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

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

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

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

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

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

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

Mr. , FBI, Office of the General Counsel.

Mr. , Associate General Counsel, FBI, OGC.

Mr. , Associate General Counsel, FBI, OGC.

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

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

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

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

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

Mr. , FBI Congressional Affairs.

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

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

Mr. Parmiter. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that
we follow that I'll go over. Our questioning will proceed in rounds. The majority will ask questions first for an hour, and then the minority will have an opportunity to ask questions for an equal period of time if they so choose. We will go back and forth in this manner until there are no more questions and the interview is over. Typically, we take a short break at the end of each hour of questioning, but if you would like to take a break apart from that, please let us know. We will also take a break for lunch at the appropriate point.

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

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

Ms. Anderson. Yes, I do.

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

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

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

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

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

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

Ms. Anderson. Yes, I do.

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

Ms. Anderson. Yes.

Mr. Parmiter. Witnesses who knowingly provide false
testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand that?

Ms. Anderson. Yes.

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

Ms. Anderson. No.

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

Do you have any questions before we begin?

Ms. Anderson. No, I do not.

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

EXAMINATION

BY MR. BAKER:

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

A That is correct.
Q And when you left, you were the Principal Deputy General Counsel?
A That's right.
Q What position did you enter on duty at the FBI with? What was your title when you joined?
A Deputy General Counsel for the National Security Law Branch.
Q For the National Security Law Branch. And was there a period of time when you were also the Acting General Counsel?
A For a short period of time, yes.
Q And what period of time would that have been?
A Roughly the month of January 2018.
Q So as the Acting General Counsel, that would be you were acting in the capacity of the highest legal officer for the FBI. Is that correct?
A For that month, yes.
Q For that month. And then as the Principal Deputy General Counsel -- how many Deputy General Counsels are there or were there?
A There are three.
Q There are three. So the legal Department or the General Counsel's Office is divided into three branches or --
A That is correct.
Q Okay. And you were in charge of the National
Security Law Branch?

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

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

A That is correct.

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

A Three years.

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

A At the Treasury Department.

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

A My whole tenure at the FBI?

Q At the FBI.

A That is correct.

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

A Yes.

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

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

A At a supervisory level, yes.

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

A That is correct. That is correct.

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

A That is correct.

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

A That's exactly right.

Q Okay. So, in your capacity as a Deputy General
Counsel -- and that would be the role you had during the pendency of Midyear, correct?

A    That's right.

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

A    That's right.

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

A    He reported to the Deputy Director.

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

A    That is correct.

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

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

Q    Okay.

A    And then it became Andy McCabe.

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

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

Q    Okay. You've indicated you would supervise lawyers
in the National Security Law Branch. Are there lawyers embedded in other FBI units or components, or would the lawyers that are making decisions or doing national security law work be concentrated in an area somewhere near you?

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

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

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

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

Mr. That is correct.

BY MR. BAKER:

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

A There was a section chief in between the attorney I supervised -- the Unit Chief and my position. However, that section chief at the time was on detail to another agency, and so there were personnel who were serving on an acting
basis. And given the sensitivity of the investigation, that person was not involved in the case.

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

A That is correct.

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

A That is correct.

Q Okay. Were any of these agent attorneys?

A No.

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

A They had other responsibilities.

Q Other responsibilities.

A In particular, the Unit Chief did.

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

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

Q Okay. So you were a part of the group that would meet with the top-level executives at the FBI, including Director Comey?
A That's right. My involvement was more at the executive and supervisory level.

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

A At the beginning of the investigation, it was less frequent, maybe every few weeks or so. Toward the end of the investigation, we were meeting with a greater degree of frequency, at least once a week if not more regularly. And I wanted to back up to your last question with respect to who I supervised. Lisa Page was somebody who was on our FSL chart. I think you know what the word "FSL" means. But she was technically one of the attorneys who was on my roster of attorneys, but the supervision was less clear. She reported directly to Andy McCabe as a result of the detail arrangement that we had entered into. She was among those attorneys who had been detailed to key executives, as I mentioned a few minutes ago. And she was -- for practical purposes, she was supervised by the General Counsel, because of her role in advising the Deputy Director. But she was on my books.

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

A That is correct.

Q Okay. So that's just a number of bodies that
you're allowed in your --

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

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

A That is correct.

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

A That's right.

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

A That's right.

Q But she physically sat somewhere else?

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

Q Okay.

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

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

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

Q Okay. So you say she was supervised by OGC, but she did work for Mr. McCabe. So her performance ratings and all were done by OGC?
A  That is correct.

Q  And they were done by whom?

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

Q  Okay. So --

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

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

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

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

A  That is correct.

Q  -- to her superiors for your consideration?

A  That's right.

Q  Did she participate in that opportunity to do self-assessments?
Q Okay. You indicated that her title, you believe, was Special Counsel. Were there any issues with what her title was or what she wanted her title to be?

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

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

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

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

A That is correct. Although we didn't -- it wasn't a long practice that we had had, and so at some point we did
have to figure out what those titles would be. And it was only applicable to a very small number of people.

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

A That's right.

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

A That is correct.

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

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

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

And maybe not so much in OGC, but certainly I'm aware of instances in certainly the investigative chain where folks thought they were being cut out or they weren't aware of
things because this sort of hot-lining information was in some instances bypassing either an Assistant Director or maybe even an Executive Assistant Director. Did you experience that in the OGC chain?

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

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

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

A No.

Q -- to include other people? Okay.
A  I don't recall counselling her on it.

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

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

BY MR. BREITENBACH:

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

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

Q  Okay.

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

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

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

Q  Okay.

A  I'm referring to the Acting Unit Chief at the time, who reported to --
Q I see. So it would have been the Acting Unit Chief who Lisa would have reported to prior to speaking with Mr. Baker regarding the Midyear Exam?

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

Q And who was that Unit Chief?

A I've been instructed not to name her.

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

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

BY MR. BREITENBACH:

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

A What kind of a rule are you referring to?

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

A That's right.

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

A So it depends on whether they sit on attorney positions, position descriptions. 905 is the classification series under the OPM rules for persons who are authorized to provide legal guidance within an agency.
So my understanding of the rules is that anybody who
sits on an attorney billet -- or persons who do not sit on
attorney billets should not be providing legal guidance
within an agency. As a practical matter, I don't know
whether that happened within -- happens within the FBI.
There are a lot of persons who have JDs and who are lawyers
who sit across the agency.

Q  Was Ms. Page sitting on an attorney billet --
A  Yes, she was a member of --
Q  -- as she was detailed to McCabe's office?
A  That is correct. She was a member of the Office of
General Counsel.

Q  So formally, she's still permitted to provide legal
guidance to whom at that point?
A  We envisioned that the Special Counsel roles would
not frequently provide direct legal guidance to their -- to
the persons to whom they were detailed. They were there in
those capacities largely to serve as facilitators and
coordinators of legal issues and reach back to appropriate
parts of the Office of General Counsel in order to resolve
those issues.

In other words, in order to preserve that relationship
between the General Counsel and the Deputy Director in this
particular instance, Lisa was not the person who was expected
to provide legal guidance directly to Andy McCabe, but she
might identify or spot legal issues and bring them back to
the Office of General Counsel, find the right experts and tee
them up, up the chain of command and help resolve those
issues. And that's the role that we envisioned for Lisa.

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

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

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

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

But we didn't have any written rules on it and it was a
position that was of relatively recent creation, and so --
but we were trying to work out our practices and ensure that
OGC maintained appropriate supervision and involvement in the
legal guidance that was being given at that high level within
the FBI.
Q I see. Was she the first Special Counsel for Mr. McCabe?

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

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

A That is correct.

Q Okay, thank you.

BY MR. BAKER:

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

A The persons who were in regular attendance, although the particular slate of attendees did fluctuate a bit, depending on who was absent for travel or other related reasons. That list would include the Deputy Director,
sometimes the Associate Deputy Director, the Executive Assistant Director for the National Security Branch, the Assistant Director for Counterintelligence, the two leads on the Midyear case, one being the lead investigative person, who was Pete Strzok, the other being the lead analytical person, which was Jim Baker, the General Counsel, myself, Jim Rybicki, who was the Chief of Staff to the Director. And the attorney who worked for me, FBI Attorney 1, as identified in the IG report, she was also part of that group.

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

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

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

A That is correct.

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

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

Mr. Herrington. And there were two EADs at that time?
Ms. Anderson. No, one EAD. John Giacalone was the first. He retired from the FBI, and Mike Steinbach took his position.

BY MR. BAKER:

Q And then who would have been the AD?

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

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

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

Q So you were aware there were concerns with them, but you don't recall anything directly from them to you about the issue?
A I don't remember them either raising concerns with me.

Q What had you heard about the concerns?

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

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

A My understanding was that he was aware.

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

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

Q And did you indicate earlier that you would have been. I think you made a distinction between a rating official and a reviewing official, and you were the rating official for Lisa Page?
A I recall that's how we handled it, yes.

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

A Yes. Lisa was a terrific lawyer.

Q Okay. And you got along with her?

A I did.

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

A The meetings with Director Comey?

Q Yes.

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

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

A Yes, from time to time I did.

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

A I recall -- there were -- well, it depends on the meeting. There wasn't a particular -- it wasn't always the same with respect to every meeting.
Q So who -- if you were asked who from the Justice Department was on the Midyear team, what names did you see at these meetings, whether they were always there, occasionally there, big meeting, little meeting? Who from the Department participated in any capacity on Midyear?

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

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

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

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

A  I could have been at others as a lawyer.

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

Mr. Herrington.  Meetings with the DOJ or anyone?

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

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

Ms. Anderson.  So I never --

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

If the committee had a -- if the committees have a
different understanding of the Department of Justice's position at this time, please let us know and we will do our best to check on that. But going forward for today, we would ask you to bear that in mind.

BY MR. BAKER:

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

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

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

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

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

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

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

Q So it sounds like she gave a wide variety of legal advice to this team, I mean, anything that -- it sounds like she was kind of just a general resource for legal things that they might be doing, because it sounds like they discussed investigative strategy, search warrant strategy. Who would
she have interacted with at the Department?
A You'd want to talk to her directly about that. I
don't want to -- I can make presumptions about who it was,
but I don't know to a certainty.
Q Okay. But she would be the one to ask who she
worked with at the Department?
A That's right.
Q So when you reviewed or rated her, did you have any
outside input from the Department about what she was doing on
Midyear for purposes of rating?
A No. That would not be something that would be
consistent with our practice in completing the evaluation
process.
Q Okay. So it sounds like this attorney is giving a
wide variety of legal advice. Did she ever express an
opinion to you of frustration with any aspect of the
investigation where her advice was not being heeded in any
capacity or advice she was giving?
A Not being heeded by whom?
Q By the people she's giving the advice to, people on
the team. She's making a recommendation of something and
she's being overridden on it. There's somebody else -- and
again, it could be the Department or it could be internal to
the Bureau -- that's not taking her advice.
A I don't recall any specific instances, but
absolutely, in the course of any sort of investigation you're going to have disagreements within the team and instances in which lawyers who are participating in conversations aren't necessarily going to have the prevailing view on different issues.

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

A I don't recall there being anything.

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

A There was -- yes, she probably did to me. As is discussed in the IG report, there was some tension between the FBI investigative team and the DOJ prosecutors and disagreements about the methods by which evidence was pursued. In general, the DOJ prosecutors preferred to work through consent, whereas the FBI team felt in certain instances that compulsory process would have been warranted. However, from what I saw and from what -- I'm sorry, from what Attorney No. 1 told me, it fell within the ambit of the natural type of tension that arises in any case between prosecutors and investigative personnel.

Q Have you ever been a prosecutor?

A No, I have not.

Q But you -- certainly in your capacity at the FBI,
you are aware of or maybe worked with prosecutors?

A That is correct.

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

A That is correct.

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

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

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

A Sometimes, yes.

Q Do you have any reason to believe that in any
aspect of Midyear, when those types of dynamics occurred or group discussions occurred, that there were a group of people that didn't think the right decision came out?

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

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

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

At the end of the day, I do believe everybody was satisfied with the access to the evidence that we were able to obtain, but it took some time for everybody to come to that point of view. It took some -- and that's not really quite the right thing I mean to be saying. It took some time for us to work through the issues with DOJ, and I do know
that the attorney who worked for me was among those who was frustrated over the course of that series of events.

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

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

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

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

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

A  I've read his statement in the IG report, that he
was -- I don't remember the precise words that were used, but
he did have some language to that effect about the nature of
the use of the email server.

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

A My recollection is from the IG report.

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

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

So we all recognized from the outset that from a
commonsense perspective from somebody who has worked -- from
the perspective of somebody who has worked in the government
that it seemed like a pretty dumb thing to do.

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

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

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

A That is correct.

Q What would happen if just inadvertently employee A needs to send something to employee B over an FBI system, over an approved system, but say it's marked wrong and they don't identify it as classified. What happens? I mean, it's
my understanding that even a single innocent spillage or
inappropriate transmission requires some kind of mitigation.
There's a notice. There's a security officer that's called
--

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

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

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

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

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

A There could potentially be discipline, yes, I would
imagine. But I don't know the precise rules within the FBI about exactly what would trigger that sort of review.

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

A I have no idea.

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

Mr. Herrington. You'd be guessing --

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

BY MR. BREITENBACH:

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

A No, I don't know.

Q But you are --

A Is there something specific --

Q Well, I guess what I'm wondering is, you were the top national security -- you were head of the National Security and Cyberlaw Division at the FBI. That would entail understanding of the national security and cyber laws
governing spillage of classified information. So I think you said you would presume that it would violate agency policy, but are you aware whether it would violate any particular law?

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

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

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

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

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

Q Okay, thank you.

A The inspection division within the FBI handles a
broad range of different violations, including FBI internal policy.

BY MR. BAKER:

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

A That is correct.

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

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

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

A From his counsel, yes.

Q And who was the counsel?

A I don't recall --

Mr. Herrington. Is that person an SES?

Ms. Anderson. I assume so. And they're not within the DOJ or FBI, within the DOJ or FBI. Jeannette is her first name. I don't recall her last name.
BY MR. BAKER:

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

A That is correct.

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

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

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

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

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

A That is correct.

Q So you initially took this call. You consult with Attorney 1. Was there ever any discussion about why it ended up as the counterintelligence matter in the
Counterintelligence Division as opposed to maybe being something on the criminal side of the house?

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

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

A That is correct.

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

A Because it involved the handling of classified information.

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

A That is correct.

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

A Right.

Q Okay. Do you know if there was any -- after the case is opened -- my last question really related to the
genesis of how it was opened -- were there folks, agents from
other field offices, other places at headquarters that felt
it should have been a criminal matter and not -- in the
criminal division somewhere, not a Counterintelligence
matter?

A I was not aware of any such concerns.

BY MR. BREITENBACH:

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

A No.

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

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

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

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

Q I presume that since you did not have knowledge of
the affair, you would not have known whether the affair was
reported to anyone else in any supervisory chain inside the
FBI?
A  I don't know.
Q  You don't know?
Mr. Herrington. You're asking if she came to know that
it had been reported to someone else?
Mr. Breitenbach. Correct.
Ms. Anderson. If I came to learn that it had been --
Mr. Herrington. After it became public, did you learn
that it had been reported internally?
Ms. Anderson. No, I have never -- I don't have any
knowledge, sitting here today, about whether there was
anybody within the FBI to whom the affair was reported or if
any others had knowledge of it.

BY MR. BREITENBACH:
Q  Are you aware at this point whether anyone inside
the FBI ever had the affair reported to him or her?
A  No. At this point, sitting here today, I do not
know.
Q  So at the time that Ms. Page was transferred to the
special counsel's team, did you have any awareness of the
affair?
Mr. Herrington. Do you mean when she was detailed to
serve as special counsel to Andy McCabe?
Mr. Breitenbach. Yes, sir.
Mr. Herrington. Did you have any awareness of the
affair?
Ms. Anderson. No.

BY MR. BREITENBACH:

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

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

Q   In your time leading the National Security
    Division, is an affair, in terms of the effect on
    Counterintelligence, at all a concern for you, any affair?
Ms. Anderson. Could you repeat your question?

BY MR. BREITENBACH:

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

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

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

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

Q And you mentioned training. So I presume that Mr. Strzok, as one of the top counterintelligence agents, and
Ms. Page, serving in the capacity that she was in terms of advising the Deputy Director, would have also received such training?

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

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

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

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

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

A  I have no idea.

Q  All right. Thank you.
Mr. Parmiter. We've just got a few minutes left in the first hour. I just wanted to ask a couple of questions.

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

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

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

BY MR. PARMITER:

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

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

A I've never seen this document before today.

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

A An email exchange.

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

Trisha is presumably you. Would you agree with that?

A Yes.

Q And Jim would be Jim Baker?
A I assume so.

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

A I presume so.

Q Okay.

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

A Yes.

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

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

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

A Yeah, that's among the reasons.

Q What are some of the other reasons?

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

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

A No.

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

A It's not clear from the face of the email, but I
believe that it was -- based on the identity of the
participants, I believe this relates to a classified matter
that's discussed in the appendix to the IG report.

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

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

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

We had a subsequent meeting then, also at DOJ, with that
group minus David Margolis, who had passed away by that point
in time, but with George Toscas, John Carlin, Sally Yates,
and Jim Trainor had retired by that point in
time, so it presumably would've been just been Jim Rybicki,
Andy McCabe, and myself.
And then a subsequent -- this doesn't seem to be encompassed, though, by the timeframe.

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

Q  Okay. And, as you indicated, the purpose of the meeting was to discuss classified material?
A  That's correct.
Q  Okay.

