

INTERVIEW OF:



**OSC ATTORNEY:
Erica Hamrick
Ana Galindo-Marrone**

RE: OSC HA-17-0515

**DATE OF INTERVIEW:
Monday May 1, 2017**



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

PROCEEDINGS

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

3 **This is an interview of [REDACTED] in the investigation of OSC**
4 **complaint # HA-17-0515. I'm Erica Hamrick an attorney at the U.S.**
5 **Office of Special Counsel. Also present with me today here is OSC**
6 **attorney Ana Galindo-Marrone. As I said before we went on the**
7 **record, OSC is investigating allegations that FBI Director James**
8 **Comey violated the Hatch Act when he made public**
9 **announcements concerning the FBI's investigation into former**
10 **Secretary Hillary Clinton's use of a personal email server. [REDACTED]**

11 **[REDACTED] has been identified as a witness in this investigation. [REDACTED]**

12 **[REDACTED] do you have any questions at this time?**

13 **[REDACTED]: I do not but as I mentioned before we went on the record.**

14 **My ability to refresh my recollection has been somewhat limited. I**
15 **have not been able to access any documents from the relevant time**
16 **period other than those that have been identified to me and so all of**
17 **my answers will be to the best of my recollection as it stands today.**

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

19 **[REDACTED]: That is correct.**

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

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

4 [REDACTED]: I do.

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

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

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

13 [REDACTED]: Yes, I did I spoke with [REDACTED] and [REDACTED] [REDACTED]

14 00:46:39.

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

16 [REDACTED]: [REDACTED]

17 [REDACTED]

18 [REDACTED]

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

20 [REDACTED]: That's in general terms what we talked about.

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

2 [REDACTED]: No, I did not.

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

5 [REDACTED]: I'm [REDACTED]. I oversee the

6 [REDACTED] of the [REDACTED]

7 [REDACTED].

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

9 [REDACTED]: Since June of 2014. I'm sorry, 2015.

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

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

14 Hamrick: Is that non-career?

15 [REDACTED]: No, it's career.

16 Hamrick: Career SES ok.

17 [REDACTED]: Yes, mm-hmm.

18 Hamrick: Are you a supervisor?

19 [REDACTED]: Yes I am.

20 Hamrick: How many people do you supervise?

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[REDACTED]: [REDACTED]

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Hamrick: Are they all within your branch?

[REDACTED]: Yes, so it's [REDACTED] to be precise and that includes both attorneys and support staff.

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

[REDACTED]: Both providing legal advice to FBI executives but also managing and supervising my branch, which provides legal advice to, principally to the counter-terrorism division of the FBI, the counter-intelligence division and the cyber division are the three main components that we advise.

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

[REDACTED]: Yes, I did at a supervisory level.

Hamrick: What was your role in the supervisory level?

[REDACTED]: I supervised principally an attorney who was the day-to-day legal support to the investigation. And that included sort of weighing in on and advising on significant investigative questions that arose.

1 Hamrick: Who was the

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

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

8 [REDACTED] name is [REDACTED] [REDACTED]

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

11 [REDACTED]: Yes I did.

12 Hamrick: How often?

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

20 Hamrick: So we understand with respect to the investigation

1 there was a team called the [REDACTED]. Were you

2 [REDACTED]: [REDACTED].

3 Hamrick: [REDACTED]. Were you part of the [REDACTED]

4 [REDACTED]?

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

8 Hamrick: Do you know the names of the individuals who were
9 on that [REDACTED]?

10 [REDACTED]: I do not know all their names, I can tell you the people,
11 the two officials from the [REDACTED] division who principally
12 supervised the team and managed the team. And that is [REDACTED].
13 His last name is [REDACTED]. And [REDACTED]. [REDACTED].

14 Hamrick: They were in supervisory roles?

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

17 Hamrick: Ok, what about an individual named, is it [REDACTED]?

18 [REDACTED]: That is right. [REDACTED] is the head of the [REDACTED]
19 division and [REDACTED] and [REDACTED] both report to him. I wouldn't consider him
20 to have been a part of the investigative team because he again is

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

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

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

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

12 [REDACTED]: That is correct.

