from what [REDACTED] -- I'm
20 sorry, from what Attorney No. 1 told me, it fell within the
21 ambit of the natural type of tension that arises in any case
22 between prosecutors and investigative personnel.

23 Q Have you ever been a prosecutor?

24 A No, I have not.

25 Q But you -- certainly in your capacity at the FBI,

1 you are aware of or maybe worked with prosecutors?

2 A That is correct.

3 Q Is it fair to say that tension or disagreements
4 that sometimes exist between prosecutors and investigators or
5 even between the FBI and the DOJ, it's sometimes a very
6 healthy tension?

7 A That is correct.

8 Q And why would it be a healthy tension? What
9 happens with that kind of dynamic, in your opinion?

10 A It means that all viewpoints are aired, options are
11 fully considered and explored, and often the best -- the best
12 option will rise to the top of a healthy disagreement among a
13 group of smart people who have differing viewpoints on an
14 issue.

15 Q And do you think it would be fair to say that in
16 that environment where, as you indicate, all the different
17 viewpoints are taken, put on the table, debated, and
18 ultimately one decision or an idea floats to the top, even
19 the people that's view or opinion is not the prevailing one,
20 sometimes in that atmosphere where everything is vetted and
21 aired, those people ultimately think and agree that maybe
22 their idea wasn't the right one and that the one that
23 prevailed was the right decision?

24 A Sometimes, yes.

25 Q Do you have any reason to believe that in any

1 aspect of Midyear, when those types of dynamics occurred or
2 group discussions occurred, that there were a group of people
3 that didn't think the right decision came out?

4 A I don't know that everybody agreed about every
5 decision that was made. That would be drawing quite a large
6 generality with respect to a group of multiple people. There
7 were lots of different investigative decisions, and I don't
8 know what the personal viewpoints were of everybody involved
9 in those decision points.

10 Q Did you ever hear anything from subordinates that
11 you supervise that were actually more active in Midyear, any
12 decision that was made that they were in such disagreement
13 with the final outcome that they brought it to you or you
14 heard rumblings or ramblings about it?

15 A No. The biggest issue that was of -- that created
16 the greatest degree of tension -- this is all I think pretty
17 accurately depicted in the IG report -- was the question
18 about how and whether to obtain access to the Mills and
19 Samuelson laptops.

20 At the end of the day, I do believe everybody was
21 satisfied with the access to the evidence that we were able
22 to obtain, but it took some time for everybody to come to
23 that point of view. It took some -- and that's not really
24 quite the right thing I mean to be saying. It took some time
25 for us to work through the issues with DOJ, and I do know

1 that the attorney who worked for me was among those who was
2 frustrated over the course of that series of events.

3 Q Was that attorney ultimately satisfied, or did they
4 remain --

5 A She was ultimately satisfied that we got access to
6 the evidence that we needed.

7 Q Okay. Did you and Mr. Baker -- I'm sure in the
8 course of business, for purposes of ratings, you've indicated
9 he was a reviewing official to people you rated, and I'm
10 assuming there were things that you would forward to him that
11 he was the ultimate sign-off and approver on. But did you
12 ever have like just informal discussions with him about the
13 law, this case, just as -- was your relationship with him one
14 of -- in addition to a superior, would you consider him a
15 friend, somebody you could go into his office and talk to him
16 about an issue, or what kind of relationship did you have
17 with the General Counsel?

18 A I think the relationship that you just described is
19 the one that I had with him.

20 Q Did he ever express to you -- in this very high
21 level is all I'm asking. Did he ever express to you his
22 opinion of this -- the reason how Midyear got started, did he
23 ever express an opinion to you at how shocked he was about
24 the careless transmission of classified materials?

25 A I've read his statement in the IG report, that he

1 was -- I don't remember the precise words that were used, but
2 he did have some language to that effect about the nature of
3 the use of the email server.

4 Q Did he ever discuss that with you personally, like
5 I can't believe this or any conversations he had with you
6 directly about it, or your recollection is from the IG
7 report?

8 A My recollection is from the IG report.

9 Q Did any of the two attorneys you had on the Midyear
10 team, did they express shock, really one way or the other?
11 Did they think, oh, you know, this is nothing, did they
12 express that to you? Why are we looking at this? Or did
13 they, you know, on the other side of the spectrum, there's a
14 lot of potential classified information that's been put out
15 on a personally set-up server, I've never seen anything like
16 this. Did they express anything one way or the other to you?

17 A Shock isn't really quite the right word, but we all
18 held a sense that -- that it was a pretty stupid thing to do,
19 that anybody who has held a security clearance, anybody who
20 has worked in the government understands that you have -- the
21 cardinal rule that you have to do your work on a government
22 system.

23 So we all recognized from the outset that from a
24 commonsense perspective from somebody who has worked -- from
25 the perspective of somebody who has worked in the government

1 that it seemed like a pretty dumb thing to do.

2 Q If one of your employees -- and this is a
3 hypothetical. If one of your employees had set up a private
4 server and had emailed national security law materials back
5 and forth that were classified amongst each other or to
6 anybody, really, what would be your reaction to that and what
7 would be the official reaction of the FBI to that?

8 A Well, my initial reaction would be that I presume
9 it would violate numerous internal policies governing the
10 systems on which we are required to do our work-related work,
11 meaning the work systems. And so my presumption would be
12 that there could be some penalty associated with violations
13 of agency policy, whether it's FBI or another agency.

14 Q What would happen just in the normal course of
15 business, someone during the workday I assume in the capacity
16 you were employed at the FBI and other attorneys and other
17 agents that are dealing with national security matters, I
18 would imagine a lot of the materials you deal with in the
19 course of just a regular day are classified. Would that be
20 true?

21 A That is correct.

22 Q What would happen if just inadvertently employee A
23 needs to send something to employee B over an FBI system,
24 over an approved system, but say it's marked wrong and they
25 don't identify it as classified. What happens? I mean, it's

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1 my understanding that even a single innocent spillage or
2 inappropriate transmission requires some kind of mitigation.
3 There's a notice. There's a security officer that's called
4 --

5 A If somebody comes to learn that they have
6 inadvertently transmitted classified information on a system
7 that's not cleared to receive classified information, yes,
8 there's a spill procedure that is required to be used in
9 circumstances where somebody becomes aware that the
10 information is, in fact, classified.

11 Q Are you aware of any employees, not by name, that
12 have had accidental spillage of information?

13 A Yes. It has happened with some frequency, and
14 it's -- people are encouraged to report to the security
15 division and to have -- then the security division takes the
16 appropriate steps.

17 It's not something that -- it's not regarded as a -- as
18 a big deal except that the -- from the standpoint of employee
19 discipline unless somebody does it with a great deal of
20 regularity knowingly, but it's something that is addressed to
21 ensure that the classified information is secured
22 appropriately.

23 Q But if it did happen with any regularity, there
24 would potentially be discipline?

25 A There could potentially be discipline, yes, I would

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1 imagine. But I don't know the precise rules within the FBI
2 about exactly what would trigger that sort of review.

3 Q If someone -- if an employee had transmitted the
4 amount of documents that Secretary Clinton did on a server
5 that was not approved for that sort of thing, would you
6 imagine the employee would be disciplined?

7 A I have no idea.

8 Q Is it more likely than not that an employee that
9 was caught doing that, there would be some discipline?

10 Mr. Herrington. You'd be guessing --

11 Ms. Anderson. I have no idea. I'm not in charge of
12 attorney discipline. I'm not aware of any circumstance where
13 something analogous has happened within the Bureau. So I
14 simply don't know. But there are -- there would be a
15 question raised whether it would violate FBI internal policy.

16 BY MR. BREITENBACH:

17 Q Are you aware whether it would violate anything
18 other than internal policy?

19 A No, I don't know.

20 Q But you are --

21 A Is there something specific --

22 Q Well, I guess what I'm wondering is, you were the
23 top national security -- you were head of the National
24 Security and Cyberlaw Division at the FBI. That would entail
25 understanding of the national security and cyber laws

1 governing spillage of classified information. So I think you
2 said you would presume that it would violate agency policy,
3 but are you aware whether it would violate any particular
4 law?

5 A I'm sorry, what is the "it," though, the particular
6 content you guys are -- that you're referring to?

7 Q Sure. I think going back to Mr. Baker's line of
8 questioning, the sending or transmittal of classified
9 information over a private server, a private email address,
10 any type of nonsecured server.

11 A It could -- I mean, that was the question that was
12 presented by the Midyear Exam investigation. And certainly,
13 depending on the particular fact patterns that emerged, there
14 could theoretically be criminal activity that -- that might
15 arise, based on the particular facts that might be developed
16 through the investigation.

17 Q So if you found that that was happening inside the
18 Bureau, similar activity that you learned of Mrs. Clinton's,
19 and that person was under your supervision, would you not
20 recommend some level of discipline for that activity?

21 A I'm not in the business of recommending discipline.
22 Certainly, I would refer that person to the Inspection
23 Division for review.

24 Q Okay, thank you.

25 A The inspection division within the FBI handles a

1 broad range of different violations, including FBI internal
2 policy.

3 BY MR. BAKER:

4 Q When you -- you were already employed at the FBI
5 when Midyear was opened, correct?

6 A That is correct.

7 Q When did you know that you would be on the team or
8 that it would be your lawyers that would be on the team? How
9 soon from the opening of that case were you or your team,
10 your employees brought into it?

11 A Very quickly. In fact, I believe -- I think I was
12 involved very early on, because there was a question that
13 came to me, as the lawyer in charge of the national security
14 area within the FBI, from the ODNI counsel who supported the
15 IC IG when they were -- they asked -- they called to ask me
16 who within the FBI should receive the 1811(c) referral.

17 Q So you actually got the call from the IC Inspector
18 General?

19 A From his counsel, yes.

20 Q And who was the counsel?

21 A I don't recall --

22 Mr. Herrington. Is that person an SES?

23 Ms. Anderson. I assume so. And they're not within the
24 DOJ or FBI, within the DOJ or FBI. Jeannette is her first
25 name. I don't recall her last name.

1 BY MR. BAKER:

2 Q But that's who you received a call from. They
3 asked who within the FBI should get the referral --

4 A That is correct.

5 Q -- or did you take the referral and pass it on?

6 A I did not take the referral. They had not yet sent
7 it over. They were asking to whom they should send it. I
8 immediately looped in FBI Attorney 1, who I understood to
9 have responsibility for counterintelligence matters within
10 our organization. I had only been on the job about a month.
11 And I believe that FBI Attorney 1 was included in the
12 conversation with me in which we responded to the counsel for
13 the IC IG.

14 Q And then from there, what happened? How did it get
15 opened from there? Who else at the FBI got involved in it?

16 A After we received -- the referral I believe came in
17 to Randy Coleman, who was the AD for the Counterintelligence
18 Division. And I don't know precisely what the next steps
19 were that were taken immediately after that.

20 Q But sometime subsequent to that, a case was opened,
21 obviously?

22 A That is correct.

23 Q So you initially took this call. You consult with
24 Attorney 1. Was there ever any discussion about why it ended
25 up as the counterintelligence matter in the

1 Counterintelligence Division as opposed to maybe being
2 something on the criminal side of the house?

3 A No. The Counterintelligence Division had the
4 relevant expertise within the FBI. Organizationally, that's
5 where the case appropriately resided.

6 Q Because of the facts that were presented, that's
7 where CD or Counterintelligence's work fell?

8 A That is correct.

9 Q So are there similar cases that you have been
10 involved or were involved subsequent to this? Because this
11 is a spillage case, it ended up in Counterintelligence? What
12 made it a Counterintelligence case?

13 A Because it involved the handling of classified
14 information.

15 Q Okay. And is it fair to say the potential
16 violations would be Espionage Act violations that would be
17 matters that would be looked at by the Counterintelligence
18 Division?

19 A That is correct.

20 Q So the facts and the laws that potentially the
21 facts would violate were violations that were worked by the
22 Counterintelligence Division?

23 A Right.

24 Q Okay. Do you know if there was any -- after the
25 case is opened -- my last question really related to the

1 genesis of how it was opened -- were there folks, agents from
2 other field offices, other places at headquarters that felt
3 it should have been a criminal matter and not -- in the
4 criminal division somewhere, not a Counterintelligence
5 matter?

6 A I was not aware of any such concerns.

7 BY MR. BREITENBACH:

8 Q If we can go back to your supervision over
9 Ms. Page. I think in the public news, everybody is aware
10 that she was engaged in an extramarital affair with
11 Mr. Strzok. Were you ever informed of that affair?

12 A No.

13 Q So you had no knowledge that there was any
14 impropriety between the two at any point during your
15 employment at FBI in supervision of Ms. Page?

16 A I had no knowledge of the affair until it was
17 publicly disclosed.

18 Q Did you have any -- I think then, by extension, you
19 would not have had a knowledge that the affair would have
20 ever been reported to anyone else inside the Bureau?

21 A I'm sorry, could you repeat the question?

22 Q I presume that since you did not have knowledge of
23 the affair, you would not have known whether the affair was
24 reported to anyone else in any supervisory chain inside the
25 FBI?

1 A I don't know.

2 Q You don't know?

3 Mr. Herrington. You're asking if she came to know that
4 it had been reported to someone else?

5 Mr. Breitenbach. Correct.

6 Ms. Anderson. If I came to learn that it had been --

7 Mr. Herrington. After it became public, did you learn
8 that it had been reported internally?

9 Ms. Anderson. No, I have never -- I don't have any
10 knowledge, sitting here today, about whether there was
11 anybody within the FBI to whom the affair was reported or if
12 any others had knowledge of it.

13 BY MR. BREITENBACH:

14 Q Are you aware at this point whether anyone inside
15 the FBI ever had the affair reported to him or her?

16 A No. At this point, sitting here today, I do not
17 know.

18 Q So at the time that Ms. Page was transferred to the
19 special counsel's team, did you have any awareness of the
20 affair?

21 Mr. Herrington. Do you mean when she was detailed to
22 serve as special counsel to Andy McCabe?

23 Mr. Breitenbach. Yes, sir.

24 Mr. Herrington. Did you have any awareness of the
25 affair?

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1 Ms. Anderson. No.

2 BY MR. BREITENBACH:

3 Q What is the process internally in the FBI when such
4 a matter may become known?

5 A To be honest, I don't know. It never came up in my
6 3 years at the FBI.

7 Q In your time leading the National Security
8 Division, is an affair, in terms of the effect on
9 Counterintelligence, at all a concern for you, any affair?

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1 [10:58 a.m.]

2 Ms. Anderson. Could you repeat your question?

3 BY MR. BREITENBACH:

4 Q Yes. As head of the National Security Branch
5 inside the General Counsel's Office, do you believe that an
6 extramarital affair is of concern for an employee to be
7 engaging in at the FBI?

8 A I do believe that that would be one of the
9 indicators that somebody who specializes in insider-threat
10 matters might look at. Depending on the particular facts, it
11 is the kind of thing that persons who have responsibility for
12 insider threats might review, depending on the facts.

13 Q So can you explain what kind of insider threat you
14 envision with regard to the effect that an extramarital
15 affair might have?

16 A I am just simply -- so we've all within the Bureau
17 received training on insider-threat issues. And so, based on
18 the training that I've received, it would be my understanding
19 that that would be the kind of general information that might
20 make somebody vulnerable to blackmail or recruitment by a
21 foreign intelligence service. And so, therefore, that kind
22 of personal issue could be used against them, and so it might
23 be something that would be the subject of further review.

24 Q And you mentioned training. So I presume that
25 Mr. Strzok, as one of the top counterintelligence agents, and

1 Ms. Page, serving in the capacity that she was in terms of
2 advising the Deputy Director, would have also received such
3 training?

4 A I'm referring to training that was providing
5 Bureau-wide.

6 Q And the training itself was discussing various
7 types of activity that might encourage a foreign intelligence
8 service to begin to target someone?

9 A The training was for -- it was geared toward
10 employees understanding what indicators they might see in
11 their coworkers that might be reflective of an insider
12 threat. And there's a whole host of different issues that
13 could arise that could be used against somebody, such as
14 financial trouble or other issues.

15 And so, based on the training that I received, it's my
16 understanding that something like, you know, a personal
17 affair could be something that might be used against somebody
18 if they were vulnerable to blackmail.

19 Q Are you aware whether the personal affair at any
20 point -- I understand you said you were not aware of it
21 before it was made public. But at any point are you aware
22 whether that affair was taken advantage of by any foreign
23 intelligence service?

24 A I have no idea.

25 Q All right. Thank you.

1 Mr. Parmiter. We've just got a few minutes left in the
2 first hour. I just wanted to ask a couple of questions.

3 We talked a little bit earlier, when you were speaking
4 to my colleague Mr. Baker, about meetings at the Bureau
5 involving charges or other things like that.

6 What I'd like to do is show you what we're going to mark
7 as exhibit 1.

8 [Anderson Exhibit No. 1
9 was marked for identification.]

10 BY MR. PARMITER:

11 Q It's just a single page. And I can represent to
12 you that this was produced as part of the Bureau's ongoing
13 production to our two committees of relevant documents.

14 And looking in particular -- well, first of all, do you
15 recognize this document or the form of this document?

16 A I've never seen this document before today.

17 Q Okay. If we're looking down at not the first --
18 what does the document appear to be?

19 A An email exchange.

20 Q Okay. And if we're looking at not necessarily the
21 most recent email at the top but the one in the middle, this
22 refers to secret meetings between Trisha and Jim.

23 Trisha is presumably you. Would you agree with that?

24 A Yes.

25 Q And Jim would be Jim Baker?

1 A I assume so.

2 Q Okay. It also refers to TBA. Would TBA be you?

3 A I presume so.

4 Q Okay.

5 This email appears to complain about, quote/unquote,
6 "secret" meetings you were having regarding MYE. Can we
7 agree that's the Midyear Exam?

8 A Yes.

9 Q Okay. Do you have any idea who may have written
10 this email?

11 A I don't know. It presumably was one of the
12 attorneys who worked for me.

13 Q Okay. And do you know that because the email
14 signature contains "Assistant General Counsel" in NSLB?

15 A Yeah, that's among the reasons.

16 Q What are some of the other reasons?

17 A There's a reference to, quote, "her own people."
18 And the complaint is obviously about somebody who feels cut
19 out of something that they feel they should be involved in.

20 Q Do you recall any of the attorneys you supervised
21 ever complaining to you about being excluded from meetings?

22 A No.

23 Q Okay. What are these meetings that they're
24 referring to?

25 A It's not clear from the face of the email, but I

1 believe that it was -- based on the identity of the
2 participants, I believe this relates to a classified matter
3 that's discussed in the appendix to the IG report.

4 Q Okay. Do you recall who else was at those meetings
5 from either DOJ or FBI?

6 A There was a series of meetings on this topic. I'm
7 not sure that there were -- I'm not sure this really
8 accurately characterizes the meetings that occurred. This
9 suggests a large number of meetings -- quote, "all these
10 'secret' meetings." I'm not sure exactly what that refers to
11 because there were only a small number of meetings on the
12 matter to which I just referred. Those meetings were with
13 different groups of people. And that's all documented in the
14 classified appendix, I believe.

15 But some of those -- I'm referring, for example, to a
16 meeting at DOJ with George Toscas and David Margolis that Jim
17 Trainor, Jim Rybicki, and possibly Andy McCabe and I had with
18 those two individuals. We also had a conference call with
19 that same group.

20 We had a subsequent meeting then, also at DOJ, with that
21 group minus David Margolis, who had passed away by that point
22 in time, but with George Toscas, John Carlin, Sally Yates,
23 and [REDACTED] Jim Trainor had retired by that point in
24 time, so it presumably would've been just been Jim Rybicki,
25 Andy McCabe, and myself.

1 And then a subsequent -- this doesn't seem to be
2 encompassed, though, by the timeframe.

3 So I'm not really quite sure what "all these 'secret'
4 meetings" are, but that's sort of the basic series of
5 meetings that I believe to be reflected here.

6 Q Okay. And, as you indicated, the purpose of the
7 meeting was to discuss classified material?

8 A That's correct.

9 Q Okay.

10 You mentioned Mr. Margolis. Just for the record, what
11 was his title at the Department?

12 A I believe it was Associate Deputy Attorney General.

13 Q Okay. And Mr. Trainor?

14 A Jim Trainor was the Assistant Director for the
15 Cyber Division at the FBI.

16 Q Okay.

17 BY MR. BAKER:

18 Q In your capacity at the Bureau, did you have a
19 security clearance?

20 A Yes, I did.

21 Q And to get a security clearance, were you subjected
22 to a background investigation?

23 A Yes, I was.

24 Q Were you also given a polygraph exam?

25 A Yes, I was.

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1 Q This might not be in your lane, but I'll ask you.
2 What does it mean when a polygraph is, quote, "out of scope"?

3 A My understanding is that polygraphs are required to
4 be given every 5 years, and so when somebody is out of scope,
5 it means that somebody is beyond that 5-year reinvestigation
6 point.

7 Q So "out of scope" in your understanding is, for
8 lack of a better term, it's an administrative thing. You
9 haven't done the reinvestigation or the polygraph exam. It's
10 not an indication of deception.

11 A Oh, no, definitely not. And the responsibility
12 does not lie with the individual. The responsibility to
13 reinitiate the investigation lies with the Security Division
14 of the FBI.

15 Q Okay.

16 A And many individuals, actually, are frustrated that
17 they are out of scope because it affects their status with
18 respect to their ability to attend meetings or discuss
19 classified information with people outside of the FBI from
20 time to time. And so somebody being out of scope has no
21 bearing on the individual, him- or herself.

22 Q Would it be fair to say, if you know, that a lot of
23 people, a good number of people, at any given time are out of
24 scope due to other backgrounds and polygraphs that need to be
25 given? If there's a surge in new hires, new agents, the

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1 resources that are polygraph-intensive are put on those, and
2 people that are already on board would potentially slip out
3 of scope?

4 A Yes, that's my understanding. It affected the work
5 within our branch from time to time.

6 Q But, again, it's not an indication of deception or
7 inconclusive or anything negative as a result of a polygraph
8 exam.

9 A That's correct.

10 Q And then, finally, for our time, you answered this,
11 but I want to be absolutely clear: Did any of your employees
12 bring to your attention the relationship between Ms. Page and
13 Mr. Strzok?

14 A No.

15 Q Thank you.

16 Mr. Parmiter. I think we're out of time, so we'll take
17 a short break and come back with the minority.

18 [Recess.]

19 Mr. Morgan. It is now 11:20 a.m., and we are back on
20 the record for the minority round of questioning.

21 Ms. Anderson, before we begin, I just want to say some
22 of these questions might be a little redundant, maybe even
23 obvious, but I would just ask for your patience. We're just
24 trying to make certain that the record is clear and complete.

25 So my colleague would like to start off, actually, with

1 some of the discussion that we left off with in the last
2 round.

3 Ms. Anderson. Okay.

4 EXAMINATION

5 BY MS. KIM:

6 Q Ms. Anderson, I'd like to return to the document
7 introduced as exhibit 1.

8 Are you generally familiar with Director Comey's book,
9 "A Higher Loyalty"?

10 A I read it. Yes.

11 Q Are you aware of the unclassified discussion he
12 makes of a classified matter about unverified documents,
13 alleging that Loretta Lynch may have had a conflict of
14 interest --

15 A Yes.

16 Q -- in the Clinton investigation? Is this document
17 referring to that matter?

18 A I believe so, but I don't know to a certainty,
19 given that I wasn't the drafter of this email.

20 Q And with regard to that matter, did the FBI ever
21 find credible evidence that Loretta Lynch was somehow
22 conflicted out of the Midyear investigation?

23 A No. My understanding was that she did not recuse
24 herself.

25 Q My understanding from Director Comey's book is that

1 the allegations in that classified matter remain unverified.

2 Is that also your understanding?

3 A Yes.

4 Q Did you ever face a conflict of interest regarding
5 the Midyear investigation?

6 A No.

7 Q Did Jim Baker ever face a conflict of interest
8 regarding the Midyear investigation?

9 A Not that I'm aware of.

10 Q Did George Toscas?

11 A Not that I'm aware of.

12 Q Did Stu Evans?

13 A Not that I'm aware of.

14 Q Are you aware of any individual who staffed the
15 Midyear investigation on the Justice Department side or on
16 the FBI side who had a conflict of interest with the Midyear
17 investigation?

18 A I don't know if there was anybody. I wasn't aware
19 of anybody with a conflict of interest, although, at some
20 point in time, Andy McCabe did recuse himself from the
21 matter.

22 Q He did so voluntarily. Is that correct?

23 A Uh --

24 Q Sorry. Let me be more precise with that question.
25 The Inspector General's report represents that

1 Mr. McCabe had ethical obligations reviewed by counsel at the
2 FBI and was advised that his recusal was not mandatory. Is
3 that also your understanding?