You mentioned Mr. Margolis. Just for the record, what was his title at the Department?
A  I believe it was Associate Deputy Attorney General.
Q  Okay. And Mr. Trainor?
A  Jim Trainor was the Assistant Director for the Cyber Division at the FBI.
Q  Okay.

BY MR. BAKER:
Q  In your capacity at the Bureau, did you have a security clearance?
A  Yes, I did.
Q  And to get a security clearance, were you subjected to a background investigation?
A  Yes, I was.
Q  Were you also given a polygraph exam?
A  Yes, I was.
Q    This might not be in your lane, but I'll ask you. What does it mean when a polygraph is, quote, "out of scope"?
A    My understanding is that polygraphs are required to be given every 5 years, and so when somebody is out of scope, it means that somebody is beyond that 5-year reinvestigation point.
Q    So "out of scope" in your understanding is, for lack of a better term, it's an administrative thing. You haven't done the reinvestigation or the polygraph exam. It's not an indication of deception.
A    Oh, no, definitely not. And the responsibility does not lie with the individual. The responsibility to reinitiate the investigation lies with the Security Division of the FBI.
Q    Okay.
A    And many individuals, actually, are frustrated that they are out of scope because it affects their status with respect to their ability to attend meetings or discuss classified information with people outside of the FBI from time to time. And so somebody being out of scope has no bearing on the individual, him- or herself.
Q    Would it be fair to say, if you know, that a lot of people, a good number of people, at any given time are out of scope due to other backgrounds and polygraphs that need to be given? If there's a surge in new hires, new agents, the
resources that are polygraph-intensive are put on those, and people that are already on board would potentially slip out of scope?

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

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

A That's correct.

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

A No.

Q Thank you.

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

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

Ms. Anderson, before we begin, I just want to say some of these questions might be a little redundant, maybe even obvious, but I would just ask for your patience. We're just trying to make certain that the record is clear and complete. So my colleague would like to start off, actually, with
some of the discussion that we left off with in the last round.

Ms. Anderson. Okay.

EXAMINATION

BY MS. KIM:

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

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

A I read it. Yes.

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

A Yes.

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

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

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

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

Q My understanding from Director Comey's book is that
the allegations in that classified matter remain unverified. Is that also your understanding?
A Yes.
Q Did you ever face a conflict of interest regarding the Midyear investigation?
A No.
Q Did Jim Baker ever face a conflict of interest regarding the Midyear investigation?
A Not that I'm aware of.
Q Did George Toscas?
A Not that I'm aware of.
Q Did Stu Evans?
A Not that I'm aware of.
Q Are you aware of any individual who staffed the Midyear investigation on the Justice Department side or on the FBI side who had a conflict of interest with the Midyear investigation?
A I don't know if there was anybody. I wasn't aware of anybody with a conflict of interest, although, at some point in time, Andy McCabe did recuse himself from the matter.
Q He did so voluntarily. Is that correct?
A Uh --
Q Sorry. Let me be more precise with that question.
A
Mr. McCabe had ethical obligations reviewed by counsel at the FBI and was advised that his recusal was not mandatory. Is that also your understanding?

A. That's my understanding, yes.

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

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

Q. Thank you.

BY MR. MORGAN:

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

A. None.

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

A. That's correct.

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

A. I was responsible for the legal advice that was given to -- responsible in a supervisory sense. In other words, I oversaw the lawyers who provided legal guidance to the Counterintelligence Division and other national security
components of the FBI. And so that would have been -- the
same was true for my role with respect to the Midyear Exam
investigation.

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

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

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

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

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

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

Q Sorry. Let me -- was it -- pardon me.
To your knowledge, was the process informed by independent legal research by FBI lawyers, or was it an organic process in which FBI lawyers and the prosecutors handling the case kind of discussed the issue?

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

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

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

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

A No.

Q What was your professional relationship like with Lisa Page?

A I had a very good professional relationship with her. We worked together very closely insofar as she supported the Deputy Director and was therefore involved in a
number of different national security issues at a high level within the FBI.

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

A No.

Q What was your personal relationship like with Peter Strzok?

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

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

A No.

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

A No.

Q What was your professional relationship like with Jim Baker?
A: I had a close relationship with Jim. I had known Jim for a long period of time in a professional context before I came to the FBI.

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

A: No.

Q: What was your professional relationship like with Andrew McCabe?

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

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

A: No.

Q: What was your profession relationship like with Director Comey?

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

Q: And, again, based on your contact with him, did you ever witness Mr. Comey taking any official actions based on improper motivations, including political bias?
A No.
Q In your experience with the Midyear Exam, was there any improper political interference -- or did you witness any improper political interference?
A I did not.
Q Is it consistent with your experience that the case was investigated by the book?
A Yes.
Q In your experience, did any political appointees at DOJ improperly intervene or attempt to intervene in the Midyear investigation?
A I was not aware of any such improper interventions by DOJ personnel.
Q Did any political appointees at DOJ give inappropriate instructions or attempt to give inappropriate instructions about the conduct of the Midyear investigation, to your knowledge?
A Not to my knowledge.
Q Did any political appointees at DOJ ever attempt to inject improper considerations, including political bias, in the conduct of the Midyear investigation?
A Not to my knowledge.
Q Are you aware of any conduct of any member of the Midyear team that had the effect of invalidating the outcome of the investigation?
A I'm sorry, could you repeat that?

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

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

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

A No.

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

A Yes.

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

A Yes.

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

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

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

A No.

Q -- behavior? Thank you.

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

A I was not an investigator.

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

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

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

A No.

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

A Okay.

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

A  Could you say that again?

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

A  In my experience, yes.

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

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

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

A  Yes.

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

A  Yes.

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

A  Because intent was a necessary element of the
statute. And with respect to gross negligence, we understood
that even though the standard was gross negligence, that
there were reasons in this particular context to construe it
in a way that was something akin -- almost willfulness,
something short of willfulness but higher than what one would
think of in terms of a negligence standard, stemming from the
legislative history and other potential constitutional
considerations with respect to due process.

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

A No.

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

A Yes.

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

A Which emails are you referring to?

Ms. Kim. The emails on the server.

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

And so I don't know to a certainty that that review was
ever completed in the sense of all of the emails, you know, reviewed. There was a process -- and I was not involved in this process -- of devising those rules that we were going through in terms of attacking the review of that unallocated space.

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

Ms. Kim. That's correct.

Mr. Morgan. Correct.

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

BY MR. MORGAN:

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

A No.

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

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

A I don't recall, sitting here today, when those interviews took place.
Q Do you know if those interviews, however, yielded any smoking-gun evidence regarding Secretary Clinton's intent?
A No.
Q To your knowledge, did the investigation ever yield smoking-gun evidence of Secretary Clinton's intent?
A No.
Q The Inspector General report states, quote, "Our review found that the Midyear team concluded beginning in early 2016 that evidence supporting a prosecution of former Secretary Clinton or her senior aides was likely lacking. This conclusion was based on the fact that the Midyear team had not found evidence that former Secretary Clinton or her senior aides knowingly transmitted classified information on unclassified systems because, one, classified information exchanged in unclassified emails was not clearly or properly marked, and, two, State Department staff introducing classified information into emails made an effort to 'talk around it,'" end quote. Is this conclusion consistent with your experience in the case?
A Yes.
Q To be clear, at this point in early 2016 -- you said earlier that the review had been concluded sometime around the spring of 2016.
A Uh-huh.

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

A No.

Q Again --

A Evidence --

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

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

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

A No.

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

A No.

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

Is that your understanding?

A That was consistent with my experience, yes.
Q  At any point in the investigation, if the team had found any evidence of intent, would the Midyear investigative team have pursued that lead?

A  Yes.

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

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

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

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

A  The FBI team, yes.

Q  Correct.

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

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

Q  And why is that?

A  Well, I'll just speak -- my clearest memory is of the instance involving the pursuit of the Mills and Samuelson
laptops and their testimony related to the culling process. The reason that -- we were interested in getting that evidence as efficiently and effectively as we could. And because consent was not being given as a result of objections being made on attorney-client-privilege grounds, we felt that the compulsory process needed to be explored.

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

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

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

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

Q As a general matter.

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

Q Okay. Generally, why did the -- well, I'll say, generally, did the career prosecutors in the case favor obtaining evidence through consent?
A Yes.
Q Why is that, in your experience?
A So we're talking about generalities, which is -- you know, there were specific decision points with respect to different devices and different laptops and different witness interviews and things like that. And so I'm taking your question to mean sort of at a very --
Q Yes.
A -- high, general level. I'm sorry, so you were asking --
Q Why did the career prosecutors in this case generally favor obtaining evidence through consent?
A As a general matter, there were attorney-client-privilege issues that were implicated with respect to certain devices and interviews and materials.
BY MS. KIM:
Q So let's take that generality and make it specific to the culling laptops.
A Okay.
Q With regard to the culling laptops, did the FBI and the Justice Department have a strategic disagreement about how to obtain the evidence on the culling laptops?
A At a certain point in time, yes. But we worked through that issue.
Q At the point where the Justice Department and the
FBI disagreed, can you explain why the FBI -- why certain persons in the FBI advocated for the use of compulsory process to obtain the culling laptops?

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

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

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

BY MS. KIM:

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

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

Q. When there were disagreements between the FBI and
the Justice Department on how to seek the culling laptops, was that disagreement based on legitimate strategic differences between --

   A  Yes.
   Q  -- the Justice Department and the FBI?
   A  Yes.

BY MR. MORGAN:

   Q  Do you think that the DOJ prosecutors were making these decisions based on political bias --
   A  No.
   Q  -- or any other improper considerations?
   A  No.
   Q  In your experience, did any senior political leaders at DOJ intervene on decisions to seek or not seek compulsory process?
   A  I was not aware of any such circumstances.
   Q  Okay. Are you aware if Attorney General Lynch ever intervened in any of the matters involving -- disagreements involving compulsory process?
   A  Not to my knowledge.
   Q  What about Deputy Attorney General Sally Yates?
   A  Not to my knowledge.
   Q  John Carlin?
A  Not to my knowledge.
Q  Did any of the disagreements on how to obtain evidence affect the thoroughness of the investigation?
A  No.
Q  In your experience, is it common to have disagreements between FBI agents and DOJ prosecutors working on a case?
A  Yes.
Q  Is it common for the FBI to want to move more quickly or aggressively and for DOJ to ask for more evidence or take a more cautious approach?
A  Yes.
Q  Based on your answers we just discussed, is it fair to say that you believe the FBI was aggressive in suggesting that the Clinton email investigation make use of compulsory process?
A  Yes.
Q  And is it also fair to say that you believe the prosecutors disagreed with the FBI's suggestion based on legitimate differences related to approach on strategy --
A  Yes.
Q  -- not because of any political bias?
A  Correct.
Q  I want to turn now to the events surrounding the editing and drafting of the July 5th statement that Mr. Comey
made, announcement of declination of -- or the decision not
to pursue charges against Secretary Clinton. There have been
a lot of allegations regarding this July 5th statement that
Director Comey drafted. I'm going to walk you through it in
detail. Who drafted the -- or I want to discuss in detail.

Who drafted the statement initially, to your knowledge?

A The former Director, Mr. Comey.

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

A The former Director.

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

A No.

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

A No.

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

A I am not aware of anyone else.

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

A Yes.

Q Do you recall any member of the team expressing
significant disagreements about the statement's final wording?

A Disagreements ever through the course of the drafting process?

Mr. Herrington. The statement's final wording.

Mr. Morgan. The final wording.

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

BY MR. MORGAN:

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

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

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

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

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

A No.
Q In other words, did the initial draft statements in the spring of 2016 lock in the FBI's recommendation not to prosecute, regardless of any new evidence?

A No.

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

A Correct.

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

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

BY MR. MORGAN:

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

A Okay.

Q So I would like to just first begin by asking you to turn to page 4. And the first clause begins, quote, "Whereas Director Comey, in the final draft of his statement, allowed FBI Agent Peter Strzok to replace 'grossly negligent,' which is legally punishable under Federal law,
with 'extremely careless,' which is not legally punishable under Federal law."

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

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

Q Do you know why?

A Why --

Q Why did they?

A Why did they make the recommendation?

Q Correct.

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

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

A I'm sorry. Say that again.

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

A No.
Q  The Inspector General's report actually makes clear that the change in Director Comey's statement was not Mr. Strzok's doing; it was based on legal discussions by you and attorneys in your office. Is that correct?
A  I was not involved in the discussion that led directly to the edit that was made in the speech.
Q  Were any attorneys under your supervision involved?
A  Yes.
Q  Would you say, though, that, based on your understanding, that FBI attorneys -- however, not Peter Strzok -- would have made the substantive decision to change "grossly negligent" to "extremely careless"?
A  Would have made the decision? Or would have provided input to? Could you clarify what you're asking?
Q  Yes. Based on our kind of earlier question, Mr. Strzok didn't have final decision on what the statement looked like, correct?
A  Correct.
Q  That was Director Comey, correct?
A  Correct.
Q  But the decision to change that, was that based on recommendations made by attorneys -- to your understanding, made by attorneys under your supervision?
A  Based, in part, on recommendations from attorneys under my supervision, yes.
Q So it wasn't Mr. Strzok making -- it wasn't based purely on Mr. Strzok's recommendation that that change was made?
A No, it was not based exclusively on Mr. Strzok's recommendation.

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

To be clear, did you believe that Secretary Clinton's conduct did not constitute gross negligence under 793(f)(1)?
A I did not believe it amounted to gross negligence within the meaning of that statute.

Q In fact, the "gross negligence" provisions were considered by the Justice Department to be potentially unconstitutionally vague, correct?
A Yes.

Q And the Justice Department --
A That's my understanding, yes.

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

A That's my understanding, yes.

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

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

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

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

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

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

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

Q But did you believe that he should not use it, however, because "grossly negligent" has a separate legal
meaning that's different from a colloquial understanding of that -- the colloquial sense of that term or the potential colloquial sense of that term?

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

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

A No.

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

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

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

A That's correct.

Q To your recollection, was the edit made because of any -- or, to your knowledge, let's say, was the edit made because of any inappropriate considerations, including trying to help Hillary Clinton avoid prosecution?
A  Not to my knowledge.
Q  And did anyone ultimately disagree with the
decision to omit the phrase "gross negligence" and instead
use "extremely careless," a phrase that the Director had
already used in his draft?
A  There was no disagreement about the omission of
"grossly negligent," but there were concerns that were
articulated about the continued description of her conduct as
extremely careless.
Q  In fact, you were one of the people who expressed
contems about Director Comey publicly criticizing Secretary
Clinton's uncharged conduct. According to the IG report,
quote, you told the OIG that you expressed concerns about
criticizing uncharged conduct during discussions with Comey
in June 2016. Is that correct?
A  Yes.
Q  However, the IG report continued that you said of
the decision to include such criticism, it, quote, "was a
signal that we weren't just letting her off the hook. Our
conclusions were going to be viewed as less assailable at the
end of the day if this kind of content was included," end
quote.
When did you raise concerns with Director Comey about
criticizing uncharged conduct?
A  In one of the oral discussions that we had with
him, in one of the in-person meetings.

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

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

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

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

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

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

A  So what I stated was a reflection of Director Comey's reasoning, as I understood it at the time based on what he had articulated in those meetings in which I was present, that essentially by including more facts about what we identified with respect to her conduct that was concerning, even if not criminal, that that would bolster the
credibility of our conclusions, that we were not recommending prosecution, when that conclusion was conveyed publicly.

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

Is this conclusion consistent with your experience?

A Yes.

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

A No.

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

A No.

Q Was your opinion influenced by political bias?

A No.
Q Was your opinion based on the law and the facts?
A Yes.

BY MS. KIM:

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

Did you work on that investigation?
A Yes.

Q What was your role in that investigation?
A It was similar to the role that I played in the Midyear Exam investigation. In other words, I was a supervisor of the legal guidance that was given in connection with that investigation.

Q When did you start your work on that investigation?
A In late July of 2016.

Q And when did you stop working on that investigation?
A When I went out on maternity leave, which was in March of 2017.

Q I would like to ask you a series of general
questions about the FBI's investigative techniques.

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

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

A I'm not aware of any such evidence.

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

A No.

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

A No.

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

A Not to my knowledge.

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

A No.

Q Have you ever been involved in a DOJ or FBI investigation that attempted to frame a U.S. citizen for a
crime that he or she did not commit?

A  No.

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

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

A  Not to my knowledge.

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

A  No.

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

A  No.

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

A  No.

Q  Are you aware of the FISA court, again, during your time at the FBI, ever approving an FBI or DOJ warrant that was not based on credible and sufficient evidence?
A  No.
Q  In your time at the FBI, are you aware of any attempts by the FBI or the Justice Department attempting to intentionally mislead FISA court judges in an application for a FISA warrant?
A  No.

Q  Are you aware of the FBI omitting evidence or manufacturing evidence for a FISA warrant in your time at the FBI?
A  Not intentionally omitting evidence, but there are times when we do have to bring to the court's attention additional information that was omitted from the FISA application.

Q  And when --
A  -- robust practice of bringing that information to the court's attention.

Q  And when additional information of that nature is warranted, are you aware of the FBI ever attempting to suppress or bury that information and not bring it to the FISA court's attention?
A  No.