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

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

16 Hamrick: Ok. And at some point did you become aware that
17 the individuals working on this [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]: [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

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

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

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

12 [REDACTED]: So I would say, so at the executive level you know the
13 precise contours of the group did change a little bit over time but
14 um, I mean I'm sort of referring to the group that met most regularly
15 with the Director which would include um, [REDACTED]

16 [REDACTED], which at the time was [REDACTED].

17 Sometimes it would also include the [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

1 [REDACTED]

2 [REDACTED]

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

5 [REDACTED]: **Yes.**

6 **Hamrick: And his Chief of Staff?**

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

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

14 [REDACTED]: **Well, I mean maybe obvious is probably not the word I**
15 **should have used** [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

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[REDACTED]

[REDACTED]

Galindo-Marrone: I have two quick questions. The first is when you were identifying those individuals at the executive level that met more regularly to discuss the investigation after [REDACTED] you mentioned someone by the name of [REDACTED], I missed the last name.

[REDACTED] [REDACTED]

Galindo-Marrone: [REDACTED] and who is he again?

[REDACTED]

[REDACTED]

Galindo-Marrone: My other question; I understand what you are saying that [REDACTED]

[REDACTED]

and for short I'm just going to call it the Clinton personal server investigation if you don't mind, but [REDACTED]

[REDACTED] because you all were being briefed regularly and you could see where this was going. Is that the typical process, like in an investigation of this type. Meaning do you all have a formal process where the investigative team would write a memo recommending what the disposition of a case is or is it less formal

1 and its just regular briefings until a recommendation emerges?

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

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

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

15 [REDACTED] So I'm probably not the, I'm not the best source of
16 authority on that given that I'm not involved in the day-to-day work
17 of most investigations. I, I'm sure, I don't want to guess but I am
18 speculating a little bit here to say that [REDACTED]

19 [REDACTED]

20 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 **Galindo-Marrone:** [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED]

10 **Galindo-Marrone:** Ok.

11 **Hamrick:** So moving along to the first public statement on the
12 case or Director Comey's first statement the July 5, 2016 statement.

13 **When did you first learn that Director Comey was planning to make**
14 **some kind of public statement about the outcome of the Clinton**
15 **email investigation?**

16 [REDACTED]: The idea, I'm not entirely sure exactly when the idea of
17 the public statement um first emerged. Um it was, I just, I can't put a
18 precise timeframe on it um but [REDACTED]

19 [REDACTED]

20 [REDACTED] **And then I**

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

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

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

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

15 [REDACTED]: [REDACTED] gave me a hard copy of it.

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

17 [REDACTED]: [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

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

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

6 Hamrick: So after [REDACTED] asked you to take a look at it and
7 you know [REDACTED]

8 [REDACTED] did you then meet with [REDACTED] about your
9 thoughts?

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

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

14 [REDACTED]: No, not on that draft.

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

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

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

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

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

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

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

1 Hamrick: What is typical?

2 [REDACTED]: But it is like I said, what was already somewhat unusual
3 was the fact that the investigation had been publicly confirmed and
4 so we were from that standpoint it was already somewhat unusual.
5 The subject herself I believe had confirmed it and so you know one
6 of the considerations why we don't speak publicly about our
7 investigations is out of fairness to the subject particularly in a case
8 where there is no indictment or prosecution but here was a case
9 where everybody knew that the FBI was investigating the former
10 Secretary herself had talked publicly about the fact that we were
11 investigating, the DOJ had confirmed that we were investigating
12 early into it and then ultimately the FBI, the Director did confirm it as
13 well so it was just already an unusual posture and were we to close
14 the investigation without a prosecution without explaining our
15 reasons [REDACTED]

16 [REDACTED]
17 [REDACTED] and he talked at great
18 length in many different forums about the importance of the
19 credibility of the FBI given our role in prosecutions and how it is an
20 important almost it's a resource you can't rebuild your credibility

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

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

8 [REDACTED]: Well again, I can't you know there isn't a single as I
9 mentioned before in one of my answer there isn't a model or single
10 process that every investigation follows but often what happens, you
11 know [REDACTED]

12 [REDACTED]
13 [REDACTED]
14 [REDACTED] Often no public announcement
15 will be made in a context in which nobody you know where there is
16 no public confirmation or disclosure of the investigation in the first
17 place then obviously, if the result is the opposite if there is
18 prosecution, you know an indictment or complaint will proceed.