4 A That's my understanding, yes.

5 Q And yet he did so to avoid the appearance of
6 impropriety at Director Comey's suggestion. Is that correct?

7 A My understanding was that it was a prudential
8 recusal, yes.

9 Q Thank you.

10 BY MR. MORGAN:

11 Q Ms. Anderson, just returning to some kind of
12 general questions about the Midyear investigation, what kind
13 of decisionmaking authority did you hold regarding
14 investigative decisions?

15 A None.

16 Q So you held no authority to make investigative
17 decisions like how to acquire evidence or what order in which
18 to interview subjects or decisions of that nature?

19 A That's correct.

20 Q What decisionmaking authority did you have for
21 legal decisions in the Midyear Exam case?

22 A I was responsible for the legal advice that was
23 given to -- responsible in a supervisory sense. In other
24 words, I oversaw the lawyers who provided legal guidance to
25 the Counterintelligence Division and other national security

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1 components of the FBI. And so that would have been -- the
2 same was true for my role with respect to the Midyear Exam
3 investigation.

4 Q And the lawyers you're referring to would be the
5 ones referred to in the IG report as FBI Attorney 1 and FBI
6 Attorney 2. Is that correct?

7 A That's correct. As well as filter team attorneys.

8 Q Can you describe the process by -- I know that you
9 discussed a little bit about your role in terms of charging.
10 But are you familiar with or can you describe the process by
11 which the Midyear team narrowed down the range of relevant
12 statutes in the case? Were you a party to any of those
13 discussions?

14 A I don't recall any specific discussions, but I
15 don't think it was the subject of much debate. It was pretty
16 clear from the outset what statutes were at issue that we
17 were looking at. By "we," I don't mean me personally but the
18 broader team of prosecutorial and investigative personnel.

19 Q So then, generally, based on your general knowledge
20 of the process, was it kind of an organic process that was,
21 you know, informed by the experience of the Justice
22 Department prosecutors familiar with cases involving
23 mishandling of classified information?

24 A I'm sorry, could you repeat the question?

25 Q Sorry. Let me -- was it -- pardon me.

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1 To your knowledge, was the process informed by
2 independent legal research by FBI lawyers, or was it an
3 organic process in which FBI lawyers and the prosecutors
4 handling the case kind of discussed the issue?

5 A The personnel both on the DOJ side as well as the
6 lawyers who reported to me were seasoned counterintelligence
7 personnel with experience in cases analogous to this
8 involving the mishandling of classified information. And so
9 there wouldn't necessarily be research that was required
10 because these are people who have a great deal of experience
11 in dealing with cases and investigations involving these
12 statutes.

13 Q At any point, did any improper consideration such
14 as political bias enter the discussion on what statute to
15 apply?

16 A I'm not aware of any such improper considerations.

17 Q Did any political appointee at DOJ direct your team
18 to use or not use a particular statute in this matter against
19 the prevailing opinion of the Midyear team?

20 A No.

21 Q What was your professional relationship like with
22 Lisa Page?

23 A I had a very good professional relationship with
24 her. We worked together very closely insofar as she
25 supported the Deputy Director and was therefore involved in a

1 number of different national security issues at a high level
2 within the FBI.

3 Q In your time working together with her, did you
4 ever witness Lisa Page take any official actions based on
5 improper motivations, including political bias?

6 A No.

7 Q What was your personal relationship like with Peter
8 Strzok?

9 A I didn't know Peter quite as well. I knew him only
10 through my work on the Midyear Exam investigation. But I
11 knew him -- and as well as by reputation within the FBI. And
12 he had a very good reputation as somebody who was one of the
13 most experienced, smartest counterintelligence professionals
14 within the FBI.

15 Q Well, based on your interactions with him on the
16 Midyear and otherwise, did you ever witness Peter Strzok
17 taking any official actions based on improper motivations,
18 including political bias?

19 A No.

20 Q My apologies. Did you ever witness Peter Strzok
21 taking any official actions based on improper motivations,
22 including political bias?

23 A No.

24 Q What was your professional relationship like with
25 Jim Baker?

1 A I had a close relationship with Jim. I had known
2 Jim for a long period of time in a professional context
3 before I came to the FBI.

4 Q And in your time working with him, did you ever
5 witness Mr. Baker taking any official actions based on
6 improper motivations, including political bias?

7 A No.

8 Q What was your professional relationship like with
9 Andrew McCabe?

10 A I didn't know Andy quite as well, given the rank
11 that he held within the organization. But over the course of
12 the investigation, I came to work with him more closely and
13 had relatively frequent contact with him.

14 Q Again, based on your time working together, are you
15 aware or did you ever witness Andy McCabe taking any official
16 actions based on improper motivations, including political
17 bias?

18 A No.

19 Q What was your profession relationship like with
20 Director Comey?

21 A My contact with him was limited to these large
22 group meetings concerning the Midyear case.

23 Q And, again, based on your contact with him, did you
24 ever witness Mr. Comey taking any official actions based on
25 improper motivations, including political bias?

1 A No.

2 Q In your experience with the Midyear Exam, was there
3 any improper political interference -- or did you witness any
4 improper political interference?

5 A I did not.

6 Q Is it consistent with your experience that the case
7 was investigated by the book?

8 A Yes.

9 Q In your experience, did any political appointees at
10 DOJ improperly intervene or attempt to intervene in the
11 Midyear investigation?

12 A I was not aware of any such improper interventions
13 by DOJ personnel.

14 Q Did any political appointees at DOJ give
15 inappropriate instructions or attempt to give inappropriate
16 instructions about the conduct of the Midyear investigation,
17 to your knowledge?

18 A Not to my knowledge.

19 Q Did any political appointees at DOJ ever attempt to
20 inject improper considerations, including political bias, in
21 the conduct of the Midyear investigation?

22 A Not to my knowledge.

23 Q Are you aware of any conduct of any member of the
24 Midyear team that had the effect of invalidating the outcome
25 of the investigation?

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1 A I'm sorry, could you repeat that?

2 Q Are you aware of any conduct of any member of the
3 Midyear team that had the effect of invalidating the outcome
4 of the investigation?

5 A What do you mean by "invalidating the outcome"?

6 Q Meaning, did they engage in any conduct that
7 altered the outcome of the investigation based on
8 considerations other than the facts, the evidence, or the
9 law?

10 A No.

11 Q In your view, was the Clinton email investigation a
12 thorough and fair investigation?

13 A Yes.

14 Q In your view, did the Justice Department and FBI
15 take all necessary and prudent investigative steps in this
16 investigation?

17 A Yes.

18 Q Did you ever feel the Justice Department and the
19 FBI had to compromise its investigative strategy because of
20 time pressures or political pressure?

21 A No. But there was compromise, but not for
22 considerations of time or partisan considerations.

23 Q Yeah, I suppose by "compromise" I mean compromised
24 by improper -- were these improper, not that certain
25 compromises had to be reached, but was it ever compromised by

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1 any kind of improper --

2 A No.

3 Q -- behavior? Thank you.

4 Personally, did you investigate the Midyear Exam case as
5 aggressively as you would any other? I understand that you
6 weren't an investigator, but --

7 A I was not an investigator.

8 Q But in terms of your role in the Midyear Exam case,
9 did you treat this case as any other case? And did you do
10 your best to --

11 A In my capacity as a legal supervisor, I treated
12 this case as I did any other case in which I was involved in
13 the same manner.

14 Q To your knowledge, did anyone on the team attempt
15 to ignore or bury relevant, probative evidence of Secretary
16 Clinton's intent?

17 A No.

18 Q I'm going to turn now to some questions regarding
19 the search for evidence of intent in the Midyear examination.

20 A Okay.

21 Q In most investigations, even before the last
22 witness has been interviewed, do investigators and
23 prosecutors discuss whether there's enough evidence to charge
24 a case, you know, where you search for additional evidence,
25 and whether searches for additional evidence have been

1 successful?

2 A Could you say that again?

3 Q Just generally speaking, even before the last
4 witness is interviewed in a case, do investigators and
5 prosecutors have discussions about is there enough evidence
6 to charge the case or do you need to --

7 A In my experience, yes.

8 Q When in the lifecycle of a case do these
9 discussions generally start?

10 A Sometimes early on, depending on the nature of the
11 case.

12 Q And even before the last witness has been
13 interviewed in a case, do investigators and prosecutors
14 typically discuss the chances of success for a potential
15 case, not just in terms of obtaining an indictment but
16 whether or not there might be a successful prosecution at
17 trial?

18 A Yes.

19 Q Was Secretary Clinton's knowledge and intent key to
20 the FBI's recommendation not to charge Secretary Clinton?

21 A Yes.

22 Q Why was the lack of evidence on intent fatal to the
23 case?

24 A Because intent was a necessary element of the
25 statute. And with respect to gross negligence, we understood

1 that even though the standard was gross negligence, that
2 there were reasons in this particular context to construe it
3 in a way that was something akin -- almost willfulness,
4 something short of willfulness but higher than what one would
5 think of in terms of a negligence standard, stemming from the
6 legislative history and other potential constitutional
7 considerations with respect to due process.

8 Q Did the FBI ultimately find sufficient evidence of
9 Secretary Clinton's knowledge and intent to recommend
10 charging a criminal case against her?

11 A No.

12 Q Did the FBI investigate this matter as aggressively
13 as it would any other?

14 A Yes.

15 Q When did the Midyear team complete the review of
16 the emails? Do you recall?

17 A Which emails are you referring to?

18 Ms. Kim. The emails on the server.

19 Ms. Anderson. Well, so it's a little bit complicated by
20 the fact that there was what we referred to as unallocated
21 space that did not contain complete emails but rather email
22 fragments. And so there was a process that was -- and there
23 were just literally millions of email fragments in that
24 unallocated space.

25 And so I don't know to a certainty that that review was

1 ever completed in the sense of all of the emails, you know,
2 reviewed. There was a process -- and I was not involved in
3 this process -- of devising those rules that we were going
4 through in terms of attacking the review of that unallocated
5 space.

6 So, roughly, when we -- so I'm just going to -- I assume
7 your question is when did we reach that point where we felt
8 that we had done the review of the emails that was necessary
9 to complete the investigation?

10 Ms. Kim. That's correct.

11 Mr. Morgan. Correct.

12 Ms. Anderson. I don't recall precisely when that
13 occurred. Sometime in the spring.

14 BY MR. MORGAN:

15 Q After this review, did those emails yield any
16 smoking-gun evidence of Secretary Clinton's intent?

17 A No.

18 Q When the Midyear team interviewed individuals who
19 have sent Secretary Clinton classified information -- or,
20 pardon me.

21 To your knowledge, do you know when the Midyear team
22 interviewed the individuals who had sent Secretary Clinton
23 classified information in her emails?

24 A I don't recall, sitting here today, when those
25 interviews took place.

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1 Q Do you know if those interviews, however, yielded
2 any smoking-gun evidence regarding Secretary Clinton's
3 intent?

4 A No.

5 Q To your knowledge, did the investigation ever yield
6 smoking-gun evidence of Secretary Clinton's intent?

7 A No.

8 Q The Inspector General report states, quote, "Our
9 review found that the Midyear team concluded beginning in
10 early 2016 that evidence supporting a prosecution of former
11 Secretary Clinton or her senior aides was likely lacking.
12 This conclusion was based on the fact that the Midyear team
13 had not found evidence that former Secretary Clinton or her
14 senior aides knowingly transmitted classified information on
15 unclassified systems because, one, classified information
16 exchanged in unclassified emails was not clearly or properly
17 marked, and, two, State Department staff introducing
18 classified information into emails made an effort to 'talk
19 around it,'" end quote.

20 Is this conclusion consistent with your experience in
21 the case?

22 A Yes.

23 Q To be clear, at this point in early 2016 -- you
24 said earlier that the review had been concluded sometime
25 around the spring of 2016.

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1 A Uh-huh.

2 Q When the Midyear team had examined much of the body
3 of evidence but had not found evidence of intent, did the
4 team stop looking for evidence of intent at that point?

5 A No.

6 Q Again --

7 A Evidence --

8 Q I'm sorry. I didn't mean to interrupt.

9 A Evidence of intent, for example, could have been
10 obtained in Secretary Clinton's interview.

11 Q And to that point, did the team stop examining the
12 evidence or interviewing pertinent witnesses after having
13 reviewed the emails sometime in the early spring?

14 A No.

15 Q At this same point, did the team stop conducting
16 effective and aggressive interviews to solicit evidence of
17 intent?

18 A No.

19 Q In fact, according to the report, quote, "The
20 Midyear team continued" -- the IG report, I should say --
21 "The Midyear team continued its investigation, taking
22 investigative steps and looking for evidence that could
23 change their assessment."

24 Is that your understanding?

25 A That was consistent with my experience, yes.

1 Q At any point in the investigation, if the team had
2 found any evidence of intent, would the Midyear investigative
3 team have pursued that lead?

4 A Yes.

5 Q And that includes in the actual interview of
6 Hillary Clinton?

7 A Yes, or in the review of the Huma Abedin emails
8 that we acquired from the Anthony Wiener laptop.

9 Q I want to turn now to questions regarding -- you
10 mentioned there were kind of disagreements about compulsory
11 process earlier in the last round. I'd like to return to
12 questions on that subject matter.

13 In the Midyear investigation, did the investigative team
14 generally advocate for aggressively seeking and compelling
15 evidence?

16 A The FBI team, yes.

17 Q Correct.

18 Did Peter Strzok or Lisa Page advocate for or against
19 the use of compulsory process? And why did they, if they
20 did?

21 A Generally speaking, yes, they often favored
22 compulsory process over consent.

23 Q And why is that?

24 A Well, I'll just speak -- my clearest memory is of
25 the instance involving the pursuit of the Mills and Samuelson

1 laptops and their testimony related to the culling process.
2 The reason that -- we were interested in getting that
3 evidence as efficiently and effectively as we could. And
4 because consent was not being given as a result of objections
5 being made on attorney-client-privilege grounds, we felt that
6 the compulsory process needed to be explored.

7 Q So would you then say that there were disagreements
8 in when to use or not use compulsory process among members of
9 the Midyear team and then also between the Midyear team and
10 the DOJ prosecutors that were handling the matter?

11 A Yes, generally, disagreements came up from time to
12 time.

13 Q Would you generally say that -- let me take a step
14 back. Generally, why did the FBI advocate for the use of
15 compulsory process?

16 A As a general matter? Or are you speaking about any
17 particular decision point?

18 Q As a general matter.

19 A There were certain arguments that were made in
20 favor of compulsory process, including the completeness of
21 the information that would be obtained, the timeliness of it,
22 those types of considerations.

23 Q Okay. Generally, why did the -- well, I'll say,
24 generally, did the career prosecutors in the case favor
25 obtaining evidence through consent?

1 A Yes.

2 Q Why is that, in your experience?

3 A So we're talking about generalities, which is --
4 you know, there were specific decision points with respect to
5 different devices and different laptops and different witness
6 interviews and things like that. And so I'm taking your
7 question to mean sort of at a very --

8 Q Yes.

9 A -- high, general level. I'm sorry, so you were
10 asking --

11 Q Why did the career prosecutors in this case
12 generally favor obtaining evidence through consent?

13 A As a general matter, there were
14 attorney-client-privilege issues that were implicated with
15 respect to certain devices and interviews and materials.

16 BY MS. KIM:

17 Q So let's take that generality and make it specific
18 to the culling laptops.

19 A Okay.

20 Q With regard to the culling laptops, did the FBI and
21 the Justice Department have a strategic disagreement about
22 how to obtain the evidence on the culling laptops?

23 A At a certain point in time, yes. But we worked
24 through that issue.

25 Q At the point where the Justice Department and the

1 FBI disagreed, can you explain why the FBI -- why certain
2 persons in the FBI advocated for the use of compulsory
3 process to obtain the culling laptops?

4 A I mean, the -- if you're asking why, it was because
5 we wanted to get access to the information --

6 Mr. Herrington. When you say "we," you mean --

7 Ms. Anderson. We, the team, the investigative team, the
8 FBI writ large. And this was something that went all the way
9 up to the Deputy Director, if not the Director.

10 Access to witness testimony about the culling process
11 and to the culling laptops. The FBI team felt that it was
12 important, in order to conduct a complete and thorough
13 investigation, to have access to that information. And so we
14 couldn't simply just rest on the attorney-client-privilege
15 objections and the failure, unwillingness at that point in
16 time of the individuals to give consent either to sit for
17 interviews on that process or to provide the laptops.

18 BY MS. KIM:

19 Q We have heard from Justice Department lawyers also
20 that they generally agreed with the need to obtain the
21 culling laptops. Is that your understanding as well?

22 A At some point in time, yes, they came to agree with
23 that, but I don't believe they necessarily -- that everybody
24 agreed at the outset with that proposition.

25 Q When there were disagreements between the FBI and

1 the Justice Department on how to seek the culling laptops,
2 was that disagreement based on legitimate strategic
3 differences between --

4 A Yes.

5 Q -- the Justice Department and the FBI?

6 A Yes.

7 BY MR. MORGAN:

8 Q Do you think that the DOJ prosecutors were making
9 these decisions based on political bias --

10 A No.

11 Q -- or any other improper considerations?

12 A No.

13 Q In your experience, did any senior political
14 leaders at DOJ intervene on decisions to seek or not seek
15 compulsory process?

16 A I was not aware of any such circumstances.

17 Q Okay. Are you aware if Attorney General Lynch ever
18 intervened in any of the matters involving -- disagreements
19 involving compulsory process?

20 A Not to my knowledge.

21 Q What about Deputy Attorney General Sally Yates?

22 A Not to my knowledge.

23 Q [REDACTED] ?

24 A Not to my knowledge.

25 Q John Carlin?

COMMITTEE SENSITIVE

1 A Not to my knowledge.

2 Q Did any of the disagreements on how to obtain
3 evidence affect the thoroughness of the investigation?

4 A No.

5 Q In your experience, is it common to have
6 disagreements between FBI agents and DOJ prosecutors working
7 on a case?

8 A Yes.

9 Q Is it common for the FBI to want to move more
10 quickly or aggressively and for DOJ to ask for more evidence
11 or take a more cautious approach?

12 A Yes.

13 Q Based on your answers we just discussed, is it fair
14 to say that you believe the FBI was aggressive in suggesting
15 that the Clinton email investigation make use of compulsory
16 process?

17 A Yes.

18 Q And is it also fair to say that you believe the
19 prosecutors disagreed with the FBI's suggestion based on
20 legitimate differences related to approach on strategy --

21 A Yes.

22 Q -- not because of any political bias?

23 A Correct.

24 Q I want to turn now to the events surrounding the
25 editing and drafting of the July 5th statement that Mr. Comey

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1 made, announcement of declination of -- or the decision not
2 to pursue charges against Secretary Clinton. There have been
3 a lot of allegations regarding this July 5th statement that
4 Director Comey drafted. I'm going to walk you through it in
5 detail. Who drafted the -- or I want to discuss in detail.

6 Who drafted the statement initially, to your knowledge?

7 A The former Director, Mr. Comey.

8 Q Do you know who held the authority to approve the
9 final language of the statement -- July 5th statement?

10 A The former Director.

11 Q Did Peter Strzok or Lisa Page have the authority to
12 approve the final language of the July 5th, 2016, statement
13 recommending not to prosecute Secretary Clinton?

14 A No.

15 Q Did you ever make edits or suggestions to the
16 statement with the purpose of helping Secretary Clinton or
17 damaging the Trump campaign?

18 A No.

19 Q Do you know if anyone else did? Are you aware of
20 anyone else?

21 A I am not aware of anyone else.

22 Q Were members of the Midyear FBI team free to
23 express their concerns during the drafting process?

24 A Yes.

25 Q Do you recall any member of the team expressing

1 significant disagreements about the statement's final
2 wording?

3 A Disagreements ever through the course of the
4 drafting process?

5 Mr. Herrington. The statement's final wording.

6 Mr. Morgan. The final wording.

7 Ms. Anderson. Oh, the final words. No.

8 BY MR. MORGAN:

9 Q Why was the official statement drafted before the
10 FBI officially closed the investigation in July 2016?

11 A To begin the thought process of what the end might
12 look like. I think the former Director referred to it as a
13 straw man.

14 Q And do you believe that Director Comey acted
15 improperly by prematurely drafting an initial statement
16 before Secretary Clinton's interview and others were
17 interviewed in the case?

18 A No. I very much understood his mind to be open to
19 the possibility we might receive additional evidence that
20 would change our assessment in the case.

21 Q If the FBI's interviews of Secretary Clinton and
22 others produced new evidence that supported prosecuting
23 Secretary Clinton, would the FBI have ignored that evidence
24 and stuck with the existing drafted statement?

25 A No.

1 Q In other words, did the initial draft statements in
2 the spring of 2016 lock in the FBI's recommendation not to
3 prosecute, regardless of any new evidence?

4 A No.

5 Q But the FBI did not actually receive new evidence
6 in these interviews that supported prosecuting Secretary
7 Clinton, correct?

8 A Correct.

9 Q I now want to talk about the editing process. And
10 to do so, I would like to introduce an exhibit, which I
11 believe would be exhibit 2.

12 [Anderson Exhibit No. 2
13 was marked for identification.]

14 BY MR. MORGAN:

15 Q This is House Resolution 907, which was introduced
16 by Republican Members of Congress in May of this year,
17 May 22nd, 2018. And it requests that the Attorney General
18 appoint a second special counsel to investigate the
19 Department of Justice and the FBI.

20 A Okay.

21 Q So I would like to just first begin by asking you
22 to turn to page 4. And the first clause begins, quote,
23 "Whereas Director Comey, in the final draft of his statement,
24 allowed FBI Agent Peter Strzok to replace 'grossly
25 negligent,' which is legally punishable under Federal law,

1 with 'extremely careless,' which is not legally punishable
2 under Federal law."

3 Do you with the characterization that Director Comey,
4 quote, "allowed" FBI Agent Peter Strzok to replace "grossly
5 negligent" with "extremely careless"?

6 A To be more precise about it, I understand that the
7 investigative team suggested to Mr. Comey the elimination of
8 the use of the word "grossly negligent" from the public
9 statement and that Mr. Comey accepted those changes.

10 Q Do you know why?

11 A Why --

12 Q Why did they?

13 A Why did they make the recommendation?

14 Q Correct.

15 A The team felt that there was not evidence of gross
16 negligence as it's been interpreted in this particular
17 statute.

18 Q At the time "grossly negligent" was used in the
19 initial draft, did Director Comey's statement conclude that
20 the FBI recommend the prosecution of Secretary Clinton?

21 A I'm sorry. Say that again.

22 Q At the time "grossly negligent" was used in the
23 initial draft, did Director Comey's statement conclude that
24 the FBI recommend prosecution of Secretary Clinton?

25 A No.

1 Q The Inspector General's report actually makes clear
2 that the change in Director Comey's statement was not
3 Mr. Strzok's doing; it was based on legal discussions by you
4 and attorneys in your office. Is that correct?

5 A I was not involved in the discussion that led
6 directly to the edit that was made in the speech.

7 Q Were any attorneys under your supervision involved?

8 A Yes.

9 Q Would you say, though, that, based on your
10 understanding, that FBI attorneys -- however, not Peter
11 Strzok -- would have made the substantive decision to change
12 "grossly negligent" to "extremely careless"?

13 A Would have made the decision? Or would have
14 provided input to? Could you clarify what you're asking?

15 Q Yes. Based on our kind of earlier question,
16 Mr. Strzok didn't have final decision on what the statement
17 looked like, correct?

18 A Correct.

19 Q That was Director Comey, correct?

20 A Correct.

21 Q But the decision to change that, was that based on
22 recommendations made by attorneys -- to your understanding,
23 made by attorneys under your supervision?

24 A Based, in part, on recommendations from attorneys
25 under my supervision, yes.

1 Q So it wasn't Mr. Strzok making -- it wasn't based
2 purely on Mr. Strzok's recommendation that that change was
3 made?

4 A No, it was not based exclusively on Mr. Strzok's
5 recommendation.

6 Q According to the IG report, after reviewing a draft
7 of the report, you told the OIG that you raised concerns
8 about the use of the phrase "extremely careless" to describe
9 former Clinton's conduct as being unnecessary to the
10 statement and also likely to raise questions as to why the
11 conduct did not constitute gross negligence.

12 To be clear, did you believe that Secretary Clinton's
13 conduct did not constitute gross negligence under 793(f)(1)?

14 A I did not believe it amounted to gross negligence
15 within the meaning of that statute.

16 Q In fact, the "gross negligence" provisions were
17 considered by the Justice Department to be potentially
18 unconstitutionally vague, correct?

19 A Yes.

20 Q And the Justice Department --

21 A That's my understanding, yes.

22 Q And has the Justice Department -- it's also my
23 understanding that the Justice Department hasn't used that
24 statute once to charge an individual in the past 99 years.
25 Is that correct?