Q  In your time at the FBI, are you aware of any instances of the Justice Department failing to follow all proper procedures to obtain a FISA warrant?
A  No.
Q Can you briefly explain to us what the Five Eyes alliance is?
A It's the Governments of Australia, Canada, New Zealand, the United Kingdom, and the United States.
Q And this is an intelligence-sharing alliance. Is that right?
A Yes, among other things.
Q Are you aware of the United States having bilateral information-sharing relationships with each of those countries outside of the formal Five Eyes relationship?
A Yes.
Q And so Five Eyes then is not the exclusive channel that the FBI or our intelligence community uses to receive information from the Governments of the United Kingdom, Canada, New Zealand, or Australia?
A Correct.
Q In your time at the FBI, are you aware of the FBI or the Justice Department ever investigating the Trump campaign for political purposes?
A No.
Q To your knowledge, did President Obama or anyone in his White House ever demand or request that the FBI or the Justice Department infiltrate or surveil the Trump campaign for political purposes?
A Not to my knowledge.
Q If you had to guess, how would the FBI leadership have handled any requests of this nature from the Obama White House?
A They would've declined to participate.
Q I would like to ask you some general questions about a persistent conspiracy theory involving Department of Justice lawyer Bruce Ohr.
To your knowledge, did Mr. Ohr have any role in drafting or reviewing the Carter Page FISA applications?
A Not to my knowledge.
Q Was Mr. Ohr part of the decisionmaking chain of command for the Page FISA application?
A No.
Q Was Mr. Ohr part of the approval process for the Page FISA application?
A No.
Q Was Mr. Ohr ever a decisionmaker for matters pertaining to the FBI's counterintelligence investigation into Russian collusion?
A No.
Q Was Mr. Ohr involved in any way in the decision to initiate a counterintelligence operation relating to potential Republican collusion with the Trump campaign?
A No.
Q So he had no role whatsoever in the decision to
open that investigation. Is that right?

A Correct.

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

A No.

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

A No.
[12:09 a.m.]

BY MS. KIM:

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

A  Yes.

Q  Why?

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

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

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

A  I'm generally aware that there were general counterintelligence defensive briefings that were given to both -- representative of both campaigns, once they became...
the major party nominees. July 19th sounds a little bit early to me, but I don't have any precise knowledge of the date on which those defensive briefings were given.

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

A No, I did not.

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

A At a very high level of generality, yes.

Q And how would you describe that content?

A My --

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

[Discussion off the record.]

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

BY MS. KIM:

Q Do you know if the Trump campaign reported any contacts with foreign officials or foreign actors during this briefing?
A  I don't know.
Q  Would you have been in a position to know if the Trump campaign had reported contact with foreign actors during this briefing?
A  Not necessarily.
Q  So, as far as you're aware, did the Trump campaign report any contacts between George Papadopoulos and Russian individuals?
A  Not to my knowledge.
Q  As far as you're aware, did the Trump campaign report the June 2016 Trump Tower meeting between senior campaign officials, including Donald Trump Jr., Jared Kushner, and Paul Manafort, and a Russian lawyer, and a Russian lobbyist?
A  Not to my knowledge.
Q  Did the campaign, to your knowledge, report the June 2016 email stating that the Russian Government hoped to help Donald Trump?
A  I'm sorry, which email are you referring to?
Q  It was a June 2016 email from Rob Goldstone to Donald Trump Jr., stating that the Russian Government hoped to help Donald Trump's Presidential campaign.
A  Not to my knowledge.
Q  Two weeks after the FBI reportedly gave its briefing, it has been reported that on August 3rd, 2016,
Donald Trump Jr. met with an emissary who told Mr. Trump Jr. that the princes who led Saudi Arabia and the United Arab Emirates were eager to help his father win election as President.

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

A I don't know.

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

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

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

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

Q Would you agree then with my characterization that there are significant national security and law enforcement
implications for a political campaign to conceal or fail to report outreach from foreign powers offering to interfere in U.S. elections?

A Could you state your question again?

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

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

Ms. Anderson. It could, yes.

BY MS. KIM:

Q Thank you.

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

A Correct.

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

A Yes.

Q Was Peter Strzok?

A Yes.

Q Was Lisa Page?

A Yes.

Q Was Andrew McCabe?
Q Was Jim Comey?
A Yes.

Q Was Jim Baker?
A Yes.

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

Q Was Loretta Lynch?
A I don't -- I don't know when she became aware of it.

Q Was Sally Yates?
A I don't know when she became aware of it.

Q Was John Carlin?
A I don't know precisely when high-level Department officials were briefed on the investigation.

Q Thank you.

To your knowledge, approximately how many FBI officials were aware of the existence of the Russia collusion investigation before the 2016 election?
A I don't know the precise number, but it was very small.

Q I apologize for asking you to estimate. Would it be more -- would it be more or fewer individuals than 10?
A Investigative personnel or any personnel in the FBI?
Q I will use any investigative -- any investigative personnel and officials at the FBI.
A It was probably slightly more than 10.
Q Are you aware of any disclosures from the FBI to the public or to the press about the existence of the Russia collusion investigation before election day of 2016?
A No.
Q If you have to guess, how do you think a disclosure to the press or to the public about the existence of the Russia collusion investigation would have impacted Donald Trump's electoral prospects?
A I have no idea. I don't consider myself to be an expert on electoral politics, and I don't know.
Q If somebody at the FBI were trying to stop Donald Trump from being elected President, do you think they could have publicly disclosed that his campaign was under investigation for potentially colluding with Russian Government actors?
A I don't know.
Q But, again, to your knowledge, no one at the FBI disclosed this fact to the press or to the public. Is that correct?
A Not to my knowledge.
Q Are you aware of a deep state conspiracy at the FBI to stop Donald Trump from being elected President?
A No.

Q Are you aware of any evidence of any deep state conspiracy at the FBI?
A No.

Q Are you aware of any evidence of Peter Strzok, Lisa Page, Jim Baker, Jim Comey, or Andrew McCabe, attempting to stop Donald Trump from being elected?
A No.

Q There are many public criticisms against former FBI Director Jim Comey. The President has accused him of being a proven liar and leaker. Do you believe Director Comey is a proven liar?
A No.

Q Are you aware of Director Comey ever lying to you?
A No.

Q Are you aware of Director Comey ever lying to Congress under oath?
A No.

Q Are you aware of any instances of Director Comey lying?
A No.

Q Are you generally familiar with Director Comey's testimony before the Senate Select Committee on Intelligence
on June 8th, 2017?

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

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

A I don't recall, but --

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

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

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

Mr. May we confer with the witness, please?

Ms. Kim. Yes, please.

Mr. Thank you.

[Discussion off the record.]

Mr. Thank you. The FBI is instructing the witness not to answer the last question asked or any other
questions that delve into the details or contents of what are commonly referred to as the Comey memos, as we view that as evidence that pertains to the special counsel's purview.

Thank you.

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

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

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

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

Mr. We're going to maintain the same objection at this time. I'm going to represent to you that if you have
an officially declassified document by the U.S. Government, that may move things along.

Ms. Kim. Thank you.

BY MS. KIM:

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

A His oral or written --

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

Mr. Herrington. The facts --

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

Mr. Herrington. The Russia investigation or --

BY MS. KIM:

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

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

Q Yes.

A There were -- there were certainly things that were written in his book that I knew not to be accurate, based on things that I had learned in the course of my work at the FBI.
Q I see. And were those -- can you describe with a little more specificity what those details might have been, generally?

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

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

A I have no evidence that that occurred, no.

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

[Recess.]

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

Our understanding, based upon conversations with the Justice Department, was that the memos drafted by former Director Comey, which have been largely declassified, were fair game for congressional investigators to ask questions about. We think that the representations to the contrary, at least based upon our understanding from the Justice
Department, are certainly inconsistent with those and are incorrect. And I just want the record to reflect we agree with our colleagues' assessment of that point and we'll be following up on it.

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

Mr. Parmiter. Thank you. Mr. Baker.

BY MR. BAKER:

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

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

A That is correct.

Q Could you elaborate on what those parts were?

A There's only -- I identified a couple of different inaccuracies when I -- when I read the book. There's only
one that I remember sitting here today, though.
Q And what is that?
A That pertains to a comment that he attributed --
that he attributes in the IG report to me during the meeting
that took place immediately preceding the October 28th letter
that was sent to Congress, in which he stated something to
the effect of that I had asked whether we should take into
account that sending the letter might bring about the
election of Donald Trump. And that was not -- that was, to
my memory and to my knowledge, not an accurate statement.

Mr. Herrington. And you clarified your views on that in
the response to the IG?
Ms. Anderson. That is correct.
Mr. Herrington. And that's reflected in the IG report?
Ms. Anderson. That is correct.

BY MR. BAKER:
Q Would you clarify that for us?
A I said -- I said something to the effect of -- and
this is what's in the IG report -- that I asked whether we
should take into account the fact that it might affect the
outcome of the election, given -- especially given that we
weren't certain what we had was material, in fact it was
unlikely that it would be material evidence, and given that
whatever we would write about it in that letter, no matter
how carefully, could and would likely be over-read and
overblown.

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

A Correct.

Q -- just somehow affecting the election?

A Correct.

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

A No.

Q Okay. Just other statements of --

A Concerning the investigation.

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

A No.

Q Okay. In your role --

BY MR. BREITENBACH:

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

A No, I did not.

BY MR. BAKER:

Q In your role as a deputy general counsel in national security law, you indicated earlier that the attorneys that were working for you that were directly
involved in Midyear, were they also involved in the Russia case?

A Yes, they were.

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

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

Q And that's below the SES level?

A Below the SES level, that is correct.

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

A Correct.

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

A No.

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

A Correct.

Q Okay. So you had indicated earlier that, or it sounded to me like the attorneys that were working on Midyear were, you know, providing a wide variety of legal advice. Would your office have any role in 137 -- or sources, in
opening or giving guidance whether a source should be
continued, discontinued, opened in the first place? What
role, if any, would the general counsel's office play in
anything related to confidential human sources?

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

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

A That is correct.

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

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

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

A I assume you're referring to Christopher Steele?

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

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

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

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

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

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

A Correct.

Q Whether then -- rather than opening or closing, based on some administrative reason?
A Correct.

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

A Yes.

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

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

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

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

Q So the last point you made, their willingness to comply with instructions that the FBI has given them. If they're not willing or they, in fact, don't comply with any of the instructions that the FBI would give them, that would
be a reason for someone to be discontinued?

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

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

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

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

A I believe that is correct.

Q I believe you were asked in the last hour a
question about media leaks. I have a very specific question about media leaks, and it's not about any -- it's my understanding that the IG made reference to some media leak issues in the Bureau. I think very broadly, there were a lot of unauthorized contacts.

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

A No.

Q Any OGC employees?

A No.

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

A No.

Q You had indicated earlier, you and I had a discussion about sometimes the tension between prosecutors and investigators, FBI, DOJ, having a healthy outcome. Is it your opinion that attorneys assigned to the FBI's general counsel felt there was an atmosphere where they could be
candid with their fellow attorneys, regardless of the rank of those other attorneys?

A  Yes, generally speaking.

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

A  I'm not aware of any such circumstance.

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

A  Yes.

Q  And what is a climate survey?

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

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

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

Q  So it would go to things like employee morale, whether the rank and file thought recognition and awards were
properly given out, that sort of thing?

A That's my understanding.

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

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

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

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

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

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

Q And the office being the branch?

A No, the Office of General Counsel.

Q The whole Office of General Counsel?

A Yeah, uh-huh.

Q Okay.

BY MR. PARMITER:

Q I think in our first hour, we talked a little bit
about -- or you had indicated that you had received a call from someone at the IC IG or IC IG counsel when the Clinton email matter was referred to the FBI. Is that accurate?

A  That is correct.

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

A  Correct.

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

A  No.

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

A  No.

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

A  That's my understanding.

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

A  I never met with him, no.

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

A  I don't know.

Q  Did you ever speak to him on a secure line, or over
the phone or anything like that?
A No.
Q Maybe not meet with him?
A No.
Q Are you aware whether anyone at the Bureau ever did?
A I don't know.

BY MR. BAKER:
Q I'll throw in a random question. Were you ever at a meeting or ever copied on an email from Peter Strzok where he is asking generally for any intelligence information on any Hill staffers, specifically a Senate Judiciary staffer named Emilia DiSanto?
A No.

BY MR. PARMITER:
Q You also talked maybe in the previous hour with our colleagues about the 793(f) statute, the topic of gross negligence and intent. Unless I'm incorrect, you had stated that, you know, your belief was that intent was not required -- or was required, rather, for a prosecution under 793(f). Is that correct?
A Correct.
Q Okay. And, you know, a plain reading of that statute, you know, I believe 793(f)(2), you know, does require, you know, a showing of intent. 793(f)(1) maybe does
It just requires gross negligence from someone who has national defense information. Is that your general understanding of the plain language of the statute?

A That's my recollection, yes.

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

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

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

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

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

BY MR. BREITENBACH:

Q On the constitutional vague issue that you just cited, I'll stipulate to you that we're aware that 793 was
used as predication to obtain legal process. So I'm wondering if the FBI, you in particular, knew that there were constitutional questions as to the validity, the continuing validity of that particular statute, why would the particular agents obtaining legal process have used that statute as legal predication to a court, in order to obtain evidence, whether it's a search warrant or other legal process?

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

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

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

A Not specifically, no.

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

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

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

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

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

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

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

Q But if it's an FBI affidavit, is there a process
that is reviewed by FBI lawyers prior to that draft legal
process going over to the prosecutors for eventual
processing?

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

Q Are you aware whether the search warrant affidavit
was reviewed by any lawyers under your supervision?

A Which search warrant affidavit?

Q Any search warrant affidavit in the Midyear Exam.

A I'm aware of two search warrants being executed in
the case, one with respect to the server and one with respect
to the Weiner laptop. I do know that the Weiner laptop
search warrant was reviewed at some point by FBI lawyers. I
don't know whether it was before it went to the DOJ
prosecutors, or whether it was in parallel with the DOJ
prosecutors.

And with respect to the server search warrant affidavit,
I don't recall whether our lawyers reviewed that search
warrant affidavit or not.

Q Would you or Mr. Baker have been privy to the
sign-off of that -- of either of those affidavits prior to
those moving over to the Department for eventual processing?

A Not necessarily before they went over to the
Department. I do recall that --

Q Not hypothetically, but were you?
A No, I'm speaking actually. So I don't recall the mechanics of what happened with the search warrant affidavit that we obtained for one of the servers. I do recall with respect to the search warrant affidavit for the Weiner laptop that that search warrant affidavit was circulated by email and that Mr. Baker and I were both on distributions for that, that search warrant affidavit.

But because of the speed with which that process was moving, I don't know whether we approved it or exercised or asserted a prerogative to approve it before it went to DOJ as opposed to reviewing it in tandem with the review by the prosecutors and, you know, the sort of collaborative process by which that affidavit, search warrant affidavit was produced.

Q Okay. I guess I'm trying to understand the timing, too, with regard to decisions made to obtain legal process, based on predication of the statute that the Department, at the very least, was indicating had some level of constitutional vagueness to it.

So at what point did you learn, or do you believe that your attorneys learned, that there was a vagueness, a constitutional question with regard to the Department with regard to the gross negligence statute?

A I don't know. I don't know at what point the attorney working for me understood that. She may have
already known, because she was an experienced counterintelligence lawyer within the FBI, and she had a lot of experience with those particular statutes. In other words, she may not have learned it in connection with the Midyear Exam case, but with a prior case.

Q Would the attorney on the case have reviewed the predication prior to whatever agent who is the affiant on the application, would they have -- would the attorney have reviewed the legal predication prior to submission of the application?

A Sorry, prior to?

Q Submission of the application.

A Are you talking about a particular circumstance, or in general?

Q On either of the two search warrants.

A I presume that -- I mean, it was in the search warrant affidavit, so I presume it would have been reviewed by -- by the attorney who -- at least with respect to the Weiner laptop, you know, I know she was involved in the review. She forwarded -- as I mentioned, there was an email in which she sent the search warrant affidavit to me and to Jim Baker. So, yes --

Q I guess if -- what I'm trying to understand is, if there was a real problem with regard to the particular statute in either the FBI's legal analysis, or the
Department's legal analysis, with respect to that particular statute, why are FBI agents submitting affidavits that are relying upon a particular statute that has real potential legal problems, according to the DOJ analysis?

A So, as I explained before, there are potentially specific prosecutions that could theoretically be brought that might result in constitutional concerns. However, the statute is not constitutionally invalid on its face and there are many prosecutions that could be brought, theoretically, where intent is proven that would not pose constitutional problems.

So, for example, in this particular case, had we had evidence of intent, it's theoretically possible that we could have brought a prosecution, might have brought a prosecution under that statute. I'm not saying that's, you know, what would have happened necessarily, but the statute is not -- it is not the Department's view, as I understand it, the statute is invalid for constitutional reasons in every circumstance.

Q Did you believe that the statute required intent?

A That was my understanding of the Department's interpretation, yes.

Q Knowledge would not have been -- knowledge of the fact that passage of classified information over unsecure means would not have been one of the elements of an offense under 793?
A So I don't know. I'm not an expert in this area.
I was not the lead lawyer on this case.
Q But I think you had testified previously that you consider yourself a national security expert. And this particular investigation is going through the Counterintelligence Division, as you indicated. And mishandling investigations, to my knowledge, are not few and far between, that the Department and the FBI are relatively accustomed to these types of investigations.
So what I'm trying to understand is, if you have a statute that is often used by the FBI, you and your attorneys, I would think, would be relatively knowledgeable about the use of that particular statute.
A So, as I testified, 793(f) has never been used, to my understanding. In fact, I'm not sure it was my testimony, but I think I agreed in response to a question that Mr. Baker asked me. So 793(f) has never been used before.
Q Are you aware of other --
A I really don't know how many occasions the issue has ever come up where there could be a fact pattern that was discussed and considered. But more broadly, my job responsibilities included overseeing the legal support to the -- to -- legal advice provided to the FBI on all counterterrorism investigations, counterintelligence investigations, and cyber investigations.
And so no, I was not an expert on -- on the specific category of mishandling violations or the particular statutes at issue. That was not my job. My job was to oversee those lawyers, those experts who handled those issues. And one of those experts was the lawyer who worked for me on that -- on the Midyear Exam case.