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

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

2 [REDACTED]: Yeah, so in that timeframe there were frequent meetings
3 with the Director. I don't know precisely how frequent. Perhaps in
4 some instances occurring on a weekly basis and those meetings
5 would typically proceed in sort of two parts. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]: And then it was sort of in that timeframe,
11 maybe June. I'm not really quite sure that there were more drafts that
12 were circulated you know by email.

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

16 [REDACTED]: That's right and the focus typically [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

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

1 public statement?

2 [REDACTED]: I'm sure I did.

3 Hamrick: And what was that?

4 [REDACTED]: Um, it would be hard to sum up and I'm not sure I could
5 remember every single comment that I made about the public
6 statement. Um, [REDACTED]

7 [REDACTED]

8 [REDACTED].

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

11 [REDACTED]: Um, I don't remember precisely [REDACTED]

12 [REDACTED] It certainly wasn't um; it certainly wasn't the
13 only conclusion that somebody could reach. I don't remember there
14 being any strongly held views against doing the statement, that
15 particular statement. But as for you know people expressing
16 dissenting views at various points along the way um there might
17 have been I'm not really quite sure.

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

20 [REDACTED]: I was not, there were a couple of issues that we did

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

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Hamrick: What memo was that?

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

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

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

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

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

6 [REDACTED] I'm not aware of any memo. On the DOJ memo.

7 Hamrick: Do you have a question?

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

12 [REDACTED] That's right.

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

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

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

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

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

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

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

1 course of our many discussions about it.

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

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

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

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

13 Hamrick: Was anyone in favor of doing that?

14 [REDACTED]: Um, I don't remember.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 Hamrick: Ana, do you have some questions?

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

1 former Attorney General Lynch's impartiality or not. So there is the
2 plane incident, which as you said was publicized, [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]?

7 [REDACTED] : [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED].

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

15 [REDACTED] : [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Galindo-Marrone: So outside of the plane incident and this, this

19 um [REDACTED]

20 [REDACTED] was there any other

1 issue that may have raised concerns for the FBI and in particular
2 Director Comey about then Attorney General Lynch?

3 [REDACTED] Um, let me just add to what you included in your question
4 which was as I mentioned you know DOJ is managed at the top by
5 way more political appointees than the FBI so just by virtue of its
6 structure and composition um you know um that we are viewed as
7 more independent which you know I think appropriately viewed as
8 more independent than the Department of Justice um there wasn't
9 anything that gave us substantive concerns or at least gave me
10 substantive concerns about her impartiality but there was something
11 that we um and I'm not going to be able to talk about this very

12 extensively on an [REDACTED] [REDACTED]

b7E

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Galindo-Marrone: [REDACTED]

6 [REDACTED]?

7 [REDACTED]: [REDACTED].

8 Galindo-Marrone: [REDACTED]

9 [REDACTED]

10 Anderson: Correct.

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

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

13 [REDACTED]: If we could, I'd appreciate the opportunity for a two-
14 minute break.

15 Hamrick: Absolutely I'm going to stop the recorder right now. Its
16 2:25 p.m.

17 Hamrick: The recorder is back on 2:27pm. We are going to shift
18 to October 2016, that timeframe and at some point in October you
19 learned that there had been [REDACTED]

20 [REDACTED]?

1 [REDACTED]: That is correct.

2 Hamrick: When did you learn of [REDACTED]?

3 [REDACTED]: [REDACTED], I don't remember the precise
4 date.