1 A That's my understanding, yes.

2 Q Do you and other FBI attorneys -- pardon me. Did
3 you and other FBI attorneys undertake your own independent
4 research of the issue to ensure that Secretary Clinton's
5 conduct did not constitute gross negligence under 793(f)(1)?

6 A I believe the attorney who reported to me, yes,
7 that she undertook some additional legal research on her own
8 on that particular issue.

9 Q And do you know what the result of that research
10 was?

11 A She was not able to identify any case that was
12 analogous to this one in which there were -- she was not able
13 to identify any case in which charges were brought.

14 Q Can you describe why you and others in OGC believed
15 Director Comey should not use the phrase "grossly negligent,"
16 a phrase with a separate legal meaning than if he was using
17 it in a colloquial sense, not as a legal term of art?

18 Let me rephrase. Is it your understanding that when
19 Director Comey initially included the term "gross negligence"
20 he was using it in the colloquial sense, not as a legal term
21 of art?

22 A I don't know exactly what he intended with respect
23 to that initial draft.

24 Q But did you believe that he should not use it,
25 however, because "grossly negligent" has a separate legal

1 meaning that's different from a colloquial understanding of
2 that -- the colloquial sense of that term or the potential
3 colloquial sense of that term?

4 A I did not believe he should use the term "grossly
5 negligent" given the conclusion that we were reaching in the
6 case, yes.

7 Q Did the edit of replacing "grossly negligent" with
8 "extremely careless" change the FBI's substantive legal
9 conclusions in any way?

10 A No.

11 Q Do you recall specifically whether the edit was
12 made by Lisa Page, Peter Strzok, or someone else?

13 A My understanding, although I was not in the room at
14 the time, is that the edit that was suggested or recommended
15 to former Director Comey was the product of a discussion
16 among Pete Strzok, [REDACTED] Lisa Page, and FBI Attorney 1.

17 Q So it was not any one of -- it was not Peter Strzok
18 or Lisa Page who individually -- is it your understanding
19 that no one person in the meeting that you just described was
20 responsible for making that edit?

21 A That's correct.

22 Q To your recollection, was the edit made because of
23 any -- or, to your knowledge, let's say, was the edit made
24 because of any inappropriate considerations, including trying
25 to help Hillary Clinton avoid prosecution?

1 A Not to my knowledge.

2 Q And did anyone ultimately disagree with the
3 decision to omit the phrase "gross negligence" and instead
4 use "extremely careless," a phrase that the Director had
5 already used in his draft?

6 A Theres was no disagreement about the omission of
7 "grossly negligent," but there were concerns that were
8 articulated about the continued description of her conduct as
9 extremely careless.

10 Q In fact, you were one of the people who expressed
11 concerns about Director Comey publicly criticizing Secretary
12 Clinton's uncharged conduct. According to the IG report,
13 quote, you told the OIG that you expressed concerns about
14 criticizing uncharged conduct during discussions with Comey
15 in June 2016. Is that correct?

16 A Yes.

17 Q However, the IG report continued that you said of
18 the decision to include such criticism, it, quote, "was a
19 signal that we weren't just letting her off the hook. Our
20 conclusions were going to be viewed as less assailable at the
21 end of the day if this kind of content was included," end
22 quote.

23 When did you raise concerns with Director Comey about
24 criticizing uncharged conduct?

25 A In one of the oral discussions that we had with

1 him, in one of the in-person meetings.

2 Q Did you ultimately agree with his decision to
3 include criticisms of Secretary Clinton's uncharged conduct
4 in the statement?

5 A I understood his reasoning, and it wasn't my role
6 to second-guess his ultimate decision.

7 Q So would you say then that you ultimately then
8 agreed with his decision?

9 A It was a reasonable decision that he made at the
10 time based on his concerns about the credibility of the
11 institution, yes.

12 Q Can you explain your reasoning for the statement
13 that including descriptions of uncharged conduct indicated
14 that -- pardon me.

15 Can you explain the previous statement, that you were
16 quoted in the IG report saying that including descriptions of
17 uncharged conduct indicated that, quote, "we weren't just
18 letting her off the hook. Our conclusions were going to be
19 viewed as less assailable." What did you mean by that?

20 A So what I stated was a reflection of Director
21 Comey's reasoning, as I understood it at the time based on
22 what he had articulated in those meetings in which I was
23 present, that essentially by including more facts about what
24 we identified with respect to her conduct that was
25 concerning, even if not criminal, that that would bolster the

1 credibility of our conclusions, that we were not recommending
2 prosecution, when that conclusion was conveyed publicly.

3 Q The IG report concluded, quote, "We have found no
4 evidence that Comey's public statement announcing the FBI's
5 decision to close the investigation was the result of bias or
6 an effort to influence the election. Instead, the
7 documentary and testimony evidence reviewed by the OIG
8 reflected that Comey's decision was the result of his
9 consideration of the evidence that the FBI collected during
10 the course of the investigation and his understanding of the
11 proof required to pursue a prosecution under the relevant
12 statutes."

13 Is this conclusion consistent with your experience?

14 A Yes.

15 Q So, quote, "bias or any effort to influence the
16 election," end quote, was not part of the FBI's
17 decisionmaking in any way?

18 A No.

19 Q Do you have any reason to believe that Director
20 Comey's recommendation against prosecuting Hillary Clinton
21 was influenced by any improper considerations, including
22 political bias?

23 A No.

24 Q Was your opinion influenced by political bias?

25 A No.

1 Q Was your opinion based on the law and the facts?

2 A Yes.

3 BY MS. KIM:

4 Q Ms. Anderson, in March of 2017, Director Comey
5 disclosed in public congressional testimony that the FBI had
6 begun an investigation into the Russian Government's efforts
7 to interfere with the 2016 Presidential election, including
8 the nature of any links between individuals associated with
9 the Trump campaign and the Russian Government and whether
10 there was any coordination between the campaign and Russia's
11 efforts.

12 Did you work on that investigation?

13 A Yes.

14 Q What was your role in that investigation?

15 A It was similar to the role that I played in the
16 Midyear Exam investigation. In other words, I was a
17 supervisor of the legal guidance that was given in connection
18 with that investigation.

19 Q When did you start your work on that investigation?

20 A In late July of 2016.

21 Q And when did you stop working on that
22 investigation?

23 A When I went out on maternity leave, which was in
24 March of 2017.

25 Q I would like to ask you a series of general

1 questions about the FBI's investigative techniques.

2 In May of 2018, the President tweeted: "Apparently the
3 DOJ put a Spy in the Trump Campaign. This has been never
4 been done before and by any means necessary, they are out to
5 frame Donald Trump for crimes he didn't commit."

6 Are you aware of any information that would substantiate
7 the President's claim that the DOJ put a spy in the Trump
8 campaign?

9 A I'm not aware of any such evidence.

10 Q Are you aware of the FBI ever placing spies in a
11 U.S. political campaign during your time at the FBI?

12 A No.

13 Q Are you aware of any information that would
14 substantiate the President's claim that the DOJ is out to
15 frame Donald Trump?

16 A No.

17 Q Have you been personally involved in any
18 investigations where the FBI did not follow its established
19 protocols on the use of human informants?

20 A Not to my knowledge.

21 Q Have you ever been a part of any DOJ or FBI
22 investigation conducted for a political purpose?

23 A No.

24 Q Have you ever been involved in a DOJ or FBI
25 investigation that attempted to frame a U.S. citizen for a

1 crime that he or she did not commit?

2 A No.

3 Q On August 29th, the President tweeted: Bruce "Ohr
4 told the FBI it (the Fake Dossier) wasn't true, it was a lie
5 and the FBI was determined to use it anyway to damage Trump
6 and to perpetuate a fraud on the court to spy on the Trump
7 campaign. This is a fraud on the court."

8 To your knowledge, did DOJ official Bruce Ohr ever
9 communicate to the FBI that the raw intelligence reports from
10 Christopher Steele were untruthful or were lies?

11 A Not to my knowledge.

12 Q Have you personally ever been a part of any effort
13 to perpetuate a fraud on the FISA court?

14 A No.

15 Q Have you ever been a part of any investigation
16 where the FBI or the Justice Department used politically
17 biased, unverified sources in order to obtain a FISA warrant?

18 A No.

19 Q Are you aware of any instances during your tenure
20 at the FBI where the FBI or the Justice Department
21 manufactured evidence in order to obtain a FISA warrant?

22 A No.

23 Q Are you aware of the FISA court, again, during your
24 time at the FBI, ever approving an FBI or DOJ warrant that
25 was not based on credible and sufficient evidence?

1 A No.

2 Q In your time at the FBI, are you aware of any
3 attempts by the FBI or the Justice Department attempting to
4 intentionally mislead FISA court judges in an application for
5 a FISA warrant?

6 A No.

7 Q Are you aware of the FBI omitting evidence or
8 manufacturing evidence for a FISA warrant in your time at the
9 FBI?

10 A Not intentionally omitting evidence, but there are
11 times when we do have to bring to the court's attention
12 additional information that was omitted from the FISA
13 application.

14 Q And when --

15 A -- robust practice of bringing that information to
16 the court's attention.

17 Q And when additional information of that nature is
18 warranted, are you aware of the FBI ever attempting to
19 suppress or bury that information and not bring it to the
20 FISA court's attention?

21 A No.

22 Q In your time at the FBI, are you aware of any
23 instances of the Justice Department failing to follow all
24 proper procedures to obtain a FISA warrant?

25 A No.

COMMITTEE SENSITIVE

1 Q Can you briefly explain to us what the Five Eyes
2 alliance is?

3 A It's the Governments of Australia, Canada, New
4 Zealand, the United Kingdom, and the United States.

5 Q And this is an intelligence-sharing alliance. Is
6 that right?

7 A Yes, among other things.

8 Q Are you aware of the United States having bilateral
9 information-sharing relationships with each of those
10 countries outside of the formal Five Eyes relationship?

11 A Yes.

12 Q And so Five Eyes then is not the exclusive channel
13 that the FBI or our intelligence community uses to receive
14 information from the Governments of the United Kingdom,
15 Canada, New Zealand, or Australia?

16 A Correct.

17 Q In your time at the FBI, are you aware of the FBI
18 or the Justice Department ever investigating the Trump
19 campaign for political purposes?

20 A No.

21 Q To your knowledge, did President Obama or anyone in
22 his White House ever demand or request that the FBI or the
23 Justice Department infiltrate or surveil the Trump campaign
24 for political purposes?

25 A Not to my knowledge.

COMMITTEE SENSITIVE

1 Q If you had to guess, how would the FBI leadership
2 have handled any requests of this nature from the Obama White
3 House?

4 A They would've declined to participate.

5 Q I would like to ask you some general questions
6 about a persistent conspiracy theory involving Department of
7 Justice lawyer Bruce Ohr.

8 To your knowledge, did Mr. Ohr have any role in drafting
9 or reviewing the Carter Page FISA applications?

10 A Not to my knowledge.

11 Q Was Mr. Ohr part of the decisionmaking chain of
12 command for the Page FISA application?

13 A No.

14 Q Was Mr. Ohr part of the approval process for the
15 Page FISA application?

16 A No.

17 Q Was Mr. Ohr ever a decisionmaker for matters
18 pertaining to the FBI's counterintelligence investigation
19 into Russian collusion?

20 A No.

21 Q Was Mr. Ohr involved in any way in the decision to
22 initiate a counterintelligence operation relating to
23 potential Republican collusion with the Trump campaign?

24 A No.

25 Q So he had no role whatsoever in the decision to

1 open that investigation. Is that right?

2 A Correct.

3 Q Are you aware of any actions by Mr. Ohr that
4 inappropriately influenced or tainted the FBI's decision to
5 initiate the Russia collusion investigation?

6 A No.

7 Q Are you aware of any actions by Mr. Ohr that caused
8 you to doubt the legitimacy of Special Counsel Mueller's
9 investigation in any way?

10 A No.

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1 [12:09 a.m.]

2 BY MS. KIM:

3 Q Do you believe it is important that Special Counsel
4 Mueller be allowed to complete all aspects of his
5 investigation without interference?

6 A Yes.

7 Q Why?

8 A It's important for any criminal investigation to be
9 allowed to be completed without interference from
10 political -- for political reasons.

11 Q Republicans have raised questions about why the FBI
12 did not provide the Trump campaign with a defensive briefing
13 about Russian attempts to infiltrate the campaign. It has
14 been publicly reported that on July 19th, 2016, senior FBI
15 officials gave a high-level counterintelligence briefing to
16 the Trump campaign. It has been publicly reported that in
17 that briefing, FBI officials warned the Trump campaign about
18 potential threats from foreign allies -- foreign spies,
19 excuse me, and instructed the Trump campaign to inform the
20 FBI about any suspicious overtures.

21 Are you generally aware of the fact of the July 19th,
22 2016, counterintelligence briefing to the Trump campaign?

23 A I'm generally aware that there were general
24 counterintelligence defensive briefings that were given to
25 both -- representative of both campaigns, once they became

1 the major party nominees. July 19th sounds a little bit
2 early to me, but I don't have any precise knowledge of the
3 date on which those defensive briefings were given.

4 Q So I take it you did not personally participate in
5 that briefing?

6 A No, I did not.

7 Q Are you generally aware of the substance that this
8 briefing was intended to convey?

9 A At a very high level of generality, yes.

10 Q And how would you describe that content?

11 A My --

12 Mr. ██████. May we confer with the witness for just a
13 quick moment? Thank you.

14 [Discussion off the record.]

15 Ms. Anderson. At a very high level of generality in
16 order to avoid getting into classified information, it was a
17 general briefing about threats posed by particular countries
18 who engage in hostile activities against the United States,
19 and I presume some of the indicators of that type of activity
20 that the campaigns might want to look for in order to protect
21 themselves from those types of activities.

22 BY MS. KIM:

23 Q Do you know if the Trump campaign reported any
24 contacts with foreign officials or foreign actors during this
25 briefing?

1 A I don't know.

2 Q Would you have been in a position to know if the
3 Trump campaign had reported contact with foreign actors
4 during this briefing?

5 A Not necessarily.

6 Q So, as far as you're aware, did the Trump campaign
7 report any contacts between George Papadopoulos and Russian
8 individuals?

9 A Not to my knowledge.

10 Q As far as you're aware, did the Trump campaign
11 report the June 2016 Trump Tower meeting between senior
12 campaign officials, including Donald Trump Jr., Jared
13 Kushner, and Paul Manafort, and a Russian lawyer, and a
14 Russian lobbyist?

15 A Not to my knowledge.

16 Q Did the campaign, to your knowledge, report the
17 June 2016 email stating that the Russian Government hoped to
18 help Donald Trump?

19 A I'm sorry, which email are you referring to?

20 Q It was a June 2016 email from Rob Goldstone to
21 Donald Trump Jr., stating that the Russian Government hoped
22 to help Donald Trump's Presidential campaign.

23 A Not to my knowledge.

24 Q Two weeks after the FBI reportedly gave its
25 briefing, it has been reported that on August 3rd, 2016,

COMMITTEE SENSITIVE

1 Donald Trump Jr. met with an emissary who told Mr. Trump Jr.
2 that the princes who led Saudi Arabia and the United Arab
3 Emirates were eager to help his father win election as
4 President.

5 Do you know if Donald Trump Jr. reported this offer from
6 the Saudis and the Emiratis to the FBI?

7 A I don't know.

8 Q Would you say that you are a national security
9 expert?

10 A National security legal expert? Yes. I hesitate
11 to call myself an expert on anything, but I've practiced in
12 the area for a number of years.

13 Q Drawing on your experience practicing in this area
14 for a number of years, why is it important for a political
15 campaign to report outreach from foreign contacts to the FBI?

16 A For a variety of different reasons. One, to better
17 protect themselves and the information that they have from
18 being a target of foreign influence or foreign
19 intelligence-gathering efforts; and two, in order to inform
20 investigative bodies of evidence that could be indicative of
21 a broader pattern, might be helpful to a counterintelligence
22 investigation, for example. Those would be two of the
23 reasons.

24 Q Would you agree then with my characterization that
25 there are significant national security and law enforcement

COMMITTEE SENSITIVE

1 implications for a political campaign to conceal or fail to
2 report outreach from foreign powers offering to interfere in
3 U.S. elections?

4 A Could you state your question again?

5 Q Are there national security or law enforcement
6 implications for a U.S. political campaign concealing or
7 failing to report offers of foreign interference in U.S.
8 elections?

9 Mr. Herrington. So if you assume all those facts, would
10 those have implications?

11 Ms. Anderson. It could, yes.

12 BY MS. KIM:

13 Q Thank you.

14 So you said that you first became aware of what I'll
15 refer to as the Russia collusion investigation in the July
16 2016 timeframe. Is that correct?

17 A Correct.

18 Q So were you aware of this investigation before the
19 2016 Presidential election?

20 A Yes.

21 Q Was Peter Strzok?

22 A Yes.

23 Q Was Lisa Page?

24 A Yes.

25 Q Was Andrew McCabe?

COMMITTEE SENSITIVE

1 A Yes.

2 Q Was Jim Comey?

3 A Yes.

4 Q Was Jim Baker?

5 A Yes.

6 Q Do you know if any high-level Justice Department
7 officials were aware of the existence of this FBI
8 investigation before the 2016 election?

9 A Yes.

10 Q Was Loretta Lynch?

11 A I don't -- I don't know when she became aware of
12 it.

13 Q Was Sally Yates?

14 A I don't know when she became aware of it.

15 Q Was John Carlin?

16 A I don't know precisely when high-level Department
17 officials were briefed on the investigation.

18 Q Thank you.

19 To your knowledge, approximately how many FBI officials
20 were aware of the existence of the Russia collusion
21 investigation before the 2016 election?

22 A I don't know the precise number, but it was very
23 small.

24 Q I apologize for asking you to estimate. Would it
25 be more -- would it be more or fewer individuals than 10?

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 A Investigative personnel or any personnel in the
2 FBI?

3 Q I will use any investigative -- any investigative
4 personnel and officials at the FBI.

5 A It was probably slightly more than 10.

6 Q Are you aware of any disclosures from the FBI to
7 the public or to the press about the existence of the Russia
8 collusion investigation before election day of 2016?

9 A No.

10 Q If you have to guess, how do you think a disclosure
11 to the press or to the public about the existence of the
12 Russia collusion investigation would have impacted Donald
13 Trump's electoral prospects?

14 A I have no idea. I don't consider myself to be an
15 expert on electoral politics, and I don't know.

16 Q If somebody at the FBI were trying to stop Donald
17 Trump from being elected President, do you think they could
18 have publicly disclosed that his campaign was under
19 investigation for potentially colluding with Russian
20 Government actors?

21 A I don't know.

22 Q But, again, to your knowledge, no one at the FBI
23 disclosed this fact to the press or to the public. Is that
24 correct?

25 A Not to my knowledge.

COMMITTEE SENSITIVE

1 Q Are you aware of a deep state conspiracy at the FBI
2 to stop Donald Trump from being elected President?

3 A No.

4 Q Are you aware of any evidence of any deep state
5 conspiracy at the FBI?

6 A No.

7 Q Are you aware of any evidence of Peter Strzok, Lisa
8 Page, Jim Baker, Jim Comey, or Andrew McCabe, attempting to
9 stop Donald Trump from being elected?

10 A No.

11 Q There are many public criticisms against former FBI
12 Director Jim Comey. The President has accused him of being a
13 proven liar and leaker. Do you believe Director Comey is a
14 proven liar?

15 A No.

16 Q Are you aware of Director Comey ever lying to you?

17 A No.

18 Q Are you aware of Director Comey ever lying to
19 Congress under oath?

20 A No.

21 Q Are you aware of any instances of Director Comey
22 lying?

23 A No.

24 Q Are you generally familiar with Director Comey's
25 testimony before the Senate Select Committee on Intelligence

1 on June 8th, 2017?

2 A I watched parts of the testimony, but I have not
3 refreshed my recollection of what he said in that hearing.

4 Q I'll represent that in written and oral testimony,
5 he described several communications he had with President
6 Trump, details of which have now become unclassified because
7 of the release of the Comey memos. Does that sound correct?

8 A I don't recall, but --

9 Q With regard to the Comey memos, were you one of the
10 small group of people with whom Director Comey shared details
11 about his conversations with President Trump
12 contemporaneously?

13 A I was aware contemporaneously of certain of the
14 meetings with -- that Director Comey had with the President,
15 yes.

16 Q Did you generally find that Director Comey's
17 descriptions of these events in his written and oral
18 testimony, and in his book, were consistent with the
19 contemporaneous descriptions that he shared with you?

20 Mr. [REDACTED]. May we confer with the witness, please?

21 Ms. Kim. Yes, please.

22 Mr. [REDACTED] Thank you.

23 [Discussion off the record.]

24 Mr. [REDACTED]. Thank you. The FBI is instructing the
25 witness not to answer the last question asked or any other

1 questions that delve into the details or contents of what are
2 commonly referred to as the Comey memos, as we view that as
3 evidence that pertains to the special counsel's purview.

4 Thank you.

5 Ms. Kim. We would like to object to that objection on
6 three grounds: First, this question has been asked to
7 multiple witnesses before, including Mr. McCabe, including
8 Bill Priestap, including several high-level FBI officials,
9 who were all subject to contemporaneous -- the ability to
10 contemporaneously confirm Director Comey's descriptions.

11 Secondly, the details of the Comey memos are public.
12 They have now been declassified by the President. They have
13 been released. We don't understand any basis on which the
14 FBI should be instructing the witness not to respond to
15 matters that are a matter of public knowledge.

16 Mr. [REDACTED] Thank you. The instruction stands for
17 purposes of this line of questioning right now. If there is
18 a particular document that has been officially declassified
19 by the U.S. Government if you wish to show the witness, that
20 may help move things along.

21 Ms. Kim. So the FBI would not object to our bringing
22 the Comey memos in and asking line by line if the witness
23 agrees with the Director's characterizations?

24 Mr. [REDACTED] We're going to maintain the same objection
25 at this time. I'm going to represent to you that if you have

1 an officially declassified document by the U.S. Government,
2 that may move things along.

3 Ms. Kim. Thank you.

4 BY MS. KIM:

5 Q Ms. Anderson, do you have any reason to doubt the
6 accuracy of Director Comey's oral or written representations
7 of the facts from when he was the FBI Director?

8 A His oral or written --

9 Q Representations of the facts from when he was the
10 FBI Director.

11 Mr. Herrington. The facts --

12 Ms. Anderson. Related to? I'm sorry.

13 Mr. Herrington. The Russia investigation or --

14 BY MS. KIM:

15 Q I am asking if you have any evidence to doubt
16 Director Comey's characterizations of his time as FBI
17 Director, which he has detailed at remarkable length in his
18 book, Higher Loyalty?

19 A Sorry, reason to doubt anything that he said in his
20 book?

21 Q Yes.

22 A There were -- there were certainly things that were
23 written in his book that I knew not to be accurate, based on
24 things that I had learned in the course of my work at the
25 FBI.

1 Q I see. And were those -- can you describe with a
2 little more specificity what those details might have been,
3 generally?

4 A Sitting here today, I don't remember precisely what
5 they were, but my sense was that Mr. Comey had misremembered
6 a couple of different details when he was recounting certain
7 episodes within the book.

8 Q So you're aware of certain details that the
9 Director may have misremembered. Are you aware of him
10 purposely inaccurately representing any facts in the book?

11 A I have no evidence that that occurred, no.

12 Q Thank you. I think that is the end of our round of
13 questioning.

14 [Recess.]

15 Mr. Parmiter. Okay, let's go back on the record. The
16 time is 1:06 p.m. And before I turn it over to my
17 colleagues, I want to note one thing for the record, and it
18 relates to something that was raised by our colleagues in the
19 previous hour.

20 Our understanding, based upon conversations with the
21 Justice Department, was that the memos drafted by former
22 Director Comey, which have been largely declassified, were
23 fair game for congressional investigators to ask questions
24 about. We think that the representations to the contrary, at
25 least based upon our understanding from the Justice

1 Department, are certainly inconsistent with those and are
2 incorrect. And I just want the record to reflect we agree
3 with our colleagues' assessment of that point and we'll be
4 following up on it.

5 Mr. [REDACTED] Thank you for that. In reference to the
6 prior objection that we raised, we have consulted with
7 minority counsel and have agreed to permit the asking of a
8 single question, which we understand they intend to ask, but
9 we appreciate you expressing the committee's position and, of
10 course, we'll convey that back to our chain of command.

11 Mr. Parmiter. Thank you. Mr. Baker.

12 BY MR. BAKER:

13 Q Before we start, our process sometimes lends itself
14 to duplicity, so I apologize in advance for some questions
15 that probably touch upon things you may have answered or
16 exactly what you may have answered.