Q So are statutes only good if they are used?
A I don't know what that means.

Q You just indicated that the statute had never been used. So does that, the fact that the statute -- and I am not stipulating to that. But in the FBI's analysis, I presume, the statute that you are referring to in terms of gross negligence had never been used. So what I am asking is, does that mean that statutes that are never used are no longer good law?

A No, not at all. That's not -- I was just trying to -- you had -- I thought you had misinterpreted what I had said in your question, and I was trying to --

Q No. I think if part of the legal reasoning as to why the gross negligence statute was not used in terms of a potential prosecution of Mrs. Clinton, if one of the -- if part of that rationale was that it had never been used, then, by extension, one might presume that other statutes that are on the books, if they aren't being used, should not be ever considered as predication for a prosecution.
A. That's not -- that was not the intent of my
statement.

Mr. Herrington. That was just a speech. It wasn't a
question, so --

Mr. Breitenbach. It's not a speech.

Mr. Herrington. It was a speech.

Mr. Breitenbach. No, it's not a speech.

BY MR. BREITENBACH:

Q. If part of the rationale of not using gross
negligence as an element of the prosecution in Mrs. Clinton
was that the statute had never been used, then I'm trying to
understand. The reasoning is simply because the statute has
not been used. So --

Mr. Herrington. But the problem is that the witness has
tested that she did not undertake that analysis. So she
can't answer that question.

BY MR. BREITENBACH:

Q. Okay. So, as the top lawyer for the National
Security Law Branch, did you feel that it was, according to
your attorney, having not made that analysis --

Mr. Herrington. No, it's according to her testimony,
sir.

BY MR. BREITENBACH:

Q. Okay. According to your testimony, that you had
not made the analysis on the gross negligence statute, that
you relied upon whom?

A I deferred to the DOJ prosecutors and to the attorney who worked for me. But what my testimony earlier was in terms of the factors about -- that we considered, there were three. It wasn't -- I identified three specific factors in my testimony, and it was the combination of those three.

I didn't say that it was any one by itself. I'm not telling you that we had a circumstance before us where the only -- the only factor pointing against prosecution was simply that the statute had never been used before.

Q Right. And the other two factors were constitutional vagueness, and what was the third factor?

A What was the third one?

Q I think for Congress to learn that particular statutes on the books that are still good law are being interpreted by the FBI as essentially not good law any longer --

A That was not my testimony.

Q Okay. Do you envision 793(f) ever being used to prosecute someone?

A That would not be my role. I'm not a prosecutor.

As a lawyer, I could tell you that --

Q Which -- I'm sorry.

A The fact that it's -- it could be constitutionally
invalid in particular applications, in particular circumstances, does not necessarily mean that it's constitutionally invalid in every case. And so conceivably there could be a fact pattern that would not implicate those same constitutional concerns. But that question was not before us in this particular case.

Q So a constitutionally invalid statute could still be constitutionally applied?

A That is correct. There is a difference between statutes that are facially unconstitutional and those that are unconstitutional in their application.

Q So what was your understanding in this particular case why 793(f) was constitutionally invalid?

A There was no evidence of intent. And you're a little bit overstating it, too. I don't know that there -- the Department --

Q I was only using your phrase.

A That's not what I said. My understanding was that there were constitutional concerns. There has never been a court ruling on this issue. I don't know how definitive the Department's views are on this issue. But there were constitutional concerns that would have been raised by a circumstance where a prosecution was brought where there was not evidence of intent. That's my understanding of the Department's views.
Q  What are some of the factors that would rise to --
would have, I'm sorry, rise to the level of intent with
regard to this particular statute?

A  I don't know. I'm not an expert on this statute.
I'm also not a prosecutor. So you'd have to ask the
Department about that question.

Q  Well, I think you said -- you did testify earlier
that there was no smoking gun evidence as to Secretary
Clinton's intent. So what would have -- what would you have
considered smoking gun evidence with regard to her intent?

If you said that there was no smoking gun evidence, what
would have been that smoking gun evidence with regard to her
intent? What are some of the factors that might have shown
that smoking gun evidence? Might the -- might the number of
classified emails potentially have gone to showing intent?

Mr. Herrington. That's a very different question. Are
asking what a smoking gun -- which question are you asking,
the first one?

BY MR. BREITENBACH:

Q  I think it all falls within the smoking gun. What
are the factors that might have been considered within the
so-called smoking gun rubric?

A  An email that the Secretary sent saying, I set up
this server for the purpose of sending unclassified
information for my convenience, even though I know it's not a
secure system. That's an example.

Q My second question then, what about the number or the frequency with which someone is emailing classified information over an unsecure means, would that be considered an element of proving intent?

A I don't think so, in a circumstance where we -- there was no evidence that there was any knowledge that the information was classified. And so, in that kind of circumstance, where there isn't knowledge that the information, no matter how voluminous, is classified, it's not a very powerful argument that it goes to intent.

Q We now know that Secretary Clinton did send classified information up to the Special Access Program level. Are you aware what Special Access Programs are?

A Yes.

Q Could you explain what your understanding of a Special Access Program is?

A Not in this setting.

Q Would -- should a Secretary of State understand what information is classified or not?

A I'm not the sort of person who would be in a position to make that judgment about what a Cabinet-level person should or shouldn't know about classification. My understanding was that the Secretary generally testified in her interview to the FBI that she relied on the judgment of
others who staffed her to ensure that information that was received by her was appropriate for the setting in which it was transmitted.

Q Okay. What I'm trying to understand, too, is, still going back to the 793 gross negligence offense, I proposed that frequency of emails could be considered an element of the offense. And now what I'm proposing is, and I'm asking you, could the sensitivity of emails also be considered an element of an offense when considering intent, or even gross negligence?

A I don't know. In this particular circumstance, our -- the testimony of these witnesses was that they believed that there was -- they did not believe the information to be classified. They believed themselves to be talking around the classified information and, therefore, not to actually be transmitting any classified information. So the facts that you're presenting were simply not present in this particular case.

Q What would you advise, as a prior FBI attorney, what would you advise if you, in fact, knew that information was not only classified at an extremely sensitive level, but also was -- you also were aware of the frequency of the emails? What would your advice be if you actually had knowledge, as the attorney on a case, where you saw both of those elements, the frequency and the severity of the
classified information, in terms of that kind of information
passing over an unsecured server?

Mr. Herrington. What would your advice be to whom?

BY MR. BREITENBACH:

Q To your client, which is essentially the Bureau itself.

A I would never be in that circumstance. I was not
the kind of -- I was not at the level within the FBI General
Counsel's Office where I ever would have been providing
advice to an operational division about whether the elements
of a particular statute were or were not met.

Specifically, in sort of complicated circumstances like
the one you're proposing here, it just simply would not have
been within the parameters of my responsibility, and I
don't -- I have never given advice on that particular issue
before.

Q But you were part of the executive team where the
decision was made to change gross negligence to extreme
carelessness. So you are involved in the decision-making, at
least from a supervisory level, with regard to a change from
a phrase that is legally meaningful to a phrase that is not
legally meaningful.

A These are two different questions. What -- those
are two different questions.

Q Well, you were involved on the executive team where
that change was made. So I'm trying to understand. If you
were involved in that decision-making, do you believe that
you should have known what the difference was between gross
negligence and extreme carelessness?

A  Sitting here today, I don't know exactly what the
precise difference is between extremely careless and gross
negligence. Extremely careless is not a legal term of art.

Q  Correct. But the nonlegal term of art of extreme
carelessness was used rather than the legal term of art of
gross negligence, which would have been legally culpable.

So you were on the executive team that approved -- you
know, relied upon that change that Director Comey himself
eventually delivered as part of the final exoneration
statement. So if -- as the head national security lawyer for
the FBI, do you believe that you should have been aware of
the difference between extreme carelessness and gross
negligence?

A  No, I don't. There are different ways that people
could interpret that, and Director Comey understood it in one
way. And obviously, the use of the phrase "extremely
careless" has been open to interpretation and confusion after
the fact. So, perhaps, that issue is something we should
have more carefully considered, we as a group. I'm not
saying, you know, there was anything that I did incorrectly
here, but -- so I don't know that there is a single meaning
of extremely careless. And, you know, you're sort of suggesting that there's some sort of discrete delta between grossly negligent and extremely careless that's susceptible to some sort of legal judgment. But I don't believe that that's -- that's the case. I think the real concern here was that the phrase "extremely careless" was -- has been subject to several competing interpretations and confusion.

Q It's competing, because it has no legal effect, whereas gross negligence does. So I'm not suggesting you should have spent more time on understanding this, but what I am saying is -- what I am asking is, with regard to the definition itself of gross negligence, you saw it in one draft of the statement, and then you see it -- you don't see it in another draft, including the final statement of Mr. Comey's, and --

A Correct. I had been advised by --

Q Real quick, let me just finish the question.

So you see it in a draft; you don't see it in the final version. The exoneration of Mrs. Clinton with respect to this investigation stems, it seems, on whether she met the -- her activity met the definition of gross negligence in the first draft, but "extreme carelessness" is eventually used. So the entire nonprosecution of Mrs. Clinton seems to revolve around the decision to change that phrase.

A I would disagree with that characterization. So
the decision not to prosecute Secretary Clinton rests on the absence of evidence of intent in this case. We had been advised --

Q Even though intent is not gross negligence. You have negligence and willfulness in the law?

A So we had been advised by the Department of Justice that they would interpret that provision, that reference to gross negligence in this particular context to require some evidence of intent. And there was a unanimous view within the FBI team that was involved and knowledgeable about the evidence in this case that there was no such evidence of criminal intent in this particular matter.

Q But was there evidence of negligence? Because I think you would agree with me that negligence is different than intent.
Ms. Anderson. That's correct. I don't know the answer to your question whether there was evidence of negligence or not. It was not a question that was presented because of that interpretation that had been made by the Department of Justice and therefore one that was not focused on.

BY MR. BREITENBACH:

Q So there was no review as to whether there was negligence in this case?

A It was legally irrelevant because the Department of Justice would not have brought a prosecution in a circumstance in which there was simply negligence.

Q Was that a unanimous view inside the FBI to --

A About what?

Q That it was irrelevant because the Department had already determined that gross negligence had constitutional problems and --

A I don't know if that was a unanimous view.

Q Was that your view?

A You're -- was that my view --

Q Did you --

A At the time? I don't know because it didn't come up. It wasn't a question that we focused upon because there was a absence of evidence of intent in this case, and we understood that there would not be a prosecution, there would
not be a prosecution brought by the Department unless there was some evidence of intent, and that evidence was missing here.

Q Did you agree with the irrelevance of the gross negligence statute?

A I am telling you sitting here today that I do believe that it would have been irrelevant because, because of the view of the Department about the circumstances under which prosecutions could be brought under that statute.

Q Did the FBI have any independent duty to determine whether a particular statute was relevant or not in the prosecution?

A I didn't say the statute was irrelevant in the case. I am not sure what you are asking.

Q I am asking did the FBI have, you're saying that the Department of Justice made a decision that intent was required, even though we have a statute on the books that does not require intent that requires gross negligence. Gross negligence is different than willfulness and intentional conduct.

So my question is, did the FBI have an independent duty to determine whether a statute that is still on the books and good law with regard to gross negligence could have been an element of an offense that could have been investigated and eventually prosecuted rather than a whole separate statute
that was the only statute that the department was looking at in terms of a potential prosecution.

Mr. Herrington. If you know.

Ms. Anderson. I don't know even know what your question is. I am sorry. I haven't been able to follow your question?

BY MR. BREITENBACH:

Q I'm sorry, and that's probably my fault.

There are two mishandling statutes that we're discussing, one involving intent and one involving gross negligence. You have testified that the Department had made a determination that it would only, that this particular case could only be prosecuted, if at all, based on the statute pertaining to intent. Is that correct?

A No. I don't think that's what I'm saying. I'm not saying that. That was not my understanding. My understanding is that 7, in the right circumstance and, let me back up. I am not DOJ, I'm not a prosecutor. I was not one of the prosecutors on this particular case, so I don't want to speak with any, I don't want to speak about what their views were or were not. But what you just articulated is not consistent with what my understanding of DOJ's views was.

Regardless of which provision was at issue, my understanding was that DOJ believed that there had to be
evidence of intent whether you bring it under 793 D was it or
793 F.

Q Were you aware that there was a statute on the
books that related to negligence?

A Negligence or gross negligence?

Q Gross negligence in handling of classified
information.

A Yes. I was aware of the existence of 793 F.

Q Did you ever propose to any of the prosecutors with
whom the FBI was engaged with in this investigation that
there was a gross negligence statute that may pertain to this
fact pattern with regard to Mrs. Clinton?

A No, it was no secret. Everybody knew what the
basic range of statutes were that we were considering.

Q Okay. I think that's all I have.

Mr. Baker. I want to go back just briefly to some
questioning I did earlier. And I was just trying to find out
that there was an atmosphere of openness and candor in OGC,
so dissenting voices would be heard, because I got the
impression from earlier testimony you gave that while there
were differences of opinions on various aspects of the case,
it sounds to me like there was a point eventually in all the
issues where there was some consensus had, there were
certainly people whose opinions were accepted and that is
what moved forward, and there were those that didn't have the
prevailing view but it sounds like -- and from other
testimony I've heard -- other people that maybe didn't have
the prevailing opinion came around eventually and understood,
and I've heard from people that way after the fact
appreciated a view that dominated the day better than they
did because of what the results of that strategy ultimately
were.

I want to introduce an email, I guess this is majority
Exhibit 2. It references you on line 3.
[Anderson Exhibit No. 2
was marked for identification.]

BY MR. BAKER:

Q It starts out: I'm glad you're doing it, keep the
pressure on. I think his special assistant is the best
option. Actually -- and there's some redaction -- special is
the best option, he's number 2.

Yeah, pretty demoralized by the whole thing. Not sure
if Trisha will be there or not. Kind of hoping not, I can be
more frank if she's not.

I might possibly maybe doubtful work for you someday, I
might possibly maybe doubtful work for you someday, but
definitely not as your special assistant.

Don't think she would be, right?

Well I sort of invited it last time only because I want
this resolved and it's clear Jim won't decide without her.
Understandably, but still.

She's not formally on the invite so she or Jim would have to remember.

Then she won't be there.

Do you have any idea what this is about?

A No.

Q It sounds to me that back earlier in today's session we talked about an employee that I thought had the issue with what their title would be, special assistant versus special counsel. I thought that's what this was about but I'm somewhat concerned if there is a lawyer in OGC that's afraid to have a conversation or be in the room with a deputy general counsel that maybe there could be instances where legal advice and similar advice is stifled because of this reluctance, but you're not familiar with what this might be?

A No and you are sort of assuming that it refers to a legal discussion.

Q No. I think it refers to a title discussion as to whether someone will be called a special assistant or a special counsel. But I am concerned that if there's a concern on this or other employees' parts about other lawyers being in the room that the same circumstance could exist if there is a discussion about legal matters and maybe someone feels if others are in the room they can't be candid with a legal opinion.
A I have no idea what this pertains to.
Q Okay.
A But there could be many circumstances in which somebody might be more frank if a supervisor is not in the room.
Q Okay.
A I have no idea what this is.
Q Okay. And then going back to the most recent discussion about various statutes and various charges without regard to any particular case, without regard to any particular facts, it's my understanding prior to your work at the bureau and prior to your work at Treasury you were at the department in the DAG's office and also in the office of legal policy or legal counsel?
A Legal counsel.
Q In any of your legal experiences, and most of yours it seems to me have been national security focused. Were you aware just in general terms that the totality of espionage statutes might not be up to date with current facts in trade craft and whatnot?
A Yes.
Q And what is the basis of that understanding?
A I have seen legislative proposals prepared within the Department of Justice over time that would address various issues that have come up.
Q And the issues would be deficiencies in current law or -- what would the deficiencies be?

A I don't remember with any precision, but my understanding is that there have been working groups that have been convened that have studied the question whether there is a need to sort of modernize if you will the espionage statutes.

Q Do you know if that was ever advanced out of the Department in some sort of proposal that was actually advanced on the Hill or?

A I don't know.

Q But you believe that there, you don't recall any specifics about what the deficiencies were?

A No, I do not.

Q But would it be fair to say the totality of the espionage statutes needed maybe some revision?

A Yes. That's my understanding.

Q Okay, well, you mentioned a working group. Was this something in your more recent times at the FBI?

A No. It was earlier. I was aware of a recommendation that was made to David Kris at some point in time that resulted in a memo to him and some proposals being put together, and then those proposals then formed the basis of discussions that recurred over time, so it's over the last to my knowledge 7- to 8-year period of time that there have
been discussions within the Department about a need to modernize those statutes.

Q  Do you know if the FBI would have been involved in those discussions or the working group?

A  Yes, I believe there were FBI legal personnel involved in some of those discussions. I was not personally involved in them. I just at some point became aware of these proposals.

Q  One of your attorneys, I think it is the attorney 1 that the IG references, that person I think you've testified is fairly well versed in national security law?

A  Yes and specifically in counterintelligence.