5 Hamrick: How did you learn about it?

6 [REDACTED]: Um, my employee [REDACTED] told me. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Hamrick: [REDACTED]

10 [REDACTED]

11 [REDACTED]?

12 [REDACTED]: [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

1 Hamrick: [REDACTED]

2 [REDACTED]?

3 [REDACTED]: Um, so um, I'm not going to remember the precise details
4 exactly but um and we obviously this is all subject to the non-
5 disclosure agreement [REDACTED]

6 [REDACTED].

7 Hamrick: Of course..

8 [REDACTED]: [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED].

15 Hamrick: Why was that significant?

16 [REDACTED]: [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 **Hamrick:** [REDACTED]

12 [REDACTED]

13 [REDACTED] ?

14 [REDACTED] : Yeah I believe so.

15 **Hamrick:** What did the members of that meeting discuss [REDACTED]

16 [REDACTED] ?

17 [REDACTED] : [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

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[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

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[REDACTED]

6

[REDACTED]

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[REDACTED]

8

Hamrick: [REDACTED] ?

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[REDACTED] :

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

1 [REDACTED]

2 **Hamrick:** [REDACTED]

3 [REDACTED]?

4 [REDACTED]: I don't remember if there was anything explicit except [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 **Hamrick:** [REDACTED]?

9 [REDACTED]: [REDACTED]

10 [REDACTED]

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

13 [REDACTED]: No, I don't recall there being any disagreement that [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 **Hamrick: Was there any discussion about** [REDACTED]

19 [REDACTED]?

20 [REDACTED]: [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 **Hamrick:** [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] **Who**

11 [REDACTED]: **Yeah that is my recollection.**

12 **Hamrick: Who first raised that as an issue?**

13 [REDACTED]: **I don't remember.**

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

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

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

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

17 [REDACTED] **I'm sorry I think you cut off?**

18 **Hamrick: Oh, can you hear me now?**

19 [REDACTED] **Yeah, can you repeat your question?**

20 **Hamrick: What was decided with respect to the public**

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

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

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

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

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

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

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

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

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 **Hamrick:** [REDACTED]

20 [REDACTED] ?

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

[REDACTED]: I don't know. I don't know and you know [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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

[REDACTED]

[REDACTED] as I think the

Director said; perhaps in his email to the troops it was, you know it wasn't a choice it was a choice between two acts. It was speak or conceal and if the FBI had concealed that fact um, you know the perception would have been that we had been influencing the outcome of the election in the other directions [REDACTED]

1 [redacted]

2 [redacted]

3 **Hamrick:** [redacted]

4 [redacted]

5 [redacted]?

6 [redacted] :

7 **Hamrick:** [redacted]

8 [redacted]?

9 [redacted] :

10 [redacted] you

11 know we did send up the letter privately to the Hill we didn't post it

12 on our website and we didn't publicize it, we didn't leak it to the

13 media you know I don't believe anybody did um but we, [redacted]

14 [redacted]

15 [redacted]

16 [redacted]

17 [redacted]

18 [redacted]

19 **Hamrick:** What about waiting until some of the emails had been

20 reviewed before notifying Congress to see whether they are what

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

3 [REDACTED]: [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Hamrick: [REDACTED]

9 [REDACTED]

10 [REDACTED]?

11 [REDACTED]: [REDACTED]

12 Hamrick: [REDACTED]? Did you hear that,

13 were you cut off?

14 [REDACTED]: Yes, I'm sorry my answer was [REDACTED].

15 Hamrick: Ok and what

16 [REDACTED]: [REDACTED]

17 [REDACTED]

18 [REDACTED]

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

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

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

4 Hamrick: Yes.

5 [REDACTED]: Ok.

6 Hamrick: This is an email, the top email is dated October 27,
7 2016 from [REDACTED] to James Comey. If you'll go down there is
8 some back and forth with drafts and in the email from [REDACTED] to
9 the group, the one that is 5 o'clock p.m. she says; All, I've attached a
10 new draft in which we attempt to address [REDACTED]

11 [REDACTED]?