17 At the end of the last round, our colleagues from the
18 minority staff had asked you a question about Mr. Comey's
19 book, and you had indicated something to the effect there
20 were parts of it or things in it that you thought were
21 inaccurate.

22 A That is correct.

23 Q Could you elaborate on what those parts were?

24 A There's only -- I identified a couple of different
25 inaccuracies when I -- when I read the book. There's only

1 one that I remember sitting here today, though.

2 Q And what is that?

3 A That pertains to a comment that he attributed --
4 that he attributes in the IG report to me during the meeting
5 that took place immediately preceding the October 28th letter
6 that was sent to Congress, in which he stated something to
7 the effect of that I had asked whether we should take into
8 account that sending the letter might bring about the
9 election of Donald Trump. And that was not -- that was, to
10 my memory and to my knowledge, not an accurate statement.

11 Mr. Herrington. And you clarified your views on that in
12 the response to the IG?

13 Ms. Anderson. That is correct.

14 Mr. Herrington. And that's reflected in the IG report?

15 Ms. Anderson. That is correct.

16 BY MR. BAKER:

17 Q Would you clarify that for us?

18 A I said -- I said something to the effect of -- and
19 this is what's in the IG report -- that I asked whether we
20 should take into account the fact that it might affect the
21 outcome of the election, given -- especially given that we
22 weren't certain what we had was material, in fact it was
23 unlikely that it would be material evidence, and given that
24 whatever we would write about it in that letter, no matter
25 how carefully, could and would likely be over-read and

1 overblown.

2 Q So the discrepancy in Mr. Comey's book was that
3 there was a specific candidate name that was attributed to
4 you rather than --

5 A Correct.

6 Q -- just somehow affecting the election?

7 A Correct.

8 Q The other instances of inaccuracy that you don't
9 specifically recall, do they relate to things that were
10 attributed to you?

11 A No.

12 Q Okay. Just other statements of --

13 A Concerning the investigation.

14 Q Concerning the investigation. But you don't,
15 recall even in general terms, what they related to?

16 A No.

17 Q Okay. In your role --

18 BY MR. BREITENBACH:

19 Q I'm sorry. Did you ever memorialize any of those
20 concerns?

21 A No, I did not.

22 BY MR. BAKER:

23 Q In your role as a deputy general counsel in
24 national security law, you indicated earlier that the
25 attorneys that were working for you that were directly

1 involved in Midyear, were they also involved in the Russia
2 case?

3 A Yes, they were.

4 Q Were there additional employees that you supervised
5 that were involved, or just the same two from Midyear that
6 were involved in Russia?

7 A So for the relevant point of time, just the same
8 two. I do have an additional attorney who -- well, I'm
9 sorry. I did have an additional attorney who was embedded in
10 the special counsel's office.

11 Q And that's below the SES level?

12 A Below the SES level, that is correct.

13 Q Okay. That's someone that's in the special
14 counsel's office?

15 A Correct.

16 Q Now, were they on the Russia case before it became
17 special counsel?

18 A No.

19 Q Okay. So it's an employee of yours at the time
20 that was eventually on special counsel?

21 A Correct.

22 Q Okay. So you had indicated earlier that, or it
23 sounded to me like the attorneys that were working on Midyear
24 were, you know, providing a wide variety of legal advice.
25 Would your office have any role in 137 -- or sources, in

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1 opening or giving guidance whether a source should be
2 continued, discontinued, opened in the first place? What
3 role, if any, would the general counsel's office play in
4 anything related to confidential human sources?

5 A I am not aware of any role that we would play with
6 respect to opening sources. Sources are primarily run and
7 handled by the DI, and their validation process is handled by
8 the DI, not by the Counterintelligence Division. So it seems
9 extremely unlikely that any legal questions that might arise
10 would come to my attorneys. But I don't know to a certainty
11 that my lawyers never gave any advice on human source issues.

12 Q When you say DI, you're referring to the
13 Directorate of Intelligence?

14 A That is correct.

15 Q Would your lawyers give advice as to closing a
16 source?

17 A I don't know. It's certainly -- it's possible that
18 if there were concerns about a source that came up in
19 connection with a particular investigation that my lawyers
20 could be involved in conversations within the Bureau about
21 whether to continue that person as a source.

22 Q But you're not aware of that in the instant cases,
23 that that happened?

24 A I assume you're referring to Christopher Steele?

25 Q Correct.

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1 A I don't know whether my attorney, who worked on the
2 matter, was involved or was not in the conversations, in the
3 consideration whether to close Mr. Steele as a source.

4 Q Do you know of any other cases, anytime, anywhere,
5 other cases that your office was involved in giving advice on
6 any aspect of informant operations?

7 A When you say "any aspect of informant
8 operations" --

9 Q Of whether to open someone, whether someone's in
10 compliance during the time that they're open, if they're not
11 in compliance, whether they should be discontinued?

12 A I'm not aware of any such instances. Our office
13 might and actually routinely provided legal advice on uses,
14 investigative uses of sources overseas, for example, on
15 double-agent operations is a good example of a circumstance
16 that might implicate legal considerations. But in terms of
17 the types of bureaucratic issues that you're describing,
18 those would typically be handled by the DI, and if there were
19 any legal issues by the lawyers supporting the DI.

20 Q So it sounds like -- you mentioned double-agent
21 operations. It sounds like your office might give legal
22 advice when an issue arose from an actual operational issue?

23 A Correct.

24 Q Whether then -- rather than opening or closing,
25 based on some administrative reason?

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1 A Correct.

2 Q Are you aware, in the course of your tenure with
3 the FBI, of sources, and it doesn't have to be in the cases
4 we're talking about here, are you aware of sources that were
5 closed being reopened and utilized in investigations?

6 A Yes.

7 Q So it's not unheard of for a source to be
8 discontinued and then reopened?

9 A Certainly not. I saw references in documents that
10 I read with some regularity to sources having been opened and
11 closed and opened and closed over time.

12 Q Do you recall any instances or circumstances why
13 someone might be closed and then reopened?

14 A There are a lot of reasons why a source could be
15 closed, including that they just simply weren't providing
16 fruitful information. Sources can go off the radar, can drop
17 out of contact for a while, or sources can present, you know,
18 questions that are concerning, too, in terms of their
19 willingness to be handled, their willingness to comply with
20 instructions that the FBI has given them. There's just a
21 whole host of different reasons.

22 Q So the last point you made, their willingness to
23 comply with instructions that the FBI has given them. If
24 they're not willing or they, in fact, don't comply with any
25 of the instructions that the FBI would give them, that would

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1 be a reason for someone to be discontinued?

2 A It could be, yes. We would refer to that as a
3 handling problem.

4 Q Could someone be opened, reopened for a handling
5 problem if what they subsequently come to the Bureau with is
6 potentially so significant or of interest that it outweighs
7 whatever the potential handling problem was?

8 A I don't know the answer to that question. I
9 would -- yeah, I don't know the answer.

10 Q Would there be a process in place? If you don't
11 know that -- I'm assuming, but I don't know for sure that you
12 could be administratively closed for, you know, absent doing
13 some criminal act, you could be administratively closed for
14 the reasons you cited. It could be not following your
15 handler's instructions. You would be, in my words,
16 administratively closed. But I would think, in theory, there
17 could be someone who's been closed that was, up until their
18 closure, providing credible information that comes back to
19 the FBI, or any agency that, you know, or its sources, and
20 the information they come back with is potentially credible,
21 because they have a history of being credible, that they
22 would be re-examined for potential use and possibly reopened.
23 That's not out of the realm of possibility?

24 A I believe that is correct.

25 Q I believe you were asked in the last hour a

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1 question about media leaks. I have a very specific question
2 about media leaks, and it's not about any -- it's my
3 understanding that the IG made reference to some media leak
4 issues in the Bureau. I think very broadly, there were a lot
5 of unauthorized contacts.

6 Are you aware of any unauthorized media contacts anybody
7 had in OGC with media?

8 A No.

9 Q Any OGC employees?

10 A No.

11 Q Are you aware or have you heard -- this is the
12 specific part that I referenced. I had just recently heard
13 that there is some assertion that the Bureau would leak
14 information about a case to the media for the purpose of
15 having the media report out there, so an analyst checking
16 public source information to try to verify a fact that
17 they're trying to verify would see this news article or
18 report that was really set in motion by a Bureau leak. Are
19 you aware of anything like that ever happening?

20 A No.

21 Q You had indicated earlier, you and I had a
22 discussion about sometimes the tension between prosecutors
23 and investigators, FBI, DOJ, having a healthy outcome. Is it
24 your opinion that attorneys assigned to the FBI's general
25 counsel felt there was an atmosphere where they could be

1 candid with their fellow attorneys, regardless of the rank of
2 those other attorneys?

3 A Yes, generally speaking.

4 Q Are there instances where in your branch that
5 anybody ever expressed a feeling that they couldn't be candid
6 or felt that their opinion would be outweighed by others?

7 A I'm not aware of any such circumstance.

8 Q Are you aware of a survey that the FBI does, a
9 climate survey?

10 A Yes.

11 Q And what is a climate survey?

12 A It's a survey that's done that asks certain
13 questions of all FBI employees that are designed to
14 illuminate the FBI's performance on certain metrics. There
15 are some questions that are geared at sort of the performance
16 of the FBI generally, and then others that are geared toward
17 particular supervisors and executives within the FBI.

18 Q And the result of these questions or this survey,
19 what is the goal of the answers to these various metrics?

20 A I don't recall the FBI's stated goal of doing this,
21 but my general understanding was in order to inform the FBI
22 leadership about concerns within the workforce, and in order
23 to assess areas of improvement within the FBI.

24 Q So it would go to things like employee morale,
25 whether the rank and file thought recognition and awards were

1 properly given out, that sort of thing?

2 A That's my understanding.

3 Q And how, if you know, how did the Office of the
4 General Counsel fare in these climate surveys?

5 A It's hard to characterize in a general way the
6 results of the survey, and I don't remember the specific
7 results.

8 Q Do you remember anything specifically about the
9 National Security Branch?

10 A No. I mean, the general sense, though, is that
11 lawyers are hard -- are harsh critics and they expect high
12 performance from their executives, and so we had some of the
13 more outspoken responders to that survey.

14 Q Was there any particular area that the outspoken
15 people gravitated towards in expressing their thoughts?

16 A One of the areas that I remember there being some
17 complaints about was the degree of communication from the
18 General Counsel to the office generally.

19 Q And the office being the branch?

20 A No, the Office of General Counsel.

21 Q The whole Office of General Counsel?

22 A Yeah, uh-huh.

23 Q Okay.

24 BY MR. PARMITER:

25 Q I think in our first hour, we talked a little bit

1 about -- or you had indicated that you had received a call
2 from someone at the IC IG or IC IG counsel when the Clinton
3 email matter was referred to the FBI. Is that accurate?

4 A That is correct.

5 Q There was a woman named Jeannette, and you didn't
6 recall her last name.

7 A Correct.

8 Q Did the break help to refresh your memory of her
9 last name?

10 A No.

11 Q Okay. Have you ever spoken to anyone else at IC IG
12 with regard to the Midyear Exam matter?

13 A No.

14 Q Okay. Charles McCullough was the IC IG or perhaps
15 still is the IC IG, at least when the Midyear Exam matter was
16 referred to the Bureau. Is that correct?

17 A That's my understanding.

18 Q Did he ever brief you or anyone else at the FBI or
19 DOJ or meet with you about that referral, or about the facts
20 of the case or anything like that?

21 A I never met with him, no.

22 Q Are you aware whether anyone else met with him,
23 whether in OGC or elsewhere in the Bureau?

24 A I don't know.

25 Q Did you ever speak to him on a secure line, or over

1 the phone or anything like that?

2 A No.

3 Q Maybe not meet with him?

4 A No.

5 Q Are you aware whether anyone at the Bureau ever
6 did?

7 A I don't know.

8 BY MR. BAKER:

9 Q I'll throw in a random question. Were you ever at
10 a meeting or ever copied on an email from Peter Strzok where
11 he is asking generally for any intelligence information on
12 any Hill staffers, specifically a Senate Judiciary staffer
13 named Emilia DiSanto?

14 A No.

15 BY MR. PARMITER:

16 Q You also talked maybe in the previous hour with our
17 colleagues about the 793(f) statute, the topic of gross
18 negligence and intent. Unless I'm incorrect, you had stated
19 that, you know, your belief was that intent was not
20 required -- or was required, rather, for a prosecution under
21 793(f). Is that correct?

22 A Correct.

23 Q Okay. And, you know, a plain reading of that
24 statute, you know, I believe 793(f)(2), you know, does
25 require, you know, a showing of intent. 793(f)(1) maybe does

1 not. It just requires gross negligence from someone who has
2 national defense information. Is that your general
3 understanding of the plain language of the statute?

4 A That's my recollection, yes.

5 Q Okay. So, I mean, I guess can you expand a little
6 bit on what your opinion is or what, you know, the opinion of
7 the General Counsel's Office was on that issue of intent?

8 A So we are not the prosecutors, and so we obviously
9 defer largely to the views of DOJ in the interpretation of
10 criminal statutes under which they bring prosecutions.

11 But it was our understanding that -- that in looking at
12 the provision, number one, it had never been used before.
13 And we're talking about (f)(1), the gross negligence
14 provision.

15 Number two, there were -- there was some concern that
16 was articulated in the legislative history that might --
17 might apply to prosecutions in circumstances where there was
18 an intent.

19 And number three, there were some constitutional
20 concerns that might have been -- that might have been created
21 by a circumstance where the Justice Department might try to
22 prosecute somebody where there was not evidence of intent.

23 BY MR. BREITENBACH:

24 Q On the constitutional vague issue that you just
25 cited, I'll stipulate to you that we're aware that 793 was

1 used as predication to obtain legal process. So I'm
2 wondering if the FBI, you in particular, knew that there were
3 constitutional questions as to the validity, the continuing
4 validity of that particular statute, why would the particular
5 agents obtaining legal process have used that statute as
6 legal predication to a court, in order to obtain evidence,
7 whether it's a search warrant or other legal process?

8 A So what I testified to a moment ago was that there
9 might be constitutional concerns if there were a prosecution
10 brought under that provision in a circumstance where there
11 was not evidence of intent, which does not mean that -- is
12 something different from saying that the statute is
13 unconstitutional on its face, in other words, there is no
14 conceivable prosecution that could be brought under that
15 provision.

16 So I think that would be one legal rationale. I don't
17 know if it's one that any of the agents actually held in
18 their minds about when they cited that in the predication for
19 the legal process, but that's a reason why that statute could
20 be cited in such process.

21 Q Were you aware that 793 was used as legal
22 predication for lawful process obtained by the FBI?

23 A Not specifically, no.

24 Q I think that's -- I mean, that strikes me as
25 slightly surprising, that in a case where you are part of the

1 investigative team --

2 A I testified earlier that I was not part of the
3 investigative --

4 Q I'm sorry, you're part of the Midyear investigative
5 team. Maybe this is a good point to understand. How are you
6 delineating investigative team versus being part of the
7 management of the actual investigation?

8 A Right. So there are definitely two very different
9 things in the FBI: The investigative team, made up of the
10 agents and analysts and lawyers who are advising on the
11 investigation; and the people who are involved in strategic
12 decisions about the case at an executive level.

13 And so I would consider myself to have been part of that
14 executive group that weighed in on significant decisions,
15 strategic decisions with respect to the investigation, but I
16 was not part of the investigative team.

17 Q So then there were lawyers that were part of the
18 investigative team that would have weighed in on the use of
19 gross negligence, the actual legal parameters of gross
20 negligence, and using that as predication for lawful process?

21 A I don't know that to a certainty. I don't know
22 whether that determination was made by prosecutors, or
23 whether it was made by agents or whether it was made by
24 lawyers who reported to me.

25 Q But if it's an FBI affidavit, is there a process

1 that is reviewed by FBI lawyers prior to that draft legal
2 process going over to the prosecutors for eventual
3 processing?

4 A Sometimes, yes, an FBI lawyer might review a search
5 warrant affidavit.

6 Q Are you aware whether the search warrant affidavit
7 was reviewed by any lawyers under your supervision?

8 A Which search warrant affidavit?

9 Q Any search warrant affidavit in the Midyear Exam.

10 A I'm aware of two search warrants being executed in
11 the case, one with respect to the server and one with respect
12 to the Weiner laptop. I do know that the Weiner laptop
13 search warrant was reviewed at some point by FBI lawyers. I
14 don't know whether it was before it went to the DOJ
15 prosecutors, or whether it was in parallel with the DOJ
16 prosecutors.

17 And with respect to the server search warrant affidavit,
18 I don't recall whether our lawyers reviewed that search
19 warrant affidavit or not.

20 Q Would you or Mr. Baker have been privy to the
21 sign-off of that -- of either of those affidavits prior to
22 those moving over to the Department for eventual processing?

23 A Not necessarily before they went over to the
24 Department. I do recall that --

25 Q Not hypothetically, but were you?

1 A No, I'm speaking actually. So I don't recall the
2 mechanics of what happened with the search warrant affidavit
3 that we obtained for one of the servers. I do recall with
4 respect to the search warrant affidavit for the Weiner laptop
5 that that search warrant affidavit was circulated by email
6 and that Mr. Baker and I were both on distributions for that,
7 that search warrant affidavit.

8 But because of the speed with which that process was
9 moving, I don't know whether we approved it or exercised or
10 asserted a prerogative to approve it before it went to DOJ as
11 opposed to reviewing it in tandem with the review by the
12 prosecutors and, you know, the sort of collaborative process
13 by which that affidavit, search warrant affidavit was
14 produced.

15 Q Okay. I guess I'm trying to understand the timing,
16 too, with regard to decisions made to obtain legal process,
17 based on predication of the statute that the Department, at
18 the very least, was indicating had some level of
19 constitutional vagueness to it.

20 So at what point did you learn, or do you believe that
21 your attorneys learned, that there was a vagueness, a
22 constitutional question with regard to the Department with
23 regard to the gross negligence statute?

24 A I don't know. I don't know at what point the
25 attorney working for me understood that. She may have

1 already known, because she was an experienced
2 counterintelligence lawyer within the FBI, and she had a lot
3 of experience with those particular statutes. In other
4 words, she may not have learned it in connection with the
5 Midyear Exam case, but with a prior case.

6 Q Would the attorney on the case have reviewed the
7 predication prior to whatever agent who is the affiant on the
8 application, would they have -- would the attorney have
9 reviewed the legal predication prior to submission of the
10 application?

11 A Sorry, prior to?

12 Q Submission of the application.

13 A Are you talking about a particular circumstance, or
14 in general?

15 Q On either of the two search warrants.

16 A I presume that -- I mean, it was in the search
17 warrant affidavit, so I presume it would have been reviewed
18 by -- by the attorney who -- at least with respect to the
19 Weiner laptop, you know, I know she was involved in the
20 review. She forwarded -- as I mentioned, there was an email
21 in which she sent the search warrant affidavit to me and to
22 Jim Baker. So, yes --

23 Q I guess if -- what I'm trying to understand is, if
24 there was a real problem with regard to the particular
25 statute in either the FBI's legal analysis, or the

1 Department's legal analysis, with respect to that particular
2 statute, why are FBI agents submitting affidavits that are
3 relying upon a particular statute that has real potential
4 legal problems, according to the DOJ analysis?

5 A So, as I explained before, there are potentially
6 specific prosecutions that could theoretically be brought
7 that might result in constitutional concerns. However, the
8 statute is not constitutionally invalid on its face and there
9 are many prosecutions that could be brought, theoretically,
10 where intent is proven that would not pose constitutional
11 problems.

12 So, for example, in this particular case, had we had
13 evidence of intent, it's theoretically possible that we could
14 have brought a prosecution, might have brought a prosecution
15 under that statute. I'm not saying that's, you know, what
16 would have happened necessarily, but the statute is not -- it
17 is not the Department's view, as I understand it, the statute
18 is invalid for constitutional reasons in every circumstance.

19 Q Did you believe that the statute required intent?

20 A That was my understanding of the Department's
21 interpretation, yes.

22 Q Knowledge would not have been -- knowledge of the
23 fact that passage of classified information over unsecure
24 means would not have been one of the elements of an offense
25 under 793?

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1 A So I don't know. I'm not an expert in this area.
2 I was not the lead lawyer on this case.

3 Q But I think you had testified previously that you
4 consider yourself a national security expert. And this
5 particular investigation is going through the
6 Counterintelligence Division, as you indicated. And
7 mishandling investigations, to my knowledge, are not few and
8 far between, that the Department and the FBI are relatively
9 accustomed to these types of investigations.

10 So what I'm trying to understand is, if you have a
11 statute that is often used by the FBI, you and your
12 attorneys, I would think, would be relatively knowledgeable
13 about the use of that particular statute.

14 A So, as I testified, 793(f) has never been used, to
15 my understanding. In fact, I'm not sure it was my testimony,
16 but I think I agreed in response to a question that Mr. Baker
17 asked me. So 793(f) has never been used before.

18 Q Are you aware of other --

19 A I really don't know how many occasions the issue
20 has ever come up where there could be a fact pattern that was
21 discussed and considered. But more broadly, my job
22 responsibilities included overseeing the legal support to
23 the -- to -- legal advice provided to the FBI on all
24 counterterrorism investigations, counterintelligence
25 investigations, and cyber investigations.

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1 And so no, I was not an expert on -- on the specific
2 category of mishandling violations or the particular statutes
3 at issue. That was not my job. My job was to oversee those
4 lawyers, those experts who handled those issues. And one of
5 those experts was the lawyer who worked for me on that -- on
6 the Midyear Exam case.

7 Q So are statutes only good if they are used?

8 A I don't know what that means.

9 Q You just indicated that the statute had never been
10 used. So does that, the fact that the statute -- and I am
11 not stipulating to that. But in the FBI's analysis, I
12 presume, the statute that you are referring to in terms of
13 gross negligence had never been used. So what I am asking
14 is, does that mean that statutes that are never used are no
15 longer good law?

16 A No, not at all. That's not -- I was just trying
17 to -- you had -- I thought you had misinterpreted what I had
18 said in your question, and I was trying to --

19 Q No. I think if part of the legal reasoning as to
20 why the gross negligence statute was not used in terms of a
21 potential prosecution of Mrs. Clinton, if one of the -- if
22 part of that rationale was that it had never been used, then,
23 by extension, one might presume that other statutes that are
24 on the books, if they aren't being used, should not be ever
25 considered as predication for a prosecution.

1 A That's not -- that was not the intent of my
2 statement.

3 Mr. Herrington. That was just a speech. It wasn't a
4 question, so --

5 Mr. Breitenbach. It's not a speech.

6 Mr. Herrington. It was a speech.

7 Mr. Breitenbach. No, it's not a speech.

8 BY MR. BREITENBACH:

9 Q If part of the rationale of not using gross
10 negligence as an element of the prosecution in Mrs. Clinton
11 was that the statute had never been used, then I'm trying to
12 understand. The reasoning is simply because the statute has
13 not been used. So --

14 Mr. Herrington. But the problem is that the witness has
15 testified that she did not undertake that analysis. So she
16 can't answer that question.

17 BY MR. BREITENBACH:

18 Q Okay. So, as the top lawyer for the National
19 Security Law Branch, did you feel that it was, according to
20 your attorney, having not made that analysis --

21 Mr. Herrington. No, it's according to her testimony,
22 sir.

23 BY MR. BREITENBACH:

24 Q Okay. According to your testimony, that you had
25 not made the analysis on the gross negligence statute, that

1 you relied upon whom?

2 A I deferred to the DOJ prosecutors and to the
3 attorney who worked for me. But what my testimony earlier
4 was in terms of the factors about -- that we considered,
5 there were three. It wasn't -- I identified three specific
6 factors in my testimony, and it was the combination of those
7 three.

8 I didn't say that it was any one by itself. I'm not
9 telling you that we had a circumstance before us where the
10 only -- the only factor pointing against prosecution was
11 simply that the statute had never been used before.

12 Q Right. And the other two factors were
13 constitutional vagueness, and what was the third factor?

14 A What was the third one?

15 Q I think for Congress to learn that particular
16 statutes on the books that are still good law are being
17 interpreted by the FBI as essentially not good law any
18 longer --

19 A That was not my testimony.

20 Q Okay. Do you envision 793(f) ever being used to
21 prosecute someone?

22 A That would not be my role. I'm not a prosecutor.
23 As a lawyer, I could tell you that --

24 Q Which -- I'm sorry.

25 A The fact that it's -- it could be constitutionally

1 invalid in particular applications, in particular
2 circumstances, does not necessarily mean that it's
3 constitutionally invalid in every case. And so conceivably
4 there could be a fact pattern that would not implicate those
5 same constitutional concerns. But that question was not
6 before us in this particular case.