Q  In counterintelligence. So would they have been involved in that working group?

A  I don't know to a certainty but possibly. There is another attorney who is involved who frequently has been involved in mishandling cases who might have also been involved.

Q  Do you know in the aftermath of the Midyear investigation has there been any discussion that you are aware of either at the Department or the FBI of revitalizing this working group or discussion about modernizing the statutes?

A  Not to my knowledge.

Q  And then a final question on charging. I
understand you're not the prosecutor and these would not necessarily have been conservations you would have had, are you aware of any discussion about a Federal Records Act or a similar violation outside of espionage like I think it's 2071?

A Yes.

Q Was there a discussion about that as a viable charge?

A At some point it came up. I don't remember the specifics of the discussion, but, yeah had there been, we certainly would have looked for evidence of a violation of that criminal provision.

Q So would it be fair to say the reason that was not pursued would be consistent with your testimony in the other charges that the facts didn't lead to that?

A The facts did not support it no.

Q And that was a decision that was made by DOJ prosecutors?

A Ultimately at the end of the day yes.

Q But your attorneys or FBI attorneys elsewhere in the Bureau would have had some input into that?

A That is correct.

BY MR. PARMITER:

Q I think we just have another minute or two but just to ask a followup question to that line of questioning, my
colleague just referred to the criminal provision in the Federal Records Act, another statute that we have discussed in this context has been like the mishandling statute, 1924 in title 18. Do you recall any discussions about that provision?

A Not specifically but there too there's an intent, a specific intent -- I am sorry not specific intent, an explicit intent requirement in that.

Q There's a knowingly requirement in that statute.

A Correct.

Q So would it be fair to say that that was the issue you were bumping into that you know with the Federal Record Act charge with the 1924 potential charge and with the espionage act it was always there was an issue of intent?

A Correct.

Q And that there wasn't specific evidence that showed that Secretary Clinton or anybody around her showed the requisite level of intent?

A Correct.

Q Because there was no smoking gun evidence that they had set up the server purposefully to transmit classified information or for convenience or there wasn't an email that I think you said there wasn't -- one example of that would be an example email saying that she set up the server for convenience?
A Right.

Q Those were the sort of pieces of evidence that bureau was looking for in this case?

A Correct.

Q I think we are out of time.

[Recess.]

BY MS. KIM:

Q We are now back on the record. It is 2:15.

Ms. Anderson, I'd like to go back to the discussion of gross negligence that you were engaging in with our majority.

The DOJ lawyers who were working as prosecutors on the Midyear exam case are national security lawyers who have litigated hundreds of cases relating to the mishandling of classified information, is that correct?

A Yes.

Q Are you aware of those DOJ prosecutors departing from their standard practice in interpreting the law relating to the mishandling of classified information in the Midyear exam?

A No.

Q We understand that Director Comey out of an abundance of caution asked for I believe 20 years of cases regarding the mishandling of classified information just to confirm the Department of Justice's research in this regard.

Are you familiar with Director Comey's request for those
cases?

Q  And after reviewing those cases, did any lawyer in the Office of the General Counsel come up with a contrary interpretation to the Department of Justice?

A  No.

Q  Thank you. The Federal Bureau of Investigation's lawyers have clarified that we may ask you general questions about your discussions with Director Comey's -- your direction with Director Comey about his contemporaneous interactions with President Trump, so I will try to phrase the questions in the most general way possible.

Are you generally familiar with Director Comey's testimony before the Senate Select Committee on Intelligence on June 8, 2017?

A  Yes.

Q  And are you also generally familiar with Director Comey's descriptions about his meetings with President Trump in his book, A Higher Loyalty?

A  Yes.

Q  And did Director Comey or others share contemporaneous details about his conversations with President Trump with you around the time those discussions occurred?

A  Some of those discussions yes.
Q  And did you generally find that for the discussions of which you had direct knowledge that Director Comey's descriptions in his testimony and in his book were consistent with the contemporaneous descriptions that you received?

A  Yes, they were consistent with the contemporaneous descriptions that Director Comey gave to us.

Q  And do you have any reason to believe that Director Comey did not accurately share with the Senate Intelligence Committee his memory of his interactions with President Trump?

A  No.

BY MR. MORGAN:

Q  Ms. Anderson, I would like to switch gears a little bit and discuss the time period roughly September, October, 2016 when the FBI came into possession of the, the Wiener laptop through an unrelated investigation unrelated to the Midyear exam.

According to the IG report, an attorney under your supervision named in the report as FBI attorney 1 we have discussed briefed you on the September 29th conference call between the New York field office and members of the Midyear investigative team regarding the discovery of potential evidence on the laptop from the Anthony Weiner investigation.

Was this when you first learned of the existence of the laptop?
A Yes.

Q What do you recall of this discussion regarding that call?

A I don't remember much other than the fact that there were materials associated with Huma Abedine that may have been identified on the laptop.

Q What role if any did FBI attorneys play in following up with the New York field office to discuss the status of the data that was being processed on the Weiner laptop?

A I don't think we played any role, but I don't know to a certainty.

Q Would it be the responsibility of attorneys under your supervision to follow up with the New York field office regarding the data discovered on the laptop?

A I don't believe so.

Q Did you have any other involvement between the time you were briefed on the September 29th conference call and when Director Comey was briefed on the Weiner laptop on October 27, 2016?

A I don't believe so with the one caveat that I think there may have been a meeting that occurred with Andy McCabe immediately prior to the meeting with Director Comey, and so I believe that was the next, that meeting that was immediately preceding the one with Director Comey was the
next time that I had any involvement in the issue.

Q Okay. On October 27, 2016, the FBI Midyear Exam
team briefed Director Comey about the emails on the Weiner
laptop. Were you in that meeting?

A Yes.

Q What was discussed in that meeting, broadly
speaking the topics that were discussed?

A Broadly speaking, there was a description given to
former Director Comey about what was known about what was on
the laptop. There was a discussion about the path forward,
about obtaining a search warrant in order to review
materials, and I believe there was a discussion about, about
if a search warrant were obtained what if any public
statements or other statements outside the FBI might be made
about it.

Q What was your personal opinion on whether the
existence of the emails should be made public?

A Personal opinion at the time then?

Q Correct.

A Well, I was concerned that the disclosure of what
we had was -- could be viewed as affecting the outcome of the
election. I wasn't competent to know one way or another
whether it would, in fact, have such an effect. But I was
cconcerned that we certainly would be perceived as having that
effect. And I was especially concerned because we had no
idea whether what we were -- whether the emails that were
identified on the Weiner laptop were relevant, would be
material. In fact, it seemed quite unlikely to us that there
would be any materiality to those emails.

And so I was concerned that, that there wasn't, there
wasn't any form of a public statement that we could make that
would not overinflate or overrepresent the significance of
those emails in a way that would be unfair to an uncharged
subject.

Ms. Kim. I would like to discuss with you in some
specificity what you said at that meeting.

Director Comey's book and Director Comey's testimony
before the IG describes your statement in some detail. I
will quote to you from his book:

As we were arriving at this decision, one of the lawyers
on the team asked a searing question. She was a brilliant
and quiet person whom I sometimes had to invite into the
conversation. Should you consider that what you are about to
do may help elect Donald Trump for President, she asked.

Is that the portion of the book describing you that you
described to our majority colleagues earlier as being
inaccurate?

Ms. Anderson. Correct.

Mr. Herrington. Except for the statement as to
brilliant.
BY MS. KIM:

Q I would like to introduce into the Record the Inspector General's report discussing this portion of Director Comey's recollection. I believing we are up to Exhibit 5, is that correct? Exhibit 4. Thank you.

[Anderson Exhibit No. 4 was marked for identification.]

Ms. Anderson. Can I have a copy of it? Thank you.

BY MS. KIM:

Q I am so sorry.

On the first page of the section I have given to you, Director Comey has a long block quote. I will direct you to about the middle of that block quote. He is describing in your statement, and he says: And then I think she spoke herself and said, how do you think about the fact that you might be helping elect Donald Trump?

Is Director Comey representing what he remembers as your statement in that meeting?

A I assume he is representing what his recollection is.

Q If you go down to the second block quote on that page, it is a block quote from you.

You stated: I do remember saying more explicitly to Jim Baker that I was worried that what we were going to do, what we were doing was going to have an impact on the election.
Was that appropriate for the Bureau? Was that, you know, I was concerned about that for, you know, for us as an institution.

Is that a correct statement of what you told the Inspector General?

A Yes.

Q So I want to be very clear. At any point in this discussion, were you ever expressing a personal political preference for one candidate or another?

A No.

Q Were you expressing an institutional concern that the FBI's actions could end up having an impact on the outcome of a political race?

A Yes, or that we could be perceived as having had such an effect.

Q And why did that effect or the perception of such an impact concern you?

A It was not -- obviously, at the Department of Justice, both as a matter of policy and tradition the Department strives not to have any impact on electoral politics, and so I was concerned that there would be a perception that making any sort of statement whether it be to Congress or to any other audience might have that impact or might be perceived as having that impact.

And I tied my concern in my mind -- I am sorry let me
restate that. In my mind, my concern was tied particularly to this idea that what we had was so uncertain at that point.
We had no idea whether what had been identified on the laptops was material. We hadn't reviewed it. It was quite unlikely based on all of the investigative work that we had done at that point that there would be anything material that we would uncover, and it would take a truly remarkable situation for there to be any evidence that would alter our assessment of the case at that point in time.

And so, in other words, you know, those two considerations were tied together. It seemed especially concerning in a context in which we had no idea whether there was any significance at that point to what we had identified.

Q    It seems your concerns would have applied with equal force had the FBI also been considering an overt investigative step or a public announcement regarding the investigation into Russian collusion, is that correct?
A    Correct.

Q    So I just want to be crystal clear -- Mr. Herrington. Well, would both of the concerns you articulated apply to that? Or were you more generally concerned about impacting an election?

Ms. Anderson. Yes. Let me rephrase, my more general concern about impacting the outcome of an election.

BY MS. KIM:
Q    Thank you. I thank you for your precision. That is correct.

So you were again generally expressing an institutional concern that the FBI's actions could end up having an impact or being perceived as having an impact on the outcome of a political race?

A    Correct.

Q    Did the team ever discuss the DOJ's election sensitivity policy?

A    I think it came up at some point, but I don't have a particularly precise memory as to when and the particulars of what was discussed.

BY MR. MORGAN:

Q    According to the IG, you said you ultimately agreed that Comey needed to supplement his testimony to Congress because it quote "was such a significant issue" end quote and that quote "it would have been misleading by omission" end quote, and that even though Comey did not explicitly tell Congress he would update them it was quote "implied" end quote in his quote "his testimony overall" end quote.

Did you agree with Director Comey's decision to send the letter to Congress on October 28, 2016?

A    It is hard to say whether I agreed or disagreed, but at the end of the day I found it very difficult to second guess what Director Comey articulated to us, and he has said
publicly since then that had, he had he not disclosed the
information, that it would have been misleading by omission,
and he preferred to be in a world in which he had disclosed
the information prior to the election rather than being
accused after the fact of having hid it.

Q What effect did you expect the letter would have on
Hillary Clinton's electoral prospects?

A I didn't know. I'm no electoral expert, and I
don't, in fact, follow politics all that closely.

Q Would you agree, though, that you thought the
letter should be sent -- I know that -- would you agree that
the letter, at the time, even it would have the -- it could
potentially have a harmful impact -- it would have an impact
on the election, I should say.

A I'm sorry. Say that again.

Q Strike that. Let me rephrase. I would say that,
based on your concerns, you were concerned the letter would
have an impact on the election, correct?

A Yeah, I wasn't certain. It certainly --

Q I'm sorry, strike that. No. You weren't -- I
mischaracterized your concerns. Let me move on to another
question.

Can you describe the process through which Director
Comey's October 28, 2016, letter to Congress was drafted and
edited?
A Sure. So and my recollection is a little bit unclear because we focused on two letters so close in time, and so my recollection of the drafting process with respect to the October 28th letter and my recollection with respect to the drafting process for the November 6th letter is not, those two memories are not particularly distinct. I think we engaged in similar -- actually let me take a step back.

For the October 28th letter, there was a draft that was produced, a first draft that was produced by a group of people that did not include me. I do believe it included Pete and the attorney who worked for me. That draft was circulated on email I believe during the evening, and it was, I think, predicated on an understanding that there would be in person discussion the next day.

So that draft must have been circulated on October 27th, the evening of October 27th. And then there were in person discussions with Director Comey about the content of the letter on the 28th. And I believe that letter was all but final by the conclusion of that meeting with former Director Comey, although there may have been a few tweaks that were made after that meeting.

Q So you said that -- so Mr. Strzok did participate in the drafting of the letter, is that correct?

A That is correct.

Q You are aware of what exactly his role was in that
drafting process?

A I believe he provided input to that initial draft, and he was a part of the oral discussion with former Director Comey that occurred on the 28th.

Q Did Lisa Page participate to your knowledge?

A I don't remember.

Q Did anyone on the Midyear team ultimately disagree with Director Comey's decision to send the letter?

A I don't know. As I mentioned, it was difficult to second guess former Director Comey's assessment that it was better to ultimately to disclose the information rather than be accused after the fact of having concealed it by not making a statement.

Q Did any information discovered in reviewing Anthony Weiner's laptop change your opinion of whether Hillary Clinton should be prosecuted?

A No.

Q So, I want to turn to a couple other questions regarding what we kind of have offhanded call or describe as the Trump Russia investigation.

The Inspector General's report found that the FBI, particularly Special Agent Peter Strzok, placed a high priority on the Trump Russia investigation in the fall of 2016. However, the report concluded that quote "we do not have the confidence that Strzok's decision to prioritize the
Russian investigation over following up the Midyear related investigative lead was free from bias" end quote.

What is your reaction to this conclusion?

A  What do you mean?

Q  Do you -- well, do you agree with the conclusion in the IG report? Or do you have knowledge -- do you have sufficient knowledge to form an opinion?

A  I'm sorry. Could you just repeat the question? I just lost your emphasis.

Q  Certainly. The report concluded -- sorry. Let me read the entire quote again to you from the IG report. The report found that the FBI, particularly Special Agent Peter Strzok placed a high priority on the Trump Russia investigation in the fall of 2016.

Would you agree with that?

A  Yes.

Q  However, the report concluded that we did not have, meaning the IG, did not have confidence that Strzok's decision to prioritize the Russia investigation over following up on the Midyear related investigative lead was free from bias.

Do you agree with that conclusion?

A  That they didn't have evidence?

Q  I'm sorry. Do you -- strike that.

To your knowledge do you believe that Peter Strzok --
Peter Strzok's decision to prioritize the Russia investigation was based on any form of improper consideration including political bias?

A No.

Q To your knowledge, was the FBI's decision to prioritize, the FBI generally to prioritize the Russian investigation free from political bias?

A Yes.

Q Do you have any evidence that Special Agent Strzok's decision to prioritize the Russia investigation was due to any political bias?

A No.

Q Can you generally explain to us why the FBI counter intelligence team prioritized the Russia investigation in September and October of 2016?

A It was -- the allegations that had come to us were very significant in terms of the level of threat to our national security. It represented a level of effort by the Russians that surprised us, and it was something that we felt we had an obligation to pursue -- to pursue with vigor.

Q Were you personally working on the Trump Russia investigation in September of 2016?

A Not on the investigation per se, but I did have a role in the same way I described earlier that I was involved within the legal chain of command at a supervisory level.
Q Were many of the Midyear team members working on the Trump Russia investigation in September of 2016?

A I don't believe the investigative or analytical personnel were the same, but at a supervisory level there was a great deal of similarity between the personnel involved.

Q Do you believe that the Trump Russia investigation team hoped to influence the election with the result -- pardon me -- with the results of the investigation?

A No.

Q Do you believe that they were prioritizing the investigation because of the magnitude of the threat --

A Yes.

Q That you just described?

A Yes.

Q So it's fair to say then that the Russia investigation was one with or is one with exceptional national security importance?

A Absolutely.

Q How did the Russia investigation national security importance compare to the importance of potentially reviewing more emails in the Hillary Clinton investigation?

A I'm not sure there was such a comparison made necessarily, but one represented an ongoing threat by a hostile foreign actor, and the other simply represented an investigative lead in a case where it was unlikely that lead
was likely to alter the outcome.

And one thing I do want to clarify insofar as my answers may have accepted the assumption that there was some sort of formal prioritization of the Russia matter over the Clinton email investigation, there was to my knowledge no such formal prioritization. There was an understanding that the Russia investigation was important, and there was a lot of time devoted to that particular investigation, but I'm not aware that there was any sort of formal prioritization of one over the other.

BY MS. KIM:

Q  Are you aware of any evidence that Peter Strzok tried to back burner or bury the contents of the Anthony Weiner laptop?

A  No.

Q  Are you aware of any evidence suggesting that anyone on the Midyear team sought to delay the review of those emails or back burner that investigation?

A  No.

BY MR. MORGAN:

Q  How frequently does the FBI investigate possible mishandling of classified information?

A  I don't know.

Q  So I am going to ask you, to press you a little bit on this. Would you say that there is, that there have been a
number of cases? Is it very infrequent? Is it -- are these routine? Are there routine cases even involving mishandling of classified information in terms of number or --

A I wouldn't characterize -- yeah.

Q I know you don't know the exact number. I know I'm asking -- but it is not unusual for them to investigate cases of those --

A Correct and it is not infrequent.

Q By contrast how frequently does the FBI investigate possible collusion between a major party Presidential candidate and a hostile foreign power?

A I'm not aware of any analogous circumstance.