12 [REDACTED]: Yeah.

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

14 [REDACTED]: Um, I'm not sure um precisely which comments that is a
15 reference to I think at some point um [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED].

19 Hamrick: When you say [REDACTED]

20 [REDACTED]?

1 [REDACTED]: Um, [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED] um I don't recall a first draft being written um in that, framed in
5 that precise way.

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

12 [REDACTED]: You mean substantively?

13 Hamrick: Yes.

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

17 Hamrick: Yes.

18 [REDACTED] No, I don't recall there being any comments to that effect.

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

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

9 [REDACTED]: Um, I mean I don't know exactly what you mean, [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

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

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 **Hamrick: Do you think that the decision to notify Congress**

12 **about [REDACTED]**

13 **[REDACTED]?**

14 **[REDACTED]: No, I don't believe so.**

15 **Hamrick: Why not?**

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

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

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

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

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

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

9 [REDACTED]: Mm-hmm.

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

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

1 to send and receive emails.

2 Hamrick: And this type of email where it seems like you were

3 [REDACTED]

4 [REDACTED]; is this an email that you would normally archive?

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

7 Hamrick: Oh so you just archive so

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

16 [REDACTED]

17 Hamrick: Ok.

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

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

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

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

12 Galindo-Marrone: But I think you also said that, but [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] ?
17 [REDACTED] : [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

Galindo-Marrone: And did I understand you correctly that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]?

[REDACTED] Um, I think yeah we, I mean, probably with a less, a lower degree of certainty but we certainly knew that was a possibility.

Galindo-Marrone: Ok.

[REDACTED] And if I could just clarify one thing.

Galindo-Marrone: Sure.

[REDACTED] You asked me whether anyone or whether I was concerned about substantively impacting the outcome of the election and I said [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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

[REDACTED]: **Yeah, sorry let me just pull it up here.**

Hamrick: Sure. Sure.

[REDACTED]: **Ok yes.**

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

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

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

[REDACTED]: **Um, I don't recall for certain but I don't believe I did.**

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

[REDACTED]: **Yeah, I think he did mention it in the meeting.**

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

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

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

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

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

16 [REDACTED]?

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

1 Hamrick: So there's, in the second paragraph of the Director's

2 email he talks about [REDACTED]

3 [REDACTED]

4 [REDACTED]. What

5 is your understanding of what he means by that?

6 [REDACTED]: [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED].

14 Hamrick: What about that next sentence where he references

15 [REDACTED]. What is

16 your understanding of that statement? Or what he is trying to

17 convey?

18 [REDACTED]: Are you talking about the last sentence?

19 Hamrick: Right, "[REDACTED]"

1 [REDACTED]

2 [REDACTED].”

3 [REDACTED]: Well obviously you would need to speak to the Director to
4 know precisely what his intended meaning was but I read that as a
5 reference [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Hamrick: Ok, so then the final notification to Congress came on
9 November 6th. I guess at some point in time you learned that the

10 [REDACTED]

11 [REDACTED]?

12 [REDACTED]: That is correct, [REDACTED]

13 [REDACTED]

14 [REDACTED].

15 Hamrick: What were you told about [REDACTED]?

16 [REDACTED]: Um, I'm not going to remember all the precise details
17 exactly of what we were told. Um, so there are others who could
18 speak to that but um my understanding was that [REDACTED]

19 [REDACTED]

20 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

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

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

1 because I think at that point we had, I'm trying to remember

2 exactly [REDACTED]

3 [REDACTED].

4 Hamrick: Who had raised that idea?

5 [REDACTED]: I don't recall.

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

8 [REDACTED]: [REDACTED]

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

11 Hamrick: What were the reasons for notifying Congress?

12 [REDACTED] [REDACTED]

b5

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

1 [REDACTED]

2 [REDACTED].

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

5 [REDACTED]: I don't believe so. I don't recall, [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED].

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

11 [REDACTED]: I did.