7 Q So a constitutionally invalid statute could still
8 be constitutionally applied?

9 A That is correct. There is a difference between
10 statutes that are facially unconstitutional and those that
11 are unconstitutional in their application.

12 Q So what was your understanding in this particular
13 case why 793(f) was constitutionally invalid?

14 A There was no evidence of intent. And you're a
15 little bit overstating it, too. I don't know that there --
16 the Department --

17 Q I was only using your phrase.

18 A That's not what I said. My understanding was that
19 there were constitutional concerns. There has never been a
20 court ruling on this issue. I don't know how definitive the
21 Department's views are on this issue. But there were
22 constitutional concerns that would have been raised by a
23 circumstance where a prosecution was brought where there was
24 not evidence of intent. That's my understanding of the
25 Department's views.

1 Q What are some of the factors that would rise to --
2 would have, I'm sorry, rise to the level of intent with
3 regard to this particular statute?

4 A I don't know. I'm not an expert on this statute.
5 I'm also not a prosecutor. So you'd have to ask the
6 Department about that question.

7 Q Well, I think you said -- you did testify earlier
8 that there was no smoking gun evidence as to Secretary
9 Clinton's intent. So what would have -- what would you have
10 considered smoking gun evidence with regard to her intent?

11 If you said that there was no smoking gun evidence, what
12 would have been that smoking gun evidence with regard to her
13 intent? What are some of the factors that might have shown
14 that smoking gun evidence? Might the -- might the number of
15 classified emails potentially have gone to showing intent?

16 Mr. Herrington. That's a very different question. Are
17 asking what a smoking gun -- which question are you asking,
18 the first one?

19 BY MR. BREITENBACH:

20 Q I think it all falls within the smoking gun. What
21 are the factors that might have been considered within the
22 so-called smoking gun rubric?

23 A An email that the Secretary sent saying, I set up
24 this server for the purpose of sending unclassified
25 information for my convenience, even though I know it's not a

1 secure system. That's an example.

2 Q My second question then, what about the number or
3 the frequency with which someone is emailing classified
4 information over an unsecure means, would that be considered
5 an element of proving intent?

6 A I don't think so, in a circumstance where we --
7 there was no evidence that there was any knowledge that the
8 information was classified. And so, in that kind of
9 circumstance, where there isn't knowledge that the
10 information, no matter how voluminous, is classified, it's
11 not a very powerful argument that it goes to intent.

12 Q We now know that Secretary Clinton did send
13 classified information up to the Special Access Program
14 level. Are you aware what Special Access Programs are?

15 A Yes.

16 Q Could you explain what your understanding of a
17 Special Access Program is?

18 A Not in this setting.

19 Q Would -- should a Secretary of State understand
20 what information is classified or not?

21 A I'm not the sort of person who would be in a
22 position to make that judgment about what a Cabinet-level
23 person should or shouldn't know about classification. My
24 understanding was that the Secretary generally testified in
25 her interview to the FBI that she relied on the judgment of

1 others who staffed her to ensure that information that was
2 received by her was appropriate for the setting in which it
3 was transmitted.

4 Q Okay. What I'm trying to understand, too, is,
5 still going back to the 793 gross negligence offense, I
6 proposed that frequency of emails could be considered an
7 element of the offense. And now what I'm proposing is, and
8 I'm asking you, could the sensitivity of emails also be
9 considered an element of an offense when considering intent,
10 or even gross negligence?

11 A I don't know. In this particular circumstance,
12 our -- the testimony of these witnesses was that they
13 believed that there was -- they did not believe the
14 information to be classified. They believed themselves to be
15 talking around the classified information and, therefore, not
16 to actually be transmitting any classified information. So
17 the facts that you're presenting were simply not present in
18 this particular case.

19 Q What would you advise, as a prior FBI attorney,
20 what would you advise if you, in fact, knew that information
21 was not only classified at an extremely sensitive level, but
22 also was -- you also were aware of the frequency of the
23 emails? What would your advice be if you actually had
24 knowledge, as the attorney on a case, where you saw both of
25 those elements, the frequency and the severity of the

1 classified information, in terms of that kind of information
2 passing over an unsecured server?

3 Mr. Herrington. What would your advice be to whom?

4 BY MR. BREITENBACH:

5 Q To your client, which is essentially the Bureau
6 itself.

7 A I would never be in that circumstance. I was not
8 the kind of -- I was not at the level within the FBI General
9 Counsel's Office where I ever would have been providing
10 advice to an operational division about whether the elements
11 of a particular statute were or were not met.

12 Specifically, in sort of complicated circumstances like
13 the one you're proposing here, it just simply would not have
14 been within the parameters of my responsibility, and I
15 don't -- I have never given advice on that particular issue
16 before.

17 Q But you were part of the executive team where the
18 decision was made to change gross negligence to extreme
19 carelessness. So you are involved in the decision-making, at
20 least from a supervisory level, with regard to a change from
21 a phrase that is legally meaningful to a phrase that is not
22 legally meaningful.

23 A These are two different questions. What -- those
24 are two different questions.

25 Q Well, you were involved on the executive team where

1 that change was made. So I'm trying to understand. If you
2 were involved in that decision-making, do you believe that
3 you should have known what the difference was between gross
4 negligence and extreme carelessness?

5 A Sitting here today, I don't know exactly what the
6 precise difference is between extremely careless and gross
7 negligence. Extremely careless is not a legal term of art.

8 Q Correct. But the nonlegal term of art of extreme
9 carelessness was used rather than the legal term of art of
10 gross negligence, which would have been legally culpable.

11 So you were on the executive team that approved -- you
12 know, relied upon that change that Director Comey himself
13 eventually delivered as part of the final exoneration
14 statement. So if -- as the head national security lawyer for
15 the FBI, do you believe that you should have been aware of
16 the difference between extreme carelessness and gross
17 negligence?

18 A No, I don't. There are different ways that people
19 could interpret that, and Director Comey understood it in one
20 way. And obviously, the use of the phrase "extremely
21 careless" has been open to interpretation and confusion after
22 the fact. So, perhaps, that issue is something we should
23 have more carefully considered, we as a group. I'm not
24 saying, you know, there was anything that I did incorrectly
25 here, but -- so I don't know that there is a single meaning

1 of extremely careless. And, you know, you're sort of
2 suggesting that there's some sort of discrete delta between
3 grossly negligent and extremely careless that's susceptible
4 to some sort of legal judgment. But I don't believe that
5 that's -- that's the case. I think the real concern here was
6 that the phrase "extremely careless" was -- has been subject
7 to several competing interpretations and confusion.

8 Q It's competing, because it has no legal effect,
9 whereas gross negligence does. So I'm not suggesting you
10 should have spent more time on understanding this, but what I
11 am saying is -- what I am asking is, with regard to the
12 definition itself of gross negligence, you saw it in one
13 draft of the statement, and then you see it -- you don't see
14 it in another draft, including the final statement of
15 Mr. Comey's, and --

16 A Correct. I had been advised by --

17 Q Real quick, let me just finish the question.

18 So you see it in a draft; you don't see it in the final
19 version. The exoneration of Mrs. Clinton with respect to
20 this investigation stems, it seems, on whether she met the --
21 her activity met the definition of gross negligence in the
22 first draft, but "extreme carelessness" is eventually used.
23 So the entire nonprosecution of Mrs. Clinton seems to revolve
24 around the decision to change that phrase.

25 A I would disagree with that characterization. So

1 the decision not to prosecute Secretary Clinton rests on the
2 absence of evidence of intent in this case. We had been
3 advised --

4 Q Even though intent is not gross negligence. You
5 have negligence and willfulness in the law?

6 A So we had been advised by the Department of Justice
7 that they would interpret that provision, that reference to
8 gross negligence in this particular context to require some
9 evidence of intent. And there was a unanimous view within
10 the FBI team that was involved and knowledgeable about the
11 evidence in this case that there was no such evidence of
12 criminal intent in this particular matter.

13 Q But was there evidence of negligence? Because I
14 think you would agree with me that negligence is different
15 than intent.

16

17

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1 [1:50 p.m.]

2 Ms. Anderson. That's correct. I don't know the answer
3 to your question whether there was evidence of negligence or
4 not. It was not a question that was presented because of
5 that interpretation that had been made by the Department of
6 Justice and therefore one that was not focused on.

7 BY MR. BREITENBACH:

8 Q So there was no review as to whether there was
9 negligence in this case?

10 A It was legally irrelevant because the Department of
11 Justice would not have brought a prosecution in a
12 circumstance in which there was simply negligence.

13 Q Was that a unanimous view inside the FBI to --

14 A About what?

15 Q That it was irrelevant because the Department had
16 already determined that gross negligence had constitutional
17 problems and --

18 A I don't know if that was a unanimous view.

19 Q Was that your view?

20 A You're -- was that my view --

21 Q Did you --

22 A At the time? I don't know because it didn't come
23 up. It wasn't a question that we focused upon because there
24 was a absence of evidence of intent in this case, and we
25 understood that there would not be a prosecution, there would

1 not be a prosecution brought by the Department unless there
2 was some evidence of intent, and that evidence was missing
3 here.

4 Q Did you agree with the irrelevance of the gross
5 negligence statute?

6 A I am telling you sitting here today that I do
7 believe that it would have been irrelevant because, because
8 of the view of the Department about the circumstances under
9 which prosecutions could be brought under that statute.

10 Q Did the FBI have any independent duty to determine
11 whether a particular statute was relevant or not in the
12 prosecution?

13 A I didn't say the statute was irrelevant in the
14 case. I am not sure what you are asking.

15 Q I am asking did the FBI have, you're saying that
16 the Department of Justice made a decision that intent was
17 required, even though we have a statute on the books that
18 does not require intent that requires gross negligence.
19 Gross negligence is different than willfulness and
20 intentional conduct.

21 So my question is, did the FBI have an independent duty
22 to determine whether a statute that is still on the books and
23 good law with regard to gross negligence could have been an
24 element of an offense that could have been investigated and
25 eventually prosecuted rather than a whole separate statute

1 that was the only statute that the department was looking at
2 in terms of a potential prosecution.

3 Mr. Herrington. If you know.

4 Ms. Anderson. I don't know even know what your question
5 is. I am sorry. I haven't been able to follow your
6 question?

7 BY MR. BREITENBACH:

8 Q I'm sorry, and that's probably my fault.

9 There are two mishandling statutes that we're
10 discussing, one involving intent and one involving gross
11 negligence. You have testified that the Department had made
12 a determination that it would only, that this particular case
13 could only be prosecuted, if at all, based on the statute
14 pertaining to intent. Is that correct?

15 A No. I don't think that's what I'm saying. I'm not
16 saying that. That was not my understanding. My
17 understanding is that 7, in the right circumstance and, let
18 me back up. I am not DOJ, I'm not a prosecutor. I was not
19 one of the prosecutors on this particular case, so I don't
20 want to speak with any, I don't want to speak about what
21 their views were or were not. But what you just articulated
22 is not consistent with what my understanding of DOJ's views
23 was.

24 Regardless of which provision was at issue, my
25 understanding was that DOJ believed that there had to be

1 evidence of intent whether you bring it under 793 D was it or
2 793 F.

3 Q Were you aware that there was a statute on the
4 books that related to negligence?

5 A Negligence or gross negligence?

6 Q Gross negligence in handling of classified
7 information.

8 A Yes. I was aware of the existence of 793 F.

9 Q Did you ever propose to any of the prosecutors with
10 whom the FBI was engaged with in this investigation that
11 there was a gross negligence statute that may pertain to this
12 fact pattern with regard to Mrs. Clinton?

13 A No, it was no secret. Everybody knew what the
14 basic range of statutes were that we were considering.

15 Q Okay. I think that's all I have.

16 Mr. Baker. I want to go back just briefly to some
17 questioning I did earlier. And I was just trying to find out
18 that there was an atmosphere of openness and candor in OGC,
19 so dissenting voices would be heard, because I got the
20 impression from earlier testimony you gave that while there
21 were differences of opinions on various aspects of the case,
22 it sounds to me like there was a point eventually in all the
23 issues where there was some consensus had, there were
24 certainly people whose opinions were accepted and that is
25 what moved forward, and there were those that didn't have the

1 prevailing view but it sounds like -- and from other
2 testimony I've heard -- other people that maybe didn't have
3 the prevailing opinion came around eventually and understood,
4 and I've heard from people that way after the fact
5 appreciated a view that dominated the day better than they
6 did because of what the results of that strategy ultimately
7 were.

8 I want to introduce an email, I guess this is majority
9 Exhibit 2. It references you on line 3.

10 [Anderson Exhibit No. 2
11 was marked for identification.]

12 BY MR. BAKER:

13 Q It starts out: I'm glad you're doing it, keep the
14 pressure on. I think his special assistant is the best
15 option. Actually -- and there's some redaction -- special is
16 the best option, he's number 2.

17 Yeah, pretty demoralized by the whole thing. Not sure
18 if Trisha will be there or not. Kind of hoping not, I can be
19 more frank if she's not.

20 I might possibly maybe doubtful work for you someday, I
21 might possibly maybe doubtful work for you someday, but
22 definitely not as your special assistant.

23 Don't think she would be, right?

24 Well I sort of invited it last time only because I want
25 this resolved and it's clear Jim won't decide without her.

1 Understandably, but still.

2 She's not formally on the invite so she or Jim would
3 have to remember.

4 Then she won't be there.

5 Do you have any idea what this is about?

6 A No.

7 Q It sounds to me that back earlier in today's
8 session we talked about an employee that I thought had the
9 issue with what their title would be, special assistant
10 versus special counsel. I thought that's what this was about
11 but I'm somewhat concerned if there is a lawyer in OGC that's
12 afraid to have a conversation or be in the room with a deputy
13 general counsel that maybe there could be instances where
14 legal advice and similar advice is stifled because of this
15 reluctance, but you're not familiar with what this might be?

16 A No and you are sort of assuming that it refers to a
17 legal discussion.

18 Q No. I think it refers to a title discussion as to
19 whether someone will be called a special assistant or a
20 special counsel. But I am concerned that if there's a
21 concern on this or other employees' parts about other lawyers
22 being in the room that the same circumstance could exist if
23 there is a discussion about legal matters and maybe someone
24 feels if others are in the room they can't be candid with a
25 legal opinion.

COMMITTEE SENSITIVE

1 A I have no idea what this pertains to.

2 Q Okay.

3 A But there could be many circumstances in which
4 somebody might be more frank if a supervisor is not in the
5 room.

6 Q Okay.

7 A I have no idea what this is.

8 Q Okay. And then going back to the most recent
9 discussion about various statutes and various charges without
10 regard to any particular case, without regard to any
11 particular facts, it's my understanding prior to your work at
12 the bureau and prior to your work at Treasury you were at the
13 department in the DAG's office and also in the office of
14 legal policy or legal counsel?

15 A Legal counsel.

16 Q In any of your legal experiences, and most of yours
17 it seems too me have been national security focused. Were
18 you aware just in general terms that the totality of
19 espionage statutes might not be up to date with current facts
20 in trade craft and whatnot?

21 A Yes.

22 Q And what is the basis of that understanding?

23 A I have seen legislative proposals prepared within
24 the Department of Justice over time that would address
25 various issues that have come up.

COMMITTEE SENSITIVE

1 Q And the issues would be deficiencies in current law
2 or -- what would the deficiencies be?

3 A I don't remember with any precision, but my
4 understanding is that there have been working groups that
5 have been convened that have studied the question whether
6 there is a need to sort of modernize if you will the
7 espionage statutes.

8 Q Do you know if that was ever advanced out of the
9 Department in some sort of proposal that was actually
10 advanced on the Hill or?

11 A I don't know.

12 Q But you believe that there, you don't recall any
13 specifics about what the deficiencies were?

14 A No, I do not.

15 Q But would it be fair to say the totality of the
16 espionage statutes needed maybe some revision?

17 A Yes. That's my understanding.

18 Q Okay, well, you mentioned a working group. Was
19 this something in your more recent times at the FBI?

20 A No. It was earlier. I was aware of a
21 recommendation that was made to David Kris at some point in
22 time that resulted in a memo to him and some proposals being
23 put together, and then those proposals then formed the basis
24 of discussions that recurred over time, so it's over the last
25 to my knowledge 7- to 8-year period of time that there have

COMMITTEE SENSITIVE

1 been discussions within the Department about a need to
2 modernize those statutes.

3 Q Do you know if the FBI would have been involved in
4 those discussions or the working group?

5 A Yes, I believe there were FBI legal personnel
6 involved in some of those discussion. I was not personally
7 involved in them. I just at some point became aware of these
8 proposals.

9 Q One of your attorneys, I think it is the attorney 1
10 that the IG references, that person I think you've testified
11 is fairly well versed in national security law?

12 A Yes and specifically in counterintelligence.

13 Q In counterintelligence. So would they have been
14 involved in that working group?

15 A I don't know to a certainty but possibly. There is
16 another attorney who is involved who frequently has been
17 involved in mishandling cases who might have also been
18 involved.

19 Q Do you know in the aftermath of the Midyear
20 investigation has there been any discussion that you are
21 aware of either at the Department or the FBI of revitalizing
22 this working group or discussion about modernizing the
23 statutes?

24 A Not to my knowledge.

25 Q And then a final question on charging. I

COMMITTEE SENSITIVE

1 understand you're not the prosecutor and these would not
2 necessarily have been conversations you would have had, are
3 you aware of any discussion about a Federal Records Act or a
4 similar violation outside of espionage like I think it's
5 2071?

6 A Yes.

7 Q Was there a discussion about that as a viable
8 charge?

9 A At some point it came up. I don't remember the
10 specifics of the discussion, but, yeah had there been, we
11 certainly would have looked for evidence of a violation of
12 that criminal provision.

13 Q So would it be fair to say the reason that was not
14 pursued would be consistent with your testimony in the other
15 charges that the facts didn't lead to that?

16 A The facts did not support it no.

17 Q And that was a decision that was made by DOJ
18 prosecutors?

19 A Ultimately at the end of the day yes.

20 Q But your attorneys or FBI attorneys elsewhere in
21 the Bureau would have had some input into that?

22 A That is correct.

23 BY MR. PARMITER:

24 Q I think we just have another minute or two but just
25 to ask a followup question to that line of questioning, my

1 colleague just referred to the criminal provision in the
2 Federal Records Act, another statute that we have discussed
3 in this context has been like the mishandling statute, 1924
4 in title 18. Do you recall any discussions about that
5 provision?

6 A Not specifically but there too there's an intent, a
7 specific intent -- I am sorry not specific intent, an
8 explicit intent requirement in that.

9 Q There's a knowingly requirement in that statute.

10 A Correct.

11 Q So would it be fair to say that that was the issue
12 you were bumping into that you know with the Federal Record
13 Act charge with the 1924 potential charge and with the
14 espionage act it was always there was an issue of intent?

15 A Correct.

16 Q And that there wasn't specific evidence that showed
17 that Secretary Clinton or anybody around her showed the
18 requisite level of intent?

19 A Correct.

20 Q Because there was no smoking gun evidence that they
21 had set up the server purposefully to transmit classified
22 information or for convenience or there wasn't an email that
23 I think you said there wasn't -- one example of that would be
24 an example email saying that she set up the server for
25 convenience?

1 A Right.

2 Q Those were the sort os of pieces of evidence that
3 bureau was looking for in this case?

4 A Correct.

5 Q I think we are out of time.

6 [Recess.]

7 BY MS. KIM:

8 Q We are now back on the record. It is 2:15.

9 Ms. Anderson, I'd like to go back to the discussion of
10 gross negligence that you were engaging in with our majority.

11 The DOJ lawyers who were working as prosecutors on the
12 Midyear exam case are national security lawyers who have
13 litigated hundreds of cases relating to the mishandling of
14 classified information, is that correct?

15 A Yes.

16 Q Are you aware of those DOJ prosecutors departing
17 from their standard practice in interpreting the law relating
18 to the mishandling of classified information in the Midyear
19 exam?

20 A No.

21 Q We understand that Director Comey out of an
22 abundance of caution asked for I believe 20 years of cases
23 regarding the mishandling of classified information just to
24 confirm the Department of Justice's research in this regard.

25 Are you familiar with Director Comey's request for those

1 cases?

2 A Yes.

3 Q And after reviewing those cases, did any lawyer in
4 the Office of the General Counsel come up with a contrary
5 interpretation to the Department of Justice?

6 A No.

7 Q Thank you. The Federal Bureau of Investigation's
8 lawyers have clarified that we may ask you general questions
9 about your discussions with Director Comey's -- your
10 direction with Director Comey about his contemporaneous
11 interactions with President Trump, so I will try to phrase
12 the questions in the most general way possible.

13 Are you generally familiar with Director Comey's
14 testimony before the Senate Select Committee on Intelligence
15 on June 8, 2017?

16 A Yes.

17 Q And are you also generally familiar with Director
18 Comey's descriptions about his meetings with President Trump
19 in his book, A Higher Loyalty?

20 A Yes.

21 Q And did Director Comey or others share
22 contemporaneous details about his conversations with
23 President Trump with you around the time those discussions
24 occurred?

25 A Some of those discussions yes.

1 Q And did you generally find that for the discussions
2 of which you had direct knowledge that Director Comey's
3 descriptions in his testimony and in his book were consistent
4 with the contemporaneous descriptions that you received?

5 A Yes, they were consistent with the contemporaneous
6 descriptions that Director Comey gave to us.

7 Q And do you have any reason to believe that Director
8 Comey did not accurately share with the Senate Intelligence
9 Committee his memory of his interactions with President
10 Trump?

11 A No.

12 BY MR. MORGAN:

13 Q Ms. Anderson, I would like to switch gears a little
14 bit and discuss the time period roughly September, October,
15 2016 when the FBI came into possession of the, the Wiener
16 laptop through an unrelated investigation unrelated to the
17 Midyear exam.

18 According to the IG report, an attorney under your
19 supervision named in the report as FBI attorney 1 we have
20 discussed briefed you on the September 29th conference call
21 between the New York field office and members of the Midyear
22 investigative team regarding the discovery of potential
23 evidence on the laptop from the Anthony Weiner investigation.

24 Was this when you first learned of the existence of the
25 laptop?

1 A Yes.

2 Q What do you recall of this discussion regarding
3 that call?

4 A I don't remember much other than the fact that
5 there were materials associated with Huma Abedine that may
6 have been identified on the laptop.

7 Q What role if any did FBI attorneys play in
8 following up with the New York field office to discuss the
9 status of the data that was being processed on the Weiner
10 laptop?

11 A I don't think we played any role, but I don't know
12 to a certainty.

13 Q Would it be the responsibility of attorneys under
14 your supervision to follow up with the New York field office
15 regarding the data discovered on the laptop?

16 A I don't believe so.

17 Q Did you have any other involvement between the time
18 you were briefed on the September 29th conference call and
19 when Director Comey was briefed on the Weiner laptop on
20 October 27, 2016?

21 A I don't believe so with the one caveat that I think
22 there may have been a meeting that occurred with Andy McCabe
23 immediately prior to the meeting with Director Comey, and so
24 I believe that was the next, that meeting that was
25 immediately preceding the one with Director Comey was the

1 next time that I had any involvement in the issue.

2 Q Okay. On October 27, 2016, the FBI Midyear Exam
3 team briefed Director Comey about the emails on the Weiner
4 laptop. Were you in that meeting?

5 A Yes.

6 Q What was discussed in that meeting, broadly
7 speaking the topics that were discussed?

8 A Broadly speaking, there was a description given to
9 former Director Comey about what was known about what was on
10 the laptop. There was a discussion about the path forward,
11 about obtaining a search warrant in order to review
12 materials, and I believe there was a discussion about, about
13 if a search warrant were obtained what if any public
14 statements or other statements outside the FBI might be made
15 about it.

16 Q What was your personal opinion on whether the
17 existence of the emails should be made public?

18 A Personal opinion at the time then?

19 Q Correct.

20 A Well, I was concerned that the disclosure of what
21 we had was -- could be viewed as affecting the outcome of the
22 election. I wasn't competent to know one way or another
23 whether it would, in fact, have such an effect. But I was
24 concerned that we certainly would be perceived as having that
25 effect. And I was especially concerned because we had no

1 idea whether what we were -- whether the emails that were
2 identified on the Weiner laptop were relevant, would be
3 material. In fact, it seemed quite unlikely to us that there
4 would be any materiality to those emails.

5 And so I was concerned that, that there wasn't, there
6 wasn't any form of a public statement that we could make that
7 would not overinflate or overrepresent the significance of
8 those emails in a way that would be unfair to an uncharged
9 subject.