Q How frequently does the FBI investigate threats that could undermine the integrity of the American Presidential election?

A So this wasn't unique. There have been other -- the Russian interference efforts that occurred with respect to the 2016 election were not unique in our history. There have been other, other Russian and foreign power efforts to intervene in our democratic process throughout history. They have taken different forms.

It just simply, this was an unusual set of circumstances here, and I am not aware of any analogous circumstance where there has been an investigation of potential linkages between a major party candidates, personnel, and a foreign power.
But there have been over time other foreign power efforts to interfere in our elections, and it is my presumption that the FBI has investigated those efforts over time.

Q    Would you say though that this was unique? You had previously just described a threat of this -- posed by this particular instance. Would you say that it was unique then in its magnitude and its significance?

A    I would say it was unique in its intensity certainly and its level of success as well so the thing that differentiated -- among the things that differentiated this particular effort by Russia as compared to historical efforts they had engaged in was of course the advent of social media and the ability of Russian actors to use that platform to proliferate messages that would be, that would further their objectives of sowing dissension and discord.

And then there were other, you know, the hacking and release of emails was something that we had not previously seen before. And I guess the other thing that we saw was evidence of very high level approvals within the Russian Government of this ongoing campaign. There may have been other unique features, but the level I would say overall the level of intensity of the Russian effort to interfere with our election was at least to my understanding without precedent.

Q    Thank you. I'm going to turn now to just a few
brief questions about the FBI, INSD internal file review if you are familiar with that.

A I am actually not. I have never seen the document before.

Q Let me --

BY MS. KIM:

Q So we understand that in the Inspector General's report Jim Baker is quoted as saying that he asked the review team to examine the internal files of the Midyear exam investigation. Were you involved at all in initiating that file review?

A No. I was on maternity leave at the time.

Q The Midyear exams did undergo a file review. The file review team's conclusion is quoted on page 142 of the IG report. It concludes that the file review did not find any substantial or significant areas of investigative oversight based on the stated goals of the investigations. It found that the investigative team conducted a thorough investigation within the constraints imposed by the Justice Department.

Are those conclusions consistent with your experience of the Midyear case?

A Yes.

Q Are you familiar with the Inspector General's report?
A Yes.

Q The Inspector General's report also concludes that there were no improper considerations influencing the specific investigative steps taken in the Midyear investigation, is that correct?

A Yes.

Q Are the Inspector General's conclusions consistent with your experience on the case?

A Yes.

BY MR. MORGAN:

Q And I would like to turn just generally to some questions about the attacks on the Department of Justice's and morale at the FBI while you were still there. I'm sure you're aware that there has been a litany of attacks from the highest levels of government accusing the FBI and the Department of Justice of conducting investigations driven by political bias instead of just the facts and the rule of law. Are you aware of these attacks, Ms. Anderson?

A Yes.

Q During your tenure at the FBI and DOJ, have you been aware of any FBI investigation motivated by political bias?

A No.

Q During your time at the FBI and DOJ, are you aware
of any Justice Department investigations motivated by political bias?

A No.

Q On May 22, 2018, Republican Members of Congress introduced House Resolution 907 requesting that the Attorney General appoint a second special counsel to investigate misconduct at DOJ and the FBI which I believe that we discussed previously.

That resolution alleged quote "whereas there is an urgent need for the employment of a second special counsel in light of evidence that raises critical concerns about decisions, activities, and inherent bias displayed at the highest levels of the Department of Justice and the Federal Bureau of Investigation regarding FISA abuse, how and why the Hillary Clinton email probe ended, and how and why the Donald Trump Russia probe began."

At the FBI, what was your role in the FISA application approval process?

A I supervised attorneys who were involved in that application -- in the development of that application.

Q So you have some knowledge then of the process?

A Of the general process, yes.

Q Yes. Are you aware of any inherent bias at the highest levels of DOJ and the FBI regarding FISA abuse as is alleged?
Q Is there any evidence of inherent bias displayed at the highest levels of DOJ and the FBI regarding how and why the Hillary Clinton email probe ended?
A No.

Q To your knowledge, is there any evidence of inherent bias displayed at the highest levels of the DOJ and the FBI against Donald Trump as part of the Trump Russia probe?
A No.

Q Are you aware of any actions ever taken to damage the Trump campaign at the highest levels of the Department of Justice or the FBI?
A No.

Q Are you aware of any actions ever taken to personally target Donald Trump at the highest levels at the Department of Justice or the FBI?
A No.

Q Is there any evidence that any FBI or Department of Justice, or are you aware of any evidence that any FBI or Department of Justice official took any actions biased in favor of Clinton or biased against Trump.
A No.

Q Are you aware of James Comey ever taking such action?
A No.

Q Andrew McCabe?

A No.

Q Are you aware of Lisa Page ever taking such action?

A No.

Q Are you aware of Loretta Lynch?

A No.

Q What about Sally Yates?

A No.

Q Are you aware of any action taken by Deputy Attorney General Rob Rosenstein?

A No.

Q Are you aware of any action taken by Special Counsel Robert Muller?

A No.

Q Are you aware of any evidence or is there any evidence that President Obama ordered any investigative activity that was biased in favor of Hillary Clinton or biased against Donald Trump?

A No.

Q Are you aware of any evidence that President Obama ordered a wiretap of Donald Trump or the Trump campaign?

A No.

Q Are you aware of any conspiracy against Donald Trump or the Trump campaign involving anyone from the FBI or
Department of Justice or President Obama?

A No.

Q Many of us have been troubled by the escalating attacks against the Department of Justice and the FBI, attacks against the independence of other institutions, the integrity of their employees, and the legitimacy of the DOJ's and FBI's investigations so I want to talk to you about some statements in that vein and get your reaction.

On December 3rd, 2017, the President tweeted quote after years of Comey with the phony and dishonest Clinton investigation and more, running -- ruining -- running the FBI, its reputation is in tatters, worse in history. But fear not we will bring it back to greatness end quote.

Do you agree with the President's statement that the FBI's reputation is in tatters and is the worst in history?

A No.

Q Do you agree with the President's characterization the Clinton investigation was phony and dishonest?

A No.

Q In your opinion, what kind of impact do statements like this have on the morale of rank and file FBI agents?

A They can't --

Q No I'm sorry please.

A Finish your question please.

Q FBI agents and other FBI personnel?
A  Certainly statements like that can have a demoralizing effect on the workforce.

Q  Why would they have a demoralizing effect on the workforce, in your opinion?

A  Because it undercuts the credibility and validity of the work that they are doing.

Q  Is that central to the work that you do? The work the FBI does I should say?

A  Certainly one of the things that is central to the FBI and its ability to investigate and contribute to successful prosecutions is maintaining the credibility and the trust of the American people in FBI personnel when they testify in court, when they take investigative action. And so that is important to our successful perceived mission.

Q  Touching on your response there, what do you think the impact of statements like these is on the public's confidence in the FBI, and how do you think that impacts our national security?

A  That's a hard question. I'm not sure I am competent to assess the full impact, but it is something that I am concerned about as a citizen, that it has weakened our institutions, that it has weakened the bonds of trust that the American people have in their institutions and the Department of Justice and the FBI and that all of that trust is important to the pursuit of our, of successful
prosecutions and national security and other types of cases. It's moreover concerning the impact that these types of statements has had on the ability of the FBI to recruit and maintain human sources which obviously are a key building block of FBI investigations, including national security investigations. And so I am concerned from a long-term perspective about the impact that this pattern of statements about the FBI could have on the ability of the institutions to successfully perform their missions.

Q At a White House press briefing the day after Director Comey was fired, Sarah Huckabee Sanders said the termination happened because and I quote, "most importantly the rank and file of the FBI had lost confidence in their director" end quote.

Looking back on the lead up to Director Comey's dismissal, do you agree with Ms. Sanders that the rank and file of FBI had lost confidence in Director Comey?

A I personally did not perceive that to be the case.

Q What was your reaction when you learned that Director Comey had been fired?

A I was shocked.

Q And was that reaction shared by FBI agents that you spoke to regarding the firing of Director Comey?

A I didn't speak to any agents. I was on maternity leave.
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
under Director Comey?

A I didn't believe so.

Q Why is that, or why do you disagree then?

A I believe the FBI is a great institution. It was great under Director Comey. The men and women who work at the FBI serve their country honorably, and they do their jobs with a great deal of distinction.

Q Following the Inspector General's report, President Trump has stated and I will quote again, "I think Comey was the ringleader of this whole you know den of thieves, they were plotting against my election" end quote.

Do you have any reason to believe the FBI is a den of thieves?

A No.

Q Do you personally -- did you personally witness anyone at the FBI attempting to plot against Donald Trump's election?

A No.

BY MS. KIM:

Q Ms. Anderson, there has been a great deal of interest in the media in our joint investigation around the FISA process. I think it would be helpful to get your purchase on how that process actually works.

Do you agree that the government is required to meet a high burden of proof when seeking a FISA warrant from the
FISA court?
A   Yes.
Q   Is it fair to say that the Justice Department's own internal review process for applications is also extremely rigorous?
A   Yes.
Q   Do FISA warrants require considerable review prior to approval?
A   Yes.
Q   And is the level of scrutiny both internally at the Justice Department and before the FISA court even higher when the government is seeking a warrant to surveil a U.S. person?
A   Maybe as a practical matter that might be correct, although formally there is no difference in the treatment of non-U.S. persons and U.S. persons, they are both treated with a great degree of rigor.
Q   With a very high level of rigor.
A   Correct.
Q   I understand that the FBI conducts its own investigation about whether there is enough evidence to be outlined in an affidavit in an application for a FISA warrant and that package goes through the approval process of the FBI's chain of command, is that correct?
A   Yes.
Q   Who in the FBI's chain of command would review that
packet?

A I don't know sitting here the particulars of exactly who approves that package before it goes over to the FBI. It was not something that was within my area of responsibility.

Mr. Herrington. Before it goes over to the DOJ.

Ms. Anderson. I am sorry before it goes over to DOJ. It was not within my area of responsibility. I was not one of the approvers in the chain of command.

BY MS. KIM:

Q Are you aware of any circumstance where FBI investigators could rush an application process through without giving it sufficient level of scrutiny in an attempt to bypass the FBI's own high internal standards?

A No. There are FISA applications that are expedited, but there are particular procedures that apply to those applications, and they are simply designed to literally as they are described expedite the process.

Q Is part of the internal review process at the FBI to ensure that the FISA application is supported by credible evidence, and why is it important that a FISA application is supported by credible evidence?

A It is important because we are talking about national security-related surveillance in the context in which the government is applying ex parte for the
surveillance warrant. There are certain allowances within FISA that are, that differ from the criminal standpoint, and there's some possibility that or a likelihood that the warrant will never have the opportunity to be challenged because many of the national security warrants are never used in a criminal prosecution and will never see the light of day.

Q There has been active speculation that the FBI failed to follow its applicable standards in applying for Carter Page's FISA warrant. I would like to ask you some general questions.

In a FISA application, does the FBI typically include all of the information it has about an individual or a source? Or does it cull that information to include only facts relevant to the court's determination on the merits of that application?
Ms. Anderson. It culls the information to that which is relevant to the merits of the application. But it comes pretty close to almost all the information that we have, is what it seems, with respect to our FISA applications.

BY MS. KIM:

Q Is it possible to give the FISA court a highly accurate set of facts about a source without including every individual fact that the FBI knows about a source?

A Yes.

Q There has been a great deal of fixation on specific minutiae that political actors have found relevant to make important about Carter Page's FISA application.

Do you have a personal response to the attack that the FBI somehow abused the FISA process or committed illegalities by not disclosing all of the very specific minutiae to the FISA court about Bruce Ohr, about Christopher Steele?

A About Bruce Ohr? What about Bruce Ohr?

Q I think the allegations are that Bruce Ohr's biography was somehow relevant to the Carter Page FISA application.

A I don't believe it was relevant in any way. I also don't think -- yeah, I don't think it was relevant. I'm not aware of any sense in which it was relevant.

Q Have you ever been a part of any FISA application
process where the FBI sought to hide, bury, or omit material facts from the FISA court?

A No.

Mr. Herrington. Could I take a 5-minute break?

Ms. Kim. Yes.

[Recess.]

Ms. Kim. We're back on the record. It's 3:04 p.m.

BY MS. KIM:

Q Were you part of the FISA application review process for the FISA applications regarding Carter Page?

A I was involved at a supervisory level within the legal chain of command.

Q Did you observe any improper considerations, including political bias, affecting that process?

A No.

Q Did you observe any improprieties in that process that would have required subsequent disclosures to the FISA court about content that the FBI had omitted?

Ms. Anderson. I need to confer --

Mr. May we confer?

Ms. Kim. Yes.

Mr. Thank you.

Ms. Anderson. -- with FBI counsel about classification.

[Discussion off the record.]

Ms. Anderson. I've been advised by the FBI lawyers that
I can't answer that question in an unclassified setting.

BY MS. KIM:

Q Thank you.

In the Carter Page FISA warrant process, are you aware of any attempts by the DOJ or the FBI to intentionally mislead the FISA court?

A No.

Q Are you aware of any efforts to omit evidence or manufacture evidence deliberately?

A No.

Q Are you aware of any instances regarding the Carter Page FISA application of the FBI failing to follow all of its proper procedures in obtaining a FISA warrant?

A No.

Q Are you aware of any effort by the FBI to seek a FISA warrant for Carter Page that was not based on credible and sufficient evidence?

A No.

Mr. Counsel, you may be done with this line of questioning.

I would just ask the witness, while you're discussing questions that pertain to FISA applications or the FISA process, just to give us a moment to think about the question just in case we do need to ask to confer.

Ms. Anderson. Sure.
Mr. Thank you.

Ms. Kim. Thank you. Actually, I believe that concludes our round of questioning.

Mr. Well, then I'm too late, but thank you for your consideration.

Ms. Kim. Thank you, sir.

[Recess.]

Mr. Baker. Back on the record at 3:11. I'll start with a random question. I have an email here that I will introduce as majority exhibit 3, I think.

[Anderson Exhibit No. 3 was marked for identification.]

BY MR. BAKER:

Q It's an email chain. It's ultimately from you. It looks like there's some folks that have done some research at someone's request on the standards for appointing a special prosecutor. And then it looks like it's sent to you.

You thank the person and then say, "Could you please follow up with" -- redacted -- "to get more detail about what she found on the conflict of interest component? Anything about whether there is usually an actual conflict, or have special prosecutors been appointed due to an appearance of conflict (or out of an abundance of caution)"

What is that about, if you recall?

A I don't recall. I didn't remember this email chain
until I saw it in the production, the portion of the
production that was given to me by the FBI for review.

Q Okay. But you have no recollection of what it
relates to?

A No, although I do understand that in the IG report
there's information that FBI Attorney 1 did testify to the IG
that there had been an intern within NSLB who was asked to
look into this issue in connection with the Midyear case.

Q Okay.

A But this would've been from around the time of the
opening of the case, and I don't recall any of the
circumstances or reasons why this research would've been
done.

Q Okay. You don't recall anything about a conflict
of interest that came up in discussions about the case? I
mean, this does seem pretty early in the process.

A It does. I don't recall the circumstances that
generated this request for research.

Q Okay.

It was widely reported, various conflicts that former
Deputy Director McCabe had. Was there any conflict of any
employees in your National Security Law Branch that required
consultation with the Office of Integrity Compliance or
anything like that?

A No.
Q  Okay.
You've talked a little bit about -- or discussion has been had a little bit about the FISA process. I want to be clear on what your branch and your specific role in FISA would be. It's my understanding -- and I'm somewhat more familiar with FISAs that originate from a field office.
A  Uh-huh.
Q  Where did this, the original FISA in the Russia case, where did that originate from? Was that something that was done at the headquarter level, or was it done from Washington field? I'm a little confused. I know there's a cross-pollination of resources, agents pulled from the field office, and I'm just curious where the FISA physically originated from.
A  So I don't know the answer to that question.
Q  Okay. What would be your role in any FISA as far as approval or looking at -- any FISA. No specific case, no specific facts.
A  So I typically would not be involved in the minutia of the development of a FISA. Rather, I would expect to be informed about or be brought in to be consulted about FISAs that involve controversial legal issues or fact patterns that present difficult calls about probable cause.
So that's one aspect in which I would -- I was involved and how I viewed my responsibilities with respect to the FISA
process.

Another area was with respect to all FISAs going through, before they went to the Director, there was an expectation that there would be an SES-level approver of the FISA. Sometimes that could be me, but oftentimes it was one of my two section chiefs. But if I was the only SES person in the office, that would mean I would be responsible for reviewing the FISA package before it went to the Director.

And then, third, within my branch, we had responsibility for the logistical processing of the FISAs for the entire Bureau. And so I had a support unit who handled the logistics of the process: getting the signatures by executives, walking them over to DOJ, handling the orders once they came back from the FISA court, uploading them into the system, that sort of work.

Q So a FISA package, is it presented to you and also simultaneously presented to others that are also approving or looking at aspects of it, or does it follow a linear path?

A It follows a linear path. There is a system called FISAMS within the Bureau that tracks in a linear fashion all the approvals on a FISA. I'm not part of that approval chain, but I or another SESer in my branch is the final approver on hard copy before a FISA goes to the Director or Deputy Director for signature.

Q And that is the next stop after it would leave
National Security Law Branch; it would go to the Director or Deputy --

A  Correct.

Q  -- Director?  The Director.

A  The Director unless he was unavailable, in which case it would go to the Deputy Director.

Q  So this FISA management system you reference, someone that gets it would not do whatever they do unless the person below them has done what they do.  It follows this linear path.