12 **Hamrick: What about [REDACTED], did he agree?**

13 [REDACTED]: I don't recall. I don't remember, I don't remember any
14 **body expressing any significant disagreement but I don't recall any**
15 **particular statements made by [REDACTED]**

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

1 [REDACTED] I don't recall any new or separate conversation about
2 that issue. I think we had fully hashed out and this is just to the best
3 of my memory the whole you know this time period there were a lot
4 of meetings, a lot of discussions and it is hard to remember
5 precisely which and over a very compressed period of time over a
6 week or so, sorry I just got another call coming in and it distracted
7 me. I'm sorry so there were a lot of meetings a lot of discussions
8 over a very compressed time period and it is hard to remember
9 exactly what was said in connection with the October 28 letter
10 versus the November 6 but we had, [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

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

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

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

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

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

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

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

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

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

3 [REDACTED]: I'm not aware of any such discussions.

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

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

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

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

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

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

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

1 insofar as she knew about it. DOJ confirmed it you know they
2 backpedaled a little bit after that and then we did eventually
3 publicly confirm it so it was the fact that we were investigating her
4 use of the private email server was unclassified it was publicly
5 known and by the time we talked about anything publicly it was a
6 completed at that point in time investigation. We did not talk about
7 any of our investigative steps along the way prior to July 5th. The
8 investigation was confirmed and we said nothing more about it until
9 we had completed our work. On the other hand, the matter that the
10 Director confirmed in his congressional testimony until he confirmed
11 it and he did so in a very limited way, he did not disclose very
12 much at all about the investigation. To that point it was a classified
13 fact it was not publicly confirmed and [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 [REDACTED] And so I think they are two, the similarity between the two
19 matters in terms of parallel of you know you drew a parallel that
20 they were both concerning presidential candidates um, I think that

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

3 Hamrick: Ok.

4 [REDACTED]: At least that is the way I would think about it.

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

6 I'm just going to put you on pause for one second ok [REDACTED]

7 [REDACTED]?

8 [REDACTED] Yes.

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

15 [REDACTED]: Well if I could just back up.

16 Hamrick: Sure.

1 [redacted]: I wanted to supplement my prior answer with one other

2 factor [redacted]

3 [redacted]

4 [redacted]

5 [redacted]

6 [redacted]

7 [redacted]

8 [redacted]

9 [redacted].

10 Hamrick: Sure.

11 [redacted] [redacted]

12 [redacted]

13 [redacted]

14 [redacted]

15 [redacted]

16 [redacted]

17 [redacted]

18 [redacted]

19 [redacted].

1 Galindo-Marrone: And I have a follow up on that and [REDACTED]

2 [REDACTED]

3 [REDACTED]. The Clinton email

4 investigation that would not be characterized as a counter
5 intelligence investigation or would it be?

6 [REDACTED]: You cut off could you repeat?

7 Galindo-Marrone: Would the Clinton email investigation be
8 considered [REDACTED] counter intelligence investigation or something
9 different?

b7E

10 [REDACTED]: [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Galindo-Marrone: Then

16 [REDACTED] [REDACTED]

17 Galindo-Marrone: I see. [REDACTED]

18 [REDACTED]?

1

[REDACTED]: [REDACTED]

2

Galindo-Marrone: Ok

3

Hamrick: So going back to the [REDACTED]

4

[REDACTED]; and the fact that the same kind of public

5

statements about that investigation were not made as with the

6

Clinton email investigation; can you provide some context for us in

7

terms of why they would have been handled differently?

8

[REDACTED] Um, I can only speak from my own personal

9

perspective. I know very little and have had no involvement in the

10

[REDACTED] matter but again you know my understanding is

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

[REDACTED] So that's

16

really all I know and all I can say on that.

17

Hamrick: So I just have three wrap up questions and then if

18

there is anything that you want to add you certainly may so do you

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

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

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

13 [REDACTED]: Same answer, absolutely not, [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

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

5 **[REDACTED]: Absolutely not. Same answer.**

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

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

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

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

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