10 Ms. Kim. I would like to discuss with you in some
11 specificity what you said at that meeting.

12 Director Comey's book and Director Comey's testimony
13 before the IG describes your statement in some detail. I
14 will quote to you from his book:

15 As we were arriving at this decision, one of the lawyers
16 on the team asked a searing question. She was a brilliant
17 and quiet person whom I sometimes had to invite into the
18 conversation. Should you consider that what you are about to
19 do may help elect Donald Trump for President, she asked.

20 Is that the portion of the book describing you that you
21 described to our majority colleagues earlier as being
22 inaccurate?

23 Ms. Anderson. Correct.

24 Mr. Herrington. Except for the statement as to
25 brilliant.

1 BY MS. KIM:

2 Q I would like to introduce into the Record the
3 Inspector General's report discussing this portion of
4 Director Comey's recollection. I believing we are up to
5 Exhibit 5, is that correct? Exhibit 4. Thank you.

6 [Anderson Exhibit No. 4
7 was marked for identification.]

8 Ms. Anderson. Can I have a copy of it? Thank you.

9 BY MS. KIM:

10 Q I am so sorry.

11 On the first page of the section I have given to you,
12 Director Comey has a long block quote. I will direct you to
13 about the middle of that block quote. He is describing in
14 your statement, and he says: And then I think she spoke
15 herself and said, how do you think about the fact that you
16 might be helping elect Donald Trump?

17 Is Director Comey representing what he remembers as your
18 statement in that meeting?

19 A I assume he is representing what his recollection
20 is.

21 Q If you go down to the second block quote on that
22 page, it is a block quote from you.

23 You stated: I do remember saying more explicitly to Jim
24 Baker that I was worried that what we were going to do, what
25 we were doing was going to have an impact on the election.

1 Was that appropriate for the Bureau? Was that, you know, I
2 was concerned about that for, you know, for us as an
3 institution.

4 Is that a correct statement of what you told the
5 Inspector General?

6 A Yes.

7 Q So I want to be very clear. At any point in this
8 discussion, were you ever expressing a personal political
9 preference for one candidate or another?

10 A No.

11 Q Were you expressing an institutional concern that
12 the FBI's actions could end up having an impact on the
13 outcome of a political race?

14 A Yes, or that we could be perceived as having had
15 such an effect.

16 Q And why did that effect or the perception of such
17 an impact concern you?

18 A It was not -- obviously, at the Department of
19 Justice, both as a matter of policy and tradition the
20 Department strives not to have any impact on electoral
21 politics, and so I was concerned that there would be a
22 perception that making any sort of statement whether it be to
23 Congress or to any other audience might have that impact or
24 might be perceived as having that impact.

25 And I tied my concern in my mind -- I am sorry let me

1 restate that. In my mind, my concern was tied particularly
2 to this idea that what we had was so uncertain at that point.
3 We had no idea whether what had been identified on the
4 laptops was material. We hadn't reviewed it. It was quite
5 unlikely based on all of the investigative work that we had
6 done at that point that there would be anything material that
7 we would uncover, and it would take a truly remarkable
8 situation for there to be any evidence that would alter our
9 assessment of the case at that point in time.

10 And so, in other words, you know, those two
11 considerations were tied together. It seemed especially
12 concerning in a context in which we had no idea whether there
13 was any significance at that point to what we had identified.

14 Q It seems your concerns would have applied with
15 equal force had the FBI also been considering an overt
16 investigative step or a public announcement regarding the
17 investigation into Russian collusion, is that correct?

18 A Correct.

19 Q So I just want to be crystal clear --

20 Mr. Herrington. Well, would both of the concerns you
21 articulated apply to that? Or were you more generally
22 concerned about impacting an election?

23 Ms. Anderson. Yes. Let me rephrase, my more general
24 concern about impacting the outcome of an election.

25 BY MS. KIM:

1 Q Thank you. I thank you for your precision. That
2 is correct.

3 So you were again generally expressing an institutional
4 concern that the FBI's actions could end up having an impact
5 or being perceived as having an impact on the outcome of a
6 political race?

7 A Correct.

8 Q Did the team ever discuss the DOJ's election
9 sensitivity policy?

10 A I think it came up at some point, but I don't have
11 a particularly precise memory as to when and the particulars
12 of what was discussed.

13 BY MR. MORGAN:

14 Q According to the IG, you said you ultimately agreed
15 that Comey needed to supplement his testimony to Congress
16 because it quote "was such a significant issue" end quote and
17 that quote "it would have been misleading by omission" end
18 quote, and that even though Comey did not explicitly tell
19 Congress he would update them it was quote "implied" end
20 quote in his quote "his testimony overall" end quote.

21 Did you agree with Director Comey's decision to send the
22 letter to Congress on October 28, 2016?

23 A It is hard to say whether I agreed or disagreed,
24 but at the end of the day I found it very difficult to second
25 guess what Director Comey articulated to us, and he has said

1 publicly since then that had, he had he not disclosed the
2 information, that it would have been misleading by omission,
3 and he preferred to be in a world in which he had disclosed
4 the information prior to the election rather than being
5 accused after the fact of having hid it.

6 Q What effect did you expect the letter would have on
7 Hillary Clinton's electoral prospects?

8 A I didn't know. I'm no electoral expert, and I
9 don't, in fact, follow politics all that closely.

10 Q Would you agree, though, that you thought the
11 letter should be sent -- I know that -- would you agree that
12 the letter, at the time, even it would have the -- it could
13 potentially have a harmful impact -- it would have an impact
14 on the election, I should say.

15 A I'm sorry. Say that again.

16 Q Strike that. Let me rephrase. I would say that,
17 based on your concerns, you were concerned the letter would
18 have an impact on the election, correct?

19 A Yeah, I wasn't certain. It certainly --

20 Q I'm sorry, strike that. No. You weren't -- I
21 mischaracterized your concerns. Let me move on to another
22 question.

23 Can you describe the process through which Director
24 Comey's October 28, 2016, letter to Congress was drafted and
25 edited?

COMMITTEE SENSITIVE

1 A Sure. So and my recollection is a little bit
2 unclear because we focused on two letters so close in time,
3 and so my recollection of the drafting process with respect
4 to the October 28th letter and my recollection with respect
5 to the drafting process for the November 6th letter is not,
6 those two memories are not particularly distinct. I think we
7 engaged in similar -- actually let me take a step back.

8 For the October 28th letter, there was a draft that was
9 produced, a first draft that was produced by a group of
10 people that did not include me. I do believe it included
11 Pete and the attorney who worked for me. That draft was
12 circulated on email I believe during the evening, and it was,
13 I think, predicated on an understanding that there would be
14 in person discussion the next day.

15 So that draft must have been circulated on October 27th,
16 the evening of October 27th. And then there were in person
17 discussions with Director Comey about the content of the
18 letter on the 28th. And I believe that letter was all but
19 final by the conclusion of that meeting with former Director
20 Comey, although there may have been a few tweaks that were
21 made after that meeting.

22 Q So you said that -- so Mr. Strzok did participate
23 in the drafting of the letter, is that correct?

24 A That is correct.

25 Q You are aware of what exactly his role was in that

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1 drafting process?

2 A I believe he provided input to that initial draft,
3 and he was a part of the oral discussion with former Director
4 Comey that occurred on the 28th.

5 Q Did Lisa Page participate to your knowledge?

6 A I don't remember.

7 Q Did anyone on the Midyear team ultimately disagree
8 with Director Comey's decision to send the letter?

9 A I don't know. As I mentioned, it was difficult to
10 second guess former Director Comey's assessment that it was
11 better to ultimately to disclose the information rather than
12 be accused after the fact of having concealed it by not
13 making a statement.

14 Q Did any information discovered in reviewing Anthony
15 Weiner's laptop change your opinion of whether Hillary
16 Clinton should be prosecuted?

17 A No.

18 Q So, I want to turn to a couple other questions
19 regarding what we kind of have offhanded call or describe as
20 the Trump Russia investigation.

21 The Inspector General's report found that the FBI,
22 particularly Special Agent Peter Strzok, placed a high
23 priority on the Trump Russia investigation in the fall of
24 2016. However, the report concluded that quote "we do not
25 have the confidence that Strzok's decision to prioritize the

1 Russian investigation over following up the Midyear related
2 investigative lead was free from bias" end quote.

3 What is your reaction to this conclusion?

4 A What do you mean?

5 Q Do you -- well, do you agree with the conclusion in
6 the IG report? Or do you have knowledge -- do you have
7 sufficient knowledge to form an opinion?

8 A I'm sorry. Could you just repeat the question? I
9 just lost your emphasis.

10 Q Certainly. The report concluded -- sorry. Let me
11 read the entire quote again to you from the IG report. The
12 report found that the FBI, particularly Special Agent Peter
13 Strzok placed a high priority on the Trump Russia
14 investigation in the fall of 2016.

15 Would you agree with that?

16 A Yes.

17 Q However, the report concluded that we did not have,
18 meaning the IG, did not have confidence that Strzok's
19 decision to prioritize the Russia investigation over
20 following up on the Midyear related investigative lead was
21 free from bias.

22 Do you agree with that conclusion?

23 A That they didn't have evidence?

24 Q I'm sorry. Do you -- strike that.

25 To your knowledge do you believe that Peter Strzok --

COMMITTEE SENSITIVE

1 Peter Strzok's decision to prioritize the Russia
2 investigation was based on any form of improper consideration
3 including political bias?

4 A No.

5 Q To your knowledge, was the FBI's decision to
6 prioritize, the FBI generally to prioritize the Russian
7 investigation free from political bias?

8 A Yes.

9 Q Do you have any evidence that Special Agent
10 Strzok's decision to prioritize the Russia investigation was
11 due to any political bias?

12 A No.

13 Q Can you generally explain to us why the FBI counter
14 intelligence team prioritized the Russia investigation in
15 September and October of 2016?

16 A It was -- the allegations that had come to us were
17 very significant in terms of the level of threat to our
18 national security. It represented a level of effort by the
19 Russians that surprised us, and it was something that we felt
20 we had an obligation to pursue -- to pursue with vigor.

21 Q Were you personally working on the Trump Russia
22 investigation in September of 2016?

23 A Not on the investigation per se, but I did have a
24 role in the same way I described earlier that I was involved
25 within the legal chain of command at a supervisory level.

COMMITTEE SENSITIVE

1 Q Were many of the Midyear team members working on
2 the Trump Russia investigation in September of 2016?

3 A I don't believe the investigative or analytical
4 personnel were the same, but at a supervisory level there was
5 a great deal of similarity between the personnel involved.

6 Q Do you believe that the Trump Russia investigation
7 team hoped to influence the election with the result --
8 pardon me -- with the results of the investigation?

9 A No.

10 Q Do you believe that they were prioritizing the
11 investigation because of the magnitude of the threat --

12 A Yes.

13 Q That you just described?

14 A Yes.

15 Q So it's fair to say then that the Russia
16 investigation was one with or is one with exceptional
17 national security importance?

18 A Absolutely.

19 Q How did the Russia investigation national security
20 importance compare to the importance of potentially reviewing
21 more emails in the Hillary Clinton investigation?

22 A I'm not sure there was such a comparison made
23 necessarily, but one represented an ongoing threat by a
24 hostile foreign actor, and the other simply represented an
25 investigative lead in a case where it was unlikely that lead

1 was likely to alter the outcome.

2 And one thing I do want to clarify insofar as my answers
3 may have accepted the assumption that there was some sort of
4 formal prioritization of the Russia matter over the Clinton
5 email investigation, there was to my knowledge no such formal
6 prioritization. There was an understanding that the Russia
7 investigation was important, and there was a lot of time
8 devoted to that particular investigation, but I'm not aware
9 that there was any sort of formal prioritization of one over
10 the other.

11 BY MS. KIM:

12 Q Are you aware of any evidence that Peter Strzok
13 tried to back burner or bury the contents of the Anthony
14 Weiner laptop?

15 A No.

16 Q Are you aware of any evidence suggesting that
17 anyone on the Midyear team sought to delay the review of
18 those emails or back burner that investigation?

19 A No.

20 BY MR. MORGAN:

21 Q How frequently does the FBI investigate possible
22 mishandling of classified information?

23 A I don't know.

24 Q So I am going to ask you, to press you a little bit
25 on this. Would you say that there is, that there have been a

1 number of cases? Is it very infrequent? Is it -- are these
2 routine? Are there routine cases even involving mishandling
3 of classified information in terms of number or --

4 A I wouldn't characterize -- yeah.

5 Q I know you don't know the exact number. I know I'm
6 asking -- but it is not unusual for them to investigate cases
7 of those --

8 A Correct and it is not infrequent.

9 Q By contrast how frequently does the FBI investigate
10 possible collusion between a major party Presidential
11 candidate and a hostile foreign power?

12 A I'm not aware of any analogous circumstance.

13 Q How frequently does the FBI investigate threats
14 that could undermine the integrity of the American
15 Presidential election?

16 A So this wasn't unique. There have been other --
17 the Russian interference efforts that occurred with respect
18 to the 2016 election were not unique in our history. There
19 have been other, other Russian and foreign power efforts to
20 intervene in our democratic process throughout history. They
21 have taken different forms.

22 It just simply, this was an unusual set of circumstances
23 here, and I am not aware of any analogous circumstance where
24 there has been an investigation of potential linkages between
25 a major party candidates, personnel, and a foreign power.

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1 But there have been over time other foreign power efforts to
2 interfere in our elections, and it is my presumption that the
3 FBI has investigated those efforts over time.

4 Q Would you say though that this was unique? You had
5 previously just described a threat of this -- posed by this
6 particular instance. Would you say that it was unique then
7 in its magnitude and its significance?

8 A I would say it was unique in its intensity
9 certainly and its level of success as well so the thing that
10 differentiated -- among the things that differentiated this
11 particular effort by Russia as compared to historical efforts
12 they had engaged in was of course the advent of social media
13 and the ability of Russian actors to use that platform to
14 proliferate messages that would be, that would further their
15 objectives of sowing dissension and discord.

16 And then there were other, you know, the hacking and
17 release of emails was something that we had not previously
18 seen before. And I guess the other thing that we saw was
19 evidence of very high level approvals within the Russian
20 Government of this ongoing campaign. There may have been
21 other unique features, but the level I would say overall the
22 level of intensity of the Russian effort to interfere with
23 our election was at least to my understanding without
24 precedent.

25 Q Thank you. I'm going to turn now to just a few

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1 brief questions about the FBI, INSD internal file review if
2 you are familiar with that.

3 A I am actually not. I have never seen the document
4 before.

5 Q Let me --

6 BY MS. KIM:

7 Q So we understand that in the Inspector General's
8 report Jim Baker is quoted as saying that he asked the review
9 team to examine the internal files of the Midyear exam
10 investigation. Were you involved at all in initiating that
11 file review?

12 A No. I was on maternity leave at the time.

13 Q The Midyear exams did undergo a file review. The
14 file review team's conclusion is quoted on page 142 of the IG
15 report. It concludes that the file review did not find any
16 substantial or significant areas of investigative oversight
17 based on the stated goals of the investigations. It found
18 that the investigative team conducted a thorough
19 investigation within the constraints imposed by the Justice
20 Department.

21 A Are those conclusions consistent with your experience of
22 the Midyear case?

23 A Yes.

24 Q Are you familiar with the Inspector General's
25 report?

1 A Yes.

2 Q The Inspector General's report also concludes that
3 there were no improper considerations influencing the
4 specific investigative steps taken in the Midyear
5 investigation, is that correct?

6 A Yes.

7 Q Are the Inspector General's conclusions consistent
8 with your experience on the case?

9 A Yes.

10 BY MR. MORGAN:

11 Q And I would like to turn just generally to some
12 questions about the attacks on the Department of Justice's
13 and morale at the FBI while you were still there.

14 I'm sure you're aware that there has been a litany of
15 attacks from the highest levels of government accusing the
16 FBI and the Department of Justice of conducting
17 investigations driven by political bias instead of just the
18 facts and the rule of law. Are you aware of these attacks,
19 Ms. Anderson?

20 A Yes.

21 Q During your tenure at the FBI and DOJ, have you
22 been aware of any FBI investigation motivated by political
23 bias?

24 A No.

25 Q During your time at the FBI and DOJ, are you aware

1 of any Justice Department investigations motivated by
2 political bias?

3 A No.

4 Q On May 22, 2018, Republican Members of Congress
5 introduced House Resolution 907 requesting that the Attorney
6 General appoint a second special counsel to investigate
7 misconduct at DOJ and the FBI which I believe that we
8 discussed previously.

9 That resolution alleged quote "whereas there is an
10 urgent need for the employment of a second special counsel in
11 light of evidence that raises critical concerns about
12 decisions, activities, and inherent bias displayed at the
13 highest levels of the Department of Justice and the Federal
14 Bureau of Investigation regarding FISA abuse, how and why the
15 Hillary Clinton email probe ended, and how and why the Donald
16 Trump Russia probe began."

17 At the FBI, what was your role in the FISA application
18 approval process?

19 A I supervised attorneys who were involved in that
20 application -- in the development of that application.

21 Q So you have some knowledge then of the process?

22 A Of the general process, yes.

23 Q Yes. Are you aware of any inherent bias at the
24 highest levels of DOJ and the FBI regarding FISA abuse as is
25 alleged?

1 A No.

2 Q Is there any evidence of inherent bias displayed at
3 the highest levels of DOJ and the FBI regarding how and why
4 the Hillary Clinton email probe ended?

5 A No.

6 Q To your knowledge, is there any evidence of
7 inherent bias displayed at the highest levels of the DOJ and
8 the FBI against Donald Trump as part of the Trump Russia
9 probe?

10 A No.

11 Q Are you aware of any actions ever taken to damage
12 the Trump campaign at the highest levels of the Department of
13 Justice or the FBI?

14 A No.

15 Q Are you aware of any actions ever taken to
16 personally target Donald Trump at the highest levels at the
17 Department of Justice or the FBI?

18 A No.

19 Q Is there any evidence that any FBI or Department of
20 Justice, or are you aware of any evidence that any FBI or
21 Department of Justice official took any actions biased in
22 favor of Clinton or biased against Trump.

23 A No.

24 Q Are you aware of James Comey ever taking such
25 action?

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1 A No.

2 Q Andrew McCabe?

3 A No.

4 Q Are you aware of Lisa Page ever taking such action?

5 A No.

6 Q Are you aware of Loretta Lynch?

7 A No.

8 Q What about Sally Yates?

9 A No.

10 Q Are you aware of any action taken by Deputy
11 Attorney General Rob Rosenstein?

12 A No.

13 Q Are you aware of any action taken by Special
14 Counsel Robert Muller?

15 A No.

16 Q Are you aware of any evidence or is there any
17 evidence that President Obama ordered any investigative
18 activity that was biased in favor of Hillary Clinton or
19 biased against Donald Trump?

20 A No.

21 Q Are you aware of any evidence that President Obama
22 ordered a wiretap of Donald Trump or the Trump campaign?

23 A No.

24 Q Are you aware of any conspiracy against Donald
25 Trump or the Trump campaign involving anyone from the FBI or

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1 Department of Justice or President Obama?

2 A No.

3 Q Many of us have been troubled by the escalating
4 attacks against the Department of Justice and the FBI,
5 attacks against the independence of other institutions, the
6 integrity of their employees, and the legitimacy of the DOJ's
7 and FBI's investigations so I want to talk to you about some
8 statements in that vein and get your reaction.

9 On December 3rd, 2017, the President tweeted quote after
10 years of Comey with the phony and dishonest Clinton
11 investigation and more, running -- ruining -- running the
12 FBI, its reputation is in tatters, worse in history. But
13 fear not we will bring it back to greatness end quote.

14 Do you agree with the President's statement that the
15 FBI's reputation is in tatters and is the worst in history?

16 A No.

17 Q Do you agree with the President's characterization
18 the Clinton investigation was phony and dishonest?

19 A No.

20 Q In your opinion, what kind of impact do statements
21 like this have on the morale of rank and file FBI agents?

22 A They can't --

23 Q No I'm sorry please.

24 A Finish your question please.

25 Q FBI agents and other FBI personnel?

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1 A Certainly statements like that can have a
2 demoralizing effect on the workforce.

3 Q Why would they have a demoralizing effect on the
4 workforce, in your opinion?

5 A Because it undercuts the credibility and validity
6 of the work that they are doing.

7 Q Is that central to the work that you do? The work
8 the FBI does I should say?

9 A Certainly one of the things that is central to the
10 FBI and its ability to investigate and contribute to
11 successful prosecutions is maintaining the credibility and
12 the trust of the American people in FBI personnel when they
13 testify in court, when they take investigative action. And
14 so that is important to our successful perceived mission.

15 Q Touching on your response there, what do you think
16 the impact of statements like these is on the public's
17 confidence in the FBI, and how do you think that impacts our
18 national security?

19 A That's a hard question. I'm not sure I am
20 competent to assess the full impact, but it is something that
21 I am concern about as a citizen, that it has weakened our
22 institutions, that it has weakened the bonds of trust that
23 the American people have in their institutions and the
24 Department of Justice and the FBI and that all of that trust
25 is important to the pursuit of our, of successful

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1 prosecutions and national security and other types of cases.

2 It's moreover concerning the impact that these types of
3 statements has had on the ability of the FBI to recruit and
4 maintain human sources which obviously are a key building
5 block of FBI investigations, including national security
6 investigations. And so I am concerned from a long-term
7 perspective about the impact that this pattern of statements
8 about the FBI could have on the ability of the institutions
9 to successfully perform their missions.

10 Q At a White House press briefing the day after
11 Director Comey was fired, Sarah Huckabee Sanders said the
12 termination happened because and I quote, "most importantly
13 the rank and file of the FBI had lost confidence in their
14 director" end quote.

15 Looking back on the lead up to Director Comey's
16 dismissal, do you agree with Ms. Sanders that the rank and
17 file of FBI had lost confidence in Director Comey?

18 A I personally did not perceive that to be the case.

19 Q What was your reaction when you learned that
20 Director Comey had been fired?

21 A I was shocked.

22 Q And was that reaction shared by FBI agents that you
23 spoke to regarding the firing of Director Comey?

24 A I didn't speak to any agents. I was on maternity
25 leave.

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1 Q Is it -- let me rephrase then.

2 Would you say that that reaction was shared by other
3 members of the FBI?

4 A It was shared by the FBI personnel with whom I was
5 in contact with at the time.

6 BY MS. KIM:

7 Q Why were you shocked?

8 A It was abrupt, it was handled in a manner that was
9 surprising and abrupt. It was without precedent. Obviously
10 former director Sessions had been fired but for reasons of
11 ethical violations that he had committed. It was just
12 shocking. It wasn't something that was expected at the time.
13 And I also personally, I had assumed that because some time
14 had elapsed between the announcement of the public disclosure
15 of the Russia investigation that any concerns that we had
16 about him being fired had dissipated. But that clearly was
17 not the case. So the timing I guess was somewhat what
18 surprising and shocking to me personally.

19 BY MR. MORGAN:

20 Q On that same day that Director Comey was fired,
21 President Trump tweeted, James Comey will be replaced by
22 someone who will do a far better job bringing back the spirit
23 and prestige of the FBI.

24 Do you agree with the President's assertion that there
25 was some problem with the spirit and prestige of the FBI

COMMITTEE SENSITIVE

1 under Director Comey?

2 A I didn't believe so.

3 Q Why is that, or why do you disagree then?

4 A I believe the FBI is a great institution. It was
5 great under Director Comey. The men and women who work at
6 the FBI serve their country honorably, and they do their jobs
7 with a great deal of distinction.

8 Q Following the Inspector General's report, President
9 Trump has stated and I will quote again, "I think Comey was
10 the ringleader of this whole you know den of thieves, they
11 were plotting against my election" end quote.

12 Do you have any reason to believe the FBI is a den of
13 thieves?

14 A No.

15 Q Do you personally -- did you personally witness
16 anyone at the FBI attempting to plot against Donald Trump's
17 election?

18 A No.

19 BY MS. KIM:

20 Q Ms. Anderson, there has been a great deal of
21 interest in the media in our joint investigation around the
22 FISA process. I think it would be helpful to get your
23 purchase on how that process actually works.

24 Do you agree that the government is required to meet a
25 high burden of proof when seeking a FISA warrant from the

1 FISA court?

2 A Yes.

3 Q Is it fair to say that the Justice Department's own
4 internal review process for applications is also extremely
5 rigorous?

6 A Yes.

7 Q Do FISA warrants require considerable review prior
8 to approval?

9 A Yes.

10 Q And is the level of scrutiny both internally at the
11 Justice Department and before the FISA court even higher when
12 the government is seeking a warrant to surveil a U.S. person?

13 A Maybe as a practical matter that might be correct,
14 although formally there is no difference in the treatment of
15 non-U.S. persons and U.S. persons, they are both treated with
16 a great degree of rigor.