A  Correct.

Q  Okay.

You mentioned earlier -- someone had a question about the FISA court, and I think you said something to the effect that it wouldn't be unusual for supplemental information to be provided to the court when a FISA warrant had been presented to the court if there was something learned by the FBI that needed clarification or a supplement.  I thought you said there would be a mechanism --

A  Correct.

Q  -- to provide additional information.

A  Correct.

Q  Do you know if any additional information, either supplemental or for clarification, was provided to the court for any of the FISAs in the Russia case?
A  This question raises the same classification issue 
that was raised by the question a few moments ago by the 
minority staff. And so, based on my consultation with the 
FBI lawyers, I'm not able to answer that question in this 
unclassified setting.

Q  Okay. Going back to not to a particular case or 
particular facts, it would be part of the general practice or 
possibility in dealing with a FISA that you would go back to 
the FISA court with new information in the interest of being 
candid with the court?

A  Yes, if it met a certain threshold. That's 
correct.

Q  Okay.

What is a Woods file?

A  A Woods file is a file of documents that's 
maintained to support the accuracy of every individual fact 
that's contained in a FISA application.

Q  So this is a file. Any fact that is presented in 
the application, this file documents the source of that 
individual fact?

A  That's correct.

Q  And it would probably be more robust than the 
actual application. My understanding would be the 
application is asserting the fact but it might not have every 
detail about the fact or where the fact came from, where the
Woods file would have all of that as a repository.

A That could be the case, yes.

Q And a Woods file is mandatory?

A Correct.

Q And a Woods file gets its name from -- why is it called a Woods file?

A [Name redacted] in NSD. I'm sorry. Non-SES.

There's --

Mr. Herrington. A former colleague.

Ms. Anderson. A former colleague at the Department of Justice drafted the form, and so the form derives from the individual's name.

BY MR. BAKER:

Q And did the form and the practice of a file result from an issue with FISAs?

A Yes, that's my understanding. It precedes my time at the FBI, but I understood there was a pattern of some incidents of omissions that were of concern to the FISA court that resulted in former Director Mueller actually appearing before the FISA court. And the practices were the result of reforms that were made jointly between the FBI and DOJ in order to ensure that we were meeting the standard of accuracy with greater precision.

Q So it goes towards making more sure that the presentations to the court are accurate?
Absolutely. It's designed to discipline agents when they are drafting and reviewing affidavits to ensure that each of the facts contained in that affidavit are, in fact, accurate, because they must maintain that file of documents supporting that accuracy.

Q Are you aware of any, for lack of a better term, compliance audits that the FBI does on Woods files to make sure that agents that are submitting these applications are, in fact, maintaining an accurate Woods file?

A Yes. There is a sampling of FISA applications that are reviewed in the course of the field office oversight reviews that are conducted by Department of Justice and FBI OGC personnel.

Q And would it be fair to say the reason those audits occur were similar to the reasons that the Woods files began, to ensure accuracy to the court?

A That's among the reasons those oversight reviews are conducted. They are designed to assess and ensure appropriateness in the administration of FISA and other national security tools overall. The review of the Woods files and FISA applications for accuracy is just one piece of what's looked at.

Q Those teams that go out and do these audits, does anyone from the National Security Law Branch participate?

A Yes, I believe everybody participates. In fact, it
may be mandatory within our branch, or it was mandatory at
one time. Lawyers go to those field office reviews in order
to work with agents and analysts in talking to DOJ and in
reviewing the actions that they've taken.

Q And what would be an outcome of a Woods file audit?
What are the possible outcomes?

It's my understanding in a regular inspection at the
FBI, when a field office is inspected, at least under an old
way, you could get a rating of effective, effective but
inefficient, and maybe another variation.

What possible outcomes of rating or assessment to
determine your compliance with a Woods file would there be?

A I don't believe that would be the outcome. Rather,
if there were any compliance issues that were identified,
they would be handled either through, if it was appropriate,
a notice to the court or inclusion in one of our regular
reports that go to the court.

Q Are you familiar with any Woods file audits where
there were significant issues of noncompliance?

A I was not aware of any significant accuracy issues
during my time at the FBI and certainly no intentional
omissions or misstatements.

Q Had you ever heard of any issues prior to your time
at the FBI where there were -- my term -- a bad Woods file
audit that was reported up through the chain because it was
deemed to be so out of compliance?
A Just the pattern of incidents that I referred to earlier in my testimony that resulted in former Director Mueller, as I understand, having to testify before the FISA court or talk to the FISA court in some fashion.
Q And, if you heard, what was Mr. Mueller's response when he was made aware of noncompliance issues and he's the one that has to go before the court to talk about them?
A My understanding is that he committed to the court to address the problem and then that the series of reforms that we implemented, including the use of the Woods form, were the direct result of his engagement before the FISA court.
Q So would it be fair to say he, as the then-leader of the FBI, took compliance with the Woods file and compliance with accuracy in presentations to the FISA court seriously?
A Yes, he did; Director Comey did. All the people that I witnessed participate in the FISA process all did as well.
Q Okay.
Changing gears slightly, you mentioned earlier some of the people you did or didn't deal with at the Department based on your role. Did you know Bruce Ohr?
A I did.
Q And in what capacity did you know him?
A I knew him from my time in the DAG's office. I was aware that he was a longtime career individual in the Criminal Division with responsibility for organized crime. And I may have had a couple of meetings with him when I was in the DAG's office, but I did not have any interaction with him when I was at the FBI.
Q Okay. So your knowledge of Mr. Ohr was in a previous work capacity when you were at the Department.
A That's correct.
Q And you had no dealings with him in an official capacity while you were at the Bureau?
A Correct.
Q Did you ever socialize with him in a social capacity?
A No.
Q Did your branch get any information that ultimately came from Mr. Ohr that you're aware of that you were asked to review or assess or do anything with?
A Not contemporaneous with the investigation.
Q What would it be related to? Did you get it earlier or after the -- you said "contemporaneous." Did it relate to the investigation?
A At some point, I -- let me pause here. I'd like to consult with my FBI colleagues about classification.
Q  Sure.

[Discussion off the record.]

Ms. Anderson. Thank you for that opportunity to consult. I'm sorry, could you repeat your question just so I can be accurate?

BY MR. BAKER:

Q  In your capacity, did you receive any information that generated, again, with Mr. Ohr that you reviewed or looked at or analyzed, whatever?

A  Yeah, so at some point I received the 302s, the written summaries of the interviews that FBI personnel conducted with Mr. Ohr about his interactions with Christopher Steele. But it was not contemporaneous with the drafting of those 302s; it was much later.

Q  How much later? It's my understanding those 302s, some were in the vicinity of end of 2016 --

A  That's correct.

Q  -- early months of 2017.

A  So I received them in the course of the oversight process. So I believe the first time I reviewed them was probably after the House Permanent Select Committee on Intelligence produced its memo on the Carter Page FISAs. I believe there was a reference in that memo to statements that Mr. Steele made to Bruce Ohr that were documented in our 302s. And that was the first time I received those 302s and
reviewed them.

Q What were you asked to review them about? What were you looking for? You say it generated from something that occurred in HPSCI, the House Intelligence Committee?

A Correct. I had not previously been aware of the statements that were documented in those 302s about Mr. Ohr's perceptions of Chris Steele's motivations, and so I read those 302s for the first time in connection with that, the release of that memo.

Q And that was the extent of materials relating to Ohr that you reviewed?

A Yes, that's correct.

Q Did you ever review information about Christopher Steele from any source?

A I don't remember reviewing any other documents relating to Christopher Steele.

Q Were you in any discussions or were your attorneys in any discussions relating to information that Mr. Steele provided or about Mr. Steele?

A Yes.

Q And what were they?

A There were meetings with Mr. McCabe about the Russia investigation that involved discussions of the various reports that were generated by Chris Steele that we had received, both with respect to the content of the reports as
well as what we had learned about Christopher -- we, I'm sorry, the FBI investigative team had learned about facts that might bear on his credibility as a source.

Q  And what were those facts?  You had mentioned the contents.  More specifically, what were these discussions about?  But start with the credibility issues.

Mr. I'm sorry.  May we consult with the witness, please?

[Discussion off the record.]

Mr. Thank you for that opportunity.

Because these questions pertain to matters that are being looked at by the special counsel and its investigation, we will instruct the witness not to answer.

Mr. Baker.  Okay.

Rewind just a second before that question was asked. Was your role in the FISA process for the Russia investigation different than what your normal role is in a FISA matter?

Ms. Anderson.  No.

Mr. Baker.  Okay.

BY MR. BREBBIA:

Q  Can I follow up a little bit on those Ohr questions?

Prior to reviewing the -- I know you say contemporaneously, but prior to reviewing the 302s, were you
aware that Bruce Ohr was coming and meeting with people in
the FBI?
   A    I was not aware that he had met with FBI personnel
on multiple occasions. The only meeting of which I was aware
was I did have a general understanding that he had met with
Mr. McCabe on one brief occasion. But I was not aware of the
meetings that were documented in the 302s that I believe are
in the Reading Room.
   Q    And I'm curious, after reviewing the 302s, is it
regular practice for FBI to fill out 302s after speaking with
a Department of Justice attorney?
   A    No, but my understanding of why the 302s was
generated here was that they were speaking with a Justice
Department attorney about his interactions with an individual
who had been a source for the FBI.
   Q    So would you agree they were speaking with Bruce
Ohr in his capacity as a fact witness, not as a Department of
Justice attorney?
   A    I believe that's the way they would've looked at
it, yes. In other words, 302s are used for
evidence-collecting purposes and not to memorialize general
conversations that occur between DOJ attorneys and FBI
personnel. And so it's in that vein that I presume the 302s
were generated.
   Q    Did you ever meet with Bruce Ohr yourself?
A  Not in my capacity at the FBI.
Q  The committee has learned that, after Christopher Steele was terminated as a confidential source, Mr. Steele continued to meet with DOJ Attorney Bruce Ohr. Bruce Ohr would then meet with the FBI and relay those findings.

Given your position with the FBI, do you have any thoughts on continuing to meet with a terminated confidential human source?
A  I'm sorry. So you're asserting that the FBI continued to meet with Christopher Steele?
Q  Continued to meet with Bruce Ohr to receive information from Christopher Steele after Christopher Steele had been terminated as a confidential human source. Do you have any views on that practice?
A  Well, I'd be hesitant to provide views on I think what you're asserting was happening, because my understanding based on my reading of the 302s -- and, obviously, I don't have those in front of me. But my recollection of the 302s was that they reported on conversations or impressions that Bruce Ohr had of Christopher Steele, not -- in other words, they didn't reflect ongoing tasking, if you will, or anything like that by Bruce Ohr of Christopher Steele. But the information related more generally -- the information that was reported in those 302s related more generally to Bruce Ohr's impression of Chris Steele's credibility and his
A Not in my capacity at the FBI.

Q The committee has learned that, after Christopher Steele was terminated as a confidential source, Mr. Steele continued to meet with DOJ Attorney Bruce Ohr. Bruce Ohr would then meet with the FBI and relay those findings.

Given your position with the FBI, do you have any thoughts on continuing to meet with a terminated confidential human source?

A I'm sorry. So you're asserting that the FBI continued to meet with Christopher Steele?

Q Continued to meet with Bruce Ohr to receive information from Christopher Steele after Christopher Steele had been terminated as a confidential human source. Do you have any views on that practice?

A Well, I'd be hesitant to provide views on I think what you're asserting was happening, because my understanding based on my reading of the 302s -- and, obviously, I don't have those in front of me. But my recollection of the 302s was that they reported on conversations or impressions that Bruce Ohr had of Christopher Steele, not -- in other words, they didn't reflect ongoing tasking, if you will, or anything like that by Bruce Ohr of Christopher Steele. But the information related more generally -- the information that was reported in those 302s related more generally to Bruce Ohr's impression of Chris Steele's credibility and his
motivations.

Q Thank you.

Mr. Baker. Did you ever have occasion to meet or otherwise work with an individual named [redacted]?

Ms. Anderson. No.

BY MR. BREITENBACH:

Q You had mentioned earlier that all FISAs have to be signed off, have an approver at an SES level. In OGC? Or is that anywhere inside the FBI?

A In NSLB, in my particular branch.

Q In NSLB?

A Yeah. Uh-huh.

Q Okay. Who was that SES approver for the Carter Page FISA?

A My best recollection is that I was for the initiation.

Q Can you explain some of the process that you engaged in in reviewing the FISA prior to you approving it to go on to, I presume, the Director?

A Correct. My approval at that point was more administrative in nature -- in other words, filling the signature line. But all necessary approvals, including up through and including the leadership of the FBI and the leadership of the Department, by the time I put that signature on the cover page had already been obtained.
Q And what do you believe you are approving at that moment? You mentioned it's an administrative approval. What does that mean? Versus a substantive approval?

A Well, in this particular case, because there were very high-level discussions that occurred about the FISA, what I'm saying is the FISA essentially had already been well-vetted all the way up through at least the Deputy Director level on our side and through the DAG on the DOJ side. And so my approval at that point was really purely administrative in nature. In other words, the substantive issues -- the FISA had already substantively been approved by people much higher than me in the chain of command.

But, typically, the review by an SESer within FBI OGC, it happens on a very short timeframe. In other words, those SESers often will get a stack of FISAs that are -- it could be 10, could be 15, could be 5 -- you know, perhaps, the morning they're obligated to go to the Director or the night before. There's not a lot of opportunity for substantive review.

But it is sort of a backstop, if you will, a check to ensure that we agree that there's probable cause, that all of the essential elements of the application are met, that the Woods form is completed, that the source checks, the asset checks have been done, that the affidavit -- the verification page has been signed by the agent with authority to sign it,
those types of issues.

There were circumstances where I might look more substantively at something based on what I saw in a cover note summary of the FISA, but that was fairly rare. At that point in the process, the FISA had already been very well-vetted both on the FBI and the DOJ side. And so the function of that SES signature was really to ensure sort of a last check in the process to ensure that all necessary elements of the FISA package were present and that it met the basic requirements of probable cause.

Q Does that mean you read the FISA --

A No.

Q -- application?

A No. Unless there were an issue that was identified by the cover note. So there typically would be a cover note that would summarize the FISA. That cover note is generated by DOJ. And because of the time pressures involved and the sort of very-last-stop-in-the-process nature of the review, the SES review, that's done, I wouldn't read a FISA unless there were some sort of issue that was identified based on the cover note.

Q You are, though, reviewing for the sufficiency of probable cause --

A After many people have reviewed that assessment. And so, as I mentioned, this was essentially a backstop to
all of the other processes and the rigor that had been
applied by DOJ attorneys and by FBI investigative and legal
personnel.

Q Okay. So you did not read the FISA, but you
would've been familiar then with at least part of the FISA
with regard to the legal predication for probable cause in
the FISA in order to be able to sign it?

A I would be familiar based on the cover note, yes.

Q On the cover note. Okay. So --

A In the case of the Carter Page FISA, I was
generally familiar with the facts of the application --

Q Okay.

A -- before I signed that cover note.

Q Okay. So were you ever concerned that, in signing
an application, any FISA application, approving it, that your
administrative approval could be considered a substantive
approval for the application itself, including the
substantive facts, the probable cause determination, the
predication, the -- whatever sources may have been used?

I'm having a little trouble with understanding an
administrative approval versus a substantive approval. Is
the Director making a substantive approval following your
administrative approval?

A So, yes, I would characterize the approval of the
Director as being substantive in nature. I'm using
"administrative" in this context to indicate here, as I described, that there were individuals, all the way up to the Deputy Director and the Deputy Attorney General on the DOJ side, who had essentially given their approval to the FISA before it got to that step in the process.

That part of it was unusual, and so I didn't consider my review at that point in the process to be substantive in nature. In other words, there were smart lawyers, high-level people on both sides of the street who had reviewed and signed off on the application, the details of the application. And so I was simply signaling, yes, this package is ready to go forward.

Q So, in signaling that, in terms of a probable cause determination, can you just explain, in terms of going up on a FISA on Carter Page, what are the elements that would be necessary in order to do so?

A I don't have the FISA statute in front of me here, but, essentially, Carter Page -- there would need to be probable cause that he was an agent of a foreign power and that he was about to use or using the facilities that were identified in the package. Those are the essential elements required by the statute.

And I don't recall offhand the particular prong of that agent-of-a-foreign-power requirement under which we pled Carter Page, but I believe that is reflected in the Carter
Page applications that were released through the FOIA process and to which you all have access through the Reading Room.

Q And because he is a U.S. person, is there any additional aspect that is required if you're going up on a FISA on a U.S. person?

A Not that I recall, but it does affect the frequency of the renewals that are required.

Q Okay. So, because you are signing off and approving the FISA, is it incumbent upon an approver to understand the legal parameters, or is it necessary only to have a management decision that particular processes have been followed? In other words, you, as an approver, are you looking to see whether particular processes have been followed or whether there is legal sufficiency for obtaining the FISA?

A I would say, in the regular case, I would say my review includes both. However, with respect to the first judgment about legal sufficiency, it would be with a great degree of deference to the many lawyers who have reviewed that application before me -- in other words, to the various layers of review both on the FBI and on the DOJ side that preceded me.

In this particular case, I'm drawing a distinction because my boss and my boss' boss had already reviewed and approved this application. And, in fact, the Deputy Attorney
General, who had the authority to sign the application, to be
the substantive approver on the FISA application itself, had
approved the application. And that typically would not have
been the case before I did that. Before, I would usually
sign the cover note on the FISA application.

So this one was handled a little bit differently in that
sense, in that it received very high-level review and
approvals -- informal, oral approvals -- before it ever came
to me for signature. And so, in this particular case, I
wouldn't view it as my role to second-guess that substantive
approval that had already been given by the Deputy Director
and by the Deputy Attorney General in this particular
instance.

Q Would it make sense if you were to hear that, when
dealing with a U.S. person, in addition to showing probable
cause that that person is an agent of a foreign power or a
foreign power, that that U.S. person also would need to be
engaged or have engaged in criminal activity?

A I don't remember the -- there are five prongs of
FISA under which individuals can be pled as agents of a
foreign power, and, sitting here today, I can't tell you
precisely what I remember about the statute.

I mean, I believe that the way we pled Carter Page did
involve -- was under the aiding-and-abetting prong that does
involve a reference to probable cause that he aided and
abetted -- and I can't remember the precise statutory formulation, but activity that does involve criminal activity.

Q Okay.

Changing subjects here, were you ever aware whether Hillary Clinton's campaign or Mrs. Clinton herself was ever directly targeted by a foreign power?

A I don't think I can answer that question in this setting.

Mr. [redacted] May we consult before the witness responds?

Ms. Anderson. Well, I'll tell you, based on my knowledge at the FBI, I don't believe I can answer that question in this setting.

BY MR. BREITENBACH:

Q Were you ever aware whether any of Secretary Clinton's emails were accessed by a foreign party?

A I was not aware of any evidence that her emails were accessed by a foreign power.

Q If you had been made aware that any of her emails had been accessed by a foreign power or foreign party, would that have in any way colored your own interpretation of the facts and the law as you eventually acceded to with regard to the FBI's overall decision?

A So I don't know the answer to that question. It
might have affected the extent to which we conducted a damage assessment of the information that had been compromised, for example, by a foreign power. So it might've affected the process and the steps that we took. But I'm not sure that it would've affected our substantive assessment of the evidence in the case as it applied to the criminal statutes in question.

Q Have you seen any recent stories indicating -- there was a recent story, I should say, indicating that the Chinese had potentially received ongoing access to Secretary Clinton's emails. Did you have any knowledge as to that particular accusation or allegation?

A No.

Q It has also been publicly speculated that Mr. McCabe had memos that he memorialized. Are you aware whether that is the case?

A Yes.

Q Have you read those memos?

A Yes.

Q What is the general subject -- or is there a general subject for those particular memos?

Mr. Breitenbach. May we consult with the witness before she responds?

Mr. Breitenbach. Yes.

[Discussion off the record.]
Mr. Because that question would require addressing matters that are within the purview of the special counsel investigation, we will instruct the witness not to answer.

BY MR. BREITENBACH:
Q Well, without getting into the substance of the memos, were you aware contemporaneously that Mr. McCabe was keeping particular memos?
A No, I was not.
Q At what point did you become aware of the memos?
A I believe I first learned about them at some point when I was Acting General Counsel, which would have been in January of 2018.
Q And are you aware of other individuals who also were aware of the memos? And who were they?
A I understand Lisa Page was aware of the memos. Obviously, Andy McCabe. I understand the Special Counsel's Office has access to those memos now. And I believe Mr. Priestap may also have been aware of them.
Q And are you aware of the number of memos?
Mr. We're going to give the same instruction to the witness for that question.
I'm sorry. Did you ask if she's aware?
You may answer --
Mr. Breitenbach. Is she aware of the number of memos.
Ms. Anderson. I don't recall.

Mr. Breitenbach. You don't recall.

Ms. Anderson. No.

Mr. Baker. You became aware of them based on your capacity as the Acting General Counsel?

Ms. Anderson. I believe that's correct.

BY MR. BREITENBACH:

Q Do you know why you were made aware of the memos?

A I recall having a discussion with Andy McCabe about them sometime during that month, but I don't recall the reason for that discussion.

Q Did he seek your guidance?

A I don't recall the nature of the discussion that we had.

Q Do you recall the situation in which you and Mr. McCabe had a discussion regarding the memos?

A No. It was in his office.

Q Okay.

One more change of subject. You previously indicated in the prior round that you were shocked by the firing of Director Comey. More recently, what were your thoughts with regard to the firing of Mr. Strzok?

A I thought it was very sad, everything that's happened with respect to Pete. He was an excellent agent. He was one of the smartest people I've worked with. He was a
great colleague. And I know he had dedicated his life to the
FBI and to public service more generally.

And so I think it's tragic what's happened with respect
to him and the publicity that he has attracted; the fact that
his family, obviously, is going through some difficulty with
respect to all of this; and now that, obviously, there's a
professional aspect of this for him as well. So, from a
human perspective, it's very sad.

Q Did his actions that resulted in his firing, in
your opinion, harm the Bureau's reputation?

A Yes. The revelation of the text messages obviously
was damaging to the reputation of the FBI. None of us were
aware, I was not aware, those that I worked with were not
aware of the text messages at the time they were being sent.
As I mentioned before in my testimony, we were not aware of
the affair. It was deeply disappointing to the team that two
colleagues that we had worked so closely with on this
investigation that was so important to the Bureau and so
sensitive, that they had engaged in these text messages.

BY MR. BAKER:

Q It was widely reported that the reason for
Mr. McCabe's termination, I believe, was lack of candor. Do
you know what Mr. Strzok was actually terminated for, what
your understanding, what your belief was?

A I don't know. It's postdated my time at the FBI.
Q Okay.
You had mentioned a little while ago, as part of the FISA process, something you referred to as a source check and an asset check was done, or would be done. What are those?
A One and the same. So it's an asset check. There are a set of queries that are run of databases in order to assess whether or not the FISA target is or has been a source for the FBI. It's not disqualifying for the FBI to surveil a source or former source, but it's something that we need to know in putting together the FISA package. And so those asset checks or source checks are run.
Q And I'm assuming there was no issue with it, because it kept moving along?
A You mean for the Carter Page FISA?
Q Yes.
A Correct.
Q Okay.
I'm curious, in the discussions you were having with my colleague Mr. Breitenbach, who is the last person in this FISA process that actually reads the whole package rather than just an administrative part of it? Does the Director actually read the whole thing before he signs off on it?
A No, I would not presume so. The Director might on any particular day receive a stack of as many as 15, 17, 20 FISAs. That's sort of the outer range of how many the
Director could receive. And they're very thick. It's not unusual for the Director to receive a stack this tall. I'm indicating about a foot and a half between my hands here, for the benefit of the reporter. And so that, obviously, is not commensurate with the 20 minutes the Director has in his schedule for review and approval of the FISAs.

And so he does rely heavily on the process, on the rigor of the process, both on the FBI side and on the DOJ side, as well as on the cover note that is generated by a DOJ lawyer who has read and been involved in the drafting of that FISA application. And so, yes, the Director or Deputy Director, if he signs the FISA, you know, relies on others.

I don't know precisely who is sort of the highest-level person who does, you know, review and read every FISA application. I know many of them are reviewed and read by Stuart Evans, who is the Deputy Assistant Attorney General who oversees the FISA process on the DOJ side. And there are many attorneys who report to him, but I'm not quite sure within that chain of command who, to a certainty, would have read every single FISA application that goes through.

Q At the FBI, do you know who that would be? Obviously, someone below you. Like, if it's coming from the field, would the Chief Division Counsel be someone that would read it? The supervisor of the agent that's submitting it? I'm just curious, where down in the chain does the final
thing last get read?

A Well, more importantly is on the DOJ side, obviously. They're the drafters, and there are counsel who submit the application to the FISA court and ultimately have responsibility for the application. I know, you know, our line attorneys obviously read the FISA applications. Occasionally, unit chiefs will read them as well.

I will read FISA applications if they're flagged for me as raising novel or controversial issues. As I mentioned, if there's something that I see in my review of the cover note on that morning, the morning immediately before it goes to the Director, I'll flip to the relevant portions of the application or even read the whole thing in its entirety. But, typically, that would not be the case.

Q And you said just a minute ago -- I thought you said that the Director has 20 minutes set aside to review all the FISAs?

A Approximately, yes.

Q That's a real number?

A It's not set in stone, and so we do have a process in place by which the Deputy Director or Director often will get a heads-up about the number -- there's an email that goes out every evening that indicates the number of FISAs that are ready for the Director's signature by the next morning.

And it is important, in most cases, that those FISAs, as
long as the Director is comfortable with them, do get signed in a timely fashion, because on the other side of the street we've got either the Attorney General or the Deputy Attorney General or the AAG for the National Security Division lined up at a particular time to sign the FISA. And the FISA court already has a read copy of the application and it's been docketed for that week, and so we'd have to pull it off the docket if it were not to go forward. And so it is fairly important that those FISAs that are presented to the Director get signed on that particular day.

Q Would it also be true that if it sat at any one particular place too long -- because it sounds like there's a lot of stops that this package makes -- if it sits too long at any one location, the information in it gets stale and has to be --

A That's correct. That's correct.

Q It'd be just like on the criminal side of the house. If you're doing a Title 3 application, if you sit too long at any one stage, you've got to go back and refresh the probable cause?

A That's correct.

Q You had also indicated that this one was different in that it came -- when it hit your desk, some of the top-level executives, specifically the Deputy Attorney General and maybe I think you said the Director, had already
signed off on it or had already reviewed it --
A That's correct.
Q -- and that was not the normal course.
A That's correct.
Q Why was this one different?
A The sensitivity level of this particular FISA resulted in lots of very high-level attention both within the FBI and DOJ.

The General Counsel, for example, who is the former head of what was known at the time as OIPR, the office within the Department of Justice that has responsibility for all of the FISA applications -- he's the former head of that office -- he personally reviewed and made edits to the FISA, for example.

The Deputy Director was involved in reviewing the FISA line by line. The Deputy Attorney General over on the DOJ side of the street was similarly involved, as I understood, reviewing the FISA application line by line.

Q And when he was still on the rolls at the FBI, Mr. Baker as the General Counsel was also in this process? He would --
A That's the individual to whom I was referring a moment ago.
Q Okay.
A Jim was the former head --
Q The former -- okay.
A OIPR.
Q Okay.
A And so he was extremely familiar with the FISA process. He's one of -- I would say, one of the government's -- well, no longer with the government -- one of the Nation's leading experts on FISA. And his experience with that office led him to be one of the best people you could possibly consult about what was contained within the FISA application.

And so he read it. The Deputy Director read it, as I understood. The Deputy Attorney General read it.

Q So I would assume when James Baker was at his desk and a FISA's passing through him, based on his experience in OIPR, people above him that are doing these administrative sign-offs or whatever, if Jim Baker's looked at it, I'm assuming there's a lot of confidence by the people above him because he does have such an expertise in FISAs. Is that correct?

A I would not say that this was a circumstance where there was any deference given to Jim Baker. In other words, when Andy McCabe looked at it, certainly when Sally Yates looked at it, I don't believe they were simply relying on the judgment of Jim Baker having reviewed the application. My understanding and my impression at the time was that they
very much gave it their own de novo independent review and
that, you know, it was very carefully reviewed by those
individuals.

Q Would it be fair to say having James Baker as the
General Counsel brought with it an expertise in this
particular area of the law, based on his --

A It did, but I'm not even sure those officials were
aware that Jim Baker had personally reviewed the FISA
application.

Q Okay.

And you had indicated that -- when I asked why this was
different, you said because of the sensitivity. Why, in your
opinion, was this sensitive?

A We understood, because of who Carter Page was, that
people would second-guess the appropriateness of submitting
the FISA application, and so we were taking extra care with
the application itself.

Q Okay. That's all I have.

BY MR. BREITENBACH:

Q You indicated that you do personally read
controversial FISAs, and you've indicated that there's all
these sensitivities with this particular one, but you chose
not to read this FISA --

A I'm sorry, that's not correct. I did read this
FISA.
Q  You did read this FISA?
A  Not on the morning when I signed the application, no, I did not --
Q  Okay.
A  -- but I read it at an earlier point in the process.
Q  Okay. Thank you.
A  In terms of renewals, do renewals also require a similar sign-off by an SESer?

Q  And with this particular FISA, were you also the official that was signing off on the renewals?
A  I don't recall.
Q  You previously indicated in a prior round that there, to your knowledge, was never a spy that was placed on the Trump campaign or anywhere in the Trump orbit. What's your definition of a spy?
A  Right, so for two reasons.

Let me make it easier. Does a spy, in your mind, include a human confidential source?
A  No.
Q  Does a spy include an undercover FBI employee?
A  I don't know.
Q  So by saying that you -- I mean, you answered "no" to the question was there ever a spy placed --
A  Right, so for two reasons.
Q    Sure.
A    First, the word "spy" did not seem commensurate with what I understood had been done in this particular case. And the other thing was the verb, the use of the verb "place" a spy or "place" a source within a campaign. To my knowledge, the FBI did not place anybody within a campaign but, rather, relied upon its network of sources, some of whom already had campaign contacts, including the source that has been discussed in the media at some length beyond Christopher Steele.
[4:04 p.m.]

BY MR. BREITENBACH:

Q   If I could circle back, we had talked before about the 302s being filled out with Bruce Ohr. Was Sally Yates made aware that one of the attorneys at the Department of Justice was being interviewed by the FBI in this matter, in the matter he was being interviewed about?

A   I don't know. I've seen reporting to the effect that she was not aware, but I don't know.

Mr. Herrington. But do you have any --

Ms. Anderson. No, I do not have any personal knowledge.

Mr. Herrington. -- on the job knowledge --


BY MR. BREITENBACH:

Q   Did you participate in any discussions about whether or not she should be made aware?

A   No.

Q   Were there any discussions in the General Counsel's Office about speaking to Bruce Ohr to receive information from a confidential source?

A   No. But remember, I also testified that earlier that I had no awareness of the meetings that were taking place between FBI personnel and Bruce Ohr except for that one meeting that I understood occurred, that I understood was a very high-level meeting between Bruce Ohr and Andy McCabe.
Q Okay. So, to be clear, other than that one meeting with McCabe, you were unaware of any additional meetings between Bruce Ohr and anyone at the FBI.

A That's correct, until some of the information from those meetings was referenced in the HPSCI majority memo that was released in late winter 2018.

Q Okay. Thanks.

A Yep.

BY MR. BREBBIA:

Q One final question. Former General Counsel Andrew Weisman of the FBI, now on the special counsel team, do you know whether he had any involvement or any awareness of either the Midyear Exam or the Russia investigation, including the Carter Page FISA?

A I'm sorry. Say that again. I missed the last part of your question.

Q Are you aware whether he had any knowledge of either the Midyear Exam or the Carter Page FISA and the Russia investigation generally?

A Before the special counsel office was stood up or --

Q Yes.

A No, I don't know.

Q You don't know. Okay. Thank you.

Mr. Baker. It's been a long day. We've asked you a lot
of questions, and I indicated earlier the process lends itself to duplicity. You have been very gracious in answering and reanswering things.

Is there anything you would like to tell us? Well, no, let me rephrase that -- anything you would like to say about -- I mean, are you of the opinion that in both cases, the Russia case and Midyear, that everything was done that would normally be done in those cases? Other than the way things are handled in sensitive circumstances, which you've alluded to, was everything done that could be done or should be done?

Ms. Anderson. Yes. Both cases were handled, in my opinion, in a professional, by-the-book, competent, and thorough way.

Mr. Baker. Anything else you'd like to add for the record?

Ms. Anderson. No.

Mr. [Blank] Before we -- I believe it appears you may be about to adjourn. May we consult with the witness for just, I think, a very quick moment?

Mr. Baker. The minority is going to --

Mr. [Blank] Okay. Well, we can do it during a break then, I think. Thank you.

[Recess.]

Ms. Kim. We'll go back on the record. It is 4:08 p.m.
BY MS. KIM:

Q Ms. Anderson, in the last round, the majority asked you if Mr. Bruce Ohr was a fact witness for the Russia collusion case. I'd like to revisit that representation.
A Okay.
Q As far as we understand, Mr. Ohr's role was -- sorry. Strike that, please.
As far as you understand, was Mr. Ohr ever specifically tasked by the FBI with contacting Christopher Steele?
A No.
And if I could clarify, I don't believe myself to have accepted a premise that he was a fact witness. I think what my testimony related to was the purpose for which a 302 is documented, and it's typically to record evidence or potential evidence. And so I wouldn't consider somebody to have been a fact witness simply because a conversation they've had with the FBI has been documented in a 302.
Q So you understood his role as providing information to the FBI but not necessarily in the capacity of a fact witness.
A Correct. I think that might be a little strong or inaccurate here.
Q Excellent.
Are you aware of Mr. Ohr having any official responsibility in the Russia collusion probe?
A No.

Q Are you aware of Mr. Ohr making any investigative decisions --

A No.

Q -- in the Russia conclusion probe?

After the FBI terminated Mr. Steele as a source in November of 2016, did the FBI task Mr. Ohr with the responsibility of continuing to meet with Mr. Steele to obtain information?

A Not to my knowledge.

Q So, to your knowledge, when Mr. Ohr continued to convey information to the FBI, that was Mr. Ohr voluntarily providing information to the FBI that he was receiving from Mr. Steele.

A Correct. And, you know, some of what's in the 302s, at least to the best of my recollection sitting here today, was that information that Bruce Ohr was providing to the FBI reflected prior information he had obtained from Mr. Steele. I don't know whether or not Mr. Ohr continued meeting with Christopher Steele after the source relationship was terminated.

Q Excellent.

Ms. Kim. I think that will conclude our questioning for the day. The time is 4:10.

[Whereupon, at 4:10 p.m., the interview was concluded.]