17 Q With a very high level of rigor.

18 A Correct.

19 Q I understand that the FBI conducts its own
20 investigation about whether there is enough evidence to be
21 outlined in an affidavit in an application for a FISA warrant
22 and that package goes through the approval process of the
23 FBI's chain of command, is that correct?

24 A Yes.

25 Q Who in the FBI's chain of command would review that

1 packet?

2 A I don't know sitting here the particulars of
3 exactly who approves that package before it goes over to the
4 FBI. It was not something that was within my area of
5 responsibility.

6 Mr. Herrington. Before it goes over to the DOJ.

7 Ms. Anderson. I am sorry before it goes over to DOJ.
8 It was not within my area of responsibility. I was not one
9 of the approvers in the chain of command.

10 BY MS. KIM:

11 Q Are you aware of any circumstance where FBI
12 investigators could rush an application process through
13 without giving it sufficient level of scrutiny in an attempt
14 to bypass the FBI's own high internal standards?

15 A No. There are FISA applications that are
16 expedited, but there are particular procedures that apply to
17 those applications, and they are simply designed to literally
18 as they are described expedite the process.

19 Q Is part of the internal review process at the FBI
20 to ensure that the FISA application is supported by credible
21 evidence, and why is it important that a FISA application is
22 supported by credible evidence?

23 A It is important because we are talking about
24 national security-related surveillance in the context in
25 which the government is applying ex parte for the

1 surveillance warrant. There are certain allowances within
2 FISA that are, that differ from the criminal standpoint, and
3 there's some possibility that or a likelihood that the
4 warrant will never have the opportunity to be challenged
5 because many of the national security warrants are never used
6 in a criminal prosecution and will never see the light of
7 day.

8 Q There has been active speculation that the FBI
9 failed to follow its applicable standards in applying for
10 Carter Page's FISA warrant. I would like to ask you some
11 general questions.

12 In a FISA application, does the FBI typically include
13 all of the information it has about an individual or a
14 source? Or does it cull that information to include only
15 facts relevant to the court's determination on the merits of
16 that application?

17

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1 [2:59 p.m.]

2 Ms. Anderson. It culls the information to that which is
3 relevant to the merits of the application. But it comes
4 pretty close to almost all the information that we have, is
5 what it seems, with respect to our FISA applications.

6 BY MS. KIM:

7 Q Is it possible to give the FISA court a highly
8 accurate set of facts about a source without including every
9 individual fact that the FBI knows about a source?

10 A Yes.

11 Q There has been a great deal of fixation on specific
12 minutiae that political actors have found relevant to make
13 important about Carter Page's FISA application.

14 Do you have a personal response to the attack that the
15 FBI somehow abused the FISA process or committed illegalities
16 by not disclosing all of the very specific minutiae to the
17 FISA court about Bruce Ohr, about Christopher Steele?

18 A About Bruce Ohr? What about Bruce Ohr?

19 Q I think the allegations are that Bruce Ohr's
20 biography was somehow relevant to the Carter Page FISA
21 application.

22 A I don't believe it was relevant in any way. I also
23 don't think -- yeah, I don't think it was relevant. I'm not
24 aware of any sense in which it was relevant.

25 Q Have you ever been a part of any FISA application

1 process where the FBI sought to hide, bury, or omit material
2 facts from the FISA court?

3 A No.

4 Mr. Herrington. Could I take a 5-minute break?

5 Ms. Kim. Yes.

6 [Recess.]

7 Ms. Kim. We're back on the record. It's 3:04 p.m.

8 BY MS. KIM:

9 Q Were you part of the FISA application review
10 process for the FISA applications regarding Carter Page?

11 A I was involved at a supervisory level within the
12 legal chain of command.

13 Q Did you observe any improper considerations,
14 including political bias, affecting that process?

15 A No.

16 Q Did you observe any improprieties in that process
17 that would have required subsequent disclosures to the FISA
18 court about content that the FBI had omitted?

19 Ms. Anderson. I need to confer --

20 Mr. [REDACTED] May we confer?

21 Ms. Kim. Yes.

22 Mr. [REDACTED] Thank you.

23 Ms. Anderson. -- with FBI counsel about classification.

24 [Discussion off the record.]

25 Ms. Anderson. I've been advised by the FBI lawyers that

1 I can't answer that question in an unclassified setting.

2 BY MS. KIM:

3 Q Thank you.

4 In the Carter Page FISA warrant process, are you aware
5 of any attempts by the DOJ or the FBI to intentionally
6 mislead the FISA court?

7 A No.

8 Q Are you aware of any efforts to omit evidence or
9 manufacture evidence deliberately?

10 A No.

11 Q Are you aware of any instances regarding the Carter
12 Page FISA application of the FBI failing to follow all of its
13 proper procedures in obtaining a FISA warrant?

14 A No.

15 Q Are you aware of any effort by the FBI to seek a
16 FISA warrant for Carter Page that was not based on credible
17 and sufficient evidence?

18 A No.

19 Mr. [REDACTED] Counsel, you may be done with this line of
20 questioning.

21 I would just ask the witness, while you're discussing
22 questions that pertain to FISA applications or the FISA
23 process, just to give us a moment to think about the question
24 just in case we do need to ask to confer.

25 Ms. Anderson. Sure.

1 Mr. [REDACTED] Thank you.

2 Ms. Kim. Thank you. Actually, I believe that concludes
3 our round of questioning.

4 Mr. [REDACTED] Well, then I'm too late, but thank you for
5 your consideration.

6 Ms. Kim. Thank you, sir.

7 [Recess.]

8 Mr. Baker. Back on the record at 3:11.

9 I'll start with a random question. I have an email here
10 that I will introduce as majority exhibit 3, I think.

11 [Anderson Exhibit No. 3
12 was marked for identification.]

13 BY MR. BAKER:

14 Q It's an email chain. It's ultimately from you. It
15 looks like there's some folks that have done some research at
16 someone's request on the standards for appointing a special
17 prosecutor. And then it looks like it's sent to you.

18 You thank the person and then say, "Could you please
19 follow up with" -- redacted -- "to get more detail about what
20 she found on the conflict of interest component? Anything
21 about whether there is usually an actual conflict, or have
22 special prosecutors been appointed due to an appearance of
23 conflict (or out of an abundance of caution)?"

24 What is that about, if you recall?

25 A I don't recall. I didn't remember this email chain

1 until I saw it in the production, the portion of the
2 production that was given to me by the FBI for review.

3 Q Okay. But you have no recollection of what it
4 relates to?

5 A No, although I do understand that in the IG report
6 there's information that FBI Attorney 1 did testify to the IG
7 that there had been an intern within NSLB who was asked to
8 look into this issue in connection with the Midyear case.

9 Q Okay.

10 A But this would've been from around the time of the
11 opening of the case, and I don't recall any of the
12 circumstances or reasons why this research would've been
13 done.

14 Q Okay. You don't recall anything about a conflict
15 of interest that came up in discussions about the case? I
16 mean, this does seem pretty early in the process.

17 A It does. I don't recall the circumstances that
18 generated this request for research.

19 Q Okay.

20 A It was widely reported, various conflicts that former
21 Deputy Director McCabe had. Was there any conflict of any
22 employees in your National Security Law Branch that required
23 consultation with the Office of Integrity Compliance or
24 anything like that?

25 A No.

1 Q Okay.

2 You've talked a little bit about -- or discussion has
3 been had a little bit about the FISA process. I want to be
4 clear on what your branch and your specific role in FISA
5 would be. It's my understanding -- and I'm somewhat more
6 familiar with FISAs that originate from a field office.

7 A Uh-huh.

8 Q Where did this, the original FISA in the Russia
9 case, where did that originate from? Was that something that
10 was done at the headquarter level, or was it done from
11 Washington field? I'm a little confused. I know there's a
12 cross-pollination of resources, agents pulled from the field
13 office, and I'm just curious where the FISA physically
14 originated from.

15 A So I don't know the answer to that question.

16 Q Okay. What would be your role in any FISA as far
17 as approval or looking at -- any FISA. No specific case, no
18 specific facts.

19 A So I typically would not be involved in the minutia
20 of the development of a FISA. Rather, I would expect to be
21 informed about or be brought in to be consulted about FISAs
22 that involve controversial legal issues or fact patterns that
23 present difficult calls about probable cause.

24 So that's one aspect in which I would -- I was involved
25 and how I viewed my responsibilities with respect to the FISA

1 process.

2 Another area was with respect to all FISAs going
3 through, before they went to the Director, there was an
4 expectation that there would be an SES-level approver of the
5 FISA. Sometimes that could be me, but oftentimes it was one
6 of my two section chiefs. But if I was the only SES person
7 in the office, that would mean I would be responsible for
8 reviewing the FISA package before it went to the Director.

9 And then, third, within my branch, we had responsibility
10 for the logistical processing of the FISAs for the entire
11 Bureau. And so I had a support unit who handled the
12 logistics of the process: getting the signatures by
13 executives, walking them over to DOJ, handling the orders
14 once they came back from the FISA court, uploading them into
15 the system, that sort of work.

16 Q So a FISA package, is it presented to you and also
17 simultaneously presented to others that are also approving or
18 looking at aspects of it, or does it follow a linear path?

19 A It follows a linear path. There is a system called
20 FISAMS within the Bureau that tracks in a linear fashion all
21 the approvals on a FISA. I'm not part of that approval
22 chain, but I or another SESer in my branch is the final
23 approver on hard copy before a FISA goes to the Director or
24 Deputy Director for signature.

25 Q And that is the next stop after it would leave

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1 National Security Law Branch; it would go to the Director or
2 Deputy --

3 A Correct.

4 Q -- Director? The Director.

5 A The Director unless he was unavailable, in which
6 case it would go to the Deputy Director.

7 Q So this FISA management system you reference,
8 someone that gets it would not do whatever they do unless the
9 person below them has done what they do. It follows this
10 linear path.

11 A Correct.

12 Q Okay.

13 You mentioned earlier -- someone had a question about
14 the FISA court, and I think you said something to the effect
15 that it wouldn't be unusual for supplemental information to
16 be provided to the court when a FISA warrant had been
17 presented to the court if there was something learned by the
18 FBI that needed clarification or a supplement. I thought you
19 said there would be a mechanism --

20 A Correct.

21 Q -- to provide additional information.

22 A Correct.

23 Q Do you know if any additional information, either
24 supplemental or for clarification, was provided to the court
25 for any of the FISAs in the Russia case?

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1 A This question raises the same classification issue
2 that was raised by the question a few moments ago by the
3 minority staff. And so, based on my consultation with the
4 FBI lawyers, I'm not able to answer that question in this
5 unclassified setting.

6 Q Okay. Going back to not to a particular case or
7 particular facts, it would be part of the general practice or
8 possibility in dealing with a FISA that you would go back to
9 the FISA court with new information in the interest of being
10 candid with the court?

11 A Yes, if it met a certain threshold. That's
12 correct.

13 Q Okay.
14 What is a Woods file?

15 A A Woods file is a file of documents that's
16 maintained to support the accuracy of every individual fact
17 that's contained in a FISA application.

18 Q So this is a file. Any fact that is presented in
19 the application, this file documents the source of that
20 individual fact?

21 A That's correct.

22 Q And it would probably be more robust than the
23 actual application. My understanding would be the
24 application is asserting the fact but it might not have every
25 detail about the fact or where the fact came from, where the

1 Woods file would have all of that as a repository.

2 A That could be the case, yes.

3 Q And a Woods file is mandatory?

4 A Correct.

5 Q And a Woods file gets its name from -- why is it
6 called a Woods file?

7 A [REDACTED] in NSD. I'm sorry. Non-SES.

8 There's --

9 Mr. Herrington. A former colleague.

10 Ms. Anderson. A former colleague at the Department of
11 Justice drafted the form, and so the form derives from the
12 individual's name.

13 BY MR. BAKER:

14 Q And did the form and the practice of a file result
15 from an issue with FISAs?

16 A Yes, that's my understanding. It precedes my time
17 at the FBI, but I understood there was a pattern of some
18 incidents of omissions that were of concern to the FISA court
19 that resulted in former Director Mueller actually appearing
20 before the FISA court. And the practices were the result of
21 reforms that were made jointly between the FBI and DOJ in
22 order to ensure that we were meeting the standard of accuracy
23 with greater precision.

24 Q So it goes towards making more sure that the
25 presentations to the court are accurate?

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1 A Absolutely. It's designed to discipline agents
2 when they are drafting and reviewing affidavits to ensure
3 that each of the facts contained in that affidavit are, in
4 fact, accurate, because they must maintain that file of
5 documents supporting that accuracy.

6 Q Are you aware of any, for lack of a better term,
7 compliance audits that the FBI does on Woods files to make
8 sure that agents that are submitting these applications are,
9 in fact, maintaining an accurate Woods file?

10 A Yes. There is a sampling of FISA applications that
11 are reviewed in the course of the field office oversight
12 reviews that are conducted by Department of Justice and FBI
13 OGC personnel.

14 Q And would it be fair to say the reason those audits
15 occur were similar to the reasons that the Woods files began,
16 to ensure accuracy to the court?

17 A That's among the reasons those oversight reviews
18 are conducted. They are designed to assess and ensure
19 appropriateness in the administration of FISA and other
20 national security tools overall. The review of the Woods
21 files and FISA applications for accuracy is just one piece of
22 what's looked at.

23 Q Those teams that go out and do these audits, does
24 anyone from the National Security Law Branch participate?

25 A Yes, I believe everybody participates. In fact, it

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1 may be mandatory within our branch, or it was mandatory at
2 one time. Lawyers go to those field office reviews in order
3 to work with agents and analysts in talking to DOJ and in
4 reviewing the actions that they've taken.

5 Q And what would be an outcome of a Woods file audit?
6 What are the possible outcomes?

7 It's my understanding in a regular inspection at the
8 FBI, when a field office is inspected, at least under an old
9 way, you could get a rating of effective, effective but
10 inefficient, and maybe another variation.

11 What possible outcomes of rating or assessment to
12 determine your compliance with a Woods file would there be?

13 A I don't believe that would be the outcome. Rather,
14 if there were any compliance issues that were identified,
15 they would be handled either through, if it was appropriate,
16 a notice to the court or inclusion in one of our regular
17 reports that go to the court.

18 Q Are you familiar with any Woods file audits where
19 there were significant issues of noncompliance?

20 A I was not aware of any significant accuracy issues
21 during my time at the FBI and certainly no intentional
22 omissions or misstatements.

23 Q Had you ever heard of any issues prior to your time
24 at the FBI where there were -- my term -- a bad Woods file
25 audit that was reported up through the chain because it was

1 deemed to be so out of compliance?

2 A Just the pattern of incidents that I referred to
3 earlier in my testimony that resulted in former Director
4 Mueller, as I understand, having to testify before the FISA
5 court or talk to the FISA court in some fashion.

6 Q And, if you heard, what was Mr. Mueller's response
7 when he was made aware of noncompliance issues and he's the
8 one that has to go before the court to talk about them?

9 A My understanding is that he committed to the court
10 to address the problem and then that the series of reforms
11 that we implemented, including the use of the Woods form,
12 were the direct result of his engagement before the FISA
13 court.

14 Q So would it be fair to say he, as the then-leader
15 of the FBI, took compliance with the Woods file and
16 compliance with accuracy in presentations to the FISA court
17 seriously?

18 A Yes, he did; Director Comey did. All the people
19 that I witnessed participate in the FISA process all did as
20 well.

21 Q Okay.

22 Changing gears slightly, you mentioned earlier some of
23 the people you did or didn't deal with at the Department
24 based on your role. Did you know Bruce Ohr?

25 A I did.

1 Q And in what capacity did you know him?

2 A I knew him from my time in the DAG's office. I was
3 aware that he was a longtime career individual in the
4 Criminal Division with responsibility for organized crime.
5 And I may have had a couple of meetings with him when I was
6 in the DAG's office, but I did not have any interaction with
7 him when I was at the FBI.

8 Q Okay. So your knowledge of Mr. Ohr was in a
9 previous work capacity when you were at the Department.

10 A That's correct.

11 Q And you had no dealings with him in an official
12 capacity while you were at the Bureau?

13 A Correct.

14 Q Did you ever socialize with him in a social
15 capacity?

16 A No.

17 Q Did your branch get any information that ultimately
18 came from Mr. Ohr that you're aware of that you were asked to
19 review or assess or do anything with?

20 A Not contemporaneous with the investigation.

21 Q What would it be related to? Did you get it
22 earlier or after the -- you said "contemporaneous." Did it
23 relate to the investigation?

24 A At some point, I -- let me pause here. I'd like to
25 consult with my FBI colleagues about classification.

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1 Q Sure.

2 [Discussion off the record.]

3 Ms. Anderson. Thank you for that opportunity to
4 consult. I'm sorry, could you repeat your question just so I
5 can be accurate?

6 BY MR. BAKER:

7 Q In your capacity, did you receive any information
8 that generated, again, with Mr. Ohr that you reviewed or
9 looked at or analyzed, whatever?

10 A Yeah, so at some point I received the 302s, the
11 written summaries of the interviews that FBI personnel
12 conducted with Mr. Ohr about his interactions with
13 Christopher Steele. But it was not contemporaneous with the
14 drafting of those 302s; it was much later.

15 Q How much later? It's my understanding those 302s,
16 some were in the vicinity of end of 2016 --

17 A That's correct.

18 Q -- early months of 2017.

19 A So I received them in the course of the oversight
20 process. So I believe the first time I reviewed them was
21 probably after the House Permanent Select Committee on
22 Intelligence produced its memo on the Carter Page FISAs. I
23 believe there was a reference in that memo to statements that
24 Mr. Steele made to Bruce Ohr that were documented in our
25 302s. And that was the first time I received those 302s and

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1 reviewed them.

2 Q What were you asked to review them about? What
3 were you looking for? You say it generated from something
4 that occurred in HPSCI, the House Intelligence Committee?

5 A Correct. I had not previously been aware of the
6 statements that were documented in those 302s about Mr. Ohr's
7 perceptions of Chris Steele's motivations, and so I read
8 those 302s for the first time in connection with that, the
9 release of that memo.

10 Q And that was the extent of materials relating to
11 Ohr that you reviewed?

12 A Yes, that's correct.

13 Q Did you ever review information about Christopher
14 Steele from any source?

15 A I don't remember reviewing any other documents
16 relating to Christopher Steele.

17 Q Were you in any discussions or were your attorneys
18 in any discussions relating to information that Mr. Steele
19 provided or about Mr. Steele?

20 A Yes.

21 Q And what were they?

22 A There were meetings with Mr. McCabe about the
23 Russia investigation that involved discussions of the various
24 reports that were generated by Chris Steele that we had
25 received, both with respect to the content of the reports as

1 well as what we had learned about Christopher -- we, I'm
2 sorry, the FBI investigative team had learned about facts
3 that might bear on his credibility as a source.

4 Q And what were those facts? You had mentioned the
5 contents. More specifically, what were these discussions
6 about? But start with the credibility issues.

7 Mr. [REDACTED] I'm sorry. May we consult with the
8 witness, please?

9 [Discussion off the record.]

10 Mr. [REDACTED] Thank you for that opportunity.

11 Because these questions pertain to matters that are
12 being looked at by the special counsel and its investigation,
13 we will instruct the witness not to answer.

14 Mr. Baker. Okay.

15 Rewind just a second before that question was asked.
16 Was your role in the FISA process for the Russia
17 investigation different than what your normal role is in a
18 FISA matter?

19 Ms. Anderson. No.

20 Mr. Baker. Okay.

21 BY MR. BREBBIA:

22 Q Can I follow up a little bit on those Ohr
23 questions?

24 Prior to reviewing the -- I know you say
25 contemporaneously, but prior to reviewing the 302s, were you

1 aware that Bruce Ohr was coming and meeting with people in
2 the FBI?

3 A I was not aware that he had met with FBI personnel
4 on multiple occasions. The only meeting of which I was aware
5 was I did have a general understanding that he had met with
6 Mr. McCabe on one brief occasion. But I was not aware of the
7 meetings that were documented in the 302s that I believe are
8 in the Reading Room.

9 Q And I'm curious, after reviewing the 302s, is it
10 regular practice for FBI to fill out 302s after speaking with
11 a Department of Justice attorney?

12 A No, but my understanding of why the 302s was
13 generated here was that they were speaking with a Justice
14 Department attorney about his interactions with an individual
15 who had been a source for the FBI.

16 Q So would you agree they were speaking with Bruce
17 Ohr in his capacity as a fact witness, not as a Department of
18 Justice attorney?

19 A I believe that's the way they would've looked at
20 it, yes. In other words, 302s are used for
21 evidence-collecting purposes and not to memorialize general
22 conversations that occur between DOJ attorneys and FBI
23 personnel. And so it's in that vein that I presume the 302s
24 were generated.

25 Q Did you ever meet with Bruce Ohr yourself?

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1 A Not in my capacity at the FBI.

2 Q The committee has learned that, after Christopher
3 Steele was terminated as a confidential source, Mr. Steele
4 continued to meet with DOJ Attorney Bruce Ohr. Bruce Ohr
5 would then meet with the FBI and relay those findings.

6 Given your position with the FBI, do you have any
7 thoughts on continuing to meet with a terminated confidential
8 human source?

9 A I'm sorry. So you're asserting that the FBI
10 continued to meet with Christopher Steele?

11 Q Continued to meet with Bruce Ohr to receive
12 information from Christopher Steele after Christopher Steele
13 had been terminated as a confidential human source. Do you
14 have any views on that practice?

15 A Well, I'd be hesitant to provide views on I think
16 what you're asserting was happening, because my understanding
17 based on my reading of the 302s -- and, obviously, I don't
18 have those in front of me. But my recollection of the 302s
19 was that they reported on conversations or impressions that
20 Bruce Ohr had of Christopher Steele, not -- in other words,
21 they didn't reflect ongoing tasking, if you will, or anything
22 like that by Bruce Ohr of Christopher Steele. But the
23 information related more generally -- the information that
24 was reported in those 302s related more generally to Bruce
25 Ohr's impression of Chris Steele's credibility and his

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20 Bruce Ohr had of Christopher Steele, not -- in other words,
21 they didn't reflect ongoing tasking, if you will, or anything
22 like that by Bruce Ohr of Christopher Steele. But the
23 information related more generally -- the information that
24 was reported in those 302s related more generally to Bruce
25 Ohr's impression of Chris Steele's credibility and his

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1 motivations.

2 Q Thank you.

3 Mr. Baker. Did you ever have occasion to meet or
4 otherwise work with an individual named [REDACTED]?

5 Ms. Anderson. No.

6 BY MR. BREITENBACH:

7 Q You had mentioned earlier that all FISAs have to be
8 signed off, have an approver at an SES level. In OGC? Or is
9 that anywhere inside the FBI?

10 A In NSLB, in my particular branch.

11 Q In NSLB?

12 A Yeah. Uh-huh.

13 Q Okay. Who was that SES approver for the Carter
14 Page FISA?

15 A My best recollection is that I was for the
16 initiation.

17 Q Can you explain some of the process that you
18 engaged in in reviewing the FISA prior to you approving it to
19 go on to, I presume, the Director?

20 A Correct. My approval at that point was more
21 administrative in nature -- in other words, filling the
22 signature line. But all necessary approvals, including up
23 through and including the leadership of the FBI and the
24 leadership of the Department, by the time I put that
25 signature on the cover page had already been obtained.

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1 Q And what do you believe you are approving at that
2 moment? You mentioned it's an administrative approval. What
3 does that mean? Versus a substantive approval?

4 A Well, in this particular case, because there were
5 very high-level discussions that occurred about the FISA,
6 what I'm saying is the FISA essentially had already been
7 well-vetted all the way up through at least the Deputy
8 Director level on our side and through the DAG on the DOJ
9 side. And so my approval at that point was really purely
10 administrative in nature. In other words, the substantive
11 issues -- the FISA had already substantively been approved by
12 people much higher than me in the chain of command.

13 But, typically, the review by an SESer within FBI OGC,
14 it happens on a very short timeframe. In other words, those
15 SESers often will get a stack of FISAs that are -- it could
16 be 10, could be 15, could be 5 -- you know, perhaps, the
17 morning they're obligated to go to the Director or the night
18 before. There's not a lot of opportunity for substantive
19 review.

20 But it is sort of a backstop, if you will, a check to
21 ensure that we agree that there's probable cause, that all of
22 the essential elements of the application are met, that the
23 Woods form is completed, that the source checks, the asset
24 checks have been done, that the affidavit -- the verification
25 page has been signed by the agent with authority to sign it,

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1 those types of issues.

2 There were circumstances where I might look more
3 substantively at something based on what I saw in a cover
4 note summary of the FISA, but that was fairly rare. At that
5 point in the process, the FISA had already been very
6 well-vetted both on the FBI and the DOJ side. And so the
7 function of that SES signature was really to ensure sort of a
8 last check in the process to ensure that all necessary
9 elements of the FISA package were present and that it met the
10 basic requirements of probable cause.

11 Q Does that mean you read the FISA --

12 A No.

13 Q -- application?

14 A No. Unless there were an issue that was identified
15 by the cover note. So there typically would be a cover note
16 that would summarize the FISA. That cover note is generated
17 by DOJ. And because of the time pressures involved and the
18 sort of very-last-stop-in-the-process nature of the review,
19 the SES review, that's done, I wouldn't read a FISA unless
20 there were some sort of issue that was identified based on
21 the cover note.

22 Q You are, though, reviewing for the sufficiency of
23 probable cause --

24 A After many people have reviewed that assessment.
25 And so, as I mentioned, this was essentially a backstop to

1 all of the other processes and the rigor that had been
2 applied by DOJ attorneys and by FBI investigative and legal
3 personnel.

4 Q Okay. So you did not read the FISA, but you
5 would've been familiar then with at least part of the FISA
6 with regard to the legal predication for probable cause in
7 the FISA in order to be able to sign it?

8 A I would be familiar based on the cover note, yes.

9 Q On the cover note. Okay. So --

10 A In the case of the Carter Page FISA, I was
11 generally familiar with the facts of the application --

12 Q Okay.

13 A -- before I signed that cover note.

14 Q Okay. So were you ever concerned that, in signing
15 an application, any FISA application, approving it, that your
16 administrative approval could be considered a substantive
17 approval for the application itself, including the
18 substantive facts, the probable cause determination, the
19 predication, the -- whatever sources may have been used?

20 I'm having a little trouble with understanding an
21 administrative approval versus a substantive approval. Is
22 the Director making a substantive approval following your
23 administrative approval?

24 A So, yes, I would characterize the approval of the
25 Director as being substantive in nature. I'm using

1 "administrative" in this context to indicate here, as I
2 described, that there were individuals, all the way up to the
3 Deputy Director and the Deputy Attorney General on the DOJ
4 side, who had essentially given their approval to the FISA
5 before it got to that step in the process.

6 That part of it was unusual, and so I didn't consider my
7 review at that point in the process to be substantive in
8 nature. In other words, there were smart lawyers, high-level
9 people on both sides of the street who had reviewed and
10 signed off on the application, the details of the
11 application. And so I was simply signaling, yes, this
12 package is ready to go forward.

13 Q So, in signaling that, in terms of a probable cause
14 determination, can you just explain, in terms of going up on
15 a FISA on Carter Page, what are the elements that would be
16 necessary in order to do so?

17 A I don't have the FISA statute in front of me here,
18 but, essentially, Carter Page -- there would need to be
19 probable cause that he was an agent of a foreign power and
20 that he was about to use or using the facilities that were
21 identified in the package. Those are the essential elements
22 required by the statute.

23 And I don't recall offhand the particular prong of that
24 agent-of-a-foreign-power requirement under which we pled
25 Carter Page, but I believe that is reflected in the Carter

1 Page applications that were released through the FOIA process
2 and to which you all have access through the Reading Room.

3 Q And because he is a U.S. person, is there any
4 additional aspect that is required if you're going up on a
5 FISA on a U.S. person?

6 A Not that I recall, but it does affect the frequency
7 of the renewals that are required.

8 Q Okay. So, because you are signing off and
9 approving the FISA, is it incumbent upon an approver to
10 understand the legal parameters, or is it necessary only to
11 have a management decision that particular processes have
12 been followed? In other words, you, as an approver, are you
13 looking to see whether particular processes have been
14 followed or whether there is legal sufficiency for obtaining
15 the FISA?

16 A I would say, in the regular case, I would say my
17 review includes both. However, with respect to the first
18 judgment about legal sufficiency, it would be with a great
19 degree of deference to the many lawyers who have reviewed
20 that application before me -- in other words, to the various
21 layers of review both on the FBI and on the DOJ side that
22 preceded me.

23 In this particular case, I'm drawing a distinction
24 because my boss and my boss' boss had already reviewed and
25 approved this application. And, in fact, the Deputy Attorney

1 General, who had the authority to sign the application, to be
2 the substantive approver on the FISA application itself, had
3 approved the application. And that typically would not have
4 been the case before I did that. Before, I would usually
5 sign the cover note on the FISA application.

6 So this one was handled a little bit differently in that
7 sense, in that it received very high-level review and
8 approvals -- informal, oral approvals -- before it ever came
9 to me for signature. And so, in this particular case, I
10 wouldn't view it as my role to second-guess that substantive
11 approval that had already been given by the Deputy Director
12 and by the Deputy Attorney General in this particular
13 instance.

14 Q Would it make sense if you were to hear that, when
15 dealing with a U.S. person, in addition to showing probable
16 cause that that person is an agent of a foreign power or a
17 foreign power, that that U.S. person also would need to be
18 engaged or have engaged in criminal activity?

19 A I don't remember the -- there are five prongs of
20 FISA under which individuals can be pled as agents of a
21 foreign power, and, sitting here today, I can't tell you
22 precisely what I remember about the statute.

23 I mean, I believe that the way we pled Carter Page did
24 involve -- was under the aiding-and-abetting prong that does
25 involve a reference to probable cause that he aided and

1 abetted -- and I can't remember the precise statutory
2 formulation, but activity that does involve criminal
3 activity.

4 Q Okay.

5 Changing subjects here, were you ever aware whether
6 Hillary Clinton's campaign or Mrs. Clinton herself was ever
7 directly targeted by a foreign power?

8 A I don't think I can answer that question in this
9 setting.

10 Mr. [REDACTED] May we consult before the witness
11 responds?

12 Ms. Anderson. Well, I'll tell you, based on my
13 knowledge at the FBI, I don't believe I can answer that
14 question in this setting.

15 BY MR. BREITENBACH:

16 Q Were you ever aware whether any of Secretary
17 Clinton's emails were accessed by a foreign party?

18 A I was not aware of any evidence that her emails
19 were accessed by a foreign power.

20 Q If you had been made aware that any of her emails
21 had been accessed by a foreign power or foreign party, would
22 that have in any way colored your own interpretation of the
23 facts and the law as you eventually acceded to with regard to
24 the FBI's overall decision?

25 A So I don't know the answer to that question. It

1 might have affected the extent to which we conducted a damage
2 assessment of the information that had been compromised, for
3 example, by a foreign power. So it might've affected the
4 process and the steps that we took. But I'm not sure that it
5 would've affected our substantive assessment of the evidence
6 in the case as it applied to the criminal statutes in
7 question.

8 Q Have you seen any recent stories indicating --
9 there was a recent story, I should say, indicating that the
10 Chinese had potentially received ongoing access to Secretary
11 Clinton's emails. Did you have any knowledge as to that
12 particular accusation or allegation?

13 A No.

14 Q It has also been publicly speculated that
15 Mr. McCabe had memos that he memorialized. Are you aware
16 whether that is the case?

17 A Yes.

18 Q Have you read those memos?

19 A Yes.

20 Q What is the general subject -- or is there a
21 general subject for those particular memos?

22 Mr. [REDACTED] May we consult with the witness before she
23 responds?

24 Mr. Breitenbach. Yes.

25 [Discussion off the record.]

1 Mr. [REDACTED] Because that question would require
2 addressing matters that are within the purview of the special
3 counsel investigation, we will instruct the witness not to
4 answer.

5 BY MR. BREITENBACH:

6 Q Well, without getting into the substance of the
7 memos, were you aware contemporaneously that Mr. McCabe was
8 keeping particular memos?

9 A No, I was not.

10 Q At what point did you become aware of the memos?

11 A I believe I first learned about them at some point
12 when I was Acting General Counsel, which would have been in
13 January of 2018.

14 Q And are you aware of other individuals who also
15 were aware of the memos? And who were they?

16 A I understand Lisa Page was aware of the memos.
17 Obviously, Andy McCabe. I understand the Special Counsel's
18 Office has access to those memos now. And I believe
19 Mr. Priestap may also have been aware of them.

20 Q And are you aware of the number of memos?

21 Mr. [REDACTED] We're going to give the same instruction
22 to the witness for that question.

23 I'm sorry. Did you ask if she's aware?

24 You may answer --

25 Mr. Breitenbach. Is she aware of the number of memos.

1 Ms. Anderson. I don't recall.

2 Mr. Breitenbach. You don't recall.

3 Ms. Anderson. No.

4 Mr. Baker. You became aware of them based on your
5 capacity as the Acting General Counsel?

6 Ms. Anderson. I believe that's correct.

7 BY MR. BREITENBACH:

8 Q Do you know why you were made aware of the memos?

9 A I recall having a discussion with Andy McCabe about
10 them sometime during that month, but I don't recall the
11 reason for that discussion.

12 Q Did he seek your guidance?

13 A I don't recall the nature of the discussion that we
14 had.

15 Q Do you recall the situation in which you and
16 Mr. McCabe had a discussion regarding the memos?

17 A No. It was in his office.

18 Q Okay.

19 One more change of subject. You previously indicated in
20 the prior round that you were shocked by the firing of
21 Director Comey. More recently, what were your thoughts with
22 regard to the firing of Mr. Strzok?

23 A I thought it was very sad, everything that's
24 happened with respect to Pete. He was an excellent agent.
25 He was one of the smartest people I've worked with. He was a

1 great colleague. And I know he had dedicated his life to the
2 FBI and to public service more generally.

3 And so I think it's tragic what's happened with respect
4 to him and the publicity that he has attracted; the fact that
5 his family, obviously, is going through some difficulty with
6 respect to all of this; and now that, obviously, there's a
7 professional aspect of this for him as well. So, from a
8 human perspective, it's very sad.

9 Q Did his actions that resulted in his firing, in
10 your opinion, harm the Bureau's reputation?

11 A Yes. The revelation of the text messages obviously
12 was damaging to the reputation of the FBI. None of us were
13 aware, I was not aware, those that I worked with were not
14 aware of the text messages at the time they were being sent.
15 As I mentioned before in my testimony, we were not aware of
16 the affair. It was deeply disappointing to the team that two
17 colleagues that we had worked so closely with on this
18 investigation that was so important to the Bureau and so
19 sensitive, that they had engaged in these text messages.

20 BY MR. BAKER:

21 Q It was widely reported that the reason for
22 Mr. McCabe's termination, I believe, was lack of candor. Do
23 you know what Mr. Strzok was actually terminated for, what
24 your understanding, what your belief was?

25 A I don't know. It's postdated my time at the FBI.

1 Q Okay.

2 You had mentioned a little while ago, as part of the
3 FISA process, something you referred to as a source check and
4 an asset check was done, or would be done. What are those?

5 A One and the same. So it's an asset check. There
6 are a set of queries that are run of databases in order to
7 assess whether or not the FISA target is or has been a source
8 for the FBI. It's not disqualifying for the FBI to surveil a
9 source or former source, but it's something that we need to
10 know in putting together the FISA package. And so those
11 asset checks or source checks are run.

12 Q And I'm assuming there was no issue with it,
13 because it kept moving along?

14 A You mean for the Carter Page FISA?

15 Q Yes.

16 A Correct.

17 Q Okay.

18 I'm curious, in the discussions you were having with my
19 colleague Mr. Breitenbach, who is the last person in this
20 FISA process that actually reads the whole package rather
21 than just an administrative part of it? Does the Director
22 actually read the whole thing before he signs off on it?

23 A No, I would not presume so. The Director might on
24 any particular day receive a stack of as many as 15, 17, 20
25 FISAs. That's sort of the outer range of how many the

1 Director could receive. And they're very thick. It's not
2 unusual for the Director to receive a stack this tall. I'm
3 indicating about a foot and a half between my hands here, for
4 the benefit of the reporter. And so that, obviously, is not
5 commensurate with the 20 minutes the Director has in his
6 schedule for review and approval of the FISAs.

7 And so he does rely heavily on the process, on the rigor
8 of the process, both on the FBI side and on the DOJ side, as
9 well as on the cover note that is generated by a DOJ lawyer
10 who has read and been involved in the drafting of that FISA
11 application. And so, yes, the Director or Deputy Director,
12 if he signs the FISA, you know, relies on others.

13 I don't know precisely who is sort of the highest-level
14 person who does, you know, review and read every FISA
15 application. I know many of them are reviewed and read by
16 Stuart Evans, who is the Deputy Assistant Attorney General
17 who oversees the FISA process on the DOJ side. And there are
18 many attorneys who report to him, but I'm not quite sure
19 within that chain of command who, to a certainty, would have
20 read every single FISA application that goes through.

21 Q At the FBI, do you know who that would be?
22 Obviously, someone below you. Like, if it's coming from the
23 field, would the Chief Division Counsel be someone that would
24 read it? The supervisor of the agent that's submitting it?
25 I'm just curious, where down in the chain does the final

1 thing last get read?

2 A Well, more importantly is on the DOJ side,
3 obviously. They're the drafters, and there are counsel who
4 submit the application to the FISA court and ultimately have
5 responsibility for the application. I know, you know, our
6 line attorneys obviously read the FISA applications.
7 Occasionally, unit chiefs will read them as well.

8 I will read FISA applications if they're flagged for me
9 as raising novel or controversial issues. As I mentioned, if
10 there's something that I see in my review of the cover note
11 on that morning, the morning immediately before it goes to
12 the Director, I'll flip to the relevant portions of the
13 application or even read the whole thing in its entirety.
14 But, typically, that would not be the case.

15 Q And you said just a minute ago -- I thought you
16 said that the Director has 20 minutes set aside to review all
17 the FISAs?

18 A Approximately, yes.

19 Q That's a real number?

20 A It's not set in stone, and so we do have a process
21 in place by which the Deputy Director or Director often will
22 get a heads-up about the number -- there's an email that goes
23 out every evening that indicates the number of FISAs that are
24 ready for the Director's signature by the next morning.

25 And it is important, in most cases, that those FISAs, as

1 long as the Director is comfortable with them, do get signed
2 in a timely fashion, because on the other side of the street
3 we've got either the Attorney General or the Deputy Attorney
4 General or the AAG for the National Security Division lined
5 up at a particular time to sign the FISA. And the FISA court
6 already has a read copy of the application and it's been
7 docketed for that week, and so we'd have to pull it off the
8 docket if it were not to go forward. And so it is fairly
9 important that those FISAs that are presented to the Director
10 get signed on that particular day.

11 Q Would it also be true that if it sat at any one
12 particular place too long -- because it sounds like there's a
13 lot of stops that this package makes -- if it sits too long
14 at any one location, the information in it gets stale and has
15 to be --

16 A That's correct. That's correct.

17 Q It'd be just like on the criminal side of the
18 house. If you're doing a Title 3 application, if you sit too
19 long at any one stage, you've got to go back and refresh the
20 probable cause?

21 A That's correct.

22 Q You had also indicated that this one was different
23 in that it came -- when it hit your desk, some of the
24 top-level executives, specifically the Deputy Attorney
25 General and maybe I think you said the Director, had already

1 signed off on it or had already reviewed it --

2 A That's correct.

3 Q -- and that was not the normal course.

4 A That's correct.

5 Q Why was this one different?

6 A The sensitivity level of this particular FISA
7 resulted in lots of very high-level attention both within the
8 FBI and DOJ.

9 The General Counsel, for example, who is the former head
10 of what was known at the time as OIPR, the office within the
11 Department of Justice that has responsibility for all of the
12 FISA applications -- he's the former head of that office --
13 he personally reviewed and made edits to the FISA, for
14 example.

15 The Deputy Director was involved in reviewing the FISA
16 line by line. The Deputy Attorney General over on the DOJ
17 side of the street was similarly involved, as I understood,
18 reviewing the FISA application line by line.

19 Q And when he was still on the rolls at the FBI,
20 Mr. Baker as the General Counsel was also in this process?
21 He would --

22 A That's the individual to whom I was referring a
23 moment ago.

24 Q Okay.

25 A Jim was the former head --

1 Q The former -- okay.

2 A OIPR.

3 Q Okay.

4 A And so he was extremely familiar with the FISA
5 process. He's one of -- I would say, one of the
6 government's -- well, no longer with the government -- one of
7 the Nation's leading experts on FISA. And his experience
8 with that office led him to be one of the best people you
9 could possibly consult about what was contained within the
10 FISA application.

11 And so he read it. The Deputy Director read it, as I
12 understood. The Deputy Attorney General read it.

13 Q So I would assume when James Baker was at his desk
14 and a FISA's passing through him, based on his experience in
15 OIPR, people above him that are doing these administrative
16 sign-offs or whatever, if Jim Baker's looked at it, I'm
17 assuming there's a lot of confidence by the people above him
18 because he does have such an expertise in FISAs. Is that
19 correct?

20 A I would not say that this was a circumstance where
21 there was any deference given to Jim Baker. In other words,
22 when Andy McCabe looked at it, certainly when Sally Yates
23 looked at it, I don't believe they were simply relying on the
24 judgment of Jim Baker having reviewed the application. My
25 understanding and my impression at the time was that they

1 very much gave it their own de novo independent review and
2 that, you know, it was very carefully reviewed by those
3 individuals.

4 Q Would it be fair to say having James Baker as the
5 General Counsel brought with it an expertise in this
6 particular area of the law, based on his --

7 A It did, but I'm not even sure those officials were
8 aware that Jim Baker had personally reviewed the FISA
9 application.

10 Q Okay.

11 And you had indicated that -- when I asked why this was
12 different, you said because of the sensitivity. Why, in your
13 opinion, was this sensitive?

14 A We understood, because of who Carter Page was, that
15 people would second-guess the appropriateness of submitting
16 the FISA application, and so we were taking extra care with
17 the application itself.

18 Q Okay. That's all I have.

19 BY MR. BREITENBACH:

20 Q You indicated that you do personally read
21 controversial FISAs, and you've indicated that there's all
22 these sensitivities with this particular one, but you chose
23 not to read this FISA --

24 A I'm sorry, that's not correct. I did read this
25 FISA.

1 Q You did read this FISA?

2 A Not on the morning when I signed the application,
3 no, I did not --

4 Q Okay.

5 A -- but I read it at an earlier point in the
6 process.

7 Q Okay. Thank you.

8 In terms of renewals, do renewals also require a similar
9 sign-off by an SESer?

10 A Correct.

11 Q And with this particular FISA, were you also the
12 official that was signing off on the renewals?

13 A I don't recall.

14 Q You previously indicated in a prior round that
15 there, to your knowledge, was never a spy that was placed on
16 the Trump campaign or anywhere in the Trump orbit. What's
17 your definition of a spy?

18 Let me make it easier. Does a spy, in your mind,
19 include a human confidential source?

20 A No.

21 Q Does a spy include an undercover FBI employee?

22 A I don't know.

23 Q So by saying that you -- I mean, you answered "no"
24 to the question was there ever a spy placed --

25 A Right, so for two reasons.

COMMITTEE SENSITIVE

1 Q Sure.

2 A First, the word "spy" did not seem commensurate
3 with what I understood had been done in this particular case.

4 And the other thing was the verb, the use of the verb
5 "place" a spy or "place" a source within a campaign. To my
6 knowledge, the FBI did not place anybody within a campaign
7 but, rather, relied upon its network of sources, some of whom
8 already had campaign contacts, including the source that has
9 been discussed in the media at some length beyond Christopher
10 Steele.

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COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

1 [4:04 p.m.]

2 BY MR. BREITENBACH:

3 Q If I could circle back, we had talked before about
4 the 302s being filled out with Bruce Ohr. Was Sally Yates
5 made aware that one of the attorneys at the Department of
6 Justice was being interviewed by the FBI in this matter, in
7 the matter he was being interviewed about?

8 A I don't know. I've seen reporting to the effect
9 that she was not aware, but I don't know.

10 Mr. Herrington. But do you have any --

11 Ms. Anderson. No, I do not have any personal knowledge.

12 Mr. Herrington. -- on the job knowledge --

13 Ms. Anderson. No, I do not. I do not.

14 BY MR. BREITENBACH:

15 Q Did you participate in any discussions about
16 whether or not she should be made aware?

17 A No.

18 Q Were there any discussions in the General Counsel's
19 Office about speaking to Bruce Ohr to receive information
20 from a confidential source?

21 A No. But remember, I also testified that earlier
22 that I had no awareness of the meetings that were taking
23 place between FBI personnel and Bruce Ohr except for that one
24 meeting that I understood occurred, that I understood was a
25 very high-level meeting between Bruce Ohr and Andy McCabe.

COMMITTEE SENSITIVE

1 Q Okay. So, to be clear, other than that one meeting
2 with McCabe, you were unaware of any additional meetings
3 between Bruce Ohr and anyone at the FBI.

4 A That's correct, until some of the information from
5 those meetings was referenced in the HPSCI majority memo that
6 was released in late winter 2018.

7 Q Okay. Thanks.

8 A Yep.

9 BY MR. BREBBIA:

10 Q One final question. Former General Counsel Andrew
11 Weisman of the FBI, now on the special counsel team, do you
12 know whether he had any involvement or any awareness of
13 either the Midyear Exam or the Russia investigation,
14 including the Carter Page FISA?

15 A I'm sorry. Say that again. I missed the last part
16 of your question.

17 Q Are you aware whether he had any knowledge of
18 either the Midyear Exam or the Carter Page FISA and the
19 Russia investigation generally?

20 A Before the special counsel office was stood up
21 or --

22 Q Yes.

23 A No, I don't know.

24 Q You don't know. Okay. Thank you.

25 Mr. Baker. It's been a long day. We've asked you a lot

COMMITTEE SENSITIVE

1 of questions, and I indicated earlier the process lends
2 itself to duplicity. You have been very gracious in
3 answering and reanswering things.

4 Is there anything you would like to tell us? Well, no,
5 let me rephrase that -- anything you would like to say
6 about -- I mean, are you of the opinion that in both cases,
7 the Russia case and Midyear, that everything was done that
8 would normally be done in those cases? Other than the way
9 things are handled in sensitive circumstances, which you've
10 alluded to, was everything done that could be done or should
11 be done?

12 Ms. Anderson. Yes. Both cases were handled, in my
13 opinion, in a professional, by-the-book, competent, and
14 thorough way.

15 Mr. Baker. Anything else you'd like to add for the
16 record?

17 Ms. Anderson. No.

18 Mr. [REDACTED] Before we -- I believe it appears you may
19 be about to adjourn. May we consult with the witness for
20 just, I think, a very quick moment?

21 Mr. Baker. The minority is going to --

22 Mr. [REDACTED]. Okay. Well, we can do it during a break
23 then, I think. Thank you.

24 [Recess.]

25 Ms. Kim. We'll go back on the record. It is 4:08 p.m.

COMMITTEE SENSITIVE

1 BY MS. KIM:

2 Q Ms. Anderson, in the last round, the majority asked
3 you if Mr. Bruce Ohr was a fact witness for the Russia
4 collusion case. I'd like to revisit that representation.

5 A Okay.

6 Q As far as we understand, Mr. Ohr's role was --
7 sorry. Strike that, please.

8 As far as you understand, was Mr. Ohr ever specifically
9 tasked by the FBI with contacting Christopher Steele?

10 A No.

11 And if I could clarify, I don't believe myself to have
12 accepted a premise that he was a fact witness. I think what
13 my testimony related to was the purpose for which a 302 is
14 documented, and it's typically to record evidence or
15 potential evidence. And so I wouldn't consider somebody to
16 have been a fact witness simply because a conversation
17 they've had with the FBI has been documented in a 302.

18 Q So you understood his role as providing information
19 to the FBI but not necessarily in the capacity of a fact
20 witness.

21 A Correct. I think that might be a little strong or
22 inaccurate here.

23 Q Excellent.

24 Are you aware of Mr. Ohr having any official
25 responsibility in the Russia collusion probe?

1 A No.

2 Q Are you aware of Mr. Ohr making any investigative
3 decisions --

4 A No.

5 Q -- in the Russia conclusion probe?

6 After the FBI terminated Mr. Steele as a source in
7 November of 2016, did the FBI task Mr. Ohr with the
8 responsibility of continuing to meet with Mr. Steele to
9 obtain information?

10 A Not to my knowledge.

11 Q So, to your knowledge, when Mr. Ohr continued to
12 convey information to the FBI, that was Mr. Ohr voluntarily
13 providing information to the FBI that he was receiving from
14 Mr. Steele.

15 A Correct. And, you know, some of what's in the
16 302s, at least to the best of my recollection sitting here
17 today, was that information that Bruce Ohr was providing to
18 the FBI reflected prior information he had obtained from
19 Mr. Steele. I don't know whether or not Mr. Ohr continued
20 meeting with Christopher Steele after the source relationship
21 was terminated.

22 Q Excellent.

23 Ms. Kim. I think that will conclude our questioning for
24 the day. The time is 4:10.

25 [Whereupon, at 4:10 p.m., the interview was concluded.]